

1 **Providence City Council Meeting**
2 **Providence City Office Building**
3 **15 South Main, Providence UT**

4 **Tuesday, January 25, 2005 6:00 p.m.**

5 **Attendance:** Mayor: Alma H. Leonhardt

6 Council: Randy Eck, Stacie Gomm, Deon Johnson, Ron Liechty, Vic
7 Saunders

8 City Manager: Vern Keeslar

9 City Recorder: Skarlet Bankhead

10 Public Works Director: Dee Barnes

11 **The Providence City Council will meet for a study session at 6:00 p.m. in the City**
12 **Council Chambers. This is a public meeting; however, no public comment will be**
13 **heard and no action will be taken on the agenda items.**

14 V Keeslar introduced Craig Smith. C Smith discussed the transfer of water rights from
15 the Richmond City to Providence City.

- 16 • C Smith explained there are 9 attorneys in his firm. They focus on water issues
17 and the needs of municipalities as far as water.
- 18 • C Smith reported he has been preparing the change application to move water
19 rights currently located in Richmond to Providence City. He did not foresee any
20 problems with the change application.
- 21 • C Smith explained, when you have a water right, you do not own the water. You
22 have a right to use certain water from a certain source, at a certain time, in a
23 certain location. He suggested the City seriously consider a consolidated
24 application that involves the current points of diversion and water rights.
25 Consolidating allows all the rights to be used throughout all of the City's sources.
26 This would give the flexibility to draw water from a second source if a first
27 source were to go down.
- 28 • C Smith explained, when a change application is filed, the State Engineer will
29 quantify the water rights. He suggested the City quantify its own water rights
30 and file a non-use status on water that is not being actively used. Non-use is
31 allowed on all water that will be used for future growth.
- 32 • V Saunders asked about the chance of the State Engineer blocking the change
33 from over subscription. C Smith felt there was always a chance, but felt it much
34 less likely than if the City was moving surface rights to underground.
- 35 • D Johnson felt the City should file a consolidated application. He also asked if
36 the cemetery well would need to be certified to move the rights. C Smith
37 explained certification is not necessary for moving rights, but would be needed to
38 use the water in the culinary system.
- 39 • Mayor Leonhardt asked about the procedure to certify the cemetery well. C Smith
40 explained wells are the easiest source to certify for drinking water. But, the
41 timeframe and cost depends on the well.
- 42 • C Smith explained it is also possible to identify a future well site and include it in
43 the consolidation.
- 44 • R Eck asked about the loss with the conversion rate from irrigation water to
45 culinary water, when the rights were transferred. C Smith gave a rough guess that
46 depletion would be a little less than 50% for irrigation. For municipal uses,

- 1 outside usage is considered (which will be roughly equivalent to use on the farm)
2 as irrigation. Indoor usage involves more evaporation; it may be 75% depletion.
- 3 • V Saunders explained the Logan City treatment system goes through a bio-filter
4 then flows into the dam and back to recharge the marsh in the Lewiston area. C
5 Smith stated recharge would be considered.
 - 6 • Mayor Leonhardt asked about the timeframe for the transfer. C Smith explained
7 the hard thing is getting everything through the State Engineers Office. Preparing
8 the applications should proceed relatively quickly.
 - 9 • C Smith explained municipal rights can be lost for non-use. C Smith explained 5
10 years is the typical time frame for non-use. However, if the City identifies rights
11 to be developed for future growth, it should not lose the rights for non-use.
 - 12 • C Smith felt the City would be fairly successful. Very few cities in this area have
13 applied for transfer. By getting it done first, Providence will be ahead of other
14 cities. "First in time is first in right."
 - 15 • V Keeslar explained the staff really liked the consolidation of water rights.
16 However, D Barnes expressed concern that the City may lose the oldest date of
17 the rights. C Smith explained the same priorities would exist with the
18 consolidation. C Smith used Utah Lake as an example for the water right date.
19 When water was moved, the water right had two priorities dates: the original
20 priority date and the change priority date. The City does not want to lose any of
21 the original priority dates. C Smith explained the rights that moved would have a
22 new priority date. But the City will always have the base priority date. The new
23 priority dates are only a problem if it interferes with someone with a nearby
24 source.
 - 25 • R Eck asked if the process would go smoother by combining the change
26 application and the consolidation application. C Smith felt it would.
 - 27 • The Council felt the City should proceed with the consolidation. D Barnes asked
28 if the City needed to get bids before authorizing C Smith to proceed. The Council
29 felt that because C Smith was already involved in the project, it would justify
30 increasing the project to include the consolidation application.

31 Bruce Jorgensen arrived at 6:30 p.m.

- 32 • Mayor Leonhardt summarized the previous discussion. B Jorgensen stated
33 consolidating would be a very good thing.
- 34 • D Barnes estimated it would cost \$10,000 to certify the cemetery well.

35 B Jorgensen left at 6:40 p.m.

- 36 • D Barnes suggested the City request a schedule from C Smith so the City will not
37 miss an extension.

38 **Council Members' Report:**

39 Council Member Ron Liechty

- 40 • No additional report.

41 Council Member Stacie Gomm

42 Web Site:

- 43 • Reminded the Council to get her their bios for the web site.

44 Council Member Deon Johnson

- 45 • No additional report

46 Council Member Randy Eck

1 Citizen complaint:

- 2 • R Eck reported he received a phone call from a citizen who saw a white city
3 pickup turn into the City Office today, during the time the elementary school was
4 getting out. The caller felt the truck was traveling too fast with children in the
5 area.

6 Street lights:

- 7 • R Eck reported he received information from residents in Brookside; they are
8 getting lights.
9 • D Barnes reported he has had residents in the 250 Canyon Road area request no
10 street light in the cul-de-sac. V Keeslar explained street lights need to be installed
11 for the safety of all, pedestrians and motorists. Mayor Leonhardt felt the first
12 priority for installing street lights should be safety.

13 Council Member Vic Saunders

14 CMPO EIS open house:

- 15 • V Saunders reported there will be a CMPO meeting on Thursday, January 27. V
16 Keeslar explained there are five options being presented; two would be very bad
17 for Providence City. V Keeslar encouraged the Council to attend and fill out the
18 comment card. Mayor Leonhardt explained Logan City's 100 East project will not
19 get any federal money if the project does not reach Providence City's 100 North
20 Street.

21 Mosquito Abatement District Board Meeting.

- 22 • V Saunders reported there will be mosquito abatement district meeting on
23 Thursday. V Saunders reported he notified the Board that Bryan Cox has been
24 appointed to serve and that B Cox will be out of town and will not be able to
25 attend. V Saunders will also be out of town.

26 **City Manager Report:**

27 Board of Equalization

- 28 • V Keeslar asked the Council for a date to follow up with Jay Jenks. The Council
29 did not give a date.
30 • V Saunders asked how other cities are metering flow. He requested the staff get
31 information from North Logan City.

32 Future Agenda Items:

- 33 • V Keeslar reported Jody Burnett would be meeting with the Council on February
34 8.

35 Home occupation/business:

- 36 • V Saunders explained he has been discussing a home occupation/business draft
37 with V Keeslar. He felt the City needed to clearly define home businesses.

38 **Agenda Items:**

39 **Pledge:** BSA Troup 325

40 **Opening:** V Saunders

41 Motion to approve the January 18, 2005 minutes – S Gomm, second – R Liechty

42 Corrections:

- 43 • Page 5 line 42 certified nursing **assistant**

44 Vote: Yea: R Eck, S Gomm, D Johnson, R Liechty, V Saunders

45 Nay: none

46 Abstained: none

1 **Item No. 1. Discussion. Winter Road Maintenance Policy (snow removal).**

- 2 • V Saunders reported a resident expressed concern about the cul-de-sac filling up
3 with a large amount of snow.
- 4 • R Eck explained the recent storm was not a typical storm. An unfortunate turn of
5 events took place: the snow was wet and heavy, the snow came very fast, and the
6 city lost three pieces of equipment during the storm. The Public Works
7 Department dealt with the situation as best they could. The Public Works
8 Department kept plows running for 96 hours. After the storm, the weather
9 turned cold and all cities in the County are facing the problem of large amounts
10 of snow. The biggest challenge for Providence City is the cost of moving the
11 snow.
- 12 • R Eck explained the goal is to plow from curb to curb; but with three feet of
13 snow, it was not possible. The City now has roads that are not cleared curb to
14 curb; but the travel lanes are cleared. From a resident's standpoint, it is hard to
15 get to mailboxes. The City can hire a grader, but that will put a three-foot rick of
16 snow in the driveways. R Eck reported the postal service is working with
17 residents. The postal service is allowing residents to have a temporary mailbox (it
18 may be a bucket on a pole) placed in the rick of snow.
- 19 • R Eck is now concerned about where to put the snow when the next storm comes.
20 He felt if the City starts to push back snow for individuals, it needs to be prepared
21 to do it for everyone.
- 22 • D Barnes reported the plows have been repaired, but the trucks are not big
23 enough to move the current snow piles. They have been removing snow from
24 critical areas such as the schools. They will continue to remove snow and brush.
- 25 • Mayor Leonhardt felt, even with the breakdowns, the City staff did a good job.
- 26 • D Johnson felt the staff did a great job with the snow removal. He explained
27 while cul-de-sac residents pay the same amount of taxes, the City clears the roads
28 with the most traffic first.
- 29 • Keith Watkins asked if maximum use was made of the available equipment. He
30 understands there are three primary drivers for three trucks. In the recent storm,
31 K Watkins did not think other employees of the City that are required to have a
32 CDL were not called in to assist the three primary drivers. D Barnes reported the
33 equipment was utilized. D Johnson explained it is difficult to put an untrained
34 individual in the type of situation the recent storm brought.
- 35 • Keith Watkins felt the trucks should not have been idle when the drivers rested.
36 D Barnes explained not all drivers, even though they have a CDL, are qualified to
37 drive a big plow.
- 38 • John Kleven, 227 West 100 North, felt the City's drivers did the worst snow
39 removal job in the County. He expressed concern that 13 feet of 100 North was
40 not plowed. He did not mind shoveling out the mailbox, but felt shoveling 13 feet
41 of street was ridiculous. He stated Steve Hancey was the only employee he ever
42 saw driving the big orange truck and backhoe. D Barnes reported he had been in
43 the backhoe for approximately 60 hours. R Eck again explained the City's first
44 priority during the storm was to clear the travel lanes of the road.
- 45 • Mayor Leonhardt stated the Council will review the concerns expressed. He
46 thanked the audience for their comments.

1 **Item No. 2. Ordinance Modification 005-2005. The Providence City Council will**
2 **consider for adoption an ordinance amending Providence City Code 5-1-4:D.2 to**
3 **allow a licensing exception for state certified service dogs, requested by Providence**
4 **City.**

- 5 • Mike Johnson explained there have been a lot of advances in animal training to
6 assist mental and physical challenged people. He felt waiving the fee for the
7 blind only was not appropriate.

8 Motion to approve Ordinance Modification 005-2005 – V Saunders, second – R Eck

9 Vote: Yea: R Eck, S Gomm, D Johnson, R Liechty, V Saunders

10 Nay: none

11 Abstained: none

12 **Item No. 3. Presentation. Mike Jackson will present a summary report for the Code**
13 **Compliance Division for 2004.**

- 14 • M Jackson introduced himself to the Council and explained, prior to moving to
15 Cache County, he was a police officer in Maryland.
- 16 • M Jackson reported since beginning in July 2004, in Animal Control, he has had
17 130 animal calls, written 15 letters, issued 14 warnings, had 24 impounds, and
18 issued 25 citations.
- 19 • V Saunders asked what the typical citation was for. M Jackson replied it was for
20 dogs at large. He explained letters sent to homeowners with barking dogs
21 usually solve the problem. V Saunders asked if any of the animals had to be
22 destroyed. M Jackson reported he discusses options with the homeowners but
23 has not had to discuss destroying an animal. V Saunders asked if M Jackson had
24 dealt with any cougars. M Jackson reported there have been several small dogs
25 from the bench area that have not been found. He suspected they may have been
26 killed by a cougar. He has seen tracks in the City Shop/Von's Park area.
- 27 • M Jackson reported he has investigated four animal bite cases. V Keeslar
28 reported, on the cat bite case, M Jackson was able to catch the cat within 24
29 hours, alleviating the need for rabies treatment for the bitten child.
- 30 • M Jackson explained he also uses a quarantine agreement that has been
31 approved by Bridgerland Animal Hospital. This allows the animal owner to
32 quarantine the animal at home, rather than at the Clinic.
- 33 • M Jackson also reviewed the code compliance issues and activity. He reported
34 he has dealt with nuisance issues such as weeds, junk cars, and debris. He
35 reported right-of-way issues included dirt, gravel, construction materials and
36 debris, basketball standards, and a tree house. M Jackson explained that
37 basketball standards in the right-of-way can cause damage to snow plows and
38 impede drivers, causing safety problems.
- 39 • M Jackson reported he created a code violation citation and a city parking
40 violation citation.
- 41 • V Saunders asked about POST certification. M Jackson reported he is working
42 on his POST certification. V Saunders did not feel the City would be
43 considering a police officer hired by the City for at least 4 years. M Jackson
44 explained he wanted to keep up with his certifications to assist in keeping his
45 concealed weapons permit.

1 **Item No. 4. Presentation. Brenda Nelson and Dave Williams will present a**
2 **summary report for the Building Division for 2004.**

- 3 • Brenda Nelson and Dave Williams gave the Council information regarding the
4 Building Department. D Williams reported the Department has been growing by
5 leaps and bounds. He expressed his appreciation to the staff. He felt they were
6 very qualified, dedicated, and do more with less.
- 7 • D Williams reported they have been changing forms to consolidate and keep the
8 form simple while obtaining necessary information. D Williams reviewed the
9 plan checklist and construction policies that are provided with the permit
10 application. R Eck asked if the contractors were complying with the on-site toilet
11 requirement. V Keeslar reported it is very important to have toilets on site; to
12 protect everyone, including the contractor, his/her employees, and the city
13 residents. R Eck asked if there needed to be a minimum or maximum number of
14 employees. D Williams reported he allows contractors to share portable toilets as
15 long as they are kept sanitary.
- 16 • V Saunders asked if a home could be occupied without a certificate of occupancy.
17 D Williams explained a temporary certificate can be used. V Keeslar explained a
18 certificate of occupancy is not issued on a garage completion, so D Williams
19 developed a certificate of completion. D Williams explained temporary
20 certificate of occupancy is not issued on a commercial building.
- 21 • D Williams reported in 2004 he did 1203 separate inspections in Providence City
22 and 160 in Nibley.
- 23 • B Nelson reviewed graphs comparing the permits/units for 2000, 2001, 2002,
24 2003, and 2004. She also presented a chart comparing the valuation for the past
25 four years. She reviewed permit revenue and the plan check revenue. In 2004
26 revenue from residential permits was approximately \$301,318; revenue from
27 commercial permits was approximately \$12,938.
- 28 • D Williams reported he has received a few complaints on charging both fees.
29 However, most accept the fees once they are explained. D Williams explained he
30 charges for the basic permit valuation, but does not charge for plan review on
31 basement finishes. V Keeslar explained the City has encouraged basement
32 finishes for safety.
- 33 • D Williams explained permits expire if no work is done in a 6-month period.
- 34 • R Eck reported he has heard a lot of good things about D Williams in the recent
35 past. He felt that D Williams had earned the respect of the contractors.

36 **Item No. 5. Public Hearing – Resolution 05-004. The Providence City Council will**
37 **consider for adoption a resolution adjusting the Providence City budgets for 2005.**

38 Mayor Leonhardt opened the public hearing.

- 39 • No public in attendance

40 Mayor Leonhardt closed the public hearing.

- 41 • S Bankhead explained Staff is requesting \$65,000 from prior year excess be
42 entered as revenue in the 2005 budget. Staff is requesting the Public Works
43 Street Division expense budget be increased by \$65,000.

44 Motion to approve Resolution 05-004 – S Gomm, second – R Liechty,

45 Vote: Yea: R Eck, S Gomm, D Johnson, R Liechty, V Saunders

46 Nay: none

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Abstained: none

Saddle Rock Subdivision:

- R Liechty reported he met with Dean Hurd and Dan Hogan. They are concerned about the second access requirement on the 2004 annexation. He reported they would like to discuss the requirement with the Council. He reported D Hogan was not happy with the settlement his partner, Scott Barrett, agreed to.
- V Keeslar explained D Hogan still needs to deed 14 water shares to the City, required in the 1979 annexation. He also reported there are several issues with Dan Hogan involving the Pineridge Subdivision that have not been resolved.
- R Liechty asked if the Council wanted the issues at a future council meeting. The Council unanimously held firm the second access must be in place and the second source must be in place. The Council did not see the need to have this as a future agenda item.
- V Keeslar reported D Hogan is hoping to use the shunt line to get culinary water to the Saddle Rock Subdivision. V Keeslar explained this will not be allowed.

The Council discussed the concerns stated in the snow removal discussion. V Keeslar will follow up with staff.

The Council also questioned how the current personnel policy dealt with weapons at the work place. V Keeslar will review the policy and report back to the Council.

Motion to adjourn – V Saunders, second – R Liechty,

Vote: Yea: R Eck, S Gomm, D Johnson, R Liechty, V Saunders

Nay: none

Abstained: none

Meeting adjourned at 9:10 p.m.

Minutes taken and prepared by S Bankhead.

Alma H. Leonhardt, Mayor

Skarlet Bankhead, City Recorder