

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**
2 **February 12, 2008**
3 **Providence City Office Building**
4 **15 South Main, Providence UT**

5
6 Call to Order: Mayor Randy Simmons
7 Roll Call of City Council Members: Mayor Randy Simmons
8 Attendance: Kathy Baker, Ron Liechty, David Low,
9 Trent Rasmussen, John Russell, Mayor Simmons
10 Pledge of Allegiance: John Russell

11
12 **EXECUTIVE SESSION:**

13 Item No. 1. The Providence City Council will discuss pending litigation Utah Code 52-4-205(1)(c).
14 Motion to go into closed session for pending litigation Utah Code 52-4-205(1)(c)- R Liechty Second- T
15 Rasmussen

16 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell

17 Nay: None.

18 Abstained: None.

19 Excused: None.

20 While the City Council went into executive session the public was shown a DVD from the Utah League of Cities
21 and Towns entitled "Most Commonly Asked Questions" featuring their general counsel David Church.

22 Motion to continue with the agenda as published- T Rasmussen Second- R Liechty

23 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell

24 Nay: None.

25 Abstained: None.

26 Excused: None.

27
28 **APPROVAL OF THE MINUTES FOR JANUARY 8, 2007 CITY COUNCIL MEETING:**

29 **APPROVAL OF THE MINUTES FOR JANUARY 10, 2007 CITY COUNCIL WORKSHOP:**

30 **APPROVAL OF THE MINUTES FOR JANUARY 15, 2007 CITY COUNCIL AND PLANNING**

31 **COMMISSION JOINT WORKSHOP:**

32 Page 6 of 6, should say snow removal.

33 Second set, page 1 of 3, line 31 "who is"

34 Ron Liechty said on the second set page 1, line 44-45- He doesn't think it reads right. Should say that we would
35 have to try to find sometime to do with the water during the winter.

36 Kathy Baker, line 37- lose not "loose"

37 Kathy Baker, line 20- advice not "advise"

38 Motion to approve all three sets of minutes- R Liechty Second- T Rasmussen

39 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell

40 Nay: None.

41 Abstained: None.

42 Excused: None.

43
44 **PUBLIC COMMENTS:**

45 Elinor Hanson was curious about Item No. 3 on the agenda. She wanted to know what it was about. She was
46 worried about opening 400 East up to faster traffic.

47 Mayor Simmons said it is a resolution about how wide the right-of-way should be and if there should be sidewalk
48 on both sides or not. He said that he would call on her during that agenda item if she wanted to speak.

49
50 **PROCLAMATION:** Proclaiming February 2008 as White Ribbon Month Against Pornography

51 Motion to proclaim February as White Ribbon Month Against Pornography- K Baker Second- D Low

52 T Rasmussen wanted to know where the proclamation came from and who was sponsoring it.

53 S Bankhead said it came from a neighboring mayor and it was forwarded to other mayors in the valley.

54 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell

1 Nay: None.
2 Abstained: None.
3 Excused: None.

4
5 **TRAINING:** The Providence City Council will begin training on the open and public meetings act.
6 Mayor Simmons asked if we should move it to the end of the agenda to accommodate people who may
7 want to leave.

8 Motion that we move it to the end of the meeting- K Baker Second- T Rasmussen

9 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell

10 Nay: None.
11 Abstained: None.
12 Excused: None.

13
14 **NEW BUSINESS:**

15 Item No.1. Ordinance No. 003-2008. The Providence City Council will consider for adoption an ordinance
16 identifying exceptions to sewer connection.

17 S Bankhead said that George Daines asked that this be moved to the end of the agenda.

18 Kathy Baker said that George's sister would like to build another home on his property. The City made some
19 arrangements with him in the past, and he is not on the sewer. He doesn't want the City to insist that his sister
20 hook up to the sewer.

21 S Bankhead said that his sister could use some of the exceptions in the proposed ordinance to not have to hook to
22 the sewer.

23 Mayor Simmons said if they adopt the exceptions that are proposed then she would not be required to connect to
24 the sewer.

25 D Low felt it would be kind to move it if someone wanted to be here at the meeting.

26 Motion to move this to later in the meeting- D Low Second- K Baker

27 J Russell said if we are going to set this precedent about changing meeting times then we need to do it for anyone.

28 D Low asked if historically the Council has tried to move things around for people.

29 Dale Astle, Planning Commission member, asked what the purpose of an agenda is if they move things around.

30 K Baker said they have had some requests to move things because people were detained. She asked if S Bankhead
31 thought it had been a big problem.

32 S Bankhead said that she didn't feel it had been abused.

33 J Russell said that Mr. Daines has a legitimate reason to be gone because he is at the County Commission
34 meeting.

35 Vote: Yea: T Rasmussen, K Baker, D Low

36 Nay: R Liechty, J Russell
37 Abstained: None.
38 Excused: None.

39
40 Item No. 2. Resolution 08-005. The Providence City Council will consider for adoption a resolution continuing
41 the appointment of Skarlet Bankhead as City Recorder and Brenda Nelson as City Treasurer.

42 Motion to approve- J Russell Second- T Rasmussen

43 R Liechty asked if we've talked about S Bankhead being the City Administrator and the City Recorder.

44 S Bankhead said that it is working for now.

45 Mayor Simmons said they need to talk about it when they talk about budget issues.

46 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell

47 Nay: None.
48 Abstained: None.
49 Excused: None.

50
51 Item No. 3. Resolution 08-006. The Providence City Council will consider for adoption a resolution establishing
52 right-of-way guidelines for 400 East between Canyon Road and the City's south boundary line.

53 Motion to approve Resolution 08-006- T Rasmussen Second- R Liechty

54 Mayor Simmons said that there are several issues.

1 R Eck said that the 50 ft. cross section no longer exists. That cross section is now 56 ft. The changes came in
2 widening the park strips. The sidewalks are still 5 ft.
3 Mayor Simmons said Roy and Elinor Hanson's deed says they own to the middle of the road. Kathy and Doran
4 Baker own to the center of the road as well.
5 Kathy Baker asked if they ever measured from the houses on one side of the street to the other side of the street.
6 Mayor Simmons went to get the maps of 400 East from his office.
7 S Bankhead said that we have some right-of-way by prescriptive use and some right-of-way dedicated.
8 Mayor Simmons showed them the map that showed where the right-of-ways are.
9 Kathy Baker wanted to know if widening it to 56 feet as development happens meant voting to invoke eminent
10 domain.
11 Mayor Simmons said no. He wanted to know if they want to plan for sidewalk on both sides of the road. He said
12 that Elinor Hanson's implied notion of having a public hearing was a good one.
13 T Rasmussen wanted to know the difference between feeder streets and collector streets.
14 R Eck said that the subdivisions that have been approved in the last 5-6 years have feeder streets in their
15 subdivisions.
16 K Baker wanted to know if we would vote on 50 feet or 56 feet.
17 T Rasmussen said we would need to use one of the approved road widths now.
18 R Liechty thought they should have a public meeting to see what everyone thinks.
19 D Low said that he isn't a road expert. He wanted to know what the benefits of sidewalks on both sides of a road
20 are.
21 R Eck said that one benefit is that the kids don't have to dangerously cross the roads to get to the sides where
22 there are sidewalks.
23 D Low said that he has heard that wider roads create faster traffic and make them more dangerous.
24 R Eck said that cities have differing opinions and there are both trains of thought.
25 D Low wanted to know more facts about it.
26 Mayor Simmons said that he would like to see it the minimum width it can be.
27 Roy Hanson said that about a year ago there was a motion to keep the street the way it is.
28 S Bankhead said that it was a workshop but nothing was ever formally done. The staff wants some formalized
29 discussion and action tonight.
30 Motion to hold a public hearing on this issue on March 11th- R Liechty Second- J Russell
31 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell
32 Nay: None.
33 Abstained: None.
34 Excused: None.
35
36 Item No. 4. Resolution 08-009. The Providence City Council will consider for adoption a resolution stating the
37 City does not intend to install sidewalk along Spring Creek Road.
38 Mayor Simmons said that the residents on that road do not want a sidewalk. He doesn't see funds to do so in the
39 next 2 years.
40 D Astle said that the purpose of the sidewalk is to limit the liability by providing a safe place for pedestrians.
41 D Low asked what was meant by the people up there not wanting a sidewalk. He wanted to know if it was a few
42 people or everyone.
43 K Baker said that almost everyone up there doesn't want a sidewalk.
44 Mayor Simmons said everyone opposes the sidewalk except the Campbells. He said about 18 months ago they
45 discussed an asphalt path and also a sidewalk.
46 R Eck said that the asphalt path was presented as a trail in front of their home not a safe place for their kids to
47 walk.
48 D Low said he would like to hear some people.
49 K Baker said that we can invite them and they will come. They have high turnout for this topic.
50 Mayor Simmons read from some minutes from 30 years ago.
51 K Baker asked what the purpose of the resolution is.
52 Mayor Simmons said some people that live there asked him for it. Gary Sampson and Lynn Lemon both asked the
53 Mayor about this issue.
54 D Low asked what "at this time" means.

1 J Russell asked if it has to go before the public. He asked if it is just to appease the public. He wanted to know
2 why vote for something that isn't an issue.
3 K Baker thought we would do ourselves in by voting on this issue.
4 S Bankhead said they can vote it down, but if they vote for it the people in that area will know there isn't some
5 covert operation to get a sidewalk up there.
6 K Thompson said he heard the City was going to put a path in their backyards.
7 Mayor Simmons said they considered an asphalt path in the right-of-way and a sidewalk on one side.
8 K Baker asked if voting would make the City liable.
9 S Bankhead wasn't sure. She said that would be a question for the City Attorney.
10 R Eck said if they vote for it he thinks it means they don't support the Public Works Director's job of keeping the
11 City safe.
12 J Russell called for question.
13 Vote: Yea: None.
14 Nay: K Baker, R Liechty, D Low, T Rasmussen, J Russell
15 Abstained: None.
16 Excused: None.
17
18 Motion to go back to Ordinance No. 003-2008- R Liechty Second- D Low
19 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell
20 Nay: None.
21 Abstained: None.
22 Excused: None.
23 Motion to approve Ordinance No. 003-2008- R Liechty Second- T Rasmussen
24 Mayor Simmons explained what he was proposing to change the requirement to.
25 R Liechty asked why we are changing it to 200 feet.
26 Mayor Simmons said there are about 20 homes that haven't connected because they need to pump. It has
27 continued on and has been hard to enforce. He said he took it from Brigham City and Smithfield's ordinances.
28 R Eck said he wants some direction. The Public Works Department needs an enforceable ordinance.
29 R Liechty said that the City has 20 homes that haven't hooked up and are supposed to.
30 Mayor Simmons said he thinks 300 feet is a bad rule.
31 D Astle said that if ejection pumps, elevations, or some sort of other physical requirements make it not feasible he
32 thinks they should have exceptions for physical reasons.
33 Mayor Simmons said that a few are economic problems that they have given exceptions until a home is sold. He
34 just wanted them to consider the 300 feet and the ejection pumps.
35 K Baker asked if this takes care of everything or if there are still some financial reasons.
36 George Daines said they would have to run about 1300 ft. to get a gravity flow sewer to his home. He said that the
37 elevation of his basement would make him hook to a line just over 300 ft. but he has about 70 ft. of elevation that
38 would need to be pumped up. He explained that the City made a decision not to take the sewer past their house
39 and they were not required after that. He said they remodeled their home, put in a pool with restrooms, and did all
40 of this with septic tanks.
41 R Liechty said that if some people are just saying no he has a problem with that.
42 G Daines said that he doesn't think that is the problem. He said he gets letters from the City about every 4 years
43 saying that he needs to hook to the sewer.
44 R Liechty asked if the 20 people not hooked have problems similar to the Daines.
45 R Eck said with the SFL zone people could put their homes more than 200 feet away from the sewer line.
46 D Astle said that most people probably don't want to hook up because of the ejection pumps.
47 G Daines asked if there are any ejection pumps in the City.
48 R Eck said yes.
49 Mayor Simmons said the basement in Scott Wyatt's old home has an ejection pump.
50 D Low asked how many situations will come up in the future.
51 J Russell said that if they are going to make some amendments they should maybe look at it a little further.
52 K Baker asked why not to keep it 300 feet from the property line.
53 Mayor Simmons said Brad Bearson's property is within 300 ft. from the property line. It's not good to make him
54 connect.

1 K Baker asked if the discretion can be up to the Council.

2 Mayor Simmons said it would have to be a conditional use. The old discretion doesn't exist in state law now.

3 R Liechty doesn't want people to be able to take advantage of it.

4 Motion to continue this to the February 26th- R Liechty Second- J Russell

5 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell

6 Nay: None.

7 Abstained: None.

8 Excused: None.

10 Item No. 5. Resolution 08-007. The Providence City Council will consider for adoption a resolution amending the methodology and rental policy for the use of parks and athletic fields.

11 Motion to approve- J Russell Second- K Baker

12 R Liechty liked the way it was broken down.

13 S Bankhead said S Gomm did this and it has just been revised to be more appropriate with the salary structure.

14 They incorporated some other things. Most of the things don't change. The effective date is June 1, 2008. Some things have already happened.

15 T Rasmussen asked about the last page. He asked who pays for extra prep.

16 S Bankhead said that they do not allow extra prep. It is not worth the damage that happens in the bad conditions.

17 Mayor Simmons said it should say that it become effective June 1, 2008 not that it becomes effective immediately upon passage.

18 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell

19 Nay: None.

20 Abstained: None.

21 Excused: None.

22 Item No. 6. Resolution 08-008. The Providence City Council will consider for adoption a resolution supporting the Providence City Historic Preservation Commission's grant application for funds for an interactive web site.

23 Mayor Simmons said there was a deadline. He has already signed it to meet the deadline.

24 Motion to approve Resolution 08-008- R Liechty Second- T Rasmussen

25 K Baker likes the idea. She wants to put the walking tour on it.

26 D Low wants to know how many hits we get per week.

27 S Bankhead said there are several especially since the City has been offering online bill pay.

28 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell

29 Nay: None.

30 Abstained: None.

31 Excused: None.

32 Item No. 7. Discussion. Sesquicentennial ideas.

33 D Astle said that Karl Seethaler heads a committee. They have an idea about an old monument. It was dedicated in 1947 and honored the pioneers in Providence. It was torn down in the 1980's. They would like to re-do the monument. Karl Seethaler has agreed to deed a piece of property. Jay Christofferson has volunteered to donate the engineering. He said they think they can have it dedicated around 2009. He said they need to know how the City feels. He said they are anticipating it will be lit. The City could be owner of the property and the monument.

34 T Rasmussen and D Low both thought it was a good idea.

35 T Rasmussen asked if they have the original plaque.

36 D Astle said they will probably replicate another plaque. There have been some people who volunteered to let the City quarry some rock to do the monument. They are not sure what it will cost. He said the citizens have been very supportive.

37 T Rasmussen asked if they have thought about doing a time capsule.

38 D Astle said they want to do a time capsule that will be element resistant. He said they will probably open it in 2047. He said there appears to be a lot of support they just wanted to know what the City thinks.

39 R Liechty and J Russell both thought it was a good idea.

40 Mayor Simmons said we own another monument and there is a perpetual care fund.

41 There are sightline issues and also other issues to address.

1 Keith Thompson said that when he was a kid they would climb all over the other monument. He said they might
2 want to consider that.
3 D Low asked if it will be a walk by monument or if there will be a bench of some sort.
4 D Astle said they are still in the preliminary design stage.
5 K Seethaler said a bench and a wrought iron fence have been considered.
6 T Rasmussen asked if their proposal for funding would be available in the next month.
7 D Astle said they haven't anticipated having the City fund any of the project.
8 Mayor Simmons said the sesquicentennial is in 2009. He said if we want to do something we need to think about
9 it and decide what we are going to do. He said the City Staff is fully staffed. If they want to do it they could go to
10 the public with Council support.
11 K Baker asked about the Historic Preservation Commission.
12 T Rasmussen said he will put together a memo for the newsletter to solicit some groups for participation.
13 Mayor Simmons suggested the Council speak with D Astle, K Seethaler, and Brenda Nelson.
14 S Bankhead said Brenda is a paid staff member and cannot be a member of the committee.
15 K Baker asked for some names from D Astle.
16 Mayor Simmons said we need people with energy and get a chair for the committee.
17 S Eames recommended the Providence Moms who she knew wanted to be involved so much.
18 K Seethaler said the new book will be culminated in 2009, the walking tour, and the monument. He said
19 correlating them all together will be the work.

20
21 **STAFF REPORTS:**

22 **Randy Eck:**
23 R Eck said that some people who didn't pay their bills now pay them since it is online.
24 He said Public Works is over budget on snow removal. He said they are trying to cut back. They are getting ready
25 to get bids for road and water projects.
26 S Eames thinks Randy Eck does such a good job and is grateful for them cleaning around the fire hydrants.
27 Mayor Simmons said people have been giving a lot of compliments.

28
29 **COUNCIL REPORTS:**

30 **Kathy Baker:** There is no penalty for part of the dog ordinance. She wanted to get the nod of the Council to
31 rework the ordinance.
32 **Trent Rasmussen:** He said the Scrabble Scramble wasn't so great, but he said it was a great event. He said they
33 featured someone who has learned, and he hopes they can continue to do it in the future. He said they met for the
34 City Celebration and if there are ideas get them to the staff or Trent. They want it to be a fun family event.
35 **John Russell:** He has been approached about the library situation again and will be talking about it more. He said
36 the library situation is as controversial and on going as sidewalks.
37 **Mayor Simmons:** He said Mayor Leonhardt called about maybe getting a basketball court at Leonhardt Park and
38 maybe a trail. He hasn't seen more plans.
39 R Eck said phase 2 showed some athletic features.

40
41 The Council then watched training on the Open and Public Meetings Act.

42
43 **Motion to adjourn- Ron Liechty, second – Trent Rasmussen,**
44 **Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell**
45 **Nay: None.**
46 **Abstained: None.**
47 **Excused: None.**

48
49 Meeting adjourned at 9:22 pm
50 Minutes taken and prepared by Katie McDermott.

51
52
53
54 _____
Randy Simmons, Mayor Skarlet Bankhead, City Recorder