

1 **PROVIDENCE CITY COUNCIL MEETING**

2 **Tuesday, April 11, 2006 6:00 p.m.**

3 **Providence City Office Building**

4 **15 South Main, Providence UT**

5
6 **The Providence City Council will begin discussing the following agenda items at 6:00 p.m. Anyone**
7 **interested is invited to attend.**

8 **Call to Order:** Mayor Simmons

9 **Roll Call of City Council Members:** Mayor Simmons

10 Attendance: Mayor: Randy Simmons

11 Council: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent

12 Rasmussen

13 City Administrator/Recorder: Skarlet Bankhead

14 Public Works Director: Randy Eck

15 **Pledge of Allegiance:** Ron Liechty

16 **Opening:** Deon Johnson

17 **Presentations and Proclamations:**

18 There are no presentations or proclamations scheduled for tonight's meeting.

19 **Consent Calendar: All matters listed under the Consent Calendar are considered to be routine**
20 **and all will be enacted by one roll call vote. There will be no separate discussion of these items**
21 **unless members of the City Council, the public, or staff request specific items be removed from the**
22 **Consent Calendar for separate action.**

23 **Item No. 1. Approval of the minutes for the March 26, 28, 2006 City Council Meeting.**

24 Motion to approve the minutes – R Liechty, second S Gomm,

- 25 • Corrections: None

26 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

27 Nay: None

28 Abstained: None

29 Excused: None

30 **Public Hearings:**

31 **Item No. 1 The Providence City Council will hold a public hearing to take comment on a**
32 **proposed final plat for the South Bench Estates Subdivision; a 3-lot residential subdivision located**
33 **generally at 1000 South 400 East.**

34 Motion to open the public hearing – S Gomm, second – R Liechty

35 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

36 Nay: None

37 Abstained: None

38 Excused: None

- 39 • S Bankhead disclosed she lives at 1039 South 400 East; which is Lot 3 of the proposed
40 subdivision.
41 • No other comment from members of the audience.

42 Motion to close the public hearing – S Gomm, second – D Johnson

43 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

44 Nay: None

45 Abstained: None

46 Excused: None

47 **Unfinished Business:**

1 **Item No. 1. The Providence City Council will discuss scheduling and format of a joint workshop**
2 **for the City Council, Planning Commission, and City staff.**

- 3 • Mayor Simmons reported he spoke with Dave Church and Craig Bott about required notices for a
4 workshop. If the Council travels together, they cannot discuss the City issues on the bus. The
5 notice must give the time, date, and location of each stop.
- 6 • Mayor Simmons suggested the Council members look at Midvale's and South Jordan's land use
7 ordinances. He explained these cities use a gross acre density approach. He also reported the
8 Utah League of Cities and Towns has a staff member that can review the City's ordinances for
9 State Code Compliance.
- 10 • T Rasmussen asked if this would be a two (2) day workshop. Mayor Simmons explained people
11 were having difficulty scheduling two days. S Gomm suggested one long day. Mayor Simmons
12 suggested Saturday, April 22. S Gomm asked about having a representative from Midvale or
13 South Jordan. Mayor Simmons reported Mark Teuscher is willing to discuss ordinance
14 preparation. S Bankhead reported Max Pierce is also willing to attend the workshop, schedule
15 permitting, to answer technical questions and discuss the water system.
- 16 • Mayor Simmons reported the Salt Lake County Attorney has identified 20 items from LUDMA
17 that planning commissions and city councils must address. R Liechty suggested meeting every
18 Tuesday for 1 hour before the meetings.
- 19 • Mayor Simmons proposed starting with a day long meeting on Saturday, April 22. Members of
20 the Planning Commission and staff are invited to attend. The meeting will begin at 8:30 a.m. and
21 go no later than 4:00 p.m. It will be held in the council room at the City Office building.

22 **Item No. 2. Council Member Stacie Gomm will discuss the communication proposal.**

- 23 • S Gomm reported because of all the changes in the open meeting act, and concern about what can
24 be discussed and what can't be discussed, she felt the communication proposal should be delayed
25 until the Council has a better understanding of the State Code changes. Mayor Simmons
26 suggested the Council look at Pat Jones' presentation from the recent ULCT conference.
- 27 • R Liechty explained he wanted to be open to the public; but, with an attorney waiting to file a
28 suite and without knowing who the attorney is representing, R Liechty is very nervous about
29 communicating with the citizens.

30 **Item No. 3 The Providence City Council will reconsider forming committees comprised of**
31 **citizens, city staff, and council members to assist the Council in meeting the goals in the Strategic**
32 **Plan, the guidelines for committee meetings and possible assignments.**

- 33 • Mayor Simmons explained the committees will need to have an agenda, give appropriate notice,
34 and take minutes. He asked the Council to consider if the committee approach is going to get the
35 City where it wants to go.
- 36 • R Liechty was very uncomfortable inviting citizens to participate without knowing who the
37 attorney is representing. He just didn't know where he would dare go with the committee. He
38 apologized, but felt he needed to be very leery and cautious.
- 39 • D Johnson explained he had asked volunteers to the serve on his committee; but felt the
40 volunteers may be leery to serve knowing an attorney may be watching them.
- 41 • T Rasmussen suggested setting aside one day per month that the committees would regularly
42 meet.
- 43 • K Baker would like to proceed with her committee.

44 Motion to continue with the committees as they have been assigned making sure proper notice is given,
45 take minutes, etc. – S Gomm, second – R Liechty,

46 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

47 Nay: None

1 Abstained: None

2 Excused: None

3 **New Business:**

4 **Item No. 1. Resolution 06-026. The Providence City Council will consider for adoption a**
5 **resolution approving a final plat for the South Bench Estates Subdivision; a 3-lot residential**
6 **subdivision located generally at 1000 South 400 East.**

7 Motion to approve Resolution 06-026 – S Gomm, second – D Johnson,

- 8 • R Liechty asked about the water shares. Mayor Simmons explained some will be dedicated and
9 some will be fee in lieu.

10 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

11 Nay: None

12 Abstained: None

13 Excused: None

14 **Item No. 2. Resolution 06-027. The Providence City Council will consider for adoption a**
15 **resolution approving Design Standards for Commercial District.**

16 Motion to approve Resolution 06-027 – R Liechty, second – T Rasmussen,

- 17 • Bill Bagley felt this would be a good topic to have in the workshop.
- 18 • Mayor Simmons reported in 2002 the Planning Commission prepared a draft for design review.
19 The Planning Commission suggested these standards be adopted by resolution as a beginning.

20 Motion to amend 1.2 General Site Design to add “and undeveloped properties consistent with the
21 commercial architectural design currently being used along Spring Creek Parkway” T Rasmussen –
22 second – R Liechty,

- 23 • D Johnson felt there should be some diversity. R Liechty felt it would be similar to – not an exact
24 replication.

25 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

26 Nay: None

27 Abstained: None

28 Excused: None

29 Motion amend Page 3 of 4 to strike the line – “add something about brightness of signs” – R Liechty,
30 second – D Johnson,

31 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

32 Nay: None

33 Abstained: None

34 Excused: None

35 Vote on adopting Resolution 06-027 as amended:

36 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

37 Nay: None

38 Abstained: None

39 Excused: None

40 **Item No. 3. The Providence City Council will discuss filling the Board of Adjustment seat**
41 **vacated by Gary Stauffer and members whose terms have expired. After the discussion, the City**
42 **Council may appoint residents to fill seats either as member(s) or alternate member(s).**

- 43 • Mayor Simmons read from Providence City Code Title 2 chapter 2 Board of Adjustments
44 2-2-2: ***TERM OF OFFICE; VACANCIES:*** *Each member of the Board of Adjustment shall be a*
45 *resident of the City for at least six (6) months prior to*
46 *his/her appointment and shall serve for a term of five (5) years and until his/her successor is appointed. If*
47 *the member should vacate his/her residency in the City for a time period greater than sixty (60) days, the*

1 *member will be released from his/her position on the Board of Adjustment and such member's remaining term*
2 *shall be filled by another City resident, recommend by the Mayor and confirmed by the City Council. (1977*
3 *Code § 12-122)*

- 4 • Mayor Simmons reported Gary Stauffer had resigned. The Mayor spoke with Eldon Dattage; he
5 does not wish to be reappointed.
- 6 • Mayor Simmons suggested Jane Wisner serve as a member instead of an alternate (filling the
7 position vacated by G. Stauffer), find someone to replace Eldon Dattage, and allow Clint
8 Thompson to continue until he feels he must resign.
- 9 • R Liechty reported the Board of Adjustment suggested Mark Stimson. K Baker gave the mayor
10 two written applications.
- 11 • Mayor Simmons reported the Board of Adjustment acts as a quasi-judicial body. This means as a
12 judge – they should not be involved with or hear information prior to meeting as a body. Mayor
13 Simmons explained he will be talking with those who have volunteered about this.
- 14 • R Liechty clarified that the people serving on the Board would not be active in regularly
15 attending Council and Planning Commission meetings. Mayor Simmons explained this was
16 made clear by Craig Call's interpretation during a discussion with the Mayor, Clint Thompson,
17 Gary Stauffer, and Kathy Baker. R Liechty felt it would be tough for him to be objective
18 knowing he had heard everything about the Stirland/Stauffer problem.
- 19 • Mayor Simmons explained ex-parte conversations need to be disclosed.
- 20 • Mayor Simmons will give the Council time to submit additional names. This will be on the next
21 council meeting agenda.

22 **Item No. 4. Resolution 06-028. The Providence City Council will consider for adoption a**
23 **resolution changing the Providence City Employee Policy for compensatory time.**

24 Motion to approve Resolution 06-028 – R Liechty, second – D Johnson,

- 25 • R Eck explained the current Employee Policy allows an employee to earn and use 24 hours of
26 comp time per year. R Eck would like the employee to carry 24 hours comp time. He felt this
27 would be a management tool.
- 28 • R Liechty clarified that this would not increase the cost to the City.
- 29 • Mayor Simmons reported S Bankhead and R Eck are the only two employees that are classified
30 as exempt.

31 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

32 Nay: None

33 Abstained: None

34 Excused: None

35 **Item No. 5. Discussion. Mayor Randy Simmons will review and the Council will discuss the**
36 **Utah League of Cities and Towns Midyear Conference and Legislative Review. Topics of**
37 **discussion will include land use issues, Senate Bill 9, emergency preparation, separation of powers,**
38 **budgets, focus groups, taxes.**

- 39 • Mayor Simmons reminded the Council they are under the same ethics rules as the State
40 Legislature. He also explained on the conflict of interest statements homes or property owned in
41 Providence should be disclosed, as should interest in businesses.
- 42 • Mayor Simmons reported the ULCT conference devoted an entire day to emergency preparation.
43 Paul Matsuyama the volunteer CERT coordinator will begin holding training meetings weekly
44 beginning April 26. S Gomm explained CERT volunteers are trained to assess a victim's
45 condition and report; they do not give aid.
- 46 • D Johnson reported at the Rural Conference, it was strongly suggested cities be prepared to take
47 care of themselves for at least 72 hours. S Gomm felt, in Cache County with only 7 ambulances,

1 72 hours was not enough – it would be longer.

- 2 • S Gomm suggested P Matsuyama advertise the classes. S Gomm will be putting together ideas for
- 3 an emergency plan.
- 4 • Mayor Simmons reported one of the questions asked was who your emergency manager is. R
- 5 Liechty felt it would be S Bankhead with assistance from R Eck.
- 6 • Mayor Simmons reported Roger Tew also spoke about sales tax changes. It is thought if sales tax
- 7 on food is reduced, it would be the state portion – not the City portion.
- 8 • There was some discussion about other taxes, however Senator Valentine was not of the opinion
- 9 to change. Gas tax was discussed, cities would like a percentage instead of a fixed rate; however
- 10 that did not go over well.
- 11 • Mayor Simmons reported the City received about \$185,000 from the gas tax.
- 12 • Mayor Simmons reported there was a brief discussion on separation of powers by Dave Church in
- 13 the different forms of government. In a council/mayor form they merge to an extent. R Simmons
- 14 explained in the manager by ordinance, the city manager becomes the administrative executive,
- 15 with the Council acting as the legislative body. When the Council appointed the City
- 16 Administrator, they did not repeal the manager by ordinance, while probably not necessary, D
- 17 Church suggested the manager by ordinance be repealed.

18 **Staff Reports: Items presented by Providence City Staff will be presented as informational only.**
19 **Skarlet Bankhead, City Administrator, will report on staffing and office changes, recreation**
20 **programs, and the recent Citizen Planner workshop.**

- 21 • S Bankhead reported Destry Merrit has been hired as an office specialist. She will be the primary
- 22 receptionist, coordinate recreation, and handle purchasing for the City.
- 23 • S Bankhead reported District 7 Spring Soccer has started. Registrations for baseball and softball
- 24 are complete. Utah State’s club baseball team has started their season. Super League Baseball
- 25 will start on April 22. Summer program registrations are now being accepted. The staff is still
- 26 looking for individuals to work in the snack stand.
- 27 • S Bankhead reported the recent Citizen Planner Workshop was very interesting. Bill Bagley and
- 28 Jon Mock also attended.

29 **Randy Eck, Public Works Director, will report on the water, sewer, streets, cemetery, and parks**
30 **departments, and the potential for flooding.**

- 31 • R Eck reported the north lift station pump has been installed. Nothing to report in water. The
- 32 Cemetery has been vandalized more than the past couple of years – CCSO
- 33 • R Eck reported no one bid on the Von’s Park Bowery roof – will work with building dept.
- 34 Restrooms at Zollinger and AHL nearly complete.
- 35 • R Eck explained there is 130” of snow at the Snowtail basin site. The average would be 37” of
- 36 water; we are at 150% of normal. Up to date information is available on the internet for Logan
- 37 River and Blacksmith Fork River. However not for Spring Creek. City staff will monitor Spring
- 38 Creek.
- 39 • K Baker reported there was a year when people were standing on the tables at Von’s Park
- 40 because the Creek overflowed its banks.
- 41 • R Eck explained Spring Creek generally peaks at mid-June. R Eck reported Spring Creek was
- 42 evaluated today, there are two problem areas Public Works will begin working on immediately.
- 43 One church group has asked about volunteer opportunities. R Eck reported the City purchased a
- 44 sandbag filler – it is portable. The City has 2,000 bags and sand ready to fill. The County has
- 45 about 20,000 bags. D Johnson asked if Spring Creek Water Company was helping. R Eck
- 46 explained the City has not contacted anyone yet; but will start communicating. K Baker reported
- 47 in 1983 a lot of water came through her hollow – the road has been built so the water no longer

1 flows through.

- 2 • R Eck is watching Spring Creek in the Brookside area.

3 **Council Reports: Items presented by the City Council members will be presented as**
4 **informational only; no formal action will be taken. The City Council may act on an item, if it arose**
5 **subsequent to the posting of this agenda and the City Council determines that an emergency exists.**
6 **Council Member Stacie Gomm will report on a meeting with the Hillsborough residents.**

- 7 • S Gomm reported she and Mayor Simmons met with the Hillsborough residents about extending
8 Hillsborough east into the Highlands Subdivision. Area residents were not in favor of extending
9 the road – they felt another subdivision could handle the traffic (a future phase to Highlands
10 currently not in the City boundary). Area residents were also informed the sewer would be
11 installed. There was discussion about an easement looping the water from Highlands; but nothing
12 firm.

13 Council Member Ron Liechty: No report

14 Council Member Deon Johnson: No report

15 Council Member K Baker:

- 16 • K Baker asked about the Rand Henderson request for time to discuss LUDMA. Mayor Simmons
17 reported he spoke with R Henderson.

18 Council Member Trent Rasmussen:

- 19 • T Rasmussen asked for names of people to help with the County Fair Booth.
20 • T Rasmussen gave the council members a copy of a citizen survey for the City of Round Rock.
21 He requested time on the next agenda to discuss something similar for Providence.

22 **Executive Session: The Providence City Council will hold a closed meeting for a strategy session to**
23 **discuss the purchase, exchange, or lease of real property; and to discuss the sale of real property.**
24

25 Motion to enter into the executive session – R Liechty, second – D Johnson.

26 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

27 Nay: None

28 Abstained: None

29 Excused: None

- 30 • The Council entered into executive session at approximately 8:05 p.m.

31 Motion to close – R Liechty, second – D Johnson

32 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

33 Nay: None

34 Abstained: None

35 Excused: None

36 The Mayor adjourned the open meeting at approximately 9:05 p.m.

37
38 Minutes taken and prepared by S Bankhead.
39
40
41

42 _____
Randy T. Simmons, Mayor

Skarlet Bankhead, City Recorder