

1 **PROVIDENCE CITY COUNCIL MEETING**

2 **Tuesday, May 9, 2006 6:00p.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.**

7 **Anyone interested is invited to attend.**

8 Call to Order: Mayor Simmons

9 Roll Call of City Council Members:

10 Attendance: Mayor: Randy T. Simmons

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

13 City Administrator/Recorder: Skarlet Bankhead

14 Public Works Director: Randy Eck

15 Pledge of Allegiance: Mayor Simmons Opening: Kathy Baker

16 **Presentations and Proclamations:**

17 **Item No. 1. Providence City Employee of the Quarter for the 1st Quarter of 2006**

- 18 • Mayor Simmons introduced Dale Byington as the Employee of the Quarter for the 1st Quarter
19 of 2006. The Council thanked D Byington for his hard work and congratulated him on
20 receiving the award.

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

25 **Item No. 1. Approval of the minutes for the April 25, 2006 City Council Meeting.**

26 Motion to approve the minutes of April 25, 2006 – R Liechty, second – T Rasmussen

27 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

28 Nay: None

29 Abstained: None

30 Excused: None

31 Public Hearings:

32 **The Providence City Council will hold a public hearing on Tuesday, May 9, 2006 at 6:10 p.m. to**
33 **open and adjust the Providence City 2006 Budgets for the General Fund, Capital Project Fund,**
34 **Water Fund, and Sewer Fund.**

35 Motion to open the public hearing – S Gomm, second – D Johnson

36 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

37 Nay: None

38 Abstained: None

39 Excused: None

- 40 • Sharell Eames asked the balance of the impact fee account. S Bankhead estimated about
41 \$240,000.

- 42 • S Bankhead explained the proposed resolution.

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

44 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

45 Nay: None

1 Abstained: None

2 Excused: None

3 **Unfinished Business:**

4 **Item No. 1. The Providence City Council will review and discuss a proposal submitted by**
5 **Wikstrom Economic & Planning Consultants, Inc. for the development of a Capital Facilities**
6 **Plan and a review and update of the City's Impact Fee Analysis.**

7 Motion to continue Item No. 1 and proceed to Item No. 2 – S Gomm, second – R Liechty,

8 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

9 Nay: None

10 Abstained: None

11 Excused: None

12 **Item No. 2. The Providence City Council will discuss filling the Board of Adjustment seats**
13 **vacated by Clint Thompson and Gary Stauffer and members whose terms have expired. After**
14 **the discussion, the City Council may appoint residents to fill seats either as member(s) or**
15 **alternate member(s).**

- 16 • Mayor Simmons reported the following have been nominated or self nominated: Don Briel,
17 Mark Stimson, Larry Boothe, Bruce Roghaar, John Booth, Vic Saunders, Stephen Allan,
18 Gene Miller

- 19 • Mayor Simmons explained he would suggest appointing Mark Stimson and Stephen Allan as
20 regular members and wait to fill the alternate seat. If he were to suggest an alternate, it would
21 be Bruce Roghaar.

- 22 • The Council felt all three positions should be filled.

23 Motion to appoint Mark Stimson and Stephen Allan as regular members and Bruce Roghaar as the
24 alternate member– R Liechty, second – T Rasmussen,

25 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

26 Nay: None

27 Abstained: None

28 Excused: None

29 **New Business:**

30 **Item No. 1. Resolution 06-035. The Providence City Council will consider for adoption a**
31 **resolution approving a final plat for Brian Anderson for the Brian Anderson Minor**
32 **Subdivision located generally at 109 West Center Street.**

33 Motion to approve Resolution 06-035 – R Liechty, second – D Johnson,

- 34 • Mayor Simmons reviewed the proposed resolution.
- 35 • S Gomm asked which street the home on Lot 1 would face. B Anderson stated it would face
36 100 West.

37 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

38 Nay: None

39 Abstained: None

40 Excused: None

41 **Item No. 2. Ordinance Modification 007-2006. The Providence City Council will consider**
42 **for adoption an ordinance amending Providence City Code ~~10-6-2 Classification of New and~~**
43 **Unlisted Uses. 10-6-1: Use Chart to allow wholesale and retail sale of plants and greenhouse**
44 **products from residential homes.**

- 45 • Mayor Simmons reviewed the proposed ordinance modification.

1 • S Bankhead clarified a typing error “current practices of selling ~~person~~ personal produce.”

2 Motion to approve Ordinance Modification 007-2006 – D Johnson, second – T Rasmussen,

- 3 • K Baker asked if this is permitted, will it be used throughout the City. S Gomm explained it
4 would be a permitted use in the SFT zone only. If approved, an applicant would just file a
5 business license application for approval by staff.
6 • M Petro/Gines explained she would like to work with schools in teaching children the
7 growing process. She wanted a place where children could learn to grow plants and then
8 display their results.
9 • S Gomm felt involving the children was wonderful. However, S Gomm expressed concern
10 about many customers coming to the residence. She felt one of the current advantages of the
11 City’s zoning is that the majority of commercial businesses are in the commercial area west
12 of the residential areas.
13 • R Liechty was concerned about opening the door for others to create large commercial
14 greenhouses, bringing commercial business and traffic into the residential neighborhoods.
15 • M Pretro/Gines felt additional businesses made more money for the City. This encourages
16 the City’s residents to spend their money in the City rather than going to another city, such as
17 Logan.
18 • D Johnson explained this home is located on the border of the downtown commercial area.
19 He suggested changing the zone rather than adding the use.
20 • S Bankhead suggested the Council consider a conditional use and write conditions into the
21 ordinance; perhaps wait for a future meeting to make the decision.

22 Motion to change the original motion to continue until the next council meeting – D Johnson, second
23 – T Rasmussen,

- 24 • D Johnson will not be in attendance at the May 23, 2006 Council meeting.
25 • T Rasmussen will work with staff and meet with M Petro/Gines.

26 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

27 Nay: None

28 Abstained: None

29 Excused: None

30 **Unfinished Business Item No. 2 – reconsidered.**

31 Motion to reconsider Unfinished Business Item No. 2 – S Gomm, second – R Liechty,

32 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

33 Nay: None

34 Abstained: None

35 Excused: None

- 36 • K Baker reminded the Council they had not officially changed Jane Wisner from the alternate
37 member on the Board of Adjustment to a regular member.

38 Motion to move Jane Wisner from alternate to the Board itself, Mark Stimson and Steve Allan as
39 regular members with Bruce Roghaar as the alternate – S Gomm, second – R Liechty,

40 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

41 Nay: None

42 Abstained: None

43 Excused: None

44 **Item No. 3. Resolution 06-036. The Providence City Council will consider for adoption a**
45 **resolution adjusting the Providence City 2006 Budgets for the General Fund, Capital Project**

1 **Fund, Water Fund, and Sewer Fund.**

2 Motion to adopt Resolution 06-036 to adjust the Providence City Budgets – S Gomm, second – R
3 Liechty,

4 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

5 Nay: None

6 Abstained: None

7 Excused: None

8 **Item No. 4. The Providence City Council will discuss the Water Conservation Plan for**
9 **Providence City updated in January 2006 by Dee Barnes.**

- 10 • S Bankhead explained the report had been discussed during a recent water study discussion.
11 D Barnes felt it important that the Council have a copy of the report before information is
12 released to the public.
- 13 • K Baker felt there may be a discrepancy in Appendix D Utah Water Use Data Form regarding
14 the Broad Hollow Spring. R Eck felt this question should wait until D Barnes or Max Pierce
15 can provide the explanation.

16 **Unfinished Business:**

17 **Item No. 3. The Providence City Council will review and discuss a proposal submitted by**
18 **Lewis Young Robertson & Burningham, Inc. for the development of a Capital Facilities Plan**
19 **and a review and update of the City's Impact Fee Analysis. After the discussion the City**
20 **Council may select one of the firms.**

- 21 • The Council was ahead of schedule. The participants for this discussion were scheduled to
22 arrive at 7:30. The Council will move to Staff Reports and Council Reports.

23 **Staff Reports: Items presented by Providence City Staff will be presented as informational**
24 **only.**

25 **Skarlet Bankhead will report on the Administrative, Community Development, and Finance &**
26 **Records Departments. Randy Eck will report on the Public Works, Water, and Sewer**
27 **Departments.**

- 28 • S Bankhead reported the staff replaced the pickup purchased in 2003 for use by the City
29 Manager with a Jeep Cherokee. It will be used as a pool car for members of staff that are not
30 assigned a vehicle.
- 31 • S Bankhead reported that Becky Billings' last day was Friday, May 5.
- 32 • R Eck - No report.

33 **Council Reports: Items presented by the City Council members will be presented as**
34 **informational only; no formal action will be taken. The City Council may act on an item, if it**
35 **arose subsequent to the posting of this agenda and the City Council determines that an**
36 **emergency exists.**

37 Council Member Trent Rasmussen:

- 38 • No report

39 Council Member Kathy Baker:

- 40 • K Baker reported the staff has started to work on an ordinance change regarding innerblock
41 development. K Baker will prepare a sheet for the newsletter to seek input from the
42 community.

43 Council Member Deon Johnson:

- 44 • D Johnson reported the irrigation water has been turned into the canals.
- 45 • K Baker reported the first week the water from Spring Creek Water Company was in the

1 canal, a person did not take care of his water and a neighbor's basement was flooded. She
2 encouraged everyone using irrigation water to make sure they take care of the water properly
3 to avoid problems.

- 4 • D Johnson thanked R Eck and the staff for the work they have done to avoid flooding
5 problems. R Eck reported Spring Creek will peak mid-June; it hasn't fluctuated more than ½
6 inches in the past month.

7 Council Member R Liechty:

- 8 • R Liechty reported he was at the City Office last Thursday night to meeting with citizens.
- 9 • Glen and Darcy McEvoy suggested contacting Richard Touff for suggestions on planning
10 ideas for the future.
- 11 • Merv and Mae Coover expressed concern about the Beazer's and Guy's decorative rock walls
12 located on the edge of hill above the South Bench dugway road. They felt there may be a
13 potential problem if the walls gave way.
- 14 • R Liechty also visited with Ralph Call about a speed limit sign that was taken off a utility
15 pole and put on a permanent pole on R Call's property. R Eck explained the City cannot post
16 traffic control signs on power poles. He will look into the placement of the sign.

17 Council Member Stacie Gomm:

- 18 • S Gomm reported she has accepted a new position at USU; while she is working on the
19 emergency plan, it will be delayed.

20 Mayor Randy Simmons:

- 21 • Mayor Simmons reported staff met with a representative from Basement Systems, who had
22 been hired by two residents that are having ground water problems in Brookside.
23 Apparently, they are pumping into the sanitary sewer. It was a useful meeting to discuss
24 possibilities. Since that time the staff was informed a line has been installed along Lloyd
25 Baer's property line with the intent to move the water. No one has approached the City
26 regarding this line.
- 27 • Mayor Simmons reported Carl Pitt informed the City that after a 4-hour meeting with UDOT
28 the Alder Square access was approved without a deed restriction. Apparently there was some
29 question about the line where SR165 changed from a class three to a class five road. Mayor
30 Simmons will be attending a meeting in SLC, after which he will be going to the Amsource
31 Offices; they want to begin discussing Phase 2.
- 32 • Mayor Simmons reported 5 years ago the City was awarded a LeRay McAlister grant for a
33 trail along Spring Creek. Due to a lack of cooperation from property owners, the grant
34 expired. Applications are due in August. He asked the Council for suggestions.

35 **Unfinished Business:**

36 **Item No. 3. The Providence City Council will review and discuss a proposal submitted by**
37 **Lewis Young Robertson & Burningham, Inc. for the development of a Capital Facilities Plan**
38 **and a review and update of the City's Impact Fee Analysis. After the discussion the City**
39 **Council may select one of the firms.**

40 Motion to hear Item 3 of Unfinished business – S Gomm, second – D Johnson,

41 Vote: yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

42 Nay: None

43 Abstained: None

44 Excused: None

45 Susie Dunker, Lewis Young Robertson & Burningham [LYRB], expressed gratitude for being invited

1 to address the Council. She explained LYRD will be working with Civil Science. Boyd Wilson from
2 Civil Science [CS] explained they are an engineering firm located in Utah County. They recently
3 completed a similar study in Morgan County.

- 4 • Civil Science will be doing the Capital Facilities Plan; LYRB will be doing the Impact Fee
5 Analysis. B Wilson explained their approach is to update the existing fees; then proceed with
6 taking inventory and begin the process for the capital facilities plan.
- 7 • S Dunker reported they will coordinate with CS to develop the impact fee analysis. They will
8 look at where the City is now and what it will take to achieve the City's goals.
- 9 • S Dunker explained the timeline usually depends on the availability of the City's information.
10 They will evaluate where the City is in trails, parks, water storage capacity, etc. She felt the
11 information gathering would take about 30 days; then an additional two months to have the
12 analysis ready. If the City wanted a deeper level, it may take a little longer.
- 13 • B Wilson explained the Morgan County plan took about 90 days to have the study ready for
14 public hearing.
- 15 • Mayor Simmons explained the City's desire is to develop a good capital facilities plan. B
16 Wilson explained initially they will gather data, work with staff, and evaluate existing
17 information. They will need information from staff for population projections, land use
18 projections, and projects that are currently underway. A sophisticated plan would involve
19 computer modeling – however, he felt something a little less elaborate would work for the
20 City.
- 21 • B Wilson explained the engineering side works with the financial analysis side. They have
22 worked with many cities throughout the state and have had experience with the challenges of
23 growing cities. They have an excellent relationship with LYRB – they bring financial
24 strength.
- 25 • S Dunker stated no one has done more impact fees than they have. They can recognize little
26 quirks within the City. They have a background in development. S Dunker explained LYRB
27 is very broad. They look at the entire process, including bridging the gaps in funding.
- 28 • S Dunker explained they have worked with Civil Science a number of times. They know
29 exactly what to look for.
- 30 • S Dunker explained LYRB cares about their clients and the communities.
- 31 • R Liechty asked if S Dunker and B Wilson would be involved in the project. S Dunker stated
32 if it is important to the City, she will become very involved in the project. B Wilson
33 explained junior engineers will be doing the information gathering; he will be heavily
34 involved in the compilation of the capital facilities plan. He explained he understood the
35 importance of impact fees in the community.
- 36 • K Baker asked about the road over the top from Draper to Highland. B Wilson explained it
37 was a sore spot; but they worked with it to achieve positive results for the community.

38 **Unfinished Business:**

39 **Item No. 1. The Providence City Council will review and discuss a proposal submitted by**
40 **Wikstrom Economic & Planning Consultants, Inc. for the development of a Capital Facilities**
41 **Plan and a review and update of the City's Impact Fee Analysis.**

42 Motion to hear Item No. 1 from Unfinished Business – R Liechty, second – S Gomm

43 Vote: yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

44 Nay: None

45 Abstained: None

1 Excused: None

- 2 • Karen Wikstrom introduced her associates Jeff Butler – a former resident of Providence, and
3 Karen Nicholls with Stantec Engineers. K Wikstrom and K Nicholls have worked together
4 for over 20 years.
- 5 • K Wikstrom felt it very important that their work reflected the policies of the City. J Butler
6 has a planning degree which is very useful as planning is important part of the plan. She
7 explained the State statute lays out the use of impact fees. How a city implements the uses of
8 impact fees are critical. They will carefully talk to the Council about their vision of the
9 future.
- 10 • Mayor Simmons explained the City is currently working on the zoning ordinances and
11 general plan. K Wikstrom explained their firms can help the City with changes to the general
12 plan; however that was not part of the proposal. When a general plan is changed, one item of
13 great importance is how the changes affect infrastructure. It is also important to understand
14 the build-out estimates may change with various zoning changes.
- 15 • K Wikstrom explained the first step is to establish the team which includes Providence City.
- 16 • K Nicholls explained Stantec is an international firm. They have been in Utah since the 50's.
17 They have a major presence in Utah and along the Wasatch Front. They like to work with
18 cities throughout their growth cycles. They do approximately 7 to 12 plans per year. They
19 worked with Wikstrom on the Daybreak Development. They have experience in all types of
20 plans, including multiple facet plans, in cities of all sizes.
- 21 • K Wikstrom explained the firm has 7 employees; they are experts in demographic analysis
22 and growth projections. Since 1997, they have completed 52 impact fees and 19 capital
23 facilities plans. They like to set up metrics so annual reviews can be done in house by the
24 city. They have also worked on the other side of the table – reviewing impact fees charged by
25 cities to a developer.
- 26 • K Wikstrom felt they have the best of both worlds in that they have a local firm with roots in
27 Utah and the experience of a large international firm.
- 28 • K Wikstrom explained impact fees were first tested in the courts in Utah and Florida. They
29 are a one time fee, ruled by the capital facilities plan. It is important to have enough specifics
30 to justify the analysis with enough flexibility to use the fees in a practical manner. There has
31 to be a relationship between the fees charged and the service provided. The analysis must be
32 defensible. K Wikstrom explained curb, gutter, and sidewalk are considered necessary
33 appurtenances to a street.
- 34 • Mayor Simmons explained the City currently has a moratorium on zoning changes until mid-
35 August. He reported the City Council, Planning Commission, and staff held a workshop with
36 Jody Hoffman and Dan Lofgren, and a workshop with Mark Teuscher.
- 37 • K Wikstrom reported they recently worked on a zoning ordinance that moves away from
38 Euclidian zoning.
- 39 • K Wikstrom felt it was important to have some of the decisions about the general plan
40 direction before moving on with the analysis.
- 41 • R Liechty asked how much personal involvement each representative would have. K
42 Wikstrom will be the project manager assisted by J Butler. K Nicholls reported another
43 person in the firm will be the project manager; but she will assist. All will work very closely
44 with staff.
- 45 • K Wikstrom stated they want to make the plan as simple and as straight forward as possible.

1 However, she did not want to duplicate efforts by jumping in before the general plan goals
2 have been established. She reported they have extensive experience in general plans;
3 however this was not part of the bid.

- 4 • S Gomm felt the zoning was driving the general plan review. Mayor Simmons explained lot
5 size has become very important to some residents in the city.
- 6 • K Wikstrom reported they worked with the Kennecott development on plans that include
7 intermixed neighborhoods, in that there are various lot sizes and housing opportunities. She
8 felt the City should also consider the infill possibilities; she felt there were many
9 opportunities in this area.
- 10 • K Wikstrom explained they have done plans that range from \$15,000 to \$150,000.
- 11 • R Eck asked how many of the combination analysis and capital facilities plans the firms had
12 done. K Wikstrom explained every capital facility plan was in conjunction with an analysis.
13 K Nicholls explained many times the capital facility plan is an update or a revision.
- 14 • K Wikstrom explained the level of service cannot be improved by impact fees; they are to
15 maintain level of service.

16 Motion to discuss each firm's proposal – S Gomm, second – T Rasmussen,

17 Vote: yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

18 Nay: None

19 Abstained: None

20 Excused: None

- 21 • S Gomm felt LYRB had a personal touch; less sales.
- 22 • S Gomm felt Wikstrom had a better presentation and a more expensive, national feel. She
23 felt Wikstrom had more experience in the broad sense.
- 24 • D Johnson preferred LYRB. He felt they had covered more small cities. He felt both
25 presentations were good.
- 26 • K Baker felt LYRB would have better engineering knowledge. She felt the City needed
27 engineering. Mayor Simmons expressed concern that the LYRB analysis was strong but the
28 engineering may not be as strong.
- 29 • T Rasmussen liked the Wikstrom firm.
- 30 • R Liechty felt during the discussion the Council opened doors with the second group that
31 may not have been opened with the first group. He liked the Wikstrom guarantee that the
32 numbers would work and could be maintained by city staff. He would like to have a second
33 discussion with LYRB. S Gomm felt follow up could be done with a phone call.
- 34 • R Eck expressed concern about the open ended budget theory presented by LYRB. He
35 reported he discussed this with B Wilson, who explained they will pin the budget down when
36 they have a definite idea of the City's needs.
- 37 • T Rasmussen will call several of the cities listed as references. R Liechty will contact LYRB.

38 **Council Reports (cont)**

39 Council Member Trent Rasmussen:

- 40 • T Rasmussen will meet with the Mayor and citizens on Thursday evening.

41 Mayor Simmons (cont):

- 42 • Mayor Simmons reported he had Tara Bankhead research and solicit bids from three
43 companies to outsource processing the utility billing mailing. It is currently being done by
44 staff (including two of the crossing guards). Mayor Simmons asked if the Council wanted to

1 see the bids or if the staff can choose a firm.

- 2 • S Gomm would like to see the cost savings. R Liechty would prefer to keep the money in-
- 3 house if the savings are minimal. Mayor Simmons explained the mailing takes a large
- 4 amount of staff time. R Liechty asked if there were other activities the crossing guards could
- 5 do to replace the loss of income. S Bankhead and R Eck explained there are other
- 6 possibilities for the crossing guards.
- 7 • D Johnson felt if the City was not bound by a long-term contract it should be tried.
- 8 • The Council felt staff should proceed to choose a firm.

9 Mayor Simmons reported the Trust is drafting guidelines to allow public comment.

10 **Executive Session:**

11 Motion to enter into an executive session to discuss the possible of purchase or sale of property,

12 litigation strategy, and personal character – S Gomm, second – K Baker

13 Vote: yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

14 Nay: None

15 Abstained: None

16 Excused: None

- 17 • The Council entered into an executive session at approximately 9:00 p.m.

18 Motion to close the executive session – S Gomm, second – T Rasmussen

19 Vote: yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

20 Nay: None

21 Abstained: None

22 Excused: None

23 The Council entered the open meeting at 9:35 p.m.

24 Motion to adjourn – R Liechty, second – T Rasmussen,

25 Vote: yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

26 Nay: None

27 Abstained: None

28 Excused: None

29 The meeting adjourned at approximately 9:35 p.m.

30
31 Minutes taken and prepared by S Bankhead.

32
33
34
35 _____
Randy T. Simmons, Mayor

Skarlet Bankhead, City Recorder