

1 **Providence City Council Meeting**
2 **Providence City Office Building**
3 **15 South Main, Providence**
4 **Tuesday, May 10, 2005 5:30 p.m.**

5 **Attendance:**

6 Mayor: Alma H. Leonhardt

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

8 City Recorder: Skarlet Bankhead

9 **Discussion – Job Description for City Planner/Manager:**

- 10 • R Liechty felt there should be more emphasis placed on planning than
11 management. He felt a planner was needed but questioned if a manager was
12 needed. R Eck agreed with R Liechty.
- 13 • V Saunders explained the previous council struggled with a decision and came up
14 with the Manager/Planner.
- 15 • S Gomm felt the City needed a manager. In a perfect world there would be a
16 manager and a planner. She felt there needed to be a person who was a central
17 nucleus. S Gomm liked the monthly city wide staff meeting. She felt someone
18 needed to continue the coordination of the staff.
- 19 • R Liechty suggested a hiring a planner and then looking within the City staff for
20 the person to be the central nucleus.
- 21 • V Saunders felt the position should be a Manager/Planner. However, he felt the
22 Council needed to set better parameters when explaining the job duties to the
23 selected applicant.
- 24 • Mayor Leonhardt, R Liechty, and R Eck felt the coordination should continue,
25 but felt the Department Head should be responsible for the organization and
26 operation of their individual departments.
- 27 • Mayor Leonhardt felt the workload would be approximately 75% planning and
28 25% management.
- 29 • R Eck felt the Council needed to agree on the description.
- 30 • The Council discussed the difference between an Administrator and a Manager.
31 An Administrator reports to the Mayor, a Manager reports to the entire Council.
32 The Council agreed the person should report to the entire Council.

33 **The Providence City Council will meet for an executive session at 6:00 p.m. in the**
34 **City Council Chambers.**

35 Motion to resume an executive session – S Gomm, second – D Johnson

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

37 Nay: None

38 Abstained: None

39 Excused: None

- 40 • The Council entered into the executive session at approximately 6:05 p.m.
- 41 • Jody Burnett and Bruce Jorgensen attended the executive session.

42 Motion to close the executive session – V Saunders, second – R Liechty,

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

44 Nay: None

45 Abstained: None

46 Excused: None

1 • The Council closed the executive session at approximately 6:55 p.m.

2 **Agenda Items:**

3 **Pledge:** Mayor Leonhardt

4 **Opening:** V Saunders

5 **Minutes:**

6 Motion to approve the minutes of April 26, 2005 – D Johnson, second – S Gomm

7 • Corrections: none

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

9 Nay: None

10 Abstained: None

11 Excused: None

12 **Item No. 1. The Council will consider for approval the Development and Public**
13 **Improvement Installation Agreement for Brookside Village Subdivision Phase 3**

14 • Jody Burnett, Attorney appointed by Utah Local Government Trust, reviewed the
15 proposed development agreement. He explained for the most part this is a
16 standard agreement. However, there are several provisions that are unique to this
17 agreement and resolving the litigation; Recital E. Paragraph 2.i., Paragraph 16
18 City accepting responsibility to replace and upgrade waterline on 100 East,
19 Paragraph 19 reimbursing \$150,000 (\$125,000 from impact fees \$25,000 from
20 insurance carrier Utah Local Government Trust) for infrastructure improvement,
21 Paragraph 20 Impact Fees, Paragraph 21 Dismissal of Litigation, and Paragraph
22 22 General Release of all Claims.

23 • J Burnett strongly recommended approval. This will close out the continuance of
24 possible litigation.

25 • Bruce Jorgensen, City Attorney, agreed with J Burnett’s recommendation.

26 Motion to approve the Development and Public Improvement Installation Agreement for
27 Brookside Village Subdivision Phase 3 – V Saunders, second – R Liechty

28 • R Eck thanked J Burnett and the Trust and B Jorgensen for their efforts in
29 bringing this matter to a close.

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

31 Nay: None

32 Abstained: None

33 Excused: None

34 **Item No. 2. Resolution 04-071. The Providence City Council will reconsider a**
35 **resolution approving a final plat for Stirland Estates Subdivision located generally**
36 **at 620 South 200 West, requested by Van Stirland.**

37 Gary Knighton and Van Stirland represented the development.

38 • G Knighton explained he understood the City changed the ordinance reducing a
39 street side yard from thirty feet to twenty feet. He presented a final plat showing
40 the placement of the current homes in relationship to the proposed development.

41 • G Knighton reported the plat also included Liz Hunsaker’s (Logan City Fire
42 Marshall) approval and conditions dated 5/09/05. The conditions included that
43 the cul de sac be posted for no parking, and the installation of two fire hydrants-
44 one at entrance (200 West 630 South) and Lot 5.

45 • G Knighton explained the first 80 feet will be entirely constructed. From that
46 point 75% of the road (containing curb, gutter and 24.5’ asphalt) will be installed

- 1 with 5 feet of gravel shoulder. The road cannot be blended or finished without
 2 affecting the Stauffer property.
- 3 • G Knighton explained the first 80 feet does not go to the east end of the Stauffer
 4 landscaping.
 - 5 • S Gomm asked if Logan City needed to review for garbage removal. G Knighton
 6 thought the approval had been granted prior to the September 28, 2004 meeting.
 7 However, he will follow up with Logan City.
 - 8 • G Stauffer explained he had not seen the new plat, but challenged how the City
 9 can approve a partial road without an agreement from the neighboring landowner.
 10 Mayor Leonhardt explained the City had previously allowed partial roads. He
 11 explained a partial road is not unique to this subdivision.
 - 12 • G Stauffer stated the City needed to be careful on plowing the road with sand and
 13 salt coming his way, or there would be another law suit.

14 Motion to table for two weeks, in light of new information presented at tonight's meeting
 15 – V Saunders, second – R Liechty

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

17 Nay: None

18 Abstained: None

19 Excused: None

20 **Item No. 3. Resolution 05-016. The Providence City Council will consider for**
 21 **adoption a resolution approving a conditional use for an accessory dwelling unit**
 22 **located generally at 220 North 300 East, requested by Jared Haacke.**

- 23 • The applicant was not in attendance.

24 Motion to table and invite applicant to next meeting – S Gomm, second - D Johnson,

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

26 Nay: None

27 Abstained: None

28 Excused: None

29 **Item No. 4. Resolution 05-017. The Providence City Council will consider for**
 30 **adoption a resolution approving a conditional use for an accessory dwelling unit**
 31 **located generally at 1080 Grandview Drive, requested by Susan Bacon.**

- 32 • Susan Bacon explained she and her children are moving into the basement and
 33 will be renting the upper floor.
- 34 • S Gomm explained when the home is sold the conditional use is null and void.
- 35 • V Saunders explained the Council has enacted a moratorium on the acceptance
 36 and approval of Accessory Dwelling units; however, this application was filed
 37 before the moratorium became effective.
- 38 • S Bacon asked about installing a wall for the accessory dwelling then removing it
 39 prior to selling the home. Mayor Leonhardt explained this issue will be dealt with
 40 by the building code.
- 41 • Dave Williams, City Building Inspector, reported he has been working with S
 42 Bacon on the building requirements.

43 Motion to approve Resolution 05-017 – R Eck, second – V Saunders

- 44 • R Eck expressed a desire to resolve the ordinances regarding accessory dwelling
 45 units as soon as possible.

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

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

4 **Item No. 5. Resolution 05-018. The Providence City Council will consider for**
5 **adoption a resolution approving a final plat for J. Johnson Subdivision located**
6 **generally at 309 South 200 West.**

7 Diane Hall represented the development.

- 8 • D Hall reported she met with V Keeslar, a UDOT representative, and the MPO.
9 The application for access to State Road 235 (200 West) was sent to UDOT on
10 May 4, 2005.
- 11 • Mayor Leonhardt reported one of the staff's concerns has been getting sidewalk
12 on 200 West and 300 South.
- 13 • D Hall reported J Johnson gave 2 shares to the City when the home was built in
14 1968. The staff will review and see if additional shares will be required.
- 15 • D Johnson asked where the sidewalk will be placed. D Hall reported Knighton
16 and Crow will be submitting the design.

17 Motion to approve with the conditions listed in the resolution – V Saunders, second – D
18 Johnson

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

20 Nay: None
21 Abstained: None
22 Excused: None

23 **Item No. 6. Resolution 05-019. The Providence City Council will consider for**
24 **adoption a resolution approving a final plat for Edwards Furniture Subdivision**
25 **located generally at 1670 South Highway 165.**

26 Brian Smith and Tom Uriona represented the development.

- 27 • B Smith explained, with respect to the building, he understood using the 20-foot
28 set back precludes expansion of the building. If they decide to expand the
29 building the remaining lots may be changed to accommodate the expansion.
- 30 • B Smith explained he would like to find an occupant conducive to the current
31 medical space.
- 32 • B Smith explained their agreement precludes them from having competing
33 physicians in the space.
- 34 • T Uriona did not know if this would be insta-care or doctor offices.
- 35 • R Liechty reported the shed is movable.

36 Motion to approve Resolution 05-019 – R Liechty, second – R Eck,

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

38 Nay: None
39 Abstained: None
40 Excused: None

41 **Item No. 7. Resolution 05-020. The Providence City Council will consider for**
42 **adoption a resolution approving a final plat for Creekside Business Park Lot Two**
43 **Condominium Subdivision located generally at 271 North Spring Creek Parkway.**

44 The development did not have a representative at the meeting.

- 45 • Mayor Leonhardt reported this is going next to Mountain View Chiropractic. He
46 explained these will be office condos.

- 1 • V Saunders asked if there were enough parking spaces to be used by all owners.
- 2 The parking is not shown on the plat. Mayor Leonhardt explained the only uses
- 3 that can occupy the building must comply with the parking. R Eck expressed
- 4 concern about defining parking before knowing the use. R Liechty explained there
- 5 is additional developed parking to the north.
- 6 • V Saunders asked about the Spring Creek crossing. Mayor Leonhardt explained
- 7 the crossing is on another plat.
- 8 • Jim Beazer, Planning Commission Member, reported the uses were not discussed
- 9 at the Planning Commission.

10 Motion to table for more definition on plat – S Gomm, second – V Saunders

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

12 Nay: None

13 Abstained: None

14 Excused: None

15 **Item No. 8. Discussion. Paul Masuyama will discuss the CERT program. (Amended**
 16 **05/09/05)**

17 V Saunders introduced Paul Masuyama. He is a former police officer. P Masuyama has
 18 requested time to address the Council about CERT training.

- 19 • P Masuyama requested the Council consider sponsoring a CERT unit for the City
- 20 of Providence. He is CERT trained and trained to teach the CERT program. This
- 21 program started in Los Angeles. Los Angeles started a program to train local
- 22 citizens to be first responders, performing light search and rescue and triage,
- 23 under declared emergency situations. Before the training, citizens trying to help
- 24 often became victims. CERT is designed to aid the most people in the shortest
- 25 amount of time.
- 26 • R Eck explained, in the EMS system, CERT is not considered a first responder.
- 27 • P Masuyama asked, if there was an emergency that completely shut the City off
- 28 from the rest of the County, how the City would address the problems. He felt
- 29 without CERT and emergency aid from other cities, it would be very difficult. He
- 30 felt, as a team, CERT trained residents can fill an important role.
- 31 • V Saunders explained the Council is concerned about residents taking on more
- 32 than they are authorized exhibiting a “Barney Fife attitude.” P Masuyama
- 33 explained as CERT responders, they are under the guidance of the City Council.
- 34 P Masuyama explained they search the City for victims and report their findings.
- 35 They also assess the damage of structures and if it is safe to enter the structure.
- 36 • P Masuyama explained the training he recently attended was sponsored by Logan
- 37 City.
- 38 • SandaFer Logan, with Cache County Search and Rescue, asked how a person that
- 39 could not be moved would be handled. P Masuyama explained CERT would
- 40 document the location and contact the designated official. S Gomm explained
- 41 doors or the area will be marked.
- 42 • R Eck felt this program was only as good as the person who will take the program
- 43 and run with it. It does not work if people are trained and then no follow up
- 44 occurs. He asked if P Masuyama would be willing to be the person the keeps
- 45 CERT trained individuals motivated.

- 1 • P Masuyama also felt it is difficult to get people to volunteer for CERT because it
- 2 requires eight straight weeks of training.
- 3 • R Eck explained there is a financial obligation on the City's part in meeting the
- 4 required supplies. P Masuyama explained the City would provide helmet and the
- 5 vest. CERT member obtain the rest of their equipment.
- 6 • V Saunders asked who the Logan CERT team reports to. P Masuyama explained
- 7 they report to Lynn Wright. S Gomm explained USU's CERT members also
- 8 report to L Wright. R Eck explained L Wright is also in charge of the CERT
- 9 training.
- 10 • R Eck explained there is Homeland Security money available that could be used
- 11 for supplies.
- 12 • V Saunders thanked P Masuyama for the presentation. V Saunders felt the City
- 13 may lack the public safety structure to monitor CERT teams in a disaster.
- 14 • S Gomm felt CERT as a model is a great model, but putting the people in the
- 15 model is difficult. The theory works, it is getting the people. She expressed
- 16 concern about getting people to volunteer.
- 17 • Clint Thompson stated he calls his Bishop.
- 18 • S Logan expressed concern about background checks. She asked if background
- 19 checks were required. She was also concerned about CERT members going off
- 20 on their own. P Masuyama explained CERT operates in teams, not as individuals.

21 **Item No. 9. Presentation. Council Member Stacie Gomm will present a policy**
 22 **methodology regarding the use of parks and athletic fields. (Amended 05/09/05)**

23 S Gomm gave the Council a Recreational Committee Report.

- 24 • R Eck suggested adding "and abilities" and changing "their lives" to "our lives"
- 25 in the mission statement.
- 26 • S Gomm explained the Committee defined five recreation levels. This was not
- 27 because the model had five levels; it was because that is how the City's current
- 28 recreation programs fit.
- 29 • V Saunders suggested replacing "city tax revenue" with "city budget allocation."
- 30 • S Gomm explained many cities put organized sports and exclusive park use at
- 31 level 5.
- 32 • S Gomm explained Von's Park is level four because it is exclusive; Zollinger
- 33 Park is a level three because it is not exclusive—only the pavilions are rented, not
- 34 the entire park.
- 35 • S Gomm felt explaining the methodology would reduce the complaints between
- 36 groups. She felt there may be some controversy when charging more for one field
- 37 than another or one sport than another.
- 38 • R Eck felt a citizen should get a break when using Von's Park. He felt non-
- 39 residents should be charged more. S Gomm explained that making exceptions
- 40 causes problems because of the justification. She explained the break is that
- 41 Providence residents can make reservations beginning January 1; non-residents
- 42 cannot make reservations until March 1.
- 43 • C Thompson asked about charging for lights on the ball diamonds.
- 44 • V Saunders felt a token acknowledgement for the light usage should be included.

- 1 • C Thompson stated Von’s Park was given in lieu of park fees as part of the
2 subdivision process. The property for Zollinger Park was purchased.
- 3 • Mayor Leonhardt felt the lights should be monitored and if necessary included
4 next year.
- 5 • D Johnson suggested a volunteer donation box at the parks. He explained in
6 another city the donations purchased lights.
- 7 • R Eck asked if overtime was paid for opening the park on Sunday. S Bankhead
8 explained part-time and temporary staff is used to help control the amount of
9 overtime.

10 **The Providence City Council will hold a study session after the agenda items. This**
11 **session will be open to the public; however no public comment will be heard and no**
12 **action will be taken on agenda items.**

13 Council Member R Liechty:

14 100 East:

- 15 • R Liechty expressed concern about trees on the east side of 100 East at
16 approximately 551 South. Their limbs are projecting in to the travel path. V
17 Saunders reported there is also a problem with sand and gravel going down the
18 road during storms.
- 19 • Mayor Leonhardt will talk with Public Works.

20 200 North 100 East:

- 21 • R Liechty expressed concern that a 6-foot fence was built on a street side yard. R
22 Eck explained the ordinance was changed; as long as the fence is back from the
23 corner so it allows clear view, it is permitted.

24 Temple View Estates walkway:

- 25 • R Liechty explained Bill Bertolio, 437 East 125 North, has put a fence on the east
26 side of the City walkway, which encloses City property. C Thompson stated
27 Marlin Hoth should not be allowed to fence the old right-of-way. C Thompson
28 felt the City should follow the County’s plan for opening right-of-ways.
- 29 • C Thompson reported the other walkway, 480 East 125 North, in Temple View
30 Estates has also been landscaped by the neighboring property owner, Charles
31 Kay.
- 32 • Mayor Leonhardt will follow up with staff. The Code Compliance Officer will
33 look at the property.

34 100 South

- 35 • R Liechty felt the fence on the road at 560 West should be removed. D Johnson
36 explained the City does not own the road.

37 Council Member S Gomm:

- 38 • S Gomm explained she gave her report during Item 8.
- 39 • Mayor Leonhardt reported the Wolverine team will be under new management
40 and will involve more local players.

41 Council Member D Johnson

- 42 • No additional report.

43 Council Member R Eck

44 Brookside Village:

1 • R Eck expressed concern about the parking strips in Brookside Village. He
2 explained the park strip changes from a 4' to 2'. Mayor will follow-up with D
3 Barnes.

4 Sunset Subdivision

5 • R Eck reported C Kendrick is concerned about absorbing the cost of the redesign
6 of the sewer system. S Bankhead explained the staff is waiting for C Kendrick to
7 submit documentation of the costs.

8 Storm Water:

9 • R Eck was concerned about the amount of mud, gravel, etc. on the roads caused
10 by recent storms. Mayor Leonhardt will follow up with Public Works.

11 Council Member V Saunders

12 Pineview Subdivision:

13 • V Saunders reported the residents are concerned about the lack of street lights
14 and other problems. Mayor Leonhardt will follow-up with staff.

15 CERT

16 • V Saunders explained P Masuyama really believes in the CERT program. He felt
17 R Eck made an important statement that someone was needed to spearhead the
18 program and keep volunteers motivated.

19 **Note: At any time during the meeting, the City Council may vote to go into an**
20 **executive session pursuant to Utah Code 52-4-5.**

21 Motion to enter an executive session – R Liechty, second – V Saunders.

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

23 Nay: None

24 Abstained: None

25 Excused: None

26 • The Council entered an executive session at approximately 9:10 p.m.

27 Motion to close the executive session – V Saunders, second – S Gomm,

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

29 Nay: None

30 Abstained: None

31 Excused: None

32 • The Council returned to the open meeting at approximately 10:30 p.m.

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

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

35 Nay: None

36 Abstained: None

37 Excused: None

38 • The meeting adjourned at approximately 10:30 p.m.

39

40 Minutes taken and prepared by S Bankhead.

41

42

43

44

45

Alma H. Leonhardt, Mayor

Skarlet Bankhead, City Recorder