

1 **PROVIDENCE CITY COUNCIL MEETING**

2 **August 22, 2006**

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
7 6:00 p.m. Anyone interested is invited to attend.

8
9 **Call to Order:** Ron Liechty
10 **Roll Call of City Council Members:** Ron Liechty
11 **Pledge of Allegiance:** Trent Rasmussen
12 **Opening:** Ron Liechty

13
14 **Presentations and Proclamations:**

15 **Item No. 1 Employee of the Quarter**

16 S Bankhead presented the employee of the quarter award to Steve Hancey for a job well done.
17 Steve was praised for being an outstanding backhoe driver, knowledgeable, helpful, and for doing
18 many things that go unnoticed. He was presented with a \$25 certificate from Iron Gate Grill.

19
20 **Item No. 2 Everett Thorpe oil painting on canvas titled “Providence Pioneer
21 Settlement,” on loan from the John F. Astle, Sr., Family**

22 Dale Astle, representing the family of John A. Astle, Sr., presented a mural to S Bankhead
23 depicting the early settlement of Providence to Providence City on loan as well as a plaque
24 honoring the artist, Everett Thorpe. Mr. Astle was his grandfather, and he acknowledged many of
25 his posterity in attendance. The mural is currently on the wall in the hallway.

26
27 Mr. Astle gave a brief history of his grandfather. His grandfather commissioned Everett Thorpe,
28 a well known artist, to paint the mural. A reproduction of the painting was presented by Mrs.
29 Astle and added that copies can be purchased. The reproduction depicts removing rocks and
30 establishing fields in the very early days of Providence. It was recently touched up after some
31 deterioration by Larry Winberg.

- 32
- R Liechty stated that the reproduction can be purchased in several sizes.
 - Dale Stauffer explained that standard copies of the original print come in 16 x 38 and 24 x 30 inch prints and is mounted the same way as the original, but any size can be printed.
 - The council asked the relatives to stand. They were from the Astle Family, Carling Family, Frank Family, Kendrick Family, and the Boyd Baer family.
 - D Johnson thanked Mr. Astle for the picture. He also noted that the mural has an interesting history.

33
34
35
36
37
38
39
40 **Consent Calendar:** All matters listed under the Consent Calendar are considered to be routine
41 and all will be enacted by one roll call vote. There will be no separate discussion of these items
42 unless members of the City Council, the public, or staff request specific items be removed from
43 the Consent Calendar for separate action.

- 44
- S Bankhead requested that Item No. 3 Resolution 06-55, be removed from tonight’s
45 discussion and be continued to a further time.

46
47 **Item No 1. Approval of the minutes for the July 25, 2006 City Council meeting.**

48 **Motion to approve the minutes for July 25th, 2006 – R Liechty, second – D Johnson**

49 **Vote:** **Yea:** K Baker, S Gomm, D Johnson, R Liechty, and T Rasmussen
50 **Nay:** None

1 Abstained: None
2 Excused: Mayor Simmons (temporarily)

3
4 **Item No. 2. Resolution of 06-054. The Providence City Council will consider for adoption a**
5 **resolution ratifying the award of the bid for the sidewalk on Main Street between 100 North**
6 **and 200 North.**

- 7 • R Liechty stated that the sidewalk has been completed and that it looks excellent.

8
9 **Item No. 3. Resolution 06-055. The Providence City Council will consider for adoption a**
10 **resolution awarding the bid for street repair on Bringham Drive.**

11
12 **Item No. 4. Resolution 06-056. The Providence City Council will consider for adoption a**
13 **resolution confirming the purchase of a vacuum truck.**

- 14 • Randy Eck explained that the cost is \$88,713. He gave the council a handout and explained
15 how the truck will help maintain the sewer system. A new truck would be about \$245,000.

16 Motion to approve Consent Calendar - S Gomm second - ??.

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

18 Nay: None

19 Abstained: None

20
21 **Public Comments:**

22 The City Council will hear comments from the public. There will be a three-minute time limit
23 per person and an overall time limit to fifteen minutes for the Public Comments portion of the
24 agenda. All comments are to be directed to the City Council. State law prohibits the City
25 Council from taking action on a specific item unless it appears on the posted Agenda.

- 26 • Rand Henderson said that those he represents are not sure what is happening under Agenda
27 Item No. 2 under Unfinished Business. He also mentioned that he would like to wait until the
28 next council meeting to be able to comment on this agenda item. He stated that the Design
29 Review Committee meetings have been open to the public and that the City is doing what a
30 diligent system should do in honoring that process for those who have been monitoring to be
31 able to make good comments to the council. He is suspicious of the July 25th meeting. His
32 staff and clients were out of town and were not notified of a discussion on the design review
33 for the Cove Subdivision. He stated that last week the meeting was moved from Tuesday to
34 Monday, and his staff missed that, also. He has made GRAMA requests for both of those.
35 He said several deficiencies were found, and he stated that asked the Planning Commission
36 should take another look. He also asked the Council to consider adopting an open meeting
37 policy that gives the citizens time to make wise decisions. He requested that an agenda be
38 designed that can be posted and opened. It looks to him as though the city wants to hide
39 something, but he does not think it is the city's intent. He asked for a resolution saying that
40 meetings will be open to the public with enough notice.
- 41 • Sharell Eames stated that she believes that there is not enough opportunity for concerned
42 citizens to express themselves at the time when the council is considering an item. As far as
43 Item No. #3 under New Business, she stated that she is not as concerned of the publication as
44 she is regarding the nominees and those who will serve on the Planning Commission. She
45 urged the City to make available the opportunity to speak on certain issues throughout the
46 meeting.
- 47 • Dale Siler stated that he was asked by property owners on 100 South and between 200 West
48 and 400 West to speak concerning Item No.1 under New Business. In February, the City
49 Council passed a resolution which resulted in a cul-de-sac being placed on the road. The
50 proposal stated that the road will be altered and widened. The City is involved with litigation

1 that was filed in March involving Providence and various homeowners, and that action is now
2 pending in First District Court. Four fences began to be worked and irrigation ditches began
3 to be covered up until the lawsuit was filed. He said, "And then you come back and say that
4 you need to do this by the numbers. Make sure that it is done before the public hearing." The
5 Council has stipulated that upon conclusion of the public hearing, litigation may be taken care
6 of. If the Council decides it would like to acknowledge the right-of-way, his clients indicate
7 a willingness to commit the proper width and scope of those easements to be able to take
8 control of the installation of the property. He asked that Providence City abandon the right-
9 of-way and give it to the homeowners. He represents the citizens who live from 200 West to
10 400 West.

- 11 • Elaine Anderson said she is representing the constituents west of 400 West and is here to
12 oppose the cul-de-sac. She said a lawsuit had been filed prior to work being done on the
13 road. She and her constituents want the road to be declared public. There needs to be
14 another way out of the city. She and the citizens who want the cul-de-sac met together as a
15 group to try to come to some kind of resolution some time ago, but it was a total waste of
16 time. She thought the ideas given were fair and reasonable. It has been a public road for over
17 100 years, and is willing to give up property in utility right-of-ways as long as the road stays
18 open, she said

19 R Liechty closed the public hearing.

20
21 **Public Comments:**

22 Providence City Council will hold a public hearing on Tuesday, August 22, 2006, at 6:20 p.m. to
23 consider a proposal to alter and widen a portion of 100 South between 200 West and 400 West
24 and locating a cul-de-sac at approximately 400 West.

25
26 **Motion to open Public Hearing - S Gomm, second - T Rasmussen**

- 27 • Elaine Anderson said it was mentioned that this process has gone on for a number of years,
28 and she wonders why residents who live on the road believe the road is private. Some of
29 those residents have forfeited their proportion of the road to the City already. She said she is
30 aware that the public utility and sewer lines need to be installed. She wonders what will
31 happen to the west side if the City puts a cul-de-sac in, which she believes is against the City
32 Ordinances. She believes that a resolution should be made that makes everyone happy and
33 that heavy traffic will not be welcomed. She feels that we need to help keep the public safe
34 and feels it is a public road and needs to be left a public road
- 35 • R Liechty commented that an agreement between the two groups may not work because there
36 is no budge on either side, and that he doubts it will ever happen.
- 37 • Gale Knapp commented on the closure of 100 South. She said that there is minimal growth
38 for streets to escape in a disaster situation and that a cul-de-sac would stop egress.
39 Amsource said it will help with the cost if the road is developed.
- 40 • David Anderson is a resident of the road. There is no problem with having back-to-back cul-
41 de-sacs. He voiced his concern with traffic and keeping residential from commercial.
- 42 • Lloyd Baer said he owns property in that vicinity and owns the right-of-way for his property
43 since his family has been here for years. He believes the road should be developed because
44 "we are residents of the city, too." Citizens in that area should not be able to control it.
45 Amsource and Discount Tire have given their land as a right-of-way. People ought to be able
46 to use that road as egress. He is concerned with being able to get his farm equipment through
47 Amsource parking lot.
- 48 • Bruce Copeland felt that he understands why residents want improvements made. He is
49 aware of cul-de-sacs and blocked roads. He strongly cautioned the Council that to put in cul-
50 de-sacs that block off roads cause more problems than they solve.

- 1 • Kendrick Campbell stated that he has previously worked on planning commissions. He
2 stated that Providence City has an advantage by having a road going east and west into
3 the city. In The League of City and Towns sessions, social barriers are strong items that
4 are looked at. He stated that there is more room for more residents or for a church, and
5 they need an easy access to the city. Changing the road to a cul-de-sac will be stopping a
6 lot of convenience people, such as utility workers, snow plows, mail people, and paper
7 boys in the way they commute. He stated that the citizens he represents will be proud if
8 the road is left open and would like the Council to look to the future.
- 9 • Mark Thompson asked how much traffic a narrow street can hold. He does not see the
10 need for another access. The roadway has been in use for 100 years, but it is non-existent
11 on a plat. This is an opportunity to make it a public street, and the City has not
12 recognized it as one. When he built, he had to get written permission from landowners to
13 travel to and from his home. When Stan Checketts built his home, he obtained a right-of-
14 way up and out of Curtis Lane because it was not a public street. With a cul-de-sac,
15 homeowners are willing to deed and dedicate their property at the proper width and make
16 it a public street so that utilities can be placed there.
- 17 • Terry Dunkley said they had to get permission to build there, and their families are the
18 only ones who want to come out. She stated that they have maintained and kept it as
19 their road, and it has been a private drive. The residents there plow the road and take care
20 of it. Landowners want to develop it for money. Only the residents of 100 South will be
21 affected.
- 22 • Jennifer Anderson said that a lot of time, money, and effort were given to this project. In
23 her opinion, the only way to widen the street is by the use of eminent domain. She
24 reminded the council that they said they would never vote for eminent domain.
- 25 • Elaine Anderson said that several of the citizens who have moved in and built on the road
26 relinquished their part of the road. They had to know then that it was not private
27 property.
- 28 • Dee Anderson stated that the road is a vital way to relieve some of the problems of sewer
29 on the east end of town. He asked the council to take consideration to leave the road
30 open.
- 31 • Terry Dunkley said that being a cul-de-sac will not stop sewer lines from going through.
32 A quiet road in a cul-de-sac will be of more value in her opinion.
- 33 • Dale Siler said he wants to make sure the City is clear about the status of the pending
34 lawsuit. The City has the authority to acknowledge the right-of-way. The public use of
35 this property based by statute is determined by its historical use and is about twelve feet
36 wide. He said, "You can make compliance and put sewer in easily if you make it a public
37 road. This makes it an opportunity to do so. At best, it is a public narrow road that is
38 inadequate, unsafe, and it does not have access for utilities and other things." It would
39 not be a wise thing to reverse previous Council action at this time.

40
41 Motion to close public hearing R Liechty, second D Johnson.

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

43 Nay: None

44 Abstained: None

45
46 **Back in Session 7:15 by Mayor Randy Simmons**

47
48 **Unfinished Business:** Mayor Simmons announced that Ron Liechty's house burned, and he
49 expressed his regrets. Donations will be accepted at the City offices.

1 **Item No. 1. Resolution 06-058. The Providence City Council will consider for adoption a**
2 **resolution to alter and widen a portion of 100 South between 200 West and 400 West and**
3 **locating a cul-de-sac at approximately 400 West.**

- 4 • S Bankhead stated that a copy of 06-009 was enclosed for background information. Also,
5 after looking at that, a red-line copy has been handed out. On Feb 14, 2006, Providence City
6 Council passed Resolution 06-009 stating the councils' intent to improve such section of 100
7 South, extension of the sewer line and upgrade the water main in the cul-de-sac on the west
8 end of Thompson and Peterson property, approximately 380 West. Council held up the
9 decision on August 22, 2006. The Providence City Council held a public hearing to consider
10 a proposal to alter and widen a portion of 100 South between 200 West and 400 West and
11 locating a cul-de-sac. The red part goes between what was just read. Whereas the current
12 residents along 100 South have offered to dedicate, at no charge to the city, adequate property
13 for a 50-foot right-of-way in a 120-foot cul-de-sac. If the cul-de-sac becomes a through
14 street, property owners will be compensated for their dedication.

15 On August 22, 2006, therefore, be it resolved by the Providence City Council that the City Staff
16 and the City Engineer are hereby authorized to begin to alter and widen a portion of 100 South
17 between 200 West and 400 West, to create documents for the dedication of property for right-of-
18 way and any other documents necessary to alter and widen 100 South as stated, and be it resolved
19 that the Providence City Council does not abandon any ownership easements or right-of-way the
20 City certainly has by dedicating the use and be it resolved by the Providence City Council this
21 resolution become effective immediately upon passage.

22 Motion to approve the red line version of this resolution – Kathy Baker, second – D Johnson.

- 23 • The motion previously made was: On August 22, 2006, therefore, be it resolved that by the
24 Providence City Council, the City Staff and the City Engineer is hereby authorized to begin
25 to alter and widen a portion between 200 South, between 200 West and 400 West, to create
26 documents for the dedication of property for right-of-way and any other documents
27 necessary to alter and widen 100 South as stated, and be it resolved that the Providence City
28 Council the creation of a cul-de-sac at approximately 400 West does not abandon any
29 ownership easements or right-of-way the City certainly has by dedication the use and be it
30 resolved by the Providence City Council resolution become effective immediately upon
31 passage. Motion to approve the red line version of this resolution - Kathy Baker, second - D
32 Johnson
- 33 • S Gomm read Item No. 1, Resolution 06-009 stating that the Providence City Council will
34 consider for adoption a resolution stating the council's intent for the improvement of 100
35 South from 200 South to Highway 165. Motion was to approve with a cul-de-sac, and it
36 failed. A motion was made to cul-de-sac the east end, and it failed. Motion was made to put
37 in a through street, and it did not get a second. There was a motion to table; there was no
38 comment. A motion was made to approve with a cul-de-sac passed.
- 39 • R Simmons said this resolution authorizes the City Staff to design, to alter, and widen the
40 portion and to begin. It was decided to put a cul-de-sac in without providing the four weeks'
41 notice necessary to actually do it. Legally, providing four weeks of notice is necessary and
42 the rules of posting notices have been accomplished. It is time to decide yes or no.
- 43 • D Johnson commented that it was also decided that a cul-de-sac can be made a through street
44 if needed.
- 45 • R Simmons said it was not part of the motion, but part of a statement.
- 46 • D Johnson stated that Mr. Campbell and Mr. Baer have issues concerning the road, but he
47 does not feel that the commercial area being established needs this outlet or that the people
48 need this street as an outlet.
- 49 • R Liechty asked Mr. Thompson and Mr. Anderson if they understood that the red part states
50 that if it is decided to be made a cul-de-sac, since the City owns the cul-de-sac and if the need

1 arises for the City to have a through street, it can be put through there and landowners will be
2 compensated.

- 3 • Mr. Thompson said that was the first he has seen of that proposal.
- 4 • S Bankhead said that it was out of the minutes D Johnson was referring to, from Council
5 Meeting Minutes February 14, 2006. D Johnson felt the cul-de-sac should be built so it can
6 open to go straight through 100 South in the future. S Bankhead in those minutes said the
7 residents wanted an agreement to never extend the cul-de-sac before they dedicate the right-
8 of-way. D Anderson said if the property owners are willing to give up the land for the public
9 now, and then in the future if the City decides to put a road through, the property owners
10 should be compensated.
- 11 • S Gomm said this has gone on long enough and wanted to vote. If there were any doubts, she
12 counseled to vote no.
- 13 • K Baker agreed and asked to vote without the red line.
- 14 • R Simmons said the red line says if the council changes its mind, then they have to
15 compensate for their trouble.
- 16 • Scott Wyatt said this council does not have the authority to bind the next council. It is only
17 fair that there is an absolutely clear statement that can be looked at. This is not to benefit the
18 city, but those who live there.
- 19 • T Rasmussen asked to clarify the compensation to the property owners, and it was determined
20 that they would be paid the current value.

21 Vote: Yea: D Johnson, K Baker, And T Rasmussen

22 Nay: S Gomm, R Leichty

23 Abstained: None

24
25 **Item No. 2. Ordinance Modification 009-2006. The Providence City Council will consider**
26 **for recommendation an amendment to Providence City Code Title 10 Zoning Regulations,**
27 **Chapter 2 Administration and Enforcement, by establishing an Appeal Authority and the**
28 **appeal process.**

- 29 • Mayor Simmons stated that a draft for this modification has not been written.

30 Motion to continue this Ordinance Modification 009-2006 until next Council Meeting - S Gomm,
31 second – R Liechty

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

33 Nay: None

34 Abstained: None

35 Mayor Simmons said The Board of Adjustment will continue as the appeal authority.

36
37 **Item No. 3. Discussion. The Providence City Council will discuss the Planning**
38 **Commissions recommendation to repeal inner block development and the lot Downsize**
39 **Zone.**

- 40 • Mayor Simmons said this is a discussion that puts the development committee on notice that
41 the City Council is considering making a change and that any proposal that comes in will
42 have to make any new requirements or be stopped. A copy of an E-mail from Kenny Norton
43 sent to Mayor Simmons was made available.
- 44 • R Leichty said he is concerned about privacy and is pushing for inner block development to
45 be abolished. He would like to put some kind of residential downtown, and historical inner
46 block residential design review in the historical area.
- 47 • Mayor Simmons questioned inner block privacy and asked if five issues can be identified.
- 48 • R Liechty stated that first issue is privacy of residents.
- 49 • Mayor Simmons asked if we should restrict how deep someone can build in their lot. R
50 Liechty agreed.

- 1 • K Baker stated that if a property owner is allowed to build and he has the right frontage, he
2 can set the house a long way back. No matter how you do it, it will be hard to stop that; she
3 said that she is not sure how bad it is, or how many pieces of property in Providence will
4 allow for it. That's different than putting in a road mid-block and filling in the inside of the
5 block with building lots.
- 6 • Mayor Simmons asked K Baker if she is suggesting that finite numbers on the blocks in the
7 downtown area be identified. K Baker answered yes, in the block areas of town. Baers and
8 Rinderknechts are not block areas. Old existing homes with landscaping in general since
9 residents bought the homes for what they were, and do not want somebody coming in and
10 building behind them.
- 11 • D Johnson is against it. As far as inner block development for sheds, barns, animal permits,
12 that is up to the land owners. He does not want to do away with green space. Everyone will
13 be crowded in. When someone who lives in an inner block development wants to develop
14 their property, they usually do not plan on living there. The Council members commented on
15 property owned by various owners who may want inner block development.
- 16 • Simmons then stated that the second issue would be to preserve some kind of urban open
17 space.
- 18 • K Baker stated that the third issue is that there is a major road part way through a block.
- 19 • D Johnson stated that the fourth issue would be water.
- 20 • K Baker suggested no new development be allowed that does not have a 95-foot front. That
21 way the city does not end up with a lot of small rules.
- 22 • Mayor Simmons stated that he is concerned with the 95-foot front. Some properties in old
23 Providence have homes on pioneer age properties that have 60-foot fronts. He asked why
24 there is a need for a 95-foot front. K Baker said because the ordinance said 95-foot front.
- 25 • Mayor Simmons stated that there is currently a rule in that part of town within the over-lay
26 that said the rule is a 70-foot front. He asked if there is a connection between the 95-foot and
27 the inner block, or does the 95-foot have some other purpose.
- 28 • K Baker stated that before the overlay zone was put on, it was a 95-foot zone. If the overlay
29 zone is removed, it will revert back to a 95-foot zone.
- 30 • S Gomm said our ordinances are based on good, sound, principles.
- 31 • Mayor Simmons asked what the principles are behind a 95-foot front. He also stated that
32 when the meeting began, it was decided to have a discussion about the proposal from the
33 Planning Commission that the City Council repeal inner block development. He said we are
34 discussing why we might do that and why we might not.
- 35 • D Johnson said inner block is an established four-sided block, and if two sides are open, let
36 the people come forward with what they want to do and how they are planning to do it, then
37 let them do with it what they want.
- 38 • R Liechty stated that he has never liked the overlay zone. He said he does not see the need.
- 39 • Gomm added to R Liechty's comment that it grandfathers the ones existing.
- 40 • Mayor Simmons stated that there are older citizens of Providence who own larger lots, but
41 they are not 95 plus 95. They want to split off and create a second lot next to their home and
42 use it as part of their retirement. That is why the Council said we will do an overlay for a 70-
43 foot frontage instead of requiring a 95-foot frontage.
- 44 • S Gomm stated that an inner block development can be said as the same thing.
- 45 • K Baker asked how many are left that had not been split and then been grandfathered.
- 46 • Mayor Simmons asked if there was anything else to address.
- 47 • S Gomm asked that the Planning Commission look at the overlay zone.
- 48 • Mayor Simmons said that the Planning Commission recommended that it be dropped.
- 49

1 **New Business:**

2 **Item No. 1. Discussion. Ed Thompson, State Agriculture Inspector, will discuss regulations**
3 **for making sauerkraut.**

- 4
- 5 • Mayor Simmons stated that the State Agriculture Inspector wants an approved recipe by the
6 State of Utah. The L.D.S. church will not approve the use of their canneries. Canneries in
7 Ogden and Boise were unavailable.

8

9 **Item No. 2. Discussion. William Bertolio will discuss a fence located on City property in**
10 **the general area of 437 East 125 North.**

- 11 • Bill Chambers representing Bill Bertolio stated that he researched the records at the
12 recorder's office, and he questions if Providence City owns two walkways identified on the
13 original and two plats on the Temple View Estates Subdivision. When the Bertolios
14 dedicated the plat, they did not intend to dedicate the ownership of the ground. As a result, it
15 did not pass the City. When the City allowed Bill to put a fence up, they allowed him to put
16 it where it is, and for it to come down if there is a bigger problem. Bill has not had an
17 opportunity to be here and be recognized, he stated. Mr. Chambers asked that the ordinance
18 be vacated.
- 19 • Mayor Simmons said the fence permit was granted by Providence City to Mr. Bertolio to put
20 the fence exactly where it is.
- 21 • K Baker mentioned that she picked up the owners dedication from the county court house and
22 it said that Bill was dedicating the street and public area shown in the plot for perpetual use
23 for the public. Mike Gleed told her it was in his estimation that it was dedicated to the City.
24 By granting him the fence permit, the City gave him back his dedicated walkway.
- 25 • Scott Wyatt said that the City owns the property, and they can choose to do it with that they
26 will. The City gave the permit with a possibility that there is a responsibility. It was for a
27 grant of use.
- 28 • R Liechty said it would resolve the issue if Bill gave the City the fence. He asked if the City
29 would want to take down the fence. He also said there is a reason for the right-of-way. If
30 both sides are developed, there is a way for children to come out without having to go around.
31 It was stated that the City has a 33-foot right-of-way that clearly identifies that it is there for
32 the same purpose (L shaped). It was given to the Rinderknechts because the City owns
33 another right-of-way. It is a public use right-of-way.
- 34 • Marilyn said two walkways were put in because when the upper bench was developed, the
35 upper kids would be able to use it.
- 36 • Bill Chambers said the question is whether or not Bill dedicated it as part of the public use.
37 There will be a legal fight to get it taken care of, he stated.
- 38 • Bill Bertolio said that he planned to put a walkway on the other side. I have no problem with
39 a walkway idea, he stated. He said the minutes did not say he had to dedicate walkways. Mr.
40 Gleed said someone else on his staff made that interpretation, and they wrote in the lot
41 numbers after the plots were recorded. They wrote in Providence City after Charles Kay filed
42 on what he thought was open land. He stated that he has no problem with the walkway being
43 utilized with shrubs and trees, but when he (Bill Bertolio) built the road like he did, he had
44 the idea that whoever did the other development would have a road that was to become a
45 public access right-of-way since it already was one. He was told by Brad Bearnson that he
46 would put a subdivision closure there if Bill would try to prevent a public use right-of-way.
47 He believes that when the decision was made on the removal of his fence, a lot of facts were
48 not known. His intent is not to create problems. Bill stated, "I did say that I will deed the
49 right of way to the City if you needed it. I did not say the walkway. I meant I would deed
50 over the walkway to the City, but not necessarily the land, #1 if there was a need for it; and,

1 #2 if it went somewhere. He stated that the property has been landscaped since 1986. He
2 believes he has been considerate. The fence is on the walkway which he thought he owned.
3 If it turns out in court that the City owns it, then he would like the City to leave the fence
4 alone.

- 5 • D Johnson asked Bill Bertolio if when he built the fence, he felt the fence was on his
6 property. Bill answered yes and that Brent Speth approved it.
- 7 • R Liechty asked if he would be okay with abandoning it. Bill answered yes and that he
8 would work with the Council.
- 9 • Bill Bertolio said R Liechty had Marlin's point of view and asked that both sides of the story
10 be heard before a resolution is made.
- 11 • S Gomm said lets just work out an agreement to pay for the ground. She asked Bill if he
12 would agree to that and not take it to court.
- 13 • Bill Bertolio said he does not think it is legal.
- 14 • S Gomm asked if he would agree if it was determined to be legal based on our legal council
15 and Bill answered yes.
- 16 • Mayor Simmons said that he will talk to Scott Wyatt about a resolution, but no action will be
17 acted upon tonight.

18
19 **Item No. 3. Discussion. The Providence City Council will discuss nominees and monthly**
20 **compensation for Planning Commission members and alternates.**

- 21 • Mayor Simmons suggested having more conversation about this issue and bringing it back at
22 the next meeting.

23 Motion to continue Item No. 3 - R Liechty, second - D Johnson.

24 Vote: Yea: K Baker, D Johnson, R Liechty, T Rasmussen

25 Nay: None

26 Abstained: None

27
28 Reconvened at 8:30 p.m.

29 **Item No. 4. Ordinance Modification 010-2006. The Providence City Council will consider**
30 **for adoption a request by Justin Pope for an ordinance changing the zone of a one acre**
31 **parcel of property described as Property Tax ID 02-096-0063, more commonly known as**
32 **560 West 100 South, from Agricultural to Commercial General District.**

- 33 • Mayor Simmons stated that the Council can approve this modification only if it is done under
34 the condition that it not take affect until the general plan is amended to allow for it in the
35 general plan. The Planning Commission has met the requirements; however, the City has to
36 amend the general plan as well as approve it.

37 Motion to table Item No. 4, Ordinance Modification 010-2006, requested by Justin Pope until the
38 next City Council Meeting pending the amending of the General Plan - R Liechty, second – K
39 Baker.

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

41 Nay: None

42 Excused: None

43
44 The next City Council Meeting will be held on September 26, 2006. K Baker and Mayor
45 Simmons will be unavailable on September 12, 2006.

- 46 • R Liechty asked how long Justin Pope can stay on commercial property if it is rezoned to
47 commercial.
- 48 • Mayor Simmons stated that he can stay on commercial property as long as he is doing it with
49 the understanding that he can find a buyer for commercial. He also explained that the

1 existing use says he can say there forever regardless of the changes made, but chances of him
2 staying are slim.

- 3 • D Johnson said he does not want to be in a catch 22 if Justin Pope decides not to leave. He
4 asked what would happen if Justin Pope sold, a business came in, and the new owner decided
5 to put a home in the back of his business. Mayor Simmons answered that a plat would have
6 to be approved before any of that happened.

7 T Rasmussen asked that a meeting be held after the Historical Committee meeting held on August
8 29, 2006, to review a presentation.

9
10 **Item No. 5. Resolution 06-057. The Providence City Council will consider for adoption a**
11 **resolution updating the Providence City Fee Schedule.**

- 12 • S Bankhead proposed a fee schedule listed in the packet. She requested a temporary
13 occupancy bond of \$1,000 from the building department be established. Sometimes homes
14 with temporary occupancy permits are never finalized because it is less expensive to let
15 \$500 go than to finish the occupancy. A \$1,000 occupancy bond for each residence will help
16 finalize the home giving the owners a true occupancy certificate. The fee schedule that this
17 was taken from was made in 1997 and hourly rates have increased. She also asked \$15 for a
18 GRAMA research request. The cost was taken on the gross hourly average rate. S Gomm
19 suggested that benefit rates be included. S Bankhead said it would be another \$5 per hour
20 which would total \$20.
- 21 • Mayor Simmons said in conjunction with the records minutes, he suggested making black
22 and white copies 10 cents. This will increase the rate charge for fees and decrease the rate for
23 copies.
- 24 • S Bankhead said that 11 x 17 copies should have a color copy charge of \$1.50. The
25 connection fees for the water system reflect the cost for a one-inch meter. She would prefer it
26 to say as per water meter size because a two-inch meter is going to have a substantially larger
27 connection fee than \$185 because of cost. This is not to be confused with an impact fee, but a
28 water meter fee. She also requested a \$50 fee for the sewer system. She asked that this fee
29 schedule not be passed tonight, but to give it some consideration. She said R Eck feels like
30 some of the things being left out on the temporary occupancy permit are sidewalks. On Park
31 and Recreation, the May 24, 2005 recreation philosophy is: \$45 charge for Vons Park, \$2 for
32 soccer fields per game, \$5 for the small baseball fields, and \$5 per game for softball
33 diamonds, \$12 for the large baseball field per game plus \$3 for lights if they are turned on.
34 She asked if the City would like to see the registration fees that are charged for activity
35 programs such as little league, baseball, volley ball and tennis, or if the City is comfortable
36 enough to let the staff establish an equitable fee each year. She also asked if it should be
37 done on a yearly basis or charged as needed. S Gomm said it can be flexible, but she would
38 still like to know what the end charges are.
- 39 • K Baker asked about water share prices on Blacksmith Fork and Spring Creek shares and if
40 there are any for sale. S Bankhead commented that the City has paid reasonable prices for
41 shares in the past.
- 42 • S Bankhead asked to continue this motion.

43 Motion to continue this discussion – R Leichty, second - D Johnson

44 Vote: Yea: K Baker, S Gomm, D Johnson, R Leichty, T Rasmussen
45 Nay: None
46 Abstained: None

47
48 **Staff Reports:** Items presented by Providence City Staff will be presented as informational only.
49 Randy Eck will report on the Public Works, Water, and Sewer Department

- 1 • R Eck stated that the crack and seal is done. The Center Street water and road project is up to
- 2 date as right now with a pre construction meeting on September 28, and the bid opening will
- 3 be September 30.
- 4 • The Hillsborough sewer is in the design stage.
- 5 • There is an irrigation leak that will be dealt with tomorrow.
- 6 • The Canyon Booster Station is complete. There was a leak in pressure but only losing 1 liter
- 7 of water and losing 60 pounds of pressure. It has been taken care of.
- 8 • R Eck received a price of \$39,000 for a light on 100 North and said no thanks.
- 9 • The water system on early Friday worked perfect. There was adequate water for Ron's
- 10 house.
- 11 • The truck is a fantastic deal at the cost of \$88,000. He praised A.G. Body for helping
- 12 purchase it and stated that the truck will be a great asset.
- 13 • The line fixed today will probably explode soon. He said he would not dare fix it since the
- 14 pipe is rotting.
- 15 • Concerning the fee schedule, when checking on the FEMA update, FEMA will only give half
- 16 of what the fee schedules are.
- 17 • K Baker said she has been getting calls from people who say they have no water pressure but
- 18 did in the past.
- 19 • R Eck stated that his department takes issues like this seriously, and asked K Baker to have
- 20 them call him.
- 21 • T Rasmussen asked what the city is doing with the entrance sign on 100 North. He presented
- 22 an idea of having a contest for the citizens to submit entries for a larger sign coming into the
- 23 City. R Eck said that was a City decision.

24
25 Skarlet Bankhead will report on the Administrative, Community Development, and Finance &
26 Records Departments.

- 27 • S Bankhead introduced Becky Turley as the new Office Assistant working with the minutes
- 28 and agendas for the City Council and Planning Commission.
- 29 • The Code Compliance worker quit today. The Cache County Sheriff's Office is exploring the
- 30 possibility of animal control, and S Bankhead will contact them and see how deep they want
- 31 to explore the subject. She will meet with them next week.
- 32 • Mayor Simmons received letter from Mark Teuscher. It will be ready for the next meeting.
- 33 B Sorensen was to contact him on updating the Land Use Ordinance, and he will give the
- 34 City a proposal. He is looking for an update in the Residential Development Element and
- 35 Affordable Housing Element in the General Plan. S Gomm was on the Planning Commission
- 36 and updated those four years ago for Affordable Housing. He is also looking at Land Use
- 37 Ordinances Update and Revised Residential Zones, and Inner Block Development issues. He
- 38 will be looking at it from the land use side as well as the business side. He will make sure
- 39 there are requirements for the Land Use Ordinance and develop clustering standards.
- 40 • An order from the State Engineer on permanent change 254462 was received. She read that,
- 41 "it is therefore ordered a change in 254462830282 is hereby approved subject to prior rights
- 42 and the following requirements." The requirements are the same as what was told and have
- 43 to subject to implementation of the Revised Bear River Compact. The applicant is allowed
- 44 437 feet each year. It is required that the ground water be diverted from the ground water to
- 45 provide a daily record.
- 46 • The City needs to demonstrate that depletions from the wells are compensated by reduction
- 47 of historically irrigated acreage. Priority of water being diverted from the ground water
- 48 source was dated May 24, 2005. The City has 40 days or until August 31, 2007 to respond.
- 49 The water must be put to beneficial use and fees filed on or before August 31, 2007, or
- 50 request a time for extension. We have the water.

- 1 • S Bankhead presented ideas on the City logos and changing the billing process. Several
2 companies have been contacted, and Jorgen Schvaneveldt's three possibilities were shown.
3 One represents a settlement in a big bend in the creek represented by a P, one a flower, and
4 one using trees. Each had a thought process. The thought was that there were three
5 nationalities represented when the pioneers came; Welch, English, and Swiss. She presented
6 the idea of making ID badges for the employees with the logo.
- 7 • R Liechty commented that it would be nice for employees to wear badges for the security of
8 the water system.
- 9 • S Bankhead stated that the audit will be next month. Auditors will be coming September 18
10 through the September 22.

11
12 **Council Reports:** Items presented by the City Council members will be presented as
13 informational only; no formal action will be taken. The City Council may act on an item, if it
14 arose subsequent to the posting of this agenda and the City Council determines that an emergency
15 exists.

16
17 Council Member Stacie Gomm:

- 18 • S Gomm has checked with the Logan City Library and came up with an idea. If Providence
19 City wanted to get out of the Cache County Library, Logan would look toward working with
20 them and reducing the rate of a Logan City Library Card for the residents for the Logan City
21 Library. They are looking at \$50 a card without an agreement. They will probably go to \$40
22 or \$45 per card per citizen or family per year. Providence pays Cache County \$18,000 and
23 River Heights pays \$5,000, plus Providence City pays for the maintenance on our library.
24 She stated that we have fought to get a County library, but it will never happen. The Council
25 stated that they were interested into looking into this with Logan. Logan is talking about
26 taking the portion Providence puts into the library now to help cover the citizen's portion. If
27 we pay into the Logan Library, the citizens will benefit even more, but they may lose the
28 library here. Mayor Simmons asked S Gomm to get real numbers. If we put in X amount,
29 the citizens will pay less. We maintain and pay for our library; it may close if we go to
30 Logan. In all of the statistics, the library is considered to be the Book Mobile and costs
31 would have to be separated. Book Mobiles are being looked at being used for the purpose
32 intended and that is to be used in areas that do not have sufficient libraries.

33
34 Council Member Ron Liechty:

- 35 • R Liechty reported that Master Mechanics agreed with the City to have no more than ten
36 vehicles in their repair shop at night. Some nights he has 27 vehicles and U-hauls, and it is
37 becoming an eye sore.
- 38 • Mayor Simmons is concerned about the sign being too big. He has talked with Scott Wyatt
39 concerning complying with the ordinance. Since there are no penalties at this time, he said he
40 will write a letter to them. If they do not comply, then he will get an order from the judge. If
41 they do not reply, the judge will put them in violation and the state will deal with it. He
42 stated that there were strict rules established when Master Mechanics was built.
- 43 • R Liechty stated that he publicly wanted to thank the City for handling his home fire and
44 noted that they probably saved a life.

45
46 Council Member Deon Johnson:

- 47 • D Johnson spoke concerning garbage disposal. He is getting calls asking what the City is
48 going to do.
- 49 • Mayor Simmons said he met with Scott Wyatt two weeks ago and decided what to do in
50 going forward with requests for proposals. Until the City receives the proposals, there is

1 nothing the City can do. Logan City requires a one year's notice, so it will be that long
2 before change occurs. Kidman's said they will have an option of recycling, and they will
3 have a place where trucks with garbage can be dumped. There are also requirements for
4 fulfilling their financial stability which Larry Ander is drafting. The south end cities are
5 paying Scott Wyatt to go over the proposal.

- 6 • S Gomm stated that this item needs to be discussed with the public because not everyone
7 agrees. She also stated that she does not agree.
- 8 • D Johnson said it is an issue that should go to the ballot.
- 9 • K Baker stated that she loves the green waste program Randy Eck has implemented. She
10 would not like to see it go away.
- 11 • Mayor Simmons said that the Logan Environmental Department tried to do away with the
12 bins, but the County Council said no. He also commented on how a backhoe was there every
13 day to keep things under control.
- 14 • K Baker noted that the bins were always full.
- 15 • Mayor Simmons asked T Rasmussen to comment about his meeting held on August 29, 2006.

16 Council Member Trent Rasmussen:

- 17 • T Rasmussen commented on how he took care of fair display. He stated that next year
18 hopefully the Youth Council will help. The Fender Bender concert went over better than any
19 other. He suggested having them back for the next meeting.
- 20 • T Rasmussen also said he, along with Dan Turner and Dave Boatwright, would like to make a
21 presentation on the Phase I Spring Creek Trail System after the Historic Preservation meeting
22 on August 29, 2006, at 7:00 p.m.
- 23 • Mayor Simmons asked for a motion to go into executive session and that R Eck participates.

24 Motion to enter into an executive session to discuss the potential purchase of property – R
25 Liechty, second – D Johnson. Entered approximately 9:30

26 Motion to close – R Liechty, second – T Rasmussen.

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

28 Nay: None

29 Abstained: None

30 Closed – 9:48

31 Motion to adjourn R Liechty, second – T Rasmussen

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

33 Nay: None

34 Abstained: None

35 Meeting adjourned at approximately 9:48 p.m.

36 Minutes taken and prepared by B Turley.

37
38
39
40
41
42 _____
43 Randy Simmons, Mayor

44 _____
Skarlet Bankhead, City Recorder