

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **August 25, 2009**

3 **Providence City Office Building**

4 **15 South Main Providence, UT**

5

6 Call to order:

Mayor Simmons

7 Roll Call of City Council Members:

Mayor Simmons

8 Attendance:

K Baker, J Russell, D Astle, D Low

9 Excused:

R Liechty

10 Pledge of Allegiance:

David Low

11

12 **OATH OF OFFICE:** 2009-2010 Providence City Youth Council

13 S Bankhead gave the oath of office to the Providence City Youth Council. There are 25 members this year. S Bankhead  
14 explained what the Youth Council does during the year. A couple of the things that they help with are the Sauerkraut Dinner  
15 and Providence Days Celebration. Terri Wennergren is their advisor.

16

17 **Approval of the minutes for July 9, 2009 City Council Meeting:**

18 **Motion to approve the minutes from July 9, 2009: J Russell, K Baker second**

19 The Mayor gave T Lewis a few changes that need to be made.

20 **Vote: Yea: K Baker, J Russell, D Astle, D Low**

21 **Nay: None**

22 **Abstain: None**

23 **Excused: R Liechty**

24

25 **PUBLIC COMMENTS:**

26 S Eames said Mary Jensen believed that her property went to the middle of the road. She understood that if she gave that  
27 property to the City they would have to pay for the sidewalk and the curb and gutter in front of their house. S Eames wants to  
28 know how eminent domain works.

29 R Simmons said that he didn't believe that the conversation with Randy Eck and Skarlet Bankhead went that way. There was  
30 no eminent domain and he suggested that she talk to Randy Eck and Skarlet Bankhead. S Eames said that Mary Jensen talked  
31 to R Eck and S Bankhead.

32 R Eck said Mary Jensen contacted him. She asked him what was going to happen to her property. There would be curb and  
33 gutter and sidewalk on both sides of her property and it would make her property look terrible. R Eck, S Bankhead, Max  
34 Pierce, Mary Jensen and her husband met and decided if the Jensen's would give the property to the City, the City would put  
35 in the curb and gutter and sidewalk. The City would also put up a retaining wall. S Bankhead said in order to do this the City  
36 needs to know exactly where the property line is. The City surveyed it. The Jensen's cut down a tree and removed some of  
37 the sod. R Eck believed that this was a very amicable decision between the two parties. He feels bad that she is unhappy with  
38 this.

39 S Eames said Mary Jensen felt like she was forced into it.

40 D Astle asked what the cost for the City was.

41 R Eck said between \$15,000 and \$17,000. This is the road, curb and gutter and sidewalk.

42 D Astle said this will improve her property values.

43 K Baker said Mary Jensen also called her and discussed this matter.

44 R Eck said he felt like the City went above and beyond.

45 S Bankhead said Mary Jensen felt that the developer should be the one to do the upgrades. 400 East is included in the Impact  
46 Fee study. There are sufficient funds for the City to do this. Mary is also concerned with the lot to the east of her. The City  
47 cannot help her with these two items.

48 R Simmons said the City does not have to do this. If M Jensen is upset about this she needs to talk to R Eck again.

49

50 **PUBLIC HEARING (6:15 pm):**

51 The Providence City Council will hold a public hearing to receive public comment on adjusting the 2010 Budget for the  
52 following funds: General, Capital Project, Water, Sewer and Storm Water.

53 **Motion to open the public hearing: D Astle, D Low second**

54 **Vote: Yea: J Russell, K Baker, D Low, D Astle**

55 **Nay: None**

1 **Abstain: None**

2 **Excused: R Liechty**

3 S Bankhead said these were projects that the City hoped would get finished in 2008-2009 project year. Historic Preservation  
4 website and the Providence City History Book were allocated and not spent. There was also a debt service account that we  
5 can use in water projects. Staff would like to move this money forward. The 100 South sewer project also needs to be moved  
6 forward. The Class C Road Bond that was retired. That account is now free to move forward. There was also money in the  
7 vehicle account for off road. We need to purchase a lawnmower and a sewer truck. We are not asking for any new money.  
8 This money just needs to be moved forward to use in 2009-2010.

9 K Baker asked why they weren't finishing the 100 South Road.

10 S Bankhead said Impact Fee money cannot be used on this road. We would have to use Class C money or General Fund  
11 money. The citizens on the road do not want asphalt or curb and gutter at this time.

12 D Anderson said the only concern was the fences.

13 R Eck said the fences have been moved.

14 R Eck talked about the different road projects that have been completed. He explained that Dale's Well and the truck that was  
15 ordered in June didn't get here until after July 1<sup>st</sup>.

16 S Bankhead asked for an additional \$18,000 for water projects and \$65,000 for road projects.

17 D Anderson said he received a letter from the City. He doesn't believe that what has happened is what was discussed during  
18 the meetings that he attended. He understood that what the City took out the City would put back. He doesn't feel like this is  
19 being done.

20 R Simmons said he believes this is something that people remember differently. This is an ongoing 30 year problem.

21 R Simmons said this project is happening because D Anderson has been a great help with it. The City and D Anderson have  
22 different opinions.

23 **Motion to close the Public Hearing: J Russell, D Low second**

24 **Vote: Yea: all**

25 **Nay: None**

26 **Abstain: None**

27 **Excused: R Liechty**

28  
29 **BUSINESS ITEMS:**

30 **Item No. 1. Resolution 09-026.** The Providence City Council will consider for adoption a resolution adjusting the 2010  
31 Budget for the following funds: General, Capital Project, Water, Sewer and Storm Water.

32 **Motion to approve with the \$18,000 for water projects and \$65,000 for road projects: D Astle, K Baker second**

33 **Vote: Yea: K Baker, J Russell, D Astle, D Low**

34 **Nay: None**

35 **Abstain: None**

36 **Excused: R Liechty**

37  
38 **Item No. 2. Discussion:** Keith Thompson and Dan Miller will present ideas for campsites and recreation in Providence  
39 Canyon.

40 K Thompson said that D Miller in an article in the paper asked if anyone would like some information on Providence Canyon  
41 he would be glad to show them what is being done. D Miller met with the Forest Service about this.

42 K Thompson drew a sketch on the board explaining where the fences are. He would like to open this area up.

43 R Simmons asked about the stream.

44 K Thompson said during the summer this area dries up. He feels like the four-wheelers should be allowed to drive through  
45 the stream during the summer.

46 D Miller said the Forest Service will never go along with this.

47 K Thompson asked what they could do to open this up and keep the four-wheelers out. He feels like making this area a  
48 campsite would fix this problem.

49 Meg Hawks with the Forest Service said a developed campsite would keep the four-wheelers out of this area.

50 K Thompson said a camping area up the road would make a good shooting area. A little down from there is also a good spot  
51 to shoot.

52 D Miller said the Forest Service won't make a designated area for shooting in the Canyon. This area could be a great  
53 camping spot. The Forest Service doesn't want fire pits or tables. If the citizens of Providence wanted to put together a plan  
54 the Forest Service would look at it.

55 R Simmons said he and Val Simmons met with Connie and Garrison with the Forest Service about opening up the camping.  
56 They were not opposed to this idea.

57 D Miller suggested using Eagle Scouts to start this project. Hopefully this would keep people off the hills.

58 R Simmons said it would cost about \$40 to do a 16 foot section. This would be under \$1,500.

1 V Simmons said there are rules and regulations on campsites. If it is an established campsite there are certain things that have  
2 to be done maintenance wise. He felt like the City could use RAPZ money. He explained that they were talking about moving  
3 some of the fencing around the stream. They thought that this was culinary water that they were destroying.

4 M Hawks said the fencing has been removed in some areas.

5 D Miller said at this time he doesn't want the City to do anything. This meeting is for informational purposes only.

6 K Thompson said that S Bankhead told him that the City has no authority up the Canyon. He hoped that the City would give  
7 them their blessing to maybe use scouts and volunteers to help with this project.

8 V Simmons said this needs to be turned over to Peggy Wilson. If she agrees with this the Forest Service will be on board.

9 There was also an arrowhead found which could shut the whole program down. At least some progress is being made.

10 R Simmons said he would like to meet with Peggy Wilson, Dan Miller, Meg Hawks and Keith Thompson.

11 D Astle said he thought they could get private donations to fund this.

12  
13 **Item No. 3. Resolution 09-027.** The Providence City Council will consider for adoption a resolution appointing the election  
14 judges and alternate judges for the Primary and General Election.

15 **Motion to approve: J Russell, K Baker second**

16 **Vote: Yea: K Baker, J Russell, D Low, D Astle**

17 **Nay: None**

18 **Abstain: None**

19 **Excused: R Liechty**

20  
21 **Item No. 4. Ordinance No. 004-2009.** The Providence City Council will consider for adoption an ordinance amending  
22 Providence City Code Title 7 Public Ways and Property, Chapter 1 Streets, Sidewalks and Public Ways by adding regulations  
23 for park strips greater than 4 feet but less than 6 feet and making the planting of trees optional in park strips, making the  
24 developer responsible for the initial installation of street lighting, clarifying failure to remove snow.

25 **Motion to approve: J Russell, D Low second**

26 K Baker asked if there were any park strips that were wider than 6 feet.

27 S Bankhead believes there are a couple of subdivisions that are. If the Council accepts the downtown street area there will be  
28 some areas that are wider than six feet.

29 S Bankhead said that Rocky Mountain Power now charges the City to plant the poles for power. We are now passing this on  
30 to the developers. The City required the developers to plant trees in the park strips as part of the new development. If there is  
31 no one in the house or they don't know where the driveways will be this was problematic. We have a park strip approved tree  
32 list and we would like for the homeowners to decide where they want trees.

33 D Astle feels like this would become a hodgepodge of trees if the City doesn't give them certain trees to plant.

34 S Bankhead said the City could work with the developers and their CC&R's on what was required.

35 D Low asked if there were any developments where they could plant whatever trees they wanted.

36 S Bankhead said there are more subdivisions that aren't uniform than are. We could narrow the list of trees.

37 D Astle feels like CC&R's are not a very good way to control things.

38 D Astle would like to change some of the wording in the ordinance. S Bankhead took down the changes.

39 D Astle had an issue with the time that the sidewalks need to have the snow removed.

40 V Simmons said if there is something there you can at least enforce it when needed.

41 R Simmons asked D Astle if he wants to leave 9:00 am.

42 D Astle wants to change 9:00 am to 10:00 am.

43 **Motion to strike 7-1-4A K Baker, D Low second**

44 **Vote: Yea: J Russell, D Low, K Baker, D Astle**

45 **Nay: None**

46 **Abstain: None**

47 **Excused: R Liechty**

48 D Astle asked about lighting.

49 S Bankhead said the options are talked about in the Spec Book and Site Plans.

50 D Astle asked about park strips. Do you want to require stamping?

51 S Bankhead said this is one area that we are not making any changes.

52 **Motion to substitute should for shall. D Astle, K Baker second**

53 **Vote: Yea: D Low, K Baker, D Astle**

54 **Nay: J Russell**

55 **Abstain: None**

56 **Excused: R Liechty**

57  
58 D Astle asked about prohibited materials. Does this control overhanging limbs?

1 S Bankhead said that is exactly what this ordinance change was for.

2 D Low asked how this stuff is enforced.

3 S Bankhead said when someone complains about things we send the Sheriff's department out, they verify the complaint and  
4 the City sends out a letter. If they don't respond the Sheriff's Department cites them.

5 **All in favor as amended:**

6 **Vote: Yea: D Astle, K Baker, D Low, J Russell**

7 **Nay: None**

8 **Abstain: None**

9 **Excused: R Liechty**

10  
11 **STAFF REPORTS:**

12 S Bankhead said 100 East and Canyon Road when it rains hard gets a lot of debris down the road. R Eck is going to put in  
13 some little mini dams to try and slow the water down. It has been hard to find someone to do the formatting for the Meet the  
14 Candidates night. Eric Frandsen has agreed to do the formatting and the hosting. This will be held on September 2, 2009 at  
15 the Providence Elementary School. Kickball and 4vs4 Soccer has started. Sauerkraut Dinner Tickets go on sell September 1,  
16 2009. We are taking sign-ups for the Car Show. The next Council meeting will be September 22, 2009 due to the ULCT  
17 Conference. The City is looking at a new cross walk on 200 West and 300 South. DRC is working on the Use Chart and the  
18 downtown area streets. Staff talked about Impact Fees and Capital Improvements. They believe that there needs to be a joint  
19 workshop with Council and DRC to talk about Impact Fees and what to do with them and about them. The Council agreed  
20 with this. This will be held on September 29<sup>th</sup>. Craig Call would like to have a joint workshop with the Planning Commission  
21 to discuss the proposed commercial/residential mixed use. This will be held on October 14<sup>th</sup>.

22  
23 **COUNCIL REPORTS:**

24 D Astle asked about establishing a crosswalk at the top of Center Street and Satsuma. Maybe a sign or crosswalk to alert  
25 drivers to children crossing. Also does the new car wash across from Maceys hook up to our meter?

26 S Bankhead said she would check on that.

27 K Baker talked about the trees along the roads that are dead or dying. Should we remove them?

28 S Bankhead said we can talk to Mark Malmstrom and have him check on them.

29 R Simmons said we will have Mark look at them and have him make a recommendation.

30 S Bankhead suggested we also talk to Logan City about their trees.

31 R Simmons said the Blacksmith Fork Irrigation Company applied for a 420 foot pipe where the stream comes through  
32 Millville before it splits. The State will loan \$73,000 at zero percent and the Irrigation Company will pay the remainder. The  
33 increase will be about \$4 per share a year. Also, the Historic Preservation Commission has done a great job but they are  
34 working outside what our ordinance says. We need to change this Commission to work within the ordinance and State Code  
35 or change them to a Citizens Committee.

36 R Simmons and S Bankhead met with Lt Chad Jensen and Sheriff Nelson about the Sheriff's Department following up on  
37 some issues in the City. There should be an immediate response to these issues. The City needs the citizens to let them know  
38 if they have concerns about the way the Sheriff's Department handles problems.

39  
40 **Motion to adjourn: J Russell, D Low second**

41 **Vote: Yea: K Baker, J Russell, D Astle, D Low**

42 **Nay: None**

43 **Abstain: None**

44 **Excused: R Liechty**

45  
46 Meeting adjourned at 7:55 pm

47 Minutes taken and prepared by Terri Lewis

48  
49  
50  
51 \_\_\_\_\_  
Randy Simmons, Mayor

\_\_\_\_\_ Skarlet Bankhead, City Recorder