

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **August 28, 2007**

3 **Providence City Office Building**

4 **15 South Main, Providence UT**

5  
6  
7 Call to Order: Mayor Randy Simmons  
8 Roll Call of City Council Members: Mayor Randy Simmons  
9 Attendance: K. Baker, S. Gomm, D. Johnson, R. Liechty, T. Rasmussen  
10 Pledge of Allegiance: Ron Liechty  
11 Opening: Kathy Baker  
12

13 **APPROVAL OF THE MINUTES FOR AUGUST 14, 2007 CITY COUNCIL MEETING:**

14 **Motion to approve the minutes- R. Liechty Second- D. Johnson**

- 15 • Page 3 line 18, explained, not exclaimed  
16 • Page 14, line 3, number should be 350 not 35.  
17 • Page 11 line 34, should be a third party not a second party  
18 • Page 11 line 35, add word for after third party  
19 • Page 13 line 48, Broad Hollow, not Rock Hollow  
20 • Page 14 line 11, He said there was enough power to fight the power should be “He said there was  
21 enough power to fight the fire.”  
22

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

24 Nay: None.

25 Abstained: None.

26 Excused: None.  
27

28 **PUBLIC COMMENTS:**

- 29 • Linda Goetze met a disabled Providence City resident, Joyce Joy, who has had problems with the  
30 Alma Leonhardt Park. She was speaking for Joyce and wanted to let the Council know that the park is  
31 not friendly for children with disabilities. She felt the City should do something because there is no  
32 ladder for handicapped children to climb down a certain area of the playground. There is also a broken  
33 ramp that she notified the Council of. She expressed concern that the ramp would make wheelchair  
34 bound patrons go all the way onto the grass instead of stopping on the sidewalk.  
35 • Sandor Schiess mentioned some trees that, in D. Johnson’s opinion, had been spoken of at an earlier  
36 council meeting as a safety hazard. He just wanted to re-iterate his concern about the trees across the  
37 street from the ones that have now been removed. He urged the City to do something about them, and  
38 said he would pay to replace them with whatever the city designates as the proper trees.  
39 • Mayor Simmons let him know that Mark Malstrom, the arborist the City usually uses, is very busy and  
40 the City is considering speaking with other arborists about situations like Mr. Schiess’.  
41

42 **UTAH LEAGUE OF CITIES AND TOWNS REPORT:**

43 The following are issues the Legislative Policy Committee from the Utah League of Cities and Towns have  
44 been discussing:

- 45 • Mayor Simmons showed three proposals they are working on to help aide the change in form of  
46 municipal government. The Do Nothing, Quick Fix, and Substantial Fix proposals were shown. The  
47 Do Nothing plan would leave the code just like it is. The Quick Fix plan would give mayors the ability

1 to contest any change in form of government and place the question on the ballot. The Substantial Fix  
2 plan would mean re-coding the entire section of the Code Book and redefine the available forms of  
3 government, require a vote to change form, and prescribe executive and legislative functions. The Utah  
4 League of Cities and Towns is entertaining the idea of all three plans at this point.

- 5 • Mayor Simmons then spoke about water questions. The Division of Drinking Water and the State  
6 Water Engineer are the two people who are the “bosses” about water for a city. They have very  
7 differing ideas and motives for how they decide how water can be used. The Legislative Policy  
8 Committee is proposing that a general plan be made to help synchronize the goals of cities, the State  
9 Water Engineer, and the Division of Drinking Water. There are several questions that must still be  
10 raised about this issue.
- 11 • Land Use Task Force Recommendations were then read by Mayor Simmons. They want training for  
12 every city. The training information they are working on will be done in December. The Planning  
13 Commissions and City Councils must be trained. It is also proposed that impact fees will not be able to  
14 be enforced immediately but will have a delayed effective date. There will be objective criteria for  
15 Geologic Hazards and Wetlands and making a specialist panel for resolving disputes. A two year  
16 maximum warranty limitation is also in the works because some cities have it longer right now.
- 17 • Justice Nehring, a Utah Supreme Court judge, is trying to revamp municipal justice courts and hire  
18 judges from the state. He wants a state run system, not a city run system. The Justice Court met and  
19 gave differing recommendations. The Utah League of Cities and Towns is supporting the Justice  
20 Court’s recommendations.

#### 21 **UNFINISHED BUSINESS:**

#### 22 **Item No. 1. Ordinance No. 016-2007. The Providence City Council will consider for adoption an** 23 **ordinance amending Providence City Code Title 7 Public Ways and Property by adding Chapter 8** 24 **Storm Water Generally, Chapter 9 Storm Water Managements, and Chapter 10 Storm Water** 25 **Construction Activity Permit and amending Title 4 Chapter 1 Nuisances to provide that the** 26 **discharges identified in 7-8-4(b) are not considered nuisances.** 27

- 28 • Motion to approve Ordinance No. 016-2007 as amended: S. Gomm Second: T. Rasmussen
- 29 • S. Bankhead wanted to show some minor changes in Chapter 9. Chapter 9 was not in the packet so  
30 copies were made.
- 31 • K. Baker didn’t understand the definition of “disturbed area” on page 3 of 12. S. Gomm let her know  
32 that the word “disturbed” was separate from “disturbed area” and you had to read both to understand  
33 them.
- 34 • Page 7 of 12, Storm Water Management: change to “shall be recorded at the County Recorder’s  
35 office” instead of “shall be recording in court house”
- 36 • Page 9 of 12, No. 4: change to “the cost of cleanup may be” instead of “the cost of cleanup maybe”
- 37 • Page 9 of 12, T. Rasmussen asked who was responsible for enforcing the clean-up required in 7-8-7.  
38 Randy Eck answered the storm water crew.
- 39 • Several Council members felt that “may be” should be changed to “shall”.
- 40 • S. Gomm said that we should leave the wording as “may be” instead of “shall” so that the city is not  
41 forced to prosecute.
- 42 • S. Bankhead said that the Sheriff’s Office will write a citation and then if they don’t pay then that is  
43 when it will go to court.
- 44 • R. Eck said they want to try to work with some people, and see if they will work with the City instead  
45 of just immediately fining or prosecuting them.
- 46 • K. Baker asked why “French drains” was added.

- 1 • R. Eck said that it is because French drains carry sediment, not just water.
- 2 • K. Baker felt “French drains” should be added everywhere the word “sump” occurs.
- 3 • French drains will also need to be included in the definitions in 7-8-2.
- 4 • Page 5 of 12: Operator: change to: the “party or parties who” instead of “party or parties that”
- 5 • Page 2 of 12: Cleanup: change to: pre-existing condition instead of pre-construction condition.
- 6 • S. Bankhead went through the Chapter 9 suggested changes from staff. They added 7-9-5: Nuisances.
- 7 • 7-9-5: Don’t capitalize whether, structural, or non-structural.
- 8 • 7-9-3: Authority is misspelled.
- 9 • Motion to approve Ordinance No. 016-2007 as amended during discussion: S. Gomm Second: T.
- 10 Rasmussen

11  
12 Vote: Yea: K. Baker, S. Gomm, D. Johnson, R. Liechty, T. Rasmussen.

13 Nay: None.

14 Abstained: None.

15 Excused: None.

16  
17 **Item No. 2. Resolution 07-029. The Providence City Council will consider for adoption a resolution**

18 **approving the elections judges for the primary election to be held September 11, 2007.**

- 19 • S. Bankhead told about the rigorous duties of the election judges. She read the names of the people
- 20 that have committed to serving as election judges and alternates. Judges are for the city municipal
- 21 primary election only. The County appoints judges for the November election.
- 22 • Motion to approve Resolution 07-029: D. Johnson Second- R. Liechty
- 23 • Sharell Eames asked if the November election will be held at the church house as well. S. Bankhead
- 24 said yes, they wanted to hold the primary at the same place as the county so people would have
- 25 consistency. She also added that they are using paper ballots for the primary, but the machines in
- 26 November.

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

29 Nay: None.

30 Abstained: None.

31 Excused: None.

32  
33 **NEW BUSINESS:**

34 **Item No. 1. Resolution 07-032. The Providence City Council will consider for adoption a resolution**

35 **to recertify the Providence City Justice Court.**

36 Motion to approve Resolution 07-032- D. Johnson Second- K. Baker

37  
38 Vote: Yea: K. Baker, S. Gomm, D. Johnson, R. Liechty, T. Rasmussen.

39 Nay: None.

40 Abstained: None.

41 Excused: None.

42  
43 **Item No. 2. Resolution 07-033. The Providence City Council will consider for adoption a resolution**

44 **amending the Providence City Fee Schedule by increasing the fees for impounding and boarding**

45 **stray animals.**

46 Motion to approve Resolution 07-033- S. Gomm Second- T. Rasmussen.

1 R. Liechty asked why they will be making the change. Mayor Simmons told him that it was to be  
2 consistent so that if the pound increases fees then the city also can without passing a new resolution.  
3

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

5 Nay: None.

6 Abstained: None.

7 Excused: None.  
8

9 **Item No. 3. Resolution 07-034. The Providence City Council will consider for adoption a resolution**  
10 **changing the due date for Providence City utility bills to the 20<sup>th</sup> of each month.**

11 Motion to approve Resolution 07-034- R. Liechty Second- D. Johnson  
12

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

14 Nay: None.

15 Abstained: None.

16 Excused: None.  
17

18 S. Gomm made a request to get the Providence City code changes given to the City Council with normal  
19 punches to make it more advantageous to put them in their current code books.  
20

21 **STAFF REPORTS:**

22 **Skarlet Bankhead:**

- 23 • Welcomed Katie McDermott and said that she will be working with land use and taking minutes.
- 24 • She also informed them that a former employee was rehired that did crossing guard work before, Terri  
25 Wennergren. She will be working as the front office receptionist.
- 26 • She gave an update about T-Ball that started last week. She expressed to the Council how much fun  
27 the 3-4 year olds and their families are having with the program. She told the times that the games are  
28 held.
- 29 • The 4-on-4 soccer program has also started as well as Rocky Mountain Baseball. She encouraged  
30 everyone to go to Zollinger Park to enjoy the activities.
- 31 • The annual audit will now be in October instead of September because the auditors needed to  
32 reschedule.
- 33 • “Meet the Candidates” will be at Providence Elementary at 7:00pm on Wednesday, August 29, 2007.  
34 She listed the address and other details.
- 35 • Elinor Hanson asked why she hasn’t seen it advertised. S. Bankhead said it has been posted in the  
36 newsletter and there have been posters. It was also in the newspaper this morning. L. Fisher  
37 commented that she had seen it in the paper.

38 **Randy Eck:**

- 39 • He reported that the Hillsborough trunk line is almost done, and that the Public Works Department is  
40 getting very close to completing several projects.  
41

42 **COUNCIL REPORTS:**

43 None

44 Mayor Simmons explained that Sept. 25 will be the next regularly scheduled City Council meeting because  
45 Sept. 11 is election night. He also mentioned Dave Church’s information that is in the packet.  
46

47 Motion to enter into executive session to discuss property acquisition- D. Johnson Second- T. Rasmussen.

1 Motion to close the executive session – R Liechty, second – S Gomm. Closed at 7:15; returned to open  
2 meeting.

3 Motion to adjourn – R Liechty, second – S Gomm, all in favor.

4 Meeting adjourned at 7:15 p.m.

5 Minutes taken and prepared by Katie McDermott.

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Randy Simmons, Mayor

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Skarlet Bankhead, City Recorder