

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **September 22, 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, R Liechty, D Astle, D Low
9 Excused:	
10 Pledge of Allegiance:	Boy Scout Troop 89

11
12 **Approval of the minutes for August 25, 2009 City Council Meeting:**
13 **Motion to approve the minutes from August 25, 2009: R Liechty, K Baker second**

14 Last page line 32 – the state will loan \$73,000 at zero percent interest.

15 **Vote: Yea: K Baker, J Russell, D Astle, D Low, R Liechty**

16 **Nay: None**

17 **Abstain: None**

18 **Excused: None**

19

20 **PUBLIC COMMENTS:**

21 None

22

23 **BUSINESS ITEMS:**

24 **Item No. 1. Discussion:** The Providence City Council will discuss hunting within the City limits.

25 R Simmons said that a couple of weeks ago a citizen complained about a deer being killed in his yard.

26 C Carlston explained State Code for using firearms in the City. He used the white board to explain the code. If a person is within 600 feet of another person’s property he must get permission to hunt in that area. A municipality can regulate the distances. Cities cannot eliminate hunting completely. DWR owns the deer. The Sheriff’s Department follows State Law.

27 V Simmons doesn’t feel that Providence City is the place to hunt with a high powered rifle. He believes a bow and arrow could be used with specific regulations. They could be required to shoot from a tree stand at least 10 feet off the ground. Put them in a very specific area. They must have permission from a property owner and a copy turned into the City. Every arrow is marked with name and number of the hunter. This would help the City have an eye on the situation. One of the problems we have is there are those who love the deer and there are those who don’t. He believes the deer population needs to be controlled.

35 C Carlston said this is where the City can pass additional restrictions on top of what the State already has.

36 R Liechty said there are more than 200 deer in the City limits.

37 V Simmons said the deer herd will continue to grow because there are no predators.

38 R Liechty asked what the City liability is if someone is hunting in one of these areas and someone is hit with an arrow.

39 C Carlston said he doesn’t believe that the City has any liability.

40 R Simmons said he talked to DWR and they said there were 12 to 15 bow hunters hunting in Providence this year.

41 R Simmons said he doesn’t feel like firearms should be used in the City.

42 K Baker would like the distance to be increased to 1000 feet.

43 R Simmons said he would try to get DWR to come to the next meeting and talk about the deer problem.

44 Sheriff J Robinson said that 600 feet is along way.

45 J Russell said he is more concerned about where the deer are compared to where the hunter is.

46 Sheriff J Madsen said the issue with the dead deer is where it ended up. The shot was great but it didn’t drop the deer. The owner of the property didn’t want the hunter coming on his property.

48 V Simmons said you don’t want to put restrictions on property owners so they can’t protect their own property.

49 The Council would like for Craig Carlston to get more clarity on the State law.

50

51 **Item No. 2. Resolution 09-028:** The Providence City Council will consider for adoption a resolution accepting the Canvass for the Providence City Primary Election returns.

53 **Motion to move to the 1st Item of Business: R Liechty, J Russell second**

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

55 **Nay: None**

1 **Abstain: None**

2 **Excused: None**

3 S Bankhead talked about the elections. She would like to make the Election returns official. That is the City Council's job.
4 She explained the Provisional ballots and how they needed to be counted. She read the new totals to be made official. The
5 canvass results were: D Astle 3 votes, K Baker 2 votes, D Barnes 1 vote, D Calderwood 3 votes, R Call 7 votes, C Kirk 3
6 votes, W Simmons 0 votes. The total official results are: Dale Astle – 199 votes, Kathy Baker – 164 votes, Dee Barnes – 58
7 votes, Don Calderwood – 234 votes, Ralph Call – 319 votes, Carrie Kirk – 130 votes, Wendy Simmons – 81 votes. Dale
8 Astle, Kathy Baker, Don Calderwood and Ralph Call are the nominated candidates for the November 3rd vote.

9 **Motion to accept the canvas: R Liechty, K Baker second**

10 **Vote: Yea: R Liechty, K Baker, J Russell, D Low, D Astle**

11 **Nay: None**

12 **Abstain: None**

13 **Excused: None**

14
15 **Item No. 3. Resolution 09-029:** The Providence City Council will consider for adoption a resolution adopting an Identity
16 Theft Prevention Policy.

17 **Motion to approve: J Russell, D Astle second**

18 C Carlston said this is a federal mandate that the City has to incorporate. At this time the City has no policy. If the City
19 doesn't have a policy it could cost the City \$1000 per occurrence.

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

21 **Nay: None**

22 **Abstain: None**

23 **Excused: None**

24
25 **Item No. 4. Ordinance No. 005-2009:** The Providence City Council will consider for adoption an ordinance amending
26 Providence City Code Title 10 Zoning Regulations Chapter 1 General Provisions and Chapter 6 Use Regulations by:

- 27 • **Chapter 1 General Provisions.** Adds definitions for Clinic, Commercial Complex, Convenience Store, Department
28 Store, Flag Lot, Front Setback, Light Manufacturing, Lot Width, Primary Building Setback, Rear Setback, Shopping
29 Center, Specialty Store/Shop, Variety Store and modifies the definitions of Frontage and Home Business.
- 30 • **Chapter 6 Use Regulations.** Adds existing conditional and permitted uses listed in the business licensing section of
31 Providence City code to the Use Chart in Chapter 6.

32 **Motion to approve: R Liechty, D Low second**

33 R Simmons explained that this ordinance went to DRC and then to Planning Commission. The proposed changes are in red.
34 Change Chapter 1 – 7-17 Frontage – the distance along the parcel as measured along the right of way line.

35 **Motion to make change to Frontage definition: R Liechty, D Low second**

36 **Vote: Yea: R Liechty, D Low, J Russell, K Baker, D Astle**

37 **Nay: None**

38 **Abstain: None**

39 **Excused: None**

40 K Baker said 8 and 9 of 17 – do we want to do away with Home occupation. Do we want to limit a home business so it
41 doesn't get too big? How big a home business do we want to allow?

42 R Simmons said you can't have more than 4 employees.

43 R Liechty said he is concerned about this one. He thinks that this size of a business should be in commercial. Home
44 Occupation and Home Business is the same thing.

45 R Simmons said that with these home business codes the City has the ability to make businesses move when they get too big.

46 D Astle asked about minimum annual revenue. Could it be controlled this way? How is the amount of annoyance measured
47 in the neighborhood?

48 R Liechty said that can be controlled by the parking ordinance and nuisance ordinances, etc.

49 R Simmons said there are businesses in the City that will be grandfathered in.

50 C Carlston explained if a business is grandfathered in they can't change their business.

51 D Astle said that maybe the City should make the ordinance more restricted and say that when you get too big for your
52 basement your too big for the City.

53 R Liechty said he doesn't care about the dollar figure.

54 C Carlston said you need to maintain the aesthetic look of the neighborhood.

55 D Astle said he is more worried about the accessory dwellings.

56 C Carlston said he believes that is the intent of the ordinance to keep the growth of the business down.

57 V Simmons said it shouldn't matter how much money you make it should be determined by the growth of the business. This
58 is already regulated by ordinance.

1 A Wolford said that he would like to repair Harley Davidson's in the shop on his property.
2 R Simmons said at this time his business would be a conditional use.
3 J Russell said he doesn't want to keep people from starting up a business.
4 D Low said that he doesn't want to limit business he wants to keep the City beautiful.
5 R Liechty said he runs a business out of his home.
6 J Russell asked about setting hours.
7 V Simmons said you get a conditional use permit and it gives you conditions that you have to live by.
8 R Liechty said that Planning Commission believes that neighbors will complain if there is a problem, then the City will look
9 into it.
10 C Carlston said the more subjective it gets the harder it is to enforce. They need to be broad enough to cover everything. You
11 need to draw the line somewhere.
12 S Bankhead read the requirements for having a home business. People that get a business license have to live up to a higher
13 standard.
14 D Astle said the City Council is eliminated from any dispute that arises.
15 S Bankhead said the Land Use Authority is the City Administrator, Public Works Director and City Engineer.
16 K Baker asked about the Checketts business.
17 C Carlston said they would be grandfathered in. There are other problems with this business that need to be dealt with.
18 J Russell feels like this ordinance is pretty fair and straight forward. The business owner needs to recognize when their
19 business is too large for residential.
20 D Astle said this is where the City needs to be more restrictive in dealing with businesses.
21 **Motion to delete on page 12 of 17 – Ranch, orchard, etc. J Russell, R Liechty second**
22 **Vote: Yea: J Russell, K Baker, R Liechty, D Astle, D Low**
23 **Nay: None**
24 **Abstain: None**
25 **Excused: None**
26 S Bankhead talked about the comments that the Planning Commission made.
27 K Baker asked about the open space definition that Glenn Busch presented to the Council.
28 **Motion to accept G Busch's definition for open space: K Baker, R Liechty second**
29 **Vote: Yea: J Russell, K Baker, R Liechty, D Low**
30 **Nay: D Astle,**
31 **Abstain: None**
32 **Excused: None**
33 **Substitute motion: Change definition to read: A portion of land or development site that is permanently set aside for**
34 **public or private use, etc. D Astle, J Russell second**
35 **Vote: Yea: J Russell, D Astle, K Baker, R Liechty, D Low**
36 **Nay: None**
37 **Abstain: None**
38 **Excused: None**
39 **Motion to approve with amendments: J Russell, D Low second**
40 **Vote: Yea: J Russell, D Low, K Baker, D Astle, R Liechty**
41 **Nay: None**
42 **Abstain: None**
43 **Excused: None**
44
45 **Item No. 5 Ordinance No. 006-2009:** The Providence City Council will consider for adoption an ordinance amending
46 Providence City Code Title 3 Business and License Regulations Chapter 1 General License Provisions and Chapter 4
47 Conditional Businesses.
48 **Motion to approve Title 3 Chapter 1: R Liechty, K Baker second**
49 Pg. 3 of 10 – D. Child care – should be requires instead of includes.
50 D Astle page 9 of 10 – B – why is his right taken away to cross examine witnesses.
51 **Motion to strike out the strike out: D Astle, D Low second**
52 **Vote: Yea: D Astle, D Low, R Liechty, K Baker, R Liechty**
53 **Nay: None**
54 **Abstain: None**
55 **Excused: None**
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58

1 **Motion to continue Title 3 chapter 4 until the next meeting on October 13, 2009: J Russell, R Liechty second**

2 **Vote: Yea: J Russell, R Liechty, D Astle, K Baker, D Low**

3 **Nay: None**

4 **Abstain: None**

5 **Excused: None**

6
7 **STAFF REPORTS:**

8 S Bankhead told the Council that kickball and soccer are coming to an end. The Sauerkraut Dinner and Car Show will be the
9 end of October. Staff is working on Capital Facilities. It will be on the next agenda. Meet the Candidates will be held on
10 October 15th at the Elementary School from 7:00 to 8:30 pm. It is being advertised in the paper and signs around town. Early
11 voting begins October 20th for two weeks.

12 The joint workshop will be held on October 14th. Craig Call will be present for this workshop.

13 D Astle talked about standards for conditional uses. They need to be part of the ordinance.

14 100 South is coming along. The fences have been reimbursed. We are about 75% done. Max Pierce, Rob Stapley and Randy
15 Eck have stayed on top of the construction. An irrigation pipe that appeared to be out of use was actually necessary so it had
16 to be fixed. Amsource and Sky Properties have had businesses looking at their properties. Rocky Mountain's arborist and
17 George Humbert came up and looked at the trees. R Eck is putting together a proposal for trees that need to be removed.
18 Rocky Mountain Power would not take responsibility for the trees dying but they will take care of removal and replanting.
19 Staff recommends that the trees be taken care of a block at a time. The Council agrees with this plan.

20 Watering the trees is an issue. The property owners will be talked to about taking care of the trees. Trees along 100 North
21 were watered by Park Employees until we put in a drip system.

22
23 **COUNCIL REPORTS:**

24 K Baker talked about the Utah State Retirement system changes that they want to make.

25 S Bankhead said Public Safety has to pay 23% compared to 11% for municipalities.

26 S Bankhead said that young healthy employees don't want retirement benefits they want the money in their pockets.

27 D Low talked to D Cook and wanted to know if there is an ordinance against noxious weeds.

28 S Bankhead said that neighbors have to complain and then we get a hold of the Fire Department.

29 D Low said that he has gotten a lot of complaints about weeds.

30 S Bankhead said there are different rules for agricultural land.

31 R Simmons said we can ask the Fire Department to go look at it.

32 D Low asked how much property would be taken from the citizens on 400 South.

33 R Simmons said whatever property the City owns is where we will take it at sometime. Until the City Council decides what
34 they want to do the citizens need to stay behind their property lines.

35 D Low talked about getting better avenues for putting information out to the Citizens. He suggested using the Valley Channel
36 and a better web page.

37 The Council talked about different ways they could reduce some of the expense.

38 D Low said the Library wants to cut a few of the limbs in the back so the new bookmobile can park. There is also a cable that
39 hangs down too low for them to park.

40 D Astle suggested that the bookmobile be parked up at the City Shop during the evening.

41 J Russell said he is making himself available the 3rd Thursday of each month to talk to the Citizens. He will start that on the
42 15th. He has started meeting with S Bankhead and R Simmons to talk about the budget.

43 R Liechty asked about the possibility of Gold's gym going into the Maceys subdivision. He's afraid if they take a big chunk
44 of our commercial that will cost us. S Bankhead said that she has to talk to Craig Call and see if our new ordinance is far
45 enough along to require them to bring retail with them.

46 R Liechty, Keith Thompson, Peggy Wilson and Meg Hawks met and talked about the fencing up the canyon. They suggested
47 if you want the fences moved you need to change the forest service plan by getting the community to sign a petition. The
48 Forest Service has to respond to the citizens. North Logan disallowed shooting in their Canyon. This would take some of the
49 pressure off.

50 R Simmons asked if Craig Carlston would check into this and see if we can file a complaint.

51 S Bankhead suggested that R Liechty and C Carlston sit down together and come up with a plan.

52 K Thompson suggested having Val Simmons involved in this process.

53 R Simmons suggested that if D Astle gets re-elected he might want to look at being on the ULCT legislative board.

1 **Motion to adjourn: R Liechty, D Astle second**
2 **Vote: Yea: K Baker, J Russell, D Astle, D Low, R Liechty**
3 **Nay: None**
4 **Abstain: None**
5 **Excused: None**
6

7 Meeting adjourned at 8:37 pm
8 Minutes taken and prepared by Terri Lewis
9

10
11 _____
12 Randy Simmons, Mayor

Skarlet Bankhead, City Recorder