

1 **Providence City Council Meeting**  
2 **Providence City Office Building**  
3 **15 South Main, Providence UT**

4 Tuesday, September 27, 2005 6:30 p.m.

5 **Attendance:** Mayor: Alma H. Leonhardt

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

8 City Recorder: Skarlet Bankhead

9 **The Providence City Council will hold a study session at 6:00 p.m. in the City Council**  
10 **Chambers. This session will be open to the public; however no public comment will be**  
11 **heard and no action will be taken on agenda items.**

12 100 South sewer and water extensions:

- 13 • Deon Johnson explained the City originally planned on extending the sewer west of  
14 200 West on 100 South; however lack of funding stopped the extension. At present,  
15 the City has enough in impact fees to extend the sewer west to SR165. The 100  
16 South residents will be able to connect for the original \$900 amount.
- 17 • V Saunders expressed concern that traffic be able to flow during construction. D  
18 Johnson explained the contract will require the contractor to keep the road open as  
19 much as possible during construction.
- 20 • Scott Jones, 225 West 100 South, asked where the sewer line would be installed.  
21 Dave Anderson, 260 West 100 South, explained the water is in the middle of the road  
22 and the gas company has an easement on the south side. D Anderson also explained  
23 the widest part of the road is 22 feet and the narrowest is 12 feet.
- 24 • Mark Thompson, 375 West 100 South, and Reese Peterson, 386 West 100 South,  
25 presented a plan that had been discussed by the area residents. M Thompson  
26 explained, for the most part, the property owners own to the center of the road. They  
27 explained the property owners are willing to work with the City, but would like a cul-  
28 de-sac. M Thompson and R Peterson would be willing to donate enough additional  
29 property for a cul-de-sac.
- 30 • V Saunders asked about connecting streets. M Thompson explained a leg could  
31 allow his property to be developed. Rex Gustaveson, 414 West 100 South, could  
32 extend a road south from 100 South to 325 West. The home owners are willing to  
33 give up the property for the street as long as the City will allow the cul-de-sac. The  
34 residents would also prefer the road be left as a dirt road.
- 35 • M Thompson explained property owners to the west could access the proposed  
36 extension of Spring Creek Parkway.
- 37 • Mayor Leonhardt explained even with the cul-de-sac proposal the sewer will extend  
38 west to connect with the existing sewer coming east from SR165. V Saunders and D  
39 Johnson agreed with the proposal.
- 40 • Mayor Leonhardt explained the road and the cul-de-sac would be fully developed.  
41 Mayor Leonhardt explained the City would consider the narrowest width of asphalt.  
42 R Eck explained with storm water mandates curb and gutter should be installed. D  
43 Anderson felt 29 feet of asphalt would impact some fences.
- 44 • M Thompson explained the residents will have another meeting and appoint a spokes  
45 person.
- 46 • S Jones did not want to loose his trees.
- 47 • Mayor Leonhardt explained the waterline may need to be upsized.

- 1       • M Thompson explained if the cul-de-sac is not allowed, the property owners do not  
2       want to participate.

3 Council Reports:

4 Mayor Leonhardt:

5 Planning Commission vacancy:

- 6       • Mayor Leonhardt recommended Kristina Eborn be reappointed to the Planning  
7       Commission. S Gomm did not have an opinion one way or the other, but felt getting  
8       members to attend the meetings was critical.  
9       • S Gomm reported Mimi Recker would also like to serve. R Liechty reported Lance  
10      Campbell would like to serve on the Planning Commission. V Saunders reported  
11      Mary Hubbard would also like to serve.

12 Council Member R Liechty:

13 Providence Town Center:

- 14      • R Liechty reported the developers for Providence Town Center will be presenting  
15      their zoning plan for the development. They are asking for multi-family high density  
16      for the southeast 4.39 acres. The public hearing will be held on September 29.  
17      • V Saunders and S Gomm suggested restrictions on the development.  
18      • R Liechty explained he has a conflict on the 29<sup>th</sup>. S Gomm and V Saunders will plan  
19      to attend.

20 Council Member S Gomm:

21 Soccer field concerns:

- 22      • S Gomm requested a park rules sign near the far west soccer field. She also  
23      requested animal control visit the games.  
24      • The Council discussed the enforcement of no animals in the parks. The Council felt if  
25      the City was going to have a rule, it should be enforced.  
26      • S Bankhead will follow up with staff.

27 Providence Highlands

- 28      • S Gomm suggested inviting Imagine Development to give the Council an update on  
29      the progress of the subdivision.

30 Council Member D Johnson:

31 Utah League of Cities & Towns fall conference:

- 32      • D Johnson reported the ULC&T conference was very beneficial. He reported  
33      speakers from Santa Clara spoke about disaster response. They stated for the first 48  
34      hours, you are on your own. The important thing to remember when trying to get  
35      disaster money from the government is to document everything.  
36      • V Saunders reported he recently heard cities should plan on taking care of their own  
37      during a disaster for three weeks.  
38      • D Johnson stated the City's water system is in the top 10 in the state. The sewer  
39      system is also very good.

40 **The Providence City Council will begin discussing the following agenda items at 7:00**  
41 **p.m. Anyone interested is invited to attend.**

42 **Pledge:** Mayor Leonhardt                      **Opening:** Randy Eck

43 **Minutes:**

44 Motion to approve the minutes of September 13 – V Saunders, second – R Eck,

45 Corrections:   None

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

47           Nay:   None

48           Abstained:   None

1           Excused:        None

2   **Item No. 1. Peterson Allred Jackson will present the 2005 Audit Report.**

3   Allan Allred and Diana Canal represented Peterson Allred Jackson

- 4       • Diana Canal presented the City of Providence Financial Statements for the year ended
- 5       June 30, 2005. D Canal reported the total net assets of the City of Providence
- 6       increase approximately 5.3% to \$11,532,470.
- 7       • D Canal thanked the staff for their cooperation and assistance during the audit.
- 8       • Mayor Leonhardt thanked A Allred and D Canal and their staff for the professional
- 9       way they handled the audit.

10 Motion to accept the report and thank Peterson, Allred, Jackson for all the work they have

11 done – V Saunders, second – R Liechty,

12 Vote: yea:   R Eck, S Gomm, D Johnson, R Liechty, V Saunders

13       Nay:   None

14       Abstained:   None

15       Excused:   None

16 **Item No. 2. The Veterans' Memorial Committee, represented by Glade Davis, will**

17 **present a proposal for perpetual care for the Veterans' Memorial**

18 Glade Davis, Hoyt Kelly, and Keith Watkins represented the Committee.

- 19       • G Davis reported the Committee has completed the project and would like to turn the
- 20       remaining money to the City for perpetual care of the Monument.
- 21       • Hoyt Kelly reported the completion of the Monument involved over 300 people. The
- 22       late Nate Zollinger and Lloyd Leonhardt were also committee members. Cordell
- 23       Lundahl was ill and could not attend.
- 24       • They presented the City with a check for \$14,070.78. In exchange they made two
- 25       requests: first that the City continues to maintain the Monument; second that the City
- 26       purchases the flags for the graves of the veterans' for Memorial Day.
- 27       • Mayor Leonhardt thanked the Committee and stated what a great feeling he
- 28       experiences as he passes by the Monument.
- 29       • D Johnson reported a representative of KSL Channel 5 expressed gratitude and
- 30       complimented the City on the Monument.
- 31       • S Gomm asked how often the Monument was pressure washed. K Watkins explained
- 32       usually once per year.
- 33       • G Davis thanked the City, the staff, and the volunteers for all their help.

34 Motion to accept the check with sincere appreciation – R Eck, second – S Gomm

35 Vote: yea:   R Eck, S Gomm, D Johnson, R Liechty, V Saunders

36       Nay:   None

37       Abstained:   None

38       Excused:   None

39 **Item No. 3. Discussion. The Providence City Council will discuss a preliminary plat for**

40 **Eagleview Estates Phase II Subdivision, a residential subdivision containing eight lots,**

41 **located generally at Eagleview Drive and Sherwood Drive**

- 42       • V Saunders stated he still had the same concerns of allowing building near the power
- 43       lines.
- 44       • V Saunders also reported he spoke with Steve Rush. S Rush had some concerns.
- 45       • S Bankhead reported she also spoke with S Rush. He referred her to the National
- 46       Electrical Safety Code. S Bankhead also reported S Rush explained the code requires
- 47       a 17-foot clearance from the cross arm or conductors. Dave Williams, City Building

- 1 Official, explained as long as structures are built within the guidelines of the NESC,  
2 they can be built near the power lines.
- 3 • R Liechty, S Gomm, and R Eck also expressed concern regarding the power lines.
  - 4 • V Saunders felt the other concern was the grade of the road. D Turner explained  
5 everything has been designed within the ordinance.
  - 6 • D Johnson asked if it was cost prohibitive to bury the power lines. J Nixon explained  
7 it would be very expensive, approximately \$250,000 per set of poles. He also  
8 explained the poles are not on the property being developed. J Nixon also explained  
9 S Rush was going to send the Council a statement from UP&L.
  - 10 • R Liechty did not feel UP&L was saying it was safe; they just don't want  
11 obstructions in the right-of-way.
  - 12 • D Turner reported he asked UP&L the specific question of how safe is it. He  
13 reported S Rush stated it just doesn't happen that often. He only knew of one lender  
14 that objected to lending on a home where the power pole was close enough to fall on  
15 the home.
  - 16 • S Gomm asked about notification to property owners about building in the easements.  
17 D Turner felt with the placement of the lots, it would not be a problem. S Gomm felt  
18 fences would be built along the property lines. D Williams explained a fence is not  
19 considered a structure unless it is higher than six feet.
  - 20 • D Williams read from Pacific Corp rules regarding construction. Notice must be  
21 given to Pacific Corp prior to construction. He suggested that notification of the  
22 requirements be noted. He also reported the lines are well above the minimum  
23 requirements.
  - 24 • R Eck expressed concern about snow melt running into the City streets from Talon  
25 Court. D Turner explained the slope on Talon Court is 0.5% and the water will flow  
26 into the catch basin. S Gomm asked if the property owners would decide how and  
27 where to push the snow. J Nixon explained this will be similar to the situation off of  
28 Center Street where four homes access a private lane.
  - 29 • R Eck asked if the upper ditch issue had been resolved. J Nixon explained the ditch  
30 is higher than the property.
  - 31 • Clint Thompson felt during the August 23 meeting there was some disagreement  
32 about the legal call-outs and the written agreements, which presented some concern  
33 to Bruce Jorgensen. C Thompson and G Davis have spent time reviewing the  
34 minutes as far back as 1969. It is their opinion that the water share agreement only  
35 extends to the east end of Phase 3. This property is east of Phase 3. C Thompson  
36 read from the Baer/Nixon Waterline Agreement. In C Thompson's opinion, the  
37 hook-ups would be charged for a 10-year period; the Agreement did not say anything  
38 about water shares, only a connection charge.
  - 39 • G Davis explained the property was outside of the City at the time of the Agreement.  
40 He, as mayor at the time, would not have agreed for services beyond the City's  
41 boundary. J Nixon explained the City limits are the same now as when the  
42 Agreement was made.
  - 43 • C Thompson explained the City limits are not involved, only the boundary of Phase  
44 3. He felt there are probably 8 or 10 homes that have been built that fall into the  
45 category of no water.
  - 46 • J Nixon explained at the time the Agreements were signed there was no mention of  
47 the ditch. Carl Spear explained the Agreement was never about water only the

- 1 demand for hook-ups. C Thompson explained the exchange agreement came about  
2 because homes had connected using Nixon's infrastructure.
- 3 • S Gomm read a portion of the Agreement that states the 26 shares are for the Phases  
4 and the undeveloped property. J Nixon explained the undeveloped property was  
5 owned by the development.
  - 6 • R Eck thanked C Thompson for the research. R Eck asked if the City Attorney had  
7 reached a decision. S Bankhead explained B Jorgensen has the corrected map but she  
8 has not received his opinion.
  - 9 • R Liechty verified with J Nixon they owned the property. J Nixon explained the  
10 boundary line of the ownership has not changed. He felt the intent of the agreement  
11 was that the water shares were for the entire amount of property.
  - 12 • G Davis did not feel the ground was in the City limits. J Nixon stated he respected G  
13 Davis but explained the Annexation Agreement occurred before G Davis was mayor.
  - 14 • J Nixon felt if the Agreements could not be depended on, he would involve his legal  
15 council. Mayor Leonhardt stated the Council will try to have something by the last  
16 meeting in October.

17 **Item No. 4. Resolution 05-041. The Providence City Council will consider for adoption**  
18 **a resolution authorizing reimbursement to Craig Kendrick for off-site sewer installation**  
19 **in connection with the Sunset Estates Subdivision**

- 20 • R Liechty reviewed the history of the payments. He reported, when the C Kendrick  
21 originally asked for reimbursement, there was a \$20,000 discrepancy. City staff met  
22 with C Kendrick and his contractor; they justified \$10,000. At that meeting, C  
23 Kendrick also asked for reimbursement for engineering fees to redesign the sewer at  
24 the lower depth. C Kendrick was told to submit the fees and they would be reviewed.  
25 When staff paid C Kendrick's request for design fees and excavation, they thought  
26 the excavation amount was for the justified \$10,000. C Kendrick has since explained  
27 the excavation amount paid was for the additional depth. R Liechty explained the  
28 Developer was told repeatedly the City would not pay for extra depth. The City  
29 Engineer also told the design engineer the subdivision must be built at the proper  
30 depth. In addition, R Blossom substantially reduced the amount for the redesign.  
31 Instead of the City owning C Kendrick an additional \$7,000, R Liechty felt the  
32 developer now owes the City \$5,000.
- 33 • S Gomm questioned the extra depth requirement. R Eck explained the City Code  
34 requires infrastructure to be installed so it can be extended to service other properties  
35 in the area.
- 36 • R Eck felt this should be handled in a civil, upfront way. He expressed concern that  
37 C Kendrick and R Blossom did not attend tonight's meeting. S Bankhead reported  
38 she asked C Kendrick to bring Kelly Loosle and R Blossom to tonight's meeting. C  
39 Kendrick did not want to involve K Loosle and R Blossom. Instead, C Kendrick  
40 provided a written statement from R Blossom.

41 Motion to not approve Resolution 05-041 – R Liechty, second – D Johnson

42 Vote: yea: D Johnson, R Liechty

43 Nay: R Eck, S Gomm, V Saunders

44 Abstained: None

45 Excused: None

- 46 • D Johnson explained if you go back to the original meeting, M Pierce did not know  
47 the elevation. M Pierce verified the depth and gave Rod Blossom the correct  
48 information.

1 Motion to continue with the provision the developer must attend the next Council meeting  
2 with R Blossom or the resolution will be denied – V Saunders, second – S Gomm.

3 Vote: Yea: R Eck, S Gomm, V Saunders

4 Nay: D Johnson, R Liechty

5 Abstained: None

6 Excused: None

7 **Item No. 5. Resolution 05-039. The Providence City Council will consider for adoption**  
8 **a resolution approving a lease agreement with Century Equipment Company, Inc. for a**  
9 **backhoe**

- 10 • Mayor Leonhardt reported he spoke with Dee Barnes earlier in the day. D Barnes felt  
11 the trade-in value of the old backhoe would allow the City to purchase a new backhoe  
12 and lease a second backhoe.

- 13 • R Eck suggested waiting until more study can be done. The current backhoe is being  
14 used approximately 600 hours per year. R Eck felt short-term renting should be  
15 explored before making a decision.

16 Motion to table Resolution 05-039 to the next meeting – V Saunders, second – R Liechty,

17 Vote: yea: R Eck, S Gomm, D Johnson, R Liechty, V Saunders

18 Nay: None

19 Abstained: None

20 Excused: None

21 **Item No. 6. Resolution 05-042. The Providence City Council will consider for adoption**  
22 **a resolution appointing the election judges for all Providence City precincts for the**  
23 **October 4 and November 8, 2005 elections**

24 Motion to approve Resolution 05-042 – R Liechty, second – V Saunders

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

26 Nay: None

27 Abstained: None

28 Excused: None

29 Council Reports Continued:

30 Council Member R Eck:

31 Preparations for primary elections:

- 32 • R Eck explained the Public Works staff is looking at screening (using partitions or  
33 curtains) the first bay for the elections.

34 Second driveway – 47 North 300 East:

- 35 • R Eck reported he spoke with Brent Speth regarding the installation of a second  
36 driveway on the north side of the home. He explained B Speth stated he always  
37 understood there would be a second driveway.

38 Resignation from Council:

- 39 • R Eck thanked the Mayor and Council Members for the opportunity to serve with  
40 them. R Eck then resigned as a member of the City Council, effective at the close of  
41 tonight's meeting, to begin serving his appointment as the City's Public Works  
42 Director.
- 43 • R Eck expressed concern about not being able to finish the accessory dwelling  
44 ordinance. V Saunders explained the City will be contacting Blake Wright.
- 45 • The Mayor and each Council Member thanked R Eck for his service and welcomed  
46 him as the new Public Works Director.

47 Council Member V Saunders:

48 Providence Canyon Improvements:

- 1 • V Saunders reported on October 13 several parties are meeting to discuss improving  
2 Providence Canyon.
- 3 • V Saunders also explained a clean-up project day will be set aside. They have asked  
4 the City to provide refreshments for approximately 300 volunteers.
- 5 • S Gomm reminded asked that the committee be reminded of the elk hunt and the deer  
6 hunt.

7 Ordinance Concerns:

- 8 • S Gomm requested an ordinance preventing building under power lines. She  
9 proposed the accessory dwelling, second driveways, power poles, and business  
10 license ordinances should be finished before the year end.

11 Motion to enter into an executive session – V Saunders, second – S Gomm,

12 Vote: yea: R Eck, S Gomm, D Johnson, R Liechty, V Saunders

13 Nay: None

14 Abstained: None

15 Excused: None

- 16 • The Council entered into an executive session at approximately 9:10 p.m.

17 Motion to adjourn executive session – V Saunders, second – R Liechty

18 Vote: yea: R Eck, S Gomm, D Johnson, R Liechty, V Saunders

19 Nay: None

20 Abstained: None

21 Excused: None

- 22 • The Council returned to the open meeting at approximately 9:45 p.m.

23 Motion to adjourn – V Saunders, second – R Liechty

24 Vote: yea: R Eck, S Gomm, D Johnson, R Liechty, V Saunders

25 Nay: None

26 Abstained: None

27 Excused: None

28 Meeting adjourned 9:45 p.m.

29  
30 Minutes taken and prepared by S Bankhead.

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32  
33  
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35 \_\_\_\_\_  
Alma H. Leonhardt, Mayor

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