

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **October 13, 2009**

3 **Providence City Office Building**

4 **15 South Main Providence, UT**

5

6 Call to order:	Ron Liechty Mayor, Pro-tem
7 Roll Call of City Council Members:	Ron Liechty Mayor, Pro-tem
8 Attendance:	K Baker, J Russell, R Liechty, D Astle
9 Excused:	Mayor Simmons, D Low
10 Pledge of Allegiance:	Boy Scout Troop 99

11

12 **Approval of the minutes for September 22, 2009 City Council Meeting:**
 13 **Motion to approve the minutes from September 22, 2009: D Astle, K Baker second**

14 K Baker gave T Lewis a couple of corrections earlier.

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

16 **Nay: None**

17 **Abstain: None**

18 **Excused: D Low**

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 Craig Carlston said cities cannot legislate hunting in the City limits.

26 76-10-500 subsection 2 – cannot change the law because the State legislates it.

27 If a person has permission from the homeowner he can hunt within 600 feet from any structure at point of discharge.

28 C Carlston said this also includes archery.

29 V Simmons asked about recovery.

30 C Carlston said you cannot trespass. You have to get permission to retrieve an animal that has crossed over to someone else’s property.

31 C Carlston said he would never enact a law that goes against State Code.

32 R Liechty said if someone shoots another person while hunting in the City limits the City is not liable.

33

34
35 **Item No. 2. Ordinance No. 006-2009:** The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 3 Business and License Regulations Chapter 1 General License Provisions and Chapter 4 Conditional Businesses.

36 S Bankhead said the Council was ok with Chapter 1. She went through the minutes and made the changes that the Council requested at the last meeting. The Council deleted Home Occupations.

37 D Astle asked about non-conforming uses.

38 S Bankhead said that if the zone is changed a business can remain as long as they don’t change the business. The business is grand-fathered in.

39 J Russell said he doesn’t have a problem with a business increasing itself.

40 R Liechty said we are talking about a non-conforming business. Your revenue can be increased. You just can’t increase the size of your business.

41 D Astle said he had a little problem with Child Care businesses. When is a license required? It seems we took a lot of requirements out of it.

42 S Bankhead said a lot of our requirements went against State Law. We can’t pre-empt State Law. If they are making money at the business they are required to have a business license.

43 D Astle asked if the State required background checks on child care workers. He would like for Craig Carlston to check on that. He asked about requiring an inspection. What are we inspecting for?

44 S Bankhead said the zoning people go out and inspect for the percentage of structure that is being used. Also, the Building Inspector goes out sometimes for inspections. The Fire Department inspects certain businesses annually.

45 J Russell asked how many conditional use permits are requested annually.

46 S Bankhead said 2 or 3 a year.

47

1 J Russell asked what the option would be if the conditional use went straight to City Council.
2 C Carlston said they would have to go to District Court to appeal a decision of the City Council.
3 J Russell asked why the City Engineer is involved with the Land Use Authority.
4 R Liechty asked if the Council would like a member of the Council on the Land Use Authority.
5 J Russell said he feels like this is something that needs to be looked into.
6 D Astle said this is why we need to be comfortable with the ordinances that the Council passes. This is what the City has to
7 live with.
8 D Astle asked about commodities. If you sell them don't you want to display them?
9 S Bankhead said you don't want to display everything outside.
10 D Astle asked about mechanical apparatuses. Does this eliminate power tools, etc. from using power above 220 volt?
11 J Russell feels like the Council shouldn't micromanage.
12 D Astle asked about Utility Rates. How do we enforce this?
13 S Bankhead said this is definitely a judgment call. The City keeps a close eye on their water bills, sewer bills, etc.
14 D Astle said that he has reservations on child care. He doesn't want to be less stringent than the State.

15 **Motion to continue this to October 27, 2009: D Astle, K Baker second**

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

17 **Nay: None**

18 **Abstain: None**

19 **Excused: D Low**

20

21 **Item No. 3. Ordinance No. 007-2009:** The Providence City Council will consider for adoption an ordinance amending
22 Providence City Code Title 11 Chapter 3, Plat Procedures and Requirements. This may include discussions on and changes to
23 Dependent Subdivisions, Concept Plan, Preliminary Plat, Final Plat, Small Subdivisions and Building Lots and Building
24 Permits.

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

26 S Bankhead said staff was asked to create a clause for subdivisions of 5 lots or less. There used to be expiration dates for plat
27 approvals. They were removed. Staff would like to put those expiration dates back in. She explained the different changes
28 that they are asking for in concept, preliminary and final plats. She talked about the exceptions for the 2 lot subdivision.

29 R Liechty said he is concerned about the sidewalk and curb and gutter requirements for the downtown area.

30 K Baker said curb and gutter is only required on certain streets. She doesn't agree with this.

31 D Astle asked why certain streets required sidewalk, etc.

32 S Bankhead said staff was looking at traffic and right of way maintenance. There were a number of factors.

33 R Liechty asked why curb and gutter was required along certain areas and not others when there isn't any along the street
34 already.

35 S Bankhead said streets that carry a high volume of traffic causes more storm water and is better controlled by curb and
36 gutter.

37 R Liechty said he feels like this will cost the City more money in the long run. Can't we put may require curb and gutter
38 instead of shall require curb and gutter.

39 D Astle feels like curb and gutter shouldn't be required.

40 V Simmons asked about the master plan. Isn't one reason you have sidewalks is for people who walk? Eventually the
41 sidewalks will match up.

42 R Liechty said the only way the sidewalks will match up eventually is for the City to do it. This will cost the City a lot of
43 money.

44 S Bankhead said you can't ask for fee-in-lieu anymore. The problem is a lot of times it is not the original owner that is asked
45 to do it and he isn't the one that agreed to it. Right now you have the opportunity to pass some of the cost to the developer or
46 do you want the City to say eventually we the City will do it ourselves. You can't say pay us the fee and eventually the City
47 will put the sidewalk in. A 2 lot subdivision is accepted from the platting process. It does not free them from building
48 sidewalks and curb and gutter.

49 K Baker said in certain areas you can't build curb and gutter without rebuilding the road.

50 R Liechty said this only pertains to subdivisions. This doesn't pertain to single lots.

51 S Bankhead said this is what DRC is recommending.

52 Erwin Fredricks asked where the sidewalk will go. If he wanted to subdivide how much property would he be required to
53 give the City?

54 D Astle went through the ordinance and Craig Carlston and Skarlet Bankhead answered his questions.

55 DRC needs to make the approval.

56 Page 2 of 7 - Paragraph 3 (E) – require an Engineer state that it is a buildable lot.

57 Page 2 of 7 – Paragraph 3 (K) – include they have to identify unrecorded options. The inquiries will be made by the
58 landowners.

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

6 **Item No. 4. Ordinance No. 008-2009:** The Providence City Council will consider for adoption an ordinance amending
7 Providence City Code Title 10 Zoning Regulations Chapter 15 Sign Regulations as follows:

8 **All signs erected, altered or relocated within the City must be in compliance with the provisions of this Chapter.**

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

10 S Bankhead explained that staff is doing a rewrite of the sign ordinance as requested by the Planning Commission. This
11 particular part of the ordinance was in conflict with itself. Craig Carlston suggested making the table the governing factor.

12 **Vote: Yea: R Liechty, J Russell, K Baker, D Astle**
13 **Nay: None**
14 **Abstain: None**
15 **Excused: D Low**
16

17 **STAFF REPORTS:**

18 S Bankhead reminded the Council of the Turkey Sauerkraut dinner and the Car Show. The City is not doing Trunk or Treat.
19 Some of staff has been attending a Land Use Conference in Hyrum. Also, she reminded the Council of Meet the Candidates
20 on Thursday, October 15th.

21 J Russell asked if the City has done anything on flu preparedness.

22 S Bankhead said that we could operate with fewer people if a couple of people went down sick. Staff has talked about
23 different options they can take if needed.

24 D Astle suggested if they are running a high fever employees need to be told to stay home for at least 3 days.

25 J Russell said that he would like for staff to find out what other cities are doing for this epidemic.
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27 **COUNCIL REPORTS:**

28 J Russell said he would like for the Council Members to be over certain areas of the City.

29 R Liechty said he agrees with this.

30 D Astle visited with Jim Lindley about his sewer. His service line goes into Zollinger Park. He has never been given an
31 easement. This needs to be corrected. S Bankhead is doing research on this.

32 R Liechty said that the new owners of the Griffin home developed a water leak in their driveway. Spring Creek Irrigation
33 came in and fixed the water leak. It was actually the Griffin's responsibility. The new owners want the asphalt put back.

34 Doran Baker of Spring Creek Irrigation has agreed to replace the asphalt for them. R Liechty will explain to the owners that
35 the Irrigation Company did this out of the goodness of their hearts.

36 K Baker asked where they would get the asphalt from.

37 S Bankhead said that Legrand Johnson should still have their hot plant open.

38 K Thompson asked about the meeting with the Forest Service on the Providence Canyon issue.

39 R Liechty said that the citizens need to get a petition. He was told that the Forest Service has to answer to citizens. If they can
40 get a petition then the Council will get involved.

41 **Motion to go into executive session: J Russell, K Baker second**

42 **Vote: Yea: K Baker, J Russell, D Astle, R Liechty**
43 **Nay: None**
44 **Abstain: None**
45 **Excused: D Low**
46

47 **Motion to adjourn: K Baker, D Astle second**

48 **Vote: Yea: J Russell, R Liechty, K Baker, D Astle**
49 **Nay: None**
50 **Abstain: None**
51 **Excused: D Low**
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53 Meeting adjourned at 8:05 pm

54 Minutes taken and prepared by Terri Lewis
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