

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **October 23, 2007**

3 **Providence City Office Building**

4 **15 South Main, Providence UT**

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

12
13 **APPROVAL OF THE MINUTES FOR SEPTEMBER 25, 2007 CITY COUNCIL MEETING:**

14 Motion to approve the minutes- S Gomm Second- R Liechty

15 Page 2 of 8- line 43, change to “area was developed” not “are was developed”.

16 Page 2 of 8- line 44, change to “fire break by roads” not “fire break of roads”.

17 Page 8 of 8- Call for question needs to be there right after discussion.

18 Page 2 line 31- “put it in”

19 Page 8 of 8, line 45- change “concrete” to “asphalt”

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

21 Nay: None.

22 Abstained: None.

23 Excused: None.

24
25 **PUBLIC COMMENTS:**

26 George Hill wanted to comment on the City not giving free Sauerkraut Dinner tickets to people 65 or
27 older. He felt the City should continue to do this. He was answered that it is too difficult to track all the
28 senior citizens that helped with the dinner in the past.

29
30 **UTAH LEAGUE OF CITIES AND TOWNS TRAINING:**

31 Item No. 1. Legislative Update- Mayor Randy Simmons will give a legislative update from the League of
32 Cities and Towns and discuss public form for general plans.

33 Utah Water Coalition composed of mainly cities is trying to figure out how to keep water and not loose it.

34 Roosevelt, UT recently wanted to change something and the State Water Engineer made them give over
35 about 1/3 of their water rights. There is an exemption when someone is holding a water right, including
36 shares of stock in a municipal water company. Mayor Simmons got a call from Fillmore, their supply is
37 mainly Big Spring, they thought they needed a 2nd water source so they applied to the State Water Engineer
38 and he said they weren't using all the Big Spring water and took some of it.

39 Mayor Simmons also commented on an article in the Deseret News about getting rid of the title of
40 “mayor”. There will be something going to the legislature that will define types of municipal governments.
41 There will be three. Right now there are five. The legislature wants to clarify the statute.

42
43 Item No.2. Mayor Randy Simmons will lead a discussion on code amendment application policy.

44 He said Jerry Fuhrman wanted to know how the development process works. He drafted a document up
45 and showed it to the DRC. He wants it clearly established in City policy how it works.

46 C Carlston said they divided the document the Mayor gave into 2 requests, Land Use and Non Land Use.

47 He cited State Code 10-9a-5-o-2 to show why Land Use ordinance modifications are very different than

1 others. He went over the non land use issues.
2 R Liechty wanted it to say “designated” City Council member.
3 K Baker and S Gomm both wanted citizens to be able to have any Council member sponsor it.
4 C Carlston said that if there was only 1 “designated” City Council member there might be 3-4 other
5 members who would have wanted to see the specific ordinance go through.
6 C Carlston then explained their problems with how land use issues should move forward and still include
7 the Planning Commission.
8 S Gomm wanted to know about ex parte conversations. She said she doesn’t know if the Planning
9 Commission can have ex parte conversations. She said it was never really clear if they can or not.
10 C Carlston said he would need to look about what conversations could happen and which ones could not.
11 Mayor Simmons said another thing was to encourage citizens to be in contact with Council members. He
12 said the goal is to get clear policy and also to have something to give people who want to know how things
13 work.
14 S Gomm wanted it to list all the members of DRC in one sentence, not just put the Fire Marshall and the
15 City Council member as an afterthought.
16 S Gomm felt they should see another draft. She is not ready to vote on it.
17 T Rasmussen agreed.

18
19 **NEW BUSINESS:**

20 **Item No. 1. Dan Miller, Bear River Water Shed Council, will discuss funding for a brochure to educate the**
21 **public on OHV use in our local canyons.**

22 D Miller explained that the Bear River Water Shed Council was formed a few years ago to look at the
23 water shed area. They created a volunteer project to document what’s going out on the forest. Volunteers
24 walked 220 of about 300 miles and took GPS readings. About 25% of the land has now begun to get trails
25 that are not supposed to be there. He listed some organizations who are considering sponsoring the
26 brochure. He is asking Providence City if they can put their name on the brochure and money to help print
27 them if possible. Someone at USU may be doing a study of “irresponsible drivers” and how to address
28 them. He said it would be probably next spring before they get things going.

29 Mayor Simmons wanted to know if it would need to be a resolution.

30 S Bankhead said that if they want their name on it then they would need to have an ordinance.

31 D Miller said they are asking for about \$100 from each sponsor.

32 D Johnson said it bothered him that it was only addressing motorized vehicles. He wanted proved that
33 horses don’t do as much damage as a four-wheeler. He wanted to know if motorized or horses do more
34 damage.

35 D Miller said that motorized vehicles create more because there are more and they go faster and cover
36 more area quickly.

37 D Johnson also asked about cattle grazing and how much damage they do.

38 D Miller said that they are thinking about starting a campaign addressing everyone. (Ex. Hikers, horses,
39 cattle, motorized vehicles, etc.)

40 Mayor Simmons said people have been

41 Carol Madsen wanted to know where they would be distributing them?

42 D Miller said it is still in the works, probably retailers and group of motorized vehicle owners. The Forest
43 Service signed on.

44 D Miller also said the a USU group has volunteered and will be cleaning up Providence Canyon on both
45 DWR/Forest Service Friday, Nov. 2nd 1:00-4:00pm.

46
47 **Item No. 2. Ordinance No. 020-2007. The Providence City Council will consider for adoption an**

1 ordinance repealing Providence City Code 10-9-8 Parkways and amending Providence City Code 7-1
2 Streets, Sidewalks, and Public Ways by adding Section 8 Parkstrips.
3 Mayor Simmons said Alicia Everton wanted to promote “Rip the Strip” to allow putting decorative rock,
4 etc. in the park strips.
5 R Eck said that it has been edited quite a bit and he thinks the City can live with it. It doesn’t handcuff
6 anyone but protects homeowners and neighborhoods.
7 Mayor Simmons noted page 2 of 2, Paving Materials.
8 S Bankhead said that it is a Land Use issue right now and is repealing it from the Land Use ordinance to
9 make it easier to regulate.
10 D Johnson likes the changes that are made because it gives citizens more variation on what they can do in
11 park strips. He has small rock in his park strip and thinks it looks attractive and doesn’t need to be watered.
12 He likes the improvements. He doesn’t like the fact that citizens are being told what they can and can’t do
13 with the park strip. He thinks it really clarifies things.
14 K Baker addressed S Gomm
15 S Gomm said there was a concern of it getting on the sidewalk and the road. She said you have to pick
16 your battle.
17 Mayor Simmons said chipped rock doesn’t roll like round rocks.
18 T Rasmussen asked how they enforce it.
19 Mayor Simmons said it makes everyone’s park strip in compliance.
20 Motion to approve Ordinance No. 022-2007- R Liechty Second- D Johnson
21 Vote: Yea: unanimous
22 Nay: None.
23 Abstained: None.
24 Excused: None.
25 Motion to correct the number for the ordinance just passed to 020-2007- S Gomm Second- R Liechty
26 Vote: Yea: unanimous
27 Nay: None.
28 Abstained: None.
29 Excused: None.
30
31 **Item No. 3. Ordinance No. 021-2007. The Providence City Council will consider for adoption an**
32 **ordinance amending Providence City Code Title 7 Chapters 8, 9, and 10 Storm Water.**
33 R Eck said that Mr. Barnes has worked long and hard to get things where they are. He said DRC thanks
34 him and the Council should to. He said they are now in compliance. It is good, although hard. It makes
35 sense.
36 Motion to approve Ordinance No. 021-2007- D Johnson Second- T Rasmussen
37 Gary Stauffer wanted to know if it is legal to run storm water into an irrigation ditch.
38 D Barnes said 50-60 years ago the Council made irrigation ditches to handle run-off. He said it would need
39 to be handled with the irrigation companies.
40 Shyrl Clawson said Logan City thought it was illegal as well a while ago. He said it needs
41 L Fisher said that it is her understanding that storm water discharge cannot go into a naturally running
42 spring.
43 R Eck said it goes through retention ponds and goes through several places before it goes to Spring Creek.
44 He said water is now being caught by ponds and getting filtered and then being released at historic flow.
45 It’s being curtailed so it was no more than it used to be before the development was ever there.
46 L Fisher said it didn’t make sense with Foxridge because it was such a steep slope.
47 R Eck said that there is now a huge pond that allows the sediment to fall out of the water and then it goes

1 into Spring Creek.
2 Mayor Simmons asked where the sediment goes.
3 R Eck said that every so often the sediment has to be vacuumed out.

4 Vote: Yea: unanimous
5 Nay: None.
6 Abstained: None.
7 Excused: None.

8 Mayor Simmons thanked D Barnes.
9

10 **Item No. 4. Ordinance No. 022-2007. The Providence City Council will consider for adoption an**
11 **ordinance increasing the transit sales tax within the City of Providence, UT, from one-quarter of one**
12 **percent (.25%) to three tenths of one percent (.30%).**

13 **Motion to approve Ordinance No. 022-2007- T Rasmussen Second- D Johnson**

14 K Baker asked what is going to be on the ballot.

15 S Bankhead said it is a new tax. This is not a new tax; this is still a sales tax. The ballot issue will be an
16 additional tax.

17 Mayor Simmons said that it is not a tax increase, it is a tax shift. That is the legislature's point of view. He
18 said the transit tax is an ear-marked tax on everything, now the unprepared food tax has been taken out. He
19 said the transportation district would like to have it passed.

20 S Gomm said it is good to have alternative forms of government so she would be in favor with it.

21 R Liechty wanted to understand that the City does not get any of this money.

22 Mayor Simmons said it is a tax increase on everything but unprepared food. If they buy a movie ticket,
23 then the .30% will go to the transportation district.

24 J Russell said if the issue on the ballot gets passed another 0.25% would be added.

25 Vote: Yea: D Johnson, S Gomm, and T Rasmussen
26 Nay: K Baker, R Liechty
27 Abstained: None.
28 Excused: None.
29
30

31 **STAFF REPORTS:**

32 **Skarlet Bankhead:**

33 She reported that the City is trying to explore new options for phone systems to transfer between Public
34 Works and the City Office.

35 She said the City Office will be short-staffed. There will be Justice Court training and software training.

36 She said people really wanted the Turkey Sauerkraut Dinner so the City is trying again. Ticket sales have
37 been low. She urged everyone to buy tickets before Friday. She said they will have tickets at the door for
38 an increased price. They will also have craft vendors to get the "bazaar" feel that people had been asking
39 about. There will also be children's games. She said it should be an excellent evening.

40 L Fisher said she heard candidates cannot have literature or have booths.

41 S Bankhead said they want it to be a dinner where people come and enjoy their dinner. She wants them to
42 be with family and friends.

43 L Fisher asked who specifically it was.

44 S Bankhead said it was herself and the Mayor.

45 Mayor Simmons said it has been a policy for sometime.

46 L Fisher asked if that was applicable 2 years ago when the Mayor was running because she thought she
47 remembered him there.

1 S Bankhead said Eric Frandson from KVNU said Meet the Candidates will be Nov. 1st at the elementary
2 school. They will be allowing a KVNU box for questions at the Sauerkraut Dinner.
3 S Eames wanted to know why KVNU is sponsoring it and not the City.
4 S Gomm said that they really want someone impartial. They have tried to get the League of Women
5 Voter's. She said it has never been a City sponsored event.
6 S Eames said that Eric Frandson has been telling her different things. She said she spoke with Terri and
7 called the elementary school. The secretary said the City called her.
8 S Gomm said the City usually sets up the location and have often
9 L Fisher said she wants the City to not support of or discouragement for voting for people. She felt the

10

11 **Randy Eck:**

12 Mayor Simmons asked if Hillsborough is done.

13 R Eck said yes.

14 S Gomm asked if we are ready for snow.

15 R Eck said yes.

16 R Eck said that 3rd East will be fixed soon.

17 D Johnson wanted to know how long people have to hook up.

18 R Eck said the Council gave them one year. They have until October 1, 2008. He asked if anyone would
19 have to pump.

20 R Eck said there are 3 homes that require sewage ejection pumps.

21 K Baker asked if they were automatic.

22 R Eck explained how they work.

23

24 **COUNCIL REPORTS:**

25 D Johnson wanted to thank Dee Barnes for all his work on the water and sewer systems. He thinks Dee is
26 doing a high caliber job and now Randy is doing a great job. He didn't feel anywhere in the state there was
27 a better public works department.

28 T Rasmussen encouraged everyone to come to the Turkey Sauerkraut Dinner on Friday.

29 Mayor Simmons addressed whether the City would be willing to help pay for the cost of fencing because
30 people are complaining about traffic behind their homes. He said that he wasn't recommending it, but
31 wanted to bring it to Council.

32 K Baker said that usually homeowner's are allowed to fence but the City doesn't pay for it.

33 Mayor Simmons said that they were asked to have a gate swing inward not outward.

34 K Baker said to tell them they are allowed to fence it.

35 T Rasmussen and R Liechty agreed.

36

37 **Motion to dismiss- R Liechty Second- S Gomm**

38 **Vote:** Yea: unanimous

39 Nay: None.

40 Abstained: None.

41 Excused: None.

42

43 Meeting adjourned at 7:15 pm.

44 Minutes taken and prepared by Katie McDermott.

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47

DRAFT