

1 **Providence City Council Meeting**
2 **Providence City Office Building**
3 **15 South Main, Providence UT**
4 **Tuesday, November 09, 2004 6:00 p.m.**

5 **Attendance:** Mayor: Alma H. Leonhardt
6 Council: R Eck, (Deon Johnson – excused), Stacie Gomm, Ron Liechty, (Vic
7 Saunders – excused)
8 City Manager: Vern Keeslar
9 City Recorder: Skarlet Bankhead
10 Public Works Director: Dee Barnes

11 **The Providence City Council will meet for a study session at 6:00 p.m. in the City Council Chambers.**
12 **This is a public meeting; however, no public comment will be heard and no action will be taken on**
13 **the agenda items.**

14 Discussion Items:

15 Creekside Townhome Homeowners Association meeting with Council.

- 16 • V Keeslar reported the Creekside Townhome Homeowners Association has obtained an attorney
17 to review the sewer utility billing. Their attorney has contacted the City both in writing and by
18 phone. However, the Association presidency would like to discuss the sewer rates with the
19 Council.
- 20 • Mayor Leonhardt felt, in most cases, citizens' concerns should be heard by the Council.
- 21 • R Eck felt if the group had retained legal council, then it should go through the City's legal
22 council.
- 23 • V Keeslar reviewed the time frame of the letter regarding the sewer billing. The original
24 notification was in May, effective July 1st, with the first billing in August. He reported he met
25 with the group to discuss their concerns. He reported they are experiencing a 50% delinquency
26 rate in collecting the homeowner fees. They still want to meet with the Council.
- 27 • R Eck did not feel the City's billing was causing the Association's delinquency problem.
- 28 • R Liechty questioned what would happen in the future when they were struggling with
29 delinquency.
- 30 • R Eck felt it was too little, too late. Once they have an attorney, they should go through the City
31 Attorney. S Gomm agreed.
- 32 • R Eck felt once the Association obtained an attorney then other conversations stop. R Liechty and
33 S Gomm felt the Council should remain consistent. If they have legal council, they deal through
34 the City's legal council. Mayor Leonhardt felt the Council should wait until after our attorney
35 responds to their attorney.

36 Mountain View Retirement:

- 37 • Mayor Leonhardt reported the leadership of the Homeowners Association for Mountain View
38 Retirement has changed. After talking with the new Association leadership, the Mayor and V
39 Keeslar felt the Council could consider a reduction of the water fees for the month of September.
- 40 • V Keeslar explained the commercial side of the Association delayed informing the residential side
41 of the billing increase. There was also an enormous amount of water being used on the lawns,
42 which has been stopped.
- 43 • R Eck did not agree with the reduction. He felt that staff had presented the sewer billing problem.
44 The Council agreed with the staff to start correctly billing for sewer by dwelling unit knowing it
45 would increase the utility bills. He felt that giving a reduction now did not support the original
46 decision.
- 47 • V Keeslar felt the public opinion of the reduction could go either way. People could think the City
48 was trying to correct a mistake or they could think the City was really interested in helping the
49 citizens. V Keeslar explained the idea to reduce the September water billing was a request from
50 the Mountain View Retirement Association.

51 Water/waste water technician advertised.

- 52 • Mayor Leonhardt was concerned about the timing. He felt the Public Works Department was
53 heading into their slow period. There may not be enough work to keep another employee busy.
- 54 • D Barnes explained he would like to hire the person now to allow for training time. It will also
55 allow for the individual to become familiar with the system before the busy season starts. V

- 1 Keeslar also explained the winter road maintenance will increase, and there are many current
2 employees with comp time hours to use.
- 3 • R Eck felt there was validity in the staff's reasoning. R Eck asked if the position had been offered
4 to current employees.
 - 5 • D Barnes reported two of the current staff members have taken the test and failed.

6 Future Agenda Items:

7 Rezone for Sunrise Acres.

- 8 • V Keeslar explained this is a timing issue. The final plat can be approved upon the condition of
9 the zone change.

10 Street side yard setback in the SFT zone.

- 11 • V Keeslar reported the Planning Commission is recommending the street side yard setback in the
12 SFT zone be reduced from thirty-feet to twenty-feet.

13 Renew interlocal agreement with River Heights for salt.

- 14 • D Barnes reported he had been approached by Kent Parker, River Heights Public Works, about the
15 agreement for salt. D Barnes explained the staff will prepare a resolution to renew the agreement
16 with River Heights for salt unless the Council had concerns. The Council felt the agreement
17 should be renewed.

18 Amend interlocal agreement for Countywide Planning Services.

- 19 • V Keeslar reported Countywide Planning Services is requesting an amendment to the current
20 agreement. The amendment increases the members of the steering committee.

21 Stan Checketts annexation.

- 22 • V Keeslar reported this was continued from a previous meeting.
- 23 • S Gomm asked if a draft of the water stock ordinance was available. V Keeslar reported Bruce
24 Jorgensen is working on the water stock ordinance. It is still about six months out.

25 Agreement with Utility Cost Management Consultants.

- 26 • V Keeslar explained this company reviews past utility bills from the electric, gas, and telephone
27 companies to look for overcharges. If they find money to recover, they take 50% and the City
28 receives 50%.

29 **City Council Members' Reports**

30 Mayor Leonhardt:

31 Deer Creek Apartments:

- 32 • Mayor Leonhardt reported he had received a call from Deer Creek Apartments. They feel the
33 sewer billing should be reduced.
- 34 • V Keeslar reported Jody Burnett has recommended the City rehear the Westates Construction
35 (Deer Creek Apartments) appeal on the impact fee questions.

36 Cobblestone street sign:

- 37 • D Barnes reported the correct street sign for Cobblestone has been installed.

38 Council Member Randy Eck:

39 Street lights:

- 40 • Mayor Leonhardt has left several messages for Mr. Nye at UP&L about the street lights that have
41 not been installed.
- 42 • R Eck expressed concern about dark sidewalks. He asked if the City could hire someone to install
43 the lights.
- 44 • Mayor Leonhardt will continue to try to contact Mr. Nye.

45 300 East 100 North:

- 46 • R Eck reported Milt Campbell is very happy with the road in front of his residence. R Eck was
47 very happy with the road, but was concerned about the corner of 100 North 300 East. D Barnes
48 reported the contractor has some finish work to complete.

49 Council Member Ron Liechty:

- 50 • R Liechty also felt the roads look great.

51 Jensen Cabinets, 45 East 400 South:

- 52 • R Liechty reported Gary Jensen has asked about covering the walkway between his two buildings.
53 V Keeslar explained this is a non-conforming use. Any building permit is considered an expansion
54 and would require a hearing by the Board of Adjustment.

55 100 South west of 200 West:

- 1 • V Keeslar reported he spoke with a resident on 100 South. The road closed signs will be taken
- 2 down tomorrow.
- 3 Council Member Stacie Gomm:
- 4 300 East north of 200 North:
- 5 • S Gomm reported she has received numerous complaints about 300 East north of 200 North. D
- 6 Barnes reported the company has patched the trenches. He reported he was satisfied with all but
- 7 two of the patches.
- 8 • V Keeslar suggested a one-inch overlay. D Barnes did not feel the overlay would help. R Eck felt
- 9 if the patches were a real problem, they should be torn up and redone.
- 10 • S Gomm felt the patches were a bad deal.
- 11 • D Barnes reported this road has many existing cuts that are worse than the current patches. This
- 12 road is going to be redone in the near future. D Barnes reported the compaction tests were taken.
- 13 Some of the trenches were too small for the big rollers to compact. D Barnes explained flowable
- 14 fill can also sink.
- 15 100 East:
- 16 • S Gomm would like to increase the evening and Saturday patrol on 100 East.
- 17 • V Keeslar reported the City is going to install a speed limit sign with a read out.
- 18 1000 South:
- 19 • S Gomm felt the City should consider the completion of 1000 South. She suggested requiring
- 20 Imagine Development to complete 1000 S as part of their subdivision process. It was felt this
- 21 would be a major access for the subdivision.
- 22 New office building:
- 23 • S Gomm requested the City staff move the office building proposal up on the priority list.

24 **Agenda Items:**

25 Pledge: Mayor Leonhardt Opening: Ron Liechty

26 **Minutes:**

27 Motion to approve the minutes of October 26, R Liechty, second – R Eck,

28 Corrections: none

29 Vote: yea: R Eck, S Gomm, R Liechty

30 Nay: none

31 Abstained: none

32 Excused: D Johnson, V Saunders

33 **Item No. 1. Resolution 04-090. The Providence City Council will consider for adoption a resolution**
 34 **approving a conditional use for an accessory dwelling unit located generally at 395 Garden Drive,**
 35 **requested by Britany Holmgren.**

- 36 • V Keeslar explained this is renewing an existing use for a new homeowner.
- 37 • R Eck expressed concern about the wording of 10-12-1. He felt it may not apply to all
- 38 homeowners. V Keeslar explained there are several applications of the purpose. R Eck felt if one
- 39 looked at the lower end housing and the upper end housing, the majority of the lower end may not
- 40 be able to afford to install an accessory dwelling. V Keeslar reported the Planning Commission
- 41 has requested him to review this ordinance.
- 42 • S Gomm asked if the conditions had been met. V Keeslar reported the new owner will meet the
- 43 conditions before a certificate of occupancy is issued.
- 44 • R Eck expressed concern about the number of accessory dwelling units the City is approving.
- 45 • V Keeslar reported he will be suggesting several ordinance changes.
- 46 • V Keeslar reported the homeowner will share the driveway for parking.

47 Motion to approve Resolution 04-090 – R Liechty, second – S Gomm,

48 Vote: yea: R Eck, S Gomm, R Liechty

49 Nay: none

50 Abstained: none

51 Excused: D Johnson, V Saunders

52 **Item No 2. Resolution 04-091 The Providence City Council will consider for adoption a resolution**
 53 **approving a final plat for Sunrise Acres Subdivision located generally at 350 West 500 South,**
 54 **requested by Dan Cox, agent for Sunrise Acres LLC.**

55 Dan Cox represented the development.

- V Keeslar explained because of the publication timing, he suggested the council add a second condition that the property be rezoned.
- D Cox reported Lots 5 and 31 will be restricted until the roads become through streets. The lots will not have homes. This will allow an area for snow from snow removal until the roads become a through street.
- R Eck questioned the direction of the road slope. D Cox explained the natural contour of the land is to the west. The road runoff will run to the northwest. V Keeslar reported there are 3 retention ponds for storm water runoff.
- R Eck asked about barricades at the end of the streets. This requirement in the Development Agreement and Addendum.

Motion to approve Resolution 04-091 with the added condition that the property be rezoned – S Gomm, second – R Liechty.

Vote: yea: R Eck, S Gomm, R Liechty

Nay: none

Abstained: none

Excused: D Johnson, V Saunders

Item No. 3. Ordinance Modification 031-2004 The Providence City Council will consider for adoption a code amendment to Providence City Code 5-1-4 Dog Licensing Requirements to establish fees due by January 1 of each year and are delinquent after January 31 of each year, requested by Providence City.

Motion to accept Ordinance Modification 031-2004 as stated in tonight's handout – R Eck, second – R Liechty.

Vote: yea: R Eck, S Gomm, R Liechty

Nay: none

Abstained: none

Excused: D Johnson, V Saunders

Item No. 4. Resolution 04-089. Providence City Council will consider for adoption a resolution approving a one-time water billing reduction for Planned Unit Developments located within Providence City for the month of September 2004.

- V Keeslar reported this request is a complex historic request. Providence City owns its own water as a utility. Recently the City corrected a sewer billing error and began billing per dwelling unit for sewer. He reported some of the Homeowner Associations have experienced leadership changes. The new leadership of the Mountain View Retirement Homeowners' Association requested help with meeting the increase sewer billing. Where water is the only utility the City owns, it is the utility the City can work with. V Keeslar reported the operation and maintenance of the sewer does not have enough extra to give a break from the sewer.
- Mr. Hansen, Mountain View Retirement Homeowners' Association President, explained the increased sewer amount nearly broke the Association. They are able to pay their bills, but that is all. They are not able to put money aside for improvements. He felt the amounts previously paid for snow removal and lawn maintenance were extreme.
- V Keeslar felt it important that all understand this is a one time, and one time only, reduction.
- R Eck asked a resident in attendance if he would like relief on his utility bill. Robert Cruz explained he does not have a problem with his bill; he is not asking for relief. He explained he did not know enough about the situation to make comment.
- Mr. Hansen reported the majority of the units are single occupied. Many of the residents have disabilities and other problems that limit their ability to adjust their income.
- R Eck asked how much Mountain View Retirement would save.
- S Gomm expressed concern about reducing the rate because of extreme conditions. There are other citizens with extreme conditions throughout the City. She was very concerned about fairness for all residents. She suggested instead of waiving part of the fee, perhaps putting them on a payment plan.
- V Keeslar explained Mountain View Retirement would receive approximately \$845 in credit. He also explained a couple of months ago the Council was anxious to help another part of the PUD when they were in financial difficulty.

- 1 • V Keeslar explained Creekside would receive a credit of \$616, Brookhaven \$507, and Cottage Creek \$220.
- 2
- 3 • Mayor Leonhardt reported it would not be a problem if Brookhaven was left out.
- 4 • R Liechty would be more comfortable looking at each PUD on a case by case basis.
- 5 • Mr. Lewis, Mountain View Retirement Homeowners' Association, explained they are an
- 6 association within the City. They take care of their own snow removal, street maintenance, etc. R
- 7 Eck explained that is the nature of a PUD.
- 8 • Mr. Lewis also explained they did not receive prompt notification from the commercial side of the
- 9 PUD, and that there had been an excessive amount of water used during the summer.
- 10 • Mr. Lewis asked about the possibility of a meter for the commercial side and a meter for the
- 11 residential side. V Keeslar explained this is a possibility that can be explored.
- 12 • Mr. Hansen explained they went door to door to the members of the Association to collect the
- 13 amount necessary for the utility bill.
- 14 • R Eck explained the City staff came to the Council with a billing error that was costing the City
- 15 approximately \$60,000 a year in lost revenue. The Council agreed with staff that the billing
- 16 practices should be corrected. He felt the staff was now asking for permission to cut some slack.
- 17 • V Keeslar explained the staff was presenting an application filed by Mountain View Retirement.
- 18 The staff was not representing a specific interest.
- 19 • R Eck explained if the PUD was managed poorly, it was not the City's problem. He felt that if the
- 20 PUDs were cut slack, everyone should be cut some slack. However, some of the discussion
- 21 tonight had given him reason to think about rectifying something. In as much as the entire council
- 22 agreed to correct the billing, he felt the entire council should be in attendance for the decision.
- 23 • S Gomm also wanted more time. She expressed great concern about the fairness of all residents,
- 24 while she understood the concerns of the PUD. S Gomm asked about a payment plan. V Keeslar
- 25 explained the payment option was presented; only Providence Place took advantage of it.
- 26 • R Liechty expressed concern about the notification. He was concerned the business side did not
- 27 inform the residential side. He felt the lack of notification gave creditability to adjusting the fees.
- 28 He also felt the entire council should be included in the decision.
- 29 • R Eck expressed concern about making concessions. He also expressed concern that none of the
- 30 other PUDs were in attendance.

31 Motion to table for two weeks – R Eck,

- 32 • V Keeslar read from Providence City Code 8-1-3:B. and C. V Keeslar suggested the staff can
- 33 prepare a proposal for this PUD based upon the notification, the business side and the residential
- 34 side.
- 35 • After reviewing the City Code, the Council felt the request would be better heard as the Board of
- 36 Equalization.

37 R Eck withdrew is motion.

38 Motion to reject Resolution 04-089 – R Eck, second – R Liechty,

39 Vote: yea: R Eck, S Gomm, R Liechty

40 Nay: none

41 Abstained: none

42 Excused: D Johnson, V Saunders

43 **City Manager's Report:**

44 West Yard Parking Lot in underway

- 45 • V Keeslar reported the construction of the parking lot has begun.

46 Public Works Vehicle Building on order

- 47 • V Keeslar reported Dan Brown has ordered the building. Once plans are received, the City can
- 48 issue the building permit and construction can start.

49 Holiday Party

- 50 • V Keeslar reported the party will be Monday, December 6, at 6:00 p.m.

51 City Roads

52 Veterans' Day services:

- 53 • V Keeslar invited the Council to the Veterans' Day services on Thursday, November 11, at 10:00
- 54 a.m.

55 Purchase of water shares/rights

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- V Keeslar reported two residents have contacted the City about purchasing their water shares. He plans on using the budget allocated for this purpose.
- V Keeslar reported the City has the opportunity to purchase 83 acre feet from Imagine Design at \$1,350 an acre foot, approximately \$113,000. This will provide for 116 more ERCs. The purchase will not take place until after the water rights have been transferred to our system.
- The Council discussed transferring the rights from the Richmond area. They considered talking further with Bob Fotheringham. R Eck felt the only way to get the answers the Council needed was to start the transfer process.

Motion to adjourn – R Liechty, second – R Eck

Vote: yea: R Eck, S Gomm, R Liechty

Nay: none

Abstained: none

Excused: D Johnson, V Saunders

The meeting adjourned at 9:00 p.m.

Minutes taken and prepared by S Bankhead.

Alma H. Leonhardt, Mayor

Skarlet Bankhead, City Recorder