

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

4 **Tuesday, November 23, 2004 6:00 p.m.**

5 **Attendance:** Mayor: Alma H. Leonhardt
6 Council: Randy Eck, Stacie Gomm, Deon Johnson, Ron Liechty, Vic
7 Saunders
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**
12 **Chambers. This is a public meeting; however, no public comment will be heard and no action**
13 **will be taken on the agenda items.**

14 Discussion Items:

- 15 • S Gomm expressed concern about the large annexations the City has been dealing with the
16 past six months. R Eck also expressed concern about using up the 67 ERCs.
- 17 • V Keeslar explained the 67 ERCs. In a worst case scenario extended out to July 2007, if all of
18 the buildable lots currently in the city limits and those lots currently in the subdivision
19 process were to be built on, the City would have 67 ERCs remaining. As developers dedicate
20 water to the City, the ERCs will increase.
- 21 • V Saunders explained the State has a legal process for transferable water rights adjudicated by
22 Jerry Olds. Much depends on the water and the water source. The process takes between 3
23 and 18 months.
- 24 • V Saunders explained when the water rights are transferred, the ERCs will be increased. V
25 Saunders did not feel Imagine Development would do anything that would “back them into a
26 corner.” He did not feel they would start the project unless they were confident they could
27 complete it.

28 Future Agenda Items:

29 Patricia Canning conditional use for an accessory dwelling unit

- 30 • V Keeslar reported the Planning Commission is recommending approval.
- 31 • R Eck expressed concern about the number of accessory dwelling units. V Keeslar explained
32 he is working on the accessory dwelling ordinance.

33 Scott Theurer amended final plat for Henry’s Bench Phase One and Two.

- 34 • V Keeslar reported the Planning Commission recommended approval. V Keeslar is
35 reviewing the state code to see if the plat amendment will require a public hearing.

36 Field User Fees:

- 37 • R Liechty felt the Council needed to decide whether they want to implement field user fees;
38 and if so, how much the fees should be.
- 39 • S Gomm felt the City should define a Providence team. She felt Providence teams should be
40 allowed to use Providence fields without paying a fee.
- 41 • R Eck felt if teams contained members, even just one member, from other communities, they
42 were not a Providence team.
- 43 • S Gomm felt people would think badly of Providence City if the City set fees. V Saunders
44 felt if the Council members were united in their explanation for the fees, people would
45 understand. S Gomm did not agree. She felt there needed to be more communication with
46 District 7. S Gomm felt strongly that the perception of the citizens is that the City is causing
47 additional fees when they already pay taxes. V Saunders felt that S Gomm may be too close
48 to the soccer situation, as she coaches a team.
- 49 • S Gomm explained that District 7 did not present the fees appropriately. S Gomm felt it very
50 important that District 7 meet with the City. S Gomm will schedule a meeting with District 7.
- 51 • R Liechty felt if District 7 refused to pay, then the teams should not be allowed to play.

52 City Council Reports:

1 Council Member Ron Liechty:
2 300 East:

- 3 • R Liechty reported Brent Speth wanted a “thank you” passed on. Speth felt 300 East was
4 much better.

5 Holiday lights:

- 6 • D Barnes reported Public Works is in the process of putting up the Holiday lights. V Keeslar
7 reported staff is planning to purchase more decorations for next year.

8 Meadowridge Park:

- 9 • R Liechty reported he has had several calls from citizens that use Meadowridge Park who are
10 very pleased with it.

11 West Yard Park:

- 12 • V Keeslar reported the City received a grant for playground equipment that will be used for
13 the West Yard Park.

14 Council Member Stacie Gomm:
15 City Slogan:

- 16 • S Gomm asked if the Council wanted to consider a city slogan. She reported V Saunders had
17 mailed her something like “A rich heritage; a vibrant future.”

18 City Logo:

- 19 • V Keeslar reported that the staff is waiting for response from the newsletter to bring forward a
20 recommendation on the City logo.

21 Cul-de-sacs:

- 22 • S Gomm reported the Postal Service has made a change in mail delivery in cul-de-sacs. V
23 Saunders explained the Postal Service has found that having combined mailboxes has more
24 problems than having individual boxes.
- 25 • S Gomm questioned if the City should start discouraging cul-de-sacs. V Keeslar felt there
26 were places cul-de-sacs could be used. V Saunders reported, at the spring ULCT conference,
27 a presenter encouraged cities to master plan their streets, including through-streets and cul-de-
28 sac areas.
- 29 • S Gomm asked if cul-de-sacs had problems other than snow removal. R Eck explained there
30 are problems with water circulation, people thinking they’re through-streets, children playing
31 in the circle, etc.

32 Council Member Deon Johnson:
33 Sewer information:

- 34 • D Johnson reported he met with staff to discuss the homes not connected to the sewer. The
35 staff is making progress toward getting the homes connected.
- 36 • D Johnson reported Bud Kohler thanked him for repairing the road where the sewer trenches
37 had sunk.

38 Council Member Randy Eck:
39 Street lights:

- 40 • R Eck asked about street lights. Mayor Leonhardt reported he spoke with Dave at UP&L.
41 UP&L contacted D Barnes for a current list. Dave said this is a good time for UP&L.

42 Accessory dwelling ordinance:

- 43 • R Eck asked if the Council felt the accessory dwelling ordinance should be repealed. He was
44 concerned with the increasing number of accessory dwelling units. V Saunders felt the
45 original intent of the ordinance was no longer being followed. V Saunders felt it was now
46 being used as a selling tool.
- 47 • V Keeslar suggested this be a discussion item on the December 14 study session agenda.

48 Council Member Vic Saunders:
49 Imagine Development:

- 50 • V Saunders reported Imagine Development made an excellent presentation to the Planning
51 Commission. They explained what they have done thus far and presented a very good plan
52 for developing the first 70 lots.

- V Keeslar reported the City staff has been working with Imagine on a weekly basis. He reported Imagine would like to take advantage of the pilot project—wider park strips—that the City allowed in Sunset Estates Subdivision. Mayor Leonhardt felt the only downside to wider park strips was the more grass to water ratio.
- V Keeslar reported the Planning Commission is already looking at what to allow within the larger park strips.

Agenda Items:

Pledge: Mayor Leonhardt

Prayer: S Gomm

Minutes

Motion to approve the minutes of November 9 – D Johnson, second – R Liechty

Corrections:

- Page 3 line 12 - . . . going to **be** redone in the near . . .
- Page 5 line 16 - **V Keeslar explained the staff was presenting an application filed by Mountain View Retirement. The staff was not representing a specific interest. R Eck explained** if the PUD was managed . . .
- Page 3 line 6 - . . . was ~~very~~ satisfied with all but . . .

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

Nay: none

Abstained: none

Excused: none

Item No. 1 Resolution 04-092. The Providence City Council will consider for adoption a resolution approving an agreement between Utility Cost Management Consultants and Providence City.

V Keeslar introduced Mark King and explained King’s company reviews bills the City receives from utility companies, such as electric, gas, telephone, and cable providers.

- M King reported in about 1995/96, the company started working with cities. To date, they have audited over forty cities, with various amounts of success. He explained they are paid 50% of what they recover.
- V Saunders asked if this was for the City itself or the City and its residents. M King explained it is for the City’s bills from the various utility providers.
- M King reported V Keeslar and the City Attorney have reviewed the contract, and UCMC implemented their changes. M King explained the typical renewal is two years. However, the City’s contract renews annually.
- V Keeslar explained the first step will be to review the bills received by the City for the past two years. Second, on a monthly basis, the City will begin sending a copy of the incoming bills to UCMC. If the City chooses to implement a cost saving strategy suggested by UCMC, the City will pay 50% of the cost saving from the strategy for three years.
- M King explained there is no retainer.
- M King reported UCMC has a fairly positive relationship with the utilities. V Saunders asked, “if UCMC got into a legal dispute with one of the utility companies, would UCMC expect the City to pay the legal fees?” M King stated the City would not be responsible for the legal fees.

Motion to approve Resolution 04-092 – V Saunders, second – R Liechty

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

Nay: none

Abstained: none

Excused: none

Item No. 2 Resolution 04-093. The Providence City Council will consider for adoption a resolution to amend the Interlocal Agreement to change the makeup of the Countywide Planning Governing Board for the Countywide Planning and Development Office.

- Mark Teuscher, Cache Countywide Planner, explained that about 11 years ago, the County and all 19 municipalities formed the Countywide Planning Office. Each municipality is

1 accessed about \$0.72 per capita to fund the Office; the County then matches the amount. He
2 explained the Office is governed by a Board. The resolution presented tonight is to amend
3 the number of members on the Board.

- 4 • V Saunders asked if the additional at-large representative would be appointed from the
5 County Council. M Teuscher reported this would be a citizen at large, not a member of the
6 County Council.
- 7 • V Saunders asked if the increase in Board members would help or hinder. M Teuscher
8 explained the Board is a recommending body, 7 or 9 members doesn't make much difference.
9 He felt more involvement from the County Council was a good thing.

10 Motion to approve Resolution 04-092 – S Gomm, second – V Saunders.

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

12 Nay: none

13 Abstained: none

14 Excused: none

15 **Item No. 3 Public Hearing – Ordinance Modification 032-2004. The Providence City Council**
16 **will consider for adoption an ordinance approving a rezone from Agriculture (A) to Single**
17 **Family Traditional (SFT) for property located generally at 350 West 500 South, requested by**
18 **Dan Cox, agent for Sunrise Acres LLC.**

19 Mayor Leonhardt explained the location of the property and opened the public hearing.

- 20 • Clint Thompson, 390 East 200 North, asked what was happening. Mayor Leonhardt
21 explained the property was being changed from an agricultural zone to a single family
22 traditional zone. V Keeslar explained the proposed subdivision contains 47 lots.
- 23 • C Thompson asked about the extension of and access to 500 South. Mayor Leonhardt
24 explained the developer will complete 500 South to the south boundary of the proposed
25 subdivision. V Keeslar explained 500 South will access 200 West, Fuhriman Drive, Garden
26 Drive, and Meadow Lane.

27 Mayor Leonhardt closed the public hearing.

- 28 • V Saunders reported the Planning Commission review the request and had no major concerns.
29 The Planning Commission recommended approval.

30 Motion to approve Ordinance Modification 032-2004 – D Johnson, second – V Saunders

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

32 Nay: none

33 Abstained: none

34 Excused: none

35 **Item No. 4 Ordinance Modification 026-2004. The Providence City Council will consider for**
36 **adoption an ordinance granting a petition of annexation filed by Stan Checketts for a 220.04**
37 **acre (+/-) parcel of property located adjacent to the east boundary of Providence City.**

38 Mayor Leonhardt reported the Council has held two public hearings. This discussion will be open to
39 the Council, but he will take limited comments from the audience.

- 40 • Jason Christensen represented the development. He reported the developers have
41 approximately 800 acre feet of water at their disposal. They have two different sources that
42 are not restricted. The water rights are transferable. The developers have hired an attorney,
43 Nicole Cottum, to help them with the transfer.
- 44 • V Saunders explained that after the annexation, the developers will have to go through the
45 rezoning process. V Saunders would feel better if there was a letter of understanding between
46 the City and the developers, but felt the working relationship with the developers had been
47 very good in the past.
- 48 • Mimi Recker urged the Council to think about the impact developing 220 acres would have
49 on the City.
- 50 • V Keeslar will meet with J Christensen about the water transfer.
- 51 • C Thompson still felt the Council was dealing with two scorpions, and if the City was not
52 careful, it would be stung. He was concerned that if the developers got their foot in the door
53 without the water, there would be problems. He felt the water transfer should be taken care of

- 1 before building permits were issued. C Thompson stated the council he served on 30 years
2 ago denied annexing the CELCO property. He did not feel the current council should be
3 annexing any property that does not have water.
- 4 • R Liechty also expressed concern about the transfer of the water.
 - 5 • S Gomm expressed concern that the City's current code may not be enough to prevent
6 development before the water is transferred.
 - 7 • Gary Stauffer asked if the City only had 67 ERCs for the entire City. V Saunders clarified the
8 67 ERCs are in addition to the ERCs required for lots already in the City and in process for
9 approval. V Keeslar also explained an 8% growth rate was also factored in, in addition to the
10 67 ERCs.
 - 11 • V Keeslar reported the City maintains the highest level of service in the water and sewer
12 systems.
 - 13 • Mayor Leonhardt felt the developers were doing what they had been asked to do. The City
14 had asked for water. The developers had sought rights that can be transferred.
 - 15 • V Saunders explained the owners have certain property rights. V Saunders also felt at this
16 point the developers had shown good faith in doing what the City had asked. He is okay with
17 the annexation as long as the developers understand that there is no automatic process. The
18 water must be in place before development can occur.
 - 19 • D Johnson felt, with the current City Code, the City has the power to cut off the tail of the
20 scorpion. He explained the City used the developers to help obtain water and install
21 infrastructure. C Thompson disagreed. C Thompson felt the developers would force the City
22 to allow development before the water rights had been transferred.
 - 23 • R Liechty expressed concern that, under the current ordinance, the developers may provide
24 cash instead of water. His concern was that the Council was only hearing about obtaining
25 water. No usable water had been transferred to the City.
 - 26 • Dennis Carlsen suggested requiring water before development in the annexing ordinance.
 - 27 • S Gomm felt the City may be liable if the City refuses development.
 - 28 • V Keeslar explained this annexing ordinance only addresses water issues in Zone 3. C
29 Thompson did not feel the City should consider the water zones. He was concerned about 27
30 acres that never have had water.
 - 31 • V Keeslar explained the developer can file an application with the City under the current
32 ordinance. From a technical point of view, upon annexation, the developer can proceed
33 without the water transfer as long as they meet the current ordinances.
 - 34 • V Keeslar also explained if more than 25 lots are developed, the additional access will be
35 required.
 - 36 • S Gomm felt the Council was excited about the property coming into Providence. However,
37 220 acres was almost overwhelming. She felt a letter of understanding would make it very
38 comfortable for her to consider annexation.
 - 39 • J Christensen explained the original intent was to develop 50 homes. All they want to look at
40 for future development is about 125 acres. S Checketts has made it clear he wants a
41 substantial amount of the property to remain undeveloped. J Christensen explained they have
42 met every requirement the City has asked. The developers just want a decision.
 - 43 • C Thompson did not think it was easy to transfer the water rights. C Thompson felt the City
44 was already maxing out the wells. Mayor Leonhardt and V Keeslar explained the wells were
45 not maxed out. C Thompson just does not think the City has proper ordinances or the water
46 to consider the annexation.
 - 47 • Mayor Leonhardt reported in the past five years the City has taken great steps to keep the
48 water system at a high service level.
 - 49 • R Eck asked about including the water requirement in the annexing ordinance. V Keeslar felt
50 that may create conflicting ordinances within the City. V Keeslar wanted to discuss the
51 possibility with the City Attorney. V Keeslar reported he would meet with J Christensen and
52 Bruce Jorgensen.

- J Christensen felt the issues could be dealt with through a development agreement. Their intent is only to develop 120 acres.
- G Stauffer thought the Council had put the annexation on hold until the ordinance was changed to require water instead of a fee in lieu. V Keeslar explained legal council has expressed concern that it may not be constitutional to take out the fee in lieu, it may be considered a taking.
- G Stauffer felt all the legal documents for transferring the water should be in place before annexing.
- S Gomm thought a letter of agreement would make annexing more comfortable. Mayor Leonhardt did not feel the letter of the agreement could replace the annexing ordinance.
- R Eck felt the developers had done a lot toward the water issue. R Eck explained just because something is tabled, doesn't mean action is stopped.
- V Keeslar did not feel comfortable significantly changing the ordinance without legal council.
- D Johnson felt he would be more comfortable if there was something in writing.
- J Christensen stated if the City guarantees he can develop 25 lots, he will go out and purchase the water.
- R Liechty felt if the developer would get the water, the annexation would take place.
- There was some discussion about reducing the size of the annexation. R Eck explained there is a reason the proposed annexation is at 220 acres. R Eck did not feel the property would develop overnight.
- C Thompson was adamant that the Council deny the annexation. He insisted the City have the water rights before considering the annexation.
- Mayor Leonhardt felt the developer was working to acquire the water. He explained C Thompson did not pay for water up front before he built his home. C Thompson explained he was on property that had water rights. Mayor Leonhardt explained even though the property had water, C Thompson was not required to transfer water before building.
- S Gomm asked how tabling would affect the developer. She did not feel comfortable passing the ordinance as currently written, but did want the annexation.
- Mayor Leonhardt felt this developer was proposing the same solution as Imagine Development and the Council had accepted that solution.
- V Saunders suggested drafting a letter of understanding.
- J Christensen explained they have researched the water transfer. It can be done.

Motion to table Ordinance Modification 026-2004 to January 11, 2005 – V Saunders, second – R Liechty,

- R Eck explained the table action was in good faith on the Council's part. J Christensen reported he will be happy to meet with V Keeslar and the City Attorney. However, J Christensen is only allowed to discuss what the developers own. J Christensen cannot speak for all of the property owners involved in the annexation.

Vote: yea: R Eck, S Gomm, D Johnson, R Liechty, V Saunders
 Nay: none
 Abstained: none
 Excused: none

Item No. 5 Public Hearing – Ordinance Modification 033-2004. The Providence City Council will consider for adoption an ordinance modifying Providence City Code 10-8-1 Area Regulations in the Single Family Traditional (SFT) zone to allow for a 20-foot street side yard setback instead of a 30-foot street side yard setback, requested by Providence City.

- V Keeslar explained this amendment is for street side yard in the SFT zone only. V Keeslar reported the Staff Review Committee and the Planning Commission recommend approval. V Keeslar felt the 30-foot setback was a long standing typing error.
- Mayor Leonhardt opened the meeting to the public.
- Gary Stauffer explained the 30-foot setback was not a typing error. It was what was wanted at the time. He did not have a problem with a 30 foot street side yard.

- 1 • Mayor Leonhardt felt reducing the setback would give people the opportunity to utilize their
2 property.
- 3 • J Christensen felt children should play in the back yard. He was not opposed to the reduction.
- 4 • C Thompson asked if the 20 foot side yard would affect the safety of the side yard. V Keeslar
5 explained property owners would still need to comply with the clear view ordinance.
- 6 • G Stauffer felt the City was catering to development. He was not totally against the change,
7 but he did like the larger lots.
- 8 • S Gomm reported she used to think big lots were the only way. However, she has come to
9 realize that big lots mean big water. She is starting to change her way of thinking.
- 10 • Chris Ozmun supported the ordinance change. He felt living on a current corner lot penalizes
11 the lot owner.

12 Motion to approve Ordinance Modification 033-2004 – R Eck, second – V Saunders,

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

14 Nay: none

15 Abstained: none

16 Excused: none

17 **Item No. 6 Resolution 04-094. The Providence City Council will consider for adoption a**
18 **resolution approving an Interlocal Agreement with River Heights City for road salt.**

- 19 • S Bankhead explained the proposed cost per ton is \$42.20 and \$11.00 per load.

20 Motion to approve Resolution 04-094 – S Gomm, second – R Liechty

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

22 Nay: none

23 Abstained: none

24 Excused: none

25 Motion to adjourn – S Gomm, second – R Liechty

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

27 Nay: none

28 Abstained: none

29 Excused: none

30 The meeting adjourned at 8:55 p.m.

31
32 Minutes taken and prepared by S Bankhead.

33
34
35
36 _____
37 Alma H. Leonhardt, Mayor

_____ Skarlet Bankhead, City Recorder