

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **November 25, 2008**

3 **Providence City Office Building**

4 **15 South Main Providence, UT**

5

6 Call to order:	Mayor Simmons
7 Roll Call of City Council Members:	Mayor Simmons
8 Attendance:	D Astle, K Baker, R Liechty, J Russell
9 Excused:	D Low
10 Pledge of Allegiance:	K Baker

11
12 **Approval of the minutes for November 11, 2008 City Council Meeting:**

13 Motion to approve the minutes from November 11, 2008:
 14 All in favor with corrections - J Russell, R Liechty second
 15 K Baker has given corrections to T Lewis
 16 Pg. 1 of 6 – Line 51 – Water coming in from Bear Lake
 17 Pg. 5 of 6 – Line 6 – Can the County Treasurer assess this? Find out if this is possible.
 18 C Carlston said that he will get D Astle a copy of the procedure.

19 Vote: Yea: K Baker, D Astle, R Liechty, J Russell
 20 Nay: None
 21 Abstained: None
 22 Excused: D Low

23
24 **PUBLIC COMMENTS:**

25
26 **NEW BUSINESS:**

27 **Item No. 1. Discussion:** The Providence City Council will discuss allocating matching funds to study water brokering and
 28 aquifer storage and recovery options for Cache County and its citizens.
 29 R Simmons said Craig Smith is available by phone if the Council wants to talk to him.
 30 D Astle asked if someone puts their shares into the brokerage, will they contact the City and give them a chance to purchase
 31 it or do they give it to someone else.
 32 J Russell said it is his understanding that the brokerage will have it available.
 33 K Baker said it already works that way with the Irrigation Companies.
 34 D Astle said some one from Richmond could take this water.
 35 R Liechty said if you take water to a new use your priority would change. You need to watch for that.
 36 R Simmons said the legislature would have to make that change. The Spring Creek water Company could change from Ag to
 37 culinary. Then they could broker a deal with the City that if there is excess water the City could use it without working with
 38 the State. Now we can't legally dump it into the culinary system.
 39 K Baker said she doesn't feel like Bob Fotheringham cares about the City.
 40 R Liechty said there is no reason why we can't do the same thing that he is trying to do himself.
 41 R Simmons said B Fotheringham is asking for \$3,027 to do the study on this. He doesn't see if the study will help the City.
 42 R Liechty said B Fotheringham might open some doors to us if we participate in this study. Any water that comes out of
 43 Providence B Fotheringham could say it is the County's after awhile.
 44 R Simmons said he is trying to protect the Irrigation Companies so they don't lose their water.
 45 K Baker said someone has to warn the City or Irrigation Companies that their water is in jeopardy. He wants to make sure
 46 that the water doesn't leave the County.
 47 D Astle thinks it has some merit. There are still a lot of questions to be answered.
 48 K Baker said Nibley City did pay for the Study. North Logan City did not.
 49 R Simmons wondered if they only get partial funding what will happen?
 50 D Astle said the County would probably increase our property taxes.
 51 J Russell said that they need to have a study done to see if this plan will work. Until we see what they want to do it is hard to
 52 agree with it.
 53 K Baker said the total needed is \$75,000. Logan City is giving \$25,000.
 54 D Astle said he can basically support the idea, but we need more questions answered before we give them the money.
 55 J Russell said he wants to see more specifics.

1 R Simmons asked what the Council would like for him to tell B Fotheringham.

2 D Astle said he would like more details, what Cities have participated, what happens if they don't get the money.

3
4 **Item No. 2. Resolution 08-041:** The Providence City Council will consider for adoption a resolution approving the Final
5 Plat, Development Agreement and Addendum to the Development Agreement for the Hillcrest Subdivision Phase 1, a 15-lot
6 residential subdivision located generally at 850 South 400 East.

7 Motion to approve Resolution 08-041: D Astle, J Russell second

8 D Astle asked about the rezoning of the property in the past.

9 C Carlston gave the Council a brief history of the property. In March 14, 2006 the City Council rezoned this property to SFT.
10 A lawsuit was brought against the City saying the City didn't post the hearing properly. They filed their preliminary plat
11 application in 2005. When they do that they are vested under the old rules. The developer and the City agreed to send it to the
12 Ombudsman's office and they said this property is under the 2005 rules, SFT. We determined that this was an appropriate
13 decision. The Ombudsman's office hears both sides and then decides who is correct. They are an arbitrator.

14 D Astle asked why the Commission had a split vote.

15 S Bankhead said that L Campbell and G Busch felt like the development should be approved and it should be rezoned at a
16 later date.

17 J Russell asked what it is zoned now through the City.

18 R Simmons said it is zoned SFE.

19 D Astle said from a legal perspective the City zoned it illegally.

20 C Carlston said according to the Ombudsman's office. Later the City could rezone the property to SFT. It would be a
21 housekeeping requirement.

22 J Russell asked if we set a precedent with this decision.

23 C Carlston said he believes that it is zoned SFT around it. There is no binding precedence with this.

24 D Astle said the land owner can request any zone for their property.

25 C Carlston said the City would look at the Master Plan before they made their decision.

26 R Simmons said in 2006 the developer brought in the plat and had it approved before the rezone was done. This is the way
27 the State wanted it done.

28 C Carlston showed the Council some changes that were made in the Development Agreement after the packets had gone out.
29 It is just a clarification.

30 J Russell asked if the Council was approving this as SFT and agreeing to the Settlement Agreement.

31 C Carlston said yes as SFT and agreeing to the Settlement Agreement will dismiss the lawsuit.

32 S Bankhead said the Council is approving the Addendum and the Development Agreement.

33 K Baker approved this reluctantly.

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

35 Nay: None

36 Abstained: None

37 Excused: D Low

38
39 **Item No. 3. Resolution 08-045:** The Providence City Council will consider for adoption a resolution appointing one regular
40 member and two alternate members to the Providence City Planning Commission.

41 Shawna Flammer has agreed to be a member of the Planning Commission.

42 Rex Gustaveson and D Smellie have agreed to be alternates.

43 R Simmons said all three citizens are good people. They are long time Providence residents. They are all thoughtful, careful
44 citizens with no agendas to push.

45 S Bankhead said she knows Shawna and Rex. She feels they are good people.

46 D Astle asked if there could be a formal training for these people.

47 R Simmons said there is training coming up that the City will send them to.

48 J Russell said with D Smellie maybe leaving in a year on a mission he would rather find someone that will be here longer. If
49 he steps down after a year we would be starting over again.

50 R Liechty said maybe we should ask Brian Olsen instead.

51 R Simmons asked if they would approve S Flammer and R Gustaveson and hold off on D Smellie.

52 Motion to approve Shawna Flammer as a member of the Planning Commission and Rex Gustaveson as an alternate.

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

54 Nay: None

55 Abstained: None

56 Excused: D Low

1 **Item No. 4. Resolution 08-047:** The Providence City Council will consider for adoption a resolution requesting UDOT
2 change the SR-165 Corridor Agreement changing the access management category through Providence City to a Category 5,
3 in exchange Providence City will not seek variances from a Category 5.

4 Motion to approve Resolution 08-047: R Liechty, K Baker second.

5 R Simmons reminded the Council that Kurt Webb went to UDOT and made this agreement with them. It gives the City
6 everything that they asked for.

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

8 Nay: None

9 Abstained: None

10 Excused: D Low

11
12 **STAFF REPORTS:**

13 S Bankhead wished the Council Happy Thanksgiving. There is not a lot going on right now.

14 Deputy Keller brought in a standard Mayors report for the Council. It outlines overall stats for the City of Providence. It also
15 shows animal control citations.

16 R Simmons thanked the Sheriff's office for all they do for the City.

17
18 **COUNCIL REPORTS:**

19 K Baker showed the samples of the plaques for the Historic Walking Tour.

20 R Simmons suggested we get some framed and put in the City office.

21 K Baker said the woman does the plaques by hand. There will be 12.

22 R Simmons said if we put them in the City office maybe more citizens will want their homes on the tour.

23 K Baker said she thinks they are nicely done.

24 D Astle said there was a yield sign replaced by a stop sign on 100 North and 400 East. Could that go back to being a yield
25 sign? There is more traffic that goes east.

26 S Bankhead said she will talk to Randy Eck about it.

27 R Simmons said the four way stop on Main street would be better moved to 100 West. He asked the Council to look at it and
28 decide if the City should change it. The four way stop is unenforceable on this corner. There is no place to hide at this
29 intersection.

30 K Baker said when Doran Baker was on the Council it was voted down. The Public Works Director had it put up anyway.

31 R Simmons said there will be an open house on December 5th at the Mayor's house. There will be no meeting on December
32 23, 2008. There will be a meeting on December 9, 2008.

33
34 Motion to adjourn: R Liechty, K Baker second

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

36 Nay: None

37 Abstained: None

38 Excused: D Low

39
40 Meeting adjourned at 7:00 p.m.

41 Minutes taken and prepared by Terri Lewis
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44
45
46

Randy Simmons, Mayor

Skarlet Bankhead, City Recorder