

1 **PROVIDENCE CITY COUNCIL MEETING**

2 **December 12, 2006**

3 **Providence City Office Building**

4 **12 South Main**

5 **Providence, UT 84332**

6  
7 **Call to Order:** Mayor Simmons

8 **Roll Call of City Council Members:** Mayor Simmons

9 **Attendance:** K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

10 **Excused:** None

11 **Pledge of Allegiance:** Stacie Gomm

12 **Opening:** Ron Liechty

13  
14 **PRESENTATIONS AND PROCLAMATIONS:**

15 **Item No. 1. Proclamation: January as Literacy Month; sponsored by Bridgerland Literacy.**

- 16 • Gayle Knapp, representing Bridgerland Literacy, presented a proclamation on eliminating illiteracy in  
17 Cache County. She explained that January is literacy month and that an annual fundraiser and silent  
18 auction will be held on January 26, 2006. Bridgerland Literacy helps the illiterate gain basic literacy.  
19 She invited the Council and Mayor Simmons to attend and sign up as a team for a Scrabble  
20 competition. She also explained that adult illiteracy puts children at risk due to the fact that the adults  
21 are the role models. Low adult literacy means low adult income which is frequently below poverty  
22 level. Nation wide manufacturing businesses aren't able to fill 40 percent of their unskilled positions  
23 because of this dilemma.  
24 • Baker inquired about registration.  
25 • Gayle Knapp explained that the website literacy.org has registration information. The Cost is \$75 for  
26 a team of three. Spectator tickets are \$15.

27 Motion to make January literacy month – S Gomm, Second – T Rasmussen.

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

29 Nay: None

30 Abstained: None

31 Excused: None

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33 **Item No. 2. Oath of Office: Members of the 2007 Providence City Youth Council will take the oath of**  
34 **office.**

- 35 • S Bankhead presented the Youth Council members. She explained that twelve are serving on the Council.  
36 Those present to take the oath of office were: Leticia Richards, Whitney Olson, Rachel Liljenquist,  
37 Amanda Brown, and Briana Hatfield. Destry Merritt was acknowledged and thanked for helping the  
38 Youth Council and for preparing the calendar for Providence City. Calendars are available for \$5 at the  
39 City Office Building.

40  
41 **Approval of the minutes for the November 28, 2006 City Council meeting.**

42 Motion to approve the minutes for November 28, 2006 – S Gomm, Second – D Johnson.

43 Vote: Yea: K Baker, S Gomm, D Johnson, T Rasmussen

44 Nay: None

45 Abstained: R Liechty

46 Excused: None

47

1 **PUBLIC COMMENTS:**

- 2 • Valerie Russell, who lives on Sherwood Drive, explained that new development has taken place and  
3 she would like to see another park with playground equipment for children. She would like a safe  
4 place for children to play.
- 5 • Sharell Eames has questions regarding the service station on the Macey's complex. She asked if the  
6 station was approved on the final plat.
- 7 • S Bankhead explained that the gas station is a permitted use. The location of the first site was  
8 approved with the final plat. The final site itself, which was moved, was approved recently. The use  
9 was approved a long time ago. The final plat didn't show any potential uses, just dimensions. The  
10 site plan only had to be approved by the Planning Commission.
- 11 • R Simmons stated that any permitted use is automatically approved.
- 12 • S Gomm aired concerns with sexually oriented businesses.
- 13 • S Bankhead explained that these concerns have never been approved by the City Council because it  
14 stops with the Planning Commission.
- 15 • Marilyn Bell isn't happy with the gas pad at Macey's because it will impact her business. Rumor is  
16 that another gas pad is going in on the Macey's property and she asked if it is true.
- 17 • S Bankhead spoke with Carl Pitt and he did mention other businesses, but nothing about a gas pad.  
18 Nothing has been submitted.
- 19 • Gayle Knapp wondered when the holes will be fixed on Center Street.
- 20 • R Eck explained that repairs are level with the street; they are not holes. The patches should work  
21 until a new road is built in the spring.
- 22 • Mayor Simmons mentioned that the road will be fixed in sections and will allow citizens to be able to  
23 travel in and out of the area.
- 24

25 **UNFINISHED BUSINESS:**

26 **Item No. 1. Resolution 06-057. The Providence City Council will consider for adoption a resolution**  
27 **updating the Providence City fee schedule.**

- 28 • Mayor Simmons presented the resolution.
- 29 • S Bankhead suggested that the fee schedule be passed as soon as possible, and any necessary  
30 amendments could be made at a later date.
- 31 • T Rasmussen asked if the schedule is updated annually. S Bankhead mentioned that it had not been  
32 updated since 1997.
- 33 • S Gomm inquired if the City has kennel licenses. S Bankhead replied that there is at least one  
34 remaining kennel license in existence. S Gomm felt that the City should grandfather kennel licenses.
- 35 • K Baker asked if there is a connection fee for sewer. S Bankhead explained how the system works.  
36 Mayor Simmons explained how the fees were based on the cost of service.
- 37 • K Baker asked if another homeowner wanted another water connection fee, would they also pay the  
38 impact fee. S Bankhead explained that another service line does pay the fee. Impact fees reserve a  
39 spot on the system. If it is drawing water out of the culinary system, impact fees must be paid.

40 **Motion to approve Resolution 06-057 updating the Providence City fee schedule – T Rasmussen, Second – D**  
41 **Johnson.**

- 42 • T Rasmussen asked if the fee should be looked at annually. S Bankhead felt that it should. Mayor  
43 Simmons suggested doing it as part of the regular budget.

44 **Vote:** Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen  
45 Nay: None  
46 Abstained: None

1            Excused:            None

2  
3    **NEW BUSINESS:**

4    **Item No. 1. Resolution 06-067. The Providence City Council will consider for adoption a resolution**  
5    **increasing the capital asset minimum from \$1,000 to \$5,000.**

- 6            • Mayor Simmons asked S Bankhead to explain.  
7            • S Bankhead explained that the auditors suggested raising the capital assets minimum and gave reasons  
8            for the change.

9    Motion to approve Resolution 06-057 increasing the capital asset minimum from \$1,000 to \$5,000 – R  
10 Liechty, Second – D Johnson.

- 11            • K Baker wondered if other items need to be depreciated. S Bankhead explained how it works.

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

13            Nay:                    None

14            Abstained:            None

15            Excused:              None

16  
17    **Item No. 2. The Providence City Council will discuss changing the regular City Council meeting night**  
18    **from the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday to the 2<sup>nd</sup> and 4<sup>th</sup> Thursday.**

- 19            • Mayor Simmons presented this suggestion. His reasoning is that having three working days before  
20            the Council meeting would allow the Council more time to prepare without weekend conflicts.  
21            • R Liechty commented that it would also be after the Planning Commission meeting.  
22            • K Baker wondered if there would be an advantage.  
23            • The Council members felt it would be better to leave the meetings on the second and fourth Tuesdays.

24  
25    **Item No. 3. The Providence City Council will consider for adoption a resolution approving a service**  
26    **agreement for Cody Stewart to provide consulting services to, and for the benefit of, Providence**  
27    **relating to legislative, regulatory and administrative matters, including appropriations and other**  
28    **federal funding matters.**

- 29            • Mayor Simmons explained how the program works. Cody Stewart, whom the City would hire, works  
30            with the firm Larson, Dodd and Stewart, a Washington D.C. consulting firm which represents smaller  
31            entities in Utah. Three major bills will be put together. The transportation bill has money for trails,  
32            bike paths, parks, etc. The farm bill has money for agricultural projects. He asked the Council if they  
33            felt it would be worthwhile to hire a lobbyist. Other cities have lobbyists. Cody would do it for  
34            \$1,000 per month. Information was included in a packet prepared by Mayor Simmons to look at. He  
35            explained that if the City would like to be included in the list, someone needs to be working with the  
36            congressional staffs. Needs would have to be prioritized. The firm has been highly effective. Logan  
37            pays \$30,000 per year for Tim Stewart.  
38            • K Baker asked who would be setting the priorities. She feels a list must be made and then someone  
39            meet with Cody at least once a month to find out what he is doing. She suggested that Mayor  
40            Simmons should be the person staying on top of this.  
41            • Mayor Simmons explained that this is the most effective way to receive funds. He explained how  
42            Cody is involved with the government and acknowledged Cody has spent the last six years as a staff  
43            member on Capitol Hill.  
44            • S Gomm asked how the service agreement would work.  
45            • Mayor Simmons explained that funding would be for projects or buildings and gave examples of  
46            cities that have benefited. He also explained that there is no guarantee.

- 1 • S Gomm asked if demographics would lead the City to funding.
- 2 • Mayor Simmons said that demographics aren't looked at, but at whom the players are in the
- 3 appropriations process. Senator Bennett will be able to have a say on about how 40 percent will be
- 4 spent, and Jim Matheson, co-chair of "blue dog democrats," is one the most powerful members of the
- 5 house. He also mentioned that Cody Stewart would prefer working with the City for a year.
- 6 • K Baker is concerned with how he will know what should be done and with being able to follow-up
- 7 on what he has done.
- 8 • S Gomm commented that he may see a good opportunity, but it may not be something the City is
- 9 looking for.
- 10 • Mayor Simmons mentioned that he speaks with Cody at least twice a month and has worked with him
- 11 in the past. He felt that Cody will not be offended if the City decides not to use his services. Mayor
- 12 Simmons also felt that this is an opportunity that very few small towns take advantage of. He also
- 13 said the City will make sure we are getting the representation.
- 14 • R Liechty asked where the funding will come from.
- 15 • Mayor Simmons volunteered his salary as payment and explained that he hasn't accepted any of his
- 16 salary so far.
- 17 • Sharell Eames is concerned with the words "earmark" and "who you know." They are contrary to
- 18 what she believes, and she doesn't want to be a part of ear marking funds.
- 19 • Mayor Simmons explained the difference between grants and funding. Grants must be written and
- 20 are given depending on how well the proposal is written. The members of Congress put together log
- 21 rolling or trading votes. He explained that this is true lobbying.
- 22 • K Baker said she was told that when the NASA bill was passed, the add-ons exceeded the amount of
- 23 the original bill.
- 24 • Mayor Simmons felt that this is terrible business and is not the way the government should function.
- 25 He said the City's decision is whether or not to play that game. It is the same as pork barrel politics--
- 26 it is influence. Mayor Simmons commented that he approached Cody with this idea.
- 27 • Marilyn Bell questioned what "this" means.
- 28 • Mayor Simmons explained that he met with different legislative members and was informed that
- 29 money will be allocated for projects like this. He said that money can be applied for from the State
- 30 and that legislative members will apply pressure to get money for a new weir which Providence City
- 31 is in need of.
- 32 • Marilyn Bell felt that Mayor Simmons must have had projects in mind. Mayor Simmons said he
- 33 would like a fire station, a new city office building, and trail and parks money.
- 34 • Laura Fisher understands that conservatives are trying to get rid of this whole process as soon as
- 35 possible, and she doesn't like the City to do business this way. She also believes the \$30,000 for the
- 36 weir would not be needed.
- 37 • S Gomm has mixed feelings. She feels this is a terrible way to do business, but it is the way it is
- 38 being conducted. She recommended using Cody Stewart's services for six months as a trial period to
- 39 see if there are any benefits. If it is slimy, the City can pull out. She is also concerned with
- 40 continually hiring help, but feels there is a valid point in using the Mayor's salary for this purpose.
- 41 • R Liechty would like to have time to think about it and to understand the proposal. He doesn't feel
- 42 comfortable with spending the money without knowing the details.
- 43 • T Rasmussen isn't comfortable with this kind of government. He feels that it is like a double-edged
- 44 sword and wonders whether to go down this road or stay away from it.
- 45 • S Gomm commented that sometimes good things do come out of a bad system. She feels that going
- 46 into it with knowledge will help to know what to look for. She would like those priorities to be done,

1 and wonders what type of bill the request would be placed on.

- 2 • Mayor Simmons said, “You have a pot of money with competition. It doesn’t make the pot grow, but  
3 decides how it will be divided. It gets divided based on political power.”
- 4 • Someone from the audience said it does make the pot grow and has created a huge deficit.
- 5 • K Baker believes that Utah State University hires a lobbyist who doesn’t make the pot grow, but asks  
6 for a specific amount from the pot. She feels more comfortable with this idea. She recommended that  
7 the money be part of the pot. Whoever gets there first and talks the loudest gets it. The University  
8 goes for the money in a way they can feel good about.
- 9 • Mayor Simmons explained that transportation funding will help with the trails project. If there was a  
10 plan for interconnecting trails, then that will compete with others trail ideas. It competes based on the  
11 effectiveness of the lobbying because competition is not equal.
- 12 • D Johnson knows EPA rules cost a phenomenal amount to implement. He believes there is money  
13 earmarked on bills from cities for projects and for assistance in following rules. He felt that if the  
14 City could get the money, we would jump for joy, but we won’t get it if we don’t try.
- 15 • Mayor Simmons explained that Nibley has benefited because of new found funding, and is in a  
16 position to replace some of their roads. If it hadn’t been researched and applied for, the money would  
17 have gone back to the Federal Treasury.

18 Motion for a continuance until the next council meeting to be held on January 9, 2007 – S Gomm, Second – R  
19 Liechty.

- 20 • D Johnson asked if Cody could come and discuss how he can help and give his philosophy.

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

22 Nay: None

23 Abstained: None

24 Excused: None

25  
26 **STAFF REPORTS:**

27 **Skarlet Bankhead will report on the Administrative, Community Development, and Finance &**  
28 **Records Departments.**

- 29 • S Bankhead wished everyone a good holiday and happy new year. She explained that all ends are  
30 being tied up in preparation for next spring’s busy season.

31  
32 **Randy Eck will report on the Public Works, Water, and Sewer Departments.**

- 33 • R Eck explained to the Council that the Spring Creek sewer crossing has been completed on 300 East  
34 going towards Logan. They have concluded to stay with the general plan and are set to abandon the  
35 last of the lift stations. Citizens do not have to worry about gray water and sewer as it leaves their  
36 homes. He is impressed with the engineering in regards to the sensitivity of the area. He feels that as  
37 soon as it can be cameraed, the church can be put on line. Once everything is on line, he will see if  
38 there is a market for a pump purchased six months ago.
- 39 • At the last meeting, it was mentioned that there were concerns on the Maceys project with the fence  
40 being taken down because it is a basic drainage area. He contacted Amsource and was told they do  
41 have the necessary required documents for the fuel station and with the drainage area. The fence will  
42 be put back in compliance with the regulations. In his dealings with the Army Corp of Engineers, he  
43 is satisfied with the permits they require.
- 44 • T Rasmussen asked if the station would be on the west. R Eck explained that it would be on the south  
45 boundary of Phase I, away from the highway.
- 46 • Mayor Simmons asked where gas permits come from to obtain the tanks and to make sure procedures

1 are followed. R Eck stated that PETRO west did placement of the tanks. He assumes the EPA  
2 regulates it. This is not the first place fuel tanks were placed in water.  
3 • Marilyn Bell expressed her concern with placing the tanks in the ground surrounded by water.  
4 • Randy Eck doesn't understand the fear. Stations are built to handle situations such as these. The  
5 wetland is dry.  
6 • D Johnson explained that the Corp of Engineers discovered that most of the wetlands dried up when  
7 septic tanks were replaced with the sewer system.  
8 • Laura Fisher believes the appropriate information isn't available. She believes that citizens had water  
9 in their basements this spring. R Eck doesn't know of anyone in that area who has pumped their  
10 basements.  
11 • R Eck commented that the sewer truck is being used a lot.  
12 • Mayor Simmons questioned what is being used on the roads in the winter.  
13 • R Eck explained that sand and salt were used, but because of storm water regulations, the City uses  
14 straight salt treated with liquid calcium chloride.  
15 • D Johnson asked if there was much trouble with water leaks when Spring Creek was crossed. R Eck  
16 said no.  
17 • S Bankhead noted that the City would like to surplus a vehicle and an old plow in the very near  
18 future. The truck no longer has a service life for the City. Several communities have voiced interest  
19 in purchasing it.  
20

21 **COUNCIL REPORTS:**

- 22 • S Gomm is waiting for Logan City's response on the proposal for Logan Library.
- 23 • D Johnson expressed his appreciation for R Eck.
- 24 • T Rasmussen wished everyone a Merry Christmas and a good New Year.
- 25 • Mayor Simmons said the Spring Creek Water Board meets at 8:00 p.m., and he will represent the  
26 City.

27 **Motion to vote for the City water shares at the meeting – R Liechty, Second - T Rasmussen.**

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

29 Nay: None

30 Abstained: None

31 Excused: None

- 32 • Mayor Simmons presented the fact that Cache County will be working with Box Elder County to  
33 establish a regional landfill. The agreement should come forward before very long. The Cache  
34 Council will discuss whether Logan should represent the County since they are the contractor as  
35 opposed to Cache County who runs the sanitation district.
- 36 • Mayor Simmons gave the Council a draft of the development agreement between Edwards Furniture,  
37 IHC Health Care, and the City. The development agreement with Edwards Furniture has a part left to  
38 be finished concerning landscaping on Highway 165. IHC Health Care will pay for one street light if  
39 the City pays for two and agrees to pay \$10,000 next year and the year after until all of the street  
40 lights are in. The agreement stated that IHC Health Care will install the conduit and the equivalent of  
41 what the trees cost. He suggested continuing the discussion in January. There will be seven lights  
42 total; two lights for the next two years, and one a year later.
- 43 • K Baker asked if power will be available in the conduits for Christmas lights.
- 44 • R Eck doesn't like the idea. He has unpleasant feelings with Edwards Furniture. Each street light has  
45 a power source. He pointed out that there will be a big gap with no lights in front of Discount Tire.
- 46 • Mayor Simmons felt that a decision should be made to place street lights consistently along Highway

1 165.

- 2 • K Baker would like to have the power in case it becomes necessary.
- 3 • Mayor Simmons presented updates to the water information given at the last City Council meeting.
- 4 He read the sale agreement and explained that the only person who can approve the culinary use is the
- 5 Division of State Water. He also stated that Spring Creek Water Company does not have the
- 6 authority to approve excess Spring Creek water in the culinary system. He will write a memo to
- 7 Randy and ask Roland Jeppson to help him figure out the numbers, and he will instruct the City to
- 8 only use the water approved through the State Engineer's office. The only water to be used is what
- 9 the City has a clear right to according to the State Water Engineer. The City will apply to the State
- 10 Water Engineer for a development agreement for the City, and to see if there is a way to formalize the
- 11 informal agreement with Spring Creek Water Company. Until then, if the pumps must be turned on
- 12 during the winter, the pumps will be turned on. That was based on a conversation with Bob
- 13 Fotheringham with the Northern Utah Office of the Division of Water Rights. The Blacksmith Fork
- 14 Water Company has an agreement that is used with everyone the City is leasing water to. The City
- 15 must be able to show beneficial use of the water. One approved way is to have citizens use it on their
- 16 property. Cities are not allowed to divest their water or sell their water, but they can set up a system
- 17 to allow citizens to use the water. If beneficial use isn't demonstrated, someone else can file on it,
- 18 and both water companies would be in serious trouble. The State Water Engineer allows designating
- 19 some of the water the City has rights to for future water use. The City should put together a plan and
- 20 identify the water used in the future as sufficient demand requires. Mayor Simmons has discussed
- 21 this with Craig Smith, Providence City's water attorney.
- 22 • Sharell Eames acknowledged that water has been a source of discomfort for fifteen years, and she
- 23 thanked Mayor Simmons for his diligence in finding the answers. Mayor Simmons believes that
- 24 almost everything has been figured out, and reiterated that the City will no longer run in the City
- 25 culinary water system water that does not belong to the City.
- 26 • Marilyn Bell was on the Planning Commission when Edwards Furniture came in and stated that they
- 27 have not kept their end of the agreement. She requested having someone check the minutes to see
- 28 what the stipulations were at that particular time.
- 29 • S Gomm wondered if that would be in the development agreement instead of the minutes. Mayor
- 30 Simmons commented that dealing with them has been relatively painful. The City is closer to getting
- 31 something resolved but is still pushing. Trees were planted on 300 South, but there are issues of
- 32 where they are planted.
- 33 • Marilyn Bell wondered why their business license was renewed even though they hadn't fulfilled their
- 34 obligation to the City.
- 35 • Mayor Simmons will make sure something is done.

36 Motion to adjourn – R Liechty, Second – S Gomm.

37

38 Meeting closed at 7:52.

39 Minutes taken and prepared by B Turley.

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Randy Simmons, Mayor

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Skarlet Bankhead, City Recorder