

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

4 **Tuesday, June 14, 2005 6:00 p.m.**

5 **Attendance:** Mayor: Alma H. Leonhardt  
6 Council: Randy Eck, Stacie Gomm, Deon Johnson, Ron Liechty,  
7 (Vic Saunders – excused)  
8 City Recorder: Skarlet Bankhead

9 **The Providence City Council will meet for an executive session at 6:00 p.m. in the City**  
10 **Council Chambers.**

11 Motion to enter an executive session – R Liechty, second – D Johnson

12 Vote: Yea: R Eck, S Gomm, D Johnson, R Liechty

13 Nay: None

14 Excused: V Saunders

15 Abstained: None

- 16 • The Council entered the executive session at approximately 6:10 p.m.

17 Motion to close the executive session – R Liechty, second – D Johnson,

18 Vote: Yea: R Eck, S Gomm, D Johnson, R Liechty

19 Nay: None

20 Excused: V Saunders

21 Abstained: None

- 22 • The Council closed the executive session at approximately 6:55 p.m.

23 **Agenda Items:**

24 Motion to approve the minutes for May 24, 2005 – D Johnson, second – R Liechty,

- 25 • Corrections - None

26 Vote: Yea: R Eck, S Gomm, D Johnson, R Liechty

27 Nay: None

28 Excused: V Saunders

29 Abstained: None

30 **Item No. 1. Resolution 04-071. The Providence City Council will reconsider a resolution**  
31 **approving a final plat for Stirland Estates Subdivision located generally at 620 South**  
32 **200 West, requested by Van Stirland.**

33 Van Stirland and Gary Knighton represented the development.

- 34 • R Eck asked for clarification on the asphalt. G Knighton explained the first 80 feet  
35 will be the complete road. After the 80-feet there will be 24.5-feet of asphalt and no  
36 curb gutter, or sidewalk.
- 37 • G Knighton felt if the ordinance allows for a half street, a half cul-de-sac should be  
38 allowed. S Gomm explained the ordinance identifies a half street but does not  
39 address a half cul-de-sac. G Knighton felt the meeting with the fire department will  
40 show the fire truck can turn in the cul-de-sac as shown. He showed the Council a  
41 drawing of the fire truck radius. G Knighton explained the original fire department  
42 approval was allowing for a 3-point turn-about.
- 43 • G Knighton explained the dashed lines inside the lot lines on the plat are the setback  
44 lines for structures.
- 45 • G Knighton explained the developer would escrow money to complete the cul-de-sac  
46 until future development occurs. R Eck was not comfortable binding a future  
47 Council to finish the cul-de-sac. G Knighton felt the Council needed to look at what  
48 was best for the City.

- 1 • R Eck felt if Gary Stauffer did not want to look down to the future, that was his right.  
2 However, R Eck felt the Council should look down the future and a public road  
3 would be better than a private lane.
- 4 • D Johnson felt the City was getting a public street (minus 4.5 feet of asphalt). The  
5 Council felt a public road would benefit G Stauffer in the future. S Gomm explained  
6 if or when the Stauffer property is developed, that developer of the Stauffer property  
7 would be responsible to complete the 4.5 feet of asphalt, curb, gutter, park strip, and  
8 sidewalk.
- 9 • R Eck explained to Developers that the lots will get the entire width of snow removal  
10 pushed to their side. The snow will not be pushed to the south.
- 11 • D Johnson felt the issue was getting the appropriate width of asphalt in the cul-de-  
12 sac. R Eck felt the curb, gutter, and park strip around the cul-de-sac could be  
13 temporarily waived; but not the sidewalk.
- 14 • G Knighton explained if the largest fire truck cannot turn in the cul-de-sac as shown,  
15 the first alternative is to make the driveways wider with a concrete depth of six  
16 inches.
- 17 • Clint Thompson, 390 East 200 North, felt the cul-de-sac specs should stand on their  
18 own; and the entire width should be built. He felt if the subdivision cannot stand on  
19 its own, it should not be approved.
- 20 • R Eck explained the ordinance allows for half-street approval. R Eck explained this  
21 was more than a half street. He also explained the ordinance gives the Council lee-  
22 way to utilize a temporary turn-around. R Eck explained the cul-de-sac was being  
23 considered as temporary.
- 24 • D Johnson explained the first 80-feet will be a full street. D Johnson explained there  
25 is nothing in the ordinance to prevent a partial street.
- 26 • R Eck felt there was the spirit or letter of the law. He explained the purpose of the  
27 cross section is to allow for driving, storm water, pedestrians, and snow removal. C  
28 Thompson agreed. R Eck explained with that in mind where only half of the street is  
29 being serviced, a partial street will be sufficient, until future development occurs. R  
30 Eck explained that the Council is not obligating the Stauffer property, they are  
31 allowing future opportunities.
- 32 • C Thompson did not agree the partial road allowed options for the Stauffer property.  
33 He felt the Stirland Subdivision should stand on its own and not obligate the City or  
34 the Stauffer property in the future. S Gomm explained planning obligates property.
- 35 • G Stauffer clarified he will not develop, meaning he, himself will not develop; but he  
36 may sell it to a developer. G Stauffer explained the way he interprets the ordinance,  
37 this is a feeder road, with a 50-foot right-of-way. He felt allowing the fire truck  
38 exception meant this should be a private lane. C Thompson felt the partial road  
39 would be a “screwed up” road, if it was never finished.
- 40 • G Knighton explained the City Attorney has interpreted the ordinance to allow a  
41 partial cul-de-sac. G Knighton reported the ordinances also require access to  
42 neighboring property. By having a public street and keeping the cul-de-sac a  
43 temporary turn-around, future development on adjacent properties can have access.
- 44 • G Stauffer explained the drawing puts the south side of the road against his fence. He  
45 felt there should be 9.5 feet between the south side of the road and his fence.
- 46 • D Johnson felt the road was legal for the Stirland Subdivision, and would eventually  
47 allow for access to the Stauffer property.

- 1 • G Stauffer asked why the curb and gutter on the south side for the first 80-feet. G  
2 Knighton explained this was a requirement from UDOT. G Stauffer requested curb  
3 and gutter the entire length of this white fence (approximately 150-feet).
- 4 • After looking at the property, G Stauffer does not want to have the cul-de-sac  
5 completed on his property.
- 6 • C Thompson felt the proposed street did not meet the ordinance because the  
7 ordinance calls for a half street and the developer is building more than a half street.  
8 He felt the developer should build a half street or a full street.
- 9 • G Knighton explained the development is building more than a half-street to allow  
10 for two travel lanes. He felt the entire asphalt width could be built on the Stirland  
11 property, but not the entire right-of-way. However, he explained installing the entire  
12 asphalt width (29 feet) would not allow for the appropriate shoulder and the edge of  
13 the asphalt would break down.
- 14 • S Gomm explained that leaving the cul-de-sac unfinished on the Stauffer side, allows  
15 more options for the Stauffer property.
- 16 • G Stauffer felt Stirland had enough property to meet the ordinance, if they gave up  
17 one lot.
- 18 • G Stauffer explained if Stirland built the entire right-of-way on the Stirland property,  
19 in ten years adjacent property could access the road without reimbursement. S  
20 Gomm explained she did not like the 10-year rule that allows for development  
21 without reimbursement.
- 22 • C Thompson did not feel the Council was interpreting the correct intent of the half-  
23 street ordinance. He felt there were only two options; a half street or a full street,  
24 nothing in between should be allowed. He felt the road should be treated the way  
25 125 North was treated; the entire right-of-way was built on the developer's property.
- 26 • G Stauffer felt all property would eventually develop. But he felt the partial street  
27 obligated his property.
- 28 • R Liechty felt 125 North was different because both sides of the cul-de-sac were  
29 being developed. This development only has lots on one side of the cul-de-sac. This  
30 development is only using one side. C Thompson stated there is no agreement  
31 between Stauffer and the developers. R Liechty agreed, but explained this is  
32 different.
- 33 • R Liechty explained this is not obligating the property, but allowing options. He  
34 explained double frontage lots are not allowed. If a street is located too close to the  
35 Stirland street, some of the Stauffer property may be in jeopardy of double frontage.  
36 This does not bind the Stauffer property to complete the Stirland road, if the Stauffer  
37 property does not access the Stirland road.
- 38 • G Stauffer explained he considered allowing Stirland to use enough of his property,  
39 provided he piped the irrigation ditch, to have a hard surface for the balance of the  
40 cul-de-sac, but changed his mind because he felt it obligated his property. R Liechty  
41 did not feel the Stauffer property would be committed unless curb and gutter was  
42 installed. R Liechty explained leaving the south side unfinished allows for options to  
43 the Stauffer property depending on how the Stauffer property is developed.
- 44 • R Liechty agreed the legal feeder needs 29-feet of asphalt. G Knighton explained  
45 29-feet of asphalt can be built but the gravel shoulder would be reduced.
- 46 • D Johnson drew the outline of the road. The curb is 1.5-feet from the Stauffer fence.
- 47 • C Thompson stated a half-street would have twenty-five feet of right-of-way on one  
48 property and twenty-five on the other side. C Thompson felt the developer needed a

1 50-foot right of way on the Stirland property or the center of the road should be on  
2 the property line between the Stirland and Stauffer property. He explained putting  
3 the center line in the proper place would make the finished right-of-way to close to  
4 the existing Stauffer home. He felt the Stirland development should be denied or  
5 made to build the entire right-of-way on the Stirland property.

- 6 • R Eck explained allowing more than half benefits the neighboring property. G  
7 Stauffer explained the street cannot come closer than 20-feet from the existing  
8 homes to allow for frontage.
- 9 • G Knighton explained legal council has approved the plan, and the Planning  
10 Commission has approved it. C Thompson felt the road should be installed to match  
11 the ordinance. G Knighton explained Rod Blossom has approved the design.
- 12 • G Stauffer felt the developer should stay 9 feet from his property line with 29 feet of  
13 asphalt installed. He explained he looked at 475 East off of 1000 South. This is a  
14 true half of street.
- 15 • R Eck felt the street should be approved as a half-street, even though it is providing  
16 more than half of the asphalt.
- 17 • R Liechty did not feel a permanent cul-de-sac could be met. He did not feel the code  
18 allowed for a half cul-de-sac.
- 19 • G Knighton explained a temporary hard surface can be put in that will allow for turn-  
20 around. R Eck read 11-4-3:P. which discusses non-connecting streets. If this cul-de-  
21 sac is temporary, then the requirement is not a footage requirement, but provides a  
22 turnaround for snow plows, garbage trucks and other service vehicles.
- 23 • R Eck suggested the sidewalk be installed.
- 24 • R Liechty felt if the Council truly believed that eventually the property to the south  
25 would be developed, then the cul-de-sac is temporary. He felt using 11-4-3:P  
26 allowed the partial temporary cul-de-sac.
- 27 • C Thompson did not feel the Council should vote on something that may or may not  
28 happen. He felt the Stirland street should be a half-street or a full-street but not a  
29 street that is more than a half-street, but less than a full street.
- 30 • G Knighton felt the half-street ordinance allowed the first developer to decide where  
31 the street would go. G Knighton felt the street shown on the development met the  
32 ordinance. G Knighton explained 24-feet of asphalt allows for two cars to pass.
- 33 • G Stauffer did not feel the gravel would hold, only being 1.5 feet from his property.  
34 G Knighton did not think there would be more than a 1-foot cut on the south side of  
35 the road.
- 36 • R Liechty explained he prides himself in the fact that he tries to follow ordinances in  
37 every way he can. He works closely with C Thompson and values his opinion.  
38 However, if something passes the ordinances, he has to allow people to use their  
39 property. By using 11-4-3:P, understanding that something will eventually develop,  
40 this plan meets the ordinance. He does not like half streets, but because this is  
41 beyond a half street, he felt it met the intent of the ordinance.

42 Motion to approve with conditions that sidewalk, curb and gutter be installed on the north  
43 side and around the north side of the cul-de-sac, and that the fire marshal sign off that the fire  
44 truck can turn around – R Liechty, second – R Eck,

45 Motion to amend that 29 feet of asphalt be required, because the City is not 100% sure the  
46 south half will develop in the near future – S Gomm.

- 47 • D Johnson felt 29-feet of asphalt does not allow for building the south bank of gravel.  
48 S Gomm suggested the entire road shift north 4.5 feet.

- R Liechty asked if the road could be moved 4.5 feet. G Knighton explained it was possible, but did not feel the developer would agree to move the street.
- D Johnson asked on which side of the street the sewer would be installed. G Knighton was not sure; but explained both water and sewer ran 5' off the center.
- G Knighton explained the original conditions were met.

Amendment died for lack of a second.

Vote: Yea: R Eck, D Johnson, R Liechty

Nay: S Gomm

Excused: V Saunders

Abstained: None

**Item No. 2. Public Hearing. Resolution 05-023. The Providence City Council will consider for adoption a resolution adopting the proposed budgets for all funds for fiscal year 2006.**

The Mayor declared the public hearing open.

- Dan Triplett, 583 South 285 East, was the only audience member. He did not have a comment.

The Mayor closed the public hearing.

- S Gomm clarified the library contribution from River Heights is part of the amount Providence City sends to the County.
- Mayor Leonhardt explained the City intends to apply for a tree grant.

Motion to approve Resolution 05-023 – R Liechty, second – S Gomm,

Vote: Yea: R Eck, S Gomm, D Johnson, R Liechty

Nay: None

Excused: V Saunders

Abstained: None

**The Providence City Council will hold a study session after the agenda items. This session will be open to the public; however no public comment will be heard and no action will be taken on agenda items.**

Recreation Baseball:

- Dan Triplett reported he is building three pitching machines for the Little League program. He explained he is donating his time, has acquired donated parts, and the City is purchasing some parts.
- D Triplett reported in the original proposal, he asked that the City release him from any liability. He reported he discussed a condition of no liability with Daryl Lundberg, the director of the program. D Triplett explained he was told the City would not waive the liability. It was decided D Triplett would put together a kit and the City build the machines.
- S Gomm asked to view the original proposal. D Triplett explained the liability was not part of the original proposal. He explained it was an oversight on his part; but he felt a liability waiver was necessary for him to complete the project. D Triplett explained he has been advised by legal counsel not to accept any liability.
- If the City cannot waive the liability, D Triplett will give the kits to the City with a copy of the plans. The plans are not stamped and include a liability waiver.
- The Council reported they will need to talk to the City Attorney.

Street light on 285 East:

1 • D Triplett reported there is not street light on the intersection or in the cul-de-sac.  
2 He and several other area residents would like to have a light installed. He also  
3 explained one of the neighbors do not want a street light.

4 • The Council explained lights can be shielded to reduce impact on homes.

5 **Note: At any time during the meeting, the City Council may vote to go into an**  
6 **executive session pursuant to Utah Code 52-4-5.**

7 Motion to open an executive session – S Gomm, second – R Liechty,

8 Vote: Yea: R Eck, S Gomm, D Johnson, R Liechty

9 Nay: None

10 Excused: V Saunders

11 Abstained: None

12 • The Council entered the executive session at approximately 9:10 p.m.

13 Motion to close the executive session – R Eck, second – R Liechty

14 Vote: Yea: R Eck, S Gomm, D Johnson, R Liechty

15 Nay: None

16 Excused: V Saunders

17 Abstained: None

18 • The Council returned to open meeting at approximately 10:00 p.m.

19 Motion to adjourn – R Liechty, second – R Eck,

20 Vote: Yea: R Eck, S Gomm, D Johnson, R Liechty

21 Nay: None

22 Excused: V Saunders

23 Abstained: None

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25 Minutes taken and prepared by S Bankhead.

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Alma H. Leonhardt, Mayor

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Skarlet Bankhead, City Recorder