

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **August 10, 2010**

3 **Providence City Office Building**

4 **15 South Main Providence, UT**

5  
6 Call to Order:

Mayor Liechty

7 Roll Call of City Council Members:

Mayor Liechty

8 Attendance:

D Astle, B Bagley, D Calderwood, D Low, J Russell

9 Excused:

10 Pledge of Allegiance:

Mayor Liechty

11 Motivational Thought:

D Calderwood

12  
13 **APPROVAL OF THE MINUTES:**

14 **Item No. 1.** The Providence City Council will approve the minutes from July 27, 2010.

15 **Motion to approve the minutes of the Joint Workshop and the City Council from July 27, 2010:**

16 **D Astle, J Russell second**

17 **Vote: Yea: D Astle, B Bagley, D Calderwood, D Low, J Russell**

18 **Nay: None**

19 **Abstain: None**

20 **Excused: None**

21  
22 **PUBLIC COMMENTS:**

23 No comment

24  
25 **BUSINESS ITEMS:**

26 **Item No. 1. Discussion:** The Providence City Council will discuss the visibility and termination of the sidewalk located generally at 870 South 400 East.

27 Jan Jensen and Mike and Jennifer Badgett are representing the neighbors in this area.

28 M Badgett passed out some pictures to help explain the problems that exist in this area. The hill impedes drivers in this area.

29 He talked about the dangers that exist because of this hill. This hill is part of Doran and Kathy Baker's property. He

30 explained that the Hillcrest Subdivision has a lot of starter homes. There will be a lot of kids in this area and the sidewalk

31 stops halfway down the road. There is also increased traffic on this road. The sidewalk terminates and forces walkers out of

32 the line of sight and then back into it. He would like to see a sidewalk continued all the way down the street. He has some

33 ideas for some temporary fixes. The Bakers own to the middle of the road. K Baker told M Badgett that the developer offered

34 to taper the hill down at his cost and she was not interested.

35 D Astle asked if impact fees were collected on this road.

36 S Bankhead said this is one of the roads that impact fees can be used to purchase property to widen the road.

37 B Bagley said the Bakers are not interested in selling the property.

38 D Low asked if the City could taper the hill themselves.

39 S Bankhead said not without the Bakers permission.

40 M Badgett said if the land was taken by the City this would probably reduce the value of the Bakers land.

41 S Bankhead said even if you take the land you still have to pay fair market value.

42 J Jensen said she is very worried about the children in the neighborhood. She has tried to look at both sides of the issue but

43 she can't see any side to the Bakers argument.

44 R Eck said the Bakers didn't give a reason why they won't sell the property.

45 D Low suggested talking to the Bakers again.

46 S Bankhead said the blind spot has been there for along time. There is a lot of traffic on that road but that is the problem that

47 you run into when development runs into agriculture. This street was going to be improved to 60 feet and put sidewalk on the

48 east side.

49 M Badgett read some of the suggestions from the neighbors. He said the real solution is to continue the sidewalk.

50 D Low said the problem is visibility.

51 B Bagley said he doesn't think the Council disagrees that there is definitely a problem here.

52 J Jensen said all the children up there catch the bus on 1000 South. The children have to pass this hill everyday.

53 D Astle suggested having a safety engineer look at the problem.

54 J Russell asked R Eck what his suggestion is.

55 R Eck suggested paving 300 East and changing 400 East to a one-way street. Problem solved.

56 City Council Meeting

08/10/10

1 S Bankhead said a better use of the money would be to acquire the property for the widening of the road. If you do this you  
2 would have to put up a retaining wall. K Baker was on the Council and very involved in the Hillcrest Development and is  
3 fully aware of the decisions that were made.

4 D Low said if the City feels like it's a safety issue to put in a sidewalk then the Council needs to do what is best for the  
5 citizens.

6 S Bankhead said if the City is serious about taking the property we need to have an appraisal done and offer the Bakers a  
7 bonafide offer.

8 D Calderwood suggested offering to slope the hill and redo the fence before they do the appraisal.

9 R Eck suggested getting an idea of how much property the City would need to fix the problem.

10 R Liechty told the Council about the meeting that he had with the Bakers. He will not have another meeting with them. They  
11 informed the Mayor that no one will touch their property.

12 D Low and J Russell will talk to the Bakers.

13 R Eck asked if they would like to know how much property will be involved before they go.

14 The Council thought that would be a good idea.

15  
16 **Item No. 2. Ordinance No. 007-2010:** The Providence City Council will consider for adoption an ordinance amending  
17 Providence City Code Title 10 Zoning, Chapter 8 Area Regulations, by adding Section 7 Site Requirements for Seasonal,  
18 Semi-Permanent and Temporary Business Facilities.

19 **Motion to approve: D Calderwood, D Low second**

20 S Bankhead reminded the Council that this was the ordinance that they talked about last week. She brought back the changes  
21 that the Council asked for.

22 **Vote: Yea: D Astle, B Bagley, D Calderwood, D Low, J Russell**

23 **Nay: None**

24 **Abstain: None**

25 **Excused: None**

26  
27 **Item No. 3. Ordinance No. 008-2010:** The Providence City Council will consider for adoption an ordinance amending  
28 Providence City Code Title 7 Public Ways and Property, by adding Chapter 7 Parks and City Owned Buildings (the purpose  
29 of this Chapter is to establish rules and regulations to provide for the safe and peaceful use of City owned buildings, park  
30 lands and trails; for the education and recreation of the public; for the protection of the property, facilities and natural  
31 resources; and for the safety and general welfare of the public); and amending Chapter 4 Cemetery Regulations, by  
32 prohibiting alcohol and creating a tobacco no-use and smoke free zone in the Cemetery.

33 **Motion to approve: D Low, B Bagley second**

34 S Bankhead reminded the Council that this was talked about at the last meeting. She brought back the changes that the  
35 Council asked for.

36 B Bagley suggested changing some of the formatting.

37 **Vote: Yea: D Astle, B Bagley, D Calderwood, D Low, J Russell**

38 **Nay: None**

39 **Abstain: None**

40 **Excused: None**

41  
42 **Item No. 4. Discussion:** The Providence City Council will discuss proposed changes to the sale of cemetery spaces;  
43 discussion will include the cost for residents and non-residents.

44 S Bankhead told the Council the reason for this discussion. Other cities have cemetery ordinance that defines a citizen as  
45 someone who has lived in the City forever or has lived there for 10 consecutive years. She suggested making the price the  
46 same for everyone. People have a resident relative buy the spaces for them so we aren't really accomplishing anything. When  
47 the parks rental fees were changed to one price it has helped with this problem. R Eck suggested changing the definition of a  
48 citizen as someone who has lived here forever or 10 consecutive years and in five years change the fees to a flat fee.

49 D Low asked if the money goes directly into the cemetery.

50 S Bankhead said yes it is used solely for the cemetery.

51 D Low said he feels like the price of the spaces should be according to the upkeep that it cost.

52 R Eck said there is only so much property for the cemetery. When that ground is gone there will be people buried there that  
53 don't have any ties to Providence. There is wisdom in being at or above the cost of the other cemeteries.

54 S Bankhead said at some point the City will need more ground. The perpetual care fund is for capital improvements. There  
55 are business owners that own property but they aren't residents. Plots can be gifted to other people but you cannot sell your  
56 spaces. She likes the 10 consecutive year idea.

57 D Astle believes that residents should get a better deal.

1 R Liechty thinks that the rates need to be raised but he feels like people who have lived here for 10 consecutive years should  
2 be able to be considered a resident.

3 S Bankhead said this is a huge deal to people.

4 J Russell said this is not a renewable resource.

5 R Eck will get the prices of other cemeteries in the valley.

6 This discussion item will be moved to the next meeting.

7  
8 **Item No. 5. Discussion:** The Providence City Council will discuss proposed changes to Providence City Code Title 5 Police  
9 Regulations, by adding Chapter 10 Firearms and Trapping within Providence City Limits.

10 R Liechty told the Council that he received a call from Mr. Hodson from the DNR and he has some concerns with this  
11 ordinance.

12 D Low said he feels like State law needs to be upheld. He said as long as this fits state code he will vote for it.

13 D Astle asked if an arrow with a blunt head could be added. He doesn't feel like the Council wanted to prohibit hunting they  
14 just had concerns about dangerous weapons.

15 D Low suggested prohibiting them except what state law will allow.

16 Darren Debloois said the Attorney Generals office is concerned that the intent is to prohibit hunting. There are already codes  
17 that prohibit dangerous weapons.

18 B Bagley said this stems from a problem with nuisance animals such as rock chucks. We would like our citizens to be able to  
19 take care of these kinds of things.

20 D Calderwood said safety wise; firearms should not be allowed in the City limits. As far as traps go that is a safety issue.

21 People don't control their pets. Most of this ordinance came from other cities. Why are you looking at us and not at the other  
22 cities? Is it wrong for cities to not allow firearms to be discharged in their limits? Two citizens objected to the exception  
23 because it infers that the City can give permission for someone to put a trap on their property. All this ordinance says is that  
24 you can't set a trap or discharge a firearm in the City of Providence.

25 D Debloois said he believes our attorney is specifically prohibiting hunting with hunting equipment but allowing dangerous  
26 equipment for recreation.

27 Keith Thompson said that state law said any bow and arrow under 40 lbs. is permissible.

28 D Calderwood said it doesn't matter how big the bow is, if you are hit with it, it will hurt you. He asked Kenny Eggleston if  
29 there is anything out there that will cause problems.

30 K Eggleston said in order to catch rock chucks you have to set a lethal trap.

31 D Calderwood said it is difficult to catch a rock chuck in a life trap.

32 K Eggleston said that regulating to much of what people do on private property could cause the City to be sued. If someone is  
33 using a trap and being cruel to animals he would use the state code that has been through the courts a thousand times instead  
34 of City codes. There are companies that can come in and trap the nuisance animals. He doesn't want to see the City opened  
35 up to litigation by trying to stop citizens from trapping on their own property. He understands that the City wants to make it  
36 safer. If animals are trespassing that animal is in the wrong. You can't write laws to take care of every situation. K Eggleston  
37 told some different situations with trapping animals.

38 K Thompson talked about some situations that he knows about with firearms.

39 D Calderwood said he has read ordinances from other cities in the valley. They all have ordinances that talk about hunting  
40 and trapping. Where should we go from here?

41 K Eggleston said he will find a state law or an existing ordinance to cover the safety issue. The violators of this particular  
42 ordinance will be kids.

43 S Bankhead asked what Jim Williamson does with his rock chucks.

44 K Eggleston says to call him. You can also trap them. DNR will issue permits for trapping if the animal is protected.

45 S Bankhead said at the Sheriff's Office they should be allowed to kill the rock chucks but Logan City won't allow it.

46 K Eggleston said this is a judgment call. They want to keep a good working relationship with Logan City.

47 D Debloois said from the perspective of the Attorney Generals office if an ordinance goes against state code the State will  
48 come after the City.

49 D Calderwood said he wants to know how the State is going to handle the other cities that are breaking the law. He wants a  
50 report from the DNR management in one month.

51 R Liechty thinks the Council should hold this for about a month until they see where this is going with the other cities.

52  
53 **STAFF REPORTS:**

54 R Eck talked to the Council about the rules and regulations of the Cemetery. He talked to the Council about headstone sizes  
55 and vaults for babies. He would like to have no more than 3 burials a day and would like to charge a fee to the mortuaries if  
56 the graveside service goes past a certain time.

57 The Council is OK with all of these changes.

58 R Eck said garbage cans will be ordered for the splash pad. Chipping has gone really well.

1 S Bankhead said we are getting ready for the Sauerkraut Dinner. DRC has Chase Bank, Gold's Gym and Amsource's final  
2 plat in house. They are working on the sign ordinance. Jay Baker will be here to talk to the Planning Commission. She told  
3 the Council about the road counts that we received from UDOT. They are significantly lower than what was originally given  
4 to the City. When she talked to Jeff Gilbert from the CMPO about the proposed round-a-bout on 100 North he suggested  
5 applying for a traffic light. S Bankhead feels like the City should wait until next year do some more studies and then go back  
6 to UDOT with their ideas. She told the Council about the 1700 South improvements. UDOT wants to be able to count on  
7 their support for widening the road. UDOT wants to put a two lane bike path on that road. She is still concerned that the  
8 RAPZ tax being used for the Canyon Trail has not been finished. If the tax isn't used we won't be able to ask for more money  
9 in February. She explained to the City that a citizen would like to have an ordinance that allows you to cut trees that are  
10 hanging onto your property from your neighbor's property and they would like height restrictions on trees. The Council  
11 doesn't want to concern themselves with private property issues.  
12 R Eck talked to the Council about the trees in the City.

13  
14 **COUNCIL REPORTS:**

15 B Bagley told the Council that the framed Preamble will be ready next week.  
16 D Astle asked how much sidewalk repair the City wants to do this year.  
17 R Eck said as much as the City can afford.  
18 D Astle said Carol Nyman would like to volunteer for the Historic Commission.  
19 D Low thanked Public Works and R Eck for the upkeep of the roads.  
20 D Calderwood told the Council about the Planning Commission meeting last week.  
21 J Russell talked about the CERT classes for Providence City.  
22 R Liechty talked to Blair Thompson and he would like to take the trees down in front of his house. He asked the Council for  
23 permission.

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25 **Motion to adjourn: D Low, D Astle second**

26 **Vote: Yea: D Astle, B Bagley, D Calderwood, D Low, J Russell**

27 **Nay: None**

28 **Abstain: None**

29 **Excused: None**

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31 Meeting adjourned at 9:11 p.m.  
32 Minutes taken and prepared by Terri Lewis  
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36 \_\_\_\_\_  
37 Ronald Liechty, Mayor

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Skarlet Bankhead, City Recorder