

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **September 28, 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:	B Bagley, D Calderwood, D Low, J Russell, D Astle
9	Excused:	
10	Pledge of Allegiance:	Mayor Liechty
11	Motivational Thought:	J Russell
12		

13 **APPROVAL OF THE MINUTES:**

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

15 **Motion to approve the minutes with the following changes: J Russell, B Bagley second**

16 Page 1 – Line 56 – signature box for the postmaster.

17 Page 3 – Line 4 – too late.

18 Page 3 - Line 7 – up for the month.

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

20 **Nay: None**

21 **Abstain: None**

22 **Excused: None**

23  
24 **PUBLIC COMMENTS:**

25 None

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27 **BUSINESS ITEMS:**

28 **Item No. 1. Discussion:** Dennis Wenger, Businesses along Gateway Drive name change.

29 Dennis Wenger thanked the Council for the opportunity to address them on the name change issue. Last week he e-mailed a  
30 petition to the Council and he presented those petitions to the Council addressing the name change. He read the letter he sent  
31 to the Council last week. The businesses on Spring Creek Parkway are requesting that the name not be changed to Gateway  
32 Drive due to the cost that will affect the businesses. He went through each business and listed the amounts it will cost to  
33 change the address. He explained how difficult the address change will be. The business owners suggest the name be changed  
34 at the Y intersection. This will be an unfunded mandate to these businesses. These are cost that will be very burdensome.  
35 This will definitely impact the local businesses. He asked the Council to rescind their decision to change the name.

36 D Low asked if anyone on the road is for the name change.

37 D Wenger said 12 businesses will be affected by this change. He encouraged the Council to contact the individual business  
38 owners and talk to them personally.

39 D Low asked if the businesses see any advantage in the long run to changing the street name.

40 D Wenger said they do not.

41 D Low asked if it would help to wait and change the name later.

42 D Wenger said it wouldn't matter when they had to do it. Their condo association gave land for this road. No one ever told  
43 them that the name would be changed.

44 S Bankhead said the biggest issue was for emergency services. Brent Speth is here to talk about this issue.

45 B Speth said there is already some confusion between Spring Creek Parkway, Spring Creek Road and Spring Creek Lane in  
46 Providence. There is a lot of talk between 911 and emergency vehicles trying to get the correct coordinates. The street  
47 changes in the course of travel. There is real confusion for emergency services. They ask that it be kept as simple and straight  
48 forward as possible. Please don't change the name in the course of travel.

49 The owner of ABC Pediatrics asked if they could have time to make calls and use the supplies they already have.

50 R Liechty told the Council if they wanted to bring this back to the next meeting they can notify S Bankhead.

51  
52 **Item No. 2. Discussion:** James Swink, Cache County Attorney, will discuss the proposal for a County-wide Justice Court.

53 J Swink said Cache County is the only county in Utah that doesn't have a Justice Court. There are real benefits to cities in  
54 joining an inter-local justice court. There are 12 Justice Courts in Cache County. Not every city needs a Justice Court.

55 Another benefit is we have more consistent application of justice across the board. He is asking Providence City to look at

1 this option since Judge Vail will be leaving the bench in February. He is asking that the City look at this idea seriously. He  
2 feels like the citizens will benefit from a County Court.

3 J Russell asked what the setup would be.

4 J Swink said that it would be through an inter-local agreement. It would be set up per City.

5 J Russell asked how many courts there will be.

6 J Swink said there could be a North and South Court.

7 D Astle said our Justice Court breaks even.

8 J Swink said the City would probably save money.

9 D Astle asked if the courts are under State supervision.

10 J Swink said they are under the Administrative Office of the Courts.

11  
12 **Item No. 3. Ordinance No. 011-2010:** The Providence City Council will consider for adoption an ordinance prohibiting the  
13 manufacture, distribution, possession, or use of synthetic cannabinoids (commonly known as spice).

14 **Motion to approve with the corrected state code reference: J Russell, B Bagley second**

15 S Bankhead said she took the County Ordinance that they adopted and made it work for Providence City. It hasn't been  
16 looked at by the City Attorney, Craig Carlston yet. He and his wife Heidi had a little boy on Friday. Congratulations to them.

17 D Low asked if you were driving with Spice in your system, can you get arrested for this.

18 J Swink said that cities are questioning this.

19 J Russell said this is one item. A year from now they develop something new.

20 J Swink said this covers 98-99% of what is out there. Spice is a serious problem State wide. There is more Spice related  
21 overdoses in the ER than all drugs combined. It has been banned in Logan City. It is not illegal to manufacture or use this  
22 drug.

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

24 **Nay: None**

25 **Abstain: None**

26 **Excused: None**

27  
28 **Item No. 4. Ordinance No. 010-2010:** The Providence City Council will consider for adoption an ordinance amending Title  
29 6 Chapter 2 by adding regulations for parking in front of mailboxes.

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

31 J Russell asked Roland Roche the Providence City Postmaster to discuss this issue.

32 R Roche said this affects the postal delivery. A lot of problems happen where the houses are so close together. When you  
33 have to get out of the vehicle 50 times that affects their job. The carriers would like a 15 foot approach and 15 foot away.

34 Snow removal also creates a problem. There should be a spot on the plot plan that the postmaster can sign off saying this is  
35 where the mailbox needs to be.

36 D Astle asked do you have to deliver the mail if the mailbox is blocked.

37 R Roche said regulations say you have to deliver the mail.

38 D Astle said he hates to pass an ordinance that is difficult to enforce. How do you notify people that they can't park in certain  
39 areas?

40 R Roche said the carrier can put a note in the mailbox telling the owner that they can't block their box.

41 S Bankhead said if this ordinance is put in place places with narrow frontages will not be happy with this.

42 D Low said it isn't the City's responsibility to provide parking.

43 S Bankhead said the City wanted to post 280 North no parking, every citizen on that street complained about this.

44 R Roche said he suggested putting the mailboxes on Canyon Road in this cul-de-sac. The citizens didn't want to do this.

45 D Calderwood asked what times would work for this ordinance.

46 R Roche said mail has to be delivered by 5:00 p.m. so it can be dispatched.

47 D Low suggested changing the wording to not allow anyone to be able to park within 15 feet of the mailbox at any time of  
48 the day or night.

49 D Astle said he has not talked to one person who wants this ordinance. He is opposed to the ordinance.

50 B Bagley thinks this will be more of a problem down the road. The Postmaster can't change the federal law.

51 D Astle asked if this is a problem in other postal areas.

52 R Roche said yes, everywhere. Most people will abide by this if there is an ordinance telling them not to park there.

53 D Calderwood asked if after 3 notices the people could be ticketed.

54 S Bankhead said that makes it very hard on law enforcement. She suggested requiring community mailboxes at the discretion  
55 of the post office. People will become very upset if parking on the streets is taken away.

56 R Roche said community mailboxes are expensive. Contractors or developers have to pay for them. You can't change the  
57 mailboxes that are already in place.

58 S Bankhead suggested requiring community mailboxes in new subdivisions.

1 R Roche said if Providence City passes this it will give other postmasters a chance to do the same thing. Service still means  
2 something to him and this ordinance would help with that.

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

4 **Nay: D Astle**

5 **Abstain: None**

6 **Excused: None**

7  
8 **Item No. 5. Ordinance No. 009-2010:** The Providence City Council will consider for adoption an ordinance amending Title  
9 7 Chapter 4 Cemetery Regulations.

10 **Motion to approve: J Russell, D Low second**

11 S Bankhead said these are the exact changes that were asked for at the last meeting.

12 **Motion to approve with the following amendment. Under section 7 -4-6, Paragraph B-#2 be stricken.**

13 **D Astle, B Bagley second**

14 D Astle feels like residents should be given a better deal. He wants the fees to be different for residents and non-residents.

15 S Bankhead explained how residents allow non-residents to be buried in their spaces.

16 The Council discussed the different scenarios that are present with buying a cemetery space.

17 R Liechty said he likes allowing residency to be 10 years.

18 D Astle asked if after so many years the City can recover unused lots.

19 B Bagley said he feels like the City needs to differentiate between resident and non-resident.

20 R Liechty said he feels the citizens will get a warm and fuzzy feeling if they get a better price.

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

22 **Nay: None**

23 **Abstain: None**

24 **Excused: None**

25  
26 **Item No. 6. Resolution No. 010-034:** The Providence City Council will consider for adoption a resolution amending the  
27 Providence City Fee Schedule.

28 **Motion to approve: B Bagley, D Calderwood second**

29 S Bankhead reviewed the fee schedule and explained where R Eck came up with the new rates for grave opening/closing  
30 prices. The prices haven't been raised for about 6 years.

31 D Astle said he wants to stay at \$300 and \$400.

32 B Bagley went over the prices with the different cities in the County.

33 J Russell recommends \$350 and \$500.

34 B Bagley suggested reviewing the prices every year.

35 S Bankhead went over the other changes to the fee schedule.

36 D Astle feels like \$25 and \$55 is very cheap for renting our parks.

37 S Bankhead said this can be re-evaluated before next year.

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

39 **Nay: None**

40 **Abstain: None**

41 **Excused: None**

42  
43 **Item No. 7. Resolution 010-033:** The Providence City Council will consider for adoption a resolution authorizing payment  
44 to Marlin Hoth as per a 2003 agreement.

45 **Motion to approve: D Astle, B Bagley second**

46 D Astle asked what the precedent for giving back an impact fee is.

47 R Liechty said if M Hoth builds his impact fee is paid. If the City holds the money and down the road the Council decides he  
48 can't build he will sue the City. He wants to clean this up. If the impact fee goes up down the road M Hoth will have to pay  
49 the different price.

50 S Bankhead explained why the City still has this impact fee. M Hoth asked for an extension. S Bankhead feels like this  
51 should be cleaned up and the money given back to M Hoth.

52 C Carlston said it would be cheaper to give him the \$1266 than to go to court.

53 C Carlston said there needs to be a release letter signed by M Hoth when he is given back the money.

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

55 **Nay: D Low**

56 **Abstain: None**

57 **Excused: None**

1 **Item No. 8. Discussion:** The Providence City Council will discuss races and special events sponsored by an outside party  
2 and held in Providence City.

3 S Bankhead explained that the County passed a special events ordinance. People are doing their own fun runs and they rent  
4 the pavilion at Zollinger Park for \$25 and then they do races through the City. Staff would like to be able to control this better  
5 by making sure the Sheriff's Deputies are involved and they have insurance. They probably shouldn't be allowed to do  
6 anything they want.

7 D Astle said he believes if they use a County road they have to abide by the County Ordinance.

8 D Low said he thought that the big races have to give money to the cities to help pay for additional public safety.

9 S Bankhead said staff worries more about being aware of these things than the cost involved.

10 Council would like for staff to bring an ordinance to the next meeting.

11  
12 **STAFF REPORTS:**

13 S Bankhead talked about the people that live on Hawthorne Drive. These residents gated this road. 3 weeks ago an ambulance  
14 got waylaid at the gate and couldn't get through. She called the homeowner's association president and they would like to  
15 change the name of the street so that Hawthorne Drive is on the River Heights side and the Providence side will be called  
16 something else.

17 D Astle asked why don't they cul-de-sac the road and make it a dead end street.

18 S Bankhead talked about the Spring Creek parkway name change. She explained to the Council as long as no more than  
19 \$5,000 is spent for the carpet the money is available. She also told the Council that there is money in the budget for the  
20 backhoe if the Council agrees to it.

21 S Bankhead told the Council that a new federal aid agreement has to be signed. She explained what this means for the City.

22  
23 **COUNCIL REPORTS:**

24 D Astle reported on the ULCT Convention.

25 D Low told the Council that he won't be at the next Council meeting. He is getting his tonsils out.

26 J Russell talked about the City soccer program. He talked about the new judge applications and the procedure to pick a new  
27 judge. He talked about the County Wide Justice Court. S Bankhead talked about the County Wide Justice Court and how it  
28 could affect the City's Justice Court.

29 D Calderwood told the Council that he, Skarlet and Randy would be working with the citizen that has the road freezing  
30 problem. He said that Bountiful City is looking into the deer problem. He will follow up with that. He told the Council about  
31 the Planning Commission meeting and the Historic Preservation meeting.

32 R Liechty told the Council about the making of Sauerkraut in the City. He told the Council about the letter that he was sent  
33 on the County Wide Library. He addressed the letter in the October newsletter. He told the Council about some concerns that  
34 he has on the County Justice Court. If we give up our Court we may never get it back. If we go to a County Court we will  
35 lose control of our court and the price will go up. He doesn't feel like this is a win for Providence. He went over the carpet  
36 selections and told the Council the different options they have. He received a call from Mr. Dunkley about 100 South. The  
37 Mayor and Skarlet will go and meet with him and he will bring the results back to the Council.

38  
39 **Motion to go into executive session for pending litigation: J Russell, D Astle second**

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

41 **Nay: None**

42 **Abstain: None**

43 **Excused: None**

44  
45 **Motion to adjourn: D Astle, B Bagley second**

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

47 **Nay: None**

48 **Abstain: None**

49 **Excused: None**

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51 Meeting adjourned at 10:15 p.m.

52 Minutes taken and prepared by Terri Lewis

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Ronald Liechty, Mayor

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Skarlet Bankhead, City Recorder