

1 PROVIDENCE CITY COUNCIL MEETING MINUTES

2 September 25, 2012 6:00 p.m.

3 15 South Main, Providence UT

4  
5 Attendance:

6 Mayor: Ronald S. Liechty

7 Council: Dale Astle, Bill Bagley, Don Calderwood, Ralph Call, John Russell

8  
9 Call to Order: Mayor Liechty

10 Roll Call of City Council Members: Mayor Liechty

11 Pledge of Allegiance: Mayor Liechty

12  
13 **Approval of the minutes**

14 **Item No. 1. The Providence City Council will consider approval of the minutes from the August**  
15 **28, 2012 City Council meeting and September 19, 2012 Workshop.**

16 **Motion to approve the minutes – R Call, second – J Russell**

17 Page 1 Kathleen Alder represents Amsource.

18 Page 1 Ln 28 re-signed

19 Page 2 Ln 35 known

20 Page 2 Ln 44 Windsor Drive contention

21 Page 2 Ln 49 has his support

22 Page 2 Ln 50 known

23 Page 4 Ln 34 Alder for the City

24 **Motion to continue review of the August 28 minutes to the next council meeting – J Russell,**  
25 **second – D Calderwood,**

26 **Vote:**

27 **Yea: D Astle, B Bagley, D Calderwood, J Russell**

28 **Nay: R Call**

29 **Abstained: None**

30 **Excused: None**

31 **Oath of Office: The 2012-2013 Providence City Youth Council will take the Oath of Office.**

- 32 • Oath given to Cameron Olsen

33 **Public Comments: Citizens may appear before the City Council to express their views on**  
34 **issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are**  
35 **limited to 3 minutes per person. The total time allotted to public comment is 15 minutes The**  
36 **City Council may act on an item, if it arose subsequent to the posting of this agenda and the**  
37 **City Council determines that an emergency exists.**

- 38 • John Drew – reported there was a recent brush fire in the Highlands Area. Four trucks  
39 responded about 2:30 a.m. on August 30. There was not much wind; the fire was  
40 contained in about 20 minutes. The cause was undetermined. J Drew presented a  
41 picture of pavement that has something poured on it. The City has a policy for weed  
42 control for buildable lots, but nothing for large parcels. It appears the large parcels are  
43 more of a hazard than buildable lots. J Drew urged the council to address the issue.

44 **Business Items:**

45 **Item No. 1. Ordinance No. 014-2012. The Providence City Council will consider for adoption an**  
46 **ordinance amending Providence City Code Title 10 Chapter 8 by adding Section 8 Low Power**  
47 **Towers and Antennas for Radio Communication (Cell Tower) Regulations.**

48 **Motion to approve – D Astle, second – Bill Bagley,**

1 D Astle asked if television or internet was addressed. R Call explained he listened to the  
2 discussions. Personal dishes were not intended to be included.

- 3 • R Call expressed concern with 2 times the pole height from a residential zone. He  
4 explained an one hundred-fifty foot pole would need to be 300-feet away from a  
5 residential zone. This would make it difficult to put one in the parks. He felt one pole  
6 height would work.
- 7 • B Bagley felt 150-feet was too high. He suggested 75-feet up to 120-feet.
- 8 • R Call explained he has been told 4G needs a higher pole.
- 9 • R Call explained this looks at each request on a case by case basis.
- 10 • D Calderwood explained the Planning Commission put an effort into the proposal. R Call  
11 agreed.
- 12 • D Astle asked about lights for aviation. R Call explained this is just under the  
13 requirement.
- 14 • R Eck felt \$500 is reasonable to remove a pole.

15 Vote:

16 Yea: D Astle, B Bagley, D Calderwood, J Russell

17 Nay: R Call

18 Abstained: None

19 Excused: None

20 Item No. 2. Resolution 12-025. The Providence City Council will consider for adoption a  
21 resolution approving an amended development agreement for the Providence Professional  
22 Center Subdivision.

23 Motion to adopt Resolution 12-025 – J Russell, second – D Calderwood

24 S Bankhead explained the changes.

25 R Call asked about reducing to the 66-foot right-of-way.

26 G Knighton reviewed the following:

- 27 • 1.1 Morris Poole explained the 502-ft refers to a 66-ft right-of-way the entire length of  
28 his development.
- 29 • 1.1 the City cannot require a contractor to give the developer the same unit price.  
30 Strike “shall require”.
- 31 • Street Signs will be required at the south end of the road.
- 32 • 1.2 the City does not have a portion of the water improvements.
- 33 • 1.4 the City does not have a portion of the sewer improvement.
- 34 • 2.3.2 the owner of Lot 1
- 35 • 2.4 the developer may sell a lot.

36 M. Poole explained the current bond will remain in place until the bid amounts come in for the  
37 project.

- 38 • Cost estimate is based on the final construction drawings.
- 39 • Mr. Poole is willing to donate the property needed for the round-about in excess of the  
40 80-foot right-of-way. However, he anticipates being compensated for the increase from  
41 a 66-foot right-of-way to and 80-foot right-of-way.
- 42 • D Calderwood felt when the council approved the zoning, Mr. Poole said he would  
43 donate the amount of property necessary for the round-about.
- 44 • Mr. Poole explained it was not his intent to donate the amount within the round-about  
45 to upsize from a 66-foot right-of-way to an 80-foot right-of-way. He explained he cannot  
46 buy the land and then dedicate it. He explained he is dedicating on the east side as well.  
47 The LDS Church is dedicating some, but so is M Poole. B Bagley and R Call explained they

- 1 did not realize M Poole was dedicating some on the east.  
2 • G Knighton explained the width of the round-about remains the same whether the  
3 extending right-of-way is 66-feet or 80-feet.  
4 • D Calderwood suggested listening to the tape of the meeting when the rezone was  
5 improved.

6 Motion to listen to the tape of the rezone meeting – D Calderwood – died for lack of second.

- 7 • Reimbursement for the existing sidewalk was discussed. M Poole was asking for the  
8 sidewalk he would not normally have to replace.  
9 • J Russell explained in his mind it was the entire amount. He felt the City should  
10 reimburse for the sidewalk, but not the additional 14 feet.  
11 • R Call would like to find middle ground. He also understood that the property for  
12 the round-about would be dedicated.  
13 • D Astle agreed to the sidewalk. He was concerned about the misunderstanding. He  
14 felt strongly that the City cannot exact something from the developer.  
15 • B Bagley was also surprised that M Poole was dedicating on the east side.  
16 • R Call suggested the City pay for the east sidewalk, reimburse for the east “ear” and  
17 the east 7-feet. M Poole will dedicate the west “ear” and west 7-feet.

18 Motion to enter into an executive session for acquisition of property - 7:45 p.m.

19 Vote:

20 Yea: D Astle, B Bagley, D Calderwood, R Call , J Russell

21 Nay: None

22 Abstained: None

23 Excused: None

24 Motion to close ex session – R Call, second – J Russell

25 Vote:

26 Yea: D Astle, B Bagley, D Calderwood, R Call , J Russell

27 Nay: None

28 Abstained: None

29 Excused: None

30 Re-entered open meeting at 7:55 p.m.

31 Motion to accept the development with these changes:

- 32 • City will require dedication of west 7 feet.  
33 • Providence City will pay for east sidewalk and east 7-feet.  
34 • And the other items suggested by G Knighton (see page 2 lines 26 – 35 above) – R Call,  
35 second – D Astle.

36 Vote:

37 Yea: D Astle, B Bagley, D Calderwood, R Call , J Russell

38 Nay: None

39 Abstained: None

40 Excused: None

41 **Item No. 3. Resolution 12-024. The Providence City Council will consider for adoption a**  
42 **resolution approving an Interlocal Agreement between Cache County and Providence City for**  
43 **law enforcement services and an Agreement for Animal Control Services.**

44 Motion to adopt – J Russell, second – B Bagley

- 45 • The Council asked for clarification on animal control. S Bankhead will contact the  
46 Sheriff’s Office.

47 Motion to continue – J Russell, second – D Calderwood,

1 Vote:

2 Yea: D Astle, B Bagley, D Calderwood, R Call , J Russell

3 Nay: None

4 Abstained: None

5 Excused: None

6  
7 **Item No. 4. Resolution 12-023. The Providence City Council will consider for adoption a**  
8 **resolution approving amendments to the Providence City Personnel Policy.**

9 Motion to approve – D Astle, second – B Bagley,

10 Mayor Liechty reported the Council met with employees on September 19.

11 D Astle reviewed the following changes:

- 12 • pg 1 paragraph A. made available
- 13 • pg 6 first paragraph supervisor discretion but must be
- 14 • pg 10 top position opens in the City
- 15 • pg 13 sentence 5 terminates employment
- 16 • pg. 13 paragraph D 12 weeks of unpaid or paid leave if available. Provided the employee
- 17 uses paid leave; if the leave is unpaid employee must pay the premium.
- 18 • Pg. 14 F. this policy is subject to change annually at the City's discretion. It was
- 19 suggested "subject to annual review"
- 20 • Pg 16 A.1. Public Works Directory, City Administrator
- 21 • The effective date was discussed. January 1, 2013, July 1, 2013, and the date of passage
- 22 of the resolution were discussed. It was decided to set the effective date as January 1,
- 23 2013.
- 24 • Pg 2. E.8. shall be involved.
- 25 • Pg. 11. bi-weekly (26 pay periods) strike 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays.
- 26 • Pg. 12. Article I. Leave was discussed. B Bagley felt having personal, sick, and vacation
- 27 and banked leave was confusing. J Russell explained there is no longer vacation or sick
- 28 leave; it is personal leave.
  - 29 ○ Current personal days must be used before using the bank.
  - 30 ○ Bank can be used for personal illness or FMLA – not vacation.
- 31 • Pg. 13 D. Put the following sentence in parenthesis: Refer to the Family and Medical
- 32 Leave Act of 1993(FMLA) for eligibility definitions and specific requirements.
- 33 • Pg. 14 policy subject to review prior to each fiscal year
- 34 • pg 13 B. all employees can carry 5 days forward.
- 35 • pg 17. All scheduled travel.
- 36 • Pg 13 funeral leave – define immediate family, staff will define and bring back.
- 37 • Pg 16.D. then the Mayor

38 Motion to continue to the next meeting – R Call, second - J Russell,

39 Vote:

40 Yea: D Astle, B Bagley, D Calderwood, R Call , J Russell

41 Nay: None

42 Abstained: None

43 Excused: None

44  
45 **Staff Reports: Items presented by Providence City Staff will be presented as information only.**

- 46 • R Eck reported the Canyon road paving is complete and will be striped tomorrow.
- 47 • R Eck explained there are problems with 100 East and 300 South that need engineered

- 1 drawings. So the City will improve Center Street from Main to 100 West.  
2 • D Astle asked about the longevity of street paint. R Eck explained the City uses water  
3 based paint; it does not last as long as oil base. To change to oil base would require new  
4 sprayer.  
5 • R Eck reported the hydro-seeding is the last item remaining on Center Street.  
6

7 **Council Reports: Items presented by the City Council members will be presented as**  
8 **informational only; no formal action will be taken. The City Council may act on an item, if it**  
9 **arose subsequent to the posting of this agenda and the City Council determines that an**  
10 **emergency exists.**

11 D Calderwood:

- 12 • Planning is looking at short term rentals.  
13 • County Planning is sponsoring a tour about zoning.

14 J Russell:

- 15 • Reports a citizen requested council email address on website

16 B Bagley:

- 17 • Suggested putting council contact info in Herald Journal.  
18 • Reported the Highland bond is still in place for 1250 South.  
19 • Reported sales tax is still improving.

20 R Call:

- 21 • Felt the construction of Canyon Road had fairly low impact on neighborhood.  
22 • Reported the contractors and City employees have done a good job.  
23 • Reported a couple of people have expressed concern about drainage.  
24 • Reported the response to the road has been mostly positive.

25 D Astle:

- 26 • Historic Commission planning display for sauerkraut dinner.  
27 • Reported the Historic Commission also looking for information on quarry.  
28 • Expressed appreciation for the help on personnel policy.  
29 • Expressed concerned about Dan Cox property boundary dispute on 2100 South.

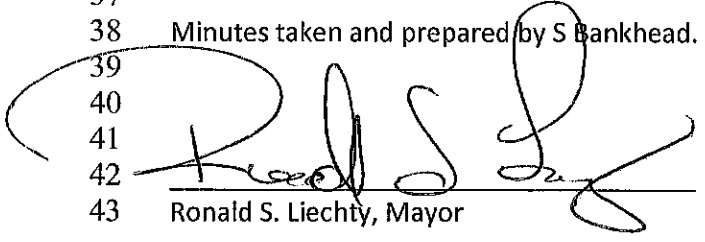
30 Mayor Liechty:

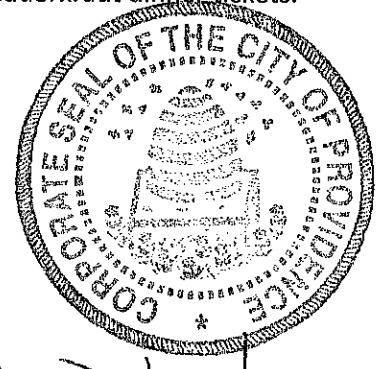
- 31 • Asked if the full time City Employees could be given 2 sauerkraut dinner tickets.  
32 • Council agreed.

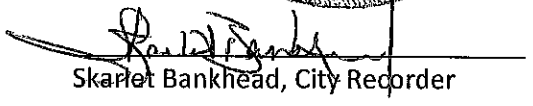
33  
34 Motion to adjourn – R Call, second – Bill Bagley,

35  
36 Meeting adjourned at approximately 9:05 p.m.

37  
38 Minutes taken and prepared by S Bankhead.

39  
40  
41  
42   
43 Ronald S. Liechty, Mayor



41  
42   
43 Skarlet Bankhead, City Recorder