

1 **PROVIDENCE CITY COUNCIL MEETING**

2 **March 26, 2013**

3 **15 South Main, Providence UT**

4
5 Call to Order: Don Calderwood
6 Roll Call of City Council Members: Don Calderwood
7 Attendance: D Astle, D Calderwood, R Call, J Russell
8 Excused: R Liechty, B Bagley
9 Pledge of Allegiance: BSA Troop 374

10
11 **Approval of the minutes**

12 **Item No. 1.** The Providence City Council will consider approval of the minutes from the February
13 12, 2012 and March 2, 2013 City Council meetings.

14 **Motion to approve the minutes with the following changes: D Astle, second – R Call**

15 Page 1, line 45 – delete s off firsts 5 years

16 Page 1, Line 52 – encourage citizens to call to address particular mosquito problems

17 Page 4, line 11 – lots of hills and pike turns should read tight turns

18 **Vote: Yea: D Astle, D Calderwood, R Call, J Russell**

19 **Nay: None**

20 **Abstained: None**

21 **Excused: B Bagley**

22
23 **Public Comments:** Citizens may appear before the City Council to express their views on issues
24 within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to
25 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council
26 may act on an item if it arose subsequent to the posting of this agenda and the City Council
27 determines that an emergency exists.

- 28 • J Drew – Reported to City Council, City staff and audience members on sauerkraut
29 project. Dr. Numer of USU has offered us the use of their facilities. We are looking for
30 volunteers from the City of Providence to provide cabbage, quart and pint jars and a
31 place to store the sauerkraut while it ferments.
- 32 • G Walker –Reviewed Utah Code Section 10-9a-702 as well as 701. Reviewed a similar
33 case in Smithfield and the Utah Court of Appeals decision, stating that Smithfield was in
34 violation of Utah Code when it granted Smithfield City Council the authority to grant a
35 variance. Under Utah law and the Utah Supreme Court Juris Prudence, the only entity
36 right now in Providence that has authority to grant a waiver, exception or variance from
37 our Land Use Ordinance is the Appeals Board. Reviewed Utah Code in regards to
38 requirements for granting a variance.
- 39 • K Alder – President of Providence Pioneer Heritage Inc. Reviewed Spring Creek Festival,
40 April 19 and 20. Also reviewed Amsource and hopes that some of the displaced
41 businesses moving from the new Al's Sporting Goods property will move in to Amsource
42 location.

43 **Public Hearing 6:15 pm:**

44 The purpose of the public hearing is to provide an opportunity for anyone interested to
45 comment on the proposed budget amendment for Fiscal Year 2013 for all funds before action is
46 taken. The City Council invites you to attend the hearing in order to offer your
47 comments/suggestions.
48

1 **Motion to enter Public Hearing: R Call, second - D Astle**

- 2 • S Bankhead – said we’re not asking for any new money as part of this budget
3 adjustment we’re just asking for money that we had in our excess funds balance from
4 2012 in both the water fund and the general fund. What we are asking for in the general
5 fund is to use \$111, 000 that was not used last year and move it forward into this year’s
6 budget. We would also like to increase the budget for our mowing contract. We’ve
7 added some parks, etc. and are asking for an additional \$10,000 to the \$10,000 we
8 already have in the budget.
9 • Reviewed the document management software program and the large format printer
10 and scanner. With our computer upgrade we need to make for our accounting software,
11 we need to increase the office equipment line item by \$15,000. We’ve also been
12 authorized to paint the interior of the building and need to increase the paint budget by
13 \$2,000.
14 • Water projects - one on Sego Lily which was part of Canyon Road and Circle Place
15 project and then we need to do Satsuma. We’d like to bring forward the excess money
16 that was in the water fund that we didn’t already allocate in the budget to increase the
17 water fund by about \$150,000.

18 **Motion to close public hearing - D Astle, second - R Call**

19 **Vote: Yea: D Astle, D Calderwood, R Call, J Russell**
20 **Nay: None**
21 **Abstained: None**
22 **Excused: B Bagley**
23

24 **Business Items:**

25 **Item No. 1. Proclamation.** The Child & Family Support Center will make a short presentation to
26 the City Council. They are seeking support for Child Abuse Prevention Month, nationally
27 observed throughout the month of April, and would like to have April declared as Child Abuse
28 Prevention Month.

- 29 • D Vale – from Child & Family Support Center. April is Child Abuse Prevention Month.
30 • D Calderwood - read and signed the National Child Abuse Prevention Month
31 Proclamation.
32

33 **Item No. 2. Resolution 13-006.** The Providence City Council will consider for adoption a
34 resolution listing the exceptional conditions for the proposed Grace Baugh Subdivision.

- 35 • S Bankhead – said this is listed as a resolution so we can discuss the reasons, however I
36 don’t want people to be confused that this resolution passed. The City Council does
37 need to verbalize specific conditions that made you feel like you could grant the
38 exception.

39 **Motion to continue because of legal ramifications: D Calderwood, second - D Astle**

- 40 • D Astle – said I think it is very important that we don’t violate State Code or our own
41 ordinances. We need a ruling on whether or not this is a variance. In light of this, I think
42 we should move a little slowly and get legal counsel.
43 • J Russell – Arrived at 6:35. My vote is to deny rather than accept it.
44 • R Call – said he had recused himself early on in the discussion of Mr. Baugh’s request
45 because of his relationship to Mr. Baugh’s wife. However, I think rather than continue to
46 delay action on the request, we should complete this cycle. Even though it is on the
47 agenda as a resolution, we will not be considering this as a resolution. A resolution has
48 already been passed. This is merely stating the reasons for the resolution that was
49 passed on October 9, 2012.

- 1 • D Calderwood – Read Resolution 13-006. Reviewed reasons why he disagrees.
- 2 • D Astle –Reviewed Code 11-1-3.
- 3 • L Fischer – said she had looked up state law in regards to subdivision. Her understanding
- 4 is that it is not possible for an Appeals Board to grant a variance of the Land Use
- 5 Ordinance.
- 6 • G Walker – said just to be clear, a request for a variance goes straight to the Appeals
- 7 Authority.
- 8 • S Baugh – said for the last year we’ve gone through the processes the City has outlined
- 9 for us to go through. The City attorney has reviewed this and given the Council authority
- 10 to act on this, correct?
- 11 • S Bankhead – said the City Attorney did review this; however he was not familiar with
- 12 the case law as stated by G Walker. He made an opinion prior to this new information
- 13 that Mr. Walker has brought out.
- 14 • S Baugh – said he relied on the recommendations that have been given.
- 15 • D Astle – Reviewed State Code, Title 10, Chapter A, Section 701. We may disagree with
- 16 the Planning Commission’s decision, but their decision is in accordance with ordinances.
- 17 As a City Council, we should follow that legal procedure. If we do not follow that
- 18 procedure, then we are derelict in our duties.
- 19 • R Call – said that seems to be new information because these resolutions were
- 20 presented and passed by this Council, under the advice of the City Attorney.
- 21 • D Astle – said if that advice was wrong, if we broke the law in doing that, why do we
- 22 continue to break the law?

23 **Vote: Yea: D Astle, D Calderwood, J Russell**
 24 **Nay: None**
 25 **Abstained: R Call**
 26 **Excused: B Bagley**

27 **Item No. 3. Resolution 13-007.** The Providence City Council will consider for adoption a
 28 resolution approving the Development Agreements for the Jerry Fickas Subdivision Phase 1
 29 located generally at 790 West 300 South.

30
 31 **Motion to adopt resolution 13-007: J Russell, second - D Calderwood**

- 32 • S Bankhead – We have a couple of changes to the resolution in the packet. If the
- 33 1700/300 South improvement is not built, then the Developer will be required to do
- 34 improvements. This is a joint project with Logan City, Cache County and Providence City.
- 35 We were approached by Logan City to be part of this project. Read changes made in the
- 36 resolution in regards to fire protection. We do accept the Fire Code and the Fire
- 37 Marshall’s interpretation, but it is the City that enforces those codes. The final change is
- 38 on page 7 which talks about City participation in the project. Given the nature of that
- 39 area, and growth, it would be in the City’s best interest to have a 10” water line and
- 40 share in that cost of improvement. The Developer would have the lion’s share, but we
- 41 will still share in the cost. As a staff, we recommend this be approved; however, our City
- 42 Attorney is not available to look at this until next week. It is our standard format and I
- 43 don’t anticipate any problems, he may require some rewording.
- 44 • J Russell- asked if there is a time frame on the fire improvements.
- 45 • R Eck – said the County has received complete funding for this project so there is
- 46 absolutely no doubt in my mind this will be done. We will probably see this staged; the
- 47 bridge first. However, if something happens, we will still get improvements on the
- 48 property from the Developer. This is a council of local governments’ project, not CMPO.

- 1 Everything that needs to be in the ground will be done by December 31, 2013.
- 2 • D Astle – asked if our financial commitment to that is a 7% match.
- 3 • R Eck – Yes, about \$70,000-\$80,000.
- 4 • S Bankhead –said remember the installation of water and sewer lines are 100% our
- 5 responsibility.

6 **Vote:** **Yea:** **D Astle, D Calderwood, R Call, J Russell**

7 **Nay:** **None**

8 **Abstained:** **None**

9 **Excused:** **B Bagley**

10

11 **Item No. 4. Resolution 13-008.** The Providence City Council will consider for adoption a

12 resolution adjusting the 2013 Budget for the General Fund, Capital Project Fund, Water Fund,

13 Sewer Fund, Storm Water Fund.

14 **Motion to adopt Resolution 13-008: R Call, second - D Astle**

15 **Vote:** **Yea:** **D Astle, D Calderwood, R Call, J Russell**

16 **Nay:** **None**

17 **Abstained:** **None**

18 **Excused:** **B Bagley**

19

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

- 21 • R Eck – reported we had the pre-bid meeting yesterday with only two small and two
- 22 large contractors who came. Bids are due Monday at 2:00 pm.
- 23 • D Calderwood – asked about water park/splash pad issues.
- 24 • D Astle – asked if we needed amenities such as tables, etc.
- 25 • R Eck - suggested shade trees; and a camera would be good for security/liability.
- 26 • D Calderwood – questions on business permits and how many renewed?
- 27 • S Bankhead – said we had 300 renew. Harli Lake has worked very diligently to get all our
- 28 businesses to renew.
- 29 • D Calderwood – Compliments to the staff and the book.
- 30 • S Bankhead – mentioned one thing that is not in the report – USU will have their season
- 31 opener with Weber on Saturday at 12 and 2:30 so the big diamond will be open and
- 32 going for those games. The regular baseball season for our youth will start April 20 and
- 33 our rec program will start in May. There will be games on the big field.
- 34 • R Call- asked if our recreation program is filled.
- 35 • S Bankhead – stated our numbers are down, but so are the numbers in other
- 36 municipalities. Our teams are filled.
- 37 • D Calderwood – Any reports on Historical Meeting?
- 38 • S Bankhead – said Historic Preservation Commission is very supportive of the Spring
- 39 Creek Festival. They are very committed to completing the DVD on the quarry for the
- 40 grant.

41

42 **Council Reports:** Items presented by the City Council members will be presented as

43 informational only; no formal action will be taken. The City Council may act on an item, if it

44 arose subsequent to the posting of this agenda and the City Council determines that an

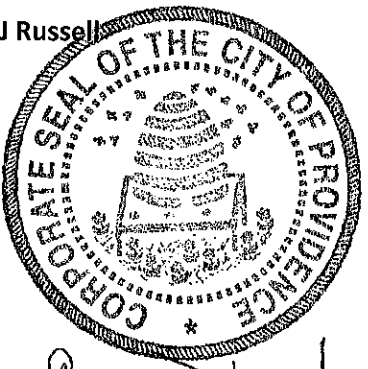
45 emergency exists.

- 46 • D Calderwood – Tax reports.
- 47 • J Russell – Attended Planning Commission meeting.
- 48 • R Call – Nothing to report.

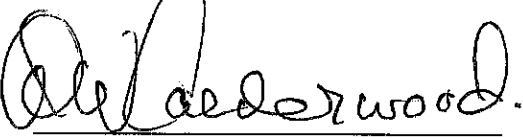
- 1 • D Astle – Questions on tax commission report.
- 2 • S Bankhead – January and February amounts received is down from last year.
- 3 • D Astle – said he met with Skarlet Bankhead, Don Calderwood and Sandy Emille,
- 4 Director of Cache Chamber of Commerce, to talk more about economic development.
- 5 Sandy said development is slow. She is interested in helping us relocate businesses.
- 6 Logan has a tight grip on new businesses coming to town. We need to look at Skarlet’s
- 7 request for ordinance changes. I would like to see those changes move along so we
- 8 don’t run into more subdivision problems. Any progress in regards to the 100 South
- 9 right-of-way?
- 10 • S Bankhead – said we do not have the 1918 map. We don’t have historic right-of-way,
- 11 we have the prescriptive right-of-way. We have not gotten an appraisal for opening that
- 12 cul-de-sac.
- 13 • D Astle – said pursuant to opening 100 South, we need to be looking at some acquisition
- 14 costs for land. I’ve emailed information on Obamacare. I think that because we are
- 15 under 50 employees we will not be affected, but we need to look at that.

16 **Motion to close: R Call, second D Astle**

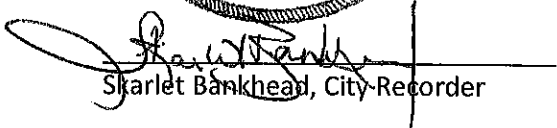
17 **Vote: Yea: D Astle, D Calderwood, R Call, J Russell**
 18 **Nay: None**
 19 **Abstained: None**
 20 **Excused: B Bagley**

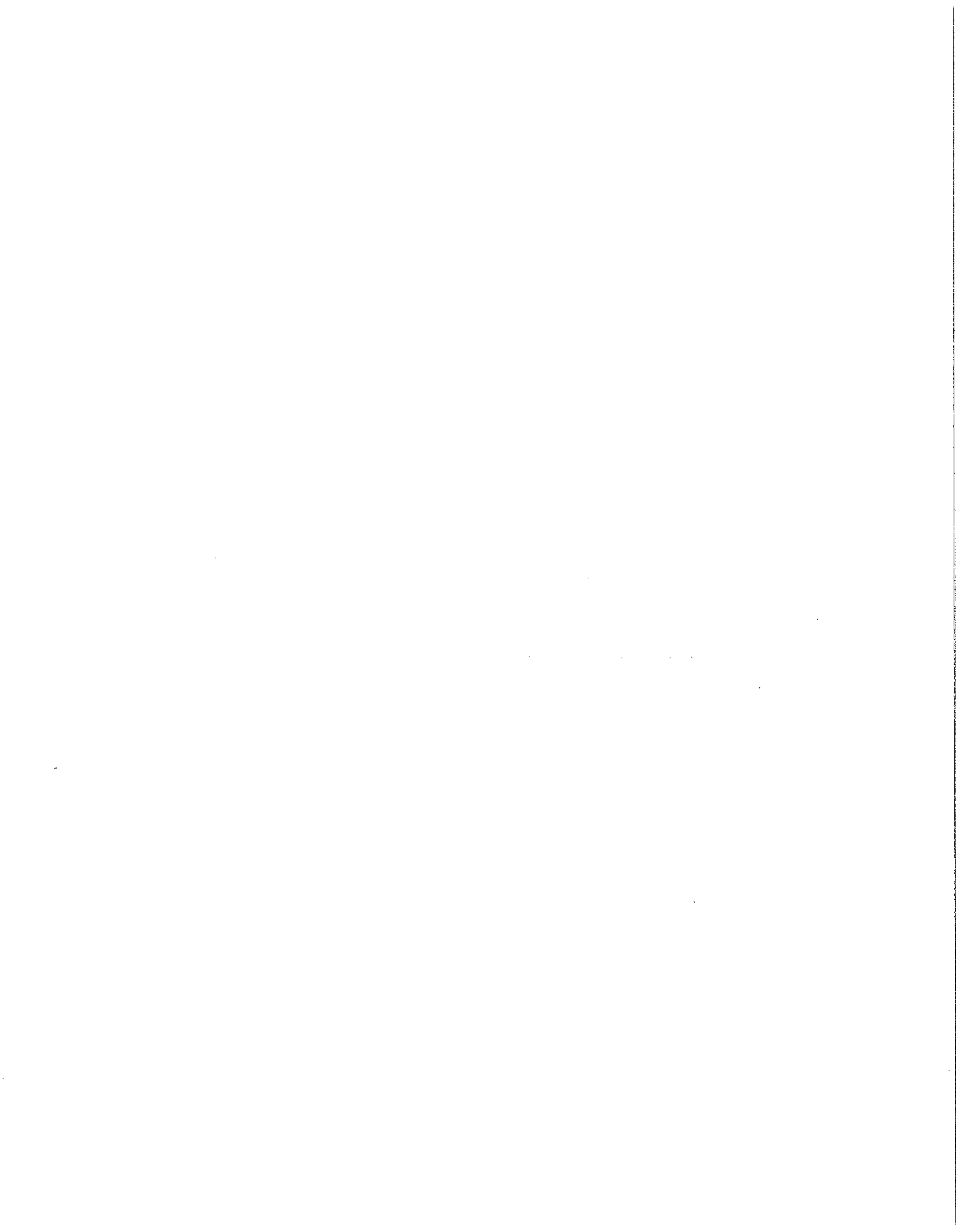


21 Meeting closed at 7:30
 22 Minutes taken and prepared by Caroline Craven.

23
 24
 25
 26
 27 

28 Don Calderwood, Mayor Pro-tem


 Skarlet Bankhead, City-Recorder



City Council Meeting

March 26, 2012

Please Sign In

Name

City of Residence

Diane Bell

Logan, UT QFSC

Kather Kula

Providence, UT

John Smith

Providence, UT

~~Andrew Smith~~

Provi. Utah

~~Spencer Munn~~

Providence, UT

Broelie Hunsaker

Providence UT

Clayton Hunsaker

Providence UT

~~John M~~

Providence UT

Matthew Gilbert

Providence UT

Michael Hansen

Providence UT

Spencer Davies

Providence UT

Scott Hansen

Providence UT

John Jackson

PROV.

John DREW

Providence.

Samuel Coburn

Providence

Richie Okelberty

Providence

Wesley Allred

Providence

Greg M

Providence

Graham Burrus

Providence

Kent Dumble

PROV.

BOB BISSLAND

Providence

Brad Mower

Providence

Mike Stevens

Providence

Laura Johnson

Providence

Garnet Walker

Logan

Paul Christiansen

