

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**
2 **(Includes a joint City Council / Planning Commission Workshop)**
3 **Friday, May 31, 2013**
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 Calderwood, J Russell, R Liechty, R Call, D Astle, B Bagley
9 Excused: None
10 Pledge of Allegiance: Mayor Liechty
11

12 **Approval of the minutes**

13 **Item No. 1.** The Providence City Council will consider approval of the minutes May 14, 2013 City Council
14 meetings.

15 **Motion to approve the minutes with the following corrections: J Russell, second – D Astle**

- 16 • Page 1, Line Mr. Bagley excused as a voting member for all votes. Remove Mayor from vote as he
17 only votes in a tie.
- 18 • Page 1, Line 46, fare not fair
- 19 • Todd Buetler
- 20 • Page 2, Line 33 dash between R Eck and Morris Poole

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

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

- 30 • J Drew reviewed progress of sauerkraut dinner.
- 31 • S Eames - question about agenda and naming people to the Appeal Authority.
- 32 • S Bankhead said amended agenda is correct.

33
34 **Business Items:**

35 **Item No. 1. Resolution 13-012.** The Providence City Council will consider for adoption a resolution
36 appointing Sherman Sanders as a regular voting member of the Providence City Planning Commission.

37 **Motion to approve S Sanders as a regular voting member for Planning Commission: B Bagley, second –**
38 **D Astle**

39 **Vote: Yea: D Calderwood, J Russell, R Call, D Astle, B Bagley**
40 **Nay: None**
41 **Excused: None**
42 **Abstained: None**
43

44 **Item No. 2. Resolution 13-013.** The Providence City Council will consider for adoption a resolution
45 appointing members to the Appeal Authority; Ryan Leonhardt and Randy Simmons are being considered
46 for the appointments.

- 47 • J Russell mentioned R Simmons is interested but because of a family conflict was not able to
48 attend.
- 49 • S Bankhead said we need a total of five members.

50 **Motion to appoint Ryan Leonhardt and Randy Simmons as members of the Appeal Authority: D Astle,**
51 **second – J Russell**

- 52 • D Astle reviewed his meeting with Ryan Leonhardt and stated that Ryan is willing to serve as a
53 member of the Appeal Authority Board. Randy Simmons, who has served as former Mayor to

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Providence is also willing to serve.

- R Call asked about the City Council being the Land Use Authority.
- B Bagley mentioned he has spoken with other cities and all suggested not having Council members serve as the Land Use Authority because of conflict of interest.
- Discussion between City Council members as to the function/responsibilities of the Appeal Authority.
- J Russell felt the discussion of the responsibilities and function of the Appeal Authority should be addressed in a following meeting.

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

Item No. 3. Budget Workshop. The Providence City Council will discuss the proposed 2014 budget for all city funds.

- The Council went through the budget with Skarlet Bankhead to clarify any questions they had and to make revision suggestions.
- S Bankhead:
 - Proposed revenues or expenditures haven't changed, but back in January we changed the Sexton from reporting to Public Works to reporting to the City Administrator so his budget is reflected in Finance and Records. Current year actual was moved for the purposes of reference/comparison. When the actual budget is submitted to the State the current year actual for the cemetery will go in Public Works for 2013, but will be in Finance and Records for 2014.
 - Health insurance - we are moving over to Health Savings Accounts, our deductibles are the same. That brought our insurance down so we are saving about 7% less than what we are paying this year. We also have a December quote so we can lock in rates before the Obamacare kicks in. Our insurance for the first six months of the fiscal year will be reduced, for the last six months of the fiscal year and the first six months of the following year will be the same as we have now.
- R Eck said the lead-free brass rule has come into effect which has almost doubled the cost of meters. We have an opportunity to purchase new lead-free brass meters at almost \$80.00 less than what they normally would cost.
- D Astle had a question on water fund revenues.
- S Bankhead said this should be \$900,000 not \$800,000.
- J Russell had a question about dog licenses.
- S Bankhead said some of that revenue went to accounts receivable instead of showing as revenue and she needs to discuss with our auditors to see how to make that adjustment so it shows a positive amount.
- D Astle had a question about telephone license tax, it shows a \$90,000 budget, is this a conservative forecast?
- S Bankhead said it was and explained the difference between the franchise tax and municipal telephone tax. Franchise applies to land line and power, and municipal telephone tax applies to cell phones.
- R Call commented that the amount in the budget is projected about \$25,000 greater than last year's and feels like the amount of \$275,000 is aggressive and would like to see it adjusted down.
- S Bankhead said it can be adjusted it down to \$260,000.
- J Russell had a question on Intergovernmental Revenue Totals.
- S Bankhead explained that these amounts are run through Receivables; they are expenses the City pays and then bills for. Green waste (individual), sanitation and recycling are also pass-throughs.
- J Russell had a question on office supplies budget.

- 1 • S Bankhead said it is costing us roughly \$24,000/year to do online banking/credit cards, etc., that
2 has been put into Office Expense. We really aren't spending that much on Office Expense. This is
3 an area where she would like to create a line item under Finance and Records instead of
4 Administration for bank cards and banking fees. Administration will drop, but you will see the
5 \$24,000 somewhere else. We have looked into reducing this cost, but these fees are pretty
6 standard across the board. We will look into this again.
- 7 • D Astle asked about the budget for insurance.
- 8 • S Bankhead said we haven't gotten a quote yet, but it will be similar to last year's.
- 9 • R Call had a question about attorney fees, it appears less than last year's budget. A question was
10 raised about how the attorneys are working out.
- 11 • S Bankhead said it would be nice to have someone who is a little closer. However when Craig Call
12 is coming to Cache Valley he lets us know so we can meet with him if necessary. He is very good
13 to return phone calls fairly quickly. We haven't had the number or size of developments we were
14 seeing a few years ago. If we went back to bigger developments, it would be good to have a local
15 attorney attend DRC meetings who understands the process on a larger scale. We might want to
16 look at a Human Resource Attorney to hire on an hourly rate rather than using a GBS attorney. It
17 would be nice to have someone who is familiar with Providence.
- 18 • R Eck also commented that in the past when Developers came to DRC with their attorneys, it put
19 the City at a disadvantage.
- 20 • R Call also felt it was good to have an attorney who knew the ins and outs of what is going on in
21 Providence and felt like we needed to be a client that matters.
- 22 • R Call had a question about fire protection.
- 23 • S Bankhead said this is an anticipated budget item. It is difficult to assess because this is an after-
24 the-fact type of budget item. Adjustments are made during the year and we don't want to get to
25 the end of our fiscal year and be short of funds.
- 26 • D Astle had a question about Historic Preservation budget.
- 27 • S Bankhead said Historic Preservation isn't as far on their grant as they would like to be. They
28 won't spend their \$8,000 by the end of June. That will show up on next year's budget. That is for
29 the Quarry Intensive Level Survey and the DVD and everything else they are working on.
- 30 • B Bagley had a question on revamping the Master Plan.
- 31 • S Bankhead said it has been updated in bits and pieces, but the entire Master Plan has not been
32 revamped since 2000.
- 33 • D Astle had a question about salary/benefits.
- 34 • S Bankhead said we have a lot of part time employees who do not receive benefits so when you
35 see the percentage of benefits compared to salaries it is relatively lower than the Public Safety
36 Department and other departments.
- 37 • B Bagley had a question on chip seals, patches, crack seals and other road projects – this budget
38 amount is much more than last year's. Is this in anticipation of more work being done next year?
- 39 • R Eck said two years ago we had a budget of \$90,000 going to street maintenance. He assumes
40 this is the allocation for this year. We can float the money between street maintenance projects,
41 sidewalk replacements and new sidewalks. We purchase our fuel in bulk, but the price changes
42 on that each week.
- 43 • B Bagley had a question about the sidewalk at Hampshire Park.
- 44 • R Eck said we are waiting for completion of the pumping system, then bringing the sidewalk
45 around.
- 46 • D Astle asked for a specific amount for the mowing contract. He also asked about the \$43,000
47 budgeted for construction in the parks.
- 48 • R Eck said this was for the expansion of Alma Leonhardt Park and some playground equipment.
- 49 • D Calderwood said the contract for mowing was between \$37,000 - \$39,000; depending on
50 length of season.
- 51 • S Bankhead said there had been an analysis between the City doing its own mowing and hiring
52 this out, and it was about the same. Both of the companies the City has hired in the past have

- 1 done a good job.
- 2 • R Eck said there is one piece of equipment that isn't listed in the budget. The City has between
- 3 \$150,000 and \$180,000 in the culinary water budget. Discussed hydro valves and costs involved
- 4 in operating/repairing these valves. Asked the Council to consider purchasing a hydro-excavator
- 5 that cleans and exercises the valves. The initial purchase would be expensive, about \$60,000;
- 6 however, this would be offset by the savings in man hours doing this type of work manually and
- 7 by extending the life of the valves. The small trailer can also be used for streets, water, sewer
- 8 and storm water, it can clean a small retention pond, and the expense can be divided across the
- 9 board.
- 10 • S Bankhead said we can do a budget adjustment to allow for this equipment.
- 11 • The Council authorized R Eck to purchase the hydro-excavator. This will be an action item on the
- 12 agenda for the next meeting.
- 13 • D Astle asked about the budget for the Roundabout and other street improvements.
- 14 • S Bankhead said we still have the roundabout, 3rd South east of Highway 165 improvement,
- 15 Satsuma improvement, etc. Also, Shane has suggested leveling the next phase in the cemetery.
- 16 • R Eck – the road in the cemetery needs a lot of work, but the trees present a problem.
- 17 • B Bagley, Page 13, questioned the federal bond payout and how much longer we owe on that
- 18 bond.
- 19 • S Bankhead said this represents a big drop, that bond was divided into 3 segments. We've paid
- 20 off the first two, and this is the first year we've only had the third segment remaining.
- 21 • D Astle had a question about a new well site.
- 22 • R Eck – our wells are fine, but it is always a concern. The well is no good without a reservoir
- 23 which could cost close to .5 million dollars or more. This is not a high priority right now.
- 24 • S Bankhead asked for a goal from each Council member for a budget summary, i.e., what is
- 25 important to them about the budget, is the budget clarified accurately, etc.

26
27 Mayor Liechty announced a 5 minute recess before moving onto next item.

28
29 **Item No. 4. Joint City Council/Planning Commission Workshop.** The Providence City Council will to

- 30 discuss changes to Providence City Code Title 10 Zoning Regulations.
- 31 • R Cecil – acting Chairman, reported that Roy Sneddon has resigned.
 - 32 • S Bankhead said the Planning Commission is only looking at specific circumstances that needed
 - 33 to be fixed, this does not represent the entire chapter as a whole. This is only for Accessory
 - 34 Buildings, Main Buildings and Business Uses. There are probably more things, but they are not
 - 35 addressed at this time and does not represent that these are the only changes the Planning
 - 36 Commission may have.
 - 37 • Mayor Liechty has spoken to Mr. Alder who is interested in bringing all his property down on 3rd
 - 38 South into Providence. The City is in the process of making that happen.
 - 39 • Mayor Liechty suggested going page by page for suggestion/discussion items.
 - 40 • Page 1 – no comments.
 - 41 • Page 2 – no comments.
 - 42 • Page 3, D Astle – had a question about accessory buildings not being built until the main building
 - 43 is built. Feels like this would prevent people from building accessory buildings and then leaving
 - 44 them on property for several years before the main building is completed.
 - 45 • J Baldwin explained this is driven by a business on Canyon Road that has an accessory building,
 - 46 but not a main building.
 - 47 • R Eck said this also stops someone from building a garage and then living there to build their
 - 48 main home out of the garage.
 - 49 • G Allred also pointed out this prevents residential neighborhoods from populating with too many
 - 50 accessory buildings, changing the feel and value of neighborhoods.
 - 51 • S Bankhead said the City has already had four requests this year from people who want to build a
 - 52 detached garage before they build a home.

- 1 • D Astle feels like having an accessory building to use while building a home is different and less
- 2 offensive than someone building an accessory building for storage purposes only.
- 3 • R Call feels like this change interferes with people building a home and securing building
- 4 equipment during the process. He feels it is prohibitive where it doesn't need to be.
- 5 • J Baldwin said it may be problematic going through all these redlines when some of these
- 6 changes were looked at some time ago where there were issues in the City. He feels like this
- 7 won't be an issue for most people who are building a home.
- 8 • R Cecil suggested wording that allows garages being built first, but preventing long-term storage
- 9 accessory building being built.
- 10 • G Allred said this also has an impact on commercial enterprise issues and citizens were
- 11 concerned about accessory buildings being used for business purposes.
- 12 • S Bankhead said there were also concerns about people building swimming pools or tennis courts
- 13 without a main dwelling.
- 14 • The Council pointed out some problems that are not even addressed in this change such as
- 15 building an accessory building on adjacent lots where one lot has the accessory building and the
- 16 other lot has the dwelling, or building an accessory building the same time the main dwelling is
- 17 being built.
- 18 • G Allred said citizens were also concerned with the barn on Main Street. He asked Council if they
- 19 would like the Planning Commission to rewrite the changes with language in there for bonds. The
- 20 Council though this was a good idea, however, it presents a problem for home owners who are
- 21 financially challenged.
- 22 • D Astle would like to see language that discusses the intent of not building accessory buildings
- 23 and then leaving them vacant for long periods of time.
- 24 • D Miller asked how the Checketts' building has remained only a storage shed. Feels like the
- 25 problem occurred when the use of the building changed, not when the building was built. As
- 26 soon as it became a commercial building, it became a nuisance/hinderance to the neighborhood.
- 27 • S Bankhead said the City gets complaints about almost everything someone builds in
- 28 neighborhoods. This is not just about the Checketts' issue.
- 29 • G Allred said this is a problem for new neighborhoods more than for mixed use neighborhoods.
- 30 • R Liechty said this should be revisited by the Planning Commission.
- 31 • Page 3, Main Building:
- 32 • G Allred said the issue with the main building was that citizens felt the residential building must
- 33 be the main part.
- 34 • D Astle added comment that main building must be used as residential by owner of the property
- 35 and accessory building should be placed behind the structure.
- 36 • Planning Commission members felt this language would prevent people from building on the side
- 37 yard and thought this was too prohibitive.
- 38 • Page 4 – J Baldwin said all redline changes were driven by business impact in neighborhoods.
- 39 • G Allred explained this is why there is low, medium and high impact definitions. This is a control
- 40 on businesses that have considerable traffic that impacts the neighborhood.
- 41 • R Call and D Astle feel the number 2 is too low. D Astle suggested 5 customers, but recognizes
- 42 that it is going to be difficult to enforce.
- 43 • Council and Planning Commission discussed the difference between low and medium impact
- 44 businesses and Conditional Use versus Permitted Use businesses. It was suggested that low
- 45 impact language be taken out.
- 46 • S Bankhead pointed out that then everyone who applies for a business under medium use has to
- 47 pay \$100 and get a Conditional Use permit, which runs with the property forever regardless of
- 48 who owns the property; whereas low impact isn't a Conditional Use business. Every time the
- 49 Planning Commission had public meetings regarding this, there was a large conservative
- 50 population of citizens who were very concerned about businesses in their neighborhoods.
- 51 • S Bankhead said if a business becomes a problem in the neighborhood and there are complaints,
- 52 then the City will monitor with visits to the business.

- 1 • G Allred said low impact is not designed for a customer based business, more like online or other
- 2 types of businesses that don't have customer traffic.
- 3 • The Council decided two customers at a time is a good number for low impact businesses.
- 4 • D Calderwood questioned if medium impact conditional use business changes the character of
- 5 the neighborhood. This is the concern of a lot of neighbors.
- 6 • The Planning Commission felt like the number wasn't the big issue, rather the type of business
- 7 being conducted or if the customers showed up all at once or staggered throughout the day.
- 8 • D Astle had a question about utility power provider – do we restrict a resident from putting a
- 9 power converter in and boosting his power?
- 10 • Discussion about three phase converters and power. Converters are not an issue, but the three
- 11 phase power to a building changes the intent of the business to industrial/commercial.
- 12 • D Astle asked about noise level and decibels and where the decibels are measured? Need to
- 13 identify where the measurement is taken.
- 14 • D Calderwood asked about business use medium impact in regards to weight of delivery truck
- 15 issues. Single unit trucks are permitted, but not semis?
- 16 • G Allred said less than 33,000 pounds, single unit is not an impact.
- 17 • Page 5 – no comments.
- 18 • Page 6, G Allred had question on churches – does this preclude having places of worship in a
- 19 commercial area?
- 20 • S Bankhead said we have discouraged churches in commercial areas because we didn't want to
- 21 run into problems with alcohol use.
- 22 • Page 7 – no comments.
- 23 • Page 8 – no comments.
- 24 • Page 9 - R Cecil language about private garage.
- 25 • B Bagley question about short-term rentals.
- 26 • S Bankhead there is a definition written, but it was put on hold. The recommendation was that
- 27 short term rentals not be allowed, but the Council decided to hold off on the decision.
- 28 • Page 11 - D Astle had a question about light manufacturing. Suggests language be tied down
- 29 more specifically.
- 30 • R Eck – IMDS is light manufacturing, different owners already, lease is only for 5 years.
- 31 • D Astle perhaps then we should leave this very broad and address it when it becomes an issue.
- 32 • S Bankhead said light manufacturing is not in residential now. It used to be that we did not want
- 33 light manufacturing in the commercial area because we wanted to get retail, but that now is for
- 34 the commercial area, not residential. On the Use Chart it says it is a conditional use for
- 35 commercial zone only. It could be defined more liberally in the definitions.
- 36 • R Call suggested light manufacturing must be located in a commercial/industrial zone, not
- 37 residential.
- 38 • Jensen's Cabinets comes under craftsman, not manufacturing.
- 39 • S Bankhead - this is so it will be a conditional use so the City could impose extra conditions as
- 40 need arises.
- 41 • Page 12 - Hotels and lodging houses – on site manager in residence.
- 42 • Short term rental needs separate definition.
- 43 • Page 15, Residential for Elderly – D Astle had question about operating facility for elderly.
- 44 • R Call feels this is a business.
- 45 • S Bankhead we need to strike this out. This is regulated in the Fair Housing Act. We need input
- 46 from Craig Call because there is State definition on this and we need to meet State and Federal
- 47 Code.
- 48 • R Call – Planning and Zoning needs to rework this paragraph.
- 49 • Page 16, Car Services definition.
- 50 • S Bankhead this is Discount Tire or Master Mechanic.
- 51 • Page 18, D Astle had a question about mailed notices. Notices should be mailed to address listed
- 52 on tax notice provided by the County. Skarlet will check to see what the current State Code is.

- B Bagley – question about definition of entity vs. property owner.
- S Bankhead suggested following state code and suggested language “as per state code”.
- J Baldwin – Page 9, Paragraph C – question on what defines a family.
- S Bankhead we need to change that to 4 because we do not have a University in the City limits.
- Page 9, animals – “rabbits” need to be removed.

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

- R Eck – reviewed progress on roundabout. Concrete is gone, asphalt will be gone by Monday. Utility changes are almost completed. We are on schedule.
- S Bankhead reminded Council of City Celebration, Saturday, June 8, 2013. Rec programs are underway and going well.
- S Bankhead Public Hearing scheduled for June 11.

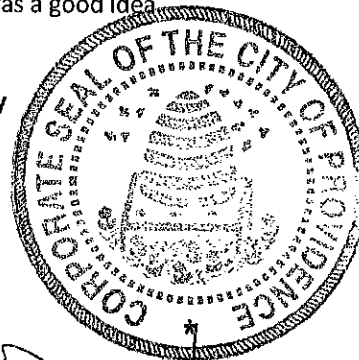
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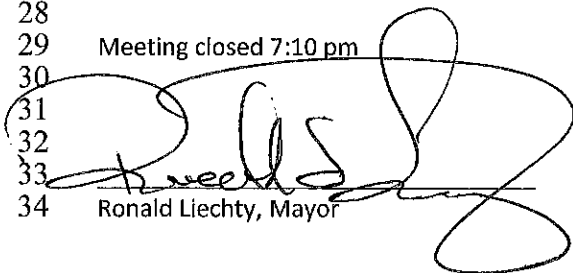
- B Bagley - Reported on Hampshire Park.
- D Astle announced he is not running for City Council.
- R Call – nothing to report.
- D Calderwood – reviewed Historical Meeting and the discussion of DVD for rock quarry and sugar beets.
- J Russell felt that having a volunteer to work on Sauerkraut Days was a good idea.

Motion to close: R Call, second – J Russell

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

Meeting closed 7:10 pm



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 34 Ronald Liechty, Mayor


 Skarlet Bankhead, City Recorder

