

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **February 9, 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, D Calderwood, J Russell, D Low, B Bagley
9	Excused:	
10	Pledge of Allegiance	
11	Motivational Thought:	D Low

12  
13 **Approval of the minutes for January 26, 2010:**

14 **Motion to approve the minutes from January 26, 2010 with the following changes: J Russell, D Calderwood second**  
15 **Page 1 Line 37 – drafted document for PL authority.**

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

17 **Nay: None**

18 **Abstain: None**

19 **Excused: None**

20  
21 **PUBLIC COMMENTS:**

22 None

23  
24 **BUSINESS ITEMS:**

25 **Item No. 1. Report:** Deon Johnson will report on the Cache Mosquito Abatement District (MAD).

26 Deon Johnson is the representative for Providence City. 5 years ago Providence City joined the MAD. Most of the cities of  
27 Cache Valley are members of MAD. He remembers thinking when he was on the Council that MAD wouldn't get off the  
28 ground with the amount of money they have. Brian Cox was the first representative for Providence City. This is a good  
29 program. This year MAD put in for the first tax increase since they were founded. They have teamed up with Bear River  
30 Health. MAD has about 16 traps that they have put out to find where the mosquitoes are and they are tested for West Nile.  
31 Last year there was no West Nile virus anywhere in the valley. Mosquitoes are in the larvae beds. This is where the money  
32 and manpower is used. They have asked for an increase of about \$1.40 a year from each homeowner. Providence has done  
33 exceptionally well as far as distinct areas for mosquitoes go. The MAD program here is an excellent program. Your dollar is  
34 well spent with this program. If you would like some extra spraying let them know and they will hit your area a couple of  
35 days before.

36 D Astle asked if someone was having extra trouble with mosquitoes in their area will MAD spray extra.

37 D Johnson said they would be glad to do that. They need to know if any areas are hit hard. They concentrate on areas that  
38 they know are a problem.

39 D Astle said the money comes from a dedicated tax.

40 K Thompson asked what kind of spray they were using.

41 D Johnson said they will be changing the spray next year.

42 B Bagley asked if any other insects were affected by this.

43 D Johnson said it will kill honey bees. That is why they spray at night.

44  
45 **Item No. 2.** The Providence City Council will consider the Mayor Pro-tem assignment.

46 R Liechty explained what the Mayor Pro-Tem's responsibilities are.

47 **J Russell nominated Dale Astle, seconded by B Bagley.**

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

49 **Nay: None**

50 **Abstain: None**

51 **Excused: None**

52  
53 **Item No. 3.** The Providence City Council will consider area of interest assignments for Council Members.

54 R Liechty explained that the Council requested assignments. He feels that once a year these assignments will be rotated.

55 **Planning & Zoning – D Calderwood**

1 Parks & Recreation, Library – D Low  
2 Budget and Finance – J Russell  
3 DRC & Historical – D Astle  
4 Commercial Growth – B Bagley  
5 Public Works & Water – R Liechty  
6

7 **Item No. 4. Resolution No. 10-002:** The Providence City Council will consider for adoption a resolution approving an  
8 agreement with the Utah Corp. to construct the Canyon Trail.

9 Eric Scabelund is here to answer any questions they may have. He builds single track trails in National Forest.

10 R Liechty said they had questions about the width and they way the trail will be finished.

11 E Scabelund said the first part of the trail was done by a Sweco machine. The rest of the trail will be done by hand. There is  
12 about 1500 feet. Machinery cannot be used on BLM Land. After a few years vegetation grows back and you get a nice trail  
13 about a foot wide. The width of the trail will be determined by the use. This will give you about a 24 inch wide shelf. This  
14 will be a walking path. The trail is on the south side of the creek. There will be a small bridge in line of site of the parking lot.  
15 You will also be able to ride a mountain bike on it.

16 D Astle asked if the trail could be expanded to 30 inches.

17 E Scabelund said they try to do it as wide as possible. The trail will stay as wide as the use is. Every spring, maintenance will  
18 be done on the trail. You need to keep an eye on a trail for 3 to 5 years to find the soft spots. After that you let it go back to  
19 nature.

20 R Eck said this trail does not affect the City's Water Shed.

21 D Barnes asked where the trails were located.

22 R Eck told him the trail is on the south side.

23 D Low said this trail may attract a lot of people. He asked if the parking lot will be improved.

24 E Scabelund said that the parking lot belongs to BLM. He believes this trail will tie into the Bonneville Trail.

25 S Bankhead asked where this goes from here.

26 The Council would like for E Scabelund to make a few word changes on the agreement and then bring this back to Council.

27 D Barnes said a wooden bridge won't last up that Canyon. You might consider changing it to a metal bridge.

28 **Motion to request the Utah Corp determine who is responsible for the bridge and ask for a minimum of a twenty four  
29 inch wide trail. D Astle, D Low second**

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

31 **Nay: None**

32 **Abstain: None**

33 **Excused: None**  
34

35 **Item No. 5. Resolution No. 10-006** The Providence City Council will consider for adoption a resolution granting an  
36 exception to the subdivision requirements for curb, gutter and road improvements along 200 North for the Vail Subdivision, a  
37 3 lot residential subdivision located generally at 200 North and 200 East.

38 Allan Vail is here with his council Nathan Jeppsen. He is asking for an exception to the rule. He explained that he bought the  
39 property with a little fixer upper on the property. He fixed up the house and would like to subdivide the rest of the land into 2  
40 lots to sell. As part of the subdivision he must install curb and gutter in front of the residence. Curb and gutter already exists  
41 in front of the property he wants to subdivide. He will be required to move 2 power poles. There is 5 blocks down this street  
42 where there is only 2 places that have curb and gutter. Rocky Mountain Power told him it will cost about \$9,000 to move the  
43 power poles. They told him they didn't like to move poles out of alignment. Rocky Mountain Power wrote a letter to the  
44 Council. A Vail read the letter. Dennis Briscoe developed 6 lots west of A Vail's property. Briscoe's development agreement  
45 says curb and gutter shouldn't be done because of the elevation of the road. He paid \$985.60 in lieu of curb and gutter.

46 C Carlston explained what an exception is.

47 N Jeppsen explained that the Council can make an exception due to extraordinary circumstances. A Vail is being required to  
48 put curb and gutter in front of the house, this has nothing to do with the subdivision. No other homes on this street have curb  
49 and gutter. One home is being treated differently than the rest of the homes on the street. This will cost him between \$10,000  
50 and \$30,000. Don't make him do something that is not related to a subdivision.

51 C Carlston explained why the house is considered part of the subdivision. He said there has always been a 66 foot cross  
52 section on this road.

53 N Jeppsen said if all of the homeowners on that street were required to put in curb and gutter, A Vail would have to put in  
54 curb and gutter then.

55 C Carlston said he talked to an estimator apprentice from Rocky Mountain Power who said that this is not a preference but  
56 they move power poles all the time. The Council has decided that 200 North is an important street. You decided that a 66 foot  
57 cross section is what they require with curb and gutter.

58 D Low asked how this subdivision is an exception to any other subdivision.

1 N Jeppsen said no other homes on this street have curb and gutter except the Assisted Living Center.  
2 Max Pierce said you need to look at other subdivisions that are built on existing streets.  
3 D Low said if this has been done before then this can't be considered an extraordinary circumstance.  
4 N Jeppsen said in all fairness you need to look at the other homes on this street. If the City decided they wanted curb and  
5 gutter on this street the citizens would have to pay for it.  
6 S Bankhead said there are other ways to fund road projects.  
7 A Vail said he would just like to be able to pay a fee in lieu like D Brisco did.  
8 C Carlston said fee in lieu is like an Impact Fee and they have to be used very specifically. There is already sidewalk and  
9 curb and gutter on the two lots that he wants to subdivide. This is a great savings for A Vail.  
10 Dee Barnes told the Council to read the Development Agreement from Dennis Brisco. The money went into the General  
11 Fund. This means that the City can use it anyway they want to. Casper Berry also paid fee in lieu instead of putting in curb  
12 and gutter.  
13 C Carlston said the State Law has changed since then. Now you can't take fee in lieu.  
14 S Bankhead said many developers have asked to pay in lieu of. When the City is doing a project the same time the developer  
15 is the developer will pay for part of the work to be done. Fee in lieu is an area you don't want to mess with.  
16 B Bagley asked Gary Stauffer what was done on the property that his parents sold. It was two lots and he had to put in  
17 sidewalk, not curb and gutter.  
18 D Calderwood asked if the ordinance was in effect when A Vail brought the property.  
19 C Carlston said nothing has changed with the ordinance.  
20 N Jeppsen said this property is not adjacent to a subdivision. If the money came from General Funds all the property owners  
21 on the street would have to pay.  
22 A Vail said if he has to move the power poles he will have to put in guidelines. This will take up part of his property.  
23 C Carlston said this will be part of 200 North. It will eventually be a major road. The Council needs to live by the ordinances.  
24 B Bagley feels like this could open up exceptions for everyone.  
25 C Carlston said this makes it tough for the next guy that comes in.  
26 N Jeppsen said no one on that street has had to put in curb and gutter. The City needs to look at the burdens on land owners.  
27 They are asking that the Council make this decision.  
28 Dee Barnes owns property on the east side of A Vail. Precedence has already been set. He read a letter to the Council. He  
29 talked about relocating power poles 10 years ago. If he develops his property he will not pay to relocate the power poles on  
30 his land. Neither should Allan Vail. No one asked for the power poles to be set on their property. Rocky Mountain Power has  
31 a franchise agreement with the City.  
32 Max Pierce said that it is still a financial hardship

33 **Motion to approve: D Low, B Bagley second**  
34 D Astle said he has concerns about granting exceptions. Exceptions then become the rule. The City has tried to fix the  
35 ordinances. He is concerned about the allegations that Dee Barnes has made. He is opposed to granting this exception.  
36 B Bagley asked if the Council could grant Allan Vail some relief for moving the fire hydrant.  
37 Max Pierce said the hydrant could not have been put behind the sidewalk at the time because there was no public utility.  
38 Dee Barnes said the fire hydrant replaced an existing one in the same place.  
39 J Russell said there are a lot of circumstances to the way things are. Do we have procedures in place to grant this? He agrees  
40 with D Astle. Are we willing to make an exception to the ordinances?  
41 M Pierce said the plans were submitted by A Vail's engineer that shows you could make the curb and gutter and road work. It  
42 is never ideal when you are retrofitting.

43 **Vote: Yea: None**  
44 **Nay: D Calderwood, D Low, J Russell, D Astle, B Bagley**  
45 **Abstain: None**  
46 **Excused: None**  
47

48 **Item No. 6. Resolution No. 10-004:** The Providence City Council will consider for adoption a resolution approving the  
49 Development Agreement and Addendum for the Vail Subdivision, a 3 lot residential subdivision located generally at 200  
50 North and 200 East.

51 **Motion to approve: D Astle, J Russell second**  
52 D Astle feels that the discussion is mute since Allan Vail's attorney has withdrawn this item.  
53 **New Motion: Motion to table this until we contact Allan Vail's attorney and confirm that this resolution has been**  
54 **withdrawn. J Russell, D Astle second**

55 **Vote: Yea: D Calderwood, D Low, J Russell, D Astle, B Bagley**  
56 **Nay: None**  
57 **Abstain: None**  
58 **Excused: None**

1 **Item No. 7. Resolution No. 10-005:** The Providence City Council will consider for adoption a resolution approving an  
2 easement for a private sewer service along the south east side of Zollinger Park.

3 S Bankhead said there are two easements, Rocky Mountain Power and Questar Gas. Rocky Mountain Power and Questar Gas  
4 both were contacted by Randy Eck to see if they have any problem with this sewer easement. He is waiting for an answer.  
5 The County Recorder and Mike Gleed don't have a problem recording this easement. The sewer line was already in place  
6 before Rocky Mountain Power or Questar Gas.

7 **Motion to approve: D Astle, D Calderwood second**

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

9 **Nay: None**

10 **Abstain: None**

11 **Excused: None**

12  
13 **Item No. 8.** The Providence City Council will consider projects to be included on the 2010 RAPZ Tax Program application.

14 R Liechty said the RAPZ Tax is ready to apply for now. The Historical Society has requested some money. We are also  
15 looking at upgrading the ball diamond restrooms by the Elementary School. The tennis courts need to be refurbished and  
16 lighted. He feels like the City should figure out how much all three will cost and ask for it all. He asked the Council for  
17 suggestions.

18 D Astle said he feels like we should apply for as much as we can.

19 R Liechty said throw all three projects in and the next year we get what we didn't get this year.

20 B Bagley liked the idea of the museum that the historical Society talked about last meeting.

21 D Low likes fixing up the tennis courts.

22 R Eck said there are other park projects but Impact Fees will pay for them. The estimate to fix both tennis courts is \$160,000.  
23 Tennis Courts are built differently. The tennis courts would be completely rebuilt.

24 R Liechty said that other cities go after thousands of dollars. There are not restrictions on the amount you can ask for.

25  
26 **Item No. 9 Discussion:** The Providence City Council will discuss the Providence City Council by-laws.

27 D Astle said shortly after the new Council was installed he was given the by-laws. These are the rules and procedures that the  
28 Council should follow. They say the Council follows the Roberts Rules of Order. There are some general housekeeping  
29 changes that need to be made.

30 On Page 2 of 9 – election of mayor pro-tem – retain their voting privilege. Change to his or her.

31 Rules of Procedure 2.3 – eliminate Roberts Rules of Order. Need to have rules of operation.

32 He read the changes that have been made.

33 S Eames said she believes Roberts Rules of Order can be simplified. Political Science is what she studied 30 years ago. She  
34 would really like to look at what has been written.

35 Council discussed the rules.

36 J Russell thanked Skarlet and Dale for the time they have put into these bylaws. He would like for this to be moved to  
37 February 23, 2010. This can be an action item and be first thing on the agenda.

38  
39 **STAFF REPORTS:**

40 R Eck thanked the Council for their support. He showed the sign for the Historical Society. He explained what his proposal  
41 for the new street signs would be. This is a decal and it will be a lot cheaper to do this. There are 125 signs that this will  
42 effect. Jay Hicken is very excited about this.

43 The Council approved this.

44 Peggy Wilson from the Forest Service did her masters on the relationship between Providence Canyon and the users. He  
45 received a copy of the report she did. He let the Council know that they need to look at this report. 2 week ago, Hal Hansen  
46 talked to the Council about the yield sign on 200 North. R Eck will talk to the property owner on that corner about removing  
47 the tree in the line of site.

48 Hampshire Park needs a playground. They will use Impact Fees.

49 Dee Barnes said the only way a street sign can be changed in Providence City is through an engineering study.

50 R Eck said that is correct.

51 S Bankhead talked about the walking path off of 125 North 400 East. Bill Bertolio in 2007 was allowed to lease some  
52 property for 5 years. The City can opt out in 60 days from the termination date. The property was dedicated to the City about  
53 15 years ago. The City can offer the property back to B Bertolio to buy.

54 S Bankhead said our City Attorney said there is a statute of limitations after 15 years. When the development came in the  
55 trails were an excellent idea.

56 Soccer registrations are over. Baseball and Softball registrations start next week.

57 The Mayor had some good meetings this week. K Baker will follow up on the trees in the City. There was also a gentleman  
58 from CERT that came to talk to us.

1 B Bagley asked about the concessions at the ball park.

2 S Bankhead explained that for a nominal fee we leased the concessions out to a private person. This saved us quite a bit of  
3 time and money.

4  
5 **COUNCIL REPORTS:**

6 D Astle attended the Planning Session given by Cache County. It was very worthwhile. He encouraged the Council to attend  
7 the Envision Cache Valley Class.

8 D Low has a meeting with the bookmobile tomorrow. He would like to ask permission to go to the ULCT convention in St.  
9 George this spring.

10 J Russell feels like it is important to watch the budget but the Council needs the training.

11 D Astle doesn't feel like we should cut back to much on training.

12 R Liechty said they could attend different meetings and bring back information for the Council.

13 The council approved Dave Low's request to go.

14 R Liechty told the Council about the Mayor's luncheon. There were some great ideas that came from the past Mayor's. Each  
15 Mayor offered to help in the City with whatever they could. The lunch was provided by Macey's. He is also holding an  
16 employees luncheon once a month. He would like permission to go to the Rural Water Conference. The Council approved  
17 this. He talked to the Council about the Office Deli that we are looking at putting in the office. This will be put in the office  
18 on Saturday. This will cost the City nothing except power.

19  
20 **Motion to adjourn – B Bagley, D Astle, second**

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

22 **Nay: None**

23 **Abstain: None**

24 **Excused: None**

25  
26 Meeting adjourned at 8:54 p.m.

27 Minutes taken and prepared by Terri Lewis

28  
29  
30 \_\_\_\_\_  
31 Ronald Liechty, Mayor

\_\_\_\_\_ Skarlet Bankhead, City Recorder