

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **February 23, 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, J Russell, D Low, B Bagley
9 Excused:	D Calderwood
10 Pledge of Allegiance	Troop 430
11 Motivational Thought:	

12
13 **Approval of the minutes for February 9, 2010:**

14 **Motion to approve the minutes from February 9, 2010 with the following changes: D Astle, J Russell**

15 Page 1 – Line 31 – larvae beds

16 Page 2 – Line 26 – 24 inch wide trail

17 Line 38 – There is curb and gutter on 300 East on the south side of the road.

18 Line 42 – West and North

19 Page 3 – Line 34 – Allegations

20 Page 1 – Line 45 – All Councilmen voted Yea for Councilman Astle – Mayor Pro-tem

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

22 **Nay: None**

23 **Abstain: None**

24 **Excused: D Calderwood**

25

26 **PUBLIC COMMENTS:**

27 None

28

29 **BUSINESS ITEMS:**

30 **Item No. 1. Resolution No. 10-007:** The Providence City Council will consider for adoption a resolution amending the
31 Providence City Council by-laws.

32 **Motion to approve: D Astle, D Low**

33 B Bagley page 2 – Mayor Pro-Tem – Can he sign checks or official papers?

34 S Bankhead said he cannot. It is just for meetings. If the Mayor was incapacitated you would have to appoint a new Mayor.

35 D Astle page 2 of 9 – take their out, put in his/her for Mayor Pro-tem

36 B Bagley – 2.2 – This talks about a City Manager. The Mayor may only vote in the place of a tie. Delete the rest.

37 S Bankhead – said this comes straight out of State Code. Our City Manager ordinance has been repealed.

38 D Astle page 2 of 9 item E – add “majority vote is required”.

39 R Liechty page 2 of 9 item B – asked “what is a mover”.

40 D Astle said the mover is the person that made the motion.

41 D Astle page 2 of 9 F-a-i – we need 3 Council Members to reconsider it.

42 R Liechty said he thinks if a motion passes, one of the 3 people that carried it has to reconsider it at the next meeting.

43 R Liechty page 3 of 9 – change winner to prevailing.

44 B Bagley page 7 of 9 – F – add “table it”.

45 Page 8 of 9 – 3rd line down – change Commission to Council.

46 D Low page 5 of 9 – Procedures – E – add “with the approval of the Mayor”. Can’t we add a two minute training every week
47 by the Mayor? Is there a certain way we should vote?

48 R Liechty said adding a little training every week could be possible. When voting you can say yea or yes. Nay or no. It really
49 doesn’t matter.

50 B Bagley page 6 of 9 – 6.3E – change rose to raise.

51 D Astle – page 4 of 9 – 5.1 – 6:00 pm, Mountain Time.

52 D Astle – page 5 of 9 – 5.3 – add “a quorum must be present at every meeting”.

53 R Liechty page 5 of 9 – 5.7 – change to “unless a motion is passed by the Council” – if the Council overrules the Mayor they
54 can only discuss it for 15 minutes.

55 R Liechty – page 8 of 9 – 8.1 – take out the public hearing part.

1 B Bagley – page 4 of 9 – 4.3 – you cannot award your vote to a proxy. In most cases your vote should be in person. Take this
2 part out.

3 S Eames – page 2 of 9 – E - c-23 cannot is misspelled. F - a-i – passed is misspelled.

4 **Motion to table this item until we see the corrected final draft at the next meeting: D Astle, J Russell second**

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

6 **Nay: None**

7 **Abstain: None**

8 **Excused: D Calderwood**

9
10 **Item No. 2. Resolution No. 10-008:** The Providence City Council will consider for adoption a resolution approving the
11 development agreement and addendum for the Lloyd Baer Subdivision Phase 1, a 1-lot residential subdivision located
12 generally at 360 North 100 East.

13 L Baer is here to ask the Council to approve this development agreement.

14 S Bankhead said the title needs to read Lloyd Baer Subdivision Phase 1.

15 L Baer thanked the Council for being able to visit with them again.

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

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

18 **Nay: None**

19 **Abstain: None**

20 **Excused: D Calderwood**

21
22 **Item No. 3. Resolution No. 10-002:** The Providence City Council will consider for adoption a resolution approving an
23 agreement with the Utah Conservation Corp to construct the Canyon Trail.

24 S Bankhead referred to the e-mail that was in the Council Packets.

25 D Astle asked if the bridge would be wooden.

26 R Eck said it would be just like the one at the east end of the trail.

27 D Astle asked that it be built before next winter.

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

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

30 **Nay: None**

31 **Abstain: None**

32 **Excused: D Calderwood**

33
34 **Item No. 4. Resolution No. 10-009:** The Providence City Council will consider for adoption a resolution amending the
35 Providence City Corporation Department of Public Works Standards and Specifications Manual by adding a drawing for a 4-
36 inch meter and a drawing for asphalt repair.

37 R Eck referred to the drawings that were sent to the Council. There is no 4 inch meter in the Spec Manual. He is asking that
38 this be added. These meters are usually in a park strip or a vault. There are no 4 inch meters in town at this time.

39 A fire hydrant has 3 nozzles. The big nozzle must face the street. This is a point of clarification.

40 The asphalt repair is just adding a drawing for point of clarification.

41 R Eck said when this is approved the City will print new Spec manuals.

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

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

44 **Nay: None**

45 **Abstain: None**

46 **Excused: D Calderwood**

47
48 **Item No. 5. Ordinance No. 002-2010:** The Providence City Council will consider for adoption an ordinance changing the
49 zone for Parcel No. 02-210-0105, generally known as 622 West 100 North (Lot 105, Pad 7, Alder Square) from Commercial
50 Highway District (CHD) to Commercial General District (CGD) requested by Dave Barker, on behalf of Deseret First
51 Federal Credit Union.

52 Daniel Brownell is here for Deseret First Credit Union. He dropped off packets to the Council. He explained to the Council
53 the history of bringing the Credit Union to Providence. In 2006 they bought the property from Amsource with the intention of
54 building in Providence. October 1, 2007 he received a letter about accesses to their property. The City knew that they had
55 every intention to build. In January, 2010 they received a letter informing them that the zone was changed from CGD to
56 CHD. This zone change will restrict them from building on their property. They were going to build in 2009 but with the
57 downturn of the economy they decided to wait. There would be around 1800 members of the Credit Union. They can do

1 transactions for thousands of people. By having the branch here in Providence they can work with Mountain America
2 customers also. They have been in North Logan since 2001. They expect to be part of the Providence City community.

3 R Liechty asked when they are looking at building.

4 D Brownell said if the economy turns around 2012.

5 R Liechty asked why they need it rezoned now. Why not when they are ready to come?

6 D Brownell said they want to know that they can build when they are ready. They own the land and they should have been
7 grandfathered in. They look out 10 years in the future. They need to know now that they can build.

8 D Astle said this rezoning was looked at quite seriously by the Planning Commission. Why didn't they come forward during
9 the Public Hearing?

10 D Brownell said they didn't know about the public hearing.

11 R Liechty said Amsource was in some of those meetings during these discussions and were all for the rezone.

12 B Bagley said he has some real reservations about some of the uses in the commercial area. The City really needs sales tax.
13 The new zoning allows a bank as a walk-in or drive thru, not as a free-standing. There are a lot of banks in this area. He has
14 reservations about rezoning one spot for an individual. He is afraid if the City does it for one they will be expected to do it for
15 more.

16 D Brownell said he understands the situation the City is in. The fact is they own the lot. Amsource leases everything else. He
17 thinks it would be easy to deny any other request because they owned the property before 2009. The North Logan branch has
18 a lot of people that come in to get cash and go to the retail stores nearby to shop. The convenience is huge. They build
19 beautiful buildings. They don't want to go to court with this. When he heard from the Salt Lake office about the zone change
20 he expected the Credit Union to sell the land. Instead they told him to go fight for the land.

21 B Bagley said a Council is under no obligation to zone or rezone for a developer. From a legal standpoint the City feels like
22 it's in a good legal position.

23 D Low said that you remarked that banks bring people. Expound on that.

24 D Brownell said that one of the primary things that developers want in developments is financial institutions. Allowing
25 people to access their funds will drive them to use the retail stores.

26 D Low asked if this could be proven.

27 D Brownell said he is sure there are surveys that have been done. This is a great place to be. They want to serve their
28 customers. They are dedicated to building in Providence. Before 2009 they could have built in the City. This would serve
29 their customers on this end of the valley. They would like to have the support of the Council.

30 D Astle said his concerns are that the City has a small area of commercial. The City needs to generate sales tax. This whole
31 concept was to generate sales tax. This has not been done. A lot of our area is taken up by non-retail businesses. There are 4
32 financial institutions in the City already. The point of this rezone was to keep our retail area open. If we grant you a rezone
33 we will open the flood gates for non-retail businesses. He doesn't feel like we should rezone this area.

34 D Brownell said by denying this you are asking us to go to a less desirable place to build our branch.

35 D Astle said this is prime property because of its location. This is best served by retail businesses.

36 D Brownell said the reason they chose that area is because of the location. Their Credit Union isn't going anywhere.

37 Restaurants and retail shops won't stay forever. The Credit Union will build a nice place that will be there for generations.
38 They are offering a great hub for the City.

39 J Russell said he works for USU Credit Union. He wants people to know he is not biased. As a citizen of Providence the
40 more he can get businesses to pay for roads, etc. the better. He feels the Council did what they were supposed to do. He
41 asked if no motion is made can they come back.

42 S Bankhead said they would have to start the process over again.

43 D Astle said the Planning Commission recommended the Council deny the request.

44 **Motion that the request for rezone is denied as per the Planning Commission recommendation: D Astle, B Bagley**
45 **second**

46 D Low said he wished he knew if the revenue has increased since the other banks have come into the City.

47 B Bagley said a lot of this will be drive-thru. You do your transactions and go home.

48 D Astle said a bank is a convenient service. If you have a bank in the community you are providing convenience for your
49 customers. There is less and less need to go to the bank because of electronic services. He doesn't believe that there is any
50 evidence that a bank increases retail sales.

51 J Russell said he agrees with D Astle. Maceys is the hub for the Community. Deseret First has a great presence in the Credit
52 Union community. The advantage would be the customers wouldn't have to go to the North end of the valley. Financial
53 institutions don't come to the community to be the hub.

54 D Astle said financial institutions may bring in other businesses. The problem is we need to conserve this area for retail
55 development. He feels like this would be a mistake to rezone this again.

56 B Bagley said Providence would only get about \$200 for property tax from this bank.

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

58 **Nay: None**

1 **Abstain: None**

2 **Excused: D Calderwood**

3
4 **Item No. 6. Discussion:** The Providence City Council will discuss amending Providence City Code Title 6 Motor Vehicles
5 and Traffic, Chapter 2 Parking Regulations, Section 8 Winter Regulations, requested by Blair and Cynthia Thompson.

6 R Liechty said the Thompson's have no driveway to park on. They park in front of their house. During the winter they
7 receive parking tickets because of winter regulations. They want to put up signs saying that parking is allowed.

8 R Eck read the ordinance. That ordinance is in effect because of the Thompson's.

9 S Bankhead said in the minutes of October 1998 the Thompson's asked for 6 feet. The meeting that this ordinance was
10 passed the Council decided on 8 feet off the asphalt.

11 R Liechty said the Thompson's believed it was 6 feet.

12 R Eck said that 8 feet is about what a big plow would push. The house to the north has put in a driveway in front of their
13 house. He believes the Thompson's have enough property to do the same thing.

14 J Russell said this is a valid ordinance and there is a reason it is in place.

15 D Astle said if you didn't have this ordinance people would be parking everywhere. Can they put a driveway on the south
16 side of the house?

17 R Liechty said he believes they can.

18 D Astle asked if parking was a problem in town.

19 R Eck said there are places. The bigger we get the more problems we will have. We enforce winter parking hours the same
20 every year. It has been discussed that the dates change but there always seems to be a storm in March.

21 D Astle feels like the ordinance is there for a safety issue.

22 R Liechty feels like they have other options that they can do.

23 S Bankhead said they didn't know if they could remedy the situation before the winter parking ended. They don't want to
24 have to pay for more parking tickets.

25
26 **STAFF REPORTS:**

27 R Eck talked to the homeowner about the trees on 100 North. He would love to have the trees removed. Kathy Baker was
28 concerned about the trees on Main Street. The City is writing an official statement as to how we would like the trees to be
29 handled. The power company is doing some work on 200 North.

30 S Bankhead introduced Shauna Flammer from the Planning Commission. They would like to have a representative to the
31 Council meetings. The Historic Preservation Committee liked the sign idea that Randy Eck came up with. Baseball and
32 Softball signups have started. The RAPZ application is being worked on for March 5th.

33 Terri Lewis spoke to Ryan Hatch from the Trust about benefit quotes.

34 S Bankhead suggested the Council go to the Utah League of Cities & Towns website and see what legislation is going
35 forward. She thinks it would be beneficial for Council Members to let the legislators know how they feel about things.

36 S Bankhead explained the difference between the B&C road funds. She talked about the new legislation that will hinder some
37 of the ability to work with the County on inter-local agreements.

38
39 **COUNCIL REPORTS:**

40 B Bagley talked about the newly elected officials meeting that he and D Calderwood attended. Dave Church gave a very
41 good presentation. He talked about some of the things that were discussed. Cities have very broad powers. They must stick to
42 the ordinances and State Code. The Council should have rules called out in the by-laws. He stressed understanding the
43 difference between ordinances and resolutions. He talked about executive sessions. They talked about disclosure. They talked
44 about risk management. He attended Envision Utah and brought back some handouts for the Council. He discussed some of
45 the things that they talked about at Envision Utah. He will be talking to Skarlet about the Commercial Development.

46 J Russell said he will be working with Skarlet on the budget.

47 D Astle asked the Council to read the Duties and Powers book. He talked about the Historic Preservation Commission. He
48 appreciates the time that the Commission puts into the City.

49 R Liechty said he met with Rex Hamilton about making the sauerkraut for the dinner. Rex thinks this can be done. 300
50 South has made warrant and it is under design. He went to the CMPO and it is a very interesting meeting. He would like for
51 someone from there to come talk to the Council. Our section of the CMPO road is out for bid this week. He needs to decide
52 budget wise if he should go to Rural Water Conference.

53 D Astle feels like someone attending Rural Water is critical.

54 R Liechty felt like S Bankhead should have gone but the budget won't allow it. He would like to come up with a way for her
55 to go.

56 R Eck said they hold another meeting during the fall in the North.

57 R Liechty suggested waiting until the fall to attend. He and Skarlet will decide who if anyone will attend.

58 Shauna Flammer thanked the Council for the support that they show the Planning Commission.

1 R Liechty thanked the Planning Commission for their hard work.
2 B Bagley asked about the LUA for the Commercial Area.
3 D Astle said that is Skarlet Bankhead, Randy Eck and Max Pierce.
4 S Bankhead said ordinance and zoning changes come to the Council.
5

6 **Motion to adjourn – D Astle, B Bagley second**
7 **Vote: Yea: B Bagley, D Low, J Russell, D Astle**
8 **Nay: None**
9 **Abstain: None**
10 **Excused: D Calderwood**

11
12 Meeting adjourned at 8:26 p.m.
13 Minutes taken and prepared by Terri Lewis
14

15
16 _____
17 Ronald Liechty, Mayor

Skarlet Bankhead, City Recorder