

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **March 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, J Russell, D Low, B Bagley, D Calderwood
9 Pledge of Allegiance	Edgehill Ward Scouts
10 Motivational Thought:	D Calderwood

11

12 **Approval of the minutes for February 23, 2010:**

13 **Motion to approve the minutes from February 23, 2010 with the following changes: J Russell, D Astle second**

14 Page 3 of 5 – Line 22 – good legal position

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

16 **Nay: None**

17 **Abstain: None**

18 **Excused: None**

19

20 **PUBLIC COMMENTS:**

21 Jim Davis brought his Scout Troop. He thanked the Council for the job that they do.

22

23 **BUSINESS ITEMS:**

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

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

26 B Bagley - Page 2 of 9 – how do you pick a new mayor if the mayor is incapacitated?

27 S Bankhead said they follow the state code. When their term is up they have to run for re-election.

28 B Bagley asked about signing contracts, legal papers.

29 S Bankhead said if a contract needed to be signed she would have to talk to legal counsel on this. She doesn't know what the legalities are.

30 B Bagley would like it added that they follow state code

31 Page 2 of 9 – Council should be capitalized throughout the document.

32 R Liechty talked to the Council about changing a motion. The Council just needs to make a new motion, if there is a second that is the motion on the table.

33 S Bankhead read the new wording.

34 D Low – Page 2 of 9 – Does their have to be a majority?

35 S Bankhead said you only need 1 of the prevailing Councilmember's to bring it back.

36 R Liechty said new information has to be brought back to the Council. The Councilmember that brought it back has to make the motion.

37 B Bagley – Page 3 of 9 – Titles should be capitalized.

38 B Bagley – Page 4 of 9 – Delete 4.3

39 B Bagley – Page 5 of 9 – 5.7 – if the Council overrules the Mayor the subject may have an additional 15 minutes.

40 B Bagley – Page 7 of 9 – 7.1 – insert table

41 R Liechty said if there are only 3 members of the Council present all 3 have to concur for it to pass.

42 If only 2 of the 3 concur it is brought back to the next meeting.

43 B Bagley said delete the word quorum.

44 **Motion to make discussed changes and review those in draft form at March 23, 2010 meeting: B Bagley, D Calderwood second**

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

46 **Nay: None**

47 **Abstain: None**

48 **Excused: None**

49

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

3 Blair and Cynthia Thompson were here to discuss this item.

4 C Thompson said they are asking for an exception to this ordinance. They do not have a driveway. The driveway next to  
5 them is a right of way to the home behind them. In 1998 they came in to talk to the Council. They were granted an exception  
6 then. They have started receiving parking tickets again. She has pictures that she showed the Council.

7 R Liechty told them that they were not given an exception in 1998. The ordinance was changed to 8 feet but apparently the  
8 Thompson's were not told.

9 C Thompson read the minutes from the meeting in 1998.

10 R Liechty said that the minutes are what were discussed in the meeting. The actual ordinance was changed to 8 feet.

11 C Thompson said that they were never notified about the change. They believed that they just had to park as far off the road  
12 as possible. They have no curb and gutter. They plow to the end of the asphalt. They push the snow back themselves for  
13 parking. They have filled the ditch in but there are trees and power poles in the way.

14 D Astle asked how far it is from the asphalt to the power poles.

15 B Thompson said he doesn't know.

16 D Calderwood asked if they had access to the driveway.

17 B Thompson said there is access. We could use the driveway if we asked. They cannot block the driveway because of the  
18 home behind them.

19 D Astle asked if they could park in the back of the house.

20 B Thompson said they would give up their back yard. They have tried to buy more property to the south of them but that has  
21 not worked out. They can park 3 cars in the front of the house parallel.

22 D Astle asked if they have ever had any damage from the snowplows or other drivers.

23 B Thompson said there has been no damage.

24 D Astle asked if they would indemnify the City from any damage to their vehicles.

25 B Thompson said they would be glad to do that.

26 D Calderwood asked if they used the driveway could they put a pad next to the house.

27 C Thompson said they need somewhere for their grandkids to play. She doesn't feel like it is fair that they have to give up  
28 their front yard. They are willing to do what they need to do to make this work. The Sheriff's Department said they needed  
29 something from the City allowing them to park on the street.

30 R Liechty said our ordinance says between November 1<sup>st</sup> and April 1<sup>st</sup> there is no parking on the street. The Thompson's are  
31 asking for something to give them permission to park on the street. The Sheriff's Department is doing what they are supposed  
32 to do.

33 S Bankhead said either January or February there were 100 parking citations issued. The City asked the Sheriff's Department  
34 to issue citations.

35 D Astle said the idea is to get the cars off the street. 8 feet is what is required to push the snow.

36 B Thompson said they knew when they bought the house there was a parking problem. The Sheriff's Department agreed that  
37 they will not issue anymore parking tickets this year, but what about next year.

38 D Astle said they are parking in the public right of way. If there is an exception he doesn't feel like they could pass the  
39 exception to the next owner.

40 B Thompson asked about removing the trees in their front yard.

41 R Liechty suggested that each Councilmember go look at the trees and the parking. This will be brought back on March 23<sup>rd</sup>  
42 as an action item.

43 B Bagley asked if the trees were gone would that make room for them to park.

44 B Thompson said he believed they would be able to work with that.

45 J Russell would like it to be brought back as a discussion.

46  
47 **Item No. 3. Ordinance No. 003-2010:** The Providence City Council will consider for adoption an ordinance amending  
48 Providence City Code Title 10 Chapter 12 Accessory Dwelling Units by removing the word temporary and allowing  
49 applications for accessory dwelling units.

50 Wendy Wimmer from the Planning Commission is here to discuss this item.

51 Jade Wimmer presented the Mayor with a letter.

52 W Wimmer said the Commission had a lengthy discussion on this item. They are basing a lot of their decisions on what  
53 Logan City is doing right now. Logan City is trying to clean up this kind of thing.

54 R Liechty said that he and Skarlet met with the Historical Preservation and they feel like government shouldn't be allowed to  
55 tell people what they can and can't do with their homes. Historic Preservation feels like you should be allowed to have  
56 someone come and live with you when you get older to help take care of you.

57 W Wimmer said this creates traffic issues. It also impacts schools.

58 R Liechty said you would limit it to two additional people.

1 W Wimmer said she didn't know if the City had the manpower to enforce this.  
2 R Liechty said when there is a complaint the City would look into it.  
3 W Wimmer said there are about 17 residents that are currently grandfathered in. She feels like this is for a minority of people.  
4 B Bagley asked if someone unrelated to you could come in and take care of you.  
5 S Bankhead said if you want to share your whole house with your caretaker you can. If you want them to have separate living  
6 quarters you can't.  
7 B Bagley asked about family.  
8 W Wimmer said families can move in with you.  
9 B Bagley asked about permitted and conditional uses.  
10 W Wimmer talked about the reason that accessory dwellings were taken away.  
11 D Astle said that newer homes were built with the intent to have accessory dwellings.  
12 W Wimmer said there have been no complaints on the dwellings that have been grandfathered in.  
13 S Bankhead said the dwellings we know about have done it correctly. By ignoring it you are allowing people to move into  
14 their basements and not have their home inspected by the building inspector or fire marshal.  
15 W Wimmer said if you allow it the City has to become enforcers.  
16 S Bankhead said the City has to do that anyway.  
17 R Liechty said the buck has to stop with the City.  
18 S Bankhead said the reason the Historic Preservation Committee looked at this was because the ordinance says they are  
19 supposed to have input with design and modification of homes within the Historic District. One of the conditions was it had  
20 to be owner occupied.  
21 D Astle asked if you could just approve it in certain areas of town.  
22 W Wimmer asked how many homes could actually be done this way in the Historic District.  
23 R Liechty said he believed very few.  
24 D Astle said you could look at family members to help.  
25 D Calderwood said in another 10 years or so he and his wife might need a caregiver.  
26 S Bankhead assured him that he would be able to do that when it is needed. He just can't let them live separately from him  
27 and his wife.  
28 W Wimmer read the ordinance that the Planning Commission sent forward.  
29 S Bankhead said the original request was to add accessory dwelling units. This was so the citizens would know that the  
30 Council might approve this. The was to make it clearer.  
31 R Liechty says you can have as many family members live with you as you want.  
32 J Russell said you need to have a home owner living on the premises for an accessory dwelling.  
33 B Bagley asked what Logan City was doing.  
34 S Bankhead said she looked on line to see what there ordinance said but it is gone.  
35 R Liechty said if it you allow accessory dwellings then the City will know where they are.  
36 W Wimmer said this is a hard decision. The Planning Commission discussed this a lot.  
37 D Astle asked how many applications there were in the beginning.  
38 S Bankhead said about 25. The City receives more complaints about single family homes with single families than about  
39 accessory dwelling units.  
40 B Bagley asked about fire codes and building codes.  
41 S Bankhead said that all of those issues have to be met if it is an accessory dwelling. Your house has to be built structurally.  
42 If you do an accessory dwelling unit it has to be brought up to code. You also have conditions that the City puts on them.  
43 D Low asked if a subdivision could be zoned for apartments, duplexes.  
44 D Astle said we already have that. That is our multi-family zone.  
45 D Astle asked about some of the conditions that were required that is no longer in the ordinance.  
46 S Bankhead said this is the ordinance that was in existence when it was repealed.  
47 R Liechty suggested sending it back to P&Z for conditions.  
48 **Motion to approve Ordinance 003-2010: D Low, D Calderwood second**  
49 B Bagley said strike however.  
50 Single family dwelling – add – after October 2005 if abandoned for more than 1 year, owners can't reapply.  
51 D Astle said this is reaffirming what is already on the books.  
52 S Bankhead said this would be for the grandfathered ones.  
53 **Vote: Yea: D Low, D Astle, B Bagley, D Calderwood**  
54 **Nay: J Russell**  
55 **Abstain: None**  
56 **Excused: None**  
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1 **STAFF REPORTS:**

2 S Bankhead said that Randy Eck is doing well. She explained to the Council that he had back surgery. The Public Works  
3 crew is doing well in his absence. She told the Council that the City is hiring to replace a Public Works employee. This  
4 person will be working in the parks. She received a request from Laser Precision for a market recycling zone. This is for a tax  
5 break. This has to be renewed yearly. She asked if the Council would like to continue this market recycling zone. The City  
6 pays for their business license if they are part of this zone. The Mayor, Skarlet and Max Pierce all attended the Rural Water  
7 Conference. She talked about the conference classes that they attended. She thanked the Council for letting her go to Rural  
8 Water. It was a very good conference. Linda Goetze helped with the RAPZ application. The City wasn't prepared to ask for  
9 all 3 projects. They requested the tennis courts. Hopefully we can have the tennis court project finished by September.

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11 **COUNCIL REPORTS:**

12 D Calderwood talked about the different classes that he has attended. He told the Council that he has been looking at ways to  
13 improve working conditions and Randy Eck not being up at the shop with his people is a problem. Skarlet got him a copy of  
14 the lease agreement for the building at 2 North Main. This will cost the City well over \$70,000 by the end of the lease. He  
15 asked the Council to consider looking at building a building at the sheds where the Public Works department is already  
16 located.

17 B Bagley said he reviewed the lease. He doesn't see an early opt out. There is a good lease rental portion. He can't see where  
18 there is still a lease agreement for the conference room. Maybe staff could start meeting at this building. We also pay utilities  
19 for 3 units.

20 J Russell said he has been looking at budget issues. He and Skarlet will start talking to the Council about the budget for next  
21 year.

22 D Low asked the Council to think about the 400 South 100 East corner. It is a dangerous corner. Also, could we tidy up 400  
23 South and Main? George Daines wants to know if he can plant trees down the dugway on the west side.

24 D Astle said DRC has been very busy. He feels like they do a good job. He would like to look at benefit packages for  
25 insurance.

26 B Bagley said he's very impressed with the Planning Commission. He talked about the mixed use that they are looking at. He  
27 discussed the definitions and uses that they will be talking about at the Public hearing tomorrow night. He talked about the  
28 Charette put on by the USU Students. They had some very creative ideas. He and Skarlet talked about Commercial  
29 Development. They talked about the Maceys agreement. They talked about tax revenue and how much the City receives. He  
30 feels like they need to find ways to soften the transition from residential to commercial.

31 D Low said he would like to thank Dennis Giles for making his house safer. He is finishing his basement and Dennis has  
32 been a great help.

33 R Liechty said Rural Water was great. He would like all of the Councilmen to have the opportunity to attend. He talked about  
34 a couple of the classes he attended. He has a meeting with Gold's Gym and Amsource tomorrow. They would like to meet  
35 individually with the Council. He is meeting with Kathy Baker about the trees. He will keep the Council updated on these  
36 issues. He appreciates the time that the Council puts in.

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38 **Motion to adjourn – D Calderwood, B Bagley second**

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

40 **Nay: None**

41 **Abstain: None**

42 **Excused: None**

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44 Meeting adjourned at 8:45 p.m.

45 Minutes taken and prepared by Terri Lewis

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48 Ronald Liechty, Mayor

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Skarlet Bankhead, City Recorder