

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **April 13, 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	BSA Troop 19
10 Motivational Thought:	D Astle

11
12 **Approval of the minutes for March 23, 2010:**

13 Page 2 – Line 1 – Funds are available in the Public Safety budget.

14 Page 2 – Line 6 – up to 24 citizens.

15 Page 2 – Line 9 – 2 concrete strips for vehicle parking – strike pads.

16 Page 1 – Line 54 – 8 weekly 3 hour sessions.

17 Page 4 – Line 6 – LDS Church

18 **Motion to approve the minutes from March 23, 2010 with the following changes: B Bagley, D Calderwood second**

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

20 **Nay: None**

21 **Abstain: None**

22 **Excused: None**

23

24 **PUBLIC COMMENTS:**

25 None

26

27 **BUSINESS ITEMS:**

28 **Item No. 1. Discussion:** Russ Hallam and BSA Troop 19 would like to discuss the height of the green waste dumpster.

29 Trevon Campbell, Andrew Calley and Brendon May think the green waste dumpsters need to be lowered about 2 feet. They believe they are too tall to lift heavy items into.

30 R Eck explained that this is the only City that cares about the citizens being able to use these dumpsters. He told them that the reason they are taller is it is a compromise for everyone. They were designed to be able to come up to them on the side to dump stuff because of space. Logan City will pick up residential green waste containers at the curb for a fee. He explained to the boys that the Council will take into consideration everything that they have talked about and will tell him what they want done.

36 B Bagley asked if there were different sizes to these containers.

37 R Eck said he works with Logan City on this and you get whatever they deliver. Logan City said this is the best dumpsite in the valley.

39 D Low said maybe if the containers were lowered a foot that would work. He asked the boys what they were requesting.

40 The troop suggested lowering it about 18 inches.

41 D Low said he would go down and dump some stuff to see how it works.

42

43 **Item No. 2. Ordinance No. 004-2010:** The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 10 Zoning, Chapter 1 Section 4 Definitions, by adding the definition for Business Office – General, Business Office – Low Impact, Business Office – Medium Impact, Fitness Center Commercial (Gym); and amending Providence City Code Title 10 Zoning, Chapter 6 Use Regulations, by adding the following uses to the use chart: Business Office – General, Business Office – Low Impact, Business Office – Medium Impact, Fitness Center Commercial (Gym) in some or all of the City’s zoning districts and adding ^Use is allowed as a permitted or conditional use only if it is a home business, child care business or nonconforming business that complies with Title 3, Chapter 4 of this Code, Conditional Businesses.

51 S Bankhead explained to the Council that this is the second time this has come to them. This is to create definitions for Business Offices. At one time all of these were conditional uses. Some citizens were concerned that their business was considered conditional use. If a business is approved as a conditional use it goes with the property. If a business office does not impact the neighborhood maybe making it a conditional use is too much. Staff is asking that a Business Office - Low Impact not be a conditional use. Business Office - Medium Impact be a conditional use. Business Office - General would be

1 for commercial areas. You are also considering a Fitness Center Commercial (Gym) definition. These are the four definitions
2 you are looking at. These four items will also be changed in the Use Chart. S Bankhead went over the Use Chart and
3 explained the changes being made. Also it is requested that they add ^ Use is allowed as a permitted or conditional use only if
4 it is a home business, child care business or nonconforming business that complies with Title 3, Chapter 4 of this Code,
5 Conditional Businesses.

6 S Bankhead said that Amsource would like to discuss the incidental definition before the Council considers it.
7 S Bankhead explained how the Planning Commission came up with the 15% for incidental use. The 15% or less is coming
8 from the Staff. Staff felt like it should be capped at 4,000 square feet.

9 J Russell said he feels like it should be read which ever is less.

10 S Bankhead said the power was out at the last Planning Commission meeting so they didn't have time to finish the discussion
11 on the incidental use. They will discuss this again tomorrow.

12 The Planning Commission doesn't want to turn away a Maceys or a Wal-Mart. They looked at what they would want and it
13 seems to be financial institutions. That is where the incidental use is coming from.

14 S Bankhead said staff would like the Council to consider a portion of this ordinance.

15 J Russell said he is worried about approving Business Office – General as an incidental use.

16 D Calderwood said the higher percentage of the incidental use the less chance of it being sales tax generating.

17 S Bankhead said attracting a big box store is more important than getting hung up on incidental use such as a financial
18 institution.

19 B Bagley said he feels like 15% is very generous.

20 D Astle said losing 15% of a floor area takes out 15% of your sales tax.

21 D Low said we could take a chance and get nothing.

22 J Russell said he doesn't believe that Maceys suffers because of the financial institution inside. He believes that Planning &
23 Zoning is looking at other things.

24 S Bankhead said they are looking at Business office – General and Doctor's, Dentist offices. All the other professional uses
25 you can fit into these offices.

26 J Russell said there is a huge difference between a financial institution and a Wal-Mart or a Gym. He is Ok with them using
27 15% of their store for incidental use.

28 D Astle said how much space in a Wal-Mart Store would be incidental use. Probably nothing exceeds 4,000 square feet.

29 J Russell said you can use multiple uses up to 4,000 square feet.

30 M Shetler said there are several ways to look at 4,000 square feet. If the building is condo minimized you have 3 separate
31 foot prints. They could have 12,000 square feet for incidentals uses.

32 D Astle said the only way around it is to make the Commercial Highway District not allow anything but sales tax producing
33 businesses.

34 D Astle asked M Shetler if he was intending to build a strip mall.

35 M Shetler said that is correct. Every one of the businesses will have their own entrance. They will be more successful than
36 the Maceys strip mall because of the gym. The gym draws in businesses.

37 B Bagley asked how much sales tax the gym generates.

38 M Shetler said on every membership every month there is sales tax. Also, everything they sell generates sales tax.

39 S Eames asked if they had to use the same entrance why that wouldn't work in a strip mall.

40 M Shetler said a gym standing alone doesn't make sense. The strip mall produces sales tax and creates jobs.

41 R Eck said the buildings beside the gym aren't eligible for incidental use the way the ordinance reads.

42 M Shetler said he is proposing to be able to use 15% of his whole property. It will be less square footage. He doesn't want to
43 manipulate numbers. He is purchasing the property from Amsource. They have their own list of restrictions that he has to
44 work with.

45 D Low asked what discourages him from building his gym.

46 M Shetler said he just needs a number to work with.

47 R Liechty said the City can't give him a percentage and then give everyone else another percentage.

48 R Eck said staff was trying to stay with the original ordinance for incidental use when they embraced one entrance per
49 building.

50 J Russell said the Council doesn't want to accommodate each individual business. M Shetler just wants to know where he
51 stands.

52 D Astle said M Shetler isn't really interested in incidental use. Should the Council allow M Shelter to put in Doctors offices
53 in their Highway District?

54 M Shetler said the two Doctors that go with his business or rehabilitation and massage therapy. He will also have stores that
55 sell supplements and beauty products.

56 R Eck asked why it wouldn't work with the incidental use inside the gym.

57 M Shetler said he doesn't want them inside his gym. He just wants to have a percentage to work with.

58 S Bankhead said what Amsource wants M Shetler to do is not what the City wants for this zone.

1 D Calderwood asked if M Shetler was buying the land from Amsource.
2 M Shetler said he is looking at buying the land from Amsource. He has to agree with their terms before they will sell it to
3 him.
4 D Low asked at what point the city becomes so restrictive that developers don't want to come here.
5 B Bagley said he believes that the City has to be fair and look at revenue producing businesses.
6 M Shetler said he is building somewhere. He just needs to know if Providence will allow it to be in their City.
7 D Low said if he doesn't have the same public entrance can he do what he wants to do.
8 M Shetler said yes and he also needs a percentage.
9 S Eames asked why you don't want people going through your gym.
10 M Shetler said to keep the traffic for the gym only. It has to do with liability issues. It doesn't make any sense to do it that
11 way.
12 D Low said he is OK with 15%.
13 B Bagley said he has been told 8 to 10% works for other cities.
14 S Bankhead said the reason the change was made was because of Doctors. Between Doctors and Banks that is all that wanted
15 to build in the City's commercial area. If you want to allow some uses then they need to be a conditional use or an incidental
16 use. Once you give a certain class a set of conditions then you have to live with that. If you change the incidental use for
17 Gold's Gym who ever comes in and meets the same conditions can build there.
18 D Astle asked how the percentage should be set.
19 M Shetler said he would set the percentage with the land.
20 R Eck suggested a minimum of 35,000 square feet and 8%.
21 **Motion to approve with the following changes: Business Office – General permitted in the Commercial General**
22 **District and the Mixed Use. Not permitted in the Commercial Highway District. Business Office – Medium Impact not**
23 **permitted in Commercial Highway District. Strike the incidental use definition. Acknowledge ^ as presented by**
24 **Planning & Zoning: J Russell, D Calderwood second.**
25 **Vote: Yea: D Astle, B Bagley, D Calderwood, D Low, J Russell**
26 **Nay: None**
27 **Abstain: None**
28 **Excused: None**
29

30 **Item No. 3. Resolution No. 10-013:** The Providence City Council will consider for adoption a resolution approving a
31 Contract between the State of Utah, Utah State History, Department of Community and Culture and Providence City for an
32 intensive level survey of approximately 8 historic buildings; and approximately 200 Historic District stick-on labels for street
33 signs and 4 Historic District entrance signs.
34 **Motion to approve: J Russell, D Astle second**
35 D Astle asked who the consultant is.
36 R Liechty said it is a government agency.
37 S Bankhead said there are only certain people that the state recognizes as consultants for these intensive level surveys. When
38 it is finished you get a very detailed abstract. The State gives you a list and you pick someone.
39 D Astle read the contract.
40 R Eck asked where the Historical Preservation Committee wants the 4 Historic District entrance signs.
41 R Liechty asked if they could put something in that says the Public Works Director has a say in where these signs will go.
42 D Low suggested letting the Historical Preservation Committee recommend where they want them and then R Eck can
43 approve or not.
44 **Vote: Yea: D Astle, B Bagley, D Calderwood, D Low, J Russell**
45 **Nay: None**
46 **Abstain: None**
47 **Excused: None**
48

49 **STAFF REPORTS:**
50 R Eck told the Council about Maple Hollow Road. Mr. Kalbach owns a majority of the property. He wants to fill in the
51 ravine. R Eck went and looked at the property and he feels like everything is on the up and up.
52 R Eck talked about the downtown cross sections. When the subdivision on 100 East and 120 South puts in the infrastructure
53 he would like for the City to finish the infrastructure to the corner. There is money in the road budget.
54 R Eck said soccer started today on all the fields. He told them that the new truck is in service. He reminded the Council that
55 he talked to the homeowner on 200 North about the walnut trees being removed from his property because of a view problem
56 and they will take those trees down.
57 S Bankhead talked about the budget. She told them about the Health Insurance benefits. The group that we worked with
58 hasn't provided the services that they should have so we are looking at the possibility of changing agents. The biggest

1 concern that we have is the relationship with the Trust. We don't want to jeopardize that relationship. The MPO road has
2 been advertised for bid. She believes the construction date is sometime in June. The Council received an e-mail from a citizen
3 about trapping and hunting. The State has the authority over where and how people can hunt. She needs to know how much
4 money the Council would like to spend to try and get answers on this problem. The City looked at this problem a few months
5 ago. The answers we received then were vague. She believes that we need to direct all citizens' complaints to our State
6 Representatives. The City is not the authority on hunting.

7 D Calderwood said he has looked into the deer problem. He has been striking out at every turn. They can consider only live
8 trapping in the City.

9 S Bankhead said the budget is tight. She doesn't want to spend money spinning wheels.

10 The Council received a letter about Chris Checketts business. The staff has not been able to set a meeting with the Checketts.

11 R Liechty asked that the attorney send a letter to the Checketts stating that the City came up and met with them and now the
12 City would like for the Checketts to contact the City to set up a meeting in the next 30 days.

13 S Bankhead talked about the summer recreation programs. They will be starting soon.

14 There have been some assignment changes made with staff. S Ward and T Lewis have flipped some of their job duties.

15 16 **COUNCIL REPORTS:**

17 D Calderwood attended the Planning Commission meeting.

18 J Russell received citizens' comments on the snow ordinance. Would we consider changing the dates?

19 R Eck said he believes that our ordinance is fair.

20 J Russell said citizens are very impressed with Hampshire Park. They are concerned with the open canal. They would like
21 some fencing or protection put up there.

22 R Eck said he will have to go look at the problem.

23 B Bagley said he went to the League meetings in St. George. It was well attended and an excellent conference. He told the
24 Council what was discussed.

25 D Astle talked about the County training session. He commended DRC for the time they put in.

26 D Low talked about the League meetings. Dave Church asked the Councils to show more respect to their citizens and staff.

27 D Low talked to the Council about the splash pad. Alma Leonhardt Park is the perfect place for this. Estimated cost is
28 \$33,625.

29 B Bagley asked about private donations.

30 D Low said we already have the money.

31 S Bankhead said the Council needs to be the policy makers with this project.

32 D Low wants it to be built so it will be used.

33 S Bankhead asked if the Council wants to bring the money forward in the next budget hearing for a splash pad.

34 D Astle asked if we could go after more money to build a bigger splash pad.

35 S Bankhead reminded them that the bigger it gets the more expense there is to take care of it.

36 J Russell feels like the City should move forward with the Splash Pad.

37
38 **Motion to go into Executive Session at 9:36 p.m.: D Low, B Bagley second**

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

40 **Nay: None**

41 **Abstain: None**

42 **Excused: None**

43
44 **Motion to adjourn: D Calderwood, J Russell second**

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

46 **Nay: None**

47 **Abstain: None**

48 **Excused: None**

49
50 Meeting adjourned at 9:45 p.m.

51 Minutes taken and prepared by Terri Lewis

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54 _____
Ronald Liechty, Mayor

Skarlet Bankhead, City Recorder