

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **April 27, 2010**

3 **Providence City Office Building**

4 **15 South Main Providence, UT**

5  
6 **5:00 p.m. Joint Workshop:** The Providence City Council will hold a joint workshop with the Providence City Planning  
7 Commission and Development Review Committee to consider code amendments to Providence City Code Title 10 Zoning  
8 Regulations. Discussion will include permitted, conditional and incidental uses allowed in the Commercial Highway District,  
9 the Commercial General District, the Commercial Neighborhood District and the Mixed Use District. Discussion may also  
10 include the definition of incidental use and mitigating requirements for a conditional use.

11 The Mayor explained what has happened in the past two weeks with the Commercial Highway District. He doesn't feel like  
12 the Commission and the Council is on the same page. Kevin Hawkins from Amsource will be here on May 11<sup>th</sup> to discuss  
13 this further. The CHD is retail only. That is between 100 North and 300 South. At the last City Council meeting Mike Shetler  
14 from Gold's Gym talked about putting in his gym and a strip mall. M Shetler explained that even if he gets what he wants  
15 from the City he doesn't know if Amsource will work with him on what he wants.

16 R Liechty, S Bankhead, A Leonhardt and K Hawkins from Amsource had a conference call on Monday. K Hawkins informed  
17 the Mayor that KC Bills is not doing what Amsource would like.

18 K Hawkins believed that the area east of Maceys was no longer Mixed Use. R Liechty told him that was not correct.

19 K Hawkins feels like there needs to be a stand alone bank in the Maceys shopping center. K Hawkins will be here in the City  
20 on May 11<sup>th</sup> and he will meet with R Liechty and S Bankhead and then come to the Council meeting. He would like for a  
21 couple of the pads in the Maceys area be non-taxable. He wouldn't promise that the rest would be retail. He doesn't know  
22 what will come along. He would also like the City to think about kicking back some of the taxes for a few years. R Liechty  
23 told K Hawkins that if the City allows a bank to come in then the next thing to come in has to be retail. K Hawkins told them  
24 that there are restrictions on the Gold's Gym for retail.

25 R Liechty stressed to the Planning Commission and the Council that the City needs to protect its retail.

26 D Low said that Amsource believes that the Gold's Gym strip mall will take away from the Maceys area.

27 R Liechty asked K Hawkins if they will loosen up their restrictions. He said absolutely not.

28 D Astle asked if they want to lease space or sell. R Liechty said he believes they want to lease but they are not cheap.

29 K Hawkins said they would consider lowering their prices if the City would look at giving back some of the money over the  
30 next ten years.

31 J Russell said the City needs to tell the developers what they want to see there.

32 S Bankhead said K Hawkins wants the zone changed back to the CGD. She believes that Amsource is a developer not  
33 necessarily a retail developer. A bank will pay more for the corner than a retail store will.

34 D Briel said when Amsource and Gold's Gym came to talk to the Commission they asked for a percentage in the  
35 development. The Commission was open to this idea but they couldn't agree with the percentage.

36 R Liechty said when you open that door to the banks that is all you have.

37 D Briel said he doesn't know how you administer that.

38 D Calderwood said that during that meeting Amsource was trying to get a separate bank on a separate pad.

1 D Astle asked if K Hawkins was upset about the incidental use. To go with a stand alone bank would open the door to other  
2 non-sales tax businesses.

3 R Sneddon said the percentage is significant if you give away two pads from 9.

4 S Bankhead said K Hawkins doesn't want incidental use.

5 R Liechty said K Hawkins wants two pads to do whatever he wants and then kickbacks for the rest. He informed K Hawkins  
6 that he can talk to the Council about changing the zone but it is a done deal. He doesn't believe that the Council will change it  
7 again.

8 B Bagley handed out a worksheet that he worked on during the week. He explained how the chart works.

9 D Briel asked what the incidental spaces include. Does it include restrooms, etc?

10 B Bagley said support areas are non-producing.

11 B Bagley said there isn't a lot of difference in the percentages.

12 S Bankhead said if you look at the cumulative total it gets substantial.

13 D Astle said you really don't get incidental until you get to 15,000 square feet.

14 G Busch asked what will come to these parcels.

15 D Astle said restaurants, Hallmark Stores, Little Caesars, etc. That could easily turn into non-retail development.

16 G Busch asked if the property is already developed.

17 R Gustaveson said that Maceys is holding them up on the first phase.

18 R Liechty said that there are a lot of restrictions put up by Maceys.

19 D Astle said that the old Maceys building in Logan has more non-retail than retail.

20 B Bagley said we can't give the City away. We don't want to rush things.

21 R Eck said there are more successful centers without banks than with banks according to a print-out that Amsource provided  
22 to the City.

23 S Bankhead said she doesn't know of any other cities that have the influx of non-producing sales tax businesses.

24 R Liechty said yes and no. There is the hospital, banks, Doctors and Dentist. We have only taken a little section that is prime  
25 property on the highway and asked it to be retail. There is still plenty of room left on Hwy 165.

26 D Low said hopefully 10 years from now we will be able to say we made a good choice by waiting.

27 J Russell said Amsource knows what they want to do. He believes we either stand firm or we face the citizens when we have  
28 no retail area left.

29 D Calderwood asked how long we can sit on this property before we have to raise taxes. He believes the City can wait a  
30 couple of years at least.

31 S Bankhead said at some point the City will have to raise property taxes. That is inevitable. If there is no variety in resource  
32 the time to raise property taxes will come sooner than later. Another group of developers that is frustrated is the multi-family  
33 developers. Staff just needs to know how firm the Commission and Council wants to be on the Mixed Use area also. Do we  
34 want to protect the whole area with the CHD and the MXD use zones?

35 R Liechty reminded the Commission and Council how the mixed use zone works.

36 D Astle said he was told to leave retail on the main level. Put your office space on the 2<sup>nd</sup> story.

37 S Bankhead said Gold's Gym cannot do retail. She thinks that the Commission and the Council needs to rethink Gold's Gym.

38 D Astle said he believes Amsource needs to reconsider what they want on that property. They need to make it more attractive  
39 to developers.

1 S Flammer said we can save the retail space if we can defend it. We all want to save our retail space.  
2 Dee Anderson said he owns some of the property to the east. They have had multiple offers for that land. They would like to  
3 see multi-family on their property.  
4 Matt Payne told the Council that his company wants to do multi-family. They would like to see mixed use with multi-family.  
5 How long as a City do you want to wait for retail?  
6 D Briel said hold strong. The City has very little commercial space. He believes that the City gave away tax money for  
7 Maceys. Maceys is the anchor.  
8 Mrs. Anderson said she believed their property was to be used as a buffer. They believed that was multi-family. Holding out  
9 for commercial is affecting property owners.  
10 R Liechty said he is hearing that the City needs to hold strong with the Commercial Highway District.  
11 Everyone agrees.  
12 D Low asked if holding strong means no Gold's Gym.  
13 J Russell said it is their call as to what they want. The Council made it possible for Gold's Gym to come. Gold's Gym is the  
14 one that has changed the plan. Amsource is the one putting restrictions on them.

15  
16 Call to order: Mayor Liechty  
17 Roll Call of City Council Members: Mayor Liechty  
18 Attendance: D Astle, J Russell, D Low, B Bagley, D Calderwood  
19 Pledge of Allegiance Troop 435  
20 Motivational Thought: D Low  
21

22 **Approval of the minutes for April 13, 2010:**

23 **Motion to approve the minutes from April 13, 2010 with the following changes: B Bagley, D Astle second**

24 Page 1 Line 33 – residential green waste containers at the curb for a fee.

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

26 **Nay: None**

27 **Abstain: None**

28 **Excused: None**  
29

30 **PUBLIC COMMENTS:**

31 Dee Barnes read a letter to the Council requesting the Mayor report to the public about the state of the Water Department. He  
32 also requested the City enforce parking regulations.

33 Monty Hedin asked for clarification on the ownership of the curbing in front of his house. He would like it fixed and is  
34 making the City aware of the problem.  
35

36 **BUSINESS ITEMS:**

37 **Item No. 1. Resolution 10-014:** The Providence City Council will consider for adoption a resolution approving an  
38 agreement between Tony's Grove and Providence City for temporary site plan approval, Tony's Grove South.

39 S Bankhead explained to the Council that Tony Selley was given temporary site plan approval last summer in this same area.  
40 He is requesting the same site plan approval for this summer. There is nothing in the ordinance that doesn't allow this. He has  
41 permission from the adjoining property owners and he meets all of the requirements. He has asked that he be allowed to do  
42 this every summer. S Bankhead would like the City to put in an ordinance that will protect the City in a situation like this.  
43 She asked the Council for permission to work on an ordinance.

44 **Motion to approve: D Astle, J Russell second**

45 R Liechty asked if Tony has worked through the restrooms, etc.

46 S Bankhead said he is moving in port potties and has worked with Brian Smith and IHC on parking and water use. We don't  
47 have good solid ground in our ordinances that says no to temporary businesses. We need to strengthen our ordinances.

48 T Selley has come in and requested a business license. Sales tax dollars do run through Providence City.

49 J Russell asked about 2.2 Item 4 – What is he bringing?

50 S Bankhead said we aren't sure what he is bringing for landscaping.

51 B Bagley asked about signage.

1 S Bankhead said it is a flat sign. It falls under our sign ordinance.

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

3 **Nay: None**

4 **Abstain: None**

5 **Excused: None**

6  
7 **Item No. 2. Resolution 10-015:** The Providence City Council will consider for adoption a resolution approving the bid for a  
8 splash pad.

9 **Motion to approve: D Low, B Bagley second**

10 D Low said his estimate was for 800 square feet. 800 square feet was too big so he decided to go smaller. He is looking at a  
11 300 square foot pad. One bid is \$25,880. Second bid is \$30,000. The first bid includes a computerized timer which lets the  
12 water go in sequences. He showed pictures of the designs and said he told the designer to come up with another idea. He  
13 talked about adding more concrete to the area so the kids can lie down and get warm. Adding another water feature and more  
14 cement is about \$750. This would be about \$28,000.

15 B Bagley asked how it is started everyday.

16 D Low said it is pre-programmed to come on and go off whenever we want it to. Someone has to initiate each start.

17 Dee Barnes asked about the water use.

18 D Low said maximum capacity is 50 gallons a minute.

19 D Astle asked if the water could be diverted back onto the lawns.

20 D Low said he doesn't know.

21 S Eames asked about the charges for the water to go back into the sewer.

22 S Bankhead said it is about 23 cents per 10,000 gallons. Logan City will not charge us a treatment fee.

23 B Bagley asked how it was metered.

24 R Eck said there are water meters.

25 D Astle asked if you can determine what is going in the system from the splash pad.

26 R Eck said no. It is just averages.

27 R Eck said his concern is we still don't know if the building or the power at the park is adequate to run this.

28 D Low said the company is sending someone to work with R Eck to make sure all of this will work.

29 S Bankhead said the concrete bid is an estimate.

30 D Low said that is correct it is a high estimate.

31 George Hill asked about liability.

32 D Low said there is no standing water.

33 R Eck said it would be the same as any park.

34 D Astle said he would like more concrete facts and figures.

35 J Russell said he would like to have a better water estimate.

36 D Low asked how much water they want to throw out. He will bring back some estimates on gallons per minute. He asked  
37 for a punch list of things the Council wants to know.

38 **Motion to continue until the next meeting on May 11, 2010: J Russell, D Astle second**

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

40 **Nay: None**

41 **Abstain: None**

42 **Excused: None**

43  
44 **Item No. 3. Discussion:** The Providence City Council will discuss hunting and trapping in Providence City.

45 Mayor Liechty asked for Item No. 3 to be removed from the agenda.

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47 **STAFF REPORTS:**

48 R Eck told the Council that City wide clean-up has started. Soccer is going full bore. He asked the Council about extending  
49 the infra-structure on 100 East and 150 South. He would like to extend the sidewalk and curb and gutter the rest of the way  
50 north to the corner. There is money in the budget for this. This is a great public relations opportunity. The Council agreed to  
51 this.

52 D Astle asked if the Marlin Hoth property on 100 West is a fire hazard.

53 R Eck said we call the Fire Department and let them handle it. He will make that call this week.

54 R Eck said Mayor Leonhardt wants to know when the basketball court is being put in at his park. He said he was promised a  
55 court.

56 D Low said he doesn't think that it would be anymore than \$6,000 for a court.

57 R Eck said if the Council puts it in the budget the City will build it.

58 S Bankhead said it is supposed to go into phase 2.

1 S Bankhead talked about the monthly meeting with the crossing guards. They expressed some serious concerns on 100 East  
2 and Center. The school looked into it and determined that there needs to be two crossing guards at that intersection. They will  
3 just be a morning and afternoon crossing guard. There is no need for one during kindergarten.

4 D Astle requested that the crossing guards not talk on the phone or to other people while they are working.

5 D Barnes said they need to park 50 feet away from the intersection.

6 S Bankhead told the Council that GBS is going to be our agent for insurance. They will have our bid on Tuesday. It was a  
7 positive meeting. They discussed different options that we will be looking at. Baseball and Softball is underway. The Snack  
8 Stand is being contracted out by Carrie Johnson. Fun in the Sun and tennis will be underway shortly.

9  
10 **Motion to go into Executive Session: D Astle, B Bagley second**

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

12 **Nay: None**

13 **Abstain: None**

14 **Excused: None**

15  
16 **COUNCIL REPORTS:**

17 Bill Bagley said that the Planning Commission will address incidental use so keep the chart he handed out. There have been  
18 some complaints on temporary signs. He has counted 14 plus signs. He read from the sign ordinance concerning temporary  
19 signs. D Astle explained DRC is reviewing the sign ordinance and will recommend to Planning Commission. He asked about  
20 rope signs.

21 B Bagley would like to frame and put the Declaration of Independence signs in the council room. – Council agreed.

22 D Astle attended a meeting on Legislative changes. Definition of the family is defined in state code. They talked about Canal  
23 companies and development within 100 feet of canals. Met with the Historic Commission, they have two resignations –  
24 Adrian Gayle and Marie Olsen. They will be getting recommendations. The Chair will recommend names. They talked about  
25 the importance of historical background and architectural background.

26 D Low – none

27 D Calderwood discussed AM Radio tower, he received the permit and gave it to the City. S Bankhead will have Craig Call  
28 look into it. D Calderwood told the Council Matt Payne made a presentation about the Anderson property for multi-family  
29 The Commission said they weren't interested. Wendy Wimmer's term is expiring. He has done some research on Hunting  
30 and trapping in the City. The Mayor is trying to set a meeting with Matt Burgess. The Mayor has talked with the CCSO-  
31 animal control. D Astle suggested no discharging of firearms in the City. D Calderwood suggested using live traps only.

32 D Astle reported on an article in the Tribune about City Creek.

33 J Russell – none

34 Mayor Liechty is meeting with individuals about their water bills. He has met with one. Some have responded. If they do not  
35 meet with him the City will be shutting off water. He's looking at the current ordinance to try to fix the problem quicker.

36  
37 **Motion to adjourn: D Calderwood, D Castle second**

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

39 **Nay: None**

40 **Abstain: None**

41 **Excused: None**

42  
43 Meeting adjourned at 8:30 p.m.

44 Minutes taken and prepared by Terri Lewis

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47  
48 \_\_\_\_\_  
Ronald Liechty, Mayor

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