

1 **PROVIDENCE CITY COUNCIL MINUTES**

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

12  
13 **APPROVAL OF THE MINUTES:**

14 **Item No. 1.** The Providence City Council will approve the minutes from October 26, 2010.

15 **Motion to approve the minutes with the following corrections: D Astle, B Bagley second**

16 Page 2 – Line 22 – insert entire office building

17 **Vote: Yea: B Bagley, D Calderwood, D Low, D Astle**

18 **Nay: None**

19 **Abstain: J Russell**

20 **Excused: None**

21  
22 **PUBLIC COMMENTS:**

23 K Thompson told the Council that Bountiful is beginning to kill off some of the deer in their City.

24 D Astle said he believes that this is more of a political problem than a Fish & Game problem.

25 D Calderwood said he is looking into this.

26 K Thompson said he believes that the reason we have a deer problem is the State doesn't allow enough tags to be sold.

27 Maybe Fish & Game could use sharp shooters to take out some of the deer in the City limits.

28  
29 **BUSINESS ITEMS:**

30 **Item No. 1. Discussion:** The Providence City Council will discuss the proposed County Justice Court.

31 Beth Munson and Skarlet Bankhead brought the Council up to date on the meetings that they have had with James Swink.

32 S Bankhead believes there is merit in a County Justice Court. She believes the timing is off.

33 R Liechty doesn't feel like we have enough answers to pursue this at this time.

34 B Munson said the Commission to pick a new judge for Providence and Logan will be meeting on November 15, 2010.

35 They will choose between 3 and 5 candidates to the Mayor and then he will ratify that list and give his decision to the Council.

36 D Calderwood went over the cost of running the Justice Court through the City. He wants numbers from the County before he makes a decision on the County Justice Court.

37 D Astle agrees with D Calderwood. He would like to see the cost of going with the County. He is concerned with the decline in traffic citations for the City. He is also concerned with attorney fees.

38 B Bagley thinks the City should put off hiring a new judge. The City can use a judge from one of the other cities until a decision is made.

39 D Astle asked about the money that goes to the State.

40 B Munson explained how the money is divided up between the State and the cities.

41 The Council discussed how the Sheriff's Department writes their citations.

42 B Munson explained why the attorney fees have gone up this year.

43 S Bankhead told the Council the difference in price between the different types of tickets.

44 D Calderwood asked what happens if we proceed with choosing a new judge.

45 S Bankhead said we have been told that it takes a year to decertify a court.

46 J Russell said he is concerned that the Providence Justice Court is costing the citizens money. He feels that the County hasn't given the City enough information to make a decision.

47 S Bankhead said if you want the Court to run in the black we can have the Court open 2 hours a day. We can make the Court legal we just won't be as customer friendly. A lot of Courts are only available at certain times of the day.

48 S Bankhead explained how B Munson's salary is divided.

1 J Swink said their have been some numbers run. He gave S Bankhead some new numbers at the last meeting. He told the  
2 Council how the new Court would work. The cities involved are Hyrum, North Logan and Hyde Park right now. The cities  
3 would maintain their own prosecutors. This will be an additional expense for the City.  
4 D Low said he doesn't believe money should be the only reason for a City Justice Court.  
5 Judge Low gave a history of the Circuit Court system. The Circuit Court system was absorbed into the District Court. A lot of  
6 the Counties have now gone to a County Justice Court. Will a Municipal court be as independent as it should be? If you can  
7 take a step forward and insure judicial independence. The advantage to combining courts is to find competent judges. The  
8 more professional the courts are the better.  
9 B Munson gave her opinion on the County Court. She believes that Providence City should be allowed to keep their Justice  
10 Court. She doesn't believe the County Court is a bad idea she just feels it is the wrong time.  
11 S Bankhead said the County Court is probably a very good idea. She is concerned that the City is walking into it blind. It is  
12 hard to recommend something that all the information isn't available. If the City interviews for a Judge we have to follow it  
13 through. If the Council wants to go with a County court we need to let the AOC know tomorrow. It is hard to know what the  
14 City will face years down the road. She doesn't feel like a good recommendation can be made at this time.  
15 B Bagley asked how long before the County Court would be up and running.  
16 J Swink said hopefully by June of next year. Once a judge is sitting on the bench a court cannot be dissolved until the next  
17 retention election.  
18 D Low asked what the worst case scenario would be.  
19 S Bankhead said the revenue strain. Also, she doesn't believe there are firm numbers from Hyrum. Small Claims will be a  
20 problem. Sharing prosecutors could be a problem. The more you share the less say you have.  
21 B Munson shared a story that happened to James Swink. Our court cares about the individuals. She is afraid we will lose that  
22 with a County Court.  
23 S Bankhead said if we keep growing we will become a larger court which means different rules that we have to abide by.  
24 J Swink said the Judge sets the standards in his courtroom.  
25 R Liechty told the Council about the meeting with James Swink today. He is concerned if we go with the County Court it will  
26 come down to the County making the decision. There are no assurances until the County Council says what they are going to  
27 do. He hates for Providence City to give up their court. Keep the court until the County decides what they are going to do.  
28 See how it will work before we make our decision.  
29 D Calderwood asked if we have the ability to put a time limit on the Judge.  
30 S Bankhead said she doesn't know.  
31 J Swink suggested that the City put off choosing a new judge for a few months. Judge Vail will be here until February 22<sup>nd</sup>.  
32 J Russell talked about the percentages and revenues.  
33 B Bagley said the clock is ticking. We are in the middle of the hiring process. He believes we should stop the hiring process.  
34 D Astle can see the advantages to both. He is concerned about the lack of information. We are in the middle of the hiring  
35 process but we can put a hold on it. After Judge Vail retires if we decide to keep our court we can use an interim judge. He  
36 would like to table it until we get more information and postpone the hiring process.  
37 D Low said he believes a City wants to keep control. Sometime forward thinking requires some risk. It is in our best interest  
38 to join with the County.  
39 J Russell also believes there is not enough information. He wants a little more clarity on the Judge requirements.  
40 D Calderwood also doesn't feel he has enough information. He believes we should hire a judge and then have two years to  
41 fully examine what the County has to offer.  
42 R Liechty asked S Bankhead to call Rick Schwimmer and get more information.  
43 The Mayor picks the candidate the Council has to ratify the pick. The council has to pick one of the choices.  
44 The Council discussed what the options that they have are.  
45 R Liechty said he believes the AOC will say the Mayor has the option to stop the proceedings or go ahead. He doesn't see  
46 how this will benefit the City at this time. There were something's that were said tonight that weren't honest. This will be a  
47 County Wide Court. The County will make the decisions. That is his whole problem with this.  
48 S Bankhead said it has to be a County or a municipality that governs the Court. It can't be done by a committee thru an inter-  
49 local agreement.  
50 D Low would like for a councilmember to attend these kinds of meetings.  
51 S Bankhead feels like there are too many unknowns at this point. She has no ideas where the Justice Courts will go.  
52 She believes most of the Justice Court Judges in Cache County are the best judges they can be for their communities. There  
53 are rules and standards that have to be met to keep your court certified. The City Council will make the ground rules if we  
54 keep the courts.  
55  
56 **Item No. 2. Discussion:** The Providence City Council will discuss the possibility of sponsoring a second CERT training.  
57 R Liechty reminded the Council that the last CERT training was great. Would the Council like to sponsor another class? He  
58 would like to sponsor 18 people for the next class.

1 The Council agrees with this.  
2

3 **Item No. 3. Resolution 10-037:** The Providence City Council will consider for adoption a resolution approving the  
4 Development Agreement for Alder Square Commercial Subdivision – Phase 2 Final Plat.  
5 KC Bills from Amsource requested postponing this resolution. This plat is very specific to Gold’s Gym. There is not enough  
6 assurance that Gold’s Gym will follow through with their development.

7 **Motion to table Resolution 10-037: D Astle, J Russell second**

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

9 **Nay: None**

10 **Abstain: None**

11 **Excused: None**  
12

13 **Item No. 4. Resolution 10-039:** The Providence City Council will consider for adoption a resolution increasing the license  
14 fees for dogs.

15 **Motion to approve: J Russell, B Bagley second**

16 S Bankhead explained to the Council why staff feels like the license fees need to be increased. Citizens would like to pay  
17 their renewal fees online. We have the option to allow citizens to pay their fees online now. The tags can also be mailed to  
18 the citizens.

19 D Calderwood said there are about 600 licenses. Only about 100 people are interested in the online option. How do we  
20 handle the rabies?

21 S Bankhead said you can’t renew on line unless your rabies is up to date.

22 D Calderwood asked why we want to raise the cost of citizens who spay/neuter their dog when they are being conscientious.

23 By putting this additional tax on citizens we haven’t offered them anything. He believes we need to look into what we are  
24 paying animal control.

25 D Astle said the purpose of licensing a dog is to identify the owner and keep their rabies up to date. He doesn’t want to  
26 penalize people for owning a pet.

27 D Calderwood asked if the licensing fee pays for the paperwork that is required.

28 D Astle feels like the City needs to cover the cost that is required for the paperwork, etc.

29 B Bagley doesn’t feel like it needs to be a moneymaker but we do need to cover the cost.

30 D Calderwood would like to continue this until we know what the cost really is.

31 J Russell believes that if it is available more people will use the online option.

32 **Motion to continue this until we have more data on the actual cost: B Bagley, D Low second**

33 **Vote: Yea: D Calderwood, D Low**

34 **Nay: D Astle, B Bagley, J Russell**

35 **Abstain: None**

36 **Excused: None**

37 **Voting on original motion:**

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

39 **Nay: D Calderwood**

40 **Abstain: None**

41 **Excused: None**  
42

43 **Item No. 5. Ordinance No. 012-2010:** The Providence City Council will consider for adoption an ordinance amending  
44 Providence City Code Title 11 Subdivision Regulations, Chapter 3 Plat Procedures and Requirements, by adding a maximum  
45 size for plats being submitted for review.

46 **Motion to approve: B Bagley, D Calderwood second**

47 B Bagley explained to the Council why the staff would like for the plats to be uniform. They have a minimum size and a  
48 maximum size.

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

50 **Nay: None**

51 **Abstain: None**

52 **Excused: None**  
53

54 **Item No. 6. Ordinance No. 013-2010:** The Providence City Council will consider for adoption an ordinance amending  
55 Providence City Code Title 3 Business and License Regulations, Chapter 8 Solicitation License, by allowing an interim  
56 license with a BCI background check prior to receiving the nationwide background check.

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

1 S Bankhead explained that this is to allow solicitors to work within the City until the nationwide background check is  
2 complete.

3 J Russell asked if there is any provision to prevent a company from working the City if they have issues.

4 S Bankhead said this is just for individuals.

5 D Low suggested putting something in the newsletter to let the citizens know what to look for with commercial solicitors.

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

7 **Nay: None**

8 **Abstain: None**

9 **Excused: None**

10  
11 **Item No. 7. Discussion:** The Providence City Council will discuss sewer rates and the impact of the increased rate and  
12 Capital Project fees being billed by Logan City.

13 S Bankhead and R Liechty went to a meeting today with Logan City. Sewer Treatment is a headache. A small treatment  
14 facility will cost about 27 million to build. That doesn't include operation cost. They need to solve the TMDL of phosphorus.  
15 They want to keep their lagoon system operational. The cost will be about 10 million. They have 7 years to complete this.  
16 They looked at percentage flow in 2007. Providence City is 6.6% which equals 160 thousand dollars. They have added their  
17 administrative cost to this amount. The bottom line is they are operating this as a business. This will give their investors a  
18 profit. At the end of the day Logan City owns the asset. They want a return of 8%. Logan City told Providence City that their  
19 contract has expired and this might be a good time to renegotiate. The contract is good until September 2012.

20 R Liechty wants to keep the money in the City's coffers and pay the full amount when due. Logan City says that will not  
21 happen.

22 S Bankhead asked the Finance Director for specifics. What will happen if Logan City doesn't collect enough money?  
23 Logan City said they will not ask for more money.

24 At this time S Bankhead doesn't know how much to raise the City's sewer rates.

25 S Bankhead feels like a sewer Service District needs to be seriously considered.

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27 **STAFF REPORTS:**

28 R Eck talked to the Council about the water study. This will cost \$98,000.

29 S Bankhead reminded the Council about this grant. She started this ball rolling and now the rules have changed. Do you want  
30 staff to tell them this is what we want, how much will it cost?

31 D Astle read the minutes from the meeting where this was talked about.

32 S Bankhead said the letter sent out with the scope does not list an amount. The scope can be dictated. How much can you do  
33 this for?

34 R Eck said the trees on Main Street have been put in. Public Works is getting ready for winter.

35 D Astle reminded the Council that he wants to move the stop signs on Gateway Drive and Spring Creek Parkway.

36 R Eck said there has to be a traffic study done.

37 D Low talked about the letter that he received from Brian Chambers on the street name change.

38 The Council discussed the possibility of reimbursement to the businesses.

39 S Bankhead said Craig Carlston told her that this is a City street and they can change the name. Be very careful any promises  
40 that you make.

41 R Eck said the City has never compensated anyone because of a street name change.

42 The Council told D Low to let Brian Chambers know that they will not compensate.

43 S Bankhead asked if they wanted a meeting on November 23<sup>rd</sup>.

44 The Council said no meeting on November 23<sup>rd</sup>.

45 The Council discussed the County Justice Court some more.

46 Mayor Liechty will have an open house on December 17<sup>th</sup> starting at 5:30.

47 S Bankhead told the Council that she has a new grandson.

48  
49 **COUNCIL REPORTS:**

50 B Bagley told the Council about the Planning Commission meeting last week. He talked about the tax report that he receives  
51 every month. He told the Council that he and D Calderwood met with Chris and Sandra Checketts.

52 D Calderwood also talked to the Council about the meeting with the Checketts. After the meeting he met with the City  
53 Building Inspector, Dennis Giles. D Giles found the building permit and went over it with D Calderwood.

54 S Bankhead went over some of the details about the business license.

55 D Low was told by the Checketts that the City had full knowledge of what they were doing with the business.

56 **Motion to continue the meeting past 10:00 p.m.: D Low, B Bagley second**

57 **Vote: Yea: All**

1 S Bankhead explained to the Council the history of the Checketts business.  
2 D Low asked why the Checketts were allowed to do the business for so many years.  
3 R Liechty said it was a different business when they started.  
4 D Astle said there comes a point where it is no longer a home business. They are a serious detriment to their neighborhood.  
5 S Bankhead said their permits have been tied to the storage building. No one said they could continue forever. They don't  
6 meet the ordinance and the City knows it.  
7 D Low said the Checketts plan on selling their home and building a house on the property where their business is located.  
8 R Liechty reminded the Council about the fuel tank located on the Checketts property.  
9 D Low is checking into Sauerkraut.

10  
11 **Motion to go into executive session: J Russell, D Astle second**  
12 **Vote: Yea: B Bagley, D Calderwood, D Low, D Astle, J Russell**  
13 **Nay: None**  
14 **Abstain: None**  
15 **Excused: None**

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17 **Motion to close executive session: J Russell, B Bagley second**  
18 **Vote: Yea: B Bagley, D Calderwood, D Low, D Astle, J Russell**  
19 **Nay: None**  
20 **Abstain: None**  
21 **Excused: None**

22  
23 **Motion to enter into open meeting: B Bagley, J Russell second**  
24 **Vote: Yea: B Bagley, D Calderwood, D Low, D Astle, J Russell**  
25 **Nay: None**  
26 **Abstain: None**  
27 **Excused: None**

28  
29 **Motion to adjourn: J Russell, D Low second**  
30 **Vote: Yea: B Bagley, D Calderwood, D Low, D Astle, J Russell**  
31 **Nay: None**  
32 **Abstain: None**  
33 **Excused: None**

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35 Meeting adjourned at 11:50 p.m.  
36 Minutes taken and prepared by Terri Lewis

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41 \_\_\_\_\_  
Ronald Liechty, Mayor

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Skarlet Bankhead, City Recorder