

1 **PROVIDENCE CITY COUNCIL MEETING**

2 **April 9, 2013**

3 **15 South Main, Providence UT**

4  
5 Call to Order: Mayor Liechty

6 Roll Call of City Council Members: Mayor Liechty

7 Attendance: R Liechty, D Calderwood, J Russell, R Call, D Astle

8 Excused: B Bagley

9 Pledge of Allegiance: R Liechty

10  
11 **Approval of the minutes**

12 **Item No. 1.** The Providence City Council will consider approval of the minutes March 26, 2013 City Council  
13 meetings.

14 **Motion to approve the minutes with the following corrections: J Russell, second - D Calderwood**

15 Page 1, Line 40-42 – clarification of businesses moving out of Logan location to allow Al's Sporting Goods  
16 to build their new building and relocating to Amsource.

17 Page 2, Line 43 – 45 - This is not a resolution. A resolution has already been passed. It is simply a  
18 statement of the reasons for passing the resolution.

19 Page 3, Line 40 – there is, not there in

20 Page 4, Line 45 – Sandy Emille, Director of Cache Chamber of Commerce

21 Page 5 - remove Mayor being excused from vote in all occurrences.

22 **Vote: Yea: D Calderwood, J Russell, R Call, D Astle**

23 **Nay: None**

24 **Abstain: None**

25 **Excused: None**

26  
27 **Public Comments:** Citizens may appear before the City Council to express their views on issues within the  
28 City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per  
29 person. The total time allotted to public comment is 15 minutes The City Council may act on an item, if it  
30 arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- 31
- 32 • S Eames – felt Mr. Sneddon had been very professional in his actions and disagreed with Mr.  
33 Call's comments.
  - 34 • R Sneddon – clarified to reflect that Mr. Call had recused himself because of his relationship to  
35 Grace and Steve Baugh. He indicated that people in the community may be uncomfortable with  
36 the decision because of council member Call's and Attorney Craig Call's relationship to the  
37 Baugh's.
  - 38 • R Call – still felt it a false accusation.
  - 39 • J Drew – received his agenda Monday and wondered if agendas could be sent earlier. R Liechty  
40 said we try to have it out on Thursday if we can. S Bankhead commented that we usually get it  
41 out on Friday, but the last few times have been on Monday.
  - 42 • J Drew – commented on conditional use permits and businesses in residential in general. I am a  
43 business owner and from day one you want it to be successful. There comes a point when it's not  
44 conducive to a residential area. It becomes offensive, someone complains to the City; then the  
45 neighborhood has to prove there has been a violation of the conditional use. Usually, it ends up  
46 being contentious and causing the City legal fees. Please take my comments into consideration.
  - 47 • L Fischer – agreed with Mr. Drew's comments and felt like the ordinances being proposed eased  
48 the requirements rather than tightening them; making it easier for an undesirable business to  
49 locate in a residential neighborhood.
  - 50 • B Bissland – expressed concern about the proposed number of customers allowed for a home  
51 business and was extremely concerned with the medium impact proposal.

51 **Business Items:**

52 **Item No. 1. Bid Award.** The Providence City Council will consider for award the bid for the 100 North  
53 Gateway Drive Round-about.

1 **Motion to award bid: D Astle, second – R Call**

- 2 • R Eck –reviewed the bids the City received on the project. One was from Staker Parsons
- 3 Companies for \$699,945 and the other was from Geneva Rock for \$785,550. Reminded the
- 4 council they told Mr. Poole he could piggyback on this bid project. There is approximately
- 5 \$47,000 that will be reimbursed to the City for Mr. Poole’s portion. Those figures come from the
- 6 development agreement. Randy has reviewed the project to see if there are any places the City
- 7 could cut the expense. After his review he felt there was very little fluff in the bids. Bottom line is
- 8 the bid came in about \$50,000 more than the estimate the Council was given a year ago.
- 9 • R Liechty – asked if we could look to the county for help with that.
- 10 • S Bankhead – said we could ask them for Council of Government funds.
- 11 • R Eck – Costs that were prior to and not included in the bid are about \$20,000 for Rocky
- 12 Mountain to relocate their utilities.
- 13 • D Astle – reviewed the numbers. It appears the City is short about \$80,000. This does not include
- 14 money spent prior to the bid.
- 15 • S Bankhead – said we have Class C dollars. But that will cut into the projects we are looking into
- 16 for the future. We have that, but it’s also time to apply for COG funds – the quarter cent sale
- 17 money. We can apply for additional COG Funds and see if we qualify for that.
- 18 • D Astle – asked about our liability for 1700 South.
- 19 • R Eck – 7% of the estimated \$3,000,000 project.
- 20 • S Bankhead – said \$1,000,000 is just the City’s portion.
- 21 • R Call – said the number he remembered was \$70,000.
- 22 • D Astle – felt like the round-about was a priority. If we need to push other projects down we
- 23 should do that.
- 24 • R Eck – feels like 1700 South is pretty critical.
- 25 • R Liechty – commented that the Fickas Subdivision portion brings the City down to about
- 26 \$50,000.
- 27 • J Russell – asked how long it takes to get a response on the COG money?
- 28 • S Bankhead said she wasn’t sure how long the process took.

29 **Motion to award bid to Staker Parsons Companies: R Call, second – J Russell**

- 30 • J Russell – Saving money here and there on the project now may end up costing us in the long
- 31 run.
- 32 • D Calderwood – there is going to be a bad accident at that intersection soon.
- 33 • D Astle – this probably has more impact on the citizens than other improvements.
- 34 • J Russell – the only other thing I would like to add to Ralph’s motion is to apply for that COG
- 35 money.
- 36 • D Astle – whether or not we get granted that money, we need to do the round about.
- 37 • J Russell – I agree, if we go into this we pay for our portion.
- 38 • D Calderwood – what is the total value we will spend on this?
- 39 • D Astle - \$123,000
- 40 • J Russell – just for argument sake, what are the other options?
- 41 • R Eck – traffic light.
- 42 • D Astle – we could fight for a long time with the county to help pay for that.
- 43 • R Eck – we would not have to meet state requirements for a light; that is our property. My
- 44 problem with a traffic light is that is only a congestion area for 3-4 hours. I think the round about
- 45 is a wise investment, especially where the 100 East/Gateway Drive Logan/County/Providence
- 46 project is responsible for the congestion.
- 47 • R Eck – commented that he sat down with the County and went over all expenses with them.
- 48 • D Astle – I think we should close the deal. Then if we need more money we go after it. What is
- 49 your time frame and when will you close traffic to that area?
- 50 • R Eck – about 190 days, as long as it’s done by November; while we can still get hot mix.
- 51 • R Eck – expressed strong concern about two contractors being on the site at the same time.
- 52 There is a potential for problems. He reminded Mr. Poole that the round-about is the priority.

- R Call – suggested a meeting with Mr. Poole.

**Motion amended to include funds that may be available: J Russell, second – R Call**

**Vote: Yea: D Calderwood, J Russell, R Call, D Astle**

**Nay: None**

**Abstain: None**

**Excused: None**

**Item No. 2. Ordinance No. 001-2013.** The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 10 Zoning Regulations, Chapter 1 General Provisions, Section 4 Definitions including but not limited to Accessory Buildings, Main Buildings and Business Use General, Low Impact and Medium Impact.

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

- D Astle – Roy, could you give us a rundown on the thinking of the Planning Commission on this ordinance?
- R Liechty – (to audience) if there are any questions, you can address them during Mr. Sneddon’s comments.
- R Sneddon – we clarified building sequence on a property. An accessory building cannot be built before the main building. There are many different points of view. Often times you want a building to store equipment in or a working area, so you can go forward with the main building on the property. It was finally decided that an accessory building could not be built first. It has to come after the main building. One of the discussion items that came early was an item with Craig Call. He was always concerned with specificity and objectivity in the way the ordinance was constructed. That provides the framework for the section that is low and medium impact. Everything can be measured. The idea on low impact is that if you walk or live nearby, you can’t tell what is going on inside – that’s low impact. Medium impact would be, were it not for some mitigation, you would know what is going on inside. With mitigation, you wouldn’t know what is going on inside. With low impact noise is one of the most important measures. The noise definition is that of an air conditioner. Similarly, the air quality is the objective measure that is used by the EPA as good quality.
- D Astle – how is that measured?
- R Sneddon – thinks there is an ASTM that is measured. There must be some sort of a filtering. There is a concern about the size of truck. 33,000 pounds is a vehicle such as UPS, not a semi-trailer truck. That kind of truck is often seen in our neighborhoods. A U-haul would be similar. Low impact was taken care of objectively with those statements. A utility provider cannot provide three phase electrical power to a home business. Flowing down to business use medium, the air quality is bumped up. In this case, each of those things has been increased just a little. Noise is increased slightly to that of machine tools. Again, trucks, as we have talked before, 33,000 pounds, UPS size.
- R Liechty – it says here weights greater than 33,000 pounds would be permitted.
- R Sneddon – That is why the GVW is brought up. But that would be a single unit, not a semi.
- D Calderwood – asked if a 10 wheeler would qualify?
- B Bissland – according to the internet, UPS would be way down the list. A 10 wheeler would be a Kenworth or Peterbuilt.
- R Liechty – we are talking about a straight truck.
- R Sneddon – we put a number down so we would have a place to start discussion. We don’t have a specific attachment to 33,000 lbs.
- B Bissland – single units, wouldn’t be tractor/trailer. If you have a truck coming in with machine grade decibels; that would not be low impact. All meetings I’ve been to you were restrictive now all of a sudden you are talking about machine grade for medium impact. This is not medium impact to me. This has nothing to do with home business, its all commercial. I remember the vote was 3 to 3.
- R Sneddon – let me go back and correct that. The vote was 4-3.
- J Baldwin – doesn’t that mean the noise would then have to be mitigated if those conditions

- 1 existed to force it back to low impact?
- 2 • R Sneddon – expressed his thought that the Planning Commission was concerned with how to
- 3 differentiate what would need to be mitigated and what would not require mitigation. Medium
- 4 impact businesses would need to be mitigated in such a way as to not impact the neighborhood
- 5 more than low impact businesses.
- 6 • B Bissland – asked if that meant as a business grows it is required to mitigate back to low impact?
- 7 • R Sneddon – if I come in with something that has these impacts, I have to mitigate it back to low
- 8 impact.
- 9 • L Fischer – commented that language definitely is not in this document.
- 10 • B Bissland – asked R Sneddon to address the 10 clients by appointment.
- 11 • R Sneddon – Gordon was talking about a dance school.
- 12 • The Council agreed to a joint workshop with Planning Commission to discuss proposed code
- 13 amendment.

14 **Motion to discuss in a joint workshop: R Call, second D Astle**

15 **Vote: Yea: D Calderwood, J Russell, R Call, D Astle**

16 **Nay: None**

17 **Abstain: None**

18 **Excused: None**

- 19 • B Bissland – I've looked at a lot of different ordinances from all over the country, and I can't find
- 20 any reference to a medium impact business.
- 21 • R Sneddon – I think it was an effort on our part to say there were a few businesses that would fit
- 22 in a neighborhood if mitigations were made to make it a low impact business.

23 **Item No. 3. Ordinance 002-2013.** The Providence City Council will consider for adoption an ordinance

24 amending Providence City Code Title 3 Business and License Regulations Chapter 1 General License

25 Provisions amending the payment dates and late penalties.

26 **Motion to approve: D Calderwood, second D Astle**

- 27 • S Bankhead – reviewed why this change to the ordinance was asked for. Mentioned the idea that
- 28 the City could offer a discount to those businesses which pay early. Late fees would still be
- 29 incurred, but perhaps offering a discount to those who pay early would help eliminate some of
- 30 the issues of collecting business license fees.

31 **Motion to amend so that Paragraph B reads Business fee will be reduced by 10% if paid by December**

32 **31: D Astle, second D Calderwood**

- 33 • J Russell – do you want to say anything about paying in advance?
- 34 • D Astle – how many businesses have asked about paying in advance?
- 35 • S Bankhead – we've had about 15 people ask about it.

36 **Vote: Yea: D Calderwood, J Russell, R Call, D Astle**

37 **Nay: None**

38 **Abstain: None**

39 **Excused: None**

40 **Item No. 4. Ordinance 003-2013.** The Providence City Council will consider for adoption an ordinance

41 amending Providence City Code Title 7 Public Ways and Property, Chapter 1 Streets, Sidewalks, and Public

42 Ways regarding snow removal.

43 **Motion to approve: D Calderwood, second J Russell**

- 44 • R Eck – stated that this gives the citizens the right to remove snow with a 4 wheeler or a 3
- 45 wheeler if they can attach a plow. The City has received complaints from some saying that is
- 46 illegal so we'd like to add that. If someone damages property, they are responsible for that
- 47 damage.
- 48 • R Call – commented that the way the statement is written makes the Public Works Department
- 49 responsible to repair a lot of damage throughout the City and there is no way the City could do
- 50 that.
- 51 • R Eck – agreed, but stated that if things are brought to his attention by a citizen, he at least tries
- 52 to address the problem.
- 53 • S Bankhead – asked if the Council would like to continue this discussion since we are almost done

1 with snow. The Council can continue this and rewrite the code or they can pass it tonight and  
2 deal with more as we go.

3 **Motion to continue: J Russell, second R Call**

4 **Vote: Yea: D Calderwood, J Russell, R Call, D Astle**

5 **Nay: None**

6 **Abstain: None**

7 **Excused: None**

8 **Item No. 5. Ordinance 004-2013.** The Providence City Council will consider for adoption an ordinance  
9 amending Providence City Code Title 7 Public Ways and Property, Chapter 7 Parks and City Owned  
10 Buildings by adding Section 9 Special Events.

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

- 12 • S Bankhead – mentioned this is a cut and paste and there are some corrections that need to be  
13 made to Section 9 Special Events.
- 14 • J Russell – mentioned there are exemptions in three areas – political events, religious events, and  
15 school events.
- 16 • R Eck – asked if the Spring Creek Celebration scheduled for next month fall into revenues that  
17 flow to the City.
- 18 • R Liechty – mentioned that revenue does not come to the City at all.
- 19 • S Bankhead – mentioned however, that the City wants Kathleen to follow these regulations.

20 **Motion to continue: J Russell, second D Astle**

21 **Vote: Yea: D Calderwood, J Russell, R Call, D Astle**

22 **Nay: None**

23 **Abstain: None**

24 **Excused: None**

25  
26 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

- 27 • R Eck – addressed concerns on 3<sup>rd</sup> South culvert that needs to be addressed. Discussed Logan  
28 City's interest in 10' sidewalks; Mr. Fickas' subdivision being the first to put in sidewalk. Also  
29 discussed 100 North and about 150 West and the sycamore trees.
- 30 • R Eck – reviewed Country Manor lift station. We will either have to build a lift station or pay to  
31 upgrade Logan's so we can connect in to theirs. That would also take care of the property that is  
32 on 3<sup>rd</sup> South. We have to move fairly fast because we have to put the infrastructure on 3<sup>rd</sup> South.  
33 We would have to provide access to the far west side of that property. We won't know until we  
34 look at the numbers.
- 35 • S Bankhead – mentioned that their lift station is also a problem, so maybe we could use that as a  
36 point of discussion.
- 37 • S Bankhead – commented on correspondence from Attorneys, Craig Call and Craig Smith  
38 regarding Garrett Walker's comments on the Baugh Subdivision given during last Council  
39 meeting. Craig Call disclosed that he is related to the Baugh's. We also have Craig Smith's  
40 opinion, which was that he concurred with Craig Call's analysis and decision. Craig Call also feels  
41 this is valid and if revoked at this time would give Mr. Baugh cause for legal action. We need to  
42 address this for future issues. If people do not agree with the decision, they have the ability,  
43 through State Code to make a written appeal. To date, I have not received a written request for  
44 appeal. I asked for wording in Design Review Committee that would provide clarification. That  
45 will have to go through the Land Use Authority process. We will put that where it fits into the  
46 code book as best as possible.
- 47 • R Call – felt like the Council had tried to get the Planning Commission to work on this before and  
48 they have refused.
- 49 • S Bankhead – mentioned it does need to go through Planning Commission. No wording was  
50 crafted for the Planning Commission and they didn't write anything either. They felt they didn't  
51 need to craft wording, just stay with the ordinance. They may hold their public hearing again and  
52 suggest wording, then you can say you understand the wording and either pass it as is or make a  
53 recommendation. You don't have to concur with their recommendation.

- 1 • R Call – suggested the City have a legal review of our ordinance and feels in general there is
- 2 agreement on the Council that we need to be flexible in some of these areas.
- 3 • D Astle – asked if the Council had the right to draft its own ordinance?
- 4 S Bankhead – said it has to come through Planning Commission. The Council can draft the
- 5 ordinance and it can be reviewed by PC and they can make recommendations on the draft.
- 6 • S Bankhead – mentioned that she and Mayor Liechty had spent some time in Judge Hadfield’s
- 7 chambers. Reviewed the appeals of L Fischer and B Bissland. Because of inaction on all parties,
- 8 the court ordered the action be taken. We are going to get another hearing and at that hearing
- 9 the attorneys will set a timeline for finishing the case. We are in holding pattern.
- 10 • R Liechty – about two months out.
- 11 • S Bankhead – that is to set the meeting.
- 12 • R Call – they did not close the case.
- 13 • S Bankhead – wasn’t sure what was involved, but they will have to show their plan of action to
- 14 resolve the case.
- 15 • S Baugh – asked what is happening on the Grace Baugh subdivision.
- 16 • R Liechty – you are passed us and on your way.
- 17 • S Baugh – feels like there is no reason to go back to Planning Commission again.
- 18 • S Bankhead – said he does need to go back to PC because they didn’t approve his plat, they just
- 19 approved the exception on curb, gutter and sidewalk.
- 20 • S Baugh – what if their answer is like what it has been in the last six month?
- 21 • S Bankhead – then you can appeal it through the appeals process. This opinion is that you have
- 22 an exception on curb, gutter and sidewalk, not an approval on preliminary plat.
- 23 • S Bankhead – commented that this has taken a very long time, but this isn’t our choice. It has to
- 24 go back to PC and if you don’t like their decision, you have to go through the Appeals Authority.
- 25 • D Astle – doesn’t the PC have a legal timeframe they have to reply to him?
- 26 • S Bankhead – yes.
- 27 • R Call – asked if it is possible Planning Commission would deny approval?
- 28 • R Liechty – if they don’t approve, they have to list reasons why.
- 29 • S Bankhead – said the extended asphalt, the swale to get the water into the retention pond, etc.
- 30 has to be addressed.

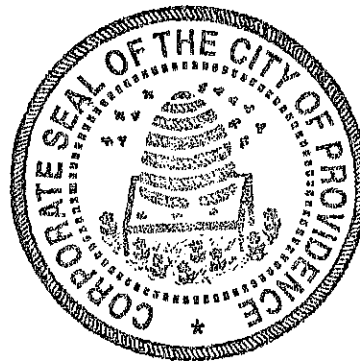
31  
 32 **Council Reports:** Items presented by the City Council members will be presented as informational only;  
 33 no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting  
 34 of this agenda and the City Council determines that an emergency exists.

- 35 • D Calderwood – nothing to report.
- 36 • D Astle – nothing to report.
- 37 • R Call – nothing to report.
- 38 • J Russell -nothing to report.

39  
 40 **Motion to close: R call, second D Astle**

41 **Vote: Yea: D Calderwood, J Russell, R Call, D Astle**  
 42 **Nay: None**  
 43 **Abstain: None**  
 44 **Excused: None**

45  
 46 Meeting adjourned at 8:43 p.m.  
 47 Minutes taken and prepared by C Craven.



48  
 49  
 50  
 51  Ron Liechty, Mayor

 Scarlet Bankhead, City Administrator