

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **April 24, 2007**

3 **Providence City Office Building**

4 **15 South Main, Providence UT**

5
6 **Call to Order:** Mayor Simmons

7 **Roll Call of City Council Members:** Mayor Simmons

8 **Pledge of Allegiance:** Deon Johnson

9 **Opening:** Ron Liechty

10 **Attendance:** K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

11
12 **APPROVAL OF THE MINUTES** for the March 27, 2007 City Council meeting.

13 **Motion for a continuance of the minutes for March 27, 2007 until the next meeting – S Gomm,**

14 **Second – R Liechty.**

15 **Vote:** **Yea:** K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

16 **Nay:** None

17 **Abstained:** None

18 **Excused:** None

19
20 **RECONSIDER THE MINUTES** for the January 23, 2007 City Council meeting.

21 **Motion to approve the correction to the minutes for the January 23, 2007 City Council meeting**

22 **with the noted corrections – S Gomm, Second – R Liechty.**

- 23 • Correction was made to approve Item No. 6, page 11 of 12, line 3, rezone of the Cove
24 Subdivision, as was recorded on tape.

25 **Vote:** **Yea:** K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

26 **Nay:** None

27 **Abstained:** None

28 **Excused:** None

29
30 **PUBLIC COMMENTS:**

- 31 • Laura Fisher questioned the appropriateness of the proposals Providence Plaza has before the
32 City. She encouraged the City Council to vote against the proposals to rezone the two large
33 parcels on the east bench. The people who live in Providence have a right to find out whether
34 Providence will have an adequate water supply when rezoning is accomplished. Details must
35 be worked out before rezoning or subdivision applications are approved. Blacksmith Fork
36 has not made water available to Spring Creek Water Company for the water transfer. In
37 addition, a total of over 4,000 residents would need access to the canyon road which goes by
38 her house. She doesn't believe developing this area can be considered good planning. She
39 also felt the agenda is too long and prefers it to be shorter in the future.
- 40 • Jenny Beykirch is in support of the rezone request from B & J Custom Building on 571 South
41 200 West. Many of her neighbors have signed a petition expressing support of the
42 development and the park that is to be located on the west portion of the property. She said

1 they are willing to donate time and funds for the park. She also believes the impact fees
2 which have been paid are to be spent on parks and new structures. She encouraged the City
3 Council to support this rezone and the park requests.

- 4 • Marilyn Brown felt many citizens have been in neighborhoods Dan Hogan constructed. He is
5 reasonable to work with and noted that he has purchased land to develop above Foxridge. He
6 has tried in good faith to honor a prior commitment made with the City. She and her
7 neighbors would like to see him build the same lovely quality of neighborhood in that area.
- 8 • Denise Strong noted that Harry Ames will be appointed as a voting member of the Planning
9 Commission. She asked the City Council to consider Professor Bruce Roghaar as an
10 alternate. She asked that the City Council wait until the court issues have a chance to get
11 fleshed out before rezoning the large parcels of land from agricultural. She also requested
12 that road issues be addressed. Some USU students previously conducted a study to put
13 together a planning package on the bench areas and they came up with concrete suggestions.
14 These issues addressed proper planning for the bench ten years ago. Until it is figured out
15 where the roads will be and how many people will be added, any improvements should be
16 assessed as necessary. That way it will be known if the development will pay for itself. She
17 felt the current theme is, "More development is good for Providence." Research numbers
18 show that development does not pay for itself but taxes the existing city more. She
19 admonished the Council to figure it out before going forward. Let planning and zoning come
20 in place; figure out the costs, school issues, and roads; then address those issues. She
21 encouraged the Council to especially look at Dr. Fisher's water ordinance and get the water
22 issue resolved before inviting the developer back.
- 23 • Mary Hubbard felt the City Council also should address roads, water, and the single family
24 large zone before annexing and rezoning is done.
- 25 • Bruce Johns has seen the library situation go from having access to Logan Library to where
26 Providence members were not allowed, and then were able to buy into the library. Finally, a
27 number of people in the community participated in creating the current Providence/River
28 Heights library. He recognized the difference between the large library and a well meaning,
29 and well staffed local library that is very small. The City of Logan for \$25,000 is inviting
30 Providence residents to access the Logan library on a trial basis. After which, if the majority
31 of citizens are interested in continuing access, the cost would be significantly more, which
32 raises concerns. He believes it is a fair exchange rate to find out whether the access would be
33 of worth to the citizens. He believes residents would be an informed citizenry in being able
34 to make that decision.

35
36 **PUBLIC HEARING(S):**

37 **6:20 p.m. The Providence City Council will hold a public hearing to receive public**
38 **comment regarding a proposed Inter Local Agreement between Providence City, the**
39 **National Forest Foundation, and the US Forest Service to create a donation program; the**
40 **proceeds of which will be used for water shed preservation and recreational opportunities.**

41 Mayor Simmons asked who is in favor of holding a public hearing to discuss an inter-local
42 agreement with Rob Cruz.

43 **Vote: Yea:** K Baker, S Gomm, D Johnson, T Rasmussen

1 Nay: None
2 Abstained: R Liechty
3 Excused: None

- 4 • Rob Cruz explained that he made this proposal to better understand the reason behind a
5 partnership with National Forest Foundation and Providence City to improve the
6 watershed and recreational opportunities in the national forest. About 80 percent of the
7 water in the country comes from a national forest. We have major water systems that
8 provide water to public land, and it has a big impact on local communities. The Federal
9 government is involved with many things right now. Therefore, the discretionary budget
10 is being focused to those areas, and agencies such as the one he works for must reduce
11 opportunities to do a lot of the work they need to do. In the past, the National Park
12 Service had a non-profit organization working for them to help generate money for the
13 mission of the National Park Service. In 1992 Congress passed a law that encouraged the
14 creation of the National Forest Foundation. That became their non-profit process to help
15 generate money to deal with issues related to the National Forest. He previously
16 presented a proposal to partner with the National Forest Foundation and Providence City
17 and its citizens to raise some money to use to do work in Providence Canyon, to protect
18 the watershed there, and to deal with recreational issues Providence City has been looking
19 at and the National Forest Service is in favor of. He presented a handout to the City
20 Council from the National Forest Foundation to outline the program. This is a brand new
21 program based on the program used by Cottonwood Canyon in Salt Lake City. Those
22 who stay in motel rooms on the National Forest have the opportunity to donate a dollar to
23 the National Forest Foundation. That money can be matched and used on various
24 projects. They have raised about \$100,000. The National Forest Foundation is trying to
25 create a program similar to that by trying to get people more involved in understanding
26 where their water comes from. Citizens would be given an opportunity to donate \$1 on
27 their monthly water bill that would go to projects in Providence Canyon, and later, with
28 other projects on the National Forest that people recreate on. The foundation is working
29 with Logan City and several other partners on the Cache County Trail Committee to
30 create a new connection trail from the Bonneville Shoreline Trail that goes from Green
31 Canyon to the mouth of Logan Canyon, and from Logan Canyon to the River Trail. This
32 project is a \$2.2 million project because the trail will go under the bridge at the River
33 Trail to address safety issues. With this program, if the City and its citizens opt to
34 participate, the money raised would be collected, and each year the partners in this
35 agreement would sit down and discuss the types of projects to be accomplished this year
36 and if partners would bring matching funding. Some of the projects discussed are
37 building a trail from the mouth of Providence Canyon to the quarry, and eventually to the
38 top lake country. The City's original intent was to start at Von's Park. Another project
39 he felt could be worked on is to create a protection for Providence City's spring source.
40 Money, in conjunction with volunteers with the "Adopt a Canyon Project" could help to
41 create a fence that would go around it and deal with issues of people shooting clay
42 pigeons over the water source. The State could have implications on that. There is also
43 cow grazing in the canyon and they can graze over that source. There is a real need for a

1 bathroom in the canyon. There is a lot of ATV use and OHV use. It is appropriate on the
2 road and the gravel pit, but getting off the road impacts the vegetation and water quality
3 that makes it way into spring sources. Many other things may be thought of over the
4 years. The canyon is nice during the day, but in the dark, it sometimes turns into a
5 different situation. Many activities held there are not conducive with families. There
6 could also be a partnership with the County Sheriff to beef up patrols. We would put a
7 statement on the water bill, explaining that \$1 is being collected from everyone in the
8 community who wishes to participate to protect the water shed and provide recreational
9 activities. This will be strictly voluntarily. The money collected by the City would be
10 turned over the National Forest Foundation and would go into an interest bearing account
11 until the partners involved in the agreement present the projects to be done. It is similar
12 to the RAPZ tax. In a nutshell, it is not mandatory for anyone to participate. Ogden
13 Ranger District has spoken to the Ogden City Council, and they are enthused in
14 participating in this program. This has never been tried in this country. Hopefully the
15 City will want to participate, and if it works well, it can be taken across the country. He
16 asked for questions from the public.

- 17 • D Johnson asked if there would be a paper trail.
- 18 • R Cruz said the money would stay here. He would like to see the agreement written to
19 say 80 percent would stay in Providence Canyon and the other 20 percent would go help
20 with the project in Logan Canyon. All of the funding will stay in the Logan Ranger
21 District.
- 22 • S Gomm asked for equal representation from the cities written in the agreement.
- 23 • R Cruz explained that there would be a representative from the City, from the Forest
24 Service, and from the National Forest Foundation. The National Forest Foundation will
25 hold the money and will agree with what the City and the Forest Service decides.
- 26 • R Liechty asked if Logan would keep 80 percent of their money and give 20 percent to
27 Providence.
- 28 • R Cruz said if all of the cities worked together, the money would be collected in one pot,
29 and all of the cities would sit together and pick which project to fund for a given year. He
30 feels that now, since the program is new, the agreement will be between Providence City
31 and the Forest Service and maybe Logan. The agreement could be reworked at a later
32 time if more cities want to participate. It will currently give ownership to the City. He
33 would like to see the need go to the canyon until the canyon is the way Providence City
34 and the Forest Service want it. Any excess money could be used for other projects on the
35 National Forest.
- 36 • T Rasmussen would like to see it drafted that the funds go to Providence.
- 37 • R Cruz agreed. He would also like to see some money go to the project in Logan Canyon
38 because all citizens will be able to use the trail. The trail will eventually connect to
39 Logan Canyon from Providence Canyon, and then tunnel at the mouth of Logan Canyon
40 is complete, it can go all the way to Logan Peak without touching a road.
- 41 • R Liechty agreed, but felt Logan City residents would access to Providence's trail as
42 much as Providence residents would go there.

- 1 • R Cruz agreed and explained that Logan City would like to see other cities participate
2 with this project as well. Already funds of over \$1.1 million dollars have been raised for
3 this. UDOT may give enhancement funds next year.
- 4 • D Johnson likes that it will be voluntary and feels that Providence residents will give a
5 good response. If down the line the results aren't what the citizens expect, they may opt
6 to stop donations.
- 7 • Bob Bissland applauded the fact that law enforcement help could be in the canyon. He
8 felt the problems in the canyon have become more critical at night. He asked if the
9 citizens will have input on priorities or if other priorities are being considered.
- 10 • R Cruz said no priorities have been mentioned other than the thoughts he shared. The
11 National Forest Foundation and the Forest Service would sit with the City to determine
12 what is and what is not appropriate. He said a few years back, a law enforcement officer
13 policed the canyon and made good progress. Unfortunately, she moved. Hopefully by
14 fall a person will be working with the County Sheriff. He said he has been in the canyon
15 and was frightened with what was going on. They would like to improve the canyon to
16 make it friendlier. Anyone with illegal activity will not be allowed.

17 Motion to close the public hearing – R Liechty, Second – D Johnson.

18 Vote: Yea: K Baker, D Johnson, R Liechty, T Rasmussen
19 Nay: None
20 Abstained: None
21 Excused: None
22

23 Motion to Move Item No. 4 to new business forward to Unfinished Business – D Johnson,
24 Second – K Baker, D Johnson, R Liechty, T Rasmussen.

25 Vote: Yea: K Baker, D Johnson, R Liechty, T Rasmussen
26 Nay: None
27 Abstained: None
28 Excused: None
29

- 30 • S Gomm asked if there will be a proposal brought forward from the National Forest
31 Foundation.
- 32 • Mayor Simmons explained that it is Item No. 2 under New Business and suggested that it be
33 continued until the next meeting.

34
35 **UNFINISHED BUSINESS:**

36 **Item No. 4. Resolution 07-008. The Providence City Council will consider for adoption a**
37 **resolution approving an Inter-local Agreement with Logan City approving trial use of the**
38 **Logan Library by Providence City.**

39 Motion to approve Resolution 07-008, an Inter-local Agreement with Logan City approving trial
40 use of the Logan Library by Providence City – S Gomm, Second – T Rasmussen.

- 41 • S Gomm explained that she has come up with an 18-month partnership agreement with
42 Logan for \$25,000 on a trial basis, and after the time period is up, the citizens will decide

1 whether or not to continue. Providence City has nothing to lose but the \$25,000, and the
2 residents have everything to gain. She asked that a decision be made tonight. She gave
3 copies of the agreement at a previous meeting. S Bankhead said it is in the packet.

- 4 • Tami Pyfer said D Johnson brought a new phrase, “informed citizenry.” She said to let the
5 citizens decide.
- 6 • D Johnson felt that he needed more information and received it from Marsha Herron. He
7 feels the Providence/River Heights Library services the citizens of Providence. He believes
8 libraries are being closed due to the use of easy internet access. He believes the \$25,000
9 would be a throw-away. He would like to see a vote before the \$25,000 is invested. He has
10 contacted many people who would like to enlarge Providence City’s library.

11 Vote: Yea: S Gomm, T Rasmussen
12 Nay: K Baker, D Johnson, R Liechty
13 Abstained: None
14 Excused: None
15

16 **UNFINISHED BUSINESS:**

17 **Item No. 1. Resolution 07-009. The Providence City Council will consider for adoption a**
18 **resolution appointing members to the Providence City Appeal Authority.**

- 19 • Mayor Simmons nominated Joe Chambers for chair of the Appeal Authority. He explained
20 that Mary Hubbard, Dale Astle, Michael Lewis are also on the committee.
- 21 • R Liechty expressed that he does not know Joe Chambers.

22 **Motion to accept Mayor Simmons’ nomination of Joe Chambers to be Chairman of the Appeals**
23 **Authority – D Johnson, Second – T Rasmussen.**

- 24 • Marilyn Bell reminded the City Council that this was to be delayed until Mayor Simmons
25 attended a meeting with the County.
- 26 • Major Simmons explained that the cities in the south part of Cache Valley did not want to
27 participate. Wendell Morse, who was getting the cities together, sent a letter saying the
28 County will no longer seek after this.

29 Vote: Yea: D Johnson, S Gomm, K Baker, T Rasmussen
30 Nay: R Liechty
31 Abstained: None
32 Excused: None
33

34 **NEW BUSINESS:**

35 **Item No. 1. Discussion. The Providence City Council will discuss the creation of a park in**
36 **the Eagle View area, requested by Wendy Wimmer.**

- 37 • Wendy Wimmer explained that 30 years ago her mother, Bobby Coray, and her friends
38 convinced the Logan City Mayor, Walter Nickel, to turn property into Lundstrom Park. It has
39 been a great community access. Parks turn a town into a neighborhood. It is imperative to
40 the welfare of the children of this community to require a park system be made to the deer
41 fence. Many neighbors walk the deer fence. Parks encourage people to spend more time
42 with their families and neighbors. She and other mothers who live on the north bench would

- 1 like guidance on helping creating a park before more development is made.
- 2 • Mayor Simmons asked if property has been identified.
 - 3 • W Wimmer felt the park should be planned before new developments are planned in the area.
 - 4 She believes there should be open access to the deer fence. No one wants their backyards
 - 5 encroached.
 - 6 • Gio Villa asked that as development occurs, access to the deer fence be left open. He would
 - 7 also like to see a lot set aside for a park. Now that the area is being developed, areas are
 - 8 developable for a park. The neighborhood would like a park like Lundstrom Park and trail
 - 9 access to the deer fence.
 - 10 • W Wimmer said there is a need for soccer fields in this community and believes a park like
 - 11 Lundstrom Park would be phenomenal.
 - 12 • Gio Villa said residents are willing to contribute some funding, but the City must maintain
 - 13 the park. He currently has an extra lot for children to play in.
 - 14 • Mayor Simmons asked if W Wimmer if she would like the park to have soccer and baseball
 - 15 fields.
 - 16 • W Wimmer said definitely, and a place for the kids to play.
 - 17 • Gio Villa would like to see something to benefit the entire city.
 - 18 • Mayor Simmons asked that they meet with him on Thursday afternoon at 2:00 p.m. to discuss
 - 19 ideas and possibilities.

20

21 **Item No. 2. Resolution 07-010. The Providence City Council will consider for adoption a**

22 **resolution approving an Inter Local Agreement between Providence City, the National**

23 **Forest Foundation, and the US Forest Service to create a donation program; the proceeds**

24 **of which will be used for water shed preservation and recreational opportunities.**

- 25 • S Gomm would like to see a draft agreement between Providence City and the National
- 26 Forest Service at the next meeting.

27 Motion to continue this discussion at the next City Council meeting – S Gomm, Second – K

28 Baker.

29 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

30 Nay: None

31 Abstained: None

32 Excused: None

33

34 **Item No. 3. Resolution 07-011. The Providence City Council will consider for adoption a**

35 **resolution approving a lease agreement with Providence Plaza LLC for office space.**

- 36 • This item was moved to a later time in the meeting.
- 37

38 **Item No. 5. Resolution 07-012. The Providence City Council will consider for approval a**

39 **Memorandum of Understanding with Bob Parsons to author the 3rd edition of Providence**

40 **and Her People.**

41 Motion to approve the agreement with Bob Parsons to author the 3rd edition of Providence and

42 Her People – D Johnson, Second – R Liechty.

- 1 • K Baker asked when the printing will begin.
 - 2 • Jay Hicken said it will be done in the next fiscal year.
 - 3 • Mayor Simmons suggested using money from the City Foundation fund.
- 4 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen
- 5 Nay: None
- 6 Abstained: None
- 7 Excused: None

8

9 **Item No. 6. Resolution 07-013. The Providence City Council will consider for adoption a**

10 **resolution approving changes to the Providence City Cemetery Rules and Regulations.**

- 11 • Mayor Simmons said that R Eck requested that this item be moved to the next meeting.
- 12 Motion for a continuance on Resolution 07-013 – S Gomm, Second D Johnson.

- 13 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen
- 14 Nay: None
- 15 Abstained: None
- 16 Excused: None

17

18 **Item No. 7. Resolution 07-014. The Providence City Council will consider for adoption a**

19 **resolution appointing Harry Ames as a voting member of the Providence City Planning**

20 **Commission and appointing an alternate member.**

- 21 • Mayor Simmons explained that Stephan Allan has resigned from the Planning Commission
- 22 to fulfill a religious commitment. Harry Ames has been the alternate member. He asked that
- 23 Harry Ames be appointed as a voting member to the Planning Commission.

24 Motion to appoint Harry Ames as a voting member of the Providence City Planning Commission

25 - K Baker, Second – R Liechty.

- 26 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen
- 27 Nay: None
- 28 Abstained: None
- 29 Excused: None

- 30 • Mayor Simmons explained that Jim Beazer’s term will expire on May 14th and asked that
- 31 names be submitted to replace him.
- 32 • S Bankhead said this person would not be the Planning Commission Chair. The Planning
- 33 Commission will elect who will chair the Commission.
- 34 • B Bagley said Jon Mock would be the next in line by seniority and has acted as Acting Chair.

35

36 **Item No. 8. Ordinance No. 010-2007. The Providence City Council will consider for**

37 **adoption an ordinance amending Providence City Code Title 11 Subdivision Regulations**

38 **Chapters 4, 6, and 8 by creating a Single-Family Large (SFL) zoning district.**

- 39 • Mayor Simmons explained that this proposal was brought to the Planning Commission by K
- 40 Baker and S Bankhead to create a Single Family Large (SFL) district. It is a zone based on
- 41 half-acre lot size and allows flexibility, clustering, and usable open space. He turned the time
- 42 to S Bankhead for a PowerPoint presentation.

- 1 • S Bankhead said it is a proposed flexible lot zone. After looking in ordinances and listening
2 to the residents and developers, they tried to utilize what was in the ordinances and make
3 changes that would be more accommodating for both sides. They looked at land area
4 requirements, density, lot space requirements, credit for public utility space, and use
5 regulations. This is to be for five-acre or larger pieces. Land area requirements come into
6 play with density requirements. It is recommended to use smaller and larger lots in some
7 areas to create a zone that would provide open space and a mix of residential. She then
8 explained the calculations of figuring out the density of the zone. The base lot size using the
9 old averaging program is around 20,500 square feet. In order to protect the integrity of the
10 zone, at least 50 percent would be 20,500 sq. feet. If we have open space or a park, that
11 would be an enhancement to the city. In listening to the Planning Commission and everyone
12 involved, it was felt like people are willing to look at 10,000 sq. ft. lots. Front rear setbacks
13 would be a combination of fifty but not less than 20 ft., the side yard minimum of 10 ft., the
14 street side yard minimum of 20 ft., and the principal height structure maximum of 35 ft. and a
15 minimum of 10 ft. It comes from the existing ordinances. At least 50 percent of the lots
16 must be the base lot size unless percentage credit is given for public facilities. The 50
17 percent requirement may be reduced by 10 percent for each 5 percent of total acreage set
18 aside for use by the general public (excluding dedicated right-of-way for roads). In no case
19 shall it be less than 30 percent. Small parcels of property that are not included in a park or
20 trail system that is not accessible to the general public cannot be included in a credit. It must
21 be usable property. She then explained the credit for public facilities space. The maximum
22 deduction is 20 percent. Units can be clustered to maximize infrastructure improvements.
23 Various lots sizes can be used to encourage and accommodate terrain and designed diversity.
24 The public use areas can be used to enhance the neighborhood increasing marketability. The
25 City should consider flexible size and public facilities credit because various lot sizes allow
26 for neighborhood diversity and clustering lots with larger amounts of open space. Clustering
27 lots may also increase the infrastructure service and maintenance costs to the City. Private
28 facilities that can be used by the general public provide open space or recreation without the
29 maintenance expense to the City. The Highlands didn't participate in the flexibility program
30 but did it in the development. They have set aside open space of approximately 100 ft. wide
31 that is used by more than their development. It is used by the general public even though the
32 homeowners pay a fee. The numbers work on a mathematical perspective. Jim Bradshaw
33 has something representative of this on a design perspective. The Highlands also looked at it
34 from a development perspective. It appears to be very workable for both sides. Use
35 regulations for this zone come from the Single Family Traditional uses. She then explained
36 what the permitted uses are. She believes J Bradshaw would like the City to consider more
37 than just single-family detached homes. Concepts the Planning Commission discussed were
38 "Big House" developments and patio lots that have zero lot lines, similar to Cobblestone.
39 Mr. Bradshaw suggested using other uses on a conditional use basis. She explained that
40 cluster and innerblock developments are prohibited in the downtown area only.
- 41 • S Gomm asked who decided it was to have a minimum lot size of 10,000 sq. ft.
- 42 • S Bankhead explained that the Planning Commission decided on that number. Right now,

- 1 the proposed ordinance will not allow a multi-family “Big Home.” There is nothing that caps
2 the lot sizes.
- 3 • S Gomm wondered if the minimum lot size should be 12,000 sq. ft.
 - 4 • B Bagley said the presentation has had a lot of thought and discussion, and felt it made a lot
5 of sense.
 - 6 • Mark Cohen has been working with staff and feels this zone does give flexibility and will
7 better enable him to work with the hillside. There is a desire from the public in Cache Valley
8 and Providence to have larger lots. He is seriously going to look at it on his side of
9 development.
 - 10 • Jim Bradshaw said his organization hired The Planning Center to design the development.
11 He would like his development approved under the Single Family Residential (SFR) zone.
12 He showed the City Council and the audience a copy of a map designed for his development
13 which was for an average lot size of half-acre for the 125 acres. The City will end up with
14 limited open space because single family detached units are being used. He asked the
15 planning center to look at an alternative of other plans and smaller lot sizes rather than
16 developing the whole piece into parcels. Another plan allows for more homes and open
17 spaces to the City. He emphasized that if you cap the number of lots, the smaller you allow
18 the product for the developer to have, the more open space the City receives. The smaller the
19 cluster of units, the more open space is open for the City to develop. That is why conditional
20 uses must be allowed. He is suggesting very high end products available to the City.
 - 21 • B Bagley said the Planning Commission has discussed it and wants concrete ideas for
22 transportation.
 - 23 • Mayor Simmons said a plat could not be approved until what Mr. Bradshaw presented is
24 done. J Bradshaw would like the use chart permit to allow all housing types. Conditional
25 use permit authorizing multi family uses in the SFL zone may only be granted if the
26 developer can establish both the following: the City receives a substantial increase in the
27 amount of usable open space by allowing the proposed condition use agenda or sub-
28 conditional use or otherwise consisting of general character of the neighborhood. Given that,
29 how do we argue that your mansion houses and condos are consistent with the neighborhood.
 - 30 • J Bradshaw felt it depended upon where in the neighborhood it is. Mansions houses in Deer
31 Valley are as nice as any residence. It will be a very high end, beautiful product that the
32 community will be proud of. You have to look at the design of what you are building, where
33 it is built, and whether it is consistent with the neighborhood it is proposed in, and if it meets
34 the code.
 - 35 • Mayor Simmons asked if he wanted the uses to be made part of the ordinance.
 - 36 • J Bradshaw said absolutely not. We would like to build Part A first rate and donate open
37 space in a vision that is open to the City. It is the answer to building a park and making a
38 trail system. The density must be created some place else to create open space.
 - 39 • D Johnson asked who would be responsible for the open space.
 - 40 • J Bradshaw felt the City must take it over. He also felt S Bankhead’s presentation would be
41 for homeowners associations’ responsibility to provide upkeep unless it is a sports park. He
42 said there are many ways to do it. Sometimes tighter neighborhoods create cleaner

- 1 neighborhoods.
- 2 • S Bankhead explained that nice recreational systems can be added to the City when they are
3 worked into a system.
- 4 • K Baker asked how S Bankhead felt about adding the language.
- 5 • S Bankhead is not opposed to mixed uses and would not have a problem working with it.
6 She doesn't know where the Council would like to go with it. There is no detail, but design
7 element in the Master Plan. She believes the City Council should consider a mixed
8 residential use design factor to give the look desired.
- 9 • S Baker would like to vote on it without the change.
- 10 • R Liechty is concerned that when this size was brought up, people with single family one-
11 acre lots that wanted to keep the area as close to that as possible. He felt the flexibility works
12 well, but feels it may bring problems if it isn't being consistent. He felt residents would feel
13 value of their property would be gone. He likes the concept, but feels the City could pass an
14 ordinance to require green space. He asked why not make it single family traditional.
- 15 • K Baker said density is capped.
- 16 • R Liechty felt it was to a point, but 10,000 sq. ft. lots will come in by big lots, leading back to
17 the same battle. He likes the idea, but doesn't see what is being gained. He would like time
18 to look at the proposal before voting on it.
- 19 • K Baker said the total density would be considerably lower.
- 20 • L Fisher said there has been a public hearing on this. She wondered if allowing more uses
21 would require another public hearing.
- 22 • Mayor Simmons said no.
- 23 • Bill Bagley asked if the Council would feel more comfortable with a minimum lot size of
24 12,000 sq. ft.
- 25 • S Gomm felt a group and a movement are trying to get away from square cookie-cutter lots.
26 If the City Council would like flexibility, this should be looked at.
- 27 • R Liechty said a contractor may make the development as tight and ugly as he wants, or he
28 can make it look attractive, or the City can make it look fantastic. He felt the Council would
29 be compromising to cut the development up.
- 30 • S Gomm agreed and wondered if he wanted to go to half-acre lots no matter what.
31 Mayor Simmons said, "You can do this and have open space, or not do this and not have
32 open space."
- 33 • R Liechty asked if the City can request more open space.
- 34 • Mayor Simmons said you can't do both. This approach is being looked at around the
35 country.
- 36 • K Baker prefers this zone over the P zone because she feels the P zone is not defined, and this
37 zone caps the density.
- 38 • R Liechty felt 10,000 sq. ft. lots are way too small.
- 39 • D Johnson said an expensive home can be placed in a small lot. There is at trend that people
40 want a big, beautiful home on a small lot.
- 41 • S Gomm would like to vote on it without changes and add them later. The Planning

- 1 Commission recommended it just as the City Council has it.
- 2 • B Bagley said the Planning Commission felt this is a very good concept.
 - 3 • Mayor Simmons asked why 12,000 sq. ft. lots would be better than 10,000 sq. ft. lots. By
 - 4 taking away the lot sizes, it reduces open space.
 - 5 • S Gomm doesn't feel it will be known if open space is being gained unless setbacks are
 - 6 changed.
 - 7 • Mayor Simmons believes this plan creates neighborhoods with mixed incomes to allow
 - 8 younger people to live in a condo-type unit by a retired person who doesn't want to mow
 - 9 lawns, and someone down the street will live in a mansion.
 - 10 • Stan Checketts asked if an ordinance is in place to allow apartments and townhouses. If all
 - 11 of these things are in place, it locks the City's hands. He felt the development should be done
 - 12 in a way that is okay with the neighbors. It should also be working with residents.
 - 13 • K Baker said conditional uses are not being looked at tonight, but the Council can still be
 - 14 open for conditional use.
 - 15 • Mayor Simmons asked what the smallest lot sizes are in Fox Ridge.
 - 16 • Dan Hogan said 12,000 sq ft. The shape and topography has a big impact as to what can be
 - 17 done. He believes developers and those presenting the plan deal with this kind of proposal
 - 18 every day. He likes that each developer can propose what they want. When it all shapes out,
 - 19 the question will be if any of the citizens will be able to afford a house or are they going to
 - 20 priced out of the market.
 - 21 • S Gomm questioned what would happen in twenty years. She wondered if it could be
 - 22 rezoned and built where the open space is.
 - 23 • Mayor explained that a development agreement can be put together so that it is perpetuity and
 - 24 it will stay open forever. The only way to undo it is to get a court to do it.
 - 25 • T Rasmussen favors the walkable communities' concept in the second proposal. Density is
 - 26 closer, which allows less roadway and sidewalks.

27 Motion to adopt an amendment to Providence City Code Title 11 Subdivision Regulations
 28 Chapters 4, 6, and 8 by creating a Single-Family Large (SFL) zoning district – K Baker.
 29 Motion to approve with the change that the lot size minimum be 12,000 sq. ft. – R Liechty,
 30 Second – K Baker.

31 Vote: Yea: K Baker, R Liechty, D Johnson
 32 Nay: T Rasmussen, S Gomm
 33 Abstained: None
 34 Excused: None
 35

36 **Item No. 3. Resolution 07-011. The Providence City Council will consider for adoption a**
 37 **resolution approving a lease agreement with Providence Plaza LLC for office space.**

- 38 • Scott Wyatt said the motion is not to sign the lease agreement, but to approve the resolution
- 39 authorizing Mayor Simmons to sign it. Prior to signing, there is a blank to be filled on
- 40 paragraph 17. It is a critical figure. If the number isn't high enough, the City can't finish the
- 41 rooms. The mayor must make sure he is comfortable with the number. It is a standard
- 42 commercial lease that was not created for Providence. He drew attention to the one provision

1 and to paragraph 5 stating the rent is the base rent and the proportionate share of insurance in
2 the services are up to a 5 percent management fee and utility charges. The extras are on top
3 of the rental agreement. He isn't afraid of anything in it.

- 4 • K Baker would like to see an approximate amount of the proportionate cost in the rental
- 5 clause. She questioned taxes, insurance, open space, repair and care of the premises.
- 6 • S Wyatt said the landlord pays his share, too. That it a protection for him. The landlord will
- 7 not jack up the cost. None of this goes into the landlord's pocket. A safeguard of the
- 8 estimates is a good point.
- 9 • K Baker felt other tenants would pay portions instead of the landlords.
- 10 • S Wyatt said they have an incentive to keep costs low.
- 11 • Mayor Simmons said if the Council approves it, he will be happy to work out the numbers
- 12 with her.
- 13 • D Johnson asked how long the lease is for.
- 14 • K Baker said five years.
- 15 • Mayor Simmons said it will take that long to build a new building, and it will give the City a
- 16 chance to see if they need more space. The rental unit is part of the old Theurer store, which
- 17 includes eight units.
- 18 • D Johnson felt the public works building should have been built four times bigger.
- 19 • S Wyatt said some of the costs will be recaptured in efficiency since the building is closer.
- 20 • D Johnson asked if there are two spaces to be rented.

21 Motion to approve 07-007, listen to tape S Gomm, Second - D Johnson

22 Vote: Yea: D Johnson, S Gomm, T Rasmussen, K Baker
23 Nay: R Liechty
24 Abstained: None
25 Excused: None

26
27 **Item No. 9. Ordinance No. 011-2007. The Providence City Council will consider for**
28 **adoption an ordinance changing the zone of approximately 127.67 (+/-) acres of property,**
29 **Parcel ID #02-101-0001, located generally northeast of Eagle View Drive, from Agricultural**
30 **(AG) to Single-Family Traditional (SFT), requested by Anderson Development (Anderson**
31 **Providence LLC).**

- 32 • Mayor Simmons said the Planning Commission recommended denial because the City is in
- 33 the process of rewriting the General Plan.
- 34 • J Bradshaw said this is an incredible piece of property in one of the most beautiful cities and
- 35 it should be developed in a manner that will give it credit. He would like to see the
- 36 development architecturally compatible with Providence and be first rate. His company has
- 37 been trying to get the property rezoned for 11 months and would like a decision. He would
- 38 like it to be rezoned as SFT and believes the zone is the appropriate density for the property.

39 Motion to adopt Ordinance No. 011-2007 to change the zone of approximately 127.67 (+/-) acres
40 of property, Parcel ID #02-101-0001, located generally northeast of Eagle View Drive, from
41 Agricultural (AG) to Single-Family Large (SFL) – S Gomm, Second – T Rasmussen

- 42 • Mayor Simmons said an alternate access is being negotiated.

- 1 • S Wyatt said it has already been agreed on.
- 2 • D Johnson questioned the motion by the Planning Commission.
- 3 • S Gomm felt it was denied because they knew there could be a new zone.
- 4 • T Rasmussen asked if the transportation is revolving around a second access.
- 5 • Mayor Simmons said if this development is approved, it will give the second access off the
- 6 bench.
- 7 • R Liechty asked B Bagley what the concerns of the Planning Commission were.
- 8 • B Bagley felt it to be presumptuous to go ahead until the revised Master Plan or General
- 9 Plan is complete. We need to be sure that is what we want. Prior commissions said
- 10 transportation must be in place before development occurs. When transportation is in place,
- 11 it will be approved. Water issues may or may not be resolved at this point.
- 12 • R Liechty asked if the Planning Commission would feel better knowing transportation and
- 13 water is in place.
- 14 • B Bagley said the Planning Commission is not against the development, but the City must
- 15 be ready because after the rezone, the City will lose their rights to say what takes place.
- 16 • T Rasmussen asked if there is a transportation timeline.
- 17 • B Bagley said transportation will be discussed at tomorrow night's meeting.
- 18 • D Johnson felt the Planning Commission has studied it out and he agreed with their
- 19 decision. Roads do not need to be built right now, but they must be in place.
- 20 • R Liechty said if the land isn't in place for roads, the development should not be allowed.
- 21 • Mayor Simmons said there are three roads that may be built over the next twenty years.
- 22 • S Checketts asked what the legal situation is without developing any roads. There must be
- 23 an amount of roads set for a number of homes. He felt this should be written somewhere.
- 24 • J Bradshaw said Center Street has a huge problem because too many homes feed off of it.
- 25 This proposal is a solution, not a problem. The time to solve the problem is when the
- 26 development is being planned. He said, "You can't hold up zoning because you want to
- 27 look at Master Plan to plan roads in the future."
- 28 • D Johnson said the City Council hasn't seen a plan for traffic.
- 29 • R Liechty said if it is approved, it will go to the Planning Commission because they are the
- 30 land use authority.
- 31 • Mayor Simmons said a plat will not be approved until water, a secondary access, and a plan
- 32 for construction is in place.

33 Motion to approve 011-2007 as amended by S Gomm to approve it as an SFL (Single-Family
 34 Large instead of an SFT (Single-Family Traditional)).

35 Vote: Yea: S Gomm, T Rasmussen
 36 Nay: K Baker, D Johnson, R Liechty
 37 Abstained: None
 38 Excused: None

39
 40 **Item No. 10. Ordinance No. 012-2007. The Providence City Council will consider for**
 41 **adoption an ordinance changing the zone of approximately 4.38 acres on approximately**
 42 **571 South 200 West, Parcels 02-117-0012 and 02-117-0013, from Agricultural to Single-**

1 **Family Traditional, requested by B&J Custom Building.**

2 **Motion to approve Ordinance No. 012-2007 - T Rasmussen, Second – D Johnson**

- 3 • S Gomm asked for a point of clarification and encouraged staff to look at the park when the
- 4 plat comes because it will not come to Planning and Zoning. She wants to make sure the
- 5 park is part of the development.
- 6 • S Bankhead said subdivisions go to the Planning Commission.
- 7 • B Bagley said a park was discussed, but not recommended.
- 8 • Jay Olsen said the park is a proposal that is being encouraged. They will work with the City.
- 9 • D Johnson acknowledged a letter the Council received encouraging the City Council to
- 10 accept the subdivision.
- 11 • J Olsen would like the City to help purchase the park. He was surprised that the surrounding
- 12 neighbors volunteered to help.
- 13 • Marilyn Bell heard complaints when she served on the Planning Commission from
- 14 Providence citizens who were invited to leave neighborhood parks because they didn't live in
- 15 the area. She believes everyone should know it will be a public park.

16 **Vote:** Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen
17 Nay: None
18 Abstained: None
19 Excused: None
20

21 **Item No. 11. Ordinance No. 013-2007. The Providence City Council will consider for**
22 **adoption an ordinance changing the zone of approximately 31.56 acres east of Sherwood**
23 **Drive, Parcels No. 02-111-0008 and 02-111-0009, from Agricultural to Single-family**
24 **Traditional (SFT), requested by Dan Hogan.**

- 25 • Mayor Simmons said the Planning Commission also recommended that the City Council
- 26 oppose this rezone with the same discussion held previously on the Anderson Development.
- 27 However, this rezone request has different issues. When the property was annexed in 1979,
- 28 two pieces of property were referenced. The main annexation covers Foxridge, and it
- 29 referenced the 30 acres to the east, which are these 30 acres.
- 30 • S Wyatt said he doesn't know. The document is confusing and isn't written very well. He
- 31 would like to find the old information to see what the intent was. He feels the intent may
- 32 show itself to be different than what is implied.
- 33 • Mayor Simmons said the City Council made the agreement that when it was annexed, it
- 34 would come in as an SFT zone.
- 35 • S Gomm asked why it is binding.
- 36 • S Wyatt said it is a conditional contract. Since the developer has done everything listed in
- 37 the agreement, the City must reciprocate.
- 38 • Dan Hogan has improved Center Street, acreage given at Von's Park, and Spring Creek water
- 39 shares were donated to the Spring Creek Water.
- 40 • S Gomm felt it would be in his best interest to wait for a decision because if it is voted on
- 41 tonight, it will be voted "no."

42 **Motion to continue for two weeks – R Liechty, Second – K Baker.**

1 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen
2 Nay: None
3 Abstained: None
4 Excused: None
5

6 **STAFF REPORTS:**

7 **Skarlet Bankhead:**

- 8 • S Bankhead said that the sewer was advertised for bid. A couple of legs of sewer are left on
9 the project started in 1989. One project is to take the sewer from 1000 South and 400 East to
10 Hillsborough. Four bids were received, ranging from \$335,000 to \$449,994. All four
11 contractors are good. A resolution will be ready for the next City Council meeting.
- 12 • S Bankhead said Rob and Randy have been diligent in making sure they are monitoring the
13 inflow into the reservoirs and outflow of the wells.
- 14 • S Bankhead will be out of town for training again this week. A tentative budget will be given
15 in May. She has not seen what Maceys has done for the City yet because of a lag. Hopefully
16 the information will be available at that time.
- 17 • The recreation programs have started. District 7 soccer has begun. The City is looking for
18 help in the snack stands. The baseball program has also started. Younger kids will play in
19 about three weeks. T-ball will start the third week of May. Temporary help is being sought
20 for Zollinger Park. A side walk will be installed and completed before the City Celebration
21 on June 8th and 9th. She attended the Financial Officers conference in April and a recorders
22 conference last week. She will give a summary at the next meeting.
- 23 • D Johnson asked if there is enough money appropriated from the impact fees for the sewer
24 project.
- 25 • S Bankhead said yes. The line item may need to be looked at to adjust the bank account.

26
27 **COUNCIL REPORTS:**

- 28 • D Johnson said the pump station at the mouth of the canyon will pump water from the City
29 wells to all five tanks. It hasn't been able to be done in the past.
- 30 • Mayor Simmons said the wells have been pumping since the first of April and will continue
31 to pump until water in the Blacksmith Fork Canal comes in to make an exchange.
- 32 • S Wyatt mentioned that a Providence Elementary school student and his father collected
33 water from each of the valley's municipalities and tested it for a school project. Providence's
34 water was vastly superior to any municipality in the valley. He felt the information on the
35 experiment should be brought to the Council.
- 36 • K Baker attended classes in St. George on April 12, and she asked Attorney David Church if
37 it is legal to acquire property at the request of the owner through eminent domain. She was
38 answered, "yes," however, when acquiring property, the only time to go into executive
39 session is to discuss dollars. She felt that to be questionable.
- 40 • T Rasmussen encouraged everyone to advertise and attend the City celebration.
- 41 • Mayor Simmons is going to a meeting Monday to discuss a UDOT (Utah Department of
42 Transportation) proposal. UDOT received a billion dollar bond from the State. They are

1 looking at projects to spend the money on. Logan's 1000 West will have money allocated to
2 them for a bypass to Airport Road and back up to Highway 89-91. This interests Providence
3 because they want to give up roads. Highway 238 is identified as a primary road they want to
4 have taken over. He is going to see what kinds of deals are being offered. UDOT will provide
5 up to 10 years of maintenance money. He is hoping to strike a deal for a stoplight on 300
6 South and Highway 165. He has no idea what kind of leverage Providence has with the State.
7 Mayor Simmons said Randy Eck suggested the City own 200 West to determine where
8 sidewalks will go.
9

10 Motion to go into executive session – T Rasmussen, Second – R Liechty

11 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen
12 Nay: None
13 Abstained: None
14 Excused: None
15

16 Meeting went into executive session at 9:13 p.m.
17 Minutes taken and prepared by Becky Turley.
18

19 Re-entered open meeting 9:40 p.m.
20 • T Rasmussen presented an idea for a raffle.
21
22
23
24

25 _____
Randy Simmons, Mayor

25 _____
Skarlet Bankhead, Recorder