

1 **PROVIDENCE CITY COUNCIL MEETING**
2 **October 24, 2017 6:00 PM**
3 **Providence City Office Building, 164 North Gateway Drive, Providence UT**

4 Opening Ceremony:

5 Call to Order: Mayor Calderwood
6 Roll Call of City Council Members: Mayor Calderwood
7 Attendance:
8 Pledge of Allegiance:
9 Opening Remarks – Prayer: Brain Craig

10 **Approval of the minutes**

11 **Item No. 1.** The Providence City Council will consider approval of the minutes of October 10, 2017.

12 **Motion to approve the minutes of October 10, 2017 – K Allen, second – J Drew**

13 **Motion to approve as written – K Allen, second – J Baldwin**

14 **Vote:**

15 **Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**

16 **Nay: None**

17 **Abstained: None**

18 **Excused: None**

- 19 • No corrections

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

- 25 • Brian Craig expressed concern with respect to education, safety, and traffic that may result from
26 a proposed development in River Heights. The River Heights Planning Commission will be
27 holding a public meeting, this Thursday, at the River Heights Elementary School to take
28 comment on the development.
- 29 ○ Mayor Calderwood explained the developers have talked with Providence City.
30 However, Providence City has not received a formal application from the developer.
 - 31 ○ J Drew felt the development would impact both communities regardless of which city
32 annexes the property.
 - 33 ○ K Allen reported he responded, by email, to Blake Kohler regarding the same issue. He
34 will forward his response to the Council Members.
- 35 • Tom Reading, 425 West Meadow Lane, expressed concern about the height of the weeds on 300
36 South. He felt they were a visibility problem. R Stapley will look into it. R Stapley explained
37 generally, property owners are to maintain the park strip adjacent to their property.
- 38 • Karl Mortensen, 320 Garden Drive, stands firmly opposed to zoning multi-family high density. He
39 also reported he has seen many drivers using their phones. He asked the City to consider
40 something that would help with the problem.
- 41 • Andrew Stromness expressed concern with the CCID lights. The excessive light spilling into his
42 yard has not been resolved. S Bankhead read emails from Laura Banda and Michael Glauser
43 describing the changes.
- 44 ○ *Installation of light shades was completed shortly after the September meeting, and it significantly*
45 *lessened the light emitting from the three light poles closest to our neighbors. Additionally, the lights*
46 *were pointed down and away from the homes, as best as possible. The lighting shades are placed*
47 *inside the actual light, so the lighting fixture looks the same from the exterior, as it did prior to shade*
48 *installation. Fortunately, after the shade was installed we observed an immediate and noticeable*

1 *difference in lighting reflecting past the parking lot. Again, thank you for your email and please let me*
2 *know of any additional questions or concerns. Laura Banda*

- 3 ○ *There is also a concern for our liability as the landlord as well as the school's liability if someone were*
4 *to fall, or if there was a crime to happen in the parking lot while the parking lot lights were not on.*
5 *Thanks, Mike Glauser*

- 6 ○ A Stromness does not think they have done enough.

- 7 ● J Drew thought they were installing a timer.

- 8 ○ A Stromness explained the lights are off during the day and turn on at dusk. He reported
9 the IECC Code requires external lights on a commercial building are required to dim. He
10 agreed CCID had done some work; but was not enough.

- 11 ● Mayor Calderwood will visit the school.

- 12 ● Tom Reading asked about obtaining information regarding the clear-view code amendment. S
13 Bankhead explained the current code is on the website. A copy of the change proposed by the
14 city attorney is included in the Planning Commission agenda packet for October 25, 2017, which
15 is also on the website. S Bankhead also explained the code amendment process.

16 **Business Items:**

17 **Item No.1. Resolution 047-2017 Development Agreement:** The Providence City Council will consider for
18 adoption of a resolution approving the Development and Public Improvement Installation Agreement
19 for Providence Highlands Subdivision Phase 4, a 12-lot residential subdivision, located at approximately
20 1170 South 800 East.

21 **Motion to approve resolution 047-2017 Development Agreement – J Drew, second – R Sneddon,**

22 **Vote:**

23 **Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**

24 **Nay: None**

25 **Abstained: None**

26 **Excused: None**

27 Discussion prior to voting:

- 28 ● S Bankhead reviewed the agreement.
 - 29 ○ This development is located on the south end of 800 East and borders Millville City.
 - 30 ○ The Planning Commission recently approved the final plat.
 - 31 ○ S Bankhead explained the temporary turnaround at the south end of 800 East is on
32 property owned by the developer, but is within Millville City limits.
 - 33 ○ This property is located in the wildland fire sensitive area. Before receiving a building
34 permit, the applicant must apply for a conditional use. This gives the City the
35 opportunity to discuss methods to mitigate fire hazards.
 - 36 ○ The water for this phase was included in the water conveyance agreement dated
37 January 18, 2005.
 - 38 ○ S Bankhead explained 1.6 discusses natural waterways that come of the face of the
39 mountains to the east.
 - 40 ○ S Bankhead explained off-site improvements are included in the development bonds.
 - 41 ○ S Bankhead explained a conditional use runs with the land. The mitigation strategies
42 listed in the conditional use are binding on future property owners.
 - 43 ○ S Bankhead reported the City Engineer signed the construction plans on September 27,
44 2017.
 - 45 ○ S Bankhead explained Jeremy Jensen is a principal in Imagine Development.
 - 46 ○ This phase will be the last phase allowed on the south side of 1000 South east of 800
47 East without a second access.

48 **Item No. 2. Resolution 050-2017 Application Authorization:** The Providence Council will consider for
49 adoption a resolution authorizing the application to Economic Development Corporation of Utah

1 (EDCUtah) for economic development consultation and support.

2 **Motion to approve Resolution 050-2017 authorizing the application to Economic Development**
3 **Corporation of Utah (EDCUtah) for economic development consultation and support – R Sneddon,**
4 **second – J Baldwin**

5 **Vote:**

6 **Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**

7 **Nay: None**

8 **Abstained: None**

9 **Excused: None**

10 Discussion prior to voting:

- 11 • Mayor Calderwood read S Bankhead’s email explaining the annual cost, based on population, is
12 \$0.15 per person, and will be \$1,090.50. They will provide us with research and analysis for
13 Providence including demographic reports, types of businesses that fit well with Providence,
14 contact information, and training.
- 15 • J Drew reported he and S Bankhead met with Max Backlund, Director of Public Development,
16 several weeks ago. He also clarified the \$1,090.50 is based on 7,250 residents. He explained
17 there are three different levels of service: base membership, advanced membership, and retail.
18 This quote is for the retail membership. J Drew felt the City needed to walk before we run; we
19 have not been doing outreach. If in six months we feel the other services will benefit the City,
20 we can add them.
- 21 • M Backlund explained EDCUtah split from the Salt Lake Chamber about 30 years ago. They
22 operate as a liaison with the business community. He would be the point contact for the City.
23 They will provide research, strategic planning, and marketing materials that go along with the
24 strategic plan.
 - 25 ○ J Drew asked if the term Retail Membership implied that we would be seeking retail
26 businesses. M Backlund confirm that was the intent. Other memberships include
27 working with industrial users.
 - 28 ○ J Drew explained along with determining what type of retailers to look for, the
29 information will also identify, by name, which retailers to seek out (food related
30 businesses are a priority). If a retailer wants to come to the City, a representative from
31 EDCUtah will sit at the table with the retailer, the developer, and the City to work
32 toward a successful agreement.
 - 33 ○ M Backlund reported they have a contract with the Governor’s Office to look at and
34 recruit companies from outside the State. They will work with companies that are
35 actively looking to locate in Utah. About 33% of their funding comes from the
36 Governor’s Office contract, 33% from member cities and counties (if Providence joins,
37 we will be number 70), and 33% from the private sector – investors from banks, law
38 firms, construction companies, and anyone who has an interest in seeing the economy
39 expand.
 - 40 ○ J Drew felt the City would get a lot of “bang for the buck.”
 - 41 ○ M Backlund explained the software that generates the analysis is \$60,000. With
42 membership, the city has access to analysis and the professionals to interpret the
43 analysis and turn the data into something meaningful. Cache County, Cache Chamber of
44 Commerce, Downtown Alliance, Logan City, Nibley City, and North Logan are members.
 - 45 ○ M Backlund reported they have worked very closely with the County on the strategic
46 plan, and with the Governor’s 25,000 Job Tour. They look at industry that would be
47 beneficial regionally. The City is not on its own; there is regional support and knowing
48 what regional infrastructure is in place to help the City with its recruiting efforts.

- 1 ○ K Allen reported he spoke with Dave Butterfield, President USU Credit Union. They are
- 2 willing to work with the City. M Backlund explained the model is set up to work with
- 3 private sector partnerships. EDCUtah is actively working toward a stronger presence in
- 4 Cache County.
- 5 ○ M Backlund explained contact and communication is generally email. They also have site
- 6 visits and go to the prospective company to discuss possible locations.
- 7 ○ R Sneddon asked if they were involved with USU other than the Space Dynamic Lab. M
- 8 Backlund reported not a lot, but they do have contacts. Theresa Foxley, EDCUtah CEO, is
- 9 a former Aggie and sits on several USU boards.
- 10 ○ J Baldwin confirmed the primary focus would be sales tax base retail. He also asked if
- 11 this was a duplication of a portion of the general plan. S Bankhead explained the general
- 12 plan is different; it is an organizational plan for the City.
- 13 ○ J Baldwin asked what data is used. M Backlund reported they use a program called
- 14 Buxton, based on census and credit card information, that can tell what and where
- 15 Providence consumers are spending; reporting is tied to the zip code data. It does not
- 16 reveal name or address, but does detail spending habits.

17 **Item No. 3. Ordinance 2017-014 Rezone:** The Providence City Council will consider for adoption an
 18 ordinance changing the zone of Parcel No. 02-096-0087; a 4.47 parcel of property located generally at
 19 75 South Gateway Drive, currently zoned Mixed-Use (MXD). The applicant is requesting Multi-Family
 20 High Density.

21 **Motion to approve Ordinance 2017-014 – K Allen, motion died for lack of a second.**

- 22 ● R Sneddon felt the code amendment for design requirements for mixed use needed to be
- 23 complete before we consider multi-family.
- 24 ● S Bankhead reported the staff and Planning Commission recommend denying the request. This
- 25 is currently zoned Mixed Use, which allows multi-family as long as it is tied to retail. The staff
- 26 and Planning Commission feel the multi-family and retail can work in this area.
- 27 ● Forrest Gaskill represented the developer. He expressed their concern that they do not see this
- 28 space as viable for retail. They feel, with the existing center, it is a Mixed Use area.
- 29 ● Mayor Calderwood asked if, with the recently completed Gateway Drive, they would consider
- 30 retail. F Gaskill felt retailers would not see the completed road as providing enough visibility to
- 31 make the space viable for retail.

32 **Item No. 4. Discussion:** The Providence City Council will discuss proposed amendments to Providence
 33 City Code Title 10 Zoning Regulations, Chapter 9 Supplemental Regulations in all Districts, Section 2
 34 Corner Lot Obstruction.

- 35 ● Mike Semadeni, 534 Garden Drive, visited five homes that need to change to be compliant with
- 36 the city code. Out of the five, three are here, one is a tenant, and one could not attend.
- 37 ● J Baldwin presented a philosophy by drawing the 30-foot clear-view triangle. Depending on the
- 38 width of the park strip, the triangle could cut through a significant portion of the property
- 39 owner's property. J Baldwin felt drivers could see without a clear-view ordinance in place. He
- 40 used the example of homes in Holiday, UT; there are brick walls right to the sidewalk. You have
- 41 to pull out very carefully. He is not saying no clear view, just does not think we need 30-feet; or
- 42 base the 30-feet off edge of asphalt instead of property line. J Baldwin felt we should consider
- 43 where we are actually driving, not where the right-of-way line is. He felt the current code put an
- 44 excessive burden on corner-lot property owners.
- 45 ● R Sneddon felt the problem is that we are using the exception to look at the ordinance. The
- 46 problem is not stopping and then going forward; the problem is drivers cannot see children
- 47 entering the road from behind the vegetation. J Baldwin disagreed; he felt a driver could see.
- 48 ● D Giles reported he went to the location today; he could see the entire street and anything

1 coming down 535 South. He felt the problem was people cutting the corner and not being able
2 to see children.

- 3 • R Stapley explained there are many variations of corner problems throughout the City. R Stapley
4 felt Planning Commission and executive staff needed to come up with some remedies. R Stapley
5 explained the comments from Kevin Fife, City Attorney, asks questions about natural grades and
6 retaining walls. R Stapley also explained when streets are improved the clear-view would
7 change, if it is based on the asphalt instead of the property line. R Stapley also felt there were
8 items such as utility pedestals and land slope that should have exceptions.
- 9 • J Baldwin felt if the code used edge of asphalt and people landscaped in the right-of-way, the
10 people would adjust when the City removed the landscaping to widen the asphalt. J Baldwin felt
11 if the City did not use its full right-of-way, the City should allow adjacent property owners to
12 improve it.
- 13 • J Drew asked if this ordinance only applied to City right-of-way. S Bankhead explained this
14 ordinance also applies to private property.
 - 15 ○ S Bankhead explained people still have strong feelings if they have landscaping in the
16 City right-of-way. She reminded the Council of the concerns expressed by the property
17 owners when 400 South was improved.
 - 18 ○ K Allen felt enforcement was a problem. Short of having someone watching 24/7, it is
19 difficult to see everything. Sometimes it just needs to be done as reported, just as a
20 police officer enforces speeding.
 - 21 ○ K Allen felt there was extreme anxiety over safety in the neighborhood being discussed.
22 He felt a meeting with the neighborhood to discuss all avenues for safety was very
23 important.
- 24 • R Stapley explained there were some mixed signals coming from council in enforcement of the
25 ordinance. After the last Council meeting, R Stapley felt he was to enforce the ordinance and
26 came to an agreement with M Semadeni; then Semadeni received conflicting information from
27 some council members and decided not to remove the tree. The ordinance needs to be refined;
28 he felt people would comply with the spirit of the ordinance.
- 29 • R Sneddon reported he spoke with Craig Carlston, who lives in the area. Carlston reported the
30 neighbors would be willing to provide the labor to help M Semadeni remove the tree. R
31 Sneddon felt the City should provide some financial support.
 - 32 ○ K Allen reported he also spoke with C Carlston. He has set up a meeting with the
33 neighborhood to look at the problem on Thursday morning.
- 34 • M Semadeni reported the women complaining were the worst violators in the video he took. He
35 felt the accident would happen because of poor driving. He reported in the beginning all the
36 complaints were heading west; then during city council meeting after M Semadeni presented his
37 report, the women changed the concern to heading south. He felt the City would be the biggest
38 loser in the end.
- 39 • K Allen agreed there were violations. He felt in order to get movement, reasonable discussion
40 needs to happen. He hoped the residents of the area would take it upon themselves to call their
41 driving actions to task, because the safety of the children is determined by the traffic habits.
42 Working with the people is a monster. We need to settle them down; not feed the monster.
- 43 • J Baldwin reported he did not have a problem seeing when he was driving in the area; but he did
44 see someone go through the stop sign and follow him very closely until he turned. He thinks the
45 bigger problem is the drivers; but felt there was merit in changing the location of the clear-view.
46 In areas where the City has a wide right-of-way, he would rather see people plant grass in the
47 city right-of-way, than have dirt. We want the homeowners to help keep the City right-of-way
48 looking nice. The city needs to notify the property owner they are planting in the city right-of-

1 way and the City can removed the landscaping at any time.

- 2 • S Bankhead reported the Cache County Sheriff deputies have been patrolling the area. They
- 3 have asked for more time to put together a report. The report will be ready for the next city
- 4 council meeting.
- 5 • J Drew asked M Semadeni what changes he would like to see – what we are trying to accomplish
- 6 with the ordinance. He would like to see the purpose of the ordinance written in general terms
- 7 that tell what the City is trying to accomplish. If the City is not going to enforce the ordinance,
- 8 then repeal the ordinance. He did not like circumstances where the City is left open to risk
- 9 • M Semadeni felt J Baldwin’s suggestions made sense. M Semadeni assumed the purpose was to
- 10 provide for safe driving. He felt people needed to look where they were driving. He felt the
- 11 ordinance creates problems for the City; changing it creates problems for the City.
- 12 • J Baldwin stated we drive the cars on the streets. We need to look at where the cars are and
- 13 where drivers can see. He felt the movable triangle works because it can be applied
- 14 independently to each corner. J Baldwin volunteered to write the ordinance changes.
- 15 • S Bankhead asked if the staff and attorneys were on hold, both writing and enforcing the code,
- 16 until the Council makes a decision. Staff and the attorneys will wait for directions from the
- 17 Council.
- 18 • Chad Woolley explained we want to be safe, but different people have a different version of
- 19 safe. The frustration for staff is that there is a law on the books they are trying to enforce, but
- 20 without an agreement from the council it is difficult to enforce. Whatever is put together needs
- 21 to have backing from the Council when it is enforced. He felt it was very important to make a
- 22 decision and get something moving.
- 23 • J Drew mentioned Logan City’s enforcement policy. He felt the hierarchy of enforcement makes
- 24 the staff’s job easier and lets citizens know their rights and how the City approaches code
- 25 enforcement. The lack of code enforcement bothers him. Code enforcement works when one
- 26 neighbor complains about another neighbor. He would prefer the City actively enforce the code.
- 27 • T Reading stated he drove the area before coming to tonight’s meeting. He had no problem
- 28 seeing.

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

30 S Bankhead reported the following:

- 31 • The September financial statements will be sent.
- 32 • S Bankhead and Bonnie Fuhriman went to Utah Land Use Institute workshop on impact fees. She
- 33 is also working with Emily Sim to schedule a meeting with executive staff to discuss impact fees.
- 34 • The ballots were mailed last week; the voting process has started. The Council will canvass the
- 35 election on November 14.
- 36 • The Council will hold one meeting in November and one meeting in December.
- 37 • The general plan consultants held the charrette with the stakeholder group. The consultants will
- 38 prepare a report incorporating the discussion.

39 R Stapley reported the following:

- 40 • R Stapley asked for clarification for enforcement on the Semadeni problem.
 - 41 ○ J Baldwin stated it was on temporary hold.
 - 42 ○ R Sneddon felt the problem is interpersonal in the area.
 - 43 ○ J Drew stated there would be an ordinance. It may be changed, it may not, but there will be
 - 44 an ordinance.
 - 45 ○ K Allen and R Sneddon will meet with the neighborhood residents Thursday at noon.
 - 46 ○ Staff is getting the vehicles ready for snow plowing. The new snowplow is expected to arrive
 - 47 the first part of November.
 - 48 ○ The salt shed foundation is in, but the walls are waiting on the sub-contractors.

- The 100 South roundabout is open. Cache Valley Electric is working on the decorative lights. LeGrand Johnson's still has a small amount of clean up.

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

- D Giles – no report
- J Drew – no report
- R Sneddon stated he had been in Houston. While there, he saw two extremely large holding ponds to collect water in a hurricane. Subdivisions were built in the area without knowing the purpose of the ponds.
- K Allen reported, as he has been visiting around the city, people want a plan for improving the roads.
- J Baldwin
 - Suggested a budget presentation quarterly. J Drew explained the numbers may change some, but the changes would be minimal.
- J Baldwin met with Jeff Young, AllTech, regarding the audio / video. A few minor changes increased the bid about \$2,000 (additional mics and a larger TV for the main floor room). J Baldwin has not had time to obtain the references. If the references are positive, the project will proceed.

Executive Session Notice:

The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as allowed by Utah Code 52-4-205(1)(c).

The Providence City Council may enter into a closed session to discuss professional competence or other factors allowed by Utah Code 52-4-205(1)(a).

The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

Motion to enter an executive session – J Baldwin, second – R Sneddon

Vote:

Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon

Nay: None

Abstained: None

Excused: None

- The Council entered closed session at approximately 8:22 p.m.

Motion to close the executive session – J Drew, second D Giles

Vote:

Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon

Nay: None

- The Council re-entered open meeting at approximately 8:53 p.m.

Motion to close the council meeting – J Baldwin, second – R Sneddon

Vote:

Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon

Nay: None

- Meeting adjourned approximately 8:53 p.m.

APPROVED 11/14/2017

Don W Calderwood, Mayor

Skarlet Bankhead, City Recorder