

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **July 26, 2016 6:00 PM**

3 **Providence City Office Building**

4 **15 South Main, Providence UT**

5
6 Call to Order: Mayor Calderwood

7 Roll Call of City Council Members: Mayor Calderwood

8 Attendance: Kirk Allen, Jeff Baldwin, John Drew, Dennis Giles, Roy Sneddon

9 Pledge of Allegiance: Mayor Calderwood

10
11 **Approval of the Minutes:**

12 **Item No. 1.** The Providence City Council will consider approval of the minutes of July 12, 2016 City Council meeting.

13 **Motion to approve the minutes with the following corrections: J Baldwin, second – K Allen**

14 Page 1, line 52 - plan for roads, not just resurfacing

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

16 **Nay: None**

17 **Abstained: None**

18 **Excused: None**

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

- 23 • Danny Macfarlane, commented that as a citizen and as a civil engineer, he has concerns with the
24 proposed rezones to SFE that will be discussed in Item No. 6 for certain portions of the city. Providence
25 Hollows was zoned SFT, but many of the lots are a third acre, half acre or much larger. Only so many
26 people can afford SFE lots, they are mostly paid for in cash since banks are reluctant to make large lot
27 loans. Because of that, most of people had their builder buy their lots. All the large lots in Providence
28 Hollows were purchased by local residents, not wealthy people from out of town, as was suggested would
29 happen in Planning Commission meeting. The majority of the lots in Providence Hollows (SFT) and Little
30 Baldy (SFL) subdivisions were larger than what they were zoned for, but that decision was based on
31 market conditions. However, many home builders do not want large one acre lots; they want the smallest
32 lots they can get. They don't want to spend extra money on the lot; they want the money to go into the
33 house. Maintenance costs are also a concern. Tax base is not as much for large estate lots as it is for
34 smaller lots and the city still has to maintain the same amount of road with less tax money. Finally, this is
35 in opposition to the vision of Cache valley in trying to reduce footprint, impact and water use and
36 preserve open space.
- 37 • J Drew said council members cannot dictate to developers how to develop the lots. There have been
38 requests by residents for estate sized lots.
- 39 • D Macfarlane said people aren't willing to pay a proportional increase for a large lot than they would pay
40 for a smaller lot. He feels market conditions should dictate lot sizes. Larger lots do not always translate to
41 nicer homes either. Cities that have estate lots also dictate what types of house exteriors will be allowed
42 on larger lots in order to maintain a certain standard.
- 43 • Mayor Calderwood asked if there was any formula that would dictate the size of a home based on the size
44 of the lot.
- 45 • D Macfarlane said it depends upon earning capabilities, etc. Lot costs eat into the budget for building a
46 home.
- 47 • Mayor Calderwood asked how many lots have sold in Providence Hollows subdivision.
- 48 • D Macfarlane said they are all under contract.
- 49 • Sharell Eames agrees with what D Macfarlane has said. She was concerned at Planning Commission
50 meeting and their proposed SFE zone in this area for the general plan. She appreciates that it is very
51 difficult to determine what the public wants and very difficult to zone. Public hearings and voting are good
52 ways to make that determination.
- 53 • R Sneddon said Stan's property has very large lots and he feels Stan is doing the city a favor as those lots

1 along the deer fence will create a greenbelt.

- 2 • D Macfarlane said going north, Stan wants to continue estate sized lots because of the topography and
3 the fault line, but he does not want to be limited to SFE.
- 4 • Paula Anderson asked if the council was going to vote tonight to change the ATV ordinance. It isn't being
5 enforced now, so what will changing the ordinance do? Zero enforcement equals 90% violation. The
6 ordinance should be enforced before it is changed.
- 7 • Mayor Calderwood said this is to make sure state law is being followed for vehicles. If the council wants to
8 change the ordinance, they can do that tonight, but they can also leave it as is.
- 9 • J Drew said the proposed resolution only addresses snowmobiles and safety flags. The last time this was
10 discussed, there was an immediate change for about a week. Now, it is back to the same issues as before.
11 If word gets around the Sheriff is writing citations; then the change may be more long lasting.
- 12 • K Allen said many people park in the church parking lot, unload their snowmobiles and then ride them on
13 the street up to the canyon.
- 14 • Mayor Calderwood said he has visited with the Sheriff and there has already been an increase in
15 enforcement.

16 Mayor Calderwood closed public comments.

17 **Public Hearing(s):**

18 **Item No. 1 Vacate Public Utility Easement (6:15 PM):** Prior to making a decision on the proposed vacation and
19 relocation of the Public Utility Easements (PUE) located between Lots 4 and 5 of the Edgehill Drive Estates
20 Subdivision, and located between Lot 5 of the Edgehill Drive Estates Subdivision and Lot 34 East Edgehill Estates
21 Phase 2, located at 292 Edgehill Drive, the City Council is holding a public hearing. The purpose of the public
22 hearing is to provide an opportunity for anyone interested to comment on the proposal before action is taken. The
23 City Council invites you to attend the hearing in order to offer your comments.

24 **Motion to open public hearing to discuss vacation of public utility easement on the described properties: K**
25 **Allen, second – J Baldwin**

- 26 • S Bankhead said Cory Smith and Josh Maughan would like to take lot 5 and split it between them. Josh
27 Maughan owns lot 4 and Cory Smith owns lot 34. They would like to vacate the PUE in order to landscape,
28 build, etc. Notices have been sent to utility companies.
- 29 • D Macfarlane, civil engineer for this project, drew a sketch to show how this lot division would go.

30 **Public hearing for the vacation of the public utility easement closed at 6:38 pm.**

31 **Item No. 2 Budget Adjustments (6:30 PM):**

32 Prior to making adjustments to the 2017 Budgets for Capital Project Fund, the City Council is holding a public
33 hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the
34 adjustments before action is taken. The City Council invites you to attend the hearing in order to offer your
35 comments.

36 **Motion to open public hearing for budget adjustments: J Baldwin, second – J Drew**

- 37 • S Bankhead said this is not a request for new money, it has already been transferred into the capital fund,
38 but projects were not completed. She reviewed those projects not completed prior to June 30, 2016.
- 39 • Paula Anderson asked when the tennis court lights would be done.
- 40 • S Bankhead said the council needs to grant Rocky Mountain Power an additional right of way easement
41 and Cache County School District needs to do the same. It should be advertised in the next two weeks.

42 **Public hearing for budget adjustments closed at 6:44 pm.**

43 **Business Items:**

44 **Item No. 1. Ordinance 2016-017.** The Providence City Council will consider for adoption an ordinance vacating and
45 relocating the Public Utility Easements (PUE) located between Lots 4 and 5 of the Edgehill Drive Estates
46 Subdivision, and located between Lot 5 of the Edgehill Drive Estates Subdivision and Lot 34 East Edgehill Estates
47 Phase 2, located at 292 Edgehill Drive.

48 **Motion to approve Ordinance 2016—017: R Sneddon, second – D Giles**

49 **Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**
50 **Nay: None**
51 **Abstained: None**
52 **Excused: None**

53 **Item No.2. Ordinance 2016-013.** The Providence City Council will consider for adoption an ordinance amending

1 Providence City Code Title 2 Boards and Commissions, Chapter 1 Planning Commission to allow planning
2 commission members (including alternate members) to be compensated for meeting attendance.

3 **Motion to approve Ordinance 2016-013: J Drew, second – J Baldwin**

- 4 • J Baldwin commented that if we are going to compensate the Planning Commission, we should also plan
5 on compensating the Appeals Board. K Allen said he agrees with J Baldwin to a certain extent. However,
6 Planning Commission makes decisions that require depth of study, understanding and preparation and
7 those decisions impact the entire city. He does not feel like the Historical Preservation Committee should
8 be compensated and compensation for Planning Commission should not be delayed in order to later
9 discuss compensation for the Appeals Board. He also feels the commissioners should receive training.
- 10 • R Sneddon feels compensation should only be considered after commissioners receive training. Planning
11 Commission’s recent position on SFE is contradictory to the State of Utah and Cache Valley’s visions for
12 growth. He felt those visions should be cornerstones of the training. He also suggested someone be
13 brought in to do the training rather than waiting to send commissioners to training when it becomes
14 available. Commissioners need to be educated so they can make informed decisions on waste water,
15 pavement requirements, etc.
- 16 • S Bankhead said there may be members who sit on the Planning Commission for months before any
17 trainings are available.
- 18 • J Drew said if commissioners are going to be compensated, then there should be some training required.
19 He also felt there should be a checklist of information that commissioners need to read and review the
20 first few months they sit on the Commission. Perhaps council members should also be trained.
- 21 • J Baldwin felt commissioners should be compensated immediately, but also be required to receive
22 training within 6 months of being sworn in. He does not want to delay compensation while the council
23 decides which training should be required.
- 24 • S Bankhead said the open meetings training is the only training that is required by the state, and it is
25 provided once a year. Also, while some training involves state code, some of the training is purely
26 philosophical. She would like to see workshops every 6 months that include the City Council and Planning
27 Commission so they are on the same page and have the same philosophical vision for Providence.
- 28 • K Allen said some training is available electronically.
- 29 • J Drew said a general philosophy needs to be written. The general plan should encompass that vision.

30 **Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**
31 **Nay: None**
32 **Abstained: None**
33 **Excused: None**

34 **Item No. 3. Resolution 034-2016:** The Providence City Council will consider for adoption a resolution establishing
35 compensation for planning commission members (including alternate members) at the rate of \$50 per meeting, for
36 meetings actually attended.

37 **Motion to approve Resolution 034-2016: J Baldwin, second – J Drew**

- 38 • K Allen asked if this is based on attendance.
- 39 • S Bankhead said according to state code, commissioners have to attend the meetings in order to be
40 compensated.

41 **Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**
42 **Nay: None**
43 **Abstained: None**
44 **Excused: None**

45 **Item No. 4. Resolution 035-2016:** The Providence City Council will consider for adoption a resolution adjusting the
46 2017 Capital Project Fund Budget.

47 **Motion to approve Resolution 035-2016: R Sneddon, second – J Drew**

48 **Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**
49 **Nay: None**
50 **Abstained: None**
51 **Excused: None**

1 **Item No. 5. Resolution 036-2016:** The Providence City Council will consider for adoption a resolution granting an
2 Underground Right of Way Easement to Rocky Mountain Power at Zollinger Park for the Providence Ball Park
3 Lights project.

4 **Motion to approve Resolution 036-2016: J Baldwin, second – J Drew**

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

6 **Nay: None**

7 **Abstained: None**

8 **Excused: None**

9 **Item No. 6. Resolution 037-2016:** The Providence City Council will consider for approval a resolution amending the
10 Providence City Master Plan Sheet No 5-B Future Re-Zone of existing Districts. This Map is the plan for future
11 rezoning of existing districts within the Providence City Corporate limits.

12 **Motion to approve Resolution 037-2016: J Baldwin, second – J Drew**

- 13 • S Bankhead said the rezone was conditional upon the updating of this general plan map. The Planning
14 Commission will continue to discussion additional changes to the general plan. This is for the property
15 located at 1000 South and 400 East, commonly known as the Baker property to SFL, which is in harmony
16 with the ordinance that was approved a couple of weeks ago. The map will be before the council again.
- 17 • K Allen commented that when this came up a few weeks ago he abstained. He asked if the council could
18 vote in opposition in order to slow this process down. He does not feel this should be zoned SFL.

19 **Vote: Yea: J Baldwin, J Drew, D Giles, R Sneddon**

20 **Nay: K Allen**

21 **Abstained: None**

22 **Excused: None**

- 23 • J Drew commented on when abstaining is appropriate according to state code. There was further
24 discussion about abstaining. It is not necessarily a no vote.

25 **Item No. 7. Ordinance 2016-018:** The Providence City Council will consider for adoption an ordinance amending
26 Providence City Code Title 5 Chapter 9 Off-Highway Vehicles.

27 **Motion to approve Ordinance 2016-018: K Allen, second – J Baldwin**

- 28 • Mayor Calderwood suggested snowmobiles not be permitted on city streets and vehicles with two-stroke
29 engines must be street legal (turn signals, horn, proof of insurance, no modified mufflers).
- 30 • J Drew felt the ordinance was well written with safety in mind and intentionally left out “street legal” in
31 order that residents could ride their vehicles to the canyon. Street legal or not street legal will make no
32 difference on our city streets. The ordinance is fine if it is enforced.
- 33 • S Bankhead said Larry Anderson is the one who brought this to the city’s attention and this is as close to
34 state code as possible at that point in time. Deputy Black, Deputy Nyberg and Sheriff Jensen said there is a
35 contradiction in stating that a safety flag may be used in lieu of headlights and taillights, then later in the
36 ordinance it says headlights and taillights must be used if the vehicle is operated before daylight or after
37 dusk. They suggested the strikeout shown regarding safety flags.
- 38 • K Allen said the flags are required on the sand dunes, but that does not pertain to streets in Providence.
- 39 • There was discussion about dirt bikes and four wheelers.
- 40 • K Allen commented that he had looked at ordinances for other cities in Cache Valley regarding off-
41 highway vehicles. He said whatever is decided, it needs to be enforced. He feels the present ordinance is
42 sufficient and just needs to be enforced. Citizens need to be informed of the changes then it needs to be
43 enforced.
- 44 • J Drew said about 80% of the complaints received will be resolved by enforcement.
- 45 • S Bankhead asked the council to continue this in order for her to make this more compliant with state
46 code and make changes recommended by the Sheriff’s Department regarding safety flags.
- 47 • Paula Anderson and Andrea Diamond both commented that educating the public is important, as well as
48 enforcement.
- 49 • K Allen suggested signs be posted for HOV’s.
- 50 • J Baldwin felt the suggested safety flag strikeouts should be remain and this should be voted on.

51 **Motion to continue discussion on Ordinance 2016-018 and remove the safety flag strikeouts: K Allen, second – J**
52 **Baldwin**

1 **Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**
2 **Nay: None**
3 **Abstained: None**
4 **Excused: None**

5 **Item No. 8. Discussion:** The Providence City Council will discuss zoning enforcement for accessory buildings.

- 6 • Mayor Calderwood suggested council members drive around town and notice accessory buildings and review the ordinance.
- 7
- 8 • S Bankhead said this is very enforceable if the accessory building is a shop or a garage. The ones that are difficult to enforce are the small utility sheds that require a zoning permit, but not a building permit. If the setback is changed for small utility sheds, it needs to be called out in the ordinance.
- 9
- 10
- 11 • J Baldwin feels three feet off the property line is acceptable, but no less than three feet.
- 12 • Steve Jenson asked why a smaller shed would require a 5' utility easement.
- 13 • D Giles said the easement is for utilities. A smaller shed could be moved to access the utility and then moved back.
- 14
- 15 • A Diamond recommends a simple punch list of safety points for building a shed, and grandfathering in sheds that may be in violation, but that are non-issue violations.
- 16

17 **Item No. 9. Discussion:** The Providence City Council will discuss impact fees.

- 18 • Mayor Calderwood reviewed impact fees for other local cities compared to Providence.
- 19 • S Bankhead said this is generally for single family homes, 1" meters, but there are always variables involved when comparing cities.
- 20
- 21 • J Baldwin asked if there was a formula the state requires.
- 22 • J Drew said an outside engineering firm has to review this based on state guidelines. Our impact fees haven't changed in 19 years.
- 23
- 24 • S Bankhead said the council needs to discuss capacity related projects in regards to impact fees. That is the first thing a professional firm will look at.
- 25
- 26 • J Baldwin felt water should be first on the list.
- 27 • S Bankhead commented on a prior analysis that had been done. Providence City isn't in the deficit for parks as much as it may appear. There are many open-space or wooded areas that are part of our parks system. The park over at Providence Elementary is a city park. The idea of open park space versus manicured park space needs to be discussed.
- 28
- 29
- 30
- 31 • J Drew suggested having a professional come and discuss this with the council.

32 **Item No. 10. Discussion:** The Providence City Council will discuss park improvements for property located at 800 South 400 East.

- 34 • S Bankhead said developing groomed park property is expensive. She reviewed ideas and costs for park development.
- 35
- 36 • Morris Poole, a resident living in Hillcrest subdivision, suggested a walking trail, a play area, covered area, bathrooms, etc. for the park.
- 37
- 38 • D Giles said many parks are designed with xeriscape.
- 39 • S Bankhead said a small splash pad design was discussed. Xeriscape can be done if that is what the city wants, but it has been difficult getting xeriscape designers.
- 40
- 41 • J Baldwin suggested university students could help.
- 42 • Mayor Calderwood said this will cost about \$100,000 for installation.
- 43 • A Diamond said a plan that can be replicated on a smaller or larger scale is a good idea. She also thought work out equipment for adults would be a good idea.
- 44
- 45 • R Stapley said it is difficult to get people who want to design xeriscape.
- 46 • Steve Jenson asked about using secondary water for the park.
- 47 • S Bankhead said water storage is a problem.
- 48 • J Baldwin will see if there are any students at USU that can help with xeriscape park design.

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

50 Rob Stapley:

- 51 • Streets:

- 1 ○ Fuhriman Drive project is under construction. Most of the curb and driveway approaches are in.
- 2 ○ 300 East and 1000 South project retaining wall is being constructed.
- 3 ○ 400 South rebuild is waiting on the water mains to be finished and the new box culvert to arrive.
- 4 ○ Road striping is done. Crosswalks, turn arrows and school zone markings will be done soon.
- 5 ○ There was discussion about the cut being made on Canyon Road and current/future road repairs.
- 6 • Culinary Water:
 - 7 ○ Birch Creek Construction plans to start their water main between Main/100 East on Wednesday.
- 8 • Sanitary Sewer:
 - 9 ○ Both credit unions will start the sewer connections next week.
- 10 • Parks and Property Maintenance:
 - 11 ○ Jay's well property plans did not receive any proposals. R Stapley is contacting individual local
 - 12 landscape designers.

13 S Bankhead:

- 14 • Monthly financial statement was given to the council, but there will be adjustments.
- 15 • She thanked the recreation/baseball program. One of the all-star teams won the state tournament for
- 16 their age group and will go to CA this week. She thanked the coaches for their time and efforts. Kickball is
- 17 starting up in August. Sauerkraut dinner is coming up.

18 **Council Reports:** Items presented by the City Council members will be presented as informational only; no formal

19 action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and

20 the City Council determines that an emergency exists.

- 21 • K Baldwin – no comment.
- 22 • D Giles – no comment.
- 23 • J Drew- no comment.
- 24 • R Sneddon – no comment.
- 25 • K Allen – asked S Bankhead to look into the motor home that has been parked on Canyon Road. She has
- 26 already sent out a letter.
- 27 • Mayor Calderwood – no comment.

28 **Executive Session Notice:**

29 The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as

30 allowed by Utah Code 52-4-205(1)(c).

31 The Providence City Council may enter into a closed session to discuss professional competence or other factors

32 allowed by Utah Code 52-4-205(1)(a).

33 The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property

34 Utah Code 52-4-205(1) (d) and (e).

- 35 • No Executive Session.

36 **Motion to close: J Baldwin, second J Drew**

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

38 **Nay: None**

39 **Abstained: None**

40 **Excused: None**

41 Meeting adjourned at 9:00 pm.

42 Minutes recorded and prepared by C Craven.

43

44

45

46

47 _____

Don W. Calderwood, Mayor

Skarlet Bankhead, City Recorder