

1 **PROVIDENCE CITY COUNCIL MEETING AGENDA**
2 **September 13, 2016 6:00 PM**
3 **Providence City Office Building, 15 South Main, Providence UT**

4
5
6 Call to Order: Mayor Calderwood
7 Roll Call of City Council Members: Mayor Calderwood
8 In Attendance: Kirk Allen, Jeff Baldwin, John Drew, Dennis Giles, Roy Sneddon,
9 Absent:
10 Excused:
11 Pledge of Allegiance:

12
13 Meeting began at 6:00 pm

14
15 **Approval of the minutes**

16 **Item No. 1.** The Providence City Council will consider approval of the minutes of August 23, 2016 City Council
17 meeting.

18 Correction

19 Pg. 3, line 16 –S Bankhead

20 Pg. 3, line 54 –Dwight Cook

21 Pg. 4, Line 45 –Mayor and all council members replied yes.

22 Pg. 4, line 30 – Paula Anderson

23
24 **Motion to approve minutes of August 23, 2016 City Council Meeting: K Allen, seconded: J Baldwin**

25 **Vote:**

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

27 **Nay: None**

28 **Abstained: None**

29 **Excused: None**

30
31 **Item No. 2.** The Providence City Council will consider approval of the minutes of September 7, 2016 City Council
32 meeting.

33
34 **Motion to approve minutes of September 7, 2016 City Council Meeting: J Drew, seconded: J Baldwin**

35 **Vote:**

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

37 **Nay: None**

38 **Abstained: None**

39 **Excused: None**

40
41 **Public Comments:** Citizens may appear before the City Council to express their views on issues within the City's
42 jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total
43 time allotted to public comment is 15 minutes The City Council may act on an item, if it arose subsequent to the
44 posting of this agenda and the City Council determines that an emergency exists.

45
46 Public Comments

- 47 • Richard Eames commended Parsons Constructions for the great job they did in completing the road
48 maintenance and wanted to know if a stop sign would be installed at that corner. He also asked about the
49 Sauerkraut Dinner this year and mention to please separate the sauerkraut from the stuffing.
- 50 • Rob Stapley responded in regard to the stop sign. He identified that because a new road was put in a
51 traffic study needs to be completed. He has a deputy monitoring the traffic in that area right now.
- 52 • Chad Checketts commented on people riding snowmobiles in the canyon. He wanted to talk about
53 snowmobiles. He wanted to express his confusion asked how valuable council time is used talking about

1 snowmobiles in a city that is nestled against the foothills of some of the most beautiful snowmobiling
2 country in the world, when at the same time, a master plan for the city has not been updated. I question
3 how we can be concerned about and spend valuable time on stop signs of public interest and not be
4 concerned about other things that are absent in our community. I would like to see the council provide in
5 a very prominent location the city's plan for road improvements over the next two or three years. I would
6 like to see the plans for water usage in our city to meet the demands for parks and some of the things
7 that really seem to matter for entirety of our community. I would like to challenge the council to focus on
8 those things that are most important to our community and prioritize what we are focused on because
9 without these plans we are without a direction and we are not a community.

- 10 • Ron Smith commented that he really had no intention of talking tonight but has just been suddenly
11 inspired to do so. I am wondering why in this community it is necessary to talk at one another instead of
12 just sitting down and settling issues in discussion or perhaps in debate. One of the things that has gone
13 wrong in this country is we fail to talk to each other and instead we talk at each other. It would be so
14 much easier on Providence if we just got together and talked about the issues instead of springing the
15 issues on us. I spent a lot of time in my life working on understanding. William Golding, a Nobel Prize
16 winning novelist said, "The important thing in life is not saying sex or geometry, it is about
17 understanding." We have to work to understand one another. We have to find out what are problems are
18 and talk them out. We have a petition that has resulted in an initiative that will be on the ballot this
19 November. I suggest with great humility to the City Council and the Mayor that we consider spending
20 time between now and the election like about a half hour each in a location where people can talk about
21 the issues that seem to be behind the petition drives. It is much easier to get it done that way than to
22 work hard to undermine what is a very good town. I think I have said it.
- 23 • Bryan Cox commented that here in Utah we do have the greatest snow on earth and people like to
24 snowmobile. Last year when there was a buildup of four days of snow, I drove down and got gas at the
25 Maverick, went up Millville and drove around town. No one got hurt. There was not excessive noise and
26 no one's property was damaged. If you live in Utah you do have the greatest snow on earth. This
27 snowmobile thing is just ridiculous. Changing the ordinances is ridiculous.
- 28 • Roy Cook directed his comments to Jeff Baldwin. He wanted to bring Jeff up to date on the snowmobiles
29 issue since he had not attended that meeting. He wanted to ensure Jeff knew that several citizens spoke
30 out on the issue and none were in favor of banding snowmobiles.
- 31 • K Allen explained how and why this had become an issue identifying that that the problem is about how
32 do we get people to comply and obey the laws in our city. It's not the snowmobiles.
- 33 • Chad responded by saying that his issue is not an issue of snowmobiles. His issue is an issue of priorities.
34 When I see us spending lots of time on things that are small issues when a majority, if we have
35 snowmobiles and they are parking where they should not be parked, we have laws for that. Someone
36 makes a telephone call and we haul the vehicle away. We impound it. We need no further proliferation of
37 laws, we do not need to change laws; we need to enforce the laws. My issue is why we are even spending
38 time on that when we are dealing with park issues, water issues, and a Master plan issues that that needs
39 to be updated. It seems to me that our priorities our out of kilter. It was not meant as a bard in anybody
40 out there but I really feel strongly that this council should prioritize what we are looking at and my
41 challenge to you is that to publish what our road plan is for the next two years is a straw in the right
42 direction. It is not going to solve the problem but I would like to see the community involved. I would love
43 to see community discourse. I would love to see this become a forum for the community for you to hear
44 input and to consider input.
- 45 • Jan Arnell commented that she basically has the same issues that she talked about last weekend. To have
46 some communication between council and community, this is a great forum but we all do not have the
47 job you do every day of the week. We wanted to have this input and have it taken into consider and not
48 have to come back five or six or seven time especially when it is last on the agenda and it's not just one
49 item. I have gone to some council meetings where the Sheriff or someone from the sheriff's department
50 has come to give a report and he was last on the agenda. He did not get to speak until 10 o'clock at night
51 and I so embarrassed as a citizen of Providence that he was treated with such disrespect. He should have
52 been first on the agenda as a guest to give his view and then not have to wait so we will contend with
53 things if it is a hot item and it is last on the agenda it just make me as a citizen feel like my opinion doesn't

1 really matter because at last people are going to get tired and go home and we don't get the input and
2 instead we just get impatient and angry. I think the meeting that was going to be held is the kind of
3 discourse we need to have. A half hour every week. We cannot all be here every single week. So the
4 symposium on the 13th of October where we have an opportunity to discuss one item at a time. Whether
5 we have different opinions or not. It is important that our message is heard and voted on by the council
6 even if it is not something you do not agree with. If the majority of the citizens want it that is your job to
7 see to it that it happens.
8

9 **Public Hearing (6:15 PM):** Prior to making adjustments to the 2017 Budgets for General Fund and Capital Project
10 Fund to improve additional area in the Cemetery by increasing the GF Prior Year Funds revenue from \$0 to
11 \$50,000; and increasing Transfer Expense Capital Projects Fund from \$0.00 to \$50,000; and increasing the CPF
12 Revenue – Transfer from General Fund from \$0.00 to \$50,000; and increasing CPF Expense – Cemetery
13 Construction from \$0.00 to \$50,000; a \$50,000 adjustment moving money received in prior years for Perpetual
14 Care, the City Council is holding a public hearing. The purpose of the public hearing is to provide an opportunity for
15 anyone interested to comment on the adjustments before action is taken. The City Council invites you to attend
16 the hearing in order to offer your comments.
17

18 Discussion

- 19 • S Bankhead provided an overview identifying that Providence has been planning to improve and expand
20 the cemetery for several years. Our sexton, Shane Hansen, feels that due to the current number of
21 spaces now left available for sale, it is time that we begin our next phase of expansion in the cemetery.
22 The current balance in the perpetual care saving account is approximately \$293,000. This is money that
23 has accumulated over time that we have not moved forward. No new money is being used for this project
24 so this is not an increase. The cost to increase spaces available, install sprinklers, complete grading, add
25 extension of the roads and turf installation should come in under \$50,000. The funds for this project are
26 available but have not been moved forward because the need to use these funds until now was not there.
27 The transfer involves two funds. The revenue still goes into the General Fund at the time it is received
28 and when we get ready for a project; we move it from the General Fund into the Capital Projects Fund.
29 Again, this is not new money meaning it is not an increase; it is money we already have. Once we move it
30 into the Capital Projects Fund from the General Fund, it is identified as prior year revenue in order to not
31 claim it again as revenue. It is taking money we received over the years for perpetual care in the General
32 Funds moving it out of the General Fund into the Capital Fund and then putting it in the expense item of
33 the Capital Fund to make the improvements that are now needed to the cemetery. Are there any
34 questions?
- 35 • J Baldwin asked if there was an estimate of the number of lots sold or burials per year that would allow us
36 to determine based on the current property we own whether the cemetery and the space available will
37 continue to serve us for another 20 years or do we see an end in sight that is maybe near enough that we
38 may need to look for additional space.
- 39 • S Bankhead responded that the improvement will make another 1,000 spaces available for sale. This
40 leaves two undeveloped acres that can be used in the future for an additional expansion when needed
41 and our sexton, Shane Hansen, feels that this does provide sufficient space. The current number of burials
42 is averaging around 45 to 55 per year. Although this is certainly not an immediate need, it would be wise
43 that in the future, perhaps 10 years or so, if there is a parcel of property that you feel would be a good
44 location it would not necessarily be a bad idea to take it into consideration. The property size required for
45 another cemetery would be approximately 10 to 15 acres and this can be an expensive acquisition, so it is
46 something to keep in mind.
- 47 • Mayor mentioned that the Mayor of River Heights, Jim Brackner, expressed an interest in combining
48 cemetery space with Providence. It was just a friendly discussion and we will keep you up to date on that.
- 49 • J Baldwin commented that this current expansion and the additional two acres left to expand into will
50 more than cover us for quite a few years into the future.
- 51 • J Drew asked if we might consider offering cemetery maintenance services for River Heights.
- 52 • R Sneddon asked Scarlet a question about finance and if there were restrictions applied to these funds

1 and the guidelines on how funds are transferred and allocated for expenses.

- 2 • J Drew commented that funds are only moved into Capital Projects on as needed project by project basis.
- 3 • S Bank responded by explaining we do not expense these funds unless it is qualified expense. This is in its
4 own saving account so it can be allocated as needed so not all expenses qualify as a capital project.
5 Revenue deposited directly into the perpetual care account which is part of the general funds is setup, for
6 transparency purposes, as its own separate account. We use that fund for the day to day operating and
7 the expense of the cemetery and other uses for example just as we are doing now to expand and improve
8 the cemetery. We follow the required accounting process and that process has met with auditor's
9 approval.
- 10 • Mayor commented that the city may have to have so much there in order to maintain the cemetery
11 through many years and we could review state regulations on it.
- 12 • S Bankhead commented that she felt that it is always good practice to check and review state code. We
13 follow the generally accepted accounting principles and the budget requirements for state code and we
14 are as transparent as possible. We expense things to the various funds as the expenses occur rather than
15 once a year charging an administrative based on a percentage and transferring at that point of time.
16 When we make capital purchases in which all the funds are going to participate in we expense that to
17 every fund at that point in time which is what we did when we did the building. It came out of several
18 funds because all departments use it. That type of expense is charged on a percentage usage basis. How
19 we have accounted for these funds have always met with the auditor's approval but I will review the state
20 code.
- 21 • J Drew added that as Scarlet mentioned the auditors read our minutes and there is a reason for this.
22 When a transfer occurs like the one we are discussing tonight, they review the minutes and confirm that
23 the council followed state code accordingly. The auditor reads our minutes as part of the review to ensure
24 proper procedures were followed and the funds were used as stated.
- 25 • Public Hearing closed. 6.58pm

26
27 **Business Items:**

28 **Item No. 1. Presentation:** Utah Local Government Trust will present the TAP Award

- 29
- 30 • Jason Waterson from the Utah Local Government Trust provided a brief summary on how and why the
31 trust was formed, what services it provides to cities why Providence City is receiving the TAP Award and a
32 check for \$1,880.10. Following is the presentation.
- 33 • The Utah Local Government Trust is a subdivision of the state. It is a Public Agency Insurance Mutual. Back
34 in the 70's local governments could not get insurance on the private market and we were organized as a
35 pool. We partner with you along with over 550 other local governments around the state to basically
36 insure against losses both from a general liability standpoint such as workers compensation, property so if
37 you have a claim against the city that you owe, we pay that out of those funds. If you do not owe that
38 claim, if it is something you are not responsible for we vigorously defend you in those cases and my part
39 of the trust is I am the loss prevention manager. My job is to keep you out of trouble. Keep all the local
40 governments out of situations through training and through visits to obtain risk assessments, and work
41 with you to identify potential risks to the city as well as identify ways to mitigate those risks. A few years
42 ago we sat back and said what type of program could we push out to our members that offer incentives to
43 those members to help them avoid the most common and costly losses we have. What is the most
44 common and costly liability loss for local governments and the state? Automobile losses are number one.
45 Sewer backup is the second most common loss. We build a program around this call TAP, the Trust
46 Accountability Program. How can we build accountability in the program as it pertains to liability and
47 safety? We built in some requirements along with some carrot sticks to help bring you along. The most
48 important part of that is to have an active Safety Committee. A group that gets together on a regular basis
49 and looks at risks. Risks not only to the city and its employees but for safety of the community in general
50 also. As far as automobile liability, once a month we send you out a report listing all your drivers'
51 information. Do they have a valid driver's license and what kind of citations do they have on their record.
52 If you see there might be a problem, you coach them and mentor them. It is really being actively involved

1 in mitigating your risk. I would like to present the Trust Accountability Award to the city of Providence.
2 Along with the award is some money in the form of a check for \$1,880.10. This is a percentage you receive
3 back on your liability premium. We are also giving you significant discounting on your worker's
4 compensation premiums. As you know there is no margin in workers compensation but the more years
5 you are involved in TAP, the more your discounting you receive. Less than 20 percent of our members
6 receive this award so you are in really good company there. I want to thank Skarlet, Rob and the staff for
7 all their efforts in preventing those big losses that can occur and big thanks too goes to city council
8 members because here is something that you have identified as a problem. Congratulations Providence
9 for receiving the TAP reward.

10
11 **Item No. 2. Resolution 040-2016 Budget Adjustment:** The Providence City Council will consider for adoption a
12 resolution adjusting the 2017 Budgets for General Fund and Capital Project Fund to improve additional area in the
13 Cemetery by increasing the GF Prior Year Funds revenue from \$0 to \$50,000; and increasing Transfer Expense
14 Capital Projects Fund from \$0.00 to \$50,000; and increasing the CPF Revenue – Transfer from General Fund from
15 \$0.00 to \$50,000; and increasing CPF Expense – Cemetery Construction from \$0.00 to \$50,000; a \$50,000
16 adjustment moving money received in prior years for Perpetual Care.

17
18 **Motion made to adopt resolution 040-2016 budget adjustment transfer of \$50,000 to be used to improve**
19 **additional area in the Cemetery –R Sneddon, second-J Baldwin**

20 **Vote**

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

22 **Nay:** None

23 **Abstained:** None

24 **Excused:** None

25
26 **Item No. 3. Resolution 041-2016 General Plan Amendment:** The Providence City Council will consider for a
27 resolution amending the Providence City Moderate Income Housing element of the General Plan with the intent of
28 amending the plan to reflect the current and future needs of the city. In approving the moderate income housing
29 element, the city council will consider the Legislature's determination that cities facilitate a reasonable opportunity
30 for a variety of housing, including moderate income housing to meet the needs of people desiring to live there;
31 and to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood
32 and community life.

33
34 **Motion made to approve resolution 041-2016 General Plan amendment to the Moderate Income Housing**
35 **element of the Providence City General Plan–J Drew, second-J Baldwin.**

36 **Vote**

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

38 **Nay:** None

39 **Abstained:** None

40 **Excused:** None

41
42 **Discussion**

- 43 • J Baldwin confirmed that the only changes being made are those identified in red.
- 44 • S Bankhead responded that some of the demographics were updated but in regard to any policy change
45 the only aspect that changed was in the paragraph identified.
- 46 • J Baldwin confirmed that the city will review this every two years to ensure we are meeting state code.
- 47 • Extensive comparisons between SFL and SFT were discussed by council members.
- 48 • S Bankhead reviewed the report. In the demographics section, it identifies that the medium income
49 household in Providence is \$64,561 which is \$1,594 above the area (Cache County) income in which the
50 medium income is \$50,367. Given these figures, 5.3% of households in Providence earn less than or equal
51 to 30% of the area medium, 5.7% earn between 30 -50% , 16.3% earn between 51-80% of the area
52 medium income 12.9% earn between 81-100% of the area medium income. This tells us that land values

1 in Providence stay pretty stable. Providence has been fortunate and if you are a landowner in Providence
2 you have been fortunate because land values have maintained their value and 59.8% earn more than
3 100% of the area medium income. In conclusion, we are talking about households that earn less make up
4 27.4% of Providence's population. To put it in perspective even further, projections identified that 500
5 housing units are needed by 2020 which is only four years away. This does not mean 500 houses, but
6 units for example, townhouses, condos and the like. So, if we are going to meet the exact standards, 30
7 units would need to be extremely low income, 27 units would need to be affordable to low income and 77
8 units would need to be affordable to moderate income. Out of the 500-530 roughly 150 should fall into
9 moderate income levels. This leaves 450 of those units that would have to fall into the moderate or lower
10 income levels. It is important to keep the percentage in mind to keep our perspective that this report,
11 even at the state level, does not require us to change a huge area. We just have to be mindful that we
12 allow for an environment that will place the type of density needed to meet the current affordable
13 housing needs and if necessary change to allow for more affordable housing. In our policy states that it
14 has been and will continue to be the intent of the city to not limit the development of residential housing
15 within the incorporated area of the city. The physical environment, geography zoning etc. will place some
16 restrictions on the type and density of any residential development to meet current and future affordable
17 housing needs and to protect current residential property owners zoning codes/ordinances will be
18 evaluated as need to protect existing property owners first and then allow zoning requests to be
19 presented to the council for consideration of other types of affordable housing. The planning commission
20 will review the future zoning map, the area regulations and the usage regulations to ensure that
21 Providence City is providing reasonable opportunities for a variety of housing including moderate income
22 housing. This is our policy.

- 23 • Council Members proceeded to discuss various zoning options and how each impacts the city's ability to
24 successfully accommodate moderate income housing needs of current and future households in
25 Providence.
- 26 • Mayor Calderwood suggested taking this up further with the Planning Commission and integrating with
27 them.

28
29 **Item No. 4. Exception to the requirements of Title 11 Subdivision Regulations Chapter 4 Design Standards**

30 **Section 1 Standards and Specifications:** The Providence City Council, acting as a Land Use Authority, will consider
31 for approval an Exception to the requirements of Providence City Code 11-4-1 by varying the typical street cross-
32 section in the proposed Providence Estates Subdivision. The Developer is requesting the asphalt width be reduced
33 from 39-feet to 37-feet and that the sidewalk width be increased from 5-feet to 6-feet.

34
35 **Presentation of new information**

- 36 • Todd Hendricks presented new information that was not submitted to executive staff and Planning
37 Commission with his initial request that he believes would have a significant impact regarding the
38 Hillsborough subdivision because it may warrant a justification and allow consideration of an update to
39 the standards and specifications. As I have always understood, City Council wants Providence to be
40 congruent with Cache County and other cities as much as possible. Todd passed out copies of a two-page
41 report on road classifications in Cache County and surrounding areas. Following is a summary of some of
42 the information identified.
 - 43 ○ Roadway classifications are determined by type of roads: major (freeway or arterial) road,
44 collector or distributor roads, feeders and residential streets.
 - 45 ○ Residential road have the lowest speed limits and carry the lowest load of traffic.
 - 46 ○ Classifications in surrounding areas (Cache County, Nibley and River Heights) are based on traffic
47 and volume flows.
 - 48 ○ Providence's road classification is based on length of street and number of lots on that street. It
49 has nothing to do with traffic volume and flow. To qualify as a feeder or residential street, the
50 street must be 53 ft. in length and have eight lots.
 - 51 ○ The roadway in question at the Hillsborough subdivision does not fall into to any specific
52 category or classification.

- Comparable roadways in surrounding areas vary: Cache County and Nibley is 66 ft. Millville is 62, River Heights is 56 ft.
 - Providence’s collector specification, not the feeder street is 66 ft. as well.
 - Right of ways are very similar but the asphalt width varies: Cache County is 34 ft. wide, Nibley is 35 ft. wide, Millville is 35 ft. wide, River Heights 30 ft. wide.
 - In comparison, Providence is 39 ft. which is 4 ft. wider than the widest surrounding roads.
 - According to research reviewed, wider roads are actually more dangerous for children to cross and encourage or exasperates speeding.
- Todd Hendricks concluded by saying I would present to you that in the best interest of residences and to be consistence with other towns, you may want to consider an ordinance change. In this case a subdivision that is caught between, unable to be classified as either a collector or a feeder, I ask that a variance be approved in this case that would allow the developer to move forward. Any questions?
 - J Baldwin commented we have exempted ourselves from those same codes to save money and here is an individual asking us to vary a road to make it more uniform with the existing community. I do not see anything wrong with making the request. I do not support approving exceptions because you open a door that is not easily closed. This is not unreasonable and we may need to revisit our ordinances to see if we need to reevaluate the widths of the streets. An exception will allow them to move forward in the meantime or we can do away with approving an exception by reviewing the ordinances directly to evaluate the impact of changing specifications.
 - S Bankhead commented that she really did not think the debate is about whether the road is wide enough or not. The question proposed is whether the council is going to grant an exception and on what grounds. Taking this into account, it is a compelling argument as to why the ordinances may be reviewed and possibly changed. Providence has been criticized for allowing developers to determine the rules. I appreciate all the research Todd is presenting but it is a compelling argue to consider reviewing the ordinances but not as an exception.
 - Todd commented that the compelling part is how you are categorizing the street.
 - J Baldwin asked if Max, the city engineer, had reviewed this and if so what were his views were on it.
 - Rob responded yes, they have had long discussions about it.
 - S Bankhead commented that what the issue really boils down to is parking cars on both sides of the street. The 39 ft. of asphalt allows for two 12 foot travel paths which is 24 ft. You can find arguments in which travel paths can be 10 ft., but 12 ft. works well because we have large vehicles with mirrors that stick out an additional 18 inches so in our area we look at 12 ft. for the travel path thus when we are doing a partial street waiting for development to come they put in 24 ft. of asphalt for two lanes of traffic to be able to pass and we don’t anticipate cars parking on the side when we do. So if you have 24 ft. of asphalt, it leaves you 15 ft. left over that is 7 ½ ft. on each side if we rob from the gutter pan for the additional 18 inches to make 9 ft. then you’ve got a nine foot area for parking. Our standard parking stalls are 9 ft. wide. The 9 ft. for parking still leaves you 6 inches for water to flow in the gutter and that is the reason as to how we arrive at 39 ft. of asphalt.
 - J Drew commented that he agrees with everything that Skarlet said because it is consistent everything he has read on city government and land use when it comes to talking about city ordinances and exceptions. The right way to handle this when a developer comes to the city and requests a variance or an exception is to change to the ordinance. The city must seriously consider whether there is merit to the request. In this case perhaps it does warrant more discussion.
 - K Allen concurred that if given new information that we did not have when the ordinance was written that would warrant changing the ordinances, then we review the ordinance for any possible changes needed.
 - Roy Sneddon commented that he believes what the problem is, is that we are comparing a street in the old area to the streets in the new area and they are not the same at all.

Motion made to table the request for an exception to the requirements of Providence City Code 11-4-1 in the proposed Providence Estates Subdivision requesting the asphalt width be reduced from 39-feet to 37-feet and the sidewalk width increased from 5-feet to 6-feet for review purposes. –J Drew, second-J Baldwin

1 **Vote**

2 **Yea:** K Allen, J Baldwin, D Giles, J Drew
3 **Nay:** R Sneddon
4 **Abstained:** None
5 **Excused:** None
6

7 Discussion in response to motion.

- 8 • S Bankhead commented that she hopes the developer understands that this does put the process on
9 hold. I do not disagree with the motion. I just want to be sure that developer understands.
- 10 • Robert Brown commented that it does put the developer in a hard spot. As you said, they could move
11 forward with the current ordinance or wait to see if the ordinances are amended but this means
12 spending more time and money. If a variance is approved, you can change or revise the ordinance at a
13 later date.
- 14 • Todd Hendrickson asked how long would a change of ordinance take.
- 15 • S Bankhead responded that it is difficult to determine how long a change would take and added that not
16 all the developers would want to spend the money for wider sidewalks. There are also other subdivisions
17 in the process of being developed and changing the ordinance will affect them.

18
19 **Item No. 5. Discussion: The Providence City Council will discuss deer within the City limits.**

20 **Discussion**

- 21 • Ivan Christensen commented that he just wanted to expose the deer problem that they have that has
22 existed for some time now. They are a problem. I am asking the city council to help get rid of these deer.
23 There is a herd in Spring Creek Hollows and another in River Heights area.
- 24 • Mayor commented that the deer belong to the State of Utah and there are restrictions. If we want to call
25 the herd, we have to go through the state of Utah. The cost to do this is \$300.00 to \$700 dollars per deer.
26 We would need to get approval to kill them.
- 27 • D Giles commented that North Logan harvests 150 deer a year.
- 28 • J Baldwin asked if Utah provides traps.
- 29 • Mayor responded that the council we will pursue the issue.
- 30 • Ivan Christensen commented that the trouble occurs in the winter.
- 31 • Gloria Fisher commented that a discovery in deer meat sleeping disease may be an additional topic.
- 32 • Ivan Christensen responded to that comment by stating the deer are free from that disease currently.

33
34 **Item No. 6. Code Amendment Ordinance 2016-020: The Providence City Council will consider for adoption an**
35 **ordinance amending Providence City Code Title 5 Chapter 9 Off-Highway Vehicles including but not limited to**
36 **the following: amending the definition of adult supervision, amending prohibiting snowmobiles from operating**
37 **in the city right-of-way.**

38
39 Discussion

- 40 • Bob Bissland commented that the problem is with snowmobiles in a residential zone located at the mouth
41 of the canyon right next to his house and presented a video he recorded of the snowmobilers coming in
42 and out of the canyon.
- 43 • Video was watched at the meeting.
- 44 • J Baldwin commented that the video makes it obvious what a nuisance this would be day in and day out.
- 45 • Mayor commented that the noise exceeds the decimal level.
- 46 • Bob Bissland commented that the sheriff suggested signage because he felt this could resolve the
47 problem and it could also be identified as a nuisance.
- 48 • K Allen remarked that the police could ticket and ask Stan to put more than just a yellow banner up at the
49 location and a sign on the road.
- 50 • Bryan remarked that the issue does not occur day in and day out. This was a big snow day. If the
51 snowmobilers were able to get in and get out and the roads were plowed, the issue would not have
52 occurred.

- 1 • K Allen replied that no one wants to close the canyon down.
- 2 • Bob Bissland commented that this was not a big snow day, and though it is not every day, it is happening
- 3 on a fairly regular basis, four out of seven days and we have snowmobilers coming in from all over. It is
- 4 not just people in Providence. We had a hugh rig show up with eight snowmobiles on it. Sheriff Jenson
- 5 said until there are signs posted, nothing could be enforced.
- 6 • J Drew commented that residences do have a right to enjoy peace and quiet. There should not be any
- 7 parking in that area at all because it is too narrow. It sounds like it should be a simple solution.
- 8 • Laura Fisher commented that this is a zoning issue and in accordance with that residential zoning in the
- 9 area it should not be a problem. Some of the drivers said their trucks were not equipped to drive them
- 10 into the canyon. It is woefully inappropriate in a residential area.
- 11 • Rob Stapley add that it is very dangerous to drive a truck in that area and it is not our road to maintain. I
- 12 did not have that much trouble getting in and out though because Stan Checketts allowed parking in the
- 13 north parking area.
- 14 • J Baldwin commented he believes that there are ordinances about the noise level and posting signs that
- 15 identify no parking, loading or unloading may resolve the problem.
- 16 • Brent Freed asked how wide the road was in that area.
- 17 • Laura Fisher replied that the road was 15 feet.
- 18 • Brent Freed commented that although he does not like the Harleys driving through at 1 a.m. nor does he
- 19 not like the guy building his house at 7 a.m., the question is, are they breaking the law.
- 20 • There was further discussion on signage and compliance issues at the mouth of the canyon.
- 21 • J Baldwin discussed portions of West Yellowstone's City Ordinances addressing snowmobiles and
- 22 suggested that council review it, and for Council to possibly consider adding a section specific to
- 23 snowmobiles to our ordinances.

24
25 **Motion made to approve for adoption an ordinance amending Providence City Code Title 5, Chapter 9, Off-**
26 **highway Vehicles to amend the definition of adult supervision, amend paragraph 5-9-3:B1, B2, B3,**
27 **Supervision for operators under the age of 16, and remove proposed amendment to prohibit snowmobiles**
28 **from operating in the city right of way. –K Allen, second-J Drew**

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

34
35 Changes specifically identified are as follows.

- 36
- 37 1. Add the word "or".
- 38 5-9-3: Operation of OHV's on Providence City Streets
- 39 B. 1 -Operators age 16 and older must have in their possession a valid state driver's
- 40 license/learner's permit or Utah OHV Education Certificate for OHV type they are operating.
- 41 2. Add the word "and", remove "be accompanied by an adult".
- 42 5-9-3: Operation of OHV's on Providence City Streets
- 43 B. 2 -Operators under the age of 16 must have in their possession a Utah OHV Education Certificate
- 44 for the OHV type they are operating and ~~be accompanied by an adult~~ is under adult supervision
- 45 (see definitions in this Chapter).
- 46 3. Add the word "or".
- 47 5-9-3: Operation of OHV's on Providence City Streets
- 48 B.3 Golf carts may be operated with a valid state driver's license or learner's permit.
- 49 4. Remove all proposed changes to J and return to original definition as follows.
- 50 5-9-3: Operation of OHV's on Providence City Streets
- 51 J. Snowmobiles may be operated on Providence City Streets when sufficient snow is present to
- 52 preclude damage to roadways and shoulders by snowmobile's steering propulsion systems.

1
2 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

- 3
- 4 • Skarlet Bankhead submitted the invoice register as of August 2016.
 - 5 • Rob Stapley reviewed the Staff Report of August 13, 2016 and provided status updates on current road projects.
- 6

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

10
11 **Executive Session Notice:**

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

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

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

18
19 **Motion made to adjourn City Council meeting of September 13, 2016. -J Drew, second- K Allen.**

20 **Vote:**

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

22 **Nay:** None

23 **Abstained:** None

24 **Excused:** None

25
26 **Motion made to enter into executive session by J Baldwin, second by J Drew.**

27 **Vote**

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

29 **Nay:** None

30 **Abstained:** None

31 **Excused:** None

32
33 Agenda posted the 9 day of September 2016

34
35 Meeting adjourned at 9:45 p.m. Executive Session adjourned at 10:30 p.m.
36 Minutes recorded and prepared by K. Merrill.



43
44
45 

46
47 Don W. Calderwood, Mayor

48


Skarlet Bankhead, City Recorder