

1 **Providence City Council Meeting**  
2 **Providence City Office Building**  
3 **15 South Main, Providence UT**  
4 **Monday, February 27, 2006 6:00 p.m.**

5 **Call to Order:** Mayor Simmons

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

7 Attendance: Mayor: Randy Simmons

8 Council: Kathy Baker, Stacie Gomm, (Deon Johnson-Excused), Ron  
9 Liechty, Trent Rasmussen

10 City Administrator/Recorder: Skarlet Bankhead

11 Public Works Director: Randy Eck

12 **Pledge of Allegiance:** Ron Liechty **Opening:** Kathy Baker

13 **Members of the Providence City Council will be attending Rural Water Associations**  
14 **Annual Conference; therefore, a quorum will not be available on Tuesday, February 28.**

15 **The Providence City Council will hold an emergency council meeting on Monday,**  
16 **February 27, 2006. The Providence City Council will begin discussing the following**  
17 **agenda items at 6:00 p.m. Anyone interested is invited to attend.**

18 Mayor Simmons explained this meeting is considered an emergency meeting because it is not  
19 being held on a regularly scheduled meeting date.

20 Mayor Simmons suggested the Council amend the agenda for the meeting to include public  
21 comment.

22 Motion to amend the agenda to include public comment – S Gomm, second – R Liechty,

23 Vote: Yea: Kathy Baker, Stacie Gomm, Ron Liechty, Trent Rasmussen

24 Nay: None

25 Abstained: None

26 Excused: Deon Johnson

27 **Public Comments: The City Council will hear comments from the public. There will**  
28 **be a three-minute time limit per person and an overall time limit of fifteen minutes for**  
29 **the Public Comments portion of the agenda. All comments are to be directed to the**  
30 **City Council. State law prohibits the City Council from taking action on a specific item**  
31 **unless it appears on the posted Agenda**

- 32 • Linda Goetze, 157 South 100 East, felt the timing was off for the annexation  
33 proposal. She felt the decision should be delayed because the City's ordinances are  
34 being reviewed and revised and the Providence Highlands water transfer decision is  
35 still pending. She explained if the Council voted yes, the staff is required by state  
36 code to address the issues in the annexation policy plan. She felt if the Council voted  
37 no, waiting until the water question is resolved, would save time.
- 38 • Laura Fisher, 1590 Canyon Rd., explained she understood the regularly scheduled  
39 meeting could not be held because some members of the Council were going to Rural  
40 Water. She felt the Council should have known in advance. She felt the legal  
41 requirements for noticing had not been met. She felt such late notice erodes citizen  
42 moral. She felt the moral had been fairly poor and did not feel an emergency existed.  
43 She did not feel she, as a citizen, had time to prepare to address the Council on the  
44 issues being discussed to make sure the Council had adequate documentation. She  
45 did not understand the City Code for annexation and did not know if the City had an  
46 annexation policy plan.

- 1 • Roger Dahle, 745 Canyon Rd., thanked K Baker for notifying him of the meeting.  
2 He felt the developer was required to notify adjoining property owners – he has not  
3 received notice. He questioned if Redstone Development was a registered company.
- 4 • Deanne Vanderford, 500 Edgehill Dr., has been a resident for 35 years. She felt the  
5 meeting was about a subdivision involving 200 plus homes.
- 6 • Darcy McEvoy, 875 South 400 East, stated she did not understand why the City was  
7 considering anything without an engineer’s recommendation for water. She  
8 questioned if the annexation proto call was being followed. She felt the Council was  
9 ignoring laws and ramming things through. She felt a confrontational attitude had  
10 been established. She felt homes should be developed in an esthetically pleasing way  
11 allowing for water and open space.
- 12 • James Johnson stated he works in the environmental consulting field. He stated he  
13 has friends in UDOT that feel Providence has some of the worst roads in the state of  
14 Utah. He felt this annexation would increase the population by 200 homes; the roads  
15 are not adequate. He is also a geologist; he was concerned about water; the cycle had  
16 been declining. He felt an environmental assessment should be required; not just for  
17 water but also animal life.
- 18 • Richard Eames, 98 East 400 South, wanted to know which council member he should  
19 talk to regarding road concerns. Mayor Simmons stated R Liechty could discuss road  
20 issues.
- 21 • Rich Guy, 531 Edgehill Dr., expressed concern about holding an emergency meeting.  
22 He felt the meeting should have been postponed. He felt the roads were bad and did  
23 not feel more homes were needed. He also felt there was a confrontational attitude  
24 between the Council and citizens.
- 25 • Mayor Simmons explained a petition for annexation was received; state code required  
26 it be considered at the next regularly scheduled council meeting, after waiting at least  
27 10 days from the filing date. R Liechty decided late last week he would be going to  
28 Rural Water and Stacie Gomm had recent surgery, putting the availability of a  
29 quorum at risk for Tuesday the 28<sup>th</sup>. Mayor Simmons further explained had a  
30 meeting been held and a quorum not been present the petition would have  
31 automatically been accepted for further consideration.
- 32 • S Gomm read Utah Code 10-2-405. Acceptance or rejection of an annexation  
33 petition -- Modified petition. (1) (a) (i) (A) A municipal legislative body may: (I)  
34 except as provided in Subsection (1)(b) and subject to Subsection (1)(a)(i)(B), deny a  
35 petition filed under Section **10-2-403**; or (II) accept the petition for further  
36 consideration under this part. (B) A petition shall be considered to have been  
37 accepted for further consideration under this part if a municipal legislative body fails  
38 to act to deny or accept the petition under Subsection (1)(a)(i)(A): (I) in the case of a  
39 city of the first or second class, within 14 days after the filing of the petition; or (II) in  
40 the case of a city of the third, fourth, or fifth class or a town, at the next regularly  
41 scheduled meeting of the municipal legislative body that is at least 14 days after the  
42 date the petition was filed.
- 43 • Darcy McEvoy felt no one was talking about the water. Mayor Simmons explained  
44 during the next six months a committee will be formed, including Doran Baker, to  
45 discuss the water. Mayor Simmons explained Hillsborough had poor water pressure  
46 because it was on a dead end line. It has nothing to do with the amount of water is  
47 had to do with the dead end line.
- 48 • R Dahle reported his water pressure was poor.

1 **New Business:**

2 **Item No. 1. Resolution 06-020. The Providence City Council will consider for**  
3 **adoption a resolution accepting “for further consideration” a petition for annexation**  
4 **filed by Redstone Development, LLC in behalf of Checketts Farm, LLC for a 42.90**  
5 **acre (+/-) property consisting of Parcel No. 02-114-0005 and Parcel No. 02-114-0030.**  
6 **The property is generally located northeast of 755 Canyon Road.**

7 Mayor Simmons read the proposed resolution. He explained none of this is Stan Checketts’  
8 property.

9 **Motion to approve Resolution 06-020 – S Gomm, second – R Liechty,**

- 10 • Jamie Gull, Redstone Development LLC Managing Partner, stated it was not the  
11 development’s request to change the meeting. He also received notice of the date  
12 change on Friday, February 25. J Gull explained his firm is in the business to make  
13 money on each development; but at the same time they understand they will impact  
14 the lives of current and future residents of the City. They want to address the needs  
15 and opportunities of the community.
- 16 • J Gull stated they are a registered business with the State of Utah. He will provide a  
17 copy of the paperwork to confirm such.
- 18 • J Gull explained they notified the affected entities as required by State Code. He  
19 notified the following: Cache County Corporation, Cache County School District,  
20 Cache Metropolitan Planning Organization, Cache Valley Transit District, Logan  
21 City, Logan School District, Logan Transit District, Millville City, and River Heights  
22 City.
- 23 • S Gomm explained notification of property owners is required in a County of the  
24 First Class.
- 25 • Mayor Simmons explained the Council is not annexing the property tonight. They  
26 are deciding if the process should be started. The notification the City Code refers to  
27 will be sent as required during the annexation process should it be started.
- 28 • S Gomm explained in previous decisions regarding annexation, she realized  
29 annexation means control. She realized the community at large feels annexation  
30 means more development and she understands their concerns. However, it is possible  
31 this property could be annexed to Logan City. J Gull explained they are not  
32 interested in going to Logan. S Gomm continued to explain that annexing property  
33 means the City can control what happens to the property. She would like to start the  
34 annexation process to see the impacts. She explained previous properties have  
35 looked at going to other cities.
- 36 • Mayor Simmons explained the subdivision plat process does not begin until after the  
37 property has been annexed in as Agricultural. Then the applicant can request a change  
38 to a residential zone; if the rezone is granted; the plat approval process begins.
- 39 • S Gomm explained the rezone is the key – the Council can annex and then deny a  
40 rezone until the Council feels it benefits the health and welfare of the City to change  
41 the zone.
- 42 • D McEvoy felt if the property was annexed, there would be more pressure to change  
43 the zone. R Liechty and S Gomm explained there is no pressure because the  
44 requirements, such as water and access, are spelled out in the annexing ordinance.
- 45 • Ned Miller, 480 North 400 East, asked if annexed, if this property would fall under  
46 the temporary zoning regulation prohibiting changing Agricultural zones to  
47 Residential. The Council explained this would be under the temporary zoning  
48 regulation and a rezone would not be considered until the regulation is lifted.

- 1 • T Rasmussen felt the water issues needed to be resolved before considering any more
- 2 annexations. S Gomm and R Liechty explained the developer will have to prove
- 3 water availability before the zone is changed. The water must usable in the City's
- 4 culinary system.
- 5 • K Baker expressed concern that this property is on ground that has never had water.
- 6 She explained if the Highlands water transfer takes place, there may be extra water
- 7 for the City. R Liechty explained it is the developer's responsibility to get the water;
- 8 if the Council is not comfortable with the water sources they do not annex.
- 9 • J Gull explained they are looking at sources but negotiations are taking place and it
- 10 would be premature to discuss the sources. K Baker did not feel the City should
- 11 consider any more property. R Liechty explained he is concerned, if the City fails to
- 12 annex this property another City can annex the property and the City would lose
- 13 control. S Gomm felt the process may take a period of 2 years before the Council
- 14 will consider the development.
- 15 • K Baker asked if the City annexed the property and Logan wanted the property could
- 16 they take it without Providence City's permission. The Council explained both cities
- 17 must agree to a boundary line adjustment.
- 18 • J Gull reiterated they are not interested in going to Logan City.
- 19 • Marilyn Bell, 550 South 75 West, felt if this was in Providence City's annexation
- 20 policy plan, Logan City would not want the property.
- 21 • Gary Stauffer, 630 South 200 West, felt in the CELCO case Millville City received
- 22 so much pressure from the developer to develop, Millville asked Providence to take
- 23 the property. R Liechty explained Millville's Mayor Johnson is not totally please
- 24 with the loss of control.
- 25 • J Johnson asked if the property could be put into range land. Mayor Simmons
- 26 explained the City does not have a range land category.
- 27 • J Johnson reported he had reviewed a recent study showing Providence City has
- 28 excess water. He felt because of the amount of water the City currently has, the City
- 29 consider renting the water to other cities.
- 30 • K Baker explained Redstone is here to make money. She did not want to start the
- 31 process without having the water issue resolved.
- 32 • J Gull stated if the Council's intention is to annex and never change the zone; he
- 33 would request the City not annex the property. However, if the development obtains
- 34 the water as required by the City, he felt the City's annexation policy allowed for the
- 35 annexation of the property.
- 36 • R Liechty asked if the developer understood that without acceptable water the
- 37 property will not be annexed. J Gull felt this request should be treated similar to
- 38 recent annexations in which he understood that the property would be annexed, but
- 39 no home could be built until the water was provided.

40 Vote:        Yea: S Gomm  
 41                    Nay: R Liechty, K Baker, T Rasmussen  
 42                    Abstained:        None  
 43                    Excused:         D Johnson

44 **Item No. 2. Discussion. The Providence City Council will discuss the project options**  
 45 **for the RAPZ application.**

- 46 • Mayor Simmons asked for suggestions from the Council for a proposal on the
- 47 RAPZ application.

- 1 • Mayor Simmons reported he and S Bankhead had met with Robert Cruz to
- 2 discuss the possibility of phasing a trail from Von’s Park to the Quarry in the
- 3 Canyon; this would be a three year process. Mayor Simmons reported R Cruz
- 4 has submitted a letter of support to be included in the City’s RAPZ application.
- 5 Mayor Simmons explained the County has roughly two million dollars to
- 6 allocate.
- 7 • Mayor Simmons reported he contacted Bio-West who provided information
- 8 gathered for the Bonneville Shoreline trail. Mayor Simmons reviewed the
- 9 estimated pricing.
- 10 • The issues the City needs to consider are location. After reaching the end of the
- 11 trail in Von’s Park, the City may need to consider a 6 foot path along Spring
- 12 Creek Road (which has no sidewalk). L Fisher did not think there was enough
- 13 for a trail by her home; she felt the sidewalk would need to be on the south side
- 14 of the road.
- 15 • Mayor Simmons felt if the City could get to the mouth of the canyon in the first
- 16 year, then we would work with Division of Wildlife Resources and the Forest
- 17 Service on future phase in the Canyon.
- 18 • K Baker suggested following the power lines. Mayor Simmons explained that is
- 19 one of the options being considered for the Bonneville Shore Line trail. He also
- 20 explained the property under the power is privately owned.
- 21 • Mayor Simmons reported the RAPZ committee likes trails. He felt a trail
- 22 proposal would receive funding.
- 23 • The intention of this trail would be a walking/running trail.

24 Motion to have the Mayor write the proposal for the RAPZ tax for a trail – R Liechty, second  
 25 – T Rasmussen.

26 Vote: Yea: Kathy Baker, Stacie Gomm, Ron Liechty, Trent Rasmussen

27 Nay: None

28 Abstained: None

29 Excused: Deon Johnson

30 **Staff Reports: Items presented by Providence City Staff will be presented as**  
 31 **informational only.**

- 32 • No reports presented

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

37 Council Member Stacie Gomm

38 Communication Plan:

- 39 • S Gomm and R Liechty presented the following ideas and suggestions:
- 40 A direct line of communication between citizens and each individual council
- 41 member.
- 42 A direct line of communication between citizens and the Council as a whole.
- 43 A plan for council preparation for council meetings.
- 44 Promote the great things that have happened in the City.
- 45 • S Gomm explained she has web site where people can view blogs. S Gomm and
- 46 R Liechty are recommending each council member have a blog. She also looked
- 47 at costs; and felt they could be incorporated.
- 48 • T Rasmussen felt the ideas were brilliant.

- 1 • Jeppson, 85 East 100 South, expressed concern about communicating with people  
2 that are not computer literate. S Gomm explained the City would continue  
3 mailing the monthly newsletter.
- 4 • L Fisher suggested a study of how many residents own a computer. She felt  
5 computers may be cost prohibitive for some.
- 6 • L Goetze suggested publishing contact phone numbers for the Council.
- 7 • K Baker suggested a creating an email list of residents.
- 8 • D McEvoy suggested written correspondence could be put in the drop off box.
- 9 • S Gomm explained this will require a commitment from the Council to keep up  
10 their blog.
- 11 • S Gomm and R Liechty suggested council members become “communication  
12 liaisons” for the various aspects of the City. They suggested the following:  
13 Infrastructure – R Liechty, Commercial Development and Design Review – T  
14 Rasmussen, Planning and Zoning – D Johnson, Public Safety and Emergency – K  
15 Baker, Parks and Recreation – T Rasmussen, Communication and Technology –  
16 S Gomm
- 17 • S Gomm explained these are not task force committees – they are the liaison for  
18 the task force.
- 19 • This will be an action item on the next meeting.
- 20 • Bill Bagley, 520 East Center, asked about the time line to get the blogs running. S  
21 Gomm explained first this should be passed by the Council. In the meantime, she  
22 will look at a site for hosting. B Bagley asked if Planning Commission would be  
23 included. S Gomm felt that was a possibility.

24 Mayor Randy Simmons:

25 100 South (200 West to Hwy 165):

- 26 • Mayor Simmons reported the property owners on the east end of 100 South (west  
27 of 200 West) have marked a 45-foot cross-section. He explained the City does  
28 not have a 45-foot cross-section, but it could be considered in the up coming  
29 ordinance revisions. The owners met and increased their proposal from a 40-foot  
30 ROW to a 45-foot ROW. Mayor Simmons reported Mark Thompson will be  
31 working with a title company, he has requested a plat showing current ownership.

32 No additional council reports.

33  
34 Motion to adjourn – R Liechty, no second required.

35 Meeting adjourned at 7:40 p.m.

36  
37 Minutes taken and prepared by S Bankhead.

38  
39  
40  
41 \_\_\_\_\_  
42 Randy T. Simmons, Mayor

41 \_\_\_\_\_  
42 Skarlet Bankhead, City Recorder