

Minutes of the Salem City Council Meeting held on June 20, 2007 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor J. Lane Henderson

COUNCIL PRESENT:

Mayor J. Lane Henderson
Councilperson Lynn Durrant
Councilperson Brent V. Hanks
Councilperson Jeff D. Higginson

STAFF PRESENT:

Jeffrey Nielson, City Recorder
Chief Brad James, Police Chief
David Johnson, Public Works
Junior Baker, City Attorney
Bruce Ward, City Engineer

Excused:

Councilperson Stanley W. Green
Councilperson Terry A. Ficklin

OTHERS PRESENT

Camilla Simonsen
Larry Hansen
Lana Creer – Harris

Ed Ballard
Derk Palfreyman
Ashley Alamis

J. Reed Cornaby
Karen Palfreyman

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Councilperson Brent Hanks stated he would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Mayor Henderson invited those who would wish to participate, to stand and say the pledge of allegiance with him. He then led the pledge of allegiance for those who wanted to participate.

3. PUBLIC HEARING

OPEN

MOTION BY: Councilperson Brent Hanks to Open the Public Hearing.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (3-0).

a. **Amend Budget for Fiscal Year 2006-2007**

Mayor Henderson stated that the city has had an increase in revenue this year, mostly from taxes and permits. The overall change is about \$500,000. The revenues will cover a lot of the expenses that have also accrued, from hiring new employees in parks. Any remaining amount will go towards capital projects. Mayor Henderson asked if there were any questions from the public or council. There were no questions asked.

b. **Camilla Simonsen – Zone Change on Property at Approximately 1160 S 900 E. from A-1 to R-2.**

Mayor Henderson stated that this request does fit in with our general plan. It is 8.1 acres of property that is being requested for a change from A-1 to R-2. Mayor Henderson asked if there were any questions from the public or council. There were no questions asked.

c. **Kevin King – Zone Change on Property at 841 E. 1280 S. from A-1 to R-2.**

Mayor Henderson stated that this property is located next to Camilla Simonsen, and it also fits in with the general plan. The property is located by Harvest Ridge subdivision, just off of 750 East. Kevin King has five acres of property. Mayor Henderson asked if there were any questions from the public or council. There were no questions asked.

d. **Amend the Subdivision & General Construction Standards to allow a 60 Foot Road Cross Section under Certain Conditions.**

Mayor Henderson stated that this has been discussed in prior council meetings and work sessions. This amendment only allows the 60 foot road cross section under certain conditions. Attorney Baker stated that this is allowing the road change from 66 feet to 60 feet. Because the city may allow the smaller roads, the developer would be required to give the city the extra property else where, for example in a trail system. The developer would have to determine where the extra property would go in DRC (Development Review Committee). The developer would also have to get approval from Planning & Zoning and City Council. Mayor Henderson asked if there were any questions from the public or council. There were no questions asked.

e. **Ballard and Ballard West Annexation.**

Mayor Henderson stated that the Ballard annexations are being presented for final approval. It was stated that the buy out from SESD will need to be taken care of before it can be taken to the county to be recorded.

Mayor Henderson asked if there were any questions from the public or council. There were no questions asked.

Close

MOTION BY: Councilperson Lynn Durrant to Close the Public Hearing.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (3-0).

a. **Amend Budget for Fiscal Year 2006-2007**

MOTION BY: Councilperson Jeff Higginson to approve the Amended Budget for Fiscal Year 2006/2007.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (3-0).

b. **Camilla Simonsen – Zone Change on Property at Approximately 1160 S 900 E. from A-1 to R-2.**

MOTION BY: Councilperson Brent Hanks to approve Camilla Simonsen Zone Change request on Property at 1160 S. 900 E. from A-1 to R-2.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (3-0).

c. **Kevin King – Zone Change on Property at 841 E. 1280 S. from A-1 to R-2.**

MOTION BY: Councilperson Jeff Higginson to approve Kevin King Zone Change request on Property at 841 E. 1280 S. from A-1 to R-2.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (3-0).

d. **Amend the Subdivision & General Construction Standards to allow a 60 Foot Road Cross Section under Certain Conditions.**

It was stated that the approval of the certain condition would need to be approved by DRC, Planning & Zoning and City Council before the reduction in the road cross section could be approved.

MOTION BY: Councilperson Brent Hanks to approve the Amendment to the Subdivision & General Construction Standards to allow a 60 Foot Road Cross Section under Certain Conditions, as it must be approved by DRC, Planning & Zoning, and City Council, and the developer must demonstrate where and how the six foot (cross road is 66 feet, with approval will have 60 feet, the other six feet may be used elsewhere) will benefit the city.

SECONDED BY: jeff

VOTE: All Affirmative (3-0).

e. **Ballard and Ballard West Annexation.**

MOTION BY: Councilperson Jeff Higginson to accept the Ballard Annexation with proof that SESD buy out has been taken care of, and to zone as C-1 Zone.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (3-0).

MOTION BY: Councilperson Lynn Durrant to accept the Ballard West Annexation with proof that SESD buy out has been taken care of, and to zone as C-1 Zone.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (3-0).

4. DAVE GRANT – PRELIMINARY APPROVAL FOR SUBDIVISION AT 829 S. 300 W.

Bruce Ward showed on the map where it is located. Mayor Henderson stated that when it came before DRC, Dave was asked to straighten the boundary up. Attorney Baker stated that it meets our standard, and it would help the area out. He mentioned that Dave would be required to meet the canal company's standards for putting a driveway over the canal.

MOTION BY: Councilperson Brent Hanks to approve Dave Grant Preliminary for Subdivision at 829 S. 300 W.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (3-0).

5. DERK PALFREYMAN – PRELIMINARY APPROVAL FOR SUBDIVISION AT 710 E. 180 W.

Bruce Ward showed a map of the area and the subdivision that Derk is asking for approval, along with how the other portion of the subdivision (which is not being approved tonight), would fit in. The subdivision tonight is only for five lots. The first phase, the lot sizes are about 15,000 square feet. The other portion of the subdivision will be turned into a PUD, and would need to come before council before it is approved. Dave Johnson stated that they will also need to have an existing home removed in the area.

MOTION BY: Councilperson Jeff Higginson to approve Derk Palfreyman Preliminary Plat for subdivision at 710 E 180 W.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (3-0).

6. SALEM CAPITAL – PRELIMINARY APPROVAL FOR SALEM PARK PHASE 1-A, 1-B, & 1-C.

Mayor Henderson stated that this subdivision has been in the works for a while. Salem Capital has been really good to help us with the power situation, and with the beginning of a trail system. Bruce Ward showed the different phases, and where the town homes will be located, but they are not part of these phases to be approved tonight. With phase 1 (A, B, and C) there are 145 homes. Bruce stated that Salem Capital is asking for a PUD. There is 105 acres, less the 20 acres for town homes, leaves 85 acres, which 55 acres are available to build. With the PUD, and the 2.5 low end density allows 138 homes. They are required to have 10% for open space, and then they are having another 9 acres for parks and trails. Bruce talked about the architect design. Attorney Baker recommend to the council to really review the architect design.

Chris McCandless, Salem Capital, gave an update on the street lights, and how they are going to with the lantern look. He went over the CCR's for the development. He discussed the variety of homes, the sizes, and cost. He stated they are looking for variety of different homes. Talked about different garages, front porches, roof pitch, all of which are covered in the CCR's, along with the landscaping requirements, trees, recreation vehicles, setbacks, fencing, external material, and roofing material. He stated that they are working with Macarthur homes on the building of the homes, to make sure they met the CCR's.

Chris went over the items that DRC had questions and concerns with:

- 1. We need to have a sizing analysis completed for the Sewer pump station. We also need to include a "connector's agreement" in the amended development agreement for the increased sewer costs, pressurized line, pump station etc.*
- 2. Provide a design of the sewer line on the upper portion (phases IA and IB) of the project so that in the future, the upper portion can be connected into gravity feed system and thereby increase the pump stations capacity.*
- 3. Need to arrange a copy of the Bridge lantern specifications*
- 4. Include Street and Primary Trail Coordinates (include trail names) and lot addresses*
- 5. Call and find out if the post office will gang up the mailboxes or do individual home delivery*
- 6. Create a common driveway easement and design for the two lots accessing Main Street so that the homes when built face each other and will not need to back out of their drive ways onto Main Street.*
- 7. Obtain geotechnical recommendations from Earthtech to validate the 8" of sub-base as shown on the plans or change the plans to show 12" of sub-base.*
- 8. Clarify "liquefaction" comments for the site (specify which phases of the area has a liquefaction potential) and then submit construction methods of*

- remediation in the areas of concern. Also, disclose if there are any collapsible soils on the site. (Tyler)*
- 9. Further delineate the storm drainage overflow elements of the detention or retention basins. (Brett)*
 - 10. Work on resolving potential culinary water fire flows for the project. (Brett)*
 - 11. Find and resolve the easiest way to design and loop the power sources for the project (without a lot of bends and turns in the line). (Brett)*
 - 12. Work on or follow up with City Attorney on the 60'ROW cross section language/approval and amending the development agreement.*
 - 13. Prepare and modify the CC&R's and Design Guidelines for the project*
 - 14. Edit submittal letter and prepare a density bonus chart for Bruce Ward.*
 - 15. All corner lots need to have 8000 sq.ft. (lot 93 and lot 102) –*
 - 16. Make changes to all street cross-section details on all sheets showing the revised utility locations and other changes. Some of the sheets reflect this change already.*
 - 17. Show a note on the Final Plat and include a statement in the CC&R's that the surrounding properties have been and will continue to be used for agricultural and stock feeding operations. These operations could include early morning operations such as baling alfalfa using large farming equipment.*
 - 18. Place field fencing along the north and south boundaries of the project to prevent cattle and other livestock from getting into the subdivision.*

Chris stated that items 17 & 18 still needed to be completed. He is going to work with Keith Lyman for the stock fence and where to install it.

Dave Johnson had a question on landscaping, and the city will not issue an occupancy permit until the landscaping is completed. It was stated that they are receiving density bonuses for the landscaping. Councilperson Higginson had a question on roofs, and wanted to make sure there would not be any strange roofs. Chris stated that the professional manager of the CCR's will enforce all of the rules. Attorney Baker stated that if there is a violation with our ordinance or what is approved with the PUD, then the city would be concerned and take action, otherwise the home owner association would take care of the issues.

The council went over the PUD spread sheet, to see what density bonus would be allowed. Item A is Building Materials, the city can allow 10%, with the building material, and the council felt that they could allow 7%. Item B is Architect Design, the city can allow 5%, Chris felt that with the restrictions that are in place with CCR's that they should qualify. Attorney Baker stated that the ordinance talks about a theme, and he feels the council could give them some, but not all. The council allowed 2%. Item C is Active Recreation, the city can allow 10%. The council will allow 7% because of the trail system. Item D is Open Space, the city can allow 15%. Bruce read to the council the requirements for open space. They have just over 1 acre for open space, beside the 10% that has already been required. The council felt 5%. Item E is Landscaping, the city

can allow 5%. Bruce read the requirements for landscaping. The council felt 3%. Item F is Fencing, the city can allow 5%, but they do not qualify. Item G is Roof Pitch, the city can allow 3%. They do not qualify for it. Item H is Dwelling Size, the city can allow 2% for it. The council felt 1%. Item I is Garages, the city can allow 2%. They did not qualify for it. Item J is Front Porches, the city can allow 2%, they did not qualify for that. Item K is Special Features, the city can allow 7%. The council felt that with the special features, the fencing, and water features, they would allow 7% for it. Chris was wondering with any overage on the density bonus, if it could be given to another phase or developer. It was stated that it could not be transferred.

Bruce Ward went over the density bonus.

A.	Building Materials	7%
B.	Arch. Design	2%
C.	Active Recreation	7%
D.	Open Space	5%
E.	Landscaping	3%
F.	Fencing	0%
G.	Roof Pitch	0%
H.	Dwelling Size	1%
I.	Garages	0%
J.	Front Porches	0%
K.	Special Features	7%

This would allow them to have up to 188 homes, but they are only asking for 142.

Attorney Baker stated that in the motion, we are still waiting on the legal description for the R-5 zone. We need to have it, before they can proceed.

MOTION BY: Councilperson Lynn Durrant to approve the preliminary plat for Salem Park Subdivision, Phase 1 (A, B, & C), with the density bonus as it was discussed, and that we get the legal description for the R-5 Zone, and that all items for DRC have been met.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (3-0).

Chris McCandless discussed the trail system for the area that would benefit the city. His company has submitted an application for funding for trail system for the city. A resolution needs to be passed before July 16, 2007 before the application can be submitted to the state. It was suggested that the resolution be passed this council meeting, since our next council meeting will not be until July 18, 2007.

MOTION BY: Councilperson Jeff Higginson to support the Resolution for Salem City Park and Trail Way.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (3-0).

7. APPROVE BUDGET FOR FISCAL YEAR 2007-2008

Mayor Henderson stated that the budget was presented to the public and council last council meeting. Tonight we are asking for approval of the budget for fiscal year 2007-2008.

MOTION BY: Councilperson Jeff Higginson to approve the budget for fiscal year 2007/2008.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (3-0).

8. ORDINANCE ON PARK RULES

Mayor Henderson stated that last council meeting the council was asked for comments on this ordinance. He stated that some of the questions that have come up are on page 3, where it talks about the hours of the pond. Councilperson Hanks stated that with the pond closing at 11:00 p.m. it would not allow fishing after that time. Chief James stated that the DWR right now closes the pond to fishing at 10:00 p.m. Councilperson Hanks stated that the best time to fish for catfish is during the night. Mayor Henderson stated that we need to police the park, and need to have the rules in place. Chief James stated that with the High school coming we need to get the rules in place. Chief James stated that some of the other rules are that no loud speakers allowed, no littering, no animals- but would allow exceptions, for example the pet fair. Others include no alcohol, no ice fishing, can not catch grass carp, no jumping from the bridge, and no change in the boating regulations. There is a clause in there for emergency purposes.

Chief James stated that the current ordinance deals with parks, but feels we need something to deal strictly with Knoll Park. Heritage Park would be considered part of this ordinance. He also stated that most of the fishermen are from out of town.

There was a question about Pond Town Christmas music and would it be okay. It was stated that it would need to make sure it would be low enough to fall within the ordinance.

MOTION BY: Councilperson Lynn Durrant to approve the Ordinance for park rules.

SECONDED BY: Councilperson Jeff Higginson.

VOTE; Councilperson Durrant, Aye; Councilperson Higginson, Aye; Councilperson Hanks, Nay. Vote 2 Aye, 1 Nay. The vote does not carry, 3 votes are needed for an item to pass. Mayor Henderson stated that this item will be put back on the agenda.

9. BUSINESS LICENSES

a. Jan Sanderson – Custom Sewing

Jan Sanderson located at 1096 South 420 West would like a home occupation business license to do custom sewing jobs. It has been approved by all of the appropriate people.

MOTION BY: Councilperson Jeff Higginson to approve the business license.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (3-0).

10. RESOLUTION AMENDING PERSONNEL POLICY

Chief James stated that there is two parts to the change of the personnel policy. The first part deals with police officers, and how over time is calculated. Currently the police officers are required to work 43 hours before they get over time. Attorney Baker stated that the fair labor addressed this, and has allowed the 43 hours before police officers may get overtime. He also stated that we are one of the last cities around that still requires the 43 hours. The change is to allow police officers to be eligible for over time after they work 40 hours, just like the rest of the city employees. Attorney Baker stated the second part of the change addresses vehicle allowance.

MOTION BY: Councilperson Brent Hanks to approve the Resolution Amending the Personnel Policy.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (3-0).

11. APPROVE BACK HOE & SKID STEER LEASE AGREEMENT

Jeff Nielson explained that we currently have an agreement for a back hoe lease with Century. It is a yearly lease, that cost \$8,800 a year, and we get 300 hours of use. Each year we get a new back hoe. Wheeler has presented a nicer back hoe for \$7,500 and we get 700 hours for the year. We also had another bid from John Deer that was \$7,000 for 500 hours. Wheeler also has a Skid Steer for \$5,150 and 500 hours a year. The other two companies did not offer a lease option for a Skid Steer; you were required to buy the machine up front.

MOTION BY: Councilperson Brent Hanks to approve the lease for the back hoe and skid steer with Wheeler (CAT).

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (3-0).

12. APPROVE CITY SHOP PURCHASES

Councilperson Hanks stated that we are ready for cement work at the new shop. He stated that we have a bid from James Makal for \$10,800 for the cement work and cement. Also, the electrical is done, and ready to sheet rock the offices.

MOTION BY: Councilperson Brent Hanks to approve the cement work for the city shop.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (3-0).

13. APPROVE MINUTES OF JUNE 6, 2007

MOTION BY: Councilperson Brent Hanks to approve the minutes of June 6, 2007 as written.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (3-0).

14. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Lynn Durrant to approve the bills for payment.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (3-0).

15. PUBLIC SAFETY

Chief James thanked the council for their support on the personnel policy. He also stated that if the council has any questions or concerns on the park rules to come and talk to him. He stated that we need to look at a lot of different angles on this item. Really think outside the box.

Councilperson Higginson asked about allowing scooters and bikes at the ball park. He stated that there have been a few concerned residents asking about it. Chief James stated that we do not allow motor scooters at the parks. Councilperson Higginson stated that Spanish Fork does not allow bikes. Chief James stated he has not received any complaints about kids riding bikes at the park. Councilperson Higginson asked if Chief James could have some of his officers patrol the park and see if they have any concerns. Mayor Henderson suggested having Councilperson Higginson bring this topic up with the Recreation Board.

16. OPEN DISCUSSION

Mayor Henderson asked if there were any questions from the public. Larry Hansen stated that he has a question on the PI system. Will the city allow a vacant lot to get a hook up to the system. Bruce Ward stated that we have allowed others, but would charge what the contractor would charge for the cost of the installation. Larry also had a question about the PI, and is it going to be available at their location. Bruce Ward stated that right now it is not going to be available. Larry stated that they are being charged the hook up fee on their utility bill. Bruce stated that we would need to take it off their utility bill and give them credit for what has been charged.

COUNCIL REPORTS

17. MAYOR J. LANE HENDERSON

Mayor Henderson stated that there is an employee meeting scheduled for Friday the 22nd to tell the employees about the pay range that Albert has established.

Nadene and Jon Cope are looking for suggestions for the Grand Marshal for Salem Days.

Still concerned about the rodeo Arena and is Payson City doing their part. Also the concern about the tractor is not getting deep enough when tilling up the dirt. The other day they had barrel racing, and eight horses slipped, because under the layer of dirt it is clay, and it is like glass. We need to get it fixed, so we can dig up that clay level.

18. COUNCILPERSON LYNN DURRANT

19. COUNCILPERSON TERRY A. FICKLIN

20. COUNCILPERSON STANLEY W. GREEN

21. COUNCILPERSON BRENT V. HANKS

22. COUNCILPERSON JEFF D. HIGGINSON

Councilperson Higginson reported that we still need to get net up on the north end of the ball park (Loafer View Recreation Complex) to protect the homes from the balls that are hit. The other thing is the park was designed to have a walking path around it. That still has not been done. Both items could be completed and funded by recreation impact fees. Dave Johnson stated that the path, there might be a concern with the Dunn's, because a

retaining wall would need to be built behind their home. Mayor Henderson thought that the Dunn's have been talked to regarding the wall. We will have to check into that and see. Councilpersons Higginson and Hanks both thought that the construction company doing Foothills Elementary (Abe Dietz) agreed to pour the cement for the new storage building. The problem is that the construction company has left, and not sure if the Nebo School District will still agree to it.

23. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

24. BRUCE WARD, CITY ENGINEER

Bruce Ward reported that the city has hired Chris Averett to take over the water. He is doing a great job with it.

Bruce also stated that our sewer lagoon system has received some awards. He stated that we have a great lagoon system, and it is running very well right now. Also, Homeland Security is doing an inventory on different chemicals. Because we have a lagoon system and we have chlorine, it is part of the inventory. The report is an 80 page report, and it will cost a little bit of money to get into compliance for Homeland Security.

25. ATTORNEY S. JUNIOR BAKER.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Brent Hanks to adjourn city council meeting.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (3-0).

MEETING ADJOURNED AT: 9:15 p.m.

Jeffrey Nielson, City Recorder