

Minutes of the Salem City Council Meeting held on April 20, 2005 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:30 P.M.

CONDUCTING: Mayor Randy A. Brailsford.

COUNCIL PRESENT:

Mayor Randy A. Brailsford
Councilperson Lynn Durrant
Councilperson Dale Boman
Councilperson Terry A. Ficklin
Councilperson Dale R. Wills

STAFF PRESENT:

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

Mayor Brailsford excused Councilperson Stanley W. Green.

OTHERS PRESENT

Bill Young
Doris Hawkins
Kathy Rawson
Mark Hanks
Sam McVey
Bruce Ward
Betty Diamond
Trevor VanNosdel

Roger Brinkerhoff
Joel Pendleton
Jace Adams
Annette Hanks
Connie McVey
Lani Emmich
Ross Diamond

Spencer Hawkins
Mike Rawson
Merrill D. Black
Jeannie Hanks
Darrell Miller
Mark Emmich
Randall Adams

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Brailsford asked if anyone would like to give a motivational or inspirational message. Spencer Hawkins stated she would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Mayor Brailsford invited those who would wish to participate to stand and say the pledge of allegiance.

3. PUBLIC HEARING

Open

MOTION BY: Councilperson Lynn Durrant to open the public hearing.

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (4-0).

1. Darrell Miller – Conditional Use Permit for Twin Home on the Southwest Corner of 100 N. Main and a Subdivision Waiver.

Mayor Brailsford turned the time over to Darrell Miller. Darrell stated he owns the property on the southwest corner of 100 North Main, and explained where the property is located. The council stated that they did have maps of the property. Darrell stated that on the property that is facing 100 North, he and Randy Adams would like to build a twin home. Randy will be the builder for the twin home. Darrell stated that neither he nor Randy is planning on retaining it or renting it, but they would probably end up selling the twin homes. He is looking at selling the other lot, or building a single dwelling home on it. Randy has built some other twin homes in Salem and they are very nice. The ones that he has built are by Larry Stone's Shop, and Sweetbriar Cove. This twin home would have stucco and rock on the outside.

Councilperson Ficklin stated that Planning & Zoning did review it, and stated what their recommendations were. Planning & Zoning recommended approving the subdivision waiver for two lots but suggested that the twin home lot not be approved. The ordinance states that two single family houses are between twin homes and it would not be the case for this location. They felt that that area is already saturated with duplexes (twin homes) and did not want to see another one on this block.

Spencer Hawkins stated that he feels the city should stick with the ordinance as it is written. Like Planning and Zoning, the area is already saturated with twin homes. He feels there is no need to put another twin home.

Mike Rawson stated, as a neighbor, the way the ordinance is written is to prohibit neighborhoods from being over saturated with twin homes. There are already a lot of twin homes in the area. He knows that Randy does build nice homes, but he feels that they will eventually be turned into rental units. He stated the property on the other corner could be turned into a twin home lot as well. If that is the case then the area would really be over saturated. Mike stated, as a representative of Planning and Zoning, that the property is big enough to put two single dwelling homes facing east. He feels that would be the best for that property.

Darrell stated that he is sympathetic to the neighbor's feelings. When he started looking at the area they were debating between putting up a couple of modular type homes or build twin homes. They felt that the twin homes would be better.

He stated that the comments are right about the homes and how they could end up as rental units. He can not tell what a future owner would do with the homes.

Spencer Hawkins was wondering why Darrell would go with a modular home, why they can't build a nice single dwelling home there.

Councilperson Boman stated in the ordinance it reads that the city council could wave the requirement to have two single dwelling homes between twin homes, if the owner could show special circumstances. He stated that DRC (Development Review Committee) mentioned the special circumstance would be that the property across the street (to the north) is zoned commercial. He was wondering how that would determine the property in question to be a special circumstance. Darrell stated that usually in a commercial zone, the property is a little denser. He felt that the twin home would go better in that area. He stated that housing is very expensive, and a twin home makes it a little easier to afford and to stay in an area. A lot of young couples starting out begin by renting.

Mayor Brailsford asked if there were any other questions from the public. There were no more questions.

Close

MOTION BY: Councilperson Terry Ficklin to close the public hearing.

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (4-0).

1. Darrell Miller – Conditional Use Permit for Twin Home on the Southwest Corner of 100 N. Main and a Subdivision Waiver.

MOTION BY: Councilperson Dale Boman to deny the Conditional Use Permit for a twin home, but to approve the subdivision waiver on the corner of 100 North Main.

SECONDED BY: Councilperson Dale Wills.

VOTE: All Affirmative (4-0).

4. RICHARD HANKS – PRELIMINARY PLAT OF HANKS ESTATES AT 575 E. 80 S.

Mayor Brailsford turned the time over to Richard Hanks. Richard stated that Mark Hanks would be explaining the plat. Mark stated that he would like to propose a nine lot subdivision with lots ranging from 0.3 acres to 0.6 acres with a cul-de-sac. He stated that Planning and Zoning and DRC have approved it. He showed the council where the plat is located. It is about a block west of Shady Lane. Mayor Brailsford asked the council if they had any concerns. Councilperson Wills was wondering if Mark was coming in for approval on the first nine lots. Mark stated that the subdivision will be in two phases. The first phase is lots 1 – 9. Attorney Baker stated that Mark is coming in for approval

on the full plat tonight. It was stated that the road for lots 10 – 13 would tie onto 50 North, which will be the new road.

Councilperson Ficklin stated that Planning and Zoning liked the new design of Hanks Estates being done in two phases. They had the same recommendations as DRC with moving the street light to the other side of the intersection and making sure that the water line meets the fire flows requirements. (Planning and Zoning Motion: Approve the preliminary plat of Hanks Estates at 590 E. 80 S. with the street light at the intersection being moved to the west side and the water line is tested for adequate fire flows when it is installed. Motion by DRC: Approve the preliminary plat of Hanks Estates with the conditions that the phases are distinguished on the plat; that the corrections are made on the plat changing the existing water line from 8 inch to 6 inch and the sewer line from 8 inch to 10 inch; move the street light from the east to the west side of the intersection; and meet the requirements of the construction & development standards as indicated by Aqua Engineering.)

MOTION BY: Councilperson Terry Ficklin to approve Richard Hanks – Preliminary Plat of Hanks Estates at 575 E. 80 S. with the recommendations and conditions of Planning and Zoning.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

5. BILL YOUNG – HARVEST RIDGE PLAT REVIEW PER ENGINEER

Mayor Brailsford turned the time over to Bruce Ward from Aqua Engineering. Bruce stated that he began working on the plat during the middle of the project, before that another engineering firm was working with it. Bruce stated that he has seen a concern on 500 East with some changes that were made that were not on the preliminary plat. Other issues are the cross section of the road; is it going to be part of the PUD or not? He felt that issue was over looked on the preliminary. He also raised a concern with the bridge and what should be done with it. There were some other minor changes made to the plat by DRC, but those changes are ones that DRC has the ability to make. But, because of the issue with the change on 500 East, he felt the council should be the ones approving the change. Bruce showed the preliminary plat and then the final plat map for the council to see the change. Bruce stated the council should also decide if the 500 East should be part of the PUD or not. His recommendations would be to have 500 East not part of the PUD and to take the jog out of the road. He also feels that the bridge needs to be a full right-of-way road, and mostly for safety purposes.

Bill Young stated that the idea of having the road curvy was to add some dimension to the road. When the preliminary plat was approved it was for a seven foot planter strip. He has done his best to get the property deeded over, but was unable to get Robert Nelson to deed the property over because of his yards landscaping. Because of that the road had to have a curve on it. He stated that from the beginning he wanted the road to be curvy, he feels that it is safer that way, people do not drive as fast. The planter strip was going

to have trees planted in it; this would give the area a nice residential feeling. He tried to get the road so it would work, and he does not feel that every road needs to be straight.

Bruce stated that the bridge should meet the 66 foot standard. Bill stated that he was okay with the bridge being the 66 foot along with the wider sidewalk and not have the planter strip on the bridge. Back to the road, to change the road so it is straight would be a problem because Robert Nelson did not want to participate. Councilperson Wills wanted to mention about the bridge. He attended a meeting with the county, and they stated that if there ever is federal funding for future improvements on a bridge, that if the bridge is less than 66 feet, we would not be able to get the help. Bill stated again that he had no objection to the 66 foot bridge.

Chief James stated that while sitting in DRC he was not sure about the curve in the road. When he went and saw it all staked out, he felt that it would be a concern. He said the speed limit would be 25 MPH, but people would still be driving along it faster, and with the slope of the road, he feels it would be a safety issue. He agrees with Bruce and feels it should be straighten out.

Dave Johnson stated that he has a different concern on the west side of the road, when that is developed and the developer does not do a PUD (right now for that property to qualify for a PUD another parcel would have to join the property), then the profile of the road would be different. The center line of the street would also be off. He feels that both sides of the road should be the same. Mayor Brailsford made the suggestion to look at changing the planter strip to three feet instead of seven.

Councilperson Wills stated he has the same concern. Eventually this road would connect to the road going to Woodland Hills. He is concerned that we would have one land owner do a PUD and the next one would not. He stated he appreciates what Bill wants to do, but when the road is all completed with developments, is it going to line up or be pieced together. Bill was not sure why the city could not require the other developers to do the same thing. It was stated the City Standards are different for a PUD than what they are for a regular subdivision. There was some discussion on curbs and difference between a rolled-back curb and a high-back curb. Councilperson Wills is still concerned about when you look down the road; is it going to flow together, or be pieced with the different looks. Bill stated he has tried to accommodate the city and land owners. He had to change the original plan because the plan did not involve 500 East. When the plan was to add the road, he tried to work with the land owners and to accommodate them, but it was not working out with Robert Nelson. Bruce Ward stated that an option would be to not move the Robert Nelson line and to have the property on Bill's piece be affected. It would make it so the last two lots may not be buildable.

Mayor Brailsford stated that the problem is that the original plat has changed from the time it was approved by the council. There was a concern and was determined it needed to come before council again. Bruce Ward stated the issues are the 500 East road, is it going to be part of the PUD or have the City Standards determine what the road needs to be. Mayor Brailsford stated that he would like Bruce to work with Bill's engineer to see

if there is a way so 500 East would not have the sharp curves in it. Councilperson Durrant was wondering if the item should be tabled, and then look at the two options of the PUD or the City Standards. Bill was wondering if he could start phase one because it does not affect 500 East, then look at working on the road and getting some of the issues worked out. Bill stated that he would be willing to give up some of the property to have the road work, but he would like to begin on the first phase. Councilperson Wills stated he understands where Bill is coming from, but we need to make sure the road is done right since it will be here for a long time. He stated he likes the idea, but to have the road go from a 38 foot, then to 44 foot, and then back and forth up the road, he does not like that idea Bill stated he agrees and feels that if he had to give up some of the property on the two lots to make the road better he would be willing to do that.

Dave Johnson stated that the different widths would be broken up by having intersections in those areas. The intersections would break up the road and absorbing some of the different widths.

MOTION BY: Councilperson Lynn Durrant to approve the modified plan showing the double curve in the road (500 East), but having the road longevity so it is not so abrupt on the curves, and being subject to approval from Bruce Ward and Police Chief Brad James.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

6. EASEMENT AGREEMENT WITH BILL YOUNG & HELEN CARLSON

Mayor Brailsford turned the time over to Attorney Junior Baker. Attorney Baker stated that this agreement is like the agreement signed last council with Robert Nelson and Bill Young. The council needs to give approval for the mayor to sign the agreement.

MOTION BY: Councilperson Terry Ficklin to approve the Easement agreement with Bill Young and Helen Carlson.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

Bill Young stated he needed to hand a document out to the council regarding issues with the Highline Canal Company, and an email from them stating why they do not want a fence on the canal. Mayor Brailsford asked if anyone was present from the Highline Canal Company, nobody was present. Mayor Brailsford stated that he will contact the Highline Canal Company and have them submit in writing why they will not sign off on Bill Young's Plat, and he will give them ten days to do it. When he receives the letter, he will then allow the council to review those reasons and determine if the canal company is being reasonable or not.

Attorney Junior Baker asked the council, regarding the motion for Bill Young, what they want done with the curb. Does the council want the PUD rolled-back curb or the high-back curb according to the standards? Bruce Ward stated that the standards for the city

are being reviewed, but to know that if the property next to Bill's could be developed before the standards are changed. The possibility of this is not likely. There was also some discussion on the difference between the rolled-back curb and the high-back curb, and it was determined the rolled-back curb is a lot better than the high-back curb. It was asked if a motion needed to be made for the rolled-back curb. It was stated that the plat is already showing the rolled-back curb, so there would not have to be a motion made.

Dave Johnson had one more question about the names of the streets. He has received a call from Vicki Bishop, who will be the realtor for Bill. She was wondering if there is a process that needs to happen to have the names of the roads changed. Attorney Baker stated that there is not a process and the names are changed all of the time.

7. APPROVE MINUTES OF APRIL 6, 2005

MOTION BY: Councilperson Lynn Durrant to approve the council minutes for April 6, 2005 as written.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

8. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Terry Ficklin to approve the bills for payment.

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (4-0).

9. PUBLIC SAFETY

Mayor Brailsford asked Chief James if he had anything for the council. He stated that one of the older fire trucks has a rusted water tank and is leaking water. The tank will need to be repaired, and the cost is about \$6,500. Fire Chief Todd Miles and Jeff Nielson have looked at the budget and felt there is money in the fire department budget to cover the cost. The company who will be repairing the tank will be Jarvis Welding.

10. OPEN DISCUSSION

Mayor Brailsford asked if anyone had anything for open discussion. Ross Diamond stated that he needs to ask the council for an extension on his business license for Diamond Grill. His license expires soon, and before he can renew it, he had to have the asphalt done on the parking lot and the curb and gutter completed. With the weather and his time limited, he has not been able to complete it yet, and was hoping to have an extension. He feels if the council was to allow him 45 more days he could have it

completed. Mayor Brailsford and the council will allow him until June 30, 2005 to have the improvements completed.

Mark Emmich stated he has purchased the older home on the corner of Main and Center. He was wondering about building a garage in the future. When he was looking at some standards it stated that a new structure added could not cross the plane of the existing building on the lot. Mayor Brailsford and Dave Johnson were not sure about that and it did not sound right. They told him to come in and meet with Dave Johnson with the plans to make sure it would be okay.

COUNCIL REPORTS

11. MAYOR RANDY A. BRAILSFORD

Mayor Brailsford reported that all of the flags have been moved from the front to the side of the building. All of our soldiers, who have been called out of reserves for the war, have all returned home safely. We are very proud of them and glad they are all home.

12. COUNCILPERSON DALE BOMAN

Councilperson Dale Boman did not have anything to report tonight.

13. COUNCILPERSON LYNN DURRANT

Councilperson Lynn Durrant did not have anything to report tonight.

14. COUNCILPERSON TERRY A. FICKLIN

Councilperson Terry Ficklin stated that the preliminary budget has been approved for the solid waste transfer station.

15. COUNCILPERSON STANLEY W. GREEN

Councilperson Stanley Green was excused from council meeting.

16. COUNCILPERSON DALE R. WILLS

Councilperson Dale Wills did not have anything to report tonight.

17. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Dave Johnson stated that there is a problem with Robert Nelson and Bill Young. The two were going to work on the side walk for 500 East together with their subdivisions. Robert feels that it will be a while before Bill Young is ready with his portion. Robert is wondering if he can work on his portion so he can get his second phase completed. The council agreed to have Robert work to 600 South and get his portion taken care of.

Dave also wanted to report on the treatment plant this last year. In the past the treatment plant has received NOV's (Notice of Violations) in the months of February, March, and April. This last year we have put barley straw in the last lagoon. Our numbers have been very low this year, so that we will not receive a NOV. The new equipment has also helped in the process.

18. ATTORNEY S. JUNIOR BAKER.

Attorney Baker stated that with SB 60 on Land Use Development and Management Act Amendments; the law will require some changes, but will not really make any changes to our process. The big change is that the council will need to create an appeal authority. The appeal authority will do away with the board of adjustments. He recommends that the council be the appeal authorities. If the council will be the appeal authorities, then the council would not be allowed to have someone be on the Planning and Zoning Board. With this, some changes will have to be made in the future; he wanted to briefly let the council know about this law.

CLOSE CITY COUNCIL MEETING

MOTION BY: Councilperson Terry Ficklin to close city council meeting.

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 8:45 P.M.

Jeffrey Nielson, City Recorder