

Minutes of the Salem City Council Meeting held on December 12, 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 Jeff D. Higginson
Councilperson Brent V. Hanks
Councilperson Stanley W. Green

STAFF PRESENT:

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

Councilperson Terry A. Ficklin (arrived later)

OTHERS PRESENT

Erman Stone
Mallory Byrnes
Brandon Hunt
Daniel Meyer
Joel Bascom

Lana Creer-Harris
Ron Rydman
William Davis
John Bascom
Scott Walters

Dennis Wilkinson
Alan Curtis
Swade Sanderson
Leif Wilde
Morris Crisp

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Councilperson Lynn Durrant stated she 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

MOTION BY: Councilperson Stanley Green to open the public hearing.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

A. Alan Curtis – General Plan Amendment at 8252 S 1200 W. from C-1/I-1 to Commercial & Residential.

Mayor Henderson stated that Alan Curtis is asking for a General Plan amendment, for property at 8252 S 1200 W. Dave Johnson showed on the map where it was located. The property is located west of Olson Greenhouse. Councilperson Lynn Durrant asked if this is the item that was brought before council before. Attorney Baker stated that it is, but it has changed a little bit after going to DRC and Planning & Zoning, also Alan Curtis was not present at that council meeting and he is present tonight.

Alan Curtis stated that he has been working on this for a while with Wilson's and Meacoms. They have worked with Bruce Ward, and other city staff, to come up with a plan that would work with commercial zone and also residential in the area. Both DRC and Planning & Zoning have recommended the request.

Mayor Henderson asked if there were any questions from the public or council.

B. Nelson Taylor – General Plan Amendment & Zone Change on Property at 1291 S. 420 W. from R-2 to R-1

Mayor Henderson asked if Nelson Taylor was present. He was not. Mayor Henderson stated that Nelson Taylor has a lot in an R2 zone, and would like to change the lot to R-1, so he can divide the lot. His request has been to DRC and Planning & Zoning, and both denied the request. He is the developer of the subdivision and made that lot bigger for himself. The minimum lot size for R-1 is 10,000 square feet and R-2 is 15,000 square feet. If Nelson were allowed to divide, the one lot would be 11,542 square feet and the other lot 12,927 square feet. Mayor Henderson stated that when the subdivision was built it was built as an R-2 and that is what people bought into the subdivision for.

Mayor Henderson asked if there were any questions from the public or council.

C. Land Transfers

Dave Johnson showed on the map where the two land transfers were. Mayor Henderson stated that both have become a garbage drop off. Councilperson Green stated that it would be good to have someone take over them and clean them up. Mayor Henderson stated that both properties do not benefit the city, and would make sense for the property owners to have them.

a. Ross Diamond at 248 W. Center Street

It was stated that Ross Diamond would be required to maintain it, and keep it looking nice.

b. Gus Carlson and KD Car Wash at 534 N. 320 E.

Dave Johnson stated that when the subdivision was created, it left a small triangle piece of property that was deeded to the city with the subdivision. Gus would have the condition to put up a vision barrier fence. Dave Johnson stated that Gus was hoping to put up a chain link fence with slats in it, even though it is not technically a vision barrier. It was stated that a chain link with slats would work, and to maintain the property.

Dave Johnson stated that both Ross and Gus are accepting of the conditions, but Gus is asking for a year to have the fence up. Councilperson Durrant was wondering about requiring Gus to take down the old fence. It was stated that it could be part of the condition.

Mayor Henderson asked if there were any questions from the public or council.

D. Electric Impact Fees

Dennis Wilkinson from Comlink (Engineering firm who did the electric impact fee study) presented the update to the council. He stated that the last update was done in 2006. The reason for the new study is that the additional transformer that will be added to the substation has allowed an increase in growth. The new study shows that the impact fee will decrease. Dennis went over some items from the study; he went over the action plan, looking at the new loafer substation, and the addition to arrowhead substation. He also compared the new impact fee study with the old one.

Ron Wrideman stated that, on behalf of the many homeowners, he wanted to thank the council for allowing a new study to be done and to allow the decrease in the impact fee.

Councilperson Lynn Durrant stated that SUVPS (South Utah Valley Power Systems) is trying to set up an agreement with Waukesha, the company who builds transformers, to get good deals on transformers.

Mayor Henderson asked if there were any questions from the public or council.

E. Salem City RDA – General Plan Amendment and Zone Change on the Back part of the Property located at approximately 761 N. SR 198 from R-2 to C-1

It was stated that the property, which Salem City deeded to the RDA a couple of council meetings ago, is zoned R-2 and C-1. The RDA is requesting that all of the property be changed to C1.

Mayor Henderson asked if there were any questions from the public or council.

F. Granting Money to Salem City RDA

It was stated the amount of this grant is \$250,000. Attorney Baker stated that the money will be used as an incentive to encourage the business to come to Salem. The money will not be given all at once; it will be given as needed, or requested, by the RDA. This is allowing the city to grant the money.

Mayor Henderson asked if there were any questions from the public or council.

MOTION BY: Councilperson Brent Hanks to close the public hearing.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

A. Alan Curtis – General Plan Amendment at 8252 S 1200 W. from C-1/I-1 to Commercial & Residential.

MOTION BY: Councilperson Lynn Durrant to approve Alan Curtis request for General Plan Amendment for Property, at 8252 S 1200 W, from C-1/I-1 to Commercial and Residential, as it is shown by the map that was presented to the council.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

B. Nelson Taylor – General Plan Amendment & Zone Change on Property at 1291 S. 420 W. from R-2 to R-1

Bruce Ward stated that, in DRC and Planning & Zoning, there were some neighbors who expressed their concerns. They felt that they had bought into the R-2 Zone, and feel that it should not be changed. He stated that the general plan for the surrounding area is R-2 Zone.

MOTION BY: Councilperson Jeff Higginson to approve the request from Nelson Taylor, for the General Plan Amendment & Zone Change, on Property at 1291 S. 420 W, from R-2 to R-1.

SECONDED BY: Councilperson Stanley Green.

VOTE: Councilperson Jeff Higginson; Aye, Councilperson Stanley Green; Aye, Councilperson Lynn Durrant; Nay, Councilperson Brent Hanks; Nay. (2 Aye, 2 Nay). Mayor Henderson stated with the tie vote, he would need to vote. Mayor Henderson voted Nay. The request will be denied.

C. Land Transfers

1. Ross Diamond at 248 W. Center Street

MOTION BY: Councilperson Brent Hanks to approve the Land Transfer to Ross Diamond, at 248 W. Center Street, with the condition that he would be able to put a sign there. It would need to be landscaped (rocks would be okay), and that it would need to be kept up, and not become a weed patch.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

2. Gus Carlson and KD Car Wash at 534 N. 320 E.

MOTION BY: Councilperson Stanley Green with the condition that Gus installs a vision barrier fence (note council agreed to allow chain link with slats) within a year on his portion. KD Car Wash, since their portion is so small, it has already been asphalted and ties in with their property.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

D. Electric Impact Fees

MOTION BY: Councilperson Lynn Durrant to approve the impact fee study as presented by Comlink, and by Ordinance 121207.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

E. Salem City RDA – General Plan Amendment and Zone Change on the Back part of the Property located at approximately 761 N. SR 198 from R-2 to C-1

MOTION BY: Councilperson Stanley Green to approve the RDA Zone change request on the property located at approximately 761 N. SR 198 from R-2 to C-1.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

F. Granting Money to Salem City RDA

MOTION BY: Councilperson Brent Hanks to approve Salem City granting money to Salem City RDA and to be dispersed as needed.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

4. ADJOURN TO RDA MEETING

MOTION BY: Councilperson Lynn Durrant to Adjourn City Council Meeting and enter into RDA Meeting.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

5. RESUME REGULAR CITY COUNCIL MEETING

6. DERK PALFREYMAN – AMENDING RANCH MEADOWS PUD AGREEMENT

Bruce Ward stated that Derk Palfreyman is doing a subdivision which qualified as a PUD. He has already received final approval on Phase 1 of the subdivision. He is now working on phase 2, and has been approved for preliminary approval. Since that time he has come back and made the request that the city help participate in the park of his subdivision. With a PUD, Derk is required to give the city 3 acres in improved land for a park. The park he is given will be 3.8 acres, which also includes a retention basin. Some of Derk's justification is that the markets have changed and he is concerned, with all of the agreements they have committed to the city, that they will not be able to afford them. So he is asking for participation from the city with the park. Bruce stated that with the PUD, the city can not help with park but could help with the parking lot. DRC requested that the park be bonded for with phase 2 bonds, and that it be completed before phase 3 is approved. DRC felt that the improvements that the city can participate in are putting the road base, laying asphalt, painting the asphalt, and curb & gutter. Bruce stated that if the council approves this, they will need to be specific on what the city will participate on.

Bruce mentioned that when a PUD request comes in, and the park is approved, it would be hard to have the developer come back and do a regular development to where the city would lose the park. With the PUD the city is getting the improved park. Mayor Henderson feels that if the city participates, the council should require Derk to put in the road base, and get the parking lot ready to lay the asphalt. The city would participate in laying the asphalt, striping, and putting curb & gutter.

Bruce stated that Derk is going to put in a commercial grade play ground in for the park. He stated that the park will be very nice; Derk has done a great job in designing it.

MOTION BY: Councilperson Stanley Green to approve Derk Palfreyman request for amending PUD agreement for Ranch Meadows Subdivision, and that Salem City participate in the parking lot for the park located within the PUD, by laying Asphalt, Striping the parking lot, and installing Curb & Gutter around the parking lot, the developer is to put the road base down and do all of the prep work for parking lot to be asphalted.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

Councilperson Terry Ficklin arrived 7:55 p.m.

7. ASHLEY JOHNSON – UTILITY BILL LATE FEES

Jeff Nielson explained that Ashley Johnson came to the city wanting her late fee taken off. Ashley was not present at council meeting.

MOTION BY: Councilperson Brent Hanks to deny the request to have the late fee waived for Ashley Johnson.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

Councilperson Durrant feels that we need to look at the late fee, and see about lowering the fee. Mayor Henderson stated that this could be done when the budget is approved in July.

8. AGREEMENT WITH NEBO SCHOOL DISTRICT ON SCHOOL USES

Mayor Henderson stated that the council has received a copy of the agreement. Councilperson Ficklin stated that Nebo School District approved the agreement in their meeting the other night. Mayor Henderson stated that when they were going over the agreement there was some discussion about putting lights at the tennis courts, and if the city would participate in that. The school does not use the tennis courts during the night; it would be used by the city. Since this discussion he has received a lot of calls about it, and most of those people who made the calls are present tonight. He asked them if they had any comments on the issue.

Ralph Hughes stated that there are a lot of tennis players from Salem that have to go elsewhere to play tennis. Mayor Henderson stated that we used to have tennis courts, but they were torn down to make room for the new civic center. Ralph stated that there are all different ages and families who play tennis. Many of the younger tennis players go on to play tennis for the high school team. He stated that the school would use the tennis courts during the day, and then allow them to be used by the residents at night.

Amanda Daniels talked about the tennis program in Spanish Fork and how there is a need for one in Salem, especially with the new high school.

The question was asked about getting power out to the tennis courts. Dave Johnson stated that he understood that the conduit was already out there, and would not be hard to run the wire. He thought that the cost would be about \$45,000 to get the lights to the tennis courts.

Attorney Baker stated that this agreement tonight is not about the lights at the tennis courts, but is the agreement to allow the city the use of Nebo School District facilities,

and the district the use of Salem City facilities, and what the city can do for the district to compensate some of the other uses of the district facilities. Gary Warner stated that he has been working on the agreement for a while, and feels good about the agreement.

MOTION BY: Councilperson Jeff Higginson to approve the Agreement with Nebo School District on School Uses.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

9. APPROVE PLAY GROUND EQUIPMENT

Dave Johnson stated that he has talked with the council about this, and originally presented one that was just under \$10,000. After talking with the company and explaining where it would be located (Loafer View Recreational Complex), they felt that for just a little bit more money, the city could get a studier one, which is built a little better. The base poles are bigger. The prices for the play ground equipment were 50% off the original price. The city crew would have to build it and install it though. Councilperson Higginson stated that Spanish Fork has one like the one we would like to get, and feels it is sturdy enough and that it would be a good deal. There was discussion that the recreation impact fees would be able to pay for it.

MOTION BY: Councilperson Jeff Higginson to approve the purchase of Play Ground Equipment from Garrett & Company in the amount of \$13,769, and to be paid by Recreation/Parks Impact Fee.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

10. APPROVE MINUTES OF NOVEMBER 20, 2007

MOTION BY: Councilperson Lynn Durrant to approve the minutes of November 20, 2007 as written.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

11. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Brent Hanks to approve the bills for payment.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

12. PUBLIC SAFETY

Councilperson Green thanks SEMA Captain Erman Stone, for the great work SEMA does. He works at the hospital, and stated that Salem Ambulance does a great job, and they do not have any problems with them at the hospital.

13. OPEN DISCUSSION

COUNCIL REPORTS

14. MAYOR J. LANE HENDERSON

Mayor Henderson reported that he received a letter from BYU Athletic Department, wanting to do a Salem Day at BYU Basketball. All tickets for Salem Residents would be a reduced cost; they would do recognition of someone at the game. The council felt that it would be a good idea. Mayor Henderson asked Councilperson Higginson to follow up on it, and reserve the dates.

He also reported that we have received a lot of money for the Sub for Santa, and also many people donating to the utility fund, which has been able to help many people out. He would like to thank all of those who help out.

Mayor Henderson stated that Jess Davis, who grew up in Salem, is doing very well in the National Final Rodeo this year. He feels we should recognize him somehow. Councilperson Hanks feels we need to put on the marquee how he does at the finals each day.

15. COUNCILPERSON LYNN DURRANT

16. COUNCILPERSON TERRY A. FICKLIN

17. COUNCILPERSON STANLEY W. GREEN

18. COUNCILPERSON BRENT V. HANKS

Councilperson Hanks reported that the light parade is on Saturday December 22, he would like the council to participate in it.

The parking lot at the new shop is having problems, we may need to dig some of the area out, and put in new fill. The ground down there is very wet.

Pond Town Christmas looks good; the guys have done a great job in making sure the lights are coming on.

Councilperson Durrant asked if the road crew could be sure to sand around Apple Blossom subdivision, especially by the church there.

19. COUNCILPERSON JEFF D. HIGGINSON

20. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Dave Johnson has had some request from residents about striping 460 west. Mayor Henderson asked if Councilperson Hanks would look into it, and even see if the State or County has equipment that would be able to stripe the road.

21. BRUCE WARD, CITY ENGINEER

22. ATTORNEY S. JUNIOR BAKER.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Brent Hanks to Adjourn City Council Meeting.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 8:40 p.m.

Jeffrey Nielson, City Recorder

