

Minutes of the Salem City Council Meeting held on February 21, 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 Terry A. Ficklin
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

Excused:

Councilperson Jeff D. Higginson

OTHERS PRESENT

Erman Stone
Chris McCandless
Garrett Seely
Marilyn Mitchell
Mike Lafontaine
Paige Marvin
Paul Tervort
Rudy Anderson

Rene Morris
Reed Cornaby
Shannon Badger
Nick Nelson
Austin Evans
Amy Bartholomew
Kody Kay

Bruce Farnsworth
Lucy Cornaby
Denise Jamsa
Robert Nelson
Natalie Nielson
Jennifer Bryan
George Rasband

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

Open

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

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

- a. **Robert Nelson – General Plan Amendment and Zone Change on Property at 1154 S. & 1274 S. 500 E. from R-3 to R-2 and a Zone Change on Property at 1280 S. 500 E. from A-1 to R-2**

Bruce Ward showed on the map where the property is located. He stated that the portion of the property that is already in the city is zoned as R-3, and the piece of property that is currently in the annexation phase is zoned A-1 or R-2. Bob is trying to get the two areas to be zoned R-2. This would match the surrounding areas. Bruce stated that DRC and Planning and Zoning both recommended the request.

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

- b. **Salem Capital LLC – General Plan Amendment and Zone Change on 20 Acres of Property at Approx. 875 Arrowhead Trail Rd. from R-2 to R-5 (Town Homes).**

Mayor Henderson turned the time over to Chris McCandless from Salem Capital LLC. Bruce Ward showed on the map where the property is located. Chris showed the public a small presentation of what the plans for the area would be. He showed some of the changes that were made to the area because the other development that they were working with was unable to get the land, so they had to make some changes to their development. Chris talked about the trail system that they are going to incorporate in their development. He talked about the different size roads that the city could use, and how the city could benefit from the road sizes by having a trail system to the side of the roads. This would change the roads from 66 feet wide to 50 feet wide and having a trail system that is 16 feet wide. He stated that they want to work with the city and help create a master plan for a trail system to go from their project, through the wet land area, and go up to Salem Pond. He stated that if this is something the council would want, he could come to a work session and bring his engineering firm that is helping with their trail system. Chris also showed the area that would be changing from R-2 to R-5 for town homes. The area is just a little less than 20 acres, and they will also be doing a four acre park with this phase. He showed some pictures of what the town homes would look like, and did a short summary of the development. He stated he is excited about the development.

Mayor Henderson asked if there were any questions from the public regarding the zone change request.

c. Ordinance Creating a C-3 Shopping Center Zone.

Mayor Henderson stated that this zone does not allow professional buildings; it would be for retail stores. He mentioned that we want the retail to dictate our city's growth. For council meeting tonight, this ordinance is only creating the new zone; it will not be assigned an area yet. Mayor Henderson asked if there were any questions from the public. Reed Cornaby asked about the area that was discussed last council meeting that the person proposed to have a shopping center on 1600 west and SR 198. Mayor Henderson stated that it was only for the area to proceed with the annexation process.

Close

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

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

a. Robert Nelson – General Plan Amendment and Zone Change on Property at 1154 S. & 1274 S. 500 E. from R-3 to R-2 and a Zone Change on Property at 1280 S. 500 E. from A-1 to R-2

MOTION BY: Councilperson Lynn Durrant to approve the General Plan Amendment and Zone Change on Property at 1154 South and 1274 South 500 East from R-3 to R-2 and a Zone Change on Property at 1280 South 500 East from A-1 to R-2.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

b. Salem Capital LLC – General Plan Amendment and Zone Change on 20 Acres of Property at Approx. 875 Arrowhead Trail Rd. from R-2 to R-5 (Town Homes).

MOTION BY: Councilperson Brent Hanks to approve the General Plan Amendment and Zone Change on 20 Acres of Property at Approx. 875 Arrowhead Trail Rd. from R-2 to R-5 (Town Homes).

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

c. Ordinance Creating a C-3 Shopping Center Zone.

MOTION BY: Councilperson Terry Ficklin to approve Ordinance 22103A Creating a C-3 Shopping Center Zone.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

4. MAE WILSON – VARIANCE ON LOT SIZE AT 290 S. 200 E

Mayor Henderson stated that Mae Wilson is requesting a variance on her property. Jeff Nielson explained that Mae could not make it tonight, but wanted to come to the next council. Mayor Henderson mentioned that this has been postponed before, and feels that the council would like to make a recommendation. He stated that Mae needs to ask for a subdivision waiver on the property and not a variance. The subdivision waiver would allow the two lots to have the 10,000 square feet that is required, and would also allow the proper frontage needed. Mae would need to come and talk to the city staff to talk about what would be required for a subdivision waiver.

MOTION BY: Councilperson Brent hanks to approve the Mae Wilson request as a subdivision waiver, and not as a variance.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

**5. DALACO – PRELIMINARY PLAT APPROVAL FOR SKYVIEW
SUBDIVISION**

Bruce Ward stated that this has been through DRC and Planning and Zoning, both have recommended conditions for the subdivision. He showed where the property is located. He stated that the county has given the okay for the intersection at 1600 West and Canal Road. They would be required to pipe, and curb and gutter, along canal road where their subdivision fronts, along with the two lots that are not included in the subdivision. Along 1600 West they would be required to put a retaining wall, and on the north side of the development they would install a vinyl fence. They have gone through a lot of different reviews for this project. The final approval will only be given for 46 lots, because that is how many lots were presented to the city before the restriction was in place. Mayor Henderson asked Mr. Lafontaine, who lives to the north of the project, if he is okay with it, or does he still have some concerns. Mr. Lafontaine stated that they are okay with it, but still has a concern with the sewer. A representative from Dalaco stated that another issue has been that the residents to the north have felt they would be land locked. He stated that they have left a road open for them, if they decide to develop. We have tried to work with everyone and meet their needs. Mayor Henderson stated that they have gone the extra mile in working with the neighbors. Bruce Ward stated that this subdivision would be a PUD, and the lot sizes are about 10,500 square feet and above,

with a couple that are smaller. They have a variety of different lot sizes. Bruce then went over the PUD density bonus for them.

1. Garages – 2% (some will be 3 car and all will have a least 2 car).
2. Upgraded Building Material – 12.5 % (Brick, Stucco, Stone)
3. Roof Pitch – 2% (8/12 or better)
4. Home Size – 2% (1600 – 1700 square foot home)
5. Landscaping – 3%
6. Special Feature (fence along Elk Ridge Dr.) – 3%

This will give them 71 lots which is a gain of about 15 lots on a regular subdivision.

Reed Cornaby asked about a couple of the lots that are less than 10,000 square feet. Mayor Henderson stated that with a PUD, if they meet all of the requirements, they may have some lots smaller that what it is zoned for. Bruce Ward stated that because their sewer lines are going to be so deep, they have been willing to purchase some confined space equipment for the city. In some of the spots with the sewer will be 21 feet deep. Councilperson Hanks was wondering about the remaining portion of the canal, can we require them to fill it in. Attorney Baker stated that because it is not part of the subdivision, and it extends past their development, we can not require them to do that.

MOTION BY: Councilperson Lynn Durrant to approve the Dalaco – Preliminary Plat Approval for Skyview Subdivision, and that the PUD requirements are met and to allow the 46 lots.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

6. DOUBLE G DEVELOPMENT – SUBDIVISION WAIVER FOR 5 LOTS AT 300 N 200 E.

Mayor Henderson stated that this property is located behind the *Welcome to Salem* sign by the U-Check along the highway. It will have five lots, which would be allowed with the current restriction. Bruce Ward showed where the sewer and water lines are located on the map. Mayor Henderson introduced Garrett who is representing Double G Development. Councilperson Hanks asked about the lot sizes. Garrett stated that the smallest is 10,500 square feet. It is zoned for R-1. Bruce had a map showing the overall development and how it will hook together. Paul Tervort stated that this area is going to be a big problem with water, he would suggest doing the whole project at once, and get the proper drainage for the whole development, rather than doing pieces of it. He would suggest to the council to lift the restriction. It was also stated that there is a major phone line in the area. Bruce stated he has been working with Doug Smith, Salem Power, and the power lines will be underground. The environmental issues will be the developer's problem, and they would have to address it. They have had wet land people over to review the area, and they feel when the roads are done, it will help to eliminate the water problem.

Councilperson Hanks asked if Garrett has purchased the whole block. Garrett stated that they have, except for the Ottesens property.

Councilperson Ficklin was wondering about the master plan for the area, and if the roads will fit into the area. Bruce stated that the city already has the street dedicated, and that the streets will be alright. Councilperson Ficklin asked if the subdivision waiver is allowed, because of the utilities already being installed. Bruce stated that they will still have to meet the subdivision standards of the city. They will also be doing a plat map for the area, which the subdivision waiver does not require.

Councilperson Hanks was wondering if the sumps will be able to take on the water. It was stated that there has been a lot of discussion on this, and with the roads being high that the sumps will work. There is also a ditch that is piped which leads down to Norm Cluff's pond (400 North and Main) that will help with the drainage. Paul Tervort stated that people who live near that area now have problems with the water. He is concerned that 5 – 10 years down the road, Double G will be gone, and it will become the city's responsibility when the wet years come. Garrett stated he is aware of the water issues. He stated that a lot of fill will need to be brought in to raise the property up. Paul Tervort stated that there is also a natural spring in the area. Bruce stated that we are requiring that a Geo Tech study be done in the area. Reed Cornaby stated that the water table in that area goes north to the subdivision behind the carwash. The water will not go away, and the city needs to make sure that Double G builds accordingly.

MOTION BY: Councilperson Brent Hanks to approve the Double G Development – Subdivision Waiver for 5 Lots at 300 N 200 E as long as they do geo tech studies, and that the buildings are built according the recommendations of the studies.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

7. COMMUNITY CENTER REQUESTS

a. Karen Anderson – Piano Recital

Mayor Henderson stated that Karen Anderson is a piano teacher, and she is requesting the fee for the civic center be lowered for recitals and similar events. She has looked around at other facilities and has their costs. She is wondering about a different fee for recitals. Mr. Anderson, who was representing Karen, stated that the recitals last around one hour. It is a small impact on the use of the building for a recital. He would like to have the council consider lowering the cost, and feel they should not be charged the same as a wedding or family party.

There were a couple of other piano teachers present. They stated that they are willing to use the building Monday – Thursday, in the late afternoon or early evening. They would be very flexible and allow a wedding to take priority. Councilperson Hanks is concerned if we allow recitals, then what will happen in the future, as far as other

groups wanting to rent it. Mr. Anderson stated that this is a building for the community, and to benefit the community. He suggested maybe doing a tier system, and having a committee get some suggestions together, and look at the different cost. Paul Tervort was wondering about combining the groups and having one big recital. It was stated that it would be too long to have the combined recitals, there are too many students. At the Peteatneet in Payson, they charge \$400 for receptions, and \$50 for recitals.

Councilperson Durrant feels that the tier system might work for different functions. Councilperson Ficklin feels we need to come up with something, especially if the event does not have the same impact as other events. Look at renting it out on Tuesday or Wednesday when the building is not being used, and if a reception needed it then it would take priority.

Mayor Henderson stated that we have had a lot of different people come and request the use of the building. It has been a difficult decision for the council to make. He asked Rudy Anderson if he would head up the committee. Rudy stated that he would head it up and come up with some ideas for the council, and then present it to them. It was stated that the piano in the building is a very nice piano.

b. Bruce Farnsworth – AA Meetings

Bruce Farnsworth stated that the AA group of Salem is also looking for a place to hold their meetings. They have been going for about 25 years. They used to meet in the Lion's Club building until it was torn down, now they meet in Spanish Fork. They are not a profit making organization, but they are willing to do some community service to help offset the cost of renting the building. There are about 10 members that currently attend the meetings, which last about an hour, plus setting up and cleaning up.

Mayor Henderson stated that the council is not ready at this time to make a decision, but hope to have a policy in place in about a month or so, after hearing back from Rudy Anderson.

8. COMLINK

a. Engineering Arrowhead Substation

Councilperson Durrant stated that in order for us to have the infrastructure, for the second transformer that is going in at the Arrowhead Substation, we need to have some engineering work done. Comlink has come up with a price of \$41,000 to do the work. Bruce Ward stated that the transformer has been ordered, and we need to have the infrastructure built before we can install it. Councilperson Ficklin was wondering about the other transformer. It was stated that the other transformer will be at the

Loafer Substation, which has already begun the process. We are working with SESD on it. Comlink is also doing the engineering for it.

b. Mapping Electrical System

Councilperson Durrant stated that Comlink has also come up with a bid amount to map our electrical system through out the city. It would be a pay as we go. To start the process, they have asked for \$3,000. Impact Fees would pay for the mapping, and was part of the impact fee study. The estimated cost would be about \$6,000 a month.

Councilperson Durrant also suggested having the impact fees for electrical charged up front. When a development comes they would pay for all of the electrical impact fees before they could build any homes. This way we would have the money to pay for the improvements needed to support the development. Bruce Ward stated that we are having some studies done on it.

MOTION BY: Councilperson Lynn Durrant to approve Comlink to proceed with the Engineering for the Arrowhead Substation Transformer, and to proceed with the mapping of the cities electrical system, and pay as we go.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

9. RESOLUTION ESTABLISHING WATER RATES

Attorney Baker stated that before we can bond for the P.I. system, one of the requirements was to establish water rates for the P.I. and Culinary systems. He stated that the rates would not go into affect until the P.I. system is in place, which will be in the spring of 2008. If we need to change the rates before then, we can still do that, it would all depend on the cost of the project.

MOTION BY: Councilperson Terry Ficklin to approve Resolution 22107 Establishing Water Rates for the P.I. and Culinary systems.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

Bruce Ward handed out a rate comparison sheet, showing some of the other cities rates for their P.I. system.

10. ORDINANCE AMENDING THE SALEM CITY ON-PREMISE SIGN ORDINANCE IN THE C-3 ZONE.

Attorney Baker stated that this was part of the C-3 Zone, but Planning and Zoning has recommended taking it out of the zone, and putting it with the On-Premise Sign Ordinance.

MOTION BY: Councilperson Brent Hanks to approve Ordinance 22107B amending the Salem City On-Premise Sign Ordinance in the C-# Zone.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

11. APPROVE CITY SHOP PURCHASES

Councilperson Hanks stated he did not have anything for approval tonight.

12. APPROVE MINUTES OF FEBRUARY 7, 2007

MOTION BY: Councilperson Lynn Durrant to approve the minutes of February 7, 2007 as written.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

13. APPROVE BILLS FOR PAYMENT

Councilperson Hanks had a question on why he was approving other department's bills. Jeff Nielson explained that sometimes the bills need to be paid before council approves them so we are not charged with a late fee. When this happens sometimes their might be multiple charges from different departments at one vender. So the bills are placed in the council's packet whose department had the most charges at that vender.

MOTION BY: Councilperson Stanley Green to approve the bills for payment.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

14. PUBLIC SAFETY

Mayor Henderson wanted to thank Chief James for the way the Police Department handled the emergency last week with threat at the schools. Chief James stated that there was also a house fire this week, and the fire department responded very quickly to the scene. They handled it very well. Mayor Henderson also wanted to thank the Emergency Management Members for what they do.

15. OPEN DISCUSSION

Reed Cornaby stated that he has looked into the senior citizens as the mayor asked him to a few council meetings ago. He stated that we have outgrown our library and the police department would like the current city office building for public safety. He was wondering if any of the council has been out to see Mapleton City's new city office building. He stated that there are about 700 senior citizens in the area that could benefit from a senior citizen center. He stated that the current community center, he does not see it being used for senior citizens unless we add onto it. Councilperson Hanks stated that hopefully when we get commercial growth, we can start to see the revenue coming in, and we can build some of these projects.

COUNCIL REPORTS

16. MAYOR J. LANE HENDERSON

Mayor Henderson stated that there is a Utah Lake Committee that is forming, and he is wondering about Salem City joining the committee. He feels that even though we do not have frontage along the lake, we are still affected by it, especially with our treated sewer discharge making its way down to the lake. If we get involved now, we could become a voting member. Reed Cornaby stated that the lake is full of waste and sludge; it will not grow the different kinds of fish they hope to grow in there. He stated we need someone on the committee who is not afraid to say no. Councilperson Ficklin told the mayor that he would be on that committee.

Mayor Henderson reported that he went to a CUP meeting where they discussed that we are at 34% of our water. We are looking at the possibility of a drought this year. They also talked about the pipe line, and how they are working with the canal companies. We were asked to form a committee, to have someone who could sit on the board who would be able to vote on the decisions. He is asking the council for some recommendations, someone who knows and understands water. If the council knows of anyone please let him know.

Salem City is starting to work well with Payson in getting the rodeo arena shared. We might be looking into a place to do a motor cross, on the west side of Payson. We are also looking into an aquarium for the South Utah County Area.

It was discussed that we may have to hold a special council meeting to vote on the bond resolution for the P.I. bond. We are not sure if we have to approve the resolution before the Board of Water Resource meeting on March 7. If we have to have a special meeting the council will be notified and it will be properly noticed.

17. COUNCILPERSON LYNN DURRANT

Councilperson Durrant reported that SESD is trying to buy out some of SWUA Distribution lines. Last year SUVPS allowed Central Utah Telephone (CUT) to attach to some of their poles. CUT needed to get across the Highline Canal, so they bored under the canal without proper approval. They were caught, and the Bureau started looking into it more, and found that SUVPS' poles are on their easements. SUVPS is trying to work it out. Councilperson Durrant also gave the go ahead to have the contract signed to have SESD purchase the Strawberry Distribution line.

She also reported that at the library's activity last month, they had over 72 people come to it.

18. COUNCILPERSON TERRY A. FICKLIN

Councilperson Ficklin reported that things are moving forward with the districts solid waste treatment facility in moving forward to move the plant. Also, he was re-elected for another year to be the chair over the district.

Mayor Henderson would like Councilperson Ficklin to be aware of what American Fork is doing with recycling. Councilperson Ficklin reported that at the district there is some recycling being done. When the waste is dumped, it is sorted through and many recycle materials are removed to be recycled. He said the biggest problem is green waste, and Salem City is the worst at it. We need to encourage people to take their green waste to Spanish Fork facility, where it will be recycled. Also we can look at putting different containers around town where people can put their plastic and metal. We have some for paper right now. When you look at a small town like Salem, it is not cost effective to have a recycling program like the bigger cities have. Right now it would be better to have the different containers throughout the town.

19. COUNCILPERSON STANLEY W. GREEN

Councilperson Green did not have anything to report.

20. COUNCILPERSON BRENT V. HANKS

Councilperson Hanks did not have anything to report.

21. COUNCILPERSON JEFF D. HIGGINSON

Was excused from Council Meeting.

22. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

23. BRUCE WARD, CITY ENGINEER

Bruce Ward reported that Friday, February 23, we will open the bids for the construction of the P.I. System. The council is welcome to come to it.

24. 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 (4-0).

MEETING ADJOURNED AT: 9:30 p.m.

Jeffrey Nielson, City Recorder