

Minutes of the Salem City Council Meeting held on May 21, 2008 in the Salem City Council Chambers.

Work Session: Discussion on John Davis Improvements.

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 Todd R. Gordon

STAFF PRESENT:

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

Excused:

Councilperson Stanley W. Green

Bruce Ward, City Engineer

OTHERS PRESENT

Mallory Byrnes
Darrell Noble
Ashley Strothers
Mary Owen – Steele
Jorolan Houghton
Joel Nelson

Dominic Bills
Shayla Golish
John Davis
Rob Owen
Austin Anhder

Valerie Fritz
Jerry Struthers
Rhett Davis
Olla Helen Selman
Kyle Nelson

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Jeffrey Nielson 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. PRESENTATION OF UTAH COUNTY ALCOHOL PREVENTION AWARD

Nicole, from Utah County Alcohol Prevention, presented Fast Gas with an award for being in compliance with the sale of alcohol. She also expressed her appreciation to Salem City Police Department for their help with the compliance checks.

4. PUBLIC HEARING

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

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0).

a. Transfer of Land at 200 E. SR 198 to Utah Community Credit Union.

Attorney Junior Baker told the council that Utah Community Credit Union, building behind where the *Welcome to Salem City* sign is located, would like to purchase that property from Salem City to put their sign on. The property is small. He showed on the map where it was located. Since the city property is moving further north, we feel that it would be better to relocate the city sign. The credit union is willing to give the city \$36,000 for the property and any expenses associated with the selling of the land. The money will help with the purchase of a new city sign. Because the city is selling land, it requires a public hearing.

Councilperson Gordon feels that it would be a good idea to move the city sign further north, since the city limits are further north.

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

b. Ordinance Allowing Treatment Facilities in the C-1 Commercial Zone

Attorney Baker stated that the council has had an opportunity to review this ordinance. He stated that the city was approached by the House of Hope. They treat mothers with young children who have had drug problems in the past and are on their way to changing their lives. He stated that area the group is looking at is the twin homes on SR 198 to the north of town, by 1100 North.

Attorney Baker read the conditions of the Ordinance.

A valid Salem City Business license. The facility must comply with the requirements of the C-1 commercial zoning district. The facility must be located on a parcel sized as follows:

A minimum of one-third acre for up to eight (8) residents; A minimum of one-half acre for up to ten (10) residents; A minimum of one acre for ten (10) to sixteen (16) residents;

The building character and landscaping shall be of the same general character of those of other residences/structures and landscaping in the area of the facility.

Off-street parking shall be provided to accommodate staff and one (1) visitor space for every three (3) residents.

No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals in the facility, including staff, or result in a substantial threat of physical damage to the property of another. In order to assure the safety of other individuals, the following requirements must be met:

Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:

provide a copy of such license or certification to the city; Individuals placed in the facility shall produce, through the operator of the facility, a certificate issued by the appropriate medical or other licensed mental health professional ie: LCSW, D.O., PhD. or M.D., M.F.T., M.S.W., and based upon professional evaluations such as the ICAP, MMPI, DSM, and/or such other resources, including a potential patient's behavioral history, as may be available to the medical or other mental health professional, which certificate shall indicate that the person is not violent, nor a direct threat to the safety of the property of any other person at the time of placement. Production of the certificate required by this section shall be a prerequisite to the obtaining of the business license required by this section. Such certificate must also be provided for each new resident in order for the facility to be eligible to renew its business license.

Each resident must be attending on a voluntary basis. No resident may be allowed who has been mandated to attend by a court, based on their criminal conduct.

The facility shall comply with all health and safety codes (including building and fire codes) applicable to that type of building and use.

The facility must be supervised 24 hours a day 7 days a week, which shall include video monitoring in all common areas, including entrances and exits. Other surveillance measures may be included which are designed to protect the health and safety of residents therein.

Any treatment/rehabilitation facility shall be 600 feet from any public or private school, other treatment facility, or church measured from the shortest walking route from structure to structure.

Such other conditions necessary to mitigate the effects of a treatment/rehabilitation facility to make it more compatible with the C-1 commercial zone. Other conditions may include such items as fencing, lighting, landscaping, additional security, modification of the parking requirements, and/or others suitable to the specific facility under review.

The use permitted by this section is non-transferable and shall be terminated if:

*The facility is devoted to a use other than a treatment/rehabilitation facility, or
The state license or certification issued has been terminated or revoked, or
The facility fails to comply with the conditions imposed.*

This ordinance is to cover any entity that would come into the city. He stated that the city feels that the location for this type of entity would be in a C-1 Zone.

Darrell Noble presented to the council a packet describing how their program works. They are a non-profit organization who works with Utah County. They have some homes currently located in Salt Lake City. He stated that the program

requires that the mothers and the children are transported around 8 or 9 in the morning for treatment, and then return home around 5 in the evening. The treatment center is located in Provo. During the weekends, they would be located at the home.

Mayor Henderson stated that if he understands it correctly; this will be the last stage of the mother's treatment. Darrell stated that it was, and if the treatment does not work for them, they may lose their children. We are here to help them out, and to get clean from the drug abuse. This portion of the treatment is about 90 to 120 days, and then they move to the next stage.

Mayor Henderson stated that one of the concerns is that the home is very close to SR 198. It was stated that the yard will be fenced off with a vinyl fence. A photo was shown of the facilities in Salt Lake City, they stated that it would safe place for the kids, and the back yard at this location is big.

Mayor Henderson asked about visitation. It was stated that the mothers can have family visitors on Sunday, and not just anyone can come and visit. Also the visiting hours will be staggered so there are not a lot of people there at the same time. Also, there will be 1 to 2 supervisors at the home at all times.

The question was asked about the building. Mayor Henderson stated that it is a twin home, which will be made into one home. Councilperson Gordon mentioned that they will be required to meet the current fire codes. Dave Johnson also stated that since it currently is a twin home, there are two property parcels that will need to be made into one parcel.

c. Darrell Noble / House of Hope – General Plan Amendment and Zone Change on Property located at 1076 N. & 1086 N. SR 198 from R-2 to C-1

Mayor Henderson stated that item B is the ordinance allowing the treatment facilities in a C-1 Zone. Item C is Darrell Noble asking for a zone change from R-2 to C-1 at the property located at 1076 N. & 1086 N. SR 198.

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

Close

MOTION BY: Councilperson Todd Gordon to Close Public Hearing.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

a. Transfer of Land at 200 E. SR 198 to Utah Community Credit Union.

Mayor Henderson stated that Mr. Rogers, who is representing the Credit Union, is here to answer questions. It was stated that the Credit Union will pay \$36,000 for the property, and the money would be earmarked for a new city sign.

MOTION BY: Councilperson Lynn Durrant to Allow the Sale of Property at 200 East S.R. 198 to Utah Community Credit Union for the amount of \$36,000.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

b. Ordinance Allowing Treatment Facilities in the C-1 Commercial Zone

MOTION BY: Councilperson Lynn Durrant to approve Ordinance 52108 Allowing Treatment Facilities in the C-1 Commercial Zone.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

c. Darrell Noble / House of Hope – General Plan Amendment and Zone Change on Property located at 1076 N. & 1086 N. SR 198 from R-2 to C-1

MOTION BY: Councilperson Lynn Durrant to Approve Darrell Noble/House of Hope General Plan Amendment and Zone Change on Property located at 1076 N. & 1086 N. SR 198 from R-2 to C-1.

SECONDED BY: Councilperson Todd Gordon.

VOTE: Councilperson Todd Gordon; Aye, Councilperson Terry Ficklin; Aye, Councilperson Lynn Durrant; Aye, Councilperson Brent Hanks; Nay (Vote 3 Aye -1 Nay)

Mayor Henderson stated that one of the biggest concerns is the safety of the kids, but feels that those concerns have been addressed.

5. ANNEXATION REQUEST:

a. Helen Selman – 32.74 acres of property located at approximately 1350 South Loafer Canyon Road.

Mayor Henderson stated that the next two items are on the agenda to ask for approval to proceed with their annexations. Attorney Baker stated that because the Selman annexation would cause the Sabin property to be an island (the Sabin property is currently in the county) this is an illegal annexation. The Selman's would need to bring in the Sabin property.

Rob Owen, who has been working with the Selman's, stated that they have spoken with the Sabin's, and they are willing to be a part of the annexation. Mayor Henderson stated that the Sabin's had some request of the last group that wanted to annex them in. Boyd Sabin stated that with that group they had worked out a sewer and water connection. Mayor Henderson suggested that the Selman's talk with the Sabin's and see what they can work out. He suggested that this item along with the Francis annexation be tabled until next council meeting.

b. Karl Francis – Property located at approximately 1500 S. 500 E.

Attorney Baker stated that the Francis annexation is in the same situation, except the property that would be causing the island is Robert Nelson property. Robert Nelson has already gone through the annexation process on his property; he has just not finished the last process of getting the map to the city. Karl Francis would be required to have Robert finish his annexation process.

MOTION BY: Councilperson Lynn Durrant to Table both Annexation Request until June 4, 2008 City Council Meeting.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

6. JOHN DAVIS – CURB & GUTTER @ 210 N. 400 E.

Mayor Henderson stated that most of the council has been to the sight to see the situation. We asked that Bruce Ward and Dave Johnson go look at it, and give the council their recommendation. Dave Johnson reported that their recommendation is to have the improvements installed on 400 East and to complete a radius on 200 North, but to wait on the improvements on 200 North. He stated that there are some irrigation culverts that would need to be replaced, and that a power pole would also need to be moved. Dave stated that they feel the city could participate in furnishing the material for the irrigation pipe and boxes, relocate the power pole, and provide the engineering. The estimated cost for the city would be about \$3,000.

John had questions about the asphaltting, and would like to know exactly what would be required of him. He also stated that some of the other utilities would need to be either moved or lowered to accommodate the situation. He is just wondering what the next step will be. Mayor Henderson state that it will be up to the council to decide.

Councilperson Hanks feels that there are too many concerns with the area, and if we do this, the city would be required to fix the whole intersection, along with asphaltting. Councilperson Gordon felt that we need to pot hole for the utilities, so we know exactly

what needs to be moved. Dave Johnson suggested getting the engineering and pot holing completed and then getting a cost together. John stated that he has done some improvements in the area, and feels there are a lot of problems that will need to be fixed.

MOTION BY: Councilperson Brent Hanks that the curb & gutter wait until a SID (Special Improvement District) can be done, but require a sidewalk to be completed.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: Councilperson Todd Gordon; Nay, Councilperson Terry Ficklin; Nay, Councilperson Lynn Durrant; Aye, Councilperson Brent Hanks; Aye (Vote 2 Aye - 2 Nay).

Mayor Henderson stated that with the tie vote, he would be required to vote. He stated that he can see the concerns, but at the same time he can see an opportunity to fix a problem. His vote is nay. A new motion will need to be made.

MOTION BY: Councilperson Todd Gordon that we go with the staff report of putting curb, gutter and sidewalk, on 400 East and do the radius on 200 North, but to allow a variance on the improvements for 200 North, and that the city participation not to exceed \$3,000, but if after the study, the cost of the city looks like it will exceed the \$3,000 to have it come back to the council.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: Councilperson Todd Gordon; Aye, Councilperson Terry Ficklin; Aye, Councilperson Lynn Durrant; Nay, Councilperson Brent Hanks; Nay, Mayor Lane Henderson; Aye. (Vote 3 Aye - 2 Nay).

Mayor Henderson asked John to get with city staff to talk about the next step of what needs to be done.

7. CW MANAGEMENT – CONCEPT FOR PARKS IN SALEM PARK PUD

Mayor Henderson stated that this item does not need to come to council for approval; it is approved with the final plat map.

8. APPROVE PLANNER CONTRACT

Mayor Henderson stated that he has spoken to the council about the need of hiring a planner. He has worked it out with Dave Anderson to help Salem City plan the interchange area. Attorney Junior Baker stated that Dave works for Spanish Fork as their city planner. He has talked with Spanish Fork, and they are okay with the contract. The contract will be between Salem City and Dave Anderson. Attorney Baker stated he has not had an opportunity to go over the final contract with Dave, so there might be a couple of minor changes. He recommends that the council approve the signing of the contract

with the approval of Mayor Henderson and Attorney Baker after Dave Anderson has approved it. Mayor Henderson stated that Salem City needs the help out on the interchange. This agreement is not to exceed \$17,000.

MOTION BY: Councilperson Terry Ficklin to Approve the Contract with Dave Anderson as the City Planner, with the final contract to be approved by Mayor Henderson and Attorney Junior Baker.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0).

9. CLERICAL CORRECTION TO PUBLIC SAFETY IMPACT FEE ORDINANCE #5-2-07

Attorney Baker stated that last year we adopted an impact fee for Public Safety. At the same time the recreation impact fee was done by the same engineering company. There were some questions on the numbers for the parks and recreation impact fee, and that item was tabled, but the public safety impact fee was approved. When the engineering company came back for the parks and recreation they had a correction in the study. The parks and recreation impact fees were changed. With the new study, it also affected the public safety impact fee numbers to be lower than what was originally adopted. At that time we started charging the correct fee for public safety but we did not adopt a new ordinance.

This is to correct that mistake.

MOTION BY: Councilperson Lynn Durrant to approve the Clerical Correction to Ordinance #5-2-07.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0).

10. APPROVE MINUTES OF MAY 7, 2008

MOTION BY: Councilperson Lynn Durrant to Approve the Minutes of May 7, 2008 as written.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

11. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Brent Hanks to Approve Bills for Payment.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

12. PUBLIC SAFETY

Police Chief Brad James reported that the fishing day went very well this year.

13. OPEN DISCUSSION

Mayor Henderson asked if there was anything from the public for open discussion.

COUNCIL REPORTS

14. MAYOR J. LANE HENDERSON

15. COUNCILPERSON LYNN DURRANT

Councilperson Lynn Durrant reported that the Library addition is coming along very well, along with the Loafer Substation.

16. COUNCILPERSON TERRY A. FICKLIN

17. COUNCILPERSON STANLEY W. GREEN

18. COUNCILPERSON BRENT V. HANKS

Councilperson Hanks reported that the city parks are becoming very crowded. They are really being used this year.

19. COUNCILPERSON TODD R. GORDON

Councilperson Gordon reported that the Memorial Day service is set for 8:00 a.m. on Memorial Day at the cemetery. John Morrissey, who was a POW, will be speaking.

20. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Erman Stone reported that his Grandson is doing the Eagle Scout Project on the cemetery utility building. The roof is on, the doors are installed, and the painting is done. It looks a lot better. It was also reported that there were three funerals this week. There will be a couple of spots that might be an eye sore. Also, because of the rain, the city crew has not been able to mow the lawns.

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 Terry Ficklin.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 8:05 p.m.

Jeffrey Nielson, City Recorder