

Minutes of the Salem City Council Meeting held on August 19, 2009 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
Councilperson Todd R. Gordon

STAFF PRESENT:

Jeffrey Nielson, City Recorder
Bruce Ward, City Engineer
Junior Baker, City Attorney

Excused:

Chief Brad James, Police Chief
David Johnson, Building Dept.

OTHERS PRESENT

Cary Hanks
Shaun Martin
Jackson Martin
Jen Watson
Brittnie Daley

Steve Olson
Smith Nielson
Cammy Peterson
Mike Daley
Kaiden Richardson

Alan Alvarez
Kenny Van Ausdal
Chad Peterson
Jan Daley

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.

Mayor Henderson thanked all those who volunteered for Salem Days, it turned out to be great week.

3. ROBERT NELSON - Preliminary Approval of 1 lot Subdivision at 628 S. 550 W.

Bruce Ward explained how this has been before DRC (Development Review Committee) and Planning & Zoning. Both groups approved the one lot subdivision. Council went over what DRC and Planning & Zoning discussed (INSERT MOTIONS).

MOTION BY: Councilperson Lynn Durrant to approve the Preliminary of one lot subdivision for Robert Nelson at 628 South 550 West, with the conditions that DRC and Planning & Zoning discussed (*DRC: Approve the 1 lot subdivision for Soren & Dar Christensen subject to final approval for the annexation; meeting the construction and development standards; putting the PI line in the existing ditch and moving the ditch; installing the power poles behind the ditch and going overhead until it gets to the house, then go underground; and dedicating the road or granting a utility easement to Salem City. Planning and Zoning: Approve Soren Acres, a 1 lot subdivision at 628 S. 550 W., based on the items that were discussed at DRC and that those items are met*).

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (5-0).

4. BRUCE FRAMPTON – Beer License for Gas ‘N Go at 565 W. SR 198

Bruce Frampton stated that he purchased the Pat’s gas station at the west end of Salem. Right now he is selling fuel. He has other gas stations (Gas ‘N’ Go) located in Utah. He has also purchased the Gandolfo’s franchise, and will be selling sandwiches at the gas station. He would like to get approval for a beer license so he can sell beer. It was stated that the amount he would need to pay would be \$1,000, but that amount is for the first initial year’s license, each year after will be \$500. There was question on if that amount could be pro-rated since, there are only four more months left in the calendar year, and he would then be required to pay \$500 again in January. It was stated that the way the ordinance is written, it does not allow the license to be pro-rated, and they would be required to pay the full amount.

MOTION BY: Councilperson Brent Hanks to approve the Beer License for Bruce Frampton at the Gas-n-Go, the new owners of the gas station.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

5. JAN DALEY – Discussion on building at approx. 725 E. 960 N.

Mayor Henderson stated that this item was on the last council agenda. There was some question as to when the property was divided, and if it was divided illegally. The council asked Mike and Jan to do some research on it, and provide to the council the information.

Mike Daley stated that, after the last meeting, they went to the county to find information on when the property was divided. Mike stated that when they took the mortgage out on the first home, the property was supposed to have been divided at that time, and was not sure if the bank had done that, or the title company they were working with.

Attorney Baker stated that the Utah State Code regarding subdivision and when a property is subdivided was created in 1992 or 1993. He then briefly described the code, that when a property is divided, it is considered a subdivision.

Mayor Henderson asked if a property could be subdivided without the knowledge and approval of the city, to make sure that our city codes are followed regarding a subdivision. Attorney Baker stated that the county used to record these smaller subdivisions without city approval, now the approval of the city is required.

Attorney Baker stated that Mike and Jan could do a subdivision and that would be okay, but the problem is they would need to get the utility infrastructures to the subdivision. The sewer infrastructure is the big issue, and it would not be cost effective for Mike to build the sewer line to his property for the subdivision. If the property would have been a lot of record, meaning already split prior to being annexed into the city or prior to the subdivision codes, then the city could allow a septic tank. But as the ordinance reads today, they would be required to have the sewer system installed because they are a subdivision.

Mayor Henderson asked Attorney Baker if the only way that the Daley's could build their home, would be to change the current ordinance to allow them to have septic tanks in a subdivision. Attorney Baker stated that is what they would have to do. He also mentioned that a few years ago a group of people tried to do the same then, change the ordinance to allow septic tanks, but Planning and Zoning and the Council denied the request.

Mayor Henderson stated that as the council we are very sympathetic towards the Daley's, but with our ordinances towards subdivision right now, the property does not meet the subdivision standards, and the council is bound by both the Utah State codes and Salem City codes, and we cannot vote on something that is illegal. The council has looked at changing the ordinance a few times, and each time they have looked at it and studied it, they have agreed not to change the current ordinance.

6. ELECTION JUDGES

Jeff Nielson explained that with the upcoming elections the council needs to approve the election judges (Poll Workers). The following have accepted to be election judges for September 15 primary and November 3 general election.

Gaylen Llewellyn, Colleen Hatch, Jalene Pope, Linda Nelson, Mavis Nybo, Erman Stone, Lori Bradford, Laura Lee Rees, Connie Biggers, Ramona Whaley, Rebecca Crowther, Heather Brindley, Richard Clary, and Nadene Cope. Jeff explained that Nadene Cope will only be able to do the primary election, because her husband Jon is a candidate for the mayor seat in the general election (note, the primary is only for the two council seats).

MOTION BY: Councilperson Lynn Durrant to approve the election judges for the primary and general election.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

7. CANCER AWARENESS

Mayor Henderson went over the Cancer Awareness Proclamation, declaiming that from September 6 – 13 would be Childhood Cancer Awareness Week.

MOTION BY: Councilperson Lynn Durrant to approve Mayor Henderson signature for Childhood Cancer Awareness Proclamation.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

8. WEED ABATEMENT

Mayor Henderson stated that the police department had sent letters out to property owners who need to clean up their vacant lots. Attorney Baker stated that usually the police department handles the weed abatements, and that the next step would be to get bids on someone to clean up the property where the owners have not responded. When that happens, the city would pay the person who cut down the weeds, and then the city would put a tax lien on the property to recover the cost. The only problem is the city would not see the revenue for about 18 months. The first year would be the most difficult to try and find the money for it, especially if it was not budgeted. Mayor Henderson stated that without Police Chief Brad James here to discuss this, this item will be discussed at a later date.

9. APPROVE MINUTES OF JULY 29 AND AUGUST 5 2009

MOTION BY: Councilperson Lynn Durrant to approve the minutes of August 5, 2009 and July 29, 2009 as written.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

10. APPROVE BILLS FOR PAYMENT

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

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

11. PUBLIC SAFETY

12. OPEN DISCUSSION

Mayor Henderson asked if anyone had anything for open discussion.

Kerry, who is a representative for the Spanish Fork/Salem Chamber, wanted to let the council know they would like to help out during Salem Days. She also mentioned to the council that they are hosting a lunch meeting with Senator Bob Bennett, and wanted to invite the council.

Kaiden Richardson, a scout who was present, expressed his appreciation of the fireworks, and is hoping that they will continue to be just as good next year.

Jen Watson was wondering about the recreation board, and if the city is going to get the board established again. Councilperson Todd Gordon explained that there were some problems with the last board, and it was not working like the city was hoping. Jen feels that it would be worthwhile to get the board up and going again. Mayor Henderson agreed, and asked if Councilperson Gordon would work with Matt Marziale and see about getting a new board up and going.

Reed Cornaby stated that Salem Days was great, and enjoyed all of the activities that they were able to attend.

COUNCIL REPORTS

13. MAYOR J. LANE HENDERSON

14. COUNCILPERSON LYNN DURRANT

Councilperson Lynn Durrant stated that Kerry, our librarian is working a lot of hours, and wondering if we can get her any help. She also mentioned that on the 29th of August, the library will be having another band come and play at the library, there will also be an ice cream available for those who attend.

15. COUNCILPERSON TERRY A. FICKLIN

16. COUNCILPERSON STANLEY W. GREEN

17. COUNCILPERSON BRENT V. HANKS

18. COUNCILPERSON TODD R. GORDON

19. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS

20. BRUCE WARD, CITY ENGINEER/ PUBLIC WORKS DIRECTOR

21. ATTORNEY S. JUNIOR BAKER.

Attorney Baker reminded the council that the League of Cities and Towns will be holding their annual meeting in September, and would recommend to the council to attend the meeting.

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: 7:50 p.m.

Jeffrey Nielson, City Recorder