

Minutes of the Salem City Council Meeting held on February 18, 2009 in the Salem City Council Chambers.

Work Session: Chief James presented to the council a yearend report of the public safety, and gave a handout for the mayor and council to review.

Mayor Henderson thanked Planning and Zoning for coming tonight to the work session. He mentioned that it has been about six years since the General Plan was done, he would like to have it opened again for review. He stated that we have about 4-5 different centers that we need to look at, and then building out from them. These centers are the centered around the major road connectors. He would like to have Planning and Zoning come to a meeting on March 14 from 8 a.m. to about 10 a.m. Jon Cope explained that he would like to know what the council would like with the developments, and do we allow max build out for each one. We also need to make sure that the development pays for the necessary infrastructure that will be affected by the development (i.e. roads).

**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 Gordon

**STAFF PRESENT:**

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

Excused:

David Johnson, Building Dept.

**OTHERS PRESENT**

Larry Hansen  
Ken Thurston  
Austin Tingler

Nathan Davis  
Jeff Steiner  
Tanner Thurston

Brad Mitchell  
Spencer Steiner  
John Horton

Mayor Henderson stated that councilperson Ficklin is at another meeting and will be attending as soon as he is finished.

### **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. PAUL CHRISTENSEN – Preliminary Plat Approval for Mt. View Estates Subdivision located at approx. 500 W. 500 S.**

Mayor Henderson stated that item number three is waiting for their engineer to arrive; we will skip to item number four. Note, item three went after item seven.

### **4. Amending Sale of Alcoholic Beverages Ordinance**

Attorney Baker explained that last week when the grocery store owners came in for their beer license, it brought up some questions and we felt we need to look at the ordinance. We amended the Class B for restaurants, and gave them a restriction on times. We also changed the cost of the initial license. Mayor Henderson stated that this helps clean up the ordinance.

**MOTION BY:** Councilperson Brent Hanks to approve Ordinance 21809 Amending Sale of Alcoholic Beverages.

**SECONDED BY:** Councilperson Todd Gordon.

**VOTE:** All Affirmative (4-0)

### **5. APPROVE MINUTES OF February 4, 2009**

**MOTION BY:** Councilperson Lynn Durrant to approve the minutes of February 4, 2009 as written.

**SECONDED BY:** Councilperson Brent Hanks.

**VOTE:** All Affirmative (4-0)

## **6. APPROVE BILLS FOR PAYMENT**

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

**SECONDED BY:** Councilperson Stan Green.

**VOTE:** All Affirmative (4-0)

## **7. PUBLIC SAFETY**

Chief James stated that a few months ago, we had an Eagle Scout come in and talk about doing orange flags so people could cross the highway. UDOT does not recommend it, but if a city feels that it would be okay, then UDOT would require the city to sign an agreement stating that they will not be held responsible for any injuries. Chief James stated that he would recommend the flags being used at Main Street and SR 198. Mayor Henderson stated that he felt it would be a good idea.

The question was asked if Spanish Fork has any statics about their flags being used. Attorney Baker stated that he does not think so. A concern was brought up, will the flags give people a sense of false security. Chief James mentioned that we cannot put any advertisement about the flags; we can only put the flags up. There cannot be any signs used.

**MOTION BY:** Councilperson Lynn Durrant to allow the city to put crossing flags at the intersection of Main Street and SR 198.

**SECONDED BY:** Councilperson Stan Green.

**VOTE:** Councilperson Brent Hanks, Nay; Councilperson Lynn Durrant, Aye; Councilperson Stanley Green, Aye; Councilperson Todd Gordon, Aye. Vote: (3-1).

Councilperson Hanks feels that the road is too fast right there, and does not feel it will be safe.

Mayor Henderson stated that the Christensen engineer arrived, and went back to item number 3.

### **3a. PAUL CHRISTENSEN – Preliminary Plat Approval for Mt. View Estates Subdivision located at approx. 500 W. 500 S.**

The Engineer for the development presented the development to the council. Bruce Ward stated that they have made some changes from when it was presented to Planning and Zoning, regarding the area by 550 West. There is about a 10 foot overlap that was in discussion with the property owner Larry Hansen. Bruce stated that they needed to meet with Larry Hansen and work out an arrangement so they can get the proper footage for the road.

Another issue is that the Cole family is concerned about some property that they have, and how it would become a non conforming lot. It was stated that the way the Christensen's have presented future development, the lot would be able to work, and the Cole family was okay with it.

Irrigation is another concern, and it was stated that the road would have to be built up so that the irrigation would not flood the development out. The engineer stated that they would not build out all of the lots, but they would look at maybe doing seven lots first. Attorney Baker stated that a berm would need to be made to help with the irrigation.

Larry Hansen showed his property, and the discrepancy with the property line and the fence line. The drainage is another concern; because he has a garden that he feels would be flooded out every time it rains. He stated that his wife's family does not want to sell their property, and that they would continue to do the farming. He wants to make sure that people who build there would need to know that they are building next to a working farm. It was stated that some of the solutions would be to build a curb and gutter to stop the flooding of the garden, and to put on the plat map that there is a working farm next to the development.

Mr. Black stated that he will own a couple of the lots, and he is excited to be able to come back and live in Salem.

The engineer stated that they still need to work with Larry Hansen and his property, and see what can be worked out with the property line and the fence line. They will have it worked out before the final plat is approved.

**MOTION BY:** Councilperson Lynn Durrant to approve the preliminary plat with all of the conditions (*DRC Subdivision approval subject to meeting the subdivision construction and development standards; building a berm along the east side of 420 West and lots 7 & 8 going back to 400 West; install a turn around as shown on the plat or on other property - putting a note on the plat that lot #1 is unbuildable if the turnaround is left on their property; adding a pressurized irrigation drain as approved by the city engineering department; and providing utilities to the existing house on 550 West, PZ: with shifting the radius of 440 South so the future right-of way for the road is entirely on the land owner's property and does not infringe on the Hansen's.*), working with the Hansen's and the boundary line, and either do some type of berm or curb and gutter, and put that it is a working farm on the plat.

**SECONDED BY:** Councilperson Brent Hanks.

**VOTE:** All Affirmative (4-0)

## **8. OPEN DISCUSSION**

Larry Hansen stated that 550 West is a big concern for drug paraphernalia. He stated that it is hard to catch them, because the way the road is and it is easy to see vehicles coming. He wanted the police to be aware of it.

## **COUNCIL REPORTS**

### **9. MAYOR J. LANE HENDERSON**

Mayor Henderson stated that Benjamin is having a meeting tonight to discuss becoming incorporated. He also mentioned that the city hired a new part time receptionist, to replace Jill, who left about three weeks ago. Also Crisps grocery store is looking at opening the first part of March, and looking around the first part of April for a grand opening.

### **10. COUNCILPERSON LYNN DURRANT**

Councilperson Lynn Durrant stated that she will be in Washington DC this upcoming week for UMPA and the APPA.

### **11. COUNCILPERSON TERRY A. FICKLIN**

### **12. COUNCILPERSON STANLEY W. GREEN**

### **13. COUNCILPERSON BRENT V. HANKS**

### **14. COUNCILPERSON TODD R. GORDON**

Councilperson Gordon stated that the fire department is working on the Easter egg hunt, and that it will be held on April 11<sup>th</sup>.

### **15. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS**

### **16. BRUCE WARD, CITY ENGINEER/ PUBLIC WORKS DIRECTOR**

### **17. ATTORNEY S. JUNIOR BAKER.**

**Close City Council meeting to move into an executive Session – Discussion on Sale/Purchase of Property.**

**MOTION BY:** Councilperson Lynn Durrant to close city council meeting and move into an executive session for the discussion on sale/purchase of property.

**SECONDED BY:** Councilperson Brent Hanks.

**VOTE:** All Affirmative (5-0)

Council meeting Resumed at 7:50 p.m.

There was discussion on the Neways agreement that was signed back in January. Neways was supposed to send the city some money according to the agreement, and the city has not received it. They had 30 days to pay, and the 30 days have expired. It was suggested that if we do not get the money by tomorrow, that the city look at what we can do legally.

Councilperson Todd Gordon asked about water shares. It was discussed that the city is accepting Salem Canal water and paying share holders for their water shares. Also, Strawberry Water- we are trying to assume responsibility by having share holders sign an agreement.

**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:** 8:05 P.M.

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Jeffrey Nielson, City Recorder