

Minutes of the Salem City Council Meeting held on January 18, 2006 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:30 p.m.

CONDUCTING: Mayor J. Lane Henderson.

COUNCIL PRESENT:

Mayor J. Lane Henderson.
Councilperson Lynn Durrant
Councilperson Terry A. Ficklin
Councilperson Stanley W. Green
Councilperson Brent V. Hanks
Councilperson Jeff D. Higginson

STAFF PRESENT:

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

Excused from Council
Bruce Ward, City Engineer

OTHERS PRESENT

Monty Griffiths
Melinda Walker
Colleen Weaver
Boyd Warren
Wes Tallon
Joseph Johanson
Tom Jenkins
Todd Miles

Burke Tervort
Chloe Laurila
Malcolm Crawford
Lori Warren
Bruce Campbell
Mark Beecher
Erman Stone

Paul Tervort
Linda Lane
LeRay Warren
Brad Warren
Chris Hartley
Heather Beecher
Todd Gordon

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Burk Tervort 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. CLYDE BRADFORD – POND TOWN CHRISTMAS DONATION

Mayor Henderson asked if Clyde was present. He was not, so Mayor Henderson stated we would come back to this item.

4. WES TALLON – VARIANCE REQUEST ON ACCESSORY BUILDING AT 547 E. CANAL RD.

Mayor Henderson stated that most of the council has been able to look at the building. He asked Wes if he had an opportunity to speak with his neighbors. Wes stated that he had spoken with most of them, and he handed the mayor a list of the neighbors who said they were okay with the building. He said that he was unable to contact the neighbors to the west because they are an older couple who have been gone for about six weeks.

Mayor Henderson read the names of the neighbors who are okay with it: Robert Memmott, 563 E Salem Canal Rd; Cameron Nixon, 343 S. 500 E.; Tiffany Henderson, 331 S. 500 E.; and Linda Lane, 315 S. 500 E. He asked if there were any neighbors who were objecting the building. Colleen Weaver stated that she lives right behind Wes. The concern she has is in her backyard by the property line, she has planted some trees and other plants. Because of the height of the building those plants will not get any sun. She is okay about Wes building a building, but is concerned about the size of the building.

Mayor Henderson asked the council if they had any questions. Councilperson Hanks asked how much taller is the building going to be. Dave Johnson stated that it is three feet taller than what it was supposed to be. The original height was 18 feet. Dave Johnson explained that Wes submitted a building plan for this building. The building is 30 feet by 36 feet, with a height of 18 feet. The ordinance reads that maximum height to the square is 8 feet or to the peak is 15 feet. For each foot over that the building must have a set back of 2 feet. The minimum set back is 5 feet. So the additional footage must be added onto the 5 feet. With the height of the building he should have had a 13 foot set back. The plans showed that he had a 14 foot set back. When Dave did a footing inspection everything was in line. When he did the four way inspection, he noticed the truss manufacturer built the trusses to span the long way instead of the short way like they were supposed to. The peak of the building is now at 21 feet, which made it so his set back was not correct, he is 3 feet to close for the set back.

Mayor Henderson told the council it is up to them to either grant or deny Wes' request. Attorney Baker told the council that this is something new for Salem City; we have not had an opportunity to act as the appeal board since the state changed the law. When the state changed the law Salem City chose to eliminate the board of adjustments and make the council the appeal board for situations like this. Attorney Baker told the council that he gave them a copy of the law last council meeting regarding the variance law (10-9a-70 (2)(a)(i-v)). The variance must meet the five items listed in the law in order to qualify for a variance. He then read those five items:

- (i) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
- (ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
- (iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
- (iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
- (v) the spirit of the land use ordinance is observed and substantial justice done.

He told the council they need to review what they have heard and determine if they feel those requirements have been met, if so they may allow the variance.

Councilperson Durrant asked Wes if he noticed that the trusses were wrong when they were delivered. Wes stated that he was not there, that he had some surgery done. But he was aware that they were built wrong, but it did not occur to him about the set back. Wes stated that he has tried to do everything in accordance with the city. He has submitted the plans, paid the fees, and has tried to be legal. He never really caught the height problem until Dave came and did the four way inspection. Dave stated that he feels it was an honest mistake made.

Mayor Henderson asked if the council wanted to make a motion, to either grant or deny the request. Councilperson Durrant asked where the neighbors were located that are okay with it. There was some discussion stated where they all lived. Mrs. Nixion stated that she lives behind Wes also; their property is next to Weaver's so Wes' property is behind both of theirs. She stated that they are okay with the building. Councilperson Higginson stated that if the building was at the correct set back, it would still be a problem with the sunlight. Councilperson Durrant asked Mrs. Weaver if her trees have been planted. Mrs. Weaver stated that they have been planted. She stated that they would like to build a shed too, but not as big as Wes. She feels that she would think about her neighbors, so they would not have their view taken away. She says that her view in the backyard now is the building. She is okay with him building a smaller building. Wes stated that he built the building big because he needed a place to store his work vehicles, so they would not get ruined in the weather. It is a way to protect his investments.

Mayor Henderson asked if there were any other questions. There were no other questions.

MOTION BY: Councilperson Jeff Higginson to approve the Variance Request on Accessory Building at 547 E. Canal Road for Wes Tallon.

SECONDED BY: Councilperson Brent Hanks.

VOTE: Affirmative 4, Nay 1 (Councilperson Ficklin voted Nay)

3a. CLYDE BRADFORD – POND TOWN CHRISTMAS DONATION

Mayor Henderson turned the time over to Clyde Bradford. Clyde stated he is here tonight to present to the council a donation for Pond Town Christmas, per his contract which allows him to do carriage rides around the pond during Pond Town Christmas. He said when they first wanted to do this it was for financial reason; he stated that their thoughts have changed a little. He has really enjoyed giving people rides around the pond. He stated that this year he made a little less than the prior year, he was not sure if the weather had a lot to do with it or not. He also had a lot of people ask why he did not advertise it in the city newsletter. It was mentioned that the city may not be able to do that. Clyde stated that with the contract between him and the city, it does not make him exclusive, but it allows him to charge for his services. It also states that he would give

back to the city 12% of his gross amount earned, and that is what he is here for tonight. He also had a question about the donation board, and was wondering if he could possibly have his name put on the board. He wants people to be aware that he is donating towards Pond Town Christmas also. The council felt that would not be a problem. Clyde thanked the mayor and council and stated he would like to come to the council, towards the fall, and see about redoing the contract again. The council felt that would be great. Clyde had one more item; he stated that he had three different couples propose marriage on the rides this year. The mayor and council then thanked Clyde for the donation and for doing the carriage rides.

Councilperson Hanks was wondering about putting up street signs showing “carriage ride”, so drivers can be aware and help with safety. Chief James stated that they had signs up last year and was not sure why they didn’t this year. Chief James stated that Clyde does a great job in making sure he cleans up, he even has cleaned up after other horses have been around the pond. He is doing a great job.

5. MALCOLM CRAWFORD – SUBDIVISION WAIVER FOR 501 S. & 481 S 100 E.

Mayor Henderson stated that Malcolm has been to Planning and Zoning and DRC (Development Review Committee). He stated that DRC had some requirements that had to be made before DRC would pass it:

(DRC Requirements: verification of the 66-foot easement; if it doesn’t exist, Crawford’s need to quit claim the required property to the city and verification of the address on the house at 435 South. Also, Attorney Baker explained that dividing the property into the 3 parcels created a non-conforming lot and we can’t legally do that. They need to either extend the “pole” to be 25-feet, which is required for a flag lot; put parcels #2 & 3 together as one lot; or include parcel #3 with Malcolm’s lot. If they make the “pole” wider, the 10-foot side setback for the house must be maintained).

Planning and Zoning passed it with the same requirements. Mayor Henderson asked if those requirements have been met. It was stated that Malcolm has made the changes that DRC required. Mayor Henderson asked with the changes, would it then meet all of our standards. Attorney Baker stated that it does meet all of our requirements. There was some discussion on what Malcolm was going to do with the larger property. He mentioned his one son wants to make a family park, but they are not sure.

Dave Johnson wanted to clarify one thing since there is a restriction on subdivision right now. He stated that Malcolm submitted a building permit to do improvements on his home before the restrictions were placed. There were some issues that came up that

required him to make the boundary lines, especially where the road is a little cleaner. So with that came the changes, and the need to divide the property up.

MOTION BY: Councilperson Lynn Durrant to approve the Subdivision Waiver for Malcolm Crawford at 501 S. & 481 S. 100 East.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

6. CHRIS HARTLEY – PRELIMINARY APPROVAL OF BADGER HOLLOW SUBDIVISION AT 600 SOUTH WOODLAND HILLS DRIVE.

Mayor Henderson turned the time over to Chris Hartley. Chris told the council he is doing a subdivision with 23 lots. The subdivision is south of Steve Dewey's subdivision. The lots are 1/3 acres and there will be some affordable housing. He will also be doing some improvements along Woodland Hills Drive next to the subdivision.

Attorney Baker explained to the council the process for a subdivision. He stated that with a subdivision the developer will come to the city and find out what the city ordinances require; the developer will then have an engineer draw up a plat map according to the city's standards. Once that is done, the city engineer will review it, if it is okay with the city engineer, the developer will then bring the plat into DRC. DRC will look at the technical aspects and make sure that the standards are being met. Then the developer will go to Planning and Zoning and they will review it. Planning and Zoning makes sure that it meets the subdivision standards and it is in accordance with our zoning. After Planning and Zoning has approved it, then the developer will come to council for approval. This is for the Preliminary Plat. The question was asked what obligation does the city council have. Attorney Baker said that the state law states once the subdivision has met the city requirements, the city must approve it, but it has to meet all of the city's requirements. He stated at anytime, any of the groups that review it can make recommendation on the plat. By the time it comes to city council, it should have met all of the city's requirements. After the city council approves the preliminary, the plat is then made into a mylar with all of the requirements. It will then go back to DRC for review before it is recorded.

Councilperson Ficklin stated that in the DRC and Planning and Zoning minutes for this plat, they both had a list of recommendation. He was wondering if those recommendations should be placed in the motion. Attorney Baker stated that they should be put in the motion, so that they are in the minutes. DRC motion:

Approve the preliminary for Badger Hollow Subdivision with the conditions talked about; adding a street light at the intersection of Woodland Hills Drive and 600 South; submitting drawings and getting approval from Utah County on the intersection of Woodland Hills Drive and 600 South; check with Nebo School District to see if more asphalt needs to be added to 600 South to accommodate

probable bus traffic; and no final approval will be given until Foothill Meadows, phase C is in.

Planning and Zoning: Approve the preliminary for Badger Hollow Subdivision with all of DRC's concerns being resolved and Leray Warren's concerns are addressed; getting approval from Utah County on the access onto Woodland Hills Drive; and knowing that Steve Dewey's plat C must be started before they can be given final approval.

Councilperson Higginson was wondering about the lot sizes again. Chris stated that the lot sizes are about 1/3 acre lots, but that five of the lots will be affordable housing, which the lot size for them is 1/4 acre. Mayor Henderson asked Chris about the boundary line agreements, and if they have been completed. Chris stated that they are still being worked on. Mayor Henderson stated that he would like to see them in place before the preliminary subdivision plat is approved. LeRay Warren asked about his property, and if he needs to deed 12' of his property for the road way. It was stated that he would need to deed it over. Mayor Henderson stated again, that he would like to see all of the boundary and property lines in place. Chris stated that he has been working with the Warren's on this and other concerns that they have. Mayor Henderson also stated that with the utilities, this subdivision is waiting on Steve Dewey to complete his other portion before this subdivision can begin.

Joe Hanson, who is Chris' partner, stated that DRC and Planning and Zoning both approved the plat, with the condition that the boundary lines are in place. He is wondering if the council could do the same. Mayor Henderson strongly recommended that the boundary lines are done before the council approves the plat. Joe stated that they spoke with Steve Dewey today, and they are working with the Warner's. He stated that they would not start construction until everything is in place, and that they would not move forward until the city allows them to.

Chief James had a concern with the new elementary school going in, but he feels having 600 South completed will help with the congestion in the area. A question was asked about the expansion on Woodland Hills Drive. The person asking the question is a home owner that would be affected by the expansion. Chris showed to the council what was designed, by the county, for Woodland Hills Drive. The road would be widened and there would be an acceleration lane added. The same person that asked the question, had some other concerns about flood irrigation with the field by the subdivision, and if the homes have basements, would they be affected. He would also like to see something in writing with all of the items that have been proposed to him and the Warren's. He stated that they have had a lot of items promised to them, but have not seen any of it in writing. He wanted the council to be aware of their concerns.

LeRay was wondering about the barriers on Woodland Hills Drive. Chris stated that fence would be the rock wall like what Bob Nelson has put on his subdivision. They will try and keep the same look. A question was brought up about the field next to the subdivision, and with the flood irrigation and livestock, does the city have any code about

who would be responsible if something happened. Mayor Henderson stated that it would be the property owner of the field to make sure the water or the animals did not get out. Chris stated that they have had Barry Prettyman look at the layout, and he felt that it looked okay and that there should not be a problem with the irrigation. Chris stated that they are looking at putting a berm to also help with the flood irrigation.

Councilperson Hanks stated that there are a lot of concerns that he feels needs to be resolved with Dewey and the Warrens. He is wondering about tabling the approval until those items have been addressed and resolved. Chris stated that they are working with the land owners and they will get the items in writing for them. He also stated that they are working with Steve Dewey. The Warrens stated that they were willing to work with them, but they would like to see what they have been promised in writing. Mayor Henderson stated that he too would like to make sure everything is in place.

MOTION BY: Councilperson Brent Hanks to table the preliminary approval of Badger Hollow Subdivision at 600 South Woodland Hills Drive until the boundary line agreements and the other issues have been worked out with the land owners.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: Affirmative 3, Nay 2 (Councilperson Ficklin and Councilperson Durrant voted Nay).

Mayor Henderson stated that this item will be on the agenda for the next council meeting (February 1, 2006). He would like to see the concerns from the neighbors taken care of along with the boundary line agreements.

7. NEBO SCHOOL DIST – SUBDIVISION WAIVER FOR NEW HIGH SCHOOL SITE.

Mayor Henderson asked if anyone from Nebo School District was present. No one was present, so he asked Dave Johnson to present to the council what Nebo wants to do. Dave stated that they have purchased the back half of Keith Lyman's property. Keith Lyman's property is still a conforming lot with the divide. They are trying to square up their property for the new high school. Attorney Baker stated that the property will not be a separate building lot; it will all be part of the school. He stated to the council what they have to be careful of is that the Lyman property is still a conforming lot, which it is.

MOTION BY: Councilperson Terry Ficklin to approve Nebo School Districts Subdivision Waiver for the new high school site.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

8. MONTY GRIFFITHS – ROAD TO NEW HIGH SCHOOL SITE FROM MAIN STREET.

Mayor Henderson turned the time over to Monty Griffiths. Monty told the council that on north Main Street, (about 300 north) he owned a home there, but he currently has a building behind the home. When he built his home, he was required to put a sidewalk on Main Street, when he did it he made the sidewalk so it turned inward for preparation of a future road there. He was told that it would someday be a road. Dave Olson, who designed the retirement center on 400 North, told him that in phase two there would be a road onto Main Street by his building. Since then the property has been sold and all that is there is the dirt road. He was under the impression that the city would take over the road, but the city does not take over a road until it is completed. So right now he has a non conforming building because he does not have access to it. The property was purchased by the school, where the new high school will be built, so the future road is now owned by the school. Monty stated that he is trying to work it out with the school, to allow him access to his building. Councilperson Ficklin stated that the road will be a main drive for the school. Attorney Baker stated that city will need to look at that as a private drive. Mayor Henderson stated that right now the school owns the road, and it has never been deeded over to the city. Monty stated that when the retirement subdivision was tabled by Mayor Brailsford in city council meeting a few years ago, Monty told the mayor not to lose control of the road. Monty gave Dave Olson the property, with the understanding that it would be a future road. Mayor Brailsford told him it would be a future road.

Mayor Henderson stated that the city cannot do anything about it, because it is not a city road, this is a problem between Monty and Nebo School District. Monty stated that he is aware of that, but he wanted the council to know his situation.

9. KENT ALLRED – POSSIBLE PROPERTY PURCHASE AT 300 N. BETWEEN 450 E. & 500 E.

Mayor Henderson turned the time over to Kent Allred. Kent stated that the city has some property for a future road at 300 North between 450 East and 500 East. Looking at the roadway, he does not think that the city would ever use it for a road, so he is wondering if the city would be interested in selling the property. Councilperson Hanks stated that he went and looked at it, and stated that his big concern is there is a main sewer line that runs through there. There is also a water line that ends there. Both of those utilities would have to be moved. Kent stated that he would be willing to move the utility lines if they needed to be moved. He is only looking to see if the city is willing to sell the property; if they are, then he will start to look into what would need to be done, and the cost of everything. He does not want to waste time if the city is not willing to sell it. Paul Tervort stated that he would like to see a road go though there someday, and if the city is willing to sell the property he would like to bid on it also. Kent stated he is only looking for a possibility right now. Mayor Henderson stated that on Saturday the council is having a meeting where they are going to go look at a couple of places in town, he

stated that this will be a place that they will look at. After that he will have councilperson Hanks get with Mr. Allred. But if the city decides to sell, it will have to be on open bid and noticed to the public.

10. ED MCDONALD – REQUEST FOR WATER SERVICE TO PROPERTY ON NE CORNER OF 1700 WEST AND SR 198 FOR NEW CHARTER SCHOOL.

Mayor Henderson turned the time over to Ed McDonald. Ed stated that he is proposing to build a new charter school on the northeast side of 1700 West. He showed the site plan of where it would be. Dave Johnson also showed, and explained, where it would be located; he stated it is the Ballard property. Ed stated that there is no water out there, and he needs to get water to the school. He is wondering if the city will allow him to extend the water line so he could hook on. Mayor Henderson explained that it was not within the city limits, but it was still in the county. Our ordinance does not allow somebody who is in the county to hook onto the water. The property would have to be annexed into the city. Dave stated where the water is currently located; it is just beyond the real estate business. He explained that to meet city fire flow, the water would have to be looped, and it would need to be a big loop. Ed stated that he spoke with the county, and they would be okay if we extended the 8" line. The county stated that it would eventually loop, and that they would be okay with it. Dave stated that it might be okay with the county, but the city fire code would not allow it. The water line would need to be looped, and it would probably have to go to 800 South and 650 West. Councilperson Higginson was wondering about the sewer, and if they would need to hook onto the sewer. Ed stated that they have spoken with the state and they would allow them to have a septic tank for the school. Mayor Henderson stated that right now the city cannot do anything until the property is annexed into the city. Again he stated that the ordinance does not allow the water to be hooked up unless the property is within the city limits. Ed asked if they were annexed into the city, would the city be responsible for looping the water line. Mayor Henderson stated that the developer would be responsible for looping the water line. He stated that the developer could look at a connector's agreement, so who ever hooks onto that line would have to pay the developer a portion of the cost.

11. JAMES & LANI NEER – ANNEXATION REQUEST FOR 9158 S. WOODLAND HILLS DR.

Mayor Henderson asked if James or Lani Neer were present. They were not, so Mayor Henderson asked to hold off on this item.

12. RESOLUTION ON UTILITY BILLS FOR THE MILITARY

Mayor Henderson stated that this is a resolution to allow residents, who are called to serve in the military during a war, to have a discount on their utility bills. It is the same

resolution that has been passed in the prior years. He asked the council if they had any questions on it. The council all felt that it was a good thing.

MOTION BY: Councilperson Brent Hanks to adopt resolution 11806 on Utility Bills for the Military.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

13. SCORE BOARD AT NEW SCHOOL

Mayor Henderson turned the time over to Councilperson Higginson. Councilperson Higginson stated that at the new elementary school that is being built. The school district is allowing us to use that school for some of the city's recreation needs. They are also allowing us to install a score board that we can use for our recreation programs.

Councilperson Higginson asked Gary Warner to explain a little bit about the score boards. Gary stated that he has three bids, which the council should have all received copies of. He was looking at doing a wireless score board, like at the new ball park, but when he got looking at the prices, he determined it would be better not to go wireless. We use the schools about three months out of the year, and right now both schools are packed. With the new school, it will help so we are not so packed, and also give the city an opportunity to look at other programs. Gary stated the bids were all very close. His recommendation would be to go with the Nevco scoreboard. The reasoning behind the Nevco, is because it has nine periods, which would work great if we had a volleyball program. This is only one that he has seen like this. Councilperson Higginson stated he has seen one over at BYU, and they are good scoreboards. The price for the Nevco scoreboard is \$2,713.00, plus \$0.50 per foot for wiring. We are still uncertain how much wiring we will need. Gary stated that the schools have no need for the scoreboards, so if we want one it would be our responsibility to purchase one. This is what we did at the Mt. Loafer elementary school. We do allow the school to use it if they need to, but during the past three years, he only knows of a couple of times that the school has requested to use it.

Councilperson Ficklin was wondering about the high school, and will we need to do the same for it. Gary stated that he feels the school will need to have the scoreboards for their sports programs, so we would not need to do a score board. Councilperson Ficklin thought at one time the city was going to purchase lights for the tennis courts.

Councilperson Hanks was wondering if the elementary school has no use for the score board, and we only use it for three months out of the year, is it something we really need. Councilperson Higginson stated that it is needed, mostly for the teaching the youth the fundamentals of the sports. Gary also stated that it is very beneficial to the programs and to the youth. Mayor Henderson was wondering if we could get one donated.

Councilperson Higginson stated that we could look into that, but he still feels we need to

get one, especially right now when the school is in the construction stage, we need to get it purchased.

MOTION BY: Councilperson Higginson to purchase the Nevco scoreboard for a cost of \$2,713, plus the cost of wiring.

The question came up about what budget item if we don't get a donation. Gary thought Attorney Baker told him impact fees could cover it. Attorney Baker stated that he felt that 75% could be paid for from the impact fees. The other portion would need to come out of recreation budget.

SECONDED BY: Councilperson Staley Green.

VOTE: All Affirmative (5-0).

Councilperson Ficklin was wondering if the recreation department would have need for a sound system, either now or in the future. Gary stated that he does have a small portable system, which is not used very often. In the future he may need to get a megaphone for the Hershey track meets. Right now he feels we are okay.

14. SWEAR IN PUBLIC SAFETY OFFICERS

Mayor Henderson stated that at this time we need to swear in our new Ambulance Captain, Erman Stone, and our new Fire Chief, Todd Gordon. Mayor Henderson stated that Todd Miles, our former Fire Chief, has done a great job with the fire department, especially with the training of the fire department. Todd Miles is going to be out town more with his regular job. Mayor Henderson asked the new chief and captain if they had anything to say. Todd Gordon stated that he would like to keep going what Todd Miles has done, and to try and get the community involved more. Erman Stone stated that there is a lot of work to do.

Mayor Henderson turned the time over Jeffrey Nielson. Jeffrey Nielson then swore in Todd Gordon as the new fire chief, and Erman Stone the new ambulance captain.

15. COUNCIL ASSIGNMENTS

This item was discussed later in council meeting.

Mayor Henderson excused Councilperson Ficklin, and stated he needed to leave. Councilperson Ficklin left the council chambers at 9:00 p.m.

16. APPROVE MINUTES OF JANUARY 4, 2006

Councilperson Durrant had some changes, on line 151 and 156 “collation” should be changed to “coalition”, and line 182 “noisy” should be “noise”. Line 317 and 319 change “councilmember’s” to “councilmembers”, also on line 319 change “sworn” to “swore”.

MOTION BY: Councilperson Lynn Durrant to approve the minutes of January 4, 2006 with said changes.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

17. APPROVE BILLS FOR PAYMENT

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

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

18. PUBLIC SAFETY

Police Chief Brad James, stated that he is excited to be working with Captain Erman Stone and Chief Todd Gordon, and he hopes that we can start recruiting for the two departments.

Chief James was hoping to have for the council, some statistics for this last year of the different calls the police department handled. He was waiting on a couple more figures; he will have it ready for next council meeting.

Mayor Henderson announced that Chief James has also been assigned to be the new Emergency Management Coordinator for the city. He feels the chief will do a great job.

Councilperson Hanks was wondering about snowplowing for the city, and who determines when they are called out. Chief James stated that in the past, if the police department notices there is a problem, then they make the call. There was some discussion on the issue. Mayor Henderson suggested to Councilperson Hanks that he meet with Chief James and Todd Gordon to discuss this. Councilperson Hanks thought that the police department called out. It was mentioned that it will continue like that until there is a change made.

15a. COUNCIL ASSIGNMENTS

Mayor Henderson stated that he has already talked to the council about their assignments, but would like to put them in the minutes. The following are the council assignments:

Mayor Henderson:

Public Safety, Finances/Budget, New City Improvements, Development Review Committee, Cemetery, Chair Mayor & Council Advisory Board, Chair Public Safety Committee, Chair Economic Development Board, City Employees, City Website, and Salem Wetlands coordinator

Councilperson Lynn Durrant:

Electrical, UMPA Representative, Miss Salem Pageant, Library Board Representative, Youth Council, Mayor Pro Tern, Co-Chair Mayor Council Advisory Board, Chamber of Commerce Representative, and Christmas Luminaries Program.

Councilperson Terry A. Ficklin:

Solid Waste, Solid Waste Board, Co-Chair Salem/Elk Ridge Sewer Board, Salem Days Chairman Chair Utility Board, Easter Egg Hunt, Sound Technician and Fourth of July Program.

Councilperson Stanly W. Green:

Sewer, Chair Salem/Elk Ridge Sewer Board, Motor Pool, Senior Citizen Programs, Water, and South Utah Valley Water Assoc. Representative.

Councilperson Brent V. Hanks:

Roads/Sidewalks, Co-Chair Economic Development Board, South Utah Valley Water Association Alternate, Solid Waste Tec Board, City Shops, Community Center and Chair Pond Town Christmas.

Councilperson Jeff D. Higginson:

City Float, Recreation, Parks/Grounds, Memorial Day Service, City Office and Eagle Projects.

Mayor Henderson was wondering if the council could proceed with the Neer's Annexation, if they are not present. It was stated that the council could.

11a. JAMES & LANI NEER – ANNEXATION REQUEST FOR 9158 S. WOODLAND HILLS DRIVE.

There was some discussion on the location of the property. Dave Johnson stated that the General Plan shows the area coming in as a R2 zone. Attorney Baker told the council

that they are either going to accept or reject the annexation request. They are only asking to proceed.

MOTION BY: Councilperson Lynn Durrant to allow James & Lani Neer to proceed with their annexation request for 9158 S. Woodland Hills Drive.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

19. OPEN DISCUSSION

Councilperson Durrant was wondering about the septic tank ordinances. Mayor Henderson stated that Planning and Zoning will need to review the concerns that the council had and look at the ordinance. He stated that he will have Councilperson Ficklin be in charge to oversee that Planning and Zoning gets the concerns.

COUNCIL REPORTS

20. MAYOR J. LANE HENDERSON

Mayor Henderson stated that next council meeting Bruce Ward will be talking about water rights during work session, along with other engineering issues. He asked Councilperson Green to start working with Bruce Ward and see about setting up another public meeting for the secondary irrigation. We need to keep working on this. He would like to see about having a meeting in March and asked Councilperson Green to begin working on that.

21. COUNCILPERSON LYNN DURRANT

Councilperson Lynn Durrant mentioned that Former Mayor Brailsford was given a community action award by the chamber this last week. She stated that he was very surprised about the award.

22. COUNCILPERSON STANLEY W. GREEN

Councilperson Stanley Green did not have anything to report tonight.

23. COUNCILPERSON BRENT V. HANKS

Councilperson Hanks reported that he gets asked a lot about the new civic center and when the city is going to get a roof on it. He stated that JNB Construction was working on the roof Saturday, but there is still a little bit left to do. If we do not start to get the

roof on it, the wood will start to buckle. He stated that some of the wood is getting very close to where we might have to replace it. When he spoke with JNB Construction, they said that they would not be back for at least a couple of weeks. There is still some work that has to be done before we can start to shingle it. Councilperson Hanks even thought about doing a metal roof, rather than shingling it. He feels we need to get the roof done before we can look at getting the windows in. Councilperson Higginson was wondering about having some of the city crew working on it. Mayor Henderson stated he did not want to put the crew in danger. He said that this is a big concern and we need to look at getting a roof on the building. He stated that he would have a meeting with Councilperson Hanks and former Mayor Brailsford to talk about what we need to do. It was stated that there is still some money left in the budget for it. Chief James stated that he is concerned about the lumber, and having it stolen. He stated he will go up and check it each day to make sure it is still there.

24. COUNCILPERSON JEFF D. HIGGINSON

Councilperson Jeff Higginson stated that Gary Warner is going to a recreation convention in March. He has talked to Gary about it, and Gary recommends the council going to it if they can. It is a really good conference.

25. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Dave Johnson mentioned that February 20, he will also be going to conference in St. George.

Mayor Henderson mentioned to the council that in the Fall, the League of Cities and Towns puts on a great conference, and would recommend the council going to it.

CLOSE CITY COUNCIL MEETING

MOTION BY: Councilperson Jeff Higginson to close city council meeting.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 9:30 p.m.

Jeffrey Nielson, City Recorder