

Minutes of the Salem City Council Meeting held on July 7, 2010 in the Salem City Council Chambers.

WORK SESSION: 6:30 p.m.

There was discussion on the accessory building ordinance.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor Jonathan F. Cope

COUNCIL PRESENT:

Mayor Jonathan F. Cope
Councilperson Lynn Durrant
Councilperson Terry A. Ficklin
Councilperson Todd R. Gordon
Councilperson Sid Jorgensen
Councilperson Sterling Rees

STAFF PRESENT:

Jeffrey Nielson, Finance/Recorder
Chief Brad James, Police Chief
Junior Baker, City Attorney
David Johnson, Building Dept.
Bruce Ward, Public Works/Engineer

Excused:

OTHERS PRESENT

Lana Creer – Harris
Nadene Cope
Reed Cornaby

Rodger L. Hardy
Sherry Berrett
Lucy Cornaby

Marian Davis
Mark Cope
Rod Christensen

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Cope 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 Cope 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. OPEN COMMENTS

Mayor Cope asked if anyone had anything for open comments. There were no comments.

4. SWEAR IN NEW MAYOR

Mayor Cope asked that we come back to this item after the public hearing. He was still waiting for family members to arrive.

5. PUBLIC HEARING

OPEN

MOTION BY: Councilperson Lynn Durrant to open the public hearing.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

A. Amendment to Accessory Building Ordinance

Dave Johnson discussed the current ordinance, and how item ‘D’ in the code is the question for accessory building. He went over some examples. The max square footage for the building would be 500 square feet or 10% of the property lot size.

Mayor Cope stated that he met with Bruce Ward and Dave Johnson about the ordinance. The discussion about allowing a building less than 200 square feet can go to the property line. A building up to 16 feet high would need to have a setback of five feet, and then above the 16 feet would have a 10 foot setback.

Attorney Baker talked about what Planning and Zoning’s recommendations were. One of the recommendations was not to allow a building on an easement. It was discussed to take that out, because if someone builds on an easement, they would be required to move it if the building needed to be moved, and it would be at the expense of the owner. Some easements are five feet and some could be 10 feet. It was stated that in most cases the easements are not affected, that if the utility company needs to go onto the property that they can usually work around the building.

Attorney Baker stated that the council can decline the new ordinance that the existing ordinance is just fine, make some changes to the new ordinance, adopt the new ordinance, or table the ordinance for further discussion. He said that it is a public hearing and the public would be allowed to comment.

Councilperson Durrant stated that the existing ordinance could have some changes made. She talked about some of Dave Johnson's recommendations. If the building is 15 feet high, that it would need to have a five foot setback, if it is higher than 15 feet and up to 25 feet, would need to have a 15 foot setback.

Mayor Cope stated that we need to look at options for a smaller lot, a medium lot and larger buildings, look at size of lots.

Councilperson Jorgensen stated that the lot size would also determine the size of the building; smaller lots won't be allowed to build a larger building, because of the restriction of the 10 percent of lot size.

Councilperson Gordon suggested that when someone comes in for a building permit for an accessory building that we let them know about an easement, so they are aware of it. He also felt that it would be good to put something in the ordinance about the easement.

Rod Christensen stated that the council should look at the lot size, because that would make a big difference.

Councilperson Ficklin is wondering about on item 'F' that we have the set back at two feet. This is for smaller buildings that would be the open buildings like the metal carports that people are starting to use.

CLOSE

MOTION BY: Councilperson Lynn Durrant to close public hearing.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

Mayor Cope stated that he would like to go back to item #4, swearing in mayor.

Jeffrey Nielson, Salem City Recorder, stated that Mayor Cope was officially sworn in on June 17, 2010. Tonight's swearing in is for ceremonial purpose, for the press and family members. Jeffrey Nielson then proceeded to swear in Mayor Cope.

A. Amendment to Accessory Building Ordinance

The council made the recommendation to take out the portion that the building is required to obtain a building permit, because that is regulated by the building code. On item 'D', looking at the 16 foot high building or under, would have a

setback of five feet, and then the building from 16 feet and up to 20 feet would have a 10 foot setback, and the height would not exceed 25 feet.

MOTION BY: Councilperson Terry Ficklin to approve the ordinance with said changes.

SECONDED BY: Councilperson Todd Gordon.

Councilperson Rees had a question and wondering if the 25 feet might be too high.

The recommendation of having a building at 20 feet high, then if the building goes any higher up to 25 feet, would need to have a one foot added to the setback for each foot the building is higher than 20 feet. So for a 25 foot building, it would have a 15 foot setback.

MOTION BY: Councilperson Terry Ficklin to approve ordinance on accessory building, and item 'D' have the setback for a building up to 16 feet high, would be a five foot setback, and from 16 feet up to 20 feet high would have a 10 foot setback, and from 20 feet to 25 feet high would have a setback of one foot added to the 10 foot, for each foot above 20 foot high building and not to exceed 25 feet high, and in item 'F' looking at changing the set back from three feet to two feet, and to delete the building permit must be obtained in item 'C' and 'D'.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (5-0).

6. YOUTH COUNCIL REPORT

It was stated that the youth council has just been reorganized with a new group of youth.

7. APPROVE RESOLUTION ON MUNICIPAL WASTEWATER PLANNING PROGRAM

Bruce Ward discussed the resolution for the wastewater planning program and how it is a self evaluation of the city's wastewater system. The lower the score, the better our rating is. Over all the city wastewater system is doing pretty good. We have had a couple of TSS violation over the past year, but we have been able to take care of them. The barley straw that we put in the lagoons really helps with the sewer treatment. Councilperson Ficklin asked about the wetland that UDOT put in. Bruce stated that this item will be coming up in our August council meeting, and will discuss it. The wet land does not help out; we have only been testing where the water exits out of the lagoon.

MOTION BY: Councilperson Sterling Rees to approve the resolution on municipal wastewater planning program as presented.

SECONDED BY: Councilperson Sidney Jorgensen.

VOTE: All Affirmative (5-0).

**8. APPROVE UDOT COOPERATIVE AGREEMENT FOR SAFETY
SIDEWALK FROM 640 NORTH TO 750 NORTH ON WEST SIDE OF SR 198.**

Bruce Ward stated that Chief James has worked on this and brought it to his attention. Bruce stated that the agreement is for a safety sidewalk project. The grant is for \$15,000, and Salem City would need to come up with \$5,000 and UDOT would do the other \$10,000. Most of the city's \$5,000 would be done with engineering and surveying work. The agreement is for this year, and needs to be completed. The property is on UDOT right away. The area is on SR 198 from 640 North to 750 North. We would also be required to maintain the sidewalk.

MOTION BY: Councilperson Lynn Durrant to approve the UDOT agreement for safety sidewalk.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (5-0).

9. APPROVE BUSINESS LICENSE ORDINANCE

Attorney Baker stated that it has been recommend with the new budget that the fee for the business license for commercial businesses be raised from \$25 to \$50. The beer license fee was also recommended to be changed so that it could be prorated. The cost for a new beer license is \$1000, then \$500 to renew, for the year. If the new license is purchased any time after July, it would be prorated. Utah State Law also regulates the revocation of the beer license, and the ordinance addresses it.

MOTION BY: Councilperson Sidney Jorgensen to approve the business license ordinance.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

**10. APPROVE E-VERIFY PROGRAM FOR EMPLOYMENT VERIFICATION
MEMORANDUM OF UNDERSTANDING**

Attorney Baker explained that the state requires that all employers verify new hires to make sure that they are U.S. Citizens. There is a free verification company that has been approved for this service. Our employees Heather Brindley and Jeffrey Nielson have taken the training and passed the test to use the E-Verify program. An agreement needs to be approved to use the program.

MOTION BY: Councilperson Terry Ficklin to approve the E-Verify program.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (5-0).

11. APPROVE ADDENDUM TO NEWAYS AGREEMENT (JAN 9, 2009)

Bruce Ward stated over the last couple of years we have been working with Neways to try to regulate the waste that they produce with their products. They have been real good to work with, and we have been able to get a lot accomplished. They have now completed the main sewer man hole where the testing will be done. We want to make sure that we get a good sample of the waste and in order to do that we feel we need to extend the agreement. Neways has also stopped doing the three shifts that they were doing a few years ago when the agreement was written. We feel to extend the agreement by six months and would end July 2011.

Councilperson Ficklin asked if improvements have been made since the agreement was written. Bruce stated that they have changed the way they do their operations, and they have also installed equipment for the city to help with the testing. He feels that a lot of improvements have been made.

MOTION BY: Councilperson Sterling Rees to approve the addendum to Neways agreement.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (5-0).

12. APPROVE RESOLUTION TO PARTICIPATE IN UTAH COUNTY CDBG PROGRAM

Attorney Baker stated that when this was approved last fall, a resolution was supposed to be approved at the same time. The resolution is from the federal level, and would need to be approved. This agreement and resolution allows the city to receive money in grants and would be beneficial for the city to be a part of.

MOTION BY: Councilperson Lynn Durrant to approve the resolution to participate in Utah County CDBG.

SECONDED BY: Councilperson Sidney Jorgensen.

VOTE: All Affirmative (5-0).

13. APPROVE MINUTES OF JUNE 16 2010

MOTION BY: Councilperson Lynn Durrant to approve minutes of June 16, 2010.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (5-0).

14. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Terry Ficklin to approve the bills for payment.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (5-0).

15. PUBLIC SAFETY

COUNCIL REPORTS

16. MAYOR JONATHAN F. COPE

17. COUNCILPERSON LYNN DURRANT

18. COUNCILPERSON TERRY A. FICKLIN

19. COUNCILPERSON STERLING REES

20. COUNCILPERSON SID JORGENSEN

Bruce Ward mentioned that the city road crew is doing chip sealing. One of the roads they will be doing is canal road. We recently just redid Canal Road, but we need to seal it so we can get more life out of the road.

Councilperson Todd Gordon mentioned that on Loafer Road by the school, the ditch on the side of the road is getting deep, and starting to cut into the road.

21. COUNCILPERSON TODD R. GORDON

Councilperson Gordon talked about how Spanish Fork Cemetery is looking into double stacking burials in cemetery plots.

Councilperson Gordon talked about the lower ball park, and looking at renaming the park to honor the veterans who helped purchase the property for the park. Attorney Baker stated that it would take a resolution to rename it. Councilperson Ficklin talked about doing a plaque for it and stating the history of how the veterans were able to get the property.

Councilperson Gordon talked about the chain link fence at the weir of the pond and how it was put in so that the grass carp would not get out of the pond. Feel that it may not be necessary anymore.

22. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS

23. BRUCE WARD, CITY ENGINEER/ PUBLIC WORKS DIRECTOR

Bruce Ward talked about the weather station that the high school would like us to participate in. The state will allow us to the money from our P.I. Bond to help participate with it. The city's portion of the station would be \$4,000.

Bruce also mentioned that the city has started the approval process for \$41,000 grant for energy. If approved we would go out for proposals to do an energy audit, then look at alternative power, energy efficient street lights, building efficiency to help see where the city can save money in energy. The grant will not cost the city money out of the budget.

Bruce stated that Sunrise Engineering has set up our SCADA system for the water and PI. It has a lot of information, but we are unable to do reports with it. Would like to use the money from the PI bond to pay for a reporting program. When we get more information on it, would let Councilperson Rees know and also report to the council.

The State is coming down next week to look at the pond and to do more test. They are still trying to determine the source of the e-coli, if it is human or animal that is causing the high levels.

Bruce reported that we are using about 4 million gallons of water a day for the P.I. He is still trying to work on the Weather Trac system for the city.

The National Guard is supposed to start on Friday, to do some work at the property by the cemetery. We have 100 hours of work that they are going to do; they will be here Friday, Saturday, and Sunday. We have notified all of the residents in the area using the call out system the police department has.

24. ATTORNEY S. JUNIOR BAKER.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Terry Ficklin to close city council meeting and enter into a closed session for the discussion of potential litigation.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 9:00 p.m.