

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

Work Session: started at 5:00 p.m. the council was trained on NIMS (National Incident Management System).

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
Junior Baker, City Attorney
David Johnson, Building Dept.
Bruce Ward, Public Works/Engineer

Excused:

Councilperson Stanley Green

Chief Brad James, Police Chief

OTHERS PRESENT

Randy Skinner
Albin Dittle
Brandon Riding
Elisha Sanderson
Matt Paulson
Candice Bascom
Scott Isaacson
Chris Knutson
Jade Hall
Marissa Caules
Mallory Byrnes
Travis Wilson

Tyler Skinner
Jacob McKee
Wayne Riding
Josh Fifita
Rebecca Jones
Whitney Dawe
Kayla Snell
Ashlee Peterson
Connor Meads
Delite Orton
Erman Stone
Jared Bingham

Kyle Skinner
Marte McKee
Cody Bullard
Lindsay Stevens
Nichole Price
Bryson Garrick
Zane Hales
Brady Archuleta
Jessica Allman
Celeste Lee
Reed Cornaby
Bryce Bingham

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Councilperson Todd Gordon 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. PUBLIC HEARING

MOTION BY: Councilperson Brent Hanks to open the public hearing.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

A. Helaman Academy – Conditional Use for a Private School Located at 741 N. SR 198

A representative from Helaman Academy explained to the council what they would like to do. She stated that the location is where the Books and Fun used to be located in the front of the Hatfield Building. Mayor Henderson stated that he is concerned that it is located in a commercial zone, and it would be using a potential commercial building. The Representative stated that they have looked in other places, but they feel this would be the best location for the school. They will be using the front portion of the building, and feel it has the required area for what they need. The ages are from kindergarten to eighth grade. The school is a private school, and is not public or a charter school. Most of the students are from Spanish Fork and Mapleton area.

Councilperson Hanks asked how many students they would be having. She stated that there would be about 35 students and four teachers. Councilperson Hanks also asked if the building is still on a holding tank for the sewer. It was stated that the building has hooked onto the sewer line when the grocery store and city had the sewer line installed on 750 North.

A question was asked about traffic issues and having the traffic in the area. Dave Johnson stated that they have met with the Hatfield's and have worked out the way parents would drop off and pick up. The playground will be off the road enough to where it will be in a safe place.

Bruce Ward stated that Planning Commission and DRC had issues with ADA, Parking Access, and Fire Code with the warehouse using the other side of the building. Items to consider, the kids will all need to be picked up and dropped off, the students will be required to bring their own lunches, and they will not be allowed to leave campus for lunch.

Councilperson Hanks is concerned about the location, and if there would not be a better place rather than a commercial zone. Attorney Baker stated that this building has already been approved for a commercial conditional use. Legally we cannot deny it, but the council can put conditions for the use.

B. Ordinance Amending Certain Provisions of the Zoning Ordinance in Order to Comply with Signage Regulations

Attorney Baker explained that when doing the codes, we had two conflicting issues dealing with signage in the commercial zone and codes dealing with signage. Because of the way the signage was written the commercial zone, it did allow a sign to be approved. This ordinance is cleaning it up, so the signage is taken out of the commercial zone code, and the only signage regulations would be in the business section of the code.

Councilperson Gordon asked if Planning Commission is still planning on reviewing the sign ordinance. It was stated that they are.

Close

MOTION BY: Councilperson Lynn Durrant to close public hearing.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

A. Helaman Academy – Conditional Use for a Private School Located at 741 N. SR 198

Councilperson Ficklin asked about restrooms, and are there enough for the building. It was stated that there are restrooms in the warehouse where Books and Fun is located. The school will have the front part of the building, and it will be ADA approved, and the building codes will be met.

MOTION BY: Councilperson Lynn Durrant to approve the Helaman Academy with the conditions imposed by Planning & Zoning and DRC (***DRC:** 1) submit architect drawings indicating compliance with ADA requirements, building and fire codes; 2) submit an engineer's report on the seismic soundness of the structure for the safety of the children and other issues deemed necessary by code; 3) if there is not already parking on the south side of the building, extend it to the west with a hard surface as shown; 4) the egress onto the highway is a right turn only; 5) move enclosed playground back, at least 30 feet off of the highway; 6) students not be allowed to walk to school, if they live close enough to walk,*

*they must be accompanied by an adult; 7) a sign meeting city standards be allowed on the building or replace the existing “Books of Fun” sign; and 8) have separate restrooms for the school and the office space. **Planning & Zoning:** 1) submit architect drawings indicating compliance with ADA requirements, building & fire codes 2) submit an engineer’s report on the seismic soundness of the structure for the safety of the children and other issues deemed necessary by code - they have already submitted the engineer’s and architect’s reports; 3) if parking is not already on the south side of the building, construct it as shown on the site plan -it was determined that the existing parking was adequate; 4) egress onto the highway is a right turn only - it was decided to have the egress onto 750 North and then they can turn either way; 5) move enclosed playground back at least 30 feet off of the highway - the revised site plan shows the playground moved back; 6) students not be allowed to walk to school, if they live close enough to walk, they must be accompanied by an adult; 7) a sign is to meet city standards or they can replace the “Books of Fun”; and 8) have separate restrooms for the school and the office space.)*

SECONDED BY: Councilperson Todd Gordon.

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

B. Ordinance Amending Certain Provisions of the Zoning Ordinance in Order to Comply with Signage Regulations

MOTION BY: Councilperson Terry Ficklin to approve Ordinance 31809 amending certain provisions of the zoning ordinance in order to comply with signage regulations.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0).

4. TRAVIS WILSON COUNTY WATER HOOKUP AT APPROX. 200 E. 9800 S.

Travis Wilson is requesting to hook up to an existing water meter that is located in the county. He understands that the ordinance does not allow a home in the county to hook up to an old stock water line, but this use to be a water meter hooked up to a home that has been torn down. He wants to build a new home, and rather than spend a lot of money to drill a well, he would like to have the ability to hook onto the water line. The water line that services the area has a couple of other homes hooked onto it, and it is an old two inch line.

Councilperson Ficklin is concerned that the size of the water line is too small. Dave Johnson stated that once the water line leaves Woodland Hills Drive, it is a private line. It was also pointed out that because the property is located within the county, the water rate would be double. Mayor Henderson stated that another concern would be that there is no fire flow in the area, and that it would be a concern.

It was suggested that the property be annexed into the city. Travis stated that eventually they would be. Another option would be to have any water rights turned over to the city and because this was an existing water meter, allow them to hook onto it. Attorney Baker stated that an impact fee would also need to be paid. Dave Johnson stated that it is an older line, and they would be responsible for any repair that would need to be done. Bruce Ward also stated that it needs to be noted that they will not have fire flow in the area.

MOTION BY: Councilperson Brent Hanks to approve the connection with the condition that any water rights would be turned over to the city or cash in lieu, that they would bear the cost of fixing and maintain the water line, would be responsible for paying impact fee, and that they are aware that there is no fire flow protection.

Councilperson Ficklin asked if this is going against our ordinance stating that a person living in the county cannot hook up to the city water, or that if a water line was used as stock water certain requirements would be required. Attorney Baker stated that the difference here is that this was not used as stock water, that it was a culinary water line with a meter that serviced a home.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0).

5. AGREEMENT FOR DUDLEY PROPERTY

Attorney Baker stated that on February 18, 2009 an executive session for the discussion to purchase the Dudley property located by the civic center. The council agreed to purchase the property. It was agreed that the property be purchased for \$70,000 but the Dudley would donate \$10,000 of the price to the city. Because it was discussed in an executive session, and the agreement was signed, the council needs to ratify the mayor's signature on the agreement.

MOTION BY: Councilperson Brent Hanks to ratify the mayor's signature for the Dudley Property purchased.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

6. PEHP 2008/2009 AGREEMENT

Attorney Baker stated that the city provides health care to the employees through PEHP. We have been with them for many years. This agreement is for the 2008/2009 fiscal year. He stated that they have gotten the agreement out late. He has read through it, and it is the same agreement that has been done in the past. He also stated that it is very comparable with other companies.

MOTION BY: Councilperson Lynn Durrant to approve the PEHP 2008/2009 agreement.
SECONDED BY: Councilperson Todd Gordon.
VOTE: All Affirmative (4-0).

7. APPROVE 2007/2008 AUDIT

Jeff Nielson stated that last council meeting during work session, the 2007/2008 Audit was presented to the council. Jeff stated that the council needs to approve the audit.

MOTION BY: Councilperson Terry Ficklin to approve the 2007/2008 audit report.
SECONDED BY: Councilperson Brent Hanks.
VOTE: All Affirmative (4-0).

8. APPROVE MINUTES OF MARCH 4, 2009

MOTION BY: Councilperson Lynn Durrant to approve the minutes of March 4, 2009 as written.
SECONDED BY: Councilperson Brent Hanks.
VOTE: All Affirmative (4-0).

9. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Brent Hanks to approve the bills for payment.
SECONDED BY: Councilperson Lynn Durrant.
VOTE: All Affirmative (4-0).

10. PUBLIC SAFETY

Captain Erman Stone stated that the Ambulance Department was able to get a defibrillator for Salem Hills High School. It was donated by Murray City. It has been serviced, and is ready to be used. We are grateful for the donation, and feel it is needed in the high school.

11. OPEN DISCUSSION

Mayor Henderson asked if there were any questions from the public.

Bryson Garrick asked if the city has considered a recreation center to be used in connection with the high school. Mayor Henderson stated that the city has looked at it, but the problem is funding for the building.

Marte McKee asked if the city is able to use the school building and facilities. Mayor Henderson stated that the city has an agreement with Nebo School District on the use of their buildings, and in turn we allow the use of our buildings, and other amenities.

Celeste Lee stated that a road by her home is in really bad shape, and wondering if the city can do anything about it. Mayor Henderson stated that the city has tried to set a priority for spending the road money, and making sure the roads are maintained, but sometimes we can't get to all of the roads. Councilperson Hanks stated that he will go look at the road the following day.

COUNCIL REPORTS

12. MAYOR J. LANE HENDERSON

Mayor Henderson reported that the ribbon cutting for Crisp grocery store happened at noon today, and wants to let everyone know they need to shop at Crisps.

He received a notice that the Beehive Home is under new management and that they will be having a ribbon cutting on April 7th at 12:30 p.m.

Mayor Henderson thanked Councilperson Hanks for his time spent working with the Crisps in getting their store here. He also thanked him for working with the Dudley's about the property at the civic center.

13. COUNCILPERSON LYNN DURRANT

14. COUNCILPERSON TERRY A. FICKLIN

15. COUNCILPERSON STANLEY W. GREEN

16. COUNCILPERSON BRENT V. HANKS

Councilperson Hanks wanted to thank the Crisp family in getting the grocery store up and going, and thank Ralph and Joyce Henderson for donating the property where the store is located.

17. COUNCILPERSON TODD R. GORDON

Councilperson Gordon reported about the commercial buildings on the highway by town homes. He stated that they are looking at a couple of different gyms and a couple of different restaurants. Also, the Capital Community Bank is getting ready to open at their new location.

The youth council and fire department are getting ready for the Easter Egg hunt on April 11th.

Bruce Ward asked Councilperson Gordon about the concrete floor at the city shop and how it needs to be replaced. Councilperson Gordon stated that he has talked to the person who laid the cement and he is willing to do the labor again at no cost if the city will tear out the current cement floor. He also stated that the cement company would replace the cement. He told Bruce he would contact them the following day to make arrangements, and would let Bruce know about it.

18. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS

19. BRUCE WARD, CITY ENGINEER/ PUBLIC WORKS DIRECTOR

Bruce Ward reported that the PI system will be ready to turn on around the 15th of April. We are waiting for the canal company to have the canal filled up.

20. 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: 7:50 p.m.

Jeffrey Nielson, City Recorder