

Minutes of the Salem City Council Meeting held on October 21, 2009 in the Salem City Council Chambers.

5:00 p.m.

Work session: Dave Anderson went over the draft of the General Plan, the narrative portion. Planning and Zoning also attended the meeting. It was discussed to put the plan on the web page and make it available for the public to view and comment. It was also asked of the council and planning and zoning to review the general plan and to make any comments by their next meeting.

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
Chief Brad James, Police Chief
David Johnson, Building Dept.
Kirt Nord, City Attorney
Bruce Ward, City Engineer

Excused:

Junior Baker, City Attorney

OTHERS PRESENT

Lana Creer Harris
Stewart Spencer
Rebecca Jones
Chenee Bohling
Delite Orton
Ginelle Jack
Colton Simons
Kyle Cannon
Troy Williams
Stephanie Spencer
Kayla Hancock
Justin Henderson
Brent Moser
Brent Black
Reed Cornaby

Lindsey Wolsey
Brandon Barlow
Phillip Sorenson
Tannon Bradley
Sydney Allred
Ashley Laughter
Kassidy Parker
Courtney Sanders
James Jairl
Morgan Hales
Braden Abbott
Hayden Eyre
Mark Fellows
Sid Jorgensen

Billy Fairbanks
Phillip Lundell
J'son McDaniel
Devin DeHart
Spencer Jack
Vanessa Jasperson
Zack Beck
Kylie Williams
Bryce Williams
Aaron Cano
Kempton Davis
Michael Eyre
Dennis Jensen
Jon Cope

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Chief Brad James stated he would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Reid Cornaby 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 Lynn Durrant to open the public hearing.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

A. ORDINANCE AMENDING AND CLARIFYING THE PERMITTED USES ALLOWED IN THE C-1 & C-2 COMMERCIAL ZONES.

Attorney Kirt Nord stated that tonight this ordinance is proposing to allow health and fitness centers as well as funeral homes. These will be a permitted use in the C1 and C2 zones. This was brought to our attention when a gym was being built across the street from the high school.

Mayor Henderson asked if there were any comments from the public. There were no comments.

Councilperson Gordon asked about Planning and Zoning's recommendation. He stated that when the ordinance was proposed to them, it stated that for the health and fitness centers, the statement of excluding spectator events was in the ordinance. Planning and Zoning determined that it was too broad of a statement, and felt that it should be taken out. The council was okay with the recommendation from Planning and Zoning.

CLOSE

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

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (5-0).

A. ORDINANCE AMENDING AND CLARIFYING THE PERMITTED USES ALLOWED IN THE C-1 & C-2 COMMERCIAL ZONES.

Councilperson Green asked Police Chief James if he had any concerns with the ordinance. Chief James stated that he did not have any problems with the ordinance.

MOTION BY: Councilperson Todd Gordon to approve ordinance 102109 amending and clarifying the permitted uses allowed in the C-1 & C-2 commercial zones.

Mayor Henderson asked for a second, there was no second. He asked for further discussion, there was no discussion.

4. GORDY JONES – PRELIMINARY APPROVAL FOR PLAT “F” OF AUTUMN HILLS.

Joel Harris stated that this subdivision is six lots, and feels that it would clean up the area. The map was shown, to the public and council, where the subdivision would be located. Mayor Henderson remarked about the 600 South road, right now it is closed off and it would need to be opened. It was stated that the recommendation from Planning and Zoning and DRC would be to have the road open when lots five and six are improved.

Councilperson Brent Hanks is concerned with the narrowness of 600 South. After the improvements are done for the subdivision, the remaining portion of 600 South would be very narrow. It was stated that an option might be to have the road a one way street.

MOTION BY: Councilperson Lynn Durrant to approve the preliminary subdivision for Plat “F” of Autumn Hills.

SECONDED BY: Councilperson Stanley Green.

VOTE: Councilperson Hanks, Nay; Councilperson Durrant, Aye; Councilperson Green, Aye; Councilperson Ficklin, Aye; Councilperson Gordon, Aye. (4 Aye – 1 Nay).

5. DEVELOPMENT AGREEMENT WITH FAR WEST BANK/ HARVEST RIDGE

Bruce Ward stated that this agreement is the result of the discussion from the Harvest Ridge development, to get some of the improvements done that needed to be done. Far West Bank and the developer have allowed this agreement to be made. The money would be going to Salem City, and in turn the improvements would get finished and the

bank would pay the contractors. The city is not accepting any responsibility in the project, but we will make sure the contractors get paid and make sure the work gets done.

MOTION BY: Councilperson Stanley Green to approve the mayor to sign the development agreement with Far West Bank and Harvest Ridge.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

6. GRANT APPROVAL – SALEM PARK AND LERAY MCALLISTER CRITICAL LAND CONSERVATION FUND

Mayor Henderson stated that Salem Park has worked with the city to apply for the LeRay McAllister grant to help with their subdivision trail system and park. Bruce Ward stated that Salem Park has applied for the grant and has been awarded the money. Because they are a private entity, they cannot get the money; it has to be given to a public entity, so the city needs to get involved. The grant is for \$75,000, but it is also a matching grant, so Salem Park would need to pay \$75,000. Bruce stated that the park improvements in the area will be over one million dollars when it is all completed. The grant improvements need to be completed by January 31, 2010. If they get done with the portion of the improvements by that date, then they will invoice the city for the amount and city will apply for the reimbursement from the grant. Bruce stated that because the park improvements are so large, they do not have to have the whole project done, just a portion of it. Bruce stated again, that Salem Park will be doing the work, and the city is only the middle person to get the money for the grant. Bruce also stated that included with the agreement are the easements to the wet lands, and making sure they are kept wet lands. This is part of the grant.

MOTION BY: Councilperson Stanley Green to approve the mayor to sign the agreement for the Grant and with Salem Park and LeRay McAllister critical land conservation fund.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

7. APPROVE POLL WORKERS FOR GENERAL ELECTIONS

Jeff Nielson stated that a few council meetings ago we approved the poll workers for the elections. Jeff stated that some of the judges have had something come up and he is in need of on other judge. Jen Watson has been selected to be a counting judge for the general election.

MOTION BY: Councilperson Terry Ficklin to approve the poll workers for the general election.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

It was stated that the meet the candidate night is set for Thursday night October 29 at 6:00 p.m. at the city office building.

8. APPROVE MINUTES OF OCTOBER 7, 2009

MOTION BY: Councilperson Lynn Durrant to approve the minutes of October 7, 2009.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

9. APPROVE BILLS FOR PAYMENT

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

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

10. PUBLIC SAFETY

11. OPEN DISCUSSION

COUNCIL REPORTS

12. MAYOR J. LANE HENDERSON

Mayor Henderson stated that on Thursday the 22nd, there will be a discussion on the I-15 interchange at 4:00 p.m. at the High Chaparral in Spanish Fork Fair Grounds. He stated that the interchange in question is the Spanish Fork interchange onto Main Street.

13. COUNCILPERSON LYNN DURRANT

Councilperson Lynn Durrant was excused from council meeting at 7:25 p.m.

14. COUNCILPERSON TERRY A. FICKLIN

Councilperson Ficklin reported on the South Utah Valley Solid Waste District, and how they are getting bids for the second stage of the second cell for the land fill. He talked about the process for the solid waste. He stated that the cells have about a 70 – 100 year life span.

15. COUNCILPERSON STANLEY W. GREEN

Councilperson Green stated that the Pressurized Irrigation system is off, and is being drained.

Councilperson Gordon was wondering about the water meters that have been placed on some of the P.I. water systems. It was stated that the State is requiring this as part of the funding of the P.I. project. They want us to test the mechanics of the meters. We have only put out about a hand full of meters, and the residents will not be charged for the water used. We are only testing the meters for the state.

16. COUNCILPERSON BRENT V. HANKS

Councilperson Brent Hanks stated that the utility building at the Loafer Recreation Complex is completed. The city crew was able to use the new asphalt paver on the parking lot. The project looks really good. The crew will also be using the paver to lay asphalt down for the salt bins at the city shop

Councilperson Gordon was wondering about the crack sealing machine that the city purchased with Spanish Fork a few years ago. Wondering if we are getting our money's worth out of it. He stated that Spanish Fork City is really using it a lot. It is cheaper for us to do it ourselves than to have it hired out. It was stated that we did not have the money to do it last year.

17. COUNCILPERSON TODD R. GORDON

18. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS

19. BRUCE WARD, CITY ENGINEER/ PUBLIC WORKS DIRECTOR

20. ATTORNEY S. JUNIOR BAKER.

Attorney Nord stated that we need to return to item #3. He stated that there is an individual who is planning on doing a fitness center in a new commercial building. He is wondering if the council would reconsider the ordinance as it is written. There was no second on the motion to pass it, and was wondering if the council could take action on it. The fitness center is Anytime Fitness, and they are planning on opening very soon.

Attorney Nord stated that we are only talking about allowing the permitted use of the fitness and health centers and the funeral homes, nothing else. If someone wants to use their building for something else, they would need to come back to the council for a permitted use.

Bruce Ward stated that a tenant approval has been issued to the gym. The basic language is to allow the permitted use, if someone wanted to use the building or an activity other than what is permitted, they would need to get permission from the city.

Mayor Henderson stated that Anytime Fitness wants to use the building, but because the gym was not in the permitted uses of the C1 or C2 zone, we needed to add that.

Councilperson Ficklin stated that a concern would be to allow a fitness center to be used for a spectator sport, and how the language was taken out of the ordinance not allowing spectator events. It was stated that Planning and Zoning determined that the language was too broad. If the council approves the ordinance as it is written with the recommendations from Planning and Zoning, and if a business wanted to hold a spectator event at their business, they would need to get approval from the city.

Mayor Henderson stated that this is for allowing fitness and health centers and funeral homes, nothing outside of that would be allowed.

Councilperson Ficklin is still concerned about the language, and feels that it is still too vague, and would like to have something back in the ordinance about the spectator events.

Councilperson Gordon stated that we currently have a few businesses now that are operating as a fitness center; if we do not pass this then we would need to contact those business and let them know they need to shut down. It is not fair to them or to the new business trying to come into town.

MOTION BY: Councilperson Terry Ficklin to not approve the ordinance as written but to table it and have further discussion on it.

SECONDED BY: Councilperson Stanley Green.

VOTE: Councilperson Brent Hanks, Nay; Councilperson Stanley Green, Aye; Councilperson Terry Ficklin, Aye; Councilperson Todd Gordon, Nay. (2 Aye, 2 Nay).

With the tie vote, Mayor Henderson voted to break the tie. He voted aye, to not approve the ordinance as written but to table it until next council meeting and to have further discussion on it.

Mayor Henderson stated that we will continue to allow the businesses who are currently operating, until the ordinance is either passed or denied.

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