

Minutes of the Salem City Council Meeting held on September 2, 2009 in the Salem City Council Chambers.

Work Session 6:30 p.m.: DWR (Division of Wildlife Resources) came and talked to the council about allowing the access to the city property by the Water Canyon water tank. They would like to extend the parking lot at the tank, and then improve the trail that connects to the road that goes to the radio tower on the mountain.

Chief James talked about the weed abatements that have been sent out, and how they will be citing people who have not cleaned up their property.

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.
Junior Baker, City Attorney
Bruce Ward, City Engineer

Excused:

OTHERS PRESENT

Whitney Ferguson
Bill young
Zane Hales
Josh Mathews
Bryce Williams
Taylor Lamb
Brandon Barlow
Jonathon Watson
Morgan Fausett
Mark Ogden
Roger Brinkerhoff
Thomas Whitlock
Ashley Christensen
Travis Hancock
Kim Hansen
Darren Averett

Jared Furguson
Kathy Young
Kayla Snell
Angalyn Shepherd
Jacob Johnston
Morgan Hales
Jen Watson
Michael Burton
Sarah Wilcox
Lana Creer Harris
Sean Turner
Lynda Hales
Sasha Keck
Russell Hansen
Craig Callister
Russ Myers

Jen Allen
Magan Davis
McKenna Oss
Troy Williams
Adeline Lamb
Zack Beck
Steven Watson
Cameron Losser
Michele Ogden
Wayne N.
Jessica Whitlock
Cliff Hales
Grace Newman
Ryan Remker
Dan Higginson

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. MARK OGDEN – VARIANCE TO SPLIT PROPERTY AT 810 S. 300 W.

Mark Ogden presented to the council that he has a lot that, if it was to be split, would become two nonconforming lots because the two lots would not have the 100 foot frontage that is required. There is an ordinance that allows a variance on the frontage as long as the square footage is still met. The ordinance is 121796.

Attorney Baker stated that with the ordinance it does allow neighbors to speak, it is not a public hearing, but neighbors are allowed to give their opinion.

Jared Ferguson, a neighbor stated that he has talked to Mark again about purchasing the property. When Mark came in a couple of years ago and asked for the variance and was denied, Jared offered to purchase the property then too. When he purchased the property to build his home, he was told by Mark that he would not divide the property, that he liked the big lot. Jared was glad to hear that, but when Mark wanted to divide, he really wanted to purchase it from him. Jared spoke with a realtor and found some property that is undeveloped, and the lots are going for about \$30,000. He has made Mark an offer, and would like to work it out with him so that the property would not be built on. He would clean it up and expand his yard. He also knows that with the economy the way it is right now, it is hard to sell lots especially when undeveloped.

Bruce Ward stated that, as staff, we like the idea of the variance, mostly because it would clean up the area. The improvements would need to be done on the property. There was discussion on the power lines in the area.

Mayor Henderson stated that we have a property owner who has purchased a lot, with the impression that the neighbor would keep his lot and not divide it. We also have another property owner who is asking for a variance, but by doing the division he would be required to do the improvements.

Jared stated that nothing has changed since the last time Mark came to council and was denied. He is wondering if Mark has looked at the cost for the improvements. He feels that if Mark knew how much the improvements would cost, he is not sure if he would be ahead on the selling of the property. Some of the council estimated some of the improvements would be about \$30,000 at least.

Mark stated that from the sounds of it, he would be required to put the improvements in before he sells the property, and it sounds like the cost is going to be a lot. With that, he feels that he will withdrawal his request from the council.

4. DEVELOPMENT AGREEMENT WITH SALEM PARK

Attorney Baker stated that this is an amendment to the development agreement we already had with Salem Park Development. With the Salem Park Development, they had given the city money for a power substation, and they have also incurred a lot of cost for other improvements/infrastructure for the subdivision, that other subdivisions would be able to benefit from. When the power was installed for the development, there were some costs incurred by the development that they owe Salem City Power for the installation. Those costs are about \$100,000. Currently, the city is paying Salem Park Development back for the installation of the power substation (Loafer Substation) with a portion of the electrical impact fees. With the cost that Salem Park owes Salem City for the power installation, instead of paying the development back with impact fees, we will be paying Salem City until the cost of the power installation is paid. Along with this, the cost for the water and sewer lines are known, and we are currently updating our impact fees for both the water and sewer. When we find out what the study recommends, we will be able to update the agreement again, to help pay back the cost for the water and sewer infrastructure that will be benefiting other areas.

MOTION BY: Councilperson Brent Hanks to approve the amendment to the development agreement with Salem Park.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

5. CENTURY EQUIPMENT – BACK HOE LEASE

Bruce Ward explained that currently the city has two back hoes; one is leased, and the other is an old Case back hoe that we need to do repairs on each year. The back hoe that is leased is a CAT, and the lease is a great program for the city to be on. We get a new back hoe each year. We used to lease a back hoe from Case, but then CAT was able to get us a better deal. Now Case has a new program to lease a new back hoe each year. The back hoe is a basic back hoe, and does not have as many items as the CAT, but the Case will do what we need it too. The cost for the lease is \$233 a month. We get 300 hours for the year; if we go over we pay for the hours we used over the 300. The Case is a lighter back hoe, and will work great at the cemetery. We will use the old Case back

hoe for back up. The money we spend keeping the old Case operating will be used for the new back hoe. Bruce recommends that we accept the lease agreement.

MOTION BY: Councilperson Todd Gordon to approve the lease of a back hoe.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

6. YOUTH COUNCIL REPORT

Sara Wilcox, from the youth council, told the council what events they have going on. They had a BBQ dinner for the new members in July, August they helped out with many different events for Salem Days. At their monthly meeting they start off with the pledge, and they were even sworn in by the Salem City Recorder. They are going to do some cleaning up in areas of the city and are going to go to Camp Williams to do some rope courses. They are planning on doing the Halloween trick or treat again at the park.

7. APPROVE MINUTES OF AUGUST 19, 2009

MOTION BY: Councilperson Lynn Durrant to approve the minutes of August 19, 2009 as written.

SECONDED BY: Councilperson Terry Fickin.

VOTE: All Affirmative (5-0).

8. APPROVE BILLS FOR PAYMENT

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

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (5-0).

9. PUBLIC SAFETY

Councilperson Lynn Durrant stated that she is concerned about the parking at the down town ball park when they have ball games. People are parking in places that they are not supposed to.

10. OPEN DISCUSSION

Mayor Henderson asked if anyone had anything for open discussion.

Darren Averett stated that he lives in the newly developed Harvest Ridge subdivision, and he is concerned about a few items. First is the rock product company working in the subdivision. They are sifting the dirt, separating the rock and top soil. There is large equipment working in the area, and he is concerned about the safety of the kids. Next thing is that he lives in phase three of the development and there are no street lights installed in this phase. The last item is that there are some items in the development that should have been completed a while ago, and has heard that the bond that the city had with the developer, to make sure some of the items was complete has expired. He would like some action taken, so that the developer will finish what he has promised the people who have purchased and built homes in the subdivision.

Cliff Hales, who also owns a home in the subdivisions, feels the same way that Darren Averett feels and would like to see the city do something.

Bill Young, who was one of the developers of the property, stated that they are going through a lot of financial problems at the moment and feels that we are in times that we all need to work together. They have had 30 lots which were sold, but have fallen through. Many of the lots are being sold at a discounted rate. He stated that if the owners have issues, with the home owners association or the CCR's, that they need to meet as an association. With the bonding issue, the bond did expire and they are working with the city to get it worked out. With the rock company, Trotter, it is a company that has worked for them, and they have allowed him to get the top soil out of the area where the catch basin is going to go, which is in a phase where there are no homes. He stated that they have allowed Trotter to use the top soil and sell what he gets out, because they owe him money and he felt that this would be a way to pay him back. He has been told that some of the top soil was to be used in the developments planters strip.

Roger Brinkerhoff, the other owner of the subdivision, stated that they are struggling with the economic times. He is trying to everything possible to make things work out. He talked about the rock product company, and how every tenth load of topsoil needed to be placed in the subdivision. Another issue, that has been taking a lot of time is working with the Bureau of Reclamation, who has seized about 4.5 acres of land, and they have been using their own money to fight with the Bureau. The lighting issue in phase three, they are waiting on the city to install them. He stated that he has tried to make this development a nice development.

Danny Higginson stated that he loves living in the area, but there are the issues that need to be taken care. He stated that the planter strips do have a lot of debris in them. He is also concerned about the safety of the kids and the dump trucks for the rock product company. The problem is we bought into the area with the understanding and promises of items, and some of these items are not being take care of.

Roger stated that he has been working with the bank and the city regarding the bond. He stated that there is still phase four of the development that has not started, and they can bond on that phase to get some of the other items done if they need to.

Bill stated that with the planter strips and the trees that are supposed to be planted, they are waiting until the lots are sold so that the home owner can install the sprinkler system to water the trees. They also want to plant the trees at the same time, so that they do not have different size of trees.

Councilperson Gordon was wondering what some of the items that still need to be finished. Bruce Ward stated that the fencing around the subdivision in phase one and two needs to be completed. The planter strips is an item that is not part of the bond, and that it is part of the home owners association. The screening of the top soil has been discussed, and we have looked into our ordinances to see if it is allowed or not. Attorney Baker stated that if the screening is part of the development itself, it would be okay, if used on the subdivision.

Bruce Ward stated that the lights in phase three, that is the something that the city is working on getting installed. The fencing around the subdivision and the landscaping of the retention pond are items that were associated with the bond. He stated that back in 2008 the council agreed to extend the bond. The bond we require is a 24 month bond. When the bank sent the bond in, it was for 12 months, and somehow was over looked by the city, because the bond, we require are 24 month. He stated that he has been working the bank on this issue. He also mentioned that there is still phase four of the development that we could require the bond to get the improvements done. Another option is to put a tax lien on the lots that are not sold. This would then allow the city to receive the money as these lots are sold, and the city could then finish the items that the developer was supposed to do.

The items that need to be finished, is the asphalt overlay, which would be about \$150,000, the electrical work is about \$60,000, both could be pushed to phase four. The fencing and the catch basin we would need to get finished. He stated this could be a discussion all night, but until we find out what the bank will do about the bond, we really cannot do a lot tonight.

Mayor Henderson stated that we are concerned about the area; we have listened to the residents and the developer, and feels that a decision cannot be made tonight. One thing the screening of the rock should be addressed, and feels that for the safety of the kids, and also that the product is not being used on the development that it needs to be shut down. With some of the other items with the homeowners association, he would recommend setting up a meeting with the association and getting some of the items resolved.

Councilperson Stanly Green left the council chamber at 8:21 p.m.

COUNCIL REPORTS

11. MAYOR J. LANE HENDERSON

12. COUNCILPERSON LYNN DURRANT

13. COUNCILPERSON TERRY A. FICKLIN

14. COUNCILPERSON STANLEY W. GREEN

15. COUNCILPERSON BRENT V. HANKS

16. COUNCILPERSON TODD R. GORDON

17. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS

18. BRUCE WARD, CITY ENGINEER/ PUBLIC WORKS DIRECTOR

19. ATTORNEY S. JUNIOR BAKER.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Brent Hanks to adjourn city council meeting.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 8:30 p.m.

Jeffrey Nielson, City Recorder