

Minutes of the Salem City Council Meeting held on September 16, 2009 in the Salem City Council Chambers.

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

Dana Robinson
Greg Elder
Schyler Ellsworth
Colton Simons
Jessica Larsen
David Clare
Brooke Roller

Lindsay Wolsey
Natalie McVey
Taylor Lamb
Ashley Laughter
Ashley Blanchard
Rebecca Jones
Jen Watson

Dennis Toland
Taylor Adams
Adeline Lamb
Christina Larsen
McKenna Oss
Chloe Lawson
Mark Fellows

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Councilperson Stanley Green 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 (5-0).

A. Ordinance Amending the Zoning Code Addressing Living Accommodations for the Elderly

Attorney Baker stated that this ordinance is allowing elderly living group homes, like the Beehive Home, to be eligible to host more elderly tenants in the zone they are in. He read over the ordinance for the council. He stated that when it went before Planning and Zoning, there was discussion about two of the Utah State Codes that contradict each other, and they wanted to change the ordinance. Attorney Baker stated that the way the ordinance is written it covers the city and we will be okay without doing the recommend change from Planning and Zoning. There was some miss communication between Attorney Nord and Attorney Baker.

Close

MOTION BY: Councilperson Stanley Green to close the public hearing.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

A. Ordinance Amending the Zoning Code Addressing Living Accommodations for the Elderly

MOTION BY: Councilperson Lynn Durrant to approve ordinance 91609A amending the zoning code addressing living accommodations for the elderly.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (5-0).

4. MIKE & JAN DALEY – SUBDIVISION ORDINANCE CHANGE

Jan Daley stated that they have talked to some of the council about the possibility of changing the subdivision ordinance to allow septic tanks with subdivisions that are five lots or less. Mike Daley stated that he cannot see where building one home on his lot could hurt the city. They do not feel it is fair that they own the property, but they cannot build on their own property. They pay property taxes to the city, and would like to know why they could not build the home.

Councilperson Ficklin stated that a couple of years ago this same subject came up, and a property owner proposed the same thing, and wanted us to change the ordinance. The issue went back and forth with city council and planning and zoning. A decision could not be made and so the ordinance was not changed.

Mayor Henderson stated that we have had to turn down a few other people who have made the same request. We are very sympathetic towards this situation, but the council has looked at the ordinance, and has had to stick with the ordinance and turn others down. Another issue is that the general plan is being reviewed right now, and feels that right now may not be a good time to change the subdivision standards. Another issue, when the Daley's came in, back in the 1990's, and wanted to build just one home, the council allowed that one home to be built. Now it is the same story.

Councilperson Brent Hanks stated that he has a commercial business in the same area, and the county would not allow him to have a septic tank. It was stated that it might have been because it is a commercial business.

Councilperson Todd Gordon stated that, with the fire code, it requires that you have water lines so that the fire hydrants have good flow. The problem is the water line that services the existing home ends at the home. It needs to connect to another water line, so you have fire flow protection. The water line would need to extend to Woodland Hills Drive, where there is another water line. The fire flow protection is in the subdivision standards, and would need to be met. The Daley's stated that they would be willing to put the water line in, if they needed it.

The gravel road to the first home is another issue, where it is not a city road. It was mentioned that with the first home, the agreement before was to allow the gravel right away, but that the Daley's would be required to maintain it.

Councilperson Durrant stated that she feels for them, but we have had to deny similar request.

Mayor Henderson stated that the issue we are facing is that when the property was divided it became a subdivision, and by becoming a subdivision, it must meet our subdivision standards. Attorney Baker stated that the Utah State Code states that the first time a lot is split it is considered a subdivision. Just as the mayor stated that once it is a subdivision, then it must meet our requirements. The lot has already been split twice. We have allowed septic tanks on a single lot, but once the lot is subdivided, then they are required to have sewer.

Councilperson Green stated that the sewer is one issue, and it sounds like the water line could be another issue. There may also be more issues associated with the standards that they would need to meet.

Mayor Henderson asked the council what their thoughts are. Councilperson Ficklin stated that he feels five lots are too many, but wondering if we could lower it down to two or three. He would like to see what planning and zoning thinks about allowing few lots.

Councilperson Durrant stated that we also need to keep in mind that we are in the middle of reviewing the general plan

The council felt that they would like to have planning and zoning review this, and get thoughts and feelings on it. Also have them look at allowing subdivisions that are two or three lots, but feel that five is too many.

5. UTAH COUNTY CDBG INTERLOCAL AGREEMENT

Mayor Henderson stated that this is an interlocal agreement that the city would be a part of. This would allow the city to apply for CDBG grants, and that they would be a little easier because they would be working through Utah County, and not MAG.

Attorney Baker stated that MAG used to control the money for grants, and it was difficult to get the money. Now the cities would still need to meet the requirements for the grants, but now Utah County is in control of the money and would be determining how the money would be spent. The agreement is with Utah County.

MOTION BY: Councilperson Lynn Durrant to approve the mayor to sign the CDBG interlocal agreement with Utah County.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

6. ORDINANCE AUTHORIZING STREET LEGAL ATVS UPON CITY STREETS

Attorney Baker stated that in the past the Utah State Code would allow ATV's to be driven on roads, if they had access to a trail from the street. This year the state has changed the code to allow ATV's legal to be on the road, if they are street legal. He went over the ordinance with the council. He stated he has talked with Chief James on it, and feels that it would be okay. We would require that the driver have a drivers license, and also the ATV would need to be registered by the state as a street legal ATV. There are a few restrictions that will need to be met.

Councilperson Todd Gordon stated that it cost about three to four hundred dollars to make an ATV street legal.

Councilperson Durrant stated that the ATV would need to be registered twice, once for the street and then for off road. It was stated that is correct that they would have the two separate stickers for the registration.

MOTION BY: Councilperson Lynn Durrant to approve ordinance 91609B approving ATV's to be driven on the road if they are street legal.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

7. APPROVE CONTRACT TO STRIPE ROADS

Bruce Ward stated that we have put a bid out to do striping (cross walks, stop lines, turns, etc) for the roads. He stated that we had two companies turn in their bids. Bruce read the two bids, first was from Pro-Line Striping for \$14,710 and the other was from Morgan Pavement for \$15,725. Back in April we put in the budget for road striping \$8,000. Right now we will only do a portion of the striping that is critical, and then we will try and do the rest when funding is available. In the bid we stated that the company awarded would also be awarded to do the striping for the next three years, rather than bidding it out each year.

Councilperson Gordon stated that we have used Pro-Line in the past and they have done a great job for us.

MOTION BY: Councilperson Todd Gordon to approve the bid from Pro-Line Striping to paint area's on the road, up to \$8,000, and to allow them to do the striping of roads for three years, as long as their quality of work meets city's approval.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0) Councilperson Brent Hanks Abstained from voting.

8. APPROVE MINUTES OF SEPTEMBER 2, 2009

Jeffrey Nielson stated that the minutes were not ready for approval, but would be ready next council meeting.

9. APPROVE BILLS FOR PAYMENT

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

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

10. PUBLIC SAFETY

Chief James stated that the new police vehicle that was approved has been purchased, and we hope to have it the following week.

The police department was also awarded a grant to purchase three digital cameras to put inside the police vehicles.

11. OPEN DISCUSSION

Dana Robinson, a board member for the chamber of commerce, reported that they have met with most of the business in Salem. Rick Ainge CPA firm was awarded business of the month. The chamber is excited to work with businesses in Salem.

Mike Richens came to council meeting to get an Eagle Scout project approved. He would like to put a planter strip on the East side of the parking lot at the down town ball park. He is working with Matt Marziale and Councilperson Todd Gordon. He would like to plant flowers in the planter strip. He is trying to figure out how to get water to the area. The council felt that it would be a good project.

COUNCIL REPORTS

12. MAYOR J. LANE HENDERSON

Mayor Henderson asked Jeff Nielson to report on the elections. Jeff Nielson explained that we had 507 people out to vote, which was 15 percent of the number of registered voters. The results were as follows: Brent Black - 246; David P. Grant - 28; Brent V. Hanks - 195; Sidney M. Jorgensen - 235; Sterling M. Rees -192; Charles T. Wixom – 92. Brent Black, Brent Hanks, Sidney Jorgensen, and Sterling Rees will move onto the general elections in November. He stated that on Monday, the 21st the council will need to hold a special council meeting to canvass the election votes. It was determined to have that council meeting at 5:30 a.m. to canvass the election results.

13. COUNCILPERSON LYNN DURRANT

Councilperson Lynn Durrant stated that on October 1, at 6:30 p.m. the library will be holding an open house for its one year anniversary for the opening of the new building.

14. COUNCILPERSON TERRY A. FICKLIN

15. COUNCILPERSON STANLEY W. GREEN

16. COUNCILPERSON BRENT V. HANKS

17. COUNCILPERSON TODD R. GORDON

18. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS

19. BRUCE WARD, CITY ENGINEER/ PUBLIC WORKS DIRECTOR

Bruce Ward talked about how the State of Water Resources has asked that we test some water meters on our Pressurized Irrigation system. Sunrise Engineering randomly selected some homes to test the meters on. Sunrise will be installing the meters. The state is trying to find a meter that would work with a pressurized irrigation system.

20. ATTORNEY S. JUNIOR BAKER.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Stanley Green to adjourn city council meeting.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 8:05 p.m.

Jeffrey Nielson, City Recorder