

Minutes of the Salem City Council Meeting held on April 17, 2013 in the Salem City Council Chambers.

Work session 6:00 p.m.

1. Miss Salem Contestants – The contestants for Miss Salem 2013/2014 came to the city council work session and introduced themselves and what their platform is. The contestants are: Morgan Sessions, Emily Stewart, Valerie Fisher, McKinley Parr, Swasey Bliss, Kristina Rencher, Ashley Black, Taiza Savage, Courtney Dedrickson, Sierra Bonny, Madeline Larsen, Amber Davis. The mayor and council thanked them for what they have done, and wished them good luck.
2. Agenda Discussion – Mayor and Council reviewed some of the items that were on the council agenda.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor Randy A. Brailsford

COUNCIL PRESENT:

Mayor Randy A. Brailsford
Councilperson Janie Christensen
Councilperson Aaron Cloward
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:

Councilperson Craig Warren

Matt Marziale – Recreation Director
Clark Crook – Electrical Director

OTHERS PRESENT

Harold Mitchell, Mick Balzly, Robert Nelson, Ryan Christensen, Steven Bearson, Ken Christensen, June Christensen, Jace Dyches, Eric Dyches, McKenzie Johnson, Kayla Smith, Gavin Baldwin, Hunter Price, Leif Wilde, Eric Belliston, Michael Rasmussen Ted Balzly, Greg Balzly Nancy Balzly, Robert Palfreyman, and Barbara Palfreyman.

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Brailsford asked if anyone would like to give a motivational or inspirational message. Councilperson Sid Jorgensen stated he would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Councilperson Janie Christensen invited those who wish to participate, to stand and say the pledge of allegiance with her. She then led the pledge of allegiance for those who wanted to participate.

3. PUBLIC HEARING

Mayor Brailsford stated the two items from the public were continued from the March 20th council meeting and the February 20th council meeting.

a. Balzly Farms – Request for Agriculture Protection Area for 97.27 acres of Property located in the Northwest area of Salem.

Attorney Junior Baker stated that the property owners have petitioned to have their property placed in an agriculture protection zone. The property owners are the only ones who can request that, they are also the only ones who can have it removed at any time; no other party can have it removed. The property, if approved, may only be used for agriculture purposes, it also helps protect the property owners from nuisance lawsuits. If the property is placed in the protection zone, it would last 20 years, unless one of the property owners takes it out prior.

The Planning Commission reviewed this last month in a public hearing. They had some concerns with the property on the northern portion, and how it would not meet the general plan of the city. They also heard from some neighbors who they felt had a valid concern and the effects on their property if approved. Their recommendation was to deny the request.

Attorney Baker told the council they can either; approve it, approve it with modification, or deny it.

Mayor Brailsford turned the time over to the Balzly Family. Attorney Hearld Mitchell was there to represent the Balzly request. Mr. Mitchell stated that the Balzly's are requesting the zone to help protect their property. The governing body needs to look at the current use of their property, which is farming. He stated it meets all of the criteria for the protection zone. One of the main reasons for the request is to protect them against nuisance lawsuits. With development

happening and coming closer to farming land, there are more and more nuisance lawsuits against the farmers. The protection zone helps protect the farmers. He stated that if the zone is approved, the city could not zone them out of the protection. There is also a process if the property is ever to be condemned for right-a-ways. The property owners can, at any time, take the property out of the protection zone. He stated this was one of the concerns that the Planning Commission had, that the property could not be taken out of the zone. The request has gone before the Utah County Agriculture Protection Board and that board recommended approval of it. When the property was annexed, the city came to the property owners asking them to annex into the city, now the property owners in return are asking for the protection zone.

Mayor Brailsford asked for public comment.

Steven Bearnson, whose property is adjacent to the requested property, stated that it was not the city who requested the annexation; it was a group of property owners who requested to be annexed into Salem City. This was because of the group in the area who was trying to do an annexation into Benjamin, and they did not want to be a part of Benjamin. He felt that everyone in the group who was annexed was in favor of the annexation and wanted to be a part of Salem City. He would like to see the city deny the request, because it will affect his property by decreasing the value and the ability to develop it.

June Christensen stated she owns about 59 acres that also borders the Balzly property. She stated there have been some hard feeling between the neighbors recently, and she would like it to end. She stated Planning and Zoning denied the request, because one of the reasons was the devaluing of the adjacent property owners. She went to LEI Engineering and asked them about development and if it would affect their property. LEI told her if she does develop the property it would prohibit her from fully developing it, because of the restrictions. She asked LEI if it would affect the price of her property. LEI responded in a letter, she read the letter to the council and in the letter it did state that the property would decrease in value. June also explained her property is used as agriculture and has animals on it. Because of that she has to have insurance, she is afraid of someone going onto her property and getting hurt.

Robert Palfreyman stated the farmers have been here forever; he understands where both parties are coming from. He feels the property owners have the right to do what they desire of their property, if they want to protect it then they should have that right.

Mr. Mitchell wanted to clarify a couple of items. If one of the adjacent landowners wanted to develop, on the development plat map it would have to indicate a simple notice about the agriculture protection zone. The other item is the difference between a nuisance lawsuits and liability suits. He stated that nuisance is when it is against the use of the property.

Mayor Brailsford asked the public a couple of times if there were any other questions. He also asked Mick Balzly if he had anymore comments. There were no more comments.

Mayor Brailsford stated if there are no more comments, then he would ask for a motion to close the public hearing for the Balzly request.

MOTION BY: Councilperson Aaron Cloward to close the public hearing for the Balzly Farms Agriculture Protection Zone.

SECONDED BY: Councilperson Sid Jorgensen.

VOTE: All Affirmative (4-0).

a. Balzly Farms – Request for Agriculture Protection Area for 97.27 acres of Property located in the Northwest area of Salem.

Councilperson Cloward asked who is on the County Agriculture Board. Mr. Mitchell explained that the board is made up of volunteers, some are farmers, Mick Balzly is on the board, but was noted he did not participate in his request. Mr. Mitchell stated they are a recommendation board.

Councilperson Rees stated with his profession he deals with the agriculture everyday and he can see it slowly disappearing. He stated in Salem we have a couple of working cow dairies in the middle of town, one of which is nearby his home. He can sympathize with the agriculture farmers, but at the same time he can see the rights of the other property owners and their having the ability to someday want to develop. He stated that putting a limit and decreasing another person's property value is a concern. Especially where this area is located and it is far from being developed.

Mayor Brailsford asked Mick Balzly if the whole area would need to be in the zone, or is there the possibility of just putting a portion of it in the zone. Mick stated that the property on the south portion of the request would be the most viable. Bearson's stated the property on the South would still boarder their property.

Councilperson Jorgensen asked if the protection zone follows property lines. Attorney Baker stated that it would follow the property lines. He also stated that Mrs. Christensen is correct regarding if the zone is within 300 feet of their property, it would need to be noted on a development plat map. It is hard to determine if the zone would affect the property value or not. In some of the recent plat maps that have been submitted and are located near the dairy farm, we have required those maps to indicate they are next to a dairy farm.

Councilperson Rees asked if the agricultural protection zone is popular in Utah County. Mr. Mitchell stated there are several dozen in the county and he is currently working on a couple of larger request within the county.

Mayor Brailsford asked if there were any more questions. There were no more questions.

MOTION BY: Councilperson Sterling Rees to deny the Balzly Farms request for the Agriculture Protection Zone.

SECONDED BY: Councilperson Sid Jorgensen.

VOTE: All Affirmative (4-0).

b. Ordinance Amending the Commercial Zones of the City and Creating New Commercial Zones for the City

Mayor Brailsford stated this item was a public hearing on February 20th and was continued from that meeting. He stated Planning and Zoning reviewed it and had their public hearing April 10, 2013. He asked if there were any concerns with the ordinance. He then turned the time over to Attorney Baker.

Attorney Baker stated the council had worked and approved on the General Plan a little over a year ago. Since then we have been working on the commercial zones to match the new general plan. The city currently has C1, C2 and C3 zones for commercial. This ordinance redefines those zones and creates two new zones. A C-O Commercial Office Zone used as a commercial office and a transition between commercial and residential. The other zone is a B-P Business Park used as a transition zone between commercial and industrial zones. The ordinance also has a parking table requirement for each zone. He felt a lot of time and effort has gone into this ordinance. The ordinance tonight has the recommended changes from Planning and Zoning regarding the landscaping requirements. Attorney Baker mentioned that now the city will need to work on the industrial zone.

Mayor Brailsford asked if there were any comments from the public. There were no comments from the public. He stated that the Council and Planning and Zoning have been working on this for a while and felt they have done a great job.

MOTION BY: Councilperson Aaron Cloward to close the public hearing for the ordinance amending the commercial zones and creating new commercial zones.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

b. Ordinance Amending the Commercial Zones of the City and Creating New Commercial Zones for the City Ordinance

Mayor Brailsford asked if there were anymore comments on the ordinance. If there were no more comments, he asked for motion.

MOTION BY: Councilperson Aaron Cloward to approve the Ordinance 41713 Amending the Commercial Zones of the city and Creating New Commercial Zones for the city.

SECONDED BY: Councilperson Sid Jorgensen.

VOTE: All Affirmative (4-0).

4. ROBERT NELSON - Preliminary Plat Approval of Loafer Mountain View Subdivision, Plat A, Located at 1274 S. 500 E.

Bruce Ward showed on the map where the subdivision is located. It is a four lot subdivision on 500 East. The utilities are nearly completed; when Harvest Ridge was completed the utilities were installed. There is a main road that splits the four lots, which will eventually lead into a subdivision. There were no concerns from Planning and Zoning and DRC.

MOTION BY: Councilperson Janie Christensen to approve the Robert Nelson preliminary plat for Loafer Mountain View Subdivision, Plat A.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

5. KENNY PARCELL - Preliminary Plat Approval of South Haven Subdivision Located at 658 E. 600 S

Bruce Ward showed on the map where this subdivision is located. It is a three lot subdivision, between 600 South and 820 South. The existing home is on lot one and will remain there. Lots two and three have a sewer easement which will run through lot one. DRC and Planning and Zoning approved the subdivision as long as it meets our subdivision standards.

Councilperson Rees asked if it is possible to split the lots again. Bruce stated that he does not think they would be able to; if they do, it would be a challenge.

Councilperson Jorgensen asked about lots two and three, will their frontage be on 820 South. It was stated that their frontage would be on 820 South and lot one's frontage would be on 600 South.

Mayor Brailsford stated with the big lots, would they become a nuisance. Chief James stated if they do, they would fall under the nuisance ordinance.

Councilperson Jorgensen asked about 600 South and if it would still be closed off. Bruce stated Planning and Zoning had asked why it was shut off in the first place. It was stated that when the elementary school was built, it was determined to shut the road off for safety issues. Mayor stated the road was an old county road, which is very narrow.

There was discussion about the dairy and it was stated that on the plat map it states that there is a dairy next to the subdivision.

MOTION BY: Councilperson Sid Jorgensen to approve the Kenny Parcell preliminary plat for South Haven Subdivision.

SECONDED BY: Councilperson Aaron Cloward.

VOTE: All Affirmative (4-0).

6. GORDY JONES – Preliminary Plat Approval of Autumn Hills Subdivision, Plat F, Located at Approximately 620 S. 750 E.

Bruce Ward showed on the map where it is located, he stated this is a one lot subdivision, and is property left over from the Autumn Hills Subdivision. It has been vacant for a while. The developer has a builder who wants to build a home on the property. The property is a little over ½ an acre. This would complete the Autumn Hills subdivision. It has been approved by Planning and Zoning and DRC.

MOTION BY: Councilperson Aaron Cloward to approve Gordy Jones preliminary plat of autumn Hills Subdivision, Plat F.

SECONDED BY: Councilperson Janie Christensen.

VOTE: All Affirmative (4-0).

7. APPROVE CONTRACT AGREEMENT WITH SESD

Mayor Brailsford stated this is the agreement that was approved a couple of council meetings ago, but Attorney Baker and himself felt that the changes in the agreement were significant enough that they wanted it to come back to council. The changes were a benefit to Salem City.

MOTION BY: Councilperson Sterling Rees to approve the amended agreement with SESD.

SECONDED BY: Councilperson Janie Christensen.

VOTE: All Affirmative (4-0).

8. APPROVE MINUTES OF APRIL 3, 2013

Councilperson Christensen requested the following changes be made:

The changes were as stated, with the words in italic added and the words that have a strike out were taken out:

Line 60 – 63: Councilperson Christensen stated that the changes do not change the outcome of the minutes; *but felt that the minutes had misquoted her and Attorney Baker,* ~~most of the changes were statements that she stated~~ and felt that *changes they and the other changes* should be in the minutes.

Line 159 - 165: She also talked about the sewer plant, and how we are having issues with foam in the inlet and outlet, we are taking samples and precautions to make sure we are in compliance. *She also talked about the Library, how residents can now digitally download magazines through Zinio.*

Line 244 – 248: Mayor asked that Kerry Burnham, Salem City Librarian, is part of the orchestra, asked that the group work with Kerry in what they need and to have Kerry report to the council. *Councilperson Christensen mentioned that there are several members of our community who support orchestra through teaching and playing instruments. She has seen studies of those who do music also perform better in school.*

MOTION BY: Councilperson Sterling Rees to approve the minutes with said changes.

SECONDED BY: Councilperson Janie Christensen.

VOTE: All Affirmative (4-0).

9. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Aaron Cloward to approve the bills for payment.

SECONDED BY: Councilperson Sid Jorgensen.

VOTE: All Affirmative (4-0).

Mayor Brailsford reported that the bill amounts approved tonight totaled: \$300,636.

COUNCIL REPORTS

10. MAYOR RANDY BRAILSFORD

Mayor Brailsford stated the Nebo Philharmonic Orchestra is wondering about the possibility of using the Community Center to practice in on Tuesday nights. The council felt that it would be a good thing and asked in return that the orchestra do a concert for the city at least once a year.

Mayor stated the Salem Days committee has met a couple of times, and have some changes. Some of the changes are the Friday night events will be at the Veteran Memorial Park and feel with the lights down there it will work out great.

He also discussed that on Memorial Day, we will be having the American Legion putting on the program, will have the four Chaplin's come and speak to us. He would encourage the residents to come to it. After the service at the cemetery, will then come down to the Veteran Memorial Park and dedicate the new memorial located there.

Mayor Brailsford asked Bruce Ward to have the crews clean up along the highway. Feels that it is important if we are asking the businesses to clean up, we should clean up our area.

11. COUNCILPERSON STERLING REES

Councilperson Rees stated he has had a resident ask him to see if the city is interested in purchasing a time share in a Park City condo. It was stated no. He was also asked about the street lights in the South Valley Subdivision where the lights are located on each of the lots. Some of them are out and the resident was wondering what needs to be done. It was discussed to have the power department look into it. Finally he had a youth group talk to him about doing a service project and help with the building of Dream View Park play ground. It was stated that the play ground equipment is not close to being purchased, there is still a lot of money to be raised.

12. COUNCILPERSON JANIE CHRISTENSEN

Councilperson Christensen reported that Salem City earned the platinum membership for the Spanish Fork/Salem Chamber of Commerce. The chamber gave us a plaque for the membership. The Miss Salem constants came to the council meeting work session, and talked about their platforms and service they have done for the city. The pageant is at 7:00 p.m. on April 27, at the Salem Hills High School. Each of the contestants has done a great job.

With the Library, on April 22, a bestselling author Connie Solko is doing a book signing at the library. Connie lives in Woodland Hills, and the library is excited to have her come. On April 27, the library is doing a celebration "Dia de los Libros" the "Day of Books", where they will have story time and activities to learn about places around the world. Stokes Grocery Store is donating items for them That night the Youth Library Board will be showing a movie at the library.

Councilperson Christensen also reported on the sewer plant and how we met with people from the state regarding our compliance. They stated that we passed on our inspection and renewed our permit. Mike Pritchett has done a great job at the sewer plant.

13. COUNCILPERSON AARON CLOWARD

Councilperson Cloward wanted to excuse Matt Marziale tonight, he is off doing baseball tournaments. Councilperson Cloward reported that baseball has started tryouts; fishing classes have started, and spring soccer is going. With the baseball tournaments we have a lot of people from out of town coming, and we welcome them to Salem. The crews are still working on the cemetery expansion.

14. COUNCILPERSON SID JORGENSEN

Councilperson Jorgensen stated he is thankful for the moisture we are receiving. Crews have done a great job in cleaning up and keeping pride in their work and work areas. He also thanked the Youth Council for their help at the Easter Egg hunt.

Mayor Brailsford reported that we hope to have the P.I. system up and going on the 29th of April. With the Youth Council, Marty & Marcie McKee's will be talking over as the leaders. He thanked Lori Warren and Jileen Meservy for their work.

15. COUNCILPERSON CRAIG WARREN

Mayor Brailsford stated that Terry Ficklin, who is the General Manager of the Solid Waste District, asked if Woodland Hills could dump at our green waste. It was felt that because we have to pay for someone to maintain it and watch it, that we do not allow them.

16. PUBLIC SAFETY – CHIEF BRAD JAMES

Chief James reported that on May 14 will be the handicap fishing day, and then on June 1 will be the Salem Spring Triathlon.

Chief James talked about the great shake out today, and how he did training for the city employees. He handed out a lot of great information regarding preparedness for earthquakes and how it is important that the employees are prepared in their homes.

Chief James went over the 1st quarter reports for 2013. He stated it has been a very busy quarter. He thanked the council for their support.

17. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS

Dave Johnson reported that the last three days, he has had three building permits and 12 town homes, which is equivalent to 12 new homes as far as fees.

18. BRUCE WARD, CITY ENGINEER/ PUBLIC WORKS DIRECTOR

Bruce Ward reported that we have approved five new subdivisions with a total of 19 lots, and three more subdivisions in the works. We are getting very busy with new developments.

Bruce reminded the council that on Thursday night the 18th will have the BYU students come and do their presentation for the economic development. He also talked about Chief James presentation, and how there was a lot of good information presented. He stated on the web page, there is handout he feels would be good for everyone to have and go over with their families.

19. ATTORNEY S. JUNIOR BAKER.

Attorney Baker did not have anything to report tonight.

20. JEFF NIELSON, CITY FINANCE DIRECTOR

Jeff Nielson did not have anything to report tonight.

21. MATT MARZIALE, RECREATION DIRECTOR

Matt Marziale was excused tonight.

22. CLARK CROOK, ELECTRICAL DIRECTOR

Clark Crook was excused tonight.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Janie Christensen to adjourn city council meeting.

SECONDED BY: Councilperson Aaron Cloward.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 8:30 p.m.

Jeffrey Nielson, City Recorder