

Minutes of the Salem City Council Meeting held on September 5, 2012 in the Salem City Council Chambers.

Work Session 5:45 p.m.

Mayor Brailsford welcomed the Council and Planning & Zoning member to the work session. He talked about our commercial zones and where the areas for commercial and what type of commercial. For an example he talked about the old Maceys grocery store and what might we allow to be in that building.

Shelly Hendrickson, Planning and Zoning Chairperson went over the proposed commercial zoning ordinance and some of the recommendations. When looking at the commercial zones, we need to look at what will give the city a commercial tax base.

Going over the proposed ordinance, the following recommendations were given: On page 3, #7 Professional offices, have it removed from the C1 zone, feel it should not be in the main commercial zone. #12 dealing with Hardware Stores allow them but have conditions on them. Items #16 and #9 were duplicates, dealing with laundry establishments. #17 for parking facilities, looking at dealing with it as a separate portion. Hospitals were moved to a different commercial zone.

On Page 4, with the Permitted uses with conditions. Add wordage for outdoor storage and sales of auto. Also talked about hardware stores and putting them under the conditional use. Under item #4 add auto body, knowing they are regulated by the EPA for the fumes and hazard waste.

On page 9, #8 - seeing if the fences for commercial is discussed in another ordinance, will talk to Attorney Baker.

On page 11, creating a new zone for commercial office zone. Was recommending on the conditions, need to look at it with drive through for banks.

Another new zone would be business park zone.

We also need to look at light manufacturing, and maybe under conditional use.

Shelly encouraged the council to review the proposed ordinance with the recommended changes. Planning and Zoning will be discussing this in their meetings and bring their recommendation to the council.

Mayor Brailsford thanked Planning and Zoning members for coming to the work session, and for their work on Planning and Zoning.

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
Councilperson Craig Warren

STAFF PRESENT:

Jeffrey Nielson, Finance/Recorder
Chief Brad James, Police Chief
Jason Sant, Assistant City Attorney
David Johnson, Building Dept.
Bruce Ward, Public Works/Engineer

Excused:

Attorney Junior Baker

OTHERS PRESENT

Cary Hanks, Cary Robarge, Tonjelle Halladay, Dora, Kaeli Lamb, Allison Wong, R. Wong, Laricia Lamb, Barbara Palfreyman, Robert Palfreyman, Jason Hatfield, Ana Hatfield, Diane Hatfield, Kevin Hatfield, Sydney Cardon, Austin Shivley, Ashleigh Nielsen, Hannah Sackett, Meghan Taylor, Karen Taylor, Tritney Dansie, Michelle Hansen, Candy Martin, Misty Thornock, Matt Clements, Bridger Clemnts, Kiersten Fowers, Connie Moosman, Brian Dodd, Lynn Richardson, Jessica Nielson, Tayler Rasmussen, Kelcie Billat, Sydnie Davis, McKenna Nelson, Jeniessa Wood, Brooke Anderton, Joe Robertson, James Ealey, Erman Stone, Shelly Hendrickson, Robert Worley.

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

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

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Mayor Brailsford invited those who 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. YOUTH COUNCIL REPORT

McKenna Nelson and Sydnie Davis from the youth council, reported on the activities that they helped with during Salem Days, they felt that Salem Days went very well and they were happy to help with the events. They also reported on two service projects they have coming up. They will be cleaning along Canal Road and then helping out at a retirement center.

The mayor and council thanked the youth council for all that they do.

4. ROBERT THORNOCK – Home Occupation License for 520 N. 360 E.

Mayor Brailsford turned the time over to Robert Thornock. Robert stated that he is applying for a business license doing taxidermy. He has talked to his neighbors that live around him, and they are okay with his business. There is one neighbor who lives next door to him on the North side, who has complained about the smell of the business. He stated that the smell that the neighbors could smell was from a garbage can that was left out and was not able to be dumped, it had grass clipping that were rotting away. He was able to get the license approved by everyone except Chief James. He is asking the council to approve his business license.

Mayor Brailsford asked Chief James to explain why he denied the business license. Chief James explained on July 10th the Salem City Office received a complaint about a taxidermy business and specifically the smell of dead and/or decaying animals. The complaint was investigated by him and it was found that Robert Thornock was running a taxidermy business at 520 N 360 E without a business license. It was further discovered that the business processes skulls in an out building behind the home. It involves beetles eating the flesh off of an animal skull to the bone. The process produces an odorous and offensive smell. The smell is of a dead or decaying animal flesh. Chief stated that he has been back since and Robert has taken some measures to help eliminate the smell, but it is still there. Chief stated that he denied the business license based on the cities home occupation ordinance, which states a home occupation business, cannot produce offensive odorous matter or other objectionable effects. Because of the smell, it was denied.

Robert stated that he has been doing this as a hobby since 2009, and just recently started doing it as a business.

Councilperson Warren stated that he went to Robert's home and checked out the business. He could not detect any odor, except when he actually went to the container where the beetles were located. He asked Robert what he has done different. Robert stated that he recently changed the bedding for the beetles and cleaned the area; he changes the bedding about every six months. Each time he does change the bedding he loses about a 1/3 of the beetles though. Right now they are not doing the process, but to

keep the beetles alive they do put some raw meat in the containers to keep them alive and active.

Councilperson Rees asked if he does full body taxidermy. Robert stated that he has done a couple.

It was stated that in July, when the weather is hot, the smell is the worst. Robert stated he has not had a lot of complaints. He is also thinking about moving the building or building a new one that houses the beetles to be towards the back center of his yard. But he does not want to go through the expense if he is not going to be allowed a business license.

Councilperson Christensen stated that she went to the home also, she found a clean yard and did not smell anything or detect anything to be offensive.

Councilperson Warren asked Jason Hatfield, who lives next door and was the one who called in the complaint, about the odor.

Attorney Sant stated that if there is an odor being produced that the council should follow the ordinance and not allow the business.

Councilperson Jorgensen stated that we do have an ordinance that we need to address.

Jason Hatfield stated he moved in about 3 ½ months ago. At nights Robert opens the doors to the shed, and the smell is so bad that they cannot do anything outside in their yard. Since the call that was made to the city, the smell has started to get better. But the doors would be open at night and because their home is closer to the shed than anyone else's house, including Roberts own home, the smell really affected them. Jason also stated that he was warned by some of the neighbors that the smell can get very strong at times.

Brian Dodd, used to live in the home where Jason now lives, he stated that there were a couple of times that the smell was bad and he would go and talk to Robert about it, and he would take care of the issue. He thinks that the moving the shed might help out. Brian also stated that the dairy farm that is close by has a worse smell than Roberts's business.

Someone stated that they live next to Jason, and they cannot smell the problem, they were there last night and could not smell anything.

Barbara Palfreyman was wondering about what waste would be going into the garbage can. Do they understand that the transfer station will not allow any dead animals in the garbage.

Misty Thornock, Roberts's wife, stated that the beetles are beetles that are located outside, they will not harm anybody. There is very little flesh left on the bones for the

beetles to discard. She stated that we are not a full taxidermy. We have also not had any complaints before. We have tried to contact all of the neighbors and ask them if they had an issue, no one had any complaints or problem with the business.

Jason Hatfield stated that they never came and talked to them about the smell. Again the shed is right next to their home.

Councilperson Cloward asked if there is another process that could be done for getting the flesh off of the bones.

Robert stated that there are other taxidermy businesses in the city, and most of them put their waste in the garbage cans. He stated that he gets customers from all over the state that come to him, when they come they go to other businesses in town which helps support them.

Attorney Jason Sant stated that the issue is that there is an odor with the business. We have the option of deny the business, allow the business if you think there is no odor, or put off his permit and change the ordinance. He does not recommend changing the ordinance because that could open up for many other issues.

Shelly Hendrickson, Planning and Zoning Chairperson, and also works at Spanish Fork City doing the business licenses. She stated that if Spanish Fork received a call about a business that produces a smell. They would go and investigate; they would issue a fix-it ticket and then require the business to fix it. If the business does not fix it then it would be denied. But if Spanish Fork City found out the business was operating without a license, they would not allow the business to receive a license, because they were doing business without a license.

Councilperson Warren asked Jason Hatfield what his feelings would be if the shed was moved; wondering if there could be a compromise.

Councilperson Rees was wondering about a compromise also, wondering about building a new shed that would be better and moving the shed in the middle of the yard. There are a lot of scenarios involved.

Attorney Sant stated that there is a valid point that needs to be addressed and that is the odor. If the council wants to give Robert an opportunity to fix it, they can change the ordinance, or they can deny it.

Councilperson Christensen asked about approving the business since there is no odor. Attorney Sant stated that we cannot approve the license; we would have to change the ordinance.

Kevin Hatfield, who owns the home where Jason lives, stated that when they first called in July there was a problem. If Robert can move the shed and make it so there is no odor

then he would be okay with it. But if the smell returns, then there would be the same situation that we are currently in.

Councilperson Rees is concerned that if Robert builds a new building and goes to the expense of it, then the city denies him of his business license.

Attorney Sant stated that the way the ordinance is written, one complaint from someone it could shut down the business.

Jason Hatfield stated that the since he was told he could not do a business, the smell has not been there.

Councilperson Cloward stated that in order to do the business, he would need to have a business license.

Councilperson Christensen feels that if he can control the smell that we should allow the business license.

Misty Thornock stated that this is their business; it is Roberts's way of providing for his family.

Mayor Brailsford stated that he does not want to see Robert going to the expense of a new building if he cannot control the odor in order to obtain a home occupation license.

Councilperson Jorgensen feels that we allow Robert to build a new building, move it to the back middle area of his yard, have the odor controlled, and then call to have it inspected again. Councilperson Rees stated the same thing, that when Robert is ready to have another inspection to let the city know.

MOTION BY: Councilperson Jorgensen to deny the business license at this time, but allow Robert to build a new shed, control the odor, then have the business re-evaluated to see if it conforms to the business license ordinance.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (5-0).

5. APPROVE AGREEMENT WITH OLSON'S GREENHOUSE FOR USE OF CULINARY WATER

Bruce Ward stated that he was contacted a couple of months ago from Olson's Greenhouse wondering about the possibility of using culinary water for an emergency water hook up. Right now they use their own well and the concern came up that if something happened to their well they would need to have an alternate water source. When looking into how much to charge them for an impact fee we were not sure. They do not meter their well water, so we have no idea on how much water they use. He stated that this was discussed with mayor, water supervisor, and Attorney Baker. It was

determined that a contract be written up dealing with the water impact fee along with the water rate.

Bruce Ward then went over the contract with the mayor and council. He stated that staff's recommendation is to approve the contract.

Councilperson Jorgensen asked about when they go onto our system. Bruce stated that we will monitor it with a meter, so we will know how much water they use and what to charge them.

Mayor Brailsford stated that when Olson's built they had a great water well that had a lot of water. They told the city at the time that if they city ever got into trouble with our water that we could work with them about using the well. They have been very good to work with over the years.

MOTION BY: Councilperson Janie Christensen to approve the agreement with Olson's Greenhouse for the use of culinary water.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (5-0).

6. APPROVE H.E.A.T. VENDOR CONTRACT

Jeff Nielson explained that the HEAT program is program that is available for those who need assistance with paying their electric utility bill. Those who need assistance must apply for HEAT and then meet certain requirements. HEAT has been around for a while and has benefited many residents. This is the agreement with HEAT and the city stating what they require the city to do and what they will do to help those who qualify.

Mayor Brailsford stated that HEAT helps out in many other situations, and it is a great program to help those in need.

MOTION BY: Councilperson Aaron Coward to approve the HEAT Vendor Contract.

SECONDED BY: Councilperson Sid Jorgensen.

VOTE: All Affirmative (5-0).

7. APPROVE PURCHASE OF DUMP TRAILER FOR CEMETERY

Bruce Ward stated that we budgeted a trailer for the cemetery in this year's budget. We have three bids for a trailer; White Brothers Trailers Sales - \$4,630, Lone Peak Trailers Sales - \$5,982, AAA Trailers Sales - \$4,704

The recommendation is to purchase the trailer from AAA Trailers Sales, even though they are not the lowest bid; they are very close to the lowest bid. The trailer is also ready to pick up that we would not have to wait for it, and AAA is located in Springville, so if

we do have problems we can take it to them. The trailer from White Brothers would have to be ordered.

MOTION BY: Councilperson Sterling Rees to approve the dump trailer for the cemetery from AAA Trailer in the amount of \$4,704.

SECONDED BY: Councilperson Aaron Cloward.

VOTE: All Affirmative (5-0).

8. APPROVE PURCHASE OF SNOW PLOW FOR PARKS DEPT

Bruce Ward talked about how this will be a replacement plow for the one that was ruined in the shop fire. It will be for the parks department and we have budgeted for the plow in this year's budget. We have three bids on the plow, which are from; United Services and Sales - \$4,300, Semi Service INC. - \$4,318.40, Al's Service - \$5,081.

Along with the snow plow, we would also like to purchase a snow deflector, which would be an additional \$300. The recommendation would be from United Services and Sales for \$4,300, plus the \$300.

Councilperson Rees asked if the plow is just as good as the one that was ruined. Bruce stated that it is the same plow.

MOTION BY: Councilperson Sid Jorgensen to approve the purchase of the snow plow from United Services and Sales for \$4,300 along with the snow deflector for \$300.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (5-0).

9. OPEN COMMENT

Mayor Brailsford asked if there was anything from the public.

Cary Hanks from the chamber talked to the council about the scarecrow contest that they would like to try and get it going over here in Salem. They will open it up to businesses, adults, and family. There would be a \$10 charge for the contest that would go towards the prizes. We would have the scarecrows go from Stokes and down through the business district along the highway. She went over the rules and stated that the information is located on the webpage. We would announce the winners at the trick or trunk at South Valley Gym, and would be just for the Salem scarecrows. Forms will be online, at the city office and at South Valley Gym. The council felt that it would be a good contest and was excited about it.

Cary also mentioned that on the following day they will be awarding the business of the month at 1:00 p.m. and the business is "The Car Guys". She congratulated Mayor Brailsford who is the owner of "The Car Guys".

Cary mentioned that on Saturday will be the Trains, Plains, and Auto at the Spanish Fork Airport. Also on Saturday evening at the Spanish Fork Fair Grounds will be an event put on by South Valley Gym.

10. APPROVE MINUTES OF AUGUST 15, 2012

MOTION BY: Councilperson Sterling Rees to approve the minutes of August 15, 2012 as written.

SECONDED BY: Councilperson Sid Jorgensen.

VOTE: All Affirmative (5-0).

11. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Craig Warren to approve the bills for payment.

SECONDED BY: Councilperson Janie Christensen.

VOTE: All Affirmative (5-0).

Mayor Brailsford stated that the amount of the bills being approved tonight is \$955,254. We had a few of our bonds payments that were paid this month.

COUNCIL REPORTS

12. MAYOR RANDY BRAILSFORD

Mayor Brailsford asked the council to look over the commercial zones, we need to make sure it is done correctly; once it is passed we have created the law.

Mayor Brailsford thanked the council, the city employees and all of the volunteers that helped make Salem Days great.

13. COUNCILPERSON STERLING REES

Councilperson Rees reported that UMPA is doing well, they were under budget this last year. Leon Paxton is going to retire soon, UMPA has interviewed some candidates to take his place, they have narrowed it down to three applicants and have offered the position to one of them and they are waiting for a reply.

14. COUNCILPERSON JANIE CHRISTENSEN

Councilperson Christensen reported that the Library did very well at the auction this year, they made about \$5,000 more than they did last year. She also thanked the chamber for all that they do.

15. COUNCILPERSON AARON CLOWARD

Councilperson Cloward reported that the cemetery looks really good; our crew does a great job in maintaining the cemetery. The site work for the replacement shop is ready for the new shop; hope to be here by the end of September.

16. COUNCILPERSON SID JORGENSEN

Councilperson Jorgensen did not have anything to report tonight.

17. COUNCILPERSON CRAIG WARREN

Councilperson Warren reported that our city employees done a great job with getting 400 North project, Bruce Ward did a great job in overseeing the project. He thanked the employees for their hard work.

Mayor Brailsford stated that it is a safe road now and the kids going to the Junior High and high school now have a safe way to walk. He too thanked the city employees for their hard work on the project.

A question was asked by Tonjelle Halliaday about a cross walk on the Highway for the Junior High Students. Mayor Brailsford stated that UDOT determines where a cross walks will be on the Highway. We are trying to work on getting one, but right now we do not qualify for it.

18. PUBLIC SAFETY – CHIEF BRAD JAMES

Chief James asked the council if they had anything for him. There were no questions.

19. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS

Dave Johnson did not have anything to report.

20. BRUCE WARD, CITY ENGINEER/ PUBLIC WORKS DIRECTOR

Bruce Ward reported that we will be striping 400 North and putting the cross walks in.

21. ATTORNEY S. JUNIOR BAKER.

Attorney Junior Baker reported that the League of Cities and Towns conference will be next week.

Mayor Brailsford talked to the council about a retreat/work session on the 19th of September. It was determined that it would be at Councilperson Cloward's cabin and to meet here at the city office at 10:45p.m.

Mayor also reported on the employee summer social on the 13th of September at 6:00 p.m. He is going to get some prizes and items for the employees to thank them for all that they have done for the city. The council felt that would be great.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Craig Warren to adjourn city council meeting.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 8:50 p.m.

Jeffrey Nielson, City Recorder