

Minutes of the Salem City Council Meeting held on March 19, 2008 in the Salem City Council Chambers.

**Work Session:** Nancy Hardman, from CUWCD, came and discussed water conservation to the council.

Miss Salem Contestants came and introduced themselves and what their platform would be for this year.

**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, Public Works  
Junior Baker, City Attorney  
Bruce Ward, City Engineer

**OTHERS PRESENT**

Patrick Peters  
James Carrington  
Melanie Mecham  
Bryce Bingham  
Shawn Wright  
Logan Nelson  
Jeff Long  
Tyler Skinner

Talon Rasmussen  
Alan Carter  
Elise Williams  
Bonnie Wright  
R. Mark Hiatt  
Brandon Thomas  
Don VanTassell  
Randy Skinner

Trennen Rasmussen  
John Mecham  
Jared Bingham  
Karl Wright  
Brandon Nelson  
Mallory Byrnes  
Walker VanTassell  
Phil Spainhower

**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 Terry Ficklin to Open the Public Hearing.

**SECONDED BY:** Councilperson Stanley Green.

**VOTE:** All Affirmative (4-0).

a. Ordinance Amending Permitted Uses in the Industrial Zone

Attorney Junior Baker explained that there has been a request to allow storage units to be built next to a residential zone. Planning and Zoning were concerned, and have requested an ordinance be written to address the storage units. Attorney Baker wrote the ordinance, including Planning and Zonings recommendation of allowing the storage units to be allowed as long as they are 1000 feet or more away from the residential and requiring fences.

Mayor Henderson asked if there were any questions from the public or council.

Close

**MOTION BY:** Councilperson Lynn Durrant to Close the Public Hearing.

**SECONDED BY:** Councilperson Brent Hanks.

**VOTE:** All Affirmative (4-0).

Councilperson Todd Gordon arrived in City Council Chambers.

a. Ordinance Amending Permitted Uses in the Industrial Zone

Mayor Henderson asked if the council was ready to act upon ordinance 31908

**MOTION BY:** Councilperson Brent Hanks to approve Ordinance 31908 Amending Permitted Use in the Industrial Zone for Storage Units.

**SECONDED BY:** Councilperson Stanley Green.

**VOTE:** All Affirmative (5-0).

#### **4. PHIL SPAINHOWER – PRELIMINARY SUBDIVISION APPROVAL FOR 3 LOTS AT 310 EAST 100 SOUTH**

Mayor Henderson turned the time over to Phil Spainhower. Phil had a map showing the area, and what he would like to do. His goal is to build a home south of the existing home. The other two lots he would like to save for his kids, so they can build there someday.

Mayor Henderson stated that DRC (Development Review Committee) and Planning & Zoning both recommended the subdivision for 3 lots. Phil stated that he would leave the current home for now. He will do the improvements that are required by the city. Bruce Ward stated that the main concern with the improvements is the curb, gutter and sidewalk. We want to make sure that they are designed properly for the area, and especially around the corner lot. There will be a sump drain that would be required on the second phase of the subdivision. He stated that Phil is going to do this subdivision in two phases, the first phase will be improving lot 3, and the improvements will need to be done for that lot, then the second phase will require the remaining improvements to be completed.

Mayor Henderson stated that DRC required that Phil have the survey work done for the whole corner lot. Phil stated that lot 2 will be used by one of his kids to build a home. Mayor Henderson told Phil, that as of right now, he will be required to do curb, gutter and sidewalk, but that may change after tonight's discussion.

Councilperson Durrant stated that the biggest concern will be the curb, gutter and sidewalk, and where will the drainage go. Councilperson Ficklin is concerned about the rental property on the corner, and how the sidewalk will tie into the area. Dave Johnson stated that right now, Phil is coming in for a preliminary plat approval of the whole subdivision, and then when he is doing the phases, he will come back for approval of each phase. When he comes in for approval of phase 1, which will be lot 3, then we will require a bond for the improvements, and he will have a certain amount of time to get the improvements done on the first phase and the second phase.

**MOTION BY:** Councilperson Todd Gordon to Approve the Preliminary Plat for Phil Spainhower 3 lot subdivision at 310 East 100 South.

**SECONDED BY:** Councilperson Lynn Durrant.

**VOTE:** All Affirmative (5-0).

#### **5. KARL WRIGHT – PRELIMINARY SUBDIVISION APPROVAL FOR 5 LOTS AT 250 WEST CANAL ROAD.**

Mayor Henderson turned the time over to Karl Wright. Karl showed where the subdivision will be located. He stated that he will be doing the improvements for the subdivision, and hopes to sell a couple of the lots. The zone for the subdivision will be R-2. The sewer line will need to run on the east side. Councilperson Hanks stated that

this subdivision is the reason that canal road was not completed in this section; we wanted the improvements to be put in before we finished it. Councilperson Ficklin asked about the utilities on lot 2. Bruce Ward stated that there will be an easement. Councilperson Hanks mentioned that the Cox's are not hooked up to sewer yet, and will be hooking onto the sewer when it is completed. Bruce Ward stated that this is the Preliminary approval, when the final comes in, we will work out all of the utility easements.

**MOTION BY:** Councilperson Brent Hanks to Approve Karl Wright Preliminary Subdivision for 5 lots at 250 West Canal Road.

**SECONDED BY:** Councilperson Lynn Durrant.

**VOTE:** All Affirmative (5-0).

## **6. ALAN CURTIS – ANNEXATION OF PROPERTY AT 8252 S. 1200 W.**

See Item #7

## **7. MARK WRIGHT – ANNEXATION OF PROPERTY AT APPROXIMATELY 1600 WEST 8400 SOUTH**

Mayor Henderson stated that he is concerned that the annexations overlap each other. Attorney Baker stated that Alan Curtis called him and asked if he could do a separate annexation, because it has been a while since Mark Wright had done anything with his annexation. Attorney Baker stated that he could, but then shortly after that, Mark Wright filed for his annexation again. Mark was using the same description that he used before, which included Alan Curtis's annexation. Attorney Baker stated that one of the concerns from Alan was that he wanted to have a separate annexation agreement, and he did not want to lose the zoning that he had been working on. Attorney Baker told him that he could do a separate annexation agreement, and that the zoning could still be done the way he has been working with the council. Mayor Henderson stated that Alan has been working a while on the zoning, and we don't want to lose what he has worked on. Attorney Baker stated that tonight the annexation is coming in for further study.

Mayor Henderson asked Alan if he was okay to combine the two annexations so there will only be one. Alan stated that he would be okay with it, as long as he could have a separate annexation agreement and the zoning is what he has worked on with the council. Mayor Henderson asked the Wright's representative if they were okay with it. She stated that they are okay with combining the two. Mayor Henderson told Alan that he could have a separate annexation agreement.

**MOTION BY:** Councilperson Lynn Durrant to approve the Alan Curtis and Mark Wright Annexation for further study and that they are consolidated into the Mark Wright Annexation.

**SECONDED BY:** Councilperson Terry Ficklin.

**VOTE:** All Affirmative (5-0).

Mayor stated that this annexation is important, and we really want to work with the land owners. Mayor thanked them.

Mayor Henderson stated that we have a few home owners, Bartell Mortensen, and Robert Nelson at council meeting for Open Discussion. He would like to move open discussion to this point in council meeting tonight.

### **Open Discussion:**

Mayor Henderson stated that last council meeting, in work session; we discussed the high water table in Loafer View Subdivision. Councilperson Green, Councilperson Gordon, and the developer and home owners affected, were asked to meet and come up with some options. One option they came up with is to have the developer put in a new storm drain line. He will purchase the pipe and install it. We worked with Bartell Mortensen, of Salem Canal Irrigation Company, and feel that the storm drain could drain into some ditches to the north of the subdivision and eventually the water would make its way down to Beer Creek. Robert Nelson, the developer, stated that there is about 400 feet of pipe that would need to be done. He would like a letter from the city stating that he is not responsible for the water once it goes into the storm drain pipe. He does not want to be responsible for the water down the ditches.

Mayor Henderson was wondering if we know how much water will be going down the ditches from this storm drain. Bruce Ward mentioned that we are really not sure, until it is done. Mayor Henderson asked if Bartell is okay with it. Bartell mentioned that he would be okay with it. Mayor Henderson thanked Robert, the homeowners, Bartell, and the councilmember's. He feels it is good that we can all meet and come up with a solution. Councilperson Green and the homeowners feel it is a good solution, and feel that it will work. Councilperson Green stated that Salem City has a water table problem. It was stated that the building permit has been changed to address the high water table in the city. Councilperson Gordon asked if Salem City would be responsible if there are any water problems with the water flowing down the irrigation ditches to Beer Creek. Bartell was wondering the same thing. It was stated that the city would take responsibility for problems caused by this situation with water problems in the ditch.

### **8. K-9 POLICY**

Chief James stated that Officer Matt Bell has graduated from K-9 handler classes. He will be our new K-9 officer. Because it is a new position, we needed to have a job description for the K-9 Handler. This policy spells out the job description for the K-9 Handler Officer.

**MOTION BY:** Councilperson Terry Ficklin to approve the K-9 Handler Policy for the Police Department.

**SECONDED BY:** Councilperson Todd Gordon.

**VOTE:** All Affirmative (5-0).

**9. ORDINANCE ALLOWING THE CITY TO ENFORCE TRAFFIC ON SCHOOL PROPERTY**

Attorney Baker stated that most traffic laws are not enforced on private property. The state law does allow traffic laws to be enforced on school property if the school district requests it. Nebo School District has requested that Salem City Police enforce traffic laws on the school properties located within Salem City limits. This will affect the school drive and parking lots in the high school and the elementary schools. Mayor Henderson stated that Nebo School District has been working very well with the city.

**MOTION BY:** Councilperson Stanley Green to approve Ordinance 31908B Allowing Salem City to Enforce Traffic on Nebo School Property located within Salem City.

**SECONDED BY:** Councilperson Terry Ficklin.

**VOTE:** All Affirmative (5-0).

**10. APPROVE MINUTES OF MARCH 5, 2008**

**MOTION BY:** Councilperson Terry Ficklin to Approve the Minutes of March 5, 2008 as written.

**SECONDED BY:** Councilperson Todd Gordon.

**VOTE:** All Affirmative (5-0).

**11. APPROVE BILLS FOR PAYMENT**

**MOTION BY:** Councilperson Brent Hanks to Approve the Bills for Payment.

**SECONDED BY:** Councilperson Lynn Durrant.

**VOTE:** All Affirmative (5-0).

**12. PUBLIC SAFETY**

**13. OPEN DISCUSSION**

Mayor Henderson asked if anyone had anything they would like to discuss in open discussion.

**COUNCIL REPORTS**

**14. MAYOR J. LANE HENDERSON**

Mayor Henderson stated, regarding the emergency phone calling company that was discussed a couple of council meetings ago, that there maybe another solution that Chief

James is looking into that would not cost us any money. Jeff Nielson stated that on the upcoming utility bills, the customer's phone numbers will be printed on that bill, and we are asking customers to verify if the numbers are correct.

Mayor Henderson also reported that the construction for the addition to the city office has begun. Dave Johnson reported that the footings will be done this coming week. Also, we anticipated that we would need to bring fill in, but when we dug down we found that the dirt and ground would work and no fill would need to be brought in. We will also be doing a drain around the footings, just to be on the safe side. Dave reported that the completion of the first part of construction is scheduled for October 8, 2008; this is when the new section will be done. Then the remodeling to the old portion of the building will begin, and that is expected to be done on December 24, 2008.

Mayor Henderson stated that the council has been really looking into the curb, gutter and sidewalk issue in the older portion of the town. We had over 200 responses to the survey that was in the newsletter and on the web page. Most of the people would like to have the rural look, but feel that the sidewalk would need to be put in. Mayor Henderson stated that we have had a problem when piecing together the city blocks. Because new homes being built are required to have curb, gutter and sidewalk, they are not lining up.

Councilperson Gordon was wondering if we decide to do just sidewalks, then what do we do with the homeowners who have already put in the curb and gutter. The question was asked if we can require people to bond for the improvements, if we don't require it now. Attorney Baker stated that if we do not require it, then we can not require people to bond for it. If in the future we decide to have the improvements done, then the city could do a special improvement district.

Councilperson Gordon stated that, depending on the elevation of where a persons lot falls on the street, it could mean a lot of money for one and not so much for another.

Councilperson Green stated another issue is with the storm drain system, if we have curb and gutter it will cause the need for a storm drain system. Councilperson Hanks stated that if we have to do storm drain, and other improvements, it would be a lot of money for the city. Mayor Henderson asked what will happen in 10 years if the city is required to monitor the storm drain system. An advantage with curb and gutter is it looks nicer, and it would help channel the storm drain, but it would be expensive. Councilperson Hanks stated that many of the older residents, who live in the older part of town, have told him it would be a hard ship to have the improvements put in. He would like to see the sidewalk installed, but leave curb and gutter off until we know we have to put it in. Councilperson Durrant stated that she feels the same, along with Councilperson Green. Councilperson Ficklin stated that he is against it, and feels that we need to look at the area a little bit different, and look at the section closer. If we notice that one home would make the difference in finishing off a block, then we should require it. Maybe we look at it as a case by case situation. He feels that the footprint is too big, and need to look at it a little closer. Councilperson Gordon felt that he would like to see curb and gutter required. He also feels that we can still have the rural look in a town with curb and gutter. Mayor

Henderson, even though he does not vote, feels that he would prefer to have the curb and gutter required. He is concerned that if we don't require it now, then we might be putting a burden on future council members.

Bruce Ward stated that we need direction from the council. He likes Councilperson Ficklin's idea of doing a case by case. If we have a subdivision going in, and they can do the curb and gutter we should require it, but then the area around the pond, we may not want to curb and gutter it. He stated that he likes the look of curb and gutter.

Councilperson Ficklin was wondering, with the P.I. System, and knowing that many irrigation ditches will be abandoned because of the P.I. Wondering if the city can purchase them rather than losing them. The city can use them for storm drains. Bruce Ward stated that some of the ditches will be abandoned, and they will be in city right away. Councilperson Hanks is concerned about where the ditches end up, some end up in someone's property, and could get flooded. He mentioned that he is concerned with the subdivision approval tonight of Spainhowers, and what will happen if we require curb and gutter, where will his drainage end up.

Bruce Ward stated that Attorney Baker mentioned a Special Improvement District, and how this would allow residents to pay for the improvements over a 20 year period. Councilperson Green stated that we need to be concerned with storm drain in the future, and maybe do the curb and gutter in conjunction with the storm drain.

Councilperson Ficklin would like to take a little bit more time and look at the footprint that has been proposed, and maybe do some more studying.

Mayor Henderson recommended to the council to do some more homework and we will start work session at 5:30 next council meeting to discuss this more.

## **15. COUNCILPERSON LYNN DURRANT**

Councilperson Durrant reminded the council of the upcoming UMPA meetings in St. George, they have scheduled a lot of good speakers. Also the state library board was meeting to determine if we can become a certified library. She thanked the Miss Salem contestants for coming into work session. She wants to look at getting away from the Miss America Pageant organization. Councilperson Durrant feels we could do our own Miss Salem. By being a part of the Miss America organization, we are required to follow their criteria. She was not happy with how the Miss America Pageant was run this year, the council agreed with her, and feels we need to look at getting out of the organization.

## **16. COUNCILPERSON TERRY A. FICKLIN**



**17. COUNCILPERSON STANLEY W. GREEN**

Councilperson Green stated that SUVMWA will be passing a resolution to bond for the land for a regional sewer plant. All of the cities are on board.

**18. COUNCILPERSON BRENT V. HANKS**

**19. COUNCILPERSON TODD R. GORDON**

Councilperson Gordon stated that he had a scout call him on an Eagle Scout project. The scout stated that it was approved awhile ago to paint fire hydrants. The council felt that since it has been awhile they suggested he come back to city council.

Todd Gordon wanted to thank Jileen Meservy for her hard work with the youth council; they have a lot of great kids. Jileen asked the council about attending training for her and the youth council. There is a class in Logan at USU for youth council and advisors. She would like to have the council budget for it next year. The council felt that would be a good idea.

**20. DAVE JOHNSON, PUBLIC WORKS DIRECTOR**

Dave Johnson told the council he was looking into getting a portable trailer for the library to use while the library is shut down during construction. Councilperson Ficklin has a place to store the books that we will not be using during that time period.

**21. BRUCE WARD, CITY ENGINEER**

**22. ATTORNEY S. JUNIOR BAKER.**

Attorney Baker stated that there is a Land Use training next Tuesday at 7:00 p.m. at Spanish Fork City hall, it should only last about one hour.

**ADJOURN CITY COUNCIL MEETING**

**MOTION BY:** Councilperson Brent Hanks to Adjourn City Council Meeting.

**SECONDED BY:** Councilperson Stanley Green.

**VOTE:** All Affirmative (5-0).

**MEETING ADJOURNED AT:** 8:50 p.m.

---

Jeffrey Nielson, City Recorder