

1 Minutes of the Salem City Council Meeting held on May 18, 2005 in the Salem City
2 Council Chambers.

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4 **MEETING CONVENED AT: 7:30 P.M.**

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6 **CONDUCTING:** Councilperson Terry Ficklin (Mayor Pro-Tem)

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9 **COUNCIL PRESENT:**

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11 Councilperson Terry A. Ficklin
12 Councilperson Lynn Durrant
13 Councilperson Dale Boman
14 Councilperson Dale R. Wills
15 Councilperson Stanley W. Green

STAFF PRESENT:

Jeffrey Nielson, City Recorder
Chief Brad James, Police Chief
David Johnson, Public Works
Junior Baker, City Attorney

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17 Councilperson Terry Ficklin excused Mayor Brailsford from council meeting tonight.

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20 **OTHERS PRESENT**

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22 Madison Mitchell
23 LaDean Tervort
24 Brent Moser
25 Lucy Cornaby

Jarod Hill
Tonia Wall
Justin Henderson
Gary Warner

Jason Black
Chantel Ficklin
J. Reed Cornaby
Andrew Glenn

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27
28 **1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE**

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30 Councilperson Terry Ficklin asked if anyone would like to give a motivational or
31 inspirational message. Dave Johnson stated he would like to offer a motivational
32 message in the form of a prayer.

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35 **2. INVITATION TO SAY PLEDGE OF ALLEGIANCE**

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37 Councilperson Terry Ficklin asked if anyone would like to invite those who would wish
38 to participate to stand and say the pledge of allegiance. Councilperson Dale Boman
39 stated that he would like to. He then led the pledge of allegiance for those who wanted to
40 participate.

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43 **3. PRESENTATION TO FRED & CHERYL TAYLOR**

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45 Fred and Cheryl Taylor were not present to city council meeting.

46

47 **4. PUBLIC HEARING**

48

49 Open

50 **MOTION BY:** Councilperson Lynn Durrant to open the public hearing.

51 **SECONDED BY:** Councilperson Stanley Green.

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

53

- 54 1. Consider a request from Frank & Leany for a Conditional Use Permit for a
55 Preschool at 240 East 300 South.

56

57 Councilperson Ficklin turned the time over to Frank Leany. Frank explained to
58 the council what he is proposing. He would like to have a preschool at 240 East
59 300 South in a modular home there. He showed the council and the public a
60 photo of the area and what he is proposing. His home is next to the property
61 where the preschool will be. It will strictly be a preschool, and will not be used as
62 a home. He will not have more than 10 students at a time. Planning and Zoning
63 wanted to make sure that he had enough parking and a place for unloading and
64 loading the kids. Police Chief James recommended putting a fence up. Frank
65 stated that it is a 10,000 square foot lot; he showed where the loading and
66 unloading would be located on a map. He stated that Planning and Zoning
67 recommended it if the conditions were met. The conditions were as follows: fence
68 around the yard, the overflow parking area is kept in good conditions, the
69 maximum number of children will be 12, and this is to be a preschool not a
70 private school.

71

72 Councilperson Ficklin asked if there were any comments from the public. There
73 were no comments. He then asked the council if they had any questions or
74 concerns.

75

76 Councilperson Boman asked if once Frank is done using the home as a preschool,
77 could it be turned back into a home. It was stated that it could. He then asked if
78 Frank was planning on putting up a sign. Frank stated that they do have a sign in
79 front, and that it meets the city requirements. He stated that it is about the size of a
80 real-estate sign. Attorney Baker stated that the council could put a condition on
81 the sign. The question was asked about the condition that Planning and Zoning
82 had put on, which limited the number of students to 12 and under. It was stated
83 that if they had more than that they would have to meet other requirements, and
84 they did not want to do that.

85

86 Councilperson Ficklin asked if there were any other questions. Councilperson
87 Boman was concerned about the sign in the area, and he feels it should not be any
88 bigger than it is. Councilperson Green stated that he feels that it is important to
89 keep the characteristic of the residential area, and the sign should not be bigger
90 than it is. Attorney Baker stated to the council that they can impose conditions on
91 the sign. Frank stated that the sign is about 2 feet by 2 feet.

92

93 There were no other comments or questions.

94

95 Close

96 **MOTION BY:** Councilperson Dale Wills.

97 **SECONDED BY:** Councilperson Dale Boman.

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

99

- 100 1. Consider a request from Frank & Leany for a Conditional Use Permit for a
101 Preschool at 240 East 300 South.

102

103 **MOTION BY:** Councilperson Dale Wills to approve the conditional use permit
104 with the recommendations of Planning and Zoning (fence around the yard, the
105 overflow parking area is kept in good conditions, the maximum number of
106 children will be 12, and this is to be a preschool not a private school) and that the
107 sign should not exceed 2 feet by 2 feet.

108 **SECONDED BY:** Councilperson Dale Boman.

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

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111

112 **5. SUBDIVISION WAIVER FOR ANNIE GROSS, CORNER OF 200 SOUTH**
113 **AND 400 EAST.**

114

115 Councilperson Ficklin turned the time over to Annie Gross. Tonia Wall stated she was at
116 council meeting to represent Annie. She stated that Annie wants to divide the lot into
117 three lots, and then sell the lot on the east side. Councilperson Ficklin read what the
118 Planning and Zoning recommendations were. They stated that the property meets the
119 requirements for a subdivision waiver and neither committee (Planning and Zoning and
120 DRC) had a problem with this request. He then asked the council if they had any
121 questions. There were no questions from the council.

122

123 **MOTION BY:** Councilperson Stan Green to approve the subdivision waiver for Annie
124 Gross, on the corner of 200 South and 400 East.

125 **SECONDED BY:** Councilperson Dale Wills.

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

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129 **6. MILLIE CANNON – THIMBLE WEED QUILTERS USE OF NEW CIVIC**
130 **CENTER.**

131

132 It was stated that Millie is going to come to the council meeting in June.

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139 **7. JNB DEVELOPMENT – ANNEXATION REQUEST**

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141 Councilperson Ficklin turned the time over to Justin Henderson of JNB Development.
142 Justin showed the council where the property is located (South of 400 North, West of
143 Woodland Hills Drive, and East of 800 East) and stated it is Harry Adams piece of
144 property. Councilperson Wills stated that this annexation was going to go through the
145 process about a year ago, but it never did. Justin had a petition which showed the
146 majority of the land owners who wanted the annexation. He stated that Derk Palfreyman
147 gave a verbal agreement. Justin stated that they are here to request from the council to
148 proceed with the annexation. He said that DRC (Development Review Committee) asked
149 if the piece of property, where the green dragon is located, was included. He told them
150 that it was not, that they have not talked to the property owner. Attorney Baker
151 recommended that they try and encourage them to have that property included. It was
152 stated that before, when the property was being looked at for annexation, that the
153 property owner did not want to be annexed in because they did not meet the requirement
154 for animal rights, and they did not want to be annexed. Attorney Baker stated that JNB is
155 asking for approval to proceed. The council can either tell them they can or deny the
156 request.

157

158 **MOTION BY:** Councilperson Dale Boman to proceed to with the further study for JNB
159 Development Annexation request.

160 **SECONDED BY:** Councilperson Stanley Green.

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

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163

164 **8. APPROVAL OF SUNRISE WATER RIGHTS STUDY**

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166 Councilperson Wills stated that this was discussed during last council meeting. Dave
167 Johnson stated that Sunrise will be combing all of our water rights in port folio, so the
168 city will know what water rights we have and where the rights are being used. We feel it
169 is important to get our water rights cleaned up. The cost should not exceed \$8,000, and
170 Sunrise will look at billing us half this budget year and half the following budget year.

171

172 **MOTION BY:** Councilperson Dale Wills to approve the Sunrise water rights study and
173 not to exceed \$8,000.

174 **SECONDED BY:** Councilperson Lynn Durrant.

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

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177

178 **9. APPROVAL OF STATE COURT CONTRACT FOR FY 2005/2006**

179

180 Attorney Baker stated that Salem City is part of the Utah State Court, where Jane
181 Topham is the city employee and also the court employee. The court will reimburse
182 Salem City for Jane's work, office equipment, and supplies. This contract is done each
183 year. Councilperson Wills was wondering if Attorney Baker has read through it.
184 Attorney Baker stated he has not, but it is usually the same each year. Councilperson

185 Ficklin gave Attorney Baker a copy for him to review. Attorney Baker stated that it
186 looks fine.

187

188 **MOTION BY:** Councilperson Stanley Green to approve the State Court Contract for
189 fiscal year 2005/2006.

190 **SECONDED BY:** Councilperson Dale Wills.

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

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194 **10. APPROVE MINUTES OF MAY 4, 2005**

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196 **MOTION BY:** Councilperson Lynn Durrant to approve the minutes of May 4, 2005 as
197 written.

198 **SECONDED BY:** Councilperson Stanley Green.

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

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202 **11. APPROVE BILLS FOR PAYMENT**

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204 **MOTION BY:** Councilperson Dale Wills to approve the bills for payment.

205 **SECONDED BY:** Councilperson Dale Boman.

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

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209 **12. PUBLIC SAFETY**

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211 Police Chief Brad James stated that he had a couple of items. The handicap fishing day
212 went very well, there were about 900 kids and it looked like they were all very happy.
213 The CEO of Albertson's was very impressed by how well it was done. This Saturday
214 (May 21) is Heritage Day; the wagon train begins its trek tomorrow. It should be a very
215 busy Saturday with it. Saturday June 4 will be the Salem Triathlon in the morning. They
216 are planning on a lot of participants. Councilperson Wills stated that the road department
217 needs a map of the bike route so they can help sweep the roads.

218

219

220 **13. OPEN DISCUSSION**

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222 Councilperson Ficklin asked if anyone had anything for open discussion.

223

224 Gary Warner (City Recreation) stated that a couple of meetings ago, the issue was
225 presented to the council about having an adult softball league on Monday nights, and the
226 council stated they did not want games played on Monday nights. He was wondering if
227 that rule is also the same for youth. The reason he is asking is that he has signed up to
228 host some of the state tournaments here, but it is not too late to call and cancel. He stated
229 that each year we send about 16 teams to the state tournament. The tournaments are held
230 in different cities in the state. The tournaments only last four days, Monday – Thursday.

231 Councilperson Boman thought the discussion was directed toward all leagues.
232 Councilperson Durrant stated that the issue was with the adult leagues, but she thought
233 the youth did not play on Monday. Gary stated that state regulates the tournament days.
234 If we pull out of being a hosting city, the tournaments will still go on and still be played
235 on Monday, just in another city. Would also mean that some of our teams would have to
236 travel to another city, rather than play here. The council was wondering how many
237 games would be played on Monday night. Gary stated that Monday is the biggest day for
238 the tournaments. He said that January of each year is when the cities apply to host the
239 tournament. They are trying to get the games so that they are in the same general area.
240 He asked the council to think about it.

241

242

243 **COUNCIL REPORTS**

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245 **14. MAYOR RANDY A. BRAILSFORD**

246

247 Was excused from council meeting.

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250 **15. COUNCILPERSON DALE BOMAN**

251

252 Councilperson Boman stated that Heritage Day is set for Saturday. He wanted to remind
253 the council that the first wagon would leave to for the cemetery at 9:30 a.m. He then told
254 the council what they would be doing. He also stated that picnic lunches are set at the
255 park at noon.

256

257 Councilperson Boman stated that during the week of Salem Days there has been a request
258 to have an adult softball tournament on Thursday and Friday night. He turned the time
259 over to Gary Warner. Gary stated that the games would go until about 11:00 p.m. for
260 Thursday and on Friday could go as late as 1:00 a.m. (Saturday). The times would all
261 depend on how many teams there are. Friday night is also the night for the family dance.
262 The ball fields will be lit up except for field three which is next to where the dance would
263 be held. Gary stated that Todd Gordon told him that Greenriver does about the same
264 thing, and it works out nice. The comment was made that last year for the dance it was
265 dark and having the games going on would help to make it lighter. Councilperson
266 Durrant was wondering about the noise. Gary stated that the adult league is not as noisy
267 as the youth. It was also stated that the dance would be toned down a bit from last year.
268 Councilperson Wills feels that it would be a great outing for a family, to have both
269 activities going. Police Chief James stated that there would still be the concern about
270 parking. There is not a lot of parking at the ball field. He feels that Canal Road will be
271 the biggest problem. They try and get people to park in the church parking, but it does
272 not always work out. It was stated that the dance would still end at 11:00 p.m. The
273 council felt that it is a great idea.

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275

276 Councilperson Boman had one more item, and that is the Memorial Day service is
277 scheduled for Memorial Day at 8:00 a.m. at the cemetery.

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280 **16. COUNCILPERSON LYNN DURRANT**

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282 Councilperson Lynn Durrant did not have anything to report tonight.

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284

285 **17. COUNCILPERSON TERRY A. FICKLIN**

286

287 Councilperson Ficklin stated that he received a letter from BFI requesting an increase in
288 their service. They use the Wasatch Front cost of living to determine the increase. This
289 year the cost of living went up 2%. Our contract with them states that the increase would
290 be determined upon the cost of living for the Wasatch Front. In addition to that they are
291 requesting an additional 1.5% for transportation. Because the transportation of the cost
292 of living went up 5.9%. If this is the case it would increase our pick up from \$3.01 to
293 \$3.12 for the first container, and \$1.19 to \$1.24 for the second container. He also stated
294 that the following budget year the Solid Waste District is looking at increasing their rates.

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296

297 **18. COUNCILPERSON STANLEY W. GREEN**

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299 Councilperson Green did not have anything to report tonight.

300

301

302 **19. COUNCILPERSON DALE R. WILLS**

303

304 Councilperson Wills did not have anything to report tonight.

305

306

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

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309 Dave Johnson stated that somewhere around the 1st part of June, the city will be getting in
310 about 4,000 plants for the wetland. He is wondering if the youth council would be
311 interested in helping plant them. There is a person who will direct the helpers and tell
312 them what plants need to be pulled, what plants can stay and where to plant the new
313 plants. It was stated that it would be a good Eagle Scout project for a few scouts. They
314 would have to hurry and get it approved. It was stated to have the scouts do it before the
315 youth council.

316

317

318 **21. ATTORNEY S. JUNIOR BAKER.**

319

320 Attorney Baker asked the council if they were going to make a decision for Gary
321 Warner's request on the baseball tournaments. There was some discussion on the issue.

322 Councilperson Boman felt that they should not be played. Councilperson Durrant felt it
323 would be okay. Councilperson Wills felt they should not be played. Councilperson
324 Green felt they should not be played. Councilperson Ficklin stated he would talk to Gary
325 about it.

326

327 **CLOSE CITY COUNCIL MEETING**

328

329 **MOTION BY:** Councilperson Lynn Durrant to close city council meeting.

330 **SECONDED BY:** Councilperson Dale Wills.

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

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333 **MEETING ADJOURNED AT:** 8:30 P.M.

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Jeffrey Nielson, City Recorder