

Minutes of the Salem City Council Meeting held on October 16, 2002 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:30 pm.

CONDUCTING: Mayor Randy A. Brailsford.

PRAYER: Councilman Dale Wills.

PLEDGE: Police Chief Brad James.

COUNCIL PRESENT:

Mayor Randy A. Brailsford
Councilman Reid W. Nelson
Councilman Dale Boman
Councilman Terry A. Ficklin
Councilwoman Vicki H. Peterson
Councilman Dale R. Wills

STAFF PRESENT:

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

OTHERS PRESENT

Lacie Hales
Reed Cornaby
David Simons

Cindy Jairl
Phil Porter
Rhonda Simons

Councilman Terry Ficklin left the council chambers.

1. Business License Revocation – Simons Pool & Spa

Mayor Brailsford explained to David Simons that an Order to Show Cause had been delivered to him explaining items that are still not completed at his business, that were supposed to be done in order for him to do business. The items include: Failure to complete curb, gutter, and sidewalk; Failure to complete asphalt between existing asphalt and new curb; Failure to place visual barrier fencing; Failure to place slats on the existing chain link fence adjacent to Salem Elementary School; and Failure to complete landscaping. Mayor explained that in the DRC minutes from September 23, 1998, it stated that the business would be approved subject to tying the sidewalk together on both sides & move the pole, landscape, asphalt to existing asphalt per our ordinance, vision barrier fence around with the recommendation of clip on slats for the chain link fencing. Mayor mentioned that letters have been sent to him regarding these improvements over the years, and the improvements still have not been completed.

David Simons stated that when he bought the property he was told by the realtor that the property in front of the building would be his. It turned out that it is owned by the city, and that the city would deed the land over to David. David also mentioned that he has a concern about putting a sidewalk on city property; he feels it should be up to the city. It was stated to David that when developers come in that they are required to put in all the improvements where they are developing, and he is no different. It was also mentioned that David agreed to the improvements when he wanted to put the business in, and after the improvements were done, the property owned by the city in front of his business would be deeded over to him. Mrs. Simmons stated that they have never seen anything in writing stating that the property would be deeded over. She has talked to a councilman in the past who stated he would get that to her, but he never did.

David Simons also mentioned that when they informed the school about putting slats in the fence, the school stated they did not want slats; they would like a cinder block wall. David was told by council a while ago that he could leave the end of the front vision barrier fence open so that he could have a display. It was stated that only the north side was approved, the south side is still open. David explained that he has a display on the south side also. Dave Johnson told him he could put a vision barrier fence up behind the display that would hide the storage in the back.

David explained that they have landscaping. They have put some planter boxes up front, with flowers and trees. Mayor stated that the city will have to look into the landscaping a little more.

David did mention that the building is still not completed, but he has put stucco around part of the building. The mayor told him that it would need to be completed.

David is also concerned about the curb and gutter on the north side. He stated that there used to be a ditch along there. He also stated during the last big storm the water puddled up on the corner, and he feels the old ditch is part of the problem. It was stated that the city could help him come up with a solution regarding the old irrigation ditch.

Mayor Brailsford said that this is what he would like to have happen. The city will give David Simons 30 days to comply or his business license could be revoked. He will need to comply with everything that was mentioned in the notice, except for the landscaping, it is still in question. Mayor also mentioned that David will need to register with the state tax commission stating that his business is located in Salem City and that he has been here since 1998. The mayor told David that if the school will not work with what you want, then let the city know so someone can go and talk to them, or get a letter from the school stating what they would like to do and when they are going to do it. He will also have Jeff Nielson type a letter explaining what all of the improvements are that need to be done, and then have Dave Johnson deliver the letter to go over any concerns. David Simons is concerned that he can not have it completed in 30 days. Mayor stated that he will give him 45 days to complete the improvements, if they pass inspection then the city will deed the land over to him, if they don't, then the business license maybe revoked.

It was mentioned that 45 days would be around the end of November, the next scheduled city council meeting is on December 11. Mayor mentioned that the improvements would need to be completed by December 4, 2002, and then have David Simons come again before council on December 11, 2002.

MOTION BY: Councilman Reid Nelson to table the David Simons Business License until December 11, 2002.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (4-0).

Mayor Brailsford asked Jeff Nielson to type a letter stating that when all of the improvements are done that the land will be deeded over to David Simons and then has Dave Johnson deliver it. The mayor would like it done the following day.

Councilman Terry Ficklin returned to the council chambers.

2. Business License

a. Carrie Houtz – Pre School

Mayor stated that Carrie currently teaches preschool in her home, but they are buying a new house and she would like to move her preschool there. The new address is 634 S. 300 E. She has had a business license in the past, and the city has not had a problem with her. Mayor stated that Carrie will need to bring in a copy of her state license before she can have the new business license. The council did not have any problem with the business license.

3. OFF PREMISE SIGN ORDINANCE

Vicki Matafeo, from the Copy Shack talked to the mayor the other day about the Off Premise Sign Ordinance and was wondering what could be done for her business. The way the ordinance reads now a business may put a sign up in an industrial zone. It was asked if Vicki could get Neways permission could she put the sign up on their property. She could, but she wants her sign by SR 198 and 100 East, which is zoned commercial. Councilwoman Peterson stated that Planning and Zoning is currently in the process of amending the ordinance. Mayor Brailsford asked if the council could make an exception or an adjustment, as long as it is approved by Chief James and Dave Johnson, for safety purposes. It was stated that if the council makes an exception, then what would happen if Vicki were to purchase a sign, and then not have it be in compliance with the new ordinance that Planning and Zoning is amending? What about other business in town, would the council have to make an exception for them also? When this ordinance was written, it was written in a hurry because Reagan signs were being placed along the highway. Planning and Zoning has a copy of Logan City Ordinances, and have gotten a lot of good ideas from it. One of the ideas is to allow a directional sign for business, as

long as the sign is small. Planning and Zoning has also asked Vicki to come and give some of her input but she has not come yet. Councilwoman Peterson stated that Greg Raulston is working on the sign ordinance. He will bring it to Planning and Zoning for approval, after it is approved it will go before council for approval. All of this should be happening very quickly. The question was asked if having Greg amend the ordinance would it be a conflict of interest. Councilwoman Peterson stated that Greg is only helping to amend it, that it will have to get approved by Planning and Zoning and also council. The statement was made that since Planning and Zoning is currently working on the ordinance, that the council should not make any exceptions.

At 8:10 pm Councilman Boman asked to be excused from council meeting.

4. RESOLUTION FOR REIMBURSEMENT OF BOND

Jeff Nielson explained this resolution. Currently we are in the process of refinancing our MBA Bond for the new ball park. The park has cost us more than the city bonded for. The city has money in the impact fee's to help pay for some of the cost, but if we want to reimburse the impact fee's, when we get the refinancing done, then the council will need to approve this resolution.

MOTION BY: Councilman Reid Nelson to approve resolution 101602.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: Councilman Reid Nelson and Councilwoman Vicki Peterson voted Affirmative, Councilman Dale Wills voted nay, and Councilman Terry Ficklin abstained from voting (2 – 1).

5. APPROVE MINUTES OF OCTOBER 2, 2002

MOTION BY: Councilman Reid Nelson to approve the minutes of Oct. 2, 2002 as written.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (4-0).

6. APPROVE BILLS FOR PAYMENT

Mayor Brailsford stated that he would like the Staker invoice, for the parking lot at the new ball park, until he can talk with them.

MOTION BY: Councilwoman Vicki Peterson to approve the bills, except for the Staker invoice.

SECONDED BY: Councilman Reid Nelson.

VOTE: All Affirmative (4-0).

7. PUBLIC SAFETY

Police Chief James stated the police department received a grant for a new report writing system. Chief James stated he could not find anywhere in the minutes that it was approved to purchase the new system. The mayor approved the grant to get the system, but Chief James thought it would be better if it was mentioned in the minutes. The grant will pay for the new software, which was about \$15,000. It was stated that with the grant paying for the new software and the mayor approving both, that it would not need to be approved by the council.

Chief James also stated that the new patrol car is in for Officer Dibble. It still needs to get the equipment installed, but it will also be an undercover police car so not a lot of equipment is needed.

The Dog Fair is this Saturday (October 19, 2002) at 1:00 pm.

The police department is still working with Bartell Mortenson about allowing the DARE Vet to be parked in one of the storage units.

Councilman Wills was wondering about the car that is going to be retired when the new police car is completed. Can the city use it as a decoy police car? Have it parked in different areas of town to help slow people down. It was stated that they have done this in the past, and it works for a little bit until people get used to the car. Mayor Brailsford stated that we did just get some of the streets painted with the 25 MPH in big letters. Hopefully this will help people to realize the speed limit.

8. OPEN DISCUSSION

Mayor asked Cindy Jailr to show the council what she would like to do. She would like to receive a permit to build from the city. They are more than 1000 feet from the closest sewer line. If they build they would need to put a septic tank in. The piece of property is on the property that Naomi Shepherd and husband built on. It has already been subdivided at least once. The city has told them that they can not build there because it would require a subdivision, which would require having the sewer line put in. They stated that this would only be the second time the property has been divided. Attorney Baker stated that they would need to have a subdivision waiver to get it approved. He stated that they are starting backwards in the process; they need to go through DRC first. With the subdivision wavier it states that they would have to put all of the improvements. They figured it would cost them about \$200,000 to put the sewer line in. Mayor Brailsford stated that they came to council, because they did not want to get it all approved then have the council deny it at the very end. The council felt they would not have a problem with allowing them to have a septic tank, as long as they go through the process, it is approved by the appropriate committee's, and it is in compliance with our ordinance.

COUNCIL REPORTS

9. COUNCILMAN REID W. NELSON

Councilman Nelson stated he did not have anything to report tonight, and asked if he could be excused from Council Meeting.

10. COUNCILWOMAN VICKI H. PETERSON

Salem City Public Hearing for the annexation will be on November 5, 2002.

Councilwoman Peterson was wondering what day would be good for the council retreat. It was decided that Tuesday, November 19th would work out for everyone.

Councilwoman Peterson stated that she will try and get her sisters cabin in Woodland Hills.

11. COUNCILMAN DALE R. WILLS

Did not have anything.

12. COUNCILMAN TERRY A. FICKLIN

The plants are in at the new sewer plant wet lands. Councilman Ficklin was concerned though if the berms are going to be built up a little more. He stated the water is about ready to go over the ditches. It was stated that the water is high because a total flood had to be done to get the plants going, the water will not always be that high.

He is also wondering if anyone has heard anymore about the new aerators for the lagoons. Mayor Brailsford stated that Bruce Ward had told him they are doing different studies to determine which one would work best for our needs.

CLOSE CITY COUNCIL MEETING

MOTION BY: Councilman Terry Ficklin.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (3-0).

MEETING ADJOURNED AT: 8:40 pm.

Jeffrey Nielson, City Recorder