

Minutes of the Salem City Council Meeting held on April 19, 2006 in the Salem City Council Chambers.

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 Jeff D. Higginson

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

Jerry Riding
Jason Carrick
Marvin Baker
Darryl Christian
Baylis Earls
Lee Jorgensen
Karen Lee
Lexy Buffo
Jonathan Encellification

Louise Riding
Devin Cope
Christy Hardman
J. Reed Cornaby
Linda Earls
Cory Holley
Alli Cope
Shalese Maughan
Burke Tervort

Ricky Fifita
Emily Jenkins
Christy Christian
Lucey Cornaby
Jeremy Loveridge
Adam Lee
Kellie Preece
Alyssa Dedrickson

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Bruce Ward 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.

Mayor Henderson stated we had a student from Salem who wrote an essay on why she loves to live in Salem. Mayor Henderson then read the essay. He stated that the essay took 3rd place in the state.

3. DARRYL & CHRISTY CHRISTIAN – IMPROVEMENTS AT 114 S 400 E.

Mayor Henderson turned the time over to Darryl and Christy. Darryl stated that they have put in an application for a building permit to do an addition to their home. Initially Dave Johnson told them that they would have to put 150 feet of sidewalk in front of their home, because the new addition. Later on, Dave Johnson told them that he had the ordinance wrong, because the home sits on a corner. They would be required to put 235 feet of sidewalk on both sides of the home that face the road. The cost to do all it would be around \$30,000, instead of about \$8,000 for the 150 feet. Dave Johnson drew on the chalk board showing the layout of the property, where the new addition would be located, and how it sits on the corner with 235 feet of property of both sides facing the road. Darryl thinks that there is about 175 feet from the edge of the driveway to the corner of the road. Councilperson Durrant asked if there were any other improvements on the road. It was stated that there are no other improvements on the block. Mayor Henderson stated he is concerned the way the ordinance is written for this type of situation. This is an undo hardship for someone like this. He would give his recommendation to have the sidewalk with curb and gutter going in front of the home, around the corner, and along the side of the home. Christy stated the other problem is there are power poles and a fire hydrant that would have to be moved. Dave Johnson stated he is not sure about that, we would have to get a survey done of the area. Councilperson Ficklin asked if we have a master plan for that area, and are there other sidewalks in the area. It was stated that Cole's Surveying has the master plan, and there are no other sidewalks on the block. Mayor Henderson feels that we need to have the corner done. Dave Johnson suggested in front of the home and then around the corner. Councilperson Ficklin read the current ordinance. Attorney Baker stated that if the improvements on the home is over \$85,000 then the improvements to the sidewalk need to be done, but if there is more than 200 feet of frontage that would need to have improvements, the council may waive that, but may also set the requirements and conditions which must be met. Councilperson Ficklin feels they should finish the radius and go in front of their home and to their driveway. Bruce Ward brought up that if someone comes in for a waiver and they have 190 feet, they would not require for the waiver, they must have 200 feet, according the ordinance. He suggested to the council that they would require 200 feet at least to be completed. Councilperson Higginson suggested going from the driveway, in front of the house, around the corner until they have gone 200 feet.

MOTION BY: Councilperson Terry Ficklin to require Darryl & Christy Christian to install the sidewalk, curb and gutter from their driveway, in front of their house, making the radius on the corner, and continue until the 200 feet has been met.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

4. JOSEPHINE ROLLINS & STEVE ELKINS – VARIANCE ON PROPERTY AT 161 N. 500 E.

Mayor Henderson turned the time over to Josephine and Steve. They stated that when they purchased the property the realtor gave them information that was misleading. They would like to improve the new home and then build another home next to it. They were also told that they would have animal rights. The lot just meets the 20,000 feet requirement. The frontage is 120 feet. Mayor Henderson stated that we have received a couple of letters from some of the neighbors who have a concern. Dave Johnson stated that the ordinance does not allow a variance, so in order to allow this the ordinance would have to be changed. Steve stated that the property is deep. He showed the council what the new home would look like. As it was stated, they want to improve the existing home, and then build a new home next to it. Mayor Henderson stated that right now our ordinance does not allow it, and there would have to be a zone change. Attorney Baker stated that for the purpose of a zoning variance, it can be granted by the council, but the person requesting would have to meet the five conditions of the state code, and he can not see how they would meet them. Mayor Henderson felt that he would like to see a new zone, something like a historic zone for the middle of town. There are a few undeveloped lots like this that could be improved. Attorney Baker stated that the frontage for a R1 zone could be changed or look at creating a new zone for lots in the middle of town. Dave Johnson was wondering about a flag lot. Attorney Baker stated that it does not qualify for a flag lot. Steve asked what their next step would be. It was stated they would have to go to planning and zoning and ask for a new zone. Councilperson Ficklin stated that he would let Planning and Zoning know about it.

5. BUSINESS LICENSE

A. JEREMY LEWIS – LANDSCAPE MAINTENANCE

Jeremy Lewis, at 45 North 100 east, is requesting a business license to be able to do landscaping and landscaping maintenance. The home would only be an office. It has been approved by all of the appropriate people.

B. MONICA VILLAR – TRAINING SEMINARS

Monica Villar, at 160 East Canal Road, is requesting a business license to be able to do training seminars. She would be doing the seminars at different locations, like hotel conference rooms. The home would only be an office. It has been approved by all of the appropriate people.

C. BRUCE HUBBARD – HUNTING-FISHING-FILMING

Bruce Hubbard, at 564 East 600 South, is requesting a business license to be able to do guiding for hunting and fishing, and do filming of the trip. The home would only be an office. It has been approved by all of the appropriate people. Dave

Johnson stated that Bruce is the secretary of a state organization that helps with wildlife.

MOTION BY: Councilperson Brent Hanks to approve the business licenses.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (5-0).

6. RESOLUTION AMENDING BUILDING RESTRICTION

Mayor Henderson turned the time over to Attorney Baker. Attorney Baker stated we have had a restriction put on any new subdivisions back in September because of infrastructure concerns. This resolution has two parts. The first part requires any of the subdivisions, which were concepts, which were allowed to proceed before the restriction was put in place are required to have a preliminary plat brought into the city before May 1, 2006. The other part of the resolution will allow a subdivision of up to five (5) lots, but can not exceed the number of lots shown on the original submittal.

Councilperson Durrant was wondering about when the restriction was put on, if a developer had a concept they were allowed to proceed. Attorney Baker stated that is correct, and now we would require those concepts to be turned in for preliminary approval before May 1.

Mayor Henderson stated that this will allow some of the smaller lots in the middle of town to be developed. He knows that Shane Johnson wants to subdivide his property, and build. This will allow those types of lots to be developed. It was stated that there are about 660 lots that have been approved and are available to build on.

Corry Holly asked the question about the septic tank ordinance. Mayor Henderson stated that Councilperson Ficklin will be reporting on that. He had another question, if he could split a lot without doing improvements on it. Attorney Baker stated that it would be considered an illegal subdivision.

MOTION BY: Councilperson Jeff Higginson to approve Resolution 41906 Amending Building Restriction.

SECONDED BY: Councilperson Stanley Green.

VOTE: Affirmative 3, Nay 2 (Councilperson Higginson, Aye; Councilperson Ficklin, Nay; Councilperson Green, Aye; Councilperson Durrant, Nay; Councilperson Hanks, Aye)

7. AWARD POWER IMPACT FEE

Councilperson Durrant reported that we have sent out a proposal for the electrical impact fee study. We have four companies who have replied to the proposal. She has met with Bruce Ward and Doug Smith regarding the proposals. Doug had a recommendation of using Comlink. Doug is on vacation right now, but would like to meet with Comlink

when he gets back from vacation. Right now she would like to see if we could make a motion to use Comlink after we have talked over the proposal with them. Attorney Baker stated that the council could award the bid to Comlink in anticipation to meeting with them. Councilperson Ficklin was wondering why there is such a wide variance from the low bid to the highest. The amount is almost \$40,000 difference. Is it possible that some of the companies did not understand the proposal. Councilperson Durrant stated that they have discussed that, and it was a concern. Comlink has done Payson City and Strawberry Electric impact fee study. Bruce Ward stated that they all received the same information. We need to have the electric impact fee started as soon as possible. One thing that Comlink has said they would help us with, is mapping the electrical in the city. This is something Comlink stated they can spread out over the next couple of years. We do want to talk with Comlink and make sure they understand the scope of what we want them to do. Councilperson Durrant stated that we feel comfortable with Doug's recommendation. Bruce stated that we can start the study immediately, and hopefully have it completed in five weeks. Mayor Henderson stated the problem the city is facing is the power issues, so this is the one we wanted to start right away.

MOTION BY: Councilperson Durrant to award the electrical impact fee study contract to Comlink, subject to reviewing the scope of work.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

Bruce stated that if it is different, then it would be brought back to the council.

8. SERVICE CONTRACT WITH MEDTRONIC FOR DEFIBRILLATOR

Mayor Henderson stated that we would come back to this item; we are trying to get Captain Stone of the ambulance to present this item.

9. APPROVE MINUTES OF APRIL 5, 2006

Jeff Nielson reported that Jane Topham had been in an accident and has broken her back; she did not have time to do the minutes before the accident. Councilperson Durrant reported that Jane has had surgery, and had some pins put in her back. She is hoping to be home on Friday.

10. APPROVE BILLS FOR PAYMENT

Mayor Henderson asked for approval to have the bills paid.

MOTION BY: Councilperson Brent Hanks to approve the bills for payment.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

11. PURCHASE OF POLICE VEHICLE

Mayor Henderson stated that we would come back to this item; we are trying to get Police Chief James to present this item.

12. OPEN DISCUSSION

Reed Cornaby asked about what type of training the person would be doing that has applied for the business license. Mayor Henderson explained that they are going to be doing training on public speaking and customer service.

Jason Carrick asked about how the new civic center was going. Councilperson Hanks explained that it is going very slowly right now, but the goal is to have it done by Salem Days.

Shalese Maughan asked the question where the city would get the water for the pressurized irrigation system. It was stated that the water would come out of the two canal systems, the Salem Canal and Highline Canal, and eventually from CUP water. There will be holding ponds above the canal that will feed the system.

Councilperson Higginson wanted to thank Councilperson Green and Bruce Ward for their work on the Pressurized Irrigation system. Mayor Henderson reported that it has helped to educate the citizens on the system. If you can educate them and let them know, they are more likely to support you.

Councilperson Ficklin reported that the Solid Waste District will be bringing over the chipper, so we can use it for spring clean up to chip the debris.

SERVICE CONTRACT WITH MEDTRONIC FOR DEFIBRILLATOR

Mayor Henderson read the letter from Medtronic. He then turned the time over to Captain Erman Stone of the Ambulance. Captain Stone stated that we have a contract to service the difibulators. The company will come in and do a pre-maintenance along with replacing the batteries. Police Chief James stated that this is not new to the city, we have been using this company on our other diffibulators, the police have three and the ambulance now has 2. Captain Stone stated that we have the same contract on the others, but we just purchased another dibiffulator for the ambulance. In October this contract and the other contract will be combined, so there is only one contract. So far we have been very pleased with the company; they have taken care of the defibulators. Councilperson Green stated that it could cause a liability if we are not making sure they

are working properly. Mayor Henderson stated that the cost of the contract is \$4,200 for the five year contract.

MOTION BY: Councilperson Stanley Green to approve the Medtronic Technical Service Support Agreement.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (5-0).

PURCHASE OF POLICE VEHICLE

Chief James reported that it is time that the state bids on new police vehicles are out, and in order to get the state contract price we need to order them now. The police department has been rotating a new police vehicle each year. He would like to get permission to purchase a new vehicle on the state bid. We need to order it now, but then it would not be paid until next year's budget year. Councilperson Hanks was wondering about purchasing a four-wheel drive vehicle. Chief James stated that we are trying to get a mix of them in the police fleet, but he would rather have a Crown Vic, they have been very good police vehicles, but we do need a mix of vehicles that are four-wheel drive.

MOTION BY: Councilperson Stanley Green to approve the purchase of a new police 2007 Ford Crown Vic in the amount of \$31,619 in next years budget.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (5-0).

PUBLIC SAFETY

Mayor Henderson stated that we would jump to item 19 and public safety

A. EMPLOYEE ASSISTANCE PROGRAM

Chief James reported that the Mayor, Attorney Baker, Jeff Nielson and he met with a company regarding Employee Assistance Program. Our current insurance company does not provide an employee assistance program for counseling. This company would provide this assistance to employees and their families. They have given us a quote of \$3.80 a month per employee. He would like to present this to the council for approval. Chief James would be requiring each of his police officers to attend a counseling twice a year. Mostly to help get out some of the frustrations. This would be an extra benefit for the employees. Councilperson Higginson stated that with the office staff, they are under a lot of pressure, and this would be good for them. Mayor Henderson stated that for a counseling session outside of this program would cost about \$150. With this there is no limit on how many sessions. Chief James stated that there would not be any extra cost for the employee. Mayor Henderson stated that after the meeting and the company left, we all felt really good about this program. They are also willing to

do training sessions on different subjects, like how to deal with stress. Chief James stated that a few years ago, he had an officer who had taken his own life. If there would have been a program like this where he could have received some counseling, he may still be alive today. This company is very confidential, employees can go and no one would have to know that they are receiving counseling. Other cities that participate in this and have been working with this company are very impressed. Councilperson Green stated that this would be good for the Fire Department and Ambulance. They will sometimes see very traumatic incidents that could affect them. He feels it would be a great benefit to the city. Chief James stated that he has one officer that because of his assignments is required to have counseling; he has stated that it is very beneficial for him and his assignments. Burk Tervort stated that for 20 months he has been dealing with soldiers coming back from Iraq, and it is amazing some of the post traumatic stress they are going through. It was stated that it would be for all employees of the city, full and part time, and the council is also included.

MOTION BY: Councilperson Terry Ficklin to Blomquist Hale Consulting for the Employee Assistant Program at \$3.80 a month per employee.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: Affirmative 4, Nay 1 (Councilperson Higginson, Aye; Councilperson Ficklin, Aye; Councilperson Green, Aye; Councilperson Durrant, Aye; Councilperson Hanks, Nay)

Chief James reported that we had a sewer lateral that was backed up and flooded a basement. Some kids stuffed some debris down the man hole and caused the back up. No one saw any kids out playing by the manhole, so we do not have any leads. One of the neighbors did complain about odor problems coming from the sewer. The back up only affected one home. Councilperson Green stated that he has talked with Jeff Nielson, and in the future when this happens, we will have the homeowners contact the restoring companies, and then we will contact our insurance. Jeff Nielson explained that our insurance company suggested that we do this, because there are cases, like this, that the city is not responsible, but that the person affected should have their home owners insurance cover it. But our insurance does have a no-fault policy of \$2,500 that would cover a situation like this. The reason we want the homeowner to call the restoration company, is because if call them, then we are liable to pay the cost. We still want to help out the homeowner as much as possible on these types of situations.

Chief James stated that on Saturday May 6, from 1:00 – 5:00 there will be a Latter-Day Living Fair, held at the Salem West Stake Center. There will be displays on first aid, home safety, alcohol & drug prevention, internet safety, and identity theft. Then on Sunday May 7, there will be a 911 call check. Residents can call 911 to make sure that their address is being displayed on the dispatch screens.

COUNCIL REPORTS

13. MAYOR J. LANE HENDERSON

Mayor Henderson stated that he would report later.

14. COUNCILPERSON LYNN DURRANT

Councilperson Durrant reported that she has met with Doug Smith and Jeff Nielson to look at ways we can get funds for a new bucket truck. The cost is about \$200,000.

The power department is also looking at purchasing a chipper. Doug was going to try one out and see if it is something they want. It was stated that we need to get Marv Baker involved also. Councilperson Ficklin expressed his concern, because the Solid Waste District has one that they will allow the city to use twice a year.

Councilperson Durrant wanted to thank the Youth Council for their help with the Easter Egg Hunt, they did a great job. Mayor Henderson asked Councilperson Durrant if she would write a letter to the Youth Council and their advisors thanking them for all of their help.

15. COUNCILPERSON TERRY A. FICKLIN

Councilperson Ficklin also wanted to thank the Youth Council and all of those who contributed to the Easter Egg Hunt.

Councilperson Ficklin wanted to report on some of the issues that Planning and Zoning worked on. The septic tank issue was discussed, he presented to the commission that the council did not want multi lots with septic tanks. The commission wanted to have a dry pipe installed. They are hoping to have something together in their next meeting and then present it to the council. He feels that if we require a dry pipe and a bond, it would make it easier to connect to the sewer in the future. He is hoping to have something done in the next couple of months.

They discussed the sign ordinance, and were in favor of what the nursery wanted to do. They are going to make a few changes that would allow the city to put up banners along the highway and also allow other companies to do the same.

The other item that was discussed is the restriction on subdivisions. If we have a couple of subdivisions, but in-between the subdivisions is empty property, allowing them to develop to make it complete so that there would not be empty property.

Councilperson Durrant wanted to report on a transportation meeting that she attended. In the meeting there were a couple of complaints about Sheen Road, and wondering if lines

can be painted. Also, the stop sign at Arrowhead Trail road by Olson Nursery, wondering about changing it so it stops the other direction going east/west, instead of north/south. During last council meeting the topic of bike paths came up. She has brought back some information regarding bike paths and funding that she would like to give to Bruce Ward. Mayor Henderson reported that Nebo School District might be willing to help out with a bike path. Councilperson Durrant stated that there is also funding available for a safe school sidewalk. She also reported that there is going to be a lot of work done on some of the county roads that will affect Salem. There was some discussion on Sheen Road/Beet Road, and how it will not be widened because of wetlands on both sides of the road.

16. COUNCILPERSON STANLEY W. GREEN

Councilperson Green was wondering about voting on the pressurized irrigation system. Mayor Henderson reported that we have met now with two different companies that want to be our financial advisor for the project.

Councilperson Green wanted to make a motion to award the financial advisor to Zions Bank.

MOTION BY: Councilperson Stanley Green to approve Zions Bank to be our Financial Advisor for the pressurized irrigation system project.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

Bruce Ward stated that with the sewer department, the city is in need of a jet truck. It was mentioned the cost for a new jet truck would be about \$280,000. There has not been any maintenance on existing sewer lines for a few years. The jet trucks are good for a lot of other issues besides sewer. Spanish Fork and Payson have been coming over and helping us out when we have had emergency situations.

17. COUNCILPERSON BRENT V. HANKS

Councilperson Hanks report that the Corps of Engineers met with the person from the wetlands to discuss the area for the new city shop. The Corps of Engineer guy is out of the office for a couple of weeks. They feel that it might be the middle of May before we can get approval on the land. He is wondering if we have had the environmental study done on the land where the shop is currently located. Dave Johnson reported that it has been done, and hoping in the next week should have it back.

18. COUNCILPERSON JEFF D. HIGGINSON

Councilperson Higginson reported the other day he took Councilperson Hanks up to the new ball park, because the new school has given us property to install a sidewalk. The sidewalk would tie the ballpark into the school, which would allow more parking for the ballpark. Adam Lee, a resident who lives up by the ballpark feels it is great idea, but he has some issues because his back yard faces the ballpark and people would be walking by his yard. He showed a layout of the area, and showed where the right-a-way would be. Because people will be parking at the school to get to the ball field, there are some issues. One issue is the city is looking at putting a small building at the ball field, where that building is going to be placed will make a difference on the sidewalk. Councilperson Hanks stated the ditch that is currently there, will be taken out, and an eventually a paved walking path would be put there. Adam is also concerned about the school kids who will be using 600 South road to get to school, because it is the shortest path, and there is not a sidewalk in that area. Mayor Henderson asked if the homeowners were going to have fences. One of the residents stated that they were, and was wondering if the city would help. It was stated that city would not be able to participate; the city has taken care of the water in the ditch problem, and feel we can not help out with the fence. There was some discussion on where the building should be located and where the path from the school should be located. Mayor Henderson feels we need to get with Gary Warner and work with him on the best place to put the building. Councilperson Higginson asked Councilperson Hanks if he would talk to the school about the sidewalk.

A couple of other concerns came up; one is about the noise when the tournaments are being held. It is not that often, but when they are, they are usually playing later at night. It was stated that it would be looked into. The other concern is who is liable when a baseball is hit and it happens to hit one of the homes, who would be liable for the damage. This will also have to be looked into.

Adam also wanted to applaud Gary Warner for the great job he does at the ball park.

19. PUBLIC SAFETY

A. EMPLOYEE ASSISTANCE PROGRAM

20. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

21. BRUCE WARD, CITY ENGINEER

Bruce Ward was hoping that Lee Jorgenson was going to stick around. Lee has been doing inspections part-time on the new subdivisions. He wanted to introduce him to the council.

22. ATTORNEY S. JUNIOR BAKER.

23. ENTER INTO EXECUTIVE SESSION

MOTION BY: Councilperson Brent Hanks to enter into an executive session.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (5-0).

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Stanley Green to adjourn city council meeting.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 10:10 p.m.

Jeffrey Nielson, City Recorder