

Minutes of the Salem City Council Meeting held on December 13, 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**

Kay Wride  
Paul Christensen  
George Rasband  
Bob Peavley  
David Robbins  
Paul Westwood  
Cindy Eslinger  
Jan Klingman  
Venece Reed  
Paul Tervort  
Skye Swasey  
Jessica Robbins

Jessica Harding  
Shannon Badger  
Michael Gleed  
Jeff Budge  
Chad Kimber  
Alan Curtis  
Kyle Gardner  
Erman Stone  
Norma Turetzky  
Burke Tervort  
Jessa Pendray

Gary Wride  
Gayle Evans  
Andrew Ottesen  
Karen Robbins  
Rex Larsen  
Bradley Simpson  
Mark Wright  
Chris Reed  
Del Jorgensen  
Chuck Wilson  
Larry Hansen

**1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE**

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Dave Johnson 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

**(Open)**

**MOTION BY:** Councilperson Stanley Green to Open the Public Hearing.

**SECONDED BY:** Councilperson Jeff Higginson.

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

**a. Ordinance Enacting Impact Fees for Culinary Water, Secondary Water, and Waste Water.**

Bruce Ward explained that the ordinance and the studies have been available for the public to review for the last couple of weeks. The impact fee study was done by Aqua Engineering. They have also updated the Culinary Water Impact Fee, created a Pressurized Irrigation Impact Fee, and updated the Waste Water Impact Fee. The proposed rates are as follows: Culinary Water \$2,275.00 (which is a reduction), Secondary Water is \$1,800.00, and Waste Water \$1,730.00. Bruce stated that the studies are based upon the capital facilities growth plans. The impact fees are determined by what facilities the city will need. If the studies are done correctly, then the growth would help pay for the new capital improvements. Jeff, from Aqua Engineering, was in attendance to answer any questions. He stated that they have worked hard on this study.

Mayor Henderson asked if there were any questions. Larry Hansen asked if those who own water shares will have to sell them to the city. Councilperson Green stated that the city is asking people to sell their water shares to the city. He said that we can not force people to sell them but we are asking. Larry was wondering if he could trade his water shares in to cover the impact fees. It was stated that could not be done, but that the city could issue him a check for his water shares, and he could turn around and give the city the money to pay for the impact fees.

**b. Mark Wright – Annexation of Property at Approx. 1600 W. 8000 S.**

Dave Johnson pointed out on the map where the proposed annexation area is located. Brad Simpson was present to represent Mark Wright. He stated that they have followed all of the steps necessary for the annexation, and they are here to answer any questions.

Allen Curtis had a question regarding the petition. He pointed out in the Utah State Law that some issues on the petition were not followed. Attorney Baker stated that portion of the law is for first class counties, and Utah County is a County of the second class. He explained that property owners have to come to the city for annexations, they have to have the majority of the property owners that want to be annexed; they can not leave an island or a peninsula. If the council agrees to study the annexation, then the process is started. It is published in the paper, and notifying other entities affected by the area. This starts the

protest period of 60 days. After the protest period, notice for public hearing is published, and the annexation is brought back to the city council to allow them either to approve, or not to approve, the annexation. He stated this information can be found in the Utah Code under Title 10, Chapter 2, approximately section 420.

Allen Curtis was wondering about the SESD buy out. Mayor Henderson explained that Salem City has an agreement with SESD that when an area is serviced by SESD, and is annexed into Salem City, then the SESD infrastructure needs to be bought out and the loss in revenue needs to be paid over a 10 year period. This is paid for by the property owners who are annexed into the city. Mark Wright stated that, with their agreement, they would pay for the infrastructure for all of the property owners. Attorney Baker stated that a connector's agreement is being worked on so that Mark can be reimbursed for the expenses when development is built. He stated that this is standard for this type of situation. Allen was wondering what the amounts would be. Attorney Baker stated that is still being worked out.

Paul Westwood was wondering about sewer and water. Mayor Henderson stated that it depends on the development and when that happens. The sewer would need to have a lift station, but again it would not need to be done until the property is developed. Paul was also wondering about what services Salem City would provide to them when they are annexed into the city. It was stated that garbage, public safety, and snow removal are just some of the many items that will be serviced by Salem. Attorney Baker stated that when development happens, there will be other improvements and services. The question was asked about what Zone the property would be. It was stated the General Plan shows that area to be C1.

A concern was raised regarding the Benjamin Drainage System, and how about 80 years ago, there were some 8" clay pipes installed to drain the area. They are still working and there are records of the system. It was stated that some people have built on top of them, and have destroyed the pipe system. They were required to fix them so that they could still be drained. Mayor Henderson stated that it would need to be addressed when the area is developed.

**c. Gary Wride – Annexation of Property at 10109 S. 1300 W.**

Dave Johnson showed on the map where this annexation is located. Gary Wride explained that this has been before council a couple of times, and the time limit had expired. He explained the reason behind the annexation. Paul Westwood stated that some of the land, in future, would be developed. Mayor Henderson asked if there were any questions from the public or council.

**d. Ordinance Amending the Comprehensive Zoning Ordinance Concerning the Height of Accessory Buildings.**

Mayor Henderson stated that this issue on the Height of Accessory Buildings has been discussed in the past. He asked if there were any questions from the council or public.

**e. A Donation to the Salem Elementary School for Patriotic Mural.**

Mayor Henderson stated that last council meeting this item was discussed. It was determined that in order for the city to donate money, a public hearing would need to be held. He stated that the city would like to donate \$100 to the Salem Elementary School for the Patriotic display. He asked the public or council if there were any questions.

**(Close)**

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

**SECONDED BY:** Councilperson Brent Hanks.

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

**a. Ordinance Enacting Impact Fees for Culinary Water, Secondary Water, and Waste Water.**

Mayor Henderson read the amounts of the new impact fees, Culinary Water \$2,275.00, Secondary Water is \$1,800.00 and Waste Water \$1,730.00.

**MOTION BY:** Councilperson Lynn Durrant to approve Ordinance 121306 Enacting Impact Fees for Culinary Water, Secondary Water, and Waste Water.

**SECONDED BY:** Councilperson Stanley Green.

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

Councilperson Terry Ficklin arrived at council meeting 7:30 p.m.

**b. Mark Wright – Annexation of Property at Approx. 1600 W. 8000 S.**

Mayor Henderson recommended to the council to continue this item until January 17<sup>th</sup> council meeting, to allow Mark Wright to get the connector's agreement ready.

**MOTION BY:** Councilperson Jeff Higginson to continue this item until January 17<sup>th</sup> council meeting.

**SECONDED BY:** Councilperson Stanley Green.

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

**c. Gary Wride – Annexation of Property at 10109 S. 1300 W.**

Gary Wride explained to the council that they are being serviced by Salem City power, and would not have to worry about the SESD buy out.

**MOTION BY:** Councilperson Brent Hanks to approve the Gary Wride annexation, and if there is any buyout of SESD infrastructure, that it would be taken care of by Gary Wride.

**SECONDED BY:** Councilperson Jeff Higginson.

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

**d. Ordinance Amending the Comprehensive Zoning Ordinance Concerning the Height of Accessory Buildings.**

**MOTION BY:** Councilperson Jeff Higginson to approve Ordinance 121306A Amending the Comprehensive Zoning Ordinance Concerning the Height of Accessory Building.

**SECONDED BY:** Councilperson Stanly Green.

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

**e. A Donation to the Salem Elementary School for Patriotic Mural.**

**MOTION BY:** Councilperson Stanley Green to approve the donation of \$100 to Salem Elementary School.

**SECONDED BY:** Councilperson Terry Ficklin.

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

**4. SAM & CONNIE McVEY – DELINQUENT CHARGE ON UTILITY BILL**

Connie McVey explained to the council that they had mailed the utility bill, but the city has not received it. Because the city did not get it, a late fee was charged on their account. She is asking the council to waive the late fee charge. Mayor Henderson stated these are difficult situations. Councilperson Durrant stated that if the city does get the payment, and they can determine that it was mailed before the due date that they would credit the late fee. We have had others come to the council and ask for the late fee to be waived, but we have denied their request. Mayor Henderson stated that this is a hard decision for the council each time, and each time they have had to deny the request. The council felt that they would have to deny this request also. They thanked Connie and Sam for all that they do for the city.

**5. GAYLE EVANS – ANNEXATION OF PROPERTY AT APPROXIMATELY 11000 S. LOAFER CANYON ROAD.**

Mayor Henderson stated that the property owners tried to annex into Woodland Hills a while ago. At that time, Salem City protested the annexation. Dave Johnson showed on the map where the property is located. Attorney Baker stated that if they do proceed with the annexation, they would be required to bring Sabin's Orchards in also, and the council could recommend that they bring the property in so the boundary lines up with 11200 South. Mayor Henderson asked if Sabin's have been contacted. It was stated that they have not been contacted, because they were not aware that they had to be annexed also. Mayor Henderson would like to see the annexation to go to 11200 South. Attorney Baker stated that if the council wants they could require the annexation to have further study. Mayor Henderson suggested that the annexation include Sabin's Orchard, and he would like to see it go to 11200 South.

**MOTION BY:** Councilperson Stanley Green to accept the petition for further study and to have them include Sabin's Orchard and include the property to go to 11200 South.

**SECONDED BY:** Councilperson Terry Ficklin.

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

**6. CHRIS REED – WIDENING ROAD ON 180 N. AND WAIVING SEWER FEE.**

Mayor Henderson stated that the council has read the request of Chris Reed that was sent to them. Chris Reed stated he is asking for assistance to hook onto the city sewer and to still allow him to have animal rights. Chris then read his letter he sent to the council:

*We are asking that Salem City waive all charges associated with the hook up to the City Sewer System and to document that we once had over an acre of land which gives us animal rights. Since the road takes 1/8 of an acre from our property we no longer have a full acre. We were told that our animal rights were grandfathered but we would like that documented and signed by the city. My wife wants it in writing to avoid any legal problems in the future.*

*A little history will help with understanding why we are asking for all of the sewer connection costs to be waived.*

*We signed a Quit-Claim that deeded property on the north side of our property for the purpose of a road. The following is the description from that deed. I don't know about anybody else, but I have a bit of a problem reading and understanding what all of that means. I went to Dave Johnson and asked him where we needed to start our landscaping so that we missed everything the city was putting in because this legal description is next to impossible to decipher. Somehow Dave and I misunderstood each other and I came away with the impression that we were losing 10' from the property line and that all our planned improvement just had to be outside that 10'. It has been over three years since that conversation so I do not remember the details or exactly what was said. If it needs to be somebody's fault...then it is mine. Because, down in the last quarter of that description is says West 18.16 feet.*

*We discovered this fact when the new road was being cut in northwest of our property. We called Dave, Bruce Ward and Doug Yates to find out what was happening. That was when we discovered that the road was taking 18.16' and not 10' from the north side of our property.*

*Dave and Bruce brought a map to that discussion concerning what was being done. It is a great map and a picture of what is going to happen. Why couldn't we have received something like that*

*when we signed the contract? In this case a picture is worth a hundred words, thousands of dollars and three years of labor to do all the landscaping.*

*There is no doubt looking at that picture what is going to be changing and where the road and hence all of our landscaping should have been.*

*Needless to say, there is no question as to where the landscaping should have been placed. Dave is a good friend and we sit near each other in church. Any screw ups are obviously our fault since there it is in the legal description, but why could we not have been given a map like this and a detailed explanation of exactly what was entailed in the legal description when we came into the City Offices and signed the Quit-Claim deed over to the City?*

*Let me give everyone an idea of what this misunderstanding and this new home construction is going to cost us. First, I am not going to attach a cost of what these 139 homes crammed in around us has cost us and will cost us in the future. How do you attach a value to a home in a "rural setting" where pheasants lived in your yard and there is an unobstructed view? We expected homes, but these are going to be large homes crammed so close together that you can jump from one roof line to another. So obviously there is no place for any green space or a park around them.*

*I went into a local business a couple of weeks ago where I have been taking my trucks for thirty years. As the owner worked on my truck he expressed anger at me for what I started by building a home where I did. His family grew up there and he played in that field as a boy. I explained that it was not my fault and that we were just as disappointed and that we felt betrayed by what was happening as well. I was hurt and really surprised when he still flipped me off as I drove out of his business.*

*A couple of months ago I came home from work to find my wife standing in the bay window, tears streaming down her face, and very distraught. When I asked what was the matter she said, "It will all be gone, the view, the green, the quiet, the wildlife and it is to be replaced by what we left in Spanish Fork. I loose everything."*

*When Sunrock started using the compacting equipment and pushing the large quantities of dirt we removed all the large pictures from the walls. We have had to take them down because they were vibrating so much we were afraid they would come down on their own. I now have a door that no longer fits in its warping door frame and the door has been damaged due to the interferences. And, the front porch has acquired two large cracks. I would expect this kind of damage to continue for at least another year. They have not even done our side of the road on the north or the new roads to the south and west sides of our property. You can not imagine the dust that blows into our home when the wind comes up. Can you imagine walking across your lawn and having puffs of dust rise at every step?*

*The real costs are a little more easily calculated. That 18' by almost 300' is worth something. That is 5,400 sq feet or an 1/8 of an acre. That is almost half of a building lot in square footage and a building lot is going for \$140,000 across the street. I will be personally paying for it every month for the next thirteen years and the City has acquired that at no cost.*

*We spent over three years landscaping the front yard to the north, east and south and now a lot of that is going to have to be removed or moved. That is two people working 6 to 10 hours a day through the spring, summer and fall for the last three years. During June, July and August my wife and mother-in-law worked 8-10 hours a day in the heat. It was one of the nicest looking yards for miles. It is not unreasonable to estimate*

*That 8' by 150' of planted and landscaped area of course contained the major lines and two control stations for the sprinkling system, with an additional drip system. There was also a PVC system run for future electrical lighting in the yard and a third of it will be destroyed. Our sprinkling system installer felt he could keep the rebuild costs under a \$1,000.*

*Fifteen trees along with a multitude of shrubs and flowers have been moved in the last couple of weeks in an attempt to save them. I would expect to loose at least 25% of them. All the bark, the gravel walkways had to be moved. The pains takingly laid weed cloth will be a total loss. We will*

*be lucky if we do not have to move some sculptured flower beds that were just finished and are now ready for planting in the spring. I would estimate this has cost us \$1,500 to \$2,000.*

*We expected to have to put a sidewalk in when everything around us was developed and Doug Yates has graciously offered to do that at his cost while he is doing the rest of the sidewalks. But, that will still cost us at least \$5,000.*

*I have nothing but admiration for Doug Yates. He said he went through exactly the same thing in Lehi and he eventually moved because he was so disappointed with what followed. We do not have this option. Doug has gone far beyond what he is really required to do for us. He had his guys assist us with a backhoe when we were transferring all the trees to a temporary holding area because we still don't know where we can plant them. He is going to continue the rock wall sound barrier to the corner along the east side of our property on Woodland Hills Drive at no cost. It will make everything look much nicer but he did not have to do that. He is also going to put lock-block along the sidewalk and use it to shore up the northwest corner of our property where it meets his subdivision. He would have to do something like this at the edge of his property but he didn't have to run it the full 300' length. Needless to say, we have nothing but praise for his kindness even though his subdivision blocks our view, spoils the concept of rural space, and I am sure it is going to raise our taxes.*

*While the construction has the road torn up and they are laying the sewer line I would like to go ahead and connect to the city sewer. Dave said I did not have to do it right away but I am sure it will be cheaper to connect at that time while everything is uncovered and the yard torn up. To do this we have been quoted \$5,000. Dave said the City fees to hook up to the line are \$1,995.*

*We have some money coming in from the water Connection Fee Contract with the city. This is the connection fee that Doug Yates will have to pay to connect to the 8" water line we had to put in when we were building the home. I was planning on using this money to pay for the curb, gutter, sidewalk and the sewer connection. The unplanned costs will force me to go in the hole and possibly even to take out a loan in order to pay for everything.*

*Doug Yates is making money. Salem City is making money. I would like to just break even. I don't think \$1,995 is much in consideration for what this is going to cost us now and in the future.*

*There is one other thing. When the Sunrock contractor was discussing what he was going to have to do he mentioned that the water meter and the fire hydrant was going to have to be moved further back against our property and that our yard would be torn up more in some additional places to do that. I questioned him further and he said the water meter and the fire hydrants along this road had not been put in correctly and that they would have to be moved in 7' to 8' towards our property.*

*Evidently someone else misunderstood where those lines were as well. It is sure odd that it is the same distance that this whole issue has been over...*

*Thank you for your consideration and hopefully Salem City can waive these costs.*

Bruce Ward stated that the map that Chris Reed talked about was done when the new subdivision, Salem Heights, was created. The question was asked if the city could waive the sewer impact fee. Attorney Baker indicated the ordinance allows the council to grant a waiver, generally based on affordable housing.

Mayor Henderson stated that we feel for Chris Reed, and can understand what he has gone through. Councilperson Green stated that the city does benefit from the quit claim deeds for roads. Councilperson Hanks was wondering why the fire hydrant and water meter was installed incorrectly to begin with. Dave Johnson stated that he asked the contractor, and he could not remember. Dave went to Coles Surveying and asked them if



they did the survey work for it. They stated that they did not. Bruce stated that if there were no surveying markers, then when the city went to inspect the water meter they would not have caught it being installed incorrectly. Mayor Henderson stated that he has met with Dave, Todd Gordon and Bruce on this. We are not sure who is at fault, the city is not at fault, and he does not think the Reeds are at fault. It is a hard situation.

**MOTION BY:** Councilperson Terry Ficklin to waive the Sewer Hook up fee, along with the sewer impact fee.

**SECONDED BY:** Councilperson Jeff Higginson.

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

## **7. LAYNE COTTAM – PLAT AMENDMENT FOR LINTON MEADOWS LOTS 4, 5, & 6.**

Mayor Henderson explained the history of this subdivision, and how a couple of council meetings ago, the council denied the request of the variance to allow a twin home lot to become single home lots. Bruce Ward showed the original layout of the plat, and then the new layout of the plat. He stated that the property lines are a little different, but the lots would qualify them to meet the city requirements and allow the single family home lots. He stated that DRC and Planning and Zoning have both approved it, but they might have to relocate the street lights. Attorney Baker stated that under the city codes, they can do this. We had asked them last time to try and change the plat to make the amendments work. Councilperson Hanks was wondering about the street lights and needing to be moved. It was stated that we are not sure where or if it would need to be moved.

**MOTION BY:** Councilperson Stanley Green to approve the Plat Amendment for Linton Meadows subdivision for lots 4, 5, and 6.

**SECONDED BY:** Councilperson Terry Ficklin.

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

## **8. BUSINESS LICENSE**

### **a. Eric Thomas – Office for Limited Liability Co.**

Mayor Henderson stated that Eric Thomas is requesting a business license at 1294 South 480 West, for Limited Liability Company. He processes mortgage loan applications. The home will be an office only. Chief James stated that he has an office in Orem, and he wants to be able to work from home also. It has been approved by all of the appropriate people.

**MOTION BY:** Councilperson Jeff Higginson to approve the business license.

**SECONDED BY:** Councilperson Stanley Green.

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

## **9. INTERLOCAL AGREEMENT WITH ELK RIDGE FOR SEWER.**

Mayor Henderson stated that this item has been under discussion for a long time. Attorney Baker stated that Elk Ridge passed the agreement in their last council meeting. Salem City made some changes from when this was first discussed a few months ago. Elk Ridge has agreed with all of the changes. Bruce Ward mentioned that the impact fee amount would need to change. Attorney Baker stated that we would be okay to just notify them of what the current impact fee amount is.

Paul Tervort asked if this agreement has a maximum number of connections. Bruce Ward stated that it does allow up to 500 connections, but he feels that since the agreement is only allowing a certain area, he feels that we would be okay. Councilperson Hanks was wondering why do we want to allow 500, why can't we limit that number down to about 200. Bruce mentioned that with the area that it is allowing, he feels we would be safe, and that he does not think they could get 500 connections in that area. Paul Tervort stated because his property is located in a portion of the area in the agreement, and because he is still in the annexation protest period, he would like to see the council hold off on the agreement until next council meeting. He would not like to see Elk Ridge come and protest the annexation, because they could not service the sewer. Burk Tervort stated that Elk Ridge originally wanted this area in their city limits.

**MOTION BY:** Councilperson Terry Ficklin to table the Elk Ridge Sewer Agreement until next council meeting on January 3, 2007.

**SECONDED BY:** Councilperson Stanly Green.

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

## **10. INTERLOCAL AGREEMENT WITH PAYSON ON RODEO ARENA**

Attorney Baker stated that we are waiting on some changes that Payson City attorney had made, and was unable to get the agreement over to him. Attorney Baker wanted to review the changes to make sure everything is still okay. Mayor Henderson felt that we should wait on the agenda item until we have the final agreement. We want to make sure the agreement is what we want. Dave Johnson stated that someone from Payson City is bringing over some bleachers tomorrow to go down to the arena. Mayor Henderson felt that would be okay. Councilperson Higginson wanted to make sure that the bleachers are going to be safe before we allow them to be used.

## **11. RESOLUTION PURCHASING TRUCKS THROUGH WELLS FARGO**

Jeff Nielson explained about the last council meeting when the council approved the funding for the jet truck to go with Wells Fargo Bank. The council was wondering, since Far West could not do the funding for the bucket truck, if Wells Fargo could do the same interest rate they are doing for the jet truck, and combine the two amounts. Jeff had contacted Wells Fargo and they were able to get the same interest rate and combine the

two leases. The bucket truck will still be on a five year lease, where the jet truck will be on an eight year lease. This resolution is just allowing the two trucks to be financed through Wells Fargo Bank. Bruce Ward stated that we have received the jet truck and have been using it in Salem.

**MOTION BY:** Councilperson Stanley Green to approve Resolution 121306 allowing the Purchasing of the jet truck and bucket truck through Wells Fargo Bank.

**SECONDED BY:** Councilperson Jeff Higginson.

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

## **12. RATIFYING AMENDMENT TO SUVMWA INTERLOCAL AGREEMENT**

Bruce Ward explained that SUVMWA (South Utah Valley Municipal Water Association) has been working on water issues. A few years ago the group started working on the regional sewer issues. Because the group was not sure if they could be working on sewer issues, they had to change the interlocal agreements to allow them to work on sewer issues also. The agreement was brought up last year, and approved by the other cities. Attorney Baker stated that we thought it was approved by our council last year, and we had former Mayor Randy Brailsford sign it. But after looking back at the minutes, we found that it was only discussed, and it was never brought before the council again. This agenda item is ratifying former Mayor Randy Brailsford's signature on the interlocal agreement with SUVMWA.

Councilperson Brent Hanks left council chambers.

**MOTION BY:** Councilperson Stanley Green to approve the Ratifying Amendment to SUVMWA Interlocal Agreement.

**SECONDED BY:** Councilperson Lynn Durrant.

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

## **13. ORDINANCE CREATING THE PRESSURIZED IRRIGATION SYSTEM**

Attorney Baker explained that one of the requirements for the Pressurized Irrigation Bond is that we have to create a utility for it. He stated that back in October we passed one, but this one is clearer on the rates. It does a couple of things for us, the rate is based on lot sizes and it prohibits cross connections. We need to have this ordinance adopted by December 20<sup>th</sup>. In the ordinance it also allows the engineer the ability to waive the fee. The council felt that the engineer would be qualified to make that decision.

**MOTION BY:** Councilperson Stanley Green to pass Ordinance 121306B Creating the Pressurized Irrigation System.

**SECONDED BY:** Councilperson Lynn Durrant.

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

#### **14. CHANGING THE UTILITY BILL PAST DUE DATE TO THE 20<sup>TH</sup> OF THE MONTH.**

Jeff Nielson explained that the utility bills are due on the 15<sup>th</sup> of each month. There is a past due date that is currently set on the 25<sup>th</sup> of each month where the late fee is placed on the account if it is not paid. By having the past due date on the 25<sup>th</sup> it does not give the city office much time to get the next month's utility bills ready. Especially if the 25<sup>th</sup> falls on a holiday or is on the weekend, because we allow the extra day to turn in before we close out the month, then it only gives us a couple of days. The city office would like to request to change the 25<sup>th</sup> to the 20<sup>th</sup> of each month. That would give us an extra five days. We would not have this become affective until March 2007. We feel this would give us plenty of time to notify people of the change.

**MOTION BY:** Councilperson Lynn Durrant to change the Past Due Date from the 25<sup>th</sup> of the Month to the 20<sup>th</sup> of the Month, beginning in March 2007.

**SECONDED BY:** Councilperson Jeff Higginson.

**VOTE:** 3 Aye 1 Nay (Councilperson Durrant, Aye; Councilperson Green, aye; Councilperson Ficklin, nay; and Councilperson Higginson, aye) (3-1)

#### **15. RESOLUTION AFFECTING PRELIMINARY PLATS**

Mayor Henderson stated we would not be doing this agenda item tonight.

Councilperson Hanks came back to the council chambers.

#### **16. RESOLUTION AMENDING THE PERSONNEL POLICY**

Attorney Baker stated that the policy was presented to the council last council meeting. He stated that the one change since then is to allow the carry over hours for vacation from 40 to 80. Mayor Henderson stated that we received a lot of input from the employees, and felt that the changes were for the betterment of the employees. We did not put in all of the changes that were suggested by the employees. We feel good about the changes that were made. Councilperson Green stated that the changes are also making employees more responsible.

**MOTION BY:** Councilperson Jeff Higginson to approve the Amended Personnel Policy as presented.

**SECONDED BY:** Councilperson Brent Hanks.

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

**17. DECLARING THE OLD JET TRUCK AND OLD BUCKET TRUCK AS SURPLUS PROPERTY.**

Attorney Baker stated that we need to declare the old Jet and Bucket Trucks as surplus so we can sell them.

**MOTION BY:** Councilperson Stanley Green to declare the Old Jet Truck and the Old Bucket Truck as surplus.

**SECONDED BY:** Councilperson Brent Hanks.

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

**18. APPROVE MINUTES OF NOVEMBER 15, 2006**

**MOTION BY:** Councilperson Lynn Durrant to approve the minutes of November 15, 2006 as written.

**SECONDED BY:** Councilperson Stanley Green.

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

**19. 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).

**20. PUBLIC SAFETY**

Police Chief James stated that our new traffic trailer has been damaged. We are trying to find out who did it; we also have a reward out.

Last night we held interviews for the new police officer. We hope to have the new officer in place in January. Both the Fire Department and Ambulance both held their elections for their officers. Chief James handed out a list of the new officers to the council. The council all approved the changes. He also handed out to the council the financial report for the animal shelter. Mayor Henderson was wondering about the cost, and if they are more than what was initially thought. Chief James stated that they are a little higher, but we expected it.

## **21. OPEN DISCUSSION**

Mayor Henderson was wondering if any one had something for open discussion.

Andy Ottesen was wondering about some of the surplus, and how the public can look at it. It was stated that they could come and get a hold of Dave Johnson, and he could arrange a time to go down to the city shop.

Larry Hansen was wondering about the Wride annexation, and what Zone will that be coming in at. It was stated that it would be a R2 Zone.

Mayor Henderson excused Councilpersons Hanks and Green.

## **COUNCIL REPORTS**

### **22. MAYOR J. LANE HENDERSON**

Mayor Henderson reminded the council about the City Christmas Party, tomorrow at 6:00 p.m. at the civic center.

He thanked the council for being at the P.I. meeting held a couple of weeks ago. He felt that it went well.

The city calendars are done, the pictures for the calendar were from Salem Days. He thanked Mel Hanks and Sons for helping with the cost of printing.

### **23. COUNCILPERSON LYNN DURRANT**

Councilperson Durrant stated that she has received some information on expanding the library. The cost is estimated around \$60,000.

Up at the cemetery, we will need some sand for the luminaries for Christmas Eve. She is having the Youth Council come up and help get the luminaries set out.

### **24. COUNCILPERSON TERRY A. FICKLIN**

Councilperson Terry Ficklin reported that the Solid Waste District has purchased the land to move the new facility to in the future. The district also sent out an RFP to do a strategic plan for them. We have had some proposals to have a power plant built next to the facility, to use the house hold garbage to run generators.

Mayor Henderson asked Councilperson Ficklin to look into doing recycling at the old city shop. Councilperson Ficklin explained how the Solid Waste District is using a lot of the debris that is brought to them and turning it into compost. We then sell out the compost. Mayor Henderson was wondering about having the old city shop as drop off place.

## **25. COUNCILPERSON STANLEY W. GREEN**

Councilperson Green and Hanks returned to the council chambers at 9:15

## **26. COUNCILPERSON BRENT V. HANKS**

Councilperson Hanks asked about the carriage signs around the pond, and how we need to have them picked up at night. See if the carriage guy will pick them up at night. Chief James stated he would check into it. Councilperson Hanks also reported that we have had other people try and climb the hill at the civic center again. Bruce Ward stated he will check into the cement block barricades.

The fence at the new city shop is up.

## **27. COUNCILPERSON JEFF D. HIGGINSON**

Councilperson Higginson reported that the recreation board is doing a great job. They are working towards new soccer fields up by the cemetery. They are looking at ways of doing it in phases. Mayor Henderson asked Councilperson Higginson about seeing if there is a way for the recreation to work with some of the accelerated leagues in town. Councilperson Higginson stated that we also need to look at a working relationship with the school district. Attorney Baker stated that an interlocal agreement with Spanish Fork is being worked on right now, and feel that it will work well for the cities in the district.

## **28. DAVE JOHNSON, PUBLIC WORKS DIRECTOR**

Dave Johnson passed out a letter to the mayor and council regarding portable buildings. He stated he would like to put this in the news letter. Dave also went to a local provider of the buildings and explained to him that people need to have a building permit for the portable buildings. We need to make sure that they meet building codes and city codes. Our ordinance allows buildings up to 120 square feet before they require a building permit. We need to make sure that they are structurally built properly, and that they are secured properly. Attorney Baker stated that with what our ordinance states we need to follow it. We also have to follow the building codes. Andy Ottesen asked how the city is going to enforce them, because they are all over the place. Mayor Henderson was wondering if we could have more discussion on them. He would like the council to get

with Dave and get some recommendation together. Attorney Baker suggested going around and looking at some of them. Chief James stated he is concerned about safety issues with the building. He stated some cities do not allow them at all. It was suggested to get Dave some ideas, and see if we need to look at the current ordinance.

Dave stated another issue is that currently we have a 25% warranty bond on improvements, for one year after the building is completed. This allows us to hold the bond to make sure there are no problems. We have had a couple of complaints regarding the bond being too much, he is wondering if we could look at lowering it. He stated that Spanish Fork City they have their warranty bond set at 15%. We do allow a letter of credit, but some cities require cash. Bruce Ward asked if it could be different for one home verses a new subdivision. Attorney Baker stated that it could be different. After a little discussion, it was determined to leave it at the 25%.

Dave also asked the council about a trailer for the parks department to carry the mowers. He stated that the current one is not working, and has some major repair work on it. He asked Steve Cox to look into some options on a trailer. He found a new one for \$2,300. Blair Kerby also had one that he is trying to sell, he used to do landscaping and it is equipped with everything we would need. It is not that old, and he is willing to sell it for \$1,700. Mayor Henderson asked Councilperson Higginson to look into it.

In February there is a building inspector conference in St. George. He would like to request to go to it, along with having George go too. Mayor Henderson stated he is all for extra education, but he would like to see a report done of the conference. Last, Dave was wondering about next work session to talk to the council about expansion to the city office building.

Councilperson Stanley Green left city council chambers.

## **29. BRUCE WARD, CITY ENGINEER**

Bruce Ward reported that he had a man come to him wondering about changing the zoning across from Salem Elementary School. They want to tear down the old house next to the parking lot for the park. They want it commercial, and they would like to put a business in place of the home. It was stated that they would need to provide parking for the business.

Councilperson Lynn Durrant stated that we had a donation of \$5,000 to help out those who need the help with the Pressurized Irrigation fee.

## **30. ATTORNEY S. JUNIOR BAKER.**



**ADJOURN CITY COUNCIL MEETING**

**MOTION BY:** Councilperson Terry Ficklin.

**SECONDED BY:** Councilperson Lynn Durrant.

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

**MEETING ADJOURNED AT:** 9:50 p.m.

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Jeffrey Nielson, City Recorder