

Minutes of the Salem City Council Meeting held on February 17, 2010 in the Salem City Council Chambers.

Work Session: 6:00 p.m.

Police Chief Brad James went over his year end police report with the council members.

A representative from “Theater in the Park” talked to the council about doing a play at our park around August, and talked a little bit about the group.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor Stanley W. Green

COUNCIL PRESENT:

Mayor Stanley W. Green
Councilperson Lynn Durrant
Councilperson Sterling Rees
Councilperson Todd R. Gordon
Councilperson Sid Jorgensen

STAFF PRESENT:

Jeffrey Nielson, Finance/Recorder
Chief Brad James, Police Chief
Junior Baker, City Attorney
David Johnson, Building Dept.
Bruce Ward, Public Works/Engineer
Matt Marziale, Recreation

Excused:

Councilperson Terry A. Ficklin

OTHERS PRESENT

Lana Creer Harris
Scott Dansie
Lexi Brown
Colton Simons
Cole Thurston
Caline Hoover
Paul Houtz
Nathan Davis
Timothy Flemins
Mike Watson

Cary Hanks
Chad Balls
D. DeHart
Ginelle Jack
Ken Thurston
Travis Wilkins
Preston Weight
Tanner Thurston
Rodger Hardy
Reed Cornaby

Christy Hardman
Jasmine Archuleta
Ben Cowley
Vincent Hunt
Nicole Bradley
Austin Houtz
John Horton
Caleb Walker
Jen Watson

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Green asked if anyone would like to give a motivational or inspirational message. Matt Marziale stated he would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Mayor Green asked one of the scouts from the Cherry Ridge scout troop to invite 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. APPROVE COMCAST POLE ATTACHMENT AGREEMENTS

Attorney Baker stated that Comcast had a few changes that they would like changed. He recommended that this item be deferred until Comcast has made the changes, and has been reviewed by him.

4. APPROVE COMCAST FRANCHISE AGREEMENT

Attorney Baker stated that our existing franchise agreement went back over 10 years, and we needed to update it since it expired in December 2009. He stated that this agreement would go for another 15 years. There have been some concerns with some of the subcontractors that Comcast has hired in the past, and this agreement has addressed those concerns. The Franchise Agreement allows Comcast to use our easements, and then in turn they pay the city an annual fee. They also provide the city building with cable TV. Another item that was discussed is the possibility of doing a PEG Channel. This would allow the city to broadcast over a certain channel. We could work with the school district on this, and it could work like Spanish Forks channel. Attorney Baker stated that if another cable company comes into Salem, a similar agreement would need to be done. He also discussed with Comcast about the pricing and how Spanish Fork residents, because Spanish Fork city has their own cable company, received a better offer than Salem residents.

Mr. Dansis, a representative from Comcast, stated that he is very concerned about the pricing issues and wants to offer the best they can. He stated that pricing has changed, especially since Comcast is moving more towards a nationwide pricing.

MOTION BY: Councilperson Sterling Rees to approve the Franchise agreement with Comcast.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0).

5. APPROVE PAYSON BOUNDARY LINE AGREEMENT

Attorney Baker stated that, with our annexation policy, we are required by law to show where our annexation boundaries are located. Right now we have agreements with Elk Ridge and Spanish Fork, but not with Payson on common areas. He stated that about three years ago this same agreement was brought before council. At that time many of the residents who live in the county, but whose property was in the agreement area, stated that they did not want to be annexed into Payson City but wanted to be annexed into Salem. The council at that time decided not to act upon the agreement. He stated that this agreement is for 25 years, and he stated that neither city has plans for the area. He stated that the agreement divides the two cities, and the dividing line is located about 1800 West (if that were a street). The reason for not having a boundary located on a street is because it becomes a public safety issue. If you can have an agreement on property lines, it makes it easier. Right now where the property is located within the county, then they would be responsible for public safety issues.

Councilperson Rees asked if a property owner wanted to be annexed into Payson, and not Salem, and their property is located within the Salem agreement, what would be the process. Attorney Baker stated that the property owners would need to get consent from Salem, or wait until the agreement has expired. But he feels that if the citizen really wanted to go to the other city, and the majority of the property owners did, that he does not feel it would be a problem.

MOTION BY: Councilperson Lynn Durrant to approve the Payson Boundary Line Agreement.

SECONDED BY: Councilperson Sid Jorgensen.

VOTE: All Affirmative (4-0).

6. APPROVE RECREATION PROGRAM/ONLINE REGISTRATION

Matt Marziale stated that Jeff Nielson and he had a company, called Sports Site; present to them a program for online registration for recreation programs. The program is more than just for online registration; it is also recreation management software that helps him manage the programs. He stated that they are a new company. Mapleton and Santaquin have joined with them and so far that is it. They have talked to other cities and they are looking into it. Matt stated that he was very impressed with what the program could do. He explained to the council some of the benefits of it, and how it give the coaches an opportunity to send messages to all of their team, and also gives him the opportunity to send messages to the players, to let them know if a game has been canceled, or when makeup games are being held. He stated that there are a lot of programs out there, and some cities have spent over \$100,000 in their programs. He stated that this would be no cost to the city. The way they make their money, is they would get 10% or \$5 max. for each registration. So if a registration is \$45, they would get \$4.50 from that registration, but with the adult teams, where they sign up as one team and the cost is \$300, they would only pay \$5 for their registration. He stated that it would be very beneficial to the

recreation department to have this program. If the council decides to approve it, he would recommend that each of the rates for each of the programs be increased \$5. Right now we are very comparable with surrounding cities. The price would be increased to all programs, and would not matter if someone did their registration on line or in the office. We would still be charged by the company for those that come in the office and register, because they would still need to be entered into the system. There would not be a contract so we could stop at anytime, but we would have terms agreement stating the cost. He would recommend the council to approve it along with the \$5 rate increase.

MOTION BY: Councilperson Lynn Durrant to approve the use of Sport Sites programming for online registration and recreation management, and to approve the increase for recreation programs fee by \$5.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0).

7. APPROVAL TO PERFORM AN IRRIGATION SYSTEM PUMP STATION ANALYSIS

Bruce Ward stated that right now we are paying two canal companies for water rights, the Salem Canal and the Strawberry Water Users. We have paid over \$60,000 to have the water rights, and the water we used in the Pressurized Irrigation System. In 2008 the city was paying \$49 per acre foot of water, this year it went to \$59 and next year they are talking about having it go to \$67. For the Salem Canal Company we pay \$36 an acre foot.

When the city started the Pressurized Irrigation system we had proposed to have a pump station at the Salem Canal, but we decided not to do it. Because we still have extra money in the bond for the project that we would like to do a study to see the possibility of putting in a pump station and to have water from the Salem Canal pumped into our P.I. ponds. Another item to take into consideration in the analysis would be the CUP decision on whether to pipe the highline canal, and when they feel it would happen. Right now we just want to do an analysis to see if we would be saving money over the long run.

Councilperson Rees asked if we pump from the Salem Canal, would we eliminate the use of the Highline Canal. Bruce Ward stated that there are a lot of issues that would need to be looked at. South Utah Valley Electric Service District has interest in the water in the canal, because they have a power generation on the Salem Canal. He stated that he has spoken with Gary Atkin about the power loss issue for SESD, and also talked with Dan Ellsworth who is with the Strawberry Water.

Councilperson Rees asked if the Strawberry Water users are willing to negotiate costs. Bruce stated that we have been trying to negotiate for four years. This year when we sent in our payment we also sent a letter and tried to get our category changed. Bruce feels that the cost could still continue to go up.

Councilperson Gordon asked about the use of our current pump stations, and if they could be used. Bruce stated that we would need to look into it and see. This is what the study would look into us for. Bruce stated that the money for the study would come from the P.I. bond project.

MOTION BY: Councilperson Lynn Durrant to approve to perform an irrigation system pump station analysis by Sunrise Engineering.

SECONDED BY: Councilperson Todd Gordon

VOTE: All Affirmative (4-0).

8. ACCESSORY BUILDING DISCUSSION

Attorney Baker stated that a couple of council meetings ago Rod Christensen came in requesting the accessory building ordinance changed for setbacks. He has written up some options for the council to look at, and see if they like any of them. If the council would like to see it changed, then he would recommend giving some direction to Planning and Zoning.

Councilperson Rees stated that there are a lot of scenarios to look at, and we need to look out for the neighbors, and not allow a building that would obstruct their view. Attorney Baker stated that this was the driving factor in this ordinance.

Councilperson Durrant stated that a lot of time and effort went into the original ordinance, she would tend to stay with the current ordinance as it is written.

Attorney Baker stated that there is an opportunity to do a conditional use permit; this would give someone an opportunity to get permission, but to have conditions placed on it. But once you approve someone with conditions, then you are allowing it be done somewhere else. He stated that rather than have a set standard, you have broader standards, but put conditions on it. You would also have to treat similar situations the same way.

Attorney Baker feels that it would be appropriate to have the recommendations go to Planning and Zoning and to bring us back their recommendations.

The council felt that to give the information that Attorney Baker wrote up and to give it to Planning and Zoning, and to look at all of the options, once we get their input then have Attorney Baker write up an ordinance.

9. APPROVE MINUTES OF FEBRUARY 3, 2010

Jeff Nielson stated that he was unable to get the minutes completed; they will be ready for next council meeting.

10. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Todd Gordon to approve the bills for payment.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

11. PUBLIC SAFETY

12. OPEN DISCUSSION

Reed Cornaby asked why we invite people to public meetings, if you are not allowing comments or open discussion before an item is decided upon. He stated that the Salem Canal was built to carry so much water, and that water has a long distance to travel, and it needs so much water in it so the water can make it to the end users. If the city removes water from the canal, is that going to leave enough water in the canal to move the water to the end users. It was stated that the reason for the study is to take all of this into consideration.

Attorney Baker talked about the comment period. He stated that all matters coming before council need to be in a public meeting and all transactions need to be done in a public meeting. But not all matters are public hearings, where we are required to have public comment period. Attorney Baker explained that during a public meeting, some items would require a public hearing (land use items), and at that time would be open to the public to discuss that matter. Other items, because they are not a public hearing, cities have been instructed to stay away from allowing public comment. The reason is because both sides may not be represented because it is not noticed as a public hearing. He stated that the agenda is posted 24 hours in advance; Jeff usually has Salem's agenda posted by Friday, which is five days before the meeting. If someone has a question or concern they can talk to the council or the staff about the item.

Jen Watson asked that if the item is not a public hearing, then we need to contact the council. Bruce Ward stated that the staff is also available anytime, and the item can be discussed with them anytime.

Jen Watson asked the council if chickens are allowed within the city limits on smaller lots. Attorney Baker stated that residents are allowed 10 for an acre lot, but less than that no. If a resident has 20,000 square feet lot, they can get some animal rights, but it would be a conditional use permit with the city.

Jen stated that with the economy, many people want to raise their own chickens. Attorney Baker stated that some cities are changing their ordinances to allow chickens to be raised on smaller lots. He stated that Spanish Fork City talked about it in their council meeting the other night.

The council gave Attorney Baker direction to look into changing the ordinance for animal rights.

Cary Hanks, Spanish Fork Salem Chamber director, stated that they have some events coming up. She stated that the Rotary Club is having an auction at the high school. Also she would like to invite the council to the ribbon cutting at Sequoia Motors in Salem, which will be held on Friday at noon.

It was discussed to have the open comment period at the beginning of council meeting. Also to have the staff reports available for the public. Councilperson Jorgensen stated that he had a business ask about getting the agenda sent to them. Jeff Nielson stated that he has a mass email list that he sends agenda's too. He stated that he could add that name to the list. They would need to contact him though.

COUNCIL REPORTS

13. MAYOR STANLEY W. GREEN

14. COUNCILPERSON LYNN DURRANT

Councilperson Durrant stated that Ted Barnett and Adam Clements will be receiving their journeyman certificate at the ISPA meeting, and Salem City Power will be getting a safety award again this year at the meeting.

She stated that UMPA representatives will be going to Washington DC this next week and is still wondering about what direction the council is feeling about nuclear power. She stated that eventually our power rates will be going up a lot.

15. COUNCILPERSON TERRY A. FICKLIN

16. COUNCILPERSON TODD R. GORDON

17. COUNCILPERSON SID JORGENSEN

Councilperson Jorgensen stated that the Theater in the Park would be a great thing; we need to look at our community and find ways for people to share their talents, and to allow the community come and enjoy the talents. He would be willing to be a chair of a committee that would oversee events to get the community out and involved in events like the theater in the park.

18. COUNCILPERSON STERLING REES

19. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS

20. BRUCE WARD, CITY ENGINEER/ PUBLIC WORKS DIRECTOR

Bruce Ward stated that Salem City is partners with SESD on our power substation, and they have helped us in many situations. SESD would like to do a mapping of their system, but they would like to use some of our equipment. They have hired Aaron Painter, who is also Salem and Payson GIS person, and who knows how to use the equipment (he does the maintenance for us on our equipment) to do their mapping. Bruce is wondering if we would be okay to allow SESD to use some of our equipment, or do we require them to rent it. It was stated to allow them to use it, but to make sure they bring it back in working order.

Bruce stated that the public hearing for impact fees will be on the next council meeting agenda. He has also sent out the RFP for the other impact fees.

There was a question about the general plan. Bruce stated that Dave Anderson is getting the information together, looking at some of the comments he received, and would like to schedule a work session when he gets it all done, which might take a couple weeks or so.

21. ATTORNEY S. JUNIOR BAKER.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Sterling Rees to adjourn city council meeting.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 8:30 p.m.

Jeffrey Nielson, City Recorder