

Minutes of the Salem City Council Meeting held on January 4, 2006 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:30 p.m.

CONDUCTING: Mayor Randy A. Brailsford.

COUNCIL PRESENT:

Mayor Randy A. Brailsford
Councilperson Lynn Durrant
Councilperson Dale Boman
Councilperson Terry A. Ficklin
Councilperson Stanley W. Green
Councilperson Dale R. Wills

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

Jared Jensen	Abbie Higginson	Jeff Higginson
GT Rasband	Lane Henderson	Brent Hanks
Erman Stone	John Packer	Phil Diamond
Margaret Brailsford	Richard Reed	Chloe Laurila
Reid Nelson	Earl Davis	Ken Swenson
Mike Rawson	Burke Tervort	Paul Tervort
Euniece Brenchley	Clark Brenchley	Julie Ann Curtis

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Brailsford asked if anyone would like to give a motivational or inspirational message. Ken Swenson stated he would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Mayor Brailsford invited those who would wish to participate, to stand and say the pledge of allegiance with him.

3. PUBLIC HEARING

OPEN

MOTION BY: Councilperson Stanley Green to open the public hearing.

SECONDED BY: Councilperson Lynn Durrant

VOTE: All Affirmative (5-0).

a. Ordinance Allowing Limited Private Waste Water Treatment Systems

Mayor Brailsford turned the time over to Attorney Baker. Attorney Baker stated that Planning and Zoning made some recommendations that were presented to the council. During last council meeting, the council had additional recommendations, those recommendations were; to add commercial business to the ordinance, require the person wanting the septic tank to put up a lien-in-lieu, change the requirement to hook on when the sewer system is within 500 feet (instead of the 1000 feet), and that when the sewer line is installed, it must go to and through the persons property lines.

Mayor Brailsford asked if there were any comments from the public or council.

Paul Tervort stated that there are many people who are within 500 feet of the sewer system who have not hooked onto the city sewer system yet. He wrote a letter to the council explaining his concerns. He stated that right now we don't have anything that will force people to hook on to the sewer system. We can not allow more people to not hook onto the sewer system. We need to look at some other options, maybe a way to wave the impact fee, or some other fees when they hook on. There needs to be something there that will require them hook on. He gave an example of when he was on the city council; they required someone to put in 550 feet for a future sewer line. To his knowledge no one else has hooked onto that line as of yet. But if we did not require it, he would not have hooked onto the city sewer system. There are many homes through the city that have not hooked on. He gave some other examples of situations that people have not hooked on. The city can not give an opportunity for someone to hook onto a septic tank; they will not hook onto the city sewer.

Clark Brenclly stated he had a neighbor that they ran their sewer line together. Because of his bad health his neighbor could not afford to hook onto the sewer line. It is very expensive for someone to hook onto the sewer line. Is there a way that the city could look at doing monthly payments to hook on. Mayor Brailsford stated that could be looked at. A concern with that would be if the person moved. Attorney Baker stated that there could be a contract done on the parcel of land, rather than with a person. That way who ever owned the parcel would be required to pay the fee.

Mayor Brailsford asked if there were any other questions from the council or public. There were no further questions.

CLOSE

MOTION BY: Councilperson Terry Ficklin to close the public hearing.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

Mayor Brailsford asked if there were any comments from the council. Councilperson Wills stated that there are some concerns with this ordinance. He feels it would be a good idea to have the ordinance go back to Planning and Zoning and determine if the city really wants to allow septic tanks.

a. Ordinance Allowing Limited Private Waste Water Treatment Systems

MOTION BY: Councilperson Dale Wills to table the Ordinance Allowing Limited Private Waste Water Treatment Systems, and to have Planning and Zoning take the councils concerns and review the ordinance again.

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (5-0).

4. RESOLUTION ALLOWING WOODLAND HILLS TO JOIN SUVSWD

Councilperson Ficklin stated that Woodland Hills had an opportunity a few years ago to join the solid waste district, but they opted not to join. Woodland Hills has now come to the district wanting to join. The district came up with a present value figure for Woodland Hills to join, that was passed by the board. The resolution will be going to each of the member cities for them to pass. The buy in amount that the board came up with was \$39,000. Mayor Brailsford asked what the original amount was when the first had the opportunity to join. Councilperson Ficklin thought it was about \$10,000 to \$12,000. Ken Swenson asked if the \$39,000 would give them equal equity in the district. Councilperson Ficklin believes it does not give them equal equity, but will allow them an equal vote. Their ownership will also be less than 1%, and as a district board we are okay with it.

MOTION BY: Councilperson Terry Ficklin to approve Resolution 10406 Allowing Woodland Hills to Join SUVSWD.

Councilperson Dale Wills had a question. He was wondering what the board's thoughts were when they allowed Woodland Hills, who has less than 1% to have the same voting as Provo where their percentage is the majority. After some discussion, Councilperson Ficklin corrected his statement and stated that Woodland Hills would have a equal vote on the technical committee board, not the district board itself. Attorney Baker read the resolution and stated that it states nowhere about voting rights on the district board for Woodland Hills. Councilperson Ficklin stated that the percentages have also changed within the district, Provo is below 50% ownership, this is mostly because they are

involved in the recycling and green waste. But Springville and Spanish Fork's percentages have increased.

SECONDED BY: Councilperson Wills with the correction mentioned in the motion.

VOTE: All Affirmative (5-0).

5. AMENDMENT TO INTERLOCAL COOPERATION AGREEMENT FOR NPDES PHASE II STORM WATER PUBLIC EDUCATION & OUTREACH BEST MANAGEMENT PRACTICE COMPLIANCE

Mayor Brailsford stated that we discussed this during work session. He then turned the time over to Bruce Ward. Bruce stated that Salem City is part of the Storm Water Coalition of Utah County. This group reviews storm water issues. Because of Salem City's population, we are still small enough that we do not fall under the EPA laws for storm water. But we are getting closer, and by being a part of this group it will help us to prepare for the future. The group is proposing to add an instructor that will be able to go to different schools in Utah County and educate the kids on storm water. The change in the interlocal agreement allows the coalition the ability to do that.

MOTION BY: Councilperson Stanley Green To Approve The Amendment To The Interlocal Cooperation Agreement For NPDES Phase II Storm Water Public Education & Outreach Best Management Practice Compliance.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

6. BUSINESS LICENSE

a. Julie Ann Curtis – Activities for Youth in Need

Mayor Brailsford turned the time over to Dave Johnson. Dave stated that he and Chief James went and visited with Julie about the license. The location of the business is the old Terry Young Barn at 42 East Center Street. Dave stated that the ages of the youth would be under the age of 16. She can not have more than 12 youth at a time; if she does it would be considered a commercial business. He also told her that there could be parking problem, especially if the parents are invited to an activity. He pointed out that the youth are not youth in trouble. Julie stated that if they do invite the parents that the activity would be off site, or she has talked with President Silcox of the Salem West Stake about using the church parking lot on Main Street. He told her that it would be okay as long as it does not interfere with activities going on at the church. Chief James stated that the council has spent a lot of time on the home occupation ordinance, and it does allow accessory buildings. He stated that he and Dave went over the ordinance with her and she does qualify for a business. He also had a concern with the parking and noise. Julie agreed that it would not be a problem. Mayor Brailsford asked if there were any other concerns. There were no

concerns. He stated the license has been approved by all of the appropriate people. The council approved the business license. Mayor Brailsford asked for the parking issues to be put on the back of the license.

7. AUDIT REPORT 2004/2005

Mayor Brailsford turned the time over to Jeffrey Nielson. Jeffrey explained that Gilbert and Stewart is the company that does the audit for Salem City. He gave the council the audit report prior to the council meeting and asked if any of the council had questions. He stated that Ed Stewart is the CPA who does the audit. Ed stated that the city is in good shape financially. He reported that the one fund that the city has been working on to get it in compliance is just about there, it has a deficit of \$185. Ed told Jeffrey that he feels the State Auditor will be okay with that. Ed also told Jeffrey that the B&C road money overspent, but that was because it was using funds from a prior year. Overall everything looked really good. He asked if there were any questions. Mayor Brailsford asked how the budget is looking this year. Jeffrey explained that he has not closed out December yet, but he feels the budget is doing okay this year.

MOTION BY: Councilperson Stanley Green to approve the Audit Report for fiscal year 2004/2005 ending June 30, 2005.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

8. APPROVE MINUTES OF DECEMBER 14, 2005

MOTION BY: Councilperson Lynn Durrant to approve the minutes of December 14, 2005 as written.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

9. APPROVE BILLS FOR PAYMENT

Councilperson Lynn Durrant asked Jeff Nielson about the Barnes and Noble invoice that was discussed last council meeting. Jeff stated that he has called Barnes and Noble and they are working on it.

Councilperson Stanley Green reported that the 1992 Sewer Bond is now paid off. We made our last payment in December.

MOTION BY: Councilperson Lynn Durrant to approve the bills for payment.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

10. PUBLIC SAFETY

Police Chief James wanted to thank the Mayor and City Council, in behalf of all of the public safety, we appreciate the support you have given us, and it has been a pleasure to work for you.

Chief James reported that the police department put in for a grant to purchase a traffic trailer. The trailer will help to monitor the traffic, by showing speeds, and also counting the vehicles that pass it. It is just under \$10,000, but the grant is a zero percent matching grant, which means we do not have to pay anything. It will be Salem City's trailer, unlike the old one we have which was shared by a group of cities. We have not received the trailer yet, but should be getting it soon.

COUNCIL REPORTS

11. MAYOR RANDY A. BRAILSFORD

Mayor Brailsford thanked everyone who was involved with Pond Town Christmas. He also thanked Reta Tishner and the Youth Council for the work on the luminaries at the cemetery. He stated the cemetery is a great place to show respect.

Mayor Brailsford expressed his appreciation to everyone during the work session tonight, and also in his letter that is in the January newsletter.

12. COUNCILPERSON DALE BOMAN

Councilperson Dale Boman thanked the citizens for the opportunity to serve them. He also thanked the Mayor, the council, and the employees. He stated he loves living here in Salem.

13. COUNCILPERSON LYNN DURRANT

Councilperson Lynn Durrant reported that the Spanish Fork/Salem Chamber of Commerce would be holding a banquet on Friday; the council should have all received their invitations to it. Also the UMPA member information conference is set for March 16, 17, and 18. She would encourage the council to go to it. She too would like to thank the mayor and the outgoing council members.

14. COUNCILPERSON TERRY A. FICKLIN

Councilperson Terry Ficklin would like to thank the mayor and the outgoing council for all of their hard work.

15. COUNCILPERSON STANLEY W. GREEN

Councilperson Stanley Green reported there is a problem with a sewer line on 800 South by 300 West, but it will be discussed later in the agenda. He too would like to thank the mayor and the outgoing council.

16. COUNCILPERSON DALE R. WILLS

Councilperson Dale Wills is excited for the new mayor and council. He has a lot of mixed emotions, but he is excited to move on.

17. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

18. BRUCE WARD

Bruce stated he appreciated working with the outgoing mayor and council, and he is excited for the new mayor and council. Mayor Brailsford told Bruce to make sure the city gets the secondary water system for the residents at a great price. Bruce stated he is working with the two canal companies for the secondary water.

Julie Ann Curtis wanted to thank the council for passing her business license tonight, and for all of their help.

19. ATTORNEY S. JUNIOR BAKER

Mayor Brailsford stated that it has been an honor to serve the City of Salem. He is excited to pass on the mayor seat to Lane Henderson; he will do a great job as mayor. It was a pleasure working with everybody. He feels there has been a lot of time spent working on water issues, he feels that the city is heading in the right direction. He wishes he could have had more time with some issues, but he will be here to help out the new mayor and council.

20. SWEARING IN CEREMONY

Mayor Brailsford turned the time over to Jeffrey Nielson to swear in the new mayor and new councilmembers.

Jeffrey Nielson then swore in the new councilmembers: Stanley W. Green, Brent V. Hank, and Jeff D. Higginson. He then swore in the new mayor, Mayor J. Lane Henderson.

21. REFRESHMENTS – OPEN HOUSE

Mayor Henderson asked for a quick recess for an open house at 8:25 p.m.

Council meeting resumed at 8:45 p.m.

22. REAPPOINTMENTS

Mayor Henderson stated at this time we need to reappoint the following people to their positions: Jeffrey D. Nielson, City Recorder; LaVera D. James, City Treasurer; Bradley S. James, Police Chief; S. Junior Baker, City Attorney; and Bruce Ward, City Engineer.

MOTION: Councilperson Terry Ficklin to approve the reappointments as mentioned.

SECOND: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

23. WES TALLON – VARIANCE ON ACCESSORY BUILDING AT 547 EAST CANAL ROAD.

Mayor Henderson turned the time over to Dave Johnson. Dave explained that Wes Tallon had submitted a building permit application for an accessory building. When Dave was reviewing it, the building met all of the requirements for the building. When he did the footing inspection everything was okay. When he went to do a four-way inspection he noticed that the building would not meet the ordinance. The ordinance states that a building with a five foot set back shall be eight feet from ground level to the square of the building and fifteen feet from ground level to the peak of the building. For each additional foot in height, at either the square or the peak, an additional two feet of setback shall be required. When Dave reviewed the building for the permit, it was determined he would have been required to have a 13 foot set back. When Dave inspected the footings the building was showing a 14 foot set back, which he would have been okay. The building is 30' x 36', the plans showed the trusses going the short distance, which would have been okay. But when the trusses were made, they were made for the wider span, which increased the building height. Dave stated that Wes was unaware of the mistake and he feels that it is an honest mistake. With the trusses being made for the long side, the set back would need to be 17 feet. Attorney Baker stated that this will be a first for Salem City since the laws have changed. Typically a variance was done before the board of adjustment. This last year the state did away with the board of adjustments requirement. Salem City decided to eliminate the Board of Adjustments and made the City Council the Appeal Authority to grant or deny variances. Attorney Baker handed to the council a copy of the state law on variances. Also, the neighbors should have been notified of the meeting. Mayor Henderson asked Wes that he should also talk to the neighbors and see how they feel about the building. The question was asked if the building would be on any of the neighbor's properties. It was stated that it

would not. Wes Tallon also had pictures of the building that he showed the council. Mayor Henderson asked for this item to be on the addenda for the next council meeting.

24. JOHN PACKER – PROPOSAL FOR RODEO GROUNDS

Mayor Henderson turned the time over to John Packer. John is a representative of the Utah Antique Tractor Association, who is a branch of a national association. The last couple of years they have rented out the city's rodeo arena during June and September and put on a tractor pulling contest. They also participated in Salem Days. Because they are a branch of the national association, they have liability insurance to cover them. John stated he is here tonight because the association has four sections of bleachers; they do not have anywhere to put them, and would like to see if the city would allow them to put them at the rodeo arena for a joint use. He was thinking about putting two of the bigger ones by the mud volleyball, and the other two on the south side of the arena. The bleachers are made of steel and wood. The little sections were just redone. Dave Johnson brought up the concern if the bleachers would meet requirements that our insurance would feel okay about. John stated that the larger ones have railings on them, and the smaller ones should be okay. If either of them do not meet the requirements, they will make the changes to make sure they are in compliance. The other item they would like to donate would be some drive on scales. They would also have them installed at the rodeo grounds. John stated they would do all of the installation themselves. There was some discussion on the installation of the scales, and how the scales would need to be ground level. A cement pad would need to be poured. There would need to be room for someone to repair the scales. John felt that it would not be a problem. He has a couple more items to run by the city. The other one is an antique caterpillar tractor. The caterpillar still runs, but they need a place to put it on display, and would like to have it at the rodeo arena. It is large enough that it sits on the flat bed of a semi. Right now it is being stored on some property by West Mountain in the county. Again there was some discussion on safety of kids around the caterpillar, and what the liability would be for the city and the tractor group. John stated that they really enjoying having the shows here in Salem, and has already reserved the rodeo arena for their two shows this upcoming year. They are also hoping to support Salem Days again. He has a DVD of some of their shows that he would like to present to the city.

Mayor Henderson asked if there were any other questions from John or the council. John stated he would like to do more in the future, and would also like to help improve the rodeo area. Chief James recommends looking at the bleachers first to make sure they meet code and requirements. Mayor Henderson asked Chief James to go look at the bleachers and the equipment and bring back recommendations to the council. Gary Warner (Recreation Director) stated he has been working with John, and has set up the two dates for their shows. Chief James stated he is concerned about the safety, and he will look at the equipment.

25. REPAIR SEWER LINE ON 800 SOUTH

Mayor Henderson turned the time over to Bruce Ward. Bruce stated that on 800 South we have a sewer line problem. There is a home being built there just off of 300 West. When the builder tapped onto the sewer line, it exploded out. We had Spanish Fork city come and clean the sewer line, and Payson City came and camera the line for us. He said that the sewer line goes up and down. A couple of other issues are that it is a 10 inch sewer line and he feels that they made it that way so that it would get the slope needed. The other problem is that the line lost some elevation when it was tied into the manhole. Bruce stated that he and Todd Gordon have put together an estimate. They feel the whole line would need to be replaced. If not the on the low side to the sewer line are some homes being built that will have basements. Because of the build up, which is caused by the up and down of the pipe, would cause some of the basements to be flooded with sewer. The estimate they came up with is about \$8,000. We can either bid out the project or do the work in-house. If we do the work in-house, we would need to rent a lot of the equipment needed. They have handed out the bid proposal to a couple of companies to do a bid on it. The problem is the subdivision that is working on the road is putting other improvements in. We would like to have the sewer done at the same time so they can pave the road. Other wise we would have to dig up the new road. They are putting the improvements in within the next week so we need to work on it soon. There is money in the budget for sewer line improvements, and we have not spent any of it yet this year. Councilperson Green stated that when the bids are turned in, if they are inline with the estimate, he feels we need to do it. Mayor Henderson was concerned because of the timeline, and only having a few days, what can we do as far as approving the bids. Attorney Baker stated that usually the bids would come back to council, but we can make the bids contingent on the approval from Bruce, the mayor and Councilperson Green.

MOTION BY: Councilperson Stanley Green to approve the work on the sewer line for 800 South with the conditions that the bids fall inline with the estimate and that the mayor, himself and Bruce Ward review the bids and approve them.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

Mayor Henderson asked for an open discussion and asked if anyone had anything for the council. Heather Beecher stated that they heard there is a subdivision going in below their home. They live by 180 North, and she thinks the subdivision is Salem Heights. Mayor Henderson stated that the preliminary approval has been approved, but it is still in process. He told Heather that she is welcome to come to any of the meetings when it is discussed.

Attorney Baker told the council that land use is becoming a big problem. He has a DVD for the council to review, regarding land use. The DVD will be in Jeffrey Nielson's office. The next item is some Disclosure Statements. There are four different sheets, the first one is if you are hired by the city to do any consulting, the second one is if you own a business within Salem City, the third is if you own a business that does work for the

city, and the fourth one deals with conflict of interest. Then he has a sheet stating the law on receiving gifts. He stated that if you have questions wondering if you should fill the sheet out or not, he recommends filling them out.

Mayor Henderson asked Dale Boman to approach the council bench. He stated that Dale has been working on a calendar for the city, and he wanted Dale to explain a little bit about it. Dale stated that it has pictures of different scenes in Salem, and the dates show the different events that are going on in Salem. He also stated that it shows when garbage pick up will be a day late because of a holiday. The calendars will be sent to each home in Salem, and in return they are asking for a \$10.00 donation that will go towards the fireworks. The pictures have been donated, along with other donations to help print the calendars. Dale had a couple of samples that he showed the council and the public.

26. COUNCIL ASSIGNMENTS

Mayor Henderson stated that he would be giving the council assignments out tomorrow when he meets with each of the council individually.

CLOSE CITY COUNCIL MEETING

MOTION BY: Councilperson Terry A. Ficklin to close city council meeting.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 9:20 p.m.

Jeffrey Nielson, City Recorder