

Minutes of the Salem City Council Meeting held on July 18, 2007 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

Erman Stone
Don Williams
Kelly Hancock
Taylor Dascomb

Morris Crisp
Kyley Black
Jaxon Hancock
Robert Worley

Lana Creer Harris
Nate Crow
Cole Castleberry
Reed Cornaby

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Councilperson Jeff Higginson 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 public hearing.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

a. **Camilla Simonsen – Zone Change on Property at Approximately 1063 S 950 E. from A-1 to R-2**

Attorney Baker stated that Planning & Zoning had tabled this item and has requested the same from the council.

b. **Boomer Enterprises – Conditional Use to build Twin Homes on Lots #1 and #4 of Carlson Acres at 300 South & 200 South 400 West**

Councilperson Hanks stated that the city has recently spent about \$16,000 to do an overlay and slurry seal on the road. If a twin home is allowed, they would be required to dig up the road to put in the sewer and water services. Right now he does not see that as feasible since the city has spent the money to do the improvements. He is also concerned with how the driveways are laid out, and feels the intersection would need to be redone to alleviate the additional traffic. Chief James had the same concern about the driveways and the intersection.

Bruce Farnsworth stated that the services need to be re-done all the time with new homes being built, and roads have to be dug up. It was stated that this area was just improved with the services put to the lots, so the road would not have to be dug up.

Bruce Ward stated that Planning & Zoning had some neighbors show up to their meeting with some concerns. He stated the concerns were that the intersection needs to be changed, DRC recommended that Salem City participates 50% in redoing the road to change the intersection. The neighbors also felt that a six foot privacy fence would need to be installed around the twin home, landscaping would need to be completed, exterior building should match the homes in the area, the roof pitch should be a 6/12, and they would like to look at the twin home design before it is built.

Mayor Henderson stated that the neighbors were excited when this first came in, because of the larger lot sizes. He feels the neighbors have a valid concern. He is wondering if the council can deny this request. Attorney Baker stated that if they meet the conditions, then the council can not deny it.

c. **Repeal Affordable Housing Ordinance**

Attorney Baker stated that Planning & Zoning had tabled this item, and has requested the same from the council.

Close

MOTION BY: Councilperson Stanley Green to close the public hearing for item B (Boomer Enterprises – Conditional Use to build Twin Homes on Lots #1 and #4 of Carlson Acres at 300 South & 200 South 400 West) and to continue the public hearing for item A (Camilla Simonsen – Zone Change on Property at Approximately 1063 S 950 E. from A-1 to R-2) and item C (Repeal Affordable Housing Ordinance) to the August 15, 2007 Council Meeting.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (5-0).

b. **Boomer Enterprises – Conditional Use to build Twin Homes on Lots #1 and #4 of Carlson Acres, at 300 South & 200 South 400 West.**

Councilperson Hanks and Green do not like the idea of changing the plan to allow a twin home to be built. Attorney Baker stated that the council really can not deny the request, because the ordinance allows it but they would be required to meet the conditions that the council puts on the request.

MOTION BY: Councilperson Brent Hanks to allow Boomer Enterprises a Conditional Use Permit to build Twin Homes on Lots #1 and #4 of Carlson Acres, at 300 South 450 West and 200 South 400 West, with the following conditions imposed in order to mitigate the impact of the twin homes. On lot # 6, the driveway be constructed so the vehicles do not back out onto 200 South, the developer fixes the intersection at SR-198 and 200 South by making it a 90 degree angle with SR 198. All Twin Homes have a two car garage, a 6-foot privacy fence be installed between existing neighbors, Landscaping with a sprinkling system must be installed before occupancy, Exterior must be brick or stucco with the front being at least 50% brick or rock with the rest being stucco, Roof Pitch at least 6:12, and Approval from the Planning & Zoning before construction to make sure the design and landscaping are compatible with the neighbors. An asphalt overlay on the road be done from 300 South and 200 South to SR 198 after utility hook ups have been done, and that the privacy fence either be concrete or pre cast block fence.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

4. BRUCE FARNSWORTH

a. Water Loss

Bruce Farnsworth was wondering if a customer has a break in the water line that is on the customers side of the meter, and their utility bill goes up, is it possible for the city to let the customer know they have a leak. This is a big problem, especially if the customer is on a fixed income. If the water was wasted he can understand, but if it is

a leak and the customer is unaware of it you would think the city would be understanding and give a break on the utility bill. He stated that each year the city has so many water shares, and some of the water goes into the ground from different leakages. Chris Averett (Salem City Water Superintendent) stated that he has not heard of any program where the state will reimburse a city for any water loss from leakage.

Attorney Baker stated that this year, with the cold winter months, there were a few frozen lines that broke. Jeff Nielson explained that we did have a few water lines that were broken this winter. We notified the residents that had a high water use over the winter months that they might have a break in the water line. We tried to notify them as soon as we suspected a water leak. Bruce Farnsworth feels that the city should give those people a break, and the amount of water that was lost is not that much in comparison with how much water the city uses as a whole. Jeff Nielson explained that with those customers, who had a water leak over the winter months, we have been able to work out a payment schedule for them. Councilperson Hanks asked if he saw the leak, the water seeping to the surface. Bruce stated he did not. He stated that he just found out about the leak, with the prior months utility bill, and how high the water usage and charge was. He has turned the water off, and has not had the opportunity to fix it yet.

The council felt that they would not be able to give a break on the utility bill for the water leak.

b. AA Meetings on Tuesday Night.

Bruce Farnsworth is also wondering about a building where the local AA group could meet. He stated they used to meet in the lions club building. Wondering if there is another place where about 20 people could meet on a weekly basis. In the past they did do some service work for the city, so they could use the Lions Club Building. Right now they are meeting in Payson City. He feels that the group is very beneficial towards a city, and there are a lot of people who could benefit from the program. He feels that the group could pay about 30% – 40% of the dues to go towards rental of a building. Right now it would be small, but feels it would grow. Mayor Henderson suggested Bruce to go talk to Diamond Grill. They have a nice meeting room in the back, and wondering if they would allow the group to meet there. He stated that he and the council really do not feel the Community Center was built for that reason. He stated that city could help him talk with Diamond Grill.

5. CANDACE WILSON – RENTING OUT SNACK SHACK

Mayor Henderson asked if Candace Wilson was present. She was not present. Mayor Henderson wanted councilperson Higginson to take this idea to the recreation board, and have them come to the council with a recommendation.

6. ORDINANCE ON PARK RULES

Attorney Baker stated that this item was presented to the council last council meeting, but the motion did not carry because not enough votes, and was asked to be put on this council agenda. He stated that some of the changes were made because of some of the complaints we have received from the neighbors. A few of the changes are; the closing time has changed from 10 p.m. to 11 p.m., but also allowed a variance for News Years Eve. The fine for littering is \$299. Councilperson Durrant asked about littering and who has to catch a person littering. Attorney Baker stated that anyone can notify the police. The person would need to be willing to testify in court if needed. Littering is a problem throughout the nation, and we want our citizens to be proactive about it. Also in the ordinance is a noise restriction. Councilperson Ficklin was wondering about exceptions, and allowing permits, especially for the pageant. Attorney Baker stated that the pageant should be okay, because the noise is a spiking noise, it is not consistent. The question was asked about alcohol, and it was stated that alcohol is prohibited by state law in parks.

Attorney Baker stated that he and Chief James have looked at this and have tried to get a balance. They felt that they needed something in place that addressed the pond and Knoll Park. Councilperson Hanks asked about having a fine for dropping off ducks or geese. Attorney Baker stated that animals are not allowed, with the exceptions of animals for the disabled such as Seeing Eye dogs, police use, and city sponsored events, such as the pet fair.

MOTION BY: Councilperson Brent Hanks to approve Ordinance 71807 on Parks Rules, with the addition that we impose a fine of \$750 for someone caught dropping off any domestic animals.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

7. MUNICIPAL RECREATION GRANT AGREEMENT

Mayor Henderson stated that we applied for a recreation grant from Utah County, and was granted \$3,400 that we can use towards recreation. We need the council to approve and the mayor to sign the agreement.

MOTION BY: Councilperson Lynn Durrant to approve the mayor to sign the agreement.

SECONDED BY: Councilperson Terry Ficklin

VOTE: All Affirmative (5-0).

8. ORDINANCE ON ELECTION CHANGES

Jeff Nielson explained that the state has changed the dates of when a person may file for candidacy from July 15 – August 15, to July 1 – July 15. The primary election date was

also changed due to the early voting requirements. This ordinance is changing our city code to meet the requirements of what the state laws are.

MOTION BY: Councilperson Jeff Higginson to approve Ordinance 71807B on Election Changes.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

9. BIDS FOR WORK ON SALEM CANAL ROAD

Councilperson Hanks stated that we had each company do two bids, the first bid was from the new charter school to 250 West (Canal Road), and then part two is from 250 West to 100 East (Canal Road). Councilperson Hanks read the bid amounts to the council. Staker Parson came in with the lowest bid, in the amount of \$137,682 for first section and \$144,766 for the second section. Canal Road is in very poor shape, and needs to be done. He has spoken with Mayor Henderson about this and is requesting the council to approve the two bids from Staker Parson. There are funds available in capital improvements along with B&C Road Money.

MOTION BY: Councilperson Brent Hanks to approve Staker Parson for the first bid of \$137,682 and second bid of 144,766.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

10. BIDS FOR TRAILER

Bruce Ward stated that this trailer is for transporting of the Skid Steer that was approved for lease a few council meetings ago. The trailer is a tip trailer, and can be used for many other things. He read through the bids to the council. He stated that Big Bubba had the lowest bid in the amount of \$5,744.

MOTION BY: Councilperson Jeff Higginson to approve the Big Bubbas trailer in the amount of \$5,744.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0) Councilperson Hanks Abstained.

11. APPROVE NEW VEHICLES

a. Police Department

Chief James reported that we have budgeted for two new police vehicles. One would be replacing Officer Gurney's vehicle, and other will be for the new police officer, or will be used for the drug dog. He stated that for two new trucks it would be

\$51,714.40. They are 2007 Ford 150 Crew Cab. Not sure if the city wanted trucks because they are a little more maintenance, but it is cheaper, and they do better in the snow.

MOTION BY: Councilperson Stanley Green to purchase the two new police vehicles from Butterfield Ford in the amount of \$51,714.40.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (5-0).

b. Parks Department

Councilperson Jeff Higginson stated that we had budgeted for a new vehicle for the parks department. We received three bids and Champion Ford was the best and lowest bid. Councilperson Hanks was wondering about getting a heavier duty truck with dual wheels so it could help plow. Councilperson Higginson felt that the parks dept did not need a heavier truck, and that this truck is equipped for a plow and could do minor plowing where needed. Dave Johnson stated that we did budget \$25,000 for a new truck, and that the difference between the cost of the truck and the budgeted will be used to get the truck equipment.

MOTION BY: Councilperson Jeff Higginson to purchase the truck from Champion Ford in the amount of \$21,121.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

12. APPROVE CITY SHOP PURCHASES

Councilperson Hanks did not have any purchases at this time.

13. APPROVE MINUTES OF JUNE 20, 2007

MOTION BY: Councilperson Lynn Durrant to approve the minutes of June 20, 2007 with said changes.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

14. APPROVE BILLS FOR PAYMENT

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

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

15. PUBLIC SAFETY

The question was asked about doing a restriction on fireworks for the 24th of July. Attorney Baker felt that in order for us to enforce it, it should have been an agenda item. Chief James stated that his officers will be ticketing for illegal fireworks. He said that we can ask the residents to be safe when doing legal fireworks.

SEMA Captain Erman Stone stated that the Ambulance is still in need of day help.

16. OPEN DISCUSSION

Matt Wessel wanted to present his Eagle Scout Project to the council. He is wondering about painting the curb for the fire hydrants in the new Salem Heights. Chief James has spoken with Matt about the project and feels it would be a great project. He encouraged Matt to get donations for the paint. If they had to pay for paint themselves, then the city would reimburse them after the project was completed. Bruce Ward stated that we need to notify the developer to make sure it is okay. The city does not have ownership of the subdivision yet. The council felt that it was a good idea, and to contact the developer and Bruce Ward to see about proceeding.

Erman Stone was wondering if when the P.I. system is going in, and the road is being dug up in Dream View Subdivision, could the city look at replacing some of the old galvanized water lines. Bruce Ward stated that there are a few other subdivision in the same situation, and we are going to try and get them done as funds are available.

Erman was also wondering about an ordinance regulating statues at the cemetery. We recently had one brought in that is a nude statue. The council stated that they will need to look into it.

COUNCIL REPORTS

17. MAYOR J. LANE HENDERSON

Mayor Henderson stated that we have five candidates for the three council seats. They are Lynn Durrant, Terry Ficklin, Todd Gordon, R. Lee Richan, and Burke Tervort.

Salem Days are coming up and there are a lot of activities that week. Mayor Henderson encourages the council to try and attend as many of the activities as possible.

18. COUNCILPERSON LYNN DURRANT

Councilperson Durrant reported that Diana Pritchett is leaving Youth Council after Salem Days. We need to find someone to replace her. She has done a great job with the Youth Council.

She is also wondering if the same architect that is designing the city office could also look at expanding the library. There was some discussion about if we would need to re-bid it out. It was determined that it would be okay to have the same architect do the library expansion.

Miss Salem has been working on her platform for energy conservation. She is trying to work with GE and see if they would donate some of the power efficient light bulbs. We could then send a voucher out in the utility bills and have the residents come to the office to pick up one or two free light bulbs. The council felt it would be a good idea. Councilperson Ficklin was also wondering if UMPA would be willing to participate, or what they might be able to do to help Miss Salem with her platform. Councilperson Durrant would follow up with UMPA.

Councilperson Durrant also reported that Kelly Peterson, from Spanish Fork Power, stated that they are getting ready to do electronic read in their city. They feel the tower they are installing would also be able to service Salem City. We would have to change out all of our meters. It would save time, and at any time we could see what someone's utility read is. She stated that she will look into this more.

Finally, the UMPA summer banquet is going to be held on the 16th of August. Everyone should have received their invitation to it.

19. COUNCILPERSON TERRY A. FICKLIN

Councilperson Ficklin reported that we received a letter from Allied Waste stating they are going to increase the rates because of fuel increases. They want to increase the rates more than what is in the contract.

The solid waste board approved some multi bins for recycling, with the intent that the smaller cities can be serviced. They are looking at providing them with one or two bins.

Councilperson Ficklin was wondering about the city employees who mow the lawn where the pageant will be held. He is concerned because he will have wires for the pageant out for about a week. He wants them to be aware of the wires so they do not get cut.

20. COUNCILPERSON STANLEY W. GREEN

Councilperson Green reported that the secondary water system is moving along. Robert, from Sunrise Engineering, handed the council a summary of the project and went over it with them.

21. COUNCILPERSON BRENT V. HANKS

Councilperson Hanks reported that the new shops are coming along; the cement work is just about done along with the framing for the offices.

22. COUNCILPERSON JEFF D. HIGGINSON

Councilperson Higginson stated that the donations signs have been placed on the score boards at Loafer View Park. We need to find a place for the new float. It was stated that it could be put in the new clearing building at the city shops. We still want to keep the old float, look at using it for Christmas time parades.

23. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Dave Johnson stated that the cemetery is in need of a Jumping Jack to pack the ground down after a grave opening. We have some bids. Mayor Henderson stated that lowest bid is from Birdies, in the amount of \$2,790.

MOTION BY: Councilperson Stan Green to approve the purchase of a Jumping Jack from Birdies in the amount of \$2,790.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (5-0).

Dave reported that a resident has three pine trees that are about four feet tall. He wants to get rid of them. We can put them up at the cemetery to replace some of older trees.

He also had Malcolm Crawford come to him about how the city office used to be heated and cooled by electric power, but was switched over to gas. He showed Dave how the city could save a little money by going back to electric. Erman Stone stated that he remembered when it was all electric, and thought that the system was not working properly and that is why it was switched over to gas.

Dave reported that the city was able to get the chipper from the solid waste district, and was able to chip all of the limbs from the city and also from Sabin's Orchards. Sabin's are going to use their chips, but the city has a big pile that needs to be hauled off. Councilperson Ficklin stated that he would get a hold of the district to have a roll off container sent. With Sabin's we were happy to help them out this year, but in the future we may need to charge them what it cost the city to have the chipper come over.

24. BRUCE WARD, CITY ENGINEER

25. ATTORNEY S. JUNIOR BAKER.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Ficklin to adjourn city council meeting and to enter into executive session for the discussion of land and personnel.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

Councilperson Stanley had another commitment and was excused from executive session.

MEETING ADJOURNED AT: 9:10 P.M.

Jeffrey Nielson, City Recorder