

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

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor J. Lane Henderson

COUNCIL PRESENT:

Mayor J. Lane Henderson
Councilperson Lynn Durrant
Councilperson Brent V. Hanks
Councilperson Terry A. Ficklin
Councilperson 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

Excused:
Councilperson Stanley W. Green

OTHERS PRESENT

Sam Nicosia
Paul Tervort
Becky Provstgaard
Eugene Anaya
Celeste Fisher

Wyatt Nicosia
Burke Tervort
Bob Pendray
Sandy Anaya

Tyler Nicosia
Todd Provstgaard
Megan Bingham
Camilla Simonsen

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Councilperson Hanks 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

MOTION BY: Councilperson Lynn Durrant to open the public hearing.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

a. Ordinance Amending Water Transfer Requirements

Attorney Junior Baker explained to the council, and the public, that according to our subdivision ordinances; when property is annexed into the city and is developed (the land used to be agriculture and now will be used as residential), the city needs to have water rights for the new homes. We have required 1.3 acre feet of water per lot. Because we are getting ready to have the P.I. (Pressurized Irrigation) and culinary water, we will need to have two separate rates. Bruce Ward came up with an analysis, that we would charge .5 acre feet for indoor water use and .8 acre feet outdoor water use. So we will be charging a developer to transfer water rights, or give cash, which would be \$3,000 amount for indoor and \$400 amount for outdoor water use. The other concern is that we have some town homes and retirement homes for older residents. These homes will have smaller lots, or even common areas, so there fees should be smaller. There will also be a difference for larger lots, they will be charged a different rate also. Mayor Henderson stated that these are questions that have been brought up because of the P.I. system. Councilperson Durrant was wondering if residents can contest the rates. Attorney Baker stated that they can come into council, but he feels that people will not have a problem after Bruce explains to them the process. The new ordinance will change the current ordinance, and it also allows the engineer the ability to review the situation, where the old ordinance did not.

Paul Tervort stated that a few months ago he got rid of all of his information from when he was on council. He had a lot of information on how the current ordinance came about. He stated that over the years there have been minor changes on it, but feels it has stayed the same. He also feels that somewhere in the ordinance, we need to keep the property in the old city block, that they should not be required to give water, since they have been part of the city from the beginning. He feels it should be worded in the ordinance.

Camilla Simonson thought that when she read the ordinance, in the past, it had an amount listed. She was wondering if the city wants an amount in there. Bruce Ward stated that an option would be to change the ordinance so that the price would change according to market value. Attorney Baker stated that anytime the council wanted the price to change, they could do an ordinance. If the council wanted, the ordinance could state that the rate could be changed by resolution of the city council members.

MOTION BY: Councilperson Jeff Higginson to close city council meeting.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

a. Ordinance Amending Water Transfer Requirements

MOTION BY: Councilperson Brent Hanks to take the recommendation of the citizens, and allow the council members to the ability to change the amount that would be required, and include that the property in the core part of town that has already paid for water, should not be required to pay for water.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

4. VAUD HANKS

Mayor Henderson stated Vaud Hanks will be a little late, so we will hold off on him.

5. CAMILLA SIMONSEN – PLAT REVISION OF SIMONSEN HEIGHTS

Bruce Ward stated that the original plat came in for approval with two cul-de-sacs, and there was a concern with the drainage. When the subdivision got to the design phase, there would have been a lot that would have been required. The amendment to the plat got rid of one of the cul-de-sacs, and the drainage would go on 750 south. Everyone felt better about this idea, especially the drainage. Attorney Baker stated that Camilla is still in the preliminary phase of the subdivision approval.

MOTION BY: Councilperson Jeff Higginson to approve the Preliminary Plat revision of Simonson Heights.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

6. ROBERT PENDRAY – SUBDIVISION WAIVER FOR 2 LOTS AT 696 S. 722 S. 750 E.

Mayor Henderson asked if Robert Pendray was present. His son, Robert Pendray Jr., stated his father is not, but he would be representing him. Bruce Ward stated that by Autumn Hills subdivision, Robert Pendray has two one acre lots that face 750 East. Robert came in a while ago to DRC, and the item was tabled until Autumn Hills had the improvements completed. DRC did allow Robert to do the underground work, because they did not want him to tear up the new road after Autumn Hills had completed it. Bruce stated that about 90% of the improvements are completed. Robert stated that the ditch has been piped. Bruce stated that DRC and Planning and Zoning have recommended approval of the subdivision waiver. Councilperson Durrant asked if we have the utility easements. Bruce stated that we do have the easements around the lot. He also wanted the council to notice that this waiver has a plat map; he would recommend that all subdivision waivers have a plat map.

MOTION BY: Councilperson Terry Ficklin to approve the subdivision waiver for the 2 lots at 696 and 722 South 750 East.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

7. TYLER NICOSIA – EAGLE PROJECT

Tyler Nicosia wants to paint home addresses on the curbs, and also paint some fire hydrants and the curb around them. He stated that there are about 24 homes that need to be completed down in his neighborhood (by Sheen Subdivision). He will pass around a flyer explaining what he is doing, and if someone does not want it done they can let him know. He explained the pricing and the amount of paint he feels he would need. Councilperson Durrant was wondering if it would complete the number of hours required for the project. Councilperson Higginson feels it would be enough hours, and if they need more hours he could go around to other subdivisions. Sam Nicosia mentioned that when they talked with Todd Gordon about the paint, he recommended going with Sherman Williams paint. Councilperson Higginson felt that would be fine. Jeff Nielson explained that the scout would be required to purchase the supplies, and then when the project is completed, they can turn in the receipts for reimbursement. The mayor and council all felt that it would be a great project.

8. BUSINESS LICENSE

a. Joseph Otte – Landscaping & Curbing

Mayor Henderson stated that Joseph Otte is requesting a home occupation business license at 321 South 810 East for a landscaping curb business. The home will be for office use only. The equipment will be stored in Mapleton. The license has been approved by all of the appropriate people. The council did not have any questions for Joseph.

MOTION BY: Councilperson Brent Hanks to approve the business license for Joseph Otte.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

9. BIDS FOR CIVIC CENTER CONSTRUCTION

Councilperson Hanks stated that he has some bids that need to be approved the construction of the civic center. All of the bids are either low bid or were the only bid. Roofing Bid from Cornaby Roofing at \$4,062; Doors from Jones Paint and Glass at \$17,980; Windows from Best Built for \$3,380; Sheetrock from Sam Steel for \$12,467;

Heating and A/C from Triple T for \$22,000, we need to note, that \$10,000 of that was donated; Railing for the porch from Barbara Weldon for \$2,200, Stucco and Rock from Ken and Shane Casper for \$29,875; Insulation from Hansen for \$4,400; Asphalt for parking lot from Valley Asphalt for \$43,010, originally planned for 29 parking, think we can get 80 parking out of it now, have extended the parking lot; Wiring from Electrical Wholesale for \$3,324; Pre Fab Boxes for Storm Drain from Geneva Pipe for \$8,925; and Sumps from Christensen Brothers for \$2,215.

MOTION BY: Councilperson Brent Hanks to award the bids as they have been presented before the council.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

Councilperson Hanks stated that we asked for help from the residents of Salem, we had about 55 people show up to help with blocking. We have had a lot of help from the city employees. He would really like to thank them for all of their hard work.

We are still waiting on bids for painting, and finish carpenters. The sound system was donated. There is a problem with the doors, because it was not framed correctly, but we are working on that. We are receiving a lot of support from the residents.

10. SEWER LINE CONNECTION WITH ELK RIDGE

Mayor Henderson stated that Elk Ridge had originally requested to allow them 100 more sewer connections, but he recently heard they wanted 140 sewer connections. Bruce Ward stated that if we allow the hook ups, then we can look at charging everyone that hooks on an impact fee, but then give it back when they disconnect from our sewer line and go to Payson. Attorney Baker mentioned that this is something that we can look into. Councilperson Ficklin was wondering about charging them a special use fee also, to allow them to hook onto our sewer. He was also wondering if the sewer line would be okay to hold the extra connections. It was stated that the sewer line is okay. Paul Tervort stated that a couple of council meetings ago the council gave permission to start the process to add some property, by Elk Ridge, in the annexation policy so the property could start the process of annexation. He thinks a letter should be sent to Elk Ridge stating that this property is going to be a part of Salem. The property where the homes are going to be built is next to the property that is trying to annex into Salem. Bruce stated that we need to consider the possibility, if Elk Ridge does not go to Payson sewer. The question was asked if the property, where the 100 – 140 homes are, is currently in Elk Ridge. No one was sure. Attorney Baker stated that we should make sure that the property is in Elk Ridge. Burke Tervort stated that he has been to Elk Ridge's city council meetings, when this item was discussed. He stated the developer is pushing the sewer to go to Salem.

There was some discussion on the agreement that was just signed between Salem City and Elk Ridge, and how Salem is going to buy out Elk Ridge's portion of our sewer plant,

and how all of their sewer will go to Payson City. Bruce stated that when the agreement was signed, this issue we are discussing was not a problem at the time. If we wanted to service this area, we would need to amend the current agreement.

Mayor Henderson stated that Elk Ridge came to us wanting to know if we are interested. He would like to have Bruce Ward get with Councilperson Ficklin and discuss this, and see what we can work out. Bruce stated that we need to make sure that everything is in place before we allow sewer hook ups. He also thinks we need to wait until the agreement with Payson and Elk Ridge is finished.

11. HERITAGE PARK

Mayor Henderson wanted to clear up a previous discussion held about the area below the Pond, by Diamond Grill, which the city owns. The city was approached a few weeks ago from a resident who would want to purchase that from the city. It was thought that J. Angus Christensen donated that area to Salem City. After the mayor had done some research on it, he found out that it was donated by the Salem Pond Irrigation Company, and was donated for the purpose of a park. According to the deed with the pond company, the city can not sell that property; it would have to go back to the pond company. Mayor Henderson asked Councilperson Higginson if he would let the residents who approached him to purchase it, that the city can not sell the property to them.

12. APPROVE MINUTES OF JULY 5, 2006

Jeff Nielson stated that he was unable to get the minutes completed before council meeting.

13. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Terry Ficklin to approve the bills for payment.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

14. PUBLIC SAFETY

Chief James reported that the public safety had a party, and felt that it was good to interact with the other associations (Police, SEMA, and Fire). He also reported that Sergeant Dibble is at another training class for the internet.

15. OPEN DISCUSSION

Erman Stone (SEMA Captain) stated that on 400 South there is a problem with how narrow the road is, and with big vehicles coming out of the new subdivision in front of Dean Hughes home. He about got run off the road the other day. Councilperson Hanks was wondering about a stop sign in the area. Chief James stated he would look into the stop sign. Councilperson Hanks was also wondering about having the ditch piped to allow the road to be widened.

Councilperson Higginson had a question for Erman regarding a bench at the cemetery. He had someone complain to him about their bench being chipped. He explained where it was. Erman stated he would look into it and see what he could find out.

Councilperson Higginson also had a concern with some power lines where his brother is building a home, on 800 South and 300 West, in the Elk View Subdivision. He stated the power lines are an eye sore, and feels that we should not continue doing it this way, and that it was a poor design. He was wondering how it got approved like that. Paul Tervort stated that he got a call from Darrell Miller (power superintendent at the time) explaining to Paul what needed to be done there with the power poles, and that it was too expensive to go underground. Bruce did explain that it has been city policy to keep the main feeder lines as over head power lines, and that the 300 West line is a main feeder line. Councilperson Higginson felt that we should have cleaned this up a little bit more, and made the developer pay for it. He would like to make sure this does not happen again, and feels that subdivisions should come to city council for final approval.

4a. Vaud Hanks

Mayor Henderson welcomed Vaud and turned the time over to him. Vaud explained that back in the 1940 and 1950 not a lot was done in the city, so his father started the Lions Club, who began doing improvements to the city. The first fire department was started, along with a lot of other things. A lot of people donated their time in improving the city. His stated his father would be excited to see the new community center being built, where the old Lions Club building was. At this time, he would like to propose to the city to furnish the carpet for the new community center, and to have the bathroom and kitchen vinyl floor donated along with it. He showed the council the samples that he has available. The council picked out the carpet they wanted, and stated that they would gladly accept the donation of the carpet and vinyl flooring for the bathroom and kitchen. They thanked Vaud for his donation and willingness to help out the city.

COUNCIL REPORTS

16. MAYOR J. LANE HENDERSON

17. COUNCILPERSON LYNN DURRANT

Councilperson Durrant reported that the quilts for the library auction are hanging at the library, for people to view.

18. COUNCILPERSON TERRY A. FICKLIN

Councilperson Terry Ficklin did not have anything to report tonight.

19. COUNCILPERSON STANLEY W. GREEN

Excused from council meeting.

20. COUNCILPERSON BRENT V. HANKS

Councilperson Hanks thanked everyone for helping out at the civic center.

21. COUNCILPERSON JEFF D. HIGGINSON

Councilperson Higginson did not have anything to report tonight.

22. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

23. BRUCE WARD, CITY ENGINEER

24. ATTORNEY S. JUNIOR BAKER.

EXECUTIVE SESSION – LAND ACQUISITION

Mayor Henderson asked for a motion to move into an executive session.

MOTION BY: Councilperson Terry Ficklin to close city council meeting and move into executive session.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

9:10 p.m. Mayor Henderson asked for a motion to open city council meeting back up.

MOTION BY: Councilperson Terry Ficklin to open city council meeting.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

There was some discussion on what would be a fair price to rent the new community center out at. Councilperson Durrant stated she would look at what other facilities are being rented at. The comment was also made that we need to look for someone who would over see the building, make sure it locked up and taken care of. Dale Boman's name was mentioned.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Brent Hanks to adjourn city council meeting.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 9:15 p.m.

Jeffrey Nielson, City Recorder