

Minutes of the Salem City Council Meeting held on June 21, 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 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

**Excused from Council Meeting:**

Councilperson Terry A. Ficklin  
Councilperson Brent V. Hanks

**OTHERS PRESENT**

Jon Haderlie  
Paul Tervort  
Vance Barrett  
Mark Martin  
Shane Johnson  
Bob Kirk

Jeana Haderlie  
Kristi Hansen  
Shaun Killpack  
Crystal Martin  
Bobbie Johnson

M. Ray Walker  
Michael Empler  
Jeremy Harmon  
Charles Wixom  
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 that 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 public hearing.

**SECONDED BY:** Councilperson Stanley Green.

**VOTE:** All Affirmative (3-0).

a. Amend Budget for 2005 – 2006

Mayor Henderson stated that this item is continued from the prior council meeting as a public hearing. We need to amend the current year budget for 2005/2006. We received more revenue than we budgeted for in property taxes, energy tax, and subdivision inspection fees (from new development that we did not anticipate). With these fees our General Fund will have the funds necessary to pay for inspections on subdivision, rather than having the General Fund come up with those funds. This now frees up funds to go elsewhere in the General Fund. So, we have determined to have those extra funds go towards our capital improvement fund, for the building of the civic center and the city shop. We also adjusted some other areas in the General Fund so that the expenses would balance. One of those areas is an increase in the public safety building, so we can get new garage doors for the fire and ambulance station. He asked if there were any questions. There were none.

**MOTION BY:** Councilperson Jeff Higginson to close the public hearing.

**SECONDED BY:** Councilperson Lynn Durrant.

**VOTE:** All Affirmative (3-0).

a. Amend Budget for 2005 – 2006

**MOTION BY:** Councilperson Jeff Higginson to approve the Amended Budget for 2005-2006 as presented to the council.

**SECONDED BY:** Councilperson Lynn Durrant

**VOTE:** All Affirmative (3-0).

#### **4. APPROVAL OF FINAL BUDGET FOR 2006 - 2007**

Mayor Henderson stated that this needs to be approved by state law. He feels that the council has had plenty of time to review it. He wanted to thank the staff, and the city council, for their time spent on the budget. He also mentioned two new enterprise funds that the city would be implementing, the Pressurized Irrigation Fund, and Storm Water Fund. He asked the council if they had any questions. There were none.

**MOTION BY:** Councilperson Lynn Durrant to approve the Final Budget for 2006/2007

**SECONDED BY:** Councilperson Jeff Higginson

**VOTE:** All Affirmative (3-0).

#### **5. STEPHEN QUESENBERRY – ANNEXATION OF PROPERTY SOUTHWEST OF CITY BOUNDARY**

Kristi Hansen stated she was here representing Stephen Quesenberry, who is representing Paul Tervort and other neighbors regarding property they would like to annex into Salem

City. She handed the council a packet explaining what she would like to propose. Paul owns some property in Utah County, and the property he would like to annex in is not in Salem City annexation proclamation. She showed a map of the current plan. The property is in Elk Ridge's annexation policy. Supposedly Elk Ridge and Salem City had an agreement that the Highline Canal would be a dividing point between the two cities. Attorney Baker told her that usually with an agreement, there is a written contract. He thought that a few years ago a contract was written, but no one can find that contract, so nothing was ever entered into a formal matter. There was something discussed briefly in prior council minutes, but that is it. She stated that in the statute of fraud law, if you have an interest of land, you have to have it in a written agreement. Attorney Baker stated that if there is not a written agreement then you do not have an agreement. Kristin stated that with the growth of the area, there are a lot of changes within the cities that will affect the annexation. They had a client who de-annexed out of Woodland Hills to come into Salem. The bottom line is that the government needs to do what is best for the city. She discussed the sewer, and how it would be serviced by Salem City. Discussion about the water came up, Bruce Ward showed on the map where Salem City's nearest water would be. In order for this area to meet the city's minimum water pressure standard, the water would be some distance away. Kristin stated that the developer would have to bring the water to the area then. Bruce stated that the developer would want to use Elk Ridge water because it is closer, but our ordinance requires that the water would have to be serviced by Salem City. The comment was made that there are no homes in the annexation area.

Kristin stated that the property borders Salem and it would be better served by Salem. We are not sure what Elk Ridge's plans are for the area. She would propose to the city, that they abandon any agreement with Elk Ridge and add this property to the city's annexation policy. Attorney Baker stated that because there is no written agreement, the council would not need to abandon any agreement. What the council can do is add this property to the declaration of annexation, but it would need to go through the process first. Back when the annexation policies were written, the road 11200 South was not there, so the highline canal seemed to be the best boundary. But now with the road, that would seem to be a better boundary line. Councilperson Durrant asked about the property to the west, what is happening with them. Paul Tervort stated that it has already been annexed into Elk Ridge. Attorney Baker stated that if the council wants to consider this, then it would go to Planning and Zoning for discussion, then there would need to be a public hearing for Planning and Zoning on it, then it would come back to council for a public hearing.

Mayor Henderson stated that we as a government represent the residents of Salem, and we need to do what is best for them. He feels if there was a written agreement, he would honor that, but since there is no agreement, he feels the council needs to look at what the residents want. He asked if there were any other questions. He then authorized this item to be discussed by Planning and Zoning, and then to proceed to add into our declaration of annexation.

**6. NORM SMITH - RSVP**

Mayor Henderson stated we will come back to this item, since Norm Smith was not present.

**7. SHANE JOHNSON – SUBDIVISION WAIVER AT 490 W. 300 S.**

Shane Johnson wants to build a home in the pasture next to his home. He currently has a home, and a business, on the same parcel. Councilperson Green asked Shane what he would do with his old home. He stated that his daughter will live there, and maybe someday look at building a new home there. Shane had a question on the pipe for the irrigation, right now it is a 10 inch pipe, and the canal company wants a 15 inch. The council stated that we have to honor what the canal company requires. Attorney Baker stated we need to have a professional company sketch out the property for us. Councilperson Durrant was wondering if DRC had any concerns. Dave Johnson stated that the concerns of DRC were the improvements, and when they should be put in. Shane stated he could bond for the improvements, rather than putting them in and have to take them out again.

**MOTION BY:** Councilperson Stanley Green to approve Shane Johnson Subdivision Waiver at 490 West 300 South, with the conditions of Planning and Zoning (recommend approval of the subdivision waiver for Shane Johnson with the recommendations from DRC and acknowledging that the animal rights and flag lot ordinances are under review) and DRC (recommend approval of Shane Johnson's request for a subdivision waiver at 490 West 300 South subject to meeting all of the subdivision and construction standards; bonding for and installing improvements in front of the east lot; and getting a letter from the Canal Company on the irrigation ditches.).

**SECONDED BY:** Councilperson Jeff Higginson.

**VOTE:** All Affirmative (3-0).

**8. RAY WALKER – SUBDIVISION WAIVER FOR PROPERTY ON THE SOUTHWEST CORNER OF 100 NORTH & MAIN STREET, AND MOVING A HOUSE FROM 143 W. 400 N. ONTO ONE OF THE LOTS.**

Mayor Henderson stated he would have to abstain from any discussion on this item, and turned the meeting over to Mayor Pro-Temp, Councilperson Durrant.

Ray Walker stated he is here for a subdivision waiver, as it was approved about a year ago with Darrell Miller, but he did not move forward with it. He will need to move a power pole, and put in two new power poles. The other issue is with curbing and sidewalk. Ray stated that he is in the same situation as Shane Johnson, he would put in the sidewalk, and then bond for curb and gutter.

The item he is in for is approval to move a home. The home he is moving would be consistent with the area, and feels it would fit in. It was stated that with the moving of the home, he would be required to follow the city code on moving of an existing home.

**MOTION BY:** Councilperson Jeff Higginson to approve Ray Walker Subdivision Waiver for property on the Southwest Corner of 100 North & Main Street and Moving a House from 145 West 400 North onto one of the lots, with the conditions of Planning Zoning (approve the subdivision waiver for Ray Walker on the southwest corner of 100 North and Main Street) and DRC (approve Ray Walker's request for a subdivision waiver for two parcels on the southwest corner of 100 North Main Street subject to him meeting the subdivision and construction standards; installing 2 new power poles per the approval of the power department; installing curb, gutter, sidewalk, and asphalt in front of the house as well as pipe the irrigation ditch per the Salem Canal Company's approval)

**SECONDED BY:** Councilperson Stanley Green.

**VOTE:** All Affirmative (3-0).

Councilperson Durrant turned the meeting back over to Mayor Henderson.

## **9. VANCE BARRETT – EXTENSION HANKS SUBDIVISION PLAT B**

Vance stated that he purchased Plat B, of Hanks Subdivision, from Dick Hanks. He was unaware that the expiration of the subdivision was in place. Attorney Baker stated that with the ordinance, they have one year after the first plat has been recorded to have the second plat recorded. He gave the city notice last week, before the time limit had expired. The council can give up to six months extension.

**MOTION BY:** Councilperson Lynn Durrant to approve the Extension of Hanks Subdivision Plat B for a six month period.

**SECONDED BY:** Councilperson Jeff Higginson.

**VOTE:** All Affirmative (3-0).

### **6a. NORM SMITH - RSVP**

Norm Smith gave a report of last year calendar regarding the R.S.V.P. program in the area. He stated that Kate Bates, Venice LeFevre, Jack & Thelma Nielsen, and Elva Pierce of Salem received the Presidential Bronze Pin for volunteering between 100 – 249 hours of service. They help out in different locations, at elementary schools, hospitals, and care centers. He really appreciates the support of the city and the volunteers from Salem.

## **10. ORDINANCE ON WATER TRANSFER REQUIREMENTS**

Attorney Baker stated that this item requires being a public hearing so will be on next council meeting.

## **11. WOOD CHIPPER**

Councilperson Durrant stated that we have three bids for a wood chipper, one from Vermeer Rocky Mountain, Altec, and Vermeer Sales & Service of Colorado. The one from Vermeer Rocky Mountain was for \$23,475; it was the lowest bid of the three. Reed Cornaby asked if this would be owned by Salem City. It was stated that it would. The chips would be smaller than what we used to have, and would still be available for residents. We can also chip on site, which is the main reason for purchasing it. This would allow the power department, when they are trimming trees, to chip the trees where they are trimming. Now they have to trim the trees, load the truck and then dump the truck when it gets full. This way they will be able to trim all day without emptying the truck. The chips will also be great for landscaping

**MOTION BY:** Councilperson Lynn Durrant to approve the Vermeer Rocky Mountain wood chipper for \$23,475.

**SECONDED BY:** Councilperson Jeff Higginson.

**VOTE:** All Affirmative (3-0).

## **12. BUCKET TRUCK FOR POWER DEPARTMENT**

Councilperson Durrant stated that we are in need of a bucket truck, the one we currently have is falling apart. We have been borrowing other trucks from other companies. We were able to get one proposal, and tried to get others, but the others would not reply, or said they would and have not. We have tried a couple of different trucks out. The one truck from Altec, who was the company that gave us a bid, was the truck the council saw last meeting. Councilperson Higginson was wondering if the fees are included in the bid price. It was stated that they were. There is a concern of the safety for our power department, by using the old truck. Councilperson Durrant stated we are looking into a five year lease for it, and we would do a RFP for the lease agreement. Again, the only bid we received back was from Altec for \$136,980.

**MOTION BY:** Councilperson Lynn Durrant to purchase the Altec bucket truck for \$136,980 with a five year lease plan which would come out of the electrical budget.

**SECONDED BY:** Councilperson Jeff Higginson.

**VOTE:** All Affirmative (3-0).

### **13. DOORS FOR FIRE DEPARTMENT**

Mayor Henderson stated, as it was discussed earlier during the budget amendment, we need new garage doors for the fire and ambulance bay. Chief James stated that the five doors are very old and are not working properly. We put bids out for five new doors, but only received one back. The bid was from Garage Doors Only, in the amount of \$6,300. Chief James went over the bid with the council.

**MOTION BY:** Councilperson Stanley Green to approve the Garage Doors Only bid for five new garage doors and installation for \$6,300.

**SECONDED BY:** Councilperson Lynn Durrant.

**VOTE:** All Affirmative (3-0).

### **14. CHRISMAN DRIVE**

Mayor Henderson stated that this has been a problem for a long time, and it needs to be cleaned up. The council addressed it in the past, and declared it abandoned last year, and to give the property to the land owners that are adjacent to it, with the condition that they put the improvements in on the top and bottom. The improvements were supposed to be done by the first of June, and as of today, they have not been completed. Robert Kirk, the land owner to the north, stated that he had been working with Cole's Engineering on getting the paper work completed. We are not sure what is happening with the owner to the South. There had been a subdivision that was recorded, and nothing has been done with it. Previously, when all three land owners met, they were all in agreement to do the improvements and to have it done. Robert thought he had until June 30 to have it completed. He met with Cole's in the winter, and thought they would be done sooner. He was getting ready to have an attorney write a letter stating that the delays in the improvements was because of Cole's, and present it to the city, but he then received a call from Cole's the other day stating that they are finished. The cost of it was \$500, and he is not sure who would be responsible for paying that. He has also heard that the city may not want to have the improvements done, so he is not sure what to do at the moment. Attorney Baker stated that when the road was abandoned, the cost of the surveying was not discussed. Dave Johnson stated that he knew the land owners were supposed to put in the improvements, but as far as the surveying he too is not sure who is going to pay for it. Councilperson Higginson remembers attending that meeting, he thought the property owners would be doing all of the work, the cleaning out of old sidewalk, putting new sidewalk in the top and bottom along with curb and gutter. Robert is just wondering what the city wants him to do; he is willing to pay for the surveying, and have the city review it. Councilperson Higginson again, thought it was the property owner's responsibility to do everything. Attorney Baker feels that because the delay was caused by Cole's, it would be reasonable to allow an extension on the project. Robert stated that it has also been hard contacting the other property owners, and trying to work together with them.

Councilperson Green stepped out of the council chambers will need to wait for a motion on this item.

Mayor Henderson asked to discuss Public Safety until Councilperson Green returns.

### **18A. PUBLIC SAFETY**

Police Chief Brad James handed to the council a crime report showing where Salem City standing is with the state.

We have received some complaints from residents around the pond stating the noise level at night is too high. The Knoll Park closes at 10:00 p.m., when the sprinklers come on, and we also have police officers who try to patrol around the pond. We have people fishing all night long around the pond. The police department tries to deal with the noise when they are notified of a problem. He is wondering if the council has any suggestions. He stated that we do get a few calls, but they are very minor, and we do have a noise ordinance, but it is based on decibels. Councilperson Durrant asked if we have had people request to close the road down. Chief James stated that is one idea, but feel it is not possible to close the road down. The other suggestion was no parking around the pond, but if we do that, then they will start parking in the residential areas, and we do not want that. The calls come from the same people. The council felt that we are doing all that we can at the moment and under the circumstances.

Chief James reported that the snack shack was broken into, they took the cash register. We also had a driver go over the lawn at the welcome sign at the west end of town, and we had a horse trailer break loose and hit the bleachers at the down town ball park. Luckily no one was there so no one was injured. The police department has hired Stacy Bliss as the police secretary; she will be starting July 3.

Councilperson Green returned to the council chambers.

The last item, he is requesting to purchase some car video cameras for three of his police vehicles. They have the money this year to do it. Right now we have two vehicles that do not have a camera, and one that is ten years old. In the past he has been able to use grant money to purchase items like this, but the government has become stricter on what grant money is available for, especially with Homeland Security. The cost for the three cameras is \$12,000.

**MOTION BY:** Councilperson Jeff Higginson to approve the purchase of three cameras for the police department for a total cost of \$12,000.

**SECONDED BY:** Councilperson Stanley Green.

**VOTE:** All Affirmative (3-0).

Mayor asked to go back to item 14, for a motion.



#### **14A. CHRISMAN DRIVE**

**MOTION BY:** Councilperson Lynn Durrant to allow the extension of improvements on Chrisman Drive to be completed by the end of September 2006.

**SECONDED BY:** Councilperson Jeff Higginson.

**VOTE:** All Affirmative (3-0).

#### **15. BALLOON FOR REMAX**

This item was taken off of the agenda.

#### **16. APPROVE MINUTES OF JUNE 7, 2006**

Jeff Nielson stated that the minutes for June 7, are not complete, and would have to wait until next council meeting.

#### **17. APPROVE BILLS FOR PAYMENT**

**MOTION BY:** Councilperson Stanley Green to approve the bills for payment.

**SECONDED BY:** Councilperson Jeff Higginson.

**VOTE:** All Affirmative (3-0).

#### **18. PUBLIC SAFETY**

#### **19. OPEN DISCUSSION**

Mayor Henderson asked if anyone had anything for open discussion.

#### **COUNCIL REPORTS**

#### **20. MAYOR J. LANE HENDERSON**

Mayor Henderson reported that in the last council meeting we had a proposal from Career Step and Anaya Foundation. They proposed to build, in Salem, their corporate office, a recreation center, and a new city office. He stated that Payson City just bonded for a new swimming pool, for \$25,000,000. To look at this as a city our size, it would be not be possible without help from an outside source. The proposal was to give them the property on the highway that the city owns, the five acres that the Henderson's gave to the city. He has spoken with Joyce about the project, and she is okay with what we would use the property for. We are currently in the process of a contract that Attorney Baker has helped with. The Anaya Foundation has agreed to build us an 8,000 square

foot office building, but will have a cost limit on square footage that it can not exceed. They will also build a soccer field, the parking lot and improvements for the city office, and look at building tennis courts. The recreation building will be available for the public and city use. Again, the contract is in the working phase. If we continue, Attorney Baker will be working with their attorney on all of the details. He would like to ask the council for approval to have Attorney Baker continue with the working of the contract, and get it ready for the council's approval. The council was okay with that and gave the mayor authorization to proceed with getting a contract ready for council approval.

Mayor Henderson stated that the Anaya Foundation has been approached by other cities who have given them offers. Jon Haderlie, who works for the Anaya Foundation, confirmed that they have received other offers, but Andrea really enjoys Salem City and would want their corporate office in Salem: to be able to give back to Salem. Mayor Henderson also stated that Andrea gave the city a \$10,000 donation; he would like to give that check to the library fund, and let them use that money. He stated that when they are ready for the city office, he would like to have Bruce Ward and Dave Johnson work with them on it. He thanked the council, and told Jon to let Andrea know we are excited for her to come to Salem, and thanks for the donation.

Mayor Henderson updated the council on the civic center, and stated we are moving full speed with it and trying to get it completed.

## **21. COUNCILPERSON LYNN DURRANT**

Councilperson Durrant stated that there has been a concern in the Towers Subdivision, on Aspen Way, and the amount of street lights lacking in the area. She would recommend having Doug Smith and Bruce Ward to go look at the subdivision and see what they would recommend, and what it would cost.

## **22. COUNCILPERSON TERRY A. FICKLIN**

Councilperson Terry Ficklin was excused from council meeting.

## **23. COUNCILPERSON STANLEY W. GREEN**

Councilperson Green stated that at the Board of Water Resources meeting, they gave us approval for the \$6,325,000 money at a 1.7% interest rate over 25 years. Bruce Ward stated that we were anticipating 4%, so this is a good thing to get it at a lower interest rate.

## **24. COUNCILPERSON BRENT V. HANKS**

Councilperson Brent Hanks was excused from council meeting.

## **25. COUNCILPERSON JEFF D. HIGGINSON**

Councilperson Jeff Higginson reported that the city has hired Deanne Ainge as the new City Treasurer. We feel she will do a great job, and we felt good about the hiring decision.

The break in at the Snack Shack was the first one for that facility. We will be looking into ways to make it better. With the new storage building at Loafer View Recreation Complex, we are waiting for the plumbing to be done. He feels we need to do the sewer work using our staff. Dave Johnson feels that we need to work with Gary Warner on the project, to find out where the plumbing needs to go and what he will be needing up there, before we can pour the cement for the floor.

Mayor Henderson would like to have Councilperson Higginson look into a 9<sup>th</sup> grade football, see if it is determined by cities that have high schools, and what it would take for us to get one.

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

Dave Johnson discussed the issue with piping of the ditches for subdivisions. When a ditch is going to be abandoned in a couple of years do we really want to require having it piped. He stated with our current standards, we require the ditches to be piped. Attorney Baker stated that maybe we could look at a cash bond instead, and look at each case differently. If we know the ditch is going to be abandoned, then don't require it to be piped, if we know it needs to be piped, and then we will require it to be piped. If we are not sure of it, then we can require a cash bond. Mayor Henderson asked Attorney Baker if he would get something written up and ready to go for the council to approve.

Mayor Henderson asked Dave to put commercial building permits as a priority when we get them in.

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

Bruce Ward reported he met with Aqua Engineering, they have the demographics completed. He will give them to the other engineering firms for the impact fee study.

## **ADJOURN CITY COUNCIL MEETING**

**MOTION BY:** Councilperson Jeff Higginson to adjourn city council meeting.

**SECONDED BY:** Councilperson Stanly Green.

**VOTE:** All Affirmative (3-0).

**MEETING ADJOURNED AT:** 8:30 p.m.

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Jeffrey Nielson, City Recorder