

Minutes of the Salem City Council Meeting held on March 1, 2006 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:30 p.m.

CONDUCTING: Mayor J. Lane Henderson.

COUNCIL PRESENT:

Mayor J. Lane Henderson.
Councilperson Terry A. Ficklin
Councilperson Stanley W. Green
Councilperson Brent V. Hanks
Councilperson Jeff D. Higginson

STAFF PRESENT:

Jeffrey Nielson, City Recorder
Chief Brad James, Police Chief
David Johnson, Public Works
Junior Baker, City Attorney

Excused

Councilperson Lynn Durrant

Bruce Ward, City Engineer

OTHERS PRESENT

Brianna Bugi
Paul Tervort
Corey Webb
Caithlin Walls
Deon Frank
Chloe Lawila
Jeff Cranford
Karin Hyatt

Kaisha Jackson
Burke Tervort
David Varney
Carrie Walls
Daniel Scott
Reed Cornaby
Cliff Hales

Leslie Miller
Jeff Braithwaite
Wendy Varney
Nichole Frank
Tom Cruise
Lucy Cornaby
Paige Deardeuff

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

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

Open

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

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

a. Sell of City Property

Mayor Henderson stated that the public hearing is for the selling of city property, would like to hear any comments from the council and the public. Councilperson Ficklin asked where the property is located. Dave Johnson showed on the map where it is located, he stated it is where the city shops are currently located, and is 2.97 acres of land. Currently there is no sewer hook up at the property but there is water, power, and gas. The biggest problem is there is no sewer. Councilperson Hanks explained why the city is looking at selling it, we are in the process of trying to relocate the city shops. We have the land, which is located by the sewer plant, and we have a building that has been donated. Currently the land where the shop is is not flat, but it is at the new location and we will be able to utilize more of the land. Councilperson Higginson asked if we have to sell the shop property in order for the new shop to be completed. Councilperson Hanks stated we do. He had an appraiser look at the property and they felt that we could get \$150,000 for the property. The proceeds from the sell would go towards the fill, and another building. He figures the fill would be about \$8,000; the fence around the property would be \$12,500. He feels the cost to move the shop would be around \$80,000 to \$85,000.

Mayor Henderson asked if there were any comments. Leslie Miller asked who the city is selling the land to. Mayor Henderson stated that the bids would be open to the public. Councilperson Green asked about any obligations from the city to clean up any contamination. Attorney Baker stated that we have not done an environmental study yet on the property, but if there is a problem the city would be responsible for cleaning it up. Paul Tervort asked if the council has thought about doing a study before selling it. Then the city could determine what the cost of the clean up would be, if there were any costs. If the city had to clean it up in the future, it might cost a lot more money.

Councilperson Higginson stated that he is all for moving the shop, but if there is a way to move the shops without selling the property, he would like to see that done. He does not like the thought of selling property.

Close

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

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

a. Sell of City Property

Mayor Henderson asked what the feelings from the council are on selling the property. Councilperson Green feels that if there is an environmental issue, he would like to make sure the city is okay before we sell it. Councilperson Ficklin asked how long the city would be liable if there were contamination problems, and we sold the property. Attorney Baker stated that the city would be liable forever. There was some discussion of the storage tank that used to be at the shops. It was stated that when the tank was taken out, the city was given an okay, stating that everything looked good. Attorney Baker feels that we may not have a lot of issues with the property then. Mayor Henderson asked how the council feels as far as having Councilperson Hanks proceed with the new shop project. Councilperson Green feels that we need to move forward with the new shops, while we get an environmental test done on the current shops before we sell it. The council agreed.

4. EAGLE PROJECT

a. David Varney

Mayor Henderson turned the time over to David Varney. David handed the council a diagram of his project. He stated he wanted to build a storage shed for the library; it will be about 8 feet by 8 feet. He is going to get the cement for the slab donated from West Roc. He showed the council, on the hand out, what he is going to do. He figures the cost for the project will be about \$600. Mayor Henderson asked about the funds for it, he stated that Councilperson Durrant told him that the Library did have some funding for it (Councilperson Durrant made the correction during March 15 council meeting, that she did not tell him the Library had funding). Councilperson Higginson stated that there is some funding for Eagle Scouts that is still available. He feels between the two funds David should be okay. It was stated to David that he would have to pay for the materials first, and then when the project is completed the city could refund the money back to him. The council felt that it would be a good project.

5. ROBERT NELSON – Extension on Recording Plat D of Mt. Loafer View.

Mayor Henderson turned the time over to Matt Nelson, he was representing Robert Nelson. Matt stated that when the subdivision was approved, they were not aware of any deadlines. They have been busy trying to get everything ready for the subdivisions. A couple of weeks ago they found out that there is a deadline on when the plat has to be recorded. He is here tonight to ask the council for an extension on getting the plat recorded. Mayor Henderson brought up to Matt that there were some conditions made; to have Robert install some sidewalks. He stated that the property (Merrill Brindley) that has been holding the sidewalk up has been purchased by the city. Matt stated that they have also purchased the Pierce property. Chief James stated that he would like to see the

sidewalk done by the first of August, when School will be starting. Mayor asked Matt when he feels he could have the sidewalk done. Matt stated that they have been waiting on the city to get an easement, and then they also will need to work with Bill Young the other developer who is helping with the sidewalk. Matt also mentioned that he is hoping to have Plat D of the development ready by June. Chief James would like to see a condition that the sidewalk be completed. Councilperson Hanks was wondering about the sidewalk, and if that also includes the curb and gutter. It was stated that they would only be responsible to put the sidewalk in, that the city would have to do the curb and gutter. Dave Johnson stated that the sidewalk would be from the LDS Stake Center, on 500 East, up to Bill Young's development. The stake center has already done a portion of the sidewalk on their property, so it would need to be tied into it. The other option that could be looked at is for a sidewalk on 800 South, and tying into the new development that will be going in. Mayor Henderson stated that the safety of the kids is the biggest concern and it needs to be done. He would like to have Robert meet with Dave Johnson and get the sidewalk worked out.

MOTION BY: Councilperson Brent Hanks to give Robert Nelson an extension of three months and to have the sidewalk go down 500 East to tie into the stake center.

Matt Nelson had a question on the motion, he was wondering about four months, because they are hoping to have things ready by June.

Councilperson Hanks amended his motion to allow four month extension rather than three.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

6. ELK RIDGE SEWER AGREEMENT

Mayor Henderson stated that this has been discussed in a prior meeting. He stated that this agreement is for the buyout, of Elk Ridge, from our sewer treatment plant. We were under the impression that this agreement had already been signed, but it had not. He has met with Mayor Dunn of Elk Ridge on this agreement, and both of us are pleased with it. He stated that Mayor Dunn was very good to work with him on this. The total buyout will be \$250,000, and will be made in payments of \$50,000 a year at no interest. The payments will begin when Elk Ridge hooks onto Payson City sewer system. Mayor Henderson complimented former Mayor Brailsford for the work he had done on this prior to leaving office. The city will use the money that has been budgeted to pay on the bond that was paid off this year.

MOTION BY: Councilperson Stanley Green to approve the Elk Ridge Sewer Agreement.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

Mayor Henderson and Councilperson Green commented on how well the sewer plant is running.

7. ORDINANCE CHANGING COUNCIL MEETING TIMES

Mayor Henderson stated that this ordinance is changing the council meeting times from 7:30 p.m. to 7:00 p.m. Attorney Baker also pointed out that the old ordinance showed the council meeting in December as being held on the first Wednesday of the month. He has changed that to read the second Wednesday of the month. We have been holding council meeting on the second Wednesday for a long time.

MOTION BY: Councilperson Brent Hanks to approve Ordinance 30106 Changing Council Meeting Times.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

8. PURCHASE OF LAWN MOWER

Councilperson Higginson explained that we are in need of a couple of lawnmowers for the parks department. Right now we feel we can only get one. The council should have received a copy of the bids (the council indicated that they have seen the bids). He stated that the old Toro lawnmower is not workable and we are looking a purchasing a new Toro for \$9,215. The money for the lawnmower will come from fund 10-66-30 New Improvements to Cemetery, there is \$6,000 budgeted; we do not anticipate any new improvements this year. The remaining will come from fund 10-64-29, New Equipment Purchase in Parks.

MOTION BY: Councilperson Jeff Higginson for the purchase of a new Toro 2-588 lawn morrow for \$9,215.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

9. APPROVE MINUTES OF FEBRUARY 15, 2006

Councilperson Ficklin asked for the change of absent to excused from council meeting.

MOTION BY: Councilperson Brent Hanks with said changes.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

10. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Jeff Higginson to approve the bills for payment.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

11. PUBLIC SAFETY

Police Chief Brad James reported that during the first council meeting in January, the Antique Tractor Association came to offer Salem City the use of some of their equipment. The assignment was given to Chief James to look at the equipment and determine if it would be safe. He has gone out and seen the equipment. The bleachers that they wanted to donate need some improvements, and he would recommend not using them. He feels they would not meet code. He knows that there has been some discussion within the group about the scales that they have offered; half of the group wants to get rid of them, the other half does not. He does not see a benefit to having them located at the city rodeo grounds. The other item was the antique caterpillar; he feels it would be a liability for the city. He feels that there would be a lot of kids climbing on the tractor. He would recommend that the council not accept the equipment, but that we do appreciate them wanting to use our rodeo facility. He stated that some of the equipment is sitting in a field right now, and they are trying to relocate it. Mayor Henderson agrees that it could be a liability, and we need to be concerned with it. Councilperson Higginson also feels that because of the liability we really do not want the equipment. Mayor Henderson asked Councilperson Higginson to write a letter to the group, expressing our appreciation in offering the equipment, but at this time we do not see a need for it. We also appreciate them using our rodeo arena.

The next item Chief James had was an update on the Ambulance and Fire Departments. He stated that SEMA was given two 800 MHz radios from the police department. There have been changes on CPR; they are being trained on the new updates. The police department will be updated on it also. There have been three new applications for the ambulance crew. He stated Captain Stone is doing a great job. The Fire Department, has hired a new fireman, Chad Knap.

Chief James reported that the Power Department received three GPS radios. Chief James talked with them, and it was determined that they would benefit from some other radios that the chief had that were a little bit older. They would work with the radios that some of the other power departments around have. The GPS radios were then given to the Emergency Management Team. Chief James stated the Emergency Management Team is setting some goals they would like to accomplish. They would like to distribute some booklets to all of the residents informing them about the committee, and about the city's emergency plan. They are going to start doing radio checks once a month, to get used to using the radios. They are putting information on the webpage; right now they have water purification information. In May, they are looking at doing a public safety fair.

There will be a 911 check coming up soon; residents can call 911 to verify that their information is displayed properly with the dispatch.

Chief James also reported that during the meeting with Councilperson Hanks and Todd Gordon, regarding snow plowing, the discussion came up regarding the stop sign on 100 East and 200 South, for traffic heading north. It is an illegal stop sign according to state code, and it also gives many people the false sense of security. It was determined to remove the stop sign. He has received a couple of complaints, but there have been a lot more than you. There are a couple of other stop signs around the city that are in the same situation, we may have to take them out too.

12. OPEN DISCUSSION

Mayor Henderson asked if anyone had anything for open discussion.

Jared Jensen was wondering about the ordinance dealing with septic tanks. He stated that when it was brought to council meeting, the council had some concerns with what Planning and Zoning recommended and wanted it to go back to Planning and Zoning. Last he heard, Councilperson Ficklin was going to work with Planning and Zoning regarding the concerns that the council had. He is wondering if anything has been done. Mayor Henderson stated that one of the concerns is that when a lot of record is subdivided, a septic tank would be allowed on that lot, this could be done up to four times. The council felt that this would cause a lot of problems. The other concern is the city has spent a lot of money on the sewer system. Councilperson Ficklin stated that he is trying to set up appointments with Mike Rawson, the chair over Planning and Zoning. He said there are a lot of concerns with the ordinance, and he will continue to set up a time to meet with Mike Rawson.

Paul Tervort congratulated the city on the CUP funding. Councilperson Green stated that the city was awarded a check for \$5 million for our pressurized irrigation system. This is a grant that the city received, so we will not have to pay it back. Paul stated that this has been going on for a long time, and he appreciates the present council, along with the prior councilmembers, for their work on getting this money. Councilperson Green stated that there will be a public meeting on March 7, at 6:30 p.m. at the Salem Elementary School to discuss the pressurized irrigation system.

Reed Cornaby wanted to thank the mayor, council and the youth council for the dinner dance that was put on by the youth council. They had a great time, and wanted to compliment the youth for a great job they did.

Mayor Henderson stated that Cliff Hales has a situation that he would like the council to think about. The city has a restriction on new subdivisions and with that in place we have a lot of developers wanting to get in line. He also sees a certain need for the lots in the middle of town to be built on, but with the restriction, many of the lots cannot. Some of these people only want to build one, two, or maybe three homes. The restriction was

implemented because of the impact on water, electric, and sewer that the bigger subdivisions are causing. He feels that the city could handle these smaller developments. Dave Johnson feels that with the request for one, two, or three lot subdivision, we could be okay. Typically these types of development are for ones own self and not for a profit making. Cliff Hales stated that he purchased the Roper property; it is about 13 acres, in his case he would like to build a new home. With the situation he is in, it would require a road coming into the property. To do this economically, he would need to do about a six to 18 lot subdivision. He would like to see the restriction amended to allow more than one, or two, but not the bigger developments where they have 100 plus lots. Mayor Henderson mentioned that this is the first time it has come to the council, and he does not expect the council to make a decision tonight, but he would like the council to think about it. Councilperson Higginson thinks it is a great way to control growth; look at putting a 10 lot maximum. Attorney Baker recommends to the council that they view the “Land Use” DVD that Jeff Nielson has. Cliff Hales asked if some of the larger subdivision that have already been approved, if they don’t proceed with it, how long do they have before they have to start the process over. If they have to start over, it would allow a new subdivision to take its place. The council was not sure at this time, and would look into it.

COUNCIL REPORTS

13. MAYOR J. LANE HENDERSON

Mayor Henderson stated that he met with Ken Young, who works with Elk Ridge as a planner. Looking at our city, we are in need of a planner. Ken gave the mayor a proposal with two options, one is a monthly fee, and the other is an hourly basis. As we are growing, we are getting developers coming in who sometimes know more about planning than we do. The mayor would to see if there is a way to plan for a planner in the budget. There are some options; we could look at hiring with Elk Ridge and going part time. Councilperson Hanks was wondering about other individuals. It was stated that we would want someone who is qualified, and who has some certification as a planner. Mayor Henderson would like the council to review the proposal that Ken has given him and look at the different options.

Mayor Henderson reported that the calendars have been mailed out. He also reported that he met with the Charter School people; they reported that what the paper has been saying about the Salem school is really for the Spanish Fork Charter School. They are looking at four different sites in Salem; one of them is on Salem Canal Road, and Elk Ridge Drive. There are a lot of issues with the sewer, water, power, and roads.

As he mentioned earlier, the easement for the sidewalk on 500 East was signed by Merrill Brindley.

14. COUNCILPERSON LYNN DURRANT

Was excused from council meeting.

15. COUNCILPERSON TERRY A. FICKLIN

Did not have anything to report tonight.

16. COUNCILPERSON STANLEY W. GREEN

Councilperson Green wanted to remind everyone about the public meeting for the secondary water system, on Tuesday, March 7, 2006 at 6:30 p.m. at the Salem Elementary School.

17. COUNCILPERSON BRENT V. HANKS

Councilperson Hanks wanted to update the council on the property where the new shop will be located. The property has been flagged by the wetland people. They feel we can use about five acres. At first we thought we could have the wetland people look at it and approve it. After they flagged it, and saw that the land that is useable could be larger than what was originally thought, they felt they would need to have the Corp of Engineers come and look at it. The wetland people feel we could use about two acres right now, but would suggest waiting until the Corp has looked it over. So we are going to wait for the Corp to look at the property with the wetlands group, and then give us approval.

Councilperson Hanks is also looking into getting another dump truck for snow plowing. He is looking at leasing the trucks from a company, he found out how Payson City does there leasing and is going to look into it.

18. COUNCILPERSON JEFF D. HIGGINSON

Councilperson Jeff Higginson did not have anything to report tonight.

19. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Dave Johnson reported that he and Todd Gordon have been discussing the ordinance dealing with contractors taking water from fire hydrants. He feels that the ordinance needs to be updated. Right now if someone is doing construction in the city, they can pay for the permit, and then pull as much water from the hydrant that they want. The cost is \$150 or \$15 per load. Todd has checked what other cities are doing; some will give out meters that hook onto the hydrant. Other cities have charged a flat rate; a representative from H.E. Davis told Todd that for a project like the new high school, they would have to

pay some cities \$1,000 for that project. He would like to look at some options and see what the council would like to do. Mayor Henderson feels that we do need to look at it, but we also need to remember the construction sites are doing it to keep the dust down. Dave Johnson asked the council if they have any recommendations, to let him know. Jared Jensen stated that some water districts have meters that they give out, you need to pay a deposit of \$1,000, plus \$150 fee and then pay for what water was used. Chief James asked about contamination and backflow. Jared stated that there is a backflow on the meters. It was stated that right now, when the permit is issued, we check their trucks for backflow to make sure our water lines do not get contaminated, and they are also shown what hydrants they can pull from. Dave stated he was thinking that two meters would probably work for us. Jared stated that Water Pro from Draper is the best company that he has worked with. He said you pay the \$1,000 bond, then \$150 and usage by the week.

Dave Johnson also reported that he has talked with Matt Nelson regarding the sidewalk on 500 East, from the Highline Canal to 850 South. Reid Nelson owns that property, and it is a gray area of who should get the easements for the sidewalk. Robert Nelson did talk with Reid, but Reid was concerned about how much property he was going to lose for the easement. Reid was going to get back with Robert on this. This is the other option that was talked about earlier, to have the sidewalk going down 850 South. When Robert gets back, Dave will get with him and go over the options.

CLOSE CITY COUNCIL MEETING

MOTION BY: Councilperson Stanley Green to close city council meeting.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 9:00 p.m.

Jeffrey Nielson, City Recorder