

Minutes of the Salem City Council Meeting held on March 15, 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 Terry A. Ficklin  
Councilperson Stanley W. Green  
Councilperson Brent V. Hanks

**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 Jeff D. Higginson

**OTHERS PRESENT**

Paul Tervort  
Greg Miller  
Susan Lehnholz  
Matthew Strong  
Tammy Beck  
Reed Cornaby  
Leo Vargas

Suzanne Lajio  
Brian Miller  
Hazael Finkenthal  
Derek Williams  
Erman Stone  
Jared Sanders  
Aoriaham Rodriquez

Kent Clark  
Don Lehnhof  
John Strong  
Zack Beck  
Lucy Cornaby  
Steven Sanders  
Daniel Fifita

**1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE**

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Councilperson Stanley Green 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. CHRIS REED – CONNECTOR’S AGREEMENT**

Mayor Henderson asked if the council has had an opportunity to read the connector’s agreement. The council stated that they did. He stated that the connector’s agreement is for water and electric lines that Chris had installed for his home that was built in October 2003. Attorney Baker mentioned this is a typical connector’s agreement, except there are two different area’s that could connect to it. Mayor Henderson stated that it is good for seven years from October 2003.

**MOTION BY:** Councilperson Lynn Durrant to approve the Connector’s Agreement for Chris Reed.

**SECONDED BY:** Councilperson Terry Ficklin.

**VOTE:** All Affirmative (4-0).

### **4. TOM BRIGHTON – SIGN FOR LAURA KAY’S GARDEN CENTER**

Mayor Henderson turned the time over to Tom Brighton. Tom handed to the council pictures and an explanation of what he would like to do for his garden center business located on the north end of town. Last year he purchased the lot adjacent to his; he has cleaned it up and is building a couple more green houses. He would like to decorate the front of his property and make it look more like a business. He wants to install four metal lamp post, they will not be lit, but will have hanging flower baskets from them, along with putting some banner signs up. The posts are 11 feet high. Dave Johnson gave him a copy of the sign ordinance, and after reading it, he is not sure where this situation falls into the ordinance. The banners would be away from the highway so it would not block the driver’s sight. They would put them up about May and take them down around October. The banners would be rotated to correspond for the different seasons. The hanging baskets would be over the fence and not over the sidewalk. The baskets will also hang down about four feet. Attorney Baker mentioned that the poles and the flowers would be considered landscaping, but he is not sure how the banners would fit into the ordinance. Right now he feels that it does not meet the sign ordinance and that a variance would have to be done to change the ordinance. Mayor Henderson feels that the sign ordinance was created for the intent of larger signs. He mentioned that we have another concern with Ed Christopherson at Mt. Loafer Wheel and Tire. Ed met with the mayor today and mentioned that Cooper Tire’s, the company who supplies him tires, has a sign but it would not meet the sign ordinance. They only have one size for their signs, Ed would like to see if there is a way to put it up. Councilperson Durrant was wondering about the city, and how we put banners along the highway for Salem Days and Christmas. Attorney Baker mentioned that the intent of Planning and Zoning was to have the signs lower so as not to take away from the view. He told the council that whatever they would like him to do with the ordinance, he could do the changes. Attorney Baker would recommend allowing Tom to install the light poles and put flower baskets on them but to hold off putting the banners on. Then have Planning and Zoning look at the ordinance and start the process to see if it could change. Mayor Henderson stated that we need to be careful and make sure that businesses do not take advantage of the change.

Attorney Baker mentioned this is why we need to make sure Planning and Zoning really looks at this closely, and to get their recommendations to the council.

## **5. CUP CONTRACT**

Mayor Henderson wanted to thank everyone who attended the pressurized irrigation meeting. He commented on how well the meeting went, there were 192 people in attendance, and only one person was not in favor of the system. The next city council meeting will be held at the elementary school and will also be the next pressurized irrigation meeting. The city has met with the CUP Board, where they gave the city the five-million dollar check, which is a grant to be used for the pressurized irrigation system. With the check there is also a contract that needs to be signed. If by chance we do not go forward with the system, we are not bound by the contract.

Reed Cornaby asked what CUP wants out of it, or what are they going to require of Salem City. Attorney Baker stated that they are going to require the city to conserve a certain amount of water each year. We also need to teach our residents how to conserve, and document the water conservation.

Cloyey stated that tomorrow at the High Chaparral in Spanish Fork, Spanish Fork City is doing a class on their pressurized irrigation system.

**MOTION BY:** Councilperson Green to approve the CUP Contract.

**SECONDED BY:** Councilperson Terry Ficklin.

**VOTE:** All Affirmative (4-0).

Mayor Henderson emphasized again, that this does not bind us to use the money. Our next meeting for the pressurized irrigation will be during council meeting on April 5.

## **6. BLUE CROSS/BLUE SHIELD AGREEMENT**

Mayor Henderson turned the time over to Jeff Nielson. Jeff explained that each year Blue Cross/Blue Shield has us renew an agreement which allows them to pay the city directly. When an individual has used Salem City Ambulance services and the city bills their insurance. The insurance will pay the individual the amount that is due to Salem City, and we have to collect the money from the individual. With this agreement, it allows BC/BS to pay the city directly rather than paying the individual the amount owed.

**MOTION BY:** Councilperson Terry Ficklin to approve the Blue Cross/Blue Shield Agreement.

**SECONDED BY:** Councilperson Brent Hanks.

**VOTE:** All Affirmative (4-0).

## **7. BUSINESS LICENSE**

### **a. Monelynn Hartvigsen – Internet Sales**

Mayor Henderson stated that Monelynn Hartvigsen, at 323 South 770 East, is asking for a business license for selling general merchandise over the internet. Chief James stated that the business is only an office, and he did not have a problem with it. Mayor Henderson stated it has been approved by all of the appropriate people.

**MOTION BY:** Councilperson Lynn Durrant to approve the Business License.

**SECONDED BY:** Councilperson Stanley Green.

**VOTE:** All Affirmative (4-0).

## **8. SPRING CLEAN UP**

Mayor Henderson asked about Spring Clean Up. There was some discussion about when spring clean up is usually done. It was stated in the past, pickup has been done the week after spring break. Councilperson Ficklin mentioned that with the green waste, residents can drop it off at the district in Spanish Fork. The district will then turn it into compost and sell it. The drop off is free to all residents but there is a charge to the public to purchase the compost. He is also not sure if the chipper will be available for the city to use. Dave Johnson stated that if we do not have the chipper, there will be a big difference on the clean up. We use the chipper to chip all of the waste. Councilperson Ficklin stated that he is all in favor of spring clean up, but if we can not get the chipper, we will need to have the waste taken over to the Solid Waste District.

There was some discussion on having clean up the first week in May. Councilperson Hanks feels we need to do it sooner. He also thinks we need to change the time that the rodeo arena is open to dump off green waste. He feels we need to have it open on Friday's also. It was stated that Marv Baker will be there on Tuesday's and Wednesday's from 10 a.m. to 6 p.m. and on Saturday's 8 a.m. to 3 p.m. Councilperson Hanks feels that people will work in their yards more around the weekends and feels that it should be open on Friday also and not during the week.

There was more discussion on when spring clean up should be, it was determined that the clean up would be the week of April 24. Residents can begin putting debris out 10 days before. The city crew will begin picking up on April 24.

## **9. APPROVE MINUTES OF March 1, 2006**

Councilperson Durrant stated that in the minutes for David Varney Eagle Scout project, it mentions that David was told by Councilperson Durrant that the library had funds to help

with his project. She wanted it corrected, because she did not tell him the library had funding for the project.

**MOTION BY:** Councilperson Brent Hanks to approve the minutes of March 1, 2006 with said changes.

**SECONDED BY:** Councilperson Stanley Green.

**VOTE:** All Affirmative (4-0).

## **10. APPROVE BILLS FOR PAYMENT**

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

**SECONDED BY:** Councilperson Brent Hanks.

**VOTE:** All Affirmative (4-0).

## **11. PUBLIC SAFETY**

Chief James reported that he has spoken with Nebo School District, and they think there will be about 104 kids that could be going to the new school that will be using the 500 East road.

## **12. OPEN DISCUSSION**

Mayor Henderson asked if anyone had anything for open discussion.

Susan Lehnhof asked about a building permit for a home. Her mother lives south of Cherry Ridge and she would like to divide the property and build a home next to her. Mayor Henderson stated that if the mother's property is a lot of record and she wants to divide it to build a home, then it would be considered a subdivision, and right now the city is not allowing any new subdivisions. He stated that this is where he has a concern, because there are many cases like this, where someone wants to have a lot subdivided for one or two lots. This issue was discussed last council meeting. He stated that the restriction will not be lifted until we can get the power and water issues resolved. Susan asked about how long this might be, is the city thinking about a year. Mayor Henderson stated that he is not sure, but he hopes that for the one lot subdivides that it will be sooner. Councilperson Ficklin stated that he is taking the issue of the small subdivision to Planning and Zoning to get their recommendations.

Bob Pendray had the same question that Susan had. He thought that the state law reads if a lot of record is subdivided once that it was okay, but if it was divided more than that it would be considered a subdivision. He wants to sell off two of the lots right now. Mayor Henderson stated that it is the same situation that Susan has. It was stated to Bob that the state law is that once the lot is divided it is considered a subdivision. It was stated that the restriction on subdivision was placed back in September 2005. Councilperson Durrant

thought that there was a time limit on how long you could have a moratorium. Attorney Baker stated that for a moratorium there is a time limit, but the city put on a restriction because of infrastructure. There is a concern with electric and water, having enough to support new subdivisions. Mayor Henderson felt that both Bob and Susan have valid concerns. Bob asked if he should come to Planning and Zoning. Councilperson Ficklin stated that he is welcome to, that it is a public meeting. He mentioned that he will take the information to Planning and Zoning for them to discuss.

## **COUNCIL REPORTS**

### **13. MAYOR J. LANE HENDERSON**

Mayor Henderson stated he would give his report later.

### **14. COUNCILPERSON LYNN DURRANT**

Councilperson Durrant stated that Bruce Ward has put together a RFP (Request for Proposal) for an electric impact fee study. The city has two substations right now, and with the growth the electricity is a big concern. In order to handle anymore growth we will need to look at ways to get more power to handle it. Councilperson Durrant feels that we need to give Bruce permission to proceed with the RFP. The council agreed.

### **15. COUNCILPERSON TERRY A. FICKLIN**

Councilperson Ficklin reported that the Easter Egg hunt is scheduled for Saturday April 15, at the new ball park. We will be using all four fields this year. He will need to have the Youth Council help with getting the eggs ready and handing our prizes. He thinks the time is at 9:00 a.m. but he was not sure.

He has spoken with the people over the fireworks, and will be having a meeting next week to discuss Salem Days fireworks.

### **16. COUNCILPERSON STANLEY W. GREEN**

Councilperson Green reported on the pressurized irrigation system. He stated that there is still a lot of work that needs to be done. A lot of the footwork has been done, but we still need to look at ways of financing the project. Zions Bank has been working with us for about a year and helping us move forward in getting the applications ready. He feels they have been really good to work with and recommends that we work with Zions bank. They have given us a proposal, and the minimum charge is \$22,000 to be our financial advisor. A question was asked about how the citizens will be billed. Councilperson Green stated that the connection fee will cover the portion of the funding that will be

required of Salem City for our participation in the funding. The usage will be billed as a flat rate for the system. Right now we are not looking at metering the water at the home, but we will be required to meter the water where it goes into the pipe from the source. CUP will require that, so we will need to educate the citizens on conserving water. A citizen commented that they are in favor of the secondary water system, but has the city looked at having the water rate billing put with property taxes. In Ogden that is how they were billing for the water. They were still only allowed to water on certain days though. Mayor Henderson stated that we have looked at a lot of cities and how they are doing their system.

Councilperson Green stated that the next step will be to get the application to the Board of Water Recourses. This will be to see if we can get some funding.

### **17. COUNCILPERSON BRENT V. HANKS**

Councilperson Hanks reported on the city shops. He stated that the city has a company coming to do an environmental study on the land to make sure it is okay to sell. He handed to the council a map of the new location showing what is wetland and where the land that we should be able to use is located. The Corp of Engineers is coming down on the 20<sup>th</sup> to look over the land and make sure it is marked properly. If it is, then we should be able to use about 3.5 acres of land. The other portion is all wet lands and we can not touch it. He explained that wetlands are land that grows certain plants for animals; the Corp of Engineers will not allow anyone to build or disturb the wetland areas. A question was asked about selling the old city shop property. Councilperson Hanks stated that there is 2.97 acres and it is zoned residential. There is no sewer line to there so that is a problem. When we decide to sell the property, we will open it up for bids.

### **18. COUNCILPERSON JEFF D. HIGGINSON**

Councilperson Jeff Higginson was excused from council meeting.

Mayor Henderson reported that a couple of council meetings ago, George Rasband came in with an issue regarding hooking onto the city water line. The mayor drew on the chalk board the situation. He showed 8800 South, showed GT Rasband's home (who was able to hook onto city water), and showed Gorge Rasband's home, and how the 6 inch water main is on the other side of the road. GT was able to boar under the road and hook onto the water line, but because the main water line ended before it came to George's house, the ordinance reads that George would have to extend the water line to and through his property line. The neighbors on the other side of the road are not in the city, and they do not want the water line in front of their house, so they are not allowing easements. That would have required George to bring the main water line across the road to his property. The best thing would be to keep the water line on the south side of the road, do not bring it across. The water line would also need to be upgraded to a 12 inch line that would

eventually tie into the loop from Woodland Hills Drive. The city would be responsible for the paying the difference of the upgraded size.

Paul Tervort stated that sometime in the future when John Peterson and Ron Braithwaite sell, the new owners will want to have the water line, and eventually will want to hook onto the water. It was stated that Braithwaite would allow the easement in front of his property, that Peterson is the one not allowing it. Councilperson Ficklin asked if it would be possible to allow George to take the water line as far as possible, and then have him pay a cash bond to finish the rest of line that would take the water line to and through his property line. Reed Cornaby asked if the road was wide enough that the city would not require an easement. It was stated that there is not enough room. Councilperson Ficklin asked if it would be better to have the water line on the north side. Mayor Henderson stated that the master plan shows the water line on the south side, and it would also be better to have it stay on the south side rather than having it cross the road. Councilperson Ficklin stated what if we allow George to go in front of the Braithwaite property, and then the length that he is short for his property, he could pay us a cash bond in advance. It was stated to have George go through the Braithwaite's and stop, put a fire hydrant at the end of the line, and then have George pay the difference for the remaining amount. He could then bore under the road and hook onto the water line. He would be responsible for the 8 inch water line in front of Braithwaite's, and then any upgrade difference the city would be responsible for. The council felt that might work. Mayor Henderson stated he would talk with George about it.

Mayor Henderson stated that as the city is growing, and improvements are needed, the city is going to need to improve our non existing storm drain. He handed the council a letter for them to look over, the letter explained the need for a storm drain system in town, and the funding for a future storm drain system. Right now we do not have funds to do anything for a storm drain, and we will need to do something in the future. He also has had Attorney Baker draft an ordinance for it, and would like the council to review it.

On the last months utility bills we had a place where residents could donate to a utility fund account that will be used to help residents who are struggling to pay their utility bills. We have had a few people who have begun donating to the fund.

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

Dave Johnson mentioned that during last council meeting he brought up the concern about what the city charges construction sites for water use. The resolution 61196 was approved in 1996 and needs to be updated. Right now when a construction company gets a permit, the city shows them what fire hydrant they can use, they pay \$150 for the year, which will allow unlimited use, or they can pay \$15 per load. Todd Gordon has done some research on it, and he also feels we need to change it. Spanish Fork City charges \$20 per lot for a development. Right now they really do not have anything for commercial, but would like to know if come up with an idea. Dave's recommendation is to get a couple of meters; the cost is about \$1,000 per meter, which would come from the



water department budget. Require the construction company to give us a \$1,000 deposit, and pay \$150 minimum per week, plus pay on the usage. This would be done for commercial along with subdivision construction sites. He would like to know if this is something the council feels is reasonable, if so he would recommend that Attorney Baker put together a resolution for it. Chief James has a concern on how to regulate it. We also have water trucks that are used to water live stock and orchards. Another concern is we need to make sure the trucks have back flow devises on them. The comment was made that Staker Paving, when they work with UDOT, would bid in so much money for water, but that they are also billed for the meters and what they use. The person stated that most constructions have meters. Reed Cornaby was wondering about taking water from the pond, like it was done a couple of years ago. Dave Johnson stated that it was during the time of the drought, and the council was concerned about our water tanks being drained. Bruce Ward stated that the new high school has the potential to use a lot of water.

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

Bruce Ward reported that the RFP for the other impact fees are also ready. He will be putting the RFP in the paper, and handing it to companies who do impact fee studies. Our electric impact fee is the main focus now, but the others also need to be done. He is hoping to have them back and ready for the second council meeting in April.

## **CLOSE CITY COUNCIL MEETING**

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

**SECONDED BY:** Councilperson Brent Hanks.

**VOTE:** All Affirmative (4-0).

**MEETING ADJOURNED AT:** 8:25 p.m.

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Jeffrey Nielson, City Recorder