

Minutes of the Salem City Council Meeting held on November 1, 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 Jeff D. Higginson
Councilperson Stanley W. Green

STAFF PRESENT:

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

Excused:

Councilperson Terry A. Ficklin

Bruce Ward, City Engineer

OTHERS PRESENT

Raychel Long
Selby Brummett
Natalie Stewart
Lynn Richardson
Breadon Adams
Braden Holmes
James Ealey
Bryce Olsen
Elizabeth Jackson
Reed Cornaby

George Rasband
Kaye Brummett
Steffi Minson
Daryl Tucker
Devri Adams
Caleb Boden
McKay Trotter
Dallin Olsen
Burke Tervort

Michael Glead
Nachelle Stewart
Mark Richardson
Layne Cottam
Ike Dietz
Bryce Adams
Bryce Trotter
Paul Tervort
Lucy 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. SANDRA CHARRY – DELINQUENT FEE ON UTILITY BILL

Jeff Nielson explained that in the month of July, Sandra Charry began having a problem with her electrical meter. She thought it was because of a storm. Her power was not working properly. We sent out the power guys to look at it a couple of times. Finally they were able to determine that the meter was not working properly. Sandra felt that she was over charged on her power usage, and delayed payments of her power bill. She was then charged with the late fee because she did not pay. She is here tonight to ask for the late fee to be dropped. He stated that he printed a history off for the council to see, if you look at the prior years usage at the home, the month she is stating she was over charged on power, is in line with the prior years. The power department could not determine if the meter was reading incorrectly. She was getting power to the home and was using the power.

Sandra stated that three days she did not have full power. Her lights worked, but some of her other utilities did not work properly. Her AC would not run properly, along with a couple of other appliances. She paid the bill late hoping the city would adjust the power usage.

Councilperson Durrant stated that we have had other people come in to council to have the late fee dropped. We have had to deny them, and she feels that we need to be consistent. She stated that the utility bill was paid, but it was paid late and that is why the late fee was added. Councilperson Higginson agrees with Councilperson Durrant, the late fee was added because the bill was paid late, even though there was a concern on the power usage. It is hard to grant the request, when we have had to deny others.

Mayor Henderson told Sandra that the council feels that with the policy in place, we need to be the same. The council all agreed not to have the late fee taken off.

The question was asked what for the late fees are used for. Jeff Nielson explained that the late fees help out in the general fund, to help pay for administrative cost for utility billing. He also stated that we have a higher late fee, because the city is charged for the power we use, it is very expensive charge. We need to make sure we have the money in our account to pay for the power bill. If not then we could not pay for the power usage, and then the city would be charged a late fee on that. We try to encourage residents to pay their bill on time, which is why we have a late fee on the utility bill.

4. DARYL TUCKER – VARIANCE ON FRONTAGE REQUIREMENTS FOR LOTS 4, 5, & 6 OF LINTON MEADOWS SUBDIVISION.

Daryl explained the history of the subdivision, and how the original developer went bankrupt, and how they ended up purchasing it. He stated that lot 4, 5, & 6 had not been built on. Lot's 5 & 6 were recorded to be twin home lots, he thought that each lot was going to have its own twin home, not be sharing a twin home. He stated that lot 6 was sold, and they turned in their plans to get a building permit for a single family home. He

got approval from the city to begin the footings. He found out that he could not have a single family home on the lot, he stopped the work, and this is why he is here tonight.

Daryl stated the way the ordinance reads we have to have 100 feet for the frontage. All of the other requirements for the ordinance would be met, except for the 100 feet. He mentioned that the ordinance addresses more of the square lots, and not lots in a cul-de-sac. He read from an ordinance from Payson City, dealing with cul-de-sac. He stated that he would be able to meet that ordinance. He stated that other cities also address the cul-de-sac's lots, but Salem does not. He read through Salem's ordinance, and stated that they meet the intent of the ordinance. He stated they are facing a hardship, the house has already started, and the estimate the cost already accrued around \$5,000 plus the selling of the property.

Mayor Henderson stated this is a difficult discussion. The builder was allowed to do a fast track, and has accrued about \$5,000 with the intent to build a single home on the lot. The council can either allow three single homes, or one single home and a twin home. Daryl stated that lot four would need to be adjusted a little to allow the other two lots to have the necessary 10,000 square feet. He stated the frontages would be 50 feet, but that is very typical on a radius in a cul-de-sac. He stated where the building line is (where the front of the home is located on the lot, and the distance of the property at that point) would be 80 feet. He has seen it done in Springville, Payson, and Santaquin. The neighbors would like to have three single homes there also. Attorney Baker stated that with our other ordinance requirements, at the building line he would have to have at least 75 feet, which he does. Mayor Henderson asked Attorney Baker his legal opinion. Attorney Baker stated that it is similar to the request last council meeting. It is the council's decision on this, do they want to have three single homes, or one home and a twin home.

The Richardson's, whose home is next to lot six, stated they would prefer to have three single homes. Councilperson Green is concerned with how small the frontage of the lots would be. Mayor Henderson stated that if it is denied then the builder would have the expense of the footings and excavation, which is about \$5,000. Daryl stated that he has seen other subdivisions in town with smaller frontages in cul-de-sacs. Dave Johnson stated that in Nelson Landing and Williams Landing with the affordable housing, there has been similar allowed.

Mayor Henderson stated that he would like to see three single homes in the area. Councilperson Durrant asked Daryl if we were to deny it, what he would do. Daryl stated that he is not sure, he was hoping to have the variance approved. Councilperson Higginson asked about the fast track and if we do look at the site plan. Dave Johnson stated that George Reid reviewed the plan for the fast track. He did not realize the subdivision lot had to be a twin home, until we started looking at the plans to approve the building permit. We were able to stop them before the footings were approved. Councilperson Higginson feels that ethically we should help out with the cost that has occurred. He understands that with the fast track the building is taking that risk. He mentioned that he would also like to see three single homes built there. Councilperson

Hanks stated that last council meeting he voted to deny a variance request on a similar situation. He feels he could not vote yes tonight because of that reason.

MOTION BY: Councilperson Brent Hanks to Deny the Request of Daryl Tucker for a Variance on Frontage Requirements for Lots 4, 5, & 6 of Linton Meadows Subdivision.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: 3 Aye 1 Nay (3-1) (Councilperson Brent Hanks, Aye; Councilperson Lynn Durrant, Aye; Councilperson Stanley Green, Aye; and Councilperson Jeff Higginson, Nay).

Daryl stated that his clients might have to look and see if there is anything they can do legality wise.

5. MICHAEL GLEED – ANNEXATION OF PROPERTY AT APPROXIMATELY 8600 S. SR 198.

Michael showed the council the proposed annexation area; he stated it is about 50 acres that would come into the city. Dave Johnson showed the public where it is on the map. Mayor Henderson stated that he is very concerned about the sewer and how that area would be serviced by sewer. He is also concerned about power, and it will not be long after the restriction is lifted that we will be out of power capacity again. The other concern is SESD power infrastructure, and how we have an agreement with them that requires 10 years of loss revenue paid to them, plus the buyout of the infrastructure. He stated there are a lot of concerns. He told the council that with all of the growth, the time to help control it is with the annexations. Michael stated that they are willing to hook onto the sewer line, and they have been working with SESD on the matter of the power infrastructure. Councilperson Green stated that he too is concerned about the sewer line, and how will they hook on. It is a long distance to the nearest sewer line. He would like to see how the sewer is going to be serviced to the area.

George Rasband, a neighbor, stated that the sewer will be coming; we just want to be ready for when it happens. He stated that Michael is only asking to be in line with the other annexations that are going on around them. Mayor Henderson can see that, but he is still concerned about the sewer and how it will be serviced. We are not sure if the development to the west is going to happen. If it does not happen, then it is a long ways to do a sewer line, and very expensive. He is also concerned about the power, both with SESD, and with Salem, to support any development. Dave Johnson stated he too is concerned about when the restriction is lifted, when we get our new substation, and then how we will be in the same situation we are in right now. We are definitely in need of another transformer to help support more growth.

Michael stated to the council that he will withdraw his request at this time, and get the information together for the council that they have requested.

6. BUSINESS LICENSES

a. Greg Swenson – Painting

Mayor Henderson stated that Greg Swenson, at 770 S. 100 E., is requesting a business license for a painting business. The home is only going to be used as an office. It has been approved by all of the appropriate people.

b. Kacey Wessell – Asphalt Grinding & Cutting

Mayor Henderson stated that Kacey Wessel, at 6 North Shady Lane, is requesting a business license for asphalt grinding and cutting. The home is only going to be used as an office. It has been approved by all of the appropriate people. Chief James stated that the equipment will be stored behind the home, and is about as big as a Jet Ski trailer.

c. Annica Fox – Preschool

Mayor Henderson stated that Annica Fox, at 862 S. 320 E., is requesting a business license for a pre-school. The name of the business is Miles of Smiles Pre-school. It has been approved by all of the appropriate people.

d. Sabrina Smith - Preschool

Mayor Henderson stated that Sabrina Smith, at 145 E. 100 S., is requesting a business license for a Pre-school/Daycare. The name of the business is Little Cubs. It has been approved by all of the appropriate people. Chief James stated that she can not get her State License until she gets her city business license. She will turn it in when she gets it. She was also required to build a second exit in the home.

MOTION BY: Councilperson Stanley Green to approve the business licenses.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

Mayor Henderson stated that we have an Eagle Scout project that needs to be approved. He turned the time over to Selby Brummet. Selby presented to the council the need of some coaches' boxes at the ball park (Loafer View). He stated he would make them out of cement, and would do two of the four fields. He said that Gary Warner told him there was no money in the baseball budget for the project, but he recommended selling advertisement on the homerun fence. Getting business to advertise, then the money from that could go towards the coach boxes. Councilperson Higginson stated that usually the cost is around \$100 a year to allow a business to have a sign. If Selby could get it up and going, then each year after the money would go towards the baseball fund. Selby's mother suggested that the first initial set up cost could be more, to pay for the sign, then each year after the company wanted to continue advertising, then it could be \$100 a year.

The council all felt that it was a great project. Mayor Henderson suggested to Councilperson Higginson to help come up with a cost. Councilperson Higginson asked Selby to get with him, and they could go find out how much a sign would cost, and look at a contract for them.

7. RESOLUTION WITH SUVMWA

Councilperson Green stated that SUVMWA (South Utah Valley Municipal Water Association) has the responsibility for water use and sewer treatment for the group of cities. We are looking into the future of what the group of cities will need. The resolution tonight is non-binding, but it is giving SUVMWA our support to proceed in looking for property to purchase for a future regional sewer plant. They think they will need about 300 acres. He stated this is not all going to happen at once, the whole regional sewer plant is about 13 years away.

MOTION BY: Councilperson Stanley Green to approve Resolution 110106, with SUVMWA.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

Reed Cornaby asked if Springville City was on board with the other cities. Councilperson Green stated that they are passing the resolution tonight also, and feels they are on board.

8. IRIS MEDICAL SERVICE AGREEMENT – AMBULANCE BILLING

Mayor Henderson stated that we are having a hard time finding someone to do the ambulance billing, and the bills have not been going out when they need to go out. Chief James stated that we have looked into IRIS Medical Service, and have done some research on them. We feel very comfortable with them, and other cities stated that they do a great job for them. The cost is 7% of the amount that Salem City receives in from the ambulance bill.

Chief James stated that Captain Erman Stone (SEMA Captain) wanted him to ask the council about non-transport. When we met with IRIS that question, and other questions came up. In the past we have not billed citizens when we didn't transport them. He feels we should bill for supplies that were used. Chief James stated that there are pro's and con's to it, and the state does allow us to bill. One of the other questions was Medicaid, and if we should write off the remaining amount that they do not cover, but we found out that we had to. If people are self paying, to give them a 20% discount. Councilperson Green stated that is about the industry standard. Chief James stated that we are regulated by the state on what we can charge.

Mayor Henderson asked about the non-transport, and billing them. Chief James stated we are against billing for non-transport. A person has the right to not be transported. Former SEMA Captain James Ealey feels that we should not charge for non-transport. He also stated that most of the calls we get, we do try to transport them. Councilperson Hanks feels that we should charge at least \$100 for a non-transport. There is cost associated with calling SEMA crew out and taking the ambulance out. Mayor Henderson stated that as a city, we do provide a service. Chief James stated he understands both sides, but agrees that we are a service. Councilperson Hanks would like to table the non-transport issue, and look into it more. Mayor Henderson stated that for right now, we can look at charging for supplies used with non-transport, allow self payers a 20% discount, and to accept what Medicaid will pay, and writing off the remaining amount.

MOTION BY: Councilperson Brent Hanks to accept the Iris Medical Service Agreement, with the billing of supplies for non-transport, to table the discussion about charging for non-transport, to accept the 20% discount on true self payment, and to accept what Medicaid will pay, with writing off the remainder amount.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

9. BIDS FOR CITY SHOP

Councilperson Hanks stated that we need some insulation for the new shop, not sure how much we will need. We also need some gravel hauled in, there is only one place to get it, and it is about \$670 a ton. He would like to get approved to spend up to \$20,000 on insulation and gravel. There is money in the budget for it.

MOTION BY: Councilperson Lynn Durrant to approve the spending on insulation and gravel, up to \$20,000.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

10. BIDS FOR CIVIC CENTER CONSTRUCTION

Councilperson Hanks stated that civic center is finished.

11. APPROVE MINUTES OF OCTOBER 18, 2006

MOTION BY: Councilperson Lynn Durrant to approve the minutes of October 18, 2006 as written.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

12. APPROVE BILLS FOR PAYMENT

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

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

13. PUBLIC SAFETY

Chief James stated that we tried to test the emergency siren the other day, but it did not work properly. We are trying to get it fixed so it will work properly.

He also reported that Halloween night went very well, it has helped a lot to have the “Trick or Trunks” at the churches.

Mayor Henderson stated that our police force is below what they should be paid. It takes a long time to get them trained, and it is not easy to get good officers. We need to look at other cities and see what they are paying, and see if we can become comparable. Chief James agreed with the mayor, and he felt that we also need to review the city as a whole. He stated that in the policy it states we have a salary range, but we do not have one. Councilperson Green stated that we do need to be comparable.

14. OPEN DISCUSSION

Reed Cornaby stated that there are some pot holes around town that need to be looked at. Councilperson Hanks stated they are aware of a lot of them, and are trying to get them fixed.

COUNCIL REPORTS

15. MAYOR J. LANE HENDERSON

Mayor Henderson stated that yesterday, there was a mandatory meeting with the employees. He felt that everything went very well. He showed the council the new flow chart. He stated that there are four department heads, Bruce Ward, Dave Johnson, Brad James, and Jeff Nielson. He stated that there is also a new equipment policy that will be going into affect. Communication was another item that was stressed to the employees. If a person has a problem, they need to go through the proper chain of command.

Mayor Henderson reported that Payson City has approached us about the use of our fair grounds. They are looking for a place for their 4H program and other riding clubs. They want to invest in the arena, and have mentioned installing another arena. Some options to make room for another arena would be to move the compost to the old shop. He asked Dave Johnson to do a footprint of the area. Councilperson Hanks feels if we use the

flagged area, showing what area can be used and not disturbing the wetlands, we should be able to use a lot of the land. Mayor Henderson stated another item we need to look at is a soccer field by the cemetery, and finding a way to pay for it. We also need to look at hiring some help in the recreation department, to help Gary out. The person would be hired in the parks, but would be responsible for maintenance of the fields, which would free up Gary's time so that he can be the recreation director.

He discussed the property on 500 East, owned by the Hess's, and how we installed the sidewalk along their property. Bartell Mortenson told the mayor that we need to install a mesh fence along it, since we took down the old fence.

16. COUNCILPERSON LYNN DURRANT

Councilperson Durrant stated that we have someone coming to look at the library, and give some ideas on expanding.

17. COUNCILPERSON TERRY A. FICKLIN

18. COUNCILPERSON STANLEY W. GREEN

Councilperson Green thanked the council for the discussion in work session about getting a new jet truck. He stated that the city is still in need of new pumper fire truck. We hope in January to start looking for grants that will help with the purchase of one.

He also reported that he has been inquiring about hiring a MPA (Master Public Administration) to help in the city. He stated that the person could look at doing salary comparison, and other areas that we need someone to look at and give us some ideas. He stated that if we want to get someone, we will need to start the process now.

19. COUNCILPERSON BRENT V. HANKS

Councilperson Hanks reported that the lower Center Street widening project is now completed, with a five foot walking path. We also installed a three way stop where 460 West meets Center Street.

He also reported that the city crew is working on Pond Town Christmas.

20. COUNCILPERSON JEFF D. HIGGINSON

Councilperson Higginson stated that the cinder block, for the new storage building at the ball park, has been ordered. He stated that there is a brick layer who will do the work on

the side. Dave Johnson stated that we will probably have to wait until early spring to get it done.

Councilperson Higginson stated that we have had a lot of people requesting to have direct deposit for their utility bills. We have been working with Far West Bank and Caselle to make sure it would work. The cost is \$2,500 for the Caselle program.

MOTION BY: Councilperson Jeff Higginson to purchase the Direct Deposit Program from Caselle, for \$2,500.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

21. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

22. BRUCE WARD, CITY ENGINEER

23. ATTORNEY S. JUNIOR BAKER.

Attorney Baker stated that we have had a couple of request regarding the variance ordinance within the last two council meetings. Both times it has not been an easy decision for the council. He suggests that the council might want to repeal the ordinance. Dave Johnson felt that it is needed, but maybe look at it and see where it can be improved. Attorney Baker also suggested to look at a new zone, for the old blocks of the city, and to allow smaller lots. He feels that we need to look at some options for the smaller lots within the middle of town.

Councilperson Hanks stated that we are going to need to look at getting some computers for the new shop, so the supervisors have computers.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Brent Hanks to Adjourn City Council Meeting.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 9:00 P.M.

Jeffrey Nielson, City Recorder