

Minutes of the Salem City Council Meeting held on November 3, 2010 in the Salem City Council Chambers.

**WORK SESSION AT: 6:00 p.m.**

Discussion of items on the agenda, then a follow up discussion on the request for water rates for residents who are not on the P.I. system. It was discussed how the rates were first established and how the average cost of water for both P.I. users and non-P.I. users was set up and tried to make the cost over a year's period close to equal. The two different rates were discussed and comparison of the two rates. An average cost was done for both users, and over a year's period the costs were very close to the same. It was asked that the top 5% and the bottom 5% be taken off the study and see what the comparison is then.

**MEETING CONVENED AT: 7:00 p.m.**

**CONDUCTING:** Mayor Jonathan F. Cope

**COUNCIL PRESENT:**

Mayor Jonathan F. Cope  
Councilperson Lynn Durrant  
Councilperson Terry A. Ficklin  
Councilperson Todd R. Gordon  
Councilperson Sid Jorgensen  
Councilperson Sterling Rees

**STAFF PRESENT:**

Jeffrey Nielson, Finance/Recorder  
Chief Brad James, Police Chief  
Junior Baker, City Attorney  
David Johnson, Building Dept.  
Bruce Ward, Public Works/Engineer

**OTHERS PRESENT**

Cary Hanks, Wendy Osborne, Jeff Simonsen, Camilla Simonsen, Tammy Compton, Sean Compton, Megan Allen, Chris Allen, Jeff Greenwood, Kathy Cannon, Alex Minson, Molly Cannon, Justin Christensen, Timothy Keesler, David Hugie, Alan Glenn, Nathen Jensen, Brad Stocks, Wyatt Shively, Kayson Oss, Dennis Williams, Jordan Kodel, Alec Beardall, Tavin Snow, Conor Weight, Lucy Cornaby, J. Reed Cornaby.

**1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE**

Mayor Cope asked if anyone would like to give a motivational or inspirational message. Councilperson Sidney Jorgensen stated he would like to offer a motivational message in the form of a prayer.

**2. INVITATION TO SAY PLEDGE OF ALLEGIANCE**

Wyatt Shively 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. YOUTH COUNCIL REPORT**

Alex Minson and Molly Cannon reported on the youth council activities and about the training retreat they just did in Salt Lake City, where they stayed overnight in Stanley Green's condo. They also reported that they did the trick or treat on the 30<sup>th</sup> of October at the Veteran's Memorial Ball Park. They will also be helping out with the lighting of Pond Town Christmas, and will get with Councilperson Rees to find out what they need to do.

### **4. CAMILLA SIMONSEN – Extension of Bond for Country View Lane Subdivision**

Camilla Simonsen stated that she is asking the council for an extension on a bond that the city is holding and at the same time ask for a variance on the type of fence that she needs to install on her development where her lots are adjacent to Woodland Hills Drive. Camilla showed the council what type of fence she would like to install. It is a concrete fence, and stated that this type of fence has been installed around Anytime Fitness. It is financially a little less than the type of fence that has been installed by other developers along Woodland Hills Drive. This fence has concrete panels; it would be a vision barrier and sound barrier, which is required by the subdivision standard. The fence would do the same thing as other fences that have been installed by the other developers along Woodland Hills Drive.

Mayor Cope stated that in 2007 when Camilla came in for a preliminary plat, DRC approved the subdivision with the condition of a masonry fence along Woodland Hills Drive. Planning and Zoning approved the preliminary plat in September 2007 with the condition that the fence be consistent with the fence that has already been installed by other developers along Woodland Hills Drive, one of the developments being Salem Heights. When she came before the council the fence issue was brought up again, and the same condition was put in place by the council, that the fence is the same as other fences along Woodland Hills Drive.

Camilla talked about the safety of the fences, and how she has seen a car go through the heavier fence that the council wanted her to install. She stated that the fence she wants to put in has smaller slabs and the poles and that they would not cause as much damage to a vehicle if one were to crash into it. Mayor Cope stated that the lighter fence is not as sturdy as the heavier fence.

Camilla stated that the reason they have not installed the fence, is they wanted to wait and see what the home owners would like. She stated the home owners do not care about what type of fence it is.

Councilperson Jorgensen stated that the city has required other developers to install the heavier fence, and have even made a developer take down a fence when they were

installing the wrong type of fence. We have required others to install the same type of fence, and feel that Camilla should also be required to put that type of fence.

Councilperson Gordon felt there is not that big of a difference between the two fences, and feels that it would be worth looking into the fence that Camilla has proposed.

Camilla stated that in DRC the discussion of the fence was focused on how the fence needs to be a sound and vision barrier, and that it would need to be six feet high. She stated that the fence she is proposing meets that requirement. It has been a couple of years since the discussion of the fence, and feels a lot has changed with the economy.

Mayor Cope stated the fact that the city required another developer to have the same type of fence installed, and when they tried to install a different type of fence; the city required the fence to be taken down and the correct fence be installed.

Councilperson Gordon feels that the city should not limit a developer to one type of fence, that we should be open to other suggestions, as long as it meets the standards.

Councilperson Jorgensen felt that where we required one developer to put up a certain type of fence, and the city asked Camilla to put up the same type of fence, we need to stay with what was already required.

Mayor Cope stated that Camilla is here to ask for an extension of her bond that expired, but her request was made before it expired. She is also asking for a variance on the fence that the city is requiring her to install.

Camilla stated that she has committed to do the fence. She felt that the bond was not written for the fence, and that the bond has been committed to pay for the overlay of asphalt.

Mayor Cope stated that the bond is for the completion of the whole subdivision, and when the subdivision is completed then the bond will be released. The fence is part of the subdivision and needs to be completed before the bond can be released.

Mayor Cope said the approval of the subdivision was to have the fence match the look and design of what has already been installed along Woodland Hills Drive.

Attorney Baker stated that the minutes of the council were to approve the subdivision with the condition of the fence matching the other fences. This is what needs to be done, unless the council changes that decision tonight. He stated that with the subdivision standards, either fence would technically work, but where the council required a certain fence, that is the type of fence that would need to be installed.

Councilperson Durrant asked about the extension of the bond.

Bruce Ward stated that the bond has expired, according to the time limit she had to have the subdivision completed. If the city allows her to extend, then she could install the fence and have the bond released to her. If the city does not grant the extension, then we would take the bond money and use it to have the fence installed. He also explained the process of how the bond is done, and how he comes up with the amount of money for the bond. He said it is not specific for a certain part of the subdivision, that it is for the whole subdivision and when the subdivision is completed then the bond can be released.

**MOTION BY:** Councilperson Lynn Durrant to not approve the extension of the bond and not to approve the variance of the fence.

**SECONDED BY:** Councilperson Sidney Jorgensen.

**VOTE:** (Aye: 3, Nay: 2) Councilperson Rees, Aye; Councilperson Durrant, Aye; Councilperson Jorgensen, Aye; Councilperson Ficklin, Nay; Councilperson Gordon, Nay).

## **5. ADJOURN TO RDA MEETING**

**MOTION BY:** Councilperson Lynn Durrant to adjourn City Council Meeting to RDA meeting.

**SECONDED BY:** Councilperson Todd Gordon.

**VOTE:** All Affirmative (5-0).

## **6. APPROVE AUDIT**

Jeff Nielson explained last council meeting we had the auditor from Allred Jackson come and present the audit and financial statement to the council during work session. There were no comments or changes made to the audit since last council meeting, so tonight he is asking the council to approve the audit of fiscal year 2009/2010.

**MOTION BY:** Councilperson Terry Ficklin to approve the audit of 2009/2010 fiscal year.

**SECONDED BY:** Councilperson Todd Gordon.

**VOTE:** All Affirmative (5-0).

## **7. APPROVE MINUTES OF OCTOBER 20, 2010**

**MOTION BY:** Councilperson Sidney Jorgensen to approve the minutes of October 20<sup>th</sup> 2010 as written.

**SECONDED BY:** Councilperson Lynn Durrant.

**VOTE:** All Affirmative (5-0).

## **8. APPROVE BILLS FOR PAYMENT**

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

**SECONDED BY:** Councilperson Sterling Rees.

**VOTE:** All Affirmative (5-0).

Mayor Cope asked if anyone from the public had anything for the council. Cary Hanks from the chamber offered an invitation to the council and to the Salem City Royalty to be a part of the Spanish Fork light parade on the 26<sup>th</sup> of November at 7:00 p.m.

Wendy Osborn announced the opening of Tabitha's Way; it is a pantry and thrift store that is opened to help out those who are in need. It is located at 185 North Main Street in Spanish Fork.

## **9. PUBLIC SAFETY**

Chief James reported with winter coming, we need to remind the residents to lock their cars and take personal items in their homes and not leave them in their cars. Also properly clear off windshields of vehicles before driving, and then making sure carbon monoxide and smoke detectors are working.

Councilperson Gordon asked Chief James if they have found anything out about the thefts at Sequoia Motor Sports. Chief stated that they are looking at a couple of individuals, but have not recovered any of the items yet.

## **COUNCIL REPORTS**

### **10. MAYOR JONATHAN F. COPE**

### **11. COUNCILPERSON LYNN DURRANT**

Councilperson Durrant reported that she received a phone call from a resident who lives by the cemetery where the city is planning on putting some soccer fields. The person was concerned about the grading and how much higher the fields will be than his back yard. Mayor Cope stated that he and Bruce Ward went and met with this person and have talked to him about his concerns. Mayor Cope went on to update everyone on the project. He stated that it will be a future cemetery. The city had a contractor approach us asking if they could use some of the top soil and sell it, in return the contractor would level the property for us and leave enough topsoil for us to plant grass on the project. We felt right now it would be a great opportunity to have the area leveled and prepped for soccer fields, but it would be laid out for future cemetery also.

Councilperson Durrant reported that UMPA board members held a special meeting. Some decision had to be made quickly. UAMPS asked UMPA to go in with them on a wind farm in Idaho. We know that in the year 2025 we will need to have a certain percent of our power that will need to come from reusable energy. The board felt at this time it would not be a good decision to go in with UAMPS so they voted against going in on the wind farm.

**12. COUNCILPERSON TERRY A. FICKLIN**

**13. COUNCILPERSON STERLING REES**

Councilperson Rees reported that he is working on the Pond Town Christmas Program.

**14. COUNCILPERSON SID JORGENSEN**

**15. COUNCILPERSON TODD R. GORDON**

Councilperson Gordon reported that the city crews have been working hard on the lights for Pond Town Christmas.

**16. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS**

**17. BRUCE WARD, CITY ENGINEER/ PUBLIC WORKS DIRECTOR**

Bruce Ward showed the council how much water we have used for the P.I. system (1,373.53 acre feet (447,531,000 gallons)) over this irrigation season. We have used a lot of water. We will get with the canal companies and determine how many water rights we have and how much we used.

A discussion about the date that the crew can take down the lights after Christmas, usually the crew will take the lights down the first week in January, but there have been some times when a request has been made to leave them up.

Bruce also reported that we have had 117 applications for the power department apprentice position.

**18. ATTORNEY S. JUNIOR BAKER.**

**ADJOURN CITY COUNCIL MEETING**

**MOTION BY:** Councilperson Terry Ficklin to adjourn city council meeting.

**SECONDED BY:** Councilperson Todd Gordon.

**VOTE:** All Affirmative (5-0).

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

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Jeffrey Nielson, City Recorder