

Minutes of the Salem City Council Meeting held on September 20, 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 Terry A. Ficklin
Councilperson Stanley W. Green

STAFF PRESENT:

Jeffrey Nielson, City Recorder
Chief Brad James, Police Chief
Junior Baker, City Attorney
Bruce Ward, City Engineer

Excused from Council

Councilperson Jeff D. Higginson

David Johnson, Public Works

OTHERS PRESENT

Karen Robbins
John Callister
Raychel Long
Kolton Nelson
Rick Ainge
Michael James
Matt Downing
Burke Tervort
Mark R. Ogden
Whitney Ferguson

Jessica Robbins
Monte James
Haylie Hansen
Austin Marston
Michael McKell
Jessa Pendray
Rob Storey
Paul Tervort
Jon Miller
Jared Ferguson

Shannon Badger
LaVera James
Josephine Romero
Deanne Ainge
Trevor Andrew
Bob Pendray
Mary Jo Tervort
Michele Odgen
Reed Cornaby

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Burke Tervort 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. SWEAR IN NEW CITY TREASURER (DEANNE AINGE)

Attorney Baker stated that we need to appoint Deanne Ainge as the city treasurer.

Mayor Henderson recommended to the council that they appoint Deanne Ainge as the Salem City Treasurer.

MOTION BY: Councilperson Terry Ficklin to appoint Deanne Ainge as the Salem City Treasurer.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

Jeffrey Nielson, Salem City Recorder, then swore in Deanne Ainge.

4. CLYDE BRADFORD – CARRIAGE RIDES FOR POND TOWN CHRISTMAS

Clyde Bradford would like to renew the agreement with the city to allow him to do the carriage rides around the pond again this year. He is planning to do the same thing that he has done in past years. Attorney Baker stated that there is a contract that needs to be signed by the council each year. The contract has been on a year to year basis, and it is up to the council if they want to sign the contract again. Clyde is hoping that he can have more people, he was also wondering about advertising in the newsletter. Attorney Junior Baker cautioned about putting it in the newsletter, because it would be an advertisement, and we would have to open it up for others. Clyde would like to extend the contract out longer, and if there were any changes by either party, it would come before the council. Mayor Henderson stated if we do the contract longer than two years we might create a conflict with someone locally who would want to do this. Councilperson Hanks recommended doing a two year contract. Mayor Henderson suggested sending out flyers to all of the residents, we could provide a customer list for him. Also by having more people there, it would help with the community center. Chief James stated that he has not had a problem with Clyde, and he is very good about cleaning up after the horses, and even other people's horses. Mayor Henderson suggested to the council, to extend the contract for two years.

MOTION BY: Councilperson Lynn Durrant to approve the same contract that has been used for Clyde Bradford allowing the carriage ride during Pond Town Christmas, but to extend the contract from a one year to two year.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

Clyde thanked the council, and also offered to bring Santa Claus on his carriage for the lighting ceremony.

5. KARL WEIGHT – UTILITY BILL LATE FEE

Mayor Henderson asked if Karl Weight was present. He was not, so the mayor stated will come back to him later.

6. Public Hearing

MOTION BY: Councilperson Lynn Durrant to open the public hearing.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

- a. Roger Knell – conditional use & subdivision waiver for seminary building at the Salem Hills High School.

Bruce Ward pointed out, on a map of the new high school, the area where the seminary building would be built. Mayor Henderson asked if there were any questions from the public or council. There were none.

- b. Kent & Barbara McKell – General Plan Amendment and Zone Change Request for Property at 30 W. 40 W. SR-198 from R-1 & R-2 to C-1

Mike McKell, son of Kent & Barbara McKell, presented to the council that they would like the area changed from R1 – R2 Zone, to a C-1 Zone. He explained it was the two homes on the highway, just off of Main Street. He explained that the family members would like to turn the area into a professional plaza for the family. He stated some of the family member's occupations, and how they would benefit by having an office. Right now they do not have any plans of what it would look like, so if the council has any suggestions, to please let them know. Right now they are in to get the zone changed to C-1. The smaller home of the two is an eyesore, and would like to change that. Mayor Henderson asked if there were any questions from the public or council. A question was asked from the public, what type of store would be going in there. Mayor Henderson stated it would not be a store, it would be professional business.

- c. Amending Salem City Annexation Policy Plan

Attorney Junior Baker stated that by Utah Law, we have to have an annexation plan showing the areas that could be annexed into the city. We created that policy plan a few years ago. Since then, we have had a resident approach us, and would like the policy changed to include some of their property that was not originally included. Bruce Ward showed on the map where the property was located (South of 11200 South, and West of Loafer Canyon Road). Planning and Zoning

recommendations were to change the policy. Mayor Henderson asked if there were any questions from the public or the council.

d. Ordinance Amending the PUD Standards Concerning Sensitive Lands

Bruce Ward explained that to the north of town, there is a lot of wet land area. We found, in our current ordinance, we allowed some open land for density points. The problem is that the wetlands could be considered open space. So we decided we needed to review our current ordinance and make some changes regarding open space, along with some other changes of what we wanted to accomplish for a PUD (Planned Unit Development). With open space, we wanted to make sure that the land was useable. Attorney Baker handed the revised version of the ordinance out to the council members. Bruce Ward read, from the ordinance, what is considered sensitive land; Lands having any of the following characteristics: slopes in excess of 30%, wetlands, 100-year floodplain, natural drainages, fault zones, streams, lakes, canals, and irrigation ditches. He stated that all of those are restricted and un-buildable areas, and we do not want to award density points for those. He stated that Ken Young, the city planner, has reviewed the ordinance, and he wanted to make sure that the city's intent of a PUD was being met. The density points are options that are optional to use. None of the current developers who have done a PUD have asked for open space for density points, and that options for density gave the highest points in the options.

Bruce went over what Planning and Zoning had recommended: Open Space, we are going to require 10% for open space, if the developer does not give the 10% for open space, then they will not be allowed to do a PUD. In return for the required open space, the base density for a PUD has been increased from 2.3 to 2.5 units per acre, so the density variance is granted for the open space. The maximum allowable density, is 4.3 units per acre, this is down from what it was before, at 4.5. A minimum of ten percent (10%) of the overall project gross acreage shall be planned and dedicated to useable open space, not including sensitive lands. Bruce then went over the density points, and the percent associated with each of them. He stated that open space was left at 15%. He read from the ordinance, which states that the developments which provide and improve additional open space above the minimum 10% requirement, the developer may also make a cash payment to the City's dedicated park fund equal to the cost of land and basic development of park space are eligible for a density bonus.

Bruce thought the open space would be owned and maintained by the development, but it only states owned in the ordinance. Attorney Baker stated that owning would also mean maintaining the open space. The city does not want to maintain the open space in the development. Also, Churches and Schools do not count as open space. Bruce stated that sensitive land generally would not be considered open space. Mayor Henderson asked if it would be DRC

(Development Review Committee) or would it be a council's decision to allow sensitive land to be used for open space. Bruce stated it would be the council's decision.

Attorney Baker stated that the PUD is allowed in the R-2 zone, and that the base density is 2.5 units per acre, which grants a density increase over the R-2 zone, without a PUD, in return for the requirement 10% per space. The density may increase, according to the density points that the development meets. The maximum density allowed is 4.3 units per acre. By allowing a developer to get density points, it is allowing the subdivision to be nicer, and also benefit the city in other ways; this is where the special density points come into play. He stated that the way the ordinance is written, it would be very hard for a developer to meet the maximum. But we have added a line item that is for special density points. This is where a developer can get more points, by being creative, in ways to improve their subdivision or do improvements in other areas of the city. Mayor Henderson asked if it the special feature was specific. Attorney Baker stated that it is open. Bruce Ward also pointed out that Planning and Zoning added the sentence that did not allow the points to be cumulative. Attorney Baker recommended allowing cumulative, this would allow the developer to meet the maximum a little easier, but it would still require a lot. It would also make it easier to defend legally, if we ever had to. Bruce explained to the council how the cumulative works. He stated that if we take it out, then we might have to look at how the density items are listed, and possibly change the order. Mayor Henderson asked if there were any more questions from the public or council. There were none.

e. Ordinance Amending the Comprehensive Zoning Ordinance with Respect to Animals

Attorney Baker stated that a few council meetings ago, the council proposed the animal ordinance to be looked at. As we have property in town that is smaller than one acre and that is becoming a nuisance with weeds. The council asked Planning and Zoning to review the current ordinance and see if ½ acre lots would work. A few of the staff met with Planning and Zoning and after some discussion, Planning and Zoning recommendations were to not change the current ordinance, but to look at further options.

Mayor Henderson asked if there were any questions. Councilperson Durrant asked, when Mike Rawson (Planning and Zoning Chair) explained it in work session, he mentioned allowing ½ acre animal right with a permit. Chief James stated that this is an idea that he thought might work out a little better. Councilperson Ficklin stated that the permit allows the city to take away, and also allows us to be more flexible. Attorney Baker stated if the council is leaning towards that, he would recommend tabling the ordinance, and allowing Planning and Zoning to look into it some more. Chief James stated that originally he was

all in favor of the change from one acre to ½ acre. But, after looking into it more, and measuring how close some of the animals could be to other residents, he is not in favor of it. He also pointed out some examples around town where it could be a problem. He stated that he also has to look at the residents who do not have animals, and try to be fair to everyone.

f. Ordinance Eliminating Flag Lots as Permitted Conditional Uses.

Mayor Henderson stated that in the past we have addressed some concerns with flag lots. Attorney Baker explained what a flag lot was to the public. He stated that in the older part of town there are some lots that do not have the proper frontage, but have the necessary footage to build a home. The current ordinance allows them to use these lots to build on. Planning and Zoning has been looking into it, and they also recommended eliminating the flag lots. Mayor Henderson asked if there were any questions from the public or council. There were none.

Close Public Hearing

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

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

Mayor Henderson explained to the public how the public hearing works.

a. Roger knell – conditional use & subdivision waiver for seminary building at the Salem Hills High School.

Attorney Baker explained to the council, that there are two items to be approved, the conditional use and the subdivision waiver. He explained that with the conditional use, the council could put conditions on the use.

MOTION BY: Councilperson Terry Ficklin to approve the conditional use and the subdivision waiver for seminary building at the Salem Hills High School, subject that any concerns from DRC (Development Review Committee) and Planning and Zoning needed to be addressed. (DRC Conditions: Installing 2 street lights; giving a 10-foot PUE; and working with the power department to determine the proper power alignment to service the building.) (Planning and Zoning had same conditions).

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

- b. Kent & Barbara McKell – General Plan Amendment and Zone Change Request for Property at 30 W. 40 W. SR-198 from R-1 & R-2 to C-1

MOTION BY: Councilperson Brent Hanks to approve the General Plan Amendment and Zone Change for Property at 30 West & 40 West SR 198 from R1 & R2 to C-1 Zone.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

- c. Amending Salem City Annexation Policy Plan

MOTION BY: Councilperson Staley Green to approve Resolution 92006 Adopting the Salem City Amended Annexation Policy Plan.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

- d. Ordinance Amending the PUD Standards Concerning Sensitive Lands

Bruce Ward showed the council, on his computer, how the density is different when using cumulative and non-cumulative. He showed how it works. The council asked if the changing of the order of the density points, if it would change. Bruce was not sure, but would work on it. Attorney Baker stated that the order of them can be changed later.

MOTION BY: Councilperson Terry Ficklin to approve Ordinance 92006A Amending the PUD Standards Concerning Sensitive Lands, with the section regarding cumulative be taken out.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

- e. Ordinance Amending the Comprehensive Zoning Ordinance with Respect to Animals

MOTION BY: Councilperson Terry Ficklin to table the Ordinance Amending the Comprehensive Zoning Ordinance with Respect to Animals, and to send back to Planning and Zoning for further discussion, and to look at allowing permits or other better use of the property.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

Mayor Henderson asked Councilperson Brent Hanks, Councilperson Terry Ficklin to work with Chief James and Planning and Zoning on the Animal Right Ordinance.

- f. Ordinance Eliminating Flag Lots as Permitted Conditional Uses.

MOTION BY: Councilperson Brent Hanks to approve Ordinance 92006 Eliminating Flag Lots as Permitted Conditional Uses.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

7. MARK OGDEN – VARIANCE TO SPLIT PROPERTY AT 810 S. 300 W. INTO 2 LOTS.

Mark Ogden explained that he has had Cole Engineering do a description of his property. He has measured it out, and has determined, with the variance, he would be allowed to split his one lot, and create another lot. He would like to sell the other lot, to help them financially. Their daughter is in need of a liver transplant and is having other medical problems. He explained where the property is located. He stated that his home is currently on the corner lot. He stated because it was an older home, it does not have the necessary set backs. Mayor Henderson stated that the city would need to have the easements on both sides of the home, for road and utilities on the property. Bruce Ward stated that we will need to look into the road, because it does have a little jog in it. We would still need to get the proper easements for the road. Mark stated that over 30 years ago, the property line was altered, because of the owner on the east built a fence that was 10 feet closer.

Jared Ferguson stated that his property borders Mark's property on the south side. When he bought his lot, he wanted to purchase a portion of it from Mark, but Mark told him he liked having the bigger lot. He is here tonight to object the change, as he read the ordinance, he stated that the lots barely meet the 10,000 square feet minimum, and do not meet the frontage needed. He is concerned about a neighbor building a home between him and Mark, because the lot is a long skinny lot. It would not leave a lot of room between the homes. He liked living here in Salem, because of the open space. Mayor Henderson asked him if he would still be interested in purchasing the property. Jared Ferguson stated that he has approached Mark to purchase a smaller portion of the lot, but Mark was not interested, that he wanted to sell the whole property.

Attorney Baker read from the ordinance, and stated that the council acts as the board of adjustment, and it is based upon three criteria, which he read the criteria: 1. The property in question is not in a formally platted subdivision. 2. Each new lot contains the minimum square footage required in the zone. 3. Each new lot contains at least 75 feet of frontage on a public street. Because it is a variance request, it is not a public hearing, but those who are affected by it should be allowed to address the council their concerns. Councilperson Ficklin asked if they meet the requirements of the ordinance. Attorney Baker stated that they do meet the ordinance. Jared Ferguson stated that the other neighbor, Jim Westring is also concerned about the variance. Mark stated that Jim told them it was up to them in what they wanted to do. Bruce Ward would like to see a layout of how the property sits, with the improvements along with the current home. He stated

that it would be considered a subdivision waiver. Attorney Baker stated that he would like to review the ordinance more, along with what was stated in the council meeting when the ordinance was approved. He wants to make sure what the intent of the ordinance is before allowing a large lot to be split into two smaller lots.

MOTION BY: Councilperson Terry Ficklin to table Mark Ogden Variance to Split Property at 810 S. 300 W. into 2 Lots, and allow Attorney Junior Baker to review it.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

5a. KARL WEIGHT – UTILITY BILL LATE FEE

Mayor Henderson asked if Karl Weight had arrived yet. He still was not present. Councilperson Durrant stated that we have had other people come to council and request the waiver of the late fee, and we have not allowed it. Jeff Nielson explained to the council, that they have recently moved into town, and they did not receive their utility bill, along with other bills. Because they did not receive their utility bill, they did not pay it, so they were assessed with the late fee.

Councilperson Lynn Durrant to not approve the request, and that Karl Weight would be required to pay the late fee. The council agreed with Councilperson Durrant, and denied the request of Karl Weight.

8. PAUL TERVORT – ANNEXATION OF PROPERTY AT LOAFER CANYON ROAD AND THE HIGHLINE CANAL.

Paul Tervort showed the plat of the property, and stated that all seven property owners have signed the request to be annexed into Salem City. He stated that this is the property he has been working with, and stated it has been brought up in prior council meetings.

MOTION BY: Councilperson Brent Hanks to accept the Paul Tervort annexation request for the property located at Loafer Canyon Road and the Highline Canal for further study.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

9. BUSINESS LICENSE

a. Roland Black – Gunstock Work

Mayor Henderson stated that Roland Black at, 505 North Main is requesting a home occupation business license for gun stock work, brass preparation, accurizing guns, cleaning guns and loading ammunition. It has been approved by all of the appropriate

people. Chief James stated that ATF was not going to allow a permit, unless he were to sell guns, and we were not going to approve the license if ATF did not give a permit, and we were not going to allow him to sell guns. There was some miscommunication at the ATF office, and they finally allowed him to have a permit, even though he is not selling guns.

MOTION BY: Councilperson Brent Hanks to approve Roland Black business license request.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

b. Pat Swenson – Beer License

Jon Miller was present to represent Pat Swenson, who is an associate, who has purchased KC One Stop, Sinclair gas station at west end of town. Jon stated that they have submitted the application for a beer permit. He stated that this is an existing establishment. Chief James stated that he has spent about a half hour going over the ordinance and making sure they meet the state law regarding beer sells. Jon stated that KC's have purchased a beer license at the first of the year, for the whole year. He is wondering instead of paying the full amount, for the last three months of the year, and then be required to pay the full amount again. He is wondering if the council would allow him a pro-rated amount. Chief James stated that he is required to get a new permit, because the permits are not transferable.

MOTION BY: Councilperson Brent Hanks to approve the Pat Swenson's request for a beer license and to allow the license fee to be pro-rated for the remaining of the year.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

Jon Miller thanked the council, and stated that they are still considering if they even want to continue to sell beer.

10. AWARD CONTRACT FOR P.I. LINE IN SALEM CANAL ROAD

Bruce Ward stated that we received bids for the construction, but feels those bids are over budget, and would request of the council that they do not award the bids at this time.

MOTION BY: Councilperson Brent Hanks to reject the bids for the construction of the P.I. Line on Salem Canal Road, because the bids are over budget.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

11. DEVELOPMENT AGREEMENT WITH PRIORITY LAND

Mayor Henderson stated that Priority Land is a development that approached the city about three months ago. We stated to them, that the city is currently under a restriction because the city is in need of a new substation to be able to support any new growth. They approached Mayor Henderson about purchasing a new substation for the city, and to be reimbursed with impact fees. They stated they would be interested, and an agreement was written up. Attorney Baker stated that they have read the agreement and are okay with it. They are willing to pay 25% of the cost up front for a down payment. The remaining amount will be paid when their plat is approved. Mayor Henderson stated that before we get the other portion of the money, we would need to lift the restriction on subdivisions. Attorney Baker stated that they would be reimbursed by 50% of all electrical impact fees collected, until they have been paid back in full. It was stated that they are giving us the money to purchase a new substation, which the city would have had to go and bond for. This will be saving the city a lot of money, because there is no interest to be paid back. The substation would be shared by SESD. SESD is also in need of a new substation, since they are at capacity also. They will be required to purchase their portion of the substation. Mayor Henderson stated that Priority Development is the property that is located at north side of town. A portion of the property includes the Lyman Annexation that was presented to the council last council meeting.

Paul Tervort asked if this will open the restriction for others, or just this development. It was stated that the restriction, if it is lifted, would be open to everybody. But until the restriction is lifted, no one can have anything dealing with new subdivision process, approved by the city. Councilperson Durrant asked if we approve this agreement, are we going to be required to lift the restriction. Attorney Baker stated that we are not required. He stated that when the restriction is lifted, there will be about a year before all of the approval is done, and a home can be built.

Mayor Henderson asked if there were any other questions. He stated that he has seen what this development wants to do with the wet lands in there area, and it is very impressive. He feels this is a win win situation for both the city and the developer. Attorney Baker explained what type of transformer we would be getting, and how it can easily be increased to upgrade the transformer for more capacity. Councilperson Ficklin asked if this transformer would give us what we needed now and for the future. It was stated it would.

MOTION BY: Councilperson Lynn Durrant to approve the Development Agreement with Priority Land.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

12. CONTRACT WITH SESD

Attorney Baker stated that we have an agreement with SESD, that when the city has property that has been annexed into the city, that was serviced by SESD, that we would be required to buy out the power infrastructure. Right now, where the new Charter School is located, we do not have power to that area. The school is in need of power so they can begin their school year. This agreement would allow SESD to temporarily service the Charter School with power. When Salem City gets improvements out there, and our power is able to service the school, then we would begin servicing them instead of SESD. The agreement is for two years, but we will terminate the agreement when we can service the school.

MOTION BY: Councilperson Stanley Green to approve the Contract with SESD.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

13. CONTRACT FOR CLEANING COMMUNITY CENTER

Councilperson Hanks stated that Deanne Gordon was going to clean the building for us, but after reviewing the agreement, she decided not to do it. He stated that the agreement was only paying \$140 a month. He does not even think it is fair. He feels we need to come up with a new figure. He will look into it and see if he can come up with a new amount, and find some who would be interested in doing it.

Councilperson Ficklin asked if the company who cleaned the chairs, if they have been by to check out the smell and see if they can get rid of the smoke smell, because there is still a problem with it (the chairs were donated from a church that had a fire in it).

Councilperson Hanks stated that the guy has not called.

14. PURCHASE OF DUMP TRUCK

Jeff Nielson explained that we have a bid on a new dump truck for \$67,000. We have some options of purchasing the truck; we can either do a lease and send out an RFP. Other option is we budgeted \$45,000 in the general fund set aside for road repair. We could use that money, and the remaining amount be split between B&C road money, water department and sewer department. Since all will benefit from it. Councilperson Hanks stated he is concerned that we do not have enough trucks for snow plowing this coming year. He originally wanted to purchase two trucks this year. But he feels he would like to get a truck this year, and then look at getting another one next year.

MOTION BY: Councilperson Brent Hanks to approve the purchase of a new dump truck, by using the \$45,000 from general fund (road repair), \$12,000 from B&C road money, \$5,000 from both water and sewer funds.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

15. MOU FOR SEX CRIMES TASK FORCE

Chief James stated that this is a memorandum of understanding. It allows us to be part of the sex crimes task force. Sergeant Dibble has been working with the sex crimes task force, and catching internet predators. It was asked if Attorney Baker has had an opportunity to review it. Attorney Baker stated that he has not, but will review it.

MOTION BY: Councilperson Brent Hanks to approve the MOU for Sex Crimes Task Force subject to Attorney Baker reviewing it.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

Chief James stated that we have had 16 individuals attempting to come to Salem, to have sex with a juvenile that we have caught. This is a serious problem.

16. SEWER PLANT HEAD WORKS IMPROVEMENTS

Bruce Ward updated the council about the sewer plant. He stated that we are having problems with foam at the sewer plant, it is a problem, and is causing some issues. A couple of years ago, we went to the state to petition to allow our treatment plant to have higher numbers for discharging. We spent a lot of time and money to make sure we fall with in the states requirements. The foam is not allowing us to get accurate readings, and is not allowing the equipment to work properly. The foam is also harming the bugs in the sewer lagoons, which are necessary for the lagoon system to work properly. Sometimes the foam is a couple of feet thick. The foam is at the headworks. The other problem is we need to determine when the foam is happening, and how much. Our treatment plant operator is only there a few hours a day. So we are not really getting a full picture of what the foam is doing. Bruce stated that he has a proposal for some equipment that will be able to track the foam. It will work with our scada system, so we know when it is happening. We need to be able to find a way to track the foam, and work with Neways, the company that is causing the foam. We need to be able to control it, so we do not become a problem with the state. Also, if Neways continues to have a problem, we would need to fine them according to our ordinance. Bruce stated that they have recently been fined by the city for problems they have caused at the sewer plant. He stated that we need to get the equipment to detect the foam. The cost is about \$13,000, and may be reduced if we can do a lot of the work ourselves. There is money in the budget for this. Mayor Henderson stated that it is needed for the sewer plant, and are looking at ways to see if Neways can help participate in the cost.

MOTION BY: Councilperson Stanley Green to purchase equipment for the sewer plant to measure the amount of foam at the head works.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

17. BIDS FOR CITY SHOP

Councilperson Hanks stated that we are in need of a getting a new roof for the building that was donated for the city shop. If we use the old roof, it is very hard to match the holes up, so it would have a lot of leaks in it. We would still have use for the old roof in different parts around the new shop area. The new roof would cost about \$5,500. We got the bid from Metal Mart. We tried other companies, but they stated they get their metal from Metal Mart.

MOTION BY: Councilperson Brent Hanks to approve the bid from Metal Mart for the roof of the new city shop.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

18. BIDS FOR CIVIC CENTER CONSTRUCTION

Councilperson Hanks stated there are no bids for the civic center.

19. APPROVE MINUTES OF SEPTEMBER 6, 2006

Councilperson Lynn Durrant stated that on line 129, should be “United” instead of “Untied”.

MOTION BY: Councilperson Lynn Durrant to approve the minutes of September 6, 2006 with said changes.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

20. APPROVE BILLS FOR PAYMENT

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

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

21. PUBLIC SAFETY

Chief James stated that the neighborhood watch classes are going well. We had some car burglaries the prior night, but were able to arrest the person the same night. He just completed a two days of domestic violence training to Salem, Payson, and Spanish Fork Police Departments. He thanked the council for allowing him to go to the training, so he could do these training classes. The Pet Fair is Saturday; again he encourages the council

to attend. In the emergency preparedness meeting we discussed doing a siren test on the 25th of October.

22. OPEN DISCUSSION

Mayor Henderson asked if anyone had anything for open discussion. A person asked about the property for Priority Development. Bruce Ward showed on the map where the property was located.

Captain Erman Stone, SEMA Captain, asked if he could use the marquee to let people know that SEMA is looking for volunteers. There was no problem with it. He also stated that tonight they had a mock drill. When he went to leave, he could not get out of his driveway, because of the cars parked in the area for soccer games going on at Dream View Park. There is a problem in the area of no parking places. He stated we want to keep the park there, and we are glad it is being used for soccer, but if there is a way to let people know not to block driveways. Maybe let parents know when they sign their kids up for soccer.

COUNCIL REPORTS

23. MAYOR J. LANE HENDERSON

Mayor Henderson reported on a water meeting he attended with the Federal Government and Strawberry Water. The Federal Government stood behind us and told Strawberry they did not have a leg to stand on to deliver the water. This is all for the future of delivering water for P.I. systems.

He also reported that we are trying to work with Neways and the sewer issues. We sent them a letter stating the problems we are having with the sewer. He gave a copy of the letter to the council.

He let the council know that December first would be the city Christmas Party.

24. COUNCILPERSON LYNN DURRANT

Councilperson Lynn Durrant explained that Comlink is wrapping up the impact fee study. Bruce Ward stated that they are suggesting an impact fee of \$6,481 for a 400 amp home. This study will be on the agenda for the October 18 Council Meeting. Options for the council are to adopt the fee suggested or they can reduce it. Attorney Baker reminded the council that 50% of the impact fee will be going to pay back Priority Land Development for the substation. The council will need to decide on what they would want for the electrical impact fee.

25. COUNCILPERSON TERRY A. FICKLIN

Councilperson Ficklin did not have anything to report tonight.

26. COUNCILPERSON STANLEY W. GREEN

Councilperson Stanley Green stated that we are in need of a new pumper fire truck and a new jet truck for the sewer. He stated that the jet truck would be in a range of about \$50,000 for eight years, with the option to turn it in for half price or we could keep it. Will need to look at the budget for the next year.

27. COUNCILPERSON BRENT V. HANKS

Councilperson Brent Hanks did not have anything to report tonight.

28. COUNCILPERSON JEFF D. HIGGINSON

Councilperson Jeff Higginson was excused from council meeting.

29. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

30. BRUCE WARD, CITY ENGINEER

Bruce Ward showed the council the PUD formula on the computer. He stated and showed that the order of the items in the PUD to get the density does not matter.

31. ATTORNEY S. JUNIOR BAKER.

ADJOURN CITY COUNCIL MEETING

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

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 10:00 p.m.

Jeffrey Nielson, City Recorder