

Minutes of the Salem City Council Meeting held on July 16, 2008 in the Salem City Council Chambers.

Work Session:

Discussion on new water rates. Since the PI is in place, we need to change the water rates, so we can generate the same amount of revenue as before the PI, to make sure we have money to cover O&M and debt service.

There was also a discussion on Curb Gutter and Sidewalk.

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
Councilperson Todd R. Gordon

STAFF PRESENT:

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

Excused Reed Cornaby

OTHERS PRESENT

Trevor VanNosdal
Wes Jenkins
Travis Taylor
Karen Anderson

Lana Creer Harris
Wayne Durrant
Phil Spainhouer

Bruce Farnsworth
Mallory Byrnes
Kathryn Ricks

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Attorney Junior Baker 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. SANTAQUIN ROYALTY

Santaquin Royalty was not present, went to the next agenda item.

4. PUBLIC HEARING

MOTION BY: Councilperson Lynn Durrant to open public hearing.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

a. R-5 Text Amendment

Attorney Baker presented the R-5 Text Amendment. He stated that the R-5 Zone relates to the town home ordinance. We have had a request to look at changing some of the items in the ordinance. The area by the freeway could be an ideal area for the R-5 Zone. This item has been presented to Planning and Zoning where some changes were made from what was presented. He stated that Planning and Zoning felt good about the changes. The ordinance the council has is their recommendation. Attorney Baker read over the ordinance, he stated that there must be a minimum of five acres, and max of 50 acres, with some restrictions. One restriction is that in order for the zone to have more than 20 acres, but maximum of 50 acres, then 80% of the residences must be single family and the other 20% may be twin homes or town homes. Councilperson Durrant asked if that 80/20 split can be in areas less 20 acres. Attorney Baker stated that it could.

Attorney Baker also stated that on page two, the second whereas will limit where the R-5 Zone can be located. He then went over the ordinance.

Chris McCandless, the developer who has been working with city on the changes, stated that the changes will be very beneficial for the R-5 Zone. He does have some recommendations for the council. In item F, the minimum setback for rear yard must be 20 feet, he would like to see that 15 feet. Also Item G, there is a minimum of sixty percent of the town homes must have a two car garage. He would like to see that at 40%.

Mayor asked if there were any questions from the public.

Lana Harris stated that Spanish Fork is having problems with allowing Private Street and sidewalks, rather than the city owning them. Item E covers streets being private or public. She would recommend that the council does not allow private roads. It was stated that Spanish Fork is looking at eliminating the private roads.

Close

MOTION BY: Councilperson Stanley Green to close the public hearing.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (5-0).

a. R-5 Text Amendment

Councilperson Hanks was wondering if the changes that Chris is recommending should go back to Planning and Zoning.

MOTION BY: Councilperson Todd Gordon to approve the R-5 Zone Text Amendment as written.

Councilperson Hanks feels that the two items that Chris recommended should go back to Planning and Zoning. It was stated that he did present those changes to Planning and Zoning, and they denied those request.

Councilperson Hanks stated he would like to talk about this and the changes from Chris a little bit more. He would recommend tabling the item until it can be discussed. Councilperson Hanks made that a motion.

MOTION BY: Councilperson Hanks to Table the R-5 Zone Text Amendment until it can be further discussed.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: 4 Aye, 1 Nay; Roll Call: Councilperson Todd Gordon; Nay, Councilperson Terry Ficklin; Aye, Councilperson Lynn Durrant; Aye, Councilperson Stanley Green; Aye, Brent Hanks; Aye.

Item # 3 SANTAQUIN ROYALTY

Santaquin Royalty presented to the council agendas to Santaquin Orchard Days. They explained some of the items that are going on. The grand parade will be held on Saturday August 2.

5. SKYVIEW ESTATES EXTENSION

Bruce Ward explained that Kenny Anderson used to be the representative of the property, now it is Travis Taylor. He showed on the map where this property is located. Travis is here to talk about a time extension that happened back in March 2008. Travis stated that back in March, an extension was requested on the subdivision, and this extension ends in September 2008. The subdivision needs to be started by that time, or it will need to be re-approved, which would also require them to fall under the current ordinances. Bruce stated that they have a great development, but there is a lot of off site work that would be required, about \$500,000.

Travis stated that there have been changes in developers, but the investors are still the same companies. They would like to request another extension on the project. He stated that they would like to look at phasing the project a little bit different, so that a lot of the off site will not be required all at once.

Attorney Baker stated that the ordinance only allows up to a six month extension. There have already been a couple of extensions requested and granted on this project.

Councilperson Durrant stated that last time the developers requested an extension; they stated that they would not ask for another one. Dave Johnson stated that the ordinances have changed a little bit since they first started. If they are not granted an extension, then they would be required to follow the new changes. It was stated that if they were required to abide to the new changes, it would be a hardship on the development. Dave stated that this development is a PUD, and would still be required to follow the old PUD ordinances.

Mayor Henderson stated that he would like to see more green space in the development. One of the changes to the PUD requires green space. Travis stated that a lot of time has been spent on the project, and he would like to see a six month extension. He would be willing to looking at adding some green space to the project.

Councilperson Hanks stated that with the changes we have made to the PUD, and other ordinances, he would request that the council denies this request. Also, because they told us back in March that they would not ask for another extension.

Attorney Baker stated that the council can not force Travis into making changes for green space, under the old ordinance. But if he makes the changes himself, then it would be okay. Travis stated that he would like to re-look at the development and see if he can insert some green space, he would like to bring it back to the council before his extension is up in September.

MOTION BY: Councilperson Stanley Green to table this item until August 20 council meeting, and allow Travis to come back to the council with some recommendations.

SECONDED BY: Councilperson Todd Gordon.

VOTE: 4 Aye, 1 Nay; Roll Call: Councilperson Todd Gordon; Aye, Councilperson Terry Ficklin; Aye, Councilperson Lynn Durrant; Aye, Councilperson Stanley Green; Aye, Brent Hanks; Nay.

6. KAREN ANDERSON – COMMUNITY CENTER RATES

Mayor Henderson stated that Karen Anderson has presented to the council a letter addressing some concerns that she has with the civic center new rates. Karen states that she would like to see Thursday being used for half day. She stated that with other conflicts during the week with youth, Thursday is a night that would work out great when the center needs to be rented for actives that involve the youth. She feels that the \$200 is

too much for half a day, and would like to see \$100. She asked the council if the center is here for the community, or is it here to make money. About a year ago, a group of citizens were asked to get together and come up with some recommendations on the rental of the building, and how nothing was really done with the recommendations.

Councilperson Hanks stated that we are getting a few people who are abusing the center. Karen suggested making the agreement more restrictive and include penalties for those who abuse the building.

Mayor Henderson suggested having the agreement on the council agenda for August 20th. He suggested having the task force work with councilperson Ficklin on recommendations for that agreement.

7. CURB & GUTTER ORDINANCE

Mayor Henderson stated that Wes Jenkins submitted this item along with the council. Mayor Henderson would like to give Wes a couple of minutes to discuss his concerns. Wes stated that in a few months he will be required to do improvements on his home, and because of the improvements, he may have to put curb and gutter. If he puts it in, then the neighbor who lives down hill from him will get flooded out, because they do not have curb and gutter on their home. He feels that it may also not be feasible for him, or for other new home owners. He would like the council to look at this and doing away with the curb and gutter, and maybe look at it again in a few years. Another suggestion would be to require it when a home is sold, so that the new homeowner can have the responsibility to put it in. He mentioned that there are too many already installed that are not lining up. Again, he would like the council to look at this in a few years.

Dave Johnson asked if it is possible to put a lien on the home, so when the home is sold, the new owners would be required to put the improvements in. Attorney Baker stated that you can, but he has seen a lot of problems with that, because the title companies don't always catch it.

Attorney Baker presented the Ordinance dealing with the changes for the curb and gutter. He stated that currently if a new home is built or remodeling is done, the homeowner is required to put in curb, gutter and sidewalk. Under the changed ordinance, it defines the section of town that would be affected, the sidewalk would be required, but curb and gutter not required, unless the property on both sides of property have curb and gutter. He also discussed about doing additions, and how the price of the addition would determine if curb and gutter are required.

Councilperson Hanks stated that he went to Attorney Baker and had him rewrite this ordinance. He does not feel we need curb and gutter, especially since we do not have a drain system for it, he feels it is not worth it at this time, but feels that someday we could do a SID (Special Improvement District).

Mayor Henderson stated that this item has been discussed for a long time. He stated that it does not affect new subdivision; it is for the older part of town.

MOTION BY: Councilperson Brent Hanks to approve Ordinance 71608.

SECONDED BY: Councilperson Stanley Green.

VOTE: 4 Aye, 1 Nay; Roll Call: Councilperson Todd Gordon; Nay, Councilperson Terry Ficklin; Aye, Councilperson Lynn Durrant; Aye, Councilperson Stanley Green; Aye, Brent Hanks; Aye.

Councilperson Ficklin had a question about when the best time to have the minor improvements done to the road. He feels that anytime a new home is built or improvements done, the road is impacted, and that the improvements to the road should be done. He would like to see improvements to the road-way, even if it is requiring asphalt for the drive-way, connecting the drive-way to the asphalted road.

Bruce Ward was wondering about the few property owners who we currently have a bond on, he would like to know what they need to do with them. He was also wondering about if only one side of the property has curb and gutter, would we require it so it is connected, or do we want to have both sides of the property have improvements before we require them.

Attorney Baker thought that if it was on either side we would require the improvements. Councilperson Hanks stated that he requested that both sides have improvements before we require it. He likes the ordinance the way it is written.

Councilperson Durrant mentioned that if we require the curb and gutter, when we go to put a storm drain in we would have to dig them up. Bruce Ward stated that you don't always have to put pipe in, that the curb and gutter acts as a storm drain and we can put the pipe in a different location.

Mayor Henderson suggested that the ordinance be rewritten, so that if the improvements are completed on either side of the property, the improvements would be required. And to also require that the drive-way be tied into the asphalted road. Attorney Baker stated that he will do that, and can be put on the next council agenda.

Councilperson Ficklin is wondering about requiring any damage to the road that is done, during the construction. Bruce stated that if the road is damaged, then the owner is required to repair it.

8. PERSONNEL POLICY REGARDING ON CALL & COMP TIME

Bruce Ward went over the changes. He stated that we have added some assistants (assistant engineer, public works director, attorney, etc) to the except employee status. The other changes are that we are allowing employees to have comp time. When an

employee works overtime they can either request to be paid for those hours, or turn those hours into vacation (comp time). The employee can only accumulate up to 80 hours of comp, and the hours maybe be bought back by the city if the employee request it, but it can only be done in June and December. This gives the employee the flexibility, and also helps the budget out so that we may not have to pay overtime. Bruce stated that some employees will request to be paid rather than having the hours comped, but it gives them flexibility.

The other item that was added is the “On Call”. If an employee is required to be on call, meaning they need to be reached and either respond or call a person to respond if they can not fix the problem themselves. We feel they need to be compensated for that because they are being restricted, they can’t leave out of town, and they have to be able to respond. The change is allowing the “On Call” person to be paid each day they are “On Call”. They will be paid 1 hour for each day at their current pay rate, and 1.5 hours for holidays and weekends, or \$150 which ever is greater. It was stated that the person needs to be on call for 7 days straight before they can opt to have the \$150.

Councilperson Ficklin was wondering about the comp time, and about state tax laws. Attorney Baker stated that with private industry it is a concern, but with the government it is allowed. This is to be able to help with the budget.

MOTION BY: Councilperson Lynn Durrant to approve Personnel Policy regarding comp time and call out.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

9. LATE FEE POLICY

Councilperson Durrant explained that we have had some situations lately, and then we have had a lot of request to look at the late fee policy. We have come up with a policy for late fee besides reducing the percentage down to 10%, which was done with this year’s budget. The following policy is on the agenda for approval:

Late Fee Waive Rules:

1. Person must have lived in Salem and been paying a Salem City Utility Bill for two consecutive years.
2. Person must be in good credit standings with Utility Bills (or any other payment made to the city), for the last two consecutive years.
Disqualifications for good credit standings:
 - A. Any bills paid after the 20th (or date the late charges will be imposed).
 - B. Any returned checks (NSF) for utility bills, or other payment to the city.
3. Person must contact the city to have delinquent fee waived; the city will not contact them.

4. May be waived once every five years (five years from the previous waive).

MOTION BY: Councilperson Lynn Durrant to approve the late fee waiver rules as presented.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: 4 Aye, 1 Nay; Roll Call: Councilperson Todd Gordon; Aye, Councilperson Terry Ficklin; Aye, Councilperson Lynn Durrant; Aye, Councilperson Stanley Green; Aye, Brent Hanks; Nay.

10. RESOLUTION FOR WATER RATES

Mayor Henderson stated that this item has been discussed in work session. It was presented in work session that we need to have a rate that will give us the same revenue that we have received in the past. Since our O&M and debt service has not changed, we need to make sure we have enough funds to cover the expenses. We feel that the new rate will generate the revenue needed to cover the O&M and debt service. He is wondering if the council is ready to approve it, or if they would like more time.

MOTION BY: Councilperson Terry Ficklin to approve Resolution 71608 Modifying Salem City Water Rates.

SECONDED BY: Councilperson Todd Gordon.

VOTE: 4 Aye, 1 Nay; Roll Call: Councilperson Todd Gordon; Aye, Councilperson Terry Ficklin; Aye, Councilperson Lynn Durrant; Aye, Councilperson Stanley Green; Aye, Brent Hanks; Nay.

11. SUVMWA Master Lease Renewal

SUVMWA (South Utah Valley Municipal Water Association) has purchased land for a regional sewer plant. Because their revenue is received from the member cities, they are required to do a lease agreement each fiscal year. This is stating that the cities will participate in payment for the bond for the land for the sewer plant.

MOTION BY: Councilperson Lynn Durrant to approve the SUVMWA Master Lease Renewal.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

12. Approve Equipment for New Office

a. Audio Visual

Councilperson Ficklin stated that we have visited with four companies regarding the audio visual system for the new city office. One of the companies did not

give us a bid. General Communications bid was \$50,596, Poll Sound was \$56,275, and H&O (Home & Office Technologies) was \$37,682. After meeting with them, and seeing what they have to offer, we feel that Poll Sound will do the best for us. They are a little bit higher, but we feel they will do a great job, and they have done work for the schools. Councilperson Ficklin went over what would be included in the project for the audio visual for the new office.

MOTION BY: Councilperson Terry Ficklin to approve Poll Sound for the Audio Visual for the new city office addition.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

b. Phones

Jeffrey Nielson explained that with the new city office, we are also in the need for a new phone system. The one we currently have is old and needs to be replaced. We have five bids for it: Universal (Telrad) \$10,300; H&O (Inter-Tel) \$13,302; Matrix (Avaya) \$15,236; Mountain West (Avaya) \$20,762; Mountain West (Avaya) \$20,762; and ProTel (Samsung) \$21,228. Our current system is Avaya, and the Avaya bids indicate a credit on the equipment that can be turned in. It was recommended that we stay with the currently Avaya system, as we know how it works. The recommendation is for Matrix (Avaya) for \$15,236.

MOTION BY: Councilperson Terry Ficklin to approve the Matrix (Avaya) bid for \$15,236 for the new phone system for the city office.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (5-0).

13. LAWN MOWER

Councilperson Hanks stated that the parks department is in need of a new lawn mower. We have budgeted for a new one in this year's budget. We have a state bid on a Dixie Chopper (which is what we currently have for our lawn mowers). We want to stay with the same type, as the maintenance is a lot easier. The price for the lawnmower is \$10,879.15.

MOTION BY: Councilperson Brent Hanks to approve the Lawn Mower for \$10,879.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

14. APPROVE MINUTES OF JULY 2, 2008

MOTION BY: Councilperson Lynn Durant to approve the minutes of July 2, 2008 as written.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

15. APPROVE BILLS FOR PAYMENT

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

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

16. PUBLIC SAFETY

Chief James stated that he has advertised for a new police officer, and will be doing interviews in a couple of weeks. He has met with the Salem Days Chair People, and a few items still need to be worked out, but feel we will be ready for this year's event.

Utah County is getting out of dispatching and the cities are looking at consolidating a special district service for dispatching.

Chief James stated that Trevor VanNosdal came to him with an Eagle Scout project. He turned the time over to Trevor. Trevor stated he would like to put pedestrian flags on SR 198 for the one cross walk we have across the highway. It was stated that UDOT determines where the cross walks are located. Chief James also stated that UDOT requires a city to sign a wavier that they are not responsible when cities do the cross walk flags. Attorney Baker stated that Spanish Fork City was able to do theirs before UDOT made that a requirement. He recommended from a legal and liability, we do not want to do the waiver.

Trevor felt that with the high school coming in, it would be beneficial. The question was asked if we look at safety, or liability. Mayor Henderson stated that it would be a good idea, but feels we need to look at all angles to the situation.

Councilman Green felt that it would be a good idea. Chief James stated that we would need to get approval from UDOT first. It was mentioned that it might be better to wait and see what UDOT is doing. The council agreed.

17. OPEN DISCUSSION

Bruce Farnsworth stated he is concerned about the new water rates for culinary. He feels that there are other ways to get people to conserve water. He is concerned about fix income people.

COUNCIL REPORTS

18. MAYOR J. LANE HENDERSON

Mayor Henderson stated that Salem Days is coming along. He also reminded Councilperson Gordon of the dispatch meeting on the 29th.

19. COUNCILPERSON LYNN DURRANT

20. COUNCILPERSON TERRY A. FICKLIN

Councilperson Ficklin stated that the Solid Waste District has ordered some recycling bins, and hoping by Salem Days that we can have one here.

21. COUNCILPERSON STANLEY W. GREEN

22. COUNCILPERSON BRENT V. HANKS

Councilperson Hanks stated that the lower ball park baseball field improvements are just about completed. We need to asphalt along the area. We have two bids, one is from Staker, which is \$15,503 and the other one is Eckles Paving at \$18,813. This is being paid by recreation impact fees.

MOTION BY: Councilperson Brent Hanks to approve the Staker Parsen bid for asphalt at the new ball field at the down town ball park.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

Councilperson Hanks stated that Steve Cox is doing his best to water the parks, but we are limited on times. He is wondering if we could water more often, or during the restricted hours. Bruce Ward was concerned that we can not because of the Ordinance, and with the funding from the state. It was stated that we can not. Bruce also mentioned that we have had problems the filter screens for the PI. He feels that we have corrected

that problem, and that should make it easier for the parks to water (give them more volume).

23. COUNCILPERSON TODD R. GORDON

24. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

25. BRUCE WARD, CITY ENGINEER

26. ATTORNEY S. JUNIOR BAKER.

Attorney Baker mentioned to the council about the League of Cities and Towns meeting.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Stanley Green to adjourn city council meeting and enter into an executive session for discussion on litigation.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 9:25 p.m.

Jeffrey Nielson, City Recorder