

Minutes of the Salem City Council Meeting held on December 11, 2002 in the Salem City Council Chambers.

**MEETING CONVENED AT:** 7:35 pm

**CONDUCTING:** Mayor Randy A. Brailsford.

**PRAYER:** Councilman Reid Nelson.

**PLEDGE:** Reed Cornaby.

**COUNCIL PRESENT:**

Mayor Randy A. Brailsford  
Councilman Reid W. Nelson  
Councilman Dale Boman  
Councilman Dale R. Wills  
Councilwoman Vicki H. Peterson

**STAFF PRESENT:**

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

Councilman Terry A. Ficklin arrived later.

**OTHERS PRESENT**

James Nelson  
Amber Thompson  
Bruce Farnsworth

Kelly Murdock  
Reed Cornaby  
Tom Brighton

Martin Thompson  
Carrie Brown

**1. PUBLIC HEARING**

**OPEN PUBLIC HEARING**

**MOTION BY:** Councilman Reid Nelson to open the public hearing.

**SECONDED BY:** Councilwoman Vicki Peterson.

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

**a ANNEXATION POLICY**

Mayor Brailsford stated that Payson has approved and signed the contract between Salem, Spanish Fork, and Payson regarding any annexations by the Benjamin exit. Attorney Baker stated that it would be going before Spanish Forks Council the following week. Mayor stated that there is a map on the table if anyone was interested in viewing the annexation areas. Planning and Zoning has been working on the policy and looking at area's they feel the city would want to annex in the future. They have also approved the policy. The statement was made that area #1 is the area where contract is enforced between the three cities. The city may get conflicting issues from Payson in area #4 (to the west of Salem). Mayor Brailsford stated that in

years past, cities used to have an annexation declaration, but about three years ago the legislation eliminated it. This last year they reintroduced it and required each city to have an annexation policy. Councilman Nelson stated that in area #4, the map shows an area that we want to annex in, but Woodland Hills has already annexed it into their city. Attorney Baker stated that it would not affect the policy any, and that he could change the maps. Councilman Nelson was also wondering if Salem had an older agreement with Elk Ridge to have the Highline Canal as the boundary. Mayor Brailsford stated that the city did have an agreement.

Mayor Brailsford asked if anyone else had any other questions or concerns. There were none.

**MOTION BY:** Councilman Dale Boman to adopt the annexation police with the correction on the map regarding area #4 where Woodland Hills has already annexed into their city.

**SECONDED BY:** Councilwoman Vicki Peterson.

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

## **b BOND RESOLUTION**

Mayor Brailsford turned the time over to Kelly Murdock from Wells Fargo Bank. Kelly stated that a couple of years ago the city went with a MBA Bond to build a new ball park. A couple of years later it was determined that the city needed a little bit more money, due to a situation that happened with the MBA Bond owing the Electric Revenue bond some money, and then the ball park costing more than what was planned. The money needed would be around \$150,000. The mayor also wanted some money to help build a new community center. The combination of the two amounts came to about \$210,000. The MBA bond currently has a higher interest rate, but it can be paid back at any time. The city came to Kelly wondering about refinancing, and getting the new money. Kelly stated that the proposal tonight is to pay off the old bond by refinancing at 5.25% fixed rate for ten years.

7:50 PM Councilman Ficklin arrived at City Council Meeting.

Kelly stated that by just looking at the refinancing of the bond, the savings would be about \$40,000 in debt service. The Sales Tax Bond is a little different than the MBA Bond; the MBA Bond is like a mortgage. The Sales Tax Bond requires you to have a public hearing stating that you are pledging the sales tax revenue for the bond. But the city can pay for the bond the same way it has in the past. It is much like the Sewer Bond, where the city pledged property tax, but the city still pays for the bond by the sewer revenue.

Kelly stated that he is willing to answer any questions. Reed Cornaby was wondering how much more new money the city is going to borrow. Kelly stated about \$210,000, about \$100,000 to pay back the electrical fund, about \$50,000 to finish the ball park,

about \$50,000 for the new community center, and the remaining amount to pay for the cost of issuance. He stated the city has three years to use the money, if they don't use it then it will go towards paying off the bonds principal. Reed Cornaby is concerned about if we really needed that money right now; in a few years we are going to need some money for water. Mayor Brailsford stated that a couple of years ago, the city had two bonds. One bond was for the new ball park and the other one was for the electrical. A transfer was made a few years ago that the money came out of the wrong bond. It was caught this year, and this is why we have to refinance on this bond so the MBA bond can pay back the electrical bond.

Kelly did notice that on the agenda it stated that the city would be bonding for \$765,000 and it should have been for \$768,000. He said that he would check with the bond council to see if this is a problem or not. Attorney Baker stated that the council could adopt the bond resolution and have it subject to what the bond council stated about the difference.

#### **CLOSE PUBLIC HEARING**

**MOTION BY:** Councilwoman Vicki Peterson to close the public hearing.

**SECONDED BY:** Councilman Reid Nelson.

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

**MOTION BY:** Councilman Reid Nelson to approve the Bond Resolution 121102A for the issuance and confirming the sale of Salem City, Utah County, Utah Sales Tax Revenue Refunding Bonds, Series 2002, in the amount of \$768,000 pending the review from the bond council.

**SECONDED BY:** Councilman Terry Ficklin.

**VOTE:** Affirmative 4-1, Councilman Dale Wills voted nay.

Mayor Brailsford stated that item number seven is the Bond Purchase Agreement. While Kelly Murdock is still here, he would like to go over it now in case if there are any questions.

## **2. Bond Purchase Agreement**

Kelly stated that the Resolution authorizes the bond, and the agreement is the agreement between Salem City and Wells Fargo.

**MOTION BY:** Councilwoman Vicki Peterson that we accept the Bond Purchase Agreement.

**SECONDED BY:** Councilman Dale Boman.

**VOTE:** Affirmative 4-1, Councilman Dale Wills voted nay.

### **3. KEVIN & CARRIE BROWN – SUBDIVISION WAIVER AT 530 W. 300 S.**

Mayor asked Dave Johnson to explain the subdivision waiver. Dave stated that Carrie is trying to refinance. She would like to subdivide her property, right now the property is zoned both residential and commercial. By subdividing it would divide the two zones making two different properties and zones. The property is next to the Texaco gas station. By doing this the property would match the zone next to it. She does not want to build anything at this time. Councilman Nelson was wondering if any improvements needed to be done. Dave stated that it is up to the council; usually we do not require the improvements unless a building is being put in. One of the parcels already has the improvements done, except for about 8 feet of side walk by her house. They are just waiting the contractor to come back and finish the work. The statement was made about a 10 foot easement running north and south. Dave stated that he was not sure, but that there should be a 5 foot easement around the boundaries of the properties. Carrie was asked if they have talked to the Crown's about this, because they had questions about the fence at one time. Carrie stated that she has talked to the Crown's and they have not said anything about the fence. In Planning and Zoning, the Crown's seemed to be ok with the waiver. Carrie stated that the Crown's would have to sign the boundary line agreement.

**MOTION BY:** Councilwoman Vicki Peterson to accept the subdivision waiver for Kevin and Carrie Brown at 530 West 300 South.

**SECONDED BY:** Councilman Dale Wills.

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

### **4. BRETT PENROD – SUBDIVISION WAIVER**

Brett Penrod stated that he also needs a subdivision waiver. He is building the new car wash down by 500 West and SR 198. He stated he would like to separate the two businesses (the car wash, and the other business he will be building there soon). DRC has approved the waiver; they see no problem with it. He was told he would be responsible for putting the improvements in along Sheen Road. When everything is done, the ditch would be piped, and the asphalt finished. He will also be putting Honey Locus trees along the highway in the planter strip. Councilman Boman was wondering if Brett feels that two car washes are needed in Salem. Brett feels that the city could support two car washes. Mayor Brailsford was wondering about how to determine the water impact fee. Dave stated the LEI will be helping the city figure that out.

**MOTION BY:** Councilwoman Vicki Peterson to approve the subdivision waiver for Brett Penrod at 532 West SR 198.

**SECONDED BY:** Councilman Dale Boman.

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

## **5. BRUCE FARNSWORTH – REQUIREMENTS FOR SPLITTING PROPERTY AT 400 N. SR 198**

Mayor Brailsford explained to Bruce that he received a letter from the State today. He stated he was concerned with the way the road is at his property along SR 198. If Bruce sold the property, would the state require the new owner to make the improvements on the state road to line the road up? Mayor Brailsford read the letter from the state. It stated:

“Dear Mayor Brailsford, I am writing you in response to questions about the curb and gutter on the northeast corner of SR 198 & 400 North in Salem.

The subject curb, gutter and sidewalk was placed under project STP-198(1)166 and was done according to the current standards and the approved cross section. This cross section includes an 8 ft shoulder, 12 ft travel lane, and a 12 ft permissive left turn lane. The design did not include an acceleration lane northbound on SR-198 because it is not warranted at this time.

You asked if UDOT is going to require a new developer to relocate the curb, gutter and sidewalk for an acceleration lane or for future roadway widening. UDOT will not require the current property owner or a future owner to relocate said sidewalk or curb and gutter.

Salem city can require a new developer to modify the curb, gutter and sidewalk on the east leg of the intersection so it aligns better with the existing sidewalk to the east. Any work or modifications will require a permit from UDOT Region Three.

If in the future UDOT reconstructs SR-198 to a 4-5 lane facility or UDOT determines that an acceleration lane or other geometric change is warranted, UDOT will negotiate for the required right-of-way and will relocate the curb, gutter and sidewalk under an advertised construction contract.

It is recommended that Salem City require developers to set their buildings back far enough to allow for a future five lane facility; two lanes in each direction with a permissive left turn lane.

Sincerely  
Gregory M. Searle”

Mayor stated that when a building is going to be built there, that the city will make sure it is back far enough. He also told Bruce that the letter will be on file and in the minutes.

Bruce also has another concern. He stated that with the property on the corner of 400 north and SR 198, if he divides property so the existing house that is on 400 north is separated. Would the city require him to match the sidewalk that has been started along that road? He went up to the chalk board and drew what he was explaining. When he built the house he was told by the city where to put the clean out box for the sewer and

water meter. He is concerned that if he has to put in a new sidewalk to line up the sidewalk, he would have to move the box and meter. He is wondering if the city would maybe move them for him, since it would be the city requiring him to move them. The mayor stated that the key word is maybe. He stated he is not sure who from the city told Bruce to put the box and meter there. This is something that the city would have to look into.

As of right now, with the state road, when you want to divide that property, you will need to get on the DRC agenda and start the process of the subdivision waiver. Bruce stated that he would let the developer know that on the south side of the property along 400 north, they will have to come in 6 feet so that the sidewalks line up.

## **6. BUSINESS LICENSE**

### **a. AMBER THOMPSON – BEAUTY SALON**

Mayor Brailsford asked Amber if she was going to change her sales tax license to Salem. Amber stated that she would. He stated that the business has been inspected and approved by all the necessary people. Mayor also stated that there would not be any sun tanning beds, and there should not be any parking problems. Amber stated that she would not have any sun tanning beds, and would only have one customer at a time for parking. The mayor and council had no concerns.

## **7. ORDINANCE VACATING PORTION OF STREET TO DAVE SIMONS AT 200 W. SR. 198.**

Mayor stated that Dave Simons has done a lot of work and has done a great job so far. He has changed his Sales Tax from Spanish Fork to Salem, curb and gutter has been completed on the north side, he finished the sidewalk on the school side, stuccoed the building. The only thing really left was to stucco the back of the building. Mayor felt that he would like to give Dave a temporary license until the first of May. Dave would then have to complete the stucco. On the north side where the curb and gutter was put in, the asphalt for that will be finished the following day. They had to go out in the road a little bit further due to the slope and how bad the road was. This should make it a lot better along there.

Attorney Baker stated that this is a vacating ordinance, with the passing of the ordinance a quit claim deed will need to be signed by the mayor.

**MOTION BY:** Councilman Dale Boman to approve Ordinance 121102 and approve the mayor to sign the quit claim deed.

**SECONDED BY:** Councilman Reid Nelson.

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

## **8. APPROVE MINUTES OF NOVEMBER 20, 2002**

Councilman Nelson stated that Rick and Vicki's last name should be spelled Nielsen, and not Nelson. Also on line 139 where it talks about the lighting of the pond being a joint venture with Spanish Fork, it should state that the celebration is a joint effort, not the lights.

**MOTION BY:** Councilman Reid Nelson to approve the minutes with the said changes.

**SECONDED BY:** Councilwoman Vicki Peterson.

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

## **9. APPROVE BILLS FOR PAYMENT**

**MOTION BY:** Councilwoman Vicki Peterson to approve the bills for payment.

**SECONDED BY:** Councilman Reid Nelson.

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

## **10. PUBLIC SAFETY**

### **a. DEPARTMENT POLICIES**

Police Chief James stated that he has a couple of policies that need to be changed. First is from SEMA, they would like to change the age from 21 to 18 that allows a person to apply for SEMA. A few councils ago, this was brought up, and a concern was to allow someone under 21 to drive. That has been addressed in the last paragraph. Attorney Baker has also reviewed the new policy.

**MOTION BY:** Councilman Terry Ficklin to approve the new Policy.

**SECONDED BY:** Councilman Dale Boman.

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

Chief James stated that the second policy change is that Salem City no longer provides service to Woodland Hills. In the addition to the policy, it states that Salem Police will only assist other law enforcement departments in a life threatening situation. That is the only time they are to go up to Woodland Hills. Both the Mayor and Attorney Baker have approved the new policy.

**MOTION BY:** Councilman Reid Nelson to accept the addition to the police personal policy.

**SECONDED BY:** Councilwoman Vicki Peterson.

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

Councilman Wills was wondering if the fire or ambulance department had to go up there, would the police department assist them. Chief James stated that they would go and assist them.

## **11. OPEN DISCUSSION**

Tom Brighton stated that he has just purchased Maughn Pro Nursery. He would like to stay on Strawberry power at this time. Attorney Baker stated that when Tom came to DRC for a subdivision wavier, it was mentioned that the bank only sold him the business, so he would have to do a wavier. In order to do a subdivision wavier he would be required to have the improvements done and hook onto city utilities. DRC told Tom he would need to come to City Council and get their approval before proceeding. Councilman Nelson stated that the city is looking at getting Salem power out that way in the near future. Mayor stated that the council should allow him, that the city can not help what has happened in the past out there. The council felt that it would be ok to allow Tom to stay on Strawberry power, but as soon as Salem gets power out there he would be required to switch over. Tom did not have a problem with it. Mayor Brailsford also asked Tom if he was aware of the Olson Nursery going in. Mayor felt he should let Tom know about that. Tom was appreciative of the mayor letting him know about that, but feels it will not affect him.

Reed Cornaby would like to express his appreciation of the pond, and how well it looks with the lights on it.

Councilman Terry Ficklin left council chambers at 8:55 pm.

## **COUNCIL REPORTS**

### **12. COUNCILWOMAN VICKI H. PETERSON**

Councilwoman Peterson announced that Salem Elementary School has done 450 luminaries for the cemetery. The youth council will light candles in them on Christmas Eve during the day to light the road into the cemetery and the veteran's memorial. She was also wondering if someone could put some sand up there, and make sure it is broken up and not frozen on Christmas Eve.

### **13. COUNCILMAN DALE R. WILLS**

Councilman Wills was wondering if anyone had any questions with what LEI presented in the work session. LEI has some ideas of what the city can do for our springs in Water Canyon to collect more water. LEI would like to do further study on these ideas and come up with a design so the work can be bid out. Councilman Wills felt good about allowing them to proceed with a design, and would like LEI to proceed with the work.



The city needs to hurry on this so the work can be done before spring time when we need the water from the springs.

**MOTION BY:** Councilman Dale Wills to have LEI proceed with the design to gather more water at the springs in Water Canyon.

**SECONDED BY:** Councilman Reid Nelson.

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

#### **14. COUNCILMAN REID W. NELSON**

Councilman Nelson reported that the power department received their new line truck and are pleased with it. The bucket truck, which we just had all of the work completed on the bucket part last year, needs some engine work done. Larry Stone figures it could cost about \$1,600. Everything on it is in pretty good shape other than that.

An update on the UP&L line, Councilman Nelson has a draft for the purchase of their line. He has given a copy to attorney Baker and there are a lot of questions that need to be answered before we proceed.

The UMPA annual meeting in St. George, he thinks it is around February 20<sup>th</sup>, but he will make sure on that.

#### **15. COUNCILMAN DALE BOMAN**

Councilman Boman reported that Kathy Rawson will be the new Library Chair Person, and she will be gradually phased into the position.

Mayor Brailsford explained that we have the audit report done. Everything looked real good, except for the general account; there were a couple of areas that we should have adjusted. He feels this was a learning year with Jeff Nielson.

#### **CLOSE CITY COUNCIL MEETING**

**MOTION BY:** Councilman Reid Nelson to close city council meeting.

**SECONDED BY:** Councilman Dale Boman.

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

**MEETING ADJOURNED AT:** 9:05 pm.

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Jeffrey Nielson, City Recorder