

Minutes of the Salem City Council Meeting held on February 15, 2006 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:30 p.m.

CONDUCTING: Mayor J. Lane Henderson.

COUNCIL PRESENT:

Mayor J. Lane Henderson.
Councilperson Lynn Durrant
Councilperson Jeff D. Higginson
Councilperson Stanley W. Green
Councilperson Brent V. Hanks

STAFF PRESENT:

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

Excused

Councilperson Terry A. Ficklin

OTHERS PRESENT

Paul Tervort
Kevin Merrill
Nathan Anderson
Kari Skinner
Lucy Cornaby

John Davis
Jeff Crawford
Kathleen Anderson
Randy Skinner
George Rasband

Scot Perry
Justin Bascom
Matthew Anderson
Reed Cornaby
Burke Tervort

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Councilperson Jeff Higginson stated he would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Mayor Henderson invited those who would wish to participate, to stand and say the pledge of allegiance with him. He then led the pledge of allegiance for those who wanted to participate.

3. PUBLIC HEARING

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

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

a. Ordinance Amending Codes on Utility Connections

Mayor Henderson asked the council if they were able to review the ordinance. The council stated that they have. Mayor Henderson asked Attorney Baker to explain a little about the ordinance. Attorney Baker explained that the city requires when someone hooks onto a utility, they are required to take the utility to and through, which means they have to take the utility to their property line. For some people on the outer limits of the city, it sometimes becomes a financial burden when they have to run the infrastructure out to their property, and it is unreasonable to run the infrastructure to and through their property. The change in the ordinance will allow a variance to be granted by the city council, and at the same time the council could impose conditions. The change will not allow new buildings, new developments, or split lots to hook on without taking the infrastructure to and through. John Davis asked if it has to be an existing home. It was stated that was correct. Attorney Baker stated that this would usually include someone who is currently using a well or a septic tank. Paul Tervort stated that he is concerned because he can not find where it defines a hardship; he feels the council should not be put in that position to determine what a hardship case is. He would like to see hardship determined or defined. Also, if the council passes this, what would they do for individuals who in the past have been required to take the infrastructure to and through their property. John Davis stated that it would be hard to determine what a hardship would be for one person and not for another. If you allow someone to hook on, it would seem to me that it would leave it open and would have to let everybody who falls within that situation. He feels that if the council passes it, they will have a lot of people coming in, and he feels they will all have to be treated the same. Councilperson Hanks is concerned what would determine a hardship for one person and not another. He does not feel that money would be considered a hardship.

George Rasband wanted to show the council his situation. He showed them what happened at his place, and why he is requesting this. He stated that he and his son live on 8800 South. The water line was in front of his son's home, so they drilled under the road to connect. They were sharing the same well at that time. When he first approached the city to hook onto the water he was led to believe that he could come across and hook on also. After they hooked his son on, it was determined that an 8 inch line would have to be run. There was discussion about having some of the neighbors that are on the other side of the road help with the cost so they could hook on. It was stated that the neighbors are not in the city limits and would not be able to hook on. George stated that he has two lots, and would not be able to do anything with the water until he develops. Paul Tervort stated that the current ordinance was created to help close the water lines, and to stop the gaps. There have been many problems in the past, and this was going to stop those problems. It was stated that George could do a connectors agreement with the water line. George stated that the problem is that he was told he would have to run the water on his side of the road, but all of the homes are on the other side. Johnny Davis stated that he has seen this in other places, where he has had to dig up roads, sidewalks, etc. If the water line would have been run to and through, there would not have been a problem. He feels that

hardship could be for anybody, which would mean you would have to treat everybody the same. Burk Tervort told the council that he feels it would open it up to everybody. George commented that the council can look at each person individually. He stated that the hookup now would be in the middle of the lot, when his other property is developed he would then have to finish the water line.

Mayor Henderson asked if there were any other questions. There were no other questions or comments at this time.

b. Henderson Annexation

Mayor Henderson stated that he needs to declare conflict of interest on this item on the agenda, and turned the council meeting over to Mayor Pro-tem, Councilperson Durrant.

Councilperson Durrant turned the time over to Dave Johnson. Dave showed the council and the public where the annexation was located on the map. He stated that it is at almost Center Street and Woodland Hills Drive. It is a triangle piece of property that is about 6.5 acres, on the east side of Woodland Hills Drive. The neighbors have been notified of the annexation. The property is in the master plan. Attorney Baker stated that the notices have been published according the law. Paul Tervort asked if this was the first step in the annexation process or the last. It was stated that this was the final step in the annexation process. Bruce Ward stated that the first process began with the past mayor and council last year. Councilperson Durrant asked if there were any further questions from the public or council. There were no further questions or comments.

Councilperson Durrant turned the council meeting back over to Mayor Henderson.

MOTION BY: Councilperson Jeff Higginson to close the public hearing.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

a. Ordinance Amending Codes on Utility Connections

Mayor Henderson told the council that they have heard from the public. It was mentioned that the burden to determine if someone falls under a hardship would be put on the council to decide. Councilperson Durrant stated that if we change it, she feels that anyone who comes in will be pleading a hardship. Councilperson Higginson feels that we would need to look at each case differently. Attorney Baker reminded the council that they are looking at the ordinance, and not at George Rasband's case.

Mayor Henderson asked for a motion on the Ordinance Amending Codes on Utility Connections. There was no motion made on the change, so the ordinance did not pass.

b. Henderson Annexation

Mayor Pro-tem Councilperson Durrant asked for a motion on the Henderson Annexation.

MOTION BY: Councilperson Brent Hanks to approve the Henderson Annexation.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (3-0).

4. GEORGE RASBAND – VARIANCE ON WATER LINE INSTALLATION

Mayor Henderson asked George if he had anything else he wanted to say to the council, because with out the ordinance change, he will not be allowed a variance on his water line. George stated that he is very disappointed; he has been trying to do everything correctly according to the city. He has waited three months for this. He told the council that they are only willing to work with the high density housing, that they are not willing to work for one individual. He feels that the council is a bunch of pharisees. That the city is driven by big dollars and big guys, that the little guy can not do anything in the city. He feels the council needs to allow variances, and to look at each situation differently. He has worked for a corporation and he used to look after the little guy and try to work with them. He is very disappointed in the city and the council.

5. MIKE BROCKBANK – SEPTIC TANK FOR POSSIBLE CHARTER SCHOOL SITE AT.

Mayor Henderson asked if Mike Brockbank, or representative, was present. No one was present. Mayor stated that Mike is looking at doing a charter school along the highway on the north end of the city. There is no sewer out there, and because of the water table, he would have to have a holding tank.

The council felt that they do not want to approve a school on a holding tank. They denied the request.

6. RANDY SKINNER – PROPERTY ACQUISITION AND POSSIBLE ORDINANCE CHANGE ON FLAG LOTS.

Mayor Henderson stated that Randy Skinner lives on the south side of Canal Road. His septic tank has failed, and is in a desperate situation. There is a safety sidewalk that was

installed along the canal, but for some reason the deed for the property of the sidewalk was never recorded. Randy is looking for options to hook onto the sewer line, and would be willing to deed the property for the sidewalk in exchange for the sewer impact fee (\$1,800) and the sewer hook up fee (\$155).

Randy stated that the grade for the sewer line is the biggest problem. He does not have the grade needed for a 4 inch line. But he has checked for an 8 inch line and it would work. He wants to avoid as much costs as possible. It was stated that a lift station may have to be installed. Mayor Henderson asked Bruce Ward about the 8 inch line. Bruce stated that with an 8 inch line can run flatter, but the difference is Randy's would be a lateral. Usually the 8 inch line is for the main line, where you have more water flow to keep the water moving. The lateral is only for the one home and he feels you would not have enough water waste to keep it moving. That is why they usually do not do laterals with a bigger line, and he would not recommend allowing a lateral being an 8 inch line. Bruce asked Randy if he has talked to a plumber. Randy stated that he has talked to a plumber about a 4 inch line at a 1% grade. The plumber stated he could do it, but he would not guarantee it. Bruce does not recommend it either. He also stated that Randy would have to go to and though his property with the sewer line. There were questions on why the grade was so shallow there. Bruce stated that when the line was laid, it was done according to the grade of the land, and the homes that were being hooked on. Sometimes we don't have a choice about the grade; we have to go with what the land grade is. Randy stated that they have lived their for about six years. Paul Tervort was wondering why they were not told about the sewer line when they moved in, it should have been in the declaration. They were not sure. Dave Johnson stated that about three years ago, a lift station was installed and the cost of it was about \$1,200. Councilperson Hanks stated that cost to put the sewer line in, to and through and a lift station, would be about \$12,000. Randy stated that they have been having problems with their septic tank. They have had someone come in and clean it out, and since then it has been working okay, hoping that it will continue to be okay.

It was mentioned that the item on the agenda is to discuss the land acquisition and the ordinance change for the flag lot. Randy stated that he wants to look at another option for the flag lot at this time. But with the land acquisition, the cost of the sewer impact fee is \$1,800, and the cost of the sewer hook up is \$155, so the cost of the property would be \$1,955 for the property where the sidewalk is located.

MOTION BY: Councilperson Stanley Green to approve the land acquisition.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

7. BUSINESS LICENSE

a. Jennifer Sivertsen – Pottery Sales & Classes

Mayor Henderson stated that Jennifer Sivertsen at 465 North Main, is asking for a business license for pottery sales and classes registration. Chief James stated that it is an office only, that all of the classes are held in Springville. Mayor Henderson stated it has been approved by all of the appropriate people.

b. Shelley Lamb - Crafts

Mayor Henderson stated that Shelley Lamb, at 738 South 180 West, is asking for a business license for crafts. Chief James stated that she makes the crafts at her home and then takes them to boutiques to sell. Her mother and sister are helping her in the home. Mayor Henderson stated it has been approved by all of the appropriate people.

c. Shelly Chambers – Wedding Decorations

Mayor Henderson stated that Shelly Chambers, at 1091 South 480 West, is asking for a business license for wedding decorations. Chief James stated that she does decorations for weddings at churches, yards, or reception centers. The decorations are stored in her garage. Mayor Henderson stated it has been approved by all of the appropriate people.

MOTION BY: Councilperson Brent Hanks to approve the business license.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

8. TOURISM AND RECREATION FUND APPLICATION

Mayor Henderson stated that this is an application to receive some money from the county from the tourism and recreation fund. He had Jeff Nielson draft a letter requesting the money. The city is eligible for \$3,344. The application must be approved by the council.

The council all told the mayor to go ahead and sign the application.

9. RESOLUTION OPPOSING SENATE BILL # 170

Mayor Henderson stated that Senate Bill 170 was turned down, but two other bills were created that he feels a little better about. There was enough opposition with SB 170. He would still like it on record that Salem City was against SB 170.

MOTION BY: Councilperson Stanley Green to approve Resolution 21506 Opposing Senate Bill #170.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

10. APPROVE MINUTES OF FEBRUARY 1, 2006

MOTION BY: Councilperson Stanley Green to approve the minutes of February 1, 2006 as written.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

11. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Jeff Higginson to approve the bills for payment.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

12. PUBLIC SAFETY

Police Chief Brad James updated the council on the emergency preparedness management team. He stated that they are looking at doing a pamphlet to inform the citizens that we have this group, and that it has been going since 1992. Mayor Henderson asked the chief if there were a disaster, how long would it take for Salem City to get help from the government. Chief James figures it would be about two weeks, because we are a smaller city. Chief James stated that is why this group is so important. We have tried to get a representative from all of the different organizations in the city; we hope we have them all.

Mayor Henderson stated that we are going to need to hire a new police officer for the new high school. He would like to get that officer in a year before the school is finished so they can be trained. He was wondering if we could check with Nebo and see if they are willing to help out. Chief James felt that was a good idea, and he would contact Nebo.

Councilperson Hanks was wondering about the stickers for residents that has the emergency call out numbers on them. We need to update those numbers. Chief James stated that there is also going to be an emergency preparedness fair coming up.

13. OPEN DISCUSSION

Mayor Henderson asked if anyone had anything for open discussion. Austin Pritchett asked how many times can someone go to traffic school, or how often. It was stated that you can go every two years.

COUNCIL REPORTS

14. MAYOR J. LANE HENDERSON

Mayor Henderson stated that our web page for the city is www.pondtown.org. He is concerned about when people search for the city they will not be able to find Salem City. There was some discussion on different names that Dale Boman has put together. He also mentioned that www.salemutah.org has been registered to Salem for about a year. The council felt that was a better name for the city's web page, and asked to change it to www.salemutah.org.

Mayor Henderson reported that he has had some people contact him regarding the article in the newspaper, stating that we are out of water. He wanted the council to let people know that we are not out of water.

Mayor Henderson wanted to make some new assignments for some of the council members. There are a lot of meetings that he has to attend to, and because of that he is unable to attend some of the other meetings. He would like to appoint Councilperson Durrant over transportation. There are some improvements coming up with the state roads, and we need to be a part of the meetings because they will affect Salem. Some of the issues that are being discussed are the Nebo Loop Road, the widening of SR 198 to make it a four lane road, and what is happening with UTA.

The other assignment is regarding recycling for the city. He would like to appoint Councilperson Ficklin over this. Mayor Henderson will let Councilperson Ficklin know about this new assignment.

A concern that Mayor Henderson has is how many people are delinquent on their utility bills. He has been working with Jeff Nielson on a way to allow residents to donate to a fund to help some of the residents who are struggling paying their utility bills. This will be announced in the news letter, and we will start to allow people to donate this month.

He reported that the budget is done for January, he would like to have the council get with Jeff Nielson to start going over the budget for next year.

Last council meeting we talked about a way to help out the police officers so they could find a way to live here in Salem. Mayor Henderson has met with Attorney Baker and Chief James, and looked at waiving impact fees for them. This would be for full time public safety; this would only be for the police officers. The discussion came up about the salaries for the police officers, and how many officers has the police department lost because officers have left. Chief James stated that he has lost three officers in the 16 years he has been here. Councilperson Hanks does not like doing deals, he would rather see the pay rates increased. Bruce Ward made the comment that the water department, and the sewer department are just as important, and wondering if it would cause problems to only do the police department. Councilperson Hanks agrees, and feels we need to treat everyone. Chief James stated that he would like to get his officers her in Salem, and trying to find a way for them to live here. He stated that our starting salary for the police officers is \$14, and other cities it is \$17. Bruce Ward stated that he still feels we need to treat everyone the same.

15. COUNCILPERSON LYNN DURRANT

Councilperson Durrant reported that on Saturday the 25th, the Youth Council will be hosting a dinner dance for the senior citizens. She would like to invite all of the council there. They should all have an invitation for the event.

The chamber is hosting their annual economic summit, this year it will be at the Pateetineet building in Payson, and will be in April.

16. COUNCILPERSON STANLEY W. GREEN

Councilperson Stanley Green reported that the sewer plant improvements are being installed, everything is looking good. Paul Tervort wanted some clarification; he was under the impression that with the O&M for the sewer plant, Elk Ridge was billed according to number of connections rather than their 18% ownership. Jeff Nielson stated that they are billed according to number of hook ups. Paul was also wondering about samples for the sewer plant, and if they are still be done. It was stated that they are being done.

17. COUNCILPERSON BRENT V. HANKS

Councilperson Brent Hanks reported that he met with Chief James, Todd Gordon, and Jeff Nielson about the snow removal policy for the city. He handed a copy of it to the council, and stated it will be in the newsletter, and is on the city web page. The police department will call out our snow plows. He has asked the snow plow drivers to start on the East side, the middle and the West side, this way we will have snow plows in all parts of the town. The main roads will be done first along with school routes. We will not worry about plowing down to the asphalt. On weekends, will do it differently. We will

try and get the subdivisions so people can get out. He feels we need to look at purchasing at least one other truck.

A letter was sent to Mr. Allred stating that the city is not willing to sell the property that he requested a couple of council meetings ago.

Dave Johnson was wondering about Chrisman Drive, and what the council wanted to do with it. Councilperson Hanks stated that he has spoke with Todd Gordon on it, and they have come up with a way to fix it. Attorney Baker thought that the council has already abandoned it, and was given to the landowners. The landowners were given until this spring to get the improvements done.

Councilperson Hanks reported that next council meeting their will be a public hearing on the selling of the city property, the city shops. After the meeting a RFP will be written to ask for bids.

18. COUNCILPERSON JEFF D. HIGGINSON

Councilperson Higginson reported he had an item to discuss, but will hold off until next council meeting and have the item on the agenda.

19. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Dave Johnson reported that he is getting a lot of building permits in; he is about six weeks out. An option that he would like to give to the builder is to have Corbett Stephens from LEI do their plan reviews. If they go that way, it would cost the builder more money, but it would give them an option. We would not be hiring Corbett, but it would allow the builder the option to have someone else do the plan review. Spanish Fork City is doing something similar. Mayor Henderson thought it would be worth looking into.

20. BRUCE WARD, CITY ENGINEER

Bruce Ward was wondering if he could get some direction for the impact fee proposals that were discussed during work session. Councilperson Durrant felt that the electrical impact fee was a priority. Bruce stated he would get the proposals for the electrical, and move forward with the others in the future.

Mayor Henderson was wondering if the council wanted to meet again to go over issues with the secondary irrigation. Councilperson Green stated that he is going to meet with Bruce tomorrow, but also feels we need to set up another meeting with the council. It was determined to have a council work session on Wednesday February 22, at 7:00 a.m.

Bruce also wanted the council to know that you can use the impact fees to pay for the impact fee studies. He asked Attorney Baker what we would have to do as far as publishing the RFP's for the impact fee study. Attorney Baker felt that we should try and publish it where it would be possible. He also feels we need to put in the reference for the state law on impact fees. Bruce stated that a lot of times, the low bid on these request are not always the best the bid.

Bruce stated that we have had Sunrise Engineering do an analysis on our water rights. We have four actions, or water rights that need to have extensions hat need to be done by the end of February. He has received two proposals to get these items done. Sunrise was for \$500 and Aqua was for \$690. The difference between Sunrise and Aqua, is that Aqua will be evaluating the work that Sunrise has done. The engineers that are working for Aqua, would be a Jim Riley who used to be the county water rights person, the other one is Tony, who used to work for Sunrise. He would recommend spending the extra \$200 and have Aqua do the work. He feels that it would be good to have another set of eyes looking over what Sunrise has already done.

MOTION BY: Councilperson Stanley Green to approve Aqua Engineering.

SECONDED BY: Councilperson Lynn Durant.

VOTE: All Affirmative (4-0).

Mayor Henderson reported that Mike Sosa will be retiring on the 28th of February. There will be a small luncheon on the 24th. Right now we are not looking to hire anyone else to replace him. Jeremy James was hired on in anticipation for Mike retiring.

We have a request for the American Legion to sponsor the boy's state program. Jeff Nielson stated that we do budget for this each year, to donate \$150 to the boys and girls state program.

CLOSE CITY COUNCIL MEETING

Mayor Henderson asked for a motion to close city council meeting and to enter into an executive session.

MOTION BY: Councilperson Jeff Higginson to close city council meeting and enter into an executive session.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 9:15 p.m.

Jeffrey Nielson, City Recorder