

Minutes of the Salem City Council Meeting held on February 18, 2004 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:30 PM

CONDUCTING: Mayor Randy A. Brailsford.

PRAYER: Councilperson Terry Ficklin.

PLEDGE: Mayor Randy A. Brailsford

COUNCIL PRESENT:

Mayor Randy A. Brailsford
Councilperson Terry A. Ficklin
Councilperson Dale Boman
Councilperson Dale R. Wills
Councilperson Lynn Durrant
Councilperson Paul J. Hair

STAFF PRESENT:

Jeff Nielson, City Recorder
David Johnson, Public Works
Junior Baker, City Attorney

Excused From Council Meeting:
Chief Brad James, Police Chief

OTHERS PRESENT

Kelly Murdock
Jared Roberts
Anson Wing
Kasey Bills
Christy Hardman

Linda Earls
Melissa Milton
Travis Guymon
Nicole Bell

Baylis Earls
JoAnn Nybo
Kelly Long
Jeff Nielson

1. PUBLIC HEARING

MOTION BY: Councilperson Dale Boman

SECONDED BY: Councilperson Lynn Durrant

VOTE: All Affirmative (5-0).

- a. **G.B.W. Enterprises – Conditional Use Permit to build a home on a Flag Lot behind 137 E. 100 N.**

Mayor Brailsford asked if anyone was present to represent this item; no one was present. Mayor Brailsford stated they came to Planning and Zoning and also to DRC (Development Review Committee), he then turned the time over to Dave Johnson to discuss DRC recommendations. Dave stated that this property is next to the Post Office, on the south side. He stated that it meets all of the

requirements for the city's flag lot ordinance. DRC made the motion to recommend granting a conditional use permit with the following conditions: the power would need to be rerouted; obtaining a 10 foot utility easement, along the north and east property lines and across both accesses; on the access from 100 East there would need to be a 20 foot wide drive of hard service along with curb, gutter, sidewalk, and asphalt must be installed. On the access from 100 North the sidewalk must be extended to match that on the east, and a 3 foot fence needs to be installed behind the sidewalk so it will not be used as another access. Dave stated that they are also looking at purchasing a manufactured home, if they do, they were told the roof would have to meet the proper pitch requirements, would need to be placed on a permanent foundation, and landscaping would need to be completed by the end of September. If the landscaping is not completed then their power bond will be held until it is complete. Dave mentioned that the property owners to the east are looking at purchasing the small piece of property that is the access onto 100 North.

Mayor Brailsford stated that Planning and Zoning had about the same recommendation. Mayor then asked the council if they had any concerns. Councilperson Boman stated he was under the impression that the purpose of a flag lot, and allowing someone to build on one, was to help make the lot better (beautification) than what it was. He feels this lot will still be a nuisance, and we will have problems with it. Attorney Baker stated that usually flag lots are created from regular lots, the difference with this one is that it is already a flag lot.

Post Master Jeff Nielson stated that he has spent a lot of money trying to get rid of the weeds where the Post Office property borders this lot. He will be happy to see something done with the property to help clean it up.

Mayor Brailsford asked if there were any other comments, if not he would ask the council for a motion to close the public hearing.

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

SECONDED BY: Councilperson Paul Hair.

VOTE: All Affirmative (5-0).

a. G.B.W. Enterprises – Conditional Use Permit to build a home on a Flag Lot behind 137 E. 100 N.

MOTION BY: Councilperson Paul Hair to approve the Conditional Use Permit to build a home on a Flag Lot behind 137 East 100 North as long as it meets all of the conditions which DRC and Planning and Zoning placed on it.

(DRC Motion: to recommend granting a conditional use permit to G.B.W. Enterprises to build on a flag lot behind the property at 137 E. 100 N. subject to re-routing the power; obtaining a 10 foot utility easement along the north and the east property lines and across both accesses; the 27.95 foot driveway have a width

of at least a 20 feet of a hard surface; curb, gutter, sidewalk, and asphalt must be installed on the 27.95 foot access; on the 20 foot access, the sidewalk must be extended to match that on the east and a 3 foot fence needs to be installed behind the sidewalk; the house, if a manufactured one, must be placed on a permanent foundation; the landscaping must be completed by the end of September, if not, the \$500 permanent power bond will be forfeited.)

(Planning and Zoning Motion: to recommend approval of a conditional use permit for G.B.W. Enterprises to build a house on a flag lot behind the property at 137 E. 100 N. with the conditions that they meet all of the requirements of the flag lot ordinance, they check with the power department on the location of the electric meter, and they fence off the access on 100 North.)

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

2. CONSIDERATION FOR ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF SALEM CITY, UTAH COUNTY, UTAH (THE “ISSUER”) AUTHORIZING THE ISSUANCE AND SALE (THE “BONDS”) IN AN AGGREGATE PRINCIPAL AMOUNT OF APPROXIMATELY \$2,740,000 IN ORDER TO REFUND A PORTION OF THE ISSUER’S GENERAL OBLIGATION WATER BONDS, SERIES 1996; AND RELATED MATTERS.

Mayor Brailsford turned the time over to Kelly Murdock from Wells Fargo Bank. Kelly handed the council a Financing Summary packet. He stated a couple of months ago when he came to the council to start the process of refinancing, he had explained to the council that if you can get a 3% savings (which is the industry bench mark), that it would be a good time to refinance. Back then he told the council that he would proceed with the refinancing and really watch the market, if the city could not get a 3% savings then we would not refinance. In January he was able to lock in on some securities for the escrow account, the escrow account is what pays back the existing bond until the bonds are callable. Since that time, the interest rates have fallen, but because we locked in on the securities in January we were able to keep the good rate. Kelly then went over the first page of the Financing Summary. The Par Amount (Series 2004) of the bond is \$2,735,000, the Refunded Par (Series 1996) is \$2,485,000, the Present-Value Savings is 6.272%, this is the savings that needs to be above 3%, so the city did well. Average Annual Benefit is \$15,578. The Dated/Settlement Date is scheduled for March 3, 2004. The Average Coupon (Series 1996 Bonds) was 5.692% and the Average Coupon (Series 2004 Bonds) is 3.324%. The city was able to get an “Aaa” rating and also able to receive bond insurance. Kelly feels the city was able to get a great deal, and that the timing was great.

Mayor Brailsford asked if there were any comments from the public. He asked if the city was going to receive the savings at the end of the bond payment, by keeping the

payments the same or take the savings on a yearly basis. Kelly stated the bond resolution was written to have the savings taken each year.

Mayor Brailsford stated he needed to have a motion on Resolution 21804, which states; A resolution of the City Council of Salem City, Utah County, Utah (the “Issuer”) authorizing the issuance and sale by the issuer of its General Obligation Refunding Bonds, Series 2004 (The “Bonds”) in an aggregate principal amount of \$2,740,000 in order to refund a portion of the Issuer’s General Obligation Water Bonds, Series 1996; providing for the manner of execution and delivery of the bonds; providing how the proceeds of the bonds will be used and how payment of the bonds will be made; approving the execution of an escrow deposit agreement, an official statement, and other related documents; authorizing the taking of all other actions necessary for the consummation of the transactions contemplated by this resolution; and related matters.

MOTION BY: Councilperson Terry Ficklin to adopt Resolution 21804.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

3. SIGN BOND PURCHASE AGREEMENT

Mayor Brailsford stated that along with the bond resolution there is a purchase agreement.

MOTION BY: Councilperson Terry Ficklin to approve the Bond Purchase Agreement.

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (5-0).

4. POSTMASTER JEFF NIELSON – SIGN AT POST OFFICE

Mayor Brailsford turned the time over to Jeff Nielson, the Postmaster for Salem City’s Post Office. Jeff stated he wanted to talk to the council about the sign ordinance. He was able to inherit a sign from another Post Office. The sign is about 8 feet 4 inches by 6 feet 8 inches, which is about 51 square feet. He gave the council a site map showing where he would like to place the sign. He said that after he read the ordinance he could see that the new sign would not meet the current requirements, but he noticed that there was an amendment to the sign ordinance for government entities, but the way it is written he still does not meet the requirements. He has been trying to get a sign for the Post Office for a long time. With the current sign, it is so small that nobody really knows where the Post Office is. Since the bank (Far West Bank) has taken down the trees in front of their building, it makes the Post Office a little more visible. The Post Office is just like any other business, it runs on a budget, and since this sign was given to him, and the cost to put up the sign would be minimal, he feels this is a great opportunity for the Post Office. The sign would be set back from the road, from the west (100 East) it would be 78 feet back and from the north (200 North) would set back 35 feet. The sign would be lit and

would sit on a cement slab. It is about 8 inches too high and 2 feet wider than what the ordinance allows. With it sitting back in the property as far as it is, he does not feel it would be a public safety hazard.

Mayor Brailsford asked what it would take to allow the Post Office to have this sign. It was stated that the ordinance would have to be changed, and in order to do that, it would have to go through the process. Councilperson Durrant asked if there would be a possibility to have the sign cut down to meet the requirements. Jeff stated he did not think about that, and would be an option to look at, as long as the cost is not too much. Attorney Baker stated that the council could amend the ordinance so that a conditional use permit would be allowed for government entities. This way it would not affect the commercial sign requirements. Mayor Brailsford stated that the city really worked hard to get the current sign ordinance written.

Councilperson Ficklin was wondering what he would have to do then. It was stated that he could start the process by going to DRC then Planning and Zoning, and to contact Becky in the city office to get on the agendas. A public hearing would have to be set for City Council meeting to change the ordinance. Jeff stated he would also look at the possibility of getting the sign cut down.

Councilperson Wills had a question for Jeff; he was wondering what it would take to get Woodland Hills their own zip code. Jeff explained that Woodland Hills also wants to get their own zip code. He said that Salem City and Woodland Hills are not even close to meeting the requirements for a new zip code. So he does not see the new zip code happening anytime in the near future.

5. BRADY OLSEN – EAGLE PROJECT

Brady Olsen was not present to discuss the Eagle Project

6. APPROVE 911 INTERLOCAL AGREEMENT

Mayor Brailsford stated that the city received a letter from the county explaining the interlocal agreement. Beginning last July, the State of Utah changed the way 911 fees were collected and disbursed. Since that time there has been some confusion surrounding this issue. In an effort to simplify the collection of those fees the attached Interlocal Agreement was drafted by the office of the Utah County Attorney. What has happened the past is the 911 charges were going to the Utah County 911 Center, with the new changes the 911 charges were distributed to the city from the Utah State Tax

Commission, and then were collected by the county. The interlocal agreement will allow the county to receive the charges directly from the Tax Commission, rather than receiving them from the city.

MOTION BY: Councilperson Lynn Durrant to approve the 911 interlocal agreement between Salem City and Utah County.

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (5-0).

7. APPROVE MINUTES OF FEBRUARY 4, 2004

MOTION BY: Councilperson Dale Boman to approve the minutes of February 4, 2004 as written.

SECONDED BY: Councilperson Paul Hair.

VOTE: All Affirmative (5-0).

8. APPROVE BILLS FOR PAYMENT

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

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

9. PUBLIC SAFETY

Mayor Brailsford excused Police Chief James from council meeting. The police department had their training on the new taser guns. During the training each officer had to be shocked by the taser guns.

COUNCIL REPORTS

10. MAYOR RANDY A. BRAILSFORD

Mayor Brailsford asked the council if they received their agenda for the work session on Saturday (2/21/04). We will be talking about home occupations, metal buildings, and Greenbelt roll back taxes. Also Megan Ryan has done a lot with other cities in helping them with zoning issue. He feels it will be very beneficial to have her here. We need to look at some new zones, like an industrial zone, looking at overlays in zones, and commercial base, especially by Olson's Greenhouse.

He wanted to let the public know about some of the projects that are being worked on by the pond. The first one is the outdoor classroom. The other one is the Lions Club building; we are looking at tearing it down. The drawings of the new building are

displayed at the front of the room if the public wants to see them after the meeting. We have had a lot of people donate time and money to the building of both projects. The tennis courts are going to be torn down, and we are debating if we want to have new ones made or not, with the high school coming in, we might be able to use theirs.

11. COUNCILPERSON DALE BOMAN

Councilperson Boman stated that he will soon be getting more information for Salem Days to the council.

Mayor Brailsford stated that the fireside needs to be taken off of the announcement for Salem Days, because it is not sponsored by the city.

12. COUNCILPERSON LYNN DURRANT

Councilperson Durrant did not have anything to report tonight.

13. COUNCILPERSON TERRY A. FICKLIN

Councilperson Ficklin stated that he is the new chairperson for the Solid Waste Board. The last meeting the board had was mostly information for the new members of the board. One of the questions brought up during those meetings, was how much storage do we have for solid waste. It was reported that we have seven cell sites on the west side of Utah Lake. We have been filling up cell site one for the past 15 years, and we are about 2/3 full. Cell site two and three have been combined to make one cell that will be five times as big as cell site one.

14. COUNCILPERSON PAUL J. HAIR

Councilperson Hair stated he went the Solid Waste Technical Board meeting the other day. A discussion came up about each city's ordinance allowing waste collection for commercial, and where the waste had to be taken. They wanted to make sure each city's ordinance was up to date. They also wanted to know who the carriers that come into each city are. He told them that BFI and Waste Management were the only two that he knew of for Salem.

Todd Gordon gave him a run down of the motor pool, and what is needed. It looks like one of the top priorities is the one back hoe needs to have two new back tires put on. Todd had three bids for the tires, which are: C/K Tire for \$324.53 each, Les Schwab for \$340.00 each, and IFA for \$420.00 each. C/K is the lowest bid, plus he comes down to the shop to install them. Councilperson Hair asked Jeff Nielson if there was money in

the budget for it. Jeff stated that in the motor pool, we could split the cost between the departments that use the back hoe.

Mayor Brailsford stated that we would need a motion on this.

MOTION BY: Councilperson Paul Hair to accept the bid for the back hoe tires from C/K Tires.

SECONDED BY: Councilperson Dale Wills.

VOTE: All Affirmative (5-0).

15. COUNCILPERSON DALE R. WILLS

Councilperson Wills stated that the Federal Government requires studies to be done on the bodies of water in the state. One of the requirements of this study is that phosphate level in the body of water can not be higher than .1%. The government has already done a study in two other counties in Utah. There has been talk that they are looking at testing Utah Lake. Just to let you know the Spanish Fork, and Provo River both have phosphate levels four times higher than the .1%, and they are considered fresh water. Salem would have to do about 3 million dollars in improvements to make sure Utah Lake is in compliance. SUVWA (South Utah Valley Water Association) is talking about having the 10 participating cites pass a resolution to work with some of the North Utah County sewer treatments systems. We really need to work together as a county with the water problems in Utah Lake. If it works out, the new group would have to be a subsidiary of SUVWA. This issue with the phosphate is big, and we all need to work together on it.

16. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Dave Johnson stated that Bruce Ward was the person we have been working with on the improvements at the sewer plant. Bruce made the suggestion to look at some D.O. meters. The D.O. meters are the mixers and would monitor when the mixers need to be turned on. Right now we do it manually, but this would allow them to be automatic. Most of the time we just turn on the mixers and leave them on for the rest of the day. He feels that the cost in power saved would pay for them over a period of time. Councilperson Ficklin stated that this would be another phase in the improvements of the sewer treatment. Mayor Brailsford thought it would be a good idea to have Bruce come in during a work session to explain this to the council.

CLOSE CITY COUNCIL MEETING

MOTION BY: Councilperson Terry Ficklin.

SECONDED BY: Councilperson Dale Wills

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 8:55 P.M.

Jeffrey Nielson, City Recorder