

Minutes of the Salem City Council Meeting held on February 19, 2003 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:30 pm

CONDUCTING: Mayor Randy A. Brailsford.

PRAYER: Councilman Terry Ficklin.

PLEDGE: Kyle Davis.

COUNCIL PRESENT:

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

STAFF PRESENT:

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

OTHERS PRESENT

Jessica Cluff
Paul Tervort
Tom Brighton
Irene Young
Bill Young
Reed Cornaby
Conda Morgan

Frank Johnson
Lorraine Baker
Mike Parker
Erman Stone
Kyle Davis
Bryan Carson
Hugh Davis

Burke Tervort
Marvin Baker
Terry Young
Jeff McComas
R. Keith Gwin
Karen Carson
JulieAnn Curtis

1. PUBLIC HEARING

MOTION BY: Councilwoman Vicki Peterson to open the public hearing.

SECONDED BY: Councilman Reid Nelson

VOTE: All Affirmative (5 - 0).

a GENERAL PLAN

Mayor Brailsford stated that maps for the General Plan have been available for review. Dave Johnson stated that there have been a few corrections made on the maps, and wanted to make sure the council has had time to review them. Small maps have been made to be placed in the general plan. Councilman Wills was wondering if the R-3 and R-2 Zones are the correct zones that the city would want in the future, especially with the Nebo Vision scenario. Mayor stated that this is a good time to change it, but it can also be changed in the future. Attorney Baker stated that Planning and Zoning Committee will be working on the Nebo Vision.

When they have looked at it, and have recommendations, they will bring them before the council. He also mentioned that some of the areas had two different zones listed, which will allow those areas to become either one or the other.

Mayor asked if there were any comments from the public. Mike Parker stated that he was on the Ad Hoc committee, and when they worked on the plan, one of the stipulations they looked at was to create an ordinance in section 4.1 that would help with clustering. Attorney Baker stated that there are some issues with it; it is the give and take issue. Each area would have to be looked at. Mike stated that if you keep the R3 zone, then it is allowing developers something to work with.

b AMENDMENT ON SEWER REQUIREMENTS FOR SUBDIVISIONS OF THREE LOTS OR LESS.

Mayor Brailsford stated some concerns he had. If there is a block in the communities that three or four people own, then eventually you could allow septic tanks in the whole block. Attorney Baker stated that if the sewer is available, they would have to hook on to the sewer. Mayor stated that both DRC (Development Review Committee) and Planning and Zoning have requested not to adopt this ordinance.

Councilman Wills stated he is concerned that it would be hard to enforce. What would prevent a developer from coming in and putting homes in a area where the sewer is not available, and using septic tanks so they would not have to spend the money in bringing the sewer to the development? Attorney Baker stated that the ordinance only allows three homes. Mayor stated that we also need to be concerned with our protection area by our wells and springs. Councilman Wills was wondering why this ordinance was written. Mayor Brailsford stated that a few month ago, the Shepard's came into city council wanting to build a home, but the sewer is not close enough to the home, so they went through the process to have an ordinance written allowing them to use a septic tank. Paul Tervort stated that there are a few septic tanks in town that he knows of that need to be put on the sewer system.

Councilman Ficklin was wondering what we require now. Dave stated that property has to be a lot of record and if the sewer main is over 1000' they would maybe be considered for a septic system. Paul Tervort stated that a few years ago, the city gave residents that had septic tanks the opportunity to hook on to the sewer. In the ordinance it now states they have to hook on if they are within 1000' of sewer main.

MOTION BY: Councilwoman Vicki Peterson to approve the ordinance adopting the comprehensive general plan.

SECONDED BY: Councilman Reid Nelson.

VOTE: All Affirmative (5 - 0).

MOTION BY: Councilman Reid Nelson to not approve the Ordinance Amending the Sewer Requirements for Subdivisions of Three Lots or Fewer.
SECONDED BY: Councilman Dale Boman
VOTE: All Affirmative (5 - 0).

MOTION BY: Councilman Terry Ficklin to close the public hearing.
SECONDED BY: Councilwoman Vicki Peterson.
VOTE: All Affirmative (5 - 0).

2. TOM BRIGHTON – SUBDIVISIONS WAIVER AT 1066 N. SR 198

Mayor Brailsford turned the time over to Tom Brighton. Tom stated he bought the nursery at the north end of town (Maughan Pro). He has been through DRC and Planning and Zoning, and has done all of the requirements they asked him to do. Mayor stated that when he purchased the nursery, the land was all one piece, which included the home and the twin homes on the corner. Tom needs a subdivision waiver to split the nursery off from the other pieces of property. Mayor Brailsford asked if all of the requirements that DRC stated had been completed. Dave Johnson stated that the boundary line was completed; the fence is done, and they will stay on Strawberry Power until the city can put their electrical lines out there. Councilwoman Peterson stated that Planning and Zoning had no problems with the waiver.

MOTION BY: Councilwoman Vicki Peterson to approve the Subdivision Waiver at 1066 North SR 198.
SECONDED BY: Councilman Reid Nelson.
VOTE: All Affirmative (5 - 0).

Mayor Brailsford stated that items number 3 (Rachael Smith – Conditional use permit for communication tower at 759 South 410 East), and 4 (Lester VanNosdol – Conditional Use Permit for addition to the LDS church building at 60 South Main), because they are conditional use, they need to have a public hearing. They both have been notified, and will be put back on the council agenda on March 19, 2003.

3. RACHAEL SMITH – CONDITIONAL USE PERMIT FOR COMMUNICATION TOWER AT 759 SOUTH 410 EAST

4. LESTER VANNOSDOL – CONDITIONAL USE PERMIT FOR ADDITION TO THE LDS CHURCH BUILDING AT 60 SOUTH MAIN.

5. CONDA MORGAN & BRYAN CARSON – SUBDIVISION WAIVER AT APPROXIMATELY 255 EAST CENTER STREET.

Mayor Brailsford asked Dave Johnson if he would explain to the council what Conda Morgan and Bryan Carson want to do. Dave stated the property is across the street from Ron Jackson (approximately 255 East Center). They want to take the one lot and make it into two lots. All of the utilities are there, they will have to pipe the ditch in front, and put in curb, gutter, and sidewalk. Attorney Baker stated that the improvements along 300 East, when it becomes a road, will have to be done. It was discussed that they could either put a cash bond or a lien in lieu. With a bond, it would be for the amount that the improvements would cost, plus 10%. Councilman Wills told Dave that since, in the future, it would be a corner lot, and we need to make sure it meets all of the requirements of a corner lot.

MOTION BY: Councilman Terry Ficklin to approve the subdivision waiver with the stipulations that they either put down a cash bond or a lien in lieu.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (5 - 0).

6. KYLE DAVIS – EAGLE SCOUT PROJECT

Mayor Brailsford asked Kyle Davis to come before the council and explain what he would like to do for his Eagle Scout Project. Kyle stated that he would like to paint the curbs red where there are fire hydrants. He has also talked to the Fire Chief about putting yellow lines in the fire department. Mayor Brailsford stated that he is concerned with the temperature and painting. Councilman Wills stated that for the paint to stick well on the cement, the temperature needs to be 40 degrees or more for 12 hours after painting. Kyle stated that he would be painting around his neighborhood. He counted 21 fire hydrants, plus 5 more in the area. Mayor Brailsford stated that if it is done, it should be done correctly. He would like Kyle to plan it out, get some maps showing what fire hydrants, how much time it would take, and how much it would cost. Get all of the plans together, and then present it with Councilman Boman for approval. Mayor and Council feel it is a good project.

7. PROCLAMATION HONORING RICHARD JUDD

Mayor Brailsford turned the time over to Councilman Reid Nelson. Reid stated that Salem belongs to UMPA (Utah Municipal Power Association), and Richard Judd is the General Manager. He has done a great job for the cities and for UMPA. UMPA with the help of Richard has been able to keep our power rates the same for a long time, even when the rest of the country had to raise rates, and was having problems, our rates did not change. Richard is retiring and Reid would like to present to the Mayor and Council a Proclamation to honor Richard. Councilman Nelson read portions of the proclamation.

Mayor Brailsford wanted to make the comment that Richard has saved us a lot of money with the power rates. He has done a great job for the cities belonging to UMPA.

MOTION BY: Councilman Reid Nelson to approve the mayor to sign the Proclamation Honoring Richard Judd.

SECONDED BY: Councilman Terry Ficklin

VOTE: All Affirmative (5 - 0).

Conda Morgan showed up for council meeting and asked what was decided about her property. Mayor Brailsford stated that the council approved the subdivision waiver with the stipulations that they either put down a cash bond or a lien in lieu of.

8. APPROVE MINUTES OF February 5, 2002

Mayor Brailsford stated that on line 70 needs to state that “before the annexation will be recorded, they will have to pay for the Strawberry power facilities. If there is a portion of the group that does not want to pay, they will have to work something out, because it will have to be paid off before the annexation will be recorded.”

MOTION BY: Councilwoman Vicki Peterson to approve the minutes with said changes.

SECONDED BY: Councilman Reid Nelson.

VOTE: All Affirmative (5 - 0).

9. APPROVE MINUTES OF JANUARY 25, 2003 WORK SESSION

Mayor asked the council if they have had the opportunity to really read the minutes. He stated that there is a lot in the minutes. He wanted to make sure they were correct. If the council has not had time, he would like to see it on next council agenda.

MOTION BY: Councilman Reid Nelson to table the approval of minutes for January 25, 2003 for the work session until next council meeting.

SECONDED BY: Councilman Dale Boman

VOTE: All Affirmative (5 - 0).

10. APPROVE BILLS FOR PAYMENT

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

SECONDED BY: Councilman Dale Wills.

VOTE: All Affirmative (5 - 0).

11. PUBLIC SAFETY

Mayor Brailsford stated that Chief James was on vacation this week.

12. OPEN DISCUSSION

Jessica Cluff wanted to talk to the council about a letter she received from Attorney Baker regarding her basement apartment. Jessica stated that when they built the home, they had a mother-in-law apartment made, where they had their family living for a while. When they left, Jessica allowed someone, who was not family move in. When she looked at the ordinance, she stated it is not that clear. She went to Planning and Zoning knowing that they and the council are working on a new ordinance for basement apartments. She is concerned that if she received a letter, then everyone else that has an apartment needs to receive a letter also. Councilwoman Peterson stated that Planning and Zoning is working on the ordinance, and should get some information to the council soon. Mayor Brailsford stated that Jessica is right, that if we send her a letter then we need to get everyone else a letter also. Mayor Brailsford stated that Jessica can still have the apartment until the council does the ordinance.

JulieAnn Curtis wanted to talk to the council again. JulieAnn came last week asking the council if she were to purchase Terry Young's home, could she have a home occupation in the barn. Tonight she told the council she has rewritten a business plan showing the council what she wants to do. She stated that it would be a home occupation, and feels it would be in compliance with the ordinance. JulieAnn passed out the letter to the council. She was wondering if the council could look at it, and then have Dave Johnson come and look at the home to see if it would be okay. The letter states that she still wants to do the recreation activities, except it would be in the home rather than the barn. Attorney Baker and Dave Johnson stated that it would be more like a pre-school. Mayor Brailsford stated that he and the council will review the letter.

COUNCIL REPORTS

13. MAYOR RANDY A. BRAILSFORD

Mayor Brailsford stated that Saturday, February 15, went very well with President Gordon B. Hinckley coming into town for a regional priesthood meeting. There were a lot of steps taken to make sure security was done properly, along with making sure the meeting went well. The city employees did a great job getting the city ready. He wished that people who lived around the area that President Hinckley drove would have taken a little pride in their yards and outside their home. We all need to take a little more pride.

14. COUNCILMAN REID W. NELSON

Councilman Nelson also stated he thought that everything went great for the meeting and that with all of the people that came, everything was handled great, even the parking was handled well.

UMPA will be having their information meeting in St. George on Thursday, Friday, and Saturday. They are bringing in a lot of great speakers.

15. COUNCILMAN DALE BOMAN

Councilman Boman had nothing to report tonight.

16. COUNCILWOMAN VICKI H. PETERSON

Councilwoman Peterson had nothing to report tonight.

17. COUNCILMAN DALE R. WILLS

The Solid Waste Board is still looking at the possibility of having Spanish Fork, Mapleton, and Salem doing their own garbage pick up. Also, looking at the feasibility of everything. Hopefully by next council meeting will have something put together. He also reported that the recycling program has been temporarily put on hold. More research needs to be done for cans and paper. The yard waste is moving forward though.

Mayor Brailsford stated that on March 15 at 7:00pm, in the little theater at Spanish Fork High School, CUP will be presenting 4 different scenarios showing the water line coming to South Utah County. There will also be people there showing what plants to plant that do not use a lot of water, and will also discuss water conservation.

Councilman Wills stated that we have a progress bill from L&M Construction for the work they have completed so far on the springs. The amount is for \$33,120.00, a little less than half of the bid amount. The progress is for the pipe, manholes, equipment, and site management. Dave Johnson feels that they are more than 50% done.

MOTION BY: Councilman Dale Boman to approve the bill for L&M Construction

SECONDED BY: Councilman Reid Nelson.

VOTE: All Affirmative (5 - 0).

Mayor Brailsford explained, to the public. What the city is doing up at the springs, and how we are trying to capture more of the water. Paul Tervort stated that this is the 4th time that the work on the springs has been done. He feels this should be the last time,

and that the city needs to do it right. Before, the city has not had the equipment, or the money. The city should do what it takes to make sure it is done correctly. Mayor Brailsford stated he feels that L&M are doing a great job.

Mayor Brailsford would like to have Attorney Baker prepare an ordinance for the restriction of emergency water shut off for outside water usage, or restriction. The ordinance would be like the one last year, but we need to get a new one in place. Mayor stated that outside water use is a luxury, and the primary concern is indoor use and for fire protection.

Dave Johnson stated that ISO will do inspections on a city. They look at a cities fire department, building inspections, and other things. They have just inspected the building department, the last time it was done was back in 1999 and they gave us a classification of a 4. They have now upgraded us to a classification 3, which should help on residents insurance for their homes.

Mayor Brailsford mentioned that LEI is doing a study with different residents throughout the city to help determine water usage, to help with the impact fee study. The study will also help CUP to determine how much water the city will need from CUP. Mayor is asking residents that if they get a letter from LEI he would like them to incorporate.

18. COUNCILMAN TERRY A. FICKLIN

Councilman Ficklin wanted to thank the citizens of Salem for helping out with the meeting on Saturday, with President Hinckley.

Waste collection, there has been a problem with BFI and the way they have been treating our garbage cans. Councilman Ficklin reported that he talked to BFI, and feels they are doing a better job. Mayor Brailsford stated he followed them around and noticed they were doing a lot better job. He even stopped one of the drivers and told them thanks.

Councilman Ficklin reported that the Springville Transfer Station purchased a new truck, to help transfer the waste to the west side of the mountain. There is also a new substance that they might use to cover the trash, which would save them a lot of money, and in turn save the city some money. There has also been talk that the transfer station is looking at getting a traveling trailer to help if a business has a lot of trash, they can contact the station and have the trailer brought over.

The sewer treatment plant, Councilman Ficklin has been reviewing it, right now our test are showing that we are doing fine. Mayor Brailsford stated that a lot of improvements have been made on our sewer lines to help with the water infiltration.

Councilman Ficklin reported that he is trying to get a proposal for a maintenance agreement on the generator at the sewer treatment plant.

Reed Cornaby asked about the aerators that were approved a while ago for the sewer plant. When are they going to be working? Mayor Brailsford stated we are waiting on the approval of the State before we order them. He also reported that Elk Ridge is looking at having us buy their portion of the sewer treatment plant. Bruce Ward is working on some numbers.

Mayor Brailsford read a letter from the Salem West Stake President, thanking the city for the great job they did for the meeting with President Hinckley. It is good to have a good relationship with the different religious leaders in the city.

CLOSE CITY COUNCIL MEETING

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

SECONDED BY: Councilman Terry Ficklin.

VOTE: All Affirmative (5 - 0).

MEETING ADJOURNED AT: 9:00 pm

Jeffrey Nielson, City Recorder