

Minutes of the Salem City Council Meeting held on January 7, 2004 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:30 P.M.

CONDUCTING: Mayor Randy A. Brailsford.

PRAYER: Councilman Reid Nelson.

PLEDGE: Councilwoman Vicki Peterson.

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
Councilwoman Lynn Durrant
Councilman Paul J. Hair

STAFF PRESENT:

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

OTHERS PRESENT

Kendall Young
Steve Hardman
Eric Davis
Clark Brenchely
Reed Cornaby

Anson Wing
Haley Ainge
A.J. Davis
Euniece Brenchley
Christy Hardman

Alicen Koyle
Tyrel James
Karen Payne
Phil Porter
Mark Goudy

1. NUISANCE ABATEMENT ORDINANCE

Mayor Brailsford stated that this has been in the works for a while. Attorney Baker and Chief James have been working hard on it for the last few months trying to finish it up. He mentioned with the changes that were discussed earlier, does the council feel good about ordinance 1704, dealing with nuisance abatement. He asked the council if they had any comments, or would they like further discussion.

Councilman Reid Nelson stated he feels this is an ordinance that will be a work in progress, but he feels this is a great start in the direction the council is trying to go. Chief James stated to the council when the police begin to hand out citations, people will come

to council to talk about it. He wants to make sure the council will support the police officers.

MOTION BY: Councilman Dale Boman to approve ordinance 1704 nuisance abatement with the said changes that were mentioned earlier.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (5-0).

Mayor Brailsford told the council that if they will initial on the front page, he will not sign the ordinance until the changes have been made on it.

2. ORDINANCE AMENDING CODE DEALING WITH UNLAWFUL DISCHARGES INTO THE SANITARY SEWER SYSTEM.

Mayor Brailsford stated this ordinance is dealing with illegal discharging into our sewer system, down at the sewer plant where trailers dump their waste. A few years ago we had an incident where a person was dumping illegal content into our sewer system. The city took the individual to court and the ruling was dismissed because we were not specific enough on who is allowed, and who is not allowed to dump. With this ordinance it should give us enough to win a case if we have another situation. We can not have illegal discharging into our sewer system.

MOTION BY: Councilman Reid Nelson to approve ordinance 1704A Amending Code Dealing with Unlawful Discharges into the Sanitary Sewer System.

SECONDED BY: Councilman Terry Ficklin, he also added that this ordinance is very important to make sure that our sewer system stays in compliance with the state.

VOTE: All Affirmative (5-0).

3. STEVE WILSON – SEPTIC TANK APPROVAL AT 1457 S. 950 E.

Mayor Brailsford stated that Steve Wilson was on the agenda last council and did not show. During the last council meeting, the council decided not to allow this because it is located within our water protective zone. Mayor asked if Steve was present tonight. Steve was not present. Councilman Nelson was wondering why Steve wanted to be on the agenda again. It was stated that he wanted to come and talk to the council about the situation. Dave Johnson explained the situation, Steve has an existing septic tank for his house, but he is building a garage and wants to put a new septic tank in it. The council stated they knew the situation. It was stated that in order for him to do this, the ordinance would have to be changed. The council still felt that they did not want to allow it.

4. MIKE DALEY - ROADWAY

Mayor Brailsford turned the time over to Mike Daley. Mike stated that when he built his home he was required to deed a 33 foot road way to Salem City, coming off of 8800 South (1100 North) to his house. When the city allowed all of this to happen, they told him he would be responsible for the maintenance of the road. When the developer puts the road in front of his home (this is in the general plan), the city would deed back to him the road way. Mike would like the council to look at deeded this property back to him now, rather than waiting for the road to come in front of his house. Mike stated his concern is he has a neighbor, who uses the road so he can access his field behind his house, and it is doing a lot of damage to the road (the road is dirt), they also leave and break a lot of glass containers along the side of the road. Mike stated he talked to Attorney Baker who told him the council could allow the land to be deeded back to him, as long as there is a utility easement. Mike told the council that the neighbors' horses also keep getting out and are causing a lot of problems.

Councilwoman Peterson asked Mike if he uses the road too. Mike stated this is the only road to his house. Attorney Baker stated that he had to have the road way so he could have frontage to his home until the new road comes in. If the council did not allow this when they built their home, they would not have been able to build. Councilwoman Peterson stated that the road is a city road that you (Mike) have to maintain. Mike stated that he does not mind, and that was part of the agreement. The problem he has is the neighbor is using it also and tearing up the road. Mayor Brailsford stated that a while ago the neighbor came in and stated that you (Mike) was not maintaining the road. He feels there is a conflict between the two of you.

Councilman Wills asked Mike how deeding the road way back to him would resolve the problem. Mike stated it would stop the neighbor from using the road way. Mike stated he could also put a fence up so the neighbor's horses would not get out. Mayor stated that if the road way is deeded back it would make the property a flag lot and you would then have to comply with the flag lot requirements. The reason the road was deeded to the city was to give it frontage so it would not be a flag lot. The Ordinance only allows flag lots in a R1 Zone; this is currently in a R2 Zone. Councilman Wills stated with our current flag lot ordinance we can not allow the land to be deeded back. Councilman Wills was still wondering how it would make it better; he said that if the neighbor's animals are getting out, that is against the law. If the neighbor is breaking bottles that is against the law, and if they are parking on the road it is also against the law. Mike stated that every time the horses get out he has called the police on it. By allowing the public on the road it has caused him problems, and again he could put a fence up since it would be his property.

Mayor Brailsford stated that if the council would allow this, there would have to be conditions placed. Councilwoman Peterson stated that with the road being dirt, one of the flag lot requirements is the road way to his house would have to be asphalted. Mike stated that the road is about 1200 feet long and he could not afford to have that done. Councilman Ficklin stated the road seems to be wide enough we could allow him to put a

fence up along the side of the road, and also to allow the neighbor to put a gate to access his property. This would stop the animals from getting out. Mayor stated Mike could only put the fence up where Dave Johnson states he could; also he would not be allowed to put a gate across the road. It would still be a public road. Attorney Baker stated this would have to be the council decision. Councilman Nelson stated Mike would have to look at some of these options or begin the process to have the ordinance changed by having a public hearing.

Mayor Brailsford asked Dave Johnson what he thought. Dave stated he was not sure if the council would be able to solve the problems. The neighbor has the right to access his property in back, and by turning it back over to Mike it would cause problems with the neighbor. Mayor asked Dave if allowing Mike to put a fence up along the side of the road would there be enough room for the public safety. Dave felt there would be enough room. Mayor Brailsford asked Police Chief James what he thought. Chief James stated he is not sure if the fence would create a public safety concern or not. He would have to see where it would be placed. He is also aware of only a few times that he or his officers have been called out for animal control issues. He would have to check with officer Kerby to find out more.

Mike stated that when they built the home and had this all set up he had no problem with the agreement, but now it has started to become a problem. Dave Johnson asked Attorney Baker that if the land was deeded back to Mike, and Mike sold the home would the new owner have to keep with the agreement. Attorney Baker was not sure; he would have to research it a little bit more.

Mayor Brailsford asked the council what they would like to do. Councilman Wills stated he would like to help out but would need to look into the situation more.

MOTION BY: Councilman Dale Wills to table this issue until further research can be done.

SECONDED BY: Councilman Terry Ficklin.

VOTE: All Affirmative (5-0).

Mayor Brailsford asked Mike to get with Dave Johnson, Todd Gordon, and Councilman Dale Wills to start to look at solutions.

5. APPROVE AUDIT

Jeff Nielson asked the council if they received their audit report along with the letter form the auditor. The council did receive the information. They thought it looked good.

MOTION BY: Councilman Reid Nelson to accept the Audit of 2002/2003 year.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (5-0).

6. PLAT SIGNATURE FROM CANAL COMPANY

Mayor Brailsford stated he would recommend the council to table this item. He would like to have the canal companies review this so they know what is going on.

MOTION BY: Councilman Wills to table the Plat Signature From Canal Company.

SECONDED BY: Councilman Reid Nelson

VOTE: All Affirmative (5-0).

7. APPROVE MINUTES OF DECEMBER 10, 2003

Mayor Brailsford stated on line 180 it should read "Employee found filling out or "punching" another employee's timecard". Add the word punching to that sentence.

MOTION BY: Councilwoman Vicki Peterson to approve the minutes of December 10, with said changes.

SECONDED BY: Councilman Reid Nelson.

VOTE: All Affirmative (5-0).

8. APPROVE BILLS FOR PAYMENT

Councilman Nelson had a question on a bill regarding H.E. Davis and rock being brought down to the shop. It was stated that had to bring in some more rock to help eliminate the mud and also to put rock so they can get to the salt.

MOTION BY: Councilman Reid Nelson to approve the bills for payment.

SECONDED BY: Councilman Terry Ficklin.

VOTE: All Affirmative (5-0).

9. PUBLIC SAFETY

Mayor Brailsford turned the time over to Police Chief James. Chief James stated he has three items that needs to be brought before the council. The first item is regarding a resolution. Mayor Brailsford stated that the council should have received the resolution regarding Forfeiture laws. Police Chief James stated that a couple of years ago the Initiative on Forfeitures became effective, this was mostly because of an individual who does not live in the State of Utah. Municipalities would like to have the state legislation re-look at this issue and see about changing it. Local police departments have lost a lot of funds that are used to help fight drug abuse. Most of the money that came to implement this initiative came from out of state. Chief James would like to have the support of the council by signing this resolution.

MOTION BY: Councilman Dale wills to support resolution 1704.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (5-0).

Police Chief James wanted to thank the council for their support. Next item is regarding taser guns. He handed the council a cost break out. He would like to purchase three of them. Each officer on duty would be able to have a taser gun. The guns are another tool to help with law enforcement. The cost of one taser gun all equipped would be \$800. Each officer would be required to have four hours of training, which would include being hit with the taser gun. For the training they would get 4 rounds at \$20.00 per round, and also four duty rounds at \$20.00 per round. A total cost for the rounds is \$1,120. The total cost would be \$3,520, and would come out of budget item 10-54-35. Chief James stated he tries to get grants to pay for items like this, but there are no grants available for them. There are other cities around that are currently using them. They are a needed tool to help prevent our officers from being injured.

MOTION BY: Councilman Reid Nelson to approve the purchase of the taser guns.

SECONDED BY: Councilman Terry Ficklin.

VOTE: All Affirmative (5-0).

Chief James stated the third item is to request a new fire truck. The last truck that was purchased was a pumper truck back in 1993. Chief James turned the time over to Fire Chief Todd Miles. Chief Miles stated that the fire department is in need of a multi purpose truck. This new truck would replace the old Dodge pickup we are using. Mayor Brailsford stated that it would be a first response truck. It would have the "Jaws of Life", 500 gallon water tank, rescue equipment for the pond, etc. The last truck that we just purchased was paid off this last year. We kept the money in the budget so we could purchase this new truck. The chassis of the truck is a Ford F550, will hold up to five firemen, and will be equipped with the proper equipment for a first response.

Councilman Nelson stated that we have a couple of bids. The best bid for the chassis is from Butterfield Ford for about \$33,135, which is about \$1,800 cheaper than Ken Garf. The utility bed and equipment it is an additional \$92,931. With add-ons to compliment the rescue equipment the fire department already has comes to \$6,047.92.

Chief Miles stated that he is hoping to get some of the equipment cheaper than was bided. The total cost of everything would be about \$132,115. Right now the fire department has to use two different trucks to get the man power and equipment to a first response.

Mayor Brailsford stated the final cost could also go up about another \$400 for additional equipment. Chief Miles stated he is hoping to improve our ISO rating, if we can improve it, then it would help on peoples home owners insurance. This has been a long process, and a learning one. It has taken a long time to get the proper equipment. Chief James stated this is not a want; it is a need for the fire department.

MOTION BY: Councilman Reid Nelson to approve the purchase of the new fire truck and not to exceed \$132,600.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (5-0).

COUNCIL REPORTS

10. MAYOR RANDY A. BRAILSFORD

Mayor Brailsford asked the council if they read the department head meeting minutes, and if there were any questions regarding them.

11. COUNCILMAN REID W. NELSON

Councilman Nelson stated that the UMPA annual meeting in St. George will be held on February 26 – 28. It would be a benefit to all of those who attend. UMPA will provide rooms and some of the meals.

The other night, there was a power outage at 3:00 A.M. The question was asked why the other substation did not kick in. Councilman Nelson stated that with the power you can not isolate one spot, but you can narrow it down so the whole town would not be out of power. The power department responded to the problem quickly. Mayor Brailsford stated that he told Darrell to give him a call on issues like this so he knows what is going on.

Councilman Nelson wanted to thank the council and all of the citizens of Salem. He has really enjoyed being on the city council.

12. COUNCILMAN DALE BOMAN

Councilman Boman wanted to thank Councilman Nelson and Councilwoman Peterson; he has really enjoyed working with them. He is also looking forward to working with the new council members.

13. COUNCILWOMAN VICKI H. PETERSON

Councilwoman Peterson wanted to thank everyone for their help on the luminaries. It was very neat to see the cemetery full of people, mostly families gathered together. She also wanted to thank the council for the great friendship, she has learned a lot from everyone.

14. COUNCILMAN DALE R. WILLS

Councilman Wills stated the SUVMA is having a meeting on the 2nd Thursday in February. It would be very beneficial for the current council and the new council to attend. Everyone will be getting an invitation to it. We will be discussing water issues in the area.

Councilman Wills would also like to thank Councilwoman Peterson and Councilman Nelson. He has really enjoyed working with them.

15. COUNCILMAN TERRY A. FICKLIN

Councilman Ficklin asked Dave Johnson if the state ever came in to fix the wet lands at the sewer plant. Dave stated the state did come down a couple of times and they are hoping to have it fixed by tomorrow night so we can start the flow of water in the wet lands. Councilman Ficklin asked if the state was going to give us any kind of document stating what they did to fix it. Dave stated that UDOT is fixing it, and Board of Water Quality will be inspecting it.

Councilman Ficklin would also like to thank Councilman Nelson and Councilwoman Peterson.

Mayor Brailsford wanted to thank Councilman Nelson and Councilwoman Peterson; they both have done a great job. They have spent a lot of time and dedication. He felt they served their community for the right reason. They have been great friends and would like to continue using them with different boards in the future. He stated that Reid will be serving on the new power board as the director. He has always liked to use former council members for boards. He wishes them the best of luck in the future, and would also thank their spouses for allowing them to serve on the council. It takes a lot of time.

16. SWEARING IN CEREMONY

Mayor Brailsford turned the time over to Jeffrey Nielson, the city recorder to swear in the new councilmember's. Jeffrey then swore in Lynn Durrant, Paul J. Hair, and Terry Ficklin as councilmember's.

Mayor Brailsford stated we would like to take a 15 – 20 minute break for refreshments.

MOTION BY: Councilman Terry Ficklin to take a 15 – 20 minute break at 8:45 PM.

SECONDED BY: Councilman Dale Wills.

VOTE: All Affirmative (5-0).

Mayor Brailsford called the meeting to order at 9:05 PM.

17. ROBERT NELSON – PRELIMINARY PLAT APPROVAL OF PLATS C & D OF NELSON LANDING SUBDIVISION

Mayor Brailsford turned the time over to Robert Nelson. Robert Nelson stated that he is here for the approval of plat C and D of Nelson Landing Subdivision. There are two phases with 7 lots for moderate income housing. Four lots in the first phase and three lots in the second phase. He has met with DRC and they gave him a list of items that needed to be completed. Robert then went over the list:

1. *Note that the pressurized irrigation pipe must be C900 class 150 (purple) pipe.*
(Robert stated that this item had been changed on the plat to meet the requirement.)
2. *Note ADA accessible ramps at all intersections.* (This item has also been changed on the plat.)
3. *Improvements on Woodland Hills Drive are necessary. Mike was not aware that Woodland Hills Drive is a county road and they do not want any improvements along it.* (He has gotten approval from Utah County to have access on Woodland Hills Drive. He also changed the manhole, sidewalk and irrigation ditch as they requested.)
4. *Needs approval of ditch company for re-routing of existing irrigation ditch.* (He proposed rerouting the irrigation ditch and received approval from the highline canal company.)
5. *Provide easement for road dedication on 340 South – this is in the process of being done.* (Robert stated that all of the deeds have been completed and are recorded.)
6. *Change proposed sewer cleanout at intersection of 340 S. and Woodland Hills Drive to manhole – it was decided it was best to leave this as a cleanout but to move it back into the city right-of-way.* (The clean out has been moved off of Woodland Hill Drive.)
7. *Have fire chief review locations of fire hydrants. Todd said he would do this.* (Dave Johnson stated he was not sure if Todd Gordon has reviewed yet or not.)
8. *8" valve must be installed on existing water line at 860 East and 340 South – this was already discussed.* (This has been changed.)
9. *Relocate proposed sump on southeast corner of lot #37 to southwest corner of lot #42. Bob had shown 17 sumps on this plat and only 14 are required so 3 will be eliminated. Also in previous developments, Dave has given Bob some discretion as to where to place the sumps depending on the soil conditions.* (Robert stated that this item has been crossed off.)
10. *Verify rear setback requirements for lots. Currently it is 10 feet as shown.* (This item has been completed.)
11. *Storm drain issues were discussed including running a pipe to the existing line that goes under the canal, through Roper's property and then into a Salem Canal Company irrigation ditch. Bob will need to get acceptance from the ditch owners for this additional storm drainage flow. Mike mentioned the*

possibility of installing a pretreatment device on the sumps. This is not required at this time by our standards, but shall be changed to require this in future subdivisions. (Robert stated he received permission from Bart Mortenson allowing the drain to go into the canal. Will also have to change the drainage in plat A and B. He changed to a 12" line, but the city only required an 8". The city also has the easements in place. He also has the study on the drainage evaluation and calculation. Finally he is waiting on Bart Mortenson from the canal company to return the signed plat stating the canal company was ok with the plat.)

12. *A statement from the engineer stating the geotechnical study done on Plats "A" & "B" can be used for Plats "C" & "D". Bob said he thought the study included all of the property. (Robert has the results from 3 studies.)*
13. *Concern about allowing basements because of the ground water in this area. Bob said he feels like this problem has been taken care of because they ran the sewer line differently and have raised the ground. Options were discussed including requiring an engineer's study on each lot or not allowing basements on certain lots. It was decided to put a note on the plat that ground water may be a problem on some lots and the builder would be responsible to make sure a basement could be built. (This has also been done.)*

Attorney Baker stated that the council should put a condition, when the plat is deeded over to the city Robert would be responsible to pay any back taxes on the roads. Robert was wondering about doing an agreement, like a connector's agreement. Attorney Baker stated he could write it up, but it he would be charged about \$75 to have the agreement written up.

MOTION BY: Councilman Dale Boman to approve Plat C & D of Nelson Landing Subdivision with the completion of the conditions that DRC placed and also to be responsible for any role back taxes on the roads.

SECONDED BY: Councilman Terry Ficklin.

VOTE: All Affirmative (5-0).

Mayor Brailsford stated that the council needed to go back to the resolution that was passed earlier. The resolution was printed with the new councilmember's names on it.

MOTION BY: Councilman Terry Ficklin to support resolution 1704.

SECONDED BY: Councilwoman Lynn Durrant.

VOTE: All Affirmative (5-0).

18. COUNCIL ASSIGNMENTS

Mayor Brailsford went over the different boards and who would be part of those boards.

Board Assignments:

Salem Emergency Management Committee: Gary Warner (Co-Chair), Chief Brad James (Public Safety Director), Erman Stone (Director), Todd Miles (Fire Chief), James Ealey (Ambulance Captain), Todd Gordon (City Water Supervisor), School Representative one from each school, LDS Church Representative, one from each stake, Chris Reed (Communications Director), Chris & Vie (Hari Krishna), and Carylee Baker (Secretary).

Mayor & Council Advisory Board: Phil Porter (Director), Jeff Higginson, Steve Hardman, Rodney McKee, Lee Jorgensen, Robert Colbert, Jill Swenson, and Allen Davis.

Salem Utility Board: Reid Nelson (Director), Don Underwood, Ken Swenson, Allan Woodhouse, Brent Hanks, Marvin Baker, John Cope, Dave Johnson (Public Works Director), and Darrell Miller (Power Superintendent).

Council Assignments:

Mayor Brailsford; Public Safety, Finances/Budget, New City Improvements, Planning and Zoning, Chair Mayor & Council Advisory Board, Chair Public Safety Committee, Chair Economic Development Board, and City Employees.

Councilman Terry Ficklin; Solid Waste, Cemetery, Mayor Pro-Tem, Solid Waste Board, Chair Salem/Elk Ridge Sewer Board, Chair Utility Board, and Co-Chair Mayor & Council Advisory Board.

Councilman Dale Boman; City Office, Co-Chair Planning and Zoning, City Float, Chairman Salem Days, Salem City Web Site, and City Shop.

Councilwoman Lynn Durrant; Electrical, UMPA Representative, Miss Salem Pageant, Library Board Representative, and Youth Council.

Councilman Paul Hair; Sewer, Parks/Grounds, Solid Waste Tec Board, Co-Chair Salem/Elk Ridge Sewer Board, and Motor Pool.

Councilman Dale Wills; Water, Roads/Sidewalks, Recreation, Co-Chair Economic Development Board, South Utah Valley Water Association Representative, and Board of Adjustments.

Council Special Assignments:

Mayor Randy Brailsford; Strawberry/CUP Representative, Chair Pond Town Christmas, Salem Days Fireworks, and Senior Citizen Programs.

Councilman Dale Boman; Memorial Day Service, Eagle Project, and Co-Chair Pond Town Christmas.

Councilman Dale Wills; Chamber of Commerce Representative.

Councilwoman Lynn Durrant; Christmas Luminaries Program

Councilman Terry Ficklin; Easter Egg Hunt.

Councilman Paul Hair; Fourth of July Program and South Utah Valley Water Association Alternate.

MOTION BY: Councilman Terry Ficklin to approve the new council assignments.

SECONDED BY: Councilman Paul Hair.

VOTE: All Affirmative (5-0).

Mayor Brailsford wanted to remind the council of the Saturday work session on February 21, at 9:30 A.M. Megan Ryan from the League of Cities & Towns will be helping us out.

Jeffrey Nielson told that council that Kelly Murdock from Wells Fargo Bank called and he is getting everything ready for the refinancing of the bond. He also stated that the savings were better today than they were when he presented to the council during last council meeting (work session).

Chief James stated that there has been a problem with kids playing on the pond where it has frozen over. The newspaper has been notified to warn people of the dangers and the school has been announcing to the kids to stay off of the ice on the pond.

CLOSE CITY COUNCIL MEETING

MOTION BY: Councilman Terry Ficklin to close city council meeting.

SECONDED BY: Councilman Paul Hair.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 9:40 P.M.

Jeffrey Nielson, City Recorder