

Minutes of the Salem City Council Meeting held on July 5, 2006 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:10 p.m.

CONDUCTING: Mayor J. Lane Henderson

COUNCIL PRESENT:

Mayor J. Lane Henderson
Councilperson Lynn Durrant
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 Jeff D. Higginson
Councilperson Terry A. Ficklin

OTHERS PRESENT

Kurt Davis

Paul Tervort

Burke Tervort

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message Burke Tervort 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. AWARD FINANCING BID FOR POWER TRUCK

Jeff Nielson stated that at the last council meeting the council agreed to purchase a new bucket truck for the power department. He emailed RFP's to finance the bucket truck to four different banks. All four replied, and the council has a copy of them. Attorney

Baker stated that the council can award the bid, subject to having the agreement reviewed by Mayor Henderson and himself.

MOTION BY: Councilperson Lynn Durrant to accept Far West Bank offer on the lease subject to agreement review of Mayor Henderson and Attorney Baker,

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (3-0).

4. APPROVE RESOLUTION WITH WASTEWATER TREATMENT REPORT

Bruce Ward stated that this is an annual report that gives information to the state regarding our sewer plant. By completing it, it also allows Mike Pritchett to receive his CED credits so he can stay certified.

Councilperson Green stated that when an employee gets certified we need to see about rewarding them. Bruce also stated that when an employee becomes certified, they are taking on more liability themselves. Mayor Henderson was wondering about a committee to review the personnel policy. Attorney Baker told the mayor that he can appoint a board. Councilperson Green feels we need to look at all of the employees and how they compare. Attorney Baker recommended reviewing the personal policy also. The board should also include someone who has some human resource experience, and it would be good to have an employee on the board. Councilperson Green stated we could also look at getting someone who is going through the masters program at BYU to help out. Mayor Henderson asked if Councilperson Green if he would be the head of the board and begin looking into the personal policy.

MOTION BY: Councilperson Stanley Green to approve resolution 70506 stating the Waste Water Treatment Report.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (3-0).

5. APPROVE MINUTES OF JUNE 7, 2006

Councilperson Durrant stated on line 219 it should “negotiations” instead of “negations”.

MOTION BY: Councilperson Lynn Durrant to approve the minutes of June 7, 2006 with said changes.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (3-0).

6. APPROVE MINUTES OF JUNE 21, 2006

Councilperson Durrant stated on line 91 “Kirsten” should be “Kristi”, on line 109 change “high pressured” to “minimum water pressure standard”, line 128 “public hearing” insert “public hearing for Planning and Zoning”, line 232 “required” change to “requires”, line 247 “sectary” to “secretary”

MOTION BY: Councilperson Lynn Durrant to approve the minutes of June 21, 2006 with said changes.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (3-0).

7. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Stanley Green to approve the bills for payment.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (3-0).

8. PUBLIC SAFETY

Police Chief James reported that the city employees had a meeting the other day regarding harassment. He felt it was a very good meeting.

The city has also been hit hard with graffiti, but it is different graffiti than the surrounding cities. It has been at the parks and the business district.

The council needs to decide on tossing candy by parade participants, and if the council is going to allow it. His position on it, because of safety, he does not agree with it, and would like to not have it allowed. After some discussion, the council decided to allow candy tossing, but it would have to be tossed by people walking, not riding, in the parade. They would also like to not allow any flyers, especially from politicians.

Finally, the chief reported that Stacy Bliss, the police secretary, is working out great.

9. OPEN DISCUSSION

Kurt Davis was wondering about the new city office, and its location at the down town ball park. Mayor Henderson stated that it is still in the working phase. Kurt was wondering if the city knew of any stipulations on the property, for its use, since it was donated. The city is not sure of any. Kurt stated that the property was donated to the city by the veterans after World War II. He thinks that when it was donated, it was donated for the cause to be a recreation site for the youth of the city. His concern is if the property was donated today, there would be a written contract. Back when it was

donated; it was probably done with a hand shake. He would like to see the ball park stay as a recreation area for the youth of the city. Mayor Henderson stated that the two ball fields would remain, along with either tennis courts or a soccer field. The city office would go where the parking lot is now, so it would not take away any of the recreation area. Attorney Baker stated that the library would also be hosted at the same site as the city office. Mayor Henderson would like a way for the residents of Salem to know about how that park was donated to the city. Kurt remembers his dad talking about it, along with others. He too would like to see a way for residents to know why the park was donated and who donated it to the city.

Kurt Davis was also wondering about the apartments along the highway by the new high school. They are an eyesore for that area, and wondering if the city can do anything about them. Attorney Baker stated that the city is very limited on what they can do, and we don't have any options right now. Mayor Henderson was hoping the school district and the owner could have worked something out. The other question Kurt asked about was U Check, and what is going on there. Mayor Henderson stated that the city has fought with him a lot, we have even taken him to court, but we lost the court case. He calls the owner of U Check about once a month, and each time the owner tells the mayor that he will open soon.

COUNCIL REPORTS

10. MAYOR J. LANE HENDERSON

Mayor Henderson stated he would report later.

11. COUNCILPERSON LYNN DURRANT

Councilperson Durrant reported that SUVPS (South Utah Valley Power Systems) has started a safety incentive program. They gave out awards last meeting, and both Doug Smith and Clay Jackson received the highest award for their category and each received \$350.

Last council meeting there was discussion about a street light being put up by Towers Subdivision. The request was made by a Mr. Wick. She asked if Bruce Ward and Doug Smith would go look at it. They did, and they spoke with Mr. Wick. There are some options the city can choose from to put lights there. Some concerns are that we do not have any easements in the area, and what happens if others want lights in also. She had a map and showed where the existing lights were in the subdivision. Attorney Baker stated that Orem City did a SID (Special Improvement District). If we go with a SID, the cost of the project would be assessed on their utility bills, and only for the people in the subdivision. We would have to hold an election for the SID and only those who it would benefit would be allowed to vote. Chief James stated that street lights are a good thing to have in a neighborhood. Bruce stated that the subdivision would be dug up when we

put in the PI system. Chief James stated that the road is in poor shape also, and feels it would need to be done. Councilperson Durrant stated that right now, all of the power is overhead, and we would have to get overhead easements. The problem is that the neighbors do not want the overhead power lines, they want the nice streetlights that are being used in the new subdivision, and they want the power underground. Bruce stated that we could add a couple of light poles in the area, but the power would all be overhead. The question was asked if we could do the power underground when we do the PI system. Bruce stated that it would cost a lot of money to do that, and if we go underground, we would have to redo a lot of yards. Doug is also concerned that the poles in the area are low, along with the power lines. Chief James stated that this subdivision happen before we had our standards set. The city has had this request before, and went out to set a wood power pole, and everyone stated that they did not want a wood power pole.

Councilperson Durrant also stated that the flag raising ceremony went well.

12. COUNCILPERSON TERRY A. FICKLIN

Excused from council meeting.

13. COUNCILPERSON STANLEY W. GREEN

Councilperson Green reported he met with Bruce Ward on setting up bids for the PI system, he feels we need to move forward on it now. Mayor Henderson was wondering if we should start charging people now. We still feel the \$25 a month for each resident, would be adequate. If we start charging the \$25 now, then in 18 months when the PI system is ready to go online, we would have the \$450 self participation fee from everyone. Mayor Henderson was wondering if we get all of the money now, maybe the city could invest it and earn money from the interest. Attorney Baker stated that we could not do that. It is called arbitrage, and explained because we are a government entity, and we are getting the loan with no taxes, and the people buying the bonds are buying the no tax bonds. The government states that if you make a certain amount of money because of the interest on a tax free bond that this money would have to go back to the government, not the city.

Councilperson Green stated that Mike Pritchett is working hard at the sewer plant, and he is checking on Neways and getting testing done with them. Bruce feels that there are some preliminary improvements that are being done with Neways. We are taking samples of the sewer in different locations, and he feels we are making progress with Neways.

14. COUNCILPERSON BRENT V. HANKS

Councilperson Hanks was wondering about the garbage around the pond. Mayor Henderson stated he talked with Todd Gordon today, and they are going to have Jeremy

James try and clean it out. Councilperson Hanks was wondering about having different church wards doing it for activities.

Councilperson Hanks reported on 500 East. We have settled with Reed Nelson for \$5,300 for the easements along there so we can get sidewalk put in. In front of Brindley's property, it is all cleaned up, and getting it ready for final grade for the sidewalk.

Councilperson Hanks, Dave Johnson, Bruce Ward and Chief James all met with Eric Smith. Councilperson Hanks stated that we are going to have him put in his sidewalk at this time. This is the home that was discussed a few council meetings ago that is just across the street from Councilperson Ficklin, on 300 South. He is wondering if we really need curb and gutter in the older part of town. Another example is the flag lot that was recently approved; they will have to bring in about 20 loads of fill to even come close to what we want. Attorney Baker stated that the council can decide on what they want; we would create an ordinance for it. It was mentioned that curb and gutter will help the roads from weathering away. Attorney Baker mentioned that on 500 East the law has changed over the years. One neighbor will have curb and gutter, one just a sidewalk, and some have nothing at all. Kurt Davis commented that he does not think curb and gutter is necessary in the older part of town either. Paul Tervort stated that it is a problem, 100 East and 100 South are the same as 500 East, and there are so many differences. Mayor Henderson stated that we would still require subdivisions to install curb and gutter. Bruce Ward mentioned having another zone, between R-2 and R-3 for the rural area. Mayor Henderson would like to send it back to Planning and Zoning, and have them look it over and come up with a recommendation. Dave Johnson was wondering if we create an ordinance stating that the certain area does not have to install curb and gutter, but we have residents who have recently built a home in the area and have bonded for the curb and gutter. We will need to determine what to do with the bond, do we give it back, or do we still require them to put the curb and gutter in. Mayor Henderson asked Bruce Ward if he would make sure this item, along with the other two items, the ½ acre animal rights, and flag lots, are taken to Planning and Zoning for discussion and recommendations.

Councilperson Hanks reported the civic center is coming along. The roof will be done next Friday, the initial plumbing was done, the walls are up, Clayton Jackson has started the electrical, which was donated to the city at cost, windows are ordered, and mechanical is ordered. We have bids on the stucco, insulation, and the sheet rock. Parking lot will be done Friday, sewer line was dug today, water line will be done tomorrow, and waiting to hear from Questar for the gas line. He has made changes in the front so that there is just one big step. Attorney Baker stated that with this much money being spent, we should be getting the bids approved in council meeting. He stated the state law requires any decision, or money spending, needs to be approved in a city council meeting and be an agenda item. He mentioned the city's purchasing ordinance and how it needs to be updated. What about when items are being donated at a reduced cost or labor is donated. Attorney Baker stated that any purchasing should be approved by the council.

Mayor Henderson complimented Councilperson Hanks on the work he has done for the civic center, he has done a lot of work. Our city workers have also done a great job, and are working hard.

Mayor Henderson reported that he was approached by a resident who was wondering about Christensen Park, and wanted to know if they could purchase the property. He was wondering if there was any stipulation on the property when it was deeded over to the city, or what it was supposed to be. He feels that the city could not really make it into a park, and it would be improved if the person were to purchase it. He is wondering if the council would be opposed to selling it. The council felt that it would be a good improvement to allow someone else to purchase it and improve the area. Mayor Henderson is still trying to find the documents on the property.

He would like to update the council on the agreement with the Anayas and Career Step Foundation. Attorney Baker is working with their lawyer on the agreement. Attorney Baker stated that it is going well and hopefully will have something soon. He stated it is looking very promising.

15. COUNCILPERSON JEFF D. HIGGINSON

Excused from council meeting.

16. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Dave Johnson reported that George Reid is working out great; we are down to about four weeks out on building permits. He did call Springville City, and they are about eight weeks out. So there are other cities that are just behind as we are.

17. BRUCE WARD, CITY ENGINEER

18. ATTORNEY S. JUNIOR BAKER.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Stanley Green to close city council meeting.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (3-0).

MEETING ADJOURNED AT: 8:45 p.m.

Jeffrey Nielson, City Recorder