

1 Minutes of the Salem City Council Meeting held on July 6, 2005 in the Salem City  
2 Council Chambers.

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4 **MEETING CONVENED AT:** 7:30 p.m.

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6 **CONDUCTING:** Mayor Randy A. Brailsford.

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9 **COUNCIL PRESENT:**

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11 Mayor Randy A. Brailsford  
12 Councilperson Terry A. Ficklin  
13 Councilperson Dale Boman  
14 Councilperson Dale R. Wills  
15 Councilperson Lynn Durrant  
16 Councilperson Stanley W. Green

**STAFF PRESENT:**

Jeffrey Nielson, City Recorder  
David Johnson, Public Works  
Junior Baker, City Attorney  
Chief Brad James, Police Chief  
Gary Warner, Recreation Director

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18  
19 **OTHERS PRESENT**

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21 Lynn Wride  
22 Mark Emmich  
23 Karl Vizmeg

Peter Wisnom  
Paul Tervort  
Kevin Jones

Lani Emmich  
Norman Smith

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27 **1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE**

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29 Mayor Brailsford asked if anyone would like to give a motivational or inspirational  
30 message. Councilperson Terry Ficklin stated he would like to offer a motivational  
31 message in the form of a prayer.

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34 **2. INVITATION TO SAY PLEDGE OF ALLEGIANCE**

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36 Mayor Brailsford asked if anyone would like to invite those who would wish to  
37 participate to stand and say the pledge of allegiance. Jeff Nielson stated that he would  
38 like to. He then led the pledge of allegiance for those who wanted to participate.

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41 **3. KEVIN JONES – ZZORRO 3 ANNEXATION**

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43 Mayor Brailsford turned the time over to Kevin Jones. Kevin stated that last council  
44 meeting; Attorney Baker stated that he had to have at least 50% of the property value,  
45 who are in favor of the annexation. He stated that he came to the city office and looked  
46 up the code that is listed on the paper the city gave him, and with the type of annexation

47 he is doing; it only requires 1/3 of the property value to be in favor of the annexation.  
48 Mayor Brailsford stated that was one of the concerns, but the bigger concern was that  
49 land owners were misrepresented. Kevin handed the council a map of the area to be  
50 annexed in, along with a tax sheet from the county showing the property value. Kevin  
51 stated that one of the concerns was the land owners on the north side; they stated they  
52 would be landlocked. But they all have frontage right now, except for the Tyler property,  
53 but they are landlocked already. It was stated that there is no right a way for that  
54 property, that Dr. Callister owns the pan handle. Mr. Lafontaine stated that he is  
55 concerned about the back portion of his property. He would not be able to develop it, and  
56 then it would be landlocked. Kevin stated that the subdivision to the east does not have  
57 any future roads stubbed in, that all of the houses are backing against the property in  
58 question. The council made the comment that the annexation is not approving a  
59 subdivision, that if Kevin decides to do a subdivision he would have to come to the  
60 different committees who try and look at the area, for future growth to try and make sure  
61 no one would be landlocked. Kevin stated that he is aware of the process, and that he is  
62 only in the first stage. Mr. Lafontaine is still concerned about the back of his property  
63 still being landlocked. Mayor Brailsford stated that right now he is landlocked and in the  
64 future he could still be landlocked. Again he stated that if the annexation passes, and  
65 Kevin decides to develop it, then he would have to have public hearings on the  
66 development and you can see and comment on where the roads would be. Councilperson  
67 Ficklin stated that if Kevin develops he could look at doing a \_ road along the back side  
68 of all those properties, that would give them an opportunity to have the other \_ road for  
69 development and they would not be landlocked. One of the property owners made the  
70 comment that the map only shows 13 parcels, but they went to the county and talked to  
71 Mr. Naylor, and he stated that there are 18 parcels in the area. He feels that each one of  
72 those parcels should have a vote. Attorney Baker stated that the law states property  
73 owners, not parcels. Mayor Brailsford asked if there have been any protest filed with the  
74 county. It was stated that the office has not heard of any protest at this time.

75  
76 Mayor Brailsford asked about the misunderstanding about the power cost, and wondered  
77 if they got that worked out. Kevin stated that they had a meeting on the 24 of June and  
78 talked about the power issues. One of the property owners stated that they were  
79 concerned that only three property owners showed up to the meeting. They would like to  
80 see the council table the motion until they can have a meeting with everybody there.  
81 Kevin stated that he told every body about the meeting. He left a message for the  
82 Kowallis. Councilperson Wills was wondering about only annexing the south \_\_, which  
83 would leave the property owners to the north out of it. Kevin stated that the majority of  
84 the property owners want to annex in. There are a couple of landowners on the north  
85 who want to annex. Kevin stated that there is a solution for the cost of the power; Mr.  
86 Simmons, who owns the property on the northwest corner, stated that he would pay for  
87 the power cost for the people on the north side. Kevin stated that he has met with the  
88 property owners, and feels he has done everything he can for them. The roads will be  
89 determined at a future date, and he does not intend to land lock them. Mayor Brailsford  
90 asked if the Kowallis family was against it. It was stated that the family trust is against it.  
91 Mayor Brailsford asked the property owners why they do not want to be annexed in. One  
92 stated that they are concerned about the cost of power, having to hook up to water and

93 then having to pay for sewer, even if they are not hooked up to sewer. Mayor Brailsford  
94 stated that Salem City power is less expensive than Strawberry Power. The water will be  
95 available for them to hook up, and they would have to pay the costs and fees associated  
96 with a hook up. The sewer bond is going to be paid off this next year, so they would not  
97 have to be paying for sewer unless they are hooked up to it. Kevin showed a table  
98 reflecting the tax rate of Reed Cornaby over the last few years. It showed that his tax rate  
99 went down when he was annexed into the city. Mayor Brailsford asked if the property  
100 owners had any other concerns. He stated that it looks like Kevin is willing to work with  
101 the property owners, and doing a \_ road on the back side of the properties would be ideal.  
102 Mr. Charles feels that he would still like the council to hold off, until they can have  
103 another meeting, and have more people there. Kevin stated that he has tried that, but he  
104 is running out of time. He has put a lot of money into it

105

106 Attorney Baker stated to the council that they could deny, accept, carve it up, or table the  
107 annexation. Mayor Brailsford stated that the Hendrickson's have called him. They want  
108 to build a home, and in order to do that they have to be annexed into the city. The county  
109 will not allow them to build a home. The question came up about the Tyler property and  
110 how they get access into their property. It was stated that there is a dirt road from the  
111 canal to her property. There is a road on Dr. Callister's property, the pan handle, that he  
112 will occasionally allow her to use it. That is the piece of property (the pan handle) that  
113 Dr. Callister and Tyler went to court over. That is why Dr. Callister does not allow Tyler  
114 to use that road. Kevin stated that he was unaware of that, and he does not want to land  
115 lock Tyler in. He feels that the annexation would help.

116

117 **MOTION BY:** Councilperson Lynn Durrant to approve the whole annexation, under the  
118 condition that calculations on the certified tax documents are correct. Will have Jeff  
119 Nielson verify the percentage is correct.

120 **SECONDED BY:** Councilperson Stanley Green.

121 **VOTE:** All Affirmative (5-0).

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123 Mayor Brailsford asked the council what zone do they want the annexation to come in at.  
124 The council agreed to have it zoned as R2.

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#### 127 **4. NORM SMITH - RSVP**

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129 Mayor Brailsford turned the time over to Norm Smith of R.S.V.P (Retired & Senior  
130 Volunteer Program). Norm stated that he wanted the council to be aware that Salem City  
131 has 16 volunteers that have a combined volunteers hours of 1107. Mayor Brailsford  
132 asked Norm if he could get the names of those people. Norm stated that some of the  
133 volunteers help out in many different areas. A lot of them do reading at the elementary  
134 schools. He stated this is a great program for people who have retired. When the person  
135 gets so many hours, they receive a letter from President Bush. The council thanked  
136 Norm for sharing the information. Councilperson Green felt that it is something that  
137 could be put in the newsletter.

138

139 **5. PETE WISNOM – EXTENSION ON INSTALLATION OF IMPROVEMENTS**  
140 **FOR WISNOM SUBDIVISION.**

141

142 Mayor Brailsford turned the time over to Pete Wisnom. Pete stated that his subdivision  
143 was approved last year. He has not had the opportunity to work on the subdivision  
144 because he lives in California. He would like the council to extend his time to put the  
145 improvements in for another year. Mayor Brailsford stated that there is a concern with  
146 the road (Chrisman Drive), and when it rains the dirt is washed down from the road and  
147 onto Salem Lake Drive. It is a big mess there all of the time. The council was excited  
148 when the plan was presented, they felt that the road would finally be completed. He was  
149 wondering if there is something that could be worked out, to fix the problem of the road.  
150 Pete stated that he can get a geo tech study and look at putting a drain in. Mayor  
151 Brailsford was wondering about getting curb and gutter on the top and getting a drain at  
152 the bottom, we could look at borrowing Spanish Forks burrow machine to put a drain  
153 under the road to drain into the pond. He does not feel it is safe to do much digging  
154 around the pond. He told Pete that he needs to get something done. Pete stated that a  
155 portion of the road would be Salem City's responsibility. Mayor Brailsford asked Pete if  
156 any of the lots needed that road for access, or do they all get access from Salem Lake  
157 Drive. Pete stated they would all get access from Salem Lake Drive, that they would not  
158 use Chrisman Drive. Mayor Brailsford asked if city could give Pete that road; so he  
159 could have it as part of his property. In return Pete would develop the top portion of the  
160 road so the road would be abandoned, and put a drain in at the bottom. Attorney Baker  
161 stated that there would have to be a public hearing to abandon the road, and the same  
162 offer would have to be made to the property owner on the other side of the road. Mayor  
163 Brailsford asked to set up a public hearing in August. Councilperson Boman thought that  
164 when they passed the subdivision the council was all in favor of having the road there.  
165 After some discussion, the council could not remember why they wanted the road there.  
166 Pete was wondering why the road was even made. No one was sure why it was even  
167 made. Councilperson Wills asked Pete if this is something he would be interested in  
168 doing. Pete stated that he would be interested in it. Mayor Brailsford asked if anyone  
169 was against the idea, the council all agreed that it would be a good idea. He asked Dave  
170 Johnson to get with Bruce Ward and see what can be done over there. Then we will have  
171 the public hearing set in August.

172

173 **MOTION BY:** Councilperson Stan Green to extend Pete Wisnom's letter of credit for  
174 another year, and to give an extension on the improvements on Chrisman Drive for 60  
175 days.

176 **SECONDED BY:** Councilperson Dale Boman.

177 **VOTE:** All Affirmative (5-0).

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180 **6. MARK EMMICH – ORDINANCE CHANGE ON ACCESSORY BUILDINGS**

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182 Mayor Brailsford turned the time over to Mark Emmich. Mark stated that he has recently  
183 moved into the home on the corner of Main and Center, the old historical home. He is  
184 proposing to build a garage by the home, but would like to maintain the style of the home

185 so the garage would be the same style. He handed the council a layout of the home and  
186 garage and a drawing of what the garage would look like. The problem he is having is if  
187 he builds the garage like he would like, it does not meet the standards. Some of the  
188 problems are the set back; he would like to have nine foot walls with a 12/12 pitch roof.  
189 If he went with what the current ordinance reads, the garage would have to be next to the  
190 home. He has talked to his neighbors about what he would like, and they all did not have  
191 a problem with it. In order to do this, he would have to ask the council to change the  
192 current ordinance. He is wondering if the council could change the ordinance for  
193 historical homes that belong to the historical society. Mayor Brailsford was wondering  
194 about changing the ordinance. We do not want to change it for everybody, but this is a  
195 unique situation. Attorney Baker stated you can have criteria for historical homes in the  
196 ordinance, draft it how you would want and what standards to place on it. Councilperson  
197 Wills was wondering about shifting the garage about three feet and putting a breeze way  
198 to the home. Mark said that he has looked at that, and the breeze way would be where  
199 the kitchen is, and there is not a good spot to put it without disturbing the home. Mayor  
200 was wondering about having planning and zoning look at it. Attorney Baker stated he  
201 would recommend the ordinance to be reviewed by planning and zoning and have them  
202 begin working on it. The council felt that it was a good idea, and would like to see  
203 something worked out  
204  
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## 206 **7. BUSINESS LICENSE**

### 207 **1. John Linford**

208 Mayor Brailsford stated that John Linford, at 929 South 350 West, wants to have a  
209 business license for a speech therapy business. He would be helping children if they  
210 have a speech problems. Services will be provided, including consultation, diagnosis  
211 and treatment. Only one client at a time will be serviced, accompanied by a parent. It  
212 has been approved by all of the appropriate people. The council did not have a  
213 problem with it.  
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### 216 **2. Barbara Simmons**

217 Mayor Brailsford stated that Barbara Simmons, at 996 South 650 West, wants to have  
218 a business license for photography. The pictures will only be edited at her home. It  
219 has been approved by all of the appropriate people. The council did not have a  
220 problem with it.  
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### 223 **3. Howard Hayes**

224 Mayor Brailsford stated that Howard Hayes, at 94 West Oak Lane, wants to have a  
225 business license for list sales & post card mailers. He has had this business before,  
226 but moved so needs to have the license approved at this address. It has been  
227 approved by all of the appropriate people. The council did not have a problem with  
228 it.  
229  
230

231 **4. Brady Davis**

232

233 Mayor Brailsford stated that Brady Davis, at 205 East 750 South, wants to have a  
234 business license for solar systems. The home would be used for office work, and  
235 products delivered. Installations would be done at the customer's location. Dave  
236 Johnson stated that there would not be any equipment or storage stored at the home.  
237 It has been approved by all of the appropriate people. The council did not have a  
238 problem with it.

239

240 Mayor Brailsford stated that there is a home on Canal Road, by Elliot Nelson's home. He  
241 is stocking a lot of pipe at his home. He is not sure who it is and we need to find out if he  
242 has a business license. He feels that it is a nuisance problem and needs to be taken care  
243 of.

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246 **8. APPROVE MINUTES OF JUNE 20, 2005**

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248 Mayor Brailsford stated that this item will be on the agenda next council.

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250

251 **9. APPROVE BILLS FOR PAYMENT**

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

254 **SECONDED BY:** Councilperson Dale Wills.

255 **VOTE:** All Affirmative (5-0).

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258 **10. PUBLIC SAFETY**

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261 **11. OPEN DISCUSSION**

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263 Karl Vizmeg stated he is looking at closing on some property and would like to see what  
264 the councils plans are for that area. The property is down by the freeway, by the mink  
265 farm. Mayor Brailsford stated that the city has an agreement with Payson and Spanish  
266 Fork, that Salem would get the South East corner of that off ramp. The area down there  
267 is tagged for commercial when it is annexed into the city. Dave Johnson stated that there  
268 has already been a person who pursued to have that annexed into the city, he got a lot of  
269 the leg work done, but we have not heard from him for a while. Karl was wondering  
270 about the process to have it annexed into the city. It was suggested to him to contact the  
271 person who has already pursued it and see what information they have. Dave stated that  
272 he could get the persons name and number to Karl. Karl was also wondering what the  
273 county had plans for a road. Mayor Brailsford stated that there is a meeting next  
274 Wednesday with the county that their plans for future roads will be discussed.

275

276 Kevin Jones asked the council what the plans were for the city above the Highline Canal.  
277 It was stated that the area he is looking at is in Elk Ridge's annexation proclamation. But  
278 their have been other property owners who have shown interest in coming to Salem rather  
279 than Elk Ridge.

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## 282 **COUNCIL REPORTS**

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### 284 **12. MAYOR RANDY A. BRAILSFORD**

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286 Mayor Brailsford did not have anything to report tonight.

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### 289 **13. COUNCILPERSON DALE BOMAN**

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291 Councilperson Dale Boman stated the he appreciated the Fourth of July ceremony.

292

293 On Saturday July 23, at 8:00 a.m. there is an Eagle Scout project to plant the plants at the  
294 wetland park.

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### 297 **14. COUNCILPERSON LYNN DURRANT**

298

299 Councilperson Lynn Durrant reported that Abbey Higginson will not doing the Miss  
300 Salem Pageant next year. She feels that this might be a good opportunity to get out of the  
301 Miss American Pageant program. The pageant could save some money by not belonging  
302 to it. There was some discussion on it, and even looking at doing our own pageant, so we  
303 would not be required to follow the bi laws of the Miss America Pageant. Mayor  
304 Brailsford he would like this item on next council agenda.

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306

### 307 **15. COUNCILPERSON TERRY A. FICKLIN**

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309 Councilperson Terry Ficklin had a question about the road at 200 East and about 250  
310 South. He said there is quite a dip there. It was stated that it is where Bartel Mortenson  
311 hooked onto the road, and it would be his responsibility to fix it.

312

### 313 **16. COUNCILPERSON STANLEY W. GREEN**

314

#### 315 **1. Approval of bid for netting at Ball Park.**

316

317 Councilperson Stanley Green turned the time over to Gary Warner, Recreation  
318 Director. Gary stated that this past year we had some extra money in Baseball and  
319 Snack Shack. Before the year closes, he would like to use that money to purchase a  
320 protection net at the ball field, the cost is about \$8,500. The net will go from the  
321 snack shack to the top of the back stop fences. This will protect people from foul

322 balls hit. Councilperson Green asked Gary if he felt this was needed. Gary stated  
323 that it is needed for the protection of onlookers; he feels that equipment is also  
324 needed, but will have to wait. He stated this last year the snack shack made a lot of  
325 money because of the baseball tournaments, but feels with out the tournaments it will  
326 not do as well this year. Councilperson Wills feels that it is also needed, he has seen  
327 a few people get hit with foul balls when he has been watching some of the games.  
328

329 **MOTION BY:** Councilperson Stanley Green to purchase the netting for the  
330 ballpark.

331 **SECONDED BY:** Councilperson Dale Wills.

332 **VOTE:** All Affirmative (5-0).  
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335 **17. COUNCILPERSON DALE R. WILLS**

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337 Councilperson Dale Wills did not have anything to report tonight.  
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339

340 **18. DAVE JOHNSON, PUBLIC WORKS DIRECTOR**

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342

343 **19. ATTORNEY S. JUNIOR BAKER**

344

345 Attorney Baker had a question about the breakfast for Salem Days. There was some  
346 discussion on it.  
347

348

349 **CLOSE CITY COUNCIL MEETING**

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351 **MOTION BY:** Councilperson Terry Ficklin to close city council meeting.

352 **SECONDED BY:** Councilperson Lynn Durrant.

353 **VOTE:** All Affirmative (5-0).  
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356 **MEETING ADJOURNED AT:** 9:00 p.m.  
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Jeffrey Nielson, City Recorder