

Minutes of the Salem City Council Meeting held on June 5, 2002 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:35 PM.

CONDUCTING: Mayor Randy A. Brailsford.

PRAYER: Reed Cornaby.

PLEDGE: Mayor Randy A. Brailsford.

COUNCIL PRESENT:

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

STAFF PRESENT:

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

Councilman Terry A. Ficklin was excused from council meeting tonight.

OTHERS PRESENT

Trina Johnson
Reed Cornaby

Gary Warner
Lucy Cornaby

Mayor Brailsford stated that the amending of the 2001/2002 budget was on the notice for public hearing, and on the council agenda, for review tonight. The mayor felt that it should be tabled until the next council meeting, so the council will have time to look over the May 2002 budget and see if any amendments will need to be made. The mayor also felt that the Gravel Pit Ordinance needed to be tabled pending the council review.

The mayor thanked the UMPA (Utah Municipal Power Agency) representatives for coming to council work session.

1. PUBLIC HEARING

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

SECONDED BY: Councilman Reid Nelson.

VOTE: All Affirmative (4-0).

a. Preliminary 2002/2003 Budget

Jeffrey Nielson presented the preliminary budget for the 2002/2003 year. The General Fund revenue budgeted amount is \$1,661,660, and the budgeted expense amount is \$1,661,660. The Water Utility Fund budgeted revenue amount is \$675,900, and the budgeted expense amount is \$675,900. The Sewer Utility Fund budgeted revenue amount is \$488,000, and budgeted expense amount is \$488,000. The Electricity Utility budgeted revenue amount is \$1,713,953, and budgeted expense amount is \$1,763,953, a deficit of \$50,000. The deficit of \$50,000 is because of the new truck the electric department would like to purchase this coming year. The power department will transfer \$50,000 from the city's State Treasure account, and will be noted on the budget form sent to the state. With the enterprise funds (Water, Sewer, Electricity, and Solid Waste) it is okay for them to show that deficit amount with state. The General and other funds, are required of the state to show as a balancing budget. The Waste Collection Fund budgeted revenue amount is \$184,900, and the budgeted expense amount is \$184,900. The Motor Pool Fund budgeted revenue amount is \$164,000, and budgeted expense amount is \$164,000. The Data Processing budgeted revenue amount is \$83,000, and the budgeted expense amount is \$83,000. Including the Capital Project funds the total operating budgeted revenue amount is \$5,014,413, and budgeted operating expense amount is \$5,064,413.

MOTION BY: Councilman Reid Nelson to accept the preliminary 2002/2003 budget.

SECONDED BY: Councilwoman Vicki Peterson

VOTE: All Affirmative (4-0).

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

SECONDED BY: Councilman Dale Boman.

VOTE: All Affirmative (4-0).

2. BRENT HANKS – GATE AT 1000 NORTH.

Mayor Brailsford asked if Chief James would explain Brent Hanks' plans. Chief James stated that Brent built the new storage unit at the north end of town. In the front (south side) of his building there is a public access road to his building. The road dead ends just past his building (going east). Brent's concern is that there are a few drivers that use this road as a turn around, especially big trucks with trailers. His building has been hit a few times and some of the curb has been broken. Brent is wondering if he could put a gate across the road to stop those vehicles. The problem is that it is a public road. Sheldon Maughn uses this road to access his property. Attorney Baker stated that we may not be able to put a gate on a public road. It was suggested that the dead end sign be moved closer to the main road, but the problem with the sign is that by the time they read the sign, it is too late. Part of the problem is that the state has taken down the sign in Spanish Fork showing how to get to Spanish Fork Canyon and Price. The city should contact the state and suggest to them to put the sign back up. Chief James stated that Brent wants to

work out the best solution with Sheldon, the city council, and the city. It was also suggested that some large landscaping stones be placed around his property. Chief James stated that he will talk to Brent about the stones to see if that idea would work.

3. RESOLUTION FOR EMERGENCY WATER RESTRICTIONS

The emergency water restriction was discussed last council meeting, and needed to be made into a resolution. Mayor Brailsford asked the council if they had any comments. Councilman Nelson felt we should change the date to October 31, rather than September 30, per Councilman Boman's suggestion made earlier. It was asked who would enforce the restrictions. Mayor stated that the police department would enforce it. Councilman Boman made the comment that on page two at the top we have a disagreement with verbs, and it should be changed. Attorney Baker stated that he will make the changes.

MOTION BY: Councilman Dale Boman to accept resolution 6502 regarding emergency water restrictions.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (4-0).

4. WATER TRANSFER FEES

Mayor Brailsford has a concern about contractors, who use our water, that are not paying the water fee. Right now our fees are \$150 per year, or \$15 per load. The mayor is not concerned as much about the fee as he is with the contractors providing proof of insurance, and having the city show them what fire hydrants they can pull from. We also need to know, for emergency purposes, what roads are going to be worked on. We also need to make sure that the trucks have a backflow device on them, for health concerns. Dave Johnson mentioned that some cities have a meter that they charge the contractor to use. These meters are put on the fire hydrant, then when they bring it back it would indicate how much water they used, and then the city could charge for that amount. If the contractor is found not using the meter they would be fined. The problem with the meter is it would be on the honor system. We are asking our citizens to conserve the water; we need to do something for the contractors. The comment was made that we have enough water rights in the pond that we could have the construction trucks pull from the pond. Some of the trucks have the capability to pump water, but others would have to purchase, or rent a pump to fill up the trucks. Mayor Brailsford mentioned we need to have Dave Johnson, and Todd Gordon, checking on the contractors to make sure they have paid their fees and we have proof of their insurance. The police department and city employees also need to watch where trucks are pulling from. The city has laws and ordinances in place, we need to enforce them. Mayor stated that inspections can not be done until we have made sure the contractor has been registered with us, and that all of their paper work is in order. This is a new habit that the city employees need to adapt.

Councilman Wills feels that we should have the contractors pull water from the pond because of the major concerns with the shortage of water. Councilman Wills will work something out with the Pond Company to find out where the contractors could pull water from. The question was asked about what the penalty is for contractors not having proof of insurance. It is a Class B misdemeanor, with a \$1,000 maximum fine.

Mayor Brailsford would like to have Dave Johnson, Councilman Dale Wills, Chief James and he, to meet with Lew Christensen (Salem Pond Company), along with talking to Bartell Mortenson, to find the best solutions to having the contractors pull the water from the pond.

Mayor Brailsford feels that for now we need to look at how much the fee is for the contractors. Councilman Wills stated that we could have the contractors pay on a monthly basis', and each month has a different colored certificate that they can place in their truck window. Then, if the contractor does not have the correct certificate for the month, the city can fine them.

Chief James is sending a memo to the fire department stating that when they have their training, they need to pull from the pond.

The mayor asked Attorney Baker if we can change the rates, Attorney Baker felt that we probably could change the rates. Mayor Brailsford asked the council what their feelings were on the rates, is \$25 per 1,000 gallons enough? Dave Johnson was wondering about \$400 a month, would that be fair to those who use the water a lot vs. those who do not? It was discussed that we could change the rate to \$250 per month, or \$20 per load. Also, if any contractor has any kind of chemical that they use, they need to use the two designated places that have backflow devices on them.

MOTION BY: Councilman Reid Nelson to change the fee's for contractors using the water to \$250 month or \$20 a load.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (4-0).

5. DISTRICT COURT CONTRACT

Mayor asked the council for approval to have him sign the District Court Contract. This is the same contract we sign each year.

MOTION BY: Councilman Reid Nelson to allow the mayor to sign the contract.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (4-0).

6. BUSINESS LICENSE

b. Norm Cluff – Alaskan Fishing Charter

Norm Cluff wants to set up Alaska Fishing Charters from his home. He will only be making the arrangements from his home. All of his work will be done using the phone, so clients will not be coming to his home. The Police and Fire Chief's did not have any problems with this.

c. Vickie Archuleta – Photography

Vickie does photography for a side job; she would not have the chemicals at her home. She may have someone come down to do a photo shot at the home, but it would not be that often. The Police and Fire Chief's did not have any problems.

d. Stephanie Broadbent – Wedding Rentals & Florals

It was asked what zone her residence is in. The zone is an R-2, which means the business would have to be a home business. Stephanie stated on the application that she will only be doing wedding rentals, that she is not going to be doing retail out of the home. Mayor Brailsford asked if there were any questions. Chief James stated that he did not sign the license. He felt that when he went to inspect the home, it looked like it was set up for a retail business. There were also concerns about her sign in front of her house. Mayor and Council felt that they would like to have Stephanie come into council meeting to let them know what she is doing.

The question was raised about home business signage. The ordinance does not state anything about allowing a sign. Councilman Boman stated that the way he read it, it does not state that they can have a sign, but it does state that they can not change the landscaping of the residential area to make it look like a business. Councilwoman Peterson reported that Planning and Zoning is working on a sign ordinance, and that they will address home business.

7. APPROVE MINUTES OF May 15, 2002

One line 166 and 167 change it to read "Councilwoman Peterson", instead of Councilwoman. On line 213, John Morrissey was a prisoner of WWII in Stalag 17 Germany, not the Vietnam War.

MOTION BY: Councilman Dale Boman.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (4-0).

8. APPROVE BILLS FOR PAYMENT

Mayor Brailsford had a question about the GPS billing, and was wondering how the GPS guys were coming with plotting the cemetery. Jeff Nielson stated that he has it on his computer and it looks like it should work out. Councilman Nelson was wondering why Stones Diesel put on his invoice “No Warranty”. Jeff was not sure, but he said that he would find out.

MOTION BY: Councilman Reid Nelson.

SECONDED BY: Councilman Dale Boman.

VOTE: All Affirmative (4-0).

9. PUBLIC SAFETY

a. Purchase of 800 Meg. Radios (Budget Change)

Chief James explained that in March a company by the name of UCAN (Utah Communications Agency Network), worked for the winter Olympics. They used a bunch of 800 MHz radios. They are now selling the radios at half price. Chief James heard about this and put the request in to get some. He stated that we were one out of four cities in our county that were chosen to receive some. The city can get a total of 20 radios, 14 for the police, (one in each car and one for each officer to carry), four radios for the fire department, and the other two for the ambulance (SEMA). Back in 1995 the city had the opportunity to purchase some of the 800 MHz radios, but the cost would have been around \$95,000. This next year (2003) the county is going to start using 800 MHz radios. Public safety has also been asked by dispatch to use the 800 MHz radios. These radios are a lot better than what we have been currently using. There are no dead spots, and they use a digital frequency, so no one can listen in. Spanish Fork City switched has switched over and Payson will be switching soon. If our officers do not have the 800 MHz radios, it will be difficult for them to get the necessary backup in a timely matter. Mayor Brailsford stated that he feels good about purchasing them, especially if dispatch is asking all the cities around to switch over. Chief James stated that Salem is one of the last cities in our area to get on line with the 800 MHz radios. The old radios that the police department used will now be used by the ambulance (SEMA) and the Fire Department. The cost of the Radios will be \$28,650 plus any cost to get them set up. The total cost will be around \$31,000. Chief James turned the time over to Jeff Nielson to propose where we can get the funding.

Jeff Nielson explained that the police, fire, nor the ambulance (SEMA) departments have the funds to cover the cost. Jeff handed the council a break down of where the funds could come from. The Police department has \$1,000 that they can use out of Equipment Purchased fund, Fire Department has \$1,000 out of communications fund, and SEMA has \$1,000 out of drug testing fund (for drug testing we have gone with a different company so the cost will not be as much). The rest of the money can come

from the Sewer and Solid Waste accounts. The Sewer Account has \$10,000 that we could use out of the Contributions to Other Funds account. The Solid Waste has \$18,000 that can be used from the New Equipment Purchased fund. This would give us a total of \$31,000.

MOTION BY: Councilman Dale Boman to proceed with the bid for the 800 MHz radios.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (4-0).

Chief James also explained that on June 23, from 11:00 AM to 3:00 PM residents from Salem can call the 911 system to verify their address. It is only for the 423-prefix.

10. OPEN DISCUSSION

Reed Cornaby stated that he wanted to thank the city and the employees for how well the cemetery looked on Memorial Day. He went to a few cemeteries that day and was very proud of how our cemetery looked.

COUNCIL REPORTS

11. MAYOR RANDY A. BRAILSFORD

Mayor Brailsford handed out some statistics that the Carylee Baker has done, showing the different calls that the police department is responding to.

Next council meeting the mayor was wondering if it would be ok to have President Otten, the Stake President of Salem Stake, come to city council, and present him with a plaque to thank him for all that he has done. He is being released from stake president after about 10 years of service. He has done a great job in supporting, and working with the city. Council feels it would be ok. Mayor Brailsford stated that he would get everything arranged.

Mayor asked the council if they had any questions about the department head meeting minutes. Councilman Boman had a concern, about the spade and neuter clinic. On the marquee it stated that it would be tomorrow; it has said that for a couple of days. They need to put the actual date up and not to use today, tomorrow, etc. It is confusing when you see statements like that on the marquee for two or three days.

Mayor asked if Gary Warner would let the council know what is going on with the recreation department. Gary stated that there was an accident at the ball park the other day, and the ambulance had to be called out. A girl went to catch a fly ball, missed the ball, and it hit her on the head. Gary stated that as of this morning she was doing ok.

Mayor asked if Gary would send a get well card to her. Gary also reported that tennis and cheerleading are doing well.

Mayor reported that when the highway is finished we will only be having the one cross walk, down by the school, for kids to cross. The state feels that with the new sidewalk in, the crosswalk on Main Street does not need to be there anymore.

12. COUNCILWOMAN VICKI H. PETERSON

Councilwoman Peterson had nothing to report at this time.

13. COUNCILMAN DALE R. WILLS

Councilman Wills stated that the city should be getting more money from the B&C road fund than what was anticipated, so Todd Gordon, Dave Johnson, and himself have identified some roads that are in need of repair. Councilman Wills handed out a sheet showing the bid prices and the roads. He stated that they have gone through and numbered them according to priority. We need to make sure this money is spent this year for the B&C road fund. Councilman Wills stated that 240 East, Towers Drive, and 100 South are all roads that would have to be replaced in the future. He would also like some input regarding the list. Dave Johnson stated that item number nine on the list should be 300 South Main to 100 east (not 300 east). The question was asked on item number one, it states the bottom of 400 north, what part is the bottom of 400 north? It was stated that from about Main Street going west to Beet Road. Mayor had a concern; we may want to put some money aside, to make sure that the company that is doing the highway, feathers onto our roads connecting onto the highway.

Councilman Wills also has been thinking about the property up by the new ball park that is owned by the church. (It was discussed in a prior council meeting about how the parking at the new ball park is very crowded and what can we do about it.) He feels we need to work with the church to see about future parking. Mayor Brailsford stated that he has an opportunity to meet with the church again.

Next week we will have Sunrise Engineering come in for the work session to talk about the water study.

Councilman Wills was wondering if we have heard anything about the Payson annexation yet. Do we want to protest the annexation; if we do we have until Friday to do it. Mayor stated that Councilman Nelson, Dave Johnson, Attorney Baker, and he met with Payson and Spanish Fork. Mayor Brailsford stated that Payson has pulled away from the freeway exit that Salem City would be most interested in annexing in the future (South East exit off of the Benjamin exit). He stated that the three cities are putting together an agreement to sign, stating what each of the cities future boundaries would be. Councilman Wills's feels that we should still protest the annexation, and then when the

agreement is signed we could pull the protest off. He is concerned that we may not be able to get the property for that exit in the future, and he feels that having the exit would be very beneficial to the city in the future as a sales tax revenue. The council agreed that it would be very beneficial in the future.

The question was asked what a protest does. Attorney Baker stated that a protest allows a city an opportunity to object to an annexation with the Boundary Commission Board. Attorney Baker stated that there are other opportunities to do objections if we need to. But we do not want to have a bad relationship with the other cities, but we do need to be concerned with the exit. Attorney Baker also stated that the Attorney for Payson has faxed him over the rough draft of the agreement today, but he did not get a chance to review it.

Mayor Brailsford left the council chambers with Chief James at 9:54 PM and returned at 10:02 PM.

The question was asked if Payson has a lift station for the sewer, would we want that sewage coming to our sewer lagoons? Mayor stated that we would not, because we would not have the room. Payson is planning on having the lift station pump to their sewer plant. He also mentioned that both Salem and Spanish Fork could hook onto that lift station, but who ever hooks on would have to pay Payson's impact fee for sewer.

Mayor stated that right now we have an agreement of understanding with Spanish Fork, and Payson of to what each of the three cities will want, and how we can work with each other in that area by the freeway. He also asked how each of the council members felt about what we should do right now. Councilwoman Peterson feels confident in what the Mayor, Councilman Nelson, and Attorney Baker have stated. Councilman Boman agreed with Councilwoman Peterson. Councilman Nelson stated that we do not want to cause any problems, we have been working with these cities for quite a while, and they are willing to work with us. He feels, however, that we need to get the agreement signed before Payson has the public hearing. Mayor Brailsford stated that we could have Attorney Baker review the rough draft of the agreement in the morning. If there are any concerns he would contact the Mayor, Dave Johnson and two of the councilmember's to look at a protest.

MOTION BY: Councilman Reid Nelson to authorize Attorney Baker with the condition that if it is not what was agreed upon, he contact the Mayor, Dave Johnson and two of the councilmember's, to file a protest.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: Affirmative 3-1, Councilman Dale Wills voted nay.

14. COUNCILMAN REID W. NELSON

Councilman Nelson reported that Jeff Nielson, Darrell Miller and he had a meeting with Strawberry to go over the costs for the Arrow Head Substation, and to get everything

finalized. It looks like Strawberry maybe owing the city a little bit after all the invoices have been submitted. The city and Strawberry would like to have a ribbon cutting ceremony when it is all done. The question was asked if there will be a sign put up stating Arrow Head Substation and have Salem and Strawberry's name on it. Councilman Nelson stated that they are planning on a sign.

15. COUNCILMAN DALE BOMAN

Councilman Boman stated that on Friday, June 14 for Flag Day, there will be a flag ceremony at Heritage Park. He would also like that on the marquee.

The queens float is coming along and should be done for the first parade. The construction part is all done; all that is left are the decorations.

The Memorial Day ceremony went very well. There was a good crowd in attendance.

16. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Did not have anything to report at this time.

17. ATTORNEY S. JUNIOR BAKER.

Did not have anything to report at this time.

Mayor Brailsford had a few more items to discuss. In the past we have had a yard sale to raise money for the fireworks. The citizens donate items that they want to have sold. The last couple of years we have been getting a lot of items that no one would want. A suggestion was made from one of the city employees to have a city wide yard sale. The city would advertise it in the local papers, on the marquee, etc. noting a city wide yard sale. Then if citizens wanted to participate they could put items they want to sell on their own yards, and then donate the funds they receive towards the fireworks. The Council all feel it would be a great idea, and we should try it this year.

The city started a fund for Joe Blackburn's burial, and a lot of donations were made. The fund was able to pay for the funeral and headstone with about \$2,000 left over. The mayor met with Joe's family and they want to donate the remaining funds back to the city by putting a nice bench, in his remembrance, at Heritage Park.

The mayor has been contacted by a group of citizens that want to donate money to put a walking path along the pond from bridge to bridge (north side). The city owns most of the property right next to the pond, except for a couple of the residents that own to the ponds edge, a boardwalk could be placed at those spots. A few years ago the Mayor

looked at doing something like that, and the cost was about \$400,000 to put a nice one in. He is not sure the group of people realizes how much it costs. Mayor feels that the city is not in position right now to pay for something like that.

CLOSE CITY COUNCIL MEETING

MOTION BY: Councilman Reid Nelson to close City Council Meeting.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 10:40 PM.

Jeffrey Nielson, City Recorder