

Minutes of the Salem City Council Meeting held on March 3, 2004 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:30 PM

CONDUCTING: Mayor Randy A. Brailsford.

PRAYER: Councilperson Dale Wills

PLEDGE: Councilperson Lynn Durrant

COUNCIL PRESENT:

Mayor Randy A. Brailsford
Councilperson Terry A. Ficklin
Councilperson Dale Boman
Councilperson Dale R. Wills
Councilperson Lynn Durrant
Councilperson Paul J. Hair

STAFF PRESENT:

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

Excused From Council Meeting:
Police Chief Brad James

OTHERS PRESENT

Allan Hales
Sade Killpack

Baylis Earles
Roger Killpack

Melissa Killpack
Taylor Baker

1. HOME OCCUPATION LICENSES:

a. Allan Hales

Mayor Brailsford turned the time over to Allan Hales. Allan stated he wanted to talk to the council about his business. He received a letter from Attorney Baker stating that he was operating a business without a license. Last time he came before the council there was discussion about allowing a home occupation in a detached building. Alan stated from what he remembers, Mayor Brailsford felt it was not a problem. Mayor Brailsford stated that he did not feel that was the case, and that he told Allen then, that the council would be working on the ordinance. Alan stated the other concern was allowing employees. The ordinance states that he can not have employees. He has had a couple of employees now for a while, in fact he had them for two years before anyone found out about them. He also stated that it has been a few years since he signed for his business license, and can not remember everything it stated. He feels with the economy, and business shutting down, and more and more people out of work, that people will be looking

at doing home occupations and employing people. He has three employees who are residents of Salem that work off and on for him. This last year he paid his employees \$21.00 hr. He feels this portion of the ordinance should change. He stated that there have also been complaints about parking and UPS delivery. UPS only delivers once during the day. He does live on a narrow road, but other neighbors have RC Willey delivering, along with cement trucks. Both are a lot larger than UPS. He has his employees' park on his side of the road so they are not parked in front of other people's homes. He is told to use common sense, but he would like the council to have some common sense when making the decision. His business has grown 30% over the past years. He told the council he was ranked 12th out of 70 vendors in 2002, as far as sales tax for the city. In 2003 he was ranked 16th out of 97 vendors. So he is bringing sales tax into the city. Most of his customers are from the Salt Lake Valley.

Mayor Brailsford asked Allan what his future plans are, does he plan on ever moving into an industrial zone. Allan stated that when he feels he has outgrown the home he would consider moving. Right now he can get 4 to 5 cars on his road in front of his house. When he feels the congestion is too much for the road, then he will move, but as long as he is not a nuisance or a hindrance, he feels he should be able to stay. Other than the complaints from a couple of the residents, he feels he is an asset to the city. Mayor Brailsford stated that we do not want home occupations to become so big that they take away the rights of the residents that live around the businesses; this is why different zones have been created. Councilperson Wills stated that his biggest concern is having 5 cars parked on the road. Allan stated that when he gets his business out of his garage, and in the accessory building, he will be able to park his personal cars in the garage, and have more parking in his driveway. The question was asked of Allan how big his home is and how big is the accessory building. Allan stated that the accessory building is 1,200 sq. feet, and his home is 5,000 sq. feet. It was stated that the new ordinance the council is looking at will allow an accessory building, but it needs to be 15% of the home. Allan's current building is about 500 sq. feet too big. He is 19% right now. Allan stated that his business is neither noisy nor dirty. Mayor Brailsford stated the council will be reviewing this ordinance and a public hearing will be set for April 7, 2004. The councilperson who, was supposed to work on it last year became, too busy to really look at it, so the current council is working on it.

Allan stated that he would like the council to really look at this ordinance, and determine how you can mingle a good home occupation within a residential zone. He would also really like to keep his employees. Mayor Brailsford stated that when people purchase a home, they buy into a neighborhood; we need to look at those zones and see how we can protect the rights of those residents. We need to try to make a way to benefit everyone. With technology changing there are more people who are doing home occupations. Again, the public hearing will be set for April 7, 2004. Allan stated he would like to see a copy of it before the meeting, if it is available.

b. Roger Killpack

Mayor Brailsford turned the time over Roger Killpack. Roger stated that he has some letters from the parents of some of his students, if the council would like to read them. What he wants to do is turn the old Migrant School on the corner of Center Street and Main Street into a daycare/martial arts studio, and a place where kids can come to hang out to keep them off of the street. Mayor Brailsford stated that Roger wants to buy the old school to make it his home, and then have a home occupation. The building is located in an R-1 Zone, and the layout is that of an apartment. The home has a kitchen and bathrooms all set up. Roger stated that there are 5,212 sq. feet with a 2,500 sq foot studio in the basement. Right now he is doing a martial arts class across the street (in the old post office building), where he has a lot of students. As the mayor mentioned he would like to live in the home and still be able to run his business. Roger explained some of the moral codes of the martial arts and how it really benefits the youth. He is working with Nebo School District in different programs with youth who have ADD. It is really neat for him to see the change in a lot of the kids' lives. Councilperson Durrant asked Roger to draw the layout of the home on the chalk board. He only wants to use a portion of the home for living space (what he would need to get by), the other portion he would utilize for the business. He would like to have the basement divided into little recreation areas. For example a little study room for kids to do their homework in, a gaming room, but a lot of this will be in the future. Right now the main focus is the martial arts. He currently has about 30 students; each class is divided up, so he has about 6 classes a day. He also has about 40 students that he works with at the schools in the Nebo District. He talks to his students a lot about ethics and how to deal with different situations in life. He would also like to rent out a portion of the building for a daycare. Mayor Brailsford stated that that would be a concern; he can not rent out his home for another business. Dave Johnson stated that another concern would be that the building would need to be brought up to code when it is converted over to a home. Roger stated that he has made arrangements financially to do a face lift on the building. Work on the exterior of the building; put a better fence, better windows in, and stucco on the building to really make it look better. He wants it to look like a home. Councilperson Wills stated that what he is doing is great; his only concern is having a lot of people come at the same time. Roger stated that he would need to arrange the schedules so there would not be a big traffic jam. He also stated he does not sell retail from there, but he does provide uniforms and equipment to his students at cost. He had another question about having a sign. It was stated that he would not be able to have a sign in that zone. Mayor Brailsford told Roger that there will be a public hearing for the home occupation ordinance on April 7, 2004, and it would probably be a good idea for him to attend.

2. CHANGES IN PERSONNEL POLICY

Mayor Brailsford turned the time over to Attorney Baker. Attorney Baker stated that the last page of the resolution is what the council adopted back in December 2003. The complete resolution was not ready at that time. The other portion is changing the Personnel Policy from Sexual Harassment and making it more of a General Harassment. Both he and Police Chief James have been to meetings where harassment was discussed. They both felt from the training they have received that it would be a good idea for us to change our policy to cover a more general harassment.

MOTION BY: Councilperson Terry Ficklin to approve Resolution 3404 Adopting Changes to the Personnel Policy.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

3. UTAH RETIREMENT & PEHP AGREEMENT 2003/2004 YEAR

Mayor Brailsford turned the time over to Jeffrey Nielson. Jeffrey explained that this agreement is for the year 2003/2004, and is for the city employees' benefits (health and retirement). They are a little late getting the agreement to us.

MOTION BY: Councilperson Dale Wills to approve the agreement for 2003/2004.

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (5-0).

4. ORDINANCE DEALING WITH DISPOSAL OF SOLID WASTE

Mayor Brailsford turned the time over to Attorney Baker. Attorney Baker stated that a few weeks ago an ordinance dealing with commercial disposal of solid waste was discussed in City Council Meeting. We thought that Salem City already had an ordinance for it, but we did not. It was Spanish Fork who had the ordinance. He stated that since Salem City is a member of the South Utah Valley Solid Waste District we need to support that district. This ordinance allows the city to specify where companies who do commercial waste collections within the city will drop off their solid waste. Utah Code allows local entities to mandate where their solid waste is disposed of.

MOTION BY: Councilperson Terry Ficklin to adopt Ordinance 3304 Dealing with the Disposal of Solid Waste.

SECONDED BY: Councilperson Paul Hair.

VOTE: All Affirmative (5-0).

5. BUSINESS LICENSES

a David Hughes – Hunting & Guide Service

David Hughes, located at 135 W 100 S, would like to do a Hunting Guide Service. His work will be done over the internet, setting up big game hunts in Utah. The license has been approved by all the appropriate people. The council was okay with the business license.

b Russell Hanson – Software Development & Consulting

Russell Hanson, located at 63 W 800 S, would like to do a Software Development & Consulting business. The business will be in an office and work will be done over the phone or computer. He will not have customers coming to the office. The license has been approved by all the appropriate people. The council was okay with the business license.

c Jeffrey Southwick – Plumbing Contractor

Jeffrey Southwick, located at 447 W Salem Canal Rd, wants a business license so he can become a Plumbing Contractor. His home would only be his office. He is aware that any equipment that is brought home needs to be stored so it is out of sight. This should be put on the business licenses. The license has been approved by all the appropriate people. The council was okay with the business license.

6. APPROVE MINUTES OF FEBRUARY 4, 2004

Councilperson Dale Wills stated that on line 335 and 338 the phosphate level should be .1 not .01.

MOTION BY: Councilperson Lynn Durrant to approve the minutes with said changes.

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (5-0).

7. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Dale Wills to approve the bills for payment.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

8. PUBLIC SAFETY

a. Policy on Electronic Arrest Control Devices.

Attorney Baker stated that he has reviewed the policy. He stated that Police Chief James reviewed other cities' polices and then wrote this one. Attorney Baker stated that both he and Chief James went over it together. Mayor Brailsford thought it looked good, but would like to have it say that they need to be trained each year rather than have it state during a scheduled training. He does not feel they need to be shocked again, but feels they need to be trained on a yearly basis. Attorney Baker stated that they are required to have so many hours of training a year on it. He also felt that it would be better to leave the wording how it is, but to have the mayor tell the police chief when he wants the scheduled training to be. Mayor Brailsford stated that he would do that, just order the training to be done on a yearly basis.

MOTION BY: Councilperson Terry Ficklin to approve the Police Department Policy regarding Electronic Arrest Control Devices.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

b. Support County EASY Program.

Attorney Baker stated that he is Spanish Fork's representative for this. One of the things he would like to see changed on it is that he feels both the employee and employer should have a portion of the burden when they have sold alcohol to under-age minors. The way it is written now, is that only the employee gets the burden. The County is only in the beginning phase of this. They are only looking for support and would like a representative from each city to help get the program written and in use. Also here in Salem we are pretty much doing the program. When a business is caught selling to minor we let them know they are in violation and we will be checking on them again soon. If they fail again, then their beer license will be pulled. The council members stated that they support the program and appointed Police Chief James to be Salem City's representative.

COUNCIL REPORTS

9. MAYOR RANDY A. BRAILSFORD

Mayor Brailsford stated that a few weeks ago Jay Wilson had an accident. The family is going to take him off life support, and they are planning on having the funeral this coming Monday. The family does not have a lot of money, nor did they have insurance. Because Jay has been a volunteer for the city for many years, the mayor would like to have put on the marquee that if people want to donate to a burial fund for Jay, they can do so at the city office.

He also stated that if any of the councilmembers' had changes to the new reception center, he would appreciate if they could get them to him by next Wednesday. Councilman Boman was wondering how big the basement would be. Dave Johnson stated that they are looking at different ways to make it bigger. Mayor Brailsford stated the big thing is money, and we will review the different ways. We would like to have it as big as possible.

10. COUNCILPERSON DALE BOMAN

Councilperson Boman stated that he would like to have a meeting on the 24th of March with all of the Salem Days people. He wants to go over their budgets, and where they can purchase items. He would like to have the meeting at 7:00 pm in the basement training room. He wants to make sure the council lets all of their people who they have chosen to be over the different events know about this meeting.

11. COUNCILPERSON LYNN DURRANT

Councilperson Durrant stated that the Library held a board meeting and the new board members came. They are still trying to put together a three-year plan.

The UMPA (Utah Municipal Power Agency) meetings in St. George went very well. She learned a lot about power.

Mayor Brailsford left Council Chambers to talk to Fire Chief Todd Miles

12. COUNCILPERSON TERRY A. FICKLIN

Councilperson Ficklin stated that he would like a work order written to have the cemetery picked up. With the snow melting; a lot of debris is showing. He would like it picked up before Jay Wilson's funeral.

13. COUNCILPERSON PAUL J. HAIR

Councilperson Hair asked Councilperson Boman who was over the parade last year. It was stated that Robert Palfreman was over the parade.

Councilperson Hair stated that he attended the Solid Waste Technical Board meeting on the prior day. The concern was brought up about allowing Salem City to use the chipper machine. They were wondering if Salem can bring their debris over to Spanish Fork. Their concern is that they have seen, in the pile for items to be chipped, cement and other items that can not go in the chipper. Their other concerns are that when the chipper is returned, after being in Salem, there usually is a lot of maintenance that has to be done on

it. If the debris can not be brought over to Spanish Fork, they want Salem to be extra careful and to make sure that only tree limbs and other debris that can go into the chipper are in the pile. We need to sort out all other items.

Another item that was discussed is that some of the cities are offering another can for recycling. Some of the cities charge an extra \$5 for the other can. It was determined that we should see how some of these other cities are doing it.

14. COUNCILPERSON DALE R. WILLS

Councilperson Wills stated that on Thursday Night, there will be a presentation on CUP over at the Payson City Council Chambers. Would like to invite the council to it.

He is also working on talking to the schools and churches in the city about water management for them, and also the city. We need to learn how to really manage our water this year to help us through the summer.

He would like to look at other options for the snack shack. He would like to see about bidding it out to local business in town, see if they would like to take it over. The past few years, it has not been profitable for the city to run it.

Mayor Brailsford returned to Council Chambers

Mayor Brailsford stated that there has been some discussion about the outdoor classroom, and that the way we are doing it is not right. He stated that it has been planned for the past five years; the CORPS of Engineers, a water engineering firm, and the Division of Wildlife Resources were the ones that stated this is how it will be done. Nebo School District has also donated a lot of time to it too. So this project was not just thrown together. It has been in the making for a few years.

15. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Dave Johnson stated that it was discussed in department head meeting about the opportunity for the city to get an old UDOT metal building. The building is 4,800 sq feet and is a very nice building. The only cost to the city would be to tear it down and bring it over to Salem. Dave took Bart Mortensen over today to look at it; Bart stated he thought it would be a good building to have. It would be worth it to take it down and store it until we can put it up. Mayor Brailsford stated that there is another option that is being looked at to maybe work with SUVPS (South Utah Valley Power Systems).

Dave also reported that the pipe, down at the new sewer wetlands that was leaking a while ago, is leaking again. UDOT will be coming down to look at it and to try to repair it again.

CLOSE CITY COUNCIL MEETING

MOTION BY: terry

SECONDED BY: lynn

VOTE:

MEETING ADJOURNED AT: 9:45.

Jeffrey Nielson, City Recorder