

Minutes of the Salem City Council Meeting held on March 5, 2008 in the Salem City Council Chambers.

Work Session: There was a discussion on the sidewalk and curb & gutter. Brandon Limb wanted to express his opinion on the survey about the older part of town, and curb & gutter.

Matt Ward brought up a concern about ground water on 750 East and Canal Road. Matt explained that the sump drains are not working for storm water. There is a ground water problem in the area. He explained that the water is following some utility line, and then coming into his house from following the utility laterals. It was suggested that Robert Nelson (the developer), Bruce Ward, Matt Ward, Councilperson Todd Gordon, and Councilperson Stanley Green meet to look at some possibilities for the area. A meeting was set.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor J. Lane Henderson

COUNCIL PRESENT:

Mayor J. Lane Henderson
Councilperson Lynn Durrant
Councilperson Brent V. Hanks
Councilperson Terry A. Ficklin
Councilperson Stanley W. Green
Councilperson Todd R. Gordon

STAFF PRESENT:

Jeffrey Nielson, City Recorder
Chief Brad James, Police Chief
David Johnson, Public Works
Junior Baker, City Attorney
Bruce Ward, City Engineer

OTHERS PRESENT

Lana Harris
Staci Taylor Reece
Shayla Golish
Doug Blackett
Alyson Jenkins
Riley Christiansen
Adam Dinkins
Jilian Cuddeback

Nelson Taylor
Mallory Byrnes
Tyson Robertson
Clyde Bradford
Brandi Wilkinson
Hayden Christianson
Heather Stewart
Lucy Cornaby

Dawn Taylor
Marcee Clayson
Dianne Blackett
Eva Bradford
Jordon Cerrone
Joe Dinkins
Noel Miller
J. Reed Cornaby

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Joe Dinkins 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. PUBLIC HEARING

MOTION BY: Councilperson Lynn Durrant to open the Public Hearing.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

a. Vacating Wisnom Subdivision at Chrisman Drive & Salem Lake Dr.

Dave Johnson showed on the map where it was located. He explained that back in 2004 the Wisnom Subdivision was recorded. Nothing has been done on the subdivision including the improvements. The improvement bond has expired. The property has gone through a couple of different owners, and the city has been waiting on the improvements. This is a three lot subdivision. We are asking the council tonight to vacate the subdivision, but just the lots, not the easements or right-a-ways; they will remain in the city's name.

Mayor Henderson asked if there were any questions from the public or council.

Reed Cornaby asked if this is the same subdivision where the city vacated a portion of Chrisman Drive. It was stated that it was, in hope that the improvements would get done.

b. Nelson Taylor – Zone change on property at 1291 S. 420 W. from R-2 to R-1

Mayor Henderson stated that this property is located in Taylor Estate. He turned the time over to Nelson Taylor. Nelson Taylor handed out some maps to the council, showing what he would like to do. Right now he has one lot, which he would like to change the zone from R-2 to R-1, so he could divide the lot into two lots. Mayor Henderson explained that Mr. Taylor was the developer of the subdivision, and created the subdivision in an R-2 zone. He picked out the lot for himself, which was the big lot the subdivision. Now he would like to split the lot,

so he does not have such a big lot to take care of. Councilperson Gordon asked what the sizes of the two lots would be if they were divided. Nelson stated that the one lot would be 12,927 square feet and the other one would be 11,542 square feet. He feels that it would be good for the city; the city would get the revenue from another lot with the fees that are paid. It would also make the subdivision a safer place. Right now there are kids that play around the empty lot in the middle of the night. He feels that if the lot was divided, then another home would be built and take care of the empty space. He stated that two of his neighbors are okay with it. He would like to sell the current home and build another home on the other lot.

Mayor Henderson stated that DRC and Planning & Zoning have both denied the request. They felt that people bought into the subdivision knowing that it was R-2. Also, Nelson saved this lot for himself.

Mayor Henderson asked if there were any questions from the council or Public.

Doug Blackett stated that he lives next to the property. He believes that if the change is allowed then the value of his home and property would decrease, and would also affect the other homes in the area. He stated that he is against spot zoning. He used to live in Orem, and they would do spot zoning, that is why he moved to Salem, he wanted the larger lots.

Staci Taylor, daughter of Nelson Taylor, stated that she understands that the Blackett's want the privacy and do not want homes that close. But if her parents could build a new home, it would make it so their lot is more manageable. When he first built the home, it was not a home for retirement; the lot is too big for them now.

Mrs. Blackett stated that they came from Orem, where they watched the bigger lots slowly get smaller and smaller. They bought this lot in Salem, knowing that it was in a bigger lot area. They don't want to see smaller lots come into their subdivision.

There was some discussion on the property around them. It was stated that the master plan for the surrounding property is to be zoned R-2.

Councilperson Hanks was wondering since this item had come before the council in December, and was denied then, should it be allowed to come back again to the council. Attorney Baker stated that it could come back. Nelson Taylor was unaware of the meeting that night, because of some miscommunication, and that is why we allowed it back on the agenda. Also, someone can come back on the agenda if they request, and if fees are required, then they pay the fees.

Mayor Henderson stated that he is concerned because this is what the neighbors bought into, and it would not be fair to them to change it. He asked Nelson if he

has tried selling the lot. Nelson stated that they have, but no one was interested in it. Staci Taylor stated that it would really add to the area to have a new home on the empty lot. Nelson stated that he is concerned about the vandalism in the area, with the empty lot.

Mayor Henderson asked if there were any other questions from the public or council.

Councilperson Stanley Green was called out of the council chamber.

Close

MOTION BY: Councilperson Brent Hanks to close the Public Hearing.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0).

a. Vacating Wisnom Subdivision at Chrisman Drive & Salem Lake Dr.

MOTION BY: Councilperson Lynn Durrant to approve Ordinance 30508 Vacating Wisnom Subdivision lots.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

b. Nelson Taylor – Zone change on property at 1291 S. 420 W. from R-2 to R-1

MOTION BY: Councilperson Brent Hanks to deny the zone change request by Nelson Taylor at 1291 S. 420 W.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

4. CLYDE BRADFORD – CARRIAGE RIDE AGREEMENT

Clyde Bradford thanked the council for the opportunity to do the carriage rides around Pond Town Christmas. He wants to renew the agreement again for another two years. Attorney Baker stated this agreement is the same as the last agreement; it is to allow him to do the carriage rides around the pond, during Pond Town Christmas, for two years.

MOTION BY: Councilperson Brent Hanks to approve the agreement with Clyde Bradford to allow the carriage ride around Pond Town Christmas.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

5. APPROVE ENGINEERING FIRM TO DO IMPACT FEE STUDY

Bruce Ward stated that with the development going in at the north end of town, they will be putting in some major water and sewer lines. They would like to get reimbursed for some of the work because they will be major lines that benefit more than just their development. In order to accomplish what needs to be done we will need to do an impact fee study for water and sewer. He handed out, to the council some bids for the impact fee studies. Sunrise Engineering - \$10,000; Horrocks Engineers - \$11,512; Forsgren Associates - \$18,500; Advanced Environmental - \$23,020; Aqua Engineering - \$29,500; and Epic Engineering - \$29,743

Bruce stated that each of the engineering companies received the same information. He met with each of them, and answered any questions they had and went over the scope of the project with them. He stated that each of the companies is qualified and would do a great job. He stated that out of all of the bids, Sunrise Engineering had the lowest bid, and felt that they would do a great job.

Councilperson Gordon was wondering about the bids. He wanted to make sure that we are selecting the right company, not just the company that gave the lowest bid. Bruce Ward stated that he has worked with each of the companies, and each of them would do a great job.

MOTION BY: Councilperson Brent Hanks to accept the Sunrise Engineering bid in the amount of \$10,000 to do the impact fee study for water and sewer.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0).

6. PUMP FOR SEWER HEAD WORKS

Mayor Henderson stated that this item is still not ready.

7. SALEM/SPANISH FORK/PAYSON ANNEXATION AGREEMENT

Mayor Henderson stated that this agreement is for the area out by the interchange. There was some property out there that was part of Payson, and recently has been de-annexed. The property owners have started the process to be annexed into Salem. Attorney Baker stated that with the realignment of the property, the interlocal agreement would need to be changed. Dave Johnson showed on the map where this property was located. Mayor Henderson stated Payson City has been really good to work with on this property and the agreement.

MOTION BY: Councilperson Brent Hanks to approve the annexation agreement with Salem, Payson, and Spanish Fork.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

8. A RESOLUTION OF THE CITY COUNCIL OF SALEM CITY, UTAH AUTHORIZING AND APPROVING THE EXECUTION BY THE CITY OF AN ANNUALLY RENEWABLE MASTER LEASE AGREEMENT BY AND BETWEEN SOUTH UTAH VALLEY MUNICIPAL WATER ASSOCIATION, UTAH (SUVMWA) AS LESSOR AND THE CITY, ELK RIDGE CITY, MAPLETON CITY, PAYSON CITY, SPRINGVILLE CITY, SPANISH FORK CITY, AND THE CITY OF WOODLAND HILLS, AS LESSEES; APPROVING THE ISSUANCE AND SALE BY SUVMWA OF ITS LEASE REVENUE BONDS, SERIES 2008 IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,000,000, TO FINANCE THE COST OF THE COST OF ACQUIRING LAND AS THE SITE OF A FUTURE REGIONAL WASTEWATER FACILITY; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THE RESOLUTION; AND RELATED MATTERS.

Attorney Baker stated that this resolution is obligating Salem for our portion in a bond that SUVMWA (South Utah Valley Municipal Water Association) is getting so they may purchase some property for a future regional sewer plant. Because SUVMWA does not have money, the Board of Water Recourse required each of the cities belonging to SUVMWA to make an agreement stating that they would be responsible for paying their portion of the bond. Attorney Baker stated that Salem City's portion would be \$55,304.66 (this is a one time fee), and then \$37,129.26 yearly cost for the 10 year bond. He stated that the bond would be issued by the Board of Water Recourses; the interest rate is 2.4% and is for 10 years. Attorney Baker recommends to the council that the resolution be adopted, with the agreement that when it is completed it would be approved, upon legal council approval.

MOTION BY: Councilperson Todd Gordon to approve Resolution 30508 and enter into the bond agreement with the approval of legal council reviewing the agreement.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

Bruce Ward stated that the Board of Water Recourses has been very impressed with the cities belonging to SUVMWA, and how well we work together. They have not seen cities work together like this, and this is one reason we were able to get the bond. He stated that this is the first step in getting the 240 acres of land needed for the regional sewer plant.

9. SALEM HILLS HIGH SCHOOL RESOURCE OFFICER INTERLOCAL COOPERATION AGREEMENT

Chief James stated that this agreement is allowing one of our police officers to be located at the new high school. They will be dealing with the high school students, and will also be teaching a class at the school. In turn Nebo School District agrees to pay for half of

the officer's salaries and benefits, starting July 1, 2008, and going for the full year. Chief James stated that a lot of students have already signed up for the law enforcement class that the officer will be teaching.

MOTION BY: Councilperson Lynn Durrant to approve the Interlocal Agreement with Salem Hills High School for a Resource Officer.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

10. APPROVE MINUTES OF FEBRUARY 20, 2008

Councilperson Gordon stated on line 15 is should read "people "to" see" have the word to added, and then line 17 take out "will" after developments.

MOTION BY: Councilperson Lynn Durrant to approve the minutes of February 20, 2008 with said changes.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

11. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Brent Hanks to approve the bills for payment.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

12. PUBLIC SAFETY

Chief James reported that Officer Matt Bell and the city K-9 have graduated from K-9 School. He will be doing a K-9 demonstration for the council soon.

13. OPEN DISCUSSION

Staci Taylor stated that she would like to speak to the Mayor regarding the decision the council made tonight regarding her fathers request. She is concerned about her parents, and being able to take care of the property. Mayor Henderson stated that he appreciates her concern and would be willing to speak with her at another time regarding her father.

COUNCIL REPORTS

14. COUNCILPERSON LYNN DURRANT

Councilperson Lynn Durrant reported she met with the library board, and they are very excited about the new addition to the library.

She also reported on her trip to Washington DC to meet with Congress to talk about APPA (American Public Power Association).

15. COUNCILPERSON TERRY A. FICKLIN

16. COUNCILPERSON STANLEY W. GREEN

17. COUNCILPERSON BRENT V. HANKS

Councilperson Brent Hanks reported that he is looking into a camera system for the Civic Center. The cost is about \$2,800 to \$3,600. He would like to request having a police officer check in on the Civic Center when it is being rented, to show the cities presence there, and to make sure there are no problems.

18. COUNCILPERSON TODD R. GORDON

Councilperson Todd Gordon reported that he met with Shawn Elliot from Mountain Land and had a good meeting discussing the future of South Utah County with transportation. There is a group that is trying to meet once a month on this, and he will be attending that meeting.

19. MAYOR J. LANE HENDERSON

Mayor Henderson stated that he received a letter from some county residents. They are on their own water well; which provides water to about seven homes. They received a letter from their insurance that they do not have the proper fire protection with their water well. They are in our jurisdiction for fire protection, and they are wondering if we can write a letter explaining that they are protected by Salem. Attorney Baker stated that if they are in our fire district, we can draft a letter stating that we will respond with a tanker fire truck. Mayor asked Councilperson Gordon to get a hold of Max Wallentine in the county and see what they need.

Councilperson Stanley Green arrived back at council meeting 8:05 p.m.

Mayor also reported that Attorney Baker, Aaron Cloward (Planning & Zoning Chair), and he went to Day Break on a tour. They had a good discussion on some ideas for Salem and zoning, especially out by the freeway interchange. He would recommend to

the council to go out to Day Break and see what they have done. He would also recommend to the council to allow him to hire a part time planner for the city, to be a consultant for the area by the interchange. We had budgeted for one this year. The council felt that it would be a good idea.

In DRC (Development Review Committee) they met with a credit union that has the property behind the city entrance sign. They want to put a sign up, but our welcome sign would be in the way. We discussed with them the possibility of giving the property, where the sign is to them. They would take care of the property; make it look nicer so it would fit in with their building. In turn they would put up a new city sign. Mayor was wondering if the council would be okay with it. Attorney Baker stated that it would be a similar situation as what we did for Diamond Grill, we would need to do a public hearing. The council felt that it would be a good idea.

20. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Dave Johnson reported that the construction on the city office will begin this coming Monday. They are hoping to have the new portion completed by October 8, and then start construction on the older portion. They are hoping to have everything completed by December 24. The library construction will start soon also; they will be shut down May, June, and July. We are looking at getting a modular trailer to keep them open during the summer months. He has a schedule in his office of the construction if anyone would like to see it.

Councilperson Hanks is concerned about where the construction trailer will be located. He does not want it blocking the sidewalk in front of the city office, because of the school kids using the sidewalk to get to school.

Mayor Henderson stated that Dave was able to negotiate with the LDS Church and get the property on the North side of the building so we can still have a road way on the North side.

21. BRUCE WARD, CITY ENGINEER

22. ATTORNEY S. JUNIOR BAKER.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Brent Hanks to adjourn city council meeting.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 8:20 p.m.

Jeffrey Nielson, City Recorder