

Minutes of the Salem City Council Meeting held on March 6, 2002 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:30 PM.

CONDUCTING: Mayor Randy A. Brailsford.

PRAYER: Councilman Terry Ficklin.

PLEDGE: Jacob Perry.

COUNCIL PRESENT:

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

STAFF PRESENT:

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

OTHERS PRESENT

Russell Maughan
Joe Robertson
Steven Underford
Lynn Durrant

Lindsey Daley
Matthew Hansen
Jacob Perry
Reed Cornaby

1. WETLAND MONITORING & MAINTENANCE AGREEMENT

The Mayor asked if Attorney Junior Baker had reviewed the wetland monitoring and maintenance agreement. Attorney Baker stated that he had reviewed the agreement between Salem City and UDOT. The agreement needed to be put on the agenda in order for the mayor to sign it. We discussed all about the wetland in our last work session.

MOTION BY: Councilman Terry Ficklin to have Mayor Brailsford sign the Wetland Monitoring & Maintenance Agreement.

SECONDED BY: Councilman Reid Nelson.

VOTE: All Affirmative (5-0).

2. JOHNSON/SALEM CITY LAND TRANSFER

Dave Johnson has a proposal he would like the council to think about. Dave has some property on Canal Road by the new ball park and by Nelson Landing new subdivision. He had a map of the area to show the council what he would like to do. The South side of Canal Road is where Robert Nelson is building Nelson Landing; on the North side of the road Dave and his brother own a pasture. When Dave's brother built his home the city required him to deed over enough land for half a road from 2nd South going east until it could be connected onto canal road. Where the future road would connect to Canal Road, it doesn't line up with Robert Nelson's new road. Dave would like to exchange the land that was deeded to the city, so it would line up with Robert Nelsons new road. Leray Warren also has property that, if developed, the road would also line up with Robert Nelson's subdivision. If Dave deeds that extended land over to the city, then the city would need to deed back the land that was originally deeded to the city. The roads on the North side of Canal Road are all future roads.

Dave has had Cole's do a quit claim deed for the property, to have the city quit claim the property back to Dave, then Dave would quit claim the extended property to the city so the roads would line up. If the council does approve it, the mayor would only have to sign it.

If Dave's land is ever developed, the road by his brother's house would be 56ft wide, then after his brothers home it would be 66' wide until it connected onto canal road. The reason for the difference is the different requirements the city had back then.

MOTION BY: Councilman Reid Nelson to approve the transfer of the Johnson and Salem City Property.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (5-0).

3. APPROVE MINUTES OF FEBRUARY 20, 2002

MOTION BY: Councilman Reid Nelson to accept the minutes as they are written.

SECONDED BY: Councilman Dale Boman.

VOTE: All Affirmative (4-0), Councilman Terry Ficklin abstained; he was not present at last council meeting.

4. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilwoman Vicki Peterson to approve the bills for payment.

SECONDED BY: Councilman Reid Nelson.

VOTE: All Affirmative (5-0).

Mayor stated that Chief Brad James had not arrived at council yet, so we will come back to the public safety.

5. OPEN DISCUSSION

Jim Alvey had some concerns he wanted to bring up with the council. Justin Alvey, his son, bought the Linton Meadow subdivision. Both are working on the new subdivision. Jim stated that he has worked with other cities, but has not worked with Salem City. He would like some help from the council members.

When they purchased the property, they bonded for \$223,000, which is the amount the engineers recommended. When they did the first request for money everything was fine, but for the second request they noticed there were some concerns. In the past when Jim has worked with other cities, they have required a 25% of the bond and then would release 15%, as a contingency, of the bond keeping 10%. Salem City retains the full 25% for one year after the completion then will release it. Jim thought that Salem City was like other cities that they have worked with and were hoping to get the 15% back during the construction of the project. Jim stated that with the 10% of the bond, the city could finish the sidewalk and other requirements if they were not completed by them. Jim admitted that they have misled themselves and is hoping if there is any consideration that the council would allow them to use the 15% as a contingency leaving the city with the 10% for the bond.

The council did feel that 25% was a little extensive. Since it is an ordinance the only way to change it would be to change the ordinance. This would mean it would have to go before DRC and Planning and Zoning and then back to council, which would take some time.

Attorney Baker was asked if Jim could get that amount if he were to do a letter of credit? It was stated that he already had a letter of escrow deposited now, but if he wanted to, he could go to his bank and see if the bank would allow him to switch the two. If they did that it would not be a problem to the city. Jim will go to his bank and see if that solution would work for them. Jim stated that the council may want to look over the ordinance and maybe adjust it for the smaller subdivisions. Councilman Nelson stated that the size of the subdivision would not matter since the bond is based on a percentage. If everything is done properly with the contractor the 15% would be enough, but the city has been burned in the past and that is why the city went with the current ordinance.

The only other solution would be to change the ordinance. The council may want to reevaluate the ordinance anyway. The mayor thanked Jim for coming into council.

Reed Cornaby had attended a water meeting on the 27th and stated that Salem City did not have a representative there. Mayor Brailsford stated that Mayor Dale Barney

represented Salem and Spanish Fork. Mayor Brailsford had talked to Mayor Barney before hand.

Mayor Brailsford reported that he had, had a meeting on Monday with Strawberry and the South Valley Mayors. Strawberry presented the mayors with an agreement that they have written up, between them and Payson, to do some work. The agreement is based upon an agreement that was done in Arizona with the Salt Water River Project. The mayor asked each of the council members to review the draft copy of the agreement that was given to them.

The mayor also had a meeting with County Commissioner Grover and with four of the CUP Board Members today. CUP board is made up of two members from Juab County, five from Salt Lake County, 3 from Utah County, four from Uinta County, and 1 from Millard County. In the meeting the mayor stated that the CUP Board was appalled with what was going on, because they had not heard of the conflict that is going on with the water rights until just recently. Two of the board members just received their letters that were sent out weeks ago. When asked if they have received the letters from the mayors, they said what letters? The board is not controlling the staff; they had no idea of what has been happening and they are now very upset with the situation. They have also heard that we do not want the water down here in this area (this might have been contributed to the letter that SUVW wrote, it was poorly written and could be misinterpreted). The board members that were there, would like the mayors to meet with all of the board of directors at the end of the month. Mayor stated that he would meet with them, but does not want any of the CUP staff there at the meeting.

6. PUBLIC SAFETY

Chief Brad James presented a couple of items to the council for approval.

A. Racial Profiling Policy

The state of Utah does not have a Racial Profiling Policy in place. A bill has been up there, but has not passed yet. There are also some federal guidelines that have been set in place. The chief would like a policy in place for his officers to follow. The chief got his policy from the national policy. He has had the mayor and Attorney Baker review it. The state will pass the bill someday and when they do, ours would only have to be mandated. It would not replace the State's policy. The chief feels that by having this policy in place the city would be covered. Without having a policy in place he can not apply for federal grants. This is something that needs to be done and we can not wait for the state. The chief was just asking for permission to implement the policy.

MOTION BY: Councilman Dale Boman to have the police department implements the Racial Profiling Policy.

SECONDED BY: Councilman Reid Nelson.

VOTE: All Affirmative (5-0).

B. Adjustment of Fine for Unlicensed Dogs

Chief James stated that about a year ago, we increased the fee on animal licenses to dogs that have not been spade or neutered to \$50 for license. If the dog is licensed after March 1. If the dog owners were to come in before March 1, they would pay \$25 to license a unspade or unneutered dog. If the dog were spade or neutered the cost would have only been \$10. The problem is that if we catch a dog without a license it only cost the owner \$35 but it costs \$50 to license the dog. We need to have the cost of the fee be more in proportion to the license.

Dog licensing is really not a money maker, but we want our citizens to be more responsible for their pets. We have begun to fine owners if they are not responsible pet owners and we have to impound their pets.

A question was asked if cats have to be licensed, currently they are not required to have a license, but we do recommend having them licensed.

MOTION BY: Councilwoman Vicki Peterson to increase the fee for unlicensed dog to \$50 from \$35.

SECONDED BY: Councilman Dale Boman.

VOTE: All Affirmative (5-0).

We will be having the spade and neutering clinic again for pets. Last year it was held at the city office which was crowded, maybe we could look at having it at the ball park parking lot to allow more room.

The County Health Department told us we have to do something with the ducks. We have too many ducks and it is a health issue. UMPA, the power source company we belong to, has a pond down at the Cove Fort power plant. They stated we could bring the ducks down there. The problem is that they are hard to catch.

COUNCIL REPORTS

7. COUNCILWOMAN VICKI H. PETERSON

Councilwoman Peterson stated that the Youth Council held a blood drive. They did not have as many participants as they hoped for. They reported that they did not see any of the SEMA or Fire Department members there. It was mentioned that they hadn't heard about it.

Mayor Brailsford left council chambers at 8:35PM

Planning and Zoning met with the ad hoc committee last week to open the master plan. About 15 members of the ad hoc committee showed up. Councilwoman Peterson felt that, that was really good. Former Councilman Earl Davis is going to chair the committee. There are a lot of great people on the committee. Former Councilman Gary Warner is also on the committee. Councilwoman Peterson is on the planning and zoning board. They are supposed to review the plan in May after the ad hoc committee has reviewed it. The date may have to be moved, as the ad hoc committee may need a little bit longer.

Councilwoman Peterson also let all of the council members know that they should have the Envision Utah Toolbox training workshop information. It might be good idea to attend.

The city office has got the new computer program Caselle for windows and is currently using it. So far it is going well. The staff has been in training for the last couple of weeks. It is hard to change over to a new system, but it seems to be running smoothly. Councilman Nelson stated that we need to make sure we utilize the support contract we have with them.

8. COUNCILMAN DALE R. WILLS

Councilman Wills stated that we really need to be thinking about conserving our water this year. We need to put some kind of restrictions on water usage. We need to think about it now before the summer months hit when we really need the water. If the precipitation stays low, we will not have a choice but to put mandates on the water.

Mayor Brailsford returned back to council chambers at 8:44PM.

Councilman Wills was also wondering about the power for the pumps, if we have the pumps going at night to help with the peak of power and also to have water for the peak of water usage. Last year, the pumps were running all night to keep up with the water consumption. Mayor Brailsford re-stated that we will not be lifting the subdivision restriction until we are positive that we will have enough water. We are afraid that if we dry up the artesian flow, that we may lose that well. We have heard that the artesian would find another place to go if we lose it for a period of time.

Last year our pumps were pumping so much that the springs at the pond were even down. It was asked if we have talked to the BYU Farm about maybe using their well. The problem with that is it is not in a protection zone, so we could not use their well; it is right in the middle of the corrals for the dairy and beef cattle.

Councilman Wills asked if Todd Gordon had gone to any meetings on the chip seal yet, if he has not then Councilman Wills wants to talk to him before he talks to anyone about the chip seal.

The question was asked about the bike path on Canal Road, do we have anyone to paint it yet? We may want to look at getting some bids for the painting. The rumble strip also needs to be put in place, along with signs.

Councilman Wills also stated that we have a lot of bad spots in our roads. When we replace those spots we need to make sure that we cut the asphalt square and don't use a truck to roll the asphalt in, but use the small compactor that we have. Also the curbs and gutters are really dirty and we need to try and clean them up. We might be able to get some service projects going to help clean up the city. Councilman Wills feels we need to do something, he feels the city needs to be cleaned up.

9. COUNCILMAN TERRY A. FICKLIN

Councilman Ficklin stated that the next Salem/Elk Ridge Sewer Board meeting has been scheduled for April 2nd. Councilman Ficklin would like letters sent out to the board members. Mayor Brailsford wants to meet with Councilmembers Ficklin and Wills before that meeting.

Mayor Brailsford recommended that we put the names of the people who are on some of our committees on the web site.

Councilman Ficklin was wondering about the GPS expenses for the sewer. He read the minutes from the last council meeting where the mayor was concerned. Attorney Junior Baker explained that the GPS surveying is done by a couple of guys that are doing the GPS mapping of the city; they also work with Spanish Fork, Payson, Santaquin and Springville. We share a percentage of the cost with them and we are billed each quarter.

10. COUNCILMAN REID W. NELSON

Councilman Nelson stated that he hoped those who went to St. George for the UMPA meeting enjoyed it. He stated that on Saturday the major topic was getting additional power. One of the companies they are getting a proposal from is Deseret Power. There is an executive meeting tomorrow to discuss the options. Contracting for additional power appears to be the best option. UMPA staff is recommending going ahead and getting prices for contracting additional power supply.

There has been talk of another power group coming into the area. We might be interested in doing an EDPA with them. We will have to wait and see, if they are interested we will have them get with us.

11. COUNCILMAN DALE BOMAN

Ricky Fifita wants to put some cement benches at the library and around the city office for his eagle project. We have some benches that we got from BYU, some are down at the city shop and the rest are still at BYU. The benches are not painted. The mayor told Councilman Boman to have Ricky come to city council with a proposal, to let the council know what he wants to do.

For Salem Days, it was mentioned that the craft fair was not a big success. We might want to look at having an art show. It was also mentioned that we need to have more food concessions stands. They will need to get a business license for the concessions stands. There was also a question about having the day time activities at the knoll park where there is more shade. The mayor stated that we could not because of the fireworks display. Knoll Park is roped off due to all of the fireworks. Dave Johnson mentioned that we need to get the layout of the day time activities so we can get the information over to the Utah County Health Department for a mass gathering permit

Councilman Boman was also wondering if the kid's parade could be a little more organized this year. Some citizens had complained that it is like a big mob of kids with no control. It was stated that kids are like that. It was mentioned that the baby contest held after the kid's parade worked out great, and we should keep it that way.

The mayor asked if there was anything else that needed to be brought up. It was asked when spring clean up would be. The date of April 22nd – 23rd was set by the council to be spring clean up for the citizens. We need to remind the citizens that they can not have any debris out 10 days before the clean up; it is in our city ordinance. They also need to have all debris out on the road side no later than the morning of the 22nd.

Spanish Fork Chamber of Commerce needs to do more with the Salem Businesses. We should send our news letter to the chamber so they can put the information in the chamber news letter.

CLOSE CITY COUNCIL MEETING

MOTION BY: Councilman Reid Nelson to close city council meeting.

SECONDED BY: Councilman Dale Wills.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 9:52PM

Jeffrey Nielson, City Recorder