

Minutes of the Salem City Council Meeting held on March 7, 2007 in the Salem City Council Chambers.

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 Jeff D. Higginson

STAFF PRESENT:

Jeffrey Nielson, City Recorder
Sgt. Brad Bishop, Police Sgt.
David Johnson, Public Works
Junior Baker, City Attorney

Excused:

Councilperson Stanley W. Green

Bruce Ward, City Engineer
Chief Brad James, Police Chief

OTHERS PRESENT

Erman Stone
Christian Lord
John Strong
Lucy Cornaby
Matthew Strong
Zaq Wilcox
Austin S.
Jason Stewart
Loxy Tucksen
Elnora Williams
Seth Bracker
Cayden Young
Eric Belliston
Richard Stewart
Stacy Syndergaard
Mary Jacobson
Emily Kimball

Paul Tervort
Clay Wessel
George Rasband
Hazel Finkenthal
Maverick Buffo
Neldon Jensen
James Carrington
Alan Nybo
H. Brent Hales
Jane Topham
Colton Goudy
Tyler Goudy
Garrett McEwan
Sarah Callison
Kody V.
Caithn Allen
Andrea Taylor

Adam Rees
Brian Miller
J. Reed Cornaby
Brandon Riding
Devin Wilcox
Robert Nelson
Shad Dinkies
Tyler Nelson
Dorothy Hales
Lucas Bird
Seth Reynolds
Devin Stewart
Sean Reynolds
Kim Syndergaard
Mark Goudy
Keaton Anderson

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Councilperson Ficklin 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

(OPEN)

MOTION BY: Councilperson Lynn Durrant to open the public hearing.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

a. Robert Nelson – Annexation of 13 acres of property at approximately 1300 South and 500 East.

Mayor Henderson turned the time over to Robert Nelson. Robert stated he is here to have his property annexed into the city. Dave Johnson showed on the map where the property is located.

Mayor Henderson asked if there were any questions from the public. The question was asked what an annexation is. Mayor Henderson then explained what an annexation is, and how it works with the city's general plan.

Robert Nelson explained that if the property is allowed to be annexed he would ask for the property to be zoned as an R-2 Zone.

The question was asked why the city would allow an area to be annexed into the city. Mayor Henderson stated that the council looks at the area, and tries to determine what would be the best interest for the area, in regards to the city. It is then determined whether the city is ready to grow in that area at that time. Another consideration is if the area is in the city's general plan. Councilperson Ficklin stated that sometimes when annexations are done it benefits the city, because then the city can have some control of what goes on in the area. For example; it is in our best interest to have our water sheds in city limits, so we can control and protect the areas.

b. Michael Gleed – Annexation of 53 acres of property located north of 1100 North along SR 198

Dave Johnson showed on the map where the property is located. Mayor Henderson stated that he has expressed his concerns about this annexation

in prior meetings. He asked the representative if this is the same annexation that was presented to the council, or has it changed. George Rasband stated that the original map did not show his land, but that the description did have it included. Mayor Henderson stated another concern is how this area is going to be serviced with utilities, especially with sewer. When the annexation was first presented to the council, the idea of the development going to the west would be able to get sewer close enough to the area. Now we know that that development is not going to proceed, how would they get sewer out there to service the area. Also, the area is going to be out there away from the main part of the city. Councilperson Hanks is concerned about how would the area be serviced with public works, mostly with the snow plowing. This year was a tough year with snow, and feels that it would be very hard to get to the area. Also we are having problems with having enough dump trucks. Mayor Henderson stated that he is also concerned about the public safety. Councilperson Ficklin asked if the city has property to the north of 1100 North (8800 South). George Rasband stated that his property is on the north side of the road. He also stated that the property that came to the last council for a zone changed, discussed about 144 units going in their area. That area is further north than this annexation.

Mayor Henderson asked if there were any other questions on the annexation. Cliff Corless asked if the city is going to put a P.I. system in the area, or could they still stay on their wells. He stated that they would prefer to stay on their own wells at this time. He is also concerned about the SESD power buy out, and who would pay that. Also, what about septic tanks? Can they still stay on them, or would they be required to hook onto the sewer. Mayor Henderson asked the city staff if they have received any information on this annexation, regarding some of the issues that Cliff has mentioned. It was stated that they have not. The representative stated that he has given the information to Bruce Ward, who was not present at council meeting. He also stated that the SESD power buy-out is going to be about \$33,000 and they are going to be paying all of it. He stated that this area is within the city's general plan. They are also willing to help purchase a new dump truck for the city, if that is a concern for the growth. With this area being too far north, there are other annexations that are further north that have been approved.

Mayor Henderson asked about the sewer issue and how that area is going to fit in with the general plan for infrastructure for sewer. The representative stated that they would need to go directly to the sewer plant, because the other development has fallen through. He stated that before he spent a lot of money on the sewer issue, he wanted to make sure the area could be annexed into the city. He stated that they are aware of the restriction at this time. He said that they would pay for the sewer to be

brought to the area, and then if others were to hook onto it, they would pay connectors fees.

Jane Topham asked about her mother's home, if the annexation is approved then her home would be a non-conforming lot. She is wondering if it would be grandfathered in. It was stated that it would be grandfathered in.

Councilperson Hanks asked the representative if they have talked to the Corps of Engineers regarding taking the sewer through the wetland area. The representative stated that they have not, but have been working with the engineers of the other development that fell through, to see the path that they had for the sewer line. They would stay close to the same path. He also explained how they are doing the development on the south end of town, off of Elk Ridge Drive and Canal Road. They have faced some of the same issues in that area, and have been able to work through them. He is hoping that they can do the same for this area.

Mayor Henderson stated that he is a little cautious about this area, and also with the promises from a developer, since we have had other promises fall through that have put burdens upon the city. He stated that this is the time for the council to look at the growth in the area, and if we are ready for the growth in the area at this time.

(CLOSE)

MOTION BY: Councilperson Brent Hanks to close the public hearing.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

- a. **Robert Nelson – Annexation of 13 acres of property at approximately 1300 South and 500 East.**

MOTION BY: Councilperson Jeff Higginson to approve the Robert Nelson Annexation of 13 Acres, at approximately 1300 South and 500 East, and to get a letter from SESD stating that there are no SESD Power lines to buy out.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

- b. **Michael Gleed – Annexation of 53 acres of property located north of 1100 North along SR 198**

Mayor Henderson asked the council if they would like to table, deny, approve, or send to Planning & Zoning for recommendations.

Councilperson Ficklin feels that there are some unanswered issues with how the sewer will be serviced to the area, along with some of the other infrastructure.

MOTION BY: Councilperson Terry Ficklin to table this annexation until April 18 council meeting, and to send them to Planning & Zoning for their April 11 meeting and to get Planning & Zoning recommendations.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

George Rasband had a concern; he stated that the annexation has gone through the protest period for the land owners and the public. He is not sure what the hold up is. Mayor Henderson stated that the council has some concerns with infrastructure and how the city is going to support the area; he also feels that some of the land owners still have some unanswered questions.

4. SPANISH FORK/SALEM CHAMBER OF COMMERCE – FINANCIAL OBLIGATION.

Mayor Henderson stated that the Spanish Fork/Salem Chamber came during work session and proposed to have the city contribute \$3,500 dollars this budget year. It would be determined when the budget is approved for 2007/2008 fiscal year.

5. KAREN ANDERSON – RENTING COMMUNITY CENTER FOR PIANO RECITAL.

Mayor Henderson thanked Rudy Anderson for his study to come up with fees for renting the civic center. Rudy stated that they wanted to recommend to the council a policy where there is a tier system. They have given the council their recommendations. Some of them are; reducing the deposit to \$300, and events that are considered a low impact to not charge a deposit at all. Have looked at some of the other centers in other cities, and some do not collect a deposit. He asked the council what the goal of the building is. Is it to make money or just to cover the cost? Rudy explained some of the different tiers, or activities. A high activity/impact would be for active groups such as family parties, receptions, etc. and using it for a full day. Low activity/impact would be where someone goes and sits down for a performance, or listening to a speaker. He stated that for a low activity/impact look at charging \$100 for a four hour block.

Rudy feels that most events that would be using the center would fall into one of these two categories, he stated there may be some gray areas, but this is a working policy. He also stated that in the recommendations, the low impact would not be allowed on a Friday, Saturday, or Sunday, unless it is within a four weeks of the event if the building has not been rented, then they can rent it. He feels that the high impact activities would

already have the center rented by four weeks. Mayor Henderson thanked Rudy and stated that the city wants to cover the cost of the building, and if it could create a little revenue that would be great.

Councilperson Durrant asked Karen Anderson if she has already planned her piano recital. Karen stated that she has, and it is for May 17th, a Thursday night.

Councilperson Ficklin thanked the group for the job they have done. He likes the idea of the tiered categories. He feels that is working in the right direction. He would like to see some type of deposit collected. Another concern is allowing the low impact activities on Thursday night, as it could also be a night that high impact activities would want to use it. Karen stated that the problem with having events other nights is that most of the youth have other activities on Tuesday and Wednesday nights with school or church.

Mayor Henderson would like to have Councilperson Ficklin get with the Rudy Anderson and work on the policy to try and work out some of the items discussed. He would like to have it presented at the next council meeting for the council to approve.

6. INTERLOCAL COOPERATIVE AGREEMENT CREATING UTAH LAKE COMMISSION.

Mayor Henderson stated that this was discussed a little bit last council meeting. We felt that there is a need for us to be a part of the group. Councilperson Ficklin stated there is a meeting Friday where the signing of the interlocal agreement will take place. Attorney Baker stated that the interlocal agreement he has seen, some of the parts would not affect Salem City. He stated that there are some parts that would allow the city to pass ordinances. Looking at our cost, it would be around \$2,000. The group would get most of their money from grants and state funds. If we do become a part of it, he would recommend becoming a voting member. Mayor Henderson stated that he would want us to be a voting member. He would like Councilperson Ficklin to attend the meeting on Friday, and to follow up to see what it would take for us to become a voting member.

7. APPROVE PI SYSTEM CONSTRUCTION MANAGEMENT

Jeff Nielson explained to the council that Bruce Ward and Councilperson Green went to St. George today to a Board of Water Resource meeting to ask for more money. He reported that the Board of Water Resource is going to allow us to borrow more money for our P.I. project. We will be borrowing \$7,500,000 for the bond. The rate will remain the same, and will be extended out to 29 years.

Mayor Henderson stated that we have a contract from Sunrise Engineering to do the construction management of the P.I. project. He stated the cost is proposed at \$470,000 – paid on an hourly basis and not to exceed the proposed amount.

MOTION BY: Councilperson Brent Hanks to approve the P.I. System Construction Management Contract from Sunrise Engineering in the amount of \$470,000.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

8. BIDS FOR CITY SHOP

Councilperson Hanks stated he did not have anything tonight.

9. APPROVE MINUTES OF FEBRUARY 21, 2007

Jeff Nielson stated that Attorney Baker had a correction on the water rate resolution; it was P.I. and Culinary water.

MOTION BY: Councilperson Lynn Durrant to approve the minutes of February 21, 2007 with said correction.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

10. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Jeff Higginson to approve the bills for payment.

SECONDED BY: Councilperson Brent Hanks.

VOTE: All Affirmative (4-0).

11. PUBLIC SAFETY

Mayor Henderson stated that Chief James injured his ankle a couple of weeks ago, and will be out for about six weeks. He welcomed Sergeant Brad Bishop.

Erman Stone, SEMA Captain, stated that there is a problem with the construction contractors, who are closing roads. They are not letting the city office know about them, so the ambulance is having problems. They responded to a call the other day, and ran into a road closed because they did not know about the closure, which caused a delay.

12. OPEN DISCUSSION

Reed Cornaby asked Councilperson Ficklin about his letter to the city in the recent news letter. It talked about places to take plastic and cardboard for recycling. He is not sure where they are at. Councilperson Ficklin stated that the solid waste district is looking into a recycling bin that does have a place for plastic. As of right now the city does not have any place for it.

Reed also commented on the annexations tonight, he was wondering if the annexation that did not get approved if it was another developer asking for it, would the city have allowed the annexation. He stated that an observation, he felt that the decision tonight was one sided with the annexations.

COUNCIL REPORTS

13. MAYOR J. LANE HENDERSON

14. COUNCILPERSON LYNN DURRANT

Councilperson Durrant did not have anything to report tonight.

15. COUNCILPERSON TERRY A. FICKLIN

Councilperson Ficklin did not have anything to report tonight.

16. COUNCILPERSON STANLEY W. GREEN

Was excused from council.

17. COUNCILPERSON BRENT V. HANKS

Councilperson Hanks reported that the city crew is trying to patch roads. Our truck broke down, and we had to borrow one from Spanish Fork city. He stated that there are a lot of problems around town with roads.

18. COUNCILPERSON JEFF D. HIGGINSON

Councilperson Higginson reported that the Recreation Board is moving forward with the direction on the improvements by the cemetery for a new park. Dave Johnson reported that the cities GIS guys feel they can get some figures together for us, and help us out

with the layout. Councilperson Higginson explained that the city owns property by the cemetery and is looking at doing improvements now for recreation, which could be turned into future cemetery when needed. He stated that there would be room for two full size football fields and some smaller fields. It would be used for soccer and football. He reported that we have had over 300 kids sign up for spring soccer. We are running out of room. Erman Stone, who works at the cemetery, stated that we would need to look at piping the irrigation ditches that supply Sabin's Orchards. There have been some problems in the past. A question was asked what the target date is for the fields to be done. Dave Johnson stated that we hope the funds from impact fees will help pay for it, and feels that it is a couple of years out before it will be done.

Another question was asked about the recreation center that was proposed to the city. Mayor Henderson stated that it is not going to happen, the company that was going to do it backed out of it. Someone asked if the city would be interested if another company wanted to do the same thing. Mayor Henderson stated that the city would be interested.

Another report stated that the Salem West is doing a youth conference this year, and would like to do a major service project. They were wondering if the council could think of any projects for them to do around the city.

19. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Dave Johnson stated that the city crew has been cleaning up the old city shop area, and have a lot of items that we could sell. He is wondering about doing a garage sale of some kind. It was stated that we would need to declare the items as surplus.

Dave also asked about spring clean up. It was determined to have spring clean up from April 23 – 28.

Dave stated that he has met with Ron Case who has been helping with the wetland park. Ron told Dave that it is not working like it was planned; he suggested that we empty the wetland and hope some of the plants can germinate. Dave stated there may be a lot of weeds that will need to be pulled

20. BRUCE WARD, CITY ENGINEER

21. ATTORNEY S. JUNIOR BAKER.

Attorney Baker stated that on April 10th there will be Land Use training at Spanish Fork City at 6:00 p.m. He would recommend the council attending the training.

Councilperson Hanks asked Attorney Baker if he has heard anything about the property next to the civic center. Attorney Baker stated he has not heard anything for a while.

The council asked Dave Johnson if he has heard from Earth Tech, who is doing the testing at the city office. Dave stated that they are coming in next week to do the test. He stated that we still need some money for funding the project. He is hoping to have a draft of the impact fees for public safety along with parks for the council to review.

Mayor Henderson stated that he had a BYU student contact him wanting to do some intern work for the city during the summer. He feels that it could benefit the city, in helping with development.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Terry Ficklin to adjourn city council meeting.

SECONDED BY: Councilperson Jeff Higginson.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 8:45 p.m.

Jeffrey Nielson, City Recorder