

Minutes of the Salem City Council Meeting held on March 16, 2005 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:30 PM

CONDUCTING: Mayor Randy A. Brailsford.

COUNCIL PRESENT:

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

STAFF PRESENT:

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

OTHERS PRESENT

Amanda Harding
Adam Rees
Kyle Weight
Parker Dunn
Phillip Lundell
Boyd Hair
Wade Richins
Eric Smith
Jake Guymon
Lucy Cornaby
Rhett Anderson

Becky Tasker
Eric Knutson
Derek Steadman
Kevin Puerto
Austin Ith
Stanley Green
Cayden Young
Nate Simkins
Austin Cowden
Rob Reed

Connie McVey
Steven McVey
Matt Davis
Cindy Lundell
Tracy Young
Tiffani Lytle
Todd Provstgaard
Jay Simkins
Reed Cornaby
Ben Nelson

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Brailsford asked if anyone would like to give a motivational or inspirational message. Reed Cornaby stated he would like to offer a motivational message in a form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Mayor Brailsford asked if anyone would like to invite those who would wish to participate to stand and say the pledge of allegiance. A scout who was present at the meeting stated that he would like to. He then led the pledge of allegiance for those who wanted to participate.

3. PRESENTATION TO SID CARDON

Mayor Brailsford explained to the public about the flags in the front of the building. He then invited Sid Cardon to approach the council bench. The mayor then presented Sid a flag that has been flying in front of the building with his name on it. The mayor and council wanted to thank Sid for serving our country and are glad he was able to return home safely. Sid wanted to thank the community for their support. He stated it really helps to know that their families are taken care of.

4. PUBLIC HEARING

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

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (4-0).

a. Amending Construction Standards for Fencing Adjacent to Cemetery

Mayor Brailsford turned the time over to Dave Johnson. Dave stated that in the city's subdivision standards, it states that the city would require any development next to the cemetery to have a vinyl six foot fence to separate the development and the cemetery. There is a developer who has purchased the land and who is getting ready to develop it. The developer wants to upgrade the fence by installing a stone fence rather than the vinyl. Dave showed the brochure of the fence and stated that they are very nice fences. In order for the city to allow the stone fence, we need to amend the standards. Mayor Brailsford stated that we want the cemetery to remain beautiful and quiet. The stone fence would help keep the noise down, and they look very nice. The stone fence is a lot better than the vinyl fence. If there ever happened to be graffiti on the fence, it would be easily washable. Planning and Zoning recommended the change, and they too felt that it would be a better fence.

Mayor Brailsford asked if there were any comments from the public.

Reed Cornaby asked what side of the cemetery the fence would be on. It was stated that it would be on the east side.

MOTION BY: Councilperson Terry Ficklin to close the public hearing.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

a. Amending Construction Standards for Fencing Adjacent to Cemetery

MOTION BY: Councilperson Lynn Durrant to approve the Ordinance 31605 Amending Construction Standards for Fencing Adjacent to Cemetery.

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (4-0).

5. ERIC SMITH – REQUEST FOR SUBDIVISION WAIVER AT 177 E. 300 S.

Mayor Brailsford turned the time over to Dave Johnson. Dave stated that the property is located about 200 East and 300 South. It is the corner lot on the north side of the property. Eric wants to subdivide the property to build a home. The subdivision waiver only allows them not to do a plat map: they still have to meet all of the other conditions. Councilperson Ficklin read what Planning and Zoning recommendations were: “The board recommended approving the subdivision waiver at 177 East 300 South providing they meet all of the construction and development standards including improvements. They may have to bond for the improvements on 200 East because of the gully.” Dave Johnson stated that he agrees with Planning and Zoning, especially with the bonding.

MOTION BY: Councilperson Terry Ficklin to approve the subdivision waiver at 177 E. 300 S, and that Eric meets all of the requirements and improvements according to the standards. Also that he bonds for the improvements on 200 East.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

6. JAN GORDON – JR. MISS

Mayor Brailsford stated that Jan Gordon was going to be a little late so he will come back to this item.

7. DAVE GRANT

a. Preliminary Approval of amended plat for Hidden View Estates

Mayor Brailsford turned the time over to Attorney Junior Baker. Attorney Baker stated that Dave Grant had to change his plat. When the plat went to be recorded it included Dean Hughes’ lot which was listed as a joint tenant. Because of that, it would have required the Hughes family to sign the plat. Dave determined it would have been too hard to get all of the signatures. It was decided to eliminate that property from the plat and do a new plat.

MOTION BY: Councilperson Dale Boman to approve the amended preliminary plat for Hidden View Estates.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

b. Contract for Improvements around Dean Hughes’ Lot

Because the Hughes’ property was eliminated from the plat, the city is still requiring Dave Grant to do the improvements on the Hughes’ property. This contract would require Dave to do the improvements. Dave Johnson stated that DRC (Development

Review Committee) approved the amended plat and contract. Councilperson Ficklin read Planning and Zoning recommendations: “The board recommends approval of the amended plat of Hidden View Estates and approving the contract for the improvements around Dean Hughes’ lot.”

MOTION BY: Councilperson Terry Ficklin to approve the Contract for Improvements around Dean Hughes’ lot.

Mayor Brailsford had a question on the motion; he felt that the Mayor Pro-Tem should sign the contract, since he (Mayor Brailsford) has some interest in the property.

MOTION BY: Councilperson Terry Ficklin to approve the Contract for Improvements around Dean Hughes’ lot and to have the Mayor Pro-Tem sign the contract.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

8. Business license

a. Kim Hansen – Audio Magazine Business

Mayor Brailsford stated that Kim Hansen, at 271 South 720 East, wants to have a business license to do an Audio Magazine Business. Police Chief James stated that the home is only going to be used as an office. The license has been approved by the appropriate people. The council did not have a problem with the business license.

b. Kelly Bronson – General Contracting

Mayor Brailsford stated that Kelly Bronson, at 628 South Lucerne Dr. wants to have a business license to do a Siding & Gutter for homes. Mayor Brailsford asked if it would be a nuisance. Chief James stated that it would not. He said that the home is only going to be used as an office. The license has been approved by the appropriate people. The council did not have a problem with the business license.

c. Brandon Ash – Hardwood Floors

Mayor Brailsford stated that Brandon Ash, at 158 East 900 South, wants to have a business license to do Hardwood Flooring. Mayor Brailsford asked if there would be any dangerous chemicals stored at the home. Chief James stated that Brandon was warned he could not. He said that the home is only going to be used as an office. The license has been approved by the appropriate people. The council did not have a problem with the business license.

9. APPROVE MINUTES OF MARCH 2, 2005

MOTION BY: Councilperson Lynn Durrant to approve the minutes of March 2, 2005 as written.

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (4-0).

10. APPROVE BILLS FOR PAYMENT

The council was not ready to approve the bills at this time.

11. PUBLIC SAFETY

Mayor Brailsford stated that a few months ago, Officer Blair Kerby was named DARE officer of the year for the state. He stated this next week at the Police Chief's conference in St. George that Police Chief Brad James will be announced as Police Chief of the year for the state, and Sergeant Scott Dibble will also be announced as police officer of the year. Mayor Brailsford stated that the police department will be going down to St. George to attend the award ceremony for the one night. He stated he is very proud of the public safety.

12. OPEN DISCUSSION

Mayor Brailsford asked if anyone had anything for open discussion. Nobody had anything.

COUNCIL REPORTS

13. MAYOR RANDY A. BRAILSFORD

Mayor Brailsford stated that he and Councilperson Wills attended a CUP signing meeting the other day. He mentioned that there is still a lot of work that has to be done. The project is about a 400 million dollar project. One of the items still being discussed is the work that needs to be done up Spanish Fork Canyon. There is some conflict between UDOT and when they are going to start their project on the road. The pipe line is going to be a 96" pipe. The pipe line is looking like it will go along Salem Canal Road. He stated that there will be pressure stops along the pipe line, incase the pressure drops because of a leak, it will automatically shut off at different points along the line.

Mayor Brailsford reported that in the cemetery there is the old section and the new section. In the future, when the new section is filled up, we will need to look at extending the cemetery to the south and then another section to the east. This land is

undeveloped and is owned by the city. What he would like to look at doing, because the city is running out of recreation area, is have a developer who wants to do a PUD (Planned Unit Development) to install a sprinkler system and put grass on the undeveloped land. This way it could be used as a park and for recreation. There would be enough room to have a parking lot there also. There would have to be a fence to separate the park and the cemetery. Then someday in the future it would be turned into a cemetery. Mayor wanted to know what the council's views were on it. He stated that Spanish Fork City has done it, and so far it has worked out great. Councilperson Wills was wondering about the quietness for the cemetery. Mayor stated that we would have to continue with the fence so that it is a noise and vision barrier. The council felt that it was a good idea. Another benefit is that it would allow the cemetery to be in one central location. Mayor Brailsford stated that we will proceed to look at it and see if we can not require a developer to help as part of the PUD.

Chief James wanted to report to the council that the other night there was a minor stand off that lasted for a couple of hours. Fortunately it ended very peacefully. We also had a person that has hit by a vehicle by Fast Gas. The person was sent up to Salt Lake City.

Mayor Brailsford welcomed Jan Gordon and went to her item regarding Jr. Miss.

Mayor Brailsford turned the time over to Jan Gordon. Jan thanked the council for allowing her to come tonight. She stated this last year the Jr. Miss pageant was able to create a new scholarship for \$3,600. The organization really appreciated what Salem City donated this year. She is wondering if it were possible for the city to donate another \$500. Jan stated that the Jr. Miss is only for juniors. This year there are 11 girls participating, and six of them are from Salem City. Mayor Brailsford stated last year when the organization came in requesting a donation, the mayor asked them if they were going to approach Spanish Fork, Woodland Hills, and Elk Ridge. Jan stated that last year Spanish Fork donated \$1,000, but stated this year they would not donate. They have not talked to Woodland Hills or Elk Ridge at this time. It was stated that Spanish Fork City could individually donate. Jan stated that the Jr. Miss pageant works with the Miss Salem pageant and prepares many of the girls to compete in the Miss Salem Pageant. Attorney Baker stated that if the city were to donate the money that it would have to be done in a public hearing. Mayor Brailsford stated that when we start to work on the budget, we will look and see if the funds are available. When the city approves the budget in the public hearing, we can at that time approve the donations. Jan also mentioned that any pageant associated with the Miss America pageant, are required to have the swim suit portion (fitness) to be done on the stage in front of the audience. This has become very controversial with many people. She stated that the Jr. Miss pageant does not do the swim suit to determine fitness, but rather they do a fitness routine. Councilperson Boman stated that he heard the points associated with the talent portion of the Miss American pageant(s) has gone down (meaning the talent is not worth as many points as it has in the past). Mayor Brailsford stated that when we start working on the budget for this next year, we can see if there is more money available.

14. COUNCILPERSON DALE BOMAN

Councilperson Dale Boman stated that we have a scout that needs to get a project approved for his Eagle Scout award. He then turned the time over to Steven McVey. Steven stated that he would like to make back boards for the CERT team. He feels that it will benefit the city if there were ever a disaster. The back boards would be made out of 1/2" ply wood. He feels that it would take about 100 hours. Mayor Brailsford asked him if he feels that it is worth while project. Steven stated that he does feel it is worth it.

It was also stated that an Eagle Scout has just finished his project by replacing the sand at the beach by the pond. It took 12 dump truck loads of sand to place on the beach.

Councilperson Dale Boman reported that the Heritage Day event is going great. Reta Tishner has got a great committee together. It should be enjoyed by all who participate.

Mayor Brailsford stated that on the Friday before (May 20, 2005) will be the dedicating of the Wet Land Park. There have been a lot of people involved in this project, and who have also donated a lot of time and money.

Mayor Brailsford also wanted to invite the council to the Emergency Management meeting on Tuesday, March 22, 2005 at 7:00 PM. They have a person from BYU who will be discussing earthquakes in the area. The meeting will be upstairs in the training room.

15. COUNCILPERSON LYNN DURRANT

Councilperson Durrant stated that the chamber gave invitations to the Nebo Summit. She also reported that Darrell Miller has talked to her about ordering a switch for the electrical on the new elementary school. He is getting some bids on it. Mayor Brailsford told Darrell not to purchase anything until we have the bonds in place.

Councilperson Durrant reported that she received the preliminary budget from UMPA, and it does not look good for this next year. She also reported that the UMPA meetings in St. George went well. They had someone talk about the floods in the area, and they stated that the area was not prepared for that much water. Mayor Brailsford stated that Salem City does have sandbags at the city shop.

16. COUNCILPERSON TERRY A. FICKLIN

Councilperson Terry Ficklin reported that the Easter Egg Hunt is scheduled for Saturday March 26, 2005 at 9:00 AM. It will be held up at the new ball park, and he encourages all who can be there to come. He stated the Fire Department is getting the prizes ready, and the Youth Council will be meeting to put candy in the eggs.

Councilperson Ficklin also reported that the Planning and Zoning board feels the conditional uses section of the Zoning Ordinance needs to be amended by removing “professional offices” from section 14-6-010 (A). Attorney Baker stated that it would need to be a public hearing and it would need to go back before Planning and Zoning. Councilperson Ficklin stated that the Planning and Zoning board is also wondering about Bill Young’s subdivision. He stated that Bill has approached the city about implementing an impact fee for bridges to help him with the cost of the two bridges that he has to do for his Harvest Ridge development. The Planning & Zoning Commission recommends looking at a connector’s agreement instead of an impact fee. Attorney Baker stated that if the council wants to look into it, then a feasibility study would have to be done. The study could be paid by the impact fees when we get them. It was stated that Bill is concerned because the bridges will benefit other developments when they are developed. The expenses are very high and he is looking at a way to get a portion of the money back. Planning and Zoning did not want to do an impact fee because not everybody would benefit from the bridge. Attorney Baker stated that you can do an impact fee for a certain area. Councilperson Wills was wondering about a usage agreement, rather than a connector’s agreement. It was stated that a study would have to be done to see what lands would be affected by the bridge.

Mayor Brailsford stated that a few months ago, when he was part of the Planning and Zoning, Mrs. Greenwood came to Planning and Zoning and asked about the accessory building and they stated that they would look into it. He is wondering if Planning and Zoning has done anything with it. Councilperson Ficklin stated that he would get it on the agenda for the next meeting.

Councilperson Wills was wondering about the bridge and Bill Young’s subdivision. Mayor Brailsford stated that we will look at doing some type of connector’s agreement.

Mayor Brailsford handed out to the council information that Bruce Ward has put together regarding the sewer plant and Elk Ridge. Elk Ridge wants Salem to buy them out.

17. COUNCILPERSON DALE R. WILLS

Councilperson Dale Wills has a concern about the PUD ordinance. Right now the way it reads, the final plat only has to go before DRC. He is wondering if we could change that so that the final plat has to come before council. Because the PUD is a new concept, he is thinking it would be a good idea to make sure the plat is what we want. Attorney Baker stated that no new conditions could be placed on the final plat. Only the conditions placed on the preliminary plat would have to be met. He also stated that the developer would not be allowed to change the preliminary plat. Councilperson Wills stated that there has been one developer who had changed the width of the roads. He is concerned that the council does not see the final plat. Attorney Baker stated again, that the conditions are placed on the primary plat, that the council can not change the conditions on the final plat or add new conditions. He stated the engineer should be catching any changes on the final plat and should also make sure the conditions are met.

Mayor Brailsford stated that we could look at having the PUD plats come before council. Another option is to have the developer bring in more copies of the final plat for the council to look at.

Another concern that Councilperson Wills has about the PUD, is with Bill Young's subdivision. He has a rear and front facing lot that would have planter strips. Spanish Fork had this problem and the required a hard surface to be placed in the planter strip. Other wise no one would take care of the planter strip. Attorney Baker stated that it would need to be in the ordinance.

Councilperson Wills reported that the secondary pipe along Woodland Hills Drive should be starting next week. Also the impact fee study for the secondary irrigation is being looked into.

In the work session tonight the council heard about TMDL (Total Max Daily Load) regarding the sewer plant. There have been a lot of questions brought up to the government regarding TMDL. CUP and SUVMWA have also been involved in trying to get questions answered. Some of those questions that have been asked, they are unsure of how to answer them. It sounds like this will be an ongoing battle for a while.

The new pump at the well, that was just installed, is pumping about 2,700 GPM. This is a great thing. It has made it so that we do not have to do a new well at this time. Along with the new well, the state is requiring a new protection zone to be done. We are hoping that when the mayor updated the protection zone, not that long ago, it will be sufficient.

18. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Dave Johnson reported that along with the new building on Bruce Farnsworth's old property, (400 North SR 198), the developer is required to put a six foot vision barrier fence between the commercial and residential. When talking to the Thornton's, they did not want their fence touched in their back yard. It is a vision barrier but it is only five feet high. So the fence would go five feet, then back to six feet. Dave is wondering if this should go back to Planning and Zoning, or what would the council like to do. After some discussion the council agreed to leave the Thornton Fence at the five feet.

19. ATTORNEY S. JUNIOR BAKER.

Attorney Baker did not have anything to report tonight.

BILLS

Mayor Brailsford asked if the council was ready to approve the bills for payment.

MOTION BY: Councilperson Terry Ficklin to approve the bills for payment.

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (4-0).

20. CITY COUNCIL APPLICANTS

Mayor Brailsford stated that we have three residents who have applied for the council position. At this time we would like to give each of them a couple of minutes to introduce themselves and why they are interested in the council position. Mayor introduced the applicants:

Todd Provsgaard stated that he was raised in Payson, but has been in Salem for awhile, and feels he will be here for a long time. It is exciting to see the advancements in the city. He has helped a little bit with Payson and advancements there. He would like to see what he could offer Salem City. He is dependable and has the drive for the position.

Boyd Hair stated he is happy to be here. He has lived in Salem since 1966, he has seen it change. He knows one of the biggest issues is growth, and being a builder he has seen how other cities have handled the growth. He really cares about the city; he knows Salem is a great city because of the people who live here. He feels he can contribute a lot for Salem City.

Stanley Green has lived in Salem for 8 years. His wife is buried in the cemetery. He would like to keep Salem a place where people can grow old in. He appreciates all that has been done by the mayor and council. He feels he could contribute a lot to Salem City.

Attorney Baker stated that this position will only be until January 06. This fall during the elections a two year seat will be up for election that will finish out Paul Hair's term.

Mayor Brailsford stated he would like to take a break and allow the council to talk to the applicants if they would like. The council then adjured for break at 8:50 PM.

Mayor Brailsford called council meeting to order at 9:05 PM after the council took a break. He then let the public know that the council will go into an executive session to make a decision for the new councilmember.

MOTION BY: Councilperson Terry Ficklin to close regular council meeting and enter into an executive session.

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (4-0).

At this time the public was excused from the council chambers.

21. EXECUTIVE SESSION

22. REGULAR COUNCIL MEETING

MOTION BY: Councilperson Lynn Durrant to enter back into city council meeting.

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (4-0).

23. APPOINT NEW CITY COUNCIL MEMBER

Mayor Brailsford wanted to thank the three applicants for applying for the council position. He also wanted to encourage the two that were not selected to consider running for an office this fall. He feels they both would do a great job. There will be two four year and one 2 year council seats, and then the mayor seat will also be open. He then stated that the new councilperson, chosen by the council, will be Stanley Green.

24. SWEARING IN OF NEW COUNCIL MEMBER

Mayor Brailsford stated that this time we would like to swear in Stanley Green to his new office, and turned the time over to Jeffrey Nielson. Jeffrey Nielson then swore in Stanley Green to the new Council

CLOSE CITY COUNCIL MEETING

MOTION BY: Councilperson Stanley Green to close city council meeting.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 9:20 PM

Jeffrey Nielson, City Recorder