

Minutes of the Salem City Council Meeting held on May 21, 2003 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:30 PM.

CONDUCTING: Mayor Randy A. Brailsford.

PRAYER: Councilman Dale Wills.

PLEDGE: Mayor Randy Brailsford.

COUNCIL PRESENT:

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

STAFF PRESENT:

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

Not present at council meeting:

Councilman Terry A. Ficklin
Chief Brad James, Police Chief

OTHERS PRESENT

David Olsen
Matthew Hughes
Rod McKee
Casey Gillen
Allan Hales
Reed Cornaby
Steve Bird
Lew Christensen

Nancy Olsen
Frank Johnson
Becky Provstguard
Joshua Kearn
Sheila Hales
Brantley Bird
LaDonna Davis

Larry Finch
Steve Carter
John Davis
Jason Hales
Justin Oberg
Robert Kearn
Larry Stone

1. DAVE OLSEN – PRELIMINARY PLAT B OF VISTA ROYALE ESTATES

Mayor asked Dave Olsen if he would present to the council what he wants to do. Dave Olsen stated to the council that he wants to finish up the last few lots at Vista Royale. Mayor stated that DRC (Development Review Committee) had no problems with it as long as the property could be exchanged between Vista Royale and Nebo School District to widen the road at 220 west, for future access to the new high school. Councilwoman Peterson stated that it was the recommendation of DRC to have the property exchanged for the road. Other issues were that some of the addresses on the plat were incorrect, and needed to be changed, and a street light needed to be added. Mayor stated that he received a letter from Vista Royale Association stating that they were okay with the addition. He felt that Dave Olsen could proceed with it, as long as all of the conditions are met, and the property is exchanged with Nebo School District for the road widening

Dave Olsen stated that all of the issues have been addressed except for the road widening, and that is still in the process. Councilman Wills stated that the school district owns most of the land bordering the estates. Mayor asked if anyone was present from Vista Royale, no one was present. Councilman Boman was wondering if we approve it, would the school still be built there. Mayor stated that the school district is having a problem with getting another access into the area, and that by allowing the land swap to have the road widened, it would give the district another way into the property. He stated that if we approve it, with the condition of the land swap, Dave Olsen would have to go before DRC again, with the final, to show the title of the land swap, but would not have to go before council again.

Mayor asked Steve Carter from the school district to show the council where the road would go through for the school. Steve showed the council where the road would go. Dave Olsen also showed the council the land that would be traded so the road could be widened. The road would be a dedicated city road. Councilman Wills was wondering about fencing around the property facing the school. Steve stated that the school district is required to have a chain link fence, but they are considering using a cinder block wall. Councilman Nelson stated he does not have a problem with the preliminary plat, if it can be worked out with the school, and the residents down there.

Mayor Brailsford explained to the public that Nebo School District wants to put a high school in that area. They need to have three access roads into that area for the high school to go in. Vista Royale has a road that would work for one of the access. In order for Dave Olsen to finish his project, he needs to have some of the property from the school district, and in order for the school to get the road they need some of Dave Olsen's property. So they are looking at swapping the land so both will benefit from the swap. Councilman Wills was wondering if they can get everything worked out in a couple of weeks. Both Dave Olsen and Steve felt they could. He is wondering about holding off a couple of weeks, and then when everything is worked out, look at approving the preliminary. He also recommended to Dave Olsen to put a sign up stating that this site would be a site of a future high school. That way when someone builds or moves there they will know that before hand.

Dave Olsen stated that the council could pass it, and put conditions on it. Then it would only have to go before DRC, and not come before council again. Councilman Boman felt he would like to table the item until it is all worked out, and then come before council again. Councilman Wills stated that if they put conditions on the preliminary, then it would only have to go before DRC, but all of the conditions would have to be met.

MOTION BY: Councilwoman Vicki Peterson to approve the Preliminary Plat "B" Vista Royale with the conditions that 220 west meet our subdivisions standards, that 280 west is either made a through road for the school district or negotiations are made to make the through road through the west side of the property.

Question on the motion: Mayor Brailsford stated he would add to the motion, the properties need to be switched and deeded in names of the school district and Vista Royale property before it goes to DRC.

Mayor asked if there were any questions on the motion. Councilman Wills was wondering about adding having a sign up stating the new high school will be built there. The council felt that it was not necessary to have the sign.

SECONDED BY: Councilman Reid Nelson

VOTE: Councilman Dale Wills, Councilman Reid Nelson, and Councilwoman Vicki Peterson voted Affirmative, Councilman Dale Boman voted nay, (3 – 1).

2. GEORGE JONES & FRANK JOHNSON – SUBDIVISION WAIVER & SITE PLAN FOR DANCE STUDIO AT 583 W. SR -198

Mayor Brailsford asked if Frank and George would explain to the council what they want to do. Larry Finch stated he was there representing George. They stated that they presented the plans to DRC, and DRC placed some conditions. They have done all of the conditions and brought in a new plan showing it. Councilwoman Peterson stated that some of the conditions were, there had to be 32 parking spaces, this is based on the square footage of the building. They also talked about the drive approaches, the plan only shows one, but they have a letter from the state stating they can have two if the state approves the site plan. Larry stated the state has the plans, and they feel that there should not be a problem, as long as it met the ir conditions. They also have a letter from the state. He has the streetlights, the parking, and the easements completed. The easements from the state are still being worked on.

Councilwoman Peterson also stated that the council is granting a subdivision wavier. Part of the property is owned by Frank Johnson, they will be taking part of his property. Councilwoman Peterson asked what the building would look like. Larry stated that is a metal building, with masonry front, up about 4 feet and then stucco the rest of the way. He thinks there will be a few windows on the side, but not sure because the plans of the building have not been drawn up yet. He was waiting for the approval of the subdivision waiver, and site plan. Councilman Nelson was wondering about landscaping. Larry thought there would be grass, some shrubs and trees.

Councilwoman Peterson stated that there were a few things in the motion that Frank would be responsible for. Sewer and power lines are extended in the rear of the property, to the west property line; a 6 inch water line is stubbed into the property then run appropriate size lateral from that line. There is a fire hydrant close enough to the building that a new one would not need to be installed. The storm drain would have a sump, then a 12” overflow that goes into a retention basin. Their engineers have looked at it. Mayor asked that when Brett Penrod put in a pipe for the irrigation ditch, that there were problems with it. Frank stated that it is not the same ditch.

MOTION BY: Councilwoman Peterson to approve the site plan for the dance studio at 583 west SR 198, he has made the correction with 32 parking places, the two street lights, and the storm drain. The sewer and power lines are extended to rear of the property to the west property line; six inch water line is stubbed into the property and the appropriate size later extended from the line; the front of the building will be a wainscot of masonry

and stucco; and have public utility easements of 20 feet in the back and 10 feet in the front and 5 feet on the sides and to approve the subdivision waiver.

Question on the motion: Councilman Nelson was wondering if it should be subject to UDOT approval. Councilwoman Peterson stated that it should.

SECONDED BY: Councilman Dale Boman.

VOTE: All Affirmative (4-0).

3. LADONNA DAVIS – REALIGN BOUNDARY LINES ON LOTS 12 & 13 ASPEN GROVE SUBDIVISION AT 649 E. 80 S.

Mayor Brailsford asked LaDonna to explain to the council what she wants. LaDonna stated that she wants to realign the boundary lines, by her home, so that the existing shed is on the same lot as her house. Councilwoman Peterson stated that LaDonna has a shed on the back of her property. She said the shed has the required 5 foot setbacks, and that the other lot would still have the square footage required in an R-2 Zone. Attorney Baker stated that DRC approved the realign.

MOTION BY: Councilman Reid Nelson to approve the realign boundary in Aspen Grove Subdivision for lots 12 & 13.

SECONDED BY: Councilwoman Vicki Peterson

VOTE: All Affirmative (4-0).

4. LARRY STONE – REZONE PROPERTY BEHIND 45 E. 100 N. FROM R-1 TO C-2

Mayor Brailsford stated that this zone change has been discussed before when the property was being sold. The property would be tied into the other piece of property that Larry owns. Mayor asked if anyone had any problems with it, no one had any problems.

MOTION BY: Councilman Boman to approve the Rezoning property behind 45 East 100 North from R-1 to C-2.

SECONDED BY: Councilwoman Vicki Peterson

VOTE: All Affirmative (4-0).

5. STEVE BIRD – MOTOCROSS TRACK

Mayor Brailsford turned the time over to Steve Bird. Steve brought in some pictures of the sign that the town of Goshen is using at their track for liability purposes. Mayor Brailsford stated that the cities insurances would treat it like a skate park, and the insurance would be about another \$2,000 a year. Also when an event is to happen, whoever is over the event would have to provide proof of liability insurance, otherwise the city would be liable for it. He also asked Steve approximately how many kids would use the track. Steve felt that there would be about 40 kids using the facility from Salem.

Steve showed the council some forms that other facilities are using for liability purposes. Councilman Boman was wondering if the track would be open on Sunday's and Monday's. Mayor Brailsford commented that our parks are open on Monday; we just try not to schedule any games. Steve stated that it is one of the fastest growing sports; there are a lot of people getting into it. Robert Kearn (from Goshen track) stated that there is a circuit of different tracks they use to do races on. Salem would be part of this circuit. Mayor asked Steve if he had the equipment and dirt lined up. Steve stated that it is just about all ready. Mayor asked if anyone from the public had any questions, there were no questions. He also wanted to Steve to know that if at any time in the future, if the sewer plant needed to be expanded that it would go where the track would be at.

Councilman Wills was wondering about maintenance on the grounds. Robert stated that the organized club would do a clean up each week and make any necessary repairs, then, after races, would do a clean up. Councilman Wills was also wondering about noise at night, and how the sound seems to travel. Robert stated that Goshen opens their track at 9:00 A.M. and closing time is dusk (meaning when the sun goes behind the mountains). Access would be controlled. Steve stated that he would be over the club in Salem. Mayor stated that if the city has to start cleaning up, then they would have to start charging. The council asked Attorney Baker what would need to be done. Attorney Baker stated that an ordinance would need to be put together

Councilman Nelson is concerned about the sound, and what the near by residents thought. Steve stated he talked to Alan Curtis who lives north of the track and he did not have any problems with it. Mayor stated that he would want Steve to work with the riding club to work around the riding club's schedule and to address any concerns they might have. We do not want a bunch of kids riding horses and have them get spooked. Councilman Nelson was wondering about a time table. Steve stated they would get a fence put around the track and then start to bring in the dirt. Mayor asked if he would work with Dave Johnson and Gary Warner of the city. Councilman Nelson was wondering about the by laws. Attorney Baker stated the city could rent, or lease it to the club. If the council approves it, the club would know that it would all be volunteer work. Mayor asked Steve, knowing all of this and knowing it could be shut down, is he still willing to proceed. Steve stated that he is.

MOTION BY: Councilwoman Vicki Peterson that we allow the motor cross track, with Steve bird in charge, to precede, with the conditions that have been addressed in prior council meeting.

Question on the motion: Councilman Boman wondering if the city wanted to do an ordinance on the track, according to what Attorney Baker stated. It was stated that the motion is to allow them to proceed. The ordinance will be written up at a later time.

SECONDED BY: Councilman Reid Nelson.

VOTE: All Affirmative (4-0).

6. SOLID WASTE AGREEMENT WITH BFI

Attorney Baker reported that BFI has assigned their receipts to outsource company. Nothing has changed with the cities agreement between BFI.

MOTION BY: Councilman Reid Nelson to have the mayor sign the agreement.

SECONDED BY: Councilman Dale Wills.

VOTE: All Affirmative (4-0).

7. HOME OCCUPATION ORDINANCE

Mayor Brailsford asked what did Planning and Zoning decided. Councilwoman Peterson stated that they voted that no changes would be made on the ordinance. Mayor had a concern about the way the ordinance is currently written. It does not state anything about how to handle people who do not comply. Councilwoman Peterson was wondering if we address them at all. Mayor stated this is why it needs to be added. Also need to clarify issues like what is determined attached to the home. If someone were to nail a 2X4 to the house and garage would it be considered attached. How can we regulate it if we do not define some of the terms? He also pointed out that there are a few businesses right now that are operating in detached buildings.

Mayor asked if anyone had the ordinance that could read the section about attached buildings. Alan Hales had a copy and read that portion of the ordinance. The comment was made from the audience that building codes define an attached building if there is a roof over the walkway. Councilman Nelson stated that he did not have a problem with the attached or detached building. He is concerned about are the characteristics of the residential look, the noise, any smells, traffic, parking, etc? Things that take away from the residential look. The business should not become the main use of the property, 15% of the home square footage could be used. Want to make sure that when a neighbor drives down the road, they can not tell that there is a business there. Rod McKee stated that he is concerned with the noise from day care centers around his home. The noise from the kids screaming is very loud. Do they have to get licensed by the state? Attorney Baker stated that the state does not require a license, unless the state subsidizes them or they have more the six kids they are looking after.

Alan Hales made the comment that a home occupation is a good way to make a living. Times have changed. When he went through the ordinance a few months ago and gave it to the council for review, he stated that he did not change the portion about detracting from the home. He stated that if a detached building was allowed, it would open his garage up so he could park his vehicles to make more room for other parking. Mayor Brailsford asked Councilman Nelson if he wanted to proceed with writing a draft. Councilman Nelson was wondering if it would go back before planning and zoning. Attorney Baker stated he would work with Councilman Nelson, then give the changes to Planning and Zoning. Then any changes made by council would have to be a public hearing.

Mayor Brailsford stated that the other ordinance that needs to be worked on is the nuisance ordinance. He moved into a residential area because it is a residential area. If there is problems with noises, or other issues they should be addressed in the ordinance and what will happen to violators.

Mayor Brailsford stated that Councilman Nelson will work with Attorney Baker on a draft, then give it to Planning and Zoning, we will proceed with that.

8. RESOLUTION ALLOWING MILITARY DISCOUNTS FOR UTILITIES

Mayor Brailsford asked Attorney Baker what he thought. Attorney Baker stated that as far as he can tell we really should not do it, but all of the other cities are allowing some kind of discount. Mayor Brailsford read the resolution to the council and public. The question was asked about someone who is a full time service person. It was stated that they would have to be activated to qualify for the discount.

MOTION BY: Councilman Reid Nelson to approve Resolution 52103 authorizing a discount on utility bills for active military personnel.

SECONDED BY: Councilwoman Vicki Peterson

VOTE: All Affirmative (4-0).

9. RESOLUTION AUTHORIZING LITIGATION AGAINST AMERICAN HOME ASSURANCE FOR THE RECLAMATION BOND ON THE VALLEY ASPHALT GRAVEL PIT.

Mayor stated that we have asked for the bond, Attorney Baker sent a letter in January and another one in March and no response. They owe us \$76,000 to reclaim the property after they went bankrupt. Their bond company has not done anything on it yet. The resolution will start the process for litigation. Attorney Baker stated it could be a two year process. Mayor Brailsford was wondering about attorney fees, if we can charge them for that. Attorney Baker replied that we could not charge them.

MOTION BY: Councilman Reid Nelson to pass resolution 52103A

SECONDED BY: Councilman Dale Boman.

VOTE: All Affirmative (4-0).

10. APPROVE MINUTES OF MAY 7, 2003

Councilman Boman stated that on line 271 it should read “Heroes” and not “Hero’s”.

MOTION BY: Councilman Boman to approve minutes of May 7, 2003 with said changes.

SECONDED BY: Councilwoman Vicki Peterson

VOTE: All Affirmative (4-0).

11. APPROVE BILLS FOR PAYMENT

Mayor Brailsford asked for a motion to approve the bills for payment.

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

SECONDED BY: Councilman Dale Boman

VOTE: All Affirmative (4-0).

12. PUBLIC SAFETY

Mayor Brailsford stated the Chief James was dismissed from council meeting. Next council meeting we will swear in the new fire Chief Todd Miles.

COUNCIL REPORTS

13. MAYOR RANDY A. BRAILSFORD

Mayor Brailsford stated that the budget was discussed earlier. We will be talking more about it next council meeting. Fishing day went very well. He wanted to thank the city workers for all of the help, the residents who helped out, and the sponsors, especially Albertsons who bring in the food for lunch.

BUSSINESS LICENSE

- A.** Michael Sanchez, at 376 East 200 South, wants to do fitness – personal training. Will be dealing mostly with boxing. Will not have more than three people there at a time. The license has been approved by all the appropriate people. The council did not have any problem the license.
- B.** Ramona Borkman, at 926 South 225 East, wants to a photography business. Most of the photo shoots will be on location, not at the home. There will not be any chemicals at the home. Since most of the photo shoots will be off site, there will not be much traffic at the home. The license has been approved by all the appropriate people. The council did not have any problem the license.
- C.** Kevin King, at 798 South 100 East, wants to do a Handyman Fixit service. All tools will need to be kept off site. It was reported that Kevin would keep them in his truck. The license has been approved by all the appropriate people. The council did not have any problem the license.
- D.** Thomas Gogan, at 205 East Center Street, wants to do a lawn care and yard service business. Book and paper work would be done at the home. Dave Johnson stated that Thomas would be using his own driving lawnmower. It was reported that his equipment would either have to be stored off site or in his garage; it can not be in sight.

14. COUNCILMAN REID W. NELSON

Councilman Nelson reported that the UP&L power line buyout is still being looked at. He also discussed the SCADA system for the power department and how it will be working with UMPA. He handed to the council some information and asked them to read through it. There was a planned power outage this last week, as far as he knew it went very well, except for a couple of homes that were not notified.

15. COUNCILMAN DALE BOMAN

Councilman Boman reported that the library received a \$1,000 donation from Wal-Mart. Bart Olson told Dale that he would donate, to the city, all of the flowers that were needed to plant around city buildings, signs, etc. The Memorial Day service is set for Monday at 8:00am. Will be having the families of those who have been activated speak, and they were honored to be invited to do that.

At the down town ball fields, people are parking where there are signs stating no parking. Mayor Brailsford stated he talked to Chief James about it.

Mayor went to the cemetery and told the city crew that they need to put water on the cemetery lawn, and clean the monument off really well. Also, at the head of the pond, there was a lot of garbage at that picnic area, especially in the fire place. He would like two garbage cans in the picnic area, and one on top. He does not see any use for the fire place, People put too much garbage in there. He would like to see it bricked up. He would like Councilman Boman to go look at it and see what he thinks, also look at the trash lying around. All of the councilmember's have the authority to do work orders. If they see something that needs to be done, have a work order written up to have it fixed.

16. COUNCILMAN DALE R. WILLS

Councilman Wills asked Councilman Boman if he has found a director for the Salem Days pageant. Councilman Boman stated he was still working with some people on it, also need to have a fun run committee. Some names were given to Councilman Boman to check into. Councilman Wills told him that if he needs anything to let him know.

Kurt Christensen asked him the other day if Salem City was doing any construction, and if there is, that Kurt is not going to allow the water to be drained from the pond again for water trucks. Mayor Brailsford stated that we have the water rights, and he talked to Kurt the other day and he did not mention anything to him about that. Councilman Wills stated that he does not know any construction going on at this time anyway.

He also mentioned to the council he would like a list of roads that they feel need to have improvements done for next council meeting.

When we do the nuisance abatement, his company received a notice from Ogden City about some property up there that they own. When he went up to look at the property

there was a piece of property next to them that was in worse shape. Come to find it out it was owned by the city of Ogden. We need to make sure that Salem City's property is not like that. Mayor Brailsford also noticed that who ever mows the Kids Who Count lawn. The other day they were dumping their waste on the Lane Henderson property. Mayor asked Dave Johnson if he would call them and talk to them about it.

17. COUNCILWOMAN VICKI H. PETERSON

Councilwoman Peterson stated that the city office received 11 applications for the office janitor. She interviewed four this morning and will do one more the following day. Hopefully she will have someone picked out by the end of the week so they can clean this weekend. Mayor Brailsford stated he would like to speak to the person also.

18. ATTORNEY S. JUNIOR BAKER.

Attorney Baker stated that the Larry Stone zone change should be a public hearing. We will need to redo this item as a public hearing.

19. DAVE JOHNSON

Dave reported that Delco Western did some service work on our pumps for the water wells. Todd Gordon spent some time with them to learn how to do upkeep on the pumps. They would be a great resource for us to use in the future. They stated that the Maple Canyon pump needs to have the bearings repacked. Both Todd and Dave were very impressed with them and the information they provided. To have them come down and do the service on the wells was only \$350. Also, on the lower well, we have talked about installing equipment to be able to see the draw down on the computer in the office.

Bruce Ward is going to meet on Friday, to see how much the road would cost (off of main street), where the new high school would be built. The people down by Vista Royale are working very well with the city and the school district.

CLOSE CITY COUNCIL MEETING

MOTION BY: Councilman Reid Nelson

SECONDED BY: Councilwoman Vicki Peterson

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 9:35 PM

Jeffrey Nielson, City Recorder