

Minutes of the Salem City Council Meeting held on November 2, 2005 in the Salem City Council Chambers.

**MEETING CONVENED AT:** 7:30 p.m.

**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

Council not present:  
Councilperson Stanley W. Green

**STAFF PRESENT:**

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

**OTHERS PRESENT**

Jeff Higginson  
Ashlee Stoddard  
Aaron Hill  
Sean McEwan  
Kyle Patten  
Reed Cornaby

Xavier Fleuranceau  
James Stoddard  
Dakota Nielsen  
Braden Gull  
Justin Hall

Annie Gordon  
Brad Stocks  
Alan Nybo  
Brady Davis  
Lucy Cornaby

**1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE**

Mayor Brailsford asked if anyone would like to give a motivational or inspirational message. Councilperson Lynn Durrant stated she would like to offer a motivational message in the form of a prayer.

**2. INVITATION TO SAY PLEDGE OF ALLEGIANCE**

Mayor Brailsford invited all those who wished to participate to stand and say the pledge of allegiance with him.

### **3. RICHARD REED – SEPTIC TANK AT 119 NORTH 480 WEST**

Mayor Brailsford turned the time over to Richard Reed. Richard stated that about four months ago Steve Carter came to the council for a subdivision waiver on this property and was approved. Richard stated he has the road dedication and everything ready that was required of Steve Carter. When Richard came to talk to Dave Johnson, Dave told him he would need to have a sewer system. Richard stated that the nearest sewer line is about 400 feet away, and it would be uphill which would require a lift station or pump. He is here at council meeting to see if the council would allow a septic tank. Attorney Baker stated that the council has not approved the septic tank ordinance because it has not been written. Back in August another person came in requesting the same thing. Planning and Zoning have been working on it, and just gave their recommendations to him. Dave Johnson stated that the current ordinance states that if someone is within a 1000 feet they are required to hook up to the sewer system. The comment was made that the city would prefer not to have a lift station. Councilperson Ficklin was wondering if Planning and Zoning have taken gravity flow into consideration, to see if that would be worked into the new ordinance. Attorney Baker stated he did not think so. Dave stated that this is the same request that Paul Hair came to the council about a few years ago. Richard stated that the two lots on either side both have septic tanks. He also had another question for the council. He is changing the size of the lots from what Steve Carter had requested. He wanted to know if that was a problem. Attorney Baker asked if the lots have been recorded yet, Richard stated they had not; he was going to wait to see what the council decided on the septic tank. Attorney Baker stated that as long as the lots are conforming, there would not be a problem with the different lot sizes. He stated that the division of the lot was approved. He also told Richard that the city would be the ones who would record the property divide; this is to insure that the property is in conformity.

Attorney Baker asked the council how they wanted to proceed with this. They decided to have a public hearing for Planning and Zoning on December 7, 2005, then the public hearing, for City Council, on December 14, 2005. The council stated they would like to review it before Planning and Zoning has a public hearing. They would like to have Attorney Baker get it to them as soon as possible. The council told Richard if he would like to hold off until the ordinance has been approved. Richard stated that he could do that.

### **4. KEVIN KING CONNECTOR'S AGREEMENT**

Mayor Brailsford turned the time over to Dave Johnson. Dave stated that Kevin King installed water line improvements in 1280 South Street and 750 East Street. Attorney Baker stated that the improvements installed were 1,090 feet at a cost of \$18,655.00. For the connectors agreement the amount per foot would be \$8.56. It was also mentioned that Kevin was required to install a fire hydrant in those improvements. Attorney Baker stated that the time line is for seven years. Mayor Brailsford stated that this connector's

agreement is pretty standard for a connector's agreement. He asked if there were any questions. There were no questions.

**MOTION BY:** Councilperson Dale Boman to approve the Connector's Agreement with Kevin King.

**SECONDED BY:** Councilperson Dale Wills.

**VOTE:** All Affirmative (4-0).

## **5. ANIMAL SHELTER AGREEMENT**

Mayor Brailsford turned the time over to Police Chief James. Chief James stated that this item is not ready again. Attorney Baker stated that Mark Byers, of Spanish Fork City, feels that when it is ready Spanish Fork will pass it, but feels Payson will not. Councilperson Durrant was concerned about the dog licenses, and how we would lose money with it. Mayor Brailsford stated he feels there are some issues that need to be addressed on the agreement. It was stated that Utah County is stepping down from the animal shelter, and the agreement is putting the cities in charge of the shelter. The county will still be a member of the shelter, but will not be running it. Councilperson Wills was wondering what our other options might be. It was stated that the city could stay with Lost Paws and hope that they do not go out of business.

## **6. APPROVE MINUTES OF OCTOBER 19, 2005**

Councilperson Durrant stated that on line 248, it should state Eric's last name, so it should read Eric Edwards.

**MOTION BY:** Councilperson Terry Ficklin to approve the minutes of October 19, 2005 with said changes.

**SECONDED BY:** Councilperson Lynn Durrant.

**VOTE:** All Affirmative (4-0).

## **7. APPROVE BILLS FOR PAYMENT**

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

**SECONDED BY:** Councilperson Lynn Durrant.

**VOTE:** All Affirmative (4-0).

## **8. PUBLIC SAFETY**

Mayor Brailsford asked Police Chief James if he had anything. He did not.

## **9. OPEN DISCUSSION**

Mayor Brailsford welcomed the students and scouts that were present at the council meeting. He asked if anyone had any questions. There were no questions.

## **COUNCIL REPORTS**

### **10. MAYOR RANDY A. BRAILSFORD**

Mayor Brailsford had a few items to go over. First he stated he would like to thank Eagle Nest Enterprise for their donation to Pond Town Christmas. He read a letter from Monica Colby of the Utah Department of Public Safety. It stated how she appreciated Chief James, and the city's public works, for helping her fix a flat on the trailer of the Life Safety House that was loaned to the city for the public safety open house.

The Mayor told the council that he has given them a copy of the agreement between Strawberry Water and the cities belonging to the South Utah County 10 city group. He would like the council to review it. The lighting for Pond Town Christmas will be at 4:45 p.m. on Saturday November 26. Beginning in January, Mayor Brailsford has hired someone to be the cities web master and keep the web page up and going. They will be paid \$100 a month. The person that the mayor has hired is outgoing Councilperson Dale Boman.

Reed Cornaby asked about the civic center. Mayor Brailsford stated that we are looking for someone who can do shingles for us. We still need donations and services. Reed Cornaby stated that a Mr. Vantassell might do shingles. Councilperson Boman stated that Cody Taylor might be able to do shingles also.

### **11. COUNCILPERSON DALE BOMAN**

Councilperson Dale Boman did not have anything to report tonight.

### **12. COUNCILPERSON LYNN DURRANT**

Councilperson Lynn Durrant did not have anything to report tonight.

### **13. COUNCILPERSON TERRY A. FICKLIN**

Councilperson Terry Ficklin stated that he followed the garbage trucks around the other day for about a half-hour. He stated that they did a great job; he did not see any problems. He stated we have also not had any complaints lately.

#### **14. COUNCILPERSON STANLEY W. GREEN**

Councilperson Stanley Green was not present during council meeting.

#### **15. COUNCILPERSON DALE R. WILLS**

Councilperson Dale Wills did not have anything to report tonight.

#### **16. DAVE JOHNSON, PUBLIC WORKS DIRECTOR**

Dave Johnson stated that he has a GIS Computer System on his computer. We have been working under Spanish Fork's license. We need to upgrade to the current version and he feels that we need to get our own license. Jered Johnson and Aaron Painter, the GPS guys, were the ones who suggested getting our own license. They have gotten a quote for us for the software. The quote is for \$600. Mayor Brailsford asked Jeff Nielson where the money would come from. Jeff stated that under the public works there is some money left in the budget, or since it is for the GPS we could split it between the departments that have a GPS budget. It was determined to split the cost out with the GPS.

#### **ENTER INTO EXECUTIVE SESSION**

Mayor Brailsford stated that at this time he would like to enter into an executive session with the council at 8:00 p.m.

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

**SECONDED BY:** Councilperson Lynn Durrant.

**VOTE:** All Affirmative (4-0).

At 8:10 p.m. the council closed the executive session and entered back into regular council meeting.

Mayor Brailsford stated that on Monday October 31, 2005 the city had a court hearing with Neldon Johnson concerning the U Check site. We had three different counts that were against Neldon Johnson. One of the counts we had to drop at this time because Kevin Money, owner of Salem Chevron, was in the hospital with kidney stones. The judge would not let us postpone the other counts, so the trial went on. The trial started around noon and went to about 8:00 p.m. When it was over, Neldon Johnson was found not guilty of the charges the city had against him. The charges were doing industrial business in a commercial zone, and doing business without a license. Neldon's attorney made it appear that the city was picking on him, and the jury bought into it. Jeff

Higginson asked if he can still do business there. It was stated that he could still do business. Attorney Baker stated that other options are being looked at. Mayor Brailsford stated that Neldon stated that he told Neldon that if he brought his business into the city that the city would give him a break on the power cost. Mayor Brailsford told him that the city did not agree to that and that he did not say it. Both Chief James and Mayor Brailsford stated that Attorney Christine Johnson and the city employee's involved all did a great job. Councilperson Ficklin asked if it would help the city out in the future if we made the ordinance stricter. Attorney Baker stated that he does not feel it would, that the ordinance is okay the way it is written. He felt that the jury was the problem.

### **CLOSE CITY COUNCIL MEETING**

**MOTION BY:** Councilperson Terry Ficklin to close city council meeting.

**SECONDED BY:** Councilperson Lynn Durrant.

**VOTE:** All Affirmative (4-0).

**MEETING ADJOURNED AT:** 8:30 p.m.

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Jeffrey Nielson, City Recorder