

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

**MEETING CONVENED AT:** 7:30 pm.

**CONDUCTING:** Mayor Randy A. Brailsford.

**PRAYER:** Jeff Nielson.

**PLEDGE:** Nick Nelson.

**COUNCIL PRESENT:**

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

**STAFF PRESENT:**

Jeff Nielson, City Recorder  
Chief Brad James, Police Chief

**OTHERS PRESENT**

Brent Frank  
Rhett Nance  
Derek Lemon  
Brenda Hallam  
Robert Nelson  
Norman Smith  
Phil Porter  
Brett Penrod

Matt Lundell  
K. Scott Johnson  
Lacie Hales  
Colin Dunn  
Gary Warner  
Craig Christensen  
Jason Record

Brandon Barlow  
Paul Lundell  
Mike Goodman  
Nick Nelson  
Monty Griffiths  
Dave Clark  
J. Reed Cornaby

Mayor would like to excuse Councilman Reid Nelson from council meeting tonight, along with Attorney Junior Baker and Dave Johnson. Attorney Baker and Dave are at a meeting in Payson, and hopefully will be able to attend our meeting afterwards.

**1. NORMAN SMITH - RSVP**

Mayor Brailsford asked if Norman Smith was at the meeting. He was not, so the council will come back to him.

Norman wanted to let the council know what the RSVP group is. He stated that it is a group of volunteers in an area that are 55 years old and older. Mostly retired people who want to help out. Norman stated that they really would appreciate the opportunity to volunteer in this area. Mayor stated that they have a great program. Gary Warner, Salem City Recreational Director, stated that he would like to meet with Norman about using some of the volunteers.

## **2. ALLAN HALES – HOME BUSINESS IN ACCES. BLDG.**

Allan Hales presented to the mayor and council, a petition from his neighbors stating that they do not see why Allan can not add on to his home for his home business. The only person who objected was Russell Hutchingson. Allan stated that he does not have a lot of customers at his home. He showed the mayor his ad in the yellow pages, and how it does not show his address. Allan also stated UPS doesn't deliver that often, the most would be around Christmas time, and they usually deliver about once a day. If the city allows him to build the extension, he would be eliminating some of the parking on the street, because it would free up his garage. The street is a very narrow street as it is, so this would help.

Allan stated that it is his property and he feels he should be able to do with it what he wants. He has a very good business, it is quiet, and he would like the city to reevaluate the ordinance. Mayor Brailsford asked Police Chief James if he has had any complaints. Chief James stated that he has not. Allan stated when he first started the business; the business made about \$30,000, this last year he made \$500,000 in sales. Allan stated that he helps the city with sales tax; he is not a liability, and no complaints from the police. He has grown over the years to where he has five employees; two are not members of his family. He stated he knows what the ordinance states about employees, but his one employee was fired from Novell, because of an illness he has, he falls asleep often. Mayor Brailsford asked him why he could not attach the building to his home. Allan feels he has freedoms in America and feels that he should be able to have a detached building and have employees who are not family members. Mayor asked him if he has looked at putting the business in an industrial area. Allan stated that after Christmas his business slows down a lot and does not feel he could pay for the overhead and could not afford a building. Councilwoman Peterson made the comment that she used to have a business in the home with family, but they grew and had to move to an industrial zone. She is also wondering about who are some of the names on the petition. Allan stated that the list is of all his neighbors.

Councilman Ficklin stated that he knew of a computer business in Salem, which used to work out of home. Because they did not comply with the home occupation ordinance, they had to move. Terry stated that he is appreciative of what Allan has done with his business, but the council has to abide with the laws in the ordinances. The reason for the ordinance is to protect other residents. Allan stated that he would like the council to review the ordinance, to look at the portion about employee's and changing the characteristic of a home. He started his business in Orem, and then moved, but there are other businesses like his in Orem still going. Other cities ordinances are not as strict. He stated that some laws are good, and some laws are just there, he would like the council to look at the rights of a home owner. He feels he has a right to put a building in the back of his yard.

Mayor Brailsford stated that if the city allowed him to build it could be a problem in the future if the business became a nuisance. The neighbors would come to the city wondering why we allowed it in the first place. Mayor admitted that some of the ordinances can be reevaluated, that is why we have different committees. Allan stated

that in the future he would like to expand and move, but for right now he would like to stay in his home.

The council stated that they could re-look at the ordinance.

Went back to Norman Smith for RSVP.

### **3. Mike Goodman – Business License for Lawn Care Service**

Mayor stated that Mike Goodman on 220 East Salem Canal Road would like a business license. He stated that the name of the business is All Season's Inc per the application. Mayor asked Mike how long he has been using this name. Mike stated that he has been using the name since 1998. The business is lawn care and snow removal. He told the council that he had received the home occupation ordinance from the city when he picked up the application. Police Chief James stated that he did not sign off on the application because of the equipment that is stored at the home. Mike stated that he does use a couple of trucks and trailers to haul the equipment around, and then a couple of other trucks with snow plows on them. The council stated the concern that home occupation ordinance does not allow the storage or parking of the trucks, trailers, nor equipment at the home. Mike was asked if he has employees. He stated that he does have a couple of employee's who report to the home and pick up the equipment. The council stated another concern that the ordinance does not allow employees at a home occupation. Mike stated that he feels this is an issue of harassment from the city. He stated that he has received two nuisance abatement notices; Chief James stopped him on the street one day without probable cause, and told him he needs to move his trucks. He has also received tickets for parking more than 48 hours. Councilman Wills stated that he too has received a ticket for parking more than 48 hours, so they are not just targeting Mike. Mike stated that he has lived in Salem for 12 years, has had the business for about 7, years and does not feel he needs to have a business license. Councilwoman Peterson asked him if he has a business license with any other city. Mike stated that he does not but he does have a state corporation license. Councilman Boman stated that if Mike wanted to have a business he would have to find another location to store his equipment, that he would not be able to store it at his home. Mike still stated that he feels he is being harassed, because his neighbor had a crane at his home and he was allowed a license. Mike said that he heard his neighbor was told to move the crane because of the problems Mike is having with his business license. Mayor Brailsford told him that his neighbor was told to move the crane because of safety issues, not because of what is going on with Mike. Mayor stated that Mike has multiple equipment parked around his house. A big concern is the safety issue with kids along the road, especially with the completion of the new ball park to the east of the Goodman residents, on canal road.

Mayor told the council that Mike is at council tonight to ask for a business license. Councilwoman Peterson stated that he needs to meet the criteria of our ordinance. Mike stated again that he feels he is being harassed and discriminated against. Mayor stated

that he is concerned that Mike feels he is being harassed and discriminated against. He stated that in order for the city to grant Mike a license, he would have to abide by the ordinance. Mike stated that the city allowed his neighbor a license that has big equipment. Councilman Ficklin stated that Mike would not be able to have a business license the way he currently operates because of equipment storage at his residence. He told Mike that if he were to find another place that would be appropriate, to park his equipment, and have the employees meet, that the business license could be in compliance. The council stated that currently, the way the business is, they will deny the business license until he comes into compliance.

#### **4. DON & GLEN COLE**

Mayor stated that Don would not be here tonight, that he has gone to the Payson annexation meeting.

#### **5. CINDY JAIRL – AMEND SUBDIVISION STANDARDS TO ALLOW SEPTIC TANKS**

Mayor Brailsford asked Cindy to explain to the council what she would like to do. Cindy stated that she is here for the same reason as the time before (October 16, 2002). She wants to put a septic tank in for a new home. She went before DRC and explained that she does not want to develop a whole subdivision, that she is only building one home. Mayor explained to the audience what Cindy wants to do. Because the property that Cindy wants to build on has already been divided once, the second time it is divided would be considered a subdivision. This would require Cindy to put all of the improvements in. To put the sewer line in would cost a lot of money. In DRC meeting, Dave Johnson stated that a lift station would not work in their case, so they would have to have the sewer go through the field. This is why it would cost so much. Councilwoman Peterson stated that the council could look at changing the ordinance; we would have to have Attorney Junior Baker rewrite it for us to allow a conditional use for a septic tank. Councilman Ficklin stated that another concern would be the sewer treatment bond, when it was issued one of the conditions were that any home built within Salem City limits would be charged for the sewer treatment whether or not they are hooking on to the sewer. The rate for non hook up would be a base rate. He also stated that they would have to pay the impact fee, even though they are not hooking on to the sewer.

The biggest hold up, right now, would be the subdivision wavier. The way it is written, Cindy would have to have the sewer line brought to the home. Cindy asked if the council could review it, also she did not understand why she would be charged for sewer when she would not be hooked on. Councilman Wills stated that he spoke to Attorney Baker about this, and it is a federal or state law that the city has to abide by how the bond was written. The city has no choice in it. The residents of Salem were the ones who voted on the bond. Attorney Baker stated that Planning and Zoning meets next Wednesday (Nov. 13, 2002), they could come up with the conditions for the ordinance, and then get them to

him to review and present them before the council. Mayor Brailsford asked if Cindy could come to the planning and zoning to give some input. She stated that either she or her mother could come. Attorney Baker stated that the ordinance could not be passed until at least January of 2003 or later. The process does take time, with all of the public hearings and notices. Mayor Brailsford made the comment that the council would only be looking at changing the ordinance to allow septic tanks under certain conditions. Cindy would still have to pay the impact fee for the sewer and would be billed for sewer each month. When she does decide to hook on to the sewer then she would have to pay the hook up fees, but would not be charged the impact fee's again.

## **6. DAVID CLARK – EAGLE PROJECT**

Dave Clark stated he would like to re-shingle the restrooms at Knoll Park and fix the storage room doors on the west side. He has scouts in his troop that would be helping take the shingles off, and then friends and family to help shingle the building. He would have adult supervision with his leaders and parents. The city would supply the shingles. He had talked to Todd Gordon about this, and Todd stated that he could order the supplies and feels it would be a good project. David stated that the cost would be about \$250 for shingles, \$20 for nails, \$25 for the tar paper, and \$250 for the doors. It was stated that if he does not finish it, that it could be finished by the city crew. Mayor asked David if he felt it was a worthy project. David stated that he feels it is a good project for his eagle. The mayor and council felt it would be a good project also.

## **7. BRETT PENROD – POSSIBLE SALE OF CITY PROPERTY**

Brett Penrod would like to purchase the property on the corner of Sheen Road (500 West) and SR 198. Mayor Brailsford explained to the audience that there is a small piece of property on that corner owned by the city. Brett is going to build a car wash, bagel shop and a couple of other little stores, and would like to purchase the city's property and use it for parking. It is not beneficial to the city; no building can be built on it because of a utility easement. The mayor asked Dave Johnson if the state had made the road big enough (Sheen road) along SR 198, Dave stated that they did. Mayor asked Brett what he would like to offer the city. Brett stated that he would offer \$1.00 per square foot, which would come out to be \$12,000. Mayor Brailsford stated he would like to get a little bit more. Brett stated that he spoke with a state appraiser and he said that a build able piece of property is going for about \$2.00 for square foot. But because the land is not build able, the price goes down by half or a quarter. Mayor asked Brett if he would go for \$14,500. Brett felt that he could go with \$14,500.

**MOTION BY:** Councilman Terry Ficklin to sale the piece of property along SR 198 and Sheen Road to Brett Penrod for \$14,500.00.

**SECONDED BY:** Councilman Dale Boman.

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

## **8. BUSINESS LICENSE**

### **a. LaMont Farr – Wireless Internet**

Mayor Brailsford stated that LaMont Farr wants to do a wireless internet business. His home would just be an office. It is located at 380 East 750 South. The license has been approved by all of the appropriate people. The council approved the license.

### **b. Brenda Hallam – Denture Lab**

Mayor Brailsford asked Brenda if she would let the council know what type of business she would like to do. Brenda stated that she is going to do a denture lab to build dentures. There would not be any chemicals. The address is on 479 East Canal Road. The license has been approved by all of the appropriate people. The council approved the license.

## **9. BOOKMOBILE SERVICE CONTRACT**

Mayor Brailsford stated that the Bookmobile Contract is due. The price is \$5,809.80 for the next year. He thought that last year, when the council approved the contract, that the library board felt it would be good to have the Bookmobile for one more year, but after that they would like to see the money from the bookmobile go towards the library. Councilman Boman stated that last April (2002) the board felt that they wanted to keep the Bookmobile service, because it can provide books that the library does not have. The council felt that they should support the library and use the funds set aside for the Bookmobile for books at the library.

**MOTION BY:** Councilwoman Vicki Peterson to deny the Bookmobile contract and use the money for the contract to go towards the library to purchase new books.

**SECONDED BY:** Councilman Terry Ficklin.

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

## **10. BID FOR WATER LINE ON 460 WEST**

Councilman Wills explained that the city is going to install a water line from 400 North on Beet Road (460 West) to Olson's nursery. Olson's only need a 6" water line, but the city would like to upgrade to a 12" for future use. Mayor stated that he is working with Bart Olson to pay the cost of a 6", and then the city would pay the difference in cost, from a 6" to 12", only from the sewer plant to Olson's. Councilman Wills stated that we have three bids for the material, since the city is installing the line.

The first bid is from Plumbers Supply for \$79,347.03, next is WR White Supply for \$66,260.84, and the last bid is from Mountainland Supply for \$66,137.89. He stated that

Mountainland Supply is the cheapest, we have worked with them before, and they are good to work with.

**MOTION BY:** Councilman Dale Wills to accept the Mountainland Bid of \$66,137.89.

**SECONDED BY:** Councilman Terry Ficklin.

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

**11. PARAMETER RESOLUTION AUTHORIZING THE ISSUANCE & SALE OF NOT MORE THAN \$775,000 OF SALES TAX REVENUE REFUNDING BONDS, SERIES 2002.**

Jeff Nielson explained to the council that the Parameter Resolution states that the city is getting ready to issue bonds for the refinance of the MBA Bond (recreation) for more money to finish the project, pay back the electrical bond, and have funds for the new city center. Mayor Brailsford explained that the city is going to build a new city center where the Lions Club is now. He has a lot of volunteers that have offered to help with the building. Councilman Wills stated that he is still opposing the city going into more debt. Mayor Brailsford stated that we have to refinance and get more money to pay back the electrical bond because of a mistake that occurred a few years ago.

**MOTION BY:** Councilman Terry Ficklin to approve the Parameter Resolution 11602 and to proceed with the bond.

**SECONDED BY:** Councilwoman Vicki Peterson.

**VOTE:** Affirmative 3-1, Councilman Dale Wills voted nay.

**12. APPROVE MINUTES OF OCTOBER 16, 2002**

**MOTION BY:** Councilman Terry Ficklin to approve the minutes of October 16, 2002 as written.

**SECONDED BY:** Councilman Dale Boman.

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

**13. APPROVE BILLS FOR PAYMENT**

**MOTION BY:** Councilman Dale Boman to approve the bills for payment.

**SECONDED BY:** Councilwoman Vicki Peterson.

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

## **14. PUBLIC SAFETY**

### **a. Fire Dept. – SCBA Fill Station**

Fire Chief Mark Goudy explained that the fire department has been awarded a grant that will pay for half of a SCBA Fill Station. He has a bid from LN Curtis for \$4,100.00; the city would only be responsible for half. Chief Goudy stated that to be in compliance with OSHA they need a new fill station. The station fills the ir breathing aspirates with compressed air. Mayor Brailsford stated that it is needed, like Chief Goudy said they are not in compliance with OSHA.

**MOTION BY:** Councilman Dale Boman to approve the SCBA Fill Station for the fire department.

**SECONDED BY:** Councilwoman Vicki Peterson.

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

Chief James explained that the ambulance department is looking at changing the age requirement from 21 to 18 years old. He has talked to Attorney Baker about this, and he said that the state law would allow it. Chief James had Jeff check with the insurance on it, they stated that if the state law states it is ok, then they are covered, but they feel that 18 might be too young. Councilman Wills stated that in the past the problem has been that when someone that young is trained they usually end up leaving the area. The ambulance is then out the money they spent for training. The ambulance department has tried to get the money back, but it never works. A couple of other concerns are that someone at that age should not be able to be a driver, or a crew captain. He stated that it is also for getting more people to help with the ambulance, because they need help. The question came up if it would be discrimination to not allow a person to drive or be a crew captain because of age? Attorney Baker stated that they could base it on tenure, make the requirements towards experience. Chief Goudy stated that the fire department changed theirs from 18 to 19 because of training then leaving problems. The council would like to have the ambulance department come up with the policy on the age and then bring it back to the council rather than have the council decide. They are also very supportive of the idea if it will work for the ambulance department.

## **15. OPEN DISCUSSION**

Mayor Brailsford asked if there was anything for open discussion. Robert Nelson stated that Orem City has a life size safety house they use for training people about fire safety in the home. They want to get rid of it. A question came up that when it goes to another city, who would be responsible for manning the home. The council asked Robert if he would look into it and see if there is a contract that would need to be signed and then let the mayor know.

Robert was also wondering when the council is going to look at the general plan. It was mentioned around the first meeting in January for the public hearing. Robert asked the

council to look at the area by the new ball park; it is zoned as R2 right now, could the council look at changing it to R1?

Monty Griffiths came to council to inform the council of his business. He does a lot of custom trailers that sell for a lot of money. Right now he is working with Halmark Trailers. He is going to be doing a lot of selling from his business, which would bring Salem City the sales tax. Right now the selling is going on in another city. He would not bring the building of the trailers into Salem, just the selling portion. He would still do his custom trailers here though. He thought the council would like to know. He also stated that he is on the C1 zone along the highway and would be displaying some trailers there

Jason Record stated that he has heard some conflicting stories from different councilmember's of what is going on at the Benjamin exit. Mayor explained to Jason that a lot is going on with what Payson wants to annex in and what Salem wants. Right now it is looking like Salem will get part of the exit and put industrial and commercial out there. This has been an ongoing issue for quite a while now.

Mayor Brailsford stated that he would like the council to take a break for about 15 minutes.

Council adjured for a 15 minute break at 9:45 pm.

Council resumed meeting at 9:55 pm.

## **COUNCIL REPORTS**

### **16. MAYOR RANDY A. BRAILSFORD**

Asked Attorney Baker if he would explain a little bit of what happened at Payson City tonight in their public hearing. Attorney Baker stated that some of the concerns that came up with Payson annexation to the North of Payson; would there be enough water for Payson to supply out there, and would the air quality change. He also stated that the council approved the annexation up to 8400 South. Everything to the north would be Salem City. Councilman Wills asked if anything was mentioned about the land swap, Attorney Baker stated no. Mayor Brailsford asked Attorney Baker and Dave Johnson if they would review the contract between the cities when it is written up. Attorney Baker also stated he would give the council a copy of the contract to review when he gets it.

Mayor Brailsford stated that on November 29, at 6:00 pm would be Salem City's Pond Town Christmas.

### **17. COUNCILMAN DALE BOMAN**

Councilman Boman reported that Mary Sivertson has resigned from the library board. She has done a great job, but has too many things going on. She would like to be able to spend more time with the ambulance.

Kyle Minson has completed the eagle project up at Dream View Park. Also Jason Carrick has planted the tree's up at the new ball park. He raised half of the money for the trees, the city will match it, and then Councilman Dale Wills's company would pick up the rest of the money.

### **18. COUNCILWOMAN VICKI H. PETERSON**

Councilwoman Peterson reported that Planning and Zoning met to go over the declaration of annexation. Attorney Baker stated that it will have to go on their agenda again because the wording for the declaration needs to be included in it.

### **19. COUNCILMAN DALE R. WILLS**

Councilman Wills stated that Mayor Toby Hardy of Woodland Hills contacted him at the last water meeting and asked about a letter Woodland Hills sent about a year ago regarding hooking onto our sewer plant. Mayor Brailsford stated that if Elk Ridge goes over to Payson, then Woodland Hills may want to buy out there portion. Councilman Wills stated that he is concerned because of problems we have with them paying for invoices now and need to look at the future growth for Salem. He also feels we need to look at what Elk Ridge wants to do. Mayor stated that we need to have Attorney Baker review the contract between us and Elk Ridge to see if they have to offer Salem City their portion first.

### **20. COUNCILMAN TERRY A. FICKLIN**

Councilman Ficklin stated that with the Lions Club renovation, the city should look at the piece of property to the west that is for sale.

Councilman Ficklin mentioned he is concerned about the sewer plant, but is waiting to hear from Bruce Ward.

Mayor Brailsford stated that when the cities get the annexation contract together, we need to look at the property and what kind of developing we would need. He would like to get the economic board together to start attracting some key business in that would be good

in that area. Attorney Baker also mentioned the city needs to look at improvements out their, especially high speed internet.

**21. DAVE JOHNSON, PUBLIC WORKS DIRECTOR**

Dave was wondering about the water project and when we want to get it going? Mayor asked Dave if he would explain to the council about what is going on with the water in water canyon. Dave stated that the city crew has dug some holes around the clay wall to determine how big the wall is. He does not feel that we are catching all of the water. He thinks we could go deeper and with the drought this would be a good time to start the project. Mayor told Dave to work with Councilman Wills on this.

Mayor Brailsford asked if there was anything else. Phil Porter wanted the council to know that he belongs to the Payson Lions Club. He has also just been appointed to be the Vice District Governor. His area covers from the point of the mountain south. He would like to get a Lions Club started again in Salem. He also told the council that they would be willing to help with the new center.

**MOTION BY:** Councilman Terry Ficklin to close council meeting.

**SECONDED BY:** Councilwoman Vicki Peterson.

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

**MEETING ADJOURNED AT:** 10:40 pm.

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Jeffrey Nielson, City Recorder