

Minutes of the Salem City Council Meeting held on November 20, 2002 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:35 PM

CONDUCTING: Mayor Randy A. Brailsford.

PRAYER: Jeff Nielson

PLEDGE: Peter Green

COUNCIL PRESENT:

Mayor Randy A. Brailsford
Councilman Reid W. Nelson
Councilman Dale Boman
Councilman Terry A. Ficklin
Councilman Dale R. Wills

STAFF PRESENT:

Jeff Nielson, City Recorder
Chief Brad James, Police Chief
Junior Baker, City Attorney

OTHERS PRESENT

Peter Green

Rick Nielson

Vicki Nielson

1. APPROVAL OF 2003 COUNCIL MEETING CALENDAR

Mayor Brailsford asked if the council had the opportunity to review the calendar for the next year, and if there were any problems or conflicts. The council stated that everything looked fine.

MOTION BY: Councilman Dale Boman to approve the 2003 Calendar.

SECONDED BY: Councilman Reid Nelson.

VOTE: All Affirmative (4-0).

Mayor would like to excuse Councilwoman Vicki Peterson tonight; he had sent her to Payson City's public hearing on their declaration of annexation. He would also like to excuse Dave Johnson.

2. PETER GREEN – EAGLE PROJECT

Mayor asked Peter if he would explain to the council what he would like to do for his eagle project. Peter explained he would like to do emergency preparedness kits for new residents. The kits include ribbons and pamphlets. The ribbons are used to tie on the resident's door during an emergency situation. The ribbon colors are red, orange, green, and white. Red means they need immediate medial assistance, orange means they need

help but not immediate, green everything is ok, and white everyone has evacuated the home. Chief James stated that the emergency management team has stopped using the white; they did not want to show that a home was vacant. Mayor Brailsford agreed. Peter said that he had an old packet he was going off from and would change it. Peter is getting medial pamphlets from the Red Cross, and then he would be making a pamphlet. He is expecting to make 150 packets. Most of them would be for new residents coming into the city, and some would be used for residents in his ward who do not have them. Mayor asked him how many hours the project would take and who would be helping him. Peter stated he feels it will take about 55 – 60 hours to complete, and he would also be having scouts from his troop help him. Mayor asked him if he felt it was a worthy project, Peter stated he did. The mayor and council thought it was a good project and wished him good luck.

3. APPROVE MINUTES OF NOVEMBER 6, 2002

One change on the minutes, where it states that Allan made \$500,000 last year, it should state that he made that in sales.

MOTION BY: Councilman Dale Wills to approve the minutes of November 6, with the said changes.

SECONDED BY: Councilman Dale Boman.

VOTE: All Affirmative (3-0) Councilman Nelson abstained from voting.

4. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilman Reid Nelson to approve the bills for payment.

SECONDED BY: Councilman Dale Wills.

VOTE: All Affirmative (4-0).

5. PUBLIC SAFETY

Mayor Brailsford reported that Woodland Hills decided to go with the Utah County Sheriff's Department for police protection rather than Salem City. He reported that the police department will have some new policies regarding this change.

Chief James reported that Officer Bird maybe having surgery on his knee, and could be out for about 10 weeks.

6. NW SALEM ANNEXATION & SEWER AGREEMENT

Attorney Baker stated to the council, that this agreement is what has been discussed before many times. This is the agreement of annexation between Salem, Spanish Fork

and Payson cities. It states the future boundaries between the cities down by the Benjamin exit. Attorney Baker read a little bit from the agreement. He stated that the sewer agreement would be that if a developer comes in, a group of engineers would determine where the sewer would go depending on flow and capacity. The user would be billed at the rate of the city whose facility they would be using. The impact fees would be the same way. If a city collects the other city's impact fee, they would have 30 days from the beginning of the month after the impact fees were collected to pay that amount to the city. By having the engineers telling the developer, the developer can not play the cities against each other to get the best rate. Also, if a developer comes into Salem and the engineers determine Payson's sewer facility would work out the best, but if Payson does not want to bring their sewer line out, then Salem could offer their sewer facility. He also explained that this is a 30 year agreement between the cities.

Mayor Brailsford stated that this is a lot better than a deceleration of annexation. This is contract that will bind the three cities, and would stand up in court. Councilman Wills was wondering if this contract is just for the area by the Benjamin exit. It was stated that it does only affect that area.

MOTION BY: Councilman Dale Wills to have Salem City approve the NW Annexation and Sewer Agreement and to have the mayor sign all three copies.

SECONDED BY: Councilman Reid Nelson.

VOTE: All Affirmative (4-0). Mayor Brailsford stated that he spoke with Councilwoman Peterson, and she was also in favor of this.

COUNCIL REPORTS

7. MAYOR RANDY A. BRAILSFORD

Mayor Brailsford stated he has received a Proclamation Proclaiming Salem City Family Week. Mayor Brailsford read it to the council. He stated that the President of the United States has declared the week of Thanksgiving as National Family Week, and the Governor of Utah has proclaimed the month of November as Family Month. This proclamation will declare November 24 – 30 2002 as Salem Family Week.

MOTION BY: Councilman Terry Ficklin to approve the mayor to sign the proclamation.

SECONDED BY: Councilman Reid Nelson.

VOTE: All Affirmative (4-0).

Mayor Brailsford stated that Pond Town Christmas is going good. The city crews have been working hard on the project. He stated he is also going to put a collection box out, so people can donate as they drive by. It may not collect a lot of money, but maybe enough to pay for the power. Lighting of the lights will be held on November 29 at 6:00 pm, Spanish Fork Chamber will also be here to support our lighting. The Chamber has

tried to make the nights festivities and celebration a joint effort with Spanish Fork and Salem. After Santa Claus turns on the lights, he will be rushed to Spanish Fork on a fire truck for their light parade.

8. OPEN DISCUSSION

Mayor Brailsford asked if Rick Nelson had anything for Open Discussion. Rick and his wife Vicki approached the council. Rick stated that he has lived in Salem for about 10 years now. He built his home just north of H.E. Davis' gravel pit. At the time he purchased the property from Glen Hanks, Glen told him that he had Salem City water installed on the property (for outside use) and it should not be a problem for Rick to hook on. When Rick was in the process of building, he found out that he could not hook onto Salem City's water. At the time when he approached the council, the council was in the process of changing the ordinance for non residents hooking onto the water line. With negotiations, and working with Salem City, one of the contingencies to allow him to hook on would be to sign a Lien of Lieu. He had to either put \$35,000 down or in five years if no one had installed a water line that met Salem City standards, he would have to install the water line. Rick stated he never had intended on moving, he has loved living here in Salem, but circumstances have changed and he needs to sell his home. Rick stated that when he signed the lien in lieu that he thought someone would install the water line so he would not have to install it. He also received some advice from a friend who is Sandy City's attorney. The attorney felt that Salem City could not do this, and it would not hold up in court. Rick stated that if the lien was imposed because of a debt that is owed, that he would not have a problem with it, but it is not. He would like to see about having the council remove the lien, because he feels he can not sell his home with it.

Mayor Brailsford told Rick that he was offended by the letter that Rick wrote. He stated that when Rick was wanting to build and he came before the council then, the council really worked with him to allow his home to be built. When it was all done, he said that Rick was pretty happy with the matter.

Councilman Nelson stated that he remembered when the agreement was made; it was to upgrade the water line to meet the standards of the city. The city gave him time hoping that someone would put in the water line. He also stated he is concerned that maybe Rick signed the agreement not in good faith, thinking it would not hold up in court. This is just like anyone else; the city would require the same thing under the circumstances. If the council agrees to change the agreement then the council would be changing their standards.

Mayor Brailsford stated that the options Rick has are; to do the improvements, put down the cash bond, or unhook the water. He also asked if they have ever thought about having a well. Rick stated that they do not have any water rights for a well. Mayor stated that it is like Councilman Nelson said; if the council allows the change then they would be lowering their standards. The city has standards to help protect the residents. If the council did not have these standards to install the improvements, then it would be the

residents paying for the improvements, which is not fair to them. If we go against what the standards are, then the city would be going against what the engineers have stated during their studies.

Councilman Ficklin stated that when Rick came in around the first part of July, that the ordinance allowing non-residents to hook on had been passed. Rick stated that the first time he came in was in May, when the council was still looking at the ordinance. It was stated that before the council changed the ordinance, the ordinance would not allow anyone to hook onto the water.

The question was asked about the \$35,000. It was stated that at the time of the agreement, the estimated price to install the water line was \$35,000. The statement was made that Rick might be able to do a connectors agreement, so if anyone hooks onto that water line, that they would have to pay Rick an amount to hook on to help cover the costs.

Mayor told Rick that the council and he have given him some options of either doing the improvements, put down the cash bond, or unhook the water. If the improvements are done, then doing a connectors agreement might be an option.

9. COUNCILMAN DALE BOMAN

Councilman Boman is concerned about the beaver at the pond. It is doing a lot of damage to some of the trees. Chief James stated that Wildlife Resources will not come down and do anything about it. Mayor Brailsford asked Attorney Baker if there is anything that the city could do. Attorney Baker stated he would look into it.

The library board was supportive of the decision for the Bookmobile Service. Also when the new chairperson is voted in, the board would like that person to come to a council work session to explain to the council some of their goals for the next year.

10. COUNCILMAN DALE R. WILLS

Councilman Wills stated that he has talked with Bart Olson regarding the water impact fees. He told him that the city could work with him on the water impact fees the same way they are with the electrical impact fees. We will not charge him the full amount up front, because he would not be using his full amount to begin with.

Strawberry water has approached the South Valley Water Board. They would like someone from Strawberry on our board, but then allowing someone from the water board to be a voting member on the Strawberry board. Because Strawberry is not a city, they would not be allowed to vote on the water board.

The ground water study that the South Valley Water Board is doing should be done shortly. They are hoping in the next couple of weeks. This study should really be beneficial to the cities.

Councilman Wills explained that Allan Hales called him the other day. Alan expressed his opinion to him. Mayor Brailsford was wondering if anyone wanted to change the home occupation ordinance. If the council wants to look at it then we need to do, but it will be something that will take a long time. If the council does not want to review it, then we will have Attorney Baker send a letter to Allan. Mayor stated that Allan is building an accessory building behind his home. Mayor said that Dave Johnson has told Attorney Baker that the building has met all of the requirements for that type of building. He also stated that Dave has told Allan that this building does not allow him to do a business. It was mentioned that the council could have Allan come up with some ideas of what he feels could change in the ordinance and what he recommends. Then the council could look at his recommendations. Councilman Nelson feels that it would not hurt to look at the ordinance. The council may even want to make it stricter so it does not leave the option for questionable situations. Mayor stated he will have a letter sent to Allan asking him to give some recommendations to change the ordinance. He may even want to look at other cities to get some ideas. Then have him bring his recommendations to the council to review during a work session in January.

The suggestion was made that the city may want to have it set up so when a person comes in to renew their business license they are given a copy of the ordinance and sign it stating that they are still in compliance.

Councilman Wills gave an update on Water Canyon's springs. He stated that Dave Johnson, the Mayor, LEI, and he had a meeting. It has been determined that up by the clay wall, instead of using more clay, colligated steel sheeting would be used. That is the same sheeting that was used around the pond when UDOT did the road. The clay wall is not as big as we originally thought, so we will use the sheeting to make the wall bigger. A company is going to come in and bore down about 30 feet around the springs. They will pump out all of the water, and then see how fast it recharges. We feel the city is losing a lot of water that could be collected. The sheeting for the wall will cost about \$132,000, and there is a potential it may be more, depending on the study and how big the wall needs to be. The study will cost about \$8,600. When they city crew was digging around the clay wall, they found a lot of water going around it. We have to have the work completed by next April. Next Council meeting in December, we will have the council approve the engineers estimate.

11. COUNCILMAN TERRY A. FICKLIN

Councilman Ficklin would like the council to review the study that Bruce Ward and Scott have done. They will send the bids out for the new aerators for the sewer treatment plant. He was wondering if the council feels comfortable with the bids and the study so far. He also stated that the sewer treatment plant needs to get the new aerators going so we will

be in compliance with the state. The city may have to purchase the new aerators before the council can meet again. The council stated that they agreed with councilman Ficklin and they felt comfortable with the study.

MOTION BY: Councilman Ficklin to Authorize Councilman Ficklin and Mayor Brailsford to review the bids for the new aerators and proceed with the purchase of them.

SECONDED BY: Councilman Dale Wills

VOTE: All Affirmative (4-0).

12. COUNCILMAN REID W. NELSON

Councilman Nelson reported that the ribbon cutting for the new Dry Creek Substation will be at 1:00 pm on November 22, 2002. He wanted to let the council know they are invited and should have received an invitation. The UMPA annual dinner is set for that night (11/22/02) for the council.

The Power Department has spent a lot of time on the Pond Town Christmas to get it ready. They have put a few projects on hold for it, but should be completed with the Pond Town Christmas in the next week.

UP&L is getting close to an agreement with Salem City. Salem City wants to purchase their lines that are in Salem City boundary. They are working on the contract and want to hurry it along. They are looking at the 5th of December to be the cut off date. When the agreement is made, we want to make sure that Attorney Baker has an opportunity to review it.

Councilwoman Peterson showed up at 9:28 PM after being to Payson City Council Meeting as a request from Mayor Brailsford.

Councilwoman Peterson reported that Payson City had their public hearing on the declaration of annexation. When the motion was made to vote on it, a couple of the councilmember's from Payson stated that they felt that Payson should get the whole Benjamin exit. They stated that Salem City has been hard to work with, and that Salem has jumped over to Payson's Boundaries. Councilwoman Peterson stated that in the end, Payson City passed the declaration of annexation as it was, on the contingency that the inter local agreement is signed by all three cities (agreement that was signed tonight by Salem City). The vote was unanimous.

The comment was made about U-Check and the trailer next to the building; it is not supposed to be there. Mayor asked Chief James to notify Neldon that he has 30 days to move the trailer or the city will give him a citation.

Mayor Brailsford reported some good news from the Secretary of the Interior. They stated the South Utah Valley Cities will be getting 30,000 acre feet of CUP water, along

with Salt Lake area. They are looking at how they can bring the pipeline down; it looks like they can not use the highline canal. It is still a few years away, but it is looking better.

CLOSE CITY COUNCIL MEETING

MOTION BY: Councilman Reid Nelson to close city council meeting.

SECONDED BY: Councilman Dale Boman.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 9:55 pm.

Jeffrey Nielson, City Recorder