

Minutes of the Salem City Council Meeting held on October 1, 2003 in the Salem City Council Chambers.

**MEETING CONVENED AT:** 7:40 P.M.

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

**PRAYER:** Councilman Terry Ficklin.

**PLEDGE:** Councilman Dale Boman.

**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  
Junior Baker, City Attorney

Excused from City Council meeting; Councilman Reid W. Nelson, David Johnson

**OTHERS PRESENT**

Blair Kerby  
Baylis Earls  
Evan Rees  
Chris Reed  
A.J. Davis

Debbie Kerby  
Erik Edwards  
Todd Llewellyn  
Marvin Baker  
Lew Christensen

Linda Earls  
Christy Hardman  
Bruce Fransworth  
Reed Cornaby

**1. PRESENTATION FROM UTAH NATIONAL GUARD 1457 C COMPANY**

Mayor Brailsford asked if anyone was here from the National Guard. No one was there, so the mayor went onto the public hearing.

**2. PUBLIC HEARING**

**MOTION BY:** Councilwoman Vicki Peterson to open the public hearing.

**SECONDED BY:** Councilman Dale Boman.

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

**a. Chris Reed – Conditional Use for a Communication Tower at 902 E. 180 N.**

Mayor Brailsford asked Chris if he would explain to the council, and public, what he wants to do. Chris stated he has been on the Utah County Search and Rescue for 25 years, Spanish Fork Ambulance for 28 years, and he is a SAR operator. He is building a new home in Salem, it is in a rural area so his wife could have a horse and he could have a communication tower. This is the third meeting he has been requested to be at (DRC, Planning and Zoning, and Council). Mayor asked how tall the tower would be. Chris stated it would be 53 feet high. The home is being built in a R2 Zone, which allows a tower to be 100 feet high. Mayor asked if there were any concerns from the public or council. Chris stated he would have aluminum sheets 8 feet high around the base of the tower to prevent kids from climbing up the tower. Mayor asked him if it would interfere with anyone who lives nearby who has wireless internet. Chris stated that it would not interfere with the internet. He said that police radios and H.E. Davis' radios have more wattage than his radio. He stated it meets all of the FCC rules, and he is even doing more than what the FCC requires. He stated he is putting a cement base around the bottom of the tower to make sure it is secured.

**b. Amend C-1 Zone to Allow Kennels as a Permitted Use**

Mayor Brailsford turned the time over to Officer Blair Kerby (Animal Control Officer). Officer Kerby stated to the city council that he has been approached with the idea of having an animal rescue shelter where Electric Rayz used to be (680 West SR 198). They would be using indoor kennels, their main objective is to adopt out all of the animals. Officer Kerby has talked to them, and they would be willing to act as Salem City's hold for animals after the animal is picked up by the police. By doing this, it would be cost effective for Salem to use them, rather than using the county shelter. Again, they are a 100% adoption and not a kill shelter. They would have to meet the same requirements as any other kennel in the city.

Attorney Baker stated that currently a kennel is not listed as a permitted use in a C1 Zone; it is only listed as a conditional use. The council has a couple of options, they could leave the ordinance as it states to have the kennel as a conditional use, and the council would put conditions on it (put a limit on animals, distance for building, sanitization conditions, etc.). The other option is to list kennels as a permitted use in a C1 Zone. Attorney Baker has the amended ordinance to change kennels to a permitted use; the kennels would have to be enclosed, because it is in a C1 zone, where most of the city's commercial business will be located. You do not want to scare a commercial business away because of the noise, or smell. It will be up to the council to decide. Attorney Baker stated he did notice another problem that needs to be addressed by the council. In the section where it talks about kennels in an A1 zone, it states that kennels may be a conditional use and a permitted use. It lists the kennels as both, and the council needs to change it so it will list kennels as one, or the other, and not both.

Mayor Brailsford stated he is still concerned; he does not want it to become the dog kennel of Utah County. Officer Kerby stated that no other cities will be using this kennel. They will also not allow large animals there. Mayor wanted to know how many animals would be allowed there. It was stated that could be part of the condition placed by the city. Officer Kerby was asked how many animals he feels should be allowed there. Officer Kerby stated he thinks about 15 dogs and 25 cats at one time, this is his judgment. The cats will be in fully enclosed kennels. One thing the owners asked is if they could have an exercise run in the back of the building. They would use it to put the animals in when they clean the building. Mayor Brailsford asked what happens to a dog when it bites someone. Officer Kerby stated that the dog would have to go to a vet and wait for the results. Attorney Baker stated that for this change, it would need to be in a written policy.

Councilman Wills asked if the kennels would be enclosed. Officer Kerby stated that the kennel would be an enclosed building. It will be in the existing building that is made out of cinder block. It sits off of the road about 123'. Again, Mayor Brailsford stressed he does not want a lot of kennels in the area. Attorney Baker stated that we can not tell someone they can not have a kennel, if it is permitted in our ordinances, but we can have certain conditions, that is why he suggests leaving the ordinance as a conditional use.

Councilman Wills stated to Officer Kerby that 40 animals is a lot, where will they be getting all of the animals from. Officer Kerby stated they are a rescue shelter, they get their animals from people who do not want their pets anymore, and they rescue pets from the county shelter, and they would be getting pets from Salem City. They are a non profit organization; they do some work over the internet, and in other states.

Mayor Brailsford asked if there were any other questions.

Mayor Brailsford asked for a motion to close the public hearing.

**MOTION BY:** Councilman Terry Ficklin to close the public hearing.

**SECONDED BY:** Councilwoman Vicki Peterson.

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

**a. Chris Reed – Conditional Use for a Communication Tower at 902 E. 180 N.**

**MOTION BY:** Councilman Wills to approve the communication tower at 902 E. 180 N. if Chris meets the conditions that were imposed by DRC (The tower does not need to be fenced but recommend that panels are installed to prevent people from climbing it; the tower is limited to 53 feet in height; and the tower meet any FCC standards and requirements that may apply.). Councilman Wills reiterated to Chris, he would need to install the 8 foot panels on the base of the tower.

**SECONDED BY:** Councilwoman Vicki Peterson.

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

**b. Amend C-1 Zone to Allow Kennels as a Permitted Use**

**MOTION BY:** Councilman Terry Ficklin to leave the ordinance allowing kennels in a C1 Zone as a conditional use, but the A1 Zone allowing kennels is listed as a conditional and permitted use, at this time would amend the A1 Zone for kennels so it would be a conditional use and to remove the permitted use.

**SECONDED BY:** Councilman Dale Wills.

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

It was stated to Officer Kerby, that this item will have to go through the process as a conditional use permit in a C1 Zone.

**3. LANDSCAPE ORDINANCE FOR COMMERCIAL ESTABLISHMENTS**

Councilwoman Vicki Peterson stated that Salem City did not have an ordinance for specifics on landscaping for commercial use. Planning and Zoning has been working on one. It would list some of the requirements, and then the business would be required to present their design to the city for approval. Attorney Baker has also been working on it and has drafted an ordinance for us. Some of the items that would be required are: the set back requirements needs for landscaping, type of plants, sprinkler system required, a bond, and time requirements. A question was brought up during work session regarding the bond. The ordinance is asking for a \$2,000 cash bond, the council felt that bond should be set according to square footage of the property. The council felt that \$0.07 per square foot of the property would work. This way a bigger site would be required to bond for a little bit more money, because the landscaping would be more for a bigger site.

Mayor Brailsford wanted to look at changing it to read that low watering landscaping would be encouraged. Landscaping items like rock or other material. We need to start looking at conservation. The design would have to still be presented for approval, so we could see if it is landscaping material we want or not.

Councilman Ficklin was wondering what trees would not be allowed. Councilman Boman stated he would like to see it changed to read what type of trees the city would allow vs. what is not allowed. Attorney Baker stated that he could add something in the ordinance stating trees would have to be approved.

Reed Conraby asked if the city does not require landscaping now. It was stated the city does require commercial to put landscaping in, but we did not have specifics. With this new ordinance it will let the property owner know before hand what would be required of them. It is a guideline for the landscaping and the bond. Prior to this ordinance, the developer was not required to come into DRC or Planning and Zoning with a landscaping plan, now they would be required to go to DRC and Planning and Zoning, and to have their landscaping plans approved before building.

Mayor Brailsford stated that he is concerned about having trees every 30 feet. Will it hide the business? Attorney Baker stated that Planning and Zoning request was to have the trees at a 30 foot interval. Councilman Wills stated they are both important, we want business and trees, but we also don't want to scare away business. Councilman Ficklin was wondering if we could have it as a case by case situation. We could encourage trees and give them some guidelines, rather than say you have to have a tree every 30 feet. Attorney Baker stated he could eliminate that sentence then it would be left up to the planning. We could put that we require a minimum of 2 trees per site.

**MOTION BY:** Councilwoman Vicki Peterson that we approve Ordinance 10103 establishing landscaping requirements for commercial establishments with said changes: The cash bond change from \$2,000 to \$0.07 per square foot of total site; under item B of the Requirements, to strike out "at thirty foot intervals" and add "Thirty foot intervals are recommended"; in the next sentence under the same item, have it read "the approved trees may include", striking the word "are"; Finally under section C have it read "side yard setback areas that are open to view from public areas or residential properties need not have trees but should provide an aesthetic appearance using natural and low water usage plants and shrubs or other landscaping material", adding "or other landscaping material".

**SECONDED BY:** Councilman Dale Boman

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

Mayor Brailsford stated that before he signs the ordinance, he wants to see the changes to the ordinance in the minutes.

#### **4. APPROVE JUDGES FOR NOVEMBER 4<sup>TH</sup> ELECTION**

Mayor Brailsford stated the council needs to approve the judges for the general election. The judges are: Colleen Hatch, Kathy Rawson, Marilyn Palmer, Loralee Rees, Thomas Tolman, Erman Stone, and Mavis Nybo would be an alternate judge.

**MOTION BY:** Councilman Dale Wills to approve the judges for general election.

**SECONDED BY:** Councilwoman Vicki Peterson.

**VOTE:** All Affirmative (3-0) Councilman Terry Ficklin abstained from voting.

#### **5. APPROVE MINUTES OF SEPTEMBER 17<sup>TH</sup> 2003.**

**MOTION BY:** Councilman Dale Wills to approve the minutes of September 17, 2003.

**SECONDED BY:** Councilman Terry Ficklin.

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

## **6. APPROVE AMENDED MINUTES OF JUNE 4, 2003.**

**MOTION BY:** Councilman Dale Wills to approve the amended minutes of June 4, 2003.

**SECONDED BY:** Councilwoman Vicki Peterson.

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

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

Mayor Brailsford stated he is still reviewing Councilman Nelson's bills.

## **8. PUBLIC SAFETY**

Police Chief James stated that the pet fair was a great success. We are helping pet owners to become aware and responsible. The spay and neuter clinic had to start turning people away because they had so many pet owners sign their pets up.

## **9. OPEN DISCUSSION**

Mayor Brailsford was in a meeting the other night with other mayors, and they stated that they have a lot of residents getting their utilities shut off because of unpaid utility bills. He asked Jeff Nielson what our utility shut off's have been like, and have they increased. Jeff stated that they have been about the same; he has not noticed an increase in them.

Lew Christensen talked to the mayor about a meeting that the mayor and he attended regarding Strawberry Water. Lew stated that Salem City better not get into the same kind of a mess with water that Spanish Fork is currently in with their secondary irrigation. Lew also felt that the cities did not need to know the price that Strawberry Water would charge for delivery of water, that it was not important to know that up front. He also felt that the cities could get the water cheaper than what they are trying to get it for, look at what the farmers are paying for it. Mayor Brailsford stated that the way Strawberry's has their contracts written, a city can not get the water the same as a farmer, this is one of the reasons there are problems with Strawberry. He also stated that we (the cities) need to know how much the water would cost up front, so we can know how much to charge the residents. We can not go into this blind, by not knowing what Strawberry would charge us. The mayor has been working with the South County Mayors Group, on different ways to have water delivered to the cities at the most reasonable cost.

Lew Christensen is also concerned that by Reo Carson property (center street and 460 west), along center street, there is no where for the kids who are coming home from school to walk. He brought this up a few months ago in council and nothing has been done. Councilman Wills stated that he talked to some people in the subdivision, and they thought that the kids could walk up the alternate path through the subdivision. Lew

stated that is great, but what about the couple of homes on 460 west. Mayor Brailsford asked Dale if he would look into it, and if he had to have John Nick Edman come with his grader and see what he could do. While he is doing that, see about also grading by Lew's property, and down by the city shop.

## **COUNCIL REPORTS**

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

Mayor Brailsford stated that with the new telemetry system in the other well, he would like to start looking at both wells and see when they begin pumping, how much and how long they are pumping. Later, have Councilman Wills get with Bruce Ward to come up with a managing tool to help us manage our water for next year. We need to start planning now so we can plan for next year.

He also reported that he met with the mayor & council advisory board, they have decided to hold a "Meet the Candidate Night" on Wednesday October 29, at the city office building. The advisory board will be conducting the meeting.

### **11. COUNCILMAN DALE BOMAN**

Councilman Boman reported that the Library is doing well.

### **12. APPROVE BILLS FOR PAYMENT**

Mayor Brailsford asked for a motion on the bills to be paid.

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

**SECONDED BY:** Councilman Terry Ficklin.

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

### **13. COUNCILWOMAN VICKI H. PETERSON**

Did not have anything to report tonight.

### **14. COUNCILMAN DALE R. WILLS**

Did not have anything to report tonight.

**15. COUNCILMAN TERRY A. FICKLIN**

Did not have anything to report tonight.

**16. ATTORNEY S. JUNIOR BAKER.**

Attorney Baker reported that he received an email from Councilman Nelson regarding the contract for UP&L. He sent the contract to have UP&L sign it; we would like to have it approved as soon as possible.

**CLOSE CITY COUNCIL MEETING**

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

**SECONDED BY:** Councilman Dale Boman

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

**MEETING ADJOURNED AT:** 9:05

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Jeffrey Nielson, City Recorder