

Minutes of the Salem City Council Meeting held on October 15, 2003 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:30 P.M.

CONDUCTING: Mayor Randy A. Brailsford.

PRAYER: Councilman Dale Boman.

PLEDGE: Sid Cardon.

COUNCIL PRESENT:

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

STAFF PRESENT:

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

OTHERS PRESENT

Lynn Durrant
Matt Pratt
Todd Miles
Chase Palfreyman
Phil Porter
Sid Cardon

Marvin Baker
Isaac Pratt
Steve Hardman
Scott Barlow
Reed Cornaby

Lorraine Baker
Roberto Leon
Monty Griffiths
Brandon Barlow
Ron Linton

Mayor Brailsford told the candidates present at council meeting that usually at 6:30 P.M. the council has a work session. He invited them to come, and asked Jeff Nielson if he would make sure that all of the candidates received an agenda for city council meetings.

1. PRESENTATION FROM UTAH NATIONAL GUARD 1457 C COMPANY

Mayor Brailsford welcomed the Utah National Guard to city council meeting and turned the time over to them. Ron Linton and Sid Cardon, from the Utah National Guard, presented, to Mayor Brailsford in behalf of Salem City, a poster from the men and women who have been deployed. The presentation was to thank the city for helping them out with their utility bills. They then read the poster to the council and public. They really wanted to say thanks again to Salem City. Mayor Brailsford thanked them for all of the great efforts made to protect our country, here and overseas.

2. PUBLIC HEARING

MOTION BY: Councilman Reid Nelson to open the public hearing.

SECONDED BY: Councilman Dale Boman

VOTE: All Affirmative (5-0).

a. **Monty Griffiths – Conditional Use Permit for Preschool/Daycare at 10 W. Center Street.**

Mayor Brailsford turned the time over to Monty Griffiths. Monty stated that he wants to put a daycare or preschool where the old migrant school used to be (corner of Center Street and Main Street). Mayor Brailsford asked if anyone had any concerns. Councilwoman Peterson stated that Monty gave Planning and Zoning a lot of ideas of what he is doing. In that meeting most of the neighbors voiced their concerns. Some of the concerns were: no busses, or garbage dumpsters. All of these concerns are in the minutes and motion for Planning and Zoning. Monty stated he wants to put asphalt and curb on Main Street, then on Center Street he wants to put asphalt, curb and gutter like it has been done at Spanish Fork Center Street by the Library. He would also work with the city on a drain for that area. Mayor Brailsford asked Attorney Baker if the ordinance that was passed last council regarding landscaping would apply here. Attorney Baker stated that because this is a conditional use permit, the council can put what conditions they feel would be necessary. Mayor asked Monty if he had anyone to rent it yet. Monty stated that he hopes to have it rented soon. Councilwoman Vicki Peterson read the motion from DRC and Planning and Zoning.

DRC Motion: 1) street improvements are installed, location to be worked out and coordinated with the Public Works Department; 2) the dumpster is to be moved to the northeast side of the property and put in an enclosure; 3) no buses; 4) work with the Public Works Department in regards to a sump to maintain the water on the southwest side of property; 5) install new diversion boxes on the irrigation ditches; 6) landscape as per new commercial landscaping ordinance; and 7) per Mayor Brailsford, no retail business at this location. Dave Johnson stated that if this conditional use permit was approved by the City Council in a couple of weeks, an improvement bond would have to be in place before a business license could be issued.

Planning and Zoning Motion:) the street improvements are installed, the location to be worked out and coordinated with the Public Works Department; 2) if a dumpster is used, it is moved to the east side by the kitchen and enclosed; 3) no buses; 4) work with the Public Works Department in regards to a sump on the west side of property; 5) install new diversion boxes on the irrigation ditches; 6) landscape as per the new commercial landscaping ordinance; 7) per Mayor Brailsford, no retail business at this location and 8) an improvement bond is in place before a business license is issued.

Councilwoman Peterson also stated when the neighbors came to Planning and Zoning and voiced their concerns, Monty was able to address and resolve them. Councilman Nelson was wondering about stuccoing. Monty stated that if he keeps the building, he will stucco it. Right now he really wants to get the curb and gutter taken care of. Councilman Boman stated the Pendleton's who live to the west of the property were concerned about dirt being built up along the plastic fence. Monty stated he talked to them and stated he would put up some block along the area of concern to stop the soil from washing to the fence. Mayor Brailsford asked Monty if he was going to move the air condition. Monty stated that he would move the air condition.

Mayor Brailsford asked if there were any other concerns. There were no more concerns.

b. Ordinance Amending the Setback Requirements in a Residential Zone.

Councilwoman Vicki Peterson stated Planning and Zoning reviewed the ordinance, and felt that section #1, stating that the minimum front yard setback requirement shall be 30 feet to the garage and 25 feet to the residence, should be changed to 25 feet to the resident and 25 feet to the garage,. They were also wondering if there was a reason behind the 30 feet & 25 feet it. Attorney Baker stated he had talked to Mary Klug about it; Spanish fork does it that way to help get cars off of the street, and then it puts garages back a little bit from the house. Councilwoman Peterson had another question, in all of the sections it talks about the "Side or rear yard setbacks for accessory buildings larger than 125 square feet shall be 10 feet. Accessory building smaller than 125 square feet shall have no setback requirements on the rear and side yards." This is also addressed in the comprehensive ordinance for accessory building, since it is addressed in that ordinance, can it be taken out of this one. Attorney Baker stated that he could take that out of each section. Planning and Zoning was really glad to have it and wanted to thank Attorney Baker for it.

Dave Johnson was wondering if the zones would be added. Councilwoman Peterson and Attorney Baker stated that when the comprehensive ordinance is put back into the ordinance, that it would be put in the proper zones.

Councilman Wills was wondering in section 3, about 4 lines down, it talks about access being of a width and constructed of a material to allow a fire truck to approach the dwelling. Do we want to put a width in there? Attorney Baker stated if we do put a minimum width in, we need to be specific about what the width is. It is written this way to allow the public safety input on what width they want. The comment was made that if we do it that way, then each building permit would have to go before DRC, and is this something we want. The council felt that a minimum of 20 feet would work for the margin of public safety. Councilman Wills also had a question, on page three at the bottom; it states that the side yard setback requirement shall be at least 16 feet between buildings. Isn't the side setback now 10 feet, so that would

allow 20 feet between buildings? It was stated that this is for the R4 zone, which includes retirement homes, and the side set backs are different in that zone.

Mayor Brailsford asked if there were any other questions. There were no other questions.

MOTION BY: Councilwoman Vicki Peterson to close the public hearing.

SECONDED BY: Councilman Dale Boman

VOTE: All Affirmative (5-0).

a. Monty Griffiths – Conditional Use Permit for Preschool/Daycare at 10 W. Center Street.

MOTION BY: Councilwoman Vicki Peterson to recommend approval of a conditional use permit for Monty Griffiths at 10 West Center for a preschool/daycare center with the following conditions: The street improvements are installed, the location to be worked out and coordinated with the Public Works Department; If a dumpster is used, it is moved to the east side by the kitchen and enclosed; No buses; Work with the Public Works Department in regards to a sump on the west side of property; Install new diversion boxes on the irrigation ditches; Landscape as per the new commercial landscaping ordinance; No retail business at this location and, An improvement bond is in place before a business license is issued.

Mayor Brailsford was wondering what type of improvement bond would be required. Dave Johnson stated that a cash bond or a letter of credit would be required.

SECONDED BY: Councilman Reid Nelson

VOTE: All Affirmative (5-0).

b. Ordinance Amending the Setback Requirements in a Residential Zone.

MOTION BY: Councilwoman Vicki Peterson to recommend the approval of the zoning ordinance amending the setback requirements in a residential zone with the following changes; in section 1, 2, 3, 4, and 5 that the minimum front yard set back be 25 feet for garage and the residence, to exclude the two sentences in each section stating “Side or rear yard setbacks for accessory buildings larger than 125 square feet shall be 10 feet. Accessory building smaller than 125 square feet shall have no setback requirements on the rear and side yards”.

Councilman Boman was wondering if we wanted to put a minimum of 20 feet instead of stating the width of a fire truck.

Councilwoman Vicki Peterson to amend the motion to have it state a minimum width of 20 feet and constructed material of a fire truck, in section 3 and 5.

SECONDED BY: Councilman Dale Boman

VOTE: All Affirmative (5-0).

3. JOHN PERRETT – DELINQUENT FEES

Mayor Brailsford turned the time over to John Perrett. John stated the reason he requested to be on the agenda, is he called the city office to talk to them about a late penalty fee, and was told he needed to come to city council. John stated he has never been late on his utility bill, except for this last time. He was gone for two weeks last month and when he returned he forgot about his bill. He would like to have the late fee taken off of his account. Councilman Nelson stated that if we start to make exceptions, then we have to start looking at everyone's situation, and then it becomes a problem with a lot of people. Mayor Brailsford stated that the bills are due on the 15th of each month, but we give everyone until the 25th to pay. The city has bills that they need to pay also, and we need to make sure we have the money to pay those bills. Councilman Ficklin stated that he would have to agree. He has had to pay the late fee before, and he was not happy about it, but the city does allow plenty of time to pay the bills. The council agreed that they would not wave the delinquent fees for John Perrett.

4. APPROVE MINUTES OF OCTOBER 1, 2003

Mayor asked for a motion on the minutes for October 1, 2003.

MOTION BY: Councilwoman Vicki Peterson to approve the minutes of October 1, 2003 as they are written.

SECONDED BY: Councilman Dale Boman

VOTE: All Affirmative (5-0).

5. APPROVE BILLS FOR PAYMENT

Councilman Wills had a question regarding the invoice for Compton Construction for the water line increase on Woodland Hills Drive. If it is in our master plan, why did we not have him pay for the whole thing? Dave stated that at that location, an 8" line was required, but we had him put a 12" line in. The difference would be paid for by impact fees because it is for future use.

MOTION BY: Councilman Terry Ficklin.

SECONDED BY: Councilman Dale Boman

VOTE: All Affirmative (5-0).

Mayor Brailsford stated he is concerned about the ordinance on the kennels, brought up at the prior council meeting. He was wondering if there is any way we can restrict them, meaning he does not want a bunch of kennels along the highway. Is there anyway to tell them where they can go. Attorney Baker stated that we could not tell them where they could or could not go. Officer Kerby came in to have the kennels as a permitted use in a C1 Zone, but the council still wanted it to remain as a conditional use. Mayor Brailsford

asked if there was a way we could list them in designated area's like the bill board ordinance, but still have it as a conditional use. Attorney Baker stated that we could do that, it would have to go before Planning and Zoning first.

6. BUSINESS LICENSES

Mayor Brailsford stated that Leonard Howlett wants to do a foundation sealing business. The name of his business is Done Right Damp Proofing. The address is 315 West 400 South. He applies damp proofing materials on foundations. All products and equipment are stored offsite. His home will only be used for office. It has been approved by all the necessary people. The council had no problem with the business license.

7. PUBLIC SAFETY

Fire Chief Todd Miles presented to the council a thank you letter from the Burn Center, thanking the fire department for the donation. Chief Miles stated that when they took the check to the center, they were able to go on a tour. They were very impressed with the center. The money came from the mud volleyball tournament that was held during Salem Days. The center also gave them two videos; Chief Miles wanted to edit one of them because of the graphics on it. But they should be good videos for training.

COUNCIL REPORTS

8. MAYOR RANDY A. BRAILSFORD

Mayor Brailsford asked the council if the 5th of December was okay for the employee Christmas party. The council thought it would work out fine.

a. Pond Town Christmas – Gomez Lighting

Mayor explained that we have a budget for Pond Town Christmas of \$20,000. This year the mayor wanted to have lights and a nativity scene at the head of the pond, a couple more trees on the pond that will be towards the head of the pond, and some trees on the park lit up with lights. Some of the existing trees around the head of the pond will have some colored lights shining on them. He has a bid from Gomez Lighting for all of the lights, for \$16,533.75, and the mayor would like to approve this bid and to allow Gomez to help begin working on the project. The lighting of the ceremony is set for November 28th, and will be done before the light parade in Spanish Fork.

Mayor Brailsford also asked Councilman Boman if he could look at doing some Christmas Cards for the city with the pictures of Pond Town Christmas. He would also like to have Dave Johnson work with Craig Searle (UDOT) about getting some

nice signs put up on the highway showing people the direction to Knoll Park. A lot of people wonder how to get to Knoll Park, and he feels this would help them out.

Mayor asked for a motion on the approval of the bid for Gomez.

MOTION BY: Councilman Terry Ficklin to approve the bid from Gomez for the work on Pond Town Christmas.

SECONDED BY: Councilman Dale Boman

VOTE: All Affirmative (5-0).

9. COUNCILMAN REID W. NELSON

Councilman Nelson did not have anything to report tonight.

10. COUNCILWOMAN VICKI H. PETERSON

Councilwoman Vicki Peterson did not have anything to report tonight.

11. COUNCILMAN DALE R. WILLS

Councilman Wills wanted the council to be aware that the computer that runs the SCADA system for the water crashed the other day. A new computer has been ordered but we might have lost some data. The old hard drive has been sent off to see if the data can be recovered.

BFI is looking at taking over the North Valley Solid Waste. If they do, they will take the commercial waste they pick up from our city and take it to the north. With the other cities, the amount of solid waste taken to our facility from BFI would be about 17%. We really do not want BFI to take our waste to the north; we want it in our facility. So to help this, we can create an ordinance stating that anything picked up from our city would be required to go to our facility.

Councilman Wills was also wondering if there was a difference in impact fee's for a 1" water line vs. a 3/4" water line. Do we have something in place if someone wanted a bigger line? Dave Johnson stated that a church will have a 2" line, and we do charge more for impact fees. The fee is determined based on a residential equivalent use. Councilman Wills understood that, but what about if a resident wanted to have a bigger line, would their impact fee be more. When the study was done we looked at the average residential user. Mayor Brailsford stated it is a good point, and would like to have Councilman Wills look into it.

12. COUNCILMAN TERRY A. FICKLIN

Councilman Ficklin wanted to update everyone on the sewer treatment plant. He stated we are still having problems with the aerators. He said there was another one that had over turned. He has been talking with Bruce Ward to see how to tie the aerators up so we don't have this problem again. He also wanted state that he is very impressed with the employees who have been filling in; they have been doing a great job. We also have been using an outdated machine to read the oxygen, we need to order a new one for it, and the cost is about \$600.

13. COUNCILMAN DALE BOMAN

Councilman Boman reported that he has been talking to some scouts regarding the sister city program. So far none of them have been too interested in doing it. He will keep checking though.

14. ATTORNEY S. JUNIOR BAKER.

Mayor Brailsford told Attorney Baker he would like him to meet with Chief James and himself on the 29th of October to work on the ordinance regarding nuisance.

Police Chief James stated that back in August 2001, there was an incident in the city where a person was shot by a police officer. Last week the US District Judges stated we did not violate any laws. The judge stated that the police officer did what any reasonable person would have done.

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: 8:45 P.M.

Jeffrey Nielson, City Recorder