

Minutes of the Salem City Council Meeting held on November 28, 2001 in the Salem City Council Chambers.

**MEETING CONVENED AT:** 7:33 PM

**CONDUCTING:** Mayor Brailsford

**PRAYER:** Councilman Terry Ficklin

**PLEDGE:** Seth Spainhower

**COUNCIL PRESENT:**

Mayor Randy A. Brailsford  
Councilman Earl M. Davis  
Councilman Gary L. Warner  
Councilwoman Vicki H. Peterson  
Councilman Terry A. Ficklin

**STAFF PRESENT:**

Jeffrey Nielson, City Recorder  
Dave Johnson, Public Works  
Police Chief Brad James  
Junior Baker, City Attorney (was  
delayed by the UMPA meeting)

Excused from City Council Meeting  
Councilman Reid W. Nelson

**OTHERS PRESENT**

Dale R. Wills  
Phil Spainhower  
Carlos R. Watters  
Jason Carrick  
Phil Porter  
Larry Stone  
Robert Nelson  
Janet Hansen

Reed Cornaby  
Seth Spainhower  
Neal Watters  
James Carrick  
Dale Boman  
Janel Fausett  
Keary Adamson

**1. PUBLIC HEARING**

**MOTION TO OPEN PUBLIC HEARING BY:** Councilwoman Vicki Peterson

**SECONDED BY:** Councilman Gary Warner

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

**a. Larry Stone – Zone Change from R-1 to C-2 on property behind 25 East 100 North**

Larry Stone proposed that the property behind 25 East 100 North, currently owned by Shelly Black, to be changed from a R-1 zone to C-2 zone. Larry does not have any plans

for the property right now, but maybe he could use it in the future. There is not an access road for Larry to this property, but Arland Hazel has a garden in the back of his property and he might allow Larry to purchase a portion of it, this would give Larry an access road. The mortgage company handling the sale of the property is not sure if the property is going to be sold or not. Larry does not want to buy the property unless he can get the zone change. If the zone is not changed then it will stay as a R-1. A contingency will be placed with the mortgage company, that if the property is to be sold to Larry Stone, that the zone will be changed.

Planning and Zoning recommended the approval of the zone change.

Mayor asked the citizens if they had any concerns, no one had any concerns.

**MOTIONED TO CLOSE PUBLIC HEARING BY:** Councilman Gary Warner

**SECONDED BY:** Councilman Terry Ficklin

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

**MOTIONED BY:** Councilwoman Vicki Peterson to recommend the zone change from R-1 to C-2, on the property behind 25 East 100 North, contingent on the sale of the property be to Larry Stone.

**SECONDED BY:** Councilman Gary Warner

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

## **2. Keary Adamson – Bond Extension for Linton Meadows.**

Keary Adamson would like to have a bond extension for the Linton Meadows subdivision. The project was pre-approved financially with First Security Bank but when Wells Fargo bought out First Security they placed a hold on the financing. Right now Keary is unable to get the financing available to develop the land, so Keary would like to sell the land to another developer (Jim Alvey out of Mapleton). There is a contingency on the purchasing of the property, which is that the bond needs to be extended. The bond expired on November 8, 2001. Keary would like to have a 90-day extension from the time it expired, so it will expire on February 8, 2002. If he can get the extension on the bond, then Keary will be able to sell the property to the other developer. If the property is sold, the new developer will have to keep the same development design for the subdivision as what Keary Adamson already had approved.

**MOTIONED BY:** Councilwoman Vicki Peterson to extend the bond on Keary Adamson for Linton Meadows to 90 days from the day it lapsed (November 8, 2001).

**SECONDED BY:** Councilman Terry Ficklin

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

### **3. Robert Nelson – Subdivision Waiver at approx. 670 E Canal Rd.**

The Mayor asked what DRC (Development Review Committee) recommended, Councilwoman Peterson stated that DRC approved the project with all of the requirements of the subdivision, Robert is only wanting a waiver on the one plot of land. The Land would be for Ruth's (Robert Nelson's sister) home right now. A question was asked if Robert would have to extend the sewer line (apparently he is doing that)? Robert feels he would not have any problem with the sewer line for the new home; he does have a question about Ruth's existing home right next door. He is looking at different options right now; one is to use a pump. The question was brought up that if the home is with in a certain distance of a sewer line, and the home does not hook on, could the city charge that individual a monthly fee. Neither the council nor Dave Johnson was positive about that ordinance. Robert will have to put curb, gutter, and sidewalk. Since the property will be part of a sub-division in the future, Robert will have to meet all of the subdivision requirements. DRC did have a question regarding the street light (new standard of street lights); will Robert be required to install one? Council felt that when Robert finishes the subdivision he would need to install a streetlight for the home. Right now Robert is only wanting to do Ruth's new home, so he would need a wavier on that home, but eventually will be putting a subdivision in there.

**MOTIONED BY:** Councilwoman Vicki Peterson to approve the subdivision waiver at approximately 670 East Canal Road for Robert Nelson, with the attachment that a street light (new standard of street lights) is put in when the subdivision is completed since the new home and the existing home would be part of the subdivision.

**SECONDED BY:** Councilman Gary Warner.

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

### **4. Brent Hanks – Holding Tank at 1000 N SR 198**

Did not show-up to City Council.

### **5. Business License**

#### **a. James Simons – Electrical Contracting**

James Simons had previously had a business license before, but it had elapsed. The business is only for office work. No big trucks will be parked outside of the business. The Chief of the Fire department and the Police Chief have approved the license. The Mayor and Council members were ok with allowing the Business License.

#### **b. Thomas Gogan – Freight Transportation**

This business would just be an office. No trucks would be parked at the place of business. Thomas Gogan is aware of the condition that no trucks are to be parked at the

business. The Chief of the Fire department and the Police Chief have approved the license. The Mayor and Council members were ok with allowing the Business License.

## **6. Bookmobile Agreement**

The Mayor mentioned that the city Attorney Junior Baker reviewed the contract, and stated that it looked ok and that we could keep the contract for another year. Mayor asked Councilwoman Vicki Peterson what the library board recommended. The library board felt it would be a good idea to keep the contract for another year. After this next year, the library board feels that they could use the money that is spent on the bookmobile to buy more books for the library and not to use the bookmobile.

**MOTIONED BY:** Councilman Gary Warner to accept the Bookmobile Agreement

**SECONDED BY:** Councilwoman Vicki Peterson

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

### **6b Bookmobile Agreement**

Mayor mentioned that we have to go back to the Bookmobile agreement. It is a inter local agreement between Utah County and Salem City.

**MOTIONED BY:** Councilwoman Vicki Peterson to approve the inter local operational agreement by and between Utah County, Utah and Salem City, Utah regarding Library Service.

**SECONDED BY:** Councilman Earl Davis

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

## **7. Resolution on Dry Creek Substation Agreement**

Mayor had talked to Councilman Reid Nelson about the Dry Creek Substation Agreement before hand. The substation is over by the Santana raceway in Springville. Salem City is the last council (of the cities that participating in the substation) to sign off on the resolution, due to the fact that our meeting was later in the month. The mayor stated that Councilman Nelson recommended that we sign the resolution for the Dry Creek Substation.

**MOTIONED BY:** Councilman Gary Warner to accept the Resolution on Dry Creek Substation.

**SECONDED BY:** Councilman Terry Ficklin

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

## **8. Approve 2002 Council Calendar**

Mayor asked the two new council members, Dale Boman and Dale Wills if they had any questions or problems with the upcoming years calendar. Neither of them had a concern.

**MOTIONED BY:** Councilwoman Vicki Peterson to accept the 2002 Council Calendar.

**SECONDED BY:** Councilman Terry Ficklin

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

## **9. Approve Minutes of October 17, 2001**

Change paragraph about Paul Hair to read, “The sewer line will maintain the minimum 4ft requirement” and also change to state that the pump will be by the home, not at the manhole.

Brent Hanks name was spelled Brant, change to Brent.

**MOTIONED BY:** Councilman Gary Warner to accept minutes with said changes.

**SECONDED BY:** Councilwoman Vicki Peterson

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

## **10. Approve Bills for Payment**

Hold off on Dahl Construction. Mayor and Dave need to get together to determine what percent will need to be divided between the other departments.

Question about the cement work done on SR 198 and 1<sup>st</sup> East, the work was for the water valve that got covered.

Councilman Davis had a question about the Almost Homes invoices; he wanted to know if the toilets have been removed, Councilman Warner stated that they were removed on November 19. Councilman Davis also had a question about the county invoices regarding the two permits to operate a food service establishment. It was mentioned that if we were going to have two snack shacks we would need to have the two permits.

**MOTIONED BY:** Councilman Gary Warner to accept the bills for payment, except to hold off on the Dahl Construction invoices until we can determine what percent is to be divided up.

**SECONDED BY:** Councilman Earl Davis

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

Mayor stated that we need to go back to the bookmobile agreement (refer to 6b).

## **11. Public Safety**

Chief Brad James had a couple of matters. First matter; a letter was received from the Utah County Sheriff Department regarding dispatching services for any problems regarding public utilities after city business hours and on holidays. The comment was mentioned that a sticker was sent out with December's utility bills to all of the citizens regarding emergency and non-emergency phone numbers to call. It was understood that if the citizen who is making the call, if he/she has called all of the numbers on the sticker and could not get in touch with anyone, then the county dispatch would dispatch the officer on duty. Remember these are for non-emergency situations. If it is an emergency the citizen should call 911. We also need to verify what phone numbers the recording at the city office is stating.

Second matter; request for the fire department paychecks that they receive towards the end of the year. The mayor would like to review the checks; there are a couple of issues he wanted to talk to Chief James about. The Mayor will get together with Chief James to approve the checks. The checks are just like employee checks; they do not need to have all of the council's approval on it, the mayor's approval will be fine.

## **COUNCIL REPORTS**

### **12. Mayor Randy A. Brailsford**

Janet Hansen has done a lot of work over this past summer for Salem Days. Janet put together the video for Salem's 150-year celebration. She did a great job, and the mayor and council would like to present her with a plaque. Janet was at council meeting to accept the plaque.

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

The library board is still not complete; they need a couple more people. The Christensen's could not be on the board, so we need a couple of people to take their place. A couple of names were mentioned for the mayor to contact. The Griffith's and then Kathy Rawson, all would be great on the board. Bill Rust (current library chairperson) is leaving at the first of the year to go to Arizona. The new chairperson for the upcoming year will be Mary Sivertsen.

### **14. COUNCILMAN REID W. NELSON**

Excused from Council

## **15. COUNCILMAN EARL M. DAVIS**

Wanted to thank everyone for the flowers that were sent, would also like to thank the Police Department, and the workers at the cemetery, for their efforts done with his father's funeral.

Very grateful for the snow we have been receiving up in the mountains. This will really help our water situation.

Would like to present to the council a proposal that he received from RMWT Engineering and Consulting Company, regarding our water tank at Maple Canyon that is shared with Woodland Hills. Currently our agreement with Woodland Hills is at a 60% and 40%, we pay 60% of the cost. There is no way to track to see how much each city is really using. RMWT will help to determine a new agreement and help to determine how much water is really used. RMWT Inc. will perform the necessary engineering services at an "Hourly, not to exceed" basis for \$2,500.00.

**MOTIONED BY:** Councilman Earl Davis to accept the proposal from RMWT Inc.

**SECONDED BY:** Councilman Gary Warner

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

Councilman Davis would like to defer this time over to Reed Cornaby on the water meeting he attended. Reed Cornaby stated that there is a company, GFGIS that has been working on different solutions with the water up in Salt Lake County area. The cost for this company to do the study in Salt Lake area was \$80,000. The company felt they could do the same study down here in Utah County area (10 cities) between \$40,000 and \$60,000. Part of the study is set up on a grid that will show where all of the wells are, what wells are flowing. They will also determine the underground water flow.

Another meeting will be held to get some input to see if we want GFGIS to the study down here in this area. GFGIS will also be doing a study on the quality of water. Is there anything the Mayor or Council member would like Reed to take to this meeting that he will be attending the next day with the SUVMWA (South Utah Valley Municipal Water Association).

The mayor feels that SUVMWA needs to pick a member from SUVMWA to meet with Strawberry Water Association, and that Strawberry needs to do the same, pick some representatives from Strawberry to meet with SUVMWA. The South Valley Mayors Associations have picked Mayor Evans, Mayor Barney and Mayor Brailsford to be the representatives for the mayors that meet with Strawberry Water.

Reed Cornaby feels that we do not have as much water as what has been predicted. We need the water line from Spanish Fork to Goshen to be put in (the pressurized water line). Need to see if we can work with Strawberry to have them hold the water for us.

The South Valley Mayor Association will be meeting at the first of the month with Congressmen Cannon, and Senators Hatch and Bennett regarding the water issue and the possibility of having our water held by Strawberry or some other means, we do not want to lose any water rights. Would like to work with Strawberry to see they could hold our water.

Councilman Davis stated that the South Utah Valley Municipal Water Association did a formal proposal to CUP on the water line. The proposal was for the pipeline, that they build the pipeline and water purification at the mouth of the Spanish Fork canyon.

Councilman Davis has some information that he will give to Jeff that needs to be completed at the first of the year for SUVMWA.

#### **16. COUNCILMAN GARY L. WARNER**

Councilman Warner had a question for Dave Johnson, he was wondering if Proctors have said anything about painting the lines on the road for the new bike path. Proctors were supposed to paint the lines the week after Thanksgiving, but because of the weather, they had to hold off. Councilman Warner feels that we should wait until early spring to paint the lines, due to the weather and the cold temperatures.

#### **17. COUNCILMAN TERRY A. FICKLIN**

The Sewer plant is doing well, the chemicals and everything are ok.

Councilman Ficklin noticed that we received our new laptop, and was wondering if we stayed within the budget. Jeff Nielson stated that we did stay within our budgeted amount.

Councilman Ficklin also had a meeting with South Utah Valley Solid Waste, it was a technical meeting, no one else was there, (was only two of them there), and so the meeting was canceled. Will have another meeting in January.

#### **18. Dave Johnson, Public Works Director**

Dave Johnson had one issue, he contacted Questar Gas and talked to them about the new high-pressure gas line that they are putting in to replace the old line. They have been working up Payson canyon and will be working their way through Salem around May or June. The gas line will be going through the new ballpark area. Dave is not sure if Questar will be willing to work with us so we can finish the new ballpark. Dave feels it may not be until July before they go through the ballpark. Dave was wondering if we should plant the grass on the last ball field? The comment was made that we should go ahead and plant the grass on the last ball field, but as far as the parking lot, lets get it ready to asphalt, and then hold off on asphaltting until Questar has completed the gas line through that area. Questar does have an easement for the gas line. It is understood that



when an easement is signed that they have to replace what was torn up (it is not positive that the easement agreement with Questar reads that, but as a general most all easements are read that way).

## **19. ATTORNEY S. JUNIOR BAKER**

Attorney Junior Baker was wondering if the Dry Creek Substation resolution was signed. The mayor stated that it had been signed. The new substation will be in place around June, and it will be beneficial for Salem. This is a big substation and will help bring power to our new substation.

UMPA has a contract with PacifiCorp Power. The contract was in five-year increments for 20 years. The contract is in negotiations right now, as PacifiCorp has increased the cost of power significantly from what was understood to be in the contract. UMPA board has passed a motion that will authorize a lawsuit against PacifiCorp for breach of contract; it should be filed next week. Attorney Baker had to attend a meeting with UMPA, and that is why he was late.

League of City of Towns has a class for newly elected officials; the class would also be good for retraining. Not sure on the cost yet. If interested get the information to Jeff.

## **20. Jeffrey Nielson**

Met with Zion's bank today regarding leasing information for the new police cars, Zion's will be attending the next council meeting to go over contract with the council.

Close Council Meeting

**MOTION BY:** Councilman Earl Davis

**SECONDED BY:** Councilwoman Vicki Peterson

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

**MEETING ADJOURNED AT:** 9:05 PM

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Jeffrey Nielson, City Recorder