

Minutes of the Salem City Council Meeting held on April 3, 2002 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:39 PM.

CONDUCTING: Mayor Randy A. Brailsford.

PRAYER: Councilwoman Vicki Peterson.

PLEDGE: Michael James.

COUNCIL PRESENT:

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

STAFF PRESENT:

Jeffrey Nielson, City Recorder
Police Chief Brad James
Junior Baker, City Attorney
David Johnson, Public Works
Gary Warner, Recreation Director

OTHERS PRESENT

Michael James
Keith Zobell
Mike Jenkins
Dallin Jack
Marcus Hunt
Christine Warden
Jim Callison
Phil Porter

Todd Roeller
Brent Frank
Kyle Barney
Craig Warren
Zach Ganderson
Christine Warner
Eric Callison
Ernie Thornton

Keith Lyman
Jed Gordon
Laurine Jack
Sam Lunceford
Scott Barlow
Mary Ann Ford
Reed Cornaby
Frank Johnson

1. PUBLIC HEARING

OPEN PUBLIC HEARING

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

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (5-0).

A. NORTH SLOPES ANNEXATION

Mayor Brailsford asked if Councilwoman Peterson wanted to let the council know what Planning and Zoning's feeling were on the annexation. Councilwoman Peterson stated that Planning and Zoning approved the annexation under the condition it would have to include the Hare Krishna's and the Auto Wreacking yard. They wanted to have a straight line, and not leave out that section. It would make the public safety and other issues a hassle to work with the county. The Hare Krishna's did not come to Planning and

Zoning, but the Auto Wreacking owner did, and stated that he would like to be able to come into the city. Planning and Zoning stated that the property would be coming in as a R2, which would make the Auto Wreacking not in compliance with any of the city codes. The city would give him a time limit and he would eventually be phased out. He is aware of that and would still like to come into the city. His plan's for the future are to build a home on the back portion of the lot, and then on the front. He has access to two roads, which would give him a frontage on both homes so it should not be a problem. Mayor Brailsford stated that the Hare Krishna's did want to come in, due to the fact that they did not want to pay the \$6,300 to buy out the power from Strawberry. The Hare Krishna's have just spent a lot of money improving the wells and the power on their property; they feel they would be fine by not coming into the city. It was mentioned that usually for an annexation, if some of the residents do not want to come in because of the cost, that the person(s) doing the annexation will cover the cost to be able to bring the residents into the city. We really do not want to force the Hare Krishna's into the city.

The Mayor asked Councilman Nelson what it would take to cut off the strawberry feeder lines. Councilman Nelson stated that we could build a parallel line to them, but it would cost a lot of money. We also have the agreement with UMPA (Utah Municipal Power Association), stating that they would like the city to be able to feed everyone in the city with Salem Power. Dave Johnson mentioned that it might take a few years until we can get to that point of bringing Salem Power out there. Until then the power they use would still be Strawberry Power, and they would pay the Strawberry Power rates. In the agreement with Strawberry we also have to give them 10 years of revenue loss that they would accrue by Salem taking over the power. It was stated that 10 families have petitioned to have the annexation (that is not counting the Hare Krishna's). The total cost from Strawberry is \$16,700, and the Hare Krishna's got hit the most. The Hare Krishna's were asked, if the city could pay for their portion, then allow the Hare Krishna's to pay it off over a period of time would they be willing to do that. Chris (representing the Hare Krishna's) stated that he really does not feel comfortable in doing that. They have other commitments for their money, and would not like to have more. Also Chris was concerned that he did not know about the annexation until this morning. He would like to have a little bit of time to think about it. The Auto Wreacking yard felt that their cost would not be a problem. Hare Krishna

Councilman Nelson asked Chris if he would be willing to come into the city if there was no cost to him. Chris stated that he would not mind, that the city of Salem has been great to him and has really helped him out a lot. The comment was asked if Strawberry could donate that money owed to them from the Hare Krishna's and count it as a religious donation. They could, but someone would have to call Strawberry to see if they would allow that. The Mayor agrees that we do need to have the straight line; we can not leave the Hare Krishna's out. Chris stated that he does not want to be difficult, but he really does not see a benefit to coming into the city at this time.

The question was asked of Attorney Junior Baker, that the original request for the annexation did not show the Hare Krishna's or the auto wreacking yard. Attorney Baker stated that it was true, and that the council could reject the annexation and the group

wanting the annexation would have to start over. If the Hare Krishna's or the wreaking yard protested, there are a couple of options, either the council rejects the annexation, and they start over again leaving the Hare Krishna's out, which would bring it back to council with the problem of not leaving the line straight, or the group pays for the Hare Krishna's to come into the city.

A couple of comments were made, wondering if the group would be willing to split the \$6,300 between them all. They stated that some of them may not be able to while others may. Some of them are getting hit pretty hard by Strawberry and also by the cost to have the water line in. It was also mentioned that group could donate the money and use it as a religious write off. Again the Hare Krishna's do not want to cause any hard ships, but right now they are doing fine out there. They are also not prepared to make any decision right now, since they just found out about it.

Reed Cornaby feels that with the great citizens of Salem, they could get some great people to donate some money (this would not be a city thing; it would be a community thing).

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

SECONDED BY: Councilman Dale Boman.

VOTE: All Affirmative (5-0).

MOTION BY: Councilman Terry Ficklin to table the annexation until next council meeting, to give the Hare Krishna's time to come up with the money.

Question on motion by Councilman Reid Nelson, to have the group petitioning the annexation to come up some other solutions. Also to give the Hare Krishna's time to think about this and to see if they can work something out.

SECONDED BY: Councilman Dale Boman.

VOTE: All Affirmative (5-0).

2. CHANGE ORDER FOR VAL KOTTER ON SR 198 SEWER PROJECT

Ernie Thornton from LEI explained that they have 3 change orders for Val Kotter for the city.

The 1st change order has already taken place, it was to clean out the sewer lines and video some of the problem area's in the city sewer lines. The cost for the change order is \$12,760.43. Ernie stated that we have a lot of tree roots in some of those areas.

2nd change order is a major reduction in cost for the original contract amount. It would be eliminating about 2,000 linear feet of sewer line that does not need to be replaced. After reviewing the video tape the conclusion was that the SR 198 was in good shape and did not need to be repaired at this time, other than the 3 point repairs that are being done by the city crew. The deduction amount is \$65,850.00.

3rd change order is to have Val Carter come in and do the sealing on the laterals, repairing some sheared pipe, and then lining about 1,000 feet of sewer line through out the city. Most of the problems the city has is with the laterals. The cost of this change order would be \$35,475.00, making the contract cost to be \$102,310.43. Ernie mentioned that he talked to Val about what kind of guarantee he gives. Val stated that he has been in business for 8 years and has not once had a problem where he had to go back and fix. Val stated that he would give the city a 5 year warrantee on his work, and would come down to fix any problems that were caused by him. Val feels that the life of the work would be about 15 + years.

When Val Carter started looking at the tapes, he brought Todd, Dave, and LEI to review the tapes. They felt that it would not make sense to line the sewer under SR 198. That is when Val suggested the lining of some of the other area's that are having problems.

Ernie mentioned that LEI encourages the council to think about doing a flow monitoring test, he would like to have the monitoring done before, and after, the work is done. This would show how much the work that Val is going to do will really benefit the city. Ernie feels that with the work that will be done, would be getting rid of about 90% of the infiltration in the city. The city does still have some other areas of concerns, but the work will be getting the worst places.

MOTION BY: Councilman Reid Nelson to approve the change orders for the amounts of \$12, 760.43, (\$65,850.00), and \$66,835.00.

SECONDED BY: Councilman Terry Ficklin.

VOTE: All Affirmative (5-0).

Dave Johnson mentioned to the council that the city employees have done the point repairs so they may need to come before council and do another reduction change order. The Mayor and Council felt that they did not have to come before council again, if it is a savings on the contract.

3. BIDS FOR CURB, GUTTER & SIDEWALK AT SNACK SHACK

Dave Johnson presented to the council the bids that were given for the curb, gutter and sidewalk at the new ball park. The bids are for labor only; the city would be doing the prep work. The state has a bid for concrete with West Roc; this is who we are going with for the concrete. The low bid on labor was with Gordon Brothers out of Orem for \$12,410.00. Dave has checked some references on them and feels they are very qualified to do the work.

MOTION BY: Councilwoman Vicki Peterson to accept Gordon Brothers bid for curb, gutter and sidewalk for the price of \$12,410.00.

SECONDED BY: Councilman Dale Boman.

VOTE: All Affirmative (5-0).

Mayor Brailsford mentioned that we have a lot of people here to talk about the recreation, and rather than have them wait he would like to talk about the issues they have.

Craig Warren represented a group of parents that have children belonging to a super league baseball team. This super league is run by Dennis who is out of Logan. Each team pays \$750 to be a part of this league. The issue is, since they have kids on these teams, and they are from Salem, they would like to use the Salem ball fields. There are about 5 teams that have a majority of Salem kids on them. Gary Warner, Salem City Recreation Director, mentioned that we have three issues; the practices, games, and tournaments. The problem we have had in the past is that the city leagues will be practicing, or having a game, and the super leagues come in and kick them off so they can play their games. We also were never given schedules of their games, and if we had a schedule we would not have the problems. Salem has a lot of fields available for practices. Salem has also never charged to use the fields for tournaments; this is what we may want to change. Other cities are charging the league to be able to use their fields. It was mentioned that there is a variety of charges from each city. The fees were set from these other cities because Dennis is running a business doing the super leagues, and they felt that they are renting the fields to a business. The cities have just started charging for the use of the fields. Craig mentioned that many times the super league gets the fields ready for the year before the city has a chance.

Mayor stated that we have the fields for the youth to use. Is there a way we could have the kids that play on these super leagues (the older kids) do some refereeing for the city teams. They could also do some projects; maybe each of the 5 teams takes on a project to help out the recreation department. The comment was made that only the 5 teams that have a majority of kids from Salem playing on them would be allowed to use the fields. A problem we have is that a Spanish Fork team picked up one kid from Salem so they could use the Salem Ball fields.

The mayor asked Gary Warner what his feelings were. Gary mentioned that he just came from a conference in St. George for the recreation. It was mentioned down there that the county is trying to get some kind of meeting together to come up with some fees. Gary also mentioned that he has not really had a chance to work out a set fee at this time.

The Mayor asked the council what some of their feeling are. Councilman Nelson mentioned that he feels that the priority should be to the city programs. The super league is a private league, and is not sure what the price should be, but feels that some kind of compensation should be made, whether, rather it is doing different projects or paying money. Councilman Boman agreed with Councilman Nelson. Councilwoman Peterson agrees with Councilman Nelson also, and she stated that it is going to take some of Gary's time, so some kind of compensation needs to be made.

Mayor Brailsford does not want all of the teams in the league to come to Salem to play because we don't charge them. The teams that have Salem kids on them need to have a spokesperson that will work with Gary and to make sure that the fields are not being used by everyone else. If there are four games on Saturday, (each team is doing a double

header), then we need to make sure that at least one of those teams are one of the Salem teams. Also if the lights come on, we will defiantly start charging for the games. Mayor would like to talk with Gary, and then have Gary go to the recreation board and give them their recommendations to help in their decision. Gary mentioned that the super league is playing ball right now. He also feels things should stay the way they are for now, except they will have to give Gary a schedule. Then when we determine what the compensation will be, we can let them know.

Councilman Ficklin stated that a lot of the parents who's kids are on these super leagues have really donated a lot of time to the city for different programs, especially in recreation. Councilman Ficklin thanked them for all that they do. The council and mayor agreed with Councilman Ficklin.

Mayor Brailsford turned the time over to Police Chief James.

Chief James wanted to recognize some of the members of the fire department and turned the time over to Fire Chief Mark Goudy. Chief Goudy had some certifications that some of the members of the fire department achieved, and presented the firemen to the council: Brandon Hakrow achieved fire fighter 1 certification (he was not present at council). Wade Reynolds achieved fire fighter one, and the Haz-mat awareness level. Steve Ulbricht achieved fire fighter 2 level, and also the Haz-mat Operations level. Brent Hancock received fire fighter 2 level, and Haz-mat Operations. Chief Goudy received the fire fighter 2 level, and Haz-mat Operations. The training was in Payson, it was a big class. Chief Goudy would like to continue this training and try to get all of the fire department to achieve at least a fire fighter one certification.

Councilman Ficklin mentioned that we just finished this years Easter egg hunt. It was a big success and we had a lot of people attend. There were only a few small problems, but for the crowd it was very successful. We had about 3,000 eggs, and we were okay on the prizes. A lot of donations were made. Councilman Ficklin would like to thank Chief Goudy and the fire department for the great work they did and all of the ir help.

Mayor Brailsford would like to take a recess.

Council took a recess at 9:15 PM

Council re-adjourned at 9:25 PM.

4. APPROVE MINUTES OF MARCH 20, 2002

MOTION BY: Councilman Dale Boman to accept the minutes of March 20, 2002 as written.

SECONDED BY: Councilman Terry Ficklin.

VOTE: All Affirmative (5-0).

5. APPROVE BILLS FOR PAYMENT

Councilman Reid Nelson wanted to know about the insurance bill, and why it is on the corrected statement. Jeff Nielson explained that the insurance company sends the bill for the property insurance that way; the medical insurance is always broken out nicely for us.

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

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (5-0).

COUNCIL REPORTS

6. COUNCILWOMAN VICKI H. PETERSON

Councilwoman Peterson had nothing at this time.

7. COUNCILMAN DALE R. WILLS

Councilman Wills stated that Reed Cornaby gave him an article from the Spanish Fork Press about CUP. Councilman Wills read the article to the council and mayor.

Councilman Wills wanted to thank Reed for all that he does. Other than that the city crews are working on small projects through out the city.

Mayor Brailsford mentioned that on the 25th of April there is a meeting at the Payson Banquet Facility, the topic of the meeting will be the regional sewer treatment facility. The mayor would like Jeff Nielson, Dave Johnson, and Jerry Blackett to attend, the council is also invited to attend the meeting.

8. COUNCILMAN TERRY A. FICKLIN

Councilman Ficklin mentioned that a week from tonight (April 10, 2002) he has a South Valley Solid Waste meeting that he will be attending. He also had a sewer meeting on Tuesday night with Elk Ridge.

9. COUNCILMAN REID W. NELSON

Councilman Nelson mentioned that the power department energized the transformer up to the new ball park today, and it did not work. They are having a representative from the company we purchased it from is coming down tomorrow. Transformers are not easy to come by; this was a brand new transformer. The power crew has really been working hard up there trying to get the power ready to go.

Councilman Nelson also received a phone call from someone that wants to hold a quilting group in the lions club. They would be using it once a month in the morning. We already have a couple of groups that use it on occasion. The quilting group would donate a quilt for payment. It was mentioned that these quilts are very valuable, and are very high quality.

10. COUNCILMAN DALE BOMAN

Councilman Boman mentioned that next Wednesday, April 10, 2002 he will be having a Salem Day Committee meeting at 7:00 PM down stairs. Councilman Reid Nelson wanted to know if the Stakes are involved since they are over the fire side. Mayor Brailsford mentioned that the Stake Presidents have both said that they do not want to be involved in the meetings, but to send letters informing them on what is going on. Again the theme for Salem Days is “Hurrah for the Red, White, and Blue”.

Mayor Brailsford would like to get together with Councilman Boman and Wills before the meeting to go over the Salem days budget with them.

11. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Dave Johnson mentioned that Robert Nelson is waiting on a fence line agreement for Nelson’s landing to be signed. It needs to be signed by the city. Dave showed a map of the area, and how this strip of property is against the ball park. With a fence line agreement, when the fence has been in place for 20 years it is considered a boundary, we would like to straighten up the boundary line along that area. Dave has all of the information together, but it has to go before the council in order for the mayor to sign it. It was mentioned that we need to get it on the agenda for next council meeting.

Dave also had a question about a business license. Dennis Gallegos has had a taxidermy business in the back of his home, he has a separate building. Dennis has moved and the person that has moved in would like to continue to operate the business. The problem is that Dennis was operating the business before we had the codes in place to restrict him, so in a way he was kind of grandfathered in. The ordinance does not allow a home business to operate outside of the home, and this type of business is not considered a home business. The area is not zoned for that type of business. It was mentioned that if we allow him then we would have to allow others to do the same. Let’s have the new owner come into council and talk to the council about what he would like to do.

Dave stated that last fall when Councilman Gary Warner was over the roads, we had called Gary Proctor to give us a proposal on stripping the bike path on Canal Road. Due to the winter months Proctor could not paint, so a bid was not given. Dave Called Gary Proctor a few weeks ago about getting another bid put together. Gary Proctor never got back with Dave, so Dave called another company. They stated they would also get back with us, but have not. Over the weekend Gary Proctor went up and painted the double yellow strips on the road, and started to paint the bike path but ran out of paint. He did this without the permission of the council or city. Gary Proctor did fax over a bid to Dave yesterday, (after he had already began to strip) to strip a double yellow line from Woodland Hills Drive to 1600 West, do a Bike Path with Logo from 100 East to 250 West, to do 9 Stop Bars at stop signs, and 10 STOP’s (words) at stop signs. The total cost would be \$3,887.00. This brings up the problem with Gary Proctor doing the work without the permission. The mayor would like Dave to work with Councilman Wills on this issue.

Dave also has an estimated cost of \$7,500 to do 218 feet of curb and gutter from the New Ball Park to Nelson's landing. When Robert Nelson does the curb and gutter on his new subdivision, we need to look at connecting from the ball park to his new subdivision. We should talk to the Dunn's to see if they are interested in going in with the city on this, since it is in front of their home.

MaryAnn Ford had a question for the council and mayor. They were annexed into the city with the HE Davis annexation. They have a lot of acreage and they are looking at purchasing some more property so their son can build a home by them. Dave Johnson mentioned that there would be a problem with them not being able to hook onto a sewer line, and that they would have to use a septic tank. The septic tank would be in one of the city's protection zone. MaryAnn mentioned that when the annexation was brought before the council, that she thought the council stated that she would be able to have a septic tank if she ever did build a new home up there. The Mayor and Council do not remember stating that, especially based on the fact that we do not allow septic tanks on the East side of Woodland Hills Drive, and we also do not allow Woodland Hills to build in or above the well's protection zone. Dave Johnson mentioned that the home would be about 400 feet from the well. MaryAnn then had the question about if the sewer line would ever be brought up by her home. Eventually we would like to take it up 900 South; if Harry Davis's development goes in we should get the sewer line up by those homes (Mayor felt that it might be within the next few years, if we get enough water). The home owners would be responsible for the sewer from their home to the sewer line.

Mayor Brailsford showed a report to the council of how many homes, (building permits) were built last year in Salem; 56. The report also showed how many homes were built in the County.

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: 10:11 PM

Jeffrey Nielson, City Recorder