

Minutes of the Salem City Council Meeting held on September 17, 2003 in the Salem City Council Chambers.

**MEETING CONVENED AT:** 7:30 P.M.

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

**PRAYER:** Councilman Reid Nelson

**PLEDGE:** Mayor Randy A. Brailsford

**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  
David Johnson, Public Works  
Junior Baker, City Attorney

Chief James was excused from Council Meeting.

**OTHERS PRESENT**

Lynn Durrant  
Eric Edwards  
Jon Care  
Todd Llewellyn  
Reed Cornaby

Jared Warren  
Chase Palfreyman  
Kurt Nance  
Phillip Porter  
Lucy Cornaby

Brent Warren  
Jace Brinkerhoff  
A.J. Davis  
Colby Snelson

Mayor Brailsford stated he would like to go to the NOV Settlement Agreement on the Sewer Plant first, so the people from the State Water Quality Board could leave.

**1. NOV SETTLEMENT AGREEMENT ON SEWER PLANT**

Mayor Brailsford explained that the city's sewer lagoons have been out of compliance, according to the Utah State Water Quality Board, 44 times. The city has spent about \$186,000 so far to upgrade the lagoon system to help get it back into compliance. The settlement agreement is for the amount of \$4,900. By signing the agreement and paying the amount, it will clear the city of their prior NOV's (Notice of Violations). Mayor Brailsford thanked the Water Quality Board for their help and working with the city.

**MOTION BY:** Councilman Terry Ficklin to have the mayor sign the Settlement Agreement between Salem City and the Utah State Water Quality Board.

**SECONDED BY:** Council Reid Nelson.

**VOTE:** All Affirmative (5-0).

## **2. PUBLIC HEARING**

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

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

**SECONDED BY:** Councilman Dale Boman.

**VOTE:** All Affirmative (5-0).

### **a. AMEND BUDGET FOR FISCAL YEAR 2003-2004**

Mayor Brailsford turned the time over to Jeff Nielson. Jeff explained to the council that Richard Moon, of the State Auditor's Office, called with some concerns about the budget for 2003/2004. The first concern is under fund 41, this was a capital project fund that was bonded for (G.O. Sewer Bond Series 1993). The bond is paid for by property tax. Richard stated that it needed to be under fund 52 (Sewer Enterprise Fund). The second item is under fund 52, we showed a transfer for the new fire truck. If a transfer is to be made, it needs to be under the General Fund. Jeff stated he had it under the motor pool fund, but Richard said it needed to be under the General Fund. Attorney Junior Baker stated that we need to be careful, if we show money being transferred from an enterprise fund, we need to make sure we have the expense for it; he is concerned that we need to make sure we get the fire truck this year. Jeff stated that if we do not get the fire truck this year, then he would not transfer the funds over.

**MOTION BY:** Councilman Reid Nelson to amend the budget for the current fiscal year as it has been described by Jeff Nielson.

**SECONDED BY:** Councilwoman Vicki Peterson.

**VOTE:** All Affirmative (5-0).

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

**SECONDED BY:** Councilman Dale Boman.

**VOTE:** All Affirmative (5-0).

## **3. ROBERT NELSON – SUBDIVISION WAIVER & ANIMAL RIGHTS ON PROPERTY AT 690 SOUTH AND 714 SOUTH 500 EAST.**

Mayor Brailsford turned the time over to Robert Nelson. Robert showed the council a map of where the property is located. John Watkins is the current property owner, but wants to sell part of the property. When the property is divided both lots would be 1 acre, enough to have animals on the lot. The concern is that when these lots are built on, then part of the land needs to be deeded over to the city, which would make them less than an acre. They want to make sure they can keep the animal rights on the property. Attorney Junior Baker stated that if the waiver is allowed and in order to keep the animal rights, they would have to keep the correct amount of animals allowed on an acre lot for at least three weeks out of a year. By doing that then when the property is developed, the

property would be considered a legal non-conforming use for animal rights. But if animals are not kept on the property during a year's time, the rights will be lost.

Councilman Nelson stated that when DRC (Development Review Community) met they recommended that the light pole would need to be moved, but that the city would incur the expense of moving it if Robert did the improvements in front of both properties.

**MOTION BY:** Councilman Dale Wills to approve the subdivision waiver and animal rights on the two lots at 690 S and 714 S. 500 East, subject to all of the requirements that DRC mentioned are met. (DRC requirements: Subject to after making the split, he (Robert) obtain a building permit and deed the required property for the road on parcel #2; run the sewer line to the south end of parcel #2; work with Salem City electrical department on the power issues; and recommend that if Robert will do the improvements in front of parcel #1, the city will incur the costs of moving the existing power pole.)

**SECONDED BY:** Councilwoman Vicki Peterson.

**VOTE:** All Affirmative (5-0).

#### **4. BUSINESS LICENSE**

##### **a. Emily Black - Preschool**

Mayor Brailsford stated that Emily Black, at 355 East 100 South, would like to have a preschool at her home. The name of the preschool would be, "Busy Bee's Preschool". Mayor stated that it has been approved by all of the appropriate people. Dave Johnson stated that she told him there would not be more than 8 kids at a time. He also stated that Police Chief James talked to her about parking issues. Mayor Brailsford could not see a problem with the new preschool, but make sure we get a copy of her state license.

#### **5. FALL CLEAN UP**

Mayor Brailsford stated that we usually will do a fall clean up. We need to make sure that if people put debris out after the allowed date, that the city will not pick it up. He appreciates the residents that participate in the clean up. The mayor asked the council what they thought about having residents clean up from October 16 through the 25 (this would be days that debris would be allowed to be put out for pick up). Then beginning on the 27<sup>th</sup> the city employees will begin picking up. The council felt that would be a good time, especially since it is over the UEA weekend.

#### **6. EQUAL PAYMENT FOR UTILITY BILLS**

Mayor Brailsford turned the time over to Jeff Nielson. Jeff stated that the city office has had a few people inquire about equal payment for their utility bills. He wanted to find

out how the council felt about it. Mayor Brailsford stated that his biggest concern would be that the city has to pay the power bill, in the summertime it is usually really high. He wants to make sure that the city has enough money to cover for those high power bills. Councilman Nelson told Jeff that he should look at other cities; he heard that some cities have had problems and it did not work for them. Another concern that was mentioned is the customers who get a late fee, how is that calculated in. Jeff stated he would look at some of these concerns and let the council know.

Mayor Brailsford turned the time over to Councilman Nelson; Mayor left council chambers with Councilwoman Vicki Peterson at 8:00 PM.

## **7. APPROVE MINUTES OF SEPTEMBER 3, 2003**

Councilman Wills stated that on line number 198, it should read “crack” seal and not “chip” seal.

**MOTION BY:** Councilman Dale Wills to approve the minutes of September 3 with said changes.

**SECONDED BY:** Councilman Dale Boman.

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

## **8. APPROVE BILLS FOR PAYMENT**

Councilman Wills wanted to make sure the Staker Paving invoice is review by Todd Gordon before it is paid.

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

**SECONDED BY:** Councilman Terry Ficklin

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

## **9. OPEN DISCUSSION**

Councilman Nelson asked if anyone had anything for open discussion.

Jared Warren stated that he has an Eagle Scout project he would like approved. He would like to paint the curbs around some fire hydrants. He has a map showing where the fire hydrants are located that he would be painting; there is a total of 17 of them. Jared said he talked with Todd Gordon who told him he needs to paint 15’ for each fire hydrant. He figures he would need about \$30 for brushes, \$20 for masking tape, and about \$50 to \$100 for paint. He understands he would have to pay for everything first, then he would get reimbursed by the city after the project has been completed. Councilman Nelson asked him how long he figures the project will take. Jared stated he

figures about 1 hour for each hydrant, that is with 3 – 4 people working on one hydrant. He also said that Todd Gordon is looking into what type of paint would work the best, and then Todd would let him know. Councilman Boman thinks he has done a lot of work on it, and feels he is prepared. The council all felt that it would be a good project.

Robert Nelson was wondering about the restrictions on subdivision, if they would be lifted soon. The council stated that they have not heard anything yet from the mayor, and would have to wait and ask him. They would follow up on that issue though.

Councilwoman Peterson returned to council chambers and Councilman Boman left council chambers at 8:07 P.M.

## **COUNCIL REPORTS**

### **10. COUNCILMAN REID W. NELSON**

Councilman Nelson reported that the UP&L line is still being worked on, that Attorney Baker is writing the contract the way we want it, and then submitting it to them, rather than waiting for them.

### **11. COUNCILWOMAN VICKI H. PETERSON**

Councilwoman Peterson reported that the Chamber of Commerce is having a party on the 18<sup>th</sup> at 6:00 pm.

### **12. COUNCILMAN DALE R. WILLS**

Councilman Wills stated that he has some quotes to do the crack and slurry seal on Maple View Drive. But after looking at the budget, and the B&C road money, he has some concerns and will probably hold off on the sealing for right now.

Reed Cornaby stated that around 600 West and Canal Road, there are some manholes that do not have rings around them, and would like to have them repaired if possible. He also talked to Councilman Wills about the South Valley Water Board meetings, and how they need to be more consistent with their times. Councilman Wills reported that the last meeting was changed because of the Utah League of City and Town meetings.

### **13. COUNCILMAN TERRY A. FICKLIN**

Councilman Ficklin reported that the solid waste district is continuing with negotiations with the north district. He explained who belongs to the North District, and who belongs to our district, the South District. He said the North District is in financial trouble; one of the reasons is that they have to ship all of the waste by rail (railroad), so it is costing a lot of money. One idea being discussed is to have a private company, like BFI or Waste Management, manage the North District.

Councilman Boman and Mayor Brailsford returned to the council chambers at 8:17 pm.

They are also talking about have the South District being involved with the Board for the North. Because the South Districts location is over at West Mountain, we are doing pretty well. The South District is looking at giving the North a proposal by the end of the week. Some of the items in the proposal that are being looked at are; the South would bill per ton, we would not use any of our funds to run it, and the money we get from them would go to improve our district. He said that the board also feels that they should still be separate facilities. Councilman Ficklin stated he agrees on that, but then they should look at in again in about 10 years or so. Along the same issue, the cell sites have changed a little bit, they are looking at doing a soil top rather than a plastic envelope; this would help save us money and also allow the cell sites to go higher.

Mayor Brailsford stated his biggest concern is that the North is going broke, and we are not. He also recommends not merging the two, but to make sure we are involved with the board meetings. We may also want to look at the contract and see if it can be written to say, that if we see they are still going under, we can get out of the contract. He told Councilman Ficklin that when the contract is written up, make sure the attorneys of each city reviews it. Councilman Ficklin stated again, that the South Board has agreed that none of the South's money would be used for the North, which is why they want to keep them as separate entities. Councilman Nelson asked Councilman Ficklin who did the financial review on the North. Councilman Ficklin stated that an accounting firm has looked at the financials. He also stated that we do not want any of the North's liability. They are located in Lindon City, on the old land fill. They are hoping to have a contract ready around the first of the year.

Reed Cornaby asked if the BFI trucks needed to be covered as they drive down the highway, because the other day, he watched one driving down the road with trash flying out. It was stated that they do need to be covered and that the city would contact BFI.

### **14. COUNCILMAN DALE BOMAN**

Councilman Boman reported that the library had five applicants for the librarian position. Mayor Brailsford stated that when they get ready to select one, back ground checks will need to be completed.

## **15. MAYOR RANDY A. BRAILSFORD**

Mayor Brailsford reported that we received an invoice from Strawberry Water regarding delinquent assessments. All of the other cities have paid their assessment after Strawberry reduced the bill by half. Mayor Brailsford stated that he thought it was still not correct so he told Strawberry. Strawberry then came back with Salem's invoice, reduced by half again. He feels that it looks a lot better now, and feels ok about paying the invoice.

The question was asked regarding the restriction on subdivisions. Mayor Brailsford stated that with the new telemetry system put in on the other wells; we can now track the draw down on all of the wells. He wants to watch the wells and see what is going on, he hopes to address the restrictions around the first part of October.

The Children Justice Center, that helps out physical and sexual abused children in the county, is looking into expanding their building, or finding a new facility. They are in an older building and they are starting to outgrow it. They currently are helping around 2,000 children from Utah County. Last year Salem had 14 physically, and 18 sexually abused children. The Center is getting ready to hold a fund raiser at the Marriott Hotel in Provo. The fund raiser will be selling doll houses, and the sales will go to help build a new Center. They are looking for people to help build doll houses.

## **16. AMEND MINUTES OF JUNE 4, 2003**

Mayor Brailsford stated that in the minutes of June 4, 2003, under Councilman Wills report, he reported that he and the Mayor met with the president of the Vista Royale and some of the association members. In the minutes it stated "There would be no busses routed through there, and faculty or visitors would be using another entrance". Mayor Brailsford stated it should read "There would be no busses routed through there. There would be some faculty, few visitors and few students would be using the entrance. The parking lot would have an 'L' shape entrance so it would slow the traffic down." Councilman Nelson stated we really should have the tape of June 4 minutes reviewed to make sure we have it correct. Councilman Wills was wondering if we could restate what happened and have it stated for the minutes tonight. Mayor Brailsford said we could, but we need to correct the minutes in the past for reference purposes. Mayor Brailsford asked Attorney Baker what would be the best. Attorney Baker stated we should correct the minutes in the past if they are incorrect, and if the council wanted to restate what happened in the meeting they could so it would be recorded in these minutes.

**MOTION BY:** Councilman Reid Nelson to amend the minutes on June 4, 2003 after Jeff Nielson reviews the tape.

**SECONDED BY:** Councilwoman Vicki Peterson.

**VOTE:** All Affirmative (5-0).

Councilman Wills wanted to report on the meeting that was held at the end of May 2003, with the mayor, himself, and the president of the homeowners association of the retirement center on 400 North. The meeting was in regards to the possibility of a road going through their subdivision for a future high school to be built to the south of their property. The mayor conducted the meeting and discussed what concerns they potentially had, and what the city could do to help eliminate those concerns. The association felt they would like to have a high school there, and that it would be in the best interest of the community to have a high school there. They did have some concerns however. Their primary concern was the amount of traffic that would be going through their subdivision. It was asked if the city could work with the school on it. The school had indicated to the mayor prior to this meeting, they would be willing to put an 'L' shape entrance into the school property along with a stop sign to slow down the traffic coming out of the school. The busses would be directed through another entrance. The city would work with the association to limit the parking hours along the street entering the school. This would help to prevent any of the students from parking along the road, and we would also put a water way midway on the road. The city would also involve the association when the school presents to DRC what type of fencing would be put between the properties. This is so they can have a voice in what type of fence they want, either a noise barrier or chain link. They did express concerns both ways with either the noise barrier or chain link fences. They may potentially like the chain link so they will be able to see what is going on at the school (football games, etc.). The meeting went very well and they were very receptive to having the school there. Mayor Brailsford added the comment, that he told them when the school district gives the plans to the city, that the association will be notified so they may voice their concerns.

Mayor asked for a motion to install what was just said and have the council all in agreement.

**MOTION BY:** Councilwoman Vicki Peterson to accept what was stated and to have them in the minutes.

**SECONDED BY:** Councilman Dale Boman.

**VOTE:** All Affirmative (5-0).

#### **CLOSE CITY COUNCIL MEETING**

**MOTION BY:** Councilman Reid Nelson

**SECONDED BY:** Councilman Terry Ficklin

**VOTE:** All Affirmative (5-0).

**MEETING ADJOURNED AT:** 8:45 P.M.

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Jeffrey Nielson, City Recorder