

Minutes of the Salem City Council Meeting held on April 21, 2004 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:30 p.m.

CONDUCTING: Mayor Randy A. Brailsford.

COUNCIL PRESENT:

Mayor Randy A. Brailsford
Councilperson Lynn Durrant
Councilperson Terry A. Ficklin
Councilperson Paul J. Hair
Councilperson Dale R. Wills

STAFF PRESENT:

Jane Topham, Executive Secretary
Chief Brad James, Police Chief
David Johnson, Public Works
Junior Baker, City Attorney
Gary L. Warner, Recreation Director

OTHERS PRESENT

Reed Cornaby
Chad Hone
Mike Anderson
Jean Kemp
Darlene Vinanti
Orlynn Sheen
Tracy Rice

Heidi Snyder
Randy Adams
Richard Seitz
Vicky Anderson
Hannah Farley
Tyrel Watters
Mike Pierce

Patti Brooks
Cindy Keetch
Kevin Kemp
Wally Vinanti
Sherron Sheen
Jessie Jensen

The Mayor said we need to excuse Councilperson Dale R. Boman.

PLEDGE: Mayor Brailsford invited the audience to stand and say the pledge of allegiance.

1. PUBLIC HEARING

MOTION BY: Councilperson Dale R. Wills to open the public hearing.

SECONDED BY: Councilperson Lynn Durrant

VOTE: All Affirmative (4-0)

- a. Chad Hone – General Plan Amendment and Zone Change on Property Approximately 650 West Christensen Road from R-2 & A-1 to R-1.**

Mayor Brailsford gave the floor to Chad Hone. Chad is requesting a zone change from a R-2 to a R-1. He said most of the lots in the area are third acre lots. He feels this is a lot better proposal for the land owners on Sheen Road and for the

city. It is more maintainable and better access. This concept puts a buffer between the back yards of lots with animals and residential lots. It is across the street from areas that are already R-1. It is more advantageous to the city and the land owners to put it in this way.

The Mayor asked if there were any comments from the audience on this.

Orlynn Sheen stated if any of the property owners have a chance or at some time want to sell the back portion of their lots that are already existing, this concept will give them availability to a road on the back so they are not land locked.

Mike Anderson said it seems like we have just kind of gone over and over this. It has been to the Planning & Zoning Commission twice and both times they felt like it was not the thing to do to change the zone. As home owners they are concerned with high density housing in this area. There is already a lot of livestock there. It will create a lot of animosity between neighbors. They say they know what they are moving in next to, but it will still create problems. Does the city have a plan or an area set aside where people can have their animals and not have this contention between neighbors, an agricultural area?

Mayor Brailsford said yes we do. It is in the master plan. Mike Anderson asked where it is. The mayor said some on the bench, some ranchettes next to the freeway, and all the way to the freeway. Dave Johnson said as far as animal rights, there are certain conditions on that. You can have animal rights in downtown Salem if you have a minimum of 1-acre. Mike said he feels it is the responsibility of the city council to look at an area, especially down there where you already have a bunch of 1-acre ranchettes, and his farm surrounds this subdivision which he has no plans of developing. You have wetlands and agriculture to the north that will be hard to develop because of the wetlands. He doesn't think a zone change is the right thing to do. If it is changed Mr. Hone can do whatever he wants. Chad has his proposal here and he says he wants to leave it 1/3 acre lots but if the zone is changed he's wide open to do whatever he wants.

Kevin Kemp said his property borders the property in question. They appreciate Mr. Hone that he is willing to do this as he says it is for the neighbors, but what you have in front of you is everybody on that street saying we don't want that, don't change the zone. We've been there for 10 years and we moved there to have animals. We understand that he has the right to develop that property but what we don't want to see if for you guys to change the zone and put as many homes as possible. It doesn't make sense and it will create animosity. We don't want to see this changed to put as many homes in there as possible. It will create animosity. He appreciates the perspective the council has. It is guaranteed to create problems if you change the zone. My request to you guys is please don't change the zoning. Mr. Hone has every right to develop that but do not rezone that.

Hannah Farley asked if it isn't it already zoned for 15,000 sq. foot lots. The council said some of it is A-1. Dave said their portion is all R-2. Hannah asked if you can have animals on that small of a lot. They said you cannot have animals on that small of a lot. Hannah said they have animals on their own lot in the middle of town that is 2 _ acres. They have not had any problems with the neighbors around them. How many animals can they have on an acre of land? The mayor said it depends. Dave said he thought it was 3 animal units that are allowed per acre. Hannah said where these are not zoned for animal rights and there are smaller lots, 100 x 100, right across the street from these homes, why can't this be changed to smaller lots, R-1 zone. The Mayor said Reo Carson has some sheep on the north end of that subdivision and Kurt Christensen has some cattle on the further south end. Kurt didn't protest it when that subdivision was built and neither did Reo. These people are coming in and voicing their concerns. That's what this body does here is listen to the people as well as look at the sellers rights and their rights as well.

Mayor Brailsford asked if there were any other comments.

Richard Seitz said he is in the middle of the ranchettes. He has a couple of concerns. They moved down there for a lifestyle. They did get the subdivision across the street from them and they weren't aware of it. They were not even aware that they had changed the zone to 1/3 acres. They thought they had _ acre lots. They have put a lot of improvements into their lots there. He knows it wasn't developed totally as a subdivision to start out with, those acre lots, there wasn't any work done down there. But if Chad does develop he will have to put in curb, gutter, etc., stick to city standards. One of the big concerns is they all irrigate down there and even though they are proposing to put a road off the back of the property what is going to happen to the water as it runs off theirs and goes into that drain ditch? It was developed that way to start off with, to use that ditch to drain that off. They are proposing to put their road at the back of our property line and they are asking us to donate 15-20 feet off the back of our property for roadway. At this point they are not ready to do that and there is a drainage problem with the ditch that is there. Are they going to cover that ditch? If they leave the ditch there for runoff there is not enough room there for trucks, especially city vehicles, such as fire trucks, and garbage trucks. They all moved down there for the lifestyle that is there.

Mayor Brailsford addressed some of Mr. Seitz's concerns. He said in the storm drain situation, the engineers have to okay how many storm drains are needed; he has to insure the water is maintained upon his property. Number 2, we just passed an ordinance on the irrigation that states it's up to the developer to talk to, in this case, the Salem Pond Company and it has to meet their standards, and they sign it off. Once it comes back to us it gives our inspector something to go by that it is done right. It is a law now for the runoff. The roads, I have the same concern with a half road. He appreciates the open space there and the road that is not

landlocked. He still feels with cars on both sides he would like to see the road wider. Chad said he would look at that.

Sherron Sheen said she doesn't feel that will change their lifestyle at all. There will eventually be homes in that area. She doesn't feel that will make a big difference to a lot of people. Chad could put it back into bigger lots and take the road away from you, but you are still going to have people right next to you.

Randy Adams said he is a partner with Chad and he is a developer. He met with Mike Anderson and Kurt Christensen on the ditch issue. They went over it and everything was nice. They are going to go through Kurt's property with the ditch. He has suggested things they can do with the ditch to make it better. They changed it to this other way to help the neighbors so they are not landlocked in the back. They want to be good neighbors. Whether it is changed to R-1 or left R-2, there is still going to be houses there.

Reed Cornaby asked approximately how many homes are they talking about down there. They said 15 homes for a R-2 or 12 homes for a R-1 with the road.

Jean Kemp said she owns a home that will probably be affected the most by this plan. With this proposal there would be two homes closer to her barn than her own home is to their barn. Every single neighbor is opposed to it. It will make a big difference whether there are a few homes. These two men at any time could build apartments, they can build condominiums. She appreciates them saying it is for the neighbors but really it is for them to make money. She wants the council to know that every single person down there, and it is not just horses, they have steers and calves and she can't imagine them getting out with a subdivision full of kids right there.

Cindy Ketch said their issue is not whether there is going to be homes back there or not, their concern is how many with ranchettes back there, people with animals themselves are a lot more understanding than people who don't. It will only take one neighbor to get upset and they will all be upset.

Wally Vinanti is trying to sell some property down there. He doesn't see anything wrong with people trying to make money, that's what it is all about. He thinks a lot of the neighbors down there are probably getting too many animals. They draw flies and odor. If we don't cut down on them that's going to affect something too.

Mike Pierce asked what the difference was in the number of lots between R-1 and R-2. He was told 3 lots. Councilperson Ficklin said if you did the 15 lot plan it doesn't put the road along the back of their property.

Councilperson Wills said he appreciates what is being said and being on the council we are very aware of what you are saying that it only takes one neighbor

to stir up 15. The master plan was open for discussion for over a year and we got very little impute. Neither side came in for one way or the other. Because it is zoned R-2 we can't stop them from developing it with 1/3 acre lots. The question he has for the neighbors that are opposed is, is this potentially a better solution where you have the road behind as a potential buffer. He told Jean that Chad can't do apartments in a R-1 so it would prevent them. The question he has is for the neighbors. Is this possibly a better solution doing it this way rather than, he is going to come in and we really can't prevent him from doing a R-2 Zone and having those lots backing right up to the back side of their property. He appreciates what they are saying, it would concern him as well.

Kevin Kemp said that is a good question and they have talked about it and he has thought about it a lot. The road back there certainly has its advantage. The question is, is the road access more advantageous, more fitting with our life style than having however many homes, I really think it is more than 3. My idea of not rezoning is to maintain the space. That would put a home behind each one of us. That's a very good question. Is the space more valuable than a road behind your property? He said for him personally the space is more desirable.

The Mayor asked Attorney Baker, that in the Cherry Ridge Subdivision by the Cemetery, they had to put in a retaining wall and vinyl fencing. And any building in a commercial zone has to put a barrier fence between commercial and residential. Can we look at something for the future that we put a barrier fence up between agricultural and residential? Attorney Baker said yes you can, but it wouldn't apply to something that is already there. It would have to be by ordinance but you can't do it tonight. The mayor can see problems on both sides of the fence. He feels we need some kind of a buffer.

Councilperson Dale Wills said as he looks at this he is having a hard time seeing how you get 12 lots in here on 15,000 sq. ft. lots. Chad said you add _ of an acre of cul-de-sac property back in and then a little bit smaller lots. At the most it is three.

Councilperson Paul Hair asked Mr. Hone if he was going to go ahead and develop either way. Mr. Hone said yes, that price-wise it was sixes to him. The R-2 Zone would be less curb and gutter with the smaller lots. He feels in every way the R-1 Zone would be better for everybody involved. They felt it is better to lose a couple of lots and put the roadway in for the neighbors and have a buffer of the street from the animals to the houses. He feels the neighbors don't want anything in there but he feels the neighbors would like this better than the other proposal.

The Mayor asked Chad if they have looked at putting ranchettes in, would they sell better. He said he has and in this area he couldn't do that cost effectively. First of all he doesn't have the frontage to put acre lots in which is what you'd need to really call it a ranchette so they could have animal rights. Usually the way it works is the first 1/3 of an acre, which is the buildable piece, is worth the

price of the lot. The other acreage is not worth nearly what that first price is worth. So basically they would lose a third of what they could charge for the subdivision by putting in ranchettes. First it wouldn't work out price wise, and second he doesn't think with the layout of the property they could make it work either.

The Mayor asked if the neighbors had thought of buying the property and extending their ranchettes. He asked if they have talked to the Sheens about buying it.

Mike Anderson said they have talked about it.

Hannah said they have talked her and they said it was too expensive for them to buy it.

Chad said they do have it under contract at this point in time. He has spent a lot of time and effort on it. He wouldn't be real willing to let that go either.

Mike Anderson said there are two or three people who were interested in buying the whole piece and not develop it.

Hannah Farley said they already had an offer in place and these other people have not come up with the price or made a back-up offer on it.

Councilperson Dale Wills said if he understands it, Chad is going to develop it whether it is R-1 or R-2. The Sheens are going to get their money if it is R-1 or R-2. They are going to make the same amount of money whether it is R-1 or R-2 and the neighbors would rather have R-2.

MOTION BY: Councilperson Dale Wills to close the public hearing.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

The mayor asked for a motion on the General Plan Amendment requested by Chad Hone.

MOTION BY: Councilperson Dale Wills to deny the General Plan Amendment and Zone Change request by Chad Hone on property located at approximately 650 West Christensen Road from R-2 and A-1 to R-1.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0)

The mayor said the request is denied, there will be no change, it will stay R-2.

2. MIKE PIERCE – PRELIMINARY APPROVAL OF SUBDIVISION AT 820 S. 500 E.

Mike Pierce said he wants preliminary approval for a 10-lot subdivision in an R-2 Zone at 820 South 500 East. He is not asking for any Zone changes. They have gone through DRC and Planning and Zoning. He made some changes in the design of a temporary cul-de-sac and has addressed all of the DRC concerns. There may be two or three more things to complete on the plans that were noted in the Planning Commission, wording on the plans regarding the “fly zone”. He understands he was suppose to get the wording from council so it was done how they would like it. Attorney Baker said we don’t have that yet. The council advised them to have the appropriate irrigation company sign off on the plans. The third issue remaining is regarding the high-pressure gas line going through there. They have an easement going through the property and there is a gas flow meter and the questions is if the meter would have to be moved or not. Engineers have contacted the gas company and they will let us know if we need to relocate the meter or not.

MOTION BY: Councilperson Dale Wills to approve the preliminary subdivision of Mike Pierce at 820 So. 500 E., subject to meeting all the conditions of DRC and the Planning Commission.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0)

3. TRAVIS SNYDER – SALEM TRIATHLON

As Travis was not able to attend his wife Heidi attended for him. She said the Salem Triathlon will be held on May 1st this year. This is the second year it has been held, they are expecting between 250-300 participants. It will be capped at 300. It starts at 10:30 There will be people at the park to get started around 8:30 or 9:00. They would like to get set up some the night before, like the carpet from the pond and bike racks. The bikes will be up in the grassy area of the Knoll. They will send a notice to the residents around the pond to inform them of what is happening. She said their internet site is working now; it was down temporarily. They are making wet suits mandatory this year for the swim. The mayor said they appreciate her coming in.

Gary said he and Travis have been communicating and they plan on setting it up Friday night. He talked to Dave about putting some gravel at the Lion’s Club. The Mayor said they will cut back in the tennis court about 8 feet and level it and asphalt it. Gary said we will probably need the parking.

4. LEASE AGREEMENT WITH ZION’S BANK

Mayor Brailsford talked about Resolution #4-21-04 approving the form of Equipment Lease Agreement with Zions First National Bank, Salt Lake City, Utah.

Attorney Baker said they need to review three items: Page 8 paragraph (O): “During the term of this Lease, Lessee covenants and agrees (1) to include in its annual tentative budget prepared by the appropriate officials acting on behalf of Lessee in accordance with applicable law an item for expenditure of an amount necessary to pay the Rental Payments for the Equipment during the next succeeding Renewal Term, and (2) to take such further action (or cause the same to be taken) as may be necessary or desirable to assure that the final budget submitted to the governing body of Lessee for its consideration seeks an appropriation of moneys sufficient to pay such Rental Payments.” He said this is standard in lease agreements in order not to violate the constitution provision of future council. It also says here we will cause to go into tentative budget amounts necessary to pay for the lease amount.

Page 12, Section 10.2, does require insurance to be on the fire truck. The mayor says we do have it.

Page 15, Section 11.16, Set-Up Fee, states the Lessee agrees to pay Lessor a commencement or set-up fee of \$561.00 on the date this Lease is executed.

He said the rest is of it is pretty standard.

MOTION BY: Councilperson Paul J. Hair to approve Resolution #4-21-04, a resolution approving the form of the Equipment Lease Agreement with Zions First National Bank, Salt Lake City, Utah. Finding that it is in the best interests of Salem City, Utah to enter into said Agreement, and authorizing the execution and delivery thereof.

SECONDED BY: Councilperson Dale R. Wills.

VOTE: All Affirmative (4-0).

5. APPROVE MINUTES OF APRIL 7, 2004

Councilperson Wills stated that on line 683, under Council Reports Item 20, it should read: “wondering if he could have his company bid to get concrete because he could save money on his price.”

Councilperson Durrant said on line 620, under Council Reports Item 17. the spelling of her name needs to be corrected from “Durnnat” to “Durrant”.

MOTION BY: Councilperson Dale R. Wills to approve the minutes of April 7, 2004, with said changes.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

6. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Terry Ficklin to approve the bills for payment.

SECONDED BY: Councilperson Dale R. Wills.

VOTE: All Affirmative (4-0).

7. PUBLIC SAFETY

Chief James said he wanted to remind everyone of the Fire Department Ladies Auxiliary Car Wash this Saturday. The proceeds will go to the burn center and the fireman's memorial at the cemetery as well as help them out with their own funds. It will be from 10:00 a.m. to 3:00 p.m. in the parking lot just east of Far West Bank. They have a waiver signed by Neways allowing them to do it.

On April 29th at 6:00 p.m. is the DARE Graduation at Salem Elementary. Sgt. Dibble has graciously taken over the remainder of Officer Kerby's teaching while he is off.

Third, he wanted to invite the council to come out to the triathlon, if nothing else than to watch the transition from the swim to the bike. Last year because of the wind we had a hard time keeping the buoys set.

a. Fire Dept. – SCBA Grant Money Spending

The last thing is the SCBA Grant Money for the Fire Department. He asked Chief Miles to come in and explain the new fire truck and what funding we have for it.

Chief Todd Miles showed the council actual plans of what the truck will look like. The new truck will be replacing the 620 Rescue Truck, 1978 Dodge. This truck is a crew cab, it will hold 300 gallons of liquid, 500 feet of attack line, 200 feet of supply line, 26 horse pump with a 120 gallons per minute pump on it. It has lighting galore. It has 250 feet of fire reels and tripods with lights so the whole scene can be lit up. It has 10 inches in each compartment. We were able to add 8 more inches in each compartment so we have 18 inches in the whole bed. He and Assistant Chief Gordon went to Casper, Wyoming last Thursday and Friday and met with the dealer to get the best potential for the city with this truck. He will write this into the SOG similar to what we already have. We had approved last year \$134,063.92. We were able to get the actual crew cab chassis, body and equipment with add-ons. Some of the add-ons we were able to attach to the truck itself at no charge. He did push the start date with the owner Karl Becker. They hope to start the second week of May. He said they would like to have it for Salem Days and they will push for it. They will have to go back up there for final inspection. If it is ready when they do that they can drive it to Salt Lake for installation of the lights and sirens.

Councilperson Durrant asked what happens to the old truck. They said they are still trying to decide. Todd said they do use the 631, the other tanker, or "tender" which means road worthy and he would still like to retain it in the fire department.

8. OPEN DISCUSSION

Reed Cornaby said Salem City did a very good job of conserving water this last year. It seems to him like we are going to have around 100 homes come on line within the next 6-9 months. He was wondering if the water situation is not any better this year than last year, should we put the water moratorium back on. The Mayor said we can't because it has not been 6-months. It is 6-months on and 6-months off. We are going to monitor it well. The citizens have been pretty good with the water. The fear last year was not of running out of water, but it was of draining the tanks and a fire danger.

Three students from the high school were in attendance. The mayor asked what class they were here for and they said U.S. Government.

COUNCIL REPORTS

9. MAYOR RANDY A. BRAILSFORD

The mayor said Chris Sorensen from the School District came in to visit him. He told the mayor that he had gotten a call from Councilwoman Stone from Woodland Hills. She said she just had a meeting with Woodland Hills, Salem and Elk Ridge and they said they felt like the best place for the new school was up by the Woodland Hills mail boxes and that Mayor Brailsford said that is what he felt. Mayor Brailsford said he contacted her and said he would never say that. It would be more beneficial to Salem to have it on the east side of our ball complex. He has set up a meeting with Mayor Harding and the Police Chief to discuss this issue. If that is the case he doesn't appreciate anyone saying something that's not factual.

Reed Cornaby said there was an article in the paper a while back as to where Woodland Hills was going to run their sewer. Woodland Hills said they couldn't afford to put the pipeline clear from Woodland Hills over to where it hooks up to Elk Ridge and then pay half of that clear to the sewer plant. They thought we should have a special improvement district so we could all help pay that. That didn't go either. Mayor Brailsford said Payson City has a lot of capacity right now.

They are still working with Sharp Car Sales on the lighting for their lot.

Handicapped Fishing Day will be Tuesday, May 11th. They anticipate over 630 kids. It is always held on the second Tuesday in May. We will have two sessions. He would appreciate any help he can get. The first session starts at 9:00 and we feed them at 11:30. Then the buses come back in for the second session at 12:30 until 3:00.

10. COUNCILPERSON LYNN DURRANT

On May 11th and 12th UMPA is taking a tour out to the Bonaza Power Plant and they are going out to a coal mine. They have invited anyone of the council who would like to go. They will spend the night. She said past Councilperson Reid Nelson said this was one of the most interesting tours he had been on.

11. COUNCILPERSON TERRY A. FICKLIN

Councilperson Ficklin wanted to thank all those who helped with the Easter Egg Hunt; Todd Gordon and the Fire Department, the Police Department, the Salem Youth Council and other volunteers. It went well.

12. COUNCILPERSON PAUL J. HAIR

He said Todd just handed him a proposal for a new backhoe, to purchase a new machine at the current municipal power price and trade in the old machine for current trade value. At this point you have the option of either keeping the new machine indefinitely or trading it in every year for a new machine. The current trade program is \$6,000 for a new machine with a one-year old trade in. The mayor said the current backhoe is two years old and the other one is about 7.

Dave said he wasn't aware they were even looking at a new machine. The Mayor told Paul to have them come over and look at our backhoe and give us a formal quote. Councilperson Wills asked how they could do it so cheap for the cities. The Mayor said it is because all of the taxes come off.

Councilperson Hair asked if the plan was to get rid of the 7-year old one and keep the new one. The Mayor said it is a program where you trade the new ones in. Both of our backhoes are paid for. You trade them in every year to keep new equipment. Councilperson Hair will get with Todd on it.

Councilperson Hair said he just signed a bill for \$22,000 for the muffin monster. Dave said we should get a rebate check back. The mayor said to hold the bill until we see if we get the rebate.

He and Dave met on items for the sewer plant. We have an aerator that the float part is gone, the bearings and everything. It has been sitting in the shop since last summer. We just had one on Pond #1 go out. The float is gone in it. Those are the two motors that were rebuilt and rewound recently. Mike Pritchett is going to check with the company that rebuilt them to see about a warranty on them. Dave said in the past to build the motors it was roughly around \$1200 and to buy the float part is \$4300 a piece making it roughly \$5500 a piece. In talking to Bruce Ward does he feel it is an emergency or can we hang in there until next year's budget? He said to keep monitoring the BO. The problem is the delay between ordering them and the delivery. If it starts showing bad numbers it is too late. The BO is good right now. The mayor said before we spend any

more money get a hold of Elk Ridge and make them aware of the expense. Dave would like Mike to see what the turnaround is if we order one. See the price between a brand new motor verses a rebuilt one. They will research it more. Councilperson Ficklin asked which one we are short in. Dave said we are one short on lagoon #1 and the one that had been in the shop must be the third pond.

Councilperson Hair asked Councilperson Ficklin about a meeting with Elk Ridge. Councilperson Ficklin said he hasn't had it yet. The Mayor said we need to get on it. Councilperson Ficklin said he got an E-mail from Jeff saying they were caught up. Councilperson Ficklin said he would like a meeting first with the Mayor, Dave, himself, and Councilperson Hair before they meet with Elk Ridge.

Councilperson Hair asked about the wetlands park, is it just taking a long time to fill. The Mayor said we need to put the fabric in so they are letting it dry out so they can do this.

13. COUNCILPERSON DALE R. WILLS

Councilperson Wills asked about the fence between the Wilson's property (663 E. 600 So.) and the ball fields. Are we unified that we don't want to do it or are we going to do it? The Mayor said we need to get the other projects done and see what funds we have left. The first fence we put in will be one in front of the parking lot.

In response to the concern that there is water in the aquifers and we are using more than we can pump, we have some preliminary information that we can take the older well and do some improvements, apply to the state to get a higher capacity out of that well. We have to do a pump test. That consists of putting a different pump on it and pumping it for a 24-hour period, watching the SCADA and seeing what the aquifer does. Can we pump a higher capacity? That's essentially what we'd be looking at because we put a bigger pump and pull more out of that well without damaging our future. The state says there shouldn't be any problem getting it. They said we should be fine to get the higher capacity. Bruce Ward has talked to 3 different well drilling and 3 different pump companies. He feels a worse case scenario is a "O" increase in it. However all 6 company's feelings are, worse case scenario, we would get 300 gallons per minute more than what we are currently getting. The best case scenario is 800 gallons a minute. The general consensus is we'd be somewhere between 500 and 800.

Councilperson Ficklin said that motor has not been replaced since we serviced it several years ago. Dave said it has been serviced but not rewound. The mayor said it was in July of 1994 when it was rewound. Councilperson Wills said basically that pump, based on the manufacture, its life expectancy is only another 5 years.

The cost per gallon per minute is about \$500 per gallon per minute for a new well. If we were to get 300 gallons per minute increase for the cost it will cost \$660 per gallon per minute. This is the catch, we have to do the pump test. To do the pump test we are

looking at \$20,000-\$25,000. The pump test has to be done before we know if we have to proceed. The feeling of 6 companies was you are for sure going to be able to do it and you're going to get anywhere from 3-800 gallons per minute. Dave said what he is saying is they are not running as often and they keep up and keep those tanks full for fire protection. It keeps up with the demand. Councilperson Ficklin asked what the cost was for a new motor that size. Councilperson Wills said obviously when we get in there and there are some things that need to be done and it is more cost effective to do now versus wait 2 years when it has to be done those are the things we need to look at at the time. That's an issue we are looking at. We are looking at \$70-\$80 grand for the pump and all the upgrades. With the test we're looking at about \$110 grand. It is kind of a gamble we are taking. If we wait to proceed with doing the test we would want to wait until next November as we have to take it out of commission for a 24-hour period. He has talked to Darrell about the best 24-hour time. He sees this as a really good interim solution until hopefully maybe 3 years from now we've got some secondary in the system. At that point we increase the secondary system and we don't have to worry about another well for quite some time.

14. ATTORNEY S. JUNIOR BAKER.

We have a decision we have to make in the next short time. The legislature this session passed a telecommunication tax that allows you to put a 4% tax on telephone service. Currently we do not have a tax on landlines but we do have a \$1 per month on cell phones. By May 7th we need to notify the tax commission if our rate is going to be different than 4% which is the maximum. The Utah League of Cities and Towns has notified the tax commission that we are one of the cities in the state that has cell phone tax, so right now they are anticipating they will be collecting in our behalf 4%. If we want to collect something different than 4% we need to notify the tax commission by May 7th. We need to adopt an ordinance, whatever we do, for whatever amount we want to collect and that needs to be in place before July 1st. We currently do not collect a land-line tax. The tax commission is currently planning on collecting this tax for us along with a sales tax. The \$1 cell phone tax will be gone.

Attorney Baker said we have a 5% franchise tax on cable television. Because satellite does not use rights-of-way for cableing they are exempt from that so there is a law underway, more on the federal-side than state-side, that will treat satellite and cable the same.

Councilperson Wills asked if we have a way to identify what the comparable percentage would be for the landlines in town to the cell phones we now collect for.

Atty. Baker said it would be 4% of the usage bill. Spanish Fork collects _ of 1% on their landlines.

After some discussion the Council decided on a 2% tax and told Attorney Baker to prepare an ordinance for next council.

15. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Dave asked if Councilperson Hair wanted to mention anything about the radio system at the sewer treatment center, the equipment that we have here to tie into the sewer plant. He asked Dave to go over it. Dave said the radio at the treatment plant is an old style and they can't make it compatible with the equipment here at the office. It would be \$2000 to update it. Council said that is something that can wait until next budget year. Our treatment plant budget is shot. The mayor said we need to prioritize what we are doing at the plant. We have spent a lot of money there this year.

Dave asked the mayor if he wanted to bring up before council about advertising for a feasibility study for a PI System. He said no, not until we have a work session on it.

CLOSE CITY COUNCIL MEETING

MOTION BY: Councilperson Terry Ficklin to close city council meeting.

SECONDED BY: Councilperson Durrant.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 9:20 p.m.

Jeffrey Nielson, City Recorder