

Minutes of the Salem City Council Meeting held on April 6, 2005 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:40 PM

CONDUCTING: Mayor Randy A. Brailsford.

COUNCIL PRESENT:

STAFF PRESENT:

Mayor Randy A. Brailsford
Councilperson Terry A. Ficklin
Councilperson Dale Boman
Councilperson Dale R. Wills
Councilperson Lynn Durrant
Councilperson Stanley W. Green

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

Mayor Brailsford excused Councilpersons Ficklin and Green for the first part of council meeting.

OTHERS PRESENT

Abby Higginson
Reed Cornaby
Frank Laneany
Tanner Roller
Hunter Roeller

Darren Jensen
Lucy Cornaby
Todd Roeller
Tyler Roeller

Mike Stone
Joel Bascom
Lisa Roeller
Tucker Roeller

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Brailsford asked if anyone would like to give a motivational or inspirational message. Councilperson Lynn Durrant stated she would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Mayor Brailsford asked if anyone would like to invite those who would wish to participate to stand and say the pledge of allegiance. Joel Bascom stated that he would like to. He then led the pledge of allegiance for those who wanted to participate.

46 **3. FORFEITING RICK NIELSEN'S LIEN IN LIEU OF AGREEMENT FOR**
47 **WATER LINE.**
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49 Mayor Brailsford asked if Rick Nielsen was present or anyone representing Rick. No one
50 was present. Mayor Brailsford turned the time over to Attorney Junior Baker. Attorney
51 Baker stated that the Salem City Standards requires certain items to be completed. Rick
52 wanted to build a home in an area where there was no city water, but there was existing
53 county water hookup. The standards required him to upgrade the city water line. The
54 council at that time gave him five years to complete the water line and required a lien in
55 lieu agreement. The five years was up in September 2004. At that time Attorney Baker
56 sent him a letter stating that he needed to have the improvements completed. After
57 receiving the letter Rick called Attorney Baker and told him he thought he had until April
58 2005. Attorney Baker told him he would need to contact the city council then and talk to
59 them as soon as possible. Rick never contacted the city council and it is now April. Rick
60 Nielsen was notified of the meeting tonight. It will be the council decision to determine
61 what they would like to do. Dave Johnson was wondering how likely would it be for the
62 city to get the \$35,000. Attorney Baker stated he was not sure, the lien would be on the
63 home, and would be behind the mortgage. The question was asked what size of water
64 line would he need to put in. Attorney Baker stated that the city would require an 8"
65 water line, and would run about several hundred feet. Councilperson Wills was
66 wondering if we only have a lien or were we able to get a bond too. It was stated that the
67 council agreed to do the lien-in-lieu and not a bond. Councilperson Boman wanted to
68 know if there were any other possibilities. Mayor Brailsford stated there is not. Also,
69 Rick has not made the attempt to contact the city on this. He is aware of the agenda.
70 Councilperson Wills was wondering about the expenses of the city to forfeit. Attorney
71 Baker stated there would be minimal court fees.
72

73 **MOTION BY:** Councilperson Dale Wills to forfeit Rick Nielsen's lien in lieu of
74 agreement for water line.

75 **SECONDED BY:** Councilperson Lynn Durrant

76 **VOTE:** All Affirmative (3-0).
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78 Councilpersons Terry Ficklin and Stanley Green arrived at council meeting.
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81 **4. MUNICIPAL WASTEWATER PLANNING PROGRAM RESOLUTION**
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83 Mayor Brailsford turned the time over to Dave Johnson. Dave stated the council should
84 have received a copy of the report along with the resolution. This is something we have
85 to do every year for the Department of Environmental Quality. The report is broken into
86 different sections; collections, lagoon system, and financial. The resolution states that the
87 council has read the report and agrees with it, after that the resolution along with the
88 report are sent to the Department of Environmental Quality.
89

90 Councilperson Ficklin had questions about the report; it looks like we had some points
91 deducted because we are not following the procedures from the state. The missed points

were about whether we had certain procedures in writing. He was concerned that we missed that because not that long ago he thought we had those written procedures. Also they are very easily obtained by going to the state web page. Dave stated that we are following the procedures, but we do not have them in writing. It was stated that we need to get them in writing and to have Dave follow up to make sure Mike Pritchett gets them.

MOTION BY: Councilperson Terry Ficklin to approve resolution 40605 for the Municipal Wastewater Planning Program.

SECONDED BY: Councilperson Dale Wills

VOTE: All Affirmative (5-0).

5. EASEMENT AGREEMENT WITH BOB NELSON & BILL YOUNG

Mayor Brailsford turned the time over to Attorney Baker. Attorney Baker stated that Bill Young is doing the development that is adjacent to Robert Nelson's home and property. Bill needed to get an easement agreement with Robert Nelson. There are a couple of key items in the agreement, one is there will be some roll back taxes that the developer will be responsible for.

MOTION BY: Councilperson Lynn Durrant to approve the easement agreement with Bob Nelson and Bill Young.

SECONDED BY: Councilperson Stanley Green

VOTE: All Affirmative (5-0).

6. BUSINESS LICENSE

a. Mike Eastman – Outfitter & Guide Assistants

Mayor Brailsford stated that Mike Eastman, at 933 South 225, East wants a business license to assist Outfitters & Guides who are guides for hunters. Mike would help with the guiding and do some filming. The home would only be used as an office. On occasion they would have a BBQ, but it would be less than 10 people at the home. The license has been approved by the appropriate people. The council did not have a problem with the license.

b. Lance Johnson – Construction

Mayor Brailsford stated that Lance Johnson, at 249 West 760 South, wants a business license for construction. The home would only be used for an office. He would park his truck and trailer at the home. Chief James told him the trailers and truck would have to be parked off the road at nights. The mayor stated he wanted the parking issue written on the license. The license has been approved by the appropriate people. The council did not have a problem with the license.

c. Nanette Holman – Day Care

This item was not discussed.

7. APPROVE MINUTES OF MARCH 16, 2005

MOTION BY: Councilperson Dale Boman to approve the minutes of March 16, 2005 as written.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (5-0).

8. APPROVE BILLS FOR PAYMENT

Mayor Brailsford stated that the council will need to come back to this item.

NEW COUNCIL ASSIGNMENTS

Mayor Brailsford stated at this time he would like to make new council assignments. Since Councilperson Green has taken Paul Hair's position, he would like to change some of the assignments. He will still have Councilperson Green over the same items that Paul Hair was over (Sewer, Parks/Grounds, Motor Pool, Chair Salem/Elk Ridge Sewer Board, and Co-Chair Utility Board). The only change is to have Councilperson Wills be on the Solid Waste Tec Board, and to have Councilperson Green be over the recreation.

MOTION BY: Councilperson Stanley Green to approve the new council assignments.

SECONDED BY: Councilperson Dale Boman

VOTE: All Affirmative (5-0).

APPROVE BILLS FOR PAYMENT

Mayor Brailsford asked if the council was ready to approve the bills. Councilperson Green stated that he has a question on the Safetronic invoice; it looks like an additional \$2,100 was added to the bid. It was stated that when the engineers were setting up the computer system for the headworks at the sewer plant, they felt it needed some kind of cooling system to help keep the computers from over heating. It was discussed with Paul Hair while he was still a councilperson over the sewer plant.

MOTION BY: Councilperson Lynn Durrant to approve the bills for payment.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

184 **9. PUBLIC SAFETY**

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186 Police Chief James wanted to thank the council for their support to allow the police
187 department to attend the meeting in St. George. It was exciting to have his whole
188 department there when he was awarded Police Chief of the year.

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191 **10. OPEN DISCUSSION**

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193 Mayor Brailsford asked if anyone had anything for open discussion. Don Cole stated that
194 his son Mike has a gas station in Springville that he is shutting down. He is wondering if
195 the city wants to come and look around to see if anything can be used. He said the city
196 could have what they need over there. Mayor Brailsford stated he would have Todd
197 Gordon or Darrell Miller go over first thing in the morning.

198
199 Mike Stone stated he has a concern about soccer being played at Dream View Park. The
200 park is in a residential area, and traffic is very bad during games. He is concerned about
201 a child running out in the road. He is also concerned that the residents can not use the
202 park during the time of the games. He does not think we need to get rid of the soccer
203 program, he is wondering if there could be another solution to not play games at Dream
204 View Park. Chief James stated that any time you have recreation you have an increase in
205 traffic, and it is a concern anywhere. He is aware that there is no off street parking at the
206 park. Councilperson Wills stated that he went up and viewed the area, and it is a concern.
207 He also wanted to make sure that the other concerns Mike previously had had been taken
208 care of. These concerns were; to have a toilet facility, and drinking fountain. Those
209 concerns were addressed and had been taken care of. He did notice that the traffic is very
210 busy up there. But, it is really tough when we are short on ball fields, to do different
211 recreational activities. Mayor Brailsford stated that a few years ago, before he was
212 mayor, the mayor back then wanted to sell the park to allow homes to be built there. At
213 that time it was decided that city would take care of the park instead of the home owners
214 association, just to keep the park there. The residents in the area agreed with it. Mayor
215 Brailsford stated he knows there is a concern, and he would like to have Chief James
216 have his police officers do extra patrolling in the area when ball games are being played.
217 He stated that the city is looking at additional sites for future parks. The recreation is a
218 great program, and it is better that our youth are doing that than other things that could
219 get them in trouble. Mike stated he agrees with it, and thanked the council for listening to
220 his concern.

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222
223 Councilperson Durrant asked about the drinking fountain. It has a place for a hose hook
224 up that has a knob that kids turn on and leave the water running. She was wondering if
225 there is there any way to fix that. It was stated to have Councilperson Green do a work
226 order to have that fixed.

Darren Jensen asked the council if they have heard if the new high school will have a swimming pool, like Spanish Fork's High School. It was stated that Spanish Fork's pool is owned by Spanish Fork City, and not the school. The council told Darren they have not heard of a pool coming in for the new high school.

A resident asked if the city was doing anything to stop the cookie cutter developments (meaning every house being the same). Mayor Brailsford stated that with the PUD (Planned Unit Development) ordinance that we passed recently, it will help break up the cookie cutter effect. Also, the low income housing in other developments will help break it up. Attorney Baker stated that with some of the city's standards the city can have some control, but with other aspects the city can not. Mayor Brailsford stated that we are trying to break up the effect in areas where we can.

COUNCIL REPORTS

11. MAYOR RANDY A. BRAILSFORD

Mayor Brailsford told the council to look over the information that was discussed during work session regarding the sewer plant and Elk Ridge's proposals. If you have any comments please let him know.

Mayor Brailsford also reported that there have been some problems with the subdivisions standards and developers following them. He stated that Dave Johnson has given the council a copy of the standards and has highlighted some areas of concern. This morning we had a meeting to discuss the standards. The staff was informed that the developers must follow the standards. It was also discussed to put the standards on the internet. We have had some problems recently where some developers have pushed, and some are trying to push their projects through. Recently the city has been spending a lot of time with one developer, where there have been some concerns that needed to be fixed. Every time he comes to DRC (Development Review Committee) he has not fixed those concerns. He has been working on the project for about three years, and he is stating it is the city's fault that his development is not done. But he has not done anything to get the canal company to sign off on the plat, nor to get permission to drill under the canal. The easements are still not in place. There are still a lot of concerns that need to be addressed. He has also changed the road from what was shown on the preliminary plat. The standard states that if there is a change on the plat from the preliminary plat it would need to go back to Planning and Zoning, and city council for approval. In the DRC it was stated that when the plat came in for approval, with the change on the road, it should at least be discussed with the councilperson over roads (Councilperson Wills). Councilperson Wills felt that it should come before the council. It was also stated that the engineer for the city (Bruce Ward) still has some concerns. Mayor Brailsford stated that because of the different committees that review the developments, they are there to make sure the developments are done correctly, and are what is best for the city now and in the future. Councilperson Wills and Mayor Brailsford stated that with the concerns on the road, and

with the concerns that Bruce Ward has, they feel the developer should come back to council to have the concerns addressed. It was stated that Bruce Ward will write a letter to the developer letting him know he will need to come back to council to address the concerns.

Mayor Brailsford stated that the plumbing for the new civic center is being done by Gary Warner, and Eric Weight will be doing the cement for the floor on the following week.

There is a concern up at the cemetery with the new stone fence that is being installed. The mayor was hoping the developer putting the fence in would have put a curb, instead he put curb and gutter. He was also hoping for a place in the curb to put flags, and to have a space where some nice shrubs could be planted, but neither was done. He will have to look at something different to do now.

12. COUNCILPERSON DALE BOMAN

Councilperson Boman stated that there is a scout that needs to get his Eagle Project approved. Councilperson Boman then turned the time over to Tanner Roeller. Tanner stated for his Eagle Project he wanted to give back to the city recreation. He wanted to put foul-line post on the ball field. His grandfather would be helping him build them, and then Tanner would paint and install them along with some help from his scout troop. Mayor Brailsford asked him about the type of paint. Tanner stated that he has talked to Home Depot to see about the paint, and they are looking into it. He figures it will take about 50 hours. Mayor Brailsford asked him if he felt this project would be worthy for the award. Tanner stated that he did.

Councilperson Boman stated that for Heritage Day there is going to be a wagon train that will start in Provo a couple of days before and make its way to Salem. It would arrive in Salem on Saturday (May 21, 2005) morning, for Heritage Day. The wagon train will have different activities on the trip, which will be independent of Heritage Day. On Sunday they are planning on holding a nondenominational church service, and on Saturday night they want to have a dance for the participants and the public. Mayor Brailsford stated he has a concern about the dance on Saturday night, because it is the night of the Miss Salem Pageant, and we told the Miss Salem that there would not be any activities that night. Councilperson Durrant feels that the dance would not interfere with the Miss Salem Pageant. She feels that both will attract different groups of people. Mayor Brailsford stated that because it is not part of Heritage Day, that we can not list it in the newsletter.

13. COUNCILPERSON LYNN DURRANT

Councilperson Lynn Durrant did not have anything to report to the council tonight.

14. COUNCILPERSON TERRY A. FICKLIN

Councilperson Terry Ficklin did not have anything to report to the council tonight.

15. COUNCILPERSON STANLEY W. GREEN

Councilperson Stanley Green did not have anything to report to the council tonight. He is happy to be part of the council though.

Dave Johnson stated that Mike Pritchett passed his sewer collection test, and is now certified.

16. COUNCILPERSON DALE R. WILLS

Councilperson Dale Wills stated that the recreation board is doing a lot of things for the recreation. The web page for the recreation is up and going and the address is www.salemrec.org. They have schedules of when and where games are being played. There will not be any information regarding the kids on it. This will be a good thing for the recreation.

There is an item that has been brought up by the board, it is a request to start a men's spring softball league. The problem is that the only time the games could be played, because of the availability of the ball fields, would be either Saturday or Monday nights. He told the board that it was the policy of the council not to have games played on Monday nights. Mayor Brailsford stated that it is not city policy. Councilperson Wills stated he thought that about three years ago the council discussed this, and it was decided not to allow games to be played on Monday night. Mayor Brailsford stated he feels that it should be left up to individuals to use their agency. Councilperson Wills stated that he told the board he would bring it up to the city council members. There was some discussion on when the games should be held. One of the suggestions would be to hold the games at night, after the other ball games are over, during the week (other than Monday night). Mayor Brailsford did a roll call. Councilperson Wills did not want games played on Monday night, Councilperson Green did not want games played on Monday night, Councilperson Ficklin did not want games played on Monday night, Councilperson Durrant did not want games played on Monday night, and Councilperson Boman did not want games played on Monday night,

Councilperson Wills had another item. He stated in work session that the work for the secondary irrigation was discussed, and about the 207 funding to help pay for the project. He stated that we need to get Bruce Ward, from Aqua Engineering, to begin working on the study for the project, and to look at impact fee's for secondary irrigation. We need to approve a work order for him to begin the study. The feasibility study would not exceed

\$15,000, the impact fee study, for culinary water, would not exceed \$4,500, and the pressurized irrigation impact fee study would not exceed \$4,900.

MOTION BY: Councilperson Wills to approve the work order for the impact fee study for culinary water and pressurized irrigation, and CUP 207 funding feasibility report.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

CLOSE CITY COUNCIL MEETING

MOTION BY: Councilperson Terry Ficklin.

SECONDED BY: Councilperson Dale Boman

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 9:10 PM

Jeffrey Nielson, City Recorder