

Minutes of the Salem City Council Meeting held on October 19, 2005 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 Dale R. Wills
Councilperson Terry A. Ficklin
Councilperson Stanley W. Green

STAFF PRESENT:

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

Excused from council meeting:
Councilperson Dale Boman

OTHERS PRESENT

Lane Henderson
Philip Harding
Joel Higginson
Lucy Cornaby
Earl Davis

Paul Tervort
Matt Nelson
Julie Higginson
Spencer Anderson
Larry Hansen

Erik Edwards
Gary Wride
Reed Cornaby
Justin Hall

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Brailsford asked if anyone would like to give a motivational or inspirational message. Reed Cornaby stated he 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. Councilperson Dale Wills stated that he would like to. He then led the pledge of allegiance for those who wanted to participate.

3. ROBERT NELSON/BILL YOUNG – DISCUSSION OF 500 EAST SIDEWALK

Mayor Brailsford asked if either Robert or Bill were present. Neither was present, but Matt Nelson was in attendance to represent Robert. Mayor Brailsford told Matt that on

the 500 East sidewalk, the city has met with Merrill Brindley many times, at each meeting his wish list, of what he would like the city to do in front of his property in trade for quit claim deed for the sidewalk, gets bigger. The city can not afford to provide all of the items Merrill is requesting. The council discussed this during work session, and feels that it is the developer's responsibility to make sure that the sidewalk is installed, since it is their development that is creating the need for the sidewalk. The council has given two options for Robert and Bill. The first is that the two of them can work something out with Merrill encompassing what the city would require for a sidewalk. Matt asked about having the sidewalk on the other side (west) of the road. Mayor Brailsford expressed his concern that there would be the school bus connection there at the 600 South intersection; we also do not want the kids crossing that intersection. The other option would be to work something out with Merrill to make the intersection at 600 South and 500 East a safer intersection, along with getting the easements and a sidewalk down 500 East to 850 South, and connecting to Highland Homes (Autumn Hills Subdivision), another development coming into the area. Mayor Brailsford asked Matt to let Robert know of the options for him and Bill Young.

4. ROBERT NELSON – POSSIBLE LAND TRADE IN PLAT D OF MOUNT LOAFER VIEW SUBDIVISION

Mayor Brailsford asked if this was the phase that Robert would be required to have the sidewalk completed on 500 East. It was stated that it was supposed to be done in Phase 2; this is Phase 4 that we are talking about. It was stated that part of the sidewalk has been bonded for by Robert. Matt was wondering about having Bill Young Bond for his portion. It was stated that they could be an option, especially where Bill is not ready yet.

Mayor Brailsford stated that the land trade was discussed during work session last council meeting. The land trade is to give Robert Nelson a small portion of property that would be future cemetery/park on the south end of the subdivision and in trade Robert would have one of the lots removed from his subdivision to have a road built for access into the future cemetery/park. The council felt that this would be a good trade.

MOTION BY: Councilperson Terry Ficklin to approve the land trade in Plat D of Mount Loafer View Subdivision.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

5. ROBERT NELSON – PRELIMINARY PLAT APPROVAL, MOUNT LOAFER VIEW SUBDIVISION PLAT D

Mayor Brailsford asked if the preliminary plat had been discussed in DRC (Development Review Committee). It was stated that it has been discussed. Bruce Ward stated that in DRC when the plat was talked about, there was discussion of rearranging some of the light poles, and also doing the drain system a little different. He stated that when they

bring in the plat showing the infrastructure, we will be able to make a better suggestion on the drainage. Matt Nelson stated that he does have something different showing the new placement of streetlights, and showed where the pipe for the drainage would be. Matt brought the plat to the front to show Bruce.

MOTION BY: Councilperson Terry Ficklin to approve the Preliminary Plat for Mount Loafer View Subdivision Plat D.

SECONDED BY: Councilperson Dale Wills.

VOTE: All Affirmative (4-0).

6. JOEL HIGGINSON – SUBDIVISION WAIVER (800 SOUTH 300 WEST)

Mayor Brailsford turned the time over to Joel Higginson. Joel stated he came to council meeting tonight to get permission for a subdivision waiver. He has some property that he wants to build on, but it needs to be subdivided. Mayor Brailsford asked if there were any comments. Bruce Ward stated that all of the infrastructure is in place, the lights, sewer, water, fire hydrants, etc. Mayor Brailsford explained to the public that the subdivision waiver only allows the builder to wave the formal plat. All other subdivision standards must be met. Dave Johnson stated that DRC was okay with it.

MOTION BY: Councilperson Stanley Green to approve the Joel Higginson – Subdivision Waiver.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

7. CHANGE INTERLOCAL AGREEMENT WITH SUVMWA – FULL TIME ENGINEER

Mayor Brailsford had heard from someone that they were worried that SUVMWA (South Utah Valley Municipal Water Association) would not pass this. Councilperson Dale Wills, who is also the chairperson for SUVMWA, stated that SUVMWA was okay with the agreement, but did have some changes. He asked Attorney Baker if he had the changes. Attorney Baker stated he did not. Councilperson Wills then went over the changes with Attorney Baker and the council. He stated that in Section 5, to change the 120 days to withdraw to 90 days and that SUVMWA may terminate immediately if Salem changes engineers. They are concerned if Salem hires an engineer that will not work with SUVMWA. Section 4, Salem City would have a budget ready by March 1, rather than February 1. Section 3, the last sentence about SUVMWA would be responsible for paying the percentage of benefits. When the idea of sharing an engineer was presented to SUVMWA, it was presented that only wages and direct supplies. And in Section 4, to change the payment time to 60 days rather than 20 days. This is because SUVMWA only meets once a month, therefore the bills will only be approved then.

Mayor Brailsford asked Attorney Baker to read the changes back to the council. Attorney Baker stated the changes are: Section 3, change the beginning billing period to November rather than August. Section 4, to change the budget to be ready by March 1, and not February 1. Change payment due date to 60 days and not 20 days. And Section 5 to change 120 days to 90 days written notice, and may terminate immediately if Salem changes engineers.

Bruce Ward stated that Attorney Baker had left out the changing the benefits being paid by SUVWMA. That should be taken out, just because when it was presented to them it was stated only wages would be included, nothing was mentioned about benefits. Attorney Baker felt that when you look at wages, in this circumstance, you should include benefits also. The council agreed with Attorney Baker and felt that wages do include benefits. It was stated that if the benefits were taken out of the contract and have it read wages, that wages would mean wages and benefits. It was determined to change the agreement to read wages. There was some discussion on the term of the agreement, but it was decided to leave it at 50 years.

Mayor Brailsford asked if there were any other questions, there were no other questions.

MOTION BY: Councilperson Dale Wills to approve the interlocal agreement with SUVWMA regarding a full time engineer, with the stated changes by Attorney Junior Baker.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (3-0).

Councilperson Stanley Green left council chambers at 7:50 p.m.

8. GARY & KAY WRIDE ANNEXATION (10109 SOUTH 1300 WEST)

Mayor Brailsford turned the time over to Gary Wride. Gary stated he wanted to build a shed on his property. When he went to get a permit from the county, he was told that his lot was not in compliance. He has talked with his brothers and sisters, and they are agreeing to be annexed into the city. He is not sure if Monty Christensen, who owns the property next to him wants to come in or not. The same is with Larry Hansen, he is not sure if he wants to be annexed in or not. Gary approached the council bench and showed them on a map the location of the property that he would like to have annexed in. Mayor Brailsford asked Larry Hansen what he wanted to do. Larry stated that they did not sign the petition to be annexed in, but if they are okay with it either way. Dave Johnson and Attorney Baker reviewed the map with Gary and discussed some of the other property that would need to be annexed into the city. Attorney Baker stated that the Reynolds and Miller property would need to be annexed into the city. This would be to avoid any peninsula that, by law, can not be created in annexations. Mayor Brailsford stated that Gary is here tonight to see if he should proceed with the annexation process or not. He

would need to have the Miller Mobil Home and Chet Reynolds properties be included in the annexation.

MOTION BY: Councilperson Lynn Durrant to allow the Wride annexation to proceed with the annexation process, but the annexation will need to include the Miller Mobil Home and Chet Reynolds properties.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (3-0).

9. APPROVE MINUTES OF OCTOBER 5, 2005

MOTION BY: Councilperson Lynn Durrant to approve the minutes of October 5, 2005 as written.

SECONDED BY: Councilperson Dale Wills.

VOTE: All Affirmative (3-0).

10. APPROVE MINUTES OF OCTOBER 10, 2005

MOTION BY: Councilperson Terry Ficklin to approve the minutes of October 10, 2005 as written.

SECONDED BY: Councilperson Dale Wills.

VOTE: All Affirmative (3-0).

11. APPROVE BILLS FOR PAYMENT

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

SECONDED BY: Councilperson Dale Wills.

VOTE: All Affirmative (3-0).

12. PUBLIC SAFETY

Police Chief James stated that they had a good time at the public safety fair; a lot of work went into it. He was very disappointed that not very many people showed up to support the fair. He was hoping to have more people come.

Jeff Nielson stated that there was a change on the agenda; the agenda that was posted, and sent out to the council, had an item added to it. He stated the copy that he gave the mayor was a copy of the old agenda. It was missing item # 9, A Resolution Establishing a Recreation Playing Field Rental Policy.

Mayor Brailsford stated that Councilperson Green talked about this last council meeting, and it was approved last council meeting, but we needed it as a resolution. So we need to approve resolution number 101905, Establishing a Recreation Playing Field Rental Policy.

MOTION BY: Councilperson Terry Ficklin to approve resolution 101905 Establishing a Recreation Playing Field Rental Policy.

SECONDED BY: Councilperson Dale Wills.

VOTE: All Affirmative (3-0).

13. OPEN DISCUSSION

Mayor Brailsford asked if anyone present had anything for the council tonight.

Spencer Anderson was wondering why, on North Main Street, there is not a sidewalk. It was stated that when development happens along the road they will be required to install sidewalk, also that road is not shown on the master plan as being a major road.

Erik Edwards was wondering if the cost of building, because of the hurricane, would have any effects on utility rates. It was stated that it should not have any affect on any rates at this time.

COUNCIL REPORTS

14. MAYOR RANDY A. BRAILSFORD

Mayor Brailsford reported that the artisan well at maple canyon has come back. Our springs at water canyon are up another 30 gallons per minute, and we are only pumping two hours a day.

The trusses for the new civic center are in, and should be installed the following day. Mayor Brailsford asked the council members to review their budgets, keep an eye on them, and what they are spending.

15. COUNCILPERSON DALE BOMAN

Councilperson Dale Boman was excused from city council meeting.

16. COUNCILPERSON LYNN DURRANT

Councilperson Lynn Durrant wanted to remind the public and council that there will be a meet the candidate night on Tuesday, October 25, at 7:00 p.m. at the city office in the

council chamber. The chamber is hosting the meeting, and she encourages everyone to come.

17. COUNCILPERSON TERRY A. FICKLIN

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

18. COUNCILPERSON STANLEY W. GREEN

Councilperson Stanley Green was excused early from council meeting.

19. COUNCILPERSON DALE R. WILLS

Councilperson Dale Wills reported that the updated interlocal agreement with SUVMWA will be ready soon for approval.

Mayor Brailsford stated that the memorandum from Strawberry Water should be completed soon also.

20. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Dave Johnson reported that, Mike Pritchett told him the electrical heater for the generator at the sewer plant has gone out. Dave has a couple of bids, one is from Codel Electric for \$1,176 and the other one is from Electrical Wholesale for \$1,537. The sewer plant is all electric; there is no gas down there. The heaters are 3 phase heaters, and both bids are for the same type of heater. There was some discussion of what account to take it out of. It was stated to take it out of account 52-72-76 (Sewer Plant Building Supplies and Maintenance).

MOTION BY: Councilperson Terry Ficklin to approve the purchase of a heater for the sewer plant from Codel Electrical.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (3-0).

Dave also reported that there is a group of affordable housing lots in Nelson Landing. They are surprised that the city is requiring sod rather than seed for the lawns. In the past we have allowed seed, but then the ordinance was changed. Councilperson Ficklin stated that this would require a change in the ordinance if the council were to change it back again. Councilperson Wills stated that when they changed the ordinance to require sod, it was for a reason, and he feels we should stay with the sod. Dave stated he would let them know.

Mayor Brailsford asked Bruce Ward, city engineer, if he had anything to report tonight. Bruce stated that he has been looking at the electrical impact fee. He received a bid from Comlink for \$7,900 to update our electrical impact fee. Attorney Baker stated that we need to look at doing a master plan for our infrastructure also. Mayor Brailsford stated that by law we should be reviewing our impact fees every five years. Bruce stated that a lot of our impact fees help to pay for the infrastructure and capital improvements. He is wondering what the next step would be. Mayor Brailsford stated he would like to have another bid from someone else, he feels a RFP needs to be done for the sewer and electrical impact fees.

Mayor Brailsford told the council that a public meeting needs to be scheduled to inform the public about the secondary irrigation, and where the city wants to go with it. He asked the council what night would be good for them. After some discussion, it was determined to look at the 9th of November, and see about having it held at the school.

Bruce stated, that at the sewer plant, the TSS test results for the sewer lagoon came back at 0 (zero). He stated that nobody at the state level has ever heard of this at a lagoon. They even called to make sure Mike Pritchett took the test at the correct spot. He stated that he had. The sewer lagoons are looking really good right now.

21. ATTORNEY S. JUNIOR BAKER.

CLOSE CITY COUNCIL MEETING

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

SECONDED BY: Councilperson Dale Wills.

VOTE: All Affirmative (3-0).

MEETING ADJOURNED AT: 8:35 p.m.

Jeffrey Nielson, City Recorder