

Minutes of the Salem City Council Meeting held on August 21, 2002 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:33 p.m.

CONDUCTING: Mayor Randy A. Brailsford.

PRAYER: Councilman Dale Boman.

PLEDGE: Tyrel Carter.

COUNCIL PRESENT:

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

STAFF PRESENT:

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

Councilman Reid W. Nelson was excused from council meeting.

OTHERS PRESENT

Kelsey Hales
Alyson Jenkins
Bart Mortensen
Norm Cluff
Mary Sivertsen
Euniece Brenchley
Tim Hall
Mike Jenkins
Gary Warner
Jared Warren
Ernie Thornton

Janet Johnson
Wes Jenkins
Rod Barney
Mike Parker
Richard Carter
Clark Brenchley
Reed Cornaby
Torri Jenkins
David B. Johnson
Linda Lane

Mae Wilson
Frank Johnson
Jessica Cluff
Karen Parker
Tyrel Carter
Lori Hall
Phil Porter
Mark Walker
Joseph Wing
Mike Christianson

1. PUBLIC HEARING

Mayor asked for a motion to open the public hearing.

MOTION BY: Councilman Dale Wills to open the public hearing.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (4-0).

a. Bartell Mortensen – Flag Lot at 265 S. 200 E

Bart explained that he would like to build a single level home with a basement. The drive way would enter on 200 East. Wes Jenkins mentioned to the council that during the planning and zoning meeting some stipulations were made, and wondered if the council had those. The council stated that they did have the minutes from Planning Zoning meeting and that they are aware of the concerns that were mentioned in that meeting. Wes also gave the mayor a petition from all of the neighbors stating they did not want Bart to build a home, because he would make it a rental home. Alice Jenkins stated that the lot is a flag lot, and that they were caught by surprise that the city passed the ordinance allowing flag lots. Mayor Brailsford stated the general plan is open right now for the public to review and make comments on it. He stated that so far we have only had a couple of people come to look at the plan, and it would be nice if we could have more people come and review it. Councilwoman Peterson stated that when the flag lot ordinance was brought before council, it was tabled many times before it was actually voted on. She also mentioned that if the Jenkins wanted to go through the same process that the flag lot ordinance went through to get approval, they could try to get it amended.

Clark Brenchley stated that he lives on a flag lot, and was wondering if the city looks at the services (water/sewer) and requires the developer to install the services before the lot is bought. When he bought the flag lot, the sewer to the main road would require him to have a pump to hook on to that line. Instead Clark had to raise his home 8 feet, and then his sewer line partially froze last winter because it was not deep enough. He was wondering if these services are considered for flag lots. Mayor stated that before a home is built it should come before our Development Review Committee (DRC). This committee is responsible to make sure that everything is in place before the home owner can build. Dave Johnson also stated that a pump is allowed by the code.

b. Norm Cluff – Amend Bridle wood Estates Subdivision Plat by Dividing lot # 10 into Two Lots (138 W. 400 N.)

Norm Cluff would like to apply for a subdivision amendment. He has a lot that is about 7.8 acres. He would like to take out a little more than 1 acre from that lot to make two lots. Mayor asked the citizens if there were any concerns. Mike Parker stated that he is concerned with the buildability of the lot. The lot is below the ponds dam. He stated that he bought his property from Norm when they were living in California. Mike feels that he was not told the whole truth about his property, and is worried about someone else buying this land and knowing the whole truth. Mike was also concerned that the land is in a wet land area. Mayor Brailsford asked Norm about the horse trail that was supposed to be put in. Norm stated that in the original plan, the 10 lots around the pond, there is a 10 foot right of way around the pond for the horse trail. The lots are not all sold and some of

the owners have not put the trail in yet. Tim Hall was wondering if the last lots needed to be fully developed with curb and gutter. Mike Parker stated that he was wondering about the stables and the pressurized irrigation. The mayor asked Attorney Baker what the city has in place to protect the land owners. Attorney Baker stated that if the subdivision plat meets our ordinances then the city does not have a lot they can do to protect the buyers.

Norm stated about the stables, that one lot owner could have animal rights. The lot designated is the larger lot, and who ever purchases it may board the animals for the other home owners. Mary Sivertsen stated that when she bought her lot 10 years ago, they had a horse there, but the land was so wet that they had to move the horse. She is also concerned about Norm subdividing again and again. Mayor asked David Johnson if we are requiring an engineering stamp. Dave stated that we would require an engineer stamp regarding that the wet lands and that the ponds dam would be safe. Clark Brenchley stated that he has lost a couple of feet along his path because of the flood area.

Lori Hall stated that when they first built there they were shown a different plan than what the original was plan was. Norm stated that the plan that has been recorded is the plan that has to be used. He also stated to Mary that her house was an existing home. Norm told her that he is not sure when the stables would be in place, but until then she could use the pasture free of charge. As for the Brenchley's path, Norm stated that when they cut the hillside to put in the trail they noticed that there was seepage along the path. Clark then put some gravel along the path. Norm stated that the original plan was to have the horse trail around the pond, but from what he hears now, no one wants the path.

Norm stated that he has an established subdivision, and would like to make one of the larger lots into two lots. The one lot would have the ponds dam, but the home would not be built on the hill side of the pond. He has called the corps of engineers and informed them of what he would like to do so they could come out and make sure everything is ok. On the second lot, the larger of the two, the home would be built above the pond. Euniece Brenchley stated that what ever happens there should be a full evaluation of the water drainage system, especially for Lew Christensen property to the west of this subdivision. Lori Hall was concerned about the improvements being fully completed before the lots are purchased. She later found out that there was not a bond in place to make sure that the improvements were done. Dave Johnson stated that the plat was recorded before he started working for the city. Lori Hall also wondered about the city requiring Norm to have the soil testing, and an engineer look at the property. Dave Johnson mentioned that the city does require a Geo Tech Study to be done, but whether it is the home owner or the developer, it is up to them. Mayor Brailsford stated that we need to move on.

c. Frank Johnson – Conditional Use Permit for Twin Home At 660 S. 100 E.

Frank Johnson would like to build a twin home on the property that Jeff Montgomery proposed a few months ago in council meeting. The time period has elapsed so that is why Frank had to come back for council approval. Mayor asked if it had the same conditions as Jeff Montgomery had. Councilwoman Peterson stated that planning and zoning put on the same conditions that were put in place for Jeff Montgomery.

Mayor asked for motion to close the public hearing.

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

SECONDED BY: Councilman Dale Boman.

VOTE: All Affirmative (4-0).

In reference to Bartell Mortensen's flag lot, Mayor Brailsford had a concern with the driveway. He was wondering if the drive way could go on an angle to get it away from the home and, so it is not on the corner of the road. David Johnson explained to the mayor that it would not work because of the layout of the property, and that the city doesn't allow having less than a 100' frontage.

Councilwoman Peterson stated that DRC and Planning and Zoning both recommended the flag lot with conditions. Most of the conditions are already included in the flag lot ordinance, and the other conditions were to have a fire hydrant, curb, gutter, and sidewalk. Planning and Zoning added that a sound barrier fence should be added also. Councilwoman Peterson felt that the sound barrier fence should not be required, it would be too costly to install and would not really work. Mayor asked if Bart had any problems, Bart stated he would like to put a fence with chain link and concrete. David Johnson stated that as long as it meets the requirements, the fence would be ok. David Johnson would like to see a bond put in place for the improvements in the front, and wait until the general plan is done to see what the recommendations would be. Dave would hate to have the improvements put in and then have to dig them up because of a change in the general plan. The Jenkins asked if the petition means anything. Councilman Fickin stated that with the flag lot ordinance, if the owner has everything in place that the council has to make their decision according to the ordinance. The council can place conditions on the lot.

A. **MOTION BY:** Councilwoman Vicki Peterson to approve the flag lot of Bartell Mortenson at 265 South 200 East, with the following conditions; that it meets all of the minimum standards of the ordinance, along with the conditions that there is a one story house built on the lot, a fire hydrant is installed, and a vision barrier fence placed on the south end of the property (along the pole and the 100' portion of the property)

Mayor asked Bartel if he has read the ordinance, and if he feels like he can comply with the flag lot ordinance and the conditions mentioned tonight. Bartell said that he could.

SECONDED BY: Councilman Dale Boman.

VOTE: All Affirmative (4-0).

Mayor Brailsford asked Norm if he would like to state anything else. Norm stated that when he originally designed the lot he should have designed the two lots then. Now he wants to get a large lot and make two lots out of it, a small one and a large one. He is not subdividing; he would be amending the subdivision. Councilman Ficklin read in the DRC minutes that if Norm would like to amend that plat he would have to have all of the signatures of the land owners in the subdivision. Attorney Baker stated that Norm could have done it that way, or he could do the amending with a public hearing, like he is doing now. Councilman Ficklin also mentioned that DRC stated that Norm would have to get the engineering approval with the amending of the plat.

B. **MOTION BY:** Councilman Dale Wills to deny the amending of Bridlewood Estates subdivision plat.

SECONDED BY: Councilman Terry Ficklin.

VOTE: Councilman Dale Wills and Councilman Terry Ficklin voted Affirmative, Councilman Dale Boman voted nay, and Councilwoman Vicki Peterson abstained from voting (2 – 1).

In Reference to Frank Johnson's conditional use permit, Councilwoman Peterson stated, the home Frank would build is actually better than what was originally designed, especially the way it will be placed on the lot.

C. **MOTION BY:** Councilman Dale Wills to accept the twin home for Frank Johnson with the same conditions that were placed in DRC and Planning and Zoning.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (4-0).

2. Ordinance Establishing Water Annexation Fees.

The mayor asked the council if they have read the ordinance, and if they had any questions. Mayor asked Attorney Baker to explain the ordinance. Attorney Baker stated that this is a follow up from prior discussions on water annexation fees. The value of the water has gone from \$1,700 per acre foot to \$1,400 acre foot. Attorney baker stated that by changing this, they feel it is a fair price. He also stated the ordinance is pretty straight forward.

MOTION BY: Councilwoman Vicki Peterson to accept the Ordinance Establishing Water Annexation Fees.

SECONDED BY: Councilman Dale Boman.

VOTE: All Affirmative (4-0).

3. Business License

a. Linda Lane – Internet Scrap booking Sales

Mayor Brailsford asked Linda if she would explain to the council what she would like to do. Linda stated that she will be selling scrap book supplies over the internet.

Mayor Brailsford asked Chief James what his concerns were. Chief James stated that in the ordinance for home business it states that the storing of supplies is not allowed.

He was not sure if she would be storing the products at her home or not. Linda stated that she buys her products in Spanish Fork, so she would not be storing the product.

The mayor also asked her if she felt she could comply with only having 15 percent of the homes floor space for business use. Linda stated that she would not be using that much space for the business. She also stated that it would be retail sales, and that she does have a tax ID number. Mayor stated that he does not have a problem with it, but on the back of the license it should state that she is not allowed to store the product at the home.

b. Steve Bird – Painting

It was mentioned that Steve wants to have his home as the office. He paints new homes. The license was approved by the appropriate people. Mayor and council see no problem with it.

4. Phone System Approval

The Mayor asked the council how they felt about the three companies that came to work session. Jeff Nielson stated that the office staff felt that the Utah Phone Company would be the best one. Their bid was lower and the phone system will do what we need it to do. The council felt that they would like to see a more detailed proposal put together, especially on the product and the warranty, and then have Councilman Ficklin review the proposal. Mayor Brailsford stated that the city imposed a cell phone tax of \$1.00, and that money would pay for the new phone system.

MOTION BY: Councilman Terry Ficklin to go with the Utah Phone Company, with the understanding that Utah Phone Company puts together a detailed proposal to have Councilman Ficklin reviews it.

SECONDED BY: Councilman Dale Wills.

VOTE: All Affirmative (4-0).

5. APPROVE MINUTES OF AUGUST 7, 2002

MOTION BY: Councilman Dale Boman to approve the minutes of August 7, 2002.

SECONDED BY: Councilwoman Vicki Peterson.

VOTE: All Affirmative (4-0).

6. APPROVE BILLS FOR PAYMENT

The Mayor would like to hold off paying the Utah County Task Force until we get our portion of the bill from Woodland Hills. He also has a question on the LEI invoice.

MOTION BY: Councilwoman Vicki Peterson to approve the bills, except the Utah County Task Force and LEI.

SECONDED BY: Councilman Dale Boman.

VOTE: All Affirmative (4-0).

7. PUBLIC SAFETY

a. Purchase of New Computers & Guns for Police

Police Chief James would like to move the purchase until the second council meeting in September (September 18, 2002).

Mayor Brailsford was wondering if there is a program in place here or in other cities to teach kids street smarts. He would like to see something that can be taught to kids and their parents. With the crimes we are hearing about now, it would be nice to have our kids taught what to do in different situations. Police Chief James stated that he has put something together that might help. He also mentioned that if residents would learn to lock up their homes and cars it would help out a lot. Also, if they see or hear anything out of the ordinary to call the police. Chief James stated that he could work on getting something put together.

Euniece Brenchley mentioned that she used to be a school teacher, and would be willing to volunteer with the street smart class.

Chief James stated that Officer Kerby has been working at the city for about a year, and has done a great job. Officer Kerby would like to have the council approve October 13 – 19 to be designated as pet week. Saturday the 19 would be a fun day at the park with pet owners and their pets. There would be a pet show, with best pet costume, dog vaccination and micro-chipping. The Spay and Neuter van would be at the park on the 17th and 18th of October. The council thought that would be a good idea.

8. OPEN DISCUSSION

Mayor Brailsford asked if anyone had anything for open discussion. Gary Warner had a question for Attorney Baker about the flag lot that was approved tonight. Gary was wondering if the city could put in the conditions that the lot would have to have a home owner rather than a renter. Attorney Baker stated that we could but, we would be spending a lot of time and money fighting law suits.

LaVera James wanted to thank the city for the recognition of Family of the year, she was very grateful for the city and for the residents of Salem.

COUNCIL REPORTS

9. MAYOR RANDY A. BRAILSFORD

Mayor Brailsford stated that he has an LEI Work Release that needs to be approved. He stated that out where Olson's Greenhouse is going we need to make sure that we get a big enough utility lines placed in. The cost would be \$2,300 for LEI to do the study. Mike Christiansen from LEI stated they will be doing a visibility study to see if the city can have the sewer flow and the water coming in. LEI would gather the information needed for a final design to make sure it would work. Mike was asked the question if the study includes the sizing of the lines, he stated that it does.

MOTION BY: Councilwoman Vicki Peterson to approve the work release # 5 for engineering work for LEI.

SECONDED BY: Councilman Terry Ficklin.

VOTE: All Affirmative (4-0).

10. COUNCILMAN DALE BOMAN

Councilman Boman would like to thank all of the residents that helped with Salem Days. He felt it was a great success.

He was wondering about the water tank at the pond where the water trucks fill up. He thought it was supposed to be gone by the time school started. It was mentioned that it would be gone the first part of September.

He also mentioned that the diagonal parking lot painting looked good out in front of the city office and the church, but thought they were too small. It was mentioned the Brent Hanks painted the lines, he painted the cross walks. Councilman Wills stated that he did not know anything about the painting. Mayor Brailsford was wondering why the strips and cross walks were painted before the bike path, and stated he would talk to Todd Gordon about it.

Councilman Boman also mentioned that a few residents are happy about the repairs that have been made to the sidewalk on 100 South.

Lori Hall was wondering what it would take to get the improvements done on Bridalwood Estates. Neither the sidewalk nor the secondary irrigation is completed. The mayor stated that the secondary irrigation is required to be in place by all subdivisions, but they would not get it until the city has it in place. The council also stated that this particular plat was reordered before a lot of the requirements on plats were in place. Mayor Brailsford stated to Dave Johnson that he is not issue another building permit in that estate until sidewalk and street lights are in. If the city still has the bond, and it is still good, then cash it in to get the improvements done. The city requires the developer to complete certain requirements whether the developer does it himself, or by having the lot owners do it.

The statement was made by Mary Sivertsen, that if a developer complies with the standards of the subdivision, that the plat is approved. Once that subdivision is there, and people buy into it, (even if it is 10 years later) and the standards have changed. What provisions if any, are in place for a home owner who buys into the subdivision 10 years later. Mayor Brailsford stated that the city would only require what the standards for the subdivision were, back when it was approved. If it takes the developer 10 years to sell it, then that is the developer's choice.

The question was asked if a developer were to amend the plat are they required to adhere to the new standards. Not by amending a plat. Also, to amend the plat the developer would have to come into city council for approval with a public hearing, or have all of the land owners sign off on it.

Jared Warren had a question for the council on an Eagle Project. He mentioned he had a list and was wondering what was still available on the list to do. Councilman Boman told Jarred that he need to come to him for ideas, then when they have the idea put together and are ready for the eagle project to be approved, they can come before council. But they have to have all the information ready and have met with Councilman Boamn.

Mayor Brailsford stated to Councilman Boman that he needs to tell the family that they need to put the money up front for the Eagle Project, then when it is completed the city could reimburse the family. This would give more motivation for the scout and parents to get the project done. The city has a lot of left over supplies for Eagle projects that were never finished.

11. COUNCILWOMAN VICKI H. PETERSON

Councilwomen Vicki Peterson stated that Youth Council is accepting applications now until the 5th of September. The ages are 15 to 18, as long as they turn 16 before December. They are doing a lot of great projects, and have some great leaders.

Planning and Zoning is planning a public hearing for the general plan. The planning zoning public hearing will be on the next scheduled planning and zoning meeting which will be on Tuesday September 10, 2002. It has been open to the public and there is still time for residents to come and look at it. It was suggested that it be put on the marquee that the general plan is still open to the public from now until the public hearing for planning and zoning.

Mike Parker mentioned that he would like to see different committees put together to help improve the city, beside the committees that they have. Look at committees for trails, or even landscaping.

Mike Jenkins from the accelerated ball team came to the city council to present them a check from the ball tournament that they held. Mike stated that they had a lot of compliments regarding our new ball field. Mike was hoping that Gary Warner, recreation director, was still here so he could give the check to him and tell him thanks. It was stated from the council that they were very impressed with how the teams took care of the fields and the cleaning up after themselves. They did a great job. Mike also mentioned that a lot of the players donated their time to help umpire and other duties to help with the tournament.

12. COUNCILMAN DALE R. WILLS

Did not have anything to report to the council.

13. COUNCILMAN TERRY A. FICKLIN

Did not have anything to report to the council.

14. DAVE JOHNSON, PUBLIC WORKS DIRECTOR

Dave Johnson mentioned that on 8000 South where it ties into Beet road, the master plan calls for a 78 foot right of way. That would be big enough for three lanes. The city needs to look at making that bigger in the new master plan. If we get the growth out there, we need to make sure the roads are big enough.

15. ATTORNEY S. JUNIOR BAKER.

Did not have anything to report to the council.

CLOSE CITY COUNCIL MEETING

MOTION BY: Councilman Terry Ficklin.

SECONDED BY: Councilman Dale Boman.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 9:55 p.m.

Jeffrey Nielson, City Recorder