

Minutes of the Salem City Council Meeting held on July 16, 2014 in the Salem City Council Chambers.

Worksession 6:30 p.m.

Mayor and Council reviewed items on the agenda.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor Randy A. Brailsford

COUNCIL PRESENT:

Mayor Randy A. Brailsford
Councilperson Janie Christensen
Councilperson Aaron Cloward
Councilperson Soren Christensen

STAFF PRESENT:

Jeffrey Nielson, Finance/Recorder
Chief Brad James, Police Chief
Junior Baker, City Attorney
David Johnson, Building Dept.
Rebecca Andrus, Engineer
Clark Crook, Power Dept.
Matt Marziale, Recreation

Excused:

Councilperson Craig Warren
Councilperson Sterling Rees

OTHERS PRESENT

Bruce Ward, Lee Evans, Linda Evans, Rick Biesinger, Bryden Biesinger, Brian Garlick, Erman Stone, Vern Bangerter, Steve Hartline, Keri Hartline

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Brailsford stated he would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Councilperson Soren Christensen invited those who wanted to participate to say the pledge of allegiance with him. He then led the pledge of allegiance for those who wanted to participate.

3. TROY KUNZ – COUNCIL REQUEST

Mayor Brailsford turned the time over to Troy Kunz. Troy stated he is here representing his father-in-law Steve Harris and himself. He wrote a letter to the mayor explaining his concerns about the fees and hope the council has read it. Mr. Harris purchased some property in Salem and found out after they had purchased it and was getting ready to build that there were some fees that needed to be paid that they did not know about. He was told

by city staff he needed to come to city council to see if the fees could be waived. He did want to thank the city staff for resolving the water right issues, after digging deep into some old files. He also recognizes that the city staff was not at fault in failing to find the electric connectors agreement.

The property that was purchased by Mr. Harris is a vacant lot at 730 East 50 North. It has utilities stubbed into the property. When they came and talked to the city about any fees associated with the property before they purchased it, they were told there was a water connector's agreement that would need to be paid to Doug Yates. Other than that connector's agreement and the basic improvements, such as sidewalk, asphalt, curb gutter, and building permit fees, they were told there were no other fees. They purchased the property with this understanding.

When the building permit was submitted and Troy began digging the hole (doing a fast track building permit) Lamar Roberts notified the city of his connector's agreement associated with the lot for power. This agreement was approved by the City Council in April 2011, but was never signed by the city or Lamar until now, when it was brought to their attention. The agreement was prepared in 2011, but was only signed recently. Mayor Brailsford indicated that he went back and read the minutes from April 2011 and found it was approved. Based on the fact the Council approved the connector's agreement, he signed the agreement now. The city is requiring Troy to pay his portion of the connector's agreement for Lamar Roberts, which is \$3,024.11.

Troy is still concerned about the Lamar Roberts connector's agreement. He felt he had done his due diligence in asking the city about the fees and the property. He feels because the city told him at that time there were no fees, he should not need to pay the connectors agreement, and would like to resolve the issue.

Councilperson Soren Christensen asked Troy if he had talked to Mr. Roberts. Troy stated he did not, as he was unaware of the connectors agreement and he had purchased the property from Joyner's, who did not tell him anything about a connectors agreement.

Mayor Brailsford stated he agrees with Troy in the fact that city staff is not at fault, we have relooked at the process for getting information for connector's agreements, and he apologizes that for some reason this one connectors agreement went unnoticed. He stated back in April 2011 the council approved the connector's agreement, but it went unsigned. By law it is valid and will need to be paid either by Mr. Harris or the city would need to pay for it. Mr. Roberts has the right to be reimbursed for the power improvements that were installed in front of the Harris property.

Councilperson Janie Christensen told Troy she understands and feels for him in his situation, but feels the city should not cover a \$3,024 bill, as the Mayor explained very well because of lack of signatures. But knowing you have to have the utilities and having the power utility is important and feels the city needs to honor the connector's agreement with Mr. Roberts. It would be Mr. Harris' responsibility to pay the connector's agreement.

Mayor Brailsford asked if there was a motion.

MOTION BY: Councilperson Janie Christensen to deny Troy Kunz request and require him to pay the connectors agreement.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (3-0).

4. APPROVE NUISANCE ABATEMENT CONTRACT

Chief James reported we have been doing the nuisance abatement for five years now and it has been going pretty well. We have opened it up for bid again, to have bids to mow the weeds on vacant lots. We will pay the company to do the work, then we charge the property owners for the work. If the property owner does not pay, a lien is placed on the property. This time we only had one company that has given us a bid. It is Mr. Tom Liddle, he also had the bid before and has been doing a good job. We had another individual interested, but they did not submit a bid. The contract would be on a year to year basis. Tom Liddle's bid was: Up to .25 acre \$70.00, .26 acre to .40 acre \$80.00, .41 acre to .60 acre \$100.00 and Partial mowing (mow strips) \$35.00.

MOTION BY: Councilperson Soren Christensen to approve the Nuisance Abatement Contract submitted by Tom Liddle.

SECONDED BY: Councilperson Aaron Cloward.

VOTE: All Affirmative (3-0).

5. APPROVE 100 EAST ROAD WIDTH

Mayor Brailsford stated the city has met with the neighbors on 100 East in the area that is in question (300 South to about 478 South on 100 East), and they all have been very good to work with. Right now we are looking at doing the sidewalk and curb gutter on the west side of the road, then at a later date in time would do the east side. Wanted to have this come to council to have the road width approved and to be able to give something to the residents in the area. If it is approved will have some quit claim deeds written up for approval and signed by the neighbors. He again thanked the residents in the area for their willingness to work on this and to help make 100 East a little bit safer for our kids.

Mayor Brailsford turned the time over to Rebecca, the city engineer. Rebecca stated after a couple of times meeting with the neighbors to come up with a plan for a safety sidewalk. During the meetings, the roadway cross sections, traffic speed concerns, and property impacts were discussed. During the final meeting on July 21 the group reached a consensus to go with 24-feet for the half-width of the road. This would include 11 feet wide travel lane, 8.5 feet for parking (7 feet for asphalt and 1.5 feet of the gutter pan), and 4.5 feet for the curb and sidewalk. The parking area can double for a location for snow placement in the winter time. This section will be mirrored on the other side of the roadway when that side has sidewalk added. Once fully constructed, the asphalt width including the gutter pan will be 39 feet. This allows approximately four feet of a buffer between vehicles as cars pass

if there is parking on both sides of the roadway. In exchange for the property owners dedicating the portion of their property for construction of the sidewalk and related improvements, the city will complete all required survey work and construction at no cost to the property owners.

Councilperson Soren Christensen asked if the money for the project would be coming from Mr. Dave Olson's development by the cemetery, as this was one of his requirements. It was stated that Mr. Olson only gave money for the sidewalk, the city would be coming up with the rest of the money for the other construction costs.

Councilperson Soren Christensen also asked about storm water concerns. Rebecca stated they are looking at different options and ways to capture it so it can be recharged. The curb and gutter in the area will also help and will design it so it will meet all requirements.

Mayor asked for approval from the council to approve the 24-foot half width for 100 East from 300 South to the existing curbed section just south of Hazel Drive, have the city pay for all expenses in exchange that the property owners dedicate the property to the city, and to direct staff to prepare documents for property dedication and design curb, gutter and pavement improvements accordingly.

MOTION BY: Councilperson Soren Christensen to approve the 24-foot half width for 100 East from 300 South to the existing curbed section just south of Hazel Drive, have the city pay for all expenses in exchange that the property owners dedicate the property necessary to the city, and to direct staff to prepare documents for property dedication and design curb, gutter and pavement improvements accordingly.

SECONDED BY: Councilperson Aaron Cloward.

VOTE: All Affirmative (3-0).

6. APPROVE SEWER PLANT HEADWORKS PUMP

Mayor Brailsford stated this item was discussed in work session. The sewer plant has a pump that was sent in to be repaired. The company that was doing the repair determined it would be less expensive to purchase a new pump. We would also like to send our other pump to be serviced when we get the new pump in. This would then give us a back up pump. Recommendation would be to purchase a new pump and send the other pump to be serviced.

The cost would be for a new pump \$8,614, and an estimated cost of rebuild of the existing pump is \$6,500. The money would come from the sewer plant unreserved fund balance.

MOTION BY: Councilperson Janie Christensen to approve the purchase of a new pump for \$8,614 and then have the existing pump rebuilt for an estimated cost of \$6,500.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (3-0).

7. APPROVE PORTABLE SPOTLIGHT FOR PUBLIC SAFETY/PUBLIC WORKS

Chief James explained about 10 years ago the South Utah County cities received a grant to purchase a portable spotlight system. It has been good, but the only issue is we are sharing it with 10 other cities. If there was ever an emergency we would not be able to get it. He has come across the opportunity to purchase another one for Salem City. This will be used by all departments and be very handy when we have to do utility repairs in the middle of the night. The cost for the portable spotlight is \$8,554 plus shipping.

The cost will be broken out into the different departments as follows: Public Safety –Police \$3,000, Roads - \$2,000, Water - \$2,000, and Power - \$2,000.

MOTION BY: Councilperson Aaron Cloward to approve the purchase of the portable spotlight in amount \$8,554 plus shipping.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (3-0).

8. APPROVE HEAT CONTRACT

Mayor Brailsford explained the HEAT program allows assistance for those who qualify to help pay for power bills. Salem City has been a part of it for a long time, this is a contract stating we will participate with the program to allow assistances.

MOTION BY: Councilperson Janie Christensen to approve the HEAT agreement.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (3-0).

9. CHANGE ORDER NORTH MAIN ROAD RECONSTRUCTION

Rebecca Andrus stated on the North Main Street reconstruction, there was some miscommunication with Ross Critchfield, one of the residents on North Main who wanted to have utility hook up for some vacant property he owns. The city gave him a bid for a single hook up, which he agreed, but he thought it was for a subdivision utilities. Because of the misunderstanding, he would like to have the utilities stubbed into the property for a future four lot subdivision. The improvements came to \$36,139.50. We will need to approve the change order to have the construction company do the improvements. The city would then invoice Ross for the improvements, requiring him to pay half by the end of the month, and then the remaining balance to be paid by June 30, 2015. A letter has been sent to Ross explaining that his subdivision is a concept and it looked approvable, but he would need to follow and meet all subdivision standards, according to the code when he submits his plan. He was also given a flow chart showing what needed to be done when he decides to move forward. The letter that was sent to Ross will need to be signed by him stating he understands all of it, and it will also need to be notarized. Councilperson Soren

Christensen asked if we can put a lien on the property if it is not paid. It was recommended to indicate that on the letter when he signs it, that it would be a condition.

MOTION BY: Councilperson Soren Christensen to approve the change order for North Main reconstruction in the amount of \$36,139.50 for the Critchfield improvements with the condition that the Critchfields sign the letter stating they will pay and note added if they do not pay a lien will be placed on their property.

SECONDED BY: Councilperson Janie Christensen.

VOTE: All Affirmative (3-0).

10. APPROVE MINUTES OF JULY 16, 2014

Mayor Brailsford asked for approval of the minutes from July 16, 2014 as written.

MOTION BY: Councilperson Soren Christensen to approve the minutes of July 16, 2014 as written.

SECONDED BY: Councilperson Janie Christensen.

VOTE: All Affirmative (3-0).

11. APPROVE BILLS FOR PAYMENT

Mayor Brailsford asked for approval of the bills for payment.

MOTION BY: Councilperson Aaron Cloward to approve the bills for payment.

SECONDED BY: Councilperson Soren Christensen

VOTE: All Affirmative (3-0).

Mayor Brailsford stated the amount of the bills for approval tonight is \$537,436.57.

COUNCIL REPORTS

12. MAYOR RANDY BRAILSFORD

Mayor Brailsford excused Councilperson Craig Warren, he is out of the country this week and Councilperson Sterling Rees had surgery on Monday and got released today.

13. COUNCILPERSON STERLING REES

Councilperson Sterling Rees was excused tonight.

14. COUNCILPERSON JANIE CHRISTENSEN

Councilperson Janie Christensen reported the library is doing very well. Last year in June we had 7,300 books checked out, this June we had 9,200 books checked out. They are also having issues collecting delinquent accounts.

15. COUNCILPERSON AARON CLOWARD

Councilperson Aaron Cloward reported Salem Days is going well, he thanked all of the departments for being involved.

He also reported for the Chamber, on September 6 will be the Brag Tag year end party, there will be a chamber meeting in the morning, and there are some ribbon cutting for new businesses in Spanish Fork this week, along with a noon networking luncheon. Mayor Brailsford stated tomorrow at noon will be an appreciation lunch for the city employees, thanking them for their work during Salem Days.

16. COUNCILPERSON SOREN CHRISTENSEN

Councilperson Soren Christensen reported the Maple Canyon water line had a major leak in it on Sunday. It is fixed, but we are also looking at options to fix the line as it has been damaged before. The Pressurized Irrigation usage has gone down this last week, thanks to the rain we have received and residents who have turned off their systems because of the rain. We are still averaging 3 acre feet of water usage on Tuesdays, still need to be aware of the no watering on Tuesdays.

There was a meeting today regarding the BYU well. We have just about used our maximum water according to our contract, which states we have to take the full amount at least once in the five years. We felt this year would be good to use it. We only have about 8 to 11 more days left this year, so we are going to hold off using anymore, until the end of the season or if we have an emergency.

17. COUNCILPERSON CRAIG WARREN

Councilperson Craig Warren was excused from council meeting.

18. PUBLIC SAFETY – CHIEF BRAD JAMES

Chief Brad James did not have anything to report tonight.

19. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS

Dave Johnson did not have anything to report tonight.

20. REBECCA ANDRUS, CITY ENGINEER/ PUBLIC WORKS DIRECTOR

Rebecca Andrus did not have anything to report tonight.

21. ATTORNEY S. JUNIOR BAKER.

Attorney Baker stated if the Library is having issues with the collections on delinquent, to have Kerry talk to his office about collections.

He also let the council know about the Utah League of Cities and Towns conference in September and encouraged the council to attend.

22. JEFFREY NIELSON, CITY FINANCE DIRECTOR/RECORDER

Jeff Nielson did not have anything to report tonight.

23. MATT MARZIALE, RECREATION DIRECTOR

Matt Marziale did not have anything to report tonight.

24. CLARK CROOK, ELECTRICAL DIRECTOR

Clark Crook did not have anything to report tonight.

Mayor Brailsford asked for a motion to have a 10 minute recess, then come back to a closed session.

MOTION BY: Councilperson Janie Christensen to take a 10 minutes recess.

SECONDED BY: Councilperson Aaron Cloward.

VOTE: All Affirmative (3-0).

Mayor Brailsford reconvened council meeting at 8:05p.m. and asked for a motion to enter into a closed session to discuss the real property.

MOTION BY: Councilperson Aaron Cloward to enter into a closed session to discuss the purchase of real property.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (3-0).

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Soren Christensen to adjourn city council meeting.

SECONDED BY: Councilperson Janie Christensen.

VOTE: All Affirmative (3-0).

MEETING ADJOURNED AT: 8:25 p.m.