

Minutes of the Salem City Council Meeting held on February 3, 2016 in the Salem City Council Chambers.

**Work Session 6:45 p.m.**

Reviewed Rob McNeel request.

Fire Chief Jim Ealey talked about ISO rating – Jim also talked about SCBA equipment and working with other cities to try and get a grant for the equipment. We applied for the grant but it was turned down. Would need to look at updating and getting the new SCBA equipment and finding ways to funding it. The equipment we have needs to be replaced, it is old and out dated.

**MEETING CONVENED AT: 7:00 p.m.**

**CONDUCTING:** Mayor Randy A. Brailsford

**COUNCIL PRESENT:**

Mayor Randy A. Brailsford  
Councilperson Cristy Simons  
Councilperson Aaron Cloward  
Councilperson Soren Christensen  
Councilperson Sterling Rees  
Councilperson Craig Warren (phone)

**STAFF PRESENT:**

Jeffrey Nielson, Finance/Recorder  
Chief Brad James, Police Chief  
Junior Baker, City Attorney  
Clark Crook, Power  
Matt Marziale, PW/Recreation

**Excused:**

David Johnson, Building Dept.

**OTHERS PRESENT**

Tom Scribner, Rob McNeel, David Olsen, Clark Caras, Jenessa Pratt, Brett Iverson, Erann Garner, Brok Iverson, Whitney Graham, Marceena Hoole, Keaton Hoole, Tai Poulsen, Linda Rogers, Tanner Rogers, Seth Wride, Adam Clements, Rebecca Andrus.

**1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE**

Mayor Brailsford asked if anyone would like to give a motivational or inspirational message. Councilperson Sterling Rees 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 wish to participate, to stand and say the pledge of allegiance with him. He then led the pledge of allegiance for those who wanted to participate.

### **3. ROB MCNEEL – VARIANCE REQUEST FOR FRONT SETBACK REQUIREMENT AT 830 S. 130 E.**

Mayor Brailsford turned the time over to Rob McNeel. Tom Scribner, who was there representing Rob, stated they have come to the council asking for a variance on a home. He stated the developer of the subdivision where the home is located, decided to keep the home, rather than have it torn down. In doing so they found out the home would not meet the setback requirements the city has. They came to the city asking for a variance on August 5, 2015, at that time the council denied the variance or gave them the option to keep the home but they would need to meet the setback, this could possibly be done by removing the garage. They have looked at the home and if they take the garage off, there is a bearing wall that would need to remain. If they do that, they will not meet the setbacks, they will be short by a little over a foot, so they are asking the council for a variance of that foot. The setback requirement for that home is 25 feet, because it is a corner lot. When they found out they would be short about a foot, they talked to city employees who felt the best thing would be to come to council and ask them for a variance. If they are not granted a variance, then the house would probably need to be torn down.

Councilperson Cloward asked if the intentions were there to keep the house, why they didn't plan on the home meeting the setback requirements. Tom stated after the subdivision was laid out, they felt it would be more profitable to keep the house there, but it was too late because the road was already in. If they would have realized it sooner, they would have moved the road so the house would have met the setback.

Councilperson Soren Christensen asked if the one foot includes the wall being finished. Tom stated it does, they will put stucco on that wall, so it will not take up any space.

Attorney Baker stated it was the request of staff that, from the practical side, the wall should be left. So that is why they are in asking for a variance.

Mayor Brailsford stated we have spent a lot of time as a city council, city staff, and resources in working with this development. We have had many meetings both at the city office and also onsite. The concept of the subdivision was approved and we can't keep changing it. From the beginning the home was going to be removed and two lots were going to be created. He originally wanted to have a park on those two lots, but it did not work out. After doing improvements on the home, Rob came to the City asking for a variance. He did not ask for permission to begin with, only until after he realized the home did not meet the setback requirements. Mayor stated we need to keep to our standards and move forward with how the development was agreed. As a City we have worked together with the developer on the development. He stated he will support what the council decides tonight.

Tom stated they have done a lot with the City and worked with them. There have been many changes to the development agreement, but they have been on both the city's side and the developer side. We have done a lot for the city and working with them on the development agreement. We have agreed to remove the garage from the home. The agreement we have with DRC (Development Review Committee) hinges on the decision that will be made tonight.

Mayor Brailsford stated again, the original plan was to have the house removed and have two lots. He feels whatever the decision is made tonight, we need to move forward with it.

Councilperson Rees stated the council has made the decision before by not approving the variance in August. The only difference was, they had the option to remove the garage, but now they still do not meet the requirement.

Councilperson Simons asked if they have talked to the neighbors. Dave Olson stated they have not heard any negative talk from the neighbors. Councilperson Simons stated she has spoken with the neighbors, and they are not excited to have the home there, they were told the home would be removed, but now that has changed.

Mayor Brailsford stated we have met many times with the developer and neighbors and have told them the home would be torn down.

Councilperson Warren also stated when he has talked with the neighbors, they were under the impression the home would be removed. But now it is being changed on them.

Tom stated he has done many developments and there are always changes to the development. He stated the home would be okay and meet the requirements, if it wasn't a corner lot with the corner setbacks.

Councilperson Christensen asked if the home is going to be owner occupied. Dave Olson stated it would be owner occupied.

Attorney Baker stated this is a quasi-public hearing where neighbors have been invited to address the council with their comments.

Mayor Brailsford asked if there were any neighbors present who wished to comment.

Adam Clements, stated he lives in the subdivision. He feels the shed should definitely be torn down. With the house, he feels the developer should stick with what was originally planned and have the home removed. He feels it would be a better transition into the development.

Mayor Brailsford asked if there were any other comments from the council or the public.

There were no other comments or questions.

Mayor Brailsford asked for a motion to approve the variance request from Rob McNeel.

**MOTION BY:** Councilperson Soren Christensen to approve the variance request from Rob McNeel.

Mayor Brailsford asked for a second. There was no second. Mayor Brailsford asked again if there was a second to the motion to approve the variance. There was no second.

Mayor Brailsford asked for a motion to either table the decision or to deny the request.

**MOTION BY:** Councilperson Craig Warren to table the decision to the following council meeting on February 17, 2016, to allow more time to review the situation.

Mayor Brailsford asked for a second. There was no second to the motion.

Mayor Brailsford then asked if there was a motion to deny the request.

**MOTION BY:** Councilperson Aaron Cloward to deny the variance request, based on we are looking for consistency in the city, to stick with our standards.

He is also concerned with what was originally planned and how the neighbors were told one thing, but then changed on them.

**SECONDED BY:** Councilperson Sterling Rees.

**VOTE:** Mayor Brailsford asked for a roll call. Councilperson Craig Warren; Aye, Councilperson Soren Christensen; Nay, Councilperson Aaron Cloward; Aye, Councilperson Sterling Rees; Aye, and Councilperson Cristy Simons; Aye. (4 Ayes, 1 Nay)

#### **4. APPROVE AGREEMENT WITH BONNEVILLE COLLECTIONS**

Jeff Nielson explained we currently are using Mountain Land Collection for our collections on utility accounts. We have been approached by Bonneville. After meeting with them, it is staff's recommendation to approve agreement with Bonneville. Mountain Land's rates were 31% and Bonneville rates are 18%.

**MOTION BY:** Councilperson Aaron Cloward to approve the agreement with Bonneville Collections.

**SECONDED BY:** Councilperson Cristy Simons.

**VOTE:** All Affirmative (5-0).

#### **5. APPROVE SALEM FIRE DEPARTMENT RULES AND REGULATIONS**

Mayor Brailsford asked for a motion to approve the Fire Department Rules and Regulations. Councilperson Rees stated with the documents, there were some grammatical errors that would need to be fixed.

**MOTION BY:** Councilperson Sterling Rees to approve the Salem Fire Department Rules and Regulations after the grammatical errors have been fixed and then reviewed by Chief James and Attorney Baker.

**SECONDED BY:** Councilperson Soren Christensen.

**VOTE:** All Affirmative (5-0).

## **6. APPROVE MINUTES OF JANUARY 20, 2016**

Mayor Brailsford asked for approval of the minutes of January 20, 2016 as written.

**MOTION BY:** Councilperson Aaron Cloward to approve the minutes of January 20, 2016 as written.

**SECONDED BY:** Councilperson Soren Christensen.

**VOTE:** All Affirmative (5-0).

## **7. APPROVE BILLS FOR PAYMENT**

Mayor Brailsford asked if there were any questions on the bills. He stated the amount of bills to be approved is \$310,674.74.

**MOTION BY:** Councilperson Cristy Simons to approve the bills.

**SECONDED BY:** Councilperson Sterling Rees.

**VOTE:** All Affirmative (5-0).

Mayor Brailsford turned the time over to Miss Salem, Jenessa Pratt. Jenessa stated she is doing a project to collect shoes at the SHHS basketball game. Mayor Brailsford thanked her for all she does and for her platform with helping fight pornography.

Mayor Brailsford turned the time over to the Salem Youth Council. They reported the senior valentine dinner will be on February 11. They invited the Mayor and Council to come to it. It will begin at 5:30 and is a great opportunity to visit with the senior citizens of Salem. They are also planning their trip to USU conference for Youth Councils.

## **8. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR**

Chief James did not have anything to report tonight.

## **9. DAVE JOHNSON, BUILDING OFFICIAL DIRECTOR**

Mayor Brailsford excused Dave Johnson tonight, and gave his condolences as his mother-in-law passed away.

## **10. ATTORNEY JUNIOR BAKER**

Attorney Junior Baker did not have anything to report tonight.

## **11. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER**

Jeffrey Nielson did not have anything to report tonight.

## **12. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR**

Matt Marziale reported the water department has had two water line breaks in the last couple of weeks. The water department did a great job in fixing them. In the roads budget, our snow plowing we will be over in the salt budget and will need to adjust the budget.

## **13. CLARK CROOK, ELECTRICAL DIRECTOR**

Clark Crook reported we belong to SUVPS (South Utah Valley Power System). They do our safety programs for the group. We have not had any lost time due to accidents this last year. The group is doing very well with safety and Clark wanted to thank them for the training they provide.

## **14. ENGINEERING**

Mayor Brailsford asked Bruce Ward if he had anything to report from the engineering. He did not.

## **15. WADE REYNOLDS, STORM DRAIN/SAFETY COORDINATOR**

Wade Reynolds was excused.

## **COUNCIL REPORTS**

### **16. MAYOR RANDY BRAILSFORD**

Mayor Brailsford reported in the city budget, we have \$485,342 in unreserved fund balance in the General Fund at the end of Fiscal Year 2015, then \$50,000 in assigned funds for roads. He would like to recommend the following assignment of funds. \$12,000 for the UofU study approved back in November, \$333,000 for the 400 North Storm Drain project, and then \$13,600 for four solar speed signs. There is \$8,000 left in Pond Town Christmas Budget this year, he would like to use that money to purchase items for the maintenance for Pond Town Christmas.

**MOTION BY:** Councilperson Soren Christensen to approve the Mayor's recommendation for the unreserved fund balance and the assignment of funds for the general fund.

**SECONDED BY:** Councilperson Aaron Cloward

**VOTE:** All Affirmative (5-0).

Mayor Brailsford discussed issues with Strawberry Water and the Highline Canal. A meeting with state legislators and with members of Utah State Congress to discuss some of the issues and looking to resolve them. He will update the council as more information become available.

Mayor Brailsford also reported on CUP meetings and how the water levels in the state are looking good this year. We are so far down from where our reservoirs need to be, that it will take a lot to get them back to normal. Glad that we are getting the moisture this year and it is not like last year.

#### **17. COUNCILPERSON STERLING REES**

Councilperson Sterling Rees reported on February 16<sup>th</sup> will be a meeting with the State Legislative regarding power. On March 5 – 8 UMPA board members will going back to Washington DC for APPA legislative meetings. On March 24 – 26<sup>th</sup> will be the UMPA members meeting in St. George. Would encourage the council to attend the meeting.

Clark Crook also recommended the council to attend the UMPA meeting, as they will be discussing bonding for power in the future.

#### **18. COUNCILPERSON CRISTY SIMONS**

Councilperson Cristy Simons reported the Library will be having “Take Your Child to the Library Day” on Saturday February 6.

Clark Caras from the Chamber stated the Bills and Bagels will be presented at Nebo School District offices, where local state legislators will be discussing what bills are being discussed at the capital. He thanked the Mayor and Councilperson Simons for coming to the banquet and for recognizing Danny Higginson as citizen of the year for Salem City. On Thursday will be the ribbon cutting for Hungree, a new business in Salem City.

#### **19. COUNCILPERSON SOREN CHRISTENSEN**

Councilperson Soren Christensen stated he will be having water meetings this coming week with the canal companies and will report next council meeting.

#### **20. COUNCILPERSON AARON CLOWARD**

Councilperson Aaron Cloward reported the recreation committee is looking at options of redoing the basketball standards at Loafer Recreation Complex, and the spring sports are getting ready.

#### **21. COUNCILPERSON CRAIG WARREN**

Councilperson Craig Warren reported on the South Utah Valley Solid Waste District meeting, where the budget was discussed. They are 50% of the fiscal year, right now the revenue is 51% and expenses are 48% of the budget. They are running in the black, which

is good. Green Waste was also discussed in there meeting, and the equipment that was surplusd because the district is not doing Green Waste anymore. There was some equipment that was not surplusd, like the grinder, so it could be used by the member cities if needed.

Mayor Brailsford stated he has met with Spanish Fork City, to look at options for doing a joint sewer for the sewer treatment plant. If we do, we would be part owner in the sewer system and not a customer. They will be getting us some numbers. We will also be meeting with Payson City, to look at options there. When we get numbers we will present to the council to see how they would like to proceed.

Mayor Brailsford asked if there were any questions from the public.

### **ADJOURN CITY COUNCIL MEETING**

**MOTION BY:** Councilperson Sterling Rees to adjourn City Council Meeting.

**SECONDED BY:** Councilperson Soren Christensen.

**VOTE:** All Affirmative (5-0).

**MEETING ADJOURNED AT:** 8:15 p.m.

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Jeffrey Nielson, City Recorder