

Minutes of the Salem City Council Meeting held on June 18, 2014 in the Salem City Council Chambers.

Work session 6:15 p.m.

Discussion on Red Rock Development, mostly regarding the development agreement and the sidewalk on 100 East.

Discussion on the Amended Budget for fiscal year 2014 and the amendments that were made to the budget. Also discussion on the certified tax rate for fiscal year 2015.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor Randy A. Brailsford

COUNCIL PRESENT:

Mayor Randy A. Brailsford
Councilperson Janie Christensen
Councilperson Craig Warren
Councilperson Soren Christensen
Councilperson Sterling Rees

STAFF PRESENT:

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

Excused:

Councilperson Aaron Cloward

OTHERS PRESENT

Tessa Fitzgerald, Natalie Wixom, Robert Nelson, David Olsen, Rob MacNiel, Fred Clark, Tom, Jacob Powell, Bruce Ward, Erman stone, Ashley Smith, Charlet McIntier, Andrea Bailey, Colby Peterson

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Brailsford asked if anyone would like to give a motivational or inspirational message. Councilperson Craig Warren stated he would like to offer a motivational message in the form of a prayer.

Mayor Brailsford recognized the Miss Salem Royalty, Miss Salem - Tessa Fitzgerald and 2nd attended Natalie Wixom were present, 1st attendant Sariah Lee was excused. Tessa stated they are excited to be a part of Miss Salem and represent Salem City. She talked about her platform and shared the link. Mayor Brailsford asked that the link be put on the city web page.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Mayor Brailsford invited Miss Salem, Tessa Fitzgerald to lead those who wish to participate, to stand and say the pledge of allegiance with her. She then led the pledge of allegiance for those who wanted to participate.

3. PUBLIC HEARING

MOTION BY: Councilperson Sterling Rees to open the public hearing.

SECONDED BY: Councilperson Janie Christensen.

VOTE: All Affirmative (4-0).

a. Approve Amended Budget for Fiscal Year 2013/2014

Mayor Brailsford stated this item was continued from last council meeting. He turned the time over to Jeff Nielson. Jeff explained the current budget and how he has amended the budget so the actual revenue and expenditures match the budget. This was presented during work session. Jeff asked if there were any questions.

Mayor Brailsford asked if there were any questions from the public or the council. There were no questions.

b. Red Rock Capital – Zone Change for Sabin Orchards from A-1 to R-10

The zone change map was shown to the public and council. Mayor Brailsford asked if there were any questions.

Councilperson Sterling Rees asked what the time line of the development would be, if the zone change was approved. Red Rock Capital stated they would want to start as soon as possible, they will be doing it in different phases.

Close

MOTION BY: Councilperson Soren Christensen to close the public hearing.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

a. Approve Amended Budget for Fiscal Year 2013/2014

Mayor Brailsford asked for a motion to approve the amended budget for Fiscal Year 2013/2014.

MOTION BY: Councilperson Sterling Rees to approve the Amended Budget for Fiscal Year 2013/2014 as it was presented.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (4-0).

b. Red Rock Capital – Zone Change for Sabin Orchards from A-1 to R-10

Mayor Brailsford stated Planning and Zoning recommended approval of the zone change, and then asked for a motion from the council.

MOTION BY: Councilperson Soren Christensen to approve the Zone Change for Sabin Orchards from A-1 to R-10.

SECONDED BY: Councilperson Janie Christensen.

VOTE: Councilperson Janie Christensen; Aye, Councilperson Sterling Rees; Aye, Councilperson Soren Christensen; Aye, and Councilperson Craig Warren; Nay. (3 Aye, 1 Nay).

(NOTE: The City Council modified the motion later in the meeting based on having an acceptable preliminary plat submitted)

**4. RED ROCK CAPITAL – Preliminary Plat Approval for Orchard Farms
Subdivision Located at 850 south 100 East**

Attorney Baker stated this item goes along with the zone change. The developer wants to do a 133 lot subdivision. There are some concerns that have been brought up associated with the development, since it will be impacting the cemetery and also 100 East, so a development agreement has been created. The developer meets all of the requirements, but with the development agreement, the developer is also required to build sidewalk on 100 East for the safety of the children in the project who will be using 100 East to walk to the schools. The other requirement is regarding the cemetery, the developer will be required to build a retaining wall and a six foot wrought iron fence with a gate, for access only during certain occasions that is described in the agreement between the developer and the city. The developer also agreed not to have any homes that would be adjacent to the cemetery, a road will be built as a buffer, along with curb and gutter along the cemetery side of the road. The cemetery improvements will happen in the 3rd phase. Mayor Brailsford is concerned with construction vehicles going on 100 East. It was stated in phase two, a hard service access road will be constructed to the south, to allow construction vehicles access so they do not have to go on 100 East. Dave Olson, the developer, stated he would put signs up to notify construction vehicles of the access roads.

Attorney Baker stated the existing main power line will also need to be put underground, this would be expensive and the developer has asked for a connector's agreement. The developer would also like to have a connector's agreement with the sidewalk on 100 East. The developer is willing to waive the connector's agreement if the city needs to have a bargaining tool to obtain rights-of-way. He also stated that development agreement will be tied to the land, and not the developer, so who ever ends up with the project will have to abide by the agreement.

Councilperson Soren Christensen was wondering about the water that will be required. Attorney Baker stated the developer will be required to provide the water that the city is accepting at this time, which was approved on March 19, 2014.

Mayor Brailsford stated the development will also be required to install PI meters to each lot, this is going to be part of our standards.

The question was brought up about the road that was being built next to the current access to the cemetery. It was discussed in prior work session meetings there would not be an access from the subdivision that would be by the entrance to the cemetery. It was discussed of having a small cul-de-sac at that area so the subdivision would not be accessing the road that enters by the existing cemetery entrance. There was a discussion on this and what the city and the developers thoughts of the road when it was discussed. The conclusion after the discussion was to have the developer and the city work together to amend the preliminary plat to come up with something that both parties could agree on.

MOTION BY: Councilperson Craig Warren to approve the preliminary plat, subject to the understanding that the two parties work out the issue of the through road adjacent to the cemetery. The subdivision cannot have access to the cemetery. The mayor and a council member are authorized to meet with the developer and reach an agreement for a final recommendation for the preliminary plat.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (4-0).

5. RED ROCK CAPITAL – Development Agreement

Attorney Baker stated this is the development agreement that will go with the subdivision that was just presented to the council. There was a question on the installation of the sidewalk, should the city require the developer to have it installed, or would the city require the developer to pay the city and then have the city be responsible for getting it installed. The other thing with the agreement is it will be tied to the property and not the developer, so if the property is sold, the development agreement would stay with the property.

MOTION BY: Councilperson Soren Christensen to approve the development agreement, with the amendment that should the city decide to be responsible for the sidewalk, that the city takes the money from the developer and then installs the improvements on our time table and not with the subdivision phasing.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (4-0).

There was a question on the agreement and if we need to require the developer to install PI meters according to the standards and the construction access the development by another way besides 100 East. It was stated this should be done with the approval of the preliminary plat.

MOTION BY: Councilperson Soren Christensen to reopen the motion for the approval of the Preliminary Plat (item #4).

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (4-0).

MOTION BY: Councilperson Craig Warren to amend the original motion on the preliminary plat approval for Red Rock to add the understanding that Pressurized Irrigation meters would be installed on each lot, and that the construction access would use an alternate route besides 100 East.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

6. REMOVAL SABIN ORCHARDS FROM AGRICULTURE PROTECTION

Attorney Baker stated this item is to remove Sabin Orchard out of the Agriculture Protection Zone. The property was placed in the zone back when it was in the county. With the property being in the city now, it can be removed by the city council. The Sabin's have requested this action. Attorney Baker will find out what documents we need to have it removed from the county. The developer will provide the documents.

MOTION BY: Councilperson Sterling Rees to approve the removal of Sabin Orchards from the Agriculture Protection Zone.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (4-0).

7. COLBY PETERSON – Preliminary Plat Approval of Aly Acres Subdivision Located at Approximately 100 North 460 West

Mayor asked if there were any questions. Mayor stated Colby would be required to install PI meters on the properties and also be required to upgrade the water line to a 12 inch line. The city would like to upgrade the water line from Center Street to 400 North, and while the development is doing their required upgrade, the city would like to do their portion at the same time. He asked Colby to work with the city on the timing of the water line. They will be required to follow all subdivision standards, the road way is 78 feet wide. They will be doing seven lots for the subdivision. They will be required to meet our standard for the water rights needed.

MOTION BY: Councilperson Janie Christensen to approve the preliminary plat for the seven lot Aly Acres Subdivision with the understanding that PI meters will be installed on each of the lots.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (4-0).

8. ROBERT NELSON – Annexation Request

Attorney Baker stated this property is in our annexation declaration. Robert Nelson explained where it is located and the property owners involved, it would be his property and Karl Francis property.

Attorney Baker stated the council can either accept the annexation for further study or deny it. If we accept for further study, we will do the study on it, post notices, and will come back before city council for approval.

Robert stated his plans are to develop it in the future.

MOTION BY: Councilperson Craig Warren to accept the Annexation Request by Robert Nelson for further study.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

9. APPROVE AGREEMENT WITH NEBO PHILHARMONIC ORCHESTRA ON COMMUNITY CENTER USE

Mayor Brailsford stated this was discussed on May 21, 2014. The agreement that is being presented tonight, he would recommend to change it from a one year to six months. This would also change the times of year it would be cleaned to one time and then to provide one concert.

They will be practicing on Tuesdays and will work with the city on those dates.

MOTION BY: Councilperson Janie Christensen to approve the Agreement with Nebo Philharmonic Orchestra but to change the agreement to six months.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (4-0).

10. APPROVE PURCHASE OF TRAILER FOR ROADS & SEWER DEPARTMENTS

Matt Marziale stated the roads department is in need of a trailer to be used in hauling the roller and wet saw around. The city does not have a trailer that is heavy duty enough to be hauling the roller around. They were able to get bids on it: Christensen Auto - \$6,513, AAA Trailer - \$6,894, and Snake River - \$6,899. It is recommendation from staff to get the trailer from Christensen Auto.

MOTION BY: Councilperson Craig Warren to approve the trailer purchase for the Roads and Sewer Department from Christensen Auto in the amount of \$6,513.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

11. APPROVE BUY LOCAL FIRST PROCLAMATION

Mayor Brailsford read the resolution, promoting to buy local from June 30 – July 6, 2014.

MOTION BY: Councilperson Janie Christensen to approve Resolution 61814A Buy Local First Proclamation.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (4-0).

12. APPROVE RESOLUTION ADOPTING PROPERTY TAX RATES

Jeff Nielson explained usually the property tax rate is approved with the budget. Because the state did not have the tax rate to us when we approved the budget, we now need to approve the tax rate. The property tax rate for this year is .001896.

MOTION BY: Councilperson Sterling Rees to approve Resolution 61814B Adopting the Property Tax Rate for Fiscal Year 2015.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (4-0).

Attorney Junior Baker requested the council to reopen the zone change motion for Red Rock Capital zone change request (Item # 3b).

MOTION BY: Councilperson Craig Warren to reopen the motion to item 3b approving the zone change for Sabin Orchard.

SECONDED BY: Councilperson Janie Christensen.

VOTE: All Affirmative (4-0).

Attorney Baker recommended the council accept the zone change request for the Red Rock Capital project subject to the developer providing an acceptable plat to the city.

MOTION BY: Councilperson Janie Christensen to approve the Zone Change request for Sabin Orchards from A-1 to R-10 subject to the developer providing an acceptable plat map to the city.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (4-0).

13. APPROVE MINUTES OF JUNE 4, 2014

MOTION BY: Councilperson Soren Christensen to approve the minutes of June 4, 2014 as written.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

14. APPROVE BILLS FOR PAYMENT

Mayor Brailsford stated will come back to the agenda item after all bills have been reviewed.

COUNCIL REPORTS

15. MAYOR RANDY BRAILSFORD

Mayor Brailsford did not have anything to report at this time.

16. COUNCILPERSON JANIE CHRISTENSEN

Councilperson Janie Christensen reported the Miss Salem Pageant went well. The sewer plant purchased a sampler and was able to get a good deal on it. Library is doing well. The summer reading program is doing well, last year we had 284 signed up last year, this year we had over 500 sign up.

17. COUNCILPERSON SOREN CHRISTENSEN

Councilperson Soren Christensen reported SUVMWA was not sure on the process with Bruce Ward leaving. Mayor Brailsford recommend taking Rebecca, the new city engineer, over to SUVMWA so she can get acquainted. The PI is being used with the summer getting hotter. We have been averaging 14 acre feet. There was a water main break on Chrisman Drive, the water department was able to fix it.

Mayor Brailsford asked for approval of the bills.

MOTION BY: Councilperson Craig Warren to approve the bills for payment.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (4-0).

Mayor Brailsford reported the bills amounted to \$520,438.92.

18. COUNCILPERSON STERLING REES

Councilperson Sterling Rees reported he returned from the APPA conference in Washington DC. Some of the big issues with power are, the EPA is coming down with regulations on coal power plants, there are no big builds for hydro power, and concerned about vandalism on substations. He is worried when too many regulations will cause the shutdown of coal plants, what will people do to get power.

Clark Crook stated the power systems are changing, with the EPA having more regulations, there will be more changes. UMPA is looking for other sources of power, Clark also talked about the Clear Sky program UMPA is doing. He reported on the transformer at Stan's Drive In was moved.

COUNCILPERSON AARON CLOWARD

Councilperson Aaron Cloward was excused tonight.

19. COUNCILPERSON CRAIG WARREN

Councilperson Craig Warren reported the bid for North Main Street project was awarded to Geneva Rock, they will need to be finished by August 15, and the bid was under the \$250,000 amount. Mayor Brailsford reported he and Councilperson Soren Christensen talked with Hansen's and Critchfield's to pay for the cement in front of their property for sidewalk and also with the Critchfield's to have them do a water, sewer, and PI connection on the vacant lot. We also have money from the Richardson Development for a portion of the asphalt on their two lot subdivision.

20. PUBLIC SAFETY – CHIEF BRAD JAMES

Chief James handed out to the council information on how scammers are taking advantage of our senior residents. They need to be aware.

Chief James reported Salem City is ranked number one in the safest city in Utah County and number four in the state. Mayor Brailsford wanted to thank the chief and the police department for their work.

21. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS

Dave Johnson did not have anything to report tonight.

22. RICHARD HEAP, CITY ENGINEER

Richard Heap was excused tonight.

23. ATTORNEY S. JUNIOR BAKER.

Attorney Baker did not have anything to report tonight.

24. JEFFREY NIELSON, CITY FINANCE DIRECTOR/RECORDER

Jeff Nielson reported on the Parlant system (reverse 911), and how the office is using it for shut off notices. We have gone from delivering about 90 door hangers for shut off notice to about 50, since we have starting using the calling system. We hope it will continue to decrease.

25. MATT MARZIALE, RECREATION DIRECTOR

Matt Marziale did not have anything to report tonight.

26. CLARK CROOK, ELECTRICAL DIRECTOR

Clark Crook did not have anything to report tonight.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Soren Christensen to Adjourn City Council Meeting.

SECONDED BY: Councilperson Janie Christensen.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 8:30 p.m.

Jeffrey Nielson, City Recorder