

Minutes of the Salem City Council Meeting held on March 18, 2018 in the Salem City Council Chambers.

Worksession 6:15 p.m.

Discussion on the Brant Tuttle for preliminary plat of Mountain View Estates Subdivision. The DRC Minutes from March 4, 2015 were discussed.

Discussion on PEHP agreement, the biggest change would be for late fee added, if the payment is received late.

Discussion on Red Rock Development Agreement. Recommended changing the road connect to 1250 South for construction entrance be done with phase C instead of phase B. Also the need to do the water and sewer line in the cemetery to be done between July and Aug 2015. Also the trenches will need three inches of asphalt and then a one inch overlay in the parking lot area.

Discussion on Cliff Hale's request of abandonment of a right-of-way. Attorney Baker reported Planning and Zoning recommendation was to deny the abandonment of the right-of-right. Cliff Hales handed out to the council minutes from November when the discussion of the abandonment of the road was mentioned. Attorney Baker gave a history of the development and how it started back in 2007. Rebecca Andrus explained last council meeting when the subdivision was approved with the condition of the road abandonment, the connectivity of roads was changed, then Planning and Zoning recommended not to do the abandonment, because they felt the connectivity was important. Brad Hales felt it has been approved in prior meetings with the road abandoned. Cliff Hales showed other options for a connectivity of the road, one of the options could be through the Warren property.

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.
Rebecca Andrus, Engineer
Clark Crook, Power

Excused:

Councilperson Aaron Cloward

Matt Marziale, Recreation

OTHERS PRESENT

Tom Scribner, David Olsen, Fred Clark, Brad Hales, Cliff Hales, Robert Palfreyman, Rob NcNeel, Clark Caras, Brain Steward, Breane Iverson, Quinton McCabe, Jessica Corey, Teyven Christensen, Preston Stone, Zeke Goodman, Jacob Darrington, Caden Black, Brock Mason, Joseph Turner, Greg Smith, Michael Stone, Brett Wilcox, Logan Lamb, Reiley Spangler, Joseph Dunn, Jordyn Ware, Reed Brent, Ethan Tate, Dwight Thompson, Joel Stewart, Hunter Hintze, Matthew Thompson, Ian Lazarte, Sid Evans, Brook Christensen, Summer Lytle, Jessica Losser, Tyler Rolants Jim Whitmore, Cory Collins, Clint Collins, Blake Collins, Shaylee Plake, Ashli Plake, Anastacia Andrus, Sariah Lee, Bruce Ward.

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.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Hunter Hence, a scout, 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. PUBLIC HEARING

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

SECONDED BY: Councilperson Janie Christensen.

VOTE: All Affirmative (4-0).

a. Abandonment of City right-of-Way at approximately 725 East 200 South

Attorney Junior Baker explained the request for the right-of-way abandonment. Cliff Hales has a proposed subdivision and February 18, 2015 council meeting was approved with the condition of the right-of-way abandonment. Because abandonment of a right-of-way requires a public hearing with council and also with Planning and Zoning. During Planning and Zoning's public hearing last week, it was voted 3 to 1 to not abandon the right-of-way.

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

Brent Warren stated he owns the property just to the east, and is concerned because they have not planned how their property would be developed. Yet someone has designed their property showing their road would connect to Canal Road and not by Cliff Hales' subdivision, if the right-of-way is abandoned. When they develop their

property they may want to have a cul-de-sac too. They feel it is not right that their property be designed before they even want to develop and is based on Cliff wanting to have the road right-of-way abandoned. They also don't want the city to assume that if the road right-of-way gets abandoned tonight, that they would develop their property to have the road connect to Canal Road.

Rebecca Andrus talked about an anonymous letter that was given out to the council tonight and how it discussed negativity her ability as the city engineer. Part of being the city engineer is to give the city council a professional and technical opinion. The letter addressed the memo she sent out to the council back on February 6 addressing her recommendations on the abandonment of the right-of-way and how it stated that she overstepped her role as a city engineer. Rebecca stated it is her job as the city engineer to give recommendation to council and it was not based on personal feelings or being biased. She came up with her recommendations by discussing with other engineers, research, looking at traffic patterns, public safety, etc. She does not feel the cul-de-sac is in the best interest of the city, and that the right-of-way should not be abandoned. She feels the road should be connected to Canal Road at some point in time. The developer has not indicated what the benefits to the city would be to have the road abandoned. The developer was supposed to provide that information to the city and he has not done so. The connection (right-of-way) already exists and should not be abandoned. The development does not need the abandonment to happen, it could still move forward, there would be discussion on where the turnaround would be until the road could connect. In her memo, she also indicated concerns with cul-de-sac's and how they are not a good thing, stating a study that was completed. In the meetings in November the discussion of the right-of-way and the abandonment was not discussed or approved. She also stated when it came before council a month ago, Police Chief Brad James noted the connection to Canal Road would be recommended for public safety. The Planning and Zoning recommended against it, and she as the city engineer recommends against the abandonment. She wanted to make sure if the council did approve the abandonment that we need to keep a 10 foot easement for a path.

Cliff Hale's stated last week in Planning and Zoning, Rebecca handed out a couple of options for the connection, one on their property and one on Warrens. There was some discussion on cul-de-sacs for the subdivisions. Mayor Brailsford stated to Cliff, he does not want to hear the "he said, she said" discussion, this is not the place for it. Cliff talked when Robert Nelson developed across Canal Road, that he was approved, which changed how the road would connect to their development/area. Robert Nelson was able to do it the way they wanted, he would like to do it the way they want.

Mayor Brailsford asked if there were any other comment on the road. There were no more comments.

b. Repeal the Planned Unit Development (PUD) Chapter of title 13 in the Salem Municipal Codes

Attorney Baker reported when the city made the changes to the zoning codes, we still had the PUD in the code, but it was taken out of the zoning. We need to remove it since the PUD does not exist anymore.

Mayor Brailsford asked if there were any questions on the repeal of the PUD. There were no questions.

Close

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

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (4-0).

a. Abandonment of City right-of-Way at approximately 725 East 200 South

MOTION BY: Councilperson Craig Warren to approve the abandonment of city right-of-way at approximately 725 East 200 South.

SECONDED BY: Councilperson Soren Christensen

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

b. Repeal the Planned Unit Development (PUD) Chapter of title 13 in the Salem Municipal Codes

MOTION BY: Councilperson Soren Christensen to approve Ordinance 31815B Repealing the Planned Unit Development (PUD) Chapter of Title 13 in the Salem Municipal Codes.

SECONDED BY: Councilperson Craig Warren

VOTE: All Affirmative (4-0).

4. BRANT TUTTLE – PRELIMINARY PLAT APPROVAL OF MOUNTAIN VIEW ESTATES SUBDIVISION LOCATED AT 400 SOUTH 450 WEST

It was stated that Brant Tuttle would like to do a three lot subdivision. One lot already has a home on it, the other lot will not be developed, and the last lot is where a new home will go. It will connect to the Hidden View Estates Subdivision on 400 South and 450 West. There will be a temporary turn around until the road goes through to connect to 550 West.

MOTION BY: Councilperson Sterling Rees to approve Brant Tuttle Preliminary Plat of Mountain View Estates Subdivision Located at 400 South 450 West.

SECONDED BY: Councilperson Janie Christensen.

VOTE: All Affirmative (3-0). Councilperson Soren Christensen abstained.

5. APPROVE DEVELOPMENT AGREEMENT WITH RED ROCK CAPITAL FOR ORCHARD FARMS SUBDIVISION

Dave Olson, from Red Rock Capital, explained the change in the agreement from the one that was approved in June 2014. The development phases needed to correspond with the correct phasing. Also the addition of doing the cemetery water and sewer line installation would need to be done during the summer of 2015. There was a bond that was added to the agreement for the completion of the cemetery fencing, if it was not completed by 24 months from the time the first plat map is recorded. The request to have the road connect to 1250 South for construction vehicle access, have this be done in Plat C, instead of Plat B, because Plat B only has 6 lots, and it would make more sense to wait.

Mayor Brailsford asked Dave to leave the trees in the orchard on the east side by the cemetery as long as possible. This will help keep the dust and noise down by the cemetery. Dave was okay with it.

Tom Scribner stated the request mentioned in the agreement were also from DRC, they are okay with the changes. Tom also explained about the changing of road to be done with plat C, rather than plat B.

Rebecca Andrus wanted a clarification on the asphalt for the water and sewer lines in the cemetery, we want three inches of asphalt on the trenches, and then a one inch overlay over the parking lot area where the trenches are.

Clark Crook mentioned item 4.5 for the electrical in the amount of \$300,000, this is just to put the offsite power line underground, it is not for the onsite power for the subdivision.

Chief James stated we need to make sure with Phase C, when the road is put in for the traffic to enter and exit on the south side, that all of the construction vehicles will be using the south side entrance.

MOTION BY: Councilperson Soren Christensen to approve the mayor to sign the agreement with the changes of having the road go through to the south with Plat C instead of Plat B, also with the 3” asphalt over the trenches and the 1” overlay over the parking lot in the cemetery where the trenches are, and to have the bond for the fence along the cemetery be done if the fence is not completed with-in 24 months of when the first plat is recorded.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (4-0).

6. APPROVE ASPHALT, CURB & GUTTER FOR CEMETERY EXPANSION

Mayor Brailsford stated last year we put \$85,000 into budget from unreserved fund balance to do the road around the new section of the cemetery. With oil prices down, we are able to do the asphalt for \$37,859.97. Because it is a lot less than what we planned, we are also able to do the cement work for curb and gutter. Steve Cox was able to get bids for the asphalt,

which were: Eckles Paving - \$56,170; Geneva Rock - \$42,880 and Bennett Paving \$37,859.97. The cement work bids were: Cory Hiatt - \$15,222, Commander Concrete \$16,225, and Overman Concrete \$17,663.75.

MOTION BY: Councilperson Janie Christensen to approve the bid from Bennett Paving in the amount of \$37,859.97 for asphalt, and the bid from Cory Hiatt in the amount of \$15,222 for cement work.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

7. APPROVE PEHP AGREEMENT FY 2014/2015

Mayor Brailsford reported this is the agreement from PEHP, our health care provider for the employees, for the fiscal year 2014/2015. They are a little late getting the agreement out. It was explained the change to the agreement is adding a late fee if the payments are late.

MOTION BY: Councilperson Sterling Rees to approve the PEHP Agreement FY 2014/2015

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (4-0).

8. APPROVE FIRE DEPARTMENT MOU AGREEMENT WITH STATE OF UTAH

Chief James reported this Memorandum of Understanding with the State of Utah, allows the city fire department to be reimbursed when they are called out to fight wild land fires. The agreement explains the process for it.

MOTION BY: Councilperson Soren Christensen to approve the Fire Department MOU Agreement with the State of Utah.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (4-0).

9. APPROVE EVERBRIDGE AGREEMENT

Chief James explained we have a call out system in place for when there is an emergency or for other reason to make calls to the residents. Our current system, Blackboard, works okay. The county has found a new company, Everbridge, which is half the price of Blackboard. It has been reviewed by city staff and feel that it will be a lot better.

MOTION BY: Councilperson Sterling Rees to approve the Everbridge Agreement.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (4-0).

10. APPROVE MINUTES OF MARCH 4 2015

MOTION BY: Councilperson Janie Christensen to approve minutes of March 4, 2015 as written.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (4-0).

11. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Sterling Rees to approve the bills for payment.

SECONDED BY: Councilperson Janie Christensen.

VOTE: All Affirmative (4-0).

Mayor Brailsford reported the bills tonight to be approved are in the amount of \$327,479.71.

Mayor Brailsford turned the time over to the youth council.

The youth council reported they recently went to the USU to the Leadership Academy Youth Council Conference. They will be stuffing Easter Eggs for their next meeting and then helping out with the Easter egg hunt.

Chief Brad James acknowledged Sgt. Greg Smith for his recent work on a really big arrest and thanked him for the great job he is doing.

COUNCIL REPORTS

12. MAYOR RANDY BRAILSFORD

Mayor Brailsford reported our springs and two wells are very low, he has never seen them this low before and he is very concerned. Last year we had a wet May, which helped us a lot. It also takes about nine months for the rain water to reach our aquifers. He has had Richard Heap, part time engineer, working on ideas for our water, he would like him to come to council and report. We are going to need a lot of help from our residents this year, we are going to really need to look at water wise. We may end up with more restrictions for watering.

Rebecca Andrus, reported she just returned from water meetings in St. George. The concerns this year is we had an early thaw in January, when we usually get it in March. Our temperatures have also been higher this winter along with the lack of snow. The Spanish Fork River is at 38% capacity. The whole state is very concerned about water this year.

Rebecca also reported Salem Park was going to be on work session tonight, but were unable to get to it. They have a handout they would like the council to review and look over their concept, so please take it home and review it. Will try to have them on next council meeting, so please review the concept and be ready to discuss it.

13. COUNCILPERSON STERLING REES

Mayor Brailsford thanked Councilperson Rees for attending the power meetings in Washington DC with the UMPA board members.

Councilperson Sterling Rees reported on the meetings in Washington DC. He stated they were able to meet with Senators Hatch and Lee. Some of the issues that we are concerned with are, tax exempt bonding and the EPA restrictions on coal power plants, to where they will be shut down. They also discussed the opportunity of nuclear power.

UMPA information meeting will be April 23 and 24th, the council should have their invitations to attend.

Eagle Scout projects are available at the recreation office.

14. COUNCILPERSON JANIE CHRISTENSEN

Councilperson Janie Christensen reported the library is having a book signing activity on March 27th. The library board has a lot of great ideas to help with the library. Miss Salem is still helping out those who want to come and learn computers or electronic devices, she is at the library on Tuesday afternoons.

She also reported we are still having foaming issues at the sewer lagoons. She stated she received an email from Rebecca Andrus, which stated Rebecca talked with Jeff Studenka from the state and they discussed the issues with our sewer plant foaming. Jeff told Rebecca the state will not hold Salem City responsible, that they are proceeding with the NOV. When the settlement/NOV is completed, the city would be able to be reimbursed for the expenses the city had incurred. Rebecca also stated that Jeff Studenka would follow up with Lonnie from the state to get a letter written to the city explaining this.

15. COUNCILPERSON AARON CLOWARD

Councilperson Aaron Cloward was excused from council meeting tonight.

16. COUNCILPERSON SOREN CHRISTENSEN

Councilperson Soren Christensen reported on the SUVMWA meeting, where they discussed options on regional sewer plant, and options working together as cities. There was also the discussion of having Salem City's engineering working as SUVWA engineer also. It was resolved that Salem City would still provide the engineering services for SUVMWA.

He also reported on the Emergency Management Meeting. On April 18th, there will be an Emergency Preparedness Fair at the Salem West Stake Center. Will have a lot of information there for residents.

17. COUNCILPERSON CRAIG WARREN

Councilperson Craig Warren reported on the SUVSWD (South Utah Valley Solid Waste District) meeting, which was this evening, but he had to leave early to make it to the council meeting. The recommendation from the SUVSWD Technical and Financial committee recommended shutting down the composting portion of the district. If that happens, we as a city will need to look at our options, especially for our green waste facility. He stated there are a lot of big decisions that need to be made.

Bruce Ward, who attended the meeting as a consultant for Forsgren Engineering, reported the committee voted to revisit the composting in November. He stated the budget looks pretty good this year. There is also recommended the study to see if privations would be the way to go for solid waste. The recycling prices are also going to go up, for our bins out by Stokes, the cost will go from \$25 a time to dump to \$65. They also raised the dumping fee for recycling trucks from \$5 a ton to \$33 a ton. This will really affect the cities who have a recycling programs. The problem is that it cost more money to do recycling, the recycling companies are making us pay them to recycling, rather than them paying us for recycling.

Councilperson Janie Christensen asked if the cost for residents to take their garbage over to the transfer station on their own, if that has changed. It was stated that cost has not been discussed to increase at this time.

18. PUBLIC SAFETY – CHIEF BRAD JAMES

Police Chief Brad James did not have anything else to report tonight.

19. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS

Dave Johnson did not have anything to report tonight.

20. ATTORNEY S. JUNIOR BAKER.

Attorney Baker stated as the council reviews the Salem Park Planned Development, this is a new concept for Salem City. Really look it over and review it.

Mayor Brailsford stated he has talked with Shelley Hendrickson, Planning and Zoning Chairperson, he would like to have a combined work session with Planning and Zoning. We also need to look at water conservation when we do these developments and looking at landscaping ideas.

21. JEFFREY NIELSON, CITY FINANCE DIRECTOR/RECORDER

Jeff Nielson reported most of the departments have turned in their budget. Will begin working on the budget for next year.

22. MATT MARZIALE, RECREATION DIRECTOR

Matt Marziale was excused tonight.

23. CLARK CROOK, ELECTRICAL DIRECTOR

Clark Crook reported on the Renew Choice and how it is now available. He also reported on the ISPA meeting he attended, where Salem City Power was awarded a safety award and have gone five years with no loss injury. He thanked the power department for the hard work and also for being safe. The mayor and council also thanked them for their hard work and for being safe.

24. REBECCA ANDRUS, CITY ENGINEER

Rebecca Andrus did not have anything else to report tonight.

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

Clark Caras from the Chamber stated he enjoys working with Salem City. He will be bringing 500 Easter Eggs for the Salem City Easter Egg hunt.

ADJOURN CITY COUNCIL MEETING

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

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 8:25 p.m.

Jeffrey Nielson, City Recorder