

Minutes of the Salem City Council Meeting held on October 21, 2015 in the Salem City Council Chambers.

**Worksession** 6:00 p.m.

Mayor Brailsford turned the time over to Daniel Wright from Property Reserve for the LDS Church. He talked about the property on North Main that is owned by the church. He stated he came and talked to some representatives from the city about participating in a study for the area to make sure we get a correct use of the area. Daniel went over the study by presenting the power point by the U of U, who would be doing the study. There have been some developers who have also been interested in the study. The recommendation from the U of U would be to do the study on the church's property along with the whole city. Mayor Brailsford stated he would like to have the U of U come and explain to Planning and Zoning what they would like to do and how the study would be for the whole city along with the area owned by the church. The cost of the study would be \$42,000 and the city would pay \$12,000 for the study of the whole city. Daniel stated the study would give a written report and look at ways to plan with the city. Mayor Brailsford would like Planning and Zoning to meet with the U of U and see how they would feel about paying the money for the study and if it would be worth it.

**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  
Councilperson Craig Warren (Phone)

**STAFF PRESENT:**

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

**Excused:**

Councilperson Sterling Rees

Chief Brad James, Police Chief  
David Johnson, Building Dept.

**OTHERS PRESENT**

Greg Gurney, Travis Berger, Valerie Berger, Jon Ward, Tymber Ward, Bryant Poulsen, Ryan Baker, Jess Biesinger, Tyme Ward, Jenessa Pratt, Cristy Simons, Clark Caras, Mike Rasmussen, Kanyon Rasmussen, Ty Ivers, Glenn Ivers, Jackson Eyre, Dylan Jensen, Ethan Peterson, Brett Bailey, Michael Eyre, Jodi Dietz, Makayla Dietz, Trevor Beckstrand, Kim Beckstrand, Todd Hamilton, Kevin Kuhni, Rebecca Andrus, Greg Smith, Shae Smith

**1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE**

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

## 2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Jackson Eyre 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

Open

**MOTION BY:** Councilperson Aaron Cloward to open the public hearing.

**SECONDED BY:** Councilperson Janie Christensen.

**VOTE:** All Affirmative (4-0).

### a. Approve Amendments to the Industrial Zone

Attorney Baker discussed the amendments to the industrial zone. He stated there were not a lot of changes in it. Planning and Zoning requested changes to be in item 7 with the landscaping. Those changes are shown in the ordinance the council has.

Mayor Brailsford stated this is a public hearing, any comment from the council or the public. There were no questions or comments.

Closed

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

**SECONDED BY:** Councilperson Aaron Cloward.

**VOTE:** All Affirmative (4-0).

### a. Approve Amendments to the Industrial Zone

**MOTION BY:** Councilperson Aaron Cloward to approve the Ordinance 102115 amendments to the Industrial Zone.

**SECONDED BY:** Councilperson Janie Christensen.

**VOTE:** All Affirmative (4-0).

## 4. TRAVIS & WESLEE BERGER – K-9 Fund Raising Presentation

Mayor Brailsford introduced Travis and Wesley Berger, who are here tonight to present to the Salem City Police Department a donation. Sergeant Greg Smith gave a quick history of Wesley. He stated Wesley is 7 years old, after hearing about all of the negativity with Police Officers, he wanted to do something. So he went around to as many police officers from Utah, Nevada and California and thanked them for what they do. Wesley was very impressed with Salem Police Officers and the K-9, that he wanted to give something back to them. Wesley did a fund raiser and raised enough money to purchase our K-9 a piece of equipment to help in training, along with a check. He also was able to raise enough money to help out seven other law enforcement agencies in Utah. Sergeant Greg Smith thanked Wesley for his donation and his efforts. He presented Wesley with a plaque from the Salem

Police Department, thanking him. Mayor and city council also thanked Wesley and told him he did a great job.

Mayor Brailsford asked Sergeant Smith to report on his training and competition. Sergeant Smith reported he and MJ (Salem City K-9) went to Las Vegas for a competition. They took 3<sup>rd</sup> place in one of the competition. There were 30 – 40 K-9 units from the Western United States and some from Mexico.

## **5. KEVIN KUNHI – Extension on Development Bonding**

Mayor Brailsford turned the time over to Kevin Kunhi. Kevin stated he is still trying to get water for the development; he does have some under contract though. He is asking for another extension on his development. He is also asking to see if he could move forward while the water is under contract and being reviewed by the state.

Attorney Baker stated we could extend his request up to six months. Mayor Brailsford stated we can only approve the extension at this time, since it is on the agenda.

**MOTION BY:** Councilperson Soren Christensen to approve Kevin Kunhi six month extension to Whisper Ridge Phase 2 subdivision.

**SECONDED BY:** Councilperson Aaron Cloward.

**VOTE:** All Affirmative (4-0).

Mayor Brailsford asked for discussion on Kevin's second question, about allowing him to proceed with his subdivision while his water is under contract and review. Attorney Baker felt it would be okay to allow him to proceed.

Councilperson Soren Christensen recommended having Bruce Ward and Attorney Junior Baker review the water rights to make sure they will work if transferred. Attorney Baker recommended allowing Kevin to proceed but if the water does not work out then no building permits are allowed. Bruce Ward stated a concern if the plat map gets recorded then the lots would be available for sale, and that would be a problem because the new lot owners are then caught in the middle. It was recommended to have Attorney Baker and Bruce review the water rights and bring back a recommendation to the next council meeting.

## **6. UNIVERSITY OF UTAH DEVELOPMENT STUDY**

Mayor Brailsford stated it was recommended to table this item until Planning and Zoning could review with the U of U the proposal of the study.

**MOTION BY:** Councilperson Janie Christensen to table the U of U study until Planning and Zoning has an opportunity to review the proposal.

**SECONDED BY:** Councilperson Aaron Cloward.

**VOTE:** All Affirmative (4-0).

## 7. APPROVE ELECTION POLL WORKERS

Jeff Nielson stated the election poll workers need to be approved by the council. He then presented the names of the poll workers:

Connie Biggers, Sid Cardon, Maxine Christensen, Colleen Hatch, Lorelee Johnson, Angel Jolley, Hillary Stewart, Jalene Pope, and Karen Larsen. The counting judges are: Russ Stewart, Mindy Lemon, and Allison Lemon. Alternates for the poll workers are J. Smith Nielson, Bridger Marshall, and Dallin McCarthy.

**MOTION BY:** Councilperson Janie Christensen to approve the poll workers for the upcoming election.

**SECONDED BY:** Councilperson Soren Christensen.

**VOTE:** All Affirmative (4-0).

## 8. APPROVE PURCHASE OF WATER CHLORINATOR

Matt Marziale explained he and Chris Averett (water superintendent) have been looking into chlorinators for the existing well. We also put this item in the budget this year. We have found one that will work; we have had Forsgren Engineering review it, along with sending the information to the state for review. The state has given us verbal approval, but we need it in writing before we will purchase the chlorinator. The chlorinator uses tablets rather than gas, like our other water wells. The company is ATS and the installation is included in the price. To prepare for the new system, we had to add a couple of outlets in the well house. The cost for the chlorinator and installation is \$14,606. Matt recommended the purchase of the chlorinator after we get written approval from the state.

**MOTION BY:** Councilperson Soren Christensen to approve the purchase of the water chlorinator in the amount of \$14,606, with the condition we get the state's approval.

**SECONDED BY:** Councilperson Aaron Cloward.

**VOTE:** All Affirmative (4-0).

## 9. APPROVE PURCHASE OF TRUCK BED

Matt Marziale stated there is a three month waiting period on dump truck bed. We have our 1996 Ford dump truck with bed that needs to be replaced. The truck is still in good condition, but with the salt we use for roads in the winter time, has eaten away the truck bed. We have a bid from Legacy trucking for \$18,844 for the bed and installation. This item is something we planned on adding to the lease of the power truck and the water truck.

**MOTION BY:** Councilperson Soren Christensen to approve the purchase of the truck bed from Legacy Trucking for \$18,844.

**SECONDED BY:** Councilperson Janie Christensen.

**VOTE:** All Affirmative (4-0).

## 10. APPROVE WATER PURCHASE CONTRACT

Mayor Brailsford stated Councilperson Soren Christensen has been working on this water for a long time. He turned the time over to Attorney Junior Baker. Attorney Baker stated that Lew and Evelyn Christensen approached Councilperson Soren Christensen about some water they would like to sell and donate to the city. There is a possibility of 1100 acre feet of water. He stated Richard Heaps has reviewed the water and been working with the Christensen's. He stated Richard feels after the state has reviewed and allow the transfer, we could get between 400 and 1000 acre feet. The value of the water is \$4,500 per acre foot. Attorney Baker stated it is water associated with old Beet Plant in Spanish Fork, which is ground water. Once we get transfer approval from the state and know how much we will get, we will pay the Christensen's one million dollars over a five year period at two percent interest, and the first \$100,000 will be paid up front. The remaining amount of the water we would get would be donated to the city. It could take several months to hear from the state on the approval.

Councilperson Soren Christensen stated we may not need the water today, but we would need it in the future. With the cost and the amount that will be donated is very generous and he thanked the Christensen's.

Mayor Brailsford stated he got Jared Hansen involved also to make sure we were okay to use this water. It was determined we would be okay for the use of the water to be transferred. Mayor stated we do not pay anything until the state reviews and okay's the transfer. This year we have paid off the 1996 bond, which was \$311,000 a year. The payment for this water will be \$190,000 a year. The remaining amount will be for the use of replacing old water meters.

Councilperson Craig Warren asked why we don't know how much we will be getting. Councilperson Soren Christensen stated we are not sure what the state will allow to be transferred. Our best guess will be at least 400 acre feet, but we are hopeful for more. Attorney Baker stated we are changing the use of the water, this also takes away some of the water rights, along with the points of diversion.

Mayor Brailsford stated we have about 35 years of water with our growth. Mayor felt that with the discount and contribution of this water we could not pass it by. He stated we could also have developers pay for the water rights, have them give us cash for water development for culinary water, but still require water shares for PI water. Mayor also stated we are looking at options to be able to exchange water, so we can lease water and put the water in the canal for PI.

Mayor asked if there were any questions. There were no questions.

**MOTION BY:** Councilperson Soren Christensen to approve the water agreement with Lew and Evelyn Christensen up to a max of One Million Dollars with the terms provided in the agreement.

**SECONDED BY:** Councilperson Aaron Cloward.

**VOTE:** Mayor Brailsford asked for a roll call. Councilperson Craig Warren; Aye, Councilperson Soren Christensen; Aye, Councilperson Aaron Cloward; Aye, and Councilperson Janie Christensen; Abstained from voting. (3 Ayes, 0 Nays, 1 Abstain.)

#### **11. APPROVE MINUTES OF OCTOBER 7, 2015**

Mayor Brailsford asked for a motion to approve the minutes of October 7, 2015.

**MOTION BY:** Councilperson Craig Warren to approve the minutes of October 7, 2015.

**SECONDED BY:** Councilperson Aaron Cloward.

**VOTE:** All Affirmative (4-0).

#### **12. APPROVE BILLS FOR PAYMENT**

Mayor Brailsford stated the bills tonight totaled \$ 660,388.45

**MOTION BY:** Councilperson Janie Christensen to approve the bills for payment.

**SECONDED BY:** Councilperson Soren Christensen.

**VOTE:** All Affirmative (4-0).

#### **COUNCIL REPORTS**

##### **13. MAYOR RANDY BRAILSFORD**

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

##### **14. COUNCILPERSON STERLING REES**

Councilperson Sterling Rees was excused from council tonight.

##### **15. COUNCILPERSON JANIE CHRISTENSEN**

Councilperson Janie Christensen turned the time over to Miss Salem Janise Pratt. Janise stated she is working on her plat form, doing presentations to young single adults, high school students, and junior high students, about fighting pornography.

Councilperson Janie Christensen reported the library had a successful Star Wars night at the library. October 29 will be the Library Halloween party, and the 27<sup>th</sup> will be dress up as your favorite superhero character. November will be teen month, celebrating “Alice in Wonderland” 150 years. The library has also started doing an adult writing class.

#### **16. COUNCILPERSON AARON CLOWARD**

Councilperson Aaron Cloward reported the recreation football is wrapping up. We have had 19 teams sign up for men’s basketball. The parks department has set up trees on the pond for Pond Town Christmas. They are also working on winterizing the parks. The curb and gutter at the community center will be installed tomorrow.

Councilperson Aaron Cloward turned time over to Clark Caras from the Chamber. Clark reported Mel Hanks and Son’s will be joining the chamber; they will also be celebrating their 80<sup>th</sup> year of doing business. The Halloween trunk or treat will be at the Zuwire Gym parking lot on Saturday, October 31 from 1 to 3p.m. We had meet the candidates with our noon networking luncheon. They are getting ready for the Spanish Fork Winter Light Parade.

#### **17. COUNCILPERSON SOREN CHRISTENSEN**

Councilperson Soren Christensen reported the PI system has been shut off and we are draining the lines.

#### **18. COUNCILPERSON CRAIG WARREN**

Councilperson Craig Warren reported the roads department is doing a lot of maintenance. The Green Waste will be closing on November 1 for the season.

Mayor Brailsford stated he went up to Orchard Farms to talk to the developer about getting the improvements completed.

#### **19. PUBLIC SAFETY – Lieutenant Greg Gurney**

Lieutenant Gurney reported the two police vehicles that were approved have been purchased. They have also hired Phil Christensen as the new Animal Control Officer, and then Bill Swartzwelder as the new police officer. The winter parking ordinance will be going into effect on November 1. We ask people to not park on the roads.

Mayor Brailsford asked Lieutenant Gurney to report on the burglaries. Lieutenant Gurney reported that Officer Nelson was able to track down the criminals and most of the items. He tracked it down to Millard County, where he was also able to make the arrest.

#### **20. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS**

Dave Johnson was excused tonight.

**21. ATTORNEY S. JUNIOR BAKER.**

Attorney Baker did not have anything to report tonight.

**22. JEFFREY NIELSON, CITY FINANCE DIRECTOR/RECORDER**

Jeff Nielson did not have anything to report tonight.

**23. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR**

Matt Marziale did not have anything else to report tonight.

**24. CLARK CROOK, ELECTRICAL DIRECTOR**

Clark Crook reported UMPA is working on our power load supplier, as our current supplier is expiring soon, and we need to find a new lease for supplying power. Some possibilities are nuclear power or natural gas power.

**25. WADE REYNOLDS, SAFETY/STORM DRAIN**

Wade Reynolds was excused tonight.

Mayor Brailsford asked if there were any questions from the residents. There were no questions.

**ADJOURN CITY COUNCIL MEETING**

**MOTION BY:** Councilperson Janie Christensen to close city council meeting and move into a closed session for the discussion of litigation.

**SECONDED BY:** Councilperson Aaron Cloward.

**VOTE:** All Affirmative (4-0).

Council moved into closed session at 8:05 p.m.

**ADJOURN CITY COUNCIL MEETING**

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

**SECONDED BY:** Councilperson Aaron Cloward.

**VOTE:** All Affirmative (4-0).

**MEETING ADJOURNED AT:** 8:20 p.m.