

Minutes of the Salem City Council Meeting held on March 7, 2012 in the Salem City Council Chambers.

Council Meeting 5:30 p.m.

Mayor Brailsford welcomed the council and explained about a closed session. He then asked for a motion to enter into a closed session.

**MOTION BY:** Councilperson Sterling Rees to enter into a closed session for the discussion of personnel at 5:35 p.m.

**SECONDED BY:** Councilperson Craig Warren

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

**MOTION BY:** Craig Warren moved to adjourn the closed session and to enter back into council session at 6:25 p.m.

**SECONDED BY:** Councilperson Sidney Jorgensen.

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

Kim Lefler from Payson City and the Communities that Care program, talked about how Payson City was able to get a grant from Utah County, it is a matching grant and Payson has to come up with \$5,000 of the grant. She explained the program and how it would also benefit Salem City, because part of the program would focus on the High School Students attending Salem Hills High School. It is a two year commitment to Utah County, so \$5,000 each year. She stated that Mountain View Hospital has already committed to \$500 towards the \$5,000 and she is wondering if Salem City would be able to help participate in this next couple of year's budget. It was stated that it would be looked at and considered.

Mayor Brailsford stated that item 17 under Bruce Ward with the Woods Pit agreement will not be discussed tonight. The company who wants to do the work is not ready.

He discussed the fire at the city shops, and how we are working with the insurance company on it.

On April 16<sup>th</sup>, he would like to kick off the "Making Life Better" campaign along with "Making Life Better, Shop Salem".

During Salem Days we have banners along the highway, Mayor Brailsford stated he is trying to work with business in Salem to try and get them to sponsor a banner, and if they sponsor the banner will put their name on it for advertisement. He showed an example of what it would look like.

Chief Brad James talked about how on April 17<sup>th</sup>, it will be the state wide "Shake Out". Salem City has signed up to be a part of 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 Sid Jorgensen  
Councilperson Sterling Rees  
Councilperson Craig Warren

**STAFF PRESENT:**

Jeffrey Nielson, Finance/Recorder  
Chief Brad James, Police Chief  
Junior Baker, City Attorney  
David Johnson, Building Dept.  
Bruce Ward, Public Works/Engineer

**OTHERS PRESENT**

Reid Nelson, Lynn Durrant, Robert Palfreyman, Colby Jolley, Larry Stone, Phillip Wesson, Joe Griffiths, Doug Griffiths, Ryan Brackner, Michael Redhouse, Darren Brackner, Dakota Kennedy, Jim Griffin, Brian Miller, Sydnie Eppley, Chelsea Connelly, Alex Minson, Mathis Boggs, Myley Moffitt, Erika Davis, Colby Davis, Sarah Armstrong, Jaycee Christensen, Jessica Cramer, Robert Taylor, Karen Taylor, Meghan Taylor, Tammy Compton, Howard Chuntz, Roy Silcox, Daniel Higginson, Matt Marziale, Jessica Larsen, Siale Vaitohi, Coco Hansen, KJ Collins, Sean Knudsen, Sean Knudsen Jr., Ryan Ricks, Colton Mitchell, Mikayea Barney, Jennie Houlz, Daylen Westwood, Emily Williams, Allan Hales, Sheila Hales, Shirley VanLewen, Yolanda Moser, Jason Shelley

**1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE**

Mayor Brailsford asked if anyone would like to give a motivational or inspirational message. Stake President Roy Silcox stated he would like to offer a motivational message in the form of a prayer.

**2. INVITATION TO SAY PLEDGE OF ALLEGIANCE**

Mayor Brailsford asked if anyone would like to lead those who wish to participate, to stand and say the pledge of allegiance. Allan Hales stated he would, then led the pledge of allegiance for those who wanted to participate.

**3. YOUTH COUNCIL REPORT**

Sara Armstrong from the youth council invited the mayor and council to the dinner at the leadership conference at USU. The conference is on March 15 – 17 and the dinner is on

the 16<sup>th</sup>. Last month they did the senior citizen dinner, made cookies for the police department, and then some of the youth went to the state capital for legislative day, and were able to meet with Governor Herbert.

#### **4. WATER CREDIT CONTRACT WITH NEBO SCHOOL DISTRICT**

Attorney Baker went over the contract with Nebo School District. The district has strawberry water shares on the east side of the city. They want to transfer some of those water rights for the development of the Junior High, because the city requires water shares for development. The district also owns more water than what they need for the Junior High. The remaining amount of shares will be transferred over to the city with the understanding that the district will have a credit for future building. Attorney Baker recommends to the council that they approve the contract.

**MOTION BY:** Councilperson Sterling Rees to approve the water credit contract with Nebo School District.

**SECONDED BY:** Councilperson Aaron Cloward.

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

#### **5. SPORTS SITE AMENDED AGREEMENT**

Matt Marziale explained the agreement that was passed by the council in February 2010. The agreement allowed the city to use the online registration for recreation programs and also as a recreation software program. The cost is 10 percent of the total registration with a maximum of \$5 per registration, plus credit card fees. Those costs are passed onto the participants. In the last year it costs the recreation over \$8,000. Sports Site came to the city and proposed that we pay a flat fee of \$6,000 per year. This would give us unlimited use of the program. Matt stated that some of the smaller programs we weren't using the program because of the costs. With the new agreement will be able to use the program for all of our recreation programs.

**MOTION BY:** Councilperson Janie Christensen to approve the sports site amended agreement.

**SECONDED BY:** Councilperson Craig Warren.

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

#### **6. APPROVE MINUTES OF FEBRUARY 15, 2012**

**MOTION BY:** Councilperson Janie Christensen to approve the minutes of February 15, 2012.

**SECONDED BY:** Councilperson Sid Jorgensen.

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

## 7. APPROVE BILLS FOR PAYMENT

Mayor Brailsford asked if there were any questions on the bills. The total amount of the bills tonight is \$450,788.04.

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

**SECONDED BY:** Councilperson Sterling Rees.

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

Allan Hales asked if that information is online yet. Mayor Brailsford stated that it is not, but when the new webpage is up and going the budget will be on line.

## 8. OPEN DISCUSSION

Mayor Brailsford asked if anyone had anything for open discussion.

Jim Griffiths stated that he is running for the open seat in Utah's House District 67. It is a new area for Payson, Santaquin, Elk Ridge and part of Salem. He stated he is a teacher at Salem Hills High School, and reminded everyone of the republican caucus meeting on March 15<sup>th</sup> to be held at the High School. He wanted to come and introduce himself to the mayor and council.

Howard Chuntz stated that he feels the city council held an illegal closed session, he read from the Utah State Code book that stated a closed session cannot happen unless 2/3 of the council members voted on it prior to the meeting during a public meeting which was noticed. He was at the last council meeting and it was not voted on during that meeting. He would like to have the information from that closed session available to the public, unless it includes one of the reasons for the closed meeting, which are property or personnel dealing with character or performance. Mayor Brailsford stated that it was noticed on the agenda, it was voted upon prior to going into the closed session, and it was to talk about personnel issues. Information Howard provided was reviewed as it related to personnel performance issues. Mayor stated that we don't have a problem bringing up the information we discussed except for the performance issues. He asked if Howard was sure he wanted the information discussed. Howard stated that he was sure and would like to hear the information. He also feels the public would like to hear.

Mayor Brailsford asked if any of the council would like to address the information. Councilperson Cloward stated that he has done some research. Mayor Brailsford then turned the time over to Councilperson Aaron Cloward. Councilperson Cloward stated that Howard talked to the mayor and the council received an email from Howard regarding the legal services provided to Salem City. He also presented some numbers which other cities are paying for legal services. Councilperson Cloward stated that he replied back to Howard and told him he would like to verify the numbers. Councilperson Cloward reported that he did go out and verify the numbers. He showed on the screens the numbers that Howard presented to the city and then the numbers that he was able to

get in the verification process. He told Howard that he did not do this to prove his numbers were wrong, but he felt that the information needed to be verified. He then went over the information.

**Salem** – Howard’s number is \$124,794. (This includes all legal services). Councilperson Cloward’s number for current fiscal year budget is \$128,794 – The difference is \$4,000 which is in contracted attorney’s fees for public defender and conflict of interest disputes. For fiscal year 2010/2011 actual amount was \$114,686 (\$11,000 savings under budget).

**Highland** – Howard’s number is \$29, 565 (number includes attorney fee’s only). Councilperson Cloward’s number for current fiscal year budget is \$60,000. For fiscal year 2010/2011 actual amount was \$55,441 (both numbers’ represent attorney fee’s only).

**Alpine** – Howard’s number is \$40,522 – We can’t reconcile this number. Councilperson Cloward’s numbers for current fiscal year budget is \$45,000 and fiscal year 2010/2011 actual amount was \$41,840

**Mapleton** – Howard’s number is \$45,067 – This number includes what has been spent year-to-date in the current budget cycle (7/1/11 – 12/30/11). This only accounts for six months of current fiscal year. Councilperson Cloward’s number for current fiscal year budget is \$146,000 and for fiscal year 2010/2011 actual amount was \$187,846

**Lindon** – Howard’s number is \$56,000 – This number includes only attorney fees for civil. Councilperson Cloward’s number for current fiscal year budget is \$261, 000 and for fiscal year 2010/2011 actual amount was \$261,000

**Saratoga Springs** – Howard’s number is \$85,000. We can’t reconcile number. Councilperson Cloward’s number for current fiscal year budget is \$177,961 and for fiscal year 2010/2011 actual amount was \$134,070.

**Payson** – Howard’s number is \$87,000. This number represents only one attorney’s salary and doesn’t account for the 2<sup>nd</sup> attorney, or other staff. Councilperson Cloward’s number for current fiscal year budget \$312,602, and for fiscal year 2010/2011 actual amount was not available.

**Spanish Fork** – Howard’s number is \$192,109. This accounts for the salaries only for both full time attorneys and doesn’t account for the benefits, staff, land use, etc. Councilperson Cloward’s number for current fiscal year budget is \$411,425 and for fiscal year 2010/2011 actual amount was \$400,970.

**Santaquin** – Howard didn’t report on Santaquin. Councilperson Cloward’s number for current fiscal year budget \$160,000 and for fiscal year 2010/2011 actual amount was \$186,153.

Councilperson Cloward stated that another step he took to help with the numbers was to have an independent accountant review them. This was hard because only three of the cities reported as a line item, other cities reported on the bottom line.

He also talked with Mayor Wall from Mapleton. Mayor Wall provided to Councilperson Cloward the last five years of actual budget. For fiscal year 2007 actual amounts \$255,379, fiscal year 2008 actual amounts \$290,366, fiscal year 2009 actual amounts \$190,733, fiscal year 2010 actual amounts \$212,234, fiscal year 2011 actual amounts \$187,846, and for current fiscal year budgeted amount of \$146,000. Mayor Wall also shared with him that they recently amended their budget by increasing it to bring it in line with what they are currently utilizing in legal. He also stated they are considering hiring a full time attorney to prevent further legal issues, they have been involved in land use lawsuits recently, and he also expressed his frustration in their current legal situation, which is contracted.

Other factors he considered to verify if our current contract should be re-negotiated, re-bid or possibly terminated. Those factors are population ratio comparison 1990, 2000, 2010; population percent, percent of budget allocated to legal in 1995 and percent allocated currently, work load ratios, deflection and prevention of major lawsuits or judgment against the city, and whether we have benefited from our legal representation. He reported that the trends in several of these factors have not changed significantly and none have changed drastically.

Howard stated that the current contract the city is in, that was signed back in 1995, states that city pays 30 percent of one full time attorney. Apparently the city is paying 30 percent of two full time attorneys. Mayor Brailsford stated that we are paying the 30 percent of the full time attorneys and staff. He stated that this will be looked at in the contract, so it reads correctly.

Howard asked about the numbers for the work load and where Councilperson Cloward got his numbers. Councilperson Cloward stated that he received his numbers from Attorney Baker. These numbers are for criminal case number for Salem and Spanish Fork, from August 2010 to February 2012. Total cases filed for Salem were 325, and Spanish Fork 1,194, then the numbers was broken down into categories to come up with the work load. He stated that this is not all that should be looked at, the city needs to take into account the times that Attorney Baker is here helping with land use issues, attending meetings, going to district meeting, and representing us in other issue. Councilperson Cloward stated that Attorney Baker has spent a lot of time this last year helping with the general plan and the master plan zone. Mayor Brailsford also wanted to state that within the last 20 years, Salem City has not been involved in a major lawsuit, with two exceptions, both of which involved other entities and Salem was dropped.

Howard stated that the information he received from the court regarding criminal cases, shows Salem city at 22 percent of the work load. Mayor Brailsford stated that is only for the criminal cases and not for the other issues that Attorney Baker has helped with. He stated that since he has been mayor for the last couple of months, he has spent a lot of

time talking and counseling with Attorney Baker. This does not count everyone else's time they spend talking to him. It is nice to have legal representative available to help us when we are making laws so that they are legal and the laws can stand up in the court.

Councilperson Cloward stated that we can spend a lot of time looking at the numbers and comparing, but something else we need to consider, is what do we want for Salem City as far as legal representation. From what he has found out in his research is that Salem City gets very good legal representation for an affordable cost. With those cities that have contracted legal, they are not getting the same representation at meetings as Salem City is. He also feels that we should look and review the contract with Spanish Fork and that it should be reviewed about every five years.

Mayor Brailsford asked if anyone else had anything for open discussion.

Robert Palfreyman stated that he has been involved with legal fees with Eagle Mountain, due to a lawsuit. He stated that they spent around \$135,000 in legal fees for one issue. The law firm also billed in billable hours, and when you talk about Attorney Baker and how many hours he spends in behalf of Salem City, he feels we are getting a really good deal.

Daniel Higginson thanked the council for what they are doing. He stated that he has attended the last two council meetings and each time Howard Chuntz has come to the meeting very controversial both times. He stated that he is very happy to be living in Salem, he is proud of the mayor, council and the chief. The platform that the new council was running on was to bring unity to the city. It is hard to bring unity when Mr. Chuntz comes to the council meetings and starts off being contentious. The mayor and council are here to give of their time and service to the community. It is hard to sit here and have you come and be so contentious.

## **COUNCIL REPORTS**

### **9. MAYOR RANDY BRAILSFORD**

Mayor Brailsford reported on the fire down at the city shops, and how Payson and Spanish Fork fire departments both responded to assist Salem Fire Department. Payson City Fire is doing the investigation; it appears that the cause of the fire was the water heater. No one was injured in the fire, but we had one vehicle that was lost along with a lot of supplies and equipment, including the lights for Pond Town Christmas. A resident who was driving by reported the fire. Before the fire department was able to arrive, that resident was also able to move a couple of vehicles out of the way and saved them from the fire.

Mayor Brailsford stated he has asked each of the department heads to contact the council member before spending any amount over \$1,000 and to watch their spending. We need to find out about the insurance and what they will be covering.

Mayor Brailsford explained to the council about the budget, and had an example of the sewer budget on the screen. He explained that if we over spend in one line fund; we need to compensate for it in another line fund. We need to make sure at the end that the fund is under budget or balances out. He encouraged the council to review their budgets and make sure they are balanced.

## **SURPLUS CITY VECHILES**

Mayor Brailsford stated that we have two city vehicles that we need to determine if we want to surplus or not. He had the two vehicles taken down to Stones Diesel to see if they would be worth repairing or if we should surplus them. Mayor Brailsford then turned the time over to Larry Stone from Stones Diesel.

Larry reported that he spent some time and went over the two vehicles. The first vehicle is the 2006 Ford Crown Vic (police vehicle). He stated it needs a new radiator, power steering and transmission leak; it has a knock in the engine and it would need to be replaced. The cost on the repair and replacing the engine would be \$3,546. In addition you would need a new paint job and new tires. He stated he would recommend not saving the car. Councilperson Warren asked about a rebuilt engine. Larry stated that the rebuilt engine would need to come from another police crown vic in order to work.

The second vehicle is the 2003 Dodge Durango, (police vehicle). It needs a tune up, radiator hoses, cooling system, rear brakes, leaking transmission, front window. The cost to fixing it would be about \$1,000. He feels the Durango is worth saving and using in other departments.

Larry also stated that as a resident, a business owner, and serving as a volunteer fireman for many years, he wanted the public and the council to know that we have the best in public safety. The fire department, EMS and police all work very well and he is proud of them and glad they are protecting and serving our city.

Mayor Brailsford thanked Larry for his time and for being on the fire department and a business owner in town.

Chief James stated that in the past the old police vehicles have been used by other departments in the city. The council talked about having the Durango fixed and then being available for the city office/engineering.

**MOTION BY:** Councilperson Aaron Cloward to surplus the 2006 Ford Crown Vic and to keep the Dodge Durango.

**SECONDED BY:** Councilperson Sterling Rees.

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

Mayor Brailsford talked about a past budget a couple of years ago, when Mayor Green resigned and the city went through the budget process without a mayor. The city employees, on their own, changed their own insurance to help save the city \$174,000 for that years city budget. When he was mayor before, he had to let some police officers and a past city attorney go. If he sees there is a need to let an employee go, he will talk and work with the council and together they will decide. Right now this city has great employees who care. A few years ago we had Chief James awarded as the State's best Police Chief, Sergeant Dibble awarded as the State's best Police officer, and Officer Kerby as the State's best DARE Officer, all in the same year. Last council we had our Police Resource officer receive the State's best resource officer. We have great public safety employees who are doing a great job protecting our residents, our children, going into our schools and teaching, protecting our businesses, our property. All of the employees are doing a great job, and he wants them to keep doing a good job. We have a council that will help to determine if we have something not going right, they will be the ones to determine. We want to get the city united again and become the "City of Peace".

#### **10. COUNCILPERSON STERLING REES**

Councilperson Sterling Rees reported that he will be going back to Washington D.C. with UMPA. Then on March 22 will be the UMPA meeting in St. George, this is the informational meeting that the council has been invited to go.

#### **11. COUNCILPERSON JANIE CHRISTENSEN**

Councilperson Janie Christensen asked Yolanda Moser from the Chamber if she had anything to report.

Yolanda reported on their noon networking lunches, and asked if the city needed anything for the Easter Egg hunt, to let her know. She also talked about being able to work with Nebo School District when they give information out, this would help with costs if the economic development were to work with Nebo, she will get more information on this.

Yolanda also reported about the Salem Promotional Committee meeting a couple of weeks ago. In the meeting it was discussed about doing loyalty cards for residents of Salem for the business in Salem. Also discussed was getting information out to the business when events are going on in the city, especially recreational tournaments. During the tournaments having a map at the ball fields to show where some of the business are located. The logo for "Making Life Better, Shop Salem" was discussed. She also talked about some ideas for the Color Festival that will be coming up in March.

Mayor Brailsford talked about the banners for Salem Days and also for Pond Town Christmas and looking for businesses to sponsor them and would get their name on the banner for advertisement. He showed what they might look like.

Daniel Higginson asked about the banners and if they could be different colors to meet a business logo. Mayor showed the different options, and felt that if a business needed a certain color logo that we could work with them.

Councilperson Janie Christensen asked Jason Shelly, Library Board Director, if he had anything for the council. Jason stated that he appreciates the opportunity to serve the city. We have great employees at the library, who are working hard to make our library great. He thanked the council and mayor for their work.

Mayor Brailsford stated that on April 19, there will be a class for the senior citizens to talk to them about fraud. The class is presented by the city.

## **12. COUNCILPERSON AARON CLOWARD**

Councilperson Aaron Cloward reported that on the following night (3-8-12) the lighting ceremony at the Veteran Park will be held. We will turn the lights on to show the residents the impact the lights will have. It will start at 7:00 p.m., and would invite the council and residents to attend.

He also reported that the parks department was the hardest hit with the fire. Most of their supplies and equipment was damaged in the fire. We have worked with Spanish Fork to help us out if we need to have a truck for a burial.

## **13. COUNCILPERSON SID JORGENSEN**

Councilperson Sid Jorgensen reported that some of the Youth Council will be going to USU for the Youth Council Leadership Conference next week.

He stated with spring coming, would like to encourage residents and the council to get a smart yard controller.

He also reported on the fire, he was able to be at the city shops during the fire, and he was very impressed with the volunteer fire department doing their job.

## **14. COUNCILPERSON CRAIG WARREN**

Councilperson Craig Warren reported that we got our first draft from the web page design; he showed the council the design.

## **15. PUBLIC SAFETY – CHIEF BRAD JAMES**

Chief James reported that he received a scam text in the middle of the night the other night and apparently many others got the same text. He said his officers were dealing with calls from it. He later found out that it was a state wide scam.

Chief talked about the McGruff house and how it is no longer effective. He talked about the history of it and how it was disbanded a few years ago.

On April 17<sup>th</sup> at 10:15a.m. The State of Utah is doing a “Great Shake Out”. He explained that Salem City is going to participate in it, and encouraged others to also participate in it.

Mayor Brailsford asked if anyone else had any questions. There were no other questions.

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

## **17. BRUCE WARD, CITY ENGINEER/ PUBLIC WORKS DIRECTOR**

Bruce Ward reported that Councilperson Jorgensen is the new Co-Chair for SUVMA. The SUVMA Tech Committee will be meeting here tomorrow at 1:00 p.m.

With the Woods Pit item that was taken off the agenda, the council will be hearing more about it in the future. The city has a little money that has been set aside for the reclamation process. The city will be involved in that process. He then explained what the reclamation is, and how it is used to help make the property/pit useable in the future.

Allan Hales asked if it would be city funds used for the reclamation. Bruce explained that it would not be city funds. Mayor explained how the last company that used the pit, so much of the profit was given to the city to be put into the reclamation fund. The city is involved because of the zoning and the water shed protection.

## **18. ATTORNEY S. JUNIOR BAKER.**

Lynn Durrant wanted to point out how our Power Department employees each year have received a safety award for their safety. They have received this award for many years. The city power department has some great employees along with the rest of the city.

## **ADJOURN CITY COUNCIL MEETING**

**MOTION BY:** Councilperson Craig Warren to adjourn city council meeting.

**SECONDED BY:** Councilperson Sterling Rees.

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

**MEETING ADJOURNED AT:** 8:40 p.m.

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Jeffrey Nielson, City Recorder