

Minutes of the Salem City Council Meeting held on July 15, 2015 in the Salem City Council Chambers.

Work session 6:00 p.m.

Mayor Brailsford turned the time over to Lonnie Shull and Jennifer Robinson from the State Board of Water Quality. Lonnie reported they have an open violation with Neways, an industrial user that they are currently working on. They hope to have it completed soon, but can't talk about it until it is resolved. They know what the issues is that is causing our sewer lagoons from being out of compliance. He stated the city is doing a good job to try and stay in compliance. Mike has done an excellent job in notifying the state when our treatment plant is having issues with foaming and being out of compliance. Lonnie stated the state is the controlling entity and they have the authority to issue violations. They will be working with Neways on doing permits and pretreatment for them. Lonnie stated the recommendation from the state, is to continuing keeping them informed. He also talked about doing an informal letter to the city about the violations the treatment plant has had because of the industrial user they are working with, basically stating the state is under the understanding of why we are in violation and will not hold the city at fault. Lonnie stated that technically we are at fault but he understands where the liability is coming from and the worst case scenario is inaction. Councilperson Janie Christensen asked why we cannot enforce our ordinance that is already in place. Jennifer stated that we can and should be enforcing an industrial user within our services and asked why we aren't. Councilperson Janie Christensen replied we were advised by our legal counsel that we cannot without an NOV issued by the city. The comment was made we are not sure if we (the city) have enough proof. Lonnie stated that their NOV was given to Neways with only the evidence presented to him by Salem City. The state stated they would not give us any direction on if we wanted to enforce our ordinance.

The question regarding the foam in our sewer plant. Councilperson Janie Christensen stated the foam is causing an issue where we need to use more chorine. E.coli is also high, because the chlorine is not able to kill it because of the foam. The BOD limits are also a problem. The foam is making our sewer plant inefficient.

There was a discussion on the ammonia limits, the city was notified in 2012 about the new regulations from the Federal EPA. The state stated they are being very forgiving right now about our sewer plant, knowing that we are working towards a solution. The solution will be a new sewer plant soon, because the lagoon system will not treat the new regulations and we will have to have a mechanical plant.

Lonnie from the state stated they have a pretreatment program and can issue a permit to our industrial user. If the city would like to start a pretreatment program, it would take a while to get the program in place. Jennifer from the state recommended to wait on the pretreatment and allow the state to do theirs. They would be able to enforce it with their NOV.

Councilperson Soren Christensen asked if we can get our out-of-pocket costs put into the state's actions. Can we take retro-active fines and put into your resolution? Lonnie stated that after the final settlement, the city has the ability to come in and ask for compensations

and/or fines during the 30 day comment period of the public notice. He will let us know when that takes place.

Mayor Brailsford asked that Bruce Ward and Attorney Junior Baker get with Lonnie from the state and continue working with them.

Attorney Jason Sant talked about the change with the interlocal agreement with Spanish Fork for the attorney fees. They have hired a part time prosecutor attorney in their office. They looked at the formula for the split and changed it from 30% to 27% for Salem City portion. They will still maintain the same service.

Bruce Ward talked about the well study that is on the agenda tonight. We have contacted someone to do a well study. We are planning for the future to determine well sites and protection zones.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor Randy A. Brailsford

COUNCIL PRESENT:

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

Excused:

Councilperson Aaron Cloward

STAFF PRESENT:

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

Junior Baker, City Attorney

OTHERS PRESENT

Kevin Kunhi, John Dester, James Simons, Christy Simons, Howard Chuntz, Rod Barney, Roxann Barney, Rebecca Andrus.

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Brailsford asked if anyone would like to give a motivational or inspirational message. Clark Crook 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. PUBLIC HEARING

Open

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

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

a. **Salisbury Homes – Zone Change request on Property located at approximately 800 North 250 East from R-15 to R-8**

Mayor Brailsford stated no one was present to represent Salisbury and they have also pulled the request. He also asked if anyone from the public had any comments. There were no comments.

Close

MOTION BY: Councilperson Craig Warren to close public hearing.

SECONDED BY: Councilperson Janie Christensen.

VOTE: All Affirmative (4-0).

a. **Salisbury Homes – Zone Change request on Property located at approximately 800 North 250 East from R-15 to R-8**

MOTION BY: Councilperson Janie Christensen to deny the zone request.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (4-0).

4. SWEAR IN NEW POLICE OFFICER

Chief Brad James introduced Cullen Carter as our new police officer, he used to work for Beaver County Sheriff Department.

Jeff Nielson then swore him in.

5. KEVIN KUNHI – Request for Extension on Bonding for Whisper Ridge Phase 2

Kevin Kunhi stated he is requesting to extend his bonding for Whisper Ridge Phase 2. His 90 days is up and would like to extend it for another 90 days. He stated he is having a hard time coming up with surface water, but he feels he may have some found. He would like the extension to make sure he has time to get the water.

MOTION BY: Councilperson Janie Christensen to approve the extension request for the bonding on Whisper Ridge Phase 2, for 90 days.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (4-0).

6. ROBERT NELSON – Preliminary Approval for Loafer Mountain View II

Bruce Ward explained where the subdivision is located. He stated the lots meet the 15,000 square feet. The subdivision also meets all of the requirements. It was recommended for approval in DRC and Planning and Zoning. One of the concerns was the slope on some of the lots and how it will be discussed in the final approval. Also a GEO Tech study will be required for the lots. There are 28 lots in the subdivision.

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

MOTION BY: Councilperson Soren Christensen to approve the preliminary approval for Loafer Mountain view phase 2.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (4-0).

7. JOHN DESTER – Amendment for Plat C of central Park

John Dester explained how there is a triangle piece of property that Nebo School District owns to the north of their property that they would like to purchase. If they bought it, they would make it nice area, right now it is an eye sore. But in order to afford it, they would like to add 5 more units (1 building). They would arrange the town homes to accommodate the new unit. The question that has come up, is they can have the town homes with the carports in fronts or have them face the school and put garages. He is okay with either way. In DRC is was split and Planning and Zoning recommended having garages. John showed the photos of the two different options. The parking spaces would be close to the same, either way.

MOTION BY: Councilperson Soren Christensen to approve the amendment for Plat C of Central Park Subdivision and to have garages rather than carports for the town homes.

SECONDED BY: Councilperson Janie Christensen.

VOTE: All Affirmative (4-0).

8. APPROVAL OF WATER & WELL STUDY

Mayor Brailsford asked Bruce Ward from Forsgren to explain this item. Bruce stated the city has solicited a ground water hydrologist for the purpose of studying potential sites for a new well. There are three possible sites we are looking at, especially areas below the Salem Canal. Our current wells and springs are at the base of the mountains. It would be good planning to find other options for a water source. The price range would be around \$3,400. This would be for future planning for water.

MOTION BY: Councilperson Sterling Rees to approve the well ground water study.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (4-0).

9. APPROVE RESOLUTION FOR INTERLOCAL AGREEMENT WITH SPANISH FORK FOR LEGAL SERVICES

Mayor Brailsford stated this is an amended agreement. Attorney Jason Sant reported their office is hiring a part-time prosecutor to help out. Mayor Brailsford stated the percentage went from 30% to 27%. The change was put into the new budget year.

MOTION BY: Councilperson Soren Christensen to approve the resolution 71515 for the interlocal agreement with Spanish Fork City for legal Services.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (4-0).

10. APPROVE BID FOR ROAD OVERLAY PROJECT

Matt Marziale reported to the council they opened the bids for the overlay project last week. Staker Parson had the lower bid, but we are still working with them to make sure they are using the correct material. If they do not have the correct material, then we would recommend the next lowest bid, from Eckles Paving, who did bid the correct material.

MOTION BY: Councilperson Janie Christensen to approve the Staker Parson for the overlay project, unless they do not have the correct material, then the approval would be to Eckles paving. The pricing is for Staker was \$0.13 per square foot for a total of \$147,602.26 and Eckles was \$0.132 per square foot for a total of \$149,873.06.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (4-0).

11. APPROVE MINUTES OF JULY 1, 2015

MOTION BY: Councilperson Soren Christensen to approve the minutes of July 1, 2015 as written.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

12. APPROVE BILLS FOR PAYMENT

Mayor Brailsford reported the amount of the bills approved tonight is \$558,381.90.

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

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (4-0).

COUNCIL REPORTS

13. MAYOR RANDY BRAILSFORD

Mayor Brailsford stated Salem Days preparation is going well and we will be ready.

14. COUNCILPERSON STERLING REES

Councilperson Sterling Rees, turned the time over to Matt Marziale who reported on Eagle Scout Projects. Matt explained of the 17 projects, 13 are taken and of those seven are still in progress.

15. COUNCILPERSON JANIE CHRISTENSEN

Councilperson Janie Christensen reported our own Miss Salem, Tessa Fitzgerald, did really well at the Miss Utah Pageant. She won the talent competition in the third group. The people's choice went to Madeline Larsen, a former Miss Salem.

She also reported we are going to be getting a letter from the State Division of Water Quality, stating Salem City is not liable for the inactivity we have done in enforcing our ordinance. We can enforce our ordinance and site Neways for foaming and effluent level violations but we will discuss that as a council in the future. We do not need an NOV (Notice of Violation) to those who are not in compliance with our sewer ordinance in order to enforce it. We were also told by the state, that because of mandates from the Federal EPA, we are going to be forced to build a new sewer plant that will be able to handle the ammonia and other federal regulations.

She also reported the library is still looking for donations for the auction. The chamber "Play Un-Plug" program is going very well this year.

16. COUNCILPERSON AARON CLOWARD

Mayor Brailsford excused Councilperson Aaron Cloward.

17. COUNCILPERSON SOREN CHRISTENSEN

Councilperson Soren Christensen reported we do not have data from our water usage for this week.

Mayor Brailsford reported on Friday July 3, he drove around the east section of the city and in 25 minutes found 12 residents who were in violation of watering. He stated he is very concerned about the larger lots and the PI usage for them. He would like something in place before next spring for a PI rate for larger lots.

Mayor Brailsford also stated he is concerned about water and the future. We are trying to find different options for water with a study we are going to do.

There was a question brought up, that the city needs to make sure the drainage in the storm drain retention ponds work and know they can handle the water. We need to make sure of what type of material is in the bottom of the drains so they work.

18. COUNCILPERSON CRAIG WARREN

Councilperson Craig Warren reported on the SUVSWD (solid waste), they had a meeting tonight and made some changes to the budget. The district is going in the right direction financially. Right now the district is in the black before the audit for fiscal year 2015.

He then turned the time over to Matt Marziale for an update on the roads. Matt reported the streets department is doing a one inch overlay on the subdivision behind the Hatfield Car Wash and then also around Melanie Lane. The roads department is doing a lot of projects that are being noticed by the public. 100 East project will begin milling the road and start grading. We are doing other prep work on the project with the irrigation ditches, trees and also looking at options for purchasing speed limit signs that are solar and display the speed of people as they drive past.

19. PUBLIC SAFETY – CHIEF BRAD JAMES

Chief Brad James reported the “Play Un-Plugged” program is going very well for the police department. We have had a lot of people from other cities participating in the un-plugged program. He also reported the Senior Library Board asked him to do a class for senior citizens on fraud. He stated the class went very well.

This last Friday we had a problem with social media. Someone reported something that got blown out of proportion. It dealt with someone going door to door selling items. The social media is good, but we also need to be very careful. He had to try and get out the correct information.

20. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS

Dave Johnson did not have anything to report.

21. ATTORNEY S. JUNIOR BAKER.

Attorney Jason Sant reported their office has hired the part-time attorney, Ana Burgi. She will be handling Class B Misdemeanors and below and also working with the police department.

22. JEFFREY NIELSON, CITY FINANCE DIRECTOR/RECORDER

Jeff Nielson did not have anything to report tonight.

23. MATT MARZIALE, RECREATION DIRECTOR

Matt Marziale reported the recreation is hosting a portion of the UBBA Tournament here in Salem. We are getting extra tournaments here because of our facilities and referees. He also reported Salem Days preparation is going well, and baseball will be finishing up soon, then will start on fall programs.

Matt reported on the storm drain project at 350 West Canal Road, it is just about finished. The landscaping is last item, then it will be complete. We also noticed there was a property owner who has a farm, when it rained, a lot of debris from his farm would end up in the storm drain in the area. We sent a letter to the property owner and it has gotten a lot better.

On Canal Road by Woodland Hills Drive, the section that is in the county, the other day we had about 18 inches of water on the road. It was from a property owner who had allowed the irrigation to flood the area. We called out the fire department to bring some pumps to pump the water. The county is going to send a letter to the property owner and we are working with the Highline Canal Company too.

We are also doing improvements at the rodeo grounds, adding more sand to the arena so it is more usable and putting a platform for the bleachers. We are also working on the mud volleyball pits and getting them ready for Salem Days.

The soccer park is getting ready for hydro seeding when it cools down, we will be getting the bids and approving them soon.

Mayor Brailsford mentioned when Orchard Farms comes in again, we need to remind them they need to put two storm drains in to collect the water that would be coming from the cemetery.

24. CLARK CROOK, ELECTRICAL DIRECTOR

Clark Crook reported the power department is working on finishing the lights at Loafer View Recreation Complex for the football field. Working with T-Mobile to allow us to have lights placed on their cell tower. He stated it has cost us about \$40,000 to do the lights ourselves and working out deals. If we would have had someone else hired to put up lights, it would have been about \$200,000.

The power department is also working on three different subdivisions, finishing up with South Bench subdivision, Central Utah Medical Clinic we are about 30% complete, and working with SESD to getting the power underground there. The power crew has also been busy working with other departments.

Attorney Jason Sant stated Central Utah Medical Clinic has changed their name to Revere Health.

Mayor Brailsford reported on the 100 East project, we are getting compacting testing completed, Beet Road (460 West) by the clinic will be oiled and ready to open on Friday. He has also been working with the county commissioners to see about capital improvements for utilities being installed on the new Salem Park Drive (Elk Ridge Drive extension).

25. WADE REYNOLDS, STORM DRAIN/SAFETY

Wade Reynolds was excused.

Mayor Brailsford asked if there was anything else from the council or public.

Councilperson Janie Christensen reported that during work session we had representatives from the State Division of Water Quality. They talked to us about our sewer plant and pretreatment options to our industrial user. The options were to either have the city come up with a pretreatment program, which would take anywhere from six months to a year, or we can have the state over see it, which would happen quickly. It was decided to have the state do it.

ADJOURN CITY COUNCIL MEETING

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

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 8:15 p.m.

Jeffrey Nielson, City Recorder