

Minutes of the Salem City Council Meeting held on May 4, 2016 in the Salem City Council Chambers.

Work Session: 6:00 p.m.

The council reviewed items on the agenda. They discussed Salem Park Development Agreement and issues with the parks and if they should be improved or not. It was discussed how we would like to have them developed with improvements, graded, fully grassed, sprinkler system, trees, etc. The improvements should be on the parks, but on the bird habit would not need to be improved. Some of the trails would need to be asphalted.

The other items on the agenda were also reviewed.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor Randy A. Brailsford

COUNCIL PRESENT:

Mayor Randy A. Brailsford
Councilperson Cristy Simons
Councilperson Aaron Cloward
Councilperson Soren Christensen
Councilperson Craig Warren (phone)

STAFF PRESENT:

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

Excused:

Councilperson Sterling Rees

OTHERS PRESENT

D. Alan Nybo, Evan R. Ward, Clark Caras, Conrod Kolba, Wyatt Penrod, Cole Andersen, Richard A. Powell, Lexie Davis, Connor Creighton, Thomas Holmgren, Kelsey Collins, Drew Meservy, Brian Stewart, Cassidy Jex, Rebecca Andrus, Jim Whitmore, Tyler Roberts, Ethan Simons, Abigail Brown, Sabrina Woolstenhylme

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Brailsford asked if anyone would like to give a motivational or inspirational message. Councilperson Aaron Cloward 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. CLAUDIA JEX - RESIDENT REQUEST

Mayor Brailsford turned the time over to Claudia Jex. Claudia explained she lives in the Salem Heights Subdivision. She handed out to the council, the code for motorcycles and noise nuisance from her CCR's in the subdivision, city code, and the State Code. In the code, she explained about the decibel levels and how she has neighbors who continue to ride their motorcycles and four wheelers on their vacant lot behind their home. They want to live in a peaceable area, where they can come home at nights and enjoy quietness. But with the motorcycles and four wheelers, it is too noisy. She stated when she grew up, she had a large area that she could ride motorcycles, but her father told them if they ever got a complaint from the neighbor, then they would not be allowed to ride. She would like the same respect from her neighbors. They have put up with it for a while and feel it is worse than the barking dogs.

A video of the neighbors riding their motorcycle and four wheeler was shown. Claudia stated if they know they are being watched or videoed, they tone it down.

Conrod Kolba owns the vacant lot and has a home on the adjacent property. He has a lot of neighbors who ask to ride their four wheelers and motorcycles on it too. He stated in December a police officer came out and talked to them about the riding, but after seeing the situation was not sure what to do. The police officer told him if they could see a problem they would notify him. Conrod was never notified so he did not feel it was a problem. In the winter time they also use the four wheelers to plow many of the sidewalks and driveways of the neighborhood. Mayor Brailsford asked Conrod if they have had complaints about dust. Conrod stated he did have one neighbor who was kind of concerned about the dust, and they were able to work it out. Conrod stated they had an incident with the Jex's family. The Jex boys were shooting their sling shots at our kids as they were riding and also the Jex's were filming them. They went and talked with the Jex family and asked them to not film their kids. They have also wrote letters to the Jex family to try and work it out. In the last 7 weeks, they have only ridden their four wheelers and bikes for a total of 3 hours. He stated he wants his kids out side doing activities rather than sitting inside playing on computers. He also stated about a year ago, the Jex boys were out playing night games. His wife called and stated they were being too noisy and asked them to be quiet. Since then the issues have started with them complaining about the four wheelers.

Police Chief James stated we do not have any laws prohibiting them from ridding on their own property, but we do have a noise ordinance based on the decibels. Until last night he has not spoken to the Jex family. He had three calls in 2013 about kids riding four wheelers and how they to be supervised. In December this last year, he had an anonymous call; it was determined not to be a problem. In March another anonymous call; and they responded but did not see anything. Chief James explained last night he went up and had the Kolba's ride on the property, he then took a decibel reading, he got two readings on the east side of the property, one at 63 in one spot and 66 in another spot. On the west side of the property got two readings that were below 60.

Councilperson Christensen asked if there is a fence. It was stated there is no fence. Councilperson Christensen asked if the vehicles could be modified. Chief James stated they

could not. He stated he also talked to other neighbors and none of them have a problem with the noise or the kids riding. Councilperson Christensen asked about having a fence put up, but understands it would need to meet the subdivisions CCR.

Mayor Brailsford asked if the incident would be considered a nuisance. Chief James stated no.

Attorney Baker mentioned the city cannot enforce the subdivisions CCR. With the decibel reading, it would be a Class C Misdemeanor, but the challenge is catching them and getting a good reading.

Councilperson Soren Christensen recommending having a fence installed and asked that the neighbors work together on this.

Mayor Brailsford asked Chief James if he would take a decibel reading when he gets a complaint on the issue. Other than that, the city cannot do much more, besides asking to work together as neighbors.

4. APPROVE SALEM PARK MASTER PLAN DEVELOPMENT AGREEMENT

Bruce Ward stated after working on the master plan agreement for Salem Park, we feel it is finally ready to be presented to the council. It was stated some concerns with grading of the two parcels that will be turned into parks. Feel we need to spell out the cities expectations on what we want mass grading to be. From the city we want a level surface with grass and sprinkler system. We know they won't be big enough to host games but could be used for practices as well as other uses besides recreation. The area needs to be hydro seeded and the city will not take it over until the grass is fully established. We will want trees around the outside of the area, not in the middle; we will give suggestions of the type of trees. Would require benches and the trail system leading to the park area, which will need to be asphalted so we can get equipment on them. Will also need to meet our standards.

Tyler Roberts asked about what trails to be asphalted. Matt stated he will work with him on it.

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

MOTION BY: Councilperson Aaron Cloward to approve the Salem Park Master Plan Agreement with said changes. After the changes have been made, will approve the mayor to sign it.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (4-0).

5. APPROVE STORM WATER DRYING PAD

Matt Marziale explained about the drying beds for the storm water regulations. They will be at the city shops. They will be used when we have excavated dirt with the jet truck and that needs to be dried and have the liquid drain into a drain that goes to the sewer plant. Again, this is part of the state requirements for the storm water regulations. Wade Reynolds has gotten the bids for the project. He received two bids and the third company (WW Concrete) did not return a bid. Recommendation from staff is to accept the RM Davis Construction for the cement work, with a bid of \$19,402. With the project, we also need the ground excavated and a drain pipe over to the sewer plant, crossing the wet lands. Matt also explained we have the permits for the wet land excavation from the Army of Corps. The excavation cost is \$9,756.30. The other bid for the concrete was from Carbide Construction for \$26,958. The funds for the project are in the storm water fund.

MOTION BY: Councilperson Aaron Cloward to approve the RM Davis Construction bid and then Hiatt bid for \$9,756 for the excavation.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (4-0).

6. APPROVE COURT CONTRACT

It was explained how Salem City is an extension of the 4th District Court. We can accept minor traffic violations. Because of this, the state reimburses us for the cost of the using our facility and for a portion of salary. The amount of the reimbursement of the contract is \$4,279.99.

MOTION BY: Councilperson Soren Christensen to approve the Court Contract for fiscal year 2017.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (4-0).

7. APPROVE MOUNTAINLAND ASSOCIATION OF GOVERNMENTS INTERLOCAL AGREEMENT

With this Interlocal Agreement with Mountainland Association of Governments, it helps us to get CDBG or other grants if we can qualify for them.

MOTION BY: Councilperson Aaron Cloward to approve the Mountainland Association of Government Interlocal Agreement.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (4-0).

8. AWARD BID FOR 400 NORTH STORM WATER PROJECT

Bruce Ward explained we received bids for the 400 North Storm Drain project. The storm drain will go from the LDS Seminary building by the Junior High on Main Street, to 400 North and then down 400 North to about the High School. We had three companies turn in bids for the project. They were Silver Spur Construction for \$169,650; Stubbs & Stubbs for \$172,954.16; and RB Construction for \$229,220.

The project will begin in the summer after school lets out and will need to be completed before school starts again. We are also working with Nebo School District for their participation in the project (due to the Junior High School). We will be checking the references on the company. If we feel everything is good to go with Silver Spur and the district is okay, then we will ask for the mayor to sign the bid to be awarded to Silver Spur.

MOTION BY: Councilperson Soren Christensen to approve the bid of Silver Spur Construction after reviewing the references. Once the references have been verified and we feel good about it, and then approve the mayor to sign it.

SECONDED BY: Councilperson Aaron Cloward.

VOTE: All Affirmative (4-0).

9. APPROVE MINUTES OF APRIL 6 AND APRIL 20, 2016

Mayor Brailsford asked for a motion to approve the minutes of April 6 and April 20 as written

MOTION BY: Councilperson Aaron Cloward to approve the minutes of April 6 and April 20 as written.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (4-0).

10. APPROVE BILLS FOR PAYMENT

Mayor Brailsford asked for approval of the bills for payment.

AMOUNT: \$312,612.68

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

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (4-0).

Mayor Brailsford turned the time over to the Youth Council. The Youth Council thanked the Mayor and City Council for their support. The Youth Council had their closing party for the year and for the graduating seniors. They will start back up again in June.

11. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief Brad James stated a few things going on in the month of May, on Tuesday May 10th will be the Annual Fishing Day for the special needs students. We will have about 1,200 students from around the state come. Also on May 21 will be the Salem Spring Triathlon. May 13 and 14 will be the Revere Health opening.

12. DAVE JOHNSON, BUILDING OFFICIAL DIRECTOR

Dave Johnson reported on DRC meeting. He stated Robert Nelson came in for a final plat approval for Mt. Loafer View plat D. There are seven lots, but one of the lots is an existing lot. It was approved. Dean Ingram brought in Mt. Loafer Meadows Plat B with 16 lots for approval. It too was approved.

13. ATTORNEY JUNIOR BAKER

Attorney Junior Baker did not have anything to report tonight.

14. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff Neilson stated next council meeting will be having work session earlier to go over the tentative budget for approval.

15. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Councilperson Aaron Cloward stated the baseball opening day at the Loafer View Complex will be held on May 5, 2016 from 5:30 to 6:00 p.m. It is really neat to a part of it.

Matt Marziale reported the water department is working on getting the PI system ready and they have also been working on a couple of water line breaks. The water restriction signs have been put up. The roads department has been working on repairing roads, 300 South will be the priority for the next week. 140 East is also on the priority list to get overlay completed by next week by the developer. 140 East is by the Cemetery and needs to be completed before Memorial Day. Matt also reported that things are going well with the sewer.

Mayor Brailsford stated he notified Nyle Robinson about a storm drain that did not have a cover on it in the Orchard Farms development. There is also a water valve that is sinking in the middle of the road on 140 East. That needs to be fixed before they do the overlay on it.

16. CLARK CROOK, ELECTRICAL DIRECTOR

Clark Crook reported on a press release that was just announced regarding UMPA. UMPA has acquired additional power resources at the West Valley Gas Powered Generation Plant. This will help replace the lost generation from the coal plants. It will be used for peaking times along with other sources. We were able to get it at a very good deal, a lot better than building one ourselves, which was another option. We will still need to come up with other sources, as the coal generation plants are under fire by the federal government.

Attorney Baker reported UMPA has contract to get more power than what we currently need. We will be able to sell the excess power we don't need. The nice thing about gas generation, is it is able to ramp up power fast, this is so you can get it quickly for the demand times.

Mayor Brailsford had asked Mr. Nybo to come and talk to the council and turned the time over to him. Mr. Nybo stated he is in the process of getting solar power to his home. It is very expensive to have it installed and was told by the company installing it that he could sell back the power to the city or be able to have the excess power given as credit, which could be used until the end of the year. When he was told he needed to talk to the city, he found out that Salem does not buy back the power and at the end of each month the city zeros out the credit and you start over at the beginning. After hearing this, he did not feel it would be reasonable to do solar power.

Clark Crook explained as staff, we do not want the solar companies taking advantage of the residents. When residents apply for the permit, we have the resident talk to us so we can go over our policy with them. This is to ensure they understand our policy and not what the solar companies are telling them. Each city is different with their policy and we try to make sure the residents know the policy before they purchase it. He stated the ideal is to have the resident buy a system that is not too big, but will keep them close to zero Kwh each month. Don't purchase a system that will generate too much power. Councilperson Soren Christensen, who has solar power, stated he knew he was not going to sell any back to the city. Solar is not cheap and not a money maker, but you do it knowing you are doing your part to help with the environment. Clark stated we are currently going through a rate study with UMPA; solar power is also being looked at. The study should be done in the summer, and will be able to look at our policy to see if any changes that need to be made.

Clark and Attorney Baker explained about Renew Choice. It is the opportunity for the resident to purchase green power, to help out the environment. UMPA is also looking at a solar community power.

17. ENGINEERING

Bruce Ward from Forsgren Engineering stated that PRI group (they are the group who is doing the study for development with us and the LDS Church) is ready to present to the City Council and Planning & Zoning. We are looking at doing a combined work session on May 11th to go over their findings and recommendations.

18. WADE REYNOLDS, STORM DRAIN/SAFETY COORDINATOR

Wade Reynolds was excused tonight.

Mayor Brailsford asked if there were any questions from the public. Thomas Holmgren stated he is taking a government class in school and was wondering about the nativity scene the city puts up for Christmas and has heard it is against the 1st amendment. Mayor Brailsford stated the city has worked with the ACLU on it a few years ago.

COUNCIL REPORTS

19. MAYOR RANDY BRAILSFORD

Mayor Brailsford reported the council should have tickets for a VIP tour of Revere Health on the 13th of May.

20. COUNCILPERSON STERLING REES

Councilperson Sterling Rees was excused.

21. COUNCILPERSON CRISTY SIMONS

Councilperson Cristy Simons turned the time over to Celsey Long, the Miss Salem Pageant Director. Celsey stated they have nine girls who are contestants for the Miss Salem. They will be coming to council on June 1 to talk about their platforms. The pageant is on June 11.

Councilperson Cristy Simons also turned the time over to Clark Caras from the Chamber. Clark reported the Play Unplug assembly should be going on in each of the schools. We have 40 businesses/entities participating this year. This will probably be the last year of doing it. On June 18th will be the kickoff party for it at the Spanish Fork Sports Park. He explained how the schools will be awarded for how many kids participate and get tags, along with each school will be able to give away a bike for the student who has the most tags.

22. COUNCILPERSON SOREN CHRISTENSEN

Councilperson Soren Christensen did not have anything to report tonight.

23. COUNCILPERSON AARON CLOWARD

Councilperson Aaron Cloward did not have anything to report tonight.

24. COUNCILPERSON CRAIG WARREN

Councilperson Craig Warren did not have anything to report tonight.

ADJOURN CITY COUNCIL MEETING

MOTION BY: councilperson Aaron Cloward to adjourn city council meeting.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 8:40 p.m.

Jeffrey Nielson, City Recorder