

Minutes of the Salem City Council Meeting held on November 15, 2017 in the Salem City Council Chambers.

Work Session: 6:00 p.m.

1. FORSGREN WASTEWATER TREATMENT PLANT UPDATE

The council welcomed Jason Broome, Shay Smith, and Nick Patterson with Forsgren Engineering. Jason reported that they have been working on the pretreatment program and getting it ready to go, Attorney Junior Baker is reviewing the ordinance. Once Attorney Baker is done, it will be submitted to the state. The state then has 6 months to review it. Jason stated that the lagoon system that we currently use does not meet the state standards and the future needs of Salem's community. They have selected a new design for a wastewater treatment plant and have begun to get cost estimates for it. The cost has gone up significantly since the study was completed and they have a couple of options for the council for the payment of the loan to fund the plant. He stated that no action needs to be taken at this time. The numbers are based on an estimate and we won't have final numbers until we put it out for bid in the spring. Mayor Brailsford stated that the whole council should see the model before they make a decision. Mayor Brailsford thanked Jason for the update.

Bruce Ward reported on the public hearing items. The zone change Darren and Marcy Keller are asking for is located at 500 East and Center Street. They would like the zone changed from R-10 and R-15 to R-8. They meet all the requirements for the zone change. Planning and Zoning felt like this would be an acceptable change. They asked for any public input, but no one was there to comment. All the neighbors were sent notices, one did call the city office to express that she would rather they did not change the zoning, but she did not attend the meeting. Councilperson Soren Christensen asked if we had a lot of spot zoning issues come up. Bruce stated that we have used R-8 to fix some spots, but have only used it a couple of times. Mayor Brailsford asked if the owners owned any adjacent property. Councilperson Cristy Simons stated that they did not. She stated that they would like to utilize the property they own and don't have any animals to keep on the property. She advised that this is family so she will be abstaining from this vote.

Bruce stated this next item needs a little more discussion. The property located at approximately 1825 N. 460 W. is being developed by Winn and Robert Lindsay. They need to rearrange the zoning on the property to fit the project they plan on doing. The project would include 55 and older housing units, assisted living, independent living, and single family housing. They would like the left hand corner of the property to be 55 and older living, the upper right to be assisted and independent living. The bottom portion would be single family homes. Bruce explained this is mostly the same amount of zoning just moved to different spots. He stated that the text amendment to the C-1 zone is to add assisted living and independent living facilities as a permitted use. These types of facilities would be allowed with certain conditions, and we would deal with each one independently.

Councilperson Christensen asked if there would be commercial spaces in the independent living areas. Winn replied that there would be, it would be mostly geared towards the residents that live there, not so much for the public. Councilperson Seth Sorensen asked if there would be a buffer between the residential and industrial areas. Bruce answered we are just talking about the concept so that would be discussed as the project moves forward. Bruce stated the development agreement talks about the uses of the land. This R-5 zone could not

become townhomes, we liked the concept of the project and feel it is a good place for it. We are changing the zoning with the limits of uses of the property. This project can only move forward if all three of these items are approved. Councilperson Christensen asked if this development agreement will evolve. Attorney Junior Baker stated that is how the agreement was designed, it will change with each plat they bring in. Councilperson Christensen asked if 460 West would have the improvements done. Bruce replied the road would need to be widened and they would be required to do improvements from Arrowhead Trail to Revere Health. He stated they have talked to Olsen's Greenhouse about doing their part with them. Bruce commented this is a big project, and could be a good project. Councilperson Christensen asked if we need to approve the text amendment and development agreement. Bruce replied that we need three separate motions, and that all three will need to be approved for the project to move forward. He stated if the council has any concerns, they can work through them.

Bruce stated that Robert Nelson apologized for not being here tonight, he injured his back. His development is a standard R-15. Mayor Brailsford asked if this was the last phase of this development. Bruce answered that it was. He stated that the property meets all requirements connecting the utilities. Councilperson Christensen expressed concern about water retention from the High Line Canal. Bruce stated this project does run back to the property they are already using and it will get expanded. They have talked to the Bureau of Reclamation about property lines. Bruce mentioned that Planning and Zoning and DRC recommended approval.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor Randy A. Brailsford

COUNCIL PRESENT:

Mayor Randy A. Brailsford
Councilperson Cristy Simons
Councilperson Seth Sorensen
Councilperson Soren Christensen
Councilperson Sterling Rees
Councilperson Craig Warren, Excused

STAFF PRESENT:

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

OTHERS PRESENT

Kurt Christensen, Howard Chuntz, Kurt Davis, Lee Evans, Linda Evans, William Burk, Ben Burk, Winn Lindsey, Alan Curtis, Dar Christensen, Marcy Keller, Emily Burton, Nate Horton, Cristina Horton, Kapri Boggess

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.

Matt Marziale introduced scout Quaid Hutchinson. Quaid has finished his eagle scout project and will be reporting on it.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Scout Quaid Hutchinson 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.

Matt explained that Quaid had chosen to do a shade structure at the Loafer View Park by the playground for his eagle project. He will let Quaid tell the council what he has done. Quaid stated that first he held a fundraiser yard sale with help from his ward members. He raised \$750. Then he got the dimensions for the structure and picked up the materials he needed from Lehi. Next, he vaulted the 2 ends to pitch, that took up one Saturday. He put it in the ground and leveled it. He was shorted one piece of metal so that delayed his progress for a week. They completed the roof and it was finished. Matt commented that they have inspected the project and it is complete and structurally sound. He stated that Quaid did an excellent job, and it will get a lot of use in the spring and summer. The mayor and council thanked Quaid.

Mayor Brailsford congratulated Kurt Christensen, Howard Chuntz and Sterling Rees on their success in the election.

3. PUBLIC HEARING **(to open)**

MOTION BY: Councilperson Cristy Simons to open the public hearing.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (4-0).

a. Darren & Marcy Keller- Zone Change on Property Located at 500 E. Center from R-10 to R-8

Bruce Ward introduced this zone change request, the property is owned by Darren and Marcy Keller, it is located at Center Street and 500 East. The property is currently zoned R-10 and R-15. The Keller's have enough property to meet the R-8 zone requirements. DRC and Planning and Zoning recommended approval. Mayor Brailsford asked if there were any questions or comments from the public. There were none

b. Robert & Winn Lindsey- Zone Change on Property Located at Approximately 1825 N. 460 W. from R-5 & R-10 to C-1 & R-5

Bruce reported this is the project located behind Revere Health Care on 2000 North. Mayor Brailsford asked if everyone was familiar with the property we are discussing, it is on 460 West. Bruce stated this is a request to rearrange the zoning on the property. They would like to change the west end of the property to R-5 for 55 and older living. The east end would be C-1 for the assisted living

area. Most of the area they would like R-10 is already R-10 and would be for single family housing. Bruce introduced Winn and Robert Lindsay. Winn mentioned that Robert was stuck in traffic and would be here as soon as he could. Winn stated that Bruce had explained it well and asked if there were any questions for him. He explained that assisted living is for elderly people that need varying degrees of care. The independent living is for active seniors and will be rental units. Councilperson Sterling Rees asked if they would be lease only. Winn answered that they would be. Councilperson Sorensen asked if they would be long term leases. Winn replied that they would be yearly leases. Councilperson Christensen asked which part of the project would be done first. Winn replied they would start with the 55 and older units, then move onto the independent living. Next, they would start the assisted living and then the single family homes. Councilperson Christensen asked when they come into do the 55 and older how they would access the property. Winn answered that they may break this up into two phases. Councilperson Simons asked if they would be doing the road first. Mayor Brailsford asked if the road would be complete. Winn stated that is something they would work out with the city. Bruce advised that the city requires 60% of the road be done. Winn asked if there were any more questions. Mayor Brailsford asked if there were any questions from the public. William Burk asked if there would be townhomes. Winn replied they would be single family homes, not townhomes. Dar Christensen asked why this was a 55 and older project instead of a 62 and older project, that way it would stay senior living. Winn stated that the HOA and CC&Rs would keep this a senior living community. He stated there are a lot of 55 and older that would like to live in this project. Rob Lindsey introduced himself and apologized for being late because of traffic.

c. Text Amendment to the C-1 Zone Allowing Independent Living & Assisted Living Facilities as Permitted Use

Bruce stated that we would need to add assisted living and independent living to our C-1 zone with certain conditions. We don't want to fill up commercial zones with these. Attorney Baker recommends the C-1 zone be modified to allow these with the conditions. Councilperson Sorensen asked if they need to be 300 feet away from the freeway, if that is from the right of way. Attorney Baker stated it is from the right of way. Mayor Brailsford asked if there were any questions from the public. There were none.

(to close)

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

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (4-0).

MOTION BY: Councilperson Soren Christensen to approve the zone change on property located at 500 E. Center from R-10 and R-15 to R-8.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (3-0).

Councilperson Cristy Simons abstained from voting.

MOTION BY: Councilperson Cristy Simons to approve the zone change on property located at approximately 1825 N. 460 W. from R-5 & R-10 to C-1 & R-5.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (4-0).

MOTION BY: Councilperson Soren Christensen to add the text amendment to the C-1 zone allowing independent living & assisted living facilities as a permitted use.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (4-0).

4. APPROVE DEVELOPMENT AGREEMENT WITH TRIPLE NET DEVELOPMENT, LLC (ROBERT & WINN LINDSEY)

Bruce went over the development agreement with Triple Net Development. This is a general requirement, but this development agreement is designed to be revised as the plats are approved. Attorney Baker stated that the council needs to be aware that the Lindeys are looking at creating a new entity for tax purposes.

MOTION BY: Councilperson Soren Christensen to approve the development agreement with Triple Net Development, LLC.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

5. ROBERT NELSON - APPROVE PRELIMINARY PLAT FOR LOAFER MT. VIEW 3

Bruce stated that Robert Nelson apologizes for not being here tonight. Mayor Brailsford stated this is the final phase of this subdivision. Bruce advised that this subdivision has been reviewed, DRC and Planning and Zoning both recommend approval.

MOTION BY: Councilperson Sterling Rees to approve the preliminary plat for Loafer Mt. View 3.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (4-0).

6. APPROVE SOURCE PROTECTION PLAN UPDATE

Bruce stated we are required to update our source protection plan every 5 years. It is required by state law to protect our culinary water. He talked to 3 engineering firms for bids. The following bids were submitted, Sunrise Engineering for \$5000 and Epic Engineering for \$5713. Forsgren Engineering declined to bid. The staff recommendation is to award the bid to Sunrise. Mayor Brailsford asked if there were any questions.

MOTION BY: Councilperson Sterling Rees to approve the source protection plan update with Sunrise Engineering for \$5000.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (4-0).

7. APPROVE RESOLUTION OUTLINING SUPPORT FOR TESTING OF LIGHT DUTY DIESEL VEHICLES IN UTAH COUNTY

Councilperson Christensen stated that at our last meeting Jessica Reimer with Heal Utah had come to council to ask them to send a resolution to legislature for testing of light duty diesel vehicles in Utah County, this would not affect farming and commercial vehicles.

Councilperson Sorensen stated that he had talked to her and asked her a few questions. One thing he found interesting was it was proposed not to test new vehicles. They would be tested a year after purchase if something is wrong that cost of a repair would be put on the consumer. Councilperson Rees stated that he feels there are too many regulations already. Councilperson Simons stated that she felt the same. Councilperson Christensen asked why we should test the gasoline cars and not the diesels. This would make it fair. Mayor Brailsford stated that Councilperson Craig Warren had let him know if he were here tonight, he would have voted for this resolution. Kurt Christensen stated that he had talked to the Utah County Emissions Center and that he was told that every station has the capacity to do this testing. He stated that the altered trucks would be the ones to suffer. Councilperson Sorensen stated he is not opposed to this resolution, he thinks it should be the same testing as the gasoline engine vehicles have. Councilperson Christensen stated that we should amend our resolution to be the same as gasoline.

MOTION BY: Councilperson Soren Christensen to approve the resolution outlining support for testing of light duty diesel vehicles in Utah County with the amendment that Councilperson Seth Sorensen outlined.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: Councilperson Sterling Rees; Nay, Councilperson Cristy Simons; Nay, Councilperson Seth Sorensen; Aye, Councilperson Soren Christensen; Aye. It was a tie (2 Aye - 2 Nay) Mayor Brailsford voted to break the tie. Mayor Brailsford; Nay. (2 Aye - 3 Nay).

8. APPROVE MINUTES OF NOVEMBER 1, 2017

MOTION BY: Councilperson Cristy Simons to approve the minutes of November 1, 2017.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (4-0).

9. APPROVE BILLS FOR PAYMENT

Councilperson Christensen had a question on one of the bills, to Deere Credit described as a tax lien. Jeff Nielson stated that we have a lease on the equipment through Deere Credit and

they are charged property tax on it. They pass this tax onto us. Councilperson Christensen asked if the wording could be changed to property tax. Jeff stated that we would do that.

AMOUNT: \$320,897.85

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

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

10. YOUTH COUNCIL

Kapri Boggess reported the youth council did a breakfast last week with Spanish Fork for our first responders. They will have a booth at the Salem Hills High School Gorge and they will be serving meatballs. They are set to do the Pond Town Christmas lighting and will be handing out doughnuts and hot chocolate.

Mayor Brailsford reported that we had a garbage problem yesterday, Allied Waste had a truck breakdown and so some people did not have their garbage picked up. They should have been back to pick it up today. If anyone still has been missed please let the city office know.

Mayor Brailsford stated that Blake Darcy would be letting us use his luminaries again this year. He will get them to us after the parade in Spanish Fork. The mayor thanked Blake for letting us use them.

11. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief Brad James handed out a paper on the opioid epidemic. This is something we deal with every day in some capacity, whether it be family problems, theft or other issues. There has been some interest to come to Salem to do a presentation that overviews the problem. He wanted to know if that would be something the council would be interested in having come here. Mayor Brailsford stated that we need to try to help our citizens the best we can. We should put this out there and hope people will come and really listen. He asked if we could get the information onto the city website. Jeff stated that we would. Chief James stated he will work on getting the presentation here.

Councilperson Simons asked Chief James about an issue she had seen on Facebook. He stated that there had been a couple commercial burglaries at Fast Gas and Stan's. They were able to obtain some footage and they put that on Facebook with the hope that someone will recognize the individuals, they are now working on the leads they have received. Both burglaries were after closing about 3 a.m. Councilperson Simons asked Chief James what they were taking. He replied they were doing more damage than stealing anything. They are working on putting the case together.

12. DAVE JOHNSON, BUILDING OFFICIAL DIRECTOR

Dave Johnson stated that no DRC meeting had been held today and that he did not have anything to report tonight.

13. ATTORNEY JUNIOR BAKER

Attorney Junior Baker did not have anything to report tonight. Mayor Brailsford asked Attorney Baker when the last sexual harassment class for employees was held. Attorney Baker replied that it was held a couple months ago and that we hold one every year. The mayor asked if most employees attended. Jeff replied that most employees did attend, and those that didn't were given the information and signed paperwork stating that they had received it.

14. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff Nielson stated that we need to approve the calendar for next year council meetings. He asked if they wanted to hold council meeting on July 4, 2018. Kurt Christensen stated that he did not want to. It was decided to not hold the July 4 council meeting. Jeff asked if anyone had questions on the budget, and if they did to please contact him. He stated that the audit is finished and will be presented at the special council meeting held on November 21, 2017. This meeting is to canvass the election results

15. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt Marziale reported that the roads department has almost completed the project on Canal Road and 500 East. The plan was to make sure the curb and gutter were in. That is complete, they will now fill the remaining shoulder with road base and that will finish the project until spring. They still have one manhole lid to change. They do plan to add sidewalk but the asphalt will be the priority. Matt and Bruce are working with the church on the discharge of water from their parking lot. Councilperson Rees asked if leaving the road base there this winter would affect the snow plow. Matt stated it would not, doing this would not create any safety hazard.

Matt reported that the 400 North project is complete except for a small section of concrete. They will finish this tomorrow if weather permits. This has been a drawn-out project but will now be finished until we move east. The trailer for leaves at Veterans Park continues to fill up, they are changing the trailer out every 3 days. We have assigned our crews to clear out the storm drains next week. The parks crew has been working at the pond building up the boat ramp. Matt advised there had been a cave in on Canal Road and 300 West due to a failure in the canal. He is meeting with the canal company to go over solutions on Friday, the canal company will be responsible for fixing this problem. It is barricaded and blocked for now. He will report on what he finds out at the council meeting on November 21, 2017. Councilperson Simons asked Matt to report on the YAM program. Matt stated that there had been a leadership change to the program, the couple that had been over it had a baby and felt they could no longer do it. Matt assigned it to Chase Castleberry. Chase is young and knows a lot about technology. He has done a lot on social media to involve more of our youth. He has doubled the number of followers the program has on Twitter. YAM will be holding a pizza party tomorrow, this is for kids that need a pizza party and somewhere to be. Matt stated that they are getting an intern to work at the recreation office and they will also be involved in the YAM program.

16. CLARK CROOK, ELECTRICAL DIRECTOR

Clark Crook reported that our system is holding up well, our capacity and reliability. Some of that is luck with weather, but also has to do with maintenance. He stated that crew is doing a good job, they are keeping up with the subdivisions. They have the Christmas décor all up, and will do a test lighting Friday at 6:30 a.m. They have installed the lighting for the new welcome to Salem sign on 8000 South, these are solar lights. Clark reported that UMPA is working to have a reduction in the price of Renew Choice Energy by 50%. These are blocks of renewable energy that you can purchase through UMPA. He stated we have had quite a bit of interest in solar still. Clark reported that the UMPA and Peking Plant had held their open houses. The plant has a 12 ½ megawatt capacity and all the generators are run solely on natural gas. All members of UMPA benefit from this plant.

17. BRUCE WARD, ENGINEERING

Bruce Ward thanked the council for appointing a new planning commissioner. Kelly attended the last planning and zoning meeting and will do awesome.

18. WADE REYNOLDS, STORM DRAIN/SAFETY COORDINATOR

Wade Reynolds was excused tonight.

COUNCIL REPORTS

19. MAYOR RANDY BRAILSFORD

Mayor Brailsford did not have anything to report tonight.

20. COUNCILPERSON STERLING REES

Councilperson Sterling Rees did not have anything to report tonight.

21. COUNCILPERSON CRISTY SIMONS

Councilperson Cristy Simons stated that we had honored our veterans at the senior lunch last Thursday. She said it was an amazing day, there were lots of great stories, it was fun to honor them. She reported that winter basketball registration is taking place. We will hold our first annual Salem Christmas Boutique on December 1 and 2, 2017 at the Activity Center. The library will hold their gingerbread house contest November 20 to the 22, 2017. The Pond Town Christmas lighting will be held November 24, 2017 at 6 p.m. and Spanish Fork has their light parade at 7 p.m.

22. COUNCILPERSON SOREN CHRISTENSEN

Councilperson Soren Christensen stated that the wells and springs are holding up well. It is nice to see them recover after the summer. He stated that at the SUVMWA meeting they are looking at selling the property that they had purchased with a wastewater treatment plant in

mind. A large portion of that land is wetlands. They are now discussing what to do with the property. They are getting all the reports done, it looks like about 100 acres are going to be wetlands, which is about half the property. It will be at least 6 months until we know more. The property is 240 acres total.

23. COUNCILPERSON SETH SORENSEN

Councilperson Seth Sorensen did not have anything to report tonight.

24. COUNCILPERSON CRAIG WARREN

Councilperson Craig Warren was excused tonight.

ADJOURN CITY COUNCIL MEETING

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

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 8:14 p.m.

Jeffrey Nielson, City Recorder