

Minutes of the Salem City Council Meeting held on September 20, 2017 in the Salem City Council Chambers.

Work Session: 6:30 p.m.

1. AGENDA ITEM DISCUSSION

Attorney Junior Baker reported on the city manager ordinance, he advised that this is a rare case where the mayor will act as a voting member of the council. It will take the mayor plus three councilmember votes, or a unanimous councilmember vote to adopt this ordinance. Councilperson Craig Warren asked if it was required that the mayor vote. Councilperson Soren Christensen answered that is was, since it will affect the responsibilities of the mayor. Attorney Baker commented that is why it is important that the mayor phones in for the meeting. Attorney Baker stated that he has looked at Mapleton, Spanish Fork and Payson, and their ordinances for the city manager position. Our ordinance will most resemble Payson's. Councilperson Warren expressed that it looks good to him, Councilperson Cristy Simons agreed. Attorney Baker advised that if the ordinance is approved, then they could start putting together a job description. Councilperson Sterling Rees asked if the ordinance is approved, how long we need to wait to advertise for the job. Attorney Baker answered that the first step would be writing the job description. He stated that it wouldn't be hard to put the job description together, then it would be open to employees first. After that the job would be posted to the public.

Attorney Baker explained that the Lindseys were asking for a zone change, but after meeting with them today, they may be premature with their request. He advised there probably won't need to be a motion for this item tonight, it makes sense to rezone the property, but it would be better to do all together when they are ready. He stated that tonight they would just present their project.

Attorney Baker expressed that the South Valley Plaza building has had problems since the beginning. Paul Washburn, who is representing Central Bank, is asking to vacate the condominium plat on this building. They would like to sell or lease the building based on what the businesses needs are, and then set a new plat. Councilperson Christensen asked how the utilities became so messed up in this building. Dave stated that they were inspected as per the unit, but when businesses started coming in they changed things. Councilperson Christensen asked how to prevent this in the future. Dave responded that they need to either be condominiums from the beginning or left as one big building.

Attorney Baker advised that Paul Southam doesn't meet the state requirements for a variance. He recommends we do a text amendment to the accessory building ordinance for larger lots like this. He stated that the staff supports the text amendment. Dave Johnson reported planning and zoning have reviewed this and they recommend to do the text amendment based on lot size.

Jeff Nielson went over the August budget. Councilperson Rees asked Jeff about the audit. Jeff replied that they are still working on the audit, it should be finished up in October or the first of November.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Councilperson Sterling Rees

COUNCIL PRESENT:

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

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

Paul Washburn, Tim DeGraw, Lee Evans, Linda Evans, Charles Eppley, Janie Christensen, Kurt Christensen, Moy Chambers, Doug Blackett, Dianne Blackett, Ryan Kay, Carylee Baker, Evelyn Christian, Royden Christian, Jen Wright, Dan Higginson, Tammy Beck, Tad Beck, Alan Curtis, Shirley VanLeuven, Brad L. Graham, Wade Reynolds, Seth Sorensen, Jon Ward, Fred Swain, Emily Burton, Shelly Chambers

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Councilperson Sterling Rees 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 Craig Warren 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. RECOGNITION OF CITY EMPLOYEE

Matt Marziale presented Jen Wright with a plaque for being the Employee of the Year for Salem City. He stated that she had been recognized at Salem Days, but her plaque was not ready at that time. Jen works in the recreation department and has been the leader in the department, she is responsible for getting the senior citizen program put together. Matt thanked Jen for always being willing to go above and beyond, he appreciates that in an employee. The council thanked Jen for all her hard work.

4. PUBLIC HEARING

(to open)

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

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (5-0).

a. **Robert & Winn Lindsey – Request Zone Change on 8.67 Acres of Property located at Approximately 1625 N. 460 W. from C-1 to R-10**

Councilperson Rees invited the Lindseys to present their proposed project. Robert and Winn Lindsey stated that they were on the agenda for a zone change. Councilperson Soren Christensen stated that they may be premature on the zone change tonight but they would like to hear about their project. They had the map pulled up to show where their proposed project would be. They would like the lower portion to be zoned R-10 and the upper property to be a senior community. They were waiting to see what happened with the senior overlay before they came to the council with their project. Their plan is to have an assisted living and a 55 and older senior living community. The senior community would be 4 units per building with 2 car garages on a single level. They are also planning a building where seniors could lease and stay for a month or two, and that would have a lot of amenities. Councilperson Christensen asked if that was the 3-story building. Robert stated that it was. They asked if the council had any questions for them. Councilperson Christensen asked if they had done any projects like this before. Robert replied that he had worked in commercial brokerage and has been involved with assisted living centers. Winn answered that he was a licensed contractor with the State of Utah. Councilperson Christensen asked about the concept for the single-family homes, what kind of density this would be. Robert answered that they are looking at R-10 for the single-family housing. Councilperson Christensen stated that he did not see a lot of green open space in the project. Robert showed on the map where there will be a walking trail, he stated that there will be garden areas also. He stated that they like the location down by the Revere Healthcare and close to the freeway. Councilperson Christensen agreed this is a good place for a project like this. Councilperson Craig Warren asked if there were any parks in single family part of the project. Councilperson Christensen asked if they had purchased the property. Robert answered that it was under contract. Councilperson Rees asked how many homes were proposed in the single-family project. Winn replied about 90 homes. Councilperson Christensen asked if they had a concept on the single-family homes. They stated these would be a mix of ramblers and two-story homes. Councilperson Cristy Simons asked if the model they were showing was one that they had already built. Robert answered no, that this was just a sample. They would not be building the assisted living. Councilperson Christensen stated that they are back and forth on the senior living, he asked if they had considered doing a 62 and older project so that it would stay senior living. They stated that it would stay senior living in the CC&Rs, and once that is turned over to residents they usually enforce those so that it remains a senior living community. Winn remarked these will be nice facilities. Robert commented that their architect may

have gone overboard on the parking area and they could look at getting more green space by reducing the parking. Councilperson Rees asked if there were any more questions. He thanked them for their presentation. Robert asked if the plan was to table the zone change tonight. Councilperson Christensen stated that this looks like a strong project, but it would be better to do the whole project at once. Councilperson Rees asked if there were any comments or questions from the citizens.

Tim DeGraw mentioned that as the council is aware we are very deficient in senior housing. He moved his senior handicapped mother here, and they had a hard time finding housing for her. The closest thing they could find was in Springville. He stated that we lack multi-generational housing, there is not much inventory and most are very high end. From his perspective this would be a great place. He asked what the cost for this would be. Robert stated that the assisted living would be based on the level of care that a resident requires. The independent living would be a lease for approximately \$1000 to \$1200 a month, and the senior community would sell for \$300,000 to \$350,000.

b. Paul Washburn – Vacate Units 101-106, 201, 201 & 206 Plat A of the South Valley Plaza Commercial Condominiums

Paul Washburn representing Central Bank, stated that the South Valley Plaza is now owned by the bank. Since the building was not built as it was planned they would like to vacate the original plat and change this to convertible space. They would like to adapt the building to needs of the people leasing the space. He stated that there are deficiencies in the building to meet ADA compliance. Councilperson Rees asked if there were any questions. There were none. Paul stated that the building is 75 percent leased. They are looking to clean up the extreme north end of the building by combining the 4 units into a single unit. He stated that they working with current residents of the building.

(to close)

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

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

MOTION BY: Councilperson Soren Christensen to table the zone change on 8.67 acres of property located at approximately 1625 N. 460 W. from C-1 to R-10.

SECONDED BY: Councilperson Aaron Cloward.

Bruce Ward asked if the council would like to hear from the planning and zoning commission. Jon Ward replied that he didn't have any comments. Seth Sorensen explained that what they are proposing is in line with the surrounding area. Planning and zoning did have recommendations about some kind buffer between the south and east, but they do not really want it to be a wall. Bruce remarked that DRC liked the overall concept. He stated that the zone change right now would not do much. He mentioned one thing that keeps coming into question is the senior living overlay. He asked how the council would like to proceed with that, would they like to get a committee together to work on it. Councilperson Christensen stated they could do that, he asked if there is a need for the overlay. Bruce

advised that our zoning will not accommodate this project without the overlay. Councilperson Warren and Councilperson Christensen volunteered to be part of the committee to work on the senior living overlay.

VOTE: All Affirmative (5-0).

MOTION BY: Councilperson Cristy Simons to vacate units 101-106, 201, 201 & 206 Plat A of the South Valley Plaza Commercial Condominiums.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (5-0).

5. APPROVE PRELIMINARY PLAT FOR SOUTH VALLEY PLAZA PLAT B FOR CONVERTIBLE SPACE

Bruce reported this would allow the bank to adapt the property lines as they lease the building and clean up the problem.

MOTION BY: Councilperson Soren Christensen to approve the preliminary plat for South Valley Plaza Plat B for convertible space.

SECONDED BY: Councilperson Aaron Cloward.

VOTE: All Affirmative (5-0).

6. PAUL SOUTHAM – CITIZEN REQUEST

Dan Higginson stated that he was here to represent Paul Southam but only if there are questions for him. Attorney Baker replied that Paul doesn't meet the state requirements for a variance. He stated they are looking at doing a text amendment to the accessory building ordinance for bigger lots. He said the downside would be that would take a little longer. Dan stated that Paul knew he made the mistake and he could either cut it down which would be a big expense or see what the city could do. Attorney Baker stated that the text amendment would require a public hearing, but the staff will start working on it.

7. APPROVE ORDINANCE CREATING THE OFFICE OF CITY MANAGER AND MAKING OTHER CHANGES TO THE CHAPTER ON MUNICIPAL GOVERNMENT TO ACCOMMODATE THE OFFICE OF CITY MANAGER

Attorney Junior Baker stated that he would like to give some background on this ordinance, he has felt for a long time that we have needed to have a city manager. He stated that when Mayor Brailsford decide not to run again Attorney Baker reminded him that this needed to be done. The creation of this position is treated a little different, since it affects the responsibilities of the mayor, the mayor shall act as a voting member of the council. This ordinance will pass with the mayor and 3 council votes for it, or a unanimous council vote. He stated that most cities our size have a city manager. The creation of this position is for a professional person to handle the day to day running of the city, since we have a part time mayor. He has looked at the ordinances that Mapleton, Spanish Fork and Payson have for

their city manager. Our ordinance will be most similar to Payson's. This will change some of the mayor's administrative responsibilities to be the city manager's. There is some cleanup that needs to be done in our city code, and that part would need to be fixed anyway. If this ordinance does not pass Attorney Baker stated he will work on an ordinance to make those changes. He remarked that with this ordinance we are creating the office and assigning the duties and administrative powers of the city manager. The city manager would carry out the policies that the council creates. The city manager would make recommendations to the council. He or she would present the budget. They would attend meetings without the right to vote. The ordinance would change the roles of various duties consistent with Payson and Spanish Fork. The police chief would no longer be required to be a Salem City resident, this would expand our boundaries to look at other qualified people in our area. He advised that this is a fairly significant change for our city, but most cities our size have a city manager. He stated that as he said earlier the mayor will have a vote on this ordinance. He reminded the mayor that he will need to cast a vote. Councilperson Rees asked if the city manager would be required to live in Salem. Attorney Baker stated that he or she would not be required to, some cities encourage the hiring of someone that does not live in the city. He stated that if the council wanted to make that change that they could. Councilperson Simons expressed to the public that the council has talked about this for a while, she has done a lot of research and she feels very good about this. Councilperson Christensen asked Jeff to go over the financial factor of creating this position. Jeff stated that to find a salary we have looked at other cities. The rough estimate would be a salary of \$115,000 with a benefits package of \$51,000. This would be broken out using the same scale as other administrative staff. To cover the cost for this year we could use sales tax, which is up, pull from the unreserved general fund, and use unrestricted enterprise funds. Moving forward we can use the increase we have had on sales tax, which has been increasing the last few years. Councilperson Christensen asked if the money would come from the growth in housing or if there would be a tax increase. Jeff stated that it would come from growth, there would not be any tax increase. Jeff said that as we continue to grow, there is a need for more employees. Shirley VanLeuven asked if this would require the hiring of just one person. Jeff stated that we should be ok with the staff we have. Fred Swain asked if the council was familiar with the responsibilities of the job of city manager. Councilperson Rees stated he was familiar with the job. Fred said his concern is if this is clipping the wings of the mayor too much. He stated he saw that in Payson because that is what they wanted to do. Councilperson Rees stated that this is not to clip the wings of the mayor, but to have someone that can do the day to day things. The mayor has a full-time job somewhere else and cannot attend all the meetings. It is needed to have someone at the city who will be there full time. This will help the city employees to be more informed. Fred stated that he believes the mayor should be the boss, the city administration should not exercise power beyond that of the governing body. Councilperson Aaron Cloward stated that his concern is with the growth of the city, with just the two projects that have been proposed in the last two council meetings you could almost double the population. They need someone committed to overseeing that on a day to day basis. He stated that as we go forward with more growth, this is an investment in our future. A resident asked since there will be a new mayor and a fifty percent change in the council shouldn't these new councilmembers and mayor have some input. Councilperson Christensen asked Attorney Baker to talk about the delay. Attorney Baker stated that they can adopt the ordinance, but if someone is not hired by the time of the election, they cannot hire between the election and the time the new council would take over office.

Councilperson Rees stated that he understands his point but the council has been talking about doing this for a while. Lee Evans asked if the job would be posted. Councilperson Rees stated that we would take applications. Kurt Christensen asked if in his mind it would be someone within the city. Councilperson Rees stated that there would be requirements for the job. Attorney Baker stated that first they would need to write the job description. Then based on that job description it would be open to current employees, then to the public. Once all the applications were turned in then the person filling the job would need to meet the requirements. Kurt asked if it was possible to hire someone in house, he asked if Bruce could do this job. Councilperson Simons stated that we are hoping we have some qualified people here. They will be able to submit their applications. Kurt stated it would be hard to train someone if you bring them from outside of the city. Councilperson Christensen advised that is why it would be good to do while Mayor Brailsford is still here. Lee stated that we are premature in getting a city manager, there are things here that need to be fixed. He asked how we can afford to build a new recreation building. Councilperson Cloward stated that the recreation center was built with recreation impact fees, which was money tagged specifically for the construction of that building. Fred stated that the first city manager in Payson was the city attorney that wanted to switch over. Kurt commented that the new council should have a say. Tim DeGraw remarked that he doesn't disagree, but one reason he is frustrated with politics is that the council should be able to make decisions until their term is complete. He said that you shouldn't handicap the people that you have elected. He stated that maybe they could involve or forestall the hiring to reach some kind of compromise. But he believes this council and mayor should be able to maximize their time in office. Fred stated that he has been here a few times as he has mentioned, and if someone has gone to college and has the background and is educated then they should do that. Councilperson Christensen stated that one of the qualifications would be education. Councilperson Soren Christensen stated that he would be abstaining from the vote due to the fact he is running for mayor.

MOTION BY: Councilperson Craig Warren to approve the ordinance creating the office of city manager and making other changes to the chapter on municipal government to accommodate the office of city manager.

SECONDED BY: Councilperson Aaron Cloward.

VOTE: Mayor Brailsford; Aye, Councilperson Sterling Rees; Aye, Councilperson Craig Warren; Aye, Councilperson Cristy Simons; Aye, Councilperson Aaron Cloward; Aye, Councilperson Soren Christensen abstained from voting.

8. APPROVE MINUTES OF SEPTEMBER 6, 2017

MOTION BY: Councilperson Craig Warren to approve minutes of September 6, 2017.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

9. APPROVE BILLS FOR PAYMENT

AMOUNT: \$395,306.92

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

SECONDED BY: Councilperson Aaron Cloward.

VOTE: All Affirmative (5-0).

10. YOUTH COUNCIL

Councilperson Rees mentioned that there were no representatives here tonight from the youth council. They are busy with homecoming activities.

11. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief Brad James did not have anything to report tonight.

12. DAVE JOHNSON, BUILDING OFFICIAL DIRECTOR

Dave Johnson reported on the Development Review Committee meeting that was held this afternoon. There was only one item on the agenda, that was Dean Ingram with Arrive Homes for a final on plat c at Meadows at Mount Loafer. This is the subdivision at 11200 South, south of the High Line Canal and borders Elk Ridge

13. ATTORNEY JUNIOR BAKER

Attorney Baker did not have anything to report tonight.

14. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff Nielson stated that he had sent the budget out, he asked the council to review it and let him know if they had any questions.

15. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt Marziale reported that the roads crew has been working on widening 400 North from the Ritchie home and completing sidewalk there. The crew is prepared and waiting on the curb, gutter and sidewalk, then they can do the asphalt. This should be done by Monday. They are also working on Canal Road up to 500 East, they have had some issues with the curb and gutter and are now waiting on the sidewalk. He stated that in addition to the overlays we have completed, there are various roads that we will start patching. We would like to have that done before winter. He stated that the High Line Canal is planning to shut off the water on September 29, 2017. Our goal is to keep the PI water on until October 15, 2017 so we will supplement with water from the well. They will discuss this more at the next council meeting. He stated that the sewer plant planning is moving forward. Mayor Brailsford asked Matt to report on the Cole Park. Matt stated that we had purchased property on 300 West and we have notified the Cole family that we will be establishing fence

lines in the spring of 2018. We will be spending recreation impact fees towards this new park. We have told the Coles that we will give them a three month notice before we do anything so they can continue farming until we take over the property.

16. CLARK CROOK, ELECTRICAL DIRECTOR

Clark Crook reported on how our system faired, there was a blip and we had some blinks at the Loafer Substation. It affected the existing well, and they got ahold of a SCADA specialist to take care of it. He stated that we peaked out August 1, 2017, but the system is holding up well. He complimented Jeff and his staff for getting the billing out in the 29 to 30 day period, if you go much after that it significantly alters the bills. He stated it has been very warm out, our crews have been installing new equipment. He reported that we have some subdivisions in the final phases and that keeps them very busy. They have also been doing a lot of tree trimming, thanks to residents, the mayor, and the police department letting them know where there is a need. Trees do create safety hazards. Councilperson Christensen asked what is our peak. Clark responded that it is 11 megawatts. Clark stated we try to split the capacity between the two substations. He stated they are using power impact fees to expand the Arrowhead substation.

17. BRUCE WARD, ENGINEERING

Bruce reported that the engineering of the sewer plant design review has been completed. There is some concern with construction pricing, and they are doing some third-party reviews to get some final numbers. It is not looking great right now, but in the next few weeks we will have those numbers. He stated that if anyone has questions about why they have ground up a newly paved road, it is because the depth was only an inch and half thick instead of the three inches that is required. This was in Ranch Meadows Plat D. Councilperson Christensen asked if this was the developer or the subdivision. Bruce answered it was the developer and the contractor. This will be fixed at no cost to the city, it was just the middle twelve feet, so they had them tear it up.

18. WADE REYNOLDS, STORM DRAIN/SAFETY COORDINATOR

Wade Reynolds did not have anything to report tonight.

COUNCIL REPORTS

19. MAYOR RANDY BRAILSFORD

Mayor Brailsford asked the council to make sure they look over the budget. Councilperson Rees stated that Jeff had went over it in work session.

20. COUNCILPERSON STERLING REES

Councilperson Rees stated that UMPA is now in their new facility. The new plant in Provo should be up and running in October or the first of November.

21. COUNCILPERSON CRISTY SIMONS

Councilperson Cristy Simons reported that she had attended the Utah League of Cities and Towns Conference last week. She said it was very enlightening and there was a lot of information about current and future growth. Councilperson Simons mentioned the new Goosebump Gala that will be held at the Activity Center on October 28, 2017 from 1 p.m. to 3 p.m. There will be games and prizes for the youth and trunk or treat so put it on your calendars.

22. COUNCILPERSON SOREN CHRISTENSEN

Councilperson Soren Christensen reported that we had a small leak last Monday in the High Line Canal. This was observed and reported by a police officer. The city and the canal company jumped right on it to make sure it did not become a problem. He stated that when the water is out, we have asked the canal company to look it and do some lining to make the canal safer. He stated that it would be best to pipe it but that isn't happening yet. He reported that our wells are holding up and our springs are doing good, thanks to a good snow year. He stated that PI usage is tapering off with the cooler weather and the rain. The average is down to around 4 to 7 acre feet per day. As Matt mentioned the High Line will be turning the water off on September 29, 2017. We will be supplementing using our well, we can't set a specific date yet, but will try to keep the PI water on until October 15, 2017.

23. COUNCILPERSON AARON CLOWARD

Councilperson Aaron Cloward stated that as many here know this will be his last council meeting. He started on the planning and zoning commission in 2005, over the last 12 years his family has grown, his business has flourished, but his health has failed. He thanked everyone for their support, especially the city staff and the mayor. He fully supports the mayor and thanked him for his 25 years of service. He is thankful for the other members of the council, they are here to listen to your issues. He said the hardest part will be to not get to rub shoulders with the great people sitting up here. He thanked his wife, Heidi, she is a gem. He thanked her for letting him chase his dreams and now it is time for him to step down and let her chase hers. He stated that she would have been here, but had baseball in Salt Lake with their son. The council thanked Councilperson Cloward for his work and service for the city.

24. COUNCILPERSON CRAIG WARREN

Councilperson Warren did not have anything to report tonight on solid waste.

25. CLOSED SESSION - LITIGATION

MOTION BY: Councilperson Craig Warren to move to a closed session.

SECONDED BY: Councilperson Aaron Cloward.

VOTE: All Affirmative (5-0).

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Soren Christensen to adjourn council meeting.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 9:20 p.m.

Jeffrey Nielson, City Recorder