

Minutes of the Salem City Council Meeting held on September 21, 2016 in the Salem City Council Chambers.

WORK SESSION: 6:00 p.m.

Matt Marziale and Jen Wright went over a presentation they prepared for the council about the recreation building. Council looked at the building and made some recommendations for changes that might possibly be done. Some of the changes are sunlight's in the multipurpose room, bricking on the outside of the existing building so it matches. The council would like to know the costs to the improvements to see if it would be feasible.

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 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.

OTHERS PRESENT

Carol Collett, Leonette Clark, Carl Clark, Jim Collett, Ashley Taylor, Monson McKay, Eldon Maser, Kaleb Hall, Ethan Stewart, Kalli Coburn, Tia Hone, Haley Cloward, Tommy Olsen, Cameron Marziale, Gage Graviey, Cody Woods, Sade Whiteman, Austin Lasson, Bridger Marshall, Hunter Jasperson, Jacklyn Wilson, McKenna Barney, Amanda Moulton, Wayne Pace, Isaac Johnson, Haden Loveridge, Jayden Parkinson, Justin Jolley, Jacki Wilkinson, Adriana Villalobos, Cameron Bigham, Zack Robison, Ahsley Hughes, James Nelson, Jessica Porter, Haven Krause, John Porter, Thatcher Porter, Maddox Powell, Robbie Livingston, Keltin Topham

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Brailsford asked if anyone would like to give a motivational or inspirational message. Councilperson Craig Warren 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. TYLER ROBERTS – Approve the Preliminary Plat of the Salem Park Master Plan Development

Tyler Roberts stated he is here tonight asking for preliminary plat approval for Salem Park Master Plan Development subdivision. The council approved the master plan development for the subdivision a few months ago.

Bruce Ward stated this item went to Planning and Zoning last week. They approved it with the condition that it meets Salem City subdivision standards and also the Master Plan Development Agreement that was approved. Bruce said tonight the council is approving the preliminary plat. After this, each phase will then have to go to DRC for final approval. If the council approves it tonight, the subdivision will not come back to council for approval. He also stated the patio home phase has already been turned in to start the process for final approval.

Councilperson Soren Christensen asked if there are any changes from the master plan. It was stated there are no changes in the master plan. Attorney Baker stated if there are any changes in the master plan, it would have to come back to council for approval.

MOTION BY: Councilperson Craig Warren to approve the Preliminary Plat of the Salem Park Master Plan Development.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

4. Dave Olson - Variance Request on the side setback for the house Located at 830 S. 140 E.

Mayor Brailsford asked if Dave Olson or anyone representing him was present. He was not. Mayor Brailsford read the minutes from the February 3, 2016 Council meeting where this same variance was brought before council and denied at that time.

Mayor Brailsford turned the time over to Rob McNeel. Tom Scribner, who was there representing Rob, stated they have come to the council asking for a variance on a home. He stated the developer of the subdivision where the home is located, decided to keep the home, rather than have it torn down. In doing so they found out the home would not meet the setback requirements the city has. They came to the city asking for a variance on August 5, 2015, at that time the council denied the variance or gave them the option to keep the home but they would need to meet the setback, this could possibly be done by removing the garage. They have looked at the home and if they take the garage off, there is a bearing wall that would need to remain. If they do that, they will not meet the setbacks, they will be short by a little over a foot, so they are asking the council for a variance of that foot. The setback requirement for that home is 25 feet, because it is a corner lot. When they found out they would be short about a foot, they talked to city employees who felt the best thing would be to come to council and ask them for a variance. If they are not granted a variance, then the house would probably need to be torn down.

Councilperson Cloward asked if the intentions were there to keep the house, why they didn't plan on the home meeting the setback requirements. Tom stated after the subdivision was laid out, they felt it would be more profitable to keep the house there, but it was too late because the road was already in. If they would have realized it sooner, they would have moved the road so the house would have met the setback.

Councilperson Soren Christensen asked if the one foot includes the wall being finished. Tom stated it does, they will put stucco on that wall, so it will not take up any space.

Attorney Baker stated it was the request of staff that, from the practical side, the wall should be left. So that is why they are in asking for a variance.

Mayor Brailsford stated we have spent a lot of time as a city council, city staff, and resources in working with this development. We have had many meetings both at the city office and also onsite. The concept of the subdivision was approved and we can't keep changing it. From the beginning the home was going to be removed and two lots were going to be created. He originally wanted to have a park on those two lots, but it did not work out. After doing improvements on the home, Rob came to the City asking for a variance. He did not ask for permission to begin with, only until after he realized the home did not meet the setback requirements. Mayor stated we need to keep to our standards and move forward with how the development was agreed. As a City we have worked together with the developer on the development. He stated he will support what the council decides tonight.

Tom stated they have done a lot with the City and worked with them. There have been many changes to the development agreement, but they have been on both the city's side and the developer side. We have done a lot for the city and working with them on the development agreement. We have agreed to remove the garage from the home. The agreement we have with DRC (Development Review Committee) hinges on the decision that will be made tonight.

Mayor Brailsford stated again, the original plan was to have the house removed and have two lots. He feels whatever the decision is made tonight, we need to move forward with it.

Councilperson Rees stated the council has made the decision before by not approving the variance in August. The only difference was, they had the option to remove the garage, but now they still do not meet the requirement.

Councilperson Simons asked if they have talked to the neighbors. Dave Olson stated they have not heard any negative talk from the neighbors. Councilperson Simons stated she has spoken with the neighbors, and they are not excited to have the home there, they were told the home would be removed, but now that has changed.

Mayor Brailsford stated we have met many times with the developer and neighbors and have told them the home would be torn down.

Councilperson Warren also stated when he has talked with the neighbors, they were under the impression the home would be removed. But now it is being changed on them.

Tom stated he has done many developments and there are always changes to the development. He stated the home would be okay and meet the requirements, if it wasn't a corner lot with the corner setbacks.

Councilperson Christensen asked if the home is going to be owner occupied. Dave Olson stated it would be owner occupied.

Attorney Baker stated this is a quasi-public hearing where neighbors have been invited to address the council with their comments.

Mayor Brailsford asked if there were any neighbors present who wished to comment.

Adam Clements, stated he lives in the subdivision. He feels the shed should definitely be torn down. With the house, he feels the developer should stick with what was originally planned and have the home removed. He feels it would be a better transition into the development.

Mayor Brailsford asked if there were any other comments from the council or the public.

There were no other comments or questions.

Mayor Brailsford asked for a motion to approve the variance request from Rob McNeel.

MOTION BY: *Councilperson Soren Christensen to approve the variance request from Rob McNeel.*

Mayor Brailsford asked for a second. There was no second. Mayor Brailsford asked again if there was a second to the motion to approve the variance. There was no second.

Mayor Brailsford asked for a motion to either table the decision or to deny the request.

MOTION BY: *Councilperson Craig Warren to table the decision to the following council meeting on February 17, 2016, to allow more time to review the situation.*

Mayor Brailsford asked for a second. There was no second to the motion.

Mayor Brailsford then asked if there was a motion to deny the request.

MOTION BY: *Councilperson Aaron Cloward to deny the variance request, based on we are looking for consistency in the city, to stick with our standards.*

He is also concerned with what was originally planned and how the neighbors were told one thing, but then changed on them.

SECONDED BY: *Councilperson Sterling Rees.*

VOTE: *Mayor Brailsford asked for a roll call. Councilperson Craig Warren; Aye, Councilperson Soren Christensen; Nay, Councilperson Aaron Cloward; Aye, Councilperson Sterling Rees; Aye, and Councilperson Cristy Simons; Aye. (4 Ayes, 1 Nay)*

Mayor Brailsford stated he received calls from some of the council wondering why this was on the agenda again. He told them they are coming in again asking for the variance, they have the opportunity to do this again.

Mayor Brailsford asked if any of the neighbors had any comments.

Carl Clark stated he lives at 155 East 850 South. He stated in talking to the neighbors, they were told the home would be torn down from the beginning of the development. They feel that it should be torn down.

Jim Collett, another neighbor stated in the design of the development it was supposed to be torn down. He feels the home should be taken down.

Mayor Brailsford asked if there were any other comments or if Dave Olson had arrived.

MOTION BY: Councilperson Aaron Cloward to deny the request of Dave Olson for a variance on the property located at 830 S. 140 E.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (5-0).

Mayor Brailsford stated this will be the last time that we entertain this request.

5. APPROVAL OF SECAP (Sewer Evaluation and Capacity Assurance Plan)

Bruce Ward stated this is an evaluation of the sewer collection system. We are required to bring the evaluation to the council for approval. This will show the council the evaluation of our sewer collection system. The state also wants to make sure the council has seen the report. Bruce stated we have a model for the future growth for the sewer collection.

Councilperson Soren Christensen asked if this was a yearly permit. Bruce stated the permit for the collection is new this year, and it will be good for five years. Councilperson Soren Christensen stated the report shows we need to budget for capital improvement projects. Bruce stated this is something we need to make sure when we are doing the budget process, that there is budget for collections make sure we budget and plan for future projects.

MOTION BY: Councilperson Soren Christensen to approve the SECAP (Sewer Evaluation and Capacity Assurance Plan) as it has been presented to us.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (5-0).

Bruce Ward commented the environmental study on the property we are receiving for the sewer plant has gone through the first phase. Everything looked really good. The next phase of the study will be more intense, but the engineering firm recommended moving forward with accepting the property.

Mayor Brailsford stated on Friday morning we will have the signing for the property that is being donated to the city by the Bearson family for the sewer plant.

6. APPROVE BID - BID FOR ASPHALT OVERLAY – TOWERS DRIVE

Matt Marziale stated the roads department is going to do an overlay on Towers Drive. The water department has finished replacing the water lines. The roads department was able to get bids from Eckles Paving - \$30,621.60, Staker Parson Companies - \$35,984.00 and attempted numerous times to get a bid from Geneva Rock. In the budget we did plan on doing the overlay on Towers Drive. Matt stated the recommendation from staff would be for the Eckles Paving bid.

MOTION BY: Councilperson Aaron Cloward to approve the overlay bid for asphalt on Towers Drive from Eckles Paving in the amount of \$30,621.60.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

7. APPROVE RECREATION BUILDING

Mayor Brailsford explained as the city grows we have opportunities for new programs for recreations and the need for a new recreation building with offices for the recreation department. He stated this has been in the works for about two years now and we can see this is becoming a need.

In the impact fee study that will be coming to council soon, states that 85% of the building can be paid for by impact fees, the other 15% will be paid by funds in the general fund reserve and capital improvements.

Matt Marziale showed a rendering of the building. He explained how the office area will look and work with the existing building. He also explained the multipurpose room and how it will be used for indoor soccer for little league, senior citizens, hunter safety programs, busy buddies programs, etc. There will also be a pavilion on the side, will have new restrooms for patrons who come to the ball park and a snack shack.

Mayor Brailsford stated we had a bid opening the other day for the project. Westland Construction, who won the bid, came in at \$890,000. The other two close bids were: Warner Construction - \$933,700 and Patriot Construction - \$935,307.

During work session the building was also presented to the council. In the work session the council wanted to make sure the existing building get remodeled so it looks like part of the building, both inside and outside. Some of the other changes they would like to see costs for, are sunlight's and bricking the outside of the existing building.

MOTION BY: Councilperson Craig Warren to approve the bid from Westland Construction for the building of the recreation building.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (5-0).

8. APPROVE SURPLUS OF POLICE VEHICLE

Chief James stated the police department is still one vehicle out of rotation. He likes to have the police vehicles rotated so they do not become a maintenance issues. Had proposed to surplus three old police vehicles, but after talking with the mayor, we feel only to surplus the 2011 Ford Crown Vic (2011 Ford Crown Victoria Police Inceptor VIN # 2FABP7BV3BX171759), and the other two vehicles will put back into the fleet for the other departments to have use of.

Mayor Brailsford stated he spoke with the chief, and there are other older vehicles in the fleet that the other departments are using. Would like to get rid of those and then make use of the ones the chief is wanting to get rid of. With the replacement vehicle needed in the police fleet, the council can look at funds after the audit report or will put funds in next year's budget.

MOTION BY: Councilperson Aaron Cloward to surplus the police 2011 Ford Crown Vic (VIN # 2FABP7BV3BX171759).

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

9. APPROVE MINUTES OF AUGUST 24 & SEPTEMBER 7 2016

Jeff Nielson stated the minutes for September 7 will be ready for next council meeting.

Mayor Brailsford asked for approval of the minutes from August 24, 2016.

MOTION BY: Councilperson Cristy Simons to approve the minutes of August 24, 2016 as written.

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (5-0).

10. APPROVE BILLS FOR PAYMENT

Mayor Brailsford asked for a motion to approve the bills.

AMOUNT: \$191,050.42

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

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (5-0).

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 stated the process for a development. DRC (Development Review Committee), Planning and Zoning, and then Council all review the preliminary plat for the subdivision. After the preliminary, the developer will take the final plat approval to DRC where they will give the final approval. Right now, Plat D of Orchard Farms for 16 lots, came to DRC for final approval today. DRC gave approval for Plat D with the conditions that they meet the development agreement that was approved by council, and to make sure the access road to Loafer Canyon road be asphalted. Dave reported for the future plats, Phase G of Orchard Farms is when they will need to put the wall at the cemetery, and in Phase E there will need to be a major power line put underground.

13. ATTORNEY JUNIOR BAKER

Attorney Baker went over a change in the state law in regards to issuing building permits. It used to be that we would require all improvements to be completed before we would allow building permits. We cannot do that anymore. If the permit is issued for a home and the street is not complete or other improvements aren't ready, we still have to issue the permit. But we don't have to give certificate of occupancy until all the improvements are completed.

14. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff Nielson did not have anything to report tonight.

15. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt Marziale did not have anything to report tonight.

Councilperson Soren Christensen asked Matt about the water leak on South Main Street. Matt stated the leak was discussed in their Monday meeting. We felt we needed to get Towers Drive completed and the PRV issue on the new Davis Water line fixed first. He stated the water leak will get completed by the end of the week.

16. CLARK CROOK, ELECTRICAL DIRECTOR

Clark Crook reported the power department has hooked up eight new homes this last week. Since 2012 they have hooked up about 300 new homes. We are growing, and it is making it a little hard to be able to accomplish things. We have completed the interviews for the new power person and will be sending an officer letter to one of the candidates by the end of the week.

17. BRUCE WARD, ENGINEERING

Bruce Ward did not have anything to report tonight.

18. WADE REYNOLDS, STORM DRAIN/SAFETY COORDINATOR

Wade Reynolds was excused.

Matt Marziale reported next week Wade and Mike Pritchett will be going around doing storm drain clean up.

COUNCIL REPORTS

19. MAYOR RANDY BRAILSFORD

Mayor Brailsford did not have anything to report tonight.

20. COUNCILPERSON STERLING REES

Councilperson Sterling Rees reminded the council and staff of the tour for the West Valley Power Plant next week on September 28.

21. COUNCILPERSON CRISTY SIMONS

Councilperson Christy Simons reported the Farmers Market in Spanish Fork is going on. On September 29th the Huhot Restaurant will be donating a percentage of their proceeds that day to Salem City Library.

Youth Council representatives reported they will be helping out with the YAM program on September 29th. On October 27th they will be helping the Library out with the Halloween party.

22. COUNCILPERSON SOREN CHRISTENSEN

Councilperson Soren Christensen asked about the shut down for the pressurized irrigation for the season. It was stated the Highline Canal will be shut down on September 30, 2016. It was determined we would shut our PI system down on October 16, 2016.

23. COUNCILPERSON AARON CLOWARD

Councilperson Aaron Cloward just wanted to thank the council for approving the recreation building. He feels it is well needed.

24. COUNCILPERSON CRAIG WARREN

Councilperson Craig Warren reported the SUVSWSD will be voting on NUERA and selling the Bayview landfill. He will be calling the council to see if they have any questions or they can also talk with Terry Ficklin if they have questions.

ADJOURN CITY COUNCIL MEETING

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

SECONDED BY: Councilperson Soren Christensen.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 7:50 p.m.

Jeffrey Nielson, City Recorder