

Minutes of the Salem City Council Meeting held on September 6, 2017 in the Salem City Council Chambers.

Work Session: 6:00 p.m.

1. BEARNSON PROPERTY

Brian Henry, representing Ridge Point Management, presented a power point on Camden Acres. He stated that they like to focus on what they call life cycle housing. This is not a normal neighborhood, it is more mixed use. They have a lot of open space with diversity of green space for the higher density, so that it isn't so intensive. They have looked at the general plan out by the freeway and they think it would fit there. This is just a preliminary concept. There would be a park, mixed use civic buildings, baseball diamonds, soccer fields, a splash pad and a parcel for an elementary school. This project would mix density so generations of people could live all together. They would offer single family homes, 55 and older living, town homes, and apartments. Councilperson Soren Christensen asked what kind of light commercial they would have there. Brian stated that they aren't sure because of the wastewater treatment plant being located out there, but storage units have been discussed. He stated that looking at the general plan they hope that north of the park could be mixed use. The mayor asked if they were fully aware of the wastewater treatment plant going in there. He stated yes, they were all aware of it.

The mayor asked June Christensen if she had any questions or concerns. She answered that she did not, she is supporting Mr. Bearnson selling his property and taking the cows with him. She understands the way things work. She thanked them.

Brian stated in his closing comment that the owner of Ridge Point always asks what the city wants, he wants them to be happy so he can work with them again.

Mayor Brailsford expressed that the curb and gutter ordinance is a big deal and that we need do this right. Bruce Ward reported they had raised the amounts, because we don't want to discourage anyone from fixing up existing homes. A remodel under \$30,000 would require no improvements. You can remodel whatever inside, this would only effect people that expanded their living space. Councilperson Cristy Simons asked if this would be made known to them. Matt Marziale stated that they have talked about putting a card together that spells out the process. Anyone applying for a building permit would be given one of these cards. Mayor Brailsford asked about people doing remodels themselves. Dave Johnson stated it is based on the valuation of the home once they are finished. He evaluates it based off square footage. You do have people that want to do it themselves but it doesn't affect the appraisal. Mayor Brailsford stated that there are a lot of older homes that need to be fixed up. Councilperson Christensen commented that you can hit \$30,000 very quickly in a remodel. Bruce stated that this only applies to the addition of living space. Councilperson Craig Warren stated that is says cost of remodel. Dave answered that the wording may need to be revised to the value of the home not cost of remodel. Mayor Brailsford stated that he doesn't think we are ready to pass this ordinance. Councilperson Simons asked the difference between carport versus enclosed garage. Councilperson Sterling Rees stated that a carport is not adding to the footprint of the home, but an enclosed garage is. If the garage is not attached it would fall under the accessory building ordinance which is handled separately. Howard Chuntz stated that he could build a garage and not put doors on it so that it was not enclosed, and would not require the improvements. Then a year later come

back and put the doors on. Mayor Brailsford answered that you would always get people trying to get around it. Matt stated that right now though we have 4 homes being built that do not have to do improvements because they are in this older section of town, and at some point, the city will have to use tax dollars to put in the curb, gutter and sidewalk. The mayor expressed that we need to spell out living space better. Councilperson Rees stated that most of the older homes would most likely do accessory buildings and not attach the garage. Councilperson Simons asked Bruce what other cities are doing. Bruce replied that Payson is having the same discussions we are. Councilperson Warren asked if anyone was opposed to taking the enclosed garage off as living space. Matt replied that they included it so that we don't have garages added and then they turn them into living space. Mayor Brailsford stated the he wants to make sure there is clear understanding of the ordinance so people aren't surprised. He also doesn't want to discourage people from fixing up these homes.

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.
Allison Taylor

OTHERS PRESENT

Howard Chuntz, Heather Youd, Janie Christensen, Hadley Smith, McKenzie Graham, Jenny Graham, Linda Evans, Lee Evans, Lyndsay Osburn, Karen Larsen, Rod Christensen, Josh W. Thayer, Garrett Jones, Seth Sorensen, Ryan Kay, Allan Hales, Shelia Hales, Shirley Van Leeuwen, Kelly Peterson, Arthur Biggers Trevor Williams

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Brailsford asked if anyone would like to give a motivational or inspirational message. Councilperson Cristy Simons stated she would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Clark Crook 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. ALLAN HALES - CITIZEN REQUEST

Jeff Nielson pulled up the citizen request from Allan Hales for a mayoral candidate debate. Allan thanked the mayor and council for their service, he then proceeded to read his request. Jeff informed him that there will be a debate held. Allan asked if this would be an open mic debate with no one controlling the questions. Jeff stated that he had asked the chamber of commerce to work on finding a mediator. Allan asked if Jeff would take 5 minutes to explain to them why the attorney general was involved in our election. Jeff explained that when Councilperson Soren Christensen filed for candidacy on Tuesday, he asked one applications to be filed for city council if Mayor Brailsford ran for mayor, and the other one with the stipulation that if Mayor Brailsford did not run for mayor or withdrew his mayor application then his application for mayor would go into effect. Wednesday night there was a last-minute application put in by Kurt Christensen. After Kurt put in his application, Mayor Brailsford withdrew his application. At that time Councilperson Christensen's stipulation was put into effect and his mayor application went forward. After concerns were expressed, Jeff contacted the Lieutenant Governor because this was a different situation and he was told to contact our attorney. At that time Kurt Christensen had concerns and petitioned to the city about how the situation was handled. Jeff contacted Attorney Junior Baker and he asked about the intent of the candidate. Jeff stated what he believed Councilperson Christensen's intent was met. Jeff was on vacation at that time and Monday they were going to contact another lawyer. Not wishing to put the city at risk, Councilperson Soren Christensen withdrew his application to put an end to the matter. Kurt Christensen also contacted the Attorney General who contacted Jeff. Jeff then contacted the attorney general's office and told them the issue has been resolved as Soren Christensen withdrew and he was told that was fine.

Kurt Christensen stated that it did not happen that way. He stated that when he came to sign up for mayor, Mayor Brailsford stopped him outside, he said the mayor asked him if he was going to run against him. Kurt stated he was and that he needed to get in to sign up. He signed up at 5:25 p.m. and he talked to Jeff about who was running. He stated that Jeff told him that the candidates were Mayor Brailsford, Josh Thayer, and himself. He had the opportunity to run against Randy Brailsford. He was at the city office until 5:40 p.m. and the deadline was 5:30 p.m. The office was dark and the city people were gone. Kurt was surprised the next morning when his father called and told him he was running against Soren Christensen, he told him there must be a mistake because he was running against Randy. He stated that there are rules for the game. He then called Soren. He stated that Soren said that he was uncomfortable having a conversation about what happened and that he needed to speak to Jeff. Kurt stated that he thought this was wrong so he went to the courthouse in Provo. They asked if he had proof that this happened, and he stated that he had texts and pictures on his phone. He filed a petition. He came in and filed it because they did 3 things wrong. First no applications could be accepted after the deadline. Second you cannot have 2 applications in. After he left on Wednesday those things happened. He stated that their attorney was uncomfortable and so they were going to go to the league of cities. Kurt stated that is the story that happened. They broke the rules and none of them will deny it. Monday morning at 8 a.m. the attorney general contacted Kurt and let him know Soren had withdrawn and he had talked to Jeff, and Jeff was very apologetic about what happened. They broke the rules, and broke the law. He stated it is our town and he is running for mayor. He stated that Jeff had told him that he could run for council and let Soren run for

mayor. He asked Councilperson Christensen if he had said to him that he shouldn't have let Randy and Jeff talk him into this. Councilperson Christensen responded that he didn't know. He stated there should be a fair election.

Mayor Brailsford replied that he had not decided to run until 5:05 p.m. He said he stopped Kurt to talk about Kurt's property. He explained that after talking to Kurt he came back to the city office through the back door to withdraw, he went to his office until Jeff and Kurt were done. The mayor stated that he has decided to do other things, he has given a lot of service to the city. Kurt stated that is fine you can withdraw anytime.

Councilperson Soren Christensen stated he had a couple things to say. First, he did fill out 2 applications on Tuesday, with the instructions that if Randy didn't run for mayor, that his mayor application would be filed. He explained that regrettably Kurt came at the last minute to play out the time, so they couldn't do anything any sooner than they did. He stated that he withdrew his application for mayor because of the stink that Kurt was creating, neither he or the city needed that. Several weeks later, after being contacted by residents that they would not like Kurt to run unopposed he decided to run. Kurt stated that when he asked Jeff, Soren was running for city council. Kurt stated this isn't fair and his third point is that you have to file in person. Soren said that he had filled out both applications in person. Soren expressed that he has talked to attorneys that say he should have stayed on the ballot. He stated that they should let the voters decide now. Kurt asked why he couldn't come in at 5:25 p.m. Howard Chuntz stated that is the issue, in the rules you have to put in the application in person. If Soren was going to run he needed to be there. Jeff stated that he did put it in in person with the conditions. Howard stated that legitimately he put in for council and his mayor application wasn't given to Jeff at the appropriate time. Kurt asked Jeff if he did not feel an obligation to tell Kurt about Soren's stipulation. Jeff said in hindsight he should have. Kurt stated to remember that the mayor has to do it also, he needed to withdraw. Mayor Brailsford stated that he did put in his withdrawal after Kurt left, and that he could withdraw anytime. Kurt stated that he wanted to have his say.

Mayor Brailsford asked if Allan had any other comments. Allan asked what time the debate would be. Jeff stated that it would be on October 12, 2017 at 6 p.m. or 7 p.m. at the civic center. He needs to meet with the candidates to decide on the rules of the debate. He stated the details will be in the newsletter. Allan stated that his request is that all candidates have an opportunity to answer the same questions in an open mic forum. He stated that our citizens love our city, and the representatives represent all of us. Jeff stated he had contacted the chamber and they were trying to find someone to moderate. Councilperson Craig Warren suggested that we look farther than that for a moderator, someone out of the area that would be totally unbiased. He stated that he knows a lot of reporters and it should be someone that won't be intimidated by anyone. Mayor Brailsford asked Jeff to find someone like that.

4. CURB & GUTTER ORDINANCE

Mayor Brailsford stated this was discussed in work session. He asked Bruce to go over the ordinance for the public.

Bruce reported this is an ordinance to require curb, gutter and sidewalk in the older section of town when there is an expansion of living space made to a home. The requirements would be based on the amount being spent on the remodel and have different tiers. Any new

subdivision anywhere would be required to do curb, gutter and sidewalk. If the remodel and expansion of living space was between \$30,000 and \$100,000, you would be required to do sidewalk along your frontage. If the remodel with the expansion of living space was over \$100,000 you would be required to do curb, gutter and sidewalk along your frontage. Bruce stated there were some questions from the council on if an enclosed attached garage should be considered living space. Mayor Brailsford asked if this would include detached garages. Bruce stated they would be part of our accessory buildings that do not require any improvements. Councilperson Christensen stated this would encourage people to not attach the garages so they wouldn't have to do the improvements. Councilperson Christensen asked if there were any opinions on this from the public.

Rod Christensen stated that his concern is with curb in certain situations and where that puts the water. He said that he lives in the old part of town and likes the way it is. He expressed that he has no problems with the sidewalk. He stated that with the last big storm most of the people that flooded did have curb and gutter and the older part of town didn't have as big of a problem. Most of the older homes have been built below the grade. Rod stated that the curb and gutter should be done with a bond.

Mayor Brailsford stated that we need to make sure that any citizen can understand the ordinance. He doesn't want someone to be surprised that they have to do this. Bruce stated that some people will always be surprised, none of us know all of the rules all of the time. The mayor advised that if we don't feel like we are ready then we should continue to work on the ordinance. The mayor asked for a motion.

MOTION BY: Councilperson Soren Christensen to table the curb and gutter ordinance.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (4-0).

Allan Hales stated that on 100 East it was engineered so that the sidewalks put the water right in the driveways. Mayor Brailsford explained that engineer is not here anymore. The mayor asked Bruce to look into that.

5. APPROVE MINUTES OF AUGUST 16, 2017

MOTION BY: Councilperson Cristy Simons to approve minutes of August 16, 2017.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

6. APPROVE BILLS FOR PAYMENT

Mayor Brailsford asked if there were any questions on the bills. He commented the power bill and Salem Days expenses are in there.

AMOUNT: \$871,681.44

MOTION BY: Councilperson Craig Warren to approve the bills for payment.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

7. YOUTH COUNCIL

Mayor thanked them from the council and the citizens. He stated that we appreciate all their hard work. The youth council representatives stated that they were sworn in last month. They had fun helping with the Salem Day's activities. They will be holding a service project at the end of this month and they will be helping with the library Halloween party next month.

8. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief Brad James did not have anything to report tonight.

9. DAVE JOHNSON, BUILDING OFFICIAL DIRECTOR

Dave Johnson reported that in DRC this afternoon they had a request from Paul Washburn to vacate the condominiums of the South Valley Plaza. He is purchasing the plaza from Central Bank and would like to sell off the sections to tenants and then come in and do a final plat for that tenant. Dave stated that Paul would be required to clean up all the utilities that have been a mess with that building. The motion was made and passed to undo the condominiums. The bank still owns the property, Paul as the developer would take away the property lines and then reestablish them. Dave stated this will help us to have the utilities better organized there. Councilperson Christensen asked if he had any plans for the building yet. Dave stated that he had not mentioned any.

10. ATTORNEY JUNIOR BAKER

Assistant Attorney Jason Sant did not have anything to report tonight.

11. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff Nielson reported that the auditors had been here last week. Hopefully they will get the audit completed in the next month. Mayor Brailsford stated that this is an independent audit that we have done for the state.

12. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt Marziale reported that the roads crew have started the overlay project and 3 of the 5 roads are completed. They are scheduled to be completed on Friday, then the crew will go back to working on the expansion of 400 North coming off of 500 East. This project is progressing well. Mayor Brailsford stated that he had been contacted by a concerned citizen about the overlay project. Matt replied that there were some large print small print details on the flyer that Eckles had sent out. He has talked to the crew about working better with the citizens. Mayor stated that they are doing a great job on the roads. Matt asked to be excused, and the mayor excused him to leave.

13. CLARK CROOK, ELECTRICAL DIRECTOR

Clark Crook thanked Jeff and his staff for getting the bills out. It has been very warm. Clark stated the operations are going well. As we get our load we are seeing the effects of conservation and solar. He stated that this helps with our power load but affects our operating cost. Clark reported that he and Kelly Peterson from Spanish Fork City had attended a meeting on net metering with Rocky Mountain Power. It was a good discussion with points on both sides. Clark stated that more of our residents are getting solar and this will continue to grow, it is a good power source as long as the sky is bright. We want to treat all of our customers fairly. Our responsibility is to provide affordable, reliable power at a fair rate. Councilperson Christensen asked how many residents have gone to solar power. Clark stated that we haven't had any this year and had about 12 last year. One of the things happening is people are finding out they have been misinformed about solar energy, and the public is getting more education before doing it. Utah will be reducing their subsidies they give for solar and that may be why. People will be paying the true cost of the system. There is still strong interest in solar though, UMPA is working on a commercial rate for large scale solar.

14. BRUCE WARD, ENGINEERING

Bruce reported that we had held our 60 percent review on the wastewater treatment plant, Matt, Councilperson Christensen and their operator had attended. It went well, there are still some budget concerns. He reported that construction rates are going up fast and they will be looking into the budget in the next two weeks. Bruce stated that the Elk Ridge connector road has had progress. Mayor Brailsford stated that after 18 years in the making the Corps of Engineers and the county commissioner had signed off on it. The county will be hiring an engineering company. The county will maintain the road. He has talked to the county about putting in pipe and power. He asked if they were going to finance this like they did in American Fork, they stated they will get back to us. Bruce updated the council on the water smart grant we had applied for, we were unsuccessful in getting that grant. It has been recommended to Bruce that we reapply for this grant.

15. WADE REYNOLDS, STORM DRAIN/SAFETY COORDINATOR

Wade Reynolds was excused tonight.

COUNCIL REPORTS

16. MAYOR RANDY BRAILSFORD

Mayor Brailsford asked if there were any questions on the budget from the council or the public. There were none.

17. COUNCILPERSON STERLING REES

Councilperson Sterling Rees stated that the UMPA summer meeting and barbeque had gone well. He thanked Provo Mayor John Curtis for letting them use the Provo Recreation

Center. He reported that UMPA has moved into their new offices. They are located just east of the Spanish Fork Courthouse. He reported that he attended a tour of the new power plant in Provo. It has 5 natural gas engines that should all be up and running sometime in October.

18. COUNCILPERSON CRISTY SIMONS

Councilperson Cristy Simons reported that the youth council is back in action. She gave them thank you treats for all of their help with Salem Days. They had 30 youth sign up for the council this year. She stated that the library is doing awesome, the library auction raised over \$15,000.00. They had a very successful summer. Councilperson Simons stated that she has visited the senior citizen lunch program and hats off to Jennifer Wright, she has done a lot of work. She stated that the lunch is open to anyone, the cost is \$6 for anyone that is not a senior. If you are a senior the suggested donation for the lunch is \$3, that is a great deal. She then turned the time over to Heather Youd with the chamber of commerce. Heather stated that the Angelus Theatre is celebrating their 105th birthday. She stated that the business of the month is Nebo School District, they will be celebrating that tomorrow at noon. She invited the council to the chamber's barbeque tomorrow night at the north park in Spanish Fork. Lastly, she stated that the scarecrow contest is coming up and anyone can contribute to it, they just need to contact the chamber for details. Mayor Brailsford asked why we didn't do this in Salem. Jeff stated that we had not had very good participation. Councilperson Simons stated that the open house for the Nebo ACL building is coming up, she encouraged everyone to attend. She stated the building is amazing.

19. COUNCILPERSON SOREN CHRISTENSEN

Councilperson Soren Christensen reported that both wells are continuing static the same as the last two weeks. He reported that the spring is way down. PI usage has had a banner year, we continue to average between 12 to 14 acre feet per day. We are 250 acre feet above where we were last year, but our conservation relaxation is hurting that as well. He stated that we need to hope for a good water year and a cooler summer.

20. COUNCILPERSON AARON CLOWARD

Councilperson Aaron Cloward was excused tonight.

21. COUNCILPERSON CRAIG WARREN

Councilperson Craig Warren stated the SUVSWD has sold some frontage property to UDOT. In the sale UDOT will be building a new entrance to the transfer station, but for now it will stay in the same place.

Mayor Brailsford asked if anyone had any comments or concerns. There were none.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Craig Warren to adjourn council meeting.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 8:19 p.m.

Jeffrey Nielson, City Recorder