

Minutes of the Salem City Council Meeting held on December 11, 2013 in the Salem City Council Chambers.

**MEETING CONVENED AT:** 7:00 p.m.

**CONDUCTING:** Mayor Pro Tem Councilperson Sterling Rees

**COUNCIL PRESENT:**

Councilperson Sterling Rees  
Councilperson Janie Christensen  
Councilperson Sid Jorgensen  
Councilperson Aaron Cloward  
Councilperson Craig Warren

**STAFF PRESENT:**

Jeffrey Nielson, Finance/Recorder  
Chief Brad James, Police Chief  
Attorney Jason Sant  
Matt Marziale, Recreation  
Bruce Ward, Public Works/Engineer

**Excused:**

Mayor Randy A. Brailsford

Junior Baker, City Attorney  
Clark Crook, Power  
David Johnson, Building Dept.

**OTHERS PRESENT**

The attendance sheet was not distributed, but the following were individuals who were remembered to be in attendance: Soren Christensen, Kevin Pritchett, Kurt Christensen, Madeline Larsen, Steve Griffiths, Raquel Taylor, Cassi Price, Ammon Fifita, Ashley Whiting, Kirtlyn Bohling, and Heidi Cloward

Councilperson Rees excused Mayor Brailsford tonight, he is attending water meetings down south.

**1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE**

Councilperson Rees 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 Aaron Cloward 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. PUBLIC HEARING

Councilperson Rees stated Planning and Zoning recommendation on this items was to not approve it. Bruce Ward stated Planning and Zoning came to the conclusion that it would be to the best interest not to approve it. He stated Reid Nelson and himself felt if we change it, it would need to be changed for the city as a whole, not just for one home.

Councilperson Rees asked for a motion to open the public hearing, and noted it was continued from the November 20<sup>th</sup>, 2013 council meeting public hearing.

#### **Open**

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

**SECONDED BY:** Councilperson Sid Jorgensen.

**VOTE:** All Affirmative (5-0).

#### **a. Ordinance Creating Special Exceptions to Certain Side Yard Setbacks**

Steve Griffiths asked why Planning and Zoning recommended not approving it. Councilperson Rees stated Planning and Zoning felt that it would be better to approve it across the board and not just for one location. Bruce Ward stated safety was not an issue, when looking at the safety triangle view, with the way the ordinance is written it was okay. Planning and Zoning did feel we should not change the ordinance and setbacks for just one lot.

Steve Griffiths asked if it would be possible to ask for a variance. Attorney Jason Sant stated to Steve, he could look to see if he qualifies for it.

Councilperson Jorgensen recommended the possibility of having it go back to Planning and Zoning and seeing if they would want to change the setbacks across the board.

Steve Griffiths stated if you look down the Canal Road, there are a lot of lots that are nonconforming. Is there a possibility for special cases, where it is related to the canal.

Councilperson Christensen looked at the homes on Canal Road, and there are a few homes that are noncompliance. She understands we have special circumstances for everything. She feels we could have a special circumstance for the Griffiths case.

Attorney Jason Sant stated the ordinance that is written and being acted on tonight, would not allow the Griffiths to do what they want. He also explained because the canal is not perpetuity, that it may become an issue.

Councilperson Christensen stated the 10 feet the Griffiths are asking for, would be enjoyed more by their family than any other use.

Bruce Ward stated the homes that are nonconforming were homes which were probably grandfathered into the area, and were part of the county when they were built.

Steve Griffiths stated it would be nice if Planning and Zoning could look at it and see if they can look at it across the board. Bruce Ward felt the corner lot setbacks, need to be looked at as the city as a whole.

#### **Close**

**MOTION BY:** Councilperson Aaron Cloward to close the Public Hearing.

**SECONDED BY:** Councilperson Janie Christensen.

**VOTE:** All Affirmative (5-0).

#### **a. Ordinance Creating Special Exceptions to Certain Side Yard Setbacks**

**MOTION BY:** Councilperson Sid Jorgensen to not approve the ordinance creating special exceptions to certain side yard setbacks, but to have Planning and Zoning review the setback for corner lots across the city, and not for just one lot.

**SECONDED BY:** Councilperson Aaron Cloward.

**VOTE:** All Affirmative (5-0).

#### **4. SURPLUS FORD EXPLORER**

Jeff Nielson explained a few council meetings ago we surplused some city vehicles so we could sell them. A vehicle was left off that list and we need to surplus it. It is a 1995 Ford Explorer that is no longer in use.

**MOTION BY:** Councilperson Aaron Cloward to surplus the 1995 Ford Explorer.

**SECONDED BY:** Councilperson Janie Christensen.

**VOTE:** All Affirmative (5-0).

#### **5. WORKERS COMPENSATION PROVIDER BIDS**

Jeff Nielson explained the city's workers comp insurance is up for renewal at the end of the calendar year. We are currently with the Workers Compensation Fund of Utah (WCF). We have been with them for two years. Our current property and liability insurance company Utah Local Government Trust (ULGT) wanted to bid on workers compensation insurance. We were with ULGT before we switched over two years ago. The two bids for the insurance are: ULGT – 20,053.24 and WCF - \$25,740. Jeff stated that both companies are very good to work with.

**MOTION BY:** Councilperson Janie Christensen to approve the Utah Local Government Trust workers compensation insurance bid for \$20,053.24.

**SECONDED BY:** Councilperson Aaron Cloward.

**VOTE:** All Affirmative (5-0).

## **6. APPROVE FIRST WEST BENEFIT SOLUTIONS BUSINESS ASSOCIATE AGREEMENT**

Jeff Nielson explained the city's benefits insurance broker is First West Benefit Solutions. With the recent changes with the Health Care Reform Act, we are needing to update our agreement with First West to include HIPPA regulations. Attorney Jason Sant stated the agreement is showing that we support HIPPA, and what we need to do to protect information that is protected under HIPPA.

**MOTION BY:** Councilperson Aaron Cloward to approve the First West Benefit Solutions Business Associate Agreement.

**SECONDED BY:** Councilperson Sid Jorgensen.

**VOTE:** All Affirmative (5-0).

## **7. APPROVE MINUTES OF NOVEMBER 20, 2013**

Councilperson Rees asked for a motion to approve the minutes as written and with the amendments that were sent out.

**MOTION BY:** Councilperson Craig Warren to approve the minutes of November 20, 2013.

**SECONDED BY:** Councilperson Aaron Cloward.

**VOTE:** All Affirmative (5-0).

Councilperson Janie Christensen stated she would like to give a statement, since last council, Councilperson Warren was able to give a statement. She then read her statement:

*Last Council I feel the mayor and council ambushed me after the election results were final; claiming negative campaign tactics. To me, that's the pot calling the kettle black. I fought off negative accusations coming from you and many from your family members. Such as:*

*--Soren spends half the week in Park City, more than Salem. NOT TRUE. He spends more time in city limits than any of us. He doesn't leave town for work. He's retired; making him more available.*

*--Soren doesn't have the same values since he doesn't have any children. That is hitting below the belt.*

*--Soren is against recreation. Completely false.*

*--Soren has secrets that can't even be mentioned on facebook...*

*I have copies of these accusations with me. If anyone would like a copy, they are right here.*

*To Soren, Welcome to city council! I think you're one of the smartest people that lives in this city and certainly one of the most successful. Those that would say negative of you, DON'T know you. Everyone I know, who knows you LIKES you.*

*To Daniel Ralph Higginson- I'm proud to be numbered with Howard Chuntz, who is also successful and very generous. You used the same accusations towards him to belittle him when the budget was being scrutinized. Did anyone notice that you claimed to have all the facts but didn't mention one? I can throw out accusations as Danny did, using the same adjectives—despicable, dishonorable and baseless BS.*

*To the Mayor: How many times have you looked down the council table and said 'Janie, its 4 to 1, your vote don't matter. Or 'your vote doesn't count cause your out numbered, or even called me 'Lady'? On the first day of being on council, you gave me assignments like Easter Egg Hunt, Flag Day, Miss Salem, just to name a few. NO assignments had city employees or city utilities involved. You keep telling the council or threatening the employees if they talk about your business dealings that you're taking them to court.*

*Mayor, Can you take yourself to court? Because you're the only one who keeps bringing it up. You get Calvin Youd to waste our time for 40 minutes last June, then last week, you brought it up again. Thank you Craig for having these transcriptions done professionally. Please don't bring it up again in council. And, by the way, I talked to Pritchett's this week and read the mayor's comments straight from Craig's legal minutes and I have to say, they strongly disagree with your statements.*

*I also want to read your comments from the city newsletter on August 2013.*

*"I would like to thank Jens Higginson, a young man in town who responded when I asked for someone to help redesign and decorate the city float."*

*Mayor, my husband was Jens scoutmaster. He asked Jens to help with the float. He bought the float, the engine, the transmission. My son has driven the float since he was 12 in parades. He has put hundreds of hours on the float and thousands of dollars. It is a family service we feel good about doing. It has been redesigned 3 times in our barn. Don't take credit or pretend you had a thing to do with it.*

*Mayor, we ALL love Salem. You and Aaron don't have the corner on Love and Service of Salem. We ALL work hard. You choose to recognize some and leave others out.*

*I campaigned door to door with facts. If you're ashamed of how you voted, don't blame me!*

Councilperson Christensen thanked the council for allowing her to give her statement.

## **8. APPROVE BILLS FOR PAYMENT**

Councilperson Rees asked for a motion to approve the bills for payment.

**MOTION BY:** Councilperson Aaron Cloward to approve the bills for payment.

**SECONDED BY:** Councilperson Sid Jorgensen.

**VOTE:** All Affirmative (5-0).

Councilperson Rees stated the amount of the bills being approved tonight is \$434,219.32

Councilperson Craig Warren was excused from council meeting at 7:30 p.m.

## **9. PUBLIC COMMENT**

Councilperson Rees asked if anyone had anything for public comment, there were no comments.

## **COUNCIL REPORTS**

### **10. MAYOR RANDY BRAILSFORD**

Mayor Brailsford was excused tonight.

### **11. COUNCILPERSON STERLING REES**

Councilperson Rees thanked those who helped out with Pond Town Christmas Lighting, the Youth Council, Miss Salem, and the High School Choir.

### **12. COUNCILPERSON JANIE CHRISTENSEN**

Councilperson Christensen wanted to thank Miss Salem, who was present, for her work as Miss Salem. The Chamber of Commerce had a meeting on Unplug.

Chief James and Matt Marziale stated they both went to the Chamber Meeting on Unplugged. They stated it was a good presentation, but noticed we can do a better job of getting our businesses involved in the chamber. We only had one businesses at the meeting. In order for this program to work, we need to get more businesses involved. It is a program to help kids get up and going. The problem is the youth will need to go to different participating businesses to get awards. If none of Salem businesses participate then our youth will be going to Spanish Fork businesses. Matt Marziale stated he spoke with Yolanda Moser, who is a business owner and on the chamber. He is willing to go with her to local businesses and talk to them. Councilperson Cloward stated it would be good to have Matt come to the Economic Development meeting also and talk to them.

Councilperson Christensen reported on the library, and not a lot is going on right now. She also gave an update on the sewer plant. We are meeting the state requirements with the sewer. On November 26 there was a large foaming that occurred at the plant, both Neways and the state were notified of it.

### **13. COUNCILPERSON AARON CLOWARD**

Councilperson Cloward reported on recreation, little league basketball is going on and has seen an increase in participants. The recreation department is working on the

restrooms in loafer view. The parks department is busy with snow removal and putting together the new picnic tables.

#### **14. COUNCILPERSON SID JORGENSEN**

Councilperson Jorgensen reported the combined meeting on December 12 with SUVMWA and the participating city councilmembers to discuss recharging, has been cancelled. SUVMWA is looking at a new date to reschedule.

Councilperson Jorgensen also reported the water department is working on frozen water lines, repairing snow plows, and upgrading the SCADA system.

#### **15. COUNCILPERSON CRAIG WARREN**

Councilperson Craig Warren was excused early.

#### **16. PUBLIC SAFETY – CHIEF BRAD JAMES**

Chief James stated the city crews did a great job in removing the snow from the roads and sidewalks.

#### **17. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS**

Dave Johnson was excused from council meeting.

#### **18. BRUCE WARD, CITY ENGINEER/ PUBLIC WORKS DIRECTOR**

Bruce Ward stated we have used about 200 tons of salt so far this year.

#### **19. ATTORNEY JASON SANT**

Attorney Baker was excused from council meeting, but Attorney Jason Sant was here in his place. Attorney Sant reported it would be a good idea to make sure the council attends the SUVWA meeting when a new date has been determined.

#### **20. JEFFREY NIELSON, CITY FINANCE DIRECTOR**

Jeff Nielson explained the 2014 calendars have been mailed out.

**21. MATT MARZIALE, CITY RECREATION DIRECTOR**

Matt Marziale reported the school calendar book for recreation is being worked on, when it is ready it will also be available for the residents.

**22. CLARK CROOK, ELECTRICAL DIRECTOR**

Clark Crook was excused from council meeting.

**ADJOURN CITY COUNCIL MEETING**

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

**SECONDED BY:** Councilperson Sid Jorgensen.

**VOTE:** All Affirmative (4-0).

**MEETING ADJOURNED AT:** 7:45 p.m.

---

Jeffrey Nielson, City Recorder