



Salem City Council Meeting will also be held electronically, using the Zoom program.

If you would like to participate, please call the city offices (801-423-2770) or email (salemcity@salemcity.org) **before 5:00 p.m. on Wednesday, November 17th to request the link.**

DATE:

November 17, 2021 (City Council Chamber 30 West 100 South)

6:00 p.m.

WORK SESSION

1. Anderson Development--Commercial Development on Elk Ridge Drive and SR 198
2. Agenda Item Discussion

7:00 p.m.

AGENDA – REGULAR COUNCIL MEETING

1. Volunteer Motivational/Inspirational Message
2. Invitation to Say Pledge of Allegiance
3. Youth Council Report
4. SF / Salem Chamber Report
5. Decision: Farm Water Lease Amendment from BYU to Salem City
6. Decision: Motor Pool-Trails Building Insulation
7. Decision: Resolution for Special Election
8. Decision: Resolution Authorizing Mayor to Execute Donations for Salem Canal Enclosure
9. Decision: Minutes of November 3, 2021
10. Decision: Bills for Payment

DIRECTORS REPORTS

11. Chief Brad James, Public Safety Director
12. Steve Cox, Building Official Director
13. Attorney Vaughn Pickell
14. Jeffrey Nielson, City Finance Director
15. Matt Marziale, Public Works/Recreation Director
16. Ted Barnett, Electrical Director
17. Bruce Ward, Manager/Engineering
18. John Bowcut, Fiber Director

COUNCIL REPORTS

19. Mayor Kurt L Christensen
 - a. Finances / Budget
 - b. City Employees
 - c. Miss Salem
20. Councilman Sterling Rees
 - a. UMPA Report
 - b. SUVPS Report
 - c. Mayor / Council Advisory Board
21. Councilman Seth Sorensen
 - a. Recreation
 - b. Green Waste
 - c. Chamber of Commerce
22. Councilwoman Cristy Simons
 - a. SUVMWA & Mt. Nebo Representative
 - b. Water (Primary & Secondary)
 - c. Roads
 - d. Storm Drain
23. Councilwoman Delys Snyder
 - a. Solid Waste
 - b. Senior Dinners
 - c. Library
24. Councilman Tim De Graw
 - a. Sewer
 - b. Youth Council
25. CLOSED SESSION -The Salem City Council may temporarily recess the regular meeting and convene in a closed session to discuss pending or reasonably imminent litigation; the purchase, exchange, or lease of real property or water; or to discuss the character, professional competence or physical or mental health of an individual as provided by Utah Code Annotated §52-4-205.

Please Note: If you have an item that you would like to have discussed before the City Council, please fill out a request form, which is available online at salemcity.org or at the City Office, and return it to the City Office by 5:00 p.m. the Thursday prior to the meeting you would like to attend.

Minutes of the Salem City Council Meeting held on November 17, 2021 in the Salem City Council Chambers.

Work Session: 6:00 p.m.

Agenda Item Discussion

Bruce Ward said the farm water lease from BYU is an amendment to the long-standing lease we have with BYU. Bruce Ward stated we started this program approx. 8-10 years ago and it was originally a 5-year contract and when that expired, we moved into a year-to-year contract. Salem City pumps water from the BYU well into the Salem Canal and from there we divert Spanish Fork River water in and trade up to the highline canal into our ponds. Bruce Ward said we use the BYU well water because it is cheaper option than other sources. The contract states we must use 300-acre feet a year. Bruce stated this lease is just another renewal and the price increases each year because the Highline and Strawberry water rates went up. If we agree to use it at all, we agree to use a minimum 300-acre feet and can't go over 632-acre feet.

Jeff Nielson stated with the referendum we must determine when to have the special election, we can have it either June 28th in primary or November 8th in the general. Jeff Nielson said if we decide to have it on June 28th, we must have a written statement from landowners that signed the petition stating they want the election on June 28th. Councilperson Simons asked for clarification on who needs to sign the written statements and Jeff Nielson said all the property owners who signed the petition for annexation. Jeff Nielson commented we must have the written statements signed by November 19th. Bruce Ward said DR Horton would like the vote on June 28. Jeff Nielson mentioned if we can't get the written statements, it will automatically go to November 8, 2022 election. Bruce Ward asked Jeff Nielson if he has spoken with Scott Bishop regarding the signatures and Jeff stated he sent him an email and hasn't heard back from him. Attorney Pickell arrived during the conversation and stated we have received the written statements signed by the owners.

Anderson Development

Brandon Goodman & Nate Monson stated they are commercial real estate developers, and they are here to present a concept plan. Brandon Goodman stated this property sits on 32 acres in total at Elk Ridge Road and SR 198. Nate Monson showed a map of previous developments they have done including the site plan of the Walmart Neighborhood Market in Spanish Fork. Nate Monson said we feel that site is similar to the one here is Salem. Nate Monson showed a slide of property comparisons at Eagle Mountain Maceys, Santaquin Macey's, SF Walmart. Brandon Goodman stated we looked at this with a grocery store in

mind. Nate Monson showed a grocery map study that was done. They use a radius around the site to determine if it's a good area for a grocery store and Nate thinks this is a great site for a grocery store. The grocery stores look at a housing study and how much growth is coming. Nate Monson commented commercial drives significant commercial growth to the area. Nate Monson commented it shows good signs for a grocery store but is a little lacking in roof tops in the immediate area but great future growth. Most grocery will do a 3-mile radius circle. Brandon and Nate have put together a site plan for the area by possibly adding other business such as bank, hardware etc. Brandon Goodman said they have 3 acres in the back and that can be for other uses. Brandon Goodman stated they are looking for feedback tonight. Nate Monson commented we are here tonight to get feedback and he thinks there is a lot of potential for this site but is still very green. Councilperson Snyder asked for clarification of area being green and Nate Monson stated when they looked at this area, they see mostly green open space. Bruce Ward asked how many acres? Nate Monson commented 16 on the west side of Elk Ridge with approximately 32.5 acres on both sides. Nate Monson stated as we have reached out to the bigger companies, and they are not comfortable with the area due to lack of rooftops in the immediate area. Brandon Goodman said the light will play a big roll and a potential new road going through. Nate Monson said the adjacent pads next to the Neighborhood Walmart took about 4 years to get off the ground and they have since sold off these pads. Nate Monson comments up until 10 months ago there was only the Dell Taco under construction and once they announce a large development next to the area, they sold off the remaining pads. Nate Monson stated one of their concerns was how can we bring commercial and bring it quicker to the city. Nate Monson said we would like to see residential to the area to help secure the commercial. Nate showed an option of both sides of the road, and they want to bring commercial in the most value commercial spaces. Mayor Christensen asked about the density. Brandon Goodman said they are open to suggestions, but we need something to help drive in the tenants. Bruce Ward said your map doesn't show the 400 units just down the road in Payson being built. Bruce Ward felt we could pull them to the grocery. Nate Monson stated they are aware of that location but there is still a pretty good gap. Councilperson Sorensen said he was on the city council when they were proposing the development in Spanish Fork and we had a proposal to turn it into housing and we said no because that is going to be valuable commercial real estate. The problem you have with commercial real estate is once it's gone, it's gone, and we don't have a lot here in Salem. Councilperson Sorensen said as we plan out the city, we are not just planning for the next five or ten years, we plan for the next 50 – 100 years. Councilperson Sorensen said this will be a busy intersection and he isn't comfortable cutting off a chunk of prime commercial land for residential to benefit now. Brandon Goodman commented retail is shifting very quickly and there is a lot less big box anchors. Brandon Goodman said what you are seeing in these areas are more mixed use, some residential mixed with office space and retail. Councilperson Snyder said we are concerned about the commercial along the street and commented that the frontage is valuable. Brandon Goodman said retail is adapting to the today's consumer. In the past we couldn't get retail without the anchor. Brandon Goodman said in this area you will need the anchor. Dave Morton with Anderson development commented the 9 units to the acre would be a good buffer to the commercial. Dave Morton said retail isn't what it used to be. Dave Morton said we want to do our best to make decisions that are best for the area. Mayor Christensen said we are experiencing a lot of growth. He doesn't like the idea of high density on this property. Mayor Christensen stated it seems a little early. Councilperson

Simons stated it's too soon for that area and that density, if ever. Councilperson Snyder said we want to make sure there is enough for all who come and who are currently here. Councilperson Snyder said if you draw your 1-mile circle you need to look at the bigger area because there is no other area for bigger commercial. Nate Monson said we agree with that but it's hard to sell to the big box anchors. Brandon Goodman hopes to get something in sooner and said this is a great spot for neighborhood grocery. Bruce Ward said it is zoned commercial and looked for an understanding from the council about re-zoning. The Council preferred commercial along the street. Councilperson Snyder spoke about a previous presentation on the property. Brandon Goodman said if we don't have the residential component than it would be an uphill battle to bring larger commercial. Soren Christensen asked about the Elk Ridge Road zone. Bruce Ward said this was going to be a commercial node, but it doesn't anticipate commercial going all the way up Elk Ridge Drive. Dave Morton said generally is hard to put a 1/3-acre lot next to commercial and we would put a buffer in.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor Kurt L Christensen

COUNCIL PRESENT:

Mayor Kurt L Christensen
Councilperson Sterling Rees
Councilperson Seth Sorensen
Councilperson Delys Snyder
Councilperson Tim De Graw-excused
Councilperson Cristy Simons

STAFF PRESENT:

Jeffrey Nielson, Finance/Recorder
Vaughn Pickell, City Attorney
Chief Brad James, Police Chief
Ted Barnett, Power-excused
Matt Marziale, PW/Recreation
Bruce Ward, Manager/City Engineer
Steve Cox, Building Dept.
John Bowcut, Fiber Director
Robyn Mortensen

OTHERS PRESENT

Soren Christensen, Brandon Goodman, Keaton Morton, Dave Morton, Nate Monson,
Jarrett Parkinson, Elizabeth Engle, Aubrey Wright, Amanda Jones, Emily Weber, Karen
Boothe, Andrew Ottesen, Olivia Johnson, Spencer Fillmore, William Burk

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Christensen asked if anyone would like to give a motivational or inspirational message. Councilperson Rees stated he would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Mayor 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. YOUTH COUNCIL

There was not a member from the Youth Council present tonight.

4. SF/SALEM CHAMBER OF COMMERCE

There was not a member from the SF/Salem Chamber present tonight.

Miss Salem Rachel Weber stated their next event is the Pond Town lighting. Miss Salem and Attendants will be collecting shoes to send to other countries.

5. DECISION: FARM WATER LEASE AMENDMENT FROM BYU TO SALEM CITY

Bruce Ward stated this item was discussed during work session and it is just a continuation of the agreement we have with BYU to lease their water. Bruce Ward stated he had this reviewed by legal department and recommended approval.

MOTION BY: Councilperson Rees motion to approve water lease from BYU for 2022 to Salem City.

SECONDED BY: Councilperson Sorensen

VOTE: Councilperson Sterling Rees; Aye, Councilperson Seth Sorensen; Aye, Councilperson Delys Snyder; Aye, Councilperson Cristy Simons; Aye, (4 Ayes)

6. DECISION: MOTOR POOL-TRAILS BUILDING INSULATION

Matt Marziale stated we build a Cleary building about 2 years ago. This building is a shared building with multiple uses to store items. With this budget we are currently in we added two new departments, trails and a part-time motor pool employee and we have two employees that work out of that building and it has no insulation. Matt Marziale stated we looked for three bids. Huntsman Environmental bid was the lowest, but it was not including the two office or evidence locker and they wanted to do a change order instead and Matt Marziale stated no thank you. Tonight, Matt is seeking approval for Hone Insulation for two-inch polyurethane spray foam on the entire building. Matt Marziale stated this is a non-budgeted item. Jeff Nielson said we were hoping to have our audit done but we have funds in the reserved balance, and we can use that. Matt Marziale said we are two months out on scheduling to get the work done. Councilperson Snyder asked if building is enclosed. Matt Marziale said yes. The electrical work will be done by our power department and all other things needing to be added will be done in house. Matt Marziale stated Chris Wright has an oil burning heater to heat the building.

MOTION BY: Councilperson Sorensen motion to approve the motor pool/trails building insulation for \$22,555.00 to Hone Insulation.

SECONDED BY: Councilperson Simons

VOTE: Councilperson Sterling Rees; Aye, Councilperson Seth Sorensen; Aye, Councilperson Delys Snyder; Aye, Councilperson Cristy Simons; Aye, (4 Ayes)

7. DECISION: RESOLUTION FOR SPECIAL ELECTION

Attorney Pickell stated we need to adopt a resolution to set the election for possible referendum vote. We are designated June 28th. Councilperson Rees asked about the

deadline to enough signatures. Attorney Pickell stated that depends, the first packet is due 30 days from the first signature received and 45 days for all other packets. Mayor Christensen clarified which resolution they needed, and Attorney Pickell stated the revised resolution Jeff Nielson drafted. Attorney Pickell commented we need to adopt the resolution designating the election date. Councilperson Snyder stated in the past not all parties had primaries the same day. Attorney Pickell stated there will be a primary on that date whether or not the parties have multiple candidates to need a primary, that won't matter all voters will get a ballot. Attorney Pickell stated some parties will get multiple things on their ballot and if they don't have a primary, they will get a ballot with just the referendum question.

MOTION BY: Councilperson Snyder motion to accept the resolution for the special election on June 28, 2022.

SECONDED BY: Councilperson Sorensen

VOTE: Councilperson Sterling Rees; Aye, Councilperson Seth Sorensen; Aye, Councilperson Delys Snyder; Aye, Councilperson Cristy Simons; Aye, (4 Ayes)

8. DECISION: RESOLUTION AUTHORIZING MAYOR TO EXECUTE DONATIONS FOR SALEM CANAL ENCLOSURE

Bruce Ward said this resolution is another element regarding the Salem Canal project. The council approved a right-of-way agreement with Central Utah Water Conservancy District several months ago and shortly after that we approved 4- 5 federal easements. This resolution grants the mayor and city recorder to sign those as they get finalized and grant the easements to US Dept of Interior.

MOTION BY: Councilperson Sorensen motion to approve the resolution authorizing the mayor to execute donations for Salem Canal enclosure.

SECONDED BY: Councilperson Rees

VOTE: Councilperson Sterling Rees; Aye, Councilperson Seth Sorensen; Aye, Councilperson Delys Snyder; Aye, Councilperson Cristy Simons; Aye, (4 Ayes)

9. DECISION: MINUTES OF NOVEMBER 3, 2021

MOTION BY: Councilperson Simons motion to approve the minutes of November 3, 2021.

SECONDED BY: Councilperson Rees

VOTE: Councilperson Sterling Rees; Aye, Councilperson Seth Sorensen; Aye, Councilperson Delys Snyder; Aye, Councilperson Cristy Simons; Aye, (4 Ayes)

10. DECISION: BILLS FOR PAYMENT

AMOUNT: \$1,147,555.26

MOTION BY: Councilperson Sorensen motion to approve the bills for payment in the sum of \$1,147,555.26

SECONDED BY: Councilperson Simons

VOTE: Councilperson Sterling Rees; Aye, Councilperson Seth Sorensen; Aye, Councilperson Delys Snyder; Aye, Councilperson Cristy Simons; Aye, (4 Ayes)

11. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief James did not have anything to add to tonight's meeting

12. STEVE COX, BUILDING OFFICIAL DIRECTOR

Steve Cox did not have anything to add to tonight's meeting

13. ATTORNEY VAUGHN PICKELL

Attorney Pickell did not have anything to add to tonight's meeting

14. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff Nielson stated the auditors are wrapping up the audit and they will be here Dec 8th to go over audit. Jeff mentioned the Christmas party will be December 2nd at 6 and to make sure and send in RSVP.

15. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt Marziale mentioned we need to follow up on the Pond Town Lighting and Mayor Christensen stated Councilperson De Graw will send out the outline for the Pond Town lighting.

16. TED BARNETT, ELECTRICAL DIRECTOR

Ted Barnett was excused from tonight's meeting

17. BRUCE WARD, MANAGER/ENGINEERING

Bruce Ward stated he will email the draft area plan for the New Salem Arrowhead Springs. Bruce plans on reviewing it in the next couple of weeks and invite Sunrise to the council meeting in December. Bruce Ward stated they will make comments and have an adoption sometime in January. Councilperson Snyder stated this plan is like a master plan for that area. Bruce Ward responded it is an amendment to the general plan and a land use plan for the area.

Bruce Ward stated we are planning a pre-bid tour here in Salem with Central Utah Water Conservancy District on December 2nd. Bidding will be in January and construction starting mid-summer and hitting construction hard at the end of the irrigation season. Bruce Ward stated we will be closing canal road for the next two years, but we would close the entire canal the whole time. Sections of the canal will be closed and under construction. Bruce Ward mentioned this will a storm drain system from end to end of the canal in Salem. Councilperson Snyder asked about access to get to schools. Bruce Ward stated they will maintain access. Bruce Ward said we have in the specs that they can't make us wait more than 5 minutes or they will incur a fine. Central Utah Conservancy District hired a public relations company to handle issues.

Bruce Ward mentioned we have received a letter from Spanish Fork City and Attorney Pickell terminating our contract with them effective July 1, 2022. Bruce Ward stated we have some decisions to make by July 1st. Attorney Pickell stated he has appreciated working with the Salem City staff. Councilperson Rees asked why the contract was being terminated. Attorney Pickell stated the increase in workload has pushed this and Spanish Fork needs fulltime legal. Mayor Christensen commented we look forward to getting recommendation from Attorney Pickell. Attorney Pickell stated he wants to make this transition as smooth as possible.

Bruce Ward mentioned he would like to recommend to the council to re-establish the landscapes incentive program. Mayor Christensen asked if Salem City could override the HOA requirements. Attorney Pickell said we could adopt an ordinance requiring xeriscape and low water use park strips and they would have to follow the law. Attorney Pickell stated you can establish a law uniform to the whole city, and everyone must abide by it regardless of contract. Attorney Pickell stated the city could do different things, such as allow park strips to be xeriscape or require it, but we can't inject ourselves into the contract.

18. JOHN BOWCUT, FIBER DIRECTOR

John Bowcut stated 5 nodes we are actively installing customers. The ring of fire will be finished in the next couple of weeks and John explained what the ring of fire is. John went over the progress page on the website and John said we all should be looking at this on a regular basis. John Bowcut stated we have 130 customers hooked up. Bruce Ward asked how many are paying customers and John said some are still testers. John Bowcut

mentioned the testers get the first month free. John said the Cemetery West node was brought on today. The Foothills node will be next, and it is very close. John Bowcut stated they are working in the Mt Loafer area which has some challenges, and they are working through those.

COUNCIL REPORTS

19. MAYOR KURT L. CHRISTENSEN

Mayor Christensen did not have anything to add to tonight's meeting

20. COUNCILPERSON STERLING REES

Councilperson Rees stated tonight was the last UMPA board meeting for the year and his last meeting with UMPA. Councilperson Rees stated UMPA just finished their audit, and the results were great. Councilperson Rees mentioned the open house for the Clover Creek project, and it will be held Dec 16th at the Juab County Fairgrounds.

21. COUNCILPERSON SETH SORENSEN

Councilperson Sorensen mentioned the recreation winter sports are starting. Councilperson Sorensen stated the Chamber has moved their Spanish Fork Winter Light Parade to Saturday, so residents can attend the Pond Town Lighting and the Parade.

22. COUNCILPERSON CRISTY SIMONS

Councilperson Simons did not have anything to add to tonight's meeting

23. COUNCILPERSON DELYS SNYDER

Councilperson Snyder stated the Solid Waste department had an audit and it is in good shape. Solid Waste department is currently getting bids for new building. Councilperson Snyder said approximately 45-50 people are attending senior dinners. December 16th will be the last senior dinner for the year. Councilperson Snyder stated the library will be doing some educational activities during the holidays and they will do a tour of library on New Year's Eve. Councilperson Snyder mentioned the library has 20 hotspots that residents can check out for 3 weeks and she stated the state pays for the hotspot charge. Councilperson Snyder would like to celebrate the accomplishment of the fine arts department at Salem Hills at a future council meeting.

24. COUNCILPERSON TIM DE GRAW

Councilperson De Graw was excused from tonight's meeting

Matt Marziale mentioned the youth council is looking for 3 families to help with Christmas. Matt said to reach out to the McKee's if you have a name of a family.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Simons motion to adjourn the council meeting

SECONDED BY: Councilperson Sorensen

VOTE: Councilperson Sterling Rees; Aye, Councilperson Seth Sorensen; Aye, Councilperson Delys Snyder; Aye, Councilperson Cristy Simons; Aye, (4 Ayes)

MEETING ADJOURNED AT: 7:45 p.m.

Jeffrey Nielson, City Recorder