

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, October 20th to request the link.**

DATE: October 20, 2021 (City Council Chamber 30 West 100 South)
6:00 p.m. WORK SESSION

1. 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: BYU Farm-Salem Annexation to annex 916.68 acres of property located at approx. 8800 South 400 East, Utah County.
6. Decision: Proposed Development Agreement for the Viridian Farm Master Planned Development (BYU Farm)
7. Decision: Minutes of October 6, 2021
8. Decision: Bills for Payment

DIRECTORS REPORTS

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

COUNCIL REPORTS

17. Mayor Kurt L Christensen
 - a. Finances / Budget
 - b. City Employees
 - c. Miss Salem
18. Councilman Sterling Rees
 - a. UMPA Report
 - b. SUVPS Report
 - c. Mayor / Council Advisory Board
19. Councilman Seth Sorensen
 - a. Recreation
 - b. Green Waste
 - c. Chamber of Commerce
20. Councilman Howard Chuntz
 - a. SUVMWA & Mt. Nebo Representative
 - b. Water (Primary & Secondary)
 - c. Roads
 - d. Storm Drain
21. Councilwoman Delys Snyder
 - a. Solid Waste
 - b. Senior Dinners
 - c. Library
22. Councilman Tim De Graw
 - a. Sewer
 - b. Youth Council
23. 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 October 20, 2021 in the Salem City Council Chambers.

Work Session: 6:00 p.m.

Bruce Ward stated he would like to cover questions or items that have come up about the Dr Horton Development. Bruce Ward turned the time over to Attorney Pickell.

Attorney Pickell gave a background on the status. The applicator petitioned to annex 916 acres which includes the BYU Farm and a few other properties. The petition was certified and the period for protest ran, and we received several protests. Because of the protest they had to be sent it to the Utah County Boundary Commission and after holding a Public Hearing, the Boundary Commission rejected the protests. Planning & Zoning and the City Council had their Public Hearings and now we are at the decision point. Attorney Pickell stated there are two items on the agenda tonight. The first one is the Ordinance which sets the zoning for the entire 916 acres. DR Horton requested the Master Plan Development zone; the Zephyr Ranch & Smart Property requested a R15 Zone and the Bangerter and remainder properties requested A1. On the ordinance you have tonight the zoning was left blank, so it allowed the council to make the legislative determination. The development agreement is a separate item. The council adopts the development plan for the Viridian Farm project. That development agreement sets the land use mix, the density, amenities, and infrastructure. Attorney Pickell stated you should consider the development like a land use ordinance. It involves weighing a broad competing policy consideration that relates to the use of the land and it includes the land use regulation. Basically, you are adopting a zoning map for that part of the city. Because the development proposed standards were different from the city's development standards, we had to adopt it as if it were a land use ordinance under Utah code 1098532. Where we had to follow the same procedures for enacting a land use regulation which included review and recommendation from planning commission and a public hearing. There are two legislative acts tonight, 1- The Annexation Ordinance 2- The development agreement.

Scott Bishop thanked the council for their time over the past year. Scott said we have had a lot of obstacles and we have worked through them together. Scott Bishop said we know it is difficult, but we love to build. About 18 months ago when we started the process with the city, we were already doing planning before that, and we probably 20 different versions of the concept plan. Scott Bishop stated they were trying to understand city code and what was best for the city. Scott said we feel like we have put together a great community that has been well thought out and planned. Scott Bishop stated Salem City has asked for more than any other city has asked of them, and it has been a challenge for DR Horton to meet all the request. Scott Bishop stated DR Horton appreciates their concern and knows they are concerned with what is best for the city. Scott Bishop said we have reviewed this several times with you, but we felt it would be good to go through it again and cover the changes.

Scott Bishop said on page 2 of smaller packet, item c was added, and it is a simple clause that talks about the city's negotiations with SEDS and if there is a delay in providing electrical services the city won't be in breach of contract. On page 7 it discusses where it allows the city to be more involved in the selection of the builders and those who will install the structures. On page 8 there was a minor change. On page 9 it is talking about the public infrastructure district, and we didn't feel comfortable about making any promises or commitments. Most of it was scraped to just read that any public infrastructure district created for the development of the property shall not create a financial liability for the city and that the developer may in future ask the city and the city may grant that option. On page 11 item number 16 here we agree on a price per acre for some of the land that the city will need for some of the infrastructure facilities. At the bottom of number 16 it states Master Developer shall use commercially reasonable efforts to acquire and pay for the needed rights-of-way and intersection improvements at 400 East/8800 South and at Woodland Hills Drive/8800 South if Master Developer can acquire the necessary right-of-way from the private property owners. The timing of the improvements shall be recommended by the traffic study for the property. On page 13, if you remember one of the commitments DR Horton made was the 3 million in park improvements to the city for the benefit of the residents and in that process, we will decrease the cost of amenities by approximately \$700,000. The amount of acreage would stay the same, but the actual amenities was going to decrease. Councilperson Snyder asked about the language where it states it holds DR Horton to the cost. Scott Bishop said the cost and pictures are in the estimated cost. Councilperson Snyder stated it will take 10 years to build. Scott Bishop said the cost may completely change but the amenities are what's guaranteed. Scott Bishop said there has also been a few clerical changes in the exhibits. Attorney Pickell covered the section 17 A, where it states there is a completion schedule and that is outlined in Exhibit D and then it states The City may withhold approval of any or all preliminary plats, final plats, site plans, building permits or certificates of occupancy applied for in the project for parks, trails and amenities that do not meet the completion schedule. Exhibit D outlines what projects or amenities are to be done by a certain number of units. Rob Hartsborn stated on Page 9 it states provided however in no event shall the city be liable for any cost for the construction of public parks, trails or recreation facilities within the development property and access the amount of the parks and recreation impact fee credit selected from the development activity within the development property. Councilperson Snyder stated she knew Howard Chuntz negotiated 3 million to come to recreation and was a little surprise it is per residential unit and it's not 3 million right up front. Scott Bishop said he worked with Attorney Pickell, and we felt it was best to pay as we go. Impact fee as we continue to build DR Horton will contribute more as we go. Bruce Ward said the discussion went around about capping of impact fee to the maximum reimbursement and DR Horton made the same statement the cost that we are estimating today is approx. 10 million and we know over time those things will likely go up. At the same all the infrastructure and all of the reimbursements are interest free loans and for instant we are talking about a water tank or building a well or substation they are fronting that cost. Bruce Ward said we can take as much time as we need before impact fees are collected to pay that back. Bruce Ward said Howard Chuntz felt this was a win-win situation. Councilperson Sorensen stated he asked Howard Chuntz that same question. Councilperson Sorensen said the amenities that they will be purchasing will cost more down the road and it is a balancing act.

Councilperson Snyder asked what does it mean to default in a development agreement? Attorney Pickell stated the development specifies what qualifies as event of default and that it spelled out in section 23. Attorney Pickell stated if any of those things happen than that would be considered an event of default and then there is a procedure to cure the default and if they can't cure it that would be a breach of contract. Bruce Ward asked Attorney Pickell what does that trigger if DR Horton or Salem City believes the other party is in default? Attorney Pickell said it triggers the procedure to cure the default and you give them notice and they have 30 days to responded and see if they can cure the default and if they can't cure the default that it could result in litigation to enforce the agreement. Rob Hartsborn with DR Horton stated the development agreement puts the obligation on us and the default section says in the event of a default by either the master developer or city there is nothing for the city to do but reimburse impact fees. Rob Hartsborn said there is page after page of obligations on DR Horton's part and you can come after us if we don't perform.

Councilperson Sorensen brought up section 15 where it discusses system improvements and reimbursement. Councilperson Sorensen asked Bruce Ward to cover what happens if there is a disagreement. Bruce Ward stated this is meant to be a mutual discussion, it's meant to be a cooperative effort but in the end the city has final say of capacity or sizing and whether both or either improvement is needed. Attorney Pickell said in section 15 it states that the city may require the master developer to upsize components. Bruce Ward said in the infrastructure paragraph it stated that the city engineer gets to decide. Bruce Ward said we can pay for a quick analyzes but we usually don't disagree on engineering issues because they are somewhat black and white when it comes down to capacity. Bruce Ward said if we did have a lengthy dispute. Bruce Ward said we hold all the cards to approval, so it is in the best interest to work through the issues and in the event it doesn't we don't approve the final plat.

Councilperson De Graw asked Bruce Ward to talk about when we might have to do an imminent domain decision. Bruce Ward said there has been a lot of discussion about Mountainland associates of governments road being drawn over the homes. Salem City and Dr Horton did not draw the road. Bruce Ward said Mountainland is task with looking out way into future. They don't look at it like there is a house or a farm. There could be 50 different designs drawn from concepts drawn prior to a final design. The idea behind is a road needs to get from Salem to Highway 6. There will be a lot of public process before they get to a final decision. Bruce Ward said nobody wants to condemn houses. Bruce Ward said water lines, sewer lines or power lines could possibly have a conflict come up. We may be asked as a city to use the powers of imminent domain. It does not say in this agreement that the city is obligated to use that power. Bruce Ward said as long as he has been here, he has never used those powers. Bruce Ward said we do our best to avoid it. It will take a unique opportunity before we would recommend condemnation.

Councilperson De Graw mentioned getting the name changed on the agreement. Councilperson De Graw asked about the phasing. Councilperson De Graw said as it relates to the number of homes planned over the next 18 to 24 months and it contradicts another statement on how quickly you can typically build homes. In one council meeting or written statement you said 100 homes in 6 months, he has also heard 800 homes in 18 to 24 months.

Rob Hartsborn stated these are largely guesses, the development agreement says you can't do more than this and that's what caps us in the development agreement. The rest is estimates and market driven.

Councilperson De Graw asked if the primary corridor is where they will begin building. Scott Bishop said in the first phase, the 25-acre park starts right at first. Scott Bishop stated in each phase we will try to keep a balance that makes logical sense as we work through the development. Councilperson De Graw said the 1 acre lots potentially might be sold under the same requirements as established under the annexation and development. Scott Bishop said they won't be sold until we have gone through and fully developed. Bruce Ward stated on page 30 this is the latest project map. Councilperson De Graw mentioned it has been stated the town homes it would consist of 85% of this development and that is untrue. Jeff Nielson showed a slide of the proposed land use summary. Councilperson Snyder commented people that want to make it sound really dense count units and others count the number of acres and that why it can seem dense or seem reasonable.

Councilperson De Graw stated he read through the Planning and DRC notes. One of the questions brought up was what if a church or a municipal portion of the development doesn't get utilize. The total number of units stays the same and you fill out that calculation, so it doesn't come back to the city. Scott Bishop said we have two schools and churches. Scott Bishop said as we met with the church and Nebo School District neither were prepared to make a commitment right now. Dr Horton felt it would be wise to put them in and plan for those spaces and if in the end they don't take them, in the agreement is states if any given pod doesn't get used it can only change by 10 %. So, we wouldn't be able to fill those with extra townhomes it would be taking little pieces from other pods. The total area would be less dense. Councilperson De Graw asked about when they would make those determinations. Scott Bishop said they will make those determinations part way through the project. Scott Bishop said they don't want to make any commitments because we have nothing approved. Rob Hartsborn said we can't put just any density; it has to be a like product next to it. Councilperson De Graw said some of the complaints is the actual site of building and development and if the townhomes make up 80% and that is inaccurate, and he wanted to make that correction.

Councilperson De Graw brought a up a question on the traffic study, and it commented it is done but it is still ongoing. The exhibits gave recommendation on number of lanes, intersections, widths, rights-of-way and so on. What is less clear is what is outside of the development. Bruce Ward said everything inside is pretty locked down but what we asked Hales to do is to give us more information on 400 East which is a county address and how it interacts with 8800 South. This is based on traffic models and how many units could be allowed for that intersection and what's the timing. Bruce Ward said the timing is based on at what point does the level of service go beyond level service C. Scott Bishop said a complete traffic study has been done with the roads as is including those of site intersections. Scott Bishop said they typical base their recommendation on a level D, but Salem city said D level is nice, but level C is better, and we would like you to redo it and see how things work at a level C, which is a lower traffic study. Scott Bishop said they are making the adjustments and should be done in a week or so. Scott Bishop said we will probably have to update the traffic study as we move through this project over the years.

Councilperson De Graw mentioned that Hales is going through and setting up benchmarks. A benchmark would be when you get to 24 homes built you must add a second way in & out. A benchmark that covers how many cars turn right and turn left. Scott Bishop said we already have that with the existing roads we have. Hales can put that into their model and incorporate it as we build out.

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

STAFF PRESENT:

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

OTHERS PRESENT

List of those who attended the meeting is attached to the minutes

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

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

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Duane Hill 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

Brianne Ericksen and Cambrie Wilkinson were representing the Youth Council tonight. Brianne stated the upcoming event the Youth Council will be involved in is the Skyhawk Gorge. This is an event the High School host for Make-a-Wish Week. They pick a child in the community that has an illness. They help to raise money for a child in the community to fund a vacation or something they want. Brianne explained what they do at the Gorge and said it will take place on November 8th. Cambrie mentioned the Youth Council will hosting the Goosebump Gala Carnival and it will be on October 30th. They will have a trunk-or-treat and a spook alley. Cambrie said they will also be helping with the Pond Town lighting on November 26th. They will be handing out Hot Chocolate and Donuts.

4. SF/SALEM CHAMBER OF COMMERCE

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

Jeff Nielson mentioned the South County Chamber Summit is tomorrow. Councilperson Sorensen stated there is a great line up of speakers.

5. DECISION: BYU FARM-SALEM ANNEXATION TO ANNEX 916.68 ACRES OF PROPERTY LOCATED AT APPROX. 8800 SOUTH 400 EAST UTAH COUNTY.

Mayor Christensen said we had a public hearing and held it at the community center. The meeting went over 4 hours, and we were addressed by citizens and nonresidents. Mayor Christensen said things were said and he would like to address those tonight. The public had the chance to address the council at the public hearing and tonight the council will address the public. Mayor Christensen said one of the items mentioned was moratorium, this is illegal you must have a reason for the moratorium, and it can only last for 6 months and it is not a reason to stop growth. Emergency exits were addressed, Mayor Christensen said there is 5 emergency exits more than Woodland Hills and Elk Ridge and less threat. Roads was brought up and we have traffic engineers do studies and we are taking suggestions. Mayor Christensen said BYU has water on their land more than any other piece of land he knows. They have well water and canal water from both canals. Mayor Christensen said it takes more water to run a farm than to run a city. Mayor Christensen said we really looked into the question about the property being donated. Mayor Christensen said we talked to the seller and BYU, and we have read a letter from BYU stating they bought it at a fair market price. Mayor Christensen said we have done all our homework and unless someone comes up with a paper to dispute it or fact or something from a courthouse than it is just hearsay. Mayor Christensen said we did a study to see what the residents wanted. Did they want roads fixed, parks or trails? Mayor Christensen said this development has proposed all those with more parks and trails. Mayor Christensen stated the ink isn't even dry on our general plan with 2-3 homes per acre. That is not high density. Twenty-four units per acre is high density. Mayor Christensen asked who is buying the 1/3 acre lots. We have problems with home shortage. He welcomes everybody. Mayor Christensen said your kids, your residents, your teachers, your police force can't afford those homes. Mayor Christensen said this development meets our general plans. Mayor Christensen stated he likes the trails and parks and all their amenities. He can name a hundred reasons why he likes it, and you can name 100 reason you don't like it. Mayor Christensen said if you put it in three quarter acre lots, you will end up with no parks and big homes. Mayor Christensen stated the working class can't afford it. They are coming from out of state and selling them to millionaires and that is not fair to our citizens. Mayor Christensen said the average home \$604,500. That is up 35% from last year. Mayor Christensen quoted a KSL report about 50% of the state can afford a medium home. Mayor Christensen asked Steve Cox where I can buy a home today in Salem and Steve's answer was there isn't one. Mayor Christensen said buy me a lot and Steve said there isn't one. Mayor Christensen said that is a problem and you guys want to close the system down. That is wrong. Mayor Christensen stated that is his opinion.

Councilperson Sorensen stated he is disappointed in a lot of people he knows in Salem, and he said they have lied, slandered, and even threatened the council. Councilperson Sorensen said that's not how respectable adults behave, we are supposed to be good friends and neighbors. Councilperson Sorensen stated we are here to do something we were elected to do and if you have questions call me, come to my house, and talk to me. Councilperson Sorensen said instead we get social media post with fictitious information and slander against this council. Councilperson Sorensen stated this is one of the most respectable groups he has ever worked with. Councilperson Sorensen said it is disheartening to see those things said about this group. Councilperson Sorensen stated after the planning commission meeting, he had a couple of people reach out to him and tell him the planning commission denied this, so you have to deny it. Councilperson Sorensen said he has served on the planning commission, and he knows how the planning commission works. Councilperson Sorensen stated we have a great planning commission committee, and he has the upmost respect for them. The planning commission made a decision based on things that pointed something out to me, that as a council we may have neglected our duties. Councilperson Sorensen commented the primary duty of the planning commission is to evaluate projects based on how they fit with the general plan. As a council we have failed to do trainings with them. Councilperson Sorensen said their conversation got a little sidetracked, but they brought up some great questions. Councilperson Sorensen said he spent time with Bruce Ward going over the questions they brought up because they were valid. The reason the planning commission made their decision was based on something that didn't fall under the purview of how well the development fits with the general plan and he didn't fault them for that, and he said that's our fault as a council for not really walking them through what their role is. Councilperson Sorensen said we need to do a better job when working with the groups to help them understand their roles. Councilperson Sorensen stated he had people tell him to vote against this project because they haven't heard about it. Councilperson Sorensen said at the council we have been at this for over a year. Councilperson Sorensen said this project has been posted on all our council agendas, and it has been out there a while and it is just a click away. Councilperson Sorensen gave some advice he gave his twins, Ignorance is never an excuse and go out and be responsible for yourself. Councilperson Sorensen stated we can't knock on every door, there just isn't enough time or manpower to do that. Councilperson Sorensen said we try our best to get the information out there, but everybody has to take responsibility for themselves to get the information. Councilperson Sorensen stated him, and his wife took some time to drive through the Dr Horton Development by Spanish Fork and Mapleton. He wanted to get her opinion and he mentioned the thing that stood out was it felt open, and it was much denser than what we are doing. Councilperson Sorensen said it felt welcoming and his wife said this doesn't feel crowded at all. They were impressed with it. Councilperson Sorensen said we have been told this project will change the feel of Salem and he disagrees. Councilperson Sorensen said if we keep this at 1 and 5 acres the only people that can afford this is millionaires and that isn't what we want. Councilperson Sorensen said he took a look at the numbers of all the schools here in our community and there were 4791 students in our community and all those students will be graduated out of school by the time this project gets done. Councilperson Sorensen said if we took the graduating class from Salem Hills for the past two years that would be 5821 of our children that have now left home and even if half of those children want to come back, that is thousands of children and who are we to say they are not welcome. Councilperson Sorensen stated he had an individual come up to him and say in no

way could they comeback to Salem until her and her husband went out and got really good jobs and become successful. Basically, indicated that our children shouldn't be welcomed back unless they have proven themselves and gone out into the world and got a high paying job. He stated that idea is absolutely appalling. It is appalling that we have to tell our children that they have to go out into the world and make hundreds of thousands of dollars to be able to move back to a town, where they grew up, where they attend school, where they worshiped, participated in athletics, sang at the Pond Town lighting, participated in the Youth Council and who love and cherishes this community and who were molded and shaped by it. Councilperson Sorensen said to do that goes against everything Salem stands for. Councilperson Sorensen said we have been working on this project for almost two years and it is very well thought out. We have sent Dr Horton back to the drawing board multiple times to adjust their plan. We are incorporating a good mixed community with acre lots, half acre lots, third acre lots. What makes a really good community is having people from a variety of backgrounds, a variety of incomes, a variety of life experiences and when we put them together it makes a good community. A project like this does exactly that. Councilperson Sorensen stated he is in support of this project.

Councilperson Snyder stated she moved here twenty years ago and loves the small town feel and open spaces. She stated Salem has doubled in size in the past twenty years and Salem is still Salem even after it doubled. Councilperson Snyder stated as a member of the city council she has talked with the DR Horton representatives from the beginning of the negotiations, and she said it was 18 months ago. Councilperson Snyder stated this has been a long process and if you feel everything has moved to fast than you probably just became interested in the process. The master plan designated this land to be 2-3 units per acre and we negotiated DR Horton down to 2.7 units per acre. This is the same density as almost every other neighborhood in Salem. Councilperson Snyder said 2.7 is not high density. Councilperson Snyder pointed out this will be developed in the next 10 years but how will it be developed? Should we have a master plan community with mixed density or as certain websites suggest 5-, 3- and 1-acre farms or as other people suggest only high-end homes on a 1/3 acre. At current prices 1, 3 and 5 acres will only be available for to the riches 3-5% of Utah residents. Even an entire community of homes on a 1/3 acre lots will be beyond the budgets of most Salem residents right now. The Salem way is to make room for all kinds of people including our teachers, police officers and the staff that works for Salem City as well successful tech people and businesspeople. How do you ruin Salem by turning this part of Salem into a rich person's enclave? Councilperson Snyder is going to vote to keep the values of Salem as a place that welcomes all people. Councilperson Snyder stated something that has been brought up is do we have enough resources. Councilperson Snyder stated yes, we have enough resources. We will hire as homes are built and as taxes are starting to be paid. Councilperson Snyder stated that is the logical way. Councilperson Snyder stated you probably haven't heard this but maybe a twisted version on a website. What happens if we deny annexation? Councilperson Snyder said remember all the neighbors to the west of BYU Farm are asking for annexation and their request must also be considered and they feel too intimidated to speak. DR Horton is aware they have the option of asking for the BYU property to be annex into Spanish Fork. This process would be fairly easy because some of the property between BYU Farm and Spanish Fork is owned by the State of Utah. Anyone

that says it is unlikely is naive and misinformed. If Salem forces, it with a referendum or a no vote on annexation than Councilperson Snyder guarantees they will consider switching cities. She has listened and listened to people and went to homes and responded to every email since about June. She has spoken with people who don't dare say anything because of being Oster sized, people who are angry, who are neutral, and she has asked a lot of questions to staff and DR Horton and researched many places and she has looked for a conservation model to fit this and she can't find one. A mixed type of housing makes a better community. Councilperson Snyder said she would love to get the density to 2 units per acre, but we do not require that density for any other development, so it is unfair to require it here. Councilperson Snyder likes the amenities and that includes the new intersection upgrades. DR Horton is going to pay for two intersection upgrades, and they are not required to normally because their land doesn't touch the intersections. Those intersections will be built when a certain number of homes have been built. Councilperson Snyder stated we have doubled in the past 20 years, and we have kept Salem, Salem. We can double or triple in size and still keep Salem, Salem.

Councilperson De Graw said this has been incredible challenging for the council. Councilperson De Graw stated the council serves the community and this position is volunteer, and we try to make decision to the best of our ability. We are elected by individuals who know us and others who don't know us, but they put their trust in us because of what they heard or attended a city hall. Councilperson De Graw stated he has had several people that voted for him, and they have reached out to him and ask him if he is for or against this development and gave their preference. Councilperson stated when he was able to lay out everything, they at least come away understand more about what is at stake. Councilperson De Graw stated if we choose not to annex, he believes Spanish Fork will. He has data that suggest that and anecdotal conversations that support that as well with people in Spanish Fork. Councilperson De Graw stated he is afraid of that happening. Councilperson De Graw read a portion from the general plan, and it states on page 4, the transformation of Salem from an agricultural settlement into a suburban community increased throughout the 1990's, marking the emergence of more diverse forms and types of development that continue today. As the area has developed in recent years, public infrastructure, services, and facilities have been expanded to serve the needs of the community. Firmly entrenched as an attractive bedroom community for commuters and retirees as the population has grown pressure for development has risen. The city is at a critical junction as it tries to balance demands for growth with the preservation of rural agricultural character that makes Salem a desirable place to live. As it has been mentioned in council meeting the general plan is not a perfect document, but it is a guiding document, it is flexible, and a living document and it will probably get changed in the future. Councilperson De Graw said what isn't Salem is the rise he has seen out of this decision. We realize we are going to get asked the hard questions and people will be frustrated with the decisions we make, but no one signed up to be threatened or accosted at the supermarket. Councilperson De Graw stated grass root movements are powerful, but they are the voice of the minority and not the silent majority. Councilperson De Graw mentioned a letter he received, and the individual was talking about raising her family here the last twenty years and she has seen the development and growth in Salem, and she said it

never really changed what Salem was. Councilperson De Graw said what isn't Salem is what we have seen at the town halls and the frustrations that are boiling over. The things that have been said which are untrue or half-truths, which are sometimes worse than actual truths because they have just enough truth to convince someone they are true. All of us are guilty of confirmation bias and we make a decision often times before we have all the facts and then we start to develop our opinion, and we only look for the things that suggest we are right. In the last public meeting people said the council came to that meeting already predetermined and already made a decision what they were going to do. That was not the case and was not the case with him. What he has seen here is the standard that has become the national standard and it is not civil, it is based in conspiracy theories, and we convert things to our own bias. Councilperson De Graw stated he struggles with this because there are a number of people here, where he has coached your daughter, a number of people he gets to worship with and he cherishes them and counts them as friends, but they will have to make a decision if they want to remain friends with him, if he makes a decision that is contrary to their current position and that is unfortunate. We are doing the best we can. Councilperson De Graw said if you are looking for Salem to be Mapleton or Alpine you have to move. Mapleton and Alpine practice exclusionary zoning. That is not Salem! He is not suggesting the motivation of everyone in the county that said they don't want this development because they are elitist. He doesn't believe that. They have valid concerns about resources and infrastructure. We have addressed them to the best of our ability. Salem's identity as it relates to modern living in a rural setting has less to do about land than you think it does. It's about the quality of individuals here, the institutions we develop, our associations. Councilperson De Graw stated has tried to listen and think objectively. Councilperson De Graw said it comes down to we have enough water, the traffic studies have been done and are still ongoing. The development cannot build more than 24 house before it makes sure it has two accesses in & out. They are in the exhibits associated with the development agreement. Councilperson De Graw doesn't believe that the people who protested this development are elitist but there may be some, he knows a lot are transplants from California and that's ok because we welcome you here. Councilperson De Graw understands why they don't like development because that is how California is. Utah faces the same development challenges, and we have to figure out how we will approach the challenges. Councilperson De Graw stated his door is always open and come talk to me. Not everybody is in consensus. We have an inventory problem in the nation and there is no inventory to be found. Salem is much more diverse and inclusive, and the rural aspect of the community isn't about how much farmland exist from here to I15. It's about the people, the institutions and how we care for one another and treat each other. Councilperson De Graw ended by stating we do not practice exclusionary zoning and if you want to see exclusionary zoning go pull up the general plan for Mapleton and Alpine.

Councilperson Rees shared some personal things he has learned over 20 years being on City Councils and at the end of this year it will be 20 years and the bulk of those years here at Salem. He has seen many things especially the last 12 years with lots of development. He works with farmers and ranches in three counties Juab, Utah, and Wasatch County. If you take a look at Wasatch County the farmland is pretty much gone. Over twenty years working on city councils, and he has seen changes not only here, but other community's and

they had issues. Councilperson Rees said we all have issues and it's how we deal with the issues. Councilperson Rees state annexation is not easy, it's hard and development agreements are hard but if something isn't hard than it isn't worth it. Annexation brings decisions for landowners, cities, and developers on what they want to do. It is a give and take for all of us. He loves Salem! That's why he is here. It's a great place to live and raise kids. Councilperson Rees said development is coming whether we want it or not, but it's how we deal with it together. What makes a good community? Councilperson Rees said we all do. We are neighbors, we share in business, school, and religions. Councilperson Rees stated he was elected to represent to the best of his ability and as many people as possible and look out for city and residents and he stated he has tried to do that. Councilperson Rees wants this to continue down the road for whoever serves the community. Councilperson Rees said not all decisions are popular in city council meetings. It's not easy. He understands what it means to live in a rural area. There is time when things come that we can't change but we can only help it to be the best it can be, for those of who live here or want their children to come back. Councilperson Rees hopes as we go forward whatever the decision is, we will try to make this area the best it can be and make it the city of peace and live here together and get along.

MOTION BY: Councilperson Sorensen motion to approve BYU Salem farm annexation. The BYU Farm to the Master Plan Development. Smart Style Limousin Zephyr LLC, Zephyr Ranches LC, Smart's Farm Zephyr LLC, McKee Investments Zephyr LLC, Lyle J. Smart Family Limited Partnership, Smart Style Limousin LLC, Smart's Farm LLC, McKee Investments LLC, Smart Rock LLC, McKee Rock LLC to the R15 zone. Frank Chris & Sally Nelson, Melvin N. & Shirley T. Bangerter to A1 zone. This is located at approx. 8880 South and 400 East Utah County.

SECONDED BY: Councilperson Snyder

VOTE: Councilperson Tim De Graw; Aye, Councilperson Sterling Rees; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (4 Ayes)

6. DECISION: PROPOSED DEVELOPMENT FOR THE VIRIDIAN FARM MASTER PLANNED DEVELOPMENT (BYU FARM)

MOTION BY: Councilperson Rees motion to approve the proposed development agreement for Viridian Farm.

SECONDED BY: Councilperson Sorensen

VOTE: Councilperson Tim De Graw; Aye, Councilperson Sterling Rees; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (4 Ayes)

7. DECISION: MINUTES OF OCTOBER 6, 2021

MOTION BY: Councilperson Sorensen motion to approve the minutes of October 6, 2021

SECONDED BY: Councilperson Snyder

VOTE: Councilperson Tim De Graw; Aye, Councilperson Sterling Rees; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (4 Ayes)

8. DECISION: BILLS FOR PAYMENT

Councilperson Sorensen asked about Lexis Nexis charge and Jeff Nielson stated that is for running credit checks on utility accounts.

Mayor Christensen asked Bruce if Central Utah Water project pays for all our canal changes. Bruce Ward said the design efforts that Hansen Allen Luce has done and the amounts you are seeing each month, those are reimbursed through the Central Utah Water Conservancy District. We write the check and Jeff sends the invoice to them for reimbursement.

AMOUNT: \$366,847.86

MOTION BY: Councilperson Snyder motion to approve the bills for payment in the sum of \$366,847.86

SECONDED BY: Councilperson De Graw

VOTE: Councilperson Tim De Graw; Aye, Councilperson Sterling Rees; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (4 Ayes)

9. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief James was not present tonight. Lieutenant Gurney didn't have anything to add to tonight's meeting

10. STEVE COX, BUILDING OFFICIAL DIRECTOR

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

11. ATTORNEY VAUGHN PICKELL

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

12. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff Nielson mentioned the Auditors are here this week for the yearly audit. The Auditors should wrap up in a few days. Then we will be able to close out the Fiscal Year and approve Fiscal Year financials. Jeff asked the council to sign the ordinance for the annexation.

13. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt Marziale stated the green waste opened this week and it will be open through November 6th. Open 4-6 p.m. Monday-Friday and Saturday 12-6 p.m.

Matt Marziale mentioned Van Con is working on the Central Utah Water project installing the new line. Matt stated Van Con asked if we are willing to take the excess soils and if we had a need for the soil. Matt said we have a need in the old sewer lagoons and working with the Department of Water Quality they have given us permission to reclaim the lagoons. We have started the process as part of building of our new electrical building and fiber facilities, this will take time, equipment, and our guys. Van Con has approached us and asked us if we are willing to accept their soils to fill the ponds in the process, them being the ones to move our sludge and fill the ponds. This is a win for the city. Van Con has presented us with an agreement that we will take their soils and they won't bring anything contaminated and they will do all the deliver, work, and prep. Matt stated we will inspect. This is zero expense to city. Mayor Christensen asked what we must do to reclaim and clean up. Matt Marziale described the process moving from cell one to cell two and so on. Matt Marziale said once it is dried out, we decide what we want to do with it. Bruce Ward stated once it is completely dried out it is not considered as hazardous, and we can use it on fields or use it as fill.

14. TED BARNETT, ELECTRICAL DIRECTOR

Ted Barnett did not have anything to add to tonight's meeting.

15. BRUCE WARD, MANAGER/ENGINEERING

Bruce Ward did not have anything to add to tonight's meeting.

16. JOHN BOWCUT, FIBER DIRECTOR

John Bowcut said to check out the Salem Fiber website and check the progress page. This will let residents know where they are currently working and give updates. John stated there is 102 customers and they are in different stages of the process. John said he signed up his first customer for the phone services. Mayor Christensen asked what the services will cost. John stated it should be under 28 dollars included taxes and fees, but they are still working out the cost.

COUNCIL REPORTS

17. MAYOR KURT L. CHRISTENSEN

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

18. COUNCILPERSON STERLING REES

Councilperson Rees said last Thursday the UMPA Power Board signed the energy mutual aid agreement with other power entities in the state. Councilperson Rees said this was a great experience. This agreement allows our power department to help other power companies when needed and they can help us if we ever need it.

19. COUNCILPERSON SETH SORENSEN

Councilperson Sorensen stated we have begun our late fall sports. We have boys and girls volleyball this year. The green waste opened this week and will run through November 6th. Councilperson Sorensen mentioned the South Valley Chambers will host the South Valley Business Summit. Councilperson Sorensen said this a great opportunity to hear from a great line of speakers and it is a change to network.

20. COUNCILPERSON HOWARD CHUNTZ

Councilperson Chuntz resigned on October 11, 2021

21. COUNCILPERSON DELYS SNYDER

Councilperson Snyder mention a couple upcoming meetings. The South Valley Transit study meeting is tomorrow from 6-7 p.m. and the Pre-disaster plan mitigation plan meeting is from 11:30-12:30.

22. COUNCILPERSON TIM DE GRAW

Councilperson De Graw stated the Youth Council will be hosting a trunk of treat from 1-3 p.m. on October 30th. Councilperson De Graw stated the sewer plant is running well and he received a report from Allison. The report stated we are below the permit levels and that means it is running efficient. Councilperson De Graw said the plant is well managed and they will be doing maintenance throughout October.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Sorensen motion to adjourn the City Council Meeting

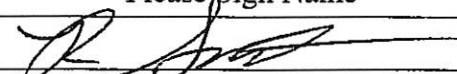
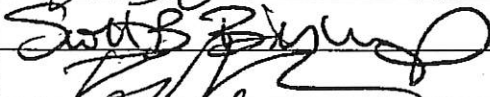
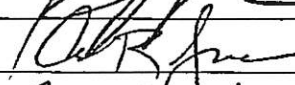
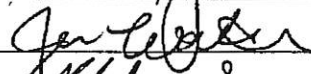
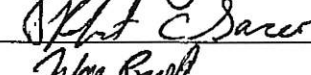
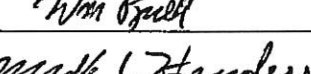
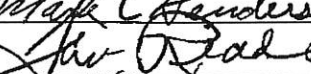
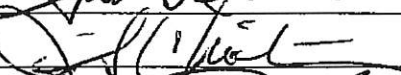
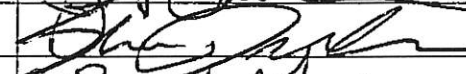
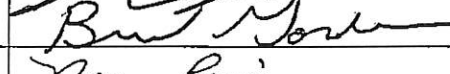
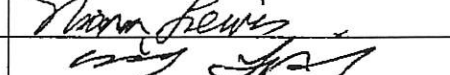
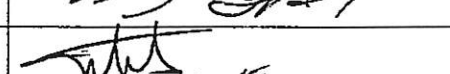
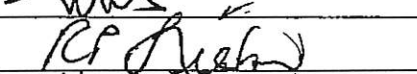
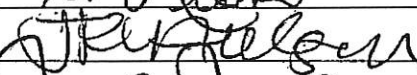

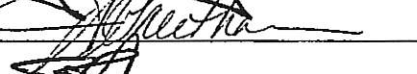

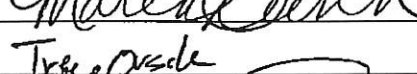
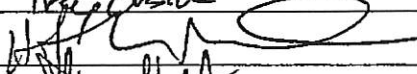
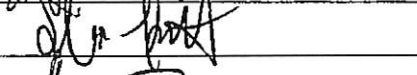
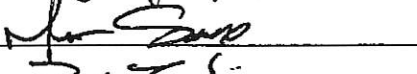



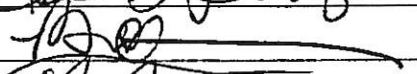




SECONDED BY: Councilperson Snyder

VOTE: Councilperson Tim De Graw; Aye, Councilperson Sterling Rees; Aye,
Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (4 Ayes)

MEETING ADJOURNED AT: 8:19 p.m.

Jeffrey Nielson, City Recorder

Salem City Council Meeting Attendance Record
For Council Meeting held on October 20, 2021

	Please Print Name	Please Sign Name
1	Russell Smart	
2	Scott B Bishop	
3	Rob Hartshorn	
4	Adam Loser	
5	Jen Watson	
6	Craig Sacco	
7	William Burk	
8	Mark L Henderson	
9	Tara Reddle	
10	Janie Christensen	
11	Shane Dettler	
12	Brian Gordon	
13	Nina Lewis	
14	Craig Lewis	
15	TIFFANY DETZ	
16	Rick Nielsen	
17	Jodi Nielsen	
18	JAKE JACKSON	
19	Allison Greetham	
20	Sgt. Haws	
21	Maren Dunn	
22	Trey Orsick	
23	Heather McDougald	
24	Sharlene Hoff	
25	Mr. Sacco	
26	Rae Taylor	
27	Casy Hinkle	
28	Stephanie Jackson	
29	Heather Harris	
30	BRETT HARRIS	
	NIL Button	

Salem City Council Meeting Attendance Record
For Council Meeting held on October 20, 2021

	Please Print Name	Please Sign Name
31	Rachel Button	Rachel Button
32	Shasta Pamy	Shasta Pamy
33	Kelly Peterson	Kelly Peterson
34	Steel Gardner	Steel Gardner
35	Anthony Canto	Anthony Canto
36	Ben Glaser	Ben Glaser
37	Michelle Glazier	Michelle Glazier
38	Dwain Hill	Dwain Hill
39	Kenn Mho	Kenn Mho
40	Cynthia Rees	Cynthia Rees
41	Peri Lackey	Peri Lackey
42	Paul & Jill Burgar	Paul & Jill Burgar
43	Craig Bishop	Craig Bishop
44	Dirk Boggess	Dirk Boggess
45	Andrew Ottesen	Andrew Ottesen
46	JOHN BIRD	John Bird
47	Undsav Poulsen	Undsav Poulsen
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