

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, December 13th to request the link.

DATE:

December 13, 2023 (City Council Chamber 30 West 100 South)

5:30 p.m.

Work Session

1. Agenda Items 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. Public Hearing
  - a. Arrowhead Springs PID
- 6. Decision: Arrowhead Springs PID
- 7. Decision: Zone Change Lyman/Thomas R-15 to R-12 (Approx. 400 N 780 E)
- 8. Citizens Request: Garnet Kutterer & Christine Blythe
- 9. Decision: Resolution Construction Standards Amendment
- 10. Decision: Axon Body Cameras & Storage 2024-2028
- 11. Decision: Fire EMS Multi-Jurisdictional Agreement December 2024
- 12. Decision: GMP (Guaranteed Maximum Price) for the Fire/EMS Building
- 13. Decision: Insulation for the Motor Pool Building
- 14. Decision: Purchase Public Works Vehicle
- 15. Decision: Resolution Appointment of Alternate Board Member for South Utah Vally Animal Shelter
- 16. Decision: City Council Meeting Minutes
  - a. Minutes of November 1, 2023
  - b. Minutes of November 15, 2023
  - c. Minutes of December 6, 2023
- 17. Decision: Bills for Payment

### **DIRECTORS REPORTS**

- 18. Chief Brad James, Public Safety Director
- 19. Steve Cox, Building Official Director
- 20. Attorney Walter Bird
- 21. Jeffrey Nielson, City Finance Director
- 22. Matt Marziale, Public Works/Recreation Director
- 23. Adam Clements, Electrical Director
- 24. Bruce Ward, Manager/Engineering
- 25. John Bowcut, Fiber Director

#### COUNCIL REPORTS

- 26. Mayor Kurt L Christensen
  - a. Finances / Budget
  - b. City Employees
  - c. Miss Salem
  - d. UMPA Report
  - e. Public Safety
- 27. Councilman Kelly Peterson
  - a. Power Report
  - b. SUVPS Report
  - c. Fiber Report
  - d. SUVPS True Up Discussion
- 28. Councilwoman Cristy Simons
  - a. Parks & Recreation
  - b. Green Waste
  - c. Youth Council
- 29. Councilman Seth Sorensen
  - a. Water (Primary & Secondary)
  - b. Mt Nebo & SUVMWA
  - c. Chamber of Commerce
- 30. Councilwoman Delys Snyder
  - a. Solid Waste/Recycling
  - b. Senior Lunch
  - c. Library
- 31. Councilman Tim De Graw
  - a. Sewer
  - b. Storm Drain
  - c. Roads & Trails
- 32. 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 <u>salemcity.org</u> 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 December 13, 2023, in the Salem City Council Chambers.

Work Session: 5:30 p.m.

### 1. AGENDA ITEMS DISCUSSION

Ryan Poleman brought a summary sheet to discuss the items for the Arrowhead Springs PID. The Arrowhead Springs MPD Development Agreement was approved in 2018 and the PID was approved in 2022. The developers have come back to the City Council with an updated PID plan to construct the Arrowhead Park. The developers have had a lot of meetings with the city staff about the proposed PID. The city staff is concerned about the increased cost of the park, the control of the PID, notifying homebuyers about the PID, and reimbursement for actual cost. Ryan Poleman talked about the unit adjustments they want to make to the Arrowhead Springs Development Agreement. The developers are planning to separate the park construction phasing to four phases. The developers are also proposing to separate the PID into two phases. The two phases for the PID make it more efficient regarding finances. The developers are proposing that special assessment bonds are used for the infrastructure in the development. The special assessment bonds will follow the current state code. Ryan Poleman explained how the homebuyers will be notified that they are in a PID. They will accomplish this by following state code and signage. The group discussed which impact fees and which density fees would be given to the reimbursement for Arrowhead Park. The city staff is proposing to give 65% of impact fees and 45% of density fees from the city for the reimbursement of the Arrowhead Park. There was discussion about special assessment bonds. It was mentioned that the special assessment bond would be cleared before a building permit would be issued on a lot. It was mentioned that the impact fees from the city given for the reimbursement of the Arrowhead Park would go towards paying down the proposed PID. Johnathan Ward stated that paying the PID down with impact fees is the best idea for the city. Matt Marziale stated that the park would be 28-32 million dollars to build. The developer will not be able to be funding for that much money through the PID. The rules of the PID make the city feel more comfortable with the park getting completed with the PID not funding all of the it. Walter Bird stated that the current development agreement requires the city to pay for the park. It is believed that Arrowhead Park will attract a lot of people from Salem. This attraction will benefit the city in many ways. It was mentioned that the two phases of the PID match the developments phasing plan. The developers are guaranteeing to finish the park by 2027. The city staff feels that there should be competitive bidding for projects that will be reimbursed by the city through impact fees.

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

CONDUCTING: Mayor Kurt L Christensen

### **COUNCIL PRESENT:**

Mayor Kurt L Christensen Councilperson Delys Snyder Councilperson Tim De Graw Councilperson Cristy Simons Councilperson Kelly Peterson

### **STAFF PRESENT:**

Jeffrey Nielson, Finance/Recorder Walter Bird, City Attorney Chief Brad James, Police Chief Adam Clements, Power Matt Marziale, PW/Recreation Bruce Ward, Manager/City Engineer Steve Cox, Building Dept. John Bowcut, Fiber Director Cody Young

#### OTHERS PRESENT

### Please See Attached Document at Bottom

### 1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

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

#### 2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Councilperson Peterson 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

The make a wish gorge and pond town Christmas happened recently. The lighting at the cemetery will happen on Christmas Eve.

### 4. SF/SALEM CHAMBER OF COMMERCE

Kathleen Leavitt stated that the network meeting this month went well. January 24, 2024, will be the annual award gala.

### 5. PUBLIC HEARING

Mayor Christensen asked for a motion to enter public hearing.

MOTION BY: Councilperson Peterson made a motion to enter public hearing. SECONDED BY: Councilperson Simons seconded the motion. VOTE: Councilperson De Graw; Aye, Councilperson Peterson; Aye, Councilperson Simons; Aye, Councilperson Snyder; Aye, (4 Ayes)

### a. ARROWHEAD SPRINGS PID

Bruce Ward stated that a PID (public infrastructure district) give the developer the ability to use alternate funding for infrastructure.

Ryan Poleman gave a brief presentation about the Arrowhead Springs PID. The city concerns for the PID were discussed during work session. The PID has an expiration date of 40 years if it is not paid off before 40 years. Ryan Poleman is wanting to split the PID into two phases. The homebuyers will be notified that they are buying into a PID.

Jackie Larson is concerned about the Benjamin Drainage District infrastructure being altered during the construction of the development. Jackie Larson believes that PID's don't help with the affordability crisis.

Mayor Christensen asked for a motion to close public hearing.

MOTION BY: Councilperson Peterson made a motion to close public hearing. SECONDED BY: Councilperson Simons seconded the motion. VOTE: Councilperson De Graw; Aye, Councilperson Peterson; Aye, Councilperson Simons; Aye, Councilperson Snyder; Aye, (4 Ayes)

### 6. DECISION: ARROWHEAD SPRINGS PID

Mayor Christensen asked if there were any comments from the council. Councilperson Peterson stated he doesn't like the concept of PID's but he is more comfortable with the proposed PID after having many discussions about it. It was mentioned that the developer would need to pay for the improvements that the PID money would not cover. The city will reimburse the developer for what the developer pays out of pocket for the park. Councilperson Simons is thankful that there will be signage and notifications in the disclosure documents notifications for people buying houses in PID areas. The PID allows the development to be front loaded with funds. These front-loaded funds allow the development to build faster. Councilperson De Graw believes that the Arrowhead Park will draw commercial development to the area. This commercial development will provide Salem City with additional funds for infrastructure that needs to be repaired. Councilperson De Graw believes that Arrowhead Park will provide sustainability to the area. Councilperson De Graw stated that the city has adjusted to PID documents to have as much control as they can on the developer. Jackie Larson wants to make sure that the Benjamin Drainage District infrastructure is not disturbed. Councilperson Peterson stated that the existing infrastructure in the area will be handled during the final plat stage of the subdivision. Councilperson Snyder believes that the proposed PID is improved from the PID that was approved in 2022. Councilperson Snyder likes the idea of having two phases for the PID. The city staff

recommends approving the proposed PID with the proposed adjustments (refer to work session).

Mayor Christensen asked for a motion for the Arrowhead Springs PID.

MOTION BY: Councilperson De Graw made a motion to approve the creation resolution of the governing documents and amendments development agreement amendment and the impact fee reimbursement agreement subject to final review by the Salem City Mayor (with signature of final documents), city staff, bond council, financial advisors of the adjustment made to the summary sheet titled "Summary of Arrowhead Springs Development Agreement and Public Infrastructure District changes" dated December 13, 2023 SECONDED BY: Councilperson Simons seconded the motion.

VOTE: Councilperson De Graw; Aye, Councilperson Peterson; Aye, Councilperson Simons; Aye, Councilperson Snyder; Aye, (4 Ayes)

# 7. DECISION: ZONE CHANGE – LYMAN/THOMAS R-15 TO R-12 (APPROX. 400 N 780 E)

Bruce Ward stated that the DRC and Planning and Zoning Commission has recommended approval of the proposed zone change. Bruce Ward shared the recommended conditions for approval from the DRC. The conditions are as follows: right of way and edge of asphalt will line up with the east and west properties along 400 North and south of the property along 780 East, no primary accesses onto 400 North, demolition of existing house on the property, standard 66' right of way with 36' of asphalt to be constructed on all roads. Salem City culde-sac standard to be met. It was mentioned that there will be a reduction in impact fees if Salem City utilities currently service the property.

Mayor Christensen asked for a motion for the Lyman/Thomas R-15 to R-12 zone change.

MOTION BY: Councilperson Simons made a motion to approve the R-15 to R-12 Lyman/Thomas zone change located at approximately 400 N 780 E with the conditions outlined by the DRC and Planning and Zoning Commission.

SECONDED BY: Councilperson De Graw seconded the motion.

VOTE: Councilperson De Graw; Aye, Councilperson Peterson; Aye, Councilperson Simons; Aye, Councilperson Snyder; Aye, (4 Ayes)

### 8. CITIZENS REQUEST: GARNET KUTTERER & CHRISTINE BLYTHE

Garnet Kutterer and Christine Blythe addressed the City Council about the CUWCD flip the strip incentive. Salem City was apart of the CUWCD flip the strip program last year and are not this year. Garnet and Christine would like to have Salem City investigate being a part of the CUWCD program. Bruce Ward stated that city staff would investigate the program and come back to City Council with a recommendation.

### 9. DECISION: RESOLUTION – CONSTRUCTION STANDARDS AMENDMENT

Walter Bire stated that the construction standards were in need of a few minor edits. The edits are as follows: correct grammar and formatting errors, add minor subdivision plat approval procedures, add roadway fencing requirements, add specific underground storm water storage types, provide clarity of culinary mainline bury depth, add concrete repair standard.

Mayor Christensen asked for a motion for the construction standards amendment resolution.

**MOTION BY:** Councilperson Peterson made a motion to approve the construction standards amendment resolution.

**SECONDED BY:** Councilperson De Graw seconded the motion.

**VOTE:** Councilperson De Graw; Aye, Councilperson Peterson; Aye, Councilperson Simons; Aye, Councilperson Snyder; Aye, (4 Ayes)

### 10. DECISION: AXON BODY - CAMERAS & STORAGE 2024-2028

Chief Brad James stated the following about the agenda item. In 2019 the police department entered a 5-year contract with Axon Enterprise Inc. that included body cameras, cloud storage and redaction capabilities. Before you, is a proposal to enter a new 5-year contract with Axon for the year's 2024-2028. The new proposal includes new body cameras, docking station along with a technology assurance program. Axon will refresh or provide new equipment at 2.5 years and 5 years of the contract replacing all cameras and docking stations. It includes unlimited cloud-based storage for both body cameras and dash camera videos.

Mayor Christensen asked for a motion for the Axon Body – cameras & storage 2024-2028.

**MOTION BY:** Councilperson Peterson made a motion to approve the Axon Body – cameras & storage 2024-2028 in the amount of \$58,752.06.

**SECONDED BY:** Councilperson Simons seconded the motion.

**VOTE:** Councilperson De Graw; Aye, Councilperson Peterson; Aye, Councilperson Simons; Aye, Councilperson Snyder; Aye, (4 Ayes)

## 11. DECISION: FIRE EMS MULTI-JURISDICTIONAL AGREEMENT DECEMBER 2024

Chief Brad James stated the following about the agenda item. The Salem Fire Department & SEMA have been part of a, "Fire/EMS Reciprocal Aid Agreement" since February of 1995. The purpose of the agreement was to provide automatic and mutual aid to all participating jurisdiction and to share their collective capabilities and resources with each other. Before you are a newly proposed and updated version titled the "Multi-Jurisdictional Automatic Aid, Mutual Aid, Fire, Training, Emergency Medical, And Other Services Agreement. This updated agreement expands on the mutual aid agreement as well as allows members to jointly train together and share training facilities etc. It further allows its jurisdiction the sole discretion in determining when its personnel and/or equipment can and cannot be spared to assist other Fire/EMS jurisdictions.

Mayor Christensen asked for a motion for the Fire EMS multi-jurisdictional agreement December 2024.

**MOTION BY:** Councilperson De Graw made a motion to approve the Fire EMS multijurisdictional agreement December 2024.

**SECONDED BY:** Councilperson Peterson seconded the motion.

**VOTE:** Councilperson De Graw; Aye, Councilperson Peterson; Aye, Councilperson Simons; Aye, Councilperson Snyder; Aye, (4 Ayes)

# 12. DECISION: GMP (GUARANTEED MAXIMUM PRICE) FOR THE FIRE/EMS BUILDING

Lisa Webster stated that the GMP for the Fire/EMS Building came it at \$10,562,627.00. Lisa Webster stated that they are comfortable with the GMP. Jeff Nielson stated that the city could redo the bond or use public safety impact fees if the building cost more than the GMP.

Mayor Christensen asked for a motion for the GMP (guaranteed maximum price) for the Fire/EMS Building

MOTION BY: Councilperson Simons made a motion to approve the GMP (guaranteed maximum price) for the Fire/EMS Building in the amount of \$10,562,627.00.

**SECONDED BY:** Councilperson De Graw seconded the motion.

**VOTE:** Councilperson De Graw; Aye, Councilperson Peterson; Aye, Councilperson Simons; Aye, Councilperson Snyder; Aye, (4 Ayes)

### 13. DECISION: INSULATION FOR THE MOTOR POOL BUILDING

Matt Marziale stated that the insulation for the motor pool building is a budgeted item. The city staff suggest that the City Council accepts the bid from Aplus Contracting Inc.

Mayor Christensen asked for a motion for the insulation for the motor pool building.

MOTION BY: Councilperson De Graw made a motion to approve the bid from Aplus Contracting Inc. in the amount of \$20,140.46 for the motor pool building insulation. **SECONDED BY:** Councilperson Simons seconded the motion.

**VOTE:** Councilperson De Graw; Aye, Councilperson Peterson; Aye, Councilperson Simons; Aye, Councilperson Snyder; Aye, (4 Ayes)

### 14. DECISION: PURCHASE PUBLIC WORKS VEHICLE

Bruce Ward stated that the city is trying to get out of the leasing program for their vehicles. The city is down to 6 trucks on lease. The city is wanting to purchase one of the public works vehicles from the lease.

Mayor Christensen asked for a motion for the purchase of public works vehicle.

**MOTION BY:** Councilperson Simons made a motion to approve the purchase of the public works vehicle in the amount of \$61,064.

**SECONDED BY:** Councilperson Peterson seconded the motion.

**VOTE:** Councilperson De Graw; Aye, Councilperson Peterson; Aye, Councilperson Simons; Aye, Councilperson Snyder; Aye, (4 Ayes)

# 15. DECISION: RESOLUTION – APPOINTMENT OF ALTERNATE BOARD MEMBER FOR SOUTH UTAH VALLEY ANIMAL SHELTER

Walter Bird state that the resolution will appoint Officer Phil Christensen to be an alternate board member for the South Utah Valley Animal Shelter.

Mayor Christensen asked for a motion for the appointment of alternate board member for South Utah Valley Animal Shelter resolution.

**MOTION BY:** Councilperson De Graw made a motion to approve the appointment of alternate board member for South Utah Valley Animal Shelter resolution.

**SECONDED BY:** Councilperson Peterson seconded the motion.

**VOTE:** Councilperson De Graw; Aye, Councilperson Peterson; Aye, Councilperson Simons; Aye, Councilperson Snyder; Aye, (4 Ayes)

# 16. DECISION: CITY COUNCIL MEETING MINUTES: A. MINUTES OF NOVEMBER 1, 2023, B. MINUTES OF NOVEMBER 15, 2023, C. MINUTES OF DECEMBER 6, 2023

Mayor Christensen asked for a motion for the City Council meeting minutes: a. minutes of November 1, 2023, b. minutes of November 15, 2023, c. minutes of December 6, 2023.

MOTION BY: Councilperson Simons made a motion to approve the City Council meeting minutes: a. minutes of November 1, 2023, b. minutes of November 15, 2023, c. minutes of December 6, 2023.

**SECONDED BY:** Councilperson Peterson seconded the motion.

**VOTE:** Councilperson De Graw; Aye, Councilperson Peterson; Aye, Councilperson Simons; Aye, Councilperson Snyder; Aye, (4 Ayes)

### 17. DECISION: BILLS FOR PAYMENT

Mayor Christensen asked for a motion for the bills for payment.

**AMOUNT:** \$2,725,732.75

**MOTION BY:** Councilperson Peterson made a motion to approve the bills for payment in the amount of \$2,725,732.75.

**SECONDED BY:** Councilperson Simons seconded the motion.

VOTE: Councilperson De Graw; Aye, Councilperson Peterson; Aye, Councilperson

Simons; Aye, Councilperson Snyder; Aye, (4 Ayes)

### **STAFF REPORTS**

### 18. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief Brad James gave a report on the 2023 SEMA Officers: 1st Lieutenant: Lisa Horton, 2nd Lieutenant: Jim Ealey, Training Officer: Monica Ealey, Training Officer: Ken Wright, Secretary/Treasurer: Christy Lowe, and Party Coordinator/Historian: Lori Farley.

### 19. STEVE COX, BUILDING OFFICIAL DIRECTOR

Steve Cox gave a report on current building permit activity in Salem. The Tag N Go carwash is trying to open by Christmas.

### 20. ATTORNEY WALTER BIRD

Walter Bird had nothing to add to tonight's meeting.

### 21. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff Nielson stated that there is an employee Christmas party on December 22, 2023, at 7:30 A.M. The swearing in of the new City Council members will be held on January 3, 2024.

### 22. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt Marziale stated that the ribbon cutting ceremony for the opening of Loafer Mountain Parkway is tomorrow at noon. Matt Marziale stated that next Tuesday will be the senior Christmas lunch.

### 23. ADAM CLEMENTS, ELECTRICAL DIRECTOR

Adam Clements stated that the new Power Department building has started construction.

### 24. BRUCE WARD, MANAGER/ENGINEERING

Bruce Ward stated that Utah County will be closing Elk Ridge Drive on January 3, 2024. Elk Ridge Drive is planned to be closed for a year. The city staff would like direction from the City Council to amend the impact fee policy to included multiple bids on impact fee reimbursement eligible projects. The City Council would like to have the impact fee policy amended to include the multiple bid process. Bruce Ward stated that the amended impact fee policy will be presented to the City Council soon.

### 25. JOHN BOWCUT, FIBER DIRECTOR

John Bowcut had nothing to add to tonight's meeting.

### **COUNCIL REPORTS**

### 26. MAYOR KURT L. CHRISTENSEN

Mayor Christensen had nothing to add to tonight's meeting.

#### 27. COUNCILPERSON KELLY PETERSON

Councilperson Peterson stated that SUVPS is trying to move forward with more bylaws. Councilperson Peterson is hoping to have Walter Bird and Bruce Ward review the agreements so they can take them back to the SUVPS board.

### 28. COUNCILPERSON CRISTY SIMONS

Councilperson Simons stated that the lights on Salem Pond for Christmas look great this year.

### 29. COUNCILPERSON SETH SORENSEN

Councilperson Sorensen was not present at tonight's meeting.

### 30. COUNCILPERSON DELYS SNYDER

Councilperson Snyder stated that the new transfer station is planned to open in March 2024 or April 2024. The senior lunches and the library department are running great.

### 31. COUNCILPERSON TIM DE GRAW

Councilperson De Graw mentioned that the sewer plant is running efficiently. Councilperson De Graw mentioned that they have met with residents along Salem Canal Road to discuss issues about the recent construction on Salem Canal Road. Councilperson De Graw stated that the residents have been directed to talk with the appropriate people about the issues. Councilperson De Graw mentioned that there has been a lot negative comments about the city government on social media. Councilperson De Graw believes that there would not be as many negative comments about the city government if people learned about the issues and laws from credible sources. Councilperson De Graw hopes that if people have questions about development they would talk to their elected representatives.

### 32. CLOSED SESSION

Mayor Christensen asked for a motion to enter closed session for the purpose of potential litigation.

**MOTION BY:** Councilperson Peterson made a motion to enter closed session for the purpose of potential litigation.

**SECONDED BY:** Councilperson Simons seconded the motion.

**VOTE:** Councilperson De Graw; Aye, Councilperson Peterson; Aye, Councilperson Simons; Aye, Councilperson Snyder; Aye, (4 Ayes)

### ADJOURN CITY COUNCIL MEETING

Mayor Christensen asked for a motion to adjourn.

**MOTION BY:** Councilperson Peterson made a motion to adjourn. **SECONDED BY:** Councilperson De Graw seconded the motion.

VOTE: Councilperson De Graw; Aye, Councilperson Peterson; Aye, Councilperson

Simons; Aye, Councilperson Snyder; Aye, (4 Ayes)

MEETING ADJOURNED AT: 8:30 p.m.

Jeffrey Nielson, City Recorder

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