

Minutes of the Salem City Council Meeting held on August 7, 2019 in the Salem City Council Chambers.

Work Session: 6:00 p.m.

1. AGENDA ITEM DISCUSSION

Attorney Junior Baker stated the boundary line agreement with Payson is along 2200 West near the sewer plant. Payson will acquire some property that is on their side of the road, it makes more sense to be in their city. Salem City will acquire the road and that will allow us to create a safer intersection.

He stated the interlocal agreement with Nebo School District is the same as the one we have for a school resource officer in the high school. This just specifies that we will have a resource officer in the junior high and middle school.

Attorney Baker reported with the passing of the medical marijuana bill last year we need to have some regulations. There are already a lot of state regulations, but state code says that we have to allow production facilities in one agriculture zone and one industrial zone. Since we have both of these zones we would have to allow them. We may want to look at adding an Agricultural 2 Zone, that way we won't have residential housing right by a facility. He stated creating our regulations is the first step that needs to be taken. If we created the new zone there would need to be a public hearing for that.

Matt Marziale stated they have budgeted money for new playground equipment at Knoll Park. He stated the playground is over used every weekend so they want to keep the existing playground and add to it. They have looked at a playground for 2 to 5 year olds, some little spinners and a cone spinner. This will add more play structures to keep kids entertained. Matt mentioned that he stayed under budget.

Matt reported the recreation department has never purchased a new lawnmower since he has been here. He has a state bid from United Service and Sales for a Scag 72 inch deck mower. He budgeted \$11,000 and the mower is priced at \$12,396, he will take some money from another project to cover the difference.

Ryan Seeley stated Jack Sheen is splitting his property, he is creating 2 lots. They are not ready to build on the property so he needs an extension from the council. Jeff Nielson stated that a minor subdivision is usually approved by the Development Review Committee. Jack's subdivision was approved but now he needs an extension. Matt commented the property will stay zoned R-15. Attorney Baker advised they can give an extension up to 6 months, if Jack isn't ready then, he will need to come back to council for another extension.

Jeff stated the lawsuit that Josh Thayer has going on has nothing to do with the city, a judge will decide what needs to happen with the property in question. He said Josh's second request asked if Jeff knows Brian and Diana from the county. He stated he does know Brian but does not know Diana. Josh's third request asked why Salem City does not enforce criminal actions. Chief Brad James stated every case that has ever involved Josh has been

screened by either our attorney or the county attorney. Attorney Baker mentioned our officers investigate all the calls they receive.

Chief James reported he has been discussing the firework show with Randy Brailsford, and he would like the support and backing of the council if he needs to cancel or shut down the fireworks due to weather. The mayor and council said he should do what he needed to, and they were behind him.

Steve Cox stated we had about 12 plan reviews come in this week. The building department is quite busy

Attorney Baker stated he supports Chief James on the fireworks, there was a 10 year old injured at the fireworks in Roy. He commented the fireworks went well the year they were at the high school, he thinks they should consider that in the future.

Jeff mentioned tomorrow they are holding an employee safety luncheon. They will have a drawing for all employees that were safe during the previous quarter. It will be a noon at the Activity Center if any of the council can be there. There was only one injury this year at Matt's office, he is hoping we don't have anymore. The luncheon will also be to thank the employees for all their work during Salem Days.

Matt reported they are finished with overlays on the roads. After Salem Days, they will start to work on shouldering the roads. We have had some storm drain issues, James and most of the guys from public works have been addressing those. Wade is working on water, what we are using versus what we order, they are making some adjustments.

Matt stated the triathlon race that we have had in the fall the last couple of years is a pain for the city. The director missed the meeting they had set up 2 weeks ago, they had an unfriendly exchange today. He is letting the council know so they can be aware of the situation.

He stated Salem Days are going well. The tractor pulls are going on now, and the movie in the park will be later tonight.

He would like to discuss a piece of equipment to shoulder roads that the roads department would like to purchase with James and the mayor. It is not compatible with any of our equipment so we would have to rent equipment to use it. He doesn't know how feasible this is.

Clark Crook stated there was a power outage on Friday July 26, 2019 on Arrowhead that affected Salem Park and Revere Health. This was caused by damage done by a contractor, there will be a claim made on the contractor to replace the equipment. He mentioned they have energized the sewer plant.

Ryan Seeley reported they are happy to have Troy Tischner as the new engineering infrastructure inspector. There are more and more subdivisions coming in, they continue to work on those. Arrowhead Springs has turned in their preliminary plat, once the fees are paid they will start their review. The mayor asked if that was the whole development. Ryan replied it was, when the fees are paid then they will do the staff review, then it will go to DRC, Planning and Zoning, and then come to council. There will be another submittal and review before they start the project.

The mayor reported Miss Salem is doing well, and things are good with the city employees.

Councilperson Sterling Rees mentioned the UMPA summer BBQ will be at Provo Recreation Center on August 28, 2019.

Councilperson Cristy Simons stated we are halfway through Salem Days. She asked the council to check their emails, she has sent them some information, they need to decide what they are doing for the parade tonight.

Councilperson Howard Chuntz reported the library is all ready for the auction. He called to check with them today and they said they are in good shape. He commented that Wade Knapp does a great party with the fire truck for kids. Councilperson Simons asked if the library wanted them to be spotters. Councilperson Chuntz said he would check with them.

Councilperson Seth Sorensen did not have anything to report tonight. He said he would like to echo Chief James' concern about fireworks. They had a small fire in their neighborhood caused by fireworks, the bushes that burned were green and didn't look like they would burn. It was a scary thing and he can see why the chief is concerned.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor Kurt L Christensen

COUNCIL PRESENT:

Mayor Kurt L Christensen
Councilperson Cristy Simons
Councilperson Seth Sorensen
Councilperson Howard Chuntz
Councilperson Sterling Rees
Councilperson Craig Warren

STAFF PRESENT:

Jeffrey Nielson, Finance/Recorder
Junior Baker, City Attorney
Chief Brad James, Police Chief
Clark Crook, Power
Matt Marziale, PW/Recreation
Bruce Ward, City Engineer
David Johnson, Building Dept.
Allison Taylor

OTHERS PRESENT

Todd Olsen, Kim Olsen, William Burk, Jacque Crouch, Ron Crouch, Barb Sheen, Jack Sheen, Nubia Thayer, Josh Thayer, Jan J. Ward, Jen Watson, Tim DeGraw

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Christensen asked if anyone would like to give a motivational or inspirational message. Councilperson Howard Chuntz 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. PUBLIC HEARING
(to open)

MOTION BY: Councilperson Seth Sorensen to open the public hearing.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

a. APPROVE BOUNDARY LINE AGREEMENT WITH PAYSON CITY

Bruce Ward stated this a boundary adjustment between 2200 West or 1750 West. With Arrowhead Park subdivision going in Payson and Arrowhead Springs subdivision going in Salem it made sense to switch some property. We will keep the road, 1750 West, in Salem City, which will allow us to square up the road so there will be a 90 at the intersection to make it safer. Jen Watson asked what the purpose for the adjustment was. Bruce replied to

make the intersection safer. Jan Ward asked how much property it would change. Bruce said 2.29 acres will transfer from Payson to Salem, and .88 acres that will transfer from Salem to Payson. The mayor asked why we are taking the entire road. Bruce replied it made sense because we have utilities in the road. The mayor asked if there was any other public comment. There was none.

(to close)

MOTION BY: Councilperson Craig Warren to close the public hearing.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

MOTION BY: Councilperson Howard Chuntz to approve the boundary line agreement with Payson City.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (5-0).

4. YOUTH COUNCIL

There was not a representative from the youth council available tonight. Councilperson Cristy Simons commented they were probably busy with Salem Days.

5. SF / SALEM CHAMBER

There was not a representative from the chamber available tonight.

6. JACK SHEEN – APPROVE SUBDIVISION FINAL PLAT BOND EXTENSION FOR MINOR SUBDIVISION

Jack Sheen stated he is here to ask for an extension on the final approval for his subdivision, he is just doing another house. When he started the process, he did not know the time frame. His daughter just started a new job and so they will not be able to get funding right away. Bruce said staff has no problems with the extension. Attorney Junior Baker said the ordinance limits the extension to 6 months, but he could come back for another extension after that if he needs more time.

MOTION BY: Councilperson Sterling Rees to approve a subdivision final plat bond extension for a minor subdivision for Jack Sheen for 6 months.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

7. CITIZEN REQUEST – JOSH THAYER

Josh Thayer asked who had read the open and public meeting acts, he stated if you haven't you will get to. He said that tonight we saw the proper process of how a boundary line agreement is made. The same process should have been made for his situation, to do a boundary line adjustment on a plat made there needs to be public notice. Josh asked who Aaron Painter was. Bruce replied Aaron is our city surveyor and he is not here tonight. Jeff Nielson stated Aaron only did the research on the property. Josh stated if he did the research he would know that the property was not divided 3 times, the Salem Pond Company had an easement through the ditch, that is why he asked where the sewer line was. Josh said on the plat map if the lake wasn't there a street would be and the city would own the street. Mayor Christensen stated the city doesn't own the property. Josh said he is stating what he knows and it is the city's responsibility to find out what he knows. The mayor asked if Josh had the deed for the property. Josh said the city keeps getting stuck on whether they own the property, he is saying that someone moved the GIS without a 45 day public notice. The mayor said it was recorded that way, they do that at the county. Josh said the county told him it happened at the city. He said someone has adjusted the lines. The mayor said that Josh is claiming something happened, just show the city the proof he has. Josh stated he has been to 2 council meetings to get this fixed. Councilperson Howard Chuntz asked who was the person that changed the property lines. Josh said there are 2 people that could have done it. Mayor Christensen stated now we are back to accusations. Josh said he would just like the property lines changed back. The mayor asked what would give us the right to change property lines. Josh said that city recorders can make adjustments on the GIS. Councilperson Seth Sorensen stated the city doesn't have the ability to change existing boundary lines. That is something Josh will have to address with the county. The mayor stated there has to be a paper trail on the property that tells exactly what happened and when. Jeff said at the county records if the boundaries do not match up to what the city records the city has to fix it to match the county records. Josh said he isn't the only one that this affected it also affected the Hall's property. The mayor stated the Hall's aren't here. Councilperson Chuntz said that he suggests since Josh has a lawsuit going on that he see what the outcome of the lawsuit is. If a judge orders the boundary lines adjusted then it will be done, until then the city has no right to do so. He said can't give away Josh's property just like Josh could not give away his property. Josh stated in the open and public meeting act they should not discuss real property. Councilperson Craig Warren stated he just sat in on public meeting and that is all they did. Josh said it is only allowed if it is announced. Jeff said that Josh was coming to the council meeting to buy the property from the city. Aaron determined that the property was not ours to sell to him. Josh said that is when the wrong degree was entered and he isn't making that up. The mayor said we are talking about 1.3 feet, how much does that affect him. Josh asked if he has been to his property, 1.3 inches would affect him. Josh said he is concerned about the dirty water and back room favors. He has met with the chief, with Junior, with everyone. The mayor wished Josh the best. Josh said all he wants is the property line fixed. Councilperson Chuntz suggested that Mr. Thayer come back with his attorney, his attorney should understand all the issues and we won't have to keep going back and forth. Josh isn't communicating with us, and we are not communicating with him and we should postpone this until his attorney is present to help us understand each other. The mayor thanked Josh.

8. APPROVE INTERLOCAL AGREEMENT WITH NEBO SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS IN THE JUNIOR HIGH AND MIDDLE SCHOOLS

Attorney Junior Baker stated this is an agreement with Nebo School District for a school resource officer in the junior high and middle school. The agreement is identical to the one we have for the high school. Staff recommends approval of the agreement.

MOTION BY: Councilperson Cristy Simons to approve the interlocal agreement with Nebo School District for school resources officers in the junior high and middle schools. Councilperson Seth Sorensen disclosed that he works for Nebo School District.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (5-0).

9. APPROVE ORDINANCE ESTABLISHING CANNABIS PRODUCTION ESTABLISHMENT REGULATIONS

Attorney Baker reported with the passing of the medical marijuana bill last year we need to have some regulations. There are already a lot of state regulations, but state code says that we have to allow production facilities in one agriculture zone and one industrial zone. Since we have both of these zones we would have to allow them. We may want to look at adding an Agricultural 2 Zone, that way we won't have residential housing right by a facility. He stated creating our city regulations is the first step that needs to be taken. If we created the new zone there would need to be a public hearing for that. He asked if there were any questions, there were none.

MOTION BY: Councilperson Seth Sorensen to approve the ordinance establishing cannabis production establishment regulations.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

10. APPROVE PURCHASE OF KNOLL PARK PLAYGROUND EQUIPMENT

Matt Marziale said the purchase of Knoll Park playground equipment was approved in the budget. They will be adding a playground geared towards 2 to 5 year olds. They will also be adding some little spinners and a spinner cone. This will expand the playground so there is more entertainment for the kids.

MOTION BY: Councilperson Sterling Rees to approve the purchase of Knoll Park playground equipment.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

11. APPROVE PURCHASE OF RECREATION LAWN MOWER

Matt stated the lawnmower for recreation is a budgeted item. It will be replacing the Dixie Chopper that is no longer in service. The mower was more than he budgeted for so he will move some money that was going to go towards infrastructure for bathrooms at the Dream View Park. Jen Watson said it would be nice to have a bathroom there. Matt said it is something they are working on.

MOTION BY: Councilperson Craig Warren to approve the purchase of a lawn mower for the recreation department.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

12. MINUTES OF JULY 17, 2019

MOTION BY: Councilperson Cristy Simons to approve the minutes of July 17, 2019.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (5-0).

13. APPROVE BILLS FOR PAYMENT

AMOUNT: \$782,504.21

MOTION BY: Councilperson Howard Chuntz to approve the bills for payment.

SECONDED BY: Councilperson Craig Warren.

VOTE: 5 All Affirmative (5-0).

14. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief Brad James reported in work session.

15. DAVE JOHNSON, BUILDING OFFICIAL DIRECTOR

Steve Cox reported in work session.

16. ATTORNEY JUNIOR BAKER

Attorney Baker reported in work session.

17. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff reported in work session.

18. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt reported in work session.

19. CLARK CROOK, ELECTRICAL DIRECTOR

Clark Crook reported in work session.

20. BRUCE WARD, ENGINEERING

The council informed Bruce that Ryan had reported for him and he did a good job. Bruce said he is happy to have him. He stated they have been talking to a contractor about pressurized irrigation metering. They are thinking of experimenting with installing 10 meters in the city to get a scope of work. This will let the contractor see what our system is made of and what the real cost would be to get meters installed. House bill 52 is requiring cities to move towards PI metering. The new reports they have received look like they can have them installed for under \$1000 per home, that price also includes the meter. They would like to have the contractor do 10 of them so they can tighten up that number. Councilperson Chuntz said they thought the cost would be between \$1,300 and \$2,000. The mayor asked what is involved with installing the meter. Bruce said they would need to dig up the existing irrigation box so that they have room to work, hook new spigots up, replace filters if the resident has put a filter in, put in new boxes, and fix any landscaping. It will be a little different for each residence. We did receive the \$300,000 grant that does have a time limit of 2 years, and it was based on our \$2 million project. The price for the whole project may not be that much anymore. Councilperson Chuntz stated we may be able to get some state money with 1% interest for 10 to 15 years that we could use for the project. Bruce said if we decided to do the 10 home experiment we would want to put it out to bid this summer, so the work could be done in the winter. We might get better bids if we give them winter work. The mayor stated this would be for 10 homes at \$10,000 max. He asked if this item could be on the next agenda. Jeff said he would put it on there.

Bruce mentioned he received a call from Mark Vlasic, they have should have the final draft report for our general plan and land use update this Friday. Mark would like to come to a council meeting and discuss it in work session. Then they can do the final edits and we can do a public hearing. The mayor asked to have them come to the next council meeting on August 21, 2019 at 5:30. Matt stated that Berg Landscape would also like to come and report on Cole Park they only need about 20 minutes. The mayor said to do both next council. William Burk asked if the public can attend the work session. The council told him the public was welcome.

COUNCIL REPORTS

21. MAYOR KURT CHRISTENSEN

Mayor Christensen reported in work session.

22. COUNCILPERSON STERLING REES

Councilperson Sterling Rees reported in work session.

23. COUNCILPERSON CRISTY SIMONS

Councilperson Simons reported in work session.

24. COUNCILPERSON HOWARD CHUNTZ

Councilperson Chuntz reported in work session.

25. COUNCILPERSON SETH SORENSEN

Councilperson Sorensen reported in work session.

26. COUNCILPERSON CRAIG WARREN

Councilperson Warren did not have anything to report tonight.

The mayor asked if there were any comments from the public. Jen Watson asked if there need to be a motion to take the money from the bathroom. Jeff replied there didn't need to be, the money is under park improvements and they are just moving it from one project to another. Kim Olsen stated that someone had bought the Larry Rappleye property on Chrisman Drive and cut down all the trees ruining the property. She stated a lady from St. George had bought some property and it is a mess and a fire hazard, she asked if there are rules for the upkeep of property. She stated Larry Stone had 6 foot weeds on his property and one ash would have caused a fire. He did cut some of them down. She worries about this and wonders what, if anything the council can do about it. Mayor Christensen replied the city does have a compliance officer. She asked if they knew what the property on Salem Lake Drive where all the trees were cut down was going to be used for. Bruce commented that he didn't have anything information from the owner on the property.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Craig Warren to adjourn council meeting.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 7:48 p.m.