

Minutes of the Salem City Council Meeting held on February 5, 2020 in the Salem City Council Chambers.

Work Session: 6 p.m.

1. JOHN DESTER – DISCUSS POSSIBLE EXPANSION OF SALEM PARK TOWNHOMES

John Dester stated Bret Penrod and David Malone own property that is adjacent to the Salem Park Townhomes. They are doing some storage units and some office space. They talked about using the leftover space as a storage yard, but there is potential for the natural extension of the townhomes in this space. There would be 46 new units added. He is here to ask the council if this is something they would consider. Bruce Ward said if they decide to do this they would need to amend the Salem Park masterplan agreement and the preliminary plat to include this piece of property. The council felt like this project would be a good fit for the space.

2. AGENDA ITEM DISCUSSION

Bruce stated Robert Nelson will be here tonight to ask for a 6 month extension on the Raspberry Fields subdivision. He has the property under contract and the final plat is about to expire. Attorney Junior Baker commented these are typically approved.

Bruce report Marte McKee has a variance request tonight. When his property was surveyed, there was a mistake made by the engineering company. The house was over 50% complete before the error was discovered. Scott Peterson stated the mistake was made by his firm, it was no fault of the homeowners. The house is zoned R-15 and the setbacks should be 10 feet, one side is only 5 feet. He tried to negotiate with the neighboring property owner's but they could not come to reasonable terms. He commented the McKee's home is about a week away from being ready to move in, they have already sold their home and the variance is the only way they will be able to occupy the home. Attorney Baker stated variances are very hard to qualify for, but this is a situation where the variance probably would qualify. He said they have informed the immediate neighbors and they have the right to be here and speak tonight. It is not a full public hearing, but the council should take comments from those neighbors. The mayor said they have tried all avenues to resolve the issue but have not been able to. Attorney Baker said the council has discretion to approve or deny the variance but this is a unique case situation that does meet the criteria.

Bruce stated the M. Davis annexation is for property located at 340 South or 10000 South in the county, by the new middle school. Ted Barnett has inspected the property for power infrastructure and the area is fed by Salem City Power. He commented if Darrell Smith comes in tonight they have some contracts they need him to sign. Bruce mentioned the petitioner is Diamond Creek Development owned by Dean Ingram. Attorney Baker stated if a developer has property under contract they can petition for annexation.

Matt Marziale stated the gates down at the public works shops are old swing pin gates that have been there forever. The gate was hit by a delivery truck and damaged, they have pieced it together to function. There are three departments that work out of that yard and they are willing to split the cost for an automatic gate like the one at the new sewer plant. There would be a code or fobs to let them in and the gate would automatically close after a vehicle enters. They could give a one-time code to the salt delivery trucks and then an employee

would not always have to go down to meet them. The electric, roads, and water departments would each pay \$4,900 from their budgets. The gate would help with security because it would close every time a vehicle leaves, this way if someone is called out on a weekend or late hours the gate will not be left open while they have equipment 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 Howard Chuntz
Councilperson Delys Snyder
Councilperson Tim DeGraw

STAFF PRESENT:

Jeffrey Nielson, Finance/Recorder
Junior Baker, City Attorney
Chief Brad James, Police Chief
Ted Barnett, Power
Matt Marziale, PW/Recreation
Bruce Ward, City Engineer
Steve Cox, Building Dept.
Allison Taylor

OTHERS PRESENT

Brad Hales, Marte McKee, Marcie McKee, Steve McEwan, Renelle McEwan, Roger Critchfield, Emily Critchfield, Jonathon Ward, Zach Hunter, Ryan Parkinson, Craig Courtney, Daniel Brinkerhoff, Elliott Hicks, Jase Hendrickson, Tiffany Nelson, Delaney Westenskow, Kaitlyn Millar, Emilee Nicholls, Heather Youd, Dave Hunt, William Burk, Robert Nelson, Scott Peterson, Steve Jones, Steve Swaby

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Christensen asked if anyone would like to give a motivational or inspirational message. Emily Critchfield stated she would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Daniel Brinkerhoff 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

Marcie McKee reported they are working on their Valentine's senior dinner, it will be next Thursday on the 13th at 6 p.m. She invited the council to attend. She mentioned the youth council will be attending the leadership conference at USU in March. She said this is a great youth group and they are excited to serve.

4. SF/SALEM CHAMBER OF COMMERCE

Heather Youd stated the business of the month is Kneaders they will celebrate tomorrow at noon. They will be partnering with Springville and Payson's chambers to hold bills and bagels this Saturday morning at 7 a.m. at the Nebo School District building. There is a ribbon cutting for David Rowley and Associates on the 13th. They have changed noon networking to be the 3rd Thursday of the month. There will also be a ribbon cutting for Utah PC Pros on the 27th. She said they are working on the magazine and it should be out to all the homes in Spanish Fork and Salem the first part of March.

5. ROBERT NELSON – EXTENSION FOR THE RASPBERRY FIELD SUBDIVISION

Robert Nelson stated he has purchased this subdivision from the Johnson boys and it looks like the time will lapse before he gets started so he is asking for an extension tonight. He hopes to start the first part of March.

MOTION BY: Councilperson Howard Chuntz to approve the extension for the Raspberry Field Subdivision for 6 months.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

6. MARTE MCKEE – VARIANCE REQUEST FOR HOME LOCATED AT 762 EAST 1160 SOUTH

Scott Peterson stated he is the engineer for Autumn View Estates in Salem. The lot corners for Marte McKee's lot were staked wrong, they did not find the error until the house was half built. The mistake was discovered when the owners of lot 4 started to build their house. Scott stated he has tried every avenue to fix this error. The problem is the set back is only 5 feet from the property line instead of the required 10 feet. The McKee's are a week away from having their house complete, and while they petitioned for the variance, he is speaking for them because it was his firm that made the error.

The mayor asked if any of the public would like to speak.

Craig Courtney commented he owns lot number 2, next to the McKee's. Doing a variance would cause the value of his property to go down, there will be a house right on top of him. He said they should have stopped building when they found the error. The mayor asked if he thought it would have been reasonable to tear down a half-built house to start over. Craig said it wouldn't, but this does affect the value of his property. Craig said he had been willing to sell his lot, they had been waiting on an appraisal. He said he would like to be compensated because this changes everything he had planned for his property. The mayor asked if Craig had any solutions. Craig said there had not been a lot of communication between him and the engineer. The mayor asked if Craig was interested in selling the lot. Craig replied he was thinking of selling the lot. The mayor asked if he considered trading for a different lot. Craig replied he did not want to trade lots, he wanted a south facing lot, this was the lot he wanted. The mayor thanked Craig for his comments. Scott Peterson said he

would like to address this. He said he has been trying to work on this for the last couple of months and time has become an issue. He stated he has tried working with the owners of lot 2 and lot 3 for several weeks. He couldn't get a number to buy lot 2. The owners of lot 3 wanted a price that wasn't equitable. Councilperson Tim DeGraw asked if Mr. Courtney has seen the criteria for granting a variance. They are very hard to come by. Attorney Junior Baker stated state law sets the criteria. He says this request meets the variance criteria. Renelle McEwan stated that they own lot 3 and are thankful they haven't built their home yet. She feels like lots 2 and 3 shouldn't take the hit because there was a mistake made. Mayor Christensen asked her if she had a solution. She said she didn't, she just wants the council to hear what went on for them. They did give an amount that they would sell their property for, they would have to redo their landscaping plans, this is the last home they will build. Councilperson Howard Chuntz said they do not hold any of the property owners responsible, he understands where they are coming from. The only thing the council has to work through tonight is the variance request. He understands that there is encroachment on a lot, but without a variance the house would have to be torn down. Even if they stopped building when the mistake was discovered half of a house would have to be torn out and started again. Renelle said she is excited to live in Salem, and doesn't want to start off on a bad tone. She did wonder if the home is too big for the lot. Mayor Christensen replied it wasn't. Marte McKee said it would be fine if it was shifted. The mayor mentioned the homeowners are blameless in this situation. Renelle asked if the builder has some responsibility, if they did their measurements they would know it wasn't right. She is just wondering, this doesn't affect them as much as it does others.

Marte McKee said first he would like to apologize to his neighbors, he is hearing they feel blindsided, and he thought that they all were aware of the situation. He said his builder has been mentioned, and they pulled from the pins that were marked, there is a lot of trust put in those pins. When he found out what happened he thought it was a mistake and would be resolved. They did not try to do anything sneaky, rather they are also impacted by the mistake. They have the same issue Mr. Courtney does of not having the proper setbacks on their property. They will also have to alter their plans for landscaping and walkways. They have already sold their home, and they need things to keep moving forward and that is why they are here asking for the variance. Without it they will not be able to occupy their home. He thanked the council for considering it.

The mayor said he feels badly for all of those involved, he hopes there will be no hard feelings, and they can all be good neighbors. He said there is no real solution.

Scott Peterson said the McKee's have sold their homes and need to move in a week. He said this doesn't take away the ability to negotiate it just lets the McKee's to occupy the home. Scott stated there is no blame on the builder of the home or the city, the fault comes back to his firm. Councilperson DeGraw said he is struggling with this decision, he doesn't see a real winner here, he is a property right advocate. He sees both sides, and he really doesn't see a solution. He would like for the owners of lot 2 and 3 to understand the criteria for a variance, and doesn't feel comfortable unless they do understand. The mayor commented this doesn't change any property lines it just gives a variance on the setbacks. Councilperson DeGraw wondered if they should give the property owners more time to negotiate. Councilperson Sterling Rees asked what that would change. They can still negotiate, the variance just allows the McKee's to move into their house.

MOTION BY: Councilperson Sterling Rees to grant the 5 foot setback variance on the home located at 762 East 1160 South.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (4-0).

7. APPROVE M DAVIS ANNEXATION REQUEST

Bruce Ward asked if anyone is here to represent this annexation request. He stated this is step one in a two step process. The property is located at 340 South Woodland Hills Drive and is located in the county. It is across the street from the new middle school. The power superintendent has reviewed the property and it is currently being served by Salem City Power. Bruce mentioned there is some question about ownership and the applicant. Scott Peterson stated that Diamond Creek Development has a contract to purchase the property. They would like to start the process for an annexation. Councilperson Chuntz stated he would like to know what the contract to purchase is subject to. Councilperson Rees stated they would only be approving the annexation for further study. Bruce mentioned the area is in our annexation declaration area and the utilities are all there. Councilperson Delys Snyder asked if it was legal for someone other than the property owner to petition for annexation. Attorney Baker replied it was if the property is under contract. He mentioned to date this hasn't been an issue. Bruce asked Scott to get us more information on the ownership of the property.

MOTION BY: Councilperson Delys Snyder to approve the M Davis annexation request for further study.

SECONDED BY: Councilperson Tim DeGraw.

VOTE: All Affirmative (4-0).

8. APPROVE CITY WORKS SOFTWARE PROGRAM

Bruce stated several staff members and Councilperson Snyder and Councilperson DeGraw attended a presentation for the City Works Software Program last week. The software will work with our GIS system, that is a big selling point for him. This software will have a customer portal where contractors and developers can apply for permits. The pricing would be a one time fee of \$27,500 then \$5,000 for the first year, \$10,000 for the second year, and \$15,000 for the third year. This software would be paid for by the people that use it like developers and builders through permits. They have excess money from subdivision and building permits so they can use that money towards the purchase and then they can budget for it each year. This will put off hiring additional employees. Councilperson DeGraw said it will also help with efficiency of our current employees. Bruce said the building department is currently using IWorqs, he doesn't use it because it is all manual, it is not very evolved, they are for small cities. Steve Cox mentioned he spends a lot of time responding to emails and texts responding to corrections and uploading files. This software would allow the contractor to upload their corrections. Councilperson Delys Snyder said it is a good thing. Bruce mentioned it holds everyone accountable to do their part. Councilperson DeGraw

stated the base package is sufficient for our city. Councilperson Snyder commented you don't have to be a software expert to use it and it would be paid for by growth.

MOTION BY: Councilperson Delys Snyder to approve the City Works software purchase.

SECONDED BY: Councilperson Tim DeGraw.

VOTE: All Affirmative (4-0).

9. APPROVE PURCHASE OF SECURITY GATE AT CITY SHOP

Mayor Christensen stated this was discussed in word session and it is time to replace this gate. He asked if anyone had any questions.

MOTION BY: Councilperson Sterling Rees to approve the purchase of the security gate for the city shop.

SECONDED BY: Councilperson Delys Snyder.

VOTE: All Affirmative (4-0).

10. APPROVE UTAH WILDFIRE RESOURCES MEMORANDUM OF UNDERSTANDING

Attorney Baker stated this is an agreement with the State of Utah, they will assist us in case of a wildfire. They will reimburse the city for some of the training of the firefighters. We have some areas that could be prone to a wildfire so this is a good benefit for the city to help get training and reimbursement.

MOTION BY: Councilperson Howard Chuntz to approve the Utah Wildfire Resources Memorandum of Understanding.

SECONDED BY: Councilperson Delys Snyder.

VOTE: All Affirmative (4-0).

11. APPROVE MINUTES OF JANUARY 22, 2020

MOTION BY: Councilperson Delys Snyder to approve the minutes of January 22, 2020.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (4-0).

12. APPROVE BILLS FOR PAYMENT

AMOUNT: \$589,091.40

MOTION BY: Councilperson Sterling Rees to approve the bills for payment.

SECONDED BY: Councilperson Delys Snyder.

VOTE: All Affirmative (4-0).

13. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief Brad James did not have anything to report tonight.

14. STEVE COX, BUILDING OFFICIAL DIRECTOR

Steve Cox did not have anything to report tonight.

15. ATTORNEY JUNIOR BAKER

Attorney Baker did not have anything to report tonight.

16. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff stated he will be sending out the budgets to the directors for fiscal year 2021. We closed on the MBA Bond for the Hess property on January 29th. He thanked Jonathon Ward and his group for their help.

17. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt Marziale introduced Dale Carter, he is our storm water and safety coordinator. There have been a couple of trench accidents in the valley and Dale held a good safety meeting this morning to make sure our crews are safe.

He stated the mayor had asked him to look into why the lagoons are smelly. He talked to Mike Pritchett and Jason Broome to find out what is going on at the lagoon. Mike said with the majority of the flow going to the new sewer plant, the lagoons have been brought down to their lowest level and then they iced over. Mike cannot use the aerators while the levels are so low and there is ice. Councilperson Chuntz asked how long they will take to dry up. Matt said it may be 3 to 5 years, he said the odor could be around for as long as a year. They have some ideas to help dry them out faster and hopefully help with the smell.

Councilperson Snyder asked if the new plant will smell. The mayor replied not like the old one. Matt stated there is odor control there for the headworks, and it will have aeration. It might have a swampy, earthy smell.

Mayor Christensen showed everyone the new city logo. Jeff said we will put it on our new flags and letterhead as they are replaced. The mayor said they will be about \$8 to logo the city trucks.

18. TED BARNETT, ELECTRICAL DIRECTOR

Ted Barnett informed the council they have a job opening for a journeyman lineman. The job closes on February 14, 2020.

19. BRUCE WARD, ENGINEERING

Bruce stated he has invited Steve Swaby and Steve Jones from Hansen, Allen, Luce to talk about our water masterplan and PI metering project. They are helping him with the application for the division of water quality. He is asking tonight which projects the council

wants to move forward with. Steve Jones stated there are 3 things in the water masterplan that need to be done. One is the PI metering, the second is the south side pump station so the houses using drinking water can be switched to PI water. The third is a north side pump station in the Arrowhead Trail area. The metering project would need to be funded by user rates. Councilperson Chuntz stated he would like to keep the projects separate. Bruce mentioned they rate structures they brought to the last council included the PI metering and the south pump station. Councilperson Snyder asked if the south pump station would give us immediate use of the irrigation water. Steve Jones said right now there is enough drinking water for 3 years, this pump station would give us more storage space and more water. Steve recommended applying for the \$1.5 million for the metering project and \$3 million for the south pump station. Jonathon Ward, from Zion's Bank, stated this will save us from paying duplicate fees on both bonds, so it makes sense to do these together. They could apply for them at the same time and close on them when they are ready to move forward with the project. The council felt like it made sense to move forward with these two projects. Bruce stated he attended the Strawberry Water Users meeting, they agreed to not remove the district 8 board member. It has been vacant for 3 years, but they have 2 people willing to serve. The mayor stated some good relationships were made. He also attended the High Line Canal meeting, they approved a 3% equal share rate increase, the cost will be about \$110 per share. The Salem Canal meeting went well, they would like the canal piped and will be negotiating with Central Utah Water Conservatory District to do that. They voted to leave the rates the same. He mentioned that the new SWUVA chairman is Councilperson Chuntz.

COUNCIL REPORTS

20. MAYOR KURT CHRISTENSEN

Mayor Christensen asked if Miss Salem Tiffany Nelson had anything to report. Tiffany asked the council to attend her concert on Saturday, February 22, 2020 at Salem Hills High School at 7 p.m.

21. COUNCILPERSON STERLING REES

Councilperson Sterling Rees did not have anything to report tonight.

22. COUNCILPERSON SETH SORENSEN

Councilperson Seth Sorensen was excused tonight.

23. COUNCILPERSON HOWARD CHUNTZ

Councilperson Chuntz did not have anything to report tonight.

24. COUNCILPERSON DELYS SNYDER

Councilperson Snyder did not have anything to report tonight.

25. COUNCILPERSON TIM DEGRAW

Councilperson DeGraw did not have anything to report tonight.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Sterling Rees to adjourn council meeting.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 8:47 p.m.

Jeffrey Nielson, City Recorder