

Minutes of the Salem City Council Meeting held on February 7, 2017 in the Salem City Council Chambers.

Work Session: 6:00 p.m.

1. PI IMPROVEMENTS – HIGHLINE CANAL

Matt Marziale stated that he hopes the council had time to read through the staff report on the PI improvements. He explained that there was an issue with the ordering of PI water in 2016 from the High Line Canal. They had rearranged the water orders so they would be ordered in second feet. Everyone was on board, then the High Line terminated the employee that took our orders. Their new employee did not convert the water orders, so the orders were doubled. Our water director did not catch the error. The error was discovered when the bill for the water came. Matt, Bruce Ward, Mayor Randy Brailsford, and Councilperson Soren Christensen negotiated with the High Line Canal Company for a year and a half to come to an agreement, where both parties would be responsible for half of the bill. Our part of that bill is \$45,000, the parties agreed that these monies would be made in in-kind services or in cash for improvements to the Highline Canal within the Salem area. The High Line Canal Company has a project to line 1000 feet of the canal. We would like to purchase the liner for this project as part of our debt. Matt stated that there was neglect by both employees and the previous council was ok to swallow our part. He wants to be transparent about the situation with this council. Councilperson Craig Warren stated the employee is no longer working for the city. He asked if there was something in place to make sure orders are reviewed moving forward. Matt stated that he had taken over ordering last summer and Wade Reynolds will be in charge of ordering now. Bruce and Matt will both review the orders monthly. Matt stated that the funds will come from the PI budget. He stated that the other option they have is to refuse to participate and go back to negotiating, but he doesn't see there being any improvements to the agreement. Mayor Christensen stated that when Matt came to him with this issue he contacted the High Line Canal company and was given the same information from them. He talked to Darrick Whipple from the canal company and he agreed to watch the orders also. Chief Brad James stated that the area where the liner will be installed has been averted twice from breaches, so there couldn't be a better place for it to go. It will help protect citizens. Councilperson Howard Chuntz asked what action needs to be taken tonight. Matt is asking the council to approve the purchase of the liner for \$25,000 to \$30,000 for the canal company to install, and that amount will go against the debt that we owe of \$45,000. Mayor Christensen stated that he feels this is the best way to resolve this issue, no one is happy about it, but it happened.

2. ARROWHEAD SPRINGS DEVELOPMENT

Brian presented the council with the updates and revisions to their concept so far. Bruce advised the council that the draft of the development agreement they have tonight doesn't have all of the changes on it. He, Attorney Junior Baker and the developer have been working on it for weeks, and had a few revisions in the last couple of days. This development agreement will be amended, it is still a concept right now. What the developer wants is assurance that the city likes the project in its general form so that they can move forward. Bruce stated they are in a time crunch from the landowner to close on the land. They have left a lot of things open to us, they are locked in for density, units and parks. He

stated if they want to speed things up, we are putting all risk on the developer. The development agreement says we will work out the details as we go and amend the agreement as we move forward. Councilperson Warren stated that he understands they are trying to expedite it, but he thinks we need to take our time so we don't make mistakes. Bruce commented that was a good point. Mayor Christensen asked if they were just asking for basic concept approval. Bruce stated that they are asking for that and a nod on density and approval on the concept of the sports complex. Brian stated that they want to move forward and get this to engineering. Heath stated that he has been impressed by the staff, he said they are here to learn the rules and they come with the intent to follow them. Bruce stated there is no action needed tonight, this is not on the agenda. He will send out the development agreement for the council to review. He commented if anyone had any questions to come and talk to him.

3. KIDS WHO COUNT PRESENTATION

Kelsey Lewis, Executive Director and Melanie Linford, Associate Director, are here representing Kids Who Count. This program has been around since 1986, their mission is to empower families. They work with children from birth to 3 years of age that have disabilities. They provide most of their services in the home. They are a nonprofit organization, so they do accept donations. They would like to expand their building here in Salem and also the services that they offer. They are applying for \$250,000 from Mountainland Association of Government to help fund their expansion, but they still need \$250,000 more. There are a lot of issues they have to refer to other areas because they do not have the resources available here. They would like to change that, and help more locally. They are here to inform the council about their program.

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, by speakerphone

STAFF PRESENT:

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

OTHERS PRESENT

Terry Ficklin, Jon Ward, Sequoia Brighton, Evelyn Christensen, Lew Christensen, Steve Carter, DeAnn Carter, Ronny Hiskey, Kelsi Hiskey, Charles Eppley, Sophie Richards, Brinlie Benson, Billy Bronkan, Bryson Black, Sadie Kenney, Cedar Wilde, Alexa Nielson, Drexton Brower, William Burk, Austin Burk, Doraleen Penrod, Janie Lyman, Brandt Parry, Conner Weight, Jacob Wood, Jason Broome

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

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

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Conner Weight 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 Sterling Rees.

VOTE: All Affirmative (5-0).

Councilperson Seth Sorensen disclosed that he works for Nebo School District.

a. Nebo School District – Annexation of 27.41 Acres of Property Located in the Southeastern portion of the City’s Annexation Declaration Policy

Attorney Junior Baker stated this is an annexation of approximately 27 acres of property for the purpose of a middle school that will be built in the next 2 to 3 years. Part of the property

is in the city and part is not. This meets all requirements of state law, and tonight we are taking public comment on this annexation. At the conclusion of the public comments it would be appropriate to approve or deny this request. He has an ordinance prepared if it is approved. Mayor Kurt Christensen asked for any public comments or questions. There were none. Jeff Nielson stated that the county has requested that we include 10000 South in this annexation. He stated that the zoning needs to be changed to a public facilities zone also. Councilperson Sterling Rees asked if this would make the city responsible for this additional road. Attorney Baker replied that it would. Steve Carter, with Nebo School District stated that 10 acres of the property is already in Salem, the property is split in half. Councilperson Rees asked how many acres it was. Steve answered it was 27. Attorney Baker stated it is closer to 28 with the inclusion of the road.

(to close)

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

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

MOTION BY: Councilperson Sterling Rees to approve the annexation of 28.07 acres of property located in the Southeastern portion of the city's annexation declaration policy with 10000 South included and the zoning changed to be public facilities zone.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

4. CITIZEN REQUEST BRETT PENROD – DISCUSSION TEXT AMENDMENT IN THE I-1 ZONE

Brett Penrod stated that he is asking for a text amendment to the ordinance on storage units. He asked if the council had looked at it and what they thought. Mayor Christensen commented that with all the high density going out there it is a good idea. Councilperson Howard Chuntz asked what the reason for the 1000 feet distance from residential zone was. Bruce Ward replied he wasn't sure, the ordinance was done decades ago. Attorney Baker stated that back then there was a feeling that storage units were cheaply built and cheap looking, he stated they are very different now from what they were then. The council back then didn't want any cheap looking storage units next to homes. Brett stated that his idea is to have the front of the units be industrial use space and have the storage units be on the back side. The location would be the southeast corner of Arrowhead Trail and Beet Road. He stated these would be the nicer type storage units and showed examples of what he would like to do. Bruce stated that if the council was interested in moving forward with this, they would need to give direction to the planning commission. Attorney Baker stated if there are things they want to see done, that direction would need to go to the planning commission also. Councilperson Chuntz asked about the lighting. Brett stated it will have to be lit, but he could use downward lighting. Councilperson Seth Sorensen stated it would be good idea to have planning commission look at it. Bruce stated there is no action on this tonight, they just wanted direction from the council. The council felt this should proceed to the planning commission.

5. APPROVE HANSEN ALLEN LUCE – WATER RIGHTS ASSISTANT CONTRACT

Bruce stated that he had briefly discussed this at the last council meeting. In December the council approved \$10,000 in unassigned funds to be used for water right assistance. Hansen, Allen, and Luce Engineering has been working with Mt. Nebo Water Agency on a water study so they have a good idea of our water rights. They have identified and recommended that we get involved with Salem Canal Company and Salem Pond Company, they both have fantastic and very old water rights. They have priority in the river, they are in front of a lot of users. He is asking for approval for a time and materials contract with Hansen, Allen and Luce so that they can work on projects that we assign them to do. We know their rates and will set the budgets. We need to take an active role to protect our water rights and the city.

MOTION BY: Councilperson Seth Sorensen to approve the water rights assistant contract with Hansen, Allen & Luce.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

6. APPROVE RESOLUTION APPOINTING AN ALTERNATIVE BOARD MEMBER TO THE UTAH VALLEY DISPATCH SPECIAL SERVICE DISTRICT

Attorney Baker stated that Terry Ficklin has been the representative for the Utah Valley Dispatch Special Service District for many years. He is recommending the approval of the resolution appointing Chief Brad James as an alternative board member. He thanked Terry for his service.

MOTION BY: Councilperson Howard Chuntz to approve Chief Brad James as the alternative board member of the Utah Valley Dispatch Special Service District.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (5-0).

7. APPROVE LIEN RELEASE – MIKE & JAN DALEY

Bruce recounted that back in 2000 Mike and Jan Daley came in and wanted to build a home. They had to separate a lot to do that, this fell under the subdivision ordinance. This home was built several hundred feet down a dirt lane. At the time they signed a lien in lieu of curb, gutter, sidewalk and asphalt as the area was not ready to be developed yet. The area is still not ready to be developed. The property was sold and the title company missed the lien, the property is now being sold again and the lien was picked up by another title company. With interest the lien is \$23,485. The current cost for the improvements would be \$9870.75. Staff

recommends releasing the lien for the current cost of improvements, this amount has already been paid and needs council approval to release the lien for the reduced amount.

MOTION BY: Councilperson Cristy Simons to approve the lien release for Mike and Jan Daley at the reduced rate.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

8. APPROVE EPIC ENGINEERING CHANGE ORDER CENTER STREET PROJECT

Matt Marziale stated that approximately a year ago Epic Engineering did the engineering study for curb, gutter and sidewalk on the south side of Center Street from 500 East. The estimate for the work came in at \$890,000. This amount was more than was budgeted for the project. Matt is asking the council to approve a change order for an engineering study on the north side of Center Street for a safety sidewalk and storm runoff solution. They believe this should be able to be done for about a third of the cost as the south side. The funding would come out of the budget allocated for the center street project. Councilperson Cristy Simons asked if this would include a new sidewalk. Matt answered that it would and it would accommodate a storm drain. Councilperson Chuntz asked why the south side had been selected previously to have the improvements done. Matt replied that the north side already has a sidewalk, the south side was selected because it has no improvements. He stated that last year they had to replace about 2 1/2 blocks of the sidewalk on the north side. Mayor Christensen asked how wide the sidewalk was on the north side. Matt stated they are 4 feet wide. Matt stated he would like the new sidewalk to be 8 or 10 feet wide but that it would be at least 5 feet wide. The mayor asked if they would replace the 2 blocks of new sidewalk they replaced last year. Matt answered that they would, everything from 500 East down would be replaced.

MOTION BY: Councilperson Sterling Rees to approve the change order for Epic Engineering in the amount of \$8100 for the engineering study for improvements on the north side of Center Street.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (5-0).

9. APPROVE PI IMPROVEMENTS – HIGHLINE CANAL

Matt stated that we have a debt with the High Line Canal in the amount of \$45,000. We can dictate where that money is spent. The High Line is currently working on lining 1000 feet of the canal. We would like to participate in this project and put \$25,000 to \$30,000 towards the purchase of the liner that the canal company will install. This will safeguard breaches from the canal.

MOTION BY: Councilperson Cristy Simons to approve the PI Improvements for the purchase of a liner for the High Line Canal to install.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

10. APPROVE MINUTES OF JANUARY 17, 2018

MOTION BY: Councilperson Seth Sorensen to approve the minutes of January 17, 2018.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (5-0).

11. APPROVE BILLS FOR PAYMENT

AMOUNT: \$356,864.51

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

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

12. YOUTH COUNCIL

Brinlie Benson reported that the youth council will be hosting the senior Valentine dinner tomorrow night at 6 p.m. She invited the council to attend. She stated they will be attending the youth council conference at Utah State in Logan in March. They are working on the Easter Egg Hunt that will be held at Loafer View Sports Park on March 31, 2018. Mayor Christensen thanked them for the work that they do.

13. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief Brad James did not have anything to report tonight.

14. DAVE JOHNSON, BUILDING OFFICIAL DIRECTOR

Dave Johnson reported that at the last DRC meeting held on February 1, 2018 there were a few items that he would like to mention. First the final plat for Mt. Loafer View Plat F was approved, he mentioned that finals do not come back to the council. Second, Fast Gas submitted a site plan for the expansion to the south side of their building for some new freezers, this will go to Planning and Zoning for approval and then be brought before the council. Last, they are working on the ordinance regarding building lines, if they will recall the discussion brought before them about a developer interpreting this differently than the staff. Attorney Baker is working on the rewording of the ordinance and it will be on the agenda for the council soon.

15. ATTORNEY JUNIOR BAKER

Attorney Baker did not have anything to report tonight.

16. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff stated that he had sent budget worksheets out to the directors and they should be working on them.

Jeff mentioned that we bought an air quality monitor and installed it in front of the city office. There is a link on the web page to see the air quality in real time.

17. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt reported that with the spring temperatures they have scheduled some concrete pours for next week on projects they need to finish up where they are replacing some curb and sidewalk. He stated they will be out crack sealing streets throughout the city. They haven't had a lot of pot holes this winter, he mentioned pot holes can be reported on the webpage. He commented that this is the first Sunday in the last three that the water department hasn't had a water main break. The water department has been checking the wells. He stated that the public works departments are starting early on spring fixes.

18. CLARK CROOK, ELECTRICAL DIRECTOR

Clark Crook did not have anything to report tonight.

19. BRUCE WARD, ENGINEERING

Bruce handed out the summary sheet for the wastewater treatment plant. He advised this is the question and answer sheet. He asked the council if they get any other questions to make note of them and they will add them to the webpage. Jason Broome from Forsgren Engineering pointed out that question 1-10 were the original questions, and 11-17 have been added to the sheet. Bruce stated they would like to discuss the council meeting that will be held on February 21, 2018. He asked what the overall plan would be for that night. Jeff stated it is published as a full council meeting so it would be best to start at 7 p.m. like a regular council meeting, he also mentioned that the public hearing would need to be held first with the other agenda items after. Jason stated they will have display materials and handouts to update the public about the project, he asked if there was anything else the council wanted handed out. Councilperson Craig Warren asked about having a screen and a projector. Jeff stated that he had talked to Terry Ficklin and they would have that available. Bruce asked if there was internet available at the community center. Jeff replied that he would get some hot spots for that night. Jason asked how they would like to handle the public hearing. He suggested having people fill out a card with their name and question, then have someone sort through the cards to put similar questions together. Jason stated he could do a brief introduction of the project and then they could go to the public comment. Councilperson Rees stated that they will have 3 minutes each for their questions. He said it was important to listen to everyone but wondered about the same question being asked repeatedly. Jason answered that with the question cards, the hope is that we won't have as much repetition. Bruce stated that a text blast will be sent out to residents to look at the summary and see if the answer to their question is on the summary. He stated that they should be prepared for people to ask if their comments matter. They do, but this project is being required of us by the state and the EPA. He mentioned he had invited the state to come, they haven't said they would or wouldn't attend at this time. The mayor stated that citizen's opinions matter, but what are our options, this has to be done.

20. WADE REYNOLDS, STORM DRAIN/SAFETY COORDINATOR

Wade Reynolds was excused tonight.

COUNCIL REPORTS

21. MAYOR KURT CHRISTENSEN

Mayor Christensen recommended the appointment of Councilperson Seth Sorensen to the Emergency Management Committee.

MOTION BY: Councilperson Sterling Rees to appoint Councilperson Seth Sorensen to the Emergency Management Committee.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

The mayor reported that the new director for the Miss Salem Pageant will be Andrea Robertson. There have been 4 or 5 girls that have signed up for the pageant. Jeff mentioned that they would be attending the March 7, 2018 council meeting.

22. COUNCILPERSON STERLING REES

Councilperson Rees stated that he had attended the UMPA meeting. In April they will hold their member meeting in St. George, the council will be invited to that. He mentioned that Councilperson Cristy Simons will be the alternate for the UMPA board. Mayor Christensen stated that he had attended the meeting UMPA held for new mayors and council members and their new building is very impressive and high tech.

23. COUNCILPERSON CRISTY SIMONS

Councilperson Simons stated that Jen Wright is knocking it out of the park with the senior citizen program. We are one of the top three cities for participation in the program. The seniors have had their taxes done for free, held free wellness checks and can sign up for silver sneakers there. She stated that she loves what is happening with the senior program. She reported on the recreation program, they have men's basketball ending, youth basketball is mid-season, indoor soccer, girls dance and indoor tumbling are starting.

24. COUNCILPERSON HOWARD CHUNTZ

Councilperson Chuntz commented that he appreciates the youth council and all that they do. He advised that he will be attending the library board meeting tomorrow night. He reported that he attended the meeting with the High Line and Salem Canal Companies and the River Commission. He mentioned that right now the snow pack is 35 to 45% of normal and has 0 to 15% chance of getting to normal for the year. Bruce stated there will be a Mt. Nebo Water Agency meeting held Monday and a SUVMWA meeting held tomorrow night.

Councilperson Chuntz replied that he would be at the Mt. Nebo meeting, but could not attend the SUVMWA meeting, he asked Bruce to attend. Bruce replied that he would.

25. COUNCILPERSON SETH SORENSEN

Councilperson Sorensen stated that he had attended the Chamber of Commerce banquet. He stated that the chamber has a new board. He mentioned that Councilperson Simons had received a nice award. He remarked that we are all aware what is happening at the sewer plant. Bruce stated that we are meeting on that every single week. Mayor Christensen thanked Bruce and Jason for all of their work on it.

26. COUNCILPERSON CRAIG WARREN

Councilperson Warren stated that he had invited Terry Ficklin to report on the South Utah Valley Solid Waste District and NUERA. He stated that Terry has done fantastic things with the board and made a lot of progress. Terry updated the council on what the South Utah Valley Solid Waste District and NUERA have been doing over the last 8 years. He reported on the Bay View Landfill. He went over the budget and reported that things are good. Councilperson Warren thanked Terry.

27. CLOSED SESSION

MOTION BY: Councilperson Cristy Simons to go to a closed session.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (5-0).

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Cristy Simons to adjourn council meeting.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 10:00 p.m.

Jeffrey Nielson, City Recorder