

Minutes of the Salem City Council Meeting held on January 22, 2020 in the Salem City Council Chambers.

**Work Session:** 6:30 p.m.

## **1. AGENDA ITEM DISCUSSION**

Jeff Nielson stated Jack Sheen came to council in August 2019 for an extension for a small subdivision, he is splitting his property and creating 2 lots. He is not ready to do that yet and will be here tonight to request another 6 month extension. He asked if anyone had any questions.

Matt Marziale explained that Clark Crook had started the new power department building project. Since he has left the mayor asked Matt to help Ted move forward with the building. The building will be constructed where the old sewer plant is now. They have paid \$15,000 towards the building and tonight they are asking for the approval for the remaining \$177,972. This is a budgeted item. Once the building is purchased they can get some bids to construct the building and do the concrete work. They plan to do that in the next budget year.

Matt stated we have a 2003 International dump truck that they would like to surplus. It is a single axel dump truck that had some issues, they are fixed now and the truck is running. Bruce Ward reported Rob McNeel is asking for approval on the preliminary plat for Salem Village. It is located down by Revere, it is zoned R-5 with a development agreement that restricts them to single family homes. He is paying money in lieu of open space because of the proposed park located a block to the south. Bruce commented this has been to the DRC (Development Review Committee) and Planning and Zoning and both recommend approval. Councilperson Howard Chuntz stated he thinks there should be a new zone for multiple units. Bruce commented that is a good recommendation. Councilperson Seth Sorensen asked if that is something they should meet with the Planning Commission to discuss. Bruce replied that was a good idea.

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

**CONDUCTING:** Mayor Pro-tem Councilperson Sterling Rees

**COUNCIL PRESENT:**

Mayor Kurt L Christensen, speakerphone  
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**

Jan J. Ward, Rob McNeel, Josh McKee, Tiffany Nelson, William Burk, Jack Sheen, Jacque Crouch, Ron Crouch

**1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE**

Councilperson Sterling Rees 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**

Matt Marziale 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 Tim DeGraw.

**VOTE:** All Affirmative (5-0).

**a. ACCESSORY DWELLING UNITS**

Bruce Ward stated this item was tabled at Planning and Zoning. They wanted more time to look at the impact this would have. Jeff Nielson said since it was tabled there, the council should also table this item, it will need to be republished when they are

ready to act on it. Bruce commented this was one of the elements that was listed on our affordable housing element of our general plan. Some of the issues Planning and Zoning were concerned about were parking, large accessory buildings, and living spaces above sheds and garages. Bruce mentioned we do have quite a few accessory apartments already in the city. Jeff said the council had asked the staff to research these spaces. He mentioned we were looking at what Spanish Fork is doing. Councilperson Howard Chuntz stated that he is opposed to extending this to any dwellings on the property, this would create additional work for our building inspector to make sure they meet code. He asked Bruce to take that information back to Planning and Zoning.

#### **b. IMPACT FEE WAIVER**

Bruce stated another element of our affordable housing is the impact fee waiver. Attorney Junior Baker arrived at 7:12 p.m. from the UMPA meeting. Attorney Baker reported state law encourages we create this on a case by case basis. Tonight, they are changing a part of the ordinance that designated lots as affordable housing lots. He said this makes our code more consistent. Councilperson Chuntz asked if any of our high density would fall under this. Attorney Baker replied under state law some of it might, but most of it won't. They would have to come in and request the impact fees to be waived, and then it would be at the council discretion whether to approve the request. Councilperson Chuntz said his concern is that we have bonded for a number of things based on housing units, it would cause issues if a lot of those turned out to be affordable, and we had to waive impact fees. Attorney Baker said we already have this ordinance in place, we are just taking out a reference in the ordinance. Councilperson Tim DeGraw asked if he had seen any instance where a developer uses this, if there are any loop holes. Attorney Baker replied he hadn't. We have had this ordinance in place since impact fees were created and he hasn't seen any requests here or in Spanish Fork. Councilperson Rees asked if there were any comments from the public. There were not.

**(to close)**

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

**SECONDED BY:** Councilperson Howard Chuntz.

**VOTE:** All Affirmative (5-0).

**MOTION BY:** Councilperson Seth Sorensen to table the ordinance on accessory dwelling units.

**SECONDED BY:** Councilperson Howard Chuntz.

**VOTE:** All Affirmative (5-0).

**MOTION BY:** Councilperson Delys Snyder to approve the amendment to the ordinance on impact fee waivers.

**SECONDED BY:** Councilperson Seth Sorensen.

**VOTE:** All Affirmative (5-0).

Councilperson Seth Sorensen said coming back to Councilperson Chuntz's concern we are just taking care of clerical issues tonight. Attorney Baker said in his 20 to 25 years we have never had a request. Councilperson Chuntz said he has two concerns. One is how to use their discretion on this and the other is how to apply this ordinance and not get sued. Attorney Baker said they are great questions, his advice would be follow state law, there would not be a lot that would qualify in our community. The other thing is to be consistent and remember what we have done to not create any liability. Councilperson Chuntz asked him to put together the state law rules and how they apply. He asked if the Self Help homes would qualify. Attorney Baker said they are meeting moderate income housing and would not qualify under these standards. He will put the rules together, he said they can be confusing.

#### **4. YOUTH COUNCIL**

Josh McKee stated in December they did Sub for Santa and they had 1,200 luminary bags at the cemetery. They were awesome, he thanked everyone that helped. He mentioned the senior dinner will be held February 13, 2020 at 6 p.m. at the Community Center. He invited the council to attend.

#### **5. SF/SALEM CHAMBER OF COMMERCE**

Councilperson Sorensen mentioned tomorrow night is the installation banquet for the chamber of commerce it will be at 6 p.m. at the Oaks Clubhouse. The new board has a number of people from Salem which is a good thing.

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

Jack Sheen stated they talked about doing a development last fall, then his daughter started school and needed to wait 6 months before applying for a loan. They should be moving on the development within the next 3 months, but need another extension on the subdivision application. Bruce stated the minor plat extension was approved in August, it gave them a 6 month extension, now they need to get another 6 month extension. Councilperson Rees asked if there were any questions.

**MOTION BY:** Councilperson Howard Chuntz to grant Jack Sheen a 6 month extension on his subdivision to start when his last extension ends.

**SECONDED BY:** Councilperson Delys Snyder.

**VOTE:** All Affirmative (5-0).

## **7. ROB MCNEEL- APPROVE PRELIMINARY PLAT FOR SALEM VILLAGE**

Rob McNeel asked if the council had any questions for him. Bruce mentioned this had been discussed in work session.

**MOTION BY:** Councilperson Seth Sorensen to approve the preliminary plat for Salem Village condition to following the development agreement and meeting all Salem City standards.

**SECONDED BY:** Councilperson Howard Chuntz.

**VOTE:** All Affirmative (5-0).

## **8. ADJOURN TO MBA MEETING**

**MOTION BY:** Councilperson Seth Sorensen to adjourn into the MBA meeting.

**SECONDED BY:** Councilperson Tim DeGraw.

**VOTE:** All Affirmative (5-0).

## **9. RESUME REGULAR COUNCIL MEETING**

## **10. APPROVE POWER DEPARTMENT BUILDING**

Ted Barnett stated they put a \$15,000 deposit down on the building before Clark Crook left. Matt Marziale is helping him move forward with this project. Matt stated they have \$200,000 in the current budget to purchase the power department building. They need to pay \$42,891 to have them complete the building and deliver it. When it arrives, they will need to pay the remaining \$135,081 as the final payment. Then they can get some solid bids for the concrete and to get the building built in the next budget year. The building will go where the old sewer plant is, it will be on the west side of the building that is already there. Councilperson Rees asked what they will do with the sewer ponds. Matt said they will work on reclaiming them once the new plant is up and running. They will hire an engineering firm to find options and give us timing on the water reclamation. Councilperson Delys Snyder asked if \$200,000 can be worked into the budget. Matt replied it can. Jeff stated they have money allocated for this building. Councilperson DeGraw asked if this is critical infrastructure. Matt stated when they started this project they didn't have the SESD issues. As we grow, having space is becoming critical to operations. Where we have already put the \$15,000 they would like to complete the purchase of the building. They would like to complete the building in the 2021 budget but when they look at the new budget they will decide to proceed or not.

**MOTION BY:** Councilperson Seth Sorensen to approve the purchase of the power department building.

**SECONDED BY:** Councilperson Tim DeGraw.

**VOTE:** All Affirmative (5-0).

## **11. SURPLUS 2003 INTERNATIONAL DUMP TRUCK**

Matt stated we have a 2003 International dump truck (VIN # 1HTWCAAR73J064977) that they would like to surplus. It is a single axel dump truck that had some issues, they are fixed now and the truck is running.

**MOTION BY:** Councilperson Howard Chuntz to approve the surplus of the 2003 International Dump Truck.

**SECONDED BY:** Councilperson Seth Sorensen.

**VOTE:** All Affirmative (5-0).

## **12. APPROVE MINUTES OF JANUARY 8, 2020**

**MOTION BY:** Councilperson Delys Snyder to approve the minutes of January 8, 2020.

**SECONDED BY:** Councilperson Howard Chuntz.

**VOTE:** All Affirmative (5-0).

## **13. APPROVE BILLS FOR PAYMENT**

**AMOUNT:** 1,148,313.88

**MOTION BY:** Councilperson Seth Sorensen to approve bills for payment.

**SECONDED BY:** Councilperson Delys Snyder.

**VOTE:** All Affirmative (5-0).

## **14. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR**

Chief Brad James did not have anything to report. Councilperson DeGraw asked if the city has a problem attracting and maintaining volunteer fire department and EMT's. Chief James replied they have problems getting people to volunteer. He said we have some lean times but we have some very dedicated people that make it work. He said we also have interlocal agreements with our surrounding communities. Councilperson DeGraw said there is a national crisis to get people to volunteer and he would be happy to help with that. Chief James said they are always looking for people to volunteer. Councilperson DeGraw asked if all the requirements were on the website. The chief said they just need to be of age and pass a background check. Jan Ward asked if any other towns help out in Salem. Chief James said we do have mutual aid with surrounding communities, we help them and they help us. We have good working relationships with Spanish Fork and Payson.

## **15. STEVE COX, BUILDING OFFICIAL DIRECTOR**

Steve Cox did not have anything to report tonight.

**16. ATTORNEY JUNIOR BAKER**

Attorney Baker did not have anything to report tonight.

**17. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER**

Jeff commented the survey for fiber is going very well. They have had 331 phone responses and 434 online surveys filled out. They have been very pleased with how our residents have responded. He stated Allan Hales called and expressed his concern that he does not think the city should do this, it takes away from the private business. His other concern it that we will dip into other funds to sustain it. Jeff said we will have to show that it is self-sustaining. Jeff said he received new logos from ALC, he sent them to the mayor. He asked everyone to vote for their favorite. The mayor said they all look good.

Jeff mentioned they will begin the budget process. If they have any questions, please let him know. Councilperson Snyder asked if the budget was January to January. Jeff replied it is July to June, but they do start the process now. He will get information out to all the directors.

**18. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR**

Matt did not have anything to report tonight.

**19. TED BARNETT, ELECTRICAL DIRECTOR**

Ted did not have anything to report tonight.

**20. BRUCE WARD, ENGINEERING**

Bruce did not have anything to report tonight.

**COUNCIL REPORTS**

**21. MAYOR KURT CHRISTENSEN**

Mayor Christensen did not have anything to report tonight. He thanked everyone for all they do.

**22. COUNCILPERSON STERLING REES**

Councilperson Rees said he attended half of the UMPA meeting tonight, there was not a lot to report. Councilperson Snyder asked how they get more information about the meetings in March. Councilperson Rees replied the office will send it out. The meetings will be March 25, 26, and 27, 2020 in St. George.

### **23. COUNCILPERSON SETH SORENSEN**

Councilperson Sorensen stated the recreation department has purchased 2 sections of bleachers from the Lehi high school. They will be installed at the rodeo grounds, they will be handicap accessible. Matt said they are putting them on the east side.

Councilperson Sorensen said they are in the middle of winter sports. They have both youth and men's basketball and gymnastics going on. The new recreation guides will be out in February.

### **24. COUNCILPERSON HOWARD CHUNTZ**

Councilperson Chuntz reported we are having a great water year and we are above average for the year.

Councilperson Delys Snyder asked when they would be tearing up Canal Road for the water pipe line. Bruce replied it wouldn't be for 2 to 3 years.

### **25. COUNCILPERSON DELYS SNYDER**

Councilperson Snyder said there is some controversy about the new transfer station, about what kind of loading to use, compactor or excavator. They have tabled the decision for another 2 months. Bruce stated Councilperson Snyder is now the treasurer of the solid waste district and an alternate for the NUERA board. Jan Ward asked about the library money that was raised for an expansion. Jeff said they have about \$197,000 set aside for capital improvements for the library. They have talked to the property owner to see if they would sell, but it won't happen fast. Jan said it was a great fundraiser and he wanted to make sure the money went to the library. Jeff said the money is set aside for that. Jan asked what the operating cost was for the library. Jeff replied it was \$265,000 a year. Councilperson Snyder commented they do a lot with not a lot of budget. Jan said they are all good workers over there.

### **26. COUNCILPERSON TIM DEGRAW**

Councilperson DeGraw stated he had nothing to report. He asked when the new sewer plant would be starting. Bruce said the contract is for March. He said they started clean water testing yesterday and found some electrical bugs to work out. They should be starting next week. Bill Burk asked what happened to them being ahead of schedule. Bruce said they are working through the kinks. They have a year to operate with some leniency for the plant. Councilperson DeGraw asked if that was all normal. Bruce replied it was.

### **27. CLOSED SESSION – LITIGATION**

**MOTION BY:** Councilperson Seth Sorensen to move to a closed session.

**SECONDED BY:** Councilperson Howard Chuntz.

**VOTE:** All Affirmative (5-0).



**ADJOURN CITY COUNCIL MEETING**

**MOTION BY:** Councilperson Seth Sorensen to adjourn city council meeting.

**SECONDED BY:** Councilperson Tim DeGraw.

**VOTE:** All Affirmative (5-0).

**MEETING ADJOURNED AT:** 8:20 p.m.

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Jeffrey Nielson, City Recorder