

Minutes of the Salem City Council Meeting held on July 17, 2019 in the Salem City Council Chambers.

Work Session: 6:00 p.m.

1. COMMUNITY WILDFIRE PREVENTION PLAN

Chief Brad James thanked the fire department for all they do. He introduced Fire Chief James Ealey and Assistant Fire Chief Wade Reynolds. He stated the public safety department invited property owners and the public to attend the meeting tonight to talk about fire danger. The city needs to have a wildfire prevention plan as part of the Utah Wildfire Resources Memorandum of Understanding Between Utah Division of Forestry, Fire, and State Lands and Salem City agreement. He presented the community wildfire prevention plan. He invited the public, if they had any questions, to meet with the fire department outside.

2. AGENDA ITEM DISCUSSION

Jeff Nielson stated that the boy scouts have asked about using the community center to hold their meetings. They could have an agreement with them similar to the one that we have with the orchestra where we allow them to use it, and they provide some kind of service to the city. There was a brief discussion and the council felt they could write up an agreement and let them use it on a probationary period.

Jeff stated we are adding a pole attachment fee to the fee schedule. Clark Crook wanted this to pay for the power department to review the submittals when someone wants to attach something to our poles. Jeff stated we have been charging the filing fee on building permits but it hasn't been put on the fee schedule so that was added. The only other changes are the ones that were approved with the budget, the new solid waste and sewer rates. The fee schedule is reviewed and approved every year.

Mayor Christensen asked Delys Snyder to introduce herself. Delys stated she is running for city council. She was an English professor at BYU and just retired, she has lived in Salem for 17 years on Beet Road. She is interested in keeping Salem a great place to live.

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
Jason Sant, Assistant 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

Delys Snyder, Betty Herbert, Windy Shaffer, Tim DeGraw, Whitney Graham, Josh Doherty, Michelle Doherty, Janie Christensen, Aubrey Snow, Josh W. Thayer, Nubia Thayer, William Burk

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

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

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Josh Doherty 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

There was not a representative available from the youth council tonight.

4. SF / SALEM CHAMBER

There was not a representative from the chamber available tonight.

5. APPROVE NEBO PHILHARMONIC ORCHESTRA AGREEMENT FOR USE OF CIVIC CENTER

Betty Herbert introduced the new president of the Nebo Philharmonic Orchestra, Windy Schaffer. Windy thanked the council for allowing them to use the community center, it is a great place to rehearse. They are very grateful for the agreement they have with the city and

are happy to do the free concerts and cleaning. They are here to ask the council to renew the agreement. The mayor commented the agreement has worked well in the past.

MOTION BY: Councilperson Howard Chuntz to approve the Nebo Philharmonic Orchestra agreement for use of the civic center.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (5-0).

6. CITIZEN REQUEST – JOSH THAYER

Josh Thayer stated he was here to discuss when he was given a ticket because his lot was too small to have chickens. He was told that the city owned a parcel of property between his lot and his neighbors. The Hall's had a survey done which caused the entire block to be off, it made their property encroach onto Everson's. He came before the council in August of 2015 to see if he could purchase the property. He was told the city didn't own the property, and when he went to the county to find out who did, someone had changed the property lines. He feels like the city helped this individual change the property lines and they should put it back the way it is. The mayor asked if he had any documentation that the city owned the property. Josh said he did, he showed some records of previous owners, it has been sold over 80 times. Jeff Nielson asked if the paperwork was for that strip of land. Josh said it was. The mayor asked if the paperwork showed the city owning the property recently. Councilperson Howard Chuntz asked when the last time the city owned it was. Josh replied in 1953. Councilperson Seth Sorensen asked why he thinks the city owned it then in 2015. Josh said he talked to Diana Jespersen at the county and someone had her change the property lines, because of a historical something, he is trying to figure that out. Jeff asked if when the Hall's had their survey done if that could have shifted the property lines. Councilperson Sorensen said typically when you own an older home and the property lines were done the old way with rods and not GPS when you do a survey the boundary lines are in the wrong place. People don't always choose to record them, but if they do, it can shift the lines. Councilperson Chuntz asked if the last time the city owned the property was 1953, why Josh came to buy it from the city in 2015. Josh said he was told the city owned it, and that is what was on the Utah County records. Councilperson Sorensen asked what Josh wanted the council to do for him. Josh said he wants it to go back to the original property lines. Attorney Jason Sant stated the lawsuit between the neighbors should determine if that needs to happen. Councilperson Sorensen stated the city doesn't adjust boundary lines, unless it is a new development, we don't have the ability to do that. The mayor stated any time something needs to be taken from the city to the county to be recorded he has to sign it, so the previous mayor would have had to sign anything that was taken to be recorded. He said he doesn't think the city owned the property. Jeff asked if Josh had any document to say the city owned it when it was changed. Josh replied he had plenty of documents that prove it. Jeff asked if any of them have a parcel number. Councilperson Craig Warren said the last time the city is said to have owned the property on the paperwork Josh was showing them was 1963. Jeff said he thinks this paperwork might be for the easement and not the actual property Josh is talking about. The mayor said the city doesn't claim to own the property. Josh stated he wants the plot map put back to what it was originally. Councilperson Chuntz told Josh the city cannot help him with that. The mayor wished him the best.

7. APPROVE 2019/2020 FEE SCHEDULE

Jeff mentioned there aren't many changes to the fee schedule. They added a pole attachment fee, this pays for the power department to review requests to attach to our power poles. We have added a filing fee onto the fee schedule, this isn't new but was not on there before. The other changes were approved with the budget, the garbage and sewer rate changes.

MOTION BY: Councilperson Craig Warren to approve the 2019/2020 fee schedule.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (5-0).

8. POWER DEPARTMENT:

a. APPROVE ARCHITECTURE PLANS FOR POWER DEPARTMENT BUILDING

Clark Crook stated they are building a new power department building where the old sewer plant was. They plan to purchase a metal building and then build the interior offices and storage areas on the cement flooring inside the metal building in steps. This year they would like to get the cement foundations and utilities installed. The building will be 160 ft. x 70 ft. x 28 ft. They will be able to house all of their equipment in one place. They have been approved monies to do dirt work and begin the foundations and flooring. Western Steel has been able to okay letting us purchase the plans for \$ 15,000.00 prior to receiving the building. We need to purchase the official drawings to get the remaining bids for the cement work. The money spent on the drawings will be taken off the total building cost.

MOTION BY: Councilperson Craig Warren to approve the architecture plans for the power department building from Western Steel Buildings.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

b. APPROVE PURCHASE OF RELAY SWITCH FOR LOAFER SUBSTATION

Clark reported that we had a couple of power outages in the last two weeks. The Loafer Substation has a relay that has been faulty since we installed it. We have sent it back a couple of times and worked with engineers to get it fixed. We share this substation with SESD and we have had to switch onto their relay while we got ours fixed. We have gotten ours working and switched back on Tuesday. He stated that we need to replace this relay switch and not keep spending money on it. He mentioned they will go with a different style from Schweitzer, they haven't received a bid yet, but it will be around \$15,000. Jeff suggested approving the purchase up to \$16,000 and if it costs more Clark will discuss that with the mayor and Councilperson Sterling Rees.

MOTION BY: Councilperson Cristy Simons to approve the purchase for a relay switch for Loafer Substation up to \$16,000.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

9. PARKS DEPARTMENT:

a. APPROVE ATV PURCHASE

Matt Marziale stated the purchase of an ATV was approved in the new budget year. They would like to purchase a 2019 Honda Pioneer, the main thing it would be used for is snow removal, it will be enclosed so the operator can stay out longer and be safer. It would also be used in the summer. They budgeted \$14,000 but the cost came in at \$18,107.35 so they will put off the cement pad at the Dream View Park until next year and use that money to make up the difference.

MOTION BY: Councilperson Sterling Rees to approve the purchase of the ATV for \$18,107.35.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (5-0).

b. APPROVE PURCHASE OF LAWNMOWER

Matt reported this is a Scag bagged mower that is replacing a mower for the cemetery. Steve Cox commented it is for the Parks Department. Matt stated this is budgeted item. Steve mentioned they are replacing a mower that is 17 years old. Jeff stated they had budgeted \$16,000 for the new mower, but they received a bid for \$12,926.

MOTION BY: Councilperson Seth Sorensen to approve the purchase of the lawnmower for the Parks Department for \$12,926.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

10. APPROVE MINUTES OF JUNE 19, 2019

Councilperson Chuntz stated that he wanted it noted in the June 19, 2019 council meeting minutes that during the discussion on the purchase of a nativity for Pond Town Christmas he objected to using city funds for this purchase, he thinks this is unconstitutional and violates the separation of church and state.

MOTION BY: Councilperson Craig Warren to approve the minutes of June 19, 2019 with the changes made by Councilperson Howard Chuntz.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (5-0).

11. APPROVE BILLS FOR PAYMENT

AMOUNT: \$1,714,229.48

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

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (5-0).

12. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief Brad James stated for the last several years he has expressed to the City Council the weight and the responsibility he feels for the safety of Salem Days. He feels it is a bad idea to throw candy along the parade route, concerned that one day we will have a kid severely injured or killed. Also, with more and more citizens attending the fireworks at Knoll Park, we have limited space for citizens to attend and still maintain safe fireworks fall out zones. Chief James has turned the coordination and safety of Salem Days over to Sergeant Greg Smith this year. Sergeant Smith has drafted a letter echoing the same concerns as Chief James. The chief stated safety is a huge concern with the limited space available at Knoll Park for the fireworks show. The only year he felt comfortable with the fireworks at Salem Days was when they were held at the Salem Hills High School. There was a discussion about how to remind parade participants of the existing rules about throwing candy during the parade. Parade participants cannot throw candy from vehicles and they need to have spotters on each corner of their parade entry. Further discussion was about how to enforce the parade rules. Matt stated he has all of the parade participants emails and can send out a reminder and let them know what the parade rules are and if the rules aren't followed participants will not be allowed in the parade next year. The chief reminded the City Council that every year parades across the country have citizens severely injured or killed. And most recently in Nephi during their annual city celebration. Chief James stated that the police department quit throwing candy at the parade years ago for safety reasons. The police department instead hands out otter pops at the park after the parade has concluded.

13. DAVE JOHNSON, BUILDING OFFICIAL DIRECTOR

Steve Cox did not have anything to report tonight.

14. ATTORNEY JUNIOR BAKER

Attorney Sant did not have anything to report tonight.

15. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff reported we had an accident in June, Cari Hansen fell and broke her arm while doing Bizzy Buddies. He asked Matt how she was doing. Matt replied she had come back and finished the last class.

Jeff stated he is finishing up the June budget, he will email it out tomorrow. He mentioned the auditors will be here in October, they are starting to prepare for them now.

16. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt reported they are making progress on the road overlays, they will be doing the road in front of the civic center on Monday.

He stated they are moving forward with Salem Days and the brochure will go out with the city bills.

17. CLARK CROOK, ELECTRICAL DIRECTOR

Clark did not have anything to report tonight.

18. BRUCE WARD, ENGINEERING

Bruce Ward reported they had 22 applications turned in for the engineering inspector job, they will be doing interviews on Friday.

He stated the water master plan draft should be finished next week and the storm water master plan draft should be done sometime in August. The purchase of the property for the debris basin on Loafer Canyon Road could happen anytime, and we will be part of that. He has had some developers come to him and would like to have a study done up there so they can move forward with their developments. Bruce commented he refuses to recommend projects to move forward until this is done. The council felt if this was something the developers wanted and need done they should do it. Bruce said he will let them know that and we are working on the permanent solution which is the debris basin.

He commented he had attended a High Line Canal meeting, their main concern was that the cities are stacking water on property. He showed them what the city actually requires, they had a good discussion, and he thinks this quieted some of their fears. They would like some minor edits added to our water dedication agreement, that the landowner acknowledges that there may be excess water on the property, and that the agreement is not binding until it is signed by all parties. He said they will continue to work with the canal company.

Councilperson Warren asked if Bruce had any information on the new county road that would go to Elk Ridge. Bruce said he heard they are actively acquiring the right of way. The timetable is always next year, but they have assured the city that they have the funding in place.

Jeff stated Val Richards, who is overseeing the Boy Scouts of America program now for the area, is here. He told Val they had discussed allowing them to use the community center for a probationary period, he will contact him and they can discuss the details

Mayor Christensen asked Tim De Graw to introduce himself. Tim stated he is running for city council. He has lived in Salem for over a decade. He thanked all the fine people here for serving the call of civic service. He is excited to participate and is very passionate about serving. He stated he makes sound decisions and would like to contribute to our city. He appreciates the council letting him take a few minutes.

The mayor stated he appreciates all the people that signed up to run for city council, they are all great candidates.

COUNCIL REPORTS

19. MAYOR KURT CHRISTENSEN

Mayor Christensen reported at their supervisors meeting that was held on Monday there hadn't been any complaints about the pressure in the PI system. He said that the employees are doing good, they just had their evaluations done. Matt stated that Chris Smith has been

filling in for Steve while he is working on his building inspector licensing and certification. Steve stated Chris has been running the Parks Department. The mayor said they all do a good job.

The mayor said he was concerned about Salem Days, but it looks like things are going good.

20. COUNCILPERSON STERLING REES

Councilperson Sterling Rees did not have anything to report tonight.

21. COUNCILPERSON CRISTY SIMONS

Councilperson Cristy Simons mentioned the Falcon League Blue Moose team are the state champions. The Philly League Pond Monsters took second place and the Phoenix League Stars also took second place. She congratulated them all.

She stated there is something every night of the week during Salem Days. She invited everyone to attend.

22. COUNCILPERSON HOWARD CHUNTZ

Councilperson Chuntz stated the library is working on getting things together for the auction. He mentioned if anyone had any donations to get them to the library as soon as possible. They would like to recognize those that donate in the September newsletter. The library is going gang busters right now, they have over 1,000 kids in their reading program. They are feeling a little overwhelmed, but are glad there is money to expand the library.

23. COUNCILPERSON SETH SORENSEN

Councilperson Sorensen did not have anything to report tonight.

24. COUNCILPERSON CRAIG WARREN

Councilperson Warren did not have anything to report tonight.

25. CLOSED SESSION – PROPERTY

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

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Craig Warren

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 9:55 p.m.

Jeffrey Nielson, City Recorder