

Minutes of the Salem City Council Meeting held on March 21, 2018 in the Salem City Council Chambers.

**Work Session:** 6:00 p.m.

## **1. ARROWHEAD SPRINGS DEVELOPMENT AGREEMENT DISCUSSION**

Bruce Ward stated the council should have received the new development agreement for Arrowhead Springs. There was a discussion on some of the changes that have been made to it since the last time it was reviewed. Bruce explained this development will be moving forward based on the concept. There will be a lot of addendums on this agreement as they move forward on the project. The approval of this agreement protects the city and the developer. It allows the developer to move forward with their funding and allows us to review things as they come up. He commented that this will be extra work for the staff, planning and zoning and the council. There was a discussion on the phasing of the recreation complex and the parking for it. Heath with Ridgepoint Management Group stated that there will be 502 parking stalls for the complex and some angled street parking that could be used. The mayor asked Matt Marziale how much parking is up at the Loafer View Recreation Complex. Matt replied there were 235 parking stalls.

## **2. HOME OCCUPATION BUSINESS LICENSE DISCUSSION**

Attorney Junior Baker stated last year the legislature had passed a bill that does not allow a city to charge for a home occupation business license that does not have any impact. He commented that there is no action on this item tonight, he is asking the council to review our ordinance and decide if we should leave it as it is or make changes. He mentioned that there is a change on the transient merchant license, it will be \$25 per day with a maximum of \$300. There was a discussion on what defines an impact. The council decided that having outside employees, limited to two as defined in the ordinance, or having patrons coming and going should be defined as an impact. Councilperson Cristy Simons asked about food trucks. Attorney Baker replied it would be appropriate to have that discussion. He will put something together to discuss at the next council meeting. Chief Brad James asked if businesses with no impact would still need to have inspections done. Attorney Baker mentioned that an inspection fee has been added to the ordinance. Councilperson Craig Warren replied if they don't have an impact they shouldn't need to be inspected.

Mayor Christensen stated that Matt had brought to his attention an issue with the triathlon. Matt stated that Joel Hinkley had been over the triathlon for the past 7 years. This is a private company that makes money off of the event. A meeting was set up with Joel last Thursday and he didn't show up. Matt contacted all involved parties to figure the cost to the city for the event. The number is \$8000, we have been charging \$2500 in past years. Matt sent the number to Joel and told him we will no longer be subsidizing his event. Joel contacted Matt and stated that he did not need all the services Matt was requesting payment for. They have been in negotiations since then, Matt wants to hear the council's feelings on this. Mayor Christensen said that one of Joel's point is that he already has people signed up for the triathlon and the cost going from \$2500 to \$8000 a month is a big increase. Councilperson Simons stated that we have attempted to have meetings and for two years he hasn't showed up. Councilperson Howard Chuntz asked how we subsidize other sporting

events. Matt replied that we do not subsidize any sporting events, they are all charged appropriately. He asked the council how they wanted him to proceed. It was decided to have Matt continue to correspond with Joel and let him know this is the council's decision.

**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  
David Johnson, Building Dept.  
Allison Taylor

**OTHERS PRESENT**

Paul Young, Kelly Taylor, Heath Johnson, Kevin Mayo, Rodney Mayo, Brad Fillmore, Kelton Young, Lucas Reynolds, Gavin Johnson, Jackson Quist, Talmage Wallace, Janie Christensen, Jordan Rolfe, Jamie Rolfe, Mike Nye, Trina Giffin, Jon Ward, Sid Cardon, Abbie Higginson, Sheila Hales, Allan Hales, Brad Black, William Young, Trenton Black, Justin Cuddeback, Travis Cuddeback

**1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE**

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

**2. INVITATION TO SAY PLEDGE OF ALLEGIANCE**

Kevin Humpherys 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. SPECIAL PRESENTATION – SHHS GIRLS AND BOYS BASKETBALL TEAM**

Mayor Christensen stated this is the biggest council meeting we have had. He said he is proud to honor the Salem Hills High School basketball teams that took won the state championships. He said it was great to watch them play. There was a lot of nice teamwork and it was good to see the team effort. He is proud of them. He stated that they wanted to give them all a little something for their efforts. He asked James Nelson and Lauren Guston to please come up first. He stated that Lauren holds the state scoring record, and that James

was the MVP for 4A by the Deseret News. He congratulated them both and presented them with a key to the city. He stated these 2 teams were underdogs going into the competition, but they were very put together for the tournaments. He stated that they had something for all the kids if they could come up so they could congratulate them. Everyone gave them a round of applause.

#### **4. JON COPE – VARIANCE REQUEST ON SIDE SETBACK REQUIREMENT**

Mayor Christensen stated that this had been discussed a lot, and that everyone agrees that he should be able to do this. Councilperson Sterling Rees stated that even if there is nothing to impede him from doing this we still have the ordinance. He said maybe Attorney Junior Baker could tell us if we can write something in the ordinance if a situation like this comes up. The mayor stated that a variance calls for a hardship and other factors. Councilperson Seth Sorensen asked if we could have the planning commission look at this and see if there is something we could do. Attorney Baker replied that this is a state law, so we don't control it. He stated that the council will need to look at the findings they have on the hardship and uniqueness of the lot. Jon stated that the uniqueness comes with the location of the pond's proximity to his property, there is only 16 feet to the water's edge. It would be easy to add onto the northwest part of the home if it wasn't for the pond, there just isn't room. On the south side there are 2 bedrooms, a bathroom and a load bearing wall so he cannot accomplish what he wants on that side. Jon stated that the hardship is there is no other option. He said it is also unique in the fact that it is by a city park so he would not be impeding on any neighbors. Mayor Christensen stated that there is a nice 8 foot wall between Jon's property and the park. The wall is an asset to the city park.

**MOTION BY:** Councilperson Howard Chuntz stated that he finds that there is a hardship based on the proximity of the pond to the property. He finds there is also a uniqueness to the lot and that it is surrounded by a city park and the pond. He made a motion to approve the variance request by Jon Cope based on these findings.

**SECONDED BY:** Councilperson Cristy Simons.

**VOTE:** Councilperson Sterling Rees; Nay, Councilperson Cristy Simons; Aye, Councilperson Howard Chuntz; Aye, Councilperson Seth Sorensen; Nay, Councilperson Craig Warren; Aye. (3 Aye - 2 Nay).

#### **5. RIDGEPOINT MANAGEMENT GROUP – APPROVE ARROWHEAD SPRINGS DEVELOPMENT AGREEMENT**

Bruce Ward reported this development is located off of I-15 north of Revere Health. He stated that we are moving forward going off of the concept. He said there will be 1500 units, with mixed density and housing, this is a big project. He mentioned that tonight on the agenda is the approval of the development agreement. This agreement spells out the responsibilities of the city and the responsibilities of the developer and sets the boundaries for both. He asked if the council had any questions. Councilperson Howard Chuntz asked if the senior stacked units would have elevators. Heath, with Ridgepoint Management Group, replied that they would and they will also have sprinklers for fire protection. Mayor Christensen asked how long we have been working on this project. Heath answered that it

had been about a year. Bruce stated that the old council had done a lot of work and the new council continues to work on it. He commented that DRC and Planning and Zoning have recommended approval of the development agreement. He stated that he and Attorney Baker had done a lot of work to make sure both parties are protected. He mentioned this project will change how our interchange looks, it will attract some commercial building. This project will take all the utilities out to that area. Sid Cardon asked where this project will be located from the new sewer treatment plant. Bruce stated that the development is to the East of the plant site. Sid asked how many acres the project was. Bruce replied that it was approximately 300 acres, the sewer treatment plant will be 14 acres.

**MOTION BY:** Councilperson Sterling Rees to approve the Arrowhead Springs Development Agreement.

**SECONDED BY:** Councilperson Seth Sorensen.

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

## **6. APPROVE PAVILLION AT LOAFER VIEW RECREATION COMPLEX**

Matt Marziale reported that building the pavilion in the Loafer View Recreation Complex was a budgeted item in the 2017/2018 from the recreation impact fees. This pavilion is part of the Loafer View Complex masterplan and is the last item that needs to be finished to complete the park. He has received 3 bids for the pavilion, which would be the exact same model as used by the LDS churches. It would have electricity and lighting and a steel roof. This could be purchased anytime in this budget year, but since President Trump has implemented a new tariff, the bids are only good through the end of March and then the price will go up by 25%. He has talked to Jeff Nielson and the money is available. This will be installed by the parks crew, but the owner of Smith Steelworks will be on site to instruct the crew in the building. Councilperson Sorensen asked if this would be built on the cement pad that is already there. Matt replied that since it has been 14 years since they poured the cement, there will be some concrete work that needs to be done. Councilperson Craig Warren asked what our recreation impact fee fund looks like. Jeff stated that there is approximately \$300,000.00. Matt stated that the picnic tables to go in the pavilion will be in next year's budget, paid for by impact fees. Councilperson Chuntz asked if we that gave us liability by erecting the pavilion ourselves. Attorney Baker stated that the pavilion will need to meet code but you don't have to be licensed to build it. Matt stated that we have skilled and knowledgeable crews. He expressed that Steve Cox, who is over the parks crew, used to be licensed. He stated that our crew does have the knowledge to do it. Mayor Christensen asked if this was the right time to do this, since they will be meeting with someone who may be interested in selling some property that could compliment the ballpark. Matt stated that he recommends that we purchase the pavilion now at the \$41,000 before the price goes up by 25% after March. Allan Hales asked if we absolutely need to spend this money right now with all that is going on with the sewer plant. Councilperson Sorensen stated that impact fees can only be used for the department they are assigned to and they need to be spent in a certain time frame. Allan commented that he had called the state and there is no law saying that, why spend that \$41,000 right now. Attorney Baker replied that state law requires money brought in by impact fees go to the designated department and that money needs to be spent within 6 years of when it is collected. Councilperson Warren asked what the impact to the

ballpark is without doing this. Matt replied it will be the same as the past 14 years without the pavilion. It is the last thing needed to complete the masterplan for the park. Mayor Christensen stated that he feels like the company is pushing us to buy now, and he has a feeling that something else may come up. Councilperson Rees stated that 25% is another \$10,000, and with hundreds of people using the park we should finish it. Councilperson Chuntz stated that hundreds of people have been using the park for 14 years without the pavilion. He stated that he would rather not spend that money in case it is needed for something else. Councilperson Rees stated that there is a lot of growth happening right now and we have people using the park almost year round. It would be nice for people to spend the whole day there to be able to have a place to sit down and eat. He doesn't see how we cannot improve our parks. Councilperson Sorensen commented that he spends about half his summer at the ballpark and it is really lacking a place to go and get out of the sun. He said there is no shade at that park and if you are there for 3 or 4 games it gets brutal, it would be nice to have something like this. Matt stated that the Loafer View Complex was built piece by piece with a lot of volunteers and donations, because the city didn't have the money. This is a budgeted item and we have the funding, it will be the very last piece needed to finish the park. Matt remarked the person they are meeting with to talk about the property has hard feelings towards the city and he isn't sure what will happen. The mayor replied that this is his family. Councilperson Warren asked how many acres there were in this property. Mayor Christensen stated that it was about 10 acres and they also own the East side which is 15 to 17 acres. Councilperson Chuntz stated he would like to see the money spent on having more park. He would rather have the money available than have to borrow it. He asked how much of the impact fees need to be spent now. Jeff replied that none needed to be spent, the impact fee fund was used for the purchase of the Cole property so everything in the fund now was collected this year. Councilperson Rees stated that he sees something we need versus something that might happen he would rather do what is needed.

**MOTION BY:** Councilperson Craig Warren to approve the pavilion at Loafer View Recreation Complex.

**SECONDED BY:** Councilperson Cristy Simons.

**VOTE:** Councilperson Sterling Rees; Aye, Councilperson Cristy Simons; Aye, Councilperson Howard Chuntz; Nay, Councilperson Seth Sorensen; Aye, Councilperson Craig Warren; Aye. (4 Aye - 1 Nay).

## **7. APPROVE MUNICIPAL WASTEWATER PLANNING PROGRAM ANNUAL REPORT 2018**

Matt advised that it is a requirement of the state to have the council approve the Municipal Wastewater Planning Program Annual Report. This report includes the sewer plant and the collection system, it is an evaluation to show that we are maintaining our sewer system. Matt stated that we are in good standing.

**MOTION BY:** Councilperson Cristy Simons to approve the Municipal Wastewater Planning Program Annual Report 2018.

**SECONDED BY:** Councilperson Craig Warren.

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

## 8. RECREATION FEE – NON RESIDENTIAL

Matt reported that the recreation department charges a non resident fee for people that sign up for our programs that do not live in the city. He has been communicating with the recreation departments for Spanish Fork and Payson and they would like to align this fee so that everyone is on the same page. Currently we charge a \$5 non resident fee with a team cap of \$25, Payson has a similar rate structure. Spanish Fork charges a \$10 fee, which they reduced from \$20 two years ago. We would like to change our rate to \$10 so that it is in line with Spanish Fork. Payson has asked us to let them know the decision made tonight so that they can follow suit. This way it would be a uniform fee for residents of Elk Ridge and surrounding communities where ever they go. Matt stated that we should not be subsidizing for those that are not paying taxes in Salem. He stated that 98% of Salem feels that recreation is an important part of the city, he does not care about the 2% that don't value it. Councilperson Chuntz stated we are spending a lot on recreation, which is a subsidized department. He stated that he has looked at other cities and some, like Alpine, don't have a recreation department, they send residents to the bigger cities for recreation. Councilperson Rees asked what he wanted to do, do away with recreation. Councilperson Rees stated that there is not a city in the state that doesn't have to subsidize programs, should we only allow residents from Salem to be part of our recreation. Matt responded that our recreation department runs in the black, it produces money and will continue to. He stated that parks and the pond are subsidized, our cemetery, library and city office are subsidized. He stated that the maintenance that we do on our properties is subsidized, if we don't want to do that then get rid of the property. The recreation covers all costs, officials, equipment and supervisors. Then the remaining money goes to parks cost. He said if you get rid of the activities, be ready to hire more police officers and buy more patrol cars because there will be a lot more youth out liking for trouble. He will not stand here while recreation is attacked. The town will pay if we get rid of it, businesses will suffer. Mayor Christensen asked Matt what Alpine did because he remembers playing there. Matt replied they have a parent run organization, Alpine doesn't bring any of the money in. They do collect some field rental money, so you can rent the field and then they would do the field maintenance. Matt stated that recreation is in the black and if anyone has any questions they can come and talk to him or Jeff. Councilperson Warren asked if Matt was just asking to change the fee from \$5 to \$10. Matt replied that \$10 is what they would like the fee to be. Mayor Christensen stated this was a step in the right direction. Councilperson Warren stated that he was in favor of this. Councilperson Chuntz commented that the budget numbers do not show recreation being in the black. Matt replied that he or Jeff could show him the numbers. Jeff commented that any excess money the recreation collects goes to park maintenance or park improvements. Mayor Christensen stated that raising this fee makes us more united with surrounding cities and that is a good thing. Matt said the last thing he has to add is that the last sentence on this proposal states that you must live in a home in Salem. If you own a home but do not live in it, then the renter of that home would not pay non resident fee, but the owner would. The one exception will be that business owners in Salem would not pay the non resident fee, they must provide proof that they own a business that is located in Salem.

**MOTION BY:** Councilperson Craig Warren to approve the new non resident recreation fee as proposed.

**SECONDED BY:** Councilperson Cristy Simons.

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

## **9. APPROVE MINUTES OF MARCH 7, 2018.**

**MOTION BY:** Councilperson Sterling Rees to approve the minutes of March 7, 2018.

**SECONDED BY:** Councilperson Seth Sorensen.

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

## **10. APPROVE BILLS FOR PAYMENT**

Mayor Christensen asked what the \$10,000 charge for the back hoe was, he said he thought we already had one. Matt stated the public works department doesn't have much equipment. They borrow what they can. They were trying out a compact backhoe, but that will be going back. The mayor asked if this is a one time payment. Jeff replied that it is a yearly payment for 3 years. It is divided out of the departments that use it.

**AMOUNT:** \$285,181.27

**MOTION BY:** Councilperson Craig Warren to approve the bills for payment.

**SECONDED BY:** Councilperson Seth Sorensen.

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

## **11. YOUTH COUNCIL**

Carson Peterson reported that last month they attended the youth leadership conference. There were leadership classes, motivational speakers, a dance and a banquet that they attended. He mentioned that the Easter Egg Hunt would be March 31, 2018 at 9 a.m. at the Loafer View Recreation Complex.

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

Chief Brad James stated that he had a few things to report. He stated that they are in need of a designated exchange zone. This is a place where couples can exchange kids, and also where people buying or selling items can meet. He has spoken to Jeff about this and he would like to have the parking area on Main Street be the exchange area. He is asking that we upgrade the camera system out there. Jeff stated that our current system is 10 years old and runs on XP, it needs to be upgraded. He mentioned that we have funds available for this purchase from the calendar fund and that should cover the cost. Chief James stated that the designated area would make it so we have footage available if we need it. Councilperson Warren asked how we would get that information out. Chief James replied we put it in the newsletter and on Facebook. Councilperson Rees asked how often those tapes are reviewed. The Chief stated that we only review them when there is an issue. Jeff stated the footage is retained for a week. Councilperson Chuntz asked if we could retain the footage longer, he said a week is a short time period. Chief James stated that we could look into that.

Chief James reported they had put a notice on Facebook about residents receiving a call asking for money for the police department. This is a scam.

They are in discussions with Nebo School District about safety issues at 400 North and Main Street. They are also discussing the new middle school on Woodland Hills Drive, there will be safety issues to address there.

He stated that the city had purchased 2 defibrillators for the library and the civic center. He stated that in an emergency seconds count. These are the same kind we have been using. He explained that the city staff is trained annually on CPR and utilizing those defibrillators.

He reported that the officers in his department are required to recertify in many areas each year. They have been very busy the last few months with all their training.

Last he reported that they had held the city emergency management meeting and went over the flow chart form the Mayor down. This meeting in held quarterly.

### **13. DAVE JOHNSON, BUILDING OFFICIAL DIRECTOR**

Dave Johnson was excused.

### **14. ATTORNEY JUNIOR BAKER**

Attorney Baker did not have anything to report tonight.

### **15. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER**

Jeff stated that he had sent out the one page budget summery to the council. He mentioned that we just received the invoice for the purchase of the new dump truck for public works. He stated he appreciated the directors watching their costs. The mayor asked what the expenditure for the storm drain was. Jeff replied it was for the purchase of the sweeper. Jeff reported that the city office is in need of a new server. The one we have currently is 5 years old and showing signs of failing. He has talked to Executech about the purchase of a new one. It would be about \$5000. He stated that we do have the funds available from what we have left from the election budget. Councilperson Warren asked if we had a backup. Jeff stated that we do, it would be ok if it failed but we would rather it didn't.

### **16. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR**

Matt reported that the 300 West Canal Road project was completed yesterday.

### **17. CLARK CROOK, ELECTRICAL DIRECTOR**

Clark Crook did not have anything to report tonight.

### **18. BRUCE WARD, ENGINEERING**

Bruce stated that construction season is back up. He reported that he had attended the Utah Water Users Association Conference this past week. He stated that he would like to reapply for the Water Smart Grant to help the city put in metering for the PI water. He stated that in talking with them he believes we need to modify our application and take a step back to the

\$300,000 grant instead of the million dollar level. He commented that the application fee is \$2500. Councilperson Chuntz stated that he had attended the conference and it is a good idea to do this. He stated that we need to start metering.

Bruce reported that the Planning and Zoning is working on the storage unit ordinance. This should come before the council in the second council meeting in April.

Bruce stated that Salem Canal Company will be working to finish enclosing the canal where the developer had started work but not finished. The city and canal company will need to decide together whether to back fill it. The mayor stated that it is unsightly so it would be good to back fill it. Bruce stated that it would need to be structural material that we use to back fill. We can get the word out to subdivisions that we are looking for structural fill. Councilperson Warren asked if we would still be abandoning the road up there. Bruce replied that since the developer backed out we were not. He stated that with the middle school going up there it will complicate things. He commented that if it is still a traffic problem we may have to use some roads money to abandon it.

## **COUNCIL REPORTS**

### **19. MAYOR KURT CHRISTENSEN**

Mayor Christensen stated that we are working on budgets. He mentioned that there aren't any city employee problems. The Miss Salem Pageant will be held April 20, 2018 and that Andrea is doing a wonderful job. Councilperson Warren asked if we had problems with having contestants from Elk Ridge and Woodland Hills compete. The mayor answered that we can set the rules of the pageant. Councilperson Rees stated that it would be tough not to let them participate since they all go to school together. Mayor Christensen explained that we do school type areas.

### **20. COUNCILPERSON STERLING REES**

Councilperson Rees reminded the council that the UMPA member conference will be held April 6, 7 and 8, 2018. They are all invited if they would like to attend.

### **21. COUNCILPERSON CRISTY SIMONS**

Councilperson Simons stated that all is well. The mayor asked about the senior lunches, she replied it is still growing and she loves the days when they are held. She stated that the summer concerts have all been set, and that the recreation department is starting spring registrations.

### **22. COUNCILPERSON HOWARD CHUNTZ**

Councilperson Chuntz stated he is concerned about water, he stated that we were only at 62% of normal, and if we get a few storms we may get up to 75%. He said they think we will start to have more dry years than wet years, and more rain than snow. That means our snowpack will be less. He stated that the legislature is looking to make metering mandatory on PI systems, this is more motivation for us to start metering. Then everyone will be paying for what they use. He stated that he will continue to look into systems and grants to get the

metering paid for. He will look at the numbers and Bruce can look at the technology. He said there is a lot going on with water, and most of it doesn't look good. He commented he doesn't want to scare people and we won't run out of water, at least not in this decade. He said we have had drier years than this one and we have gotten through them.

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

Councilperson Sorensen reported that the green waste will be open April 9-21, 2018. The hours will be 2 p.m. to 6 p.m. on weekdays and 12 p.m. to 6 p.m. on Saturdays. Councilperson Simons asked if we could put that on Facebook. Jeff replied that we would. Jeff asked if the council wanted to do the green waste vouchers that we have done in the previous years. Each resident can get 2 vouchers per year and take their green waste over to the transfer station. He recommends that we do this again. Chief James commented this helps keep it off the side of the road. Councilperson Sorensen stated that the Easter Egg Hunt will be held March 31, 2018 at the Loafer View Recreation Complex. He stated they are still looking for anyone that is willing to donate. Councilperson Rees asked if they are asking for prizes or cash. Councilperson Sorensen said either.

### **24. COUNCILPERSON CRAIG WARREN**

Councilperson Warren stated that he did not have anything to report tonight. He will be attending the solid waste meeting next Wednesday.

### **ADJOURN CITY COUNCIL MEETING**

**MOTION BY:** Councilperson Sterling Rees to adjourn city council meeting.

**SECONDED BY:** Councilperson Cristy Simons.

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

Matt mentioned that the color fest is being held this weekend.

**MEETING ADJOURNED AT:** 8:49 p.m.

---

Jeffrey Nielson, City Recorder