

Minutes of the Salem City Council Meeting held on March 4, 2020 in the Salem City Council Chambers.

Work Session: 6:00 p.m.

1. OPEN MEETING TRAINING

Attorney Junior Baker advised that state law requires us to do open meeting training. This is good information for the new council members to have, and a refresher for those that have already been serving. He went through the training.

2. MIKE HATCH- CONCEPT DISCUSSION FOR R-5

Bruce Ward introduced Mike Hatch, he owns property out by Revere. He will be back for a zone change request at some point, but tonight he is here to ask the council what kind of development they would like to see on this property. He showed a few different designs. The council liked the mix of single family homes and townhomes with public streets. Bruce stated that the R-5 zone does allow private roads, but if the council doesn't want them they should take that out of the ordinance. The council asked to have the Planning Commission look at that.

3. UMPA CLEAN AIR EQUIPMENT EXCHANGE PROGRAM

4. AGENDA ITEM DISCUSSION

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, via speakerphone
Councilperson Tim DeGraw

STAFF PRESENT:

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

OTHERS PRESENT

Dean Ingram, Shaylee Obray, Kiera Nelson, Maddi McNaughtan, Aubia Thayer, Josh Thayer, Israel Patterson, James Booth, Gene Mecham, Liz Kendrick, Ruby Brockbank, Austin Hallows, Cruz Sanchez, Caden Black, Steed Munn, Jamie Maag, Cynthia Rees, Mike Wilson, McKenna Olsen, Jon Doherty, Michelle Doherty, Dana L. Jones, Reece Britton, Peggy Ostler, Gracie Gagon, Addie Dyches, Karen Boothe, Jen Watson, Olivia Flitton, Hunter Stratton, Jane Ann Everson, Lane Everson, Jan J. Ward, Kerry Burnham, Valrie Stoneman, Samantha Brinkerhoff

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

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

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Maddie McNaughtan invited those who wish to participate, to stand and say the pledge of allegiance with her. She 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 Howard Chuntz.

VOTE: All Affirmative (5-0).

a. ORDINANCE REAPPROVING VACATING A PORTION OF 80 SOUTH STREET

Bruce Ward stated this is the second platting process for this development. The first time this ordinance was passed to vacate a portion of 80 South was 2 years ago, so this needs to be reapproved. The legal description doesn't match the plat, so they need to reapprove the ordinance to make sure the records are correct. This does require another public hearing. Bruce advised the traffic study done on 80 South by Horrocks Engineering highly recommended abandoning the 80 South entrance onto Woodland Hills Drive for safety reasons. The mayor asked if there was any public comment. There was none.

(to close)

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

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (5-0).

Councilperson Sterling Rees asked when this would be effective. Attorney Junior Baker replied when the crossroad was completed. Chief Brad James stated once 80 South is connected to the canal road then it would be vacated. Councilperson Rees stated he is concerned this will impact the traffic in that area especially while they have construction going on. Bruce commented it will make it a safer situation. Chief James stated there will be a learning curve with the new middle school up there and it will cause traffic challenges. Dean Ingram, with Arive Homes, stated they will be installing a trail so it should make it safer for people that are walking. Councilperson Delys Snyder mentioned she is concerned about shutting down an east west road because we don't have enough of them. The mayor stated this road and canal road are too close to each other where they enter Woodland Hills Drive. Councilperson Seth Sorensen mentioned he has seen a lot of accidents and near misses at these intersections.

MOTION BY: Councilperson Howard Chuntz to approve the vacating of a portion of 80 South Street.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (5-0).

4. YOUTH COUNCIL

There was not a member of the youth council available. Councilperson Sorensen mentioned to the youth in attendance this is a great organization and they should look into it. It provides a lot of great opportunity.

5. SF/SALEM CHAMBER OF COMMERCE

There was not a representative from the chamber available tonight.

6. LIBRARY – YEAR END REPORT FOR 2020

Kerry Burnham, the director of Salem Library, introduced Valrie Stoneman who is the library board chairperson. Kerry stated she appreciates all the support from the council. Valrie asked if the council had any questions on the report. Valrie reported the number of users for the library is down on the report, that is because with their new software they were able to go through and purge some of the users that had not been there for a long time. She said both physical and electronic circulation have increased. Electronic materials include e-books, audio books, and magazine downloads. The library has seen some decrease in certain programs, so they are putting more energy into the ones that have been successful. She mentioned that take your child to the library day had been an overwhelming success. She said the library continues to grow and have great success. The mayor commented the library parking lot is always full. He asked how many volunteer hours they had. Kerry replied they had about 253 volunteer hours. She said she is happy to see the number of people that come into the library, they have a lot that come in to use the computers and the internet. She said they also have a lot more people accessing the library website. The mayor and council thanked them for all they do. Councilperson Tim DeGraw asked if they needed anything from the council. Kerry said they didn't and thanked them for the support.

7. SALEM SPRINGS – 6 MONTH EXTENTION ON SUBDIVISION

Bruce introduced Israel Patterson, of Patterson homes. Mayor Christensen stated Israel is asking for a 6 month extension for the Salem Springs Subdivision. Bruce mentioned staff recommends approval of the extension.

MOTION BY: Councilperson Howard Chuntz to approve the 6 month subdivision extension for Salem Springs.

SECONDED BY: Councilperson Tim DeGraw.

VOTE: All Affirmative (5-0).

8. CITIZEN REQUEST – LANE EVERSON

Lane Everson stated he lives at 220 South Main. He has owned the house for over 10 years and since he had a business in Vegas they came up to the house every couple of months. When his neighbor purchased his house, they began having problems and they are dealing with them in court. He said he won the court case in November. He thinks there is misunderstanding between him and the city, he has been talking to Steve Cox and Chief James about the house being built on his neighbor's property. He said the city knew there was a dispute over the property line, he sent an email on June 19, 2018, stating that they needed to be careful of the property lines if they allowed his neighbor to build. He challenged whether Josh Thayer should have been allowed the zone change that he requested on June 20, 2019. In the minutes of that meeting Josh stated twice that the dispute had been settled, which was not true. Lane continued to call Dave Johnson, to speak to him about the boundary lines of the property. He was assured by Mr. Johnson that everything would be fine. Dave said they would be measuring from the other side of the property. Lane said when he saw they hole that was being dug on his security camera he called Mr. Johnson

again, because the hole appeared to be too close to his property. Mr. Johnson stated again that everything was fine. Lane said his brother in law measured that distance and it is not 10 feet. He tried to talk to Chief James, and was told it is a civil issue. This is the part that bothers him. He is not talking about the disputed property line. What he is trying to do is get someone to come out and measure and make sure the house is where it should be. That is a city action not a civil one. No one will do anything because Josh will not let them on his property even though Josh signed a building application with the city that he will follow all city and state laws. Lane said if you don't count the chimney Josh's house is only 7 ½ feet from his property line, with the chimney it is even less. He had his house appraised with the house next door and without and there is a substantial difference, the house is too close to his property. The house is not where it should be. He has been trying to get help from the city for 2 years, and he is done. He is tired of being the nice guy, if something is not looked at he is putting the city on notice. He is asking that someone go out and measure, he said if it was done a year ago when he asked the building would have stopped then. He stated that he won the lawsuit, it is now under appeal, but until a judge decides differently the decision stands. He asked if they had any questions for him. Councilperson Howard Chuntz asked what Steve Cox's impression was of the situation. Steve stated he has talked to Dave, Dave said that he measured from the other side of the property. Lane said he didn't know if someone has moved the stakes but the house is not 10 feet from his property line. He and Josh have both had surveys done. He thinks maybe the stakes were moved, he said Josh will come up and say he didn't move them, so he doesn't know who did. Councilperson Sorensen commented this is something the city will have to look into. Lane said they can issue an easement but only if none of this is Josh's fault. Councilperson Sorensen said there is a lot of hearsay on both sides and it will need to be looked at. Lane said the city has already issued one red tag, and even then he continued to work on the house. Mayor Christensen stated Dave Johnson measured to the best of his ability, we don't go out and do surveys. Lane said his only complaint is about the house not being 10 feet from his property line. He wants the city to take measurements and then they will see it doesn't conform. This has nothing to do with the property dispute, he wants the measurements taken from the plans that were turned into the city and approved. His request is for the city to go out and measure and check the distance. Councilperson Chuntz asked Attorney Junior Baker about our compliance system. Attorney Baker replied we verify that a building meets compliance, we don't do surveys. Councilperson Chuntz asked if we have done that. Steve replied in speaking with Dave, we measured the setbacks pulling off of the south side of the property. Councilperson Chuntz asked if the measurements were done before the footings were put in. Steve replied they were. Lane said they were told that Josh owned to the center of the hedge and that isn't right. His request is that they come out and measure. Attorney Baker said if he is asking the city to look into it, we should look into it. Councilperson Chuntz asked if the measurement are off we could do a cease and desist, and if they are ok they can continue with their court proceedings. Lane said he is happy with that, that is all he is asking for. Councilperson Chuntz asked what boundary line we would be measuring from. Lane said to use the survey that Josh used when he applied for the home. That is the most fair to do it with the information that Dave Johnson approved the permit with. Councilperson Chuntz asked if Josh Thayer would allow Steve to come and measure his property. Josh replied he would not. Josh stated that the permit had already been approved, and in the inspection report it says it was measured. Lane said Josh signed the building permit application and has to follow the rules. Councilperson Rees said they will take the

advisement of their attorney and look into the situation, it will not be resolved tonight. Josh stated he has a no contact order on this type of situation. Lane stated the no contact order is between them and not this. Councilperson Sorensen asked Lane to give them some time on this, they don't have all the information and are not experts on this. Lane said he is just here to ask them to look at it, they live here full time now and it is a difficult situation. He is sure they are tired of hearing about it, and he tries not to complain, and he wishes it could be over. The mayor said they have heard the request and will look into it, Steve will let him know what they are doing. Lane thanked the council.

9. APPROVE PURCHASE OF SNOWPLOWS AND SANDERS

Matt Marziale stated in the current budget, James Thomas, the roads director, had money to replace one of the dump truck beds. As they have been looking at their equipment, James thinks the money would be better spent replacing a couple of snowplow blades and buying an additional sander. This is under the amount that he had budgeted for the dump truck bed replacement.

MOTION BY: Councilperson Seth Sorenson to approve the purchase of the snowplows and sanders.

SECONDED BY: Councilperson Tim DeGraw.

VOTE: All Affirmative (5-0).

10. APPROVE INTERLOCAL AGREEMENT WITH WOODLAND HILLS FOR AMBULANCE MUTUAL AID

Chief James stated Woodland Hills is branching out to have their own ambulance service. One requirement would be that they have an interlocal agreement with another city to provide for overflow or more demand, they have asked us to do that. The agreement has been reviewed by Attorney Baker. Councilperson DeGraw asked how many calls we usually get to Woodland Hills. Captain Karen Boothe replied we get about 24 to 25 calls a month. Karen said they have their ambulance but they cannot respond until they are certified, they are trying to have that done by the end of April. She mentioned this agreement will be on a yearly basis. Councilperson Rees asked if this is something they wanted. Chief James said they had requested it.

MOTION BY: Councilperson Sterling Rees to approve the interlocal agreement with Woodland Hills for Ambulance Mutual Aid.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (5-0).

11. APPROVE MINUTES OF FEBRUARY 19, 2020

MOTION BY: Councilperson Seth Sorensen to approve the minutes of February 19, 2020.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

12. APPROVE BILLS FOR PAYMENT

AMOUNT: \$652,116.26

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

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (5-0).

Mayor Christensen asked if there was anything citizens would like to discuss. Gene Mecham said he lives on 600 South he said he and his neighbors are concerned about the city wanting to open that road to through traffic. He asked if they had looked at developing 820 South. The mayor said they had but they don't own that property, he said someday that will probably go through also. Gene said they held a meeting Sunday and most of the concerns were safety. The mayor said they have no intention of a cheap fix, they will do a lot of improvements to make it wide and safe. Gene said there was also concern about the amount of traffic. Mike Wilson asked if the mayor could attend a neighborhood meeting. The mayor said he will get one set up. He wants to make sure it is done right.

13. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief James asked to be put on the next work session to present the yearend report. He stated Officer Stones is in the academy and things are going well. Looking forward we need to make sure we are retaining our officers.

He reported both Chief Jim Ealey and Captain Karen Boothe are taking measures to be safe from the Coronavirus. He is working with Jeff Nielson on the public safety budgets.

Councilperson DeGraw asked where Salem is on salaries and benefits in comparison to other cities for officers. Chief James replied we are close to the bottom on salary, but we do some things to keep employees. He said our benefits are like gold compared to some other communities. Councilperson DeGraw asked if he could get some comparisons to look at.

Chief James said he would, he mentioned the mayor and council had given them a considerable raise. Councilperson DeGraw said he would like to see us maintain our level of safety and not lose our officers to other cities.

14. STEVE COX, BUILDING OFFICIAL DIRECTOR

Steve 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 Nielson reminded the council and staff that budgets are due next Friday.

17. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt mentioned the recreation community guide is done, he is having them delivered around town.

He has talked to Councilperson Sorensen about opening the green waste yard. The mayor asked if they could discuss that at the next meeting.

Matt stated we will be having a storm water audit with the state next Monday and Tuesday. They will be doing physical inspections and interviews with employees.

Matt reported we had a citizen request to look into the diagonal parking at Salem Hills Pharmacy. Chief James suggested changing the diagonal parking to parallel parking. The neighbors are concerned there isn't enough parking already so people will be parking in front of their property. They are looking into doing road improvements on 100 North and Main. He will be discussing this with the neighbors and bring it back to council. The goal is to make the intersection safer.

18. TED BARNETT, ELECTRICAL DIRECTOR

Adam Clements stated UMPA has a program where they will give you a rebate on new battery powered yard equipment when you take your old gas powered in. The city is participating in this program. Councilperson Rees said this is a good program we need to decide how to use it.

19. BRUCE WARD, ENGINEERING

Bruce stated Dean Ingram is here tonight, he proposed a fence for his project on Woodland Hills Drive that is different from our requirements. He will come to the next council for the council to look at that proposal, DRC thought it was a good idea. The council has the authority to grant a variance on fencing.

He mentioned the Central Utah Conservatory District thinks they could be ready to install the pipeline in the fall of 2021. This will have a big impact on canal road, and we need to start looking into funding for our share of the cost to do the improvements.

They will be going to St. George to talk with the water resource board about funding for our PI meters. The board suggested separate funding for the PI meters and the pump station since they are separate projects.

COUNCIL REPORTS

20. MAYOR KURT CHRISTENSEN

Mayor Christensen stated he and Councilperson Rees went to Washington D.C. to attend the American Power legislative rally. It was good and they met with a lot of our elected officials.

The mayor mentioned Salem has great residents, they had a citizen donate \$12,000 to Cole Park.

21. COUNCILPERSON STERLING REES

Councilperson Rees reminded the council that the UMPA conference will be held March 25, 26, and 27. 2020. He said it is a good meeting and there is a lot of good information.

22. COUNCILPERSON SETH SORENSEN

Councilperson Sorensen did not have anything to report tonight.

23. COUNCILPERSON HOWARD CHUNTZ

Councilperson Chuntz did not have anything to report tonight

24. COUNCILPERSON DELYS SNYDER

Councilperson Delys Snyder did not have anything to report tonight.

25. COUNCILPERSON TIM DEGRAW

Councilperson DeGraw stated he will be attending the youth council conference banquet. He said there are good statistics coming from the new sewer plant, there is a lot of good work being done there.

Mayor Christensen said there will start working on the trailer dump and getting that working and improved. Matt said they hope to be done by Easter.

26. CLOSED SESSION - LITIGATION

MOTION BY: Councilperson Howard Chuntz to move to a closed session.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (5-0).

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Sterling Rees to adjourn council meeting.

SECONDED BY: Councilperson Tim DeGraw.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 10:00 p.m.