

Minutes of the Salem City Council Meeting held on April 21, 2021 in the Salem City Council Chambers.

Work Session: 6:00 p.m.

AGENDA ITEM DISCUSSION

LHD Real Estate is going from A1-R12 on 46 acres. This property is from Main Street to 460 West. The applicant is asking to be considered for R12 zone. General plan density for a portion of this property is 2.0 to 3.0 units per acre and another portion the general plan is 2.0 to 2.5 units per acre density. The density R12 the highest it can get is 2.85 units per acre but more realistically 2.5 or 2.6 units per acre. This is within our general plan. They have previously petitioned for R8 and R10. Bruce Ward said it appears to be within our general plan. Bruce Ward stated at the last meeting LHD Real Estate showed a concept for the site but tonight we are simply approving the lot sizes and frontages. Councilperson Chuntz commented he thought they requested R8 & R10 in the portion closer to Beet Road. Councilperson Snyder stated she thought it was one of their first request. Councilperson Chuntz asked why we can't just zone it all R12? Mayor Christensen said they are requesting the whole thing R12. Mayor Christensen stated R8 & R10 are not in this consideration.

Fieldstone Homes (Peterson Property) and they have previously requested R5, R8, R10. At the last meeting they were denied, and they asked what we would consider? Bruce Ward stated the answer that night was R15 and we might be willing to look at R12. The general plan states 2.0-3.0 units per acre. In this request William and Ben Burke's properties are now included in this zone change.

Skyhawk Knoll an Arive Home Subdivision located 400 North Woodland Hills Dr. Is currently zoned R12 they have submitted a Preliminary Plat. This has been reviewed by staff and it meets the requirements for Preliminary plat and recommended for approval. To the south is R15 but at that time it was approved as a Plan Unit Development which allowed for just under an R10. Mayor Christensen asked to explain how it was R15, but they didn't even get to an R10. Bruce Ward stated at that time, when it was developed there was a Plan Unit Development Ordinance and it wasn't a zone it was an ordinance and they were able to do things to get more density bonuses by doing certain improvements. This is a 53-unit subdivision on 23.5 acres and meets the requirements. Planning and Zoning suggested to add a masonry wall on 600 North. The 600 North Road doesn't exist at this time, but they will build half of it. Councilperson Rees asked if the masonry wall is only required for the East side and not the North end. Bruce Ward stated Planning and Zoning recommendation was to have the wall on 600 North. Mayor Christensen stated that no one will be backing out on to 600 North it will be back yards. This will be a busy road continuing down to the highway. Councilperson De Graw stated not everyone wants a masonry wall. Jeff Nielson said we need to consider the homeowners back yards being on a busy road. Bruce Ward

stated they will know that information when purchasing the home. We could potentially put the same on the other side of 600 North. Councilperson De Graw asked how big will the road be? Bruce Ward said 80 ft cross section of road. Bruce Ward said we are working on some traffic studies. Bruce Ward said we can leave the wall off the agreement if we don't feel comfortable and the homeowners can take care of it. Bruce Ward said we should bring this up with Dean Ingram with Arive Homes and get his opinion. Mayor Christensen said it will look better if the developer puts the fence in. Councilperson Sorensen said homeowners will put a fence up, but they won't look the same. Bruce Ward said we can talk about green space options.

SEWER IMPACT FEE DISCUSSION

James Browne with Forsgren showed a review of the 2017 Impact Fee report with 11 projects and a total of \$3532.71. James also discussed the Changes in the 2021 report. On that list they showed items not previously on the list and items that will be taken off. Mayor Christensen asked what the increases were, and James stated in the 2017 Report it was based on the budget of 15 million and the final cost of the project was 20 million. Recommendation for the 2021 Impact Fee is \$5376.67. A copy of the report was sent to the Homer Builders Association and they had no comment. Bruce Ward stated as new projects come and as the growth continues, we could potentially be revisiting this annually or on an 18 months basis. Councilperson Sorensen asked if we would incorporate it with the budget and Jeff Nielson said we have to do the studies and public hearings. There is a 90-day waiting period to increase the fee. Bruce Ward said we could consider taken off the H2 and H3 Arrowhead Trail Interceptors, but we will end up adding them back in later. Mayor Christensen asked if the impact fee should be towards Arrowhead or anyone that builds? Attorney Pickell said we can take it out and make it their responsibility, but the only challenge would be who pays for that or is served by that, we could have portion shared calculation. Councilperson De Graw commented at what point are we going to increase the fees in addition to the impact fees? Is that timeline 5-10 years out before we have to consider something different? Jeff Nielson stated it depends on the needs of the sewer and the cost are going up at the sewer plant and we can't use the impact fees. Mayor Christensen said let's look to make this fair for everyone. Bruce Ward liked leaving the Arrowhead projects in, but we can add it back in as a number verses an estimate. Councilperson Chuntz stated when we add the extra \$500 next year to the impact fee it not only affects Arrowhead, but it also affects those applying for a permit. Councilperson Chuntz wanted to know if we could do a specific fee for a development. Attorney Pickell said we can do different impact fees and service areas, so if you have one section in the community and you do your study that way than you can. Jeff Nielson said it becomes an issue for book work because you have to track multiple things.

Pressurized Irrigation Rate

Bruce Ward commented meters are being installed as we speak. We currently have 12-14 schools and churches. All Nebo schools have meters and 900 meters are installed on residential. Councilperson Chuntz had brought up in a previous meeting that the biggest water users need to be the examples. Bruce Ward agreed with Councilperson Chuntz. Bruce Ward said if we can take the school district, the churches and city parks and lead the way with water conservation that would be great. We are only asking people to use what their yards need. Bruce Ward, Jeff Nielson and Attorney Pickell came up with a PI Rate that we can start charging our institutional users. Bruce Ward said we came up with a rate structure. This will generate roughly same amount of revenue as previous year. This will give the schools and church an idea of what they can do and can't do. This is a one-year rate, and this will change once we redo the whole system, and everybody is metered. Bruce Ward said we are recommending we start charging the institutional users including the parks. Mayor Christensen asked Matt Marziale if there is an agreement with Nebo School District to use their facilities. Matt Marziale said only with the high school. The interlocal agreement address the water use at the high school for the swap of us using the high school facilities. Bruce Ward said we can re-negotiate the agreement with the school. Councilperson De Graw commented do we recommend not putting in grass and maybe put in other options. Councilperson Sorensen commented Nebo has not been able to track the water usage in the past because they are not metered. Councilperson Chuntz asked Councilperson Sorensen if anything was brought up about reducing water usage at the Nebo School Board meeting. Councilperson Sorensen said he didn't recall that being brought up.

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 -via zoom
Councilperson Delys Snyder -via zoom
Councilperson Tim De Graw

STAFF PRESENT:

Jeffrey Nielson, Finance/Recorder
Vaughn Pickell, City Attorney
Chief Brad James, Police Chief
Ted Barnett, Power
Matt Marziale, PW/Recreation
Bruce Ward, City Engineer
Steve Cox, Building Dept.
Robyn Mortensen

OTHERS PRESENT

William Burk, Julie Wood, Matt Wood, Mary Lynn Baird, Shirlynn Baird, Brian Riding, Karen Riding, Jason Broome, Katie Williams, Mattison Wood, Greg Hunt, George Rasband, Randy Smith, Sophie Wakeland, Adam Wakeland, Jen Wakeland, Kelly Swenson, Berdell Olsen, Nedra J Curtis, Evelyn Christensen, Ben Burk, Chad Peterson, Seth Hansen, Scott Bishop, Paul Taylor, Ken Wright, Dean Ingram, Duane Hill, Sandy Hill, Andrade Christensen, Andrew Ottesen, Paul Burgan, Marilyn Cope, Val Cope

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

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

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Bruce Ward 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 member from the Youth Council present tonight.

4. SF/SALEM CHAMBER OF COMMERCE

There was not a member from the SF/Salem Chamber of Commerce present tonight

5. SWEARING IN NEW POLICE OFFICER

Chief James stated it is his privilege to introduce our new police officer Jamie Lynn Wood. She is from Mapleton and has 5-years of experience in dispatch with Salt Lake City and Springville City. Jamie graduated last Thursday from the Police Academy. She has a bachelor's degree in Criminal Justice and a master's degree in Public Service. She has done everything she needs to do to be a successful officer. Jamie took a moment to introduce her family. Jamie Wood stood before the Mayor and Council and stated she is honored to be here. Jeff Nielson had Jamie Lynn Wood recite the oath of office.

6. PUBLIC HEARING

Mayor Christensen gave an outline for the Public Hearing

We appreciate all public comments. It is your concerns and involvement that make this area a great place to live and raise your family. As we move into the Public Hearing, we ask that you concentrate on the people's interest and time. We want to hear from everyone. If you agree with someone, you can stand up and state your name and state if you agree with their comments. If you have something to add, please add it and we will give each person 3 minutes. We also want to remind you that it is inappropriate to cheer or clap, the purpose of a Public Hearing is to allow everyone to express their opinions. Whether you agree or disagree with the agenda item. Intimidation or Public clamor will not be tolerated. Let's give everyone respect.

MOTION BY: Councilperson Sorensen motion to open Public Hearing

SECONDED BY: Councilperson Rees

VOTE: Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Sterling Rees; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (5 Ayes)

A. LHD REAL ESTATE REQUEST FOR A ZONE CHANGE ON APPROX. 46.4 ACRES OF PROPERTY LOCATED AT 605 N MAIN STREET FROM A1-R12.

They have proposed a zone change on approximately 46 acres located at 605 N Main from an A1 to R12. The R12 zone is a single-family residential zone and requires 100-foot frontage as well as a 12,000 square foot minimum lots. This property goes from Main Street to 460 West. The property has two designation. Historic Salem Extension which has a general plan designation of 2.0-3.0 units per acre and the West Transition designation has a general plan of 2.0-2.5. An R12 is roughly 2.5 maybe a little more or less depending on the shape. Bruce Ward commented it fits within the general plan.

Public Comment:

Brian Riding is associated with the LHD property and he stated the family has been 6 years working to get the property sold and they have spent a lot of money to get to this point. He

stated the R12 zone is a nice size lot. This will accommodate a nice home with a 3-car garage. He knows other areas in the city that have been zoned R12 and he thinks it is a good zone change for the area and to help the family to sell the property.

Kelly Swenson a nonresident commented on both zone changes. She stated she is not against a zone change but she wants the city to be mindful of what they envision for it. They don't have to do R12. People live in Salem because of the small-town community feel and values centered around open space and agriculture land. They don't care about fiber internet or fancy things. Salem's motto is City of Peace. She stated our motto advertises our identity as a small community. Kelly stated to protect Salem we need to stick to the zoning and general plan. She believes these areas were zoned with vision of Salem in mind. Each time a zone change is allowed it chips away at the vision of Salem. Kelly stated this compromises the character of Salem. She is against the zone changes. Kelly stated if you are going to pass these zone changes than she would like an explanation of why it will be better for Salem and the residents and what warrants it. Kelly Swenson asked the Mayor and Council to please keep in mind the vision of Salem. She thinks we are in danger of losing the character of Salem.

William Burk a Salem resident commented he used to be against higher density and has partial changed his mind. William stated I have children and grandchildren that would love to build and live in Salem. In a typical city this property next to a busy road would be filled with townhomes and apartment buildings, but we have a master plan that is well thought out. William understands we must have a balance with the property owners' rights and that is tough. As for the fiber optics William stated there is an overwhelming desire to have the internet and residents can't wait for the access to fiber optics in their home and that doesn't have anything to do with the zone change. William mentioned the R12 and R15 zones have the same frontage requirements. He is in favor of the zone changes.

Sandy Hill a Salem resident stated she was in agreeance with Mrs. Swenson. Sandy lives at 485 West 800 South and that is an R15 area. She worries about the R12 and that we just keep putting more in the city and she would like it to remain R15. She asked the Mayor and Council to please explain the reasoning for the zone change. She was concerned about how we will pay for the water. Sandy Hill felt the Fiber internet is more of a cost issue.

George Rasband a Salem resident stated this is the 5th time we have discussed this properties zone. For the most part he has been opposed. George said he has 1200 ft of acreage next to the FieldStone property. George stated there is very little difference from a R12 to a R15. He stated on an R15 there would be 10 homes along his property line and on an R12 15 homes. George said times have changed. George gave a little history on when he first purchased his property. He built his home and planned on building a second home later next to it, but the economy crashed and when the economy came back, he went back to build and it was re-zoned. George stated he has as much property as they are considering next door and he wants to be treated reasonably. He thinks R12 is a reasonable zone for this property. George wants to support the property owners and he also wants the same respect. George remembers when we didn't have a freeway. George Rasband is in favor of moving the zone to an R12 zone.

Paul Burgan a nonresident stated he is against the approval of the zone changes. He is frustrated that we keep chipping away and giving the developers what they want. Paul stated there is no communication and there is no visible evidence that the council cares about the master plan and protecting what's in the master plan. Paul said as far as he can tell, he felt we were giving the developers everything they want. Paul said there is no evidence that we are trying to preserve the quality of life in Salem, all we see and hear is all the improvements and what the developers want. Paul Burgan stated if we are proactive in keeping the balance in the master plan and look and feel and open spaces that people said they want that's reflected in the master plan. Paul stated that in Kelly Swenson social media post everyone wanted open spaces and there is a 3700-signature petition. Paul said every time we ask what people want, there is an overwhelming response of people wanting open space, to preserve the look and feel and they want a good quality of life. They want what we've had. Paul stated we keep telling you what we want, and we see nothing to the point of doing anything specific or being proactive to preserve what we have, and people want. Paul Burgan said if the city is doing something than the city is doing a horrible job communicating that and he doesn't think the city is doing anything because Paul doesn't see it. He wants the city to be proactive and specific and say here's what's in the master plan and this is what people want and here's how you can protect the look and feel of Salem. Councilperson Sorensen asked Paul if he had read the master plan and Paul Burgan stated yes. Councilperson Sorensen commented then you would see that this fits within the master plan. Paul said that's right, but he feels it just keeps chipping away. Councilperson Sorensen asked how is it chipping away if it's within the master plan? Paul Burgan stated his point is, communicate with us on how you are preserving the master plan and what people want. Paul feels the city isn't doing that active step to preserve the balance. Paul asked to please communicate it. Councilperson Sorensen stated come to council meeting more often. Councilperson Sorensen said we love to have people come to the meetings because that's how we get feedback.

Berdall Olsen a nonresident stated he owns the ground next to the (Peterson) property and he thinks it is an appropriate zone change for that area and he has more to lose than anyone. Berdall commented progress is progress. Berdell said the council has done a wonderful job. Berdell Olsen is in favor of this zone change.

Mayor Christensen wanted to clarify the property owners next to the Fieldstone Homes Property are in favor and they all stated yes.

Kelly Swenson a nonresident said she is not advocating for a moratorium on building but asked to be thoughtful on how we implement changes.

Seth Hansen a Salem Resident stated he lived here growing up and moved away when he got married and then he has returned. Seth appreciates the feel of Salem and a lot of that is because of the people who live here. Seth commented he has lived in the middle of Salt Lake and Provo. He has seen a lot of areas with high density. Seth Hansen commented there was a lot of great kids and people, but we see a lot of significant issues in those areas. Seth Hansen is also concerned about the water, the potential cost and the source and where we are getting enough water to provide for all the new development.

Councilperson De Graw commented it is his understand the western portion of the LHD property, that there is a fair amount of work that needs to go in to working with the Army Core of Engineering. Is there going to be a concern about developing on wetland. He knows we only have so much say on the property. What are the environmental affects? Is there going to be long term effects.

**B. FIELDSTONE HOMES REQUEST FOR A ZONE CHANGE ON
APPROX. 24 ACRES OF PROPERTY LOCATED AT 701 EAST 1330
NORTH FROM R15-R12.**

Bruce Ward stated Fieldstone Homes is requesting to be R12 zone on 24 acres. General plan is 2.0-3.0 units per acre density. Bruce Ward said this does follow with general plan.

C. ORDINANCE ENACTING A SEWER IMPACT FEE

Jason Broome is here to discuss the Sewer Impact Fee update. Mayor Christensen asked Jason to explain what an impact fee is so those who don't know can be informed. Jason stated the purpose of an impact fee is to look at the future grow within the city and looks at the infrastructure that is needed and instead of charging those cost to the current residents an impact fee is done. The Impact fee is charged to the new homes that are put in and this takes the burden off the current residents. Mayor Christensen asked if the city comes up with the fee? Jason commented Forsgren and engineering staff look at where the different developments are going and the density and come up with a plan of the this is the size, and this is the length of different pipes. We look at how much new is feeding into each part and how much is existing feeding in and a share of the new is put in the impact fee. Jason gave an example if a Project is \$100,000 50% is new development and then we charge 50,000 in impact fees to cover the difference to the new population. 2017 is the most recent impact fee that has been implemented. Jason showed a report with the 2017 fees with a total of 11 projects and a total of \$3532.71. He then showed a comparison with the 2021 report that is being proposed. He talked about projects that would be absorbed into other projects and other projects not likely to get built in the next 6 years. Jason clarified the changes, such as changes to the cost of pipe routing or actual cost for the commitment. When the treatment plan was put in the cost estimate was suggesting 15 million at that time and due to the increase in cost of construction, we are estimating 20 million to capture the right impact fees to stay. The recommendation for the new impact fee is \$5376.67

MOTION BY: Councilperson Rees motion to Close Public Hearing

SECONDED BY: Councilperson Sorensen

VOTE: Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Sterling Rees; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (5 Ayes)

Councilperson De Graw asked if we will run into other problems that might come up if it gets sold again? Bruce Ward said Army Core is the first and last word on wetlands. They do what is in their charter. They dictate what is wetlands and what isn't. When you speak to the Army Core there is two options they will give 1st option can be stay out of the wetlands and 2nd is the mitigation option, and that will allow you to enhance the wetland or possibility replace a wetland in another area. The litigation process is a hard process but can happen. We require engineering studies and they identify all potential hazards in the soil.

Councilperson Rees commented when he hears we aren't doing anything it bothers him. Councilperson Rees stated he has sat here for a number of years and has watched the development and the proposed things going out by Revere Health. The number of acres that are being developed, the developers are coming in and saying they will put in so many ballparks, trails, soccer, etc. They are putting in 10's or even \$100,000 of dollars in development for the community to have green space, recreation and parks. Councilperson Rees is shocked to hear that we are not doing anything and is offended by the comments. He has seen developments come in here year after year and he sees what is being done to approve the quality of life in Salem. He is offended when people say we don't care. Councilperson Rees commented this is why we sit up here, because we care. We can't change development it will happen whether we like it or not. It is so minimal, yes it might be a few homes here or there, but when building lots run \$180,000 to \$200,000 how many young people can afford that and then build a home on it. Councilperson Rees stated some developments have come in and requested R5, R8 and R10 and we have turned them down multiple times. Councilperson Rees stated we do a lot of work and spend a lot of time here and it's not like we don't care because we do care! Councilperson Rees invited those who want to do this job to sign up for the election.

Councilperson Chuntz stated we were asked to give a reason why we would be in favor of these changes. With respect to the LHD Property that property is my north west neighbor and he is going to lose the view he has had for the last 14 years. Councilperson Chuntz stated this development is here and he knew it was coming someday. He has looked at the numbers between R12 and R15 there will be 1 additional home for every 3 acres of this development for a total of 16 homes on 46 acres and doesn't make a whole lot of difference in density and that is Councilperson Chuntz's reason for agreeing to the zone change. Councilperson Chuntz stated with respect to SR 198 Fieldstone Home zone change and the reason he is in support of R12 is because it's next to SR 198 and it's a busy highway and it is difficult to live next to the highway. Councilperson Chuntz said R12 is reasonable change. Councilperson Chuntz commented in response to the gentleman that thought we weren't doing anything to keep Salem open. We can't keep everything agricultural and we are building parks where we can and use the impact fees that we have to do that. If we want to build more parks and not use impact fees, then we have to raise taxes, or we have master plans where the developer comes in and put the parks in. The reason we get master plans because they will do these big projects, but then we have to give them more density. We have choices, do we want to pay more taxes and do we want to allow higher density or have less parks. This is a hard balance and we are trying to the very best job we can and still keep as much property open. If people have property, they have a right to develop and we are

not cow tailing to the developers, at least Councilperson Chuntz stated he wasn't. Mayor Christensen agreed.

Mayor Christensen stated that social media is not a good place to get information. There have been lies told. They have told concerns that aren't even concerns. There is a rumor that BYU is going to steal our water. Salem City pumps 672-acre feet of water from BYU. There is a mix up of who is getting water but if you want to come to the meetings and ask these questions that is the best way. Please don't make anything up. This is the 4th time talking about this one property. Mayor Christensen stated we go to meetings that help us to build the city and the right ways to build the city. Mayor Christensen said take a moment and think about this, we have a highway along this property and there is a bus that goes along this road and when we go to these meeting they tell us to put our high density along the road because that's where your kids will get on the bus to go to school. Mayor Christensen is concerned about there isn't a home to buy in Salem. A lot of the new development coming in is already sold out. Mayor Christensen pointed out another issue about the sewer. Mayor Christensen asked Bruce Ward why we didn't need to get a grant for the sewer and Bruce Ward responded because the median household income is too high. Mayor Christensen responded to the comment of them doing a terrible job and he stated that is a terrible comment, we spend too many hours here and he has gained nothing financially from serving as the Mayor. Mayor Christensen said we do our best and we are a very blessed community. Mayor Christensen brought up a comment that was made about him being against all parks and trails and that is a false lie. We are putting tons of trails and parks in and we are planning well for this community.

Councilperson Sorensen stated he takes offense to them saying we do nothing and it's shameful that comment was even made. We work hard for this city and donate hundreds of hours to this community to make it a better place. Councilperson Sorensen wants better for his kids, neighbors and everyone who leaves here. Our planning commission doesn't even get paid they volunteer their time. We ran because we care about this community. Councilperson Sorensen brought up a question about following the master plan, we just re did the master plan and we think it is good. In fact, we had multiple occasion when the public could come and give input on the master plan and we did that so we could have a vision of where we wanted to go with Salem. Councilperson Sorensen believes we all share the same vision, we don't want to see condos and apartments. That's not Salem. We put a document together that guides the development in the city and shows the vision. These two developments fit within the plan and that's why we don't have a problem with the zone change. We have talked about these two properties multiple times and turned them down a dozen times between the two of them. Councilperson Sorensen stated we have not allowed density that goes against our master plan. There was a question brought up about open space, we love the open space. Councilperson Sorensen doesn't think we are giving that up. Open space means there is parks and trails. We can't tell them how to utilize their property. Councilperson Sorensen said the councilmembers are incredible individuals and they are looking out for the property owners and neighbors not the developers. We won't do something intentionally to hurt the community. Councilperson Sorensen stated we have a great staff they care about the community and he wishes we could have more people show

up to council meetings, so we can get more input. Councilperson Sorensen encouraged them to watch the zoom meeting and read the minutes that are posted on the Salem City Website.

Councilperson De Graw said when we run for office, we understand we will get some criticism. Councilperson De Graw hopes that the Salem people will rise above the civil discourse. It is ok to share our frustrations. As it relates to the zone changes there is really no difference between R15 & R12. Councilperson De Graw stated when he is making any sort of a decision on a zone change is there a compelling reason. Is there a benefit to the community by making the zone change or is there a compelling reason other than it benefits the developer and if there really is no difference than why make the change? Mayor Christensen said not everybody wants a big home. Councilperson Sorensen said it has to do with the price point on a home and if you can cut 3000 square feet off the lot and reduce the cost and not impact the overall look of the community than he is ok with that. Councilperson De Graw asked why make the change closer to the city, verses out west near the freeway. Councilperson Sorensen responded we don't have enough to meet the market. Councilperson De Graw says the general plan calls for different product types within the city. We have already zoned for R15 and why make the changes here. Councilperson Sorensen commented you have to remember that those properties were zoned prior to the new general plan and they may or may not be in line with the general plan and there has to be flexibility. This property near Sr 198 was annexed in with that lower density not the intent to necessarily keep it that and there is a lot of things to consider. Councilperson De Graw said not always is the consideration that we have make a zone change down to density, it's about keeping tax rates low and providing services for the community. Councilperson De Graw said if we make considerations there has to be a compelling reason and has to be a benefit to the community. We do our best to abide by the guidelines which is the general plan and the general plan is not perfect.

Councilperson Snyder commented she is listening and participating tonight via zoom because she is attending the Utah League of Cities and Towns conference. Councilperson Snyder stated she takes this seriously and we all work very hard to make this city good. Most don't see everything that happens. We've had a lot of city council meetings and hardly no one attends. The way to find out information is to come to city council meetings and read the official minutes. The way not to find out about what happens at city council is to read one person's bias account on social media because that doesn't capture all that is going on. Please be a reasonable citizen and go through the formal ways that we communicate, which is council meetings and city council minutes. We as council members don't completely agree on everything, so we talk it over openly in council meetings, but we can come to a consensus. Councilperson Snyder stated that she herself is loyal to the general plan and believes everyone on the council is loyal too. We work very hard behind the scenes and we communicate in official channels. Councilperson Snyder commented there is no two people more concerned about the LHD Property than Councilperson Chuntz and Councilperson Snyder because they live next to this property. We are very interested in this particular development and we want to make it a good one and we both stated R12 is appropriate.

MOTION BY: Councilperson Sorensen motion to approve the LHD Real Estate zone change on 46.4 acres of property located at approximately 605 N Main from A1 to R12.

SECONDED BY: Councilperson Rees

VOTE: Councilperson Tim De Graw; Nay, Councilperson Howard Chuntz; Aye, Councilperson Sterling Rees; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (4 Ayes, 1 Nay)

MOTION BY: Councilperson Rees motion to approve the Fieldstone Homes zone change on approximately 24 acres located at 701 East 1330 North from R15 to R12.

SECONDED BY: Councilperson Sorensen

VOTE: Councilperson Tim De Graw; Nay, Councilperson Howard Chuntz; Aye, Councilperson Sterling Rees; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (4 Ayes, 1 Nay)

Sewer Impact fee

Bruce Ward said we have a couple of options. Bruce stated what was presented was the max allowable impact fee based on the law and capital facility plan. You can approve for full value or anything less, but we can't go over that amount. Mayor Christensen asked about the two that affect Arrowhead and all building permits. Bruce Ward stated 7 & 8 are future projects and they are estimates and it's very likely when they get build in the next 6 months or 2 to 3 years the numbers will get revised. As we continue to move forward, and we will probably have to do this change to the impact fee on a regular basis. Councilperson Sorensen asked if we leave it in, in theory that lowers the overall impact fee possibly in the future and would that change anything? Bruce Ward said would likely have a small impact. Bruce Ward said we have the ability to track both ways and Jeff Nielson said it is complicated to track. Councilperson Chuntz Howard thinks the \$500 is very small compared to the total impact fee and very small compared to the home they would build; it would be less work for the city.

MOTION BY: Councilperson Rees motion to accept the Sewer impact fee and accept the presentation as it was present to us for the sum of \$53676.67

SECONDED BY: Councilperson Sorensen

VOTE: Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Sterling Rees; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (5 Ayes)

7. APPROVE PRELIMINARY PLAT – SKYHAWK KNOLL 23.24 ACRES LOCATED AT APPROX. 400 NORTH AND WOODLAND HILLS DRIVE

It's 23.24 acres located approximately at 400 North and Woodland Hills Drive. It is an R12 zone with 53 units and has gone to DRC and Planning & Zoning and both groups approve the project. In work session we discussed a fence, trail and a traffic study on both ends, as well as potentially widening of 600 North. Councilperson De Graw said our concern is we don't want a tunnel and the product options for the fence. Dean Ingram said you can break

it up with wall and wrought iron, you can stagger the fencing. Councilperson Rees asked how that looks? He has staggered vinyl and put landscape in between. Bruce Ward said we have a trail planned for that area, but we haven't decided which side of the road it will be. Bruce Ward recommended when you approve it, leave the flexibility. Councilperson Rees asked how we should do that, and Bruce Ward said just mention in the motion. Mayor Christensen said we have to be careful with the maintenance. Councilperson Chuntz said we have to recognized they are all back yards and kids will play in the backyards, so if the developer doesn't put up a fence the property owner will. Councilperson Chuntz said we should put up something uniform the whole way. Councilperson De Graw wants the project to feel open. Matt Marziale said the snowplows will push the snow up against the fence and cement walls hold up better against the snow. Vinyl fence doesn't hold up when the snowplows go through there at a higher rate of speed because this road will have a higher speed limit. Matt Marziale said he is 100% for a masonry wall. Councilperson Rees said it's more about the look and feel. Bruce Ward said we have flexible options and we can come up with good product. Bruce commented even if we leave it up to the homeowners, we can specify the product. Dean Ingram commented he has brought in trails. He is a little concerned he is getting loaded on what he is fixing. Top road is for everyone not just Arive. Bruce Ward recommended we approve the Preliminary Plat and ask us to come up with a solution on the wall and trail. Bruce Ward agrees with Dean Ingram we shouldn't ask for additional right of way.

MOTION BY: Councilperson Rees motion to approve preliminary plat for Skyhawk Knoll 23.24 acres on 400 North and Woodland Hills Drive also requested that the solutions or minor adjustments concerning fencing, trails and road be look into between the city and developer and return for discussion at a later time and allow for a connectors agreement on 400 North and 600 North.

SECONDED BY: Councilperson De Graw

VOTE: Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Sterling Rees; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (5 Ayes)

8. APPROVE ORDINANCE ON PI RATES FOR COMMERCIAL USERS

Recommending to meter all our institutional users such as schools and churches and city parks and establish the rate structure for the 2021 season. This is a one-year rate and when we get the entire city metered, we will refine it and bring it back with a new rate structure. Jeff Nielson pointed out that the majority of this resolution was approved last year. It has been approved but we have adjusted to this section.

MOTION BY: Councilperson De Graw motion to approve the Ordinance on PI Rate for commercial users.

SECONDED BY: Councilperson Sorensen

VOTE: Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Sterling Rees; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (5 Ayes)

9. APPROVE ORDINANCE AMENDING TITLE 2 OF THE SALEM CITY MUNICIPAL CODE RELATED TO CHAPTER 3, 3a and 6- MAYOR, CITY MANAGER, AND PUBLIC SAFETY DIRECTOR

Attorney Pickell stated this is an Ordinance amending a few sections in the municipal code. It talks about the powers and duties of the City Manager and City Mayor. 2-3-010 is a draft that Mayor Christensen, Councilperson Chuntz and Attorney Pickell worked on. Attorney Pickell stated the Mayor is the Chief Executor of the city and keeps the powers with the Mayor and he has the opportunity to appoint a City Manager. The City Manager can recommend to the Mayor and City Council the removal and adding of staff. Chief Police and Safety Director is a simple edit that the position is appointed by advice of the city council. Councilperson Rees asked Attorney if it is similar to other cities. Attorney Pickell some give the city manager more power. Councilperson Rees wants to make sure employees are protected. Employees can only be fired after hearing and cause. Councilperson De Graw commented he would feel better if we were more consistent in the verbiage where it specifies the majority or three council members in a vote. Attorney Pickell asked the Mayor and Council if they would prefer the majority verses three council members? Attorney Pickell said it should stay majority verbiage simply because it makes it clear if you have tie.

MOTION BY: Councilperson De Graw motion to approve the ordinance amending Title 2 of the Salem City Municipal Code relating to Chapter 3, 3A and 6 relative to the Mayor, City Manager and Public Safety Director.

SECONDED BY: Councilperson Sorensen

VOTE: Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Sterling Rees; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (5 Ayes)

10. APPROVE MINUTES OF APRIL 7, 2021

MOTION BY: Councilperson Sorensen motion to approve the minutes for April 7, 2021

SECONDED BY: Councilperson De Graw

VOTE: Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Sterling Rees; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (5 Ayes)

11. APPROVE BILLS FOR PAYMENT

AMOUNT: \$693,878.61

MOTION BY: Councilperson Sorensen motion to approve the bills for payment in the sum of \$693,878.61

SECONDED BY: Councilperson Rees

VOTE: Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Sterling Rees; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (5 Ayes)

12. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief James mentioned to let him know if they had any questions on the yearend report. Chief James stated it was his understanding that prior to the last council meeting, some council members received an email or emails from individuals about the Animal Shelter and the carbon monoxide chamber. Councilperson Snyder talked to the Director of the Animal Shelter and they come up with a truth/fact sheet of what actually goes on. Chief James handed out the sheet to the council and commented to them, please let me know if there are any questions

13. STEVE COX, BUILDIND OFFICIAL DIRECTOR

Steve Cox stated we currently have 98 total permits. There are 53 new dwellings 50 that have been reviewed and processed and we are just waiting on payment.

14. ATTORNEY VAUGHN PICKELL

Attorney Pickell stated he has a closed meeting item to discuss.

15. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff Nielson stated he has sent about budget for March and all funds are looking good. Jeff commented we are wanting to start renting the community center and Knoll Park. Jeff Nielson sent out a form to the council for review. The form was guidelines that need to be followed in order to rent the City facilities. Mayor and Council gave the ok to rent the city facilities.

16. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt Marziale stated he spoke with Mountainland and they supply the food for the Seniors. Spanish Fork is returning to in house dining on April 26th with reservations and spacing their dining room. They are capping the reservation at 75, with plans to increase 5 seats per week with no Masks required. Payson is coming on between next week and May 1st, they can pick up or dine in. They are wearing masks until they eat. Lindon is opening May 3rd. Salem City is planning to open back Tues May 4th with 4 people per table and if there is over 50, they will publish they must wear a mask. Matt Marziale commented the Seniors are pushing to come back in and have their social interactions. Matt Marziale asked if there is any objection. Mayor and Council all gave approval to move forward. Matt commented we average 60-75 meals every Tuesday and Thursday. We will still provide meals for those who don't feel comfortable and they can pick them up.

Green waste still open through April 24th. Matt Marziale and Councilperson Snyder had a conversation on how we can dispose of the waste. We currently burn the waste once in the spring and once in the fall that decision was made back in 2015 and the chipper came to a

halt. In 2015 we tracked the process of how many man hours and equipment hours for green waste then it cost \$43,609 to haul it verses not burning it. If we continue to accept greenwaste there is a cost involved if we don't burn. Councilperson Snyder commented when we burn it, the burn last two weeks and some days are more intense. She is concerned about air quality. We go to great extents to recycle and make sure the water is clean and there is a disconnect with the green waste. Councilperson Snyder understands there is a cost to not burning and there should be a different way. Mayor Christensen believes the burning days are numbers, but it comes down to finding an option. Bruce Ward said there's not a lot of good options. Steve Cox said the chip quality isn't good. Councilperson Rees asked what we do with the certificate's residents can receive to haul their greenwaste off. Jeff Nielson commented the residents can receive two vouchers a year to take their greenwaste to the transfer station in Springville. Mayor Christensen asked the council to look into other options.

17. TED BARNETT, ELECTRICAL DIRECTOR

Ted stated the Power department has been checking on all our solar customers. They are doing an update on the software.

18. BRUCE WARD, ENGINEERING

Bruce Ward stated the we have tried a landscape incentives 3 times and this can be complicated and unwanted. We spend a lot of time discussing water and water conversation. When the snow doesn't fall it's not a growth issue it becomes a drought issue. The governor issued a declaration to have the residents conserve water. Bruce Ward stated we are not metering to collect more money; it is simply to let residents know how much they are using. It takes effort and education to conserve water. Water keeps the grass alive and chemicals keep it green. Our goal is to conserve water and we want to incentives the residents to reduce their lawn area not to increase their asphalt or concrete but to encourage some type of xeriscape. This a 3rd attempt to water conservations. Bruce Ward has spent time with staff to talk about budget impact and reality of making it happen. They have discussed up to \$1000 rebate one-time rebate. What would make you do something different in your yard? Most could get rid of 25%. People will think it's not fair. Certain amount of money can be given based on the percentage of grass they remove. People have grass because it's the easiest to maintain. 25% xeriscape \$500, 35% xeriscape \$750 and 45% xeriscape \$1000. The percentage is based on landscaped area only. Hardscape will not be counted. \$100,000 could be a possible budget. New construction we can say the same thing. We recognize that grass may not always be the best option. Bruce Ward spoke about Flip the strip, it's talks about the planter strips between the curb and sidewalk. The 3ft planter strips are useless. Councilperson Rees likes the idea of sidewalk to the curb. Councilperson Rees asked do we pay the money on each location? Bruce Ward stated homeowner. HOA requirements need to be overruled by legislative action. Public education program with other cities need to be consistent on how we are doing things. There are classes on water conservation, landscaping gardening. This provide helpful tips how to do water and maintain their lawns. There is a lawn watering guide on their website. The lawn watering guide is on the Salem City Website.

Commercial partners are willing to help educate, but we would have to minister the program. Benefits 1 less watering cycle per week saves on average of 3000 gallons etc. 10 % savings city wide will equal 300 addition home capacity without any capital improvements. Bruce will finalize the information and create the application. Mayor and Council in favor to move forward.

19. JOHN BOWCUTT, SALEM FIBER

John Bowcutt said he will need every day in May to get fiber up and running but is still hopeful it will happen in May. John stated there is a 40-week delay in getting fiber. He was grateful we had already received the fiber. Mayor Christensen stated we should have a ribbon cutting. John stated he is planning a ribbon cutting.

COUNCIL REPORTS

20. MAYOR KURT CHRISTENSEN

Mayor Christensen didn't have anything to add to tonight's meeting

21. COUNCILPERSON STERLING REES

Councilperson Rees talked about the Memorial Day Service and asked the Mayor and Council if they would like to have a program. Mayor and Council said yes. The program will be scheduled for May 31st at 8:00 am at the Salem Cemetery.

22. COUNCILPERSON SETH SORENSEN

Councilperson Sorensen didn't have anything to add to tonight's meeting

23. COUNCILPERSON HOWARD CHUNTZ

Councilperson Chuntz felt the biggest concern for residents was the growth and water. Councilperson Chuntz asked to put something in the newsletter and the website to explain the relationship and often the non-relationship between water usage and water shortage as well as growth.

24. COUNCILPERSON DELYS SNYDER

The Library is celebrating 20 years on June 14 and invited everyone to come

25. COUNCILPERSON TIM DE GRAW

Councilperson De Graw stated The Salem Water Reclamation Facility was awarded the Plant of the Year by Water Environmental Association of Utah and Most improved system by Rural Water Association. The plant is running well and no major issues.

Application are being accepted for the Youth Council. They are encouraging Juniors and Sophomores to participate. They didn't put a cap on the number of participates. They will accept more youth that want to participate.

CLOSED SESSION

MOTION BY: Councilperson Sorensen motion to move into Closed Session at 9:45pm

SECONDED BY: Councilperson Rees

VOTE: Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Sterling Rees; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (5 Ayes)

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Sorensen motion to adjourn city council meeting

SECONDED BY: Councilperson De Graw

VOTE: Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Sterling Rees; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (5 Ayes)

MEETING ADJOURNED AT: 10:10 pm

Jeffrey Nielson, City Recorder