

Minutes of the Salem City Council Meeting held on March 3, 2021 in the Salem City Council Chambers.

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

## **1. OPEN MEETING TRAINING FOR COUNCIL**

Attorney Pickell presented a training on Utah Open and Public Meetings Act. This only applies to a “public body” as defined by the act. Meetings are defined as convening of a quorum above that body to discuss or act upon a matter of which they have control. Unintentional or random meetings do not constitute a meeting and do not violate the act. Meeting notices and agendas are required and have a 24-hour notice requirement prior to the meeting. Meetings can be electronic such as phone call or internet. They must be authorized by a resolution or rule and must have an anchor location where a person can attend physically. Open meetings must have minutes and an audio recording. The minutes must include date, time and place of meeting. They must state members present and absent, what was discussed, voting recorded of each official action that was taken and name of anyone giving a brief comment. The written minutes are the official record of the meeting and we must establish a procedure for approving the minutes. Minutes must be available within a reasonable time and the audio recording must be available within 3 business days. Closed meetings there must be a quorum of members be present. The minutes must specific the reason for the closed session. Permitted reason to have a closed meeting to talk about a person’s character or health, collective bargaining strategies, pending or imminent litigation, strategies regarding real property, security issues or investigating of allegations of criminal misconduct. Closed meetings need an audio recording unless you close it for two purposes. First one is discussing the character, competence, physical or mental health of an individual, second security personnel or systems. Minutes are optional in closed meetings.

## **2. AGENDA ITEM DISCUSSION**

#6

Jeff Nielsen was approach by American Tower and they have a cell tower that was installed at the city shops. They want to reduce the lease from \$15000 year to \$12000 year. They said the cost of everything has been going up and with Tmobile and Sprint combining they want to reduce their cost. Councilperson Chuntz asked when we signed the original lease and Jeff Nielson stated 2014. Rent will continue to escalate at 5% every renewal term and the renewal is every 5 years. They will give us through 2026 a guaranteed lease and securing the rent. There is a 10 percent revenue share, so if AT&T or Tmobile or another company joins it, we will get 10% of the revenue. Jeff Nielson asked them what the cost would be, and they said it can go anywhere from \$500 up to \$3000. They will give us \$5000 up front one time. Mayor Christensen stated other than them wanting to pay less what are the other towers paying and Jeff Nielson stated \$16,000.

#7

Jeff Nielson commented this is to have Utah County process our election. Jeff stated since we moved to vote by mail it has been well worth having Utah County do it. Mayor

Christensen asked what the cost would be? Jeff Nielson stated the cost is \$12,422.25 primary and \$12,422.25 for general. Jeff said we could look at doing the Rank Choice Voting if we want to get rid of the primary. The county is wanting the cities to do the Rank Choice Voting. Councilperson De Graw **stated concerns regarding rank-choice voting and suggested the council thoroughly research and discuss pros and cons before a vote.** Jeff Nielson stated this process is just talking about having the county process our election. Jeff recommended approving Interlocal agreement with Utah County to process election.

#### **#8**

Bruce Ward stated there are eight items he would like to recommend for approval tonight. The first three are land purchase agreements. First, Robert Clark's agreement is signed and reviewed by legal counsel. Second, Larry Ford's is in negotiations, 3rd Carol Miller we will try to contact her and make an offer. The three contracts are essentially the same but may be some minor edits and requirements they ask for but anything substantial will be brought back to council. The next six are grants of perpetual easement and Bruce showed a map of Robert Clark, Larry Ford, Miller property. Bruce Ward stated two of these are owned by Utah County and Salem city according to the County records. Marc Breckinbach stated that two of these properties are really owned by Utah County and One is clearly owned by Utah County because they have a deed. The title company has put Salem City's name on them. Marc Breckinbach is asking Salem City to deed over interest as it maybe and this will satisfy the title company and grant these federal easements. The title report and landowners will be paid by CUWCD. Bruce Ward asked if it is best to handle these easements individually and Attorney Pickell said we could do a blanket authorization.

#### **#10**

Bruce Ward stated this is a Lease agreement with Troy Tischner. Bruce stated we were asked to put an agreement together on this property. The property is located on the westside of the sewer plant. The lease would allow for 4 horses or cattle and not to be used for storage of personal equipment or property. The lease is for \$1 and would go from March 1st to November 30th of each year. Lease can be terminated within 14 days if we find it interferes with the sewer plant. If any damage is done the leasee agrees to repair the damage and protect beer creek and keep any debris cleaned up. They will not be allowed access to the sewer plant. Jeff Nielson stated this is a great benefit to keep the property free of weeds. Councilperson De Graw asked what time is already spent to maintain it. Matt Marziale commented twice a year he sends a crew to take care of it.

#### **#5**

Paul Southam is here to discuss his water agreement with the City. Paul Southam had transferred over 600-acre feet of culinary water to the city wells and he is doing a rep-share with the city. Paul stated that he did some research and felt the water could be used for irrigation purposes. Paul has a buyer for the water if he can amend the agreement. Paul Southam has been talking to Bruce Ward and Attorney Pickell about the water. Paul stated there is an opportunity here so if the Council would approve the amendment to the agreement verse rep-sharing, then they would pay \$750,000 total on the whole package. Bruce Ward stated we entered into a couple agreements and they agreed to first 300-acre feet

transferred and the second 300+ acre feet and then amended the agreement. In the contract, it said it had to be used for drinking water. We are approaching capacity on our wells and we will ultimately need a new well. Salem city has approximately 5000-acre feet in underground and we are using less than 1200-acre feet. Bruce Ward recommends we don't approve this amendment. Last year we used around 2600-acre feet in pressurized irrigation. Bruce Ward said we have the capability to pump the water but not the well capacity.

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

**CONDUCTING:** Mayor Kurt L Christensen

**COUNCIL PRESENT:**

Mayor Kurt L Christensen  
Councilperson Sterling Rees-excused  
Councilperson Seth Sorensen  
Councilperson Howard Chuntz  
Councilperson Delys Snyder  
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**

Andy Otteson, Paul Southam, William Burk, Paul Taylor, Rochell Madson, Jan Ward

**1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE**

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

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

Mayor Christensen 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. CITIZEN REQUEST-PAUL SOUTHAM WATER AGREEMENT**

Paul Southam is here to discuss an opportunity to use the water he is rep-sharing with the city. He feels it can be used on the irrigation side verse culinary water. Bruce Ward stated the whole idea for the pressured irrigation is to not pump the water out of the ground and

wants to avoid pumping out of the wells. Paul Southam asked if the city has enough surface water to offset the growth and Bruce said there's not a yes or no answer but as far as the farmland turning into homes, we need to keep the water here. Bruce Ward recommended we leave the agreement as it is.

## **6. APPROVE AMERICAN TOWER LEASE MODIFICATIONS**

**MOTION BY:** Councilperson Sorensen to deny the American Tower lease agreement modifications

**SECONDED BY:** Councilperson Chuntz

**VOTE:** Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (4 Ayes)

## **7. APPROVE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND SALEM CITY FOR THE ADMINISTRATION OF THE 2021 MUNICIPAL ELECTIONS**

**MOTION BY:** Councilperson Sorensen motion to approve the Interlocal Cooperation Agreement between Utah County and Salem City for the Administration of the 2021 Municipal Elections by resolution 30321A

Councilperson De Graw sought final confirmation that the agreement includes no language binding city elections to rank-choice voting in the interlocal cooperation agreement

**SECONDED BY:** Councilperson De Graw

**VOTE:** Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (4 Ayes)

## **8. APPROVE LAND ACQUISITION AGREEMENTS WITH US DEPARTMENT OF INTERIOR FOR CENTRAL UTAH WATER CONSERVANCY DISTRICT SALEM CANAL ROAD PIPELINE**

**MOTION BY:** Councilperson Sorensen motion to approve the Land Acquisition agreement between the US Department of Interior for Central Utah Water Conservancy District Salem Canal Road Pipeline for the entire project and authorized the Mayor with the review of staff to sign off on the agreements

**SECONDED BY:** Councilperson Chuntz

**VOTE:** Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (4 Ayes)

## **9. APPROVE APPOINTMENT FOR SOUTH UTAH VALLEY ANIMAL SERVICES BOARD REPRESENTATIVE FOR SALEM CITY**

Chief James addressed the council and stated he has been appointed to the board for the past 4 years. The position is up again and by law it had to be advertised for the last 30 days to see if anyone was interested in the position. Jeff Nielson advertised it for 30 days and Jeff Nielson stated we didn't receive any interest. Chief James did send a letter stating he would be willing to fulfill that responsibility again.

**MOTION BY:** Councilperson Snyder motion to approve the appointing of Chief James as the Salem City Representative for the South Utah Valley Animal Services Board by resolution 30321B

**SECONDED BY:** Councilperson Chuntz

**VOTE:** Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (4 Ayes)

#### **10. APPROVE LAND LEASE AGREEMENT WITH TROY TISCHNER**

**MOTION BY:** Councilperson Snyder motion to approve the Land Lease Agreement with Troy Tischner

**SECONDED BY:** Councilperson Sorensen

**VOTE:** Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (4 Ayes)

#### **11. APPROVE MINUTES OF FEBRUARY 17, 2021**

**MOTION BY:** Councilperson Chuntz motion to approve the minutes of February 17, 2021

**SECONDED BY:** Councilperson Sorensen

**VOTE:** Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (4 Ayes)

#### **12. APPROVE BILLS FOR PAYMENT**

**AMOUNT:** \$710,397.54

**MOTION BY:** Councilperson Snyder motion to approve the bills for payment in the sum of \$710,397.54

**SECONDED BY:** Councilperson De Graw

**VOTE:** Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (4 Ayes)

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

Chief James did not have anything to add to tonight's meeting

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

Steve Cox did not have anything to add to tonight's meeting

**15. ATTORNEY VAUGHN PICKELL**

Attorney Pickell did not have anything to add to tonight's meeting

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

Jeff Nielson stated he will have all the figures for the Shop Salem program at the next council. He will also be sending out the agenda for the DR Horton Tour

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

Matt Marziale did not have anything to add to tonight's meeting

**18. TED BARNETT, ELECTRICAL DIRECTOR**

Ted Barnett did not have anything to add to tonight's meeting

**19. BRUCE WARD, ENGINEERING**

Bruce Ward did not have anything to add to tonight's meeting

**20. JOHN BOWCUTT-FIBER**

John Bowcutt did not have anything to add to tonight's meeting

**COUNCIL REPORTS**

**21. MAYOR KURT CHRISTENSEN**

Mayor Christensen mentioned the Budget is coming due

**22. COUNCILPERSON STERLING REES**

Councilperson Rees was excused from tonight's meeting

**23. COUNCILPERSON SETH SORENSEN**

Councilperson Sorensen gave an update on recreation. He stated they just finished up with Men's and Youth basketball and indoor soccer. They are now taking registrations for youth soccer, baseball and softball. Councilperson Sorensen stated they are getting ready to post about the Green waste facility. Mayor Christensen asked about Easter Egg hunt. Matt Marziale stated we are moving forward with the Easter Egg Hunt and will be meeting next week with the recreation staff and youth council to plan the Easter Egg Hunt. Matt Marziale stated they will be utilizing the space at loafer complex to hand out prizes. Mayor Christensen stated we need to follow the state guidelines. Chief James said we must have an event permit from the county.

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

Councilperson Chuntz gave an update on the pressurized irrigation and stated 400 meters are in. They will be adding two more employees. The goal is to be done March 2022.

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

Councilperson Snyder commented the Library had a winter reading challenge. They had 308 participates and 560 prizes were given out and there was 377,000 recorded reading minutes

#### **26. COUNCILPERSON TIM DE GRAW**

Councilperson De Graw did not have anything to add to tonight's meeting

-Mayor Christensen asked if anyone wanted to address the council

Rochell Madson addressed the council and commented with all that is going on, will the city be going by the constitution as per the bill of rights and the right to bear arms. Mayor Christensen said that is a broad statement and we don't plan on taking away anyone guns.

**MOTION BY:** Councilperson Sorensen motion to move into Closed Session for potential litigation

**SECONDED BY:** Councilperson Snyder

**VOTE:** Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (4 Ayes)

**MOVED INTO CLOSED SESSION AT:** 7:40pm

#### **ADJOURN CITY COUNCIL MEETING**

**MOTION BY:** Councilperson Snyder motion to Adjourn the City Council Meeting

**SECONDED BY:** Councilperson Sorensen

**VOTE:** Councilperson Tim De Graw; Aye, Councilperson Howard Chuntz; Aye, Councilperson Delys Snyder; Aye, Councilperson Seth Sorensen; Aye, (4 Ayes)

**MEETING ADJOURNED AT:** 7:50pm

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Jeffrey Nielson, City Recorder