

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

Work Session: 12:00 p.m.

1. SLC CHAMBER – AFFORDABLE HOUSING

Brynn Mortensen, with the Salt Lake Chamber of Commerce, presented the Housing Gap Coalition report on affordable housing, by phone. She commented if there were any questions to please contact her.

Attorney Junior Baker mentioned that Brynn had asked at the end of her call for the council to adopt a resolution supporting the report. Spanish Fork adopted the resolution after he made some changes. He took out reducing impact fees and fixed some grammatical errors. Councilperson Howard Chuntz stated he would like to read through it first. Attorney Baker replied that he will send a copy to the council to review. Mayor Christensen asked what impact this would have on us. Attorney Baker replied it was non-binding, it just says we will work on affordable housing.

2. REPRESENTATIVE MARK ROBERTS – (RANK VOTING)

Representative Mark Roberts presented on an alternative voting method, called rank voting. They worked hard last year to get this bill passed, they have a lot of support in the legislature. The county clerks didn't want to change how things are done, so they came up with a compromise to try in municipalities. It is a pilot program and Salem City has the option to try it if they want to. He said the benefits to this voting method are you have a true majority winner when there are more than 2 people on the ballot. You can do multiple rounds of voting at one time. It eliminates vote splitting. There is greater voter engagement and it leads to more civil campaigns. There is also a cost savings as it eliminates the need for primary elections. He said that one idea Jeff Nielson had mentioned was that they could move the filing deadline up from June to July or August. He likes that idea and will try to get that implemented. He said there will be a lot of education that will go out. This will work with Utah County voting equipment so there will not be an additional cost. Mark stated that if the city wanted to participate, they would need to let the lieutenant governor's office know by January 1, 2019. This is not binding, so if the city said they wanted to do it and then decided not to they would just let them know they had changed their minds. He and some others have been going to the different municipalities encouraging them to use the system. There was a brief discussion about how it works. The council thanked Mark for coming.

MEETING CONVENED AT: 1:00 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

Cristy Lowe, Cheryl Taylor, Julie Mitchell, Pam Wright, Ken Wright, Lisa Horton, Erman Stone, Brian Jensen, Richard Seitz, Wade Reynolds, Paul Bliss, Ryan Bagley, Brook Christensen, William Burk

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Christensen asked if anyone would like to give a motivational or inspirational message. Clark Crook stated he 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. DEAN INGRAM – APPROVE PRELIMINARY PLAT FOR SALEM RIDGE

Dean Ingram is asking for approval for the Salem Ridge preliminary plat. He believes all the bugs have been worked out, and they are ready to go. He asked if there were any questions. Mayor Christensen remarked he will be glad to see the mess up there taken care of. Bruce Ward stated this had gone through DRC, and Planning and Zoning and both recommend approval. He mentioned for the public this is an R-5 zone with an age requirement of 55 and older. He asked if there needed to be action on the closure of 80 South. Jeff Nielson replied that it had already been done. Attorney Junior Baker said it is effective when the new road goes in. Councilperson Sterling Rees asked how many units the project had. Dean replied 30 units.

MOTION BY: Councilperson Seth Sorensen to approve the preliminary plat for Salem Ridge located at 850 E Salem Canal Road.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: (All Affirmative 4-0).

4. APPROVE SALEM HOME RENTAL AGREEMENT

Jeff mentioned the person that wanted to rent the house had backed out. The mayor said this is just the same agreement with a new person. Jeff asked if there were any concerns. The people renting the house are Mike and Joanna Peterson, he is Neil and Vickie Peterson's son and Jeff's brother in law.

MOTION BY: Councilperson Sterling Rees to approve the Salem Home Rental Agreement with the Peterson's.

SECONDED BY: Councilperson Cristy Simons.

VOTE: (All Affirmative 4-0).

5. APPOINTMENT SALEM AMBULANCE CAPTAIN

Mayor Christensen thanked the EMS, they do a tough job. He remarked they had great applicants for the position. He would like to appoint Karen Booth as the new Salem Ambulance Captain. Chief Brad James asked Captain Erman Stone to come up, he mentioned this is a tough day for Erman. It was his vision to bring an emergency medical association to Salem, and he has done that and more for the community. They have worked together for 29 years, and he couldn't think of a better man for this job. They will never be able to replace him. He thanked Erman for all he does for the city. The mayor stated he hoped they will all get behind Karen and support her. We are lucky to have so many dedicated members, they sacrifice a lot. Erman thanked the council and the mayor for all of their support and giving them all they ask for. Mayor Christensen stated we need to have a nice retirement party for Erman. Chief James said we will get that planned.

MOTION BY: Councilperson Howard Chuntz accept the appointment of Karen Booth as the new Salem Ambulance Captain.

SECONDED BY: Councilperson Cristy Simons.

VOTE: (All Affirmative 4-0).

6. AMENDMENTS TO R-5 ZONE

Bruce mentioned that we have spent a lot of going over the amendments to the R-5 zone. He asked if there were any additional comments or questions. He stated this zone will be for higher density of 9 units per acre, and any single-family housing cannot be transferred for more units. The set backs were modified to 5 ft on each side and 5 feet in the rear provided there was an attached unenclosed awning. There will be a requirement that 50 percent of the units must have garages and all units are required to have 2 covered or enclosed parking

stalls. Guest parking will be required at ½ stall per unit, driveways will not count towards parking requirements. Fences can be made of fake masonry products at the council's discretion. The recreation requirements have been simplified, the larger a project the more amenities will be required, that will be negotiated with the city. The city will allow cash in lieu of for recreation at the council's discretion. The roof pitch and height requirements may also be modified at the city council's discretion.

MOTION BY: Councilperson Seth Sorensen to approve the amendments to the R-5 zone.

SECONDED BY: Councilperson Sterling Rees.

VOTE: (All Affirmative 4-0).

7. APPROVE PURCHASE OF TRUCK FOR WATER/PI DEPARTMENT

Matt Marziale stated the purchase of a truck for the water/PI department is a budgeted item. He received 3 bids with the tow package. Larry Miller Ford sent pricing for a diesel truck, it was close to the price of the gas Chevrolet price he received. He called for a price on the gas Ford truck and he was told this is state pricing and he should go with the diesel for the power that comes with it. The mayor agreed they should go with the diesel. Matt mentioned there will be 2 checks one to Larry Miller and one to Semi Service for the plow and dump bed.

MOTION BY: Councilperson Sterling Rees to approve the purchase of the truck for the bids of \$36,269 with Larry H. Miller Ford and \$15,380.86 with Semi Service.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: (All Affirmative 4-0).

8. APPROVE LIBRARY GRANT CONTRACT

Jeff explained that a grant had been approved from the state for the self check out at the library. In looking through the paperwork the deadline for the grant was missed due to timing and invoices. They have spoken with the state and received an extension for the grant, they are asking for approval so they can take the extension. The library has already purchased the software.

MOTION BY: Councilperson Cristy Simons to approve the library grant contract.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: (All Affirmative 4-0).

9. APPROVE POWER LINE OPTIONS ON CANAL ROAD

Clark Crook reported everything was going well in the electrical department. The Christmas lights are ready and looking swell. They have discussed in the budgeting meetings getting service out to the annexed areas and being able to serve them. They have been approached by 2 or 3 developers to get service out to this area along canal road. He has looked at the

option of overhead or underground power and looking at the cost the overhead would be about \$100,000 and underground would be \$150,000. If they do the underground, they can charge a connectors fee to developers as developments go in. He stated they could use money from the power department reserve funds. Jeff did remind him there isn't a lot in there, and the last rate study was done in 2016. He mentioned we do need to build those reserves back up but we have the money to do this project. The mayor asked if they already have some of the material they would need for this. Clark replied they did. He is asking for direction from the council, once they start it should happen quickly. The mayor asked if they did go with the overhead wouldn't they have to go underground when the developments come in since that is what we require. Clark replied that was correct. Councilperson Rees commented it made more sense to go underground than to have to redo it. The mayor remarked it would be a waste to do it, and have to redo it, since we can get some of the cost back from the developers. Jeff said we would do that through connectors agreements. Councilperson Rees asked how Clark and Bruce felt about it. They both agreed the underground would be the best option. Attorney Baker said this is not an action item, they just needed direction from the council.

10. APPROVE LEASE WITH GTO STORAGE

Chief James stated the public safety department had a storage unit with B&M Storage for a long time, they were not charged for the unit. With the passing of Bartell Mortensen, the storage units were sold to GTO Storage. Last year he was able to lease the storage unit for \$50 per month as a grand opening special. GTO Storage wanted to raise the rate to \$95 per month and he has negotiated the price to \$62. He is asking to renew the lease for a total of \$744 for the next year. Mayor Christensen commented that is a good deal.

MOTION BY: Councilperson Sterling Rees to approve the lease with GTO Storage.

SECONDED BY: Councilperson Cristy Simons.

VOTE: (All Affirmative 4-0).

11. APPROVE MINUTES OF NOVEMBER 7, 2018

MOTION BY: Councilperson Cristy Simons to approve the minutes of November 7, 2018.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: (All Affirmative 4-0).

12. APPROVE BILLS FOR PAYMENT

There was a question on the bills for the purchase of the replacement trees for Pond Town Christmas. Jeff replied it was for 5 aluminum trees to replace ones that were falling apart. He mentioned that the aluminum will last longer.

AMOUNT: \$2,010,092.02

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

SECONDED BY: Councilperson Howard Chuntz.

VOTE: (All Affirmative 4-0).

13. YOUTH COUNCIL

There was not a youth council representative available.

14. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief James mentioned that at the last council meeting he had informed the council about some auto burglaries, they have solved them all and have the people in custody. He reminded citizens to take valuables out of and to lock their vehicles. He stated he is still knee deep in fire and wildland issues. He and Chief Ealey have been working on a fire preparedness plan. He is looking to implement a map that shows where the hazards are and to put in place some building codes that will mitigate loss of structure. He just wanted to make the council aware of this. If they could discuss it and give staff and Planning and Zoning some direction to handle the wildfire threat.

15. DAVE JOHNSON, BUILDING OFFICIAL DIRECTOR

Dave Johnson reported at the last Development Review Committee on November 15, 2018 there were 2 items on the agenda. DeVere Anderson had a final for the Ridge View Subdivision, it will contain 33 lots, and was approved. Clifford Hales had a final for the first phase of Deer Hollow Subdivision, it will have 12 lots, and was approved

16. ATTORNEY JUNIOR BAKER

Attorney Baker did not have anything to report.

17. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff did not have anything to report.

18. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt did not have anything to report. Mayor Christensen asked him to report on their meeting with the National Guard. Matt stated they had met with the National Guard about helping to level the ground at the Cole Park on 300 West. The mayor stated we are spending money working on parks throughout town. That is why they met with the National Guard, and they are entertaining the Cole Park leveling as a project. They are eager to work with us, and we are eager to work with them and save some money.

Councilperson Rees asked what the rental for the pickleball court was. Matt replied they have a pickleball court at Loafer View Complex where there is no rental fee, if someone needs to borrow the recreation equipment to play, they hold their drivers license until the equipment is returned. They do have 2 pickleball courts available on Monday nights at the activity center for 2 hours. The cost is \$10 for all 6 nights or \$3 per night.

19. CLARK CROOK, ELECTRICAL DIRECTOR

Clark did not have anything to report.

20. BRUCE WARD, ENGINEERING

Bruce reported there will be construction on Beet Road starting Monday for approximately 2 months. The road will be reduced to one lane with a signal light for traffic. Residents may want to use a different route. Arrowhead Trail will have some similar closures for the pipeline to the new sewer plant, but it should only be a couple weeks. They will be opening 1750 West, the road in front of the treatment plant. Chief James asked that message boards be put up about those closures. Bruce asked where we were on the advisory board. Allison Taylor replied most of the people had been contacted, and she needed a couple more names. Bruce stated the December meetings will be held Thursday December 6, 2018 and Tuesday December 11, 2018.

Matt commented the removal of the fuel tank at the sewer plant was approved at the last council meeting, that was completed on Monday. It went extremely smooth and there were no issues with the soil.

COUNCIL REPORTS

21. MAYOR KURT CHRISTENSEN

Mayor Christensen reported the finances and employees are doing well. He met with the people in charge at the sewer plant. They are ahead of schedule. Bruce said that once winter hits that could slide a bit.

22. COUNCILPERSON STERLING REES

Councilperson Sterling Rees did not have anything to report.

23. COUNCILPERSON CRISTY SIMONS

Councilperson Cristy Simons did not have anything to report.

24. COUNCILPERSON HOWARD CHUNTZ

Councilperson Howard Chuntz did not have anything to report.

25. COUNCILPERSON SETH SORENSEN

Councilperson Seth Sorensen did not have anything to report.

26. COUNCILPERSON CRAIG WARREN

Councilperson Craig Warren was excused. Jeff reported for Councilperson Warren that Pond Town Christmas is ready to go. It is November 23, 2018 at 6 p.m.

Erman Stone asked what they had heard about the road from the freeway to Elk Ridge. The mayor replied he knew several land owners that it would affect and none of them had been contacted about it. Bruce said that the last he heard it was 30 percent designed. Councilperson Chuntz commented he didn't think it would be next year like they were told. Bruce remarked they had told us next year for several years now.

William Burk wished everyone a Happy Thanksgiving.

Paul Bliss stated he is leasing the Ottesen property and he has paperwork from 1979 that in 1980 a water hook up should have been done on the property. He stated the original water right dates back to 1962 to Erma Davis and it is signed by Woodrow Wilson. He showed the council a copy of the water right. He stated that back in October he thought that he was on the agenda for council meeting, but the meeting was changed to 5 p.m. and he was not informed about the change, like today he thought he was on the agenda but he wasn't. Then he found out the meeting was changed to noon and so he isn't as prepared as he would have been. He would like to get the water hooked up. The mayor stated that he had looked into this extensively. He has talked to Andy Ottesen and his sisters that own the property. Paul said that the water right was for 34 cows, he has a right to the stream and would like to be hooked up. The mayor said that he had talked to Andy and he told him that we are not paying to have it hooked up, but he is willing to see what they can do to work it out. He commented this water right hasn't been used for 40 years, and it would probably be forfeit. His father lost 693-acre feet because it had not been used for several years. He said they are willing to work with Andy and help him out, but that they were not required to do the hook up. He stated that Paul could go the state but they wouldn't let him hook on because it is a water tributary and it is protected. Paul said that he has the minutes where in 1979 the council agreed to hook the water up. The mayor responded that was 40 years ago. Jeff stated that was not from the official minutes, it was from a reporter that was at the meeting. Paul said he has looked at the minutes and they correlate with his information. He just wants to get the cows a drink of water. Mayor Christensen said he believes the city is being more than fair to honor the water right, but they are not willing to pay for the hook up. He mentioned that Paul is the leasee, and that he has talked to the Ottesen family that are the owners. Paul stated that Mary Brockbank is the owner of the property. The mayor said that he has talked to Andy and that he would talk to his sisters, he understands where the city is coming from. Andy said the mayor was being fair when they talked. Paul replied that Mary Brockbank is the owner and she is Andy's aunt. The mayor said that he is willing to talk with any of the property owners. Paul stated that the city has been collecting and selling the water. Bruce stated he disagrees. The mayor stated we don't need that water, we have enough. Paul said he just wants help hooking up a trough. The mayor stated he is willing to meet with any of the property owners, he tried to find the property owner and came up with Andy. He commented we are not going to hook it up for you. If Paul took this to court he would get nowhere. Attorney Baker commented if the water right hasn't been used for 40 years, by state law it would be forfeit. The mayor said if Paul wants to the hook up then he will have to pay for it. He said if a previous council agreed to hook it up then they should have done it. Paul said he will contact Mary Brockbank and her son to meet with the mayor. He asked

what the process would be to hook into the collection basin. The mayor stated that he would not be allowed to hook on there. Bruce stated he would be hooked on after the tank. The mayor thanked him for coming.

Brook Christensen stated he would like to fully understand why the city is discussing power line options using public funds to service an area that is under litigation. He would like to voice his concern about that. Mayor Christensen said part of the problem is the lawyers, he would like to talk to SESD to work this out, but it hasn't worked in the past. Brook said his understanding was that they were to mediate topics. Councilperson Sorensen said that right now we have the contract in place that we can provide power there. The mayor said cities are spending 1/2 million dollars on litigation that was started by SESD, which is foolish on all parts. Brook stated SESD didn't start this, the cities headed down that track. The mayor said he would rather work together, but now they have 2 lawyers caught in the middle, and that makes it tough. Brook asked why they are outlaying more money than is needed \$100,000 to \$150,000 for developers to use later. It should be to manage growth not promote it. The mayor responded that we already have preliminary plats out there, and those developers will pay into that amount. Clark said that we have requested to go overhead to serve a customer we have a contract with, and we have been refused that right. Mayor Christensen stated he asked the lawyers how long this litigation could go and they estimated 5 to 7 years. Brook replied he hopes they can sit down and work it out, this is a waste of public money, and it is their job to save money. The mayor said Brook sounds just like him, he doesn't know how we all got tangled up in this. Brook stated he hopes they would opt for mitigation to get this worked out. The mayor stated that SESD keeps putting it off, maybe until the next legislation comes in. Brook said he heard that they were supposed to do mitigation last summer. The mayor replied they offered dates in March and April and tried for 2 and 1/2 months and SESD would never commit. The mayor said he would love to see mitigation move forward, he feels like we are trying and if Brook could push SESD along that would be great. Brook said that was good to know. William Burk stated they should just fire the attorneys.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Seth Sorensen to adjourn city council meeting.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: (All Affirmative 4-0).

MEETING ADJOURNED AT: 2:11 p.m.

Jeffrey Nielson, City Recorder