

Minutes of the Salem City Council Meeting held on October 17, 2018 in the Salem City Council Chambers.

Work Session: 6:00 p.m.

1. UMPA – SOLAR PROJECT

Layne Burningham with Utah Municipal Power Agency (UMPA) stated they provide power with the purpose to generate the power required to the cities that they service. He mentioned that the trend is to go green and they have been looking into a renewable source of energy. The prices are starting to come down, and they are ready to step into a solar resource for power. They sent out an RFP (Request for Proposal) because the contract they have now for renewable power is about to expire. Kevin Garlick has been working hard on this project. Kevin stated he didn't have a lot to add. This project would be able to service 20,000 to 30,000 homes, it is located on four acres of land. The problem with solar is it doesn't produce when the sun doesn't shine, so it must be used with other supplies. It is located in Toole County, and they would be the sole buyer from them. They will use PacifiCorp lines to deliver the power. They expect to be online by 2021, and they have a 25-year contract. The price is where it needs to be to keep the cities competitive in pricing while offering a renewable source of energy. They will be asking the board for approval for the power purchase agreement, and wanted to make sure the cities were informed. It is their obligation to keep the cities informed and to have their support. Councilperson Howard Chuntz asked if UMPA will be the only buyer. Kevin replied that was correct. Bruce Ward asked if the contract was guaranteed for 25 years. Lane stated it was, and if it doesn't produce we will not be paying anything. Bruce asked if there was a downside. Kevin stated only if we are locked into a price and the prices keep going down. Councilperson Craig Warren asked if the prices are locked in for the 25 years. Kevin replied they were. Mayor Christensen remarked it sounded like a good project. Councilperson Sterling Rees stated they have done a great job, he thanked them for coming.

2. COUNCIL AGENDA ITEMS DISCUSSION

Bruce introduced Yejezkel Jimenez, who is an international student, Yejezkel will be one of the engineering interns. Because of his international status BYU has requested that we approve this agreement. Attorney Junior Baker has reviewed the agreement, and found no risk to the city. Councilperson Warren welcomed Yejezkel. Councilperson Rees asked how long the agreement was good. Attorney Baker replied it was good for a full year.

Bruce stated they are making amendments to the subdivision ordinance just to clarify a few things. Attorney Baker stated the main thing is to clarify that developers will connect to Salem City power and other utilities. Bruce mentioned they added that natural gas and telecommunications must be available. This is just for some clarification and housekeeping.

Bruce reported the ordinance for commercial curb and gutter will not change anything for residential. Attorney Baker remarked that it would impact residential based on what Matt sent to him. Bruce said he was confident that it was not supposed to. Attorney Baker stated this was not ready to present to the council.

Bruce stated there were some suggestions for changes to the R-5 zone tonight. Councilperson Warren remarked the way that was sent out, so that they could see the changes, was awesome. Bruce stated the legal department could do that. Councilperson Warren said he requests that it be done in the future by whoever is in charge of the document. Bruce stated there are a number of changes that have gone through DRC and Planning and Zoning. The R-5 zone will be to provide increased density of five units per acre, with the ability to earn, through provided amenities, up to nine units per acre. Now we can say the zone allows five, tell us why you deserve nine units. Councilperson Warren said that when the ordinance was written the R-5 zone wasn't really a consideration. Things have changed and we need affordable housing. He said we need to give Bruce the ability to say yes or no, to have some clear rules. Councilperson Cristy Simons said we should say this is what you have to do to earn more density. Councilperson Rees said we need to allow some creativity. Bruce said it allows the city some flexibility. He stated that they added that the acreage included within a single-family aspect of a project may not be counted toward the twinhome/townhome density in the project, that way developers know that you can't stack 44 units on one acre. They have changed the single-family home from 3,000 square feet to 5,000 square feet, to make it more practical. All townhomes will be required to have a 2-car garage. He stated the set backs are fairly normal, the rear yard will be 15 feet, provided there is an attached, covered rear porch that is open on the back and two other sides may have a five-foot rear yard setback. Side yard setbacks must be a minimum of five feet on one side and ten feet on the other side. Two additional parking spaces will be required per unit. If there is a twenty-foot driveway that may count as the additional parking. There was a discussion about how much parking should be required. Bruce commented he could look into that some more. Councilperson Warren stated that we can't sit on this anymore, we need to get it fixed. We have people that want to develop and we need to have affordable housing in Salem. Bruce stated the state is saying that we do have that obligation. Attorney Baker said if the cities and towns don't do something about affordable housing the legislature is saying they will. Each project must maintain adequate common area to provide active recreation opportunities for the residents. This shall include a walking trail or path throughout the project, meeting the City's standard for trails. Unless the project is designated for seniors only, it shall also include a commercial quality tot lot, approved by the City Recreation Director, including a drinking fountain. Projects containing over 100 living units shall also include a clubhouse with, at a minimum, an exercise room, meeting room, and restrooms and an additional tot lot. Projects containing over 150 living units shall, in addition to the other amenities required for smaller projects, include a thirty (30) foot by sixty (60) foot pavilion with restrooms, tables, lighting, and BBQ area. Other amenities geared to the potential resident may be included. Examples include, but are not limited to, swimming pools, tennis courts, pickle ball courts, basketball play area, racquet ball courts, volleyball areas, horseshoe pits, or other amenities as approved by the Council. Projects with living units just short of the standards set herein are required to provide amenities as approved by the Council. The City may require more or higher quality recreation opportunities, or more open space than initially proposed, if the projects are larger based upon the extent and quality of the other amenities provided. Councilperson Chuntz stated that it doesn't say what they need to do to get increased density. Bruce replied we can be more or less specific. Councilperson Seth Sorensen commented that there are not enough big parks in the city, and most of the green spaces that are built will only be used by the people living in the development. He asked if we could do a park fund and developers could

put money in there. Attorney Baker said that would be illegal, that is why they pay impact fees. Councilperson Sorensen asked if it would be okay if they were trying to earn more density. Attorney Baker said they could look into that option. The mayor said we need to be careful, if we require too much, then it is no longer economical. Bruce stated all exterior walls will be brick or stone. Stucco may only for accent. Flat roofs are allowed if it promotes human comfort by providing private outdoor living space such as lounging areas, private recreation areas, shading devices, BBQ opportunities, and other architectural features approved by the Architectural Review Committee. Roof top features shall not count toward the height of the building. Otherwise, the minimum roof pitch shall be 6:12. He went over the landscaping that will be required. They have reworded the requirements of the Home Owner's Association to include snow removal. No animals will be allowed except for household pets. Attorney Baker stated they may want to continue the public hearing so staff can work on the things that were mentioned.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor Kurt L Christensen

COUNCIL PRESENT:

Mayor Kurt L Christensen
Councilperson Cristy Simons
Councilperson Seth Sorensen
Councilperson Howard Chuntz
Councilperson Sterling Rees
Councilperson Craig Warren

STAFF PRESENT:

Jeffrey Nielson, Finance/Recorder
Junior Baker, City Attorney
Chief Brad James, Police Chief, Excused
Clark Crook, Power
Matt Marziale, PW/Recreation
David Johnson, Building Dept., Excused
Allison Taylor
Greg Gurney, Police

OTHERS PRESENT

Shannon Ealey, Kyla Bingham, Brightyn Beuttenmuller, Ricky, Hunter Turner, Angie Snow, Xander Griggs, Sara, Sade Martinson, Cooper Robinson, Brooke Vance, Jerett Duley, Paisley Bills, Jarmy Rudd, Cameron Rose, Tristen Talbert, Syd Slaymaker, Sophie Callister, Lexi Lamb, Nathaniel Meads, Alyssa Jorgensen, Trish Jairl, Jan J. Ward

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

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

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Sophie Callister 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. PUBLIC HEARING (to open)

MOTION BY: Councilperson Craig Warren to open the public hearing.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

a. ORDINANCE MAKING AMENDMENTS TO THE SUBDIVISION ORDINANCE CONCERNING DEVELOPMENT STANDARDS

Bruce Ward reported this ordinance is to clarify what the ordinance already states that developers are required to connect to Salem City utilities. They did add in that telecommunications and natural gas must also be provided. This is basically for clarification and housekeeping. Mayor Christensen asked if there was any public comment. There was none.

b. CHANGES TO SUBDIVISION STANDARDS

i. COMMERCIAL CURB & GUTTER

Bruce mentioned there was a miscommunication between Matt Marziale and Attorney Junior Baker. Attorney Baker stated that this was not ready and they would bring it back to the next meeting.

ii. AMENDMENTS TO R-5 ZONE

Bruce stated we have a lot of requests in our R-5 zone for additional density, in looking at the zone they have made the following amendments. The R-5 zone is intended for higher densities, and may contain up to five units per acre with the ability to earn, through provided amenities, up to nine units per acre, provided that the acreage included within a single-family aspect of a project may not be counted toward the twinhome/townhome density in the project. Single family resident lots will be required to be 5,000 square feet. All townhomes must contain a two-car garage. Single family residences and twin homes must have a minimum front setback of 25 feet to the garage and twenty feet to other portions of the building. Rear setbacks must be a minimum of 15 feet, provided that an attached, covered rear porch that is open on the back and two other sides may have a five-foot rear yard setback. Side yard setbacks must be a minimum of five feet on one side and 10 feet on the other side. Single family and twin home residences which have rear yard setbacks less than 20 feet must have a vision barrier fence between rear yards. It shall be the developer's obligation to install the fence prior to occupancy of either residence. Townhomes garages

must be set back from public streets a minimum of twenty-five (25) feet from garages and a minimum of twenty (20) feet from other parts of the building. Townhomes must be set back from side yards a minimum of ten feet and from rear yards a minimum of fifteen feet. All townhomes must have an additional off-street parking of two spaces per unit. If they have a driveway of at least twenty feet in length that may count toward the additional off-street parking requirements. Each project must maintain adequate common area to provide active recreation opportunities for the residents. This shall include a walking trail or path throughout the project, meeting the City's standard for trails. Unless the project is designated for seniors only, it shall also include a commercial quality tot lot, approved by the City Recreation Director, including a drinking fountain. Projects containing over 100 living units shall also include a clubhouse with, at a minimum, an exercise room, meeting room, and restrooms and an additional tot lot. Projects containing over 150 living units shall, in addition to the other amenities required for smaller projects, include a thirty (30) foot by sixty (60) foot pavilion with restrooms, tables, lighting, and BBQ area. Other amenities geared to the potential resident may be included. Examples include, but are not limited to, swimming pools, tennis courts, pickle ball courts, basketball play area, racquet ball courts, volleyball areas, horseshoe pits, or other amenities as approved by the Council. Projects with living units just short of the standards set herein are required to provide amenities as approved by the Council. The City may require more or higher quality recreation opportunities, or more open space than initially proposed, if the projects are larger based upon the extent and quality of the other amenities provided. All units must be constructed entirely of brick, stone, or other masonry product (hardi-plank), approved by the Architectural Review Committee and the Planning and Zoning Commission during the design and architectural review process. Stucco may be used to highlight or accent features, but not as the dominant material. Street facing sides shall include variations such as bay windows, chimneys, pop outs, wainscot, or other similar features to avoid flat walls. Flat roofs are allowed if it promotes human comfort by providing private outdoor living space such as lounging areas, private recreation areas, shading devices, BBQ opportunities, and other architectural features approved by the Architectural Review Committee. Roof top features shall not count toward the height of the building. Otherwise, the minimum roof pitch shall be 6:12. They added some clarification to the landscaping and put in that the Home Owner Association would be responsible for snow removal. They reworded that no animals are allowed except for household pets. Mayor Christensen asked if there was any comments or questions from the public. There was none. The mayor suggested to change the parking to 2.5 visitor parking per unit. Bruce asked if we should close the public hearing and then the council could have their discussion.

(to close)

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

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

Councilperson Cristy Simons commented if we are going to allow up to 9 units per acre we should list what the qualifications are to earn the density. The mayor said that developers are dissatisfied with the ordinance because it is so vague. Councilperson Sterling Rees commented that there needs to be flexibility so that people can bring in their own ideas for

their developments. Councilperson Simons said we could have guidelines of things that we would consider. Bruce mentioned we don't have anything that specifically says this is how you earn density. Councilperson Howard Chuntz asked if we were required to have 9 units per acre, could we do 7 units per acre and just require certain acreage and green space and forget about the earning more density. He stated earning density just opens up a terrible area for dispute. Attorney Baker replied they could do that, it would be easy to make that change. Councilperson Seth Sorensen asked if when they do the general plan they would be calculating density on 5 units or 9 units for the R-5. Bruce replied he thinks their idea of high density will be higher than ours. The mayor stated he thinks 2.5 additional parking is a good number, if they have a 20-foot driveway they would only be required an .5 additional parking. Bruce stated that the 30-foot roadways were decent, but they wouldn't go any smaller. Lieutenant Greg Gurney asked if that would be enough room for emergency vehicles. Bruce replied they would be built for emergency access. Bruce commented that he would do some more research on parking. There was a discussion whether to leave the R-5 at 5 units with the ability to earn up to 9, or just change it to be 9 units with the required acreage, green space and amenities. Councilperson Craig Warren stated we need to decide how many units it is and stick to that. If its 9 units and you come in with 10, then it won't be approved. Bruce said he and Attorney Baker will take this direction and bring back the revised language.

MOTION BY: Councilperson Seth Sorensen to approve the ordinance making amendments to the subdivision ordinance concerning development standards.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (5-0).

MOTION BY: Councilperson Cristy Simons to table the amendments to R-5 zone until the next council meeting.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

4. BERRETT ANNEXATION (APPROX 400 NORTH WOODLANDS HILLS DRIVE)

Bruce stated they were approached by Brad Berrett for an annexation on property located at 400 North and Woodland Hills Drive. Attorney Baker stated this is the first step in the annexation process, council can either approve the annexation for further study or deny the annexation. They will look at infrastructure and give notice to other property owners that this would affect. He stated it is about a 90-day process. Bruce mentioned he was visited by another property owner that was against the annexation, but after talking with him he felt better about it. He said he seemed reasonable to work with.

MOTION BY: Councilperson Sterling Rees to approve the Berrett annexation for further study.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (5-0).

5. APPROVE AGREEMENT FOR BYU ENGINEERING INTERN

This item was discussed in work session.

MOTION BY: Councilperson Craig Warren to approve the agreement for the BYU engineering intern.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (5-0).

6. SURPLUS 2004 CHEVY K 1500 SILVERADO

Matt reported they have a 2004 Chevy (VIN# 2GCEK19TX41281544) that was being used in the recreation department, it was a police vehicle before they got it. The truck has over 200,000 miles on it and has broken down. He had a mechanic, Chris Wright, look at it and it has a blown head gasket. The cost to repair the truck is more than it is worth. He is recommending to surplus the truck and put the money we get for it back into the motor pool fund.

MOTION BY: Councilperson Craig Warren to approve the surplus of the 2004 Chevy K 1500 Silverado.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

7. APPROVE MINUTES OF OCTOBER 3, 2018

MOTION BY: Councilperson Seth Sorensen to approve the minutes for October 3, 2018.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (5-0).

8. APPROVE BILLS FOR PAYMENT

AMOUNT: \$2,063,349.25

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

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

9. YOUTH COUNCIL

Kyla Bingham and Brightyn Beuttenmuller reported that last month they did garbage clean up at the two ballparks. The activity for October is the Goosebump Gala on October 27, 2018 at the Activity Center.

10. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief James was excused tonight.

Lieutenant Gurney did not have anything to report tonight.

11. DAVE JOHNSON, BUILDING OFFICIAL DIRECTOR

Dave Johnson was excused tonight.

12. ATTORNEY JUNIOR BAKER

Attorney Baker did not have anything to report tonight.

13. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff stated he emailed the budget out right before the meeting, he asked the council to look over it and let him know if they have any questions. He mentioned that with all the work they have been doing on the roads, the entire roads budget has been used. The roads will now be using the money that they have in capital improvements for any additional work they do. He wanted to make the council aware of that. There have been a lot of improvements done to the roads Attorney Baker asked if that would have an impact on snow plowing. Jeff replied it would not. He mentioned that the sewer budget will look like we are in the hole, but we have to pay the bills and then get approval from the state for payment. Bruce asked Jeff to explain the payment process. Jeff explained the process is to pay the bills, then hold the checks in the safe until we get them approved, then they are given to the contractors. He said overall, we are not doing bad. He mentioned that auditors are here this week and will be here tomorrow if the council has any questions for them they can come in and visit with them.

14. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt reported the PI water was turned off on Monday. There was still water in the lines but it should be out in the morning, and the crew will start winterizing tomorrow. He mentioned that the green waste will be open next Monday. The crews will be taking down the Salem City barricades on Loafer Canyon Road tomorrow about noon. They will move the jersey barriers to the side of the roads and leave them there. Councilperson Rees asked what people could do with the sandbags. Matt replied there are two good options, people can dump them out in their garden or yard, or bring them back to the rodeo grounds. He had this put on the website.

15. CLARK CROOK, ELECTRICAL DIRECTOR

Clark Crook did not have anything to report tonight.

16. BRUCE WARD, ENGINEERING

Bruce stated the Central Utah Water Conservancy District called him and they expressed some concern about our storm drains when they do their pipeline. They asked if we had a masterplan, Bruce told them that we did not. They asked about how much it would cost, Bruce told them he thought about \$100,000. They offered to pay half if we get that done. He is asking tonight to send out official RFPs for a city-wide storm drain masterplan. Then he can let them know the real number. He mentioned we do have storm drain issues at least a couple times a year with heavy rain. Canal road turns into a dam and there are houses on the other side. Once the district pipeline comes in it could compound the problems so we need to look into this. We would have to pay the other half for the masterplan, he has talked to Jeff about where the money could come from. Jeff explained some of the money could come from the storm drain unrestricted fund and the rest could come from the general fund. Councilperson Rees asked if Bruce was asking for approval to do an official RFP. Bruce replied that is what he is asking for tonight. Councilperson Rees thinks this is a great idea. The council felt that Bruce should move forward with the RFP to do the study.

Bruce stated they need to have a discussion on PI metering since we have received the \$300,000 grant for it. He would like to ask Franson Engineering, who put together the proposal for the grant, to put together a proposal to begin the metering effort. It will be about \$2.4 million to get the whole city metered. Councilperson Simons asked if we could apply for the grant again. Bruce replied we could not. Bruce mentioned we would need to come up with the \$300,000 to match the grant money. He would like to look into a loan for the whole \$2.1 million we would need to the whole city metered. He thought it would be worth looking into.

Bruce stated he, Matt, and Councilperson Simons had been looking into some options for a park. One of the options they are looking at is in the Ridge View subdivision. The subdivision will be dedicating some land back to the city for a retention pond, and they have been looking into purchasing two other lots to create a nice city park. He stated that this side of town needs something. Matt stated that impact fees could be used to purchase the lots. Bruce said if it was okay he would start talking with the developer about it. The council felt like it would be okay to have a discussion with the developer.

COUNCIL REPORTS

17. MAYOR KURT CHRISTENSEN

Mayor Christensen mentioned that Dennis Jensen retired this week. There was a nice luncheon on held on Monday. Councilperson Rees asked when his last day was. Matt replied it was Monday.

18. COUNCILPERSON STERLING REES

Councilperson Rees did not have anything to report tonight.

19. COUNCILPERSON CRISTY SIMONS

Councilperson Simons stated that outdoor sports are finished and the recreation department is now starting on indoor sports. The pavilion at the Loafer View Sports Complex will be completed this week. The Goosebump Gala will be held October 27th from 1-3 p.m. at the Veteran's Memorial Ballpark. She said Woodland Hills had reached out to her and wanted to set up a booth to hand out candy to thank our citizens for their support during the fire. She invited them to come and participate. She mentioned that the Christmas decorations are going up on the pond for Pond Town Christmas.

20. COUNCILPERSON HOWARD CHUNTZ

Councilperson Chuntz did not have anything to report tonight.

21. COUNCILPERSON SETH SORENSEN

Councilperson Sorensen did not have anything to report tonight.

22. COUNCILPERSON CRAIG WARREN

Councilperson Warren did not have anything to report tonight.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Craig Warren to adjourn council meeting.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 8:30 p.m.

Jeffrey Nielson, City Recorder