

Minutes of the Salem City Council Meeting held on September 5, 2018 in the Salem City Council Chambers.

Work Session: 6:30 p.m.

1. AGENDA DISCUSSION

Mayor Christensen asked about the cooperative agreement with UDOT. Bruce Ward replied this is an agreement with UDOT, Utah County, Spanish Fork City and Salem City about State Road 164. It will be a limited access road, this shows where the stop lights along that road will be, and that they all agree to those locations. This agreement is not unchangeable if it makes sense to modify it we can go back to UDOT and do that.

Bruce stated tonight they are asking to approve the contract with Hansen Allen & Luce for the water master plan. He mentioned Attorney Junior Baker has reviewed the contract, and he has also reviewed the contract, it is a 30-page contract if anyone would like to look at it. The terms are an hourly billing rate plus reimbursable expenses basis, with a not-to-exceed fee of \$196,900. There was a discussion on working on a general plan. It was decided to hold a meeting with the council and Planning and Zoning. Councilperson Craig Warren commented it should be held before the end of the month.

Bruce stated the addendum to the water agreement with J LC and West Mountain Water Company is so that we can sell our water at a ratio of 2 to 1 with their water. Right now, we have generated what we needed for our masterplan and the other projects that we specified so we are not selling water. We just don't want them to have a monopoly on selling water. The mayor mentioned they will be setting the price for their water.

Matt Marziale stated he brought the curb and gutter ordinance to the previous council and nothing has happened. He has made some modifications to the ordinance so that it will only affect commercial property. He mentioned that there have been a couple of renovations on commercial property where they should have been required to do improvements, but since we didn't have an ordinance in place the city will now have to pay to have them done using taxpayer dollars. The mayor asked if anyone had any disagreement on doing this. No one did. Matt, Bruce, and Attorney Baker will work on an ordinance and will put it through the process of DRC, Planning and Zoning, and then back to the council.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor Kurt L Christensen

COUNCIL PRESENT:

Mayor Kurt L Christensen
Councilperson Cristy Simons
Councilperson Seth Sorensen, Excused
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

Stefan Allan, Stephanie Allan, James Ealey, Chris Wright, Ty Bailey, Carson Peterson, Evelyn Christensen, Jen Watson, Hubia Thayer

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Christensen asked if anyone would like to give a motivational or inspirational message. Matt Marziale 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. JOSH THAYER – CITIZEN REQUEST

a. REQUEST SALEM CITY TO CHANGE CITY CODES TO BE MORE UP TO DATE

Mayor Christensen invited Josh Thayer to come forward. Josh stated that a violation of city code cannot be enforced as a class B misdemeanor as it is not a criminal act. He stated this should be brought up to date. Attorney Junior Baker explained that was not true. Josh stated that a judge had ruled in his favor on this issue. Councilperson Howard Chuntz asked to see the ruling. Josh said he had given it to Jeff Nielson. Jeff pulled up the documents submitted by Josh. Attorney Baker commented that both of these were motions. Attorney Baker read the Utah State Law, it states that a violation cannot exceed a class B misdemeanor, but we can enact on anything up to that. Josh remarked that everyone should research this so they can see what the judge decided. Attorney Baker said he has just read what the law clearly

states. Councilperson Chuntz said it would be appropriate for Josh to bring the ruling, then they could all look at it and see how it meshes or differs from the state law. Josh asked Attorney Baker to get that. Attorney Baker stated he wasn't the prosecutor on the case and he doesn't have that information. Councilperson Chuntz remarked that it was Josh's case and he would be able to obtain a copy of the final ruling.

b. REQUESTING CITIZENS OF SALEM MAY HAVE AN OPPORTUNITY TO HAVE A TEMPORARY LIVING QUARTER'S PERMIT

Josh stated that a lot of places offer a temporary living quarters permit so that you can put an RV on your property after you demo a home while you are building. He is questioning why we don't implement something like that so that residents can stay on their property instead of having the added expense to live somewhere else while they rebuild. Councilperson Sterling Rees asked Attorney Baker if Spanish Fork has something like this. Attorney Baker replied they do not. Councilperson Chuntz asked Josh if he was asking the council to create an ordinance. He mentioned that if Josh would like to bring us some ideas and ordinances he would like us to look at he would be willing to look at them. The mayor asked if there was an ordinance that addresses this issue. Dave Johnson replied there was not. Councilperson Rees commented that he doesn't think we need this in Salem. He asked how many demos we had done. Jeff Nielson replied there have been about 4. Councilperson Cristy Simons said she is not sure there is a great need for something like this. Councilperson Rees stated that if you demo your home you should have a plan as to where you are going to live while rebuilding. Josh stated he is asking for a temporary living quarters permit so that he can stay on his property, he mentioned that Utah County has these permits. He said it costs a lot to build a home and why should he have the added expense when by rights you can live on your property. Councilperson Rees said you can stay on your property if the city ordinance allows it, if it doesn't then you need to have a different plan. Councilperson Simons stated we would consider creating an ordinance if there was a great need to do so. Mayor Christensen stated Josh is in a more complicated situation than others because of the crazy situation with his neighbor. Josh stated that he had to spend \$30,000 because he was charged with a criminal act, so he had no choice. He said Attorney Baker and Chief Brad James know why. He said a family shouldn't have to spend that kind of money. He asked what year this building was built. Jeff replied that the new addition was completed in 2007. He stated Josh had that information from the grama request that he had done. Josh stated he had come to the city to ask for asbestos reports on jobs that the city employees have done. That was 11 days ago and it cost him \$33 and he didn't get a single report. Jeff commented that we should stay on the issues that Josh brought to the council. Josh stated he has over 70 police reports. He mentioned that he was arrested for pushing the boyfriend of his ex-wife at the school. The mayor told Josh that they want what is best for Josh, that is why they did the zone change on his property so that he could move forward with his demo and building.

c. REQUESTING SALEM CITY IMPLEMENT A SPECIFIC POULTRY ORDINANCE

The mayor mentioned that we do have an ordinance for animal rights. Josh stated we do not have a specific poultry ordinance. The mayor asked what Josh thinks our ordinance should be. Josh said he didn't know but he doesn't want to see another family go through what he

has been through because we don't have an ordinance. Attorney Baker said that our ordinance is fine and that it is tied into animal rights. Josh stated that he has tried 3 times to get a poultry ordinance in Salem and in past experience, not with this council, they haven't done anything. Councilperson Chuntz stated Josh needs to put together what he would like to see in a poultry ordinance and they will consider it. He needs to bring something to look at if he wants something changed. The mayor stated Josh needs to follow the ordinances that we do have and be a good neighbor. Councilperson Chuntz said to bring something to look at. Josh said he has many times. Councilperson Craig Warren stated Josh could bring it as many times as he wants.

4. APPROVE AN ADDENDUM TO WATER PURCHASE AGREEMENT WITH J LC AND WEST MOUNTAIN WATER COMPANY

Bruce Ward stated that we have allowed developers to purchase water credits from the city for indoor water. The water from J LC and West Mountain Water Company has been approved by the State Engineer to be transferred to Salem City. The addendum to the agreement would allow Salem City to continue to sell water at a ratio of 2 of ours to 1 of theirs. We are not currently selling water. J LC and West Mountain Water Company would set the price for their water.

MOTION BY: Councilperson Craig Warren to approve an addendum to the water purchase agreement with J LC and West Mountain Water Company.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (4-0).

5. APPROVE A CONTRACT WITH HANSEN ALLEN & LUCE FOR THE WATER MASTER PLAN

Bruce advised the council this is finalizing the contract with Hansen Allen & Luce for the water master plan. Hansen Allen & Luce was selected by the selection committee to do the master plan, and council has awarded them the contract. The terms of the contract are an hourly billing rate plus reimbursable expenses basis, with a not-to-exceed fee of \$196,900.

MOTION BY: Councilperson Howard Chuntz to approve a contract with Hansen Allen & Luce for the water master plan at an hourly billing rate not to exceed \$196,900.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (4-0).

6. APPROVE RESOLUTION APPROVING AN INTERLOCAL AGREEMENT AMENDING AND JOINING CENTRAL UTAH 911

Attorney Baker stated that we are a member of the Utah Valley Dispatch Special Service District. Juab County and Nephi City would like to join, there is some advantage to letting that happen it helps with call volume, spreads out expenses and they will bring some equipment. As they looked into letting them join there was not a good way to amend the

current district. The best option is to create an interlocal agreement which would allow us to proceed. They feel this is a great way to maintain our dispatch service. Nephi and Juab County have about the same call volume as Santaquin City. If we pass this it would become effective when all other member cities pass it. It would still operate the same way, they still own the building debt free. The mayor asked Attorney Baker if this was a good deal. He replied that it was. Councilperson Chuntz asked who owned the building. Attorney Baker replied all the member cities and Utah County. Councilperson Rees asked how the other member cities felt about this. Attorney Baker replied that Spanish Fork had approved it last night. He could get a report for the council about the other cities. Chief James stated the state is pushing for consolidation. Attorney Baker stated this is a good deal and effectively will lower the cost. Chief James mentioned that Terry Ficklin is on their board and is diligent about attending their meetings.

MOTION BY: Councilperson Sterling Rees to approve resolution approving an interlocal agreement amending and joining Central Utah 911 Dispatch district.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (4-0).

7. APPROVE COOPERATIVE AGREEMENT WITH UDOT

Bruce advised this was discussed in work session. He asked if there were any questions. He commented this is an agreement for proposed traffic signals and to control access onto State Road 164.

MOTION BY: Councilperson Cristy Simons to approve cooperative agreement with UDOT.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (4-0).

8. SURPLUS CITY VEHICLE (2001 CROWN VIC)

Clark Crook reported the 2001 Crown Vic (VIN# 2FAFP71W51X114280) was passed to the power department from the police department, they used it when they had someone that needed to travel for training. This car is getting old, and has served its purpose. The police department has a Ford Explorer that they are finished using and the power department will be updating to that. He recommends placing the car on surplus, the other departments don't need it. Councilperson Warren asked how much it would sell for. Clark replied it was a public auction so you never know. Councilperson Warren asked where the money from the sale goes. Jeff replied it goes back into the motor pool.

MOTION BY: Councilperson Craig Warren to approve the surplus on the 2001 Crown Vic.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

9. BACKHOE PURCHASE POWER DEPARTMENT

Clark reported the power department has been renting or leasing a backhoe yearly. The leases keep going up and they need to have one that they can access all the time. They have some big jobs coming up like the line to the sewer plant and others and the backhoe will be a lifesaver. They have saved some money for equipment from last year and carried that over to this year for this purchase. He has 2 bids; a Case 2012 model N in SLC at United Rental, 4x4, cab w/heat/cool, extend-hoe, 4-way bucket, 1579 hours for \$ 49,000.00, and a Case 2011 model Super N in Draper, private owner, 4x4, cab w/heat/cool, extend-hoe, regular bucket, 2900 hours, pilot controls, quick disconnect backhoe bucket for \$ 48,000.00. He stated that condition is the number one thing to look at and the 2011 is in good shape. The mayor asked what the difference is between a model N and a model super N. Clark replied there is a little more horsepower in the Super. Clark stated the 2012 was pretty used, the hours looked good, but the condition wasn't. He recommends the purchase of the 2011 Super N backhoe. Mayor Christensen stated if they rented a backhoe for the next 3 years it would be about the same cost, but we would own it. Jen Watson asked how many backhoes the city owns and if the departments could share one. Clark replied the city has three backhoes. One is shared between the roads department, the water department and the power department. It is quite utilized with the priority being the water department. We have an older model that they use in the parks and recreation departments. The other backhoe is for the cemetery and they do not borrow that one. Clark commented that they have the facilities to keep the backhoe stored.

MOTION BY: Councilperson Craig Warren to approve the backhoe purchase for the power department.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

10. APPROVE PURCHASE CHASSIS FOR FIRE DEPT BRUSH TRUCK

Chief James invited Chief James Ealey and Captain Chris Wright to come up. They stated the fire department needs to replace its 1976 brush truck, it is barely holding together. They have received a bid to replace it for \$30,000 and they will complete all the change overs to put in the bed and boxes. They are asking the council to approve this purchase.

MOTION BY: Councilperson Howard Chuntz to approve the purchase of the Chassis for the fire department brush truck.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (4-0).

Chief James thanked Chief Ealey and Captain Wright. He appreciates all they do.

11. APPROVE MINUTES OF AUGUST 15, 2018

MOTION BY: Councilperson Craig Warren to approve the minutes of August 15, 2018.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (4-0).

12. APPROVE BILLS FOR PAYMENT

Jeff stated that he had Councilperson Warren look over the invoices from Terry Ficklin for Salem Days for the sound system. Councilperson Warren stated he went over them and it is a great deal. The mayor mentioned that we finally purchased some speakers for the rodeo arena. Jeff advised that the total was \$17,000 but some of that will be paid for by the sponsors. Councilperson Warren stated that every invoice has a discount and when they see Terry they should thank him. The mayor stated that it makes Salem Days that much better and Terry does a lot for the city and treats us well.

AMOUNT: \$954,188.49

MOTION BY: Councilperson Sterling Rees to approve the bills for payment including the approximately \$17,000 to Wylder Productions.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (4-0).

13. YOUTH COUNCIL

The mayor thanked the youth council for all their help during Salem Days. The representative for the youth council reported that in September they will be going to an assisted living center to serve the people that live there. He mentioned that next month they will be helping with the Goosebump Gala on October 27. The mayor asked them to thank the others in the youth council for all they do. The council also thanked them.

14. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief James mentioned that two Sundays in a row we have had a fatal motorcycle accident in our area. We have lost two good young men. He encouraged citizens to be cautious and watch out for each other.

He advised he will be sending a video to educate the council on the medical marijuana initiative. It shows what is happening in other states where this has passed. He stated that the Police Chief's Council is opposed to this initiative. He asked them to take one hour to watch the video. Councilperson Simons asked Chief James if there were scam calls going around. Chief James replied there were and to please tell citizens to call the police department if they are worried about them. He mentioned that they are showing up on caller IDs as local police departments in some cases. A lot of money is lost to these scams and citizens are encouraged to report them.

15. DAVE JOHNSON, BUILDING OFFICIAL DIRECTOR

Dave stated there were two items on DRC. Cliff Hales submitted a preliminary plat for Deer Hollow Subdivision, this is south of Harvest Ridge and will have 28 lots. He will be developing this in two phases. Councilperson Simons asked when these come in do we look for green space. Dave replied when they come in under the current zone we do not. They do pay impact fees that would help develop green space. Councilperson Simons commented that we need to look at that, we are getting so many homes up that way. Dave reported the

preliminary plat was approved and will go to Planning and Zoning. Jim Whitmore submitted the final plat for Salem Park Phase 5, it will be 30 lots. This was approved. The amenities that are attached to this phase will be traded for the park to be completed first and the trail system will be completed in the next phase. It made more sense to do it this way.

16. ATTORNEY JUNIOR BAKER

Attorney Baker did not have anything to report tonight.

17. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff mentioned he had sent out the budget and if they have any questions to let him know. He is starting the new budget, wrapping up the old budget and getting things ready for the auditors.

18. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt Marziale stated he had sent a letter to the Cole family with the city's intent to proceed with improvements on the property. One of the conditions of our contract was to give them 3 months' notice before we did any improvements. He asked them when they are done farming in November if we could start. We have budgeted \$75,000 from impact fees to use there.

He mentioned that one of the amenities for Salem Park is a playground. They have worked with the developer to make sure it is suitable for all ages. The developer paid for the equipment and for it to be professionally installed. This will be open of all Salem residents. Bruce commented they need to have a design review committee for the park at Arrowhead Springs. He asked if any of the councilmembers would be willing to be on the committee. Councilperson Simons and Councilperson Warren volunteered. Bruce stated he will ask some residents to be on the committee also.

Matt said he will move forward with his public works assignment and will bring it back to the council.

19. CLARK CROOK, ELECTRICAL DIRECTOR

Clark did not have anything to report tonight.

20. BRUCE WARD, ENGINEERING

Bruce stated the mayor has the report on the sewer plant. It is moving fast and they are holding monthly construction meetings.

COUNCIL REPORTS

21. MAYOR KURT CHRISTENSEN

Mayor Christensen asked if anyone had seen the progress on the sewer plant, he was shocked by the amount of work they have done. It is impressive. Bruce mentioned that the excavation is almost done. The mayor stated that the employees are good. Miss Salem thanked them for their support. He mentioned there had been a bad report on one of Salem's football team. Matt explained that this was not a team in our recreation department. The mayor stated that winning is not that important and commended Matt on how he handled the situation.

22. COUNCILPERSON STERLING REES

Councilperson Rees mentioned that the UMPA summer BBQ was last week. It was good to meet people from other councils. It was the biggest group he has seen there and he appreciates those that could make it. The general manager of UMPA is doing better after his surgery.

23. COUNCILPERSON CRISTY SIMONS

Councilperson Simons reported that YAM is back Monday through Thursday after school from 2:30 p.m. to 5 p.m. The senior lunches are doing well. They are starting to plan for the Goosebump Gala on October 27, 2018. The Salem Hills High School veteran's football game will be held September 14, 2018. The governor will be attending so that should be a neat experience.

She gave an update on the pond, they have one more phase of testing by are pretty happy with the way things have worked out. She mentioned the Salem Day's thank you dinner will be held Wednesday September 12, 2018 at 6 p.m. at the civic center.

24. COUNCILPERSON HOWARD CHUNTZ

Councilperson Chuntz mentioned that we had already heard from the youth council tonight and he did not have anything else to report.

25. COUNCILPERSON SETH SORENSEN

Councilperson Seth Sorensen was excused tonight.

26. COUNCILPERSON CRAIG WARREN

Councilperson Warren reported he had attended the board meeting at South Utah Valley Solid Waste District. They are planning to move the transfer station from Springville to Spanish Fork. Springville has been difficult to work with and Spanish Fork will be happy to have them come there. The financial board is making sure it is financially viable.

27. CLOSED SESSION – LITIGATION

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

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Cristy Simons to adjourn city council meeting.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 9:20 p.m.

Jeffrey Nielson, City Recorder