

Minutes of the Salem City Council Meeting held on April 1, 2020 in the Salem City Council Chambers and electronically via Zoom Meeting.

**Work Session:** 6:30 pm.

## **1. AGENDA ITEM DISCUSSION**

Matt Marziale stated we have hired Epic Engineering to do a cost analysis on the trail the city agreed to build along Woodland Hills Drive from 600 South to 340 South. They are also doing an impact fee study towards our trail systems, and how much of this project would be eligible for impact fee reimbursement. The agreement is with Utah County and Nebo School District. This trail would need to be completed by June. They hope to put that out for bid soon then they will bring it back to the council.

Attorney Junior Baker said we have a citizen request from Richard Nielsen tonight. He came to the council a few months ago with his neighbors to petition for annexation. The council accepted the annexation request for further study. They informed him about the lawsuit with SESD and that he would need to get permission from them to allow Salem City to provide power to them before they could move forward. Rick went to get a building permit from Utah County, they are requiring him to have fire protection, the water line to his house will not provide that. He is asking if the city would provide the water line that he needs so that he can move forward with his project. Attorney Baker advised that we have an ordinance that says we will not provide water to anyone outside of the city. He urged the council to follow that ordinance. He said Rick is frustrated with the process, but he can move forward with his project without our water, it will just be harder for him. Attorney Baker said that staff recommends having Rick continue to work with SESD on the power issue, when that is resolved we can do the annexation and then we can provide the water service that he is asking for.

**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  
Councilperson Delys Snyder  
Councilperson Tim DeGraw

**STAFF PRESENT:**

Jeffrey Nielson, Finance/Recorder  
Junior Baker, City Attorney  
Chief Brad James, Police Chief  
Ted Barnett, Power, Excused  
Matt Marziale, PW/Recreation  
Bruce Ward, City Engineer  
Steve Cox, Building Dept.  
Allison Taylor

**OTHERS PRESENT**

Vaughn Pickell, Rick Nielsen, David Rice, Pam Barney

**1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE**

Mayor Christensen asked if anyone would like to give a motivational or inspirational message. Councilperson Seth Sorensen 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. PUBLIC HEARING  
(to open)**

**MOTION BY:** Councilperson Seth Sorensen to open the public hearing.

**SECONDED BY:** Councilperson Sterling Rees.

**VOTE:** All Affirmative (5-0).

**a. ACCESSORY BUILDING UNIT ORDINANCE**

Attorney Junior Baker stated one easy way to meet the moderate-income housing requirements is to allow accessory dwelling units. With council direction they have taken this ordinance to the Development Review Committee and to the Planning Commission. Both recommended approval of the ordinance but they did have some modifications. There was a discussion about adequate parking for the homeowners and the tenants and whether garages should count as parking. Bruce Ward mentioned there was concern

about a garage with a two-car driveway behind it, and whether that was adequate. The planning commission felt like the garage should not count as parking because there would need to be cars parked behind it. Steve Cox mentioned that to have a legal accessory dwelling they would need to meet all building codes. Mayor Christensen said he thinks there should be 2 parking spots provided that are not directly behind a garage. He asked if there was any public comment.

**(to close)**

**MOTION BY:** Councilperson Howard Chuntz to close the public hearing.

**SECONDED BY:** Councilperson Seth Sorensen.

**VOTE:** All Affirmative (5-0).

Councilperson Delys Snyder stated we have a lot of people that are renting accessory dwelling units already, what happens to those. Attorney Baker said we would grandfather the parking issue, but they would have to comply with the building code for safety. Mayor Christensen asked why we would grandfather that in since accessory dwelling units have been illegal, he stated they should all have to comply. Attorney Baker replied they could do that; it is whatever the council wants to do. Councilperson Snyder asked how we would make people aware this ordinance has passed. The mayor said we can put it in the newsletter, it will be a slow process to let everyone know, but we will do our best to make people aware. Councilperson Snyder asked about putting it on the website also. The mayor said we will try to get the ones that already exist to comply and work from there.

**MOTION BY:** Councilperson Seth Sorensen to approve the Accessory Building Unit Ordinance with the modifications.

**SECONDED BY:** Councilperson Tim DeGraw.

**VOTE:** All Affirmative (5-0).

#### **4. YOUTH COUNCIL**

There was not a representative available tonight from the youth council.

#### **5. SF/SALEM CHAMBER OF COMMERCE**

Heather Youd stated all their events are shut down until at the middle of May. They have resources for businesses on their website. They are hoping to get some webinars on the website also. She said some of the businesses that usually help sponsor the Easter egg hunt have volunteered to purchase some gift cards from local businesses for the chamber to give away to help the economy. The mayor asked if they could help people and businesses with the questions they had. Heather replied she could get them in touch with someone that could. The mayor thanked Heather.

## 6. CITIZEN REQUEST – RICK NIELSEN

Rick Nielsen said he is here along with his neighbor David Rice and Pam Barney, who will be the manager for what he hopes to construct. He wants to build an arena that will benefit people that are at the end stage of life. He was here about 3 months ago to discuss the water line that goes to his property. His property is still in Utah County and so he needs to get a building permit with them, they are requiring that he has fire flow to his facility and the water line to his house does not provide that. He is here tonight to see if he can connect to Salem City's water service before the annexation so that he can move forward. He has a lot of people that believe in this project and want to donate labor and services to it. He said at his last visit he was told to work with SESD to figure out the power issue. SESD told him they were willing to work with him to disconnect and reconnect the power. Ted Barnett, from Salem City, did a great job getting the cost. It is going to cost him about \$132,000 to get the power done and \$130,000 to get the water, there might be some connection fees that could offset some of these costs. He stated he has been working with Attorney Baker and he has been great to work with. He asked if the city would consider providing the water knowing that they still intend to annex into the city. Kenny Seng has agreed to donate the labor to get the water to his property. He asked if it would be helpful for him to petition separately for annexation. He asked if the city would also consider letting a professional power contractor donate labor to get the power in place. Attorney Baker replied it would not save any time for Rick to petition separately from his neighbors, he should just continue the way it has already been submitted. He stated the letter Rick has from SESD does not get him there, he is still in the same boat. Rick asked if SESD gave him the amount that needs to be paid if that would satisfy it. Councilperson Howard Chuntz replied it would, if he can get the number for the buyout they can move forward. Rick asked if there was any chance of staying on SESD power after being annexed he has some references to some that have been allowed to do that. Attorney Baker replied from a legal litigation standpoint they cannot allow that. Mayor Christensen stated they would all like to see Rick be annexed into the city and if they had the number from SESD they could deal with it, but until they do the city cannot move forward. Jeff Nielson stated once Rick gets the number, he would need to pay SESD and provide documentation that it has been paid. Rick asked if SESD must have a third party assess the buyout. Attorney Baker replied that may be their policy. He said through the years SESD would give the city the number but since the litigation started the numbers have come from a third party. Councilperson Tim DeGraw asked if Attorney Baker's recommendation is to have Rick keep trying to get the number from SESD. Attorney Baker said it is, if he can use his influence and relationship with them, he could get the number quicker. Rick said he is willing to keep talking with them and see what he can do. He does have a positive relationship with them. He asked about hiring a profession person to bring the power to his property, if the city would allow that. Bruce said they could do that with city supervision. He said the Salem City crew would need to do the disconnection, but they could work with a licensed and qualified contractor for the power installation. Rick asked if the sequence would be annexation and then the power issue would be dealt with. Attorney Baker replied the annexation can move quickly once the SESD issue is taken care of. Councilperson DeGraw stated everyone has someone they know that is affected by cancer; this is a great project that the city should feel proud to attach itself to. Rick is a friend of his and he does not see any reason he would not have the support of the city. Pam Barney told the council how much this project means to her. She understands the politics, but it is frustrating to her not to be

able to move forward. The council thanked Pam for her comments. Mayor Christensen told Rick to get the number from SESD, that is all they are waiting for. He said they used to be able to get the number with just a request. Rick said he is glad to know this; he will see what he can do and report back to them. He hopes he can get them to cooperate. He appreciates the mayor and council.

## **7. ORDINANCE UPDATING REFERENCES TO THE STATE CONSTRUCTION CODE**

Attorney Baker said this is updating our ordinance to match state law. Mayor Christensen asked if anyone had any comments or questions.

**MOTION BY:** Councilperson Sterling Rees to approve the ordinance updating references to the state construction code.

**SECONDED BY:** Councilperson Seth Sorensen.

**VOTE:** All Affirmative (5-0).

## **8. APPROVE RESOLUTION OF THE SALEM CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT WITH SPANISH FORK CITY FOR LEGAL SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT**

Attorney Baker stated in 1995 Salem City entered an interlocal agreement with Spanish Fork City to share legal services. This has been a good thing as it gives Salem a full-time attorney. They split the bill for legal services based on the time spent on each city. Spanish Fork City has this item on its next council agenda for approval, it has been a good thing for both cities. He introduced Vaughn Pickell who is taking Attorney Baker's place. Vaughn has been the city attorney for Bluffdale for 13 years. Mayor Christensen mentioned Chief Brad James and Bruce Ward had participated in the hiring process.

**MOTION BY:** Councilperson Sterling Rees to approve the resolution of the Salem City Council approving an interlocal agreement with Spanish Fork City for legal services and authorizing the mayor to execute the agreement.

**SECONDED BY:** Councilperson Tim DeGraw.

**VOTE:** All Affirmative (5-0).

## **9. APPROVE WASTEWATER REPORT**

Matt Marziale stated each year we are required by the state to complete a wastewater report. James Thomas filled out the collections portion, Mike Pritchett and Allison Taylor filled out the portion for the old lagoons, Jeff Nielson filled out the financial portion. Matt will sign

the report stating all the information is all accurate and true and then he just needs council approval to submit the report.

**MOTION BY:** Councilperson Tim DeGraw to approve the wastewater report.

**SECONDED BY:** Councilperson Seth Sorensen.

**VOTE:** All Affirmative (5-0).

#### **10. APPROVE MINUTES OF MARCH 18, 2020**

**MOTION BY:** Councilperson Sterling Rees to approve the minutes of March 18, 2020.

**SECONDED BY:** Councilperson Tim DeGraw.

**VOTE:** All Affirmative (5-0).

#### **11. APPROVE BILLS FOR PAYMENT**

**AMOUNT:** \$533,330.38

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

**SECONDED BY:** Councilperson Howard Chuntz.

**VOTE:** All Affirmative (5-0).

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

Chief Brad James stated we are in a pandemic like we have never seen before. A committee was put together 3 weeks ago, and they have been meeting every Monday morning to address any new or continuing issues. The goal is to stay on top of things. He said we need to reach out to our citizens and businesses and let them know we are doing everything we can as a city. He said they are continuing to provide all public safety services and he needs the support of the council.

Chief James commented it has been a pleasure and honor to work with Attorney Baker for the last 30 years, he will miss him. He appreciates working with him and being his friend. He appreciates all the guidance he has given. Chief James said he looks forward to working with Vaughn Pickell, he has been very impressed by him.

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

Steve did not have anything to report tonight.

#### **14. ATTORNEY JUNIOR BAKER**

Attorney Baker thanked the mayor and council. He stated it has been a pleasure to be the city attorney, he has enjoyed working with the staff. We have great elected officials and he appreciates the opportunity to work with them. Mayor Christensen said they feel the same way. The mayor and council thanked Attorney Baker.

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

Jeff reported we have always worked with residents that cannot pay their utility bills on time. Tammy Beck does a very good job with this. We will continue to work with them, but in the end, they are responsible to pay for the services they have used. Jeff stated they are behind on the budget, he hopes to have them out in the next few weeks.

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

Matt stated he has been contacted by the Utah Lake Commission and they would like someone from the city to attend their meetings and represent Salem City. They did inform him it will need to be someone from the council. There were a couple of volunteers, the mayor said he will talk to them and let Matt know who it is. Attorney Baker said that should be done as a mayor appointment.

**17. TED BARNETT, ELECTRICAL DIRECTOR**

Ted Barnett was excused tonight.

**18. BRUCE WARD, ENGINEERING**

Bruce reported the Board of Water Resource has scheduled their meeting for April 9, 2020, it will probably be a video conference. He will let the council know how this goes, they would like to do their metering project this year.

He mentioned the Cityworks program should be going live sometime in April, he is looking forward to that.

He stated he received a letter from the Utah Home Builders Association asking the city to support them in deeming the construction industry an essential service. He said as a city it is our job and responsibility to keep others employed. He is just bringing this to the council, there is no action that is required.

**COUNCIL REPORTS**

**19. MAYOR KURT CHRISTENSEN**

Mayor Christensen stated this is Attorney Baker's last council meeting. He is very knowledgeable and the mayor has great respect for him. He knows the law and has done a great job with the SEDS issue. He also appreciates his kindness.

The mayor said Councilperson Seth Sorensen and Councilperson Delys Snyder are both part of the committee that is meeting on Monday mornings to discuss the COVID-19 issues. The board has made new resolutions every week. This week we decided to close down the playgrounds. He appreciates Chief James for putting these meetings together.

He asked Matt when the green waste yard will be open, he has gotten a lot of calls asking him. People are home right now and yardwork is something they can do. Matt replied it will be open next Monday. The mayor mentioned the RV dump is open, they will be making improvements to it later in the year.

## **20. COUNCILPERSON STERLING REES**

Councilperson Sterling Rees did not have anything to report. He thanked Attorney Baker, he appreciates him and the job he has done. He has enjoyed working with him the last 10 years and he has learned a lot from him. He wished him good luck.

## **21. COUNCILPERSON SETH SORENSEN**

Councilperson Sorensen stated the green waste yard will be open on Monday. They could consider extending the hours or dates at a later time. He thanked Attorney Baker, he has been a great resource for them. He will be missed.

## **22. COUNCILPERSON HOWARD CHUNTZ**

Councilperson Chuntz did not have anything to report. He thanked Attorney Baker it was good to work with him.

## **23. COUNCILPERSON DELYS SNYDER**

Councilperson Snyder thanked Attorney Baker; it has been great to work with him for the last 3 months. She mentioned they are not charging the seniors for their lunches anymore, they have about 30 seniors that come and pick up the packaged lunches. The library announced that you can now go to their website and put books on hold, they will put your order together. Then you can schedule a time to pick your order up in the foyer. They are following the Utah Library Associations guidelines.

The mayor stated he went to the solid waste district and they had 3 of the 5 bays shut off, he said there was a really long line. Councilperson Snyder said she will pass that information along.

## **24. COUNCILPERSON TIM DEGRAW**

Councilperson DeGraw stated the youth council is not meeting. He mentioned he has talked to the staff at the sewer plan and they are following all protocols about distancing while continuing operations. He is grateful he has gotten to know Attorney Baker and he has come to rely on his council. He would also like to welcome Vaughn Pickell.

Mayor Christensen thanked everyone.

## **ADJOURN CITY COUNCIL MEETING**

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

**SECONDED BY:** Councilperson Sterling Rees.

**VOTE:** All Affirmative (5-0).

**MEETING ADJOURNED AT:** 8:33 p.m.