

Minutes of the Salem City Council Meeting held on September 21, 2011 in the Salem City Council Chambers.

Work session: Attorney Baker went over the Central Bank zone request, and how Central Bank received the 12 lots in phase 4 of the Harvest Ridge development after the developer foreclosed on the property. The property the bank received from the developer was not the same size that was originally planned for phase 4. Because of the size difference, each lot was going to be just shy of the 15,000 square feet that is required for the zone that the development is in. The bank is requesting a zone change from R15 to R12 to accommodate the 12 lots of the subdivision. The lots will still have the same frontage; it will be the back of the lots that will be shorter because of the lot size difference. Attorney Baker also discussed how the CCR's are a concern because they are recorded with each plat. Feels that it would be a good compromise for the Harvest Ridge HOA to allow the zone change if their CCR's can be a part of the Central Bank plat.

Steve Cox who is the parks supervisor, talked about the parks snow plow truck and how it needs a sander. Received three bids from United Service and Sales: \$6500; Al's Auto Parts & Service LC: \$7299; LL Johnson Distribution Company: \$7684, the old sander will be surplus.

Bruce Ward talked about the Camilla Simonsen's preliminary plat C. Country View Lane Plat C is a 3 lot subdivision located at 1160 South 925 East. Plat C is an extension of plats A & B. Minimal on-site infrastructure improvements are required, consisting mainly of extending mainlines. There is about 2000 feet of off-site sewer line extension that will be required to go through Kuhni and Jorgensen property to connect the sewer to 750 north near our East PI pond. Easements are required for this.

Cary Hanks from the Chamber of Commerce stated that the youth council had decided that they do not want to be in charge of the trick or treat this year. Cary stated that the Chamber would like to take it over. They will be discussing when and where.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor Jonathan F. Cope

COUNCIL PRESENT:

Mayor Jonathan F. Cope
Councilperson Lynn Durrant
Councilperson Terry A. Ficklin
Councilperson Todd R. Gordon
Councilperson Sid Jorgensen
Councilperson Sterling Rees

STAFF PRESENT:

Jeffrey Nielson, Finance/Recorder
Chief Brad James, Police Chief
Junior Baker, City Attorney
David Johnson, Building Dept.
Bruce Ward, Public Works/Engineer

OTHERS PRESENT

Scott Brown, Doug Harren, Cary Hanks, Janie Christensen, Yolanda Moser, Brent Black, Marci Averett, Lyssa Hanks, Mark Hanks, Adam Cardoza, Haley Anderton, Devan MacCabe, Nicole Bunker, Bryce Trotter, McKay Trotter, Charlie Flint, Cole Castleberry, Courtney Behrmann, Christa Eidem, Tim Beardall, Alec Beardall, Chris Applegate.

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Cope asked if anyone would like to give a motivational or inspirational message. Councilperson Sid Jorgensen stated he would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Mayor Cope 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. MARK BUFFINGTON

Mayor Cope stated that this item will be moved to October 5th council meeting.

4. PUBLIC HEARING

MOTION BY: Councilperson Lynn Durrant to open the public hearing.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

- a. Central Bank – Zone Change on 2.93 Acres of Property in the Harvest Ridge Subdivision from R-15 to R-12

Attorney Junior Baker reported that Central Bank is requesting a zone change from an R-15 zone to an R-12 zone (Attorney Baker explained the new zoning from the General Plan amendment). He also then explained the history of the development and how Central Bank received the property after the developer foreclosed on the property. The property that Central Bank is asking for a zone change is the 12 lots of phase 4 of the Harvest Ridge Subdivision. The street is completed and the utilities have been stubbed into each of the lots. After the bank took possession of the property, they submitted a plat for the 12 lots. When the city started looking into the submitted plat, it was noticed that the lots were smaller than the original. The bank said when they took over the property they

did not get all of the property, there is a small section of property on the back side of each lot, next to the High Line Canal that the bank did not get. Because the lots are smaller they need to change the zone if they are going to keep the 12 lots. It is important to the bank to have the 12 lots, because of the utilities are stubbed into each of the lots. If the lots were to change, it would affect where the utilities are located on each of the lots. The only part of the property that would be affected would be the back side, which is also next to the High Line Canal and the frontages of each lot would be the same as what was originally proposed.

Attorney Baker stated that Planning and Zoning held a special meeting last night, and they recommended not approving the zone change with a vote 2 – 1. They did not have a full quorum, so not sure how the other two would have voted. He stated the CCR's are a big concern. He feels that a good compromise between the bank and the Harvest Ridge Subdivision, would be to approve the zone change, and then when the bank submits the preliminary plat that they have the same CCR's that Harvest Ridge Subdivision already has in place. He stated that CCR's are usually recorded when the plat map for the subdivision is recorded. Because phase 4 has not been recorded, the CCR's have not been recorded and the CCR's with the other phases of the subdivision do not pertain to phase 4. Also, since there are no CCR's, the bank could write their own CCR's for their subdivision.

Mayor Cope stated that this is a public hearing, and asked if any of the public had any comments.

Suzanna Higginson stated that they met as a home owners association and they understood that the CCR's were part of the whole subdivision, including phase 4. Attorney Baker stated that the CCR's are recorded with each plat for each phase of the subdivision. Suzanna was still under the impression that the CCR's were recorded for the entire subdivision. As home owners, they are concerned about the lot sizes changing and they do not want smaller homes in the subdivision that would devalue their homes. With the economy the way it is right now, the value of their home is less than what they owe and they would not be able to sell their home without losing money.

Councilperson Gordon stated that if we do not approve it, the bank could submit a subdivision plat for larger lots, but they could have their own CCR's that may not be what the subdivision wants. He also stated that the property is only shorter in the back of the property and there will be undeveloped property from their property line to the High Line Canal.

Marcy Averett, who also lives in the subdivision, is concerned that the bank has not seen their CCR's, but yet the bank is going to agree to them.

Randy Young stated that he owns the property across the street of phase 4. When he bought the lot, he looked at the subdivision and the size of each of the lots in the subdivision. That is why he bought the property, because of the size of the

lots in the subdivision. He stated that the bank could still have an 11 lot subdivision and that changing the utilities would not be an issue. He has seen a plat for phase 4, which has 11 lots that would meet the current zoning. He still feels that the zone should not change; the city should not give into the bank. When he purchased his lot, he looked into the CCR's to make sure it would apply to the lots around him and also the zoning. He bought his lot because of the zoning that was surrounded by him; he does not feel it is fair to him to have the zone change.

Mayor Cope stated that we are concerned about the property and we want to protect the value of the property and the subdivision.

Scott Brown from Central Bank, wanted to thank the council for reviewing this zone change. They are willing to review the current CCR's for Harvest Ridge development. They are also concerned with the value of the property; they want to maintain the same quality of homes that are currently in the development. They have a lot invested in this subdivision also.

Attorney Baker felt the bank should have an opportunity to review the CCR's.

Councilperson Gordon stated that if the city does not change the zone and the bank brings in a new plat, they could have their own CCR's and would not be mandated by the Harvest Ridge CCR's.

Suzanna Higginson stated that if the lots are smaller, then the homes will be smaller also, which could affect the value of their homes.

Attorney Baker and Scott Brown both commented on the CCR's and how they are recorded with each plat.

Suzanna asked if the council approves the zone change and the bank comes back with a plat map and they don't like the Harvest Ridge CCR's, what would happen then.

Mayor Cope stated that it is a catch 22, the bank can't move forward until the zone has been changed, and the CCR's approved.

Councilperson Gordon was wondering if the council can make the zone changed based on the idea that the bank will accept the CCR's, and if not then the zone will go back to what it originally was.

Scott Brown stated that the public hearing was noticed as a zone change, if the zone is changed then they would come in later for the preliminary plat.

Close:

MOTION BY: Councilperson Sterling Rees to close the public hearing.

SECONDED BY: Councilperson Sid Jorgensen.

VOTE: All Affirmative (5-0).

- a. Central Bank – Zone Change on 2.93 Acres of Property in the Harvest Ridge Subdivision from R-15 to R-12

MOTION BY: Councilperson Todd Gordon that we accept the Zone Change from R15 – R12 with the understanding that Central Bank will accept the Harvest Ridge CCR's for their development of the 12 lots, and if the bank does not accept the CCR's, then the zone will go back to the R-15.

Councilperson Rees stated that if the development is not approved, then the council can always change the zone back to the R-15.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: Councilperson Sterling Rees; Nay, Councilperson Lynn Durrant; Nay, Councilperson Sidney Jorgensen; Aye, Councilperson Terry Ficklin; Aye, and Councilperson Todd Gordon; Aye (3 Aye, 2 Nay).

5. CAMILLA SIMONSEN – Preliminary Approval of plat C of Country view Lane Subdivision located at 1150 South 925 East

Bruce Ward presented this item. He showed on the map where this is located, and that it is a three lot subdivision plat, which is plat C of the country View Lane Subdivision. The utilities are in place except for the sewer. He showed how the sewer would need to be installed, and how it would have to go north and west. He stated there is about 2000 feet of sewer line that would need to be installed and how Camilla would need to get public utility easements for the sewer line.

MOTION BY: Councilperson Lynn Durrant to approve the preliminary Approval of Plat C of Country View Lane Subdivision located at approximately 1150 South 925 East with the same stipulations that DRC and Planning and Zoning had in their motions. *DRC Motion (9/14/11) MOTION BY Attorney Junior Baker to recommend preliminary approval of plat C of the Country View Subdivision subject to having a recorded public utility easement for the sewer line that goes north and west; moving an existing fire hydrant; installing a temporary turn around at the end of lot #19 as approved by the City Engineer; and complying with all of the subdivision and development standards. Secoded by Bruce; Vote Affirmative, 4-0. Planning and Zoning had the same motion from the 9/20/11 meeting.*

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (5-0).

6. APPROVE AGREEMENT BETWEEN USGS & SALEM CITY (SUV MWA)

Mayor Cope stated that we did not need to approve this item, which SUV MWA did not need to have the city sign the agreement.

7. APPROVE SANDER FOR SNOW PLOW TRUCK

Bruce Ward explained that the sander is in the budget, he went over the three bids that were received were from - United Service and Sales: \$6500; Al's Auto Parts & Service LC: \$7299; and LL Johnson Distribution Company: \$7684. The sander is for the parks department snow plow truck. The old sander will be on the list for surplus and on the agenda for the next council meeting. His recommendation along with Steve Cox would be to purchase the sander from United Sales.

MOTION BY: Councilperson Sterling Rees to approve the purchase of a new sander from United Sales for \$6,500.

SECONDED BY: Councilperson Sid Jorgensen.

VOTE: All Affirmative (5-0).

8. APPROVE UTILITY LATE FEE POLICY

Mayor Cope explained that this item was presented to the council last council meeting. This policy is dealing with the time line of when an account is past due, that the city has the right to shut the utilities off. Currently it is set for 30 days past due, this new policy changes that to 20 days past due.

MOTION BY: Councilperson Lynn Durrant to approve the Utility Late Fee Policy.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

9. APPROVE MINUTES OF AUGUST 17, 2011

Councilperson Ficklin stated that on line 206 to put the word 'wondering' back into the sentence.

MOTION BY: Councilperson Lynn Durant to approve the minutes of August 17th as written and with said change.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (5-0).

10. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Sid Jorgensen to approve the bills for payment.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (5-0).

11. PUBLIC SAFETY

Chief James reported how the state has new regulations about going paperless for public safety and how this will be a requirement by July 1, 2012. He stated that they will still need to print a copy of a ticket to give to the court and to the person. In order to do that, they will need a printer in their vehicles. He stated that he was able to get a grant to pay for the mobile printers and installation of the printers. This will help save the city some money. The council thanked him for getting the grant.

Chief James also reported that there have been some burgerlies especially with copper wire.

Mayor Cope asked the chamber if they had any items for the council. Yolanda Moser stated that they are doing the scarecrow contest for the business in Salem. With the trick or treat, since the chamber is doing it this year, they may open it up to the Payson Chamber also.

Yolanda stated that Miss Salem is doing “Find Your Greatness Day” this upcoming Saturday. Miss Salem is also planning a trip to Kenya for service. She is asking for donations to help buy supplies for the people of Kenya. She also reminded the council that on Tuesday will be the Salem Coalition meeting at 7:00 p.m. here at the council room.

Cary Hanks talked about the Spanish Fork Queen Kickball Tournament with special needs students. Salem Hills High School sent a team over for the tournament. It was enjoyed by all, and they appreciate all that donated for prizes, shirts, and to help with the tournament.

COUNCIL REPORTS

12. MAYOR JONATHAN F. COPE

13. COUNCILPERSON LYNN DURRANT

14. COUNCILPERSON TERRY A. FICKLIN

15. COUNCILPERSON STERLING REES

16. COUNCILPERSON SID JORGENSEN

Councilperson Sid Jorgensen reported that the hydro seeding is completed at the cemetery soccer field.

17. COUNCILPERSON TODD R. GORDON

18. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS

19. BRUCE WARD, CITY ENGINEER/ PUBLIC WORKS DIRECTOR

20. ATTORNEY S. JUNIOR BAKER.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Sid Jorgensen to adjourn city council meeting.

SECONDED BY: Councilperson Lynn Durant.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 8:00 p.m.

Jeffrey Nielson, City Recorder