

Minutes of the Salem City Council Meeting held on August 20, 2003 in the Salem City Council Chambers.

**MEETING CONVENED AT:** 7:30 PM

**CONDUCTING:** Mayor Randy A. Brailsford.

**PRAYER:** Chief Brad James

**PLEDGE:** Attorney Junior Baker

**COUNCIL PRESENT:**

Mayor Randy A. Brailsford  
Councilman Reid W. Nelson  
Councilman Dale Boman  
Councilman Terry A. Ficklin  
Councilwoman Vicki H. Peterson  
Councilman Dale R. Wills

**STAFF PRESENT:**

Jeff Nielson, City Recorder  
Chief Brad James, Police Chief  
Junior Baker, City Attorney

**Excused from council meeting**

David Johnson, Public Works

**OTHERS PRESENT**

Robert Nelson  
Monte Davis

Reed Cornaby  
Marie Linton

Phil Porter

## **1. PUBLIC HEARING**

**MOTION BY:** Councilwoman Vicki Peterson to open public hearing.

**SECONDED BY:** Councilman Reid Nelson

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

### **a. Robert Nelson- General Plan Amendment & Zone Change Request on Property at 240 S. 800 E. from R-2 to R-1.**

Mayor Brailsford turned the time over to Robert Nelson. Robert presented to the council 11 acres of land next to Nelson Landing subdivision. If the zone is changed it would be the same zone as the subdivision. It would also give the subdivision access to Woodland Hills Drive. The zone would allow a higher density living that would be next to the ball park and church, which is where you will normally find most high

density living. This would also be a place for affordable housing. Robert would like the council to look at it. The council stated that at one time they wanted a buffer zone in that area. Robert also explained that smaller lots are easier to sell next to high traffic road. He showed the map to the council which showed how the future subdivision would be, with the road going onto woodland Hills Drive from 240 south. He also stated that the easements for the roads are in place. Mayor Brailsford asked Robert if he was aware that the subdivision restrictions were in place again. Robert stated he was not aware of that; he called the city office not long ago and was told that the restriction had been lifted. Mayor Brailsford told him that when the water restriction letter was written he imposed the restriction on any new subdivision again, and it was stated in the letter.

Monte Davis presented the mayor and council a petition paper showing the names of 22 people who are opposed to the zone change. Mayor Brailsford read off the names to the council.

Reed Cornaby asked the mayor and council if this was just for a zone change, or is the subdivision part of it also. The mayor told Reed that Robert was only in for the zone change.

Robert explained to the council that when the general plan was up for review he tried several times to come to the city office and make adjustments on the plan, but it was not ready for review. When the council was looking at the general plan, he was going to come in but had issues come up, so he talked to a couple of council members and discussed his suggestions. He stated that the smaller lots would work out great there with the ball park, and also when the school district builds the school up there.

Councilwoman Peterson stated larger lots use a lot more water, and like Robert stated, with the ball park, and a future school, this area would be good for smaller lots. Planning and Zoning was asked to look at this area and up to the Highline Canal to change the zone to a R1. They did not want to look at that area right then. Councilman Nelson stated that he remembered when the general plan was up for discussion, that this area in question and up to the Highline Canal would be reviewed as a case by case situation.

Mayor Brailsford made the comment to Monte Davis; the people who live next to the area in question did not sign the petition. Monte stated he did not get around to some of them, and there were a couple of people who were ok with the zone change. The mayor was also wondering if there was a way to get Salem Canal covered. Attorney Baker stated whatever the council wanted to do.

Marie Linton was wondering about the traffic on Canal Road. Right now from about 100 East to Woodland Hills drive it is crazy. During the last ball tournament the parking was very full: there were kids running in and out of cars. She is very concerned about the kids. Robert Nelson asked if a lot of the traffic was coming from his subdivision up there. Marie stated that it has contributed to the problem, but the

problem has been there for a long time. Robert stated that when the subdivision was put in he widened the road. If a new subdivision is put in it will have access to Woodland Hills Drive directly.

Monte Davis stated that his biggest concern is that this area is not ready to be developed, they like the big open area. Councilman Boman asked Robert how many homes would be built in the R-1 zone vs. the R-2 zone. Robert stated that with R-2 there would be 25 homes, with R-1 there would be 37 and 7 of them would be affordable housing.

Mayor Brailsford asked if there were any other questions or concerns.

**b. Amendment to the Affordable Housing Ordinance.**

Mayor Brailsford turned the time over to Attorney Baker. Attorney Baker stated that about six weeks ago the council talked about this briefly, and then tabled it. Right now the ordinance requires landscaping to be done. The problem is it is not being done, and something has to change so it will get done. Looking at amending the current ordinance, with the landscaping being the biggest change. Would propose to have the change be that a \$2,500 bond be paid for landscaping, to make sure trees, grass, and sprinklers can be put in. This is only for affordable housing.

Mayor Brailsford asked if anyone had any questions. Reed Cornaby was wondering if the \$2,500 would be enough, he thinks it should be more around \$7,000 to landscape a yard. Robert Nelson (who helped work on the ordinance) stated the bond would only be for the winter months; otherwise the landscaping has to be done before occupancy can take place. He also recommended putting sod in. He stated that the \$2,500 would be enough, remember these are for affordable housing, so the lots are smaller.

Mayor asked if there were any other questions.

**MOTION BY:** Councilwoman Vicki Peterson to close the public hearing.

**SECONDED BY:** Councilman Dale Boman.

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

**a. Robert Nelson- General Plan Amendment & Zone Change Request on Property at 240 S. 800 E. from R-2 to R-1.**

**MOTION BY:** Councilwoman Vicki Peterson to amend the general plan and allow the zone change request from R-2 to R-1 on the property at 240 S. 800 East.

**SECONDED BY:** Councilman Dale Boman.

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

**b. Amendment to the Affordable Housing Ordinance.**

**MOTION BY:** Councilman Reid Nelson to approve the amendment to the affordable housing ordinance.

**SECONDED BY:** Councilwoman Vicki Peterson.

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

**2. ORDINANCE PROHIBITING SEPTIC TANKS EAST OF WOODLAND HILLS DR.**

This topic has been addressed before. There is something in writing for Woodland Hills, but could not find anything in writing for Salem. Attorney Baker stated that Dave Johnson told him that if we look at everything south of the Highline Canal, then anything north of it would be a case by case situation, until someone brings the sewer line to that area. Mayor Brailsford stated that the problem we have is we do not know how big the aquifers are, so we need to make sure we are protecting our water areas. Councilman Nelson was wondering about looking at the protection zones, and what about north of the Highline Canal. The protection zones are protected by the state.

Robert Nelson stated he thought David Johnson had shown him a map showing the protection zones at one time. Reed Cornaby stated that most of that area is in the county anyway. It was stated that a home could not be built in the area, unless a sewer line is brought to the home, if they are in the city limits.

Mayor Brailsford was wondering if we have wells, or tanks, to the north of the Highline Canal. If we do, we may want to make a buffer zone around the protection zone in that area of about 500 feet. Councilman Nelson stated he likes the idea of a buffer zone around the protection zone. Everyone has to come in anyway to be approved, so it would be a case by case situation also.

Mayor Brailsford mentioned to the council, that they may want to table it, and see about putting a buffer zone around the protection zone that is north of the Highline Canal.

**MOTION BY:** Councilman Reid Nelson to table the ordinance prohibiting septic tanks east of Woodland Hills Drive.

**SECONDED BY:** Councilman Terry Ficklin.

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

### **3. APPROVE MINUTES OF AUGUST 6, 2003**

**MOTION BY:** Councilman Reid Nelson to approve the minutes of August 6, 2003 as written.

**SECONDED BY:** Councilwoman Vicki Peterson.

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

### **4. APPROVE BILLS FOR PAYMENT**

Councilman Nelson had a question regarding the light bar for the new police car. Police Chief James stated that they had to purchase it, and it will be installed on the car. They should be getting the car within the month, a lot sooner than expected.

**MOTION BY:** Councilwoman Vicki Peterson to approve the bills for payment.

**SECONDED BY:** Councilman Terry Ficklin.

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

### **5. PUBLIC SAFETY**

Police Chief James wanted the council to know that Officer Kerby's mother had passed away. Also, during the fireworks at Salem Days, there were three people that reported having debris in their eyes. There was also a lady that was carrying a child when the lights were off, that stepped into a hole and tripped. Then Friday night during the rodeo, there was a burglary reported and the suspect was caught that night. Mayor Brailsford stated that he talked to Chief James and Gary Warner to see what they could do different next year to make sure the debris does not fall onto the crowd.

Jeff Nielson reported that the other day, an Elk Ridge fire fighter came to the city office and wanted to thank the Salem City Fire Department. He said that if it was not for them, the whole mountain would have caught on fire, but according to him, they stopped it.

### **6. OPEN DISCUSSION**

Mayor Brailsford asked if anyone had anything for open discussion. Robert Nelson stated that his ward is taking care of a widow and an elderly person's lawn that do not have sprinkler system. He is wondering if the council would allow those homes to water either at night or in the morning. Mayor Brailsford stated he is looking at maybe making some modifications and feels that it would be ok for them to water either morning or night.

## **COUNCIL REPORTS**

### **7. MAYOR RANDY A. BRAILSFORD**

Did not have anything to report tonight.

### **8. COUNCILMAN REID W. NELSON**

Did not have anything to report tonight.

### **9. COUNCILMAN DALE BOMAN**

Did not have anything to report tonight.

### **10. COUNCILWOMAN VICKI H. PETERSON**

Did not have anything to report tonight.

### **11. COUNCILMAN DALE R. WILLS**

#### **a. CUWCD/SUVMWA Memorandum**

Councilman Wills asked the council if they have had the opportunity to read the memorandum. He said Mayor Brailsford had talked about this about a month ago. Mayor Brailsford stated that this is only a notice. He also stated that Strawberry Water Users will be bringing another option to the cities.

Mayor Brailsford then asked the council members if anyone was against the memorandum. All of the council stated that they all approved it, and were in favor of signing the memorandum.

Mayor Brailsford then explained to Monte Davis the water issue with Strawberry and the water district. He then told the council that on August 27, there will be a meeting with the water district. They will be looking at scenario #3. If it passes then we will want to work with the cities in Salt Lake Area.

Mayor Brailsford also mentioned there has been a lot of dead fish around the pond. The fish and game were contacted, and they stated that the fish themselves were the problem, not the pond. These same batches of fish were transplanted elsewhere also, and they are dying too.

**12. COUNCILMAN TERRY A. FICKLIN**

Did not have anything to report tonight.

**13. ATTORNEY S. JUNIOR BAKER.**

Mayor Brailsford asked Attorney Junior Baker if he would work on the ordinances that Planning and Zoning gave him a few months ago. He would like to wrap those ordinances up soon.

**CLOSE CITY COUNCIL MEETING**

**MOTION BY:** Councilman Reid Nelson to close city council meeting.

**SECONDED BY:** Councilman Dale Boman

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

**MEETING ADJOURNED AT:** 8:55 PM

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Jeffrey Nielson, City Recorder