

Minutes of the Salem City Council Meeting held on July 21, 2004 in the Salem City Council Chambers.

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

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

**OPENING REMARKS:** Mayor Brailsford invited Gary Weaver if he would like to give an opening thought. Gary Weaver offered an invocation for the opening thought.

**PLEDGE:** Mayor Brailsford asked Nathan Davidson (local scout) to invite all who would like to participate to stand and say the pledge of allegiance. Nathan then led the pledge of allegiance.

**COUNCIL PRESENT:**

Mayor Randy A. Brailsford  
Councilperson Terry A. Ficklin  
Councilperson Dale Boman  
Councilperson Dale R. Wills  
Councilperson Lynn Durrant  
Councilperson Paul J. Hair

**STAFF PRESENT:**

Jeff Nielson, City Recorder  
David Johnson, Public Works  
Junior Baker, City Attorney

Excused From Council Meeting:  
Chief Brad James, Police Chief

**OTHERS PRESENT**

Bruce Farnsworth  
Baylis Earls  
Pat Flygare  
Maren Dunn  
Monte Davis  
Steven Crawford  
Kent Compton  
Gus Dewey  
Lucy Cornaby

Karren Anderson  
Michael Yeoman  
Bonnie Hanson  
Gary Weaver  
Sean Roylance  
Chad Gull  
Bruce Hubbard  
Steve Dewey

Linda Earls  
Bruce Lewis  
Deborah Mecham  
Colleen Weaver  
Nathan Davidson  
Lori Warren  
Emily Dewey  
Reed Cornaby

**1. PUBLIC HEARING**

**MOTION BY:** Councilperson Lynn Durrant to open the Public Hearing.

**SECONDED BY:** Councilperson Paul Hair.

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

**a. Bar K Development – General Plan Amendment and Zone Change Request for 10 acres of Property at 340 S. 950 E from R-2 to R1.**

Mayor Brailsford stated that we welcome the public to speak, but they must state their name and comments will be held to a two minute time limit. At this time he allowed Dr. Dewey to explain to the council and public what he would like to do.

Dr. Dewey stated he has reconfigured his proposal from the last time he came before the council. He has looked at a lot of different options. He feels that it would put him in an unfair advantage in trying to sell these lots in the R2 zone, especially the lots next to the school. He is here tonight to propose to the council that the lots in the north 10 acres be changed to the R1 zone; this will be the area by the new elementary school. The south portion would remain R2 zone. The architect who is helping with the subdivision stated that if it were to stay as a R2 zone, that it would not look as good, or even work as good, and recommended changing it to a R1 zone. Also by having it split with R1 and R2 he will still be losing a fair number of lots. By having the two zones, he feels he will be able to sell the lots in the R1, because they are by the school, and the R2 he feels he should be able to sell them. He presented this to DRC (Development Review Committee) and Planning and Zoning. Both groups agreed that the plan would work and were supportive of it.

Gary Weaver asked what the difference is in R1 and R2 zones. R2 lots are usually bigger, about 15,000 sq feet. In R1 Zone the lots are usually 10,000 sq feet. Dr. Dewey stated that the subdivision next to his property is R1 Zone, and then there is the school and ball park next to it also. He stated he purchased the land before any of this was known, even before it was part of the city. With the changes that have taken place since the master plan, the school and the subdivision next to his, he feels that the city needs to adjust the zone to fit more with what is coming in.

Bruce Lewis asked Dr. Dewey about how he feels it is unfair. Dr. Dewey stated that it would be difficult for him to sell lots that are bigger, with bigger homes in the R2 zone, when you have the school and Robert Nelson's subdivision next to his. He also feels that Robert Nelson was able to get his subdivision changed from a R2 to a R1 Zone.

Bruce Hubbard stated he feels the city should stay with the master plan and not change it. The new homes will not help out with the tax base, and the city does not have money as it is. Feels the new homes will end up costing the city money. He also feels we do not need growth; the city does not have enough infrastructures for water as it is. He does not want the zone changed.

Bruce Farnsworth stated that every property owner should be able to get the best out of his land. The plans have changed in that area, the ball park, the future

elementary school, and the subdivision next to Dr. Dewey who's was changed to R1 Zone. The lot sizes are not that much different. The area is building up, and land owners should be able to get the most out of their property. He said that the master plan is great, but it is also made to have changes done to it.

Kent Compton stated he is not a resident of Salem, but lives in Woodland Hills. He drives on Woodland Hills Drive everyday. He works in real estate, and he would have to agree with Dr. Dewey, in the fact that R2 zone in that area would be harder to sell, especially being next to Woodland Hills Drive. If Dr. Dewey decided not to develop the land, then it can stay in the greenbelt tax, which would bring in very little income to the city.

Gary Weaver asked Dr. Dewey how many homes would he be able to build if it were to stay as a R2 zone vs. having the split of the two zones. Dr. Dewey stated that staying with R2 zone; he could build about 41 to 42 homes. With the split it would be about 49 to 50 homes, about 10 homes difference. Those 10 homes would bring in a profit and would help with the expenses of the subdivision.

Marilynn Dune stated her concerns have not changed from the last time this came before the council. She lives next to Robert Nelson's subdivision, and her home is bigger than any of his homes. She loves leaving next to the ball park and the open space. She is very unhappy with the Robert Nelson subdivision and the homes that are being built there. She feels the council needs to stay with the master plan. This is her neighborhood and feels she will really be affected by it. The traffic will become a problem. She would love to keep the density, without the homes.

Lorie Warren was wondering what zone would be next to the school. It was stated that the R1 zone would be next to the school, and the R2 zone would be south of it. She stated that her brother is a civil engineer, and she talked to him about this. He told her that he wishes he could come and talk to cities before they do developments like this. She said that for every one home, you can expect a car will come and go from that home 10 times in one day. When you build subdivision around schools, it brings up a lot of traffic control problems.

Monte Davis asked the council how they feel they would have enough water to service this area. He also feels they need to listen to what the people around them want.

Bonnie Hansen feels that Dr. Dewey has a right to do what he wants with his property. But she also feels that changing the master plan is not right. She lives up in that area, and there is a stop sign by a blind stop, and it is a very dangerous corner. She feels we need to keep the traffic down. The streets are very narrow and with kids going to the school, it will be very dangerous. She feels that smaller we can keep the subdivision the better we will be.

Leroy Warren stated his opinion has not changed since the last time this was before the council. He would like to see it left as a R2 Zone.

Mike Wilson stated to the council that he sent a letter for the council the last time this was brought before the council. The council stated they had seen it and read it. He would like to stay with the master plan, and does not feel we need to change it. If someone wants to change the master plan, then get the committees back and look at revisiting the master plan. He lives up in that area, and feels it should stay as a R2 zone, just as the master plan was written.

Marylyn Dune asked where the access to the school would be. Dave Johnson showed her and the public on the map where the access to the school would be.

Pat Flygare stated that she feels water is a big problem. She lives on Woodland Hills Drive (950 East) and she does not have enough water to water her lawn with. After some discussion it was determined that her problem at the home is she does not have the water pressure. There is enough water.

Gary Weaver stated he lives one subdivision to the north from where the property in question is. He stated growth is going to happen. He feels that Dr. Dewey has made a compromise having the R1 zone and the R2 zone. He likes this idea, and is supporting of it.

Colleen Weaver stated that if the school and the ballpark were not going to be there, then she would have a problem with the subdivision being R1 zone. But with the school, ballpark, and the church, there is a lot of open space in the area. She likes the new idea of the R1 and R2 zone.

Bruce Lewis stated he did not like the new idea. He does not feel it is right the master plan is changed. Robert Nelson snuck in and was built. He feels that the changing of zones needs to stop. What is going to happen with the next developer and wanting a change.

Bruce Farnsworth stated he liked the compromise (R1 zone and R2 zone). When a subdivision is made, they are required to put in sidewalks, which would give the kids a place to walk when they go to school.

**MOTION BY:** Councilperson Terry Ficklin to close the public hearing.

**SECONDED BY:** Councilperson Dale Boman.

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

**a. Bar K Development – General Plan Amendment and Zone Change Request for 10 acres of Property at 340 S. 950 E from R-2 to R1.**

Mayor Brailsford reminded the public and the council, that this is not an approval of the subdivision; it is only a zone change for the property.

**MOTION BY:** Councilperson Lynn Durrant to approve the general plan amendment and zone change request for 10 acres of property at 340 S. 950 E. from R-2 to R-1.

**SECONDED BY:** Councilperson Dale Boman.

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

## **2. GUS CARLSON – LEASE AGREEMENT**

Mayor Brailsford turned the time over to Attorney Junior Baker. Attorney Baker explained that this item has been discussed in council before. The city owns a little strip of land by the car wash north of town. When the land was developed, this piece was deeded over to the city in hopes for a park, but it was too small to do anything with, so now it is a weed patch. The agreement would allow Gus to lease the property, but he would be required to put up a fence, that is two feet from the sidewalk. The fence would have slats in it so it would be vision barrier. The city would not charge him for the lease, but he would be required to keep it up. In short, the city is not getting any money for it, but we are getting rid of a weed patch, this will help clean it up.

**MOTION BY:** Councilperson Terry Ficklin to approve the lease agreement with Gus Carlson.

**SECONDED BY:** Councilperson Dale Wills.

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

## **3. QUESTAR GAS FRANCHISE AGREEMENT**

This item is not ready for council approval.

## **4. BUSINESS LICENSE**

### **a. Rebecca Carter – Photography**

Mayor Brailsford stated that Rebecca Carter would like to have a photo shop located at 635 South 360 East. She will go out and do photos on sight, no photos at the home. Only setting up appointments and picking up photos will be done at the home. It has been approved by all of the appropriate people. Mayor Brailsford asked if she would have any combustible chemicals in the home. He would like to know this before the license will be issued. This is for safety purposes, especially for our fire department, if they had to respond to a call at the home. The council agreed and did not have any problems with the business license.

**b. Marcy Stephens – On Line Research**

Mayor Brailsford stated that Marcy Stephens would like to have a business doing research online, business feasibility studies, and grant writing. She is located at 607 South 360 East. The business has been approved by all of the appropriate people. The council did not have any problem with the business license.

**5. APPROVE MINUTES OF JUNE 30, 2004**

**MOTION BY:** Councilperson Lynn Durrant to approve the minutes of June 30 as written.

**SECONDED BY:** Councilperson Terry Ficklin.

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

**6. APPROVE MINUTES OF JULY 7, 2004**

**MOTION BY:** Councilperson Paul Hair to approve the minutes of July 7, 2004 as written.

**SECONDED BY:** Councilperson Dale Boman.

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

**7. APPROVE BILLS FOR PAYMENT**

**MOTION BY:** Councilperson Lynn Durrant to approve the bills for payment.

**SECONDED BY:** Councilperson Terry Ficklin.

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

**8. PUBLIC SAFETY**

Mayor Brailsford stated that Chief James was excused from council meeting.

Gary Weaver stated that the public safety has been giving presentations to church organizations, and he has been very pleased with what they have done.

Mayor Brailsford concerned with what has been happening over in Springville with the persons trying to abduct little kids. Would like everyone to really use the “Keep Yours Eyes Wide Open” program. If you see something let the police know.

**9. OPEN DISCUSSION**

Mayor Brailsford asked if anyone had anything for open discussion.

Reed Cornaby stated that on Canal Road by his home, there is a big dip in the middle of the road. He has brought this before the council before, and was wondering if anything could be done about it. Councilperson Wills stated he would go look at it.

Bruce Farnsworth stated that on 400 North and SR 198 on the east side of the road, when it rains hard the storm drain can not handle the water. The other day when it rained the water was building up quickly, so it was flooding the road. Mayor Brailsford stated there is a problem there and not sure if when the state did the road, if they messed up on the pipe size. He also explained to the public and council about the work that will begin on SR 198, and how it will be closed from 400 North to Woodland Hills Drive from 7PM to 7AM while they repave that road. We are still waiting on the date for it to be done.

## **COUNCIL REPORTS**

### **10. MAYOR RANDY A. BRAILSFORD**

#### **a. Approve New Members for Planning and Zoning.**

Mayor Brailsford stated that Charles Epply has served on the Planning and Zoning for five years, he has done a great job, and we appreciate what he has done. Mayor stated that he has asked Mike Rawson to take Charles' place, and Mike Wilson to be an alternate. They both have said they would do it. He would like to get the councils approval for them tonight.

**MOTION BY:** Councilperson Paul Hair to approve the new members for Planning and Zoning.

**SECONDED BY:** Councilperson Terry Ficklin.

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

### **11. COUNCILPERSON DALE BOMAN**

Councilperson Boman did not have anything to report tonight.

Mayor Brailsford stated that there would be no yard sale for fireworks this year. He is asking for donations though. It is a lot of work to get the yard sale up and going, and there were conflicts this year with times.

### **12. COUNCILPERSON LYNN DURRANT**

Councilperson Durrant did not have anything to report tonight.

### **13. COUNCILPERSON TERRY A. FICKLIN**

Councilperson Ficklin did not have anything to report tonight.

### **14. COUNCILPERSON PAUL J. HAIR**

Councilperson Hair reported there has been a problem at the sewer plant with the electrical going to the headwork's (where the pumps are located). We are having a study done to see about getting the power overhead and not underground where the water has been getting into it. Dave Johnson stated the power department is helping. We also are getting some prices on new pumps for the headworks. Mayor Brailsford stated that a meeting with Elk Ridge needs to be planned soon, so they can know about all of this that is going on. He asked Councilperson Hair if he would not set up those meeting with Elk Ridge.

Mayor Brailsford stated that with the new sewer line being put in, they ran into problems with water. Dave Johnson stated they had to bring in extra fill to help bring it up to grade. This will put a little extra cost on the project, and he hopes to get a new price figure for the project.

### **15. COUNCILPERSON DALE R. WILLS**

Councilperson Wills stated that on 240 East, all of the water laterals have been replaced and we can now redo the road. This will come from last years B&C road money. We need to approve the work to be completed by Staker Parson, in the amount of \$34,135.

**MOTION BY:** Councilperson Dale Wills to approve the road work on 240 East in the amount of \$34,135 to Staker Parson.

**SECONDED BY:** Councilperson Lynn Durrant.

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

### **16. DAVE JOHNSON, PUBLIC WORKS DIRECTOR**

Dave Johnson asked if anyone has been told to spray around the parks for Salem Days. Mayor Brailsford stated he told Todd Gordon to do it.

### **17. ATTORNEY S. JUNIOR BAKER**

Mayor Brailsford stated that it looks like we might have saved about \$120,000 this last year that we can put up in our state savings account. We will have to wait until the audit has been completed though.



**CLOSE CITY COUNCIL MEETING**

**MOTION BY:** Councilperson Terry Ficklin to close city council meeting.

**SECONDED BY:** Councilperson Dale Wills.

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

**MEETING ADJOURNED AT:** 8:30 PM

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Jeffrey Nielson, City Recorder