Minutes of the Salem City Council Meeting held on May 6, 2009 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor J. Lane Henderson

COUNCIL PRESENT: STAFF PRESENT:

Mayor J. Lane Henderson

Councilperson Lynn Durrant

Councilperson Todd R. Gordon

Councilperson Terry A. Ficklin

Councilperson Stanley W. Green

Jeffrey Nielson, City Recorder

Chief Brad James, Police Chief

David Johnson, Building Dept.

Bruce Ward, City Engineer

Excused:

Councilperson Brent V. Hanks Junior Baker, City Attorney

OTHERS PRESENT

See Attached Sheet.

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Soren Christensen stated he would like to offer a motivational message.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Mayor Henderson invited those who would 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

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

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

A. SUNSET RIDGE COMMUNITY LLC – GENERAL PLAN AMENDMENT AND ZONE CHANGE REQUEST ON PROPERTY LOCATED AT 590 E. 930 N. FROM R-2 TO R-4, RESIDENTIAL RETIREMENT.

Harry Thompson, who represents Sunset Ridge Community LLC, explained to the council and public where the project is located. He stated that Allan Stubbs was the previous owner of the property, and they have bought him out. He stated that they have done studies on what type of development would go well with the location. The best solution would be to have the area zoned R-4 for a retirement community. The front (west side next to SR 198) of the property would be zoned commercial. A layout of the development was displayed. He explained that there would be 42 units that are about 1800 square feet each, there will be a walking path around the development, a small park in the middle, and would be maintained by a HOA (Home Owner Association). He stated that in his study they found that there is a big market for this type of development. That as people get older they want to move out of their homes with bigger yards, and move to these types of developments. Currently, Salem has an R-4 development by the high school. He feels that with the general plan, this would be a great buffer zone between commercial and residential.

Mayor Henderson stated that this item has gone before Planning and Zoning who recommended denial on the request at this time. They felt that they would like to finish reviewing/changing the general plan first.

Harry stated that that he would like to be ready for his development when the market begins to pick up. He stated that a concern is the sewer line is not in place right now, but is working with another development to get the sewer line in the area.

Mayor Henderson asked if there were any comments from the public or the council.

Steve Clyde stated that a concern would be that there is only one road going into the development, and also it is an agriculture area that they are building on (a working dairy farm is the current property use).

Councilperson Gordon asked about the one road, and if the road going onto 1100 North could also be another access road. Bruce Ward stated that it would be another access, but the main road would be the current road going onto S.R. 198 in front of the existing commercial building. It was discussed that the road onto 1100 North, if it could be made straight rather than having the curve in it.

Bruce Ward also mentioned that this development would improve the culinary water flow in the area, especially for fire protection.

B. SALEM 24 LLC – GENERAL PLAN AMENDMENT AND ZONE CHANGE REQUEST ON PROPERTY LOCATED AT APPROXIMATELY 1300 N. 760 E. FROM R-2 TO R-5, TOWN HOMES AND A ZONE CHANGE ON PROPERTY LOCATED AT 1200 N. SR 198 FROM R-2 TO C-1.

Brad Morgan explained where this request for the zone change is located. They have come to council before with a PUD development. They have looked at it and felt that it would be better to have a mixed area of higher density and commercial. He stated that he met with Dave Anderson, who has been hired by the city to help with planning and zoning, felt that it would be a great area for this type of development. He stated that tonight they are asking for a zone change and feel that this is the great area for higher density. He stated that they have spent a lot of money looking into the development of this area, and the offsite improvements would be very costly, he estimated over \$750,000.

Mayor Henderson stated that Planning and Zoning recommended a denial on the request. He asked if there were any questions or comments from the council or the public.

Melisa Burk stated that her parents are out of the country, and own the property next to the area that is being requested for the zone change. Melisa stated that her parents have sent the council a letter opposing the zone request and that they should have a copy of the letter. The council stated that they do. Melisa stated a few of the items from the letter.

Date: February 9, 2009

We are currently serving a full time mission for the Church of Jesus Christ of Latter-day Saints in the country of Uruguay in South America. Last week, we received a notice, dated February 3, 2009, concerning the above referenced proposed zone change and proposed Woodland Ridge Project. Inasmuch as there will be a public meeting of the Salem City Planning & Zoning Commission on Wednesday, February 11, 2009, the purpose of this communication is to officially express our objections to this proposal/request. We ask that this letter be read aloud at the public meeting and that it be made a part of the official public record, both at next Wednesday's meeting and at any subsequent city council meeting to address the same issues.

We believe that, if approved, this requested zone change and project will have a severe and negative impact on the quality of life for us and for most Salem City residents. Those who would benefit are the developers and a small number of residents who might financially benefit from such a change.

We want to make clear, however, that we are only opposing the requested zone change from R-2 to R-5 Townhomes and the Woodland Ridge Project, which proposes 180 townhomes on 20 acres. We are not in opposition to the proposed change from R-2 to C-1 of the 4 commercial lots on 3.89 acres which front on SR-198. As we understand it, the

commercial development of land along SR-198 is in keeping with the General Plan and follows an orderly and logical pattern for the growth and development of our community.

We are also not opposed to the development of a residential project on the 20 acre tract for <u>single family residences in strict compliance with the R-2 zone as set forth in the General Plan</u> (as set forth on the Salem City website). Even though we would love it if there were no development at all on this land, which was part of the winter grazing area for a herd of 11 Bull Elk last winter, we know that the residential development of this tract of land appears to be inevitable. If there were any way to convert it into a protected area for our furred and feathered friends and neighbors, we would like it even more. But we know that is mere wishful thinking, right?

The only thing we ask is that good and honorable men and women keep their word and strive to preserve Salem's well earned and widely held reputation of being one of the best places to live. Let me explain what we mean by this. A couple of years ago, when we signed the petition and agreed to have our home and land annexed to Salem City, it was based on two factors. The first was our love and respect for what Salem City represented; we very much wanted to be a part of it.

The second factor which influenced us to sign the annexation petition consisted of at least two representations that we fully believed would be honored, as follows:

- 1 The Salem City General Plan We believed in the General Plan. We still believe in the General Plan. It is a well thought out plan for future growth and development, with carefully selected areas (Zones) which allow for all kinds of residences. It must have involved a lot of effort, work, and research on the part of many individuals who were more knowledgeable and much better qualified than we are. Every time we see significant changes to that plan, we shudder. We allow for small corrections to the General Plan based on changing technology and circumstances. But when we see major changes, which are not necessary, such as the one proposed above, we know that the vision of the plan has been lost. We put our trust in that plan. When it is not followed, we feel betrayed. If the General Plan is not to be followed, then why have it at all? What purpose does it serve?
- 2 Representations by the developers (DALACO) When the developers initially approached us to sign a petition for annexation, they made numerous representations. Initially, we believed it would be developed in accordance with the existing R-2 zoning. When we actually saw their proposal, it contained about 65 homes on 24 acres, which shocked us. We went to city hall to investigate. It turns out that they were applying for a PUD, which allowed for higher density housing than called for by R-2 zoning. Being new at this, we never even knew that such a thing as a PUD existed. At the time, it seemed detestable. But, as we saw the enhancements needed to qualify for a PUD, we came to accept it, albeit grudgingly. Since we don't have the paperwork with us here in Uruguay, we may be a bit off on our numbers. But, to the best of our recollection, several months later the developers attended a city council meeting where they presented a new plat/drawing which now included many more homes than the original proposal and which eliminated the required 10% green area for a PUD. And now, we feel that the developers are heaping even more insult to injury by proposing to build 180 townhomes on 20 of these acres.

It seems obvious why the developers have come up with this new proposal. It appears that they have been caught by the economic and housing crisis that has beset our nation.

And they are trying to find a way out of their financial distress. The misfortune of the few, however, should not be borne by the many. Those who take risks, in anticipation of great personal gain, should be willing to accept the consequences of their actions. It's called accountability. When the developers <u>speculated</u> by purchasing 24 acres in our community, it was just that - a <u>speculation</u>. Anyone who plays the market (any market whether stocks or real estate) knows that it can change at any time. Real estate developers all over Utah and throughout the country had been riding high, making millions. With the economic correction/downturn, reality set in. Now they expect us to pay for it. We are not willing to "pay the fiddler when we weren't part of the dance".

We relied on the representations of others, both the General Plan and the developers, when we decided to be part of Salem. If the word of others is not to be honored, then we ask if the same rules will be applied to us - can we also go back on our commitment and withdraw our petition for annexation, thus going back to square one - back to Utah County for all of the land included in the original annexation? If that's our only option, we would feel obligated to pursue it.

In addition to all of the above, there are many other reasons for not approving the zone change to R-5. Here are some of them:

- 3 <u>Market conditions</u> Another townhouse development in Salem is not warranted by the current conditions of the real estate market. There is a previously approved (and quite large) townhouse project under construction right now in Salem. We can't remember the name of that development, but it is located a few blocks southwest of Crisp's, the new grocery store. It appears that both construction and sales have been much, much slower than originally anticipated, because of changing market conditions. It seems that there just isn't the need or the market for another large townhouse project. If this zoning change and project are approved, unless the current market was to drastically change, it would in all probability turn into a construction eyesore for years to come. If sales were slow enough, it could result in another defaulted/bankrupted real estate project, instead of the beautiful open space that it once was. Another problem that Salem City does not need.
- 4 <u>Safety concerns</u> The proposed project has only two vehicular traffic outlets for 180 residences. Both outlets are in close proximity and both access directly onto SR-198 in a 55 mph speed zone, adjacent to a hill entering Salem City. This is a potentially dangerous situation, especially during commute times when traffic is heavy and vehicles are traveling at high speeds. In addition, for emergency situations, there are no outlets to any of the other surrounding streets/roads. If approved, as more residents move in, we believe there would soon need to be additional traffic controls (traffic lights and/or reduced speed limits).
- 5 <u>Change from semi-rural to urban area</u> The higher density housing and the resulting higher density population, higher density traffic, etc. would also result in a more urban/city environment (with all its resulting challenges in areas such as infrastructure, maintenance, law enforcement, safety, etc.), as opposed to the very pleasant semi-rural aspect of our town. Until recently, Salem had no traffic lights. Because of growth, we now have one, which I understand was necessary. If we move towards higher density housing, however, we'll soon need many more traffic lights and slower speed limits, thus turning Salem into just one more densely packed bedroom community with lots of stopand-go traffic. We are not opposed to growth. We just want it to be very carefully implemented so that we can keep the feel of the city that we all love and enjoy. That's

why we chose to live here. It makes us sad to know that as the fields around us disappear, we're really going to miss the elk and all the wonders of nature we are now so close to. If we could, instead of moving toward higher density housing, we'd petition for a move toward lower density housing.

We retired a couple of years ago, moved to Salem and made this area our dream home for the rest of our lives. We absolutely love Salem. It is truly beautiful and peaceful. Please help us keep Salem the City of Peace for all of us, and not just another urban sprawl. Thank you for hearing us out.

William & Patricia Burk

Richard, who farms some of the property nearby, asked about the agriculture area and what will happen with the irrigation pipes in the area. Mayor Henderson stated that they would be able to farm the area. Brad stated that he would reroute the irrigation pipes.

Ralph Harward owns property in the area and he has the same concerns that have been stated, along with the concern that this development would leave some of the property owners land locked. He felt that the development should allow for future growth in the area by allowing other roads to go through.

Ben Burk stated that someday he is planning on living in the area. He is concerned that the developer will present to the council a nice plan for the area, but then not follow through with it. He is also concerned about the access to SR 198, and how the access is limited. He would like to make sure that developer does what he says he will do if it is approved.

Steve Clyde stated that he agrees with the other concerns. He also added that 1200 North is smaller than what the city requires. He stated that it was approved for R-2 Zone, and now they are asking for an R-5 Zone.

Kathy Dody is concerned about how a developer can say it will benefit the city, when they are really only looking out for their interest. There are also a lot of subdivision currently who are not selling lots, and a lot of homes that are not occupied. Feels that the area could be better used as agriculture area, and feels that if the developer wants to do a swimming pool, that they could do one that would benefit the city and the school district. This would be something that would have the city's interest.

Councilperson Durrant stated that last week the council and Planning and Zoning attended training on land use. One of the questions that came up is the council enhancing what Salem currently has or are we destroying it. The council needs to manage the growth of the city, and be able to preserve the uniqueness of Salem. The council has asked that Planning and Zoning look at the general plan to be amended.

C. AN ORDINANCE AMENDING THE TIMING OF THE COLLECTION OF IMPACT FEES.

Mayor Henderson stated that there are a lot of vacant lots and homes in Salem. This ordinance change came about by the staff who presented to the council some ideas to help some of the developers. This ordinance changes when the electrical and park/recreation impact fees are collected, from when the development is recorded to when the other impact fees are collected. The other portion of it changes when impact fees are collected from the time of building permit issue to the time of occupancy.

Mayor Henderson asked if there were any questions from the council or from the public.

Steve Clyde asked how this would benefit. Dave Johnson stated that the Staff has met with a group of contractors and most of them felt that the impact fees being deferred would help them build homes.

Robert Nelson felt that it would not benefit that he feels we need to get rid of the current empty homes first.

Close

MOTION BY: Councilperson Lynn Durrant to Close the Public Hearing.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

A. SUNSET RIDGE COMMUNITY LLC – GENERAL PLAN AMENDMENT AND ZONE CHANGE REQUEST ON PROPERTY LOCATED AT 590 E. 930 N. FROM R-2 TO R-4, RESIDENTIAL RETIREMENT.

MOTION BY: Councilperson Lynn Durrant to deny the general plan amendment/zone change at this time.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0).

B. SALEM 24 LLC – GENERAL PLAN AMENDMENT AND ZONE CHANGE REQUEST ON PROPERTY LOCATED AT APPROXIMATELY 1300 N. 760 E. FROM R-2 TO R-5, TOWN HOMES AND A ZONE CHANGE ON PROPERTY LOCATED AT 1200 N. SR 198 FROM R-2 TO C-1.

MOTION BY: Councilperson Lynn Durrant to deny the general plan amendment/zone change at this time.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

C. AN ORDINANCE AMENDING THE TIMING OF THE COLLECTION OF IMPACT FEES.

Dave Johnson explained the two parts of the ordinance, first part is changing the electrical and parks/recreation impact fees are collected from the time of development to the time of building permits. The second part is changing when all impact fees are collected, from the time of building permit to time of occupation.

MOTION BY: Councilperson Lynn Durrant to approve section one of when electrical and parks/recreation impact fees are collected as ordinance 50609, and to table the second part of the ordinance for further discussion.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

4. SOREN CHRISTENSEN ANNEXATION AT APPROX. 10100 S. 1300 W.

Soren Christensen stated that he would like to build a new home on his property, but his property is in the county and would need to be annexed into the city to hook onto the city water, otherwise he would have to get a permit from the county to drill a well.

Mayor Henderson stated that the county may have a concern with the annexation being a peninsula. Bruce Ward stated that the closest water line is on 800 South, and there is sewer line close by. Soren showed where his home would be located. Bruce stated that he would need to hook onto the main water line on 800 South, with an eight inch water line, and would need to extend to the end of the annexation property. The power would also need to be installed.

Soren mentioned that he has worked with the city in a recent request to have a sewer line go on his property, and an easement needed to be signed.

Bruce Ward stated that as staff he is okay with it, as long as the property owner is aware of the improvements that need to be done. Also the issues with the county, if there are any, are out of the city's control.

MOTION BY: Councilperson Stanley Green to approve the annexation petition for Soren Christensen.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0).

5. RESOLUTION FOR LAW ENFORCEMENT

Chief James stated that this resolution is for National Law Enforcement week. He stated that in the morning at the state capital, there will be a ceremony to honor those police officers who have died in the line of duty. This resolution rezones the profession and shows support to officers in Salem and throughout the nation.

MOTION BY: Councilperson Terry Ficklin to approve resolution 50609 for National Law Enforcement Week.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

6. WATER LEAK POLICY

Jeffrey Nielson explained that during the winter months, we get a few residents who have water leaks, and because it is in the winter months, and the water meters do not get read again until spring, a lot of water has gone through the meter. With the new water rates, the water bill for some of these leaks will be in the hundreds of dollars. The staff has met and has come up with a policy that they would like to use. Jeffrey presented to the council the policy. Bruce Ward stated that this will give the staff the ability to make the decision, rather than have each situation come before the council.

Policy for water leaks

- 1. Potential culinary water leak on a customer's water line (from the water meter to the customer home)
- 2. Possible water leak is determined when water meter has been read, and a high usage is indicated or customer notifies the city.
 - a. City will call or send letter to customer.
 - b. City will send someone from the water department go to customers home and try to verify and try to contact the customer about the potential water leak.
- 3. After customer has been notified, they will have 30 days to fix the leak.
 - a. Customer will notify the city when the leak has been fixed so we can get a new reading from the water meter.

- b. The monthly usage for billing will be based upon the customer's average water history (based upon customer's historical usage), and prior months may be adjusted if city feels it is needed (i.e. October a water leak begins, but is not determined until April when water meters are read again. The winter month's water usage is based upon the October water usage, winter months may need to be adjusted).
- c. A \$50 fee will be added to the customer's utility billing for administrative charges.
- 4. If the customer does not fix the water leak, they will be billed according to the water usage (according to the water meter reads) and the current water rate structure.

MOTION BY: Councilperson Todd Gordon to accept the water leak policy as written.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

7. YOUTH COUNCIL

Youth Council representative stated that the Easter egg hunt went very well; they had a lot of support from the youth council. Other projects that the youth council are working on, is they are helping out at the library each day, helping with Foothills Elementary School carnival, and helping out a fun run this weekend.

8. APPROVE MINUTES OF NOVEMBER 19, 2008

MOTION BY: Councilperson Lynn Durrant to approve minutes of April 15, 2009 as written.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0).

9. APPROVE BILLS FOR PAYMENT

Councilperson Durrant asked about the bill for the tennis court lights, and if the city was paying for them. Mayor Henderson stated that the city did agree to pay for them, and the funds will be taken out of impact fees. This approval was made a couple of years ago, and we are now just getting them purchased and installed.

MOTION BY: Councilperson Stanley Green to approve bills for payment.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

10. PUBLIC SAFETY

Chief James stated that on Tuesday, there will be the annual fishing day, towards the end of the month will be the Salem Triathlon. He also reported that the fire at the cabinet shop is still under investigation. He stated that Salem and Spanish Fork Fire Departments did a great job. Spanish Forks ladder truck was a great benefit to the fire.

Councilperson Ficklin stated that on Wednesday, May 27 is graduation for the high school, which will be held at the football field.

11. OPEN DISCUSSION

Mayor Henderson asked if there were any items for open discussion.

Brad Morgan stated that on his project that was denied tonight, they have spent a lot of money doing research and planning. He would like to know what the council sees out in that area, what they would like. It was stated that right now the area is zoned R-2, and a PUD can be done in the R-2 Zone. Mayor Henderson stated that when this zone change was first brought to the council, it made us think if this is really what we want, to keep changing our general plan for developers. They felt that they would like to update the general plan, so we don't have to keep changing it. The council has met with Planning and Zoning, and we will continue to meet to get the general plan updated. He told Brad that his development plan is great, just not sure if it is the right time, or the right location. Brad stated that with the town homes, it is a great buffer between commercial and single family residential. He also asked the mayor if the city was going to get some outside help on the general plan. Mayor Henderson stated that we have approached Dave Anderson to help us out.

Harry Thompson had the same question as Brad, and in addition he wanted to make the comment that Planning & Zoning felt that his development for the R-4 zone would be great out by the freeway. He stated that he has lived out by the freeway, and did not like it. He feels that a retirement community would be better by the commercial business, to where they can walk to a lot of the places they need to go to.

Mayor Henderson stated that both developers have been good to work with, but not sure if Salem is ready for it. We would like to have the general plan updated and get it to where we don't have to change it each time a developer comes in. Councilperson Durrant stated that in the land use meeting, they were asked what makes your city unique. She stated that we want to see growth, but yet we don't, it is a catch twenty-two.

A comment was made about the recycling bin, and thanked the council for it. It is really being used.

COUNCIL REPORTS

12. MAYOR J. LANE HENDERSON

Mayor Henderson reported that he met with Nebo School District today, they are concerned about this bond election that they are doing in June. They want to make sure that everyone knows about it, and what it is going to be used for. They feel it is very important to get the information out.

13. COUNCILPERSON LYNN DURRANT

14. COUNCILPERSON TERRY A. FICKLIN

Councilperson Ficklin mentioned that the recycling bin, the cardboard and plastic are really being used, and they are dumping it once or twice a week. He is going to look at getting a second bin down there, so we can handle all of the material.

He also mentioned that the Solid Waste has a budget that will need to have the mayor review and sign it.

15. COUNCILPERSON STANLEY W. GREEN

16. COUNCILPERSON BRENT V. HANKS

17. COUNCILPERSON TODD R. GORDON

18. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS

19. BRUCE WARD, CITY ENGINEER/ PUBLIC WORKS DIRECTOR

Bruce Ward reported that they have been working with the wetlands down by the city shops. They were told by the state that where the mud volleyball pits are located, the burm around them will need to be removed, that area is considered wetlands. When we get the burm removed, we will ask the state if we could still have the mud volleyball. We may have to find a new place for the volleyball pits.

20. ATTORNEY S. JUNIOR BAKER.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Todd Gordon to adjourn city council meeting.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 8:50 p.m.

Jeffrey Nielson, City Recorder

Salem City Council Meeting Attendance Record For Council Meeting held on May 6, 2009		
Please Print Name	Please Sign Name	
1 GEORGE RASBAND	Scorae Farland	
2 BRAD MORGAN	250	
3 Clayton Andersen	Coly for	
4 Harry Thomas	Hang Nong	
5 Ben Burk	(F)	
6 Melissa Burk	Whelisa Bout	
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29 Karlin Adams	Larlin Haams	
30 TYLER HARDY -	Trank to t	
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Salem City Council Meeting Attendance Record For Council Meeting held on May 6, 2009		
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32 Bruce Maclibe	Brune Madelo	
33 Toph Knutson	TophK	
34 Parin Warren	Jain R. Warm	
35 Marta Christensen	A Marka / Subney	
36 Courtney Sampers Co	Contrary Senders	
37 TUYOK UMV	Mylor xamp	
38 Morgan Hales	Motgan tolas	
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