

Minutes of the Salem City Council Meeting held on May 19, 2004 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:30 PM

CONDUCTING: Mayor Randy A. Brailsford.

OPENING REMARKS: Mayor Brailsford asked if there was anyone who would like to state anything for opening remarks. Reed Cornaby stated he has something to state for opening remarks. Reed Cornaby then offered a prayer.

PLEDGE: Mayor Brailsford invited Tyler Roller to invite all who would like to participate to stand and say the pledge of allegiance.

COUNCIL PRESENT:

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

STAFF PRESENT:

Jeffrey Nielson, City Recorder
Chief Brad James, Police Chief
David Johnson, Public Works
Junior Baker, City Attorney

OTHERS PRESENT

Reed Cornaby
Jessie Jensen
Jamie Child
Doug Carlson
Bonnie Hanson
Susan Wilson
Kathryn Ballard
R. B. Hubbard
Leray Warren

Bruce Lewis
Brian Warren
Shannon Griffiths
Monte Davis
Ann Burton
Lori Warren
Marie Linten
Tyler Roeller

Tyrel Watters
Mike Davis
Jason Hurst
Mark Hunson
Maren Dunn
Maureen Warren
Pat Hubbard
Todd Roeller

1. YOUTH COUNCIL PRESENTATION

Mayor Brailsford reported that some of the youth council, who are seniors this year, came during the work session where they were presented with a set of pens. He wanted to thank them all; they have done a great job this year. He also stated that all of the youth who were on the youth council will be receiving a certificate during an assembly at school.

2. PUBLIC HEARING

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

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (5-0).

Mayor Brailsford welcomed the public to speak, but he will limit their time to three minutes, and only one person may speak at a time. He told them to make sure they state their name for the record. He stated that the developer is asking for a zone change, from R-2 zone to R-1 zone. The difference between the two zones is mostly the lot sizes. An R-2 zone is 15,000 square feet, where an R-1 zone the lots are 10,000 square feet.

- a. Bar K Development – General Plan Amendment and Zone Change Request for Property at Approximately 340 S. 950 E. from R-2 to R-1.

Mayor Brailsford turned the time over to Dr. Steve Dewey. Dr. Dewey explained that a partner (Lance Kuhni) and he purchased this property about eight years ago. This was before the property was annexed into the city and before the new ball park was built. They held onto the property to wait and see what would happen in the area. When it was annexed into the city, the new ball park facility was built, and now Nebo School District wants to build an elementary school by the ball park. His partner and he felt it would be a good time to have the property developed. With the property being next to a school and a ball park, they felt it would attract people who are 2nd home buyers and/or who probably have young families. They felt that with the bigger lot sizes they would not be beneficial in that area. The school district picked out the property, and then they worked around them. Dr. Dewey showed on the map where the property would be located, it is south of Bob Nelson new subdivision and east of the new ball park. The school will be using 10 acres, and the development for homes will be using 20 acres.

Mayor Brailsford asked Dr. Dewey if he knew what the difference in the number of lots from an R-2 to an R-1. Dr. Dewey stated he was not sure, but when they first looked at the area, they wanted to do 60 homes, but with the city ordinances, they could only fit 54 homes using the R-1 zone.

Mayor Brailsford turned the time over to the public for discussion.

Bonnie Hanson stated that their property is adjacent to Dr. Dewey's. Her concern is that with Bob Nelson's subdivisions 70 homes, a new school, the ball park, and the stake center, what is going to be done with all of the traffic. Right now they live on a dead-end road (600 South), which is an old farm road. It is very narrow without any sidewalks. If her road is made as a through road, she can see a big concern.

Todd Roeller asked where the access roads for the new school would be. It was stated that the new access will be off of Woodland Hills Drive, Bob Nelson's new subdivision and 600 South. Dr. Dewey stated that with the school there, you can have a lot of good and bad impacts. One of the good impacts is that it gives you a lot more space, makes the development less dense. If people are using the other access, it will help to lighten the traffic.

Diana Ballard asked Dr. Dewey that if they are proposing the homes to be 1800 square feet, how are they going to regulate that. Dr. Dewey stated they will have several plans to choose from. They will have one builder that builds the homes. They are planning on doing the building in two phases, right now they are planning on doing about eight homes a year, but it also depends on the demand for the homes.

Bruce Hubbard stated he is 100% against this change, and he will use any legal means he can to stop the change and building. The city does not have enough sewer, there is not enough water, and there is nothing being done about the water. Very little has been done for road repair, the weeds do not get trimmed along the roads. If this subdivision is put in, crime will go up, and we do not have enough money for police officers. We have to hire out Spanish Fork police to help protect us. What about recreation use, where are we going to get the money to support all of this.

Mayor Brailsford stated that Salem City has had a moratorium on new subdivision for over a year. The restriction was just taken off a few months ago, but he is looking at imposing it again. The sewer system is capable of one million gallons, right now we are at 500,000 gallons. Mayor explained to Bruce he needs to make sure he gets his facts straight.

Maren Dunn stated that she lives on the Canal Road; her big concerns are the impact of people around that area, especially with traffic. Her other concern is that she did not know about Robert Nelson subdivision, she is wondering how she can find out about this information. It was explained that the only way they are notified is if their property is next to the property being discussed. Some other problems are, she feels that people do not realize how small their lots are in an R-1 zone. The area is mostly agriculture. She is not opposed to the school, but she is opposed to the high density area. She would also like to see other ways of being notified for the people who live around an area being discussed

Lori Warren asked Dr. Dewey if the area is zoned R-2, why did they not plan for an R-2 development. Dr. Dewey stated he thought with the school going in that area, that it would be better as an R-1 zone.

Susan Wilson stated she lives on the street that would connect to the subdivision. She knows she has no control over the school going in. She is concerned with high density, what is going to happen when our schools get overcrowded. Right

now they are already crowded. People don't want to build next to a school. In Mapleton the lots next to the schools and ball fields are bigger. Salem City has a master plan, the committees made recommendation, why should we change the master plan. She feels there needs to be a better way to control the master plan.

Shannon Griffith was wondering when the development would begin. Dr. Dewey stated the school district is planning on starting in March of 2005; he would like to plan on development of the homes next to the school at the same time.

Leray Warren hates to see the high density housing, because of the congestion. He knows the crime rate increases with higher density. He does not want to see the land developed, but if it is going to come, he would like to see the bigger lots, with an acre and half. This would not allow that many homes in the area.

Dr. Dewey stated he met with a landowner in that area, a Mr. Morrison. Mr. Morrison stated they are planning on doing development sometime soon also.

Brian Warren stated he lives on Woodland Hills Drive, just north of the property in question. He is concerned about having homes along Woodland Hills Drive. He states it is a very dangerous road, and feels it is a safety issue.

Bruce Lewis also feels that too many homes would be a problem. Especially with the water situation. He knows we are in a drought, and wants to know how the city plans on getting more water for new development. He stated the water situation has not really been addressed.

Councilperson Wills stated that the water issue is big; there are several areas the city is working on to help out the water situation. Secondary irrigation is being looked at; the city requires the new subdivisions to put the pipe in for the secondary water. We are hoping to get some of the new subdivisions hooked up to secondary water in the near future. We are hoping to look at ways to improve our wells this coming winter. So the city is working on ways to improve the water situation. Bruce Lewis asked if the city could support these homes. Councilperson Wills stated he felt we could support these homes with water.

Mayor Brailsford stated he has talked to Attorney Baker about putting another moratorium on new developments. He also explained to the citizens that they need to voice their concerns to their state representatives. The problem is that developers pay a lot of money for lobbyist to pass different laws supporting them. So the developers are the ones getting laws passed. This then makes it hard for a city to regulate development. Regarding the water, we have been monitoring the water system very closely; we have done a better job of managing our water usage with the big users (city, schools, and churches). His biggest concern is indoor water usage, then fire protection, then outdoor water usage. If we can get a secondary irrigation system in, the city would save a lot of water usage. Finally he wanted to comment on the police department, and why we have had to hire out

Spanish Fork police officers. We have an officer who injured his neck while on duty; another one was in a car accident with a drunk driver while on duty. Sometimes we have to use Spanish Fork officers, and the same with them, they use some of our officers.

Bonnie Hanson told the council that people want to move to Salem because of the open spaces. She also has a concern about the canals and ditches, why can't they be filled in. It was stated that the city can not regulate them; it is up to the irrigation companies. The city does require developers to work with the irrigation companies to have these ditches piped.

Mark Hanson stated the north side of his property borders the ball park. Cows are in his pasture, he knows the city is putting a fence up, but will the school be required to put a fence also. It was stated that the school would be responsible to install a fence.

Marie Linton stated she has a full view of the traffic on Canal Road in front of the ball park. A lot of people speed along that road. The other day there was a dump truck going along at about 40 MPH. A child went out in front of the truck to retrieve a ball. She thought that the child was going to get hit. It is a very serious problem. Mayor stated he would look into putting no parking signs along the Canal Road in front of the ball park. He will also see about having the police patrol that area a little bit more.

Diana Ballard stated she lives next to Nelson Subdivision. She would like to put up an electrical fence for her horses. She is wondering who would be responsible if a child were to touch the fence and was injured. It was stated that she would be responsible. Diana stated that would be an issue then with her if a bunch of new residential homes were to be built by her.

Monte Davis stated he would like to see the zone back to five acres per lot.

Reed Cornaby stated that an R-1 lot would use _ the water of what an R-2 lot would use. The outdoor water usage is where a lot of water is used, with bigger lots, people will water more lawns. He has worked with water issues for a long time.

Mayor Brailsford asked everyone, if they read their newsletter they get with their utility bills. Most everyone stated they do read them. He asked them how many came in and reviewed the master plan. It was stated in the newsletter, and it was down at the city office for review for about one year. We did not have anyone come in and review it, except for a couple of developers, and a couple of residents.

Kim Lewis was wondering if the general plan was explained in the news letter. Mayor Brailsford stated that it was.

The concern was brought up that a lot of the neighbors did not know when Robert Nelson's subdivision was being discussed in council. They just found out about this one because of their neighbors. They would like to know if there is any other way to be notified.

Mayor Brailsford asked if everyone had an opportunity to speak.

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

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

- a. Bar K Development – General Plan Amendment and Zone Change
Request for Property at Approximately 340 S. 950 E. from R-2 to R-1.

Councilperson Terry Ficklin stated that Planning and Zoning recommended the change, along with DRC. He appreciated everyone coming in tonight. He stated that currently this property is zoned as R-2. The discussion tonight is to change the zone from R-2 to R-1. With the neighboring subdivision being R-1, this would fit in with that zone. As a council we are here to also look at the impact new homes would have on the city, this is also why we have impact fee's on new homes, these fees also help pay for new infrastructures. With 54 lots, the water impact fees would be \$189,000 which would help pay for improvements on our water system. We also have impact fees on electric, sewer and recreation. We can not stop growth; people have the right to develop their property. We can not stop progress. Councilperson Ficklin stated that he thinks the difference in lots, if the zone was to stay at R-2, would be about 10 – 15 homes less.

Mayor Brailsford stated that the impact fees help pay for the impact of the growth. A home really does not bring money in for the city. Our utility rates are reasonable; there really is no profit for the city with a new home.

Councilperson Wills stated that the impact fees are there to help pay for the impact of the new home to the city. With an R-1 zone, like Reed Cornaby stated, those lots would use less water. He stated this area would make more sense being changed to R-1 zone. His biggest concern is that he received a letter from Mike Wilson, who helped worked on the master plan. The city has had a moratorium on new building for a while, since we have took off that moratorium we have had four request from developers to change the master plan. This is showing me that we have a problem, either we are too nice to developers or a master plan is not correct. Are we changing the master plan to quick to help out a developer. Councilperson Wills stated he is more incline to review the master plan again.

Councilperson Hair stated that from what he is hearing from the property owners, they would like to have the zone stay as an R-2. We are here to represent the public.

Councilperson Durrant stated a lot of concerns about traffic on Canal Road, she too dreads going down the Canal Road. She appreciates all of the comments, and everyone coming in. Like the mayor stated, we have to consider what is best for the whole town of Salem, not just one area. She feels we need to look at the master plan also, and will take all of the comments into consideration.

Councilperson Boman stated that when the master plan was decided upon, the school was not there; with the school there it changes things. Also with more roads being developed, it will give more access to that area. He would like to consider it a little bit longer. He also stated that the council agendas are posted by law, so you can see what is being discussed at city council meeting.

MOTION BY: Councilperson Terry Ficklin to deny the General Plan Amendment and Zone Change Request for Property at Approximately 340 S. 950 E. from R-2 to R-1.

SECONDED BY: Councilperson Dale Wills.

VOTE: All Affirmative (5-0).

3. EAGLE PROJECTS

a. Tyler Roeller

Mayor Brailsford turned the time over to Tyler Roeller. Tyler explained to the council that he would like to put a flag pole up at the new ball park. He presented to the city council a handout showing what it would look like. He has a galvanized pole that is 30 feet high and five feet of that will be put in the ground. He was told to talk to Todd Gordon for some help. He would be getting the flag from Old Glory and hoping to get it donated. Mayor Brailsford told Tyler to be sure to find out what the proper depth of installation and cement is for that tall of pole. We need to make sure that it does not fall over. Councilperson Durrant asked Tyler about a light on the flag for nighttime. Tyler was unaware that the flag had to be lit; he will look into installing a light also. Mayor Brailsford asked Tyler if he felt this was a good project, and also he needs to make sure he finishes the project. There have been a few scouts wanting to do this same project, but they never started it. Tyler stated that he promises he will finish the project.

b. Brady Olsen

Was unable to attend council meeting.

4. BUSINESS LICENSES

a. Ashwani Bedi – Ice Cream Vender

Mayor Brailsford stated that Ashwani wants to do an ice cream vending out of a vehicle. The council wanted to request that he not sell on Sunday and no earlier than 10 AM and not later than 8 PM. They will approve the license with Chief James giving his recommendation on the decibel noise allowed.

5. QUESTAR GAS FRANCHISE AGREEMENT

Attorney Baker stated that this item is not ready, and would like to postpone it.

6. STRAWBERRY WATER RIGHTS

Mayor Brailsford suggested to the council that the city begins accepting Strawberry Water rights. Attorney Baker stated that we need to adopt this, the same way that we adopted not to accept the water rights. Mayor Brailsford stated we will have this on next council's agenda.

Mayor Brailsford left the council chambers at 9:00 PM.

7. WATER CONSERVATION PLAN

Councilperson Wills stated we need to show that we have a plan on ways to conserve water. This will help us to be able to get bonds for improvements. The State also requires us to file a plan. SUVWA submitted a plan once, and we thought it covered all of the cities. We found out that it did not, so the state is requiring that we do a plan. Attorney Baker stated that this is going to require a public hearing, and will need to get it ready to adopt for the public hearing. Councilperson Wills asked the council to review the plan and let him know if they have any changes.

8. BEER HANDLER'S ORDINANCE

Attorney Baker stated that this item is not ready, and would like to postpone it.

9. PARKING REGULATIONS AT BALL COMPLEX

Councilperson Wills stated that this item was discussed in work session. We need a policy to address some of the issues at the ball park with vehicles, people driving up to the snack shack, and coaches helping clean out the dugouts. We want to have a policy passed, and then hand it out to the coaches. Attorney Baker recommended that we implement it with the recommendation of the recreation director. Councilperson Wills also stated we need to address a curfew. Some discussion was done about if we implement it, then the police department does not really have any way to enforce it. Attorney Baker stated that it would need to be made into an ordinance then.

Mayor Brailsford returned to the council chamber at 9:15 PM.

10. APPROVE MINUTES OF MAY 5, 2004

Councilperson Wills stated on line 329, it should read “home at any given time” and not “home at that one time”.

MOTION BY: Councilperson Lynn Durrant to approve the minutes of May 5, 2004 with said changes.

SECONDED BY: Councilperson Paul Hair.

VOTE: All Affirmative (5-0).

11. APPROVE BILLS FOR PAYMENT

Councilperson Wills had a question with a couple of LEI invoices. The one invoice is for the study done on the protection zone on the Ford property. He stated in the future we should make the property owner pay for those studies. The other question was on the second impact fee study. Dave Johnson stated he would look into that invoice.

MOTION BY: Councilperson Paul Hair to approve the bills for payment, but to hold off on the LEI invoice until Dave Johnson has looked into it.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

12. PUBLIC SAFETY

Police Chief James talked about Officer Bell’s accident. The car is being worked on, and Officer Bell is doing well, he is back to work. Officer Gurney broke his foot the other day at home, and has been off for a couple of days. Finally the police department was able to charge two individuals from Payson with auto burglary. The cars that they stole items from were cars that were left unlocked during the night.

13. OPEN DISCUSSION

No one had anything for open discussion.

COUNCIL REPORTS

14. MAYOR RANDY A. BRAILSFORD

Mayor Brailsford asked Attorney Baker about half roads. We have a situation out by Brent Hanks' storage building. They paved the road in front of their building, and then the road dead-ends. The problem we are having is Allan Stubbs is using the paved road then turns off of the end and connects to his road to go to his home. He has a dirt road that connects to the highway, but they are not using it. There was a fence at the end of the road, but it has been cut so Allan can have access to the paved road. The dairy milk trucks are also using it to get to his dairy. So the use is breaking up our road. Discussion was made to have a fence put up, and then send a letter to Allan that if they want to use the road, they are going to have to finish it. Councilperson Ficklin stated he would look into what it would take to have a fence installed there, since he is still paying rent on the building.

15. COUNCILPERSON DALE BOMAN

Did not have anything to report tonight

16. COUNCILPERSON LYNN DURRANT

Councilperson Durrant stated she went on a tour of the Bonaza Power Plant. She stated it was a great tour, and she learned a lot.

Mayor Brailsford asked Councilperson Durrant if SUVPS heard back from Strawberry Water regarding the 46k line. Councilperson Durrant stated that Strawberry did respond back, and it looks like they want to be released of liability.

17. COUNCILPERSON TERRY A. FICKLIN

Councilperson Ficklin asked Attorney Baker, at what point can a city determine a ditch is unsafe. Can we force the canal company to cover it. Attorney Baker stated that the city does not have the ability to force the canal company to do anything with their ditches.

18. COUNCILPERSON PAUL J. HAIR

Councilperson Hair reported that the fishing day for the handicap children went very well. We had over 780 kids who came fishing. Chief James also reported that there were no accidents.

Councilperson Hair also reported that there has been a request from Carol Brown to put a bench up at Knoll Park in memory of her father, Don Pierce. She wants to put a bench like Joe Blackburn's located at Heritage Park.

19. COUNCILPERSON DALE R. WILLS

Councilperson Wills would like to get the thoughts of the council about Chrisman Drive, the little section of the road that goes towards the pond, which is in real poor shape. What happens if we were to get rid of that road, and selling it to the property owners who are going to develop the little piece of land to the south. The council agreed the road is in poor shape, and it would be nice to have something done with it, either repaired or look into selling it. Councilperson Wills stated he would look into this a little bit more.

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: 9:45 PM

Jeffrey Nielson, City Recorder