

Minutes of the Salem City Council Meeting held on February 20, 2019 in the Salem City Council Chambers.

Work Session: 5:30 p.m.

1. AGENDA ITEM DISCUSSION

Jeff Nielson reported the LW annexation was approved in September, after approval we have 30 days to get it to the state, it took longer than that to get all the information he needed so it just needs to be reapproved.

Bruce Ward stated Kevin King has turned in a preliminary plat for Autumn Heights Phase 5 located at 750 E. 1280 S. there are 7 lots including his house, they are half acre plus lots. Both DRC and Planning and Zoning recommended approval, with some conditions. The conditions are he will have to switch his house over to Salem City Power when the utilities are brought in, the SESD line will need to be relocated so that it is not in the road, and they will need to coordinate when the utilities are put in along 1280 S. with Ridge View Subdivision. Chief Brad James stated when Earl Davis was going to subdivide, they talked about a walking path being put in. Bruce replied that there would be 5 foot sidewalks on both sides of the road.

Attorney Junior Baker explained we are clarifying our current regulations for treatment facilities regarding violent residents. This would include group homes, treatment centers, and recovery homes. A facility that houses residents must show that residents are not violent to themselves, staff or neighbors. Councilperson Sterling Rees asked if any time a patient comes in, are they required to bring that information in. Chief James said they were and then he or Becky would review it. Councilperson Cristy Simons asked if this would affect any facility we have now. Chief James replied we have already required it. Attorney Baker said we are just clarifying it to make sure there is no disagreement.

Bruce stated Ryan Johnson is requesting a zone change on 1711 N. and 460 W. from a C-1 and R-10 to R-5. The property is divided into fourths with two sections already R-5, one being R-10 and the other is C-1. The owner is asking to change the whole 12 acres to R-5. He is also requesting a text amendment to the R-5 zone from nine units to twelve units on a sperate agenda item. Ryan Johnson stated the text amendment was included in the zone change request, they were not two separate things when he made the request. Bruce replied in DRC they recommended the zone change but not the text amendment, and that is why they are separate items. Planning and Zoning recommended the zone change. They discussed the text amendment and after attending the general plan meeting felt like this might be a place where higher density belongs. But they were not okay with the text amendment to the R-5 that would change the zone from nine to twelve units throughout the whole city. Bruce mentioned there would be one more meeting with the public and then the general plan would be brought to the council to dig into and decide how to move forward. Planning and Zoning felt okay about twelve units being allowed north of Arrowhead Trail, but the text amendment to the R-5 zone would be city wide. Bruce said there was a lot of discussion about the preliminary plat being proposed now. Councilperson Rees stated it looked like two sections would be empty. Ryan said they would until they see what happens down in that area with the general plan. He said the masterplan project they brought in last

summer is a much better project but if they cannot do twelve units per acre, they will do the project a different way. Councilperson Craig Warren asked what the city would gain by allowing the three extra units. Ryan replied the plan that has twelve units is a better project and uses the whole twelve acres. Councilperson Howard Chuntz commented they need to consider what has already been approved but has not been built yet. If they were all built, we would have 40% of the rooftops as high density, and that is against what we heard that residents wanted. Councilperson Rees stated that the residents said that the higher density belonged out in this area, it is what it is designed for. Councilperson Chuntz said he heard they wanted a place with affordable housing and so far, everything he has seen has not been affordable, all we are achieving is higher density. Councilperson Simons stated that is why they are doing the general plan, and it will dictate some of that, and help them plan for the future growth. Councilperson Seth Sorensen commented they need to also consider individual property owner rights. It is hard to balance that. Councilperson Warren stated there are zones that we created and he doesn't think we should change those zones, that way it is fair to everyone. He said that we have laws and ordinances and we need to be pretty strict with them. Councilperson Sorensen stated when the general plan is done, we may create new zones and decide where they belong. Councilperson Warren said that would help everyone including the developers. The mayor stated that is what we hired this company to do, right now we don't have a good plan. He doesn't think it would be fair to give all this to Ryan. He said that Ryan has leveraged to build all the homes on 3 acres. Ryan stated what they have proposed meets the city code. He stated that they keep talking about the general plan but he cannot afford to keep carrying the property. They have designed something that meets the code, they don't like the code but they will meet it. Councilperson Rees stated he doesn't understand why the C-1 zone is there. Mayor Christensen stated the zones were changed for a project that didn't happen. He asked Ryan why they wouldn't use the whole 12 acres. Councilperson Chuntz asked why they should do the zone change if he isn't going to use the whole property. Ryan replied they didn't have to. Councilperson Sorensen asked what they would do if the zone was changed but the text amendment wasn't approved. Ryan replied they would probably move the park so that it was adjacent to the property they are developing. Councilperson Sorensen asked who would own and maintain the park. Ryan replied the HOA. Bruce mentioned the whole 12 acres would need to be R-5 to move the park. The mayor stated none of us fathomed that they would push it all to one side, with hopes to build more on the other side. Ryan commented that he liked the master planned concept better. Mayor Christensen stated we do not have a zone that allows twelve units per acre. He commented Bruce has put a lot of time into this project. Ryan replied he has also, he has been working on this for 8 months, and he has probably wasted more time on the zone change. The mayor said the R-5 will not give him what he is looking for, we don't have the zone for what he wants. Bruce said if the text amendment was approved it would be for the whole city. Councilperson Simons we are trying to recreate this whole area, but she isn't comfortable making a change like this until we have a plan. Councilperson Chuntz commented once we have the plan, we will be plan driven and not developer driven. Councilperson Sorensen said he agreed with Councilperson Simons, he understands that Ryan has had the project in the system of months, but we need to wait on the general plan. Mayor Christensen commented that the property was zoned R-5, R-10 and C-1 when Ryan put the money down on it. He asked if he would be happy with the R-5 and spread the homes around. Ryan replied that is not what the partners had agreed on. Councilperson Warren stated he is not willing to approve the text amendment to the R-5 zone. Ryan stated

he would like them to approve the R-5 so that they can move the park closer to the development.

2. NEBO SCHOOL DISTRICT PRESENTAION

Chief James stated he had invited Principal David Knudsen from Salem Junior High and Matt Gledhill from Nebo School District to come and talk about the new middle school. They thanked the council for letting them come. The school district has spent 11 million dollars on school safety. With the new middle school going in they would like to offer to pay half for another resource officer, for school safety and peace of mind. They would like to have one officer at the high school and another officer that is shared between the junior high and the middle school. Councilperson Chuntz asked where the kids were coming from for the new middle school. Matt explained they would go to the middle school, then to the junior high, and then to high school. Councilperson Chuntz asked if the other cities that feed into the school would also help pay for the officers. Councilperson Sorensen responded that the district pays half and Salem City would pay the other half. Councilperson Warren asked if Officer Dan Nielsen works at the high school full time. Chief James replied he is supposed to be full time at the high school but he works at the junior high when they need him. Councilperson Warren asked what he does during the summer. Chief James replied they use him to fill in for vacations and such, it works out really well. The chief asked Matt to give them an update on the middle school. Matt stated it is coming along quite well, he appreciates the relationship the district has with Salem City. The mayor asked when that school would be ready. Matt said it built by the fall of 2020. Mayor Christensen asked when they would need the officer by. Dave said they could use an officer as soon as possible, but that is up to the city to decide. Chief James commented when and if we get another resource officer they would be stationed at the junior high school. The mayor stated this is a very valuable asset for us. They will talk about it when they start discussing the new budget in July.

Matt Marziale stated the public works has needed a new storage building for the float and the police department has needed a building for storage. Steve has \$13,000 in the current parks budget for a building. The police department had \$30,000 for a storage building too, but this item was taken out of the budget. It was discussed if we had an unreserved fund balance at the end of the audit for FY 2018 that we could use some of that money for a building. Matt worked with the chief to get some bids on a building large enough to meet both needs. This will be located where the old shops were and where the parks department is housed. The bids were all similar, and they are recommending approval for the bid from Cleary Building.

3. POLICE YEAR END REPORT

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor Kurt L Christensen

COUNCIL PRESENT:

Mayor Kurt L Christensen
Councilperson Cristy Simons
Councilperson Seth Sorensen
Councilperson Howard Chuntz
Councilperson Sterling Rees
Councilperson Craig Warren

STAFF PRESENT:

Jeffrey Nielson, Finance/Recorder
Junior Baker, City Attorney
Chief Brad James, Police Chief
Clark Crook, Power
Matt Marziale, PW/Recreation
David Johnson, Building Dept., Excused
Allison Taylor

OTHERS PRESENT

Kevin King, Ryan Johnson, Chad Jones, David T. Cornaby, Robert Nelson,
Gus Farley, Tyler Farley, Keanna Vaitoni, Maggie Olson, Kaprianna Boggess,
Leah Rickenbach, Rod Rookstool, Sidney Crook, Kaleb Jackson, Avery Peterson,
Taylie Mayfield, Annie Jones, Tanner Pope, Bryant Lamb, Ashlin Hill, Shelby Hill,
Grace Stokes, Sarah Nye, Porter Brighton, Earl Davis, Alison Chuntz,
Janie Christensen, William Burk, Rich Seitz, Karen Boothe

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Christensen asked if anyone would like to give a motivational or inspirational message. Councilperson Seth Sorensen stated he would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Mayor Christensen 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. SWEAR IN KAREN BOOTHE, SEMA CAPTAIN

Mayor Christensen thanked Karen Boothe for taking the job as the Salem Emergency Medical Association Captain. She is a special person and we are happy to have her. Jeff Nielson then swore Karen in. The mayor thanked Erman Stone for his many years of service.

4. PUBLIC HEARING
(to open)

MOTION BY: Councilperson Seth Sorensen to open the public hearing.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (5-0).

a. RYAN JOHNSON

**i. REQUEST A ZONE CHANGE ON PROPERTY LOCATED AT 1711 N.
460 W. FROM C-1 AND R-10 TO R-5**

Bruce Ward stated this is for property located out on 460 West next to Revere Health and Olson's Greenhouse. The way it is zoned now two quarters are R-5, one quarter is R-10, and the other quarter is C-1. They spent a fair time discussing this in work session. DRC and Planning and Zoning all recommended rezoning the entire area to R-5.

**ii. REQUEST TEXT AMENDMENT TO THE R-5 ZONE TO ALLOW 12
UNITS PER ACRE INSTEAD OF 9**

Bruce stated this request is to consider changing the density allowance from nine units to twelve units per acre in the R-5 zone. DRC recommended the zone change approval but they were not comfortable with the text amendment. Planning and Zoning came back with similar recommendation. Since the general plan meeting had been the night before, Planning and Zoning felt like they were okay with 12 units per acre north of Arrowhead Trail but not throughout the whole city. Attorney Junior Baker said that we can make that happen but not tonight. The mayor asked if there were any comments from the public. Earl Davis stated if that is what is happening out that way then they should move forward with it. Councilperson Howard Chuntz said he would rather wait until the general plan is finished and we have more citizen input. He is not in favor of increasing density higher than 9 units, he would like to see that as the cap. Councilperson Craig Warren commented he didn't like the text amendment from 9 to 12 units. Councilperson Seth Sorensen said he thinks the zone change is a good fit. Councilperson Cristy Simons said she thinks it would be premature to make the decision to change the R-5 zone, but that zoning the whole area R-5 would clean it up. Councilperson Warren asked Ryan Johnson, the owner, if he was interested in having it changed to R-5 without the text amendment. Ryan replied that he was. Councilperson Sterling Rees said he would like to see it cleaned up by changing the zone to R-5, but he is with everyone else on the text amendment. The mayor asked if there was any public comment. William Burk said he supports what he has heard from the council tonight, they have put time and money into the masterplan and should wait for it to be finished.

iii. REQUEST A ZONE CHANGE ON PROPERTY LOCATED AT 671 W. CANAL ROAD FROM R-15 TO R-12

Bruce stated this area is approximately 10 acres located at 671 W. Canal Road, it is a portion of the Cornaby Raspberry Farm. The applicant has asked for a zone change from R-15 to R-12. Bruce explained that the R-15 is a single family home with a minimum of 15,000 square foot lot, the R-12 is a single family home with a minimum of 12,000, both require a 100 foot frontage. DRC voted to deny the zone change, but it was a split vote. Planning and Zoning, after a lot of discussion and additional input from adjacent property owners, Robert Nelson and the Earl family, voted in favor of the zone request, although it was not unanimous. The property owners all stated if the whole area was zoned R-12 they could line up the roads better. Bruce mentioned that several of the property owners were here. The mayor asked if there was any public comment. Ryan Johnson stated with the zone change the roads will line up much better. Bruce mentioned that Planning and Zoning was in favor of the other 2 properties also being zoned R-12. Councilperson Rees asked if this proposed project could move forward as an R-15. David T. Cornaby stated that people have approached him and they would like some smaller lots with a little less land to take care of. There is very little R-12 in our area. He supports the R-12 request. Robert Nelson stated he owns the development to the east, it is all R-15 and they kept this sliver of property to make it fit. He mentioned the Earl's cannot sell right now. If they all do their own R-15 projects they will have 3 new roads that feed onto Canal Road. With the R-12 zone they can make the roads line up better, which would make for better developments. Ryan Johnson stated this makes more affordable lots also. The mayor asked if anyone was opposed to this change. William Burk asked how many lots difference was between the R-12 and R-15. Ryan said it is about 2 to 3 additional lots. Robert Nelson said it could be 4 lots. Robert said he is speaking for himself and the Earl's and they feel it is very important that the road lines up. William Burk said if everyone is cooperating, they should change them all. Attorney Baker said the other 2 properties have not been noticed yet, so they cannot change the zone on them. Robert stated they would have to apply for the zone change. The mayor asked if there was any more discussion on this issue. Councilperson Rees asked if the other property is not being considered now how will they work out the road coming in. Ryan replied they would work out the logistics with the Earl's. Robert Nelson stated the road is the main reason he is here.

b. ORDINANCE IDENTIFYING FACILITIES WHERE VIOLENT RESIDENTS ARE NOT ALLOWED

Attorney Baker stated this is a clarification to our current regulations for treatment facilities regarding violent residents. This would include group homes, treatment centers, and recovery homes. A facility that houses residents must show that residents are not violent to themselves, staff or neighbors. The mayor asked if there were any public comment. There was none.

c. TEXT AMENDMENTS TO THE R-5 ZONE MODIFYING DRIVEWAY REQUIREMENTS AND CLUSTERING

Bruce reported this was discussed in DRC and it was recommended for approval. In Planning and Zoning they asked for additional time to have more discussion on the driveway requirements. As he and the mayor discussed it, they feel like they should table it to give Planning and Zoning the additional time they asked for. Attorney Baker stated they could hold the public hearing tonight, and continue it until another council meeting. Bruce stated it was worth going over the changes. The changes are Adjacent properties zoned differently cannot be counted toward acreage amounts nor used to contain amenities or private streets or parking tied to the townhome development zone. Dedicated public streets of a collector designation or higher cannot be counted toward the acreage requirement. Mayor Christensen explained this would have prevented Ryan from doing what they have proposed. William Burk asked if this applied to them. Bruce replied it did not because they have already turned in a preliminary plat. They are trying to make this clear as possible for any future projects. Single family homes will be permitted in all zones, they will have 5,500 square feet minimum lot, and 55 feet of frontage. All single family residences must contain a two car garage with a driveway a minimum of twenty-five feet in length from the building to the sidewalk. Twin home lots must be a minimum of 3,000 square feet each. All twin homes must contain a two car garage with a driveway a minimum of twenty-five feet in length from the building to the sidewalk. The residence must contain a minimum of 1,000 square feet of finished living space on the main floor. Townhomes must contain a minimum of 1,200 square feet of finished living space. All townhomes must contain a two car garage with a driveway a minimum of twenty-five feet in length from the building to the sidewalk. This was tabled in Planning and Zoning because they felt the driveway requirements needed more discussion. Bruce asked if there were any questions. Private streets must contain a minimum of thirty feet of asphalt and have curb, gutter, and a five foot sidewalk on both sides. Clustering of dwelling units is encouraged to allow for larger open spaces, but subject to Council approval to maintain a balance between open space and buildings and maintaining harmony between new development and surrounding areas, including harmony between residential and non-residential uses. Housing units and open space should be distributed in a manner that does not unduly separate the usable open space from the residents. This is open to discussion so developers and the city could talk and come to a mutual agreement to get the best product possible. The mayor asked for any public comment.

MOTION BY: Councilperson Craig Warren to continue item c. text amendments to the R-5 zone modifying driveway requirements and clustering until the council meeting held on April 3, 2019.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

(to close)

MOTION BY: Councilperson Seth Sorensen to close the public hearing.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

MOTION BY: Councilperson Sterling Rees to approve the zone change on property located at 1711 N. 460 W. from an R-10 and C-1 to an R-5 without the text amendment.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

MOTION BY: Councilperson Craig Warren to deny the text amendment request to the R-5 zone from 9 units per acre to 12 units.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

MOTION BY: Councilperson Seth Sorensen to approve the zone change request for property located at 671 W. Salem Canal Road from R-15 to R-12.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

MOTION BY: Councilperson Cristy Simons to approve the ordinance identifying facilities where violent residents are not allowed.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (5-0).

5. KEVIN KING – APPROVE PRELIMINARY PLAT FOR AUTUMN VIEW HEIGHTS PHASE 5

Bruce stated Kevin King is here if they have any questions. Bruce mentioned these are all half acre plus lots. DRC and Planning and Zoning recommended approval subject to meeting the subdivision and construction standards; installing the required streetlights; relocating the SESD power line; connecting his house to Salem City Power when available; coordinating with the installation of the improvements along 1280 South; and being given credit for any fees previously paid to the City. The mayor asked if Kevin was aware and agreed to the conditions. Kevin said that he did.

MOTION BY: Councilperson Howard Chuntz to approve the preliminary plat for Autumn View Heights Phase 5 subject to the recommendations set forth by DRC and Planning and Zoning.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (5-0).

6. TYLER FARLEY CITIZEN REQUEST – SEPTIC TANK ON PROPERTY (874 N. SR 198)

Tyler Farley stated he is here with a request to put in a septic tank, he is building a house on his dad's property. Bruce mentioned the property is in an A-1 zone where single family

houses are permitted. The mayor asked where the closest sewer line is in relation to the property. Bruce replied the sewer line requirements are that a house must hook on if the line is within 1000 feet. The closest line is under SR 198 along 750 S. and there is a lift station there that only services Stokes and the Hatfield building. He would not recommend adding any services to the lift station. They have gone over the utilities with Tyler, he will need to extend the city power and the water line. Homes are required to install curb, gutter, and sidewalk along the whole frontage. He will also have to hook to the PI water and sewer when they become available to that area. If the council approves the septic tank, he will still need to get a permit from the county. Attorney Baker said we could require a lien in lieu for the curb, gutter, sidewalk, and future sewer connection. The council wanted to make sure Tyler was aware of the future costs. He replied that he was.

MOTION BY: Councilperson Craig Warren to approve the Tyler Farley citizen request for a septic tank on property located at 874 N. SR 198.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

7. RE-APPROVE ORDINANCE FOR LW ANNEXATION

Jeff mentioned this was discussed in the work session. In September the LW annexation was approved, by the time the plat map was finished and all the signatures needed were gathered it had gone past the 30 days that we have to get it to the state. This is just reapproving the ordinance.

MOTION BY: Councilperson Sterling Rees to reapprove the ordinance for the LW Annexation.

SECONDED BY: Councilperson Craig Warren.

VOTE: All Affirmative (5-0).

8. APPROVE STORAGE BUILDING FOR POLICE DEPT. / PARKS DEPT.

Chief Brad James mentioned this was discussed in work session. They are asking for approval for a storage building for the parks and police department from Cleary Building for \$70,030.00.

MOTION BY: Councilperson Craig Warren to approve the storage building for the police and parks departments.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (5-0).

9. APPROVE MINUTES OF FEBRUARY 6, 2019

MOTION BY: Councilperson Cristy Simons to approve the minutes of February 6, 2019.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

10. APPROVE BILLS FOR PAYMENT

AMOUNT: \$1,723,974.12

MOTION BY: Councilperson Howard Chuntz to approve the bills for payment.

SECONDED BY: Councilperson Seth Sorensen.

VOTE: All Affirmative (5-0).

11. YOUTH COUNCIL

Kapri Boggess and Keanna Vaitino stated on February 7, 2019 the youth council held the Senior Citizen Valentine's Dinner, it was really fun. Their next event is the Easter Egg Hunt in April. They will be doing a service project in March. The council thanked them for all they do for the city.

12. SF / SALEM CHAMBER

Councilperson Sorensen reported there have been some changes with the chamber, they are going to integrate Salem in more. They will be holding every other meeting in Salem at the city office and make more effort to include Salem businesses.

13. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief James asked Captain Karen Boothe if she had anything to report from SEMA. She did not.

He went over the year end statics, Salem was listed as the number 2 safest place to live in Utah. He commented it is a pleasure to serve the mayor and council, he has a great love for the community. They hope to still be in the top 10 next year.

14. DAVE JOHNSON, BUILDING OFFICIAL DIRECTOR

Dave Johnson was excused tonight.

15. ATTORNEY JUNIOR BAKER

Attorney Baker did not have anything to report tonight.

16. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff emailed out the budgets to the council and the directors. He asked for the council to work on the budgets with their departments.

17. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt Marziale was excused at 8 p.m.

18. CLARK CROOK, ELECTRICAL DIRECTOR

Clark Crook did not have anything to report tonight.

19. BRUCE WARD, ENGINEERING

Bruce did not have anything to report tonight.

COUNCIL REPORTS

20. MAYOR KURT CHRISTENSEN

Mayor Christensen did not have anything to report.

21. COUNCILPERSON STERLING REES

Councilperson Rees mentioned the UMPA board would be attending the legislative rally in Washington DC the week of February 24, 2019. He mentioned the mayor would also be attending. The week of March 20 to the 24, 2019 UMPA will hold their conference in St. George. He has been asked to invite any of the council that can to attend.

22. COUNCILPERSON CRISTY SIMONS

Councilperson Simons did not have anything to report tonight.

23. COUNCILPERSON HOWARD CHUNTZ

Councilperson Chuntz stated he had meetings next week for SUVMWA and Mt. Nebo.

24. COUNCILPERSON SETH SORENSEN

Councilperson Sorensen did not have anything to report tonight.

25. COUNCILPERSON CRAIG WARREN

Councilperson Warren did not have anything to report tonight.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Craig Warren to adjourn council meeting.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 8:58 p.m.