

Minutes of the Salem City Council Meeting held on March 3, 2010 in the Salem City Council Chambers.

WORK SESSION: 5:30 p.m. Mayor, the City Council members, and the department heads went on a tour around the city to look at signs that many business have put up that are considered illegal. They also went on a tour of the gym that is being built in town.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor Stanley W. Green

COUNCIL PRESENT:

Mayor Stanley W. Green
Councilperson Todd R. Gordon
Councilperson Sterling M. Rees
Councilperson Terry A. Ficklin
Councilperson Sidney M. Jorgensen

STAFF PRESENT:

Jeffrey Nielson, City Recorder
Chief Brad James, Police Chief
David Johnson, Building Dept.
Junior Baker, City Attorney
Bruce Ward, City Engineer

Excused:

Councilperson Lynn Durrant

OTHERS PRESENT

(See Attached)

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Green asked if anyone would like to give a motivational or inspirational message. Charu Das stated he would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Mayor Green 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. EMPLOYEE RECOGNITION

Chief James stated that the president of the Utah Animal Control Officers Associations called Chief James and told him the Officer Blair Kirby will be awarded the Utah Animal Control Officer of the year at the upcoming ACO conference. Officer Kirby was nominated by Sergeant Scott Dibble. Chief James read the nomination letter. He stated

that Officer Kirby does a great job for the city as the Animal Control Officer. Chief James then presented him to the council to be recognized.

4. PUBLIC HEARING

MOTION BY: Councilperson Sid Jorgensen to open the public hearing.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

A. Approve Culinary Water and Waste Water Impact Fee Enactment Ordinance.

Attorney Baker stated that back in February we had Sunrise Engineering present to the council the study for the culinary and waste water impact fees. The ordinance was on the agenda to approve, but an error was found and we had to re-notice the study. Sunrise has done the study, which the law requires us to do. With the slowdown in the economy and in building, we have found that the fees were able to be reduced, because we do not need the infrastructure that we needed a few years ago. Attorney Baker read the new amounts and the price differences.

Mayor Green asked if there were any questions from the public.

Jan Watson asked what this means for residents. Mayor Green stated that it will not affect current residents, unless they build a new home. The impact fees are for new construction of homes or commercial buildings that create an impact to our infrastructures.

Close

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

SECONDED BY: Councilperson Sid Jorgensen.

VOTE: All Affirmative (4-0).

A. Approve Culinary Water and Waste Water Impact Fee Enactment Ordinance.

MOTION BY: Councilperson Sidney Jorgensen to approve the Culinary Water and Waste Water Impact fee Enactment Ordinance 30310A.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0).

5. OPEN COMMENT

Mayor Green stated that we will open the meeting to comments, and will take comments for 30 minutes. Each comment should not be more than three minutes, and must be made by a resident, or owner of property within Salem City.

Lena Fleming stated that she has read information about extreme and ultimate fighting. What she has read, and learned about, she feels that this type of activity is something that we do not want in Salem.

Doug Julian stated that a lot of people participate in the ultimate fighting, they are athletes. But the fighting promotes violence; he is not really comfortable with promoting the violence in Salem. Some martial arts teach about defense, and protecting yourself, he is okay with this type of training and activity.

Edward Melzer stated that there is enough violence in the world as it is. He is against having ultimate fighting in Salem.

Judith Baker stated that she moved to Salem because it is a peaceful city. She recently attended preparedness fair; one of the items taught was by a law enforcement officer. They stated that many of the robberies are due to the violent video games that are out there for the youth. She has a son who she is trying to teach that violence is not a good thing, and how fighting is not good. She would hate to see the violence of extreme fighting allowed in Salem.

Shelley Hendrickson asked if the ordinance allowed gyms. Attorney Baker stated that gyms are allowed.

Hugh Davis stated that he is here tonight to oppose ultimate fighting from coming to Salem. He stated that he spends time with people who watch and participate in the fights. He sees how their behavior is influenced. He feels it is something we do not want in Salem.

Maureen Warren stated that her first instinct was to go against having the ultimate fighting. She wanted to have all of the facts first, and she is not sure if we have all of the facts, and would like to hear from someone who is not against the ultimate fighting.

Dawn Van Nosedol stated that she does not want the violence in town. Concerned about where the spectators would go after the fights, she would not feel safe in Salem after the events.

Arlund Lewis stated that ultimate fighting or MMA, when people hear those titles, they think of fight clubs. This is not the case. There is a lot of training that goes into it. He trains with some of the fighters, and they are good people. He stated that the State of Utah really regulates the events. He has been to over a 100 events, and many of the spectators are families coming to the events. He stated that the spectators at his boys

baseball games are more threatening than the spectators at the MMA events. He does not see the violence that many people are stating comes with the events. One of the main fundamentals of MMA is wrestling. He has one of his kids who are on the city wrestling leagues. With the wrestling, he is in support of the MMA, it uses many different skills.

Steve Jackson stated that he has done some research on the MMA, he stated that it started in the early 1990's. There have been many deaths associated with it. He stated that the ultimate goal is to punish your opponent. After seeing some events, he feels that it is something he does not want in Salem. When teaching our youth, do we want to teach them that violence is okay? He is against the events, and also against the training.

C. Hughes stated that he works at the Utah County Jail. He wanted to comment on some of the items he has heard, that people are concerned about the drugs coming to Salem with the events. He stated that the drugs are already here in Salem, and there are big concerns with it. He would like to see the energy that is being used to oppose the ultimate fighting to go towards the energy of fighting drugs in Salem.

Yolanda Moser, owner of the gym that is being built in Salem, stated that there is a lot of false information going around, especially in emails. They have not proposed to have events in Salem. The training would be for the fitness and the fundamentals. People train for many different reasons. The area for the training of MMA is set up for the upper floor, and would not be around the main portion of the gym. She feels that by stereotyping the fighters and the events, it is very offending to her, and she would like to see people have an open mind. If people have questions, she would like them to ask her rather than go off of assumptions and hear say.

Drew Daniels stated that he is here in support of MMA training. He stated that the gym has not asked to have an event; they would like to have training in their gym. He stated as an athlete of the MMA, he stated that they cannot do drugs, drink alcohol, or anything else that is not good for your body. He stated that your body will not allow you to be a great athlete if you do not take care of it. He has lived here for 29 years, many of his memories with sports, is that he had to travel to other towns to participate. Now kids have a lot of opportunities to do different sports, and to train in many different types. He feels that if someone wanted to train in a sport that they should be allowed to.

Denise Smith wanted to acknowledge the athletes. She has understood that the gym that is coming to town, that they help sponsor the fighting event that was recently held in Spanish Fork. She stated that she does not want an event held in Salem. But she also does not oppose the training.

Howard Chuntz stated that ultimate fighting consists of violence that is already against the law. The violence of hitting each other is considered a Class A Misdemeanor. By putting someone in a cage does not make it alright. He talked about training, and the training is going through the motions, but if it is violent, then it would be against the law, and feels it is wrong.

Jileen Meservy stated that she does not think people are stereo typing; she is concerned about the training and the events that would come to Salem. She spoke with Brent Moser after the last meeting, and asked him, if he had the money to promote an event, would he do it. He told her that he would hold an event. She feels that the people of Salem do not want events in Salem.

Beckie Daniels stated that they were against the events, but they went to an event and they saw the love and respect each of these athletes have for each other. They stated that there is more violence at the ball park, than there is at the fights. Feel that allowing the training and giving kids something to do is a good thing.

Steve Fausett stated that when looking at the business trying to make money, and then looking at the community and what the community wants, it should not be a difficult decision. We need to look at the moral behavior and non violent, we also need to look at the statements that are being made by the community.

Yolanda Moser stated that from what they can see is that most people are against the event, and she would like people to come and talk to them about their business.

Mayor Green stated that we have had 101 emails from residents, of that two were voting for the ultimate fighting, 98 were against the ultimate fighting, and one was not really against, but wanted to see some regulations.

6. YOUTH COUNCIL REPORT

Kayla Warren, Zaq Wilcox, and Ashley Christensen from the youth council, reported that last month they did the sweetheart dinner for the senior citizens in Salem. They had a good turnout for the dinner, and felt that it went very well. This month they will be going to a leadership conference at Utah State University, and they are excited to go. Also this month, they have encouraged residents to clean up around their yards and around town. They will also be helping with the Easter egg hunt.

7. APPROVE ORDINANCE PROHIBITING EXTREME OR ULTIMATE FIGHTING

Attorney Baker stated that some months ago he was asked by the prior administration to write an ordinance to prohibit fighting events. When the original ordinance was written, the council felt that the intent of the ordinance was not to prohibit training, so a new ordinance, which is presented tonight, was written. The ordinance would prohibit events, but still allow training. He stated that the gym that is being built is a very nice gym, it will be the state of the art gym, and will be a great asset to the city.

Mayor Green asked the council if they had any comments.

Councilperson Ficklin stated that, when the original ordinance was presented to the council, there was a concern about how the ordinance was written and how it was not clear on allowing training. During that council meeting, the council was educated about the different types of martial arts that would be affected. The new ordinance was written that would allow training. He stated that the council had a tour of the gym tonight, and he is in favor of the gym, and feels it is a very nice facility.

Councilperson Rees stated that he was impressed with the gym as they went on the tour. He would encourage the people to look at, as it will be a very nice facility. He did state that the council had some concerns about the original ordinance, and how it would prohibit people from training in the martial arts. He stated that the events would be the issue, and the concern.

Councilperson Jorgensen stated that there has been a lot of energy from the residents to discuss this issue. He would like to see this type of energy on other issues in the city. He would like to see us embrace our differences and work with our neighbors for the betterment of the city.

MOTION BY: Councilperson Sterling Rees to Approve Ordinance 030310B Prohibiting Extreme or Ultimate Fighting.

SECONDED BY: Councilperson Sidney Jorgensen.

Councilperson Gordon abstained from voting, he stated that some people feel he has an interest in the gym, and he would like to abstain from voting.

VOTE: Councilperson Sterling Rees; Aye, Councilperson Sidney Jorgensen; Aye, Councilperson Terry Ficklin, Nay (2 Aye, 1 Nay).

Attorney Baker stated that by law, an ordinance needs to have three votes to pass. Without the three votes, the ordinance fails.

Councilperson Ficklin would like to motion to table the ordinance until all of the council could be present. He would like to re-look at the ordinance. He feels that with the concerns that people have brought up, he would like to see if some more changes could be made to it.

There was no second on the motion.

Attorney Baker stated that without a second to the motion, the motion dies.

8. MIKE & JAN DALEY – ORDINANCE CHANGE REQUEST

Mike and Jan Daley stated that they would like the subdivision ordinance changed to allow septic tanks in smaller subdivisions.

Bruce Ward stated that this was addressed back in the fall of 2009, when they came to council a few times. The last time they came was on November 4th when the motion by Councilperson Brent Hanks to not change the ordinance. This meant that the Daley's would not be allowed to build.

He stated that when a lot is subdivided, according to our standards all of the infrastructure would need to be installed. This includes water, sewer, roads, PI, and electricity. The Daley's have subdivided the property three times now, and each time was done illegally (without the city's approval). Right now the property is still an illegal subdivision and that should be addressed. The sewer is only one issue; all of the other infrastructures would need to be addressed too.

Mike Daley stated that if the city is going to make them put in the infrastructure that there is no way they would be able to install it, they could not justify the costs. He stated that in 1994 they installed an eight inch water line.

Councilperson Ficklin stated that the Daley's are looking at multiple situations, the water line would need to connect to Woodland Hills Drive water line, which would create a loop for fire flow.

Mike Daley stated that he thought it was just one issue, with the sewer line.

Bruce Ward stated that it is a subdivision, and by the city ordinance it requires a subdivision to install all of the infrastructures. In order for this to work for the Daley's, the whole subdivision ordinance and standards would need to be changed.

Attorney Baker stated that the state law defines when a lot is subdivided it is considered a subdivision. The city then has its laws regarding when a subdivision happens, that all of the infrastructure would be required to be installed.

Mike and Jan stated that they would like to build a home, and wondering what they can do to build a home on their property. Mike is concerned about having to install all of the improvements, and how it would not be possible. They want to know what they need to do. They have water out there, and they are on SESD power.

It was stated that because it is considered a subdivision it would need to meet the standards. They would have to start the process to have the subdivision standards changed, which would require them to go to Planning and Zoning and ask them to request to make the change.

Bruce stated that we still have the concern that they have an illegal subdivision right now, and it needs to be fixed. To fix it, a subdivision plat would need to be done, and the required improvements would need to be installed. The power would need to be installed for Salem City Power and not SESD.

Mike Daley stated that he bought the land 25 years ago; he wants to be able to build his dream home and have lots for kids to build there next to him. Now the city is shutting him down so he cannot build.

Bruce stated that when the property is annexed into the city, if someone has property that has not been subdivided the city would allow a home to have a septic tank. But once it is divided they lose that right.

Bruce asked the council what they would like to do, do they want the subdivision ordinance changed to allow the Daley's to build by not installing the infrastructure. He stated that he also received a call today from someone who wants to build on a five acre parcel, but it would need to be divided from a larger parcel.

Councilperson Jorgensen was wondering about the idea of a rural subdivision, and looking at the possibility of creating a new standard for this type of subdivision.

Councilperson Ficklin was wondering about allowing some change, and have it controlled with the acreage of the property.

Attorney Baker stated that somewhere you have to draw the line on the subdivisions and what you want.

Mayor Green stated that being a part of UMPA Power, that they require that the city power services any new developments.

The council felt that they would like to know how Planning and Zoning feels about the possibility of a rural type subdivision, and maybe some options that could be done.

9. APPROVE C.W. MANAGEMENT ADDENDUM TO THE AMENDED DEVELOPMENT AGREEMENT FOR THE SALEM PARK PROJECT.

Attorney Baker stated that when C.W. Management was required to install the water line to their subdivision, the city required that they build it bigger to accommodate growth. Since they have finished the project, and the city has done a new water impact fee study, and we have the figures for their project, we now need to amend the development agreement. We have been waiting for the figures to do the amendment. This will be reimbursing them back for the portion of the oversized water line. They will be reimbursed with impact fees.

MOTION BY: Councilperson Todd Gordon to approve the C.W. Management Addendum to the Amended Development Agreement for the Salem Park Project.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0).

Some of the residents were concerned about what happened with the fight ordinance, and wondered what the city is going to do with it. Mayor Green stated that in order for an ordinance to pass it needs to have three votes. Because it only had two votes, the ordinance did not pass. It was discussed if the ordinance could be brought back on a future agenda. It was stated that it could, that the council could request to have it put back on the agenda. There was some discussion of when it could. Councilperson Ficklin stated that he would be gone at the next council, but would be here for the April 7th council meeting. Mayor Green stated that he would not be here for the April 7th meeting, but he does not vote. Councilperson Durrant, who is Mayor Pro-temp, would be in charge with the Mayor Green gone, and she would still be allowed to vote. There was also some discussion about re-writing the ordinance.

Councilperson Rees stated that back in February when the ordinance first came to the council, that they felt that the ordinance written was not intended to eliminate training, but would still prohibit events. He felt that the council was okay with the ordinance presented tonight.

Councilperson Jorgensen stated that the council has studied the issues, and have heard from the public with emails, phone calls and during the meetings. He stated that to have someone working out and training it should not be a problem. Many kids when playing football or other sports have contact with each other, and many times are injured just in practice. He stated that we have to be very cautious how we do this ordinance. He stated with events, he has some concerns with it, and feels that the majority of the public also has concerns with it.

10. APPROVE ORDINANCE AMENDING THE WALL SIGN REQUIREMENTS IN THE SALEM CITY MUNICIPAL CODES.

Dave Johnson stated that our current wall sign ordinance allows one sign on the front of the building and it may occupy 20% of the wall area and a sign on one additional wall not exceeding 5% of the wall area. It has been brought to our attention for the need in some situations to allow advertising on a third wall to allow visibility for traffic coming from more than two directions. The amendment to the ordinance would allow advertising on a third wall and increase the size of the two additional signs to 10% instead of the 5%. The size of the sign on the main side of the building would not change.

MOTION BY: Councilperson Terry Ficklin to approve Ordinance 30310C Amending the Wall Sign requirements in the Salem City Municipal Codes.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0).

11. APPROVE MINUTES OF FEBRUARY 3, 2010

MOTION BY: Councilperson Terry Ficklin to Approve the Minutes from the February 3, 2010 as written.

SECONDED BY: Councilperson Sidney Jorgensen.

VOTE: All Affirmative (4-0).

12. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Todd Gordon to approve the bills for payment.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

13. PUBLIC SAFETY

COUNCIL REPORTS

14. MAYOR STANLEY W. GREEN

15. COUNCILPERSON LYNN DURRANT

16. COUNCILPERSON TERRY A. FICKLIN

17. COUNCILPERSON TODD R. GORDON

Councilperson Gordon reported that the fire department and the youth council are getting ready for the Easter egg hunt.

18. COUNCILPERSON SID M. JORGENSEN

Councilperson Jorgensen stated that the recreation director Matt Marziale has found some Musco lights for the down town ball park. There are five light poles with additional light fixtures that can be used on other poles. The total cost will be \$8,000 (\$1,600 for each pole), to purchase new ones, they would cost about \$60,000. There would need to be some minor work on them to get ready for the down town ball park. He has the money to purchase them from the field renting fund.

19. COUNCILPERSON STERLING R. REES

Councilperson Rees stated that SUVMWA has some water shares that they need to know what the cities want done with. Elk Ridge has purchased some of the water shares

recently. There is a bottle water company going in Santaquin, and they need some water shares, about 10 acre feet. Wondering how the council feels about. He stated that his recommendation would be to hold onto any water shares and not to sell them.

20. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS

21. BRUCE WARD, CITY ENGINEER/ PUBLIC WORKS DIRECTOR

Bruce Ward stated that John McMullin, from the county, would like to have another work session with the city and the property owners. They are looking the council meeting on April 7, during the work session.

The impact fee studies proposals will be back on March 19.

750 East at the Highline Canal Bridge has been closed because of the permits that Harvest Ridge development needed. Those permits have been received and given to the Department of the Interior. The road on 750 East will be reopened soon.

22. ATTORNEY S. JUNIOR BAKER.

Attorney Baker stated that UMPA meeting is in March, and would encourage the council to attend if they can.

Last council meeting the discussion about allowing chickens came up. An ordinance has been sent to the council for review.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Sterling Rees to adjourn city council meeting.

SECONDED BY: Councilperson Sidney Jorgensen.

VOTE: All Affirmative (4-0).

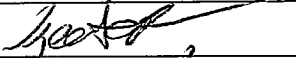

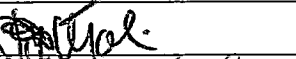
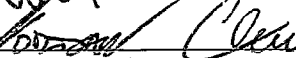
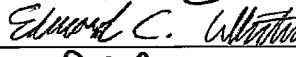


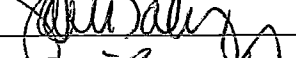
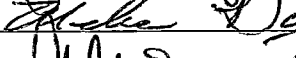

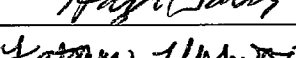
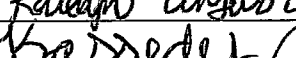
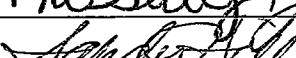

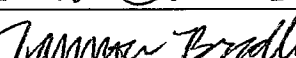
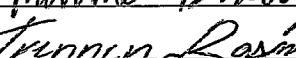
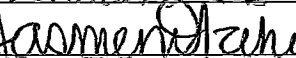
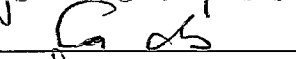


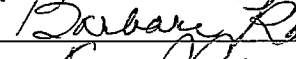
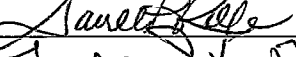
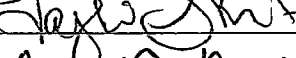
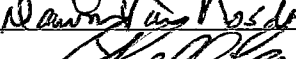


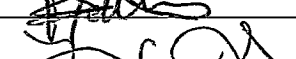



MEETING ADJOURNED AT: 9:20 p.m.

Jeffrey Nielson, City Recorder

Salem City Council Meeting Attendance Record
 For Council Meeting held on March 3, 2010

	Please Print Name	Please Sign Name
1	Brad Bishop	Brad Bishop
2	Blair Kenby	Blair Kenby
3	Dakota Kenby	Dakota Kenby
4	Robert Lamb	Robert Lamb
5	Maureen Warren	Maureen Warren
6	Neycca Warren	Neycca Warren
7	Lana Cree Harris	Lana Cree Harris
8	John Rotolo	John Rotolo
9	Diana Rotolo	Diana Rotolo
10	Sid Carson	Sid Carson
11	Norma Melzer	Norma Melzer
12	EDWARD MELZER	Edward Melzer
13	Brent Mose	Brent Mose
14	Holanda Mosen	Holanda Mosen
15	Garrel Sorensen	Garrel Sorensen
16	Peggy Sorensen	Peggy Sorensen
17	William C. Stringham	William C. Stringham
18	MIKE MENDENHALL	Mike Mendenhall
19	Justin Henderson	Justin Henderson
20	Natalie Henderson	Natalie Henderson
21	VICTOR SQUAVEZ	Victor Squavez
22	Corona Hughes	Corona Hughes
23	Zal Wilcox	Zal Wilcox
24	DAEW DANIELS	Deaw Daniels
25	Beckie Daniels	Beckie Daniels
26	Darryl Christian	Darryl Christian
27	Christy Christian	Christy Christian
28	Royden Christian	Royden Christian
29	Evelyn Christian	Evelyn Christian
30	Marzell D. Black	Marzell D. Black

Salem City Council Meeting Attendance Record
For Council Meeting held on March 3, 2010

	Please Print Name	Please Sign Name
31	Heather Atkinson	
32	WADE HASZEL	
33	Arcia Garcia	
34	Jorge Molina	
35	JORDAN CLEMENTS	
36	Edward Whitmore	
37	CHAD BAUS	
38	Cynthia Rees	
39	Jan Daley	
40	Mike Daley	
41	ARLUNA BENIS	
42	Hugh Davis	
43	Katelyn Unsworth	
44	Kassidy Jolley	
45	Sandy Hill	
46	Amanda Hill	
47	Tannon Bradley	
48	Trennen Rasmussen	
49	Jasmine Archuleta	
50	Charu Das	
51	Tammy Compton	
52	Rebecca Brindley	
53	Barbara Rolfe	
54	DARREL Rolfe	
55	Taylor Smith	
56	Naura Van Nessel	
57	B. Kelly Ence	
58	Ellen P Walker	
59	Paul Julian DOUG JULIAN	
60	Tracy Julian	

Salem City Council Meeting Attendance Record
For Council Meeting held on March 3, 2010

	Please Print Name	Please Sign Name
61	Jacob Ence	Jacob Ence
62	Becky Ence	Becky Ence
63	Steve Fansett	Steve Fansett
64	Marilyn Mitchell	Marilyn Mitchell
65	Colton Mitchell	Colton Mitchell
66	Brad Mitchell	Brad Mitchell
67	Lena Fleming	Lena Fleming
68	Jen Watson	Jen Watson
69	Judith Baker	Judith Baker
70	Chelley Henderson	Chelley Henderson
71	Craig Sacco	Robert C. Sacco
72	Laurie Sacco	L Sacco
73	Don m SMITH	Don m Smith
74	Lynette Bingham	Lynette Bingham
75	Heidi Wilkinson	Heidi Wilkinson
76	Jan Sanderson	Jan Sanderson
77	Charlotte McIntier	Charlotte McIntier
78	Debbie Carrick	Debbie Carrick
79	Connie McVey	
80	Natalie McVey	Natalie McVey
81	Morgan Hales	Morgan Hales
82	Gary DAVIS	Gary Davis
83	William ZIGSGRAF	William ZIGSGRAF
84	Bonanza F. Cox	Bonanza F. Cox
85	Lindsay Wolsey	Lindsay Wolsey
86	Jileen Meservey	Jileen Meservey
87	Kari Skinner	Kari Skinner
88	STEVE Tjerkson	Steve Tjerkson
89	Kayla Warren	Kayla Warren
90	Cameron Losser	Cameron Losser

**Salem City Council Meeting Attendance Record
For Council Meeting held on March 3, 2010**

	Please Print Name	Please Sign Name
91	Bethanna Green	<i>Bethanna Green</i>
92	Ashley Christensen	<i>Ashley Christensen</i>
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