

Minutes of the Salem City Council Meeting held on April 7, 2010 in the Salem City Council Chambers.

**WORK SESSION: 6:00 p.m.**

Councilperson Durrant stated that there are some ordinances that we need to discuss.

The first ordinance that needs to be discussed Ultimate Fighting. We have had three different options given to the council to review. The first option is to prohibit events, but to allow training, the second option is to prohibit events, but to allow training with the proper safety gear being worn, and the third option to prohibit events, but to allow training, with proper safety gear, only a certain percentage of the building may be used for training, and no full cage would be allowed.

Councilperson Rees stated that he is concerned about allowing events. With the training, he is not sure we want to take away people's choice of or even regulate how they train for a sport.

Councilperson Gordon wanted to make the comment that he had lunch with former Mayor Lane Henderson this week. Lane stated that he was not the person who asked for the ordinance about the ultimate fighting to be written, and he is upset that his name was brought up. Councilperson Gordon stated that Lane was going to try to make it the meeting to clear this up, but he asked that Councilperson Gordon express his concern to the council.

Councilperson Ficklin stated that none of the three options prohibit training, but he asked that option 2 and 3 be written up to help regulate the training to make it safer. He stated that he is concerned about the possibility of spectators watching the training, and feels that something needs to be in place to help prevent that. He feels that he is trying to find a compromise between the training and being safe for the fighters.

Councilperson Rees stated that he appreciates the fact that we want to help protect and make sure a sport is safe. But he is concerned about taking away people's choice, they know what they are doing, and is concerned about the city regulating a sport too much.

Councilperson Jorgensen stated that he appreciates the other options, and can see how they came about, looking out for the safety. He stated that he agrees with Councilperson Rees, and that he is concerned about the events, but feels we really do not want to regulate how people train. He stated that when people train, they have one thing in mind, to get the training done, they do not like spectators watching them, and they just want to learn what they need to and condition the body.

Councilperson Rees stated that he has talked to a lot of people, and has had different views on the events and training. He feels that whatever decisions the council makes,

they will make one group of people happy and they would offend the other group. He feels we need to do what they as a council feels is right.

Councilperson Gordon stated that he would abstain from the voting.

The recommendation from the council would be to present the ordinance which allowed training but prohibited events, except for Councilperson Ficklin, who would like to present the ordinance which prohibited the events, and put restrictions on the training and the size of training area in proportion to the gym.

Discussion on animal rights regarding the allowance for chickens.

There was some discussion on the chickens and if we really want to make the changes. Chief James stated that he would move with caution on this, he feels the current code we have is working great. He stated that there is a big push to allow chickens on smaller lots right now. It was recommended to the council to look at some of the ordinances that were given for example.

Discussion on temporary sign ordinance.

There was discussed about putting this ordinance and some suggestions on as a work session for May 19<sup>th</sup>, and to invite the business owners to the discussion. Attorney Baker stated that the council needs to look at the signs, and the safety hazards, especially those that have been placed on the sidewalks. Also look the clutter of the little signs.

Chief James stated that a lot of our new businesses have promotional signs, he also asked about yard sale signs. It was discussed to allow yard sale information to be placed on the web page. It was determined to take down the yard sale signs.

Discussion on the accessory building ordinance.

It was discussed that Planning and Zoning would be looking at it, and they will have it back on their agenda, and then back to the council.

**MEETING CONVENED AT:** 7:00 p.m.

**CONDUCTING:** Mayor Pro-tem Councilperson Lynn Durrant

**COUNCIL PRESENT:**

Councilperson Lynn Durrant  
Councilperson Sterling Rees  
Councilperson Terry A. Ficklin  
Councilperson Todd R. Gordon  
Councilperson Sid Jorgensen

**STAFF PRESENT:**

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

Excused:

Excused Mayor Stanley Green

**OTHERS PRESENT**

Cary Hanks  
Rodger Hardy  
Natalie McVey  
Leola Butler  
Derick Jeffs  
Paula Kayler

Lana C. Harris  
Dennis Lisonbee  
Dawn Van Nosedol  
Yolanda Moser  
Cynthia Jeffs  
Morgan Fausett

Cary Rabarge  
C.H. McVey  
Loraine Underwood  
Brent Moser  
Jessica Kayler

**1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE**

Councilperson Lynn Durrant asked if anyone would like to give a motivational or inspirational message. Councilperson Todd Gordon stated he would like to offer a motivational message in the form of a prayer.

**2. INVITATION TO SAY PLEDGE OF ALLEGIANCE**

Councilperson Durrant invited those who would wish to participate, to stand and say the pledge of allegiance with her. She then led the pledge of allegiance for those who wanted to participate.

**3. PUBLIC HEARING**

**MOTION BY:** Councilperson Todd Gordon to open the public hearing.

**SECONDED BY:** Councilperson Sterling Rees.

**VOTE:** All Affirmative (4-0).

**A. Donation of Fire Truck to Henrieville, Utah**

Fire Chief Clyde McKean stated that during the winter months Henrieville Town lost their fire truck when their fire station collapsed because of the snow on the roof. They are in need of a fire truck. Salem City has an old fire truck that we do not need, and we have taken all of the equipment off of it, so we could use it on the fire truck we got from Spanish Fork. We do not have room for this truck any more, and we would like to donate it to Henrieville Fire Department.

Councilperson Durrant asked if there were any questions from the public. There were no questions.

**Close**

**MOTION BY:** Councilperson Sterling Rees to close the public hearing.

**SECONDED BY:** Councilperson Todd Gordon.

**VOTE:** All Affirmative (4-0).

**A. Donation of Fire Truck to Henrieville, Utah**

**MOTION BY:** Councilperson Sid Jorgensen to approve the fire department to donate the fire truck to the town of Henrieville.

**SECONDED BY:** Councilperson Todd Gordon.

**VOTE:** All Affirmative (4-0).

It was asked if the town of Henrieville is aware of it. Chief McKean and Chris Wright stated that in a roundabout way they are aware of it, and are willing to take the fire truck.

**4. YOUTH COUNCIL REPORT**

A youth council representative stated that because of spring break, they would like to present at the next council meeting.

**5. OPEN DISCUSSION**

Councilperson Durrant asked if anyone had an item for open discussion.

Dennis Lisonbee stated that he has done TV sports production for major networks. When he did his first cage fighting event where he was down by the cage, he stated that he noticed a lot of blood on the mat of the ring. He stated that it made him very sick thinking about it. He handed out some photos of injuries that have occurred from the ultimate fighting. He stated that he does not feel the events would represent the values

of the people in Salem, and he feels the same way about training. He does not want it here in Salem.

Dawn Van Nosedol stated that she does not want the activity of MMA in town, as an event or even as training. She feels we do not want this type of business to come to town. Salem City is a bedroom community, and she feels that even the police would not be able to handle the events. On TV they talk about MMA as a “Blood Sport”, she does not want the council to allow events or training.

Morgan Fausett stated that she is concerned about the fight club coming to Salem. She says that she feels safe here in Salem, but is afraid that if the council allows a fight club that it will bring people in town that will take away the security that she feels here in town. Salem is a city of peace, and feels that this type of activity will take that away.

## **6. APPROVE AN ORDINANCE PROHIBITING EXTREME OR ULTIMATE FIGHTING**

Councilperson Durrant stated that the ordinance was discussed in work session. She stated that ordinance prohibiting extreme or ultimate fighting events, but is not intended to prohibit training is what the council is voting on. Councilperson Durrant read item C under section 7.11.010 Extreme Fighting Prohibited: “Nothing herein is intended to prohibit training or conditioning in any of the martial arts. Nothing herein is intended to prohibit the promotion of extreme fighting events, so long as the event promoted is not held within Salem City.”

Councilperson Todd Gordon stated that he would abstain from this item.

**MOTION BY:** Councilperson Sterling Rees to approve Ordinance 40710 Prohibiting Extreme or Ultimate Fighting.

**SECONDED BY:** Councilperson Sid Jorgensen.

**VOTE:** Councilperson Sterling Rees; Aye, Councilperson Lynn Durrant; Aye, Councilperson Sidney Jorgensen; Aye, Councilperson Terry Ficklin, Nay (3 Aye, 1 Nay).

## **7. SPEED LIMIT CHANGE ON 750 E. FROM 40 MPH TO 25 MPH**

Attorney Baker stated that 750 East has been closed for a while, where it crosses over the Highline Canal. The development in the area, that did the improvements on 750 East, needed to get permits for the bridge over the canal. Those permits have been completed, and the road is now open. The speed limit on the road is posted at 40 MPH; this is from

when it was in the county. With it now being in a residential zone, the request to have the speed limit changed to 25 MPH. This can be done by a resolution from the council.

**MOTION BY:** Councilperson Todd Gordon to approve Resolution 40710 changing the speed limit on 750 East.

**SECONDED BY:** Councilperson Sid Jorgensen.

**VOTE:** All Affirmative (4-0).

## **8. APPROVE AGREEMENT AMENDMENT WITH CW MANAGEMENT**

Councilperson Durrant stated that item 8 and 9 are not ready to be voted upon.

## **9. APPROVE POWER CONNECTOR'S AGREEMENT FOR CW MANAGEMENT**

## **10. BACK HOE & SKID STEER BIDS**

Bruce Ward stated that we currently lease a CAT backhoe, and it has worked out great. The cost of the lease is going to go up, so we decided to get bids from some other dealers. He stated that CAT, John Deere and Case all gave us bids. The best price for the back hoe and skid steer was from Case. The bid is actually less than what we currently are paying. The bids for the backhoe and skid steer were: John Deere was \$13,083; CAT was \$13,750; and for CASE was \$10,580.

**MOTION BY:** Councilperson Todd Gordon to approve the bid for the Case Back Hoe and Skid Steer.

**SECONDED BY:** Councilperson Sterling Rees.

**VOTE:** All Affirmative (4-0).

## **11. AWARD BID IMPACT FEE UPDATES (P.I., PARKS AND RECREATION, PUBLIC SAFETY, AND POWER)**

Bruce Ward went over the summary of the bids for the impact fee study. Looking at the Electrical Impact Fee study bid, the one bid from Lewis & Young, they were going to subcontract out to Comlink, who also gave us a bid, and the prices were the same. Comlink has the experience with electrical and the expertise needed. After reviewing the other proposal for electrical from Forsgren Engineering, he did not feel that they had the high voltage, the municipal distribution electrical experience that he was expecting. He asked for references and experience in the proposal, but he did not see that with them, and was not comfortable with them. They had more of a low voltage work. Comlink they have the experience and expertise that we are searching for, and we know they have it.

The other impact fees for parks/recreation, public safety and pressurized irrigation, he would recommend going with the Horrocks Engineering Company. We have worked with them before, and their price is the lowest bid, and he feels comfortable with them.

Attorney Baker asked about the certifications, and how the studies need to be certified. Bruce stated that it was part of the RFP. He explained the differences between prices. He stated that some of the companies that have worked with us before have a lot of our information.

Jeff Nielson explained that impact fee money can pay for the studies.

Councilperson Jorgensen asked if for the P.I. study, if we could use the money that is left over from the bond. It was stated that we could not.

The council feels that they are okay with Bruce Wards expertise and recommendation in the selection.

**MOTION BY:** Councilperson Todd Gordon to approve Comlink Engineering to do the Electrical Impact Fee Study, and to allow Horrocks Engineering to do the Public Safety, Parks/Recreation, and Pressurized Irrigation impact fee study.

**SECONDED BY:** Councilperson Lynn Durrant.

**VOTE:** All Affirmative (4-0).

## **12. APPROVE MINUTES OF NOVEMBER 19, 2008**

**MOTION BY:** Councilperson Sterling Rees to approve the minutes of March 3 and March 17.

**SECONDED BY:** Councilperson Todd Gordon.

**VOTE:** All Affirmative (4-0).

## **13. APPROVE BILLS FOR PAYMENT**

**MOTION BY:** Councilperson Sid Jorgensen to approve the bills for payment.

**SECONDED BY:** Councilperson Sterling Rees.

**VOTE:** All Affirmative (4-0).

## **14. PUBLIC SAFETY**

## **COUNCIL REPORTS**

## **15. MAYOR STANLEY W. GREEN**

**16. COUNCILPERSON LYNN DURRANT**

**17. COUNCILPERSON TERRY A. FICKLIN**

Councilperson Ficklin stated that this coming Saturday the South Utah Valley Solid Waste District along with the North District are having a hazardous waste drop off for house hold items that should not be put in your regular garbage. This will be held at Utah Valley University from 9 a.m. to 3 p.m.

Also beginning on the 12<sup>th</sup> of April, the city will be going around and picking up green waste that residents have set on the side of the road.

**18. COUNCILPERSON SID JORGENSEN**

Councilperson Jorgensen asked if the council received the email about adopting a pot hole. He asked Jeff Nielson if he would forward that email onto the council. It talks about the opportunity for residents to adopt a pot hole, they would give the money for it, and then the city would repair it using the money the residents gave to the city.

**19. COUNCILPERSON STERLING REES**

Councilperson Rees asked about the water for the P.I. and when it would be available. Bruce Ward stated that it is up to the Highline Canal and when the water is put into the canal. He stated that they think it will be about the end of April. We will begin filling up the P.I. ponds with the overflow from the springs.

**20. COUNCILPERSON TODD R. GORDON**

Councilperson Gordon stated that the Easter Egg Hunt went well. The fire department and the youth council did a great job.

**21. DAVE JOHNSON, BUILDING DEPARTMENT/PUBLIC WORKS**

**22. BRUCE WARD, CITY ENGINEER/ PUBLIC WORKS DIRECTOR**

Bruce Ward asked about the green waste dump and how we are getting non-residents and commercial lawn care business using it. If we put a sign up to allow only residents and if a non-resident is caught they may be fined. Councilperson Ficklin is also concerned about the commercial lawn care business using it to dump their green waste for free. The council was okay with putting up a sign.



**23. ATTORNEY S. JUNIOR BAKER.**

Jeff Nielson stated that he has sent RFP for an Auditing service for the city. Should be getting them in around the first of May.

**ADJOURN CITY COUNCIL MEETING**

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

**SECONDED BY:** Councilperson Sid Jorgensen.

**VOTE:** All Affirmative (4-0).

**MEETING ADJOURNED AT:** 7:49 p.m.

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Jeffrey Nielson, City Recorder