

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

**Work session: 5:00 p.m.**

Gilbert and Stewart CPA firm, who did the city audit for 2008/2009 presented to the council the audit report. Ron Stewart stated that the city is doing well financially.

Attorney Baker went over some training for the council. He then had a power point presentation that he discussed with the council.

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

**CONDUCTING:** Mayor Stanley W. Green

**COUNCIL PRESENT:**

Mayor Stanley W. Green  
Councilperson Lynn Durrant  
Councilperson Terry A. Ficklin  
Councilperson Todd R. Gordon  
Councilperson Sid Jorgensen  
Councilperson Sterling Rees

**STAFF PRESENT:**

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

**OTHERS PRESENT**

See the attached

**1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE**

Mayor Green asked if anyone would like to give a motivational or inspirational message. Eric Weight 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 approached the council, and asked Mike and Terri Jenkins, owners of Papa Kelsey's Pizza and Sub, and Officer Blake Ottesen to join him. Chief James reported that the other night, Officer Ottesen noticed a back door to the business was cracked open. Officer Ottesen went to investigate, and was able to stop a bugler in process. He arrested the person who broke into the business, and was able to solve some other robberies because of it. Chief James and the other city department heads thought it would be appropriate to recognize him in city council for a job well done. Mike Jenkins wanted to thank the Salem City Police Department and especially Officer Ottesen.

### **4. YOUTH COUNCIL REPORT**

Salem City Youth Council reported that they went to an assisted living home for the elderly and built "love shacks" (form of ginger bread homes) with some of the residents. Some of the council was also able to attend a meeting that the Utah League of Cities and Towns puts on, with the Utah Legislative; they stated that it went very well. They also reported that the following week they will have their sweetheart dinner; they are expecting about 100 people to attend. The meal will be catered by Mt. View Hospital. Mayor Green thanked the youth council for all that they do.

### **5. PUBLIC HEARING**

Attorney Baker stated that we had on the agenda to update the culinary water and sewer impact fee, but looking at the study, we found that there was a mistake and he would recommend to the council to re-notice the public hearing and have it back on the agenda in a month.

**MOTION BY:** Councilperson Terry Ficklin to not have the public hearing tonight, but to re-notice the public hearing for the March 3<sup>rd</sup> council meeting.

**SECONDED BY:** Councilperson Lynn Durrant.

**VOTE:** All Affirmative (5-0).

### **6. APPROVE IMPACT FEE STUDY UPDATE**

Bruce Ward stated that this item is to get approval to look at the other impact fees. With the economy and price of land has changed, many of the impact fees are based upon land prices. He would like to recommend to the council to do a RFP (Request for Proposal)

for the other impact fees, especially the electrical impact fee. We would like to get the approval process started.

**MOTION BY:** Councilperson Todd Gordon to approve the process for the Electrical, Parks/Recreation, Public Safety, and Pressurized Irrigation Impact Fees be updated.

**SECONDED BY:** Councilperson Terry Ficklin.

**VOTE:** All Affirmative (5-0).

## **7. APPROVE 2008/2009 AUDIT**

Mayor Green reported that a representative from Gilbert and Stewart, the city's auditor, came to the council's work session and presented the 2008/2009 audit report.

Councilperson Gordon wanted to report that the auditor reported that the city is financially doing well.

**MOTION BY:** Councilperson Lynn Durrant to approve the 2008/2009 audit report, as it was presented to the council in the work session.

**SECONDED BY:** Councilperson Todd Gordon.

**VOTE:** All Affirmative (5-0).

## **8. APPROVE ORDINANCE PROHIBITING EXTREME OR ULTIMATE FIGHTING**

Attorney Baker reported that he was asked to look into an ordinance regarding extreme fighting by the past mayor, Mayor Henderson. It has taken awhile to get the ordinance together for the council to look at. Attorney Baker read from the ordinance 7.11.010, the intent of this ordinance would be to prohibit an event, but it was not meant to limit the training which would be allowed. If the council would like, he could change it just a bit to allow training.

Councilperson Jorgensen would like Attorney Baker to adjust the ordinance to allow training and conditioning.

Councilperson Durrant was wondering about a clarification of training. Attorney Baker stated that it could be some sparing, but it is different than having an audience there, they would be training.

Councilperson Gordon wanted to make the comment, after being advised by Attorney Baker, that he does not have any investment with JNB, who is a developer who is building a gym in Salem that may possibly have some MMA (Mixed Marshall Arts) training. He also wanted to let the public and council know that he is not employed by the company JNB.

Councilperson Gordon stated that when he first heard about the extreme fighting, he was very concerned, so he went and checked out a couple of events. Since then he has a new feeling about the sport, he stated they are very organized events, and he felt very safe attending them. One of the events he attended was a charity event that was put on to help a family that was in need. He was very impressed with the fighters and the spectators, and their willingness to help out. He would encourage the council members to try to attend an event, and see for themselves what it is like. He feels they should give the organization the opportunity.

Councilperson Rees was wondering about boxing and wrestling, would it be banned. Attorney Baker stated that those events would be sanctioned and would be allowed. Councilperson Gordon stated that the ultimate fighting is also sanctioned.

Councilperson Ficklin had the same question that Councilperson Rees had. He would like to have some additional time to look at the ordinance. He still has some questions on it.

Attorney Baker stated that the council can approve the ordinance as it is written, deny the ordinance or table it for further discussion and make any recommended changes to it.

**MOTION BY:** Councilperson Lynn Durrant to table this ordinance and to make the recommended changes of allowing training.

**SECONDED BY:** Councilperson Sid Jorgensen.

**VOTE:** All Affirmative (5-0).

## **9. APPROVE MINUTES OF January 20, 2010**

**MOTION BY:** Councilperson Lynn Durrant to approve the minutes of January 20, 2010 to be approved as written.

**SECONDED BY:** Councilperson Terry Ficklin.

**VOTE:** All Affirmative (5-0).

## **10. APPROVE BILLS FOR PAYMENT**

**MOTION BY:** Councilperson Terry Ficklin to approve the bills for payment.

**SECONDED BY:** Councilperson Sterling Rees.

**VOTE:** All Affirmative (5-0).

## **11. PUBLIC SAFETY**

Police Chief Brad James reported that there is a monthly newsletter that is available for the public to review on the web. There is a link on the city's web page, and there will also be the web address in the news letter. This will be a newsletter that they can put

information for Salem residents each month. Right now there is no cost to the city for the use of the web site, but in the future we will be charged if we continue to use it.

Chief James stated that the police department was able to get another grant to update some of our radars for the police vehicles. Next council meeting he will be giving the council a yearend report for 2009. He worked with Jeff Nielson, and they were able to negotiate a higher price with the insurance company, for the police car that was totaled. They were also able to find the money to make up the difference to be able to purchase a new police car to replace the car that was totaled.

## **12. OPEN DISCUSSION**

Mayor Green stated that we can have open discussion, and that we will end around 8:00 p.m.

Cary Hanks, the chamber director reported that there are phone calls being made, that they are claiming to represent the chamber and doing an updated map. Cary stated that this is a scam and wanted everyone to be aware of it.

Jan Davis, a resident of Elk Ridge, stated that she is a martial art director, and a teacher of the martial arts. She stated that there is a long term benefits for kids, it is very positive influence for them.

Jason Davis, a resident of Salem, has a martial arts business in Payson. He too stated that there are a lot of benefits to kids who take martial arts.

Bill Colbert, who is the director of Pete Sauzo Utah Athletic Commission, and is also on the Draper City Council, stated that he appreciated the council tabling the ordinance and to take more time to look into it. He stated that the state does regulate the fighting events, and he would be willing to answer any questions the mayor and council any information regarding the events, and what regulations the state enforces. The fighters are highly trained, and the state does require medical personnel to be on sight, and also a person from his office is at the events.

Nancy Christensen stated that she has a daughter in martial arts, and she stated that they have done a lot for her daughter and for others. It is an opportunity for kids to express their feelings; it helps them build self esteem, teaching them discipline for the mind, body and spirit. Allowing martial arts in Salem would be a great benefit to the city.

Councilperson Rees asked Attorney Baker about the ordinance prohibiting extreme fighting, that it is not prohibiting martial arts in the city. Attorney Baker stated that the ordinance is prohibiting spectator events, but not limiting the classes. It was stated that the ordinance is not prohibiting training, but it is prohibiting events.

John Rotolo, stated that he is the owner of the Deer Hunters Club in Spanish Fork. He was approached recently to host a fighting event behind his business. They worked with Spanish Fork City, and were able to get approval. No alcoholic beverages were allowed to be sold at the event, and it was very well organized. There were no arrests, and no-one was kicked out. He stated that they were able to bring in about \$20,000 in revenue, which is a benefit to Spanish Fork City.

Wade Haskell wanted to thank the council for tabling the ordinance, and taking time to look into it more. He stated that the fighting events are handled very well, it is a competition, but it is at a level that the fighters have a lot of respect for each other. They are at the top level of the sport, and they know that it is a sport.

Brad Turner, who is the owner of the “One Man Band” and is a sponsor of “Team Unbreakable”, a local team of fighters, stated that there are many outstanding citizens who attend the events,

Drew Daniels, who is one of the fighters, stated that when you are fighting, you don’t look at match as a fight. After the match, you tell your opponent that they did a great job, and you give them a hug. In the many fights that he has been involved in, he has not once injured a person during a match. He stated that the sport is regulated, and the fighters are great people. He told the council he is glad that they would allow training, but would like them to re-think it.

Jileen Meservy stated that she likes that Salem is different, that we are a small town, and we have a small town feel. She loves the martial arts, and appreciates what it does for individuals. She would like the council to look at the long term affect of the ordinance, and if the events were to happen, she is concerned about some of the crowds that it would draw.

Brent Moser, he is a local business owner in Salem, stated that mixed martial arts are a good thing. The brotherhood among the fighters is a good friendship. A team that he helps sponsor is Team Unbreakable, and they are a great group of individuals. He stated at events, you get the best and the worst of all people. He stated that before the council makes a decision on the ordinance, he would recommend talking with Bill Colbert from the state. He also mentioned that there are a lot of licensing that has to take place to hold an event; they are highly regulated by the state.

Councilwoman Durrant asked Brent which one of the new commercial buildings he would hold the event in. Brent stated he is not sure they would even bring an event into the gym or to the city at this point. He stated that the gym is set up like a regular gym; he listed off some of the things he would have in there. In the top floor of the gym, he would have an office, and there would be a spot that would be available for the MMA training. He does not want to see the council prohibit the MMA, someday there may be an opportunity to hold an event, but right now he is not sure.

Councilperson Gordon asked Brent what is the process of doing an event. Brent stated that it is very hard to get all of the permits and to meet the states regulations. The one they put on in Spanish Fork went very well, but it was difficult and it takes a lot of preparation to get the event.

Councilperson Gordon stated that even if the city did not have the ordinance, we could still deny an event coming to the city if we ever had to.

## **COUNCIL REPORTS**

### **13. MAYOR STANLEY W. GREEN**

### **14. COUNCILPERSON LYNN DURRANT**

Councilperson Lynn Durrant stated that UMPA rate for purchasing power has been 42 mills, but this last October, November, and December the rate has been up to 45 – 46 mills what UMPA is purchasing. Because of this, UMPA has had to use the rate stabilization fund, which was set up for situations like this. But the fund is down from \$14 million to \$10 million. Also the Hunter power plant is going to be down for a couple of weeks for maintenance. UMPA's portion of it will be about \$6 million, and they will use the money from the rate stabilization fund to pay for it.

In the recent UMPA meeting it was discussed about nuclear power plants. If that is the course we go, the rates could go to 80 – 100 mills, where right now we are at 42 mills. Along with that, the coal plants are in jeopardy because of the regulations that are being placed on them. In a few weeks representatives of UMPA, including her, will be going back to Washington DC to lobby regarding power. She would like to know what the council's feelings are and have some direction to what Salem City would like to do.

UMPA yearly meeting is being held on March 25 – 27 in St. George, she would recommend the council attending the meeting.

Library's budget is being used a lot, and they are running out of money. They are looking at doing a fund raiser for Valentine Baskets, to help with donations.

She met with Matt Marziale and Jeff Nielson, and talked about the possibility of on-line registration for the recreation. This will be discussed next council meeting.

### **15. COUNCILPERSON TERRY A. FICKLIN**

### **16. COUNCILPERSON TODD R. GORDON**

### **17. COUNCILPERSON SID JORGENSEN**

**18. COUNCILPERSON STERLING REES**

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

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

Bruce mentioned that Payson City has asked that the boundary line agreement be brought back to council. Last time we had it at council, many of the county residents were opposed to it. Attorney Baker stated that the boundary line agreement is an agreement between Salem and Payson, just identifying where the boundaries would be, based upon our annexation declarations. By law the property owners have to petition to be annexed into a city. Right now it is unincorporated property, meaning it is in the county. Attorney Baker stated that it would be good for the city to have this agreement in place, and would like to have it on the agenda next council meeting.

Bruce stated that a meeting with Nebo School District and the LDS Church regarding the Junior High School that is being proposed to be built in Salem. They are planning on starting the drawings in April, and going out to bid in July. He would like to talk with councilman Jorgensen about Main Street, and talk about the cross section for the roads. The district would like to have the school done by August 2012.

A question was asked about the county road that was proposed. Bruce stated that last time he spoke with the county, John McMullan; they were looking into the concerns from that the public had.

**21. ATTORNEY S. JUNIOR BAKER.**

Attorney Baker stated that Dave Anderson had the open house for the general plan. He would like to set up another meeting soon. There have not been a lot of comments on the general plan.

Attorney Baker wanted to continue some of the training that he started in work session. He stated that last council meeting Councilperson Ficklin made the comment that he was blindsided by the kiosk that was going in at the Crisp Grocery Store parking lot. He talked about how something's are administrative decisions; meaning if they meet all of the city codes, then it is a city administrative. He stated that the site plan last week, the only reason it came to the council meeting, was because it affected the RDA, otherwise it would not have had to come to council meeting. He stated that as staff we can also look at ways of getting information to the council. He stated that if the council is not ready to make a decision, that they can table the item until they are ready.

Councilperson Ficklin asked about special events. Attorney Baker stated that if the event meets the city code, then it would be administrative decision. He stated that the way council can control things, is by creating an ordinance. Most of the time you look at the worst case scenario, but sometimes that hurts the innocent person also.



Councilperson Durrant asked Councilperson Gordon if JNB do decide to hold a fighting event, where would they hold one. Councilperson Gordon stated that when they held the event in Spanish Fork, it was at a private business. He stated that Spanish Fork City recommended that if they do another event to maybe hold it at the rodeo arena. He stated that he is not sure in Salem.

The comment was asked how many people would be allowed to attend the event. Councilperson Rees stated that if you hold an event, you would have a lot of people attending and hanging around trying to get into the event.

Police Chief James told the council that he would invite them to go and see an event. He stated that he would oppose having events in the city.

Councilperson Ficklin stated that he has spent a lot of time watching TV since his operation on his knee. He happened to watch a couple of the extreme fights, and he was not happy with what he saw, and would also oppose having an event held here in Salem. He stated that with the training he would not see a problem with the training being allowed.

Councilperson Durrant stated that she is okay to allow the training at a facility, but she would have a concern with the spectator events in Salem.

The comment was made about the type of people who attend the fighting events. Councilperson Gordon stated that with the adult softball tournaments that the city puts on, many of the same people that attend the fighting events are the same that attend the softball tournaments.

Councilperson Rees stated that he has had some phone calls and messages regarding the fighting and having fights held in Salem, and how they oppose the events. He stated that he was elected to represent the people in the community. He stated that martial arts is a disciplined sport, and can see the benefits in it.

Attorney Baker stated he would prepare the fighting ordinance to allow training and to have it ready for the next council meeting. Councilperson Ficklin stated that he would like to hold off and wait until the March 3<sup>rd</sup> council meeting. He is going to be gone the next council meeting.

## **ADJOURN CITY COUNCIL MEETING**

**MOTION BY:** Councilperson Lynn Durrant to adjourn city council meeting.

**SECONDED BY:** Councilperson Terry Ficklin.

**VOTE:** All Affirmative (5-0).

**MEETING ADJOURNED AT:** 9:15 p.m.

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Jeffrey Nielson, City Recorder