

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
January 18, 2018
7:00 p.m.**

PRESENT:	Tyler Vincent	Mayor
	DJ Bott	Councilmember
	Alden Farr	Councilmember
	Ruth Jensen	Councilmember
	Tom Peterson	Councilmember
	Mark Thompson	Councilmember

ALSO PRESENT:	Mark Bradley	City Planner
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Paul Larsen	Community Development Director
	Kristy Law	Community Activities & Services Director
	Mike Nelsen	Police Chief
	Derek Oyler	Finance Manager
	Tyler Pugsley	Public Works Director
	Jason Roberts	City Administrator

Mayor Vincent called the meeting to order. The Reverence Period was given by Jason Roberts. The Pledge of Allegiance was recited.

Approval of Minutes: A motion to approve the minutes of the December 7, 2017 Work Session and City Council Meeting, and the January 2, 2018 Special Meeting was made by Councilmember Bott, seconded by Councilmember Jensen and unanimously approved as distributed.

AGENDA

RECOGNITION OF EMPLOYEES

New Hires, Fire and Police Departments

CONSENT

Request Formal Adoption to Pay for Employees' Portion of the State Retirement Contributory Plan

Request Council Approval of Councilmember Assignments for 2018

Request Council Approval of the Amended Claims Review Committee

Appointment, Reappointments, and Appointment of Chair to the Museum Board

Appointments to the Citizen Corps Council

Appointment to the Recreation and Parks Commission

Request to Write-off Accounts Due to Bankruptcy or Being Sent to Collections

PUBLIC HEARING

Consideration of Petition to Amend and Extend Lots 22 and 23 of the Forest Hills Subdivision No. 8

PUBLIC COMMENT

COUNCILMEMBER COMMENTS

NEW BUSINESS

Consideration of a Resolution Amending the Procedures and Fees for the Issuance of Permits for Special Events

UNFINISHED BUSINESS

Consideration of Ordinance Setting Policy for the Presentation of Thoughts, Readings and Invocations before Certain Meetings

RECOGNITION OF EMPLOYEES

New Hires, Fire and Police Departments

Heath Banbury was recently hired as a part-time firefighter/paramedic. Andrew Carter was also recently hired as a police officer. Chief Nelsen presented him with his badge.

CONSENT

Request Formal Adoption to Pay for Employees' Portion of the State Retirement Contributory Plan

As requested by Utah Code, it was recommended the Council formally adopt payment for the employees' portion of the Utah Retirement Contributory Plan.

Request Council Approval of Councilmember Assignments for 2018

A list of assignments for each councilmember was presented for approval.

Request Council Approval of the Amended Claims Review Committee

Council was presented with a corrected Claim Review Committee to include Councilmember Bott.

Appointment, Reappointments, and Appointment of Chair to the Museum Board

It was recommended Mike Phillips and Valerie Odenthal be appointed to the Museum Gallery Board. It was also recommended Alan Jensen be reappointed to the same board and Kathryn MacKay serve as Chair of the board.

Appointments to the Citizen Corps Council

The following individual were recommended for appointment to the Citizen Corps Council: Kelly Andrew, Nathan Hammer, Larry Lunt, Cody Richards, Jim Buchanan, Mike Galica, Bob Haynie and Mike Wiebel.

Appointment to the Recreation and Parks Commission

Julie Gee was recommended for appointment to the Recreation and Parks Commission.

Request to Write-off Accounts Due to Bankruptcy or Being Sent to Collections

A list of accounts for October 2017 totaling \$4,717.63 was presented to be removed from the City's system due to customer taking out bankruptcy or being sent to collections.

Mayor Vincent noted a change to what was presented to the Council for 2018 councilmember assignments. Councilmember Thompson will continue to serve on the Mosquito Abatement Board and Councilmember Jensen will continue on the CCI Board.

MOTION: A motion to approve the Consent Agenda as amended was made by Councilmember Thompson, seconded by Councilmember Jensen and carried unanimously.

PUBLIC HEARING

Consideration of Petition to Amend and Extend Lots 22 and 23 of the Forest Hills Subdivision No. 8

Mr. Bradley came to the table and explained that the property owners of these two lots have acquired additional adjacent property outside of the subdivision boundary. This would amend and extend the two lots to incorporate the additional property into the plat. The temporary turnaround at the end of the street will remain in place. The property owner has asked that the debris basin be removed from the plat. This would need to be studied to determine if this can be removed. Staff is working with Jones & Associates on this.

The easements that follow the existing southerly property lines would be vacated with this amended plat.

A motion to open the public hearing was made by Councilmember Farr, seconded by Councilmember Jensen and unanimously carried. There were no comments from the public. A motion to close the public hearing was made by Councilmember Thompson, seconded by Councilmember Bott and unanimously carried.

MOTION: Councilmember Farr made a motion to approve the ordinance to amend and extend Lots 22 and 23 of the Forest Hills Subdivision #8 pending the report from Jones & Associations on the basin. The motion was seconded by Councilmember Thompson.

Councilmember Jensen asked if the City finds that the basin can be removed and the property owner builds a structure on the site, if the City would no longer be at fault. Mr. Bradley replied that this is one of the concerns staff will verify.

Councilmember Peterson asked if it would be better to finish the road with a cul-de-sac or asphalt so it is clearly defined. Mr. Pugsley came forward and explained that this does not meet the standard for a cul-de-sac, and it is currently functioning well for snow removal and garbage pickup. Mr. Bradley added that there is a significant elevation difference with the mining of the pit. This has been in prior master plans and is in the current plan, but realistically it will be years before it happens.

Roll Call:

Councilmember Bott – aye
Councilmember Farr – aye
Councilmember Jensen – aye
Councilmember Peterson – aye
Councilmember Thompson – aye

PUBLIC COMMENT

Jackie Walker, 258 N 500 E, Brigham City – Ms. Walker said she realized that the splash pad is a very nice project to provide for the citizens, but not essential. However, when it becomes something that destroys domestic tranquility for residents, it is no longer nice. It violates those citizens right for peace. The problems of garbage and vandalism are debatable aspects; crowds and noise are inevitable. This has moved from park to park. They live in their homes full time, not just while they attend church or while they play a game of pickleball. People go to John Adams Park to escape, for a quiet walk around the park. Families go there to picnic by the creek. Those priceless elements will be ruined. She asked the Council to add this to the City Council agenda as soon as possible so there can be meaningful dialogue and an appropriate resolution.

Duane Swinney, 127 N 600 E, Brigham City – Mr. Swinney said there is a lot of traffic and a lot of speeding on 600 East. He expressed concern because when people are playing disk golf, parking takes up both sides of the street, but that does not happen very often. If there is a splash pad, there will be more parking. He was concerned with kids coming between the cars and walking out on the street and getting hit by a speeding car. Another concern is disk golf in the park. He gets disks on his property all the time and he was concerned that disks will hit one of the kids at the pad. He read that property values lower when they are at or near splash pads. They are usually in areas that are not crowded and parking is set off from the street.

Tammy Jensen, 130 N 600 E, Brigham City – Ms. Jensen said her main concern is the parking. The pad will be located so far from the primary parking areas that residents will park on 600 East. She was also concerned with kids around the high speed of traffic. She thought the splash pad is a great thing for the community, but her concern was with the parking at John Adams.

Scott Peck, 249 N 500 E, Brigham City – Mr. Peck said if the City extends the parking lot back as discussed, there will be bigger problems than there is already. He has been hit by a Frisbee disk, if a child gets hit it will probably kill them. He asked if the ongoing maintenance will be on the taxpayers or if the donations will continue to maintain it. He wondered why, with all the infrastructure already in place in other areas, the Council chose to add parking at John Adams Park when it's not necessary.

Brent Walker, 258 N 500 E, Brigham City – Mr. Walker expressed concern with the lack of City notification that this was happening in their neighborhood. He and his wife gathered signatures on a petition from those living along 600 East or bordered the east side of the park. There were only two people that would not sign it. He asked the Council to reconsider this decision. There was some discussion in a previous Council meeting that there were covenants on the park. He asked the City Recorder to look for these and she was unable to find anything. He added that there is a ditch that is underground. This water deed was established by Northfield Water. The LDS Church complained about the noise and vandalism if the pad was placed at Playground Park, yet no consideration is given to the residents, who are taxpayers, that live by John Adams.

Robert Williams, 225 N 600 E, Brigham City – Mr. Williams asked the Council to reconsider putting the pad at John Adams Park. He recommended Constitution Park or at the pool. He was also concerned with the speed on 600 East and parking. He recommend people just go to the pool and splash around and save \$350,000.

Julianna Larsen, Brigham City – Ms. Larsen commented on the work session prior to this meeting on the carbon free power project. The time to completion before the City will see any benefit will be approximately 2027. They also talked about how the City will sign up for this and how to get out, and that the City might be able to get their money back if things didn't work out as planned. Ms. Larsen said they did not think about national regulations being rescinded and modified. She said this discussion reminded her of UTOPIA.

Gary Bywater, Brigham City – Mr. Bywater asked what the \$13 customer service fee is on his utility bill. He has been unable to get this question answered. He received a \$9.57 utility bill and there is a \$13 service fee. Mayor Vincent said he will have a staff member call him.

DeAnna Hardy, County – Ms. Hardy asked why a water bottling company should come to a desert state. Why would a City want to attract this kind of business? Is the motive or agenda to put a strain, or impose an additional strain, on the City's water supply? Then the government will come in to restrict or control even more than they are now, thereby achieving the United Nations goal of controlling water. The Water Conservancy District is another tool being used to gain government control over water. Government also controls economic development by picking and choosing who to give tax breaks and incentives to. These businesses property values, then people cannot afford to buy property, and covering farm ground with businesses and homes so no food can be grown. People are being put in stacked and packed housing because they can't afford to buy property that has being zoned, forcing citizens from rural areas into cities where the government can gain better control of the people. She asked the Council to read the Book of Isaiah, who foresaw everything that is happening in the country.

COUNCILMEMBER COMMENTS

Councilmember Farr attended a Museum Board meeting where they discussed building a new museum someday. They will probably come to the Council at some point to garner some support.

Councilmember Jensen attended the Library Board meeting. They are looking at a \$40,000 software program for cataloging. They are also looking at purchasing a 3-D printer but they are concerned about it being maintained. Councilmember Jensen responded to some of the public comments. After she received the petition from the Walkers, she asked them if they had received any notification from the City and they said they had not. She asked the City Attorney if there was some kind of protocol, and he said there is no

written process for notifying the neighbors if facilities are added to parks. However, she thought something like that was done for the pickleball courts. She asked them and they said the City had them speak with each house before, and on the second set they spoke with the landowners because of the fence that would go up. Even though there wasn't a written process to notify the neighbors, she felt there was a precedence. At the last Council meeting, staff said they tried to contact the main person with concerns and was not able to contact him. She expressed disappointment that staff did not contact the surrounding property owners, mainly because of the problems with Playground Park. They were also not notified, and Council asked them to contact the LDS Church. She hoped that the Council would consider that. Make some kind of provision to notify residents close to parks or public properties and hold the City accountable like the City holds developers accountable.

Councilmember Peterson said the golf course will be coming to a meeting in February regarding a new fee schedule. The Legislative Session begins Monday. The Utah League has already looked into intense negotiations with a lot of people.

Mayor Vincent said the splash pad has been a lot of work. It started with a task force. There were several staff members that tried to contact Mr. Walker and was unable to. Regarding the covenants, nothing was found. The City wants to involve the community and wants citizens to know what the Council is doing. The City has looked at several sites and this process has taken almost two years. John Adams was one of the sites the task force looked at. The City probably does need better communication and he apologized for not doing better on this project. He said for those that are against it being at John Adams, he has received an equal amount that want it there. These decisions are difficult. They rely on task forces and other citizens to help.

NEW BUSINESS

Consideration of a Resolution Amending the Procedures and Fees for the Issuance of Permits for Special Events

Ms. Law came to the table and stated that this resolution is an attempt to make the special event application easier for those applying, and so the City can better plan and execute to help those hosting special events be successful. The permit itself has not changed except the 30-day permit has been changed to a 45-day permit because if there are things that need modification, 45 days allows staff to give sufficient return time. There is a new late fee of \$250 if they want to push something through in a shorter time. Ms. Law explained that some applicants are bringing in their application within a week before the event. The reason for the late fee is because departments have to pull employees off of other jobs to address the needs for the special event. It puts some departments at a standstill to do this. Staff is hoping the fine will minimize these incidents. Ms. Law's staff will mail letters to everyone that has applied for a special event in the past three years to explain the late fee and the new deadline.

MOTION: Councilmember Jensen moved to approve the resolution amending the procedures and fees for the issuance of permits for special events, seconded by Councilmember Farr.

Roll Call:

Councilmember Bott – aye
Councilmember Farr – aye
Councilmember Jensen – aye
Councilmember Peterson – nay
Councilmember Thompson – aye

The motion carried 4-3.

UNFINISHED BUSINESS

Consideration of Ordinance Setting Policy for the Presentation of Thoughts, Readings and Invocations before Certain Meetings

Ms. Christensen approached the Council and stated that this was previously brought before the Council and there was concern regarding the wording, *“the presentations are intended to be nondenominational and non-proselyting in character.”* The following wording was added, *“The City invites any representative from community organizations or churches of the City to contact the City Recorder to be scheduled to present a thought, reading or invocation.”*

MOTION: A motion to approve the ordinance setting policy for the presentation of thoughts, readings and invocations was made by Councilmember Jensen and seconded by Councilmember Bott.

Roll Call:

Councilmember Bott – aye
Councilmember Farr – aye
Councilmember Jensen – aye
Councilmember Peterson – aye
Councilmember Thompson – aye
The ordinance was unanimously approved.

The Council meeting adjourned at 8:20 p.m.

The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the January 18, 2018 City Council Meeting.

Dated this 1st day of February 2018.

Mary Kate Christensen

Mary Kate Christensen, Recorder