

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
October 19, 2017**

PRESENT:	Tyler Vincent	Mayor
	DJ Bott	Councilmember ( <i>via phone</i> )
	Alden Farr	Councilmember
	Ruth Jensen	Councilmember
	Tom Peterson	Councilmember
	Mark Thompson	Councilmember

ALSO PRESENT:	Kelly Andrew	Facilities Manager
	Rick Bosworth	HR Coordinator
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	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 Councilmember Peterson. The Pledge of Allegiance was recited.

**Approval of Minutes:** A motion to approve the minutes of the September 21, 2017 Work Session was made by Councilmember Jensen seconded by Councilmember Farr and unanimously approved as distributed.

**AGENDA**

**RECOGNITION OF EMPLOYEES**

New Hire, Public Works

**CONSENT**

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

**SCHEDULED DELEGATION**

Summary of Findings from the Investment Grade Audit

**PUBLIC COMMENT**

**COUNCILMEMBER COMMENTS**

**NEW BUSINESS**

**UNFINISHED BUSINESS**

Splash Pad Discussion

**ADJOURN TO CLOSED SESSION**

**RECOGNITION OF EMPLOYEES**

**New Hires, Public Works**

Jared Maw was introduced as the new Apprentice Automotive Mechanic. Zac Duncan was recently hired as a part-time Compost/Greenwaste Facility Laborer.

## CONSENT

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

A list of accounts totaling \$7,178.40 was presented to be removed from the City's system due to customer taking out bankruptcy or being sent to collections.

**MOTION:** A motion to approve the Consent Agenda was made by Councilmember Peterson, seconded by Councilmember Farr and unanimously carried.

## SCHEDULED DELEGATION

### **Summary of Findings from the Investment Grade Audit**

Mr. Mark Cram from Siemens came forward, along with Mr. Oyler and Mr. Andrew. Mr. Cram gave a summary of the results of the recent investment grade audit. After reviewing all areas of the City, they identified areas for conservation and increased operational efficiencies. These areas include:

- LED street lighting
- HVAC Upgrades
- Building Automation System at City Hall

Since Brigham City has its own electric utility, they determined the resource cost for the electric rates at \$0.05 per kwh, compared to \$0.07 to \$0.08 with Rocky Mountain Power. The City also has low water rates compared to other cities.

The total savings for the projects would be \$109,603.74. However, some of the paybacks calculated are for many years out. For example, City Hall HVAC replacements would take over 70 years to see a payback, but because of the need to replace this, it was left in the project.

Mr. Oyler stated that staff reviewed the results of the audit. It would cost over \$10,000 to do the City Hall HVAC and would have a 70-year payback if the City hired Siemens to do it. A few years ago the Council budgeted to replace the HVAC and roof at City Hall. These funds are still available. The request for bid went out last week.

The payback on the LED street lighting is ten years. Staff is not comfortable with Siemens doing this because technology changes. Staff recommended this be done a few at a time over the next few years.

Mr. Oyler stated that after staff's review, their conclusion was that the City should not have Siemens do any of the projects. The City signed a contract with Siemens, but there is an option to get out of it. If the Council agrees, Mr. Oyler will prepare a budget revision for a future Council meeting to include payment to Siemens and for the City Hall HVAC.

## PUBLIC COMMENT

Brian Rex, Brigham City – Mr. Rex attends church next to Playground Park, which is the proposed location for the splash pad. He was concerned that use of the splash pad will not be compatible with church functions. He had previously talked to the Mayor about closing the splash pad on Sunday, but he did not think it would hold up to a legal challenge. He asked the Council to reconsider placement of the pad.

Karl Halling, Brigham City – Mr. Halling is the bishop of one of the LDS wards that meets at the building referred to by Mr. Rex. He agreed with Mr. Rex's concerns. The proximity of the church building to the boundary line is very close and it is not a good parking situation. He felt the splash pad would be better in

another location. If that is not possible, he felt strongly that the splash pad should not be open between 9-4 on Sundays.

Juliana Larsen, Brigham City – She read the article in the News Journal regarding the discontinuance of Corbin’s Restaurant. The paper said the restaurant space was owned by the Redevelopment Agency. She said this means when this was acquired it was done through a Utah Department of Agricultural loan to the City. Brigham City has said they will put in Brigham House Restaurant, which is owned by the same man that ran Corbin’s. Brigham House is not a restaurant, it is an LCC that is a rerun of what we had before, same owner. His business was established in 2013. This is a public/private competition where the City shouldn’t be.

DeAnna Hardy, County – Ms. Hardy expressed concern with the Council not protecting people’s property rights.

### COUNCILMEMBER COMMENTS

Councilmember Bott is on the Personnel Committee but was unable to attend the last meeting, but he read the notes and he looks forward to the proposals and direction regarding employee compensation. This will come before the Council soon.

Councilmember Jensen attended the New Hope Crisis Walk Against Domestic Violence. She attended the Advisory Council on Aging meeting. The pickle board tournament made \$4,500. Councilmember Thompson added that the hospital sponsored this event. This goes to Meals on Wheels to serve over a thousand meals.

Councilmember Farr also attended the Personnel Committee. The Committee had some good foresight for suggestions to improve employee retention. He also attended a Library Board meeting. They made a recommendation that will be coming to the Mayor and the City Administrator in the near future.

### UNFINISHED BUSINESS

#### Splash Pad Discussion

Mr. Roberts said he has met with LDS church leaders regarding the splash pad being located near their meeting house. He read the letter into the record:

*Thanks for your previous consideration of our concerns relative to the proposed splash pad immediately north of the Brigham City 4, 13, Forest Hills Wards LDS Meetinghouse.*

*As previous stated, our concerns regarding the proposed splash pad remain the same and are characterized as follows:*

*As previous stated, our concerns regarding the proposed splash pad remain the same and are characterized as follows: Allowing use and operation of the splash pad on Sundays between the hours of 9 AM and 4 PM while Sabbath day worship observance is occurring at the LDS meetinghouse tops our list of concerns. **Usage and enjoyment of the splash pad on any other day of the week should be compatible, so long as patrons of the splash pad stay out of the private parking lot.** The majority of teaching areas are located on the south and west sides of the building on both the 1<sup>st</sup> and 2<sup>nd</sup> floor. Patrons at splash pads can be a noisy lot. From personal experience of the pads at Lagoon, City Creek and the Gateway, there is a lot of screaming and yelling that takes place when patrons are exposed to the water. As the park currently exists, it doesn’t promote activities which are conducive to generating a lot of noise. The LDS meetinghouse has existed as a sanctuary and sacred facility for members of the Church to*

worship, partake of sacred ordinances, and to receive religious instruction. These activities are undertaken with the utmost reverence and sanctity and introduction of outside distractions in the form of loud human expressions adjacent to the building can disrupt this reverence. We only hope that the building may continue to provide the suitable environment and religious atmosphere that Church members have enjoyed during the past 6 or 7 decades and can co-exist as neighbors in a compatible nature.

1. We believe the issue regarding parking and the concern for park patrons using the private parking lot can be mitigated with adequate signage and enforcement. FYI, 4 times yesterday I stopped by the site to count available parking spaces per your latest plan of potential parking spaces on the streets and I counted a maximum of 34 of the 74 would have been available for parking by splash pad or park patrons during the 9:00 AM to 4:00 PM block meeting schedule on Sundays. The rest were being used by the cars of individuals attending Church.
2. We agree that replacing the current fence between the properties with a taller one that has full visual screening and sound attenuation characteristics will provide some benefit and should be part of the improvements. However, any fence probably won't make any difference for visual and sound impacts on the upper floor of the building.
3. According to the local Facilities Maintenance Group, this particular Church property experiences one of the highest incidences of vandalism, loitering, and illegal parking for meetinghouses in the Brigham City region and it is hoped the proposed splash pad and the resulting increase and change in usage of the park won't add to it. If Brigham City and the Rotary Club vote to move ahead with the project, we would hope that the splash pad operations and usage be carefully monitored to determine if there is any impacts to the enjoyment of the Church property and other neighborhood private properties.

The above concerns are not an official representation of the LDS Church, only that of the local Church Leadership from the Brigham City Utah Stake. It is not are intend to take a position of complete opposition to the splash pad, but we are hopeful that reasonable consideration be given to those concerns expressed with regard to preserving the sacred nature of the property during our Sabbath meetings on Sunday.

Respectfully:

D. Chris Wight – 1<sup>st</sup> Counselor  
Brigham City Utah Stake Presidency

Mr. Roberts explained that this park was chosen by the committee because the utilities were better at this park than the others. It does not have a restroom, but it needs one. There are potential contributions to build a bowery if that decision is needed. Mr. Pugsley added that the committee also felt that it was a safer location because it is not along any major roadways with higher speed traffic.

There was discussion on the legality of closing it on Sunday, as all religions do not consider Sunday their Sabbath Day. Although the swimming pool is closed on Sunday, that is to have a day to filter the pool.

Councilmember Thompson said the City should be good neighbors, no matter who the neighbor is.

Councilmember Bott felt that maybe having the splash pad at this park would eliminate some of the vandalism because there would be more people at the park and it would not be so quiet, secluded and dark. Mr. Roberts said the City sees a lot of vandalism in City restrooms. He suggested cameras be placed by the

restroom with signs stating there are cameras. Mr. Pugsley added that usually those using the splash pad are accompanied by an adult.

Councilmember Jensen said she does not like this location. She mentioned all these concerns in previous meetings, in addition to the proximity to the middle school.

Councilmember Peterson felt the splash pad should be opened every day. A legal decision would not change his decision.

Councilmember Farr stated that if the Council decides to have it at this park, he felt it should be closed on Sunday to be a good neighbor. He also wondered if now is the right time to do a splash pad, due to the additional cost of a fence and the concerns of the church. He wondered if all this money could be better used elsewhere, and if Brigham City really needs a splash pad at this time, or wait until the ball diamond or some other place becomes available that is more appropriate.

Councilmember Thompson said he would like to wait for the legal opinion.

Councilmember Bott said the original intent of the splash pad was more conservative than what is currently being discussed. He agreed with the letter that the features now being considered condone or encourage noise. He felt the City should consider a different park because of that. He did not feel there was a legal issue with closing it on Sunday.

Mr. Pugsley expressed concern with the significant donations received if this is delayed.

Mayor Vincent said there is enough support in the community for a splash pad, that if the Council now decides to wait on this for a few years, it would be a major issue. When talking about good neighbors, it goes both ways. He was concerned that the public perception will be that the LDS Church is controlling the City. The concerns of the church need to be addressed by the task force, and if the decision is made that it won't work at this location, then a new location should be decided on by the task force. Mr. Roberts said the task force is aware of the church's concerns, and they do not agree that it is going to cause too much noise.

Councilmember Farr recommended the City's attorney prepare a legal opinion to determine if closing the splash pad on Sunday is legal. If the task force is in favor of the location, the Council should respect that. Councilmember Bott clarified that the letter requested it be closed from 9:00 a.m. to 4:00 p.m., not all day on Sunday.

Councilmember Peterson said the Council is discussing whether \$150,000 should be invested into something that has to be closed down during a peak time of the day. If the Council feels good about that, which he added he does not, then put it at Playground Park. If not, then find another location. He recommended John Adams Park.

Mr. Pugsley said the task force visited every park and discussed the pros and cons. There are significant differences in the cost for each park. Councilmember Bott added that cost was the major reason Playground Park was chosen, others include walkability within the center of the community. John Adams would be the closest comparable park to Playground Park.

Mr. Pugsley said they were hoping to get started on this project in the spring, which would fit into their other projects. This will significantly delay the project.

The meeting adjourned at 8:21 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 [Click here to enter a date.](#) City Council Meeting.*

*Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.*

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*Mary Kate Christensen, Recorder*