

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
January 15, 2015**

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| PRESENT: | Tyler Vincent | Mayor |
| | DJ Bott | Councilmember (<i>excused 7:18-8:04</i>) |
| | Ruth Jensen | Councilmember |
| | Tom Peterson | Councilmember |
| | Mark Thompson | Councilmember |
| ALSO PRESENT: | Joseph Bach | Fire Chief |
| | Mark Bradley | City Planner |
| | Mary Kate Christensen | City Recorder |
| | Nancy Green | Senior Center Manager |
| | Jared Johnson | Community Development Director |
| | Paul Larsen | Economic Development Director |
| | Kristy Law | Community Activities & Services Manager |
| | Bruce Leonard | City Administrator |
| | Tyler Pugsley | Public Works Director |
| | Jason Roberts | Finance Director |
| | Paul Tittensor | Police Chief |
| ABSENT: | Alden Farr | Councilmember |

Mayor Vincent called the meeting to order. The Reverence Period was given by Bishop Alan Shakespeare, Kotter Canyon Ward. The Pledge of Allegiance was recited.

Approval of Minutes: A motion to approve the minutes of the December 18, 2014 Council meeting was made by Councilmember Bott, seconded by Councilmember Jensen and unanimously approved as distributed.

AGENDA

PRESENTATION OF JIM DAVIS EXTRAORDINARY SERVICE AWARD

RECOGNITION OF EMPLOYEES

- New Hire, Fire Department
- New Hire, Police Department
- New Hire, Community Development

PUBLIC COMMENT

COUNCILMEMBER COMMENTS

CONSENT

- Request to Write-off Accounts Due to Bankruptcy or Being Sent to Collections
- Appointments to Planning Commission and Appointment of Chair
- Appointments to Advisory Council on Aging
- Approval to Pay for Employees' Portion of the State Retirement Contributory Plan
- Schedule Work Session for January 22, 2015 at 6:00 PM

NEW BUSINESS

- Consideration of Ordinance to Amend Title 10, Electricity, of the City Code to Include Language Regarding the Installation of Locking Device or Mechanism to City Owned Equipment
- Proposal for Tournament of Champions/Pickleball Complex Expansion
- Request for Approval of Resolution Adopting Power Pole Attachment Fees

Consideration of Resolution Authorizing the Mayor to Sign an Outdoor Advertising Lease Agreement

PLANNING COMMISSION

Request for Approval of Ordinance Amending the Zoning Code, Clear View of Intersecting Street

ADJOURN TO CLOSED SESSION

PRESENTATION OF JIM DAVIS EXTRAORDINARY SERVICE AWARD

Mayor Vincent announced that the recipient of the Jim Davis Service Award is Barbara Poelman. She was nominated by Mark Bradley.

Ms. Poelman served on the Brigham City Planning Commission for nine years. During that time she served as chair, vice-chair and commissioner representative on the Joint Advisory Committee and Economic Development Board. She continues to service on the Brigham City Appeal Authority and Economic Development Board. She has also delivered Meals-on-Wheels for the past 16 years and tutors at Lake View Elementary School. In previous years Ms. Poelman also served on the Board of Adjustment, Advisory Council on Aging, Literacy Board, Library Board, Main Street Committee, and Museum Gallery Board.

When Ms. Poelman's youngest child was in high school she earned her teaching degree and then taught sixth grade for ten years at Mountain View Elementary. After her retirement she helped with literacy programs at Lake View Elementary on a weekly basis.

She is always very support of community and church events by serving in her church and always volunteering to take meals into homes where a new baby was born or someone has had an illness or surgery.

Ms. Poelman and her husband serviced 11 years as hosts and ushers at the Conference Center at Temple Square and the Joseph Smith Memorial Building. They paused briefly to serve a full-time, 18-month church mission to Bangkok, Thailand. While there, Ms. Poelman taught English to young elementary students and to professionals in the banking industry.

Ms. Poelman has lived a life full of service to Brigham City and its residents, even reaching beyond the geographic boundaries of this community touching the lives of many people for good. It is for this reason that Ms. Poelman is the 2015 receipt of the Jim Davis Extraordinary Service Award.

RECOGNITION OF EMPLOYEES

New Hire, Police Department

Chief Tittensor introduced Ethan Jorgensen and presented him with a Brigham City Police Department badge.

New Hire, Community Development

Tracy Halladay was introduced as the new Building Official in the Community Development Department.

New Hire, Fire Department

Joshua Zook was also introduced as a part-time Firefighter EMT.

Councilmember Bott was excused at 7:18 PM.

PUBLIC COMMENT

Lee Johnson, Brigham City - Mr. Johnson referred to books by Albert Shaw, who traced communism back to before the Russian Revolution and before Karl Marx. It came about before the French Revolution in 1898. He wrote a book about an individual who led another revolution in France because he thought communism would work. After about four years in the legislature trying to implement communism, he started criticizing his own people for not getting it done. He ended up in exile for four years. He went to London and worked with the socialists there, then went back to France and published a book on how to transform a capitalist system into a communist system via socialist ideals. He and his followers came to America and settled in Texas. The government didn't give them land in continuous parcels so the colony failed, then they went to Nauvoo.

Kyle Klein, Brigham City - Mr. Klein updated the Council on pickleball. They currently have almost 300 members that are playing regularly and are part of the club. There are now six public locations, three private residential courts and five stake centers that have lines on courts that can be used. The sport continues to grow at a rapid pace. He expressed support for the expansion of the pickleball courts and the Tournament of Champions coming to the community. This will increase Brigham City's reputation as a destination for pickleball, increasing tourism and filling the hotels. In the past three years they have had a memorial which has been filled to capacity with people being turned away. Mr. Klein added that the facility really needs a restroom. They have completed the underground work, now the facility needs to be constructed. Mr. Klein said as a pickleball group, they want to donate \$5,000 to build a bathroom facility. Members have also volunteered to do electrical work, cement work and structure work to reduce the cost.

DeAnna Hardy, County - Ms. Hardy said last year she asked the Council if they would bring back the signage of Merry Christmas. Apparently the Council decided not to, probably because of political correctness. North Ogden has kept their nativity display while Brigham City moved their nativity from the public square. For those who believe there should be no religious display on public property, they have their way 11 months out of the year. The nativity display should be brought back to the public square. This country was founded on Christian beliefs but there are many who are trying to destroy this truth. If we run low on food or water, the state or federal government will be able to help. Since our community was so willing to remove our Lord and Savior from the public square, He may be slow to hear our cries for help. In reference to smart meters, Ms. Hardy said in the Middle East, Christians who do not convert to Islam have a choice to either be killed or pay tribute money to stay alive. She felt that the opt-out fee to prevent a smart meter from being installed is like forcing the people to have to pay tribute money to protect the citizens for their health, property, privacy and security. Smart grid projects are supposed to meet strict cyber based guidelines, but this is not what happened because greed trumped everything else. Now the governor is trying to band wood burning stoves. The government has already outlawed burning in a burn barrel. Ms. Hardy was in attendance at the County Commission meeting when they were trying to ban this. Former Commissioner LuAnn Adams said the Commission was not going to follow through with the ban. Not much later letters were sent to the citizens telling them burn barrels were no longer allowed. Government is not stopping with the wood burning stoves; they have a list.

The government has an agenda; it is the United Nations Agenda 21. The United Nations wants to control all the water, land, air and people. Government corruption is an epidemic.

Cameron Weeks, Brigham City - Mr. Weeks suggested that the City get a youth CERT program together. It would teach the youth what to do in an emergency situation.

COUNCILMEMBER COMMENTS

Councilmember Jensen attended the swearing in of the Box Elder County elected officials. It was nice to see how the judge did things a little differently. It reminded her of what her duties are and what the hopes of the citizens are. She also attended the open house for the new Community Center in Tremonton. It is a cooperative with Habitat for Humanity and the Boys and Girls Club. She also attended the CCI Fun Fair. There were over 300 people in attendance.

Councilmember Thompson said later this month the Youth City Council will go the State Legislature and will work on legislation in their mock trials. He encouraged those in the audience to also go to a session to watch the legislators at work.

Mayor Vincent stated that sometimes citizens think the Mayor and Council pass things without thinking them through. However, citizens do not see all the information the Council does. They do a lot of study on the issues presented to them and make the best decisions possible.

CONSENT

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

A list of accounts totaling \$4,954.34 was presented to be removed from the City's system due to customer taking out bankruptcy or being sent to collections.

Appointments to Planning Commission and Appointment of Chair

It was recommended Eve Jones be appointed as Vice Chair of the Planning Commission, Dean Lester be appointed as a regular member, and Bill Frye be appointed as First Alternate.

Appointments to Advisory Council on Aging

Joyce Marsing and Elosia Christensen were recommended for appointment to the Advisory Council on Aging.

Approval to Pay for Employees' Portion of the State Retirement Contributory Plan

The City Council is required to formally adopt to pay for employees' portion of the State Retirement Contributory Plan for those employees who elected not to be part of the Defined Benefit Plan.

Schedule Work Session for January 22, 2015 at 6:00 PM

A work session was scheduled as listed.

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

NEW BUSINESS

Consideration of Ordinance to Amend Title 10, Electricity, of the City Code to Include Language Regarding the Installation of Locking Device or Mechanism to City Owned Equipment

Mr. Morgan came forward and explained that the current code states the residents cannot damage or deface electrical equipment, but it was felt additional language was needed to prohibit locking devices on meters.

MOTION: Councilmember Peterson made a motion to approve the ordinance amending Title 10 as written. The motion was seconded by Councilmember Thompson.

Councilmember Jensen: aye
Councilmember Peterson: aye
Councilmember Thompson: aye

Motion unanimously carried.

Proposal for Tournament of Champions/Pickleball Complex Expansion

Mr. Johnson and Ms. Law came to the table. Mr. Johnson introduced Jeff Gardner with the American Dream Foundation. Mr. Johnson explained that the American Dream Foundation approached him and said they would like to build a championship court at the City's pickleball complex so they can host the Tournament of Champions on these courts. They have been holding the tournaments in Ogden. It has a pool prize of up to \$50,000. It is possible they will also build future courts.

The proposed agreement states that Brigham City will own and maintain the courts and the public would be allowed to play on it. It also states that Brigham City will donate court time for their tournaments on an annual basis. They have asked that the City install restrooms as soon as possible and provide police presence during the nights of the tournaments to provide security of vendors, courts, equipment, etc. They would also like the City to add them on the City's liability insurance and help provide traffic and parking control.

Mr. Johnson continued that there are some logistics staff will need to work out if the Council is interested in them pursuing this. The tournament is scheduled for the same weekend as Peach Days, which is a concern.

Councilmember Jensen asked how the Foundation raises money. Mr. Gardner explained that there is an Executive Board and they do several fundraisers, the major one is the Hot Rocket 4th of July in Ogden.

The tournament will be for four continuous days. Last year there were 90 participants which was an increase from 35 the previous year. With eight courts this could increase to 120.

Mr. Pugsley came forward and stated that the courts would need to be resurfaced approximately every five years. He estimated this would cost \$7,000.

There was a discussion on liability insurance. There is a possibility they could join with the Chamber because it is the same time as Peach Days. Staff will look into this further.

The restrooms could cost between \$250,000 and \$300,000, including a parking lot. There will have to be a lift station.

Councilmember Peterson expressed concern with the request for a police officer. The Police Department will already be bringing in officers from surrounding communities and the Sheriff's Office for Peach Days.

Another concern is for traffic and parking control. During Peach Days weekend all the barricades and resources are being used.

Mr. Gardner thought that because of the timing and some of the issues that have been brought up, this could be postponed until 2016.

MOTION: Councilmember Thompson made a motion to direct staff to look at what security would be needed, evaluate the liability and the cost of a restroom. Councilmember Peterson suggested adding to the motion that the Council budget funds in the 2015-16 budget for the restrooms if possible. Councilmember Thompson added this to his motion. The motion was seconded by Councilmember Peterson. The motion unanimously carried.

Councilmember Bott returned at 8:04 PM.

Request for Approval of Resolution Adopting Power Pole Attachment Fees

Mr. Larsen came forward and said staff has been working with AT&T on a small cell deployment plan. In 2006 the fees were set by resolution at \$15.02 per year per attachment. It was felt this should be increased to reflect inflation. This resolution increases the fee to \$17.36.

MOTION: Councilmember Jensen made a motion to approve the resolution adopting the power pole attachment fees. Seconded by Councilmember Peterson.

Councilmember Bott - aye
Councilmember Jensen - aye
Councilmember Peterson - aye
Councilmember Thompson - aye

The motion unanimously carried.

Consideration of Resolution Authorizing the Mayor to Sign an Outdoor Advertising Lease Agreement

Mr. Larsen explained that the development agreement with Western States Lodging includes a clause allowing them to use the billboards on the north and south approaches of the City. This resolution adopts lease agreements for use of these two boards.

MOTION: Councilmember Jensen moved to approve the resolution authorizing the Mayor to sign an outdoor advertising lease agreement, seconded by Councilmember Bott. Councilmember Peterson asked how much Western States will pay annually. Mr. Larsen replied that they will pay \$1,500 for the south billboard and \$600 for the north billboard. This covers the City's land lease with the property owners.

Councilmember Bott - aye
Councilmember Jensen - aye
Councilmember Peterson - aye
Councilmember Thompson - aye

The motion unanimously carried.

PLANNING COMMISSION

Request for Approval of Ordinance Amending the Zoning Code, Clear View of Intersecting Street

Mr. Bradley said this amendment is a result of a request from the Council to have the Planning Commission address safety at the sidewalk for pedestrians and bicyclers.

Mr. Bradley stated that on a 99 foot wide right-of-way a lot of the property lines are about 19½ feet back from the curb. Therefore, the current code does not cover the clear view of the pedestrian. Newer subdivisions have 16 feet back from the curb. The proposed amendment creates a clear view triangle that is 10' x 10' from the edge of the private drive to the sidewalk if there is one. If there is no sidewalk then it would be from the property line. Then the clear view would continue to the street in a rectangular shape.

MOTION: Councilmember Peterson made a motion to approve the amendment to Title 29, clear view intersection. Councilmember Jensen seconded the motion.

Councilmember Bott - aye
Councilmember Jensen - aye
Councilmember Peterson - aye
Councilmember Thompson - aye

The motion unanimously carried.

ADJOURN TO CLOSED SESSION

A motion to adjourn to a closed session to discuss the purchase, exchange or lease of property was made by, Councilmember Bott and seconded by Councilmember Jensen. A roll call vote was taken with all councilmembers voting aye. The meeting adjourned to a closed session at 8:25 PM.

The Council returned to an open meeting at 9:30 PM and adjourned.