

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
August 7, 2014**

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

ALSO PRESENT:	Dave Burnett	Public Power Director
	Rene Cedillo	Water Supervisor
	Mary Kate Christensen	City Recorder
	Jared Johnson	Community Development Director
	Bruce Leonard	City Administrator
	Kirk Morgan	City Attorney
	Derek Oyler	EMS Deputy Director
	Tyler Pugsley	Public Works Director
	Jason Roberts	Finance Director
	Dennis Vincent	Police Lieutenant

Mayor Vincent called the meeting to order and welcomed Alden Farr, the newly appointed councilmember to fill the vacancy created by Brian Rex's resignation. Councilmember Farr was given the Oath of Office by the City Recorder at noon on August 7, 2014. The Reverence Period was given by Councilmember Thompson. The Pledge of Allegiance was recited.

Approval of Minutes: A motion to approve the minutes of the July 17, 2014 Council meeting and July 28, 2014 Special Meeting was made by Councilmember Jensen, seconded by Councilmember Thompson and unanimously approved as distributed.

AGENDA

PUBLIC COMMENT

COUNCILMEMBER REPORTS

RECOGNITION OF EMPLOYEES

New Hire, Administration Department

New Hires, Water Department

CONSENT

Reappointments to the Economic Development Board

Appointment to Appeal Authority Board and Term Expiration Date Change

PUBLIC HEARING

Ordinance Recodifying Title 11, Emergency Services; Title 14, Business Regulations and Licenses; Title 17, Parks and Playgrounds; Title 20, Police Department; Title 25, Subdivisions; Title 26, Swimming Pools; and Title 33, Telecommunications Right-of-Way

NEW BUSINESS

Consideration of Ordinance Approving Recodification of Titles 11, 14, 17, 20, 25, 26, 29 and 33

Consideration of Resolution on Peach Days T-Zone Regulations

SCHEDULED DELEGATION

Request for Letter of Support to State Wildlife Requesting They Address the Deer Problems in Brigham City

PUBLIC COMMENT

Paul Roberts, Brigham City - Mr. Roberts said as one of the candidates for the open Council seat, he complimented and thanked the Council for their insightful questions they asked of the candidates.

Mr. Roberts commented on the deer problem in Brigham City. He said the problem has increased on the west side of town. The basic rules of ecology state that animals will move and multiply in areas that have food, cover or shelter, and water. Take away one, and the deer will leave. There are a few possible control methods. One is a hunt. The problem with this is that there will be blood, dead animals in the yard, trespassing, and people concerned with killing the deer. Another option is to have a drive to remove the deer from the area and haul them to a different area. This is not practical because of the amount of ground on the west side which is full of fences, roads and the freeway, and it would be difficult to get enough people to do a line to drive them. Another possibility is to use hounds that are bred to take down deer. This may be illegal in Utah. He suggested traps to document where they are, put GPS collars on them, then give the information to the people about training and landscaping and growing things that deer do not eat. If they do not have 25% protein they will not eat it.

Don Dunbar, Brigham City - Mr. Dunbar thanked Mayor Vincent for his efforts in getting UTOPIA on the ballot. At least if the word gets out, they can counter the idea that we need to be educated. They are educated about socialism and the proper role of government, what the government is supposed to do and if things keep heading the way they are, the City can eventually file a bankruptcy then start over with a new City and stick to essential services - water, sewer, police and fire. He read from a statement by John Taylor, Prophet in the LDS Church, from a conference in October 1878, *"Need we be surprised that they should trample underfoot the Constitution of the United States. Joseph Smith told us they would do it. Many around me here knew long ago that they would do this thing and further knew that the last people that should be found rallying around that sacred instrument and save it from the grasp it from the hands of unrighteous men would be the Elders of Israel."* Mr. Dunbar said the City heard from another group that may give some competition to the UTOPIA/Macquarie solution. He felt they are missing the whole point, as is the City. UTOPIA should not exist in the hands of any municipality; it should not be part of the City, County or State. It should have been left with the private sector. Pouring good money after bad is not the answer. The phrase "let it go dark" does not truly capsize what this is. It would be better to say surgically remove the cancer before the host and all the nearby hosts spread. We've heard the City Finance Director say this is in the best interests of all the cities. That's what Karl Marx said - "for the greater good." What UTOPIA has done is severed the Constitutional boundaries which should be chaining down this City by the chains and bounds of the Constitution. The City is trying to circumvent citizen input, the relationship with their Mayor and Councilmembers, letting the tail wag the dog, the staff is running this thing. In criminal investigations, we often follow this concept, "follow the money." Who stands to profit from this disaster? He has a \$50 hot spot from Verizon which works everywhere he goes. For \$15 a month he has a one gigabyte which is all the internet he needs and it is lightning quick. Mr. Dunbar cautioned the Council to remember that they are taking notes on all of them. Do they

want to go down in history as faithful to their Oath of Office or do they want to go down as truants?

DeLoy Mecham, County - Mr. Mecham said he was very upset to find out that the people that ran for Council did not get the Council position. He felt this was wrong and he is very tired of the buddy system in the County and in Brigham City. It is overwhelming. If the Council cannot see this they should get out in the public because they will hear about different things that go on, especially UTOPIA. He hears it constantly and he only hears about one out of ten that likes it. He felt putting it on the ballot is a great idea.

DeAnna Hardy, County - Ms. Hardy welcomed Councilmember Farr to the Council; however, after his comments in the paper she respectfully disagreed with him. He was reported as saying that *"we have had some visionary leaders in the past and ten years ago we were probably ahead of the game."* Ms. Hardy said socialism is not a new idea. It has been tried many times and failed because government eventually runs out of other people's money. She was very disappointed that he was one of the councilmembers that brought UTOPIA, which is socialism, into the community. It has not created the jobs as envisioned but has caused much evil. There has been millions of tax dollars lost, deceit, dishonesty and division, and corruption. Maybe this is what the real intent of UTOPIA was, to create the chaos and the financial bondages, which is exactly what it has done. The people have already said they do not want UTOPIA, by 7,000 households not signing up for it. Of the 1,600 that did sign up for it, there were many that were lied to and deceived. Three hundred of those left UTOPIA. Of the 1,300 remaining, not all are happy with the service and feel bad that their neighbors who do not have UTOPIA are being forced to pay for it. Essential services, such as police, fire and jail are the only services that should be brought before the people to vote on. All other issues are a usurpation of power and should be left to the free market system. It was irresponsible to bring UTOPIA to this community; it was irresponsible to ignore and violate your Oath of Office. UTOPIA does need to go dark and be gone.

Ms. Hardy continued that the petition to restore three buildings to preserve their historical heritage is not economically or financially feasible. The family is being destroyed by big government socialist programs and this is another one. Can the people afford for the City to keep taking their money to fix another person's property? No, they cannot and they should not. It violates people's individual rights. Socialism and freedom cannot co-exist.

Lee Johnson, Brigham City - Mr. Johnson thanked the Mayor and Council for the opportunity to interview for the Council position. He asked the Council if they knew the difference between progressive and conservative. He said he espoused to a philosophical believe of conservatism - being careful and prudent and wise with his resources so he can help others if he chooses. The progressive philosophy is opposite of that - to help everyone but not being responsible for the money or resources involved because it will take care of itself. The City espouses to the belief of progressive.

Mr. Johnson continued that he has noticed in the past two weeks that there have been 175 smart meters that have been removed and/or replaced in various locations throughout the U.S. and Canada because of fires. Mr. Johnson stated regarding the City's outreach program on smart meters, that if they only show one side of the story, it is propaganda. He asked the Council to have a counter position and information available from those who have information they want to share.

Becky Maddox, Brigham City - Ms. Maddox thanked the Council for interviewing all 14 candidates for the Council position. The Council had thought provoking questions and she enjoyed the experience. Ms. Maddox stated that in this country we like to be sovereign for ourselves and one of the problems with the federal government is that we are enabled to so many different nations that we can no longer choose what we feel is best for us; we have to go along with everyone else. As she listened to the presentation in the work session, there were several times she found that we do not have the capacity with UTOPIA for the Council to decide what might be best for the people. If people suggest things to the Council, they really cannot follow through on the suggestions the Council thinks might be good. Brigham City only has 3.34% of the vote. It might as well be no vote at all. She asked the Council to consider that this is not the way to go; maybe private enterprise is the way to go. The City does not have to have UTOPIA like we need water and power. It is still a toy. The City is giving away sovereignty every time something is done with UTOPIA or with UIA and should give private enterprise a try.

Leslie Robison, Brigham City - Ms. Robison read from a petition circulating regarding the state of Brigham City's historic buildings, particularly the Baron Woolen Mills. *"Brigham City's historic buildings are a non-renewable resource. Once they are gone they cannot come back. We, the citizens of Brigham City, believe that we should carefully consider the fate of our historic buildings. We realize that through fire, neglect and other forms of vandalism, some of these buildings have reached a sad state. The City should encourage property owners to work with the City, including the Historic Preservation Commission, and the citizens to find the best use for these buildings. We also believe the City should actively encourage property owners to take those steps necessary to secure their property, which may include fencing to keep would-be vandals or arsonists away. We understand that in some cases private property owners may choose demolition, but the City should encourage preservation of our historic buildings whenever possible, but especially with those of lasting importance such as the National Register listed properties."* The Baron Woolen Mills is one of those. One of the signers of the petition wrote, *"These old buildings are more than just old buildings, they are part of our community's history. If we don't actively work to preserve them they will soon be gone. Brigham City needs to do more than just threaten current owners of demolition if they don't do something with the property. Brigham City needs to step up and actively work with the owners to improve the property and preserve its historic significance."* Ms. Robison said she realizes that this is a touchy issue because these are privately owned properties, but the City has some influence on these owners. In Salt Lake there is a set of apartment buildings in Sugar House on 2100 South. They are called Emerson School Apartments and they saved the facade of the Emerson School and built apartments behind that. Even if the City encourages the property owners to just preserve a part of the building with a plaque would be better than tearing it down and having these very important historical buildings taken from us.

Kai Landon - Ms. Landon read a statement from Iantha Folkman who was unable to attend the meeting. *"As Chairman of the Brigham City Historic Preservation Committee, I urge the City Council and citizens of Brigham City to carefully weigh decisions regarding the demolition of any historic property. Many buildings have disappeared due to the lack of foresight regarding historic properties in our community. We understand the concerns of the private owners. I urge the property owners to work with the Historic Preservation Committee to consider possible uses of these buildings as well as to notify the Historic Preservation Committee of any plans for demolition so that if there is an opportunity for us to preserve artifacts for display at the Brigham City Museum if demolition is the only option. Brigham City has a proud pioneer heritage. The vision of the Historic Preservation Committee is to preserve the*

existing historic buildings in our community. We would be pleased to meet with any members of the community to discuss options and possible avenues for help with historic properties." Ms. Landon clarified that the comment by Ms. Hardy is incorrect. The petition started by the Historic Preservation Committee is not to encourage the City to spend money preserving these properties, the petition is to ask the City to encourage private property owners to do what they can to preserve them.

COUNCILMEMBER REPORTS

Councilmember Thompson reported that the Utah State University Advisory Committee is working closely with Paul Larsen to set up a groundbreaking ceremony for the University Building, which is anticipated to be on October 2, 2014.

RECOGNITION OF EMPLOYEES

New Hire, Administration

Nathan Gonino was recently hired as the Information Systems Technician in the Administration Department.

New Hires, Public Works

Wes Thompson and Brandin Mellor were recently hired as Water System Operators in the Public Works Department.

CONSENT

Reappointments to the Economic Development Board

It was recommended Ken Kennedy and Steve Vincent be reappointed to the Economic Development Board.

Appointment to Appeal Authority Board and Term Expiration Date Change

It was also recommended Lesa Bertine be appointed as a member of the Appeal Authority Board and that the expiration date for Barbara Poelman be changed from July 1, 2014 to July 1, 2016.

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

PUBLIC HEARING

Ordinance Recodifying Title 11, Emergency Services; Title 14, Business Regulations and Licenses; Title 17, Parks and Playgrounds; Title 20, Police Department; Title 25, Subdivisions; Title 26, Swimming Pools; and Title 33, Telecommunications Right-of-Way

Mr. Leonard and Mr. Morgan came to the table. Mr. Leonard explained that the department heads have revised these titles. A committee consisting of Mr. Leonard, the City Recorder and the City Attorney, along with the applicable department heads reviewed the titles and made additional changes.

Mr. Morgan added that there was a lot of language about divisions and departments. He advised the Council that going forward the City stay with the current department names because every time it changes the entire code has to be reviewed and changed.

A motion to open the public hearing was made by Councilmember Jensen, seconded by Councilmember Thompson and unanimously carried.

Don Dunbar, Brigham City - Mr. Dunbar said the Council is bound by the City Charter and it has never been amended and it needs to be contested in a federal court or a state court. He disagrees with Mr. Morgan on this. The Council needs to read the charter; it is not being followed especially on essential services, especially UTOPIA. The Council is restricted on what they can do. The charter points this out and even has the restrictions in it. This is grounds for a lawsuit. He suggested that the Council carefully review each of these titles. Emergency Services should not be in the same category as swimming pools, especially pools that are putting the City into bankruptcy. This is confusing and it is being thrown on the citizens too fast. The Council is setting themselves up for a First District Court review and lawsuit.

Lee Johnson, Brigham City - Mr. Johnson felt that the process the City took to review the City Code was great. He recommended the Utah Code references remain in the Code. He noticed that there are departments and divisions and that the position descriptions are included. According to the State Constitution, any changes to the charter must be made through a process in which there are electors, elected by the citizens, to put together a Council to make those changes, and then those changes are put back to the Council to either approve or disapprove. In order to change the Articles of Incorporation the changes have to be put out to the shareholders, meaning the citizens have to make the changes. If there is a violation, it has to be put back to the citizens and let them know that these things need to be done. Otherwise the City is illegal.

Councilmember Jensen moved to close the public hearing, seconded by Councilmember Farr and carried unanimously.

NEW BUSINESS

Consideration of Ordinance Approving Recodification of Titles 11, 14, 17, 20, 25, 26, 29 and 33

Mayor Vincent explained that the public hearing on Title 29, Zoning, was held at a Planning Commission meeting and there is no requirement to hold another one during a City Council meeting.

MOTION: Councilmember Thompson made a motion to table the approval of this ordinance until August 21 to give the Council more time to review the titles. The motion was seconded by Councilmember Jensen. Councilmember Peterson suggested tabling it until September 4, 2014. Councilmember Jensen said she does not understand how the recodification is relative to the charter. She asked Mr. Morgan to meet with her individually.

AMENDED MOTION: Councilmember Thompson amended the above motion to table the ordinance until September 18, 2014. The September 4, 2014 meeting will be cancelled to allow the Council to support the Peach Days celebration. The motion was seconded by Councilmember Jensen, unanimously carried.

Consideration of Resolution on Peach Days T-Zone Regulations

Monica Holdaway, Director of the Chamber of Commerce, joined Mr. Leonard and Mr. Morgan at the table. Mr. Leonard explained that he and Ms. Holdaway reviewed the current Peach

Days T-Zone regulations which has been governed under a conditional use permit issued by the Planning Commission. After reviewing with Mr. Morgan, they felt it would be better to clarify this by having the Council approve a resolution stipulating how the T-Zone area will be set up and controlled. This will give the City more authority over the activities and clarify the responsibilities of the Chamber through a license issued by the City.

Mr. Morgan explained that it is technically the City's property. The licensing will allow the Chamber to use the property on a temporary basis for the temporary business licenses to control the situation during the Peach Days celebration.

There was discussion on people selling in the T-Zone without the proper licenses and permits, such as selling pop out of a cooler. This is not allowed. These restrictions are needed because the Chamber has a restricted contract with Coca-Cola. Another issue is that those that try to sell items without the proper permits encroaches on the T-Zone space designated for those individuals authorized to do so. There are over 200 vendors and there is not room for more. This does not apply to those selling on their own property, but they should get a temporary business license from the City. They do not have to go through the Chamber.

MOTION: Councilmember Thompson made a motion to approve the resolution on the Peach Days T-Zone as presented. The motion was seconded by Councilmember Peterson and unanimously carried.

SCHEDULED DELEGATION

Request for Letter of Support to State Wildlife Requesting they Address the Deer Problems in Brigham City

Mr. Jim Christensen from the Division of Wildlife Resources (DWR) and Mr. John Plowman came forward. Mr. Plowman explained the issues that they are having in their neighborhood with deer. He has a very large garden and there are seven head of deer that visit his garden at least once a day, sometimes more. He called the DWR and they told him the only way they can help is if the City Council coordinated with them. These deer are domestic and never move up the mountain. They multiply and each year there is more damage. One thing that can be done is an archery hunt. This was done in Highland this year. The program harvested 74 deer and more than 5,500 pounds of venison which was donated to local homeless shelters providing enough for 33,000 meals. Archery specialists were limited to four remote areas within the City where they could harvest deer. They were not allowed to kill or even retrieve deer within private property without the permission of the property owner and involvement of the local police. The six archers selected to participate were among the few that passed the rigorous shooting test. While in the program, each was required to maintain detailed communication with City officials and local police throughout the harvest season. Each archer had his name, cell phone number and hunter identification tag labeled on every arrow they carried. Arrows were painted with certain colors to distinguish them as members of the program. There were zero animals lost, zero wounded animals, and zero lost arrows. There were over 800 man hours logged by the archers. The program cost the Highland City less than \$2,000 which was largely spent in processing the meat and giving it to the homeless. City officials felt that the program made a safer place to drive, cut down on the damage caused by the deer, and fed the homeless.

Mr. Christensen said this is a two-year pilot program and is limited to Highland and Bountiful at this time. This pilot program will expire in August 2015. At that time the DWR will review the program and most likely renew it. Their Urban Deer Policy gives authority to the cities to

come up with their own plan to control the deer. The DWR is available to provide technical assistance and getting it implemented.

Mayor Vincent asked if removing the deer to another area has been successful. Mr. Christensen replied that there are some relocation sites approved. They try to get the deer far enough away that they will not come back.

Mr. Christensen explained that no decision will be made until next year. However, part of this program is that the City Council has to pass an ordinance before a plan can be approved by the DWR. This can be in the process so it can be completed by the August 31, 2015 when the plan will begin again. The Council will need to approve two ordinances. One that prohibits bating, meaning deliberate bating, not gardens. If the Council decides to use lethal methods, another ordinance will need to be passed allowing hunting within City limits. Public discussion will need to be heard during the implementation of the plan. After a draft plan is formulated there will need to be more public comment. The plan should include the City's methods and the areas where the method will be employed. He recommended a combination of both lethal and nonlethal.

Councilmember Jensen asked if there is a cost to remove the deer to another location. Mr. Christensen replied that Bountiful City ran seven traps for three weeks and were able to catch and remove 36 deer. They figured this cost them \$200/deer.

The Council adjourned to a Redevelopment Agency Meeting at 8:17 PM.