

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
February 4, 2016**

PRESENT:	Tyler Vincent	Mayor
	DJ Bott	Councilmember
	Alden Farr	Councilmember
	Ruth Jensen	Councilmember
	Tom Peterson	Councilmember
	Mark Thompson	Councilmember
ALSO PRESENT:	Joseph Bach	Fire Chief
	Dave Burnett	Public Power Director
	Paul Larsen	Economic Development Director
	Mike Nelsen	Police Chief
	Derek Oylar	Finance Manager
	Tyler Pugsley	Public Works Director
	Jason Roberts	City Administrator

Mayor Vincent called the meeting to order. The Reverence Period was given by Bishop Bruce Munns of the 8th Ward. The Pledge of Allegiance was recited.

Approval of Minutes: A motion to approve the minutes of the January 21, 2016 Work Session and City Council meeting was made by Councilmember Thompson, seconded by Councilmember Jensen and unanimously approved as distributed.

AGENDA

RECOGNITION OF EMPLOYEES

New Hires, Community & Economic Development and Human Resources

PUBLIC COMMENT

COUNCILMEMBER COMMENTS

PUBLIC HEARING

Adjustment to the FY 2015-16 Budget to Increase Expenditures for Construction of Additional Pickleball Courts

CONSENT

Update to Employee Policy and Procedures Manual Chapter 9, Full-Time Employee Benefits, and Chapter 12, Compensation and Work Hours

Councilmember Assignments for 2016

Appointment to the Joint Advisory Board

SCHEDULED DELEGATION

Report on Historic Downtown Brigham Activities and Future Plans

NEW BUSINESS

Request for a Sign and Awning to Project in and Under the Public Right-of-Way Above Pedestrian Traffic at 70 North Main

Consideration of Lower Plant Automation Upgrade and Data Management Systems Operations Position

Consideration of a Cost of Service Study for Updated Rate Structuring for the City's Electric System

ADJOURN TO REDEVELOPMENT AGENCY MEETING

CLOSED SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

RECOGNITION OF EMPLOYEES

Christina Boss was recently hired as an Administrative Assistant in Community and Economic Development.

Heather Miller was introduced as the new Human Resource Technician.

PUBLIC COMMENT

Lee Johnson, Brigham City - Mr. Johnson said at the present the City does not have rules by which the Council conducts business of the City. In the Utah Constitution Section XI it states that the Legislature may not create cities or towns by special law and the Legislature, by statute, shall provide for the incorporation, organization, dissolution of cities and towns, and the classification is proportionate to population. Any incorporated City or town may frame and adopt a charter for its own government. In Utah Code 10-3-606, Rules of Order and Procedure, it defines "rules of order and procedure" as a set of rules to govern procedure of public meetings, parliamentary order and procedure, ethical behavior and civil discourse. City Ordinance 11-32 passed on December 1, 2011 states that all City meetings will be conducted in accordance with Robert's Rules of Order to the extent that it is understood. The current code of the City does not contain the same language or meaning as this ordinance. The sentence in the current ordinance says, "The City Council does not formally adopt Robert's Rules of Order."

Carol Waddoups, Brigham City - Ms. Waddoups said at the last Council meeting there were a group of people that were concerned about expanding the pickleball courts. She said it seems that a lot of people are coming before the City Council to ask for money for their projects. She is not offended by people doing this, especially when they have money to pay for a portion of the project. She encouraged the Council to negotiate with these people so when their projects are doing well and they are making a profit, they pay the City back for lending them the money that enabled them to have the project. Ms. Waddoups also commented on the City Planning Open House. She said she preferred an open forum with a microphone so citizens can share ideas.

Ken Wanlass, Brigham City - Mr. Wanlass stated that three years ago when the pickleball courts were put into service, he thought it was a lot of courts for a community of this size. It was as many as Ogden had at the time. Pickleball is an easy sport to learn, it is healthy but not exhausting, and it is inexpensive. Due to these attributes, the interest and participation in this sport has exploded in the City and County. They have morning lessons, evening leagues, church groups, high school PE classes and local youth track groups all vying for court time in addition to the numerous individuals who want to play. They City needs more courts to meet the current and growing demand. More courts will promote increased interest and provide the capacity for more and larger draw tournaments. These tournaments increase sales tax revenue. He recognized Kyle and Trudy Klein for their vision and commitment for planting and growing the pickleball seed in this community. From this seed the pickleball community has grown from a handful of people playing on a chalk lined court at the high school tennis courts to hundreds of participants. There are now eight outdoor courts at Pioneer Park. There are also indoor courts at Bunderson Recreation Office, Lakeview Elementary, the Senior Center, USU Brigham City Campus, the County Fairgrounds, the Middle School and numerous stake centers in the community. He estimated 20-24 indoor courts that are supporting the same demand on the eight outdoor courts.

Caleb Bradley, Brigham City - Mr. Bradley, Councilmember of the Youth City Council, asked the Council for assistance with the Youth City Council Food Drive. He distributed bags to those in the audience and the Council and asked them to fill them and deliver them to Smith's or City Hall.

Becky Maddox, Brigham City - Ms. Maddox referred to the comments on having the pickleball organizations pay back the City. She wondered how "doing well" would be defined. She felt that the City should allow private groups and sources to take on some of these ideas.

DeAnna Hardy, County - Ms. Hardy said it is interesting that there is money found for splash pads and pickleball courts but funds are lacking for utility funding. Utility rates were raised, then the money was taken out of the utility fund to pay for economic development projects. Not everyone supports pickleball courts. When she asked Kyle Klein why he couldn't do the courts through a private organization he told her because public is free. She stated that it is not free. It costs every citizen by force.

COUNCILMEMBER COMMENTS

Councilmember Jensen stated that some of the councilmembers were able to attend Local Officials Day at the Legislature with the Youth City Council. They did a mock debate on one of the issues before the legislature. She said the Bear River Association of Governments usually does a count every year for the homeless and as a member of their committee for the homeless, she volunteered to participate. This is done nationally on a certain day of the year at 4:00 a.m. She reported that there were no homeless found. Councilmember Jensen responded to some of the comments. She said a community is defined as "a group of people living in the same place or having a particular characteristic in common; a group of people living in one place, especially one practicing common ownership; a particular area or place considered together with its inhabitants; a body of nations or states unified by common interest. The people of district considered collectively, especially in the context of social values and responsibilities to society." She said she understands what some people are saying, but she also understands what a lot of people are saying. One of the groups that she has been excited about is the pickleball people because they did not come to the Council and ask for 5%, 10%, not even 20% of what the City could do for them. They came and said they could give the City 75% if the City could do the rest. The Council looks at it as if the community is supporting it, so the Council should also. She felt that this is one of the best projects for the City because it will help bring in revenue. Some people are saying let the community support it; the Council did. She did not understand how this is not being looked at as being community driven.

Councilmember Thompson said he also attended the Local Officials Day. Representatives Perry and Sandal gave them a tour of the capital and they were able to meet with the Governor. Senator Knudson was also able to meet with them. Councilmember Thompson said regarding the pickleball courts, they have reinvested a lot of their funds. They have also given back to Meals on Wheels and other services.

Councilmember Peterson said the Golf Course Commission will be giving their annual report shortly. UTOPIA will meet this Monday. He attended the LPC Meeting at the Capital where they discussed several bills. Employee retirement is a big issue this year. Transportation is also being discussed. Another item that is of interest to the City is HB100 which deals with the amount of money municipalities can collect from citations. It is specifically targeting Mantua.

Councilmember Farr met with the Airport Advisory Board where they scheduled June 4, 2016 for the Young Eagles Program. The consultant reported to the Board on Brigham City's airport compared to Logan's. The Brigham City Airport has a lot more commercial planes landing than Logan does. He mentioned that he received an email from Nick Jarvis from the Utah League. Intermountain Health Care is working with ULCT for a \$900,000 grant that will be offered to four communities in the state for programs to implement strategies that manage chronic disease and contribute to improving the health and activity of Utah residents. He felt that the pickleball people and the Boys & Girls Club would be interested in this.

Mayor Vincent said he also was able to go to a legislative session with the Youth City Council. He said he was also impressed with the pickleball people. It gets people, especially the elderly, out and active.

PUBLIC HEARING

Adjustment to the FY 2015-16 Budget to Increase Expenditures for Construction of Additional Pickleball Courts

Mr. Roberts came forward and explained that this was brought up at the last Council meeting. The Council gave direction to staff to move forward with these expenditures. The total project is estimated at \$319,000 of which \$237,000 would be for construction of the courts. Approximately \$150,000 of that will come from donated materials and cash. The major portion of this is coming from one major donor who is making a significant donation over two years. This donor has asked that he have naming rights for the championship courts and some input into the design. In addition, there is approximately \$80,000 worth of items that would be nice to have, such as lighting, landscaping and fencing.

The City would need to budget for the entire construction, then budget to receive part of the money to be paid back from the donation that will be received over two years. If the Council agrees to do everything suggested, the City would need to come up with \$200,000. Mr. Roberts said this could be taken from sales tax revenue and from the sale of property. In addition, the City's fund balance is higher than what is allowed by state law and there has been significant savings in staffing. He added that the pickleball association is still actively trying to get more donations.

Councilmember Peterson asked staff to look into LED lights. This would save money in the long term.

Councilmember Jensen said she would like to see a long-term plan on how they plan to resurface the courts, replace the nets, etc.

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

Becky Maddox, Brigham City - Ms. Maddox said she appreciates what the pickleball people are doing and she plans to give them a donation. She had suggested that something be done with planning so these people that are taking so much responsibility can administer it and maintain it out of the proceeds of those playing the game.

Sandy Beukers, Brigham City - Ms. Beukers said if this is done by the private sector they will charge admission. She was a sub and played with five people that were all over 70, two of

which were over 80, and they beat her. She has lived in Brigham City 16 years and she has met more people playing pickleball than she has met the entire 16 years she has lived in Brigham City.

Lee Johnson, Brigham City - Mr. Johnson said he has seen trendy sports come and go; such as squash and badminton. He said this is great, as long as he doesn't have to pay for it.

Karen Nisonger, Brigham City - Ms. Nisonger said pickleball is a great sport for everyone. She said the courts at Box Elder High School are marked for pickleball but they are in terrible condition and are dangerous.

David Wilding, Brigham City - Dr. Wilding spoke in behalf of those in attendance in favor of pickleball. He has played the game for several years. He sees kids from Triumph who see that as an option and it is an opportunity to teach them how to interact with others, how to be respectful, how to participate in a sport, how to win and also how to lose. He sees all the things the City is doing, such as the swimming pool, and thinks that is what a City is for; this is what taxes are paying for. The citizens of Brigham City are fortunate to live in this City where residents can participate in these activities. There are a lot of things the City could spend money on. Those things that contribute to the goodwill of neighborhoods, family and friends for communities are what the City should be spending money on. He asked the Council not to be persuaded by a very small minority that tends to get their attention while the majority goes on in silence.

Jessie Roberts, Brigham City - Mr. Roberts said he has coached baseball and basketball at the high school for nine years. A few years ago he and his wife went to a pickleball tournament in St. George and were beaten by two ladies in their 70s. The high school now has a pickleball court and have used the City's courts. What is unique about this is these games include students as well as teachers. This has never happened in any other sport.

Brandon Roper, Brigham City - Mr. Roper agreed with Councilmember Jensen's comments about community. Pickleball has been a blessing in their life. It is great to have the Council recognize that it is such an integral part of the community.

Justin, Brigham City - Justin said he is in treatment and is at APEX Youth Services by the high school. When Mr. Beck took them to the pickleball court it was a great experience. He enjoys the sport.

DeAnna Hardy, County - Ms. Hardy said if pickleball is so popular and it is so widespread, they could make this a great private organization. Her concern is people being forced to pay for something that they do not participate in. It is a popular sport now, but like everything else, such as the swimming pool, it will lose money. A lot of people's tax dollars are being wasted. She asked where the grant money is coming from. It all comes from the citizens' pockets. This is not what this country was founded on.

Kathy Kaus, Brigham City - Mr. Kaus said if it was not for pickleball she would be in her rocking chair. Anyone that is negative on pickleball, wait until they reach their 70s. Will they be able to get out of their rocking chair? She thanked Kyle and Trudy Klein. God sent them to get her on her feet.

Andrew Cross, Brigham City - Mr. Cross said he is also in treatment. Being in treatment has opened his eyes about is that people in treatment are not interested in making a difference in

their life. He compared this to pickleball. Seeing smiles on other people's faces can really open up yours eyes and make him think that they want to be active.

Mr. Francom, Brigham City - Mr. Francom said he has been a tennis player for most of his life. Some friends got him started playing pickleball and now he and his wife play it. This has become something that they can do together. After that, his 10-year-old daughter started playing. His dad, who is 70 years old, is also now playing.

Ms. Carol Waddoups, Brigham City - Ms. Waddoups said she has nothing against pickleball or any activity that gives people social outlets and improves their health. There are two sides - those in favor of it because it provides a health outlet and gets people together. There is another side that is concerned about the financial situation of Brigham City and how to designate where money should be spent. She admitted that she is divided. Everyone that is on a fixed budget has to pay taxes. Everyone wants to live well, exercise and be healthy and happy, but not everyone agrees on how to fund it.

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

MOTION: Councilmember Thompson made a motion to approve the resolution adjusting the FY 2015-16 budget to increase expenditures for construction of additional pickleball courts. The motion was seconded by Councilmember Farr. Councilmember Peterson suggested the revenue source be included in the resolution. He suggested it come from the land sale funds. Councilmember Jensen asked if the maintenance issues could also be included in the resolution. Mr. Roberts explained that this would be a staff issue and is not pertinent to the budget. Staff will get this information to the Council. Councilmember Jensen also asked staff to look into the possibility of turning the project over to the pickleball association. Mr. Roberts said he would look into it.

AMENDED MOTION: Councilmember Thompson amended his motion to include that the funds needed for the court come from the sale of property. Councilmember Farr asked what would happen to the funds from the Intermountain Healthcare grant if it was awarded to the City and it is not used on this project. It would be \$75,000 a year for three years. Councilmember Peterson said if the grant does not specify that a project cannot start until the grant is awarded, the money would be refunded to the City. Mr. Roberts explained that with any grant the City can receive it but cannot spend it until it is budgeted. The amended motion was seconded by Councilmember Farr.

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

The motion unanimously carried.

CONSENT

Update to Employee Policy and Procedures Manual Chapter 9, Full-Time Employee Benefits, and Chapter 12, Compensation and Work Hours

It was recommended Chapter 9 be updated to show accumulation of leave time to every pay period rather than 24 pay periods per year. This is to accommodate the new timekeeping software.

It was also recommended Chapter 12 be updated to add positions to the career progression program, and add positions to those exempt from overtime.

Councilmember Assignments for 2016

The attached list of assignments was recommended to the Council.

Appointment to the Joint Advisory Board

Reed Hancey was recommended for appointment to the Joint Advisory Board.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Thompson, seconded by Councilmember Bott. Councilmember Farr said in the policy and procedures item, "Finance Director" should be "Finance *Manager*" in Chapter 12. Councilmember Peterson asked for clarification. Councilmember Farr explained that in Chapter 12 it lists the positions that are exempt from overtime. It reads "Finance Director" and because there is no longer that position it should read "Finance Manager." Councilmember Peterson asked if the intent is to hire a Finance Director. Mr. Bosworth said this could be stricken from the policy and added back at a later date when one is hired.

AMENDED MOTION: Councilmember Thompson amended his motion to include the correction from "Finance Manager" to "Finance Director." The amended motion was seconded by Councilmember Bott.

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

The motion carried with a 4-1 vote.

SCHEDULED DELEGATION

Report on Historic Downtown Brigham Activities and Future Plans

David and Donna Walker, business owners on Main Street, came to the table. Ms. Walker said last year she was on the County Tourism Board and was encouraged to start some kind of downtown historic association.

Mr. Walker said they formed in September 2015. Their focus is art and culture. They are a 501-C-3 organization. They have been trying to promote historic downtown through Facebook, a webpage and a social page. He asked the Council to acknowledge their organization again. They would like to be involved in anything that happens in the two block area of historic

downtown. He also requested that during the 2016-17 budget process the Council consider funding for some of their activities. He added that in the 1990s this organization had a small budget for postage and advertising. This was rolled into the Chamber budget when the last group retired from the Historic Downtown organization.

Ms. Walker said there was a good turnout for the organization's first activity, the "A Brigham Christmas" event. The completion of the Academy Building has sparked some new connections with Brigham City's William F. Christensen who contributed to the American Ballot. The Brigham Christmas was a new beginning They felt that it lacked a little bit of focus, organization and mostly a strong, emotional attached component. They proposed having a Nutcracker Festival. As part of this they recommended having life size nutcracker statues, 5-6' tall. They would be purchased by Brigham City businesses and they would be responsible for having someone paint them. The businesses can have an activity if they choose, such as refreshments, drawings, etc. This will be kicked off when the City lights up the Christmas Village.

Mr. Walker said they want to bring business downtown, promote the Classical Youth Ballot Group with their annual performance, avoid any scheduling conflict with other activities, do some fundraiser for their organization, and bring some nice art and the spirit of Christmas into the community.

Mr. Walker continued that one of their missions is to preserve historic downtown. There is a National Creative Placemaking Fund that they are going to apply for. If awarded, they would purchase the Union Block Building for a self-sustaining economic engine in historic downtown that would bring art and culture into the center of downtown, and create high quality activities and events. He admitted that this is a long shot. They will know May 31, 2016 if they are accepted into the pool. If they do, they will return and ask the City to partnership with them. Historic Downtown Brigham would own and operate the building. If the grant is received it would cover the cost of purchasing the building as well as the renovation. They would probably apply for a façade grant, and try to find public and private donations.

NEW BUSINESS

Request for a Sign and Awning to Project in and Over the Public Right-of-Way Above Pedestrian Traffic at 70 North Main

Mr. Larsen came forward and stated that this is for the Corbin's Restaurant. There are several of these kinds of signs on Main Street. The dimensions are not known for sure. They are looking at two options, one would be 4' and the other would be an 8' encroachment. The height will be 12' above the sidewalk.

MOTION: Councilmember Bott made a motion to table the item until the dimensions are known along with a working drawing. There was a discussion on what the Council's role is on the sign. It is the placement not the sign itself. The sign would have to follow the City Code regarding signs. To go into the public easement it has to be approved by the Council. The motion died for lack of a second.

MOTION: Councilmember Peterson made a motion to approve the encroachment with the requirement that the dimensions will be no lower than 12' from the sidewalk to the lowest point of the sign and will not project more than 6.5'. The motion was seconded by Councilmember Thompson.

Councilmember Jensen reminded the Council that when Holmes Clothing wanted to install a very small sign over their doorway inside their building, people did not want it because it was the LED message board. Councilmember Bott commented that the Corbin's sign fits into the downtown district look more than an LED sign. Voting was unanimously in favor.

Consideration of Lower Plant Automation Upgrade and Data Management Systems Operations Position

Mr. Burnett and Mr. Roberts approached the Council. Mr. Burnett explained that as Brigham City has grown and as new substations have been installed to meet demand, they have updated relays, modernized the system, have a new SCADA system and modernized the hydro plant. Now they are looking at the lower hydro plant. The gear is approximately 15 years old and is not conducive for remote communications.

There are currently three operators running the plant 16 hours per day. One operator has retired and another is not well. That leaves one operator trying to keep things running, with 3-4 linemen that have been cross trained. The runoff season is approaching and this has to be balanced. They also do flood control management.

Mr. Burnett recommended expediting automation of the lower plant. Due to the historic look of the building, he would like to keep as much of the original look as possible. If this plant were automated, along with the current alarm system, he felt the plant could be operated by two employees. There is currently a lot of overtime in wages. With this upgrade it could be done with 40 hour weeks.

There is money in the Power Department budget for construction of the 46kV line. The environmental studies and engineering have not been done for this project and it is now too late to do the environmental assessments for this budget year. This could be delayed and the funds used for the upgrade to the lower plant. There would be no increase in budget.

Mr. Roberts added that the City is starting to collect data due to upgrades to the system. This data can be used to save costs in the City and make sure things are as efficient as possible. The automation needs to be done so this can happen. In order to do this, there needs to be someone that understands the electric industry and data and can analyze the data for inefficiencies. This would be a new position that would be funded from the power plant positions. He added that in the next few years there may need to be another person hired.

Councilmember Peterson asked if there have been any seismic upgrades to the building. Mr. Burnett said there has been trussing upgrades, but not a full seismic upgrade. Councilmember Peterson suggested looking into this when upgrades are being done.

Councilmember Jensen asked what the effect of pushing back the 46kV line will be. Mr. Burnett felt that the environmental engineering could be done with the money carried over. Depending on what projects may or may not come on the other side of the interstate, there may be some incentives to help fund it. Mr. Roberts added that funding has built up over the years for this project.

Councilmember Bott asked what the advantage is to having the building historically aesthetic. Mr. Burnett said there are a lot of groups that tour the building. One of the things they appreciate the most is the old Westinghouse units. Councilmember Bott questioned whether there would be a disadvantage in the future if it is retrofitted versus something new. Mr.

Burnett explained that that there are two parts - the control mechanism, and the turbines and generators.

Consideration of a Cost of Service Study for Updated Rate Structuring for the City's Electric System

Mr. Burnett said a rate study was done approximately eight years ago. It is recommended these be done every 5-7 years.

There are two main reasons Mr. Burnett recommended doing a study now. One is because the City has changed how the source of power is received. It used to be a demand energy system and it is now a megawatt and cost based on the time of day.

The other big change is the high penetration of installation of distributed generation coming in, mostly solar.

The Council adjourned to a Redevelopment Agency at 9:16 PM.

The Council returned to a regular City Council meeting at 9:23 PM.

ADJOURN TO A CLOSED SESSION

A motion to adjourn to a closed session to discuss pending or reasonably imminent litigation was made by Councilmember Jensen and seconded by Councilmember Bott. A roll call vote was taken with all councilmembers voting aye. The meeting adjourned to a closed session at 9:25 PM.

The Council returned to an open meeting at 9:40 PM and adjourned.

The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing minutes as approved by the City Council on March 3, 2016 is a true, accurate and complete record of the February 4, 2016 City Council Meeting.

Dated this 4th day of March, 2016.

Mary Kate Christensen
Mary Kate Christensen, Recorder