Brazil
REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
April 4, 2019

PRESENT:	Tyler Vincent	Mayor
	Alden Farr	Councilmember
	Ruth Jensen	Councilmember
	Tom Peterson	Councilmember
	Mark Thompson	Councilmember *(via teleconference)*
ALSO PRESENT:	Ryan Abraham	Cemetery Sexton
	Joseph Bach	Fire Chief
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Mike Nelsen	Police Chief
	Derek Oyler	Finance Director
	Jason Roberts	City Administrator
	Kristy Wolford	Community Activities & Services Director
EXCUSED:	DJ Bott	Councilmember

Mayor Vincent called the meeting to order. The Reverence Period was given by Councilmember Jensen.

Approval of Minutes: A motion to approve the minutes of the March 7, 2019 Council meeting was made by Councilmember Jensen, seconded by Councilmember Farr and unanimously approved as distributed.

Mayor Vincent excused Councilmember Bott who was out of town, and welcomed Councilmember Thompson participating via phone.

ELECTION OF MAYOR PRO TEM
RECOGNITION OF EMPLOYEES
New Hire, Administration
CONSENT
Appointment of Josh Hansen and Reappointment of David Hess to the Airport Advisory Board
Reappointment to the Urban Beautification Commission
Request to Write-off Accounts Due to Bankruptcy or Being Sent to Collections
SCHEDULED DELEGATION
Modifications to be made to the I-15/SR-13 Interchange *(Tabled, no show)*
PUBLIC COMMENTS
COUNCILMEMBER COMMENTS
ACTION ITEMS
Presentation of Arbor Day Proclamation
Petition to Annex Property Located at Forest Street and 3000 West
Consideration of Resolution Adopting an Amendment to the City's Investment Policy
DISCUSSION ITEMS
Review of Davis Park Construction Bids

ELECTION OF MAYOR PRO TEM

Councilmember Jensen moved to nominate Councilmember Thompson as Mayor Pro Tem. The motion was seconded by Councilmember Peterson. The motion unanimously passed.

RECOGNITION OF EMPLOYEES

New Hire, Administration
Mercedes Stevenson was introduced as the new Utility Clerk in the Administration Office.

CONSENT

Appointment and Reappointment to the Airport Advisory Board
It was recommended Josh Hansen be appointed to the Airport Advisory Board and David Hess be reappointed to the same Board.

Reappointment to the Urban Beautification Commission
It was also recommended Evan Hansen be appointed to the Urban Beautification Commission.

Request to Write-off Accounts Due to Bankruptcy or Being Sent to Collections
A list of delinquent accounts totaling $2,104.83 was recommended to be written off and 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 Jensen, seconded by Councilmember Farr and unanimously carried.

PUBLIC COMMENTS

Danny Taylor, Brigham City – Mr. Taylor said he was told there was nothing they or the City can do about a neighbor who leaves random panels, parts, tires and other items leaning against their fence. Their neighbor has been leaning very heavy – hundreds of pounds each – panels, tires and other objects against their fence for several years. Recently that changed when they constructed a 50' solid wall, or fence, using 12-24' long cheap metal panels held tight against their fence by heavy duty, course stall panels. The structure blew over several times almost every night. Each time this happened it was reconstructed in a stronger and heavier way, solely supported by their fence. The neighbor eventually screwed each of the sheet metal panels together using inch and a half screws which protruded over or through their fence into their horse pasture, making it a risk for their horses. There were additional structures wedged against these panels to force them to stay upright against their fence. The only thing they did not do was physically attach, or fasten, or connect to their fence. The structure was an endangerment to animals and his family and they were not able to make repairs to their fence because of the structure. In addition, it is an eyesore for everyone that goes by. Mr. Taylor said the City's ordinance requires a permit to build a fence or wall over 6' or taller. This was 12-20' tall. The ordinance also states that the wall or structure must be supported or strong enough so it doesn't blow over when there's a wind and must not encroach onto private property, or the person must have permission from the neighboring property owner. Mr. Taylor said this structure blows over every day. When it blows down, it is rebuilt. The panels lean several feet over his fence, and is supported by his fence and he has not been contacted to get permission. When Mr. Taylor met with City staff, he was told the ordinance is for residential areas. His property is agricultural, which does not have any fence or wall ordinances defined. The staff member met with the City Attorney to see if there was anything Mr. Taylor could do. He received a letter from the staff member stating that there were no code violations regarding a property owner having concern for his neighbor's storage. The letter stated this was considered damage to personal property and recommended Mr. Taylor contact an attorney regarding damages. Mr. Taylor stated this is not storage, it is a fence or wall. He did not feel he should have to hire an attorney to enforce City Code. He asked if something could be done to create an agricultural fence ordinance.

DeAnna Hardy, County – Ms. Hardy discussed communism, and stated that the City's representatives have been feeding the residents socialism, using the expansion of the pickleball courts as an example. She said

the Council repeats the Pledge of Allegiance at every meeting, but it is not something they believe. If they did, they would be choosing to fight against socialism.

COUNCILMEMBER COMMENTS

Councilmember Thompson stated that the Mosquito Abatement Board is planning a vigorous effort this year. They are starting to looking at using drones to identify and maybe in the future, spread the larva sites with drones. He also attended the Airport Advisory Board where they discussed improvements. There has been discussion about a joint effort with the County on support of the airport. The airport benefits the entire county, not just Brigham City.

Councilmember Farr attended the last Bingo Night at the Senior Center. It was well attended. He also met with the Trails Committee. The Committee has been working with several individuals to get a trail by the Mayor's Pond.

Councilmember Peterson said the Legislative Session has ended for the year. There were a lot of legislation that will affect municipalities.

Councilmember Jensen met with CERT. The CCC invited the Council to their meeting on the 29th and she was the only one who attended. They were not very happy about it. They had asked for more support, and maybe it wasn't understood what sort of support they wanted. She recommended the Mayor contact Reese Jensen.

Mayor Vincent attended the Water Conservancy Board Meeting. Brigham City is in a good position for water. Mr. Burnett and Mr. Pugsley are keeping watch on the reservoir to try and mediate any flooding.

ACTION ITEMS

Presentation of Arbor Day Proclamation
Mr. Abraham and Mr. Evan Nelson, Chair of the Urban Beautification Commission, came to the table. Mr. Nelson read the proclamation. Mr. Abraham stated that they have not decided when Arbor Day will be. They will plant trees at Davis Park.

Petition to Annex Property Located at Forest Street and 3000 West
Ms. Christensen approached the Council and explained that this is for the Council to consider accepting the application. It has met all legal requirements. Upon acceptance, the annex process will begin.

> **MOTION:** Councilmember Jensen made a motion to accept the petition to annex property located at Forest Street and 3000 West. The motion was seconded by Councilmember Peterson and unanimously carried.

Consideration of Resolution Adopting an Amendment to the City's Investment Policy
Mr. Oyler came forward and explained that the legislature made some changes to the Utah Money Management Act which allows municipalities to invest cash. The new law allows the City to invest in CDs which are not associated with the State of Utah depository.

> **MOTION:** A motion to approve the resolution adopting an amendment to the City's investment policy was made by Councilmember Farr, seconded by Councilmember Jensen.
> **Roll Call:**
> Councilmember Farr – aye
> Councilmember Jensen – aye
> Councilmember Peterson – aye

Councilmember Thompson – aye
The motion unanimously carried.

DISCUSSION ITEMS

Review of Davis Park Construction Bids

Mr. Pugsley joined Mr. Oyler at the table. Mr. Pugsley reported that only two companies bid on the project. The Engineer's estimate was $500,000. Both bids were $50,000 over budget. Staff discussed options, and decided to reject all bids. They then solicited 14 companies that did this kind of playground construction. They received four bids, they were still $40,000 over budget.

Mr. Oyler said at the end of the 2017-18 budget year, the Council authorized moving $80,000 into the capital improvement fund into the 2018-19 budget for SCBAs for the Fire Department. There was then a revision in the current year general fund to pay for the SCBAs because the golf course project is fully funded from the capital project fund. This could be used for this project.

There was discussion on delaying the project, or doing part of it now and finish the project later. Mr. Pugsley said there is some construction that could be done in the winter months, but the biggest portion of this project is concrete. Contractors would much rather do it before winter. In addition, there would be additional mobilization costs.

The Council also considered buying the playground equipment and have a contractor install it. Mr. Oyler said there might be state laws that would not allow this, purchasing equipment tax free and a contractor do the installation. The City would have to pay sales tax.

Councilmember Peterson said the north end of town is short on parks and he felt it should be done.

MOTION: Councilmember Peterson made a motion to move forward with the funding source identified. The motion was seconded by Councilmember Thompson.
Councilmember Farr – aye
Councilmember Jensen – nay
Councilmember Peterson aye
Councilmember Thompson – aye
The motion carried 3-1.

A motion to move into a closed session to discuss the character, professional competence, or physical or mental health of an individual was made by Councilmember Jensen, seconded by Councilmember Farr and unanimously carried. The Council adjourned to a closed session at 7:48 p.m.

The Council returned to an open meeting at 8:44 p.m. and adjourned.

The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the April 4, 2019 City Council Meeting.

Dated this 18th day of April 2019.

Mary Kate Christensen

Mary Kate Christensen, Recorder