

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
March 21, 2013**

PRESENT:	Dennis Fife	Mayor
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Brian Rex	Councilmember
	Mark Thompson	Councilmember
	Tyler Vincent	Councilmember

ALSO PRESENT:	Jim Buchanan	Emergency Services Director
	Mary Kate Christensen	City Recorder
	Jared Johnson	Community Development Director
	Kaia Landon	Museum Gallery Director
	Paul Larsen	Economic Development Director
	Kristy Law	Recreation Manager
	Bruce Leonard	City Administrator
	Tyler Pugsley	Public Works Director
	Jason Roberts	Finance Director
	Paul Tittensor	Police Chief

Mayor Fife called the meeting to order. The Reverence Period was given by Elder Beth Gurrister of the Community Presbyterian Church. The Pledge of Allegiance was recited.

**Approval of Minutes:** A motion to approve the minutes of the March 7, 2013 Council Meeting and Work Session was made by Councilmember Ericson, seconded by Councilmember Jensen and unanimously approved as distributed.

**CONSENT**

Appointments to the Community Emergency Response Team (CERT) Council  
Appointment to the Economic Development Board  
Reappointment to the Planning Commission

**PUBLIC HEARINGS**

Recodification of Brigham City Code Titles 1, 3, 4 and 5  
Ordinance Requesting Vacation of a Portion of 300 South between 600 and 800 West Streets  
Ordinance Requesting Vacation of a Public Utility Easement on a Residential Lot at 714 N 675 W

**SCHEDULED DELEGATION**

Proclamation Declaring April Art Appreciation Month and Presentation of Mayor's Award  
Proposal for the Development of Pickleball Courts at Pioneer Park

**NEW BUSINESS**

Presentation of the 2012 Crime Report  
Request for Approval of a Letter to the Governor's Office of Economic Development in Support of Project Stick  
Discussion on West Forest Overlay

**PLANNING COMMISSION BUSINESS**

Consideration of an Ordinance Amending the General Plan Map from Retail/Service-Mix Use to Park on 72 Acres Located at Approximately 1500 West Forest – Mark Bradley  
Request for Approval of Ordinance Requesting Zone Change from M-D (Manufacturing-Distribution), C-S (Highway Commercial Service) to A-5 (Agricultural) on Roughly 138 Acres of Property Located at Approximately 1500 West Forest – Mark Bradley  
Request for Approval of Ordinance Amending Title 29, Zoning, and Title 4, Animals and Fowl, to Allow and Establish Regulations for Beekeeping in Certain Areas of the Community

**PUBLIC COMMENT**

## CONSENT

### **Appointments to the Community Emergency Response Team (CERT) Council**

It was recommended Brent and Darlene Wyatt, Cary White and Mary Jo Knudsen be appointed to the CERT Council.

### **Appointment to the Economic Development Board**

It was recommended Jim Fuller be appointed as the Box Elder School District representative on the Economic Development Board.

### **Reappointment to the Planning Commission**

Rob Munns was recommended for reappointment to the Planning Commission.

**MOTION:** Councilmember Vincent made a motion to approve the Consent Agenda as presented, seconded by Councilmember Jensen and unanimously carried.

## PUBLIC HEARINGS

### **Recodification of Brigham City Code Titles 1, 3, 4 and 5**

Mr. Morgan explained that the committee has met again and reviewed Titles 1, 3, 4 and 5. This is a continuing effort to update and recodify the code.

A motion to open the public hearing was made by Councilmember Vincent, seconded by Councilmember Jensen and unanimously carried. There were no comments from the public. A motion to close the public hearing was made by Councilmember Thompson, seconded and carried. The ordinance reflecting this change will be presented for approval on April 4, 2013.

### **Ordinance Requesting Vacation of a Portion of 300 South between 600 and 800 West Streets**

Mr. Bradley explained that this is more of a cleanup item. It has come to the attention of the City and the Box Elder School Board that the County records still identifies a right-of-way that was abandoned in the early 1960s. Historically, there was some kind of process to close this street but it was never properly recorded.

A motion to open the public hearing was made by Councilmember Jensen, seconded by Councilmember Rex and unanimously carried. There were no comments from the public. A motion to close the public hearing was made by Councilmember Vincent, seconded by Councilmember Jensen and unanimously carried.

**MOTION:** Councilmember Ericson made a motion to approve the ordinance vacating a portion of 300 South between 600 and 800 West. The motion was seconded by Councilmember Jensen. Councilmember Ericson, Councilmember Jensen, Councilmember Rex, Councilmember Thompson and Councilmember Vincent all voted in favor. The motion unanimously carried.

### **Ordinance Requesting Vacation of a Public Utility Easement on a Residential Lot at 714 N 675 W**

Mr. Bradley explained that this is a petition to vacate two feet of a public utility easement to build a home on this lot. This has been reviewed by the utility providers.

A motion to open the public hearing was made by Councilmember Jensen, seconded by Councilmember Rex and carried. No comments were heard. A motion to close the public hearing was by Councilmember Ericson, seconded by Councilmember Rex and unanimously carried.

**MOTION:** Councilmember Thompson made a motion to vacate the public utility easement on a residential lot at 714 North 675 W, seconded by Councilmember Jensen. Councilmember Ericson, Councilmember Jensen, Councilmember Rex, Councilmember Thompson and Councilmember Vincent all voted in favor. Motion carried with a unanimous vote.

## SCHEDULED DELEGATION

### **Proclamation Declaring April Art Appreciation Month and Presentation of Mayor's Award**

Susan Neidart, Chair of the Heritage and Cultural Arts Board, came forward and announced that Colleen Bradford has been chosen to receive the annual Mayor's Award.

Mayor Fife presented the Mayor's Award to Colleen Bradford. Ms. Bradford has been painting area homes, buildings and colorful characters throughout Brigham City for many years. She has also taught art classes for the last five years at the Senior Center. Her artwork has been shown in galleries throughout the United States. Recently the Utah Transit Authority selected some of her work to be displayed at one of their bus stops. Many of her paintings can be viewed at the Idle Isle restaurant.

Mayor Fife then read the proclamation for Art Appreciation Month in April. Ms. Neidart said there will be several special activities throughout the month in celebration.

### **Proposal for the Development of Pickleball Courts at Pioneer Park**

Mr. Ken Wanlass and Mr. Brett Reeder came to the table. Mr. Wanlass explained where they are proposing the courts be constructed. The total cost for site improvements and eight high-quality pickleball courts is estimated at \$140,000. Of that amount, they have committed donations in labor, time and materials as well as money contributions of over \$100,000. They requested that the City pay the remainder of this so the project can get started.

Mr. Roberts came forward and explained some options to pay the remaining amount for the courts. At the end of last year's budget, there was a \$12,400 residual. The Council voted to have this put in the capital project fund for a park development project. The Council also set apart funds to build a road at 1100 South and 450 West. There was more participation from the state on this project which created a residual of \$25,000. Mayor Fife added that the City will also use sidewalk safety funds to install sidewalks and landscaping. Mr. Pugsley added that water system improvement funds will be used to upgrade the waterline from 2" to 6" for future park expansion.

Councilmember Jensen commended the community effort from all the citizens and businesses coming together and working so hard to make this happen. Councilmember Vincent agreed, adding that he supported this project because so many people are willing to donate their time and money.

**MOTION:** Councilmember Ericson made a motion to approve the pickleball court budget as presented. The motion was seconded by Councilmember Thompson and unanimously carried.

## NEW BUSINESS

### **Presentation of the 2012 Crime Report**

Chief Tittensor presented the attached 2012 crime report.

### **Request for Approval of a Letter to the Governor's Office of Economic Development in Support of Project Stick**

Mr. Larsen explained that this is in support of an application by Project Stick to the Lt. Governor's Office for an EDTIF incentive. It also requires a local incentive match. It is estimated this match would be \$341,000. This would come through the Redevelopment Agency tax increment funding which would flow from the company's tax investment in equipment.

**MOTION:** Councilmember Rex made a motion to approve the letter to the Governor's Office of Economic Development in support of Project Stick. Councilmember Jensen seconded the motion, unanimously carried.

### **Discussion on West Forest Overlay**

Councilmember Rex explained that the overlay was originally approved by ordinance in March 2004. With the Love's truck stop possibly building on West Forest, he would like to ask the Planning Commission to review the objective of the overlay and report back to the Council what their findings are, such as if the overlay has been effective over the last nine years, what was the original intent of it, and if it is accomplishing its purposes that were outlaid at that time.

**MOTION:** Councilmember Rex moved to ask the Planning Commission to review the West Forest Overlay, seconded by Councilmember Jensen and unanimously carried.

### **PLANNING COMMISSION BUSINESS**

### **Consideration of an Ordinance Amending the General Plan Map from Retail/Service-Mix Use to Park on 72 Acres Located at Approximately 1500 West Forest**

Mr. Bradley explained that this is a portion of the overall property owned by the Box Elder County Redevelopment Agency. The County has petitioned for this to be changed to a Park zone designation to reflect its actual status. In 1973 when the County had a land and water grant they exchanged some of their development rights for recreation use. The Planning Commission recommends this zoning change.

**MOTION:** Councilmember Ericson made a motion to approve the ordinance amending the general plan map from retail/service-mix use to park on 72 acres at 1500 West Forest. The motion was seconded by Councilmember Vincent. A roll call vote was taken with the following vote:

Councilmember Ericson – aye  
Councilmember Jensen – aye  
Councilmember Rex – aye  
Councilmember Thompson – aye  
Councilmember Vincent – aye

The ordinance passed with a unanimous vote.

### **Request for Approval of Ordinance Requesting Zone Change from M-D (Manufacturing-Distribution), C-S (Highway Commercial Service) to A-5 (Agricultural) on Roughly 138 Acres of Property Located at Approximately 1500 West Forest**

Mr. Bradley indicated the zone changes on a map. The County is requesting this be changed to all A-5.

**MOTION:** Councilmember Rex moved to approve the ordinance requesting the zone change from M-D, C-S to A-5 on 138 located at 1500 West Forest, seconded by Councilmember Jensen. Motion was unanimously approved with the following roll call vote:

Councilmember Ericson – aye  
Councilmember Jensen – aye  
Councilmember Rex – aye  
Councilmember Thompson – aye  
Councilmember Vincent – aye

### **Request for Approval of Ordinance Amending Title 29, Zoning, and Title 4, Animals and Fowl, to Allow and Establish Regulations for Beekeeping in Certain Areas of the Community**

Mr. Bradley said two residents asked the Planning Commission to consider allowing beekeeping in areas that are not currently allowed. The City Code currently allows beekeeping in Agricultural, Multiple Use, Rural-Residential and Industrial districts. The Planning Commission discussed this with a Utah State Extension expert, someone from the county and also the state.

The ordinance outlines prohibited areas, limits hives to five per lot and location of hives in yards. The residents would have to get a license through the state. It also defines the flyway barriers, water availability for the bees, and equipment care and disposal.

There was a discussion on the number of hives. The Mayor felt five was too many and thought three would be better. It was noted that Salt Lake City allows more than five hives, depending on the size of the resident's property.

Mayor Fife asked if there should be a restriction on the sale of honey from a residential property, similar to the recent chicken ordinance. If they are allowed to sell the honey, he asked if they would be required to have a business license. Honey falls under agricultural businesses, which is licensed through the State Department of Agricultural. Mr. Bradley said this would be allowed in some zones where it could be a money-making business, which the Planning Commission felt would be regulated through the Department of Agricultural.

**MOTION:** Councilmember Jensen made a motion to approve the ordinance amending Title 29, Zoning, and Title 4, Animals and Fowl, to allow and establish regulations for beekeeping in certain areas of the community. The motion was seconded by Councilmember Vincent. A roll call vote was taken with the following vote:

Councilmember Ericson – aye  
Councilmember Jensen – aye  
Councilmember Rex – aye  
Councilmember Thompson – aye  
Councilmember Vincent – aye

The ordinance passed with a unanimous vote.

#### **PUBLIC COMMENT**

Lee Johnson, 113 N 300 W – Two weeks ago Mr. Johnson discussed what the Department of Homeland Security is doing. He corrected his statement. After more research he found that the armored vehicles were purchased by the Department of Defense, not Homeland Security. Regarding bullets for automatic weapons, there is still no explanation as to why the government is buying so many. He added that on March 6, Tucson Arizona declared a state of emergency and turned over the City to the local air force base. Phoenix has over 500,000 residents. This is probably due to flooding and economic issues, but there are legal ramifications for turning over a civilian city to a military installation. We are in a world economic crisis. There are ten countries that have gone bankrupt in the past five years and twelve cities and two counties that have declared bankruptcy or are in receivership. There are 14 more that are on the brink of bankruptcy. He discussed the planning fallacy. It is a false belief that actually planning for an event has the ability to control the outcome. Brigham City should stay away from that because planning actually conditions people. It reminds him that before his existence there were plans put in place as to how to save humanity or save spirits. One was to trust and the other was to have things done for us. He asked the Council to consider that planning may not be the Lord's answer.

Carol Barello, 480 S 300 W – Ms. Barello applauded the City Council for starting up the CERT program again. In this day and age we need a community that is ready to perform when there is an emergency. Years ago she was part of the organization and it has fallen apart. They used to meet at the fire station, which is where the emergency personnel would respond if there was an actual emergency. They were moved from the firehouse and now they meet at the Bunderson Center. They had one room to store all their supplies and hold classes. They were promised they would have a key. She does not think they still have a key. Whenever they had training classes they had to work around other people's schedules. When they got to the building they had to call and find someone with a key to the building. They were fully staffed at that time. There are six districts in the City. They also had people involved in writing, buying materials and educating different people in the community so when an event happened they would be organized. They were also involved in Peach Days and the temple grounds dedication. Everything has fallen apart. They were not given the needed support from the emergency personnel. They would ask

them for supplies and they did not follow through. She was not sure where this organization now stands. She thought it was appalling that Brigham City does have a full working CERT team when there is concern about flooding in the spring. She felt the community should encourage this CERT program.

DeLoy Mecham, County – Mr. Mecham responded to Mr. Johnson's comments about the bullets. The government is not all that bright. They think they can dry up all the guns by buying out all the bullets. The original constitution states that the government was set up to do three things: take care of military, police and roads. It seems like now they take care of everything else except that, especially veterans. Veterans are coming home by the thousands and some of them are waiting up to two years to get any kind of benefit. This is where we are supposed to be spending the government's money. They sacrificed their lives for us and the least we can do is take care of them. We all sacrifice whether we've been in the military or not, we are paying taxes. We are paying everything but the right thing. If it's entertainment, it's great, but thousands of veterans have committed suicide in the last few years, probably more than what was killed in the military. When people say they support the veterans, they need to tell their congressman to do it.

DeAnna Hardy, County – Ms. Hardy said she was disappointed in the Council for approving the pickleball courts. They talk about how bad the economy is and now they are going to build a pickleball court. This is really something we need. If the citizens can come together to fund 75% of this project, why not fund 100% of the project. The City is now forcing the rest of the citizens to pay for a pickleball court, another government project, that they will not use and they do not want. It is not a wise use of the people's money. Ms. Hardy stated that some people say she has no right to ask the government to stop spending when their farm takes subsidies. However, if people eat, they are subsidized. If people went to a public school or have children or grandchildren in public schools, they are being subsidized. This means no one can speak out. Therein lies the trap our own government has set for us. She said she talked to her husband about farm subsidies and asked him to stop taking them. She was happy to report that as soon as their contract has ended they will not be taking any more farm subsidies. When she learned that the bookmobile is a socialist program, she chose to stop using it. We have been ignorant and uneducated to what has been happening to our country for the last 100 years. That ignorance has slowly been changed to a socialist communist country. The choice is between slavery and freedom; she chooses to stand for freedom. It is the responsibility of all of us to reverse big government and its many socialist programs. We cannot wait for elected representatives on the federal or state level to reverse big government and its spending. It has to start with the citizens at the local communities. She encouraged the Council to help reverse this socialist communist course and restore the government back to its limited and proper role.

Becky Maddox, 148 N 500 W – Ms. Maddox said sometimes people don't always listen well, or speakers may not explain themselves well. She explained some of the reasons why some of the citizens write Letters to the Editor and why they address the County Commission and the City Council. In the Declaration of Independence it says, *"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among them are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.* In the Constitution it delineates the rights that are received to the people to the states and the federal government. There is no branch of government that is given the authority to entertain the citizens. The government does not have the right to engage in many of the things it engages in today. Many citizens would like those who have been elected to political office to review their Oath of Office they took in front of the judge when they were elected. They signed a copy of the oath which says they will *"support and defend and obey the Constitution, not only of the United States, but of this state."* When the citizens speak at Council meetings, they are trying to say that it is not constitutional, therefore it is illegal, for government to consistently take money from the people to pay for their entertain; to pay for their amusement; to do things for them that they need to do for themselves. Our government is in deep kimchee because people think the government is supposed to provide for their health; provide for their old age assistance; provide for all kinds of things that the Constitution does not give them authority to provide. It says in the Declaration of Independence that the power of the government derives from the powers that the people have. It also says that people are given unalienable rights - they can't be assigned by anyone else - by God, by their Creator. It mentions the Creator throughout both of these documents. Therefore she has the power and the right and the authority from God to defend her own life, her own property, her family, and her friends. So she can give that to the

Sheriff or the Police Department; she can give that to the military. But she does not have the right to say, I'd like to, whatever, and force people to pay for her desires to be entertained or have health care. She asked the Council to remember their Oath of Office and to not make themselves a liar because they have voluntarily sworn to those things.

Bonnie Germer – Ms. Germer had a question about the earlier work session regarding Mayor Godfrey's presentation. His diagram indicated that Brigham City is the largest contributor to the projects he has in mind, which is to pay for somebody to go to all the tradeshows and travel around the country and bring businesses and cooperations to fill the empty buildings of ATK. She asked how this will benefit Brigham City to pay for all of this if ATK is clear out in the country. She agreed that it would be beneficial to bring people to the county, but she felt the expenses should be shared by the county, the state and all the other cities in the county.

Mayor Fife explained that this was just a proposal; the City has not contributed any money for someone to go to the tradeshows. Mayor Godfrey meant that Brigham City is the largest contributor to the study that was recently completed. The Council will have to decide what the City wants to pursue or if we are going to pursue any of them.

A motion to adjourn to a closed session to discuss pending or reasonably imminent litigation and the purchase, exchange or lease of real property was made by Councilmember Jensen, seconded by Councilmember Rex. A roll call vote was taken with all councilmembers voting aye. The Council adjourned to a closed session at 8:52 p.m.

The Council returned to an open meeting at 10:00 p.m. and adjourned.