

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
September 19, 2013**

PRESENT:	Dennis Fife	Mayor
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Brian Rex	Councilmember
	Mark Thompson	Councilmember
	Tyler Vincent	Councilmember
ALSO PRESENT:	Rick Bosworth	Human Resource Manager
	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Mary Kate Christensen	City Recorder
	Sue Hill	Library Director
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Tyler Pugsley	Public Works Director
	Jason Roberts	Finance Director/Deputy City Recorder
	Paul Tittensor	Police Chief

Mayor Fife called the meeting to order. The Reverence Period was given by Pastor Steve Barsuhn of the Rocky Mountain Bible Church. The Pledge of Allegiance was recited.

**Approval of Minutes:** A motion to approve the minutes of the August 15, 2013 Work Session and Council meeting and August 22, 2013 Special Session was made by Councilmember Vincent, seconded by Councilmember Thompson and unanimously approved as distributed.

**AGENDA**

**RECOGNITION OF EMPLOYEES**

- New Hires, Public Works
- New Hire, Library
- New Hires, Police Department
- Promotions in Fire Division

**CONSENT**

- Request to Write-off Accounts Due to Bankruptcy or Being Sent to Collections
- Appointment to Shade Tree Commission
- Appointments to the Planning Commission
- Appointment to the Museum Gallery Board
- Appointment to the Historical Preservation Board
- Appointment to the Airport Advisory Board

**PUBLIC HEARING**

Recodification of Title 2, "Administration" of the City Code, Deleting Most Boards and Commissions from the Title; Revisions to Public Comment Period in Council Meetings to Clarify Citizen Conduct; Repeal of Certain Ordinances no Longer Included in the Code; Updating References to the Utah State Code; Other Minor Clarifications and Purposes as Set Forth in the Recodification

**SCHEDULED DELGATION**

- Request for City Support of Peaches Baseball Team
- Request to Place Two Directional Signs on Forest Street Directing Vehicles from the Bird Refuge to the Downtown Area

**NEW BUSINESS**

- Amendment to Title 14, Business Regulations and Licensing
- Resolution Changing EMS Personnel from Hourly Pay Scale to the Stipend Program and Moving Ambulance Personnel on State Wildfires to Receive Increase in Hourly Wage
- Presentation on Tantalus, a Smart Grid Communication Solution for Advanced Metering, Demand Response and Distribution Automation (*tabled*)

Discussion on UTOPIA/UIA Operational Options  
Assignment of Interest in Development Agreement from Western States Lodging to Academy Lodging  
**UNFINISHED BUSINESS**

Follow-up Discussion on Forest Street Rail Crossing Analysis  
**PUBLIC COMMENT**

## **RECOGNITION OF EMPLOYEES**

### **New Hires, Public Works**

Mr. Pugsley introduced Jed Christensen and Zane Compton as new hires in the Street Division effective September 16, 2013 and August 28 respectively.

### **New Hire, Library**

Ms. Hill introduced Melissa Ashby who started as a Library Clerk I August 28, 2013.

### **New Hires, Police Department**

Chief Tittensor introduced Kelly Law and Naomi Unrau as School Crossing Guards beginning August 26 and 29 respectively. He also introduced Jacob Wiese who will start September 23 as a Police Officer III and presented him with his police badge.

### **Promotions in Fire Division**

Mr. Buchanan recognized Todd Richards and Elmer Yates who were promoted to Fire Engineers August 30, 2013.

## **CONSENT**

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

A list of accounts totaling \$3,323.14 for August 2013 was presented to be removed from the City's billing system due to customer taking out bankruptcy or being sent to collections.

### **Appointment to Shade Tree Commission**

It was recommended the City Council approve the appointment of Lynn Hess to the The Shade Tree Commission.

### **Appointments to the Planning Commission**

It was also recommended Debbie Manning be appointed as a new member of the Planning Commission, Reed Hancy be appointed from alternate member to a commissioner and Lynn Duce be appointed for a second term.

### **Appointment to the Museum Gallery Board**

The following appointments were recommended to the Museum Gallery Board: 1) appointment of Alida Hannum as a new board member; 2) Jack Small as an alternate member; 3) De Ann Lester and Jean Hawrylo be reappointed.

### **Appointment to the Historical Preservation Board**

Iantha Folkman and Brad Mortensen were recommended for reappointment to the Historical Preservation Board.

### **Appointment to the Airport Advisory Board**

It was recommended Dr. Jan Ashdown be appointed to the Airport Advisory Board

## **PUBLIC HEARING**

**Recodification of Title 2, "Administration" of the City Code, Deleting Most Boards and Commissions from the Title; Revisions to Public Comment Period in Council Meetings to Clarify Citizen Conduct; Repeal of Certain Ordinances no Longer Included in the Code; Updating**

**References to the Utah State Code; Other Minor Clarifications and Purposes as Set Forth in the Recodification**

Mr. Morgan came forward and explained that the changes include removal of outdated Utah Code references, deletions of volunteer committees which will now be in the City's policies, and removed many outdated codes. This was discussed in detail in a work session held August 15, 2013.

Lee Johnson, Brigham City – Mr. Johnson felt that the Council should leave Utah Code references in the City Code.

DeAnna Hardy, County – Ms. Hardy felt that there should be more information not less. The Council should keep the state statutes in the City Code so the citizens know where to find information.

Becky Maddox, Brigham City – Ms. Maddox said as she tried to correlate Utah law and the City Code she found it very difficult to find things in the Utah Code. It is important that citizens and political leaders know how to correlate the two different sets of laws.

Julie Larsen – Ms. Larsen said it is awfully difficult to find information and if it is removed it becomes difficult to correlate these two documents.

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

Councilmember Ericson stated that he was on the committee to review the City Code and explained that most of the changes were removal of boards and commissions which do not need to be in the City Code. These will now be in a policy manual. The Code has been simplified by including only things that are required, rather than 75 pages of unnecessary things. The information does not go away, it just moves from the City Code to a policy manual.

**MOTION:** Councilmember Ericson made a motion to approve the recodification of Title 2 of the City Code. Councilmember Rex seconded the motion, unanimously carried.

**SCHEDULED DELGATION**

**Request for City Support of Peaches Baseball Team**

Mr. Robert King, coach for the Peaches baseball team, came forward and stated that the Peaches has been in Brigham City since approximately 1921. There have been great players that have played in Brigham, such as Satchel Paige and Tommy Lasorda. They are trying keep up the tradition of the Peaches and get the community aware that Peaches are still here.

J.D. Barr, Commissioner of the Northern Utah League, said there are several cities in the league and Brigham City is the only team that has to pay for the use of fields. It costs \$100/game for umpires. There are 24 games per season plus a few pre-season games. He asked the Council to support Mr. King by helping him come up with the funds so he does not have to pay to use the fields.

Justin Jensen, Commissioner of the Northern Utah League, stated that the Peaches have to pay \$25 per game to use the fields and \$10 to use the scoreboard. All the other teams in the league use City fields and are not charged. The other cities also allow the teams to sell space for advertising signs on the fences. This helps the cities offset the costs.

Mr. Jensen continued that the league is very big in Cache Valley. On game nights the stadiums are full. They sell concessions and make money.

Mr. Pugsley came forward and explained that the field fees are used to improve fields, such as new bases, soccer goals, top dressing materials, etc.

Mayor Fife added that the Council approved this fee a few years ago and at the end of the year the Recreation Commission comes before the Council and makes suggestions on what to use the money for.

Mr. King said they are going to try some things next year to get more people out to the games, such as asking businesses to post their games on their signs.

Mr. Doug Balmer from the audience stated that the players and parents could help the Parks Division with the maintenance. Mike Hollingsworth has experience with baseball fields and so does he. He added that if there is more effort to notify and advertise games, there could be 200 spectators at games.

Councilmember Jensen said the Council has said no to the Community Food Pantry and the Silver Slippers. She recommended the Peaches talk to the News Journal about an article in the paper and ask for donations from citizens and businesses. She said she would donate \$50. When Rob Munns started up the Peaches again a few years ago, she asked him what they wanted from the City and Mr. Munns said nothing, they would take care of it themselves. The Council asked the pickleball participants and the Silver Slippers to get money on their own and she felt that is what the Peaches should also do.

Councilmember Ericson felt the Council needed a better idea of what they are asking for. He suggested they bring some kind of proposal before the Council. Councilmember Vincent agreed. Mr. King agreed to come up with a summary of how they would like the City to participate in the Peaches organization and present it at the next meeting.

#### **Request to Place Two Directional Signs on Forest Street Directing Vehicles from the Bird Refuge to the Downtown Area**

Mr. Jon Bunderson from the Economic Development Board came forward and explained that this arose when a member of the Friends of the Bear River Refuge Visitor's Center wondered if people are leaving the Center and getting on the freeway without knowing what is available in Brigham City. He suggested a sign be installed on the north side of Forest Street before the interstate indicating the amenities available in Brigham City and two more signs once they cross over the interstate.

**MOTION:** Councilmember Ericson made a motion to authorize Mr. Bunderson to contact the Streets Department regarding creation of signs and authorized the Street Department to design and install said signs. The motion was seconded by Councilmember Vincent and unanimously carried. The Mayor requested that Mr. Bunderson have the City Administrator review the final design.

#### **NEW BUSINESS**

#### **Amendment to Title 14, Business Regulations and Licensing**

Mr. Bradley came forward and explained that upon review by the City Attorney's Office, it was recommended that Section 14.16.020 of the City Code requiring business licenses for rentals be clarified by adding "rental dwelling unit, or mobile home park" as it is in other paragraphs throughout the chapter.

**MOTION:** Councilmember Vincent made a motion to approve the ordinance amending Title 14, Business Regulations and Licensing, as discussed. Councilmember Rex seconded the motion. Councilmember Ericson, Councilmember Jensen, Councilmember Rex, Councilmember Thompson and Councilmember Vincent voted aye. The motion unanimously carried.

#### **Resolution Changing EMS Personnel from Hourly Pay Scale to the Stipend Program and Moving Ambulance Personnel on State Wildfires to Receive Increase in Hourly Wage**

Mr. Buchanan approached the Council and stated that since the Council approved the stipend program, they gathered further information and determined that a second ambulance stipend should be added. The second would be for non-transport calls.

Recently, the City signed a Memorandum of Understanding with the State of Utah to provide ambulance services for wildfires in the county. This requires the ambulance employees to spend 2-3 days out west

living in a tent and they are not able to go home. It was proposed their hourly rate be increased to \$100/hour. The City will receive \$2,205/day from the state.

**MOTION:** Councilmember Jensen made a motion to approve the resolution changing EMS personnel from hourly pay scale to the stipend program and moving ambulance personnel on State wildfires to receive an increase in hourly wage, seconded by Councilmember Vincent. Councilmember Jensen, Councilmember Ericson, Councilmember Rex, Councilmember Thompson and Councilmember Vincent voted aye. The motion unanimously carried.

#### **Discussion on UTOPIA/UIA Operational Options**

Mr. Roberts reported that when the UIA was formed, UTOPIA had a loss of \$3M on their books. UIA paid an amount to UTOPIA for managing the network. The amount UAI could pay was not enough to cover UTOPIA's loss. Since then, UIA has bonded and have done more construction and have been able to pay off the bonds with the revenue from this construction. However, they have not been able to pay UTOPIA enough to cover their operating loss. Their operating loss was approximately \$3M per year. After the first phase of construction was completed they are now at \$2.4M loss per year. They have also reached some revenue targets they had with their first phase. They were funding their operations through bonds which made it more and more difficult to get out of the hole. The member cities decided they did not want to operate like this anymore and some voted to pay for the operating costs. Brigham City and one other City voted not to.

Now the discussion is whether or not UTOPIA should call on franchise tax pledges to make all member cities pay for operational costs. If this is the decision, Brigham City's share would be .6%, approximately \$1,000/month.

Mr. Roberts felt that going black was not an option. The City would still have to pay for the UTOPIA bonds and would have to start paying on the UIA bonds immediately. Councilmember Ericson added that the City would also have the liability of the citizens that paid for their connection.

Councilmember Jensen said in their financial statement it stated that their administration costs for the year was over \$4M. This includes their employee salaries and pensions. She asked if they have done anything to reduce their pension. She did not understand how a business can give pensions and bonuses when they are in the red. Mr. Roberts explained that they are part of the Utah State Retirement so they are required to pay it the same as cities. He added that they have reduced staff.

Mr. Roberts said UIA may ask for a vote of the UIA Board on what direction they should go if they look at requiring pledges from the cities. He asked the Council how they wanted him to vote. Councilmember Jensen said she did not think they deserved any more money and Brigham City should not pay them any more money. Councilmember Rex was not in favor of paying their operational costs either, but he also agreed that going black is not an option.

Mayor Fife did not feel that they will shut Brigham City off because we provide considerable revenue for them. He felt that Mr. Roberts should vote no on this issue, but continue to try and get a change in management. The Council agreed.

#### **Assignment of Interest in Development Agreement from Western States Lodging to Academy Lodging**

Mr. Larsen explained that the original development agreement was with Western States Lodging 2. The entity that has been established and owns the hotel is Academy Lodging LLC. The original agreement allows for assignment of the agreement to other entities with the consent of the City and RDA.

**MOTION:** Councilmember Rex made a motion to approve the assignment of interest in development agreement with Western States Lodging 2 to Academy Lodging. Councilmember Thompson seconded the motion. Councilmember Ericson, Councilmember Rex, Councilmember Thompson and Councilmember Vincent voted aye; Councilmember Jensen voted nay. The motion carried 4-1.

## UNFINISHED BUSINESS

### **Follow-up Discussion on Forest Street Rail Crossing Analysis**

Mr. Larsen explained that this was discussed during a work session on May 2, 2013 with public input, but there was not any direction to staff on how to proceed.

Councilmember Vincent felt strongly that the railroad needs to participate. He did not think the overpass was a viable option. He suggested posting a sign on 500 West and another one near the freeway that states how many minutes the road will be blocked. Most people feel the biggest problem is that they do not know how long the train is going to be at the crossing. Mayor Fife said the City has talked to the railroad about his. They are willing to give a signal when it is coming down, but they cannot give an accurate time and it does not solve the overall problem.

Mayor Fife felt that a better alternative is to put the overpass on Valentine Lane. The engineer's estimate for this location was one to two million dollars. This does not include the road. This could eventually be an overpass as this area is developed. This could be put on the Wasatch Regional Council's list of projects. The City could also apply for other grants.

Councilmember Ericson felt that an interim step is to do the signs. In the meantime, Mr. Larsen could look into grants and bring back proposals to the Council on other options such as the Wasatch Front Regional Council and TIGER grants. The Council agreed.

Councilmember Jensen also suggested adding a line item in the next budget to start saving for the project.

## PUBLIC COMMENT

Becky Maddox, Brigham City – Ms. Maddox said there are a lot of problems with smart meters, such as overcharging, accuracy, reliability, invasion of privacy, electrical problems, interference with medical devices, remote disconnection of power, increased burglary risk and cost exceeding benefit. The meter numbers can roll when there is no energy being used. A farmer in California was charged almost \$12,000 due to an error with the meter. It took a lot of time and effort on his part to get the power company to settle with him. In 2010, Stanford students had their billing information mixed up wirelessly with their neighbors and they were billed for their neighbor's use. Georgia, Massachusetts, Florida, North Carolina, Ohio and California have experienced billing problems with smart water meters. She read from an article from the "Agenda for the 21<sup>st</sup> Century" regarding sustainable development. She felt that the City should stay with analog meters. It is not going to be a cost savings.

DeLoy Mecham, County – Mr. Mecham said Ms. Niny Christensen asked him to help with Constitution Day. They did not spend any of the City's money. He thanked the Council for putting a sign up. He went to every business in town and every person said they are very concerned about the Constitution. He thanked the Mayor for supporting the Constitution Day celebration.

Lee Johnson, Brigham City – Mr. Johnson said on Wednesday the federal government decided they would continue pumping \$85M into the economy. Black Friday was in 1929 and it wasn't until 1933 that the newspapers decided to tell the truth that the depression was on. It took four years for the United States as a whole to acknowledge what people were experiencing. We are five years going up and down. He has been warned that he does not have much time left as his place of employment, not because of anything they are going to cut back on but because he cannot keep up with the increasing demand they are putting on employees to work harder and faster. Regarding smart meters, the history of these meters go back to 1990. It was adopted by the IEEE but they are actually part of the United Nations. This is a worldwide plan. There is a list of countries being paid for implementing smart grids by the federal government. What business does the government have implementing smart grids? They want trade. It turns out that one of the biggest companies involved is General Electric, who builds smart meters and smart appliances.

DeAnna Hardy, County – Ms. Hardy thanked the Council for supporting Constitution Week. It is a step in the right direction. UTOPIA was a huge mistake; the City needs to get out of it and cut their losses. She compared the 3-tier electric rates to if their dairy farm sold one gallon of milk for \$2.50; the second gallon for \$2.75; the third gallon would be \$3.00. It is the same concept. When Heavenly Father gave the law of tithing He did not tithe the poor 10%, the medium person 15%, the rich person 20%. Everyone is tithed 10%. Even then, it is a choice. She also discussed the Delfi technique of conducting meetings. It was originally intended for the use of a psychological weapon during the Cold War. However, it was soon recognized that it could be very valuable in manipulating any meeting toward a pre-determined end. For example, the government has a goal they want to achieve so they invite the public in to be part of the meeting to get their input, but the government already has a pre-determined goal of what they want. They are just manipulating the citizens into what they want. She asked the Council to please stop using the citizens to manipulate what they want as a government.

Steve Barsuhn, Brigham City – Mr. Barsuhn said when a person understands what power generation involves, the 3-tiered structure makes a lot of sense because the most expensive power any entity has to purchase is peak power. The larger the peak and the greater the consumption, pushes rates up for everyone. The tiered system helps people have an idea of what they are contributing to the overall system that is required to feed the power to their house. He also stated that not everyone is unhappy with UTOPIA. He has been a subscriber from the beginning. It is costing him one-third of what they were paying for Comcast with seven times the speed. He can now pick up the TV off-air in his dead hole where there is no antenna service for \$8.00 per month. He said philosophically maybe the City shouldn't have joined UTOPIA, but the fact is that the City did. He asked the Council not to let it go black. He reassured the Council that not everyone is mad at them.

Councilmember Jensen – Councilmember Jensen said Bonnier Germer asked her to read an article regarding public comment, but since the Council voted to continue to allow it, she did not feel it was necessary to read it in its entirety. Part of what Ms. Germer wrote was to remind the Council that public servants can be recalled. A person in Colorado was recalled because it was against the rules of suppression.

The meeting adjourned to a Municipal Building Authority meeting at 8:48 PM.