

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
March 31, 2011**

PRESENT:	Dennis Fife Ruth Jensen Bob Marabella Tyler Vincent	Mayor Councilmember Councilmember Councilmember
ALSO PRESENT:	Jay Anderson Mark Bradley Rick Bosworth Jim Buchanan Dave Burnett Mary Kate Christensen Blake Fannesbeck Jared Johnson Paul Larsen Bruce Leonard Tyler Pugsley Jason Roberts Paul Tittensor	Swimming Pool Supervisor City Planner Human Resource Coordinator Emergency Services Director Public Power Director City Recorder Public Works Director Community Development Manager Economic Development Director City Administrator Public Works Assistant Director Finance Director Chief of Police
EXCUSED:	Scott Ericson	Councilmember

Mayor Fife called the meeting to order. The Reverence Period was given by Father Pat Reuse, St. Henry's Catholic Church.

**Approval of Minutes:** The minutes of the March 3, 2011 Council Meeting and March 17, 2011 Council meeting and Work Session were unanimously approved as distributed.

**PUBLIC COMMENT  
CONSENT**

- Appointment to the Neighborhood Pride Council
- Appointment to the Planning Commission
- Promotion in the Police Department

**PUBLIC HEARINGS**

- Amendment 2 Eagle View Subdivision Planned Unit Development Phase 1, to Reduce the Overall Area and Eliminate 15 Non-Built Units
- Vacate BID Plat B Lot 23 and the Associated Public Utility Easement Along the Easterly Property Line and a Portion of Lot 22 Located at 415 and 427 East 900 South
- Amended and Extended BID Plat F to Include a Portion of the Eagle View Subdivision PUD Phase 1 Area, BID Plat B Lot 23, and a Portion of BID Plat B Lot 22

**SCHEDULED DELEGATION**

- Proclamation Declaring April Fair Housing Month
- Presentation Regarding Potential Solar Energy Project
- Proposed Student Storm Drain Stenciling Project

**NEW BUSINESS**

- Request for Approval of an Ordinance Establishing and Creating a Telecommunication Enterprise Fund for Fiber Optics Which Shall be Operated and Directed as Determined by the Mayor and City Council
- Changes in the Fleet Lease Program
- Reimbursement Agreement with the Box Elder School District for the Construction of Street Improvement on 800 West Between 700 So and 885 So to Include the Appropriation of Funding for the City's Share from the Capital Project Fund

**MAKING LIFE BETTER – DEPARTMENT REPORTS**

- 2010 International Aquatic Safety Award
- Grant Awards

**OTHER BUSINESS**

- Schedule Budget Work Session on April 7 at 5:30 PM

## PUBLIC COMMENT

There were no comments from the public.

## CONSENT

### **Appointment to the Neighborhood Pride Council**

It was recommended Sharon Ross be appointed to the Neighborhood Pride Council.

### **Appointment to the Planning Commission**

It was recommended the Council approve the reappointment of Lynda Berry to the Planning Commission.

### **Promotion in the Police Department**

Ronnie Aldridge was recommended for a promotion to Police Corporal effective April 1, 2011.

**MOTION:** A motion to approve the Consent Agenda was made by Councilmember Christensen, seconded and carried.

## PUBLIC HEARINGS

### **Amendment 2 Eagle View Subdivision Planned Unit Development Phase 1, to Reduce the Overall Area and Eliminate 15 Non-Built Units**

Mr. Bradley came forward and explained that all three public hearings are tied together. He indicated on a map the PUD area at 900 South and 500 East. The Eagle Village Subdivision currently consists of 15 townhomes and it is platted for an additional 15 that are not yet constructed. The amended plat would change the boundary line along the westerly existing parking lot. It would then only consist of 15 units instead of 30.

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

**MOTION:** Councilmember Marabella made a motion to approve the Amendment 2 Eagle View Subdivision Planned Unit Development as presented by Mr. Bradley. The motion was seconded by Councilmember Vincent. Voting was unanimous.

### **Vacate BID Plat B Lot 23 and the Associated Public Utility Easement Along the Easterly Property Line and a Portion of Lot 22 Located at 415 and 427 East 900 South**

Mr. Bradley stated that the remnant property would go to Utah State University for their overall project. It meets the minimum width of a remnant lot of 70'. Part of this request is also to vacate a public utility easement. There is currently a private sewer line at this location and the property owners will relocate it along a new easement with the plat. This sewer also services the townhomes to the northwest. They have received a letter of the Home Owners Association President in support of this relocation.

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

**MOTION:** Councilmember Christensen made a motion to approve the ordinance vacating BID Plat B Lot 23 and the associated public utility easements as presented. The motion was seconded by Councilmember Marabella and unanimously carried.

### **Amended and Extended BID Plat F to Include a Portion of the Eagle View Subdivision PUD Phase 1 Area, BID Plat B Lot 23, and a Portion of BID Plat B Lot 22**

Mr. Bradley explained that this amendment and extension is to include the vacated areas of Lot 23, a portion of Lot 22 and the Eagle View Subdivision.

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

**MOTION:** Councilmember Marabella made a motion to approve the amended and extended BID Plat F as presented, seconded by Councilmember Jensen and unanimously carried.

### **SCHEDULED DELEGATION**

#### **Proclamation Declaring April Fair Housing Month**

Ms. Tonya Donaldson from the Tremonton/Brigham City came forward and read the proclamation announcing April Fair Housing Month.

**MOTION:** Councilmember Christensen made a motion authorizing the Mayor to sign the proclamation declaring April Fair Housing Month; Councilmember Jensen seconded the motion and unanimously carried.

Mr. Tom Mannschreck from Thomas Development came forward and said his company has been heavily involved in fair housing education in Idaho and elsewhere. He offered financial support in the amount of \$1,000.

#### **Presentation Regarding Potential Solar Energy Project**

Mr. Leroy Paller played a DVD on a new green energy using solar triangular fabricated by Vulcraft. These long stemmed panels rotate to follow the sun. Brigham City would benefit every time one of these systems is sold by maintaining local jobs in the steel manufacturing and fabrication businesses. He proposed that Brigham City install the solar power systems in three possible locations. The first would be at Rees Pioneer Park in the parking lot north of the pond. The other two locations would be at the Brigham City Airport.

Mr. Paller and Mr. Larsen are going to try and get state grant money for this project. If they can get that done by the end of August, Mr. Paller would be able to go to the largest solar show in Dallas, Texas the end of October and present a working picture of what can be manufactured in Brigham City.

Councilmember Marabella asked what the output is on the solar panels. Mr. Paller replied that it is 100 KW per panel. Mr. Burnett said 100 KW is a relatively small amount of the City's usage. The City's hydro units put out 1.8 megawatts, which is 18,000 KW.

Councilmember Marabella questioned whether it would produce enough energy to run the airport, or enough to support the softball fields at Pioneer Park. Mr. Paller stated that with this or any other solar project, it is impossible to get a payback that would make sense to any businessman. Yet they are doing them all over Europe. It is done for other reasons. The payback should be measured other than money. Solar energy does not need an army in some foreign country to protect use of the sun; but an army is needed to protect the United States' use of oil. There is not the health risk of breathing coal smoke used to generate electricity. No one will have lung problems from a solar project. There are federal grant funds available for solar energy. In addition, if the trusses are made by Vulcraft in Brigham City, it will provide jobs and put Brigham City on the map.

Mr. Paller explained that rotating systems are being made all over the world; however, having a long span truss is only made in Brigham City. The results can be done by other companies, but this is a better way to do it. It will prove itself in the marketplace. The other systems are mechanically much more difficult. It only uses a 20<sup>th</sup> of a horsepower motor to rotate the machinery because they are so perfectly balanced. It can rotate 24,000 pounds of steel and solar panels with a 20<sup>th</sup> of a horsepower motor.

The estimated budget for this project is \$6.00 per watt, or \$600,000. It will have to be produced at a comparable price of other single axis systems. He felt the City should have three systems that demonstrate all three things.

Mayor Fife stated that Mr. Paller has already had initial contact with the state about funding and they seem interested.

**MOTION:** Councilmember Marabella made a motion to allow Mr. Larsen to move forward on this project and have him give updates to the Council every 4-6 weeks so the Council knows what direction the project is going. The motion was seconded by Councilmember Christensen. Councilmember Jensen expressed concern with the City having to provide some kind of match for the grants. Councilmember Marabella stated that this is not included in his motion. If matching grants are needed, Mr. Larsen will return to the Council and ask how to proceed. Councilmember Marabella, Councilmember Christensen and Councilmember Vincent voted aye. Councilmember Jensen voted nay. The motion carried 3-1.

#### **Proposed Student Storm Drain Stenciling Project**

Kathi Stopher came forward and requested the Council's permission to allow the Fourth grade students in Box Elder County to stencil "Don't Pollute Drains to Refuge" on the curb and gutters in Brigham City. This will remind people that the water which drains into the Bear River Refuge moves through the watershed and through the community. Any action that improves and maintains the water quality at the Refuge will also benefit the community.

**MOTION:** Councilmember Christensen made a motion to approve the student storm drain stenciling project and seconded by Councilmember Vincent. Councilmember Jensen said she would like the students to have total responsibility for the up keep of the stenciling. Voting was unanimously in favor.

### **NEW BUSINESS**

#### **Request for Approval of an Ordinance Establishing and Creating a Telecommunication Enterprise Fund for Fiber Optics Which Shall be Operated and Directed as Determined by the Mayor and City Council**

Mr. Leonard and Mr. Roberts came forward. Mayor Fife stated that the Utah Municipal Code states that "a municipality that provides cable television service or public telecommunication services under this Chapter shall establish an Enterprise Fund to account for the municipality's operations and service of the public telecommunications." This allows the City to keep the funds separate. Councilmember Christensen added that this ordinance does not spend or allocate any new money, it simply sets up an accounting procedure to keep track of the funds.

**MOTION:** Councilmember Marabella made a motion to approve the ordinance establishing and creating a Telecommunication Enterprise Fund for fiber optics which shall be operated and directed as determined by the Mayor and City Council. The motion was second by Councilmember Christensen. Councilmember Jensen stated that she understands the people working on UTOPIA are working very hard at trying to make lemonade out of lemons. She agreed this should be a line item; however, she was concerned that once there is a line item, and even though some funds are structured a certain way, the Council takes from one fund and moves it to another fund. She did not agree with that. Paying for these things sometimes comes out of the General Fund, which then makes those that did not want fiber optics in Brigham City to pay for it one way or another. She previously talked to Mr. Leonard and asked if there was some way to put stipulations in the ordinance and he recommended that this not be done. She felt there should be some reservation on this fund. Councilmember Christensen commented that isolating it as a line item creates more transparency. It provides a much better understanding and transparency of what funds are going in and out of the account. Councilmember Jensen stated that she asked Mr. Leonard earlier what the money from this fund would be used for. He told her that probably 60% of it would go toward the City's infrastructure. She also asked him if UTOPIA/UIA was falling apart, if the money would be used to subsidize them. Mr. Leonard told her it would not, but it was possible. Councilmember Jensen said she does not want any more of the City's money going to UTOPIA/UIA. She wants that money to go to Brigham City. She does not want it to be a slush fund. Brigham City deserves that money. Mayor Fife asked for a vote on the motion. Councilmember Christensen, Councilmember Marabella and Councilmember Vincent voted aye. Councilmember Jensen voted nay. The motion carried 3-1.

### **Changes in the Fleet Lease Program**

Mr. Fannesbeck joined Mr. Roberts at the table. Mr. Fannesbeck explained how the lease program has been working. He gave an example of a 1999 water truck that was purchased for \$54,579. At that time, it was estimated the truck had a 15-year life. It was estimated that it would need to be replaced in 15 years and with a 3% escalators each year, it was estimated a new truck would cost \$97,850 to be replaced. With that estimated cost, it was determined that the monthly lease payment for that department would be \$544. However, over the years most of the replacement costs were overestimated and too much money was in the Fleet Lease Program.

He proposed a new program where the monthly lease payment would be based on the actual purchase price. For example, the monthly lease payment on the same 1999 water truck would have been \$319. When it is replaced, the trade-off value will be taken off the purchase price. This gives the departments an incentive to take care of their vehicles.

Replacements will be based on usage and performance of the vehicle being replaced, not necessarily on years.

Councilmember Vincent expressed concern with the trade-in value if vehicles are kept too long. Mr. Fannesbeck stated that if the vehicle continues to run and functions as needed, there would be no need to trade it in. If repairs become a problem, then the City would get rid of it. The trade-in might not be much, but the vehicle was used longer.

### **Reimbursement Agreement with the Box Elder School District for the Construction of Street Improvement on 800 West Between 700 So and 885 So to Include the Appropriation of Funding for the City's Share from the Capital Project Fund**

Mr. Leonard stated that a reimbursement agreement for 800 West was reached with the School District. They will participate in the cost of improvements. There will be sidewalk, curb and gutter and both sides and the street will be patched and overlaid.

**MOTION:** Councilmember Vincent made a motion to approve the reimbursement agreement with Box Elder School District for the construction of the street improvement on 800 West, seconded by Councilmember Jensen and unanimously carried.

## **MAKING LIFE BETTER – DEPARTMENT REPORTS**

### **2010 International Aquatic Safety Award**

Mr. Jay Anderson and Ms. Kristy Law came forward. Mr. Anderson announced that the Brigham City Pool received the 2010 Platinum International Aquatic Safety Award from Ellis and Associates. This is given to the top 10% facilities that Ellis monitors. They monitor all the major water parks in the nation and internationally. These are all independent, unannounced audits.

### **Grant Awards**

Chief Tittensor came to the table and announced that they have received two grant awards. One is for a new Decatur speed trailer from the National Highway Safety Council. The trailer will cost \$21,000. The other is from the Department of Justice and will be used to purchase a new hostage barricade communications system for \$17,000.

## **OTHER BUSINESS**

### **Schedule Budget Work Session on April 7 at 5:30 PM**

The Mayor scheduled a budget work session for April 7 at 5:30 PM.

A motion to adjourn was made by Councilmember Jensen. The motion was seconded and carried unanimously. The meeting adjourned at 9:05 PM.