

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
May 5, 2011**

PRESENT:	Dennis Fife Bruce Christensen Scott Ericson Bob Marabella Tyler Vincent	Mayor Councilmember Councilmember Councilmember Councilmember
ALSO PRESENT:	Jim Buchanan Mary Kate Christensen Blake Fannesbeck Nancy Jo Green Paul Larsen Bruce Leonard Jason Roberts Paul Tittensor	Emergency Services Director City Recorder Public Works Director Senior Center Director Economic Development Director City Administrator Finance Director Chief of Police
EXCUSED:	Ruth Jensen	Councilmember

Mayor Fife called the meeting to order. The Reverence Period was given by Pastor Mike Galica from the Holy Cross Lutheran Church.

**Approval of Minutes:** The minutes of the April 21, 2011 Council meeting were unanimously approved as distributed.

**PUBLIC COMMENT  
CONSENT**

Approval of Property Sale for Fred & Kitty's Antique Store

**SCHEDULED DELEGATION**

Brigham City Television Channel

Youth City Council Annual Presentation

Request for Authorization to Post Underage Drinking Messages on Brigham City Garbage Trucks

Request to Forgive Amount Owed on Special Improvement District #24

**NEW BUSINESS**

Older Americans Month

Proposed Railroad Ordinance

Request for Approval of Facade Grant at 750 S Main Street

**PUBLIC COMMENT**

There were no comments from the public.

**CONSENT**

**Approval of Property Sale of Fred & Kitty's Antique Store**

Councilmember Marabella stated that as a licensed real estate broker, he had previously expressed his concerns regarding the process in which the City sold the property.

**MOTION:** A motion to approve the Consent Agenda was made by Councilmember Christensen. The motion was seconded by Councilmember Ericson. Councilmember Ericson, Councilmember Christensen and Councilmember Vincent voted aye. Councilmember Marabella voted nay. The motion carried 3-1.

Mayor Fife explained that this property was donated to Brigham City by Mr. Lloyd Gunther. He asked that the proceeds go toward the Box Elder Museum located at the Hervin Bunderson Center. The sale price was \$62,000 and the building will be demolished.

## SCHEDULED DELEGATION

### **Brigham City Television Channel**

Trevor Stokes from Dis-Com came forward and gave a presentation on the possibility of producing a television channel for Brigham City. The channel would broadcast local sports and Council meetings and post upcoming events in the community and would run 24 hours a day.

In the franchise agreement with Comcast it states that Comcast will pay 20¢ per month per subscriber upfront for three years. After that, it is possible the City can get an additional 20¢ per month to fund the channel. This will be added to citizens' bills.

If Dis-Com can sell sponsorship there will be no cost to the City for them to broadcast on the local channel. Another option is \$1,000 per month. This pays for the equipment, maintenance and upkeep of the channel.

The Council will pursue this further and possibly put out requests for proposals.

### **Youth City Council Annual Presentation**

Members of the Youth City Council presented a slide show of their activities and service projects throughout the year.

### **Request for Authorization to Post Underage Drinking Messages on Brigham City Garbage Trucks**

Allena Pierce from the Bear River Health Department approached the Council and stated that alcohol is the number one used drug of the youth in the community. The Parents Empowered Campaign was introduced in 2006. It is a media and education campaign designed to reduce underage drinking in Utah by providing parents with information about the harmful effects of alcohol in the development of the brain. Ms. Pierce requested permission to have underage drinking messages posted on garbage trucks. This has been in place since 2006 in Salt Lake. Parents Empowered will pay for the wrap. There will be no cost to the City. The wraps are high quality vinyl and should last at least three years. It will have Brigham City's logo on it, so it will be Brigham City's message.

**MOTION:** Councilmember Ericson made a motion to have Public Works work with the Health Department to pursue wrapping the garbage trucks with the Parents Empowered logos. The motion was seconded and unanimously carried.

### **Request to Forgive Amount Owed on Special Improvement District #24**

Ms. Pam Gunnell came forward and explained that she is in the process of selling her home and found out Monday that there is a lien against her home for \$4,600. The original assessment is from 20 years ago and was for \$1,950. Over the last 27 years she has refinanced her home three times and the assessment has not shown up on any title search. Her house is sold and is supposed to close next Friday, but this is stopping that. If it does not sell she will go into foreclosure and bankruptcy.

The Mayor asked if she received a notice every year. Ms. Gunnell said she did not.

Councilmember Marabella said Ms. Gunnell must have known about this because she made payments in 1995, 1996, 1997, 1998 and 1999. There have been no payments since 2000. There have been ten payments over six years so she must have known about it. Ms. Gunnell explained that she got divorced and has been raising two children. Now they are both in college and money has been rough.

Councilmember Christensen said the improvements were installed and everyone had to pay for them. Ms. Gunnell asked if the Council could work something out from the original assessment or if she can do a personal note so the house can be sold.

Councilmember Marabella said the Council has to be fair and consistent. He did some research on this and public record shows that there was an original loan on the home for \$30,000, then a loan for \$86,000. That is \$56,000 that has been taken out of the house. There is also a second for another \$20,000. Over this time frame, Ms. Gunnell has taken \$70,000-\$75,000 out of this house and not paid the \$1,900

assessment. There has been money taken out of the house and gone other places with no regard to what she owes the City.

Councilmember Christensen said the improvements were made, which made the home worth more money.

Councilmember Marabella suggested she get a personal loan. Having a note with the City and then not owning the house any more makes it very difficult for the City to follow up and get paid. When the City had to make a payment on the bond and the City had not collected money from Ms. Gunnell, the money had to come from the City's savings account to make the payment. It is not fair to the rest of the citizens to pay for her sidewalk.

Mr. Roberts said the bond was paid off. The interest that has accrued since the bond was paid is \$571.

**MOTION:** Councilmember Marabella made a motion that we look at the request by Ms. Gunnell and proposed to take the interest amount on the bill and cut it in half and give her relief on 50% of the interest but maintain the principle and the other 50% of the interest. Councilmember Christensen seconded the motion; unanimously carried.

## **NEW BUSINESS**

### **Older Americans Month**

Ms. Nancy Green came to the table and stated that May is declared throughout the United States as Older Americans Month. She presented a proclamation for the Mayor's signature. There will be several activities throughout the month to celebrate.

### **Proposed Railroad Ordinance**

Mr. Morgan explained that state law states that the railroad can stop at railroad crossings for ten minutes, but there is an exception when they do switching, which is what they do at the West Forest crossing. There are some cities in Utah that have more strict laws than the state statute.

Councilmember Marabella said he thought the reason 300 North was closed and new electronics were installed at Forest Street was to improve the situation, not make it worse.

Mayor Fife said he and Mr. Leonard have met with the railroad several times and they have made a lot of efforts to change things, but they have been extremely busy. The number of trains has increased and West Forest is a switching place. They asked them to try and limit it to ten minutes and break up the switching. That happened for a few weeks and now it is back to 20-30 minutes at a time. Now they are going to try and propose signage saying "significant train delays, please try to take 600 North."

Mr. Morgan said there are several states and cities that have passed ordinances regarding this; however, he was not sure they were forcible. There is not a lot of case law on this issue.

Councilmember Marabella said the issue is not that citizens have to wait over a half hour, the real issue is that emergency services cannot get through.

Mayor Fife recommended the railroad's attorney discuss this with Mr. Morgan and then have them make a presentation to the Council. Councilmember Ericson also recommended that an ordinance be drafted in the meantime. Mr. Morgan will prepare several draft ordinances.

### **Request for Approval of Facade Grant at 750 S Main**

Mr. Larsen, along with Bruce and Josh Carr, came to the table. Mr. Larsen reported that the City received a request from Josh Carr for a facade grant for the building at 750 S Main. There are currently two auto repair businesses in the building. The front portion is vacant. This project would improve the look of the facade of the building and make it usable for a tenant.

**MOTION:** Councilmember Marabella made a motion to approve the facade grant at 750 South Main Street in the amount of \$15,000 with the understanding that it will expire in one year. The motion was seconded by Councilmember Vincent and unanimously carried.

A motion to adjourn was made by Councilmember Christensen. The motion was seconded and carried unanimously. The meeting adjourned to a Redevelopment Agency meeting at 8:30 PM.