

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
June 16, 2011**

PRESENT:	Dennis Fife	Mayor
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
	Tyler Vincent	Councilmember
ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Jim Buchanan	Emergency Services Director
	Mary Kate Christensen	City Recorder
	Nancy Jo Green	Senior Center Director
	Kaia Landon	Museum-Gallery Director
	Bruce Leonard	City Administrator
	Jason Roberts	Finance Director
	Paul Tittensor	Chief of Police

Mayor Fife called the meeting to order. The Reverence Period was given by David Hacking, Executive Secretary of the Brigham City LDS West Stake.

Approval of Minutes: Councilmember Christensen noted that in the minutes of May 19, 2011, page 2, it should read the Kawasaki Mule was *seized*. On page 5 it states that the Council set a budget work session for April 26. It should state May 24, 2011. Councilmember Christensen made a motion that the minutes be approved as presented with the exceptions as stated. The motion was seconded by Councilmember Jensen and unanimously approved.

PUBLIC COMMENT

SCHEDULED DELEGATION

Invitation to Honeyville's Centennial Celebration on July 8 and August 4

PRESENTATION

Service Recognition of Firefighters

CONSENT

Contract with Box Elder County to Provide Election Services and Equipment

New Hire, Senior Center

Update to Employee Policies and Procedures Manual

Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections

Request to Renew Submersible Water Ski Course License

PUBLIC HEARINGS

Public Hearing to Discuss Projects Determined to be Applied for in the 2011 CDBG Small Cities Program Including \$100,000 for Neighborhood Improvement Projects

Brigham City 2011-12 Budget, which Includes a Transfer from the Public Utility Fund to the General Fund and a Transfer from the Utility Fund to the Capital Project Fund

Amend Brigham Intermountain Development Plat A, Lots 28 and 29 to Combine the Two Lots and Create Five Single Family Lots on the East Side of Lot 29

Vacate Lots 23 & 24, Brigham Intermountain Development Plat A and Associated Utility Easements Located at 810 and 820 S 200 E

Vacate a Portion of Lot 9 of the Sixth Amendment of Lot 2, Brigham Intermountain Development Plat E and Applicable Easements Located at Approximately 100 E and 800 S

Approval to Amend & Extend Lot 9 of the Sixth Amendment of Lot 2, Brigham Intermountain Development Plat E Located at 160 E 800 S

Amend and Extend Lot 1 of the Amendment of Brigham Intermountain Development Plat H Located at 876 S 200 E

Vacate a Sewer Easement Located Along the South Property Line of Parcel No. 03-097-0120 at Approximately 224 N 200 W

Vacate Lot 2-R of the BD Subdivision Located at 37 S 600 W

NEW BUSINESS

Announcement of Youth Volunteer Council Scholarships

Audit Report from the Bureau of Criminal Identification and Utah Criminal Justice Information System 2010

Award of Olympian Legacy Grant Funds

Update on Research of City Website Improvements

Discussion on Retirement Contribution for Employees Hired After July 1, 2011

PLANNING COMMISSION BUSINESS

Approval of Dickamore Townhome PRUD Subdivision Located at 37 South 600 West

PUBLIC COMMENT

Alan Norton – Mr. Norton came forward and said his father-in-law recently passed away and his mother-in-law is disabled. He asked if the City could look at ways to help disabled individuals with cemetery costs. He suggested a plan to allow citizens to add this payment to their Brigham City bill. There are a lot of individuals that are disabled that could use the help. The Mayor will have staff look at some options.

SCHEDULED DELEGATION

Invitation to Honeyville's Centennial Celebration on July 8 and August 4

Mayor Forsgren from Honeyville announced that Honeyville is celebrating their centennial year as a City. They will be having numerous activities throughout July and August, starting with a Little Buckaroo Rodeo on July 1. On July 2 there will be a 5K run, a fireman's breakfast, a parade and blow up toys for the children. The actual centennial celebration will be July 8 with a City-wide dance. There will also be a barbeque on August 4 with the City providing the meat and root beer.

PRESENTATION

Service Recognition of Firefighters

Mayor Fife stated that the City is not prepared to present the recognitions at this time. He explained some of the recent changes made to the Fire Department.

The Fire Department has a lot of dedicated people and in general the department has done a great job protecting residents. However, there were some changes that needed to be made, mainly because of some liability concerns that have come to the forefront in noncompliance to some of the national, state and local regulations and policies. In addition, the City wanted accountability and wellness of the members, as well as financial obligations of the City. For these reasons, changes were made. The Council eliminated the Support Status designation. All members of the Fire Department can continue to be an active firefighter as long as they are able to pass the respiratory fit test of the mask. Members must be clean shaven where the mask seal is made. This is required by national and state standards. The members will also have to be able to pass the fitness test. This will be a national certified test by running 1.5 miles in a specified time, or carry a 45-pound pack and walk three miles in a specified time.

The Mayor explained that these changes have not been done idly. He met with the officers and the chief at the time and started a committee to study changes they would like made. The committee made five different recommendations: 1) full-time Fire Department; 2) full-time fire chief; 3) part-time fire chief; 4) combine the Ambulance and Fire Departments; 5) remain as is.

The City had a study conducted by a Weber County fire expert who made some recommendations, and also met with other Fire Departments. Through this process, the City put these changes in place. A part-time interim Fire Chief was hired, Chief Mark Meaker.

Anyone who does not feel they can pass either of the tests, or does not want to continue for any other reason, will be recognized by the City with \$100 for every year they have served. If they choose to do this, they will have the option of joining the Fire Association. Members of the Association will mentor younger firemen and will have full access to the facilities.

There will no longer be voting on officers. They will be selected by the Mayor, Council and Chief as appropriate.

CONSENT

Contract with Box Elder County to Provide Election Services and Equipment

A contract was presented with the County to provide election services and equipment.

New Hire, Senior Center

It was recommended Joan Roberts be hired as a Senior Center Cook, effective June 17, 2011.

Update to Employee Policies and Procedures Manual

It was recommended the Policies and Procedures Manual be amended to change the minimum amount of personal leave an employee can use from one hour to 30 minutes.

Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections

A list of accounts totaling \$7,707.11 was recommended for removal from the City's computer system due to non-payment or customer taking out bankruptcy. These accounts will be sent to the City's collection agency.

Request to Renew Submersible Water Ski Course License

This license agreement is with Mark Parker for a submersible water ski course on Mantua Reservoir.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Ericson, seconded by Councilmember Jensen and unanimously carried.

PUBLIC HEARINGS

Public Hearing to Discuss Projects Determined to be Applied for in the 2011 CDBG Small Cities Program Including \$100,000 for Neighborhood Improvement Projects

Mr. Bosworth explained that this public hearing is required to give the public an opportunity to give input on a grant the City applied for last fall. The City will receive \$100,000 for neighborhood improvement projects. These will be exterior projects such as roof repair, exterior windows, siding, etc. Neighborhood Nonprofit will partner with the City and help manage the project. He estimated 15 homes will be able to receive funding. Qualification will be based on income.

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 unanimously carried.

Brigham City 2011-12 Budget, which Includes a Transfer from the Public Utility Fund to the General Fund and a Transfer from the Utility Fund to the Capital Project Fund

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

MOTION: Councilmember Vincent made a motion to approve the 2011-12 Budget which includes a transfer from the Public Utility Fund to the General Fund and a transfer from the Utility Fund to the Capital Project Fund. The motion was seconded by Councilmember Jensen and carried unanimously.

Amend Brigham Intermountain Development Plat A, Lots 28 and 29 to Combine the Two Lots and Create Five Single Family Lots on the East Side of Lot 29

Mr. Bradley stated that the applicants want to combine the two lots to create five single family lots along the east side of the property. They would also install an additional parking lot.

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

MOTION: Councilmember Ericson moved to accept the amendment to BID Plat A, Lots 28 and 29 to combine the two lots and create five single family lots on the east side of Lot 29. The motion was seconded by Councilmember Jensen and unanimously carried.

Vacate Lots 23 & 24, Brigham Intermountain Development Plat A and Associated Utility Easements Located at 810 and 820 S 200 E

Mr. Bradley explained that this item and the following three items are all part of one project. Lots 23 and 24 need to be vacated as well as portions of Lot 9. The next step is to redefine the parcels through plat amendments. For the Brigham Place apartments the Council needs to consider the access to the easement area behind Les Schwab and an access for the Bank of Utah. In order to reduce concerns in this area, that access would be eliminated and then extend an access south with the extension of Fishburn Drive. This road will be extended 260' to the end of the project. This will allow the secondary access direct access onto Fishburn Drive.

The existing parking lot is still being worked out. This is owned by USU, but there are parking lot issues that are still being resolved with the Aldersgate Methodist Church and the use they have had over the years on this property. To resolve the issue of encroaching on the existing parking, even though it is owned by USU, the applicants would be willing to shift the boundary an additional 18' to exclude the parking area.

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

MOTION: A motion to vacate Lots 23 and 24, BID Plat A and associated utility easements was made by Councilmember Ericson pending a replacement of the plat by the Planning Commission. The motion was seconded by Councilmember Jensen and unanimously carried.

Vacate a Portion of Lot 9 of the Sixth Amendment of Lot 2, Brigham Intermountain Development Plat E and Applicable Easements Located at Approximately 100 E and 800 S

Mr. Bradley stated that as part of this vacation there is the option to extend the area another 18' so they can work out the parking issue with the Aldersgate Methodist Church.

A motion to open the public hearing was made by Councilmember Christensen, seconded and carried.

Ben Jones - Mr. Jones, trustee of the Aldersgate Methodist Church, came forward and stated that Aldersgate considers having adequate parking key for their congregation today and for the growth of their congregation as the area develops. They have been using the old Indian School parking lot for over 25 years. As part of that use, they have gained certain rights under Utah Law. This has been discussed back and forth with a lot of people and there are differences of opinion. They feel very confident where they stand and what their issues are. If, as discussed, the developers will not infringe on the parking lot and it will remain USU property, the Aldersgate church agrees with that. However, if they do the other option to use the 18', Mr. Jones asked the Council to agree to their request with the condition that they reach a parking agreement with the Church. Then they get involved between the developer, USU and Aldersgate. With that option, there are ways to satisfy all three but they haven't been able to get all parties to agree.

Ted Shigly – Mr. Shigly, trustee of the Aldersgate Methodist Church, said the Church submitted a bid to purchase this parking lot from the New York firm and never received a response. So even though they offered to buy it, they haven't been able to, but they have been using it for 25 years. They feel they have a prescriptive easement.

Mr. Dean Lee from USU stated that USU has not changed in their commitment to have the parking issue worked out. If the 18' were to be taken off the west edge, the driving lanes are wider than they need to be

and could fit enough stalls to meet the needed amount. For the amount of parking space, Aldersgate needs 57 stalls and there could be over 60 in that lot size. Removing the 18' will not reduce the amount of parking needed. USU hopes that an agreement can be reached without a legal process. USU's attorneys are unwilling to enter into a legal agreement which would imply that they agree that Aldersgate has legal rights, such as a prescriptive easement.

Kevin Blaylock, Manager of Les Schwab – Mr. Blaylock expressed concern with the road going to the west as shown in a previous plan because it puts the exit across the easement from his parking lot. This would increase the flow of traffic and vehicles would use it as a through street instead of a parking lot. This would create a big safety issue to them because it is their work space. It is also a danger to their customers. He encouraged the Council to approve the extension of Fishburn Drive and allow it to go through to the south.

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

MOTION: Councilmember Marabella made a motion to vacate a portion of Lot 9 of the Sixth Amendment of Lot 2, BID Plat E and applicable easement located at approximately 100 E 800 S with the ability of staff to expand the 18' as they find appropriate with the two options as discussed. The motion was seconded by Councilmember Ericson and unanimously carried.

Approval to Amend & Extend Lot 9 of the Sixth Amendment of Lot 2, Brigham Intermountain Development Plat E Located at 160 E 800 S

Mr. Bradley said City staff previously recommended the easement be a portion of Lot 9; however, that changed after recommendation from the submitter. USU plans to own and maintain the easement until it is determined which property owner is willing to take it and maintain it. It services Les Schwab and the Bank of Utah more than it does USU.

The Council could also approve the request to allow the flexibility to allow this portion of the line to adjust 18' out and then back in, which would address Aldersgate's parking issue.

With the extension of Fishburn, it would narrow to a 60' street and follow the south boundary line. Staff recommended that the new south boundary go to the new right-of-way line.

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

MOTION: Councilmember Marabella made a motion to amend and extend Lot 9 of the Sixth Amendment of Lot 2, BID Plat E located 160 E 800 S, allowing the street to go from 77' to 60' on the southern end of the property and also allowing the 18' with the property on the west side of the property and giving Staff the ability to work through the two options as presented. The motion was seconded by Councilmember Ericson and unanimously carried.

Amend and Extend Lot 1 of the Amendment of Brigham Intermountain Development Plat H Located at 876 S 200 E

Mr. Bradley explained that as part of this request, there will need to be a dedication portion of Fishburn. This dedication would be extended approximately 260'. The adjustment would also include a small portion along the 18' strip as discussed.

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

MOTION: Councilmember Christensen moved to amend and extend Lot 1 of the amendment of BID Plat H as presented. The motion was seconded by Councilmember Jensen and unanimously carried.

Vacate a Sewer Easement Located Along the South Property Line of Parcel No. 03-097-0120 at Approximately 224 N 200 W

Mr. Bradley explained that these lots were part of the old Lincoln School property. The south end of the lot has a 20' sewer easement that was used to service this parcel when there was a house on the lot. This easement is no longer needed and would allow the developer to have a typical side yard setback.

A motion to open the public hearing was made by Councilmember Marabella, seconded and carried. No comments were received. A motion to close the public hearing was made by Councilmember Christensen, seconded and unanimously carried.

MOTION: A motion to vacate a sewer easement located along the south property line of Parcel No. 03-097-0120 at approximately 224 N 200 W as presented was made by Councilmember Marabella, seconded by Councilmember Jensen and unanimously carried.

Vacate Lot 2-R of the BD Subdivision Located at 37 S 600 W

Mr. Bradley said Lot 2 has a recently constructed duplex unit on it and the owners would like to vacate Lot 2 and replace it with a subdivision that would create separate ownership of each unit.

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 Ericson and unanimously carried.

MOTION: Councilmember Marabella made a motion to approve the vacation of Lot 2-R of the BD Subdivision located at 37 S 600 W subject to the approval of a new plat as presented, including the Home Owners Association. The motion was seconded by Councilmember Christensen and unanimously carried.

NEW BUSINESS

Announcement of Youth Volunteer Council Scholarships

Ms. Mortensen came forward and explained that every year the YVC gives away two \$250 scholarships for graduating seniors. The scholarships are awarded based on hours of services and how long they have been part of YVC. She announced that Alicia Hendricks and Nina Hoyle received a \$250 scholarship.

Audit Report from the Bureau of Criminal Identification and Utah Criminal Justice Information System 2010

Chief Tittensor and Peggy Kunz came to the table. Chief Tittensor stated that at the end of the fiscal year 2010 the Bureau of Criminal Identification (BCI) audited the Police Department on the criminal records management system. Peggy Kunz is the caretaker of these documents and is the Terminal Agency Coordinator (TAC). These audits are conducted every three years. The Police Department is regulated very heavily by BCI.

Ms. Kunz reported that this audit takes approximately one and a half months to complete.

MOTION: Councilmember Christensen made a motion to accept the audit report from the Bureau of Criminal Identification and Utah Criminal Justice, seconded and unanimously carried.

Award of Olympian Legacy Grant Funds

Ms. Green came forward and announced that the Olympian Legacy Committee has determined which applicants will receive grant funding. This year there was \$24,000 available for grants.

MOTION: Councilmember Christensen made a motion to approve the Olympian Legacy grants as submitted by the Committee. The motion was seconded by Councilmember Marabella and carried unanimously.

The following organizations received grants funding:

- Boys and Girls Club - \$5,000

- Brigham City Museum - \$3,330
- Golden Spikers - \$2,500
- Box Elder High School - \$4,400
- Bear River Refuge - \$2,500
- Foothill PTA - \$2,500
- Box Elder Family Support Center - \$1,250
- Aldersgate Methodist Church - \$1,000
- Fine Arts Center - \$1,000
- Northern Utah Disc Golf Association - \$520

Update on Research of City Website Improvements

Ms. Landon came forward and explained that Brigham City's website was recently reviewed by Southern Institute. The website received a D-. At that time the Mayor asked that a Committee be formed to review the website and make recommendations. The Committee felt that the best option is to do a new website send out requests for proposals for a new website developer. They received five responses to the RFP and the Committee is currently evaluating those responses and will make a recommendation to the Council at a later date.

Mr. Roberts said this can probably be funded in this year's budget.

Discussion on Retirement Contribution for Employees Hired After July 1, 2011

Mr. Roberts stated that the Utah Retirement System was recently changed for those employees hired after July 1, 2011. The benefits and contribution rates have changed for new employees. The amount the City contributes for new employees after July 1 has been lowered. For all non-public safety employees the contribution will be 1.03% less and for public safety employees it will be 10.09% lower.

Currently, if a non-public safety employee contributes 3% to a 401K, the City matches 100%. For public safety employees the City does not match anything. The City needs to determine how much, if any, to contribute for employees hired after July 1. This issue was brought before the Personnel Committee and they recommended the City participate in the Tier II Hybrid Plan. This plan is part defined benefit and part defined contribution. The Committee discussed that new employees will be getting less benefit than current employees and recommended the City match 100% of an employee's first 3% contributed to their 401K for both non-public safety and public safety employees. If an employee contributes an additional 2%, the City would match 50% for all full-time employees entering the program after July 1, 2011.

The Council agreed to the above changes. Mr. Roberts will bring this back to the Council as an amendment to the Employee Policies and Procedures Manual.

PLANNING COMMISSION BUSINESS

Approval of Dickamore Townhome PRUD Subdivision Located at 37 South 600 West

Mr. Bradley stated that the approval of this subdivision would allow the duplexes on this plat to be townhomes. Mr. Bradley indicated on a map where the common area would be. The garage and parking area is in the back.

MOTION: Councilmember Christensen made a motion to approve the Dickamore Townhome PRUD Subdivision located at 37 South 600 West as presented. The motion was seconded by Councilmember Vincent and unanimously carried.

OTHER BUSINESS

LeRoy Pollard – Mr. Pollard gave an update on the solar energy panels which he previously discussed with the Council. Utah received approximately \$35 million of American Recovery Reinvestment Act (ARRA) money. The federal government required that the money be disbursed rapidly. Projects were subscribed; however, some of the projects did not go forward. The projects are being audited, so it is

possible some of this money will be available. If the City can get ARRA funding, the project will not need to be funded by Brigham City citizens.

The Mayor stated that the University of Utah is installing solar panels in parking lots that have been funded and Mr. Pollard is in contact with them. Also, the Utah Association of Municipal Power is putting in a solar project near Parowan and Mr. Pollard is going to contact them.

A motion to adjourn to a Redevelopment Agency meeting was made by Councilmember Christensen, seconded and carried. The Council returned to a regular Council meeting at 8:31 PM. Councilmember Christensen made a motion to adjourn to a closed session to discuss the purchase, exchange or lease of real property and the character, professional competence or physical or mental health of an individual. The motion was seconded and carried unanimously. The Council returned to an open meeting at 9:30 PM.