

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
August 4, 2011**

PRESENT:	Dennis Fife	Mayor
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember

ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Jim Buchanan	Emergency Services Director
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Blake Fannesbeck	Public Works Director
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Mike Nelsen	Police Lieutenant
	Tyler Pugsley	Public Works Assistant Director
	Jason Roberts	Finance Director

EXCUSED:	Tyler Vincent	Councilmember
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Mayor Fife called the meeting to order. The Reverence Period was given by Pastor Richard Scott, Community Presbyterian Church.

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

**PUBLIC COMMENT
CONSENT**

- Appointment to the Advisory Council on Aging
- Appointment to the Economic Development Board
- Appointment to the Appeal Authority Board
- New Hire, Community and Economic Development
- Approval of Reimbursement Agreement for the Box Elder Middle School 20" Waterline Replacement Project

PUBLIC HEARING

- Adjustments to the Brigham City FY 2010-11 Budget to Reflect the Amount Projected to be Received by Adopting the Certified Tax Rate

SCHEDULED DELEGATION

- Proposal of New Location for City-Wide Clean-Up

NEW BUSINESS

- Letter of Intent to Issue Bonds to Construct a Building on the USU Regional Campus

UNFINISHED BUSINESS

- Proposal for Buyout of Banked Sick Leave

PLANNING COMMISSION BUSINESS

- Amendment to Chapter 29.13 of the City Code to Allow New Residential Dwellings on Lots Fronting 100 West and 100 East Streets

- Request for an Exception to the Noise Ordinance for Five Days for the Exploratory Drilling of Natural Gas Located at Approximately 215 North 1200 West

OTHER BUSINESS

PUBLIC COMMENT

Appointment to the Advisory Council on Aging

It was recommended Paul Buck be appointed to the Advisory Council Aging.

Appointment to the Economic Development Board

It was also recommended Byron Hansen, Tom Lee and Troy Christensen be appointed to the Economic Development Board.

Appointment to the Appeal Authority Board

Jay Naumann was recommended for appointment to the Appeal Authority Board.

New Hire, Community and Economic Development

Julie Jeppsen was recommended for hire as an Administrative Assistant, Grade 43, in the Community and Economic Development Division effective August 15, 2011.

Approval of Reimbursement Agreement for the Box Elder Middle School 20" Waterline Replacement Project

MOTION: Councilmember Marabella made a motion to approve the Consent Agenda as presented. The motion was seconded by Councilmember Christensen and unanimously carried.

PUBLIC HEARING

Adjustments to the Brigham City FY 2010-11 Budget to Reflect the Amount Projected to be Received by Adopting the Certified Tax Rate

Mr. Roberts explained that when the CTR came in this year, it was significantly higher than last year. The CTR tries to get municipalities the same amount of money from year to year on the existing tax base. If there is growth within the City, this is considered something different than the CTR. There has been significant business growth within the City which caused the amount to be collected from the CTR to increase. He recommended the Council approve the CTR as submitted by the county.

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

MOTION: Councilmember Jensen made a motion to amend the FY 2010-11 budget and adopt the Certified Tax Rate. The motion was seconded by Councilmember Ericson and unanimously carried.

SCHEDULED DELEGATION

Proposal of New Location for City-Wide Clean-Up

Ms. Bonnie Germer, Chair of the Neighborhood Pride Council (NPC), came forward and proposed that the City-wide clean up move to one gated location next year. The NPC recommended this change for the following reasons:

- Volunteers would be able to check driver's licenses of those using the facility. This would eliminate non-residents from using the site. In 2010 there were a lot of tires brought to the site that the City had to take care of.
- If City vehicles were allowed to park at the site it would lower the amount of fuel being used and employee's time.
- There have been a lot of residents frustrated with the numerous locations.
- There have been a lot of kids jumping in the dumpsters. If this was gated, it would eliminate this issue.
- Fewer volunteers would be needed to man one site.

Mayor Fife suggested this be turned over to the Public Works Department to determine whether to move to one site and how to do it. He asked Public Works to report back to the Council with their recommendations.

UNFINISHED BUSINESS

Proposal for Buyout of Banked Sick Leave

Mr. Roberts reviewed the options available for banked sick leave as discussed in a previous meeting.

Mayor Fife expressed concern with the liability the City has with banked sick leave on the books, which could continue after the employees retire. There is almost \$400,000 liability with this benefit. He suggested offering a 50% buyout and do away with it completely. Even at 50%, those employees will probably get more money than what it was worth when it was earned because they are currently making more per hour than when they accrued it.

MOTION: Councilmember Marabella made a motion to cash employees out at 50% and end the program. The motion was seconded by Councilmember Ericson. Councilmember Jensen said all employees work very hard. Some have been stricken with diseases and hardships. She did not want employees to think that she was rewarding one and not the other. She would like the program to stay as it was written in 2001. Councilmember Christensen, Councilmember Ericson and Councilmember Marabella voted aye. Councilmember Jensen voted nay. Motion carried 3-1.

Mayor Fife clarified that this should be at the employee's current rate before the merit increases are in effect July 1, 2011.

MOTION: Councilmember Ericson made a motion that this be calculated at today's rate and that the buyout has to be done by the end of August for it to be at the 50% rate. Mr. Roberts expressed concern with getting the checks prepared by then due to the audit. Councilmember Ericson clarified that it should be in the process by the end of the month and calculated at their current rate. The motion was seconded by Councilmember Marabella. Councilmember Ericson, Councilmember Marabella and Councilmember Christensen voted aye. Councilmember Jensen voted nay. Motion passed with a vote of 3-1.

PLANNING COMMISSION BUSINESS

Amendment to Chapter 29.13 of the City Code to Allow New Residential Dwellings on Lots Fronting 100 West and 100 East Streets

Mr. Bradley explained that when Chapter 29 was revised a few years ago, there were some changes made to dwelling and dwelling uses in the General Commercial zone. The Planning Commission understood that they would come back and address this area. In the meantime, some residents approached the City about getting this resolved. This amendment would allow property owners to demolish a building and build a new one. It also allows construction of a home on empty lots facing 100 West and 100 East between 100 North and 900 North and 300 South and 700 South because it would face residential zoning.

Councilmember Marabella asked if this would allow a property to convert back to residential if the empty lot is currently commercial. He asked specifically about the vacant convenience store on 100 West and 100 South. Mr. Bradley stated that the amendment is not clear on that issue.

MOTION: Councilmember Marabella made a motion to table this item and have the Planning Commission clarify whether a commercial property would convert to residential if the structure was torn down and a house constructed on the lot. The motion was seconded by Councilmember Christensen and unanimously carried.

Request for an Exception to the Noise Ordinance for Five Days for the Exploratory Drilling of Natural Gas Located at Approximately 215 North 1200 West

Mr. Bradley stated that this request is to allow exploratory drilling to continue past the 10:00 PM noise ordinance restriction. Once they have the drill rig on site they want to keep it going. He questioned

whether five days was enough. A representative from Liberty Pioneer said if the Council could allow a 7-day exception it would give them some leeway.

MOTION: Councilmember Ericson moved to make an exception to the Noise Ordinance for seven days for the exploratory drilling of natural gas, seconded by Councilmember Jensen and unanimously carried.

OTHER BUSINESS

Mayor Fife asked the Councilmembers who will be in the Box Elder County Fair and the Peach Days Parade. Councilmember Marabella and Councilmember Jensen will participate in the Fair Parade. Councilmember Ericson and Councilmember Christensen will be out of town. Councilmember Marabella, Councilmember Jensen and Councilmember Ericson will participate in the Junior Peach Days Parade and regular parade.

Councilmember Jensen moved to adjourn to a closed session to discuss the purchase, exchange or lease of real property. The motion carried. The Council convened in a closed session at 8:09 PM. The Council returned to an open meeting at 8:53 PM.

NEW BUSINESS

Letter of Intent to Issue Bonds to Construct a Building on the USU Regional Campus

Mayor Fife explained that this letter of intent is to issue bonds up to \$5 to \$7.5 million for a \$15 million building on the USU Regional Campus. Demolition has begun and the funding for a new building is very competitive. One way to accelerate the funding is for Brigham City, the County and the School District to work together and find tax increment funding to support it. The letter of intent would allow USU to be on the USU and State priority list.

Councilmember Ericson felt this was appropriate. Unless USU receive local support, this will not get through the legislature this year, which will postpone the opportunity for a long time. If it is not done now, the opportunity will not come along again.

MOTION: A motion to approve the letter of intent was made by Councilmember Marabella, seconded by Councilmember Ericson and unanimously carried.

MOTION: Councilmember Ericson made a motion to approve the resolution authorizing the Mayor to sign the letter of intent to Utah State University, seconded by Councilmember Christensen and unanimously carried.

The meeting adjourned at 9:05.