

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
December 1, 2011**

PRESENT:	Dennis Fife	Mayor
	Bruce Christensen	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
	Tyler Vincent	Councilmember
	Brian Rex	Councilmember Elect
	Mark Thompson	Councilmember Elect
ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Blake Fannesbeck	Public Works Director
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Jason Roberts	Finance Director
	Paul Tittensor	Chief of Police
EXCUSED:	Scott Ericson	Councilmember

Mayor Fife called the meeting to order and excused Councilmember Ericson who was out of town. The Reverence Period was given by President John Ferry of the Brigham City West Stake. The scouts in the audience led the Pledge of Allegiance.

**Approval of Minutes:** The minutes of the November 3 and 17, 2011 work sessions were unanimously approved as distributed with a motion from Councilmember Marabella, seconded and carried.

Mayor Fife tabled the item on the purchase contract with Horizon Development

**PUBLIC COMMENT  
CONSENT**

- Appointments to the Bicycling Committee
- Request to Extend the Purchase Contract with Horizon Development for one Year (*tabled*)
- Request for Approval of 2012 Holiday Schedule
- New Hires, Fire Division

**PUBLIC HEARING**

- Industrial Wastewater Treatment Ordinance Regulating the Industrial Waste Water Discharged into the City Sewer System to be Treated at the Waste Water Treatment Plant and establishing a Pre-Treatment Permitting Process for Heavier Industrial
- Consideration of Potential Projects for Funding through the Community Development Block Grant (CDBG)

**SCHEDULED DELEGATION**

- Suggestions for Animal Control Shelter
- Achievement of Goals by Youth Empowerment Team

**NEW BUSINESS**

- Resolution Requesting Renewal of Recycling Market Development Zone Status for Areas within Brigham City
- Ordinance Adopting Rules for City Council Meetings

**PLANNING COMMISSION**

Request for Approval of Ordinance Amending Chapter 29.02, Definition, and Chapter 29.14, Industrial Districts, and establishing Chapter 29.33, Junk Yards, Self-Service Enclosed Storage Facilities, Self-Service Outside Storage Facilities, Towing and Impound Yards

**UNFINISHED BUSINESS**

Recommendation on DOE Grant for Upper Hydro Plant

**OTHER BUSINESS**

**PUBLIC COMMENT**

Brian Rex - Mr. Rex commented regarding the grant for the upper hybrid plant. He said the payback period with a 50% return on investment in the seventh year as indicated in the feasibility study looks nice; however, it makes some assumptions. For example, it assumes 28 cubic feet per second delivery of water 365 days a year for seven years. That is 18 million gallons a day and approximately double the historical average. This makes the economics less favorable. The study does not indicate what will happen to the additional water, which is almost 80-90% more than the historical average. It is more than the culinary system can handle. He asked the Council to carefully study the numbers because there are some assumptions that are very critical in showing the payback that may not be sustainable.

Mr. Rex also discussed the waste treatment item. He asked how many customers will be affected by this, and the estimated cost of their compliance.

There were no further public comments.

**CONSENT**

Councilmember Marabella asked that the 2012 Holiday Schedule be discussed. The schedule being presented includes 12 paid days off, plus a half day off for Christmas Eve. Over the last few weeks, the Council has been discussing medical and dental benefits for the employees. He recommended the sitting Council look at an entire evaluation of the City benefits in January an average employee has two weeks' vacation, this means City employees are off one month a year. Medical and dental benefits account for 3.57% of the City's total budget. He felt there are a lot of loose ends. He recommended the holiday schedule be approved through June 30, 2012 and the future Council evaluate the remaining holidays further.

Mayor Fife explained that in 2003 City Council approved a half day off on Christmas Eve when it fell on Monday-Friday. He added that this is not unusual. A lot of companies allow their employees to go home early on Christmas Eve. The other holidays are government holidays which all government agencies have.

**MOTION:** Councilmember Marabella made a motion to approve the 2012 Holiday Schedule through June 2012 and table approval of the holidays from July through December for future consideration. The motion was seconded by Councilmember Jensen.

AYE: Councilmember Marabella  
Councilmember Jensen

NAY: Councilmember Christensen  
Councilmember Vincent

Due to a tie vote, the Mayor was allowed to vote and voted nay. The motion failed 3-2. The Holiday Schedule as presented was approved with the Consent Agenda motion below.

**Appointments to the Recycling Committee**

It was recommended Jennifer Packer be appointed as a member of the Bicycling Committee. It was also recommended Debra Adams serve as First Alternate to the same Committee.

**Request for Approval of 2012 Holiday Schedule**

A schedule of the proposed 2012 holidays was presented for approval. (See discussion above.)

### New Hires, Fire Division

It was recommended Roman Gomez, Paul Echohawk, Boyd Redington and Jason Shipp be hired as paid-on-call firefighters effective December 2, 2012.

**MOTION:** Councilmember Christensen made a motion to approve the Consent Agenda items as submitted. The motion was seconded by Councilmember Vincent.

AYE: Councilmember Christensen  
Councilmember Vincent

NAY: Councilmember Marabella  
Councilmember Jensen

The Mayor voted to break the tie and voted aye. The Consent Agenda was approved as presented with a 3-2 vote in favor.

### PUBLIC HEARING

#### Industrial Wastewater Treatment Ordinance Regulating the Industrial Waste Water Discharged into the City Sewer System to be Treated at the Waste Water Treatment Plant and establishing a Pre-Treatment Permitting Process for Heavier Industrial

Mr. Fannesbeck came forward and explained that the City is required to do this by the State. Section Two of the Pre-Treatment Manual is the only section included in the ordinance because the other sections are forms, procedures, etc. The rest of the manual will be used to administer the program.

Mr. Fannesbeck further explained that industrial businesses have certain limits on various metals, oxygen levels and temperature pH, etc. that they can discharge from their facility, which enters the City's pre-treatment plant. If they exceed these limits, they will be required to have a pre-treatment program in place.

Mayor Fife added that this is a federal program that is administered by the state. Brigham City is required to have this in place in order for Procter & Gamble to come online.

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

Brian Rex - Mr. Rex said if the City has to monitor these things, do they have a lab to do this? Mayor Fife replied that the City has a certified lab. Mr. Rex asked if this is going to incur additional cost to this lab. Mayor Fife explained that it can, but almost all the monitoring is done by the business itself, they then give Brigham City the report. However, the City has the right to take samples as needed and is also required to randomly do so.

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

Councilmember Jensen asked if this will affect agriculture businesses. Mr. Fannesbeck said it would only affect agriculture if they have a large cattle facility within City limits.

**MOTION:** Councilmember Marabella made a motion to approve the ordinance regulating the industrial waste water discharged into the City sewer system to be treated at the waste water treatment plant and establishing a pre-treatment permitting process for heavier industrial users as presented. The motion was seconded by Councilmember Vincent and unanimously carried.

#### Consideration of Potential Projects for Funding through the Community Development Block Grant (CDBG)

Mr. Bosworth explained that this is to allow people to request projects to be sponsored. There is no grant match required. It is expected \$700,000 will be available in the Bear River Region for CDBG projects, \$450,000 of which will be available for projects to be rated and ranked. All funds allocated must meet a HUD national objective and benefit low to moderate income individuals. Projects displacing low to moderate income persons are not likely to receive funding. The projects that are eligible include infrastructure projects for improvements to water and sewer, fire stations, street

improvements; public service projects for seniors, youth and battered spouses; housing rehabilitation projects.

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

Dave Schuster - Mr. Schuster represented Neighborhood Nonprofit in Logan. They were approved for a housing rehabilitation grant from last year. They received 34 applications; 14 were accepted for funds. The projects vary from handicapped ramps, new roofs, new windows, electrical upgrade, etc. They would like to apply for another \$100,000. Twenty of these applications qualified, but the money was not available. Each home is given an allotment of \$4,000-\$7,000 based on their needs.

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

### SCHEDULED DELEGATION

#### Suggestions for Animal Control Shelter

Ms. Peggy Szostek came forward and said she was originally going to request that the shelter be a no-kill shelter, but after talking with some animal control directors and employees, she has learned that it is impossible to save them all.

Problems:

- Ordinances of the county to be enforced; licensing and fines are a source of revenue
- Volunteers needed (run an ad)
- Address people problem with public education programs that encourages spaying and neutering, microchipping, dogs on leashes and responsible pet ownership
- Supplies needed - the shelter is short on kitty litter, blankets and toys
- The 5-day hold law hurts animals
- No adoption days
- Number of pets allowed in homes; more cats should be allowed

Ms. Szostek said last year there were 480 cats brought to the shelter. Only 20 were reclaimed by their owners; 63 were adopted; 401, or 83%, were euthanized. This cost the City over \$800. More dogs were adopted, with 30% of them euthanized.

Ms. Szostek suggested some ideas to raise funds.

- Fun run
- Photos with your pets
- Food drive for cat and dog food
- Gift certificates for adoption fees
- Adoption events

The Mayor expressed appreciation in Ms. Szostek's interest in the shelter and asked her to follow through on them with staff.

#### Achievement of Goals by Youth Empowerment Team

Mary Kay Kirkland from the YET Executive Board gave a presentation with the results from the Sharp survey. This is the state-wide survey given to students in the sixth, eighth and tenth grades. The student has to get a signed consent form from their parent to participate. The presentation is attached.

## NEW BUSINESS

### Resolution Requesting Renewal of Recycling Market Development Zone Status for Areas within Brigham City

Mr. Larsen came forward and explained that this is an incentive program offered by the state that is enabled by the City adopting a resolution and having a plan of implementation. This is a five-year renewal.

**MOTION:** Councilmember Christensen made a motion to approve the resolution requesting renewal of recycling market development zone status for areas within Brigham City. The motion was seconded by Councilmember Jensen and unanimously carried.

### Ordinance Adopting Rules for City Council Meetings

Mayor Fife explained that the Utah Code was recently amended to require all cities to adopt rules of order. The ordinance allows for participation electronically. A quorum would be required in an anchor position. Councilmember Marabella expressed concern with a councilmember being fully informed on the discussions in a Council meeting and then vote on it. Mayor Fife said they would have to participate in the entire Council meeting. Councilmember Marabella suggested this be clarified in the ordinance. A statement will be added to clarify that the absent councilmember must participate in the entire Council meeting, including a work session if applicable.

Councilmember Christensen said in the second to last paragraph it states, *"They shall provide notice of the electronic meeting to the councilmembers at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present..."* This is in conflict with the requirement that a quorum must be present at the anchor position. Mayor Fife stated that this was copied from the ULCT rules, but this can be changed. It was suggested *"including the determination that a quorum is present"* be deleted.

Councilmember Jensen stated that #10 requires attendance at Council meetings and provides penalties, but it is not specific. Mayor Fife explained that if a member is not attending, the Council can at that time determine appropriate penalties.

**MOTION:** Councilmember Marabella made a motion to approve the ordinance adopting rules for City Council meetings as amended, seconded by Councilmember Christensen and unanimously carried.

## UNFINISHED BUSINESS

### Recommendation on DOE Grant for Upper Hydro Plant

*Note: This was also discussed in a work session held October 6, 2011.*

Mr. Burnett stated that they looked at the rate of return of several projects. The projects that qualified were the upper hydro and the three injection wells. He recommended the City look at the upper hydro plant. He agreed with Mr. Rex's comments during the Public Comment Period that when the consultant figured the rate of return, they used conservative rates, and they were only the energy rates, not any demand changes. However, it is still a positive return. In addition, a new unit that would accommodate more water flow and more generation would be a good investment for the future.

**MOTION:** Councilmember Jensen made a motion to table this item until January 5, 2012 until the councilmembers elect are on the Council and Councilmember Ericson is in attendance. Councilmember Christensen said the new councilmembers would have to be brought up to speed on this topic. The Council has been working on this for a long time. Mayor Fife added that the Council had a long work session when everyone was in attendance. Even at that time, it was suggested the City do the 917 kW generator. The only concern was how much the grant would pay for and which projects the Power Department wanted to do. All the councilmembers felt good about the generation. The motion died due to lack of a second.

**MOTION:** Councilmember Christensen made a motion to proceed with the recommendation of the Public Power Department and show full support for the upper hydro plant, seconded by Councilmember Vincent. The motion carried with the following 3-1 vote.

AYE: Councilmember Christensen      NAY: Councilmember Jensen  
Councilmember Marabella  
Councilmember Vincent

#### PLANNING COMMISSION

Request for Approval of Ordinance Amending Chapter 29.02, Definition, and Chapter 29.14, Industrial Districts, and Establishing Chapter 29.33, Junk Yards, Self-Service Enclosed Storage Facilities, Self-Service Outside Storage Facilities, Towing and Impound Yards

Mr. Bradley came forward and explained that this ordinance addresses the standards for outside storage and like usages. It should help applicants understand what the City's standards are as well as help City staff address these items. It is to address the aesthetics and general appearance of the community and address the screening of such uses.

There was discussion on the landscaping requirement. Landscape would be required between the yard and the public right-of-way for any new business of this type. The Council decided to leave it as it is in the proposed ordinance.

The ordinance also addresses the following items:

- Junk Yards
  - Surface of parking lots
  - Stacking or racking of vehicles shall not exceed the height of the fence
- Self-Service Enclosed Storage Facilities
  - Outside storage is not allowed unless it is a combined, approved use
- Self-Service Outside Facilities
  - Vehicles shall not be stacked or racked
- Towing and Impound Yards
  - These yards must comply with Utah State Tax Commission standards

**MOTION:** Councilmember Marabella made a motion to approve the ordinance amending Chapter 29.02 and 29.33 as presented, seconded by Councilmember Christensen.

AYE: Councilmember Christensen      NAY: Councilmember Vincent  
Councilmember Marabella              Councilmember Jensen

The Mayor broke the tie and voted aye. The motion carried with a 3-2 vote in favor.

#### OTHER BUSINESS

Mayor Fife reminded the Council that a new Mayor Pro Tem will need to be elected at the first of the year.

A motion to adjourn to a closed session to discuss the purchase, exchange or lease of real property was made by Councilmember Vincent, seconded and carried. The Council adjourned to a closed session at 9:36 PM. The Council returned to an open meeting at 9:45 PM and adjourned.