

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
March 29, 2012**

PRESENT:	Dennis Fife	Mayor
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Brian Rex	Councilmember
	Mark Thompson	Councilmember
	Tyler Vincent	Councilmember
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
	Tyler Pugsley	Public Works Acting Director
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Kristy Law	Recreation Manager
	Bruce Leonard	City Administrator
	Mike Nelsen	Police Lieutenant
	Tyler Pugsley	Public Works Director
	Jason Roberts	Finance Director
	Paul Tittensor	Chief of Police

Mayor Fife called the meeting to order. The Reverence Period was given by Pastor Steven Barsuhn of the Rocky Mountain Bible Church.

**Approval of Minutes:** The minutes of the March 1, 2012 Council meeting were unanimously approved as distributed.

**PRESENTATIONS**

Donation to City from Zion's Bank  
Report on Utah State Activity  
Boys & Girls Club's Youth of the Year Speech Previously Given at the State Capitol

**PUBLIC COMMENT**

**CONSENT**

Request to Write-off Accounts Due to Bankruptcy or Being Sent to Collections  
Promotions to Advanced Firefighter, Fire Division  
Promotions to Fire Engineer, Fire Division  
Promotion, Police Department  
Renewal of Land Lease Agreement for City-owned Sign Along I-15  
Appointment of Ex-Officio Member to the Economic Development Board  
Appointments to the Neighborhood Pride Council  
Appointment to the Joint Planning Advisory Board  
Appointment to the Volunteers in Police Service (VIPS) Board

**SCHEDULED DELEGATION**

Art Appreciation Month and Presentation of First Annual Mayor's Award

**NEW BUSINESS**

Recommendation to Change Fueling Services for City Vehicles (*tabled*)  
Proposed Reorganization of Ambulance Division  
Request to Spend Grant Money of \$10,000 for Personal Protective Equipment for Members of the Fire Division

**PLANNING COMMISSION**

Request to Amend Chapter 29.26.100, Parking and Parking Lot Access, of the City Code

**OTHER BUSINESS**

## PRESENTATIONS

### **Donation to City from Zion's Bank**

Mr. Sherm Losee, President of the Northern Utah Zion's Bank Region, came forward and presented a check for \$25,000 to the City for the Academy Project.

### **Report on Utah State Activity**

Schuyler Bradley and Kristen Baugh came forward. Mr. Bradley reported that earlier this month eight members of the Youth Council attended the 30<sup>th</sup> Annual Youth City Council Leadership Institute at Utah State University. There were 28 other youth City Council groups from the state and over 400 youth in attendance. This gives them the opportunity to interface with youth from other cities and learn what they are doing in the City Councils for service projects in their community and learning about local government. There were a number of motivational speakers; the attended workshops by professionals teaching them about leadership skills, future career choices opportunities and managing time. Each Council also shares a display of their services and government activities they have been involved with throughout the past year. This year the Brigham City Youth Council did a workshop on teamwork.

Ms. Baugh added that this year they are going to sponsor a community ball at the Community Center on April 20 from 6:00-8:00 pm. She invited the Mayor and Council to join them.

### **Boys & Girls Club's Youth of the Year Speech Previously Given at the State Capitol**

This individual was not in attendance.

## CONSENT

### **Request to Write-off Accounts Due to Bankruptcy or Being Sent to Collections**

A list of accounts totaling \$5,135.45 was presented to be removed from the City's billing system due to customer taking out bankruptcy or being sent to collections.

### **Promotions to Advanced Firefighter, Fire Division**

It was recommended Curtis Packer, Dustin Richards and Dustin Yates be promoted to Advanced Firefighters, effective March 30, 2012.

### **Promotions to Fire Engineer, Fire Division**

It was also recommended Justin Bott, Casey Claybaugh, Noel Cochran, Blaine Packer, Thomas Peterson and Derek Yates be promoted to Fire Engineers, effective March 30, 2012.

### **Promotion, Police Department**

Jared Glover was recommended for a promotion as Police Corporal, Grade 57, effective March 30, 2012.

### **Renewal of Land Lease Agreement for City-owned Sign Along I-15**

A renewal agreement was presented for approval for a billboard sign along I-15, south of the 1100 South interchange for \$1,500 per year.

### **Appointment of Ex-Officio Member to the Economic Development Board**

It was recommended the City Council approve Mitch Zundel as ex-officio member to the Economic Development Board.

### **Appointments to the Neighborhood Pride Council**

Wallace Larsen and Pat Whitaker were recommended for appointment to the Neighborhood Pride Council.

### **Appointment to the Joint Planning Advisory Board**

Barbara Poelman was recommended for reappointment to the Joint Planning Advisory Board.

### **Appointment to the Volunteers in Police Service (VIPS) Board**

It was also recommended George Fuller be appointed to the Volunteers in Police Service Board.

**MOTION:** A **motion** to approve the consent Agenda was made by Councilmember Jensen, seconded by Councilmember Thompson and unanimously carried.

### **PUBLIC COMMENT**

Dennis Baird – Mr. Baird asked if there will be any consideration to change the decision based on citizen input.

Mayor Fife asked the City Attorney, Mr. Kirk Morgan, to explain the procedures that took place and the Council's options at this point.

Mr. Morgan explained that if anyone wants to remove public trees, they have to submit an application to the City Forester through the Shade Tree Commission. This process was done in this particular situation. City Council is not required to vote on this; however, in the interest of getting open dialogue, the Mayor put this on the agenda for a vote of support. This is not required under City Code because several years ago, the City Council gave the City Forester authority to make that decision with the advice and consent of the Shade Tree Commission. The permit has been issued by the City Forester.

Mr. Morgan emphasized that all procedures have been followed. Rescinding the permit cannot be done without some evidence of fraud and inducement of the permit, or if Brigham City did not carry through any conditions of the permit. There is no mechanism that allows City Council to rescind the permit.

Jeff Packer – Mr. Packer expressed support of the City Forester and Shade Tree Commission decision. His grandfather lived at 647 South Main at the time the Sycamore trees were planted. It is part of their family history that he may have planted the first sycamore tree along Main Street. If anyone has studied this property as he has for the last ten years, they would realize that the trees need thinning. Compared to the ones on the east side of the road, they are not healthy trees. When driving down Main Street, people probably don't notice there are only four trees on the east side of this block.

Willie Hunsaker – Mr. Hunsaker said he supported removal of the trees. He has taken care of the Brigham City tabernacle for many years. The bark of these sycamore trees comes off, falls down and grass goes over the top of it. The leaves are still there in the spring. When he took care of the tabernacle grounds, every morning they had to remove the leaves from the ground. He lives at 400 North 117 West and the leaves come onto 400 North all year long. These leaves are a nuisance, not a beauty. He agreed that the trees should be removed to match the trees on the tabernacle grounds.

Gary Bywater – Mr. Bywater said he thinks the temple is the best thing that has happened to Brigham City. It is a beautiful building, but so are the trees. Some of the trees on that block have already been removed. Parson's Sand & Gravel constructed a berm at the side of his subdivision. He does not like it; it is ugly. But they were a good neighbor and did it to give them a barrier from the sound of their trucks and equipment. The temple does not have any vegetation on 200 South, 100 West or 300 South. If a person is in the temple grounds, the trees will act as a sound barrier. As far as driving by and seeing the temple, people cannot see anything but the trunks, so if the trees are removed they will still not be able to see the temple. He heard that there was an arborist from Utah State University that looked at the trees and was given the assignment that he suggest the trees were damaged. He would not make that comment; he said there was nothing wrong with any of the trees and they should stay. As past Chairman of the Brigham City Shade Tree Commission, they have never allowed any trees to be removed for the benefit of anyone. When he was Chairman of the State Shade Tree, one of their assignments was to find any problems in other cities. One of the things that came up was to be consistent. If they are not allowing trees to be removed for one individual, they should not allow trees for an institution to be removed. Mr. Bywater felt that the trees will add to the beauty, ambience and the sacredness of the temple. If the Council is going to allow the trees to be removed in front of the temple, Mountain West Bank has a sign that shows the time and temperature. He has a building across the street. He asked the Council to remove that tree because it blocks the sign and he can't see what time it is. If someone east of town cannot see the temple out of their front window because there is a tree in the way, the precedence has been set by removing the temple trees.

James Moore – Mr. Moore stated that he is involved in the construction industry and is very conscious of structures. Several months ago he was at the tabernacle and as he walked by, he looked over at the temple and it is beautiful, but the trees detracted from the temple. He thought at that time that they all needed to be removed, especially the three right in front of the temple. A lot of visitors are going to be visiting the tabernacle and walk toward the temple and all they will see are trees. After he saw the plan to leave four of them, he went there again and he felt it is a very good plan to mirror the tabernacle.

Maggie Nawyn – Ms. Nawyn said she is against removing the sycamore trees. She has done a lot of research for almost two months and found that they were planted 70-80 years ago. They are a major part of history and many people remember them. She agreed that they are a big hassle when they are not in foliage, but they are a big part of Brigham City history and she felt they add to the temple. Driving down I-15 people can clearly see the temple. It is one of the largest buildings in Brigham City and she did not feel that the trees detract from that in any way. She presented a petition signed by several people who also think the trees are a major asset.

Lane Montgomery – Mr. Montgomery thanked the Box Elder News Journal for their excellent coverage of this issue by publishing the photograph and rendering. The photo clearly shows that the trees on the tabernacle side are spaced such that they are not infringing on each other. The trees on the temple side of the street are infringing on each other and are stunted as a result. Not only will thinning allow the remaining trees to reach their full stature, there are other benefits that have not been mentioned yet. One is that the two end trees on the north and south that are going to be removed will provide better visibility at these intersections. Mr. Montgomery said he is in favor of thinning the trees for many reasons.

Heidi Yates – Ms. Yates said it saddens her to hear someone call a living thing ugly and a nuisance. Also, there are many intersections on Main Street and she agreed it is hard to see, but the one being discussed is the largest intersection in town. It is one of the best visual intersections in the City. Her parents have lived here all of their lives. Her grandmother's roots can be traced back to the founding of Brigham City. She agreed that the temple grounds are going to be beautiful, but did not agree that the new trees should replace the trees that are already there. If she is coming in from her parents' house in Bear River City, she can see the temple. If she is at her friend's house in Perry, she can see the temple. It is a beautiful building and she did not think it needs to be opened up more for visitors to see it. As she stood on the tabernacle steps and looked toward the temple, it looks like the temple is growing out of God's foliage. In the summer the trees will be a beautiful green, and there will be the temple. In the fall it will be beautiful, and there will be the temple. In the winter when the trees are covered with snow and ice, there will be the temple. She worked for Box Elder School District for eight years. Every single year they taught their students to protect the environment. If these trees are removed just to better see a building, what are we teaching our youth? If this business is allowed to remove trees, who else can? Her parents owned a beautiful business on Main Street for many years and now it just sits there as a relic, but the trees cover it up and it is beautiful. The temple will not be covered up. It is very large and it is beautiful. When it is fully lit everyone will be able to see it behind the trees without a problem.

Phil Greenhalgh – Mr. Greenhalgh felt that removal of these trees are essential. He felt that it will add to the beauty because the remaining four trees will flourish with the lack of competition. All four of his children went to Central School and they played in the shade of those trees. That property and those trees are special to their family, but they fully believe that removing some of these trees will make the remaining trees much better for the beautification of the downtown. Opening up the middle of that block will allow the other plants to flourish. Removing sycamore trees on Main Street is nothing new. It has been done many times before, which is evident as one drives on Main Street. His neighbors on 200 South have had sycamore trees removed. They are big, beautiful trees, but sometimes they have to be thinned out to have the true beauty of the trees. He felt that the City Forester, the Shade Tree Commission and City Council have done their due diligence.

Richard Felt – Mr. Felt expressed concern with setting a precedent. However, as far as the looks, people driving down the street cannot tell how many trees are on one side versus the other. Thinning them out is probably a good idea and Brigham City will still be the City with the great tree-lined streets. If he was in the Council's position and someone wanted to replace six trees with 160 trees on that block, he would be in favor of it. He loves the trees too, but did not feel that it will do any harm to thin them out.

Barry Richardson – Mr. Richardson said when he first moved to Brigham City the trees were one of the things he loved about this community. He is a landscaper and has worked in landscaping in Idaho, Washington and Chicago; he has had to work with cities and trees. In Olympia Washington, when a tree of a certain diameter is removed, it has to be replaced with another tree. When he looked at the trees in question, he noticed that they are not as healthy on the temple side of the street. The roots are not doing very well because they have to compete with the asphalt and an empty lot before the temple was built, as well as competing with each other for the small amount of ground remaining. Thinning them out is the best thing to do for them. If they are not thinned out there is a risk of losing all of them.

Shara McNealy – Ms. McNealy said the trees should be removed. Everyone can see the temple from afar. They should be moved to make the temple look nicer and more welcoming to the City of Brigham.

Jack Roe – Mr. Roe said the trees are gorgeous and do not need to go anywhere. He presented several petitions signed by Brigham City residents. When getting these signatures, they found that nobody knew about this issue. When they found out about it, they were angry. If the individual agreed or not, they were angry because someone should have told them.

Akira Hunt – Ms. Hunt said she does not want trees to be removed. The trees are gorgeous. She gathered 238 signatures from students saying they want the trees to stay.

Trevor S. – He said when he rides his skateboard, the trees help him catch himself. Whenever he and his Mom go to Ogden, they can see the temple all the way from the highway. He supported keeping the trees.

William Monson – Mr. Monson said the trees should stay because they are older than most of the people in this room. Even though they are putting in more, most of the people will not see them when they are as old as the present trees. People can see the temple just fine.

Maria Martinez – Ms. Martinez stated that if the City is going to cut down the six trees, all the trees might as well be cut down. The Council is setting precedent. Because it is a business, the City thinks they can come in and cut them down. Her parents have a business across from Kent's Market; the City should take out those trees too because there is a bus stop there and people leave litter there. There is no parking spot in front of their business because there is a tree there. She did not agree with the fact that the City is choosing to take out trees and did not advise the community. She knows that for a fact because she was unaware of it and she always reads the newspaper. She felt the City is in danger of lawsuits from other businesses that want to take out their trees and were not allowed to. She did not understand how the Council can make a decision like this and not bring it to the attention of the citizens. Not everyone can come at 7:00 at night on a Thursday evening. A lot of people have jobs. If the City is going to cut out these trees, cut out all of them because it is not worth it.

Tyson Packer – Mr. Packer said there has never been, nor will there ever be, another building that matches the Brigham City temple and grounds. Whatever the temple takes away from Brigham City as far as aesthetics, it will be returned ten times over. There will be dozens and dozens of trees and plants on the temple grounds that will bring color and vibrancy for years to come.

There were no further comments from the public.

Mayor Fife stated that the public was informed. That is the reason it was brought before the Council. As the City Attorney said, this did not have to happen. It was brought before the Council so it would be publicized and people could attend the meeting. It was publicized again in the Box Elder News Journal and very few people came forward. It was not until there was a story in the Ogden Standard, which distorted many of the facts, that people started knowing about it. He said the City would like more people to show an interest and read the agenda, and know what is happening in Brigham City. It is very difficult to get these decisions before the people. The City followed all the procedures required by publishing the agenda in the local paper, posting it at three places, posting it on the Brigham City website and on the State Public Notice website.

Mayor Fife explained that the LDS Church was not treated any differently than any other developer. They had to go through the same process in applying for an application and go through the same procedures. There have been many trees removed for businesses along Main Street. To say that the Shade Tree Commission has never removed a tree cannot be true. The Utah Department of Transportation removed nine trees a few years ago.

There are over 160 trees, consisting of 34 shade trees, 60 ornamental trees, 36 evergreen trees and approximately 25-30 fruit trees and many, many shrubs and flowerbeds that will be planted on the temple grounds.

Councilmember Rex reiterated that all procedures were followed. The LDS Church approached the Shade Tree Commission with their request and it was duly considered. Previous City Councils granted permission to the Shade Tree Commission to handle these decisions and that is what they did, in accordance with Brigham City Code.

Ms. Jolene Crockett, Administrative Assistant and secretary of the Shade Tree Commission, came forward and stated that the Shade Tree Commission is a very dutiful and thoughtful Commission. Some of them have been on the Commission for over twenty years. They do not take trees lightly. People have been allowed to take out trees in front of their homes and businesses for construction projects. The Commission does not favor one over another. She added that she prepares the agendas in advance and posts them on the Utah Public Notice website and anyone can attend these meetings. All the minutes are also posted for public view. The Commission went to the tabernacle lawn and discussed this for a long time. For those concerned with the LDS Church getting preferential treatment, she stated that there is only one member of the Commission that is LDS.

Tyler Pugsley, the City's Forester, explained the process again. The LDS Church followed this process and the Shade Tree Commission discussed their request at several meetings. They made the decision based on what they felt what was in the best interest of the City, the health of the sycamores, and what would match the tabernacle side of the street. They felt that the trees are crowded and that thinning the trees, and with the improved irrigation and treatment the Church has agreed to, the existing trees will blossom and no one will even notice that trees were removed.

Mr. Pugsley added that sycamore trees are subject to anthrax, caused by wet and moist conditions. Usually, in this dry climate, it is not a problem. However, in a wet spring the trees suffer and do not get their full foliage. As it becomes hotter, the trees recover. A landscaper told him that the treatment of these trees is quite expensive and is not a one-time treatment. It is approximately \$30 per tree.

#### **SCHEDULED DELEGATION**

##### **Art Appreciation Month and Presentation of First Annual Mayor's Award**

Ms. Beth Gurrister from the Heritage and Arts Board came forward and read a proclamation declaring April Art Appreciation Month.

Ms. Susan Neidert, Chair of the Heritage and Arts Board, reported that for Art Appreciation Month they have several activities planned:

- 1) Two County High School Art Exhibit
- 2) Opening of Lucky Stiff at Heritage Theater and Remember the Magic at Old Barn Community Theater
- 3) Sense of Wonder Day at the Bird Refuge
- 4) Art-Tell at the Fine Arts Center
- 5) Art Exhibit at the Utah State University Brigham City Campus
- 6) Art Exhibit at the Fine Arts Center
- 7) Main Street Fly Away
- 8) Annual Art Award from the Brigham City Mayor

Mayor Fife announced that the first recipient of the Mayor's Art Award is Melanee Day. She was nominated for the work she has done to develop the Box Elder High Theater Program into a cultural community event.

## **NEW BUSINESS**

### **Proposed Reorganization of Ambulance Division**

Mr. Jim Buchanan came forward and explained the proposed reorganization of the Ambulance Division. It will be similar to the newly organized Fire Division. There will be three Ambulance Captain positions. They will be responsible for 10-13 Emergency Medical Technicians and report directly to the EMS Director. There will be a Training Specialist to oversee all training, re-certification processes and level advancements. It is anticipated this reorganization will save money and make the division more efficient.

**MOTION:** A motion to approve the reorganization of the Ambulance Division as presented was made by Councilmember Vincent, seconded by Councilmember Jensen and unanimously carried.

### **Request to Spend Grant Money of \$10,000 for Personal Protective Equipment for Members of the Fire Division**

**MOTION:** Councilmember Vincent moved to authorize the expenditure of a \$10,000 grant for personal protective equipment, seconded by Councilmember Jensen and unanimously carried.

## **PLANNING COMMISSION**

### **Request to Amend Chapter 29.26.100, Parking and Parking Lot Access, of the City Code**

Mr. Bradley came forward and stated that these changes clarify the assigned duties in the Public Works Department regarding access to drive approaches and refers to the Public Works Standards.

**MOTION:** A motion to approve the ordinance amending parking and parking lot access was made by Councilmember Jensen, seconded by Councilmember Vincent and unanimously carried.

## **OTHER BUSINESS**

Mayor scheduled a Budget Work Session for April 4 at 6:00. He will make his budget presentation on April 19; it will then be turned over to the Council. The Council should present their budget on May 17.

The meeting adjourned at 8:51 pm.