

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
February 2, 2017
7:02 PM**

PRESENT:	Tom Peterson	Mayor Pro Tem
	DJ Bott	Councilmember
	Alden Farr	Councilmember
	Ruth Jensen	Councilmember
	Mark Thompson	Councilmember
ALSO PRESENT:	Joseph Bach	Fire Chief
	Mark Bradley	City Planner
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Paul Larsen	Community Development Director
	Kristy Law	Community Activities & Services Director
	Kirk Morgan	City Attorney
	Mike Nelsen	Police Chief
	Derek Oyler	Finance Manager
	Tyler Pugsley	Public Works Director
	Jason Roberts	City Administrator
EXCUSED:	Tyler Vincent	Mayor

Mayor Pro Tem Peterson conducted the meeting and excused Mayor Vincent, who was out of town. The Reverence Period was given by Councilmember Thompson. The Pledge of Allegiance was recited.

Approval of Minutes: A motion to approve the minutes of the January 19, 2017 Council meeting and work session was made by Councilmember Bott, seconded by Councilmember Jensen and unanimously approved.

AGENDA

RECOGNITION OF EMPLOYEES

New Hires – Police Department

PUBLIC COMMENTS

COUNCILMEMBER COMMENTS

NEW BUSINESS

Consideration of Resolution to Amend Title 11 to Adopt a Third Party Repository Service for Inspection, Maintenance and Testing Records

Update on Snow Removal

Request Authorization for Mayor to Sign Letter of Intent and Approval to Proceed with an Investment Grade Audit

Discussion on Proposed Changes to Police Wages

Discussion on Swimming Pool Staffing

PLANNING COMMISSION

Request Approval of Brigham Crossing Master Street and Development Plan for Upland Square Development Agreement Located at Approximately 1100 South and 1100 West

Consideration of Preliminary Plat Approval for South Bench Subdivision Located at 600 South and 900 East

ADJOURN TO CLOSED SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY

RECOGNITION OF EMPLOYEES

The Police Department recently hired two police officers: Cody Herbert, Police Officer III, and Clinton Burt, Police Officer I. Chief Nelsen presented them with their badges.

PUBLIC COMMENTS

Lee Johnson, Brigham City – Mr. Johnson said he has been reading about the origin of local government. The current form of government goes back to William the Conqueror. When he went to England the commune system of government did not exist because they drove the Romans out of their country. When William the Conqueror came in he had to convert an entire country into a new way of being. The kings bribed the people with protection if they implemented a new way of government. With this new government, the Mayor was in charge of the police powers. A Council was setup to administer the merchant marines for a local, immediate judge and jury. Mr. Johnson said this organization is not a common law organization. He said he appreciates that the Council is dealing with business. That is exactly what the Council should be dealing with.

Kevin Lane, Brigham City – Mr. Lane encouraged the Council to look at the ordinances that govern the gravel pit up Whiskey Flats. They are under a different ordinance than the rest of the pits. The City can do something about the decibels from their operation. When he was on the Planning Commission they spent many weeks reviewing the requirements on the pit to keep down dust, etc. He can see that it is not being done. He encouraged the Council to get familiar with this ordinance and hold them to the standards they agreed to.

David Walker with Historic Downtown Brigham City – Mr. Walker asked the Council, as they review the budget, to consider giving them some funding. The Chamber of Commerce recently announced that they are now the Chamber for the entire county. They have publicly stated to the Historic Downtown organization that at the risk of offending some of their larger donors, they cannot focus on downtown. The City currently donates to the Chamber. They also receive free rent for the City facility, revenue from Peach Days, plus all the communities that support the Chamber. The Historic Downtown ran the entire Farmer's Market last year on a shoestring. They are self-supported. He also asked the Council to consider beautification of the downtown; such as flowers, pots, benches, Christmas lighting. The Tour of Utah is coming to Brigham City this year. It would be wonderful if Brigham City could look beautiful for this large crowd of people. They worked with some of the businesses on their branding initiatives. Not only are they focusing on the Bird Refuge because there are over 200,000 people that go there that do not go downtown, they also want to focus on developing the Academy Conference Center as more of a destination. It is struggling and they are trying to work with them, as well as the Famous Fruitway.

Julianna Larsen, Brigham City – Ms. Larsen said as Brigham City has received a lot of snow this year, it is expected there will be a lot of flooding. They have been watching the Box Elder Creek and it appears that the City is planning ahead and letting some of the water out. She hoped that this is being done in anticipation of what is coming.

DeAnna Hardy, County – Ms. Hardy said the Council's number one responsibility is to protect the State's sovereignty. If we're not a state, we're reversed back into colonies and subject to the Crown. We should stop taking money from the federal government. The school system has not taught the true and correct history. The people need to be educated in order to liberate ourselves again from the socialist system. She warned the Council to be aware of what they do with the general plan because what they want to happen may have a reverse reaction. When Ogden City did their general plan, they had bike paths and landscaping. She does not like to go there because it is so crowded. The more that is done, the more the City has to enforce the citizens to pay for it. She concluded with a quote from Benjamin Franklin, "without freedom of thought there cannot be such a thing as wisdom, and no such thing as liberty without

freedom of speech.” She hoped that they will continue to have freedom of speech because she heard that “Johnny Miller is back trying to shut down public comment.”

COUNCILMEMBER COMMENTS

Alden Farr met with the CERT where they discussed potential flooding problems.

Councilmember Jensen participated in Elected Officials Day at the capitol with the Youth City Council. All the Council was able to go except Councilmember Farr. It was a good time. They got to speak with our representatives. This is one of the events that the Youth City Council does that they get to do mock bills and get to see how government actually works. She met with the Interfaith Council trying to get them onboard on the Sesquicentennial Celebration interfaith event in June. They are trying to gather all the churches, non-denominational, denominational, roots, to come together and show unity in the community even through our diversities. She hoped there will be enough participation from everyone to show how wonderful Brigham City is and how we work well together as neighbors and how we can get along with each other even though we have differences. She also went on the homeless count. People ask her why she has to go on the homeless count. It’s in order to meet the specifications to get different grant monies to help out the homeless, so they have to go out and count them in the wintertime. Her group didn’t find any homeless, but Tremonton did. They found a family that was living in their car in Tremonton at the gas station. They helped them out and took care of them. She was able to go to the Sesquicentennial Ball. It was a lot of fun. There was standing room only. She met with the Box Elder Economic Development Agency where they talked about certain things that are going on in the area, certain businesses that are coming, entrepreneurs. It is really exciting. The business summit is coming up on October 20th. The Sesquicentennial lectures will start on February 9. There will be six in the series. It has been advertised in the newsletter. On February 9, it’s Of the People, by the People, for the People; February 23, Hi Ho Hi Ho It’s Off to Work We Go; March 9, Home is Where One Starts From; March 23; The Yanks are Coming to Bushnell Hospital; April 6, Education Pow Wow of Brigham City; April 20, Did You Know? There is a lot of history, a lot of information that is coming our way. Whether you’re young or old, people should participate and listen to see all the things that have happened throughout our history that has formulated us to this point. There was a picture of the early councilmembers in the News Journal. She said she was not represented in that. You would never think, with all those bearded guys, that the current Council would be non-bearded and a Hispanic female on the Council. This shows how much we have evolved. In the Sesquicentennial events throughout the year they are going to do a Soap Dish Derby. They couldn’t use the term Soap Box Derby because it is patented. If they used it they would have to spend \$500 and entry fees. There are a lot of fun things going on in Brigham City.

Councilmember Thompson said the Sesquicentennial Ball was a lot of fun; it was impressive. He thanked the Committee for their hard work. There is a quilt show at the Museum. It will continue through the middle of March.

Councilmember Bott said the Youth City Council is a fun group. They are learning a lot about City government and helping by doing service. They have a lot of activities planned that will be a lot of fun. He added that they were one of the best dressed groups at the Capitol for Elected Officials Day. The Urban Beautification Committee will meet next week. February is Scout Month. The Boy Scouts of America was established in America in the month of February. Friends of Scouting will be coming up. It is also a great time to look for a way to do a good turn daily. It could coincide with all the snow, such as shoveling roofs and sidewalks.

Mayor Pro Tem Peterson attended the Airport Advisory Committee meeting. This was the first one he attended. He learned a lot about the airport and some of the fun things that are going to happen there. DeAnna mentioned in her comments “subject to the Crown.” It reminded him that the Legislature is in session. The Council should be mindful of what happens and watch for the updates. He has attended both

of the League's LPC Committee meetings at the Capitol. There are a lot of things happening this year that could affect municipalities. They sent out an email today regarding the Spring Conference April 5-7. The Sesquicentennial Ball was great. He heard a lot of comments from the people that attended that it should be done annually. As the Council works on the budget this should be considered.

NEW BUSINESS

Consideration of Ordinance to Amend Title 11 to Adopt a Third Party Repository Service for Inspection, Maintenance and Testing Records

Chief Bach came forward and explained that this ordinance would require that the Fire Department keep track of records on fire inspections. It would also include sprinkler and spray booth inspections, as well fire escapes, stand pipes, commercial hood cleanings, etc. Currently, when a business license is renewed the Fire Department tries to inspect these and make sure the systems have been inspected and tested by a commercial contractor. The system could be streamlined. Most of the Wasatch Front uses a service for this. There would be no cost to the City. The contractors do the inspections and pay for the service. The business does not pay anything extra for the service. The third party would keep track of the inspections and log them into a secure website. The Fire Department can then go to that website and see if they passed or if there were deficiencies that needed to be corrected. It then gives the Fire Department notification for any follow up needed. It will also give the business a notification when they are due for inspection, giving them the last contractor that did the inspection with contact information. If nothing goes into the repository that it has happened, another notification will be sent to them. The business will continue to be notified until the inspection is done. If it gets to the point where it doesn't happen at all, the Fire Department will do a follow up. This would save the Fire Department a lot of time.

Mayor Pro Tem Peterson noted that the ordinance states that anyone providing this type of service in Brigham City would be required to use it. He asked how the Fire Department would know if a business not located in Brigham did an inspection. Chief Bach replied that most contractors along the Wasatch Front are already part of this system. However, there may be a few local businesses that are not currently members, but would be notified by the company. It will cost each business \$12/year.

Councilmember Bott said it sounded like the City is requiring private business to be involved with another private business. Chief Bach said they are already involved with an inspection business. The City is required to make sure businesses get these inspections performed every year. When they're not, the Fire Department has to follow up and continue to follow up to make sure it is complete. This would make it more efficient.

Councilmember Bott asked how the City will regulate the businesses. For example, if someone from Ogden does an inspection, how will they know about this ordinance? Mayor Pro Tem Peterson said these businesses are very specific. There are probably not more than five in Brigham City. As new ones start they will have to be added.

Councilmember Jensen asked if the Fire Department talked to local companies. Chief Bach said they have not.

Chief Bach said currently, this is all being done by foot. As a business renews their business license, they try to catch it as it goes through the system. Someone from the Fire Department goes to the business and does an inspection, then does follow ups as needed. If it still isn't done, a letter is generated. Eventually legal gets involved.

Councilmember Jensen asked if this could be done without an ordinance. Chief Bach said it's possible, but it wouldn't make it so it *had* to be done. Councilmember Jensen said it makes her feel like it's a monopoly.

Mr. Morgan came forward and explained that what benefits the City is the software. Councilmember Jensen agreed, adding that it doesn't require an ordinance. Mr. Morgan said the ordinance is needed because they won't use the software program if they aren't told they need to. It is similar to the Stillman software the Police Department uses throughout the state, where everyone can access information. The benefit for the Fire Department is that they can access the software and see what businesses have received their inspections and those who have not, rather than doing a physical inspection.

Councilmember Jensen said the City wants to force people, but it doesn't appear there is any abuse. The Council is being told contrary things. For example, almost everyone is using it along the Wasatch Front. How many are using it in Brigham City – about 4-5.

Chief Bach said most of the contractors are using the system, but the Fire Department does not have access to it.

Councilmember Jensen said usually when the City makes an ordinance it is because people are abusing something. She asked why they are making an ordinance to just get the software.

Mayor Pro Tem Peterson said there is an ordinance already in place regulating how this is done. This ordinance changes it. Councilmember Jensen said it seems this is doubling up. Chief Bach said there is no ordinance that covers recordkeeping.

Mr. Morgan said if the Brigham City Police Department only used software that Brigham City uses and Perry, for example, uses different software, Brigham City would not be able to look at their system even if they helped on a case in Brigham City. This is very similar to this request.

Mr. Roberts stepped forward and said the software is to facilitate assuring inspections are done correctly. It is a lot better than the manual process. In the research done by the City, this is the software that is most widely used and most functional. Contractors like this because it helps their business remind them when inspections are needed to be in compliance and would not have the liability in case of a fire. The only request is that the reports go through the software. There are many things throughout the City wherein there is a cost related to a specific activity it is passed onto the people that cause that activity to be used.

Councilmember Bott expressed concern with requiring business to do business. The example of the Police Department is intergovernmental agencies. There is no fee when one Police Department communicates with another Police Department. He did like having an ordinance that requires a private company to charge \$12 in order to do business. He agreed with the recordkeeping part of it, but not charging. Chief Bach said it is more cost effective for the Fire Department. Mr. Roberts added that if the City doesn't use this company, it will be paid by the taxpayers as it is now. Councilmember Jensen said there hasn't been any abuse.

Mayor Pro Tem Peterson said there is inadvertent abuse. As the County Facility Manager there were many times when he went to one of his facilities and the fire extinguishers had been expired for 3-4 months. He was not purposely doing it; he was worrying about other things. This would prevent the inadvertent abuse that is happening.

Councilmember Jensen said they are not against that, the notification and the information. Councilmember Thompson said it won't happen unless they are required to.

Councilmember Bott suggested doing an ordinance requiring the business doing the inspection to submit the report to the Fire Department, rather than requiring them to go with a separate business that will charge them. Chief Bach explained that this is currently being done, but then the Fire Department has to

follow up on it. Councilmember Bott asked if this is an ordinance. Chief Bach replied that there is no ordinance on recordkeeping. Councilmember Bott said he could support an ordinance requiring the business required to have an inspection to supply the City with the report, rather than requiring the private business to spend \$12 to contract with another business to do something that the City should probably already be doing. Chief Bach said the Fire Department currently has to go to the business to get it and verify whether or not they are complying. If they supply it, it is on a piece of paper rather than online and accessible. In addition, if it's online all the Fire Department has to do is push a button to send a notice that they are not in compliance.

Councilmember Thompson asked how many businesses will be affected by this. Chief Bach estimated 250.

Councilmember Bott said it's not about the \$12.00; it's about the principle. The City is creating regulations. Mayor Pro Tem Peterson said the regulation is already in place. This would make the Fire Department much more efficient. He added that if he were a business owner and he had that liability, he would pay the \$12 for the annual notice reminding him that his inspections are due. Councilmember Bott agreed, but he did not think the City should require it. Councilmember Jensen added that the \$12.00 never stays \$12.00; it will go up.

Councilmember Farr asked if there is a State requirement for contractors to submit paperwork after they perform inspections. Chief Bach said there is not. Mayor Pro Tem Peterson said there is, however, a law that requires their equipment to be inspected. Chief Bach added that there is not a law that requires the inspector to send the paperwork to the Fire Department.

Councilmember Farr said it sounds like the Council could either not adopt this because the state is not requiring contractors to submit paperwork for compliance purposes, or adopt it and be a step ahead of the state.

Chief Bach said the reason the Fire Department is requesting this is to make the department more efficient.

Councilmember Farr said he and Councilmember Bott are business owners and he is required to have a fire extinguisher. He asked Councilmember Bott if he checks his to make sure it is current. Councilmember Bott replied that he does. They have a schedule with their contractor and he comes every year to inspect and recharge. Councilmember Farr said when he got a business license he was required to get an inspection and hasn't heard from anybody for multiple years. Chief Bach said there are many that don't.

Councilmember Bott said he has a concern with government making him make himself safer. That is impeding on his individual liberty. He asked if the ordinance could be drafted in the same way, but not require them to go through this service, just give the report to the Fire Department. Councilmember Farr said then they will have 500 pieces of paper they have to deal with that has to be put into a system, plus the manpower. Councilmember Bott said the City set themselves up for that when the ordinance was adopted to have a safety review. He was concerned with requiring a business to charge their customers to make it more convenient for the City, in an ordinance that was created by the City.

Councilmember Jensen asked Councilmember Bott what he gets when his fire extinguishers are recharged, such as lower insurance premiums. Councilmember Bott said he doesn't get anything; he is just complying with the City's requirement. Councilmember Jensen said if his building starts on fire and he's able to put it out with the fire extinguisher, good for him. If not, it is his property. Chief Bach added, and also the neighbor's property. Councilmember Bott said the neighbor would have recourse against that business.

Councilmember Bott had concerns with an ordinance requiring businesses to join a system to charge for recordkeeping for the Fire Department. The City created the ordinance, so the City should be responsible for the paperwork. Why is the City requiring businesses to do good business? Councilmember Jensen said the City could still adopt the software but not as an ordinance. Councilmember Bott said the ordinance is requiring the contractor to use the software.

Councilmember Thompson said if the City is going to save money with it, the other choice is to require them to do the inspections, and the City will cover the costs by getting a group cost for the businesses of Brigham City and the City would cover the charge.

Councilmember Bott agreed with the recordkeeping portion of the ordinance. He felt it would be better to make the recordkeeping ordinance and require the contractor to do something free, such as tell the Fire Department the inspection is done and is in compliance.

Mr. Roberts said the City's Sportsman software requires them to pay a fee for the software. The fee covers the cost of the software and licensing. There are several precedences where the people that cause costs to go up pay for that cost. Councilmember Bott said he could agree with this. If the City is going to require safety inspections, then the business should pay for that, not that contractor. It is good for the business to be notified that the inspection is due. Chief Bach said this would put the City into the business of charging the business so another contractor can do the inspection. Councilmember Bott felt that the cost of recordkeeping should be passed through to them, not the business doing the inspection. Chief Bach asked if he would be okay with the contractor passing the cost down to the business. Councilmember Bott said he is, but it should not be required. He would rather require the business to do that in order to get the safety inspection.

Councilmember Thompson said that isn't the natural flow of the information because the contractor is the one that has that connection. Mayor Pro Tem Peterson added that any contractor can sign up for this program; it is an open network. The City is not choosing only one contractor. Councilmember Bott said the City is requiring them to a business model that they may not want to use for their recordkeeping. Mayor Pro Tem Peterson said it is not for their recordkeeping, it is for the City's recordkeeping. Councilmember Bott said it is both, because it notifies the contractor that an inspection needs to be done, as well as the business owner.

Councilmember Jensen said she cannot agree with the ordinance because there are not enough facts or information to make her want to have an ordinance on record finding. She would like to see who the abusers are. She asked earlier who is not using the system. She was told almost everyone was; there were only 1-2 people that are not. She asked about the Wasatch Front, she was told almost all cities have this ordinance so almost everyone is using the system. But Brigham City is not using the system, so get the software. Why does there have to be an ordinance to charge? The City should be able to buy the software. Chief Bach said the City cannot buy the software; it is their software. Councilmember Bott said the City is requiring private business to do private business with somebody else in order to make it easier for the City.

Councilmember Farr said this is a program to provide a service to the businesses that are required to have fire extinguishers. This is a private company making money by charging the users \$12.00 to use their software package. Councilmember Bott said it is not the businesses coming to the Council asking for it. The City is asking to force the business to do that.

Councilmember Farr said another way to look at it is to ask what the cost is to the City to track these inspections.

Kevin Lane stated from the audience that the biggest benefit to the City is knowing people are protected. There have been a dozen different businesses that lost million square foot warehouses that were fully protected because of a missed inspection. Without inspections the risk to the City is far greater than the cost to the businesses.

Councilmember Bott said he would like the ordinance to require the report be filed by the business or the contractor. Chief Bach asked how the Fire Department will enforce that.

Councilmember Jensen asked how many commercial/industrial/manufacture businesses have gone up in flames and created a big disaster in the last five years because of the lack of safety inspections. Mayor Pro Tem Peterson mentioned the hay plant that exploded out west. Councilmember Jensen said that was not in Brigham City; she was not worried about the County. She did not think there has been abuse. When she looks at an ordinance as legislation, if it is not going to be enforced then what is the point? Apparently there has not been abuse. Usually the Council makes a law when there is something being abused or something that is hurting people. That is why a law is made.

Councilmember Farr asked what would happen if this third party business files bankruptcy and no longer provides the service. Chief Bach said they would look for another software company. The ordinance does not specify a specific software company. If at any point the company goes out of business or the City decides not to do business with them anymore, the company will turn over all of the City's records. This will be part of the agreement. Then the City will go back to handling it the way it is currently being done.

MOTION: Councilmember Thompson made a motion to approve the ordinance to amend Title 11 to adopt a third party repository service for inspection, maintenance and testing records. Motion failed for lack of a second.

Update on Snow Removal

Mr. Pugsley came to the table and stated that this year has been a challenge. Recent snow total records indicate that there is 180% of snowpack in the surrounding mountain basins. Public Works has worked around the clock several times, including holidays and most weekends, spending significant time away from their families. From November to current, Public Works crews have worked approximately 1600 hours just on holidays and weekends. This equates to \$43,470 in overtime charges. They are over budget.

Mr. Pugsley continued that they are having issues keeping salt in the salt shed. They currently have approximately 800 tons of salt available. It has been a challenge keeping it in stock because of the high demand. In a typical snow removal year, they spend \$50,000 in road salt, or 1,000 tons. This year they have spent \$192,000 for 4,000 tons of salt. Of these 4,000 tons, they have used about 3,200 tons. They have spent \$36,497 in fleet maintenance repairs, double what they usually spend through the winter.

Hard winters cause a lot more damage to roads due to the freezing, thawing, and moisture on the roads. It makes street maintenance required at a more rapid rate than scheduled. Street maintenance will need to be increased significantly in some areas.

Mr. Pugsley continued that the road salt purchases are paid from the same account line that is used to fund yearly street maintenance. When overtime and other items go over budget, Class C Funds are also reduced to balance the budget. When line items go over budget, he will notify the Finance Manager and they will reduce things in other areas to accommodate for the overrun.

Due to this fund being significantly drawn down to keep up with recent storms, they will have to cut back on necessary maintenance to the roadways until the next budget year.

Mr. Pugsley said he will work with the Finance Manager to update the yearend budget projections, then return to the Council with recommendations that would still place street maintenance as a high priority for the City.

Councilmember Jensen asked if he had any plans on where the money will come from. Mr. Pugsley said Mr. Oyler will look at this while doing his yearend budget projections. Mr. Oyler said one option would be the excess in the general fund balance. There may be some savings in the other departments as well.

Councilmember Bott felt that pet projects or services the City does are less important than the City's transportation system.

Request Authorization for Mayor to Sign Letter of Intent and Approval to Proceed with an Investment Grade Audit

Mr. Oyler explained that this discussion started with the City Council over two years ago. The last instructions from the Council was to go out to bid. There was only one qualified bid received. Staff returned to the Council about a year ago and asked that it be tabled.

The awarded bidder, Siemens Industry, will look at the City's HVAC systems, building automation and controls, lighting, water fixtures, water meters, water and water reclamation plants and any potential sources of alternate energy. The company will go through the City's facilities and look into where they could find savings if the City upgraded and saved money on utility costs. It will be a 6-9 month process.

At the end of the audit, staff would meet with the company and determine what a probable payback time for the upfront investment is. Staff would return to the Council to discuss the findings.

If the City moves forward with the audit and the City Council and/or staff determines at the end of the audit that there may not be merit, or the City does not want to move forward, the City would pay Siemens \$29,975. If the City moves forward, Siemens would be the contractor and will subcontract as they see fit.

Councilmember Farr asked if there will be request for bids for the subcontractors. Mr. Oyler replied that if that is what the Council wants to happen, they can require Siemens to follow the City's purchasing policy. This can be written in the contract. He added that the RFP process has met the purchasing policy. Mr. Mark Cram from Siemens Industry came to the table and added that they are required by State Statute to do open book pricing. As they go through the process with staff, all the information will be available for review. They are also required to follow the same procurement laws the City is required to follow.

Councilmember Jensen asked if Siemens is going to be the contractor and financier. Mr. Oyler explained that this is not a loan against the City. There will be an operational lease payment every year. The City is not going to have a loan on the books; there will be an annual operational finance charge. Mr. Cram explained that they have helped other cities through the process of procuring financing. Sometimes they use their own lending institution. It is a tax exempt municipal lease that is paid back by the savings, so there is no debt requirement.

Councilmember Thompson asked what the savings might be. Mr. Cram replied that typically they see between 28%-40% savings. If Siemens does not provide the City with a project that meets the desired parameters, the City is not responsible for anything. The parameters will be determined by the City and Siemens, such as the term of the payback. These parameters will be determined three different times. The first will be during the kickoff meeting. Typically, it falls between 10-15 years. The state allows 20 years, but they never recommend a project that goes beyond 15 years. After that there will be a 30% review, then a 60% review that refines the scope down, then a 90% review which is essentially when the project is complete.

Councilmember Jensen said the Letter of Intent reads, “...if Siemens presents an Agreement that meets the objectives defined above, and the parties do not execute the Agreement, then the costs associated with the audit will be incorporated into the price of the agreement.” She asked if this means, that if it is determined that the project will cost \$5.5M, for example, the \$29,957 would go into the cost of what is being done, or if it just covers Siemens services. Mr. Siemens replied that it is part of the development costs.

MOTION: Councilmember Bott made a motion to authorize the Mayor to sign a letter of intent and approval to proceed with an investment grade audit. The motion was seconded by Councilmember Farr. In discussion following the second, Councilmember Jensen asked if the City has an employee that can do this area by area. Mr. Oyler said there are probably employees that can do some of these areas. One of the purposes for Brigham City to be involved in an investment grade audit is to get the results from another source. The main reason is to fund the projects all up front and realizing the savings over 15 years. He added that it may take 15 years to complete the projects through capital funding sources. The biggest issue is the general fund facilities are lacking the opportunity, and especially the funding, to move forward with these projects. A good example is the HVAC at City Hall. It is a good opportunity to do a lot of projects in a short amount of time and realize the savings from the utilities over the period of the payback. Councilmember Jensen said it is already known that these things are antiquated, so why not just change them out? Councilmember Bott said one reason is to do this is because employees may be able to do this, but they do not have the resources to best address the problem. Siemens has done this in other cities, so they know what works and what doesn't. Councilmember Farr felt that there is value in hiring professionals to do professional work. An example is Jones & Associates. Mr. Oyler said the biggest concern is that staff does not have the time to do this. Councilmember Jensen expressed concern with only receiving one proposal. Councilmember Farr said Siemens is a big company, and there are not a lot of companies that will do this. He did not think there was anyone on staff that could do a heating and air conditioning retrofit analysis to determine the size and flow. Mr. Roberts came forward and said at one time the City had the money available to fix the City Hall HVAC, then staff discovered that investment grade audits were available. It was felt at that time that the City could save enough off monthly utility bills to have a payback. It is not just heating and air conditioning; there are other areas as well. There are companies that help with the process and put it all in a package. This is what was said two years ago and why this has come about. Councilmember Jensen asked if Siemens will choose a financing institution, or if they will make recommendations to the City. Mr. Oyler said this will be the City's decision. There may be some projects that will be budgeted out of the capital project funds; there may be portions of the general fund facilities that the City would want to find a local banker. The options are unlimited. Mr. Cram added that one thing the City would not have if City staff did this themselves is a guarantee. As part of the audit, Siemens guarantees the annual savings. Two things must happen by state statute: 1) it must be cash flow positive every year, which means budget neutral. Siemens guarantees what the City will save, whether it be gallons of water or kilowatt hours. If they miss on the guarantee, they will make up the difference to the City financially. The City will know, and the lending institution will know, that the funding will be there every year.

Councilmember Thompson asked if this could be postponed six weeks. He was concerned with some of the issues before the legislature. Mr. Roberts said it could be postponed. Mr. Oyler asked if the prices would still be the same in six weeks. Mr. Siemens said they will provide a master schedule at the kickoff meeting, which can be revised however the City feels is appropriated.

AMENDED MOTION: Councilmember Bott amended his motion to postpone the Mayor signing the letter of intent until after March 15, 2017. Councilmember Farr seconded the amended motion. Voting was unanimously in favor.

Discussion on Proposed Changes to Police Wages

Mr. Roberts said last year while going through the budget process, it was found that there were some compression issues in the Police Department where subordinates were making almost as much money as their supervisors. Due to the difficulty throughout the state in hiring police officers, entry level police wages have risen quickly. The City has adjusted the entry level wages, but it has caused the compression.

The Police Department has been down three officers most of this budget year. Mr. Roberts recommended the savings from these open positions be used to pay for these adjustments.

Mr. Roberts continued that generally, supervisors make 10% more than those below them. They looked at the market rates and studies and found that there is an issue with corporals and sergeants not making as much compared to the other positions in the City. On average, corporals compared to an officer 3 were making 2.7% more. The increase to get to 5% would be an average wage adjustment of 61¢ per hour. Sergeants were making 2.7% more than corporals. The average wage adjustment to get to 5% would be \$1.32/hour. Due to where the market has gone, he recommended the separation be 7% for lieutenants. To get them 7% above the sergeants would be 42¢ per hour. The total yearly cost would be \$27,525. The cost this fiscal year would be \$12,704.

Mayor Pro Tem Peterson asked if this includes an estimated cost of living increase in July. Mr. Roberts said this does not include a cost of living increase.

MOTION: A motion to increase police wages as outlined was made by Councilmember Farr, seconded by Councilmember Bott and unanimously carried.

Discussion on Swimming Pool Staffing

Ms. Law said Alek Raymond will be leaving employment after this season. The pool is a Star Guard facility. The next closest Star Guard facility is Salt Lake County. She would like to hire someone in time for them to attend the only training available this year on March 4 and 5, then they would be able to shadow Mr. Raymond for the year. There is no one at the facility now that is ready for the position.

Mayor Pro Tem Peterson asked if there is anyone to back up Mr. Raymond. Ms. Law said they are two deep, but not three deep. Lyn Raymond, a former employee, is able to come in as needed, but his time is limited due to the demands of his job.

Mr. Roberts said there are funds available until July 1, 2017. After that would be another fiscal year, so he asked for their support in this new position for one season.

Councilmember Jensen asked that the pool be two deep, other than Lyn Raymond. Mr. Roberts said Bryce Lofthouse from the Water Department has been trained on the pumps and chemicals. It comes down to Recreation's staff and timing.

The Council agreed that the position should be posted.

PLANNING COMMISSION

Request Approval of Brigham Crossing Master Street and Development Plan for Upland Square Development Agreement Located at Approximately 1100 South and 1100 West

Mr. Bradley explained that this is the Upland Square Development Agreement area that was approved in 2009. It has changed property owners a few times since then. The current property owner is interested in getting the Master Street and Development Plan approved. This has gone before the Joint Advisory Board and the Planning Commission. Both recommended City Council approval. Once this is in place it will streamline some of the application process. They will still have to get roadway dedications as the property is developed. The road would need to be 500' back from 1100 South as required by Utah Department of Transportation (UDOT). The key collector street would run east and west and tie into potential residential development. Everything west of the railroad tracks is in Perry City; everything north is in Brigham City, including the west side. 1100 West will be the key connector into Perry's 1200 West. It will be 105' on Brigham City's side. Mr. Bradley was unsure what Perry will continue with their right-of-way.

There will be wider sidewalks than the standard four foot to create a more walkable area. Mayor Pro Tem Peterson said he liked the idea of a wider sidewalk, but not at the cost of a narrower street.

The development states that they need to have a letter from the Corps of Engineers prior to approval of the plan. While they are waiting for this letter, it was proposed that the Council accept the plan and if the letter itself or any significant changes take place to the road, it would come back to the Council. It is anticipated the road will adjust further to the east as they prepare for the Utah Transit Authority (UTA) corridor preservation area.

The Planning Commission recommends approval subject to compliance with the staff review comments, stipulations, and findings of fact that the UTA corridor be noted on the plan with the understanding that the north/south street will be shifted to the east to accommodate the UTA corridor and that the forthcoming 404 wetland permit or the wetland clearance letter is issued and causes significant change to the street plan that the plan will need to come back for Council approval.

Mayor Pro Tem Peterson asked if there is anything wider than a 4' sidewalk in the City's road standards. Mr. Bradley said there is not, unless a sidewalk is placed by the curb which requires a 5' wide sidewalk in a more urbanized area. Mayor Pro Tem Peterson asked if the developer is amiable to a 4' park strip and a 5' sidewalk. Mr. Bradley said they have been willing to accommodate that.

Mayor Pro Tem Peterson asked Mark Daines, Project Manager, to the table. Mr. Daines said they are open for discussion on the park strip and sidewalk. Most of it comes down to recommendations from Public Works due to the access they need.

Mayor Pro Tem Peterson said there has been a lot of complaints about the width of the Wal-Mart street. He did not want to be in the same situation with this new development. There will be more traffic in the area and if the street has been narrowed to accommodate the wider sidewalk and park strip, there will be problems. Although the Wal-Mart street does not belong to Brigham City, he felt the City should learn from this mistake and make the new road as wide as possible. Mr. Bradley stated that they have been working with UTA trying to get the distance they need for corridor preservation. It could be up to 125' back from the center line of the Union Pacific railroad.

MOTION: Councilmember Thompson made a motion to approve the request for the Master Street and Development Plan for Upland Square Development located at 1100 South and 1100 West. The motion was seconded by Councilmember Bott. Councilmember Jensen asked if Councilmember Thompson wanted to add anything about the sidewalk. Councilmember Thompson replied that Public Works will work with them on the sidewalk and park strip. Councilmember Farr asked if the site plan takes into consideration the right-of-way for the FrontRunner. Mr. Bradley said part of the Planning Commission recommendation was that the developer will update the map. There will be a note identifying that there will need to be a preservation area so it is understood that the

corridor needs to be worked out with UTA for them to purchase from the property owners. All councilmembers voted aye; unanimously carried.

Consideration of Preliminary Plat Approval for South Bench Subdivision Located at 600 South and 900 East

Mr. Bradley explained that this plat was initially submitted by Casey Crossman. It is now part of their LLC. They would like to develop two recently purchased properties into a subdivision with 20 residential lots.

The Planning Commission recommended approval upon vacation of 600 South, which was done at the last Council meeting. Also that the proper exchanges between Ferguson and the developer take place, and the exchange of the City green property and the developer, the developer is to pipe the section of the Perry Canal along the length of the property. These have all been done. It was also stipulated that rezoning of properties be done to clean up the zoning. This will take place in a future meeting.

MOTION: Upon motion by Councilmember Farr, with a second by Councilmember Bott, the Council unanimously approved the preliminary plat for South Bench Subdivision located at 600 South and 900 East.

ADJOURN TO CLOSED SESSION

A motion to adjourn to a closed session to discuss the purchase, exchange or lease of property was made by Councilmember Jensen and seconded by Councilmember Bott. A roll call vote was taken with all councilmembers voting aye. The meeting adjourned to a closed session at 9:35 p.m.

The Council returned to an open meeting at 10:07 p.m. and adjourned.

The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the February 2, 2017 City Council Meeting.

Dated this 2nd day of March 2017.

Mary Kate Christensen
Mary Kate Christensen, Recorder