

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
November 2, 2017**

PRESENT:	Tyler Vincent	Mayor
	DJ Bott	Councilmember
	Alden Farr	Councilmember
	Ruth Jensen	Councilmember
	Tom Peterson	Councilmember
	Mark Thompson	Councilmember
ALSO PRESENT:	Ryan Abraham	Cemetery Sexton
	Joseph Bach	Fire Chief
	Rick Bosworth	HR Coordinator
	Mark Bradley	City Planner
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Mike Nelsen	Police Chief
	Derek Oyler	Finance Manager
	Tyler Pugsley	Public Works Director
	Jason Roberts	City Administrator

Mayor Vincent called the meeting to order. The Reverence Period was given by Mayor Vincent. The Pledge of Allegiance was recited.

**Approval of Minutes:** A motion to approve the minutes of the October 5, 2017 Council Meeting was made by Councilmember Bott, seconded by Councilmember Jensen and unanimously approved as distributed.

**AGENDA**

**PRESENTATION**

Presentation to City from Work Force Services

**RECOGNITION OF EMPLOYEES**

New Hires, Fire and Police Departments

**PUBLIC HEARINGS**

Ordinance Requesting to Amend a Portion of Eagle Crest Townhomes Phase 3 to Combine Lots 26 and 27, Located at 793 South 400 East

Renewal of Franchise Ordinance with Comcast

**PUBLIC COMMENT**

**COUNCILMEMBER COMMENTS**

**NEW BUSINESS**

Proposed Changes to Leave Time Policy

**ADJOURN TO REDEVELOPMENT AGENCY**

**ADJOURN TO CLOSED SESSION TO DISCUSS THE PURCHASE, LEASE OR SALE OF PROPERTY**

**PRESENTATION**

**Presentation to City from Work Force Services**

Ms. Eden Johnson, representing the Utah Department Work Force Services, came forward and presented the City with the Utah Patriot Partnership as a Utah Patriot Partner. This is a program that encourages the

hiring of Utah veterans and allows employers to support men and women who have served by considering them for employment.

## RECOGNITION OF EMPLOYEES

### **New Hires, Fire Department**

Fire Chief Bach introduced Justin Brown as their new Firefighter/Paramedic in the Fire Department and presented him with his badge.

## PUBLIC HEARINGS

### **Ordinance Requesting to Amend a Portion of Eagle Crest Townhomes Phase 3 to Combine Lots 26 and 27, Located at 793 South 400 East**

Mr. Bradley came forward and explained that the same owner owns both parcels. One lot already has a dwelling on it. They are requesting the lots be combined for tax purposes and to have more space. This request will not affect any easements or new area that would be common area. Representatives from the HOA have provided a letter of support for the amendment.

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

**MOTION:** Councilmember Farr made a motion to approve the ordinance to amend a portion of Eagle Crest Townhomes Phase 3 to combine lots 26 and 27, located at 793 South 400 East. The motion was seconded by Councilmember Bott. A roll call vote was taken:

Councilmember Bott – aye  
Councilmember Farr – aye  
Councilmember Jensen – aye  
Councilmember Peterson – aye  
Councilmember Thompson - aye

### **Renewal of Franchise Ordinance with Comcast**

Mr. Larsen explained that in order for private utilities or quasi-private utilities to operate in cities, they need access to right-of-ways and easements. This is granted with a franchise agreement. Comcast currently has an agreement with the City, this is to renew that agreement for ten years. A 5% franchise fee will be required. Restrictions are stated in the agreement for use of the right-of-ways, such as compliance with local codes, national electrical and engineering standards, mapping and joint trenching. There is a provision for a public education and governmental channel if the City decides to do that in the future. It also provides for mutually acceptable audit and dispute resolution procedures as well as insurance and indemnification.

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

Mike Shoell, Brigham City – Mr. Shoell asked what would happen if this was denied. Mr. Roberts replied that the City would have to re-negotiate the terms that were unacceptable to both parties. In the meantime, Comcast would operate under the current agreement.

Paul Roberts, Brigham City – Mr. Paul Roberts did not think the access channel was worth pursuing because YouTube has taken away any possibility of citizens wanting to host anything on an access channel. He asked how the gross revenue was calculated. The telecommunication industry has vertical integration and obtuse financing methods that could allow cheating. He asked why there has to be so many lines on the

poles and why Comcast wants a duplicate cable because UTOPIA is already in the trench. He wondered if there are any annual reports for the public to inspect. There is no provision for recourse or punishment for failure to deliver advertised and expected data rates.

Don Dunbar, Brigham City – Mr. Dunbar said the City should get out of UTOPIA and let private industry provide internet and cell phone service.

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

Mr. Kirk Nord came forward and replied to some of the citizen's questions. Regarding the access channel, the City wanted that option available. In answer to the gross revenue question, he explained that the City has the opportunity to audit Comcast, so they can look at the franchise fees and see how they are calculated. This franchise agreement is for TV and is only collected on the video portion of the customer's bill. Regarding the lines on poles, traditionally Comcast's lines are underground.

**MOTION:** Councilmember Jensen made a motion to approve the franchise ordinance with Comcast, seconded by Councilmember Bott.

**Roll Call:**

Councilmember Bott – aye  
Councilmember Farr – aye  
Councilmember Jensen – aye  
Councilmember Peterson – aye  
Councilmember Thompson - aye  
The motion carried with a unanimous vote.

**PUBLIC COMMENT**

Don Dunbar, Brigham City – Mr. Dunbar asked what the municipal energy tax is for on his gas bill where that money is going. He heard that \$2M is being requested for a new water system at the golf course, and they don't even pay the City for the water. Citizens have been asked to limit water and electric consumption, and the City has a 3-tier rate. This is complete oppression and is a punishment tax.

Paul Roberts, Brigham City – Mr. Roberts reported on the number and type of fish at Pioneer Park Pond.

Juliana Larsen, Brigham City – Ms. Larsen said she was very concerned when she received her last utility bill. She made a few calls to the City and had a very good response. A City employee looked into it and told her there was a mistake and what would be done to correct it. She was concerned with the City taking away the paper recycling bin at the Community Center. Some individuals were picking this up and the proceeds were donated to the Senior Center. They told Ms. Larsen that the City told them not to do this anymore because of the new recycling program. She asked the Council to not close a railroad crossing again.

DeAnna Hardy, County – Ms. Hardy said it was interesting to hear that the task force is mostly made up of the donors. There are a lot of people in Brigham City that do not want the splash pad. She said Reeder Ranch is another public/private partnership and is more socialism.

Bonnie Germer, Brigham City – Ms. Germer wondered about the \$10M railroad crossing. There should be a lot of meetings and if the City bonds for this it should go on the ballot. She saw online that the City would have to come up with \$175,000 for splash pad, and maybe \$375,000 for splash pad and skating rink. Brigham City's adults do not have enough money to pay for entertainment for all the citizens.

**COUNCILMEMBER COMMENTS**

Councilmember Farr attended a meeting with Reese Jensen, Chair of the CERT Committee, and made a presentation to the non-denominational committee. They also met with CERT to review the agenda for the upcoming year.

Councilmember Jensen attended the Bear River Associations of Governments and provided the Council with graphics for Box Elder County, the Bear River Region and Cache County.

Councilmember Peterson reported on the Airport Advisory Board where Aviation gave an update on the airport projects. The Board also reviewed the CIP for the next five years.

Councilmember Thompson attended the Mosquito Abatement Conference where they discussed mosquito control. They reported that there was a drop in the West Nile virus from the high in 2007, but it has increased this year to almost similar levels. A lot of the mosquitos in the area come from the Bear River Bird Refuge and the Abatement is not allowed to control the mosquitos in that area. They may need some help from the City to try and mitigate this. He also attended the Museum Board meeting. The Plein Air Exhibition was very successful, with several local submissions.

Councilmember Bott reported that the Youth City Council went on a tour of the cemetery, which was very interesting. The Chamber of Commerce has a lot of activities with the upcoming holidays. Councilmember Bott attempted to clear up some misunderstandings on the splash pad. There has never been donors on the committee. It consists of City staff, volunteers and representatives from the civic clubs. The Rotary donated money and there is a representative on the committee. He clarified that there have never been any discussion on the committee about a skating rink. Councilmember Jensen said someone posted online that if the City is going to do a splash pad they might as well do a skating rink.

Mayor Vincent visited P&G regarding their partnership with Wal-Mart. He expressed appreciation to the wonderful businesses in Brigham City that contribute to the community.

**NEW BUSINESS**

**Proposed Changes to Leave Time Policy**

Mr. Bosworth, along with Jevan Weeks and Nathan Gonino from the Employee Coordination Committee (ECC) came to the table. Mr. Weeks stated that earlier in the year in a budget work session the Council discussed ways to reward employees. The ECC decided to focus on employee leave time.

They compared the City’s current leave time with 28 cities with similar population and services:

<u>Years of Service</u>	<u>Average</u>	<u>Mode</u>	<u>Brigham City</u>
1	86	96	80
5	116	120	96
10	142	144	120
15	156	160	160
20	167	160	160

The ECC proposed the following changes be made to Brigham City’s leave time:

<u>Tenure</u>	<u>Annual Leave</u>
1	80
3	96
5	112
7	128
10	144
15	160

They also compared maximum leave time carryover. They requested vacation carryover be increased from 240 hours to 400 hours.

They also proposed 40 hours be available immediately upon hire, rather than waiting for the end of their probationary time.

The ECC's final recommendation was to match the leave time of new hires to what they were earning at their current employment. This is currently being done on a case-by-case basis as part of the hiring negotiations.

Mr. Roberts said the additional accrual hours would affect the budget, although it is difficult to estimate what that would be. It depends on how many employees retire or resign in a given year and how much carryover they have at the time. He and Mr. Oyler estimated between \$15,000-\$40,000.

Because some of these items could affect the budget, Councilmember Jensen suggested they be discussed during the budget process.

**MOTION:** Councilmember Peterson made a motion to support the ECC's two suggestions that do not affect the budget – the accrual time and the personal leave, with the stipulation that they will not be paid out if they quit before their probation period. Mr. Bosworth said not allowing payout before probationary period will have to come back as an amendment to the policies and procedures manual. The motion was seconded by Councilmember Bott. The motion unanimously carried.

A motion to adjourn to a Redevelopment Agency meeting was made by Councilmember Jensen, seconded by Councilmember Bott and unanimously carried. The meeting adjourned at 8:20 p.m.

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

*Dated this 4<sup>th</sup> day of January 2018.*

*Mary Kate Christensen*  
\_\_\_\_\_  
Mary Kate Christensen, Recorder