

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
June 5, 2014**

PRESENT:	Tyler Vincent	Mayor
	DJ Bott	Councilmember ( <i>excused until 7:07 pm</i> )
	Ruth Jensen	Councilmember
	Tom Peterson	Councilmember
	Brian Rex	Councilmember
	Mark Thompson	Councilmember

ALSO PRESENT:	Rick Bosworth	Human Resource Manager
	Mary Kate Christensen	City Recorder
	Jared Johnson	Community Development Director
	Bruce Leonard	City Administrator
	Derek Oylar	Deputy EMS Director
	Tyler Pugsley	Public Works Director
	Jason Roberts	Finance Director

Mayor Vincent called the meeting to order. 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 May 1 and 15, 2014 Council Meeting and May 15, 2014 Budget Work Session was made by , seconded by and unanimously approved as distributed.

**AGENDA**

**PUBLIC COMMENT**

**RECOGNITION OF EMPLOYEES**

New Hires in Community Development and Senior Center

**PUBLIC HEARING**

2014-15 Tentative Budget, Which Includes a Transfer of 15% of Fee Revenue, or \$2,864,191 from the Public Utility Fund to the General Fund and an Additional \$50,000 Transfer from the Utility Fund to the Emergency Disaster-Capital Project Fund

**SCHEDULED DELEGATION**

Request for Variance on Insurance Requirement and Waiver of Special Event Permit Fee for Pioneer Day Celebration

**NEW BUSINESS**

Request for Renewal of Submersible Water Ski License

Request for Approval of Interlocal Cooperation Agreement with Box Elder County for Conversion of Land and Water Conservation Fund Grant Encumbrance on West Forest Street to Property Owned by Brigham City East of Mantua

Conveyance of Abandoned Sewer Easement with Box Elder School District

**ADJOURN TO CLOSED SESSION**

Discussion on the Sale of Real Property

**PUBLIC COMMENT**

Don Dunbar, Brigham City - Mr. Dunbar stated that before the City tears something down there should be something better to replace it. He said he has found it - the Hotspot. He explained the uses and applications of this electronic device. He felt that this makes UTOPIA

obsolete and is part of the answer and should be considered. He continued that the Council should not fall prey to the Macquarie June 27<sup>th</sup> cutoff date. They are a trillion dollar global investment company and all they care about is profit. He said he has it on good authority that they are being audited by the Australian tax authority.

Lee Johnson - Mr. Johnson said we've got trouble, and that is Brigham City's Articles of Incorporation. If a person wants to blow a company apart, pierce the corporate veil. Then the individual members that are running the corporation become personally responsible and it may be considered a criminal enterprise. He wants to bring the community together by updating the Articles of Incorporation and get the documents from 1867 up to today because the City cannot move forward if we are using documents that are tied to the past.

DeAnna Hardy, County - Ms. Hardy stated that at the last City meeting it was stated that before public education only the wealthy could attend. Now everyone pays for education even if they do not go to school, even if they do not have children, or if they no longer have children in school, or choose not to be part of the public education by home schooling. Everyone pays. One of Karl Marx's Communist goals was to have free public education. We now see the scheme of his plan and continue to go along with this Communist goal. This should be reversed to protect the children and future generations. There was a study done that stated only 11% need to attend college. We are participating in a government monopoly.

On the issue of UTOPIA, Ms. Hardy said she heard that the Council will sign with Macquarie. The federal government did not follow through with their funding, which they should not be funding a private business anyway. The State Legislature changed the rules. If they changed the rules they can change them again.

Ms. Hardy continued that at the last Council meeting Mayor Vincent told her that she should be grateful that he allows her to speak at City meetings because she cannot vote for the Mayor and Council and does not reside within Brigham City limits. She said God gave everyone the freedom of speech and divinely inspired the Founding Fathers to put it in the U.S. Constitution. God knew how important this was.

There were no further comments from the public.

*Councilmember Bott arrived at 7:07 PM.*

## RECOGNITION OF EMPLOYEES

### New Hires in Community Development and Senior Center

The Mayor and Council welcomed Amelia Furniss, part-time custodian, Connie Turnage, Senior Center Cook, and Anthony Wilkinson, GIS Specialist as the latest employees hired to work for Brigham City.

## PUBLIC HEARING

### 2014-15 Tentative Budget, Which Includes a Transfer of 15% of Fee Revenue, or \$2,864,191 from the Public Utility Fund to the General Fund and an Additional \$50,000 Transfer from the Utility Fund to the Emergency Disaster-Capital Project Fund

Mayor Pro Thompson and Mr. Roberts gave the attached presentation.

Becky Maddox, Brigham City - Ms. Maddox asked if the City is paying for the Dance Academy and the USU Building now and hope to be reimbursed later. She felt that there are still ways

to economize so there is money to do the things that need to be done. She expressed appreciation to the Council and staff who have put a lot of time and thought into the budget, and for trying to meet the needs within the parameters they have to work with.

Don Dunbar, Brigham City - Mr. Dunbar said a lot of water is being used on the golf course. Water is like liquid gold in the west. He suggested the City look to the future. The economy is going to be ruined. It may be improving a little bit in Brigham City, but nationwide the Council does not have a clue what we are in for. Some of us that have reportedly been in the high command know what's coming. It has to do with \$191 trillion in unfunded liabilities and \$17 trillion that we will be taxed for. There is a limit for the camel before his back collapses from all the straws. He asked that the Council consider what is best for the City, not what is best for special interest groups, like Macquarie or the federal government. He has a real problem with storm drain. Oil comes out of the ground and it is used for petro, it goes back in the ground and the rains come. It is just an excuse for the Environmental Protection Agency to micro manage us even though we should have grass roots level full control of everything. Watch for the future. He asked the Council to not take on any more projects. Parks and recreation is frivolous. It seems like there is a park for every 500 residents. The parks are beautiful and the crews take very good care of them, but the citizens would be better off if a private entity owned them.

Mr. Dunbar addressed the City's original charter [Articles of Incorporation] that Mr. Lee Johnson passed out to the Council. There are some mandates that he and Mr. Johnson believe are still binding to the Council. There are some cost controls on utilities that he recommended the Council look at.

Mr. Dunbar said we are all passing through this life and we should be assured that somebody, maybe a writer like him, is keeping track. They are writing books; writing what is and is not done. It has been said that the winners write history. He challenged the Council to honor their oaths of office and not fall prey to the special interest groups and the big money, because they are writing about all the Council; they keep diaries. If the Council wants to go down in history as being patriotic, so be it. If not, there will be consequences, and it might be a tarnish on your life. Let your conscience be your guide. He agreed that there cannot be anything else cut from the budget, but in the future do not add anything more. There is a limit to what the citizens can bear.

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

The Council will vote on the proposed 2014-15 budget in the June 19, 2014 Council meeting.

#### SCHEDULED DELEGATION

#### Request for Variance on Insurance Requirement and Waiver of Special Event Permit Fee for Pioneer Day Celebration

Councilmember Bott disclosed that he is a member of the Sons of the Utah Pioneers.

Mr. Bond from the Sons of the Utah Pioneers came forward. Mr. Bond said they are planning a Pioneer Day Celebration for the second year. This year they want to have a parade. They have liability insurance for \$1M.

Mr. Johnson explained that the City requires a Special Events Permit when anyone wants to hold an event on City property. The cost of the permit is \$25.

Val Roberts, President of the SUP, stated that he filled out the paperwork for the permit and said there was some confusion when he turned it in on whether it was needed or not. He expressed some confusion as to why they were asked to present a request to the Council. They are not asking for any waiver of fees or variance on the insurance.

No Council action was needed.

## NEW BUSINESS

### Request for Renewal of Submersible Water Ski License

Mr. Pugsley approached the Council and explained that this license is for a water ski course at Mantua Reservoir. This is the seventh year Mr. Parker has renewed this license.

Councilmember Peterson asked if Brigham City is listed as an additional insured on the Certificate of Insurance. Mr. Pugsley stated that it is listed in the license, but not on the certificate.

**MOTION:** Councilmember Rex made a motion to approve the renewal of the submersible water ski license with Mark Parker, seconded by Councilmember Jensen. Councilmember Peterson requested that the motion include that the Certificate of Insurance include Brigham City as additional insured. Voting was unanimously in favor with suggested change.

### Request for Approval of Interlocal Cooperation Agreement with Box Elder County for Conversion of Land and Water Conservation Fund Grant Encumbrance on West Forest Street to Property Owned by Brigham City East of Mantua

Councilmember Peterson declared a conflict of interest as he works for the County.

Mr. Jared Johnson said Box Elder County currently owns property on West Forest which is referred to as the Horse Track Property. In the 1970s the County accepted a Land Water Conservation Grant which encumbers the property to any development that is not for recreational usage. However, they can do a conversion.

The County has approached the City about property the City owns in Mantua. Part of this property is specifically to keep development out to protect the City's watershed, springs and wells. The County asked if the City would be willing to do a conversion by accepting the encumbrance on the Mantua property so their property on West Forest could be sold and developed.

The County has offered to pay the City \$250,000 for this encumbrance because it would tie up the property. It is anticipated that the road on the east side of the reservoir will eventually need to be a 2-lane road and the County has also agreed to pay \$50,000 for in-kind services for this road and some trail maintenance. Once the conversion happens, there will be a 2-year timeline. After the West Forest property is sold the County will begin paying the City up to a maximum of two years, at which time they will pay any remaining amount in full.

**MOTION:** Councilmember Thompson made a motion to approve the interlocal cooperation agreement with Box Elder County for conversion of Land and Water

Conservation Fund Grant and transferring the encumbrance from the West Forest Street property to the Brigham City property east of Mantua, seconded by Councilmember Bott and unanimously carried.

**Conveyance of Abandoned Sewer Easement with Box Elder School District**

Mr. Johnson said the City has been working with the Board of Education to seek a 20' easement along the south boundary on 800 West by the substation. This easement is for the future extension of power lines for growth further west. In 1959 the City was granted a sewer easement right-of-way that cuts diagonal across this property. This was abandoned several years ago. The School District asked if the City would be willing to grant them the rights to this so it can be removed.

Councilmember Peterson asked if the School District has committed to granting the City the easement on the south side of the property. Mr. Johnson said that was his understanding in his meetings with the School Board Superintendent.

**MOTION:** Councilmember Peterson made a motion to abandon the easement located on the Box Elder School District property with the intent and good cooperation that they will grant the City the easement on the south side. The motion was seconded by Councilmember Jensen. Mr. Leonard suggested that the motion be amended to authorize the Mayor to sign a quit claim deed transferring ownership of the easement right-of-way to the Box Elder School District in exchange.

**AMENDED MOTION:** Councilmember Peterson amended his motion to authorize the Mayor to sign a quit claim deed transferring ownership of the easement right-of-way to the Box Elder School District in exchange for the easement needed on the south side of the property. The amended motion was seconded and unanimously carried.

**ADJOURN TO CLOSED SESSION**

A motion to adjourn to a closed session to discuss the sale of property was made by Councilmember Bott and seconded by Councilmember Jensen. A roll call vote was taken with all councilmembers voting aye. The meeting adjourned to a closed session at 8:08 p.m.

The Council returned to an open meeting at 8:50 p.m. and adjourned.