

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
June 18, 2015**

PRESENT:	Tyler Vincent	Mayor
	DJ Bott	Councilmember
	Alden Farr	Councilmember
	Ruth Jensen	Councilmember
	Tom Peterson	Councilmember
ALSO PRESENT:	Joseph Bach	Fire Chief
	Mark Bradley	City Planner
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Jared Johnson	Community Development Director
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Mike Nelsen	Interim Police Chief
	Raymond Poulson	Waste Treatment Director
	Tyler Pugsley	Public Works Director
	Jason Roberts	Finance Director
EXCUSED:	Mark Thompson	Councilmember

Mayor Vincent called the meeting to order. The Reverence Period was given by Pastor Adrian Ben from the Alpine Church. The Pledge of Allegiance was recited. The Mayor excused Councilmember Thompson who was out of town.

Approval of Minutes: A motion to approve the minutes of the May 21, 2015 Budget Work Session and Council meeting and the June 4, 2015 Work Session and Council Meeting was made by Councilmember Bott, seconded by Councilmember Jensen and unanimously approved as distributed.

AGENDA

PUBLIC COMMENT

COUNCILMEMBER COMMENTS

CONSENT

- Request to Write-off Accounts Due to Bankruptcy or Being Sent to Collections
- Cancellation of July 2, 2015 Council Meeting
- Proclamation Declaring July 1-7, 2015 as Independents Week

PUBLIC HEARINGS

- Consideration of Ordinance to Amend a Portion of Eagle Crest Townhomes Phase 3, Located at 425 East 850 South, to Combine Lots 1 and 2
- Adjustments to the Brigham City FY2014-15 Budget of the Various Funds and Departments, and to Reflect the Changes Recommended by the City Council to Said Budgets

NEW BUSINESS

- Consideration of Resolution Supporting HB362 Authorizing 0.25% Local Option General Sales Tax Dedicated to Transportation, Encouraging the County Commission to Submit the Proposal to Voters in November 2015, and Encouraging Voters to Support the Proposal
- Request for Adoption of Brigham City's Sanitary Sewer Management Plan

Consideration of Resolution Amending Annual Compensation Rate for Fire and Emergency Medical Service Departments' Annual Compensation Rate
Consideration of Resolution Adjusting Ambulance Fee
Consideration of Resolution Approving the Brigham City 2015-16 Budget
Request Authorization to Use Funds from Utility Fund Balance to Complete Repairs at 990 South Main
Request Authorization to Use Funds from Utility Fund Balance for the City's Match on the Mantua Feeder Canal Culvert Replacement Project
Consideration of Resolution Setting Fire Restrictions in Place

PUBLIC COMMENT

Lee Johnson, Brigham City - Mr. Johnson discussed the Soviet Union.

Deanna Hardy, County - Ms. Hardy said a councilmember told her she was a hypocrite and needed to clean her inner vessel. She asked how she can do that when she has no control over the decisions her family business makes. All she can do is stand and speak against what she sees is wrong. She tells her family how she feels about their government subsidy. They have made progress in the overall reduction in government subsidies. The difference between the councilmember and her is that he is in a position to make decisions and restore local government back to its proper role, yet his decisions have been to increase government. Are we not all hypocrites if you say you are for freedom and then do nothing to restore it? Rights and freedoms come from God, not man.

COUNCILMEMBER COMMENTS

Tom Peterson discussed the Public Utility Advisory Board meeting he attended. Most of Brigham City's power comes from coal burning generation. UAMPS gave a presentation on this and stated that in the next few years it is anticipated 6500 megawatts of coal fire plants will be shutdown. UAMPS will make a presentation to the City Council on July 16. He will be unable to attend, so he shared his opinion that as the City looks for options for power, nuclear should be part of the portfolio. He added that they used 3-dimensional graphs showing energy usage for a year. He would like to see this done on Brigham City utility bills. He felt this would help citizens regulate their usage.

Councilmember Jensen attended the BECO Mayor's meeting where there was a presentation on the quarter tax proposal. Everyone was in favor of it going on the ballot this November.

Councilmember Jensen said councilmembers get the opportunity to review claims. Since she started reviewing them, there have been numerous positive changes. She appreciates staff working so hard to make their invoices clear with explanations and notes. She also noted that some employees look for sales.

Councilmember Bott said local businesses are participating in the Chamber's Play Unplugged program. It has been very successful. Several businesses have run out of their 500 badges.

Councilmember Farr attended the Library Board meeting. There was a survey done on the library's service. They received 4.8 out of five. Also, the Young Eagles flew into the airport. This was a big success.

Mayor Vincent said he attended the Heritage Arts Festival. It was a great event. He had the opportunity to speak at the Patriotic Song and Word and Stories at the Tabernacle. He and Mr. Leonard met with legislators to discuss the issues Brigham City is having with the railroad. It was a very good meeting and he hoped that there will be some momentum from it. He also met with Prothman on the hiring of the police chief. He expressed appreciation to City staff and Councilmember Thompson who helped narrow the candidates down to five. There will be five panels to do interviews. He asked each of the Councilmembers to participate in interviews on July 15, 2015. Councilmember Bott and Councilmember Peterson said they are unavailable on that date. Mayor Vincent said there will also be a reception for the public to meet the five finalists on July 14 from 5:30 to 7:30.

CONSENT

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

A list of accounts totaling \$3,271.78 was presented to be removed from the City's system due to customer taking out bankruptcy or being sent to collections.

Cancellation of July 2, 2015 Council Meeting

It was recommended the July 2nd Council meeting be cancelled due to the 4th of July holiday.

Proclamation Declaring July 1-7, 2015 as Independents Week

MOTION: A motion to approve the Consent Agenda was made by Councilmember Jensen, seconded by Councilmember Farr and unanimously carried.

PUBLIC HEARINGS

Consideration of Ordinance to Amend a Portion of Eagle Crest Townhomes Phase 3, Located at 425 East 850 South, to Combine Lots 1 and 2

Mr. Bradley came forward and explained that the developer wants to combine lots one and two on the southeast end of the development. They are combining the footprint of the two lots, not changing any common area. The Home Owners Association supports this and there has been no opposition.

A motion to open the public hearing was made by Councilmember Bott, seconded by Councilmember Farr and unanimously carried. No comments were heard.

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

MOTION: Councilmember Peterson made a motion to approve the ordinance to amend a portion of Eagle Crest Townhomes Phase 3, Located at 425 East 850 South, to combine lots 1 and 2. The motion was seconded by Councilmember Farr. A roll call vote was taken.

Councilmember Bott - aye
Councilmember Farr - aye
Councilmember Jensen - aye
Councilmember Peterson - aye

The motion unanimously carried.

Adjustments to the Brigham City FY2014-15 Budget of the Various Funds and Departments, and to Reflect the Changes Recommended by the City Council to Said Budgets

Mr. Roberts said there is one budget overage, two invoices for the Medical Control Director expenses for \$7,500 went through the system. It should have been accrued in the prior year. All others changes are related to funding not spent this year and a request to carry forward to the next year. The wet spring has pushed back projects so they will not be completed by the end of the fiscal year. These departments have requested the funds for these projects be carried over to the 2015-16 budget.

The following changes were presented to the Council:

Project/Reason	Move to:
Open positions in Police (\$25,000)	Use to purchase safety vests
Class C road project on 1200 W and Valentine Lane not completed	Appropriate to Capital Project Fund
Actuator funding not completed (\$65,000)	Appropriate in Fund Balance
Air Relief Valve Funding not completed (\$54,000)	Appropriate in Fund Balance
Mantua Maintenance Building Funding not completed (\$40,000)	Appropriate in Fund Balance
Critical Infrastructure Security Camera Funding not completed (\$190,000)	Appropriate in Fund Balance
Equipment Rental Funds in Green Waste not spent (\$18,000)	Appropriate for the disposal of excess product
Gas Generation Feasibility Study Funding not completed (\$20,000)	Appropriate in Fund Balance
New electric resource research funding not completed (\$30,000)	Appropriate in Fund Balance
46kV line funds not completed (\$125,000)	Appropriate in Fund Balance
Lower hydro SCADA not completed (\$150,000)	Appropriate in Fund Balance
Substation Capacitor Banks not completed (\$55,000)	Appropriate in Fund Balance
System improvements in storm drain not completed (\$36,000)	Appropriate for Main Street overlay
Sports Complex drainage area storm drain improvement not completed (\$200,000)	Appropriate in Fund Balance

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

DeAnna Hardy, County - Ms. Hardy said she was disappointed. She sees what the City has done with recreation, pickleball and the sports complex, and then sees that police officers have not been hired and safety vests have not been purchased. She felt that the City has their priorities mixed up. The City should be focusing on protecting the citizens and making sure there are enough police officers and they have the equipment they need

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

MOTION: Councilmember Peterson made a motion to approve the resolution adjusting the FY2014-15 budget of the various funds and departments, and to reflect the changes recommended by Council, seconded by Councilmember Farr. Councilmember Jensen clarified that the items discussed were water system improvements, green waste, electric, storm drain, and one item for the sports complex drainage. There was nothing for any kind of recreation programs. The Mayor asked for a roll call vote.

Councilmember Bott - aye
Councilmember Farr - aye
Councilmember Jensen - aye
Councilmember Peterson - aye

NEW BUSINESS

Consideration of Resolution Supporting HB362 Authorizing 0.25% Local Option General Sales Tax Dedicated to Transportation, Encouraging the County Commission to Submit the Proposal to Voters in November 2015, and Encouraging Voters to Support the Proposal

Messrs. Larsen, Roberts and Pugsley came to the table. Mr. Roberts explained that funding for municipal roads comes from a gas tax. This is charged per gallon and does not adjust based on price of materials or inflation. During this year's legislative session the State of Utah gave counties an option to place a sales tax increase on the November ballot. This increase would be an increase of .25% and would go toward transportation infrastructure within cities and counties. This would not be a tax on food.

Councilmember Peterson clarified that the legislature changed the gas tax so it now has a percentage with a cap on the bottom and top. Mr. Roberts estimated this change would bring in \$75,000-\$100,000 more for Brigham City.

Mr. Pugsley stated that the City used to do a lot of projects, such as overlay and street reconstruction. Because funds are low, they have had to look at ways to cut back, so they are doing a lot of seal coat applications. This is just a Band-Aid that will only last ten years. They should be reconstructing these roads.

Councilmember Peterson added that this money could also be used to maintain safe sidewalks, which Brigham City definitely needs.

Councilmember Farr said if this passes it would generate \$258,000 for the Utah Transit Authority (UTA) for the Box Elder County area. He tried to contact UTA and was unable to reach anyone, but he would like to know if this money, plus the .55% that is currently being assessed is going toward light rail. He would also like to know what the ridership is on the UTA bus. He is not opposed to this going to a vote, but he would like to see these numbers. If they are really skewed to Brigham City's disadvantage, he recommended getting out of UTA if possible.

Mr. Larsen said of the .25%, .10% is dedicated to cities; .10% to UTA and .05% to counties. Mr. Pugsley added that they figured this would be \$24.00 per year per household.

Councilmember Peterson said he raised this question at the Mayor's meeting, but this is set by the legislature so cities do not have a say in how it is distributed. He added that it is frustrating that a body that charges for usage will get more money. He compared it to the

City putting toll roads throughout the City plus a tax increase. UTA charges their users, but municipalities do not have that luxury, so he did not understand why they will get .1% of this money.

Councilmember Farr said if they get .10%, and the City is currently giving them .55%, that means the City is giving them \$1M.

Councilmember Peterson asked if a fund is building somewhere and if the City could find out how much is in that fund. Mr. Larsen explained that .30% is used for general transit (buses), and the second portion is used for the commuter rail project. That portion accumulates and is dedicated to the Box Elder County portion of Front Runner.

Councilmember Jensen expressed concern with how the resolution is written. This was not prepared by the City. Brigham City has only talked about roads, but the resolution states, *"...comprehensive transportation options such as bike lanes, multi-use paths, off-road trails, and transit in addition to traditional roads."* These things may be part of other cities' priorities, but Brigham City has not discussed anything but roads and sidewalks.

Further down it reads, *"...nearly 57% of Utah adults are overweight, nearly 200,000 Utahans have diabetes, and diabetes [sic] and obesity related health care costs in Utah exceed \$700 million; and whereas investing in safe and connected trails, bike lanes, sidewalks, and multi-use paths will encourage our residents to be more active, enable them to spend more time with their families via active transportation, and result in improved personal and community health."* Councilmember did not feel this should be in the resolution.

Another paragraphs states, *"...due to our drastic shortfall in transportation revenue, Brigham City is currently using approximately \$825,000 from the general fund to supplement the Class B&C Fund revenue in order to try to meet our local transportation needs."* When Councilmember Jensen attended the Mayor's Association meeting they were told that this was still going to be charged to Brigham City in addition to the new taxes for the next five years. She felt this should be more transparent.

Councilmember Farr asked if the Council would consider moving away from UTA. The .10% that would go to UTA if approved would stay in the county. The City could provide a good transit system for the \$1M they are paying to UTA every year. Councilmember Peterson said it would cost more than that to do what UTA is doing for Brigham City, Perry and Willard and into Ogden. To be effective, the bus would have to go to Ogden.

Councilmember Peterson suggested the paragraph about investing in trails, bike lanes and sidewalks be changed by removing the last part, *enable them to spend more time with their families via active transportation, and result in improved personal and community health."* Councilmember Jensen also suggested changing *"will"* to *"may."* Mr. Morgan suggested if there are any preamble paragraphs the Council does not like, they could be removed. They make little difference to the actual resolution. Councilmember Peterson said he would like to leave "sidewalks" in the preamble because he felt that is why Brigham City needs the money. Councilmember Bott suggested adding "sidewalk" to the fourth preamble paragraph so it reads, *"Whereas, Brigham City's residents demand new comprehensive transportation options such as safe sidewalks, bike lanes, multi-use paths, off-road trails, and transit in addition to traditional roads."*

MOTION: Councilmember Bott made a motion to approve the resolution supporting HB 362 with the amendment to the fourth preamble paragraph to include *"safe sidewalks,"* striking the paragraph starting with *"nearly 57% of Utah adults..."* and the paragraph starting with *"investing in safe and connected trails."* The motion was seconded by Councilmember Peterson. Councilmember Jensen requested that the fourth preamble be changed from *Brigham City's residents* to *some Brigham City residents.* In addition, she requested *"demand"* be removed from the same paragraph. The motion remained as stated by Councilmember Bott. The Mayor called for a roll call vote.

Councilmember Bott - aye
Councilmember Farr - abstained
Councilmember Jensen - nay
Councilmember Peterson - aye

The motion failed.

Councilmember Farr explained that he is not opposed to the resolution, but he does not like that UTA will be given so much money and he did not see that Brigham City is receiving any benefit from it.

MOTION: Councilmember Jensen made a motion to approve the resolution supporting HB 362 as stated by Councilmember Bott with an additional change to the fourth preamble paragraph to *"Some Brigham City residents request..."* Councilmember Bott seconded the motion, adding that he agreed with Councilmember Farr's comments, but Brigham City needs the money. This is the only way the City can get safe sidewalks without using other capital improvement progression. Councilmember Farr asked if the Council is interested in continuing the discussion on the other money. The Council agreed. Councilmember Peterson expressed concern with Front Runner ever coming to Brigham City because it struggles in Ogden. But the money is needed now.

Councilmember Bott - aye
Councilmember Farr - aye
Councilmember Jensen - aye
Councilmember Peterson - aye

The motion unanimously carried.

Request for Adoption of Brigham City's Sanitary Sewer Management Plan

Mr. Pugsley and Mr. Poulson came to the table. Mr. Pugsley said this plan is similar to other documents the City has adopted, such as the Storm Water Management Plan. It discusses O&M standards, design standards, mapping, sanitary sewer overflows, emergency contact information, documentation, and recordkeeping.

MOTION: Councilmember Farr made a motion to adopt the Sanitary Sewer Management Plan, seconded by Councilmember Bott and unanimously carried.

Consideration of Resolution Amending Annual Compensation Rate for Fire and Emergency Medical Service Departments' Annual Compensation Rate

Rick Bosworth and Chief Bach came forward. Mr. Bosworth explained that this resolution brings the Fire and Emergency Medical Services personnel into the City's compensation rate plan. This would include an annual market study and classification of these positions. This would make them eligible for an annual merit and make them part of the performance appraisal program.

MOTION: Councilmember Jensen made a motion to approve the resolution amending compensation rates for Fire and Emergency Medical Service Departments' annual compensation rate, seconded by Councilmember Farr. A roll call vote was taken.

Councilmember Bott - aye
Councilmember Farr - aye
Councilmember Jensen - aye
Councilmember Peterson - aye

The motion unanimously carried.

Consideration of Resolution Adjusting Ambulance Fee

Mr. Roberts joined Chief Bach at the table. He explained that this resolution adjusts the ambulance fees as set by the State of Utah.

MOTION: A motion was made by Councilmember Farr to accept the resolution to adjust ambulance fees per the State's recommendations. The motion was seconded by Councilmember Jensen. Councilmember Peterson asked if a patient would be charged for a paramedic if it is not warranted. Chief Bach replied that the necessity for a paramedic will be deemed by dispatch and if it is sent out as a paramedic level, the patient will be charged for the paramedic. Dispatch makes this determination based on prepared questions. Once the City hires paramedics, every call will have a paramedic on board. Councilmember Peterson asked what other ambulance services charge. Chief Bach said almost everybody charges the state rates. Councilmember Peterson said he has had people express concern that Brigham City is going to try and run paramedic ambulances everywhere in the county. Chief Bach explained that the only way Brigham City can go to these areas if they request it. Box Elder County is divided into territories established by the State EMS Division. Councilmember Peterson said he was told the paramedic application through the state covered all of Box Elder County. Chief Bach replied that this is not correct; it only covers the current response area unless there is an interlocal agreement. The Mayor asked for a roll call vote.

Councilmember Bott - aye
Councilmember Farr - aye
Councilmember Jensen - aye
Councilmember Peterson - aye

The motion unanimously carried.

Consideration of Resolution Approving the Brigham City 2015-16 Budget Request Authorization to Use Funds from Utility Fund Balance to Complete Repairs at 990 South Main

A public hearing was held on June 4 for the 2015-16 budget.

MOTION: Councilmember Farr made a motion to approve the resolution for the Brigham City 2015-16 budget as outlined, seconded by Councilmember Peterson. Councilmember Jensen asked about the water rate increase. Mr. Roberts explained that it is needed for capital projects that are critical for the infrastructure.

Councilmember Bott - aye
Councilmember Farr - aye
Councilmember Jensen - aye
Councilmember Peterson - aye

The motion unanimously carried.

Request Authorization to Use Funds from Utility Fund Balance to Complete Repairs at 990 South Main

Mr. Pugsley joined Mr. Roberts at the table. Mr. Pugsley explained that this was the emergency water repair on 990 South Main. The project came in at \$220,000. UDOT has agreed to reimburse the City \$30,000 of this. He requested Council authorization to use \$190,000 from the Utility Fund balance to complete this project.

Councilmember Jensen asked if insurance would pay for this. Mr. Leonard replied that the City's insurance covers the City's buildings, but not the distribution system.

MOTION: A motion to authorize use of funds from the utility fund balance to complete repairs at 990 South Main was made by Councilmember Peterson, seconded by Councilmember Farr and unanimously carried.

Request Authorization to Use Funds from Utility Fund Balance for the City's Match on the Mantua Feeder Canal Culvert Replacement Project

Mr. Pugsley explained that the City submitted an application to FEMA to replace the culverts in the Mantua Feeder Canal. This canal allows the City to take the spring water runoff and divert it to the Mantua Reservoir. With the restrictions and the culvert size, the City was only able to feed a small capacity through the feeder canal. By extending the size of the culverts, in an emergency situation this can be increased by 300% and would eliminate flooding that could be caused downstream.

A former employee submitted this application, and it was recently found that the City's portion of this project was never budgeted. FEMA is responsible for 51% and the City's responsibility is 49%, or \$380,000.

Councilmember Peterson asked if there were any restrictions on the grant, or any deadline. Mr. Oyler said there are no restrictions on the project.

Councilmember Jensen suggested not doing Phase 4 at the green waste facility. There is \$325,000 budgeted for this. Mr. Pugsley said that is an option. He added that there is more

than enough money in the utility fund balance to pay for this project. Councilmember Jensen said there has been over \$500,000 used just recently.

MOTION: Councilmember Peterson made a motion to approve the grant funding and ask staff to look at anything that can be cut in the budget to pay for it to minimize the amount needed from fund balance, seconded by Councilmember Farr. The motion unanimously carried.

Consideration of Resolution Setting Fire Restrictions in Place

Chief Bach came to the table and explained that the restricted areas are the same as they have been in the past. These restrictions are for the entire summer.

MOTION: Councilmember Bott made a motion setting fire restrictions, seconded by Councilmember Jensen.

Councilmember Bott - aye
Councilmember Farr - aye
Councilmember Jensen - aye
Councilmember Peterson - aye

The motion unanimously carried.

The Council adjourned to a Redevelopment Agency meeting at 9:17 p.m.