

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
September 3, 2015**

PRESENT:	Ruth Jensen	Mayor Pro Tem
	DJ Bott	Councilmember
	Alden Farr	Councilmember
	Tom Peterson	Councilmember
	Mark Thompson	Councilmember
ALSO PRESENT:	Joseph Bach	Fire Chief
	Mark Bradley	City Planner
	Mary Kate Christensen	City Recorder
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Mike Nelsen	Police Chief
	Tyler Pugsley	Public Works Director
	Jason Roberts	Finance Director
EXCUSED:	Tyler Vincent	Mayor

Mayor Pro Tem Jensen called the meeting to order and excused Mayor Vincent who was out of town. The Reverence Period was given by Bishop Ernie Anderson from the LDS 24th Ward. The Pledge of Allegiance was recited.

Approval of Minutes: A motion to approve the minutes of the August 20, 2015 Council meeting was made by Councilmember Peterson, seconded by Councilmember Thompson and unanimously approved as distributed.

AGENDA

RECOGNITION OF EMPLOYEES

Promotion in Police Department

PUBLIC COMMENT

COUNCILMEMBER COMMENTS

SCHEDULED DELEGATION

Christmas in Brigham City Campaign

NEW BUSINESS

Amendment to Employee Policies and Procedures Manual to Include Chapter 17-2,
Personal Protective Equipment

Consideration of Ordinance to Combine Titles 11 and 34 and Reflect Current Organization

Request to Declare Two Parcels of Real Property as Surplus

UNFINISHED BUSINESS

Update on Academy Square Building Project Costs and Funding

PLANNING COMMISSION

Consideration of Ordinance to Change the Zone from R-M-7 to GC on Approximately 5.64
Acres of Property Located at 950 South Medical Drive

ADJOURN TO CLOSED SESSION

RECOGNITION OF EMPLOYEES

Promotion in Police Department

Chief Nelsen came forward and announced that James Crapse was selected as the new Police Lieutenant. He presented him with his Lieutenant badge.

Lt. Crapse said he was very proud to part of Brigham City. He is proud to say that he is a police officer from Brigham. The Police Department has a very good reputation and he plans to focus on staying that way, that they represent the City in a positive manner. He expressed appreciation for the opportunity to be Brigham City's Lieutenant.

Mayor Pro Tem Jensen stated that in today's climate with police officers under attack all over the country, she wanted the officers to know that she supported and appreciated all the hard work Brigham City's police officers do. She felt that a vast majority of the citizens feel the same way. She thanked them for their service to the community.

PUBLIC COMMENT

Lee Johnson, Brigham City - Mr. Johnson referred to "Group Think" and some of the books he has read.

DeAnna Hardy, County - Ms. Hardy read from the Doctrine & Covenants Section 98 Verses 9-10. She did not think God wanted people to be forced to pay for someone else's education, recreation, entertainment, charity. He wanted men to be free to make their own choices. The Council previously said they were concerned about the low voter turnout. In 1977 during Jimmy Carter's presidency, they sent out a poll asking why people were not voting. The people said it didn't matter who they voted for, a republican or a democrat, they take the people down the same path. Big government and more enslavement is our path. She said this is evident with UTOPIA, the sports complex, pickleball, the hotel, Academy Square, the small business program and other economic development projects. She quoted Thomas Jefferson, "If a law is unjust, a man is not only right to disobey it, he is obligated to do so." Ms. Hardy said we as citizens should be disobeying many of the laws before us.

COUNCILMEMBER COMMENTS

Councilmember Peterson thanked the Recreation Department for the outstanding Trap Shoot last night. There was a good turnout.

Councilmember Bott said Utah State University has moved up their deadline for the new building. He said CenturyLink is taking \$3 billion of tax money to increase their network in rural areas.

SCHEDULED DELEGATION

Christmas in Brigham City Campaign

Ms. English from the Retail Alliance and Business Resource Center came forward and said they would like to have a Main Street Christmas. She and Donna Walker, owner of Consignology, came up with the idea to have a Main Street Christmas. They have been working with all the retailers and they have chosen December 4 and 5 for this event. Retailers are all coming together to decorate their own stores.

There used to be lights above all the buildings, but there hasn't been for the last few years. The retailers have agreed to get them repaired and display them. Some retailers cannot afford to do that so there have been sponsors that have volunteered to donate toward this.

There will be a lighting of the town on December 4 at 6:00. This will include all the lights on Main Street as well as the lights on City Plaza. The retailers will stay open until 8:00 or 9:00. There will be people dressed in period costumes walking up and down the Main Street with gifts and welcoming people as well as carolers on street corners. They are hoping to get the Leavitt Group building to use for storytelling, puppet shows, Santa visits, and snippets of the Nutcracker.

They would like to have horse drawn carriage rides on Main Street. If the Council agrees with this, they will talk to UDOT to get authorization to do this.

Ms. English said Brigham City used to decorate Main Street for Christmas, but it hasn't been done for the last few years. They are asking the community to donate lights so there can be lights on the street poles. There used to be wreaths on the light poles as well, but she was told that they were scratching the light poles so they decided not to do this anymore. She felt it would be great if the City would invest in some kind of decoration to go on all the light poles. This will be from 200 South to 100 North.

Ms. English has looked into insurance for this but they have not heard back from them yet. However, she thought it would be \$200-\$300. If it is not much more than that, the retailers would be able to take care of it. If not, they may need some help from the City.

They have asked all the restaurants to provide food for the event. There will be food carts on the sidewalks. There will be roasted nuts, caramel apples, hot cider and hot chocolate.

Ms. English thanked the Council for the development of the Academy Square. There have been a lot of businesses tell her that they are excited to utilize the convention center. It is going to be a beautiful place for the community to gather but also a great economic boost.

Mr. Leonard came forward and said unless it is a City sponsored event the participants are not covered by the City's insurance. URMMA, the City's risk management provider, recommended this group obtain a Special Events Permit from the City and look into special event insurance.

Mr. Paul Fowler commented from the audience that the City should make this a community event and the retailers would run it. There was a lengthy discussion on whether the City should run this program, the Chamber of Commerce or the Retail Alliance. Ms. English said the Chamber might be interested in running it next year.

The Council agreed that this sounds like a great event and gave their consent to move forward. They will need to complete the Special Events Application and gets UDOT's authorization for the horse drawn carriage. The City will be the resource agency to control the garbage, etc.

NEW BUSINESS

Amendment to Employee Policies and Procedures Manual to Include Chapter 17-2, Personal Protective Equipment

Mr. Oyler and Chief Nelsen came to the table. Mr. Oyler said this policy would require employees to wear reflective vests and hardhats in construction zones; prohibit listening to music on headphones or earpieces while at work, with the exception of noise canceling equipment.

MOTION: Councilmember Thompson made a motion to amend the Employee Policies and Procedures Manual as discussed, seconded by Councilmember Farr and unanimously carried.

Consideration of Ordinance to Combine Titles 11 and 34 and Reflect Current Organization

Chief Bach joined Mr. Oyler at the table. Mr. Oyler explained that Titles 11 and 34 as currently written have several redundancies. This ordinance repeals Title 34 and updates Title 11 with the recent department changes and includes an updated cost recovery chapter. The fee resolution has not been completed yet, but will be brought to the Council in the near future.

MOTION: Councilmember Peterson made a motion to approve the ordinance updating Titles 11 and repealing Title 34 as discussed. The motion was seconded by Councilmember Bott. Mayor Pro Tem Jensen asked for a roll call vote.

Councilmember Bott - aye
Councilmember Farr - aye
Mayor Pro Tem Jensen - aye
Councilmember Peterson - aye
Councilmember Thompson - aye

Motion unanimously carried.

Request to Declare Two Parcels of Real Property as Surplus

Mr. Leonard came forward and stated that the Chatfield Reservoir property was purchased for \$15,000 in 1961 and is approximately 217 acres.

The second parcel was purchased by the City in 1965 to support the construction of a non-directional beacon at the airport. The beacon was on this site until about two years ago. This is no longer needed now that GPS is used.

If the Council declares these two parcels as surplus, a public hearing is required. After the public hearing staff will look at the value and get reliable people to establish the minimum value.

MOTION: A motion was made by Councilmember Bott to declare the two parcels described as surplus. The motion was seconded by Councilmember Peterson and unanimously carried.

UNFINISHED BUSINESS

Update on Academy Square Building Project Costs and Funding

Mr. Roberts came to the table and stated that they have received bids for the restaurant portion of the project. The following items have changed since he presented the previous numbers:

- They have better estimates for ramp stairs and concrete. This will be at least a savings of \$13,900. In addition there has been some donated concrete.
- There have been some price changes on the walk out roof. Staff is looking into doing some value engineering and changing some of the designs to get these costs down.
- The parking lot is \$93,000 less than the previous estimate. The last estimate included more property and included other things that could have been included in the square.
- The restaurant rebid came in lower at \$652,314.

This lowers the amount needed from \$336,000 to \$211,000.

Mr. Roberts said they would like to award the bid to Saunders Construction for the restaurant and to Resco for the kitchen equipment. He has identified funding sources to pay these back.

Mr. Roberts has been looking into options to pay for the entire project. Last year there was money budgeted to fix the HVAC system at City Hall. This did not happen because a company talked to staff about an investment grade audit. They would do an audit of the City for savings on power. This would not require an upfront investment. There is \$240,000 available for this that has not been used. If the Council decides to do this in the future it could be done through the facility fund. Mayor Pro Tem Jensen said another option would be to postpone the HVAC project another year.

Mr. Roberts asked the Council if they wanted to complete the parking lot as well. There has been no funding identified for this. He estimated it would be an additional \$70,000.

Councilmember Peterson said if there is the beautiful Academy Building and nowhere for people to park, it would be self-defeating. It is also not fair to the business owners around the Academy. There will be events during the day and it will affect their clients' parking. He felt that the City is obligated to complete the parking lot, not only for ethical reasons but also because of the City Codes in place which require parking for the Academy.

Mayor Pro Tem Jensen said the Council is also obligated to find out where the money will come before things are built. Councilmember Peterson felt that the most responsible place to take it from is from the money the City will save from the HVAC audit. Mayor Pro Tem Jensen agreed with using the money from the HVAC project but did not want to lease it until she knew how much the lease will be. Mr. Roberts said this will be a separate issue and will come before the council, either during the budget process or during the investment grade audit process. Councilmember Farr said the idea behind this is that the cost savings would cover the cost of the lease.

Councilmember Farr recommended moving forward with the project using the HVAC fund in the facility fund. The Council agreed. Mr. Roberts added that with this consensus they will award the bids for the restaurant and kitchen equipment.

PLANNING COMMISSION

Consideration of Ordinance to Change the Zone from R-M-7 (Multiple Residential) to GC (General Commercial) on Approximately 5.648 Acres of Property Located at 950 South Medical Drive

Mr. Bradley came forward and explained that the Brigham City Hospital would like to build a new 3-story medical office building onsite. This would require a rezone to GC. The Planning Commission evaluated everything and identified that the GC is in harmony with the General Plan and recommended approval to the City Council.

A public hearing was held in the Planning Commission meeting and neighbors were notified of the public hearing. No comments were made at the public hearing.

Mayor Pro Tem Jensen expressed concern with lighting bothering the neighbors. Mr. Bradley stated that the Planning Commission was told they do not plan to put any lighting on the building that reflects upon the neighboring homes.

MOTION: Councilmember Thompson made a motion to approve the ordinance to change the zone in the area discussed from R-M-7 to GC, seconded by Councilmember Bott. Councilmember Peterson said he supports this request, but he would like the neighboring property to also be zoned GC. Mr. Bradley explained that rezones are usually applicant driven. Mr. Spuhler, representing the hospital, came forward. He stated that they wanted to rezone all the properties about five years ago. There are 11 property owners. When they approached each one, there was about half that agreed to join the request. Those that did not want to were the most vocal because they were worried about taxes. They are still the same owners, so they did not approach them this time.

Mayor Pro Tem Jensen asked for a roll call vote.

Councilmember Bott - aye
Councilmember Farr - aye
Mayor Pro Tem Jensen - aye
Councilmember Peterson - aye
Councilmember Thompson - aye

Voting was unanimously in favor, motion carried.

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 Thompson and seconded by Councilmember Bott. A roll call vote was taken with all councilmembers voting aye. The meeting adjourned to a closed session at 8:40 PM.

The Council returned to an open meeting at 9:20 PM and adjourned.