

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
October 15, 2015**

<b>PRESENT:</b>	Tyler Vincent	Mayor
	DJ Bott	Councilmember
	Alden Farr	Councilmember
	Ruth Jensen	Councilmember
	Tom Peterson	Councilmember
	Mark Thompson	Councilmember
<b>ALSO PRESENT:</b>	Joseph Bach	Fire Chief
	Mark Bradley	City Planner
	Mary Kate Christensen	City Recorder
	Kristy Law	Community Activities & Services Manager
	Bruce Leonard	City Administrator
	Mike Nelsen	Police Chief
	Derek Oylar	Facilities Manager
	Jason Roberts	Finance Director

Mayor Vincent called the meeting to order. The Reverence Period was given by Pastor Michael Galica of the Holy Cross Lutheran Church. The Pledge of Allegiance was recited.

**Approval of Minutes:** A motion to approve the minutes of the October 1, 2015 Council meeting and Work Session was made by Councilmember Thompson, seconded by Councilmember Bott and unanimously approved as distributed.

**AGENDA**

**RECOGNITION OF EMPLOYEES**

New Hires, Public Works  
Promotions and New Hires, Police Department  
New Hires, Fire Department

**PUBLIC COMMENT**

**COUNCILMEMBER COMMENTS**

**CONSENT**

Request for Acceptance of Annexation Petition from Joshua Skidmore, Brown Bear Investments, for Property Located Northwest of the City Boundary Limits, Located at 2340 West Hwy 13

Schedule a Special Meeting on November 12, 2015 at 5:00 to Canvass the General Election Proclamation Declaring November 1, 2015 as Extra Mile Day

**PUBLIC HEARING**

Vacation of a Portion of the Five Acre Plat Located West of the North Forty Subdivision at Approximately 755 West 1500 North

**SCHEDULED DELEGATION**

Proclamation Declaring October 27, 2015 as "Read, Graduate, Succeed Day"

**NEW BUSINESS**

Consideration of Ordinance Enacting Facility Rules, Regulations and Minimum Standards for Use

Consideration of Resolution Setting Fees for Use of Brigham City Facilities

Consideration of Resolution Establishing a Façade Grant Policy

**ADJOURN TO CLOSED SESSION**

## RECOGNITION OF EMPLOYEES

### Promotions and New Hires, Police Department

Nolan Harper and Chad Panter were promoted to Corporals. Chief Nelsen presented them with their badges and stripes.

Jeremy Supino was hired as a Police Officer. Jan Sears will be the new Police Department Clerk.

### New Hires, Public Works

Trevor Jensen, Ryan Law, Dustin Yates were recently hired as Water System Operators.

### New Hires, Fire Department

Dan Miller, Ryan Law and Dustin Yates were recently hired as new Fire Captains in the Fire Department.

## PUBLIC COMMENTS

Boyd Montgomery, Brigham City - Mr. Montgomery said he recently took his wife to the Brigham City Hospital with a bowel obstruction. The hospital couldn't treat it so the emergency physicians decided she should go to the University Hospital. They elected, without asking, to call the ambulance service. It was not an emergency situation. He could have taken his wife to the University in his car but he was not given that option; they would not release her unless it was in an ambulance. The cost for this service was \$3,030.67. His insurance company paid \$2,757.60. He told the emergency room physicians if the insurance would pay for it, send her in the ambulance. If they won't he told them he did not have any money to pay it. The hospital has written off a portion of his bill and he asked the Council to do the same on his ambulance bill. He cannot pay it. Up to two months ago he was supporting eight people on less than \$33,000 per year. Another member of his family used the Brigham City Ambulance service 5-6 years ago. It cost him over \$700 to go from Brigham City to Perry and back to the hospital, which is a mile and a half.

## COUNCILMEMBER COMMENTS

Councilmember Thompson said the Utah State Building is almost complete. There will be a grand opening on December 1 at 1:00 PM. This will be a great benefit to the citizens of Brigham City.

Councilmember Jensen announced that early voting begins on October 20. The Senior Center will have a free dance on October 30. She was asked by Linda Berry about eCommerce. It would allow citizens to use a public area that would be a safe area. She asked staff to look into this. She said three times in one week she was asked why Brigham City doesn't allow lunch trucks. She asked staff to look into this. Martel Dansie asked her about the railroad crossing on West Forest. She told him that to alleviate the traffic at this crossing, 400 South was opened up. He didn't know anything about it. She recommended this be communicated better with signs saying drivers could detour, or something put in the newsletters.

Mayor Vincent said the eCommerce has been discussed and the City Attorney is looking into it as far as liability, etc.

Mayor Vincent announced a special meeting on October 29 at 6:00 PM to discuss the 1100 South 1100 West interchange.

### CONSENT

**Request for Acceptance of Annexation Petition from Joshua Skidmore, Brown Bear Investments, for Property Located Northwest of the City Boundary Limits, Located at 2340 West Hwy 13**

The City Recorder received a petition for annexation from Joshua Skidmore. Upon approval of the petition by the Council the annexation process will begin.

**Schedule a Special Meeting on November 12, 2015 at 5:00 to Canvass the General Election**

The City Council, acting as the Canvassing Board, is required to canvass the election no sooner than seven days after the election and no later than 14 days after the election. It was recommended the canvassing take place on November 12, 2015 at 5:00 PM.

**Proclamation Declaring November 1, 2015 as Extra Mile Day**

Extra Mile Day encourages citizens and employees to go the extra mile. Communities are made stronger through individuals and organizations dedicated to going the extra mile in volunteerism and service.

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

### PUBLIC HEARING

**Vacation of a Portion of the Five Acre Plat Located West of the North Forty Subdivision at Approximately 755 West 1500 North**

This is for the property recently annexed into the City by Mr. Brent Dickamore. His portion of this plat is Block 10 and 11. Mr. Bradley explained that the five acre plat consists of 33' wide streets and 66' wide streets. The area for vacation is on the easterly side and is 33' wide.

If the Council approves the vacation, half of the right-of-way (16½') would go to Mr. Dickamore and the other half would go to Brigham City. The other option, if there is interest in retaining the undeveloped roadway to access City property, is to vacate portions of the two lots. The other option Mr. Dickamore is requesting is to have access to the entire road. If the Council approves this option, the property would have to be surplus.

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

**MOTION:** Councilmember Peterson made a motion to approve the ordinance vacating the 33' easement and direct staff to start the process to surplus the 16½' portion of the property. The motion was seconded by Councilmember Jensen. Councilmember Thompson asked if the City should maintain an easement to allow access. Mr. Dickamore said he would be willing to maintain an easement. Councilmember Peterson added that this could be done as it is surplus. A roll call vote was taken.

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

The ordinance was unanimously carried.

#### SCHEDULED DELEGATION

##### Proclamation Declaring October 27, 2015 as "Read, Graduate, Succeed Day"

Mr. Bob Hunter from the United Way of Northern Utah came forward and stated that as part of the Read, Graduate, Succeed Day, Deanie Wimmer from KSL will fly into Brigham City in a helicopter and will attend the Read Today celebration with the City's school children and broadcast from the high school.

Mr. Hunter introduced his associate, A. J. Franks. Mr. Franks explained that the Read, Graduate, Succeed Day and Read Today Program are in every elementary school in Box Elder County except two. It is an early intervention reading program to assist those students that are starting to fall behind in their reading grade level. These are the students that don't fit under any other state programs such as Resource or Special Education. Students read to volunteers from community corporations. Last year they helped over 1,200 students reach their reading grade level. KSL has partnered with them and will make October 27<sup>th</sup> a great event.

Mr. Franks read the proclamation after which the Mayor signed it.

Councilmember Thompson asked how this program is funded. Mr. Franks replied that the schools pay for half of it through the State Trust Lands funding and United Way has a partnership with each elementary school and AmeriCorp to fund the AmeriCorp coordinators. They contribute almost \$40,000 for the reading coordinators in Northern Utah.

Councilmember Jensen asked Mr. Hunter how much United Way money is allocated to Box Elder County. Mr. Hunter explained that the United Way Board of Directors has allocated \$75,000 to be put out as RFPs. They are currently looking more at Box Elder than anywhere else because of the history and they want to double their efforts to help. The RFPs will be out by November 20. This money will be distributed in 2015. There will be more allocations in next year's budget.

#### NEW BUSINESS

##### Consideration of Ordinance Enacting Facility Rules, Regulations and Minimum Standards for Use

Mr. Oyler and Ms. Law came forward. Mr. Oyler explained that this ordinance is an attempt to consolidate rules and uniformity for use for all City facilities, including buildings, parks and boweries.

Some highlights of the ordinance include:

- No public use of the Emergency Management Services Building.
- Sets standards for set up and takedown of equipment that is used.

- All reservations will be done at one location.

Councilmember Peterson noted that the ordinance defines "City" but does not define "Governmental Agency." He recommended defining government agency because it might mean more than other cities, such as the Mosquito Abatement and the Bear River Water Conservancy District. Councilmember Bott agreed that it should be defined because it is used in the fee resolution. Mr. Leonard thought it would be any entity that collects taxes. Mr. Morgan said it is probably defined in the City Code, so the same definition could be applied in the ordinance.

**MOTION:** Councilmember Peterson made a motion to approve the ordinance with the exception of adding a definition for government agencies as the City Attorney sees fit. The motion was seconded by Councilmember Peterson. A roll call vote was taken.

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

The motion unanimously carried.

#### Consideration of Resolution Setting Fees for Use of Brigham City Facilities

Mr. Oyler explained that this is the fee resolution that goes with the above ordinance. The resolution adds extra cost for things that will cause more staff time, such as setting up tables and chairs. He felt this is a starting point and after it has been in effect for a while fees will be analyzed to see if they are covering staff time. The rental fees are to cover the wear and tear on carpets, tables and chairs, etc. These are getting used so heavily and funds are not available to replace them.

Councilmember Peterson was concerned about other entities being charged. All other cities in the County waive fees for the County. When the County remodeled the courthouse they had to pay a plan review fee cost. When they did \$3M worth of projects in Tremonton they never paid anything. He did not feel that Brigham City should charge other governmental agencies to utilize Brigham City facilities. It would not be a large amount of money. He felt that the City should be part of the community and he did not feel that this shows community unity. Councilmember Bott agreed.

Councilmember Jensen said the ordinance only allows government entities to use the EMS Building, so if they don't pay a usage fee when the carpet wears out the citizens would have to foot the bill. Councilmember Peterson said it would be a very small amount.

**MOTION:** Councilmember Thompson made a motion to approve the resolution on the fee schedule with the omission of charging fees for government entities. The motion was seconded by Councilmember Peterson. Councilmember Jensen suggested charging entities on a case-by-case basis; if there are five people in the building it's not as intrusive as 100. Councilmember Peterson said it would also depend on who the 100 people are. He also asked who would make that decision. Councilmember Farr asked if the County charges for entities that use the fairground facilities. Councilmember Peterson said they charge Tremonton

Recreation \$10/hour, but they are making money. Mr. Oyler stated that there is a provision in the proposed resolution that if a government entity charges a fee, they will be charged \$20/hour.

**AMENDED MOTION:** Councilmember Thompson amended his motion to include that there be no charge for government entities unless the organization charges a fee. Councilmember Thompson seconded the amendment.

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

The motion unanimously carried.

**Consideration of Resolution Establishing a Façade Grant Policy**

Mr. Leonard came forward and recommended that the paragraph setting an annual amount for the program be changed to read "the maximum amount will be set annually through the budget process."

**MOTION:** Councilmember Peterson made a motion to approve the resolution with the recommended change; the motion was seconded by Councilmember Farr.

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

The motion carried 4-1.

The Council adjourned to a Redevelopment Agency Meeting at 8:30 PM.

The Council reconvened in a regular City Council meeting at 8:33 PM.

**ADJOURN TO CLOSED SESSION**

A motion to adjourn to a closed session to discuss the character, professional competence, or physical or mental health of an individual was made by Councilmember Jensen and seconded by Councilmember Farr. A roll call vote was taken with all councilmembers voting aye. The meeting adjourned to a closed session at 8:34 PM.

The Council returned to an open meeting at 9:45 PM and adjourned.