

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
July 18, 2013**

PRESENT:	Dennis Fife	Mayor
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Brian Rex	Councilmember
	Mark Thompson	Councilmember
	Tyler Vincent	Councilmember

ALSO PRESENT:	Mary Kate Christensen	City Recorder
	Jared Johnson	Community Development Director
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Tyler Pugsley	Public Works Director
	Jason Roberts	Finance Director/Deputy City Recorder
	Paul Tittensor	Police Chief

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

**Approval of Minutes:** A motion to approve the minutes of the June 20, 2013 Council meeting and June 27 Special Meeting was made by Councilmember Vincent, seconded and unanimously approved as distributed.

**CONSENT**

Request to Write-off Accounts Due to Bankruptcy or Being Sent to Collections  
Approval of Election Polling Place, Poll Workers and Payment of Poll Workers  
Updates to Employee Policy Chapter 9, Employee Benefits

**SCHEDULED DELEGATION**

Request to Extend Light Usage Past 10:00 PM for Benefit Softball Tournament

**NEW BUSINESS**

Replacement of Dead or Dying Trees on Main Street  
Request for Approval of Resolution Authorizing the Mayor to Sign Documents Related to a USDA Rural Economic Development Loan

**PLANNING COMMISSION BUSINESS**

Consideration of Clyde Price Subdivision Located at 671 S Main

**OTHER BUSINESS**

**PUBLIC COMMENT**

**CONSENT**

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

A list of accounts totaling \$3,794.39 for May 2013 and \$3,007.46 for June 2013 was presented to be removed from the City's billing system due to customer taking out bankruptcy or being sent to collections.

**Approval of Election Polling Place, Poll Workers and Payment of Poll Workers**

It was recommended the Council approve the Utah State University Brigham City Canvass as the 2013 Polling Place. A list of poll workers was presented for approval as well as a request to pay the poll workers \$130 for election day and \$30 for training.

**Updates to Employee Policy Chapter 9, Employee Benefits**

This update discontinues the option of medical insurance being offered to retired employees. Dental insurance will continue to be offered. Post elected officials will no longer be eligible to participate in City health plans. Accrual of annual and personal leave time for positions budgeted for less than 40 hours a week will accrue leave at the prorated hours budgeted. It also includes a policy on the collection of insurance premiums.

**MOTION:** Councilmember Ericson made a motion to approve the Consent Agenda as presented, seconded by Councilmember Vincent and unanimously carried.

#### **SCHEDULED DELEGATION**

##### **Request to Extend Light Usage Past 10:00 PM for Benefit Softball Tournament**

Mr. Kevin Noorda came forward and said his young son, Wyatt, suffers from a severe bleeding disorder and his medication is very expensive. In May, he ran a softball tournament called Wyatt's War for his affiliate foundation. This is their way of giving back to the Hemophilia Foundation. The May tournament was very successful, but they were rained out. Everyone wanted him run it again so he is planning for August 9 and 10 at Rees Pioneer Park. It is a 5-man tournament so the pace is very fast and it is anticipated it will be very hot. Because of this, they would like to start the tournament at 6:00 p.m. and go until midnight. When he discussed this with the Recreation Department he was told he had to get Council permission to run the lights past 10:00.

Councilmember Jensen suggested letting the neighbors know that the lights will be on and games will be played until midnight.

**MOTION:** Councilmember Ericson made a motion to allow Mr. Noorda to play until midnight on Friday night, seconded by Councilmember Thompson and unanimously carried.

#### **NEW BUSINESS**

##### **Replacement of Dead or Dying Trees on Main Street**

Mr. Pugsley approached the Council and stated that columnar maples were planted between the area of 100 North and 200 South on Main Street years ago. Many of these trees are dying at the top. Once this happens, they will no longer get taller and will die from the top down. A lot of the trees have bark that is completely off. The City contacted a representative from USU Extension to see what could be done to save the trees. They recommended several trees that could replace them. The Shade Tree Commission met and discussed these options and felt the columnar zelkova would be the best choice to replace these trees.

##### **Request for Approval of Resolution Authorizing the Mayor to Sign Documents Related to a USDA Rural Economic Development Loan**

Mr. Larsen explained that this resolution would allow the Mayor to sign three documents related to the REDLG loan for the Hampton Inn Hotel. The first is a letter of conditions, the second is a promissory note and the final one is a loan agreement. The agreement states that before the loan is closed they will provide a letter of credit.

There are two properties that Western States Lodging has offered for collateral. Both are personal residences. One is the prime residence located in Bountiful. It is appraised at \$631,600. The second property is in Mantua and the appraised value is \$425,000.

**MOTION:** Councilmember Ericson made a motion to approve the resolution authorizing the Mayor to sign documents related to a USDA rural economic development loan. The motion was seconded by Councilmember Vincent. Councilmember Ericson, Councilmember Rex, Councilmember Thompson and Councilmember Vincent voted aye. Councilmember Jensen voted nay. The resolution passed with a 4-1 vote.

#### **PLANNING COMMISSION BUSINESS**

##### **Consideration of Clyde Price Subdivision Located at 671 S Main**

Mr. Bradley explained that several years ago Mr. Price sold a portion of his property. He later learned that he needed to subdivide the property and started the process.

**MOTION:** Councilmember Thompson moved to approve the subdivision located at 671 S Main, seconded by Councilmember Ericson and unanimously carried.

### **PUBLIC COMMENT**

DeAnna Hardy, County – Ms. Hardy said she talked with Councilmember Rex about the U.S. Constitution and was concerned that the rest of the Council feels the same way. He told her that the U.S. Constitution did not apply to municipalities. She was also concerned about the utility rate discussion at the last meeting. There were not many people in attendance so she questioned whether the City publicized it very well. She did not think the 3-tier program is fair. It is an attack on families because when you have a family there are more people in the household who use more energy. This needs to be revisited and make sure there is one rate for everybody. She said she was also really disappointed in the Council's decision to go forward with the hotel. They used the people's money to purchase property and now they are cavorting with business to make the hotel possible. This is not the free market system. She expressed her perspective of the role of government.

Lee Johnson, Brigham – Mr. Johnson spoke against the hotel project. Considering what he saw at the County Commission meeting, it is not a technical violation of the ethics laws, but he questioned whether or not the leaders have any ethics anymore because the ethics laws are in place to prevent cities from being bought and sold either individually or collectively and influencing their decisions. He hoped things will change and ethics will get back in the government.

Becky Maddox, Brigham – Ms. Maddox expressed concern that if the City will be the ultimate person responsible for these, why does it have to be done through the City? Why does the City have to offer a letter of credit? All these things are smoke screens to make people think they are not going to be responsible. However, the people are responsible because the City's name is on the bottom line. She said she did not have the funds to pay for the Council's toys. Just because there is going to be a dance theater in Brigham City does not mean there is going to be an increase in population; just because there is going to be a new hotel does not mean the population is going to increase. There are already two hotels in Brigham City that are just barely staying in business. There is not going to be any more people to draw business from. The only people who will come will be those who work for the government who are willing to pay for the more expensive hotels. This means that the citizens will have to pay more money for those government entities to be able to cover the bills for their employees. It becomes a vicious cycle. She suggested those who vote for these things be personally responsible for the loans.

DeLoy Mecham, County – Mr. Mecham said they tried to borrow money a while ago and they wanted two and half times collateral of what they already own. They very seldom loan money to self-employed people. He did not understand how anyone was going to do anything if we can't move forward. The Council has to look at all these angles. He said the Council has a tough job and he felt they did a good job.

Councilmember Rex commented on Ms. Hardy's comment. He explained that the U.S. Constitution outlines the proper role and powers of the federal government and all the powers reserved for the states. Brigham City is a municipal corporation of the State of Utah and the U.S. Constitution is silent on those municipal powers. It outlines the power of the federal government, not municipalities.

Councilmember Jensen said the county asked her when the Council is going to make a decision on the MPO. Mayor Fife explained that no proposal has been made yet because they did not have a quorum to hold their last meeting so the City is automatically in the Wasatch Front MPO. They only meet quarterly. He added that BRAG has a meeting on July 19 and he could ask them about it. He added that this is somewhat a moot point because Willard has already voted to stay with the Wasatch Front.

The meeting adjourned to a Redevelopment Agency Meeting at 7:47 PM.