

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
March 7, 2013**

PRESENT:	Dennis Fife	Mayor
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Brian Rex	Councilmember
	Mark Thompson	Councilmember
	Tyler Vincent	Councilmember
ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Jim Buchanan	Emergency Services Director
	Jared Johnson	Community Development Director
	Paul Larsen	Economic Development Director
	Kristy Law	Recreation Manager
	Bruce Leonard	City Administrator
	Raymond Poulson	Waste Treatment Manager
	Tyler Pugsley	Public Works Director
	Jason Roberts	Finance Director/Deputy City Recorder
	Paul Tittensor	Police Chief
EXCUSED:	Mary Kate Christensen	City Recorder

Mayor Fife called the meeting to order. The Reverence Period was given by Ryan Burt, Counselor in the River LDS Ward. The Pledge of Allegiance was recited.

Approval of Minutes: A motion to approve the minutes of the February 21, 2013 Council meeting was made by Councilmember Vincent, seconded by Councilmember Thompson and unanimously approved as distributed.

RECOGNITION OF EMPLOYEES

Promotion in the Ambulance Division

CONSENT

Request to Write-off Accounts Due to Bankruptcy or Being Sent to Collections
Appointments and Reappointments to the Neighborhood Pride Council

PUBLIC HEARING

Proposed Changes to the Industrial Pre-Treatment Ordinance and Fee Resolution

SCHEDULED DELEGATION

Request to Sponsor a Pioneer Celebration July 20, 2013
Discussion on Constitution Day Celebration
Update on Activity and Status of the Box Elder Business Resource Center

NEW BUSINESS

Review Proposals for Possible Design of Restroom and Bowery for Sports Complex
Request to Use Field Use Funds to Purchase Topdressing Supplies, Outfield Fence Parts and Soccer Goals
Ninety Day Notice to Cancel Billing Contract for Fire and Ambulance Billing
Request for Approval of Ordinance Amending and Recodifying Titles 6, 6A, 8, 9, 15 and 16 of the City Code
Recognition of Brigham City Community Hospital Chest Pain Certification

PLANNING COMMISSION BUSINESS

Ordinance Amending City Code to Remove the Prohibited Regulation not Allowing Convenience Store Drive-Through

PUBLIC COMMENT

RECOGNITION OF EMPLOYEES

Promotion in the Ambulance Division

Mr. Buchanan introduced Robert Rodeffer, who was recently promoted as a Training Specialist.

CONSENT

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

A list of accounts totaling \$5,276.60 was presented to be removed from the City's billing system due to customer taking out bankruptcy or being sent to collections.

Appointments and Reappointments to the Neighborhood Pride Council

It was recommended Keith Winn be appointed as a new member of the Neighborhood Pride Council and Bonnie Germer and JoAnna Blaylock be reappointed for a second term.

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

PUBLIC HEARING

Proposed Changes to the Industrial Pre-Treatment Ordinance and Fee Resolution

Tyler Pugsley came forward and explained that a few years ago when Procter and Gamble (P&G) connected to the City's water and waste water systems, the City updated the ordinance to include a section which refers to an Industrial Pre-Treatment Program Information and Standards Manual. Through industry standard changes it was necessary to change the ordinance referring to the manual.

This ordinance changes the biochemical oxygen demand (BOD) from 350 parts per million to 250 and the total suspended solids (TSS) to 500 pounds per day. Another change is that the current manual refers to P&G, Vulcraft and Autoliv by name. This amendment refers to them as significant industrial user (SIU).

The fee resolution sets a surcharge fee. If the SIU exceeds these limits a surcharge fee of 40¢ per pound will be charged. This would pay for the cost to treat the extra waste and pays for the capacity they are using. This is in line with what other treatment plants are charging.

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

MOTION: Councilmember Rex made a motion to adopt the industrial pre-treatment ordinance and fee resolution as explained by Mr. Pugsley. The motion was seconded by Councilmember Ericson. Councilmember Ericson, Councilmember Jensen, Councilmember Rex, Councilmember Thompson and Councilmember Vincent voted aye.

SCHEDULED DELEGATION

Request to Sponsor a Pioneer Celebration July 20, 2013

Mr. Val Roberts, representing the Sons of Utah Pioneers, stated that they would like to sponsor a Pioneer Day Celebration on Saturday, July 20 and would like any help possible from the City. They would like to set up booths that will highlight Brigham City and Box Elder County. There will be interactive activities for children and families and local groups performing. There will be speakers and performers at the Box Elder Tabernacle who are knowledgeable on Brigham City's history. In the evening there will be a live band and dance.

Mr. Roberts has been working with Kristy Law and the Recreation Department and they are very enthusiastic about this event.

They would like the City to allow them to use the area by City Hall. Ms. Law indicated to him that she could help finance part of the activity through her budget.

The Council supported this celebration and encouraged them to continue with their plans.

Discussion on Constitution Day Celebrations

Ms. Niny Christensen came forward and said Constitution Day is September 17. She would like to celebrate Constitution Week September 17-21. She would like to contact the merchants to see if she can get support from them for signs. They may have a children's parade. She will enter a float in the Peach Days Parade.

Update on Activity and Status of the Box Elder Business Resource Center

Jason Yerka from the Small Business Development Center discussed what is happening at the Box Elder Business Resource Center. The Center has 46 clients in Brigham City. He has helped set up five websites. There are 16 new jobs created because of what they are doing and eight jobs have been retained. There has been \$137,900 in capital infusion. He has helped businesses obtain hundreds of new Facebook friends and have given businesses renewed hope.

The Center helped with the Enviosy Novedodes Colima store front. They also helped with the remodeling of the new Village Dry Goods location. They have set up a website for Idle Isle Café and Leo's Auto Service.

NEW BUSINESS

Review Proposals for Possible Design of Restroom and Bowery for Sports Complex

Mr. Jared Johnson and Mr. Tyler Pugsley came to the table. Mr. Johnson indicated on an architectural drawing a few options for the restroom and bowery. The Council preferred the drawing with the cabled roof.

Mr. Pugsley explained that there was a budgeted surplus of over \$300,000 in the Utility Fund. Part of this was used to fund the street improvements to the new compost site. There was \$370,000 budgeted for the sports complex for the utility portion and \$430,000 which came from the sale of the property to fund the things that could not be covered with the utilities. They used \$160,000 for the field lighting.

Mr. Roberts said they would like to move the \$160,000 expenditure for the lighting from the Parks Department to the Utility Fund. This would put more funds in the Utility Fund to do additional work at the complex. They estimate the bowery and restroom will cost approximately \$133,000 and the sewer line is estimated at \$53,000.

Councilmember Thompson said this will make the park more user and visitor friendly.

MOTION: Councilmember Thompson moved to accept the proposal to redesign the restroom and bowery at the sports complex. The motion was seconded by Councilmember Vincent and unanimously carried.

Request to Use Field Use Funds to Purchase Topdressing Supplies, Outfield Fence Parts and Soccer Goals

Ms. Law joined Mr. Pugsley at the table. Ms. Law explained that the field use fees are put into a fund to be used for park improvements. There is a fund balance of \$14,000. The Recreation and Parks Commission has met and determined that the best use of these funds would be as follows:

- Topdressing supplies - \$2,500
- Outfield Fence Parts - \$3,000
- Goals for the sports complex - \$3,000

MOTION: Councilmember Rex made a motion to approve the request to use field funds for topdressing supplies, outfield fence parts and soccer goals. Councilmember Vincent seconded the motion, unanimously carried.

Ninety Day Notice to Cancel Billing Contract for Fire and Ambulance Billing

Mr. Buchanan reported that they had nine companies respond to their request for proposal. They narrowed it down and interviewed four. The committee recommended the contract be issued to First Professional. The current billing contract requires a 90-day notice. Their fee is 5.75% of what they collect; the current contract is 6.75%.

MOTION: A motion to cancel the current ambulance billing contract and move forward on a contract with First Professional was made by Councilmember Ericson, seconded by Councilmember Jensen and unanimously carried.

Request for Approval of Ordinance Amending and Recodifying Titles 6, 6A, 8, 9, 15 and 16 of the City Code

A public hearing was held on this ordinance on February 21, 2013.

MOTION: Councilmember Jensen made a motion to approve the ordinance amending and recodifying Titles 6, 6A, 8, 9, 15 and 16 of the City Code. The motion was seconded by Councilmember Rex. Councilmember Ericson, Councilmember Jensen, Councilmember Rex, Councilmember Thompson and Councilmember Vincent voted aye. Voting was unanimously in favor.

Recognition of Brigham City Community Hospital Chest Pain Certification

Mr. Buchanan explained that the hospital had a goal that when the ambulance picks up someone with certain signs and symptoms for chest pains and heart attacks to have them in the catheterization lab in Ogden within 90 minutes. They just had an audit and they are now chest pain certified and the ambulance is a big part of that.

Karlene Marshall, Chest Pain Coordinator from the Brigham City Community Hospital, came forward and reported that they work closely with Ogden Regional. They went as a Mountain Star Division HCA to a national standard through the Society of Cardiovascular Patient Care, submitted their application and were certified as a nationally certified chest pain center.

Richard Spueller stated that they went through a very rigorous nine month program to make sure this was accomplished. There are other hospitals that went through this accreditation process that did not pass. They are one of a select group who has this accreditation. He recognized the City ambulance service for getting their travel time to the hospital reduced by 40%.

PLANNING COMMISSION BUSINESS

Ordinance Amending City Code to Remove the Prohibited Regulation not Allowing Convenience Store Drive-Through

Mr. Bradley approached the Council and said the owner of the Kwick Stop Convenience Store on North Main would like to have a drive-through window at their business. Upon review, it was found that this was prohibited. Staff and the Planning Commission recommend removing that language from the City Code.

MOTION: Councilmember Vincent made a motion to amend the City Code to remove the prohibited regulation not allowing a convenience store drive-through window. The motion was seconded by Councilmember Rex. Councilmember Ericson, Councilmember Jensen, Councilmember Rex, Councilmember Thompson and Councilmember Vincent voted aye. Motion passed with a unanimous vote.

PUBLIC COMMENT

Becky Maddox, Brigham – Ms. Maddox stated that the Mayor told her a few weeks ago that she had made a misstatement about the audit. She wanted to apologize. She made the statement publicly so she wanted to apologize publicly that she called him a liar over whether or not the City had a full audit. She spoke with a friend of hers that is an accountant and he told her that the audit done in Brigham City is classified as a full audit. Doing a totally full audit would be very expensive and out of line. There are

different kinds of audits. Just as Suresh Kulkarni was concerned about making sure that the money being spent is being spent as provided for in public meetings, she too had that concern. With some of the things that have gone on in the City and things that are not ethical that some of the people are wanting to do, just because something is legal doesn't make it ethical, she felt the City should have a fraud audit so the public can be reassured that the money being spent by the City is being spent as it should be. A fraud audit is more expensive than the recent audit, but she felt that all the money the City is spending, some of this could be cut back and spent on a fraud audit. This would be a good use of the City's money.

DeAnna Hardy, County – Ms. Hardy thanked Councilmember Jensen and Councilmember Rex for doing what is right and filing the resolution for Mayor Fife to step down. She was disappointed in Councilmember Ericson and Councilmember Vincent for abstaining to vote, which to her is basically a no vote. She was also disappointed in Councilmember Thompson for his no vote. She felt that he failed in holding a fellow councilmember accountable for his behavior. Now when there is a City employee that comes before them for the same conduct, the Council will not be able to do anything about the ethical violation. She also commented on the Business Resource Center. This is a recent government program which she felt is an expansion of government, making government bigger. It uses taxpayers' money to fund this government program. It is taking money from the people to help these businesses. This is more government involvement and it is not morally correct. She hoped this can be reversed and reverse the size of government so the people will have more money to spend as they choose.

Lee Johnson, Brigham – Mr. Johnson said the Department of Homeland Security has been purchasing upwards of two billion rounds of mostly hollow point ammunition. In addition, they have purchased fully automatic weapons and have contracted for 2,700 vehicles which will be tank immune and armor protected. These vehicles will be throughout the country along with armored storage containers. It is interesting how the military is not supposed to do this, however, since this is a police operation it is allowed, or nobody is standing up and saying this shouldn't be happening. He encouraged the City to go back to Constitutional responsibilities and duties and also to step forward and let those above them know when they are stepping out of line.

DeLoy Mecham, Tremonton – He explained what happened at La-Z-Boy Tuesday night. Although this is not part of Brigham City, he appreciated the way this City conducts their business. Everyone is very pleasant to work with. That one was very out of hand and there were a lot of embarrassed people there. There were a lot of people that were shot down and it was a big setup for failure. They have an offer to sell the building to Yosemite Meats. He suggested looking this up on the internet and get your own opinion. It wasn't presented well. If there would have been a place to be hung, he would have been hung before he left. He was embarrassed. There was a top man from La-Z-Boy there and they embarrassed him to no end. La-Z-Boy is not trying to hurt anyone; La-Z-Boy has spent a lot of money in Tremonton for many, many years. He has copies of the payroll that would scare people. To treat someone like that was just awful. They are not going to give up on it. Even though the Council unanimously turned it down, they did not understand why they did not take five minutes and look at what they are doing. It is 250 jobs. Somehow people think these jobs are going to be for Latino only. The jobs start at \$30,000 and go up. A lot of these jobs will pay good money. There will be scientists working there and the USDA will be there, so there will be good jobs. Anything the Council can do, even if it's saying we need jobs. They all come in and say it will devalue their houses. The economy devalues their houses much faster than a slaughter house. We need jobs. This affects Brigham City as well. They get a lot of people from Brigham City that work in Tremonton. They are going to keep pursuing this. La-Z-Boy has deep pockets and they are not going to give up. Anyone that is interested in walking through the plant and seeing what is there is welcome. People say it is falling apart, but it is not. It has been well taken care of and is in good shape.

The Council adjourned at 8:30 p.m.