

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
December 6, 2012**

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
	Mary Kate Christensen	City Recorder
	Jared Johnson	Community Development Manager
	Paul Larsen	Director of Community & Economic Development
	Kristy Law	Recreation Manager
	Bruce Leonard	City Administrator
	Mike Nelsen	Police Lieutenant
	Tyler Pugsley	Public Works Director
	Jason Roberts	Finance Director
	Paul Tittensor	Police Chief

Mayor Fife called the meeting to order. The Reverence Period was given by Ira Ransom, Former Pastor of the Biblical Ministries Worldwide.

Approval of Minutes: A motion to approve the minutes of the November 15, 2012 Work Session and Council meeting and the November 28, 2012 Special Meeting was made by Councilmember Vincent, seconded by Councilmember Thompson and unanimously approved as distributed.

There were no comments from the public.

INTRODUCTION OF NEW EMPLOYEES

New Hire, Police Department

Lt. Mike Nelsen announced that Shelby Bowen was recently hired as a School Crossing Guard. She will be the guard on 500 West.

New Hire, Public Works

Tyler Pugsley announced that the new Water System Operator in Public Works is Christian Stucki.

CONSENT

Appointment and Reappointment to Bicycling Committee

Jennifer Packer was reappointed for a second term; Allen Keller was appointed as an alternate member.

Appointments to the Board of Appeals

The following individuals were appointed to the Board of Appeals: Gary Hunt, Jim Moore, Chuck Spencer, Jamie Greer, Jason Sacre, Brian Beeton and Tracy Halladay.

Appointment and Reappointment to the Golf Course Commission

Kristy Jensen was appointed as a new member to the Golf Course Commission and Michael Killpack was reappointed to a second term.

Request for Approval of 2013 Employee Holiday Schedule

A list of the upcoming holiday schedule for 2013 was presented for approval.

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

A list of accounts totaling \$5,599.54 for October and \$6,780.13 for November was presented to be removed from the City's billing system due to customer taking out bankruptcy or being sent to collections.

MOTION: Councilmember Jensen moved to approve the Consent items as written, seconded by Councilmember Rex and unanimously carried.

NEW BUSINESS

Request for Approval to Purchase Lot #39 of Forest Hills No. 9 Subdivision

Mr. Jared Johnson came forward and explained that the Council has discussed this in previous closed sessions. The City currently has an access on the side of Lot #39 that is unusable. By purchasing this lot the City will be able to clean this up. The lot is adjacent to 400 acres owned by the City. It would give the City better access for large equipment. This can be purchased through the Procter & Gamble loan.

MOTION: Councilmember Rex made a motion to approve the purchase of Lot #39 of Forest Hills No.9 Subdivision for access to the watershed. The motion was seconded by Councilmember Vincent and unanimously carried.

Request for Approval of a Facade Grant for 90 South Main

Mr. Larsen stated that this is a request for a facade grant. This is a 50% match grant.

MOTION: A motion to approve the request for a facade grant for 90 South Main was made by Councilmember Thompson, seconded by Councilmember Jensen and unanimously carried.

2012 ISO Inspection Update

Mr. Buchanan stated that the Brigham City Fire Department has had an ISO rating of 5 since 2003. The Department was evaluated again in July 2012 and received a rating of a Class 4. The lower the number the better, so this is an improvement since 2003. The evaluation took four days. They evaluated the City's water flow, dispatch, the Fire Department and the Water Department. Only 15% of communities in the country are rated a Class 4 or better. The ISO rating helps establish fire insurance premiums for residential and commercial properties.

PUBLIC COMMENT

Bill Harrison, 292 N 400 E – Dr. Harrison said he has a great stake in the goodness of this community. By goodness, he means the support of others. He stood in support of Mayor Fife's decision to continue to serve. There have been a lot of difficulties in this City where the community has gotten together and supported difficult circumstances. If someone in our community were to walk out onto the street and get hit by a car, the community would rally around and support the family. The City would not create scandal by wondering what the person was doing in the middle of the street. Instead, we would be peacemaking, resolving and exercising the goodness of Brigham City. Dr. Harrison said he has sat at this table as a member and chair of the Planning Commission and also spent eight years on the School Board. He knows what it's like to be on the hot seat. He empathized with the Council's situation. However, he said he was witness to the remorse, the correction and the resolve of Mayor Fife. That resolve is complete. Mayor Fife used to fly airplanes into the eye of hurricanes, but he has shown more courage in the last months than he ever did. He is also witness to postings on Facebook that should not have been posted by people who know better, which does nothing but make scandal at a time that requires goodness and peacemaking. Dennis Fife is one of us. If any of us needed help from the community now, our Mayor does. As one of us, we should be rallying to his support; bringing support for his decision. We should all have admiration for his courage. Dr. Harrison said he stands behind the Mayor's decision to remain as Mayor.

Ben Lloyd, 830 E 300 S – Mr. Lloyd stated that he cares for Mayor Fife deeply. He is a good man. He worked with him every day for ten years when he was vice-president of the finest research and

development of solid rocket motor facility in the world. He is a good, honest man with great capabilities. Mr. Lloyd said it breaks his heart that he has made a mistake in his personal life, but we shouldn't throw him under the bus. He's doing a good job for the citizens of Brigham City. It has been seven months that he has been trying to do all he can to make things right with his God and his church, which are private things and should have remained private things, and he did not think it has affected his work one bit in that seven months. Besides being a vice-president at Thiokol and working with him, the Mayor had the highest regard of the very highest levels of NASA, the Air Force and Navy. People at very high levels respected him and the work that came from his laboratory in one of the most trying and testing industries in the world. Mr. Lloyd said he spent 20 years as an LDS church leader. He knows how difficult it is for people who have made a mistake to come, embarrassed and heartbroken about what they did. Yet they come because they want help. This is what Mayor Fife did. He didn't hide it from the ones that needed to know – his God and his faith. He wanted to make it right and he still does. He didn't try to explain it away; he didn't try to make excuses for it. He realized he is not perfect. He needs to put his life back in order, which is one of the most difficult things to do. Who among us is without sin? Who among us have not had to repent at times? Who among us would be willing to cast the first stone? Mr. Lloyd said he supported the Mayor and felt it would be a great disservice to the community not to have him continue as Mayor.

Becky Maddox, 148 N 500 W – Ms. Maddox said she too regrets that we have to have this discussion. Some say it is a spiritual matter, which the repentance part is. But there is also the physical, the mental, the emotional and the relationship aspects of life which this affects. She said her heart cries for his wife and for his family. The most important thing in his life right now is his wife and family; he does not have time to micro manage the City. Actions have consequences. For example, if someone has a child out of wedlock, when they repent of that, the child does not go away. Mayor Fife needs to spend time with his wife and family. He needs to learn how he has affected them and this takes a long time. It cannot be done in a few months or even a year. At this time his judgment is severely impaired because of what he has done and highly susceptible to blackmail and will be all his life. People in his position are susceptible to blackmail and the citizens of Brigham City cannot run that risk. He cannot be serving in a position of political power. Those who engage in extramarital affairs should not be rewarded with a continuation of political office or a new political office. We need to set the example for the youth. If he is allowed to remain the Mayor, Brigham City will be the laughing stock of the rest of the country. She respectfully asked Mayor Fife to resign so we can bring integrity and honor back to the office of Mayor and to Brigham City, and so Mayor Fife can have quality time needed with his family, his religious leaders and with himself and his God. There are consequences, and consequences cannot always be withdrawn.

Mike Killpack, 1167 Dentwood – Mr. Killpack said he has known Mayor Fife for 26 years. He is a very talented and gifted manager; he is a very talented and gifted individual. He worked with him for many years and saw him make decisions under stress and not once has he seen him make a decision that was not for the benefit of the company. The idea that someone can be blackmailed for something he has confessed and put all over the media is insidious. It is the things that are hidden that people are blackmailed for. Mr. Killpack said he is sorry this happened, but he still has a great love for Mayor Fife and is willing to support him. He did not know of any reason that he should be removed. He added that he would expect the Council not to support him if he makes a bad decision for the City. But if he is the Mayor and he makes a good decision, he expected the Council to support him.

Alan Norton, 1009 Orchard – Mr. Norton said he supports Mayor Fife. He did not agree with what he did, but he is human and we all make mistakes. It is not our place to judge him and what he did. If his wife can forgive him, so can the residents of Brigham City. She is the number one person in this situation as his companion. If she can forgive him, we all can. If she supports him remaining as Mayor, the residents of Brigham City can also. The article in the paper talked about a breach of public trust. A lot of this came from the City councilmembers. He had one councilmember come to his home asking for his vote for re-election and he voiced a concern and the individual said they would get back with him and they never did. This is a breach of public trust. However, he did not think this person did that intentionally. He also did not think the Mayor did this intentionally. Things happen. He added that he did not doubt that he can trust Mayor Fife to continue as Mayor. It takes a big person to come and admit to what he did. He agreed that there are consequences for a person's choices and he will have to live with those. But it is him, his wife and family that have to work through this. As long as he continues as Mayor and is doing what is best for Brigham City, residents should not have a problem with him continuing as Mayor. He continued that he

does not know Mayor Fife personally, but when he came to the Council when his father-in-law passed away, Mayor Fife personally met with him and explained why the City could not do what he requested. He congratulated Mayor Fife for admitting what he did and said he had his support and his family's support.

Elaine Packer, 620 Cottonwood Circle – Ms. Packer said she has been invested in Brigham City for nearly 40 years. It is a wonderful community. She has had a business in her home for 25 years and found Brigham City to be very cooperative and a good place to raise their children. Ms. Packer said she is in full support of Mayor Fife and his confidence, his capabilities to move forward with this. He is very capable of taking this challenge of rising above it. Brigham City will continue to be in good hands. She supported Mayor Fife to continue as Mayor.

Michael Allen, 683 S 700 E – Mr. Allen said he was shocked when he heard this. He has known Mayor Fife for a while. We are all human and we all make mistakes, and he doesn't hold anything against him. He was concerned about the moral value going out to the youth. Another concern is that there are citizens on one side that believe the Mayor should resign and citizens on the other side that believe he should stay and a wedge in the middle. The only way to solve that wedge is for the Mayor to voluntarily stand up and resign.

Jeff Packer, 620 Cottonwood Circle – Mr. Packer said he is a fifth generation Brigham City person with children and grandchildren in Brigham City. He said he has thought deeply about the consequences of the Mayor remaining and he felt that with his wife giving him her whole-hearted support as well as his children he should remain in office. There are those that say he cannot be trusted. This is a high standard to put on anyone. We live in glass houses and if any of us make a mistake, does that mean we can no longer be trusted? Through his religious beliefs Mr. Packer believes that repentance is possible. Repentance means forgiveness; forgiveness means that we no longer remember and that we no longer hold it against the individual that made the mistake. Mr. Packer has had the chance to live and operate a business in Brigham City for 40 years and continues to do so. He has worked closely with the City, the Council and members of City staff. All of these people are good, honorable people. It is also alright for people to have differences of opinion, but it is the Mayor's decision and his sole decision whether he should stay in office or not. Mr. Packer felt he should stay in office.

Dawn Sacre, 760 S 200 E – Ms. Sacre said she has four teenage girls and she did not think the Mayor should resign because he is a good example for her girls because he admitted he did something wrong. If someone has a child out of wedlock they should not quit school and stay home and take care of their child. They did something wrong, they are sorry for doing it and they move on. This is a good example.

Kris Powers, 480 S 800 W – Ms. Powers respectively asked Mayor Fife to resign his position for the simple fact that for the rest of his term, the City is going to be divided. That is not what is right for Brigham City. Ms. Powers said she respects the Mayor, but out of that respect she asked for his resignation.

DeAnna Hardy, Box Elder County – Ms. Hardy expressed concern with the kind of precedence this is setting, especially for the youth. She did not think it was right to give them the example that they can do indiscretions and still remain in a public office. She asked the Mayor to resign and set the correct example for the children and the community. To bring about the honor and respect that the Office of Mayor has, the standard should be kept high. There should be people in this office that are honest and will make good judgments and do the right thing.

Ronnie W. Aldridge – Mr. Aldridge said he is the father of the son that the Mayor threw under the bus. His son was an 11-year veteran of the Brigham City Police Department. He was charged with the same thing the Mayor said he did. The difference is that his son was exonerated by the Chief of Police, who stood up in a meeting and said Ronnie is a good guy and they did not find anything on him. He was also exonerated of every charge by POST. When he was accused of doing what he did in the paper, the offenses he was accused of were not illegal in Brigham City. There was no regulation that he could not text this person. There was nothing. However, now there is a regulation because it was put in place by the Police Department almost 9-10 months after his son was fired. Mr. Aldridge said his concern is not with the Mayor, he did not care whether he resigned or not; his concern is with the Chief. There is a strong division in the Police Department. Half the employees are for the Mayor and half are against; half

are for his son and half are against his son. There is a problem in the Police Department. There was a fireman that was let go two years ago that wishes he would have also filed a lawsuit like his son did. There is also a sheriff in Davis County that was also coerced to resign and now he is thinking about filing a lawsuit. There is an officer that has been driven out of Brigham City, a fine female officer, because the Mayor did not support her. She has been sexually harassed since day one in this town, and the Mayor did nothing to stand up for her.

Flora Reiter, 515 S 600 W – Ms. Reiter asked the Mayor to please step down. The reason is because there is something called malfeasance, and he has broken the law that governs his office. Based on that fact alone, he needs to step down before legal action is taken against him personally. Also, Major Petraeus, a 5-star general who committed the same sin as the Mayor, that the country needed to protect this country, stepped down. She agreed with all the great and wonderful things said about the Mayor, but she was concerned that there are people in this City in which the Mayor was involved with them being released from their position, now he has done the same. He needs to step down.

Mayor Fife stated that some of the facts regarding dismissals were not correct.

NEW BUSINESS (Continued)

Presentation of 2012-13 Annual Financial Report

Mr. Roberts presented the attached financial report to the Council.

Mr. David Rogers from Davis & Bott came forward and reported on the Management Report.

The auditors are required to look at the City's internal control. They did not find anything out of compliance.

The other part of the Management Report is to review the City for state compliance. All the non-compliance issues from last year's audit have been resolved. There are no unresolved issues as far as material weaknesses or significant deficiencies this year.

In summary, Mr. Rogers said the records of the City look great and the financial statements are an accurate representation.

Mr. Dave Ahlstrom from Davis & Bott came forward and reported on the Single Audit Report. The auditors reviewed several federal grants for compliance. Brigham City complied in all material respects with the compliance requirements that could have a direct and material effect on each of its major federal programs for the last fiscal year. They did not find any material weaknesses or significant deficiencies over federal programs.

PLANNING COMMISSION BUSINESS

Request to Amend City Code to Reduce the Setbacks for Accessory Buildings in the A-2 (Agricultural) and RR-1 (Rural Residential) Districts

Mr. Bradley approached the Council and explained that the City received a request for an accessory building in the RR-1 zone. The current setbacks for accessory buildings require 20' from the side and rear yards. In most residential districts, accessory buildings have a lesser setback than dwellings. Staff has reviewed this request and the Planning Commission has held a public hearing and unanimously voted in favor of the change.

MOTION: Councilmember Ericson made a motion to approve the amendment to the City Code to reduce the setbacks for accessory buildings in the A-2 and RR-1 districts. The motion was seconded by Councilmember Vincent. Voting was as follows:

Councilmember Ericson – aye
Councilmember Jensen – aye
Councilmember Rex – aye
Councilmember Thompson – aye

Councilmember Vincent - aye

Request to Amend City Code to Include a New Use Category “Vacation Rental” as a Conditional Use Permit in Several Residential and Commercial Districts, Establish Standards and a Definition

Mr. Bradley explained that this would allow property owners to have a short-term rental. The Planning Commission held a public hearing on this amendment. If approved, a vacation rental would be a condition use in residential and commercial districts.

MOTION: Councilmember Rex made a motion to amend the City Code to include a new use category of “vacation rental” as a conditional use permit in several residential and commercial districts. The following roll call vote was taken:

Councilmember Ericson – aye
Councilmember Jensen – aye
Councilmember Rex – aye
Councilmember Thompson – aye
Councilmember Vincent - aye

A motion to adjourn to a Redevelopment Agency Meeting was made by Councilmember Vincent, seconded and unanimously carried.