

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
December 20, 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
	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
	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 Bishop Fred Cannon of the LDS Fourth Ward. The Pledge of Allegiance was recited.

Approval of Minutes: A motion to approve the minutes of the December 6, 2012 Council meeting was made by Councilmember Thompson, seconded by Councilmember Jensen and unanimously approved as distributed.

PRESENTATIONS

Presentation of Jim Davis Extraordinary Service Award

This year's Jim Davis Service Award recipient was Jared Johnson. Mr. Johnson was nominated by Paul Larsen. Mr. Leonard read the nomination:

"...Jared is extremely knowledgeable in the building code that he administers as well as construction practices and management, building management, and community development. He is an excellent communicator and is well respected by those he works with. In a position that is often perceived to be a roadblock to construction, he takes a problem solving approach to administration of the building codes, and works with builders, developers and others to find ways to say yes.

"Recently, Brigham City lost a building inspector to Box Elder County. During the process of identifying and hiring a replacement, Jared worked extremely long hours keeping up the responsibility of his own position as well as meeting the inspection needs created by the vacancy in his department. He did this for an extended period, without complaint and with a very good attitude.

"For two years, Jared was an indispensable part of the City's team that worked on the new Brigham City LDS Temple. This involvement included everything from initial meetings about the building to final inspections and walk-throughs prior to opening and dedication of the temple. Jared successfully dealt with issues that inevitably arise in projects of this scale in a way that kept the building on schedule. Through the late summer of 2012, as the temple was nearing completion, Jared was juggling the responsibilities of building inspections City-wide after the loss of the building inspector position with the increased activity at the temple leading up to the open house and dedication. In the end, it was a very successful project for all involved, and Jared's work was critical to this success."

Mr. Johnson expressed appreciation to the Mayor and Council for their support. He said he loves Brigham City and wants to see the City continue to grow and be prosperous.

PUBLIC HEARING

Community Development Block Grant (CDBG) First Public Hearing to Consider Potential Projects

Mr. Bosworth came forward and explained that the purpose of this public hearing is receive input from the citizens on projects they want to consider for applications for funding through the CDBG. In 2013 approximately \$600,000 is expected to be available in the Bear River Region for CDBG projects, \$325,000 of which will be available to be rated and ranked. All funds allocated must meet HUD national objectives and benefit low to moderate income individuals. Projects displacing low to moderate income persons are not likely to receive funding. The range of projects that are eligible include infrastructure projects; home improvements to water and sewer; street improvements; public service projects for seniors, youth and battered spouses; and housing rehabilitation projects.

Some of the City sponsored projects in the past include installation of an elevator at the Senior Center, ADA curbs throughout the City, restrooms and office remodeling at the Bear River Mental Health building, housing rehabilitation, additional storage at the Box Elder Community Pantry, and repairs and improvements to the Box Elder Family Support Center.

This grant does not require a match, other than administrative time the City gives to execute the grants.

A motion to open the public hearing was made by Councilmember Vincent, seconded and carried.

Dave Schuster, Neighborhood Nonprofit – Mr. Schuster stated that they would like Brigham City to sponsor them again for \$100,000 for the Brigham City Neighborhood Improvement Program. This is a program for low to moderate income families for rehabilitation of their home, such as siding, roofs, driveways, etc. They are doing two phases. In the first phase they helped 14 families with various projects.

Jared Johnson, Brigham City Corporation – Mr. Johnson requested consideration for a \$100,000 grant to extend the parking lot at the Brigham City Senior Center. This would be on the property the City purchased on the north side of the Center.

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

SCHEDULED DELEGATION

Request to Use a Portion of Pioneer Park for Pickle Ball

Messrs. Kyle Klein, Ken Wanlass and Scott Clayson came to the table. Mr. Klein said this is a newer sport for all ages. Ogden City bought four pickle ball courts two years ago. Within the first year and a half they had over 240 members of their Ogden Pickle Ball Club. There are now over 400 people playing on a regular basis, so Ogden built four more courts. St. George has 60+ courts. Utah County and Salt Lake County have converted tennis courts to pickle ball courts.

There are over 100 people in the Brigham City area that play pickle ball. Recently, Utah State University Extension contacted them about putting in two courts in their facility. This will be used by students and staff.

They have solicited local companies and private individuals to see if they would be willing to partner to build pickle ball courts in Brigham City. They have commitments from several companies. A fundraising tournament will be held to raise a significant portion of the cost. They would like to build four courts on the north end of Pioneer Park. They estimate the total project will cost \$90,000. With the corporate donations and fundraising efforts, there is a deficit of \$40,000. They asked if the City could contribute toward the courts.

Councilmember Jensen recommended the Council not spend \$15,000 for Council Chambers furniture and put it into a pickle ball court.

Mr. Klein added that they are adamant that the funding not come from the Parks or Recreation Departments. He felt it is important that the funds come from a general source.

Mayor Fife said the Council will have to look at the current budget and talk to the Recreation Department to see where the funds can be found. The Council should also decide whether to put money toward a parking lot.

PUBLIC COMMENT

Sherie Phipps, Brigham City – Ms. Phipps stated that having an extramarital affair demonstrates a lack of integrity and honor. It is something that shatters trust. There are times within a family that through sincere contrition and forgiveness, hearts can be healed. However, this is a long difficult road for all involved. Public officials have the responsibility to uphold a standard of total fidelity, to have the confidence of the citizens they represent. There are several things that have concerned her with the recent confession and apology given by Mayor Fife. One is calling it an indiscretion. That word tends to gloss over the seriousness of the offense against his wife and the woman he had the affair with. She said she has observed that many people that commit sexual transgressions fail to recognize the impact it has on others. Because the Mayor is in a position of public trust, it makes it very difficult for those who work with him. This is not fair to the City Council, the employees, the Mayor's secretary, or anyone who has to come to you with concerns of the City. It has put a cloud over the City. When she attended the previous Council meeting, there were several youth in the audience. They were concerned about a program for the youth. The Mayor has set a terrible example for them. He is saying that a person can cheat on their spouse without any personal repercussions and continue in public office. Just because this has happened on a national level, does not mean it is okay here in Brigham City. In fact, a new bill is going to be introduced in the State Legislature because of Mayor Fife's lack of integrity to willingly step down. Even though he was not removed from office, a president of the United States was impeached for this act. The Mayor's determination not to step down has caused her to question why. Is it because there is some under the table gain he will receive from the economic development program? Is this why his wife supposedly supports him in continuing in office? If the Mayor really cared about his wife, he would have quietly resigned from office when this first happened, citing personal family matters, rather than creating this media circus. That is what makes this suspect. As a citizen of Brigham City she asked the Mayor to do the right thing and step down.

Suresh Kulkarni, Perry Resident and Brigham City Property Owner – Mr. Kulkarni said he represented many people that have called and e-mailed him. Some of these people were in the audience and some were not. Those that were not, were not because they are afraid of possible retribution. He represented people that are LDS and non-LDS, City employees, Chamber of Commerce members, hospital workers, local business owners, Box Elder High School teachers and students, HOA members, his friends and acquaintances. They are all saying that it is time for Mayor Fife to step down. Everyone wants a Mayor who is moral, ethical, honest, and trustworthy and an example of integrity. When President Clinton did what he did, people felt revulsion, but were helpless to do anything. Mayor Fife has done the same thing, but now the Council has the power to do something about it. Their vote counts. Councilmembers have an obligation to bring back the good name of the City. As long as Mayor Fife remains as Mayor, he is going to be a lightning rod for continued bad mouthing of the City. No one has any idea how many more bombshells or lawsuits will be coming forward. Stripping the Mayor of all of his powers is the right thing to do, so when their children, grandchildren and great grandchildren Google their name, they will see that they stood up for honesty, integrity and truth. He asked those in attendance to stand if they agreed with him on stripping the Mayor of his powers. The majority of those in attendance stood.

Mike Allen, Brigham City – Mr. Allen said he invited people to take an impartial survey online. The question was whether Mayor Fife should stay in office or resign. Of those that took the survey, 30.38% said the Mayor should stay in office; 65.82% felt he should resign. Forty-seven of those surveyed agreed to have their name on a list that tells the City Council that they support removing the Mayor's powers.

Marge (last name unrecognizable), Brigham City – Marge asked Mayor Fife to be responsible and step down. The citizens of Brigham City trust the power to run this City to the Mayor. Mayor Fife has proven himself untrustworthy. If a man's wife cannot trust him, no one else can either. It is time for the Mayor to

stop putting his selfish desires above what is good for others and to do what is best for Brigham City and resign as Mayor.

Lee Johnson, 113 N 300 W – Mr. Johnson said all this controversy has the community up in arms. He said he used to be a computer network engineer in Atlanta. He held a position of responsibility and in 2000 he got involved in an authorized project to redo their network. However, in that process he got over zealous and overstepped his bounds and made some changes that were not authorized. After management review, security escorted him out of the building. Looking back, he now realizes he was in a position to easily ruin this billion dollar company with a few clicks on the keyboard. At the time, he had no idea he had that power. When they escorted him out of the building he was very upset. It's been 13 years since then and he has had the chance to look back and understand that he had breached the trust of a company and had put the financial lives of thousands of employees at risk. He has had to live with his decision. He struggled doing consulting and a part-time pizza job. He is a much humbler man because of this. Later on he owned a pizza restaurant for three years. They eventually had to close the pizza restaurant and it wasn't much longer after that his wife confessed to him that she was having an affair. She had no plans to reconcile. This tore him up emotionally. He moved back to Utah to be with family. Currently his daughter stays with him and his son stays with his ex-wife. It has caused untold damage to his family and he did not know if this can ever be fixed or explained. It is possible it could be blamed on him because he was working 18 hours a day, six days a week at the pizza restaurant. This takes a toll on a relationship. Being in charge of the City is a very stressful position and takes a toll on the Mayor's family. He said he hopes the community can all come together and start healing.

Becky Maddox, 148 N 500 W – Ms. Maddox stated that a few weeks ago the City had a meeting at the Bunderson Building where the Mayor talked about 19 City projects. When the time came to ask questions, Ms. Maddox asked the Mayor 5-6 times what the total of all these projects were. Each time, he tried to dodge the question and change the subject. He finally gave her an answer. Two times he told her the citizens do not have to pay anything. She said there is an old saying, the devil has many tools, but a lie is the handle that gets them. The Mayor has already lied by cheating on his wife. That night the audience was encouraged to donate to 4-5 projects that had run out of funds. These projects won't cost us? They already are. Major sins do not come single file. The Mayor's judgment is impaired and he expects the citizens to believe lies. The Mayor needs to resign now.

Mike Busby – Mr. Busby said the situation with Mayor Fife has caused much concern both inside and outside the City. He lives in Brigham City but works outside of the City. He has not heard anything positive for Mayor Fife to remain in office from outside the City. This situation has even been turned into a soap opera – As the Brigham City Turns, A One Life to Live in Brigham City. He has heard individuals that have known the Mayor for many years say they feel sorry for him. He did not think they should feel sorry for him. They might feel sad for him, but there is no need to apologize for him. It was on his own free will and accord that he did what he did; nobody forced him to take the action he did. Mr. Busby said he is sad for him, but will not make an apology for him. He's heard it said that we shouldn't judge another individual. "Judge not that ye be not judged." But if you read further it reads, "For whatever judgment you render to others, the same will be rendered unto you." No person is a judge, jury, and an executor unto themselves. Whatever judgment we pass onto others, is passed onto us. That is the reason we have the society as we do. Our laws, both moral and civil, are to govern us so we have a decent society. He said he has heard the Mayor cannot be removed because he has not violated the law; however, adultery is against the law in Utah. Under Utah Code Title 76-103, it is a Class B Misdemeanor, a criminal offense. As of 2012, adultery remains a criminal offense in 23 states. In five states it is a felony. He has heard that the City Council, in requesting him to resign, is throwing him under the bus. Mr. Busby felt that he threw himself under the bus by his lust for another woman. A better analogy might be that he is the driver of the Brigham City bus, with the citizens being investors. We expect the driver to steer us in a proper direction. If the driver is erratic or displays poor judgment, we get a new driver. He has also heard that the Mayor wants to save the City from the burden of bringing a new person in as Mayor on short notice. What about when he became Mayor? Another person will become Mayor eventually, what is the difference whether it is then or now? He has heard the comment that he has been subjected to possible blackmail. Some might say that this cannot happen since he has come forward. If this affair has been going on for a few months, what made him decide to come forward at this particular time? An important thing that has been overlooked in this matter is the other person involved. The Mayor has violated trust in the two most

important things people cherish – trust by our family and trust by our religion. A woman came and asked for counseling and guidance from someone she should have been able to trust, and instead became involved in something much worse. If this was going on for a few months, he had ample time to stop it, rather than add to it at any length. It is like a person seeking help for a drug problem by going to a counselor who is a drug addict themselves. The woman sought help and was violated by the same person she sought help from. The Mayor has affected not only his own family, but also the family of the other individual. He supported the Council's request for his resignation. There has been a president resign for the good of the nation; we should have a mayor resign for the good of the community. He hoped the Mayor does not put the citizens of Brigham City under the bus, but allows a new driver to steer Brigham City ahead in the correct direction.

DeAnna Hardy, 2635 N 3100 W – Ms. Hardy again respectfully asked Mayor Fife to step down. She questioned why it took him seven months to come forward. She questioned whether he was being blackmailed. She asked why he felt he should stay in office when he has let others go for the same inappropriate behavior. This is not right and he should step down. He broke his wife's and family's trust and the trust of the community. Trust is a very important characteristic to have in leaders. She wondered what other decisions he is not being honest about. Our local government is spending a lot of money on the airport. Is it the proper role of our government to have a municipal airport? The airport is being funded mostly by the Federal Aviation Agency. Where do they get their money? The City has a lot of other projects lined up. Where is all the money coming from to pay for these projects? Why is the local government withholding tax dollars to act like a bank and make loans with local businesses? This is not right. Local government needs to be restored back to its property role – that of protecting our lives, our liberties, and our freedoms, such as police, fire, jail and courts. Anything other than these is an insurgence of power. The spending needs to stop and stop this generational theft on our children and grandchildren. We need to return government back to its proper role.

Richard Barnett 481 S 900 W – Mr. Barnett said many people have brought up the issue of the Mayor resigning. He also supported the Council in asking for the Mayor's resignation. However, he was concerned about the ordinance to be voted on to strip the Mayor of his powers. If a precedent is set, there is no telling what can happen in the future. This is something that happened that is external to what the Mayor is doing as far as his duties and consequently it becomes personal. He was concerned that if this precedent is set, sometime in the future someone might make an unpopular decision or is in an unpopular situation, suddenly be stripped of his powers. He asked the Council to consider this very carefully.

Ron Germer – Mr. Germer talked about the prospective hotel project. There has been feasibility studies done that it is really not feasible to do what the Mayor and Council want to do. He asked the Council to think long and hard about this because the City is going to own it if it is constructed and it ends up being boarded up because there are not enough rooms rented out. He felt this is stretching the limit. If there have been feasibility studies done, bring them out and let the people know how the City is involved. There are not many citizens that really understand this project.

There were no further comments from the public.

NEW BUSINESS

Update on Senior Center Seismic Upgrade

Mr. Johnson reported on the work that has been done at the Senior Center.

- ◆ In order to tie the floor and roof diaphragms to the walls, new CMU walls were constructed in the basement.
- ◆ Upstairs wood walls were replaced with CMU walls.
- ◆ Downstairs plates were installed on all the joints.
- ◆ Almost the entire roof was replaced.
- ◆ 5" of insulation was added to the roof.
- ◆ A new roof hatch was installed.
- ◆ New roof top HVAC units were installed.

Mr. Johnson explained that the structural engineers used the original blueprints as well as onsite walkthroughs before making the design. However, there were some items on the blueprints that were not in place when the walls were removed. There was blocking that was not in place and double CMU walls that are back-to-back that are hollow and not attached to each other. Mr. Johnson requested authorization to use a portion of the \$70,000 appropriated for the Senior Center parking lot to complete these items.

MOTION: Councilmember Jensen made a motion to allow the Senior Center to use the money appropriated through donations from their patrons to complete the seismic upgrade. The motion was seconded by Councilmember Vincent and unanimously carried.

Recommended Changes to Employee Policies and Procedures to Allow Health Insurance Opt Out Incentive for Paid-on-Call Employees

Mr. Bosworth came forward and explained that a few months ago the Council approved an opt-out benefit for employees who choose not to participate in City medical and dental benefits. During this process, the Benefits Committee neglected to consider paid-on-call employees who were grandfathered in prior to the benefits changes in June 2011. The Benefits Committee and Personnel Committee recommended that they be allowed to participate in the opt-out benefit. If a paid-on-call employee takes the opt-out benefit they would no longer be eligible in the future.

MOTION: Councilmember Ericson made a motion to amend the policies and procedures to allow health insurance opt-out incentive for paid-on-call employees, seconded by Councilmember Jensen and unanimously carried.

Consideration of Ordinance to Remove Certain Powers from the Mayor

Mayor Pro Tem Vincent read the ordinance. This ordinance transfers the supervision duties of all City officers and employees to the Mayor Pro Tem. The Mayor will have no authority regarding the hiring, firing or discipline of City staff or employees. This ordinance is effective during the term of Dennis Fife as Mayor. When he is no longer Mayor, the ordinance will become null and void.

Councilmember Rex responded to some of the comments during the Public Comment Period regarding this ordinance. According to Utah Code, removing powers from a mayor can only be done by a unanimous vote of the Council, or the affirmative vote of the mayor and a majority of the Council. The City Council, as well as the State, considers this a serious matter.

MOTION: The Mayor asked for a roll call vote. *Note: According to Utah Code 10-3b-302(1)(b)(ii)(B), the mayor is allowed to vote on this ordinance.*

Councilmember Ericson – aye	Councilmember Thompson – aye
Councilmember Jensen – aye	Councilmember Vincent – aye
Councilmember Rex – aye	Mayor Fife – aye

The motion carried with a unanimous vote.

MAKING LIFE BETTER – DEPARTMENT REPORTS

Update on Sports Complex

Mr. Pugsley and Ms. Law approached the Council. There were numerous volunteers that removed rocks from the fields before the sod was laid. The sod has been laid, light poles have been installed and irrigation and sprinklers have been installed on the new sod. They are working on constructing a few sections of the roadway to access the back parking lot.

Ms. Law said they are currently adding these new fields to the field use policy, adding the fees and the regulations of how and when play can occur. She is hoping the fields will be playable by spring, depending on how the grass growth comes in. They have already been contacted by groups that want to use the fields.

OTHER BUSINESS

Councilmember Jensen said the City recently received a request for records for documents regarding the proposed hotel. She and another councilmember find it discouraging that the Council was not given certain information back in February. She felt bad that someone did not think it was important to let the voting members have certain information. She asked why the public has to wait until someone submits a records request. She would like to see the Council work better in the upcoming year to not have so many things behind the scenes. The Council are the ones who have to vote on things so they should be informed. She would like the Council to be better informed. She felt that staff, the Mayor or whoever it is who has the information should bring it to the voting members. All information – good and bad. Staff is supposed to gather the information, show the Council what they would like and why, and give reasons why or why not it should be done.

Councilmember Rex agreed. He said one of the emails in particular he saw from the records request was concerns expressed by the hotel developer that are some of the same concerns he had. These should be shared openly with the Council.

A motion to adjourn to a closed session to discuss the exchange, lease or purchase of property was made by Councilmember Vincent, seconded by Councilmember Jensen. A roll call vote was taken with all councilmembers voting aye. The Council adjourned to a closed session at 8:40 PM.

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