

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
November 5, 2020
7:00 P.M.**

PRESENT: Tyler Vincent Mayor
Alden Farr Councilmember
Tom Peterson Councilmember
Robin Troxell Councilmember
Joe Olson Councilmember

ALSO PRESENT: Christina Boss City Recorder
Mark Bradley City Planner *via Zoom*
Dave Burnett Public Power Director *via Zoom*
Mike Christiansen City Attorney
Chris Howard Assistant Police Chief
Paul Larsen Comm & Eco Dev Director *via Zoom*
Colt Mund Assistant City Attorney
Mike Nelsen Police Chief
Tyler Pugsley Public Works Director *via Zoom*
Jason Roberts City Administrator

EXCUSED: D.J. Bott Councilmember

Mayor Vincent called the meeting to order at 7:00 p.m. The Reverence Period was given by Councilmember Olson and the Pledge of Allegiance was recited. Mayor Vincent excused Councilmember Bott from the meeting.

AGENDA

**PRESENTATION OF POLICE DEPARTMENT SHADOW BOX TO BRIGHAM CITY FROM
THE BOX ELDER COUNTY MAYOR'S ASSOCIATION
RECOGNITION OF EMPLOYEES**

New Hire in Public Works

CONSENT

Request for Approval of 10/15/2020 City Council Meeting Minutes

Request for Approval of 2021 Holiday Schedule

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

**PUBLIC COMMENTS FROM BRIGHAM CITY RESIDENTS AND THOSE PAYING
PROPERTY TAXES IN BRIGHAM CITY**

COUNCILMEMBER COMMENTS

ACTION ITEMS

Consideration of Approval of Interlocal Agreement between Brigham City Corporation and Brigham City Redevelopment Agency for the 1100 South Community Development Project Area

Consideration of Amendment to Upland Square Development Agreement to Change Name to Brigham Crossing

Consideration of Amendment to Brigham Crossing Master Street and Development Plan, Southwest Corner of 1100 South and 1100 West

Consideration of Ordinance Changing Zoning from R-1-8 (Residential District) to R-M-7 (Multiple Residential District) for Area Located Between 400 and 500 South Streets and 500 and 600 West Streets

Consideration of Ordinance Amending Chapter 3.03 Brigham City Facilities

Consideration of Resolution Authorizing and Approving Adjustment of the Participant's Entitlement Share Under the CFPP Power Sales Contract

UNFINISHED BUSINESS

Consideration of Ordinance Regulating Transient Lodging Facilities

**ADJOURN TO REDEVELOPMENT AGENCY MEETING
ADJOURN TO CLOSED SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF
REAL PROPERTY**

**PRESENTATION OF POLICE DEPARTMENT SHADOW BOX TO BRIGHAM CITY FROM
THE BOX ELDER COUNTY MAYOR'S ASSOCIATION**

Mayor Vincent called Chief Nelsen and Assistant Chief Howard forward to join him in accepting the Shadow Box. Tremonton Mayor Roger Fridal also came forward. Mayor Vincent read the Shadow Box plaque and thanked Brigham City law enforcement officers and the Mayor's Association.

RECOGNITION OF EMPLOYEES

Mayor Vincent recognized Brenden Kotter who was recently hired as a Water Systems Operator.

CONSENT

Approval of 10/15/2020 City Council Meeting Minutes

Request for Approval of 2021 Holiday Schedule

The 2021 holiday schedule was presented for approval.

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

A list of accounts totaling \$1,383.36 was presented to be removed from the City's system due to customers taking out bankruptcy or being sent to collections.

MOTION: A motion to approve the Consent agenda was made by Councilmember Troxell and seconded by Councilmember Peterson.

Roll Call: Councilmember Peterson – aye
Councilmember Farr – aye
Councilmember Troxell – aye
Councilmember Olson – aye

PUBLIC COMMENTS

There were no public comments.

COUNCILMEMBER COMMENTS

Councilmember Farr – met with the Airport Advisory Board who has been working on a long-term plan for additional hangars. Councilmember Farr recognized Jviation Inc. for the work they have done.

Councilmember Troxell – attended the Wasatch Front Regional Council's (WFRC) Choice Workshop and the Main Street Program training session. She has been listening to the updates from the Utah League of Cities and Towns. They have had discussions on the importance of mitigating transmission with the uptick in COVID-19 cases and the impact on hospitals. She also attended the BRAG Human Resources meeting where they discussed the SSBG grants and the weatherization assistance program.

Mayor Vincent – also attended the WFRC workshop. He spoke about the increase in COVID-19 cases and stated that citizens need to be cautious. Mayor Vincent stressed the importance of being courteous to those around us and asked everyone to reach out to folks who are having a hard time. He thanked the Council and staff for their dedication and service.

ACTION ITEMS

**Consideration of Approval of Interlocal Agreement between Brigham City Corporation and
Brigham City Redevelopment Agency for the 1100 South Community Development Project Area**

Mr. Larsen introduced the item stating that the project area was created in 2009 as a joint effort between Brigham and Perry cities. He displayed a map and reviewed the boundaries in both cities. The Interlocal Agreement will allow the RDA to receive tax increment from projects that are developed in the project area. Similar agreements will be presented to the other taxing entities. Mr. Larsen explained that a tax increment is a financing mechanism that allows direction of funding into development projects and infrastructure to support and encourage development of the area. Box Elder County approved their agreement subject to the correction of a Code reference and including an exhibit showing the boundary map.

MOTION: A motion to approve the Interlocal Agreement between Brigham City Corporation and Brigham City Redevelopment Agency for the 1100 South Community Development Project Area was made by Councilmember Farr and seconded by Councilmember Troxell.

Roll Call: Councilmember Olson – aye
Councilmember Peterson – aye
Councilmember Farr – aye
Councilmember Troxell – aye

Consideration of Amendment to Upland Square Development Agreement to Change Name to Brigham Crossing

Mr. Bradley displayed his presentation on the screen. The initial agreement was entered into in 2009. Mr. Bradley went through the agreement and identified the changes:

- Owner and contact information update
- Acreage changed to 11 acres regarding sale to Utah Transit Authority
- Updated legal description
- Commuter rail station reference added
- Residential use increased from 25 to 30 acres
- Moved housing element west and south in effort to preserve wetlands
- Added improvements to 1100 West
- Added allowance for amendments to master street and development plan

The Planning Commission recommended approval to the City Council subject to staff working with the Applicant to resolve items in Section B.4 and B.5 of Exhibit C, and in accordance with the findings of facts.

MOTION: A motion to approve the Amendment to the Upland Square Development Agreement to change the name to Brigham Crossing was made by Councilmember Farr and seconded by Councilmember Olson.

Roll Call: Councilmember Troxell – aye
Councilmember Olson – aye
Councilmember Peterson – aye
Councilmember Farr – aye

Consideration of Amendment to Brigham Crossing Master Street and Development Plan, Southwest Corner of 1100 South and 1100 West

Mr. Bradley displayed the Master Street and Development Plan on the screen and stated this item went before the Joint Advisory Board and a recommendation for approval to the Planning Commission was made. The Planning Commission made a recommendation for approval to the City Council subject to staff comments, findings of fact, the Joint Advisory Board recommendation, and subject to Perry City being responsible for the rail crossing. The Plan approval is subject to obtaining a wetland clearance permit from the Army Corps of Engineers. Mr. Bradley pointed out the road to be developed with Phase 1. The Plan identifies the Historic Orchard Pathway, a 10-foot trail coming from Willard, through Perry and into

Brigham City, as well as a future rail crossing. There will also be a black top trail on the north end of the property along 1100 South.

There was a discussion about the road width on 1150 South and the 66-foot wide road in the Brigham Crossing development. Mr. Bradley explained that 1150 South is a private street. He commented that the connectivity in the Plan will aid in distributing the traffic. The Developer will install curb and gutter on the east side of 1100 West up to the City boundary.

MOTION: A motion to approve the Amendment to the Brigham Crossing Master Street and Development Plan, corner of 1100 South and 1100 West, was made by Councilmember Farr and seconded by Councilmember Troxell.

Roll Call: Councilmember Troxell – aye
Councilmember Olson – aye
Councilmember Peterson – aye
Councilmember Farr – aye

Consideration of Ordinance Changing Zoning from R-1-8 (Residential District) to R-M-7 (Multiple Residential District) for Area Located Between 400 and 500 South Streets and 500 and 600 West Streets

Mr. Bradley displayed the General Plan and Zoning Map. With the General Plan update in 2017, some of the lower/medium residential lots were included in the medium residential designation. Mr. Bradley stated this request is consistent with the transition flow from R-M-15 to R-M-7 to R-1-8. The rezone would be for the entire block. The Applicant obtained approval from 19 out of the 22 property owners. His property is a legal non-conforming duplex which he would like to convert into a legal triplex. All property owners on and around the block were sent notices. The Planning Commission recommended approval to the City Council finding that the zoning change is consistent with the General Plan, and subject to the findings of fact.

There was a discussion on property values. Two concerned residents were urged to contact the Box Elder County Assessor. Mr. Bradley stated that the zone change should not affect property values.

MOTION: A motion to approve the Ordinance changing zoning from R-1-8 (Residential District) to R-M-7 (Multiple Residential District) for the area located between 400 and 500 South Streets and 500 and 600 West Streets was made by Councilmember Farr and seconded by Councilmember Olson.

Roll Call: Councilmember Peterson – aye
Councilmember Farr – aye
Councilmember Troxell – aye
Councilmember Olson – aye

Consideration of Ordinance Amending Chapter 3.03 Brigham City Facilities

Mr. Roberts approached the podium and highlighted the changes:

- Changed Bowery scheduling from Public Works to Community Activities and Services
- Added language stating no political activity by employees using City facilities
- Removed Bunderson Center as a City facility
- Changed closing time for Academy Center rental on New Year's Eve to 12:30 a.m.

Councilmember Farr noted a correction was needed to change Discovery Grove to Davis, under the Facility Fee Schedule Bounce House.

MOTION: A motion to approve the Ordinance amending Chapter 3.03, Brigham City Facilities including the correction noted by Councilmember Farr was made by Councilmember Olson and seconded by Councilmember Farr.

Roll Call: Councilmember Farr – aye
Councilmember Troxell – aye
Councilmember Olson – aye
Councilmember Peterson – aye

Consideration of Resolution Authorizing and Approving Adjustment of the Participant’s Entitlement Share Under the CFPP Power Sales Contract

Mr. Burnett reviewed the City’s CFPP request of 15,250 Kw, or 15.25 MW, and the \$1.3M spend cap which was previously approved by the Council. At the current off ramp, the cost to the City for withdrawing from the project for convenience would be \$397,244. At the last meeting, the Councilmembers elected to stay in the project. Mr. Burnett explained that the projected budget at the January 2022 mark would be approximately \$13.2M. Brigham City’s responsibility would be \$1.9M which exceeds the \$1.3M spend cap.

At this point, eight cities have dropped out of the project which does not appear to be tied to the competence of technology or the UAMPS team. The reason for the dropouts was due to a lack of subscription. Additionally, the \$1.3B Department of Energy (DOE) award had not been received and the LLC, which allows non tax-exempt entities to participate in the project, had not been formed.

A decision has been made to change the November 2020-January 2022 budget from \$13.2M to \$4M. The budget priority is to get greater subscription in the project. The new budget will focus on a \$92,000/month cost spend on subscriptions. They are looking for investor owned utilities, cooperatives, and other municipalities. The cut in budget brings the City’s forward spend to \$610,000. In combination with the \$397,244 spend from the first phase, the potential spend to January 2022 would be \$1,007,244. Mr. Burnett stated that scaling down the budget will affect the DOE award as their target is 79% of the project.

The proposed Resolution states that if other entities exit the project and affect Brigham City’s costs or megawatts, Dave Burnett, as representative, can adjust kilowatts as needed to stay within the \$1.3M spending cap as the project moves forward. Mr. Burnett stated that any adjustments would include Jason Roberts.

There was a discussion on the interest in, and the future of, the CFPP and the closing of coal plants.

MOTION: A motion to approve the Resolution Authorizing and Approving Adjustment of the Participant’s Entitlement Share Under the CFPP Power Sales Contract was made by Councilmember Olson and seconded by Councilmember Peterson.

Roll Call: Councilmember Troxell – aye
Councilmember Olson – aye
Councilmember Peterson – aye
Councilmember Farr – aye

UNFINISHED BUSINESS

Consideration of Ordinance Regulating Transient Lodging Facilities

Mr. Larsen introduced Assistant City Attorney, Colt Mund to present the item. Mr. Mund explained the approximate two-year history and the purpose of the ordinance. He stated that the intent is to reduce crime and create a safe and healthy environment for those who use the lodging facilities. It is not intended to be punitive but to foster the relationship between the Brigham City Police Department and the hotels and motels within the City. He said that the tier structure has been used in various cities in the United States and the language for the inspections, standards and licensing was modeled after similar regulations in

Ogden City and St. George. Additionally, Matthew Church reviewed the language in May 2019 and stated that it would pass constitutional muster or legal review.

Changes to the ordinance include protection of domestic violence victims addressed in Calls for Service which exclude victims of domestic violence who have a protective order in place. These calls do not count against the facility. Language regarding the RV park, sanitation and cleanliness, and random inspections was removed. Scheduled inspections will be annual with the renewal of the business license at no extra cost.

The language includes an appeals process which is the same as business license denials or revocations. The Chief of Police would provide the facility with the annual number of calls at the time they are placed in the tier structure and services would be offered. To be placed in Tier 1, the facility would have at least one call per unit per year. The facility would have the ability to appeal the placement as well as the revocation or denial of the business license. Currently, there are no hotels or motels in Tier 1.

The ordinance language prohibits stays longer than 30 days, with exceptions relating to placement by charitable organization or insurance companies, or working a long-term assignment.

Mr. Larsen displayed data showing hotel and motel calls for service. The 2018 data showed one operation fell into Tier 1. There are no operations in Tier 1 for the year 2020.

There was a discussion questioning the need for an ordinance regulating hotels and motels, governing what businesses can and cannot do, and the need for owner accountability. Councilmember Farr asked for clarification on the approval process for the corrective action plan. Councilmember Troxell questioned the impact on the Police Department. There was agreement that the ordinance should cover all Brigham City businesses at some point in the future. Mr. Roberts said that staff looked at all businesses, but the circumstances are different for each business and additional staff would be required to monitor the program. He stated that the trend comes from hotels and motels.

MOTION: A motion to approve the Ordinance Regulating Transient Lodging Facilities was made by Councilmember Peterson and seconded by Councilmember Olson.

Roll Call: Councilmember Troxell – nay
Councilmember Olson – aye
Councilmember Peterson – aye
Councilmember Farr – nay
Mayor Vincent – aye

The Mayor is entitled to vote when there is a tie vote. The motion passed with two Councilmembers and the Mayor voting aye.

At 9:14 p.m. the Council adjourned to a Redevelopment Agency meeting. The Council returned to a regular City Council meeting at 9:30 and adjourned. There was no closed session.

The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the November 5, 2020 City Council Meeting.

Dated this 23rd day of November, 2020.

Christina Boss

Christina Boss, Recorder