

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
December 17, 2020  
7:00 P.M.**

PRESENT:	Tyler Vincent	Mayor
	D.J. Bott	Councilmember
	Alden Farr	Councilmember
	Joe Olson	Councilmember
	Tom Peterson	Councilmember
	Robin Troxell	Councilmember

ALSO PRESENT:	Christina Boss	City Recorder
	Dave Burnett	Public Power Director <i>via Zoom</i>
	Mike Christiansen	City Attorney
	Chris Howard	Assistant Police Chief
	Paul Larsen	Comm & Eco Dev Director <i>via Zoom</i>
	Mike Nelsen	Police Chief
	Derek Oyler	Finance Director
	Tyler Pugsley	Public Works Director <i>via Zoom</i>
	Jason Roberts	City Administrator

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

**AGENDA**

**EMPLOYEE RECOGNITION**

New Hires in Police Department

**CONSENT**

Request for Approval of December 3, 2020 City Council Meeting Minutes

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

Request for Approval of Annual Meeting Notice

**PUBLIC HEARING**

Surplus Real Property Located at 547 East Forest Street, Brigham City, Parcel Number 03-102-0083,  
Containing 0.44 Acres, and Zoned R-1-10

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

**COUNCILMEMBER COMMENTS**

**ACTION ITEMS**

Consideration of Resolution Requesting Approval of Enterprise Zone Designation

Consideration of Resolution Extending Date for Providing Benefits to Essential Employees During  
Ongoing Pandemic

Consideration of Resolution Adopting the 2020 Bear River Region Pre-Disaster Mitigation Plan

Consideration of Real Estate Purchase Agreement and Request for City to Waive Fees for Fencing and  
Other Work Performed at 56 North 500 East

**DISCUSSION ITEMS**

Presentation of 2020 Audit

**ADJOURN TO CLOSED SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF  
REAL PROPERTY AND PENDING OR REASONABLY IMMINENT LITIGATION**

**EMPLOYEE RECOGNITION**

Chief Nelsen presented Officers Darol Barlow and Blayke Jensen with their badges.

## CONSENT

### Approval of December 3, 2020 City Council Meeting Minutes

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

A list of accounts totaling \$3,309.36 was presented to be removed from the City's system due to customers taking out bankruptcy or being sent to collections.

#### Request for Approval of Annual Meeting Notice

Utah Code requires cities to publish a yearly schedule of boards and commissions. This will be sent to the newspaper and posted as required.

**MOTION:** A motion to approve the Consent agenda was made by Councilmember Bott, seconded by Councilmember Peterson and carried unanimously.

## PUBLIC HEARING

### Surplus Real Property Located at 547 East Forest Street, Brigham City, Parcel Number 03-102-0083, Containing 0.44 Acres, and Zone R-1-10

Mr. Oyler displayed his presentation on the screen and stated that the property is located at the old Merrell Planing Mill site. There are back taxes due including interest and penalties plus a miscellaneous charge from a lien placed by Brigham City for work done on the property. The County has assessed the value of the property at \$40,000.

The buyer will pay the back taxes, interest, and penalties and will need to make water, sewer and gas connections as they were terminated in the road. Upon bid opening, Brigham City will release its lien. Closing costs will be split 50/50 between the City and the purchaser. Impact fees will apply.

The property will be advertised in the newspaper for two weeks. As previously discussed by the City Council, the minimum bid will be \$75,000. Payment will be made in full within 3 business days.

A motion to open the public hearing was made by Councilmember Bott, seconded by Councilmember Olson and carried unanimously. There were no public comments. A motion to close the public hearing was made by Councilmember Bott, seconded by Councilmember Olson and carried unanimously.

**MOTION:** Councilmember Bott made a motion to surplus the property located at 547 East Forest Street. The motion was seconded by Councilmember Olson. Councilmember Peterson questioned impact fee charges where there was an existing structure. Mr. Oyler explained that impact fees for transportation and fire have been recently adopted. Also, there was a change of use from a mill to a storage facility to a vacant building to an abandoned and dangerous building. Staff feels that a new impact would be created due to the reconnection of services.

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

## PUBLIC COMMENTS

There were no public comments.

### **COUNCILMEMBER COMMENTS**

Councilmember Olson – attended the Boys and Girls Club meeting. He noted that Ms. Jeffries did an exceptional job of budgeting.

Councilmember Peterson – attended a Utopia board meeting. Utopia has exceeded their goal of getting 7,000 new customers and now has over 10,000 new subscribers. They are also seeing growth in other cities.

Councilmember Troxell – attended the Recreation and Parks Commission meeting. The Chair, Julia Gee, intends on putting together more formalized action items. Each member of the Commission will attend a City Council meeting in the future.

Mayor Vincent – also joined the Boys and Girls Club meeting. He expressed his appreciation for the Councilmembers. He previously challenged City Directors to perform random acts of kindness. He extended the challenge to Councilmembers and Brigham residents. He voiced his concerns for folks during the ongoing pandemic and asked that everyone continue to wear masks and social distance. Mayor Vincent wished the community a Merry Christmas.

### **ACTION ITEMS**

Mayor Vincent noted that Action Item #4 would be heard after the closed session.

#### **Consideration of Resolution Requesting Approval of Enterprise Zone Designation**

Mr. Larsen explained that the proposed resolution would authorize submission of an application to the State for renewal of the enterprise zone designation. It would be a five-year designation and is the third and last renewal as the program will sunset after this period. If the program were to be re-authorized, the City would not be eligible as it would be over the 20,000-population threshold.

The designation gives businesses an opportunity to take advantage of the enterprise zone tax credits. New job creation, capital investment (plants, equipment etc.), and building rehabilitation for new business use are some of the credits available.

**MOTION:** Councilmember Bott made a motion to approve the Resolution requesting approval of the Enterprise Zone Designation. The motion was seconded by Councilmember Farr.

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

#### **Consideration of Resolution Extending Date for Providing Benefits to Essential Employees During Ongoing Pandemic**

Mr. Oyler came to the podium and explained that a similar resolution was approved in April but is set to expire at the end of December. This request is for an extension of authority through the end of July so that employees can remain healthy and safe at work. There will be no reset of time if an employee has already used the time. The budget would only be affected where additional personnel would need to be called in to fill a vacant shift.

**MOTION:** A motion to approve the Resolution extending the date for providing benefits to essential employees during an ongoing pandemic was made by Councilmember Bott and seconded by Councilmember Olson.

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

**Consideration of Resolution Adopting the 2020 Bear River Region Pre-Disaster Mitigation Plan**

Assistant Police Chief Howard came to the podium and stated that in order for the City to be eligible for pre-disaster mitigation funding, a new plan must be submitted every 10 years. The Bear River Association of Governments has written a plan for use by all government entities in the surrounding three counties. Each city must come up with mitigation strategies for different types of disasters. With the adoption of this plan, Brigham City would be eligible for FEMA pre-disaster mitigation grant funding.

**MOTION:** A motion to approve the Resolution Adopting the 2020 Bear River Region Pre-Disaster Mitigation Plan was made by Councilmember Peterson and seconded by Councilmember Farr.

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

**DISCUSSION ITEMS**

**Presentation of 2020 Audit**

Mr. Oyler returned to the podium and made the following comments referring to the audit presentation on the screen.

- City wide days cash increased by 7 days
- Governmental days cash decreased compared to the previous year due to funds used for Pickleball and Cemetery expansion projects
- Business-type days cash increased because several capital projects were not completed as of year end
- Changes in liabilities to net position in governmental and business type funds decreased due to the principal payments on debts
- Revenues higher than budget included sales taxes, property taxes, franchise taxes, and building and impact fees
- Expenditures lower than budget included fire and ambulance, police, and streets
- General fund revenues and transfers in showed sales taxes were the largest source of revenue; fines and forfeitures decreased due to a reduction in traffic tickets issued during COVID
- General fund expenditures and transfers out showed public safety made up 44% of the total expenditures, with the Police Department accounting for 54%
- The net costs of Public Safety increased by 4.8%, approximately \$251,000 from the prior year
- Unassigned and assigned fund balance in the general fund increased by approximately \$393,000; the library fund increased by approximately \$155,000 due to property tax revenue increases; cemetery improvement decreased with the expansion project but will likely increase with burial plot sales; the golf fund profit was \$32,000
- RDAs, CDAs and EDAs will be reported under a combined RDA fund for the CAFR but will be tracked separately in the general ledger; the combined RDAs have a negative fund balance due to intercompany loans for NUCOR Building Systems, the Academy kitchen buildout, and a property purchase on Forest Street

- The 2009 SAA balance grew by approximately \$100,117 due to property owners not making payments on their assessments
- Business type funds net profits after transfers showed water profits decreased mainly due to large water main leaks and repairs; waste collection was negative due to higher costs of recyclables; electrical profits increased due to outstanding budgeted capital projects; Mr. Oyler noted that the City is spending more money on capital projects as compared to years past
- State compliance
  - Over expended budgets – the cemetery over expended the budget due to the expansion project
  - Deficit fund balance – RDA deficits will decrease, and cash will increase as the RDAs and EDAs collect tax increment and pay down debts; SAA debt service had deficit fund balances due to customers not paying assessments; in future budgets, at least 5% of the revenue that comes into the funds will be retired to stay in compliance

Mr. Oyler stated that Brigham City is in very good financial condition. He added that the City should continue to increase cash reserves in preparation for possible future economic downturns.

The City was awarded the Government Finance Officer Association's financial reporting certificate for the 34<sup>th</sup> consecutive year.

Marcus Arbuckle with Keddington and Christensen, CPAs reported on the review of the audit.

- Internal controls were adequate with no recommended changes
- Federal programs – single audit of the airport grant found to be in compliance
- State compliance
  - RDAs and SAA had a deficit fund balance; to meet State code requirements, 5% of the revenue must be budgeted to retire the deficit fund balance
  - Transfer from enterprise fund – after the public hearing and approval by the City Council, the City did not send a notification to customers
- The City has adequate accounting policies
- No instances of fraud were found

#### **ADJOURN TO CLOSED SESSION**

A motion to adjourn to a closed session to discuss the purchase, exchange or lease of real property, and pending or reasonably imminent litigation was made by Councilmember Bott and seconded by Councilmember Olson. A roll call vote was taken with all Councilmembers voting aye. The meeting adjourned to a closed session at 8:03 p.m. The Council returned to a regular City Council meeting at 8:50 p.m.

#### **Consideration of Real Estate Purchase Agreement and Request for City to Waive Fees for Fencing and Other Work Performed at 56 North 500 East**

Mr. Christiansen came to the podium and clarified that the property was the former Baron Woolen Mill property. He stated that Soren Simonson was unable to pay back monies owed to the City for work performed and explained that Brian Baron requested to purchase the property. Mr. Baron requested that the City waive incurred costs for the cleanup completed thus far. He previously provided an economic analysis showing the future clean up costs may exceed the value of the property. Mr. Christiansen stated that the property is subject to a potential tax sale.

Mr. Baron came forward and stated that his grandfather and brothers owned the property. He explained that he would like to clean up the property and build a home for his family.

**MOTION:** A motion to approve the Real Estate Purchase Agreement and request for City to waive fees for fencing and other work performed at 56 North 500 East, and release any claims for work the City has performed on the City's behalf, was made by Councilmember Bott and seconded by Councilmember Olson.

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

The meeting adjourned at 8:54 p.m.

*The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the December 17, 2020 City Council Meeting.*

*Dated this 8<sup>th</sup> day of January, 2021.*

*Christina Boss*

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*Christina Boss, Recorder*