NOTICE AND AGENDA
BRIGHAM CITY COUNCIL MEETING

Thursday, September 1, 2022, 7:00 P.M.
City Council Chambers, 20 North Main
To View Live Meeting Visit:
https://www.bcutah.org/city-council.htm **or**
https://www.youtube.com/user/brighamcitycorp

Thought, Reading or Invocation: Pastor Fonseca, Victory Church
Pledge of Allegiance

7:00 RECOGNITION OF EMPLOYEES

1. New Hires in Police Department

7:03 CONSENT

1. Approval of Meeting Minutes for August 11, 2022 City Council Meeting and Truth in Taxation Public Hearing, and August 18, 2022 Work Session and City Council Meeting
2. Request to Write-off Accounts Due to Bankruptcy or Being Sent to Collections

7:05 PUBLIC HEARING [1] *(Items may be brought to a vote following the public hearing as deemed necessary)*

1. Consideration of Resolution Amending FY 2022-23 Budget – Tom Kotter

7:10 PUBLIC COMMENTS [2] *(Per Utah Code, Council will receive input only, no decision can be made)*

7:15 COUNCILMEMBER COMMENTS

7:25 ACTION ITEMS

1. Consideration of Ordinance Amending Cost-A-Lot #1 Subdivision Located at 195 E 900 North – Mark Bradley and Tony Ekins
2. Consideration of Ordinance Amending Brigham City Code Section 29.05.130, Regulations Governing Fences and Walls – Mark Bradley and Tony Ekins
3. Request for Approval of Update to Employee Policy and Procedure Manual Chapter 12-11, On-Call – Derek Oyler
4. Consideration of Ordinance Adopting Brigham City Code Title 18, Library –Elizabeth Schow and Derek Oyler
5. Consideration of Resolution Amending Electric Service Schedule No. 3 – Tom Kotter and Derek Oyler
6. Consideration of Ordinance Amending Brigham City Code Chapter 10.05, Net Metering – Dave Burnett

8:30 DISCUSSION ITEMS

1. Electric Scooter Rentals – Paul Larsen

8:55 ADJOURN TO CLOSED SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY AND PENDING OR REASONABLY IMMINENT LITIGATION

Assigned times may vary depending on length of discussion or agenda alteration.
In compliance with the Americans with Disabilities Act, individuals needing special accommodations should notify the City Recorder (734-6621) at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING
The undersigned duly appointed City Recorder does hereby certify that the above notice and agenda was posted in three public places within the Brigham City limits. A copy was also provided to the Box Elder News Journal and posted on the City website and the State Public Meeting Notice website on August 25, 2022.

Christina Boss, City Recorder

[1] Each speaker is limited to three minutes. Total input period is limited to 15 minutes
[2] Each individual is limited to three minutes. Total input period is limited to 15 minutes.

Employee Recognition

BRIGHAM CITY
AGENDA ITEM FOR CITY COUNCIL MEETING

1. **INITIATED BY: Rick Bosworth**

2. **DEPARTMENT OR DIVISION: Mayor's Office**

3. **DATE INITIATED: August 24, 2022**

4. **BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):**

   Recognition of new hires in the Police Department.

   Cristine Atkin **School Crossing Guard**

5. **ESTIMATED TIME NEEDED: 5 minutes**

6. **PROPOSED DATE FOR COUNCIL/AGENCY ACTION: September 1, 2022**

7. **EXPLANATION OF DEADLINE, IF APPLICABLE:**

8. **REVIEW**

Date	Name	Signature	Attachment
08/24/2022	Rick Bosworth	Rick Bosworth	

9. **MAYOR'S SIGNATURE:** _____

C #1

SPECIAL SESSION OF THE BRIGHAM CITY COUNCIL
August 11, 2022
6:00 p.m.

PRESENT:	D.J. Bott	Mayor
	Alden Farr	Councilmember
	Matthew Jensen	Councilmember
	Tom Peterson	Councilmember
	Ryan Smith	Councilmember
	Robin Troxell	Councilmember
ALSO PRESENT:	Christina Boss	City Recorder
	Rick Bosworth	Human Resources Director
	Mark Bradley	City Planner
	Dave Burnett	Public Power Director *via Zoom*
	Mike Christiansen	City Attorney
	Tom Kotter	Finance Director
	Derek Oyler	City Administrator
	Tyler Pugsley	Public Works Director
	Chad Reyes	Police Chief
	Brandon Thueson	Fire Chief

Mayor Bott called the meeting to order at 6:00 p.m. Counselor Graydon Bradbury gave the reverence period, and the Pledge of Allegiance was recited.

OATHS OF OFFICE IN POLICE DEPARTMENT

Chief Reyes came forward and introduced the following new hires to the Police Department:

- Crystal Holmes – Police Officer 3
- Tyler Swenson – Police Officer 1
- Levi Tarver – Code Enforcement Officer
- Bailey Davis – Animal Services Officer

Judge Christensen administered the Oath of Office and the officers received their badges.

CONSENT

Approval of July 21, 2022 City Council Meeting Minutes

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

A list of accounts totaling $2,485.50 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 Jensen. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Peterson, aye; Councilmember Troxell, aye.

PUBLIC COMMENTS

Bill Farmer – Mr. Farmer was opposed to allowing a scooter rental operation in Brigham.

Valerie Aston – Ms. Aston was also opposed to scooter and bike rentals due to safety issues for the riders and pedestrians.

Donovan Malone – Mr. Malone echoed previous comments regarding scooter rental operations and requested revenue figures from recent utility rate increases.

Starr Shay – Ms. Shay was looking forward to the September 1st solar discussion and hoped to be grandfathered in to the old rate.

Michael Shay – Mr. Shay understood property tax increases with inflation and supported public safety but urged the City to consider folks on fixed incomes.

COUNCILMEMBER COMMENTS

Councilmember Farr – thanked those who attended the Community BBQ event at the Bill of Rights Plaza and recognized Brigham City Community Hospital and all those who volunteered their services to make it happen.

Councilmember Peterson – echoed Councilmember Farr's comments about the community BBQ.

Mayor Bott – also recognized those who volunteered and donated to the BBQ including Smith's, Brigham City Community Hospital, and Representative Joel Ferry who donated the beef. He also recognized City staff who helped to set up and clean up.

ACTION ITEMS

Request for Approval of Northview Subdivision Phase 3 Final Plat Located at 500 North and 800 West

Mr. Bradley displayed the plat on the screen and stated comments included showing easements on the final plat where there are existing utilities. 500 North will extend to 800 West and the 700 West stub street will be vacated. That vacation allowed for the reorientation of lots 47, 48, 61, and 64. The ordinance vacating 700 West stub street and the Escrow Agreement will be recorded with the plat.

> **MOTION:** Councilmember Farr made a motion to approve Northview Subdivision Phase 3 Final Plat located at 500 North and 800 West The motion was seconded by Councilmember Troxell. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Peterson, aye; Councilmember Troxell, aye.

Request for Approval of Cardamine Subdivision Phase 2 Final Plat Located at 1325 North and 350 West

Mr. Bradley displayed the plat consisting of 15 single family lots. He noted the "R" following the lot number and in the notes represented the restriction of no basements in the subdivision. The electrical cost estimate and the Engineer's Estimate were completed.

> **MOTION:** Councilmember Troxell made a motion to approve Cardamine Subdivision Phase 2 Final Plat located at 1325 North and 350 West. The motion was seconded by Councilmember Smith. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Peterson, aye; Councilmember Troxell, aye.

Consideration of Ordinance Amending Title 29 Zoning, Chapter 29.11 Multiple Use, Agricultural, and Rural Residential Districts

Mr. Bradley explained this Code amendment process included staff meetings, public meetings, Planning Commission public hearings, and input from West Forest residents and others. The Code amendment would allow more animal uses, protect and promote continual agricultural uses, emphasize the differences between personal use and agricultural business use, evaluate zoning by identifying what is applicable (resulted in removing RR-10 and including A-20 to allow a larger zone for those who would like to annex but retain

larger properties), give more direction to those who develop in the rural residential and agricultural districts, amend the General Plan, and encourage cluster subdivisions applying the new subdivision standards.

The Planning Commission made a recommendation for Council approval. Mr. Bradley reviewed the Code changes and noted:

- existing agriculture practices and keeping of animals and fowl could be continued as a nonconforming use until such time as the lot is subdivided
- RR-10 was eliminated, and A-20 was added to the use categories
- Animal and fowl units and density per parcel did not include zoning districts A-5 or greater

Councilmember Troxell asked if the Bird Refuge was consulted. Mr. Bradley stated Mr. Dunphy at the Refuge supported private property rights but encouraged, when possible, providing buffering between development and the bird refuge. Councilmember Peterson asked if the ordinance included private businesses and inquired about the fencing distance from the shelter in Figure 29.11.130.D. and the 5-foot setback. Mr. Bradley stated the ordinance does not cover businesses.

Mayor Bott was pleased with the efforts and the process with the ordinance change including the public input, Planning Commission efforts, and city staff work to create language.

MOTION: Councilmember Farr made a motion to approve the ordinance amending Title 29 Zoning, Chapter 29.11 Multiple Use, Agricultural, and Rural Residential Districts. The motion was seconded by Councilmember Jensen.

Roll Call:	Councilmember Peterson	Aye
	Councilmember Jensen	Aye
	Councilmember Troxell	Aye
	Councilmember Smith	Aye
	Councilmember Farr	Aye

The Council adjourned at 6:43 pm.

MOTION: Councilmember Peterson made a motion to adjourn. The motion was seconded by Councilmember Farr. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Peterson, aye; Councilmember Troxell, aye.

The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the August 11, 2022 City Council Meeting.

Dated this _____ day of September 2022.

_____

Christina Boss, Recorder

C #1

SPECIAL SESSION OF THE BRIGHAM CITY COUNCIL TRUTH IN TAXATION PUBLIC HEARING August 11, 2022 7:00 p.m.

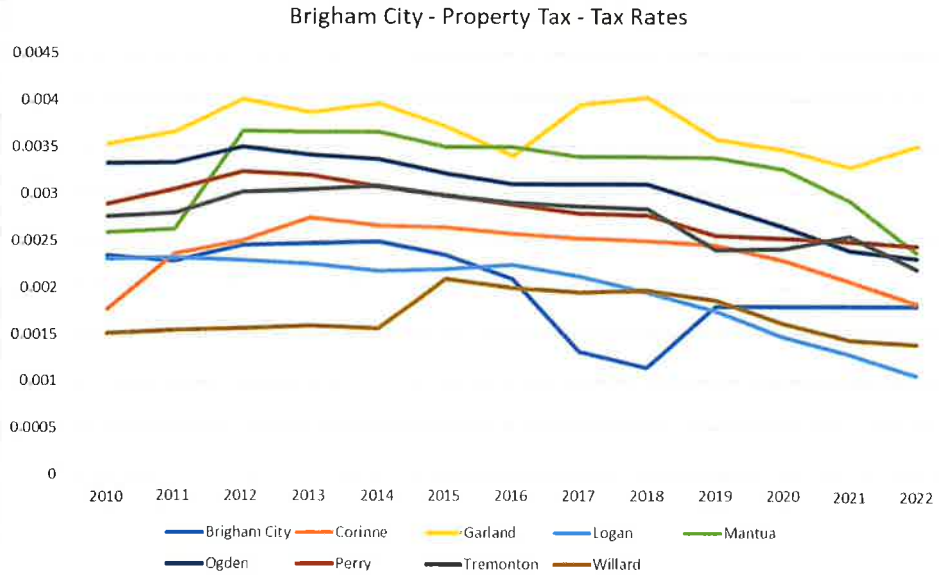
PRESENT:	D.J. Bott	Mayor
	Alden Farr	Councilmember
	Matthew Jensen	Councilmember
	Tom Peterson	Councilmember
	Ryan Smith	Councilmember
	Robin Troxell	Councilmember
ALSO PRESENT:	Christina Boss	City Recorder
	Dave Burnett	Public Power Director *via Zoom*
	Mike Christiansen	City Attorney
	Tom Kotter	Finance Director
	Derek Oyler	City Administrator
	Chad Reyes	Police Chief
	Brandon Thueson	Fire Chief

Mayor Bott called the meeting to order at 7:00 p.m. He reminded those in attendance public comments would be limited to three minutes. He stated that previous work sessions and Council meetings held in May and June concerning the budget and how decisions were made could be viewed on YouTube.

TRUTH IN TAXATION PUBLIC HEARING

Mr. Kotter presented a slide presentation explaining the proposed increase in property taxes.

- Taxable value of residential property is 55% of appraised value
- As property values increase, the certified tax rate (CTR) decreases; inflation is not factored into the CTR
- Proposed tax rate anticipated to generate $2.8 million to the City; reason for tax increase was Public Safety staffing and inflation; expenditures for public safety increased $4.6 million in past 12 years
- Brigham City tax rate over past several years has remained the same compared to surrounding cities



- Assessed property value for commercial properties has remained unchanged for the last 5-10 years; caused tax shift on to primary residential property owners

- For mistakes in valuation, appeal to County Auditor; property tax abatement exemptions are available for those on fixed or low incomes and veterans with disabilities

Councilmember Jensen stated folks have asked him how new development in the City affects property taxes. Mr. Kotter clarified the CTR calculation does not include new growth. Once the CTR is calculated it is applied to new growth and will produce a new base going forward. He further clarified, with new growth comes additional costs to the City for example, road maintenance and public safety.

Mayor Bott asked for a motion to open the public hearing. A motion to open the public hearing was made by Councilmember Farr and seconded by Councilmember Troxell. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Peterson, aye; Councilmember Troxell, aye.

Go to http://www.bcutah.org/agendas-and-minutes.htm and click on August 11, 2022 Public Hearing Audio to listen to public comments beginning at 18:42 minutes.

A motion to close the public hearing was made by Councilmember Troxell and seconded by Councilmember Farr.

Mayor Bott allowed Mr. Oyler to clarify and publicly note there is no subsidy from the General Fund to the Golf Course; therefore, the City is not subsidizing the Golf Course with any property tax funds. Regarding the pickleball courts, Mr. Oyler stated there is no expenditure in the tentative budget for pickleball courts. The last time there was an expenditure was the 2019-2020 budget year. That year the majority of funds spent on the pickleball courts was money the City received from the 2002 winter Olympics which was sales tax revenue from the State for parks and recreation. He added there have been substantial donations to the pickleball courts from public businesses and private donors which does need to be included as a line item on the budget. That noted, Mr. Oyler explained the pickleball courts do need to be maintained. Lastly, the $775,000 in the budget for the Mayor's Pond trail is a budgeted grant amount. If the City does not receive that grant, there will not be an expenditure.

Councilmember Troxell encouraged the public to watch the YouTube videos of the work sessions and Council meetings concerning the Mayor's budget presentation and the many cuts that were made. Mayor Bott stated the final budget adoption will be August 18, 2022.

Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Peterson, aye; Councilmember Troxell, aye.

The Council adjourned at 8:26 pm.

MOTION: Councilmember Peterson made a motion to adjourn. The motion was seconded by Councilmember Farr. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Peterson, aye; Councilmember Troxell, aye.

The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the August 11, 2022 Truth in Taxation Public Hearing.

Dated this _____ day of September 2022.

Christina Boss, Recorder

C-11-1

SOLAR CONTRACT WORK SESSION
BRIGHAM CITY COUNCIL
August 18, 2022
6:30 p.m.

PRESENT:	D.J. Bott	Mayor
	Alden Farr	Councilmember
	Matthew Jensen	Councilmember
	Ryan Smith	Councilmember
	Robin Troxell	Councilmember
	Tom Peterson	Councilmember
ALSO PRESENT:	Kristina Rasmussen	Deputy City Recorder
	Dave Burnett	Power Director
	Mike Christiansen	City Attorney
	Chad Reyes	Police Chief
	Derek Oyler	City Administrator
	Tom Kotter	Finance Director

Mayor Bott opened the meeting at 6:31 p.m. and clarified the work session was an opportunity for Mike Christiansen, City Attorney, to discuss the current solar contracts with the City Council.

Mr. Christiansen explained that the rate changes were properly noticed and done in a public forum. He explained that in connection with the city rate changes, this contract was not reviewed but it was discussed in general. He discussed complications and problems that have arisen from the existing contract. He stated why there may be some differences of opinions regarding the contract, that the contract is enforceable as it's been applied. As the contract reads, there are a few sections that have caused some confusion and he directed attention to Section 16, limitations of liability. The contract outlines Brigham City's roll and any claims raised through the agreement are not to be economic and basis. Economic loss and cost of damages are not available to anybody seeking to pursue any claim under the contract. The contract is also used for the City's authority for repair or replacement of any non-operating or defective portion. He stated the City Council has the legislative authority to address how they choose to apply the credit to the bill or change the bill. He stated when dealing specifically to a rate change and how it is applied, which is interpreted in the contract as a rate schedule, the City created a rate schedule that went one direction for solar as it was being administered and metered. This rate schedule was presented in an open forum and the City Council voted on and approved the rate schedule.

Mayor Bott opened it up to the Council to discuss questions with Dave Burnett, Tom Kotter and Derek Oyler.

Councilmember Jensen asked Mr. Christiansen to explain the one to one trade. Mr. Christiansen referred them to Section 6 in the contract. He referenced during the billing period, if the energy supplied by the customer generator to Brigham City is less than the energy supplied to Brigham City to the customer generator, the customer generator shall be billed using the currently applicable standard service rate schedules for the next energy amount. Mr. Christiansen explained that this is a phrase that has been used by other municipalities on these energies, and it has caused some confusion with different citizens who have entered into this contract because of the rate schedules for the net energy amount. The City Council passed the rate schedule and it has been applied and it is being treated as an offset. The city does have the ability to change rates and it is up to the legislative body on how they want the credit applied.

He went on to discuss further into Section 6 in the contract explaining it is a monetization of the energy that has to be a monthly charge and it shall be credited for the net energy with the kilowatt hour credit appearing on the bill for the following month. He explained there was a presentation about rates and how they were being changed and how the market had been changed with peak hours verses off-peak hours and that the market has devalued the solar contract rates. He stated that based off the records that were presented, the Council made a decision on what would be a wholesale rate, a rate that the market would equally pay for the same value of energy. He stated the City has the right to change that policy as long as it is properly presented and through a resolution. As it is passed right now, it is being applied as a monetarization and offset against the kilowatt hour credit.

Councilmember Jensen asked Mr. Burnett to explain the cost of power that the City can buy on the open market during peak solar times. Mr. Burnett explained that the City looked for close solar farms and to buy a 20-year product and have it delivered to Brigham City would cost just under $43 per megawatt hour for the life of the contract. This follows the normal solar curve. Councilmember Troxell asked how that is broken down to a kilowatt hour. Mr. Burnett stated 4.3 cents per kilowatt hour.

Councilmember Farr explained that when we purchase power, we have contracts in place that contain a base load that we pay for. He explained that the power that is produced from solar customers goes into the system and it may or may not benefit the city because we have already purchased power. Mr. Burnett agreed and stated that we purchase power 5-7 years in the future to get the prices we get. He explained we go back historically and look at what our loads have been and how they are shaped. The City buys power based off those two factors, plus a growth escalator, then the loads are pancaked under the load curve. Councilmember Farr asked if there could be times when the solar that is produced within the community could benefit the City and there are times that it won't. Mr. Burnett stated that is correct. He explained that if you look at the cost and the time of need for power, the peak hours between 4-8 at night is when the city peaks and are susceptible to the higher price. Other times of the day we run right where we have pre-purchased and what the load can be. He went over other factors that would affect the load, such as weather.

Mr. Oyler stated that there is a lot of new energy coming online and a lot of it is solar. He stated that the base load, peak curve and demand curve all cross each other but are not uniform. The power that is being generated by internal solar customers, most days exceed where our base load forward 5-7 year products have been purchased. In the recent marketplace, there is so much solar energy on the power grid, we can purchase solar power minute to minute cheaper than what we adopted in the rate on May 5. Mr. Oyler stated that everyone has the same solar curve demand but the City has to plan for different scenarios for every customer when the solar doesn't come online.

Councilmember Troxell stated when reading the contract it reads as an interconnection contract, not a financial contract between the city and the customer. The customer has decided on their own to buy solar panels, taking on the financial burden. Places like Northern Utah could or could not come out even with production of solar, since there are only a few hours a day that a lot of base load production happens. She stated that there was no breach of contract on the billing part of the contract, and this was clarified by Mr. Christiansen. The city has changed the way they bill. She also stated she thought the city was purchasing the excess that the solar customers produce and save by not paying an electric bill during those hours and the City decided to credit the customer for that excess. Mr. Oyler clarified that what is produced and consumed in the home is not on a bill.

Councilmember Troxell stated she could entertain another meeting to look at the current rate to the 4.3 cents on the excess if enough council members want that but that she is ok to start at the current rate and address it yearly to look at the average costs.

Councilmember Farr stated when he read the contract, the City did agree to provide the customer with a net credit and doesn't agree with taking that away. He stated he is having a hard time moving forward with what they have done.

Councilmember Peterson stated we have stopped allowing credits to be accumulated and be used for a one-year period and that is where the City has violated the contract. He stated he does not agree with the contract, but it is what is in the contract.

Mayor Bott stated that Action Item 5 could be tabled if they feel they want to have more work sessions to discuss further.

The meeting adjourned at 7:00 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 August 18, 2022 Solar Contract Work Session.

Dated this 24th day of August, 2022.

_____

Kristina Rasmussen, Deputy City Recorder

Unapproved

C #1

REGULAR SESSION OF THE BRIGHAM CITY COUNCIL
August 18, 2022
7:00 p.m.

PRESENT:	D.J. Bott	Mayor
	Alden Farr	Councilmember
	Matthew Jensen	Councilmember
	Ryan Smith	Councilmember
	Robin Troxell	Councilmember
	Tom Peterson	Councilmember
ALSO PRESENT:	Kristina Rasmussen	Deputy City Recorder
	Dave Burnett	Power Director
	Mike Christiansen	City Attorney
	Chad Reyes	Police Chief
	Mark Bradley	City Planner
	Derek Oyler	City Administrator
	Tom Kotter	Finance Director
	Tyler Pugsley	Public Works Director
	Elizabeth Schow	Library Director

Mayor Bott called the meeting to order at 7:01 p.m. The Reverence Period was given by Bishop Olsen and the Pledge of Allegiance was recited.

EMPLOYEES RECOGNITION

Mayor Bott recognized newly hired Public Works employees, Braidyn Green as an Equipment/Water Systems Operator and Greg Burt as the new Building Maintenance Supervisor

CONSENT

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

A list of accounts totaling $305.26 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 Farr. Councilmember Peterson, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Peterson, aye; Councilmember Troxell, aye.

PUBLIC HEARING

Consideration of Resolution Adopting FY 2022-23 Budget

Mr. Kotter presented the proposed budget for FY 2022-23. Mr. Kotter stated there were no changes made to the mayor's proposed budget and the council's budget.

A motion to open the public hearing was made by Councilmember Farr and seconded by Councilmember Jensen. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Peterson, aye; Councilmember Troxell, aye.

Michael Rhodes – Mr. Rhodes stated he hopes the council will not increase the taxes this year, to accept the budget that was originally proposed.

Raymond Poulsen – Mr. Poulsen requested more recognition to the new hires.

APPROVED

A motion to close the public hearing was made by Councilmember Peterson and seconded by Councilmember Troxell. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Peterson, aye; Councilmember Troxell, aye.

Councilmember Troxell wanted to clarify that the budgeting system starts each year in January. It's the responsibility of the council to keep a close watch on what the department heads and mayor do during the process and then the council approves or changes by a majority vote. She stated the checks and balances that are in place are taken from the entire budget. Property tax revenue is only one form the city has to budget. The money can only go to certain items in the entire budget. She stated with the revenue received, the citizens are provided with streets, public works, public safety, emergency services, administrative and management services. She expressed how great the different departments have been to find the most cost-effective means to provide these services. She stated there are state laws that regulate costs that the city cannot get out of. She stated she will be voting for the budget as it is currently presented. She stated she would like the council to address the short staffing in emergency services and possibly amend the budget as needed.

Councilmember Jensen stated capital projects cannot keep getting pushed off, just to have an easy vote. He stated that people are misinformed on their information, citing the golf course and pickleball course. He stated these items make the city money. He stated the mayor has done a good job at cutting what he could. He stated he will be voting for the increase due to the need for public safety.

Councilmember Petersen thanked the citizens for being engaged and for the proposals that the council received through emails to help cut the $417,000 increase from the budget. He stated the city has a $48,000,000 budget to operate with and a 17% increase in property taxes accounts for the $417,000. The majority of the operating budget does not come from property taxes. Why he appreciates the engagement from the citizens, the city worked hard to make sure what they were doing was appropriate. He stated he will be voting for the budget as presented.

> **MOTION:** Councilmember Peterson made a motion to approve the resolution adopting the FY 2022-23 budget as presented. The motion was seconded by Councilmember Jensen. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Peterson, aye; Councilmember Troxell, aye.

Bi-annual Public Hearing to Obtain Public Comments Related to Storm Water Management Plan

Mr. Pugsley stated in November 2021 the City Council adopted the Storm Water Management Plan. This plan requires the city to conduct two public hearings during the calendar year to give the public a chance to ask questions for the staff to answer. He stated the plan for the second public hearing will be in December to discuss public education and public outreach regarding storm water management. Waste Treatment and Storm Water Manager Bryce Lofthouse and Storm Water Coordinator Trevor Nelson were in attendance to answer any questions. Mr. Pugsley stated Bryce and Trevor do an excellent job making sure all the state requirements are met.

A motion to open the public hearing was made by Councilmember Troxell and seconded by Councilmember Farr. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Peterson, aye; Councilmember Troxell, aye.

Mike Shay – Appreciates that his streets do not flood when it rains.

A motion to close the public hearing was made by Councilmember Peterson and seconded by Councilmember Jensen. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Peterson, aye; Councilmember Troxell, aye

SCHEDULED DELEGATION

Box Elder Chamber of Commerce Peach Days Presentation

Monica Holdaway, with the Box Elder Chamber of Commerce, presented the council with a gift for Peach Days. She thanked the city for the support from Public Works, Police and Fire Departments. She recognized the Public Works department and how fast they get the city cleaned up. She told of some new activities that will be held during the weekend and the Saturday night concert will be Kenadi Dodds, a Season 15 America's Got Talent finalist. She stated the car show is at almost 400 applications and the parade is at 90 entries.

PUBLIC COMMENTS

Michael Shay – Mr. Shay spoke about the definition of net energy. He stated the current contract was to encourage people to get solar and when people entered into our agreement, they saw it as a long-term prospect.

Star Shay – Ms. Shay thanked Councilmember Peterson for his comment on met metering. She expressed concern to the City to keep their side of the contract and asked the council to make the most honest decision they can.

Michael Rhodes – Mr. Rhodes stated for first 15 months of having solar he was getting 1:1. He wants to help the City and create power but he also wants the city to be fair with him when he's using power.

Fred Perkins – Mr. Perkins went over the difference from the old rates to the new rates. He requested additional work sessions to discuss this together.

James Moore – Mr. Moore stated frustration over no net-metering anymore. He stated if the new rates stay in place, he will never get his investment back.

Raymond Poulsen – Mr. Poulsen asked the council to leave the solar contracts alone. He recommended the City put up its own solar grid.

Todd Davis – Mr. Davis stated Brigham City Power told him he had to pay to upgrade the transformer and now the city is changing the contract. He stated he is being punished for providing green energy and that the city should look for ways to produce energy.

David Lewis – Mr. Lewis stated the contract states energy for energy and not cost of energy for cost of energy. He stated Logan, Bountiful or Rocky Mountain Power all have higher rates then the City is offering.

Vance Orgill – Mr. Orgill requested a meeting where everyone can discuss together.

Abby Orgill – Ms. Orgill thanked the City Council for all the time they have put into everything they handle for the city. She thanked them for looking ahead and requested a longer work session to discuss the solar.

Shane Ashby – Mr. Ashby asked the council to buy energy from the solar customers and plan seven years out. He stated there are people willing to help out the City and the City needs to plan for that.

Marc Maddock – Mr. Maddock has been treated as a citizen that bought solar. He tried making sure that the investment made financial sense.

Jordan Bostwick – Mr. Bostwick said everything that has been discussed is not in the agreement. Changing an agreement to get to the City goals is not the way to do it. By doing so, would put the City in breach of contract. The contract states the City would be paying out what the City wholesale price is.

David Heap – Mr. Heap purchased a solar system due to our 1:1 payout. He appreciates the City's willingness to reconsider the agreement

Winnie Rhodes – Ms. Rhodes stated she is retired and it was a big deal to put solar up. She said they were planning for the future. She talked about the utility rates being raised and the utility transfer to the general fund and that it doesn't seem right.

Terry Moore – Ms. Moore stated Brigham City is her home. She expressed thanks to Tyler Pugsley for the splash pad, clean streets, and for her garbage man coming every week. She hopes the council will consider all sides of the solar issue.

Wade Ebling – Mr. Ebling appreciates the job the City has done over the years keeping the City looking nice. He expressed concern over the City changing the agreement. Asked the City Council to really think about things before making any decisions

Jim Fuller – Mr. Fuller expressed appreciation to the City Council for listening to them. He stated he would like to know how much power is in excess each month. If the solar customers are costing the City money, they need to know that.

Richard Barnett – Mr. Barnett thanked the Council for listening. He requested to be grandfathered in.

COUNCILMEMBER COMMENTS

Councilmember Peterson – Stated there are world champion pickleball players in town and encouraged everyone to support the Tournament of Champions.

Councilmember Jensen – Agreed the work session wasn't long enough

Councilmember Troxell – Stated the City is looking forward to the next generation of energy power and the Council have gone to trainings and are looking at investing in small nuclear power by a projected date of 2029.

Councilmember Smith – Thanked the citizens for coming and voicing their opinions.

Councilmember Farr – Attended a Library Board meeting. Stated the City has a great Library Director and board. He also thanked the citizens for reaching out and making comments.

ACTION ITEMS

Request for Approval of Bulk Transfer of Book Sale Items from the Library to the Friends of the Library Organization for the Book Sale

Ms. Schow requested the library items that have been removed from their collection be handed over to the Friends of the Library Organization to sell at their book sale. The money they earn at the book sale comes back to the library to help pay for different projects or make purchases.

UNAPPROVED

MOTION: Councilmember Peterson made a motion to approve the bulk transfer from the Library to the Friends of the Library Organization for the book sale. The motion was seconded by Councilmember Farr.

Roll Call:	Councilmember Farr	Aye
	Councilmember Smith	Aye
	Councilmember Troxell	Aye
	Councilmember Jensen	Aye
	Councilmember Peterson	Aye

Consideration of Ordinance Amending City Code Title 22 Waste Treatment to include the Industrial Pretreatment Program Information and Standards Manual

Mr. Pugsley gave credit to his staff, Bryce Lofthouse and Jennifer Mickelsen, for doing the research on this item. Mr. Pugsley stated in May 2022, the Council was presented a first review of Title 22, the updated sewer ordinance. It included the industrial pretreatment manual. The City has received a letter from the state Department of Environmental Quality approving the updated Title 22. The final step is the City Council 2nd review for the code change.

MOTION: Councilmember Farr made a motion to approve the ordinance amending City Code Title 22 Waste Treatment to include the Industrial Pretreatment Program Information and Standards Manual. The motion was seconded by Councilmember Smith.

Roll Call:	Councilmember Farr	Aye
	Councilmember Smith	Aye
	Councilmember Troxell	Aye
	Councilmember Jensen	Aye
	Councilmember Peterson	Aye

Consideration for approval of The Parsons Subdivision, A No-dedication combines preliminary-final plat and development agreement located at 1145 W Forest

Mr. Bradley presented a map showing two lots on Forest Street stating the owner, Bruce Parsons, desires to sell Lot 2 to the utility company that currently leases property on the East side of the property. A trigger effect allows certain utilities to be installed with a building permit, which would affect the sidewalk on the two lots. Mr. Bradley stated the owner is not ready to develop either of the two parcels at this point but is requesting a development agreement to identify the triggering events for the sidewalk to be installed at the point either site is developed. Mr. Bradley showed the council the development agreement for each lot.

Councilmember Peterson asked Mr. Bradley to clarify the triggering for the sidewalk on Lot 1. Mr. Bradley stated it would be additional site improvements, such as a business coming in that needs to install additional parking, then the sidewalk would go in with those improvements.

Councilmember Smith asked when the utility company builds the office on Lot 1, would that trigger the site improvements for Lot 2. Mr. Bradley stated that is correct. Councilmember Peterson asked who would be responsible for the cost of the improvements? Mr. Bradley stated it would fall on the property owner.

MOTION: Councilmember Peterson made a motion to the Parsons Subdivision, A No-dedication combines preliminary-final plat and development agreement located at 1145 W Forest. The motion was seconded by Councilmember Jensen.
Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Peterson, aye; Councilmember Troxell, aye

Continuation of request to vacate by ordinance a portion of an old highway/roadway located West of I-15 and South of Forest Street at approximately 3301 W Forest

MOTION: Councilmember Jensen made a motion to continue this item to the next meeting. The motion was seconded by Councilmember Peterson.
Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Peterson, aye; Councilmember Troxell, aye

Consideration of resolution amending Electric Service Schedule No. 3 previously adopted May 5, 2022

Councilmember Peterson stated he spent several hours reading Section 6 in the contract. He referenced the sentence stating "If the energy supplied by customer generator to Brigham City is greater than the energy supplied by Brigham City, customer generator shall be billed the appropriate monthly charges and shall be credited for such net energy with a kilowatt hour credit appearing on the bill for the following month. Credits will be allowed to accumulate and be used for a one-year period beginning July 1 of each year and ending June 30 of the following year."

Mr. Oyler stated when the contract was originally drafted, the City had a minimum monthly billing amount for electric. As staff looked over the contract, they determined that the appropriate monthly charges would be what it would cost for the consumption from our grid at a specific rate. For net energy for kilowatt credit, our electronic software does not let us carry an energy credit, rather we have to monetize it in the monthly billing.

Mr. Oyler stated several years ago, a resident spoke in a council meeting requesting more transparency on the bills. The first step to do that was changing the electric meters. Prior to changing the meters, the only way to show the transparency requested was tracked manually. The City has been working for ten years to have the correct net metering information printed on the bill. With our software system, the City has to monetize the kilowatt credit to show transparency to the customer.

Mr. Oyler explained how our billing system works. With monetizing the credit, which has to be applied, the credit will be applied to the following month's bill due to Brigham City billing in arrears. Brigham City bills for more utilities than just electric. After all the other utilities are paid, if there is still a credit as of June 30, a check will be cut to the customer. He stated that if the Council decided to go back to a kilowatt hour credit on the bill, he would need to work with staff to see if it's even a possibility and still provide transparency with the metering software and billing software.

Councilmember Troxell asked for clarification on the excess that customers are seeing on the bills. Mr. Oyler explained what the customer sees on the bill does not include what is being produced and consumed within the home. What is shown on the bill is what is consumed from Brigham City's grid and what is produced by the solar customer and put back on the grid.

Councilmember Farr asked for clarification on what the customer was producing in excess so we could provide the credit to the customer. Mr. Oyler clarified that the meter data from the metering software has been tracking correctly, and the City has been trying for years to bring that into our billing software. The metering software that shows the production and consumption has been being tracked electronically for each customer which was manually entered into the billing software each month. Councilmember Farr stated he struggles with Section 6 of the contract, which states we will give them a credit and that the credit

would carry over. He would like to table this to another meeting, starting with rescinding the ordination that was passed and go back to the kilowatt credit, with a timeframe of grandfathering. Mayor Bott stated it would be easier to adjust the amount the City pays per kilowatt rather than grandfathering customers in, and to have a policy that is for all solar customers rather than creating classes of different solar generations.

Councilmember Jensen stated grandfathering would be going back to the 1:1 system, which does not track in the billing system. Mr. Oyler stated the council could change the rate but the system could not go back to carrying a kilowatt hour forward without undoing hours of staff work and going back to the manual process. Councilmember Jensen asked if the rate is raised to match the Tier 1 electric rate and we give a credit for the same amount, the credit will show as a dollar amount on the bill, and when the credit is used later it would be equal to the 1:1. Mr. Oyler clarified it would be applied to the current month's bill because the software cannot carry it over. Mayor Bott opened up a discussion with the audience.

Abby Orgill asked if there could be a calculation done before a decision be made to see what the credit would be. Councilmember Jensen clarified that if the credit takes care of the whole utility bill and there is still a credit, the remaining credit would be carried over to the next month.

Chuck Church stated he produces more in the summer and less in the winter so the excess he produces in the summer helps cover what he doesn't produce in the winter and that is what the Council is taking away. He does not want it to go to his full bill because that does not help him out in the wintertime. Councilmember Jensen clarified that is all our software system can do.

Rick English stated in the summer when he generates more electricity, he also uses more water. He said the credit for electricity will counteract his water usage.

Todd Davis stated the meters record how much is produced and consumed and there shouldn't be any special software needed to determine the credit. Mayor Bott explained the bill does not just include electric, but an entire utility bill. Councilmember Farr clarified not all solar customers have two meters to record the produced and consumed. Mr. Davis said where it was offered originally it should be offered to all new customers also.

Councilmember Farr stated a decision needs to be made based on what the contract says. Councilmember Peterson recommended a policy be created to change the rate from kilowatt hour .0313 to the base rate of .1069 and monetize and apply the credit to the current monthly bill. If there is excess credit after the bill is paid, it would be credited to the following month's bill. If there is a credit on June 30, any balance would be paid out at 4.7 cents or a three-year average of the wholesale rate. Also, grandfather all current solar customers, or customers that have made application by 8.18.2022. The rate is non-transferrable to new customer. Mr. Oyler asked for the Council to set a timeframe for the grandfathered customers. Mr. Kotter clarified that if there was a credit balance on the total utility bill on June 30, there would be no way to track the kilowatt hour for the credit. The total credit on the account would be paid out and the balance brought to zero.

Councilmember Peterson stated the citizens of Brigham City are subsidizing the solar customers, but the City needs to keep the contract and recommended creating a new contract moving forward. Mr. Oyler stated when the decision was made in May, the decision was not based on money, rather what the Council felt was right and fair to all utility customers. When the City first started solar, the City did not know what the workload on staff would be to continue to provide the data and information to solar customers. Mr. Oyler recommended implementing a solar customer service fee to pay for the additional workload on staff to manage a separate system.

Councilmember Smith agreed that the non-solar customers are subsidizing the investment the solar customers made in their solar systems but agreed that the City is obligated to maintain the contract. He recommends a time frame set on the contract. He asked if the utility rates raise again, does the 1:1 solar rate raise with that? Councilmember Jensen agrees with Councilmember Smith with the City needing to stay with the contract.

Councilmember Peterson stated the Council has heard what the solar customers want and a decision needs to be made. He recommended staff write the resolution with the recommendations that were discussed and the Council adopt the resolution. Mr. Oyler stated there could be two rate schedules adopted. One for current solar customer and one for new solar customers. Councilmember Jensen recommended going back to May for the credit at the new rate. Councilmember Troxell clarified the grandfathering timeframe be from 8.18.2022 and not from when they installed their systems. Councilmember Smith recommended a ten year timeframe instead of fifteen years.

> **MOTION:** Councilmember Peterson made a motion to change the solar billing from .0313 to .1069. Any new permits starting 8.19.2022 have a rate of .047. If current customer moves or in 15 years from 8.18.2022, all solar customers be moved to .047. Councilmember Farr asked for the current solar rate to be review yearly. Councilmember Smith asked for the timeframe be 10 years instead of 15 years. The motion was seconded by Councilmember Troxell.

Roll Call:	Councilmember Farr	Nay
	Councilmember Smith	Aye
	Councilmember Troxell	Aye
	Councilmember Jensen	Aye
	Councilmember Peterson	Aye

Councilmember Farr voted Nay to the solar resolution due to the 10-year timeframe only.

Councilmember Peterson made a motion, and was seconded by Councilmember Jensen to make a back payment to solar customers from May 2022 to August 18, 2022. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Peterson, aye; Councilmember Troxell, aye

A motion to adjourn to a closed session to discuss the purchase, exchange or lease of real property was made by Councilmember Peterson and seconded by Councilmember Smith. A roll call vote was taken with all Councilmembers voting aye. The meeting adjourned to a closed session at 9:48 p.m. At 10:41 p.m. a motion was made by Councilmember Peterson and seconded by Councilmember Jensen to return to public meeting. A motion was made by Councilmember Peterson and seconded by Councilmember Farr to close the public meeting

The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the August 18, 2022 City Council Meeting.

Dated this 24th day of August, 2022.

_____

Kristina Rasmussen, Deputy City Recorder

UNAPPROVED

C #2

BRIGHAM CITY
AGENDA ITEM FOR CITY COUNCIL MEETING

1. INITIATED BY: Tom Kotter

2. DEPARTMENT OR DIVISION: Administration

3. DATE INITIATED: 8/24/2022

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   Attached is a list of customers that have either been sent to the Collection Agency for nonpayment or have taken out bankruptcy.

   I am requesting Council's permission to have these accounts removed from the City's computer system.

5. ESTIMATED TIME NEEDED: 5 minutes

6. PROPOSED DATE FOR COUNCIL ACTION: September 1, 2022

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

Date	Name	Signature	Attachment
8/24/2022	Tom Kotter		xx

9. MAYOR'S SIGNATURE: _____

ACCOUNTS TO BE WRITTEN OFF
JULY, 2021

DEFERRAL DEFAULT	SHUT OFF FOR NON-PAY	Account Number		Balance
		76.00726.4	$	112.28
		19.08301.2	$	327.91
		23.06501.6	$	359.76
		25.00115.5	$	402.92
		63.02325.5	$	266.59
		53.10723.3	$	390.69
		TOTAL	$	1,860.15

JULY, 2021	$5,347.32
Amount collected JULY 2022 for Bad Debts:	$1,898.84

PH #1

AGENDA ITEM FOR BRIGHAM CITY
CITY COUNCIL MEETING

1. INITIATED BY: Tom Kotter

2. DEPARTMENT OR DIVISION: Administration

3. DATE INITIATED: August 23, 2022

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

A public hearing is required to make changes to the City's 2022-23 budget. The attached resolution and exhibit indicate the proposed changes.

5. ESTIMATED TIME NEEDED: 5 minutes

6. PROPOSED DATE FOR COUNCIL ACTION: September 1, 2022

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

Date	Name	Signature	Attachment
8/23/2022	Tom Kotter		xx

9. MAYOR'S SIGNATURE: _____

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING REVISION OF THE 2022-23 BUDGET PREVIOUSLY ADOPTED BY BRIGHAM CITY CORPORATION AND TRANSFERRING OF APPROPRIATED BALANCES BETWEEN DEPARTMENTS WITHIN THE SAME FUND

WHEREAS, Brigham City Council approved the 2022-23 Budget on the 18th day of August, 2022; and

WHEREAS, Utah Law allows for the amendment of the budgets of municipalities to reflect changes in revenues and expenditures and to make transfers between departments to meet the best interests of the municipality; and

WHEREAS, Brigham City has complied with the notice and public hearing requirements of the Utah Law in considering an amendment of its 2022-23 fiscal year budgets; and

WHEREAS, subsequent to the adoption of said budget several additional expenses have arisen in various funds and departments; and

WHEREAS, it appears both necessary and proper that the appropriate adjustments be made in the Brigham City 2022-23 budget as outlined in Exhibit A prior to closing; and,

WHEREAS, there are appropriated balances in other departments; and

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF BRIGHAM CITY, UTAH at a regular meeting with ____ members present and _____ members voting in favor thereof, that the adjustments shall be made to the previously adopted Brigham City budget and this shall constitute the budget for the fiscal year 2022-23.

IT IS FURTHER determined that this Resolution shall take effect this 1st day of September, 2022.

BRIGHAM CITY CORPORATION

_____
Dennis J Bott, Mayor

ATTEST:

_____
Christina Boss
City Recorder

Brigham City Corporation
2022-2023 Fiscal Year Budget Revision
September 2022

Proposed Changes:

Exhibit A

Capital Projects - General

		Revenue			Expense	
Purchase of new in-car radios	Fund Balance	46,000		In-car radios	46,000	
Totals			46,000			46,000

A-1

BRIGHAM CITY
AGENDA ITEM FOR CITY COUNCIL MEETING

1. INITIATED BY: Mark Bradley

2. DEPARTMENT OR DIVISION: Community & Economic Development

3. DATE INITIATED: August 17, 2022

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   Consider by Ordinance approval of Cost-A-Lot #1 Subdivision Amend and Extend Lots 3 & 4 located at 195 East 900 North. Brent Dickamore, applicant.

   See Attached Memorandum for staff comments

5. ESTIMATED TIME NEEDED: 5 minutes

6. PROPOSED DATE FOR COUNCIL ACTION: September 1, 2022

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

Date	Name	Signature	Attachment
8/17/22	Mark Bradley	Mark Bradley	↘
8/17/2022	Paul Larsen		

9. MAYOR'S SIGNATURE:

A-11

BRIGHAM CITY

CITY ATTORNEY
LEGAL DOCUMENT REVIEW

Document Name: Cost-A-Lot #1 Subdivision Amend and Extend Lots 3 & 4

Name of Person Requesting Legal Review: Mark Bradley

Date Sent: August 22, 2022 Review Date Deadline: August 24, 2022

Reviewed by Attorney: [signature] Date: 8/22/22

X Reviewed and acceptable as submitted
_____ See suggested changes

Returned to: MARK BRADLEY Date: 8/22/2022

X Accepted as Received

Submitted to Mayor's Office By: MB Date: 8/22/2022

Reviewed by Mayor's Office: [signature]
Derek Oyler, City Administrator

BRIGHAM CITY

MEMORANDUM

To: Mayor Bott, City Council Members

From: Mark Bradley, City Planner MB

Subject: Cost-A-Lot #1 Subdivision Amend and Extend Lots 3 & 4 (Application #22-082)

Date: August 17, 2022

CITY COUNCIL AGENDA:
September 1, 2022

OVERVIEW:
The applicant is purchasing the property located north of the Cost-A-Lot #1 Subdivision and his daughter (Abbie Nielson) and son (Justin Dickamore) would like to include a portion of the said property as part of their lots, thus amending and extending Lots 3 and 4. An easement will need to be provided for the existing power line that runs along the current north property line. There are no easements to be vacated with this application.

PLANNING COMMISSION RECOMMENDATION:
The Planning Commission considered the application on August 16, 2022, and made a recommendation for approval based upon staff recommendations, stipulations (comply with Staff Evaluation and address the staff review comments), and the noted findings of fact.

ATTACHMENTS:
1. Staff Evaluation dated August 11, 2022
2. Cost-A-Lot #1 Subdivision Plat (Recorded)
3. Cost-A-Lot #1 Subdivision Construction Plan (Approved)
4. Cost-A-Lot #1 Subdivision Plat – County Recorder's Office Redline Review
5. Proposed Cost-A-Lot #1 Subdivision Amend & Extend Lots 3 & 4
6. Prepared Ordinance

BRIGHAM CITY, UTAH
PLANNING COMMISSION
STAFF EVALUATION

APPLICANT: Brent Dickamore
OWNER'S NAME: Nielson Abbie JT, Dickamore Justin R JT, JAGG INVESTMENT LLC
PROPERTY ADDRESS: 167 and 195 East 900 North
PARCEL NO.: 03-083-0110 / 0111 / *03-083-0004

APPLICATION NO.: 22-082
PARCEL AREA: 2.28 acres
ZONING DISTRICT: R-1-10
DATE: August 11, 2022

* *Portion of Jagg Investment LLC property*

PLANNING COMMISSION MEETING:
August 16, 2022

NATURE OF REQUEST:
Subdivision Amendment – Cost-A-Lot #1 Subdivision Amend & Extend Lots 3 & 4

OVERVIEW:
The applicant is purchasing the property located north of the Cost-A-Lot #1 Subdivision and his daughter (Abbie Nielson) and son (Justin Dickmore) would like to include a portion of the said property as part of their lots, thus amending and extending Lots 3 and 4. An easement will need to be provided for the existing power line that runs along the current north property line. There are no easements to be vacated with this application.

STAFF COMMENTS:

Box Elder County Recorder's Office:

1. See attached redline review comments. The County makes comments directly on the plat and does not provide separate written comments.

Community and Economic Development Department:

1. Provide a 10 ft wide public utility easement for the existing power line.
2. Include the existing assigned addresses on plat:
   Lot 3: 167 East
   Lot 4: 195 East
3. Please verify if the Agriculture Protection Area note is applicable for this plat. It is not on the original plat. It appears to be a note carried over from the Cardamine or North Forty plat templates.
4. Provide a Title Report for review and verification of ownership information.
5. Update Owner's Dedication and Acknowledgments per Title Report and also see County Recorder's Office comments.

Engineering Department:

1. The enlargement of these lots coupled with the proposed expansion of the industrial properties north of this subdivision appear to eliminate the viability of an extension of 100 East north of 900 North. The City may want to consider reconfiguring the right-of-way and associated drainage improvements west of Lot 1.

2. The berms installed on the north end of the original lots will need to be reconfigured to retain storm water on the adjusted lots.
3. In the Narrative, Item 1 has a spelling area on COST-A-LOT and Item 3 has two "THE"s.
4. There should be signatures and notary blocks for all the real property owners involved with the lot amendments (Jagg Investments LLC, Justin Dickamore, Abbie Nielsen, etc.).
5. Please add DEEM RUSSEL O ETUX 03-083-0006 on the property to the east.
6. Please label the rebar by HAI in the northeast corner of Lot 4.
7. Please show the existing power line and associated easement(s) on the plat.
8. The 200.09' measurement and 100.05' show as 200.08' and 100.04' on the original plat. "BY RECORD" could be added.
9. Please label BRIGHAM CITY CORPORATION 03-083-0112 on the parcel west of Lot 1.
10. Please label MERAZ FRANCES JT on parcel 03-083-0073.
11. Please add addresses to Lots 3 and 4.

Fire Department:

1. No comments

GIS Division:

1. **Boundary Description, Paragraph 2, Line 3:** the Basis of Bearing and the label on the plat show the first call from the Section Corner to the POB as N 00°25'33" E, whereas the Boundary Description has N 00°25'33" W, please reconcile.
2. **Boundary Description, Paragraph 3, Lines 1-2:** the call references the *south* line of 900 N Street, it should be the *north* line of 900 N Street.
3. The parcel to the west of Lot 1 in the subdivision has owner name Byron Lopez (currently labeled as Bryon Lopez).
4. Please label the parcel west and immediately adjacent to Lot 1 (Brigham City Corporation, Parcel No. 03-083-0112).
5. Please include owner name on the label for parcel no. 03-083-0073

Police Department:

1. Support

Public Power Department:

1. Support Staff Suggestions.
2. Have worked things out with Justin Dickamore.

Public Works Department:
(Culinary Water, Street, and Wastewater Treatment/ Storm Drain Divisions)

1. Public Works supports this application.

PLANNING COMMISSION RESPONSIBILITY:

1. The Planning Commission is a recommending body for this land use application and will need to forward a recommendation to the City Council.
2. The Planning Commission may recommend approval as is, approval with stipulations, denial, or request additional information in order to help make a recommendation.

STAFF RECOMMENDATIONS:

1. Staff supports the amended plat subject to the noted stipulations.

STIPULATIONS:

1. Comply with Staff Evaluation and address the staff review comments.

FINDINGS OF FACT:

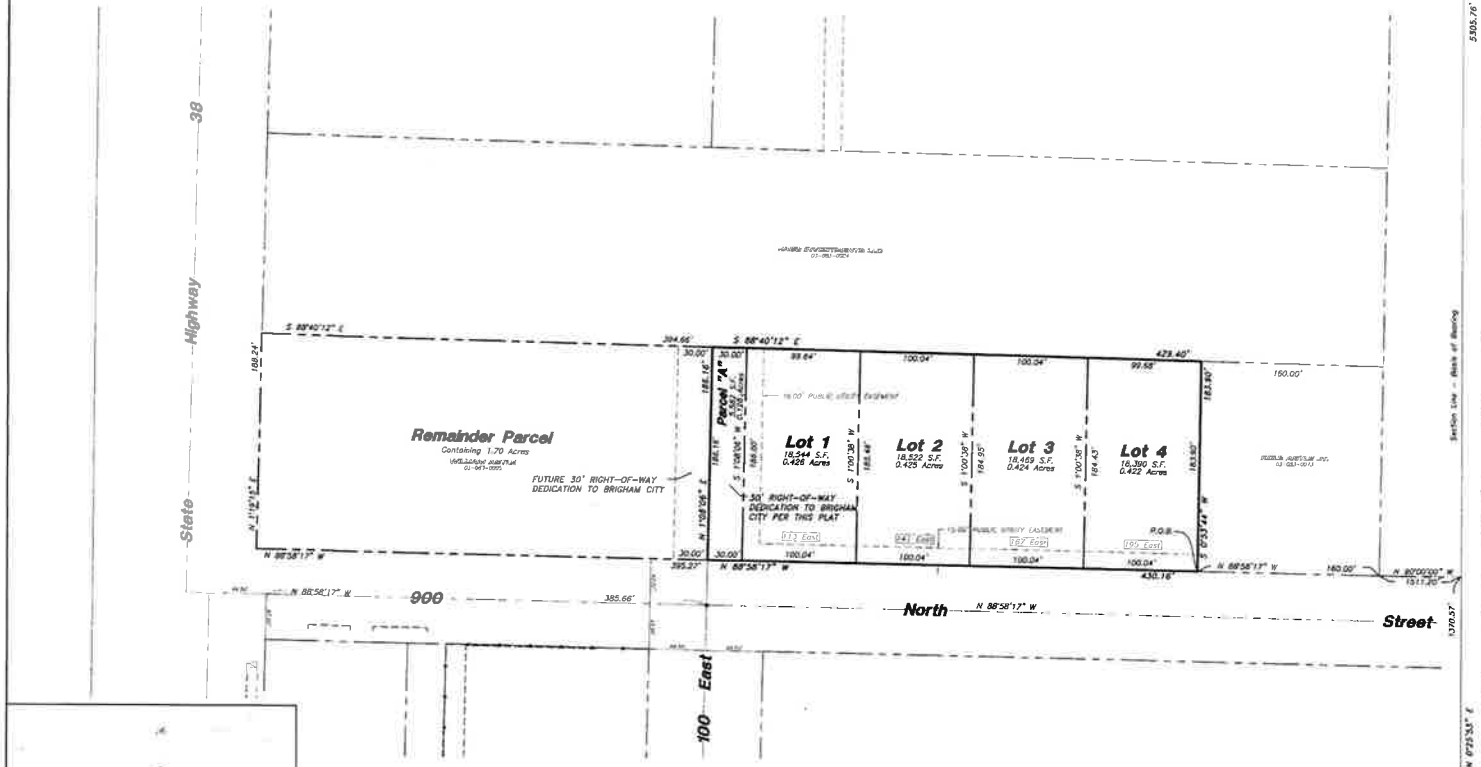
1. The zoning district of the property is R-1-10. Single family dwellings are a permitted use in this district.
2. The proposed lot width remains the same and the lot sizes increase. There is no maximum lot size in the R-1-10 zoning district.
3. There are no easements to be vacated with the said amended plat.
4. The development is subject to compliance with Public Works Standards.
5. Such amended subdivision plat with noted review comments and stipulations should not under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working the vicinity, or injurious to properties in the vicinity.

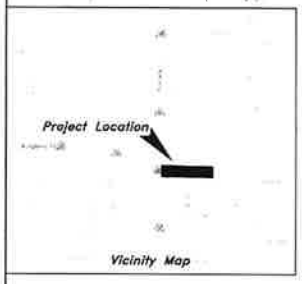
ATTACHMENTS:

1. Cost-A-Lot #1 Subdivision Plat (Recorded)
2. Cost-A-Lot #1 Subdivision Construction Plan (Approved)
3. Cost-A-Lot #1 Subdivision Plat – County Recorder's Office – Redline Review
4. Proposed Cost-A-Lot #1 Subdivision Amend & Extend Lots 3 & 4

COST-A-LOT #1 Subdivision

Brigham City, Box Elder County, Utah
A Part of the Southeast Quarter of Section 12,
Township 9 North, Range 2 West, Salt Lake Base & Meridian





NOTE:

1 – All public utility easements (P.U.E.) are 15.0 foot wide unless otherwise noted.

2 – Rebar and cap set on all back lot corners with curb nails set in top back of curb and gutter on all side yard projections.

3 – PARCEL "A" WILL BE USED FOR STORM WATER BASIN AND NOT IMPROVED AS ROADWAY AT THIS TIME. IT IS RESERVED FOR FUTURE RIGHT-OF-WAY.

COUNTY SURVEYOR'S CERTIFICATE

I Hereby Certify that the Box Elder County Surveyor's Office has Reviewed this plat for Mathematical Correctness, Section Corner Data, and for Harmony of Lines and Monuments on Record in County Offices. The Approval of This Plat by the Box Elder County Surveyor does not Relieve the Licensed Land Surveyor who Executed this Plat from the Responsibility and/or Liabilities Associated Therewith.

County Surveyor — Date

REMAINDER PARCEL BOUNDARY DESCRIPTION

A PART OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 900 NORTH STREET LOCATED 1370.57 FEET NORTH 00°25'53" EAST ALONG THE EAST LINE OF SAID SECTION AND 1511.20 FEET SOUTH 87°00'00" WEST TO A POINT IN AN EXISTING NORTH SOUTH FENCE LINE BEING THE SOUTHEAST CORNER OF THE KOLE ASTLE PROPERTY, TAX ID. NO. 03-083-0073, (DESCRIBED OF RECORD AS BEING LOCATED APPROXIMATELY 1373.92 FEET NORTH AND 1495.01 FEET WEST FROM THE SOUTHEAST CORNER OF SAID SECTION) AND CONTINUING 590.16 FEET NORTH 88°58'17" WEST FROM THE SOUTHEAST CORNER OF SAID SECTION 12;

RUNNING THENCE NORTH 88°58'17" WEST 395.27 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 38; THENCE NORTH 01°19'15" EAST 188.24 FEET ALONG SAID EAST RIGHT-OF-WAY LINE; THENCE SOUTH 88°40'12" EAST 394.66 FEET ALONG AN EXISTING FENCE LINE IN PART; THENCE SOUTH 01°08'06" WEST 186.16 FEET TO THE POINT OF BEGINNING. CONTAINING 1.70 ACRES.

LEGEND

- Subject Property Line
- Interior Lot Lines
- Adjoining Property Line
- Previous Property Line
- Centerline
- Public Utility Easement (PUE)
- Ditch
- Field Separation Line
- Fence Line (Wire)
- Fence Line (wood or Vinyl)
- Existing Street Monument
- Street Monument to be set
- Found rebar set by others
- Set 5/8"x24" Rebar With Cap
- Section Corner

Scale: 1" = 50'
0 50 100
Scale in Feet
(Data in Parentheses is Record)

SURVEYOR'S CERTIFICATE

I, K. Greg Hansen, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Act; and by the Authority of the Owners, I have completed a survey of the property described and shown hereon this plat in accordance with section 17-23-17 and have verified all measurements and have hereby Subdivided said tract into Four (4) lots, known hereafter as Cost-A-Lot #1 Subdivision and that the same has been surveyed and monuments have been located and/or placed on the ground as shown on the plat hereon.

Signed this 8th day of November, 2021.

K. Greg Hansen P.L.S.
Utah Land Surveyor License No. 167819.

BOUNDARY DESCRIPTION

A PART OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 900 NORTH STREET LOCATED 1370.57 FEET NORTH 00°25'53" EAST ALONG THE EAST LINE OF SAID SECTION AND 1511.20 FEET SOUTH 87°00'00" WEST TO A POINT IN AN EXISTING NORTH SOUTH FENCE LINE BEING THE SOUTHEAST CORNER OF THE KOLE ASTLE PROPERTY, TAX ID. NO. 03-083-0073, (DESCRIBED OF RECORD AS BEING LOCATED APPROXIMATELY 1375.92 FEET NORTH AND 1495.01 FEET WEST FROM THE SOUTHEAST CORNER OF SAID SECTION) AND CONTINUING 160.00 FEET NORTH 88°58'17" WEST FROM THE SOUTHEAST CORNER OF SAID SECTION 12;

RUNNING THENCE NORTH 88°58'17" WEST 430.16 FEET ALONG SAID NORTH RIGHT-OF-WAY LANE; THENCE NORTH 01°08'06" EAST 186.16 FEET TO AN EXISTING FENCE LINE; THENCE SOUTH 88°40'12" EAST 429.40 FEET ALONG AN EXISTING FENCE LINE IN PART; THENCE SOUTH 00°53'44" WEST 183.90 FEET (187 FEET MORE OR LESS) TO THE POINT OF BEGINNING. CONTAINING 1.826 ACRES.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT COST-A-LOT #1 SUBDIVISION AND HEREBY DEDICATE, GRANT AND CONVEY TO BRIGHAM CITY, BOX ELDER COUNTY, UTAH, ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO DEDICATE TO BRIGHAM CITY THOSE CERTAIN STRIPS SHOWN AS PUBLIC UTILITY EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS MAY BE AUTHORIZED BY BRIGHAM CITY. WE HEREBY DEDICATE PARCEL "A" TO BRIGHAM CITY FOR STORM DRAINAGE BASIN AND AS A POTENTIAL FUTURE ROADWAY. WE DECLARE THE PLAT NOTES SHOWN HEREON TO BE EFFECTIVE AND BINDING.

IN WITNESS WE HAVE HEREUNTO SET OUR SIGNATURE THIS 29 DAY OF December 2021.

William Benson Astle
WILLIAM (BENSON) ASTLE, "TRUSTEE" OF THE REVOCABLE TRUST AGREEMENT OF THE ASTLE FAMILY TRUST, DATED THE 18TH DAY OF APRIL, 2018

Peggy D. Astle
PEGGY D. ASTLE "TRUSTEE" OF THE REVOCABLE TRUST AGREEMENT OF THE ASTLE FAMILY TRUST, DATED THE 18TH DAY OF APRIL, 2018

TRUST ACKNOWLEDGMENT

STATE OF UTAH)
:ss
COUNTY OF BOX ELDER)

On this 29 day of December, 2021, William (Benson) Astle and Peggy D. Astle, Trustees for the Revocable Trust Agreement of the Astle Family Trust, Dated the 18th day of April, 2018 personally appeared before me, the undersigned Notary Public in and for said county of Box Elder, in the State of Utah, the signers of the attached owners dedication, two in numbers, who duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned on behalf of said trust.

Sarah Jane Martin
Notary Public
(Commission # 709991
Exp. 01-13-2024

NARRATIVE

The Purpose of this Survey was to Establish and set the Property Corners of the 4 Lot Subdivision as shown and described hereon. This survey was ordered by Brent Dickamore. The control used to establish the property corners was the existing Brigham City Street Monumentation along 100 East Street and 900 North Street. The basis of bearing is the east line of Section 12, T9N., R2W., SLB&M which bears North 00°25'53" East, Utah North, State Plane, Calculated N.A.D.83 Bearing.

APPROVAL AND ACCEPTANCE

Presented to the Brigham City Council this 21st day of OCTOBER A.D., 2021 at which time this subdivision was approved and accepted.

Mayor
Attest: City Recorder

APPROVAL AS TO FORM

Approved as to form this 8th day of March A.D., 2022

City Attorney

PLANNING COMMISSION APPROVAL

Approved this 17th day of AUGUST A.D., 2021 by the Brigham City Planning Commission.

Chairman

ENGINEER'S CERTIFICATE

I certify that I have had this plat examined and find that it is correct and in accordance with the information on file in this office.

City Engineer — MARCH 2, 2022 Date

COUNTY RECORDER'S NO. 448661

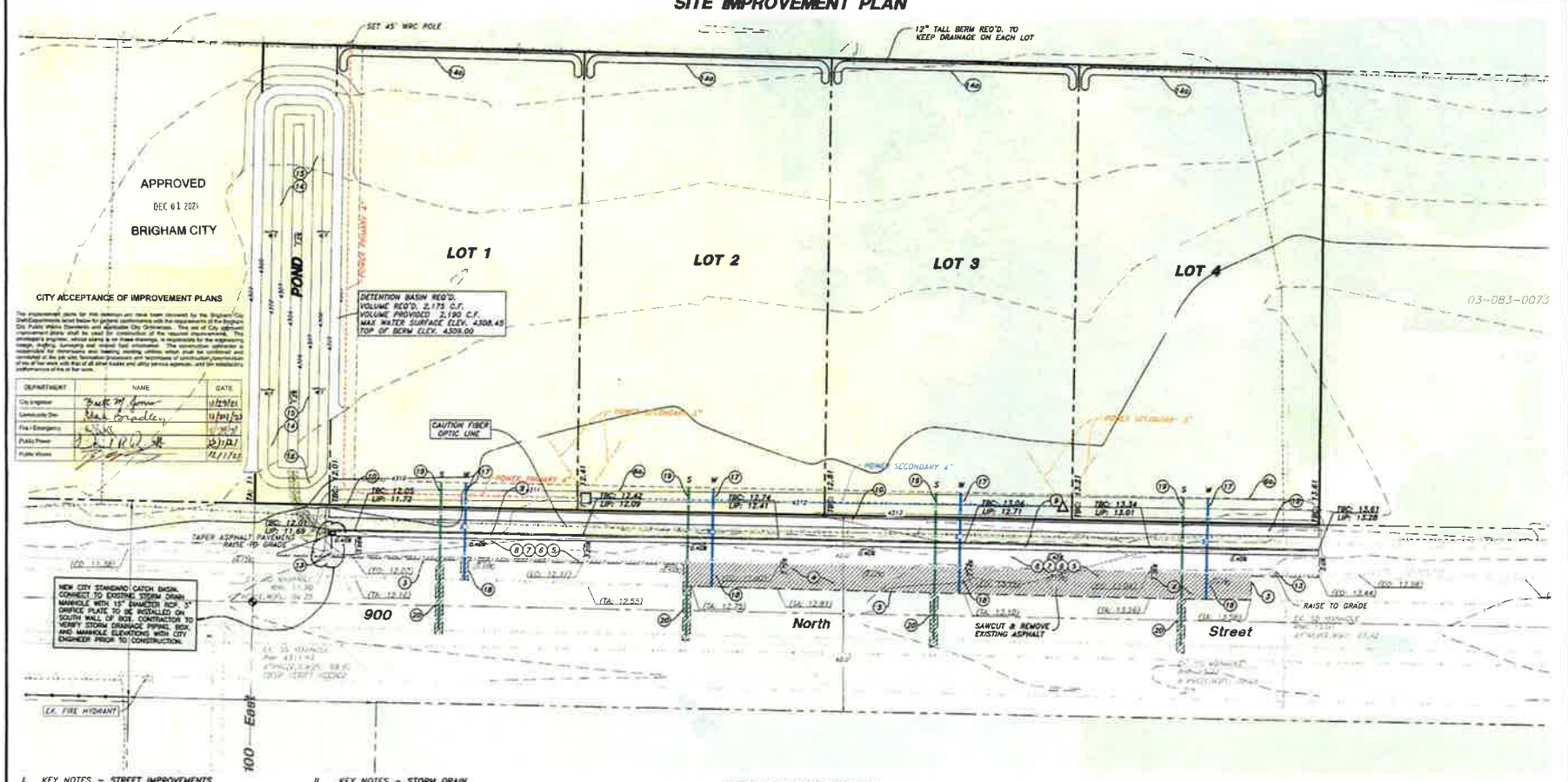
State of Utah, County of Box Elder, Recorded and Filed at the Request of Brent Dickamore
Date 3/3/22 Time 1:41 PM Fee $58.00
Abstracted
Bk 1516 Pg 001
Index
Filed in: File of Plats

County Recorder

Developer:
Brent Dickamore
PO Box 242
Brigham City, Utah 84302
(435) 720-0205

HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
538 North Main Street, Brigham, Utah 84302
Visit us at www.holes.net
Brigham City Ogden Logan
(435) 723-3491 (801) 399-4905 (435) 752-4210
Celebrating over 60 Years of Business

SITE IMPROVEMENT PLAN



I. KEY NOTES - STREET IMPROVEMENTS

Item	Description	Quantity
1.	MOBILIZATION, CLEARING & SITE PREPARATION	1 L.S.
2.	CLEARING & SITE PREPARATION	1 L.S.
(3)	SAWCUT - 900 NORTH	634 L.F.
(4)	REMOVE AND DISPOSE OF EXISTING ASPHALT	2,872 S.F.
(5)	8" SCARIFY-SUBGRADE PREP & COMPACT TO 95%	7,387 S.F.
(6)	8" GRANULAR BORROW (4"MAX.AGGREGATE) IN-PLACE	5,986 S.F.
(6c)	8" GRANULAR BORROW (4"MAX.AGGREGATE) IN-PLACE	568 C.Y.
(7)	6" UNTREATED BASE COURSE(3/4"-1") IN-PLACE	5,986 S.F.
(8)	4" ASPHALT - IN-PLACE	5,986 S.F.
(9)	INSTALL 30-INCH CITY STD. GURB & GUTTER	401 L.F.
(10)	INSTALL CITY STD. 4-FOOT SIDEWALK	1,601 S.F.
11.	CONSTRUCTION STAKING	1 L.S.
12.	COMPACTION TESTING	1 L.S.

II. KEY NOTES - STORM DRAIN

Item	Description	Quantity
(13)	RAISE S.D. MANHOLE RIM WITH CONCRETE COLLAR	2 EACH
(14)	EXCAVATE RETENTION POND & COMPACT BERM	182 C.Y.
(14c)	EXCAVATE, CONSTRUCT & COMPACT RETENTION BERMS	428 L.F.
(15)	POND SEEDING	5,400 S.F.
16.	RIP RAP AT INLET	1 EACH

III. KEY NOTES - CULINARY WATER

Item	Description	Quantity
(17)	INSTALL 1" WAT. SERVICE W/METER & BOX, COMPLETE	4 EACH
(18)	TRENCH RESTORATION	1 L.S.

IV. KEY NOTES - SANITARY SEWER

Item	Description	Quantity
(19)	INSTALL SERVICE LATERALS FOR LOTS	4 EACH
(20)	TRENCH RESTORATION	1 L.S.

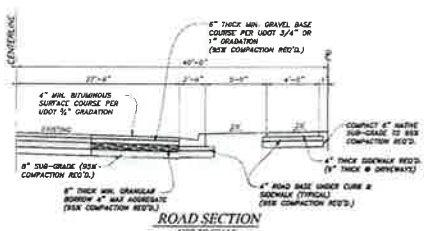
CONSTRUCTION NOTES:
ALL CONSTRUCTION TO BE TO BRIGHAM CITY STANDARDS. IN THE EVENT THERE IS NO APPLICABLE STANDARD, CONTACT PROJECT ENGINEER / CITY ENGINEER. CONTRACTOR MUST ATTEND RE-CONSTRUCTION CONFERENCE WITH CITY PRIOR TO COMMENCING WORK.

PRIOR TO CONSTRUCTION, CONTRACTOR TO LOCATE ALL EXISTING UTILITIES. CONTRACTOR IS RESPONSIBLE FOR UNCOVERING, VERIFICATION AND PROTECTION OF ALL EXISTING UTILITIES. TRAFFIC CONTROL IS THE RESPONSIBILITY OF CONTRACTOR.

SOILS TESTING TO BE PERFORMED ON PROJECT, ESPECIALLY FOR TRENCH RESTORATION. OWNER FUNDAMENTALLY WILL BE PAYING FOR SOILS TESTING BUT SUCH TO BE NEGOTIATED PRIOR TO START OF CONSTRUCTION (I.E. PERHAPS OWNER PAYS FOR ALL PASSING TESTS, CONTRACTOR FOR FAILING ONES, ETC.).

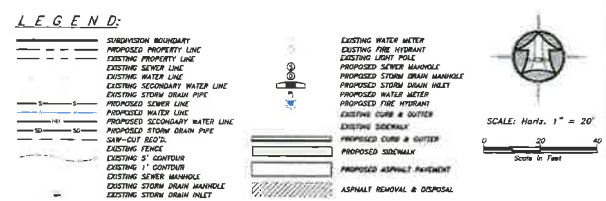
ZONE R-1-10 REQUIREMENTS

MINIMUM LOT SIZE	10,000 S.F.
CORNER LOT SIZE	10,000 S.F.
MIN. LOT WIDTH	45'
FRONT SETBACK	30'
SIDE YARD SETBACK FACING STREET	20'
SIDE YARD SETBACK	8'
TOTAL OF BOTH SIDE YARDS	18'
REAR SETBACK	30'



ROAD SECTION
NOT TO SCALE

LEGEND:



Engineer's Notice To Contractors

The existence and location of any underground utility pipes or structures shown on these plans were obtained from available information provided by others. The locations shown are approximate and shall be confirmed in the field by the contractor, so that any necessary adjustment can be made in alignment and/or grade of the proposed improvement. The contractor is required to contact the utility companies and take due precautionary measure to protect any utility lines shown, and any other lines obtained by the contractors research, and others not of record or not shown on these plans.

NOTICE!
EXISTING UTILITIES ARE SHOWN IN PLANS FOR THE CONVENIENCE OF THE CONTRACTOR. UNDERGROUND CONSTRUCTION IS DANGEROUS. BEFORE ANY EXCAVATION OF ALL UTILITIES, THE ENGINEER ASSUMES NO RESPONSIBILITY FOR UTILITIES NOT SHOWN OR SHOWN INCORRECTLY.
Call BEFORE YOU Dig
1-800-662-4111

SITE IMPROVEMENT PLAN FOR
COST-A-LOT #1
SUBDIVISION
BRIGHAM CITY, BOX ELDER COUNTY, UTAH
A Part of the Southeast Quarter of Section 12 Township 9 North, Range 3 West, S.L.B.&M.

HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
336 West Broadway (801) 521-8529
Suite 100 FAX (801) 521-8582
Brigham City, Utah 84302 (435) 723-3491
Logan, Utah (435) 752-4212
www.hansenutah.com

Drawn By: SBW Date: 11/17/21
Designed By:
Checked By:
Approved By:
Scale: 1" = 20'
Drawing File: 21-5-34site 8x36(1).dwg
JOB NUMBER: 21-5-34

Sheet 1 of 1 Sheets

COST-A-LOT #1 SUBDIVISION
AMEND & EXTEND LOTS 3 & 4

PART OF THE SOUTHEAST QUARTER
OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 2 WEST,
SALT LAKE BASELINE AND MERIDIAN
BRIGHAM CITY, UTAH

SCALE: 1" = 50' (24x36 PLAN SET)

LEGEND

- SECTION CORNER
- BOUNDARY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- SET REBAR W/ PLASTIC CAP MARKED LS 275617
- FOUND 5/8" HAI REBAR
- FOUND CURB PK

BOUNDARY DESCRIPTION

Part of the Southeast Quarter of Section 12, Township 9 North, Range 2 West of the Salt Lake Base and Meridian described as follows:

Commencing at the Southeast Corner of Section 12, Township 9 North, Range 2 West of the Salt Lake Base and Meridian monumented with a Brass Cap; thence N00°25'33"W 1373.53 feet along the east line of said section; thence West 1671.32 feet to the Southeast Corner of Lot 4, Cost-a-lot #1 Subdivision recorded in the Box Elder County Recorder's Office under Entry No. 448861 on March 3, 2022 and POINT OF BEGINNING and running

[redacted]

thence S 88°36'04" E 359.36 feet along said fence line to on HAI rebar;

[redacted]

containing 2.283 acres, more or less

ADD TIES TO PROPERTY/LOT LINES FOR CLARIFICATION

NARRATIVE

1. THE PURPOSE OF THIS SURVEY WAS TO AMEND LOTS 3 AND 4 OF COST-A-LOT #1 SUBDIVISION RECORDED IN THE BOX ELDER COUNTY RECORDER'S OFFICE UNDER ENTRY NO. 448861 ON MARCH 3, 2022.
2. THE BOUNDARY WAS ESTABLISHED USING THE COST-A-LOT #1 SUBDIVISION AND RECORD OF SURVEY NO. [redacted] FOR FRATERNAL ORDER OF EAGLES AND FOUND REBAR AS SHOWN. 87925-FP98
3. THE BASIS OF BEARING IS N 00°25'33" E BETWEEN THE THE SOUTHEAST CORNER AND NORTHEAST CORNER OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASELINE AND MERIDIAN.

OWNER'S DEDICATION

Know all by these presents that we the undersigned owners of the above-described tract of land, having caused the same to be subdivided into lots and streets to hereafter be known as COST-A-LOT #1 SUBDIVISION AMEND AND EXTEND LOTS 3 & 4, do hereby dedicate to Brigham City, Box Elder County, Utah for perpetual use of the public all streets and all parcels of land shown on the plat as intended for public use, and do warrant, defend and save the municipality harmless against any easements or other encumbrances on the dedicated streets which will interfere with the municipality's use, operation and maintenance of the streets and do further dedicate the easements as shown, with the same warranty as given for other dedicated property.

In witness whereof, we have hereunto set our hands this _____ day of _____, 2022.

[redacted]

NOT OWNER OF RECORD

LIMITED LIABILITY ACKNOWLEDGEMENT

STATE OF Utah }
COUNTY OF _____ } ss

On this _____ day of _____, A.D. 2021, personally appeared before me, [redacted] who being by me duly sworn, did say that he is the Manager of [redacted] a Utah Limited Liability Company, and that the within and foregoing instrument was signed on behalf of said Limited Liability Companies.

NOT OWNER OF RECORD

My COMMISSION EXPIRES _____ NOTARY PUBLIC RESIDING AT _____

OWNERS OF RECORD:
JAGG INVESTMENT LLC (03-083-0004)
JUSTIN B DICKAMORE & CHELSIE A DICKAMORE AS JOINT TENANTS (03-083-0111)
ABBIE NIELSON & ROBERT NIELSON AS JOINT TENANTS (03-083-0110)

COUNTY RECORDER

State of Utah, County of Box Elder, recorded and filed at the request of _____
Date _____ Time _____ Fee _____
Entry _____
Index _____
Filed in File of plats _____ County Recorder

PLANNING COMMISSION APPROVAL

Presented to the Brigham City Planning Commission this ____ day of _____ A.D., 20__, at which time this subdivision was recommended to the City Council for approval.

Planning Commission Chairman _____ Date _____

CITY COUNCIL APPROVAL AND ACCEPTANCE

Presented to the Brigham City Council this _____ day of _____ A.D., 20____, at which time this subdivision was approved and accepted.

Mayor _____ Date _____

Attest: _____
City Recorder

APPROVAL AS TO FORM

Approved as to form this _____ day of _____ A.D., 20__

_____
City Attorney

ENGINEER'S CERTIFICATE

I certify that I have examined this plat and find it to be correct and in accordance with information on file in this office.

Date _____ _____
City Engineer

SURVEYOR'S CERTIFICATE

I, Brian G. Lyon, a Registered Land Surveyor, Holds Certificate No. 275617, as prescribed by the laws of the State of Utah, and do hereby certify that by authority of the owners, I have made a survey of the tract of land shown on this plat, which is accurately described hereon, and have subdivided said tract of land into lots and streets to be hereafter known as COST-A-LOT #1 SUBDIVISION AMEND & EXTEND LOTS 3 & 4 and the same has been correctly surveyed and all streets are the dimensions shown.

7-11-22

AGRICULTURE PROTECTION AREA

This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

GENERAL NOTES

1. All Public Utility Easements shown as dashed lines shall be 15.00 feet wide unless otherwise indicated.
2. ⅝" rebar to be set at all rear property corners.

ALLIANCE CONSULTING ENGINEERS
150 EAST 200 NORTH, SUITE P
LOGAN, UTAH 84321
(435) 753-7744
allianceengineering@yahoo.com

COST-A-LOT #1 SUBDIVISION
AMEND & EXTEND LOTS 3 & 4
PART OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 2 WEST, SALT LAKE BASELINE AND MERIDIAN, BRIGHAM CITY, UTAH

FINAL PLAT

COST-A-LOT #1 SUBDIVISION
AMEND & EXTEND LOTS 3 & 4

PART OF THE SOUTHEAST QUARTER
OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 2 WEST,
SALT LAKE BASELINE AND MERIDIAN
BRIGHAM CITY, UTAH

LEGEND

SECTION CORNER

BOUNDARY LINE

LOT LINE

EASEMENT LINE

CENTERLINE

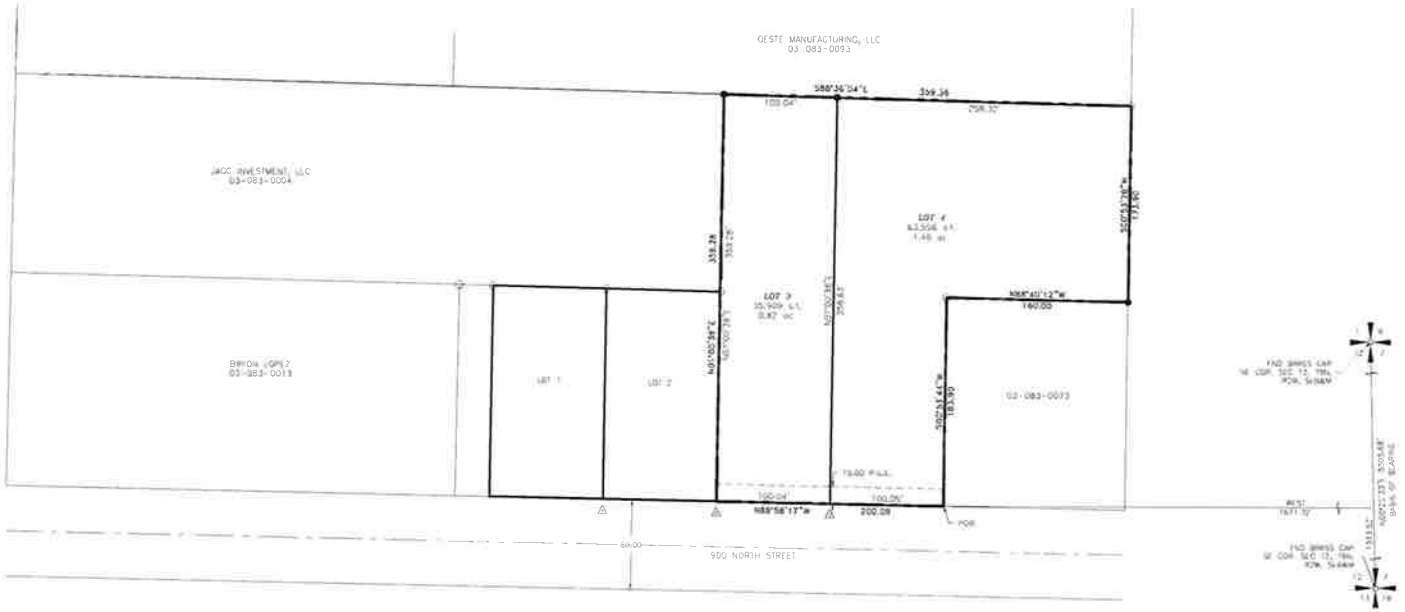
SET REBAR W/ PLASTIC CAP MARKED LS 375617

FOUND 5/8" re REBAR

FOUND CURB PIN

0 25 50 100

SCALE: 1"=50' (24x36 PLAN SET)



BOUNDARY DESCRIPTION

Part of the Southeast Quarter of Section 12, Township 9 North Range 2 West of the Salt Lake Base and Meridian described as follows:

Commencing at the Southeast Corner of Section 12, Township 9 North, Range 2 West of the Salt Lake Base and Meridian monumented with a Brass Cap; thence N00°25'33"W 1373.53 feet along the east line of said section; thence West 1671.32 feet to the Southeast Corner of Lot 4, Cost-a-lot #1 Subdivision recorded in the Box Elder County Recorder's Office under Entry No. 448861 on March 3, 2022 and POINT OF BEGINNING and running

thence N 88°38'17" W 200.09 feet along the south line of 900 North Street;
thence N 01°00'38" E 359.28 feet to an existing fence line;
thence S 88°36'04" E 359.36 feet along said fence line to an HAI rebar;
thence S 00°53'28" W 173.90 feet;
thence N 88°40'12" W 180.00 feet to an HAI rebar;
thence S 00°53'44" W 183.90 feet to the point of beginning,
containing 0.781 acres, more or less

NARRATIVE

1. THE PURPOSE OF THIS SURVEY WAS TO AMEND LOTS 3 AND 4 OF COST-A-LOT #1 SUBDIVISION RECORDED IN THE BOX ELDER COUNTY RECORDER'S OFFICE UNDER ENTRY NO. 448861 ON MARCH 3, 2022.
2. THE BOUNDARY WAS ESTABLISHED USING SAID COST-A-LOT # 1 SUBDIVISION AND RECORD OF SURVEY NO. 87-028 FOR FRATERNAL ORDER OF EAGLES AND FOUND REBAR AS SHOWN.
3. THE BASIS OF BEARING IS N 00°25'33" E BETWEEN THE THE SOUTHEAST CORNER AND NORTHEAST CORNER OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASELINE AND MERIDIAN.

OWNER'S DEDICATION

know all by these presents that we the undersigned owners of the above-described tract of land, having caused the same to be subdivided into lots and streets to hereafter be known as COST-A-LOT #1 SUBDIVISION AMEND AND EXTEND LOTS 3 & 4, do hereby dedicate to Brigham City, Box Elder County, Utah for perpetual use of the public, all streets and all parcels of land shown on the plat as intended for public use, and do warrant, defend and save the municipality harmless against any easements or other encumbrances on the dedicated streets which will interfere with the municipality's use, operation and maintenance of the streets and do further dedicate the easements as shown, with the same warranty as given for other dedicated property.

In witness whereof, we have hereunto set our hands this _____ day of _____, 2022.

Brent R. Dickamore, JT

LIMITED LIABILITY ACKNOWLEDGEMENT

STATE OF UTAH }
COUNTY OF _____ } ss

On this ___ day of _____ A.D. 2021, personally appeared before me, Jay Stocking who being by me duly sworn did say, for himself that he is the Manager of Fortress Land Development, LLC, a Utah Limited Liability Company, and that the within and foregoing instrument was signed on behalf of said Limited Liability Company.

MY COMMISSION EXPIRES_____ NOTARY PUBLIC RESIDING AT _____

PLANNING COMMISSION APPROVAL

Presented to the Brigham City Planning Commission this _____ day of _____, A.D., 20___, at which time this subdivision was recommended to the City Council for approval.

Planning Commission Chairman — Date

CITY COUNCIL APPROVAL AND ACCEPTANCE

Presented to the Brigham City Council this _____ day of _____, A.D., 20___, at which time this subdivision was approved and accepted.

Mayor — Date

Attest: _____
City Recorder

APPROVAL AS TO FORM

Approved as to form this _____ day of _____, A.D., 20___.

City Attorney

ENGINEER'S CERTIFICATE

I certify that I have examined this plat and find it to be correct and in accordance with information on file in this office.

Date — City Engineer

SURVEYOR'S CERTIFICATE

I, Brian G. Lyon, a Registered Land Surveyor, Real Certificate No. 375617, as prescribed by the laws of the State of Utah, and do hereby certify that by authority of the owners, I have made a survey of the tract of land shown on this plat, which is described hereon, and have subdivided said tract of land into lots and streets to be hereafter known as COST-A-LOT #1 SUBDIVISION AMEND & EXTEND LOTS 3 AND 4 and the same have been correctly surveyed and all streets are the dimensions shown.

BRIAN G. LYON — 375617 — REGISTERED LAND SURVEYOR — STATE OF UTAH

7-11-22

AGRICULTURE PROTECTION AREA

This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

GENERAL NOTES

1. All Public Utility Easements shown as dashed lines shall be 15.00 feet wide unless otherwise indicated.
2. 5/8" rebar to be set at all new property corners.

COUNTY RECORDER

State of Utah, County of Box Elder, recorded and filed at the request of _____
Date _____ Time _____ Fee $_____
Entry _____
Index _____
Filed in File of plats

County Recorder

ALLIANCE CONSULTING ENGINEERS
55 EAST 900 NORTH, SUITE #1
LOGAN, UTAH 84321
(435)755-1212
orders@allianceut.com

COST-A-LOT #1 SUBDIVISION
AMEND & EXTEND LOTS 3 & 4
PART OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 2 WEST, SALT LAKE BASELINE AND MERIDIAN, BRIGHAM CITY, UTAH

FINAL PLAT

DRAWING TITLE

DRAWN BY: JLS
CHECKED BY: BGL
DATE: 6/21/22
SCALE: 1"=50'
JOB NO.: 21-0
SHEET NO.: 1

ORDINANCE NO. _____

AN ORDINANCE OF BRIGHAM CITY AMENDING THE COST-A-LOT #1 SUBDIVISION

WHEREAS, Brigham City has received a petition from Brent Dickamore to amend the Cost-A-Lot #1 Subdivision located at 195 East 900 North to amend and extend Lots 3 and 4; and

WHEREAS, the petitioner is purchasing the property located north of said subdivision owned by JAGG INVESTMENT LLC; and

WHEREAS, petitioner's daughter and son would like to include a portion of said property as part of their lots (Lots 3 and 4); and

WHEREAS, the amendment will have no impact on any utilities or easements; and

WHEREAS, following necessary public notice and a public meeting, the Brigham City Planning Commission considered the proposed subdivision amendment and recommend its approval to the Brigham City Council; and

WHEREAS, following necessary public notice and public meeting, the City Council finds and determines the petition is acceptable and beneficial to the petitioners with no impacts to any existing utilities or easements, and that the amendment set forth is reasonable, appropriate and desirable to the property owners.

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the City Council of Brigham City:

Section 1. Lots 3 and 4 of the Cost-A-Lot #1 Subdivision is amended by recording the Cost-A-Lot #1 Subdivision Amend & Extend Lots 3 & 4, as shown in Exhibit "A".

Section 2. This Ordinance shall take effect upon recording the Cost-A-Lot #1 Subdivision Amend & Extend Lots 3 & 4 and upon posting and publication in the manner as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF BRIGHAM CITY, STATE OF UTAH, ON THIS _____ DAY OF _____, 2022.

BRIGHAM CITY

_____

Mayor Dennis J. Bott

State of Utah)
: ss
County of Box Elder)

On _____ day of _____, 2022, Personally appeared before me **Dennis J. Bott**. Who being duly sworn by me did say, for himself that he is the said authorized agent of **Brigham City Corporation**, and that within the foregoing instrument was signed in behalf of said **Brigham City Corporation**, and that the said authorized agent did duly acknowledge to me that said corporation executed the same.

_____
Notary Public

COST-A-LOT #1 SUBDIVISION
AMEND & EXTEND LOTS 3 & 4

PART OF THE SOUTHEAST QUARTER
OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 2 WEST,
SALT LAKE BASELINE AND MERIDIAN
BRIGHAM CITY, UTAH

0 25 50 100
SCALE: 1"=50' (24x36 PLAN SET)

LEGEND

- SECTION CORNER
- BOUNDARY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- SET REBAR W/ PLASTIC CAP MARKED LS 275617
- FOUND 5/8" HK REBAR
- FOUND CURB INN

BOUNDARY DESCRIPTION

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Commencing at the Southeast Corner of Section 12, Township 9 North, Range 2 West of the Salt Lake Base and Meridian monumented with a Brass Cap; thence N00°25'32"W 1,373.52 feet along the east line of said section; thence West 1671.32 feet to the Southeast Corner of Lot 4, Cost-a-lot #1 Subdivision recorded in the Box Elder County Recorder's Office under Entry No. 448861 on March 3, 2022 and POINT OF BEGINNING and running

thence N 88°58'17" W 200.09 feet along the south line of 900 North Street;
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thence S 88°36'04" E 259.36 feet along said fence line to an HAI rebar;
thence S 00°53'28" W 173.90 feet;
thence N 88°40'12" W 160.00 feet to an HAI rebar;
thence S 00°53'44" W 183.90 feet to the point of beginning,
containing 2.782 acres, more or less.

NARRATIVE

1. THE PURPOSE OF THIS SURVEY WAS TO AMEND LOTS 3 AND 4 OF COST-A-LOT #1 SUBDIVISION RECORDED IN THE BOX ELDER COUNTY RECORDER'S OFFICE UNDER ENTRY NO. 448861 ON MARCH 3, 2022.
2. THE BOUNDARY WAS ESTABLISHED USING SAID COST-A-LOT #1 SUBDIVISION AND RECORD OF SURVEY NO. 87-006 FOR FRATERNAL ORDER OF EAGLES AND FOUND REBAR AS SHOWN.
3. THE BASIS OF BEARING IS S 00°25'32" E BETWEEN THE THE SOUTHEAST CORNER AND NORTHEAST CORNER OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE SALT LAKE BASELINE AND MERIDIAN.

OWNER'S DEDICATION

know all by these presents that we the undersigned owners of the above-described tract of land, having caused the same to be subdivided into lots and streets to hereafter be known as COST-A-LOT #1 SUBDIVISION AMEND AND EXTEND LOTS 3 & 4, do hereby dedicate to Brigham City, Box Elder County, Utah for perpetual use of the public all streets and all parcels of land shown on this plat as intended for public use and do warrant, defend and save the municipality harmless against any easements or other encumbrances on the dedicated streets which will interfere with the municipality's use, operation and maintenance of the streets and do further dedicate the easements as shown, with the same warranty as given for other dedicated property.

In witness whereof, we have hereunto set our hands this _____ day of _____, 2022

Brent R. Dickamore, MJ

LIMITED LIABILITY ACKNOWLEDGEMENT

STATE OF UTAH)
:ss
COUNTY OF _____)

On this ____ day of _____, A.D. 2021, personally appeared before me, _____ signing who being by me duly sworn did say, for himself that he is the Manager of _____ and that said _____ is duly formed Utah Company, and that the within and foregoing instrument was signed on behalf of said Limited Liability Companies.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC RESIDING AT _____

PLANNING COMMISSION APPROVAL

Presented to the Brigham City Planning Commission this _____ day of _____, A.D. 20___, at which time this subdivision was recommended to the City Council for approval.

Planning Commission Chairman — Date

CITY COUNCIL APPROVAL AND ACCEPTANCE

Presented to the Brigham City Council this _____ day of _____, A.D. 20___, at which time this subdivision was approved and accepted.

Mayor — Date

Attest: _____ City Recorder

APPROVAL AS TO FORM

Approved as to form this _____ day of _____, A.D. 20___

City Attorney

ENGINEER'S CERTIFICATE

I certify that I have examined this plat and find it to be correct and in accordance with information on file in this office.

Date — City Engineer

SURVEYOR'S CERTIFICATE

I, Brian G. Lyon, a Registered Land Surveyor, Holding Certificate No. 275617, as prescribed by the laws of the State of Utah, and do hereby certify that by authority of the owners, I have made a survey of the tract of land shown on this plat, which is accurately described thereon, and have subdivided said tract of land into lots and streets to be hereafter known as COST-A-LOT #1 SUBDIVISION AMEND & EXTEND LOTS 3 AND 4 and the same have been correctly surveyed and all streets are the dimensions shown.

BRIAN G. LYON — 275617 — STATE OF UTAH — SURVEYOR

7-11-22

AGRICULTURE PROTECTION AREA

This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

GENERAL NOTES

1. All Public Utility Easements shown as dashed lines shall be 15.00 foot wide unless otherwise indicated.
2. 5/8" rebar to be set at all rear property corners.

COUNTY RECORDER

State of Utah, County of Box Elder, recorded and filed at the request of _____
Date _____ Time _____ Fee _____
Entry _____
Index _____
Filed in File of plats

County Recorder

ALLIANCE CONSULTING ENGINEERS
150 East 200 North, Suite F
Logan, Utah 84321
(435)755-5121
allianceloganr@yahoo.com

No.	REVISION / SUBMITTAL	DATE	PROJECT NO.

COST-A-LOT #1 SUBDIVISION
AMEND & EXTEND LOTS 3 & 4
PART OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 2 WEST, SALT LAKE BASELINE AND MERIDIAN, BRIGHAM CITY, UTAH

Drawing Title: FINAL PLAT

Date: 6/6/2022
Drawing No. 1

EXHIBIT "A"

A #2

BRIGHAM CITY
AGENDA ITEM FOR CITY COUNCIL MEETING

1. INITIATED BY: Mark Bradley

2. DEPARTMENT OR DIVISION: Community & Economic Development

3. DATE INITIATED: August 17, 2022

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   Request to Amend by Ordinance Title 29 Zoning, Chapter 29.05 Supplementary and Qualifying Regulations, Section 29.05.130 Regulations Governing Fences and Walls. Brigham City Corporation, applicant

   See Attached Memorandum for staff comments.

5. ESTIMATED TIME NEEDED: 12 minutes

6. PROPOSED DATE FOR COUNCIL ACTION September 1, 2022

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

Date	Name	Signature	Attachment
8/17/22	Mark Bradley	Mark Bradley	✓
8/17/2022	Paul Larsen		

9. MAYOR'S SIGNATURE:

BRIGHAM CITY

CITY ATTORNEY
LEGAL DOCUMENT REVIEW

Document Name: Ordinance to Amend Title 29 Zoning, Chapter 29.05 Supplementary and Qualifying Regulations, Section 29.05.130 Regulations Governing Fences and Walls

Name of Person Requesting Legal Review: Mark Bradley

Date Sent: August 22, 2022 Review Date Deadline: August 24, 2022

Reviewed by Attorney: [signature] Date: 8/22/22

✓ Reviewed and acceptable as submitted
_____ See suggested changes

Returned to: MARK BRADLEY Date: 8/22/2022

X Accepted as Received

Submitted to Mayor's Office By: MB Date: 8/22/2022

Reviewed by Mayor's Office: [signature]
Derek Oyler, City Administrator

BRIGHAM CITY

MEMORANDUM

To: Mayor Bott, City Council Members

From: Mark Bradley, City Planner MB

Subject: Amend Title 29 Zoning, Chapter 29.05 Supplementary and Qualifying Regulations, Section 29.05.130 Regulations Governing Fences and Walls (Application #22-078)

Date: August 17, 2022

City Council Agenda:
September 1, 2022

Nature of Request:
Amend Brigham City Code Title 29 Zoning, Chapter 29.05 Supplementary and Qualifying Regulations, Section 29.05.130 Regulations Governing Fences and Walls – Clarify and update regulations, include illustrations, and replace Appeal Authority with Planning Commission when considering special height allowances for certain uses and facilities.

Planning Commission Recommendation:
The Planning Commission held a public hearing on August 16, 2022, and recommended approval to the City Council (6-0 vote) to amend Section 29.05.130 Regulations Governing Fences and Walls accepting the recommended changes by staff and additional modifications as discussed in paragraph A replacing the draft text of "that are not part of a land use application" with "except as otherwise noted in this Section" and subsection D.4 removing draft text "provided the fence is no closer than five-feet to a public sidewalk and is no less than eighty percent (80%) transparent", based upon staff comments, recommendations, and the noted findings of fact.

Attachments:
1. Staff Evaluation dated August 11, 2022
2. Planning Commission Recommendation
3. Prepared Ordinance

BRIGHAM CITY, UTAH
PLANNING COMMISSION
STAFF EVALUATION

APPLICANT: Brigham City Corp
PROPERTY OWNER: N/A
PROPERTY ADDRESS: N/A
PARCEL NO: N/A

APPLICATION NO.: 22-078
PARCEL AREA: N/A
TITLE: 29 Zoning
DATE: August 11, 2022

PLANNING COMMISSION MEETING:
August 8, 2022

NATURE OF REQUEST:
Amend Brigham City Code Title 29 Zoning, Chapter 29.05 Supplementary and Qualifying Regulations, Section 29.05.130 Regulations Governing Fences and Walls – Clarify and update regulations, include illustrations, and replace Appeal Authority with Planning Commission when considering special height allowances for certain uses and facilities.

OVERVIEW:
The Community and Economic Development Department regularly communicates the regulations governing fences and walls with applicants and guides them through the permitting process. During the process, staff routinely encounters the challenges of applicants proposing fencing material and products that are not typically manufactured or accepted as fencing products while there are no products codified in the current ordinance.

In addition, staff also encounters requests for fencing that on a case-by-case basis require special exceptions granted by the Appeal Authority. Staff has determined the Planning Commission will be more effective and efficient option for ~~grating special~~ granting exceptions on the basis the Planning Commission acts as the Land Use Authority throughout the Zoning Ordinance on a bi-monthly meeting schedule, whereas the Appeal Authority is available monthly, and their primary role considers variances.

Attached is the proposed draft. The red underlined text is proposed new language and the red strike through text is the proposed language to be removed.

STAFF COMMENTS:

Community and Economic Development Department:
1. Support the changes and effort for more clarity and plainness.

Engineering Department:
1. We support the proposed changes to streamline the approval timeframes.
2. We do not have any engineering comments on this code amendment.

Fire Department:
1. No comments

Police Department:
1. Support

Public Power Department:

1. Support staff suggestions

Public Works Department:
(Culinary Water, Street, and Wastewater Treatment/Storm Drain Divisions)

1. Public Works supports Community Developments recommendation

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PLANNING COMMISSION RESPONSIBILITY:

1. The Planning Commission holds the required public hearing.
2. The Planning Commission determines whether or not the amendment is a reasonable modification to Title 29 Zoning, is in harmony with carrying out the objectives and direction of the General Plan, and consistent with the directive of Utah Code.
3. The Planning Commission recommends approval, approval with modification, disapproval, or request additional information in order to make a recommendation to the City Council.

STAFF RECOMMENDATIONS:

1. Support and recommend approval of the proposed amendment.

STIPULATIONS:

1. N/A

FINDINGS OF FACT:

1. The proposed amendment is to help clarify and update certain regulations, include illustrations, and replace Appeal Authority with Planning Commission when considering special height allowances for certain uses and facilities.
2. The Planning Commission deals with land use regulations on regular bases and would be best suited to consider special height allowances for fences or walls surrounding tennis courts, swimming pools, school, or other special type facilities.
3. The Public Hearing was noticed per Utah Code and City Code.
4. The legislative body may not make any amendment authorized by this subsection (Utah Code, Section 10-9a-503) unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation.

ATTACHMENTS:

1. Draft Language

F. Shall obtain a Brigham City business license before conducting business within the City; and
G. Shall meet the minimum land use requirements for the zone in which it is located.

A medical cannabis pharmacy:

A. Unless waived by the Utah Department of Health, shall be located no closer than 600 feet from the border of any residential zone and 200 feet from any community location, measured from the nearest entrance to the cannabis pharmacy establishment following the shortest ordinary route of pedestrian travel to the boundary of the community location or residential zone;
B. Shall not have drive-through service;
C. Shall not have outdoor seating or seating areas;
D. Shall not have outdoor vending machines of any kind;
E. Shall have one public entry door at the front of the building facing the street;
F. Shall not darken or cover any windows on the front of the building but shall maintain windows clear and allow visibility into the pharmacy from the street;
G. Shall not have cannabis products visible from outside the medical cannabis pharmacy;
H. Shall not have bars on windows;
I. Shall maintain any exterior brick in an unpainted condition and leave brick in its natural color in order to avoid drawing attention to the building;
J. Exterior materials that are not brick or glass shall be painted white, brown, or a similar color to avoid drawing attention to the structure;
K. Shall be designed to filter inside air exchanges to the outside through air filter systems that remove dust, fumes, vapors, odors, or waste from air that exits the building;
L. Shall meet the minimum land use requirements for the zone in which it is located;
M. Shall obtain a Brigham City business license before conducting business within the City; and
N. Shall limit the hours of operation it is open to the public to 9:00 a.m. to 7:00 p.m.[5]

29.05.120. Reserved for Future Use

29.05.130. Regulations Governing Fences and Walls.

A. Fences and walls ~~in Residential Districts~~ may be erected or allowed as limited or exempted herein, and provided that any fence or wall over three feet (3') in height shall require a fence permit and if over six feet (6') in height, be designed to withstand anticipated wind loads, as defined within the current adopted ~~City~~ Building Code. The Community Development Director or designee shall be the Land Use Authority for all fences and walls ~~that are not part of a land use application~~ except as otherwise noted in this Section. For fences, retaining wall or other landscape features greater ~~less~~ than three feet (3') in height the following shall apply:

1. When sidewalk is present, a fence, retaining wall or other landscaping features may be placed up to one foot (1') of the location of the sidewalk;
2. When no sidewalk is present, a fence, retaining wall or other landscaping features may be placed in such a manner that it will be located no closer than one (1') foot to future sidewalk location.

B. Limitations are as follows:

1. No private fence or wall shall be erected, allowed, or maintained on public property without City approval. Such approval may be granted by the City Council ~~Community Development Director or designee~~ under the following circumstances:

a. The applicant is the owner of the adjacent property for which the fence or wall approval is sought;
b. The public property involved is a City street;
c. When no sidewalk is present, the fence or wall will be placed in such a manner that it will be located no closer than one foot (1') to future sidewalk location;
d. When sidewalk is present, the fence or wall may be placed to within one foot (1') of the location of the sidewalk;
e. The portion of the public right-of-way between the fence or wall and the curb when curb is present, or between the fence or wall and the travel way when no curb is present, shall be maintained by the adjacent property owner;
f. All other provisions of the City Code apply;
g. The owner will sign a document prepared by the City Attorney agreeing to hold the City harmless from liability arising as a result of the placement of the fence or wall on public property.

2. On Interior lots:

a. In side and rear yards, and that portion of the front yard between the front plane of the house and the required front yard setback, fences and walls shall be allowed to a maximum height of

[5] *Ordinance No. 19-20, dated 11/7/2019*

six feet (6'). as illustrated in Figure 29.05.130.A

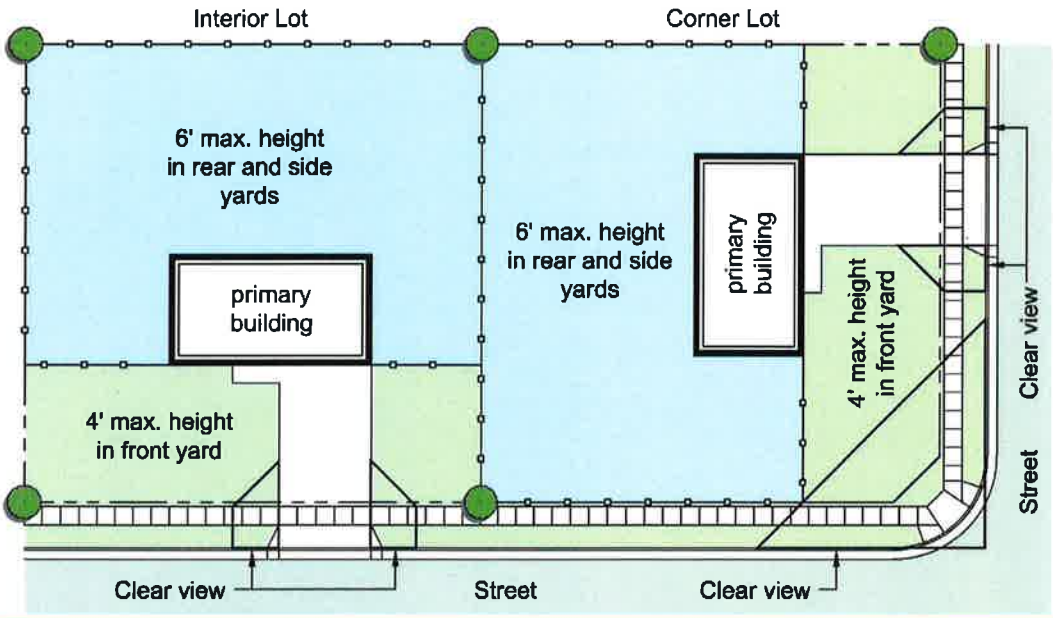
b. In the required front yard setback, fences and walls shall be allowed to a maximum height of four feet (4'). A property owner may erect a six-foot (6') fence in the required front yard setback along a common property line that is the back yard of an adjacent property, provided all other provisions of this ordinance are met.

~~C.~~ 3. On Corner lots:

~~1.~~ a. In side and rear yards, and that portion of the front yard between the front plane of the house and the required front yard setback, fences and walls shall be allowed to a maximum height of six feet (6') except that in street-facing side and rear yards which back onto front yards of adjoining lots, fences and walls shall be limited to a maximum height of six feet (6'). as illustrated in Figure 29.05.130.A.

~~2.~~ b. In the required front yard setback, fences and walls shall be allowed to a maximum height of four feet (4'). A property owner may erect a six-foot (6') fence in the required front yard setback along a common property line that is the back yard of an adjacent property, provided all other provisions of this ordinance are met.

Figure 29.05.130.A Interior and Corner Lot Limitations



C.~~D.~~ The height limitations for fences and walls are further limited as follows:

1. In any district requiring a front yard, no obstruction to view above three feet (3') and below seven feet (7') in height shall be permitted on any corner lot within a triangular as per Section 29.05.200. Clear View Of Intersecting Streets.

2. Where a fence or wall is erected on or within five feet of a property line, upon a retaining wall, or where for other reasons there is a difference in the elevation of the surface of the land on either side of a fence, height of the fence shall be measured from a point halfway between the top of the retaining wall and the land on the lower side or from the average elevation of the surface of the land on either side and within ten feet (10') of the fence, but nothing herein contained shall be construed to restrict the fence or wall to less than four feet (4') in height measured from the surface of the land on the side having the highest elevation.

D. Temporary fences may be approved by the Director or designee for the following conditions:

1. For the purpose of protecting or securing site construction with an active demolition permit, building permit, special event permit, or other similar type of permit.

2. For the purpose of protecting or securing an attractive nuisance, dangerous or unsafe property deemed by the Director or designee.

3. The duration of a temporary fence shall be stated in the required fence permit.

4. Temporary fencing may be up to six-feet (6') in height. ~~provided the fence is no closer than five feet to a public sidewalk and is no less than eight percent (80%) transparent.~~

E. Quality of Construction.

1. Fences and walls shall be constructed in a workmanlike manner and consist of durable

industry standard materials including:

a. Cedar, Douglas Fir, Redwood, or Pressure-Treated wood products.

b. Vinyl (Polyvinyl chloride) fencing products.

c. Natural boulder, rock, or stone products.

d. Prefabricated masonry block, brick, or stone products.

e. Cast in place or precast concrete products.

f. Wrought Iron, welded wire mesh, aluminum, or galvanized chain link products.

2. Fence and wall materials that may not be permitted include:

a. Tarps or fabrics, stacked refuse or discarded debris, manufactured wood pallets, chipboard, particle board, or plywood.

b. Barbed wire or electrically charged fencing unless located in the agricultural zoning district or approved by the Land Use Authority through a separate land use application.

c. Razor wire fencing unless approved by the Land Use Authority through a separate land use application.

F. Maintenance of Fences and Walls.

1. The property owner is responsible to maintain, repair, remove, or replace fencing, walls, or other similar features for screening deemed unsafe or structurally unsound by the Director or designee.

G. Special Exceptions.

1.~~3.~~ The Planning Commission ~~Appeal Authority~~ may grant special exceptions to the height limits contained in this Section for fences or walls surrounding tennis courts, swimming pools, schools, or other special type facilities, where it is shown that the normal use or level of protection requires a greater height for safety or other reasons, provided, however, that the rights of adjoining property owners are equally considered.

29.05.140. Water and Sewage Requirements.

In all cases where a proposed building or proposed use will involve the use of sewerage facilities, and a connection to a public sewer system as defined by the Utah Department of Environmental Quality is not available, and in all cases where a connection to a public water system approved by the Utah Department of Environmental Quality is not available, the sewage disposal and the domestic water supply shall comply with the requirements of such Department and of the local board of health, and the application for a building permit shall be accompanied by a certificate of approval from said Board or Department.

29.05.150. Drinking Water Source Protection Requirements.

Any and all uses of property must comply with the requirements of the "Drinking Water Source Protection Ordinance" as contained in Chapter 28.02 of the Brigham City Code.

29.05.160. Curbs, Gutters and Sidewalks.

The installation of curbs, gutters and sidewalks of a type approved by the Governing Body shall be required on any existing or proposed street adjoining a lot on which a building new primary structure is to be constructed (except accessory buildings) or remodeled, or on which a new use is to be established. Such curbs, gutters, and sidewalks may shall be required as a condition of building or use permit approval.

29.05.170. Effect of Official Map.

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped street line provided by the official map.

29.05.180. Lots and Dwellings on Private Streets - Special Provisions.

Lots with frontage on private streets only shall be allowed by conditional use permit or planned unit development procedure only, and subject to all applicable requirements of this Ordinance and the Subdivision Ordinance.

29.05.190. Family Swimming Pools.

A. Definition. A family swimming pool is defined as any structure or container holding water to a depth of eighteen inches (18") or greater and having either a diameter or diagonal measurement of ten feet (10') or greater.

B. A family swimming pool shall be permitted in the side and rear yard of a dwelling as an accessory use provided the following requirements are met:

1. The location of such family swimming pool or accessory machinery shall not be less than

ORDINANCE NO. _____

AN ORDINANCE OF BRIGHAM CITY AMENDING TITLE 29 ZONING, CHAPTER 29.05 SUPPLEMENTARY AND QUALIFYING REGULATIONS, SECTION 29.05.130 REGULATIONS GOVERNING FENCES AND WALLS

WHEREAS, Brigham City identified a need to update City Code Title 29 Zoning, Chapter 29.05 Supplementary and Qualifying Regulations, Section 29.05.130 Regulations Governing Fences and Walls to clarify and update standards and regulations, include illustrations, and replace Appeal Authority with Planning Commission when considering special height allowances for certain uses and facilities; and

WHEREAS, following necessary public notice and a public hearing, the Brigham City Planning Commission considered the proposed amendment and recommend its approval to the Brigham City Council with modifications; and

WHEREAS, following necessary public notice and public meeting, the City Council finds and determines the said amendment promotes clarification, incorporates standards and regulations, and improves application process that benefits the public, property owners, and businesses within Brigham City and that no person, property, or business will be materially injured by said amendment, that there is good cause for said amendment and should not jeopardize the health, safety, and welfare of the inhabitants of Brigham City.

NOW, THEREFORE BE IT AND IT IS HEREBY ORDAINED by the City Council of Brigham City:

Section 1. Title 29 Zoning, Chapter 29.05 Supplementary and Qualifying Regulations, Section 29.05.130 Regulations Governing Fences and Walls is amended as noted in Exhibit "A", attached hereto and made a part by reference. All other sections and provisions existing in Chapter 29.05 shall remain as currently written.

Section 2. This ordinance shall take effect upon posting and publication in a manner as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF BRIGHAM CITY, STATE OF UTAH, ON THIS _____ DAY OF _____, 2022

BRIGHAM CITY

_____

Mayor Dennis J. Bott

ATTEST:

_____

Christina Boss, City Recorder

F. Shall obtain a Brigham City business license before conducting business within the City; and
G. Shall meet the minimum land use requirements for the zone in which it is located.

A medical cannabis pharmacy:

A. Unless waived by the Utah Department of Health, shall be located no closer than 600 feet from the border of any residential zone and 200 feet from any community location, measured from the nearest entrance to the cannabis pharmacy establishment following the shortest ordinary route of pedestrian travel to the boundary of the community location or residential zone;
B. Shall not have drive-through service;
C. Shall not have outdoor seating or seating areas;
D. Shall not have outdoor vending machines of any kind;
E. Shall have one public entry door at the front of the building facing the street;
F. Shall not darken or cover any windows on the front of the building but shall maintain windows clear and allow visibility into the pharmacy from the street;
G. Shall not have cannabis products visible from outside the medical cannabis pharmacy;
H. Shall not have bars on windows;
I. Shall maintain any exterior brick in an unpainted condition and leave brick in its natural color in order to avoid drawing attention to the building;
J. Exterior materials that are not brick or glass shall be painted white, brown, or a similar color to avoid drawing attention to the structure;
K. Shall be designed to filter inside air exchanges to the outside through air filter systems that remove dust, fumes, vapors, odors, or waste from air that exits the building;
L. Shall meet the minimum land use requirements for the zone in which it is located;
M. Shall obtain a Brigham City business license before conducting business within the City; and
N. Shall limit the hours of operation it is open to the public to 9:00 a.m. to 7:00 p.m.[5]

29.05.120. Reserved for Future Use

29.05.130. Regulations Governing Fences and Walls.

A. Fences and walls may be erected or allowed as limited or exempted herein, and provided that any fence or wall over three feet (3') in height shall require a fence permit and if over six feet (6') in height, be designed to withstand anticipated wind loads, as defined within the current adopted Building Code. The Community Development Director or designee shall be the Land Use Authority for all fences and walls except as otherwise noted in this Section. For fences, retaining wall or other landscape features greater than three feet (3') in height the following shall apply:

1. When sidewalk is present, a fence, retaining wall or other landscaping features may be placed up to one foot (1') of the location of the sidewalk;
2. When no sidewalk is present, a fence, retaining wall or other landscaping features may be placed in such a manner that it will be located no closer than one (1') foot to future sidewalk location.

B. Limitations are as follows:

1. No private fence or wall shall be erected, allowed, or maintained on public property without City approval. Such approval may be granted by the City Council under the following circumstances:

a. The applicant is the owner of the adjacent property for which the fence or wall approval is sought;
b. The public property involved is a City street;
c. When no sidewalk is present, the fence or wall will be placed in such a manner that it will be located no closer than one foot (1') to future sidewalk location;
d. When sidewalk is present, the fence or wall may be placed to within one foot (1') of the location of the sidewalk;
e. The portion of the public right-of-way between the fence or wall and the curb when curb is present, or between the fence or wall and the travel way when no curb is present, shall be maintained by the adjacent property owner;
f. All other provisions of the City Code apply;
g. The owner will sign a document prepared by the City Attorney agreeing to hold the City harmless from liability arising as a result of the placement of the fence or wall on public property.

2. On Interior lots:

a. In side and rear yards, and that portion of the front yard between the front plane of the house and the required front yard setback, fences and walls shall be allowed to a maximum height of six feet (6') as illustrated in Figure 29.05.130.A

[5] *Ordinance No. 19-20, dated 11/7/2019*

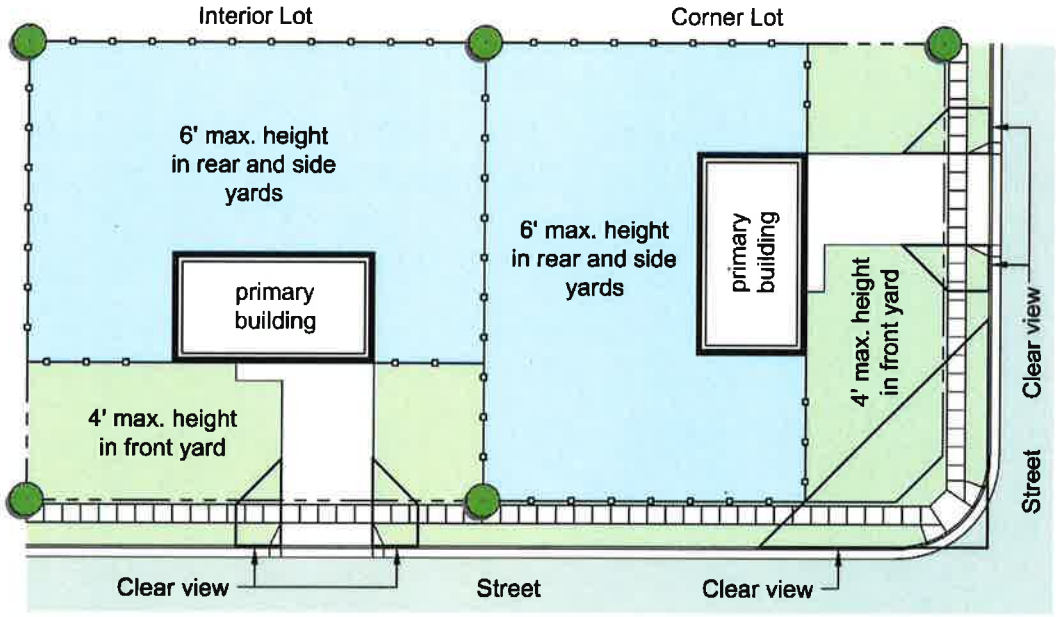
b. In the required front yard setback, fences and walls shall be allowed to a maximum height of four feet (4'). A property owner may erect a six-foot (6') fence in the required front yard setback along a common property line that is the back yard of an adjacent property, provided all other provisions of this ordinance are met.

3. On Corner lots:

a. In side and rear yards, and that portion of the front yard between the front plane of the house and the required front yard setback, fences and walls shall be allowed to a maximum height of six feet (6') except that in street-facing side and rear yards which back onto front yards of adjoining lots, fences and walls shall be limited to a maximum height of six feet (6') as illustrated in Figure 29.05.130.A.

b. In the required front yard setback, fences and walls shall be allowed to a maximum height of four feet (4'). A property owner may erect a six-foot (6') fence in the required front yard setback along a common property line that is the back yard of an adjacent property, provided all other provisions of this ordinance are met.

Figure 29.05.130.A Interior and Corner Lot Limitations



C. The height limitations for fences and walls are further limited as follows:

1. In any district requiring a front yard, no obstruction to view above three feet (3') and below seven feet (7') in height shall be permitted on any corner lot within a triangular as per Section 29.05.200. Clear View Of Intersecting Streets.

2. Where a fence or wall is erected on or within five feet of a property line, upon a retaining wall, or where for other reasons there is a difference in the elevation of the surface of the land on either side of a fence, height of the fence shall be measured from a point halfway between the top of the retaining wall and the land on the lower side or from the average elevation of the surface of the land on either side and within ten feet (10') of the fence, but nothing herein contained shall be construed to restrict the fence or wall to less than four feet (4') in height measured from the surface of the land on the side having the highest elevation.

D. Temporary fences may be approved by the Director or designee for the following conditions:

1. For the purpose of protecting or securing site construction with an active demolition permit, building permit, special event permit, or other similar type of permit.

2. For the purpose of protecting or securing an attractive nuisance, dangerous or unsafe property deemed by the Director or designee.

3. The duration of a temporary fence shall be stated in the required fence permit.

4. Temporary fencing may be up to six-feet (6') in height.

E. Quality of Construction.

1. Fences and walls shall be constructed in a workmanlike manner and consist of durable industry standard materials including:

a. Cedar, Douglas Fir, Redwood, or Pressure-Treated wood products.

b. Vinyl (Polyvinyl chloride) fencing products.
c. Natural boulder, rock, or stone products.
d. Prefabricated masonry block, brick, or stone products.
e. Cast in place or precast concrete products.
f. Wrought Iron, welded wire mesh, aluminum, or galvanized chain link products.

2. Fence and wall materials that may not be permitted include:

a. Tarps or fabrics, stacked refuse or discarded debris, manufactured wood pallets, chipboard, particle board, or plywood.

b. Barbed wire or electrically charged fencing unless located in the agricultural zoning district or approved by the Land Use Authority through a separate land use application.

c. Razor wire fencing unless approved by the Land Use Authority through a separate land use application.

F. Maintenance of Fences and Walls.

1. The property owner is responsible to maintain, repair, remove, or replace fencing, walls, or other similar features for screening deemed unsafe or structurally unsound by the Director or designee.

G. Special Exceptions.

1. The Planning Commission may grant special exceptions to the height limits contained in this Section for fences or walls surrounding tennis courts, swimming pools, schools, or other special type facilities, where it is shown that the normal use or level of protection requires a greater height for safety or other reasons, provided, however, that the rights of adjoining property owners are equally considered.

29.05.140. Water and Sewage Requirements.

In all cases where a proposed building or proposed use will involve the use of sewerage facilities, and a connection to a public sewer system as defined by the Utah Department of Environmental Quality is not available, and in all cases where a connection to a public water system approved by the Utah Department of Environmental Quality is not available, the sewage disposal and the domestic water supply shall comply with the requirements of such Department and of the local board of health, and the application for a building permit shall be accompanied by a certificate of approval from said Board or Department.

29.05.150. Drinking Water Source Protection Requirements.

Any and all uses of property must comply with the requirements of the "Drinking Water Source Protection Ordinance" as contained in Chapter 28.02 of the Brigham City Code.

29.05.160. Curbs, Gutters and Sidewalks.

The installation of curbs, gutters and sidewalks of a type approved by the Governing Body shall be required on any existing or proposed street adjoining a lot on which a building new primary structure is to be constructed (except accessory buildings) or remodeled, or on which a new use is to be established. Such curbs, gutters, and sidewalks may shall be required as a condition of building or use permit approval.

29.05.170. Effect of Official Map.

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped street line provided by the official map.

29.05.180. Lots and Dwellings on Private Streets - Special Provisions.

Lots with frontage on private streets only shall be allowed by conditional use permit or planned unit development procedure only, and subject to all applicable requirements of this Ordinance and the Subdivision Ordinance.

29.05.190. Family Swimming Pools.

A. Definition. A family swimming pool is defined as any structure or container holding water to a depth of eighteen inches (18") or greater and having either a diameter or diagonal measurement of ten feet (10') or greater.

B. A family swimming pool shall be permitted in the side and rear yard of a dwelling as an accessory use provided the following requirements are met:

1. The location of such family swimming pool or accessory machinery shall not be less than ten (10') feet from any interior property line. On corner lots, the distance from said pool to the property line facing on a street shall not be less than the required side yard for any accessory building in that zone.

2. An outside family swimming pool shall be completely enclosed by a substantial barrier of

A-1-3

BRIGHAM CITY
AGENDA ITEM FOR CITY COUNCIL MEETING

1. INITIATED BY: Derek Oyler

2. DEPARTMENT OR DIVISION: Mayor's Office

3. DATE INITIATED: August 18, 2022

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   Change to Chapter 12 of Employee Policies & Procedures regarding On-Call Duty

5. ESTIMATED TIME NEEDED: 15 Minutes

6. PROPOSED DATE FOR COUNCIL ACTION: September 1, 2022

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

Date	Name	Signature	Attachment
8/18/2022	Derek Oyler		1

9. MAYOR'S SIGNATURE: _____

WELCOME TO
BRIGHAM CITY
Beautiful Brigham City-
Your Future is Here!

CITY ATTORNEY
LEGAL DOCUMENT REVIEW

Document Name: Chapter 12 Policies & Procedures changes.
Name of Person Requesting Legal Review: Donna Pett

Date Sent (via email): 08/11/2022 Review Date Deadline: 08/19/2022

Reviewed by Attorney: [signature] Date: 8/16/22

☑ Reviewed and acceptable as submitted
☐ See suggested changes

Returned to: _____ Date: _____

☐ Accepted as Received

Submitted to Mayor's Office: _____ Date: _____

Reviewed by Mayor's Office: [signature]
City Administrator

Making Life Better

CHAPTER 12 COMPENSATION AND WORK HOURS

12-1 Work Hours
12-2 Travel Time Pay
12-3 Classification of Positions
12-4 Payroll Administration
12-5 Career Progression
12-6 Position Allocation
12-7 Reclassification of Positions
12-8 Employee Compensation
12-9 Fair Labor Standards Act
12-10 Compensatory Time
12-11 On-Call
12-12 Response Time

12-1 Work Hours

Regular and prompt attendance at work is required of all employees. The normal workday for full-time employees shall be eight (8) hours and the normal workweek forty (40) hours, except for departments approved for alternate work schedules. The workday for public safety employees shall be determined by the needs of providing twenty-four hour a day service to the community. Employees MUST clock in and out electronically. Any mobile device used for electronic timekeeping must have the mobile location service enabled.

Work week for 9/80 schedules begin and end at noon on Friday.

Alternate work schedule: An "alternative" to the normal 5 day, 40-hour work week. Examples of alternate work schedules are:

4/10
An employee works a 40-hour work week in four 10-hour days between Monday and Friday.

9/80
An employee works eight 9-hour days and one 8-hour day in a two week period with one day off every other week that corresponds with an eight hour day.

Work conducted at City Hall shall generally begin at 8:00 a.m. and end at 5:00 p.m. with one hour (60 minutes) for lunch. However, alternate work schedules may be followed in accordance with service delivery needs. Alternate work schedules must be approved by the City Administrator, Finance Director and Payroll Coordinator.

When an employee has not scheduled time-off with his/her supervisor and does not report at the regularly scheduled time, the employee shall be considered absent.

An employee is entitled to two (2) compensated 15 minute work break periods in an 8 hour work day. Generally speaking, one in the morning and the other in the afternoon. Employees may not take break periods at the beginning of the day-so as to arrive late for work, or use them at the end of the day so as to leave work early. If an employee chooses to not take a break, no additional compensation will be given.

12-2 Travel Time Pay

The Travel Time Pay policy is based upon the FSLA requirements under the Wage and Hour Division of the US Department of Labor.

Travel Time: The principles which apply in determining whether time spent in travel is compensable time depends upon the kind of travel involved.

Home to Work Travel: An employee who travels from home before the regular workday and returns to his/her home at the end of the workday is engaged in ordinary home to work travel, which is not work time.

Home to Work on a Special One Day Assignment in Another City: An employee who regularly works at a fixed location in one city is given a special one day assignment in another city and returns home the same day. The time spent in traveling to and returning from the other city is work time, except that the employer may deduct/not count time the employee would normally spend commuting to the regular work site.

Travel that is All in a Day's Work: Time spent by an employee in travel as part of their principal activity, such as travel from job site to job site during the workday is work time and must be counted as hours worked.

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Overtime: Compensable hours spent traveling for business are counted the same as any other hours worked and may result in overtime.

12-3 Classification of Positions

The Mayor, in conjunction with the City Council shall be responsible for the development and maintenance of a uniform and equitable pay plan which shall consist of minimum, midpoint and

maximum rates of pay for each classified position and such intermediate steps as deemed necessary and equitable.

Each City position shall have a job description.

The City assigns each regular position a classification code and salary range, as established by the City's Classification and Compensation Plan. The Classification and Compensation Plan reflects internal and external equities, based upon assigned duties and responsibilities and market comparisons.

Market research is carried out under the direction of the Mayor's Office.

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Merit increases or "pay for performance" increases are also considered on an annual basis. The amount and distribution shall be determined annually by the City Council. These payments will be awarded following the completion of the evaluation period.

12-4 Payroll Administration

In the event there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of their supervisor, the payroll coordinator, or the Mayor's Office so that corrections can be made as quickly as possible.

Brigham City Corporation reserves the right to make any and all payroll corrections as deemed necessary and appropriate.

Federal and State laws require Brigham City Corporation to keep an accurate record of time worked.

- Time worked is all time actually spent on the job performing assigned duties.
- Employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons.
- Overtime work must be approved before it is performed.
- Altering, falsifying, tampering with the records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

- It is the employee's responsibility to sign their time records and to certify the accuracy of all time recorded. The supervisor or designee will review and then sign the time record before submitting it for payroll processing.
- In an extenuating circumstance where the employee is not available to sign their time record, the supervisor may sign the record.
- If corrections or modifications are made to the time record, the supervisor or designee must verify the accuracy of the changes by initialing the change on the time record.
- Employees have 30 days to dispute discrepancies with time records.

All employees are paid bi-weekly by direct deposit. Employee pay will include earnings for all work performed through the end of the previous payroll period.

- In the event that a regularly scheduled payday falls on a day the bank is closed, employees will be paid in accordance with state and federal guidelines.
- Department heads and/or supervisors will not release pay statements to anyone other than the employee unless written authorization is given in advance by the employee.
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Employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in City approved programs. Employees should review any discrepancies in payroll deductions with the payroll coordinator.

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Some city positions have movement within a career series. These positions are designated herein and are classified as career progression. Under career progression, employees are eligible for advancement and reclassification to the next career position or level upon completion of pre-determined requirements as opposed to being appointed to a position based upon a competitive process when a vacancy occurs.

Advancement to the next position will only be considered once all of the career progression requirements have been satisfied and must be recommended by the employee's supervisor and department head based on the needs of the City. In the event that any of the requirements (including the supervisor's recommendation/approval) are not met, any future reclassification will not be made retroactive.

The job descriptions for positions within career progression program have two additional sections. *The Series Standard* section briefly explains how work is distinguished for that position just above and just below it. The *Career Progression Requirements* section outlines the

requirements that must be satisfied before an employee is eligible for advancement and reclassification to the next position in the occupational series.

Employees advancing/promoting from one position to the next through career progression may receive a pay adjustment as follows:

> In the event an employee is promoted to a position of greater demand or of elevated responsibility, the employee may receive a salary increase up to five (5%) percent. If the five percent (5%) increase does not bring the employee's salary up to the entry level salary for the new position the employee will receive the entry level salary for the new position. Any increase exceeding the first quartile of the new position must have mayoral approval, and the employee will receive an appropriate change in job title, serve a six-month promotion/transfer introductory period and at the completion of the six-month introductory period there will be no salary adjustment.

The following positions will be included in the career progression program.

- Police Officer I, II, III
- Equipment Operator I, II, III, IV
- Grounds Maintenance Worker I, II, III
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- Library Page I, II
- Secretary I, II, III

12-6 Position Allocation

All positions not classified as career progression positions will be considered as position allocation positions and employees holding these positions will not advance without a competitive process when a vacancy occurs.

12-7 Reclassification of Positions

Due to possible budget impact, reclassification studies will typically be undertaken in conjunction

with the preparation of the yearly operating budget. Any proposed reclassification pay increase will typically not become effective until the beginning of the new fiscal year.

The effective date for any pay increase shall generally be the beginning of the payroll period following City Council action on the pay increase, but this may be changed by the City Council when extenuating circumstances so warrant.

12-8 Employee Compensation

The Mayor and City Council shall annually approve full-time, part-time, temporary and seasonal employee compensation.

12-9 Fair Labor Standards Act

All employees shall comply with the provisions of the Fair Labor Standards Act (FLSA) as amended and the Department of Labor regulations issued there under pertaining to compensation for overtime work.

Exemptions. In accordance with the provisions of the Fair Labor Standards Act, certain positions are "exempt" from the payment of additional money for overtime worked.

At the City's discretion, regardless of hours worked, both FLSA exempt and non-exempt employees may be paid overtime pay at 1½ times the employee's regular rate of pay for actual hours worked on special assignments when wages are reimbursed to Brigham City.

Work period. For the purpose of complying with the requirements of the FLSA, the workweek shall consist of seven days beginning 12:00 p.m. Friday and ending at 11:59 a.m. Friday. All overtime hours shall be accounted for by the employee on the time sheet during which the hours were worked.

Joint employment. A City employee shall not serve as a volunteer for the same job in which he/she is employed by the City.

12-10 Compensatory Time

As a general rule, the requirement of frequent and considerable overtime within the City shall be considered evidence of under staffing and will be investigated by the Mayor. However, when employees are directed by the department or division supervisor or his/her duly appointed representative to work extra time in addition to normal working hours, they shall be compensated for overtime or allocated compensatory time as long as all overtime work has been given proper authorization and/or is known in advance by the supervisor.

Employee compensation for overtime and allocation of compensatory time shall be governed by applicable Federal and State law, including the Federal Fair Labor Standards Act. Departmental policies for the use of overtime and compensatory time can be drafted by each department, approved by the Mayor and kept on file in the Mayor's office.

Standards. Overtime Pay and Compensatory Time shall be governed by and administered in accordance with the Federal Fair Labor Standards Act and applicable Utah State Law.

Maximum Comptime Accrual. Each employee may accrue compensatory time up to a maximum of 60 hours (40 regular time hours).

Minimum Comptime Usage. No employee will be allowed to use compensatory time until he/she accrued the equivalent compensatory time. If an employee uses compensatory time in excess of that which he/she has accrued, personal leave time will first be used to compensate hours requested. If the employee does not have the equivalent personal leave time then annual leave will be used. If the employee does not have personal leave or annual leave time then the employee must follow the procedures for leave without pay found in the Employee's Policies and Procedures Manual.

Earned Comptime Payment. Employees will have all accrued Compensatory Time paid to them in full annually prior to June 30th.

Department Exception. Individual departments may elect not to allow their department employees to accrue Compensatory Time. For these departments, all overtime will be paid in the pay period the overtime is earned. It shall be the prerogative of the department or division head to prevent the accrual of overtime or compensatory time by limiting employee work time to the standard set by the Federal Fair Labor Standards Act. These departments must have policies approved by the Mayor.

Exemptions. Exempt employees are ineligible for comp time accrual pursuant to the overtime provision from the Federal Fair Labor Standards Act.

12-11 On-call

Employees, who work in departments which, by nature, require immediate availability of their employees to respond to emergency work requirements, may be placed in an on-call status. On-call status is defined as the employee being available for work on a twenty-four hour per day basis for seven consecutive days. While the employee is working the normal eight hour day the location of the employee will be known. However, during the approximate sixteen hours off duty, but on - on-call status, the employee must be available by means of portable communication, and be able to report to his or her work station within the period of time set by the appropriate departmental policy.

Should an employee who is responsible for on-call service be called out on a legal holiday, the employee will be paid straight time for time spent in the required emergency, unless this time means that the total actual work hours for the employee for the week exceed forty hours, then the policy on overtime will apply. The employee is not entitled to another day of holiday because the employee has already been paid for the holiday and in addition is being paid for actual time worked.

Current departments and divisions of the City using on-call to implement their work program are authorized to continue to do so. These departments/divisions are: Public Works, Electric, Recreation, Police and Fire.

Other divisions who feel that the implementation of on-call time is necessary for their program of work shall make application to the Mayor for approval by memo, indicating at least that the following criteria have been evaluated and the conclusions of that evaluation:

a. The department's need for "emergency" response on an ongoing basis.
b. Whether such response is needed on a seasonal or year-round schedule.
c. Whether a history of such a need and written records exist to justify the request.
d. Whether the department's budget will support the implementation of on-call time in the current fiscal year.

Employees will be compensated for on-call time at the rate of their regular pay for fourteen (14) hours for each week of on-call service, or the equivalent of compensatory time. Employees will be paid for the hours that they actually work when called out on on-call time at their standard rate of pay times the number of hours worked, unless the added hours bring the overtime policy into application. In that case the employee will be paid time and one-half for the appropriate number of hours while on on-call time. On-call call out time begins at the point of receipt of the call and continues until the required services are complete.

No employee shall normally be assigned on-call duty for more than one two-week pay period at a time. The intention of this policy is that on-call time (and therefore pay) shall be rotated among eligible employees. A supervisor may circumvent this policy only in the case of an insufficient number of employees available to do otherwise.

Eligibility for on-call service shall be determined by the department head based upon job related factors. On-call service may be withheld as a disciplinary action or for reasons of an employee's lack of abilities due to length of service, lack of training, etc. The supervisor shall, however, not discriminate in providing training opportunities or in any other manner in the implementation of this policy.

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The time allowed for City employees to report to duty shall be governed by departmental policy approved by the Mayor.

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Exemptions. In accordance with the provisions of the Fair Labor Standards Act, certain positions are "exempt" from the payment of additional money for overtime worked.

At the City's discretion, regardless of hours worked, both FLSA exempt and non-exempt employees may be paid overtime pay at 1½ times the employee's regular rate of pay for actual hours worked on special assignments when wages are reimbursed to Brigham City.

Work period. For the purpose of complying with the requirements of the FLSA, the workweek shall consist of seven days beginning 12:00 p.m. Friday and ending at 11:59 a.m. Friday. All overtime hours shall be accounted for by the employee on the time sheet during which the hours were worked.

Joint employment. A City employee shall not serve as a volunteer for the same job in which he/she is employed by the City.

12-10 Compensatory Time

As a general rule, the requirement of frequent and considerable overtime within the City shall be considered evidence of under staffing and will be investigated by the Mayor. However, when employees are directed by the department or division supervisor or his/her duly appointed representative to work extra time in addition to normal working hours, they shall be compensated for overtime or allocated compensatory time as long as all overtime work has been given proper authorization and/or is known in advance by the supervisor.

Employee compensation for overtime and allocation of compensatory time shall be governed by applicable Federal and State law, including the Federal Fair Labor Standards Act. Departmental policies for the use of overtime and compensatory time can be drafted by each department, approved by the Mayor and kept on file in the Mayor's office.

Standards. Overtime Pay and Compensatory Time shall be governed by and administered in accordance with the Federal Fair Labor Standards Act and applicable Utah State Law.

Maximum Comptime Accrual. Each employee may accrue compensatory time up to a maximum of 60 hours (40 regular time hours).

Minimum Comptime Usage. No employee will be allowed to use compensatory time until he/she accrued the equivalent compensatory time. If an employee uses compensatory time in excess of that which he/she has accrued, personal leave time will first be used to compensate hours requested. If the employee does not have the equivalent personal leave time then annual leave will be used. If the employee does not have personal leave or annual leave time then the employee must follow the procedures for leave without pay found in the Employee's Policies and Procedures Manual.

Earned Comptime Payment. Employees will have all accrued Compensatory Time paid to them in full annually prior to June 30th.

Department Exception. Individual departments may elect not to allow their department employees to accrue Compensatory Time. For these departments, all overtime will be paid in the pay period the overtime is earned. It shall be the prerogative of the department or division head to prevent the accrual of overtime or compensatory time by limiting employee work time to the standard set by the Federal Fair Labor Standards Act. These departments must have policies approved by the Mayor.

Exemptions. Exempt employees are ineligible for comp time accrual pursuant to the overtime provision from the Federal Fair Labor Standards Act.

12-11 On-call

Employees, who work in departments which, by nature, require immediate availability of their employees to respond to emergency work requirements, may be placed in an on-call status. On-call status is defined as the employee being available for work on a twenty-four hour per day basis for seven consecutive days. While the employee is working the normal eight hour day the location of the employee will be known. However, during the approximate sixteen hours off duty, but on - on-call status, the employee must be available by means of portable communication, and be able to report to his or her work station within the period of time set by the appropriate departmental policy.

Should an employee who is responsible for on-call service be called out on a legal holiday, the employee will be paid straight time for time spent in the required emergency, unless this time means that the total actual work hours for the employee for the week exceed forty hours, then the policy on overtime will apply. The employee is not entitled to another day of holiday because the employee has already been paid for the holiday and in addition is being paid for actual time worked.

Current departments and divisions of the City using on-call to implement their work program are authorized to continue to do so. These departments/divisions are: Public Works, Electric, Recreation, Police and Fire.

Other divisions who feel that the implementation of on-call time is necessary for their program of work shall make application to the Mayor for approval by memo, indicating at least that the following criteria have been evaluated and the conclusions of that evaluation:

a. The department's need for "emergency" response on an ongoing basis.
b. Whether such response is needed on a seasonal or year-round schedule.
c. Whether a history of such a need and written records exist to justify the request.
d. Whether the department's budget will support the implementation of on-call time in the current fiscal year.

Employees will be compensated for on-call time at the rate of their regular pay for fourteen (14) hours for each week of on-call service, or the equivalent of compensatory time. Employees will be paid for the hours that they actually work when called out on on-call time at their standard rate of pay times the number of hours worked, unless the added hours bring the overtime policy into application. In that case the employee will be paid time and one-half for the appropriate number of hours while on on-call time. On-call call out time begins at the point of receipt of the call and continues until the required services are complete.

No employee shall normally be assigned on-call duty for more than one two-week pay period at a time. The intention of this policy is that on-call time (and therefore pay) shall be rotated among eligible employees. A supervisor may circumvent this policy only in the case of an insufficient number of employees available to do otherwise.

Eligibility for on-call service shall be determined by the department head based upon job related factors. On-call service may be withheld as a disciplinary action or for reasons of an employee's lack of abilities due to length of service, lack of training, etc. The supervisor shall, however, not discriminate in providing training opportunities or in any other manner in the implementation of this policy.

No employee shall normally be assigned on-call duty for more than one two-week pay period at a time. The intention of this policy is that on-call time (and therefore pay) shall be rotated among eligible employees. A supervisor may circumvent this policy only in the case of an insufficient number of employees available to do otherwise.

Eligibility for on-call service shall be determined by the department director or supervisor based upon job related factors. On-call service may be withheld as a disciplinary action or for reasons of an employee's lack of abilities due to length of service, lack of training, etc. The supervisor shall, however, not discriminate in providing training opportunities or in any other manner in the implementation of this policy.

12-12 Response Time

The time allowed for City employees to report to duty shall be governed by departmental policy approved by the Mayor.

A #4

BRIGHAM CITY
AGENDA ITEM FOR CITY COUNCIL MEETING

1. INITIATED BY: Derek Oyler and Elizabeth Schow

2. DEPARTMENT OR DIVISION: Library

3. DATE INITIATED: August 23, 2022

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   Consideration of adopting a new section for City Code – Title 18. Library

5. ESTIMATED TIME NEEDED: 10 minutes

6. PROPOSED DATE FOR COUNCIL ACTION: September 1, 2022

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

Date	Name	Signature	Attachment
8/23/22	Elizabeth Schow		X

9. MAYOR'S SIGNATURE: _____

WELCOME TO
BRIGHAM CITY
Beautiful Brigham City - Your Future is Here!

CITY ATTORNEY
LEGAL DOCUMENT REVIEW

Document Name: Brigham CityCode, Title 18. Library. and associated Ordinance

Name of Person Requesting Legal Review: Elizabeth Schow

Date Sent (via email): 24 August 2022 Review Date Deadline: 24 Aug 2022,or ASAP

Reviewed by Attorney: Michael E. Clark Date: 8/24/22

☑ Reviewed and acceptable as submitted
☐ See suggested changes

Returned to: _____ Date: _____

☐ Accepted as Received

Submitted to Mayor's Office: _____ Date: _____

Reviewed by Mayor's Office: _____
City Administrator

Making Life Better

ORDINANCE NO. _____

AN ORDINANCE AMMEDING BRIGHAM CITY CODE TO ASSIGN TITLE 18 AS LIBRARY AND INCORPORATE FIVE (5) CHAPTERS.

WHEREAS, Brigham City desires to establish Title 18 of the City Code as "Library", to formally establish the existing Brigham City Library Board in the City Code and to have a place to reference and/or include the roles of, the powers granted to, and the duties of the Brigham City Library Board of Directors as set forth by the Brigham City Council; and

WHEREAS, the City Council finds that the amendment set forth is appropriate and assists in a better and more efficient organization of the City and its Public Library.

NOW, THEREFORE BE IT AND IT IS HEREBY ORDAINED by the City Council of Brigham City:

Section 1: The Brigham City Code is hereby amended to include Title 18 "Library".

Section 2: This ordinance shall take effect five (5) days after publication or posting.

PASSED AND ADOPTED BY THE CITY COUNCIL OF BRIGHAM CITY, STATE OF UTAH, ON THIS _____ DAY OF _____, 2022.

BRIGHAM CITY

_____

Mayor Dennis J. Bott

ATTEST:

_____

Christina Boss, City Recorder

TITLE 18. LIBRARY.

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Chapter 18.01. Public Library Established.

There is established the Brigham City Public Library, deeded to Brigham City on 1 April 1913.

The library shall be free to the use of the inhabitants of Brigham City, subject to the rules adopted by the Library Board of Directors in accordance with Utah State Law.

Chapter 18.02. Library Board of Directors.

There is hereby created and established a Library Board of Directors of the Brigham City Public Library in accordance with UCA §9-7-4.

18.02.010 Compliance.

A. The Library Board shall follow the Utah Open and Public Meetings Act.

B. The members of the Library Board are appointed officials of the City and shall comply with the terms of the Utah Municipal Officers and Employees Ethics Act, UCA §§10-3-1301 through 10-3-1312, as currently enacted or as it may be amended.

18.02.020 Appointments.

The Library Board shall consist of the following voting members:

A. Six directors, or trustees, appointed by the Mayor of Brigham City and approved by the Brigham City Council, who are residents of Brigham City, based on their fitness for the office, and;

B. One member of the Brigham City Council. Only one member of the city governing body may be, at any one time, a member of the library board.

Appointments shall be made annually prior to 1 July.

18.02.030 By-Laws.

The Library Board shall establish by-laws not inconsistent with the law.

18.02.040 Compensation and Expenses.

Each trustee shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds in accordance with UCA §9-7-402.

18.02.050 Terms – Organization – Removal from Office – Vacancies.

A. Each trustee shall be appointed for a three-year term, or until the successor to that trustee is appointed. Initially, appointments shall be made for one-, two-, and three-year terms. Annually thereafter, the city governing body shall, before the first day of July of each year, appoint for a three-year term trustees to take the place of the retiring trustees.

B. Trustees shall serve not more than two consecutive full terms.

C. The trustees shall annually select a chairman and other officers.

D. The city governing body may remove any trustee for misconduct or neglect of duty.

E. Vacancies in the Library Board of Directors shall be filled for the unexpired term in the same manner as original appointments.

18.02.060 Legal Counsel.

Brigham City shall furnish legal counsel to the Board to provide members with general legal advice concerning matters before them for consideration. Board members shall be represented by legal counsel at the library's expense in all matters arising from service within the scope of their duties in accordance with Utah Code.

Chapter 18.03. Library Fund.

18.03.010 Accounting for the Library Fund.

A. All funds that are in any manner received for the library shall be deposited in an account maintained by Brigham City, in accordance with Utah State Law, said funds shall be used for the sole purpose of the library.

B. The expenditure of money for the benefit of the library shall be made in accordance with Brigham City Procurement Policy regardless of the source of the money.

18.03.020 Annual Library Budget and Library Fund Responsibilities of the Library Board of Directors.

The Library Board shall:

A. Work with the Library Director each fiscal year to plan a budget. This budget plan shall advise the Mayor of upcoming library needs and budget recommendations for the use of money from the library fund, including donated funds, during the upcoming fiscal year. These recommendations shall be submitted to the Mayor for consideration and approval by the City Council.

B. Authorize the Library Director to endorse expenditures within amounts designated in the budget through the City's approval process for expenditures being paid from the library fund.

C. Review such expenditures after the Library Director and the City Finance Director have approved said expenditures.

D. Make recommendations for the approval of the construction, lease, or sale of library buildings and land for the benefit of the library, subject to final approval of the City Council.

E. Maintain and care for the library consistent with the City's policies and procedures on facilities.

F. Make recommendations for the approval of the purchase, lease, or sale of library land and/or buildings, for the benefit of the library, subject to final approval by the City Council.

Chapter 18.04. Powers and Duties of the Library Board of Directors.

18.04.010 Basic Duties.

In adherence to UCA 9-7-404, the Library Board shall:

A. Maintain and care for the library by making recommendations for the upkeep of its facilities and by participating in the financial planning to find funds for associated costs;

B. Establish policies for its operation; and

C. In general, carry out the spirit and intent of the provisions set forth in the Utah Code Annotated.

18.04.020 Rules for the Use of the Library.

In accordance with UCA 9-7-405, the Library Board shall make, amend, and repeal rules, not inconsistent with law, for the governing of the library, as the Library Board deems appropriate for public library service in Brigham City. These include all rules and policies governing the use of the library's services to the public, including, but not limited to, all fines and fees related to library programs and services as set by resolution by the Library Board of Directors.

18.04.030 Reports to Brigham City Council and the Director of the Utah State Library Division.

A. The Library Board shall provide an annual report to the Mayor and City Council on the condition and operation of the library.

B. The Library Board shall provide an annual report that contains information required by the State Library Board.

18.04.040 Appointment of Library Director.

A. The Director shall be appointed by the Library Board with advice of the Mayor or their designee(s) to run the day to day operations of the Brigham City Library.

B. Upon appointment and confirmation, the Director shall:

1. Be an employee of Brigham City.
    a. The Director shall be an exempt employee of the city;
    b. The Director shall be assigned compensation and benefits in accordance with Brigham City Employee Policy and Procedures, and applicable wage studies, during the hiring process;
    c. The Director shall be accountable to the Brigham City Administrator or designee for the performance of the Brigham City Library and its employees;
    d. The Director shall be subject to discipline up to and including termination in accordance with Brigham City Employee Policy and Procedures.
2. Have the following duties:
    a. The Director shall manage the day-to-day operations of the library.
    b. The Director shall act as the executive officer of the Library Board.

18.04.050 Appointment of Other Personnel.

The Library Board shall appoint, upon the recommendation of the Library Director, other personnel as needed. Personnel shall be selected in accordance with Brigham City's hiring process at the recommendation of the Library Director and with the approval of the Mayor and the City Administrator. New hires will be announced at the next Library Board meeting, for ratification.

A. All library personnel, appointed or otherwise, qualify for compensation, benefits, etc. as the City provides to all City employees in accordance with the Library's budget and the Brigham City Employee Policy Manual.

B. Library personnel are subject to the employee and administrative policies of Brigham City and the policies of the Library.

18.04.060 Advising the Brigham City Council.

The Library Board shall make recommendations to and advise the Brigham City Council on matters before the Council which affect the library.

Chapter 18.05. Donations of Money or Property.

All donations on behalf of the library shall be held in accordance with state law, and in accordance with the Library Board's policies and procedures.

A #5

BRIGHAM CITY
AGENDA ITEM FOR CITY COUNCIL MEETING

1. INITIATED BY: Tom Kotter

2. DEPARTMENT OR DIVISION: Administration

3. DATE INITIATED: August 25, 2022

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   Resolution to Amend Electric Service Schedule No. 3

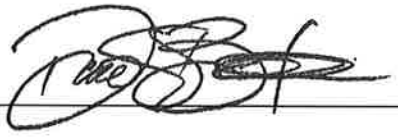
5. ESTIMATED TIME NEEDED: 10 minutes

6. PROPOSED DATE FOR COUNCIL ACTION: September 1, 2022

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

Date	Name	Signature	Attachment
8/25/2022	Tom Kotter		xx

9. MAYOR'S SIGNATURE: 

BRIGHAM CITY

CITY ATTORNEY
LEGAL DOCUMENT REVIEW

Document Name: Schedule 3 – Net Billing

Name of Person Requesting Legal Review: Tom Kotter

Date Sent (via email): N/A Review Date Deadline: 8/25/22

Reviewed by Attorney: Michael E. Clark Date: 8/25/22

☑Reviewed and acceptable as submitted
☐See suggested changes

Returned to:_____ Date:_____

☐Accepted as Received

Submitted to Mayor's Office:_____ Date:_____

Reviewed by Mayor's Office: _____
City Administrator

RESOLUTION NO. _____

WHEREAS, Brigham City is committed to providing efficiency and transparency in monthly utility billings; and

WHEREAS, City Code Chapter 10.05.030 provides that on a monthly basis, the City will credit the customer for the excess electricity according to the rates set forth in the City's Net Billing Schedule attached as "Exhibit A Electric Service Schedule No. 3"; and

WHEREAS, the City Council, finds and determines that it is necessary and in the best interests of Brigham City Corporation and the citizens thereof, that such a rate schedule should be amended:

NOW THEREFORE, be it resolved by the City Council of Brigham City, Utah with _____ members present and _____ members voting in favor that Schedule No. 3 of Brigham City Corporation Electric Service should be amended effective August 18, 2022.

PASSED AND ADOPTED THIS _____ day of _____, 2022.

BY BRIGHAM CITY CORPORATION

_____
Dennis J Bott, Mayor

ATTEST:

_____
Christina Boss
City Recorder

(Exhibit A)

BRIGHAM CITY CORPORATION

ELECTRIC SERVICE

SCHEDULE NO. 3

NET ~~METERING~~ BILLING SERVICE

AVAILABILITY: At any point on the City's interconnected system where there are facilities of adequate capacity.

APPLICATION: On a first-come, first-served basis to any customer that owns or leases a customer-operated ~~renewable~~ generating facility with a capacity of not more than ten (10) kilowatts for a residential facility and five hundred (500) kilowatts for a non-residential facility that is located on, or adjacent to, the customers' premises, is interconnected and operates in parallel with the City's existing distribution facilities, is intended primarily to offset part or all of the customer's own electrical requirements, is controlled by an inverter or switchgear capable of enabling safe and efficient synchronous coupling with Brigham City Public Power's electrical system, and has executed an Interconnection Agreement ~~for Net Metering Service~~ with the City.

DEFINITIONS:

Annualized Billing Period means the period commencing after the regularly scheduled meter reading for the month of June or in the case of new Schedule 3 service the date that the customer first takes service from Schedule 3 and ending on the regularly scheduled meter reading for the month of June.

Distributed Energy Resources: All resources close to or at the point of demand which can include renewable technologies (photovoltaic cells, wind turbines and energy storage options) and fossil technologies (fuel cells, micro-turbines, internal combustion engines, and Stirling engines).

Exported Customer-Generated Energy means the amount of customer-generated Energy in excess of the customer's on-site consumption that is exported to Brigham City's grid.

~~***Net Metering*** means measuring the difference between the electricity supplied by the Company and the electricity generated by an eligible customer-generator and fed back to the electric grid over the applicable billing period.~~

Inverter means a device that converts direct current power into alternating current power that is compatible with power generated by the Company.

Non-Residential Facility means any customer that receives electric service under Brigham City Corporation Electric Service Schedules 6, 8, or 9, and has a qualifying generating facility of 500 kilowatts or smaller.

~~***Annualized Billing Period*** means the period commencing after the regularly scheduled meter reading for the month of June or in the case of new Schedule 3 service the date that the customer first takes service from Schedule 3 and ending on the regularly scheduled meter reading for the month of June.~~

Residential Facility means any customer that receives electric service under Brigham City Corporation Electric Service Schedule 1, and has a qualifying generating facility of 10 kilowatts or smaller

~~***Non-Residential Facility*** means any customer that receives electric service under Brigham City Corporation Electric Service Schedules 6, 8, or 9, and has a qualifying generating facility of 500 kilowatts or smaller.~~

~~***Renewable Generating Facility*** means a facility that uses energy derived from one of the following: Solar, Hydro, Wind, or any other renewable Energy approved by Brigham City Corporation.~~

~~***Solar Contract Rate*** means the pricing available to Brigham City of a least cost current Solar Contract. (Generally a 20 year contract product.)~~

MONTHLY BILL: Energy charges for electricity consumption shall be computed in accordance with a Customer's applicable electric service schedule. Credits for Exported Customer Generated Energy, if any, shall be computed at the rates set forth below. Regardless of whether the Customer exports net generation during the month, the Customer shall be billed the minimum monthly amount, if applicable, from the Customer's electric service schedule. All other charges shall be calculated in accordance with the Customer's applicable electric service schedule.

~~**MONTHLY BILL NET METERING CUSTOMER:** The monthly bill will be based on the customer's applicable rate schedule. Customers will be billed for energy consumed from Brigham City's electric distribution system, plus all other applicable fees and a credit for each kilowatt generated in excess of consumption will be applied to the customer's bill at the ***Solar Contract Rate***, on a monthly basis. If, through the course of the annual billing period as defined above, the customer generates more electrical energy than it receives from the City's electrical distribution system, the remaining credits not used for the customer's consumption will be paid to the customer at the ***Solar Contract Rate*** to Brigham City.~~

~~Monthly Bill:~~

~~Solar Contract Rate:~~

~~Beginning in May 2022: $31.25 per MWh or $0.0313 per kwh. This rate will be reviewed and adjusted annually with available Solar Contract Rates to Brigham City.~~

Exported Customer-Generated Energy Credit Rates:

a) Net Billing Rate A – First tier of the applicable customer electric service schedule
   i. Submitted building permit application for pPhotovoltaic system ~~Applications~~ prior to August 18, 2022.
   ii. Expires on August 18, 2032.
   iii. Completed Application for Net Billing Service – Rate A
      1. Only applicable to current utility account holders as of August 18, 2022, and is non-transferable.

b) Net Billing Rate B - $47.00 per MWh or $0.047 per kWh
   i. Submitted building permit application for photovoltaic system ~~Interconnection Applications~~ beginning August 19, 2022
   ii. May be reviewed and adjusted annually
   iii. Completed Residential Interconnection Agreement
   iv. Completed Application for Net Billing Service – Rate B

SPECIAL CONDITIONS:

1. Energy Charges in applicable customer electric service schedule shall be computed from the total purchased Energy for the billing period
2. The credit value in dollars computed for the Exported Customer-Generated Energy will be applied on the Customer's total monthly utility bill. Excess credits will carry-over to the next monthly bill during the Annualized Billing Period.
3. All unused credits accumulated by the customer-generator shall be paid out at the conclusion of the Annualized Billing Period.
4. Equal pay customers are not eligible to receive a pay out at the conclusion of the Annualized Billing Period.
5. All interconnection customers who do not qualify for ~~Interconnection~~Net Billing Rate A will receive the rate listed in ~~Interconnection~~Net Billing Rate B.

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(Exhibit A)

BRIGHAM CITY CORPORATION

ELECTRIC SERVICE

SCHEDULE NO. 3

NET BILLING SERVICE

AVAILABILITY: At any point on the City's interconnected system where there are facilities of adequate capacity.

APPLICATION: On a first-come, first-served basis to any customer that owns or leases a customer-operated generating facility with a capacity of not more than ten (10) kilowatts for a residential facility and five hundred (500) kilowatts for a non-residential facility that is located on, or adjacent to, the customers' premises, is interconnected and operates in parallel with the City's existing distribution facilities, is intended primarily to offset part or all of the customer's own electrical requirements, is controlled by an inverter or switchgear capable of enabling safe and efficient synchronous coupling with Brigham City Public Power's electrical system, and has executed an Interconnection Agreement with the City.

DEFINITIONS:

Annualized Billing Period means the period commencing after the regularly scheduled meter reading for the month of June or in the case of new Schedule 3 service the date that the customer first takes service from Schedule 3 and ending on the regularly scheduled meter reading for the month of June.

Distributed Energy Resources: All resources close to or at the point of demand which can include renewable technologies (photovoltaic cells, wind turbines and energy storage options) and fossil technologies (fuel cells, micro-turbines, internal combustion engines, and Stirling engines).

Exported Customer-Generated Energy means the amount of customer-generated Energy in excess of the customer's on-site consumption that is exported to Brigham City's grid.

Inverter means a device that converts direct current power into alternating current power that is compatible with power generated by the Company.

Non-Residential Facility means any customer that receives electric service under Brigham City Corporation Electric Service Schedules 6, 8, or 9, and has a qualifying generating facility of 500 kilowatts or smaller.

Residential Facility means any customer that receives electric service under Brigham City Corporation Electric Service Schedule 1, and has a qualifying generating facility of 10 kilowatts or smaller

MONTHLY BILL: Energy charges for electricity consumption shall be computed in accordance with a Customer's applicable electric service schedule. Credits for Exported Customer Generated Energy, if any, shall be computed at the rates set forth below. Regardless of whether the Customer exports net generation during the month, the Customer shall be billed the minimum monthly amount, if applicable, from the Customer's electric service schedule. All other charges shall be calculated in accordance with the Customer's applicable electric service schedule.

Exported Customer-Generated Energy Credit Rates:

a) Net Billing Rate A – First tier of the applicable customer electric service schedule
    i. Submitted building permit application for photovoltaic system prior to August 18, 2022.
    ii. Expires on August 18, 2032.
    iii. Completed Application for Net Billing Service – Rate A
        1. Only applicable to current utility account holders as of August 18, 2022, and is non-transferable.

b) Net Billing Rate B - $47.00 per MWh or $0.047 per kWh
    i. Submitted building permit application for photovoltaic system beginning August 19, 2022
    ii. May be reviewed and adjusted annually
    iii. Completed Residential Interconnection Agreement
    iv. Completed Application for Net Billing Service – Rate B

SPECIAL CONDITIONS:

1. Energy Charges in applicable customer electric service schedule shall be computed from the total purchased Energy for the billing period
2. The credit value in dollars computed for the Exported Customer-Generated Energy will be applied on the Customer's total monthly utility bill. Excess credits will carry-over to the next monthly bill during the Annualized Billing Period.
3. All unused credits accumulated by the customer-generator shall be paid out at the conclusion of the Annualized Billing Period.
4. Equal pay customers are not eligible to receive a pay out at the conclusion of the Annualized Billing Period.
5. All interconnection customers who do not qualify for Net Billing Rate A will receive the rate listed in Net Billing Rate B.

A #6

BRIGHAM CITY
AGENDA ITEM FOR CITY COUNCIL MEETING

1. INITIATED BY: Dave Burnett

2. DEPARTMENT OR DIVISION: Public Power

3. DATE INITIATED: August 25, 2022

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   Changes to City Code Title 10. Electricity, 10.05 Net Metering

5. ESTIMATED TIME NEEDED: 10 mins.

6. PROPOSED DATE FOR COUNCIL ACTION: September 1, 2022

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

Date	Name	Signature	Attachment
8/25/2022	Dave Burnett		x

9. MAYOR'S SIGNATURE:

BRIGHAM CITY

CITY ATTORNEY
LEGAL DOCUMENT REVIEW

Document Name: Title 10

Name of Person Requesting Legal Review: Lisa Scott

Date Sent (via email): N/A Review Date Deadline: 8/25/22

Reviewed by Attorney: _____ Date: 8/25/22

☑ Reviewed and acceptable as submitted
☐ See suggested changes

Returned to: _____ Date: _____

☐ Accepted as Received

Submitted to Mayor's Office: _____ Date: _____

Reviewed by Mayor's Office: _____
City Administrator

ORDINANCE NO. _____

AN ORDINANCE OF BRIGHAM CITY AMENDING TITLE 10 ELECTRICITY, CHAPTER 10.05 DISTRIBUTED GENERATION INTERCONNECTION

WHEREAS, Brigham City ("City") has identified a need to update City Code Chapter 10.05 to address Distributed Energy Resource Interconnections along with general standards and regulations; and

WHEREAS, the City desires to adopt the ordinance set forth below; and

WHEREAS, the City Council finds and determines that it is necessary and in the best interests of Brigham City Corporation and the citizens thereof, that Title 10 be amended.

NOW, THEREFORE BE IT AND IT IS HEREBY ORDAINED by the City Council of Brigham City:

Section 1. Title 10 Electricity, Chapter 10.05 Distributed Generation Interconnection is amended as noted in Exhibit "A", attached hereto and made a part by reference. All other sections and provisions existing in Title 10 shall remain as currently written.

Section 2. This ordinance shall take effect upon posting and publication in a manner as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF BRIGHAM CITY, STATE OF UTAH, ON THIS _____ DAY OF _____, 2022.

BRIGHAM CITY

_____

Mayor Dennis J. Bott

ATTEST:

_____

Christina Boss, City Recorder

TITLE 10. ELECTRICITY

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Chapter 10.01. In General.

10.01.010. Director of Public Power.

The mayor, by and with the consent of the Council, shall appoint a Director of Public Power whose duties shall be to manage and direct all business connected with or pertaining to the electrical department.

10.01.020. Name of Electrical System; Property of City; Extensions.

The electric light and power system constructed by the City to supply electric light and power shall be designated and known as the Brigham City Public Power system. It shall be the property of the City, including individual meters and other related apparatus, and the Mayor and Council may from time to time authorize the construction, improvements or maintenance of such system as may be required.

10.01.030. Injuring or Interfering with Electrical System; Unauthorized Connections and/or Connections. [1]

A. No person shall break any seal, pull any meter, close any by-pass switch, connect, disconnect, or tamper with any of Brigham City Public Power's metering equipment other than authorized Brigham City Public Power personnel.

B. Any person determined to have violated this rule (10.01.030) shall also be liable for the costs of all energy supplied which has not been billed due to unauthorized use, alteration, or tampering with metering equipment. The person(s) shall also be liable for all of the City employee labor hours required for the investigation and resolution to the said violation.

C. Any person who shall willfully injure or destroy any part or portion of the electrical system or the extensions thereof or, without authority, connect with the system to use electric energy from the system or who shall in any manner unlawfully interfere with the free workings of the system shall be guilty of a Class B misdemeanor. No person shall install any kind of lock device or mechanism, or in any way impede accessibility to any City owned equipment. Any equipment owned by the City that is found to be rendered inaccessible will be corrected immediately by the consumer or by Department personnel depending on the need for access. A cost to the consumer may apply if costs are incurred by the City in correcting inaccessible equipment.

10.01.040. Director to Have Access to Premises.

The Director of Public Power or authorized persons under his/her direction shall have free access at all usual hours to all places supplied with electric power, to examine the apparatus, the amount used, and the manner of using the same or for the purpose of disconnecting the electric power.

10.01.050. Application for Service.

The consumer shall make application to the City for electric service. The consumer shall agree that the electric meter placed on the premises will not be removed or altered and shall be housed by the consumer at a point designated by the City.

10.01.060. Meter Deposit.[2]

A meter deposit shall be required *on* all electric meters owned by Brigham City Public Power. The amount of the deposit shall be determined by resolution adopted by the City Council and/or in accordance with state law. Said meter deposit may be changed by resolution from time to time as the requirements of the City demand.

10.01.070. Duty of Consumer to Protect Meter

Each consumer shall provide a place for the housing of the electric meter on the exterior of the structure to protect it from damage, and shall use all reasonable care to protect the meter from destruction from any source whatsoever.

10.01.075. Duty of Consumer to Keep Meter Unobstructed and Accessible.

Each consumer is responsible to keep landscaping (shrubs, trees, etc.) from obstructing access to the meter, which includes trimming or removal as deemed necessary by the Public Power Department.

If a consumer makes a meter inaccessible in the opinion of the Public Power Department by installing a fence, deck, enclosure or animal run, or other obstructions the consumer shall, at their expense, either modify the area to provide safe, unobstructed access to the meter, or move the meter to a location acceptable to the Public Power Department.

For existing meters located behind an existing fence, the consumer shall keep said fence unlocked for access to premises as referenced in Section 10.01.040. Animals shall not be kept in an area that would prohibit the Public Power Department from accessing the meter or any apparatus associated with the meter.

Meters shall not be installed over window wells, steps in stairways, or in other unsafe or inconvenient locations.

10.01.080. Rates, Charges and Discounts.

The Council may, by resolution from time to time, change, alter, amend, fix or classify any and all rates, charges and discounts for the use of electrical energy from the electrical power system to consumers of different classifications. Such rates, charges and discounts so fixed and determined shall

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[1] *Ordinance No. 18-17, dated 10/04/18*

[2] *Ordinance No. 03-37, dated 09/18/03*

be filed with the City Recorder and when so filed shall be the existing rates, charges and discounts for all electrical service until further amended. The resolution fixing the same shall be made available to the public by the City Recorder at all times.

10.01.085. Restitution of Payment.

In the event that electrical services at a structure are found to have been incorrectly billed, restitution of payment to the customer or to Brigham City, shall only be made on the most current twenty-four (24) month billing period. No claim shall be filed or suits shall be instituted for improper billing outside this time limit.

10.01.090. Delinquent Utility Bills, Termination Procedures.

The City Council shall by resolution from time to time adopt such written policies and procedures for collection of delinquent utility accounts and for termination of service due to delinquencies, as the Council shall deem necessary and proper. The policies and procedures adopted by the City Council pursuant to a resolution shall constitute the official policies and procedures of the City in this regard until such time as the City Council, by resolution, amends or revises said policies and procedures.

10.01.100. Application of Delinquent Consumer for Service.

No new connection or reconnection shall be made for any applicant in the City who is at the time delinquent and indebted to the City for the use of electrical energy.

10.01.110. Using Electric Power from Connection Ahead of Meter.

When a customer is found to be using electric power ahead of the meter, except by authority of special action by the Council, the service shall be shut off and not reconnected until the service from the point of intake to the meter has been inspected by the City at the expense of the consumer.

10.01.120. Payment of Cost of Electrical Connection.

A fee schedule shall be adopted by resolution of the City Council for any person desiring an electrical connection supplied by Brigham City Corporation.

10.01.130. City Not Liable for Damages.

The City shall not be held liable for damage to any electric power user, or to any person or property, by reason of any supply or interruption of electrical supply caused by accidents or incidents to the system or by system alterations, additions, repairs or from unavoidable cause.

10.1.140. Adoption of Electrical Requirements and Standards. [3]

A. There is hereby adopted by the City Council "Brigham City Electrical Requirements and Standards Manual" containing certain standards for new construction, trenching and conduit requirements, temporary and permanent residential and commercial service connections, metering and meter installations, transformers, secondary junction boxes, street lighting, sectionalizer and switch placement, clearance guidelines, primary and secondary system requirements, developer and customer responsibilities, inspection requirements and related matters. A copy of the Manual will be kept on file with the Brigham City Recorder and placed on the Power Department page of the City's website at https://www.bcutah.org/public-power.htm. Any amendments, modifications, supplements or later portions of said Manual shall constitute the Manual then in effect under this ordinance.

B. All illustrations contained in the Manual will be assembled into one or more documents and shall be known as the "Brigham City Electrical Quick Reference Guide." A copy of the Quick Reference Guide shall be kept on file with the Brigham City Recorder and placed on the Power Department page of the City's website at https://www.bcutah.org/public-power.htm.

Chapter 10.02. Master Metering and Sub-metering.[4]

10.02.010. Definitions.

For the purpose of this section, the following words and phrases shall have the meaning given herein:

A. Master Metering means measurement of electricity consumption of several tenants or housing units using a single meter. That is, one meter measures the energy usage for several households, tenants, recreation vehicles or mobile home parks collectively.

[3] *Ordinance 19-13, dated 08/01/19*

[4] *Ordinance 11-01, dated 04/07/11*

B. Sub-metering means the use of a meter(s) connected after the main revenue meter and are typically used for monitoring energy usage or other information.

C. Transient Building means transient multiple occupancy buildings and transient mobile home parks normally used as temporary domiciles and in such buildings as hotels, motels, dormitories, rooming houses, hospitals, nursing homes and mobile home parks designated for recreational vehicles.

10.02.020. Unlawful Act.

At any point on the City's electrical grid system where adequate capacity is available to service transient buildings or temporary domiciles, no transient buildings or the expansion thereof as defined in City Code will be allowed to sub-meter the City's electrical energy. Any attempt by owner(s) or proprietor(s) to sub-meter the City's electrical energy will result in the disconnection of their electrical service. Any violation of this chapter will be considered an infraction of the law.

10.2.30. Electrical Energy Services.

A. Brigham City's electrical energy service will be supplied to each transient building defined in City Code directly by the City. Service to each tenant will be separately metered and billed under the City's approval rate schedule in the name of the individual tenant whenever possible or in the name of the facility owner(s) or proprietor(s) where circumstances make it impractical to bill the tenants directly. Notwithstanding, the City will supply electric energy through a single point of delivery to approved locations under the rates set forth in the City's approved rate schedules.

B. Should the owner(s) or proprietor(s) of transient buildings currently receive single point of delivery service under the City's approved rate schedule, the owner or proprietor will sub-meter each tenant for electrical service rendered under the applicable residential rate schedule of the City. Copies of the City's residential rate schedules will be furnished to the owner(s) or proprietor(s) of each facility who has a single point of delivery service. The owner(s) or proprietor(s) shall post in several conspicuous places around the facilities copies of the City's residential rate schedule with a statement that the charge for electric service for each unit or space will be billed in accordance with the appropriate residential service rate. The owner(s) or proprietor(s) shall not meter or sell electric energy to any tenant under any other rate or system of charges. Evidence of any sale or attempt to sell electric energy by owners or proprietor(s) on any other rate or system of charge except as provided herein shall give the City the right to discontinue service upon five (5) days written notice. Miscellaneous loads such as general lighting of the area, laundry facilities, washroom, recreational facilities, etc., available only to facility tenants will be considered residential usage and served under the applicable schedule. Loads for commercial purposes such as stores, restaurants, service stations and other distinct and separate commercial establishments will be separately metered and served under applicable schedules.

C. Developers of transient building projects desiring single point of delivery service shall furnish and install all required material(s) from the property line to the meter base and be responsible for the care and maintenance of them, except the City will install and own all meters and sub-meters and will be responsible for their care and maintenance and periodic testing.

Chapter 10.03. Electrical Code.

10.3.10. Application of Provisions of Article.

The provisions of this article shall apply to all installations of electrical conductors, fittings, devices, appliances and fixtures, hereinafter called "electrical equipment," within or on public or private buildings and premises with exceptions as provided herein and with the following general exceptions:

A. The provisions of this article shall not apply to installations of electrical equipment in railway cars or to automotive equipment or to equipment in mines.

B. The provisions of this article shall not apply to installations used by electricity supply or communication agencies in the generation, transmission or distribution of electricity or for the operation of signals or the transmission of intelligence and located within or on buildings or premises used exclusively by such an agency or on public thoroughfares used for such purposes by these agencies.

C. The provisions of this article shall apply to electrical equipment used for radio transmission in amateur transmitting stations and shall apply to all electrical equipment used for power supply to radio transmitting equipment, but shall not apply to other electrical equipment used for radio transmission.

D. The provisions of this article shall not apply to the installations or equipment employed by a railway utility in the exercise of its functions as a utility and located outdoors or in buildings used exclusively for that purpose.

E. The provisions of this article shall not apply to industrial concerns nor their employees for electrical work performed on the premises of such industrial concerns where such industrial concerns

either employ an electrical engineer licensed as such by the state or obtain an electrical contractor's license under the provisions of this article.

10.03.020. Community Development Department - Enforcement of Article; Assistants.

The Community Development Department is hereby declared to be the electrical inspector.

The Community Development Department is hereby authorized and directed to enforce all of the provisions of this article and is authorized and directed to employ such assistants as may, in their opinion, be necessary to carry out such enforcement.

10.03.030. Same - Powers and Duties Generally.

The electrical inspector, or duly appointed assistants, upon presentation of proper credentials, shall have the right during reasonable hours to enter any building premises in the discharge of official duties, or for the purpose of making any inspection, re-inspection or test of electrical equipment contained therein or its installation in accordance with the provisions of this article. Where any electrical equipment is found by the electrical inspector to be dangerous to persons or property because it is defective or is defectively installed, the person responsible for the electrical equipment shall be notified in writing and shall be required to place such equipment in safe condition. If such work is not completed within fifteen days or any longer period that may be specified by the electrical inspector in such notice, the electrical inspector shall have the authority to disconnect or order the disconnection of electrical service to such electrical equipment. In cases of emergency, wherein the judgment of the inspector or Public Power Department it is necessary for the safety of persons and property, or where electrical equipment may interfere with the work of the fire department, the electrical inspector or Public Power Director shall have the authority to immediately disconnect or cause disconnection of any electrical equipment. The electrical inspector or Public Power Director may delegate authority to qualified and authorized employees.

10.03.040. Same - Permits; Inspections; Records.

The electrical inspector shall, upon application, issue permits for the installation or alteration of electrical equipment and shall make inspections of electrical installations and equipment as provided in this article. Complete records shall be maintained of all permits issued, all inspections made and of all other official work or actions in connection with the provisions of this article.

10.3.50. Adoption of Electrical Code.

A. The "National Electrical Code," 2014 Edition, as adopted by the National Fire Protection Association and the American Standards Association and printed as a code in book form and as it may be subsequently amended or revised, one copy of which is filed for use and examination by the public in the office of the City Recorder, is hereby approved and adopted as the Electrical Code of this municipality.

Any amendments, modifications, supplements or later editions of said code replacing said code shall constitute the code then in effect under this chapter. Provided, however, that before any later editions shall take effect, the City Council by resolution, shall certify that the later editions are available and one copy of all amendments, modifications, supplements or later editions shall be filed for examination and use by the public in the office of the City Recorder of Brigham City.

B. Provided further, that the following additional requirements shall be considered a part of the Brigham City Electrical Code:

1. All overhead service entrances shall have a minimum 2" rigid metal conduit mast terminating above the roof with an approved weather cap. The mast height shall be designed to accommodate minimum NEC service drop clearances.
2. Underground service entrances shall have a minimum 2" rigid metal raceway from the meter base to a minimum depth of 18" below grade. The lower end of the raceway shall have a 90 degree rigid metal sweep to accommodate horizontal attachment.
3. The neutral or ground conductor shall be continuous from the weather cap to the main disconnect.
4. Service entrance conductors shall protrude a minimum of 18" beyond the weather cap.
5. All service entrance conduit shall have lock nuts and bushings on the fittings.
6. Water grounding and ground rod connection shall terminate at the main disconnect.

10.03.060. Standards for Electrical Equipment Installed in City.

All electrical equipment installed or used shall be reasonably safe to persons and property and in conformity with the applicable statutes of the state and with ordinances, rules and regulations issued by the City.

Conformity of electrical equipment with applicable standards of Underwriters' Laboratories, Inc., or other recognized standardization testing laboratories acceptable to the electrical inspector, shall be prima facie evidence that such equipment is reasonably safe to persons and property.

This section shall not apply to equipment owned and used by an electricity supply or communication agency in the generation, transmission or distribution of electricity or for the operation of signals or the transmission of intelligence.

10.3.70. Supervision of Work by Licensed Electrical Contractor; Permit Required; Exceptions.

In accordance with the provisions of this article, no electrical wiring or electrical equipment shall be installed within or on any building, structure or premises publicly or privately owned nor shall any alteration or addition be made to any existing wiring system unless such work is done under the supervision of the holder of an electrical contractor's license issued by the state and unless a permit to perform such work is first applied for and obtained from the City, except as specifically exempted in other parts of this article and except that no license or permit shall be required to execute any of the classes of electrical work specified in the following paragraphs (a) to (d) inclusive:

A. Minor repair work, the replacement of lamps or fuses or the connection of portable electrical equipment to suitable permanently installed receptacles or to electrical systems or equipment operating at fifty volt amperes at fifty volts;

B. The installation, alteration or repair of electrical equipment for the operation of signals or the transmission of intelligence;

C. The installation, alteration or repair of electrical equipment intended by or for an electricity supply or communication agency for the use of such agency in the generation, transmission, distribution or metering of electricity;

D. Any work involved in the manufacturing, testing, servicing, altering or repairing of electrical equipment or apparatus, except that this exemption shall not include any permanent wiring other than that required for testing purposes.

10.03.080. Permit Required; Permit Fees; Calls for Inspection.

It shall be unlawful for any person to do any construction work upon any building without first having obtained a permit so to do from the Community Development Department or authorized agents. Such permit shall be issued upon application and upon the payment of fees per the Uniform Administrative Code Provision.

After a permit is issued, the permittee shall call for an inspection by Community Development Department after the electrical work is roughed in and shall call for other inspections when the work is completed.

Any person failing to call for an inspection as herein provided for shall have their license revoked upon notice and hearing.

10.03.090. Authority of Community Development Department as to Wiring.

In order to safeguard life and property, the electrical inspector shall have the authority to require that certain wiring methods, such as enclosed wiring system, shall be installed and that certain wiring methods, such as open wiring or other methods of wiring shall not be permitted in that location. When, in the opinion of the electrical inspector or authorized agent, such special rules and regulations are necessary notice will be given to each holder of a valid license covering electrical work of such rules and regulations.

10.03.100. Special Permission for Variance from Requirements of Article.

The electrical inspector or an authorized agent shall have the authority to authorize the use of any wiring method or the installation of any electrical equipment or material by special permission when corrosive or moisture conditions or structural details make the use of wiring methods, equipment or materials specified in this article impractical. Such special permission shall be for the specific case only and shall not establish any precedent for future installations.

10.03.110. Connection to Installation without Certificate.

It shall be unlawful for any person to make connection from a supply of electricity or to supply electricity to any electrical equipment or wiring for which an installation permit is required, or which has been disconnected or ordered to be disconnected by the electrical inspector, or an authorized agent, until a certificate of approval has been issued by the electrical inspector or an authorized agent, authorizing the connection and use of such equipment or wiring.

10.03.120. Liability for Damages.

Nothing in this article shall be construed to relieve from or lessen the responsibility or liability of any person owning, operating, controlling or installing any electrical wiring or equipment for damage to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection or the examination authorized herein or the certificate of approval or the license and certificate therefor issued as herein provided or by reason of the approval of any equipment or wiring authorized herein.

Chapter 10.04. Municipal Energy Sales and Use Tax.

10.04.010. Purpose.

Brigham City hereby adopts the Municipal Energy Sales and Use Tax Act and in conformance with Utah Code Annotated §10-1-301 et seq., "The Municipal Energy Sales and Use Tax Act." Any amendments, modifications, supplements or later editions of said Act shall constitute then in effect under the ordinance, or as amended.

Chapter 10.05. ~~Net Metering~~ Distributed Generation Interconnection. [5]

10.5.10. Applicability.

This provision sets forth requirements for the interconnection of customer electric generating facilities, including those that generate renewable energy, within Brigham City's electric distribution systems. The ~~Net Metering~~ Program is available on a first-come, first-served basis to customers located within the City's current service area who own and operate a solar, wind, hydro or biomass electric generator located on the customer's premises, with the following conditions:

A. The use of such generation is intended to offset part or all of the customer's own electrical requirements.

B Generation cannot exceed a capacity of 10 kW for residential and 500 kW for commercial or industrial customers.

C. Customer's system is interconnected with Brigham City's electric system; and

D. Operates in parallel with Brigham City's distribution system.

10.05.020. Definitions.

The following words and terms, when used in this provision, shall have the following meanings, unless the context clearly indicates otherwise:

Bidirectional metering. A system of measuring the difference between the electricity supplied by Brigham City Public Power and the electricity generated by an eligible distributed energy resource system and delivered onto the electric grid over the applicable billing period.

City. Brigham City Corporation.

Customer. A Brigham City residential or business electrical customer that generates distributed energy resources ~~renewable energy~~, on the customer's side of the meter and receives an electric utility bill from the City.

Customer-generating facility. The generating equipment used by an electrical customer to generate, manage and monitor electricity. A customer-generating facility typically includes an electric generator and/or an interconnect equipment package, as defined herein.

Distributed Energy Resources. All resources close to or at the point of demand which can include renewable technologies (photovoltaic cells, wind turbines and energy storage options) and fossil technologies (fuel cells, micro-turbines, internal combustion engines, and Stirling engines)

Distribution System. The portion of Brigham City's electric system which delivers electricity from transformation points on the transmission system to points of connection at a customer's premises.

IEEE Standard. The standards published by the Institute of Electrical and Electronic Engineers.

Inverter. A device that converts direct current power into alternation current power that is compatible with power generated or supplied by Brigham City Public Power.

NEC. The most current version of the National Electrical Code respectively.

NESC. The most current version of the National Electrical Safety Code respectively.

~~Net metering. A system of measuring the difference between the electricity supplied by Brigham City Public Power and the electricity generated by an eligible renewable energy system and delivered onto the electric grid over the applicable billing period.~~

~~Renewable energy. Any energy resource that is naturally regenerated over a short time scale and derived directly from the sun (Solar PVs), wind, hydro, biomass, or other approved renewable energy~~ resources as determined by Brigham City.

UL Standard. The standards published by the Underwriters Laboratory.

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10.05.030. Application.

Brigham City Public Power will offer bi-directional net metering to their customers that generate electricity, on the customer side of the meter, using distributed energy resources ~~renewable energy sources~~, provided that the generating capacity of the customer-generating facility does not exceed the capacity of the City's distribution system.

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[5] *~~Ordinance No. 11-05, dated 03/17/11~~*

If, in a given monthly billing period, a customer supplies more electricity to the electric distribution system than the City delivers to the customer, the City will credit the customer for the excess according to the rates set forth in the City's "Net Metering Solar ContractNet Billing Rate Schedule(s)."

10.5.40. Special Conditions.

A. Certification: A customer-generating facility must be certified as complying with the following standards, as applicable, prior to connecting to the City's distribution system:

1. IEEE Standard 1547, Standard for Interconnecting Distributed Resources with Electric Power systems, as amended and supplemented.

2. UL Standard 1741, Inverters, Converters and Controllers for Use in Independent Power Systems, as amended and supplemented.

3. An equipment package shall be considered certified for interconnected operation if all components have been submitted by a manufacturer to a nationally recognized testing and certification laboratory, and has been tested and listed by the laboratory for continuous interactive operation with an electric distribution system in compliance with the applicable codes and standards listed above. Brigham City Corporation has the right to approve or deny other distributed energy resource renewable energy systems components on a case-by-case basis.

4. A Utah licensed electrical contractor (S200, S201 or S202) or equivalent must install the photovoltaic systems.

B. Approval and Inspection.

1. Prior to Interconnection:

a. Any customer desiring an Net Metering Interconnection Agreement must take application with and receive approval from Brigham City. The customer must complete a form with applicable information about the interconnection for accounting and safety purposes. All required modifications or improvements to Brigham City's distribution system to accommodate the customer's generating facility shall be paid by the customer.

b. If a single-phase customer-generating facility is to be connected to a transformer center tap neutral of a 240 volte service, the addition of the customer-generating facility shall not create an imbalance between the two sides of the 240 volt service of more than 20% of the nameplate rating of the service transformer.

c. If a customer-generating facility is to be connected to a three-phase, four wire primary City distribution line, the three-phase or single phase generator shall be connected line-to-neutral and shall be effectively grounded.

d.b After installation of the customer-generating facility and prior to interconnection with the City's distribution system, the facility shall be inspected and approved by Brigham City's Community Development Inspection and Public Power Departments and/or their designees. The customer must also obtain any local, state or federal permits and pay all applicable fees.

e.c. The City will provide enable the one bi-directional capability of the Brigham City standard meter, in lieu of the standard meter, that is capable of measuring power flow in and out of the customers metering equipment. The City will also provide one production meter, at the customer's cost. The customer will be responsible for the cost of the bi-directional meter. If the customer currently has a standard meter installed, the customer will only be responsible for the difference in the cost of the bi-directional meter. The meter will be one that is compatible with standard meter bases required by any customer's service of equal size and type.

2. After Interconnection:

a. the City shall have the right to inspect a customer-generating facility after interconnection approval is granted, at reasonable hours and with reasonable prior notice to the customer. If the City discovers that the customer-generating facility is not in compliance with the requirements of this policy, and the noncompliance adversely affects the safety or reliability of the electric distribution system, the City shall require the customer to disconnect the customer-generating facility immediately until compliance is achieved.

C. Testing and Maintenance.

1. Once a net metering interconnection has been approved under this policy, the City will require a customer to test or perform maintenance on its facility as per the following:

a. An annual test in which the customer-generating facility is disconnected from the City's distribution system to ensure that the inverter stops delivering power to the grid.

b. Any manufacturer-recommended testing or maintenance; and any post-installation testing necessary to ensure compliance with IEEE 1547 or to ensure safety.

D. Disconnection and Metering.

1. The City shall have the right to disconnect the customer-generating facility at any time, in the event it causes problems to the distribution system. The customer will have the option of correcting

the problem, at which time the system will be re-inspected before beginning operation again.

2. The customer shall be required to install a manual disconnect, which is of the visible break type in a metal enclosure which can be secured by a padlock and is located within 10 feet of the meter. The disconnect shall be readily accessible by City authorized personnel at all times. In addition, roof mounted systems must have a roodf mounted manual disconnect as per NEC and local codes.

3. The customer shall be required to meet all current applicable electrical codes (NEC, NESC) and the City's metering and disconnection requirements, including but not limited to installation of new meter base and panel.

E. Liability. The customer shall be responsible for any damage caused by the customer-generating facility to City's distribution system and/or neighboring services. The customer shall be responsible for the installation and maintenance of applicable protection equipment, and for any damage caused by improper application, maintenance or faulty equipment. Brigham City shall not be liable directly or indirectly for permitting or continuing to allow an attachment of an ~~net-metering~~ interconnected facility, or for the acts or omissions of the customer-generator that caused loss or injury, including death, to any third party.

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Chapter 10.01. In General.

10.01.010. Director of Public Power.

The mayor, by and with the consent of the Council, shall appoint a Director of Public Power whose duties shall be to manage and direct all business connected with or pertaining to the electrical department.

10.01.020. Name of Electrical System; Property of City; Extensions.

The electric light and power system constructed by the City to supply electric light and power shall be designated and known as the Brigham City Public Power system. It shall be the property of the City, including individual meters and other related apparatus, and the Mayor and Council may from time to time authorize the construction, improvements or maintenance of such system as may be required.

10.01.030. Injuring or Interfering with Electrical System; Unauthorized Connections and/or Connections. [1]

A. No person shall break any seal, pull any meter, close any by-pass switch, connect, disconnect, or tamper with any of Brigham City Public Power's metering equipment other than authorized Brigham City Public Power personnel.

B. Any person determined to have violated this rule (10.01.030) shall also be liable for the costs of all energy supplied which has not been billed due to unauthorized use, alteration, or tampering with metering equipment. The person(s) shall also be liable for all of the City employee labor hours required for the investigation and resolution to the said violation.

C. Any person who shall willfully injure or destroy any part or portion of the electrical system or the extensions thereof or, without authority, connect with the system to use electric energy from the system or who shall in any manner unlawfully interfere with the free workings of the system shall be guilty of a Class B misdemeanor. No person shall install any kind of lock device or mechanism, or in any way impede accessibility to any City owned equipment. Any equipment owned by the City that is found to be rendered inaccessible will be corrected immediately by the consumer or by Department personnel depending on the need for access. A cost to the consumer may apply if costs are incurred by the City in correcting inaccessible equipment.

10.01.040. Director to Have Access to Premises.

The Director of Public Power or authorized persons under his/her direction shall have free access at all usual hours to all places supplied with electric power, to examine the apparatus, the amount used, and the manner of using the same or for the purpose of disconnecting the electric power.

10.01.050. Application for Service.

The consumer shall make application to the City for electric service. The consumer shall agree that the electric meter placed on the premises will not be removed or altered and shall be housed by the consumer at a point designated by the City.

10.01.060. Meter Deposit.[2]

A meter deposit shall be required *on* all electric meters owned by Brigham City Public Power. The amount of the deposit shall be determined by resolution adopted by the City Council and/or in accordance with state law. Said meter deposit may be changed by resolution from time to time as the requirements of the City demand.

10.01.070. Duty of Consumer to Protect Meter

Each consumer shall provide a place for the housing of the electric meter on the exterior of the structure to protect it from damage, and shall use all reasonable care to protect the meter from destruction from any source whatsoever.

10.01.075. Duty of Consumer to Keep Meter Unobstructed and Accessible.

Each consumer is responsible to keep landscaping (shrubs, trees, etc.) from obstructing access to the meter, which includes trimming or removal as deemed necessary by the Public Power Department.

If a consumer makes a meter inaccessible in the opinion of the Public Power Department by installing a fence, deck, enclosure or animal run, or other obstructions the consumer shall, at their expense, either modify the area to provide safe, unobstructed access to the meter, or move the meter to a location acceptable to the Public Power Department.

For existing meters located behind an existing fence, the consumer shall keep said fence unlocked for access to premises as referenced in Section 10.01.040. Animals shall not be kept in an area that would prohibit the Public Power Department from accessing the meter or any apparatus associated with the meter.

Meters shall not be installed over window wells, steps in stairways, or in other unsafe or inconvenient locations.

10.01.080. Rates, Charges and Discounts.

The Council may, by resolution from time to time, change, alter, amend, fix or classify any and all rates, charges and discounts for the use of electrical energy from the electrical power system to consumers of different classifications. Such rates, charges and discounts so fixed and determined shall

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[1] *Ordinance No. 18-17, dated 10/04/18*

[2] *Ordinance No. 03-37, dated 09/18/03*

be filed with the City Recorder and when so filed shall be the existing rates, charges and discounts for all electrical service until further amended. The resolution fixing the same shall be made available to the public by the City Recorder at all times.

10.01.085. Restitution of Payment.

In the event that electrical services at a structure are found to have been incorrectly billed, restitution of payment to the customer or to Brigham City, shall only be made on the most current twenty-four (24) month billing period. No claim shall be filed or suits shall be instituted for improper billing outside this time limit.

10.01.090. Delinquent Utility Bills, Termination Procedures.

The City Council shall by resolution from time to time adopt such written policies and procedures for collection of delinquent utility accounts and for termination of service due to delinquencies, as the Council shall deem necessary and proper. The policies and procedures adopted by the City Council pursuant to a resolution shall constitute the official policies and procedures of the City in this regard until such time as the City Council, by resolution, amends or revises said policies and procedures.

10.01.100. Application of Delinquent Consumer for Service.

No new connection or reconnection shall be made for any applicant in the City who is at the time delinquent and indebted to the City for the use of electrical energy.

10.01.110. Using Electric Power from Connection Ahead of Meter.

When a customer is found to be using electric power ahead of the meter, except by authority of special action by the Council, the service shall be shut off and not reconnected until the service from the point of intake to the meter has been inspected by the City at the expense of the consumer.

10.01.120. Payment of Cost of Electrical Connection.

A fee schedule shall be adopted by resolution of the City Council for any person desiring an electrical connection supplied by Brigham City Corporation.

10.01.130. City Not Liable for Damages.

The City shall not be held liable for damage to any electric power user, or to any person or property, by reason of any supply or interruption of electrical supply caused by accidents or incidents to the system or by system alterations, additions, repairs or from unavoidable cause.

10.1.140. Adoption of Electrical Requirements and Standards. [3]

A. There is hereby adopted by the City Council "Brigham City Electrical Requirements and Standards Manual" containing certain standards for new construction, trenching and conduit requirements, temporary and permanent residential and commercial service connections, metering and meter installations, transformers, secondary junction boxes, street lighting, sectionalizer and switch placement, clearance guidelines, primary and secondary system requirements, developer and customer responsibilities, inspection requirements and related matters. A copy of the Manual will be kept on file with the Brigham City Recorder and placed on the Power Department page of the City's website at https://www.bcutah.org/public-power.htm. Any amendments, modifications, supplements or later portions of said Manual shall constitute the Manual then in effect under this ordinance.

B. All illustrations contained in the Manual will be assembled into one or more documents and shall be known as the "Brigham City Electrical Quick Reference Guide." A copy of the Quick Reference Guide shall be kept on file with the Brigham City Recorder and placed on the Power Department page of the City's website at https://www.bcutah.org/public-power.htm.

Chapter 10.02. Master Metering and Sub-metering.[4]

10.02.010. Definitions.

For the purpose of this section, the following words and phrases shall have the meaning given herein:

A. Master Metering means measurement of electricity consumption of several tenants or housing units using a single meter. That is, one meter measures the energy usage for several households, tenants, recreation vehicles or mobile home parks collectively.

[3] *Ordinance 19-13, dated 08/01/19*

[4] *Ordinance 11-01, dated 04/07/11*

B. Sub-metering means the use of a meter(s) connected after the main revenue meter and are typically used for monitoring energy usage or other information.

C. Transient Building means transient multiple occupancy buildings and transient mobile home parks normally used as temporary domiciles and in such buildings as hotels, motels, dormitories, rooming houses, hospitals, nursing homes and mobile home parks designated for recreational vehicles.

10.02.020. Unlawful Act.

At any point on the City's electrical grid system where adequate capacity is available to service transient buildings or temporary domiciles, no transient buildings or the expansion thereof as defined in City Code will be allowed to sub-meter the City's electrical energy. Any attempt by owner(s) or proprietor(s) to sub-meter the City's electrical energy will result in the disconnection of their electrical service. Any violation of this chapter will be considered an infraction of the law.

10.2.30. Electrical Energy Services.

A. Brigham City's electrical energy service will be supplied to each transient building defined in City Code directly by the City. Service to each tenant will be separately metered and billed under the City's approval rate schedule in the name of the individual tenant whenever possible or in the name of the facility owner(s) or proprietor(s) where circumstances make it impractical to bill the tenants directly. Notwithstanding, the City will supply electric energy through a single point of delivery to approved locations under the rates set forth in the City's approved rate schedules.

B. Should the owner(s) or proprietor(s) of transient buildings currently receive single point of delivery service under the City's approved rate schedule, the owner or proprietor will sub-meter each tenant for electrical service rendered under the applicable residential rate schedule of the City. Copies of the City's residential rate schedules will be furnished to the owner(s) or proprietor(s) of each facility who has a single point of delivery service. The owner(s) or proprietor(s) shall post in several conspicuous places around the facilities copies of the City's residential rate schedule with a statement that the charge for electric service for each unit or space will be billed in accordance with the appropriate residential service rate. The owner(s) or proprietor(s) shall not meter or sell electric energy to any tenant under any other rate or system of charges. Evidence of any sale or attempt to sell electric energy by owners or proprietor(s) on any other rate or system of charge except as provided herein shall give the City the right to discontinue service upon five (5) days written notice. Miscellaneous loads such as general lighting of the area, laundry facilities, washroom, recreational facilities, etc., available only to facility tenants will be considered residential usage and served under the applicable schedule. Loads for commercial purposes such as stores, restaurants, service stations and other distinct and separate commercial establishments will be separately metered and served under applicable schedules.

C. Developers of transient building projects desiring single point of delivery service shall furnish and install all required material(s) from the property line to the meter base and be responsible for the care and maintenance of them, except the City will install and own all meters and sub-meters and will be responsible for their care and maintenance and periodic testing.

Chapter 10.03. Electrical Code.

10.3.10. Application of Provisions of Article.

The provisions of this article shall apply to all installations of electrical conductors, fittings, devices, appliances and fixtures, hereinafter called "electrical equipment," within or on public or private buildings and premises with exceptions as provided herein and with the following general exceptions:

A. The provisions of this article shall not apply to installations of electrical equipment in railway cars or to automotive equipment or to equipment in mines.

B. The provisions of this article shall not apply to installations used by electricity supply or communication agencies in the generation, transmission or distribution of electricity or for the operation of signals or the transmission of intelligence and located within or on buildings or premises used exclusively by such an agency or on public thoroughfares used for such purposes by these agencies.

C. The provisions of this article shall apply to electrical equipment used for radio transmission in amateur transmitting stations and shall apply to all electrical equipment used for power supply to radio transmitting equipment, but shall not apply to other electrical equipment used for radio transmission.

D. The provisions of this article shall not apply to the installations or equipment employed by a railway utility in the exercise of its functions as a utility and located outdoors or in buildings used exclusively for that purpose.

E. The provisions of this article shall not apply to industrial concerns nor their employees for electrical work performed on the premises of such industrial concerns where such industrial concerns

either employ an electrical engineer licensed as such by the state or obtain an electrical contractor's license under the provisions of this article.

10.03.020. Community Development Department - Enforcement of Article; Assistants.

The Community Development Department is hereby declared to be the electrical inspector.

The Community Development Department is hereby authorized and directed to enforce all of the provisions of this article and is authorized and directed to employ such assistants as may, in their opinion, be necessary to carry out such enforcement.

10.03.030. Same - Powers and Duties Generally.

The electrical inspector, or duly appointed assistants, upon presentation of proper credentials, shall have the right during reasonable hours to enter any building premises in the discharge of official duties, or for the purpose of making any inspection, re-inspection or test of electrical equipment contained therein or its installation in accordance with the provisions of this article. Where any electrical equipment is found by the electrical inspector to be dangerous to persons or property because it is defective or is defectively installed, the person responsible for the electrical equipment shall be notified in writing and shall be required to place such equipment in safe condition. If such work is not completed within fifteen days or any longer period that may be specified by the electrical inspector in such notice, the electrical inspector shall have the authority to disconnect or order the disconnection of electrical service to such electrical equipment. In cases of emergency, wherein the judgment of the inspector or Public Power Department it is necessary for the safety of persons and property, or where electrical equipment may interfere with the work of the fire department, the electrical inspector or Public Power Director shall have the authority to immediately disconnect or cause disconnection of any electrical equipment. The electrical inspector or Public Power Director may delegate authority to qualified and authorized employees.

10.03.040. Same - Permits; Inspections; Records.

The electrical inspector shall, upon application, issue permits for the installation or alteration of electrical equipment and shall make inspections of electrical installations and equipment as provided in this article. Complete records shall be maintained of all permits issued, all inspections made and of all other official work or actions in connection with the provisions of this article.

10.3.50. Adoption of Electrical Code.

A. The "National Electrical Code," 2014 Edition, as adopted by the National Fire Protection Association and the American Standards Association and printed as a code in book form and as it may be subsequently amended or revised, one copy of which is filed for use and examination by the public in the office of the City Recorder, is hereby approved and adopted as the Electrical Code of this municipality.

Any amendments, modifications, supplements or later editions of said code replacing said code shall constitute the code then in effect under this chapter. Provided, however, that before any later editions shall take effect, the City Council by resolution, shall certify that the later editions are available and one copy of all amendments, modifications, supplements or later editions shall be filed for examination and use by the public in the office of the City Recorder of Brigham City.

B. Provided further, that the following additional requirements shall be considered a part of the Brigham City Electrical Code:

1. All overhead service entrances shall have a minimum 2" rigid metal conduit mast terminating above the roof with an approved weather cap. The mast height shall be designed to accommodate minimum NEC service drop clearances.
2. Underground service entrances shall have a minimum 2" rigid metal raceway from the meter base to a minimum depth of 18" below grade. The lower end of the raceway shall have a 90 degree rigid metal sweep to accommodate horizontal attachment.
3. The neutral or ground conductor shall be continuous from the weather cap to the main disconnect.
4. Service entrance conductors shall protrude a minimum of 18" beyond the weather cap.
5. All service entrance conduit shall have lock nuts and bushings on the fittings.
6. Water grounding and ground rod connection shall terminate at the main disconnect.

10.03.060. Standards for Electrical Equipment Installed in City.

All electrical equipment installed or used shall be reasonably safe to persons and property and in conformity with the applicable statutes of the state and with ordinances, rules and regulations issued by the City.

Conformity of electrical equipment with applicable standards of Underwriters' Laboratories, Inc., or other recognized standardization testing laboratories acceptable to the electrical inspector, shall be prima facie evidence that such equipment is reasonably safe to persons and property.

This section shall not apply to equipment owned and used by an electricity supply or communication agency in the generation, transmission or distribution of electricity or for the operation of signals or the transmission of intelligence.

10.3.70. Supervision of Work by Licensed Electrical Contractor; Permit Required; Exceptions.

In accordance with the provisions of this article, no electrical wiring or electrical equipment shall be installed within or on any building, structure or premises publicly or privately owned nor shall any alteration or addition be made to any existing wiring system unless such work is done under the supervision of the holder of an electrical contractor's license issued by the state and unless a permit to perform such work is first applied for and obtained from the City, except as specifically exempted in other parts of this article and except that no license or permit shall be required to execute any of the classes of electrical work specified in the following paragraphs (a) to (d) inclusive:

A. Minor repair work, the replacement of lamps or fuses or the connection of portable electrical equipment to suitable permanently installed receptacles or to electrical systems or equipment operating at fifty volt amperes at fifty volts;

B. The installation, alteration or repair of electrical equipment for the operation of signals or the transmission of intelligence;

C. The installation, alteration or repair of electrical equipment intended by or for an electricity supply or communication agency for the use of such agency in the generation, transmission, distribution or metering of electricity;

D. Any work involved in the manufacturing, testing, servicing, altering or repairing of electrical equipment or apparatus, except that this exemption shall not include any permanent wiring other than that required for testing purposes.

10.03.080. Permit Required; Permit Fees; Calls for Inspection.

It shall be unlawful for any person to do any construction work upon any building without first having obtained a permit so to do from the Community Development Department or authorized agents. Such permit shall be issued upon application and upon the payment of fees per the Uniform Administrative Code Provision.

After a permit is issued, the permittee shall call for an inspection by Community Development Department after the electrical work is roughed in and shall call for other inspections when the work is completed.

Any person failing to call for an inspection as herein provided for shall have their license revoked upon notice and hearing.

10.03.090. Authority of Community Development Department as to Wiring.

In order to safeguard life and property, the electrical inspector shall have the authority to require that certain wiring methods, such as enclosed wiring system, shall be installed and that certain wiring methods, such as open wiring or other methods of wiring shall not be permitted in that location. When, in the opinion of the electrical inspector or authorized agent, such special rules and regulations are necessary notice will be given to each holder of a valid license covering electrical work of such rules and regulations.

10.03.100. Special Permission for Variance from Requirements of Article.

The electrical inspector or an authorized agent shall have the authority to authorize the use of any wiring method or the installation of any electrical equipment or material by special permission when corrosive or moisture conditions or structural details make the use of wiring methods, equipment or materials specified in this article impractical. Such special permission shall be for the specific case only and shall not establish any precedent for future installations.

10.03.110. Connection to Installation without Certificate.

It shall be unlawful for any person to make connection from a supply of electricity or to supply electricity to any electrical equipment or wiring for which an installation permit is required, or which has been disconnected or ordered to be disconnected by the electrical inspector, or an authorized agent, until a certificate of approval has been issued by the electrical inspector or an authorized agent, authorizing the connection and use of such equipment or wiring.

10.03.120. Liability for Damages.

Nothing in this article shall be construed to relieve from or lessen the responsibility or liability of any person owning, operating, controlling or installing any electrical wiring or equipment for damage to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection or the examination authorized herein or the certificate of approval or the license and certificate therefor issued as herein provided or by reason of the approval of any equipment or wiring authorized herein.

Chapter 10.04. Municipal Energy Sales and Use Tax.

10.04.010. Purpose.

Brigham City hereby adopts the Municipal Energy Sales and Use Tax Act and in conformance with Utah Code Annotated §10-1-301 et seq., "The Municipal Energy Sales and Use Tax Act." Any amendments, modifications, supplements or later editions of said Act shall constitute then in effect under the ordinance, or as amended.

Chapter 10.05. Distributed Generation Interconnection.

10.5.10. Applicability.

This provision sets forth requirements for the interconnection of customer electric generating facilities, including those that generate renewable energy, within Brigham City's electric distribution systems. The Program is available on a first-come, first-served basis to customers located within the City's current service area who own and operate a solar, wind, hydro or biomass electric generator located on the customer's premises, with the following conditions:

A. The use of such generation is intended to offset part or all of the customer's own electrical requirements.

B Generation cannot exceed a capacity of 10 kW for residential and 500 kW for commercial or industrial customers.

C. Customer's system is interconnected with Brigham City's electric system; and

D. Operates in parallel with Brigham City's distribution system.

10.05.020. Definitions.

The following words and terms, when used in this provision, shall have the following meanings, unless the context clearly indicates otherwise:

Bidirectional metering. A system of measuring the difference between the electricity supplied by Brigham City Public Power and the electricity generated by an eligible distributed energy resource system and delivered onto the electric grid over the applicable billing period.

City. Brigham City Corporation.

Customer. A Brigham City residential or business electrical customer that generates distributed energy resources , on the customer's side of the meter and receives an electric utility bill from the City.

Customer-generating facility. The generating equipment used by an electrical customer to generate, manage and monitor electricity. A customer-generating facility typically includes an electric generator and/or an interconnect equipment package, as defined herein.

Distributed Energy Resources: All resources close to or at the point of demand which can include renewable technologies (photovoltaic cells, wind turbines and energy storage options) and fossil technologies (fuel cells, micro-turbines, internal combustion engines, and Stirling engines)

Distribution System. The portion of Brigham City's electric system which delivers electricity from transformation points on the transmission system to points of connection at a customer's premises.

IEEE Standard. The standards published by the Institute of Electrical and Electronic Engineers.

Inverter. A device that converts direct current power into alternation current power that is compatible with power generated or supplied by Brigham City Public Power.

NEC. The most current version of the National Electrical Code respectively.

NESC. The most current version of the National Electrical Safety Code respectively.

UL Standard. The standards published by the Underwriters Laboratory.

10.05.030. Application.

Brigham City Public Power will offer bi-directional metering to their customers that generate electricity, on the customer side of the meter, using distributed energy resources, provided that the generating capacity of the customer-generating facility does not exceed the capacity of the City's distribution system.

If, in a given monthly billing period, a customer supplies more electricity to the electric distribution system than the City delivers to the customer, the City will credit the customer for the excess according to the rates set forth in the City's "Net Billing Rate Schedule(s)."

10.5.40. Special Conditions.

A. Certification: A customer-generating facility must be certified as complying with the following standards, as applicable, prior to connecting to the City's distribution system:

1. IEEE Standard 1547, Standard for Interconnecting Distributed Resources with Electric Power systems, as amended and supplemented.

2. UL Standard 1741, Inverters, Converters and Controllers for Use in Independent Power Systems, as amended and supplemented.

3. An equipment package shall be considered certified for interconnected operation if all components have been submitted by a manufacturer to a nationally recognized testing and certification laboratory, and has been tested and listed by the laboratory for continuous interactive operation with an electric distribution system in compliance with the applicable codes and standards listed above. Brigham City Corporation has the right to approve or deny other distributed energy resource components on a case-by-case basis.

4. A Utah licensed electrical contractor (S200, S201 or S202) or equivalent must install the photovoltaic systems.

B. Approval and Inspection.

1. Prior to Interconnection:

a. Any customer desiring an Interconnection Agreement must take application with and receive approval from Brigham City. The customer must complete a form with applicable information about the interconnection for accounting and safety purposes. All required modifications or improvements to Brigham City's distribution system to accommodate the customer's generating facility shall be paid by the customer.

b. After installation of the customer-generating facility and prior to interconnection with the City's distribution system, the facility shall be inspected and approved by Brigham City's Inspection and Public Power Departments and/or their designees. The customer must also obtain any local, state or federal permits and pay all applicable fees.

c. The City will enable the bi-directional capability of the Brigham City standard meter, , that is capable of measuring power flow in and out of the customers metering equipment. The City will also provide one production meter, at the customer's cost.

2. After Interconnection:

a. the City shall have the right to inspect a customer-generating facility after interconnection approval is granted, at reasonable hours and with reasonable prior notice to the customer. If the City discovers that the customer-generating facility is not in compliance with the requirements of this policy, and the noncompliance adversely affects the safety or reliability of the electric distribution system, the City shall require the customer to disconnect the customer-generating facility immediately until compliance is achieved.

C. Testing and Maintenance.

1. Once interconnection has been approved under this policy, the City will require a customer to test or perform maintenance on its facility as per the following:

a. An annual test in which the customer-generating facility is disconnected from the City's distribution system to ensure that the inverter stops delivering power to the grid.

b. Any manufacturer-recommended testing or maintenance; and any post-installation testing necessary to ensure compliance with IEEE 1547 or to ensure safety.

D. Disconnection and Metering.

1. The City shall have the right to disconnect the customer-generating facility at any time, in the event it causes problems to the distribution system. The customer will have the option of correcting the problem, at which time the system will be re-inspected before beginning operation again.

2. The customer shall be required to install a manual disconnect, which is of the visible break type in a metal enclosure which can be secured by a padlock and is located within 10 feet of the meter. The disconnect shall be readily accessible by City authorized personnel at all times. In addition, roof mounted systems must have a roof mounted manual disconnect as per NEC and local codes.

3. The customer shall be required to meet all current applicable electrical codes (NEC, NESC) and the City's metering and disconnection requirements, including but not limited to installation of new meter base and panel.

E. Liability. The customer shall be responsible for any damage caused by the customer-generating facility to City's distribution system and/or neighboring services. The customer shall be responsible for the installation and maintenance of applicable protection equipment, and for any damage

caused by improper application, maintenance or faulty equipment. Brigham City shall not be liable directly or indirectly for permitting or continuing to allow an attachment of an interconnected facility, or for the acts or omissions of the customer-generator that caused loss or injury, including death, to any third party.

D #1

BRIGHAM CITY
AGENDA ITEM(S) FOR CITY COUNCIL MEETING

1. INITIATED BY: Paul Larsen

2. DEPARTMENT OR DIVISION: Community and Economic Development

3. DATE INITIATED: Aug 23, 2022

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

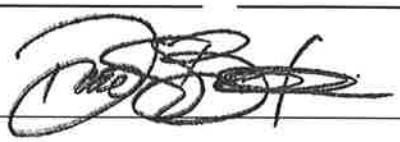
   Discussion regarding rentals of electric scooters in Brigham City.

5. ESTIMATED TIME NEEDED: 15 minutes

6. PROPOSED DATE FOR COUNCIL/AGENCY ACTION: Sep 1, 2022

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW:

Date In	Date Out	Name	Signature	Attach
08/23/2022	08/23/2022	Paul Larsen		

9. MAYOR'S SIGNATURE: