

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
July 20, 2017**

PRESENT:	Tyler Vincent	Mayor
	DJ Bott	Councilmember
	Alden Farr	Councilmember
	Ruth Jensen	Councilmember
	Mark Thompson	Councilmember
EXCUSED:	Tom Peterson	Councilmember
ALSO PRESENT:	Joseph Bach	Fire Chief
	Mark Bradley	City Planner
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Paul Larsen	Community Development Director
	Mike Nelsen	Police Chief
	Derek Oyler	Finance Manager
	Tyler Pugsley	Public Works Director
	Jason Roberts	City Administrator

Mayor Vincent called the meeting to order. The Reverence Period was given by Chief Mike Nelsen. The Pledge of Allegiance was recited.

Approval of Minutes: A motion to approve the minutes of the July 6, 2017 Council meeting was made by Councilmember Bott, seconded by Councilmember Thompson and unanimously approved as distributed.

AGENDA

RECOGNITION OF EMPLOYEES

New Hire, Public Works

CONSENT

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

Reappointment to the Airport Advisory Board

Approval of Poll Workers and Polling Location for Primary and General Elections

SCHEDULED DELEGATION

Discussion on Improvements to U.S. 91 from Brigham to Mantua

Request for Variance to Noise Ordinance for Fireworks Display at Constitution Park

PUBLIC COMMENT

COUNCILMEMBER COMMENTS

NEW BUSINESS

Consideration of Resolution Authorizing the Mayor to Sign a Local Consent Form for a Temporary Beer Event Permit Application

Consideration of Resolution Adopting 2017 Series Utility Revenue Bond

UTOPIA Operational Update

Discussion on Fireworks Restrictions

ADJOURN TO CLOSED SESSION

RECOGNITION OF EMPLOYEES

New Hire, Public Works

Mayor Vincent recognized Rich Mickelsen as the newly hired Wastewater Treatment Plant Manager.

CONSENT

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

A list of accounts totaling \$4,151.63 was presented to be removed from the City's system due to customer taking out bankruptcy or being sent to collections.

Reappointment to the Airport Advisory Board

It was recommended Jan Ashdown be appointed to the Airport Advisory Board.

Approval of Poll Workers and Polling Location for Primary and General Elections

A list of poll workers were presented for Council's approval. The polling place is at Utah State University on August 15, 2017.

MOTION: Councilmember Jensen made a motion to approve the Consent items, the motion was seconded and unanimously carried.

SCHEDULED DELEGATION

Discussion on Improvements to U.S. 91 from Brigham to Mantua

Mr. Pugsley came forward and introduced Darin Frstrup from the Utah Department of Transportation (UDOT). Mr. Frstrup stated that the project goes from 1100 South/US 91, east of Michelle Drive, to Mantua and includes improving the pavement and installing a concrete barrier down the median to prevent cross-over crashes. UDOT will also be installing drainage features to catch water in the median and push it to the east side of the roadway. The project should be completed in August or September.

Councilmember Bott asked if there could be an access for Tannevista residents and emergency services so they do not have to go all the way to Mantua to turn around. Mr. Frstrup stated that the location of the accesses is a safety concern because of the vertical curve and limited sight distance. If emergency services need to get back to Brigham City, law enforcement can hold traffic to allow them to go the opposite direction. It is possible there could be a break in the barrier going downhill west of the current access. Councilmember Bott would like that information when it becomes available. A new turnaround is being placed at the first Mantua exit.

Mayor Vincent stated that Tannevista may need another entrance into their subdivision. Mr. Frstrup stated that UDOT would not contribute to that entrance. Mr. Pugsley asked if it would be possible for UDOT to move the emergency services access to a location where it could potentially be a new access for Tannevista if the residents could pay for another entrance. Mr. Frstrup stated that it would not be possible now, but after the access is placed, UDOT could put in a new access and pay for the break. Mr. Frstrup will get the acceptable distance to accommodate the access to Mr. Pugsley next week.

Request for Variance to Noise Ordinance for Fireworks Display at Constitution Park

Mr. Roberts stated that a special event application was received for a firework display on July 29th which is outside of the three-day window and requires a noise ordinance variance. Mr. Dawson manages one of the fireworks tents in Brigham City. The show will last twenty minutes and begin at 9:30 or 10:00 pm.

MOTION: Councilmember Thompson moved to approve the variance to the noise ordinance. The motion was seconded by Councilmember Bott and unanimously carried.

Discussion on Fireworks Restrictions

Chief Bach approached the table and stated that the incident in Brigham City was not caused by an aerial firework. The other incident on Eliason Street was in a restricted area. Chief Bach is confident in the restrictions that he has implemented.

Constitution Park is a restricted area but the special event permit has been reviewed and was discussed extensively last year. Mr. Dawson complied with everything they asked of him and he is an official licensed operator. Chief Bach does have any major concerns with Mr. Dawson's display.

PUBLIC COMMENTS

Todd Jensen – Mr. Jensen came forward and stated that UTOPIA is a bad investment and the City has to eventually stop putting money into it. He asked the City Council to turn them down.

COUNCILMEMBER COMMENTS

Councilmember Farr – Supported the Brigham City Open Golf Tournament.

Councilmember Jensen – They are working on Sesquicentennial events, the float and Peach Days activities.

Councilmember Thompson – There is a Quilt Exhibit at the Museum until August 31st. The next display will be a Plein Air Exhibit.

Councilmember Bott – Suggested there be a discussion on keeping some of the dumpsters so that businesses can recycle. Mayor Vincent said Staff is looking into it. Councilmember Bott said he hoped Staff has been accommodating those who wish to opt-out of the recycling cans and are not able to come in and sign the form. He is looking forward to the Box Elder County Fair and parade.

Mayor Vincent – He welcomed the Youth City Council and thanked them for all they do. He stated that the Tour of Utah will be in Brigham City on August 1st. He invited the Councilmembers to be there at 8:30 a.m. The Councilmembers and Mayor will cook hamburgers and hot dogs at the community party on July 31st. There will be a climbing wall, a band, and fun for everyone. Mayor Vincent stated that they appreciate Historic Downtown Brigham City for their work with the Tour and for putting on the Farmer's Market. He also mentioned the movies in the park and the concerts and appreciates the community involvement and participation.

NEW BUSINESS

Consideration of Resolution Authorizing the Mayor to Sign a Local Consent Form for a Temporary Beer Event Permit Application

Mr. Larsen approached the table and stated that the pickleball event will be held at Pioneer Park on Labor Day weekend. The request is for a beer garden where people would have beer and food in a fenced area. In order to get a license, the State requires a local consent form. The City Council needs to authorize a City representative to sign the form allowing the business to apply to the State for a license. Based on his review of the Parks section of the City Code, Title 17.03.060 he is asking the City Council to table the resolution. The Code states:

"It shall be unlawful for any person to consume any alcoholic beverage or to have in his or her possession any alcoholic beverage within any public park, playground or recreational

facility, with the exception of Eagle Mountain Golf Course and in accordance with the established rules and regulations of the Eagle Mountain Golf Course.”

The City Attorney agrees that the matter needs to be tabled at this time but asked the City Council to discuss the item. Language would need to be added to the Parks Code stating that except when specifically permitted through a special event permit, it shall be unlawful for any person to consume or have in their possession alcoholic beverages within the park, playground or recreational facility.

Councilmember Bott is inclined to vote down a change to the ordinance and feels that alcohol should not be permitted near a neighborhood. Councilmember Farr does not want consumption of alcoholic beverages opened up to all events and feels it is a public safety issue. Councilmember Thompson also feels the issue needs to be reviewed and needs more time. The Councilmembers agreed that a discussion should be scheduled for August 3rd when Kristy Law can be present and can provide more information.

MOTION: Councilmember Bott made a motion to table the discussion until August 3rd Council meeting, the motion was seconded by Councilmember Farr unanimously carried.

Consideration of Resolution Adopting 2017 Series Utility Revenue Bond

Mayor Vincent stated that this item will be tabled. Mr. Roberts stated that the information on the depth of the lines around Mantua Reservoir was verified and some of the lines were deeper than originally thought. They need to know cost estimates are correct before moving forward.

UTOPIA Operational Update

Mr. Roberts introduced Kurt Sudweeks and Kim Kinley from UTOPIA. Mr. Roberts went over the UTOPIA history stating that in 2011 they had a \$3,000,000/year operating loss. They asked the cities to pay for the deficit and the cities approved \$65,000,000 in bonds. The bonds were secured by franchise tax pledges from the cities. In Phase I, \$9,500,000 was drawn down. UTOPIA was going to build out in a manner that would increase their return as quickly as possible. Mr. Roberts displayed the results of the 5-year performance. Revenues are now sufficient to cover all debt payments and eliminate operational assessments to the cities, and the bonds have been paid back. They have enough cash flow to start a payback to the cities.

Sales went from \$535,000/month to \$1,300,000/month and UTOPIA is retaining customers better than the industry average. They are seeing a steady increase in demand for services. The total connections in Brigham City for residential and business are 1,730. Utah Infrastructure Agency's (UIA) fiscal year 2018 budget includes paying back the assessments that the cities made. Mr. Roberts recommends using that to offset the payment the City is making on the sales tax pledges. Mr. Roberts stated that the Council needs to look at the Special Assessment Areas (SAA) because there are some delinquencies. Currently the SAAs pay \$30/month less than other customers.

Currently UIA recurring revenues are sufficient to make the next bond payment and operational payment. Mr. Roberts reviewed UTOPIA speeds, equipment, upgrading, pricing and lease terms, and the bond payment history. Bond funding from 2011 has been spent.

Moving forward, the proposed bond is approximately \$13,000,000 and Brigham City's portion is .62% or \$80,000. Mr. Roberts wants to know if the City Council supports the bond so that he knows which way to vote. Mr. Sudweeks stated that they put a plan together assuming a 3-year maturity. The revenue will be \$215,000/month and the debt service \$75,000/month. There will be an excess of about \$140,000/month.

Councilmember Jensen had questions on statistics for build out, other City's participation and buildout, the SAAs, UIA voting percentage and contract terms. She does not support the bond. Councilmember

Thompson noted that there has been a five-year track record for increases. Councilmembers Thompson and Bott support the bond.

Councilmember Farr had questions on positive cash flow, the timeline and payoff. Mr. Sudweeks stated that if UTOPIA keeps building out at the current rate, all cities would reach build out in 5 to 7 years. Ms. Kinley stated that a study had been conducted with 49 respondents from Brigham City showing 79% of residents rated satisfaction at 9 or higher. The study did not include SAA customers because their email addresses were not obtained when they signed up.

Mr. Roberts stated that he will vote for the bond.

ADJOURN TO CLOSED SESSION

A motion to adjourn to a closed session to discuss the purchase, exchange or lease of property was made by Councilmember Bott and seconded by Councilmember Farr. A roll call vote was taken with all Councilmembers voting aye. The meeting adjourned to a closed session at 8:50 p.m.

The Council returned to an open meeting at 9:47 p.m.

Mr. Roberts said he was contacted by Box Elder High School regarding a variance to the noise ordinance to pour a track starting at 3:00 a.m. on August 3rd and 4th. He asked if the Council was willing to hold a special meeting to talk about this. The council agreed to hold a special meeting on Tuesday, July 25th at noon.

The Council meeting adjourned at 9:50 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 July 20, 2017 City Council Meeting.

Dated this _____ day of _____, 2017.

Mary Kate Christensen, Recorder