

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
September 21, 2017**

PRESENT:	Tyler Vincent	Mayor
	Alden Farr	Councilmember
	Ruth Jensen	Councilmember
	Tom Peterson	Councilmember
	Mark Thompson	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
EXCUSED:	DJ Bott	Councilmember

Mayor Vincent called the meeting to order. The Reverence Period was given by Councilmember Farr. The Pledge of Allegiance was recited.

Approval of Minutes: A motion to approve the minutes of the September 7, 2017 Council meeting was made by Councilmember Thompson, seconded by Councilmember Farr and unanimously approved as distributed.

AGENDA

PUBLIC HEARING

Ordinance to Amend Maple Springs Subdivision Lots 1 and 2 Located at 1010 South Medical Drive

PUBLIC COMMENT

COUNCILMEMBER COMMENTS

NEW BUSINESS

Proposed Resolution Amending the Policies and Procedures for Utility Deposits Collection of Delinquent Utility Accounts, Shut-offs for Non-Payment of Utility Bills and Setting Schedule for Utility Billing

Proposed Resolution to Change the Process for Assignment of the Thought, Reading or Invocation at Council Meetings

Request for Approval of Resolution Clarifying the Products Allowed at the Recycling Site Due to New Curbside Recycling Service

Consideration of Resolution to Provide Pay at Time and a Half for Emergency All Calls to the Fire Station

Consideration of a Resolution to Allow a Fee for Ambulance Standbys for Events

Consider City Participation in the Muddy Creek Waste Heat Generation Project

PLANNING COMMISSION

Consideration of a Preliminary and Final Plat Approval of the Forest Street Commercial Subdivision Phase 1 Located at Forest Street and Industrial Way

ADJOURN TO CLOSED SESSION

CONSENT

Appointment and Reappointment to the Historical Preservation Commission

It was recommended Courtney Thompson, Julie Bywater and Sarah Yates be appointed to the Historical Preservation Commission, and Richard Felt be reappointed to the same Commission.

Appointment to the Trails Task Force

It was recommended Lane Taylor be appointed to the Trails Task Force.

PUBLIC HEARING

Ordinance to Amend Maple Springs Subdivision Lots 1 and 2 Located at 1010 South Medical Drive

Mr. Bradley came forward and Stated that the property owners are requesting Lots 1 and 2 be combined for a new facility. Part of the request is to vacate the easements between Lots 1 and 2, and a portion of the easement on the northwesterly corner, subject to an irrigation storm drain line.

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

MOTION: Councilmember Farr made a motion to approve the ordinance to amend Maple Springs Subdivision Lots 1 and 2 Located at 1010 South Medical Drive, seconded by Councilmember Thompson.

Roll Call: Councilmember Farr – aye
Councilmember Jensen – aye
Councilmember Peterson – aye
Councilmember Thompson – aye

PUBLIC COMMENT

Bonnie Germer, Brigham City – Ms. Germer said she still takes exception to her utility bill. She was gone two months out of the last four months. Each month her bill went up from May to July. There is something wrong with the system and the City's calculation. She suggested the City go back to the base rate pay of 9.64¢. It is unfair to charge users an outrageous price on three tiers. There is also something wrong with the utility bills because the rate is not displayed. High users bring money to the City, and they are being punished. She questioned why her utility bill is tripled during the months she was gone. Everything was shut off, and it could not be her air conditioning as she was told because they are there all year long and it is set. It does not triple in the months she was gone. The City needs to investigate this. She questioned why the City is looking at paying firefighter's time and a half for emergency calls to the fire station.

Lee Johnson, Brigham City – Mr. Johnson stated that there are a considerable amount of crises in the City. There are good reports on how staff is dealing with it, and he appreciated that. He asked how many more bricks does the pharaoh need for his temples.

Dawn Woodruff, Brigham City – Ms. Woodruff lives by the high school and she expressed concern with all the garbage in the parking lot of the high school and it blows onto their lawn. She asked why this can't be enforced. Every day after lunch and after school, she and her husband pick up the garbage. She also expressed concern with the speeding along 600 West, and they do not stop at the stop sign.

DeAnna Hardy, County – Ms. Hardy said socialism and communism cannot happen unless there are willing participants. She thought there are many willing participants in the government. She did not agree with Mr.

Reese Jensen's comments during the work session that volunteer hours should be tracked so the City could be reimbursed from FEMA. The federal government should not be involved in state government.

COUNCILMEMBER COMMENTS

Councilmember Farr attended the Library Board meeting. The library is well supported.

Councilmember Jensen met with the Advisory Board on Aging. They wondered what the City plans to do about a building for the Senior Center. She told them that the City is still discussing the options. She participated in the Peach Days events. She also participated at the 9-11 Service Day for the Boys & Girls Club and attended the UAMPS Conference as well as the ULCT Conference. In addition, she attended the concert of the Piano Man at the Academy Conference Center. She said some of the councilmembers have been talked to by a citizen regarding issues at the golf course. She went on a tour with the citizen and spoke with Chris Marx, the golf pro. He told her it would be a big undertaking to fix some of the issues. He will bring this to the Council in October. She has received calls from some citizens regarding CERTS. She hoped Mr. Reese Jensen will help get collaboration between staff and volunteers.

Councilmember Thompson said the Plein Air Competition continues at the museum.

Mayor Vincent expressed appreciation to staff for all their hard work during Peach Days and cleaning up afterward.

NEW BUSINESS

Proposed Resolution Amending the Policies and Procedures for Utility Deposits Collection of Delinquent Utility Accounts, Shut-offs for Non-Payment of Utility Bills and Setting Schedule for Utility Billing

Mr. Oyler came forward and explained this resolution combines several resolutions regarding utility billing, deposits, etc. into one resolution with the policies and procedures that will govern all utility billing. Staff was instructed by the Mayor's Office to duplicate Rocky Mountain Power's policies as much as possible. The following are changes and additions to the current resolutions:

- 1) Billing Cycle – Normal read dates for residential will commence approximately between the third calendar day through the eighth calendar day of each month. Read dates for commercial will commence approximately between the 20th calendar day through the 25th calendar day. For the months of June, July and August, the billing cycle will be no longer than the number of days in these corresponding months.

Councilmember Peterson said he preferred a 28-day timeframe during the summer. Mr. Roberts explained that this could create two bills in one month. Mr. Oyler said a 28-day period is a possibility, but it depends on holidays and weekends. They did not recommend it be written in the policy because there will be times it is not possible.

Councilmember Jensen said if this outlined reading schedule does not help, she would like the City to relook at the 3-tier rates.

- 2) Deferred Payment Plans - Currently, customers can only do a deferred payment plan on their past due amount and they have to pay half of their bill, then the remaining amount is deferred six months. This resolution changes the deferral plan to require a twelfth of their deferred amount and the remaining amount will be paid over a 12-month period. It also allows them to defer their current bill and delinquent charges, as well as reconnection charges.

Mr. Oyler cautioned the Council that these changes will produce more delinquent accounts and the Council will see more accounts being requested for write-off.

- 3) Equal Payment Plan - Equal Pay is currently offered to employees, but it has never been a written policy. The current practice is to send a letter if the customer is late on their equal payment. If they still do not pay, they are taken off equal pay. The resolution changes this so equal pay customers follow the same shut-off procedures as other customers.
- 4) Other items in the resolution include things that are currently being done, but there is nothing in writing. These include meter investigations and adjustments to bills.

Councilmember Jensen asked about reconnecting customers after being shutoff. Now that most residents have new meters, staff no longer has to go and physically turn them back on. Mr. Oyler explained that all non-pay customers are turned off first, and then reconnections are done. The number of old meters vary from month to month. They are always turned on the same day they pay the required amount, even if overtime is required. Turning 70-80 customers back on electronically, still takes a significant amount of time.

Councilmember Jensen asked for clarification on re-reading the meters. The resolution states, “a deposit will be required prior to receiving a test” and another section states, “no charge will be made for this test.” Mr. Oyler explained that the deposit might be assessed if a customer continues to ask for re-reads after the employees have verified that it is working properly. Councilmember Jensen suggested the resolution include what the deposit will be. Mr. Oyler suggested \$25. Councilmember Peterson said the resolution states, “a deposit *will* be required prior to receiving a test.” He recommended it read, “A \$25 deposit *may* be required prior to receiving a test.” The Council agreed with this change.

Councilmember Jensen questioned the paragraph stating that the Mayor’s Office will review the appeal on a customer’s utility bill. She suggested an appeals committee with citizens and staff. Mr. Roberts said there are privacy issues with sharing customer’s accounts. He will look into the legality of this. If it is legal, he will add it to the resolution.

MOTION: Councilmember Peterson made a motion to approve the resolution amending the policies and procedures for utility deposits, collection of delinquent utility accounts, shut-offs for non-payment of utility bills, and same schedule for utility billing, with direction to staff that everything be done for the months of June, July and August to have a 28-day billing cycle when possible. The motion was seconded by Councilmember Thompson.

Roll Call: Councilmember Farr – aye
Councilmember Jensen – aye
Councilmember Peterson – aye
Councilmember Thompson – aye

The motion unanimously carried.

Proposed Resolution to Change the Process for Assignment of the Thought, Reading or Invocation at Council Meetings

Mr. Roberts came to the table and explained that this amendment will still allow any local clergy from any denomination to participate in the thought, reading or invocation portion of Council meetings if they desire, but not make other clergy feel obligated to do so. People who want to volunteer to give a thought, reading or invocation will be added to the list to be called periodically to do so. If there is no one available, a willing councilmember or staff member will be asked.

Councilmember Peterson expressed concern with people using this time as a platform for public comment or for political reasons. The current resolution states that it is “intended to be nondenominational and non-proselyting in character.” Mr. Roberts will look into some legal verbiage for this.

MOTION: Councilmember Peterson made a motion to table the resolution until legal language is added, and that City Councilmembers do the thought, reading or invocation until that time. The motion was seconded by Councilmember Jensen and unanimously carried.

Request for Approval of Resolution Clarifying the Products Allowed at the Recycling Site Due to New Curbside Recycling Service

Mr. Oyler came forward and explained that these amendments bring the resolution into compliance with the changes due to curbside recycling. It changes the items allowed at the site to cardboard, metal, green waste and waste lumber only. It also introduces new tipping fees for cardboard for residents and non-residents:

Passenger Vehicle or Light Truck	\$5.00 per load
Vehicle with Trailer	\$10.00 per load
Commercial Dump Truck	\$25.00 per load

The revenue from these fees will cover the cost for Econo Waste to dump the bin, approximately \$150.

Mr. Oyler said staff would like this effective November 1, 2017 because the first utility bill showing the recycling charge will not go out until November.

MOTION: A motion to approve the resolution clarifying the products allowed at the recycling site, to include a November 1st start date, was made by Councilmember Peterson, seconded by Councilmember Jensen.

Roll Call: Councilmember Farr – aye
Councilmember Jensen – aye
Councilmember Peterson – aye
Councilmember Thompson – aye

The motion unanimously carried.

Consideration of Resolution to Provide Pay at Time and a Half for Emergency All Calls to the Fire Station

Chief Bach stated that the fire station has seven people on duty every day. Last year they ran 2,543 calls. Occasionally they have overlapping calls. This seems to be happening more and more. They have to rely on employees that are off duty to cover when this happens. They are looking at ways to motivate employees to come back to the station. There are 43 fire/ambulance employees, 11 of which live within the response area. Of those 11, five are very faithful about returning to the station whenever possible. Paying time and a half will hopefully motivate more to come back to the station. It is projected this year’s calls will be over 2,700.

The cost will be approximately \$9,000 this year. The department is currently short of staffing, so this would cover the additional costs. Chief Bach recommended a sunset clause of June 30, 2018 be added to the motion. He will return to the Council at that time with a report on the effectiveness of the overtime pay.

MOTION: Councilmember Thompson made a motion to approve the resolution to provide pay at time and a half for emergency all calls to the fire station until June 30, 2018, seconded by Councilmember Farr.

Councilmember Jensen said she did not agree with this. There is an issue. If the motion did not include the sunset clause, she would vote against it.

Roll Call: Councilmember Farr – aye
Councilmember Jensen – aye
Councilmember Peterson – aye
Councilmember Thompson – aye

The motion unanimously carried.

Consideration of a Resolution to Allow a Fee for Ambulance Standbys for Events

Chief Bach explained that this would allow the City to charge up to \$150 per hour for ambulance standbys at events, such as high school football games and the motor cross races on the border of Box Elder and Weber County. The City is paying employees to go to these events and an on-duty ambulance is unavailable.

There was discussion on charging for school activities. The Council felt it was a community service. Mr. Roberts said the City does things for the School District for free and vice versa. He added that he talked to the School District Superintendent and Business Administrator. They both said they did not think paying this charge would be an issue. When they looked throughout the state, the only city not charging was Tremonton. Chief Bach said another advantage is that they will be able to dedicate an ambulance to the event.

MOTION: Councilmember Peterson made a motion to approve the resolution to allow a fee for ambulance standbys for events, seconded by Councilmember Thompson.

Councilmember Jensen asked if the department will provide this service while they are short on staff. Chief Bach replied they will if their resources are available; emergencies will take precedence.

Roll Call: Councilmember Farr – aye
Councilmember Jensen – aye
Councilmember Peterson – aye
Councilmember Thompson – aye

The motion unanimously carried.

Consider City Participation in the Muddy Creek Waste Heat Generation Project

Mr. Burnett approached the Council and explained that the Muddy Creek Station is located on the Kern River pipeline in Western Wyoming. It is a combined compressor and generation project that uses the gas off the pipeline to turn turbines, which creates the compression. The gas line is pressurized as it travels. There are six compressors, which takes gas off the line and turn turbines, which creates the compression. Currently, the heat from the compressors is going up the stack. The idea is to capture the heat and put it into a heat recovery system. It has been a successful project in Southern Utah. The proposed electrical output is 1,600 kilowatts, approximately 3-4% of the City's peak load.

One of the benefits of the project is that the City would not pay gas prices. It is not subject to gas prices like other gas generation plants. The City would pay royalties in place of fuel costs. To produce a megawatt of energy with natural gas it costs approximately \$25/megawatt. The royalty is approximately \$6.90. This would not fluctuate with gas prices.

The projected installation cost is \$2,100 per kilowatt, or \$2.1M per megawatt. This would be projected out in the debt service. There would be no upfront costs.

Councilmember Peterson suggested moving forward in concept, but until the investigation costs are known, he did not feel the City should go ahead with it. Mr. Burnett said the City would not be fiscally responsible until there is a taker-based sales contract. However, if the investigation starts and then the City pulls out,

we would be responsible up to that point. Mr. Burnett will try to find out what that would be. It should be up and running in approximately two years. Mr. Burnett will look into the total construction costs and inform the Council.

PLANNING COMMISSION

Consideration of a Preliminary and Final Plat Approval of the Forest Street Commercial Subdivision Phase 1 Located at Forest Street and Industrial Way

Mr. Bradley explained that the property is one parcel, but this helps address any of the road dedications. Niagara deeded some property along 1200 West and there have been some construction improvements within Industrial Way. This will require signatures from multiple property owners, the City and Niagara. The property that was acquired for the trail path along Forest Street will also be dedicated as part of the roadway. The overhead easement has been vacated and the line relocated with the project. The Planning Commission recommended approval.

Councilmember Jensen said the information provided has a concern from the Public Power Department regarding a 6" conduit installed on the west side of Industrial Way. Mr. Bradley stated that it was not installed, so it will need to be installed as the site develops. It might be possible to require the developer to pay for this.

MOTION: Councilmember Peterson made a motion to approve the preliminary and final plat of the Forest Street Commercial Subdivision Phase I located at Forest Street and Industrial Way. The motion was seconded by Councilmember Jensen and unanimously carried.

ADJOURN TO CLOSED SESSION

A motion to adjourn to a closed session to discuss the purchase, exchange or lease of property and to discuss the character, professional competency or mental health of an individual was made by Councilmember Thompson and seconded by Councilmember Farr. A roll call vote was taken with all councilmembers voting aye. The meeting adjourned to a closed session at 9:12 p.m.

The Council returned to an open meeting at 9:56 p.m.

Bond Interest Rates

Mr. Oyler stated that the interest rate on the bonds are lower than anticipated. Staff deliberated between options: 1) the lowest interest rate with a non-callable option, or 2) the lowest interest rate with a callable option. The difference between the two was .03%. Mayor Vincent, Mr. Roberts and he met and decided on the callable option at 2.01%.

Lack of Communication

Councilmember Peterson said he has been contacted several times lately, and he has had personal experience, with lack of communication of City projects to affected property owners. If City employees are on someone's property, they should be notified beforehand. Mayor Vincent said this has been discussed in his staff meetings.

Councilmember Peterson recommended the responsibility be on the contractor and it be part of their contract. Mr. Oyler said this could be added to the contracts and the pre-construction bids.

Replacing Trees

Councilmember Jensen said she recently had a tree removed that was in their driveway. The tree was been on the endangered tree list. She called Mr. Pugsley and he had her fill out a form. She noticed that the form

said she had to pay \$50. Mr. Pugsley explained to her that she did not have to pay to have it removed, but she had to purchase a new tree and plant it somewhere, either on her property or somewhere the City wants it, such as a park.

Councilmember Jensen said she could afford \$50, but some people cannot. Mr. Oyler said that is in the City's policy.

The meeting adjourned at 10:03 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 September 21, 2017 City Council Meeting.

Dated this 5th day of October, 2017.

Mary Kate Christensen
Mary Kate Christensen, Recorder