

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
December 7, 2023
6:00 p.m.**

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|----------|---------------|---------------|
| PRESENT: | D.J. Bott | Mayor |
| | Dave Hipp | Councilmember |
| | Dave Jeffries | Councilmember |
| | Matt Jensen | Councilmember |
| | Ryan Smith | Councilmember |
| | Robin Troxell | Councilmember |

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|---------------|--------------------|---|
| ALSO PRESENT: | Mark Bradley | City Planner |
| | Dave Burnett | Public Power Director |
| | Mike Christiansen | City Attorney |
| | Tom Kotter | Finance Director |
| | Paul Larsen | Community & Economic Development Director |
| | Adam Long | Smith Hartvigsen, City Counsel for PID |
| | Derek Oyler | City Administrator |
| | Tyler Pugsley | Public Works Director |
| | Kristina Rasmussen | Deputy City Recorder |
| | Chad Reyes | Police Chief |
| | Levi Tarver | Code Enforcement Officer |
| | Brandon Thueson | Fire Chief |
| | Mike Young | Fire Marshal/Assistant Fire Chief |

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

RECOGNITION OF EMPLOYEES

Mayor Bott called Chief Reyes to the podium to present Sergeant Cody Herbert with his badge. Sergeant Herbert expressed his appreciation to his family and for the support of the Department.

CONSENT

Approval of November 16, 2023 City Council Meeting Minutes

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

A list of accounts totaling \$5,628.29 was presented to be removed from the City's system due to customers taking out bankruptcy or being sent to collections.

Request for Approval of Holiday Schedule

The 2024 holiday schedule was presented for approval.

MOTION: A motion to approve the Consent agenda was made by Councilmember Troxell, seconded by Councilmember Jensen, and carried unanimously. Councilmember Jensen, aye; Councilmember Jeffries, aye; Councilmember Smith, aye; Councilmember Troxell, aye; Councilmember Hipp, aye.

PUBLIC HEARING

Consideration of Resolution Amending FY 2023-24 Budget

Mr. Kotter came forward and presented proposed changes to the budget.

| Fund/Project | Amount | Revenue | Expense |
|--|-----------|-----------------------|--------------------------|
| <u>Public Utility Fund</u> | | | |
| Mantua Irrigation Water Shares – Bunderson | \$100,000 | Reserved Fund Balance | Mantua Irrigation Shares |

He explained the adjustment was necessary to purchase 82 water shares. The total purchase price to be paid over the next four years would be \$943,000. The first payment of \$100,000 was due in January 2024 and the funds would come from the Utility Fund fund balance.

A motion to open the public hearing was made by Councilmember Smith, seconded by Councilmember Troxell, and carried unanimously. Councilmember Jensen, aye; Councilmember Jeffries, aye; Councilmember Smith, aye; Councilmember Troxell, aye; Councilmember Hipp, aye.

Julianna Larsen – Ms. Larsen questioned where the funds would come from to replace what would be spent on the water share purchase. She also asked how the shares would benefit the City.

A motion to close the public hearing was made by Councilmember Hipp, seconded by Councilmember Jeffries, and carried unanimously. Councilmember Jensen, aye; Councilmember Jeffries, aye; Councilmember Smith, aye; Councilmember Troxell, aye; Councilmember Hipp, aye.

The motion for consideration of the resolution was held until after the purchase contract action item was heard.

Community Development Block Grant (CDBG) First Public Hearing

Mr. Larsen came forward and stated the purpose of the first public hearing was to receive input from citizens on projects to be considered for application for funding through the Community Development Block Grant. In 2024, approximately \$776,520 was expected to be available in the Bear River region for CDBG projects. A portion of the funding will be used by the Bear River Association of Governments for administration. The remainder of the funding will be available for projects to be rated and ranked. All funds allocated must meet a HUD national objective and benefit low to moderate income individuals. Projects displacing low to moderate income persons are not likely to receive funding. The range of projects that are eligible include affordable housing, community infrastructure projects, durable equipment purchases and other projects such as public service projects for seniors, youth, and battered spouses, and housing rehabilitation projects. Past projects funded in Brigham City through CDBG were senior center projects, including a walk-in refrigerator replacement, floor replacement, parking lot overlay, and electrical system upgrade. Other past projects included ADA curb ramps throughout the City, housing rehabilitation, building improvements at the Box Elder County Family Support Center, Habitat for Humanity, and the Box Elder County Community Health Center. This first public hearing is a requirement for the City to apply for or to sponsor non-profit organization applications for the grant. This grant does not require a grantee match. The Council must respond to comments during the hearing, or the City must provide responses in writing after the hearing.

A motion to open the public hearing was made by Councilmember Jeffries, seconded by Councilmember Smith, and carried unanimously. Councilmember Jensen, aye; Councilmember Jeffries, aye; Councilmember Smith, aye; Councilmember Troxell, aye; Councilmember Hipp, aye.

Anna Rivers – Ms. Rivers represented Habitat for Humanity Northern Utah and expressed interest in working with the City on a CDBG application to help low-income families obtain safe affordable housing.

DeAnna Hardy – Ms. Hardy opposed CDBG grants and felt funding the grants was taking from residents.

A motion to close the public hearing was made by Councilmember Jensen, seconded by Councilmember Troxell, and carried unanimously. Councilmember Jensen, aye; Councilmember Jeffries, aye; Councilmember Smith, aye; Councilmember Troxell, aye; Councilmember Hipp, aye.

Public Hearing to Consider Resolution Approving Governing Document for Creation of Reeder Ranch Public Infrastructure District Nos. 1, 2, and 3

Mr. Larsen reminded Council of the public infrastructure district (PID) presentation a few months back and reiterated that a PID could be established through resolution of the City Council and would have taxing authority which is restricted to the parcel of land where the PID is created. Mr. Long stated the action would create three identical PIDs with a mechanism for financing.

A motion to open the public hearing was made by Councilmember Jensen, seconded by Councilmember Hipp, and carried unanimously. Councilmember Jensen, aye; Councilmember Jeffries, aye; Councilmember Smith, aye; Councilmember Troxell, aye; Councilmember Hipp, aye.

Julianna Larsen – Ms. Larsen questioned the public hearing process of the Utah Inland Port Authority (UIPA) and felt the notifications to the property owners and public were not sufficient.

DeAnna Hardy – Ms. Hardy stated PIDs were against the Utah Constitution.

William Smith – Mr. Smith asked if the \$50 million per PID was an IOU on future tax revenue from the properties, and who was backing the loans. He asked for the specific locations of the PIDs, the inland port, and rail crossings.

Mr. Larsen displayed the Reeder Ranch property on the screen and identified the proposed PID areas as those that are owned by the Boyer Company. He pointed out that there were no residential property owners included in the PID. The Governing Documents establish the maximum amount of bonding the PID is allowed. The amount was set to allow for bonding to cover the public infrastructure improvements needed. The improvements would then be dedicated to the City. Mr. Larsen stressed the PID does not create a tax obligation on any other property. One of the infrastructure improvements would be relocation of the rail crossing from 2600 West to 2400 West. He reiterated the inland port authority is not a PID, however, they are related because the PID is part of the inland port authority project area and does create a potential for property tax revenues to flow to the project. UIPA has no taxing authority but utilizes property tax revenue that is generated under existing tax levies. Mr. Larsen explained the PID can levy property tax which would be a 30-year obligation and that can be the backing for the bond or the PID can use tax increment as the backing for the bond. The early pay off of the obligation would depend on how the PID board set up the terms of the bond.

DeAnna Hardy – Ms. Hardy was concerned the PID levy of taxes would be paid by all County residents.

Mayor Bott confirmed the taxes would only be for the properties located within the PID.

Mayor Bott asked Mr. Long if the City/County/State is involved in PIDs because a lawmaking legislative body has to create a taxing entity. Mr. Long explained this is the way the State Legislature set up PIDs. The advantage for developers is that PIDs are a financing mechanism secured by the developer's own property and have access to municipal bond financing.

Sam Elder from D.A. Davidson and Aaron Austad, representing Boyer Group, came forward and confirmed that when revenue streams come in, it is required that the bond be paid off. If property values go up, any additional revenue would go to paying the bonds off as well. They estimated once the bonds are entirely repaid, the PID will dissolve.

DeAnna Hardy – believed allowing the PID showed favoritism to certain businesses.

Councilmember Smith asked for clarification on the location of the PIDs inside of the parcel. It was explained by D.A. Davidson that the annexation area in the proposal covers the entire project area. The

three 5,000 SF “postage stamps” can be annexed into the area within the boundaries of the district. Mr. Oyler clarified the annexation is not outside of the parcel.

A motion to close the public hearing was made by Councilmember Smith, seconded by Councilmember Jensen, and carried unanimously. Councilmember Jensen, aye; Councilmember Jeffries, aye; Councilmember Smith, aye; Councilmember Troxell, aye; Councilmember Hipp, aye.

Consideration of Resolution Approving Governing Document Providing for Creation of Reeder Ranch Public Infrastructure District Nos. 1, 2, and 3

MOTION: Councilmember Jensen made a motion to approve the Resolution for approval of the Governing Document providing for creation of Reeder Ranch Public Infrastructure District Nos. 1, 2, and 3. The motion was seconded by Councilmember Hipp.

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| Roll Call: | Councilmember Hipp | Aye |
| | Councilmember Jeffries | Aye |
| | Councilmember Jensen | Aye |
| | Councilmember Troxell | Aye |
| | Councilmember Smith | Aye |

PUBLIC COMMENTS

Bryan Baron – Mr. Baron felt the proposed parking regulations ordinance was overly broad and should be restricted to when there is snow on the road.

Jess Palmer – Mr. Palmer was opposed to the proposed parking regulations ordinance due to many residents having single driveways and nowhere to park. He also questioned the snowplow routes and route frequency.

Tyson Packer – Mr. Packer felt there should be more enforcement of the current ordinance.

Dan Taylor – Mr. Taylor questioned the amount of the parking regulations fine. Also, he was not supportive of the recycling center being closed on Saturday and suggested opening it from Wednesday to Saturday.

Julianna Larsen – Ms. Larsen commented on the upcoming action item for the REDL loan to the Young Automotive Project and felt that using funds for this purpose should not be allowed. She did not support spending \$3.1 million on the current agenda items and wondered how the City was going to pay for it.

COUNCILMEMBER COMMENTS

Councilmember Jensen – thanked the Public Works Department for extending the leaf collection.

Councilmember Jeffries – echoed the leaf collection sentiments. He attended the Library Board meeting and reported they are looking forward to the completion of the lift.

Councilmember Hipp – also appreciated the extended leaf collection. He went to a local school to watch the Veteran’s Day tribute and expressed his appreciation for the veterans and our freedom.

ACTION ITEMS

Consideration of Resolution Supporting Application for Rural Economic Development Loan to Facilitate Young Automotive Project

Mr. Larsen clarified the Young Automotive Project would be located on 1100 South. He explained the Department of Agriculture has a number of business programs, loans, and grants available. If Young were to be granted this loan, the City would act as intermediary where the funding would flow from the USDA to the City and then on to the recipient. The loan is 10-year 0% interest and requires a letter of credit between the City and the USDA, and another letter of credit between the recipient and the City. Payments are made to the City and then forwarded to the USDA. In the event of non-payment, the City would call on the letter

of credit for the loan to be paid off. Cities eligible for these pass-through loans for businesses are required to have a population of less than 50,000 and their own electrical utility company.

MOTION: Councilmember Jeffries made a motion to approve the Resolution supporting the application for the Rural Economic Development Loan to facilitate the Young Automotive project. The motion was seconded by Councilmember Hipp.

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| Roll Call: | Councilmember Smith | Aye |
| | Councilmember Troxell | Aye |
| | Councilmember Jensen | Aye |
| | Councilmember Jeffries | Aye |
| | Councilmember Hipp | Aye |

Request for Approval of Reeder Ranch Subdivision Preliminary Plat Located at 2865 West Forest Street

Mr. Bradley displayed the plat on the screen explaining there are three parcels within the proposed cluster subdivision in the RR-1 zoning district. There would 42 lots, 32 of which would be ½ acre lots. The larger lots would be to the south. There is a stub street to the west for connectivity and no connectivity to the east or south due to the Bird Refuge and the black slough, respectively. Reeder Ranch committed to a trail system along Forest Street that may tie into the Bird Refuge along with Avocet Acres Subdivision in the future. Forest Street would be a rural design. Staff will have to review the right of way before the final plat stage considering utility easements and the trail. Some of the easements for power and sewer will involve a Pioneering Agreement with the developer. The Planning Commission recommended approval subject to staff comments and recommendations and findings of fact, as well as following dark sky lighting practices to protect sensitive lands.

MOTION: A motion to approve the Reeder Ranch Subdivision preliminary plat located at 2865 West Forest Street subject to Staff's recommendation on the Forest Street right of way was made by Councilmember Jensen, seconded by Councilmember Smith, and carried unanimously. Councilmember Jensen, aye; Councilmember Jeffries, aye; Councilmember Smith, aye; Councilmember Troxell, aye; Councilmember Hipp, aye.

Request for Approval to Purchase 82 Water Shares in Mantua Irrigation Company

Mr. Pugsley came to the podium and stated under the proposed Purchase Contract, the City would purchase 82 shares in the Mantua Irrigation Company from the Bunderson Family Farmland Trust as previously presented by Mr. Kotter in the budget presentation. Mr. Oyler added that the City has historically spent between \$2 and \$3 million per year on utility type capital infrastructure. The funding to pay for the water shares would come from those funds. There would not be a request to increase utility revenue. Councilmember Troxell asked for an explanation of the difference between buying property with water and buying water shares. Mr. Pugsley explained the City has bought property to protect drinking water sources which sometimes includes the water right. Water shares do not go along with a property sale unless specifically identified in the purchase agreement.

MOTION: A motion to approve the purchase of 82 water shares in Mantua Irrigation Company was made by Councilmember Hipp, seconded by Councilmember Jensen, and carried unanimously. Councilmember Jensen, aye; Councilmember Jeffries, aye; Councilmember Smith, aye; Councilmember Troxell, aye; Councilmember Hipp, aye.

MOTION: Councilmember Smith made a motion to approve the Resolution amending the FY 2023-24 budget. The motion was seconded by Councilmember Troxell.

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| Roll Call: | Councilmember Hipp | Aye |
| | Councilmember Jeffries | Aye |
| | Councilmember Jensen | Aye |
| | Councilmember Troxell | Aye |

Councilmember Smith

Aye

Request for Approval to Enter Into Contract for Fire Engine Purchase

Chief Thueson came forward and stated after the fire engine purchase discussion on November 2, 2023, City staff put out a RFP for a second fire engine and received one bid for \$1,125,819 with an approximate build time of 36-48 months. Mr. Kotter stated the reason for the urgency on the engine was that the manufacturer plans on a 1% price increase in January 2024. Options for payment included a full prepayment discount of \$126,792 (City's money is bonded), a chassis prepayment discount of \$14,852, or pay in full at time of delivery. Mr. Kotter presented three financing options.

| | Pierce | PTIF | Treasury (3Y) |
|---------------|--------------|--------------|---------------|
| Present Value | \$ 999,027 | \$ 999,027 | \$ 999,027 |
| Interest Rate | 4.06% | 4.80% | 4.33% |
| # Yrs | 3 | 3 | 3 |
| Future Value | \$ 1,125,819 | \$ 1,149,766 | \$ 1,134,501 |
| Difference | \$ - | \$ 23,947 | \$ 8,682 |

He stated that the City has the funding available to make the prepayment now. Mr. Kotter will bring the item back to City Council on December 21, 2023 with a budget adjustment at which time a financing decision would need to be made.

MOTION: A motion for approval to enter into a contract for the fire engine purchase was made by Councilmember Jeffries, seconded by Councilmember Jensen, and carried unanimously. Councilmember Jensen, aye; Councilmember Jeffries, aye; Councilmember Smith, aye; Councilmember Troxell, aye; Councilmember Hipp, aye.

Consideration of Ordinance Amending City Code Chapter 15.02, Parking Regulations, and Repealing and Amending Sections of City Code Chapter 24.01, In General

Mr. Tarver came to the podium and spoke about the previous winter with vehicle and pedestrian accidents. When vehicles are left on the street during and after snowstorms, plows cannot properly clear streets and obstructions are left in the road creating unsafe conditions for other vehicles and pedestrians. He also pointed out the difficulty in getting emergency vehicles in place when responding to an incident with vehicles/trailers parked on the street. He stated the current City Code included requirements to move vehicles off the street when the plows were out or when snow was coming. More than likely, residents would not be aware of either circumstance. He reviewed the proposed ordinance changes including specified time periods to remove vehicles/trailers, abandoned vehicles/trailers, penalty change from class C misdemeanor to infraction, number of violations and penalty, and street parking time limitation. Mr. Tarver stated the changes would be rolled out to include education before enforcement.

Chief Reyes came forward and clarified the bail schedule is undergoing changes and 1st offense infractions would be a \$50 fine, 2nd offense would be a \$100 fine, and the 3rd offense has not yet been defined but would include a vehicle tow.

Mr. Pugsley stated operating a plow in a storm event is challenging and a safety factor for residents and employees when snow cannot be removed from curb to curb. It also affects storm drainage. Plow operators have to re-plow areas when vehicles are finally removed from the street.

Councilmember Hipp asked if warnings would be issued before infractions and Chief Reyes confirmed they would. Chief Reyes stated the education phase could take up to 8 weeks or possibly until March 15.

MOTION: Councilmember Troxell made a motion to approve the Ordinance amending City Code Chapter 15.02, Parking Regulations, and repealing and amending sections of City Code Chapter 24.01, In General. The motion was seconded by Councilmember Smith.

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| Roll Call: | Councilmember Hipp | Aye |
| | Councilmember Jeffries | Aye |
| | Councilmember Jensen | Aye |
| | Councilmember Troxell | Aye |
| | Councilmember Smith | Aye |

Mr. Oyler asked Mayor Bott for an amended motion on Action Item #2 Resolution supporting application for Rural Economic Development Loan for Young Automotive Project to amend section 1 referring to a hotel, and changing the date of the resolution to December 7, 2023.

MOTION: Councilmember Jeffries accepted the amendment as stated above. The amended motion was seconded by Councilmember Hipp.

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| Roll Call: | Councilmember Hipp | Aye |
| | Councilmember Jeffries | Aye |
| | Councilmember Jensen | Aye |
| | Councilmember Troxell | Aye |
| | Councilmember Smith | Aye |

At 9:14 p.m. the Council adjourned to a closed session to discuss the purchase, exchange, or lease of real property and pending or reasonably imminent litigation.

MOTION: Councilmember Jensen made a motion to adjourn to a closed session. The motion was seconded by Councilmember Hipp.

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| Roll Call: | Councilmember Smith | Aye |
| | Councilmember Troxell | Aye |
| | Councilmember Jensen | Aye |
| | Councilmember Jeffries | Aye |
| | Councilmember Hipp | Aye |

At 11:58 p.m. the Council returned to an open meeting and adjourned.

MOTION: Councilmember Smith made a motion to return to an open meeting. The motion was seconded by Councilmember Jensen and carried unanimously. Councilmember Jensen, aye; Councilmember Jeffries, aye; Councilmember Troxell, aye; Councilmember Smith, aye; Councilmember Hipp, aye.

MOTION: Councilmember Smith made a motion to adjourn. The motion was seconded by Councilmember Jensen and carried unanimously. Councilmember Jensen, aye; Councilmember Jeffries, aye; Councilmember Troxell, aye; Councilmember Smith, aye; Councilmember Hipp, aye

The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the December 7, 2023 City Council Meeting.

Dated this 22nd day of December 2023.

Christina Boss

Christina Boss, Recorder