

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
April 17, 2014**

PRESENT:	Tyler Vincent	Mayor
	DJ Bott	Councilmember
	Ruth Jensen	Councilmember
	Tom Peterson	Councilmember
	Brian Rex	Councilmember
ALSO PRESENT:	Rick Bosworth	Human Resources Manager
	Jim Buchanan	Emergency Services Director
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Jared Johnson	Community Development Director
	Bruce Leonard	City Administrator
	Mike Nelsen	Police Lieutenant
	Tyler Pugsley	Public Works Director
EXCUSED:	Mark Thompson	Councilmember

Mayor Vincent called the meeting to order. The Reverence Period was given by Jason Coppieters from the LDS 22nd Ward Bishopric. The Pledge of Allegiance was recited.

Approval of Minutes: A motion to approve the minutes of the April 3, 2014 Council meeting was made by Councilmember Rex. Councilmember Peterson noted that Mayor Fife should be changed to Mayor Vincent. The motion was seconded by Councilmember Peterson and unanimously approved as corrected.

Mayor Vincent announced a work session scheduled for April 24 at 5:00 PM. The first hour will be a training session on social media; the last hour will be a discussion on alternative power sources.

AGENDA

PUBLIC COMMENT

RECOGNITION OF EMPLOYEES

Police Department
Emergency Services

CONSENT

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

SCHEDULED DELEGATION

Proclamation Declaring April 25, 2014 as Arbor Day

UNFINISHED BUSINESS

Discussion on Advanced Metering Infrastructure (AMI) Policy and Request Authorization to Begin Implementation of AMI Metering System

PUBLIC COMMENT

Sheila Hassett, 656 S 1075 W - Ms. Hassett said she is not in favor of the proposed smart meters. She rented a device that detects the RFs and whether it is healthy or not healthy.

She said if smart meters are installed, there will be a lot of attorneys purchasing these and sending their junior attorneys out with them. She said if there is one installed at her house she will sue Brigham City. She submitted eight pages of signatures on a petition against smart meters. She read several questions that have been brought up by a lot of attorneys throughout the U.S.

Don Dunbar, 153 N 100 E - Mr. Dunbar said Dave Burnett is really good at taking care of things that go buzz in the night and he has full faith that he will come up with some meters that are not harmful. He and Ms. Hassett took the device she mentioned and went to a number of meters. He stood by the one behind the picnic tables at John Adams Park and when it pulsed to discharge its data he got a sharp pain in the middle of his forehead. When he backed away from it, it was gone. They also took it to Canyon Cove Apartments. When they held it up to one of their GE meters it pulsed to 840. The FCC's limit on this kind of radio transmission is 663 millowatts. Another one pulsed between 1100-1200. As they stood there, they both felt another sensation on their head as one of the meters discharged its data. Mr. Dunbar said he was convinced the Council will be responsive to the citizens' concerns on the health risks and the intrusions. He has full faith that Dave Burnett and the Power Department will come up with some meters that are inexpensive and probably will not violate citizens' privacy. These meters can be made safe. There are several manufacturers of these meters and can be made with different signal strength with modules that can be easily replaced. He added that it is not just the signal strength, it is the frequency. These are not frequency modulation meters; they are running at the microwave frequencies at the same band width that the military uses for beam weapons.

Mr. Dunbar added that through these controversies, the citizens that are concerned with these issues sometimes get retaliated against. Because of his position on UTOPIA, he said his apartment lease was first interfered with and secondly not renewed. This is a cause of action and intentional interference with a favorable contract. He thinks the preponderance of evidence indicates that one of the members of Brigham City's UTOPIA Task Force did this in retaliation for him speaking out. His attorneys are preparing the paperwork now. He does not want to list Brigham City in the suit, but his attorneys may insist that he does.

Glenn Perry, Corinne - Mr. Perry is an engineer at Hill Air Force Base. He said smart meters are one form of rate manipulation. In Phase 1 of the smart meters the only power control they have is to turn off the power. In Phase 2, pieces of a home will employ different pieces of electronics that are controlled by the smart meter and turn off major appliances. This is controlled by another source, another board, another organization like UTOPIA. Cost increases tend to be about two cents per kilowatt over the life of the smart meters. Averaged over approximately 10,000 households with an average use of about 11,000 kilowatts per year, that is \$220 per household and \$2.2M for all households. Any corporation would like to manage this because there is plenty of potential for profit. He did not discount UTOPIA for wanting to do this, but he proposed an alternative - wind power generation. He proposed a rate increase of 2¢ per kilowatt hour for three years which would generate approximately \$6.6M of capital money. This would pay for two 2-megawatt fans to sit on top of a mountain on the Wasatch Range with plenty of wind to keep it at full power. This is enough for 4,000 households per year. At the end of the three year timeframe rates could be reduced to the previous rate. At this rate the City would have renewable energy and continue to save. Revenue would continue to come in from the fans and every year and a half install an upgrade. At the end of seven and a half years the City would have enough renewable energy for 10,000 households. At that time rates could be discounted.

Leslie Davis, 1030 E 675 N - Ms. Davis said she keeps hearing from the City that the meters they are looking at are not like the ones people have expressed concern about. However, she looked in the City's Comar, the utility book that governs the City's utilities, and it says that smart meters are part of an advanced infrastructure and that AMIs are part of a government grid system. The Council has heard about the dangers and ill effects. She said they have talked to people in other cities and also in Box Elder County that have the meters and have had ill effects from it. The Council should listen to other cities and citizens in the community that have these meters. These are a health hazard. She asked if the City wants lawsuits. The City cannot afford lawsuits. She said Los Angeles is currently experiencing this. The smart meters they provided have now resulted in a lawsuit against California because of the ill effects they have caused.

Carroll Nichols, 625 Anderson - Mr. Nichols said most of the citizens in attendance are protesting smart meters whether they are on their homes or on the streets. They trust what they have and feel secure with them.

Mr. Nichols suggested the City provide an extra garbage container for paper, aluminum and plastic recycling. He currently hauls all his newspapers to West Forest and is tired of it. He asked the Council to look into this.

DeLoy Mecham, 170 S 1600 E, Tremonton - Mr. Mecham said there are currently thermostats available that will almost control everything in homes. They sent people to school and studied it and decided not to participate in it because it is almost the same thing as a smart meter, with even more controls. He recommended the City stick with what they have.

Mr. Mecham announced that on April 19 from 10:00 to 12:00 at the State Capitol is the 2nd and 3rd amendment to show that people still want to bear arms. Some of the representatives will speak and there will be various activities. He will be there to represent Brigham City and Box Elder County.

Becky Maddox, 148 N 500 W - Ms. Maddox stated that in Massachusetts the state wants their citizens to reduce greenhouse gas emissions by 25% below the 1990 baseline by 2020. She wondered how much electricity they will have to go without in order to do that. By 2050 they want to reduce greenhouse gas emissions to 80% below the 1990 levels. She wondered how much the electric city companies want their wages and profits to go down. This means that as electricity use goes down, users will be paying more for their electricity because they will still want the same profits and wages. This needs to be looked at because it's not good to have people not able to use electricity because it is too expensive. She did not feel that the greenhouse gas problem is really a problem. All the things people can do with these smart meters sound wonderful. However, most people are too busy trying to make a living to take time to follow all the things smart meters can do. New meters cost twice as much as the old ones. The City cannot afford to pay twice as much.

RECOGNITION OF EMPLOYEES

Police Department

Heidi Kennedy was recently hired as a part-time school crossing guard.

Emergency Services

The following individuals have been hired as Firefighter EMTs: Nick McQueen, Mike Montgomery, Laura Olsen, Mitch Fisco, Jim Higgins, Mike Hansen and Mike Coleman.

CONSENT

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

A list of accounts totaling \$2,987.08 was presented to be removed from the City's system due to customer taking out bankruptcy or being sent to collections.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Jensen, seconded by Councilmember Rex and unanimously carried.

SCHEDULED DELEGATION

Proclamation Declaring April 25, 2014 as Arbor Day

Mr. Phillips, Chair of the Shade Tree Commission, came forward and announced that this is Brigham City's 28th year as a Tree City U.S.A. There will be an Arbor Day Program on April 25 at Mountain View Elementary School. The third grade students will plant three trees at Constitution Park. Mr. Phillips read the proclamation declaring April 25, 2014 as Arbor Day and the Mayor signed the proclamation.

UNFINISHED BUSINESS

Discussion on Advanced Metering Infrastructure (AMI) Policy and Request Authorization to Begin Implementation of AMI Metering System

Messrs. Morgan, Burnett and Leonard came to the table. Mr. Leonard explained that when the City is out of power for more than five minutes, the Power Department is so inundated with calls Mr. Burnett cannot talk to the controllers at Rocky Mountain Power to try and get the power back on. If it goes longer than five minutes, the calls increase. People love their power. Chief Tittensor told him that the Chief of Police from a community in New Jersey was a presenter at a recent conference he attended and talked about Sandy Super Storm. He said electrical power loss was the most critical factor. They were without power for ten days. It was a fairly upscale community with an average income of \$140,000. Nonetheless, people broke into the National Guard Armory and stole their generators. The City put out small generators at intersections to control traffic lights and chained them to the street light poles, but people still found a way to take them by cutting the chains. Desperate people do desperate things. When they are without power and need power for their family, they will find a way to do it. When the power goes out, there is no fuel. Communications are completely shut down. Another community that had AMI meters had their customers back on in 48 hours because they used the technology which told them where the outages were and did not have to send people out to walk up and down the lines. People have brought up the bad things about it, but it is good technology. Mr. Dunbar told the Council to look at a meter that will help the City do what they want. Mr. Burnett has spent three years researching the type of meter the City wants.

Mr. Leonard said there was a big snow storm in Brigham City in the 1970s. The City Council at that time had let the grid system go to a point that this snow storm devastated the system. It took everything down. Mr. Leonard said he was without power for four days before he abandoned his home. Mr. Burnett said he was without power for five days.

The City is trying to build a system that protects the City and its citizens from disaster and gets the City back up and running as quickly as possible. This is the approach the City has taken all along.

The meters that are being recommended put out the same RF as the meters that are currently installed on every home in Brigham City. This is not changing. They are on both the water system and power system. This started in 1998, sixteen years ago.

Mr. Leonard said they are proposing guidelines that would allow City staff to go forward and install these meters. The guidelines cover some outreach programs, opt-out programs and things that the citizens should know about what the meters will do and how the City will use them and deploy them. They will be deployed in phases. If the Council desires, staff can return to the Council as directed and report on the progress and how it is being utilized.

Mr. Leonard continued that Brigham City was the third City that elected to use the automated refuse system. He heard a lot of the same comments: it's dangerous; older people will not be able to use it; kids will follow the trucks and be harmed. There was a lot of opposition in the City. Staff took the cans to the Senior Center and filled them up with waste and had the patrons take turns pushing them around. There has never been a problem with the system.

Change is hard sometimes. Councils have to face change. Councils stepped up when the City built Mantua Reservoir. This was a huge impact on a small town. Now look at the benefits. ATK would not be in this community if that reservoir had not been constructed.

Another example is the sewer treatment plant in 1986. There was a lot of opposition to building this plant. People commented that what the City had was good enough. The Council felt it needed to be built and went forward. Now, Brigham City's sewer rates are 50-60% less than the surrounding communities because the Council decided to do the right thing.

There was also a lot of opposition to the golf course. The Council felt that a 9-hole golf course was not good enough for Brigham City and would never make enough money or get the rounds needed, so they built an 18-hole course. It took a few years, but now the golf course is making a profit and will continue to do so.

Mr. Morgan reviewed the highlights of the policy. It is a general policy on what the City intends to do, the purpose, and how the City will protect individuals and deal with the safety issues.

- ◆ There will be an opt-out option for citizens that do not want the smart meters on their homes.
- ◆ Health and safety issues. The standard AMI meters will be installed in accordance with FCC guidelines. The RF emissions will be far lower the FCC guidelines.
- ◆ Privacy and security issues. Meters will only be used for whole household composite electrical consumption data. This means that only bulk usage data will be delivered to the Brigham City Billing Department. The department will not be able to detect the consumption of electricity by individual appliances within the home.
- ◆ There will some outreach programs to educate the citizens on what the meters do and what they do not do.

Mr. Morgan stated that Vickie Baldwin from Parsons, Bailey and Latimer, who specializes in utility issues prepared these guidelines after much research. She told them the State of Pennsylvania has mandated smart meters for their state.

Mr. Burnett stated that he listens to the comments from citizens. He anticipated some of these concerns when he started looking at these meters three years ago. He has just as much concern about health and safety and about his privacy as any other citizen. He compared the meters to a car. A basic model car that will drive a person from point A to point B, or a person can have as many upgrades as they want on the car. The proposed meters do not have the second module in it, does not have the Z-wave module to talk inside any residence or look at any appliance in the residence. It is a 900 MHz, the same as is currently installed on homes. Some citizens have recommended that the City wait to see what the health effects will be with these meters; however, we already know that because they have been installed since 1996. If anything, the proposed meters are safer because proposed meters pulse many times throughout the day, but it is at 50 milliseconds at a time. When looking at the health issues, the time duration of exposure should be considered as well as the amount of pulses. When these are factored in, the RF exposure on the proposed meters will be less than the current meters.

Concerning the privacy issue, Mr. Burnett said it is impossible for these meters to look inside houses.

Councilmember Rex said it is predicted that this year there will be more cellphones than there are people. There are already six and a half billion cellphones. In some countries there are 1.7 phones per person. In Brazil there are 1.2 cellphones per person. There are billions of cellphones, cellphone towers and Wi-Fi networks. Wireless technology is not going away because there is opposition to smart meters. Wireless technology is everywhere and is regulated by the FCC.

Mr. Leonard said one of the comments that has been heard is that the City should stay with what is currently installed. Mr. Burnett has done some bench testing on some of the meters he has and found that at certain heat ranges they stop functioning. When a meter on a home stops registering the energy being used, the rest of the rate payers subsidize this because someone has to pay. It's the same thing when someone steals power.

Councilmember Peterson said he and Councilmember Bott and Mayor Vincent went to Beaver and Spanish Fork and talked to them about their meters. Beaver had meters that were over 50 years old. They had problems with some customers when they got a meter that actually functioned properly because their bill increased. They found that there were multiple benefits. Councilmember Peterson said they asked Beaver staff if they saw any problems within their City, such as fire, health concerns. The only problem they had was at the beginning with about 2-3% of the meters not reading correctly. They did not have any problems with the actual meters, only the communications. This was taken care of immediately. He added that Beaver citizens have raved about the electrical meters. Councilmember Bott added that Beaver has had these meters for two years and Spanish Fork has had them for five years. The only fire they can remember is with the old meters when constantly pulling it off and putting it back on. This widens the gap and produces an arc. Councilmember Peterson said both cities could not say enough about how much more efficient they were. Spanish Fork used to use a crew of 14 people for shut-offs and it would take three days. Then it would take another two days to turn them back on once they paid their bill.

Councilmember Jensen said Mr. Burnett told her that dial meters are being phased out. All technology moves forward. It just depends on how fast the City wants to move forward or

what the reason is. She asked some people to investigate the meters and provided them with the make and model. They verified that it is a benign meter and under FCC regulations.

Addressing the policy, Councilmember Jensen said she had hoped that there would be an opt-in because there are so many people that are afraid. Not only are they afraid, but they do not trust the Council because of situations in the past. This needs to be recaptured. Her concern is that this Council has made promises to the citizens with these meters, but future councils can do what they want.

Councilmember Jensen asked what happened to the American attitude of "if there is a need, build something to meet the need." In the 1940s there was a need for more electricity so the U.S. took on one of the biggest engineering challenges in human history and built the Hoover Dam. On a smaller scale, past Councils saw there would be an increasing need over the years for water. Did they tell the citizens to conserve? No, they built Mantua Reservoir and this has been a wonderful gift to Brigham City. Councilmember Jensen said she can see the benefits of smart meters but they are far from being the answer to the City's future needs and she can see a lot of potential for misuse and abuse.

Mayor Vincent stated that Mr. Burnett has done extensive study on the health concerns and has confirmed that there are no health risks. The City needs to look at efficiency of business and these will be more efficient and benefit everyone.

Councilmember Rex said regarding the spying issue, Homeland Security has a billion dollar data center in Bluffdale and intercepts everyone's phone calls and e-mail. Brigham City does not care about citizens' electric usage other than to bill them for it. If people don't like being spied on, the City is the wrong branch of government to complain to. Mr. Morgan added that the proposed policy prohibits Brigham City from transferring any data to any third party.

Councilmember Rex said because of environmental regulations, many coal powered plants and nuclear plants are being shut down. A nuclear plant was recently shut down that produced 2,000 megawatts, which is enough for a million homes. The amount of electricity cannot decrease in the U.S and not expect to see rate increases. The federal government and state governments are putting increasing regulations on the generation of electricity, which will increase the cost and it will be passed on to every customer; this is the facts of life and how the free market works.

Councilmember Rex added that the Council has addressed this issue several times and he felt the policies are fair and address the concerns from citizens.

Councilmember Jensen recommended implementing the customer service portion first. She suggested putting it in the billing so everyone has an opportunity to read it before implementation.

Councilmember Jensen added that some citizens have talked to her and felt that the Council should not be the ones to decide this because it is going on everyone's home and asked if this could be put on the ballot for the general election. Mr. Morgan said there is the opt-out policy so if they do not want it on their home they don't have to have it. Councilmember Jensen said that is an option, but there will be a charge. Mr. Burnett explained that this is to cover the cost of maintaining licensing and equipment upgrades for the old system.

Councilmember Jensen asked if the City is prepared to go into litigation with those who have threatened to do so. Councilmember Bott said they talked to two cities that have had these meters and they have not had any lawsuits. Mr. Morgan explained that if the City offers the opt-out option the issue of litigation will be moot.

Councilmember Jensen suggested waiting until the next budget year. Although the money is in the current budget, she felt it would be better to wait and see if the money might need to be rolled over to the next budget. Mr. Leonard said the utility fund is not experiencing difficulties, the general fund is.

Councilmember Peterson said this recommendation is based on three years of research. He has looked at both sides and in talking with the cities he did and doing the due diligence, he felt these meters will provide a great service to the citizens with power outage management and also provide a good safety buffer for City employees.

MOTION: Councilmember Rex made a motion to adopt the electric meter policy as presented and approve the request to move forward with implementation of the meters, including the outreach program. Councilmember Jensen asked if this motion is for 120 meters and then staff will report to the Council. Councilmember Peterson understood that if the Council authorizes Mr. Burnett to purchase the hardware and software for the meters, the City is committed to the system. Councilmember Jensen felt that the City should do open houses first so citizens can see that the RF on these meters is not any different than the current meters. Mayor Vincent said Mr. Burnett has already given the Council all the information, some councilmembers have visited cities, and councilmembers have reviewed all the information pros and cons. Mayor Vincent called for a second on the motion. The motion was seconded by Councilmember Peterson. Councilmember Jensen said she would like it done in phases and time frames. She would like 120 meters first and then in six months return to Council. It is important that the Council regain the trust of the citizens. Mr. Burnett said they could install 120 meters on the apartment complexes and then in next year's budget year it would be the Council's decision the amount of money committed for more meters.

AMENDED MOTION: Councilmember Rex amended his motion to include that 120 meters will be installed and then in six months from installation Mr. Burnett will report to the Council and open houses will be held for the public to see the meters. The amended motion was seconded by Councilmember Peterson. All councilmembers voted in favor; unanimously approved.

The meeting adjourned at 8:25 pm.