

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
December 18, 2014**

PRESENT:	Tyler Vincent	Mayor
	DJ Bott	Councilmember
	Ruth Jensen	Councilmember
	Tom Peterson	Councilmember
	Brian Rex	Councilmember
	Mark Thompson	Councilmember

ALSO PRESENT:	Joseph Bach	Fire Chief
	Mark Bradley	City Planner
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Jared Johnson	Community Development Director
	Paul Larsen	Economic Development Director
	Tyler Pugsley	Public Works Director
	Jason Roberts	Finance Director

Mayor Vincent called the meeting to order. The Reverence Period was given by Pastor Mike Galica from the Holy Cross Lutheran Church. The Pledge of Allegiance was recited.

**Approval of Minutes:** A motion to approve the minutes of the November 6, 2014 and December 4, 2014 Council meetings was made by Councilmember Thompson, seconded by Councilmember Jensen. Councilmember Peterson noted that at the last meeting there was a question on the November 6, 2014 minutes regarding the sidewalk deferral. The approval was tabled until Councilmember Farr was in attendance. The motion in the minutes reads, *"Councilmember Farr made an amended motion to defer sidewalk on both properties indefinitely until the City determines that sidewalk is needed in that area."* Councilmember Peterson asked if this was Councilmember Farr's intent, or if his intent was to defer the sidewalk on the lot that was going to be built on until the house was built. Councilmember Farr explained that his intent was to defer both indefinitely. If, in the future, the City wants to install sidewalk it would be done through a special assessment. His motion was not to require sidewalk as stated in the minutes. The motion to approve the November 6 and December 4, 2014 Council minutes as written was unanimously approved.

Mayor Vincent announced that the January 1, 2015 Council meeting will be cancelled due to the New Year's Day holiday.

**AGENDA**

**PUBLIC COMMENT**

**COUNCILMEMBER COMMENTS**

**RECOGNITION OF EMPLOYEES**

**CONSENT**

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

Request for Approval of 2015 Holiday Schedule

Request for Approval of Annual Meeting Schedule for 2014

Appointment of Citizen Corps Council Coordinator (*removed*)

**NEW BUSINESS**

Request for Approval of Resolution Updating the Business License Fee and Bond Table

Consideration of Resolution Approving Brigham City's Water Conservation Plan Addition IV  
Request for Approval of Resolution Establishing Fees for Customers Desiring to Opt Out of  
Standard Smart Meter, Including Opt-Out Form and Policy Guidelines  
Request for Approval of Resolution and Interlocal Agreement to Allow Willard to Purchase  
1980 Ford Ladder Truck

**PLANNING COMMISSION**

Consideration of Ordinance to Amend Title 29.12, Residential and Multiple Residential  
Districts, to Modify Accessory Building Standards

**PUBLIC COMMENT**

Don Dunbar, Brigham City - Mr. Dunbar commented on the audio/video recordings of City Council meetings. He felt the Council should move forward with hiring a third party to record the meetings and thanked the Council for looking into it. He also commented on the beauty of the cemetery and the cleanliness of the cemetery restrooms. He thanked Tyler Pugsley for bringing in the water well. He also recognized Shane Bradford for sticking with it when it would have been easier to quit. He has been working for the City for 29 years and has seen a lot of changes.

Lee Johnson, Brigham City - Mr. Johnson referred to Walter Rauschenbusch's book "*Christianity and the Social Gospel*." Mr. Rauschenbusch makes it clear that socialism leads to communism. Mr. Johnson said this is still going on but is not as strong. It ties into social justice which is a Catholic concept. Government continues to set up laws to address social sins, yet does not understand this is what is being done.

Becky Maddox, Brigham City - Ms. Maddox said Macquarie does not have a good track record. When there is a public/private partnership people exaggerate what they can do. UTOPIA cities have to pay Macquarie to learn things that they should be willing to sit down and explain what they can do. She recommended the Council do research on their own and not expect others to do it for them.

**COUNCILMEMBER COMMENTS**

Councilmember Farr met with the Urban Beautification Commission wherein they started discussing plans for Arbor Day.

Councilmember Thompson announced that the Youth City Council has invited the City Council and their families to their party on Monday, December 22.

Councilmember Jensen reported on the Advisory Council on Aging meeting. They are planning a big fundraiser in March for the Meals on Wheels Benefit. She also attended a meeting with the nonprofits in the community about the Brigham City Fun Fair on January 12.

Councilmember Peterson attended a UTOPIA Board meeting wherein they created a Business Development Committee to find the best ways to utilize the settlement money and the most effective ways to move forward. He expressed appreciation to Mr. Roberts for all the time he puts into UTOPIA. It takes a lot of time out of his schedule. He added that county officials will be sworn in on January 5, 2015 at noon.

Mayor Vincent expressed appreciation to the councilmembers for all the time they put into City business and for their support in the last year.

## CONSENT

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

A list of accounts totaling \$3,533.48 was presented to be removed from the City's system due to customer taking out bankruptcy or being sent to collections.

### Request for Approval of 2015 Holiday Schedule

A list of the holiday schedule for 2015 was presented for approval.

### Request for Approval of Annual Meeting Schedule for 2015

In compliance with state law, the annual meeting schedule was presented for approval and publication.

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

## NEW BUSINESS

### Request for Approval of Resolution Updating the Business License Fee and Bond Table

Mr. Bradley came forward and explained the changes to the business license fees. Most of the fees remain the same.

There was a discussion on the cost of a Christmas tree license (\$75) for 60 days vs an agricultural vendor license (\$30) for 90 days. Mr. Bradley explained that these fees have not changed. The Christmas tree license may be higher because of the inspection and the hazards of tree lots. It was the consensus that the fees should remain as printed.

**MOTION:** A motion to approve the resolution updating the business license fee and bond table was made by Councilmember Peterson, seconded by Councilmember Bott. The Mayor called for a roll call vote:

Councilmember Bott - aye  
Councilmember Farr - aye  
Councilmember Jensen - aye  
Councilmember Peterson - aye  
Councilmember Thompson - aye

### Consideration of Resolution Approving Brigham City's Water Conservation Plan Addition IV

Mr. Tyler Pugsley came forward and gave the attached presentation on the City's Water Conservation Plan.

**MOTION:** Councilmember Peterson made a motion to approve the resolution approving Brigham City's Water Conservation Plan Addition IV. The motion was seconded by Councilmember Bott. The following roll call vote was taken:

Councilmember Bott - aye  
Councilmember Farr - aye  
Councilmember Jensen - aye  
Councilmember Peterson - aye  
Councilmember Thompson - aye

**Request for Approval of Resolution Establishing Fees for Customers Desiring to Opt Out of Standard Smart Meter, Including Opt-Out Form and Policy Guidelines**

Mr. Burnett and Mr. Roberts approached the Council. Mr. Roberts explained that there are costs involved in running two different sets of meters. In order to come up with an estimate, they estimated 100 customers would opt-out.

Annual cost of software and licensing	\$14,000	\$11.67
Manual shutoff costs	853	0.71
Annual meter maintenance (labor only)	9,164	7.64
Equipment/hardware costs (\$10K every 5 years)	2,000	<u>1.67</u>
Total monthly opt out cost per customers		\$21.68

If only ten customers opt out and they have to pay for all the above expenses, it would be a much larger number; therefore, staff recommended a cap of \$25.

Councilmember Farr expressed concern with capping it at \$25 which would mean the citizens would have to bear the rest of the cost. He suggested waiting until it is known how many will opt out before coming up with an opt-out fee. Councilmember Thompson said the customers need to know what the opt-out fee will be before they choose to opt out. Mr. Roberts suggested giving a range.

Mr. Roberts added that if there are a lot more than 100, the manual shutoff costs will be much higher. Staff's recommendation is to set an amount so people know there will be a cost involved. Councilmember Peterson agreed, but the form should state that the amount has been calculated at 100 customers opting out and if the final number differ much from that the amount could change. He agreed with Councilmember Farr that it is premature to state a fee. Mr. Roberts felt that a range should be given to the customer so they can make a decision. He recommended \$25-\$35. Councilmember Farr was concerned that if the number is different than that the customer will say that is what the City told me.

Councilmember Jensen stated that if all the meters are not going to be installed for 3-5 years and if at that time there is a small number of customers that want to opt-out, the Council at that point might make the decision that is not practical to keep the old system and have the City subsidize it and decide there will be no opt out option.

Councilmember Peterson suggested educating the citizens of a fee that would potentially exist and then when the City is built out the Council at that time can determine what the fee should be and if an opt-out is even possible. Mr. Roberts said the deployment would be more difficult but it could be done.

Mr. Burnett commented that during their first deployment there has only been a few customers that asked what the fee would be, out of curiosity. Most of them have been very receptive to the new meters. None of them have wanted to opt out.

Councilmember Jensen said the form should state that it is conditional because when the City is built out in approximately five years, there could be several variables. The software could be unavailable, for example, or the software costs increased.

Mr. Morgan suggested putting the minimum amount on the form only. When the City is built out, the City will have to send out notices to those who signed up for the opt-out and tell

them exactly how much it will be. Councilmember Jensen recommended adding that the final number will also be based on cost of running a separate system.

**MOTION:** Councilmember Peterson motioned to approve an estimated opt out charge of \$21.68 per month minimum be written on the opt-out forms, which would begin at substantial full deployment of the system, with no maximum amount; the final cost will be based on the cost per person to run a separate system after build-out. The motion was seconded by Councilmember Jensen.

Councilmember Bott - aye  
Councilmember Farr - aye  
Councilmember Jensen - aye  
Councilmember Peterson - aye  
Councilmember Thompson - aye

**Request Approval of Resolution and Interlocal Agreement to Allow Willard to Purchase 1980 Ford Ladder Truck**

Mr. Morgan and Chief Bach came to the table. Chief Bach explained that the Fire Department looked into surplus this ladder truck and found that they would only be able to get \$4,000-\$5,000. Willard would like the truck and are willing to pay \$6,500.

**MOTION:** Councilmember Peterson made a motion to approve the resolution and interlocal agreement with Willard for the 1980 Ford ladder truck, seconded by Councilmember Thompson.

Councilmember Bott - aye  
Councilmember Farr - aye  
Councilmember Jensen - aye  
Councilmember Peterson - aye  
Councilmember Thompson - aye

**PLANNING COMMISSION**

**Consideration of Ordinance to Amend Title 29.12, Residential and Multiple Residential Districts, to Modify Accessory Building Standards**

Mr. Bradley reported on the Planning Commission's review of this amendment per the Council's request. The Planning Commission recommended the following:

- 1) Accessory buildings be limited to 25% of the rear yard;
- 2) Rear yard and side yard accessory buildings be limited to 200 sq. ft. feet or less;
- 3) Accessory buildings less than 200 sq. ft. can be one foot from property subject to the easements;
- 4) 200 sq. ft. or greater would have to be set off from the property five feet;
- 5) Corner lots with accessory buildings placed on the street side would require the building to have similar materials and roof pitch as the dwelling;
- 6) Any building within five feet of the property would have a maximum wall height of eight feet.

The Council was concerned with the requirement that corner lots with accessory buildings on a side yard which faces a street must have similar materials and roof pitch as the dwelling (No. 5 above).

**MOTION:** Councilmember Bott made a motion to approve the ordinance amending Title 29.12 as presented, with the exception of removing the requirement that accessory buildings which face the street on corner lots have similar materials and roof pitch as the dwelling. The motion was seconded by Councilmember Jensen. Councilmember Peterson asked about the height restriction of eight feet walls if it is within five feet of the property line; it was previously ten feet. The Council felt this was acceptable.

Councilmember Bott - aye  
Councilmember Farr - aye  
Councilmember Jensen - aye  
Councilmember Peterson - aye  
Councilmember Thompson - aye

**Report on Section 29.10.070, General Plan Mandate**

The Council previously requested the Planning Commission review the use of "shall" as it currently is versus "should" in Section 29.10.070 of the City Code. Mr. Bradley reported that the Planning Commission felt that there is a good process in place wherein the applicant can file an amendment to the General Plan when deemed necessary.

The URMMA attorney previously suggested it be changed to "should." Mr. Morgan explained that the URMMA attorney stated that this was for liability purposes. He is looking at it from a City mistake standpoint, not the community. Mr. Morgan added that the Appeal Authority process has the qualification language, so the Planning Commission did not feel it needed to be in the General Plan.

The Council adjourned to a Redevelopment Agency meeting at 8:50 p.m.