

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
January 17, 2019**

PRESENT:	Tyler Vincent	Mayor
	DJ Bott	Councilmember
	Alden Farr	Councilmember
	Ruth Jensen	Councilmember
	Mark Thompson	Councilmember
ALSO PRESENT:	Mark Bradley	City Planner
	Dave Burnett	Public Power Director
	Mike Christiansen	City Attorney
	Mary Kate Christensen	City Recorder
	Paul Larsen	Community Development Director
	Mike Nelsen	Police Chief
	Derek Oyler	Finance Director
	Tyler Pugsley	Public Works Director
	Kristy Wolford	Community Activities & Services Director
EXCUSED:	Tom Peterson	Councilmember

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

Approval of Minutes: A motion to approve the minutes of the December 20, 2018 Council meeting was made by Councilmember Jensen, seconded by Councilmember Bott and unanimously approved as distributed.

AGENDA

RECOGNITION OF EMPLOYEES

Promotions in Police Department

CONSENT

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

Appointment and Reappointments to the Recreation and Parks Commission

Appointment to the Library Board

Council Assignments for 2019

Amendments to Employee Policy and Procedures Manual Regarding Reporting a Complaint

Formal Adoption to Pay Employee's Portion of the State Retirement Contributory Plan

PUBLIC HEARING

Consideration of Ordinance to Vacate all Utility Easements at 380 East 1000 South and Convey new Easements with the Proposed Development of Site

Consideration of Resolution to Amend the 2018-19 Budget to Increase Expenditures in the Library Fund, Airport Fund, General Fund, and Capital Projects Fund

PUBLIC COMMENT

COUNCILMEMBER COMMENTS

SCHEDULED DELEGATION

Utopia Operational Update

ACTION ITEMS

Consideration of Ordinance Adopting Chapter 16.05 of the City Code, Camping in Undesignated Areas and Enacting Regulations Regarding Camping on Public Property

Consideration of Resolution Offering Payment Plan for Federal Employees on Furlough

DISCUSSION ITEMS

Power Sourcing Update

ADJOURN TO CLOSED SESSION

RECOGNITION OF EMPLOYEES

Promotions in Police Department

Chief Nelsen recognized the following Police Department employees for their recent promotion:

Tony Ferderber	Lieutenant
Chad Panter	Sergeant
Ryan Hill	Corporal

They were each presented with their respective badge.

CONSENT

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

A list of accounts totaling \$5,597.42 was presented to be removed from the City's system due to customer taking out bankruptcy or being sent to collections.

Appointment and Reappointments to the Recreation and Parks Commission

It was recommended Troy Andreasen and Lisa Johnson be appointed to the Recreation and Parks Commission and Ron Papworth, Kyle Klein and Clyde Wohlgemuth be reappointed to the same Commission.

Appointment to the Library Board

John Gunderson was recommended for appointment to the Library Board.

Council Assignments for 2019

It was recommended the Council assignments for 2019 be approved as presented.

Amendments to Employee Policy and Procedures Manual Regarding Reporting a Complaint

This amendment changes the individuals employees report to regarding discrimination and/or harassment.

Formal Adoption to Pay Employee's Portion of the State Retirement Contributory Plan

This adoption is required by the Utah Retirement Systems on an annual basis.

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

PUBLIC HEARING

Consideration of Ordinance to Vacate all Utility Easements at 380 East 1000 South and Convey new Easements with the Proposed Development of Site

Mr. Bradley came forward and explained that this is a request to vacate all the easements so they can grant new easements to the City at more suitable locations for development. There would be a 10' easement on 1000 South and a 10' easement within the development for the power, running south along the westerly property line to the alignment of the existing overhead powerline.

A motion to open the public hearing was made by Councilmember Bott, seconded by Councilmember Jensen and unanimously carried.

Les Wright, Brigham City – Mr. Wright asked who is paying to move these utilities. Mr. Bradley replied that the property owner will pay for it.

Councilmember Farr moved to close the public hearing, seconded by Councilmember Bott and unanimously carried.

MOTION: Councilmember Farr made a motion to approve the ordinance to vacate all utility easements at 380 East 1000 South, seconded by Councilmember Bott and unanimously carried.

Roll Call:

Councilmember Bott – aye

Councilmember Farr – aye

Councilmember Jensen – aye

Councilmember Thompson – aye

The motion unanimously carried.

Consideration of Resolution to Amend the 2018-19 Budget to Increase Expenditures in the Library Fund, Airport Fund, General Fund, and Capital Projects Fund

Mr. Oyler came to the table and explained the following changes to the 2018-19 budget.

	Amount	Revenue	Expense
General Fund			
Splash Pad Donation	\$38,173	Restricted Fund Balance	Transfer to Capital project Fund
Donation from County for Winter Ball	\$5,000	Donation	Winter Ball Expenses
Fee-in-lieu Property Taxes	\$61,000	Fee-in Lieu Taxes	Transfer \$8,000 to Airport Fund; \$53,000 to Library
Pioneer Park Ball Field Nets	\$11,950		Transfer \$11,950 to Capital Project Fund; Ball Field Nets Construction (11,950)
Capital Project Fund			
Splash Pad Construction	\$204,761	Transfer from General Fund	
2018 Road Projects	\$349,000	Fund Balance	2018 Road Improvement Projects
Pioneer Park Ball Field Nets	\$32,000	\$11,950 from General Fund; \$20,050 from Fund Balance	Pioneer Park Ball Field Nets
Airport Fund			
Fee-in-lieu Property Taxes	\$8,000	Transfer from General Fund	
Library Fund			
Fee-in-lieu Property Taxes	\$53,000	Transfer from General Fund	

A motion to open the public hearing was made by Councilmember Thompson, seconded by Councilmember Jensen and carried unanimously.

DeAnna Hardy, County – Ms. Hardy said the Council is spending more of the people's money, which makes them poor. When the library was first established in Brigham City, it was done by the people. Then the government came in and took control of it. If there is a government controlled library, the government controls what is in the library. For many years the country has been facing revision of history and other books in the library that are not true to fact, or there are books that are not good for the youth to be reading. She asked why the citizens are being forced to subsidize the airport. The airport should be a private, free market system along with the library. The splash pad is another big government program that shouldn't be. She did not agree with the county giving the City \$5,000 for the Winter Ball. That is the citizens' money and it should not be spent on a party. She was against the increases in expenditures as outlined by Mr. Oyler because it takes more money from the citizens.

A motion to close the public hearing was made by Councilmember Bott, seconded by Councilmember Farr and carried unanimously.

MOTION: Councilmember Thompson moved to approve the resolution amending the 2018-19 budget to increase expenditures in the Library Fund, Airport Fund, General Fund and Capital Projects Fund as presented. The motion was seconded by Councilmember Farr.

Roll Call:

Councilmember Bott – aye

Councilmember Farr – aye

Councilmember Jensen – aye

Councilmember Thompson – aye

PUBLIC COMMENT

Fran Leslie, Brigham City – Ms. Leslie, owner of Village Dry Goods, came forward and said they just had a retreat at the Academy Center. She was told the fee next year would be 600% more next year which means she will not be able to have the retreat there again. She understood when the City took it over that it would be more feasible for locals to use the facility. She added that she would book more events at the Academy if she could afford it. The Mayor will contact her regarding this.

DeAnna Hardy, County – Ms. Hardy said the Academy Center is another project that was supposed to be funded by donations, but then taxes started paying for it. The citizens are subsidizing this and is another burdensome tax they shouldn't be paying. Ms. Hardy commented on the resolution offering payment plans for federal employees on furlough. If the Council does this, they would be unfair to all citizens because there are many citizens that lose their job for one reason or another, which is sometimes caused by the government. It would be showing favoritism to federal employees.

COUNCILMEMBER COMMENTS

Alden Farr stated that he attended the Advisory Council on Aging. They discussed plans for Bingo this year.

Councilmember Bott expressed appreciation to City employees for the excellent job removing snow after the last snow storm.

Councilmember Thompson also thanked the employees. They do a great job.

Mayor Vincent attended a meeting of the Emergency Management Association where his brother, Assistant Chief Dennis Vincent, received a certificate and was recognized by the Association. He also recognized staff. They plow everyone else out, then take care of their own property.

SCHEDULED DELEGATION

Utopia Operational Update

Mr. Roger Timmerman from Utopia approached the Council. He reported that the Brigham City residential take rate is just under 40%. Brigham City is one of the more successful cities as far as take rate and demand. Lindon and Centerville are higher. All cities are increasing, with approximately 400 customers per month. A year ago, that number was about 200 per month.

UIA and Utopia revenues are up \$260,000 from last year. This enables them to finish the network. It also allows them to make payments back to participating cities. Last fiscal year was the first time they made a payment back to cities. Brigham City received approximately \$9,000. For the current fiscal year, they have budgeted double that amount, subject to board approval. They anticipate payouts to be more when there is no more network to be built.

Once all member cities are built out, they will look at additional City partnerships. In the last six months they have entered into additional agreements with cities. These cities are taking on all the financial obligations of their own projects, and Utopia makes a significant profit. They have met with cities across the state. A lot of them are interested but are in a “wait and see” mode. If the build out with the cities Utopia recently signed agreements with get good take rates, Mr. Timmerman felt that other cities will follow and expects to have 10-20 new City partnerships. The need for fiberoptic has increased significantly since Brigham City was built out.

The build-out for the remaining areas will be completed in approximately four years. They are currently connecting about 2,000 homes per month. There are approximately 80,000-85,000 that are built out and approximately 23,000 that are on the system. They are doing a lot of marketing to get more customers on the system.

Councilmember Jensen asked how many customers the system needed so the member cities no longer need to pay the promise money. Mr. Timmerman stated that if Utopia no longer tried to get additional cities and just built out the system and continue with the same take rate, he estimated Utopia would be able to take over 30% of the original bond obligations. Eventually these would be paid off and that becomes money that would be available and would pay anything that was retroactive. He did not feel this was a good option because that would be 25 years in the future. With additional city partnerships the need for member cities to pay the promise should be alleviated much faster. They didn't have any data on what the take rate would have to be. There is not a reasonable expectation that Utopia would be able to pay all the bond obligations with the take rate. They are already on the path of expanding the system with City partnerships. If this trend continues, they felt it will get to a point when Utopia pays all the debt obligations.

ACTION ITEMS

Consideration of Ordinance Adopting Chapter 16.05 of the City Code, Camping in Undesignated Areas and Enacting Regulations Regarding Camping on Public Property

Mr. Christiansen came to the table and stated that there are federal and state laws that address camping in undesignated areas, Brigham City and surrounding communities do not have a similar ordinance. Larger municipalities usually have one. There have been issues with criminal vagrancy, homeless problems and some tangent related areas from the Police Department.

There have been a lot of recent federal lawsuits connected with ordinances regarding homelessness. A Ninth Circuit case came out of Boise, Idaho a few months ago that specifically made a camping ordinance illegal because it was directed at the homeless population without giving them an opportunity to move to a homeless shelter, or making sure it was an accessible option.

The ordinance would restrict camping on public grounds. Camping would be allowed on private ground for all recreational purposes unless it constitutes a public nuisance. It also covers unlawful camping for human habitation.

MOTION: Councilmember Bott made a motion to approve the ordinance adopting Chapter 16.05 of the City Code, Camping in Undesignated Areas, and enacting regulations regarding camping on public property. The motion was seconded by Councilmember Jensen.

Roll Call:

Councilmember Bott – aye

Councilmember Farr – aye

Councilmember Jensen – aye

Councilmember Thompson – aye

Consideration of Resolution Offering Payment Plan for Federal Employees on Furlough

Mr. Oyler came forward and said his department had received approximately 15 phone calls from citizens regarding their utility bills while being on furlough due to the government shutdown. This proposed resolution would give furloughed employees a reprieve on their bills.

The customer would need to sign a deferral agreement and pay 10% of the current month's utility bill for a maximum of three months. There would be no penalty fees. If the furlough continues past 90 days, the resolution would sunset and, if needed, a new resolution would be presented to the Council.

Councilmember Farr felt that this was unfair because if the City does it for one, the potential is there to open it for everyone.

Councilmember Bott said if someone is laid off, they start looking for another job. If they are furloughed, they have a job. Councilmember Jensen said they have the choice to look for another job.

Councilmember Farr asked if a construction worker was laid off for the winter if he would be eligible for this. Mr. Oyler said this resolution would not be applicable, but they would be eligible for the current deferral plan if they had not previously defaulted on one.

Councilmember Jensen stated that the regular deferral agreement seems much tougher than the proposed deferral. Councilmember Bott said the regular agreement is for those that are already in arrears. This proposed plan is for those that are not in arrears and asking for help because they are worried they will get behind. Mr. Oyler noted that of the 15 that have called, only one is currently behind.

Councilmember Thompson asked how this would affect the City's financial situation. Mr. Oyler noted that this is not waiving any utility bills and was not a financial concern.

Mr. Oyler stated that this is for a select few that still have good jobs and some are even going to work without pay. They are not going to leave these jobs.

Councilmember Jensen said she has been looking on the internet to see what is so different about a furlough. She said it is different, but it is not that bad. When people get laid off in the private sector, people, organizations and businesses are not helping them. She talked to over 25 citizens from all different genres and they all felt it was unfair. If the City wanted to do it for everyone, they agreed, but not just for federal employees. It should be for others that are getting furloughed or laid off.

MOTION: Councilmember Thompson made a motion to approve the resolution providing a payment plan for federal employees on furlough. The motion died due to lack of a second.

ADJOURN TO CLOSED SESSION

A motion to adjourn to a closed session to discuss the deployment of security personnel, devices or systems, and the purchase, exchange or lease of property was made by Councilmember Bott, seconded by Councilmember Jensen. A roll call vote was taken with all councilmembers voting aye. The meeting adjourned to a closed session at 8:20 p.m.

The Council returned to an open meeting at 8:50 p.m. and adjourned.

The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the January 19, 2019 City Council Meeting.

Dated this 7th day of February 2019.

Mary Kate Christensen

Mary Kate Christensen, Recorder