

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
July 18, 2019**

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

Mayor Vincent called the meeting to order. The Reverence Period was given by Bishop Waldron of the LDS 15th Ward. The Pledge of Allegiance was recited.

The Mayor pulled the ordinance to allow alcoholic beverages at the Museum for special events.

Approval of Minutes: A motion to approve the minutes of the May 16, June 6 and June 20, 2019 Council meetings was made by Councilmember Bott, seconded by Councilmember Jensen and unanimously approved as distributed.

AGENDA

CONSENT

- Request to Write-off Accounts Due to Bankruptcy or Being Sent to Collections
- Request for Approval of Poll Workers and Polling Place for the Primary and General Elections
- Appointments to the Planning Commission

PUBLIC COMMENT

COUNCILMEMBER COMMENTS

ACTION ITEMS

- Consideration of Resolution Eliminating Parachuting Permit Fees as Recommended by the FAA
- Consideration of Busch Madsen Subdivision Preliminary Plat and Development Agreement for 3008 West Forest Street
- Consideration of Resolution Amending Planning Commission By-Laws
- Consideration of Resolution Increasing the City's Entitlement Share under CFPP Power Sales Contract
- Consideration of Resolution Approving an Increase in the City's Entitlement Share under CFPP Power Sales Contract for JUMP Lay-Off Power Sales Agreement
- Consideration of Ordinance Change to Allow Alcoholic Beverages at Museum During Museum Sponsored Events Under Special Event Permit (*tabled*)
- Consideration of Agreement for Further Cleanup at the Baron Woolen Mill Site

DISCUSSION ITEMS

- Discussion Regarding Upcoming Sustainable Design Assessment Team Project for North Main Street Corridor

ADJOURN TO CLOSED SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY

CONSENT

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

A list of accounts totaling \$3,209.82 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 Poll Workers and Polling Place for the Primary and General Elections

A list of poll workers was presented for approval, as well as the Polling Place, which will be at the Utah State University Compass. The poll workers will be paid \$150 per election and \$30 to attend training.

Appointments to the Planning Commission

It was recommended Holly Bell be appointed as a member of the Planning Commission and Curtis Hoehn be appointed as an alternate member of the same Commission.

MOTION: Councilmember Bott made a motion to approve the Consent items, seconded by Councilmember Jensen and carried unanimously.

PUBLIC COMMENT

Leslie Robison, Brigham City - Mrs. Robison lives near Pioneer Park. She said the citizens voted against a recreation center, but now the Council is moving forward with it. She gathered signatures from resident near Pioneer Park on two different topics. Most of the people felt that the rec center was a good idea. The future of the community is the young people and it is important to have good things for them to do. However, they felt the way the Council is going about it is not the best. They are against the bundle the way it was voted on.

Annie Robison, Brigham City – Ms. Robison said the neighborhood is against the rec center in the Pioneer Park neighborhood. Since the pickleball courts were constructed, it has changed the atmosphere of the neighborhood. It is very congested when there is a tournament and very loud. The center will add to the congestion to the neighborhood. She asked the Council to look for another park that is not already used to almost capacity. It already feels less like a park and more like an entertainment hub. She presented signatures of those opposed to the rec center at Pioneer Park.

Juliana Larsen, Brigham City – Ms. Larsen said she wondered why the City would give someone a container of alcohol and let them walk through the museum with highly valued displays. She also expressed concern about the rec center at Pioneer Park. She felt that parking will be a problem. Ms. Larsen said she thought the City was tracking and monitoring the Hampton Inn. She recently had guests from out of Utah and they stayed at the Hampton Inn. One left the hotel because the air conditioning was not performing correctly in their room, and another had issues with the bathroom.

COUNCILMEMBER COMMENTS

Councilmember Bott stated that the City does not have anything to do with the management of the hotel. It is a private business. Regarding the Robison's comment, Councilmember Bott stated that the 2017 election on the bond did not eliminate the need of a new location for the Recreation Department. The vote was against spending \$28M for a rec center in addition to other items. He reminded those in attendance that the main reason for the increase in property taxes is for public safety. That seems to be getting lost in the discussion and concerns regarding the recreation center.

Councilmember Thompson announced that Utah State opened a new trail. It was a great event, with the history of both the Bushnell Hospital and the Intermountain Indian School, with Native Americans that had attended school at Intermountain in attendance. There are historical markers along the trail.

Councilmember Jensen said the hotelier has already paid its \$1M obligation to the City and has sold the hotel.

Mayor Vincent said people are getting confused about the property tax increase and the bond on last year's election. There were several items encompassed on the bond – the recreation center, the senior center, and sports complex. The citizens that talked to him stated that they voted against it because it was too much. He stated that there is one more year left on the Bunderson lease; the Recreation Department will be homeless. Some have commented that the City should look at other facilities. Staff has looked at a bank, ShopKo and several other buildings. These would take a lot of money to upgrade. It is more fiscally responsible to construct a new building that fits the needs of the City and the needs of the future. He realized that some people are unhappy with the location that is being proposed. Staff and the Council liked the location for the youth and the ease of the park. He agreed there is an issue with parking, but it will be worked out.

ACTION ITEMS

Consideration of Resolution Eliminating Parachuting Permit Fees as Recommended by the FAA

Mr. Pugsley approached the Council and stated that approximately one year ago, he brought a resolution to the Council with a parachuting permit fee per jumper as recommended by the FAA. However, since that time they changed their thought process on the permit fee. There cannot be a permit or a fee per head at the airport. This resolution removes this fee. Instead, skydiving companies will sign a lease agreement or a permit. Mr. Pugsley will bring the agreement to the Council for their review.

MOTION: A motion to approve the resolution eliminating parachuting permit fees was made by Councilmember Bott, seconded by Councilmember Jensen.

Roll Call:

Councilmember Bott – aye

Councilmember Farr – aye

Councilmember Jensen – aye

Councilmember Peterson – aye

Councilmember Thompson aye

The motion unanimously carried.

Consideration of Busch Madsen Subdivision Preliminary Plat and Development Agreement for 3008 West Forest Street

Mr. Bradley came to the table and explained that this property was recently annexed into Brigham City. Mr. Madsen's father owns the property and they are requesting the property be subdivided into two lots. Due to the distance of the property and the nature of the utilities and roadway improvements, this development agreement was suggested to defer the improvements which outlines what improvements would be required and what would trigger the improvements.

Mr. Bradley continued that the City Attorney had some input on how to make sure the development is guaranteed. Normally when subdivisions are being developed, they are doing all the improvements and they have a 2-year timeframe to complete the project. They escrow the improvements or enter into an agreement with the City. The issue with this subdivision is that the timeline is unknown. The Council could approve the agreement as it is or include language recommended by the City Attorney stating that the City has the right to place a lien on the property if needed.

Councilmember Jensen asked about the option of an escrow. Mr. Christiansen said it would be difficult to find a financial institution that would hold it for 20 years. He recommended the City request an engineer's estimate and add the option to file a lien at the request of the Public Works Director.

MOTION: Councilmember Thompson moved to approve the preliminary plat and development agreement with the option of placing a lien on the property with the engineer's estimate, with inflation. Councilmember Farr seconded the motion. The voting was unanimously in favor.

Consideration of Resolution Amending Planning Commission By-Laws

Mr. Bradley stated that the Planning Commission has determined that public comment in their meetings is not the correct avenue for comments. Comments associated with an agenda is a better forum, or they can request a discussion be on the agenda. This resolution removes public comment but allows those in the audience to comment on an agenda item as allowed by the Chair.

MOTION: Councilmember Bott made a motion to approve the resolution amending the Planning Commission by-laws, seconded by Councilmember Jensen.

Roll Call:

Councilmember Bott – aye

Councilmember Farr – aye

Councilmember Jensen – aye

Councilmember Peterson – aye

Councilmember Thompson aye

The motion unanimously carried.

Consideration of Resolution Increasing the City's Entitlement Share under CFPP Power Sales Contract

Mr. Burnett and Jackie Coombs approached the Council. Mr. Burnett reminded the Council that this was previously discussed in the May 2nd work session where the Council unanimously agreed to target the City's subscription at 15.25 MW for the SMR project. This is the resolution to officially adoption the increase in the entitlement share.

MOTION: Councilmember Bott made a motion to approve the resolution increasing the City's entitlement share. The motion was seconded by Councilmember Farr.

Roll Call:

Councilmember Bott – aye

Councilmember Farr – aye

Councilmember Jensen – aye

Councilmember Peterson – aye

Councilmember Thompson aye

The motion unanimously carried.

Consideration of Resolution Approving an Increase in the City's Entitlement Share under CFPP Power Sales Contract for JUMP Lay-Off Power Sales Agreement

Mr. Burnett explained that the Department of Energy (DOE) is going to purchase two units of the City's entitlement share. One of the unit's prime functions will be for research and development. In 15-20 years when DOE is done with the R&D function, their intention is to turn that module back to the participants of the project. They will pay for the capital and upfront costs. The only remaining costs will be for operations and maintenance. This should become available in 2041.

MOTION: Councilmember Farr moved to approve the resolution to increase the City's entitlement share under DFPP Power Sales Contract for JUMP Lay-Off Power Sales Agreement. The motion was seconded by Councilmember Bott.

Roll Call:

Councilmember Bott – aye

Councilmember Farr – aye

Councilmember Jensen – aye

Councilmember Peterson – aye

Councilmember Thompson aye

The motion unanimously carried.

DISCUSSION ITEMS

Consideration of Agreement for Further Cleanup at the Baron Woolen Mill Site

Mr. Oyler came to the table and stated that this is the fifth year the Council has budgeted \$25,000 to do continued cleanup at the Baron Woolen Mill Site. Over the years they have only done small projects, so most of the money is still in the budget.

An environment asbestos abatement company tested the site and submitted work plans through the Division of Environmental Quality for cleanup of the office building. They found friable asbestos material, which will greatly increase the cost of cleanup.

Mr. Oyler reported that City staff has tried to work with the property owner to get them to clean it up. He did replace the fence after it burned; however, Brigham City paid for that and has been sending him a bill every month, with penalties and interest. A document stating that it is a dangerous and abandoned building and has been recorded on the deed. The City has not yet placed a lien on the property.

Mr. Christiansen stated that it is owned by a defunct, not-for-profit organization. There are no funds to go after. If the City places a lien on the property, there would be some liability.

Councilmember Bott felt that the City has an obligation to keep the community safe, especially due to the nature and location of the property, even though it is private property.

Mr. Oyler said the City received three bids with the minimum bid of \$97,000.

MOTION: Councilmember Farr moved to approve the request for further cleanup of the Baron Woolen Mill and authorize the Mayor to sign the contract for the bid of \$97,000. Councilmember Peterson seconded the motion. The voting was unanimously in favor.

Discussion Regarding Upcoming Sustainable Design Assessment Team Project for North Main Street Corridor

Mr. Larsen came forward and reported that the City applied for a Sustainable Design Assessment Team Project (SDAT) with the American Institute of Architects (AIA) and was successful. This will provide the City with five national professionals with varying disciplines as well as a local professional.

AIA describes this as a grant, with the City paying \$5,000 and AIA putting in up to \$15,000 and donating their time, estimated to be up to \$300,000.

On July 22, City staff and Mayor Vincent will spend the morning with the team touring the area. There will be meetings with stakeholders in the afternoon, and a town hall meeting that evening.

On July 23, the team will gather all the information from the 22nd. They will then present the general findings and preliminary recommendation at an open house that evening. They conclude with a written report.

Councilmember Peterson expressed concern with the group of AIA being high dollar architects. Brigham City is not in the position to be Park City. He was concerned that they will produce ideas that the City cannot afford. Mr. Larsen said he was confident they understand this already.

Mayor Vincent said he and City staff want input from the businesses on North Main. There was a gentleman that was interested in putting a business on North Main but changed his mind until something changes. He added that staff has been very clear with AIA regarding the City's limitations.

Councilmember Jensen said there is a need throughout the City, it looks dilapidated. She suggested the City also look into CDBG grants to paint a fence, etc. Sometimes these things need to be done by property owners, such as clearing their parking lot of weeds and painting their building. Other cities get grants to help blocks clean up their property.

Councilmember Peterson said he was not concerned about spending the \$5,000, he wanted to make sure the end product is something the City can use.

Councilmember Jensen said one of the big issues on North Main is that there is no parking.

The meeting adjourned to a Redevelopment meeting at 8:31 p.m. The Council returned to an open meeting at 8:36 p.m.

ADJOURN TO CLOSED SESSION

A motion to adjourn to a closed session to discuss the purchase, exchange or lease of property was made by Councilmember Bott and seconded by Councilmember Jensen. A roll call vote was taken with all councilmembers voting aye. The meeting adjourned to a closed session at 8:36 p.m. The Council returned to an open meeting at 10:00 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 July 18, 2019 City Council Meeting.

Dated this 15th day of August 2019.

Mary Kate Christensen, Recorder