

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
October 3, 2019**

PRESENT:	Mark Thompson DJ Bott Alden Farr Ruth Jensen Tom Peterson	Mayor Pro Tem Councilmember Councilmember Councilmember Councilmember
ALSO PRESENT:	Joseph Bach Rick Bosworth Mark Bradley Dave Burnett Mary Kate Christensen Mike Christiansen James Crapse Paul Larsen Bryce Lofthouse Mike Nelsen Derek Oyler Tyler Pugsley	Fire Chief Human Resource Coordinator City Planner Public Power Manager City Recorder City Attorney Lieutenant Community Development Director Waste Treatment Director Police Chief Finance Director Public Works Director
EXCUSED:	Tyler Vincent	Mayor

Mayor Pro Tem Thompson called the meeting to order and excused Mayor Vincent who was out of town. The Reverence Period was given by Pastor Mike Galica of the Holy Cross Lutheran Church. The Pledge of Allegiance was recited.

Approval of Minutes: A motion to approve the minutes of the September 19, 2019 Council meeting was made by Councilmember Bott, seconded by Councilmember Farr. Councilmember Peterson noted that on page 6, it states "...if the project is completed, the City would have to give back the money." It should say "...if the project is *not* completed..." The motion was unanimously approved with the correction as stated.

AGENDA

RECOGNITION OF EMPLOYEES

Recognition of New Hires in Community Activities & Services, Fire, Library, Public Works and Police Department

CONSENT

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

PROCLAMATIONS

Proclamation Declaring October Violence Awareness Month

Proclamation Declaring October 6-12 Public Power Week

PUBLIC HEARING

Consideration of Ordinance Annexing Property Located between Main Street and 500 West, South of 1500 North (Wilson Lane)

Consideration of Resolution Amending the 2019-20 Budget

PUBLIC COMMENT

COUNCILMEMBER COMMENTS

ACTION ITEMS

Request for Approval of 1200 West Road Dedication Plat from SR-13 to Approximately 700 South

Request for Approval of Ordinance Assigning R-1-8 Zone (Residential District) Associated with an Annexation Petition for Properties Located at 500 West and 1500 North

Appointment of New City Recorder

DISCUSSION ITEMS

Senior Center Facility Concerns

Discussion on Waste Treatment Upgrades

Discussion on Medical Cannabis

ADJOURN TO CLOSED SESSION

RECOGNITION OF EMPLOYEES

Recognition of New Hires in Community Activities & Services, Fire, Library, Public Works and Police Department

The following individuals were recently hired:

Tressa Mildenhall	Library Clerk (part-time)
Dustin Stevens	Equipment Operator
Austin Leishman	Firefighter EMT (part-time)
Braxton Davis	Firefighter EMT (part-time)
Todd Love	Firefighter AEMT
Matt Knudsen	Police Officer

CONSENT

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

A list of accounts totaling \$19,592.60 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 Bott and unanimously carried.

PROCLAMATIONS

Proclamation Declaring October Violence Awareness Month

Penny Evans, representing New Hope Crisis came forward and gave some statistics for the last year.

- Responded to 2,809 crisis calls.
- Served 796 women, 228 children and 131 males affected by domestic violence, sexual assault, child abuse, dating violence, stalking and other types of crimes.
- Advocacy was provided in the justice court for 370 victims of crimes.
- Their shelter houses 61 women and 71 children, for a total of 2,665 bed days.
- Staff provided assistance to 40 victims of sexual assault or rape, 19 victims of child sexual abuse, and 57 victims of child physical abuse.
- They can house up to 18 individuals at a time.

They will be conducting a Walk for Awareness on Wednesday, October 9 at 5:30 in front of the County Building.

At their annual conference, they wanted to do something to honor Asst Chief Dennis Vincent's memory. Every year they will do a service award. They are currently taking nominations for people who have done service in the community. This award will be called the Dennis B. Vincent Award.

Ms. Evans read the proclamation declaring October 2019 Violence Awareness Month.

Proclamation Declaring October 6-12 Public Power Week

Mr. Burnett came to the table and said that Public Power Week is an annual national celebration that recognizes the economic, social and environmental contributions of hometown electric utilities. Brigham City Power is one of over 2,000 across the nation that collectively service 49 million Americans. Public Power Week also honors the democratic tradition of community decision making and participation that lead to the founding of Brigham City Public Power in 1904. Brigham City is proud of the service provided to customers. They have a record of low rates, reliability, and public service to sustain the City's charter.

Mr. Burnett announced that on Thursday, October 17, there will be an open house at the Service Center. They will serve hamburgers and hot dogs, and people will be able to get acquainted with some of the equipment and facility.

Mr. Burnett read the proclamation declaring October 6 through 12 as Public Power Week.

PUBLIC HEARING

Consideration of Ordinance Annexing Property Located between Main Street and 500 West, South of 1500 North (Wilson Lane)

Mr. Bradley came forward and explained that this contains three parcels that is requesting annexation into Brigham City. The notice process has been fulfilled and complies with the state requirements for annexation consideration.

Mr. Bradley further explained the zoning request (see below) for this property. The recommended zone is R-1-8 and was also part of the application. It is consistent with adjacent properties and the General Plan.

Councilmember Bott moved to open the public hearing, seconded by Councilmember Peterson and carried unanimously. There were no comments from the public. A motion to close the public hearing was made by Councilmember Bott, seconded by Councilmember Farr and unanimously carried.

MOTION: Councilmember Bott moved to approve the ordinance annexing property located between Main Street and 500 West, south of Wilson Lane. The motion was seconded by Councilmember Jensen.

Roll Call:

Councilmember Bott – aye
Councilmember Farr – aye
Councilmember Jensen – aye
Councilmember Peterson – aye
Mayor Pro Tem Thompson – aye

MOTION: Councilmember Peterson made a motion to approve the ordinance assigning R-1-8 designation to the annexed area. The motion was seconded by Councilmember Bott.

Roll Call:

Councilmember Bott – aye
Councilmember Farr – aye
Councilmember Jensen – aye
Councilmember Peterson – aye
Mayor Pro Tem Thompson – aye

Consideration of Resolution Amending the 2019-20 Budget

Mr. Oyler came forward and reviewed the following changes to the 2019-20 budget.

Public Utility Fund

- \$145,519 – Reserve UAMPS excess margin rebate, to be used for the 46KV loop line.
- \$64,732 – Use reserved fund balance for fiber optic communication line and equipment for water infrastructure in Mantua Valley. Funds would come from reserved fund balance.

General Fund

- \$33,670 – Grant for hazmat clean up trailer.
- \$65,000 – CDBG pass through grant.
- \$149,700 – CDBG grant for Senior Center project.
- \$50,474 – Police car and body cameras, to be paid from state liquor taxes and restricted fund balance.

Emergency Disaster Fund

- \$105,000 – for Baron Woolen Mill cleanup.

Capital Project Fund

- \$148,000 – Golf course irrigation project.
- \$14,495 – from fund balance for Tour of Utah.

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

Juliana Larsen, Brigham City – Ms. Larsen asked if the City is partnering with UTOPIA again. She assumed this will hit the line that UTOPIA wants to bring service to Mantua and by doing this they pay a little and Brigham pays a little.

Mr. Oyler explained that there are empty conduits along the edge of U.S. 89/91 up the canyon that are owned by UDOT. Brigham City would partner with UDOT at zero expense to run the UTOPIA fiber line to the location to specifically feed Brigham City.

DeAnna Hardy, County – Ms. Hardy said government is way too big and Brigham City wants to do too many things. Grant money comes from the state or federal government and still comes from the peoples' pockets. Government should be frugal and only pay for police, fire, jail and court. This is why there are problems with domestic violence, etc. People cannot pay their bills so they get frustrated, which causes a lot of anger and anxiety.

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

MOTION: Councilmember Bott moved to approve the resolution amending the 2019-20 budget, seconded by Councilmember Farr.

Roll Call:

Councilmember Bott – aye

Councilmember Farr – aye

Councilmember Jensen – aye

Councilmember Peterson – aye

Mayor Pro Tem Thompson – aye

PUBLIC COMMENT

Roger McClellan, Brigham City – Mr. McClellan said they installed solar panels two years ago. They have concerns with the numbers not balancing. They paid \$40,000 to install the panels, and also installed triple paned windows. They also removed a spruce tree that would have cast a shadow on the panels. They are

only saving \$25/month. He has talked to Tom Ammons several times about their usage, which has not increased. He has been great to work with, but the number of credits they are getting is about one-fourth of what the meter says on the solar system. Over the last 27 months they have been losing \$100/month on the system. When the company sold the panels to them, they said it should pay for their electricity. A friend who installs solar farms throughout the United States looked at their system and he said they should not be paying for electricity. The system is big enough to generate all the power they need. He asked for an advocate. The City had to install a new smart meter to go with the system. He wondered if the meter was bad, or if their usage has increased. The numbers do not add up. Instead of having to call Mr. Ammons, he suggested solar usage be available on the City's website or on his statement.

Juliana Larsen, Brigham City – Ms. Larsen did not agree with the Council's decision on September 19th to loan \$12,000 to a private individual for a summer concert. She felt this was a violation of the public/private sector. They should get a loan from a bank. The loan was undefined as to length of time, conditions, etc. On the front page of the News Journal there was an article about "foodies" using the kitchen at the Academy Building. She did not hear anything about this at any Council meeting. She was also concerned about medical cannabis. If the State of Utah takes money from this and puts it in a bank, that is money laundering.

DeAnna Hardy, County – Ms. Hardy said it is not right that the City collects the citizens' money to operate like a bank making business loans. A museum is not a necessity and should be handled by the free market system. Liberty is a gift from God, not government. She said she cringes at the Council's inaction to uphold the liberty of each citizen. She quoted from the Doctrine & Covenants 101:92-94. She said she will continue to pray for the Council that their ears may be opened unto the peoples' cries.

COUNCILMEMBER COMMENTS

Councilmember Jensen announced that there will be a Box Elder Business Summit on October 25th. The topic is housing vs agriculture and how it is affecting our area. Mr. Vance Marler posted on Facebook regarding the removal of tarps before the Peach Days Parade, but left blankets and chairs. He felt that the rules were not clear, and the City was changing the rules year after year. He was also upset about the sprinklers overwatering public properties. She asked him to come to Council meeting, but he was worried he would get too upset about things. She felt the City needs more clarification on the rules for setting items out for the parade.

Councilmember Farr announced the Meet the Candidates Night will be on October 16th at the USU Building.

Mayor Pro Tem Thompson stated that he attended the Mosquito Abatement meeting. The mosquitoes were under control until last month. The West Nile Virus gets worse in October. There was one, maybe two in the Bear River District who was affected with this virus.

ACTION ITEMS

Request for Approval of 1200 West Road Dedication Plat from SR-13 to Approximately 700 South

Mr. Bradley came forward and explained that the City has been working on acquiring additional rights-of-way. There is a section on the north end that was already an 80' right-of-way. This dedication will make it a 106' wide right-of-way and tie into the 1100 West intersection on 1100 South.

MOTION: Councilmember Farr moved to approve the dedication of 1200 West road dedication plat from SR-13 to approximately 700 South, seconded by Councilmember Bott. All councilmembers voted in favor of the motion.

Request for Approval of Ordinance Assigning R-1-8 Zone (Residential District) Associated with an Annexation Petition for Properties Located at 500 West and 1500 North

This ordinance was approved with a motion above under Public Hearing #1.

Appointment of New City Recorder

Mr. Roberts came to the table and announced that Mary Kate Christensen plans to retire in December after 25 years of service. The Mayor would like to present the Deputy City Recorder, Christina Boss, for appointment as City Recorder.

MOTION: A motion to appoint Christina Boss as City Recorder was made by Councilmember Peterson, seconded by Councilmember Bott and unanimously carried.

Ms. Christensen congratulated Ms. Boss. She will be working with a great group of people that make it fun to come to work, and a great and fair boss. She'll meet a lot of great citizens that are willing to sacrifice their time to sit at the table and take punishment. If she hadn't worked for the City there would be a lot of great people that she would never have known.

Ms. Christensen gave the Oath of Office to Ms. Boss. She thanked the Council for the opportunity and looks forward to working with the City Council.

DISCUSSION ITEMS

Senior Center Facility Concerns

Mr. Oyler approached the Council and reviewed recent expenses at the Senior Center. The HVAC has been replaced in the entire building and a freezer compressor had to be purchased. The amount spent in July and August is \$24,662.62. This is a quarter of the facility fund budget. Their kitchen freezer and refrigerator are aging and will need to be replaced soon.

Councilmember Jensen said when there are new projects, there should be a percentage for maintenance of the project.

Discussion on Waste Treatment Upgrades

Mr. Pugsley, Mr. Lofthouse and Mr. Roberts came to the table. Mr. Pugsley stated that the State of Utah is mandating a new phosphorus level of one part per million by 2020. There are three different upgrade components: 1) chemical; 2) DAF system; 3) an additional digester. The engineer's estimate was \$2,642,000. Last week there was a bid opening with six contractors submitting bids. The bids came in at \$2,967,000. This does not include engineering, which is an additional \$272,000.

The chemical portion of the project must be completed by June 2020. The hot months of the year are when there are higher phosphorus levels. They will be able to keep the phosphorus levels where they need to be the first part of 2020 until the weather starts to warm up.

The low bid contractor would like to extend the contract. They would like to do some of the concrete work in April 2020 and complete the components in July, August and September. This would also allow the City to move forward without any budget revisions. However, next year's budget will need to include more money for this project.

The Council authorized staff to move forward with the notice of award.

Discussion on Medical Cannabis

Mr. Larsen came forward and briefed the Council on State Bill 1002 regarding medical cannabis.

Cannabis facilities are split into two categories. One is the cannabis production establishment, which includes cultivation facilities and processing facilities, as well as an independent cannabis testing laboratory. The other is medical cannabis pharmacy.

There are two state departments that have oversight over medical cannabis and regulations – Utah Department of Health and Department of Agriculture and Food.

The Agriculture and Food Department will oversee the production facilities. Initially, there will be eight production facilities. If there is enough demand, it could expand to 15 facilities statewide.

The Health Department will oversee the pharmacies. There will 14 statewide, eight in the first phase. They divided the state into four quadrants. At least one pharmacy has to be in each quadrant. In the second phase, there will be an additional six.

The law states that a municipality must prepare and adopt a land use regulation, development agreement, or land use decision. If the City receives an application for a cannabis facility before January 1, 2021, they must process the application within 45 days. After January 1, 2021, it will be subject to the Land Use State Code.

Cannabis production establishments shall be permitted in any industrial and agricultural zones unless the City has designated by ordinance before an individual submits a land use permit application, at least one industrial zone or agricultural zone in which the operation is a permitted use. Signage is limited to 20 square feet. It can have the name of the operation, hours of operation, and a green cross. The production establishments must be:

- 600' from a primarily residential zone
- 1000' from a "community location"
 - Public or private school
 - Licensed child-care facility or preschool
 - Church
 - Public library
 - Public playground
 - Public park
- Restricted to four acres if grown outdoors; 100,000 square feet if grown indoors.

The State can waive these requirements by up to 20% if the UDAG determines that it is not reasonably feasible to site the establishment without the waiver.

Cannabis pharmacies shall be a permitted use in any zone, overlay or district within the City except for a primarily residential zone. Signage is the same as production establishments. The pharmacies must be:

- 200' from a "community location"
 - Public or private school
 - Licensed child-care facility or preschool
 - Church
 - Public library
 - Public playground
 - Public park
- These can be waived if the Department of Health determines that it is not reasonably feasible to site the establishment without the waiver.

There is one cannabis production facility that is working through the process. As of March 1, 2020, cannabis pharmacy cards should be available and medical cannabis will be available through pharmacies.

Mr. Larsen said staff will bring an ordinance to the Council in November that will establish some restrictions, but it will designate permitted uses as allowed by state law.

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 Peterson. A roll call vote was taken with all councilmembers voting aye. The meeting adjourned to a closed session at 9:00 p.m.

The Council returned to an open meeting at 9:50 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 October 3, 2019 City Council Meeting.

Dated this 7th day of November 2019.

Mary Kate Christensen

Mary Kate Christensen, Recorder