

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
January 19, 2023
7:00 p.m.**

PRESENT:	D. J. Bott	Mayor
	Alden Farr	Councilmember
	Matthew Jensen	Councilmember
	Ryan Smith	Councilmember
	Robin Troxell	Councilmember

ALSO PRESENT:	Christina Boss	City Recorder
	Dave Burnett	Power Director
	Mike Christiansen	City Attorney
	Tom Kotter	Finance Director
	Amanda McLean	Recreation Supervisor
	Derek Oyler	City Administrator
	Tyler Pugsley	Public Works Director
	Chad Reyes	Police Chief
	Kristy Wolford	Community Activities & Services Director

Mayor Bott called the meeting to order at 7:00 p.m. Mr. Oyler gave the reverence period, and Jarom Clark from Scout Troop 210 led the Pledge of Allegiance.

CONSENT

Approval of January 5, 2023 Work Session and City Council Meeting Minutes

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

A list of accounts totaling \$470.94 was presented to be removed from the City's system due to customers taking out bankruptcy or being sent to collections.

MOTION: A motion to approve the Consent agenda was made by Councilmember Jensen and seconded by Councilmember Troxell. Councilmember Farr, aye; Councilmember Jensen, aye; Councilmember Troxell, aye; Councilmember Smith, aye.

PUBLIC COMMENTS

Juliana Larsen – Ms. Larsen expressed concerns about the Council meeting time being moved from 7 p.m. to 6 p.m. and questioned if the Councilmembers and the public would have difficulties with the change.

David Heap – Mr. Heap hoped the Councilmembers considered the submission to the City Attorney concerning solar owners.

Mike Shay – Mr. Shay questioned the progress with the solar agreements.

COUNCILMEMBER COMMENTS

Councilmember Farr – attended a Library Board meeting and praised Library staff and board members.

Councilmember Troxell – asked Mayor Bott if the Youth City Council Mayor could speak about Local Officials Day at the Legislature. Katia Hadfield, YCC Mayor, came forward and detailed the YCC's activities throughout the day.

Councilmember Smith – attended Officials Day at the Legislature and enjoyed watching the YCC work together to design a city. He commented on the Council meeting time change noting it would not create any

difficulty for him and believed the Council could re-consider the time change if the public had any difficulties.

Mayor Bott – also attended Officials Day and enjoyed watching Katia perform the duties of the Committee Chair running the meeting, and the discussion on the proposed cell phones in classrooms bill. With all of the recent snowfall, Mayor Bott talked about the level of the Great Salt Lake as well as a recent snow pole reading in Mantua. He stated the deadline to submit applications for the vacant Council seat was 5:00 p.m. on January 25th.

ACTION ITEMS

Consideration of Resolution Amending Recreation Fee Schedule to Add Non-Resident Fees

Ms. McLean came to the podium and stated the research into non-resident fees was requested by former Councilmember Peterson with last increase in recreation fees. The proposed fee was \$5.00 on all individual recreation registration fees and all equipment rentals. Councilmembers questioned nonresident participation. Ms. McLean stated in the 2022 program there were 1,152 nonresidents participating in City programs. Mayor Bott explained nonresidents only pay for participation fees at City facilities and residents pay for participation plus construction and maintenance of facilities. Previous councilmembers questioned the fairness of that. He stated this small fee would help to offset costs without discouraging participation.

MOTION: Councilmember Jensen made a motion to approve the Resolution amending the recreation fee schedule to add non-resident fees. The motion was seconded by Councilmember Farr.

Roll Call:	Councilmember Troxell	Aye
	Councilmember Smith	Aye
	Councilmember Farr	Aye
	Councilmember Jensen	Aye

Consideration of Ordinance Amending Brigham City Code Chapter, 10.05, Distributed Generation Interconnection, and Resolution Amending Electric Service Schedule No. 3

Mr. Burnett came forward and introduced the items stating the proposed ordinance changes the language for commercial and industrial capacity generation. The proposed resolution separates Electric Service Schedule No. 3 into Schedule 3A, Residential and 3B, Commercial. 3A changes included eliminating language referring to non-residential facilities. 3B included the same language as was in the proposed ordinance under Application, and changed the Net Billing Rate B from \$0.047 per kWh to least avoided energy cost.

Mr. Oyler added the reason for these changes was prompted by a commercial application for a solar facility that is greater than 500 kilowatts. Existing solar customers would not be affected by these proposed changes.

MOTION: Councilmember Farr made a motion to approve the Ordinance amending Brigham City Code Chapter 10.05, Distributed Generation Interconnection. The motion was seconded by Councilmember Jensen.

Roll Call:	Councilmember Jensen	Aye
	Councilmember Farr	Aye
	Councilmember Smith	Aye
	Councilmember Troxell	Aye

MOTION: Councilmember Farr made a motion approve the Resolution amending Electric Service Schedule No. 3. The motion was seconded by Councilmember Troxell.

Roll Call:	Councilmember Troxell	Aye
	Councilmember Smith	Aye

Councilmember Farr	Aye
Councilmember Jensen	Aye

Consideration of Resolution Amending Recycling Fees

Mr. Kotter stated Econowaste, the City's recycling services provider, will pass on a \$1.32 fuel surcharge. The City will, in turn, pass the cost on to the recycling customers. Effective February 1st, the cost will be increased to \$7.75. Customers who would like to cancel their recycling service and have had their blue can for twelve (12) months can contact the utility billing department to have the can picked up.

MOTION: Councilmember Smith made a motion to approve the Resolution amending recycling fees. The motion was seconded by Councilmember Jensen.

Roll Call:	Councilmember Farr	Aye
	Councilmember Jensen	Aye
	Councilmember Troxell	Aye
	Councilmember Smith	Aye

Consideration of Ordinance Amending City Code Chapter 14.10 Towing Service Regulations

Chief Reyes reminded the Council this item was introduced at the November 17th meeting. The purpose for the change was to move some of the language out of the ordinance and into an administrative policy, where it is more appropriate. He received a few tow company inquiries about the requirement that they have a staffed office at the tow yard, which is per State Code. The regulatory body over the towing industry is the Department of Motor Vehicles who currently allows a tow truck to suffice as an office.

MOTION: Councilmember Jensen made a motion to approve the Ordinance amending City Code Chapter 14.10 Towing Service Regulations. The motion was seconded by Councilmember Troxell.

Roll Call:	Councilmember Smith	Aye
	Councilmember Troxell	Aye
	Councilmember Jensen	Aye
	Councilmember Farr	Aye

Consideration of Real Property Exchange Agreement Between 3 Building, LLC and Brigham City Corporation

Mr. Oyler presented the parcel site on the screen and explained there have been a few property negotiations related to the Forest Street overpass project. Brigham City will exchange two parcels at 400 South and approximately 950 West for a parcel on Forest Street. The transaction includes appraised values with a value difference of \$133,760 in favor of Brigham City. 3 Building LLC will be given nine months to clean up the Forest Street property. Mr. Oyler added that the February 16th City Council meeting will include an update on the railroad overpass project.

MOTION: A motion to approve the Real Property Exchange Agreement between 3 Building LLC and Brigham City Corporation was made by Councilmember Farr and seconded by Councilmember Jensen. Councilmember Farr, aye; Councilmember Jensen, aye; Councilmember Troxell, aye; Councilmember Smith, aye.

Consideration of Ordinance Amending City Code Chapter 2.03, Council, to Change Council Meeting Time

Mayor Bott mentioned the item was discussed at a work session on January 5th and asked if Council had any comments. He confirmed the time could be changed back to 7:00 p.m. if the change presented difficulties for the Councilmembers or the public.

MOTION: Councilmember Smith made a motion to approve the Ordinance amending City Code Chapter 2.03, Council, to change the Council meeting time from 7:00 p.m. to 6:00 p.m. The motion was seconded by Councilmember Farr.

Roll Call:	Councilmember Jensen	Aye
	Councilmember Farr	Aye
	Councilmember Smith	Aye
	Councilmember Troxell	Aye

UNFINISHED BUSINESS

Request to Vacate by Ordinance a Portion of an Old Highway/Roadway Located West of I-15 and South of Forest Street at Approximately 3301 W Forest Street

Mr. Oyler explained Council continued this item in an August meeting. At the time, County maps did not show a gap in parcel owners. Brigham City ordered a title search which revealed a color of title issue. Brigham City Council does not have the authority to vacate the portion of the old highway/roadway. He asked Council to deny the vacation request because the City does not own the parcel of property. Mr. Christiansen clarified that it is unclear if the City owns the parcel.

MOTION: A motion to deny the vacation based on the color of title issue on the land was made by Councilmember Smith and seconded by Councilmember Jensen. Councilmember Farr, aye; Councilmember Jensen, aye; Councilmember Troxell, aye; Councilmember Smith, aye.

At 7:50 p.m. the Council adjourned to a closed session.

MOTION: Councilmember Smith made a motion to adjourn to a closed session to discuss the purchase exchange or lease of real property and pending or reasonably imminent litigation. The motion was seconded by Councilmember Farr.

Roll Call:	Councilmember Troxell	Aye
	Councilmember Smith	Aye
	Councilmember Farr	Aye
	Councilmember Jensen	Aye

At 8:49 p.m. the Council returned to an open session and adjourned

MOTION: Councilmember Smith made a motion to return to an open meeting. The motion was seconded by Councilmember Farr. Councilmember Farr, aye; Councilmember Jensen, aye; Councilmember Troxell, aye; Councilmember Smith, aye.

MOTION: Councilmember Smith made a motion to adjourn. The motion was seconded by Councilmember Jensen. Councilmember Farr, aye; Councilmember Jensen, aye; Councilmember Troxell, aye; Councilmember Smith, aye.

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, 2023 City Council Meeting.

Dated this 6th day of February 2023.

Christina Boss

Christina Boss, Recorder