

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
March 16, 2023  
6:00 p.m.**

PRESENT:	Alden Farr	Mayor Pro Tem
	Dave Hipp	Councilmember
	Matthew Jensen	Councilmember
	Ryan Smith	Councilmember
	Robin Troxell	Councilmember
ALSO PRESENT:	Christina Boss	City Recorder
	Mark Bradley	City Planner
	Dave Burnett	Power Director <i>arrived at 6:34 p.m.</i>
	Mike Christiansen	City Attorney
	Tom Kotter	Finance Director
	Paul Larsen	Community & Economic Development Director
	Chris Marx	Golf Professional
	Derek Oyler	City Administrator
	Tyler Pugsley	Public Works Director
	Chad Reyes	Police Chief
	Brandon Thueson	Fire Chief
EXCUSED:	D. J. Bott	Mayor

Mayor Pro Tem Farr called the meeting to order at 6:00 p.m. and excused Mayor Bott. Deacon Myersick gave the reverence period, and the Pledge of Allegiance was recited.

**EMPLOYEE RECOGNITION**

Mayor Pro Tem Farr recognized Kyle Brown, recently hired as a Wastewater Treatment Operator I, as well as recent hires in the Fire Department including Seth Farmer, Firefighter Paramedic, and Kirby Grow and Jace Stromberg, part-time Firefighters AEMTs.

**CONSENT**

**Approval of Meeting Minutes for February 15, 2023 Work Session and February 16, 2023 City Council Meeting**

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

A list of accounts totaling \$3,236.46 was presented to be removed from the City's system due to customers taking out bankruptcy or being sent to collections.

**Appointments to Planning Commission**

It was recommended that Solomon Carter Smith be appointed as 1<sup>st</sup> Alternate and Kristen Bogue be appointed as 2<sup>nd</sup> Alternate to the Planning Commission.

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

**SCHEDULED DELEGATION**

Bonnie Harding spoke on behalf of the Northern Wasatch Association of Realtors who assigned realtors to go to local communities and speak about first time home buyers and housing affordability. She stated the

average home value in Brigham City is \$444,250. With a 5% down payment, a home buyer would need \$140,000 annual income to afford a home. The current average household income in Brigham is \$67,000. The State Legislature worked on SB 240 to make first time home buyers eligible for a maximum of \$20,000 in program funds for new residential construction.

### **PUBLIC COMMENTS**

Mike Shay – Mr. Shay hoped solar owners would reach a resolution with the City. Referring to Ms. Harding’s presentation he stated he could not afford today’s housing prices in Brigham City.

### **COUNCILMEMBER COMMENTS**

Councilmember Troxell – attended the BRAG Human Services Board meeting where they discussed the expiration of COVID money for housing and concerns about increased homelessness. She invited a YCC member to come forward and speak about the leadership conference.

### **ACTION ITEMS**

#### **Consideration of Ordinance Amending Wayneco Subdivision Phase 1 to Combine Lots 2 and 3, Located at 1265 West 300 North**

Mr. Bradley came forward and displayed the proposed amended plat on the screen stating the developer desires to accommodate a property purchase by Love’s Truck Solutions for a tire retread warehouse. Mr. Bradley noted there are no easements between the two lots, and the Planning Commission recommended approval to the City Council.

**MOTION:** Councilmember Troxell made a motion to approve the Ordinance amending Wayneco Subdivision Phase 1 to combine Lots 2 and 3 located at 1265 West 300 North. The motion was seconded by Councilmember Jensen.

<b>Roll Call:</b>	Councilmember Jensen	Aye
	Councilmember Hipp	Aye
	Councilmember Farr	Aye
	Councilmember Troxell	Aye
	Councilmember Smith	Aye

#### **Consideration of Ordinance Amending City Code Chapter 14.04, Alcoholic Establishments and Off Premises Beer Retailers**

Mr. Larsen came to the podium and explained the City gives local consent on applications for businesses serving alcohol or selling beer after verifying compliance with City ordinances. The proposed amendment makes the City Code language consistent with the State Code language.

**MOTION:** Councilmember Jensen made a motion to approve the Ordinance amending City Code Chapter 14.04, Alcoholic Establishments and Off Premises Beer Retailers. The motion was seconded by Councilmember Hipp.

<b>Roll Call:</b>	Councilmember Hipp	Aye
	Councilmember Farr	Aye
	Councilmember Troxell	Aye
	Councilmember Smith	Aye
	Councilmember Jensen	Aye

#### **Consideration of Resolution Amending Utility Billing and Collections Policy & Procedures**

Mr. Kotter came forward and stated the proposal was to discontinue the \$10 delinquent notice fee on utility accounts. Staff found the objective to encourage on time payments was not met and customers were paying delinquent fees month after month. He stated the City collects \$40,000 to \$50,000 annually in delinquent

notice fees which goes to the annual transfer from the Utility Fund to the Emergency CIP Fund. That transfer will end this budget year.

**MOTION:** Councilmember Troxell made a motion to approve the Resolution amending the Utility Billing and Collections Policy & Procedures. The motion was seconded by Councilmember Jensen.

<b>Roll Call:</b>	Councilmember Troxell	Aye
	Councilmember Smith	Aye
	Councilmember Jensen	Aye
	Councilmember Hipp	Aye
	Councilmember Farr	Aye

**Consideration of Resolution Approving Impact and Building Fee Waiver for Habitat for Humanity**

Mr. Larsen stated the item was linked to the upcoming RDA agenda item. The request was for a waiver of building permit fees and impact fees for a property on Medical Drive south of the hospital. The impact fee ordinance enables the Council to waive impact fees for projects that provide low-income housing. In the RDA Northwest Economic Development Project Area, 10% of the tax increment collected is dedicated to affordable housing projects. That fund would reimburse the enterprise and general fund account lines for impact and building permit fees.

**MOTION:** Councilmember Smith made a motion to approve the Resolution approving impact and building fee waiver for Habitat for Humanity. The motion was seconded by Councilmember Troxell.

<b>Roll Call:</b>	Councilmember Smith	Aye
	Councilmember Jensen	Aye
	Councilmember Hipp	Aye
	Councilmember Farr	Aye
	Councilmember Troxell	Aye

**Consideration of Resolution Approving Opinion Question on City Ballot to Repeal Brigham City's One-Quarter of One Percent Mass Transit Sales and Use Tax for Real Property Purchases for Utah Transit Authority's Frontrunner Project**

Mr. Christiansen stated Mayor Bott asked that this item be presented to City Council for consideration to be put on the municipal general election ballot. He cautioned State law prohibits the City from being a persuasive arm on ballot issues, meaning the City cannot use State funded media for one side of the argument for or against the ballot issue. The City is allowed to collect information and list arguments to third party websites. The request was to decide if the issue is right and appropriate to be placed on the ballot. The tax has been in place since 2008 and was put in place to bring the Frontrunner to Brigham City which has not occurred.

**MOTION:** Councilmember Smith made a motion to approve the Resolution approving opinion question on city ballot to repeal Brigham City's one-quarter of one percent mass transit sales and use tax for real property purchases for Utah Transit Authority's Frontrunner project. The motion was seconded by Councilmember Jensen.

<b>Roll Call:</b>	Councilmember Jensen	Aye
	Councilmember Hipp	Aye
	Councilmember Farr	Aye
	Councilmember Troxell	Aye
	Councilmember Smith	Aye

### **Consideration of Resolution to Approve Opinion Question on City Ballot to Remove Fluoride from City's Public Water Supply**

Mr. Christiansen explained State law requires a ballot question when proposing the removal of fluoride from the City's public water supply.

**MOTION:** Councilmember Troxell made a motion to approve the Resolution approving opinion question on city ballot to remove fluoride from City's public water supply. The motion was seconded by Councilmember Jensen.

**Roll Call:**

Councilmember Hipp	Nay
Councilmember Troxell	Nay
Councilmember Smith	Aye
Councilmember Jensen	Aye
Councilmember Farr	Aye

### **DISCUSSION ITEMS**

Mayor Pro Tem Farr asked that the PPAC discussion be held before the Golf update to accommodate Mr. Marx.

### **Purchase Power Adjustment Clause (PPAC) Update**

Mr. Kotter stated the January UAMPS bill was \$1.3 million and the price per kilowatt hour was \$.084. During the month of January, the City fell behind another \$274,000, and for the July through January period, the City is \$2.8 million behind. He explained City is working with UAMPS to procure future contracts and has locked in pricing for April-September. Mr. Oyler added Brigham City has historically covered approximately 75% of the total load with forward contracts. The City is considering covering 100% of the load with forward contracts which would eliminate the volatility; however, the City is paying more than ever.

### **Annual Golf Course Report and Marketing Plan**

Mr. Marx thanked City Council, City employees and the Golf Course staff for their support. He displayed his presentation on the screen.

- Statistics for 2022:
 

<u>Revenue</u>	<u>Rounds Played</u>	<u>Dollar per Round</u>
\$1,085,009.75	59166	\$18.34
<u>Days Open</u>	<u>Avg Revenue / day</u>	<u>Average Rounds / day</u>
250	\$4,340.04	237
- 2023 will be latest opening in 25 years
- Continued work on cart paths; older trees decaying and dying
- Working on Junior golf programs and with Veterans Golf Association
- Mr. Marx named Utah Section PGA Golf Ambassador
- 75 new golf carts – fees going up \$1

At 7:17 p.m. the Council adjourned to a Redevelopment Agency meeting.

**MOTION:** Councilmember Troxell made a motion to adjourn to a Redevelopment Agency meeting. The motion was seconded by Councilmember Smith and carried unanimously. Councilmember Farr, aye; Councilmember Jensen, aye; Councilmember Troxell, aye; Councilmember Smith, aye; Councilmember Hipp, aye.

At 7:20 p.m. the Council adjourned to a closed session.

**MOTION:** Councilmember Troxell 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 Hipp.

<b>Roll Call:</b>	Councilmember Hipp	Aye
	Councilmember Troxell	Aye
	Councilmember Smith	Aye
	Councilmember Jensen	Aye
	Councilmember Farr	Aye

At 8:22 p.m. the Council returned to an open meeting and adjourned.

**MOTION:** A motion to return to an open meeting was made by Councilmember Jensen and seconded by Councilmember Smith. Councilmember Farr, aye; Councilmember Jensen, aye; Councilmember Smith, aye; Councilmember Troxell, aye; Councilmember Hipp, aye.

**MOTION:** A motion to adjourn was made by Councilmember Troxell and seconded by Councilmember Jensen. Councilmember Farr, aye; Councilmember Jensen, aye; Councilmember Smith, aye; Councilmember Troxell, aye; Councilmember Hipp, aye.

*The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the March 16, 2023 City Council Meeting.*

*Dated this 10th day of April 2023.*

*Christina Boss*

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*Christina Boss, Recorder*