

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
January 18, 2024
6:30 p.m.**

PRESENT:	D.J. Bott	Mayor
	Dave Hipp	Councilmember
	Dave Jeffries	Councilmember
	Matt Jensen	Councilmember
	Ryan Smith	Councilmember
	Robin Troxell	Councilmember

ALSO PRESENT:	Christina Boss	City Recorder
	Mark Bradley	City Planner
	Mike Christiansen	City Attorney <i>via Zoom</i>
	Tony Ekins	Associate City Planner
	Tom Kotter	Finance Director
	Paul Larsen	Community & Economic Development Director
	Derek Oyler	City Administrator
	Tyler Pugsley	Public Works Director
	Chad Reyes	Police Chief

Mayor Bott called the meeting to order at 6:30 p.m. Councilmember Smith gave the reverence period, and the Pledge of Allegiance was recited.

UNFINISHED BUSINESS

Consideration of Ordinance Amending General Plan Transportation Master Plan to Relocate 1100 West Roadway Section North of 1100 South Street

The item was originally introduced and tabled at the January 4, 2024 meeting. Mr. Bradley reintroduced the item.

Councilmember Jensen confirmed Staff's biggest concern was the proximity of a 106-foot intersection to 1100 South. Mr. Bradley stated another concern was the function of the road as a regional corridor.

Mayor Bott asked Mr. Oyler to read into the record the City Engineer's comment on the proximity of railroad crossings. Mr. Jones was not aware of a definitive document dictating minimum crossing distances. Union Pacific would approve the new location and require existing crossings to be surrendered.

Councilmember Smith asked why the specific location was chosen for alignment #1. Mayor Bott explained the road could not be pushed north because the angle of the crossing would change, and because of an existing barn. Staff determined it was the least intrusive location and would impact only one property.

Councilmember Troxell stated all of the property owners were aware of what the City plan was concerning the corridor and asked if Mike Nelsen was willing to compromise. Mr. Oyler stated Mr. Nelsen wanted an alignment that followed the property line which would require a railroad overpass. Mr. Oyler reiterated that Mayor or Mayor and Staff met with the property owners who have not changed their opinions.

Councilmember Jeffries felt that the action should be tabled until all parties come to an agreement. Councilmember Hipp felt there should be more discussion between the City and property owners. Councilmember Troxell asked if the developer could come back with an application for the 80 foot right of way only. Mr. Oyler clarified the original application asked that 1025 South be changed to an 80 foot right of way. Because of the request, Staff recommended a new location be planned for the 106 foot right of way. He stated Council could approve the 80 foot right of way and not address the proposed 106 foot right of way in the amendment. He suggested Council pick one of the 106 foot right away alignment options if they approve the 80 foot right of way in order to protect the City. Mr. Oyler stated it was counterintuitive

financially and conceptually to have a 106-right of way follow property lines. He mentioned the funding that has been spent on right of way purchases through the corridor over the past ten years.

There was a discussion about keeping all of the alignment options on the general plan and making a decision at a later date. Mr. Christiansen advised the Council to choose just one alignment. Mr. Oyler informed the Council that the permitting process for a rail crossing is costly and the permit expires if the crossing is not built in a timely manner.

MOTION: Councilmember Jensen made a motion to approve the Ordinance amending General Plan Transportation Master Plan to relocate 1100 West roadway section north of 1100 South Street with Alignment #1. The motion was not seconded and failed.

MOTION: Councilmember Troxell made a motion to deny the Ordinance amending General Plan Transportation Master Plan to relocate 1100 West roadway section north of 1100 South Street. The motion was seconded by Councilmember Jeffries.

Roll Call:	Councilmember Smith	Aye
	Councilmember Troxell	Aye
	Councilmember Jensen	Nay
	Councilmember Jeffries	Aye
	Councilmember Hipp	Aye

RECOGNITION OF EMPLOYEES

Mayor Bott recognized Jennifer Hill, recently promoted to full time Library Curator of Collections, and Jessica Gebhard, hired as the part-time temporary Museum Assistant. He also recognized Leslie Young who was recently promoted to full-time Community Center Coordinator.

CONSENT

Approval of January 4, 2024 City Council Meeting Minutes

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

A list of accounts totaling \$1,256.64 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 Hipp, seconded by Councilmember Jensen, and carried unanimously. Councilmember Jensen, aye; Councilmember Smith, aye; Councilmember Troxell, aye; Councilmember Hipp, aye; Councilmember Jeffries, aye.

PUBLIC COMMENTS

There were no public comments.

COUNCILMEMBER COMMENTS

There were no councilmember comments.

ACTION ITEMS

Consideration of Ordinance Amending Setback Regulations in City Code Chapter 29.02 Definitions, Chapter 29.05 Supplementary and Qualifying Regulations, and 29.12, Residential and Multiple Residential Districts

Mr. Ekins came forward and explained Staff recommended clean up items for the sections of City Code related to setbacks for garages and accessory buildings, and to protect easements from encroachments. He reviewed the proposed changes to definitions and the changes to easement designations and improvement of the rear yards areas for accessory structures.

Councilmember Troxell asked if the irrigation canals were included in the language. Mr. Oyler stated if they are located in a current public utility easement they would be included. Councilmember Smith asked about structures less than 120 feet. Mr. Ekins explained the owner may be required to relocate the structure if requested by the easement holder.

MOTION: Councilmember Smith made a motion to approve the Ordinance amending setback regulations in City Code Chapter 29.02 Definitions, Chapter 29.05 Supplementary and Qualifying Regulations, and 29.12, Residential and Multiple Residential Districts. The motion was seconded by Councilmember Hipp.

Roll Call:	Councilmember Hipp	Aye
	Councilmember Jeffries	Aye
	Councilmember Jensen	Aye
	Councilmember Troxell	Aye
	Councilmember Smith	Aye

Consideration of Ordinance Amending, Restating, Codifying and Compiling Brigham City Code of Ordinances

Mr. Oyler stated American Legal was selected to make improvements to the structure and accessibility of the City Code. With the recodification, no ordinances were added, removed, or amended and the Code was reorganized into new titles, chapters, and sections with updated citation references and legislative histories. The City entered into a five-year contract and has paid approximately \$12,000, plus a \$495 annual fee for online hosting. Code update fees are \$19/page and \$10/image.

MOTION: A motion to approve the Ordinance amending, restating, codifying, and compiling Brigham City Code of Ordinances was made by Councilmember Jensen, seconded by Councilmember Smith.

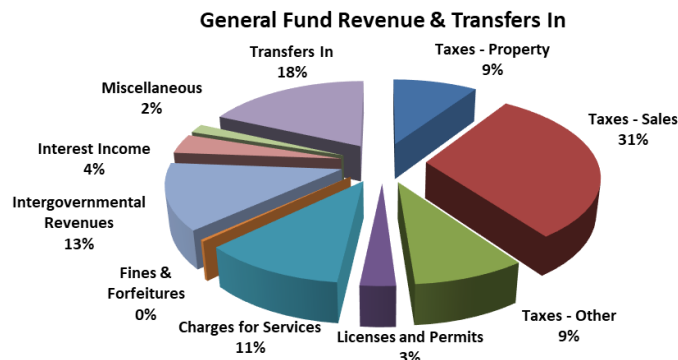
Roll Call:	Councilmember Jeffries	Aye
	Councilmember Jensen	Aye
	Councilmember Troxell	Aye
	Councilmember Smith	Aye
	Councilmember Hipp	Aye

DISCUSSION ITEMS

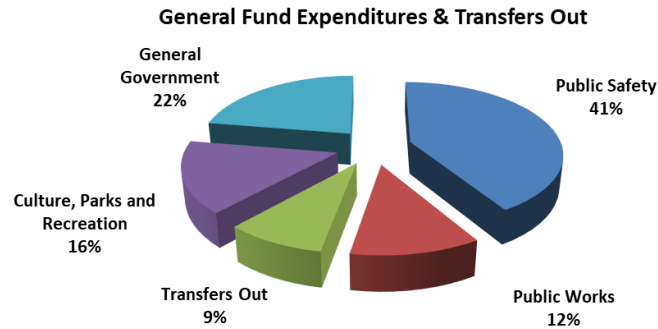
FY 2022-23 Audit Presentation

Mr. Kotter stated the City would receive the GFOA award for excellence in financial reporting for the 37th consecutive year, and he recognized his staff and Keddington & Christensen for their work.

- Combined net position was \$117.3 million due to increases in interest revenue and sales tax
- Utility Fund transfer-in was \$4.5 million; made up 18% of total revenue in the General Fund
- Sales tax accounted for 31% of total revenue
- Property tax revenues were up 9% compared to 8% for the previous two years

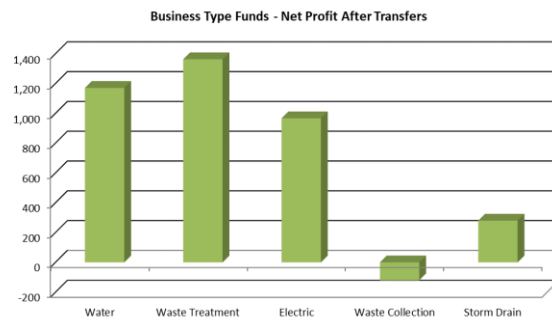
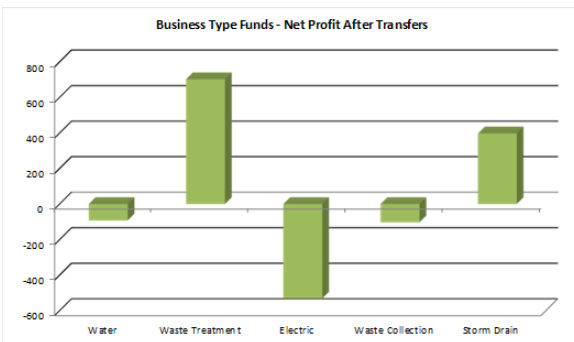


- Police Department accounted for 54% or \$5.3 million of the public safety expenditures



- In Fund Balance the combined RDAs have a negative balance due to the intercompany loan for infrastructure related to Nucor and the Academy kitchen buildout

Mr. Kotter displayed the difference in the utility fund for fiscal year 2022 and 2023. The losses were the reason utility rates were increased and utility fund capital projects were drastically scaled back.



He concluded stating the City's financial condition was good and the City will continue to conserve cash. He then turned the time over to the City auditor, Ben Bailey.

- Financial statements were free of material misstatement and internal controls were compliant
- State compliance – materially complied but had two findings
 - Cemetery Improvement Fund was over budget
 - Deficit fund balance in the 2009-1 Fund that did not have an appropriation budgeted for 2024 to retire the deficit
- Single audit – Airport Improvement Program Grant – materially complied and no internal control issues
- City has reliable accounting system and sound accounting policies

Mr. Oyler recognized Mr. Kotter for his work on the new GASB release for accounting principles on long-term software contracts. Mayor Bott commented on the conservative nature of Staff with budget requests.

MOTION: At 8:00 p.m. Councilmember Jensen made a motion to adjourn. The motion was seconded by Councilmember Smith and carried unanimously. Councilmember Jensen, aye; Councilmember Troxell, aye; Councilmember Smith, aye; Councilmember Hipp, aye; Councilmember Jeffries, 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 18, 2024 City Council Meeting.

Dated this 2nd day of February 2024.

Christina Boss

Christina Boss, Recorder