

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL**

April 4, 2024

6:00 p.m.

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

ALSO PRESENT: Mark Bradley City Planner
Mike Christiansen City Attorney
Tom Kotter Finance Director
Paul Larsen Community & Economic Development Director
Derek Oyler City Administrator
Tyler Pugsley Public Works Director
Kristina Rasmussen Deputy City Recorder
Chad Reyes Police Chief

Mayor Bott called the meeting to order at 6:00 p.m. and gave the reverence period. The Pledge of Allegiance was recited.

CONSENT

Approval of March 21, 2024 City Council Meeting Minutes

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

A list of accounts totaling \$188.92 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, seconded by Councilmember Smith, and carried unanimously. Councilmember Jensen, aye; Councilmember Smith, aye; Councilmember Troxell, aye; Councilmember Hipp, aye; Councilmember Jeffries, aye.

PUBLIC HEARING

Sale of Surplus Property Located at Approximately 705 West Forest Street, Brigham City, Being the Northwest Portion of Parcel No. 03-113-0087, Containing 34,036 Square Feet or 0.781 Acres, Zoned R-1-8

Mr. Christiansen explained the Big J Milling property was one of the properties affected by the West Forest Street overpass. The Settlement Agreement would adjust the boundary line between Big J and Watkins Park and adjust the boundary line south of Big J to allow for the future 50th South Street. Mr. Oyler added that there was a lease agreement included in the settlement agreement for the Watkins Park area which the City would lease until Big J is ready to make improvements.

A motion to open the public hearing was made by Councilmember Hipp and seconded by Councilmember Jeffries. Councilmember Hipp, aye; Councilmember Jensen, aye; Councilmember Troxell, aye; Councilmember Jeffries, aye; Councilmember Smith, aye. There were no public comments. A motion to close the public hearing was made by Councilmember Smith and seconded by Councilmember Jensen. Councilmember Hipp, aye; Councilmember Jensen, aye; Councilmember Troxell, aye; Councilmember Jeffries, aye; Councilmember Smith, aye.

Mayor Bott requested that the associated action item be heard immediately following the public hearing.

ACTION ITEM

Request for Approval of Brigham Connection Project Settlement Agreement and Associated Lease Agreement for Property Exchange with Big J Milling & Elevator Company for Portions of Parcel Numbers 03-113-0087 and 03-113-0027

MOTION: A motion to approve the sale of the surplus property located at 705 West Forest Street to Big J Milling was made by Councilmember Jensen and seconded by Councilmember Hipp.

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

SCHEDULED DELEGATION

UTOPIA Fiber Update

Mr. Roberts presented UTOPIA fiber updates.

- Approximately one-half of Brigham citizens are connected to UTOPIA
- UTOPIA signed first 400 gigabyte per second contract; soon to open multi gig service tiers
- Future lower price for 10 gigabytes per second product
- Currently 62,000 subscribers
- In 2024 Brigham City will pay \$534,699 on 2010 thirty-three year bond
- Brigham City will receive \$147,000 offset payment

Mobile Opioid Treatment Truck

Mr. Record with CTC Programs came forward and spoke about the opioid epidemic and mobile opioid services, including methadone dosing. He hoped to start a dialog regarding zoning regulations and providing services in Brigham City. Ms. Merino added that the Bear River Health Department (BRHD) requested CTC's mobile services be located in their parking lot to provide services to BRHD clients coming from drug court or jail. Mr. Record estimated they would have 20 patients within the first three months. Mayor Bott instructed CTC to meet with City Staff to discuss the zoning change process.

PUBLIC COMMENTS

Brent Chamberlain – Mr. Chamberlain was concerned about the constant noise coming from Steves & Sons business. He stated the reading on his phone measured 80 decibels, with a higher reading in the back of the Kotter Canyon properties. He believed Steves is hiring illegal immigrants and had concerns about the rule of law and increase in crime.

Bruce Karn – Mr. Karn commented on the property values of those affected by the noise coming from Steves & Sons. He suggested the hours of operation be changed to avoid the loud noise in the early morning hours.

Rob Taylor – Mr. Taylor stated the noise coming from Steves & Sons is unbearable. He asked the Council to press Steves to make modifications to lower the noise.

Brandon Black – Mr. Black stated the noise from Steves & Sons goes from 4:30 a.m. to 11:00 p.m. He asked for feedback on the hours of operation and allowable decibel levels. He stated the Code Enforcement Officer he spoke to said the City would pay for a sound survey. He also spoke for his neighbor, Les Barker, who said the noise was unbearable. He stated Steves smoking area is adjacent to his property at 1211 N 100 E and has 6 to 8 persons smoking at a time. He asked that the City request the smoking gazebo be relocated. He complimented Lisa and Troy at the Power Department for the level of service he received regarding a power pole.

Juliana Larsen – Ms. Larsen asked if it would be logical to have Brigham City folks in need of CTC Programs services transported to Tremonton where the company is already located. She asked that more logistical information be provided to the City before any decisions are made.

Danny Taylor – spoke about installing a stop sign at Parkinson and 5th North to slow down traffic going to 5th West.

COUNCILMEMBER COMMENTS

Mayor Bott – stated the City has contracted with an audiologist to take decibel measurements at Steves & Sons. According to the plant manager, the hours of operation are 6 a.m. to 4 p.m.

Councilmember Hipp – complimented the Police Department on their prompt efficient service responding to recent calls he made. He appreciated the public comments from the residents and their faith in the government process.

Councilmember Jensen – thought the Mayor’s State of the City message was very informative. Councilmember Jensen received great feedback on the new fire truck. He attended the Easter Egg Hunt at Pioneer Park and complimented Recreation and Public Works staff for their help.

Councilmember Troxell – attended the fire truck push in ceremony. She also attended the Department of Health key leader meeting where they discussed youth drug prevention programs. She encouraged folks to take advantage of the City Pride Clean-up program. She asked that the City look into the Public Air Act in reference to Steves & Sons smoking area.

Councilmember Smith – attended the Museum Board meeting and stated on May 4th the Smithsonian Crossroads exhibit would be on display at the Museum. At the Box Elder Chamber Board meeting it was announced that Peach Days vendor booths were sold out in three days.

Mayor Bott reminded citizens that Part 2 of the State of the City would take place on Tuesday April 9th. He commented that over the summer there would be General Plan Amendment workshops and encouraged the public to get involved and make suggestions.

ACTION ITEMS

Consideration of Ordinance Amending Brigham City Code Chapters 73, 90, 116, and 156 Relating to Penalties for Criminal Offenses

Chief Reyes came to the podium and stated with the recent recodification of the City Code, he reviewed ordinances relating to criminal offenses in an effort to update the City’s Shared Master Offense Table. Some of the ordinances had not been updated in over 20 years and the penalty levels were not consistent with the level of the offense. He reviewed the proposed changes.

- Parents responsibility for a child riding a bike – reduce to infraction
- Interfering with Animal Control Officer – increase Class C misdemeanor to Class B
- Door to door solicitors required to wear City issued ID badge – reduce to infraction
- Failing to obtain sign permit – reduce to infraction

Mayor Bott allowed questions from the audience regarding the recognizability of Animal Control Officers and the authority to enter private property to take custody of an animal. Chief Reyes stated officers wear a uniform similar to a police officer with a badge and duty belt, and under City Ordinance and State Code an officer can take custody of a dog if neglected, malnourished, etc.

MOTION: Councilmember Jensen made a motion to approve the Ordinance amending Brigham City Code Chapters 73, 90, 116, and 156 Relating to Penalties for Criminal Offenses. The motion was seconded by Councilmember Jeffries.

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

Arbor Day Proclamation

Mr. Pugsley approached the podium and stated part of the Tree City USA requirement is that Brigham approves a Proclamation as well as holds an Arbor Day activity. The Arbor Day Task Force will convene and select a day for Arbor Day activities. Likely it will be in September and organized around the National Day of Service. Mayor Bott read and signed the Proclamation.

At 7:19 p.m. the Council adjourned to a closed session to discuss the purchase, exchange, or lease of real property and pending or reasonably imminent litigation.

MOTION: Councilmember Smith made a motion to adjourn to a closed session. The motion was seconded by Councilmember Jensen.

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

At 7:39 p.m. The Council returned to an open meeting and adjourned.

MOTION: Councilmember Smith made a motion to return to an open meeting. The motion was seconded by Councilmember Troxell and carried unanimously. Councilmember Jensen, aye; Councilmember Troxell, aye; Councilmember Smith, aye; Councilmember Hipp, aye; Councilmember Jeffries, aye.

MOTION: Councilmember Hipp 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 April 4, 2024 City Council Meeting.

Dated this 2nd day of May 2024.

Christina Boss

Christina Boss, Recorder