

WORK SESSION OF THE
BRIGHAM CITY COUNCIL
DECEMBER 4, 2025
5:00 p.m.

PRESENT:	DJ Bott	Mayor
	Dave Hipp	Councilmember
	Dave Jeffries	Councilmember – <i>Arrived at 5:45</i>
	Matthew Jensen	Councilmember
	Ryan Smith	Councilmember – <i>Arrived at 5:30</i>
	Robin Troxell	Councilmember

ALSO PRESENT:	Tom Cooper	Power Director
	Nicole Cottle	City Attorney
	Tom Kotter	Finance Director
	Derek Oyler	City Administrator
	Kristina Rasmussen	City Recorder
	Chief Reyes	Police Chief

Mayor Bott called the work session to order at 5:05 p.m. He turned the time over to the City Attorney, Nicole Cottle, for discussion on City Code updates. Nicole introduced the purpose of her work: conducting a full, citywide review of the Brigham City Municipal Code to make it more legally compliant, defensible, user-friendly, organized, and transparent.

Nicole reviewed the legal authority under which cities operate. Utah is a Hutchinson Rule state, meaning that:

- If state law does not explicitly prohibit something, a city may do it.
- Municipal authority is exercised primarily through:
 - Ordinances – the binding rules governing land use, business licensing, operations, and governmental structure.
 - Resolutions – the policy directives from the City Council to the Mayor and staff.

Nicole described her approach as a multi-layered review, which she moves through for every single word of the code:

1. Legal Review

She evaluates all sections to determine whether they comply with:

- Current Utah statutory requirements,
- Case law, including both favorable and unfavorable judicial decisions,
- Known or newly required changes from the Legislature.

She has identified a few cross-code conflicts, such as standards duplicated in multiple places or conflicting rules in different chapters. These are being consolidated or resolved.

2. Grammatical and Structural Review

Nicole is applying consistent grammar, formatting, and language across the code. She emphasized parallelism, meaning each section is structured similarly, even if the content differs. For example, Brigham City's current code contains sections with purpose statements, policy explanations, irregular numbering, or unusual formatting next to other sections written in entirely different styles.

She clarified that purpose statements and policy narratives do not belong in the codified rules themselves but belong in the “whereas” clauses of the ordinance that adopts them. The codified text should simply contain the rule.

3. Usability & Readability Review

She evaluates the code as if she were:

- A resident,
- A business owner,
- A developer,
- A court reviewing the City’s actions.

Clarity supports defensibility, consistency in enforcement, and public trust.

4. Definitions, Ambiguities & Obsolete Language

Brigham City’s code contains definitions scattered in multiple chapters. She is consolidating these so a term has one meaning everywhere. She is also ensuring the language is modern, minimal, and legally defensible.

Renumbering the Entire Code

The existing numbering system is one of the biggest usability problems. Nicole demonstrated the current structure on American Legal’s website:

- Titles skip numbers: 1, 3, 5, 7, 9, 11..., which confuses users.
- Sections are numbered using a complicated decimal system such as 10.001, which does not correspond intuitively to a Title–Chapter–Section format.

She compared this to the Utah Code, which follows a consistent structure (e.g., 3-1-1 = Title 3, Chapter 1, Section 1). Brigham City’s numbering does not parallel this, making navigation difficult for:

- The public,
- Staff,
- Police officers and code enforcement officers,
- Developers,
- Attorneys.

The proposed renumbering will:

- Use all titles sequentially (no missing numbers),
- Adopt a clear Title–Chapter–Section hierarchy,
- Apply consistent subsection formatting,
- Make the entire code intuitive and navigable.

How the Updated Code Will Be Adopted: Full Repeal and Re-enactment

Nicole explained that attempting to show these changes to Council in traditional redline/strikeout format would produce pages that are essentially entirely crossed out and replaced, making the redline unreadable.

Instead, she proposes the following:

Full Repeal & Re-enactment

- Entire sections will be repealed and re-enacted in clean, reorganized form.
- Only substantive policy changes will be called out explicitly in a separate summary.

The updated code will automatically include “prior code references” at the bottom of each section. Some sections will have large lists of former numbers, reflecting frequent amendments.

Nicole and the Mayor noted that this historical tracking is essential for:

- Development agreements referencing old code sections,
- Litigation,
- Transparency,
- Understanding the evolution of policy.

Proposed New Title Structure – Including a Consolidated Fee Schedule

Nicole previewed the proposed reorganization into sequential and intuitive titles such as:

- Title 1 – General Provisions
- Title 2 – City Government (administration, council, police, fire)
- Title 3 – Public Utilities and City Services
- Title 4 – Consolidated Fee Schedule and Impact Fees
- Title 5 – Business Licensing
- Title 6 – Land Use & Zoning

Consolidated Fee Schedule (Title 4)

The proposal is to create one centralized, codified fee schedule that includes:

- Parks and recreation fees,
- Utility rates (stormwater, sewer, power),
- Cemetery fees,
- Airport hangar fees,
- Library fees,
- Impact fees (recently updated; merely relocated).

A councilmember raised a concern that a consolidated schedule might feel disconnected from the underlying department or policy discussion. Nicole and Derek clarified:

- The initial consolidation ordinance will simply place fees in one location.
- Any future changes to a fee will come back to Council in ordinance form with detailed policy “whereas” explanations.
- All changes remain public, transparent, and linked to discussion and justification.

Derek added that this approach also allows the City to remove duplicative attachments and policies scattered across dozens of old resolutions—especially utility shutoff and penalty procedures, which often repeat the same language in multiple places.

Council felt the consolidated schedule would be highly user-friendly, especially for residents.

Land Use Code Rewrite and Public Hearing Process

The land use portion of the code will be the most complex. Nicole explained:

- This portion requires public hearings before both the Planning Commission and the City Council, as required by Utah law.
- It contains the most policy analysis.
- It will likely extend into the spring, with significant staff involvement.

A question was asked regarding the role of American Legal, the City's code publishing company.

Nicole explained:

- Brigham City will continue using American Legal.
- After adoption, the City sends American Legal a formatted version of the new code.
- American Legal:
 - Verifies accuracy,
 - Implements approved numbering,
 - Sets up links and formatting on the public-facing website,
 - Publishes the official online version.

Nicole explained that the City intends to bring Title 1 and Title 2 to the Council at the next meeting for review and possible adoption.

Nicole will also provide:

- A "key" or guide explaining titles, chapters, sections, ordinances, and numbering,
- The old-to-new matrix,
- Additional explanatory tools as needed.

Councilmembers expressed appreciation for the clarity of Nicole's presentation and acknowledged the scope of the project. Nicole reiterated that a comprehensive rewrite is extremely rare for cities, but she is confident that when completed, Brigham City will have one of the cleanest, most organized, defensible municipal codes in Utah.

The work session adjourned at 5:56 PM

The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the December 4, 2025 City Council Work Session.

Dated this 22nd of December, 2025.

Kristina Rasmussen

Kristina Rasmussen, City Recorder

** These meeting minutes were generated with the assistance of artificial intelligence and have been reviewed, edited and approved by Brigham City Staff.