



NOTICE AND AGENDA
BRIGHAM CITY COUNCIL MEETING

Thursday, March 5, 2026 6:00 PM
City Council Chambers, 20 North Main

To View Live Meeting Visit:

<https://www.bcutah.gov/mayor-and-city-council.htm> **or**
www.youtube.com/brighamcitycorp

6:00 REGULAR COUNCIL MEETING

Thought, Reading, or Invocation: Bishop Sterling Marx, Brigham City 2nd Ward
Pledge of Allegiance

6:03 CONSENT

1. Approval of February 19, 2026 City Council Meeting Minutes

6:05 EMPLOYEE RECOGNITION

1. New Hires in Finance and Public Works

6:10 PUBLIC COMMENTS¹ *(Per Utah Code, Council will receive input only, no decision can be made)*

6:15 COUNCILMEMBER COMMENTS

6:20 ACTION ITEMS

1. Consideration of Ordinance to Repeal Code Chapters 30, 31 and 32 and Re-Enact as Title 2 of the New Brigham City Code – Nicole Cottle

6:30 CLOSED SESSION

Consideration to enter a closed session to discuss: purchase/exchange/lease of real property; pending litigation; cyber security; or character/professional competence or physical/mental health of an individual.

Assigned times may vary depending on discussion length or agenda alteration. ADA Notice: Individuals needing special accommodations should contact the City Recorder at 435-734-6621 at least 48 hours before the meeting. Councilmembers may participate electronically.

CERTIFICATE OF POSTING

The undersigned duly appointed City Recorder certifies the above notice was posted in three public places within the Brigham City limits, and on the City and State Public Meeting Notice websites on February 26, 2026. A copy was also provided to the Box Elder New Journal.

Kristina Rasmussen, City Recorder

¹ Each individual is limited to three minutes. Total input period is limited to 15 minutes.

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**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
FEBRUARY 19, 2026
6:00 p.m.**

5 **PRESENT:** DJ Bott Mayor
6 Dave Hipp Councilmember
7 Matthew Jensen Councilmember
8 Ryan Smith Councilmember
9 Robin Troxell Councilmember

10 **ALSO PRESENT:** Nicole Cottle City Attorney
11 Tom Kotter Community and Economic Development Director
12 Derek Oyler City Administrator
13 Tyler Pugsley Power Director
14 Kristina Rasmussen City Recorder
15 Chief Reyes Police Chief
16 Mike Waite Public Works Director

17 **EXCUSED:** Dave Jeffries Councilmember
18

19 Mayor Bott called the meeting to order at 6:00 p.m. The invocation was offered by Bishop Nathan Hall of
20 the Brigham City 1st Ward. The Pledge of Allegiance followed.

21 Mayor Bott asked the council to switch the training and the scheduled delegation. Council approved.

22
SCHEDULED DELEGATION

23 **Presentation of Good Deed Award – American Legion Auxiliary Department of Utah**

24 Mayor Bott welcomed representatives from the American Legion Auxiliary Department of Utah and
25 invited them to present a recognition to a local youth.

26 A representative explained that the Auxiliary sponsors the Youth Hero and Youth Good Deed Award
27 program, which honors young individuals for acts of service or courage. She shared that Tate was selected
28 to receive the national Youth Good Deed Award after he and his mother started “Tate’s Stand” during the
29 October government shutdown. What began as distributing donated hygiene items expanded to include
30 coats, blankets, and other supplies, serving individuals throughout the region and continuing through the
31 winter months.

32 Mayor Bott commended Tate for his example of service, noting that his efforts demonstrate the
33 importance of doing what is right and positively impact the community.

34
CONFLICT OF INTEREST AND ETHICS STATEMENT TRAINING

35 Mayor Bott introduced the item as a continuation of the Council’s annual training requirements, following
36 prior training on internet safety and the Open and Public Meetings Act. He turned the time over to City
37 Attorney Nicole Cottle.

38 Ms. Cottle explained that the training was part of the Council's annual obligations under state law and
39 City policy. She noted that Utah is a disclosure state regarding conflicts of interest, meaning elected
40 officials are required to disclose potential conflicts in writing.

41 She clarified that elected officials file disclosures under Title 20 of state law when running for office and
42 upon taking office, which is separate from disclosures required under the Municipal Employees Ethics
43 Act. While the requirements overlap, they are governed by different provisions.

44 Ms. Cottle reviewed that conflicts generally include ownership of a business regulated by the City or
45 conducting business with the City, and such interests must be disclosed. She also referenced the City's
46 annual fraud risk assessment process, which includes each employee and elected official signing an
47 annual ethics statement reaffirming compliance with the Municipal Employees Ethics Act.

48 She stated that the City facilitates the required disclosures and annual acknowledgments to ensure
49 compliance. No further questions were raised.

50 **CONSENT ITEMS**

51 Mayor Bott introduced three consent items:

- 52 1. Appointment of Wayne McConkie to the Planning Commission
- 53 2. Approval of the February 6, 2026 Work Session and City Council Meeting Minutes.
- 54 3. Request to Write Off Utility Accounts totaling \$5,014.09 due to accounts being sent to collections
55 or filing bankruptcy.

56 Councilmember Jensen made a motion to approve the consent items as presented. Councilmember Hipp
57 seconded the motion. The vote was unanimous in favor.

58 **EMPLOYEE RECOGNITION**

59 Mayor Bott recognized Asyn Stevens and Carsen Maxfield as new Firefighter/AEMT workers and
60 Hallie Ogden and the new Recreation Coordinator.

61 Mayor Bott invited the following individuals to come forward to be administered the oath of office by the
62 City Recorder:

- 63 • Tyler Pugsley – Public Power Director
- 64 • Mike Waite – Public Works Director
- 65 • Bryce Lofthouse – Assistant Public Works Director
- 66 • Jeff Schmitt – Finance Director

67 The City Recorder administered the oath of office, and the appointees signed the required documentation.
68 Mayor Bott congratulated the individuals and expressed confidence in the leadership team and the City's
69 future direction.

70 Bryce Lofthouse briefly addressed the Council, expressing gratitude for the opportunity to serve and
71 reiterating his commitment to the community.

72 Jeff Schmitt also shared appreciation for the opportunity to join Brigham City, stating he was impressed
73 with the organization and looked forward to working with the Council and staff.

74 **PUBLIC COMMENT**

75 There were no public comments.

76 **COUNCILMEMBER COMMENTS**

77 **Councilmember Smith** – welcomed the new Finance Director and congratulated the recently appointed
78 department leaders. He reported attending a Box Elder Chamber of Commerce meeting and noted the
79 upcoming Business Summit on March 20. He also attended a Bear River Water Conservancy District
80 meeting and shared that it was informative.

81 **Councilmember Troxell** – reported attending recent Library Board meetings and expressed appreciation
82 for the board’s dedication and budget efforts. She also attended a Bear River Association of Governments
83 meeting, where social service block grant funding was discussed for local nonprofits. She commented on
84 the recent Volunteer Appreciation Banquet, noting the long-standing commitment of many community
85 volunteers, and congratulated staff on the recent internal promotions.

86 **Councilmember Hipp** - shared that he attended the Youth City Council’s visit to the State Capitol,
87 noting the engagement and leadership of local youth. He echoed appreciation for the City’s volunteers
88 and congratulated the newly appointed department heads.

89 **Councilmember Jensen** - also attended the Volunteer Appreciation Banquet and mentioned a
90 presentation regarding a planned Gold Star Families memorial project. He commended community
91 service efforts, including those recognized earlier in the meeting.

92 **Mayor Bott** - reported attending a recognition event in Herriman City with Chief Reyes to honor officers
93 who assisted Brigham City during the August 17 incident and its aftermath. He also expressed
94 appreciation for the Volunteer Appreciation Banquet and the community support shown there.

95 **CITY ADMINISTRATOR COMMENTS**

96 Derek Oyler reported that the Penstock replacement project for the City’s two water sources from Mantua
97 remains underway and is anticipated to be completed by mid-March. He noted that reservoir levels are
98 currently high and staff may need to manually release water as needed. He also mentioned that flood
99 mitigation meetings are scheduled to begin the following week.

100 He stated that work on the Forest Street overpass is progressing, with the bridge cap expected to be
101 poured in the coming week, marking a significant step toward completion.

102 He also informed the Council that detailed budget meetings with the Mayor and executive staff would
103 begin the following week. Department heads have submitted their requests, and the budget review process
104 will take place over two full days. Councilmembers were invited to attend as their schedules allow.

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106

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ACTION ITEMS

108 Consideration of Approval of Updates to the Power Standards Manual

109 Derek Oyler presented updates to the Power Standards Manual, explaining that staff had spent several
110 months reviewing and revising the document to align with updated national electrical standards and
111 industry best practices. He noted that the revisions also include clarifications and cleanup regarding
112 transformer placement, sectionalizes, materials, and service standards in residential and commercial areas.

113 He explained that the updates primarily affect infrastructure from City equipment to the meter base and
114 do not apply to interior electrical work, which is governed by building code.

115 In response to a Council question, it was clarified that recent changes related to commercial solar and
116 customer generation are addressed in City Code and are separate from the Power Standards Manual.

117 **MOTION:** Councilmember Troxell made a motion to table the updates to the Power Standards
118 Manual as presented. Councilmember Hipp seconded the motion. The motion passed
119 unanimously.

120 Consideration of Approval of UAMPS Pooling Agreement

121 Derek Oyler introduced the item and invited Mason Baker, representative from UAMPS, to explain the
122 amended and restated Pooling Agreement.

123 Mr. Baker stated the Pooling Agreement is the governing contract for UAMPS' pool project, which has
124 historically allowed member cities to buy and sell surplus power among themselves. He explained the
125 agreement is being updated largely due to the upcoming transition to the Extended Day-Ahead Market
126 (EDAM), which will change how power is scheduled and settled in the western wholesale market. He
127 noted UAMPS is required to participate in EDAM because PacifiCorp, the balancing authority, is entering
128 the market, with a go-live date of May 1, 2026.

129 Mr. Baker described key concepts in the updated agreement, including cost causation (allocating costs
130 and penalties to the members responsible) and preserving member autonomy in power supply decisions.
131 He explained the market shift moves operations from a primarily bilateral trading model to a more
132 centralized market structure, with CAISO dispatching resources to meet aggregated loads based on
133 economic dispatch.

134 Council discussed how EDAM could affect member-to-member power trades and noted increased
135 complexity and potential after-the-fact settlement uncertainty. Mr. Baker stated UAMPS is actively
136 working on solutions and acknowledged there may be initial "hiccups" as the market goes live. He also
137 discussed the new "resource sufficiency" requirements, noting penalties can apply if sufficient resources
138 are not demonstrated, and explained that UAMPS plans to support members through an annual purchase
139 plan and updated forecasting process. Mr. Baker also noted UAMPS is evaluating additional tools to
140 manage risk and volatility, including potential stabilization measures.

141 Staff clarified that certain operational issues being worked through (including internal member transfers)
142 were not the primary decision point for approval of the agreement, and stated staff and legal had reviewed
143 and supported proceeding.

144 Before action was taken, staff requested an update to the agreement's representative designations for
145 Brigham City. Council discussed appointing Kevin Garlick as the City's primary UAMPS representative
146 under the agreement, with Tyler Pugsley and Derek Oyler as alternates.

147 **MOTION:** Councilmember Smith made a motion to approve the UAMPS Pooling Agreement
148 with the appointment representative updates as described above. Councilmember Jensen
149 seconded the motion.

150 **Roll Call:**

151 Councilmember Hipp – Aye; Councilmember Jensen – Aye; Councilmember Smith – Aye;
152 Councilmember Troxell– Aye

153 **DISCUSSION ITEMS**

154 **Electric Rate Study Updates**

155 Mayor Bott introduced the electric rate study update and noted the City had previously worked with
156 consultant Dave Berg on rate design, including the graduated rate structure implemented in the prior year.
157 He stated the City is beginning a new rate study and invited Dave Berg (via Zoom) to provide an update.

158 Mr. Berg explained the purpose of the rate study is to ensure electric rates generate sufficient revenue to
159 cover costs and maintain appropriate reserves, while also evaluating “cost of service” to ensure customer
160 classes pay their fair share. He noted the City’s AMI system provides improved usage data, which will
161 strengthen the cost allocation analysis. He also referenced anticipated growth and upcoming infrastructure
162 and generation needs as reasons the study is timely. Mr. Berg stated he plans to present rate
163 recommendations at the March 19, 2026 City Council meeting.

164 Council discussed prior rate study recommendations and asked whether the City’s earlier decision to
165 adopt a lower rate increase than recommended had negatively affected finances. Mr. Berg stated it is not
166 uncommon for councils to adjust recommendations and indicated the City’s financial position has
167 appeared reasonably stable, though higher rates would have increased reserves for future needs.

168 Council and staff discussed potential future rate design options, including residential demand charges and
169 time-of-use rates. Mr. Berg explained that residential demand costs are currently embedded in energy
170 charges and noted that residential demand charges can be difficult to implement fairly due to varying peak
171 times and short-duration peaks. He stated time-of-use rates are often a better approach, particularly now
172 that AMI data is available, though customer education would be needed. Council requested that time-of-
173 use rate options be included in the analysis presented in March.

174 **Golf Course Annual Update**

175 Mayor Bott introduced the final discussion item and invited Chris Marx to provide a golf course update.

176 Mr. Marx recognized staff and supporters in attendance, including Golf Course Superintendent Sheldon
177 Priest; PGA assistant professionals Jaron Cannon and Cash Christofferson; and members of the Golf
178 Commission (James Hershey, Lee Bilbo, Jill Christensen, Chris Beach, and Tom Peterson). He also
179 thanked City staff members Royce and Nathan for their support during tournament-related and after-hours
180 needs.

181 Mr. Marx reported that golf course participation and revenues continue trending positively and noted the
182 course is already ahead of the prior year due to being open more days this winter. He highlighted record-
183 setting rounds played and increased average daily participation, while noting the need to plan for future
184 downturns and remain good stewards during strong years.

185 He provided updates on capital and maintenance priorities, including continued progress on replacing and
186 upgrading cart paths with improved concrete access around tee and green complexes, and ongoing efforts

187 to address aging infrastructure and improve tee boxes. He also emphasized staff training for “what-if”
188 situations and emergency response needs.

189 Mr. Marx reiterated the need for a larger, improved driving range, noting capacity limitations during
190 tournaments and busy periods and the potential community benefit of expanded amenities.

191 Mr. Cannon and Mr. Christofferson shared highlights from recent events and participation, including
192 hosting major tournaments and strong junior and league programming. They also noted recognition
193 received through industry publications and awards, and that Superintendent Priest was a finalist for
194 superintendent of the year.

195 Mr. Marx informed Council of a planned adjustment to golf course pricing, including increasing the rack
196 rate for 18 holes with a cart to \$60, with corresponding adjustments to other rates and pass options. He
197 stated discounted options remain available for local users through punch passes and season passes.

198 Council asked about course capacity and how close the course operates to its maximum on peak days. Mr.
199 Marx stated many days are fully booked and noted that while more rounds can be scheduled, the course
200 also prioritizes playability and service for local golfers.

201 At 8:21 PM Councilmember Smith made a motion to proceed into closed session to discuss the
202 purchase/exchange/lease of real property. The motion was seconded by Councilmember Hipp.

203 **Roll Call:**
204 Councilmember Hipp – Aye; Councilmember Jensen – Aye; Councilmember Smith – Aye;
205 Councilmember Troxell– Aye

206 At 9:28 PM The council returned to opened and a motion was made by Councilmember Jensen to
207 adjourn. Seconded by Councilmember Smith and approved unanimously.

208 *The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the*
209 *foregoing is a true, accurate and complete record of the February 19, 2026 City Council Meeting.*

210
211 *Dated this 6th of March, 2026.*
212

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214
215

Kristina Rasmussen, City Recorder
216

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

**BRIGHAM CITY
AGENDA ITEM FOR CITY COUNCIL MEETING**

1. INITIATED BY: Nicole Cottle

2. DEPARTMENT OR DIVISION: Mayor's Office

3. DATE INITIATED: March 3, 2026

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

This ordinance is to repeal Chapters 30,31 and 32 and re-enact them as Title 2 of the new City Code.

5. ESTIMATED TIME NEEDED: 10 Minutes

6. PROPOSED DATE FOR COUNCIL ACTION: March 19, 2026

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

<u>Date</u>	<u>Name</u>	<u>Signature</u>	<u>Attachment</u>
<u>2/23/26</u>	<u>Nicole Cottle</u>		<u>X</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

9. MAYOR'S SIGNATURE:





**CITY ATTORNEY
LEGAL DOCUMENT REVIEW**

Document Name: An ordinance repealing Chapters 30,31,32 of the Brigham City Code and reenacting them as Title 2 of the Brigham City Code.

Name of Person Requesting Legal Review: Nicole Cottle _____

Date Sent: 2/23/26 Review Date Deadline: 2/23/26 _____

Reviewed by Attorney: _____ Date: 2/23/26

- Reviewed and acceptable as submitted
 See suggested changes:

Returned to: Nicole Cottle _____ Date: 2/23/26 _____

Accepted as Received

Submitted to Mayor's Office By: _____ Date: _____

Reviewed by Mayor's Office: _____

Derek Oyler, City Administrator

ORDINANCE 26-_____

AN ORDINANCE REPEALING AND RE-ENACTING THE
BRIGHAM CITY CODE AS TITLE II CITY GOVERNMENT

WHEREAS, the City has endeavored to conduct a review of the City Code for the purpose of ensuring usability, clarity and legality; and

WHEREAS, the City has reviewed the provisions of the City Code relating to governing the City, including the functions of the City Council, Mayor and administration; and

WHEREAS, following a thorough review and study of these sections, a repeal, renumbering and reenactment is determined to be in the best interest of the City;

NOW, THEREFORE, be it ordained by the City Council of Brigham City, Utah that the following titles and sections of the Brigham City Code shall be repealed and reenacted:

1. Chapters 30, 31, 32 of the Brigham City Code be shall be repealed; and
2. Title II as set forth in Exhibit A to this Ordinance shall be enacted.
3. This Ordinance shall become effective upon publication and posting as required by law.

PASSED AND ADOPTED by the City Council of Brigham City, Utah by a vote of ____ ayes and ____ nays this ____ day of _____, 2026.

Dennis J Bott, Mayor

Kristina Rasmussen, City Recorder

TITLE 2 CITY GOVERNMENT

CHAPTER 1 CITY COUNCIL

- 2-1-101 NUMBER OF CITY COUNCIL MEMBERS, ELECTION
- 2-1-102 MEETINGS
- 2-1-103 QUORUM
- 2-1-104 VACANCY IN OFFICE
- 2-1-105 BUDGET
- 2-1-106 DISPOSAL OF REAL PROPERTY
- 2-1-107 ELECTIONS
- 2-1-108 VOTER PARTICIPATION AREAS
- 2-1-109 OATH OF OFFICE

CHAPTER 2 MAYOR AND ADMINISTRATION

- 2-2-101 CHIEF EXECUTIVE OFFICER
- 2-2-102 GENERAL DUTIES
- 2-2-103 MAYOR PRO TEM
- 2-2-104 VACANCY IN OFFICE

CHAPTER 3 APPOINTED OFFICERS, EMPLOYEES AND AUTHORITIES

- 2-3-101 APPOINTED OFFICERS
- 2-3-102 CHIEF ADMINISTRATIVE OFFICER
- 2-3-103 CITY RECORDER AND GOVERNMENT RECORDS ACCESS MANAGEMENT
- 2-3-104 APPEAL AUTHORITY

CHAPTER 1 CITY COUNCIL

2-1-101 NUMBER OF CITY COUNCIL MEMBERS, ELECTION

The council shall be composed of the mayor and five council members to be elected at large.

(Prior Code, §2.03.010; §30.035)

2-1-102 MEETINGS

1. The council shall meet every first and third Thursday in the council chambers at City Hall at 6:00 p.m. unless otherwise noticed pursuant to Utah Code.
2. The council does not formally adopt *Robert's Rules of Order*. Council meetings shall proceed as set forth below and at the discretion of the mayor.
 - a. City council meeting agenda shall be conducted by introducing the item and having a discussion by the council members. After sufficient discussion as determined by the mayor, a motion and a second shall be required for the council to vote. If no second to a motion is received, then the motion becomes invalid and another motion may be considered.
 - b. Unless otherwise required by Utah Code, the number of yes votes to take action is three; except for topics regarding the rights and responsibilities of the mayor.
 - c. A roll call vote shall be recorded for all ordinances. A voice vote of the body is sufficient for all other actions.
 - d. Public comment may be listed on the city council agenda and if listed shall comply with the following requirements:
 - i. Public comment may be limited to residents of the city.
 - ii. Members of the public shall be free to express any idea, question or viewpoint without limitation, except for time, place and manner limitations.
 - iii. Individual comments shall be limited to three minutes.
 - iv. Public comment shall be civil and orderly.
 - v. Council members should not interrupt, argue with or otherwise interfere with any comment.
 - vi. The Mayor and City Council may ask clarifying questions of the member of the public making a presentation and other members of the public may ask clarifying questions of the presenter at the discretion of the mayor.
 - vii. Other than at a public hearing and the public comment portion of the meeting, members of the public shall not be allowed to participate in the meeting unless they are on the agenda or requested to present to the Council by any member. Any member of the public interrupting city council proceedings, approaching the council without permission,

otherwise creating a disturbance, or failing to abide by the rules of procedure in addressing city council, shall be deemed to have disrupted a public meeting and, at the direction of the mayor, may be removed from the meetings by police department personnel or other agent designated by mayor or city administrator.

- viii. Any member of the council wishing to speak on any item on the agenda shall be recognized by the mayor. Mayor and council members shall conduct themselves at all times with civility and respect.
3. Special Meeting. The mayor and two council members may call a special meeting. When a special meeting is called there shall be at least three hours notice provided to each council member in the most appropriate method. The presence of a council member at any special meeting shall constitute a waiver of notice required.
4. Emergency Meeting. A majority of the council may call an emergency meeting. An emergency meeting is one where unforeseen matters of an urgent or emergent nature are being discussed and the council gives notice to all members of the council and gives the best notice practicable of the time and place of the emergency meeting and the topics being considered to the public.
5. Electronic Meeting. The council may hold electronic meetings. Any council member attending electronically shall be considered a voting and present member for purposes of a quorum and vote. Electronic meetings shall be conducted in compliance with Utah Code.

(Prior Code §2.030.020, §30.036 Prior Code, § 2.03.040) (Ord. 11-32, passed 12-1-2011) (Prior Code, § 2.03.040) (Ord. 11-32, passed 12-1-2011)

2-1-103 QUORUM

A quorum of the council is three or more not including the mayor. The council shall have the power to compel attendance of its own members and may provide by resolution directing that power the penalties it deems necessary for failure to comply.

(Prior Code §2.03.030; §30.037)

2-1-104 VACANCY IN OFFICE

1. When a vacancy council vacancy occurs, the council shall by majority vote appoint a city resident and registered voter who meets the qualifications for the office as established by Utah Code to fill the unexpired term of the office vacated. That appointee shall remain until the next municipal election when a successor can be qualified and duly elected.
2. Prior to filling the vacancy, the council shall follow all steps and provide public notice of the vacancy pursuant to Utah Code.

(Prior Code §2.03.050; 30.028)

2-1-105 BUDGET

1. Annual Tax Levy. The City shall give notice of budget meetings and where being considered of a property tax rate increase as required by Utah Code. Following proper notice the council shall at a regular or special meeting called for that purpose by ordinance or resolution set the real and personal property tax levy for the city.
2. Claims Against the City. It shall be the duty of the council to review all financial obligations of the city and once verified approve and ordered paid in accordance with Utah Code.

(Prior Code § 2.03.060; § 30.039; § 2.03.070; § 30.040; § 2.03.080; § 30.041)

2-1-106 DISPOSAL OF CITY OWNED REAL PROPERTY

1. Definitions.
 - a. "Non Significant Parcel of Real Property" means any parcel of real property that is not included in the definition of Significant Parcel of Real Property.
 - b. "Significant Parcel of Real Property" means real property larger than 5000 square feet or that has a fair market value of greater than \$20,000.

Specifically excluded from this definition:

 - i. Real Property that is part of a boundary line agreement or adjustment;
 - ii. Real Property parcel created by a vacation;
 - iii. Real property that is undevelopable unless combined with an adjacent parcel; and
 - iv. Real property acquired by eminent domain if the city is statutorily or contractually required to dispose of the property in a particular way.
2. The council may declare any city owned Significant Parcel of Real Property to be surplus.
3. The city administrator may declare any Non-Significant Parcel of Real Property to be surplus.
4. After a declaration of surplus is made, public notice of at least 14 days is given and a public hearing is held pursuant to Utah Code, the city may dispose of the surplus real property.

(Prior Code § 2.03.090; §30.042)

2-1-107 ELECTIONS

1. All city elections shall comply with Utah Code.
2. The City Recorder is designated as the Election Officer for the city.
3. All elected officials shall be chosen by the registered voters of the city.
4. A person may become a candidate for any elected municipal office if:
 - a. The person is a registered voter in the city;
 - b. The person has been a resident for at least 12 consecutive months immediately before the date of the election; and
 - c. The person has met all requirements of the Utah Code.
5. If any elected official shall at any time during his or her term of office live outside the boundaries of the city for a continuous period of more than 60 days or establish residence outside the city during their term of office, the office shall thereby become automatically vacant.
6. If the number of candidates filed is more than twice the number of open offices, a primary election shall be held on the second Tuesday following the first Monday in August before the general election.
7. On the first Tuesday after the first Monday in November of each odd-numbered year, there shall be held an election to fill all elective offices to be vacated in the city at 12:00 p.m. on the first Monday of January following.
8. Such elected officers shall continue in office for the term for which elected and until their respective successors are elected and qualified, unless sooner removed for cause or the office is vacated by resignation or death.
9. The term for the office of mayor and city council member shall be for four years.
10. The council may submit to the electors, at any election, any proposition or question required to be submitted by the constitution, general law or ordinance of the city.
11. In all municipal elections, the council shall appoint poll workers and shall designate the places of voting.
12. The returns of all elections shall be made to the city recorder who shall call for the assistance of the mayor and council members of the municipality to act as the Board of Municipal Canvassers.
13. The Board of Municipal Canvassers shall meet to canvass the returns at the usual place of meeting of the municipal legislative body. This shall be done no sooner than seven days after the election and no later than 14 days after the election; or, for canvassing of returns from a primary election, no sooner than three days after the election and no later than seven days after the election.
14. Certificates of election must be issued to each person elected by a plurality of votes.

15. If two or more candidates receive an equal and highest number of votes for the same office, and if there are not enough offices remaining for all such candidates, and if the result after a recount remains the same, the Election Officer shall determine by lot which candidate is selected in a public meeting in the presence of each person subject to the tie within five days of the canvass or within five days of the recount if one is requested or held.

(Prior Code, § 9.01.020) (Prior Code, § 9.01.010) (Prior Code, § 9.01.030) (Prior Code, § 9.01.040) (Prior Code, § 9.01.070)

2-1-108 VOTER PARTICIPATION AREAS

In compliance with Utah Code the city's voter participation areas include four contiguous areas having a similar number of residents in each area as specifically designated by the map below. Any individual or group desiring to file a referendum or initiative petition shall follow the process outlined in Utah Code using the voter participation areas defined here.

2-1-109 OATHS OF OFFICE

1. Candidates elected at the general election shall begin their term of office at 12:00 p.m. on the first Monday in January following their election or as soon thereafter as feasible.
2. The oaths of office shall be given to the elected officials by any judge, notary public or by the City Recorder at 12:00 p.m. on the first Monday in January following their election or as soon thereafter as is practical.
3. All oaths of office shall be filed with the City Recorder.

(Prior Code, § 9.02.060-070,010,020,030,045,050) (Prior Code, §32.001-010; 32.025-032) (Ord. 03-33, passed 8-28-2003) (Ord. 03-33, passed 8-26-2003)

CHAPTER 2 MAYOR AND ADMINISTRATION

2-2-101 CHIEF EXECUTIVE OFFICER

The mayor is the chief executive officer of the city.

2-2-102 GENERAL DUTIES. As the chief executive officer, the mayor enjoys all of the rights and responsibilities provided by Utah Code and is responsible for general duties are as follows:

1. The mayor is a voting member of the council when there is a tie vote, when the council is voting to appoint or dismiss the city administrator or when they are voting on an ordinance that enlarges or restricts the mayor's powers, duties or functions.
2. The mayor is the chair of the council and presides at all council meetings.
3. The mayor exercises ceremonial functions for the city.
4. The mayor keeps the peace and enforces the laws of the city.
5. The mayor may waive fines and fees. The mayor may release a person imprisoned for a violation of a municipal ordinance or may remit all or any part of a fine or penalty imposed. The mayor shall report at the next regular meeting of the Council the number of fines and the amounts remitted, the waiver of any fees and fines, and the number of pardons granted.
6. The mayor reports to the council the condition and needs of the city.
7. The mayor, as chief executive officer of the city, shall exercise general supervision over all the departments of the city government.
8. The mayor shall, as needed, appoint, with the advice and consent of the council, the following positions along with deputies to these positions all of which shall serve as at will employees at the pleasure of the mayor:

- a. City Administrator
 - b. City Attorney
 - c. City Recorder
 - d. City Treasurer
 - e. Community Development Director
 - f. Fire Chief
 - g. Finance Director
 - h. Human Resource Director
 - i. Police Chief
 - j. Police Commander(s)
 - k. Public Power Director
 - l. Public Works Director
 - m. Assistant Public Works Director
 - n. Assistant City Administrator/Public Works Director
 - o. Information Technology Director; and
 - p. Executive Assistant(s).
9. The mayor, when necessary, may offer a reward for the apprehension of offenders against the ordinances of the city, in any sum not exceeding \$5,000.
 10. In the event of scarcity of water, the mayor may, by proclamation, limit the use of water for any purpose other than domestic purposes.
 11. The mayor may not veto an ordinance, tax levy, or appropriation passed by the council.

2-2-103 MAYOR PRO TEM

In case of the temporary absence or inability to perform duties of the mayor, the council may elect a member of the council as mayor pro tem to perform the duties and functions of mayor. Mayor pro tem shall have the power to exercise all the functions and duties of the mayor. When the mayor pro tem is presiding, their right to vote on all questions is not thereby impaired, but rather they shall have the same right to vote as a council member were they not presiding.

2-2-104 VACANCY IN OFFICE

1. Whenever a vacancy occurs in the office of mayor, the city council shall, by a majority vote, appoint a registered voter in the city who meets the qualifications for

office established by Utah Code to fill the unexpired term of the office vacated until the next municipal election when a successor can be elected and qualified.

2. Before acting to fill the vacancy, the council shall give public notice of the vacancy as outlined in Utah Code.

(Prior Code, § 2.02.010, §30.015, §2.02.020, §20.016, § 2.02.030, §30.017, § 2.02.040, §30.018, § 2.02.060, §30.020, § 2.02.050, §30.019, § 2.02.070, §30.021, § 2.02.090, §30.023, § 2.02.100, §30.024)

CHAPTER 3 APPOINTED OFFICERS, EMPLOYEES AND AUTHORITIES

2-3-101 APPOINTED OFFICERS

2-3-102 CHIEF ADMINISTRATIVE OFFICER

2-3-103 CITY RECORDER AND GOVERNMENT RECORDS ACCESS MANAGEMENT

2-3-104 APPEAL AUTHORITY

2-3-101 APPOINTED OFFICERS

1. All officers, whether elected or appointed, shall, before beginning the duties of their office, take, subscribe and file the constitutional oath of office.
2. All officers, whether elected or appointed, shall, execute the duties of their office pursuant to Utah Code and City Code.
3. The mayor, council, and all officers of the city, shall receive such compensation as may be fixed by ordinance and all assistants and employees shall receive such compensation as may from time to time be fixed by ordinance.
4. The Utah Code Municipal Officers' and Employees' Ethics Act as amended is hereby adopted as a city ordinance and is incorporated into the city Employee Policy Manual.

(Prior Code, § 2.01.030, §2.01.040, § 2.10.010 §31.002, §31.003 §31.005)

2-3-102 CHIEF ADMINISTRATIVE OFFICER

1. The City Administrator is the chief administrative officer of the city.
2. The City Administrator shall serve as the mayor's deputy and shall be responsible for the day-to-day operations of the departments as directed by the mayor
3. The City Administrator shall perform various administrative duties as designated by the mayor.
4. The City Administrator shall be subject to appointment on committees or commissions as directed by the mayor.

(Prior Code, § 2.07.020, § 31.023)

2-3-103 CITY RECORDER AND GOVERNMENT RECORDS ACCESS MANAGEMENT

1. The City Recorder shall countersign all contracts made on behalf of the city and shall maintain a properly indexed record of all such contracts.
2. The City Recorder shall record all ordinances passed by the governing body.

3. The City Recorder shall be the city's Elections Officer and perform the duties of that office as outlined in the Utah Code.
4. The City Recorder shall act as the City's Record's Officer and shall administer the Government Records Access and Management Act which act is hereby approved and adopted as part of the city code as amended.
 - a. Appeal of Record Officer Determination to City Administrator. Any person aggrieved by a record access determination may appeal the determination within 30 days of receiving final notice of a determination to the City Administrator by filing a notice of appeal pursuant to Utah Code.
 - b. The city shall process any properly filed appeal pursuant to Utah Code.
 - c. Appeal of the City Administrator Determination. Any person aggrieved by the determination of the City Administrator may file an appeal of that determination to the City's local appeal board as set forth under Appeal Authority section of the city code within 30 days of receiving final notice of a determination by the City Administrator by filing a notice of appeal pursuant to Utah Code.
 - d. Any further appeal of the local appeal board (Appeal Authority) shall proceed as set forth in Utah Code.

(Prior Code§ 2.04.020, § 2.04.040 § 2.04.050, § 2.04.060; Ord. 04-06, passed 2-19-2004; Ord. 11-17, passed 6-1-2011; Ord. 23-11, passed 5-4-2023, §31.020)

2-3-104 APPEAL AUTHORITY

1. The mayor shall appoint an administrative law judge to act as the city's appeal authority and an alternative administrative law judge to act as the city's appeal authority in all cases where the administrative law judge is unable to act.
2. The administrative law judge shall be a member of the Utah State Bar and shall have knowledge and qualifications that fit the needs of the city.
3. The administrative law judge shall act in accordance with all provisions of Utah Code when reviewing appeal applications.

(Prior Code, § 2.11.130, §31.040-051)

Code Section	Summary of Changes		Other Notes
Repeal Chapters 30, 31, 32	Old Code 30.015-024	New Code 2-2	Deleted items include the appointed position call out – this is not necessary nor is the ordinance the place for those procedural items.
Reenact Title 2 Chapter 1 - City Council Chapter 2 - Mayor Chapter 3 - Administration	30.035-042 30.055-066	2-1-101-106 2-1-102	
	31.001	2-3-101	The GRAMA section was amended to allow for an appeal process that moves from the CAO to the ALJ as that is really an administrative function.
	31.002	2-3-101	
	31.003	2-3-101	
	31.004	2-3-101	
	31.005	2-3-101	
	31.020	2-3-103	
	31.021	DELETED	
	31.022	DELETED	
	31.023	2-3-102	
	31.024	DELETED	
	31.025	DELETED	Cleaned up Records Sections and Elections sections to match state law.
	31.040-051	DELETED PRIOR NEW ALJ 2-3-104	
	32.001-010	2-1-107-109	
	32.025-032	2-1-107-109	