

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
July 16, 2015**

PRESENT:	Tyler Vincent	Mayor
	DJ Bott	Councilmember
	Alden Farr	Councilmember
	Ruth Jensen	Councilmember
	Mark Thompson	Councilmember
ALSO PRESENT:	Joseph Bach	Fire Chief
	Mark Bradley	City Planner
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Jared Johnson	Community Development Director
	Paul Larsen	Economic Development Director
	Kristy Law	Community Activities & Services Manager
	Bruce Leonard	City Administrator
	Mike Nelsen	Interim Police Chief
	Tyler Pugsley	Public Works Director
	Jason Roberts	Finance Director
EXCUSED:	Tom Peterson	Councilmember

Mayor Vincent called the meeting to order. The Reverence Period was given by Jaime Gonzales from the New Generation Y Church. The Pledge of Allegiance was recited. The Mayor excused Councilmember Peterson who was out of town.

Approval of Minutes: A motion to approve the minutes of the June 18, 2015 City Council meeting was made by Councilmember Jensen, seconded by Councilmember Farr and unanimously approved as distributed.

AGENDA

PUBLIC COMMENT

COUNCILMEMBER COMMENTS

CONSENT

Request Approval of Poll Workers, Polling Place and Authorization to Pay Poll Workers

PUBLIC HEARING

Annexation of 14.22 Acres Located Between the North Forty Subdivision and the Union Pacific Railroad at Approximately 1500 North (Wilson Lane) and 750 West

NEW BUSINESS

Request for an Ingress/Egress Easement, Public Utility Easement and Access License Agreement Across Brigham City Owned Properties in Mantua

Discussion on Façade Grant Policy

Consideration of Request for Façade Grant at 102 North Main (*removed*)

Consideration of Resolution Increasing Water Rates 4%

Consideration of Resolution Increasing Storm Drain Utility Rates 5%

Consideration of Resolution Increasing Electric Rates 9%

PLANNING COMMISSION

Consideration of Ordinance Amending the Zoning Map to Assign a Zoning District (R-1-8) Associated with an Annexation

Consideration of Ordinance to Amend the General Plan Map from Park to Retail/Service-Mix Use on Property Located at 1600 West Forest

Consideration of Ordinance to Change the Use of "Truck Stop and Service Facilities" from Not Allowed to a Permitted Use within 1,000' of an Interchange and to Allow an Increased Height and Sign Area for an On Premise Freestanding Sign in the GC District within 1,000 Feet of an Interchange

Consideration of Ordinance to Change the Zoning for Property Located at 1600 West Forest from A-5 (Agricultural) to GC (General Commercial)

ADJOURN TO CLOSED SESSION

PUBLIC COMMENT

Mike Glenn, Brigham City - Mr. Glenn reported on an incident at his house. At 2:00 AM on June 11 there was an unidentified person walking across his lawn which scared his daughter. It turned out it was a Brigham City police officer. He called the Police Department to ask why he was there and was told that at 11:00 PM on June 10 there was a 9-1-1 call about someone breaking into his neighbor's house and that they dispatched the Sheriff's Department, the State Patrol and Brigham City Police and that they were there until 3:00 in the morning trying to clear the building. They broke a portion of his fence trying to get access to his backyard. When Mr. Glenn talked to the Interim Police Chief he was told the reason a police car was parked in front of his house was because the officers parked all their cars away from the house because they didn't want to alert the person inside the house that they were there. The place where this car was parked can be seen from two walls from the house where the officers were. Things did not seem right so he asked for the police report to verify the times. The report stated that the enroute call was on 6/10/15 at 2344:27. The last radio login completed call was on 6/11/15 at 0047:59. He also spoke with the neighbor and she said the officers were not there until 3:00 AM. He asked what the police officers were doing without dispatch's knowledge, on someone's property, tearing their fence down, at 2:00 in the morning and scaring little girls. He also expressed concern with an incident on January 24, 2015 where he had purchased a vehicle from a used car lot dealership in Clearfield. The car failed inspection. They lied about the inspection on emission and safety. [Due to the 3-minute time limit, Mr. Glenn was unable to explain the rest of his concern.]

Lee Johnson, Brigham City - Mr. Johnson discussed the Soviet Union and war strategy.

Mark Forsgren, Brigham City - Mr. Forsgren asked if the City is doing anything to curb the raccoon problem in the City. When they met as a family recently everyone had a story to tell about raccoons in their backyards.

DeAnna Hardy, County - Ms. Hardy spoke against mass transit. She sees large UTA buses with hardly anyone in them. Mass transit cannot sustain itself and is not a free market principle. Transportation is paid for by citizens who purchase gas. The Utah Legislature recently increased the gas tax because they said they needed more money to build and fix roads. Wasn't the Economic Development Department going to lower taxes by bringing in more businesses and citizens to lower the tax burden? It has done the opposite, costing citizens even more while putting a strain on the water supply. HB362 is unconstitutional and should not be placed on the ballot.

COUNCILMEMBER COMMENTS

Councilmember Thompson reported that the Youth City Council has been active planning the Brigham City display at the County Fair. They have also been doing several service projects.

Councilmember Farr stated that he attended the Citizen Corps Council and VIPS, both are moving forward.

Mayor Vincent said the fireworks were great. There were a few issues and he expressed appreciation to the City employees that were pro-active and helped the citizens. There was a reception so citizens could meet the candidates for the police of chief position. It was well attended and very successful. Interviews for the position were held on July 15. He expressed appreciation to the employees for their hard work in making sure events happen and are successful.

Councilmember Jensen responded to Mr. Forsgren's comments regarding raccoons. She suggested Chief Nelsen contact him and discuss the options available. Mr. Glenn has already talked to the Police Department, but she wondered if there was anything else the City can do. Mr. Leonard said he has been in contact with the Mayor's Office.

CONSENT

Request Approval of Poll Workers, Polling Place and Authorization to Pay Poll Workers

A list of poll workers was presented to the Council. The Polling Place will be at the Community Center, 24 North 300 West. It was requested the poll workers be paid \$120 for the day of the election and \$30 for training.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Farr, seconded by Councilmember Bott and unanimously carried.

PUBLIC HEARING

Annexation of 14.22 Acres Located Between the North Forty Subdivision and the Union Pacific Railroad at Approximately 1500 North (Wilson Lane) and 750 West

Ms. Christensen and Mr. Bradley came to the table. Ms. Christensen explained that this is the next step in the annexation process for this property. There has been an annexation notice in the Box Elder News Journal for three consecutive weeks and no protests were received. If the Council approves this, the next step is to send the ordinance and plat to the Lt. Governor's Office. If all steps have been followed correctly, the Lt. Governor will send a Certificate of Annexation to the City. The property will then be part of the City.

Mr. Bradley added that later in the meeting the zoning for this property will be presented.

A motion to open the public hearing was made by Councilmember Bott, seconded by Councilmember Farr and unanimously carried. No comments were heard. A motion to close the public hearing was made by Councilmember Thompson, seconded and carried unanimously.

MOTION: A motion to approve the ordinance annexing 14.22 acres located between the North Forty Subdivision and the Union Pacific Railroad was made

by Councilmember Thompson, seconded by Councilmember Jensen. A roll call vote was taken.

Councilmember Farr - aye
Councilmember Jensen - aye
Councilmember Bott - aye
Councilmember Thompson - aye

The motion unanimously carried.

NEW BUSINESS

Request for an Ingress/Egress Easement, Public Utility Easement and Access License Agreement Across Brigham City Owned Properties in Mantua

Mr. Johnson came forward and introduced Tom Walker, the applicant for this request. The adjacent property that the City owns is the City's wells. Because of this, the City would like to install a gate and do a license agreement with Mr. Walker.

Councilmember Jensen expressed concern with grading of the road. Mr. Johnson said Public Works takes care of that to ensure they always have access. Mr. Walker said he will keep it plowed during the winter. Councilmember Jensen added that there should be no special treatment for Mr. Walker on this road.

Councilmember Farr said Mr. Walker has stated that he does not have any plans to subdivide to construct another home. He asked if he decides to do so in the future, if it would impact these easements. Mr. Johnson said this was discussed with Mr. Walker and he has no plans to subdivide, but if he sells his home the future owner would have no guaranteed right on the City's property to construct a road. It would have to be on their property.

MOTION: Councilmember Jensen made a motion to approve the ingress/egress easement, public utility easement and access license agreement across Brigham City owned properties in Mantua. The motion was seconded by Councilmember Farr and unanimously carried.

Discussion on Facade Grant Policy

Mr. Larsen came forward and explained that the funding for facade grants has changed since the program began. Originally, the program was limited to Main Street properties between 100 N. and 200 S. and was funded through tax increment in RDA #1. A couple of years ago, the City Council budgeted general funds and made the grant available to properties anywhere on Main Street using general fund money. Originally, businesses could request up to \$15,000. More recently, the facade grants have been limited to \$10,000. Generally, there has been enough funding available to give 3-4 grants per year. There is still funding in the RDA #1 facade grant fund, and that funding is still limited to the area between 100 N. and 200 S. As those funds are exhausted, downtown properties will rely on the general fund facade grant program.

Mr. Larsen stated that the grants are currently being given out on a first come, first served basis. He felt it might be better if the grant was advertised stating it was available and give a deadline to submit their requests. The Council felt that the first come, first served basis was the best option because businesses don't always know when they are going to be able to remodel.

He also asked if the Council wants to maintain the current \$10,000 maximum. Councilmember Farr suggested offering four grants at \$2,500 each. The Council agreed.

Councilmember Jensen recommended the application be amended to remove signage and security systems as something that can be covered by the grant. Mr. Larsen said when signs are attached to the face of the building, the grant has funded that as part of the overall facade project. Councilmember Farr suggested it read, "*signage attached to the building.*" Councilmember Jensen felt that the sign should be regulated and should look more permanent. Councilmember Bott said that should be up to the business owner.

Mr. Leonard suggested City staff look at criteria that is based on a weighted value. For example, how much is the property owner investing in the facade? Should a downtown location be a higher priority than others? Does it maintain the downtown design guidelines?

Mr. Larsen will come up with weighted values for the grant and return to the Council with his recommendation.

Consideration of Resolution Increasing Water Rates 4%

This resolution reflects the water rate increase as discussed in the budget process and reflected in the 2015-16 approved budget.

MOTION: A motion to approve the resolution increasing water rates was made by Councilmember Jensen, seconded by Councilmember Bott. The Mayor asked for a roll call vote:

Councilmember Farr - aye
Councilmember Jensen - aye
Councilmember Bott - aye
Councilmember Thompson - aye

The motion unanimously carried.

Consideration of Resolution Increasing Storm Drain Utility Rates 5%

MOTION: Councilmember Thompson made a motion to approve the resolution increasing storm drain utility rates 4%, seconded by Councilmember Farr. A roll call vote was taken:

Councilmember Farr - aye
Councilmember Jensen - aye
Councilmember Bott - aye
Councilmember Thompson - aye

The motion unanimously carried.

Consideration of Resolution Increasing Electric Rates 9%

Councilmember Jensen asked why the \$4.00 service charge has gone up. Mr. Roberts explained that this was part of last year's rate increase. This proposed resolution increases all electric rates, including the service fee.

MOTION: Councilmember Jensen made a motion to approve the resolution increasing electric rates 9%, seconded by Councilmember Farr. A roll call vote was taken:

Councilmember Farr - aye
Councilmember Jensen - aye
Councilmember Bott - aye
Councilmember Thompson - aye

The motion unanimously carried.

PLANNING COMMISSION

Consideration of Ordinance Amending the Zoning Map to Assign a Zoning District (R-1-8) Associated with an Annexation

Mr. Bradley explained that this ordinance establishes a zone on the property annexed into the City earlier in the meeting. It was recommended the property be zoned R-1-8.

MOTION: Councilmember Bott made a motion to approve the ordinance amending the zoning map to assign a zoning district (R-1-8) associated with the annexation property located at Wilson Lane and 750 West, Councilmember Jensen seconded the motion. A roll call vote was taken.

Councilmember Farr - aye
Councilmember Jensen - aye
Councilmember Bott - aye
Councilmember Thompson - aye

The motion unanimously carried.

Consideration of Ordinance to Amend the General Plan Map from Park to Retail/Service-Mix Use on Property Located at 1600 West Forest

Mr. Bradley said this item and the following item pertains to the same property at 1600 West Forest. Prior to 2013, this area was designated retail/service and mixed use. Approximately 72 acres was rezoned as a park in an effort to unencumber the racetrack property.

MOTION: Councilmember Thompson moved to approve the ordinance to amend the general plan map from Park to retail/service-mix at 1600 West Forest, seconded by Councilmember Farr.

Councilmember Farr - aye
Councilmember Jensen - aye
Councilmember Bott - aye
Councilmember Thompson - aye

The motion unanimously carried.

Consideration of Ordinance to Change the Zoning for Property Located at 1600 West Forest from A-5 (Agricultural) to GC (General Commercial)

Mr. Bradley stated that this property was also rezoned in 2013 from a CS and MD to Agricultural. This ordinance will change the zone from Agricultural to General Commercial to be more in harmony with development at the interchange.

MOTION: Councilmember Bott made a motion to approve the ordinance to change the zoning for property located at 1600 West Forest from A-5 to GC. The motion was seconded by Councilmember Thompson.

Councilmember Farr - aye
Councilmember Jensen - aye
Councilmember Bott - aye
Councilmember Thompson - aye

The motion unanimously carried.

Consideration of Ordinance to Change the Use of "Truck Stop and Service Facilities" from Not Allowed to a Permitted Use within 1,000' of an Interchange and to Allow an Increased Height and Sign Area for an On Premise Freestanding Sign in the GC District within 1,000 Feet of an Interchange

Mr. Bradley explained that this ordinance will change two sections of the City Code. One is on the land use. Currently, a truck stop and service facility is not permitted in the GC zone. This is because there are a lot of GC zones throughout the community. This ordinance would allow it within 1,000 feet of an interchange.

The other code change is to the sign ordinance. The applicant would like a higher sign and more square footage than what is currently allowed. They are requesting a sign up to 90' in height and 1,200 square feet of sign area. The Planning Commission recommended the code be changed to allow developers to take a sign plan to them and the City Council for approval. The sign would have to be within 1,000 feet of the interchange.

MOTION: Councilmember Thompson made a motion to approve the ordinance to allow truck stops and service facilities within 1,000 feet of an interchange and to allow an increased height and sign area within 1,000 feet of an interchange. The motion was seconded by Councilmember Farr. The Mayor asked for a roll call vote.

Councilmember Farr - aye
Councilmember Jensen - aye
Councilmember Bott - aye
Councilmember Thompson - aye

The motion unanimously carried.

A motion to adjourn to a closed session to discuss the character, professional competence, or physical or mental health of an individual was made by Councilmember Thompson, seconded by Councilmember Bott. A roll call vote was taken with all councilmembers voting aye. The meeting adjourned to a closed session at 8:09 p.m.

The Council returned to an open meeting at 9:17 p.m. and adjourned.