

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
February 7, 2019**

|               |                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                         |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PRESENT:      | Tyler Vincent<br>DJ Bott<br>Tom Peterson<br>Ruth Jensen<br>Mark Thompson                                                                                                                                                | Mayor<br>Councilmember<br>Councilmember<br>Councilmember<br>Councilmember                                                                                                                                                                                                                                                               |
| ALSO PRESENT: | Christina Boss<br>Rick Bosworth<br>Mark Bradley<br>Mike Christiansen<br>Paul Larsen<br>Mike Nelsen<br>Chris Howard<br>Kaia Michaelis<br>Derek Oyler<br>Melissa Pehrson<br>Donna Pett<br>Tyler Pugsley<br>Kristy Wolford | Deputy City Recorder<br>Human Resource Coordinator<br>City Planner<br>City Attorney<br>Community Development Director<br>Police Chief<br>Assistant Police Chief<br>Museum Director<br>Finance Director<br>Academy Event Coordinator<br>Mayor's Executive Assistant<br>Public Works Director<br>Community Activities & Services Director |
| EXCUSED:      | Alden Farr                                                                                                                                                                                                              | Councilmember                                                                                                                                                                                                                                                                                                                           |

Mayor Vincent called the meeting to order and excused Councilmember Farr due to a family medical emergency. The Reverence Period was given by Brad Barber from the Brigham City LDS Youth Branch. The Pledge of Allegiance was recited.

**Approval of Minutes:** A motion to approve the minutes of the January 17, 2019 Council meeting was made by Councilmember Jensen, seconded by Councilmember Bott and unanimously approved as distributed.

**AGENDA**

**RECOGNITION OF EMPLOYEES**

New Hires in Community Activities & Services and Public Works; Promotion in Police Department

**CONSENT**

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

Appointment to Planning Commission

Amend Employee Policy and Procedure Manual to Remove Twenty Minute Response Time for Police Department On-Call Positions

**PUBLIC COMMENT**

**COUNCILMEMBER COMMENTS**

**ACTION ITEMS**

Consideration of Final Plat Approval of Stuart Farms Subdivision Located at 900 North and 625 West

Consideration of Preliminary and Final Plat Approval of IMT Subdivision Located at 816 N. Main Street

Consideration of Ordinance Amending Chapter 17.03.060 of the City Code, Consumption of Alcohol

Consideration of Ordinance Amending Chapter 16.03.070 of the City Code to Allow Consumption of Alcohol in Certain Public Places

Consideration of Ordinance Amending Section 1.1.5(h) Brigham City Academy Standards for Use to Allow Alcohol Consumption and Disallow Lewd Conduct  
Consideration of Ordinance Regulating Transient Lodging Facilities  
Consideration of Ordinance to Amend Title 33 of Brigham City Code Adding Chapter 33.02 Small Wireless Facilities

**DISCUSSION ITEMS**

Review of Box Elder Museum Feasibility Study

**ADJOURN TO CLOSED SESSION****RECOGNITION OF EMPLOYEES****New Hire in Community Activities & Services and Public Works**

Katy Beeton-Gerbich was introduced as the new In-home Services Specialist at the Senior Center.

Cody Conder was also introduced as a recently hired Automotive Mechanic in Public Works.

**Promotions in Police Department**

Reed Mackley was recognized for his recent promotion to Corporal. Chief Nelsen presented him with his badge.

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

A list of accounts totaling \$3,899.82 was presented to be removed from the City's system due to customer taking out bankruptcy or being sent to collections.

**Appointment to the Planning Commission**

It was recommended Steven Barsuhn be appointed as Vice-Chair of the Planning Commission.

**Amendments to Employee Policy and Procedures Manual Regarding on Call Response Time**

This amendment removes the 20-minute response time required for certain positions in the Police Department; for example, investigation and detectives. Response time will remain 30 minutes for police officers.

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

**PUBLIC COMMENT**

DeAnna Hardy, County – Ms. Hardy said there is a lot of socialism in local communities. She asked the Councilmembers to recognize socialism and start to get rid of it. She referred to an energy chart from the Department of Energy. She felt that the solar and wind industries are a scam and are not sustainable. There is no waste in gas and electricity, there is waste with nuclear energy and it is being dumped in the State of Utah. She said coal is clean burning, as is natural gas and electricity. The government is spraying the skies and creates a veil which prevents sun from reaching the earth.

**COUNCILMEMBER COMMENTS**

Councilmember Peterson attended the League of Cities and Towns Youth Day at the Capitol. He also attended the Legislative Policy Committee Meeting. There are several proposed bills that will affect municipalities. He felt that there will be a lot of discussion on property and sales tax – how sales tax is distributed when it comes through on services vs. merchandise. He attended the hearing on the Medicaid expansion bill.

Councilmember Bott attended the Local Officials Day at the Capitol with the Youth City Council.

Councilmember Thompson met with the Mosquito Abatement Board. The mosquito counts were down last year because of low moisture, but disease carrying mosquitos are the same or increasing.

Councilmember Jensen also attended Elected Officials Day. The CCC would like to come to the City Council regarding their accomplishments and goals. At the Library Board meeting they discussed updating their website. The Golden Spike sesquicentennial will require a \$20 per car load parking pass.

Mayor Vincent also attended the Elected Officials Day. He had the opportunity to attend a Legislative Session and chose the Boys and Girls Club Youth of the Year.

### **ACTION ITEMS**

#### **Consideration of Final Plat Approval of Stuart Farms Subdivision Located at 900 North and 625 West**

Mr. Bradley came to the table and explained that this subdivision will include 34 single family lots. The Council approved the preliminary plat in November and the developers have addressed the stormwater and easement concerns. There will be a 15' easement along the street side of the lots to accommodate the utilities. They will be contributing to the regional west stake detention improvements for the storm drain, so no individual detention basins are needed. There will be a temporary turnaround until the south property has been developed. There will be full improvements along the LDS Church property with curb, gutter and park strip. The LDS Church will maintain the grass in the park strip.

**MOTION:** Councilmember Bott made a motion to approve the Final Plat of the Stuart Farms Subdivision, seconded by Councilmember Peterson and unanimously carried.

#### **Consideration of Preliminary and Final Plat Approval of the IMT Subdivision Located at 816 North Main**

Mr. Bradley explained that this preliminary and final plat documents easements, cross access, the cross-parking agreement, and would dedicate one and a half feet along 900 North for an eventual 100' right-of-way. There will be a 10' easement along all street sides of the property for future utility needs.

**MOTION:** Councilmember Thompson made a motion to approve the Preliminary and Final Plat of the IMT Subdivision. The motion was seconded by Councilmember Bott. The motion unanimously carried.

#### **Consideration of Ordinance Amending City Code Chapter 17.03.060, Consumption of Alcohol**

Mr. Larsen came to the table and stated there is currently an ordinance allowing beer gardens in conjunction with tournaments at Pioneer Park. This ordinance includes a sunset clause for the end of 2018. The beer gardens were a success and there were no issues. This ordinance mirrors the previous ordinance but adds Watkins Park and the Academy Conference Center as part of Special Event permits. The Department of Alcohol Beverage Control (DABC) has approved the changes to this ordinance and saw no proximity issues.

**MOTION:** Councilmember Peterson made a motion to approve the ordinance regarding consumption of alcohol in parks and City facilities. The motion was seconded by Councilmember Bott.

#### **Roll Call:**

Councilmember Bott – aye

Councilmember Peterson – aye

Councilmember Jensen – aye

Councilmember Thompson – aye  
The motion unanimously carried.

**Consideration of Ordinance Amending City Code Chapter 16.03.070, Allow Consumption of Alcohol in Certain Public Places**

Ms. Pett came forward and stated this ordinance would allow the consumption of alcohol at the Academy Center for private events. The DABC stated that as long as events are private and the City is not selling or providing alcohol, no state license is required.

Councilmember Jensen said at some events attendees can make a donation at the bar. She asked if this would be considered purchasing alcohol. Mr. Christiansen said it depends on how the donation is made. If it is a donation to get in, it could be viewed as a purchase. If it is a donation of a different variety, it would be a donation.

**MOTION:** Councilmember Bott made a motion to approve the ordinance allowing consumption of alcohol in certain public places. The motion was seconded by Councilmember Jensen.

**Roll Call:**

Councilmember Bott – aye  
Councilmember Peterson – aye  
Councilmember Jensen – aye  
Councilmember Thompson – aye  
The motion unanimously carried.

**Consideration of Ordinance Amending Brigham City Academy Standards for Use Section 1.1.5(h) to Allow Alcohol Consumption and Disallow Lewd Conduct**

Ms. Pehrson displayed a presentation on the screen with stats since the City took over management. Booking has increased and they are already booked into July 2019.

Ms. Pett stated several requests from large companies and wedding receptions have come in and will not rent the venue if no alcohol is allowed.

**MOTION:** Councilmember Peterson made a motion to approve the ordinance amending the Brigham City Academy Standards to allow alcohol consumption and disallow lewd conduct on premises. The motion was seconded by Councilmember Bott.

**Roll Call:**

Councilmember Bott – aye  
Councilmember Peterson – aye  
Councilmember Jensen – aye  
Councilmember Thompson – aye  
The motion unanimously carried.

**Consideration of Ordinance Regulating Transient Lodging Facilities**

Mr. Larsen and Mr. Christiansen came forward and Mr. Larsen stated that the proposed ordinance came about from requests from several City departments. Lodging facilities are the intent is to regulate lodging facilities that are disproportionately creating more emergency response calls, such as police and fire calls, code enforcement issues and building safety.

The ordinance would set three tiers based on the number of calls per year per room.

|                                                                        |         |
|------------------------------------------------------------------------|---------|
| Below .75 calls per room per year .....                                | No tier |
| Greater than .75 calls but less than 1.00 call per unit .....          | Tier 1  |
| Greater than 1.00 calls per unit but less than 1.50 calls per unit.... | Tier 2  |
| Anything above 1.5 calls.....                                          | Tier 3  |

Mr. Christiansen stated this is similar to what other cities have in place. This would allow the City more oversight over business licenses and to get hotels into compliance. It would allow the City to address concerns with fire code, sanitation and law enforcement. It is hoped this will engage the operator of facilities to bring their numbers down. Every business is responsible to provide a safe and secure location with a business license. Mr. Larsen displayed a graph showing calls per lodging facility.

Councilmember Bott asked if owner/operator would be included in the count. Mr. Larsen replied that it would. Councilmember Bott's concern was if the owner's call is included in the count, they would be more hesitant to call. Mr. Christiansen recommended the ordinance be changed to exclude calls from the owner.

Mr. Christiansen stated an exception could be made for a business owner placing the call to exclude calls originating from the manager or business.

Chief Nelsen approached the Council and explained that the majority of calls are medical.

Councilmember Jensen asked about long-term hotel tenants. Mr. Christiansen said it is against City Code to have long term tenancy.

Gregg Tobler, attorney for one of the lodging facilities was invited to the table. Mr. Tobler stated that his client has not had time to review the proposed ordinance thoroughly. His concerns are government over reaching, and some areas of undefined definitions. It radically changes the City's lodging structure. He agreed that there is a need for additional regulation, but he felt this goes overboard in several different areas. It provides disparate treatment between some of the facilities; discriminates against low income residents of the City; it is potentially unconstitutional because it violates due process and other potential areas of the constitution. Mr. Tobler stated they would like the regulation to be done in a more structured way and does not adversely impact some of the businesses and leave others without change. The Council should carefully consider whether the owner's calls should be included in the count. If the call is regarding a medical condition, is that the way to regulate the issues? The ordinance makes business owners responsible for things that individuals ought to be responsible for.

Mr. Christiansen stated that the intent of this ordinance is to work with owners to address an ongoing problem that is causing law enforcement and other ongoing nuisance-type behavior to be remedied in a team with the owner/manager. It would be a year-long process period for incident reporting and consultation. He agreed that the calls from the owner should not go towards the tier count.

Councilmember Peterson suggested non-police related medical calls not be included in the count, i.e., if someone is having a heart attack vs. a drug overdose.

**MOTION:** Councilmember Peterson made a motion to table the ordinance. The motion was seconded by Councilmember Bott. Councilmember Jensen suggested meeting with Mr. Tobler. The motion unanimously carried to table this item.

### **Consideration of Ordinance Amending Brigham City Code Title 33 Adding Chapter 33.02, Small Wireless Facilities**

Mr. Larsen stated that the proposed ordinance is in response to legislative action that preempts the City's ordinance and changes from the Federal Communications Commission (FCC). A year ago, the City worked with Extenet on small cell infrastructure. First there was a franchise agreement, followed by a pole attachment agreement, then a third agreement for antennas. Staff felt it would be better to adopt an ordinance for small wireless facilities that complies with Utah Code and the FCC.

**MOTION:** Councilmember Thompson made a motion to approve the ordinance amending Chapter 33.02 as presented. The motion was seconded by Councilmember Jensen.

**Roll Call:**

Councilmember Bott – aye  
Councilmember Peterson – aye  
Councilmember Jensen – aye  
Councilmember Thompson – aye  
The motion unanimously carried.

**DISCUSSION ITEMS****Review of Box Elder Museum Feasibility Study**

Ms. Michaelis approached the table and displayed the Feasibility Study on the screen. The lease agreement at the Bunderson Center will expire in a year. She reviewed the issues with the current building, such as no fire suppression, ADA non-compliance, failing HVAC, etc. There are also several problematic issues as well. The space makes it difficult to have traveling expeditions, there is a lack of permanent storage for crates, and no classroom space for school tours.

The feasibility study looked at three options:

- Option 1 – Museum takes over the Community Center Building and the Senior Center relocates.
- Option 2 – looks at how best to use space if the Museum and Senior Center both stay in the building.
- Option 3 – Museum moves to the Utah State University Campus. Ms. Michaelis has had some unofficial discussions with USU regarding possible opportunities for collaboration.

All three plans allow for 30,000-35,000 square feet of space which is what the Museum needs. She reviewed the floor plans for each option. She ended the discussion with the pros and cons, including project costs for each option.

Ms. Michaelis stated that since this study was done, ShopKo announced they will be closing. The Museum Board suggested renovating this building could be an option.

**ADJOURN TO CLOSED SESSION**

A motion to adjourn to a closed session to discuss the purchase, exchange or lease of real property was made by Councilmember Bott, seconded by Councilmember Jensen. A roll call vote was taken with all Councilmembers voting aye. The meeting adjourned to a closed session at 8:28 p.m.

The Council returned to an open meeting at 9:19 p.m. and adjourned.

*The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the February 7, 2019 City Council Meeting.*

*Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.*

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*Mary Kate Christensen, Recorder*