

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
August 1, 2019**

PRESENT:	Mark Thompson DJ Bott Alden Farr Tom Peterson	Mayor Pro Tem Councilmember Councilmember Councilmember
ALSO PRESENT:	Mark Bradley Dave Burnett Mary Kate Christensen Mike Christiansen Mike Nelsen Derek Oyler Tyler Pugsley Kristy Wolford	City Planner Public Power Director City Recorder City Attorney Police Chief Finance Director Public Works Director Community Activities & Services Director
EXCUSED:	Tyler Vincent Ruth Jensen	Mayor Councilmember

Mayor Pro Tem Thompson called the meeting to order and excused the Mayor who was out of town, and Councilmember Jensen who was ill. The Reverence Period was given by Chief Mike Nelsen. The Pledge of Allegiance was recited.

Approval of Minutes: A motion to approve the minutes of the June 6, 2019 Work Session was made by Councilmember Bott, seconded by Councilmember Farr and unanimously approved as distributed.

AGENDA

RECOGNITION OF EMPLOYEES

New Hires in Administration, Community Activities & Services, Police Department
Promotion in the Police Department

SCHEDULED DELEGATION

Peach Days Presentation

PUBLIC HEARING

Ordinance to Amend Lots 3 and 4 of the Park Estates Subdivision First Amendment Located at 982 West 950 South (Parker Lane)

PUBLIC COMMENT

COUNCILMEMBER COMMENTS

ACTION ITEMS

Consideration of Ordinance to Change Zone from A-5 (Agricultural) and R-1-8 (Residential) to All R-1-8 on Approximately 0.763 Acres of Land Associated with a Subdivision Plat Amendment Located at 982 West 950 South
Consideration of Ordinance to Amend City Code Section 29.26.070 Design Standards for Off-Street Parking and Loading Spaces to Allow Off-Street Parking for Townhome Units to Back Directly Onto a Public Street and not from a Private Driveway
Consideration of Final Plat Approval of the North Forty Subdivision Phase 5 Located at 1200 North 550 West
Consideration of Ordinance to Adopt Electrical Requirements and Standards Manual
Consideration of Resolution to Amend Recreation Fees

DISCUSSION ITEMS

Academy Center Report Presentation

RECOGNITION OF EMPLOYEES

New Hires in Administration, Community Activities & Services, Police Department

Mary Clarke was recently hired as the part-time Museum Curator of Education, Shannon Buitrage as a part-time clerk in Administration, and Crystal Holmes and Neil Green were recently hired as police officers. Chief Nelsen presented the new police officers with their badges.

Promotion in the Police Department

Nate Small was recognized for being promoted to Corporal in the Police Department and was presented with his corporal badge.

SCHEDULED DELEGATION

Peach Days Presentation

Monika Holdaway from the Chamber of Commerce came to the table and reported on plans for Peach Days being held September 6 and 7. On September 3 they will be on Good Things Utah at 9:00 a.m. and after that on Fox 13's The Place. She presented gift baskets to the City Council.

PUBLIC HEARING

Ordinance to Amend Lots 3 and 4 of the Parker Estates Subdivision First Amendment Located at 982 West 950 South (Parker Lane)

Mr. Bradley came to the table and explained that the applicant, Monty Elgan, would like to add an additional 10 feet to his lot. This would help him maneuver around the home better.

A motion to open the public hearing was made by Councilmember Farr, seconded by Councilmember Bott and unanimously carried. There were no comments from the public. Councilmember Farr made a motion to close the public hearing, seconded by Councilmember Bott and carried unanimously.

MOTION: Councilmember Farr made a motion to approve the ordinance to amend Lots 3 and 4 of the Parker Estates Subdivision First Amendment located at 982 West 950 South. The motion was seconded by Councilmember Bott. Councilmember Peterson asked why 10 feet was added. Mr. Bradley replied that the applicant would like more space to drive his trailer around his home to the north.

Roll Call:

Councilmember Bott – aye

Councilmember Farr – aye

Councilmember Peterson – aye

Mayor Pro Tem Thompson - aye

PUBLIC COMMENT

Julie Larsen – Ms. Larsen said she received the proposed property tax notice in the mail, and her property taxes will go up almost 22%. Some are higher than that. She asked the Council to make sure the money the coming from the increased taxes goes to something that is needed and essential. She also commented on the action items. The City has already authorized the plat maps, now the Council doesn't talk about them, they just make changes on everything. She felt they should look back at the original plat map.

DeAnna Hardy, County – Ms. Hardy quoted from the scriptures, “*Let us reason together.*” Citizens and government should reason together. The Council discussed changing public comment in the Planning Commission, with citizens allowed to speak only on the agenda items and only for three minutes. She asked the Council to reverse this decision so people have free speech to speak about whatever they want. She spoke at the School Board meetings regarding Common Core. She received a letter from them stating that she couldn’t speak on the same topic for three months. They took away her freedom of speech. The County Commission removed public comment altogether. This is against our liberty. She signed a paper to speak at their meeting and they rejected it. This is taking away her 2nd Amendment rights.

COUNCILMEMBER COMMENTS

Councilmember Farr attended the meeting on Monday and Wednesday regarding North Main. There were some interesting discussions. They presented their findings and put together a plan for the City to review.

ACTION ITEMS

Consideration of Ordinance to Change Zone from A-5 and R-1-8 to All R-1-8 on Approximately 0.763 Acres of Land Associated with a Subdivision Plat Amendment Located at 982 West 950 South

Mr. Bradley explained that the general plan identifies that the property is in low density residential and consistent. The Planning Commission held a public hearing and recommended approval by unanimous vote. This is the strip of property that was approved for amendment above.

MOTION: A motion to approve the ordinance to change zone from A-5 and R-1-8 to all R-1-8 was made by Councilmember Peterson, seconded by Councilmember Farr.

Roll Call:

Councilmember Bott – aye

Councilmember Farr – aye

Councilmember Peterson – aye

Mayor Pro Tem Thompson – aye

The ordinance passed with a unanimous vote.

Consideration of Final Plat Approval of the North Forty Subdivision Phase 5 Located at 1200 North 550 West

Mr. Bradley stated that Phase 5 contains 20 lots. It will connect the roads in that neighborhood and build out the rest of the North 40 Subdivision. Staff recommended approval subject to an escrow agreement being finalized and the City Attorney’s final approval of the plat.

MOTION: Councilmember Farr moved to approve the final plat of the North Forty Subdivision Phase 5 located at 1200 North 550 West. The motion was seconded by Councilmember Bott.

Roll Call:

Councilmember Bott – aye

Councilmember Farr – aye

Councilmember Peterson – aye

Mayor Pro Tem Thompson – aye

The motion carried unanimously.

Consideration of Ordinance to Adopt Electrical Requirements and Standards Manual

Mr. Burnett came forward and stated that they have been working on this manual for a few years. A lot of it is what other utilities do, some is specific to Brigham City Power. This will make contractors aware of what is required when they do business in Brigham City.

MOTION: Councilmember Bott made a motion to approve the ordinance to adopt the Electrical Requirements and Standards Manual as presented. The motion was seconded by Councilmember Farr.

Roll Call:

Councilmember Bott – aye

Councilmember Farr – aye

Councilmember Peterson – aye

Mayor Pro Tem Thompson – aye

The motion unanimously carried.

Consideration of Resolution to Amend Recreation Fees

Ms. Wolford came to the table and explained that the resolution increases most of the youth recreation programming fees by about 10%.

The resolution also sets registration fees for the Tournament of Champion (TOC) pickleball tournament at \$20-\$100. There are two components to this tournament – amateur and professional. The fees for these tournaments range from \$20 to \$100 depending on if there is a player fee. There is a registration fee, an event fee, and different fees for pros and amateurs.

Ms. Wolford continued that with the TOC coming to Brigham, they will be dealing with sponsors and vendors that the City has not dealt with before. It is a competitive and fluid market. Sponsorship fees may vary starting at \$200 to unlimited amounts. Therefore, the resolution states that it must be approved by the Mayor. She added that it is anticipated the Mayor will form a committee to review the sponsorships.

Recreation staff has been asked for more available rental items. Canopies, tables, chairs, water coolers, court squeegees and court blower were added under “Rentals.”

Refunds on pickleballtournaments.com are different than Brigham City’s refund policy. This resolution states that registrations for player fees on that website will be refunded as described.

A paragraph was added explaining that concession items must be approved by the CAS Director, and nothing will be sold less than cost.

MOTION: Councilmember Farr moved to approve the resolution amending recreation fees. The motion was seconded by Councilmember Bott. Councilmember Peterson encouraged the Council to increase the budget for new equipment. The current equipment for Little League baseball and softball teams is terrible.

Roll Call:

Councilmember Bott – aye

Councilmember Farr – aye

Councilmember Peterson – aye

Mayor Pro Tem Thompson – aye

The resolution was unanimously approved.

Consideration of Ordinance to Amend City Code Section 29.26.070 Design Standards for Off-Street Parking and Loading Spaces to Allow Off-Street Parking for Townhome Units to Back Directly onto a Public Street and not from a Private Driveway

Mr. Bradley came forward and explained that the developer is planning to do a townhome project with four units per building. Under current Code it states, “*Anything except for single family home or a twin home must have an access off a private drive.*” This would create additional impervious surface. The current code does not address how many units to a building. If there are a lot of driveways it eliminates the front yard landscape, places for garbage collection, and on-street parking for guests.

The new language would refer to 2, 3 and 4-family dwellings rather than referring specifically to a townhome. Site specific approval would be by the City Engineer and Public Works Director. Such approvals should consider the following:

- a) The Public Works Standards and Specifications
- b) The design of the driveways
- c) Street classification shall be a minor or standard residential street not to exceed a right-of-way width of 60 feet. Collector or arterial streets are not considered.
- d) Curb and waterways installed along the street shall continue through private driveways and guest parking approach.
- e) Any off-street parking (private driveways and guest parking spaces) must be at 21 feet in length behind the property line.
- f) Private driveways shall lead to garage servicing residential dwelling units and shall not exceed a maximum width of 20 feet.
- g) Private driveways shall provide a minimum required landscape separation width of two feet of landscaping between adjacent private driveways. Required landscape separation shall be live plant materials, shrubs, or grass, and extend the length of the private driveway.
- h) Private driveways shall not expand or increase additional parking area over required landscape separations, the sides of the main building, onto common space, side yard, rear yard, or front yard setbacks.
- i) The maintenance of residential refuse collection, required landscape separations between private driveways, and snow removal of private driveways, guest parking spaces and public sidewalks shall be maintained by the association entitled to the control of the residential development.
- j) The functions of the landscaping, waste collection, snow removal, etc. The street should continue classification should continue

Councilmember Peterson concern with the requirement to have live plants on the two foot of landscaping between adjacent driveways. If someone wanted to do a nice zero scape, the City shouldn't require them to plant something. He recommended removing the second sentence in Paragraph (h). Councilmember Bott and Mayor Pro Tem Thompson agreed. Councilmember Farr felt it should remain as it is.

MOTION: Councilmember Bott made a motion to approve the ordinance to amend City Code Section 29.26.070, Design Standards for Off-Street Parking and Loading Spaces, with the amendment to eliminate the second sentence in subsection h).

Roll Call:

Councilmember Bott – aye

Councilmember Farr – nay

Councilmember Peterson – aye

Mayor Pro Tem Thompson – aye

The ordinance was approved with a 3-1 vote.

DISCUSSION ITEMS

Academy Center Report Presentation

Melissa Pehrson, Academy Center Manager, stated that the 75th anniversary of the Nutcracker is this year. Ballet West has asked them to collaborate with them on a big event. This will be held September 21. She is anticipating approximately 160 people. Ballet West is talking about doing this on a more consistent basis to kickoff their Nutcracker season. There are several big events scheduled in the coming months, including Ducks Unlimited, Habitat for Humanity and Nucor Casino Night. These will bring in up to 400-500 guests to the facility. There are only three Saturdays available between now and December. Events are reserved as far out as September 2020. There is interest as far out as December 2021.

Thirty-eight percent of the usage is receptions, followed by corporate, then community usage (piano recitals etc.) This indicates that the general public is using the facility more than other groups. Being able to use their own caterer or bring in their own food, and the price point is a big factor in the increase in receptions.

There are 11 events scheduled in August, ten in September and four in October. The October events and are big which cannot be double booked.

The building isn't being used much on Tuesdays, Wednesdays and Thursdays. In the last seven months, these days were booked only nine times. In order to encourage more usage on these days, Ms. Pehrson recommended a discount rate. Councilmember Peterson suggested reducing the fees by 60%.

Mr. Oyler and Ms. Pehrson will return to the Council with a resolution reflecting the reduced rates for bookings on Tuesdays, Wednesdays and Thursdays.

Mr. Oyler reviewed the financials for the Academy Building. In six months, the City has more than covered the losses with the restaurateur leading the building. Mr. Oyler said expenditures have gone down from \$190,750 to \$20,000 plus salary and wages. The building and facility charges were upgrades to the catering kitchen. The net difference between the two years is approximately \$50,000 in the positive. He added that this is only for six months of active marketing and revenue.

City staff spent some money cleaning the facility during the changeover. They resurfaced the wood floor upstairs, which was about \$5,000 and there have been some issues with the HVAC system.

Ms. Pehrson asked the Council's thoughts on doing more marketing, such as Facebook Live. The Council agreed with her suggestions and authorized her to move forward.

	<u>Actuals FY</u> <u>2018-19</u>	<u>Actuals FY</u> <u>2017-18</u>	<u>Difference</u>
<u>Revenues</u>			
Brigham House Lease	3,735	51,523	(47,788)
Event Rentals	<u>58,279</u>	<u> </u>	<u>58,279</u>
Subtotal	62,014	51,523	10,491
<u>Expenses</u>			
Salaries & Wages	53,269		53,269
Utility Costs	28,463		28,463
Phone Costs	2,304	2,238	65
Computers & Software	3,556		3,556
Event Costs	19,770		19,770
Brigham House Operational Payments	37,120	190,750	(153,630)
Building Projects & Upgrades	34,619	16,199	18,420
Facility & Maintenance Charges	<u>29,334</u>	<u>20,397</u>	<u>8,937</u>
Sub Total	208,433	229,584	(21,151)
Net Profit/(Loss)	(146,420)	(178,061)	31,642

The meeting adjourned at 8:35 p.m.

The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the August 1, 2019 City Council Meeting.

Dated this 15th day of August 2019.

Mary Kate Christensen, Recorder