

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
FIRE STATION, 445 WEST FOREST STREET
November 7, 2019, 7:00 P.M.**

PRESENT:	Tyler Vincent DJ Bott Alden Farr Ruth Jensen Tom Peterson Joe Olson Robin Troxell	Mayor Councilmember Councilmember Councilmember Councilmember Councilmember Elect Councilmember Elect
ALSO PRESENT:	Ryan Abraham Rick Bosworth Mark Bradley Dave Burnett Mary Kate Christensen Mike Christiansen Paul Larsen Mike Nelsen Derek Oyler Tyler Pugsley	Parks Supervisor and Sexton Human Resource Coordinator City Planner Public Power Director City Recorder City Attorney Community Development Director Police Chief Finance Director Public Works Director
EXCUSED:	Mark Thompson	Councilmember

Mayor Vincent called the meeting to order. The Reverence Period was given by Councilmember Jensen. The Pledge of Allegiance was recited.

Approval of Minutes: A motion to approve the minutes of the October 3, 2019 Council meeting was made by Councilmember Bott, seconded by Councilmember Jensen and unanimously approved as distributed.

AGENDA

RECOGNITION OF EMPLOYEES

New Hires in Library, Fire Department and Police Department

CONSENT

Request to Schedule a Special Meeting for November 14th at 5:00 p.m. to Canvass the General Election

Reappointments to the Planning Commission

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

PUBLIC HEARING

Resolution Revising the 2019-20 Budget

PUBLIC COMMENT

COUNCILMEMBER COMMENTS

DISCUSSION ITEMS

Placement of Tournament Pickleball Courts

ACTION ITEMS

Consideration of Updates to the Employee Policies and Procedures Manual

Consideration of Medical Cannabis Ordinance

Consideration of Ordinance Amending the General Plan to Comply with Senate Bill #34, Affordable Housing Modifications

Consideration of Ordinance Amending Title 24, Streets and Sidewalks, Chapter 24.0.160 No Parking
During Snow Removal/Plowing Hours
ADJOURN TO CLOSED SESSION

RECOGNITION OF EMPLOYEES

Katie Cochran was recognized as a new part-time Library Page.

Chief Bach introduced Mason Liljenquist and Ben Johnson who were recently hired as part-time Firefighter EMTs and Brian Majors as a Firefighter Paramedic and presented them with their badges. Austin Leishman was not able to attend but was also hired as a part-time Firefighter EMT.

Chief Nelsen introduced Bill Reed as a new Police Officer and presented him with his badge.

CONSENT

Request to Schedule a Special Meeting for November 14th at 5:00 p.m. to Canvass the General Election

Reappointments to the Planning Commission

It was recommended Zac Roberts be appointed to the Planning Commission.

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

A list of accounts totaling \$4,994.02 was presented to be removed from the City's system due to customer taking out bankruptcy or being sent to collections.

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

PUBLIC HEARING

Resolution Revising the 2019-20 Budget

Mr. Pugsley and Mr. Oyler came to the table. Mr. Pugsley presented a drawing of the proposed changes to Playground Park on Forest Street. A sign will be added with "Dennis B Vincent Park Memorial Park" on it, along with a police badge on each side of his name. It was initially planned to place the trains that were at John Adams Park to this park. However, there were some trains donated that are an exact replica of those that were at John Adams. They are in very good condition with little repair needed. This will save the City over \$5,000.

Mr. Oyler said in the current budget there is \$23,000 for the relocation of the trains, with \$10,000 from a TTAP grant from the county. He requested the budget be increased by \$23,195 to complete the project. There could be a \$5,000 savings. He also requested increases for the following items:

- \$12,000 for summer concert series donation from the capital project fund balance.
- \$6,000 for continued work on golf carts. This will come from the sale of sprinkler parts from the old system.

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

Councilmember Farr said he was in favor of the park improvements but was not in favor of the \$12,000 for the summer concert series. Councilmember Jensen also was not in favor of this.

MOTION: Councilmember Peterson made a motion to approve the amendments to the 2019-20 budget as presented. The motion was seconded by Councilmember Bott.

Roll Call:

Councilmember Bott – aye

Councilmember Farr – nay

Councilmember Jensen – nay

Councilmember Peterson – aye

Due to a tie vote, the Mayor was allowed to vote and voted aye. The motion carried 3-2.

PUBLIC COMMENT

Juliana Larsen, Brigham – Ms. Larsen said the proposed placement of the pickleball courts involves refilling part of the storm drain property. If this is filled and it comes onto their property, they will be impacted by the lack of a retention pond. She asked why they are forced to pay for storm drain when they don't have access to a storm drain.

DeAnna Hardy, County – Ms. Hardy said now that the Council is loaning money, how are they going to determine who gets money and who doesn't? What happens if the loan is not paid? Is there any collateral? She also asked how much money the City has set aside for the loan. Government should only do what is a public necessity. Is a concert a public necessity? Is a pickleball court?

COUNCILMEMBER COMMENTS

Councilmember Farr attended a Trails Committee meeting. Mr. Roberts attended the meeting and updated them on an easement the City is pursuing to get a trail around the Mayor's Pond. He also attended the Senior Advisory Board. They need volunteers to serve on this board.

Councilmember Bott – Councilmember Bott reported that the Youth City Council collected donations for the New Hope Crisis Center. They also served at the Soup Kitchen. He attended the Chamber of Commerce meeting and they are already planning for Peach Days.

Councilmember Peterson – There will be a Utah League of Cities and Towns meeting next week. The Legislative Session starts January 27.

Councilmember Jensen talked to the scouts. They had some good questions about government and what we do and don't do. She attended a BRAG Aging Advisory Board where they discussed suicide. She also attended the Agricultural Business Summit. They discussed agricultural vs. housing and also cannabis. BRAG needs more liaison members on their Board.

DISCUSSION ITEMS

Placement of Tournament Pickleball Courts

Mr. Pugsley and Mr. Oyler approached the Council. Mr. Pugsley explained that the seven new pickleball courts are part of the City's contract for the Tournament of Champions.

Regarding Ms. Larsen's comments, Mr. Pugsley stated that storm water is a concern to the City not only on this site, but throughout the City. The existing storm water retention basin is oversized and part of this will need to be filled.

It was recommended by staff that the courts be placed south of the existing eight courts to the west.

ACTION ITEMS

Consideration of Updates to the Employee Policies and Procedures Manual

Mr. Roberts explained that staff has been reviewing policies in each staff meeting. The changes are listed below.

- Chapter 1 – Updated to concur with current practice of requiring a volunteer successfully complete a criminal history check, and that the process include the department head and Human Resources.
- Chapter 1-5 – “Spontaneous Volunteers” was added to release the City from liability should a volunteer be injured while on City property.
- Chapter 2-3 – Changed “election” to the Employee Coordination Committee to “appointment” to be in line with current practices.
There was discussion on whether this should change. Councilmember Jensen felt they should be elected by employees. It should be someone that the employees feel represent them, rather than the director picking their right-hand man. Mr. Roberts said when departments ask for volunteers, there might be only one. Councilmember Jensen suggested a nomination process. If there is no nomination, then the department head could appoint someone. Mr. Roberts said staff will discuss this in the next staff meeting.
- Chapter 2-5 – Removes City Council from approval of new employees.
- Chapter 3.1 – Added updated federal discrimination language.
- Chapter 3-5 and 3-6 – Updated language to make it clearer.
- Chapter 3-12 – Includes employees who handle cash to complete a criminal history review.
- Chapter 4-1 – Updates appointed positions by removing positions that no longer exist and adds all positions that report to the Mayor and/or City Administrator as required by State law. Changes the title of all those who report to the Mayor and/or City Administrator to directors, with no salary or comparison group changes. Any positions required to be appointed be considered, and anyone that reports to the Mayor or City Administrator should be appointed.
- Chapter 5-4 – Includes the Human Resource Department as those who shall discharge employees in writing per common practice.
- Chapter 6 – Amended to comply with new law regarding personal use of public property.
- Chapter 21 – A new chapter was added regarding severance pay for appointed employees who are let go without cause and have no appeal rights.

MOTION: Councilmember Bott made a motion to approve the changes to the Employee Policy and Procedures, to include the suggested change in Chapter 2-3 to include a nomination instead of an election to the ECC. If there is no election, a department head will appoint someone. Councilmember Peterson seconded the motion. The motion unanimously carried.

Consideration of Medical Cannabis Ordinance

This was discussed in the October 3, 2019 Council meeting. Mr. Larsen came forward and said the ordinance gives the City the control as allowed by the legislature.

Councilmember Peterson said he attended a conference in Arizona and everyone that had dealt with cannabis said it emits an odor, even the growth facilities. They installed scrubbers on the filtration system to try and reduce the odor. He thanked Mr. Larsen for adding the filter requirement.

Mayor Vincent said when he went to Arizona it smelled like wet sagebrush when they were outside the facility, but when he walked about 250 feet from the facility, he did not smell anything. This was an indoor facility. Mr. Larsen added that this ordinance requires all growing operations be indoors.

MOTION: Councilmember Farr made a motion to approve the medical cannabis ordinance as presented. The motion was seconded by Councilmember Bott. Councilmember Jensen said she was against any form of legalization of Schedule 1 drugs, therefore she will abstain.

Roll Call:

Councilmember Bott – aye

Councilmember Farr – aye

Councilmember Jensen – abstain

Councilmember Peterson – aye

The motion carried 3-0.

Consideration of Ordinance Amending the General Plan to Comply with Senate Bill #34, Affordable Housing Modifications

Mr. Larsen said this bill requires all municipalities of a population of more than 5,000 to adopt language in their general plans related to low to moderate income housing and address a 5-year expectation of what the needs will be for this type of housing.

There is currently a moderate-income housing plan element in the general plan. This ordinance adds an addendum that includes language required by the state.

Beginning December of 2020, municipalities will be required to make an annual report to the State.

MOTION: Councilmember Bott made a motion to approve the ordinance amending the general plan to comply with Senate Bill #34, seconded by Councilmember Farr.

Roll Call:

Councilmember Bott – aye

Councilmember Farr – aye

Councilmember Jensen – aye

Councilmember Peterson – aye

The motion carried 4-0.

Consideration of Ordinance Amending Title 24, Streets and Sidewalks, Chapter 24.0.160 Not Parking During Snow Removal/Plowing Hours

Chief Nelsen and Mr. Pugsley came to the table. Mr. Pugsley said his staff recently reviewed the City's snow removal and felt there should be some changes. They compared Brigham City's ordinance with seven other cities.

The proposed ordinance states that it is unlawful to blow, shovel or plow snow from private property onto a public street or right-of-way. This is currently in the State Code.

Mr. Pugsley presented two options for the Council to consider.

Option #1 - November 1 through March 31, it is unlawful to park or leave parked any vehicle upon the paved portion of a City street while snow plows are operating or while streets are snow or ice covered, excluding business parking from 100 North to 200 South on Main Street and 100 West to Main Street on Forest.

Option #2 - November 1 through March 31, it is unlawful to park or leave parked any vehicle upon the paved portion of a City street excluding business parking from 100 North to 200 South on Main Street and 100 West to Main Street on Forest.

Chief Nelsen said the police officers try to call the owner of the car parked in the street before towing it, but that does not always work.

Mr. Pugsley said when the snowplows are plowing narrow roads and there are cars parked, it is not safe. When it is a heavy snow year and vehicles are left parked for a few days, it is difficult to know that there is a vehicle there. This is not only very unsafe for the snowplow operators, but others using the road as well.

Councilmember Peterson said he preferred option #1 because if it is 50 degrees in December there is not a problem for people parking in the street. Chief Nelsen said if it's not enforced all the time, citizens will be upset when it is snowing and it is enforced.

Councilmember Jensen suggested giving 2-3 warnings before towing the vehicle.

Councilmember Bott recommended setting certain times when there is absolutely no parking on the street. He was considering people that have parties and their guests have no other place to park but the street. During the day, citizens know when it starts to snow and can move their vehicles, but not always at night.

MOTION: Councilmember Jensen made a motion to approve Option 1 as written. Councilmember Bott added an amendment to include the timeframe from 10:00 p.m. to 6:00 a.m. during a snow event. The amendment was not accepted. The motion was seconded by Councilmember Farr.

Roll Call:

Councilmember Bott – aye

Councilmember Farr – aye

Councilmember Jensen – aye

Councilmember Peterson – aye

The motion unanimously carried.

ADJOURN TO CLOSED SESSION

A motion to adjourn to a closed session to discuss the purchase, exchange or lease of property; pending or reasonably imminent litigation; character, professional competence, or physical or mental health of an individual was made by Councilmember Jensen, seconded by Councilmember Peterson. A roll call vote was taken with all councilmembers voting aye. The meeting adjourned to a closed session at 8:53 p.m.

The Council returned to an open meeting at 9:35 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 November 7, 2019 City Council Meeting.

Dated this 21st day of November 2019.

Mary Kate Christensen

Mary Kate Christensen, Recorder