

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
October 6, 2022
7:00 p.m.**

PRESENT:	D.J. Bott	Mayor
	Alden Farr	Councilmember
	Matthew Jensen	Councilmember
	Tom Peterson	Councilmember
	Ryan Smith	Councilmember
	Robin Troxell	Councilmember
ALSO PRESENT:	Christina Boss	City Recorder
	Rick Bosworth	Human Resource Director
	Mark Bradley	City Planner
	Dave Burnett	Power Director <i>arrived at 7:18 p.m.</i>
	Mike Christiansen	City Attorney
	Tom Kotter	Finance Director
	Paul Larsen	Community & Economic Development Director
	Derek Oyler	City Administrator
	Chad Reyes	Police Chief
	Elizabeth Schow	Library Director
	Brandon Thueson	Fire Chief
	Kristy Wolford	Community Activities & Services Director
	Mike Young	Assistant Fire Chief/Fire Marshal

Mayor Bott called the meeting to order at 7:02 p.m. Councilmember Troxell gave the reverence period, and the Pledge of Allegiance was recited.

Mayor Bott asked the Council to allow the Scheduled Delegation to be heard first on the agenda.

SCHEDULED DELEGATION

Box Elder High School Fight Song

Tremonton City Mayor Lyle Holmgren sung the fight song as the result of a bet between him and Mayor Bott on the winner of the football game between Bear River High School and Box Elder High School.

RECOGNITION OF EMPLOYEES

New Hires in the Police Department and Public Works

Mayor Bott recognized John York, recently hired as a compost/greenwaste equipment operator, and Lacy Biggers, recently hired as a school crossing guard.

CONSENT

Approval of Meeting Minutes for September 15, 2022 City Council Meeting

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

A list of accounts totaling \$2,996.07 was presented to be removed from the City's system due to customers taking out bankruptcy or being sent to collections.

Appointments to the Historic Preservation Commission and Museum Gallery Board

It was recommended that Larry Douglass, Deeann Lester, Reese Beeton, Valerie Perry-Odenthal, Maryann Jensen, Richard Felt, Brad Mortensen, Sarah Yates, and June Bywater be appointed to the Historic Preservation Commission and Museum Gallery Board.

MOTION: A motion to approve the Consent agenda was made by Councilmember Jensen, seconded by Councilmember Troxell, and carried unanimously. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Troxell, aye; Councilmember Peterson; aye.

PUBLIC COMMENTS

Mayor Bott asked Ms. Boss to read a statement received from Val and Malia Gabbitas – Ms. Gabbitas will not sign the Net Billing Service Application because there was no verbiage included preventing changes without her consent.

Robert Kenner – Mr. Kenner said the Net Metering Agreement he signed states he will be credited for production of excess electricity at the wholesale cost to Brigham City and the only way that rate can be changed is if the rate Brigham City pays is changed. He felt solar customers are not being over credited and the City should honor the original Agreements.

COUNCILMEMBER COMMENTS

Councilmember Jensen – met with the USU Advisory Board who is transitioning to new board members. He commented on their support for students in Brigham City.

Councilmember Peterson – was unable to attend the Utah League of Cities and Town conference.

Councilmember Smith – attended a Chamber of Commerce Board meeting and said they were closing out this year's Peach Days which had really great participation. They are focusing on the next legislative session.

Councilmember Troxell – signed up for the new alert system the City implemented. She appreciated the increase in notifications and communication on Facebook and the City's website.

Mayor Bott – appreciated public comments and stated there will be an upcoming discussion on holding a Town Hall meeting.

ACTION ITEMS

Consideration of Reeder Farm Subdivision Final Plat Approval, Located at 800 West and 260 South

Mr. Bradley came forward and presented the final plat for the 11-lot subdivision. The applicant will complete as many improvements as possible before recording the plat, and enter into an escrow agreement for whatever is remaining. Councilmember Peterson questioned the bonding process. Mr. Oyler stated Staff has been researching different options and State Code requirements and will bring City Code changes to City Council in January.

MOTION: Councilmember Peterson made a motion to approve the Reeder Farm Subdivision final plat located at 800 West and 260 South. The motion was seconded by Councilmember Farr. Councilmember Troxell asked if the General Plan included the continuation of 950 West. Mr. Bradley confirmed it would continue down to between 200 and 400 South. The motion carried unanimously. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Troxell, aye; Councilmember Peterson; aye.

Consideration of K.E.B. Subdivision No. 4 Combined Preliminary and Final Plat Approval, Located at 100 South and 1200 West

Mr. Bradley explained the reason for the combined preliminary and final plat is because the subdivision is one lot, and the location of the road is already known. With this phase, 100 South will continue and tie into 1200 West, which the developer is required to improve. The Planning Commission recommended approval

subject to the staff comments and preparation of recording. Councilmember Peterson asked if the applicant is required to pay for the north and south side improvements on 100 South. Mr. Bradley stated the applicant has an Agreement with the Whitakers and they will have to sign the plat as it dedicates roadway on their property.

MOTION: Councilmember Peterson made a motion to approve the K.E.B. Subdivision No. 4 combined preliminary and final plat located at 100 South and 1200 West. The motion was seconded by Councilmember Troxell and carried unanimously. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Troxell, aye; Councilmember Peterson; aye.

Consideration of Ordinance Amending Brigham City Code Title 29, Zoning, to Establish Chapter 29.16, 747 South Main Street Planned District

Mr. Bradley stated his introduction would also include the next action item for amendment of the zoning map for this planned district. He displayed the General Plan on the screen showing the property as part of the USU district which allows for multi-family housing. The request includes a zone change from General Commercial (GC) to Planned-Residential-Multiple (P-R-M-30). Mr. Bradley reviewed the new Code language noting the applicant will need to come back before the Planning Commission with a land use application for the detailed site, grading, and utility plan.

The proposed development would include 165 units in 3 story buildings, a clubhouse component, a recreation area with pool and pickleball courts, covered parking, and garages. Mr. Bradley reviewed the required parking calculations based on unit type. He noted there was discussion about additional recreation open space and merging the two recreation buildings into one larger building. The applicant would install StormTech under the parking area to provide for drainage. The Planning Commission recommended approval allowing for reduction in the open space recreation area and subject to reducing the number, or eliminating altogether, the garages to address additional parking.

Logan Johnson with Wright Development Group came to the podium to address Council questions. Councilmember Troxell supported the use of garages for vehicle safety and storage, and commented on growth in the area and the increase in traffic with this proposed development. She asked about the necessity for a planned district. Mr. Bradley explained the purpose is to know exactly what is being proposed and planned with certain design standards. Councilmember Peterson was concerned with allowing a residential development on Main Street. Mr. Johnson explained the CC&Rs require Wendy's approval on any site plan change and they would not allow for any competing food use or undefined commercial use. Councilmember Peterson asked that a stipulation be entered to require garage inspections to ensure they are not just used for storage and there is room for vehicles. Mr. Johnson stated that language is standard in their lease agreements, and it is not a concern unless there are complaints about parking problems. They are willing to enter into an agreement with the City to allow inspections if there is a lack of on-street parking, etc. He noted the "wall" of garages will be adjusted to approximately three blocks of ten garages each.

Consideration of Ordinance Amending Zoning Map from GC (General Commercial) to P-R-M-30 (Planned Residential Multiple) on 6.83 Acres of Land Located at 747 South Main Street

This item presentation and discussion was covered with the previous item.

MOTION: Councilmember Farr made a motion to approve the ordinance amending the zoning map from GC (General Commercial) to P-R-M-30 (Planned Residential Multiple) on 6.83 Acres of Land Located at 747 South Main Street. The motion was seconded by Councilmember Jensen.

Roll Call: Councilmember Farr Aye
Councilmember Smith Aye
Councilmember Troxell Aye

Councilmember Jensen	Aye
Councilmember Peterson	Aye

MOTION: Councilmember Farr made a motion to approve the ordinance amending Brigham City Code, Title 29, Zoning to establish Chapter 29.16, 747 South Main Street Planned District. The motion was seconded by Councilmember Jensen.

Roll Call:	Councilmember Peterson	Aye
	Councilmember Jensen	Aye
	Councilmember Troxell	Aye
	Councilmember Smith	Aye
	Councilmember Farr	Aye

Consideration of Updates to Employee Policies and Procedure Manual Chapter 2, Administration, and Chapter 3, Hiring Practices

Concerning the Employee Coordination Committee (ECC), the proposed language removes the Human Resource Director as Chairperson. The chairperson and note taker positions would be filled by ECC members. The proposed language states, and the ECC voted, the City Administrator would appoint members to those positions. Mr. Oyler asked Council to include in their motion if they would rather have ECC members appoint the positions. Other changes included representation from all City departments and a two-year rotation of the members.

Under Departmental Policies, the proposed language excepts departments from obtaining the Mayor's consent for third party vendors assisting with policy and procedure services. Chief Reyes came forward and stated Police Department (PD) policies are managed by Lexipol who uses attorneys and subject matter experts to review best practices and federal and state case law to keep policies up to date. The PD receives between 500 and 1500 policy updates per year which would be cumbersome for the mayor's office to review and approve. Councilmember Peterson was concerned with possible liability issues. Chief Reyes stated the policy updates are well vetted by attorneys and experts. Anything affecting wages, benefits, or standard practices would be brought to the mayor's office.

An employment references section has been added to Chapter 3 to establish rules when reference requests are received as far as who should respond and what information should be provided. Letters of recommendation are not included in the policy.

MOTION: Councilmember Peterson made a motion to approve the updates to Employee Policies and Procedure Manual Chapter 2, Administration, and Chapter 3, Hiring Practices. The motion was seconded by Councilmember Smith. Councilmember Troxell asked that the appointment of the chairperson and note taker be included in the motion. Councilmembers favored letting the ECC appoint the chairperson and note taker. The motion was amended and seconded to make that change. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Troxell, aye; Councilmember Peterson; aye.

Consideration of Request for Academy Center Fee Waiver for Make A Wish Send Off

As a Kiwanis Club member, Councilmember Jensen stated they raised \$10,000 in the golf tournament which was matched by a donor and donated to the Make a Wish Foundation. The Foundation contacted Kiwanis and stated they are sending someone from Brigham City on a wish and asked that Kiwanis contribute to the party and send off. They are asking the Mayor to issue a proclamation stating it is the person's special day and asked the City to waive the Academy Center fees for the sendoff. Councilmember Jensen said he believes the sendoff would be on a weekday during the first week in November.

MOTION: Councilmember Peterson made a motion that the City waive the Academy Center fee, based on availability of the room, for the Make A Wish sendoff. The motion was seconded by Councilmember Farr. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Troxell, aye; Councilmember Peterson; aye.

Proclamation Declaring October 2-8, 2022, Public Power Week

Mr. Burnett read the Proclamation and took the opportunity to recognize his department. He stated the Department obtained the diamond level APPA RP3 designation that demonstrates proficiency in four major disciplines. He expressed his appreciation for all of the department employees. Mayor Bott agreed and commented on the speed and professionalism of all involved in keeping the lights on for Brigham City.

DISCUSSION ITEMS

Town Hall Meetings

Mayor Bott stated on October 24th from 6:30-8:00 p.m. USU Room A-104, the Community Center Craft Room, and Mountain View Elementary Gymnasium have been reserved for three concurrent Town Hall meetings. He asked Councilmembers to weigh in on participation. Councilmember Farr would not be available as he had a previous family commitment. Councilmembers Troxell and Jensen will be at the Community Center, Councilmembers Peterson and Smith will be at Mountain View Elementary, and Mayor Bott will be at USU. Utility increases, solar energy, and property taxes will be the topics for discussion. The public will need to bring their own chairs.

The Council adjourned to a closed session at 8:37 p.m.

MOTION: Councilmember Peterson made a motion to adjourn to a closed session to discuss the purchase, exchange, or lease of real property, pending or reasonably imminent litigation, and the character, professional competence, or physical or mental health of an individual. The motion was seconded by Councilmember Jensen.

Roll Call:

Councilmember Farr	Aye
Councilmember Smith	Aye
Councilmember Troxell	Aye
Councilmember Jensen	Aye
Councilmember Peterson	Aye

At 10:05 p.m. the Council returned to an open session and adjourned.

MOTION: Councilmember Peterson made a motion to return to an open meeting. The motion was seconded by Councilmember Smith. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Troxell, aye; Councilmember Peterson; aye.

MOTION: Councilmember Peterson made a motion to adjourn. The motion was seconded by Councilmember Troxell. Councilmember Farr, aye; Councilmember Smith, aye; Councilmember Jensen, aye; Councilmember Troxell, aye; Councilmember Peterson; aye.

The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the October 6, 2022 City Council Meeting.

Dated this 20th day of October 2022.

Christina Boss

Christina Boss, Recorder