

**APPROVED**  
**BRIGHAM CITY PLANNING COMMISSION**  
**BRIGHAM CITY COUNCIL CHAMBERS**  
**September 20, 2011**

PRESENT:	Barbara Poelman	Chairperson
	Larry Jensen	Vice Chair
	Joan Peterson	Commissioner
	Eve Jones	Commissioner
	Lynn Duce	Alternate Commissioner

ALSO PRESENT:	Mark Bradley	City Planner
	Julie Jeppsen	Administrative Assistant

EXCUSED:	Deon Dunn	Commissioner
	Lynda Berry	Commissioner
	Rob Munns	Commissioner

**AGENDA**

Work Session - Cancelled

Pledge of Allegiance

Approval of Minutes

Public Comment<sup>1</sup> (*Per Utah Code, will receive input only, no decision can be made*) for items not listed on the agenda.\*

Application # 3336 / Amendment to Brigham City Planning Commission By-Laws / Brigham City Corporation

Discussion:

1. Application # 3332 / Regulations and Standards for Towing Services, Impound Lots, Junk Yards, and Self Storage Facilities

**REGULAR MEETING**

Regular session opened at 6:30 PM by Barbara Poelman and Larry Jensen led the Pledge of Allegiance.

**APPROVAL OF MINUTES Motion:** A motion was made by Larry Jensen to accept the **September 6, 2011** Work Session minutes as stated. The motion was seconded by Lynn Duce and passed unanimously.

**Motion:** A motion was made by Eve Jones to accept the **September 6, 2011** Regular Meeting minutes as stated. The motion was seconded by Lynn Duce and passed unanimously.

**Motion:** A motion was made by Larry Jensen to accept the **July 6, 2010** Work Session minutes with corrections as noted. The motion was seconded by Lynn Duce and passed unanimously.

**Motion:** A motion was made by Lynn Duce to accept the **July 6, 2010** Regular Meeting minutes as stated. The motion was seconded by Eve Jones and passed unanimously.

**Motion:** A motion was made by Joan Peterson to accept the **August 17, 2010** Work Session minutes as stated. The motion was seconded by Larry Jensen and passed unanimously.

**Motion:** A motion was made by Joan Peterson to accept the **August 17, 2010** Regular Meeting minutes with corrections as noted. The motion was seconded by Larry Jensen and passed unanimously.

**Motion:** A motion was made by Eve Jones to accept the **September 7, 2010** Work Session minutes as stated. The motion was seconded by Larry Jensen and passed unanimously.

**Motion:** A motion was made by Eve Jones to accept the **September 7, 2010** Regular Meeting minutes with corrections as noted. The motion was seconded by Larry Jensen and passed unanimously.

**Motion:** A motion was made by Lynn Duce to accept the **October 5, 2010** Regular Meeting minutes with corrections as noted. The motion was seconded by Larry Jensen and passed unanimously.

**Motion:** A motion was made by Eve Jones to accept the **February 15, 2011** Work Session minutes as stated. The motion was seconded by Joan Peterson and passed unanimously.

**Motion:** A motion was made by Lynn Duce to accept the **March 1, 2011** Work Session minutes as stated. The motion was seconded by Eve Jones and passed unanimously.

**Motion:** A motion was made by Joan Peterson to accept the **March 15, 2011** Work Session minutes as stated. The motion was seconded by Lynn Duce and passed unanimously.

**Motion:** A motion was made by Larry Jensen to accept the **May 3, 2011** Work Session minutes as stated. The motion was seconded by Lynn Duce and passed unanimously.

**Motion:** A motion was made by Larry Jensen to accept the **May 17, 2011** Work Session minutes as stated. The motion was seconded by Joan Peterson and passed unanimously.

**Motion:** A motion was made by Eve Jones to accept the **June 7, 2011** Work Session minutes as stated. The motion was seconded by Lynn Duce and passed unanimously.

**Motion:** A motion was made by Lynn Duce to accept the **July 5, 2011** Work Session minutes as stated. The motion was seconded by Joan Peterson and passed unanimously.

**Motion:** A motion was made by Lynn Duce to accept the **July 5, 2011** Regular Meeting minutes revised (initially approved on August 16, 2011) with corrections as noted. The motion was seconded by Joan Peterson and passed unanimously.

**Motion:** A motion was made by Eve Jones to accept the **July 19, 2011** Work Session minutes as stated. The motion was seconded by Larry Jensen and passed unanimously.

**PUBLIC COMMENT**        There was no public comment.

**Application 3336 – Amendment to Brigham City Planning Commission By-Laws – Brigham City Corporation**

After discussion, it was determined that several changes and/or clarifications need to be made to the draft. They are as follows:

1. Page 2 should say “statutes” clarifying a typographical error.
2. 5G “or who did not participate during Public Comment”, will be inserted after the word agenda.

**MOTION:** Motion was made by Eve Jones to forward Application 3336 to the City Council with recommendation to approve with the changes noted. The motion was seconded by Larry Jensen and passed unanimously.

**DISCUSSION**

Barbara Poelman reported the following suggestions for future meetings:

1. Commissioners should not talk over each other. .
2. Commissioners should not have discussions amongst themselves that cannot be heard by recorder or the public over the microphone.
3. Time limitations should be set prior to discussion items in each meeting.

## **Application #3332 – Regulations and Standards for Towing Services, Impound Lots, Junk Yards, and Self Storage Facilities**

Mark Bradley presented the revised format for the ordinance. He explained that there could be one chapter with subsections. The key is to make the ordinance user friendly for the business owner and staff. He would suggest removing the matrix and moving forward with the above format with titles as follows:

1. Towing and Impound Yards
2. Vehicle Recycling Facility (Junk Yard)
3. Self-Storage Outside Storage Facility
4. Self-Storage Enclosed Storage Facility

Several clarifications were made regarding definitions of Self-Storage Units - both separate and enclosed. Additionally, personally owned operational and fully functional automobile storage is acceptable as long as there are no sales. Regarding specifics, State requirements, other ordinances and a CUP additionally apply to each of these uses. This will alleviate some of the need for specificity in this ordinance.

The commissioners agreed with the format presented with clarifications and suggestions as stated. Mark Bradley will move forward with alterations and present them to the Commission for further discussion at the next regular meeting.

Brett Reeder discussed and offered opinion on several items. State Law would need to govern over and above this ordinance. Regarding vehicle sales, a time frame limitation to retain a car should not be mandated. If the business meets certain criteria they should be left to run their own business. Regarding fluid containment, he cannot legally charge someone for anything other than the towing service. The laws for hazardous waste specify larger amounts of fluid before it is considered a hazardous spill or it requires any hazardous attention. He does not do fluid containment except as required by state law. Business licenses are not required of his use in terms of the sale of any vehicle they acquire through their normal towing business. The City cannot require him to have a dealer's license according to state law. He explained the bidding process on impounded vehicles and the lengthy timeframe it can sometimes take to work through that process. He reiterated that he would simply like to be able to run his business as he sees fit, if it makes more business sense for him to hold a car for a longer period of time - there is no benefit to a time limit – he does not want the limitation from the city.

Eve Jones took exception to his comments. Specifically, the result of a neighbor not doing fluid containment had a very negative impact on her property.

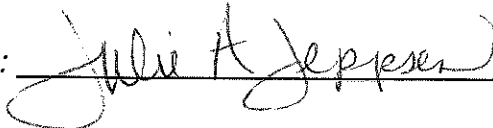
The Commission stated that the intent was not to take away his business right, but, to avoid lots full of stacked cars and negative impacts on the city.

### **MOTION TO ADJOURN**

**Motion:** A motion was made by Lynn Duce to adjourn. The motion was seconded by Eve Jones and the meeting was adjourned at 7:56 PM.

*This certifies that the regular meeting minutes of September 20, 2011 are a true and accurate copy*

*as approved by the Planning Commission on October 4, 2011.*

Signed: \_\_\_\_\_

*Julie A. Jeppsen, Administrative Assistant*