

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
January 19, 2012**

PRESENT:	Dennis Fife	Mayor
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Brian Rex	Councilmember
	Mark Thompson	Councilmember
	Tyler Vincent	Councilmember
ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Tyler Pugsley	Public Works Acting Director
	Nancy Jo Green	Senior Center Director
	Sue Hill	City Librarian
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Kristy Law	Recreation Manager
	Bruce Leonard	City Administrator
	Mike Nelsen	Police Lieutenant
	Raymond Poulson	Waste Treatment Superintendent
	Tyler Pugsley	Public Works Acting Director
	Diane Reichard	City Treasurer
	Jason Roberts	Finance Director
	Paul Tittensor	Chief of Police
	Dennis Vincent	Police Lieutenant

Mayor Fife called the meeting to order. The Reverence Period was given by Pastor Barsuhn of the Rocky Mountain Bible Church.

**Approval of Minutes:** The minutes of the December 15, 2011, January 3, 2012 Special Meeting and January 5, 2012 Council meeting were unanimously approved as distributed.

**PUBLIC COMMENT**

**CONSENT**

- Request to Write-Off Accounts Due to Bankruptcy or Being Sent To Collections
- Appointment of Vice Chair to the Planning Commission
- Approval to Pay for Employees' Portion of the State Retirement Contributory Plan
- Appointment to the Bicycling Committee

**SCHEDULED DELEGATION**

- Update on the Youth Empowerment Team

**NEW BUSINESS**

- Appointment of City Officials
- Administration of the Oath of Office to Appointed Officials
- Discussion on the Unplanned Equipment Grant Awards and Alcohol Enforcement Awards
- Resolution to Increase Bowery Fees and Add John Adams Park, Discovery Grove Park and Horsley Park to the Parks Requiring a Fee for Public Use

**PLANNING COMMISSION**

- Development Agreement with Catalyst RTC for Construction of a Second Building with Allowance of a New Temporary Access to the Property Located at 970 S 1025 W
- Request to Amend Chapter 29.13.020 Sales and Related Services Use Categories "Pawn Shop" and "Price-Point Retail Establishment"
- Request to Amend Chapter 29.13.020(7) Service Activities Use Category "Non-Depository Institution"

Request to Amend Chapter 29.13.020(2), Automobile Sales and Services, to Include a Use Category for Motorcycle Sales

**OTHER BUSINESS**

**PUBLIC COMMENT**

Jim Buchanan – Mr. Buchanan came forward and said the Mayor began reorganizing the Fire Department 11 months ago. In the fire service, rank is either designated by uniform or by the color of their hat. Mr. Buchanan, on behalf of the Fire Department, presented Mayor Fife with his own fire helmet.

Mayor Fife announced that Mr. Buchanan recently received the Member of the Year Award from the Emergency Management Agency presented by Lt. Gov. Bell.

**CONSENT**

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

A list of accounts totaling \$7,113.67 was presented to be removed from the City's billing system due to customer taking out bankruptcy or being sent to collections.

**Appointment of Vice Chair to the Planning Commission**

It was recommended Larry Jensen serve as Vice Chair of the Planning Commission.

**Approval to Pay for Employees' Portion of the State Retirement Contributory Plan**

The City is required to annually authorize the City to pay for employees' portion of the State Retirement Contributory Plan. These are employees who elected not to be part of the Defined Benefit Plan.

**Appointment to the Bicycling Committee**

It was recommended Debra Adam be appointed as a member of the Bicycling Committee and Scott Lyons be appointed as 1<sup>st</sup> Alternate.

**MOTION:** Councilmember Jensen made a motion to approve the Consent Agenda items as presented, seconded by Councilmember Vincent and unanimously carried.

**SCHEDULED DELEGATION**

**Update on the Youth Empowerment Team**

Ms. Bonnie Mortensen and explained the history of the Youth Empowerment Team (YET), which is to raise healthy youth. The way to do this is by prevention. See attached presentation.

Councilmember Rex asked if there is any data on graduation rates, truancy rates, teen pregnancies, arrests, underage smoking and drinking, suicides, percentage going to college. Ms. Mortensen stated that these would be on a different report. These are not questions that were asked on the Sharp Report. The Police Department might have some of these statistics. She added that teen pregnancy cannot be asked on any survey. Councilmember Rex stated that he supports these goals, but expressed concern that the Sharp survey may be more unclear than actual evidence. She said she can provide this information for him.

Councilmember Jensen asked to see a breakdown of the budget for YET. Ms. Mortensen will provide this.

**NEW BUSINESS**

**Appointment of City Officials**

Mayor Fife announced the position appointments for 2012-13. Utah Code requires that these appointments be made by the first Monday in February following a municipal election.

City Administrator  
Director of Finance  
Director of Public Power

Bruce Leonard  
Jason Roberts  
Dave Burnett

Director of Public Works	Tyler Pugsley
Police Chief	Paul Tittensor
City Treasurer	Diane Reichard
Senior Citizen Director	Nancy Jo Green
Museum-Gallery Director	Kaia Landon
City Recorder	Mary Kate Christensen
Deputy Recorder	Jason Roberts
Human Resource Manager	Rick Bosworth
Director of Emergency Services	Jim Buchanan
Director of Community and Economic Development	Paul Larsen
City Attorney	Kirk Morgan
Deputy City Attorneys	Jeff Thorne, Michael Christiansen

**MOTION:** Councilmember Ericson made a motion to approve the appointment of City Officials as announced by Mayor Fife. Councilmember Vincent seconded the motion, unanimously carried.

**Administration of the Oath of Office to Appointed Officials**

The Oath of Office was administered to the above listed appointed officials by Mary Kate Christensen.

**Discussion on the Unplanned Equipment Grant Awards and Alcohol Enforcement Awards**

Chief Tittensor came forward and explained that throughout the year the Police Department has the opportunity to take advantage of awards and grants that are not planned when the City's budget is prepared. This year they received three awards.

The first one is a State DUI equipment grant. Historically they have received very little from this grant. However, this year they received \$6,000 to be used specifically for a digital in-car camera.

The second grant award is for \$7,800 for audio/video recording equipment for the Police Department's interview room and a portable alarm system.

Historically, Brigham City has received about \$14,000 from the State Alcohol Allotment. This year the City received \$19,359. This is used primarily to enforce alcohol/DUI laws, such as overtime. It can also be used for equipment, education and prevention. He has committed \$1,000 for the YET for prevention materials.

The total of these three awards come to \$32,159.

**MOTION:** A motion to approve the equipment grants as discussed by Chief Tittensor was made by Councilmember Vincent, seconded by Councilmember Jensen and unanimously carried.

**Resolution to Increase Bowery Fees and Add John Adams Park, Discovery Grove Park and Horsley Park to the Parks Requiring a Fee for Public Use**

Mr. Pugsley approached the Council and stated that the Public Works Department and Recreation Department recently met to address park issues for the upcoming season. They discussed the new boweries and felt fees should be charged for the use of these parks. This was brought before the Recreation and Parks Commission, they agreed with the changes and felt it should be in effect for the upcoming season.

The following recommendations were made:

- Add Horsley Park and Discovery Grove Park to the parks requiring a small bowery fee (\$30 for residential and \$60 for non-residential). These parks currently require no reservation or fee.
- Increase the fee for John Adams Park from a small bowery fee to a mid-sized bowery fee (\$40/\$80).
- Increase fees for Rees Pioneer Park from \$50 to \$75 for residents and from \$100 to \$150 for non-residents.

Mayor Fife expressed concern that there has been no notice and reservations begin February 2. He suggested looking at this during the budget process and making the changes effective July 1, 2012. He also

suggested adding the Mantua Bowery to the fee schedule. Mr. Pugsley said they can look at adding this bowery.

Councilmember Jensen suggested a deposit rather than a fee. This would be easier on those affected by the tough economic times. If they cleaned up the area they would get their money back. Mr. Pugsley said there are some cities that do this.

Mayor Fife was concerned about the increase for Pioneer Park, double the current rate. He suggested \$60 for residents and \$120 for non-residents.

**MOTION:** Councilmember Ericson made a motion to approve the resolution as presented with the exception for the charge for large boweries from \$75 to \$60 for residents and from \$150 to \$120 for non-residents. The motion was seconded by Councilmember Vincent and unanimously carried.

Due to the timeframe of getting Discovery Grove completed, the Mayor instructed staff not to charge for this park until next year.

### **PLANNING COMMISSION**

#### **Development Agreement with Catalyst RTC for Construction of a Second Building with Allowance of a New Temporary Access to the Property Located at 970 S 1025 W**

Mr. Bradley came forward and introduced Mr. Kreg Edgmon from Catalyst and Mr. Jared Edgmon, attorney. He explained that Catalyst is seeking a development agreement to allow access to their property with a new, wider, temporary access. This is associated with the conditional use permit for a second building on their site. The site is removed from a public dedicated road so they have been trying to address the City's requirements.

After several meetings, the Planning Commission recommended approval of the conditional use permit for the second building subject to the Council's consideration and approval of this development agreement. The development agreement would allow Catalyst to use the temporary access until a permanent dedicated road connects to either their property and 1000 West or 1100 West. The agreement acknowledges the deferral agreement, which states that whenever the City wants Catalyst to develop their portion of the roadway they will do so within 60 days. The agreement also states that they will escrow money to make the improvements.

**MOTION:** Councilmember Ericson made a motion to approve the development agreement with Catalyst RTC for construction of a second building and a new temporary access to the property, seconded by Councilmember Vincent and unanimously carried.

#### **Request to Amend Chapter 29.13.020(7) Service Activities Use Category "Non-Depository Institution"**

Mr. Bradley explained that this is a request from Utah Cash Advance. They were originally located by the old K-Mart facility. They relocated to 700 South. The City did not realize this until it was time for them to renew their business license. The current ordinance requires a separation of one mile between non-depository institutions, and there is a limit on the number of these businesses allowed in the City. There is another non-depository institution in the facility where they relocated and another on Main Street less than one mile distance. The application is to eliminate the separation requirement.

When the Planning Commission reviewed the application, they determined that it was better to allow the market to govern itself, rather than limit the number allowed. Mr. Bradley explained that the intent of the current ordinance was to protect more of these types of businesses coming to Brigham City. This was a concern from residents.

Councilmember Ericson felt that because this is a business that was already in Brigham City and only moved about three blocks, and was in business when the current ordinance was passed, this should be approved. However, he suggested grandfathering them rather than remove the current restrictions. Mr. Bradley stated that the only way the City can legally do this is to adopt the provision to eliminate any restrictions, and then return with a new ordinance that would grandfather them in.

Mr. Bradley explained that many communities throughout the state have been dealing with these types of businesses and have adopted separation limitations because of the impact they have on their community. He was under the understanding that the Council wanted to keep these restrictions. However, Planning Commission is recommending the restrictions be removed.

Councilmember Ericson explained that when the Council reviewed this three years ago, the Council at that time felt there were too many non-depository institutions in the City. They wanted to do something so the number did not increase.

**MOTION:** Councilmember Thompson made a motion to approve recommended changes by the Planning Commission and approve the ordinance as presented. The motion was seconded by Councilmember Vincent. The motion carried with a 4-1 vote as follows:

AYE: Councilmember Jensen  
Councilmember Rex  
Councilmember Thompson  
Councilmember Vincent

NAY: Councilmember Ericson

**Request to Amend Chapter 29.13.020 Sales and Related Services Use Categories “Pawn Shop” and “Price-Point Retail Establishment”**

Mr. Bradley stated that because of the nature of the non-depository institutions, staff felt it was appropriate to re-evaluate the other two categories which were adopted with the same restrictions. The Planning Commission recommended removing the regulations for the price-point establishments and retaining a lesser separation requirement for pawn shops. He explained that price-point retail establishments refer to dollar stores. This amendment removed the restrictions for these establishments and changes the pawn shop restriction from one mile to 1,000 feet.

Mr. Bradley explained that the reason the previous administration put these restrictions in place was because of concerns they had for the future of Brigham City and what they saw with other communities. Pawn shops were a concern because of the increased crime at these types of stores. Mr. Larsen added that pawn shops make loans in exchange for goods, then they hold the goods for a period of time, they are sold. In the past, they have been fence operations. Police tend to have more problems with pawn shops than other categories of businesses.

Councilmember Ericson said the City should be consistent. If regulations are removed from one, they should be removed from all of them. He suggested the Council have an overall discussion regarding development and how development comes into the City.

**MOTION:** Councilmember Rex made a motion to strike all language for pawn shop and price-point retail establishments. The motion was seconded by Councilmember Ericson. The motion unanimously carried.

**Request to Amend Chapter 29.13.020(2), Automobile Sales and Services, to Include a Use Category for Motorcycle Sales**

Mr. Bradley explained that in the current ordinance motorcycle sales are under the general category of automobile dealerships, new or used. In 2009, the Council reviewed several uses, and this was one of them. At that time the size and frontage was set for the display of these sale items. The applicant wants to conduct indoor motorcycle sales and there is currently no use category. This ordinance provides a use category for indoor motorcycle sales.

**MOTION:** A motion to approve the amendment to Chapter 29.13.020 as presented was made by Councilmember Ericson, seconded by Councilmember Vincent and unanimously carried.

The motion adjourned at 8:52 PM.