

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
May 19, 2011**

PRESENT:	Dennis Fife	Mayor
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
	Tyler Vincent	Councilmember

ALSO PRESENT:	Jim Buchanan	Emergency Services Director
	Dave Burnett	Public Power Director
	Rene Cedillo	Water Superintendent
	Blake Foncesbeck	Public Works Director
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Eliza McGaha	Alternate Deputy Recorder
	Tyler Pugsley	Public Works Assistant Director
	Paul Tittensor	Chief of Police
	Dennis Vincent	Police Lieutenant

Mayor Fife called the meeting to order. The Reverence Period was given by Craig Smith, Counselor in the Brigham City West Stake Presidency.

**PUBLIC COMMENT
CONSENT**

Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections
Appointment to Youth Commission Executive Board

NEW BUSINESS

Discuss Replacement of Golf Course Kawasaki Mule in Current Year's Budget
Sale of Renewable Energy Credit, Horse Butte Wind Project
Scatec Solar Project Participation
Brigham City Rotary Club Donation of Brigham City Monument Sign to be Located at 1100 S and Main Street
Discuss Code Section 2.04.080 Government Records Access and Management (GRAMA) to Allow an Alternate Avenue of Appeal

PLANNING COMMISSION BUSINESS

Amendment to the Titles 29 and 4 to Allow Keeping of Residential Chickens
Amendment to General Plan Map to Modify the Land Use Designation for Area Located at the Southwest Corner of 800 South and 200 East Intersection from Commercial/Office Mix-Use to High Density Residential on Approximately 3.5 Acres
Zone Change Request from P-GC (Planned-General Commercial) to R-M-30 (Multiple Residential District) for Property Located at the Southwest corner of 800 South and 200 East Intersection on Approximately 3.5 Acres
Request to Amend Chapter 29.12 Residential and Multiple Residential Districts, Section 29.12.120(A) Protection of Single Family Residential Uses to Address a Reduction in the Planting Strip Requirement for Single Story Height Multi-Family Residential Buildings

MAKING LIFE BETTER – DEPARTMENT REPORTS

Flood Management Committee

OTHER BUSINESS

PUBLIC COMMENT

There were no comments from the public.

CONSENT

Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections

A list of accounts totaling \$5,864.02 was recommended for removal from the City's computer system due to non-payment or customer taking out bankruptcy. These accounts will be sent to the City's collection agency.

Appointment to Youth Commission Executive Board

It was recommended Michael Galica be appointed to the Youth Commission Executive Board.

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

NEW BUSINESS

Discuss Replacement of Golf Course Kawasaki Mule in Current Year's Budget

Mr. Foncesbeck came forward and explained that the 2003 Kawasaki Mule's engine seized up. They checked into replacing the engine and it would cost over \$2,000. He recommended it be replaced with an Easy Go for \$5,950. There is \$29,000 that has not been spent in the Fleet budget.

MOTION: Councilmember Marabella made a motion to approve the request to replace the golf course Kawasaki Mule in the current year's budget as presented. The motion was seconded by Councilmember Ericson and unanimously carried.

Sale of Renewable Energy Credit, Horse Butte Wind Project

Mr. Leonard came forward and reported that he attended a meeting with UAMPS and discussed the Horse Butte Wind Project. After a lengthy discussion, the committee decided they want to bring the broker in and get more information on what should be done and be advised on whether the Renewable Energy Credits (RECs) should be sold or whether they should be sold short term. This meeting will be held the first part of June.

Scatec Solar Project Participation

Mr. Leonard also reported that UAMPS needs a 50 MW subscription to consider this solar project. They are just under ten now, so they don't know if they will proceed. He asked if the Council would be interested in committing to two MW. There would be no cost to the City until they have a project they can put together. The Council agreed to commit to two MW.

Brigham City Rotary Club Donation of Brigham City Monument Sign to be Located at 1100 S and Main Street

Mr. Jim Moore, President of the Rotary Club, came forward and said the Rotary Club would like to donate a "Welcome to Brigham City" sign on the golf course property at 1100 South and Main. The Kiwanis and the Chamber of Commerce have also agreed to participate in the project. The sign would be made of stone and would be 10' X 12'. The letters will be black metal. They may also look at signs at other entrances to the City.

Councilmember Ericson said he would like to see the Brigham City arch as part of the sign. The Council agreed. Mr. Moore expressed concern with the additional cost to do that due to the expense of graving. The Council felt it was important to have this as part of the sign, even if the City has to subsidize it.

MOTION: Councilmember Christensen made a motion to approve the sign for entrance to Brigham City. Councilmember Marabella seconded the motion, unanimously carried.

Discuss Code Section 2.04.080 Government Records Access and Management (GRAMA) to Allow an Alternate Avenue of Appeal

Mr. Leonard asked if the Council would consider amending the Code to allow an appeal to go to the State Records Committee. The current City Code states that appeals will go to the Mayor. If he denies it, it goes to the City Council. If they deny it, it goes to the District Court. Mr. Morgan said that the State Code allows

appeals to go to the State Records Committee. After that, the appellant can still go to the court if so desired. This avenue protects the City from liability and it shortens the process.

MOTION: Councilmember Marabella made a motion to instruct staff to modify the City Code to have appeals to GRAMA requests go to the Appeal Board, which is the City Council and Mayor, and then to the State Records Committee, with the option that they can go to the District. This is pending final approval through the City Attorney. The motion was seconded by Councilmember Ericson and unanimously carried.

PLANNING COMMISSION BUSINESS

Amendment to the Titles 29 and 4 to Allow Keeping of Residential Chickens

Mr. Bradley came forward and explained that this would amend two titles in the City Code, Title 29 which is zoning and Title 4, Animals and Fowl.

In Chapter 29.12, Residential and Multiple Residential Districts, the amendment would make reference to the keeping of residential chickens and identifies it as a temporary license. The number of chickens would be based on the square foot area of the lot. The amendment also outlines standards for location of the shed, the chicken coop, and the coop size per chicken. Use of chickens would be for personal use only, not as a business.

Title 4 requires anyone wishing to have chickens to have a permit. There will be a \$10 filing fee and it would be good for two years.

Councilmember Vincent expressed concern with how this will be regulated. Chief Tittensor explained that they would regulate it the same way they do other animals, with the exception of dogs, which is the only animal that requires a license. Most regulations will be done through complaints from citizens.

Councilmember Marabella questioned whether \$10 is enough to cover the City's cost of monitoring this. Mr. Bradley agreed that it will not. It probably will not even cover the paperwork. The Planning Commission discussed this and some felt it was not enough and others thought it was too much. Part of the application process is supplementary educational information for Utah State University on raising chickens. Staff will have to follow up with the applicant for renewals. Once an application is received, staff will have to review the site plan, the location of the coop and the number of chickens that will be allowed. As the City gets complaints, they will have to coordinate with Animal Control. Unless the coop is over 200' square feet, staff will not need to do an on-site approval because it will not require a building permit.

MOTION: Councilmember Ericson made a motion to amend Titles 29 and 4 to allow keeping of residential chickens. Councilmember Jensen seconded the motion. Councilmember Christensen, Councilmember Ericson, Councilmember Jensen and Councilmember Marabella voted aye. Councilmember Vincent voted nay. The motion carried 4-1.

Amendment to General Plan Map to Modify the Land Use Designation for Area Located at the Southwest Corner of 800 South and 200 East Intersection from Commercial/Office Mixed-Use to High Density Residential on Approximately 3.5 Acres

Mr. Bradley stated that this and the following two items are associated with the Brigham Place Apartments. Originally, the apartments were going to be constructed behind the old K-Mart Building. However, after Utah State acquired the property, the developers had to find another location for the project. This amendment to the General Plan Map would accommodate the adjustments being made with the land transaction with USU and the future campus.

The Council expressed concern with the number of rentals in the City and asked Mr. Bradley to return to the Council with information on the percentage of rentals in the City and a comparison to other cities.

MOTION: Councilmember Marabella made a motion to amend the General Plan Map to modify land use designation for area located at the southwest corner of 800 South and 200 East intersection from commercial/office mixed-use to high density residential on approximately 3.5 acres contingent subject to

the land trade or purchase as presented. The motion was seconded Councilmember Ericson. Voting was unanimously in favor.

Zone Change Request from P-GC (Planned-General Commercial) to R-M-30 (Multiple Residential District) for Property Located at the Southwest Corner of 800 South and 200 East Intersection on Approximately 3.5 Acres

Mr. Bradley indicated on a map the area being recommended for rezone.

There was discussion on where Fishburn Drive will continue and who will maintain it. USU plans to do a traffic study. Ultimately, the Council will have control over where the road is constructed and if it is a public road, the City will have to maintain it. USU will be responsible to install curb, gutter and sidewalk.

MOTION: Councilmember Ericson made a motion to accept the change zone from Planned-General Commercial to R-M-30 for the property on the corner of 800 South and 200 East, seconded by Councilmember Jensen. All councilmembers voted in favor.

Request to Amend Chapter 29.12 Residential and Multiple Residential Districts, Section 29.12.120(A) Protection of Single Family Residential Uses to Address a Reduction in the Planting Strip Requirement for Single Story Height Multi-Family Residential Buildings

Mr. Bradley stated that this request is to amend a special provision in the Residential Multiple Residential zoning where there is a protection of multi-family to a single family residential use. As this ordinance was being developed, there were two-story, townhome-type apartments built up to single family zones or uses with a six-foot setback. This ordinance would require a 20-foot planting strip to create a buffer between a residential use and multi-family use. The developer proposed that the wording be "a minimum 20-foot wide planting strip shall be required between the multi-family dwelling and the property line. When a single-story height multi-family building adjoins any single family residential use the planting strip may be reduced to ten feet after ensuring there is no negative effect on the single family residence."

The Council was concerned with the working "no negative effect" because it is vague. The ordinance will be amended to state, "...the planting strip may be reduced to ten feet," removing the rest of the sentence.

MOTION: Councilmember Christensen made a motion to approve the request to amend Chapter 29.12 Residential and Multiple Residential Districts, Section 29.12.120(A) Protection of Single Family Residential Uses with the changes as presented. The motion was seconded by Councilmember Ericson and unanimously carried.

MAKING LIFE BETTER – DEPARTMENT REPORTS

Flood Management Committee

Mr. Buchanan, Chair of the Committee, reported that the Committee started meeting on a regular basis to evaluate the snowpack and determine how to deal with the abnormal amount of snow and the spring runoff. The committee verified that the reverse 911 works for everyone living along the channel and Filled and deployed approximately 8,000 sandbags.

Mr. Burnett said water is spilling at the Reservoir. This allows 1.7 kWh of power, which saves the City approximately \$1,300 per day on energy because it does not have to purchase from Rocky Mountain Power.

Mr. Foncesbeck reported that they have snow pole locations at various locations in the drainage area. They are going to put more up to provide an even more accurate representation of where the snow is.

Mr. Pugsley said they prepared a schedule where two employees would check the Mantua Feeder Canal, at the South Fork of the Box Elder Creek and would also check the entire length of the feeder canal, the Rocky Dugway drainage and the gun range. These were checked every two hours. This allowed employees to adjust the head gates because the flows change within 30 minutes to an hour. They also did checks at the Mayor's Pond, and all the pinch points and bridges throughout town from the Mayor's Pond to I-15.

Members of the committee are Jim Buchanan, Dave Burnett, Rene Cedillo, Bruce Leonard, Blake Fannesbeck, Tyler Pugsley.

OTHER BUSINESS

Budget Work Session

The Council scheduled a budget work session for May 24 at 10:30 AM.

A motion to adjourn to a closed session to discuss the character, professional competence or physical or mental health of an individual was made by Councilmember Marabella. The motion was seconded by Councilmember Ericson and carried unanimously. The meeting adjourned at 8:43 PM.