

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL**

April 5, 2018

7:03 pm

PRESENT: Tyler Vincent Mayor
DJ Bott Councilmember
Alden Farr Councilmember
Ruth Jensen Councilmember
Tom Peterson Councilmember
Mark Thompson Councilmember

ALSO PRESENT: Joseph Bach Fire Chief
Mark Bradley City Planner
Dave Burnett Public Power Director
Mary Kate Christensen City Recorder
Paul Larsen Community Development Director
Kristy Law Community Activities & Services Director
Mike Nelsen Police Chief
Derek Oyler Finance Director
Tyler Pugsley Public Works Director
Jason Roberts City Administrator

Mayor Vincent called the meeting to order. The Reverence Period was given by Pastor Steve Barsuhn from the Rocky Mountain Bible Church. The Pledge of Allegiance was recited.

Approval of Minutes: A motion to approve the minutes of the March 1, 2018 Work Session and Council Meeting; March 13, 2018 Special Meeting and March 16 and 17, 2018 Special Meeting was made by Councilmember Bott, seconded by Councilmember Jensen and unanimously approved as distributed.

AGENDA

RECOGNITION OF EMPLOYEES

New Hires, Public Works and Fire Department

CONSENT

Appointment to the Recreation and Parks Commission

Appointment of CERT Coordinator and Assistant CERT Coordinator

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

PUBLIC COMMENT

COUNCILMEMBER COMMENTS

NEW BUSINESS

Consideration of Resolution Adjusting Compost Tipping Fees

Consideration of Resolution Adjusting Field Use Fees

Consideration of Franchise Agreement with Rocky Mountain Power

Consideration of Temporary Agreement to Allow Encroachment into Public Right of Way

PLANNING COMMISSION BUSINESS

Consideration of North Forty Subdivision Phase 4 Final Plat Located at 1050 North 500 West

ADJOURN TO CLOSED SESSION

RECOGNITION OF EMPLOYEES

Tariana Minnick was introduced as the new Compost/Green Waste Facility Laborer. Sarah-Jane Martin was recently hired as an Administration Assistant in the Fire Department

CONSENT

Appointment to the Recreation and Parks Commission

It was recommended Scott Peck be appointed to the Recreation and Parks Commission.

Appointment of CERT Coordinator and Assistant CERT Coordinator

It was also recommended Larry Hennington be appointed as the CERT Coordinator and Brandie Trapier as the Assistant CERT Coordinator.

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

A list of accounts from January and February 2018 totaling \$10,973.81 was presented to be removed from the City's system due to customer taking out bankruptcy or being sent to collections.

PUBLIC COMMENT

David Nielsen, Brigham City – Mr. Nielsen asked if there was a policy for private bridges in public waterways, and if so, what the City is doing to enforce it. In 2005, the home he lives in was completely flooded. They lost their basement and yard – four years of work. They were told by the City in 2005 that there would be some kind of enforcement policy. Nothing has happened. After that, FEMA expanded the flood zone in Brigham City. His property does not touch the Box Elder Creek, but they were not able to get flood insurance because they are now in the flood zone. However, the 2005 flood was caused by a private bridge catching debris and acting as a dam. On March 22 of this year, there was another incident of a private bridge acting as a dam and catching debris. This caused lateral flooding. There is nothing property owners on either side of the creek can do, yet they are subject to the property owners and their decision to put something across the creek. Another issue with the expanded flood zone is that homeowners who get a loan are now required to pay \$800-\$2,000 in flood insurance every year, even though their property does not touch the creek. He said the City does seem to care about this because on Saturday after the recent flood, employees were at a private residence tearing out a bridge. He asked the Council to consider some kind of code and enforcement if someone wants a private bridge. If someone wants a bridge, there should be some kind of permitting process for it. Bridge piers should start back at least four feet from the edge of the creek, the bottom of the bridge center should be no less than two feet above the highest point of the bridge piers, one side of the bridge should be hinged, and the homeowner must be able to raise it at least six feet. He recommended they also be required to have an umbrella policy on their property sufficient to cover any losses sustained by their neighbors. Mr. Nielsen said it does not make sense that the City will not allow a private construction over a public roadway, but it is allowed over a public waterway. Mayor Vincent said he will have a member of his staff contact Mr. Nielsen.

Juliana Larsen, Brigham City – Ms. Larsen said she has been told that in order to do something with the creek there has to be permitting. Many years ago there was a way for Brigham City to clean the creek. They have been told that their property runs in the middle of the creek but they cannot clean it without a permit. She suggested looking at this and deciding if the creek needs to be cleaned, how often it needs to be done, and what the process is.

David Tea, County – Mr. Tea expressed concern with the proposed tipping fees later on the agenda. Mr. Tea has a tree trimming business, and these costs will have to be passed on to his customers. The proposed increases could double the amount customers pay. Another concern is that some tree trimmers may choose

to have customer remove the trimmings, and some aren't capable of doing that. This will leave piles of tree trimmings in yards.

DeAnna Hardy, County – Ms. Hardy said, referring to the golf course, that the federal government does not have the right to control state lands except for limited exceptions in the Constitution. The golf course only benefits a few.

COUNCILMEMBER COMMENTS

Councilmember Bott met with the CAS committee and they elected a new vice-chair and talked about recreation fees for play-as-you-go. The Chamber of Commerce met and they are already starting to plan for Peach Days.

Councilmember Thompson said Mosquito Abatement is getting ready for the upcoming season. Part-time employees are starting to work fulltime during the summer season. He attended the Airport Advisory Board meeting where they discussed skydiving at the airport.

Mayor Vincent attended Bingo Night at the Senior Center which supports Meals on Wheels. He thanked the citizens that volunteered during the recent flooding. He also expressed appreciation to City staff, who worked all day and all night, and didn't go home until late afternoon the following day.

NEW BUSINESS

Consideration of Resolution Adjusting Compost Tipping Fees

Mr. Pugsley came to the table and said they have been getting a surplus of green waste, especially trees, branches, etc. They have to rent a wood grinder, which costs several hundred dollars an hour. After they grind the materials, they use it in the compost operations and try to sell it. There is usually a surplus so they build a stockpile and discount the product. After the discounted sale, there is still a surplus so they truck the product to the landfill.

Another challenge is that a company from Ogden brings a tractor-trailer full of green waste to Brigham City's site because it is cheaper than dumping it in Ogden.

There is also a concern with illegal dumping by commercial haulers. Staff checks the load as they come in and it appears to be compliant, but debris is hidden under the green waste. Part of this resolution includes a cleanup fee for illegal dumping.

The resolution includes the following rates:

RESIDENT		NON-RESIDENT	COMMERCIAL (RESIDENT)	COMMERCIAL (NON-RESIDENT)
Light Truck (1 Ton or smaller)	No Charge	\$7	\$7	\$14
Single Axle Trailer	No Charge	\$ 7	\$14	\$14
Tandem Axle Trailer	No Charge	\$14	\$28	\$28
Truck (> 1 Ton)	No Charge	\$28	\$56	\$56
Truck w/pup (> 1 Ton)	\$150	\$250	\$300	\$300
Semi/Tractor Trailer	\$150	\$250	\$300	\$300

The resolution also changes the amount for cardboard drop-off. Mr. Pugsley said the City does not want to make money on this; they want to break even. Econo Waste provides the bins and charges \$150 for them to hook it and dump it. The current charge is \$5 per load. There have been people fill a moving truck and dump it. The resolution proposes a \$10 fee for a light truck, one ton or smaller, and \$25 for a truck over one ton. Passenger vehicles would still be \$5.

MOTION: A motion to approve the resolution adjusting the compost tipping fees as presented was made by Councilmember Bott, seconded by Councilmember Peterson.

Roll Call:

Councilmember Bott – aye
 Councilmember Farr – aye
 Councilmember Jensen – aye
 Councilmember Peterson – aye
 Councilmember Thompson – aye

Consideration of Resolution Adjusting Field Use Fees

Mr. Oyler joined Mr. Pugsley at the table and explained that for the last 30 years, recreation revenue has been deposited into a PTIF (Public Treasurer Investment Fund). Approximately 4-5 years ago this was changed, with approval of the Recreation and Parks Commission, to start budgeting for field use fee revenues and expenditures each year at a one-to-one ratio and no longer use the PTIF for any excess or deficit.

Mr. Pugsley said there are three changes to the fees:

- There is a new fee for pickleball tournaments. There is currently an hourly fee of \$20. This resolution adds a tournament fee of \$350 per day.
- A \$10/hour fee to reserve the Wadman Basketball Courts for tournaments or events. Individuals who do not want it reserved will not be charged this fee.
- An increase to \$20/game for use of lights at Pioneer Park.

MOTION: Councilmember Bott made a motion to approve the resolution adjusting field use fees, seconded by Councilmember Jensen. In a discussion following the second, Councilmember Peterson asked about the charge for use of pickleball courts. The current

charge is \$20 for two courts. The proposed change is \$20 per court. Mr. Pugsley said it should be two courts for \$20.

Councilmember Peterson asked if there will be some kind of notification to make users aware that the Wadman Courts are reserved. He also wondered if there are stipulations that the Wadman family has priority. Mr. Pugsley did not think there was anything in writing. He will have his staff place notification at the Wadman courts and the pickleball courts when they are reserved.

AMENDED MOTION: Councilmember Bott amended his motion to be contingent upon staff researching whether there are any family stipulations on the basketball courts. The amended motion was seconded by Councilmember Jensen.

Roll Call:

Councilmember Bott – aye
Councilmember Farr – aye
Councilmember Jensen – aye
Councilmember Peterson – aye
Councilmember Thompson – aye

Consideration of Franchise Agreement with Rocky Mountain Power

Mr. Burnett approached the Council and introduced Craig Bruderer from Rocky Mountain Power (RMP). Mr. Burnett explained that this is a renewal of a franchise agreement the City has had in place for approximately 30 years. There is approximately 20 miles of RMP lines in Brigham City.

MOTION: Councilmember Peterson made a motion to approve the ordinance granting an electric utility franchise and general utility easement to Rocky Mountain Power, seconded by Councilmember Bott.

Roll Call:

Councilmember Bott – aye
Councilmember Farr – aye
Councilmember Jensen – aye
Councilmember Peterson – aye
Councilmember Thompson – aye

Consideration of Temporary Agreement to Allow Encroachment into Public Right-of-Way

Mr. Bradley came forward and introduce Annette Graves, the applicant for this encroachment at B&B Billiards. This temporary agreement would allow B&B to have a fenced outdoor patio area in front of their building to serve customers. This would be in effect through October 1, 2018 or until the City Code has been updated.

MOTION: Councilmember Bott made a motion to approve the temporary permit to allow encroachment into the public right-of-way. The motion was seconded by Councilmember Peterson.

Roll Call:

Councilmember Bott – aye
Councilmember Farr – aye
Councilmember Jensen – aye
Councilmember Peterson – aye
Councilmember Thompson – aye

PLANNING COMMISSION BUSINESS

Consideration of North Forty Subdivision Phase 4 Final Plat Located at 1050 North 500 West

Mr. Bradley explained that this is the final phase in the North Forty Subdivision. There will be 18 lots on the south side, which will create the new 1050 North street which will connect to the southern portion of North Forty to 500 West.

MOTION: Councilmember Farr made a motion to approve the North Forty Subdivision Phase 4 final plat located at 1050 North 500 West. The motion was seconded Councilmember Bott and unanimously carried.

The Council adjourned to a Redevelopment Agency meeting at 8:05. They reconvened into a City Council Work Session at 8:26 p.m. to continue the discussion on impact fees. (*See Work Session minutes*) The Council returned to a regular session at 9:45 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 April 5, 2018 City Council Meeting.

Dated this 3rd day of May 2018.

Mary Kate Christensen

Mary Kate Christensen, Recorder