

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
June 6, 2019**

PRESENT:	Tyler Vincent DJ Bott Alden Farr Ruth Jensen Tom Peterson Mark Thompson	Mayor Councilmember Councilmember Councilmember Councilmember Councilmember
ALSO PRESENT:	Joseph Bach Mark Bradley Dave Burnett Mary Kate Christensen Mike Christiansen Paul Larsen Mike Nelsen Derek Oyler Tyler Pugsley Jason Roberts Kristy Wolford	Fire Chief City Planner Public Power Director City Recorder City Attorney Community Development Director Police Chief Finance Director Public Works Director City Administrator Community Activities & Services Director

Mayor Vincent called the meeting to order. The Reverence Period was given by Pastor Mike Galica of the Holy Cross Lutheran Church. The Pledge of Allegiance was recited.

**Approval of Minutes:** A motion to approve the minutes of the May 2, 2019 Council meeting and Work Session was made by Councilmember Bott, seconded by Councilmember Jensen and unanimously approved as distributed.

**AGENDA**

**RECOGNITION OF EMPLOYEES**

New Hires in Administration, Public Works, Police Department

**CONSENT**

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

**PUBLIC HEARING**

Ordinance to Vacate a Public Utility Easement used for a Fire Hydrant Waterline to Accommodate a Building Addition Located at 1050 N Watery Lane and Convey a New Easement with Re-Routing the Waterline

**PUBLIC COMMENT**

**COUNCILMEMBER COMMENTS**

**ACTION ITEMS**

Consideration of Haws Subdivision Preliminary and Final Plat at 140 East 1000 South

Consideration of the Haws Condominium Plat at 140 East 1000 South

Consideration of an Ordinance to Amend the Tannevista Planned District or Properties Associated with the Tannevista Subdivision Located at Approximately 1025 South 1250 East and to Establish Chapter 29.17, Tannevista Planned District, in the City Code

**ADJOURN TO CLOSED SESSION TO DISCUSS DEPLOYMENT OF SECURITY PERSONNEL,  
DEVICES OR SYSTEMS**

## **RECOGNITION OF EMPLOYEES**

The following are recent hires and were recognized at the meeting.

Jacob Lott	Part-Time Building Custodian
Mike Armfield	Collection System Operator
Chelsea Scott	Police Record Clerk
Justin Penrod	Police Officer
Ali Alireza	Police Officer

Chief Nelsen presented Justin and Ali with their badges.

## **CONSENT**

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

A list of accounts totaling \$4,321.72 was presented to be removed from the City's system due to customer taking out bankruptcy or being sent to collections.

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

## **PUBLIC HEARING**

### **Ordinance to Vacate a Public Utility Easement used for a Fire Hydrant Waterline to Accommodate a Building Addition Located at 1050 N Watery Lane and Convey a New Easement with Re-Routing the Waterline**

Mr. Bradley came to the table and explained that Nucor Building Systems plans to add a 42,400 sq. ft. addition. In order to do that need to reroute the waterline. There is a 25' wide public utility easement. This ordinance would vacate that portion of easement and convey a new easement in its place.

A motion to open the public hearing was made by Councilmember Peterson, seconded by Councilmember Bott and unanimously carried. There were no comments from the public. Councilmember Peterson moved to close the public hearing, seconded by Councilmember Bott and carried unanimously.

**MOTION:** Councilmember Bott moved to approve the ordinance to vacate a public utility easement used for a fire hydrant waterline to accommodate a building addition located at 1050 N Watery Lane and convey a new easement with re-routing the waterline. The motion was seconded by Councilmember Peterson.

### **Roll Call:**

Councilmember Bott – aye  
Councilmember Farr – aye  
Councilmember Jensen – aye  
Councilmember Peterson – aye  
Councilmember Thompson - aye  
The motion was unanimously carried.

## **PUBLIC COMMENT**

Louise Cefalo, Brigham City – Ms. Cefalo said she was surprised the Council was still considering a recreation building. It was voted down by the community, so she thought it was over. The median household in Brigham City is much, much lower than the State of Utah and the United States. She did not feel there was the income in Brigham City. If another 10% is added to their property tax, they will not have enough

money to enjoy the facility. Not only will they have to pay more taxes to build it, they'll also have to pay to get in. She felt Brigham City has the best recreation center in the great outdoors. There is no longer the thriving days when Thiokol was thriving and a lot of their employees lived in Brigham City. It is hurting the lower than average income families when they don't have it. She asked why it is being considered when the citizens voted against it in the 2018 election.

T.J. Sutton, Brigham City – Dr. Sutton said the community has a need for a recreation center. There are not enough gym facilities for all the basketball and volleyball teams. Some may say there are plenty of gyms, but the City cannot use them. He has been to other cities comparable in size to Brigham with beautiful recreation centers. It doesn't make sense that Brigham doesn't have a recreation center. If it's true that Vulcraft is willing to do plans for free and donate steel, the building would probably cost half as much. It would be foolish not to do it. He has been a coach and has tried to schedule gyms for practice, but there is not enough for all the teams. Dr. Sutton said he was a proponent of the center.

Aaron, Brigham City – Aaron said he coaches several sports at the high school and has the opportunity to work with a lot of the youth in the community. This week he worked with 130 girls playing basketball every morning from 7:30 a.m. to 12:30 p.m. There are not enough facilities. For those that think building a rec center is too expensive, he argued that the current system is too expensive and that the average citizen cannot participate because of the cost to get into facilities. The schools cannot provide everything that needs to be provided. This is for the public good, an investment in the community, an investment in the children.

Kris Harding, Brigham City – Ms. Harding teaches and coaches in Brigham City. She has been teaching and coaching for 14 years. During that time there has always been a shortage of gyms. The high school developed some new programs: color guard, cheer, Rockettes, etc. But there is not a place for them to practice. The most difficult months at the high school are between November and February. During that time, the high school programs are displaced and they are practicing in the hallways and the common areas because the main sport teams are using all the gyms. In addition, because of the lack of gyms, the students are practicing late. Some as late as 10:30 p.m. She runs a club volleyball program for students from fourth grade to seniors. She has to turn people away because there are not enough gyms to accommodate them. She could get gyms in other communities, but they would charge \$35-\$45/hour. She would then have to pass that on to the participants, some of which cannot afford an additional fee.

DJ Savage – Mr. Savage said he also coaches and teaches at the high school. He said he was in favor of the rec center so his kids can get some gym space. The sophomore basketball team has to go to three different gyms because there is no place to practice at the high school. He also expressed concern with the single entrance going into the pickleball area, with kids playing in their front yard. A few times a year there are big pickleball tournaments and traffic is busy in that area. There should be another entrance.

John Webster, Brigham City – Mr. Webster said he understands the concerns regarding money. This project is substantially different than the last proposal that was voted down. The scope of the building and the cost is significantly smaller. Sports enrich the community. It makes Brigham City a healthier community, a happier community, a more connected community. It saves money in health insurance. If the decision is made to move forward, he recommended looking at Heber's and Washington City's recreation centers.

Cathy Price, Brigham City – Ms. Price owns Premium Meat at 1100 West and 600 North. She called CenturyLink to upgrade her internet. They told her the maximum speed she could have was 2.5 MG. She called UTOPIA and was told that the fiber optic line does not quite go to their property. When it does reach their business, she was told she would have to be \$139/month rather than the \$39/month residential users pay. She is being penalized as a business by UTOPIA, which she is already paying taxes on, by an additional \$1,200/year. She hoped the City would bring it out that far, because she did not want to pay Brigham City taxes or sales tax and not be able to have access to UTOPIA. She also said she did not think \$100 charge

over a residential connection was very business oriented. She said a lot of money goes into the Historic Downtown, but it needs to go further than that.

Julieann Larsen, Brigham City – Ms. Larsen said she has listened to people talk about pickleball courts and parks and recreation. She has also been listening to the Council's budget meetings and trying to understand how the Council is arriving at the point they are going to. She felt that the problem was need vs. want. If taxes are raised, make sure it is something that needs to be paid with the citizens' tax dollars. The citizens voted down the recreation center and other items. The City started building more pickleball courts with donations and funding from other sources. Now suddenly, the first thing on the budget agenda was the building of a new recreation complex. It will not be funded by revenue directly from a tax increase, but from a bond. She asked the Council to be sure they know the difference between needs and wants.

DeAnna Hardy, County – Ms. Hardy was very concerned that voters did not approve the recreation center and now the City is ignoring the voters and building it anyway. She also spoke regarding the Transient Ordinance that was previously presented to the Council. If there is criminal activity at hotels, the Police Department should get a warrant.

### **COUNCILMEMBER COMMENTS**

Councilmember Jensen told the Council and those in the audience that the Mad Hatters Ball is Friday, June 21. There is also a big golf event on June 22.

Councilmember Peterson attended the Police Banquet. It is humbling to watch the police officers receive lifesaver awards. Their level of commitment is astounding.

Councilmember Thompson also attended the Banquet. Not only the officers, but their families also sacrifice a lot. He attended the Mosquito Abatement Board. Mosquitos are going to be plentiful this year. They will start aerial spraying in about two weeks. At the Airport Advisory Board, it was announced that a skydiving company is interested in bringing their operation to Brigham City.

Mayor Vincent attended the Police Banquet also. They talked about Asst Chief Dennis Vincent and how hard it has been for the Police Department. He said some residents may not think it is the City's responsibility to provide activities for the youth, but he believes it takes a community to raise a child. We should be invested in Brigham City, not only our own families, but other families as well. He presented awards at Foothill School for those who read a combined two million minutes. He has been at the splash pad three times and it has been packed with mothers and their kids.

### **ACTION ITEMS**

#### **Consideration of Haws Subdivision Preliminary and Final Plat at 140 East 1000 South**

Mr. Bradley came forward and said the Haws would like to subdivide their property into four lots. The main purpose for this request is so Lot #1 with the building would become a condominium plat so they can sell space. The other properties could be developed later.

**MOTION:** Councilmember Bott moved to approve the subdivision preliminary and final plat at 140 East 1000 South. The motion was seconded by Councilmember Farr.

#### **Roll Call:**

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

The motion carried 5-0.

**Consideration of the Haws Condominium Plat at 140 East 1000 South**

Mr. Bradley explained that this would create a condominium subdivision plat in order to sell the basement of his building. The area outside the building will be common areas.

**MOTION:** Councilmember Thompson moved to approve the Haws Condominium Plat at 140 East 1000 South. The motion was seconded by Councilmember Farr.

**Roll Call:**

Councilmember Bott – aye  
Councilmember Farr – aye  
Councilmember Jensen – aye  
Councilmember Peterson – aye  
Councilmember Thompson - aye  
The motion carried 5-0.

**Consideration of an Ordinance to Amend the Tannevista Planned District or Properties Associated with the Tannevista Subdivision Located at Approximately 1025 South 1250 East and to Establish Chapter 29.17, Tannevista Planned District, in the City Code**

Mr. Bradley stated that this is currently a Planned Unit Development, but it does not have a separate chapter in the City Code. The current planned district restricts the number of accessory buildings and the size of accessory buildings in a designated building area. The applicant would like to build a 2-story garage with a 6-car capacity.

During staff review, there was concern from the Fire Department due to limited access up to the property and services the City could provide for the subdivision. Therefore, there is a hold harmless agreement by the residents that if the City is not able to service this area, as well as some standards for the building material and the clearance around the accessory buildings.

Councilmember Peterson questioned the restrictions. He felt they were very restrictive for a residential subdivision. Mr. Bradley explained that this subdivision is a M-U-160 which typically requires one dwelling on 160 acres. When it was approved, there were reasons they allowed smaller lots. He added that this area is currently zoned as a PUD. It is currently more restrictive than what the proposed ordinance would be. The property owners are aware of the issues and agree with the hold harmless agreement.

Councilmember Peterson recommended removing the subtitles under 29.17.0404(B)(c). He struggled with the stipulations being so specific by naming buildings. Instead, he recommended specific footage restrictions. Mr. Bradley explained the reason for listing the future pool house and an additional permitted building is so the owners don't need to go before the Planning Commission and City Council when they are ready to build these buildings. Councilmember Peterson said that #2 already states that there can be four accessory buildings with a combined area not exceeding 12,000 sq. ft. He also recommended removing the two existing items from the list. Mr. Bradley stated that could be done.

**MOTION:** Councilmember Peterson moved to approve the ordinance to amend the Tannevista Planned District or properties associated with the Tannevista Subdivision located at approximately 1025 South 1250 East and to establish Chapter 29.17, Tannevista Planned District, in the City Code with the deletion a.-d. of Section 29.17.040(B)(2). The motion was seconded by Councilmember Jensen.

**Roll Call:**

Councilmember Bott – aye  
Councilmember Farr – aye  
Councilmember Jensen – aye

Councilmember Peterson – aye  
Councilmember Thompson - aye  
The motion unanimously carried.

The meeting adjourned at 8:09 p.m.

*The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the June 6, 2019 City Council Meeting.*

*Dated this 18th day of July 2019.*

*Mary Kate Christensen*  
Mary Kate Christensen, Recorder