

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL**

**April 1, 2021
7:00 P.M.**

PRESENT:	Tyler Vincent	Mayor
	D.J. Bott	Councilmember
	Alden Farr	Councilmember
	Joe Olson	Councilmember
	Tom Peterson	Councilmember
	Robin Troxell	Councilmember
ALSO PRESENT:	Christina Boss	City Recorder
	Rick Bosworth	Human Resources Director <i>via Zoom</i>
	Dave Burnett	Public Power Director <i>via Zoom</i>
	Paul Larsen	Community & Economic Dev Director <i>via Zoom</i>
	Mike Nelsen	Police Chief
	Derek Oyler	Finance Director
	Jason Roberts	City Administrator
	Lynna Shin	Associate City Attorney
	Brandon Thueson	Fire Chief
	Kristy Wolford	Community & Activities Services Director
	Mike Young	Assistant Fire Chief & Fire Marshall

Mayor Vincent called the meeting to order at 7:00 p.m. and Chief Thueson gave the Reverence Period. The Pledge of Allegiance was recited.

AGENDA

CONSENT

Request for Approval of March 18, 2021 City Council Meeting Minutes
Request to Write-off Accounts Due to Bankruptcy or Being Sent to Collections
Appointments to the Recreation and Parks Commission and the Advisory Council on Aging

PUBLIC HEARING

Consideration of Resolution Amending FY 2020-21 Budget

**PUBLIC COMMENTS FROM BRIGHAM CITY RESIDENTS AND THOSE PAYING
PROPERTY TAXES IN BRIGHAM CITY**

COUNCILMEMBER COMMENTS

ACTION ITEMS

Consideration of Ordinance Adding Chapter 13.04 Open Burning Prohibited and Fire Restrictions

DISCUSSION ITEMS

Update on Utopia Special Assessment Area Outstanding Accounts
John Gullo Monument Discussion
Discussion on Reopening Senior Center

ADJOURN TO REDEVELOPMENT AGENCY MEETING

**ADJOURN TO CLOSED SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF
REAL PROPERTY**

CONSENT

Approval of March 18, 2021 City Council Meeting Minutes

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

A list of accounts totaling \$552.14 was presented to be removed from the City's system due to customers taking out bankruptcy or being sent to collections.

Reappointments to the Recreation and Parks Commission and Appointments to the Advisory Council on Aging

It was recommended that Josh Musselman, Dave Johnson, and Greg Martz be reappointed to the Recreation & Parks Commission and Sharon Bingham and Zenock Bishop be appointed to the Advisory Council on aging. Mayor Vincent expressed his appreciation for their willingness to serve.

MOTION: A motion to approve the Consent agenda was made by Councilmember Bott, seconded by Councilmember Olson, and unanimously carried.

Mayor Vincent requested Discussion Item number 2 be heard prior to the Public Hearing as it was included in the budget revision.

DISCUSSION ITEMS

John Gullo Monument Discussion

Mr. Oyler came to the podium and reminded the Council that the City entered into an Agreement which included installation of a monument at the pickleball facility. He displayed a rendering of the proposed entry plaza and sign. The sign included a steel archway supported by two pillars. The monument included removable 11 x 17 pavers for the TOC winners from 2013-2030 and benches on each side of the monument. The existing rock monument on the north side of the TOC courts would be removed and the Phase 1 donor wall would be moved to the back side of the pillars. The current year budget for the project is \$18,000. \$9,800 came in as a donation from the Northern Utah Pickleball Club. They also donated \$10,000-12,000 in the prior budget year to surface the first 6 courts. The Club is looking at a lighting and net upgrades donation in a future budget year.

The quote for the project is \$48,375. The parking lot lights which are included in the project budget, would be approximately \$12,500.

The Council’s discussion included:

- TOC national tournament status
- Additional TOC winner pavers for future years
- Monument fundraising
 - Donor pavers
 - Phased approach
 - Non City staff fundraising
- Project timeframe
- Construction phased approach
- Light pollution and surrounding homes

PUBLIC HEARING

Consideration of Resolution Amending FY 2020-21 Budget

Mr. Oyler came to the podium and outlined the proposed changes to the budget.

Fund/Project	Amount	Revenue	Expense
<u>Library Fund</u>			
LSTA Grants	\$ 5,000	Grant Revenues	Grant Expenses
Facility Expenditures	\$ 10,000	Fund Balance	Facility Expenses
Friends of the Library Donation	\$ 15,000	Donation Revenue	Donation Expense
Building Cleaning	\$ 2,500	Fund Balance	Cleaning
<u>General Fund</u>			
Transfer to Capital Project Fund:			

\$95,000 for Recreation Office \$48,375 for Pickleball Monument	\$143,375	Fund Balance	Transfer to CIP Fund
Community Center Remodel	\$ 12,760	Fund Balance	Remodel Expenses
<u>Capital Project Fund</u>			
Recreation Office	\$ 95,000	Transfer from General Fund	Increase in Fund Balance
Pickleball Monument	\$ 48,375	Transfer from General Fund	Monument Construction

The approved Recreation office budget was \$1,000,000. The project came in under budget at \$827,492. Mr. Oyler explained that the entire \$1,000,000 was not transferred from the General Fund to the Capital Project Fund in the prior year. This amendment would transfer \$95,000 from the fund balance in the General Fund.

The City Council previously approved a \$72,000 budget revision for the removal of the Senior Center stage. As with the previous item, at the time of the approval the entire amount was not transferred into the Capital Project Fund. This amendment would transfer \$12,760 out of fund balance in the General Fund to the Capital Project Fund.

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

MOTION: A motion to approve the Resolution Amending the FY 2020-21 budget was made by Councilmember Bott and seconded by Councilmember Olson.

Roll Call: Councilmember Farr – aye
Councilmember Troxell – aye
Councilmember Peterson – aye
Councilmember Bott – aye
Councilmember Olson – aye

PUBLIC COMMENTS

Julianna Larsen – Ms. Larsen commented on a recent Planning Commission meeting and asked why a City Councilmember does not sit on the Planning Commission.

Gail Yngve – Ms. Yngve was concerned about the effects of open burning on those with health issues and asked if the law could be reviewed.

COUNCILMEMBER COMMENTS

Councilmember Olson – appreciated the conversation on the TOC monument. He thanked Ms. Wolford for her hard work on the TOC and Mr. Oyler for his work on City finances.

Councilmember Farr – echoed Councilmember Olson’s sentiments and is grateful to live in a great community of City employees and citizens.

Councilmember Troxell – was glad to feel we are getting back to normal with the public attending Council meetings and making comments.

Councilmember Peterson – thanked staff and employees for their hard work and all they do for the City.

Councilmember Bott – shared his experience and pride in watching the water crew work to repair a leak on Main Street and the care the crew took in preventing rocks from doing any damage to traffic.

Mayor Vincent – was grateful for the opportunity to attend the Chief’s Conference in St. George. Classes included obstacles law enforcement personnel face on a daily basis and the additional effects of COVID. He thanked staff, employees, and Councilmembers for their dedication and for meeting the City goal and being “All In.”

ACTION ITEMS

Consideration of Ordinance Adding Chapter 13.04 Open Burning Prohibited and Fire Restrictions

Chief Thueson and Assistant Chief Young came to the podium. Chief Thueson briefly reviewed the proposed ordinance. The language came from the Division of Air Quality standards, State Fire Code, and existing Brigham City Fire Department policy. He noted that the annual fire restriction order, which is normally brought before City Council for approval every year, was included to become effective every July 1st. Assistant Chief Young added that the proposed ordinance allows the Fire Department to have enforceable action for offenders. He distributed a Firework Restriction Areas map to Council and staff.

Discussions included:

- Firepit and grilling locations
- Firework restriction boundary lines
- Education, citation, and civil action processes

Ms. Shin explained that public nuisances and the citation for same can only be considered an infraction. She proposed amending the language in 13.04.090 to read:

1. Any person accused of a first-time violation, may be found guilty of failure to abate a public nuisance.
2. A subsequent violation could be charged as a Class B misdemeanor.
3. The city attorney may institute civil action to sue for damages caused by the failure to abate a public nuisance.

She further explained that when someone is charged with an infraction, they could be offered a plea in abeyance agreement. This would give an opportunity for education and basically states that if the person charged does not commit the same offense within six months, the infraction would be put in abeyance.

Chief Thueson suggested adding an exception to 13.04.060 to clarify that grills and outdoor cooking are not part of the 25-foot setback from structures requirement.

Councilmember Peterson was against section 13.04.070 boundary line restrictions for certain residents in restricted areas based on minimal risk. Assistant Chief Young explained that the boundary is a straight line from 600 East to 1100 South. Chief Thueson advised that the goal is justification and enforcement of the boundary.

MOTION: Councilmember Bott made a motion to table the ordinance to give staff an opportunity work on the suggested changes. Mr. Roberts proposed Council approve the ordinance with the changes as discussed and staff could bring back section 13.04.070 at a later date. Councilmember Bott rescinded his motion. Councilmember Peterson made a motion to approve the Ordinance adding Chapter 13.04 Open Burning Prohibited and Fire Restrictions, excluding 13.04.070, Annual Fire Restriction Order, and adding an exception in 13.04.060, Recreational Fires – Without Permit, for outdoor cooking and grills, and adding the language proposed by Ms. Shin in 13.04.909, Violation a Misdemeanor. The motion was seconded by Councilmember Olson.

Roll Call: Councilmember Bott – aye
Councilmember Olson – aye

Councilmember Farr – aye
 Councilmember Troxell – aye
 Councilmember Peterson – aye

DISCUSSION ITEMS

Update on Utopia Special Assessment Area Outstanding Accounts

Mr. Oyler approached the podium and updated the Council on the special assessment area (SAA) lien analysis.

2010	1,201 Residential Fiber Optic Lien Assessments - \$3,000/each	
Current	774 accounts paid in full	
	359 delinquent accounts	\$ 215,773
	68 current accounts	777,224
	Assessment receivable	992,997
	Debt service principle	(467,000)
	Debt service interest	(30,056)
	SAA Fund Balance	(449,966)

The lien assessment payoff amount for each of the 25 customers who have never made a payment is \$5,013.69.

Discussion on Reopening Senior Center

Ms. Wolford came to the podium and stated that the purpose of her report was to build an already established best practices and requirements that address specific health and safety concerns related to the spread of COVID.

- 1st priority is Meals on Wheels using best practices
- Reopening will occur at green status (low transmission) as authorized by City Council

She reviewed patron services and activities and will consider numbers and processes with the recent updates to the senior center facility. There will also be a stringent sanitization policy. Staff is ready to open and working diligently to ensure the safety of the senior patrons. There was a brief discussion on mask mandates.

The meeting adjourned to a Redevelopment Agency meeting at 9:37 p.m. The meeting adjourned to a regular City Council meeting at 9:40 p.m. and adjourned. There was no closed session.

The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the April 1, 2021 City Council Meeting.

Dated this 16th day of April, 2021.

Christina Boss

Christina Boss, Recorder