

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
August 5, 2021
7:00 P.M.**

PRESENT: Tyler Vincent Mayor
Alden Farr Councilmember
Joe Olson Councilmember
Tom Peterson Councilmember
Robin Troxell Councilmember

ALSO PRESENT: Christina Boss City Recorder
Mark Bradley City Planner
Dave Burnett Public Power Director *via Zoom*
Mike Christiansen City Attorney
Mike Nelsen Police Chief
Derek Oyler Finance Director
Tyler Pugsley Public Works Director
Jason Roberts City Administrator

EXCUSED: D.J. Bott Councilmember

Mayor Vincent called the meeting to order at 7:01 p.m. The Reverence Period was given by Bishop Korth and the Pledge of Allegiance was recited.

AGENDA

CONSENT

Request for Approval of July 15, 2021 Work Session and City Council Meeting Minutes
Request to Write-off Accounts Due to Bankruptcy or Being Sent to Collections

PUBLIC HEARING

Consideration of Ordinance Vacating Public Utility Easements Associated With Proposed Easter Falls Subdivision Located at 694 and 698 N. Highland Boulevard
Consideration of Ordinance Vacating Portions of Sewer Easements Located in Glen Hollow Subdivision Phase 4 Area at 600 South and 1100 West

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

COUNCILMEMBER COMMENTS

ACTION ITEMS

Consideration of No-Dedication Combined Preliminary/Final Plat Approval for Easter Falls Subdivision Located at 694 and 698 N. Highland Boulevard
Consideration of Final Plat Approval for Glen Hollow Subdivision Phase 4 Located at 600 South and 1100 West
Consideration of Preliminary Plat Approval for Apple Grove Phase 4 Subdivision Located at 350 North and 700 West
Consideration of Preliminary Plat Approval for Brigham Vista Subdivision Preliminary Plat Located at Skyline and Michelle Drive
Consideration of Ordinance Amending Title 29 Zoning to Allow for Internal Accessory Dwelling Units Within Single Family Dwellings and Establish Standards and Regulations

DISCUSSION ITEMS

Strategic Water Management

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

CONSENT

Approval of July 15, 2021 Work Session and City Council Meeting Minutes

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

A list of accounts totaling \$535.58 was presented to be removed from the City's system due to customers taking out bankruptcy or being sent to collections.

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

PUBLIC HEARING

Consideration of Ordinance Vacating Public Utility Easements Associated With Proposed Easter Falls Subdivision Located at 694 and 698 N. Highland Boulevard

Mr. Bradley came forward and explained this proposed item would adjust the boundary line between parcels owned by the City and the Straubs. He displayed the aerial images and explained the City's parcel is an undeveloped access road to the utility corridor and the Straubs parcel is a single-family dwelling. Each of the lots have a 10-foot easement. The procedure would be to vacate the easement and grant a new easement. Franchise utility providers have been notified. Mr. Roberts further explained that years ago improvements were made to the Straubs property which encroached on City property. The City would be selling that portion to the Straubs.

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

Mr. Roberts stated the motion for this item would be made together with the action item.

Mayor Vincent took a moment to excuse Councilmember Bott from the meeting.

Consideration of Ordinance Vacating Portions of Sewer Easements Located in Glen Hollow Subdivision Phase 4 Area at 600 South and 1100 West

Mr. Bradley displayed Phase 4 on the screen and pointed out the diagonal sewer main that runs through the property. The preliminary plat discussion allowed the abandonment of the line and rerouted it along the south property line. Portions of three sewer easements would be vacated to allow for the rerouting of the sewer main.

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

As with the previous item, the motion for this item was included with the action item.

PUBLIC COMMENTS

Chief Michael Nelsen – Chief Nelsen came forward to thank the community for their support through the loss of Sergeant Chad Panter.

COUNCILMEMBER COMMENTS

Councilmember Peterson – echoed Chief Nelsen's sentiments and expressed his appreciation and respect for first responders. He thanked all City employees for the work they do.

Councilmember Olson – also appreciated the City's Police Department and recognized Sergeant Panter and his surviving family for their contribution to the community.

Councilmember Troxell – congratulated the August yard of the month. She attended the Night Out Against Crime and said it was well attended. She commented on the overwhelming sense of support from the community during Sergeant Panter’s funeral service. She sent her condolences to his family and to City employees.

Mayor Vincent – recognized the Police Department and was grateful for the community’s outpouring of love and support. He thanked the Utah Highway Patrol and the Box Elder County Sheriff’s Department and adjoining cities who supported Brigham City during the funeral. He asked the community to keep the police officers and Sergeant Panter’s family in their prayers and thanked Chief Nelsen for his leadership. Mayor Vincent enjoyed Night Out Against Crime and reminded folks about the Community BBQ.

ACTION ITEMS

Consideration of No-Dedication Combined Preliminary/Final Plat Approval for Easter Falls Subdivision Located at 694 and 698 N. Highland Boulevard

Mr. Straub was asked to give a brief history of the property. He explained that the City survey showed the property line was six feet from his garage at 694 N. Highland. When they purchased the home eight years ago, they did not get a survey. The landscaping to the north was installed when the house was built in 1994. He chose to purchase the previously discussed portion of the property from the City in order to make his home whole.

Mr. Bradley stated the item went before the Planning Commission who recommended approval to the City Council subject to addressing staff comments, stipulations and findings of facts. Mr. Roberts explained the Straubs would be paying market price for the property which is approximately 2,334 square feet.

MOTION: Councilmember Farr made a motion to approve Ordinance to vacate the public utility easement associated with the proposed Easter Falls Subdivision located at 694 and 698 N. Highland Boulevard and approve the no-dedication combined preliminary/final plat for Easter Falls Subdivision located at 694 and 698 N. Highland Boulevard. The motion was seconded by Councilmember Olson.

Roll Call:	Councilmember Troxell	Aye
	Councilmember Olson	Aye
	Councilmember Peterson	Nay
	Councilmember Farr	Aye

Consideration of Final Plat Approval for Glen Hollow Subdivision Phase 4 Located at 600 South and 1100 West

Mr. Bradley said there are 23 townhomes in Phase 4. He displayed the plat on the screen and pointed to the access at the end of 600 South that leads to the head gate, irrigation diversion box, and ditch in the southwest corner. That access would remain for use by farmers. Staff recommended approval subject to addressing the July 15th staff review comments, approval of vacation for existing sewer easement portions, and entering into the Escrow Agreement prior to recording the plat. The CC&Rs were recorded with Phase 1.

MOTION: Councilmember Peterson made a motion to approve the final plat for Glen Hollow Subdivision Phase 4 located at 600 South and 1100 West. The motion was seconded by Councilmember Olson.

Roll Call:	Councilmember Olson	Aye
	Councilmember Troxell	Aye
	Councilmember Peterson	Aye
	Councilmember Farr	Aye

MOTION: Councilmember Peterson made a motion to approve the Ordinance vacating the sewer easement allowing the rerouting of the sewer lateral as detailed in the site plan.

The motion was seconded by Councilmember Olson.

Roll Call:	Councilmember Farr	Aye
	Councilmember Peterson	Aye
	Councilmember Olson	Aye
	Councilmember Troxell	Aye

Consideration of Preliminary Plat Approval for Apple Grove Phase 4 Subdivision Located at 350 North and 700 West

Mr. Bradley mentioned the remnant parcel had been resolved by the title company and the County Recorder's office. He displayed the aerial on the screen and stated there are 6 lots and a remainder parcel to be developed at a later date. He reviewed connectivity of the area streets. The Planning Commission recommended approval to the City Council subject to addressing staff review comments, stipulations and noted findings of facts.

MOTION: Councilmember Olson made a motion to approve the preliminary plat for Apple Grove Phase 4 Subdivision located at 350 North and 700 West. The motion was seconded by Councilmember Peterson.

Roll Call:	Councilmember Peterson	Aye
	Councilmember Farr	Aye
	Councilmember Olson	Aye
	Councilmember Troxell	Aye

Consideration of Preliminary Plat Approval for Brigham Vista Subdivision Preliminary Plat Located at Skyline and Michelle Drive

Mr. Bradley displayed the three parcels within the project area. The preliminary plat showed a stub street at 400 East and a bulb turnaround in Phase 2. The applicant is working with property owners on either side of the proposed access (Lot 2) for the remnant portions. Either the plat for Lots 1-3 would be amended or the two lots would be included in the new subdivision and the applicant would do a plat amendment. Connectivity would need to tie in with Perry City.

MOTION: Councilmember Olson made a motion to approve the preliminary plat for Brigham Vista Subdivision Preliminary Plat located at Skyline and Michelle Drive. The motion was seconded by Councilmember Farr.

Roll Call:	Councilmember Troxell	Aye
	Councilmember Olson	Aye
	Councilmember Peterson	Aye
	Councilmember Farr	Aye

Consideration of Ordinance Amending Title 29 Zoning to Allow for Internal Accessory Dwelling Units Within Single Family Dwellings and Establish Standards and Regulations

Mr. Bradley presented the additional IADU parking options as requested by the Council at a previous meeting. Alternatives included:

- the front yard setback area adjacent to and abutting the existing driveway either (1) between the driveway and side property line or (2) on the interior side of the driveway not greater in width than ten (10) feet
- the front yard setback area directly behind the side yard parking space as a tandem space
- the front yard setback area adjacent to and abutting the existing driveway not greater in width than ten (10) feet

Additional language was presented concerning clear view, curb cuts and Public Works standards, and homeowner's association approval where applicable.

Councilmember Peterson had concerns with the City regulating parking when the residence was owner occupied. He felt it was the owner's responsibility to provide adequate off-street parking and the ordinance should simply state that on street parking is not allowed. There was a discussion about the parking options and Code language. Mr. Christiansen added that the Code language was addressed from the renter's perspective. Councilmember Olson favored designated parking to protect the IADU tenant. Councilmember Peterson was concerned about enforcement. Mr. Roberts felt IADU parking would have the same enforcement as single-family residences.

MOTION: Councilmember Farr made a motion to approve the Ordinance amending Title 29 Zoning to allow for internal accessory dwelling units within single family dwellings and establish standards and regulations. The motion was seconded by Councilmember Olson.

Roll Call:

Councilmember Troxell	Aye
Councilmember Olson	Aye
Councilmember Peterson	Aye
Councilmember Farr	Aye

DISCUSSION ITEMS

Strategic Water Management

Mr. Pugsley came to the podium and stated water restrictions have been imposed on some areas due to drought conditions across the State. Currently Brigham City does not have any water restrictions due to the number of water resources in the City and in the Mantua drainage areas. Mr. Pugsley talked about the City's aquifer storage and recovery program, well sources, Mantua Reservoir's water level, irrigation needs, and the City's Water Conservation Plan. Staff recommended no water restrictions for residents. Regarding Mantua Reservoir replenishment, once irrigation season is over, the City will not generate out of the lower Power Plant. Also, two other major sources in Mantua feed the reservoir during the winter months. Mr. Roberts spoke about future growth and annexation and the allocation of water to those areas.

ADJOURN TO CLOSED SESSION

A motion to adjourn to a closed session to discuss the purchase, exchange or lease of real property was made by Councilmember Farr and seconded by Councilmember Olson. A roll call vote was taken with all Councilmembers voting aye. The meeting adjourned to a closed session at 9:18 p.m.

The Council returned to an open meeting at 10:30 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 August 5, 2021 City Council Meeting.

Dated this 20th day of August, 2021.

Christina Boss

Christina Boss, Recorder