NOTICE AND AGENDA
BRIGHAM CITY ELECTRONIC COUNCIL MEETING

Thursday, February 17, 2022 7:00 P.M.
City Council Chambers, 20 North Main
To View Live Meeting Visit:
https://www.bcutah.org/city-council.htm OR
https://www.youtube.com/user/brighamcitycorp

Thought, Reading or Invocation: Bishop Weight, 19th Ward
Pledge of Allegiance

7:05 CONSENT

1. Request for Approval of February 3, 2022 City Council Meeting Minutes
2. Request to Write-off Accounts Due to Bankruptcy or Being Sent to Collections

7:06 PUBLIC HEARING [1] *(Items may be brought to a vote following the public hearing as deemed necessary)*

1. Consideration of Resolution Amending FY 2021-22 Budget – Derek Oyler

7:15 SCHEDULED DELEGATION [2]

1. Discovery Family Coalition Programs Update – Sharilee Griffiths

7:30 PUBLIC COMMENTS FROM BRIGHAM CITY RESIDENTS AND THOSE PAYING PROPERTY TAXES IN BRIGHAM CITY [3] *(Per Utah Code, Council will receive input only, no decision can be made)*

7:35 COUNCILMEMBER COMMENTS

7:45 ACTION ITEMS

1. Golf Course Report and Consideration of Golf Course Fee Resolution – Chris Marx
2. Consideration of Ordinance Amending Title 29 Zoning to Allow for Detached Accessory Dwelling Units and Establish Standards and Regulations – Mark Bradley
3. Request for Approval to Purchase Land at Approximately 950 West 400 South – Jason Roberts
4. Request for Lobbyist Services Contract to Obtain Federal Infrastructure and Stimulus Grant Monies – Jason Roberts

8:10 DISCUSSION ITEMS

1. Proclamation Declaring Local Emergency – Jason Roberts

8:20 ADJOURN TO CLOSED SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

Assigned times may vary depending on length of discussion or agenda alteration.
In compliance with the Americans with Disabilities Act, individuals needing special accommodations should notify the City Recorder (734-6621) at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING: The undersigned duly appointed City Recorder does hereby certify that the above notice and agenda was posted in three public places within the Brigham City limits. A copy was also provided to the Box Elder News Journal and posted on the City website and the State Public Meeting Notice website on February 10, 2022.

Christina Boss, City Recorder

[1] Each speaker is limited to five minutes. Total input period is limited to 15 minutes
[2] Promotes the positive image of the City, recognizes its outstanding citizens and organizations or otherwise invited. Each speaker is limited to 15 minutes.
[3] Each individual is limited to three minutes. Total input period is limited to 15 minutes.

C #1

REGULAR SESSION OF THE BRIGHAM CITY COUNCIL
February 3, 2022
7:00 p.m.

PRESENT:	D.J. Bott	Mayor
	Alden Farr	Councilmember
	Matthew Jensen	Councilmember
	Joe Olson	Councilmember
	Ryan Smith	Councilmember
	Robin Troxell	Councilmember
ALSO PRESENT:	Christina Boss	City Recorder
	Mark Bradley	City Planner
	Dave Burnett	Power Director *via Zoom*
	Mike Christiansen	City Attorney
	Amber Moore	Aquatics Supervisor
	Derek Oyler	Finance Director
	Tyler Pugsley	Public Works Director
	Chad Reyes	Police Chief
	Jason Roberts	City Administrator
	Kristy Wolford	Community Activities & Svcs Director

Mayor Bott called the meeting to order at 7:00 p.m. The Reverence Period was given by Bishop Jensen and the Pledge of Allegiance was recited.

AGENDA

RECOGNITION OF EMPLOYEES
New Hire in Library
CONSENT
Request for Approval of January 20, 2022, Work Session and City Council Meeting Minutes
Request to Write-off Accounts Due to Bankruptcy or Being Sent to Collections
Councilmember Assignments to Boards and Commissions
Appointments to Planning Commission and Joint Advisory Board
PUBLIC COMMENTS FROM BRIGHAM CITY RESIDENTS AND THOSE PAYING PROPERTY TAXES IN BRIGHAM CITY
COUNCILMEMBER COMMENTS
ACTION ITEMS
Consideration of Wayneco Subdivision Phase 1 Final Plat and Development Agreement Located at 250 North and 1200 West
DISCUSSION ITEMS
Pool Wages
ADJOURN TO CLOSED SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

RECOGNITION OF EMPLOYEES

Mayor Bott recognized Claire Schenavar recently hired as a part-time Library Clerk.

CONSENT

Approval of January 20, 2022, 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 $785.08 was presented to be removed from the City's system due to customers taking out bankruptcy or being sent to collections.

Appointments to Golf Course Commission

In the Planning Commission, it was recommended that Scott Mildenhall be appointed as Vice-Chair and Cindy McConkie be reappointed as Planning Commissioner. Jason Coppieters was recommended for appointment to the Joint Advisory Board.

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

PUBLIC COMMENTS

Michael Shoell – Mr. Shoell thanked Councilmember Troxell for serving on the Citizen Corps Council and CERT.

Juliana Larsen – Ms. Larsen expressed her concerns about the Wayneco final plat in regard to the wetlands on Lot 5.

COUNCILMEMBER COMMENTS

Councilmember Jensen – took a tour of City facilities and was impressed by directors, staff, and the amount of activity that goes on in City departments.

Councilmember Troxell – listened in on the legislative policy committee meetings with the Utah League of Cities and Towns (ULCT) and was moved by the amount of work the ULCT does in the interest of Utah cities.

Councilmember Smith – echoed Councilmember Jensen's comments regarding the City tour.

Councilmember Olson – attended the CERT and Citizen Corps Council meeting and was impressed with the planning and preparedness for emergency situations. He encouraged citizens to volunteer and get certified. Councilmember Olson announced his resignation from the City Council effective following the February 17th meeting as he is moving outside of City limits. He was grateful for the opportunity to serve.

Mayor Bott – also attended the City tour and appreciated the work and expertise of City employees. Mayor Bott enjoyed the Safety Superbowl with City staff. He encouraged citizens to conserve water and pray concerning the lack of moisture.

ACTION ITEMS

Consideration of Wayneco Subdivision Phase 1 Final Plat and Development Agreement Located at 250 North and 1200 West

Mr. Bradley came to the table and displayed the site on the screen. The Development Agreement identifies the timing of Lot 5 development and the improvement of 1450 West. Mr. Bradley pointed out the plat notes which refer to the extension of 1450 West, and the Agreement regarding the extension of 250 North and 1550 West. The Development Agreement addresses and acknowledges a planned master road on the property, and the event triggers that would require specific improvements. Mr. Bradley noted the Agreement will become a binding document recorded with the property and running with the land.

The developer, Josh Braegger, was asked to come to the podium to address Ms. Larsen's comments on the wetland area. He stated Kagel Environmental was hired to delineate the wetlands on the property.

MOTION: Councilmember Farr made a motion to approve the Wayneco Subdivision Phase 1 Final Plat and Development Agreement located at 250 North and 1200 West. The motion was seconded by Councilmember Troxell and carried unanimously.

DISCUSSION ITEMS

Pool Wages

Ms. Moore came to the podium and presented updates to the wage plan in consideration of the approval of the $7.00 admission from the January 20, 2022, Council meeting. The difference between the $6.50 and $7.00 plan was $19,342 which has been designated for pool staff wages.

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 Olson and seconded by Councilmember Troxell. A roll call vote was taken with all Councilmembers voting aye. The meeting adjourned to a closed session at 7:35 p.m.

The Council returned to an open meeting at 8:07 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 February 3, 2022 City Council Meeting.

Dated this_____ day of February 2022.

_____

Christina Boss, Recorder

Unapproved

C #2

BRIGHAM CITY
AGENDA ITEM FOR CITY COUNCIL MEETING

1. INITIATED BY: Derek Oyler

2. DEPARTMENT OR DIVISION: Administration

3. DATE INITIATED: February 9, 2022

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   Attached is a list of customers that have either been sent to the Collection Agency for nonpayment or have taken out bankruptcy.

   I am requesting Council's permission to have these accounts removed from the City's computer system.

5. ESTIMATED TIME NEEDED: 5 minutes

6. PROPOSED DATE FOR COUNCIL ACTION: February 17, 2022

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

Date	Name	Signature	Attachment
2/9/2022	Derek Oyler		X

9. MAYOR'S SIGNATURE: _____

ACCOUNTS TO BE WRITTEN OFF
JANUARY, 2022

DEFERRAL DEFAULT	SHUT OFF FOR NON-PAY	Account Number		Balance
		67.04602.2	$	76.98
11/22/2021	6/9/2021	21.00608.6	$	361.95
		15.05508.2	$	492.46
		75.10321.3	$	306.21
		TOTAL	$	1,237.60

JANUARY 2021 Write Off Amount $6,966.47

Amount collected JANUARY 2022 for Bad Debts: $1,279.13

PH #1

BRIGHAM CITY
AGENDA ITEM FOR CITY COUNCIL MEETING

1. INITIATED BY: Derek Oyler

2. DEPARTMENT OR DIVISION: Administration

3. DATE INITIATED: February 8, 2022

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   A public hearing is required to make changes to the City's 2021-22 budget. The attached resolution and exhibit indicate the proposed changes.

5. ESTIMATED TIME NEEDED: 5 minutes

6. PROPOSED DATE FOR COUNCIL ACTION: February 17, 2022

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

Date	Name	Signature	Attachment
February 8, 2022	Derek Oyler		X

9. MAYOR'S SIGNATURE: _____

Brigham City Corporation
2021-2022 Fiscal Year Budget Revision
February 2022

Proposed Changes:

Exhibit A

Public Utility Fund

Mantua Fencing Project	**Revenue**		**Expense**	
	Reserved Fund Balance	30,000	Fencing on East side of reservoir	30,000
Totals		**30,000**		**30,000**

Waste Treatment Plant Upgrades	**Revenue**		**Expense**	
	Reserved Fund Balance	59,000	Treatment Plant Upgrades	59,000
Totals		**59,000**		**59,000**

General Fund

Property Purchase on 400 South	**Revenue**		**Expense**	
	Sales Taxes	266,200	Property Purchase including roll back taxes and closing costs	266,200
Totals		**266,200**		**266,200**

Consulting Contract	**Revenue**		**Expense**	
	Fund Balance	60,000	Consulting Services	60,000
Totals		**60,000**		**60,000**

Swimming Pool Temporary Wages	**Revenue**		**Expense**	
	Admission Fees	48,500	Employee Wages	48,500
Totals		**48,500**		**48,500**

Cemetery Tree Grant Expenses	**Revenue**		**Expense**	
	Sales Taxes	10,000	Tree Planting at Cemetery	10,000
Totals		**10,000**		**10,000**

Storm Drain Fund

Waterway Project from Prior Year	Revenue		Expense	
	Reserved Fund Balance	195,853	Piping water ways and crossings	195,853
Totals		**195,853**		**195,853**

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING REVISION OF THE 2021-22 BUDGET PREVIOUSLY ADOPTED BY BRIGHAM CITY CORPORATION AND TRANSFERRING OF APPROPRIATED BALANCES BETWEEN DEPARTMENTS WITHIN THE SAME FUND

WHEREAS, Brigham City Council approved the 2021-22 Budget on the 19th day of August, 2021 and

WHEREAS, Utah Law allows for the amendment of the budgets of municipalities to reflect changes in revenues and expenditures and to make transfers between departments to meet the best interests of the municipality; and

WHEREAS, Brigham City has complied with the notice and public hearing requirements of the Utah Law in considering an amendment of its 2021-22 fiscal year budgets; and

WHEREAS, subsequent to the adoption of said budget several additional expenses have arisen in various funds and departments, and

WHEREAS, it appears both necessary and proper that the appropriate adjustments be made in the Brigham City 2021-22 budget as outlined in Exhibit A prior to closing; and,

WHEREAS, there are appropriated balances in other departments; and

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF BRIGHAM CITY, UTAH at a regular meeting with ____ members present and _____ members voting in favor thereof, that the adjustments shall be made to the previously adopted Brigham City budget and this shall constitute the budget for the fiscal year 2021-22.

IT IS FURTHER determined that this Resolution shall take effect this 17th day of February, 2022.

BRIGHAM CITY CORPORATION

_____
DJ Bott, Mayor

ATTEST:

_____
Christina Boss
City Recorder

SA #1

REQUEST TO APPEAR
BEFORE THE BRIGHAM CITY COUNCIL

WHEN WOULD YOU LIKE TO APPEAR BEFORE THE CITY COUNCIL? *Meetings are held the 1st and 3rd Thursday of the month at 7:00 PM*

2/17/22

NAME: Tori Jones, BE Community Coordinator for the Discovery Family Coalition
Sharilee Griffiths will present

FULL ADDRESS: 900 W Main #8, Tremonton UT 84337

PHONE NUMBER: 1-907-690-2313

EMAIL: toriaj2004@yahoo.com

PLEASE GIVE A DETAILED DESCRIPTION OF YOUR REQUEST.

We would like to provide an update on the Discovery Family Coalition programs.

WILL YOU BE ASKING THE COUNCIL FOR ANY ASSISTANCE, FINANCIAL OR OTHERWISE?

We will be asking the Council to be represented on the Coalition and will ask for suggestions on Family Reward Events that may need approval from the Council to hold. For example, working with the Brigham City Aquatic Center, etc.

IF YOU ARE REPRESENTING AN ORGANIZATION OR BUSINESS PLEASE ENTER THE NAME:
Discover Family Coalition, coordinated by My Discovery Destination!

Requester Signature: Tori Jones

For City Use Only:

Approvals:

City Administrator _____

Mayor ~~Vincent~~ Bott _____

A #1

BRIGHAM CITY
AGENDA ITEM FOR CITY COUNCIL MEETING

1. INITIATED BY: Chris Marx

2. DEPARTMENT OR DIVISION: Golf Course

3. DATE INITIATED: February 9, 2022

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   Golf Course Report and Fee Resolution

5. ESTIMATED TIME NEEDED: 5 Minutes

6. PROPOSED DATE FOR COUNCIL ACTION: February 17, 2022

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

Date	Name	Signature	Attachment

9. MAYOR'S SIGNATURE: _____

RESOLUTION NO. _____

WHEREAS, the Brigham City Council deems it necessary and desirable to charge certain fees for use of the Brigham City Eagle Mountain Golf Course; and

WHEREAS, the Brigham City Council has determined that these fees should be adopted by resolution; and

WHEREAS, the Brigham City Council has discussed and reviewed the fees set forth below and has determined that they are necessary and appropriate, and in the best interests of Brigham City.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF BRIGHAM CITY, UTAH with ____ members present and _____ voting in favor thereof, that the following fees be adopted as the fee schedule for the Brigham City Eagle Mountain Golf Course for all round played beginning February 18, 2022:

Adult Green Fees	
9 Hole Green Fee (including weekends)	$17.00
18 Hole Green Fee (including weekends)	$34.00
No Show Fee (per person) 9 Holes	$10.00
No Show Fee (per person) 18 Holes	$20.00
Regular 10 Punch Ticket	$145.00
Senior 10 Punch Ticket	$135.00
5 Day Season Pass	$800.00
5 Day Senior Season Pass	$750.00
6 Day Senior Season Pass	$850.00
6 Day Season Pass	$915.00
7 Day Season Pass	$1,025.00
7 Day Senior Season Pass	$950.00

Regular fees apply to all persons 18 years of age and older. Senior fees apply to all persons 60 years of age and older. Punch tickets are transferrable. Season passes are valid from the first day of April of the year purchased until the last day of March of the following year with the exception of the months of December and January of each year. Five-day season passes are valid Monday through Friday. Six-Day season passes are valid Monday through Saturday.

Junior Green Fees	
9 Hole Green Fee	$10.00
18 Hole Green Fee	$20.00
Junior Season Pass	$200.00
Mondays 11:00 a.m. to 4:00 p.m.	$7.00

Junior fees apply to persons 8 years of age to 17 years of age. Junior punch tickets are transferable only to other juniors. Junior Season Passes are valid from the first day of April of the year purchased until the last day of March of the following year with the exception of the months of December and January of each year.

Cart Fees	
Rentals – 9 Hole (per person)	$8.00
Rentals – 18 Hole (per person)	$16.00
Trail Fee (private carts)	$10.00
Driving Range Fees	
Small Bucket Range Balls	$5.00
Large Bucket Range Balls	$8.00
10 Large Bucket Punch Ticket	$60.00
Family Range Pass (2 buckets a day) valid April 1 – August 31	$150.00

There will be no refund on any punch tickets or season passes sold.

Dated this _____ day of February 2022.

BRIGHAM CITY CORPORATION

ATTEST:

By: _____
Dennis J. Bott, Mayor

_____
Christina Boss, City Recorder

RESOLUTION NO. _____

WHEREAS, the Brigham City Council deems it necessary and desirable to charge certain fees for use of the Brigham City Eagle Mountain Golf Course; and

WHEREAS, the Brigham City Council has determined that these fees should be adopted by resolution; and

WHEREAS, the Brigham City Council has discussed and reviewed the fees set forth below and has determined that they are necessary and appropriate and in the best interests of Brigham City.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF BRIGHAM CITY, UTAH with ____ members present and _____ voting in favor thereof, that the following fees be adopted as the fee schedule for the Brigham City Eagle Mountain Golf Course for all round played beginning ~~March~~ February ~~1~~18, ~~2020~~2022:

Adult Green Fees	
9 Hole Green Fee (including weekends)	$~~16.00~~17.00
18 Hole Green Fee (including weekends)	$~~32.00~~34.00
No Show Fee (per person) 9 Holes	$10.00
No Show Fee (per person) 18 Holes	$20.00
Regular 10 Punch Ticket	$~~130.00~~145.00
Senior 10 Punch Ticket	$~~120.00~~135.00
5 Day Season Pass	$~~725.00~~800.00
5 Day Senior Season Pass	$~~675.00~~750.00
6 Day Senior Season Pass	$~~775.00~~850.00
6 Day Season Pass	$~~840.00~~915.00
7 Day Season Pass	$~~950.00~~1,025.00
7 Day Senior Season Pass	$~~875.00~~950.00

Regular fees apply to all persons 18 years of age and older. Senior fees apply to all persons 60 years of age and older. Punch tickets are transferrable. Season passes are valid from the first day of April~~March~~ of the year purchased until the last day of ~~February~~ March of the following year with the exception of the months of December and January of each year. Five-day season passes are valid Monday through Friday. Six-Day season passes are valid Monday through Saturday.

Junior Green Fees	
9 Hole Green Fee	$~~8.00~~10.00
18 Hole Green Fee	$~~16.00~~20.00
~~Junior Punch Ticket~~	~~$100.00~~
Junior Season Pass	$~~150.00~~200.00
Mondays 11:00 a.m. to 4:00 p.m.	$~~5.00~~7.00

Junior fees apply to persons 8 years of age to 17 years of age. Junior punch tickets are transferable only to other juniors. Junior Season Passes are valid from the first day of ~~March~~ April of the year purchased until the last day of ~~February~~ March of the following year with the exception of the months of December and January of each year.~~.~~

Cart Fees	
Rentals – 9 Hole (per person)	$~~7.00~~8.00
Rentals – 18 Hole (per person)	$~~14.00~~16.00
Trail Fee (private carts)	$~~8.00~~10.00
Driving Range Fees	
Small Bucket Range Balls	$~~4.50~~5.00
Large Bucket Range Balls	$~~7.00~~8.00
10 Large Bucket Punch Ticket	$~~50.00~~60.00
Family Range Pass (2 buckets a day) valid April 1 – August 31	$150.00

There will be no refund on any punch tickets or season passes sold.

Dated this _____ day of ~~March, 2020~~February, 2022.

BRIGHAM CITY CORPORATION

ATTEST:

By: _____
~~Tyler M. Vincent~~Dennis J. Bott,
Mayor

_____

Christina Boss, City Recorder

A #2

BRIGHAM CITY
AGENDA ITEM FOR CITY COUNCIL MEETING

1. INITIATED BY: Mark Bradley

2. DEPARTMENT OR DIVISION: Community & Economic Development

3. DATE INITIATED: February 2, 2022

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   Request to Amend by Ordinance Title 29 Zoning to allow for Detached Accessory Dwelling Units and establish standards and regulations. Rick Grover, applicant.

   See Attached Staff Evaluation and Prepared Ordinance

5. ESTIMATED TIME NEEDED: 15 minutes

6. PROPOSED DATE FOR COUNCIL ACTION: February 17, 2022

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

Date	Name	Signature	Attachment
2/2/22	Mark Bradley	Mark Bradley	✓
2/2/2022	Paul Larsen	PL	✓

9. MAYOR'S SIGNATURE:

WELCOME TO
BRIGHAM CITY
Beautiful Brigham City-
Your Future is Here!

CITY ATTORNEY
LEGAL DOCUMENT REVIEW

Document Name: Amend Title 29 Zoning – Detached Accessory Dwelling Units.

Name of Person Requesting Legal Review: Mark Bradley.

Date Sent: February 3, 2022 Review Date Deadline: February 7, 2022.

Reviewed by Attorney: [signature] Date: 2/7/22

✓ Reviewed and acceptable as submitted
_____ See suggested changes

Returned to: MARK BRADLEY Date: 2/9/2022

X Accepted as Received

Submitted to Mayor's Office By: MB Date: 2/9/2022

Reviewed by Mayor's Office: [signature]
Jason Roberts, City Administrator

Making Life Better

MEMORANDUM

To: Mayor Bott, City Council Members

From: Mark Bradley, City Planner MB

Subject: Amend Title 29 Zoning - Allow for Detached Accessory Dwelling Units and establish standards and regulations (Application #21-106)

Date: February 2, 2022

City Council Agenda:
February 17, 2022

Overview:
Rick Grover, a Brigham City resident filed a City Code Amendment Application to allow for Detached Accessory Dwelling Units. The petition, for the most part was to follow similar standards to those adopted for the Internal Accessory Dwelling Units in October 2021, with the exception that the unit would be detached from the dwelling. Allowance for Internal Accessory Dwelling Units was part of a mandate by State law. Detached Accessory Dwelling Units are not required by State law but will be likely at some point in time due to the demands and need for housing and housing affordability.

Over the course of the application process, additional research was conducted with other Utah cities in effort to identify best practices and to identify what would work best for Brigham City. Efforts and measures were considered regarding potential impacts on neighbors, how to address utilities, and consistency with current accessory structure standards (size, setbacks, height) and parking for Internal Accessory Dwelling Units. The adopted City Code language for Internal Accessory Dwelling Units would be modified to focus on "Accessory Dwelling Units" and then to distinguish the two types of accessory dwelling units, their applicable standards, and requirements.

The recommended code amendment achieves the applicant's petition as well as addresses interests and concerns of the City. The red underlined text is the proposed new language and the red strike through text is the proposed language to be removed.

Planning Commission Recommendation:
The Planning Commission held a public hearing on December 7, 2021. The application was continued to allow staff time to conduct additional research and address questions raised during the meeting. The application was further addressed on January 18, 2022 and February 1, 2022 to

refine the standards and requirements with efforts to mitigate potential impact on neighbors. Additional figures (exhibits) are included to help illustrate the standards and requirements.
On February 1, 2022, the Planning Commission made a recommendation for approval to the City Council (6-0 vote) as drafted with the noted Findings of Facts as outlined in the Staff Evaluation.

Attachments:

- Staff Evaluation for February 1, 2022, Planning Commission Meeting
- Planning Commission Recommendation
- Prepared Ordinance

BRIGHAM CITY, UTAH
PLANNING COMMISSION
STAFF EVALUATION

APPLICANT: Rick Grover
PROPERTY OWNER: N/A
PROPERTY ADDRESS: N/A
PARCEL NO: N/A

APPLICATION NO.: 21-106
PARCEL AREA: N/A
TITLE: 29 Zoning
DATE: January 26, 2021

PLANNING COMMISSION MEETING:
February 1, 2021

NATURE OF REQUEST:
Amend Brigham City Code Title 29 Zoning – Allow for Detached Accessory Dwelling Units and establish standards and regulations.

OVERVIEW:
On January 18, 2022, after going through the revisions, the Planning Commission continued the application to the next meeting to allow staff to put the discussed changes in the draft text format for a final read and review prior to a recommendation being forwarded to the City Council. The discussed items include:

- *spelling correction of "Figure" in subsection A.2.b,*
- *leave subsection C.4.a.iv (Appearance),*
- *include allowance of loft within the attic space,*
- *rewrite section F. Privacy to future clarify buffer, windows on second level facing adjoining properties, and include language from Millcreek regarding exterior lighting to be directed downward.*

The items have been addressed and highlighted in yellow for reference. Three additional illustrations have been included. The Privacy section was rewritten and modified. The previous draft language is shown as strike through so you can see the difference between the two versions.

Previous Overview:

On December 7, 2021, the Planning Commission opened and closed the public hearing on this application to amend the City Code to allow for Detached Accessory Dwelling Units. The application was continued to allow staff time to conduct additional research and address questions raised during the meeting.

Efforts have been made to address the questions and recommended updates. There are some areas highlighted in yellow to be further discussed. The red strike through text is proposed language to be removed and the red underlined text is proposed new language. Tony is working on some additional illustrations for detached ADU parking options.

Staff has modified the draft format submitted by the applicant using the ordinance document. The written code in City Code format as found on the City web site has been

used with this version of the draft. An electronic copy of the applicant's application materials will be included in your email but not the paper packet and will be available at the meeting for reference.

STAFF COMMENTS:

Community and Economic Development Department:

1. Seven communities were researched to identify certain standards and practices from size of ADUs to appearance and number of allowed bedrooms. There is some information included from these cities with certain adaptions that seem applicable for Brigham City. See attachment for reference.
2. Most communities use the reference of "Detached" rather than "External". The initial question was the reference used at the Utah Legislation level where they would use "External" for detached accessory dwelling units and "Internal" for accessory dwelling units within a single-family dwelling or attached to a single-family dwelling.
3. Efforts have been made to address permanent structure versus temporary or portable units and structures. *There are two references, one in the definition and the other in Appearance.*
4. Exceptions for two story and existing accessory structure locations were included in Sections 29.05.270 and 29.12.100. The new inserted exception date for existing accessory structures refers to the date the City Code was amended requiring a minimum 5 foot setback.
5. Public Power Department would like ability to require a separate electrical meter for safety purposes, only as needed.
6. There are some considerations for appearance to be further discussed at the meeting.
7. ~~Illustrations are being prepared for parking examples for detached ADUs, where the existing illustrations primarily address internal ADUs~~. *Illustrations included.*
8. Clarification on number of ADUs have been included.
9. Recommend detached accessory dwelling units be limited to one story unless located above a garage.
10. Tried to provide some privacy measures. The distance needs to be further determined.
11. Clarification on addressing is included. Use of unit A will be used rather than unit B. Unit B is used for basement addressing for multi-tenant buildings.
12. Utilities. The applicant and staff recommend the ADU be on same utilities as primary dwelling. The intent and purpose with an ADU on a single-family dwelling lot is to address affordable housing, housing options, and inventory while maintaining owner occupancy with one of the units. The Public Works comment regarding separate sewer billing will need to be researched. Not sure if that is allowed from the State level.
13. Responses to questions raised by Chairman Barsuhn.
    A. Are these to be permanent structures? ~~No~~. *Yes*
    B. Can ADUs be built on trailers? RV standards or traditional house standards? No.
    C. Foundation requirements like a house? Yes.
    D. Should all utilities be run underground? Most should be. Electrical can be aerial from power pole or home. Best if underground.
    E. Is "off grid" allowed? No.
    F. Are alternate toilets like composting or incinerating allowed? No.

G. Would we allow an internal ADU and an external ADU on the same lot if parking requirements are met? No. Only one per lot of record and primary dwelling.
H. Do lot coverages need to be addressed in any of our zones? Yes, same as underlying zoning district.
I. Are decks and patios for all structures counted in lot coverages? Yes and no. Yes, if above grade. No, if flat surface. Any roof covering becomes counted in lot coverage.
J. Should we allow less than 300 square feet? Recommend no.
K. Are lofts allowed? Do lofts count toward minimum square footage? Recommend only one story ADU at ground level or above garage but not multi-level ADU units. *Lofts in attic spaces included*
L. Should our language regarding exterior finishes allow for some differences from the original dwelling? Are we going to require external/detached units to be bricked for example. Provided language from researched communities. Have some options to discuss.
M. How do we handle privacy issues in two story ADUs? Provided language from research communities. Need to further discuss the distance that triggers those standards. *Section rewritten.*
N. Recommend an amendment to allow a single sewer hookup and billing on residential lots with a residence and external ADU. Public Works is working on that change and seems supportive from last discussion.

Engineering Department:

1. We recommend the code include a requirement that a single set of water and sewer laterals service both the primary dwelling and any accessory dwelling(s). We think this helps support the objective for lots with accessory dwellings to still maintain a single owner. We also think this will reduce the burden of accessory dwellings on public infrastructure and Public Works.
2. We recommend the code include a provision clearly stating that accessory dwelling units cannot be built over any utility easements. Any rear year easements that are not planned for use should require vacation before ADUs can receive a building permit.

Fire Department:

1. Access will need to be considered when dealing or planning for these accessory dwellings. All structures built need to be within 150' of an approved access route for emergency vehicles.
2. Also identifiable location, "unit A, #2, etc." would be needed to distinguish between the dwellings.

Police Department:

1. The Brigham City Police Department has no concerns with this application to allow for Detached Accessory Dwelling Units.
2. Parking is being addressed.
3. We would recommend that they follow the recommendation of Community and Economic Development and Engineering Departments.

Public Power Department:

1. Either the existing main dwelling needs to show it has the electrical capacity to service the detached accessory dwelling, so it won't need a separate meter for the accessory dwelling or if it cannot, then a new meter will be required for the detached accessory dwelling unit.

Public Works Department:
(Culinary Water, Street, and Wastewater Treatment/Storm Drain Divisions)

1. Public Works supports Community Development recommendations
2. May need to change Title 22 to allow sewer to be shared between buildings. We are in the process of changing Title 22 now.
3. May need to change Title 22 to address sewer billing. Each premises should pay a sewer bill. Further clarification on this can be provided by the Waste Treatment Manager.
4. Waste Treatment Manager recommends storm drain fee to remain the same with one fee per residential parcel. Interpretation of our current code allows for this already.
5. No additional service connection and water meter for accessory dwelling unit.

PLANNING COMMISSION RESPONSIBILITY:

1. The Planning Commission holds the required public hearing.
2. The Planning Commission determines whether or not the amendment is a reasonable modification to Title 29 Zoning, is in harmony with carrying out the objectives and direction of the General Plan, and consistent with the directive of Utah Code.
3. The Planning Commission recommends approval, approval with modification, disapproval, or request additional information in order to make a recommendation to the City Council.

STAFF RECOMMENDATIONS:

1. Support the allowance of Detached or External Accessory Dwelling Units.
2. Recommend holding the public hearing, discussing the application, identifying areas that require a little more research or consideration, and then continue the application to allow staff to address items the Planning Commission would like addressed prior to formalizing a recommendation to the City Council.

STIPULATIONS:

1. Additional research and clarification on areas noted in the staff review comments.
2. Include illustrations for clarification purposes.
3. Subject to final review by City Attorney.

FINDINGS OF FACT:

1. The City received an application to amend Title 29 Zoning to allow for Detached Accessory Dwelling Units.
2. The 2021 Session of the Utah Legislature passed House Bill 82 – Single-Family Housing Modifications, to be codified in various Titles and Chapters of the Utah Code. This was the first step from a State level mandating ADUs.
3. The desired outcome of House Bill 82 is to provide more affordable housing.

4. The 2021 Utah Code required cities to allow for "Internal Accessory Dwelling Units" and specifies what cities may or may not incorporated as standards and regulations.
5. The City adopted Ordinance No. 21-12, An Ordinance of Brigham City Amending Title 29 Zoning Establishing Standards for Internal Accessory Dwelling Units on August 5, 2021.
6. The City is anticipating Utah Legislature will mandate cities to allow for External (Detached) Accessory Dwelling Units.
7. The City supports the need for affordable housing and housing options.
8. The Public Hearing was noticed per Utah Code and City Code.
9. The legislative body may not make any amendment authorized by this subsection (Utah Code, Section 10-9a-503) unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation.

ATTACHMENTS:

1. Chapter 29.05 – Draft Language Revised
2. Section 19.12.100 – Draft Language
3. ~~Research: Other Cities~~

PC Recommendation
02/01/2022

Chapter 29.05. Supplementary and Qualifying Regulations.[1]

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29.05.010. Effect of Chapter.

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in Title 29.

29.05.020. Substandard Lots at Time of Ordinance Passage.

Any lot legally held in separate ownership as of November 1, 1986 (Ordinance No. 568), which lot is below the requirements for lot area or lot width for the District in which it is located may be used for a single-family dwelling if such lot is located in a district which permits single-family dwellings. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width, provided that in no case shall the smaller of the two yards be less than five feet (5') or the total width of the two yards be less than thirteen feet (13').

29.05.030. Lot Standards.

Except for planned unit developments and cluster subdivisions, and as otherwise provided in this Ordinance, every lot, existing or intended to be created, shall have such area, width and depth as is required by this Ordinance for the district in which such lot is located and shall have frontage upon a dedicated or publicly-approved street or upon a private street or right-of-way approved by the Planning Commission, before a building permit may be issued.

[1] *Numbering changed with Ordinance No. 07-13, dated 7/19/07*

For the purpose of this ordinance a bonafide temporary absence shall mean for a period of up to three (3) years. During the temporary absence of the owner(s), a manager who lives within the City limits shall manage the rental for the owner(s).

2. A vacation rental shall be limited to two (2) adult guests per bedroom and children as accommodations permit and by the Planning Commission on an individual basis through the conditional use process.

3. The vacation rental floor plan and principle function shall remain as a residential dwelling as to be used for its main purpose when not used as a vacation rental.

4. In addition to the standards contained in this Section, buildings or sites listed or eligible for listing on the National Register of Historic Places shall be subject to the standards in Chapter 29.20 Heritage Site Overlay.

5. Signage for a vacation rental facility is prohibited to maintain its appearance as a residential dwelling.

6. At least two (2) off-street parking spaces shall be provided for each vacation rental. All required parking shall be subject to front yard setback standards for the district in which the vacation rental facility is located.

7. The vacation rental facility shall conform to all applicable Fire, Building and Health Codes. The facility shall be licensed in conformance with all City ordinances.

8. The effective period of the conditional use permit for vacation rental facilities shall be from year to year to verify ownership and residency. At the end of each business license year thereafter, renewal of the conditional use permit shall be automatically granted upon receipt of the community and Economic Development Department of certification by the property owner that the property owner remains the owner of the vacation rental and continues to live within the City limit, and that all other conditions required at the time of approval remain unchanged. The owner is responsible to provide said information with the business licenses renewal form. Failure to obtain such certification may be the basis for revocation of the conditional use permit. The Planning Commission, at its discretion, may require a new application and a demonstration of compliance with all conditions necessary for a conditional use permit.

29.05.270. ~~Internal~~ Accessory Dwelling Units[11]

A. Definitions. As used in this section:

1. Attached. Means one of the following:

a. A shared wall with any portion of the primary dwelling, expanding the primary dwelling footprint with no separation of space between the Internal Accessory Dwelling Unit and the primary dwelling as illustrated as a potential variation in Figure 29.05.070.A.1, Option A; or

b. A roof attached to the primary dwelling, expanding the primary dwelling footprint with an allowance for separation of space between the Internal Accessory Dwelling Unit wall and the primary dwelling as illustrated as a potential variation in Figure 29.05.270.A.1, Option B.

2. Detached Accessory Dwelling Unit. An accessory dwelling unit created:

a. As a stand-alone permanent structure with typical footing and foundation, not attached to the primary dwelling and provides fully connected utility services to the unit. Campers, recreational vehicles, recreational coaches, trailers, mobile homes, and other portable units or structures are not considered a permanent structure for the purpose of this definition.

b. As an entirely separate unit or constructed as part of an existing accessory structure, such as a detached garage as illustrated as a potential variation in Figure 29.05.270.A.1, Option C.

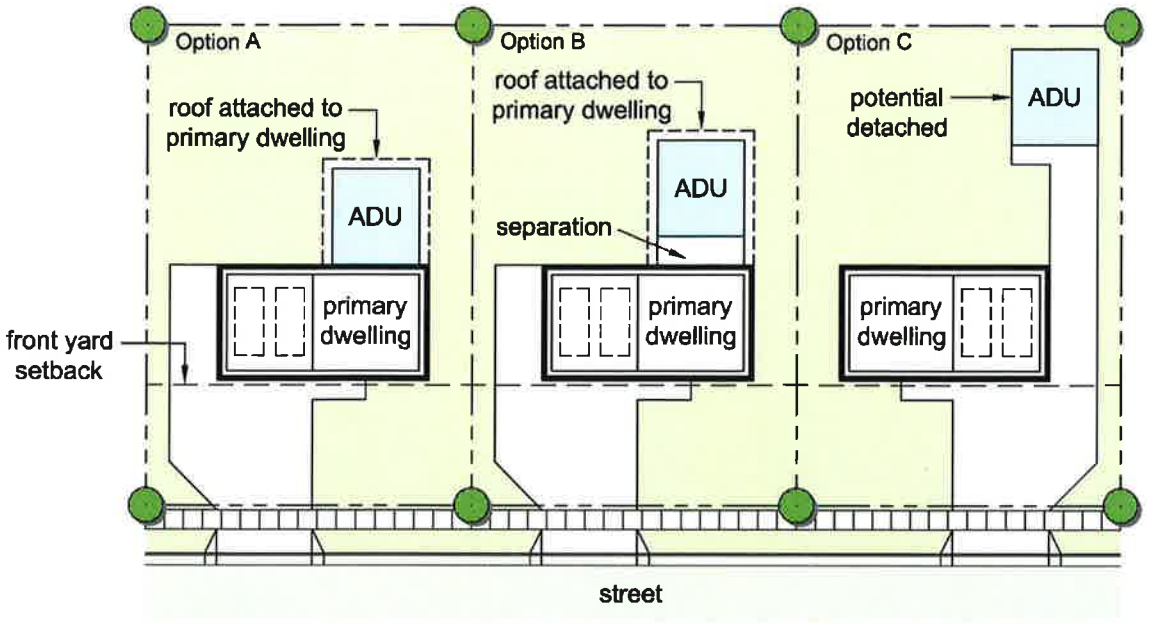
c. For the purpose of offering a long-term rental of thirty (30) consecutive calendar days or longer; and

d. Located on the same lot of record as the primary dwelling.

e. Includes separate dedicated kitchen and bathroom facilities for the exclusive use of the Accessory Dwelling Unit occupants.

[11] Ordinance No. 21-12, 08/05/2021

Figure 29.05.270.A.1



3.2. Internal Accessory Dwelling Unit. An accessory dwelling unit created:

a. Within an existing primary dwelling.

b. Provided within the footprint of the existing primary dwelling at the time the Internal Accessory Dwelling Unit is created; and

c. For the purpose of offering a long-term rental of thirty (30) consecutive calendar days or longer; and

d. Located on the same lot of record as the primary dwelling.

e. Includes separate dedicated kitchen and bathroom facilities for the exclusive use of the Internal Accessory Dwelling Unit occupants.

4.3. Primary Dwelling. A single-family dwelling that:

a. Is detached; and

b. Is occupied as the primary residence of the owner of record.

5.4. Residential Unit. A residential structure or any portion of a residential structure that is occupied as a residence.

6.5. Short-Term Rental. A residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for less than thirty (30) consecutive calendar days.

B. Internal Accessory Dwelling Units Allowed in certain Zoning Districts.

1. A maximum of one One (1) Internal Accessory Dwelling Unit shall be allowed for each primary dwelling or in a Detached Accessory Dwelling Unit associated with a primary dwelling and as a Permitted Use in the M-U-40, M-U-80, M-U-160, A-1, A-5, RR-1, RR-5, R-1-10, R-1-8, R-1-6, R-M-7, R-M-15, R-M-30, GC, and CBD Zoning Districts provided the Internal Accessory Dwelling Unit complies with all the requirements of this section Title.

2. Only one (1) Accessory Dwelling Unit is allowed per lot of record.

C. Internal Accessory Dwelling Unit Requirements.

1. Before occupancy, City Officials shall confirm the Internal Accessory Dwelling Unit complies with all applicable building, health, and fire codes, as adopted.

2. The Internal Accessory Dwelling Unit shall be served by the utility meter serving the primary dwelling. The installation of a separate utility meter for an Internal Accessory Dwelling Unit is prohibited.

a. Exception. A separate electrical meter may be required for a Detached Accessory Dwelling Unit if an upgrade to the primary dwelling electrical services would pose any safety issues with the Detached Accessory Dwelling Unit load and sourcing of primary dwelling.

3. The ~~Internal~~ Accessory Dwelling Unit shall include separate dedicated kitchen and bathroom facilities for the exclusive use of the ~~Internal~~ Accessory Dwelling Unit occupants.

4. Appearance. ~~Except for any access door, the Internal Accessory Dwelling Unit shall be designed not to change the appearance of the primary dwelling as a single-family dwelling.~~

a. Detached Accessory Dwelling Unit. The Detached Accessory Dwelling Unit shall:

i. have the same or similar design as the primary dwelling unit.

ii. be complementary to the primary dwelling's architectural character by using similar exterior building materials, window types, door and window trims, roofing materials, roof pitch, and permanent foundation as illustrated in Figure 29.05.C.4.

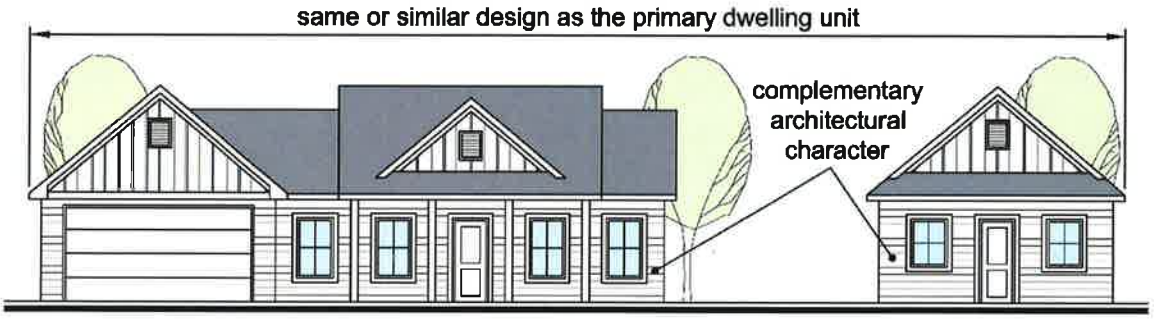
iii. maintain the same or similar color of the primary dwelling.

iv. be designed or appear so that, to the degree reasonably feasible, the appearance of the building is compatible with the architectural components of the primary dwelling (exterior materials, color, and roof pitch).

v. The height shall not exceed the height of the primary dwelling.

b. Internal Accessory Dwelling Unit. Except for any access door, the Internal Accessory Dwelling Unit shall be designed not to change the appearance of the primary dwelling as a single-family dwelling.

Figure 29.05.C.4

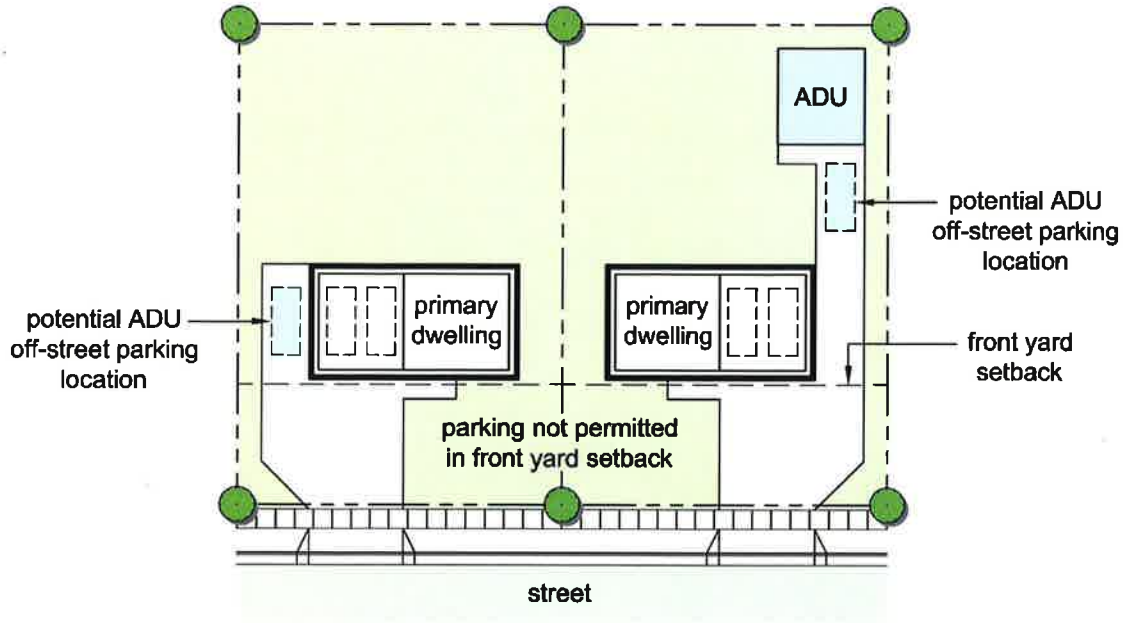


5. Required Off-Street Parking.

a. One (1) additional on-site hard-surface (concrete, asphalt, or pavers) parking space shall be provided for the exclusive use of the ~~Internal~~ Accessory Dwelling Unit, regardless of whether the primary dwelling is existing or new construction. If three (3) or more parking spaces exist, one (1) space can be designated for the exclusive use of the ~~Internal~~ Accessory Dwelling Unit.

b. Standard Off-Street Parking. The ~~Internal~~ Accessory Dwelling Unit parking space shall be located outside of any front yard setback area as illustrated as a potential variation in Figure 29.05.270.C.5.b.

Figure 29.05.270.C.5.b.



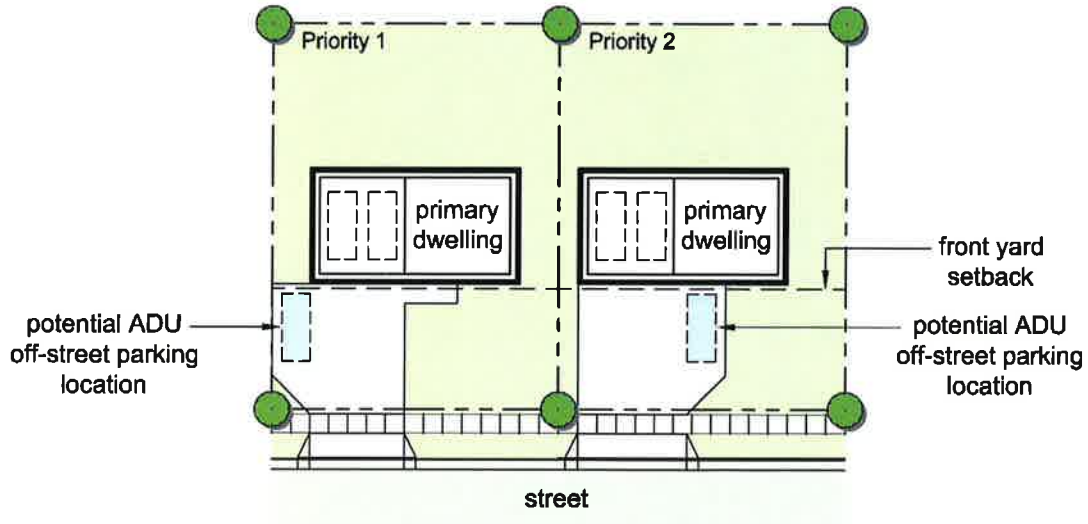
c. Alternative Off-Street Parking.

i. An existing primary dwelling with both side yard setbacks, each less than nine (9) feet in width may allow the additional required on-site parking space in the front yard setback provided the location of the parking space be adjacent to and abutting the existing driveway in the following order of priority (see Figure 29.05.270.C.5.c.i.):

1) on exterior side of driveway between the driveway and side property line, and

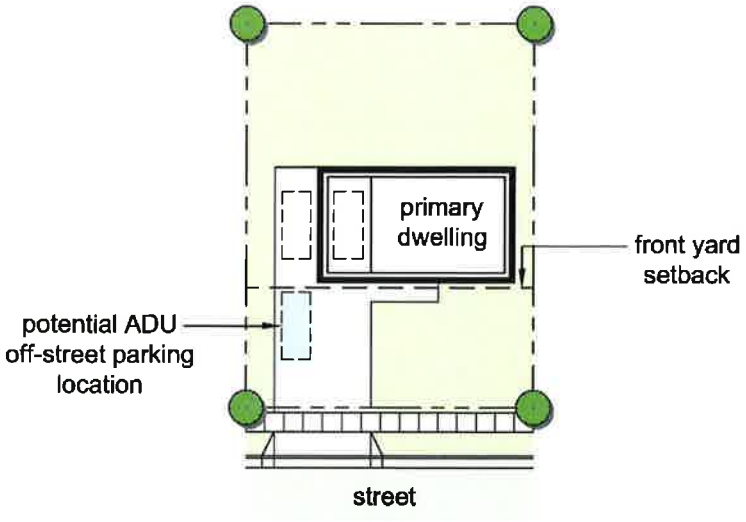
2) on interior side of driveway and not greater in width than ten (10) feet.

Figure 29.05.270.C.5.c.i.



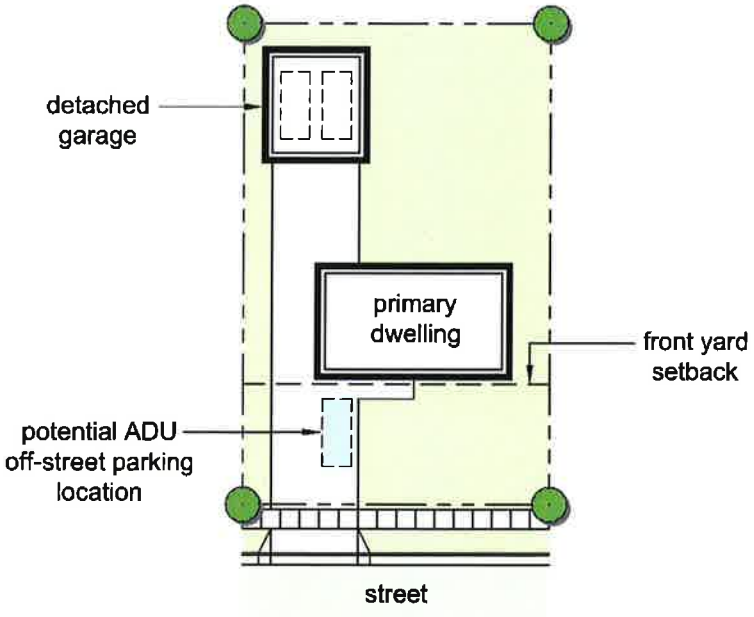
ii. An existing primary dwelling with a single car garage or carport with an existing or proposed side yard parking space outside of the front yard setback may allow the additional required on-site parking space in the front yard setback provided the location is directly behind the side yard parking space as a tandem space (see Figure 29.05.270.C.5.c.ii).

Figure 29.05.270.C.5.c.ii.



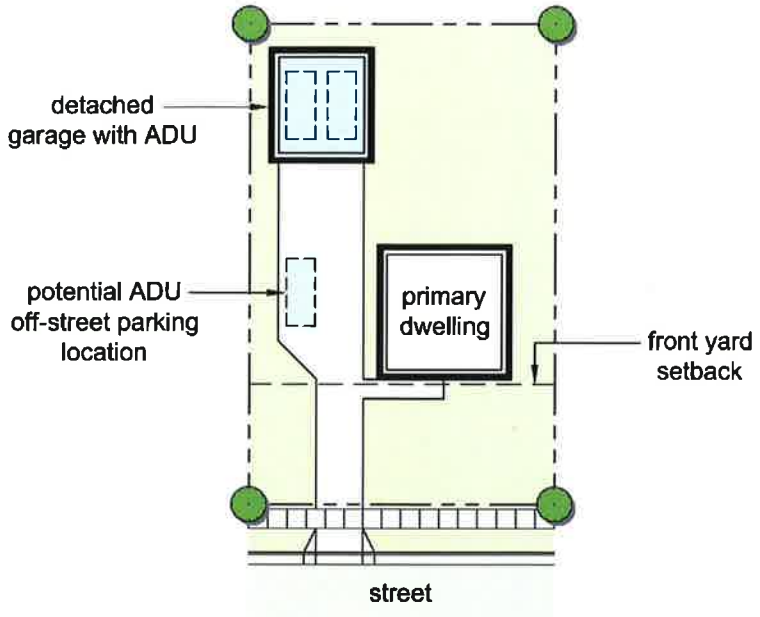
iii. An existing primary dwelling with a driveway that extends along the side yard to access an existing detached garage or carport may allow the additional required on-site parking space in the front yard setback provided the location of the parking space be adjacent to and abutting the existing driveway and not greater in width than ten (10) feet (see Figure 29.05.270.C.5.c.iii.).

Figure 29.05.270.C.5.c.iii.



iv. A primary dwelling with a rear yard detached garage may allow the additional required on-site parking space in the driveway behind the front yard setback provided that primary dwelling parking ingress and egress are not obstructed (see Figure 29.05.270.C.5.c.iv.).

Figure 29.05.270.C.5.c.iv.



d. The ~~Internal~~ Accessory Dwelling Unit parking space shall not be located within the clear view area on a corner lot.

e. Drive approaches and curb cuts shall comply with Brigham City Public Works Standards.

f. A primary dwelling located within a homeowner's association that restricts parking in the front yard setback or common area is permissible as an acceptable alternative under 5.c. provided the applicant has the homeowner's association's written approval.

g. When an ~~Internal~~ Accessory Dwelling Unit is created through the conversion of a garage or carport, the parking spaces provided by the garage or carport shall be replaced at a location on the lot, provided they are located outside of any front yard setback area.

6. No portion of a mobile home, or mobile home park or subdivision, as defined in Section 57-16-3, Utah Code and Chapter 29.02, Brigham City Code, shall be used as an ~~Internal~~ Accessory Dwelling Unit.

7. An ~~Internal~~ Accessory Dwelling Unit is prohibited if it will be served by a failing septic tank, as determined by the City or the Box Elder County Health Department.

8. Permits and License Required.

a. An application shall be filed with the City to create or establish an ~~Internal~~ Accessory Dwelling Unit.

b. No construction to create or establish an ~~Internal~~ Accessory Dwelling Unit shall commence without the issuance of the necessary Building Permits and Zoning approval, as required by the City.

c. The owner of the primary dwelling shall obtain an approved rental business license issued by the City, before the ~~Internal~~ Accessory Dwelling Unit is rented. Such license shall remain valid and shall be renewed, as required by the City.

9. Recordation Required.

a. The City shall record a notice in the Office of the Box Elder County Recorder that provides:

i. A description of the primary dwelling.

ii. A statement that the primary dwelling or primary dwelling lot of record contains an ~~Internal~~ Accessory Dwelling Unit; and

iii. A statement that the ~~Internal~~ Accessory Dwelling Unit may only be used in accordance with the City's land use regulations.

b. Upon recording the notice described in this Subsection, the City shall deliver a copy of the notice to the owner of the ~~Internal~~ Accessory Dwelling Unit.

10. Owner-Occupancy Required. The owner of the primary dwelling shall reside on the property, either occupying the primary dwelling or ~~Internal~~ Accessory Dwelling Unit.

11. Addition to primary dwelling for purpose of creating an Internal Accessory Dwelling Unit. The footprint of an existing primary dwelling may be increased to create an Internal Accessory Dwelling Unit provided the following are met.

a. The existing primary dwelling, all existing accessory structures, and the lot upon which the primary dwelling is located are all in compliance with the City's Land Use Ordinances, Building Codes, and other Ordinances and requirements, as applicable.

b. The proposed addition to create an Internal Accessory Dwelling Unit meets all requirements of being "attached" to the primary dwelling.

c. The location of the proposed addition to the primary dwelling complies with all requirements of the City's Land Use Ordinances, including compliance with required yard setbacks and height.

d. Required parking for the Internal Accessory Dwelling Unit can be provided as required by this section.

e. A valid building permit is issued authorizing the proposed construction.

f. The proposed Internal Accessory Dwelling Unit will comply with all requirements of this section.

12. Short Term Rental Prohibited. An ~~Internal~~ Accessory Dwelling Unit shall not be rented or occupied for a period of less than thirty (30) consecutive calendar days. It is prohibited for any ~~Internal~~ Accessory Dwelling Unit to be used as a Short-Term Rental Unit.

D. Size, Height, and Area Restrictions.

1. Detached Accessory Dwelling Unit. A Detached Accessory Dwelling Unit shall:

a. not be less than three hundred (300) square feet or more than one thousand (1,000) square feet.

b. be limited to no more than two (2) bedrooms.

c. not occupy more than twenty five percent (25%) of the rear yard area of the lot.

d. meet all accessory building standards for lot coverage, rear yard coverage, height, and any other standards for the zone in which it is located; and

e. be limited to twenty (20) feet in height to the peak of roof or height of primary dwelling, whichever is less as illustrated in Figure 29.05.270.D.1.

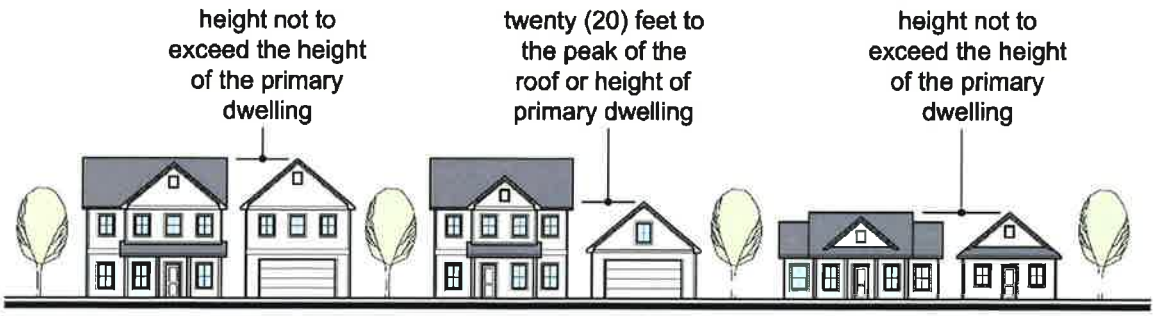
f. be limited to one (1) story, except when located:

i. above a detached garage and in compliance with subsection D.1.e, or

ii. within the attic space as a loft and in compliance with subsection D.1.e.

g. be located within one hundred fifty (150) feet of a fire apparatus access road as defined by the Internal Fire Code.

Figure 29.05.270.D.1



2. Internal Accessory Dwelling Unit. ~~No Restrictions. There is no restriction or requirement governing:~~

a. An Internal Accessory Dwelling Unit has no restriction or requirement governing:

i.~~1.~~ The size of the ~~internal accessory dwelling unit~~ Internal Accessory Dwelling Unit in relation to the primary dwelling.

ii.~~2.~~ Total lot size; or

iii.~~3.~~ Street frontage.

b. The primary dwelling is subject to the lot coverage, height, and any other standards for the zone in which it is located.

E. Yard Regulations (Setbacks).

1. Detached Accessory Dwelling Unit. A Detached Accessory Dwelling Unit shall meet all accessory building standards for the zone in which it is located.

a. Exception. An accessory structure to be used as a Detached Accessory Dwelling Unit that existed prior to December 18, 2014 (Ordinance No. 14-16), and meets all other required standards can be located within the five (5) foot side yard setback provided the following standards are satisfied:

i. the structure has a firewall with no openings,
ii. no closer than two (2) feet from the property line,
iii. not located in a utility easement, and
iv. privacy standards in subsection F.

2. Internal Accessory Dwelling Unit. The primary dwelling is subject to the yard regulations (setbacks) for the zone in which it is located.

F. Privacy. The following privacy standards and requirements shall apply to all Detached Accessory Dwelling Units:

1. Installation of fencing to buffer and mitigate the impact of the unit location, parking areas, and unit entrances from adjoining properties. Fencing shall be a six (6) foot tall solid visual barrier and shall comply with applicable fencing requirements beginning at the front yard setback abutting side and rear yard property lines as illustrated in Figure 29.05.270.F.1.

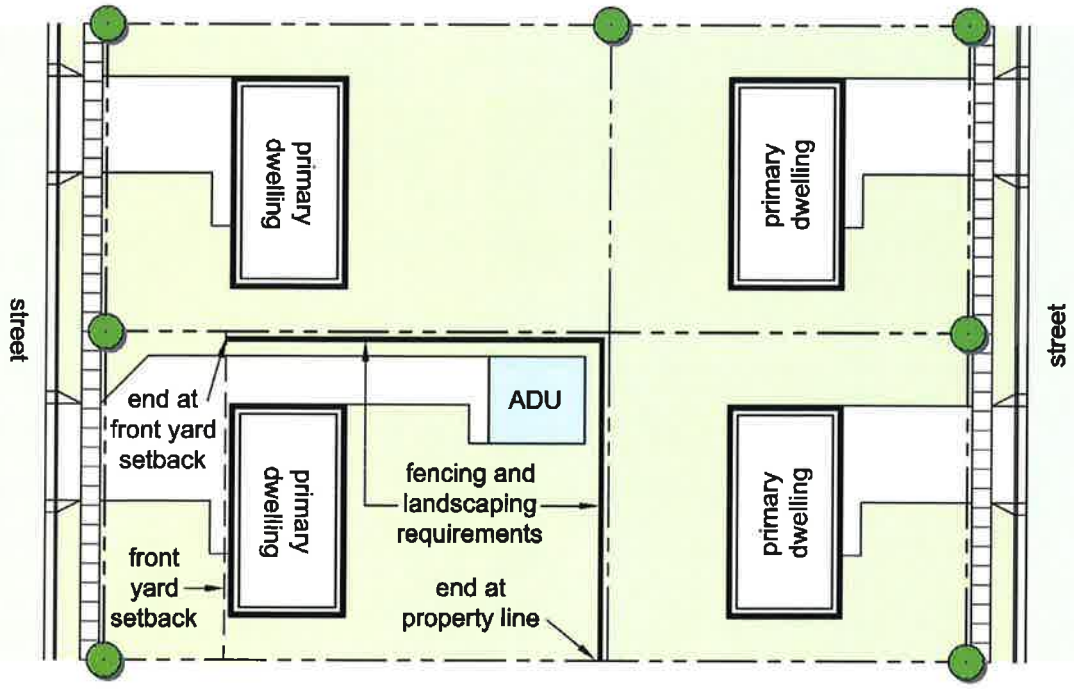
2. Windows on a Detached Accessory Dwelling Unit located above a detached garage facing adjoining properties are prohibited, unless required by building, health, and fire codes, as adopted. If required, a frosted, translucent, or stained type of non-see-through window shall be installed.

3. Balconies and rooftop decks are prohibited.

4. Exterior stairways and landings shall not be located or encroach into the accessory building setback from property line.

5. Exterior lighting shall provide illumination directed downward with light source shielded from adjoining properties.

Figure 29.05.270.F.1



G. Address. The primary dwelling and the Internal Accessory Dwelling Unit shall have the same address number. A Detached Accessory Dwelling Unit shall have the same address as the primary dwelling and be referenced as unit A. Addresses must be in a visible location for emergency responders.

H.~~E.~~ Enforcement Lien. The City may, in addition to any other legal or equitable remedies

available, pursue a lien against the subject property in an amount of $100 for each day of violation (after the day which the opportunity to cure the violation expires) for:

1. Any violation of Utah Code Section 10-9a-530, entitled "Internal accessory dwelling units", or
2. Any violation of this Section.

I.~~F.~~Notice and Hearing. The City adopts the lien notice and hearing notice requirements set forth in Utah Code Section 10-9a-530. An owner appealing a violation may appeal that decision to the designated appeal officer, or to the appeal authority if no appeal officer is designated, provided they do so in writing within fourteen (14) days of the notice of violation by delivering the same to the Community Development Director or designee.

J.~~G.~~ Appeal of Administrative Hearing Decision. Any decision of the appeal officer or the appeal authority may be appealed by the owner or City to the District Court within thirty (30) days from the written decision is made.

	R-1-40	R-1-20	R-1-12	R-1-10	R-1-8	R-M-7	R-M-15	R-M-30
29.12.100. Height Regulations. The maximum height for all main buildings and structures in districts regulated by this chapter shall be in feet:	35	35	35	35	35	35	35	35
in number of stories:	2	2	2	2	2	2	4	6
for accessory buildings in feet :	20	20	20	20	20	20	20	20
except accessory buildings within five feet (5') of the property line, the maximum interior wall height shall be:	8	8	8	8	8	8	8	8
in number of stories: Exception: Detached Accessory Dwelling Units. See Chapter 29.05	1	1	1	1	1	1	1	1
No dwelling shall be erected to a height less than one (1) story above grade.	A	A	A	A	A	A	A	A
29.12.110. Coverage Regulations. The maximum coverage in per cent for any lot in the districts regulated by this chapter shall be:	20	20	30	35	35	40[26]	50	50

29.12.120. Special Provisions. [27]

A. Protection of Single Family Residential Uses: A six foot (6') solid fence or masonry wall shall be provided along the adjoining property line where a two-family, three-family, four-family, multi-family group or planned unit development adjoins any single family residential use. Chain link fencing with slats is not considered a solid fence for purposes of this Section, unless the chain link has interlocking opaque vinyl, which is pre-inserted into the mesh. A minimum twenty foot (20') 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 can be reduced to ten feet (10') after ensuring there is no negative effect on the single family residence. Evergreen or deciduous trees shall be planted in the planting strip to provide a buffer between the two uses. A tree planting plan shall be submitted to the City for review and approval by the City Forester. The minimum tree size is two inch (2") caliper for deciduous trees and an eight foot (8') height for evergreens. A fence or wall is not required along the adjoining property line in the required front yard setback. If a fence or wall is installed along the property line in the required front yard setback it shall comply with the height and location standards as referenced in the Regulations Governing Fences and Walls Section of this Title.

B. Recreation and Playground Areas: In any residential development with four (4) or more dwelling units on a single parcel of land, there shall be provided usable recreation or playground areas outside of the front yard setback, with a total minimum area of two thousand (2,000) square feet for three (3) dwelling units and two hundred and fifty (250) additional square feet for each dwelling unit thereafter. The minimum width and length of any usable recreation or playground area shall not be less than twenty feet (20') unless a trail system is approved as part of the requirement by the Community Development Manager or designee. The on-site, above grade storm drainage detention basin may count toward a portion of the recreation area if the applicant provides sufficient evidence that the basin is safe for recreational purposes and usable pertaining to the area, slope and landscape. All recreation and playground areas shall be accessible by all dwelling units within the development. Pathways within the designated areas may be included in the calculation (sidewalks which border a parking lot and/or buildings and parking lots are not considered recreation area for the purposes of this Section).

C. Landscaping: In multiple residential developments (two-family, three-family, four-family, multiple-family, group or planned unit developments), all areas not covered by buildings, structures and parking, shall be landscaped and maintained using an underground automatic irrigation system. Areas not covered by an approved building, required parking trees or shrubs shall be covered by grass or another acceptable ground cover such as bark, wood chips or decorative rocks. Dirt, weeds and similar materials are not considered acceptable ground cover. Each project shall submit a complete landscaping plan to the City for review and approval by the City Forester. The landscaping plan shall include at least one (1) tree per unit or as approved by the City Forester. The minimum tree size is two (2") inch caliper for deciduous trees and eight feet (8') in height for evergreen trees. No species of trees or large shrub should be planted under overhead lines or over underground utilities if its natural growth may interfere with the installation or maintenance of any public or private utility. Storm drainage facilities should be incorporated into the landscape design and appear to be a part of the overall project.

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[26] *Ordinance No. 14-16, 12/18/14*

[27] *Ordinance No. 11-12, 5/19/11*

ORDINANCE NO. _____

AN ORDINANCE OF BRIGHAM CITY AMENDING TITLE 29 ZONING ESTABLISHING STANDARDS FOR DETACHED ACCESSORY DWELLING UNITS

WHEREAS, an application has been filed by Rick Grover, a Brigham City Resident, to amend City Code Title 29 Zoning to allow for Detached Accessory Dwelling Units; and

WHEREAS, Brigham City recently amended Title 29 Zoning to allow for Internal Accessory Dwelling Units as mandated by the 2021 Session of the Utah Legislature passed House Bill 82 – Single-Family Housing Modifications, to be codified in various Titles and Chapters of the Utah Code; and

WHEREAS, a new City Code Section in Title 29 Zoning was established and adopted by Ordinance No. 21-12 for Internal Accessory Dwelling Units; and

WHEREAS, the City anticipates Utah Legislature will address Detached Accessory Dwelling Units due to the demand for housing shortage and housing affordability, and supports moving forward with allowing for said use associated with a single family dwelling; and

WHEREAS, following necessary public notice and public hearing, the Planning Commission has provided a recommendation to the City Council related to Detached Accessory Dwelling Units.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BRIGHAM CITY, STATE OF UTAH, AS FOLLOWS:

Section 1.

Title 29 Zoning, Chapter 29.05 Supplementary and Qualifying Regulations, is hereby amended to modify the Table of Contents and Section 29.05.270 Internal Accessory Dwelling Units, which shall read as follows:

Table of Contents

29.05.270. Accessory Dwelling Units

29.05.270. Accessory Dwelling Units

A. Definitions. As used in this section:

1. Attached. Means one of the following:

a. A shared wall with any portion of the primary dwelling, expanding the primary dwelling footprint with no separation of space between the Internal Accessory Dwelling Unit and the primary dwelling as illustrated as a potential variation in Figure 29.05.070.A.1, Option A; or

b. A roof attached to the primary dwelling, expanding the primary dwelling footprint with an allowance for separation of space between the Internal Accessory Dwelling Unit wall and the primary dwelling as illustrated as a potential variation in Figure 29.05.270.A.1, Option B.

2. Detached Accessory Dwelling Unit. An accessory dwelling unit created:

a. As a stand-alone permanent structure with typical footing and foundation, not attached to the primary dwelling and provides fully connected utility services to the unit. Campers, recreational vehicles, recreational coaches, trailers, mobile homes, and other portable units or structures are not considered a permanent structure for the purpose of this definition.

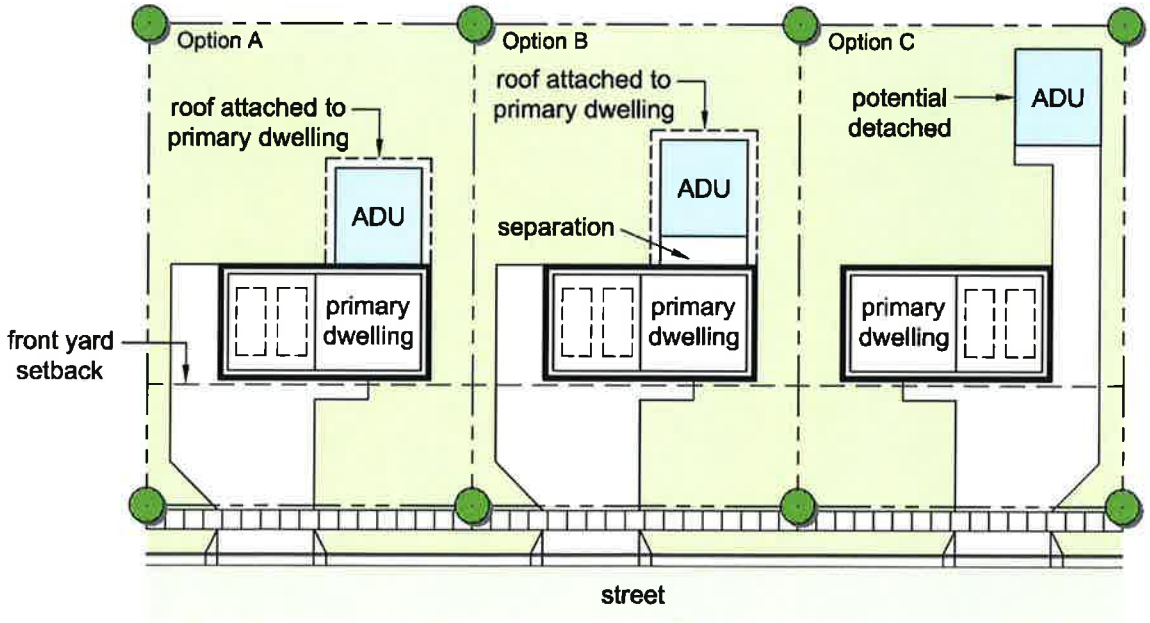
b. As an entirely separate unit or constructed as part of an existing accessory structure, such as a detached garage as illustrated as a potential variation in Figure 29.05.270.A.1, Option C.

c. For the purpose of offering a long-term rental of thirty (30) consecutive calendar days or longer; and

d. Located on the same lot of record as the primary dwelling.

e. Includes separate dedicated kitchen and bathroom facilities for the exclusive use of the Accessory Dwelling Unit occupants.

Figure 29.05.270.A.1



3. Internal Accessory Dwelling Unit. An accessory dwelling unit created:

a. Within an existing primary dwelling.

b. Provided within the footprint of the existing primary dwelling at the time the Internal Accessory Dwelling Unit is created; and

c. For the purpose of offering a long-term rental of thirty (30) consecutive calendar days or longer; and

d. Located on the same lot of record as the primary dwelling.

e. Includes separate dedicated kitchen and bathroom facilities for the exclusive use of the Internal Accessory Dwelling Unit occupants.

4. Primary Dwelling. A single-family dwelling that:

a. Is detached; and

b. Is occupied as the primary residence of the owner of record.

5. Residential Unit. A residential structure or any portion of a residential structure that is occupied as a residence.

6. Short-Term Rental. A residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for less than thirty (30) consecutive calendar days.

B. Accessory Dwelling Units Allowed in certain Zoning Districts.

1. A maximum of one (1) Accessory Dwelling Unit shall be allowed for each primary dwelling or in a Detached Accessory Dwelling Unit associated with a primary dwelling as a Permitted Use in the M-U-40, M-U-80, M-U-160, A-1, A-5, RR-1, RR-5, R-1-10, R-1-8, R-1-6, R-M-7, R-M-15, R-M-30, GC, and CBD Zoning Districts provided the Accessory Dwelling Unit complies with all the requirements of this Title.

2. Only one (1) Accessory Dwelling Unit is allowed per lot of record.

C. Accessory Dwelling Unit Requirements.

1. Before occupancy, City Officials shall confirm the Accessory Dwelling Unit complies with all applicable building, health, and fire codes, as adopted.

2. The Accessory Dwelling Unit shall be served by the utility meter serving the primary dwelling. The installation of a separate utility meter for an Accessory Dwelling Unit is prohibited.

a. Exception. A separate electrical meter may be required for a Detached Accessory Dwelling Unit if an upgrade to the primary dwelling electrical services would pose any safety issues with the Detached Accessory Dwelling Unit load and sourcing of primary dwelling.

3. The Accessory Dwelling Unit shall include separate dedicated kitchen and bathroom facilities for the exclusive use of the Accessory Dwelling Unit occupants.

4. Appearance.

a. Detached Accessory Dwelling Unit. The Detached Accessory Dwelling Unit shall:

i. have the same or similar design as the primary dwelling unit.

ii. be complementary to the primary dwelling's architectural character by using similar exterior building materials, window types, door and window trims, roofing materials, roof pitch, and permanent foundation as illustrated in Figure 29.05.C.4.

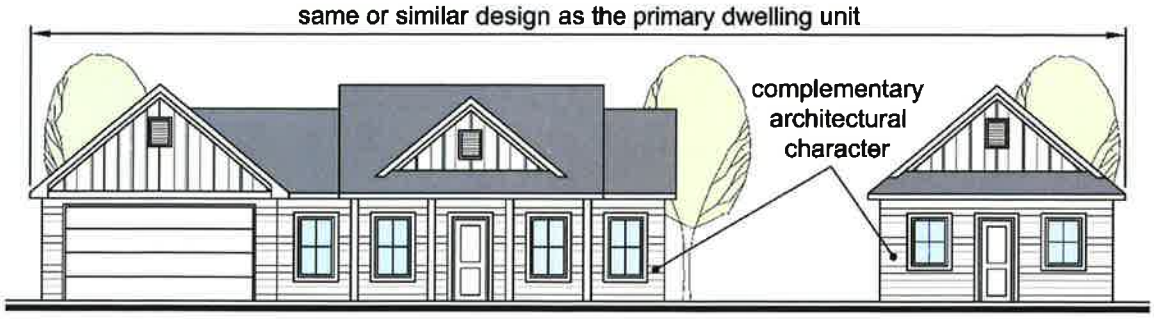
iii. maintain the same or similar color of the primary dwelling.

iv. be designed or appear so that, to the degree reasonably feasible, the appearance of the building is compatible with the architectural components of the primary dwelling (exterior materials, color, and roof pitch).

v. The height shall not exceed the height of the primary dwelling.

b. Internal Accessory Dwelling Unit. Except for any access door, the Internal Accessory Dwelling Unit shall be designed not to change the appearance of the primary dwelling as a single-family dwelling.

Figure 29.05.C.4

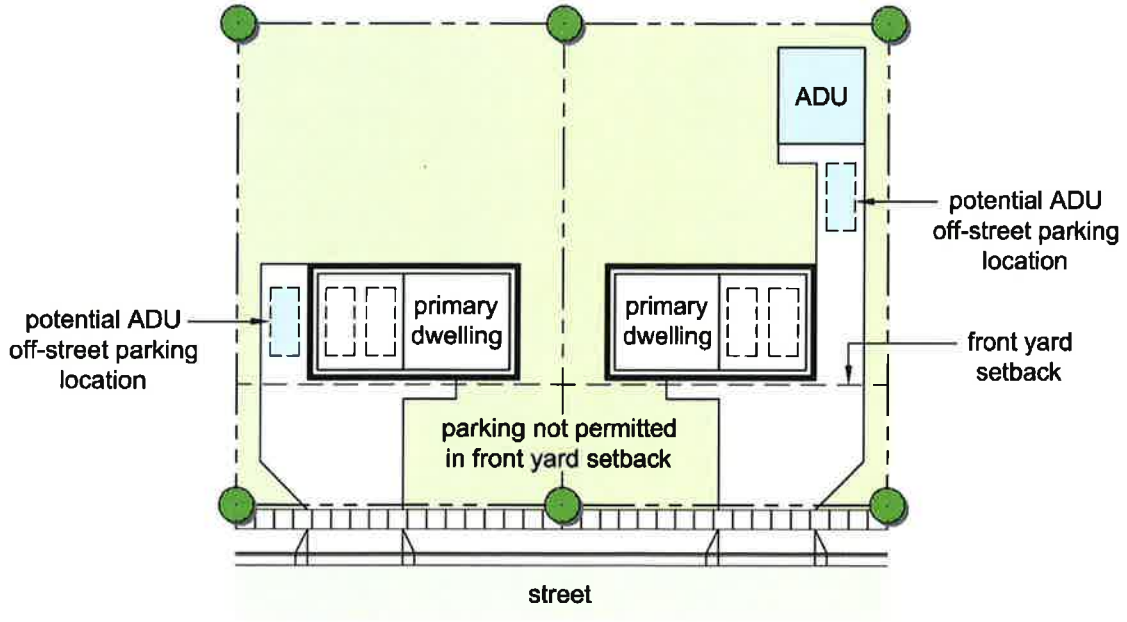


5. Required Off-Street Parking.

a. One (1) additional on-site hard-surface (concrete, asphalt, or pavers) parking space shall be provided for the exclusive use of the Accessory Dwelling Unit, regardless of whether the primary dwelling is existing or new construction. If three (3) or more parking spaces exist, one (1) space can be designated for the exclusive use of the Accessory Dwelling Unit.

b. Standard Off-Street Parking. The Accessory Dwelling Unit parking space shall be located outside of any front yard setback area as illustrated as a potential variation in Figure 29.05.270.C.5.b.

Figure 29.05.270.C.5.b.



c. Alternative Off-Street Parking.

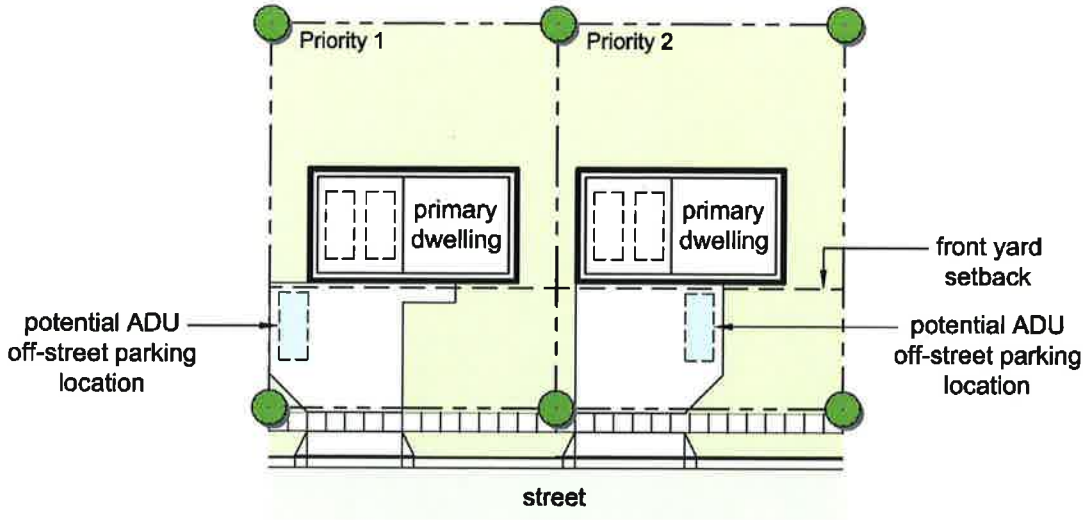
i. An existing primary dwelling with both side yard setbacks, each less than nine (9) feet in width may allow the additional required on-site parking space in the front yard

setback provided the location of the parking space be adjacent to and abutting the existing driveway in the following order of priority (see Figure 29.05.270.C.5.c.i.):

1) on exterior side of driveway between the driveway and side property line, and

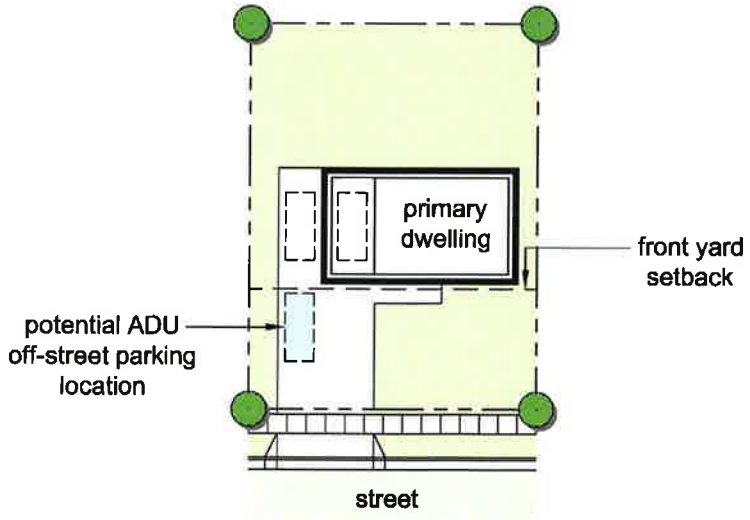
2) on interior side of driveway and not greater in width than ten (10) feet.

Figure 29.05.270.C.5.c.i.



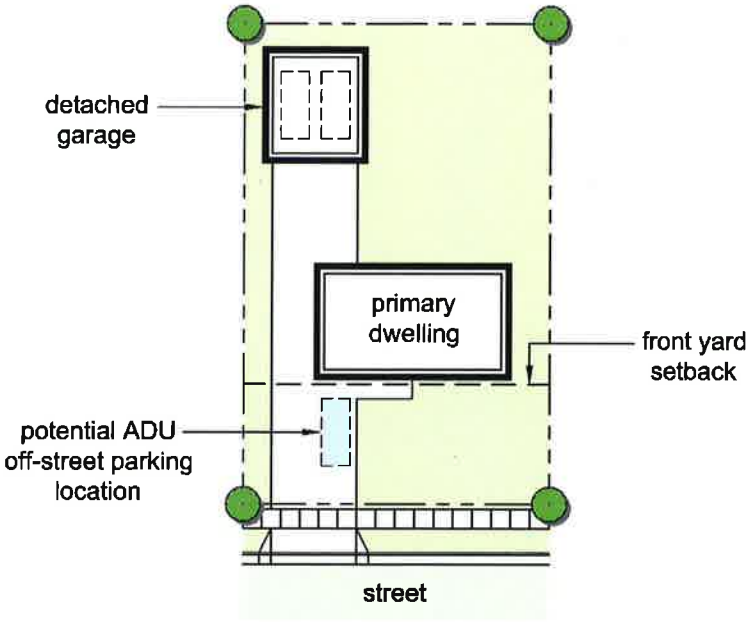
ii. An existing primary dwelling with a single car garage or carport with an existing or proposed side yard parking space outside of the front yard setback may allow the additional required on-site parking space in the front yard setback provided the location is directly behind the side yard parking space as a tandem space (see Figure 29.05.270.C.5.c.ii).

Figure 29.05.270.C.5.c.ii.



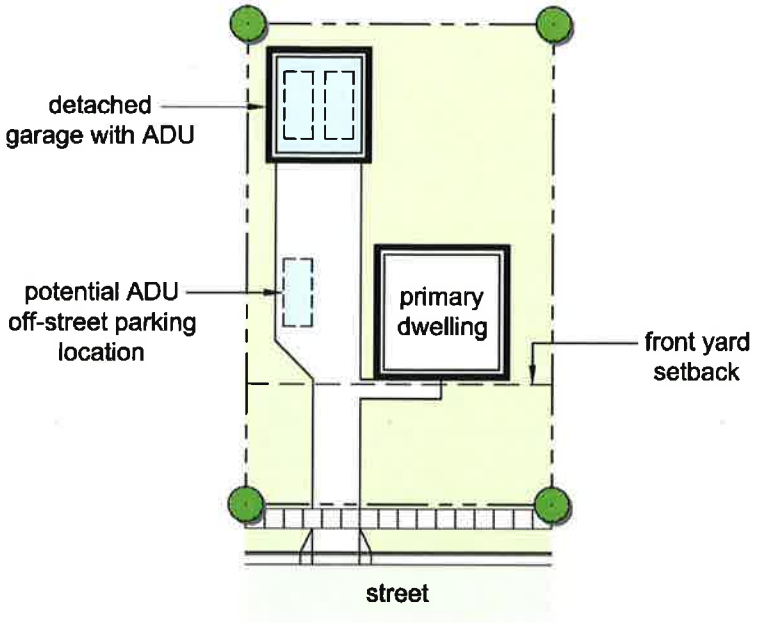
iii. An existing primary dwelling with a driveway that extends along the side yard to access an existing detached garage or carport may allow the additional required on-site parking space in the front yard setback provided the location of the parking space be adjacent to and abutting the existing driveway and not greater in width than ten (10) feet (see Figure 29.05.270.C.5.c.iii.).

Figure 29.05.270.C.5.c.iii.



iv. A primary dwelling with a rear yard detached garage may allow the additional required on-site parking space in the driveway behind the front yard setback provided that primary dwelling parking ingress and egress are not obstructed (see Figure 29.05.270.C.5.c.iv.).

Figure 29.05.270.C.5.c.iv.



d. The Accessory Dwelling Unit parking space shall not be located within the clear view area on a corner lot.

e. Drive approaches and curb cuts shall comply with Brigham City Public Works Standards.

f. A primary dwelling located within a homeowner's association that restricts parking in the front yard setback or common area is permissible as an acceptable alternative under 5.c. provided the applicant has the homeowner's association's written approval.

g. When an Accessory Dwelling Unit is created through the conversion of a garage or carport, the parking spaces provided by the garage or carport shall be replaced at a location on the lot, provided they are located outside of any front yard setback area.

6. No portion of a mobile home, or mobile home park or subdivision, as defined in Section 57-16-3, Utah Code and Chapter 29.02, Brigham City Code, shall be used as an Accessory Dwelling Unit.

7. An Accessory Dwelling Unit is prohibited if it will be served by a failing septic tank, as determined by the City or the Box Elder County Health Department.

8. Permits and License Required.

a. An application shall be filed with the City to create or establish an Accessory Dwelling Unit.

b. No construction to create or establish an Accessory Dwelling Unit shall commence without the issuance of the necessary Building Permits and Zoning approval, as required by the City.

c. The owner of the primary dwelling shall obtain an approved rental business license issued by the City, before the Accessory Dwelling Unit is rented. Such license shall remain valid and shall be renewed, as required by the City.

9. Recordation Required.

a. The City shall record a notice in the Office of the Box Elder County Recorder that provides:

i. A description of the primary dwelling.

ii. A statement that the primary dwelling or primary dwelling lot of record contains an Accessory Dwelling Unit; and

iii. A statement that the Accessory Dwelling Unit may only be used in accordance with the City's land use regulations.

b. Upon recording the notice described in this Subsection, the City shall deliver a copy of the notice to the owner of the Accessory Dwelling Unit.

10. Owner-Occupancy Required. The owner of the primary dwelling shall reside on the property, either occupying the primary dwelling or Accessory Dwelling Unit.

11. Addition to primary dwelling for purpose of creating an Internal Accessory Dwelling Unit. The footprint of an existing primary dwelling may be increased to create an Internal Accessory Dwelling Unit provided the following are met.

a. The existing primary dwelling, all existing accessory structures, and the lot upon which the primary dwelling is located are all in compliance with the City's Land Use Ordinances, Building Codes, and other Ordinances and requirements, as applicable.

b. The proposed addition to create an Internal Accessory Dwelling Unit meets all requirements of being "attached" to the primary dwelling.

c. The location of the proposed addition to the primary dwelling complies with all requirements of the City's Land Use Ordinances, including compliance with required yard setbacks and height.

d. Required parking for the Internal Accessory Dwelling Unit can be provided as required by this section.

e. A valid building permit is issued authorizing the proposed construction.

f. The proposed Internal Accessory Dwelling Unit will comply with all requirements of this section.

12. Short Term Rental Prohibited. An Accessory Dwelling Unit shall not be rented or occupied for a period of less than thirty (30) consecutive calendar days. It is prohibited for any Accessory Dwelling Unit to be used as a Short-Term Rental Unit.

D. Size, Height, and Area Restrictions.

1. Detached Accessory Dwelling Unit. A Detached Accessory Dwelling Unit shall:

a. not be less than three hundred (300) square feet or more than one thousand (1,000) square feet.

b. be limited to no more than two (2) bedrooms.

c. not occupy more than twenty five percent (25%) of the rear yard area of the lot.

d. meet all accessory building standards for lot coverage, rear yard coverage, height, and any other standards for the zone in which it is located; and

e. be limited to twenty (20) feet in height to the peak of roof or height of primary dwelling, whichever is less as illustrated in Figure 29.05.270.D.1.

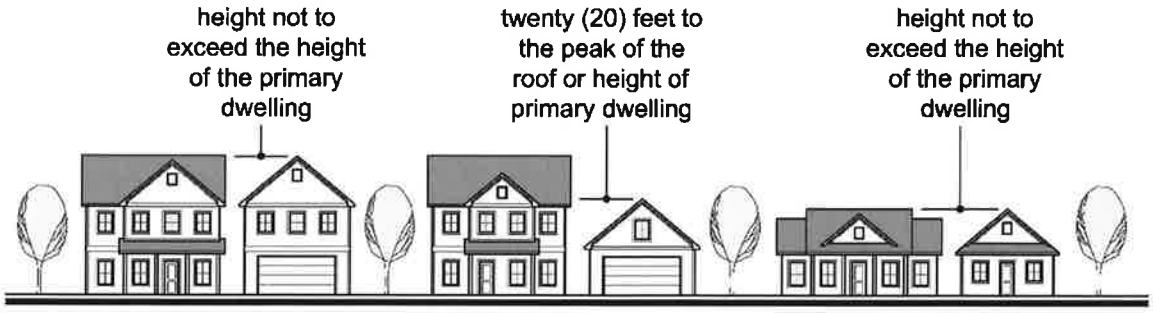
f. be limited to one (1) story, except when located:

i. above a detached garage and in compliance with subsection D.1.e, or

ii. within the attic space as a loft and in compliance with subsection D.1.e.

g. be located within one hundred fifty (150) feet of a fire apparatus access road as defined by the Internal Fire Code.

Figure 29.05.270.D.1



2. Internal Accessory Dwelling Unit.

a. An Internal Accessory Dwelling Unit has no restriction or requirement governing:

i. The size of the Internal Accessory Dwelling Unit in relation to the primary dwelling.

ii. Total lot size; or

iii. Street frontage.

b. The primary dwelling is subject to the lot coverage, height, and any other standards for the zone in which it is located.

E. Yard Regulations (Setbacks).

1. Detached Accessory Dwelling Unit. A Detached Accessory Dwelling Unit shall meet all accessory building standards for the zone in which it is located.

a. Exception. An accessory structure to be used as a Detached Accessory Dwelling Unit that existed prior to December 18, 2014 (Ordinance No. 14-16), and meets all other required standards can be located within the five (5) foot side yard setback provided the following standards are satisfied:

i. the structure has a firewall with no openings,

ii. no closer than two (2) feet from the property line,

iii. not located in a utility easement, and

iv. privacy standards in subsection F.

2. Internal Accessory Dwelling Unit. The primary dwelling is subject to the yard regulations (setbacks) for the zone in which it is located.

F. Privacy. The following privacy standards and requirements shall apply to all Detached Accessory Dwelling Units:

1. Installation of fencing to buffer and mitigate the impact of the unit location, parking areas, and unit entrances from adjoining properties. Fencing shall be a six (6) foot tall solid visual barrier and shall comply with applicable fencing requirements beginning at the front yard setback abutting side and rear yard property lines as illustrated in Figure 29.05.270.F.1.

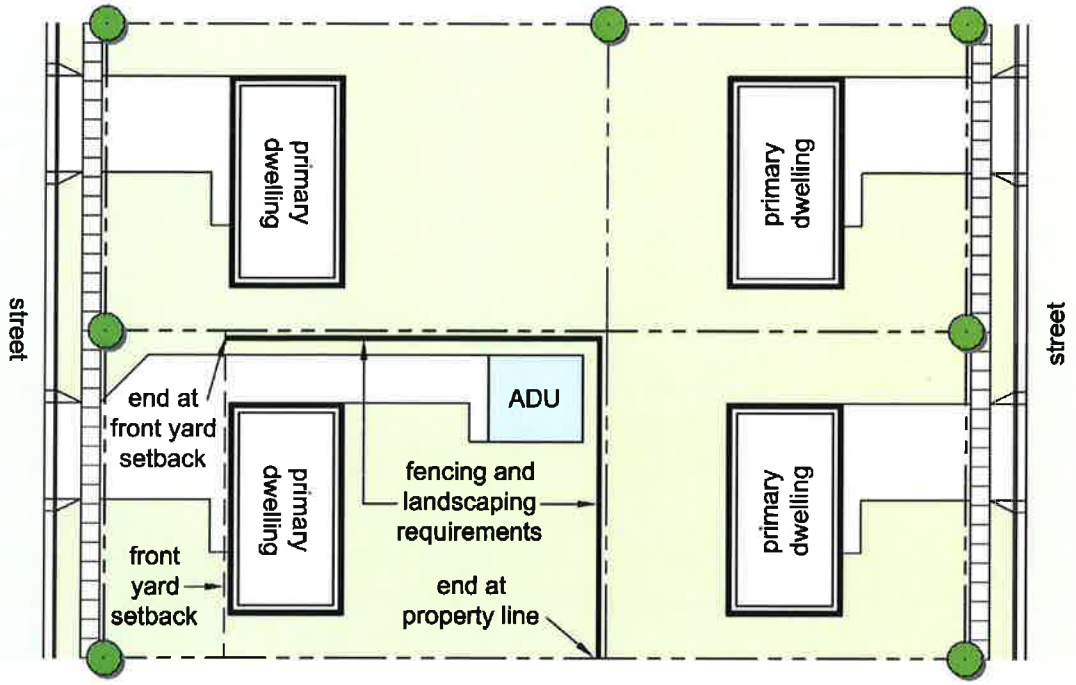
2. Windows on a Detached Accessory Dwelling Unit located above a detached garage facing adjoining properties are prohibited, unless required by building, health, and fire codes, as adopted. If required, a frosted, translucent, or stained type of non-see-through window shall be installed.

3. Balconies and rooftop decks are prohibited.

4. Exterior stairways and landings shall not be located or encroach into the accessory building setback from property line.

5. Exterior lighting shall provide illumination directed downward with light source shielded from adjoining properties.

Figure 29.05.270.F.1



G. Address. The primary dwelling and the Internal Accessory Dwelling Unit shall have the same address number. A Detached Accessory Dwelling Unit shall have the same address as the primary dwelling and be referenced as unit A. Addresses must be in a visible location for emergency responders.

H. Enforcement Lien. The City may, in addition to any other legal or equitable remedies available, pursue a lien against the subject property in an amount of $100 for each day of violation (after the day which the opportunity to cure the violation expires) for:

1. Any violation of Utah Code Section 10-9a-530, entitled "Internal accessory dwelling units", or
2. Any violation of this Section.

I. Notice and Hearing. The City adopts the lien notice and hearing notice requirements set forth in Utah Code Section 10-9a-530. An owner appealing a violation may appeal that decision to the designated appeal officer, or to the appeal authority if no appeal officer is designated, provided they do so in writing within fourteen (14) days of the notice of violation by delivering the same to the Community Development Director or designee.

J. Appeal of Administrative Hearing Decision. Any decision of the appeal officer or the appeal authority may be appealed by the owner or City to the District Court within thirty (30) days from the written decision is made.

Section 2. Multiple Use, Agricultural, and Rural Residential Districts.

The land use table, Section 29.11.040, in Chapter 29.11 Multiple Use, Agricultural, and Rural Residential Districts, is hereby amended to indicated that an "Accessory Dwelling Unit" is a permitted use, subject to standards in Chapter 29.05, in the M-U-40, M-U-80, M-U-160, A-1,

A-5, RR-1, and RR-5 zoning districts

Section 3. Residential and Multiple Residential Districts.

A. The land use table, Section 29.12.030, in Chapter 29.12 Residential and Multiple Residential Districts, is hereby amended to indicate that an "Accessory Dwelling Unit" is a permitted use, subject to standards in Chapter 29.05, in the R-1-10, R-1-8, R-1-6, R-M-7, R-M-15, and R-M-30 zoning districts, and

B. Section 29.12.100. Height Regulations, in Chapter 29.12 Residential and Multiple Residential Districts, is hereby amended to include "Exception: Detached Accessory Dwelling Units. See Chapter 29.05" in the height regulation for accessory buildings "in number of stories" standard.

Section 4. Commercial Districts.

The land use table, Section 29.13.030, in Chapter 29.13 Commercial Districts, is hereby amended to indicate that an "Accessory Dwelling Unit" is a permitted use, subject to standards in Chapter 29.05, in the GC and CBD zoning districts.

Section 5. This ordinance shall take effect immediately upon posting and publication in the manner as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF BRIGHAM CITY, STATE OF UTAH, ON THIS _____ DAY OF _____, 2022

BRIGHAM CITY

_____

Mayor Dennis J. Bott

ATTEST:

_____

Christina Boss, City Recorder

A #3

BRIGHAM CITY
AGENDA ITEM FOR CITY COUNCIL MEETING

1. INITIATED BY: Jason Roberts

2. DEPARTMENT OR DIVISION: Mayor's Office

3. DATE INITIATED: February 8, 2022

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   Request for approval to purchase land at approximately 950 West 400 South

5. ESTIMATED TIME NEEDED: 5 Minutes

6. PROPOSED DATE FOR COUNCIL ACTION: February 17, 2022

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

Date	Name	Signature	Attachment

9. MAYOR'S SIGNATURE: _____

A#4

BRIGHAM CITY
AGENDA ITEM FOR CITY COUNCIL MEETING

1. INITIATED BY: Jason Roberts

2. DEPARTMENT OR DIVISION: Mayor's Office

3. DATE INITIATED: February 9, 2022

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   Request for Lobbyist Services Contract to Obtain Federal Infrastructure & Stimulus Grant Monies.

5. ESTIMATED TIME NEEDED: 20 Minutes

6. PROPOSED DATE FOR COUNCIL ACTION: February 17, 2022

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

Date	Name	Signature	Attachment

9. MAYOR'S SIGNATURE: _____

WELCOME TO BRIGHAM CITY

Beautiful Brigham City- Your Future is Here!

MAYOR'S OFFICE

interoffice

M E M O R A N D U M

To: City Council

From: Mayor' Office

Subject: Consultant Contract for Lobbyist Services Contract to Obtain Infrastructure Funding

Date: February 10, 2022

The City Council Agenda for February 17, 2022 includes an action item to consider a contract with a consultant to provide lobbyist services to obtain Federal Infrastructure and Stimulus Grant monies.

We will discuss possible opportunities to obtain federal stimulus and other state monies to offset the cost of infrastructure for needed utility and road projects in the City. A list of projects that may be eligible for funding matches will be shown.

The consultant contract would include services for both attempting to obtain funding for projects and legislative advocacy for items that specifically affect Brigham City.

Additionally, we will be discussing the workings of the state legislature and how the consultant could fit into this process.

Making Life Better

Subject to legal review

WELCOME TO
BRIGHAM CITY
Beautiful Brigham City-
Your Future is Here!

CITY ATTORNEY
LEGAL DOCUMENT REVIEW

Document Name: Consultant Contract

Name of Person Requesting Legal Review: Jason Roberts

Date Sent (via email): 02-10-2022 Review Date Deadline: 02-11-2022

Reviewed by Attorney: _____ Date: _____

☐Reviewed and acceptable as submitted
☐See suggested changes

Returned to: _____ Date: _____

☐Accepted as Received

Submitted to Mayor's Office: _____ Date: _____

Reviewed by Mayor's Office: _____
Jason Roberts, City Administrator

Making Life Better

PROFESSIONAL SERVICES AGREEMENT

BETWEEN

BRIGHAM CITY AND DLS CONSULTING, INC.

This Professional Services Agreement is effective as of the 18th day of February 2022, by and between Brigham City, a Utah political subdivision corporation (hereinafter referred to as "Brigham City"), and DLS Consulting, Inc., a Utah corporation, located at 11671 Granite Flats Road, Highland, UT 84003 (hereinafter referred to as "Contractor").

Contractor's Responsibilities. Contractor shall consult with and advise Brigham City from time to time at Brigham City's request and Contractor's reasonable convenience with respect to legislative government affairs and intergovernmental relations. Contractor shall lobby state officials in regard to issues identified by Brigham City and specifically in regard to Brigham City's road funding and infrastructure needs. Contractor shall not be required to devote any particular amount of time toward the performance of his duties hereunder, provided, that Contractor shall use his reasonable efforts and devote sufficient time to become familiar with and knowledgeable about Brigham City's legislative priorities and plans.

Brigham City Responsibilities. For the purposes described in this Agreement, Brigham City shall pay Contractor the sum of Sixty Thousand dollars ($60,000.00) for services rendered. Contractor is an independent contractor and may incur expenses in the performance of his duties. Contractor shall not be reimbursed for expenses which are incurred on behalf of Brigham City.

Standards for Services. Contractor agrees to provide all services in a competent, professional manner and in full compliance with all applicable laws, rules, and regulations; and in accordance with all professional and industry standards applicable.

Terms and Termination. The term of this Agreement is for a period of twelve (12) months from the date of this agreement.

Agreement. Contractor shall not assign any interest in this Agreement and shall not transfer any interest in the same without prior written consent of Brigham City. Any attempt at assignment of rights under this Contract except for those specifically consented to by both parties shall be void.

Modification. This Agreement may only be modified by a written amendment hereto, executed by both parties.

Confidential Relationship. All dealings of the parties hereto are confidential, and no report, data, information or communication developed, prepared or assembled by Contractor hereunder shall be revealed or made available to any person or entity other than Brigham City without Brigham City's permission except as provided by law. Should any request be made of Contractor for Confidential Information by a third party, Contractor shall notify Brigham City in writing immediately, and shall cooperate with Brigham City in responding to such request.

Conflict of Interest. Brigham City is aware that Contractor represents various municipalities on legislative matters unique to each city. The parties agree that the Contractor is free to accept any other employment which does not directly conflict with their representation of Brigham City. In the event that

such employment, in Brigham City's opinion does not conflict with Contractor's duties hereunder, and such conflict cannot be resolved to Brigham City's satisfaction, Brigham City will have the right to terminate this agreement, and the parties agree to negotiate together with respect to the compensation which has been earned. Contractor agrees that it has a duty to inform Brigham City of any potential conflicts of interest as soon as possible so that such conflicts can be confronted and resolved.

Independent Contractor. No employer/employee relationship is intended by the parties hereto, the relationship of Contractor to Brigham City being that of independent contractor. Brigham City will not be required to make payroll deductions or provide worker's compensation insurance or health benefits. Contractor will be responsible for applicable benefits, Federal, State and local employment taxes, social security and Medicare taxes.

Notices. All notices that are required to be given by one party to the other under this Agreement shall be in writing, and shall be delivered personally or sent via registered or certified mail through the US Post Office. Such notices shall be addressed to the other parties at the following addresses, unless such addresses are changed by notice, in writing, to the other party:

Brigham City
Attention: Jason Roberts
20 North Main St
Brigham City UT 84302

DLS Consulting, Inc.
Attention: David Stewart
11671 Granite Flats Road
Highland UT 84003

Severability. If any provision of this Agreement is held to be unenforceable, the remainder of this Agreement shall be severable and not affected thereby.

Survival. Contractor shall remain obligated under all clauses of this Agreement which expressly or by their nature extend beyond the term hereof.

Additional Provisions. This Agreement shall be governed by the laws of the State of Utah. It constitutes the entire agreement between the parties regarding its subject matter. This Agreement supersedes all proposals, oral or written and all negotiations, conversations or discussions heretofore and between the parties related to the subject matter of this Agreement.

Brigham City

By: _____

DLS Consulting, Inc.

By: _____

D #1

BRIGHAM CITY
AGENDA ITEM FOR CITY COUNCIL MEETING

1. INITIATED BY: Jason Roberts

2. DEPARTMENT OR DIVISION: Mayor's Office

3. DATE INITIATED: January 26, 2022

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   Proclamation Declaring Local Emergency Discussion

5. ESTIMATED TIME NEEDED: 10 Minutes

6. PROPOSED DATE FOR COUNCIL ACTION: February 17, 2022

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

Date	Name	Signature	Attachment
01/26/2022	Jason Roberts	Jason Roberts	

9. MAYOR'S SIGNATURE: _____

PROCLAMATION
OF THE MAYOR OF BRIGHAM CITY, UTAH, DECLARING A LOCAL EMERGENCY

WHEREAS, on March 6, 2020, Utah Governor Gary R. Herbert issued an Executive Order declaring a state of emergency in Utah due to the global pandemic of the Novel Coronavirus COVID-19, and

WHEREAS, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic;

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national state of emergency based on the continuing spread of COVID-19;

WHEREAS, Utah Code Ann. § 53-2a-203 defines "Local emergency" as "a condition in any municipality or county of the state, which requires that emergency assistance be provided by the affected municipality or county or another political subdivision to save lives and protect property within its jurisdiction in response to a disaster, or to avoid or reduce the threat of a disaster; and

WHEREAS, Utah Code Ann. § 53-2a-208 gives the Mayor as chief executive officer of Brigham City the authority to declare a local emergency by proclamation; and

WHEREAS, Brigham City Code 11.03.020 authorizes the Mayor to declare a local disaster, in consultation with readily available city councilmembers, upon a finding a disaster has occurred or is imminent; and

WHEREAS, Bear River Health Department continues to track Covid-19 cases and its variants and finds that there remains an active and increasing number of cases in Box Elder County, including cases in Brigham City,

WHEREAS, the Mayor, in consultation with readily available city councilmembers, finds that a local disaster, has occurred or is imminent, and that it is necessary to enable Brigham City to utilize electronic meetings so that city councilmembers may attend virtually if asked to quarantine and that a quorum may be available virtually.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED by the Mayor of Brigham City, Utah that a local emergency exists in Brigham City due to the increasing number of Covid-19 cases and its variants. This declaration of a local emergency constitutes an official recognition that a disaster situation exists or is imminent within the City and justifies the allowance of electronic meetings to enable the time sensitive work of Brigham City. This Proclamation shall take effect immediately and shall not be continued or renewed for a period in excess of thirty (30) days except by or with the consent of the governing body of Brigham City. This Proclamation shall be filed with the City Recorder and issued and distributed in an appropriate form to the public.

Signed this _____ of February, 2022:

BRIGHAM CITY

_____
Dennis J Bott, Mayor

Attest:

_____
Christina Boss, City Recorder