

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
March 16, 2017**

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

ALSO PRESENT:	Mark Bradley	City Planner
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Michael Christiansen	City Attorney
	Paul Larsen	Community Development Director
	Mike Nelsen	Police Chief
	Derek Oyler	Finance Manager
	Jason Roberts	City Administrator

Mayor Vincent called the meeting to order. The Reverence Period was given by Ryan Reeder from the LDS 5th Ward. The Pledge of Allegiance was recited.

Approval of Minutes: Councilmember Jensen requested the following corrections to the minutes:

March 2, 2017 Work Session

- Page 5, line 7 - it jumps into the raised crosswalks, but it doesn't say anything about what she stated about the speed ditches. The point she was trying to make was that the City has been filling in those speed ditches and now we want to make raised crosswalks. She did not think people would accept that either way.
- Page 6, line 2 – curbs should be curves.
- Page 6, line 12 – “but once you got back in the water it would kill the bacteria” should read, “but once you got back in the water it would *not* kill the bacteria.”

March 2, 2017 Council Meeting

- Page 5 during Councilmember Comments – She clarified her comments regarding the Interfaith Council. The way it is written it sounds like she was saying that the LDS didn't want to work with the other denominations. That was not her point. She was trying to say, without having to name everyone that did not want to join in the Sesquicentennial Interfaith Choir event, that, “The non-denominational that they had gone to, they invited them to participate in the Sesquicentennial Choir and they were the ones that did not want to come because they were afraid they were going to look like they were going to support the LDS.” The way it is written it sounds like the LDS did not want to work with everyone else, and that's not the truth, and that she was surprised that the Catholics, the Baptists, and the Protestants and the Methodists and everybody else were OK to work with the LDS. That was a surprise to her because she thought it would be the other way around. She clarified that the LDS were willing to work with everyone.

A motion to approve the minutes of the February 16, 2017 Work Session and March 2, 2017 Work Session and City Council meeting as amended was made by Councilmember Thompson, seconded by Councilmember Bott and unanimously approved.

AGENDA

PUBLIC COMMENT COUNCILMEMBER COMMENTS UNFINISHED BUSINESS

Consideration of Ordinance Approving the General Plan

PLANNING COMMISSION

Consideration of Final Plat of the South Bench Subdivision Located at 600 South and 900 East

Consideration of Ordinance to Amend Title 29.17, Sign Regulations, to Allow Special Provisions for Community Event Banners for Events Organized and Sponsored by Brigham City and Establish an Approval Process

Consideration of Ordinance Amending Title 291.3, Commercial Districts, to Address the Use of

Category of Laundry Cleaning in the Central Business District

ADJOURN TO CLOSED SESSION

PUBLIC COMMENT

Lee Johnson, Brigham City – Mr. Johnson said going back to the Roman Empire the emperor designated someone in charge of the conquered territories. Because people did not like this, they set up a council instead of an individual. This set up factions fighting against each other in order to impose laws upon the other party. In recent developments the progressives in various states are trying to reverse the Constitution by eliminating the office of president. Mr. Johnson said the Constitution is not a common law document; it is a document with very specific meanings for things, including the way to correct it. People don't understand the difference between common law and admiralty law. Admiralty law is to the letter; common law a person follows the spirit. As long as we don't differentiate between the two it will be confusing and chaotic to those who know the difference.

Juliana Larsen, Brigham City – Ms. Larsen discussed passing ordinances related to the general plan. There are three ordinances on the agenda. When the Council reads these things, does that mean they are going to look at the ordinance and pass the ordinance, and as soon as it is passed, then they can pass the City plan? She said the ordinance reads, "*The ordinance shall take effect upon recording and at least five days after publication or posting.*" She did not understand what this meant. Does it mean the ordinance has to be posted somewhere before it can be officially on the books and active to pass something against that? She researched the difference between ordinances and resolutions. In a state document it states that most ordinances do not require a public hearing prior to their adoption and may be introduced, considered and passed in the same meeting, with the following exceptions to the rule, the last one being land use ordinances which generally require a public hearing. Ms. Larsen said these ordinances will become law. It then becomes something that someone can go back into the general plan and say the general plan says something and it is law. Ordinances can even include Class B Misdemeanors and/or jail time and/or fines. She asked if the general plan should be approved by ordinance or resolution. If it's approved by ordinance, the Council needs to be aware that there is no number on the proposed ordinance. If it is going to be used to pass the other two items on the agenda, she questioned whether this is within the guidelines.

Bonnie Germer, Brigham City – Ms. Germer reminded the Council that the citizens voted down big spending on the ballot. She has talked to some people and they feel like changes like the general plan have such odd things in it that it should be put on the ballot, item by item. Two fire stations, is there a price of what it would cost to do exactly this plan? She felt that this should be tabled to let the citizens figure out what they want in the City rather than what just the Council wants. This is a lot of money the citizens have to come up with, even though the Council says it will be extended out, she did not believe it would be extended the 10-20 years. She felt it will start right away and taxes and fees will go sky high because there are a few people that really want to rebuild Brigham City. However, some people do not want Brigham to be rebuilt. She did not think there would be enough residents within the next ten years to

even pay for one fire station. She asked if the Council realized the equipment that will need to be purchased for skating rinks. Each location would need its own shaver. She also asked the Council if they realize the liability versus cost for a splash pad. It would be a lifetime liability. She felt that citizens should have a big say on the general plan because once the Council makes a decision, it will take place immediately. She asked the Council to allow the citizens to be involved and allow them to vote on these things and have it on the ballot exactly what the citizens are voting on. Give the citizens until November.

COUNCILMEMBER COMMENTS

Councilmember Jensen went to see the choir rehearse for the sesquicentennial pageant. She helped at the Family Fun Fair on March 6. She went to the Eggs and Issues and listened to economic development throughout the county. She attended the Fire Department pinning ceremony. She also picked up gifts from businesses for Bingo Night at the Senior Center. They are doing Bingo every Thursday during March Meals and Wheels Fundraiser. At the Aging Advisory Council they talked about changing the bylaws to help show the different people that go to the Center. It is not just Brigham City citizens that use the Senior Center; it is also people from Perry and Willard. They are trying to get more people to represent their areas better to have more collaboration and a stronger Senior Center. She reminded everyone about the Arbor Day Celebration on April 24.

Councilmember Farr said he also attended the economic development meeting and it was very good.

Councilmember Thompson attended the Museum Board meeting. He recommended everyone go to the museum and see the current display. It is the 40th anniversary of the Utah Quilt Guild and to celebrate they are displaying red and white quilts. The Legislator toned down House Bill #164 regarding transfer of utility funds so it is more workable for cities.

Councilmember Bott said the Youth City Council met. They received second place in the food drive. He said the Urban Beautification Commission is having a big tree planting for the sesquicentennial. Some of the areas that will receive the trees are the pickleball complex and the sports complex.

Mayor Vincent also attended the Eggs and Issues Breakfast. There are a lot of things going on in the community. He said he has been impressed with staff as they have mitigated the water runoff. The City's storm system is working well. He also attended the badging event at the Fire Department; it was very impressive.

UNFINISHED BUSINESS

Consideration of Ordinance Approving the General Plan

Mr. Bradley and Mr. Janson came to the table. Mr. Bradley said the items addressed in the previous work session have been made. One was the FrontRunner language and changes to the map. There were also changes made to the agricultural area.

Referencing Ms. Larsen's comments, Mr. Bradley stated that Utah Code requires all municipalities to prepare and adopt a comprehensive long-range general plan. The City has been adopting the general plan by ordinance in the past. He was unsure whether it could be adopted by resolution. Generally, resolutions deal with fees. Ordinances change the City Code as well as formal adoptions. The Utah Code also says that the general plan "*is to serve as an advisory guide and the implementation is based upon the actual ordinances,*" which are the City Codes that are adopted.

Mr. Christiansen added that the general plan is considered a land-use issue and should be adopted by an ordinance.

Mr. Bradley pointed out on the general plan map that the FrontRunner information had been removed and the zoning was changed to Office/R&D/Light Industrial. This is consistent with the current general plan. The lower part was changed to Medium Density. The text under goals is general enough that it does not identify a site. Other items that were changed include:

- The comments from the City Administrator regarding UTA doing another study to identify sites were added.
- In the previous meeting it was requested that the A zones be spelled out. This was added under agricultural lands.
- Rural-residential was changed from a five acre zone to a one acre zone based on the purpose it was before the change.
- Under “Land Use Issues” a lot of the language was removed based on discussions with Ms. Larsen and two bullets were combined.
- Goal #1 under “Land Use” was changed to read, *“Utilize the future land use map to direct industrial, commercial and residential uses in Brigham City. Require development to meet proper ‘City level’ standards such as curb, gutter, storm water, utilities and sidewalks as per required ordinances.”*

Councilmember Farr felt that the FrontRunner goals and strategies should have been removed, not just one paragraph. If it’s not a goal it should not even be in the plan.

Councilmember Thompson said two weeks ago he was in a city that obviously had no future planning and it was a disaster to get around. The value of planning is good for everyone. He added that there are so many items in the general plan that the City could not afford to do them in the next 10-15 years; that is obvious. It is a very long range plan. The City doesn’t want to block anything they may want to do later. There are no violations, no fees or anything for violating this ordinance.

Councilmember Bott preferred that the two fire stations not be in the plan and the semi-trucks routed off of Main Street and routed through residential neighborhoods.

Councilmember Jensen felt that the medians in the wide streets should be removed.

Councilmember Peterson said the Council needs to take the time and make the amendments in the body of the document and then present it to the full Council, then discuss it at a Council meeting. He did not feel that it was staff’s responsibility to make the changes. Instead of just saying what the Council doesn’t like, they should make the changes in a document.

Mr. Roberts suggested the Council agree on the areas they want changed and designate who they want to make the changes. The person could make the changes and then discuss it with the entire Council.

Mayor Vincent suggested the Council go through the plan and then meet with Mr. Bradley with any portions they have issues with, and then move forward.

Councilmember Farr did not think the Council will ever agree on all the items in the plan. He felt that the Council should look at the big picture and look at each area and specifically the goals. If a majority of councilmembers don’t think the goal is something they want accomplished, it should be removed.

Mr. Janson explained that general plans are aspirational, they’re advisory and they generate ideas. The Council should not take everything as things that have to be done. The items in the plan are things that the City should look at in the future, maybe 15 years away. There are ideas in the general plan that in the future would make more sense than they do presently. They are ideas to think about as opposed to

actually doing them all. That is not the way general plans work, they are advisory. The goal statements tell a lot about the plan. The Council may not agree with the details, but they are ideas that could be vetted sometime in the future. The question is whether the Council wants to throw them out and never talk about them again, or keep them in and in 5, 10 or 15 years it will make sense to talk about them. For example, the fire station. The plan says there is a need *someday* for fire stations. The City may never get to that point, but the analysis for service areas indicated that there is a need.

Councilmember Farr said if there is a need for two fire stations, it should be turned over to the County for a county-wide system. If that is the case, he wondered if it should be in the City's general plan. Mr. Bradley said language could be added that if there is a need for two fire stations, a special district could be evaluated. Mr. Janson added that the current language is a geographic based analysis. There is no cost based analysis.

Councilmember Jensen said the current language is putting it on Brigham City's back.

Mayor Vincent said the concern of the citizens is they look at the general plan and think that if something is in the plan, the City is going to do it. Councilmember Jensen said that is how it's been historically. Mr. Roberts disagreed, explaining that there have been overpasses and several other items in the current general plan that have never happened. Councilmember Jensen said the City has not done every single thing because the City cannot afford it, but once something is in the general plan, it gives the idea that it is something the City should be working on. Mr. Roberts agreed, stating that the City would look at long-term goals.

Councilmember Jensen said if it is adopted by an ordinance, it is a law. Mr. Bradley explained that there is a difference between saying the general plan is an ordinance vs. it is approved by ordinance. Utah Code says the general plan is an advisory guide and implementation of it is dependent on the ordinances adopted, which is the City Codes. It is the zoning codes, subdivision codes, the Public Works Standards that are the driving things to get to that point.

Councilmember Jensen said there are other driving points as well, not just the written word. People are the driving points, whether it be committees or staff, there is a drive. The written word is the inertia that helps the people consider what they should be working on. If the Council does not think that something is practical or feasible because of the City's growth or because of what should or should not be done, should the City be putting focus into it? Maybe the focus should be on infrastructure – water, electric, sewer – the things the City should be working on.

Mr. Janson said the language could be softened – more “consider” and “explore.” That is how general plans are thought of, as a tool for the City to consider providing something and explore the possibility. After considering it, the City may decide not to do it or decide to move forward with it. He added that communities violate the general plan all the time. There is no penalty for that.

Councilmember Peterson suggested he go through the plan in the next month and take the suggestions made by the City Council and work with Mr. Bradley to modify the language. Once it has been modified, he will email it to the Council a week before the meeting. If he doesn't add any of the suggestions he will let the councilmember know that he didn't agree with the suggestion and it can be modified in the motion. The Council unanimously agreed.

Councilmember Bott said it has been inferred that the general plan came from the City Council and started just a few months ago. He felt it was important that people on Facebook and in the Council Chambers realize that this document was generated after a year of several public meetings that were publicly noticed in the newspaper and social media. He said he was tired of people saying that the Council thought it up. If people didn't come to meetings then, shame on them.

Mayor Vincent said sometimes the public talks badly about the Council. If that happens, he said he would appreciate it if the Council had each other's back. He said the Council has the best interests of Brigham City in mind. They do not do this for themselves. They were elected to do a job and they listen to the citizens. There have been several meetings and they have heard a lot of citizen input. Staff and the consultants have taken a lot of time and have talked to people in the community regarding growth and what they would like done. This is not the Council's brain child. They have reviewed it and they consider the interests of every citizen in Brigham City. They are not self-serving and it is not just for them. The decisions the Council makes today they will have to live with when they are no longer on the Council. It is frustrating when he hears that he is self-serving. That is wrong. He wanted the community to know that the Council cares about the community and wants people to enjoy Brigham City. They do not want to raise everyone's taxes. They are looking at a plan of where Brigham City should go in the future and how to make it a better place than it is today; a place to live, work and play.

Councilmember Jensen said the councilmembers are talking about her Facebook. She posted the email she sent to the councilmembers regarding the general plan. There are some people that are disgruntled and not happy with the City Council and the Mayor. The reason she didn't ask them not to say certain things is because she leaves her Facebook an open forum. It is the one place that the citizens will not get shut down for speaking their mind, so she did not ask them not to say certain things. It is her Facebook; it is not the Brigham City Facebook. She will not put rules on it. If people are disgruntled with her or whoever, they should be able to speak their mind and confront them. If citizens start fighting with each other on her Facebook page, she leaves it alone because it is an open forum. She has learned in the last nine years on the Council that sometimes the Council does not watch each other's back. Sometimes we let each other jump all over each other. That is part of politics; it gets messy. If anyone feels bad about what was said on her Facebook, they are more than welcome to comment back. It is open. The only thing she did on this post was block DeAnna Hardy because she is not a Brigham City citizen and every time she gets on there it gets ugly and it gets off topic. There needs to be an open forum somewhere to hear what is really bothering people. What was bothering people the most was the crime in the City. Just recently there were 22 storage bays broken into. People complain to her all the time that Brigham City does not enough police protection, and she doesn't know what to say to them. People complain to her about the Fire Department. They don't know where else to address it so they say it on her Facebook. She said if anyone wants to duke it out on her Facebook they are welcome to do so, she just asked that they try to be civilized because we are all neighbors and friends in the end.

Councilmember Farr asked Councilmember Peterson to read Councilmember Jensen's comments about the five things she asks herself: 1) is it essential; 2) is it affordable; 3) is it sustainable; 4) is it the government's job; 5) what are the unintended consequences.

Councilmember Peterson said he disagrees with some of these questions. For example, the golf course is not essential to Brigham City, but enhances the quality of life. The swimming pool is not essential; the parks are not essential, but they enhance the quality of life, which is the City's Mission Statement. Citizens want these things even if they are not essential. There are some things the City does that make citizens' lives better that are not essential.

Councilmember Farr agreed with his comments, adding that there are some services that are not profitable and do not pay for themselves that are beneficial to the City.

Councilmember Jensen said when she read those statements it was not intended for the swimming pool. She has always been a big advocate of the swimming pool and golf course and she doesn't golf. It is not about the items that are already here. It's the future things that the Council can make better by making good choices.

PLANNING COMMISSION

Consideration of Final Plat of the South Bench Subdivision Located at 600 South and 900 East

Mr. Bradley explained that the approval of this final plat is subject to the following items being completed:

- 1) Compliance with staff review comments. The developer is near completion on these items.
- 2) City Attorney approval on plat, title report and escrow document.
- 3) Finalize land exchange with adjacent property owner.
- 4) Escrow agreement recorded with the plat.

MOTION: Upon motion by Councilmember Peterson, with a second from Councilmember Farr, the final plat of the South Bench Subdivision was approved.

Consideration of Ordinance to Amend Title 29.17, Sign Regulations, to Allow Special Provisions for Community Event Banners for Events Organized and Sponsored by Brigham City and Establish an Approval Process

Mr. Bradley stated that the change to the title would allow City Council to determine the nature of the community event banners. It is anticipated these signs will be placed on City property. Banners should not be placed within the public right-of-way. In the event any signs would better serve the community by placement on private property, the property owner must give permission and the community event banner would not count toward the overall maximum cumulative sign area for the said property in which the sign would be placed.

MOTION: A motion to approve the ordinance to amend Title 29.17, Sign Regulations, to allow special provisions for community event banners for events organized and sponsored by Brigham City and establish an approval process was made by Councilmember Farr, seconded by Councilmember Bott.

Councilmember Peterson suggested “organized and sponsored” be changed to read sponsored only in three areas. This would include events that the City is not organizing but is sponsoring, such as Tour de Cure and Relay for Life.

AMENDED MOTION: Councilmember Jensen amended her motion to include Councilmember Peterson’s suggestions. The amended motion was seconded by Councilmember Bott. A roll call vote was taken:

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

Consideration of Ordinance Amending Title 29.13, Commercial Districts, to Address the Use of Category of Laundry Cleaning in the Central Business District

Mr. Bradley explained this amendment would clarify the intent when this was modified in 2009. Under allowed uses, the word “laundromat” would be added to “laundry cleaning, automatic self-help (*laundromat*)” and would be changed from a non-permitted use to permitted in the Central Business District.

Also, “Laundry cleaning, drop off dry cleaning and/or pressing on site or off site” has been changed to “Laundry cleaning, drop off *off-site* dry cleaning and/or pressing.” He explained that patrons would drop off their clothes at the site and they will take them to their main business in another community. This would change from non-permitted to permitted.

The final amendment is to add “Laundry cleaning, drop off on-site dry cleaning and/or pressing” as permitted in the general commercial zone and not permitted in the Central Business District. It was felt that the smell and chemicals used in dry cleaning was not desirable in the downtown area where it would be adjacent to another business.

MOTION: Councilmember Thompson made a motion to approve the ordinance to amend Title 29.13 for commercial districts to address the use of category of laundry cleaning as presented. The motion was seconded by Councilmember Bott. A roll call vote was taken:

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

ADJOURN TO CLOSED SESSION

A motion to adjourn to a closed session to discuss the purchase, exchange or lease of property and the character, professional competence, or physical or mental health of an individual was made by Councilmember Peterson and seconded by Councilmember Bott. A roll call vote was taken with all councilmembers voting aye. The meeting adjourned to a closed session at 8:27 p.m.

The Council returned to an open meeting at 9:06 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 March 16, 2017 City Council Meeting.

Dated this 20th day of April 2017

Mary Kate Christensen
Mary Kate Christensen, Recorder