

BRIGHTON TOWN COUNCIL MEETING MINUTES

Tuesday, August 8th, 2023, at 6:30 pm

*Approved at the September 12th, 2023 Town Council Meeting

ATTENDANCE

Jeff Bossard (Mayor Pro Tempore and Meeting Chair)

Council Members: Keith Zuspan, Jenna Malone, Carolyn Keigley

Staff: Cameron Platt, Jane Martain, Kara John, Kyle Morgan, Stewart Okobia, Erin O'Kelley

Partners: Cheryl Lenzer, Wayne Dial, Dustin Dern, Amber Broadaway, Mike Doyle, Barbara Cameron

Public: Nicole Anacker, Matthew LaPlante, Abby Layton, Lise Brunhart, Erika Kazi, Chad Smith, Kathy Anderson, Adrienne Aldous, Lise Brunhart, Heidi Westfall

ANNOUNCEMENTS

Meeting the Candidates was on July 30th. Candidate Profiles will go live tomorrow 8/9/2023 and can be viewed at vote.utah.gov. Voters should click on "Learn about candidates & issues", then they will be asked to enter their address. The names of all candidates on the voter's primary ballot will be displayed, along with bios for candidates that submitted them.

PUBLIC INPUT

Heidi Westfall commented that she has an application for an STR license in Pine Tree. She realized the 5 current licenses and the one in process have not sent out the required letter of notification to their neighbors within 300 feet of the property. She suggested the requirement be changed so that the town of Brighton or Salt Lake County are the ones to send out the letter. Kara John commented that this ordinance went in to place in the spring, so it didn't apply to STRs that were licensed before that time. The intent is for owners to connect with their neighbors and provide contact information, a complaint flow chart, and a list of rules and regulations.

Jeff Bossard added that as licenses renew each year, they will be required to comply with the 300-foot notice.

MINUTES

Approval of Town Council Minutes for July 11th, 2023. Jeff Bossard and Jenna Malone were not present at the last Town Council meeting. The approval of the minutes was tabled until next month's Town Council Meeting.

UPD

Cheryl Lenzer provided a written and verbal report:

"There were 160 calls in the Town of Brighton. There were 11 calls for dogs in a watershed, 4 calls for camping in a watershed, a Search and Rescue call, 4 traffic accidents, a hit and run, an

alarm drop, a few citizens assist calls and a loud music call. We also had several parking enforcement details, where 30 citations were issued.

Our motor unit conducted a traffic saturation around 11355 E Big Cottonwood Canyon on Wed. July 19th. There were two citations written for speed.

The Town of Brighton Ordinance Officer, Kyle Morgan rode with Officer Kyler Roush last month. He spent a few hours getting acquainted with the problem areas regarding parking dependent on the seasons. He was also given training on the Parking Notice system. Even though he doesn't have all the equipment required he seems ready to go and will be a welcome addition to the parking issues seen especially in the winter.

On Aug. 20th, we will have a new Lt. assigned to Special Operations and to Canyons. Lt. Paul Barker served the Canyons as a Canyon Patrol Officer and a Sgt., prior to this new role. We are excited to have him as he brings a wealth of knowledge and experience. As soon as possible Chief Morse will introduce him to everyone.

Mark your calendars for the Big Cottonwood Marathon for Sept. 9th. There will be the full marathon which will begin near the top of Guardsman's Pass and the ½ marathon which will start at Mill D. The start of the race is 6:45 AM and should be clear the canyon around 11:30 AM. Downhill traffic will not be able to flow after the arrival of the first bus at the top of Guardsman's around 4:45 AM. Traffic can flow below that point. The canyon will be completely shut down prior to the start of the race. A shuttle service will start after the start of the race for all uphill and downhill traffic. Please plan your travels accordingly.

Detective Cheryl Lenzer C.O.P/Fraud/Property Crimes
Special Operations/Canyon Patrol and Rescue
Unified Police Department
Dispatch 801-840-4000

Jeff reminded that the race organizers will need to coordinate with the Rocky Mountain Power traffic lights.

Alicia Gonzalez from the MSD's Code Enforcement team provided a written list of parking enforcement stats as of August 7, 2023, at 8:50am:

Total Parking Enforcement Cases: 1,164

Open Parking Cases: 432

Closed Parking Cases: 680

Canceled Parking Cases (meaning there was a technical error): 52

Paid parking cases: 581

Total appeals: 5

Total disputes: 253

Fee Payments made in City-Works: \$85,275

The 5 Canyon Bike Challenge is on August 19th and will go up both Cottonwood Canyons. They will have approx. 125 participants and will ride with the flow of traffic.

It was noted that tickets should not be issued on the roadside at the Guardsman Pass hairpin turn switchback if all four tires are off the pavement. There is only room for a few cars in this area to park safely.

UFA

Dustin Dern reported the construction is very close on the two stations in Eagle Mountain and one in Magna. There continue to be calls for injuries related to hikers and mountain bikers. Crews are actively working on Chipper Days for fuels mitigation work, and it seems to be going well.

Keith Zuspan mentioned there have been residents facing home insurance companies canceling coverage due to fire danger. He asked if there are any steps these residents can take.

Dusty added they are doing what they can for fuels reduction. Wildfire seasons over the past decade have made it more common for insurance companies to reevaluate potentially hazardous areas throughout the country. On a legislative level, there is work being done to protect home insurance and UFA will continue to mitigate risk with the fire wise plan, and work with the state on the fuel mitigation plan.

Carolyn added that in California there was a state mandated moratorium to prevent insurance companies from cancelling coverage. That has ended and now people are having trouble finding any company to cover them.

SKI RESORTS

Brighton

None

Solitude

Amber Broadway commented that Solitude remains busy. The Eagle replacement project will continue into the fall. The Gravity Logic bike trails are making progress with a fall opening. This past weekend was their Summer Fest and thanks to the Town of Brighton, Brighton Institute, and the Cottonwood Canyons Foundation for helping to put on a great event with a lot of kid activities. It was at the same time as the homeowner's weekend. They will switch to Friday through Sunday operations on August 25th. There's been so much construction on the trails, so keep your eyes on the website for trail closures. They're starting to hire for winter and think about operations. They will be implementing a parking reservation program with details coming in September. They are working with Brighton to get employee transportation and all efforts to get parking off the road.

BUSINESS

***The order was switched to start with the voting items e., f., and g. to accommodate a council member leaving early.**

- a. 2022 Annual Financial Report. Presented by Stewart Okobia, Director of Finance, Municipal Services District. Recording: 32:20.**

Stewart Okobia explained the financial statements are presented as a component unit. This means our numbers are displayed beside the other metros for comparison. The combined revenue totals were \$34.7M, which is an increase of about \$1.7 million from the prior year.

Expenses were about \$40,493,000 which was an increase of \$1.7M from the prior year. He noted the bond we closed on in 2020 which is still being calculated as an expenditure and amounted to \$20M of the total expenditures. For Brighton specifically, the revenue was \$2,622,879 000 expenditures was \$1,396,376. Our fund balance net increased by \$81,418. There was a prior year adjustment of \$172,000 to bring in the portion of the books managed in house in Brighton. Some matters brought up by the auditors are for a few balance sheet accounts that need to be reconciled. The construction in process amount needs to be reconciled as well as a cash management audit to be reported as book balances vs bank balances.

Keith Zuspan noted the increase in fund balance is likely due to the increase in sales tax. He thanked Stewart for his excellent effort and for corresponding with the IRS to resolve the conflict between reporting periods that resulted in the state and IRS seeing the withholdings inaccurately.

Stewart will continue to send quarterly financial reports but will take questions anytime.

b. Town of Brighton Local Broadband Plan. Recording - 37:58.

Erin O'Kelley presented the Local Broadband Plan adopted on August 1st. The plan is a great example of federal legislation positively affecting local governments. The bipartisan infrastructure law created the Broadband Equity Access and Deployment (BEAD) program. States received significant money to create infrastructure projects for digital connectivity. The money from the program is administered by the National Telecommunication Infrastructure Administration (NTIA). We've been working with the Utah Broadband Center because they received the federal money to create the Utah Digital Connectivity Plan, but then gave the grant money to local governments, counties, and school districts to create their own plans. In February 2023, the Town of Brighton was awarded \$25,000 to create a plan. In March, we hired Horrox Engineering to consult on the project. They collected data and had conversations with the internet service providers in the town. The community, primarily the Big Cottonwood Canyon Association, worked with them to create the goals and objectives in this plan. We submitted the plan to the Utah Broadband Center on August 1st. When the state of Utah applies for deployment, they will have our plan and request for prioritized projects already, which improves our position to receive the funding to carry out the plan.

The goal of the plan is to create new infrastructure projects. It includes background, data on the type and location of existing broadband, and where the biggest needs are. The goals and objectives are related to broadband deployment. The number one goal is to provide high speed internet to all developed areas with single family homes to increase access to opportunity, facilitate social connections, and bolster emergency response services. The objective is to connect the densest communities, which are Forest Glenn, the Brighton Loop, and Silver Fork since they have the highest concentration of year around households. In the next five years, the focus will shift to Cardiff, Mt Haven, and Mill D. Another goal is to make sure those that already have service receive adequate and reliable service, including mobile coverage. At the open house in July, residents said it's important to have options very various service providers with different price points. The maps in the plan show the download and upload speeds which help to determine funding priorities. Speed test maps also show Brighton does not meet needed service levels. There were 146 respondents for the survey which is a significant amount of

community involvement toward the effort. Some of the obstacles will be connecting infrastructure lines across communities through Forest Service owned land as well as working with watershed and other utilities such as electrical infrastructure. Topography and seasonal changes will also be a challenge. The internet service companies will be responsible for carrying out the construction and the cost, but part of the plan considers how we can help them secure funding from the Utah Broadband Center. Their priorities are for unserved and underserved properties in the state, which Brighton qualifies for. SenaWave has looked at deploying in Pine Tree and Cardiff. They would then be able to request funding based on the number of addresses in those communities that appear to be underserved or unserved.

Per Jenna's question, it was determined that the data was based off census numbers for the results showing that 50% of year-round households do not currently have Wi-Fi. The count doesn't include secondary homes or lots that are dry or off the grid. The high percentage could also include people who use a hot spot opposed to an internet service provider. The plan was submitted to the state of Utah per the deadline. The plan can be adopted by resolution in the September meeting as is or with changes. Jeff is glad to see digital equity piece of the plan since that has been a huge component of the changes the pandemic brought. Keith and Jenna acknowledged and appreciated Erin's hard work. The only change to the plan was to change the priority ranking from medium to high to establish high-speed internet in all unserved areas. Erin recognized the work and communication that Barbara Cameron and the BCCA put into moving this forward. SenaWave are working to expand their services because of open communication. Barbara thanked Bart Reuling, Paul Koone and Scotty John, and Erin O'Kelley for working on this.

*Carolyn Keigley provided her report at this point to accommodate her need to leave early. See Council Member reports.

c. Sustainability Plan. Recording - 1:17.11.

The plan was presented by Kazi Consulting, Erika Kazi, Nicole Anaker, and Abby Layton, each of whom contributed research on the various segments of the plan. As recommended by the Mountain Towns initiative, it's strategic to have climate goals to be reached by 2030. The organization offers membership and a Summit Series to educate and support mountain towns. It's important to align the businesses within the town with the same goal of "Net Zero" by 2030 through programs such as energy efficiency, public transportation initiatives, and waste reduction. Currently in the Town of Brighton, emissions are not tracked, but they could be through a tool such as BEE to measure the uses of propane, vehicles, and wood burning by homes, businesses, and town operations. The second scope would be to measure emissions coming from electricity. Other emissions to track are waste removal and canyon traffic. Data from the BCC Mobility Action Plan shows approximately 2 million vehicles traveling the canyon annually, or 63 million miles, which is 22,000 metric tons of carbon dioxide. A townwide survey was developed for residents to determine household emissions and to help identify government incentives they could qualify for. Factors are considered for homeownership, existing infrastructure, habits of waste disposal, installation of personal electric vehicle chargers and purchase of electric vehicles.

Climate risks anticipate extreme drought in Northeast Utah with at least one major wildfire per year with the potential to burn over 12,000 acres. The snow sport industry will be the hardest hit. It is expected that rain and snowfall rates will be unpredictable. It would be worth investing in a drinking water evaluation system. There was a leak last winter that resulted in a waste of water and impacted the residents' water availability. Drinking water lines and sewage lines could be upgraded to prevent the possibility for contamination. They recommend returning the building set back to 100 ft. from 50 ft. to protect the water quality.

An estimate from Wasatch Front Waste and Recycling for only residential waste shows that each resident is producing around 11.5 pounds of trash per day. This is almost double the national average. This could be attributed to short-term rentals and heavy visitation. At this point, there is only collection for the landfill and mixed recycling. A waste audit could determine the need for food waste recycling/compost as well as glass recycling. Momentum recycling could initiate a pilot program. They already service the resorts and could add bins in the residential areas. It could be valuable to invest in a recycling center in the canyon. There are grants for bio generators to recycle on site without having to export via large vehicles. Many towns have banned single use plastic waste in the form of Styrofoam and plastic to go containers and cutlery, which can't be recycled. Education could be provided to residents about alternatives.

The survey previously mentioned could assist residents in finding subsidized funding to reduce electricity use. Simple modifications would help such as switching to LED lightbulbs, improving infrastructure of the home such as upgraded insulation, and solar paneling to convert to renewable energy. US Forest Service approval could be a potential roadblock since solar farms are an eye sore as well as the snow removal required to keep them functional. Propane emits about 12.6 pounds of CO₂ when combusted, so switching to electric furnaces is recommended. Backup generators could be installed for each home.

Transportation could be handled in four phases as gas and diesel vehicles phase out. Installing public EV chargers (to be placed at the resorts, Silver Fork, and the fire station, increase buses, EV buses (town purchased and leased to UTA), and an EV loaner for residents to share (ideally a truck that could be used for trips transporting bulk). Transportation has seen an exponential increase of cars in the canyon and reaching 10,000 cars per day in peak times. With more persuasion, corporate centers would be a good place to park vehicles for additional riders using public transportation.

Looking at air quality, 2-3 hours of heavy traffic results in the AQI entering the unhealthy zone. Outreach and education can be partnered with Tree Utah, Cottonwood Canyons Foundation, and many others. The challenge with these nonprofits is that they don't have indoor space in the canyon to do office work or host school groups. A community center could serve the education groups and residents alike. A multipurpose community center could also house a recycling center, store, EV charger, EV library, community space, offices, package pick up/drop off for USPS, FED EX, UPS, and Amazon. Loans and grants could be used to build the structure. The Town of Brighton could certify areas as Native Plant and Wildlife Habitats to help support and sustain the natural environment.

Residents in the canyon can be further educated on coexisting with beavers. They can be nuisances, but they provide environmental benefits. Steps should be made to protect the few beavers we have left in the canyon. A council member could be designated to respond to the

beaver hotline to help residents with nuisance beavers. Construction could be limited in the areas that encroach on beaver habitat. A beaver Action Plan can help with funding for coexisting with beavers. Beavers provide water retention with their dams and prevent flooding from storm runoff. The estimation was that there were 500 dams in the canyon at one time, but now there are only 3.

Funding opportunities could come from different sources dependent on the project and target.

Jeff Bossard thanked the presenters for their effort on the plan.

Keith Zuspan commented that space is an issue for a community building or recycling center since the town doesn't own very much land. Working with partners may open accommodation locations for things like recycling or compost. He appreciated their work and thinks town funds could be allocated to some of these projects.

Lise had a concern about food refuse being stored in the canyon because although it isn't anticipated to leak, there is still a possibility of risk to the watershed. Nicole noted that the resorts are already recycling food and have determined that eliminating liquid waste helps to ensure even less opportunity for leaking. The momentum drivers are taking every precaution to protect the watershed from spills. The containers are well reinforced to prevent leaking.

Jenna Malone thanked them for their work on the plan. She was interested in the federal funding opportunities for electric buses that they mentioned. She inquired which other resort communities have committed to the 2030 Mountain Towns.

Erika mentioned a few: Breckenridge, Frisco, Summit County, Park City, Deer Valley, Park City Mountain Resort. Visit MT2030.org for a list of participating towns and ski resorts.

Additionally, there are cost savings for composting food waste instead of contributing it to the landfill.

d. Lease to Locals program. Recording – 2:22.0

The STR subcommittee decided this program will only be for current STR owners to entice them to become long term rental landlords. The town will develop a separate program for owners who are not STR operators to also be able to get into the program. The funding for the Lease to Local program was already approved and budgeted for in July. Keith Zuspan questioned if there would be a way to go to the state for a matching grant since the amount we can contribute limits the number of households that can participate. Jenna agreed with investigating this because the economic incentive must be there for people to convert from STRs.

Jenna Malone moved to approve the program and Jeff Bossard seconded the motion. The motion passed unanimously.

Jenna Malone: Aye

Jeff Bossard: Aye

Keith Zuspan: Aye

Carolyn Keigley: Aye

e. Interlocal Cooperation Agreement Between the Central Wasatch Commission, CWC, for restroom maintenance. Recording – 26:49.

Jeff Bossard explained the agreement is for Brighton and the CWC to join forces for restroom maintenance. The town will pay \$5,000 per month for a total of \$20,000 total. Jenna thinks it's great for us to do anything we can to help manage human waste in the canyon. Keith added this is the same thing we did last year, and it was money well spent.

Jenna Malone moved to adopt the Interlocal Agreement and Jeff Bossard seconded the motion. The motion passed unanimously.

Jenna Malone: Aye

Jeff Bossard: Aye

Keith Zuspan: Aye

Carolyn Keigley: Aye

f. Consideration of donating additional funds to Utah Forest Fire and State Lands. For discussion and possible action. Recording: 29:27.

Keith Zuspan explained the town has contributed \$20,000 to the state for fuel mitigation for the last few years. Dan previously recommended increasing the amount to \$40,000. Jeff agreed that anything we can do to improve the urban interface for fire safety is money well spent. This will be brought back next month with a document to vote on.

g. Planning Commission Seat A. Recording: 31:20.

Jeff Bossard explained this is to approve Donna Conway's seat on the Planning Commission since her seat was set to expire. She was thanked for her service. Jeff Bossard moved to renew the Planning Commission seat for Donna Conway. Carolyn Keigley seconded the motion. The motion passed unanimously.

Jenna Malone: Aye

Jeff Bossard: Aye

Keith Zuspan: Aye

Carolyn Keigley: Aye

PUBLIC INPUT

Chad Smith referenced a question SenaWave had previously asked about getting reimbursed for infrastructure they put in up front before there were possible grant opportunities. He is hopeful we can still receive funding even though we've already signed contracts with SenaWave.

Jeff recommended he reach out to Erin O'Kelley for a better understanding of funding.

CHAT BOX COMMENTS

01:14:15 Barbara Cameron: Could we change the Priority on page 46 to be from medium to HIGH for unserved communities

01:55:00 Lise s Brunhart: Thanks for these exciting sustainability plans...the EV buses and increased service.... Bravo !! 🙌 🙌

02:03:36 Erika Kazi: Replying to "Thanks for these e..."

Thanks Lise! We're excited too!

02:20:02 Lise s Brunhart: Food refuse will generate bacteria in the watershed !

REPORTS

Mayor's Report

Jeff Bossard reported on the road issues. One was the result of Big Cottonwood Creek flooding, so although it's a private road, the homeowner's association is working with watershed to get the culvert replaced. On another road issue, on Old Prospect Rd, a portion of the road that was paved by the MSD last year, parts of the newly installed shoulder washed away because culverts weren't large enough. They are asking MSD what support they can give to residents needing bigger culverts in their driveways as well. UDOT restriped the Brighton Loop and it has improved the walking area on the shoulder by adding 5 feet. The BCA association meeting was very well attended last weekend.

Council Members' Reports

Recording - 1:10.03

Carolyn Keigley provided an update to the separation of UPD from the Sheriff's office as mandated by the Teucer bill. Chief Mazarin was designated as the chief to reorganize UPD to UPD 2. The model could change tomorrow, but for now, Brighton would share the Holiday crime units and responses to accidents. The Sheriff is proposing two models, one that would apply if SLVLESA continues as a district, and one if they dissolve. The most impactful change for us is that we would only have a vote for how taxes are collected and nothing else such as the amounts or policies and procedures. The timeline estimates that the Sheriff's office is gathering facts and numbers to share in September. Then municipalities will have to decide if they will go with UPD 2 or the Sheriff's office before their budget deadlines. July 1st, 2024 will be when the changes are expected to take effect. The big debate that affects other entities' decisions is dependent on what will happen with the unincorporated areas and the funding issues.

Jenna Malone had requests from residents for getting in touch with SenaWave because some of their trucks were parked blocking trailheads in the neighborhoods. Their customer service was very responsive about addressing that.

Jenna contacted Jane about a sewer cover on the side of Dunyon and Honeycomb intersection that needed to be adjusted. There has not been much progress for legal dog walking because we are still working to get the county Health Department to approve an amendment to the health code. Now that we have our CSSO working, it will help to support the issue.

Keith Zuspan reported on the finances that were not included in the presentation today from Stewart at the MSD. The resort community tax, and STR revenue has allowed \$107,000 in the cash account. Of that, \$6,000 is committed for the last payment of the broadband infrastructure plan. In the PTIF account, \$3,275,000. We accrued \$14,000 of interest which comes out annually to 5.1%.

We are working on replacing the No Fireworks with No Dog signs. They will also replace a few signs around the loop that were damaged from snow or plows. The recycle bins at Brighton will be moved to the land next to the compactor after the machinery is moved.

The MSD is still working to obtain access to DMV records so they can track down individuals who haven't paid so they can collect fees.

Cameron Platt added that after months of not hearing from the DMV, he and Polly drafted a letter pointing out the state statute that explains why we should have access to the records. They stated a date that they needed a response back, and they responded that access would be approved. It is unknown why there was such a delay on their end. There are around 350 tickets that have not been responded to out of over 1,100 total tickets. There were only 3 appeals, and we won those cases. We agreed to a stipulation that we would waive the appeal fees if they would waive the appeal to district court since that costs a lot of money and likely wouldn't end in their favor.

Cameron added that when STRs renew their license, they will have to submit the document verifying their contact with neighbors within 300 feet.

Emergency Management Report

Jane Martain reported that Chipper Days was going on last week and continues this week. She will meet tomorrow with Sam Nelson, who is heading this crew. They will be discussing the fire mitigation project and applicants and how they will address those. They met with the BCA last Saturday, and they reminded people we have free passes to the landfill.

BCCA Report

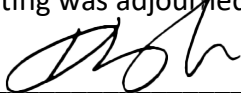
Barbara Cameron thanked Erin O'Kelley for the highspeed internet grant the town received for \$25,000 because she applied for it. We've asked SenaWave to help serve the neighborhoods since we don't have the same highspeed internet that the resorts have. She reported that we had a great time at the parade and the Brighton Days / Wildflower festival. It was great to support stewardship and education. Next week, the BCCA meeting will have a presentation by Josh Van Jura who oversaw the LCC EIS. He will be discussing how the Gondola phases will affect Big Cottonwood, especially the buses and tolling in phase 1. All of this is expected to be finished by fall of 2025.

PROPOSALS FOR FUTURE AGENDA ITEMS

- a. Sales Tax Initiative Process. Presented by Nate Rockwood. For discussion.
- b. Ordinance allowing residents to walk leashed dogs with a licensed watershed tag. For discussion.

ADJOURN

Keith Zuspan moved to adjourn the meeting and Jeff Bossard seconded the motion and the meeting was adjourned at 9:17 pm.



Submitted by Kara John, Town Clerk