



The Regular Meeting of the Brian Head Town Council
Brian Head Town Hall – Council Chambers
56 North Highway 143 – Brian Head, UT 84719
[www.Zoom.us \(Click Here\)](https://www.zoom.us/j/82995817536)

Via Zoom Meeting ID# 829 9581 7536

TUESDAY, AUGUST 22, 2023 @ 1:00 PM

MINUTES OF THE TOWN COUNCIL

Roll Call.

Members Present: Mayor Clayton Calloway, Council Member Larry Freeberg, Council Member Kelly Marshall (via Zoom Meeting), Council Member Martin Tidwell, Council Member Shaun Kelly.

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Shane Williamson, Town Treasurer; Aldo Biasi, Public Works Director, Dan Benson, Public Works Director.

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Brian Head Town Council to order at 1:00 p.m. on August 22, 2023.

B. PLEDGE ALLEGIANCE

Mayor Calloway led the Council and others in the Pledge of Allegiance.

C. DISCLOSURES

There were no conflicts of interest with today's agenda items. Mayor Calloway stated that the disclosure statements are on file with the Town Clerk and are available for public inspection during normal business hours.

D. APPROVAL OF THE MINUTES:

July 25, 2023 Town Council Meeting

Motion: Council Member Tidwell moved to approve the July 25, 2023 Town Council minutes. Council Member Freeberg seconded the motion.

Action: **Motion carried 4-0-1 (summary: Yes = 4, No = 0, Abstain = 1 Vote: Yes:** Council Member Freeberg, Council Member Kelly, Council Member Tidwell, Mayor Calloway. **Abstain:** Council Member Marshall reported that she was not present for the meeting).

E. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS. Public input is limited to three (3) minutes on non-agenda items.

Nancy Leigh, Town Clerk, reported that a ballot box is available for the upcoming Primary Election for voting residents who would like to drop their ballots off. The ballot box is located in her office at the Town Hall.

Mayor Calloway reported he hiked the Manzanita Trail Lower Loop the other day and noticed the tread was a little uneven and could be a little challenging, but the area had some amazing views. The upper loop is a fast-paced trail and is more challenging for speed walking. Mayor

Calloway commented that the trail is a great addition to the Town's trail system. Bret reported that the ACE Crew still has two more hitches to complete on the Manzanita Trail before it is completed. Bret reported they were asked to do a moderate to advanced level so that it incorporated different levels for people to hike.

Council Member Tidwell commented that the lighting on the tiny home project is extremely bright and does not meet the Town's lighting standards. He would like staff to review the lights and believes it is a hazard to drivers since it shines right onto Steam Engine Drive.

Bret Howser, Town Manager

1. Working with signage for the informational kiosks project. Bret reported he doesn't have the final drawing for the pinecone for the kiosks yet, but once they are fabricated it should be completed. The Town Hall kiosks map has been completed.
2. The disc golf course is complete with which there will be numbers on rocks and people can use their QR code can play the single-hole disc golf course. The map is on the Town's website.

Aldo Biasi, Public Works Director

1. The recent rains have delayed some of the public works projects, but the crews are working through some of the projects.
2. The Manzanita Trail restrooms are completed, and the crew is finishing the landscaping at the site. The restrooms are now operational.
3. The Town Walking Trail, Phase 3 project: The mayor worked with the Brianwood condo owners to work on a solution on a route that would satisfy both parties. The walking trail was realigned to benefit both parties. The project is continuing but was delayed due to the recent heavy rain storms.
4. On Steam Engine Drive, there are a couple of areas on the edge of the road that are deteriorating in which the edge is falling off. They are working to get bids from contractors to replace the asphalt and repair the damage this year.
5. Working with the tiny homes contractor on a repair to the asphalt and damage to the road.
6. The Canyon Sewer Line Project will begin soon. There is also discussion that there will also be some UDOT projects happening in the canyon as well, so there could be more delays with the UDOT projects.
7. The department has seen an increase in applications from subcontractors trying to get work completed before the winter season begins. The countdown clock has been put up in the Public Works office reminding people how long they have before they can no longer dig in the Town's right-of-way.
8. Council Member Tidwell inquired if the Town Walking Trail would be completed by Labor Day. Aldo responded that the deadline has been extended due to rain delays, but once they are in the meadow area, they will want to be more sensitive to minimize the disturbance in the meadow.
9. Council Member Freeberg inquired where the snowmobile trail will be located since the paved walking trail now runs where the existing snowmobile trail is. Aldo responded they plan to either build the ramps over the paved walking trail during the winter season or possibly move the trail west to accommodate the snowmobile trail.
10. Mayor Calloway reported that the Town entered into negotiations with Brianwood HOA and it was noted that Brianwood HOA intended to post "No Parking" notices for the snowmobile parking on their property.

Stewart Fausett, Nordic Court Resident, reported that he is present today to request maintenance on Nordic Court Road. Mr. Fausett reported the road hasn't been maintained by the Town in years and he would like to have the road brought back to the Town's standards. Mr. Fausett reported that he had to put his vehicle in a four-wheel drive to get to his cabin today due to the deterioration of the road. Mr. Fausett invited the Council to come and look

at the road for themselves. Mayor Calloway reported he visited the site two weeks ago and had mentioned the condition of the road to the Public Works Director who reported they would try and address the road.

Jana Leany, 290 Falcon Court, stated she would like to start the process for a Special Assessment Area (SAA) for the area of 275 East Road which is off of Mountain View Drive. Ms. Leany reported she is currently under contract to purchase three lots in the area and would like to install water but would install the sewer if required. Mr. Leany reported that out of the seven lots, five lot owners are in favor of an SAA and one owner has not yet responded. Ms. Leany reported she has contacted Alpha Engineering and has received bids from Alpha Engineering and Platt and Platt Engineering, in which the costs run anywhere from \$200 to \$500 a foot for water and sewer for 675 feet of waterline and sewer lines. Mayor Calloway reported that the Council will be holding a policy discussion on SAAs during Agenda Item No. F-2, Snowshoe, Toboggan Special Assessment Area, and will be able to give her more information after the agenda item.

F. AGENDA ITEMS:

1. BRIAN HEAD RESORT MASTER DEVELOPMENT PLAN PRELIMINARY DISCUSSION. A discussion on the draft Master Development Plan for Brian Head Resort.

Bret Howser, Town Manager, reported that Marilyn Butler and Shad Hunter are present today to update and answer any questions on the Resorts draft Master Development Plan (see attached). Bret explained they are seeking the Council's preliminary input on the Resort's draft Master Development Plan.

Marilyn Butler, Brian Head Resort, reported they are currently working with Gardner and Plum Developers of the Aspen Meadows Development, Brian Head Town, and the Community to lay out the Master Development Plan for the resort. Marilyn reported they are in the pre-NEPA phase with the Forest Service and the Division of Wildlife for the locations where the ski lifts will be located. They are scheduled to go into a full NEPA in October 2023. This is the sub-planning phase in which the Master Plan has been sent to over 500 people in the community, the Governor's office, Senators, etc. for input. The Master Development Plan is considered a public document and would encourage the Council to share the Master Development Agreement with anyone interested in it.

Marilyn summarized the Master Development Plan as follows:

1. The Resort is currently in the process of installing new snowmaking equipment which should be completed by November 2023.
1. The SE Group met with the Resort and mapped out the land and processes to move forward with the Resort's 4,300-acre expansion. Positive feedback was received from the SE Group.
2. The expansion will include private housing, short-term rental housing, and hotels, commercial, retail, and restaurants.
3. Mayor Calloway inquired as to the amount of water that would be required for snowmaking requirements. Marilyn reported they are currently working on a water sufficiency analysis plan which will be part of the Master Development Plan. This will give them a fully engineered report that takes into account the existing resort terrain along with the expansion area. The expansion area will be built in phases in a 20 to 30-year plan. They have the water rights and are also in a position to purchase additional water rights from Gardner Plum who are the developers of Aspen Meadows.
4. There is no snowmaking on all of the ski terrain, as an example, there is no snowmaking on Chair #7.

5. There are new four restaurants proposed to be located in the two main lodges: Giant Steps, Navajo Lodge, and the Aspen Meadows Lodge and The Restaurant at the upper Alpine Village. There will also be a medical clinic, food/beverage, and retail stores as well.
6. There is a conversation about having a preliminary conversation about having a mid-mountain lodge on top of Chair #4.
7. There will be approximately 2,000 skiable acres and Gardner and Plum Developers will be working with the Resort in which the Resort will be operating the ski operations and Gardner and Plum will be operating the residential/lodging portion.
8. There are approximately 800 to 1,200 parking spaces identified for the additional area. Marilyn explained that 3,258 total parking spaces are based on the total carrying capacity for the ski lifts. The lodging will be planned off the anticipated designed carrying capacity for the ski lifts which is 2.5 persons per vehicle. They will have the details for parking as they have been working on it with the SE Group and will be part of the final Master Development Plan.

The Council discussed the following:

1. Mayor Calloway inquired as to the skier days goal of the resort and if there is a timeframe associated with it. Shad Hunter, Brian Head Resort, responded that the goal is one million skier days in ten years. Shad reported that the resort reached 300,000 skier days this winter season this year.
2. Bret inquired as to how much infrastructure would need to be developed to meet one million skier days. Marilyn responded that a major portion of the base facilities and each phase of the proposed development will be completed in phases and phase 1 is scheduled to be completed within five years. Shad reported that the resort will be working with UDOT on the traffic in Parowan Canyon and they will be overbuilding the highway for the anticipated one million visitors.
3. Council Member Tidwell inquired as to what conversations the resort has had with UDOT regarding Highway 143. Marilyn responded that she participated in the UDOT Corridor Study along with the Town which included turning and passing lanes, roundabouts and the conversation showed the big picture for Brian Head. The study was released to the public.
4. Council Member Tidwell inquired as to the locations of the proposed ski lifts and the challenges with the wind with three lifts that are proposed on the ridge. Shad reported they were taken into consideration and are working with the SE Group as to the placement of the terminals. They are discussing how to protect the upper terminals by over-engineering the lifts and looking at different types of lifts along with detectable lifts as some of the conversations they are having.
5. Council Member Tidwell inquired as to the type of parking the Resort is considering and what type of parking they are planning. Marilyn responded their consideration is primarily dealing with employee parking in coordination with phase 1 expansion on the upper Alpine base area. But they are still in the preliminary stages of the type of parking as to a flat parking lot vs. parking structure which is expensive.
6. Council Member Tidwell inquired as to the timeline for the process of moving dirt and how they view the construction of 28 ski lifts. Marilyn reported they anticipate installing two to three ski lifts in the ground by next summer of 2024 once the NEPA is completed with the Forest Service and a special use permit is issued.
7. One of the more significant challenges with a special use permit with the Forest Service that the resort has seen is other people who have other interests in the area. Some private landowners have ties to the area and the Forest Service is working with the Native American tribes which could present challenges. The NEPA process has been a challenge as well, but the Forest Service is on board with the Master Development Plan. Marilyn reported they have received positive feedback and believe they have a well-thought-out plan and will share their Master Development Plan as they move forward.

8. Shad reported their goal is to be as transparent as possible and to disseminate the information to the public.
9. A gondola is proposed for the Navajo Lodge area and then goes to the Art Village and continues up to Founders Lift which is a two-stage gondola.
10. Mayor Calloway inquired as to the gondola for the village connector. Marilyn responded that there could be a potential for a three-stage gondola.
11. Marilyn reported that Aspen Meadows lends to mountain biking and summer activities and will have a beginner terrain area with the bike-in, bike-out neighborhood, and will be an additional hub for summer activities.
12. Summer activities will include a bike park in which some work has been completed and can be completed quickly to open on time for the public. A pump track will also be available along with the existing bike park.
13. Council Member Tidwell inquired as to the development of the Navajo Lodge side. Marilyn reported that information will be released at a later time but believes is phase 4 or 5 in the Master Plan.
14. Council Member Freeberg inquired as to the total acreage of 4,600 in which 1,700 is identified under Aspen Meadows and if the remaining acreage is Forest Service. Marilyn reported that it is a combination of Forest Service and private landowners. Shad reported it is divided on the map and includes the Dry Lakes area as well.
15. Mayor Calloway inquired if the Resort has encountered any obstacles in acquiring property for the gondola and parking. Marilyn reported they are interested in joint ventures and still maintaining the property. She believes that they are adding value to the property and does not see a potential conflict at this time.
16. Bret commented that the draft map is a big picture for the Forest Service to see and to bring conversation to the board. Marilyn explained that it is a big plan to move through the process with the Forest Service and is not set in stone at this time. This is for conversation purposes for the Forest Service to have on the proposed corridor and I don't believe that anything on the map hasn't already had a previous conversation with the Forest Service.
17. Council Member Kelly commented that some of the lifts cross onto the Town's property, such as the Decker Springs area, and the Town should consider an agreement with the Resort. Shad reported he was told by a previous employee, Mac Hatch, that a verbal agreement was made between the resort and the previous Council/Mayor, and that the Town would allow the Resort to maintain that area, but the agreement was never identified in writing. Marilyn reported that she would like to follow up with the Council and confirm the agreement in writing.
18. Council Member Kelly reported that with the development of Aspen Meadows, the main business center will be moved towards the Art Village instead of along Village Way which is identified in the Town's General Plan. Council Member Kelly commented that the Town does not know if the area will develop fast or not and what will shift in town. Marilyn reported that this topic has been brought up previously. The resort has property located directly east of The Mall and Giant Steps ski base which is in the middle of the Town's village core, and she does not think that by adding additional ski lifts they will be taking anything away from the area but would enhance the area. Marilyn explained that by adding a high-speed quad chairlift to the Navajo Lodge area, they are now seeing more people using that area and believe it only enhances the area for people to visit.
19. Council Member Tidwell inquired if the red lines on the map are planned lifts. Marilyn reported the resort is planning on installing the following: 1 gondola with a possible three-phase gondola, 7 high-speed lifts, 12 chair lifts, 4 conveyors, and 4 tow ropes. The conveyors and tow ropes are placed strategically in areas for skiers to get back in forth in areas.
20. Reed Erickson, Iron County Planner, applauded the relationship between the Town and Resort. Reed explained he was here in 2006 and 2007 when Alpine Creek, Tier 3 was planned. He has a question as a County Planner how much of the 4,600 acres is

being annexed into the Town how much of the Forest Service is being annexed and if some property is planned to be developed in the unincorporated (county) area. Bret inquired if there is an advantage to annexing Forest Service property. Reed explained that the County would require a special use permit for outdoor recreational use on the county's property but there is not an advantage or disadvantage to the special use permit, it would be so that the County is engaged in the land use approval if the property was not to be annexed into the Town. Marilyn reported that Shad Hunter will be in contact and will work with Iron County on a Special Use Permit.

21. Bret updated Reed Erickson, County Planner, on the proposed plan for the annexation of the 1,700 acres of Aspen Meadows.

2. ASPEN DRIVE WATER SERVICE DISCUSSION. A discussion on restricting water service to properties/subdivisions within the Town limits.

Bret Howser, Town Manager, reported he has been contacted by a property owner on Aspen Drive which is located in the Ski View Estates. Bret gave a brief background on the attempts to annex Aspen Drive (Ski View Estates) into the town several times.

Bret explained that with the Health Department's limitation of septic tank permits and water hauling, there have been challenges for property owners to get fire insurance and they are seeking ways to get water to their property. The property owners have been in discussions with the County on a Special Assessment Area (SAA) that would be between the property owners, the County, and the Town if the Town would be willing to provide the water to the area. Bret reported he did contact the Town attorney on whether the Town can construct waterlines and serve property owners outside of the Town's boundaries. The attorney told him that the Town can provide waterlines and provide services outside of the Town's boundaries, so this would become a policy question for the Council. Bret reported that the Town has not previously provided water outside of the town boundary and it would be a change in the Town's informal policy. The pros and cons are identified in the staff report for this agenda item (see attached). Mr. Almquist requested the Council consider an SAA with Iron County and property owners on Aspen Drive to provide water service to their properties.

The Council discussed the following:

1. Mayor Calloway commented that the Town is in the process of completing the Septic Density Study and until the study is completed, he would recommend waiting until the Council knows what the results are.
2. Mayor Calloway asked Reed Erickson, County Planner, as to the results of the Iron County Septic Density Study that was recently completed. Reed explained that the first study was completed 10-15 years ago in Cedar Valley, and it showed that there needed to be one septic tank permit for every five acres of property. A recent Septic Tank Study was completed which encompassed Cedar Valley, New Harmony, Karraville, and New Castle and the results showed that a septic tank permit per every ten acres of property. It was a mass balance approach and the number of homes of potential property that are based on the groundwater along with the number of septic tanks that are already in the ground. They tried to calculate how many lots could be developed in the area and how many could contaminate that area to arrive at a formula that came to one septic tank permit per ten acres of property.
3. Reed explained that for those on ½ acre lots, the goal for the County is to move towards a Special Sewer District (SSD) that would allow additional treatment in those areas on a long-term basis, and they are being more cognizant of new development.

4. Bret reported the Town plans to have the Septic Density Study completed by the end of 2023.
5. Reed commented that he would propose the Council take into consideration the Green Meadows Acres and Dry Lakes area in the septic density study. Bret reported that the Town does not know what utilities have been installed underground. Reed reported he would need to consult with the county to determine the area first.
6. Mayor Calloway commented that before the Town starts expanding its infrastructure outside the Town's boundaries solely on the septic issue since the area is a desirable area to develop, he would recommend waiting until the Septic Density Study is completed and the Council has the results.
7. Mayor Calloway commented that the second concern is the water rights since the Town currently has several acre feet committed and he believes that the Aspen Drive area would need approximately 21 acre feet of water rights from the County property owners to replenish what the Town has already committed.
8. Council Member Freeberg inquired if the Town installs the waterline, but the SAA is through the County, then who would be responsible for the maintenance of the waterline?
9. Council Member Freeberg commented that he believes the area should consider annexing into the Town. Council Member Tidwell agreed that the area should be annexed into Brian Head Town.
10. Council Member Kelly commented that this was a discussion item in the Planning Commission meeting several years ago in which the Commission was opposed to expanding the Town's infrastructure outside the Town's boundaries.
11. Council Member Tidwell commented that the property owners should consider annexing into Brian Head.
12. Mayor Calloway commented that the area is identified as a high priority on the SAA's fire rating map and would like to have fire protection in that area.
13. Reed Erickson, County Planner, reported that Cedar City has also gone through this process of requiring property owners to provide water rights or pay a fee associated with replacing the water in terms of water rights and/or infrastructure.
14. Bret reported that it would be violating the Town's policy if the Council agreed to provide Aspen Drive and that area with water without having the property owners provide the Town with water rights.
15. Council Member Marshall inquired if Ski View Estates, Unit C has changed their opinion on annexation due to the Health Department's septic tank requirements.
16. Council Member Marshall commented that if the Town required them to annex into Brian Head and they do annex, it could potentially clear up some of the issues that are currently the Council's concerns.
17. Gil Almquist commented that they have previously attempted to annex into Brian Head and are willing to annex into the Town, but their biggest challenge was trying to convince the property owners in Unit C to annex. Mr. Almquist commented that if Brian Head decides to no longer sell water to them, then they would be shut down.
18. Mr. Almquist explained their insurance is extremely expensive and they are one-half mile away from Brian Head Town and he understands there are homes that are not insured due to the cost of the insurance. Some insurance companies have refused altogether to ensure those homes. Mr. Almquist thanked the Council for providing bulk water to the public for sale.
19. Mr. Almquist reported there are currently eight (8) lots currently up for sale. Mr. Almquist explained that some realtors have told those who have purchased property they can build and when the owners go to pull a building permit, they are denied based on the Health Department's requirements for a septic tank permit.

20. Mr. Almquist commented that one of his biggest concerns is that the Town shut them off from purchasing water. He will continue to purchase water from the Town but would prefer to have it metered and paid for.
21. Reed Erickson, County Planner, commented that from the County's perspective, annexation is the answer for these property owners since the County won't be able to help the property owners and won't plow their roads. Reed explained there are property owners who are requesting to build but are unable to do so because of the Health Department's requirements on septic permits and connecting to a main water source if they are located in a year-round accessed subdivision. Reed reported that the County would be in support of annexation of the area.
22. Bret commented that if the area were to be annexed into the Town, then the Council could consider running the annexation and SAA at the same time and build the cost of water rights into the cost of the SAA. Mayor Calloway commented that he would like to see the Septic Density Study completed first since it will give the Council some direction.
23. Council Member Freeberg inquired if the Council should consider installing sewer instead of waterlines. Reed responded that the Department of Health and the Department of Environment Quality (DEQ) states that you cannot occupy a year-round residence and haul water regardless of whether you have sewer since the rule is based on the hauling water if there is year-round accessibility.
24. Council Member Marshall commented that she would be in favor of including the water rights in the cost of the SAA and the Town has previously waived the Impact Fees and if the Town doesn't waive the Impact Fees those fees could go toward purchasing more water rights. Bret explained that a new impact fee study is scheduled to be completed.
25. Council Member Kelly agreed with the Mayor and the Council should wait until the Septic Density Study is complete before the Town participates in SAAs.

Bret inquired if the Council would be interested in allowing the property owners of Ski View Estates, Units A and B to annex into Brian Head and exclude Unit C from that annexation. All five Council Members agreed to annex Units A and B of the Ski View Estates Subdivision. Council Member Kelly commented that things within the Town should be completed before annexing, but he would be in favor of an annexation.

The Council addressed Jana Leany, 290 Falcon Court, on her inquiry regarding a new SAA for the properties located at 425 East. Mayor Calloway commented that to move forward with an SAA, it would need to include water and sewer. Ms. Leany explained that it could be challenging to meet the requirements of the water and sewer costs and the state's requirements of one-third of the value of the property.

Summary/Policy Direction:

The Town will not provide water service outside of the Town boundaries. The Town will support the annexation of Ski View Estates for Units A and B.

The Town will consider an SAA for water and sewer if the properties can meet the State's requirement of 1/3 value but will not consider an SAA for a water-only project until the Septic Density Study is completed.

3. SKI HAVEN CHALET, UNIT B, BLOCK C 10' WALKWAY VACATION ORDINANCE. An ordinance dedicating a walkway in the Ski Haven Chalet Unit C, Block A Subdivision.

Bret Howser, Town Manager, presented an ordinance dedicating a ten-foot walkway for lots 6 and 16 in the Ski Haven Chalets, Unit B, Block C Subdivision (see attached). Bret

explained the Council has discussed this item previously, but according to state law, an ordinance is required to be adopted and recorded with the County.

Bret reported the Planning Commission approved the Plat Amendment which included the new walkway that is now on the other side of his property and is aligned with the existing walkway across the road. The Plat Amendment also included a lot line vacation and a ten-foot public utility easement. Bret reported he would ask that the motion be contingent upon the recording of the Plat Amendment.

The Council discussed the following:

1. Council Member Kelly commented that during the Planning Commission meeting, a comment from the neighbor from lot 5 submitted a written comment opposing the moving of the walkway and requested the Commission to keep the walkway where it was. Council Member Kelly commented that he believes that the neighbor hasn't been part of the conversation and wants to give some respect to the neighbor and would suggest some follow-up.
2. Damon Sargent, the property owner/applicant, commented that it is a vacant lot and is completely covered with deadfall and overgrowth.
3. The letter from Gary Stott, property owner of lot 5, was read into the minutes (see attached)
4. Bret explained that these walkways are located on slopes that are not sustainable for walking trails and the easements were established with a goal that they would one day be stairs.
5. Mayor Calloway commented that the realignment of the trail is better for the majority of the public.
6. Bret explained that the only one that has a legal claim to the walkway is the Town and he understands the neighbor's concerns and it appears that the walkway will not be used.

Motion: Council Member Tidwell moved to adopt ordinance No. 23-009, an ordinance vacating a ten-foot walkway easement on lots 6 and 16 in the Ski Haven Chalets, Unit B, Block C Subdivision as proposed contingent upon the recording of the amended plat. Council Member Freeberg seconded the motion.

Action **Motion carried 4-1-0 (summary: Yes = 4, No = 1, Abstain = 0 Vote: Yes:** Council Member Freeberg, Council Member Marshall, Council Member Tidwell, Mayor Calloway. **No:** Council Member Kelly).

4. COOPERATIVE AGREEMENT WITH UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS FOR WILDLAND FIRE PROTECTION. A cooperative agreement with State Forestry, Fire, and State Lands for wildland fire protection.

Dan Benson, Public Safety Director, presented a cooperative agreement with the Utah Division of Forestry, Fire, and State Lands for Wildland Fire Protection (see attached). Chief Benson explained that the State Legislature began this program for the State Wildland Fire Protection in 2017 and it takes the average cost of a wildland fire. For the Town, the cost is \$2,854 which can also be met with in-kind services such as wildfire mitigation, in which 50% must be wildfire mitigation. The Town is reporting 100% for wildfire mitigation with the lot clearing and chipping program that is available to the property owners every year. Chief Benson reported that the Town has identified \$5,000 annually for the chipping program, but it doesn't account for the time spent reviewing the chipping piles, the Administrative Assistant's time, and the work on the website. Chief Benson requested the Council's approval and the Mayor's signature for the cooperative

agreement with the Utah Division of Forestry, Fire, and State Lands for the Wildland Fire Protection as presented.

The Council discussed the following:

1. Council Member Freeberg inquired as to the in-kind match for the property owners who are doing fire mitigation on their property. Chief Benson explained if the property owner hires someone and they turn in a receipt, the department can use the dollar amount towards the in-kind match. The department is still requesting hours spent by property owners on fire mitigation on their property.
2. Chief Benson reported he reviews the chipping pile areas and determines the number of hours for those piles if hours haven't been turned in.
3. The State will allow the department to carry forward from a slow year to a busy year and 50% of the \$2,800 needs to be in fire mitigation.
4. Council Member Tidwell inquired if there is any need for the Town to ask the public for their fuel mitigation hours spent if the Town has already received the \$5,000. Chief Benson reported that it is more personal, so he knows how much the department is doing.
5. Mayor Calloway inquired how much rejuvenation the Community Preparedness Wildland Prevention Council has in getting the group back together. Chief Benson reported that almost all of the previous members have moved away but he would like to include people from some of the surrounding areas such as Dry Lakes since they have a fire threat but would like to keep the group small at this time. Chief Benson explained that the previous group wanted the Town to do the job for them, but that was not the intent of the group. The intent was neighbors helping neighbors.

Motion: Council Member Freeberg moved to approve the Cooperative Agreement with the Utah Forestry, Fire, and State Land for Wildland Fire Protection allowing the Town to participate in the system and authorize the Mayor to sign the agreement as presented. Council Member Tidwell seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Freeberg, Council Member Kelly, Council Member Marshall, Council Member Tidwell, Mayor Calloway).

5. BUSINESS LICENSE AMENDMENT, CHAPTER 2A-14 TERM OF LICENSE FOR ALL OTHER BUSINESSES, AND CHAPTER 2B REVOCATION AND SUSPENSION. An ordinance amending the Licensing Code changing the license term for All Other Businesses, except for nightly rental businesses and Chapter 2B Revocation and Suspension.

Nancy Leigh, Town Clerk, presented a draft ordinance amending the Business License Code, Chapter 2A-4, Licensing in General, Terms, and Chapter 2B Revocation and Suspension, Penalties (see attached). Nancy explained that there are two categories of businesses; nightly rentals and all other businesses and the proposed amendments in Chapter 2A-4 are changing the term dates for All Other Businesses to a calendar year (January 1-December 31). Nancy reported that the nightly rental businesses will remain on their current licensing term of October 1st through September 30th. Nancy reported that splitting the two categories of businesses and having them submit the renewals at different times will allow additional time for staff to sufficiently process the nightly rental applications which take additional time.

Nancy reported that all of the businesses that would be affected by the proposed change will be notified they will receive an extension of three months on their license term which will now expire on December 31st and will receive a renewal notice in November.

Chapter 2B Suspension/Revocation

Nancy reported there were several changes in this chapter of the Business License Code:

- 1) Action by the Town Manager/Licensing Officer relating to an Administrative Hearing.
- 2) Penalty time has been reduced and now businesses have 30, 60, and 75 days at which time their license is closed down.

The Council discussed the following:

1. Council Member Kelly inquired as to the date of January instead of the date of February since January is in the middle of a busy time of the year. Nancy explained that it would now follow a calendar year which is an easier date to follow.
2. Council Member Freeberg inquired if a postcard could be sent instead of mailing an application. Nancy reported that renewals are emailed to the applicants.
3. Council Member Kelly commented that he would like to see the Class B misdemeanor remain as a criminal penalty in the code so if the Town needs it, it could be used.
4. The consensus of the Council: Add “and be subject to Class B misdemeanor” in the Penalties of the Change to “Penalties” instead of “Criminal Penalties”.

Motion: Council Member Kelly moved to adopt ordinance 23-010 amending Title 3, Chapter 2A, and Chapter 2B with the addition of the following:

1. 3-2B-4: Change the title to “Penalties”. Delete the word “Criminal.”
2. 3-2B-4: Add the following language: “and may be subject to a Class B misdemeanor”.

Council Member Tidwell seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Kelly, Council Member Tidwell, Council Member Freeberg, Mayor Calloway. **Absent:** Council Member Marshall).

6. FUTURE AGENDA ITEMS. The Council will discuss potential items for future agendas.

Mayor Calloway commented that he would like to have a policy discussion on projects and when they begin. Currently, the policy is to hold off on projects until after the 4th of July, but due to a limited time for projects, he would like to begin projects as early as possible and change the policy direction to get the projects completed.

Council Member Freeberg commented that he received input from community members that Brian the Bear was lit up like a Christmas tree, but in going to see it for himself, he couldn't see it because it was too dark and would like to see some pathway lights installed going to the public art Brian the Bear. Mayor Calloway reported that he met with Brian Johnson, Parks, and Recreation, on some issues and gave some directions to work with Aldo on installing solar lights on the path.

Bret reported on the upcoming Planning Commission agenda for September 5, 2023: Aspen Meadows Southeast Plat Amendment and a retaining wall review.

September 12, 2023, Town Council Tentative Agenda:

Final adoption of the Capital Facilities Plan

Surplus discussion

Aspen Meadows Annexation Agreement

Council Member Tidwell inquired as to the status of the Core Beautification Bond resolution. Bret responded that Marcus Keller is currently working on the Voter Information Pamphlet (VIP) and will need to identify an argument in favor that may need to be included in the VIP.

Council Member Freeberg commented that there is some conflicting information in which the Council has determined to no longer consider SAAs, but the Town is proceeding with the Snowshoe/Toboggan SAA. Mayor Calloway responded that this SAA is funded with grant money and due to the high fire risk of the area, it was determined to approve this SAA.

Council Member Kelly commented on the ordinance that vacated the ten-foot walkway today, and some of the words are confusing and would like to ensure they are addressed.

G. ADJOURNMENT

Motion: Council Member Freeberg moved to adjourn the regular meeting of the Brian Head Town Council. Council Member Tidwell seconded the motion.
Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Freeberg, Council Member Kelly, Council Member Marshall, Council Member Tidwell, Mayor Calloway).

The regular meeting of the Brian Head Town Council was adjourned at 3:41 p.m. on August 22, 2023.

September 26, 2023
Date Approved

Nancy Leigh, Town Clerk