



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)

Via Zoom Meeting ID# 825 5958 7200

TUESDAY, SEPTEMBER 12 2023 @ 1:00 PM

MINUTES OF THE TOWN COUNCIL

Roll Call.

Members Present: Mayor Clayton Calloway, Council Member Larry Freeberg, Council Member Kelly Marshall, Council Member Martin Tidwell, Council Member Shaun Kelly.

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Lester Ross, Building and Planning Official; Aldo Biasi, 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 September 12, 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:

August 8, 2023 Town Council Meeting

Motion: Council Member Tidwell moved to approve the August 8, 2023 Town Council minutes. Council Member Marshall seconded the motion.

Action: **Motion carried 4-0-1 (summary: Yes = 5 Vote: Yes: Council Member Freeberg, Council Member Marshall, Council Member Tidwell, Mayor Calloway. Abstain: Council Member Kelly).**

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

Mayor Calloway

1. Reported that Bret Howser, Town Manager, will be late for today's meeting due to another meeting with the Utah Department of Transportation (UDOT) regarding the Town's paved walking trail.
2. Brian Head Peak Hut: In working with the County and the Forest Service to find solutions to restore the Brian Head Peak hut, it looks like the Town will need to find funding to begin the restoration process after a violent wind storm blew the roof off of the hut. Mayor Calloway explained that if there isn't any assistance from the Town then it could take several years before the Forest Service begins the process of restoring the hut.

3. Met with Cedar Breaks National Monument representatives on the connector trail between Brian Head Town and Cedar Breaks National Monument. They will now be looking for a trail expert to find the best route for the trail.

Council Member Tidwell reported he hiked Walters Way trail that connected into the Dark Hallow Trail and intersected with a portion of the Aspen Meadows Trail. Council Member Tidwell reported that this section was a great trail to hike for the public, but beyond the Aspen Meadows Trail, there were a lot of deadfall trees that need to be removed from the trail. Council Member Tidwell reported that he as informed the Town Manager who is working with the Forest Service to address the deadfall.

Lester Ross, Building and Planning Official, reported the Town has received 60 building permits to date, these permits do not include those that were issued by the County prior to him coming to Brian Head. Lester reported that a majority of property owners are anxious to get their building completed with the oncoming winter. The permits are a combination of minor alterations and new building permits. Lester reported he is working on a new program that will separate the new building permits from other permits for a more detailed reporting system.

Flint Decker, Aspen Meadows Development, reported that Josh from Ensign Engineering is present at today's meeting and wanted to let the Council know that they will be prepared with their draft annexation development agreement for the September 26, 2023 Council meeting. Flint reported they produced an 11"x17" booklet of the annexation agreement but will now have an updated booklet ready to give to the Council by September 15, 2023 and it will also be available online. Flint also extended a field trip invitation to the Council to Aspen Meadows on September 15, 2023 at 1:00 pm. in which they will be touring key sites for recommendations on land donations to the Town. They will meet at the Town Hall at 1:00 p.m. to begin the field trip.

Carol Tinkey, Brian Head resident, thanked the Council for the nice things that have been added to Bristlecone Park, she is particularly enchanted by Brian the Bear art piece and is looking forward to what Brian the Bear has to say. Mr. Tinkey commented that she believes this is a great way to help children learn how to read. Mr. Tinkey recommended the Council consider adding a drinking fountain with a single step for the public to use and there would also be water for the park employees to wash off the area where Brian the Bear is. She plans to walk in the park for the rest of her summers.

Phil Lorenzi, Edelweiss HOA board, commented he has been asked to attend today's Council meeting to share some of the concerns of the Edelweiss HOA Board. Mr. Lorenzi commented that Edelweiss is experiencing skyrocketing costs of property insurance and would like to address five key points with the Council:

1. Would like the Town's assistance in reducing the fire line scores which have increased over the years.
2. Would like the Council to make a move in making Brian Head a Firewise community.
3. Would like the Town to form a committee to protect against insurance cancellation and rising insurance costs and create a list of companies that do business in Brian Head. Mr. Lorenzi explained they had some challenges with their construction work due to the timeframe of a couple of years and were dropped from their insurance, but when they reinstated the insurance went from \$20,000 per year to over \$130,000 per year and they now believe it requires a committee.
4. Would request that Brian Head become a fire-resilient community and impose building standards associated with fire resilience.
5. Request enforcement of brush clearance and tree thinning at least 50' from residences. If there are no regulations already in place.

Mr. Lorenzi thanked the Council and wanted to share what the Edelweiss HOA Board felt were important topics.

Mayor Calloway asked Chief Benson to give some insight into what the Town already has in place.

1. Chief Benson explained the ISO rating for Brian Head is 6 which is a good rating for the mountain terrain and in the unincorporated area of the County the ISO rating is 9 or 10 rating since they are considered unprotected, but not all insurance companies base their insurance rates on the ISO rating.
2. The Town is currently working on a Fire Wise Community and is identified as an Action Step in the FY2024 Strategic Plan. Chief Benson reported he is working with John Schmidt, from State Forestry and Fire and the Town is already complying with the majority of the requirements for a Fire Wise Community. He is also in the process of re-establishing the Community Preparedness Fire Council with some citizens from the Town.
3. The Town adopted the Wildland Urban Interface (WUI) Code which supersedes some of the other items with the lot clearance comment from Lorenzi. Chief Benson explained that is challenging for them to get property owners to clean their property and they are using the Community Wildland Preparedness Committee to work with the community to bring them into compliance.
4. Chief Benson reported the Town's ISO rating is 6 but is getting closer to a rating of 5, but it takes a lot of money to get to that rating.

Bret Howser, Town Manager, reported that he and Chief Benson have looked into the issue since their discussion with the Edelweiss HOA Board. Bret explained that in their discussions, the insurance companies use a fire line map to determine insurance costs, and depending on where you are located on the map, the insurance costs can be significant. Chief Benson is researching how the fire line map is created and to see if Brian Head has an impact on the map. Mr. Lorenzi explained that a company, Core Logic, uses four types of data that are computer generated; fuel sources, wind, slope, water fall and in looking at the map, the Edelweiss and Kristi condos, are located in the red zone while the rest of the Town is located in outside the red zone. Chief Benson explained that Edelweiss is located within 900' from the fire station and fire hydrants are located within so many feet of the condo developments. Chief Benson reported that it is in the hands of the insurance companies, and it takes a couple of years to try and get the fire line map updated and changed.

F. AGENDA ITEMS:

- 1. ZONE AMENDMENT FOR LOTS 3 & 13 IN THE SKI HAVEN CHALETS SUBDIVISION FROM R1 TO R3.** An ordinance amending the Zone District Map for lots 3 & 13 in the Ski Haven Chalets Subdivision from Single-Family Residential to Multi-Family Residential.

Lester Ross, Building and Planning Official, presented a draft ordinance amending the Land Management Code, Zone District Map (see attached). Lester reported this zone amendment has come before the Council previously and was tabled by the Council with the request to submit a preliminary idea of what the applicant plans to do with the property since it could significantly impact the traffic and character of the neighborhood.

Lester reported the zone change request is for lots 3 and 13 of the Ski Haven Chalets, Unit A subdivision from R1 to R3. The lots are located on Steam Engine Drive and Ponderosa Drive, which was a concern for the Council since it would impact Steam Engine Drive and Alpine Condos. The applicant owns three lots that are zoned as multi-family residential (R3) and if the applicant is unable to rezone the two lots, they are still able to continue with their plans with a reduced number of units by two units.

1 The Planning Commission has already forwarded its recommendation to the Council, but
2 it was presented to the Planning Commission during their last meeting and asked to give
3 any additional input for the Council. The Planning Commission has requested that when
4 a subdivision application is submitted, a divider be required between their project and
5 Alpine Condos for a degree of separation between the buildings and to help mitigate the
6 parking issues.

7
8 The Council discussed the following:

- 9 1. Mayor Calloway commented that a recent Land Management Code amendment
10 took effect regarding the spacing for driveways and if that affected this project.
11 Lester reported that it would fall into the exception for a collector road, which is
12 75'. He measured it and it is 50' to 60' and physically there isn't enough property
13 due to the steepness of the terrain.
- 14 2. Bret explained that when the LMC amendment for driveway spacing was adopted,
15 it was mentioned that there would be scenarios in which there would be lots that
16 would be impossible to follow the Code, and those applicants would be candidates
17 for a variance request. Bret explained that the Appeal Authority would hear the
18 variance request and would have the authority to grant the variance.
- 19 3. Lester reported that ideally, a shared driveway with Alpine Condos would be the
20 best answer, but it is his understanding that Alpine Condos did not want to
21 identify a shared driveway with the applicant.
- 22 4. Council Member Kelly expressed his concerns which may be preliminary at this
23 time, but he has a concern that the applicant wants to come in and build on
24 someone else's property. He is assuming that some of the items may be cleaned
25 up when they put the road in, and the road will remain within their property, but
26 the debris is pushed onto other people's properties, and believes the Town's
27 culture is better than that. Council Member Kelly commented that in terms of the
28 zone change, he believes that it meets all the requirements.
- 29 5. Council Member Freeberg commented that in reviewing the preliminary plan
30 submitted, it does not appear that there is not enough land for the road to be
31 located on. Lester explained that there is not enough frontage on lot 3 to access
32 Steam Engine Drive and it would not be desirable to access Ponderosa Drive and
33 the applicant was requesting access onto Steam Engine Drive.
- 34 6. Council Member Freeberg commented that these items are requirements of a
35 subdivision application, and inquired if they are part of the zone change. Mayor
36 Calloway explained that the Council wanted to see what the applicant was
37 proposing so the Council could see the potential impact on the area.
- 38 7. Council Member Freeberg commented that the proposed driveways are close to the
39 Alpine Condo driveway and could be a conflict with snow removal and snow
40 storage. Lester reported that this could be an item that would need to be
41 addressed during their subdivision process and snow removal and snow storage
42 are required to remain on their property.
- 43 8. Council Member Freeberg expressed his concerns with the Tiny Homes, Alpine
44 Condos, and Timbernест Condos driveways that access Steam Engine Drive within
45 the same area the applicant is proposing to access their driveway and causing
46 traffic congestion, especially during the winter season that could create a traffic
47 hazard.
- 48 9. Bret reported that the minimum lot frontage for an R3 zone is 45' and the lot on
49 Steam Engine Drive is 100'.
- 50 10. Council Member Marshall commented that she understands the R3 lots are
51 located in the rear of the property (south end) and if the applicant is unable to
52 work out an agreement with Alpine Condos they would have to bring their
53 driveway out onto Steam Engine Drive and there are concerns with the congestion
54 of traffic on Steam Engine Drive.
- 55 11. Council Member Marshall commented that another concern is the buildings that
56 come up and board the property (lot 13) are adjacent to single-family residential

properties on Ponderosa Drive since it would also cause an impact on those property owners. Council Member Marshall commented that there is a gentleman on a Zoom Meeting who was unaware of the zone change and she does not believe it was not fair to those property owners who were not aware of the public hearing if there is a way to access the project in the back area through lot 3 and if a conditional use permit or a non-conforming use without changing the zone could be identified instead of changing the zone to a R3.

12. Bret summarized Council Member Marshall's concept that the idea is not to approve a zone change for lot 13 but to approve a conditional use or other option that would allow an option that would allow another use. They would need to subdivide the lots and submit a plan to the Town. Lester explained that it would be a minor subdivision process if it was under ten lots and with the recent changes in state law, the Town Council would no longer be involved.
13. Bret explained that they could specifically look at the impact of what is proposed for lot 13 on the neighborhood and if it were zoned R3, then the applicant can build under the R3 zone and if the Council doesn't want multiple units on lots 3 and 13, then the Council would need to consider denying the zone change.
14. Council Member Marshall inquired if they stayed as an R1 zone, they could still utilize lots 3 and 13 for their driveways to their other properties. Lester explained if the zone were to remain as R1, they could use the lots as single-family residential and would lose two units from what they are proposing today, and they would need to meet the Standards of Review for R1 instead of R3 zones.
15. Bret explained that this is a legislative decision of the Town Council, and the Council must consider the general welfare of the Town.
16. Council Member Tidwell commented that if the zone change was denied, they still have access through the two lots and in his opinion having a zone change on lot 13 adversely affects lots 14 and 15 because of that, they would lose a couple of building units because the two lots were not zoned as R3, but his concern is if there is a zone change, there is less influence from the Council on the subdivision process.
17. Mayor Calloway inquired if the applicant was present today for this agenda item. Lester reported that he was aware of today's Council meeting.
18. Mayor Calloway suggested the Council consider a zone change to R2, Medium density residential, instead in which they would be able to build a duplex on each of the lots, depending on the size of the building.
19. Steve Singer, a Ponderosa Drive resident, commented that R3 zones are full of condos, and he was under the impression that they were planning to build tiny homes in that area and inquired as to the acreage of the area. Council Member Marshall reported there are approximately 2.29 acres identified for the entire area.
20. Shelly Martin, Alpine HOA President, commented she spoke with Mike Walker, applicant, after the first Planning Commission meeting, and she has concerns with the traffic congestion and parking along with the use of Alpine's dumpster and the use of their driveway and in addition she has concerns after a discussion with Mr. Martin, she asked him if he was planning to sell the property after it was zoned R3 or if he was planning to develop the property himself. Mr. Martin hesitated in his answer and then gave her an unsatisfactory answer of "It all depends". Ms. Martin expressed her concern to the Council and recommended the Council deny the zone change since she believes it would not be a benefit to the community.
21. Ms. Martin reported that Alpine HOA has not denied a shared driveway, but in discussions with Mr. Martin, he was asked to address the HOA Board and Mr. Martin responded that there wasn't anything that needed to be addressed. The HOA Board has concerns as to what Mr. Martin's plans are for the property.
22. Darren Lund, Ponderosa Drive property owner, commented that he owns the property that is adjacent to lot 13 he purchased his property years ago. Mr. Lund

1 stated that Ponderosa Drive is not an R3 area and that rezoning the lot would
2 drastically change the enjoyment of his property and he doesn't know if he would
3 want to rezone his property and then sell it. He believes other options could be
4 utilized. He doesn't want with his plans to build his cabin if there is going to be
5 traffic congestion on Ponderosa Drive and the applicant is not saying what they
6 are planning to do with the property which could be sold at some point. Mr. Lund
7 reported that he is dissatisfied with the proposed zone change and encouraged the
8 Council to deny the zone change.
9

10 **Motion:** Council Member Kelly moved to deny the application for a zone change for
11 lots 3 and 13 in the Ski Haven Chalets, Unit A subdivision. Council Member
12 Tidwell seconded the motion.

13 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote:** Council Member Kelly, Council
14 Member Tidwell, Council Member Freeberg, Council Member Marshall,
15 Mayor Calloway).
16
17

18 2. SNOWSHOE/TOBOGGAN SPECIAL ASSESSMENT AREA PUBLIC HEARING.

19 A public hearing for the Snowshoe/Toboggan Special Assessment Area.
20

21 Shane Williamson, Town Treasurer, reported the Council adopted the
22 Snowshoe/Toboggan Special Assessment Area (SAA) Notice of Intent resolution in July
23 2023 which began the official process for the SAA for Snowshoe/Toboggan which includes
24 69 lots for water and sewer system improvements. The petition for the
25 Snowshoe/Toboggan SAA had 70% of the property owners sign the petition. Shane
26 reported the required notices have been mailed to the property owners identifying the
27 public hearing date and how to submit a written protest. The public hearing will begin
28 the 60-day protest period and to fail the SAA, there must be at least 40% written protests
29 submitted from the owners. If there is 40% written protests received, then after the 60-
30 day deadline, the Council would adopt a resolution abandoning the SAA, otherwise, the
31 Council would move forward with the creation of the SAA on November 14, 2023. Once
32 the Notice of Creation is adopted staff will begin the process to request bids and complete
33 the engineering for the project. Shane reported the Council will hold a public hearing to
34 receive input from the property owners on the SAA.
35

36 Mayor Calloway stated that the Council will not engage the public or answer questions
37 during the public hearing portion but will answer any questions after the public hearing is
38 closed. Mayor Calloway recessed the regular meeting and opened the public hearing at
39 1:51 p.m.
40

41 Paul Frederickson, Lot 2B on Snowmobile Road, commented that he has owned the
42 property for over 40 years and heard that Aldo Biasi, Public Works Director had flagged
43 out a potential waterline that crossed his property on Snowmobile and didn't know if it
44 was tentative or if it was a go. He knows that Jim Vincent approached him several years
45 ago requesting an easement for a waterline and he is not ready to build due to the poor
46 condition of his road which has gotten worse over the years. It is lot #41. Mr.
47 Frederickson inquired if he was going to be granted a waiver as far as connecting to the
48 water system since he was not ready to build and he now understands there is a 60-day
49 protest period.
50

51 Carrie Dever, Planning Commissioner, commented she is concerned about the SAA since
52 it was at the \$23,000 to \$24,000 per property range a couple of months ago and the
53 paperwork that is presented today shows that the assessment is proposed at \$42,000 per
54 lot and would like to know the difference in the costs.
55

1 There were no other comments given and no written comments were submitted. Mayor
2 Calloway closed the public hearing and reconvened the regular meeting at 1:55 p.m.
3

4 Aldo Biasi, Public Work Director, responded to Mr. Frederickson's question in which lot
5 41 was from the original project last year that did have a waterline going through his
6 property and the Town needed an easement to complete the waterline. With the
7 additional lots included in the SAA, the Town will now be installing the water and sewer
8 lines within the right of way and property owners will be required to connect when they
9 build if they currently have raw land.
10

11 Bret responded to Carrie Dever's question in that the assessment will be over ten years
12 and is identified as the parameters until the Town receives the bids and the assessment
13 ordinance is adopted by the Town at which time, the actual assessment will be set for the
14 property owners. Shane explained the assessment, if finalized, would be in the November
15 2024 property tax bill and the Notice of Intent identified the cost per property as higher
16 due to the entire project cost including the grant funds and the Town's contribution.
17 Bret reported the Town secured funding from the Utah Division of Drinking Water which
18 is a mix of grant/loan and bonding and principal forgiveness. The cost will be split and
19 some of the loans will be at a 0% interest, and some will be on the market.
20

21 Council Member Marshall commented that the Sponsor, Jim Vincent, has been excellent
22 at communicating with the property owners and was concerned about the \$41,000 and
23 believed it had to do with the grants and Town contributions and he wanted to be sure
24 that it was communicated to the property owners in the SAA during the protest period.
25 Shane reported that he did inform the property owners.
26
27

28 **3. FISCAL YEAR 2023 SURPLUS DISCUSSION.** A discussion on allocation of the General
29 Fund surplus from FY 2023.
30

31 Shane Williamson, Town Treasurer, reported the Town received \$575,000 in surplus
32 funds in the General fund for the fiscal year 2023. Shane explained that with the surplus,
33 the Council will need to decide where some of the surplus will be identified to improve the
34 Town and operations. Shane reported that Bret had recently applied for a TTIF grant
35 with UDOT for \$75,000 for shuttle stops and the surplus bonus program for the
36 employees.
37

38 Mayor Calloway stated he would like the department head to report on their department
39 needs.
40

41 **Public Safety Department:**

42 Chief Benson reported he has a spreadsheet for the next year:

- 43 1. Weapon sites for the pistols and sites for the long rifles to improve their
44 marksmanship: Less than \$5,000.
- 45 2. A firearm training for Deputy Marshal Bettridge in Utah County for a week-long
46 course for approximately \$2,000.
- 47 3. 1 ½" fire hose that is 1,000 feet to be replaced, an estimated cost could be \$2,000.
- 48 4. Repainting the yellow fire truck to red. \$20,000 to \$30,000
49

50 **Public Works Department**

51 Aldo Biasi, Public Works Department reported he would suggest the following for his
52 department:

- 53 1. Trail maintenance equipment is a multi-hog unit that is an articulated truck that
54 is used for trails and can be used winter and summer and has hydraulic
55 attachments and tracks on them. It would not replace the skid load and would do
56 less damage on the trail than the skid loader. The machine itself is \$130,000 and
57 with attachments, the cost could run as high as \$200,000 since it is a specialized

1 piece of equipment. He has done a demonstration on the trail in Brian Head and
2 was impressed with it.

- 3 2. When the Manzanita Trail restrooms were built, there was an open trench and
4 they installed conduit at that time even though there wasn't any power to the
5 restroom facility. He would recommend power to the facility sometime soon.
- 6 3. Install asphalt in the maintenance building as an improvement to the existing
7 building.

8
9 Administration Department

10 Bret Howser, Town Manager reported that the following are identified for the
11 Administration Department:

- 12 1. 75% match for the Transportation Core projects such as the TTIF Grant for the
13 shuttle stops.
- 14 2. Funds set aside for trails. Bret explained the plan is to step aside from trail
15 construction and spend the \$25,000 on maintaining the trails. And if there were
16 funds available, they could do both the construction and maintenance.

17
18 Mayor Calloway reported he has compiled a list of items he would like the Council to
19 consider for the surplus funds:

- 20 1. Shuttle Stops
- 21 2. Employee surplus bonuses
- 22 3. Improvements at Bristlecone Park, such as expanding the hammerhead of the
23 dock and either repairing or replacing the dock.
- 24 4. Surface improvement of the pickleball courts with Brianwood HOA to seal coat
25 and repaint the area.
- 26 5. Asset replacement and asphalt replacement program.
- 27 6. Trash enclosures
- 28 7. Underground power

29
30 Council Member Tidwell's list for surplus funding in addition to Mayor Calloway's list:

- 31 1. Benches facing the playground equipment at Bristlecone Park.
- 32 2. Drinking fountain at Bristlecone Park
- 33 3. Maximum funding for the projects and also to start saving for projects.
- 34 4. Transportation investments should maximize it as much as possible.

35
36 Council Member Kelly's list for surplus funding:

- 37 1. Sewer projects
- 38 2. Start saving for a public works facility.

39
40 Council Member Freeberg's list for surplus funding:

- 41 1. Trash enclosures
- 42 2. Grounding for Brian the Bear/lightning rod.
- 43 3. Saving for bigger projects and beginning to set aside funding.

44
45 Council Member Marshall

- 46 1. Trail equipment that was proposed by Public Works.
- 47 2. The drinking fountain at the Park.
- 48 3. Inquired as to when the Town needs to identify where the funds need to go and if
49 it should be after the bond election. Bret explained that the Council can slot them
50 around for different projects and identify them in the Capital Project fund and
51 should be dedicated to a project by the end of the 2024 fiscal year. Bret reported
52 that staff will be presenting a budget amendment at the Council meeting.

53
54 Mayor Calloway directed staff to compile a list of items and costs and bring them back to the
55 Council for consideration. Council Member Freeberg suggested the list of items that are
56 going to be presented to the Council identify a priority rating.

1
2
3 **4. WATER & SEWER CAPITAL FACILITIES PLAN ADOPTION.** An ordinance
4 adopting the Capital Facilities Plan for Water & Sewer.
5

6 Aldo Biasi, Public Works Director, presented a draft ordinance for the Water and Sewer
7 Capital Facilities Plan (see attached). Bret reported that the Council will adopt the
8 Capital Facility Plan and staff will come back and present an Impact Fee analysis and see
9 how much is attributed to new growth to determine how much to change for impact fees.
10 Bret reported that impact fees haven't changed in several years and the last time it was
11 reviewed was in 2012.
12

13 The Council discussed the following:

- 14 1. Council Member Freeberg inquired as to providing water to the resort. The CFP
15 identifies the Resort provides 127.5-acre feet of water and on average, the resort
16 provides a 200+ acre fee and in writing they provide 150 acre feet. Bret explained
17 the Town has a water agreement with the Resort, in which the Town will wheel
18 the water for the water rights they own and will charge them for the excess
19 municipal water. It was based on the quantity of water, but they don't have excess
20 pumping capacity, which is a challenge for the Town. The Town wheels them 100
21 acre feet or more.
- 22 2. Council Member Freeberg inquired if the resort pays the Town for the water and if
23 it is going to be renegotiated with the resort. Bret responded that the Town does
24 charge for the wheeling, but not for the water. When the agreement was signed,
25 the decision on the Town's side was to support the economy and the resort.
- 26 3. Council Member Tidwell commented that the actual usage is 0.016 per acre and the
27 State standard is 0.45 but the document did not give a date for using up our water
28 rights even if the Town's actual usage is well below the State's standard for acre.
29 Council Member Tidwell inquired if the staff had any concerns about any
30 weakness identified in the report. Aldo explained that the only concern he felt was
31 not answered was the sewer question and the sewer treatment process.
- 32 4. Council Member Tidwell commented that in the document the Town went from
33 monthly usage of 29.7 acre feet of water in 2019 to 22 acre feet of water in 2022.
34 Aldo explained that the staff has improved the meter reading by getting accurate
35 meter readings.
- 36 5. Council Member Marshall commented on the maps identified in Appendix B with
37 the different projects. There are some inaccuracies where the water goes further
38 in one and is not there with the SAAs and the phases for the projects are out of
39 line. Aldo explained that the SAAs jumped the project list, and the waterline went
40 further than anticipated and the Town is well ahead of it right now.
- 41 6. Council Member Kelly commented he agrees with Council Member Freeberg
42 regarding the resort water and that the Town should consider revisiting the
43 agreements with the resort.
- 44 7. Council Member Kelly expressed his concerns with the projected projects in the 0-
45 10-year timeline and projects pushing \$13,000,000 and it seems aggressive to him.
46 Aldo explained that the increased cost of construction is and some of the numbers
47 have been updated, but not necessarily updated in the table that was identified
48 two years ago.
- 49 8. Council Member Kelly inquired if the Town has the funds for the projects that are
50 identified in the CFP. Bret explained the Town is being aggressive and the Town
51 is working on the funding for the funding. The CFP represents a significant
52 change of policy from previous CFPs in that it gets into expansions into the areas.
53 It mirrors the gradual change of the Council over the last five years with the SAAs
54 with the installation of water and sewer with the contribution from the Town on
55 the sewer portion of the SAA.

9. Council Member Kelly commented that he feels the Council should begin to prioritize sewer projects over water projects and that the rest of the Town doesn't want to pay for water for other people. Council Member Kelly commented that people are more likely to install water on their own than sewer and it will free up some of the septic permits that could be used by those properties that don't have another way but to have a septic tank permit. The town is contributing towards sewer more.

10. Mayor Calloway commented that as the Town is forced to look at water for snowmaking the Town is going to have to make assumptions on what the return is going to be on the economy of the Town such as the increased revenue in sales taxes to the Town. Mayor Calloway commented that he believes it is a good plan.

Motion: Council Member Marshall moved to adopt ordinance No. 23-012 adopting the Water and Sewer Capital Facility Plan as presented. Council Member Kelly 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. WATER INFRASTRUCTURE PROJECT SCHEDULING AND FUNDING. The Capital Facilities Plan project construction schedule.

Aldo Biasi, Public Works Director, presented an updated Water Infrastructure Project Funding list (see attached). Aldo reported that staff was directed to bring back the cost and schedule associated with the projects. Aldo reported that the Snowshoe/Toboggan Special Assessment Area project is not part of the infrastructure funding since it is its funding source, but it is slated to be a project for next year.

Aldo explained that the cost comes down to the number of bidders the Town receives on the projects. Aldo then reviewed the following projects for the summer of 2024:

1. The drilling of a new well and the question on the engineering is whether the Town is going to drill in the same area or look for a new location that could be 50'-60' away from the existing well. Engineer's estimate: \$2,598,750, Engineering & Management: \$288,750; Contingency: \$385,000; Construction: \$1,925,000
2. A new SCADA system that will be contracted out is \$198,000.
3. Tower software for radio read meters that will be contracted out: \$140,495.
4. Million Gallon Pump Station Generator Project: Engineer's Estimate: \$450,865; Engineering & Mgmt: \$60,808; Contingency: \$67,407; Construction: \$322,650.
5. Highway Line Replacement: Engineer's Estimate: \$644,155; Engineering & Mgmt: \$44,941; Contingency: \$99,869; Construction: \$499,345.
6. Bluejay Way Waterline Loop was missed in the Capital Facilities Plan and if costs needed to be reduced, this project could be moved out to 2025, but it could help with the Park U Pine area in making it a looped water line system: Engineer's Estimated Cost: \$204,279; Engineering & Management: \$14,252; Contingency: \$31,671; Construction: \$158,356.

Aldo explained that some of the challenges are that some of the projects are infrastructure funding that the current presidency has put into place and will go away and the projects need to be completed within two years.

The Council discussed the following:

1. Mayor Calloway inquired if the staff has met the 90-day requirement for the estimate of the Department of Environmental Quality requirement as to the date of the letter that is attached to the staff report. Aldo responded that staff has met that requirement and staff plans to go to bid in February 2024.

2. Mayor Calloway inquired as to who would pay for the engineering if the Town hadn't received the funding yet. Bret reported that there is a provision in the bond process in which the Town can reimburse itself for any costs associated with the project.
3. Aldo reported staff would start design work in September 2023 the plan approval from DEQ in December 2023 and engineering would be completed by then. Mayor Calloway inquired if Alpha Engineering is going to be able to perform and have substantial progress because otherwise, the Town won't be able to obtain the funding. Aldo reported that Alpha is well aware of the process, and they have been ahead of the process since they were involved in completing the Capital Facilities Plan. Bret reported that staff will let Alpha Engineering know they are on a schedule.
4. Council Member Freeberg commented that he understands the need for the well for the water source and storage and distribution, but now the Town is looking at a new well. Aldo explained the well would support the Town with snowmaking and that the Bearflat well is reliable, but it cannot produce what the snowmaking is demanding, only what the town needs.
5. Council Member Freeberg inquired as to the Rue Jolley waterline loop project and why the Town is using ductile iron waterlines. Aldo explained that the Rue Jolley waterline is a dead-end line and should be a looped line onto Aoki Michi and Forest Drive for better fire flow and better water quality. The state has new requirements for lead/copper lines and the Town can scope the project when the costs go down.
6. Council Member Freeberg inquired as to why the Town is not using HDTP instead of ductile iron for the waterlines. Aldo explained that ductile iron can hold up better than c900. The town has experienced water lines that have shattered and with HDTP, the Town doesn't have fusion machines that are large enough to use for the Town's waterlines. Aldo explained the Town will have a small fusion machine in inventory for the Aspen Meadows for maintenance, but the parts are not as common as ductile iron parts. Cedar City also uses ductile iron in its waterlines as well.
7. Council Member Freeberg commented that the Town has identified \$225,000 per year for pay-as-you-go capital projects. Bret explained that if another project comes up then the Town doesn't have the flexibility and the Town should have some funding available for little projects. Council Member Freeberg commented that the Council should also consider setting funds aside for future sewer projects.
8. Council Member Kelly commented that he is hesitant to finance something over 40 years and would prefer to finance closer to 20 to 30 years instead. Bret reported that was the recommendation of the staff.

Consensus of the Council: Directed staff to move forward with the project list that was presented to the Council today.

6. **A RESOLUTION CALLING A PUBLIC HEARING AND AUTHORIZING NOT MORE THAN \$5,490,000 TAXABLE WATER REVENUE BONDS, TO FINANCE WATER SYSTEM IMPROVEMENTS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT, MATURITY INTEREST RATE AND DISCOUNT OF THE BONDS; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.** A resolution for the issuance of bonds to finance water system improvements.

Shane Williamson, Town Treasurer, presented a draft parameter resolution authorizing \$5,490,000 of taxable water revenue bonds for the water system improvements (see attached). Shane explained the funding source for the water infrastructure projects that

1 Aldo Biasi, Public Works Director, reviewed with the Council in the previous agenda
2 items. Shane explained this resolution sets the maximum parameters of the bond and
3 sets the public hearing date of October 10, 2023.
4

5 Shane summarized the maximum parameters of the bond:

- 6 1. Repayment cost of \$3,800,000
- 7 2. Principal forgiveness, which means the Town will receive \$5,500,000 for a
8 repayment cost of \$3,800,000.
- 9 3. The maximum principal aggregate is \$5,495,000 and a maximum term of 40 years.
- 10 4. The interest rate is 0% with the principal forgiveness and a maximum discount of
11 99% and sometimes this is where the bonds are sold.
- 12 5. The public hearing date is scheduled for October 10, 2023, during the regular
13 meeting of the Town Council.
- 14 6. The official notice of the bonds to be issued.

15
16 Bret reported that this will be identified as the CFP bond. Bret reported that the bond
17 has a provision identified that the Town can reimburse itself for costs associated with the
18 project.
19

20 **Motion:** Council Member Marshall moved to adopt resolution No 23-533, a resolution
21 calling for a public hearing and authorizing not more than \$5,490,000 taxable
22 water revenue bonds, to finance water system improvements; providing for
23 the publication of a notice of public hearing and providing for the publication
24 of a notice of public hearing and bonds to be issued; fixing the maximum
25 aggregate principal amount, maturity interest rate and discount of the bonds;
26 providing for the running of a contest period; and related matters. Council
27 member Freeberg seconded the motion.
28

29 Council Member Freeberg inquired if it includes all of the costs of obtaining the bonds and
30 the fees associated with it. Bret responded that it includes the construction management,
31 engineering design, and financing costs associated with the bonds. Bret reported that
32 Eric Johnson is the Bond Attorney, and the Town is anticipating paying \$10,000 - \$15,000
33 in legal costs.
34

35 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Freeberg,
36 Council Member Kelly, Council Member Marshall, Council Member Tidwell,
37 Mayor Calloway).
38
39

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

- 41 • Mayor Calloway commented that the swings at Bristlecone Park are too small and
42 would like to have larger swings identified.
43
44

45 Town Council field trip on Friday, September 15, 2023, to Aspen Meadows at 1:00 p.m.

46
47 Bret reported that the Planning Commission meeting for September 19, 2023, will be
48 canceled due to a lack of agenda items.
49

50 The September 26, 2023, Town Council Meeting, tentative agenda items:

- 51 1. Budget adjustment.
- 52 2. Aspen Meadows Annexation Development Agreement. Bret reported he will
53 send out a draft of the development agreement but does not have all of the
54 exhibits at this time. There are a couple of blanks still left which are how much
55 they are offering to pay for the Public Safety and Public Works buildings. Bret

1 reported that he doesn't believe the agreement will be ready for adoption for the
2 26th meeting.
3

- 4 • The annual Town Fall Cleanup is scheduled for Saturday, September 17, 2023,
5 from 9:00 a.m. until noon where a lunch will be provided.
- 6 • The annual Fall Community Hike is scheduled for September 22, 2023, beginning
7 at 9:00 a.m. This year the hike will go to Henrickson Lake. People have an option
8 to hike either six miles or take a short hike of three miles.
9

10 11 G. ADJOURNMENT

12
13 **Motion:** Council Member Kelly moved to adjourn the regular meeting of the Town
14 Council. Council Member Marshall seconded the motion.

15 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Freeberg,
16 Council Member Kelly, Council Member Marshall, Council Member Tidwell,
17 Mayor Calloway).
18

19 The regular meeting of the Brian Head Town Council was adjourned at 3:20 p.m. on September 12,
20 2023.
21

22 October 10, 2023
23
24

25
26 _____
Nancy Leigh, Town Clerk