

BRIGHTON TOWN COUNCIL MEETING MINUTES

Tuesday, November 14, 2023, at 6:30 pm

*Approved at the Brighton Town Council Meeting on 12/12/23

ATTENDANCE

Dan Knopp (Mayor and meeting chair)

Council Members: Keith Zusan, Jenna Malone, Jeff Bossard, Carolyn Keigley

Staff: Polly McLean, Cameron Platt, Jane Martain, Kara John, Kyle Morgan

Partners: Cheryl Lenzer, April Morse, Jason Mazarin, Dustin Dern, Chief Burchette, Tony Hill,

Rachel Anderson, Rick Moon, Amber Broadaway, Mike Doyle, Barbara Cameron, Pam Roberts

Public: Mark Brinton, Don Despain, Angus Robertson, Lise Brunhart, Lana Cooper, John Cooper, Laurie Hilyer, Chad Smith, 801-891-2000, Katherine Anderson

ANNOUNCEMENTS

Ballots are out to voters and counties have begun processing the returned ballots. Voters have until 5PM on Monday, November 13 to register or update their voter registrations. After that, a voter will need to go in person to an early voting center - or vote in person on election day.

When they go in person, they will be allowed to register. More information is on vote.utah.gov.

PUBLIC INPUT

An agenda item was inadvertently left off to vote on the tax increase for Salt Lake Valley Law Enforcement Service Area (SLVLESA). Rachel Anderson commented on behalf of SLVLESA and provided information to be voted on next month. The SLVLESA public hearing is on December 21. The SLVLESA board is pursuing approximately 7% tax increase, which would bring them to the maximum tax rate for this type of service area. Legislation this year required the Sherriff's office to separate from UPD. This will affect the SLVLESA budget as well as affect their economy of scale for services and reorganize administrative duties. Inflation costs are also a challenge. After the tax cap is met, they would need to pursue a tax cap increase from the legislature, even as soon as next year. SLVESA is looking for a 7% increase to their fund balance, which would be about \$1.6 million. At the end of last year, they were at a 24% fund balance, and projected to at 18% this year. They estimate to be at a negative fund balance next year. The budget does not include the Sherriff's office since it is unknown how that will go. It does include \$2.7M for the UPD budget for unincorporated areas. This increase would allow them to keep 5% in the fund balance. They are up \$6.5M over the last three years due to wage wars and it is unknown if that has settled. The legislation for the 2024 session is to convert the metro townships to town, or city status. After the split in the meantime, it is likely SLVLESA will be contracting with the sheriff to provide municipal type police services in the unincorporated areas, and potentially for other towns or metro townships that are interested in having services. The county will be funding statutory duties for these areas. For this to pass, they will need yes votes from all the municipalities involved and a majority vote from the county council.

Mark Brinton commented on the 300 ft. notification requirement for STRs. The town council should be aware that there are 39 different homeowners that he must notify at 59 different addresses. Most landowners have more than one address. He was also listed at an address he's never had before. He thinks this distance may be beyond what was intended by passing the ordinance and it could be looked at again.

MINUTES

Jeff Bossard moved to approve the minutes for the Town Council Meeting on October 10th, 2023, and Keith Zuspan seconded the motion. The minutes were approved unanimously.

UPD

Cheryl Lenzer provided a written and verbal report:

The calls for the month of October were down slightly this year over last year. We had a Burglary, a few Traffic Accidents, a few Traffic Enforcement details, a Vehicle Burglary, two Dogs in a Watershed calls, a Conservation call, and a Citizen Assist. Nothing noteworthy. There were 24 parking notices written last month.

We have a new Canyon Officer, Walt Linkenhoker who will be replacing Saul Bailey on the Afternoon crew. He is starting this coming week so watch out for him.

We would like to remind everyone, as the snow days are approaching, that snow removal must remain on your own property. This is special attention to those residents who have access to and from their property directly off Big Cottonwood Canyon Road. Do not push your snow across the highway. Snow removed must stay on your property. Last snow season a few residents made it a habit of removing snow and debris from their driveway and pushing it across Big Cottonwood Canyon Road to the other side. This practice will not be tolerated this year. There is a Utah State Law against pushing or piling snow into the State Right-of-Way. You will be issued a citation for this violation if found to be doing this. Please spread the word to others who may not be in attendance.

We would also like to see if the Town of Brighton could help us put a little pressure on UDOT to replace all the signs in the NO Parking areas where they are missing, it would make enforcement of the Parking Ordinances easier.

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

Carolyn Keigley introduced Jason Mazuran who was appointed to the position of UPD Chief by the UPD board, effective July 1st, 2024, when the Sherrif's office separates from UPD.

April Morse added they are working to secure a technical mobile sign for Brighton that can be controlled remotely from a cell phone.

UFA

Dusty Dern reported on the quarterly report he provided. There was a total of 47 incidents for quarter three and 20 of those were emergent. These numbers are up slightly from the previous year. The dispatches were for fire, EMS, and trauma related incidents. Most of those are related to recreational hikers and mountain bikers. The total emergent response time was in the 90th percentile at just over 15 minutes.

They finalize internal and external meetings with stakeholders for the strategic planning process. They're working on a draft plan before taking several months to review with stakeholder feedback.

The wildland division has wrapped up for the season. They completed a lot of project work, particularly chipper days. They completed a cut pile and burn project late this fall. They had some folks participate in the firefighter Chili Cook Off. There were 2,000 people in attendance, and they raised \$47,000 as a group. There are 21 teams, and all the proceeds go to the U of U Burn Camp. Their team won three of the four awards again this year. They will be working through a few issues with the contractor at station 102 before the grand opening expected in December. He reminded the community about Thanksgiving cooking safety.

The crews have joined the patrols' refresher training for the upcoming winter. Next week will be a meeting with both resorts, their clinics, and a dispatcher to kick off the season. They talk about what went well the year before, make some adjustments and prepare for the coming ski season.

SKI RESORTS

Brighton

Mike Doyle reported their opening is unknown, but with colder temperatures in the forecast, they will increase their snow making. They started out light with snow making to keep their roads open to finish summer projects. The new lift is scheduled to be completed by Dec. 1st. It'll be super-fast and quiet. Snake Creek Lodge is getting its final 50 yards of concrete poured tomorrow with an aim for mid-December opening. It's a massive project with the plaza spanning 200 feet across. They'll have Thanksgiving dinner at the Chalet this year. Parking reservations will go live on Friday.

Solitude

Amber Broadway provided a written report in her absence:

- We will open on Friday with Moonbeam & Link – DJ and Donuts! Limited terrain but most resort services open. We will likely be the only SLC area resort open so it will be busy. Storm coming in early next week should help with snowmaking temps and more terrain, more resorts opening.
- Honeycomb Grill Restaurant refresh in the Village, recommend you take a peek when time permits – looks really sharp and some new menu items.
- Thanksgiving Dinner at St. Bernard's Restaurant at the Inn, limited seats available – selling fast.

- We moved our Village Store to the Eagle Springs West location and will be putting in a few short-term parking spaces near it so locals can pop in and grab some items on their way to/from. Remember, we are BCC's only Liquor Store

BUSINESS

a. WFWRD Report. 2024 Tentative Budget and Fee Increase.

Pam Roberts presented from Wasatch Front Waste and Recycling District. They are working to find a new location for the bins that were removed from the base of the canyon. The city will not allow them because of the illegal dumping that's been happening. There are about 6 residents in the unincorporated lower canyon that they are trying to help. Cardiff residents also use the bins at the bottom when their seasonal bins are removed. Last year, fees increased for 2023 by \$1.25 per home, per month. The proposed fee increase for the town of Brighton and Big Cottonwood Canyon is \$2 per home per month for full-time residents, which will now be \$18 per month. Seasonal residences will go from \$9.75 to \$11.75. Brighton and Big Cottonwood residents are eligible for free trailer reservations from April through September at no extra charge for residents to do bulk clean up. They want residents to use it rather than try to fit really big things into the containers, including mattresses. They also provide landfill vouchers to residents. They can be requested through the website, or the town office. A contract has been discussed through Momentum for glass recycling. Pam shared a cost analysis. She estimated 604 residents last year but expected that the MSD included the residents of Solitude who are not serviced by WFWRD, although the resorts are. There are 7 businesses that participate in the compactor site. Their fee will be going up 5%. It's a 10% increase for businesses using front load containers and 18% for recycling. WFWRD contracts with Robinson Waste for the compactor and they've increased fees there. There was a discussion about raising the fees for short-term rentals to match full-time resident rates. WFWRD would want to review which homes this would apply to and the current rate they are paying before pursuing an additional increase for STRs. The WFWRD board met last night for a Public Hearing and adopted the budget. Per Jenna's question, the rates in the canyon are lower than curbside annual rates in the unincorporated areas they serve. Curbside rates are at \$19.50 with the same additional benefits. Their increase will be greater than \$2.50 per month because the board wants to see a 20%-year end cash balance, which is only three months of spending. They project being at a 4%-year end cash balance by the end of 2025, so they are looking at ways to cut costs and spending so that they don't have to implement an increase in 2025.

b. UFSA tax increase discussion. Recording 34:12.

Chief Burchett, CFO Tony Hill, and Administrator and legal counsel Rachel Anderson presented on Unified Fire Service Area's tax increase. UFSA is the special district service area with taxing authority for UFA through an interlocal agreement. Some members contract separately and pay their own fees without receiving the tax. Those a part of UFSA are the metro townships, some cities such as Eagle Mountain in Utah County. Also included are Midvale, Mill Creek, Taylorsville, the towns of Alta, Brighton, and the unincorporated Salt Lake County areas. The purpose for the proposed tax increase is their increased costs. One large expense has been moving toward four person crews. Not all the fire stations are there yet. The second is upgrading fire stations. Not only is UFSA responsible for paying UFA, but they also own all the

fire stations and must keep up with maintenance. General costs of services have also gone up with inflation. Lastly, there is the need to maintain the board approved minimum fund balance of 15%. In 2008, the board approved a tax increase and then after that waited 10 years to increase by 9.65%. To raise taxes, the Truth in Taxation process is required. After the last increase, it was decided to increase after five years. The proposal is for a 12% tax increase. The board originally considered a larger increase to fully replenish the fund balance, but decided to go with the minimum for now, and potentially split it in to two tax increases.

Chief Burchette added that fire and emergency services require a lot of equipment, tools, apparatus, ambulances. The cost of these have dramatically increased in the last five years. The fuel budget increased by 40% and supplies have gone up 15%. Wages have gone up by 11.37%. Fleet prices have gone up by 32% for engines and 27% for ambulances. Ladder trucks have gone up by 70%. Along with FEMA grant money, they've been able to update 4 out of 5 stations to be seismically sound. During the five years of construction projects, costs went up by 91% per square foot.

Tony Hill presented additional financial information and future needs. Population growth and call volumes have increased in the last 5 years by 29%, which is something that could continue. In considering a 12% tax increase, this comes out to \$562,000 value across the UFSA service area. At the resident level, it will be about a \$50 increase from \$413 in 2023 to \$463, also valued at \$4 a month. Revenues are now at \$43.8M and the increase will bring it to \$49M. The public hearing will be on December 5th.

Dan Knopp commented as a board member of UFSA. They've spent a lot of time thinking and talking about this. The fees are uniform across the district and it's a great deal for what we receive.

c. Resolution to adopt 2024 Fee Schedule. Recording 57:18.

Polly McLean explained the Municipal Services District presents us with an updated fee schedule annually after their board approves it. Some of their standard fees were changed, and Polly reviewed it to capture our custom fees for things like parking violations, STRs, and an addition for business license appeals that matches the land use. If the appellant wins, then they get the fee refunded less \$100 administrative fee. This is the same for land use appeals. There was clarification for the fee for building without a permit. It would cost a base of 200% of the permit fee plus 1% of the permit fee per day with a max daily fee of \$50 until the permit is obtained. Fees would accrue 10 days after the notice of violation. Mayor Knopp advised public outreach in the next newsletter to let residents know. Fines could get expensive since it can take a year to get a building permit; \$50 a day for a year is \$18,000. Polly added that a certain amount of the fee can be waived when people try to fix it in good faith. Many people don't build without a permit intentionally. It could help to remind people to get a permit twice a year in the newsletter.

Jenna Malone moved to adopt Resolution 2023-R-11-1 repealing and replacing 2022-R-11-1 and Carolyn Keigley seconded the motion. The motion carried unanimously.

Jenna Malone: Aye

Carolyn Keigley: Aye

Dan Knopp: Aye
Jeff Bossard: Aye
Keith Zuspan: Aye

d. Ordinance excluding Solitude from the 300-foot notification requirement. Recording: 1:04.29.

Jeff Bossard presented the ordinance recommended by the STR subcommittee. It was requested by the community because sometimes neighbors don't know who the owners are of short-term rentals. It was put into ordinance that STR owners must notify their neighbors within 300 feet. Solitude was not considered with this ordinance and because of the volume of condos, there would be an exceptional number of neighbors. It was noted that only owners of habitable dwellings need to be notified, not vacant lots.

Jeff Bossard moved to approve the exclusion of Solitude Village from the 300-foot requirement of notification for short term rental licensees. Jenna Malone seconded the motion and it passed unanimously.

Jeff Bossard: Aye
Jenna Malone: Aye
Dan Knopp: Aye
Keith Zuspan: Aye
Carolyn Keigley: Aye

PUBLIC INPUT

None

CHAT BOX COMMENTS

00:17:22 Lise s Brunhart: Could the sound volume of the meeting be turned up, please 😊 My volume is maxed and it all sounds like a whisper....thanks !
00:18:03 Barbara Cameron: Ditto! Thanks Lise!
00:18:48 Kara John: I turned up, did that help?
00:18:54 Barbara Cameron: Better! Thank you!
00:21:39 Lise s Brunhart: Wonderful sound, thanks !
01:38:10 Chad Smith: Last winter's resident parking passes are still valid this winter, correct?

REPORTS

Mayor's Report

Dan Knopp reported that he was gone for three weeks. He returned for a meeting with the water master's that was well attended with around 8 or 10 of the of the 14 water companies. Steve McIntosh, the watermaster for many of the companies, was able to clarify that their concerns were things that he wanted to help get meters.

In Central Wasatch Commission, the stakeholder's council sent a letter to the board asking them to send a letter to UDOT for mediation on the gondola for more input or go to legal recourse and possibly sue. The CWC board decided unanimously not to sue but did send a letter asking for mediation. The response was no, it's not part of their process.

There is a road meeting Thursday and a separate meeting with the parking vendor.

Council Members' Reports

Jenna Malone reported that she's had lots of questions from backcountry skiers about parking reservations. It was confirmed that many of the details are still being worked out. There will be spaces for backcountry skiers, but the guard road will not be managed by reservations. The reservation zone begins ¼ mile uphill from the Willow Heights trail to the guardsman pass road. They will also determine the number of spaces in the contract. Jenna also reported that yesterday was likely her last STR meeting as a council member. Carole McCalla pointed out at the meeting that because of the new short-term rental regulations, owners are now having to make sure that they have up to date working carbon monoxide and fire or smoke detectors. Jenna said this change makes it all worth it for the benefit of protecting lives.

Carolyn Keigley reported that the SLVLESA need to increase tax rates has been coming before the Teusher bill passed. Jason Mazuran was introduced to UPD as the new Chief, effective July 1st, 2024, when the Sheriff's office separates from UPD. This was decided early on to give officers a sense of what's going on so they can maintain the culture of UPD when the separation takes place. It's exciting for Brighton to have designated officers for our canyon from Holladay. Dan added that we can give one of our offices to UPD. The numbers haven't been shared for what it will cost to go with the Sheriff's office or UPD. The numbers will be shared in December or January.

Jeff Bossard reported that he attended the Mountain Towns 2030 conference in Vail that focused on environmental sustainability in mountain towns, mostly ski towns, but other mountain towns like Estes Park, and places that don't have ski areas. He learned a ton and found a lot of things he would like to see Brighton do. He gathered information on how to fund things like a recycling center up by where the compactor is. There was a lot of collaboration, and he looks forward to moving forward with some of the ideas. A few months ago, when Kazi Sustainability presented to us, there was talk about the office buildings near the mouth of the canyon that have parking garages that sit empty on weekends and evenings. Jeff reached out to their property management company who put him in touch with the owners. They're not interested due to liability reasons, but he thinks if UTA and other entities get together and present a plan to them in which they would take on the liability, it could still be an option. He doesn't think the Town of Brighton needs to take on the liability. A parking lot where people could gather to carpool will be huge as transportation solutions are considered, and the parking lots are already there.

Jeff noted the short-term rental meeting yesterday. They explored the 15% cap in Silver Fork and decided as a committee to keep that cap in place for now and to re address that maybe in another six months. Additionally, it was discussed how to help people in the building process who want to do STRs. We also discussed the renewal notification with the MSD from 30 days to 60 days.

Jeff has also been representing the council at the Wasatch Front Regional Council. The town put in around \$140,000 for a neighborhood nodes study. Consultants were hired from Arcadis. The first meeting was last week. The 3 nodes the Planning Commission was going to investigate

were the Brighton Loop, Silver Fork, and Solitude. It was proposed to add the Cardiff area. To add this node, we need to provide \$615 more. The information came too late to be on the agenda, but Polly noted that the amount is within our procurement policy.

Keith Zuspan reported that the MSD has an FAQ link for “Do I need a building permit?” The MSD also adopted the proposed budget. They will provide \$475,850 to Brighton’s budget for our operations. The PTIF account was \$3.3 million last month. Our interest revenues were \$15,251. Net annualized, that is 5.4% return cash for the town. We’re currently at almost \$192,000, which includes last month’s short-term rental and resort tax, which was \$33,661. \$6,250 will be coming into the fund, which is the last portion of the \$25,000 grant for the digital infrastructure plan.

A recycle center is a good idea, but it’s uncertain how to manage that. We are in the final stages of the contract with Momentum for glass recycling which will begin in the spring when we can get the equipment in place.

Keith attended a meeting for the Utah Association of Special Districts as an MSD board representative. He learned ways we can move PTIF funds into other revenue producing programs.

Carolyn Keigley added that she heard positive feedback from the water meeting. Also, there are residents who use the compactor, but don’t want to get stuck going around the loop during the busy ski season.

Dan added that Kyle is officially up and running. He will worry about the places that are marked no parking, and Interstate will manage the reservations.

Emergency Management Report

Barbara Cameron reported on Jane’s behalf. They think we will need those bright yellow resident passes this year because of all the reserved parking. An example for residents is going shopping downtown at nine o'clock and coming home before 11, you'll need a pass to get in if the roads are closed for parking. Contact Jane or Barbara if you need them.

UDOT said they will begin avalanche control on snowy days from 6am until 8am. Anyone who needs to get out of the canyon to go to work needs to be ready to go before six o'clock. We'll see how that change works. The resident passes are the same ones from last year.

BCCA Report

Barbara Cameron reported that the Brighton Institute received \$3,700 in donations from the Revel marathon as their way of giving back to Big Cottonwood Canyon community. It will be used to help finance Brighton Days, the Parade and the historical committee's upcoming projects. Brighton Institute also contracted with Kazi Sustainability plan coordinators to purchase \$300 worth of wildflower shoots to plant in the roundabout this spring. Other big programs this month included a road safety presentation by Greg Dollhausen from UDOT and a butterfly presentation by Todd Stroud. The canyons are actually the preferred habitat for butterflies so we can be proud of that. There was a water companies meeting this week. Special shout outs go to Polly, Dan, and Steve McIntosh for helping clear up some of the questions about the new STR renewal requirements. Polly and Dan also said they would advocate for

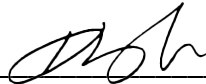
sewer and water companies getting construction plans from MSD planners during the FCOZ process. That's been a big and ongoing deal for all the canyon water companies and the sewer company. Last night, BCCA organized a visit to the Big Cottonwood water treatment plant. It was surprising how gritty the water coming in is. That's because it's directly from mountain water above ground. In the treatment plant, they clean it with added chlorine, and an anthracite coal scrubbing filter. They also add fluoride at that plant, and we came away all being grateful for our fresh clear water from the protected underground sources. I'm currently working on the required update for our CWPP, community wildflower fire protection plan. She'll send it out to all town council members for signatures. This plan makes it possible for us to receive funding for chipper days through Utah Forest Fire and State Lands. Chief Burchette helped her put this together back in 2018. Local's night is tomorrow, Wednesday, November 15 at 6pm and the Messiah sing along at the Brighton chapel is on Sunday, November 26th, at 6:30pm. There will be hot chocolate and cookies included in this free community event and everybody's welcome to come.

PROPOSALS FOR FUTURE AGENDA ITEMS

- a. SLVLESA tax increase
- b. CWC
- c. Nonconforming Uses and Non-Complying Structures

ADJOURN

Keith Zuspan moved to adjourn the meeting and Jenna Malone seconded the motion. The meeting was unanimously adjourned at 8:03pm.



Submitted by Kara John, Town Clerk