

# BRIGHTON TOWN COUNCIL MEETING AGENDA

Tuesday, January 9<sup>th</sup>, 2024, at 6:30 pm

**NOTICE** is hereby given that the Brighton Town Council will meet on Tuesday, January 9<sup>th</sup>, 2024, for its regular meeting at 6:30pm, in a hybrid format. In person at Fire Station 108, 7688 S Big Cottonwood Canyon Road, and electronically via Zoom.

## TO JOIN THE ZOOM MEETING

Join Zoom Meeting

<https://us02web.zoom.us/j/88336077345>

Meeting ID: 883 3607 7345

One tap mobile

(669)444-9171

### 1. CALL TO ORDER AT 6:30 PM.

### 2. SWEARING IN CEREMONY

### 3. ANNOUNCEMENTS

4. **PUBLIC INPUT** You can email your comment to [townclerk@brighton.utah.gov](mailto:townclerk@brighton.utah.gov) ahead of time to be read during the public input section. You may also use the raise hand feature to speak at this time. All comments during the meeting shall be held until section 9.

5. **MINUTES** Approval of Town Council Minutes for December 12<sup>th</sup>, 2023.

6. **UPD** Cheryl Lenzer

7. **UFA** Dusty Dern

### 8. SKI RESORTS

Solitude

Brighton

### 9. BUSINESS

- a. MSD Update on Short-Term Rental Licenses. For discussion.
- b. Silver Lake Trail Update. Presented by John Knoblock. For discussion.
- c. Appointments for Council Members. For discussion.

10. **PUBLIC INPUT** The chat box will reopen for written public comment. You may also use the raise hand feature to provide verbal input.

### 11. REPORTS

- a. Mayor's Report
- b. Council Members' Reports
- c. Emergency Management Report
- d. BCCA Report

### 12. PROPOSALS FOR FUTURE AGENDA ITEMS

- a. Title 19 Code Updates

**13. CLOSED EXECUTIVE SESSION** Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property pursuant to per Utah Code §52-4-205

**14. ADJOURN**

## BRIGHTON TOWN COUNCIL MEETING MINUTES

Tuesday, December 12<sup>th</sup>, 2023, at 6:30 pm

### ATTENDANCE

Dan Knopp (Mayor and meeting chair)

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

Staff: Polly McLean, Cameron Platt, Jane Martain, Kara John, Kyle Morgan, Morgan Julian (MSD), Curtis Woodward (MSD), Jim Nakamura (MSD)

Partners: April Morse, Cheryl Lenzer, Wayne Dial, Dustin Dern, Amber Broadaway, Mike Doyle, Barbara Cameron, Lindsey Nielsen (CWC)

Public: Andrew Keach, Scott Morgan, Lise Brunhart, Mark Brinton, Chad Smith, Kate iPhone, Laurie Hilyer, Don Despain, Nicholas's iPhone, Alex's iPhone, Mark D.

### PUBLIC HEARING

**a. This is a proposed amendment to the Nonconforming Uses and Noncomplying Structures chapter of the Town of Brighton Municipal Code section 19.88.**

Morgan Julian, Planner with the Municipal Services District (MSD), presented the recommended changes to repeal and replace the existing chapter. The existing language was vague and made it hard to process applications dealing with noncomplying structures, which are prevalent within the town. One change was to put the burden on the property owner to establish the legal existence of the nonconforming use/noncomplying structure.

Another change regarding adding on or expanding a noncomplying structure, requires the applicant to adhere to current FCOZ requirements. The example given is for structures within the stream setback. The existing language allows an additional 250 feet to be added within the setback which encourages further encroachment on the stream. The proposed change works to lessen the degree of noncompliance by allowing the applicant to relocate the structure and add on to the portion of the home that is outside of the setback. Someone would not be allowed to build on top of the existing noncompliant structure because that is considered increasing the degree of noncompliance by adding to the total square footage. It was clarified that they don't have to move the home completely out of the setback to be able to remodel, but they do have to increase the distance from the stream and lessen the square footage within the setback. It was clarified that the current setback is 50 feet but could be discussed with the Planning Commission to return it to a 100 foot setback.

The third significant change discussed relates to structures that have deteriorated or degraded to a point of being uninhabitable. Previously, there was no timeframe for addressing this, but the recommendation is to allow one year from the date the homeowner is noticed to complete a land use application to be able to keep the noncomplying right.

An example of nonconforming uses is a structure built for commercial use, such as a store, but within a residential zone. If the building is not suited for residential use, then the use could be changed to something less intrusive such as an office because it wouldn't see the same customer use as a store and is considered an improvement toward compliance.

No public comments were given.

Dan Knopp moved to close public hearing, and Jeff Bossard seconded the motion. The public hearing was closed unanimously.

## **ANNOUNCEMENTS**

Election results: The Board of Canvassers met on 12/6/23 to certify the election results. The candidates elected for town council are Jeff Bossard, and Lise Sorensen Brunhart. The proposition passed for the Additional .5% Resort Sales Tax.

Dan Knopp congratulated the candidates and thanked Jenna Malone for all her work and for being a good neighbor. They didn't always agree but were able to discuss things civilly and come to common ground. He was happy to serve together for the last four years.

Carolyn Keigley presented Jenna with a piece of artwork in appreciation for her service.

## **PUBLIC INPUT**

Mark Brinton appreciated Jenna for her great service and dedication. He appreciated Jeff for continuing, and the new member joining. He also commented on the STR information in the packet. The MSD website gives different options for different ways to pay but does not notify you that certain payment options incur additional charges until you have gone through the process and are at the point of payment. This contrasts with the property tax process. He asked the town council to ask the MSD to provide that information earlier in the process so that individuals applying for a license or renewing will know that certain payment methods do incur an additional charge as they're making that choice between the different payment methods. Also, in the "what to know before you apply" portion of the packet, page 30, item 11 is about the part of the license process to notify, in writing, all properties with dwellings within 300 feet of the proposed short term rental. He requested this to be revisited. In his case, there are 39 properties that are within 300 feet, including one that's on the canyon highway, and two that are on Silver Snow Lane, which is quite some distance from his property on the south side of the creek. It is excessive and he requested the town council to reconsider that distance at some point in the future and reduce that a bit. When 300 feet was originally discussed, there was some discussion as to whether to measure from the actual dwelling or from the property line. The only way to do this as a practical matter is from the property line. And with a large enough property 300 feet from the property line goes 400 feet from the cabin. Number 12, short-term rental owners must receive confirmation from each renter that they have received a map to the property. When he acquired his cabin 10 or 12 years ago, he provided maps to people to find it. But these days, almost everybody uses Google Maps, so providing an actual map to the property isn't necessary or advisable. Regarding the letter to the neighbors on page 41, the seventh bullet says that all service providers for short term rentals including cleaning services shall be required to have snow tires from November 1 to April 15. He suggested that the individuals need to comply with the UDOT requirements for traveling in the cottonwood canyons during that time. For example, chains meet the UDOT requirements, but officially would not meet the requirement as stated in bullet number seven. He suggested the property owner manager authorization that's on page 44 of the packet requiring notarization of the signature is excessive in 2023. Few things require notarization these days, and he asked the town council to consider removing that notarization requirement.

## **MINUTES**

It was noted that Chad Smith caught three typos and Carolyn found a typo and a clarification that Jason Mazuran's status of chief will not be effective until July 1<sup>st</sup>, 2024, when the Sherrif's office separates from UPD. These corrections were made to the minutes.

Jenna Malone moved to approve the minutes for the Town Council Meeting on November 14<sup>th</sup>, 2023, and Jeff Bossard seconded the motion. The minutes were approved unanimously. Jeff Bossard moved to approve the STR minutes from November 13<sup>th</sup>, 2023, and Jenna Malone seconded the motion. The STR minutes were approved unanimously.

## **UPD**

The call volume for the Town of Brighton was significantly down from last year. A total of 105 calls for service were recorded. Last year there were over 300 calls. The most notable was a total of 9 Traffic related calls including a towing, one Traffic Accident, one Canyon Vehicle Assist, three Damaged Property calls, one Vehicle Burglary, a Burglary Alarm, two Dogs in a Watershed and one Camping in a Watershed. There were 10 regular citations issued and 31 Parking Notices, 17 of which were made by Kyle.

Regarding Parking Notices, UPD is now able to issue Parking Notices for violations under County ordinances in the rest of Big Cottonwood Canyon and in Little Cottonwood Canyon. The same fee schedule has been approved for those violations as well. The success of the program applied in the Town of Brighton has served as a great motivator for the passing of this with the County.

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

## **UFA**

Dusty Dern reported that station 102 in Magna received the certificate of occupancy. There were a few concerns found in the final walkthrough and inspection, so they will move in after the first of the year with a grand opening in the middle of January. They begin the budget process this week. They'll be looking at options to rebuild station 112 in Olympus Cove and they are looking for land or other options for that. There were a number of promotions this month including three new firefighter lateral hires sworn in the first of the month and two hazmat techs. They're wrapping up our last strategic plan, the strategic plan covered us from 2021 through 2023. And we're about 90% complete on all the initiatives that came out of that. They've had a group going around, gathering information from internal and external stakeholders. Some high-level concepts for this upcoming strategic plan were presented to the board and the finalized plan will go in front of the board for approval.

A safety message for the holiday season referred to Christmas tree fires and what live trees can do inside a structure. Their information outreach team put an interesting video on YouTube for

education. Call volumes are down from last year, likely due to the later start to the season. There were only 11 incidents and five of those were emergency medical incidents.

## **SKI RESORTS**

### **Brighton**

Mike Doyle reported they got the Crest 6 open last Friday. It's the fastest lift in Utah and it's almost like an amusement park ride. Great Western should be opening tomorrow. Snake Creek lodge is almost done pending final inspections from the Health Department. They hope the permit will be final before the holidays. Milley will be open next week. They hope to open the Challet next week as well. They partnered with Solitude to hire Le Bus for the employee bus program that will begin Friday. Parking reservations have helped with the mad rush coming up the canyon. When people see an empty parking lot it's because there are reservations. Solitude filled at 8:36 Sunday and Brighton filled at 10am. They will make some changes in how to approach certain things. The first year Alta initiated parking reservations, it took them until March to dial it in. Brighton is trying to fast track that. One downfall was allowing season pass holders to make 5 reservations at a time in advance. It's dissolved availability for future reservations, but they are working through it. There has been a lot of panic as people don't read through the full announcements. He hopes that it will improve as people get used to the system. When they're able to get ramps built, it will open 300 more parking spaces. It will get better, but it hasn't been fun on their end by any means. A lot of staff are fed up and tired of getting yelled at. They're trying to do the right thing, and hopefully, with everyone working together, people will get used to the system. Maybe we won't need to look at tolling but right now it could be seen as a better option. It's frustrating when they're trying to make progress and people can't accept change.

Dan noted that the town supports them 100% and will help as needed.

### **Solitude**

Amber Broadway reported they start their reservation program on Friday. The first weekend can have challenges, but the next few weeks should show the changes everyone has been working for. Solitude had a rough snowmaking season. The high snowpack and lots of organic matter in the creek has wreaked havoc on the pumps, which is why they have not been making snow as expected. They completed load testing of Eagle today, which required shutting down the Powderhorn lift. But it gave the team a chance to work out the mechanics and learn the operations. If conditions allow, they'll try to get that online this weekend. Summit should come online here shortly as well, although the weather in the next 10 days will get quite warm. There are two restaurants open in the village. They will have a lot of holiday events going on including fireworks on New Year's Eve. The bus will be going this weekend for employees. With reservations starting, the best thing we can do is support each other and be on the same page. In an ideal situation, we would all have the same program, but we don't for lots of reasons. Giving it through the New Year to shake out may bring opportunity to come together and see how to refine it going forward.

## **BUSINESS**

**a. Central Wasatch Commission presentation.**

Lindsey Nielsen, the Executive Director of the Central Wasatch Commission, presented the year's accomplishments. The CWC uniquely serves as the entity providing resolutions for conflicts that arise in the central Wasatch Mountains. The board includes members from every jurisdiction in the surrounding area to allow collaboration and consensus. There are 11 total members, and 8 voting members that include the Town of Brighton, the Town of Alta, Millcreek, Cottonwood Heights, Salt Lake City, Summit County, Sandy, and Park City. They work collectively on various projects that we see in Brighton such as funding for the Beaver Dam Analogues. This past year, the Visitor Use Study was released. The Environmental Dashboard was a project from 2022, but this year it includes data on the human element to understand visitation to trails and Forest Service land. The Stakeholder's Council is a 35-member body including various interest groups and private citizens with cultural and educational interest, and transit and transportation interests. There is a Youth Council for people ages 16-30 and it's further divided into 3 committees. There are 15 people with a few open spots. The CWC is in the fourth iteration of the short term projects grant that began in 2020 and they've dispersed nearly \$200,000 to help community groups get small projects over the finish line. Other funding for this year went to Wasatch Backcountry Alliance, the free backcountry shuttle on Saturdays, and the transit to trails shuttle that begins in Park City and goes to Bananza Flats, Bloods Lake, and Mid Mountain. They've funded trail maintenance through Cottonwood Canyons Foundation and climbing routes through the Climbers Alliance. Released earlier this year was the BCC MAP (Mobility Action Plan) which contained recommendations such as supplementary shuttle, tolling, year-round bus service and it is all accessible on the website.

**b. Discussion on STR requirements and update on the MSD portal for submitting STR licenses. Pages 30-44.**

Curtis Woodward from the MSD commented that the software they have used to track applications is a software called Citi-Works. It had limited functions so the MSD started searching for other avenues. They found Centricity, which has a redesigned and more user-friendly display for customers. Another benefit is that MSD staff can review the partially completed application before it's submitted. Previously, staff could not see the application until it was submitted, which made it very difficult to help people who would get stuck in the program without knowing how to move through the application. The challenge with the switch is that the two systems haven't been talking to each other, such as in the case of inputting fees and uploading files. MSD leadership has been in discussion with Centricity to work out the problems so that staff doesn't have to continue manually applying fees. If the software communication is unable to be resolved, they may have to abandon the new system. Regarding STRs, one of the things they've tried to smooth out over the last few months is to merge the two parts to the application process. It was divided into a land use and zoning approval portion, and upon completion, applicants would have to go through the business license process. In merging these processes, some things have been duplicated. Most of that has been resolved on the administrative side. They've created an application guide to refine the instructions. Some of the problems people are still having will have to do with changing the code as they relate to requirements.

Dan commented that feedback from Carole is that she's happy with the improvements. We may need to refine SVMA regulations since they were built as condo and hotel units, and it would be cumbersome to inspect each one at the three-year renewal. Curtis added that the new requirement for approval from Salt Lake City Public Utilities, they've sent a blanket approval for each of the buildings at Solitude to cover each individual unit. The approvals have moved much quicker now that they've changed the process to a single form with a signature rather than an individual letter. Dan considered this could be done for the bigger water systems such as Silver Fork and Silver Lake Estates.

Further discussion may result in changing all STR renewals to expire at the same time in the summer so that people aren't expected to renew and get inspections during the challenges of winter. The chief building official suggested May or June, although UFA thought October would be better for scheduling inspections.

Jeff complimented Curtis and the MSD for the work they'd done. The guide that Curtis put together is in the packet has a lot of information to educate people.

Polly noted there will be ordinance changes coming, but nothing is urgent, and some items will be going to the Planning Commission first.

**c. Update on Roadside Parking Reservation Management.**

Dan Knopp reported that we will begin parking management this Friday. He directed Interstate, the parking management company, to not issue citations for the first few weeks while it's new. If people park illegally more than once they will get a citation. It will be closely watched so we can react as needed. UPD and Kyle will do enforcement for cars illegally parked even in the correct zones. The resorts will help park the cars and help with snow removal. There is room for approximately 350-400 cars on the roadway. The reservation area begins ¼ mile above Willow Heights trail head and begins at 7am. Starting at 6 am, backcountry skiers can park but they must have a reservation. There will be two backcountry zones with 20 spots in total. There are no reservations needed for the backcountry areas at Willow Heights or anywhere down canyon from there. There is potential for a resort skier to take one of the 6am backcountry reservations if they're unable to get a 7am reservation. The number of backcountry spaces can be increased as needed after future evaluation.

To guarantee spots, Interstate won't release reservations unless there are spaces available. Initially, they'll release 50% of the inventory to be conservative and then fine tune it based on storms and how the road fills in. We'll use the electronic signs to alert people as well as the town website, newsletter, and social media. Interstate will have the reservation site ready for review tomorrow at parkbcc.com. It includes an extensive FAQ and will mirror park Brighton and park Solitude. It'll be familiar for anyone who has made parking reservations before, and it will be a conduit for information. Interstate responds to questions within 24 hours.

**d. RESOLUTION 2023-R-12-1 Resolution approving 2024 Tax Rate in Excess of the Certified Tax Rate by the Salt Lake Valley Law Enforcement Service Area. Pages 45-48.**

Polly McLean explained this item was presented at last month's meeting in the public input section because it was inadvertently left off the agenda. Dan noted that SLVLESA would become



insolvent without it. Carolyn Keigley added that the insolvency and potential tax increase was planned prior to the Teusher bill that resulted in the issue becoming more complex. Carolyn Keigley moved to adopt Resolution 2023-R-12-1, amended to reflect “Town of Brighton” and Jenna Malone seconded the motion. The motion passed unanimously.

Carolyn Keigley: Aye

Jenna Malone: Aye

Dan Knopp: Aye

Jeff Bossard: Aye

Keith Zuspan: Aye

**e. Ordinance 2023-O-12-2 Ordinance amendment to the Nonconforming Uses and Noncomplying Structures chapter of the Town of Brighton Municipal Code section 19.88.**

No further discussion was needed beyond what was provided in the public hearing portion of the meeting. Jenna Malone moved to approve ordinance 2023-O-12-2 and Jeff Bossard seconded the motion. The motion passed unanimously.

Jenna Malone: Aye

Carolyn Keigley: Aye

Jeff Bossard: Aye

Dan Knopp: Aye

Keith Zuspan: Aye

**f. Brighton Additional .5% Resort Sales Tax. For discussion.**

Dan Knopp noted that the ballot proposition for increasing the Resort Community Sales Tax passed in this year’s election. It is not intended to be used, but it’s available to us if we need it. It was pursued in advance of an actual need because otherwise we would’ve had to wait for the next election cycle. Nate Rockwood provided additional information. The next step is for the council to adopt a resolution enacting the tax. That can be done anytime, as long as we’re a town. Then a 90-day holding period would take place before the tax and the tax would take effect at the beginning of the quarter following the 90 days. To capture the full ski season revenue, it should be enacted by June of any given year. To repeal the tax, it would have to be placed back on the ballot.

It was noted that the results showed 83% of people voted for this and 17% were against it.

**g. Ordinance 2023-O-12-1. An Ordinance Amending the Regular Brighton Town Council Meetings Schedule. Page 49.**

The meeting schedule will remain on the second Tuesday of the month at 6:30PM for the 2024 calendar year. Carolyn Keigley moved to adopt Ordinance 2023-O-12-1 and Jenna Malone seconded it. The motion passed unanimously.

Jenna Malone: Aye

Carolyn Keigley: Aye

Jeff Bossard: Aye

Dan Knopp: Aye

Keith Zuspan: Aye

## **PUBLIC INPUT**

Andrew Keach commented that he's a new homeowner in Silver Fork. He inquired if there is an STR handbook and where to find it.

It was clarified that the draft is in the packet material on the website, [brighton.utah.gov](http://brighton.utah.gov). There are intentions to incorporate the Application Guide that Curtis created into the handbook. This should be done in the coming days and the final draft will be on the STR page of the website.

Andrew noted the challenges he's had with the MSD website in trying to get his application completed that he began in August.

## **CHAT BOX COMMENTS**

00:23:29 Chad Smith: Audio not audible for mayor.

00:23:33 Jane: We cannot hear Dan

00:28:09 Jane: We cannot hear Polly

00:29:08 Barbara Cameron: My computer sound is maxed out, but I can barely hear Morgan. Can the sound be turned up at the fire station location?

00:30:33 Barbara Cameron: Sorry to say, I can't hear Curtis either.

00:30:44 Chad Smith: Same, Barbara. Seems like whenever people are not close to the mic their voice drops to almost zero.

00:31:31 Amber Morse's iPhone: Can you repeat that on the setbacks

00:31:36 Amber Morse's iPhone: Was hard to hear

00:31:54 Amber Morse's iPhone: 50 or 100?

00:32:47 Kara John: currently at 50

## **REPORTS**

### **Mayor's Report**

Dan Knopp reported that he missed the UFA meeting this month.

The Interstate agreement was finalized and signed.

The CWC retreat is on Friday.

He spent a few hours volunteering at Smith's ringing the bell for the Salvation Army and found it very rewarding. They do a lot of good work with national disaster situations.

### **Council Members' Reports**

Jenna Malone thanked the community for electing her four years ago and allowing her to serve. She's learned a lot. She's thrilled Lise and Jeff won. When she knew that she wasn't going to run again, she reached out to Lise because the more woman in leadership positions we can get the better it is for representation. She believes she and Lise have similar visions for the community. She thanked the council members, Kara, Polly, Cameron, Nate, Jane, and Kyle for getting our fledgling community going.

Keith Zuspan reported the cash account has \$250,490. As of Nov. 30<sup>th</sup>, the PTIF account had \$3.35M. The interest accrued is \$14,974, which equates to 5.48% annually.

Wasatch Front Waste and Recycling has circulated documents on locations where trash and recycling containers will be. They're researching possibilities for replacement locations for the bins that were removed at the mouth of the canyon. Curbside style bins that only accept household waste are being considered for that location that sits on SLC property.

The MSD update is on how they're managing changes in their programming functions for licenses, renewals, and code enforcement, as discussed earlier.

Per a question about the recycling bin at the Brighton loop, Keith clarified the bin is planned to be moved back to the store parking lot, and another will be by the Milley Chalet. Regardless of location, the bins get mistreated. The concern about plastic bags in the container was addressed by explaining the sorting process when trucks reach the recycle center. Plastic bags are removed from the conveyor belt, and don't interfere with the entire truck load being contaminated as previously thought.

Jeff imagined it could help to have a sign on the compactor that says "put garbage here" because of people leaving it outside of the compactor.

Carolyn thought a hidden location for trash and recycling could help prevent misuse from non-residents.

Dan provided some general information about the current location. Salt Lake County gave us ownership of the area for free after Hank Moyle gave it to the county for the good of the community. We took down the old fire station for safety from snow sliding off the roof. We don't have other land to relocate the compactor, and no one wants it by their house. The vacant land isn't plowed so that people don't use it as a parking spot, but in the future we can consider what to do with that area such as improving the recycling area or making it a mail drop.

Jeff Bossard reported the mosquito abatement public hearing was last night for a rate increase. It was combined with a Christmas party. Additionally, Jeff has been working through many emails with the MSD regarding STRs. He thanked the community for the reelection and the continued opportunity to serve.

Carolyn Keigley reported her month was focused on UPD and SLVLESA. It's moving along well, but complex and will take time. Details will follow as things solidify.

### **Emergency Management Report**

Jane Martain reported she sent out messages last Friday about the slide offs and for the short avalanche mitigation that will be tomorrow for about 15 minutes.

### **BCCA Report**

Barbara Cameron reported on the festive events coming up. Saturday, December 16<sup>th</sup>, the Brighton Chapel is providing a Christmas dinner, and all are welcome. Bring a dish and the entrée is provided. Santa is coming to town to be with the kids on Sunday, December 17<sup>th</sup> from 4-6pm and locals night starts at 6pm. She's been working on the STR handbook and will incorporate Curtis' amazing contribution.

**PROPOSALS FOR FUTURE AGENDA ITEMS**

- a. Move 50 foot setback to 100 foot setback.
- b. Appointments for council members – and swearing in Ceremony.

**CLOSED SESSION**

Jenna Malone moved to go into closed Executive session and Jeff Bossard seconded the motion.

**ADJOURN**

Keith Zuspan moved to close the open session and Jenna Malone seconded the motion. The meeting was adjourned at 9:20pm.

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Submitted by Kara John, Town Clerk

Draft