



The Regular Meeting of the Brian Head Town Council

Brian Head Town Hall – Council Chambers
56 North Highway 143 – Brian Head, UT 84719

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Via Zoom Meeting ID#

TUESDAY, MAY 14, 2024 @ 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 Mitch Ricks.

Staff Present: Bret Howser, Town Manager; Shane Williamson, Town Treasurer; Lester Ross, Building and Planning Official; Chief Dan Benson, Public Safety Director; Amber Burton, Public Safety Administrative Assistant, Amanda Hunter, Code Enforcement.

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Town Council to order at 1:10 p.m. on May 14, 2024.

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

Council Member Marshall inquired about the annual Town Cleanup event. Bret explained that it is tentatively scheduled for May 22, 2024, to have the cleanup before the Memorial Day holiday unless the Council has an objection, staff will proceed with the scheduled date of May 22nd.

Mayor Calloway reminded the public of the construction taking place in Parowan Canyon and to be careful when driving in the canyon.

Bret Howser, Town Manager, reported that the annual Town Cleanup event includes a bake-off competition. Bret explained that currently there are no entries for the bake-off and encouraged the public to sign up.

Aldo Biasi, Public Works Director

1. With work continuing in Parowan Canyon, approximately 36' of the Town's sewer main was exposed along with a high-pressure natural gas line with high beams for support while they were backfilling. Tom Gurr inspected the sewer when they were in the process to ensure the Town's sewer line was not damaged. Parowan City was on standby with bypass pumps in a

- 1 worst-case scenario. The crews were able to get under the sewer main line and complete
2 what needed to be done.
- 3 2. Crews have been grading the Town roads as they dry out from the winter. One focus will be
4 on the Mountain View area, there are still some roads that are too wet to grade at this time.
5 Road base is being stockpiled at the Navajo parking lot and once the roads have dried out,
6 the road base and grading will continue.
- 7 3. The first round of road sweeping took place and crews will continue to sweep as mud is
8 tracked onto the roadways.
- 9 4. The Parowan Canyon ATV trail has been cleaned and the work in the canyon has been
10 completed.
- 11 5. Crews are working on the damaged fencing on the Town's walking trail that was damaged
12 by the snow blower during the winter.
- 13 6. The water and sewer projects are moving forward and a pre-bond closing meeting is
14 scheduled for this week.
- 15 7. The Generator Building project bid opening was today and no bids were received for this
16 project. Staff will readvertise the project and also consider another option used for the Chair
17 #1 restroom. The Town could take on the project in-house by contracting with the concrete
18 companies and completing the rest of the project in-house.
- 19 8. The well-drilling is scheduled to be bid this Thursday, May 30, 2024. The well will be located
20 by the Salt Pile Springs, which is a good location for the well site.
- 21 9. Mayor Calloway inquired how the broom sweep for the loader performed. Aldo responded
22 that it worked well except for a missing harness so the broom was unable to be angled. Once
23 the harness is received, crews will be sweeping the roads again. Aldo apologized to anyone
24 who may have gotten debris in their driveway from the sweeping.
- 25 10. Council Member Marshall commented that several street signs are missing, fallen, and/or
26 broken and inquired when crews will be able to address them. Aldo responded that Tom
27 Gurr has been assigned to this task and will meet with Bret regarding the new Town logo for
28 the signs before they are replaced.
- 29
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31 **E. AGENDA ITEMS:**

- 32 **1. IRON COUNTY PIONEER DAY CELEBRATION.** Donation request from the Osmond
33 family's event to promote Utah's largest pioneer & firework celebrations in Iron County.
- 34

35 Bret Howser, Town Manager, reported that Justin Osmond is present to give a presentation
36 to the Council on the Iron County Pioneer Day Celebration. Justin Osmond gave a brief
37 background of his family's background in music. Mr. Osmond explained that his father
38 produced a musical fireworks celebration for the Pioneer Celebration on July 24th. Mr.
39 Osmond commented that this event is about telling the story of the pioneers coming to Utah
40 and every year they honor a modern-day pioneer.

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42 Mr. Osmond reported they are planning to honor Henry Lunt this year for the Pioneer Day
43 Celebration. Mr. Osmond gave a PowerPoint presentation (see attached). Mr. Osmond
44 reported there are approximately 10,000 – 12,000 people who attend the celebration which is
45 about the Church of Latter Day Saints religion which is also a part of Southern Utah's
46 history. They are in the process of moving to Cedar City due to the St. George heat during
47 the summer and are working with Southern Utah University. Mr. Osmond reported that
48 once their cost is covered, they will donate to a family in need that has been identified in
49 Cedar City.

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51 Mr. Osmond reported that they are \$5,000 short of their target and encouraged the Council
52 to donate towards the celebration. Mr. Osmond explained that Cedar City's Mayor

requested they commit to a three-year venue. Mr. Osmond reported that Enoch City and Cedar City have donated, and Parowan will let them know. Mr. Osmond commented that he would appreciate any donation from the Town. The program will include a sponsorship ad for the Town and a 30'x20' jumbotron that will give Brian Head some exposure as well.

Bret reported that since there are not any major events scheduled for July 24th in Brian Head, this could be a new venue. Bret reported on reading old articles about Brian Head, in which Parowan held an event by raising a flag at Brian Head Peak in the 1920s. Mr. Osmond reported on the quilt walk from Panguitch for Pioneer Day along with the Old Sorrel story. There will be some skydivers as part of the celebration. This will be a one-night celebration this year but could extend into a two or three-night celebration event in the upcoming years.

2. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SECOND PUBLIC HEARING. A second public hearing for the Community Development Block Grant (CDBG) on the proposed project.

Mayor Calloway opened the second public hearing for the CDBG program. Mayor Calloway stated that this hearing was called to allow all citizens to provide input concerning the project that was awarded under the 2024 Community Development Block Grant Program. The Town has amended its capital investment plan and decided to apply for funds on behalf of the Brian Head Fire Department located at 535 South Vasels Road, Brian Head, UT.

The Mayor Calloway introduced Amber Burton, Project Manager, from the Brian Head Fire Department. The Mayor explained that the application was successful in the regional rating and ranking process and MagneGrip 100% Source Capture Exhaust Removal System in the grant amount of \$135,000. The Mayor explained the project to those in attendance.

The Mayor then asked for any comments, questions, and concerns from the audience. There were no comments from the public on the project. The Mayor stated that copies of the capital investment plan are available if anyone would like a copy. There were no more comments and the hearing was adjourned at 1:37 p.m.

3. ELK DRIVE SPECIAL ASSESSMENT AREA (SAA) PETITION. A petition for a Special Assessment Area on Elk Drive for a water line project.

Shane Williamson, Town Treasurer, presented the Elk Drive Special Assessment Area (SAA) petition (see attached). Shane explained that the original petition was submitted to the Council in August 2022 but was tabled due to the sewer density study. Once the sewer density study was completed and the Council determined that SAAs could continue.

Shane reported the Elk Drive SAA is for a waterline project and has 58% of the current lot owners. The updated estimate for the projects is \$687,000 which would be an assessment of \$26,000 per lot. The timeline for the project would be the notice of intent through the summer and ready to bid next winter, if approved by the Council.

The council discussed the following:

1. Mayor Calloway inquired as to the fire mitigation rating for this area on the SAA Fire Map. Bret reported that it is in the "B" category.
2. Council Member Freeberg commented that in reviewing the estimates between Ranger Court SAA and Elk Drive SAA. He noted that the Ranger Court estimate was

not updated and the Elk Drive estimate was updated in March 2024. There were items on the Ranger Court estimate that were not on the Elk Drive estimate such as design engineering, construction inspection, testing, etc., and using the percentages on Ranger Court, it would be a 7% higher amount for that group. Council Member Freeberg commented on the items that were not identified in the Elk Drive estimated costs such as the design engineering, construction inspections, testing, administration costs, and contingency.

3. Shane explained that these are estimates at this time since it is a petition. Once the Town goes to bid and receives the actual bids for the project, then the Town will know what the actual costs will be. Bret reported that construction management includes design engineering, construction inspections, and testing. Administration costs are not included in the costs nor are the bonding costs. The next step will be the Notice of Intent which includes an estimate for the project costs and will include the bonding costs.
4. Mayor Calloway commented that the Town identified a total of 4 million dollars for SAAs and inquired as to the status of the SAAs at this point. Shane reported that the Town is at \$2.3 million and the limit is 5 million dollars. Bret reported that the Ranger Court and the Elk Drive SAAs the Town will be close to 4 million dollars in SAAs.
5. Council Member Tidwell commented on the Sewer Septic Density study identified a certain number of septic tank permits the Town would allow and inquired as to the status of the permits. Bret reported that the Town would allow 45 more septic tank permits, but the total number was 150 septic tank permits.
6. Lester Ross, Building and Planning Official, reported that anyone who is within 300' of a sewer line is required to connect to the Town's sewer line. The sewer line is located on Mountain View Drive.

Motion: Council Member Marshall moved the Elk Drive, Cedar Breaks Mountain Estates, Unit C Special Assessment Area (SAA) petition as presented. Council Member Tidwell seconded the motion.

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

4. RANGER COURT SPECIAL ASSESSMENT AREA (SAA) PETITION. A petition for a Special Assessment Area on Ranger Court for a water line project.

Shane Williamson, Town Treasurer, presented the Ranger Court Special Assessment Area (SAA) petition (see attached). Shane gave a brief background on the Ranger Court SAA in which the original petition was accepted by the Council and the Notice of Intent was adopted and a moratorium was put on the SAAs in 2022. Since that time, there have been changes in ownership in the lots and they now have 56% of the property owners who have signed the petition. The SAA has a total of 18 lots.

Bret reported that there were two signatures submitted last Friday and quickly amended the Agenda to include the Ranger Court SAA petition in which he combined the old Elk Drive and new Elk Drive estimates after the Council packet was distributed, he received an updated estimate from Aldo Biasi, Public Works Director, which was higher than first presented to Council. In reviewing the original estimate, it was higher than what they

1 anticipated, and would need to research it further to determine if it may have included the
2 Margie Court costs as well.

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4 The Council discussed the following:

- 5 1. Mayor Calloway inquired as to the category for the SAA Fire Mitigation Map. Staff
6 reported that it is in the “B” category for the fire mitigation map.
- 7 2. Council Member Ricks inquired if the water line would continue to the Ranger
8 Court cul-de-sac. Bret reported that the waterline does not include the cul-de-sac.
- 9 3. Mayor Calloway asked if there is no requirement to connect to the waterline. Lester
10 Ross, Building and Planning Official, reported that anyone who pulled a new
11 building permit would be required to connect to the water line. If there is an
12 existing cabin and the water is further than 300’ away, they would not be required
13 to connect, but if the water goes by the property lines to the furthest point, then they
14 would have three years to connect.
- 15 4. Lester explained that for a cabin to have a septic permit, they would have to have
16 water to the property, which means they would need to connect.
- 17 5. Council Member Freeberg commented on the 2021 Ranger Court estimates in which
18 he reviewed the numbers from Elk Drive and added three items to the water line –
19 pipeline, gate valves, and fire hydrants which added \$186,000 to the project. The
20 other thing was the road base, which is \$1 a square foot, but in reviewing Elk Drive
21 it is referred to in linear feet. Bret reported that the staff is investigating the
22 estimates and noted that two water lines have been installed since that time. Bret
23 reported that they are tying into Kodiak through an easement through Ryan Ricks
24 which necessitates the pressure-reducing valve, at a cost of approximately \$100,000,
25 but staff will need to research it first.
- 26 6. Council Member Marshall responded to Council Member Freeberg’s comment that
27 the linear foot for what is proposed is \$13.30 and that is an A portion and then there
28 is a B portion to it as well.

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30 **Motion:** Council Member Tidwell moved to accept the Ranger Court Special Assessment
31 Area (SAA) as presented. Council Member Marshall seconded the motion.

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33 Council Member Ricks inquired if the property owners will be assessed through the SAA,
34 will they also be responsible for the impact fees? Bret reported that it is a policy question for
35 the Council, but the Council has waived the impact fees in the past.

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

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42 **5. TENTATIVE BUDGET PRESENTATION.** Presentation of the FY 2025 Tentative Budget.

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44 Shane Williamson, Town Treasurer, presented the fiscal year 2025 Tentative Budget (see
45 attached). Shane reported that the Council held a budget work session on April 9, 2024, to
46 create the FY2025 budget. Shane reported on the following items:

- 47 1. Added \$4,000 to the RDA expense fund for garbage cans in the park and reduced the
48 fund balance to account for that.
- 49 2. Updated the RDA Admin fee to \$35,250.
- 50 3. Mayor Calloway inquired about line item 3110 – Property taxes, and it shows a
51 substantial increase based on the year-to-date: It is 1.006 million dollars and is

- different from the budgeted \$900,000 that was budgeted. Shane explained that is the new growth that is identified.
4. Mayor Calloway wanted to bring the Council's salary increase of 10% to be transparent, which increased from 0.50 cents per hour to 0.52 cents per hour.
 5. Debt Service Fund: Mayor Calloway inquired about the difference. Bret reported that one bond was paid off, but the new bond has not taken effect yet.
 6. Council Member Tidwell inquired about the total taxes that come and what the revised budget means. The 2023 budget actuals are 2.7 million and the FY2024 revised budget amount is budgeted for 2.4 million dollars if the number is the actuals or revised for 2024. Shane responded that there has not been a budget adjustment yet to the FY2024 budget and once that is complete, the actuals will reflect in the budget.
 7. Shane reported that as of the end of March 2024, the Town collected 2.1 million dollars in taxes.
 8. Council Member Tidwell commented that the FY2025 is 2.8 million dollars showing an increase of 16% more than the revised budget for FY2024. Shane explained that the strategy is that the staff is anticipating a surplus this year and should have an updated number when he submits the monthly budget report to the Council.
 9. Council Member Tidwell commented on the year-to-date building permits which show \$36,000 and is budgeted for \$100,000. Bret reported that the Town is under budget, but an increase in the number of building permits could take place since building fluctuates.
 10. Lester reported he received \$81,000 in building permits for the fiscal year and three additional permits have been issued since the report was issued. Lester explained he has plans that are sitting and waiting on the people to issue their permits.
 11. Council Member Tidwell inquired about the Grant line, 3341, \$369,000. Shane responded that this is the new way of handling the Marketing co-op. The Town receives the funding instead of the Tourism Bureau.
 12. Council Member Tidwell commented on the increase in Admin salaries and wages with the new Deputy Clerk position and overall wage increases. Bret explained that the front desk has also increased with working on Saturdays.
 13. Council Member Tidwell commented on the Public Safety wages and salaries which show a decrease. In FY2023 it is \$380,000 and the FY2024 is \$390,000 and in FY2025 is \$370,000. Shane reported that the staff will need to verify the amount.
 14. Council Member Tidwell commented on the General Fund allocation amounts for public works salaries and wages identified in Highways and why the numbers are different from previous years. Shane explained that there were two new positions added. Bret explained that he recalibrated everyone's wages back into the General Fund since it was mostly allocated to the Enterprise Funds.
 15. Mayor Calloway inquired as to the difference in the allocation of public works salaries and wages from the Enterprise Funds to the General Fund. Bret reported that it changed from 25% in 2022 to 50% in the General Fund allocation to streets.
 16. Council Member Tidwell inquired about the RDA Fund and the tax increments and where the revenue is coming from and why it decreased. Shane explained that this year there were so many data points of it increasing, that staff changed the projected, and why it shows the 4.80 for this year's projection for the FY2025 budget. Shane reported that the Town has been collecting less in the RDA fund than the prior year.
 17. Debt Service Fund: Council Member Tidwell commented that he understands that one bond expired and the new beautification bond is not yet in effect but would have thought that some funds would have been spent in the FY2025 budget. Bret explained that there may be some expenditures and that is when a budget amendment will be presented. Shane explained that this line item is to only pay the

bonds. Bret reported that the first bond payment and collection of property taxes is not scheduled until the FY2026 budget but would depend on how the bonds are structured. Shane explained there will be a new fund identified for this.

Motion: Council Member Marshall moved to approve the FY2025 Budget as presented. Council Member Tidwell seconded the motion.

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

6. PENDING ANNEXATIONS GENERAL PLAN & ZONING DISCUSSION.

Discussion on potential General Plan Map amendments and initial zoning for properties within pending annexations.

Bret reported two annexations will be coming in front of the Town Council. Bret explained that a public hearing is scheduled for the Planning Commission on May 21, 2024, and the Town Council on May 28, 2024.

Bret reported that as part of the annexations, the Town will need to amend the Town's General Plan to include the zoning for the annexations. In reviewing the zoning, it was suggested that a new zone Annexed Transition (AT) be assigned to Aspen Meadows annexation. This zone is a holding zone until the developer is ready to build at which time, they would rezone the property they are subdividing. Bret reported he has confirmed this with Flint Decker, Aspen Meadows, who reported they are satisfied with this zone.

Bret gave an update on the annexation process. Bret reported that the Town is going through the annexation protest process and is scheduled to hold public hearings at the Planning Commission and Town Council levels. The Planning Commission will forward a recommendation to the Town Council. Bret reported the Council could adopt the annexation ordinance as early as May 28, 2024.

The Council discussed the following:

1. Mayor Calloway inquired if Aspen Meadows plans to change anything in their light industrial zone. Flint Decker responded that light industrial is in their plan but is identified in the Mountain Zoning Light Industrial and they have not defined that yet.
2. Flint Decker, Aspen Meadows, reported they will try to have this clarified by the time the Council is ready to adopt the annexation ordinance. Flint explained that the Overlay District zone is stricter than the current Town Code in the zones. Flint explained that they plan to match up to 95% of the Town's zones but will have the additional requirements specifically for Aspen Meadows.
3. Bret explained the Town was planning to create a new set of zones for Aspen Meadows, but in reviewing the overall plan, it was more simplistic to identify an Overlay District that would allow them to have more restrictions for their zones.
4. Bret reported there will be a zone for Annexed Transition (AT) and the Overlay District attached to it. And will have the language of the Mountain Zoning Overlay District for Aspen Meadows.
5. Bret reported that the Annexed Transition and Mountain Zoning Overlay District zones will be also identified in the Land Management Code, Chapter 7, Zone District Regulations as well.

6. Lester explained that with the Annexed Transition zone, the developer cannot begin to build until they are ready to subdivide and must rezone first before any development can take place.
7. Bret reported that the company that updated the General Plan in 2018 will be updating the General Plan Map.
8. Flint reported there are many administrative steps to the annexation. One step is the land donation directly to the north and the title company can memorialize. Another is the fire station parcel is not specifically identified so the language is flexible so when they begin the subdividing process, the details will be identified. The church land donation was also identified.
9. Dave Mason, resident, inquired about an access road to the north for the Timbercrest subdivision in case of emergencies. Bret reported there is nothing identified in the Aspen Meadows Annexation Development Agreement. Dave reported the Timbercrest subdivision has one access point in and out of the subdivision and would like to see secondary access for the subdivision.
10. Bret reported that during the subdivision process of Aspen Meadows Southeast Neighborhood, there was an emergency 20' access easement granted for Timbercrest if they wish to develop that. It is not a public access easement.

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

Mayor Calloway inquired as to the status of the University of Utah students who gave a presentation on their work for updating the Town's Land Management Code, Trail Master Plan, and Affordable Housing/Parking projects. Lester reported that in a recent meeting, he ran into Professor Bruce Parker, U of U, who reported that the Town should see the reports as soon as next week.

Upcoming Agendas:

May 21, 2024 Planning Commission Meeting:

1. Capdevilla subdivision process to subdivide the parcels.
2. Hidden Springs Preliminary Plat Review
3. Public Hearing for the Aspen Meadows and Brian Head Unit 3 Annexations.
4. Public Hearing for the General Plan and Zoning for the annexations
5. Chapter 12 of the Land Management Code related to cladding and snow storage.

May 28th Council Meeting

1. Public Hearing for the Aspen Meadows and Brian Head Unit 3 Annexations
2. Public Hearing for the General Plan and Zoning for the annexations.
3. Public Hearing for the FY2025 Budgets
4. Public Hearing for the Public Officials' Compensation

Lester reported that the Hidden Springs subdivision may come in front of the Council for a partial road vacation request in which the developer will turn around and dedicate a trail to the Town.

Council Member Marshall inquired if the Town cleanup would work with the spring melt off happening right now. Bret reported that the sides of the roads will be dry, but the meadows will be too swampy. Bret reported that the cleanup is typically in June, but there has been an effort to have the cleanup before Memorial Day. Bret reported the resort does not have lot of employees on the mountain until after June and one option could be to hold the cleanup

1 before Memorial Day and then host a separate cleanup with the resort in June and provide a
2 BBQ for them.
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5 **F. ADJOURNMENT**
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7 **Motion:** Council Member Marshall moved to adjourn the regular meeting of the Town
8 Council. Council Member Tidwell seconded the motion.

9 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Tidwell,
10 Council Member Marshall, Council Member Freeberg, Council Member Ricks,
11 Mayor Calloway).
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13 The regular meeting of the Town Council was adjourned at 3:15 p.m. on May 14, 2024.
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16 June 25, 2024

17 Date Approved
18

19 Nancy Leigh

20 Town Clerk