



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

30

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.

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.

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.

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

1 requested they commit to a three-year venue. Mr. Osmond reported that Enoch City and
2 Cedar City have donated, and Parowan will let them know. Mr. Osmond commented that
3 he would appreciate any donation from the Town. The program will include a sponsorship
4 ad for the Town and a 30'x20' jumbotron that will give Brian Head some exposure as well.
5

6 Bret reported that since there are not any major events scheduled for July 24th in Brian Head,
7 this could be a new venue. Bret reported on reading old articles about Brian Head, in which
8 Parowan held an event by raising a flag at Brian Head Peak in the 1920s. Mr. Osmond
9 reported on the quilt walk from Panguitch for Pioneer Day along with the Old Sorrel story.
10 There will be some skydivers as part of the celebration. This will be a one-night celebration
11 this year but could extend into a two or three-night celebration event in the upcoming years.
12

13

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

17 Mayor Calloway opened the second public hearing for the CDBG program. Mayor Calloway
18 stated that this hearing was called to allow all citizens to provide input concerning the project
19 that was awarded under the 2024 Community Development Block Grant Program. The Town
20 has amended its capital investment plan and decided to apply for funds on behalf of the
21 Brian Head Fire Department located at 535 South Vasels Road, Brian Head, UT.
22

23 The Mayor Calloway introduced Amber Burton, Project Manager, from the Brian Head Fire
24 Department. The Mayor explained that the application was successful in the regional rating
25 and ranking process and MagneGrip 100% Source Capture Exhaust Removal System in the
26 grant amount of \$135,000. The Mayor explained the project to those in attendance.
27

28 The Mayor then asked for any comments, questions, and concerns from the audience. There
29 were no comments from the public on the project. The Mayor stated that copies of the capital
30 investment plan are available if anyone would like a copy. There were no more comments
31 and the hearing was adjourned at 1:37 p.m.
32

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34

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

37 Shane Williamson, Town Treasurer, presented the Elk Drive Special Assessment Area (SAA)
38 petition (see attached). Shane explained that the original petition was submitted to the
39 Council in August 2022 but was tabled due to the sewer density study. Once the sewer
40 density study was completed and the Council determined that SAAs could continue.
41

42 Shane reported the Elk Drive SAA is for a waterline project and has 58% of the current lot
43 owners. The updated estimate for the projects is \$687,000 which would be an assessment of
44 \$26,000 per lot. The timeline for the project would be the notice of intent through the
45 summer and ready to bid next winter, if approved by the Council.
46

47 The council discussed the following:

48

49 1. Mayor Calloway inquired as to the fire mitigation rating for this area on the SAA Fire
50 Map. Bret reported that it is in the "B" category.

51 2. Council Member Freeberg commented that in reviewing the estimates between
52 Ranger Court SAA and Elk Drive SAA. He noted that the Ranger Court estimate was

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

8 3. Shane explained that these are estimates at this time since it is a petition. Once the
9 Town goes to bid and receives the actual bids for the project, then the Town will
10 know what the actual costs will be. Bret reported that construction management
11 includes design engineering, construction inspections, and testing. Administration
12 costs are not included in the costs nor are the bonding costs. The next step will be the
13 Notice of Intent which includes an estimate for the project costs and will include the
14 bonding costs.

15 4. Mayor Calloway commented that the Town identified a total of 4 million dollars for
16 SAAs and inquired as to the status of the SAAs at this point. Shane reported that the
17 Town is at \$2.3 million and the limit is 5 million dollars. Bret reported that the
18 Ranger Court and the Elk Drive SAAs the Town will be close to 4 million dollars in
19 SAAs.

20 5. Council Member Tidwell commented on the Sewer Septic Density study identified a
21 certain number of septic tank permits the Town would allow and inquired as to the
22 status of the permits. Bret reported that the Town would allow 45 more septic tank
23 permits, but the total number was 150 septic tank permits.

24 6. Lester Ross, Building and Planning Official, reported that anyone who is within 300'
25 of a sewer line is required to connect to the Town's sewer line. The sewer line is
26 located on Mountain View Drive.

27
28 **Motion:** Council Member Marshall moved the Elk Drive, Cedar Breaks Mountain Estates,
29 Unit C Special Assessment Area (SAA) petition as presented. Council Member
30 Tidwell seconded the motion.

31
32 **Action:** **Motion carried 5-0-0 (summary: Yes = 5** **Vote: Yes:** Council Member Marshall,
33 Council Member Tidwell, Council Member Freeberg, Council Member Ricks,
34 Mayor Calloway).

35
36 4. **RANGER COURT SPECIAL ASSESSMENT AREA (SAA) PETITION.** A petition for
37 a Special Assessment Area on Ranger Court for a water line project.

38
39
40 Shane Williamson, Town Treasurer, presented the Ranger Court Special Assessment Area
41 (SAA) petition (see attached). Shane gave a brief background on the Ranger Court SAA in
42 which the original petition was accepted by the Council and the Notice of Intent was
43 adopted and a moratorium was put on the SAAs in 2022. Since that time, there have been
44 changes in ownership in the lots and they now have 56% of the property owners who have
45 signed the petition. The SAA has a total of 18 lots.

46
47 Bret reported that there were two signatures submitted last Friday and quickly amended the
48 Agenda to include the Ranger Court SAA petition in which he combined the old Elk Drive
49 and new Elk Drive estimates after the Council packet was distributed, he received an
50 updated estimate from Aldo Biasi, Public Works Director, which was higher than first
51 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.
3

4 The Council discussed the following:
5

- 6 1. Mayor Calloway inquired as to the category for the SAA Fire Mitigation Map. Staff
7 reported that it is in the "B" category for the fire mitigation map.
- 8 2. Council Member Ricks inquired if the water line would continue to the Ranger
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.

29
30 **Motion:** Council Member Tidwell moved to accept the Ranger Court Special Assessment
31 Area (SAA) as presented. Council Member Marshall seconded the motion.
32

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.
36

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).

40
41 5. **TENTATIVE BUDGET PRESENTATION.** Presentation of the FY 2025 Tentative Budget.
42

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

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

1 different from the budgeted \$900,000 that was budgeted. Shane explained that is the
2 new growth that is identified.

- 3 4. Mayor Calloway wanted to bring the Council's salary increase of 10% to be
4 transparent, which increased from 0.50 cents per hour to 0.52 cents per hour.
- 5 5. Debt Service Fund: Mayor Calloway inquired about the difference. Bret reported
6 that one bond was paid off, but the new bond has not taken effect yet.
- 7 6. Council Member Tidwell inquired about the total taxes that come and what the
8 revised budget means. The 2023 budget actuals are 2.7 million and the FY2024
9 revised budget amount is budgeted for 2.4 million dollars if the number is the actuals
10 or revised for 2024. Shane responded that there has not been a budget adjustment
11 yet to the FY2024 budget and once that is complete, the actuals will reflect in the
12 budget.
- 13 7. Shane reported that as of the end of March 2024, the Town collected 2.1 million
14 dollars in taxes.
- 15 8. Council Member Tidwell commented that the FY2025 is 2.8 million dollars showing
16 an increase of 16% more than the revised budget for FY2024. Shane explained that
17 the strategy is that the staff is anticipating a surplus this year and should have an
18 updated number when he submits the monthly budget report to the Council.
- 19 9. Council Member Tidwell commented on the year-to-date building permits which
20 show \$36,000 and is budgeted for \$100,000. Bret reported that the Town is under
21 budget, but an increase in the number of building permits could take place since
22 building fluctuates.
- 23 10. Lester reported he received \$81,000 in building permits for the fiscal year and three
24 additional permits have been issued since the report was issued. Lester explained he
25 has plans that are sitting and waiting on the people to issue their permits.
- 26 11. Council Member Tidwell inquired about the Grant line, 3341, \$369,000. Shane
27 responded that this is the new way of handling the Marketing co-op. The Town
28 receives the funding instead of the Tourism Bureau.
- 29 12. Council Member Tidwell commented on the increase in Admin salaries and wages
30 with the new Deputy Clerk position and overall wage increases. Bret explained that
31 the front desk has also increased with working on Saturdays.
- 32 13. Council Member Tidwell commented on the Public Safety wages and salaries which
33 show a decrease. In FY2023 it is \$380,000 and the FY2024 is \$390,000 and in FY2025 is
34 \$370,000. Shane reported that the staff will need to verify the amount.
- 35 14. Council Member Tidwell commented on the General Fund allocation amounts for
36 public works salaries and wages identified in Highways and why the numbers are
37 different from previous years. Shane explained that there were two new positions
38 added. Bret explained that he recalibrated everyone's wages back into the General
39 Fund since it was mostly allocated to the Enterprise Funds.
- 40 15. Mayor Calloway inquired as to the difference in the allocation of public works
41 salaries and wages from the Enterprise Funds to the General Fund. Bret reported
42 that it changed from 25% in 2022 to 50% in the General Fund allocation to streets.
- 43 16. Council Member Tidwell inquired about the RDA Fund and the tax increments and
44 where the revenue is coming from and why it decreased. Shane explained that this
45 year there were so many data points of it increasing, that staff changed the projected,
46 and why it shows the 4.80 for this year's projection for the FY2025 budget. Shane
47 reported that the Town has been collecting less in the RDA fund than the prior year.
- 48 17. Debt Service Fund: Council Member Tidwell commented that he understands that
49 one bond expired and the new beautification bond is not yet in effect but would have
50 thought that some funds would have been spent in the FY2025 budget. Bret
51 explained that there may be some expenditures and that is when a budget
52 amendment will be presented. Shane explained that this line item is to only pay the

1 bonds. Bret reported that the first bond payment and collection of property taxes is
2 not scheduled until the FY2026 budget but would depend on how the bonds are
3 structured. Shane explained there will be a new fund identified for this.
4

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

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

10
11 6. **PENDING ANNEXATIONS GENERAL PLAN & ZONING DISCUSSION.**

12 Discussion on potential General Plan Map amendments and initial zoning for properties within
13 pending annexations.
14

15 Bret reported two annexations will be coming in front of the Town Council. Bret explained
16 that a public hearing is scheduled for the Planning Commission on May 21, 2024, and the
17 Town Council on May 28, 2024.
18

19 Bret reported that as part of the annexations, the Town will need to amend the Town's
20 General Plan to include the zoning for the annexations. In reviewing the zoning, it was
21 suggested that a new zone Annexed Transition (AT) be assigned to Aspen Meadows
22 annexation. This zone is a holding zone until the developer is ready to build at which time,
23 they would rezone the property they are subdividing. Bret reported he has confirmed this
24 with Flint Decker, Aspen Meadows, who reported they are satisfied with this zone.
25

26 Bret gave an update on the annexation process. Bret reported that the Town is going through
27 the annexation protest process and is scheduled to hold public hearings at the Planning
28 Commission and Town Council levels. The Planning Commission will forward a
29 recommendation to the Town Council. Bret reported the Council could adopt the annexation
30 ordinance as early as May 28, 2024.
31

32 The Council discussed the following:
33

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

1 6. Lester explained that with the Annexed Transition zone, the developer cannot begin
2 to build until they are ready to subdivide and must rezone first before any
3 development can take place.
4 7. Bret reported that the company that updated the General Plan in 2018 will be
5 updating the General Plan Map.
6 8. Flint reported there are many administrative steps to the annexation. One step is the
7 land donation directly to the north and the title company can memorialize. Another
8 is the fire station parcel is not specifically identified so the language is flexible so
9 when they begin the subdividing process, the details will be identified. The church
10 land donation was also identified.
11 9. Dave Mason, resident, inquired about an access road to the north for the Timbercrest
12 subdivision in case of emergencies. Bret reported there is nothing identified in the
13 Aspen Meadows Annexation Development Agreement. Dave reported the
14 Timbercrest subdivision has one access point in and out of the subdivision and
15 would like to see secondary access for the subdivision.
16 10. Bret reported that during the subdivision process of Aspen Meadows Southeast
17 Neighborhood, there was an emergency 20' access easement granted for Timbercrest
18 if they wish to develop that. It is not a public access easement.
19
20

21 7. **FUTURE AGENDA ITEMS.** The Council will discuss potential items for future agendas.
22

23 Mayor Calloway inquired as to the status of the University of Utah students who gave a
24 presentation on their work for updating the Town's Land Management Code, Trail Master
25 Plan, and Affordable Housing/Parking projects. Lester reported that in a recent meeting, he
26 ran into Professor Bruce Parker, U of U, who reported that the Town should see the reports
27 as soon as next week.
28

29 Upcoming Agendas:
30

31 May 21, 2024 Planning Commission Meeting:

32 1. Capdevilla subdivision process to subdivide the parcels.
33 2. Hidden Springs Preliminary Plat Review
34 3. Public Hearing for the Aspen Meadows and Brian Head Unit 3 Annexations.
35 4. Public Hearing for the General Plan and Zoning for the annexations
36 5. Chapter 12 of the Land Management Code related to cladding and snow storage.
37

38 May 28th Council Meeting

39 1. Public Hearing for the Aspen Meadows and Brian Head Unit 3 Annexations
40 2. Public Hearing for the General Plan and Zoning for the annexations.
41 3. Public Hearing for the FY2025 Budgets
42 4. Public Hearing for the Public Officials' Compensation
43

44 Lester reported that the Hidden Springs subdivision may come in front of the Council for a
45 partial road vacation request in which the developer will turn around and dedicate a trail to
46 the Town.
47

48 Council Member Marshall inquired if the Town cleanup would work with the spring melt off
49 happening right now. Bret reported that the sides of the roads will be dry, but the meadows
50 will be too swampy. Bret reported that the cleanup is typically in June, but there has been an
51 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.
3
4

5 **F. ADJOURNMENT**
6

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).

12 The regular meeting of the Town Council was adjourned at 3:15 p.m. on May 14, 2024.
13
14
15

16 June 25, 2024
17 Date Approved

18
19 Nancy Leigh
20 Town Clerk