

The Regular Meeting of the Brian Head Town Council
acting as the governing body for the Brian Head
Redevelopment Agency (RDA)
Brian Head Town Hall – Council Chambers
56 North Highway 143 – Brian Head, UT 84719
[www.Zoom.us \(Click Here\)](https://www.zoom.us/j/88406325134)
Via Zoom Meeting ID# 884 0632 5134
TUESDAY, JUNE 25, 2024 @ 1:00 PM

MINUTES OF THE TOWN COUNCIL

Roll Call.

Members Present: Mayor Clayton Calloway, Council Member Kelly Marshall, Council Member Mitch Ricks.

Members Absent: Council Member Larry Freeberg, Council Member Martin Tidwell.

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Ciera Claridge, Deputy Clerk; Chief Dan Benson, Public Safety Director.

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Town Council acting as the governing body for the Redevelopment Agency to order at 1:00 p.m.

B. PLEDGE ALLEGIANCE

Mayor Calloway led the Council and others in the Pledge of Allegiance.

C. DISCLOSURES

There were no conflicts of interest with today's agenda items. Mayor Calloway stated that the disclosure statements are on file with the Town Clerk and are available for public inspection during normal business hours.

D. APPROVAL OF THE MINUTES:

May 14, 2024, Town Council Meeting

Motion: Council Member Marshall moved to approve the May 14, 2024 Town Council minutes. Council Member Ricks seconded the motion.

Action: **Motion carried 3-0-0 (summary: Yes=3 Vote: Yes: Council Member Marshall, Council Member Ricks, Mayor Calloway. Absent: Council Member Freeberg, Council Member Tidwell).**

May 28, 2024, Town Council Meeting

Motion: Council Member Ricks moved to approve the May 28, 2024, Town Council minutes. Council Member Marshall seconded the motion.

Action: **Motion carried 3-0-0 (summary: Yes=3 Vote: Yes: Council Member Marshall, Council Member Ricks, Mayor Calloway. Absent: Council Member Freeberg, Council Member Tidwell).**

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

Nancy Leigh, Town Clerk, introduced Ciera Claridge, new Deputy Clerk The Council welcomed Ciera to Brian Head Town.

Mayor Calloway commented that a bear has been reported wandering around in town and residents have been reporting it to officials. The bear hasn't caused any issues while wondering through town.

Bret Howser, Town Manager

1. Ciera Claridge started her new position as Deputy Clerk this week and welcomed Ciera to the staff.
2. Jon Ficken has been hired as the Public Works Director and will begin his new position on July 1st. Aldo Biasi, Public Works Director, last day will be on Friday and staff will be holding a farewell lunch for Aldo and invited the Council to come and say goodbye to Aldo. Aldo and Jon will be working together for one day before Aldo leaves and Jon begins in his new position.
3. Lester Ross, Building and Planning Official has submitted his resignation letter to the Town and will begin his new position with Cedar City in their building department. Lester's last day is July 12, 2024.
4. Staff is gearing up in anticipation of a busy 4th of July holiday.

Chief Dan Benson, Public Safety Director

1. The Town is now in Stage 1 fire restrictions. Chief Benson reported that it will continue to be monitored daily for the upcoming fireworks display. Currently, the fireworks have been received and the display show is scheduled to go on July 4th at dusk.
2. Stage 1 fire restriction allow the public to have campfires as long as they are in an approved campfire ring.
3. The annual Fireman Pancake Breakfast is scheduled for July 4, 2024, beginning at 8:00 a.m. along with the Fireman t-shirt sales.
4. There will be an Open House at the public safety building during the 4th of July weekend and during this time, the staff will hold an open recruitment for the fire department.
5. Updated the Council on the fuel moisture in the pine trees. Chief Benson reported that the 1,000-hour fuel moisture in the heavy timbers is being monitored and the complete report was emailed to the Council earlier.

F. AGENDA ITEMS:

1. HIDDEN SPRINGS PREMILARY PLAT APPROVAL. A Preliminary Plat for the Hidden Springs Subdivision.

Lester Ross, Building and Planning Official, updated the Council on the Hidden Springs Preliminary Plat (see attached). Lester reported the Planning Commission first reviewed the Hidden Springs Preliminary Plat on June 4, 2024, but due to a posting notice error, the

Preliminary Plat came back to the Commission again on June 16, 2024, and the Commission forwarded a recommendation of approval with the following conditions:

- 1) The slope at the intersections of Road A and Road B shall be 4% or less and not more than 10% for the first 200 feet.
- 2) Plans will show snow storage for parking areas.
- 3) A dumpster location and enclosure will be added to the plans for Phase 1.
- 4) Utility and construction easements will be determined, and proof of legal access will be provided before the approval of the Final Plat.

Lester reported the Town Council then reviewed the Preliminary Plat on June 11, 2024, with the additional following conditions:

- 1) A grading plan for units 38-45
- 2) The parking lot will need to be paved as required by the Planning Commission.
- 3) Drainage will need to be addressed.
- 4) Units 41-45 will need to meet the required setbacks.

Lester reported that the following items have been identified on the Hidden Springs Preliminary Plat as of today's meeting:

- 1) A drainage plan has been submitted and reviewed by Public Works and the Town Engineer.
- 2) Units 38-40 meet the Town's setback requirements.
- 3) The dumpster location and enclosure is identified for Phase 1.
- 4) Offsite parking area will be paved.
- 5) The project meets the emergency turnaround access requirements and has been reviewed and approved by the Public Safety Director and Building and Planning Official.
- 6) Snow storage has been identified on the plans.

The Council held the following discussion:

1. Council Member Marshall commented that the A-frame units (38-45) did not meet the required setbacks. Units 38-40 have met the setback requirements.
2. Mayor Calloway inquired if the slopes of Roads A, B & C met the requirements. Chelsea stated that it did meet the requirements and that she met with the engineer who is working out the angle of the road and should have it completed.
3. Mayor Calloway commented the snow storage was added to the plans and inquired if the parking lot snow storage is adequate. Chelsea reported the snow storage was adequate but they may remove some parking spaces in order to balance it.
4. Mayor Calloway suggested that instead of using the 16' town right-of-way for a public trail, to use it instead for parking for the A-frames. This could bring the parking adjacent to the A-frame units instead of identifying offsite parking for the A-frame units and requiring the guests to cross a public right-of-way which could be a safety issue.
5. Chelsea commented that the Town road is a 66' right-of-way and in previous discussions, the Town offered 16' of the right-of-way for a proposed public walking trail. Chelsea explained she would need to review the feasibility study for parking for the A-frames. Adding driveway would require additional engineering and more grading due to the steepness of the terrain. Chelsea commented that she would be in favor of identifying the parking for the A-frames units instead of constructing the walking trail for the Town's 16' right-of-way.
6. Chelsea explained that in order to identify parking next to the A-frame units 44 and 45, the units would require additional space between each other for parking which could be challenging due to the terrain.

7. Mayor Calloway encouraged Chelsea to work with the Town staff to explore options and determine if the trade for the additional parking or trail is justified for the Town's right-of way.
8. Council Member Ricks commented that he would like to see additional details on the parking than what is described in the presented drawings. Chelsea explained the process doesn't allow her to resubmit the plans and the Council hasn't approved them and she would like to have the input before she spends money on the plans.
9. Council Member Marshall commented she would like to see the parking on the same side of the road as the units due to safety concerns of the public crossing the right of way even if it means that units 38 and 39 are not developed.
10. Council Member Marshall commented that the offsite parking could cause traffic congestion with the development of the project since people would be crossing the road to get to their units and would like to see it mitigated with another plan before it is approved. Chelsea reported that the Town Code allows for offsite parking.
11. Bret inquired what the Council would be interested in negotiating for; the parking adjacent to the A-frames in which there is one or two parking spaces per A-frame. Council Member Ricks recommended at least one parking space for the A-frames. Council Member Marshall and Mayor Calloway agreed that a minimum parking space of one space per unit on the same side of the road next the unit for loading and unloading is preferable and there could be a second space across in the parking lot area. Council agreed.
12. Chelsea reported that the A-frame units are approximately 800 to 900 square feet.
13. Chelsea reported that she has not made the decision on whether there will be a shared driveway or not and has not dictated where the parking is going. She plans to approach the plan with the minimal amount of grading requirement while keeping the buildings as uniform as possible.
14. Council Member Marshall inquired as to uncovered parking, snow removal and keeping the driveways clear. Chelsea reported the parking is identified in the right-of-way and would be maintained by the Town.
15. Mayor Calloway inquired as to units 38 – 40 for emergency access. Chief Benson reviewed the emergency turnaround plan with Lester, it meets the Town's standards, and the fire hydrants are located within the required distance. Chief Benson explained that it is always a challenge in the winter and since they are smaller units, they can be attacked from the front and they are located close to the road.
16. Council Member Marshall inquired in the snow removal process, where will the driveways be located if everyone is parallel parking within the 16' right-of-way. Chelsea responded that the vehicles will not be parallel parking but would give them a 20' parking space facing downhill and will need to space out the A-frame units for the driveways.
17. Bret reported that the Town's right-of-way could be used for a minimum of one (1) parking space per A-frame unit, with eight (8) parking spaces on the same side of the road and would be identified in the Development Agreement that would be approved by the Town Council. Lester reported the Development Agreement and water rights would need to be finalized and brought to the Council for approval. Bret reported that staff will draft the Development Agreement.
18. Mayor Calloway commented that the rest of the project, the other than the grade of the road, is a great project and wanted to publicly acknowledge that the applicant can put the parking on the other side of the road according to the Town Code, but the Council does see some future safety issues and undesirable outcome for guests that would occupy the units.
19. Bret reported the Town Code allows for the parking to be within 500' of the structures even if it is on the other side of the right-of-way is a matter of interpretation. Chelsea

1 stated she appreciate the input of the Council and will work on a plan with parking
2 and details.

3 20. Mayor Calloway commented that any trails proposed will need to meet the Town's
4 standards. Lester commented that with the change with the Town's position of
5 parking, the Town does not necessarily see the need of a town trail or a connector to
6 the Town trail, but it would be up to the applicant, Chelsea, to decide whether to
7 construct a trail, which could be a private trail.

8 21. Chelsea inquired if the Town is interested in a trail. Bret responded that unless the
9 development needs it for pedestrian circulation. Bret reported that the Town's
10 interest in the trail is on south end of the project adjacent to the White Bear and
11 Elevate Condos, the Navajo Loop Trail.

12
13 **Motion:** Council Member Ricks moved to table the Hidden Springs Subdivision
14 Preliminary Plat and the Applicant is to work with staff on the project. Council
15 Member Marshall seconded the motion.

16 **Action:** **Motion carried 3-0-0 (summary: Yes = 3: Vote: Yes:** Council Member Marshall
17 Council Member Ricks, Mayor Calloway. **Absent:** Council Member Tidwell,
18 Council Member Freeberg).
19

20
21 **2. PUBLIC HEARING FOR THE FISCAL YEAR 2024 AMENDED BUDGET(S).** A
22 public hearing for the FY2024 Amended Budget(s) for the Town and Redevelopment Agency
23

24 Shane Williamson, Town Treasurer, gave a brief introduction to the public hearing for the
25 fiscal year 2024 amended budgets for the Town and the Redevelopment Agency (Community
26 Development Agency). Shane explained the Town's budget adjustment is for 1.2 million
27 dollars in adjustments which is available for public inspection.
28

29 Mayor Calloway recessed the regular meeting and opened to the public hearing to receive
30 comments from the public on the fiscal year 2024 amended budgets for the Town and
31 Redevelopment Agency at 1:52 p.m.
32

33 There were no comments and no written comments were submitted. Mayor Calloway closed
34 the public hearing and reconvened the regular meeting at 1:53 p.m.
35

36
37 **3. FISCAL YEAR 2024 AMENDED BUDGET - BRIAN HEAD TOWN/RDA**
38 **BUDGET(S) ADOPTION.** An amended ordinance/resolution for the FY2024 Town & RDA
39 Budgets ending June 30, 2024.
40

41 Shane Williamson, Town Treasurer, presented an ordinance for the Brian Head Town Budget
42 and a resolution for the Redevelopment Agency (Community Development) fiscal year 2024
43 amended budgets (see attached).
44

45 Shane reported the General Fund revenues showed an increase in the following:

- 46 1. Property taxes \$66,000
47 2. Sales and Use Taxes: \$20,000
48 3. Resort taxes: \$34,000
49 4. Public Safety State Grant \$1,000 for EMS Grant
50 5. General Government State Grant \$340,000 for Marketing Co-op Grant
51 6. Aspen Meadows Annexation \$44,425

7. FY 2023 Surplus \$665,000

The following expenditures were identified in the FY2024 Amended Budget:

1. Council Bonus for Aspen Meadows: \$2,500
2. Town Manager Raise, Town Manager Aspen Meadows Bonus, Front Desk Enhancement, and Deputy Clerk/Treasurer position: \$15,000.
3. Deputy Clerk computer \$1,000
4. Aspen Meadows Reimbursement Expenses: \$44,425
5. Winter Marketing Co-op Expense: \$340,000
6. Additional shuttle service for the winter season: \$4,000
7. Police mid-year promotions: \$5,000
8. Police: Spillman Program Upgrade: \$6,500
9. EMT Supplies: \$1,000 – offset by EMS Grant
10. Snow removal new program overtime: \$24,000
11. Heavy equipment tires from snow removal enhancement: \$10,000
12. Shop Fuel from snow removal and streets: \$52,000.
13. FY2023 Contingency decreased by \$30,000 for the Manzanita Trail Restroom Project plus \$40,000 for FY2024 Contingency
14. Pavement Management Transfer from Capital Projects: \$173,000 (FY2023 Surplus)
15. Public Works Facility engineering and site planning: \$200,000 (FY2023 Surplus)
16. Additional snow blower: \$80,000 + \$30,000 (FY 2023 Surplus and Contingency)
17. Asset Replacement Program: \$150,000 from FY2023 Surplus)

Bret reported that the invoices have been submitted to Aspen Meadows for reimbursement, but have not yet been paid, but will be reported in the FY2025 budget year.

Redevelopment Agency Budget Amendments:

Revenue: Tax Increment Monies increased by \$27,000

Expense: Redevelopment Activities increased by \$27,000 to account for additional park projects added throughout the year.

BRIAN HEAD TOWN BUDGET

Motion: Council Member Marshall moved to adopt ordinance No. 24-009, an ordinance amending the fiscal year 2024 Town budget as presented. Council Member Ricks seconded the motion.

Action: **Motion carried 3-0-0 (summary: Yes = 3: Vote: Yes: Council Member Marshall Council Member Ricks, Mayor Calloway. Absent: Council Member Tidwell, Council Member Freeberg).**

REDEVELOPMENT AGENCY BUDGET

Motion: Council Member Marshall moved to adopt resolution No. RDA-041, a resolution amending the fiscal year 2024 Redevelopment Agency budget as presented.

Action: **Motion carried 3-0-0 (summary: Yes = 3: Vote: Yes: Council Member Marshall Council Member Ricks, Mayor Calloway. Absent: Council Member Tidwell, Council Member Freeberg).**

1 **4. SNOWSHOE/TOBOGGAN SPECIAL ASSESSMENT AREA BOARD OF**
2 **EQUALIZATION RESOLUTION.** A resolution establishing the Snowshoe/Toboggan SAA
3 Board of Equalization.
4

5 Bret Howser, Town Manager, presented a resolution for the Snowshoe/Toboggan Special
6 Assessment Area Board of Equalization (see attached). Bret reported this resolution is part of
7 the SAA process in which a notice is required to be posted for a certain number of days to the
8 property owners and those who want to protest the Snowshoe/Toboggan SAA assessment.
9 Those who want to protest the SAA have a right to approach the Board of Equalization which
10 will meet one hour per day for three days. Bret reported that three Council Members are
11 designated as the Board of Equalization and the dates identified for the meetings are July 31,
12 August 1, and August 2, 2024, from 1:00 to 2:00 p.m. at the Town Hall. Bret reported that he
13 will need to know which three Council Members will want to serve on the Board of
14 Equalization.
15

16 Bret reported that once the Board of Equalization is completed, the Council can adopt the
17 assessment ordinance. Staff is looking to complete the project by October 2024 and may begin
18 construction before the assessment ordinance is adopted. Bret explained that once the Notice
19 of Intent is adopted, the Town can then reimburse itself from the assessment ordinance.
20

21 Council Member Ricks inquired if the Council Member can rotate on the Board of
22 Equalization for the three meetings. Council Member Marshall reported that she will not be
23 available during those dates.
24

25 **Motion:** Council Member Marshall moved to adopt resolution No. 24-546, a resolution
26 adopting the Snowshoe/Toboggan SAA Board of Equalization as presented.
27 Council Member Ricks seconded the motion.

28 **Action:** **Motion carried 3-0-0 (summary: Yes = 3: Vote: Yes: Council Member Marshall**
29 **Council Member Ricks, Mayor Calloway. Absent: Council Member Tidwell,**
30 **Council Member Freeberg).**
31

32 Council Member Ricks inquired as to the start date for the construction of the
33 Snowshoe/Toboggan SAA. Bret reported that it could tentatively begin after July 4, 2024.
34
35

36 **5. FRAUD RISK ASSESSMENT.** A Fraud Risk Assessment for the Town.
37

38 Shane Williamson, Town Treasurer, presented the Fraud Risk Assessment to the Council (see
39 attached). Shane reported the Fraud Risk assessment score increased from 295 to 335 which is
40 from a moderate risk to a low risk. The changes are the inclusion of the Deputy Clerk to help
41 spread out the duties. The policies have been tightened up to match the state's and there has
42 been clarification from the state regarding Shane's accounting degree that meets the state's
43 criteria. The Town also has a fraud reporting portal on the Town's website that allows for the
44 public to report from the Hey Gov portal.
45

46 The Council thanked staff for their efforts to increase the score for the Fraud Risk Assessment
47 for the Town.
48
49

50 **6. FISCAL YEAR 2025 CONSOLIDATED FEE SCHEDULE RESOLUTION.** A resolution
51 for the FY2025 Consolidated Fee Schedule.
52

Bret Howser, Town Manager, presented a draft resolution for the Consolidated Fee Schedule for fiscal year 2025 (see attached). Bret reported the Consolidated Fee Schedule identifies the following changes for FY2025:

1. Utility Rates increased by 3.7%.
2. Nightly Rental Disproportionate Cost of Service Fee decreased due to the increased number of licensed nightly rentals by \$1 for condos and \$7 for cabins.
3. Annexation filing fee increased to \$1,000 to match Special Assessment Area fees.

Bret reported that he completed an analysis on the water rates and usage in which 35% of the monthly billings are for zero gallons used and it was determined that there wasn't an excess usage issue. The tiers are to discourage excess usage, but there is not much the Town can do to reduce the base allotment of 5,000 gallons other than reduce it to 2,500 gallons, which staff would not recommend.

Staff recommends leaving the base allotment of 5,000 gallons and the tier system as is.

Bulk Waer:

Bret reported that currently the residents pay 7.5 cents per gallon and those that live outside the town boundaries pay .10 cents per gallon for bulk water directly from the town. Bret explained that most people on the town's water system are paying 2.4 cents per gallon compared to the residents who are paying 7.5 cents per gallon and 10 cents for non-residents for bulk water. Bret reported that the Council discussed charging double for the bulk water with the intent that it should be more expensive and encourage people to connect to the town's water system.

The Council discussed the following:

1. Mayor Calloway suggested a concept that residents could pay the impact fees and would get a lower rate on the bulk water which could be based on giving them the 5,000-gallon allotment, which would be 1.68 cents per gallon and if they use typically 2,500 gallons a month, then it would cost them \$145 a month and it could be a three-year payback.
2. Council Member Marshall commented that the determining factor of connecting to the Town's water system is the inconvenience of hauling the water, not the cost of the bulk water itself.
3. Council Member Marshall reported that the cost of bulk water could increase if the homeowner has a company haul and deposit the water for them.

Motion: Council Member Marshall moved to adopt resolution No. 24-545, a resolution adopting the FY2025 Consolidated Fee Schedule as presented. Council Member Ricks seconded the motion.

Action: **Motion carried 3-0-0 (summary: Yes = 3: Vote: Yes: Council Member Marshall Council Member Ricks, Mayor Calloway. Absent: Council Member Tidwell, Council Member Freeberg).**

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

The Council reviewed the following tentative agendas:

July 2, 2024, Planning Commission Tentative Agenda

1. Minor Plat Amendment for lot line vacation.

2. Land Management Code, Chapter. 12, Cladding and Subdivision Updates, Staggering of buildings, remote parking.
3. Hidden Springs Subdivision.

July 9th Town Council Tentative Agenda:

1. Ranger Court Special Assessment Area (SAA) Notice of Intent Resolution.
2. Elk Drive Special Assessment Area Notice of Intent Resolution
3. Spring Circle SAA Petition

G. ADJOURNMENT

Motion: Council Member Marshall moved to adjourn the regular meeting of the Town Council acting as the governing body of the Redevelopment Agency. Council Member Ricks seconded the motion.

Action: **Motion carried 3-0-0 (summary: Yes= 3 Vote: Yes: Council Member Marshall, Council Member Ricks, Mayor Calloway. Absent: Council Member Freeberg, Council Member Tidwell).**

The regular meeting of the Brian Head Town Council was adjourned at 2:24 p.m. on June 25, 2024.

August 13, 2024

Date Approved


Nancy Leigh, Town Clerk



