The Regular Meeting of the
Brian Head Town Council Acting as the Governing Body for the Brian Head Redevelopment Agency aka Community Development Agency
Brian Head Town Hall – Council Chambers
56 North Highway 143 – Brian Head, UT 84719
www.Zoom.us (Click Here)
Via Zoom Meeting ID# 832 7530 2081
TUESDAY, SEPTEMBER 24, 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 (arrived via Zoom Meetings at 1:25 pm).
Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Shane Williamson, Town Treasurer; Chief Dan Benson.

A. CALL TO ORDER
Mayor Calloway called the regular meeting of the Brian Head 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 those in attendance 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.

Mayor Calloway
1. Reported on a trip that he and the Town Manager took to Durango, CO to meet with Mountain Capital Partners leaders. Mayor Calloway reported that the meeting was a productive one but noted that the town closed due to the resort being closed for the season. Mayor Calloway commented on the inspiring landscape but reported that he loves Brian Head more.

Bret Howser, Town Manager
1. Summarized the meeting with Mountain Capital Partners in Durango, CO. Bret reported that it was a beneficial trip, and it strengthen the partnership between the Town and resort. One item of discussion was the potential partnership to stay open all week during the summer season. The resort also discussed their expansion plans with the Forest Service.

2. Bret reported that he and the mayor also visited Silverton, CO to briefly discuss their challenges and what they have learned from their experiences.
3. The public works positions have now been filled, some of the new employees have their CDLs and will help to complete the summer projects as soon as possible.
4. The annual Fall Community Hike was held on September 20th with 8-10 people who participated in the hike to Cedar Breaks National Monument. Lunch was provided for those who participated.

Greg Sant, Planning Administrator, reported that the Mall owners will begin their building expansion with the focus on installing the elevator before the winter season begins.

Council Member Tidwell
1. The Christmas Lighting Committee has been meeting to prepare for the upcoming holiday season. The lights have been ordered and their plan is to light along the path by the meadow. The power is scheduled to be installed tomorrow in front of The Mall. The Committee will be meeting October 2nd to determine the date for the community to assist with installing the lights on the trees in town.
2. The Tourism Bureau has been notified for the holiday lighting in Brian Head for their event calendar and to assist with marketing.

E. AGENDA ITEMS:

1. PUBLIC HEARING FOR FY2025 BUDGET(S) AMENDMENT. A public hearing on proposed amendments to the FY2025 Town and Redevelopment Agency Budget(s) ending June 30, 2025.

Shane Williamson, Town Treasurer, gave a brief introduction on the proposed amendments to the Town's and Redevelopment Agency's fiscal year budget 2025. Shane reported that the purpose of the budget amendment is for the FY2024 surplus distribution and a cash loan to the Water Fund on a temporary basis until the grant funding from the Division of Drinking Water (DDW) is finalized.

Shane reported that the Redevelopment Agency budget adjustment is for the Core Exterior Dark Sky Project in which the Town/RDA will assist businesses with exterior lighting that will meet the Town's night sky code. Bret Howser, Town Manager, reported that Doug Webb from DB Energy is present to answer any questions from the Council on the lights. Bret reported that DB Energy is a preferred vendor for Rocky Mountain Power for small business incentive upgrades.

Bret reported that there are approximately ten businesses that will be participating in the Night Sky Lighting Project in which night sky friendly lighting will be installed on the exterior of their buildings which also include the condominium HOA's who are also participating in the project. The businesses that will be participating in the project are as follows:
Cedar Breaks Lodge, Navajo Lodge, Giant Steps Lodge, High Country Realty, Chalet Village Condos, Pinetree Condos, Brian Head Village condominiums, The Mall, and Evergreens condominiums.

Bret reported that the cost to the Town is $22,000 and Rocky Mountain power will contribute $26,000. A budget of $25,000 has been allocated for this project in which the additional $3,000 will allow another business to participate if needed. This program is not part of the

Streetlighting project for the Core Beautification Bond and Rocky Mountain Power will have another preferred vendor who will be working with the Town.

Bret reported another budget adjustment is a request from Public Works Director, Jon Ficken, who requested the public safety vehicle that is scheduled to be sold, be transferred to the Public Works Department instead. Bret reported that due to the increased number of public works employees, they are in demand for vehicles for the employees. Bret reported that public works purchased a Duramax truck for pulling heavy trailers and received the truck but have not been able to sell the existing Duramax that the new one was to replace. Jon has requested to keep the older Duramax during the summer season to assist the crew with pulling trailers. This would need a budget adjustment of $30,000 from the Asset Replacement Fund.

Mayor Calloway recessed the regular meeting and opened the public hearing to receive comments on the proposed amendments to the FY2025 Town and Redevelopment Agency at 1:37 p.m.

No comments were made, and no written comments were received. Mayor Calloway closed the public hearing and reconvened the regular meeting at 1:38 p.m.

2. **FISCAL YEAR 2025 BUDGET AMENDMENTS FOR THE REDEVELOPMENT AGENCY AND TOWN.** An ordinance and resolution amending the FY2025 Budget(s) for the Town and Redevelopment Agency ending June 30, 2025.

Shane Williamson, Town Treasurer, presented a draft ordinance amending the FY2025 Town Budget and a resolution amending the Redevelopment Agency budget (see attached). Shane reported that the FY2024 surplus distribution is identified for $379,000 out of the $575,000 surplus received and moved into the General Fund. The following projects are identified:

1. Paving the public works parking lot
2. Engineering for the new public works facility
3. Allocation for the surplus bonus for employees.
4. A short-term loan to the Water Fund in the amount of $1,000,000 until the DDW grant funding is finalized.
5. Carry forward the FY2024 capital projects.

The Council discussed the following:

1. The short-term loan includes the 2024 Infrastructure Projects such as the Salt Pile Well and the materials for the Snowshoe/Toboggan Special Assessment Area.
2. Bret reported that if DDW does not release the grant funds soon, then he will be in contact with State Legislatures regarding the delay. The other option would be to go to the public market to sell the bonds for the 2024 Infrastructure Projects.
3. Council Member Freeberg expressed his concerns about spending funds the Town does not have at this time. Bret explained that contracts have been signed and staff is dealing with a challenging individual from DDW.
4. The 2024 Infrastructure Project was awarded $5,000,000 with $3,000,000 in grant funding.
5. Staff put a hold on the projects except for the Salt Pile Well which has been completed and the contractor for the Snowshoe/Toboggan water lines purchased the materials and needed to be paid.
6. The Town will need identify $2.5 million dollars to float these projects until the funding is finalized.

7. The previous Public Works Director, Aldo Baisi, gave the contractors a Notice to Proceed in May before the funding was in place.

Consensus of the Council: Approve the public safety vehicle transferred to the public works department and to keep the older Duramax truck for a second tow vehicle. Mayor Calloway commented that he would like to see a better layout of the vehicles to ensure that vehicles are not kept too long to get the best value in selling them.

Motion: Council Member Freeberg moved to adopt ordinance No. 23-013 amending the FY2025 Town Budget as presented. Council Member Marshall seconded the motion.

Discussion took place regarding transferring $30,000 from the Asset Replacement Fund to keep the Duramax. Bret reported that staff initially tried to sell the Duramax for $35,000 after holding on to it two years longer than that for which was scheduled.

Amended Motion: Council Member Freeberg moved to transfer $30,000 from the General Fund to the Asset Replacement Fund for the 2019 Duramax. Council Member Marshall seconded the motion.

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

REDEVELOPMENT AGENCY

Motion: Board Member Marshall moved to adopt resolution No. RDA-041 amending the Redevelopment Agency Budget. Board Member Ricks seconded the motion.

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

3. SPECIAL ASSESSMENT AREA POLICY DISCUSSION. A discussion on the Special Assessment Area maximum bonding cap and IFD's.

Bret Howser, Town Manager, gave a brief background on the Special Assessment Area (SAA) Policy in which the Council reviewed the policy during the last Council meeting on September 10, 2024. Bret reported that the current SAA policy has a $5million dollar cap for SAA funding the Council set and with new SAAs being presented, the $5 million dollar is approaching the limit. Currently, SAAs are totaling 3.5 million dollars without including the Spring Circle SAA which is $2 million dollars by itself and would go over the five million limits.

Bret inquired if the Council is interested in revisiting the maximum limit for SAAs and if the Council is interested in proceeding with the Spring Circle SAA due to the high-cost estimates.

The Council discussed the following:

1. The risk the Town takes on with SAAs and if a property owner does not make their assessment, it is a three-year process to foreclose on the property.
2. The SAA Fire Mitigation Map identifies areas as "A," "B," and "C" with "C" being the lowest priority for fire protection. Spring Circle SAA is in the "C" zone which identifies they need to meet the 5:1 value of the property over the improvements.

3. Brian Head Unit 3 is a tentative SAA that is in the process to collecting signatures and is in the "A" zone on the SAA Fire Mitigation Map which the properties would need to meet the 3:1 value for the improvements.
4. Shane recommended that instead of identifying three zones in which the "B" and C zones would be impossible for a SAA to meet the value - improvements and suggested the Council deny the petition instead and allow the SAAs to proceed with state law of 3:1.
5. Mayor Calloway commented that the policy is a good policy, and the Council needs to follow it with staff's recommendation on a SAA.
6. Council Member Tidwell suggested the Council consider 60% signatures from property owners on the petition.
7. Council Member Tidwell inquired if the Spring Circle SAA completes a Consent and Waiver, in which 100% of the property owners sign the petition, then the $5 million limit would be reached. Bret responded that they could also consider a IFD or a Public Improvement District (PID) in which they could implement a property tax on the SAA area to pay for the bonds.
8. Council Member Tidwell inquired if the Town charges an administration fee for SAAs. Bret responded that currently the Town does not charge an administrative fee for SAAs, but this would be a council decision.
9. Council Member Marshall commented that she would like to see the SAAs as a viable option for property owners who want to develop their property and allow the Town to develop further.
10. Council Member Marshall commented that she is satisfied with the current SAA policy and, if needed, the policy can be revisited.
11. Council Member Freeberg inquired if the three SAAs that are currently in the protest period of the SAA and if the Town should inform the property owners that the cost could increase. Bret reported that each property owner receives the Notice of Intent which informs them of the public hearing and their ability to protest.
12. Bret reported that the Spring Circle SAA has cost estimates of $50,000 per property and suggested that the Council could move forward with the Notice of Intent which the Notice to Create the SAA and then can wait to see if there is an opportunity for the market to improve. Shane reported staff should have more information at the next meeting for Spring Circle SAA.
13. Shane reported that the Town has eight (8) more years for the oldest SAAs.
14. Council Member Ricks inquired if there is a concern about a downturn in the economy and if there is merit to set up a residual. Bret responded that the bonds require an escrow account to hold one-year of payments.

Consensus of the Council: staff will bring back an updated SAA Policy that will include the following change: A petition must have 60% or higher signatures from property owners.

The SAA Policy will identify the $5 million-dollar maximum limit for funding; the Fire Protection Map will remain as is identifying three zones and no administration fee will be assessed.

4. **ORDINANCE AMENDING THE LAND MANAGEMENT CODE, CHAPTERS 2, 4, 9, 11, 12, & 13 (Definitions, Submittals, Subdivisions, Flexible Approaches, Design Guidelines, & Enforcement).** An ordinance amending the LMC for the above-referenced chapters for compliance with the 2024 State Legislature requirements on land use.

Bret Howser, Town Manager, presented a draft ordinance amending the Land Management Code, Title 9, for the following chapters: 2, 4, 9, 11, 12, 13 (see attached). Bret reported that these changes were based on the 2024 State Legislatures requirements for subdivisions.

The Council reviewed the proposed amendments with the following changes and/or comments:

1. Bret reported that in Chapter 4, Submittals, it identifies who the Land Use Authority is for any given action, which can be multiple people, staff, Planning Commission, etc.
2. 9.12.6.E.1(a): Council Member Tidwell explained that it would not be necessary for all collector roads to have streetlights on them since it would contradict the night sky friendly initiative the Town is working towards.
3. 9.12.6.(E)(1)(a): Lighting: Remove the sentence: "with a collector road intersection from the streetlight requirements. **Consensus of the Council.**
4. Council Member Marshall inquired if the color black could be considered in the shades of grey. Bret responded that it could be identified in the grey colors, but it was also to discourage people from identifying a large mass area as black.
5. Council Member Freeberg inquired as to the definition for Single-Family Dwelling and if a scenario where multiple people owned the unit. Bret responded that there are two definitions "Single-Family Dwelling Unit" and "Family." The family definition is from the state statute and identifies no more than four unrelated people.
6. Mayor Calloway commented that he believes that this is an overreach of government to require the public to get a minor alternation permit just to paint their home. Mayor Calloway recommended that this be removed from the Code.
7. Council Member Marshall commented that she has heard from the community that the Town is extraneous with requiring approval for things that did not have a requirement for approval previously.
8. Bret reported that there is no fee for a minor alteration permit and only staff's time is used for this.
9. Council Member Marshall suggested an information area on City Inspect to give the public information necessary on permits.
10. Bret explained that the Town cannot regulate landscaping for R1 zones unless they use the building bonus incentive, and the minor alternations give the town the ability to regulate colors such as roof colors.
11. Mayor Calloway suggested separating the R1 zones from the commercial and R3 zones from the minor alteration permits. Consensus of the Council: agreed to exclude R1 zones.
12. The council discussed retaining walls and the number of retaining walls that have not been approved.

Council Member Marshall was excused at 3:33 p.m. and Council Member Ricks was excused at 4:00 p.m.

Changes:

9.4.1(F)(1): Minor Alteration Permit: Exclude R1 zones (Single-family residential) from Minor Alteration Permit.
9.9.4.(C)(2)(c): Minor Plat Amendments, Standards for Review: Council would like language to strengthen the constraints of topography.
9.9.7(B)(3)(b): Combine (ii) and (ii)
9.12.6(E)(1)(a): DELETE: the collector road intersections from the streetlight requirements.
9.12.11(B): Retaining Walls: limit the retaining wall height.

Motion: Council Member Tidwell moved to table the Land Management Code Amendments for Chapters 2,4,9,11,12, & 13 and send them back to staff for completion of changes identified by Council. Council Member Freeberg seconded the motion.

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

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

The Council did not address this agenda item.

F. ADJOURNMENT

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

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

The regular meeting of the Brian Head Town Council acting as the governing board for the Redevelopment Agency adjourned at 4:14 p.m.

October 8, 2024
Date Approved

Nancy Leigh, Town Clerk