

The Regular Meeting of the
Brian Head Town Council
Via Zoom Meeting ID# 889 4056 3503
[www.zoom.us/88940563503](https://www.zoom.us/j/88940563503)
TUESDAY, JULY 14, 2020 @ 1:00 PM

AGENDA

- A. CALL TO ORDER**
- B. PLEDGE ALLEGIANCE**
- C. DISCLOSURES**
- D. APPROVAL OF THE MINUTES:**
 - 1. June 23, 2020, Town Council Meeting
 - 2. July 2, 2020, Town Council Special Meeting
- E. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS.**
- F. AGENDA ITEMS:**
 - 1. PUBLIC HEARING FOR NIGHTLY RENTAL CODE AMENDMENT & LICENSE FEE DISCUSSION.** Bret Howser, Town Manager. The Council will hold a public hearing to receive comments on a proposed amendment to the Nightly Rental Code. Written comments may be submitted to the Town Clerk no later than 4:30 pm on July 13, 2020. The Council will also discuss a business license fee study.
 - 2. PUBLIC HEARING FOR AN AMENDMENT TO THE LAND MANAGEMENT CODE, CHAPTER 7 (ZONE DISTRICT REGULATIONS) AND CHAPTER 12 (DESIGN STANDARDS).** The Council will hold a public hearing to receive comments on proposed amendments to the Land Manage Code, Chapter 7 & Chapter 12. Written comments may be submitted to the Town Clerk no later than noon on July 14, 2020.
 - 3. ORDINANCE AMENDING THE LAND MANAGEMENT CODE, CHAPTER 7, AND CHAPTER 12.** The Council will consider an ordinance amending the Land Management Code, Chapter 7, and Chapter 12.
 - 4. STATE OF UTAH CORONAVIRUS RELIEF FUND CONTRACT APPROVAL.** Shane Williamson, Town Treasurer. The Council will approve a contract for the Utah State Coronavirus Relief Fund.
 - 5. ORDINANCE ADOPTING THE WILDLAND URBAN INTERFACE (WUI) CODE.** Chief Dan Benson. The Council will consider an ordinance adopting the Wildland Urban Interface Code.
 - 6. RESOLUTION AMENDING THE SNOW REMOVAL POLICY.** Aldo Biasi, Public Works Director. The Council will consider a resolution amending the Snow Removal Policy for Town Trail Safety.
 - 7. TRASH ENCLOSURE DISCUSSION.** Aldo Biasi, Public Works Director. The Council will discuss trash enclosures.
 - 8. ORDINANCE AMENDING THE WATER & SEWER CODE.** Aldo Biasi, Public Works Director. The Council will consider an ordinance amending the Water and Sewer Code.
 - 9. CONSOLIDATED FEE SCHEDULE RESOLUTION.** Wendy Dowland, Public Works. The Council will consider a resolution adopting the Fiscal Year 2021 Consolidated Fee Schedule, a schedule of fees collected by the Town.



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

G. ADJOURNMENT

Date: July 10, 2020

Available to Board Members as per Ordinance No. 11-003 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the public board may participate by means of electronic communications. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three conspicuous locations; The Mall, Post Office and the Brian Head Town Hall and have posted copies on the Utah Meeting Notice Website and the Brian Head Town website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Dated this 10th day of July 2020.
Nancy Leigh, Town Clerk





Brian Head Town Council Update

July 1, 2020

BRIAN HEAD MARSHALS OFFICE:

June was a crazy month once more for the Brian Head Marshal's Office. We have been dealing with some criminal activities that are not typical to Brian Head. But all incidents have been handled safely and professionally.

Deputy Brad Benson was involved in a Taser incident at the Grand Lodge. A suspicious suspect was wandering around the vacant building yelling and carrying on. He was reported as acting crazy. Deputy Benson arrived and found a male subject who was acting erratic and did not seem to be making a lot of sense. He was talking to people that were not around and even carried on a conversation with a tree. Deputy Benson waited for back up to arrive from Parowan P. D. It was determined that the subject was probably having a psychotic episode possibly from drugs. Deputy Benson had to go hands-on this subject to try and get him to help, as he was a danger to himself or possibly others. As Deputy Benson tried to reach out and grab the man's arm, a punch was immediately thrown. Deputy Benson pushed the subject away and did not get struck. Another attempt was made to safely detain the subject but was met with a combative posture and more punches being thrown by the suspect. A Taser was deployed and the suspect was detained, transported to the hospital for clearance and then arrested and taken to Iron County Jail.

Myself and Sergeant Guymon got the attention of an appliance repairman. A 911 call was placed by a subject who was renting a home that "an intruder had made entry into the home and he no longer could find his wife." Myself and Sergeant Guymon were patrolling in the area and both came screaming in from two different directions within seconds of the call being placed. We made contact with a known appliance repairman and really got his attention fast. We immediately recognized him and de-escalated our interaction. He was simply responding to the to repair an appliance that the owner had requested he fix. He had the codes to the home and advised that he had called out numerous times to the occupants with no response. The wife soon returned from the RV that was parked in the driveway and the incident was quickly cleared up. All were very impressed with our response time.

We also responded to several illegal burns and outside fires in Brian Head. Only one was declared a wildfire and a fire department response was needed to extinguish. We had Parowan and Paragonah Fire Departments arrive and assist with extinguishing. A quick response prevented the fire from spreading to adjacent lots. This fire is still

under investigation. The other fires were located quickly and contained by the owners. Orders were made to extinguish and all complied.

As mentioned above, this month was very busy. Comparing it to the last two years' incident numbers I see now why the Marshals were getting a little burned out. In 2018 we handled 45 incidents. In 2019, 43 incident reports were handled by Marshals. This June we handled 73. In what is typically a calm month we handled a large volume of calls and incidents. Not to mention the stress and frustration being felt from the state of our country as it relates to law enforcement efforts.

THANK YOU! I really would be remiss if I did not express our gratitude to our community and our Town Council. This past month a meeting was held at the pavilion where numerous members of our community and Town Council met with Deputies to express appreciation. I have been told by all of our deputies how much this meant to them. Thank you and we will continue to work hard to keep Brian Head Safe and an enjoyable place to live and visit.

BRIAN HEAD FIRE DEPARTMENT:

The Fire Department has also felt the change in call volume. We have responded on numerous fire calls in Brian Head as well as in our neighboring communities. We have also gone into fire restrictions as of June 17th. These restrictions still allow for homeowners to have a campfire in an improved fire pit with running water available. The restrictions outlawed any and all fireworks and gave direction for use of equipment that could cause sparks or flames.

Message boards were picked up and utilized for the July 4th crowd. It appears that these are very useful as well as effective in notifying the public to our current fire hazards.

An engine pump course was hosted by Brian Head Fire Department and was held in Parowan so that both them and Paragonah could easily attend. A lot of water was pumped and fire trucks were tested. The training was a success and the skills practice has already been put to good use this summer fire season.

We are getting the new ladder truck up and operational. It has a hose on it now and a lot of guys have started training on it. We actually performed our first rescue with it. The flag at Town Hall was stuck on the tip and was getting ruined. The ladder truck was deployed and Kasey Hatch ascended it and saved the flag. Pictures are attached to document this historic event. We are hoping to get the ladders tested and certified in late July. Pump testing will be done at a later date and in line with the rest of our truck testing.

Brian Head Fire Department was called and assisted with the GenPak fire at their facility in Cedar City on Hwy 56. This is the company that manufactures much of your Styrofoam plates and containers for food. The plant started on fire. The fire doors shut and the sprinkler system went to work. Many fire departments were called in for support, but all of the safety measures built into the facility worked and the plant was up and operational within days.



















Brian Head Town
Public Works Department Update
July 14, 2020

July already? The Summer construction season is moving fast. Public works has been busy working on the projects that have been assigned to us and also handling the leaks and other problems that have popped up to wreak our day. Public Works staff will continue to work on the projects that are in progress and also begin the Capital Facilities Study this month. The following are the updates to the projects that we have been working on.

Streets

- 2020 Streets project continues with paving anticipated to begin the Week of the 14th
- Widening of Forest, Falcon, Snowshoe, Snowman and Toboggan is complete. With approx. 30 truck loads of slash hauled off and 45 truckloads of material being moved and compacted in for sub-grade. Public works will begin hauling and applying road base to the surface of these roads.
- Millings will begin to be hauled up by contractor to stock pile. Public works is anticipated to begin applying them towards the end of July

Culinary

- Chlorination equipment is being installed. Council will be notified when operators turn the equipment on.

- Perco Rock has finished the Salt Pile line Project.
- Orton Excavating was scheduled to begin work and then lost some of their workers to quarantine. Staff is working with them to get them here as soon as they can to complete this project.
- Almost all of the pump station equipment for the million-gal pump station is at the distributors waiting to ship to the Town. Public Works will begin this project when it arrives.
- Operators have repaired the leak at the PRV vault and installed a valve for faster maintenance next time.
- Operators have repaired a broken mainline that burst during a hot tape for a service on Shady Dell
- Operators repaired a leak on a service on Rue Jolly. A new service will have to be installed as it began leaking again in a new spot. This service is an old galvanized line.
- Operators have repaired a section of pipe by the million-gallon tank that the Salt pile line connected to that was not part of the project and had been damaged from previous construction.

Trail / Park

- Phase Two of the Town Trail is out for bid and the bid opening is scheduled for Wednesday the 15th.
- The pod sprinklers around the pond have been repaired and turned on.
- Seed and fertilizer are going to be applied around the pond and water wheel in time for monsoon season.
- Zig zag fence has been installed

- Trees have been planted around pond
- The next section of Zig Zag fence is scheduled to be installed in the next few weeks on the pond section.

In-house Projects

Public works will continue to work on in-house projects and maintaining equipment as needed. If you have any questions or concerns, please do not hesitate to call.



Slash removal on Street project



Mag Chloride being installed



Sub grade being installed



Valve install for PRV



Tom taking a well-deserved rest



Shattered Main Line



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Nightly Rental Ordinance & Fee Study
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: July 14, 2020
TYPE OF ITEM: Discussion

SUMMARY:

Council will hold a public hearing regarding changes to the Town's Nightly Rental Ordinance and a proposed fee nightly rental fee study.

BACKGROUND:

In spring and early summer of 2019, in response to some complaints from residents in single family residential zones, the Town Council undertook an effort to update the Town's ordinance regulating nightly rentals. The Council reviewed several drafts/revisions of the ordinance which initially would have held nightly rental licensees responsible for egregious behavior of their guests – potentially resulting in the loss of their license. Ultimately the Council decided to take a softer, more education-oriented approach in which licensees would be responsible for educating their guests, primarily through the use of a "Good Neighbor Policy". A committee of nightly rental owners/managers and residents was assembled to craft the Good Neighbor Policy.

During 2019, Council also briefly considered adjusting the nightly rental business license fees (currently set at \$160 for a new business and \$80 for a renewal) to mirror the fees on other businesses -- \$80 for new business and \$40 for renewal, applied to each business location. Since the proposal included the individual licensing of each business location (ie: each nightly rental unit) this would have increased fees for those operating 3 or more units. The estimated increase in revenue to the Town would have been about \$10,000. After some members of the nightly rental community expressed serious concerns about this change, the Council decided not to individually license units and to leave rates the same, with instruction to staff to track costs of administering nightly rental licenses and return with a new fee study after a year of operating under the amended ordinance.

Short-Term Rental Committee was reconvened on June 1, 2020, to give an overview of how they felt the new nightly rental ordinance functioned during the 2019-2020 winter season. After discussing several issues, the Committee forwarded a recommendation for an amendment to the Nightly Rental Code requiring the license holder be held responsible for regulating the occupancy limits, noise, parking, nuisance, illegal conduct, or any other use that violates the law regarding use or occupancy of their cabin/unit. The Short-Term Rental committee members include residents, rental management company owners, nightly rental owners, Homeowner Association President, and a Council Member.

The reason given behind the committee's recommendation was due to issues where nightly rental guests violated the nightly rental code and/or nuisance code and/or state law. Some examples presented were exceeding the maximum occupancy limits, parking issues, and trespassing onto neighboring properties. The consensus of the committee was that the license

holder should have control over who they rent to and/or the ability to take action when their guests have violated the Town Code or state law.

Council held initial discussion on this change to the Nightly Rental Code on June 23 and requested that staff make slight alterations to the proposed language and heavily advertise a public hearing set for July 14.

Since that time, staff has also completed the fee study and included it in this report.

ANALYSIS:

Nightly Rental Ordinance Revision

The following language is proposed to be added to §3-2A-21-3 of the Town Code:

E. Noise, Nuisance and Occupancy Control: The licensee of rentals under this section are responsible for regulating the occupancy of the unit and noise and nuisance created by the occupants of the unit. Violation of the Town Nuisance Ordinance (§4-3), violation of maximum occupancies, failure to use designated off-street parking, illegal or criminal conduct, or any other abuse which violates any law regarding use or occupancy of the premises, is grounds for revocation under §3-2B-1 of this Title.

Section §3-2A-21-3(D)(14) would also be removed:

~~*14. Noise And Safety Control: The licensee and the owner of nightly rental facilities under this section shall use their best efforts to reduce/limit noise created by the occupants of the unit.*~~

This change would have the effect of requiring nightly rental licensees to control the behavior of their guests or risk losing their license. The Town's attorney has advised that this language is legal and enforceable under Utah law. Similar ordinances are in affect in other jurisdictions. Specifically, this language was modeled after the ordinance in Park City.

Nightly Rental Fee Study

Administrative Business License Fees

As part of the Short-Term Rental (STR) code review, staff conducted a business license fee study to better identify the direct administrative costs. Staff concluded that STR businesses accrue differing costs than other businesses, and, therefore, determined that the fee study should be different for STRs and all other businesses. Below the analysis is described for each independent study.

STR Business License Fee Study

First, looking specifically at STRs, the fee study looked only at direct administrative costs related to two main categories, staff time and overhead. For example, the staff component looks at the time spent by Town employees to administer the code. Specifically, staff time includes the time taken to process applications/licenses, customer service, required training, required report, and financial record keeping. Over the course of the past year, staff has recorded time by activity to accurately distribute hours spend on business license administration. As such, is has been determined that on an annual basis the Town Clerk spends 326.82 hours, and the Town Treasurer spends 27 hours administering the business

license code. For short-term rentals specifically, of the 353.82 combined annual hours, 288 hours are attributed to STR businesses, as shown in the *Table 1* below.

Town Clerk	New STR Applications	STR Renewals	Totals
Processing/Customer Service	80.88	121.68	202.56
Required Training/Reporting	16.86	50.58	67.44
Town Treasurer			
Financial Record Keeping	4.5	13.5	18
Total	102.24	185.76	288

***Table 1:** Distribution of Staff hours for administering STR Business Licenses. Table is shown in hours. Does not include time taken to manage STR businesses with more than one rental unit.*

Given the hours distributed in Table 1 above, the following table, *Table 2*, will distribute the cost per STR application/license for both new applications and renewals. The cost assumes the base license with one rental unit. Additional rental units will be discussed later in this report. The cost assumes the average of 36 new STR business applications per year and 108 STR business license renewals per year.

Town Clerk	Hours per App	Hourly Rate	Totals
New App	2.72	\$51	\$138.72
Renewal	1.60	\$51	\$81.60
Town Treasurer			
New App	0.125	\$49.74	\$6.22
Renewal	0.125	\$49.74	\$6.22
Total			
New App			\$144.94
Renewal			\$87.82

***Table 2:** Cost per STR license for staff time.*

With staff time calculated for STR business licenses, the next step is to look at overhead. In reviewing the overhead, the following variables are considered: utilities, paper, printing, stamps, telephone, and email. The calculation for utilities includes power, internet, and natural gas. The telephone line will include both cell phone and office phone. The overhead calculations only assume the portion attributed to staff administering STR business licenses, and only includes the time of those staff members work on STR business license administration. *Table 3* below illustrates the overhead distribution per STR license.

	Paper	Stamps	Printing	Utilities	Email	Telephone	Total
New App	\$0.04	\$0.47	\$0.04	\$ 0.93	\$0.12	\$2.59	\$4.19
Renewal	\$0.03	\$0.47	\$0.03	\$ 0.46	\$0.06	\$1.07	\$2.13

***Table 3:** Overhead costs per STR business license.*

Conclusively, the staff hours and overhead combined result in a proposed STR business license fee of \$150 for a new application, and \$90 for a renewal, rounded up to the next dollar. The above mention proposed fee is the base rate for the STR business license that includes

one rental unit. It is proposed that additional rental units will accrue an addition fee per rental unit. *Table 4* represents the combined the proposed fee.

	Staff	Overhead	Total
New App	\$144.94	\$4.19	\$150
Renewal	\$87.82	\$2.13	\$90

Table 4: Total proposed STR Business License fee round up to the next dollar.

Now, in determining the administrative cost for additional rental units (more than one) attached to a STR business license, the study assumes all overhead costs are distributed in the main STR business license fee, and, therefore, the addition cost per unit is directly attributed to staff time to process, manage, and complete financial recording. As such, financial record keeping is the same for additional rental units, as it takes the same time and process. In addition, staff time to process and manage additional rental units equates to 0.5 hours for a new application, and 0.25 hours for a renewal. Subsequently, *Table 5* shows the comprehensive STR Business License fee proposal based on the fee study.

	Base STR BL Fee	Fee per addt'l Unit
New App	\$150	\$32
Renewal	\$90	\$19

Table 5: Proposed STR Business License Fees.

Other Business Types - Fee Study

Next, it was determined that all other business than STR require similar administrative costs, and, therefore, the study concludes in researching a business license fee for all businesses, excluding STR. As mentioned earlier, it has been determined that on an annual basis the Town Clerk spends 326.82 hours, and the Town Treasurer spends 27 hours administering the business license code. For short-term rentals specifically, of the 353.82 combined annual hours, 65.82 hours are attributed to non-STR businesses, as show in the *Table 6* below.

Town Clerk	New STR Applications	STR Renewals	Totals
Processing/Customer Service	11	21	32
Required Training/Reporting	5.15	19.67	24.82
Town Treasurer			
Financial Record Keeping	1.87	7.13	9
Total	18.02	47.8	65.82

Table 6: Distribution of Staff hours for administering non-STR Business Licenses. Table is shown in hours.

Given the hours distributed in Table 1 above, the following table, *Table 7* will distribute the cost per non-STR application/license for both new applications and renewals. The cost assumes the average of 11 new non-STR business applications per year and 42 non-STR business license renewals per year.

Town Clerk	Hours per App	Hourly Rate	Totals
New App	1.52	\$51	\$77.52
Renewal	1.05	\$51	\$53.55
Town Treasurer			
New App	0.125	\$49.74	\$6.22
Renewal	0.125	\$49.74	\$6.22
Total			
New App			\$83.74
Renewal			\$59.77

Table 7: Cost per non-STR license for staff time.

With staff time calculated for non-STR business licenses, the next step is to look at overhead. In reviewing the overhead, the following variables are considered: utilities, paper, printing, stamps, telephone, and email. The calculation for utilities includes power, internet, and natural gas. The telephone line will include both cell phone and office phone. The overhead calculations only assume the portion attributed to staff administering non-STR business licenses, and only includes the time of those staff members work on non-STR business license administration. *Table 8* below illustrates the overhead distribution per non-STR license.

	Paper	Stamps	Printing	Utilities	Email	Telephone	Total
New App	\$0.04	\$0.47	\$0.04	\$ 0.66	\$0.09	\$1.60	\$2.90
Renewal	\$0.03	\$0.47	\$0.03	\$ 0.33	\$0.04	\$0.60	\$1.51

Table 8: Overhead costs per non-STR business license.

Conclusively, the staff hours and overhead combine result in a proposed non-STR business license fee of \$87 for a new application, and \$62 for a renewal, rounded up to the next dollar. *Table 9* represents the combined the proposed fee.

	Staff	Overhead	Total
New App	\$83.74	\$2.90	\$87
Renewal	\$59.77	\$1.51	\$62

Table 9: Total proposed non-STR Business License fee round up to the next dollar.

Enhanced Service Business License Fees

Under Utah State Statute §10-1-203(5), “The legislative body of a municipality may by ordinance raise revenue by levying and collecting a license fee or tax on... a business that causes disproportionate costs of municipal services.” Those municipal services are limited to a list including (among other things) police, fire, snow removal, transportation.

There has been much discussion regarding the various nuisances caused by guests of nightly rentals in our community. While our Public Safety department reports that call volumes are up quite a bit in general, we still aren’t receiving a lot of nuisance calls. We are told, however, that the nuisances are an issue whether residents are calling the police or not. Many residents, we’re told, are reluctant to call the police to handle such issues for various reasons. Some residents are asking staff to be more proactive in handling these nuisances, and public safety staff have in turned asked for help from the community by reporting these issues in a more formal and timely fashion so they can be investigated and enforced.

If the Town staff are to be more effective in enforcing nuisance issues on both the guests perpetrating the nuisance and the nightly rental licensee who invited the nuisance into our community, we believe more resources are needed. Levying an additional Enhanced Service Business License Fee on nightly rental businesses for purposes of funding nuisance enforcement may be appropriate for raising this revenue.

The Town already charges an Enhanced Service Business License Fee on all businesses for purposes of transportation (shuttle service) and snow removal. This has been in place for decades and is implemented in the form of a gross receipts tax of 1.5%

If the Town were to implement an additional Enhanced Service Business License fee on nightly rentals for nuisance enforcement, we propose the following potential structures:

	Fee per...				
	STR License	STR Unit	Bedroom	Occupant	Sales
	144	455	1,138	3,400	\$7,632,167
10% of a full-time officer	\$79	\$25	\$10	\$3	0.15%
25% of a full-time officer	\$198	\$63	\$25	\$8	0.37%
50% of a full-time officer	\$396	\$125	\$50	\$17	0.75%

The data in the table is based on the cost of a full-time officer (\$114,130). Staff believes it is reasonable to assume that at least one-quarter of an officer (10 hours per week) would need to be dedicated to nuisance enforcement of nightly rentals in order to be as effective as the community desires. If this cost were to be split up by STR units, the annual charge for each nightly rental unit would be \$63 for enhanced police service.

As this is a service we have yet to provide in any specific manner, it is difficult to have an in-depth study with cost certainty. One approach may be to implement the fee at a conservative rate (such as the \$63 for a quarter officer) to begin providing the service and then re-evaluate our costs after a year. Also, a COPS grant might be explored to help offset the costs of bringing on the additional officer.

FINANCIAL IMPLICATIONS:

If Council were to adopt the proposed fees, administrative business license fee receipts in the General Fund would increase approximately \$7,200 annually. The impact of adopting an enhanced service business license fee would vary depending on how the Council may elect to proceed (see table in analysis section).

BOARD/COMMISSION RECOMMENDATION:

The Nightly Rental Committee recommended ordinance language similar to that proposed herein.

STAFF RECOMMENDATION:

The proposed ordinance change is purely a matter of policy. Council is weighing out the rights of people to do with their property as they wish (in this case, rent it out), versus the rights of people to live in a single family residential zone unbothered by crowds/noise/traffic/etc. Staff believes that the only way to achieve zero impact on full-time residents by nightly rentals is

to remove nightly rentals as a permitted use in the zone and wait for the grandfathered nightly rentals to dissipate over time. Short of that, we're trying to compromise between the two uses. Staff believes either approach – the educational approach or the more punitive approach – will be similarly effective.

Staff recommends that the Council adopt the proposed administrative fees.

Staff recommends that Council consider the enhanced service business license fee on nightly rentals to fund additional public safety hours for enforcement if the ordinance is altered to require additional enforcement on nightly rentals.

PROPOSED MOTION:

No motion necessary, item is discussion/informational only

ATTACHMENTS:

Attachment A - Public Comment - Harpster



Nancy Leigh <nleigh@bhtown.utah.gov>

Public Hearing Notice - Nightly Rental Code Amendments

CHarpster1 <charpster1@gmail.com>
To: Nancy Leigh <nleigh@bhtown.utah.gov>

Fri, Jul 3, 2020 at 9:21 AM

Hi Nancy, I would like to say that I agree that all guests should adhere to the same nuisance code. But so should all residences and home/condo owners. This is just common sense courtesy to our neighbors.

Chuck & Gwen Harpster

Sent from my iPhone

On Jul 2, 2020, at 1:38 PM, Nancy Leigh <nleigh@bhtown.utah.gov> wrote:

[Quoted text hidden]



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Public Hearing and Ordinance Amending the Land Management Code, Chapter 7 and Chapter 12.
AUTHOR: Wendy Dowland
DEPARTMENT: Administration
DATE: July 14, 2020
TYPE OF ITEM: Legislative

SUMMARY:

The Town Council will hold a public hearing for proposed amendments to the Land Management Code. The Council will consider an ordinance adopting the proposed amendments to Chapter 7 -Zone District Regulations & Chapter 12 Design Standards.

BACKGROUND:

During the joint meeting of the Town Council & the Planning Commission on May 12, 2020, the Council remanded Tiny Homes to the Commission. During the June 02, 2020 meeting, the Planning Commission discussed other changes to the Land Management Code as well. These changes included “Tiny Homes”, RV Parks along Hwy 143, garages in the setback in an R3 zone and parking stalls that back onto public streets. During the July 07, 2020 meeting, the Commission recommended the following changes to the Land Management Code.

ANALYSIS:

During the July 07, 2020 meeting, the Planning Commission forwarded the following recommendations to Council:

In an effort to mitigate the impact of “Tiny Homes” in single family residential zones and ensure that only one mother-in-law / guest house is allowed per property of an acre or more:

9-7-1 ZONE DISTRICT REGULATIONS

C. Conditional Uses:

Mother-in-law / guest house as an accessory use on one lot that is equal to or greater than one acre and shall comply with accessory structure requirements in this title **with a maximum of one mother-in law / guest house per property** (Ord. 18-006, 6-11-2018)

D6. Building Coverage:

a) Maximum building coverage: Forty percent (40%) of the lot area. (2010 Code, amd. Ord. 15-004, 04-28-2015)

b) Minimum building coverage: 400 square feet for a primary habitable structure footprint (not including unenclosed decks and porches) & 160 square feet for a secondary habitable structure

In an effort to mitigate the impact of RV / Camp Sites:

9.12.20 – Campgrounds

D. Building setbacks for the zone shall apply to camp sites

1. Additional setbacks may be required for visual and noise mitigation.

E. Natural Screening (such as trees, shrubs, slopes, etc.) will be utilized to minimize visual impacts from public rights of way and adjacent single family residential zoned property.

Due to the fact that there is not an R2 zone within the Town, the following garage exception will be added to the Multi-Family zone regulations with the additional requirement that the R2 density cannot be exceeded (maximum 8 units).

9-7-3 – Multi-Family Residential

3. Minimum setbacks:

a. Front: Twenty-five feet (25'). An administrative exception may be granted for the garage only when all of the following apply:

- (1) Front yard setback exceeds twenty percent (20%) slope (11.3 degrees);
- (2) No habitable space within the setback area;
- (3) Required off street parking is satisfied and maintained in the garage or on the lot;
- (4) The roof sheds snow away from the public right of way; and
- (5) Adequate snow storage on the lot;

Under no circumstances will the setback be less than five feet (5').

(6) Development does not exceed R2 density

(Ord. 17-004, 7-11-2017).

This change is being implemented to allow for flexibility when backing onto the street does not pose a safety concern and would lessen the disturbed area on a property.

9-12-15 – Parking

3. Stall Accessibility: Each required parking stall shall be individually and easily accessible. No parking shall be constructed in a manner that requires an automobile to back onto any public street or sidewalk to leave any parking stall except in single family residential uses and where the parking stalls themselves are in the public right of way.

An exception may be granted in multi-family residential zones where deemed safe by the Public Safety Director.

All portions of a public lot or garage where the lot itself is not in the public right of way shall be accessible to other portions thereof without requiring the use of any public street. (Ord. 08-016, 8-12-2008, amd Ord. 16-007, 11-8-2016)

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

During the July 07, 2020 meeting, the Planning Commission recommended the above changes to the Town Council.

STAFF RECOMMENDATION:

After the public hearing is completed and the changes are considered, staff recommends the Council adopt the proposed Land Management Code changes

PROPOSED MOTION:

I move to adopt Ordinance No. 20-006, an ordinance amending the Land Management Code, Chapter 7.1.C Conditional Uses, Chapter 7.1.D(6)(b) Building Coverage, Chapter 7.3.3(a)(6) Multi-Family Residential Minimum Setbacks, Chapter 12.15.3 Parking as presented.

ATTACHMENTS:

Attachment A – Ordinance Amending the Land Manage Code, Chapter 7 & 12



ORDINANCE NO. _____

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 7 (ZONE DISTRICT REGULATIONS), CHAPTERS 9.12.3 AND 9.12.10 (BUILDING DESIGN STANDARDS FOR CONSTRUCTION)

WHEREAS, Brian Head Town has identified a need to amend the Brian Head Land Management Code in order to regulate land use within the Town limits of Brian Head, Utah; and,

WHEREAS, the Brian Head Planning Commission held a public hearing on July 7, 2020, giving at least fourteen (14) days' notice prior to the public hearing to receive public comment. The Planning Commission hereby forward their recommendation of approval with modifications of the Brian Head Land Management Code, Chapter 7, Zone District Regulations and Chapter 12, Building Design Standards for Construction to the Brian Head Town Council for their consideration and adoption; and

WHEREAS, the Brian Head Town Council held a public hearing on July 14, 2020, giving at least fourteen (14) day notice to receive public comment on the proposed amendments Brian Head Land Management Code; and

WHEREAS it is in the best interests of Brian Head Town and the health, safety, and general welfare of its citizens to adopt this Ordinance:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF BRIAN HEAD, UTAH, COUNTY OF IRON, STATE OF UTAH, AS FOLLOWS:

Section 1. The Brian Head Land Management Code is hereby amended and incorporated herein by reference as Title 9, Chapter 7.1.C Zone District Regulations, Conditional Uses, Chapter 7.1.D.6 Building Coverage, Chapter 7.3.(a)(6) Multi-Family Residential Minimum Setbacks, Chapter 12. Building Design Standards for Construction 12.15.3 Parking of the Brian Head Town Code regulating land use within the Town of Brian Head, Utah as follows:

9-7-1 ZONE DISTRICT REGULATIONS

C. Conditional Uses:

Mother-in-law/guest house as an accessory use on one lot that is equal to or greater than one acre and shall comply with accessory structure requirements in this title **with a maximum of one mother-in-law/guest house per property** (Ord. 18-006, 6-11-2018)

D. 6. Building Coverage:

a) Maximum building coverage: Forty percent (40%) of the lot area. (2010 Code, amd. Ord. 15-004, 04-28-2015)

b) Minimum building coverage: 400 square feet for a primary habitable structure footprint (not including unenclosed decks and porches) & 160 square feet for a secondary habitable structure.

In an effort to mitigate the impact of RV / Camp Sites:

9.12.20 – Campgrounds

D. Building setbacks for the zone shall apply to campsites

1. Additional setbacks may be required for visual and noise mitigation.

E. Natural Screening (such as trees, shrubs, slopes, etc.) will be utilized to minimize visual impacts from public rights of way and adjacent single-family residential zoned property.

Due to the fact that there is not an R2 zone within the Town, the following garage exception will be added to the Multi-Family zone regulations with the additional requirement that the R2 density cannot be exceeded (maximum 8 units).

9-7-3 – Multi-Family Residential

3. Minimum setbacks:

a. Front: Twenty-five feet (25'). An administrative exception may be granted for the garage only when all of the following apply:

- (1) Front yard setback exceeds twenty percent (20%) slope (11.3 degrees);
- (2) No habitable space within the setback area;
- (3) Required off-street parking is satisfied and maintained in the garage or on the lot;
- (4) The roof sheds snow away from the public right of way; and
- (5) Adequate snow storage on the lot;

Under no circumstances will the setback be less than five feet (5').

(6) Development does not exceed R2 density

(Ord. 17-004, 7-11-2017).

This change is being implemented to allow for flexibility when backing onto the street does not pose a safety concern and would lessen the disturbed area on a property.

9-12-15 – Parking

3. Stall Accessibility: Each required parking stall shall be individually and easily accessible. No parking shall be constructed in a manner that requires an automobile to back onto any public street or sidewalk to leave any parking stall except in single-family residential uses and where the parking stalls themselves are in the public right of way.

An exception may be granted in multi-family residential zones where deemed safe by the Public Safety Director.

All portions of a public lot or garage where the lot itself is not in the public right of way shall be accessible to other portions thereof without requiring the use of any public street. (Ord. 08-016, 8-12-2008, amd. Ord. 16-007, 11-8-2016)

Section 2. Effective Date. This Ordinance shall take effect upon its passage by a majority vote of the Brian Head Town Council and following notice and publication as required by law. Upon this Ordinance being adopted by the Brian Head Town Council of Iron County, Utah, all provisions of this Ordinance shall be incorporated into Title 9 of the Brian Head Town Code.

Section 3. Conflict. To the extent of any conflict between other Towns, County, State, or Federal laws, ordinances, or regulations, and this Ordinance, the more restrictive is deemed to be controlling.

Section 4. Severability Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Repealer. All provisions of the Brian Head Town Code that are inconsistent with the expressed terms of this Ordinance shall be repealed.

PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH this ____ day of July 2020 with the following vote.

Mayor Clayton Calloway	Aye_____	Nay_____
Council Member Lynn Mulder	Aye_____	Nay_____
Council Member Larry Freeberg	Aye_____	Nay_____
Council Member Kelly Marshall	Aye_____	Nay_____
Council Member Shaun Kelly	Aye_____	Nay_____

DRAFT

BRIAN HEAD TOWN COUNCIL
BRIAN HEAD, UTAH

ATTEST:

By: _____
Clayton Calloway, Mayor

Nancy Leigh, Town Clerk

(SEAL)

CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the _____ day of July 2020 and have posted a summary of adopted ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall and a complete copy of the adopted ordinance on the Brian Head Town Website.

Nancy Leigh, Town Clerk

Ordinance No. _____



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: State of Utah Coronavirus Relief Fund
AUTHOR: Shane Williamson
DEPARTMENT: Administration
DATE: July 14, 2020
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will consider approving a contract with the State of Utah to receive the local government allocation portion of the Coronavirus Relief Fund (CRF), as permitted by the Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act.

BACKGROUND:

The Federal Government provided \$1.25 billion to Utah state and local governments through the CRF included in section 5001 of the CARES Act. Based on the distribution formula in the CARES Act, \$934.8 million was paid to the State of Utah (State), \$203.6 million was paid directly to Salt Lake County, and \$111.6 million was paid directly to Utah County. State and local governments may only use the CRF payments to respond to the COVID-19 pandemic. The State is distributing a portion of its \$934.8 million payment to counties and municipalities outside of Salt Lake County and Utah County that did not receive a direct allocation.

ANALYSIS:

Distribution amounts from the CRF are derived from a population-based allocation formula, which was developed after discussions between the Governor's Office of Management and Budget, the Office of the Legislative Fiscal, the Utah Association of Counties, and the Utah League of Cities and Towns. The formula was also presented to the Legislature's Executive Appropriations Committee during its May 13, 2020 meeting. This maximum amount is not guaranteed, and the amount may be subject to revision by the Governor or the Legislature. As such, Brian Head Town is eligible for a maximum amount of \$8,334.00. Upon approval of this agreement, recipients will be paid one-third of their CFR allocation from the State. The remaining two-thirds will be disbursed in the future, subject to the availability of funding. Therefore, should Council approve this agreement, Brian Head Town would receive the first installment of \$2,778.00.

That said, the CRF and the CARES Act require that the funds only be used to cover certain costs. For example, recipients of the funds are required to assure that the costs:

- 1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
 - a) The requirement that expenditures be incurred "due to" the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency.
 - b) Funds may NOT be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute.

- c) The expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending the funds
- 2) were not accounted for in the State's or recipient's budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the recipient; and
 - a) A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.
 - b) The "most recently approved" budget refers to the State's or recipient's enacted budget for the relevant fiscal period for the recipient, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by the recipient in response to the COVID-19 public health emergency.
 - c) A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.
- 3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.
 - a) A cost is "incurred" when the recipient has expended funds to cover the cost.

Specifically, for Brian Head Town, some examples of eligible expenses would be:

- Components to facilitate telework and electronic meetings
- Safety features, such as mask, gloves, sanitizing agents, glass shields, etc....
- Unemployment insurance expenses
- Sick leave paid to employees directly due to Covid-19

All funds not expended on eligible expenditures by November 30, 2020, must be repaid to the State of Utah by December 4, 2020.

FINANCIAL IMPLICATIONS:

Approving and accepting the contract affords up to \$8,334.00 in revenue for the Town, which would help offset corresponding expenditures.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends that Council approve and accept the attached contract with the State of Utah for Brian Head Town's allocation of the Coronavirus relief Fund.

PROPOSED MOTION:

I move to approve the Coronavirus Relief Fund Local Government Allocation Agreement between Brian Head Town and the State of Utah as presented.

ATTACHMENTS:

A – State of Utah Coronavirus Relief Fund Local Government Allocation Agreement

State of Utah Coronavirus Relief Fund Local Government Allocation Agreement

As permitted by U.S. Treasury guidance, the State of Utah is distributing a portion of its Coronavirus Relief Fund (CRF) disbursement provided by the Coronavirus Aid, Relief, and Economic Security Act Federal Funding (CARES) Act to Utah's counties and municipalities located outside of Salt Lake County and Utah County (eligible local governments). Salt Lake County, Utah County, and municipalities within those counties are not be eligible for funding under this agreement because those counties received separate CRF payments from the federal government.

After completing this form and accepting the attached terms and conditions each eligible local government will be paid one-third of its CFR allocation from the State. The remaining two-thirds may be disbursed in the future, subject to the availability of funding. Only the Chief Executive, Chief Administrator, or Chief Financial Officer of each eligible local government entity is authorized to sign this agreement. The fastest method of receiving your allotted portion of funds is to fill out this electronic form and submit it electronically. However, you may elect to print out the form, fill it out, and then scan and email the completed form to Taylor Kauffman in the Governor's Office of Management and Budget, tkuffman@utah.gov.

County or Municipality Information

County or Municipality Name: _____

Street Address: _____

City, State, ZIP Code: _____

County or municipality's preferred method of disbursement:

- ☐ Funds deposited the same way monthly sales tax distributions are received, with the PTIF or bank account on file with the State Treasurer's Office
- ☐ Other (The payment will be delayed until you are contacted to verify arrangements)

Contact Person Name: _____

Contact Person Title: _____

Contact Person Phone: _____

Contact Person E-mail: _____

Acceptance of the Agreement by the County's or Municipality's Chief Executive, Chief Administrator, or Chief Financial Officer

☐ I have read the attached Terms and Conditions for Accepting Coronavirus Relief Fund Monies from the State of Utah.

☐ I accept the Terms and Conditions for Accepting Coronavirus Relief Fund Monies from the State of Utah and am authorized to do this on behalf of the local government requesting these funds.

Signature: _____

Name of County or Municipality Authorized Representative: _____

Title of County or Municipality Authorized Representative: _____

Date: _____

Terms and Conditions for Accepting Coronavirus Relief Fund Monies from the State of Utah

I. Background

The Federal Government provided \$1.25 billion to Utah state and local governments through the Coronavirus Relief Fund (CRF) included in section 5001 of the Coronavirus Aid, Relief, and Economic Security Act Federal Funding (CARES) Act. Based on the distribution formula in the CARES Act, \$934.8 million was paid to the State of Utah (State), \$203.6 million was paid directly to Salt Lake County, and \$111.6 million was paid directly to Utah County. State and local governments may only use the CRF payments to respond to the COVID-19 pandemic. The State is distributing a portion of its \$934.8 million payment to counties and municipalities outside of Salt Lake County and Utah County that did not receive a direct allocation (eligible counties and municipalities). Salt Lake County, Utah County, and municipalities within those counties are not be eligible for funding under this agreement. COVID-19 response needs for those counties and municipalities within those counties should be covered with the CFR payments made to Salt Lake and Utah counties.

II. Funding Amount

Eligible counties and municipalities accepting the terms and conditions of this agreement (recipients) may be paid up to the maximum amount listed in the attached *State of Utah Coronavirus Relief Fund Allocation to Eligible Municipal and County Governments* document. The funding population-based allocation formula was developed after discussions between the Governor's Office of Management and Budget, the Office of the Legislative Fiscal, the Utah Association of Counties, and the Utah League of Cities and Towns. The formula was also presented to the Legislature's Executive Appropriations Committee during its May 13, 2020 meeting. This maximum amount is not guaranteed, and the amount may be subject to revision by the Governor or the Legislature.

Upon approval of this agreement, recipients will be paid one-third of their CFR allocation from the State. The remaining two-thirds will be disbursed in the future, subject to the availability of funding.

III. Permissible Use of Funding

The CARES Act and additional guidance issued by the United States Treasury provides that CRF funds may only be used to cover costs that meet the following conditions:

- a. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
 - i. The requirement that expenditures be incurred "due to" the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency.
 - ii. Funds may NOT be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute.
 - iii. The expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending the funds.
- b. were not accounted for in the State's or recipient's budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the recipient; and
 - i. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a

substantially different use from any expected use of funds in such a line item, allotment, or allocation.

- ii. The “most recently approved” budget refers to the State’s or recipient’s enacted budget for the relevant fiscal period for the recipient, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by the recipient in response to the COVID-19 public health emergency.
- iii. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

c. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

- i. A cost is “incurred” when the recipient has expended funds to cover the cost.

These provisions and guidance are current as of May 28, 2020. Recipients accepting funds must agree to adhere to any additional current or future Federal or State legislative guidance regarding spending, reporting, or any other matter related to the CRF. Further, recipients shall require that any subgrantee to which it awards CRF funds adhere to the CARES Act and any current or future guidance related to the CRF funds. Federal guidance is updated regularly and can be found at <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>. The latest guidance documents from the U.S. Treasury are attached.

IV. Availability of Funding

The recipient has until November 30, 2020 to expend the CRF funds provided by the State. CRF funds provided by the State that are not expended on eligible expenditures on or before November 30, 2020, shall be returned to the State on or before 5:00 P.M. MST, December 4, 2020, so that the State will have time to reallocate and expend the funds before they expire on December 30, 2020. The recipient may petition the State to retain allocated, but unspent CRF funds, after the November 30, 2020 date, with approval from the State. Any requests for exceptions shall be emailed to Taylor Kauffman in the Governor’s Office of Management and Budget, tkauffman@utah.gov, before 5:00 P.M. MST, November 23, 2020.

V. Accountability for the Use of Funds

Funds provided through this agreement are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements. The CFDA number assigned to the CRF is 21.019, pending completion of registration by the federal government.

If state or federal audit findings determine that any funds were expended by the recipient in violation of CARES Act requirements and result in a request for repayment to the Federal Government of those funds, the recipient shall provide funds to the State sufficient to meet such repayment request(s). If the State is forced to repay the funds because the recipient is unwilling or unable to repay the funds, the amount paid by the State will become a past due obligation of the recipient to the State and may be collected as such.

VI. Reporting on Use of Funds

The recipient shall retain documentation related to any uses of the funds, including but not limited to invoices, sales receipts, and payroll expenditures. Any subgrants made by the recipient shall similarly require, as a term of the grant, that the subgrantee shall retain documentation and shall produce such documentation to the recipient and the State upon request.

The recipient is required to report CRF expenditures in quarterly data uploaded to Transparent Utah. CRF expenditures shall be identified using a Uniform Chart of Accounts Coding Block for local entities that will be provided by the Office of the State Auditor in June 2020. The CRF expenditure coding may be recorded (1) through transactions in the recipient's financial system or (2) as adjustments to the recipient's Transparent Utah upload file before it is submitted. The recipient may decide which of these two options it utilizes. The Office of the State Auditor will be able to provide technical assistance for CRF expenditure coding, if needed. The recipient is also required to provide summary and detailed documentation supporting the use of funds upon request of state, federal, or independent auditors. The State may request additional financial or performance reporting, if necessary.

State of Utah Coronavirus Relief Fund Allocation to Eligible County Governments

County	2019 Population	Total Allocation	First Distribution
Beaver County	6,710	\$698,572.00	\$232,857.00
Box Elder County	56,046	\$5,804,915.00	\$1,934,972.00
Cache County	128,289	\$11,802,478.00	\$3,934,159.00
Carbon County	20,463	\$2,390,481.00	\$796,827.00
Daggett County	950	\$127,380.00	\$42,460.00
Davis County	355,481	\$31,447,864.00	\$10,482,621.00
Duchesne County	19,938	\$2,633,222.00	\$877,741.00
Emery County	10,012	\$1,012,373.00	\$337,458.00
Garfield County	5,051	\$519,521.00	\$173,174.00
Grand County	9,754	\$1,210,286.00	\$403,429.00
Iron County	54,839	\$5,576,911.00	\$1,858,970.00
Juab County	12,017	\$1,174,844.00	\$391,615.00
Kane County	7,886	\$805,863.00	\$268,621.00
Millard County	13,188	\$1,478,380.00	\$492,793.00
Morgan County	12,124	\$1,748,229.00	\$582,743.00
Piute County	1,479	\$149,136.00	\$49,712.00
Rich County	2,483	\$294,237.00	\$98,079.00
San Juan County	15,308	\$2,188,094.00	\$729,365.00
Sanpete County	30,939	\$3,115,284.00	\$1,038,428.00
Sevier County	21,620	\$2,164,934.00	\$721,645.00
Summit County	42,145	\$5,938,786.00	\$1,979,595.00
Tooele County	72,259	\$8,167,674.00	\$2,722,558.00
Uintah County	35,734	\$5,075,989.00	\$1,691,996.00
Wasatch County	34,091	\$3,719,023.00	\$1,239,674.00
Washington County	177,556	\$16,251,568.00	\$5,417,189.00
Wayne County	2,711	\$331,785.00	\$110,595.00
Weber County	260,213	\$24,141,234.00	\$8,047,078.00
County Government Total		\$139,969,063.00	\$46,656,354.00

State of Utah Coronavirus Relief Fund Allocation to Eligible Municipal Governments

Municipality	County	2019 Population	Total Allocation	First Distribution
Beaver	Beaver County	3,144	\$275,815.00	\$91,938.00
Milford	Beaver County	1,394	\$122,292.00	\$40,764.00
Minersville	Beaver County	919	\$80,621.00	\$26,874.00
Bear River City	Box Elder County	905	\$79,393.00	\$26,464.00
Brigham City	Box Elder County	19,807	\$1,737,614.00	\$579,205.00
Corinne	Box Elder County	754	\$66,146.00	\$22,049.00
Deweyville	Box Elder County	363	\$31,845.00	\$10,615.00
Elwood	Box Elder County	1,120	\$98,255.00	\$32,752.00
Fielding	Box Elder County	483	\$42,372.00	\$14,124.00
Garland	Box Elder County	2,601	\$228,179.00	\$76,060.00
Honeyville	Box Elder County	1,615	\$141,680.00	\$47,227.00
Howell	Box Elder County	255	\$22,370.00	\$7,457.00
Mantua	Box Elder County	896	\$78,604.00	\$26,201.00
Perry	Box Elder County	5,200	\$456,182.00	\$152,061.00
Plymouth	Box Elder County	458	\$40,179.00	\$13,393.00
Portage	Box Elder County	269	\$23,599.00	\$7,866.00
Snowville	Box Elder County	176	\$15,440.00	\$5,147.00
Tremonton	Box Elder County	9,066	\$795,336.00	\$265,112.00
Willard	Box Elder County	1,954	\$171,419.00	\$57,140.00
Amalga	Cache County	547	\$47,987.00	\$15,996.00
Clarkston	Cache County	741	\$65,006.00	\$21,669.00
Cornish	Cache County	333	\$29,213.00	\$9,738.00
Hyde Park	Cache County	4,770	\$418,459.00	\$139,486.00
Hyrum	Cache County	8,529	\$748,226.00	\$249,409.00
Lewiston	Cache County	1,838	\$161,243.00	\$53,748.00
Logan	Cache County	52,390	\$4,596,033.00	\$1,532,011.00
Mendon	Cache County	1,435	\$125,889.00	\$41,963.00
Millville	Cache County	2,109	\$185,017.00	\$61,672.00
Newton	Cache County	825	\$72,375.00	\$24,125.00
Nibley	Cache County	7,193	\$631,022.00	\$210,341.00
North Logan	Cache County	11,343	\$995,091.00	\$331,697.00
Paradise	Cache County	1,010	\$88,605.00	\$29,535.00
Providence	Cache County	7,709	\$676,290.00	\$225,430.00
Richmond	Cache County	2,771	\$243,092.00	\$81,031.00
River Heights	Cache County	2,059	\$180,630.00	\$60,210.00
Smithfield	Cache County	11,986	\$1,051,499.00	\$350,500.00
Trenton	Cache County	547	\$47,987.00	\$15,996.00
Wellsville	Cache County	3,907	\$342,751.00	\$114,250.00
East Carbon	Carbon County	1,592	\$139,662.00	\$46,554.00
Helper	Carbon County	2,115	\$185,543.00	\$61,848.00
Price	Carbon County	8,326	\$730,417.00	\$243,472.00
Scofield	Carbon County	23	\$2,018.00	\$673.00
Wellington	Carbon County	1,621	\$142,206.00	\$47,402.00
Dutch John	Daggett County	140	\$12,282.00	\$4,094.00

Municipality	County	2019 Population	Total Allocation	First Distribution
Manila	Daggett County	308	\$27,020.00	\$9,007.00
Bountiful	Davis County	44,648	\$3,916,848.00	\$1,305,616.00
Centerville	Davis County	17,921	\$1,572,161.00	\$524,054.00
Clearfield	Davis County	32,366	\$2,839,381.00	\$946,460.00
Clinton	Davis County	22,593	\$1,982,023.00	\$660,674.00
Farmington	Davis County	24,820	\$2,177,391.00	\$725,797.00
Fruit Heights	Davis County	6,312	\$553,735.00	\$184,578.00
Kaysville	Davis County	32,495	\$2,850,698.00	\$950,233.00
Layton	Davis County	78,267	\$6,866,152.00	\$2,288,717.00
North Salt Lake	Davis County	21,110	\$1,851,923.00	\$617,308.00
South Weber	Davis County	7,612	\$667,780.00	\$222,593.00
Sunset	Davis County	5,408	\$474,429.00	\$158,143.00
Syracuse	Davis County	30,779	\$2,700,158.00	\$900,053.00
West Bountiful	Davis County	5,802	\$508,994.00	\$169,665.00
West Point	Davis County	10,887	\$955,087.00	\$318,362.00
Woods Cross	Davis County	11,469	\$1,006,144.00	\$335,381.00
Altamont	Duchesne County	246	\$21,581.00	\$7,194.00
Duchesne	Duchesne County	1,770	\$155,277.00	\$51,759.00
Myton	Duchesne County	614	\$53,865.00	\$17,955.00
Roosevelt	Duchesne County	7,068	\$620,056.00	\$206,685.00
Tabiona	Duchesne County	162	\$14,212.00	\$4,737.00
Castle Dale	Emery County	1,492	\$130,889.00	\$43,630.00
Clawson	Emery County	186	\$16,317.00	\$5,439.00
Cleveland	Emery County	439	\$38,512.00	\$12,837.00
Elmo	Emery County	404	\$35,442.00	\$11,814.00
Emery	Emery County	268	\$23,511.00	\$7,837.00
Ferron	Emery County	1,495	\$131,152.00	\$43,717.00
Green River	Emery County	935	\$82,025.00	\$27,342.00
Huntington	Emery County	1,935	\$169,752.00	\$56,584.00
Orangeville	Emery County	1,330	\$116,677.00	\$38,892.00
Antimony	Garfield County	123	\$10,790.00	\$3,597.00
Boulder	Garfield County	242	\$21,230.00	\$7,077.00
Bryce Canyon City	Garfield County	226	\$19,826.00	\$6,609.00
Cannonville	Garfield County	177	\$15,528.00	\$5,176.00
Escalante	Garfield County	810	\$71,059.00	\$23,686.00
Hatch	Garfield County	144	\$12,633.00	\$4,211.00
Henrieville	Garfield County	226	\$19,826.00	\$6,609.00
Panguitch	Garfield County	1,708	\$149,838.00	\$49,946.00
Tropic	Garfield County	524	\$45,969.00	\$15,323.00
Castle Valley	Grand County	353	\$30,968.00	\$10,323.00
Moab	Grand County	5,359	\$470,131.00	\$156,710.00
Brian Head	Iron County	95	\$8,334.00	\$2,778.00
Cedar City	Iron County	34,411	\$3,018,784.00	\$1,006,261.00
Cedar Highlands	Iron County	70	\$6,141.00	\$2,047.00
Enoch	Iron County	7,328	\$642,866.00	\$214,289.00
Kanarraville	Iron County	418	\$36,670.00	\$12,223.00

Municipality	County	2019 Population	Total Allocation	First Distribution
Paragonah	Iron County	558	\$48,952.00	\$16,317.00
Parowan	Iron County	3,227	\$283,096.00	\$94,365.00
Eureka	Juab County	718	\$62,988.00	\$20,996.00
Levan	Juab County	955	\$83,780.00	\$27,927.00
Mona	Juab County	1,793	\$157,295.00	\$52,432.00
Nephi	Juab County	6,315	\$553,998.00	\$184,666.00
Rocky Ridge	Juab County	861	\$75,533.00	\$25,178.00
Alton	Kane County	123	\$10,790.00	\$3,597.00
Big Water	Kane County	517	\$45,355.00	\$15,118.00
Glendale	Kane County	410	\$35,968.00	\$11,989.00
Kanab	Kane County	4,929	\$432,408.00	\$144,136.00
Orderville	Kane County	607	\$53,250.00	\$17,750.00
Delta	Millard County	3,609	\$316,608.00	\$105,536.00
Fillmore	Millard County	2,648	\$232,302.00	\$77,434.00
Hinckley	Millard County	718	\$62,988.00	\$20,996.00
Holden	Millard County	391	\$34,301.00	\$11,434.00
Kanosh	Millard County	486	\$42,635.00	\$14,212.00
Leamington	Millard County	239	\$20,967.00	\$6,989.00
Lynndyl	Millard County	114	\$10,001.00	\$3,334.00
Meadow	Millard County	328	\$28,775.00	\$9,592.00
Oak City	Millard County	657	\$57,637.00	\$19,212.00
Scipio	Millard County	334	\$29,301.00	\$9,767.00
Morgan	Morgan County	4,320	\$378,982.00	\$126,327.00
Circleville	Piute County	497	\$43,600.00	\$14,533.00
Junction	Piute County	175	\$15,352.00	\$5,117.00
Kingston	Piute County	156	\$13,685.00	\$4,562.00
Marysvale	Piute County	430	\$37,723.00	\$12,574.00
Garden City	Rich County	619	\$54,303.00	\$18,101.00
Laketown	Rich County	276	\$24,213.00	\$8,071.00
Randolph	Rich County	503	\$44,127.00	\$14,709.00
Woodruff	Rich County	214	\$18,774.00	\$6,258.00
Blanding	San Juan County	3,684	\$323,187.00	\$107,729.00
Monticello	San Juan County	1,990	\$174,577.00	\$58,192.00
Centerfield	Sanpete County	1,496	\$131,240.00	\$43,747.00
Ephraim	Sanpete County	7,396	\$648,831.00	\$216,277.00
Fairview	Sanpete County	1,359	\$119,221.00	\$39,740.00
Fayette	Sanpete County	265	\$23,248.00	\$7,749.00
Fountain Green	Sanpete County	1,165	\$102,202.00	\$34,067.00
Gunnison	Sanpete County	3,587	\$314,678.00	\$104,893.00
Manti	Sanpete County	3,666	\$321,608.00	\$107,203.00
Mayfield	Sanpete County	560	\$49,127.00	\$16,376.00
Moroni	Sanpete County	1,557	\$136,591.00	\$45,530.00
Mount Pleasant	Sanpete County	3,538	\$310,379.00	\$103,460.00
Spring City	Sanpete County	1,082	\$94,921.00	\$31,640.00
Sterling	Sanpete County	320	\$28,073.00	\$9,358.00
Wales	Sanpete County	376	\$32,985.00	\$10,995.00

Municipality	County	2019 Population	Total Allocation	First Distribution
Annabella	Sevier County	814	\$71,410.00	\$23,803.00
Aurora	Sevier County	1,055	\$92,552.00	\$30,851.00
Central Valley	Sevier County	567	\$49,741.00	\$16,580.00
Elsinore	Sevier County	885	\$77,639.00	\$25,880.00
Glenwood	Sevier County	476	\$41,758.00	\$13,919.00
Joseph	Sevier County	358	\$31,406.00	\$10,469.00
Koosharem	Sevier County	334	\$29,301.00	\$9,767.00
Monroe	Sevier County	2,354	\$206,510.00	\$68,837.00
Redmond	Sevier County	745	\$65,357.00	\$21,786.00
Richfield	Sevier County	7,953	\$697,695.00	\$232,565.00
Salina	Sevier County	2,579	\$226,249.00	\$75,416.00
Sigurd	Sevier County	442	\$38,775.00	\$12,925.00
Coalville	Summit County	1,591	\$139,574.00	\$46,525.00
Francis	Summit County	1,542	\$135,275.00	\$45,092.00
Henefer	Summit County	965	\$84,657.00	\$28,219.00
Kamas	Summit County	2,248	\$197,211.00	\$65,737.00
Oakley	Summit County	1,692	\$148,435.00	\$49,478.00
Park City	Summit County	8,556	\$750,595.00	\$250,198.00
Grantsville	Tooele County	11,943	\$1,047,727.00	\$349,242.00
Rush Valley	Tooele County	506	\$44,390.00	\$14,797.00
Stockton	Tooele County	706	\$61,935.00	\$20,645.00
Tooele	Tooele County	36,394	\$3,192,747.00	\$1,064,249.00
Vernon	Tooele County	349	\$30,617.00	\$10,206.00
Wendover	Tooele County	1,517	\$133,082.00	\$44,361.00
Ballard	Uintah County	1,056	\$92,640.00	\$30,880.00
Naples	Uintah County	2,085	\$182,911.00	\$60,970.00
Vernal	Uintah County	10,466	\$918,154.00	\$306,051.00
Charleston	Wasatch County	496	\$43,513.00	\$14,504.00
Daniel	Wasatch County	1,112	\$97,553.00	\$32,518.00
Heber	Wasatch County	16,908	\$1,483,293.00	\$494,431.00
Hideout	Wasatch County	1,005	\$88,166.00	\$29,389.00
Independence	Wasatch County	219	\$19,212.00	\$6,404.00
Interlaken	Wasatch County	238	\$20,879.00	\$6,960.00
Midway	Wasatch County	5,420	\$475,482.00	\$158,494.00
Wallsburg	Wasatch County	391	\$34,301.00	\$11,434.00
Apple Valley	Washington County	853	\$74,831.00	\$24,944.00
Enterprise	Washington County	1,927	\$169,050.00	\$56,350.00
Hildale	Washington County	3,012	\$264,235.00	\$88,078.00
Hurricane	Washington County	18,840	\$1,652,782.00	\$550,927.00
Ivins	Washington County	9,224	\$809,197.00	\$269,732.00
La Verkin	Washington County	4,555	\$399,598.00	\$133,199.00
Leeds	Washington County	896	\$78,604.00	\$26,201.00
New Harmony	Washington County	233	\$20,440.00	\$6,813.00
Rockville	Washington County	281	\$24,651.00	\$8,217.00
Santa Clara	Washington County	8,146	\$714,626.00	\$238,209.00
Springdale	Washington County	630	\$55,268.00	\$18,423.00

Municipality	County	2019 Population	Total Allocation	First Distribution
St. George	Washington County	90,221	\$7,914,844.00	\$2,638,281.00
Toquerville	Washington County	1,725	\$151,330.00	\$50,443.00
Virgin	Washington County	666	\$58,426.00	\$19,475.00
Washington	Washington County	28,652	\$2,513,562.00	\$837,854.00
Bicknell	Wayne County	332	\$29,125.00	\$9,708.00
Hanksville	Wayne County	220	\$19,300.00	\$6,433.00
Loa	Wayne County	587	\$51,496.00	\$17,165.00
Lyman	Wayne County	257	\$22,546.00	\$7,515.00
Torrey	Wayne County	244	\$21,405.00	\$7,135.00
Farr West	Weber County	7,333	\$643,304.00	\$214,435.00
Harrisville	Weber County	6,814	\$597,774.00	\$199,258.00
Hooper	Weber County	9,096	\$797,967.00	\$265,989.00
Huntsville	Weber County	649	\$56,935.00	\$18,978.00
Marriott-Slaterville	Weber County	1,880	\$164,927.00	\$54,976.00
North Ogden	Weber County	20,362	\$1,786,303.00	\$595,434.00
Ogden	Weber County	88,867	\$7,796,061.00	\$2,598,687.00
Plain City	Weber County	7,246	\$635,672.00	\$211,891.00
Pleasant View	Weber County	10,924	\$958,333.00	\$319,444.00
Riverdale	Weber County	8,940	\$784,282.00	\$261,427.00
Roy	Weber County	39,458	\$3,461,543.00	\$1,153,848.00
South Ogden	Weber County	17,449	\$1,530,753.00	\$510,251.00
Uintah	Weber County	1,366	\$119,835.00	\$39,945.00
Washington Terrace	Weber County	9,349	\$820,162.00	\$273,387.00
West Haven	Weber County	15,508	\$1,360,475.00	\$453,492.00
Municipal Government Total			\$107,296,608.00	\$35,765,538.00
Grant Total Eligible Counties and Municipalities			\$247,265,671.00	\$82,421,892.00

**Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
April 22, 2020**

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.¹

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost

¹ See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

A cost is “incurred” when the responsible unit of government has expended funds to cover the cost.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Nonexclusive examples of ineligible expenditures²

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.³
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

² In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

³ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

**Coronavirus Relief Fund
Frequently Asked Questions
Updated as of May 28, 2020**

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).¹ Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

Eligible Expenditures

Are governments required to submit proposed expenditures to Treasury for approval?

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

¹ The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

May a State receiving a payment transfer funds to a local government?

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

May a unit of local government receiving a Fund payment transfer funds to another unit of government?

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?

No. For example, a county recipient is not required to transfer funds to smaller cities within the county's borders.

Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

Are States permitted to use Fund payments to support state unemployment insurance funds generally?

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

The Guidance states that the Fund may support a “broad range of uses” including payroll expenses for several classes of employees whose services are “substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” What are some examples of types of covered employees?

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers’ compensation coverage. Is the cost of this expanded workers compensation coverage eligible?

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

May Fund payments be used for COVID-19 public health emergency recovery planning?

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

Are expenses associated with contact tracing eligible?

Yes, expenses associated with contract tracing are eligible.

To what extent may a government use Fund payments to support the operations of private hospitals?

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

May recipients create a “payroll support program” for public employees?

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

May Fund payments be used to assist impacted property owners with the payment of their property taxes?

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

May a State impose restrictions on transfers of funds to local governments?

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the accrued interest expense on TANs and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?

No. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.

May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

May recipients use Fund payments to provide loans?

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

Questions Related to Administration of Fund Payments

Do governments have to return unspent funds to Treasury?

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

What records must be kept by governments receiving payment?

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

May recipients deposit Fund payments into interest bearing accounts?

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

May governments retain assets purchased with payments from the Fund?

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

Are Fund payments to State, territorial, local, and tribal governments considered grants?

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are “other financial assistance” under 2 C.F.R. § 200.40.

Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

Are Fund payments subject to other requirements of the Uniform Guidance?

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?

Yes. The CFDA number assigned to the Fund is 21.019, pending completion of registration.

If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients’ total funding received from the federal government for purposes of the Single Audit Act?

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program

or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Adoption of the Utah Wildland Urban Interface Code 2006
AUTHOR: Dan Benson, Public Safety Director
DEPARTMENT: Public Safety
DATE: July 11, 2020
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will consider adopting ordinance No. 20-007, adopting the “Wildland Urban Interface Code” 2006 or “WUI Code”.

BACKGROUND:

Internationally, code officials recognized the need for a modern, up-to-date code addressing the mitigation of fire in the urban interface. The Wildland-Urban Interface Code “is designed to bridge the gap between enforcement of the International Building Code and the International Fire Code by mitigating the hazard of wildfires through model code regulations, which safeguard the public health and safety in all communities, large and small (2006, Utah WUI Code).

As Brian Head continues to grow and homes are impacting the Wildland-Urban Interface we want to be sure we are doing our part in developing a “set of regulations for mitigating the hazard to life and property from the intrusion of fire from wildland exposures and fire from adjacent structures, and preventing structure fires from spreading to wildland fuels” (2006, Utah WUI Code).

Brian Head Town is in the heart of the Wildland-Urban Interface. We have experienced a conflagration fire in 2017 and survived it. But the Town did not survive without some scars. A huge burn scar is all you see as you drive up SR-143. We lost a home along with other outbuildings. We lost huge revenues to our community as the entire Town was closed for an extended period of time. No business was being conducted at this time and a dip in our tourism occurred.

As we move forward and review this code we have found that it contains what our community requires to protect it from another devastating incident like the “Brianhead” fire of 2017.

ANALYSIS:

Both the Planning Commission and Town Council have met and reviewed the WUI Code. It was the feeling of staff that both felt that the code should be adopted in its entirety after adding verbiage that indicates we always use the more restrictive ordinance when a question may come up between “WUI Code” and “Land Management Code”. Brian Head Public Safety is in support of adopting the 2006 Utah Wildland-Urban Interface Code.

“The WUI Code is founded on principles intended to mitigate the hazard from fires through the development of provisions that adequately protect public health, safety, and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types of classes of materials, products or methods of construction” (2006, Utah WUI Code).

Iron County adopted this code years ago. I have spoken with the Iron County Building Department; they have not felt that the code is too intrusive, nor that the provisions have caused builders any significant challenges. Iron County building inspectors are currently our home building inspectors for the Town. They feel that this code is appropriate and should be adopted by ordinance.

FINANCIAL IMPLICATIONS:

It is my understanding that there would be no financial implications for the Town. Homeowners/ Homebuilders could see some cost increase as mitigation of vegetation will have to be included in the building costs. However, we are currently holding a cleaning bond for new construction that is 100% refundable when lot clean-up, including fuel reduction, is complete. We also noted an increase in building material costs that would be passed on to homebuilders.

BOARD/COMMISSION RECOMMENDATION:

Both the Planning Commission and the Town Council agreed that if there are conflicting codes between the Wildland Urban Interface and the Land Management or Town Ordinances, that we would enforce the more restrictive of codes.

During the July 7, 2020 Planning Commission meeting, the Commission made a motion to recommend the adoption of the WUI Code.

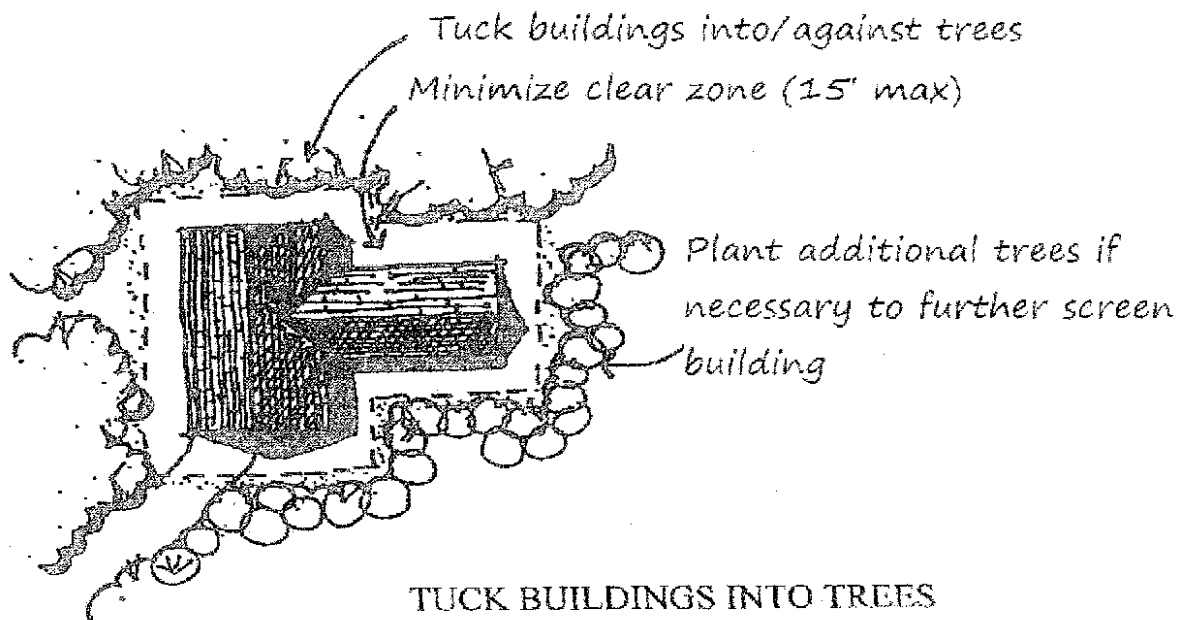
STAFF RECOMMENDATION:

Staff has reviewed the LMC and recommends making a couple of minor changes. Staff recommends that we leave the following in the LMC Title 9-12-3 L:

L. Removal of Hazardous Materials: Trees, brush, deadfall, natural vegetation, or combustible materials shall be removed and maintained at least fifteen feet (15') from structures as a defensible space for firefighting purposes. Additional areas may be required by the public safety department. Fire-resistant plant materials may be planted in the defensible space as approved by the public safety department.

This makes our LMC more restrictive than the WUI Code of only a 10' hazardous material clearance.

Staff also recommends that we remove the exhibit found in the LMC 9-12-5 B:



This exhibit leads to confusion as to the removal of hazardous trees and the distance from the structure we are requiring to be cleared.

With the above changes to the LMC, The Public Safety Department recommends that an ordinance adopting the Utah Wildland Urban Interface Code 2006 be adopted and incorporated into the Town Code and enforced on new construction.

PROPOSED MOTION:

I move to adopt ordinance number 20-007, an ordinance adopting the Utah Wildland Urban Interface Code 2006 into Title 8, Chapter 1 of the Brian Head Town Code.

ATTACHMENTS:

A – Utah Wildland Urban Interface Code 2006



WUI Code.pdf



ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE WILDLAND URBAN INTERFACE CODE INTO TITLE 8, CHAPTER 1 OF THE BRIAN HEAD TOWN CODE FOR BRIAN HEAD, UTAH, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Brian Head Town Council has identified a need for addressing fire mitigation in urban-interface areas such as Brian Head Town; and

WHEREAS, the Wildland Urban Interface Code 2006 is designed to bridge the gap between enforcement of the International Building Code and the International Fire Code by mitigating the hazard of wildfire through model code regulations which safeguard the public health and safety

WHEREAS, Brian Head Town has contracted with the Iron County Building Department to conduct building inspections for the Town; and

WHEREAS Iron County has adopted the 2006 Wildland Interface Code 2006 as part of the building requirements for building in Iron County in; and,

WHEREAS, The Brian Head Town Council has determined that it is in the Town's best interest to provide and protect the health, safety, and welfare of Brian Head Town residents and visitors to adopt the Wildland Urban Interface Code 2006.

NOW, THEREFORE BE IT ORDAINED by the Brian Head Town Council, that the Wildland Urban Interface Code 2006 "Attachment A" is incorporated herein.

Section 1. The Wildland Urban Interface Code 2006 "Attachment A" is hereby adopted into Title 8, Chapter 1.2 of the Brian Head Town Code.

Section 2. EFFECTIVE DATE. This Ordinance shall take effect upon its passage by a majority vote of the Brian Head Town Council; and.

Section 3. SEVERABILITY CLAUSE. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Conflict. To the extent of any conflict between other Town, County, State, or Federal ordinances or regulations, and this ordinance, the more restrictive is deemed to be controlling.

Section 5. REPEALER. All provisions of the Brian Head Town Code that are inconsistent with the expressed terms of this Ordinance shall be repealed.

PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH this ____ day of July 2020, with the following vote.

Town Council Vote:

Mayor Clayton Calloway	Aye_____	Nay_____
Council Member Larry Freeberg	Aye_____	Nay_____
Council Member Kelly Marshall	Aye_____	Nay_____
Council Member Shaun Kelly	Aye_____	Nay_____
Council Member Lynn Mulder	Aye_____	Nay_____

BRIAN HEAD TOWN COUNCIL

By: _____
Mayor Clayton Calloway

ATTEST:

Nancy Leigh, Town Clerk

(SEAL)

CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the ____ day of July 2020, and have posted a complete copy of the ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office, the Mall and the Brian Head Town website.

Nancy Leigh, Town Clerk



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Resolution amending the Snow Removal Policy
Amendment for Closure of Town Trail
AUTHOR: Aldo Biasi
DEPARTMENT: Public Works
DATE: July 14, 2020
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will discuss adopting a resolution amending the Snow Removal Policy to include conditions of when the Town will close the Paved Walking Trail

BACKGROUND:

In June of 2019, Staff presented an updated snow removal policy to the Council. In the policy, staff included when the new Town paved trail was to be cleared in the priority list and also that it would be closed if deemed a safety hazard. Further detail needed to be added to the policy as the next phases of the trail will be constructed.

ANALYSIS:

Sections of the new trail may not warrant to be cleared of snow and kept open during the winter. Staff has amended the following section of the policy under the Snow Removal Process heading.

Original

- ☐ If deemed a safety hazard by Public Works Director, the Town Trail may be closed until such time it is safe to re-open for use.

Proposed Changes

- ☐ If deemed a safety hazard by Public Works Director or Public Safety due to heavy snowfall, Public Works will not plow the Trail open and it will remain closed until such time it is safe to re-open for use.
- ☐ If deemed by Council that a section of the Town Paved trail does not warrant snow clearing operations in the winter, Council will direct staff to close that section of the trail and it will not be cleared until it is re-opened for use.

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends making the proposed changes to the Snow Removal Policy for clarification for when the trail is to be closed and to address new sections of the Paved Town Trail.

PROPOSED MOTION:

I move to adopt Resolution No. 494 a resolution amending the Snow Removal Policy for clarification for when the trail is to be closed and to be able address new sections of the Town Paved Trail as they are constructed.

ATTACHMENTS:

A – Current Snow Removal Policy

B – Resolution amending the Snow Removal Policy



BRIAN HEAD TOWN

RESOLUTION NO. ____

A RESOLUTION AMENDING THE SNOW REMOVAL POLICY FOR BRIAN HEAD TOWN.

WHEREAS, The Brian Head Public Works Director has determined that it is necessary to re-evaluate and modify the Brian Head Town Snow Removal Policy based on changing circumstance, including growth patterns, changing commercial demands, and changing health and public safety consideration: and

WHEREAS, The Snow Removal Policy was established and adopted by Resolution No. 373 in December 2007 by the Brian Head Town Council and whereas an amendment to the Snow Removal Policy was adopted by Resolution No. 483 adopted on June 24, 2019; and

WHEREAS, the Snow Removal Policy included the Town Walking Trail which was to remain open during the winter season to give guests safe access through Town but it was later determined that portions of the Town Walking Trail should be closed during the winter season for safety purposes, and;

WHEREAS, The Brian Head Town Council has determined that it is in the Town's best interest to provide and protect the health, safety, and welfare of Brian Head Town residents and visitors to amend the Snow Removal Policy.

NOW, THEREFORE BE IT RESOLVED by the Brian Head Town Council, that the Snow Removal Policy "Attachment A" is hereby amended and adopted as the Official Brian Head Town Snow Removal Policy.

Section 1. The Brian Head Town Snow Removal Policy dated July 2020 (attachment A) is hereby adopted by reference as the policy for Brian Head Town; and

Section 2. EFFECTIVE DATE. This resolution shall take effect upon its passage by a majority vote of the Brian Head Town Council; and.

Section 3. SEVERABILITY CLAUSE. If any section, subsection, sentence, clause, phrase, or portion of this resolution is for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this resolution.

DRAFT

Section 4. REPEALER, that any previous resolution that identifies the Brian Head Town Snow Removal Policy is hereby repealed.

PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH this ____ day of July 2020, with the following vote.

Town Council Vote:

Mayor Clayton Calloway	Aye____	Nay____
Council Member Larry Freeberg	Aye____	Nay____
Council Member Lynn Mulder	Aye____	Nay____
Council Member Shaun Kelly	Aye____	Nay____
Council Member Kelly Marshall	Aye____	Nay____

BRIAN HEAD, UTAH

By: _____
Mayor Clayton Calloway

ATTEST:

Nancy Leigh, Town Clerk

(SEAL)

Attachment “A”



BRIAN HEAD TOWN

SNOW REMOVAL PLAN/POLICY UPDATED 7/14/2020

PURPOSE

To provide for the public safety and welfare of Town residents and visitors by enhancing emergency access to occupied residences and businesses.

PRIORITY DESIGNATION FOR SNOW REMOVAL

❑ First Priority – Public Safety

Provide access for Marshal’s Department Personnel and to Fire House

❑ Second Priority – Residential

Provide street access to residential areas where roads have been deeded to the Town and constructed to Town Standards. **The Town does not plow or maintain right of ways or easements that are privately owned or Town Roads that have not been brought up to Town Standards.**

❑ Third Priority – Commercial

Provide street access to commercial areas

SNOW REMOVAL STANDARDS

- ❑ Plowing to begin when snow depth reaches 4” or at the direction of the Public Works Director and in cooperation with the Marshal’s Department.
- ❑ Sanding/cindering to begin when snowfall ceases or at the direction of the Public Works Director and in cooperation with the Marshal’s Department.
- ❑ Streets to be plowed (one pass minimum) within four hours of the commencement of snow removal operations.
- ❑ Snow removal to be done on a round-the-clock basis if needed.
- ❑ Street widening and clean-up to be completed as soon as possible after street plowing.
- ❑ Brian Head Town will not be responsible for the clearing of private parking, driveways, stairs, piles or berms that accumulate as a result of snow removal on Town streets, Town roads and Town Utility Easements (Refer to Snow Removal Map).
- ❑ Brian Head Town will not clear snow from roadways/easements that the Town does not own or that have not been brought up to Town standards.
- ❑ Brian Head Town is not responsible for the clearing of snow on Hwy 143. Public Works will do everything possible to assist UDOT in clearing snow, only after a request from UDOT and at the Direction of the Public Works Director.

DRAFT

- ❑ Brian Head Town cannot pull out stuck vehicles on Streets or Snow Mobile Trail. (Refer to Vehicle Recovery Resolution).

SNOW REMOVAL PROCESS

Upon commencement of plowing operations, the following will occur:

- ❑ Two plows will be dispatched and conduct **road opening** operations. All roads will have at least one lane open before beginning the next phase.
- ❑ After road opening one or more plows may be assigned to conduct **road widening** operations.
- ❑ One or more plows may be assigned to conduct snow push-back/clean-up operations. This activity may be conducted in conjunction with road widening operations and may include pushing, blowing, moving, loading, hauling, or repositioning snow for vehicle/ intersection visibility/pedestrian movement or to facilitate drainage and future snow events.
- ❑ Fire Hydrant (Town Owned) and the Paved Town Trail will be conducted in conjunction with the Road widening phase.
- ❑ If deemed a safety hazard by Public Works Director or Public Safety due to heavy snow fall, Public Works will not plow the Trail open and it will remain closed until such time it is safe to re-open for use.
- ❑ If deemed by Council that a section of the Town Paved trail does not warrant snow clearing operations in the winter, Council will direct staff to close that section of the trail and it will not be cleared until it is re-opened.

USE OF SNOW REMOVAL CONTRACTORS FOR TOWN PURPOSE

Independent contractors will be used for supplemental snow removal in addition to Town operations in the event town equipment is unavailable or when, in the judgement of the Brian Head Public Works Director, conditions warrant the need for additional capacity.

CRITERIA FOR CONTRATOR SELECTION

- ❑ Specific equipment needed.
- ❑ Rotational basis when all other conditions are equal

CONTRACTOR CRITERIA TO BE RETAINED ON AVAILABILITY LIST

- ❑ Agree to act as independent contractor
- ❑ Agree to fixed hourly rate
- ❑ Work quality
- ❑ Perform work in timely manner
- ❑ Submit proof of insurance
- ❑ Submit billing within 30 days
- ❑ Include date, hours worked, and equipment on billing

RESIDENTIAL (Private or Contracted) CLEARING OF SNOW

- ❑ Snow must be stored on your property or written permission for you or your contractor to store on another lot. Written permission must be provided to the Town for enforcement

DRAFT

purposes or face a fine for illegal dumping of Snow. (Refer to the fee schedule for fine amounts)

- ❑ Snow from Private Property cannot be stored in Town Right of Way.
- ❑ Do not push Snow up against or bury Town markers. (If you see that a marker is missing please notify the Public Works Department for a replacement)

PARKING

- ❑ No person shall park any vehicle or place any object that interferes with snow plowing or snow removal efforts of the Town or a traffic violation may be issued.
- ❑ No parking on the streets including dirt roads and cul-de-sac **from November 1st to April 30th or a traffic violation may be issued.**



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Dumpster Enclosures Discussion
AUTHOR: Aldo Biasi
DEPARTMENT: Public Works
DATE: July 14, 2020
TYPE OF ITEM: Discussion

SUMMARY:

The Council will discuss and give direction to staff on how to proceed forward with the Dumpster enclosure/screening proposal for commercial and residential dumpsters.

BACKGROUND:

Staff has been tasked with researching dumpster enclosures/screening to hide the more visible dumpsters along the highway to present a better appearance of the Town. Staff has reached out to Park City and also the City of Durango to gain knowledge on how the situation is handled for commercial and residential trash in other cities. The following is what was reported back from each city.

Park City

Trash collection in Park City is handled by a private contractor. Residential pick up is curbside containers and dumpsters are used for commercial pick up located on private property. Some of the sites have enclosures and some do not. The enclosures are constructed by and maintained by the businesses. Truck drivers get out to open and close the gates on the enclosures. The business is required to keep access open to the enclosures, which would include snow removal, parked cars, etc. If drivers are not able to get to the enclosures, the trash is not picked up until the truck can gain access and a fee may be applied for the trucks to come back.

City of Durango

Durango is an open market area when it comes to commercial trash and recycling services. They do haul their own trash for all the customers that choose to use their service. They do use dumpsters and also have some curbside cans in the commercial areas that businesses use. Around 5 years ago they came up with an enclosure design that they gave to their planning department that they include in all new builds or any type of exterior renovation that may occur to current businesses. Their goal was to try and clean up all the different areas that they have commercial dumpsters in and also enlighten the appearance. They do have an extended amount of areas that do not have enclosures from the past. It is up to the new businesses that are building new or renovating to include the enclosure specs in the new layouts. See attachment.

ANALYSIS:

The dumpsters are placed along the highway for various reasons. Everyone has their own opinions why, but here are a few

- Easier access for the truck due to snow removal not always being completed before pickup. (this keeps up the efficiency of labor and speed of the service provided by the Town)

- More parking closer to the condos or business
- The unsightliness is away from the condos/business
- More snow storage if the dumpster is placed in the right of way.

The dumpsters that are visible along the high way are for commercial use of the condo's complexes and business in those areas. Except for one dumpster on Circle Drive for the residents in that area.

Options to the visibility problem for Commercial

Option 1

The Town could follow other Cities and require the condos/business to construct enclosures on their private property. They would be responsible for maintenance and snow removal for truck access. They would also be more responsible for their tenants to put the trash in the dumpster and not simply just throw it into the enclosure causing a mess that the driver has to pick up before they can dump.

Pros

- Hides the dumpster
- Maintenance/access is done by the business and condos
- The Town is moving forward in the same direction as other Cities.
- It would allow for better enforcement of the Town policies for keeping a site clean and handling construction material and other non-dumping items. Currently, if something is left outside or in a dumpster that is not supposed to be there, Operators have to either remove it before dumping, or a second operator has to come and load up the objects and haul them off, because we cannot just leave it outside of the dumpster on the ground. If the Property owner has their own enclosure, the operator simply will not pick up the dumpster until the issue is resolved and it remains hidden behind their enclosure.
- This option also removes some liability issues for the Town due to someone hitting a dumpster with a vehicle that is in the Right of Way.
-

Cons

- Takes up space for business and condos
- Potential slow down of truck, adjustments, and a learning curve would have to be done.
- Added cost for Construction.

The residential dumpster on Circle Drive could be relocated to another location that would have to be constructed once it is chosen.

Modified option 1

- Require the dumpsters to be relocated closer to business/condos and not right out in the open and not requiring an enclosure.

Option 2

The Town could construct portable dumpster enclosures/screens (see attached design options) that would hide the dumpster. There are liability issues if the portable enclosure/screens were set in the Right of Way the same as if the dumpster is set there.

Pros

- Dumpster is hidden

Cons

- Maintenance on the enclosure would be done by the Town
- Trash could potentially be thrown on top or set outside of the enclosure defeating the purpose. (if they cannot get it in, they will just leave it, for someone else to deal with)
- Added time for trash hauling
- Snow removal for access for gates to open.

Option for Residential Dumpsters

There are a few residential dumpsters that are located in the neighborhoods that have few issues. Some are on private property and need to be relocated to Town right of way. The Town could construct portable dumpster enclosures (see attached design options) that would hide the dumpsters in these areas also, but it is Staffs understanding that these dumpsters are not the issue. With the pros and cons similar to the commercial options.

Pros

- Dumpster is hidden

Cons

- Maintenance of the enclosure would be done by the Town at added cost and labor.
- Trash could potentially be thrown on top or set outside of the enclosure defeating the purpose. (if they cannot get it in, they will just leave it, for someone else to deal with)
- Added time for trash hauling. Possible needing a second truck to run to complete the route due to added time.
- Snow removal for access for gates to open.
- The Town would also have to store a few dumpster enclosures in inventory in an area that is already limited on space.

FINANCIAL IMPLICATIONS:

Staff estimates the portable dumpster enclosure to cost approx. \$4000.00 to \$5000.00 each to constructed commercially, staff has the ability to build, but not the time or space.

The added cost increase labor for added snow removal, operator time and maintenance are not figured in this proposal, it is estimated that another full-time operator would be needed to be able to perform this added service efficiently.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends that a notice be sent out to the business and condos (with a time frame for construction and implementation) informing them that they are responsible to construct a

dumpster enclosure that is approved by the Town to conceal the dumpster on their private property and they are responsible for maintenance and snow removal for access of the trucks

PROPOSED MOTION:

N/A

ATTACHMENTS:

A – City of Durango Enclosure Design

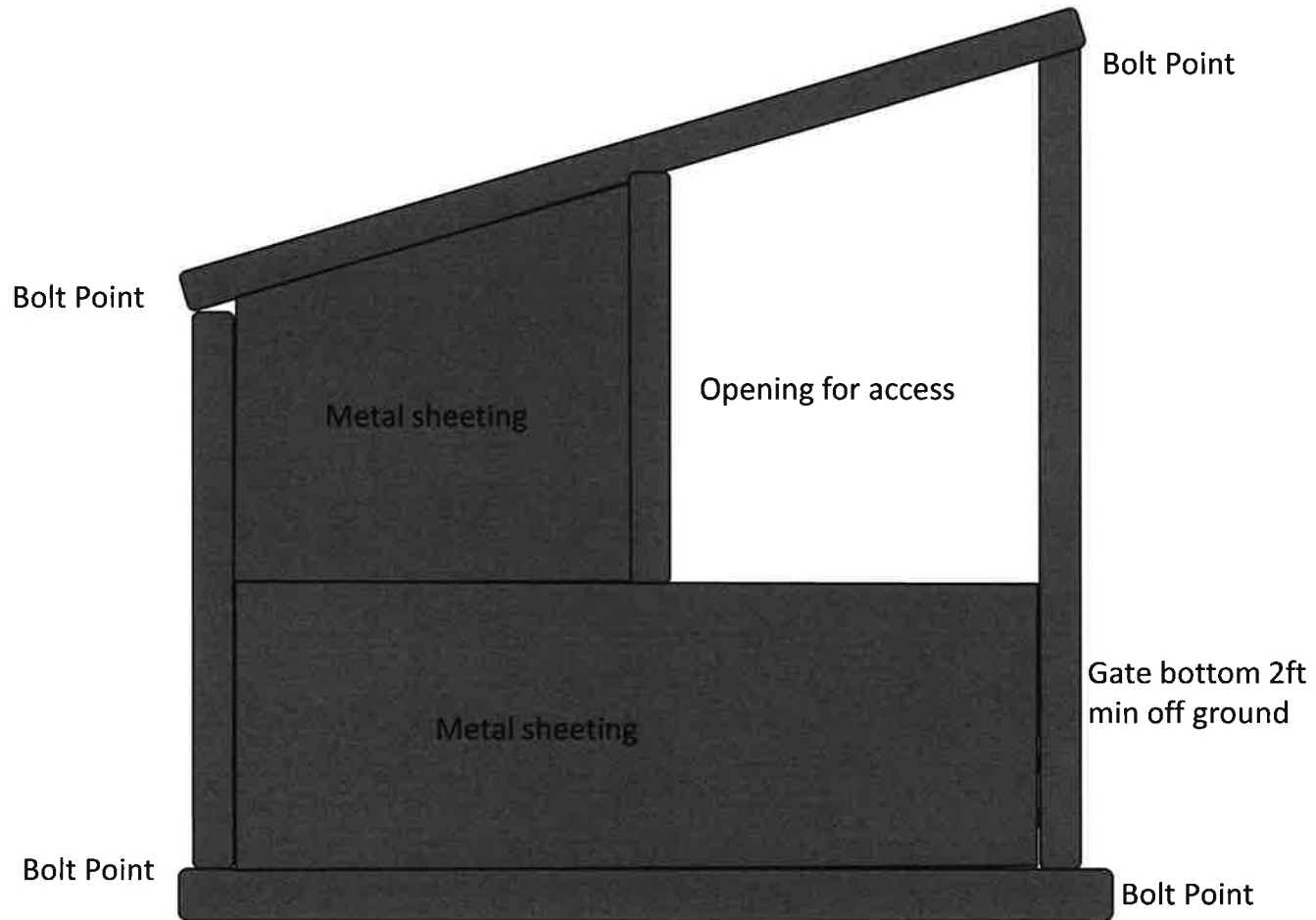
B – Portable dumpster Enclosure/Screen Design

Dumpster Enclosure Design

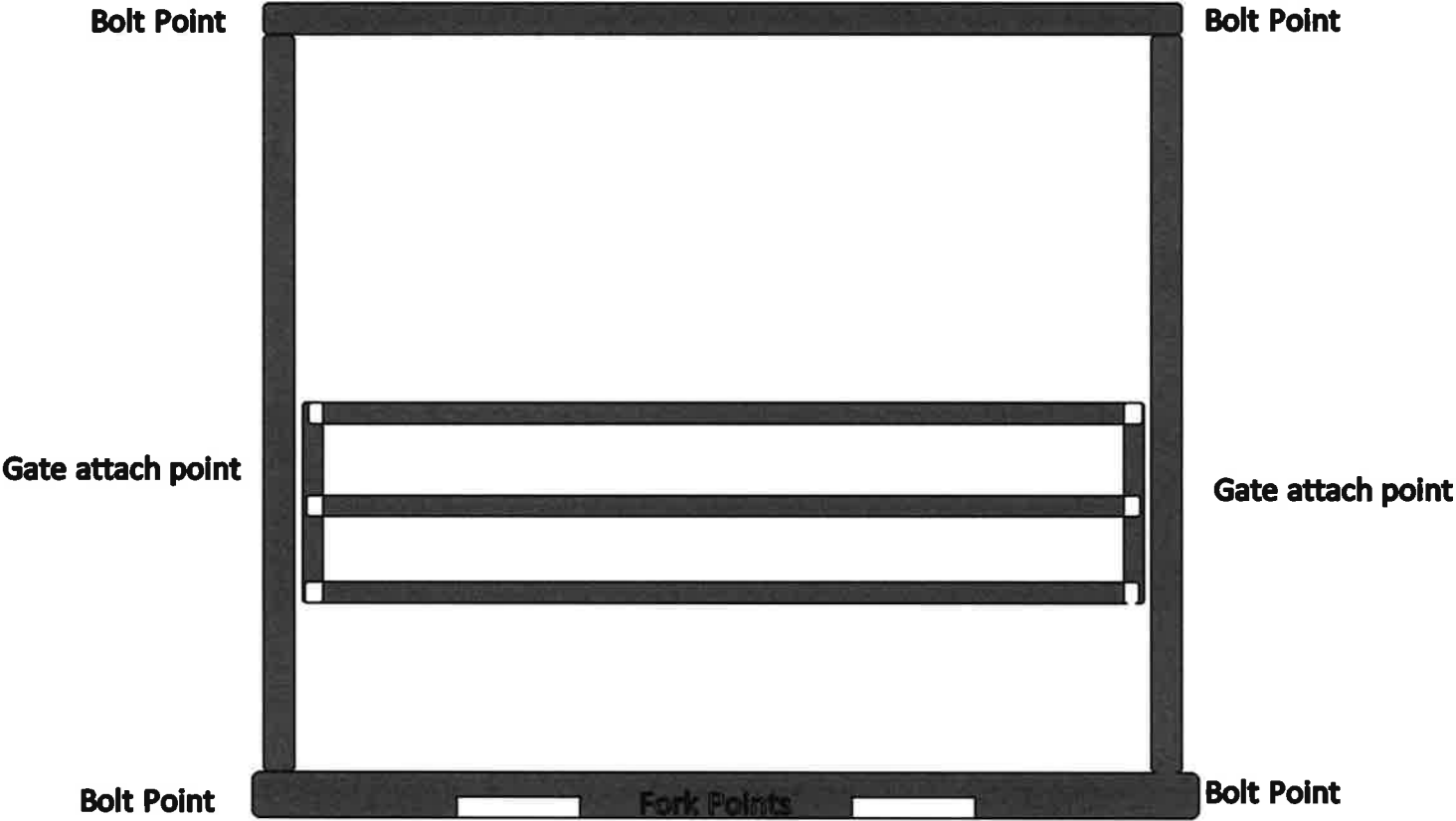
The enclosure will be constructed out of metal sheeting, angle iron, channel and either round pipe or square tube of various sizes ranging from 1in to 6in for the base. The enclosure will have the following features:

- Metal Roofing that is an approved color
- Solid Back
- Front Gate (pin to stay open or closed)
- Partially covered sides with access to sliding doors on dumpster
- Roof height would allow for dumpster lid to only open to approx. 2 ft, limiting the size of objects to be put inside
- Extended base on front and sides for snow removal
- Locations for loader forks to be able to transport the enclosure
- Frame work to be out of welded pieces that bolt together allowing for repairs to be made more efficiently.
- Frame work will be powder coated to an approved color for less long-term maintenance

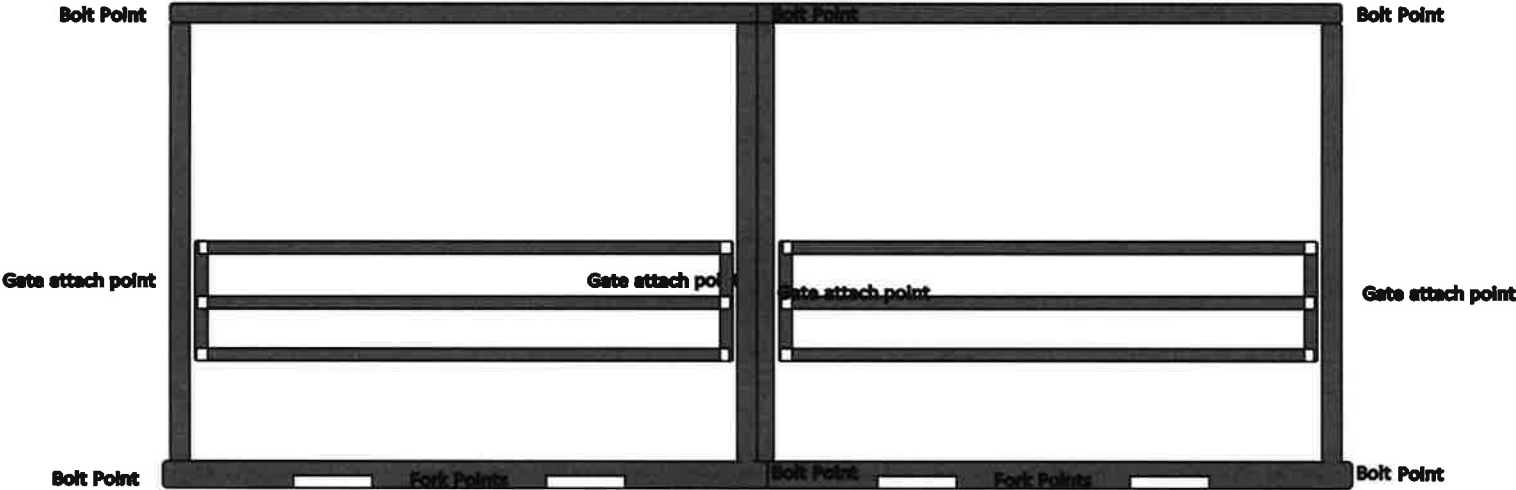
Side Profile



Front Profile



Possible Combine
Structure for 2 dumpsters
enclosure

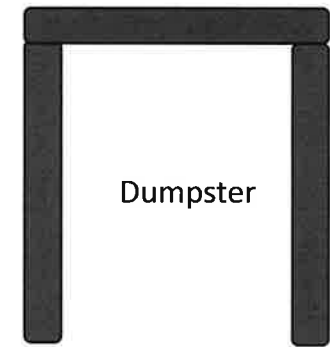


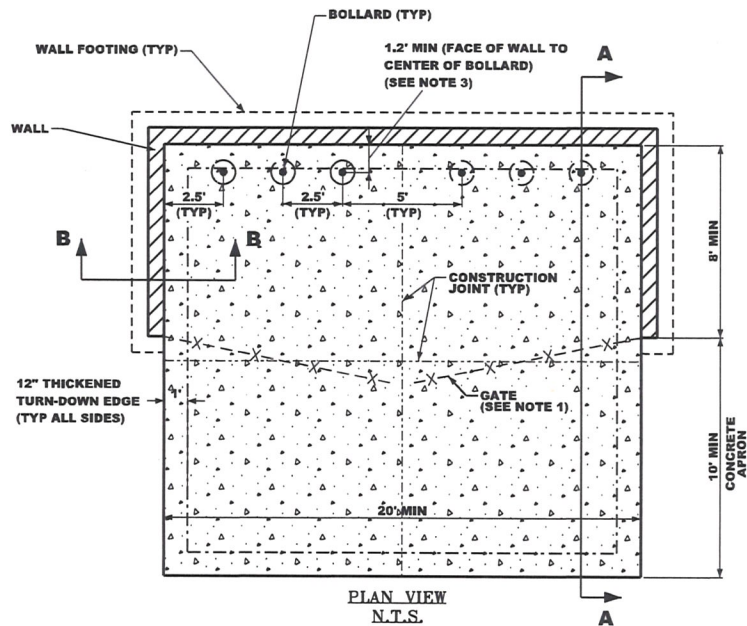
Screen Design

Build framework to hold metal panels to block view, Be able to lift for transport from the back, no roof or gate, would walk inside panels to access the slides on dumpster

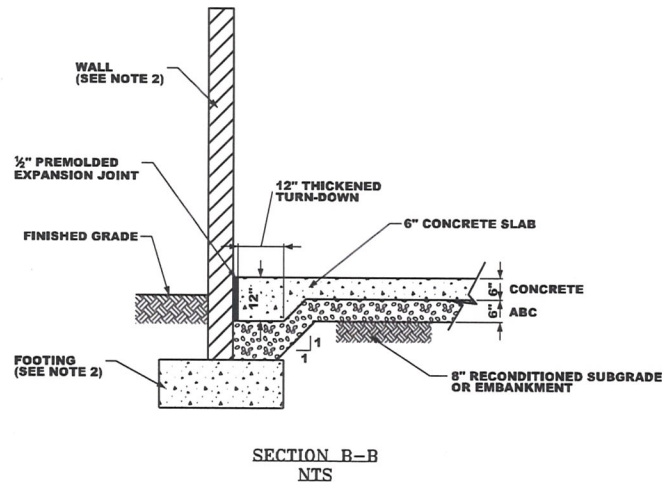
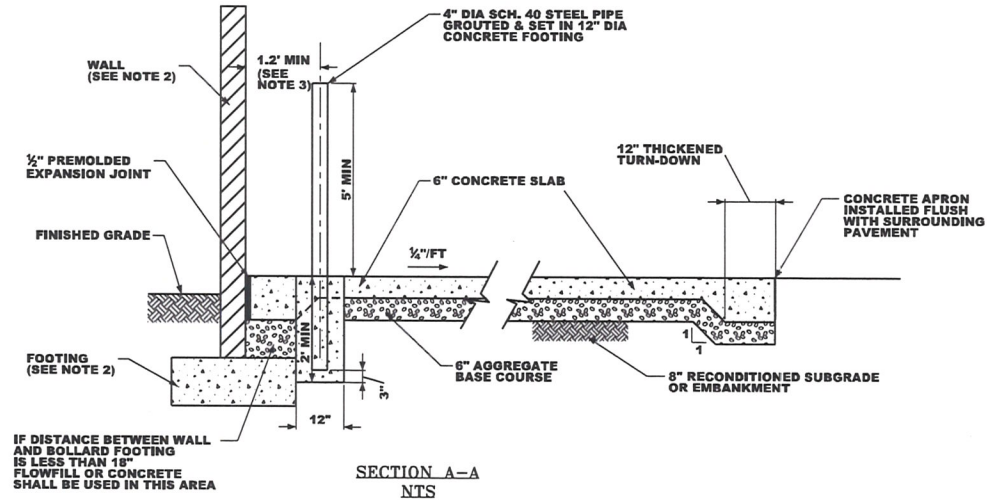
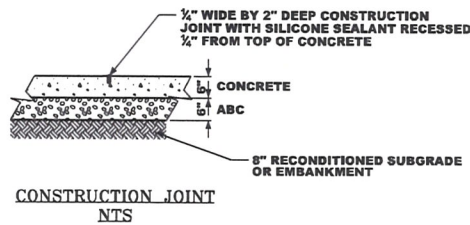


Top View

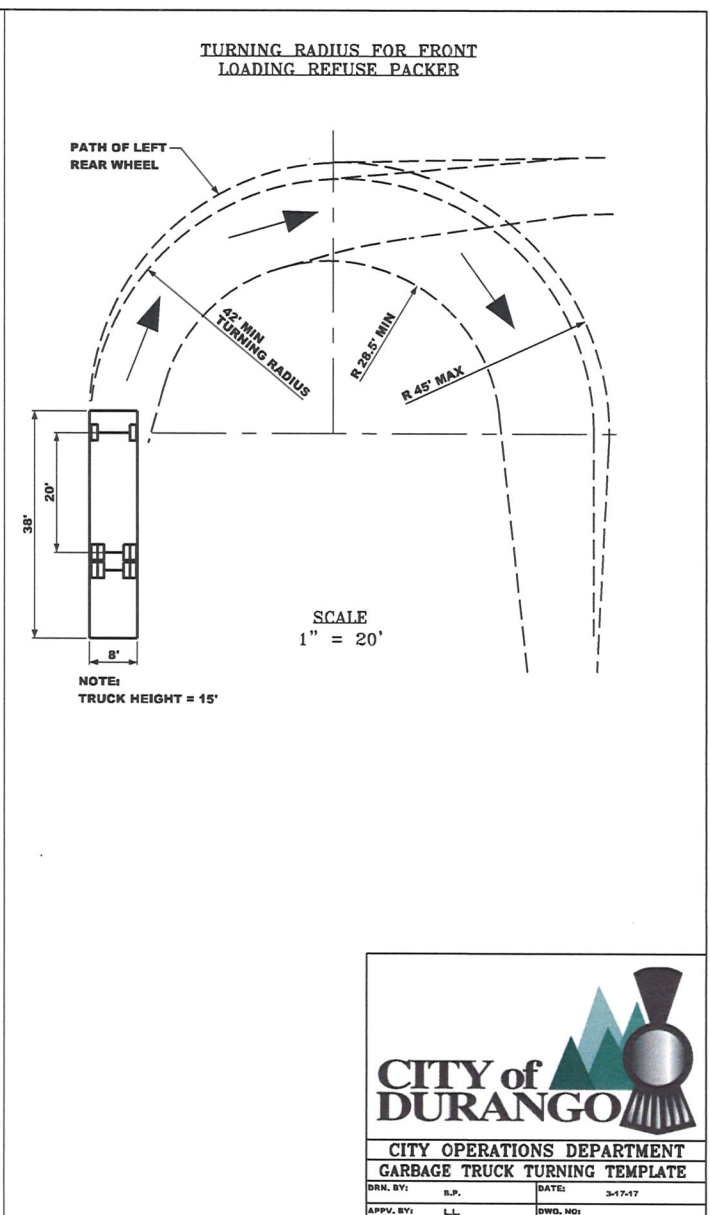
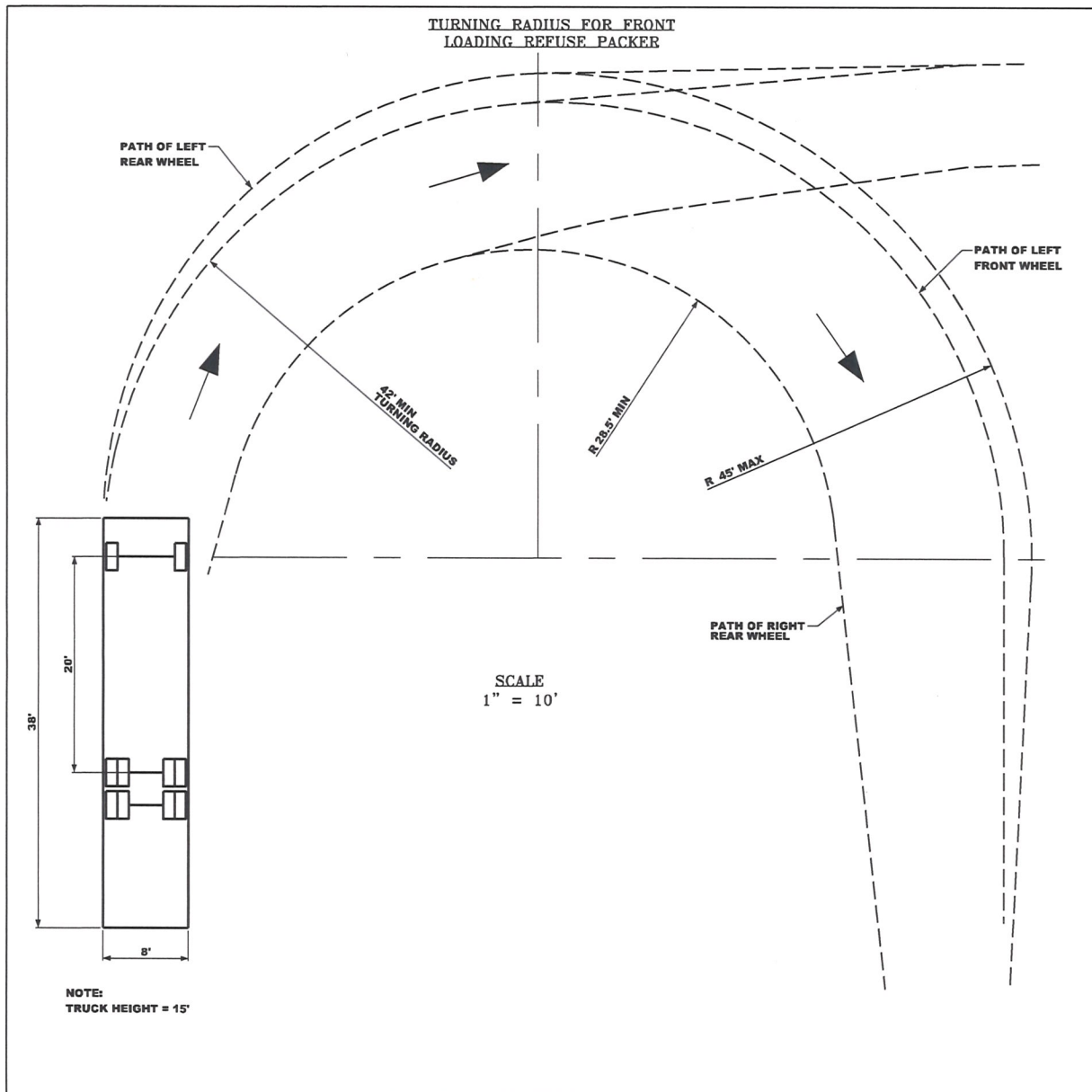




- NOTES:
1. GATE MUST OPEN 180 DEGREES AND HAVE THE ABILITY TO BE SECURED IN AN OPEN POSITION FOR TRASH PICK-UP. GATES REQUIRE SUBMITTAL TO AND APPROVAL BY THE CITY OF DURANGO.
 2. WALL TO BE DESIGNED BY DEVELOPER'S ARCHITECT/ENGINEER. COLOR, TEXTURE, AND MATERIAL OF ENCLOSURE TO BE SUBMITTED TO PLANNING DEPARTMENT FOR APPROVAL.
 3. FOOTING WIDTH MAY DICTATE.
 4. PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL SURFACES, ASPHALT AND CONCRETE, ALONG THE DRIVE PATH OF THE COLLECTION VEHICLE.
 5. 4" DIA. SCH 40 STEEL PIPE GUARD POSTS SHALL RECEIVE A ZINC CHROMATE PRIME COAT AND 2 COATS FLAT MATTE PAINT TO MATCH ENCLOSURE.
 6. CONCRETE SHALL BE CLASS D FIBER REINFORCED CONCRETE PER CDOT SPECIFICATIONS.
 7. FINAL LOCATION AND ORIENTATION OF TRASH ENCLOSURE TO BE DETERMINED/APPROVED BY THE CITY OF DURANGO.
 8. AGGREGATE BASE COURSE TO BE CLASS 6 ABC PER CDOT SPECIFICATIONS. AGGREGATE PLACEMENT TO TO BE PER THE CITY OF DURANGO SPECIFICATION SECTION 207.0.
 9. RECONDITIONED SUBGRADE TO BE CONSTRUCTED PER CITY OF DURANGO SPECIFICATION SECTION 205.0.
 10. ANY EMBANKMENT TO BE CONSTRUCTED PER CITY OF DURANGO SPECIFICATION SECTION 204.0.
 11. FOR ANY DUMPSTER ENCLOSURES LOCATED INSIDE GARAGES OR UNDER ROOF OVERHANGS, A 25' MIN VERTICAL CLEARANCE MUST BE PROVIDED TO ACCOMMODATE THE HEIGHT OF THE TRUCK AND THE SWEEP MOTION OF THE LIFTING ARMATURE AND CONTAINER.



 CITY of DURANGO	
CITY OPERATIONS DEPARTMENT	
TRASH ENCLOSURE DETAILS	
DRN. BY: S.P.	DATE: 3-17-17
APPV. BY: L.L.	DWG. NO:





STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Ordinance Amending the Water/Sewer Codes
AUTHOR: Aldo Biasi
DEPARTMENT: Public Works
DATE: July 14, 2020
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will consider an ordinance amending the following chapters of Title 7 -Utilities section of the Town Code. Staff, after discussing with the Council on May 26, 2020 has taken their recommendations and brought back the following Town code changes for Council approval.

- Title 7 Utilities Chapter 1 Water Use and Service
 - Title 7 Utilities Chapter 2 Water Use and Service Article C. Water Facilities Construction Cost Reimbursement Guidelines and Provisions
- Title 7 Chapter 2 Sewer Use and Service
 - Title 7 Utilities Chapter 2 Sewer Use and Service Article A. Sewer Facilities Construction Cost Reimbursement Guidelines and Provisions

BACKGROUND:

With the installation on the Mountain View and Salt Pile water lines the Town has been getting requests for information on what is required to hook up and possibly extend this mainline to surrounding areas. The Town Code Title 7- Utilities, either does not address these issues or has grey area on what is allowed. Staff also would like clarification on certain items that are already in the code, but not necessarily enforced, such as requirement to hook to the Culinary or Sewer system.

Staff was directed to move forward and to bring back a red lined code for the proposed changes to be approved by the Council. As we extend the Towns service, staff needs to be sure we are doing this in the best way possible for the Town.

ANALYSIS:

Staff has edited the Town code to the following which includes, the recommendations of the Council in red

Culinary Water

7-1-3: MANDATORY CONNECTION REQUIREMENTS:

Brian Head Town is a Wildland Urban Interface. The mandatory connection requirement is intended to better the health, safety and welfare of the Town. **It shall be mandatory for any new dwelling unit or facility used for human occupancy being built, reconstructed or altered where a building permit is required** and/or constructing or installing any water fixture utilizing culinary water to apply and pay for the appropriate water connection, and connect to the town water system when the system is within three hundred feet

(300') of a property line where the waterline is installed in a Town approved street, right of way or Town approved easement. All connections shall be through an approved water meter. The System shall be ran to the furthest point of the property when extended inside a Town approved street, right of way or a Town approved easement.

7-1-4: CONNECTION TO SYSTEM:

- C. Waiver of Water Connection Requirement: In the event that a water connection is required by this chapter, but is not practically feasible due to unusual circumstances, a letter of waiver may be provided by the Public Works Director stating the nature of the unusual circumstances. Unusual circumstances shall be determined by the Public Works Director, and may include such things as grade, physical barriers, insufficient capacity of system, distance of home from property line, topography, etc. Additionally, the town shall explain its intent to provide, or not to provide, for a future water connection, as well as a statement of acknowledgment for the use of an appropriate on site water system.

Title 7 Utilities Chapter 2 Water Use and Service Article C. Water Facilities Construction Cost Reimbursement Guidelines and Provisions

- Staff proposes that this entire section of the Code be removed. Line extension agreements and collection of payments/reimbursements should not be the responsibility of the Town and should remain between the private parties. (Please see attachments for the entire section of this Code)

Sewer

Title 7 Utilities Chapter 2 7-2-3 B Connection Required

- Connection Required: Any owner of property located within the town shall connect (hook up) to the town system when a sewer main line is within three hundred feet (300') and is installed in a Town Street, Right of Way or Town approved easement of any portion of the property boundary as follows:

Title 7 Utilities Chapter 2 Sewer Use and Service Article A. Sewer Facilities Construction Cost Reimbursement Guidelines and Provisions

- Staff proposes that this entire section of the Code to be removed. Line extension agreements and collection of payments/reimbursements should not be the responsibility of the Town and should remain between the private parties. (Please see attachments for the entire section of this Code)

Enforcement and Moving Forward

- Staff proposes that we start fresh once the Mountain View Line and Salt Pile lines are completed and re-designated to distribution lines.

- Town staff will make a GIS layer of the properties that are within the 300-foot mark of water and sewer mainlines for tracking. This layer would be updated annually. Notices will be sent to property owners where connection to sewer is required.

FINANCIAL IMPLICATIONS:

The new connections will have a financial impact on the Town's funds. As more people hook up, it will help pay for the cost of the Mountain View and Salt Pile Water line projects. It will also spread the water mains throughout the area.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the Council adopt the proposed amendments to the Town Code to eliminate gray areas and be able to give clear requirements to people who request information to connect to the Town Services.

PROPOSED MOTION:

I move to adopt Ordinance No. 20-008, an ordinance amending Title 6, Chapter 1.3 and 1.4 of the Water and Chapter 2.7.2.3(B) Sewer Use and Service and repealing Chapter 1 Article C of the Water Code and Chapter 2, Article A of the Sewer Code

ATTACHMENTS:

Attachment A - Ordinance Amending the Water & Sewer Code

Attachment B – Chapter 1 Article C to be repealed.

Attachment C – Chapter 2 Article A to be repealed.

DRAFT



ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 7, UTILITIES, 7.1.3 WATER USE AND SERVICE, MANDATORY CONNECTION REQUIREMENTS AND 7.2.3 SEWER USE AND SERVICE, USE OF PUBLIC SEWER REQUIRED AND REPEALING CHAPTER 1. ARTICLE C: WATER FACILITIES CONSTRUCTION COSTS REIMBURSEMENT GUIDELINES AND PROVISIONS AND CHAPTER 2, ARTICLE A: SEWER FACILITIES CONSTRUCTION COSTS REIMBURSEMENT GUIDELINES AND PROVISIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Brian Head Town Council has determined it necessary to amend the Town's Water and Sewer Code in order to establish the rules and regulations for water and sewer connections and service of the Town's culinary water system and sewer system; and

WHEREAS, the Council determined that it was in the best interest of the Town to repeal Chapter 1, Article C of the Water Code and Chapter 2, Article A of the Sewer Code to eliminate the reimbursement agreements between property owners and the Town when a water or sewer line is installed; and

WHEREAS, the Brian Head Town Council has determined that it is in the best interest of the public health, safety, and welfare of Brian Head Town to amend Title 7, Chapter 1.3 of the Water Code and Chapter 2.3 Sewer Code of the Brian Head Town Code.

NOW THEREFORE, BE IT ORDAINED BY THE BRIAN HEAD TOWN COUNCIL, IRON COUNTY, STATE OF UTAH AS FOLLOWS:

SECTION 1. The Brian Head Town Water Code 7.1.3 and Sewer Code 7.2.3 are hereby adopted as follows:

TITLE 7, CHAPTER 1 WATER USE AND SERVICE:

7-1-3: MANDATORY CONNECTION REQUIREMENTS:

Brian Head Town is a Wildland Urban Interface. The mandatory connection requirement is intended to better the health, safety, and welfare of the Town. **It shall be mandatory for any new dwelling unit or facility used for human occupancy being built, reconstructed or altered where a building permit is required** and/or constructing or installing any water fixture utilizing culinary water to apply and pay for the appropriate water connection, and connect to the town water system when the system is within three hundred feet (300') **of a property line where the waterline is installed in a Town approved street, right of way or Town approved easement. All connections shall be through an approved water meter. The System shall be ran to the furthest point of the property when extended**

Ordinance No. _____

DRAFT

inside a Town approved street, right of way or a Town approved easement.

7-1-4: CONNECTION TO SYSTEM:

C. Waiver of Water Connection Requirement: In the event that a water connection is required by this chapter, but is not practically feasible due to unusual circumstances, a letter of waiver may be provided by the Public Works Director stating the nature of the unusual circumstances. Unusual circumstances shall be determined by the Public Works Director and may include such things as grade, physical barriers, insufficient capacity of system, distance of home from the property line, topography, etc. Additionally, the town shall explain its intent to provide, or not to provide, for a future water connection, as well as a statement of acknowledgment for the use of an appropriate on-site water system.

TITLE 7, CHAPTER 2, SEWER USE AND SERVICE:

7-2-3: USE OF PUBLIC SEWER REQUIRED:

- B. Connection Required: Any owner of property located within the town shall connect (hook up) to the town system when a sewer mainline is within three hundred feet (300') and is installed in a Town Street, Right of Way or Town approved easement of any portion of the property boundary as follows:
1. New Construction: Connection to a public sewer is required where a new dwelling unit or facility used for human occupancy is being proposed, built, reconstructed or altered, and where a building permit is required.
 2. Existing Dwelling Or Facility:
 - a. Failed System: Connection to a public sewer is required when the existing septic system has failed and needs repairs to the leach field or septic tank (treatment outside the building in the septic tank or absorption system).
 - b. Unpermitted System: Connection to a public sewer is required within one year of a notice to comply issued by Southwest Utah public health department, when the owner of property is unable to provide information and materials that a septic system permit has been issued by Southwest Utah public health department.
 - c. Change Of Ownership: Connection to a public sewer is required when the ownership of property changes to another owner.
 - d. New Sewer Service Availability: Connection to a public sewer is required within three (3) years of a new public sewer main line becoming available to an existing dwelling or facility.

TITLE 7, CHAPTER 1 WATER USE AND SERVICE, ARTICLE C: WATER FACILITIES CONSTRUCTION COSTS REIMBURSEMENT GUIDELINES AND PROVISIONS are hereby repealed in its entirety.

TITLE 7 CHAPTER 2 SEWER USE AND SERVICE, ARTICLE A: SEWER FACILITIES CONSTRUCTION CONSTS REIMBURSEMENT GUIDELINES AND PROVISIONS are hereby repealed in its entirety.

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SECTION 2. Effective Date. Upon this Ordinance being adopted by the Brian Head Town Council of Iron County, Utah, all provisions of this ordinance shall be incorporated into the Brian Head Town Code.

SECTION 3. Repealer: All provisions of the Brian Head Town Code that are inconsistent with the express terms of this ordinance shall be repealed. All other provisions of the Brian Head Town Code shall remain in full force and effect as codified.

SECTION 4. Conflict. To the extent of any conflict between other Town, County, State, or Federal ordinances or regulations, and this ordinance, the more restrictive is deemed to be controlling.

SECTION 5. Severability Clause. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason, held invalid or unconstitutional by any court or competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH this ____ day of July 2020, with the following vote.

Town Council Vote:

Mayor Clayton Calloway	Aye____	Nay____
Council Member Lynn Mulder	Aye____	Nay____
Council Member Larry Freeberg	Aye____	Nay____
Council Member Kelly Marshall	Aye____	Nay____
Council Member Shaun Kelly	Aye____	Nay____

BRIAN HEAD TOWN COUNCIL
BRIAN HEAD, UTAH

By: _____
Mayor Clayton Calloway

ATTEST:

Nancy Leigh, Town Clerk

(SEAL)

CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the ____ day of July 2020 and have posted a summary of adopted ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall and a complete copy of the adopted ordinance on the Brian Head Town Website.

Nancy Leigh, Town Clerk

Ordinance No. ____

~~Title 7 – Utilities~~

~~Chapter 2~~ ~~Sewer Use & Service~~

~~ARTICLE A. SEWER FACILITIES CONSTRUCTION~~ ~~COSTS REIMBURSEMENT GUIDELINES AND~~ ~~PROVISIONS~~

~~7-2A-1: PURPOSE AND FINDINGS:~~

~~7-2A-2: DEFINITION:~~

~~7-2A-3: REIMBURSEMENT GUIDELINES AND PROVISIONS:~~

~~7-2A-4: CALCULATION OF REIMBURSEMENT COSTS:~~

~~7-2A-1: PURPOSE AND FINDINGS:~~

~~A. Purpose: It is the purpose of this article to establish guidelines and provisions for the reimbursement of costs to developers for the construction of sewer system improvements within the town annexation boundaries.~~

~~B. Findings: Based on preliminary information, the town finds:~~

- ~~1. It is necessary in the interest of the public health, public safety and general welfare that the town and the county promote the construction of sewer system infrastructure within the annexation boundary of the town; and~~
- ~~2. By allowing for the reimbursement of the costs of the construction of sewer systems, the likelihood of developers constructing new sewer facilities is increased;~~
- ~~3. It is fair and equitable for other lot owners or developers to reimburse a previous developer for the costs incurred by the previous developer for the construction of the sewer facility. (Ord. 07-003, 3-13-2007)~~

~~7-2A-2: DEFINITION:~~

~~For the purposes of this article, "sewer main line" means that portion of a central wastewater collection system (public system) that is used or designed to gather or collect sewage for delivery to an approved wastewater treatment facility, and is owned and maintained by a municipality or~~

~~service district. For the purposes of this article, an eight inch (8") diameter pipe is the minimum size to be considered a sewer main line and eligible for reimbursement. (Ord. 07003, 3-13-2007)~~

~~7-2A-3: REIMBURSEMENT GUIDELINES AND PROVISIONS:~~

- ~~A. Agreement: In the event that a developer desires to install new sewer infrastructure, with an eight inch (8") minimum diameter, and connect to the town sewer collection system, they shall be entitled to enter into an agreement with the town to provide for the reimbursement of a proportional share of the actual costs of constructing or extending the sewer infrastructure.~~
- ~~B. Costs Paid: The reimbursement of the costs would be paid by lot owners or developers who thereafter connect to the new sewer infrastructure. The reimbursement agreement would be binding on all current or future lot owners connecting to the new sewer system, unless a written agreement is executed between the initial developer and the lot owner, waiving the reimbursement requirement.~~
- ~~C. Submittal, Approval: In order for a reimbursement agreement to be effective, the reimbursement agreement must be executed and construction drawings of the new facilities must have been submitted and approved by the public works department prior to the installation of the new sewer infrastructure.~~
- ~~D. Collection: Thereafter, the installation reimbursement costs shall be collected for the provision of new sewer facilities until the initial developer has been reimbursed, without interest, according to the terms of a reimbursement agreement, or for a ten (10) year period following the execution of the reimbursement agreement.~~
- ~~E. Payment Not Guaranteed: The town in no way guarantees payment to the initial developer, except to the extent that funds are actually collected from lot owners or developers in accordance with the terms of this article.~~
- ~~F. Additional Costs: In addition to the cost of the extension, the lot owner or developer shall pay the physical connection costs and or any other impact fees as required by ordinance. (Ord. 07-003, 3-13-2007)~~

~~7-2A-4: CALCULATION OF REIMBURSEMENT COSTS:~~

- ~~A. Methods Of Calculation: With respect to any reimbursement agreement entered into by the town, the town may consider methods of calculating reimbursement costs, such as: 1) by number of connections; 2) by length of infrastructure fronting a lot; or 3) by volume or capacity demand.~~
- ~~B. Determination Of Method: Each reimbursement agreement shall specify which method or combination of methods shall be used to calculate reimbursement costs. Which methods of~~

~~calculation are used in each development agreement shall be determined by the town, in its sole discretion.~~

~~C. Responsibility For Billing And Collection Of Reimbursement Amounts: It is the responsibility of the developer to notify the town if any third party connects or intends to connect onto said sewer main as installed by the developer at any time within ten (10) years from the date of signing a reimbursement agreement. The town shall, upon receipt of written notification from the developer, inform the third party of the reimbursement agreement and collect said fee as part of the approval for sewer connection, in addition to charging the usual connection and impact fee. The town shall then pay the amount over to the developer until such time as they have been reimbursed for the amount agreed upon in the reimbursement agreement, or up and until the expiration of ten (10) years, whichever shall occur first. The town in no way guarantees payment to the developer, except to the extent that the developer timely notifies the town of the need to collect funds from a third party and funds are collected from such third party and in accordance with the terms set forth above. (Ord. 07-003, 3-13-2007)~~

~~Title 7 – Utilities~~

~~Chapter 2~~ ~~Water Use & Service~~

~~ARTICLE C. WATER FACILITIES CONSTRUCTION~~ ~~COSTS REIMBURSEMENT GUIDELINES AND~~ ~~PROVISIONS~~

~~7-1C-1: PURPOSE AND FINDINGS:~~

~~7-1C-2: DEFINITION:~~

~~7-1C-3: REIMBURSEMENT GUIDELINES AND PROVISIONS:~~

~~7-1C-4: CALCULATION OF REIMBURSEMENT COSTS:~~

~~7-1C-1: PURPOSE AND FINDINGS:~~

~~A. Purpose: It is the purpose of this article to establish guidelines and provisions for the reimbursement of costs to developers for the construction of culinary water system improvements within the town annexation boundaries.~~

~~B. Findings: Based on preliminary information, the town finds:~~

- ~~1. It is necessary in the interest of the public health, public safety and general welfare that the town and the county promote the construction of water system infrastructure within the annexation boundary of the town;~~
- ~~2. By allowing for the reimbursement of the costs of the construction of water systems, the likelihood of developers constructing new water facilities is increased;~~
- ~~3. It is fair and equitable for other lot owners or developers to reimburse a previous developer for the costs incurred by the previous developer for the construction of the water facility.
(Ord. 07-003, 3-13-2007)~~

~~7-1C-2: DEFINITION:~~

~~For the purposes of this article, "water main line" means that portion of a central water distribution system (public system) that is usual water laterals, and is owned and maintained by a municipality~~

or service district. For the purposes of this article, an eight inch (8") diameter pipe is the minimum size to be considered a water main line and eligible for reimbursement. (Ord. 07-003, 3-13-2007)

~~7-1C-3: REIMBURSEMENT GUIDELINES AND PROVISIONS:~~

- ~~A. Agreement: In the event that a developer desires to install new water infrastructure, with an eight inch (8") minimum diameter, and connect to the town water distribution system, they shall be entitled to enter into an agreement with the town to provide for the reimbursement of a proportional share of the actual costs of constructing or extending the water infrastructure.~~
- ~~B. Costs Paid: The reimbursement of the costs would be paid by lot owners or developers who thereafter connect to the new water infrastructure. The reimbursement agreement would be binding on all current or future lot owners connecting to the new water system, unless a written agreement is executed between the initial developer and the lot owner, waiving the reimbursement requirement.~~
- ~~C. Submittal, Approval: In order for a reimbursement agreement to be effective, the reimbursement agreement must be executed and construction drawings of the new facilities must have been submitted and approved by the public works department prior to the installation of the new water infrastructure.~~
- ~~D. Collection: Thereafter, the installation reimbursement costs shall be collected for the provision of new water facilities until the initial developer has been reimbursed, without interest, according to the terms of a reimbursement agreement, or for a ten (10) year period following the execution of the reimbursement agreement.~~
- ~~E. Payment Not Guaranteed: The town in no way guarantees payment to the initial developer, except to the extent that funds are actually collected from lot owners or developers in accordance with the terms of this article.~~
- ~~F. Additional Costs: In addition to the cost of the extension, the lot owner or developer shall pay the physical connection costs and or any other impact fees as required by ordinance. (Ord. 07-003, 3-13-2007)~~

~~7-1C-4: CALCULATION OF REIMBURSEMENT COSTS:~~

- ~~A. Methods Of Calculation: With respect to any reimbursement agreement entered into by the town, the town may consider methods of calculating reimbursement costs, such as: 1) by number of connections; 2) by length of infrastructure fronting a lot; or 3) by volume or capacity demand.~~
- ~~B. Determination Of Method: Each reimbursement agreement shall specify which method or combination of methods shall be used to calculate reimbursement costs. Which methods~~

~~of calculation are used in each development agreement shall be determined by the town, in its sole discretion.~~

~~C. Responsibility For Billing And Collection Of Reimbursement Amounts: It is the responsibility of the developer to notify the town if any third party connects or intends to connect onto said water main as installed by the developer at any time within ten (10) years from the date of signing a reimbursement agreement. The town shall, upon receipt of written notification from the developer, inform the third party of the reimbursement agreement and collect said fee as part of the approval for water connection, in addition to charging the usual connection and impact fee. The town shall then pay the amount over to the developer until such time as they have been reimbursed for the amount agreed upon in the reimbursement agreement, or up and until the expiration of ten (10) years, whichever shall occur first. The town in no way guarantees payment to the developer, except to the extent that the developer timely notifies the town of the need to collect funds from a third party and funds are collected from such third party and in accordance with the terms set forth in this article. (Ord. 07-003, 3-13-2007)~~



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Consolidated Fee Schedule Resolution
AUTHOR: Nancy Leigh, Town Clerk
DEPARTMENT: Administration
DATE: July 14, 2020
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will review and adopt resolution No.495 amending the Consolidated Fee Schedule with a retroactive effective date of July 1, 2020.

BACKGROUND:

Every year the Council reviews and approves the Consolidated Fee Schedule for the town. This is typically done once the budget is approved and always has an effective date of July 1st.

ANALYSIS:

This year there were no increases to the utility rates and staff is proposing a few changes to the fee schedule. Some of the proposed changes are:

1. Land Use Fees: Staff has researched and determined there should a reduction in the fees for land use.
2. Publication Fees: The Town purchased a new plotter/scanner in which the costs have increased for the printing of small and large maps.
3. Bonds: Two bonds were added into the Consolidated Fee Schedule. The cleanup bond has always been assessed, but it is now identified in the fee schedule. The landscaping bond will be associated with the property owner instead of the contractor. This will give the Town the ability to enforce landscaping on the property.
4. Impact Fees: In 2010, the Council made a motion to approve a 25% reduction in the impact fees, up to the total amount of the fee, if water and/or sewer lines were extended. Staff is identifying this in the fee schedule.
5. Utility Service Fees: A \$1 fee has been added on for those requesting a paper bill. This fee is to incentive utility customers to go paperless.

Attached is the proposed Consolidated Fee Schedule for the Council's review showing the proposed changes in the fee schedule in red font.

FINANCIAL IMPLICATIONS:

The fees proposed reflect a more accurate cost associated with the process.

The other fees will reflect a more accurate cost associated with the process.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the Council approve the proposed changes to the Consolidated Fee Schedule and adopt the fee schedule as presented with a retroactive date of July 1, 2020, for fiscal year purposes.

PROPOSED MOTION:

I move to adopt Resolution 495, a resolution amending the Consolidated Fee Schedule as presented with a retroactive effective date of July 1, 2020.

ATTACHMENTS:

A – Consolidated Fee Schedule Resolution & Fee Schedule



Brian Head Town

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE CONSOLIDATED FEE SCHEDULE FOR TOWN OF BRIAN HEAD, BRIAN HEAD, UTAH, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Brian Head assesses fees for various zoning procedures, building permits, and other administrative permits, utilities and services provided in the Brian Head Code, and other codes adopted by Brian Head Town; and

WHEREAS, a Consolidate Fee Schedule has been adopted by the Town of Brian Head, and amended by resolution, from time-to-time, for all fees provided for or required under Brian Head Town Ordinances into a single document to facilitate more efficient administration and access of the various fees for the public.

NOW, THEREFORE, BE IT RESOLVED, by the Brian Head Town Council that the attached "Consolidated Fee Schedule" dated July 01, 2020, is hereby updated, and adopted, to be implemented by the Brian Head Town staff forthwith.

BE IT FURTHER RESOLVED this Resolution and associated fees supersedes all previous versions and shall have a retroactive date of July 01, 2020.

PASSED AND ADOPTED by the Brian Head Town Council this _____ day of July 2020, by the following vote.

Town Council Vote

Mayor Clayton Calloway	Aye_____	Nay_____
Council Member Lynn Mulder	Aye_____	Nay_____
Council Member Kelly Marshall	Aye_____	Nay_____
Council Member Larry Freeberg	Aye_____	Nay_____
Council Member Shaun Kelly	Aye_____	Nay_____

BRIAN HEAD TOWN

Clayton Calloway, Mayor

ATTEST:

Nancy Leigh, Town Clerk

(SEAL)



BRIAN HEAD TOWN

CONSOLIDATED FEE SCHEDULE

Effective July 01, 2020

Land Use Fees

General Plan Amendment	\$1,000/Application
Zoning Amendment	\$1,000/Application
Special Assessment Area (SAA)	\$1,000/Application
Building Concept Review	~~\$250~~ \$100/Application / \$50.00 Small Bldg. Application
Conditional Use	\$400
Variance	\$400
Subdivision/PUD Infrastructure	1% of Engineer's infrastructure costs.
Subdivision/PUD Schematic	~~\$750~~ \$500/Application
Subdivision/PUD Preliminary Plat	~~\$1500~~ \$1000 application fee
Subdivision/PUD Final Plat	~~\$1250~~ \$500 application fee
~~Subdivision/PUD Plat Amendment w/Public Hearing~~	~~\$750~~ \$500 application fee
~~Lot Line Vacation Plat Amendment w/o Public Hearing~~	~~\$500~~ \$250 application fee
~~Lot Line Adjustment Plat Amendment~~	~~\$250 application fee~~
Subdivision by Metes & Bounds	~~\$1000~~ \$500 application fee
Minor Subdivision (Parcel Split)	~~\$750~~ \$250 application fee
(Additional mailing costs may be applied if application fee is exceeded)	
Development Agreement	\$5,000 Down payment to be applied to actual cost incurred by Town staff to prepare and/or present agreement. A positive balance must be maintained or work on agreement will cease.
Annexation Petition	\$500, plus cost associated w/ feasibility impact, infrastructure & admin analysis
Planning Commission Special Meeting	\$500
Trenching and Grading Permit	
For each address or single street cut*	\$100
*Verification as licensed contractor, \$5,000 bond and \$1,000,000 insurance policy with Town as additional insured must be on file with Brian Head Town for any work in any public right-of-way or connection to Town sewer or water mains or grading permit issued prior to an associated building permit.	
Logging/Tree Removal Permit	
Individual Trees for Safety/Fire	No Fee
Residential	\$25
Construction	\$100/Application
Commercial Logging	\$500/Application
Burn Permit	\$10 Residential / \$100 Commercial
Sign Permit, Permanent	\$50/Application
Sign Permit, Temporary (<i>Banner</i>)	No Charge

Administrative Code Violations

1st Violation Notice & Reinspection
2nd Violation or Recurrence

No Charge
(a) \$100 fine & \$50 per day of continuing violation for the 14 days immediately following notice of violation and \$100 per day thereafter; or
(b) any higher penalty amount otherwise provided by Town Code
\$50
Citation / To Be Determined by Court

Repeat Inspection Fee
3rd Violation or Recurrence

Licensing Fees

Business Licenses:

\$80.00 / New Business Application
\$40.00 / Renewal of Business License
\$10.00 / Door-to-Door Solicitation Employee Permit
\$50.00 / Sexually Oriented Employee Permit
\$200.00 / Sexually Oriented Business
\$160.00 / New Application – Nightly Rentals
\$80.00 / Renewal Application – Nightly Rentals
No Charge for Special Event Vendor
\$10 Neutered / \$20 Non-neutered
\$100
\$50

Dog License
Alcohol License, Initial
Alcohol License, Renewal

Publications

Land Management Code
General Plan
Public Works Construction Manual
Maps

\$30.00 bound copy
\$20.00 bound copy
\$30.00 bound copy
\$0.25 for 11"x17" black/white copy
\$0.50 for 11"x17" color copy
\$0.50 for photo copy
~~\$25.00~~ \$35.00 for Small Map
~~\$50.00~~ \$60.00 for Large Map

Administrative Fees

NSF Check
Copies

\$25/Returned Check
\$0.05 per B/W Copy
\$0.10 per Color Copy

Faxes

\$0.10 per page for outgoing faxes
\$0.10 per page for incoming faxes

GRAMMA Request

determined on an individual basis per UCA 63-2-203.

Inspection Fees

One-time Building Inspection
Re-inspection Fee
Nightly Rental Fire Inspection

Iron County
Iron County
\$30.00

Bonds (Refundable)

Subdivision Completion Bonds	125% of Engineers Cost to Complete
Building Permit Cleanup Bond	\$1000
Landscaping Bond	\$1000

Building Permit Fees

COLLECTED BY IRON COUNTY

Building Permit Fees

VALUATIONS

1. New Construction \$150/sq ft
2. Finished basements \$50/sq ft
3. Decks \$25/sq ft
4. Remodeling: Value determined by the contractor and approved by the Building Official to reflect the cost of work for code related items.
5. Valuations may be modified by the Building Official when evidence supports raising or lowering the valuation due to circumstances outside the norm or specifically mentioned above.

Building Permit Calculation Table

TOTAL VALUATION	FEE
\$1 to \$500	\$24
\$501 to \$2,000	\$24 for the first \$500; plus \$3 for each additional \$100 or fraction thereof, to and including \$2000
\$2,001 to \$40,000	\$69 for the first \$2,000; plus \$11 for each additional \$1,000 or fraction thereof, to and including \$40,000
\$40,001 to \$100,000	\$487 for the first \$40,000; plus \$9 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$1,027 for the first \$100,000; plus \$7 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,827 for the first \$500,000; plus \$5 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 and over	\$6,387 for the first \$1,000,000; plus \$4 for each additional \$1,000 or fraction thereof.

Plan Review & Other Applicable Fees Collected by Iron County

New Service Utility Deposit **\$300.00**

Impact Fees

Water	\$5,250.88 x Conversion Factor
Sewer	\$1,096.91 x Conversion Factor
Public Safety	\$153.00 x Conversion Factor

**** Individuals who extend water or sewer lines may receive a 25% reduction of verified construction costs up to the full amount of the impact fee.**

IMPACT FEE CONVERSION FACTOR

Single Family/Condo	1 ERC
All Others	Per Actual Fixture Unit Calculations

*One ERC (Equivalent Residential Connection) is equivalent to 24 water fixture units as calculated in Table 604.3 of the 2006 International Plumbing Code, and 20 drainage fixture units as calculated in Table 709.1 of the 2009 International Plumbing Code.

Connection Fees

Water

Residential: \$1,750

Installation by contractor, vault and meter provided by town.

Commercial: \$350 Inspection

Meter, vault and all associated materials to be provided by the contractor per Brian Head Public Works Standards. Payment is for town inspection only.

Inspection services by Town, Street opening & closing by separate permit.

Sewer

\$350

Utility Service Fees

Water	Monthly Base Rate/Demand Charge
Residential .5 ERC ¹	\$38.00
Residential 1ERC ²	\$76.00
Commercial	\$150.00
Commercial Business in a Multi-family complex ³	\$150.00

¹One Half (.5) ERC- A single unit (regardless of ownership) consisting of (1) room, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom and food storage, preparation and serving accommodations consisting of not more than a single bowl sink, a refrigerator of not more than 5 cubic feet, and an electrical outlet which may be used for a microwave oven. Water consumption for this type of unit will be calculated at .5 of an ERC with a maximum calculated consumption of 2500 gallons per unit per month.

²Full ERC (1), Residential Unit, Dwelling Unit, or Condo Unit- A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Water consumption for this type of unit will be calculated at 1ERC with a maximum calculated consumption of 5000 gallons per unit per month.

³Where a commercial business shares a water meter within a multi-family residential or hotel project, and installing a separate commercial meter is not feasible, the Town shall calculate estimated monthly water consumption for the commercial business based on comparable businesses (in Brian Head or other communities) and bill that amount in addition to the base monthly charge.

Residential (Single Family, Condo, Townhouses)

Base Rate includes 5,000-gallon allowance

Above 5,001 but less than 10,000 gallons

Above 10,001 gallons but less than 15,000 gallons

\$3.70/K-gal

\$4.46/K-gal

Above 15,001 gallons but less than 20,000 gallons	\$5.17/K-gal
Above 20,001 gallons	\$12.26/K-gal
Monthly rate for disconnected Service (5/8", 3/4", 1")	\$59.00

Commercial Uses ⁴**Base Rate includes 10,000-gallon allowance**

10,001 to 150,000 gallons	\$4.46/K-gal
Above 150,000 gallons	\$5.17/K-gal
Monthly rate for disconnected Service	\$118.00

Construction Water

\$125.00 monthly meter charge, \$1500.00 Deposit	\$10.00/K-gal
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Bulk Water

\$100.00/K-gal	Non-Resident
\$75.00/K-gal	Resident

⁴Where a commercial business is located within a multi-family residential or hotel project, and installing a separate commercial meter is not feasible, the Town shall calculate estimated monthly water consumption for the commercial business based on comparable businesses (in Brian Head or other communities) and bill that amount in addition to the base monthly charge. The monthly utility bill shall be calculated by adding the base allowance (5,000 gal for 1 ERC, 2,500 gal for .5 ERC) use for each unit in the building and subtracting that from the total water meter reading. The remainder (if there is any) shall be charged using the commercial water rate table.

Example #1: 50 unit condo with a shared meter commercial facility having 30,000 gallon and a meter reading of 300,000 gallons of water.

50 ERC X 5,000 gallons= 250,000 gallons
 300,000 gallon meter read – 250,000= 50,000 gallon remainder.
 50,000 remainder – 10,000 credit for commercial allowance = 40, 000 gallon excess use
 40,000 gallon excess use x 4.46 per thousand gallons= \$178.40.

Resulting Bill: 50 ERC x \$76.00=	\$3800.00
Commercial Base Fee=	\$150.00
<u>Excess Water Use=</u>	<u>\$178.40</u>
Total=	\$4128.40

Example #2: 50 unit condo with a shared meter commercial facility having 30,000 gallon and a meter reading of 230,000 gallons of water.

50 ERC X 5,000 gallons= 250,000 gallons
 230,000 gallon meter read – 250,000= -20,000 gallon remainder.
 Where the remainder is a negative there is no overage charge

Resulting Bill: 50 ERC x \$76.00=	\$3800.00
<u>Commercial Base Fee=</u>	<u>\$150.00</u>
Total=	\$3,950.00

Sewer	Monthly Base Rate/Demand Charge
Residential .5 ERC	\$19.50 per month
Residential 1ERC	\$39.00 plus 60% of water overuse charge
Commercial	60% of water bill
Commercial Business in a Multi-family complex	60% of water bill after residential use is subtracted

Monthly rate for disconnected service for single family house	\$34.00
Monthly rate for disconnected commercial service	\$71.00

Trash	
Residential (.5 and 1 ERC)/Office	\$12.00
Residential/Office Recycle Fee	\$0
Retail	\$81.00
Restaurant/Lounge	\$110.00
Commercial Recycle Fee	\$0

**	Late Penalty	5% / month
	Reconnect Fee	\$100.00
	Disconnect Fee	\$100.00
	Meter Re-read	\$50.00
	Paper Bill	\$1.00

Special Events

**Special fees or exceptions may be granted by Administration for local non-profit organizations or civic functions. Additional fees may be charged if there are special needs or setup/takedown.*

Town Hall Rental	\$150.00 p/day – Council Chambers \$75.00 for half day up to four hours \$50.00 p/day – Conference Room \$25.00 for half day up to four hours – Conference Room \$25.00 p/day – Kitchen \$15.00 for half day up to four hours - Kitchen \$250.00 Refundable Deposit
Public Safety Building Rental	\$200.00 p/day – Large Multi-Purpose Room \$100.00 for half day up to four hours – Multi-Purpose Room \$100.00 p/day – Small Conference Room \$50.00 for half day up to four hours – Conference Room \$25.00 p/day – Kitchen \$15.00 for half day up to four hours - Kitchen \$250.00 Refundable Deposit
Town Pavilion Rental	\$50.00 per day \$25.00 for half day up to four (4) hours \$250.00 Refundable Deposit
Trail Restoration	Actual Costs to restore trail
Fire Station Tables	\$5.00 per table
Police Officer	\$50.00 p/hr.
Police Officer with Vehicle	\$120.00 p/hr.
Traffic Cone rental	\$0.50 per day per cone minimum \$10.00
Traffic Warning sign rental	\$15.00 per day per sign
Traffic Cone/Sign drop off	\$120.00 after hours
Garbage Dumpster	\$125.00 plus after hour costs if applicable
Motor Grader	\$177.00 per hour w/operator
Dump Truck	\$125.00 per hour w/operator
Dump Truck w/plow and sander	\$175.00 per hour w/operator
Large Loader 938	\$106.00 per hour w/operator
Large Loader 938 w/snow blower	\$141.00 per hour w/operator
Small Loader 930	\$98.00 per hour w/operator
P/W employee	\$50.00 per hour
P/W employee w/pick up	\$120.00 per hour

Miscellaneous Town Code Violations:

Alarm System Violation	\$50.00
E.A.S.Y Program 2 nd Violation	\$250.00
E.A.S.Y. Program 3 rd Violation	\$500.00