

Approved August 11, 2020

The Regular Meeting of the
Brian Head Town Council
Via Zoom Meeting ID# 889 4056 3503
www.zoom.us
TUESDAY, JULY 14, 2020 @ 1:00 PM

Members Present: Mayor Clayton Calloway, Council Member Shaun Kelly, Council Member Larry Freeberg, Council Member Lynn Mulder, Council Member Kelly Marshall (arrived at 1:35 pm).

Staff Present: Bret Howser, Town Manager, Nancy Leigh, Town Clerk, Shane Williamson, Town Treasurer; Aldo Biasi, Public Works Director, Wendy Dowland, Public Works, Chief Dan Benson.

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Brian Head Town Council to order at 1:00 pm for July 14, 2020.

B. PLEDGE ALLEGIANCE

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

C. DISCLOSURES

Mayor Calloway stated he may have a conflict of interest with Agenda Item F-9, Consolidated Fee Schedule, because he is a contractor in Brian Head and the bonds would affect his business.

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

D. APPROVAL OF THE MINUTES:

June 23, 2020, Town Council Meeting

Motion: Council Member Mulder moved to approve the June 23, 2020, Town Council minutes with corrections. Council Member Freeberg seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 5 Yes: Council Member Freeberg, Council Member Kelly, Council Member Marshall, Council Member Mulder, Mayor Calloway. Absent: Council Member Marshall).**

July 2, 2020, Town Council Special meeting

Motion: Council Member Freeberg moved to approve the July 2, 2020, Town Council Special Meeting minutes. Council Member Mulder seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Freeberg, Council Member Mulder, Council Member Kelly, Mayor Calloway. Absent: Council Member Marshall).**

E. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS.

Nancy Leigh, Town Clerk, reported the annual open meeting training will be online through the Utah State Auditor's office. The link will be sent to all of the Town's boards and once completed



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with the training, a certificate will be issued. Nancy requested the Council submit their certificates to her for her records.

Council Member Mulder invited the Council and public to the Community Fire Reduction Event Wednesday, August 19, 2020 from 9:00 am to noon. The event is sponsored by the Brian Head Fire Council.

Mayor Calloway

1. The Grand Opening for the new Manzanita Trail was held on July 3, 2020. Mayor Calloway reported a good turnout for the event and encouraged the public to use the scenic trail.
2. Met with a County Commissioner and County staff to look at potential OHV trails on the south end of Brian Head to connect with other OHV trails near Duck Creek.
3. Thanked the staff for getting the electronic reader board out during the 4th of July holiday.

Council Member Freeberg, thanked Sargant Guymon and Sheriff Aaron Powell for their quick response to an accident his friend had at Twisted Forest.

Bret Howser, Town Manager

1. Met with a representative from Senator Romney's office to discuss the construction of an OHV Trail south out of Brian Head. The Senator's representatives are supporting the Town in resolving issues with the Forest Service in establishing an OHV trail. In another meeting with Forest Service representatives, a discussion was held regarding the specific requirements needed to begin the process of establishing an OHV trail since the Forest Service is showing reluctance to construct the OHV Trail. Staff will continue to work with Senator Romney's office and the County to push the trail through.
2. The new fiscal year budget began July 1st and staff will continue to work on the 2020 fiscal year budget with outstanding expenditures that will continue to come in including several grant proceeds. Bret updated the Council on the sales taxes that are significantly lower due to the Covid-19 pandemic.

Shane Williamson, Town Treasurer, reported staff will soon be finalizing the fiscal year 2020 budget.

Wendy Dowland, Public Works, updated the Council on the Building Department. There has been one residential building permit issued and numerous changes in ownership due to the increase in real estate sales. Council Member Freeberg inquired if staff completed an action step in creating a contractor's information packet for building in Brian Head. Bret responded staff will be addressing this action step.

F. AGENDA ITEMS:

1. PUBLIC HEARING FOR NIGHTLY RENTAL CODE AMENDMENT & LICENSE FEE DISCUSSION. A public hearing and discussion on the Nightly Rental Code and License Fee Study.

Bret Howser, Town Manager, explained the Council is considering a proposed amendment of the Nightly Rental Code (see attached) that would add a provision that the licensee would be responsible for their guests if their guests egregiously violated the Nuisance and/or Nightly Rental Code and could result in suspension or revocation of their license after three written violations. The proposed amendment was a recommendation from the Short-Term Rental Committee who met to review the nightly rental code after a year from its adoption.

Staff also completed a business license fee study (see attached). Bret gave a brief explanation of the requirements for a business license fee study. The fee study proposes the following changes in fees:



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- a) New Nightly Rental Application: \$150 which would include one rental unit.
 - b) Renewal for nightly rental would be \$90.
 - c) Additional units for new applications: \$30 per unit.
 - d) Additional units for renewal: \$19 per unit.
- Other businesses Fees:
- a) New application fee: \$87.
 - b) Renewal fee: \$62.

Mayor Calloway explained to those who wished to comment that the Council would not respond to questions or interact with the public during the public hearing portion of the meeting but would address each question once the public hearing is closed. Mayor Calloway opened the public hearing at 1:28 pm for input on the proposed amendments and/or license fee study.

Bob Whitelaw, Alpine Lodging Rentals, commented he has owned several condos units for the past thirteen years, has worked in Brian Head for the past twelve years and has held a season ski pass for the past thirty-five years. Mr. Whitelaw stated he disagrees with the proposed changes and believes the fees are way offline and is disappointed in the restrictions and changes which have taken place over the last year and is grateful that some of the proposed changes were not adopted. Mr. Whitelaw stated he believes the proposed changes and fees are ridiculous and should be voted no. According to the Salt Lake Tribune newspaper, the hospitality industry has taken the biggest hit in Utah, and now is not the time to place more restrictions, changes and increase fees for businesses. He reminded the Council the nightly rental businesses pay twice the amount of licensing fees which do not include the fire inspection fees which add an additional \$30 fee. Mr. Whitelaw stated all units must be in compliance to obtain a license and if a license is revoked, that business would need to start over again if the Town were to allow it. Mr. Whitelaw stated that for the Town to hold any business responsible for the actions or choices of their guests at the risk of losing their business license is ridiculous. Businesses should not be responsible for the guests since the businesses do not have control over the guests if they bring alcohol and get rowdy and break the law. Should it be Apple Annie's responsibility since they sold them the alcohol? Mr. Whitelaw stated he has zero control of what a person does, says, acts, or behaves or who they invite over after they have made the reservation. Mr. Whitelaw stated the Town should cite the person who broke the law, not the licensee. If the Town were to enact this provision, the Town should also hold other businesses accountable for the same standard and if a guest were to break the law on their property, they should also be held accountable for their guest's behavior. If the Town continues to tighten the restrictions, the nightly rental businesses will no longer be a business in Town. The Town should be looking at Airbnb, Vrbo, and Vacasa who are putting other businesses out of business by their deceptive online advertising with low rates and charging high cleaning fees and other fees. The guests are being charged \$100 and only \$18 is being passed. Do not put condos in the same category in the same zone as single-family zones.

Mr. Whitelaw commented on the increased fees to not nickel and dime the small businesses with an overinflated administrative cost analysis. The calculated cost is going to be higher with the new requirements. Mr. Whitelaw stated he guarantees staff did not spend an additional 2.18 hours looking at his rentals that he has managed over this past year and suggested the Town hire a part-time assistant at a lower wage other than the \$100,000 Town Clerk's salary. Mr. Whitelaw thanked the Council for listening.

Scott Kraft, RB Self Rentals, submitted a written comment (see attached). Mr. Kraft stated he would like to propose that if owners become responsible for their guests, that contacting the police for a guests' violation would relieve the owner of the threat of canceling the business license since, at that time, that is all the owner can do without a confrontation with the guests. Also pointed out that Airbnb and Vrbo collect taxes for cleaning and booking fees that are taxed under Utah law.



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Todd Abney, nightly rental owner, commented he is a new nightly rental business and, in looking at the fee schedule, he just paid \$160 for a new application and his renewal is in two and a half months. He would like the Council to consider a pro-rated fee for those who apply for a license towards the end of the licensing year.

Kelly Kennedy, nightly rental owner, stated her rental is in a single-family residential zone and commented she does everything possible on her advertising site with Airbnb and Vrbo to state the policy to her guests and she advertises a lower occupancy limit than what her maximum limit is. As an owner, she would like to be contacted on any issues regarding her rental so she can contact the renters; otherwise, she would not be aware of any issues happening. If guests are breaking the law, the guests should be responsible and not the owner of the nightly rental. Ms. Kennedy stated she does not know why the Council would consider this path to punish the licensee for other people's behavior.

Charlene Foley, resident, submitted a written comment (see attached). Ms. Foley commented she would like a provision added for the maximum number of vehicles allowed along with trespassing violations that should be specifically identified in the requirements. Ms. Foley stated the trespassing language would help the guest to respect other people's property.

Larry Edgerton, resident, submitted a written comment (see attached). Mr. Edgerton stated he is impressed with the proposed license fee study and would also like to see the specific wording to add the maximum number of vehicles and specific violations for trespassing. Council Member Mulder read his written comment to the Council

Chuck Harpster, nightly rental owner, submitted a written comment (see attached) which agreed with the proposed amendment.

John Grissinger, resident/resort owner, commented he has changed his opinion of nightly rentals. Even with excessive cars in Town, he is aware these people are spending money in Brian Head which is a resort community even if it is an inconvenience at times. Mr. Grissinger explained he had difficulty trying to sell lots in the Navajo Trails subdivision since the subdivision had a cap on the number of short-term rentals allowed. Mr. Grissinger stated property values would be affected if there are no short-term rentals. Mr. Grissinger commented that while living at Cedar Breaks Lodge, he noticed that all of the families knew each other and parties were happening, but he never said anything since he understands the guests are here on vacation and Brian Head is a ski town. Mr. Grissinger stated that those who break the law should be held accountable.

Larry Edgerton, resident, commented he would support the amendment along with the proposed fee study.

There were no other comments. Mayor Calloway closed the public hearing at 1:44 pm.

The Council held discussion on the following:

1. Owners need to be responsible for those they rent to and that the neighbors should not be subjected to the nuisance of guests.
2. The challenge of time limitations of reporting an incident with the Marshalls and notifying the owner before the guest check-out. It was noted that the Marshalls have the discretion on each incident as to whether it would constitute a violation of the Town Code and that Nancy would be notified of a violation and an investigation would need to be completed before a strike against the licensee could take place.
3. Questions were raised as to what level of incident reported could lead to a strike against the licensee. Bret responded that any violation of the Town Code could constitute a strike against the licensee. Kelly Kennedy stated she posted all of the regulations on her advertising site, on the property, and in the rental agreement, but it



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- doesn't stop the guests from violating the number of people they booked for nor can it control the actions of people.
4. A suggestion was made from the audience to consider hiring an officer to specifically address nightly rental issues.
 5. Andy Stahl, nightly rental business, commented that if the Town continues to make it difficult to operate a legitimate business, the fewer people will take the time to obtain a license.

Mayor Calloway stated the Council will again address this issue at the next Council meeting and welcomed suggestions to resolve issues with nightly rental businesses.

Consensus of the Council: This agenda item will be addressed on July 28, 2020, Council meeting licensing fees.

2. PUBLIC HEARING FOR AN AMENDMENT TO THE LAND MANAGEMENT CODE, CHAPTER 7 (ZONE DISTRICT REGULATIONS) AND CHAPTER 12 (DESIGN STANDARDS). A public hearing to receive comments on proposed amendments to the Land Manage Code, Chapter 7 & Chapter 12.

Wendy Dowland, Public Works, gave a brief explanation of the proposed amendments to the Land is as Management Code, Chapter 7, and Chapter 12 (see attached). The proposed amendments are as follows:

1. Tiny homes minimum of 400 square footprint requirements.
2. Allowing for R-2 garages in the R-3 zone since the Town currently does not have any R-2 zones.
3. Campgrounds must be screened if they are adjacent to Highway 143.
4. Backing onto a public street exemption that could be allowed if approved by the Public Safety Director. This would apply mostly to Vasels Road.

Mayor Calloway opened the public hearing to receive comments on the proposed amendments to the Land Management Code at 2:07 pm.

Danny Abbott, convenience store applicant, suggested the Council considered adding storage units in commercial zones due to the lack of light industrial properties available in Town.

There were no other comments or written comments submitted. Mayor Calloway closed the public hearing at 2:09 pm.

3. ORDINANCE AMENDING THE LAND MANAGEMENT CODE, CHAPTER 7, AND CHAPTER 12. An ordinance amending the Land Management Code, Chapter 7, and Chapter 12.

Wendy Dowland, Public Works, presented a draft ordinance amending Chapter 7 and Chapter 12 of the Land Management Code (see attached). Wendy reported the Planning Commission held a public hearing and forwarded their recommendation to adopt the proposed changes to the Council.

The Council discussed the following:

Tiny Homes:

1. The minimum footprint is 400 square feet, a mother-in-law apartment has an exception of a minimum of 160 square feet.
2. The International Building Code, Appendix Q identifies a tiny home as a home under 400 square feet.



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3. Planning Commission recommended a minimum footprint of 400 square feet. The Council also discussed this in a prior meeting and decided not to identify a minimum square footage.
4. Council Member Kelly stated he disagrees with the proposed amendment of a minimum square footage requirement since the Residential Building Code already identifies tiny homes and he would like the reasoning behind the Planning Commission's recommendation of 400 square feet.
5. Lester, Iron County Building Inspector, stated that the minimum room size for a habitable structure is 70 square feet and requires tiny homes to have a permanent foundation and a building permit.

Campgrounds

1. The proposed language would make campgrounds a conditional use permit.
2. Building setbacks would be applied to campgrounds according to the zone.
3. Natural screening is required for a campground near a public right-of-way.
4. Density limitations are regulated by the zone, along with the height and maximum building coverage identified in the Land Management Code.

Garage setbacks

1. The current code allows for a garage setback exemption to be within five feet (5') of the property line in R-1 and R-2 zones due to the steepness of a slope.
2. Currently, there are no R-2 zones identified. The amendment would allow for a garage setback exemption in the R-3 Zone with the following language "Development does not exceed R-2 density".

Parking

1. The proposed amendment would allow for an exemption for backing out onto a public right-of-way.
2. The exemption was identified specifically for parking on Vasels Road adjacent to the park/pond area.

Motion: Council Member Mulder moved to adopt ordinance No. 20-006, an ordinance amending the Land Management Code, Chapter 7.1.C (conditional uses); 7.1.D(6)(b) Building Coverage; 7.3.3(a)(6) R-3 setbacks; Chapter 12.15.3 Parking and 12.20.D and E. Campgrounds as presented. Council Member Freeberg seconded the motion.

Action: **Motion carried 4-1-0 (summary: Yes = 4 No =1 Abstain =0 Vote: Yes:** Council Member Mulder, Council Member Freeberg, Council Member Marshall, Mayor Calloway. **No:** Council Member Kelly).

4. COVID-19 CARE ACT GRANT APPROVAL. A grant for the Covid-19 Care Act.

Shane Williamson, Town Treasurer, presented an agreement for the Covid-19 Care Act (see attached) and requested the Council's approval. Shane gave a brief explanation of the agreement in which money has been earmarked for the Covid-19 Relief Fund and distributed to cities and towns throughout the State. The agreement would distribute \$8,334 to Brian Head to be paid in three installments of \$2,278. Funds can be used for public safety services, remote meetings, masks/shielding, and sanitizers, but not allowed to be used for normal operating costs. The Town would report on the expenditures of the funds or return the funds to the state.

Shane reported the County also received funds for Brian Head in the amount of \$16,016 from the State. Staff contacted the County Auditor regarding combining the Town's portion of funds from the County with them to establish a small business grant program that would assist businesses affected by the Covid-19 pandemic. If a business already



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received funding from the State, they are not eligible for this funding. Shane reported he will further research for more information and update the Council.

The Council discussed the following:

1. Whether the Town could use a portion of the \$8,334 towards assisting businesses above what the County's program does.
2. Bret reported the Town has already incurred expenses and would recommend the Council use the \$8,334 towards the Town's expenditures and the businesses access the County's business assistance program.

Motion: Council Member Kelly moved to approve the Covid-19 Care Act Grant and authorize the Town Manager to sign the agreement as presented. Council Member Marshall seconded the motion.

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

5. ORDINANCE ADOPTING THE WILDLAND URBAN INTERFACE (WUI) CODE. An ordinance adopting the Wildland Urban Interface Code.

Mayor Calloway recused himself from this agenda item stating he has been accused of manipulating Commission Members and over-inflating the costs associated with building according to the WUI Code. Mayor Calloway left the Council Chambers. Mayor Pro Tem Freeberg chaired the meeting until the next agenda item.

Chief Dan Benson presented a draft ordinance adopting the Wildland Urban Interface Code, 2006 and requested the Council to adopt the WUI Code (see attached). Chief Benson explained the Planning Commission reviewed the WUI Code twice and has forwarded a recommendation to adopt the WUI Code. Council has also reviewed the WUI Code in previous meetings.

The Council discussed the following:

1. The Planning Commission had concerns regarding potential conflicts between the WUI Code and the Land Management Code.
2. There were misunderstandings to the 30' rule as to clear-cutting the lot 30' from the home. The WUI Code requires fuels that are not fire resistant to be trimmed, cutting of tree limbs and cleaning the lot up ten feet (10') from the home up.
3. A completion bond is required when a building permit is issued. Once the construction is completed and the lot inspected, the bond would be released.
4. The Land Management Code (LMC) is more restrictive than the WUI code.
5. The Planning Commission looked at two items when reviewing the WUI Code. a) If the WUI Code conflicts with the LMC in preserving trees, and b) the cost of building under the WUI Code. Since the WUI Code has a minimum spacing of ten feet between the crowns of the trees, this satisfied the Commission's concern regarding clearing the property of vegetation. The Commission identified a conflict in the LMC which identified a fifteen-foot (15') minimum space around the tree. The LMC's exhibit showed fifteen-foot maximum space. Staff will correct the error.
6. The Commission addressed the cost of building under the WUI Code. It was determined that the cost analysis presented in an earlier meeting identified tempered windows which were the majority of the cost but were not the only option for windows. Double-paned windows were allowed as another option.
7. Chief Benson reported most of the existing homes already meet the WUI Code standards.
8. Insurance rates may be reduced for property owners who meet the WUI Code since its purpose is to protect properties from wildland fires.



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9. If the WUI Code were adopted, all new construction would be required to meet the WUI Code standards. The Town would encourage existing homeowners and property owners to clean up their lots.
10. Council Member Freeberg stated he believes it adds a lot of onerous things to the owner in order to meet the WUI Code.
11. Council Member Mulder commented she is in favor of the WUI Code since it would put the Town on the same level of uniformity with other Southern Utah cities/towns.
12. The Planning Commission will be reviewing the LMC for consistency with the WUI Code at a later date.

Motion: Council Member Kelly moved to adopt ordinance No. 20-007, an ordinance adopting the Wildland Urban Interface Code, 2005 as Title 8, Chapter 1 of the Town. Council Member Mulder seconded the motion.

Council Member Freeberg inquired if the WUI Code should be consistent with the LMC as part of the motion to adopt.

Motion: Council Member Kelly amended his motion to include that both the WUI Code and LMC be reviewed for consistency. Council Member Mulder seconded the amended motion.

Action: **Motion carried 3-1-0 (summary: Yes = 3 No = 1 Abstain = 0 Vote: Yes:** Council Member Mulder, Council Member Kelly, Council Member Marshall. **No:** Council Member Freeberg). Mayor Calloway recused himself from the discussion and vote.

6. RESOLUTION AMENDING THE SNOW REMOVAL POLICY. A resolution amending the Snow Removal Policy for Town Trail Safety.

Aldo Biasi, Public Works Director, presented a draft resolution amending the Snow Removal Policy to include a provision of when the Town Trail can be closed during the winter season (see attached). Aldo explained the Town Trail, phase 2 project will begin construction this summer season and reminded the Council of their decision to close this portion trail during the winter season.

The Council discussed the following:

1. Mayor Calloway stated it is the desire of the Council to maintain phase 1 of the trail section as much as possible and should be identified as a high priority.
2. The trail running in front of Brianwood condominiums in the meadow areas would not be kept open during the winter season due to the difficulty in accessing the area.
3. The portion of trail running in front of Brian Head Village will be cleared of snow by the HOA.
4. The challenge will be to ensure the trail in front of Brian Head Village is open during the winter season since the area was previously used for the condo's snow storage. The HOA has an agreement with UDOT for snow storage within UDOT's right-of-way.
5. The walking trail will remain open during the winter season from Cedar Breaks Lodge to the Lofts Condos where people can cross Highway 143 towards the Giant Steps parking lot. Staff will re-evaluate the portion of the trail in front of the Lofts to Giant Steps at a later date.
6. Concerns on the safety of the trail during the winter season. Aldo reported that "Hazardous Conditions" and "Watch Your Step" signs would be installed along the route of trail open during the winter season.
7. Mayor Calloway recommended additional language be included to read as follows: "It is the desire of the Council to maintain the walking trail be kept open for pedestrian access all winter season, to the extent possible".



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Motion: Council Member Marshall moved to adopt resolution No. 494, a resolution amending the Snow Removal Policy with the following language to be added: "It is the desire of the Town Council that the walking trail be kept open for pedestrian access all winter season, to the extent possible. Council Member Kelly seconded the motion.

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

7. **TRASH ENCLOSURE DISCUSSION.** A discussion on trash enclosures.

Aldo Biasi, Public Works Director, explained the Council directed staff to research and present options for trash enclosures for the Town's dumpsters that are located along Highway 143 to beautify Brian Head's for the first impression. Staff researched other communities that have the same environmental challenges that Brian Head has. Staff recommends portable enclosures that could be easily moved and, during the winter season, the enclosures could be located closer to the highway due to the challenges of accessing the dumpster during the winter season.

Mayor Calloway stated his concerns with the recommendation in which he believes some challenges need to be addressed. Mayor Calloway stated he would like to see the enclosures moved further away from the highway during the summer but understands the decision of moving the dumpsters closer to the highway during the winter.

Mayor Calloway suggested he work with Aldo on more options for enclosures which could include a wrap on the dumpster advertising Brian Head, Cedar Breaks National Monument, etc.

The Council discussed the following:

1. The challenge of meeting the core values of the Town where there is a conflict between the visitor experience and providing excellent public services.
2. Concerns on whether it would be difficult for people to access the dumpsters in the summer season and leaving their garbage on the ground instead.
3. Most dumpsters are located within the Utah Department of Transportation (UDOT) right-of-way. If dumpsters were located adjacent to the condominium building, the HOA would be more inclined to keep the area clear of garbage.
4. If the dumpsters are adjacent to the condos it would increase the time spent to access the dumpster.
5. Durango, Colorado, made their design requirements include a turning radius for easier access to the dumpster. Staff can research other communities for other possible options.

Consensus of the Council: Mayor Calloway and Aldo will work together for further clarification and collaboration for trash enclosures and will bring options to the Council for consideration.

8. **ORDINANCE AMENDING THE WATER & SEWER CODE.** An ordinance amending the Water and Sewer Code.

Aldo Biasi, Public Works Director, presented a draft ordinance amending the Water and Sewer Code (see attached). This is the second draft that incorporated changes the Council requested in a previous meeting. Changes made since the first draft proposed are as follows:



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- a) a requirement for all new construction required to connect if within 300' of a waterline.
- b) b) the water/sewer line shall be installed within the Town's right-of-way.
- c) c) existing homes will be identified as a non-conforming use until the time they apply for a new building permit, at which time they will be required to connect if they are within 300' of a water/sewer line.

The Council discussed the following:

Water Code:

1. Whether a dwelling needs to be located on the property for the requirement to connect to the system. **Strikeout "anytime they are installing any water fixture unit and are within 300' are required to connect"**.
2. Mitch Ricks, property owner, explained he has plans to build a cabin on his property soon but, with the proposed amendment, he may not be able to build his cabin due to the cost of bringing the waterline that is located 180' feet from his property line and would have to install a total of 480 feet of waterline to meet the Town's requirement of bringing the waterline to the farthest point of his lot. Mr. Rick's lot is located on Meadow Road and the waterline is currently located in Steam Engine Drive.
3. Mayor Calloway disagreed with the waiver provision in the water code since, in his experience, there have not been obstacles in the Town's roadway that would prohibit a waterline from being installed. Mayor Calloway stated he does agree with the waiver provision proposed in the Sewer Code since it follows state requirements.
4. Mayor Calloway recommended staff review the International Building Code section addressing remodels and alterations and use that language in the Water Code. It identifies when a property owner would be required to connect to the system. The IBC Code states if the remodel or alteration surpasses a certain percentage, then the property owner would be required to bring it up to code and be required to connect to the system.
5. Bret reported the Council will be addressing the impact fees during the Consolidated Fee Schedule adoption where a provision is identified for a person who extends water/sewer lines. They would receive 25% of their construction costs until they reach the full impact fee.
6. Wendy gave an example of where a waiver provision was granted. A landlocked piece of property is within 300' of water and sewer but the property does not have a town right-of-way access to the property to install the water/sewer line. The property owner would be required to dig under the highway. 143 into the hillside on the west side of the highway which would create a scar on the landscape going into Town.
7. Council Member Kelly commented on the last sentence in the waiver provision and whether it should be identified in the water code. "Additionally, the Town shall explain its intent to provide or not to provide for future water connection as well as a statement of acknowledgment for use of an appropriate on-site water system". Wendy explained it was language that was pulled from the Sewer Code. Staff will research this sentence and report back to the Council.
8. Staff will draft a list of homes located within 300' of the newly installed Mountain View waterline.

Consensus of the Council:

1. Add language to 7.4.1 for a requirement for existing structures to connect to the system to the threshold of the Building Code that requires remodels to come up to code.
2. Repeal the reimbursement agreements for both water and sewer.
3. Sewer Code will be presented for adoption as proposed.

Motion: Council Member Freeberg moved to table agenda item F-8, Water, and Sewer Code Amendments for further research. Council Member Mulder seconded the motion.



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

9. CONSOLIDATED FEE SCHEDULE RESOLUTION. A resolution adopting the Fiscal Year 2021 Consolidated Fee Schedule.

Wendy Dowland, Public Works, presented a draft resolution adopting the fiscal year 2021 Consolidated Fee Schedule (see attached). Wendy reported the following changes are being proposed for the fiscal year 2021 Consolidated Fee Schedule:

1. Land Use fees have been reduced. The actual costs for a plat amendment were lower than previously identified in the fee schedule.
2. Staff granted a 25% rebate on impact fees for property owners who extend the Town's water/sewer lines up to the total cost of the impact fee. Wendy explained this policy was identified by a motion in a Council meeting years ago, but no policy was ever drafted for this policy. Staff is requesting this provision be incorporated into the fee schedule.
3. Mayor Calloway commented he believes if a water/sewer line were to be extended, it would automatically exceed the impact fee and would recommend the Council automatically waive the impact fee if a water/sewer line is extended.
4. Several property owners on Forest Drive, Falcon Court, and Elk Drive are working together to extend the waterline and have requested the Town waive the impact fees for all of the property owners since they are working as a group.
5. Council Member Kelly commented he would encourage the Council to waive the impact fees and make it inviting for people to extend the water/sewer lines. Council Member Freeberg agreed due to the cost of extending the pipelines.
6. Two bonds are now identified in the fee schedule; landscaping bond of \$1,000 that is tied to the property owner to ensure landscaping is completed. A cleanup bond of \$1,000 that is tied to the contractor. Wendy explained the Town has always required the \$1,000 cleanup bond, but it was never identified in the fee schedule.
7. The Town can charge more than \$1,000 for cleanup and landscaping bonds for large developments. Bret stated his concerns regarding the specific amount identified in the fee schedule to where larger developments would be required to post a higher bond and could contest that the Town could only charge \$1,000 for their bond requirements. Wendy responded this would only apply to residential building permits.
8. Bret recommended additional language be included to allow the Town to require a higher bond limit for larger developments and the amount of the bond would depend on the size of the development.

Motion: Council Member Kelly moved to table Agenda Item F-9, Consolidated Fee Schedule, and directed staff to further research the bond requirements for larger developments and to identify a dollar to dollar match up to the total amount of the impact fee for property owners who extend the water/sewer lines. Council Member Freeberg seconded the motion.

Action: Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member Kelly, Council Member Marshall, Council Member Mulder, Council Member Freeberg, Mayor Calloway)

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

Business Beautification Program

Mayor Calloway requested staff review the Business Beautification Program for grant funding for improvements to include the night sky friendly code and also expand the program to include condominiums as an eligible business.



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Parking Code

Council Member Kelly commented the Town's Parking Code needs to be reviewed for consistency purposes.

Short-Term Rental Code Amendment/License Fee Study

Bret reported the nightly rental code and license fee study will be identified on the next Council agenda for discussion only.

The Water/Sewer Code Amendment will be addressed at the next Council meeting on July 28, 2020.

F. ADJOURNMENT

Motion: Council Member Freeberg moved to adjourn the regular meeting of the Brian Head Town Council. Council Member Kelly seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 5:23 pm. for July 14, 2020.

August 11, 2020

Date Approved

Nancy Leigh, Town Clerk

