

The Regular Meeting of the
Brian Head Town Council
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Via Zoom Meeting ID# [88468385737](#)
TUESDAY, NOVEMBER 09, 2021 @ 1:00 PM

Roll Call:**Members Present:** Mayor Clayton Calloway, Council Member Lynn Mulder, Council Member Shaun Kelly.**Members Absent:** Council Member Larry Freeberg, Council Member Kelly Marshall**Staff Present:** Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Shane Williamson, Town Treasurer.**A. CALL TO ORDER**

Mayor Calloway called the regular meeting of the Brian Head Town Council to order at 1:00 pm for November 9, 2021.

B. PLEDGE ALLEGIANCE

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

C. DISCLOSURES

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

D. APPROVAL OF THE MINUTES:**October 26, 2021, Town Council Meeting**

Motion: Council Member Mulder moved to approve the October 26, 2021, Town Council minutes. Council Member Kelly seconded the motion.

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

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

Nancy Leigh, Town Clerk, reported the Brian Head Business Breakfast is scheduled for November 10, 2021, at 9:00 AM at the Brian Head Public Safety Building. Nancy reported this is a chance for the local businesses to get together to discuss challenges they may be facing along with reports from the Resort, Town, and Tourism Bureau.

Bret Howser, Town Manager

1. Attended the Utah City Managers Association conference, which was very informative, but was not able to submit the monthly Administration Department Update.
2. The annual Holiday Party is scheduled for December 9, 2021 and will be held at the ax-throwing business in Cedar City. Pizza and wings will be served for this year's event and spouses are invited to attend. Bret reminded the Council and Planning Commission are invited to the annual event.



F. AGENDA ITEMS:**1. 2021 ELECTION CANVASS.** The Canvassing Board will canvass the 2021 Brian Head Municipal Election.

Nancy Leigh, Town Clerk, presented the 2021 Brian Head Town Municipal Election results (see attached). Nancy reported there were two council seats open and the mayor seat. The mayor's seat went uncontested and incumbent Mayor Calloway received 100% of the vote.

Mayor Calloway reported the results for the two Council seats:

- Forty-three percent (43%) voter turnout. There were 45 out of 53 ballots submitted for the election.
- Shaun Kelly received 20.75% of the votes
- Dennis VanNostran received 30.28% of the votes
- Marty Tidwell received 30.28% of the votes

Mayor Calloway thanked Shaun Kelly for his dedicated services as a Council Member over the past years and congratulated Marty Tidwell and Dennis VanNostran on their election.

Motion: Mayor Calloway moved to approve the 2021 Brian Head Town Election as presented. Council Member Kelly seconded the motion.

Action: **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Council Member Kelly, Council Member Mulder, Mayor Calloway).**

2. PUBLIC ART PIECE CONTRACT. A contract award for the public art piece, Brian the Bear, to Jagged Edge Metal, Terrance Martin.

Bret Howser, Town Manager, presented a draft contract for the public art piece, Brian the Bear, to the Council for approval (see attached). Bret reported the contract was drafted by the Town Attorney and is an artist contract that is being presented to Council for approval. Bret reported that in a recent conversation with Mr. Martin, the Council will need to decide on the type of material that will be used for the art piece, either stainless steel, corten, or a mix of the two materials.

Motion: Council Member Kelly moved to award the contract for the public art piece, Brian the Bear, to the artist, Terrance Martin, as presented. Council Member Mulder seconded the motion.

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

3. A RESOLUTION DECLARING THE INTENTION OF THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, IRON COUNTY, UTAH FOR WATER SYSTEM IMPROVEMENTS AND RELATED IMPROVEMENTS WITHIN THE CEDAR BREAKS MOUNTAIN ESTATES, UNIT C SUBDIVISION, TO DESIGNATE OR CREATE THE TOWN OF BRIAN HEAD, UTAH SPECIAL TAX ASSESSMENT AREA NO. 2021-02 (FALCON COURT) TO FUND THE COST AND EXPENSES OF SAID ASSESSMENT AREA BY SPECIAL TAX ASSESSMENTS TO BE LEVIED AGAINST THE PROPERTY BENEFITTED BY SUCH IMPROVEMENTS TO PROVIDE NOTICE OF INTENTION TO AUTHORIZE SUCH IMPROVEMENTS AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST SUCH IMPROVEMENTS OR THE CREATION OF SAID ASSESSMENT AREA; TO DECLARE ITS INTENTION OF FUNDING A RESERVE FUND IN LIEU OF A GUARANTY FUND AND RELATED MATTERS. A resolution for the Notice of Intent for the Falcon Court Special Assessment Area (SAA).

Bret Howser, Town Manager, presented a draft resolution for the Falcon Court Special Assessment Area (SAA) for Notice of Intent (see attached). Bret reported staff was waiting for the legal work to be



completed on the resolution. Bret explained the resolution will set the public hearing date and a 60-day protest period for the SAA.

Nancy Leigh, Town Clerk, reported the resolution identifies January 11, 2022, as the public hearing date and there will be a 60-day protest period following the public hearing. After the protest period has lapsed, the Council will consider a resolution to create the Falcon Court SAA on April 13, 2022. Bret suggested the Council amend the resolution to identify March 22, 2022, Council meeting date so that it would give sufficient time to allow for the project bids to go out and allow construction to begin by the spring of 2022.

Jana Leany, Falcon Court SAA Sponsor, reported there are currently three property owners who are in opposition to the SAA and two property owners she has not heard back from. Ms. Leany explained that the majority of the property owners are in favor of the SAA but was hoping the assessment would be lower than identified in the resolution.

Mayor Calloway reported this waterline project will create a looped water line system that runs up Falcon Court, Fox Run, and down Forest Drive connecting back into the Mountain View Drive waterline. Mayor Calloway inquired as to what device would be used for the blowoff? Wendy reported there will be hydrants installed every so many feet and can be used for the blowoff. Jana reported there will be eight fire hydrants installed.

Motion: Council Member Kelly moved to adopt resolution No. 507, a resolution giving Notice of Intention for the Falcon Court Special Assessment Area 2021-02 with the amendment to change the Notice to Create the SAA as March 22, 2022, instead of April 13, 2022. Council Member Mulder seconded the motion.

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

3. TRAIL ROAD SPECIAL ASSESSMENT AREA PETITION. An SAA petition for water/sewer improvements for Trail Road.

Nancy Leigh, Town Clerk, presented a petition for the Trail Road Special Assessment Area (SAA) (see attached). Nancy reported this SAA petition includes water and sewer improvements for properties located on Trail Road, Hidden Lake Road, and a portion of Steam Engine Meadows. Nancy reported the petition identifies 70% of the property owners who have signed the petition in favor of the SAA.

Mike Blue, a property owner, reported the main reason behind the SAA is due to the Health Department's requirement on septic tank permits. Bret Howser, Town Manager, reported that the waterline connection begins from the Mountain View Drive waterline, but the sewer line connection will need to be coordinated with the Public Works Director. Mr. Blue reported they had the project engineered and included four additional lots in the SAA that would connect from Steam Engine Drive.

Wendy Dowland, Town Planner, explained there could be some challenges with the sewer line, in which the sewer could be gravity fed to Mr. Traylor's lot, but the lots on Hidden Lake could present challenges. Wendy reported the engineer was skeptical on this option, but staff will work with the engineers on the ideal location for the sewer line. Mr. Blue reported the property owners may request a different construction bid from Schmidt Construction and Gary Jones contractor to get a lower cost than the Orton Excavating bid which was submitted with the petition. Mr. Traylor explained there is a majority of the property owners who are in support of this SAA, and they have hired Alpha Engineering who has already started engineering the project which will save time and costs to the Town.

Bret reported if 100% of the property owners are in favor of the SAA, they could sign a waiver of consent which would bypass the public hearing and protest period. Mayor Calloway inquired if lots 5, 11, 13, 21, and 38 would be required to be included in the SAA. Mr. Blue reported they have discussed it privately since the sewer was a large part of it, but they may be included in the SAA. Mr. Traylor reported lots 5 & 13 may already be connected to water and may be removed from the SAA. Mr. Traylor explained lot #37



could be excluded from the SAA, but lot #38 would need to be included. Bret reported any property located adjacent to Mountain View does not need to be included in the SAA since water is already available to that property on Mountain View Drive. Bret explained that lots 21 and 38 are different since there is a sewer easement that is not located within the public road. Staff will need to verify with the Public Works Director to determine whether these two lots would be required to participate in the SAA.

Bret reported staff is working to identify the Trail Road SAA on the same time frame as the Falcon Court SAA with a public hearing to be set for January 11, 2022 but will confirm with the attorney on whether this SAA can follow the same time frame as the Falcon Court SAA.

Motion: Mayor Calloway moved to accept the Trail Road SAA petition. Council Member Mulder seconded the motion

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

Mayor Calloway complemented both sponsors for moving their SAA's forward.

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

Bret Howser, Town Manager, reviewed the tentative December 14, 2021, Council meeting agenda which included the 2022 council meeting schedule approval and the FY2021 audit presentation at this time.

Mayor Calloway reported that during the Iron County Coordinating Council meeting, there was a discussion on assisting Paragonah and Summit with a maximum septic system study. Mayor Calloway suggested staff contact Reed Erickson, County Planner, to see if the Town could piggyback on it. It could help possibly elevate the situation and identify the need to study the saturation levels. Staff will contact the County and report back to the Council.

G. ADJOURNMENT

Motion: Mayor Calloway moved to adjourn the regular meeting of the Brian Head Town Council for November 9, 2021. Council Member Kelly seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 1:55 pm on November 8, 2021.

December 14, 2021

Date Approved

Nancy Leigh, Town Clerk

