

A Special Meeting of the
Brian Head Town Council
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Via Zoom Meeting ID# 842 2863 4579
TUESDAY, DECEMBER 7, 2021 @ 5:00 PM

Roll Call:

Members Present: Mayor Clayton Calloway, Council Member Larry Freeberg, Council Member Kelly Marshall, Council Member Lynn Mulder, Council Member Shaun Kelly.

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Amanda Hunter, Code Enforcement.

A. CALL TO ORDER

Mayor Calloway called the special meeting of the Brian Head Town Council to order at 5:00 pm for December 7, 2021.

B. PLEDGE ALLEGIANCE

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

C. DISCLOSURES

There were no other conflicts of interest with today's agenda. 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. AGENDA ITEMS:

1. **FALCON COURT SAA AMENDMENT: 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 adopting the Notice of Intent for the Falcon Court Special Assessment Area (SAA).

Nancy Leigh, Town Clerk, presented a draft resolution for the Notice of Intent for the Falcon Court Special Assessment Area 2021-02 (see attached). Nancy reported the Council previously adopted resolution No. 507 adopting the Notice of Intent for the Falcon Court Special Assessment during the November 9, 2021 meeting, but it was discovered that five (5) lots were left out of the resolution; lots 74, 75, 76, 77 and 78 which changed the amount of each lot's assessment from \$24,166 to \$18,913, a difference of \$5,2353 per lot. Nancy requested the Council adopts the draft resolution that will create the Notice of Intention for the Falcon Court Special Assessment Area.

Nancy gave a brief explanation of the SAA process, in which the Notice of Intent gives notice of a public hearing that is scheduled for January 11, 2022, along with a sixty (60) day contest period. Each lot owner will receive a copy of the Notice of Intent notifying them of the public hearing and the contest period.



- Motion:** Council Member Marshall moved to adopt resolution No. 507, a resolution adopting the Notice of Intent for the Falcon Court Special Assessment Area 2021-02 as presented. Council Member Mulder 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).

2. TRAIL ROAD SAA: A RESOLUTION DECLARING THE INTENTION OF THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, IRON COUNTY, UTAH, FOR WATER AND SEWER SYSTEM IMPROVEMENTS AND RELATED IMPROVEMENTS WITHIN THE CEDAR BREAKS MOUNTAIN ESTATES, UNIT B SUBDIVISION; TO DESIGNATE OR CREATE THE TOWN OF BRIAN HEAD, UTAH SPECIAL TAX ASSESSMENT AREA NO. 2021-03 (TRAIL ROAD); 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 a Notice of Intent to Create the Trail Road SAA.

Nancy Leigh, Town Clerk, presented a draft resolution declaring the Notice of Intent for the Trail Road Special Assessment Area 2021-03 (see attached). Nancy reported the Council accepted the petition for the Trail Road Special Assessment Area (SAA) during the November 9, 2021 meeting. There is a total of twenty-eight lots included in the SAA and are located on Trail Road, Hidden Lake, and a portion of Steam Engine Drive. The petitioners are requesting water and sewer for their area and this SAA will be on the same time frame as the Falcon Court SAA.

Nancy reported that lots 5 and 13 were removed from the SAA since they are adjacent to Mountain View Drive in which they can connect from Mountain View Drive.

Steve Traylor, SAA Sponsor, inquired if they had 100% of the property owners who were in favor of the SAA, would they still be required to go through the process. Bret Howser, Town Manager, explained that if they had 100% of the property owners identified in the SAA were willing to sign a waiver of consent form, they could bypass the public hearing and contest period.

- Motion:** Council Member Kelly moved to adopt resolution No. 509, a resolution declaring the Notice of Intention for the Trail Road Special Assessment Area 2021-03 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).

E. ADJOURNMENT

- Motion:** Council Member Kelly moved to adjourn the special meeting of the Brian Head Town Council for December 7, 2021. 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).

The special meeting of the Brian Head Town Council was adjourned at 5:10 pm for December 7, 2021.

December 14, 2021
Date Approved

Nancy Leigh, Town Clerk

