

BRIGHTON TOWN COUNCIL MEETING MINUTES

Tuesday, April 12th, 2022 at 6:30 pm

*Approved at the Town Council Meeting on May 10th, 2022

ATTENDANCE

Dan Knopp, Carolyn Keigley, Jeff Bossard, Keith Zuspan, Jenna Malone, Polly McLean, Nate Rockwood, Cameron Platt, Kara John, Jane Martain, Barbara Cameron, Wayne Dial, Cheryl Lenzer, Dustin Dern, Melissa Anderson, Jim Nakamura, Jon Lange, Randy Doyle, Nick Sieckowski, Logan Cookler, Mark Brinton, Kathy Anderson, Abraham Vanderspek, Don Despain, Chad Smith, Jami Richardson, Mary Zeigle

ANNOUNCEMENTS

The MSD is hosting a workshop associated with the Brighton 2022 General Plan has been scheduled for tomorrow, April 13th at 6:00PM. This will be a hybrid meeting. You can attend in person at the Fire Station or register at the link that I'll put in the chat if you'd like to attend the meeting virtually. A presentation for this workshop will start at 6:00 PM so please arrive on time.

We hope this will be a great opportunity for the Town to discuss its role in canyon preservation, stewardship, and education and also to brainstorm ways the Town of Brighton can build a resilient community physically, digitally, and socially. There will be an online survey associated with this workshop so, stay tuned for more details!

PUBLIC INPUT

None

MINUTES

Carolyn Keigley moved to approve the Town Council Minutes for March 8th, 2022 and Jeff Bossard seconded it. The minutes were approved as submitted.

UPD

Chief Cheryl Lenzer reported. The latest stats are attached at the end of the minutes. There were 272 calls, but nothing unusual about the calls this past month. We are seeing a slight increase in camping in the watershed. She suggested calling in any trailers or sprinter vans that look like someone is camping so that a watershed ticket can be issued. There will likely be an increase as the weather turns warmer. We will probably see an increase in vehicle burglaries as there will be more people getting out as it warms up. Once again if anyone sees anything suspicious, please call UPD to report it. She will look into different methods of messaging along with Watershed and the Forest Service about the illegal camping and the vehicle burglary hot spots.

There are two races scheduled for the canyon coming up starting with the Vigor Big Cottonwood Canyon half marathon/10K on May 14th and the Drop13 Big Cottonwood Canyon half marathon scheduled for June 11th. If you care to put those dates out to the residents so they can plan their time accordingly. There will be shuttle cars during those races to assist vehicle in and out of the canyon during those times the races are scheduled to operate. If you know of any other big events running at the same time of those races, let me know so they can be brought up into the race operations planning.

We just had a shift change, there was a little shakeup in our line-up with officers swapping shifts. We will have as full of coverage for all days and nights as possible. We still have a couple of officers out due to surgeries and one returning in August from deployment. If you need anything you can reach out to me or to Sgt. Hill.

There was discussion that they will work on no camping signs and notices on the message boards as well as social media posts and the various websites where people post information about the canyons. Cheryl will coordinate with water shed to help educate people. Often it is visitors from out of state unaware of the laws.

UFA

Dusty Dern reported that on April 2nd Dominique Burchett was sworn in as the 14th fire chief. He was previously the Support Services Assistant Chief. They are working on groundbreaking at the new station in Eagle Mountain in the next month or two. Recruit class 55 is in week 8 of recruit camp. They are undergoing wildland training, vehicle extraction, and intervention training. The Wildland Division completed their hiring process for the season. The Hand Crew will take national assignments in the middle of May. The engine is staffed, and the Camp Williams Crew is hired and will begin work on May 2nd. As the fuel crews come on they will prioritize mitigation in fuels work in the communities. Reach out to Chief Anthony Widdison and we'll get things scheduled out. Promotions this month were for Dave Banner to Captain, Rob Anderson and Mathew Quallen to Engineer. The quarterly report shows 174 incidents and of those, 129 were emergent (74%). Compared to previous first quarters they were up about 50 calls from 2021 and 80 calls from 2022. A vast majority are traumatic injuries at the ski resorts.

SKI RESORTS

Brighton

Night skiing is closed, and Great Western will be closed this coming Sunday. They have a summer project in that area and with the little amount of snow, they'll close that area for tree removal. They will have an Easter egg hunt Sunday and are planning to close for the season on April 24th.

Solitude

Amber was unavailable but when Mayor Knopp spoke with her, she reported that the pond skating event was fun and they're planning the season closure on May 1.

PUBLIC HEARINGS

OAM2022-000527 - An Ordinance amending the Brighton Land Use Code, Section 19.02.150. The amendment to Section 19.02.150 is proposed to address Inactive Applications

Melissa Anderson presented the ordinance that the Planning Commission recommended for approval. This ordinance will add a section to allow inactive land use applications to be closed after 180 days. They can ask for an extension of 90 days. The Planning Commission added language to clarify the type of activity that occurs within an application. If there is no activity such as plan submittals, meetings, or communications by the applicant it is considered inactive. The purpose is that open applications can cause issues with vested rights in questions. The Planning Commission also recommended deleting "from the submittal date". It was clarified that inspections have their own 180-day requirement so don't need to be included in the language. Polly McLean further explained the issue. When a completed application is submitted in Utah, it is vested with the laws in place at the time of approval. For instance,

in Summit County, there are approvals that are twenty years old that aren't acted on, but the plans are still valid even if laws have changed since they don't have an expiration date. Dan Knopp opened a public hearing, but no comments were made. Jeff Bossard moved to approve as amended Ordinance # 2022-O-4-1 Adopting 19.02.150 Inactive Applications. Carolyn Keigley seconded this motion. Dan Knopp, Keith Zuspan, Carolyn Keigley, Jeff Bossard, and Jenna Malone voted in favor.

OAM2022-000545 – An Ordinance amending the Brighton Land Use Code, Foothill Canyons Overlay Zone (FCOZ), Section 19.72.130, “Stream Corridor and Wetlands Protection.” The proposed amendment will amend the Perennial Stream Corridor Setback for Buildings and accessory structures from 100’ to 50’ measured from ordinary high-water mark. Planner: Jim Nakamura

Jim Nakamura presented that this was initiated as a staff recommendation and began with an FCOZ discussion from 2019. Brighton's Planning Commission and MSD staff recommend approving the setback. This will reduce the setback from structures and parking lots from a perennial stream corridor from 100 ft to 50 ft from the high-water mark. This is consistent with the setback's requirements for Salt Lake County Health Departments and Salt Lake City Public Utilities Watershed, although they were not consulted on the change. The requirement of 100 ft was set with the initiation of FCOZ. Mayor Knopp opened a public hearing, but no comments were made. Jeff Bossard moved to approve Ordinance number 2022-O-4-2 Amending Brighton Code Section 19.72.130 Stream Corridor and Wetlands Protection and Keith Zuspan seconded the motion. Dan Knopp, Jeff Bossard, Carolyn Keigley, Keith Zuspan, and Jenna Malone voted in favor.

BUSINESS

Ordinance for gates within the town

Polly McLean presented on the topic. She and Cameron Platt pulled information from several directions to draft this. Jim Nakamura recommended this to be in the purview of the Town Council rather than the Planning Commission. The places left in the town that could have gates are limited, but still worth putting clear criteria for the administrative process that would include engineering review to ensure that the roads are right of ways and that placement is adequate for turnaround room in front of the gate. Jim stated that UDOT won't participate in decisions on any gates on private roads off the highway loop. A prescriptive easement is part of the reason this ordinance is being considered because adding a gate will affect everyone within the subdivision. A recent example: someone wanted to put a gate in the town right of way on a public street, which is not permitted under our current engineering policies. There is a concern of cars getting stuck down steep one-way roads where they don't need to be. Carolyn Keigley suggested that we make the language more specific about the prescriptive easement situations. Potentially, the language could include that a vehicle control gate is not in any right of way, prescriptive easement, and maintains all setbacks in the zone. The gated communities are Forest Glenn, Silver Lake Estates, Cardiff, the Forest Service property of Mill D North, River Run, and Mount Haven. These areas have one way in and out in common, which is the biggest difference from the Silver Fork and Pine Tree areas. The single entrance factor can cause it's own problem of no through way if the gate breaks. The existing gates were not required to be permitted, but are grandfathered in. The mayor's concern is

people wanting gates all over trying to keep people out. Alternatively, we can prohibit all gates moving forward. With the alternate considerations, this item was continued to a date uncertain.

Fiscal Year 2023 Budget Process

Nate Rockwood presented the FY 2023 Budget Timeline. May will be the adoption of the tentative budget and set the tax rate at that point; it is currently 0. He will work with Keith and the Mayor to set the tentative budget before that presentation. Changes can be made before the final adoption in June. He will ensure notices are properly met before the budget hearing in June, and this will be the second opportunity to make any adjustments to the budget and set the tax rate, most likely at 0. Kara will then file the budget with the state auditor.

He will present the revenues and expenditures in three columns to show the last full year, 2021, where we are in the current fiscal year, as well as the estimate of the revenues for next fiscal year. Nate is seeing enough revenue numbers now that he can forecast for the next five and ten years. This will help to put together a five year Capital Improvement Fund since we are nearing 100 % of the General Fund Fund balance. When that number is reached, we will transfer a large amount to the Capital Fund. With the council, he will develop a project vision to match up revenues with potential projects. The funds or projects can be adjusted after the visioning, but the funds should not be spent like a bank account. Rather, used for large projects like land acquisition or improvements. If the council did want to raise the property tax, there would be a truth in taxation process. The General Fund balance can be 100% of the year's revenues. He's estimating we will exceed the budget of estimated revenues for this year. We're already transferring \$600,000 to the CIP. As a resort community, revenues come in heavy in the winter months and they appear on a two-month delay since that is how they are reported from the state; so, we've only seen through January. The total sales are \$25M for January. The tax commission reported some of February in January, so it was higher than expected. The estimated sales are \$66,347,337. The tax revenues collected are the 1% local option; half of that goes to fund the MSD services provided to the town and half to the population of the state. With a small population, we don't see much of that. If the MSD collection is higher than the budgeted amount it goes to the MSD's Fund Balance for Brighton to allocate as desired. The other taxes are the 1% transit tax, which goes to the MSD; the full amounts come to the town for the 1.1% Resort Sales Tax revenue and the 1% TRT.

Nate suggested that the council think of projects they'd like to recommend as he does the forecasting and CIP process. We already have three requests for budget requests, one of which is the Cottonwood Canyon's Foundation. The next report will show those as funded but he will confirm that the council wishes to fund those as declared.

Adoption of a Conflict of Interest Policy and an Ethics Policy

Polly McLean explained that the state auditor does a yearly review looking to see if municipalities have an Ethics Policy in place, which is what initiated adoption of these policies. She pulled this information from the state auditor and state code. It lays out when there is a required disclosure. Every council member will need to fill this out and submit it to the clerk. It is subject to GRAMA. The Planning Commission has already been asked to fill this out as well. It alerts people to what possible conflicts there could be for what someone or their spouse has within the town. The intention is for transparencies, although recusals aren't common, but disclosures are how to avoid issues.

Jeff Bossard moved to adopt the Conflict of Interest Policy, and Jenna seconded the motion. It passed unanimously. Carolyn Keigley moved to adopt the Ethics Policy and Keith Zuspan seconded it. The motion passed unanimously.

Resolution Finding Hazardous Environmental Conditions and Restriction of Fireworks.

Cameron Platt presented that fireworks are prohibited in the state except for specified dates around certain holidays, unless a resolution is passed before May 1st with a map of the prohibited areas and a letter of recommendation from UFA. This resolution will need to be repeated every year. The environmental hazards present for two of the last five years allows us to restrict fireworks in the town boundaries. Part of our boundaries include Forest Service land, but it isn't enforceable in those areas because we aren't allowed to restrict them. It was clarified that this refers to Class C fireworks that are purchased by the public at retail locations. Commercial firework displays aren't covered under this or the state law, so Brighton resort's winter fireworks are still permitted. Carolyn Keigley moved to adopt Resolution #2022- R - 4 - 1 Finding Hazardous Environmental Conditions and Restriction of Fireworks within all Portions of the Town of Brighton. Jeff Bossard seconded it, and it passed unanimously.

Legislative Update

Polly asked to hold this discussion for one more month. It will be more efficient to review the Utah League of Cities and Towns summary. She checked on land use updates and there is little that will affect the town.

Short Term Rental Update

The MSD shows 152 active STR licenses; 6 licenses pending inspection; 8 pending land use review; 1 pending tech review. As the ski season winds down so will short term rentals. The MSD code enforcement is equipped and looking to cite violators that may be renting without a license. As for Granicus, the data report from today for non-compliant properties shows there are 28 total units with addresses identified; 7 are no longer actively renting as of 2022; 15 have pending licenses; leaving us with 6 that haven't started the application. I've personally called and either spoken to or left messages with the owners that we have phone numbers for to see if we can help them through the process. Granicus has not found one hundred percent of our addresses identified because there are 4 MSD licensed STRs that don't appear in the Granicus database, but overall, we have a pretty good handle on the situation.

PUBLIC INPUT

CHAT BOX COMMENTS

No comments were made.

REPORTS

Mayor's Report

Dan Knopp will meet with the new UFA chief Dom Burchett, who Dan believes is well groomed and ready for the position. He noted that Dusty Dern is up for Assistant Chief.

He reported that the CWC authorized a reinstitution of the Transportation Committee. Dan will chair the committee and the members will be the mayors from Sandy and Cottonwood Heights. They will receive

input from Salt Lake City Public Utilities, Salt Lake County, the Forest Service, and Wasatch Front Regional Council. WFRC is the entity that handles the funds. The purpose of the Transportation Committee is to focus on Big Cottonwood Canyon. Gay Lynn Bennion has communicated her support. They will be asking for just under \$10M for the project. Final decisions will come from the legislature, UDOT, and UTA. They have 4 meetings scheduled every couple of months to get started.

Council Members' Reports

Jenna Malone reported that her efforts toward a legal leash dog walking area have been stalled, but she's hoping more will come of it.

She attended the Association of Municipal Councils meeting. There was a presentation from Lew Cramer who is one of the UDOT Commissioners and also director of Colliers, the largest commercial real estate company in the Intermountain West. The focus was of how to make your community amenable to the commercial real estate. The discussion is a bit early for us as we are still in the process of creating our master plan.

Jenna made a few social media posts this month including a notice about tonight's meeting.

Jeff Bossard gave thanks to Dan for his work on CWC and for joining him at the legislature for funding efforts. The Mosquito Abatement group met yesterday in anticipation of an active West Nile season. He's asked for a map of Brighton to show where they will be abating mosquitos in our area, and so that we can give input on additional areas that need attention. The Wasatch Mountain Lodge asked Jeff to sit on the board directors as a representative from the Town of Brighton. They have hired a consulting firm to work with Renae and Jodene. Jeff also reached out to Erika, who was Brighton Resort's Environmental Sustainability person, for her help in creating a plan for what Brighton's sustainability could look like.

Carolyn Keigley reported on UPD and that she attended 4 meetings in the last 3 weeks with two more coming up. They've been fiscally oriented as the cost of policing has increased. They are taking their time to make sure to be good stewards with the public's money. She will restart the Special Events Committee again.

Keith Zuspan met with representatives from Wasatch Front Waste and Recycling District today. They discussed our collection needs. They will increase waste pick up to three times a week to reduce the volume in the containers. They are projected to change their routes beginning in May or June. Recycling will still be twice a week. They discussed the Cardiff containers. They will be the same size, but taller with sliding doors to make it easier to ensure the containers are used for trash bags only. Every property can order a large bin to be delivered to their address for oversized waste, and it will be taken to the landfill at no cost. They also discussed Mt Haven and what to do in the winter there. One idea is to ask the Forest Service about placing additional containers at the Spruces campground since it is open and plowed in the winter. This would help redirect the trash from Mt Haven and Mill D.

There is an MSD meeting tomorrow to discuss capital projects and repaving and whether it will be scheduled this summer.

Emergency Management Report

Jane Martain reported that she's received quite a few contact information updates this month. She encouraged everyone to sign up for chipper days, the defensible space project, and to order an address sign if their cabin doesn't already have one. The next Emergency Teams will meet on the 21st of April at 6:00pm on Zoom. Jim Woodward attended the Firewise meeting last night and he'll meet with Jane at the fire station on the 25th to go over the black emergency boxes to train her on using the materials we have. She'll determine if he needs to join a future council meeting. She will follow up on the sirens to see if he's heard back from the Forest Service on those.

BCCA Report

Barbara Cameron reported that there were 61 people in the hybrid Firewise meeting last night. She recapped the presentations and discussions.

US Forest Service Fuel Reduction:

The USFS is currently scoping plans for a big fuel reduction project in Big Cottonwood beginning in 2024. They are currently beginning a year-long project in Millcreek. Big Cottonwood is next. We were lucky that they did 2 demonstration projects last year in the Spruces/Cardiff area to show how cutting and burning the deadfall can be effective.

State Fuel Reduction Plans:

Dax Reid reported that the Town of Brighton supplied \$20,000 this year toward the Fuel Reduction Project. Those funds will cover about 3 weeks' worth of work on Defensible Space for homeowners. In addition, grants and special funding will cover about 2 more weeks.

UFA Fuel Reduction Plans

Wildfire Crew Chief Geoff Whatcott reported that his Wildfire Crew is planning to begin the Fuels Reduction project in June, with Chipper Days in late July.

Rocky Mountain Power Report:

Brad Knoles reported that RMP will conduct 3 projects in the canyon this year. First, they will underground electric distribution lines from the mouth of the canyon to Donut Falls beginning in early May. Conduit, switch vaults, and paving will be finished in August. Electric fiber will be pulled up canyon and connected by October. Cost for this project is around \$18.5 million. There may be frequent lane closures in the downhill lane this summer.

Second, there will be a small undergrounding project from the Brighton substation to the Brighton Town Center to bury lines on the northern side of the Loop.

Third, the electric distribution line from the Guard Road to Park City will be replaced pole for pole with Core10 weather resistant poles that are 15ft. tall. Completion will be October 2022 to allow Brighton and Solitude resorts to have power for spinning the lifts.

In the summer of 2023, plans are still in-design to underground some electric lines from the Cardiff to Brighton in non-populated areas. It would cost "tens of millions of dollars" to underground lines in residential areas. All poles will be replaced with a single steel pole and single fiberglass cross bar with covered conductors. As far as SenaWave putting in conduit for internet fiber, they are welcome to do so, but would need collaboration and flexibility with them.

RMP needs to further research any other grants or funding for undergrounding residential lines. The town could pursue funding for undergrounding. We will also need to encourage SenaWave to place their fiber while the conduits are open.

PROPOSALS FOR FUTURE AGENDA ITEMS

- a. Potential participation in the MSD's Digital Connectivity Study and discussion on community engagement methods. Presented by Vikram Ravi. For discussion and direction.
- b. Civil enforcement of parking. Presented by Cameron Platt. For discussion and possible action.
- c. Nate Rockwood introduced that Zinnia Wilson could come speak to present the Trails Master Plan

Polly McLean recommended a thirty-minute work session before next month to discuss Capital Improvement Projects.

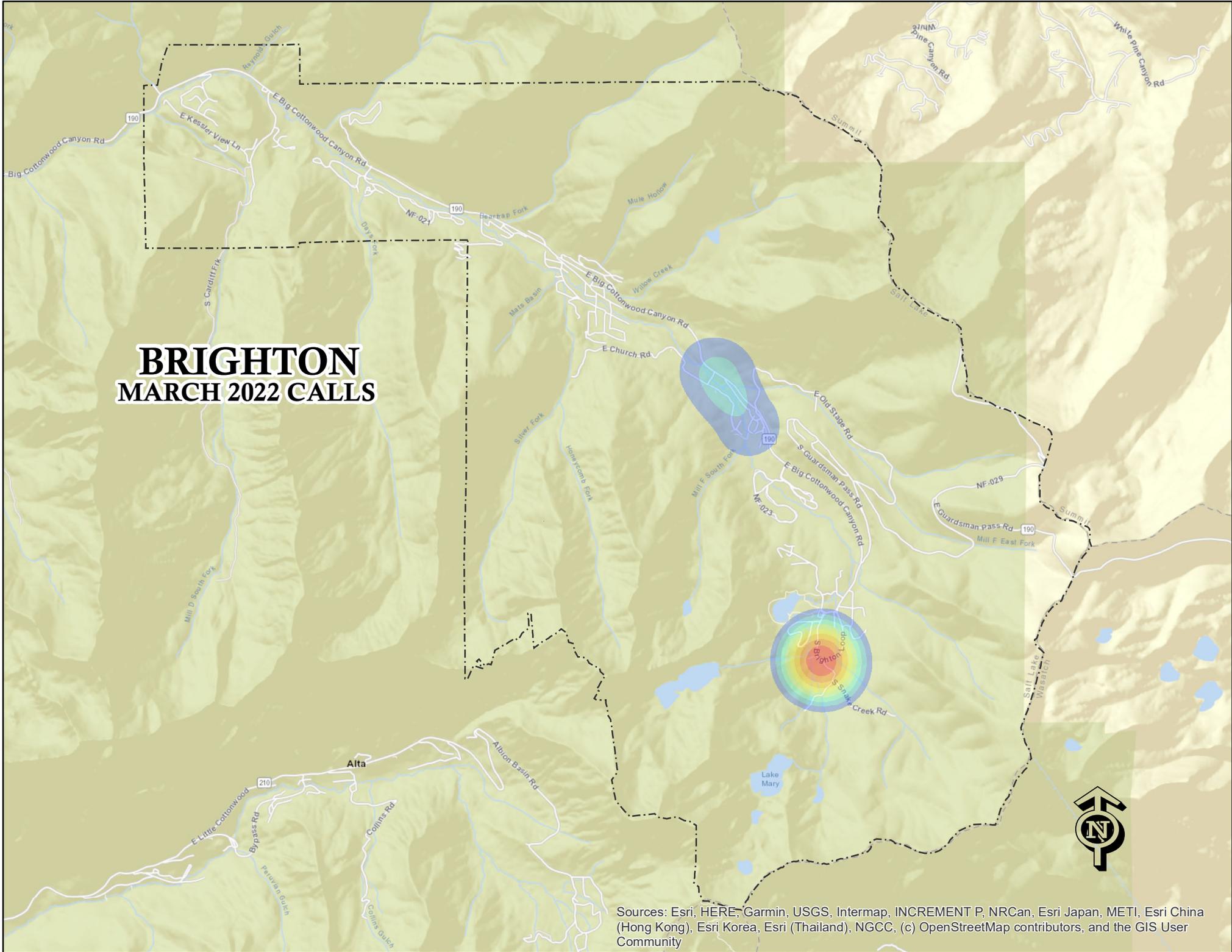
ADJOURN

Keith moved and Jeff seconded it. The meeting was adjourned at 8:12pm.



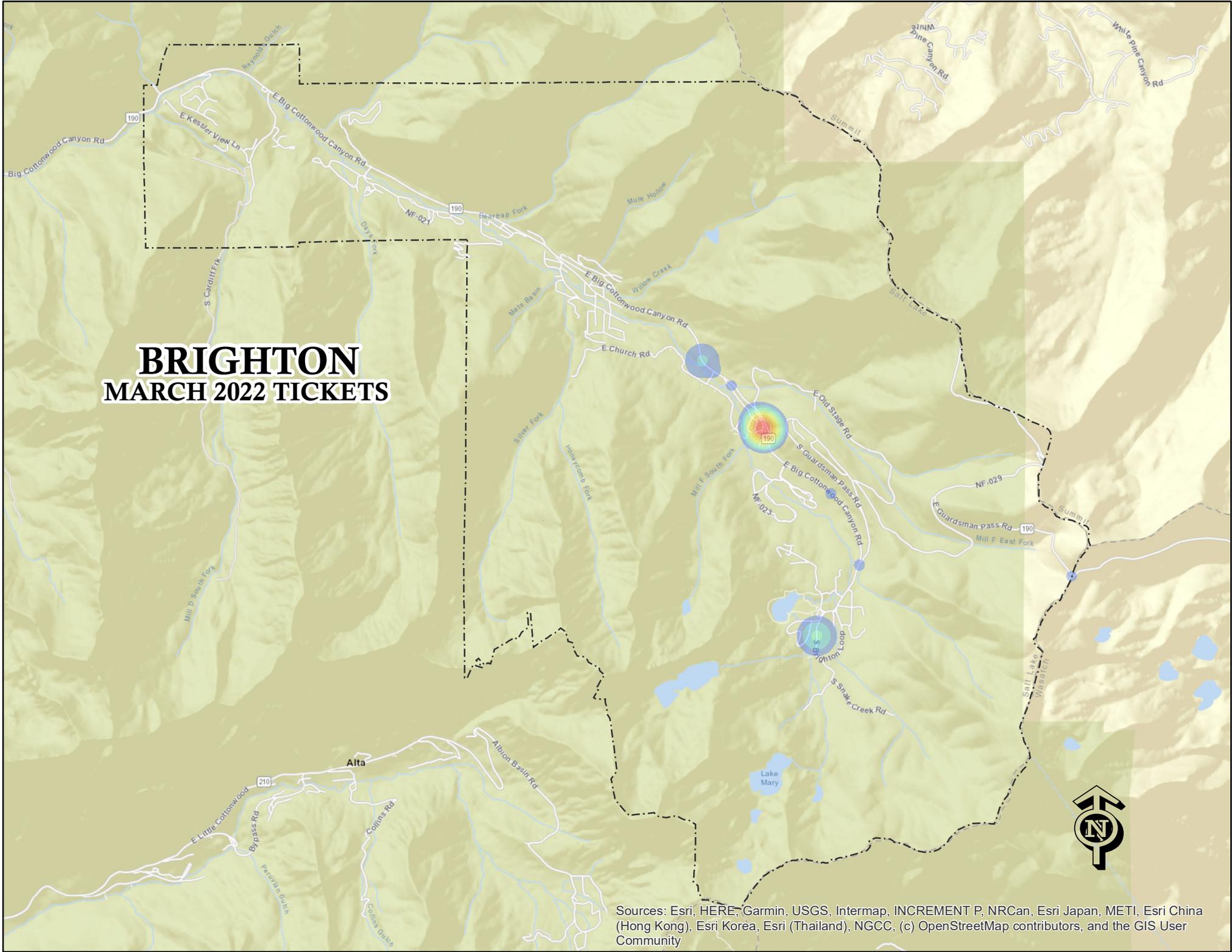
Submitted by Kara John, Town Clerk

BRIGHTON MARCH 2022 CALLS



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

BRIGHTON MARCH 2022 TICKETS



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BRIGHTON MARCH 2022 CALLS

TOTAL = 272

?	UNK=1
⚠	BURGLARY=1
🚪	ESCAPE=1
F	FAMILY OFFENSE=1
🚑	HEALTH/SAFETY=2
🔒	INV OF PRIVACY=1
👤	LARCENY=10
☢	PUBLIC ORDER=230
⚡	PUBLIC PEACE=2
🚚	TRAFFIC=23

BRIGHTON MARCH 2022 TICKETS



TRAFFIC = 18