

The Regular Meeting of the
Brian Head Town Council
Brian Head Town Hall – Council Chambers
56 North Highway 143 – Brian Head, UT 84719
www.Zoom.us ([Click Here](#))
Via Zoom Meeting ID# 895 1763 6088
TUESDAY, AUGUST 9, 2022 @ 1:00 PM

AGENDA

- A. CALL TO ORDER**
- B. PLEDGE ALLEGIANCE**
- C. DISCLOSURES**
- D. APPROVAL OF THE MINUTES:** July 26, 2022 Town Council Meeting
- E. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS.** Public input is limited to three (3) minutes on non-agenda items.
- F. AGENDA ITEMS:**
 - 1. 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 HOMESITES, UNIT B, SUBDIVISION; TO DESIGNATE OR CREATE THE TOWN OF BRIAN HEAD, UTAH SPECIAL TAX ASSESSMENT AREA NO. 2022-01 (RANGER 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.** Nancy Leigh, Town Clerk. The Council will consider a resolution for the Notice of Intent to create the Ranger Court Special Assessment Area, 2022-01
 - 2. BEARFLAT WELL REPORT & DIRECTION.** Aldo Biasi, Public Works Director. The Council will hold a discussion and give staff direction on the Bearflat Well Repair.
 - 3. RESOLUTION REVISING THE SPECIAL ASSESSMENT AND PUBLIC IMPROVEMENT DISTRICT POLICY.** Bret Howser, Town Manager. The Council will consider a resolution revising the Special Assessment Area and Public Improvement District Policy.
 - 4. FUTURE AGENDA ITEMS.** The Council will discuss potential items for future agendas.
- G. ADJOURNMENT**

Date: August 5, 2022

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; Post Office, The Mall, 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.

Nancy Leigh, Town Clerk





Brian Head Town

PUBLIC WORKS DEPARTMENT UPDATE

August 9, 2022

Heads down and grind. That is the motto for the Public Works Department. The projects continue on the mountain as the rains have returned. The summer monsoons are needed, but they can and will mess up construction schedules. Public Works appreciates the patience's the visitors and residents have shown us, as the projects move forward.

STREETS

- Culvert and ditch cleaning continue as needed during the monsoon season.
- The second application for the dust control is scheduled for August 24th. If the monsoons continue, this application may be canceled if needed.
- The Street Chipping Project has been completed. A flush coat will be applied as weather permits.
- Road work will begin on Highland Dr, Autumn, and Park u Pine during the month of August. Timing depending on weather, but crews will work as quickly as possible to stay on schedule.
- Steam Engine Drive culvert was damaged during high rains. The crew is evaluating the repairs needed and will complete them as soon as possible.

WATER

- Repair of the water meter reading system continues with new MXU's being installed as they are arriving from being on backorder.
- Sandstone water main is nearly complete. Crews will finish up and move to the other side of the mountain to begin the Lookout Road water line during the first week of August.
- Midco Diving has completed the routine cleaning of the Million Gallon tank last weekend.
- The Bearflat well investigation project has begun. Crews have pulled and camera inspected this well. Staff is currently evaluating what repair work can be done to improve the flow from this well. Staff will present options to the Council for a decision on how to move forward.

SPECIAL ASSESSMENT AREAS

- Falcon Court, Scenic Drive waterlines have been completed and are awaiting approval from the State to begin letting the homeowners connect to those water lines. It is anticipated to have approval within the next few weeks. Perco Rock (Contractor) has moved Hidden Lake and Trail Road for the sewer line installation.
- Design work for next years' water project on Snowman and Toboggan has begun.
- Steam Engine Meadows Phase 1-C:
 1. **Highland Drive portion update-** Fiberoptics and power conducts are now installed. Part of the subgrade of Highland Drive has been put down. The natural gas infrastructure is anticipated to begin the week of July 18th (set back due to material supply). Manhole sections have arrived, and public works will begin raising up the manholes to the grade they need to be for paving. Once gas and manholes risers have been installed, road base will be placed by the crew, and final grading will be completed for paving on Highland Dr. which is anticipated for September.
 2. **Autumn Drive portion update-** Power conduct and gas mains have been installed. Public works will also be raising manholes and installing drainage cross culverts on this road. Once those are installed, subgrade material will be brought in with road base as the finished layer as per project design. Public Works is anticipated to begin moving into this area towards the middle of August.

SEWER

- Staff is drafting an RFP that will be sent out in the next two weeks for the upsizing of the sewer line segments identified in the Sewer CFP and will collect data as needed to engineer this project over the summer so that it is ready for bid in the spring of 2023.
- Staff is putting together a plan of attack on how to address the infiltration issues that occur during the spring runoff. Two sealable manhole rings and lids have been ordered and received. This will be worked into the schedule for installation.

PARKS & TRAILS

- The Bristlecone Park remodel project has begun. Public Works operators have moved into the park area to begin the demo process of the old playground and lawn area in preparation for the arrival of Brian the Bear. Crews will work as

fast as possible to get the park back up and running and back into service, but this project is anticipated to last the majority of the rest of the summer and into the Fall.

IN-HOUSE PROJECTS

- Public works will continue to work on in-house projects and maintain buildings and equipment as needed.

If you have any questions or concerns, please do not hesitate to call.



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Ranger Court Special Assessment Area – Notice of Intent Resolution
AUTHOR: Nancy Leigh, Town Clerk
DEPARTMENT: Administration
DATE: August 9, 2022
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will consider a Notice of Intent resolution for the Ranger Court Special Assessment Area (SAA). This is one of the first steps for a Special Assessment Area. Council will also need to decide on whether to hold a special council meeting after the protest period ends on November 12, 2022 or wait until their regular meeting on December 13th.

BACKGROUND:

With the Southwest Public Health Department's regulation on water hauling and septic tank permits, the Town has seen an influx of Special Assessment Area (SAA) petitions. Staff is also experiencing a lot of phone calls and emails from property owners inquiring about the SAA process in order to get water and/or sewer to their properties.

The Ranger Court SAA is the latest petition approved by the Council during the July 26, 2022 meeting. This SAA includes 15 properties of which nine property owners have signed the petition in favor of water system improvements.

During the July 26th Council meeting, another potential SAA was also discussed, the Margie Court SAA, since it is located near the Ranger Court SAA and whether the two SAAs could be combined. As of now, the sponsors of the Margie Court SAA, Richard and Kathleen Vincent, are in the process of submitting a petition for their area but have not yet submitted a petition to the Town at the time of this report. Once the petition is submitted and signatures verified, staff will present the Margie Court SAA to Council for approval.

The Ranger Court SAA is on track by the timeline identified by staff, as such the next step is to adopt the Notice of Intent resolution which sets the public hearing date of September 13, 2022. This allows for the four week noticing period and written notice to the property owners as required by State Law.

ANALYSIS:

The Notice of Intent Resolution identifies September 13, 2022 for the public hearing date and once the public hearing is held, the sixty-day protest period begins. This is one of the longer required time periods that is required by state law in the SAA process. The protest period ends on November 12th with the next step being the Notice to Create or Abandon the SAA by resolution.

In reviewing the Council's 2022 meeting schedule, the ending date of the protest period (November 12th) misses the November 8th regular council meeting date and since Council meets only on the second Tuesday in November and December but not the fourth Tuesday,

due to the Thanksgiving and Christmas holidays, Council will need to decide if a special meeting should be held, possibly November 15th at 11:00 am or if Planning Commission cancels their meeting, identify the 1:00 pm timeslot instead. Another option could be to hold the meeting to adopt the resolution create and/or abandon the Ranger Court SAA on the next scheduled Council meeting on December 13th. Council will need to decide on the date since it is identified in the Notice of Intent.

If the Council adopts the resolution to create the Ranger Court SAA, then the Town would go to bid for the project in hopes of having the bid awarded and the final assessment ordinance adopted no later than April with an anticipated construction date of May/June 2023.

FINANCIAL IMPLICATIONS:

As of now, the estimated engineering costs for the waterline project is approximately \$731,000 which is divided among the 15 properties with each property at \$24,735. As of now these are estimated costs for the water system improvements and the final assessment ordinance would be the final document that identifies the assessment for each property owner.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the Council adopt resolution No. 22-023, a Notice of Intent to create the Ranger Court Special Assessment Area.

PROPOSED MOTION:

I move to adopt resolution No. 22-023, a Notice of Intent to create the Ranger Court Special Assessment Area.

If the date is changed from November 15, 2022 @ 11:00am, please identify the meeting date/time for Council to consider the Notice of Creation resolution.

ATTACHMENTS:

- A – Notice of Intent to Create the Ranger Court SAA
- B - Engineering Estimate for Ranger Court SAA
- C – Ranger Court SAA Map.

**TOWN OF BRIAN HEAD, UTAH
NOTICE OF INTENTION TO DESIGNATE TOWN OF BRIAN HEAD, UTAH
SPECIAL TAX ASSESSMENT AREA 2022-01 (RANGER COURT)**

August 9, 2021

RESOLUTION NO. 22-____

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 HOMESITES, UNIT B, SUBDIVISION; TO DESIGNATE OR CREATE THE TOWN OF BRIAN HEAD, UTAH SPECIAL TAX ASSESSMENT AREA NO. 2022-01 (RANGER 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.

WHEREAS, pursuant to the Utah Assessment Area Act, Title 11, Chapter 42, of the Utah Code, the Town Council of the Town of Brian Head, Iron County, Utah (the Town) has the power to make or cause to be made all of the following improvements, water system improvements that will benefit certain properties in the Cedar Breaks Mountain Homesites, Unit B, Block C (the Improvements); and

WHEREAS, the Town has received petitions from property owners desiring the water system improvements described herein; and

WHEREAS, the Town desires to designate or create a Special Tax Assessment Area and impose a special tax assessment against the portion of the properties in the Town that will be directly or indirectly benefitted by the Improvements:

BE IT RESOLVED by the Town Council of the Town of Brian Head, Iron County, Utah:

Section 1. The Town Council of the Town hereby determines that it will be in the best interest of the Town to finance and install or have installed the Improvements in specified locations of the Town, and to complete the whole in a proper and workmanlike manner according to plans, profiles and specifications that have been presented to the Town and are on file in the Office of the Town Clerk. In order to finance the costs of the Improvements, the Town proposes to create, establish, and designate a Special Tax Assessment Area. A description of the proposed Special Tax Assessment Area is more particularly described in the Notice of Intention to construct the proposed Improvements hereinafter set forth.

Section 2. The proposed Assessment Area shall be known as the Town of Brian Head, Utah Special Tax Assessment Area No. 2022-01 (Ranger Court) (the "Special Tax Assessment Area).

Section 3. The cost and expenses of the proposed Improvements shall be paid by a special tax assessment to be levied against the properties on a per lot basis for lots that will be benefitted directly or indirectly from the Improvements, or which may be affected or specially benefitted, directly, or indirectly, by any of such Improvements, such assessment to be paid in not more than ten (10) annual installments with interest on the unpaid balance until due and paid. An allowance shall be made for corner lots, if applicable, so that such lots are not assessed at the full rate on both streets.

Section 4. The Town Council hereby finds that the water system improvements, including any modifications to streets, that is proposed for Special Tax Assessment Area No. 2022-01 (Ranger Court) are necessary or convenient to enable the Town to provide the water service that the Town proposes and is authorized to provide in Special Tax Assessment Area No. 2022-01 (Ranger Court).

Section 5. A public hearing is called for the Town Council meeting on September 13, 2022, at 1:00 p.m., at the Town offices located at 56 N. Highway 143, Brian Head, Utah 84719 to hear from any person desiring to be heard and objections to a) the designation of the proposed Town of Brian Head, Utah Special Tax Assessment Areas No. 2022-01 (Ranger Court) or the improvements proposed to be provided in said assessment area; b) the amount that a property reasonably and equitably benefits from the improvements; and c) the inclusion of unassessed benefitted government property.

Section 6. Any owner of property that is proposed to be assess and who does not want its property to be included in the proposed Special Tax Assessment Area No. 2022-01 (Ranger Court) may file a written protest against:

- a) The designation of the Special Tax Assessment Area No. 2022-01 (Ranger Court);
- b) The inclusion of the owner's property in the proposed Special Tax Assessment Area No. 2022-01 (Ranger Court);
- c) The proposed improvements to be acquired or constructed; or
- d) If applicable, the inclusion of an unassessed benefitted government property, the benefit for which the other assessed properties will collectively pay (of which there are none)

Each written protest shall:

- a) Describe or otherwise identify the property owned by the person filing the protest; and
- b) Include the signature of the owner of the property.

The failure of a property owner within the proposed Special Tax Assessment Area No. 2022-01 (Ranger Court) to file a timely written protest constitutes a waiver of any objection to:

- a) The designation of the Special Tax Assessment Area No. 2022-01 (Ranger Court);
- b) Any improvement to be provided to property within the Special Tax Assessment Area No. 2022-01 (Ranger Court);
- c) The inclusion of the owner's property within the Special Tax Assessment Area No. 2022-01 (Ranger Court);
- d) The fact, but not amount, of benefit to the to the owner's property; and
- e) The inclusion of an unassessed benefitted government property in the assessment areas (of which there are none).

The Town Council hereby directs the Town Clerk to post the total and percentage of the written protests that the Town receives on the Town's website, and at the Town office

at least five days before the September 13, 2022 meeting against the proposed Improvements or against the creation of the Special Tax Assessment Area must be presented and filed in the Office of the Town Clerk on or before September 8, 2022, at the hour of 4:00 p.m. Any person desiring to be heard may file a written protest or objection to a) the designation of the proposed Town of Brian Head, Utah Special Tax Assessment Areas No. 2022-01 (Ranger Court) or the improvements proposed to be provided in said assessment area; b) the amount that a property reasonably and equitably benefits from the improvements; and c) the inclusion of unassessed benefitted government property (of which there is none). Thereafter at 1:00 p.m. on September 13, 2022, at 56 N. Highway 143, Brian Head, Utah, 84719, any such written protests shall be heard and considered by the Town Council.

Section 7. The Town Clerk is hereby directed to give notice of intention to make the proposed improvements and of the public hearing and of the time within which protests against the proposed improvements, or the designation of the proposed Special Tax Assessment Area may be filed and the date when such protests will be heard and considered by publishing on the Utah Public Notice website for four weeks before the deadline for filing protests specific in the notice and be posted in at least three public places at least 20 but not more than 35 days before the public hearing. In addition, the Town Clerk shall mail a copy of such notice by United States Mail, postage prepaid, to each owner of land to be assessed within the proposed Special Tax Assessment Area at the last known address of such owner, using for such purpose the names and addresses of said owners appearing on the last completed real property assessment rolls of Iron County, said notices to be so mailed not later than ten (10) days after the posting of the Notice of Intention of the Utah Public Notice Website. Said Notice shall be in substantially the following form:

NOTICE OF INTENTION

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council (the “Town Council”) of the Town of Brian Head, Iron County, Utah (the “Town”), intends to create or designate a Special Tax Assessment Area to be known as the Town of Brian Head, Iron County, Utah Special Tax Assessment Area No. 2022-01 (Ranger Court) (the “Special Tax Assessment Area”). Accordingly, the Town Council called a public hearing regarding the creation or designation of the Special Tax Assessment Area to be held on September 13, 2022, at 1:00 p.m. at the Town Office at 56 N. Highway 143, Brian Head, Utah 84719, to hear from any person desiring to be heard and objections to a) the designation of the proposed Town of Brian Head, Utah Special Tax Assessment Areas No. 2022-01 (Ranger Court) or the improvements proposed to be provided in said assessment area; b) the amount that a property reasonably and equitably benefits from the improvements; and c) the inclusion of unassessed benefitted government property (of which there is none). It is the intention of the Town Council to make water system improvements within the Special Tax Assessment Area and to levy special assessments as provided in Title 11, Chapter 42, Utah Code Annotated 1953, as amended, on the real estate lying within the Special Tax Assessment Area as described herein for the benefit of which such assessments are to be assessed in the making of such improvements.

DESCRIPTION OF SPECIAL TAX ASSESSMENT AREA

The proposed Special Tax Assessment Area shall include the following real property in the Town of Brian Head, Iron County, UT and is described as:

The properties in the Cedar Breaks Mountain Estates, Unit B subdivision in the Town of Brian Head, Iron County, Utah. More specifically the following parcel numbers in said Ranger Court, Ridge Top Drive, and Meadow Drive. Properties other than the identified parcel numbers will not be included in the proposed Special Tax Assessment Area.

Cedar Breaks Mountain Homesites Unit B Subdivision

<u>Parcel #</u>	<u>Lot #</u>	<u>Block #</u>	<u>Physical Address</u>
A-1143-0001-0016	Lot #1	A	913 E. Ridge Top Drive
A-1143-0001-0011	Lot #2	A	933 E. Ridge Top Drive
A-1143-0001-0010	Lot #3	A	949 E. Ridge Top Drive
A-1143-0001-0014	Lot #4	A	965 E. Ridge Top Drive

A-1143-0001-0013	Lot #5	A	977 E. Ridge Top Drive
A-1143-0001-0010-01	Lot #6	A	995 E. Ridge Top Drive
A-1143-0001-0015	Lot #7	A	1011 E. Ridge Top Drive
A-1143-0001-0021-01	Lot #1	B	942 E. Ridge Top Drive
A-1143-0001-0007	Lot #2	B	972 E. Ridge Top Drive
A-1143-0001-0026	Lot #3	B	1002 E. Ridge Top Drive
A-1143-0001-0017-01	Lot #10	B	945 E. Meadow Drive
A-1143-0001-0020-05	Lot #1	C	912 E. Ridge Top Drive
A-1143-0001-0008	Lot #2	C	6 S. Ranger Court
A-1143-0001-0027	Lot #3	C	36 S. Ranger Court
A-1143-0001-0020-01	Lot #10	C	946 E. Meadow Drive.

INTENDED IMPROVEMENTS

The improvements to be constructed within the Special Tax Assessment Area are as follows:

Water System Improvement: Water System Improvements to extend water lines on Ranger Court and Ridge Top Drive, and related improvements, and complete the whole in a proper and workman like manner with all drainage and other improvement appurtenant and useful to a water system and associated municipal improvements.

ESTIMATED COST AND METHOD OF ASSESSMENT

Estimated Cost and Method of Assessment: The total cost of Improvements in the Special Tax Assessment Area is currently estimated to be \$371,000, of which the Town will pay \$0 leaving a remainder of \$371,00 which shall be paid by special tax assessment on the private property within the Special Tax Assessment Area.

This includes engineering costs, overhead costs and funding of a reserve fund described herein, all of which shall be paid by special tax assessment to be levied against the properties which may be directly or indirectly benefited by the Improvements which benefits need not actually increase the fair market value of the property to be assessed. The property owners' portion of the total estimated cost of the Improvements may be financed during the construction period by the use of interim warrants, in which case the interest on said warrants will be assessed to the property owners.

In lieu of utilizing a guaranty fund, the Town Council intends to create a special reserve fund, if desired by lenders, to secure payment of the special assessment bonds (the "Bonds") anticipated to be issued by the Town to finance the proposed Improvements. The

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reserve fund will be either initially funded with proceeds of the Bonds in an amount equal to approximately ten percent (10%) of the total principal amount of Bonds to be issued, or by building up a reserve fund over a period of six years until an amount equal to approximately ten percent (10%) of the total principal amount of Bonds to be issued is placed in the reserve fund. The Town Council anticipates applying any moneys remaining in the reserve fund to the final payment on the Bonds which, in turn, would offset the final assessment payments to be made by the owners of property benefited by such Improvements, all of which will be further described in the assessment ordinance to be adopted by the Town. Any money in the reserve fund upon full payment of the Bonds is to be disbursed ratably to each assessed lot owner as of the date of disbursement. In addition, estimated costs of assessment include estimated overhead costs which the Town projects to incur in the creation and administration of the Special Tax Assessment Area. If Bonds are issued, the current estimated interest rate is no more than 6.50% per annum and the estimated discount is no more than 2.00%, subject to market rates at the time of issuance and the current estimated term of financing is ten (10) years.

The estimated cost and method of assessment against the properties for the Improvements are as follows:

<u>Improvement</u>	<u>Estimated Assessment</u>	<u>Method of Assessment</u>
Water System Improvement	\$371,000 total cost or \$24,735 per lot.	Per lot.
Total of All Improvements	\$371,000 total cost or \$24,735 per lot	Per lot.

For assessment purposes, if applicable, an owner of a lot is defined herein to be the owner of a platted lot within the Town of Brian Head, Iron County, Utah according to the official records of the Town of Brian Head, upon which a residential, commercial, or other structure to be used for human occupancy is now or may be located consistent with the "lot size" requirements of the applicable Town of Brian Head Land Management ordinances in place as of the date this is adopted.

LEVY OF ASSESSMENTS

It is the intention of the Town Council to levy assessments as provided by the laws of Utah on all property, parcels, and lots of real property to be benefited by the proposed improvements within the Special Tax Assessment Area. The purpose of the assessment and levy is to pay those costs of the improvements which the Town will not assume and pay. The method of assessment shall be per lot, as set forth herein.

The assessments may be paid by property owners in not more than ten (10) annual installments with interest on the unpaid balance at a rate or rates fixed by the Town, or the whole or any part of the assessment may be paid without interest within twenty-five (25) days after the ordinance levying the assessment becomes effective. The assessments shall be levied according to the benefits to be derived by each property within the Special Tax Assessment Area. Other payment provisions and enforcement remedies shall be in accordance with Title 11, Chapter 42, Utah Code Annotated 1953, as amended. The assessment method will be by inclusion on a property tax notice issued in accordance with Section 59-2-1317 and in compliance with Section 11-42-401 of the Utah Code.

A map of the proposed Special Tax Assessment Area is on file in the Town offices which will make such information available to all interested persons. Copies of plans, profiles and specifications of the proposed improvements shall be made available by the Town as soon as they have been prepared

TIME FOR FILING PROTESTS

Any person who is the owner of record of property to be assessed in the Special Tax Assessment Area described in this Notice of Intention shall have the right to file in writing a protest against the creation of the Special Tax Assessment Area or to make any other objections relating thereto. Protests shall describe or otherwise identify the property owner of record by the person or persons making the protest and shall indicate the total number of lots represented by said protest. Protests shall be filed with the Town Clerk of the Town of Brian Head, Utah, on or before sixty (60) days after the public hearing to be held September 13, 2022, at 1:00 p.m. at the Town Office. The Town Council will meet on November 15, 2022, at 11:00 a.m. in public meeting at the regular meeting place of the Town Council at the Town Office at 56 N. Highway 143, Brian Head, Utah 84719 to consider all protests so filed and hear all objections relating to the proposed improvements. Each protest must be filed in writing and describe or otherwise identify the property owned by the person filing the protest and include the signature of the property owner.

A PROPERTY OWNER MUST PROTEST THE DESIGNATION OF THE SPECIAL TAX ASSESSMENT AREA IN WRITING IF THE OWNER OBJECTS TO (1) THE DESIGNATION OF THE SPECIAL TAX ASSESSMENT AREA, (2) ANY PROPOSED IMPROVEMENT, (3) THE INCLUSION OF THE OWNER'S PROPERTY, OR (4) THE FACT, BUT NOT AMOUNT, OF BENEFIT TO THE OWNER'S PROPERTY. Failure of an owner of property to file a timely written protest can constitute a waiver.

After such consideration and determination, the Town Council shall adopt a resolution either abandoning the Special Tax Assessment Area or creating and designating the Special Tax Assessment Area either as described in this Notice of Intention or with deletions and changes made as authorized by law; but the Town Council shall abandon the Special Tax Assessment Area and not create the same if the necessary number of protests as provided herein have been filed on or before the time specified in this Notice of Intention for the filing of protests after eliminating from such filed protests: (i) protests relating to

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property or relating to a type of improvement which has been deleted from the Special Tax Assessment Area, and (ii) protests which have been withdrawn in writing prior to sixty (60) days after the public hearing. The necessary number of protests shall mean the aggregate of the protests representing forty percent (40%) of the owners proposed to be assessed, according to the same assessment method by which the assessment is proposed to be levied.

BY ORDER OF THE TOWN COUNCIL OF TOWN OF BRIAN HEAD, IRON COUNTY, UTAH

/s/ Nancy Leigh
Town Clerk

Published on the Public Meeting Website:

Posted at least three public places on:

Section 8. The Town Council reasonably expects, to reimburse the Town from proceeds of the Bonds for capital expenditures paid by the Town (whether or not such expenditures are paid from proceeds of interim warrants) with respect to the Improvements.

Section 9. This declaration is intended to be a declaration of official intent under Treasury Regulation ' 1.103-18(1).

Section 10. The maximum principal amount of debt expected to be issued for reimbursement purposes is \$371,000.00. This amount will be reduced by cash payments received by the Town from property owners who elect to pay their assessment in full during the cash payment period immediately following the effective date of the assessment ordinance.

Section 11. This declaration of official intent is consistent with the Town's budgetary and financial circumstances. No funds from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Town or by any member of the same controlled group pursuant to their budget or financial policies with respect to the expenditures to be reimbursed.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, IRON
COUNTY, UTAH THIS AUGUST 9, 2022.

Clayton Calloway, Mayor

ATTEST:

Nancy Leigh, Town Clerk

(S E A L)

RECORD OF PROCEEDINGS

A regular meeting of the Town Council of the Town of Brian Head, Iron County, Utah was held on August 9, 2022, at 1:00 p.m., or as soon thereafter as feasible, at the regular meeting place of said Town Council at 56 N. Highway 143, Brian Head, Utah 84719 at which meeting there were present and answering roll call the following members who constituted a quorum:

Clayton Calloway	Mayor
Kelly Marishall	Council Member
Larry Freeberg	Council Member
Martin Tidwell	Council Member
Dennis VanNostran	Council Member

Also present:

Nancy Leigh	Town Clerk
Bret Howser	Town Manager

Absent:

After the meeting had been duly called to order and other matters not pertinent to this resolution had been discussed, the Town Clerk presented to the Town Council a Certificate of Compliance with Open Meeting Law with respect to this August 9, 2022 meeting, a copy of which is attached hereto.

Council Member _____ introduced the foregoing resolution in writing and moved its adoption. Council Member _____ seconded the motion to adopt the foregoing resolution. The motion and resolution were adopted on the following recorded vote:

Those voting AYE:

Those voting NAY:

Those ABSTAINING:

After the conduct of other business not pertinent to the above, the meeting was adjourned.

STATE OF UTAH)

: SS.

COUNTY OF IRON)

I, Nancy Leigh, the duly chosen, qualified and acting Town Clerk of the Town of Brian Head, Iron County, Utah, do hereby certify as follows:

That the foregoing typewritten pages constitute a full, true and correct copy of the record of proceedings of the Town Council taken at a regular meeting thereof held in said Town on August 9, 2022, at the hour of 1:00 p.m., insofar as said proceedings relate to the consideration and adoption of a resolution declaring the intention of the Town Council to create the Town of Brian Head, Utah Assessment Area No. 2022-01 (Ranger Court) and make certain improvements therein described as the same appears of record in my office; that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified.

That due, legal, and timely notice of said meeting was served upon all members as required by law and the rules and ordinances of said Town.

That the above resolution was deposited in my office on _____, 2022 has been recorded by me, and is a part of the permanent records of the Town of Brian Head, Iron County, Utah.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of said Town this _____, 2022.

Nancy Leigh, Town Clerk

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STATE OF UTAH)

: ss.

COUNTY OF IRON)

AFFIDAVIT OF MAILING

NOTICE OF INTENTION

I, Nancy Leigh, the duly chosen, qualified and acting Town Clerk of the Town of Brian Head, Iron County, Utah, do hereby certify that the attached Notice of Intention was approved and adopted in the proceedings of the Town Council had on August 9, 2022.

I further certify that on the _____, 2022 (a date not later than ten (10) days after the first publication of the Notice of Intention (or the posting on the Town Website, whichever was first) I mailed a true copy of the Notice of Intention to create the Town of Brian Head, Utah Assessment Area No. 2022-01 (Ranger Court) by United States Mail, postage prepaid to each owner of land to be assessed within the proposed Assessment Area at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of Iron County. I further certify that a certified copy of said Notice of Intention together with profiles of the improvements and a map of the proposed Assessment Area, was on file in my office for inspection by any interested parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Brian Head, Iron County, Utah this _____, 2022.

(S E A L)

Nancy Leigh, Town Clerk

(Affidavit of proof of publication of the Notice of Intention to create the Town of Brian Head, Utah Assessment Area No. 2022-01 (Ranger Court)).

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Nancy Leigh, the undersigned Town Clerk of the Town of Brian Head, Iron County, Utah (the Town), do hereby certify, according to the records of the Town in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the August 9, 2022 public meeting held by the Town as follows:

(a) By causing a Notice, in the form attached hereto (the "Meeting Notice"), to be posted at the principal office of the Issuer at least twenty-four (24) hours prior the convening of the meeting, the Meeting Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of the Meeting Notice to be delivered to a newspaper of general circulation in the geographic jurisdiction of the Issuer at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of the Meeting Notice to be published on the Utah Public Notice Website at least twenty-four (24) hours prior to the convening of the meeting; and

(d) By causing a copy of the Meeting Notice to be delivered to each member of the Town Council of the Issuer at least twenty-four (24) hours prior to the convening of the Meeting.

In addition, the Notice of 2022 Annual Meeting Schedule for the Issuer, attached hereto, specifying the date, time and place of the regular meetings of the governing body of the Issuer to be held during the calendar year 2022 was (1) posted on January 6, 2022, at the principal offices of the Issuer; (2) provided to a newspaper of general circulation within the geographic jurisdiction of the Town on January 6, 2022; and (3) published on the Utah Public Notice Website on January 6, 2022.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this _____, 2022.

Nancy Leigh, Town Clerk

(S E A L)

DRAFT

SCHEDULE "1"

**NOTICE OF MEETING and EVIDENCE OF POSTING MEETING
NOTICE ON PUBLIC NOTICE WEBSITE**

SCHEDULE "2"

**NOTICE OF ANNUAL MEETING SCHEDULE
EVIDENCE OF POSTING ANNUAL NOTICE ON PUBLIC NOTICE
WEBSITE**

Just Rels
Water only

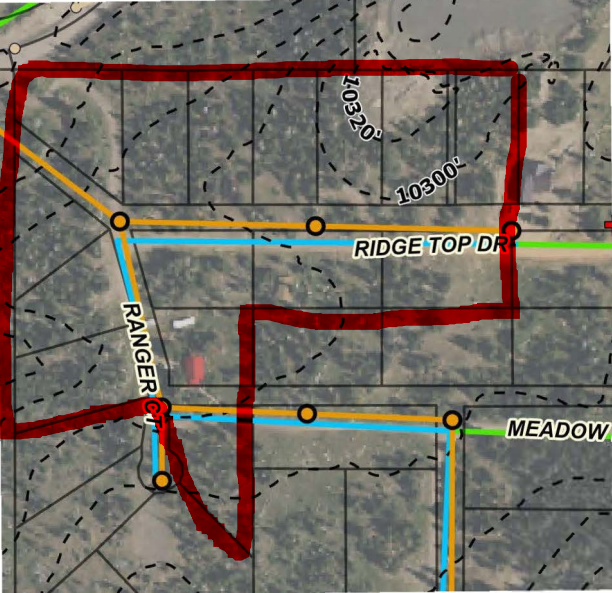
Ridge Top & Meadow Drive SAA

Brian Head, Utah

Preliminary Engineer's Opinion of Probable Construction Costs

July 20, 2022

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNITS	UNIT PRICE Dollars & Cents	ITEM PRICE Dollars & Cents
1	Mobilization @ 10%	1	L.S.	\$24,490.00	\$24,490
2	8" D.I. Waterline	900	L.F.	\$86.00	\$77,400
3	8" Tee	3	Each	\$2,000.00	\$6,000
4	8" Gate Valves	6	Each	\$5,000.00	\$30,000
5	8" 90° D.I. Elbow	1	Each	\$1,100.00	\$1,100
6	Fire Hydrant Assembly	3	Each	\$12,300.00	\$36,900
7	Tie-ins to Existing Waterline	1	Each	\$2,500.00	\$2,500
8	3/4" Water Service Connection	14	Each	\$4,250.00	\$59,500
9	60" Sewer Manhole	0	Each	\$15,000.00	\$0
10	8" Sewer Pipe	0	L.F.	\$67.00	\$0
11	Tie-in to Existing Manhole	0	Each	\$1,500.00	\$0
12	4" Sewer Service Connection	0	Each	\$1,350.00	\$0
13	Gravel Road (6" roadbase, tree removal, drainage, subgrade)	900	L.F.	\$35.00	\$31,500
SUBTOTAL					\$269,390
20% CONTINGENCY					\$53,878
12% ENGINEERING & CONSTRUCTION MANAGEMENT					\$32,327
TOTAL					\$355,595





STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Bear Flat Well Investigation Project
AUTHOR: Aldo Biasi
DEPARTMENT: Public Works
DATE: August 9, 2022
TYPE OF ITEM: Discussion

SUMMARY:

Council will discuss the progress and results of the Bear Flat Well investigation project.

BACKGROUND:

Staff has been assigned by Council during the Strategic Planning process (2022) to determine if the Town is able to produce more water out of the Bear Flat Well. The well was damaged during development and part of the screen was collapsed and damaged. Attempts were made at that time (approx. 10 years ago) to swedge through the damaged area and patch the damage sections. Attempts were somewhat unsuccessful and at that time it was determined by the Town to set the pump at the deepest level they could get (approx. 450 ft) and get what they could out of the well (approx. half of expected production). Staff advised the Council at the Strategic Plan meeting (2022) that well work can be like poking a sleeping bear and a project was created. Anzalone Drilling and Pumps is the Well contractor the Town is working with on this Project. The well was pulled on July 18th and allowed to settle for two days, and the camera inspection took place on July 20th. The camera inspection was performed by Whiskey's Welloscopy.

ANALYSIS:

A copy of the Wellbore Inspection Report has been included as an attachment for this Staff report. Camera operator Whiskey Mike was able to get his camera all the way to the bottom of the well (1187ft) This is short of the original well log report of the bottom of 1500 ft. Unknown why the difference between. Several issues of the well were discovered during the camera inspection.

- The original repair work took place at 472.1 ft where the casing was narrowed from 16 in to 14 in. The repair continued to the depth of 553.8 stopping 3ft shy of the damaged area. A 3 ft patch is recommended at this point to finish the repair (\$12,000). This is the easy one and staff has ordered the patch to be placed. If Council does not agree with this, please direct staff to change.
- Perforations are plugged starting at 560 ft and looking worse as you continue down. At 701 ft they are 95 % plugged. Acidizing (\$50,000) and jetting (\$75,000) of the well is recommended. Staff is looking in to possibly a cheaper alternative (\$15,000 to \$25,000) to this cost. It would consist of purchasing new cleaning hose and nozzle for a sewer jeter truck and purchasing the chemical ourselves to treat the well before we jet. The difference is jetting pressure. 2500 psi vs 25,000 psi. The jet company has the ability to pressure up to 25,000 psi if needed. Most likely, they will clean around 10 to 12,000 is what the well operator said. Staff would like Council direction on how they would like staff to proceed with cleaning.

- Well casing is too narrow at the patches/repairs for current pump and motor to slide past, staff received this news 8/5/2022 after further analysis of the well report from the well operator and his equipment suppliers. The pump was set above the original repair area after it was determined to salvage what they could get out of the well and stop the bleeding of the project. Staff has requested from the well operator for cost and to analyze of what an 8in pump and motor would produce from below the patch at roughly the 700ft mark. Once Staff receives what production is available at this depth on paper, Staff recommends a pump test to determine what the well will actually produce at this depth (mechanical ability vs environmental ability). Staff will provide these numbers for the Council to consider as soon as they become available.

The Town can currently drop the well another 20ft and that would put the depth just above the original repair (\$12,000)

FINANCIAL IMPLICATIONS:

The estimated budget for this project was a shot in the dark of \$100,000 Currently \$25,000 has been spent for the well work and the camera leaving \$75,000 left of the current budget.

Option 1 \$137,000

- \$12,000 for patch
- \$ 50,000 for acid cleaning
- \$ 75,000 for jet cleaning

Still need Test Pump / Equipment and re set cost

Option 2 \$69,000

- \$12,000 patch
- \$25,000 poor boy cleaning if able
- \$12,000 extension to max the current ability
- \$20,000 re set cost.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the Council provide staff with the direction of option one or two. If the Council wants to fully understand what the Bear Flat well can produce, Staff recommends option one with the understanding that additional cost are coming for new equipment once Staff receives them. If Council determines from the information provided it would like to proceed with different alternative (new well) and abandon the investigation and put the well back together, the Staff recommends option two

PROPOSED MOTION:

Staff direction only.

ATTACHMENTS:

Wellscopy report of Bear Flat Well

Wellbore Inspection Report

Asset Information

Well ID: Brian Head Well Bear Flat

Well Diameter: 16.0 in

Well Type: Culinary

Well Owner: Brian Head Town

Perforations:

Perforation Interval:

Asset Notes:

Casing

Material: Steel

Diameter:

Depth:

Location

GPS Latitude:

GPS Longitude:

Location / Address:

Project Information

Client: Brian Head Town

Client Address:

Job: 1

Invoice / PO:

Inspection Information

Date: 20-Jul-2022 9:48 AM

Weather: Clear

Operator: Whiskey Mike

Reason for Survey: Specific Issue (Video Required)

Vehicle / Camera: BT-9700

Zero Point / Datum:

Static Water Level: 239.0 ft

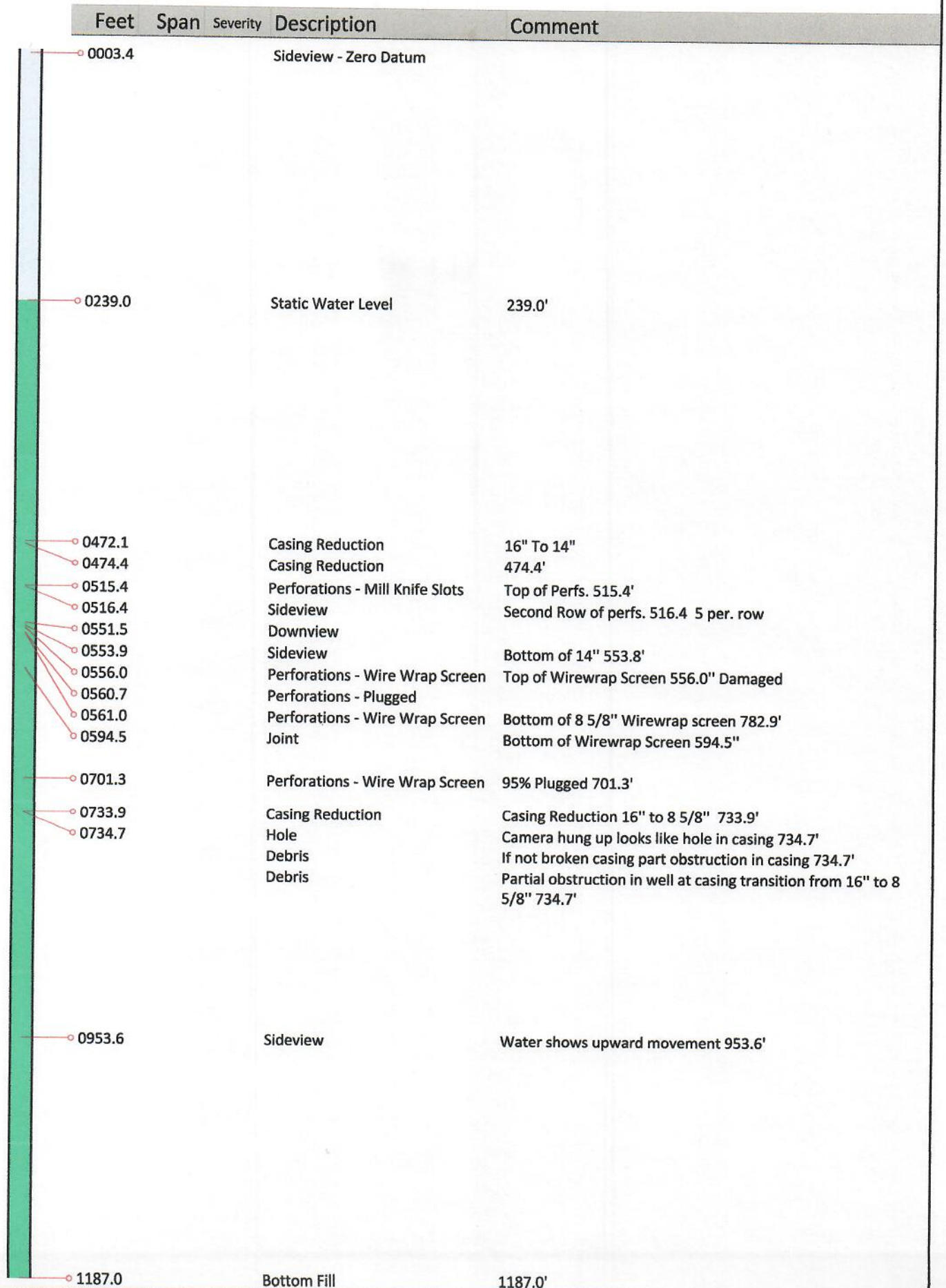
Downview Offset:

Casing Buildup: Heavy

Inspection Notes:

Schematic View

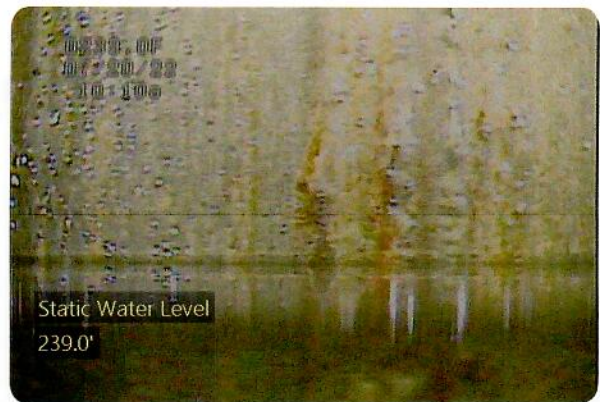
Brian Head Well Bear Flat



Snapshots



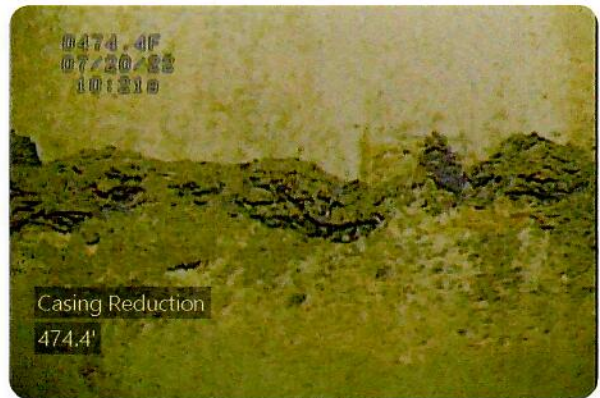
Sideview - Zero Datum



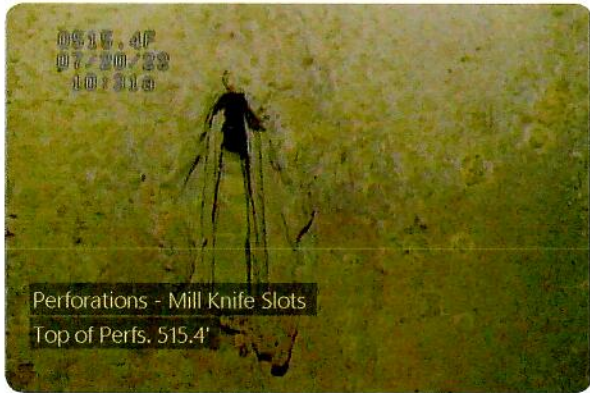
Static Water Level | 239.0'



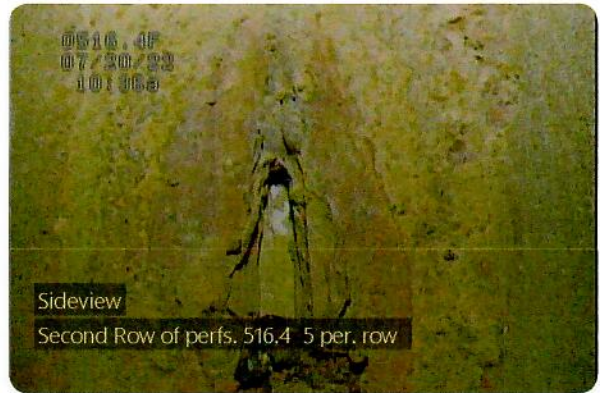
Casing Reduction | 16" To 14"



Casing Reduction | 474.4'



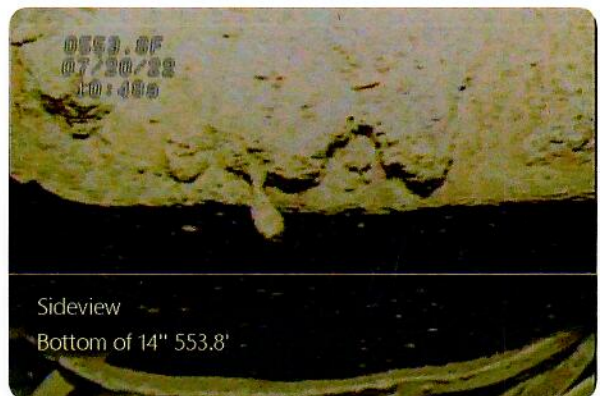
Perforations - Mill Knife Slots | Top of Perfs. 515.4'



Sideview | Second Row of perfs. 516.4 5 per. row



Downview



Sideview | Bottom of 14" 553.8'

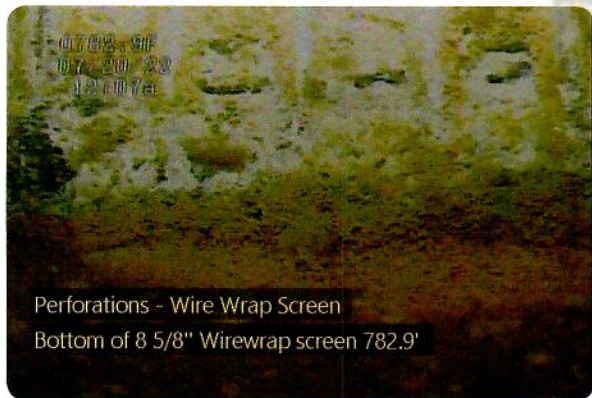
Snapshots (continued)



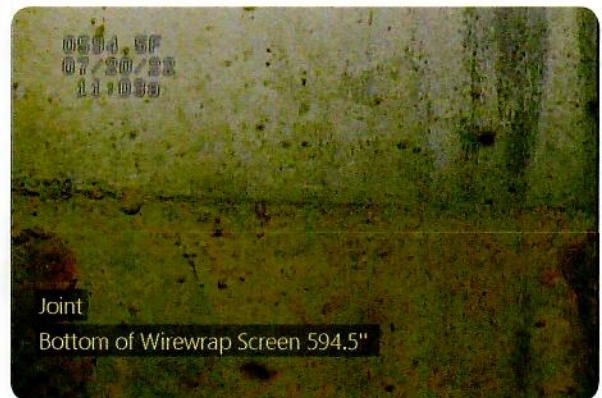
Perforations - Wire Wrap Screen | Top of Wirewrap Screen 556.0" Damaged



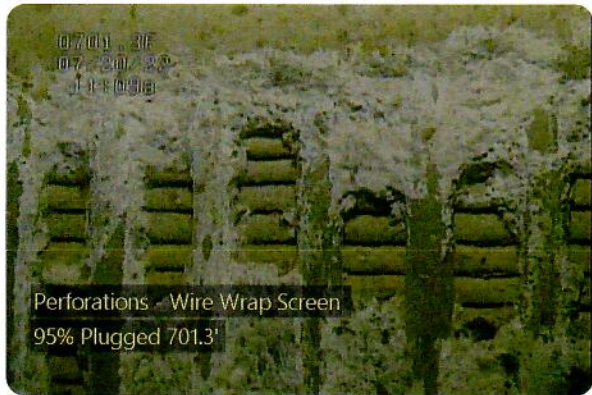
Perforations - Plugged



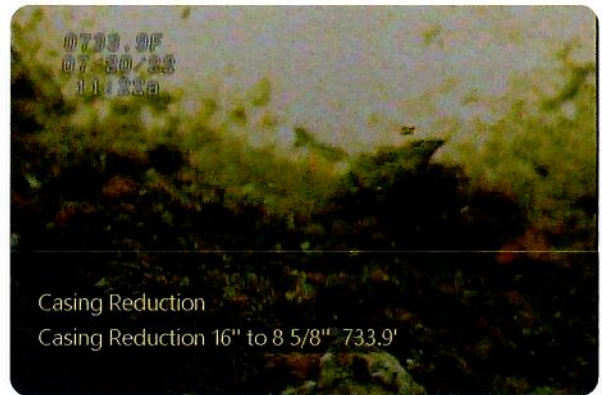
Perforations - Wire Wrap Screen | Bottom of 8 5/8" Wirewrap screen 782.9'



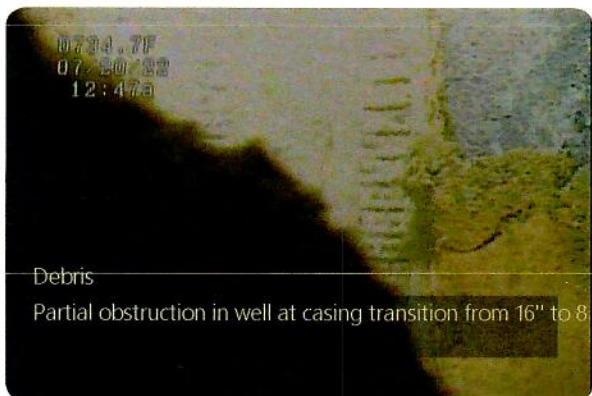
Joint | Bottom of Wirewrap Screen 594.5"



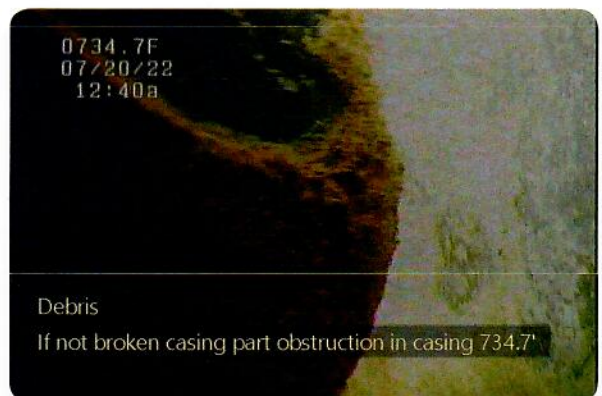
Perforations - Wire Wrap Screen | 95% Plugged 701.3'



Casing Reduction | Casing Reduction 16" to 8 5/8" 733.9'



Debris | Partial obstruction in well at casing transition from 16" to 8 5/8" 734.7'

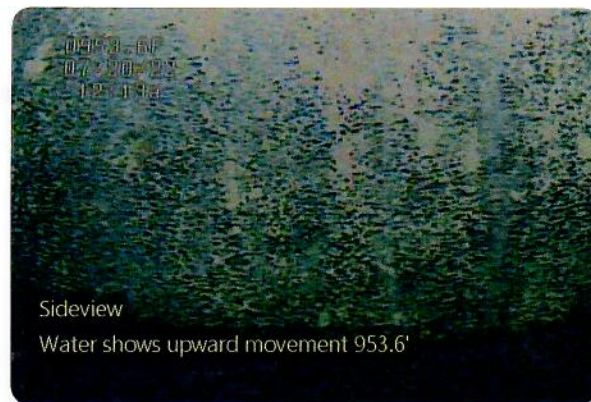


Debris | If not broken casing part obstruction in casing 734.7'

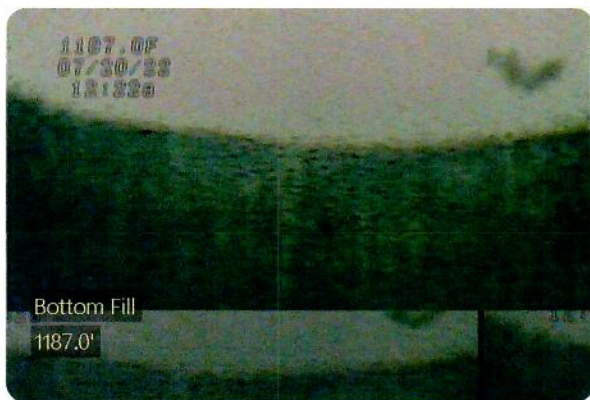
Snapshots (continued)



Hole | Camera hung up looks like hole in casing 734.7'



Sideview | Water shows upward movement 953.6'



Bottom Fill | 1187.0'



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Special Assessment Area Policy Discussion
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: January 26, 2022
TYPE OF ITEM: Discussion

SUMMARY:

The Council will consider adopting a revised policy for approving Special Assessment Areas (SAA) and Public Improvement Districts (PID).

BACKGROUND:

In 2008, the Town annexed 386 acres which included several subdivisions that were platted from the 1960's, currently the area is known to staff as the "annexed area" which includes several subdivisions with no infrastructure improvements other than the roads the Town has worked to improve since the 2008 annexation. Water and sewer improvements had been very minimal in the area until 2019 when the Town was able to obtain grant funding for the Mountain View Waterline Project. When the area was annexed in 2008, the Council determined that property owners who desired improvements in their neighborhoods should "pay for its own way and that all new development within the Town should provide complete infrastructure at the developer's expense". One of the determining reasons for this decision was due to the fact the Town did not collect enough property taxes or other revenue sources to construct public way improvement in the existing subdivisions.

In 2009, the Town Council adopted Resolution No. 391 establishing a policy for Special Assessment Areas (SAA). The policy outlined the SAA process along with construction costs for water, sewer, and gravel road improvements.

During the 2017 Brianhead Fire, it became abundantly clear that annexed areas without water, such as Cedar Breaks Mountain Estates, presented a real danger to the rest of the Town in terms of wildfire protection.

In 2019, the Town installed a waterline down Mountain View Drive funded with grants from the State. The waterline was initially identified as a transmission line and after a year and testing, the waterline was then identified as a distribution line to where property owners could connect to the Town's water system. This opened up areas that previously didn't have the ability to install waterlines to begin connecting to the Town's water system. It was the Town's desire to see property owners in the area create SAAs to run the water lines throughout the annexation area.

In 2021, following a change in implementation of an existing regulation by the Health Department, property owners were no longer allowed to obtain a septic tank permit without being connected to the Town's water system. This resulted in a flood of SAA petitions coming to the Town. The Council recently completed SAAs for Scenic Drive, Trail Road, and Falcon/Forest Drive. These are in addition to the outstanding SAA in Steam Engine Phase 1-C. Property owners on Snowshoe/Toboggan have also approached the Town for help

financing a waterline project, although they're not requesting a formal SAA. The Town recently obtained grant funding for that project.

In the wake of this influx of SAA activity, the Council made adjustments to the SAA policy in September 2021 which clarified what constitutes a "majority" for petition purposes, delineated how the assessments would be distributed among property owners, and removed old construction cost estimates.

In January 2022, the Council held its annual strategic planning meeting wherein they discussed potential policies for SAAs and PIDs and directed staff to include an action step in the FY 2023 Strategic Plan to revise the SAA policy. Leveraging the experience gained while setting up and financing three new SAAs in the spring of 2022, staff has now drafted a revised SAA & PID Policy.

ANALYSIS:

The proposed policy is attached. The previously existing policy was really little more than a FAQ which could be distributed to those interested in the process of petitioning the Council for a SAA. There was little in it that addressed the Council's actual policy on SAAs (and nothing on PIDs). The newly revised policy actually creates a real policy and moves the existing policy or FAQ to an appendix of the new policy.

The proposed policy addresses the following policy areas:

- General Benefit of the Proposed Development
- Petition Requirements
- Timeline for SAA Creation
- Assessments
- Financing Considerations

Some major points of policy include:

- "Town will only consider public financing for development projects that entail broad public benefit."
 - Where the identified public benefit is fire protection, the policy includes a map generated by the Town Public Safety Director and Public Works Director which shows priority areas where fire protection infrastructure is needed
- Petitions are required to be submitted by June 30 for potential implementation the following year
- SAA debt carried by the Town will be limited to 10 year terms with a 10% debt service reserve, and no more than \$5 million in outstanding SAA debt at any given time.

With regard to the implementation timeline, one question that the Council may wish to clarify in the policy is whether we want to complete the assessment ordinance and Board of Equalization (BOE) process prior to obtaining bids and awarding the contract for the project (or vice versa). The potential risks are as follows:

- If assessments are set prior to obtaining bids, they may be inadvertently set too low requiring the Town to repeat the notice of assessment and BOE process (about a month-long process)
- If bids are obtained first, then the notice of assessment and BOE process takes a month from there, we may have to award the contract to lock in prices prior to

completing BOE. If BOE results in somebody not being assessed as planned, then the Town would either have to spread that cost out on the remaining properties, potentially causing us to start the Notice/BOE process anew, or just eat the cost.

- One possible solution would be to do the assessment ordinance and BOE first, and just set the assessments at the maximum amount (limited by the 3:1 value to assessment ratio). We can always reduce assessments without having to do the process over.

FINANCIAL IMPLICATIONS:

The primary purpose of this policy would be to reduce financial risk to the Town and limit the financial risk we assume to SAAs and projects which have broad benefit to the Town.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends that Council adopt the proposed SAA & PID Policy revision by resolution

PROPOSED MOTION:

I move to adopt resolution No. 22-024 revising the Brian Head Town Special Assessment Area and Public Improvement District Policy as presented.

ATTACHMENTS:

A – Proposed SAA & PID Policy Resolution.



SPECIAL ASSESSMENT & PUBLIC IMPROVEMENT DISTRICT POLICY

Date Approved: [Date]
Resolution No.: [Resolution]

Brian Head Town (the “Town”) will consider the use of Special Assessment Areas (SAA) and/or Public Improvement Districts (PID) as provided for by Utah Code Annotated §11-42 where consistent with the dictates of this of this policy. Notwithstanding the ensuing policy, the Town Council retains the privilege of denying any SAA or PID for which the Town receives a petition, as allowed under State Statute, where the Council finds that approval would result in undue risk or damage to the Town as a whole.

General Benefit of Proposed Development

The Town recognizes that in assisting individual property owners (or a group of individual property owners) with infrastructure development through public financing, all property owners in the Town are asked to share in a small fraction of the risk that would otherwise be incumbent upon that individual (or group of individuals). Therefore, the Town will only consider public financing (such as SAA or PID bonds) for development projects that entail broad public benefit. Examples of such include, but are not limited to, roadways which improve traffic circulation, water lines which provide needed firefighting capacity to areas which pose a wildfire risk to the Town, and sewer lines in areas which will protect health and sanitation for the community’s watersheds.

Petitions for SAAs or PIDs shall stipulate the proposed general community benefit entailed in the proposed development project which justifies the public assumption of risk. Exhibit A provides a map of fire protection priority areas as designated by the Town Marshal to assist the Town Council in determining the general public benefit of any proposed water lines. Proposed line extensions within these priority areas in excess of 1,000 linear feet, or which create looping/redundancy within the water delivery system, should be given consideration.

Petition Requirements

Property owners can petition the Town for the installation or reconstruction of public way improvements through a SAA or PID. Those signing the petition must be the owners of the properties adjacent to the requested public way improvements, not residents that are renting or leasing the property. Once the sponsor has acquired the required signatures that meet the majority of the property owners who are in favor of a SAA, the petition is to be submitted to the Town Clerk for verification of signatures and legal property owners. Apparent support of the project, as indicated by those signing the petition, must represent greater than 50% of the total properties/lots of the proposed public way improvements for the Town Council to accept a petition and consider the creation of a Special Assessment Area.

Timeline for SAA Creation

The following gives a rough outline of a typical SAA creation and project implementation timeline:

- 1) Petition is submitted to Town
 - a) Signed by owners representing 50% of parcels
 - b) Includes map, description of improvements, and list of parcel numbers
- 2) Staff review meeting
 - a) Communicate any issues with petition to applicant





- b) Allow applicant to correct anything before going to Council
- 3) Council receives petition in open meeting, accepts or rejects by motion
- 4) Council considers resolution - Notice of Intent to Create SAA
 - a) Determination whether to proceed with SAA based on general public benefit
 - b) Resolution sets date for public hearing
 - c) Advertise public hearing for four weeks
- 5) Public hearing held in open meeting, 60 day contest period begins
 - a) Contest period can be bypassed if 100% of property owners sign a waiver and consent form
 - b) If 40% or more of property owners protest the creation of the SAA during contest period, it fails
- 6) Staff obtains preliminary project cost estimate and property appraisals
- 7) Council may create SAA by resolution
- 8) Council creates Board of Equalization by resolution
 - a) Sets BOE hearing dates (35 day notice)
 - b) Use preliminary estimates plus large contingency or the maximum assessment
- 9) Town begins process of issuing bonds
- 10) Town proceeds with engineering and bidding for project
- 11) Town awards project bid and sets SAA assessment by ordinance
 - a) Property owners have X days to prepay their assessments
- 12) Bonds are issued, project may proceed

The entire process to put an SAA into place is expected to take 6-8 months. As such, petitions must be received by the Town by June 30 of year 1 in order to proceed with the improvements in year 2.

PID timelines have yet to be defined by the Town.

Assessments

Assessments will typically be distributed among property owners in a manner commensurate with the benefit received by each property. In the case of water or sewer line extension, for example, it is assumed that the benefit received by each lot is equal, regardless of size or valuation of the lot, so a flat assessment would be applied to each lot. Assessments will be included on the Iron County property tax bill and collected along with general property taxes. The Town may require that assessments be retired when a property is sold.

Financing Considerations

State Statute requires a 3:1 coverage ratio of property value to assessment for SAAs. The Town prefers a 4:1 or 5:1 coverage ratio to mitigate the risk to the public of financing a SAA project. However, Council may choose to proceed with a 3:1 ratio, but only where there is significant public interest.

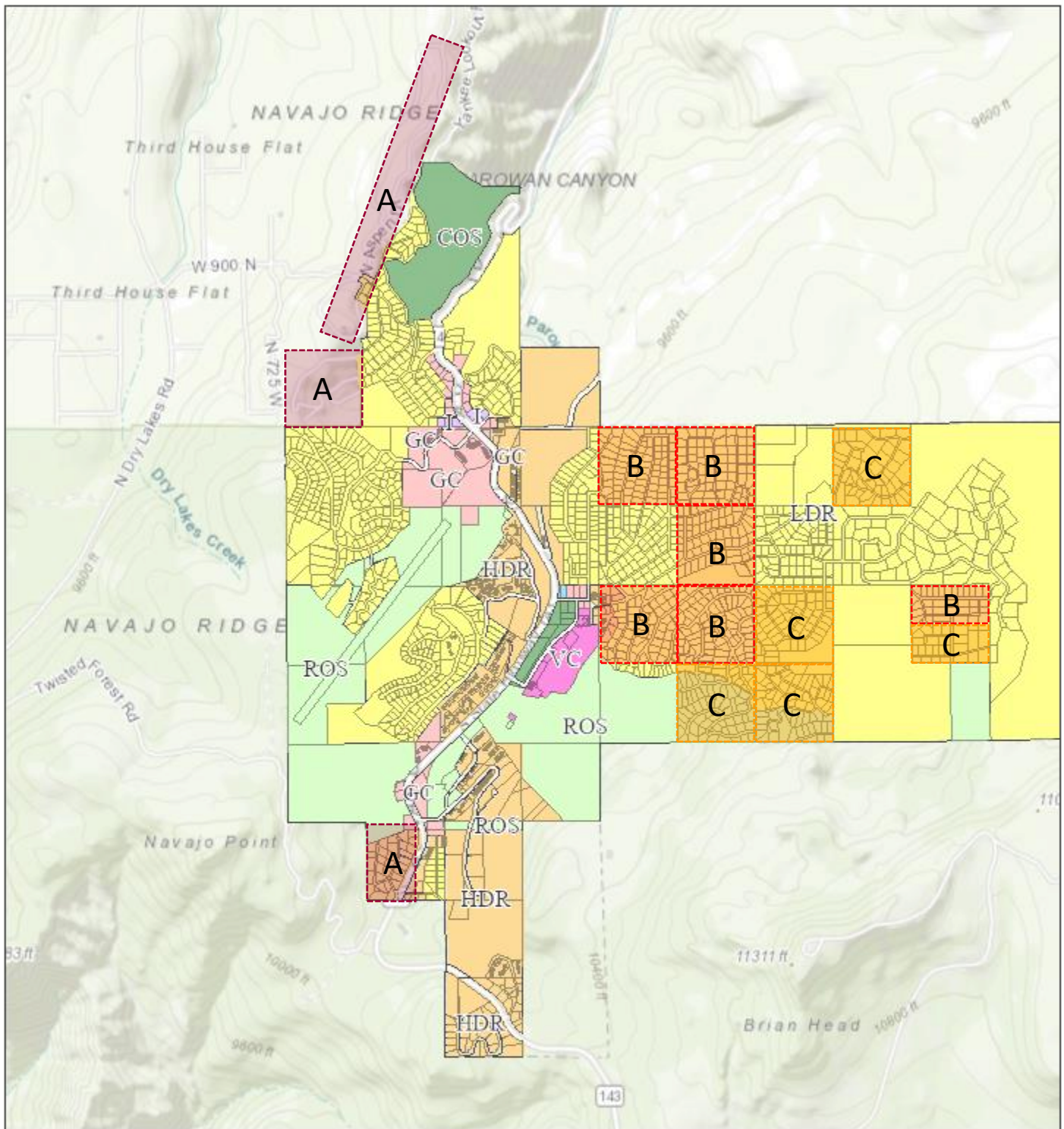
SAA bonds will not exceed a ten-year term or 7.5% true interest cost. Bonds will be structured with an annual call provision to allow property owners to retire the entire outstanding assessment at any time. Each bond issuance will have a 10% debt service reserve funded by the proceeds of the bonds. The Town will only consider backstopping SAA or PID bonds with sales tax revenue or other Town guarantee under extraordinary circumstances where significant public interest is involved.

At no time will the Town carry more than \$5 million in outstanding SAA debt.

Exhibit A – Map of Priority Areas

Exhibit B – Special Assessment Area Frequently Asked Questions

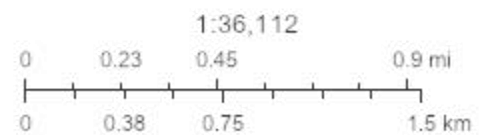
Fire Protection Priority Areas



July 29, 2022

Priority Levels

- A Critical for Fire Protection
- B Potentially Substantial for Fire Protection
- C Some Benefit for Fire Protection



Bureau of Land Management, Utah AGRC, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, METI/NASA, EPA, USDA

These prioritizations assume the completion of all 2022 SAA water lines and the Toboggan water line in 2023



Brian Head Town

Special Assessment Areas

What is a Special Assessment Area?

A Special Assessment Area (SAA) is an area legally defined through ordinance by the Town Council for the installation of public way improvements. Public way improvements may involve the installation of curb and gutter, sidewalks, and drive approaches where such improvements have not previously existed. Improvements may also include roadway and drainage improvements, accessibility ramp construction, and installation of culinary water and sanitary sewer systems. All SAA improvements must extend from existing similar Town owned and approved facilities. SAA projects upgrade the community through the elimination of drainage problems, pedestrian safety concerns, year-round access, fire protection and unsightly conditions in the public way.

What does it Cost?

Actual costs may vary based on specific construction needs and bids received from contractors when the Special Assessment Area is created. The sponsor of the SAA will work with the Town on preliminary engineering estimates for improvements.

At the completion of the project when actual costs are determined, a special tax assessment is placed on all abutting properties according to the proportional benefit received from the public way improvements. Property owners can pay the assessment in one lump sum or through equal annual installments. The installment plan for Water, Sewer and Street Extension SAA's are generally spread over ten years. Interest charges are accrued on the unpaid balance at a rate established by the Town Treasurer. This interest rate is set when the Town obtains a municipal bond for the project. Favorable interest rates have always been obtained because of the excellent bond rating held by Brian Head Town. Property owners who pay the entire assessment within fifteen days of the initial notification avoid any interest charges.

How do I get an SAA in my neighborhood?

Property owners can petition the Town for the installation or reconstruction of public way improvements through a Special Assessment Area. Those signing the petition must be the owners of the properties adjacent to the requested public way improvements, not residents that are renting or leasing the property. A petition form is provided at the end of this information sheet for your use in collecting signatures and determining support of the proposed project. Apparent support of the project, as indicated by those signing the petition, must represent greater than 50% of the total properties/lots of the proposed public way improvements for the Town Council to accept a petition and consider the creation of a Special Assessment Area.

Once the sponsor has acquired the required signatures that meet the majority of the property owners who are in favor of a SAA, the petition is to be submitted to the Town Clerk for

verification of signatures and legal property owners. Once confirmed, the Town Clerk will present the petition to the Town Council for approval.

How long does it take?

SAA petitions are given immediate attention. The time frame from receipt of a petition to construction is approximately 18 months (or sooner), pending the availability of capital improvement funding. Activities that occur during this time frame include public meetings to address property owner concerns, defining the project scope, designing the project, preparing cost estimates, determining the availability of funding, and complying with all SAA bonding requirements.

Please contact the Town offices to obtain more information and/or assistance.

Phone: 435-677-2029

Petition on following page must be completed and signed by the legal owner of the property.

Special Assessment Area Petition

Public Way Improvements

PETITIONERS' SPOKESPERSON:

PHONE: _____

MAILING ADDRESS: _____

PHYSICAL ADDRESS OF PROPERTY: SUBDIVISION: _____

UNIT: _____ BLOCK: _____ LOT# _____

LOCATION OF PROPOSED DISTRICT:

SPECIFIC IMPROVEMENTS REQUESTED:

- ☐ Sidewalk
- ☐ Curb and Gutter
- ☐ Drive Approaches
- ☐ Total Street Reconstruction
- ☐ Water System
- ☐ Sewer System
- ☐ Gravel Road Construction
- ☐ Paved Road Construction
- ☐ Other: _____

ADDITIONAL COMMENTS OR REQUESTS:

Special Assessment Area Petitioners

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

(Attach additional sheets as needed)