

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 \(Click Here\)](https://www.zoom.us/j/89517636088)
Via Zoom Meeting ID# 895 1763 6088
TUESDAY, AUGUST 9, 2022 @ 1:00 PM

Roll Call.**Members Present:**

Mayor Clayton way, Council Member Larry Freeberg, Council Member Kelly Marshall, Council Member Martin Tidwell, Council Member Dennis VanNostran.

Staff Present:

Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Shane Williamson, Town Treasurer; Amanda Hunter, Code Enforcement; Aldo Biasi, Public Works Director, Becky Bennett, Town Planner.

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Brian Head Town Council to order at 1:00 pm for August 9, 2022.

B. PLEDGE ALLEGIANCE

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

C. DISCLOSURES

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

D. APPROVAL OF THE MINUTES:**July 26, 2022, Town Council Meeting**

Motion: Council Member Marshall moved to approve the July 26, 2022, Town Council minutes. Council Member VanNostran seconded the motion.

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

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

Council Member Marshall inquired as to the status of a sign to be posted at Bristlecone Pond informing the public of the Town's plan for the installation of the playground equipment and public art. Bret Howser, Town Manager, explained the sign has been ordered and will be installed tomorrow at the park area.



1 **Mayor Calloway** reported on the Iron County Commission meeting in which the Commissioners
2 discussed the flooding in Parowan Canyon due to the monsoon rains and burn scar from the
3 2017 Brianhead Fire. They are working on a solution to preserve the highway.
4

5 **Bret Howser, Town Manager**, updated the Council on the status of the council chamber AV
6 upgrade. Bret reported some of the quotes from the AV companies are higher than anticipated.
7 Staff will continue to acquire more quotes for the upgrade.
8

9 **Shane Williamson, Town Treasurer**, reported on a workshop for Community Funding hosted by
10 Congressman Stewart's office that discussed community funding. Congressman Stewart is on an
11 appropriations committee for discretionary spending and is focused on bringing funding back to
12 Utah. Shane reported on a funding opportunity will be in spring 2023 and have \$200,000 to three
13 million dollars for transportation, water, and development they approve fifteen projects per year in
14 which hundreds of applications are submitted and are wanting projects that benefit more than just
15 the specific community. Shane reported a flyer is available for the public. Council Member
16 Tidwell commented that projects to improve the Town also benefit Congressman Stewart's district
17 as well and he believes that he would not discount any of the Town's project that doesn't meet
18 the criteria for the grant funding.
19

20 **Aldo Biasi, Public Works Director**

- 21 1. Updated the Council on the in-house projects. Aldo explained some of the projects are
22 encountering time delays due to the monsoon rains.
- 23 2. The Falcon Court SAA laterals will be installed but the meters will not be installed until
24 the Town receives approval from the State for the waterline. The roads will be repaired
25 by September 2022.
- 26 3. The natural gas line has been installed on Highland Drive and the sewer manholes will be
27 raised as well. Paving is scheduled after Labor Day depending on the weather.
- 28 4. The Trails at Navajo guardrail project was delayed due to the monsoons but should be
29 completed by next week.
- 30 5. The water tanks have been cleaned.
- 31 6. The Manzanita restroom project is scheduled to be completed in October 2022. The
32 materials for the restrooms should be ready by the first of October 2022.
- 33 7. Mayor Calloway reported the culvert under the highway next to the Scout Camp had
34 collapsed. UDOT will continue to patch the area until it can be repaired.
- 35 8. The culvert at Town Hall has been damaged with a tree wedged in from the underside of
36 the culvert. A temporary repair has been done until the section of the culvert can be
37 replaced.
38

39 **Representative-Elect Rex Shipp** introduced himself to the Council. Representative-elect Shipp
40 reported he will be representing Brian Head and updated the Council on some of the state's
41 priorities that have been subdivided into committees. Representative-elect Shipp reported he is
42 on the committees for natural resources, energies, and water which is a critical issue for the state.
43 Some water projects that have been identified are as follows:

- 44 1. Improving Utah's reservoirs.
- 45 2. The Colorado River water rights.
- 46 3. Repair of some dams such as one at Hatch that was destroyed years ago and may now
47 put the dam back in.
- 48 4. The Central and Iron counties working on the Powell pipeline which was receiving
49 pushback from environmentalists.
- 50 5. The State Engineering is working on a water management plan for Parowan Valley is
51 now taking place due to the central county aquifer being significantly drawn down.
- 52 6. Energy is also a critical issue for the state as well. He has filed an ESG bill for the
53 upcoming legislative session.
- 54 7. Filed a bill for the upcoming legislative session to help Utah with some of the water
55 issues.



8. After a conversation with an individual regarding liability on vehicles, it was recommended to raise the limit soon.
9. Representative-elect Shipp encouraged the Council to contact him if they have any concerns or questions.
10. Council Member Tidwell inquired as to the status of the Powell pipeline. Representative Shipp reported that the project is still active and with the water situation in Powell and is doing an impact statement right now.

Chief Dan Benson, Public Safety Director, reported the department has been busy with the summer activities.

F. AGENDA ITEMS:

1. RESOLUTION REVISING THE SPECIAL ASSESSMENT AND PUBLIC IMPROVEMENT DISTRICT POLICY. A resolution revising the Special Assessment Area and Public Improvement District Policy.

Bret Howser, Town Manager, presented a draft policy for Special Assessment Areas and Public Improvements (see attached). Bret explained the previous SAA policy was amended last year but the policy was more of a frequently asked question type of policy, so staff revised the policy and kept the previous SAA policy as part of the revised policy.

Bret explained with the increase in real estate sales and the enforcement of the Health Department on septic tank permits that require a homeowner to be connected to a water system if they have year-round access or a short-term rental. Bret reported with the 2008 annexation of properties between Forest Drive and Steam Engine Meadows subdivision, many of the property owners have been hauling water to their cabins and have now begun an SAA.

Bret reported with the installation of the Mountain View waterline, more property owners will connect to the Town's water system and several neighborhoods have begun SAA's with the Town. The staff has experienced some challenges with the implementation of SAAs and has learned of some of the risks that are associated with SAAs.

The Council discussed the following:

1. Public Improvement Districts were included in the SAA policy revision.
2. There are tentatively two more SAA petitions that are being submitted.
3. A Fire Protection Priority Map has been created identifying areas in the Town based on the Town's fire protection priorities A, B, and C, with area A being the highest priority for fire protection and area C being the lowest priority (see attached).
4. The Ranger Court SAA is currently identified in area B since it has more homes and vegetated fuels.
5. A grant has been obtained for the Snowshoe and Toboggan Lane waterline which reduced the priority for the area.
6. Aspen Drive and the southwest areas of Brian Head are identified as area A (high priority).
7. Council Member Freeberg inquired as to the areas that are not identified for fire protection area on the map such as Deer Trail Road which does not have a waterline in them. Bret explained that water is nearby, and he would identify that as area as "B" and he will update the Fire Protection Priority Map.
8. Property owners on Quakie Drive have approached the Town for a waterline.
9. One area of challenge is the timeline for implementing an SAA. Staff would like to get to the point where the SAA is completely set up before any financial commitment is made on the Town's behalf and this is not possible with the state laws regulating SAAs.



10. One idea was to set the final assessment at the highest cap possible and property owners could approach the Board of Equalization with arguments against the assessment. If the Board of Equalization grants a reduction and eliminates an assessment, then the process would need to begin again since the assessment would need to be distributed to the other properties.
11. Another challenge is when the bids are accepted, the contractors are wanting the Town to sign a contract which is before the final assessment ordinance is adopted.
12. Another idea was to set the final assessment before the Town goes to bid for the project, but there is a risk that the final assessment was not high enough to cover the cost of the project.
13. SAAs require a property value of three to one for the improvements. Appraisals would need to be completed before the final assessment can be adopted which would require an engineer's estimate which also puts the Town at risk financially.
14. Staff identified a deadline for SAA petitions to be submitted by June 30th. SAA's typically takes six months or longer to complete. The intent was to do the engineering over the winter so the Town could go to bid by March. The deadline date of June 30th may be moved to either April or May.
15. Mayor Calloway commented that he would prefer the SAAs to have either a four-to-one or five-to-one property value which would reduce the risk for the Town to accept an SAA. Colleterial vs. debt. Council Member Tidwell commented that he disagrees with the four or five times ratio since banks and the state require three to one value and the State does not force the Town to accept an SAA petition. If the Town were to put a requirement of higher than three to one value, then the development of the Town's infrastructure will decrease.
16. The maximum limit for SAAs is identified at five million in total SAA debt for the Town which would remain for nine to ten years. Shane explained it would take several years to decrease the principal.
17. The Town has bonded for 1.4 million dollars with the Falcon Court, Scenic Drive, and Trail Road SAA's in 2022. Ranger Court SAA is estimated at \$371,000 and there are three more potential SAAs; Margie Court, Elk Drive, and Quakie Road.
18. The Town will be part of the County septic tank density study that will take place next year.
19. Mayor Calloway suggested the Council consider the following for SAAs based on the Fire Protection Priority Map since it would be a way of guiding grow of how the Town should develop:
 - Area A: Highest priority and require a three-to-one value on the improvements.
 - Area B: Medium priority: four to one value on the improvements.
 - Area C: Lower priority: five to one value on the improvements.
20. If an SAA petition is submitted and has 100% of the property owners and is located in Area C, the Council could be flexible on whether to approve the SAA or not.
21. If a requirement should be identified to require payoff of the assessment if the property sells. This can be a case-by-case basis for each SAA.
22. Shane Williamson, Town Treasurer, recommended that no partial payments be allowed to be made due to the tracking issues and bank requirements for payments. As the Town accumulates more SAAs the administrative process should be the same for all SAAs.
23. Staff will correct the language in the first sentence of the policy as it refers to the Utah State Code.
24. Bret reported the current SAA bonds to identify that if a property owner fails to pay the assessment, the Town would pay with sales taxes which turns it into a sales tax bond issuance, which is less of a risk for the Town, but it also consumes some of the Town's capacity for bonding for sales tax bonds and would only be used for extreme circumstances.
25. Shane explained there is a debt reserve fund of \$137,000 that was borrowed with the 2022 SAAs that will be paid back by the property owners. If a property owner fails to



pay, then the reserve fund is there to cover that risk, and this would be the preferred method instead of a sales tax bond.

Motion: Council Member Tidwell moved to adopt resolution No. 22-523 revising the Special Assessment Area Policy with the following changes:

1. The language in the first sentence will be corrected.
2. Add the words "may deny or approve"
3. Add language which ties the property value ratio to the Fire Protection Priority Map as follows: Area A: 3 to 1 value, Area B: 4 to 1 value; Area C: 5 to 1 value.
4. A provision that requires the assessment to be paid off at the time of sale.
5. Identify the remaining portions of areas for priority based on the Fire Protection Priority Map.

Council Member Freeberg seconded the motion.

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

- 2. 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.** A resolution for the Notice of Intent to create the Ranger Court Special Assessment Area, 2022-01

Nancy Leigh, Town Clerk, presented a draft resolution for the Notice of Intent for the Ranger Court SAA (see attached). Nancy gave a brief background on the Ranger Court SAA in which fifteen properties on Ridge Top Drive and Ranger Court are identified for water system improvements. Nancy reported the Council accepted the Ranger Court petition during their July 26, 2022 council meeting.

Nancy reported on another SAA (Margie Court) that is currently in the process of submitting its petition to the Town for consideration. Margie Court is adjacent to the Ranger Court SAA and staff tried to encourage the sponsor of Ranger Court to work with the Margie Court sponsor to bring both SAAs in at the same time. The sponsor of Ranger Court wanted to proceed with their SAA so they could meet the Town's deadline of June 30th.

The Council discussed the following:

1. A section of road on Meadow Drive is a concern for the Town since it would dead-end the waterline instead of the preferred method of looping the waterlines.
2. Mayor Calloway stated he would like to deny the Notice of Intent for Ranger Court and instruct the applicant to include the three properties on Meadow Drive to loop the waterline.
3. Aldo Biasi, Public Works Director, reported the section of the waterline that comes down from Ridge Top Drive and halfway in the middle of Meadow Drive has not yet been installed, but the waterline has been approved and is scheduled to be completed.
4. Between Margie Court Road and Ranger Court, there are a total of three lots that were not included in the Ranger Court petition, and if the Council should request the



Ranger Court SAA to expand their boundary by three lots. Bret suggested the Council could consider one of the three lots to pay one-half of the assessment since the existing waterline runs halfway across their property.

5. Bret Howser, Town Manager, explained the Council could table the Notice of Intent resolution and wait for the Margie Court SAA petition to be submitted.
6. Council Member Tidwell inquired as to why two lots were excluded from the SAA that are located on Ranger Court. Nancy responded that it could be due to acquiring 50% of the property owners to sign the petition.
7. Council Member Marshall expressed her concerns if the Ranger Court SAA is approved, and Margie Court SAA fails because they are unable to meet the ratio requirements or because of protests that could be submitted. Bret responded that the Council could drop the SAA at any time including after the Town goes to bid for the project.
8. Bret commented that if the Council wants to combine the two SAAs (Ranger Court and Margie Court), staff will need to confirm with legal before the Council proceeds with the SAA.

Motion: Mayor Calloway moved to deny the Notice of Intent resolution for the Ranger Court Special Assessment Area until a complete waterline is looped either by coordinating with the Margie Court SAA or including the properties on Meadow Drive in the Ranger Court SAA. Council Member Freeberg seconded the motion.

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

Mayor Calloway directed staff to notify the petitioner for Ranger Court that the Council is not denying the SAA, but to include the other properties on Meadow Drive to complete the waterline for a looped system.

3. BEARFLAT WELL REPORT & DIRECTION. A discussion and staff direction for the Bearflat Well Repair.

Aldo Biasi, Public Works Director, updated the Council on the Bearflat Well in which the well was videoed, and pictures were created for the Council (see attached). Aldo explained staff identified options for the Bearflat Well repair to the Council. The Bearflat Well had a casing collapse in 2012 in which the Town hired a company to swedge to open the casing, this reduced the size of the casing from sixteen inches down to fourteen inches.

The following was discussed:

1. Option 1: \$137,000 for a patch, acid cleaning, and jet cleaning. The test pumping and equipment to reset are an additional cost of between \$30,000 to \$50,000.
2. Option 2: \$69,000 for a patch, poor boy cleaning, if able, extension to the max of the current ability, and re-set.
3. The original patchwork in the casing would need to be cleaned out and an eight-inch (8") motor that could slide past the patchwork area.
4. Staff is waiting on data on if the well was extended to a 600' – 700' foot range and whether it would work.
5. The cleaning is estimated at \$125,000, but there are also options for doing the cleaning in-house. The difference is if it is done by the Well company, it would be 25,000 pressure per square inch (psi) and in-house cleaning would be between 10,000 and 12,000 psi.
6. Aldo reported if the Council chose not to clean the well casing and put it back together to the existing state, the cost would be \$69,000.
7. Aldo explained an in-house repair could cost approximately \$12,000 which is identified in the staff report for this agenda item.



8. The cleaning would go to the bottom of the well and the staff is waiting for a cost for the test pumping and the cost to extend it eight inches (8") down is estimated between \$30,000 and \$50,000.
9. Aldo explained that the current equipment cannot go deeper due to the equipment being too wide for the casing since it is bigger than fourteen inches (14"). The original casing was 16" and was re-sleeved with a 14" sleeve.
10. The Town would change to eight-inch (8") bowels and pump. Staff will check to see if ten-inch (10") bowels could be used, there are 12" bowels in the well with wires on the outside of it.
11. Bret Howser, Town Manager, explained if the Council wants to fix it properly with the pump, casing and wire could cost \$100,000 or more. The pumps would cost \$60,000-\$80,000 and the total wire could cost the Town between \$250,000 and \$300,000.
12. The bowels will be between 300 and 400 feet from the bottom of the well. The original design of the well was 600 to 700 feet below the pumping chamber.
13. The damage was from the original well company that did not have the gravel pack set and caused the collapse in the well.
14. As part of the original repair, slots were cut into the casing, but some of the slots do not have water coming through them. The staff is unsure as to what the issue is, but it could be debris blocking the slot area.
15. A new well could cost the Town approximately 1.3 million dollars to drill a new well and does not include a motor, bowels, etc. A repair would cost between \$200,000 and \$300,000.
16. The Bearflat Well uses the same aquifer as the Town Hall Well which both have pumps at 600' to 700' feet down.
17. Bret explained that this project was budgeted for \$100,000 and the Town Hall Well repair was budgeted for \$50,000. The 1MG tank generator project was budgeted for \$150,000 out of the water fund and can be delayed until next year to use those funds for the Bearflat Well repair.
18. Staff will review the budget requirements for a transfer from the General Fund to the Water Fund.
19. Aldo reported he will submit an updated cost estimate to the Council.

Consensus of the Council: Proceed with Option 1, professional cleaning, patching of the casing, and test pumping as presented before a decision on replacing the motor.

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

The Council reviewed the agenda for August 16, 2022.

G. ADJOURNMENT

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

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

The regular meeting of the Brian Head Town Council was adjourned at 3:25 pm for August 9, 2022.

August 23, 2022

Date Approved

Nancy Leigh, Town Clerk

