

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/84006522253)
Via Zoom Meeting ID# 840 0652 2253

TUESDAY, SEPTEMBER 27, 2022 @ 1:00 PM

Roll Call.

Members Present: Mayor Clayton Calloway, Council Member Kelly Marshall, Council Member Martin Tidwell, Council Member Shaun Kelly.

Members Absent: Council Member Larry Freeberg.

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Chief Dan Benson, Public Safety Director; Aldo Biasi, Public Works Director; Shane Williamson, Town Treasurer.

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Town Council for September 27, 2022, at 1:00 pm

B. PLEDGE ALLEGIANCE

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

C. SWEARING IN OF COUNCIL MEMBER SHAUN KELLY. Shaun Kelly will be sworn in for the Town Council to fill the mid-term vacancy left by Dennis VanNostran.

Mayor Calloway reported that Shaun Kelly was chosen by the Council and will be appointed to fill the vacancy from Dennis VanNostran. Shaun Kelly was then sworn in by Nancy Leigh, Town Clerk, for the Council Member term ending December 31, 2023.

D. 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.

E. APPROVAL OF THE MINUTES:

September 13, 2022, Town Council Meeting

Motion: Council Member Tidwell moved to approve the September 13, 2022, Town Council minutes. Council Member Marshall seconded the motion.

Action: **Motion carried 3-0-1 (summary: 3-0-1 Yes: 3 No: 0 Abstained: 1 Vote: Yes:** Council Member Marshall, Council Member Tidwell, Mayor Calloway. **Abstain:** Council Member Kelly. **Absent:** Council Member Freeberg).

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

Council Member Marshall reported she participated in the Town's Fall Clean-up Day that was held last week. Council Member Marshall reported there were a few people who participated in the event and enjoyed the hot dogs/burgers that the Town Manager made for the event.



Mayor Calloway

1. Apologized he was not able to attend the annual Fall Clean up Event.
2. Encouraged the Council and public to visit Mike Saemisch's "Life at Brian Head's" Facebook page in which Mike has taken some spectacular photos of the fall colors.

Bret Howser, Town Manager

1. There have been some community-focused events held in the past couple of months. One event was a community hike to Masa's Run where some participants hiked to Brian Head Peak while others rode the ski lift up to the peak area and they met up to finish the hike. Bret reported this is the first year this event took place and is hoping this event will continue to grow.
2. The Fall Town Cleanup Event was held on September 24, 2022, and a few individuals participated in the cleanup and lunch that was provided. Bret reported this is a first-time event as well.
3. Received a draft of the development agreement for Aspen Meadows. He will be reviewing the agreement before it is presented to the Council and the public.

Chief Dan Benson, Public Safety Director

1. Sierra Emgimy, Public Safety Administration Assistant, has taken another position with the Courts. Chief Benson reported the position will be advertised and encouraged the Council and others if they see Sierra, to let her know what an excellent job she did for the Town.
2. With the hunting season coming up, there will be some different part-time officers working the shifts. One part-time deputy, Dillon is from State Parks and Recreation, and Alley Snow is from the Washington County Sheriffs' office where she recently retired. Chief Benson encouraged the Council to get to know the new part-time officers who will be working.

Aldo Biasi, Public Works Director

1. The Bearflat Well needed additional repairs due to the motor being damaged. The motor was sent down to see if it could be rebuilt. An option that is being considered, is eight inches (8") smaller bowels and a smaller motor instead of the fourteen inches. This would allow it to go deeper into the well casing, past the damaged area. Aldo explained he believes this is a better solution for the well. He has been in contact with the Resort to keep them updated on the progress and to ensure them that it is a priority of the Town to ensure sufficient water for snowmaking. The snowmaking pond was previously filled, and the Town will continue to keep the pond filled for the upcoming snowmaking season. If needed, the current 14" motor would be used if staff is unable to obtain an eight-inch motor. The cost for the bowels and motor could be around \$100,000. Aldo reported that they may have to come back and pull the motor next year and there could be a cost to purchase more wire/cable to do what was originally intended.
Mayor Calloway inquired as to where the funding for this would be identified. Bret explained it could be identified out of the Town's reserves, but he has not reviewed the costs yet. The Town received \$200,000 in impact fees that could be considered. Aldo reported there are some remaining funds available from the FY2022 budget for the Town Hall Well Rehab Project that could be used for this project. Aldo reported he would like to do a deviation test while the well is open and also look at a turbine motor instead of a submersible pump. If the well casing is not straight but crooked, then it would eliminate the ability to use a turbine pump.
2. The Town will be paving today at Bristlecone Park and other approach sites.
3. Crews are running the waterline to the Manzanita Trailhead for the restrooms which are scheduled to be delivered by late October. Once the restrooms are set, the area will be cleaned up.
4. Crews have installed a culvert on the south end of town for the OHV crossing. The OHV crossing has been relocated onto the public works maintenance building driveway and crosses Highway 143 onto the OHV trail.



5. There will be more culverts installed on Rue Jolley.
6. There is a sewer line extension going up Steam Engine Drive to the tiny home project that is taking place on Steam Engine Drive and Mountain View Drive. That area should be back-paved within the next week.
7. Steam Engine Drive / Aspen Meadows subdivision area: the crews will be placing subgrade and road base to prep the roads for winter. Paving has been postponed until next spring.
8. A walk-through for the Town Trail Phase 3 project is scheduled for Thursday, September 29, 2022. The project will be put out to bid in Spring 2023. Contractors are welcome to attend.
9. Falcon and Forest Drive SAA Status: Forest Drive, Falcon Court, and Scenic Drive are completed except for surface work and the roads have been reinstated. Trail Road and Hidden Lake SAA: the sewer has been installed. Water is currently installed on Hidden Lake. The laterals have been installed and the sewer should be completed today. With this particular project, the main natural gas line had to be moved about 1,500 feet and was completed in three days. The road was closed to residents during that time but is now back open. All improvements should be completed this year.
10. Aldo reported that some of the water services have been delayed due to the availability of the meter barrels. Some homeowners who wanted to connect can, but there will need to be more installs next spring 2023 when inventory is received.
11. Council Member Marshall inquired about the Ponderosa sewer line extension. Aldo explained the sewer line will go to the furthest point of the property owner's lot which is Forest Drive. The sewer line will then continue up Steam Engine Drive. Property owners on Ponderosa will be able to connect soon.
12. Council Member Tidwell inquired as to the status of the fiber optics being installed by South Central Broadband. Aldo reported that South Central is still installing the fiber optics, but has not gone down the Trail Road area yet, they have completed the rest of the lower areas. The Town has a punch list for South Central that they will need to address before the project can be completed.
13. The new garbage truck is now in Salt Lake City and will be picked up this Friday, September 30th. Aldo inquired as to what the Council would like to see as for a wrap on the garbage truck since it is a white-colored truck, the Council will let him know.

G. AGENDA ITEMS:

1. PUBLIC HEARING FOR COMMUNITY IMPACT BOARD PROJECT SNOWSHOE-TOBOGGAN WATER SYSTEM IMPROVEMENTS. A public hearing to receive comments on a grant application for CIB for the Snowshoe/Toboggan water system improvements.

Bret Howser, Town Manager, gave an introduction for the Snowshoe/Toboggan Water System Improvement Project for the benefit of the public hearing. Bret explained that this is a project the Town is looking to compete for fire protection in the area and is similar to the Mountain View Waterline project that was completed several years ago. This project would extend the main water line for fire protection to areas that currently do not have water.

Bret explained this project was identified on the Town's Capital Facility Plan last year and the Council had prioritized the list of projects with the Snowshoe/Toboggan Water System Improvement identified as a top priority for expansion projects by the Town. A grant application has been submitted to the Five County Association of Governments and Community Impact Board (CIB). Bret reported there are projects all over the five-county area that the CIB Board reviews and this project was ranked as number two. This is significant for the region. The size and scope of the project is an eight-inch (8") waterline on Snowshoe and Toboggan Road. It would run from the Million Gallon water tank to the Half Million Gallon water tank to Toboggan Road.



1 Bret reported the waterline would be installed on Toboggan and Snowman and the upper
2 portion of Snowshoe Drive and would be looped back onto Steam Engine Drive. The cost is
3 \$836,000 and the Town received \$507,000 from the AARPA Funds, leaving a remaining
4 balance of \$350,000 which is being requested from CIB. Bret then reviewed the potential
5 financing options for the Council:

- 6 1. Grant Funding for the balance of the project (\$350,000).
- 7 2. Part Grant and part funding from the water fund.
- 8 3. Part Grant and part favorable term loan from CIB.
- 9 4. A favorable term loan from CIB.
- 10 5. Request the property owner to form a Special Assessment Area.

11 The Council then discussed the following financing options:

- 12 1. Bret reported it is important to acquire grant funding since the Town's plan to save up
13 for the project fire would put the project to 2032, but the Town now has the opportunity
14 to apply for grant funding.
- 15 2. The water fund has incurred a lot of debt and the existing utility bills are already high
16 for the residents.
- 17 3. The Snowshoe/Toboggan property owners attempted to start a Special Assessment
18 Area but were unsuccessful in getting one started.

19 Council Member Kelly recommended that the waterline is installed within the public right of
20 ways in the streets and not through private property as was first proposed. Council Member
21 Kelly stated the Town has required other property owners to be responsible for paying for any
22 infrastructure improvements and believes the property owners on Snowshoe/Toboggan should
23 also contribute to the project which benefits them. Bret explained that a majority of the
24 property owners have pledged their support by donating \$12,000 to \$15,000 per lot which is
25 over \$100,000 towards this project, but the Town does not have a legal claim to hold the
26 property owner responsible other than holding off on the project until the funds are received.

27 Mayor Calloway recessed the regular meeting of the Town Council and opened the public
28 hearing to receive comments for the Snowshoe/Toboggan Water System Improvements at
29 1:44 pm.

30 No comments were received. Mayor Calloway closed the public hearing and reconvened the
31 regular meeting at 1:45 pm.

32 The Council held the following discussions:

- 33 1. Possible financing options are available from CIB and other resources.
- 34 2. Division of Water Quality is a potential future source for grant funding for water projects.
35 Bret explained the Town's next opportunity to apply for grant funding is in November
36 2022 and the Town is looking to identify funding for the Bearflat Well.
- 37 3. The proposed waterline could service 35 to 40 properties and those who connected
38 would be responsible to pay the impact and connection fees.
- 39 4. Bret reported ten property owners have donated towards this project. Council Member
40 Tidwell commented there are an additional 25 properties that have not donated towards
41 the project.
- 42 5. Council Member Tidwell inquired if impact fees could be used towards this project if the
43 Town were required to pay a portion of the project. Bret reported he would need to
44 complete an impact fee recalculation for this project but would only be allowed to pay for
45 projects identified in the Impact Fee Study which he does not believe this project is
46 identified in that list for projects.
- 47 6. Chief Benson commented that there is a need, and it is a priority of the Town for the
48 water line extension in this area for public safety concerns. Chief Benson explained that
49 this is a critical area in which it is located in the middle of the mountain with a lot of fuels
50 that have built up over the years and installing a water line in these areas with a hydrant,
51 would greatly increase fire protection of those homes and areas.



7. Mayor Calloway reported this area identified as “Area A” in the Town’s Special Assessment Area Policy Fire Protection Priority Map that was recently adopted by the Council. Area A is identified as a substantial risk for fire and would be identified as a top priority for SAA funding.
8. Aldo Biasi, Public Works Director, reported that it would give another route for water coming down and looping the water system. The Town recently installed a waterline on Lookout Circle in which more connections will be made to the Town’s water system which will continue to expand the water system and will provide additional fire protection to the area.
9. Mayor Calloway inquired as to the width of the easement. Aldo reported that it is currently ten feet (10’) wide, but he would prefer the easement be 30’ feet wide since ten feet is limited. Aldo reported that a PRV station is installed on Toboggan, but a vault needs to be installed.
10. Once a water line crosses in front of an existing building/home, the property owner has three years in which to connect to the system.
11. Council Member Kelly commented that property owners on Snowshoe and Toboggan should contribute to the water line project.
12. Mayor Calloway encouraged the Council to pursue full grant funding with CIB for this project and then the Town should be willing to compromise by requiring those property owners to also contribute towards this project.
13. Council Member Tidwell stated he agrees with the Mayor and Council Member Kelly and those who are benefitting from the waterline should also contribute towards the project.
14. Council Member Tidwell encouraged the Council to identify some type of mechanism that would forgive impact fees for those property owners who pay towards a water line project.
15. Mayor Calloway inquired if an SAA is created, could the Town identify the \$500,000 from the Division of Drinking Water and the balance from CIB, or if the residents would be required to pay for the project as a whole. Bret reported he would not structure an SAA to collect more than what the Town needs for the project.
16. Council Member Kelly recommended the map identified in the Capital Facilities Plan be replaced with an updated map for this project that does not show the water line located in the stream and be replaced with the map presented to Council today. Staff will replace the map in the Capital Facilities Plan.
17. Council Member Tidwell stated he would be willing to take on a \$350,000 0% interest loan if necessary.
18. **The consensus of the Council:** Staff will pursue 100% grant funding from CIB and then compromise to one-half grant and one-half loan with a worst-case scenario of 100% low or 0% interest loan.
19. Mayor Calloway suggested the Town could retire one-half of a loan from the contributions from the property owners for this project.

2. PUBLIC HEARING FOR FY2023 BUDGET AMENDMENT. A public hearing to receive comments on a proposed amendment to the FY 2023 Budget.

Shane Williamson, Town Treasurer, gave a brief introduction for the public hearing for amending the fiscal year 2023 budget. Shane explained the proposed amendment identifies adjustments in the General Fund, Capital Projects, and Asset Replacement Fund (see attached). All of the budget adjustments are related to the fiscal year 2022 surplus and are detailed in one-time expenditures. A total of \$786,565 in surplus was identified and the budget adjustments identify \$785,700 as proposed for various items and projects.

Mayor Calloway recessed the regular meeting of the Town Council and opened the public hearing to receive comments on the FY2023 Budget Amendment at 2:15 pm.

No comments were received from the audience. Nancy reported there is a comment from Erik Feagans on Zoom Meetings inquiring as to the status of public art Brian the Bear. Bret



1 responded the artist has requested an extension since he had to move his shop location. Aldo
2 reported the concrete pads are scheduled to be poured in ten days.

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4 Mayor Calloway closed the public hearing at 2:17 pm and reconvened the regular meeting of
5 the Town Council.
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8 **3. ORDINANCE AMENDING THE FISCAL YEAR 2023 TOWN BUDGET.** An ordinance
9 amending the FY2023 Town Budget.

10
11 Shane Williamson, Town Treasurer, presented a draft ordinance amending the FY2023 Town
12 Budget (see attached).
13

14 The Council discussed the following:

- 15 1. Mayor Calloway commented he did not see the expenditure for the employee surplus
16 bonuses in the proposed amendment. Staff will add the employee surplus bonuses to
17 the budget.
- 18 2. Mayor Calloway inquired as to the surplus from the fiscal year 2022 of \$195,100.
19 Shane reported those funds are unallocated. Mayor Calloway suggested a project for
20 the relocation of power lines.
- 21 3. Bret reported that at the end of FY2021 there were 2.2 million dollars of unassigned
22 fund balance in the General Fund and FY2022 surplus funds of \$195,100 in the
23 General Fund reserves and out of the 2.2 million dollars identified, the \$195,100 is
24 included in the 2.2 million dollar amount.
- 25 4. Bret explained that the budgeted surplus revenues in the General Fund for FY2022 is
26 at 67% and the target is 100%. If the Council wants to allocate \$195,000 towards a
27 project, it will bring the surplus to 61%. Generally, the target is three to six months in
28 reserves which is about 50% and the Town is a little above the target of 50%.
- 29 5. Bret reported one large item identified is the land acquisition pool at \$217,000 it was
30 used as a balancing line in which the Council could identify additional projects from
31 this amount.
- 32 6. Council Member Marshall expressed her concerns regarding the Bearflat Well and if
33 the Town would have to drill another well and the cost associated with such a project.
34 Bret responded that the water fund would pay with water revenue, but the Town can
35 transfer funds into the water fund but must follow a required process. Shane
36 explained there are constraints in which water/sewer funds cannot be subsidized by
37 taxes unless a public hearing is held. Bret reported he would look towards the debt
38 fund before using General funds.
- 39 7. Mayor Calloway inquired on how to identify the steps moving forward towards
40 achieving the underground power project. Bret reported that funds identified for the
41 land acquisition could be identified but would recommend a Core Beautification
42 Project that would include other projects from the Commercial Core project list along
43 with the street lighting project and wrap into a GO Bond that would go onto an election
44 ballot since it would be paid with property taxes.
- 45 8. Bret reported the Town Trail Phase 3 project cost is \$450,000 for which the Town
46 received a grant from Utah Outdoor Recreation for \$191,000 and is also working with
47 UDOT on the remaining balance that would be split with the Town, at approximately
48 \$117,000 for the Town's portion.
- 49 9. Council Member Tidwell commented on the excessive cost of \$35,000 for engineering
50 for the public works facility. Aldo explained the original bid was \$85,000 which there
51 was approximately \$50,000 identified for some architectural design for the building
52 and area. He has an on-site visit with the engineers and will negotiate to reduce some
53 of the costs for the engineering. The cost is for engineering and construction
54 management.
- 55 10. Member Tidwell commented he likes the idea of combining multiple projects into one
56 project that could be bonded for. Council Member Tidwell commented he struggles
57 with spending the amount of money that is presented.



11. Erik Feagans submitted a comment on Zoom regarding the pinecone rebranding project. Bret reported the artist is completing the draft and should be presenting the project to the Council during the first meeting in October.
12. Aldo reported the Town Walking Trail will identify an underground conduit for future underground power along Steam Engine Drive as part of the project.
13. Council Member Marshall inquired as to the FY2021 surplus and identified three projects that did not take place: a) light industrial park, b) flagpole at Town Hall and c) Aspen Drive Improvements. Bret explained those projects have not been rolled into anything yet, but the \$30,000 for the light industrial park access road would be rolled back into the reserves and a solar light was purchased for the flagpole. Mayor Calloway commented that something needs to be done with the Aspen Road Improvement project.
14. Council Member Tidwell wanted the Council and staff to understand the urgency of installing underground power and the significant impact it would have on the Town, the second large project priority should be the streetlights.
15. Council Member Kelly commented that projects and items that are wearing out should be replaced and not substituted with manpower. He likes the idea of funds identified for beautification.
16. Council Member Tidwell inquired if the Town has any potential properties they could purchase. Bret explained the one parcel of property the Town is interested in is not for sale. Bret explained the Council has the option to identify a sales tax bond to acquire land along with RDA funds.

Consensus of the Council:

1. Add the employee surplus bonuses into the budget amendment
2. Change the Land Acquisition Project to the Core Beautification Project
3. Add the surplus from FY2021 towards the Core Beautification Fund which will include the following projects: underground power/utilities, streetlights, transit/crosswalks, Town Hall external upgrade improvements, and Highway 143 shoulder beautification.

Motion: Council Member Marshall moved to table the FY2023 Budget Amendment and include the above-mentioned items for the FY2023 Budget to be presented to Council. Council Member Tidwell seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Marshall, Council Member Tidwell, Council Member Kelly, Mayor Calloway. **Absent:** Council Member Freeberg).

4. BID AWARD FOR THE BRIAN HEAD 2023 CANYON SEWER LINE PROJECT FOR ENGINEERING/CONSTRUCTION MANAGEMENT. A bid award for the Canyon Sewer Line Project for Engineering and Construction Management.

Aldo Biasi, Public Works Director, presented the bid tabulation for the 2023 Canyon Sewer Line Project for engineering and construction management (see attached). Aldo explained that the Capital Facilities Plan identified a section in the canyon sewer line that needs to be addressed during the 2023 year. Staff is looking to have the engineering take place over the winter season in which the project was advertised for three weeks, and the Town received two bids: Alpha Engineering and Rosenberg Engineering. Aldo reported Alpha Engineering was \$3,000 lower than Rosenberg Engineering and they also have knowledge of the project that will be upsizing 3,000 feet of sewer mainline and setting 20 manholes. Aldo recommended the Council award the engineering contract to Alpha Engineering for \$67,100.

The Council discussed the following:

1. Mayor Calloway inquired if the Aspen Meadows annexation is successful and if the Town becomes aware that the sewer line is not adequate in five years, what the



- 1 Town's options are. Aldo responded the Council has the choice to upsize the line or
2 move towards a different form of sewer treatment.
- 3 2. Bret reported he is hoping to negotiate with the developer, Gardner Plum over the next
4 six months and have them fund the cost difference to bring the sewer line up to the
5 size of the need.
- 6 3. Council Member Marshall inquired as to what the actual construction management
7 costs are for the project. Aldo responded he did not include those costs in the Council
8 packet, but the funds are identified in the cost of the project. The cost of the project is
9 estimated at \$600,000.
- 10 4. Mayor Calloway expressed his concern about a reported time limit and would like it
11 included in the contract. Aldo explained that the engineering needs to be completed
12 by January 2023. Aldo reported he would identify the completion date for engineering
13 as January 15, 2023.
- 14 5. Council Member Kelly commented he would like to keep the idea on the table of the
15 Town doing a sewer treatment sometime in the future.

16
17 **Motion:** Council Member Marshall moved to award the engineering for the Canyon Sewer
18 Line Project for \$67,100 and identify a completion date for the engineering of
19 January 15, 2023. Council Member Tidwell seconded the motion.

20 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Marshall,
21 Council Member Tidwell, Council Member Kelly, Mayor Calloway. **Absent:**
22 Council Member Freeberg).
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26 **5. PUBLIC HEARING FOR AN AMENDMENT TO THE LAND MANAGEMENT CODE,**
27 **CHAPTER 4 SUBMITTAL REQUIREMENTS.** A public hearing to receive comments on
28 proposed amendments to the Land Management Code, Chapter 4 Submittal Requirements.
29

30 Bret Howser, Town Manager, gave a brief introduction for the public hearing for an
31 amendment to the Land Management Code, chapter 4 submittal requirements. Bret explained
32 staff has made several changes to the Land Management Code and has revised chapter 4.
33 The main item that has changed in this chapter is the tables have been removed and the
34 requirements are laid out for clarification purposes.
35

36 The Council then held a public hearing to receive comments for the Land Management Code
37 Amendment for chapter 4, Submittal Requirements. No comments were received, and the
38 public hearing was closed.
39
40

41 **6. ORDINANCE AMENDING THE LAND MANAGEMENT CODE, CHAPTER 4,**
42 **SUBMITTAL REQUIREMENTS.** An ordinance amending the LMC, Chapter 4 Submittal
43 Requirements.
44

45 Bret Howser, Town Manager, presented a draft ordinance amending the Land Management
46 Code, chapter 4 Submittal Requirements (see attached). Bret reported amendments have
47 been made to the Land Management Code over the past year and it was determined that
48 chapter four would be revised altogether. Bret explained that one of the major changes in the
49 tables identified in the chapter has been removed and replaced with the requirements for
50 clarification purposes.
51

52 The Council discussed the following:

- 53 1. Mayor Calloway inquired as to the written comment identified for engineered grading
54 plans E-1-a-iv: "Written Description of Grading & Excavating activity". Bret responded
55 that when a person comes in for a residential building permit, the grading and tree
56 removal permits are also issued at the same time. The change took all of the



- requirements for the two permits and included them in the requirements for a residential building permit.
2. Bret reported the Planning Commission did address the requirement for engineered grading plans, their response was to leave it in the Code and allow staff to waive the requirements when necessary. An example of a required engineered grading plan would be digging in a twenty percent (20%) slope.
 3. Mayor Calloway commented that this provision is incredibly difficult to adhere to due to the difficulty of getting the engineered plans. His experience has been that the engineers do not want to do these, and the property owners are then delayed in waiting to receive them. Mayor Calloway commented the proposed amendment is a good approach to addressing this issue.
 4. Council Member Tidwell commented there are cases where the Town would allow grading before a building permit is issued and during their field trip to Telluride and Mountain Village, it was discussed several times and the consensus of their government was not to allow any grading without a building permit. Bret explained the Town does not want to shut down the ability to do their grading before they receive their building permit but engineered grading plans and a \$5,000 bond is required. Bret explained the Council can revisit this in the future.
 5. Mayor Calloway commented that the formatting that is presented today will be cleaned up. Nancy reported that once the language is codified in the Town Code, the comments and strikeouts will be removed.
 6. Mayor Calloway identified Pg. 45 E.1(e)(7): **DELETE**: "if it appears" for a soils/geology report. Mayor Calloway commented that it appears a couple of times throughout the document. Bret reported there are instances in which a soil report is not required such as trenching for a utility line would not require a soils report.

Motion: Council Member Tidwell moved to adopt ordinance No. 22-011 amending the Land Management Code, chapter 4 Submittal Requirements with the following changes:

- a. 9-4-2-D(1)(b)(v) Submittal Requirements: Soil/Geology Report: **DELETE**: "(if it appears there is a history of landslide or erosion that may be exacerbated by the proposed grading or filling)"
- b. 9-4-2-E(1)(b)(vii) Soil/Geology Report **DELETE**: "If it appears that there is a history of landslide or erosion that may be exacerbated by the proposed grading or filling).

Council Member Marshall seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Marshall, Council Member Tidwell, Council Member Kelly, Mayor Calloway. **Absent:** Council Member Freeberg).

7. BRIAN HEAD STREET LIGHTS MASTER PLAN. A Master Plan for the Street Lights.

Bret Howser, Town Manager, presented a draft Street Lights Master Plan (see attached). Bret reported that a committee was established to create the Street Light Master Plan. The committee consisted of the Public Safety Director, Council Member Tidwell, and himself. Bret explained the first streetlight map presented identifies where streetlights should be located based on the requirements of the Town Code which is mainly at intersections and collector roads and along the Highway for public safety purposes and to bring a sense of place for Brian Head (see attached). The second street light map presented identifies all of the inventoried streetlights within the Town. The committee reviewed and identified which streetlights should remain (green dots), which to be removed (red dots), and proposed new locations (yellow dots). There are some existing lights that Rocky Mountain Power is not aware of (purple dots) (see attached map).

Bret reported he is in the process of scheduling a meeting with Rocky Mountain Power's streetlight representative to present the master plan for Brian Head to determine the costs for



1 the project. Bret reported there is approximately \$100,000 that could be identified from the
2 Budget surplus to begin this project.

3
4 The Council discussed the following:

- 5 1. To replace the streetlight heads with LEDs, the cost per pole is \$17,000.
- 6 2. Rocky Mountain Power installed some LEDs in existing streetlights at Apple Annies,
7 the entrance to The Mall, and Georg's Ski Shop.
- 8 3. If a Homeowners Association (HOA) requests a light or has a light removed, they
9 could approach the Town with their request.
- 10 4. The Plan currently identifies streetlights to be no taller than twenty-five feet (25"). The
11 Council agreed to reduce the height to twelve feet (12') but would need to confirm this
12 with UDOT for the streetlights along Highway 143 for their requirements.
- 13 5. Mayor Calloway encouraged the Council to look at this plan from another perspective
14 and believes it should be identified by the zoning and allow the neighborhoods to
15 decide what they would like. Public roads should have limits on the wattage and any
16 light not on Highway 143 should be no taller than twelve feet (12'), but there should
17 not be a requirement for a light to be identified at major collector and non-collector
18 roads.
- 19 6. Bret explained they were looking at three major collector roads: Hunter Ridge, Ridge
20 View Street, and Steam Engine Drive.
- 21 7. Mayor Calloway reported he spoke to a lot of people on this project and there seems
22 to be a major divide between the number of streetlights.
- 23 8. Mayor Calloway commented he would like to see that there is a sense of arrival when
24 people enter the town and believes there need to be streetlights at major collector
25 roads for public safety purposes during heavy winter storms.
- 26 9. Council Member Tidwell commented he would like to see this plan conducted
27 comprehensively and done right and would prefer the town have a quality project by
28 allowing lower decorative lighting on the streetlights and having the town trail lit up and
29 remain night sky friendly so people could still be able to see the stars. Other
30 communities such as Springdale limit the height of their streetlights.
- 31 10. Council Member Tidwell commented that other communities such as Telluride and
32 Mountain Village have lighting committees to review their lights and it could be an
33 option for Brian Head.
- 34 11. Council Member Marshall commented she feels there are a lot of extra lights and
35 would agree with Council Member Tidwell about decorative lights being installed. She
36 recommended beginning with the highway streetlights; this would give people time to
37 get used to the change and then look at phasing the project over time. She likes the
38 vision of creating a sense of place when people arrive in town and having the walking
39 trail lit up.
- 40 12. Council Member Kelly commented that he would like to remove all of the cobra head
41 streetlights along the highway and the LED samples that were installed have a glare
42 and he would not agree with such a bright light. He would like to see the directional
43 kiosks lit up, so people can find their locations. He would like to see the lights in a
44 downward facing and be dark sky friendly.
- 45 13. Council Member Tidwell commented that the most annoying lights he noticed were the
46 car lights in Telluride. He then presented some photos he took during his visit to
47 Telluride (see attached).
- 48 14. Council Member Tidwell commented on Telluride's lighting regulations that have
49 requirements for people living on a slope in which the light source cannot be seen
50 from a distance.
- 51 15. Bret reported he will also contact other lighting companies for design options for the
52 Council to decide on since let Rocky Mountain Power had one option available for
53 night sky-friendly streetlight heads.
- 54 16. Phase 1: Highway 143 streetlight with 12' tall posts at the intersections. The cost could
55 be \$10,000 or more per streetlight.
- 56 17. A review of the areas with existing streetlights to determine if they are too bright and
57 should be removed removed



18. If the Town were to stay with Rocky Mountain Power's streetlights, there would be a cost-saving over a period of time in the power bills.
19. Council Member Marshall commented that she believes it is more important to have the decorative pole in the neighborhoods and that could be a future phase for the project.
20. Council Member Kelly stated he would like to reduce the intensity of the LED. Mayor Calloway commented that 250 watts or 500 watts are available but is unsure of what was installed for the sample LEDs streetlights on Highway 143.
21. Council Member Marshall commented she would consider identifying the five streetlights in the neighborhoods for decorative lights: one streetlight at Ridge View, one light at Village Way / Steam Engine Drive, and three at the Trails at Navajo.
22. Bret inquired if the Council is interested in removing those lights that are identified with a red dot on the map. It was recommended to turn them off, but not yet remove the poles.
23. Cedar Village Condos have parking lot lights that the Town is currently paying for. The Council directed staff to discontinue paying for the lights in Cedar Village Condo's parking lot.
24. Discussion on underground power to the streetlights. Mayor Calloway commented that it could be a challenge but believes the lights could run off the transformer to the light. Bret will discuss this with Rocky Mountain Power for a realistic cost. He will also contact Mountain Village to find out what their issues were with snow removal.
25. To scope out the project: will keep the streetlights identified with the green and yellow dots along the highway and the green dots identified for the neighborhoods, except for Trails at Navajo subdivision, and remove the streetlights that are identified with a red dot.
26. The Town will run conduit for phase 3 of the Town Walking Trail. Council Member Tidwell encouraged the Council to replace the solar lights on the walking trail with a light that is directly pointed down onto the trail would be a better option and would like to have it uniform.
27. Council Member Kelly reported on an article he was reading, it reported that they may not be making incandescent lights and would recommend the lower wattage, which would make a substantial difference. Mountain Village identifies 2400 kelvin which makes the lights more yellow color and less blue color.
28. The new Aspen Meadows subdivision could request the Town to review its lighting. The Lighting Committee could review Aspen Meadows SE Subdivision.
29. Discussion on whether to create the Lighting Committee by ordinance or as an Ad Hoc committee. Council Member Tidwell commented that the committee would need to define its purpose first. The Committee would be chaired by Council Member Tidwell and Council Member Kelly would also participate on the committee.
30. Council Member Kelly commented that he would like the policy to state not to identify a light unless it is requested, and the Lighting Committee approves it first.
31. Bret explained the Town is not going to install new lights in the neighborhoods (yellow dots) that do not currently exist, but meet the plan, unless the neighborhood has a majority of property owners who are in favor of a streetlight, and then the Lighting Committee would review it. The default would be "no streetlight" unless there is a public safety purpose for the light.
32. Mayor Calloway commented that all streetlights that are off of the highway should be not required. A change to where the major and minor collector road lights are. This will be a change to the policy.
33. The lights identified by the green dots in the neighborhoods will now be removed, including the minor collector roads: Ridge View, Hunter Ridge, and Rue Jolley/Aoki Mitchi will be removed from the list. The light on Steam Engine Drive and Village Way will remain.
34. Bret explained the Highway and Village Core area will include lights and the policy will be amended to reflect this statement and that lights can be installed on major and minor collector roads if the neighborhood requests it.



35. Dumpster locations: Bret reported a conversation with the Public Works Director, in which Public Works would like to have lights for the dumpsters since it is helpful to operate, but they would also be able to operate without lights. The public also accesses the dumpsters. Council Member Kelly recommended that no streetlights be identified for the dumpsters since people can bring their lights. Bret reported that Public Works is currently working on dumpster structures and a solar light was identified for the structure. Council is okay with this option of solar light on the dumpster structure. Council Member Kelly suggested the dumpsters located on HOA properties, and that no lights should be identified for them.
36. Council Member Tidwell will collaborate with staff on options for the decorative lights and will then meet with Rocky Mountain Power for costs.
37. The Town Walking Trail will maintain the existing solar lights on the trail until a cost has been identified in the budget.
38. Council Member Marshall expressed her concern about removing the streetlights on Ridge View with people walking along the street.
39. Council Member Tidwell also expressed his concern about removing the streetlights quickly and recommended phasing this part of the project.

Consensus of the Council: Directed staff to complete the following:

Revise the policy to reflect the following:

1. The Streetlight project will be completed in phases.
2. Phase 1: Highway 143 streetlights with posts no taller than twelve feet (12'). Will need to confirm with UDOT for their height requirements.
3. Lights identified along the Highway and Village Core area will remain and will be converted to a decorative light and a light post height not exceeding twelve feet (12').
4. Trails at Navajo subdivision will be left out of the plan since they are responsible for their lights.
5. Remove the lights for major and minor collector roads.
6. The Town will no longer pay for parking lot lights at Pinetree condominiums and Cedar Village condominiums and will be removed.
7. Controversial lights: Brian Head Village Condo parking lot lights are to be removed. Georg's Ski Shop, and the entrance to Brianwood Condos and lights on the south end of town located on Bristlecone Land and the Crystal Aire subdivision. It was suggested to leave one of the lights at the entrance to Brian Head Village, one at Georg's Ski Shop,
8. Lights identified on the map as red dots are to be removed.
9. Evergreen Condos entrance light will also be removed.
10. A preference towards a lower wattage: 250 watts vs. 500 watts.
11. The HOA or majority of property owners in a neighborhood can request to install or remove streetlights throughout the Town. The Lighting Committee will address the request.
12. The purpose of the Lighting Committee will need to be established to determine if the committee should be created by ordinance or as an Ad Hoc Committee.
13. Dumpster structures will identify a solar light on the structure.
14. Bret will revise the Streetlighting map to reflect the changes identified by the Council and present it back to the Council for approval.

Motion: Council Member Marshall moved to table the Streetlight Master Plan for further information and present at the next Council meeting. Council Member Kelly seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Marshall, Council Member Tidwell, Council Member Kelly, Mayor Calloway.
Absent: Council Member Freeberg).

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



1 The Council reviewed October 11, 2022, tentative council agenda. Mayor Calloway requested
2 the Council add a discussion for the Telluride / Mountain Village trip as a review of what was
3 learned from these towns for the next council meeting.
4
5

6 **H. ADJOURNMENT**
7

8 **Motion:** Council Member Marshall moved to adjourn the regular meeting of the Brian Head
9 Town Council for September 27, 2022. Council Member Kelly seconded the
10 motion.

11 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Marshall,**
12 **Council Member Tidwell, Council Member Kelly, Mayor Calloway. Absent:**
13 **Council Member Freeberg).**
14

15 The regular meeting of the Brian Head Town Council was adjourned at 4:45 pm on September 27, 2022.
16
17

18 October 25, 2022

19 Date Approved
20
21
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23

24 _____
Nancy Leigh, Town Clerk

