

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/88319150601)
Via Zoom Meeting ID# 883 1915 0601
TUESDAY, AUGUST 13, 2024 @ 1:00 PM

MINUTES OF THE TOWN COUNCIL

Roll Call.

Members Present: Mayor Clayton Calloway, Council Member Kelly Marshall, Council Member Mitch Ricks.

Members Absent: Council Member Martin Tidwell, Council Member Larry Freeberg

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Greg Sant, Planning & Building Administrator; Shane Williamson, Town Treasurer.

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Brian Head Town Council to order at 1:00 p.m.

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:

June 25, 2024, Town Council Meeting Minutes

Motion: Council Member Ricks moved to approve the June 25, 2024, Town Council minutes. Council Member Marshall seconded the motion.

Action: Motion carried 3-0-0 (**summary:** Yes = 3 **Vote:** **Yes:** Mayor Calloway, Council Member Marshall, Council Member Ricks. **Absent:** Council Member Freeberg, Council Member Tidwell).

July 11, 2024, Town Council Special Meeting Minutes

Motion: Council Member Marshall moved to table the July 11, 2024, Town Council minutes until Council Members Freeberg and Tidwell are present. Council Member Ricks seconded the motion.

Action: **Motion carried 3-0-0 (summary:** Yes = 3 **Vote:** **Yes:** Mayor Calloway, Council Member Marshall, Council Member Ricks. **Absent:** Council Member Freeberg, Council Member Tidwell).

July 23, 2024, Town Council Meeting Minutes

Motion: Council Member Marshall moved to table the July 23, 2024, Town Council minutes until Council Members Freeberg and Tidwell are present. Council Member Ricks seconded the motion.

Action: **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Mayor Calloway, Council Member Marshall, Council Member Ricks. Absent: Council Member Freeberg, Council Member Tidwell).**

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

Nancy Leigh, Town Clerk, reported she received the Aspen Meadows Annexation Certificate from the Utah State Lt. Governor's Office yesterday and will be recording the Aspen Meadows annexation plat with the County Recorder which is the last step in the annexation process.

Roger Thomas, Choice Builders, commented that he does a lot of building in Brian Head and has two items he would like the Council to consider:

1) he has faced challenges with the temporary staging of materials for construction sites. He would like to work with the Town to develop a way to temporarily have materials stored off-site for contractors who are still working on the mountain during the winter season. Mr. Thomas stated that he is aware of how this could affect the snow removal efforts of the Town and inquired if the homeowner could request approval from the Town to take the responsibility of having a private snow removal company complete the snow removal for the street for that temporary period. Mr. Thomas commented that even during the summer season, road access is usually challenging when trying to stage materials at a construction site and would like to collaborate with the Town on a solution.

2) Development Agreements that are required for a building bonus and require a notary stamp. He would like the Council to consider changing the document to where a notary is not required since he doesn't understand the need for a notary, and it has caused delays and challenges when his clients are located out of state and the document has to be in place before work can begin. Mr. Thomas commented that he would like to be part of the solution in Brian Head and would like to work collaboratively with the Town on a solution that would work for everyone.

Peter Oaks, Jacob Construction, commented that he is in agreement with Roger Thomas and that parking any time of the year in Brian Head is challenging. There are a lot of materials, and with lumber that needs to be delivered, there is a need for a location for materials and storage is challenging and they try to make the building work in a short building season. Mr. Oaks commented he likes the options that were proposed and would like to contribute to a good project in Brian Head.

F. AGENDA ITEMS:

1. 275 EAST SPECIAL ASSESSMENT AREA PETITION. A Special Assessment Area petition for 275 East for water system improvements.

Shane Williamson, Town Treasurer, presented a petition for 275 East for a Special Assessment Area (SAA) for water system improvements. Shane reported the SAA sponsor is Jana and Spenser Leany and this SAA would connect the water line from Mountain View to Elk Drive

and would complete the water line loop and include 21 lots. The SAA received 52% of the property owners.

Shane reported that with the SAAs the Town has received over the past year, this SAA would be coming close to the Council's threshold on the SAA maximum debt that was identified at five million dollars. Adding this SAA would leave a preliminary balance of \$712,000 and could leave a balance for possibly one more SAA but there are a couple of SAAs in the works currently.

The Council discussed the following:

1. Mayor Calloway inquired as to the Fire Protection Rating for this SAA. Bret reported this SAA Fire Protection Rating is a "B" according to the Fire Protection Rating Map for SAAs.
2. Currently, there are three more SAAs that are interested in submitting a petition: Park U Pine; Margie Court, and Brian Head Unit 3.
3. The Cedar Breaks Mountain Estates SAA which includes, Trail Road, Falcon, Lupine Court, and Steam Engine Meadows, Phase 1C is the largest SAA and has seven years left for payment.
4. Council Member Marshall commented she is appreciative that the area is being developed and the Council will need to discuss the threshold for SAAs.
5. Mayor Calloway commented that he is glad this SAA is a loop in the waterline and believes the Council may have to raise the threshold.
6. Mayor Calloway inquired if Public Works has reviewed the SAA and if there were any issues on this petition. Shane responded that he has currently waiting on the Town Engineer for the past four weeks and does not have a cost for the SAA at this time. Shane explained Public Works has reviewed this SAA.
7. Mayor Calloway inquired if the estimate includes the widening of the road as well. Bret responded that he does not believe it does. Shane explained that the areas of the road that need to be realigned, believe it has already been done.

Motion: Council Member Ricks moved to approve the 275 E. SAA Petition. Council Member Marshall seconded the motion.

Action: **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Mayor Calloway, Council Member Marshall, Council Member Ricks. Absent: Council Member Freeberg, Council Member Tidwell).**

2. PUBLIC HEARING FOR LAND MANAGEMENT CODE AMENDMENTS FOR CHAPTER 7, ZONE DISTRICT REGULATIONS AND CHAPTER 12 DESIGN STANDARDS. A public hearing to receive comments on proposed changes to the Land Management Code, Chapters 7 (Zone District Regulations), and Chapter 12 (Design Standards).

Bret Howser, Town Manager, gave a brief introduction to the public hearing on the Land Management Code, Chapter 7, and Chapter 12 proposed amendments. Bret explained that The Lofts Condominiums has submitted a minor structural alteration permit for painting the exterior of their buildings which the current LMC allows the color they are proposing, but the proposed colors prohibit the colors they are requesting which is a light cream/white color with a dark trim. Bret explained that the color does meet the spirit of the code.

Bret reported that the brown range of colors does have a darkish red color to them and there are some grey colors to them. Bret explained that the purpose of the colors is due he wanted to get language governing colors for large buildings for R3 and commercial and not leave too

1 much flexibility for obnoxious colors for large buildings that are located within the main
2 corridor of Town. Bret went on to explain that the Planning Commission wanted to pick out
3 more restrictive colors identified in the staff report and is the recommendation to the Town
4 Council.

5
6 Mayor Calloway recessed the regular meeting and opened the public hearing at 1:29 p.m.
7 Mayor Calloway stated that the Council would not interact with the public during the public
8 hearing but would answer any questions raised during the public hearing after the hearing
9 was closed.

10
11 No comments were given and no written comments were received. Mayor Calloway closed
12 the public hearing at 1:31 p.m. and reconvened the regular meeting.

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15 **3. LAND MANDMENT CODE AMENDMENTS FOR CHAPTER 7 ZONE DISTRICT**
16 **REGULATIONS FOR SETBACK EXCEPTIONS AND CHAPTER 12 DESIGN**
17 **STANDARDS FOR SNOW STORAGE, CLADDING, AND COLORS.** An ordinance
18 amending the Land Management Code, Chapter 7 and Chapter 12 for setback exceptions, cladding
19 requirements, snow storage, and colors.

20
21 Bret Howser, Town Manager, presented a draft ordinance amending the Land Management
22 Code, Chapter 7, setback exceptions, and Chapter 12, snow storage, Cladding, and Colors (see
23 attached).

24
25 Mayor Calloway stated he appreciates the work the Planning Commission has put into this
26 subject and understands how challenging it is. Mayor Calloway commented that he believes
27 it is far too restrictive as to the colors that are being proposed and has sent an email to the
28 Council suggesting other colors (see attached).

29
30 Mayor Calloway proposed two approaches:

- 31 1. More restrictive: has to meet certain percentages – can be broken up with varied
32 materials.
- 33 2. Identify the colors or color spectrum that are an absolute No.

34
35 Mayor Calloway suggested possibly using something like how the Town applies the LRV and
36 applies it to paint color.

37
38 The Council discussed the following:

- 39 1. Council Member Marshall commented she is satisfied with the color being proposed
40 by the Lofts but could see where a stark white color would be too much and would
41 agree to a cream color, but it could be different under different lighting and is
42 subjective to different people.
- 43 2. Council Member Ricks commented that bright colors should be avoided, such as
44 bright reds, blues, and those colors that distract from the natural beauty. He would
45 like to see muted and broken up by windows and accents and would like to see the
46 natural pallet for colors.
- 47 3. Council Member Marshall commented that having color is not a bad thing and is
48 difficult due to the size of the town. She agrees with the Planning Commission on the
49 R3 and commercial buildings, but she is not sure how to create anything beyond that.
- 50 4. Council Member Marshall commented that if someone comes in who doesn't meet the
51 LMC for colors and if they would be denied, and if the Town could offer a better
52 solution.

5. Gret Sant, Planning and Building Administrator, commented that there is no apparent consensus on the colors. In reading the Code, the R1 works well, but he is not sure what the answer is for R3 and commercial.
6. Greg explained that he would like to have some direction from the Council today for the Lofts so they could decide what they are doing with their buildings.
7. Bret reported in reviewing another municipality's code, it referred to building articulation provision which he found interesting and will be researching further on this topic.
8. Bret reported the staff will be reviewing the building designs for minor alternations and not the Planning Commission once the LMC is updated with the new state requirements.
9. With the colors that are broken up with different elements, the colors are not as strong as having one large area in one color.
10. Bret suggested the following language: "colors found in the natural landscaping or complementary to the natural landscaping" as a general statement for all zones.
11. Bret suggested adding another statement that on large buildings with large mass, those colors have to be very closely related to natural surroundings. This would bring heightened scrutiny to the R3 building and with more building articulation that may solve some of the challenges.
12. Council Member Marshall commented that as long as the Planning Commission approves colors. She would not want the developer to come back and state they met the Code.

Consensus of the Council: The existing LMC Code for colors will be applied for The Lofts with the Minor Structural Alteration Permit for painting the exterior of their buildings which is proposed to be an off-white color with dark trim proposed to the Town Council.

Snow Storage:

Bret reported the Planning Commission requested a discussion on snow storage since they felt the current LMC requirement of 20% snow storage is insufficient and made a recommendation of 25% snow storage for commercial and leaving 20% for residential to the Council.

The Council discussed the following:

1. Mayor Calloway inquired as to how the Planning Commission produced a recommendation of 25% snow storage. Mayor Calloway reported he did some math on the snow storage and believes that 20% is not enough. The Planning Commission is recommending 25% for commercial and leaving 20% for residential.
2. Council Member Marshall commented that she was appreciative to see the increase in the percentage of snow storage.
3. Council Member Ricks commented that he did not see a big issue with the increase.

Motion: Council member Marshall moved to table the Land Management Code Amendment for Chapters 7 and Chapter 12 until staff comes back with an updated ordinance with the Council's changes. Council Member Ricks seconded the motion.

Action: Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Mayor Calloway, Council Member Marshall, Council Member Ricks. Absent: Council Member Freeberg, Council Member Tidwell).

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

Construction Material Staging and Building Bonus Notary Requirement:
Mayor Calloway suggested the two items that were brought up by the contractors in the public input section today regarding the storage of construction materials and building bonuses be addressed on a future agenda item. Bret responded he would like to review the building bonus provision as it relates to the notary requirement since the document is recorded with the County. If the document is not required to be notarized in order to be recorded, then the item can be handled administratively. The first item was the staging of materials and parking on the streets. Mayor Calloway recommended staff contact the contractors to see what solutions they have to mitigate the issues.

Special Assessment Areas (SAA) Threshold Limits

Mayor Calloway recommended the Council discuss the SAA threshold limits. Council Member Marshall requested staff to provide a map of the neighborhoods that do not have utilities yet that could be potential future SAAs.

August 20, 2024, Planning Commission Tentative Agenda

Subdivision Code Amendments.

August 27, 2024, Town Council Tentative Agenda

Public Hearing for Ranger Court and Elk Drive SAA

Snowshoe/Toboggan SAA Assessment Ordinance.

Spring Circle SAA Notice of Intent

SAA Policy / Threshold discussion on whether to expand the amount of finance.

Street parking and staging of construction materials.

G. ADJOURNMENT

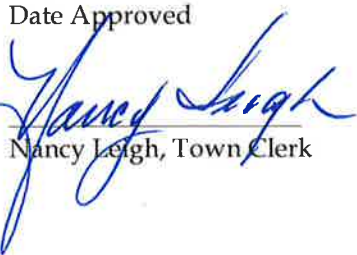
Motion: Council Member Marshall moved to adjourn the regular meeting of the Town Council. Council Member Ricks seconded the motion.

Action: **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Mayor Calloway, Council Member Marshall, Council Member Ricks. Absent: Council Member Freeberg, Council Member Tidwell).**

The regular meeting of the Brian Head Town Council was adjourned at 2:09 p.m. on August 13, 2024.

August 27, 2024

Date Approved


Nancy Leigh, Town Clerk

