BRIAN HEAD

A Special 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# 833 7882 3120

TUESDAY, JULY 11, 2024 @ 1:00 PM

MINUTES OF THE TOWN COUNCIL

Roll Call.

Members Present: Mayor Clayton Calloway, Council Member Larry Freeberg, Council Member Martin Tidwell, Council Member Mitch Ricks (arrived 1:19 p.m. via Zoom Meetings).

Members Absent: Council Member Kelly Marshall.

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Ciera Claridge, Deputy Clerk; Shane Williamson, Town Treasurer.

A. CALL TO ORDER

Mayor Calloway called the special meeting of the Town Council to order at 1:00 p.m. on July 11, 2024.

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

Motion: Council Member Tidwell moved to table the June 25, 2024, Town Council minutes since the majority of Council Members were not present at that meeting. Council Member Freeberg seconded the motion.

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

E. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS.

Public input is limited to three (3) minutes on non-agenda items.

No reports were given.

F. AGENDA ITEMS:

1. **HIDDEN SPRINGS PREMILARY PLAT APPROVAL.** Preliminary Plat for the Hidden Springs Subdivision.

Bret Howser, Town Manager, gave a brief introduction to the Hidden Springs Subdivision located on Pine Tree Way. Bret reported that the Planning Commission has reviewed the Preliminary Plat with approval with conditions and the Council has previously reviewed the Preliminary Plat and requested the applicant to work with staff on the right-of-way that was originally proposed to be used for a walking trail and is now being proposed to be used for enhanced parking (see attached plans).

The Council discussed the following:

1. Council Member Tidwell explained that the staff report submitted in the Council's packet is not updated and it currently identifies the 16′ right-of-way easement to be used for the walking trail.
2. Mayor Calloway commented there is a list of items that the Town has asked the applicant to address:
    a. Units 38 – 45 building elevation will be updated.
    b. Road A has been modified.
    c. Snow storage has been addressed.
    d. The dumpster and dumpster locations have been addressed.
    e. The utility easement and construction easement: Bret explained that the plan is not to run the utilities over any private properties. Originally, it was planned to go over the Pinetree Condos property. This has been removed from Pinetree's property and is using the applicant's property.
    f. Council Member Tidwell commented that the Final Plat will show the details, but in going through the Standards of Review identified in the staff report; item Design Standards (h) Layout: Staff has reviewed the layout and is wanting feedback from the Planning Commission. It appears that is not complete.
    g. 10(a) the grading plan was not included.
    h. Council Member Tidwell commented that several items in the staff report were not included in the plans or would be addressed in the Final Plat.
3. Mayor Calloway commented that the Planning Commission reviewed this project twice and the Council received feedback from the Commission.
4. Council Member Tidwell commented that the Public Safety Director's recommendation is not included. Chief Benson reported that he has reviewed and approved the turnaround for the emergency access.
5. Council Member Tidwell inquired if this Plat would need to be addressed by the Council later if several items still need to be addressed. Bret explained that the staff report needed to be updated from the Planning Commission meeting with the following items:
    a. Road A has been reconfigured so it is no longer encroaching onto Pinetree's property.
    b. Some items are subjective such as building placement. The building placement met the Town Code according to the Planning Commission.

   c. Chelsea reported that the grading plan is now identified as the new page #6, which identifies the grading plan for units 38 – 45, which was one of the Council's requests.

6. Council Member Tidwell inquired if the Preliminary Plat is approved and if the staff report would be part of the Plat for future reference. Bret explained that the staff report would be used for the findings and facts and could be used in court cases. The court would look at the findings of facts along with the minutes and the final plat.
7. Council Member Ricks inquired if Pine Tree Way was a private or public road. Bret explained that the road is public to the point where it enters into Pinetree Condos.
8. The developer will be responsible for snow removal for the remaining units. Bret commented that it would be challenging for the Town plows to turn around on a 24' wide road.
9. Joe Rudman, Pinetree Condo HOA President, commented that Ed Katrell who is a homeowner in Pinetree condos and is also an engineer, has stated from his history and knowledge that units 38-40 with the snow removal won't be able to turn around without having to trespass onto Pinetree property. Regarding the slope with Road A and Road B, there are concerns from the homeowners that there will be impeded access in the winter season from the guests that won't be able to access the road agree with Mr. Katrell's comments regarding the buildings that they cannot be built as they are designed.
10. Mr. Ed Katrell stated the new parking lot that parallels and then the lot ends at the property line and Hidden Springs driveway will be higher and the snow would be pushed onto Pinetree's property. Three-fourths of the property is slope and the snow will build up and he doesn't see it working as designed.
11. Council Member Tidwell inquired if the Development Agreement was in sync with the Staff Report. Bret responded that the Development Agreement would need to be updated to reflect the additional parking instead of the trail easement and will have the Town's attorney draft the Development Agreement to include the water rights and affordable housing provision along with the Town's right-of-way for enhanced parking.

Motion: Council Member Tidwell moved to table the Hidden Springs Subdivision until the Staff Report is current with the Council's thinking and current Plat Maps are included. Council Member Freeberg seconded the motion.

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

2. A RESOLUTION DECLARING THE INTENTION OF THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, UTAH, FOR WATER SYSTEM IMPROVEMENTS AND RELATED IMPROVEMENTS FOR THE RANGER COURT AREA OF THE CEDAR BREAKS MOUNTAIN HOMESITES, UNIT B, BLOCKS A, B & C SUBDIVISON; TO DESIGNATE OR CREATE THE TOWN OF BRIAN HEAD, UTAH SPECIAL TAX ASSESSMENT AREA NO. 2024-01 (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 adopting the Ranger Court Special Service Area Notice of Intent for water system improvements.

Shane Williamson, Town Treasurer, presented a draft resolution for the Ranger Court Special Assessment Area Notice of Intent to create (see attached). Shane gave a brief explanation of the Ranger Court Special Assessment Area (SAA) in which the Notice of Intent schedules a public hearing for August 27, 2024, which begins the 60-day protest period for the property owners in the Ranger Court SAA area.

The Council discussed the following;

1. Council Member Freeberg inquired as to the length of the waterline for this SAA and reported he was informed that the bid presented was over two years old, in which he has a concern.
2. Council Member Freeberg inquired if this SAA meets the Town's requirements and since this SAA was started over two years ago, if the property owners who originally signed the petition are still interested in participating in the SAA and would like to see updated costs for the project so the property owners have an estimate of what the cost is per lot.
3. Shane reported the cost is approximately $30,000 to $35,000 per lot range. Mayor Calloway commented that this is the first step in the legal process and there will be updated information before a commitment.
4. Shane explained that once the Notice of Intent is adopted, the town can begin to accrue costs to be reimbursed and the property owners have the opportunity to protest it until November 2024. It isn't until the Final Assessment Ordinance is adopted that the property owners are committed to the SAA.
5. The engineering costs should be completed in the fall of 2024.
6. All of the property owners within the SAA will be notified of public hearings and the process for protesting.
7. Another avenue for property owners is the Board of Equalization in which they can appeal to the Board of Equalization with a hardship before the Final Assessment Ordinance is adopted.
8. Shane explained that if 40% of the property owners protest, then the SAA automatically fails.
9. The costs will change between the Notice of Intent and the Final Assessment Ordinance and the property owners are not committed to anything at this time.

Motion: Council Member Tidwell moved to adopt resolution No. 24-547 the Ranger Court Special Assessment Area Notice of Intent as presented. Council Member Ricks seconded the motion.

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

3. A RESOLUTION DECLARING THE INTENTION OF THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, UTAH, FOR WATER SYSTEM IMPROVEMENTS AND RELATED IMPROVEMENTS FOR THE ELK DRIVE AREA OF THE CEDAR BREAKS MOUNTAIN ESTATES, UNIT C SUBDIVISION; TO DESIGNATE OR CREATE THE TOWN OF BRIAN HEAD, UTAH SPECIAL TAX ASSESSMENT AREA NO. 2024-02 (ELK

DRIVE); 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 adopting the notice of intent for the Elk Drive Special Assessment Area for water system improvements.

Shane Williamson, Town Treasurer, presented a draft resolution for the Elk Drive Special Assessment Area Notice of Intent (see attached). Shane explained this is similar to the Ranger Court Notice of Intent but is for the Elk Drive area and both of these SAAs will run together for bonding purposes.

The Council discussed the following:

1. Council Member Freeberg commented that he wanted to be sure the Town was covered on all of the expenses, not just the engineering costs. Mayor Calloway commented that if the Town begins the engineering before the Notice of Intent is adopted, then the Town could lose out on the reimbursement costs.
2. Council Member Freeberg inquired if the total cost estimates include all of the Town's costs, such as loan initiation fees, which could be significant. Mayor Calloway explained that until the project was out to bid, the Town would not have an estimate of all of the fees at this point. Bret suggested the Council could identify an additional $20,000 for engineering but it could be less than that. Bret explained that it would be one loan for several SAAs and the cost would be spread out. The cost of issuance would be divided by each of the SAAs.
3. Discussion on the 150 septic tank permits the Town identified as an overall number allowed to be issued and if there are sufficient permits for property owners to use once they are connected to water.

Motion: Council Member Freeberg moved to adopt resolution No. 24-548, a resolution adopting the Notice of Intent for the Elk Drive Special Assessment Area and setting the public hearing. Council Member Tidwell seconded the motion.

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

4. SPRING CIRCLE SPECIAL ASSESSMENT AREA PETITION. An SAA petition for Spring Circle for Water System Improvements.

Shane Williamson, Town Treasurer, presented the Spring Circle Special Assessment Area (SAA) petition to the Council for their consideration (see attached). Shane gave a brief explanation of the proposed SAA in which 60% of the property owners signed the petition and previous Public Works Director, Aldo Biasi, reviewed the plans and approved it. The SAA is currently under the Town's threshold for bonding in which the Town identified a maximum of five million dollars total for SAAs.

Shane reported this may be catching up to the other two SAAs currently in progress for bonding so there will be three SAAs identified for one bonding project.

The Council discussed the following:

1. Council Member Freeberg commented that he has the same concerns as the previous two SAAs and inquired if there is a requirement for a pressure-reducing valve (PRV) since they could raise the cost of the project.
2. There are 33 lots included in this SAA and could add $3,000 per lot to the SAA depending on the cost of the PRV if one is needed.
3. Council Member Ricks inquired if the length of the payments is ten or fifteen years. Shane reported the payments would be for nine years with the tenth year being paid by the reserve fund.

Motion: Council Member Tidwell moved to approve the Spring Circle SAA Petition as presented. Council Member Ricks seconded the motion.

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

5. GENERAL FINANCE MANAGEMENT POLICY AND PROCEDURES. A resolution for the General Finance Management Policy & Procedures.

Shane Williamson, Town Treasurer, presented the General Finance Management Policy and Procedures (see attached). The document was drafted by Nancy Leigh, Town Clerk, and is an accumulation of the Town's policies, both administrative and legislative into one document. Shane explained it would help the Town when the Town goes to market for bonds and help with the credit rating. The Council thanked the staff for their excellent work.

Motion: Council Member Tidwell moved to adopt resolution No. 24-549 adopting the General Finance Management Plan as presented. Council Member Ricks seconded the motion.

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

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

The Council reviewed the upcoming Town Council and Planning Commission's tentative agendas:

Snowshoe/Toboggan Special Assessment Area Board of Equalization Meetings: July 31, August 1, and August 2, 2024, from 1-2 p.m.

July 23, 2024, Town Council tentative agenda:

1. Public Hearing for Impact Fee Facilities Plan and Enactment.
2. Night Sky Lighting Project
3. Hidden Springs Subdivision Preliminary Plat
4. Land Management Code Amendments, Chapter 12 Cladding & Snow Storage.

August 2, 2024, Planning Commission tentative agenda:
Subdivision Code updates

G. ADJOURNMENT

Motion: Council Member Tidwell moved to adjourn the special meeting of the Town Council. Council Member Freeberg seconded the motion.

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

The special meeting of the Brian Head Town Council was adjourned at 2:27 p.m. on July 11, 2024.

August 27, 2024
Date Approved

Nancy Leigh, Town Clerk

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