



The Regular Meeting of the Brian Head Town Council
acting as the governing body for the Brian Head
Redevelopment Agency (RDA)

Brian Head Town Hall – Council Chambers
56 North Highway 143 – Brian Head, UT 84719

www.Zoom.us (Click Here)

Via Zoom Meeting ID# 884 0632 5134

TUESDAY, JUNE 25, 2024 @ 1:00 PM

AGENDA

- A. CALL TO ORDER**
- B. PLEDGE ALLEGIANCE**
- C. DISCLOSURES**
- D. APPROVAL OF THE MINUTES:**
 - May 7, 2024, Town Council Meeting
 - May 28, 2024, Town Council Meeting
- E. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS.** Public input is limited to three (3) minutes on non-agenda items.
- F. AGENDA ITEMS:**
 - 1. HIDDEN SPRINGS PREMILARY PLAT APPROVAL.** Lester Ross, Building & Planning Official. The Council will review the Preliminary Plat for the Hidden Springs Subdivision.
 - 2. PUBLIC HEARING FOR THE FISCAL YEAR 2024 AMENDED BUDGET(S).** Shane Williamson, Town Treasurer. Shane will give a brief introduction to the public on the FY2024 Amended Budget(s) for the Town and Redevelopment Agency
 - 3. FISCAL YEAR 2024 AMENDED BUDGET - BRIAN HEAD TOWN/RDA BUDGET(S) ADOPTION.** Shane Williamson, Town Treasurer. The Council acting as the governing body for the Brian Head RDA will consider an ordinance/resolution for the FY2024 Town & RDA Budgets ending June 30, 2024.
 - 4. A RESOLUTION APPOINTING A BOARD OF EQUALIZATION AND REVIEW FOR THE TOWN OF BRIAN HEAD, UTAH SPECIAL ASSESSMENT AREA 2023-1 (Snowshoe-Toboggan); SETTING THE DATES FOR THE BOARD OF EQUALIZATION TO HEAR AND CONSIDER OBJECTIONS AND CORRECTIONS TO ANY PROPOSED ASSESSMENTS; AUTHORIZING THE TOWN CLERK TO CAUSE TO BE PUBLISHED AND MAILED A NOTICE OF MEETING OF THE BOARD OF EQUALIZATION AND REVIEW; AND RELATED MATTERS.** Bret Howser, Town Manager. The Council will consider a resolution establishing the Snowshoe/Toboggan SAA Board of Equalization.
 - 5. FRAUD RISK ASSESSMENT.** Shane Williamson, Town Treasurer, will present the Fraud Risk Assessment for the Town.
 - 6. FISCAL YEAR 2025 CONSOLIDATED FEE SCHEDULE RESOLUTION.** Shane Williamson, Town Treasurer. The Council will consider a resolution for the FY2025 Consolidated Fee Schedule.



- 7. FUTURE AGENDA ITEMS.** A discussion on possible future agenda items the Council may want to address for a future meeting.

G. ADJOURNMENT

Date: June 21, 2024

Available to Board Members as per Ordinance No. 11-003 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the public board may participate by means of electronic communications. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda at the following conspicuous locations; the Post Office, The Mall, and the Brian Head Town Hall and have posted copies on the Utah Meeting Notice Website and the Brian Head Town website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Nancy Leigh, Town Clerk



ITEM: PRELIMINARY PLAT REVIEW – HIDDEN SPRINGS

AUTHOR: Lester Ross
DEPARTMENT: Administration
DATE: June 25, 2024
TYPE OF ITEM: Administrative Action

SUMMARY:

The Town Council will review the Preliminary Plat proposed by Ammil Development for Hidden Springs for a new multi-family townhome subdivision on Pine Tree Way.

BACKGROUND:

On September 14, 2023, staff received an application for a Schematic Plan review for a new subdivision on four unsubdivided parcels on Pine Tree Way between Copper Chase, Elevate and Pine Tree Condos and along the east side of Pine Tree Way. These parcels are currently zoned R-3 Multi-Family Residential.

On April 24, 2024, staff received an application for a Preliminary plat for the Hidden Springs and on May 21, 2024, the Planning Commission held a public hearing and discussion for the Hidden Springs subdivision. Some of the public comments received are as follows:

- Parking and access to the A-frame cabins.
- Slope of Road A and C.
- Stormwater storage and landside possibility.
- Access to Pine Tree condos during construction.
- Removal of trees.
- Land stability.
- ADA-compatible units.
- Unit 38 parking and access.
- Tree removal between unit 38 and Snowshoe Condos.
- Turnaround
- Building placement
- Parking and trespassing
- Snow removal and parking
- Dumpster location for Phase 1
- Construction and equipment trespassing.
- Increase traffic.
- Snow storage.

On June 4, 2024, the Planning Commission held a discussion and voted to recommend approval of the Hidden Springs subdivision with the following conditions.

1. The slope at the intersections of Road A and that the road be 4% or less and not more than 10% for the first 200 feet.
2. Plans will show snow storage for parking areas.
3. A dumpster location and enclosure will be added to the plans for Phase 1.

4. Utility and construction easement will be determined, and proof of legal access will be provided before the approval of the final plat.

On June 11, 2024, the Town Council held a discussion and voided to table the Hidden Springs subdivision. Due to an error, the June 4th Planning Commission meeting was not properly posted on the state public notice website. The Council identified the following items they wanted the Planning Commission to address before the Final Plat and Development Agreement approval:

1. Grading plan will need to include elevation for the building pads of lots 38 – 45
2. The Parking lot would need to be paved unless approved by the Planning Commission for a gravel surface.

The Council proposed, as part of the Development Agreement, that Ammil would provide parking next to the A-frame units, and in exchange, the Town would vacate 15 feet of the road easement allowing for lots 41-45 to meet the setback requirements.

On June 18, 2024, the Preliminary Plat went back to the Planning Commission again due to the noticing error. The Commission reviewed the subdivision with the additional conditions the Council addressed in their June 11th meeting. The Commission discussed the additional items identified by the Council and voted to recommend approval of the Hidden Springs subdivision with the following conditions.

1. The slope at the intersections of Road A and that the road be 4% or less and not more than 10% for the first 200 feet.
2. Plans will show snow storage for parking areas
3. A dumpster location and enclosure will be added to the plans for Phase 1
4. Utility and construction easement will be determined, and proof of legal access will be provided before the approval of the final plat.
5. The grading plan would need to include the elevation for the building pads for lots 38 – 45
6. The parking lot to be paved (unless approved by the Planning Commission for gravel surface.)
7. Lots 41 -45 need to meet the 25' setbacks

ANALYSIS:

The following are the Standards for Review for a Preliminary Plat:

1. Purpose: The purpose of the preliminary plat is to review and resolve most of the technical details of the subdivision design in order to minimize changes and revisions that might otherwise be necessary on the final plat. The preliminary plat, and all information and procedures relating thereto shall, in all respects, be compliant with the provisions of this title and any other applicable ordinances.
2. Standards For Review: The applicant shall demonstrate that:
 - a. Compliance with Schematic Plan: The proposal does not significantly deviate from the schematic plan insofar as the schematic plan was consistent with local ordinances and state statutes. Water: The proposed water distribution system is connected to the Town's water system and meets the requirements of the Town;
 - i. Schematic plan standards For Review: The applicant shall demonstrate that:

1. The proposed subdivision conforms to the Town General Plan, zoning regulations, Public Works Standards, and Design Standards, chapter 12, and other relevant sections of this title.
 - a. The proposed subdivision (Townhomes and multi-family) is consistent with the existing zoning R 3 and the underlying General Plan Map and provisions.
 - b. Zoning Regulations – The proposal seems consistent with the provisions of R3 zone in Chapter 9-7-3 of the LMC with the following exceptions:
 - i. Front setbacks along Pine Tree Way need to be a minimum of 25'
 1. The Town is working with the developer on removing part of the road easement and making it a trail easement. This would allow for the required 25-foot setback.
 - ii. Maximum building coverage: Buildings and developed area for the project will be 16.33% of the project area.
 - iii. Minimum landscaping: The landscaped area and undeveloped area will be 83.67% of the project area.
 - iv. There will be an HOA for the development.
2. Desing Standards – The proposal seems consistent with the provisions in Chapter 9-12 of the LMC with the following exceptions:
 - a. Hazardous Site Conditions- The design of the subdivision has addressed site conditions.
 - i. Due to the slope on the northeast side of Pine Tree Way, Ammil Development is working with the Town on the setbacks for units 41 through 45. It was proposed to vacate 16 feet of the Pine Tree Way Road easement making it 50 feet wide which meets the Town's standards and then create a 16-foot trail easement along the side of the road with a paved walking trail. This would allow the developer to place the cabins so they do not go too far into the slope of the hill.
 - b. Drainage – A drainage plan was submitted and has been reviewed by public works and the town engineer.
 - i. An underground Stormtech System will be installed under the paved parking lot to handle storm runoff from the roads on-site.
 - c. Centrally Located Facilities – the development does not appear to have any recreation facilities.
 - d. Access: All of the lots have access to open space trails in the subdivision.
 - e. Trails and open space access: There are several trails planned as part of the subdivision; a paved trail along Pine Tree Way; and improved trails throughout the subdivision.

- f. Extension of Infrastructure: The proposed infrastructure was reviewed and approved by public works and the town engineer. It will not be reared for them to extend the infrastructure past the development as they are in the middle of existing developments.
 - g. Maintenance of Common Facilities: An HOA and CC&R will be established to maintain the common-owned areas; roads, water lines, sewer lines, and trails.
 - h. Layout: The staff has reviewed the layout and received feedback from the Planning Commission.
 - i. Development Design: The development is considered for the efficiency of the public and private utilities in the subdivision.
 - j. Preservation of features: 83% of the project area will be landscaped or undeveloped.
 - k. Placement of buildings: the staff reviewed the building placement and requested feedback from the Planning Commission.
 - l. Removal of hazardous materials: The defensible space will be required and reviewed with the building permits for the structures and subdivisions.
 - m. Building placement: The staff reviewed the building placement and requested feedback from the Planning commission.
- 3. Water: The proposed water source is connected to the Town's water distribution system and has adequate supply, capacity, and method of distribution within the subdivision. (2010 Code, amd. ord. 15-004, 4-28-2015)
 - a. The Water system has been reviewed by public works and the Town Engineer; the rough design has been approved.
- 4. Sewer: The proposed sewage system is connected to the Town's sewer system and meets State and Town standards and regulations. (2010 Code, amd. ord. 15-004, 4-8-2015)
 - a. The sewer system has been reviewed by public works and the Town Engineer; the rough design has been approved.
- 5. Fire Protection: The proposed method for fire protection complies with this title and other regulations as applicable.
 - a. Public safety has reviewed the road layout and the locations of the fire hydrants. The design has been approved.
- 6. Appropriate Use: The proposed uses for the property are appropriate to the zoning district and the layout/design is responsive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, visual impacts, and preservation of views.
 - a. Staff has reviewed the building placement and is wanting feedback from the Planning Commission.

7. Public Services: Adequate public services are available to meet the needs of the proposed subdivision, including roads, water, sewer, stormwater, gas, electricity, telecommunications, trails, transit, snow storage areas, police and fire protection, and recreation. If adequate services do not exist at the time of application, provisions must be made for the expansion of services concurrent to the subdivision development at the expense of the subdivider.

a. Public Works Standards

i. Roads

1. Pine Tree Way Roads A, B, and C will be paved and meet the Public Works Standards.
2. The turnaround area between Road A and C has been reviewed and approved by Public Safety and meets the fire turnaround requirements.
3. The easement of Pine Tree Way has been questioned at the intersection of Road A and Pine Tree Way.

- ii. UDOT- A traffic study was completed for the development and no mitigations are recommended at this time for the intersections of Ridgeview Street and Sr 143.

- iii. Snow Storage- Snow storage is addressed on Sheet 4 and has been reviewed by staff.

- iv. Trash Enclosures – There will be three (3) dumpsters within a trash enclosure between roads A and B. Dumpster locations will need to be addressed for Phase 1 until Phase 2 is complete.

- v. Public utilities- utilities have been reviewed by Public Works and the Town Engineer.

- vi. Stormwater – the stormwater has been reviewed by Public Works and the Town Engineer.

- vii. Gas, electric, and telecommunications – The applicant should submit the preliminary plat to Rocky Mtn Power and Dominion Energy to ensure sufficient service from those entities.

- viii. Mail, Police/Fire, and Recreation services all appear to be sufficient for the proposal.

Public Comments notes

- Parking and Access to A-frame cabins
 - o Town Code allows parking to be up to 500 feet away from the dwelling. Town Code 9-12-15 E
- Slope of Roads A and C
 - o Max slope at intersections is 4% and then 10% for the first 200-feet max slope of 12% on the road – Town Code: 9-12-11 B
 - The developer will need to address the slope of the road at the intersections of Roads A and B at Pine Tree Way.
- Stormwater storage and Landside possibility
 - o Stormwater and storage is being reviewed by the Engineer.
- Access to Pine Tree condos during construction
 - o The developer is required to have a traffic control plan before the start of construction on Pine Tree Way

- Removal of trees
 - o The development is within the Town Standards.
- Land stability
 - o A geo report was submitted with the Preliminary Plat and is part of the Engineer's review process.
 - o Landsides and land instability are always a possibility with any development.
- ADA-compatible units
 - o ADA-compatible units are not required for single-family and multi-family townhome units.
- Unit 38 parking and access
 - o Town Code allows parking to be up to 500 feet away from the dwelling (9-12-15 E)
 - o The access is not ideal
- Tree removal between unit 38 and Snowshoe Village Condos
 - o The Town Code requires all trees to be removed within 10 feet of the building. The side setback must be a minimum of 20' that will allow for 10 feet of trees along the property line between unit 38 and Snowshoe Village.
- Turnaround
 - o The turnaround between Roads A and C is a tee or hammerhead turnaround and has been reviewed and approved by Public Safety.
- Building placement
 - o 9-12-3 K. and M address the building placement. The Planning Commission reviewed the requirements and determined if the subdivision meets the requirements.
 - Staff has reviewed the building placement
- Parking and trespassing
 - o Town Code allows parking to be up to 500 feet away from the dwelling 9-12-15 E
 - o The access is not ideal
- Snow removal and parking
 - o The snow storage plan is on Sheet 4 and shows the snow storage locations
 - o Snow storage for the parking area will need to be shown on the plans.
- Trash for Phase 1
 - o A dumpster location will need to be added for Phase 1 ideally by the parking area
- Construction and equipment Trespassing
 - o Ammil Development has provided a copy of the deed that gives a road easement, and on the Pine Tree condominiums, it refers to the road and utility easements.
 - o The use and access to the easement is being disputed. The Town will not make any stand on this issue until it has been worked out between the parties.
 - o The use and access will need to be determined and will be reviewed by the town's attorney before the final plat can be approved.
- Increase Traffic
 - o Yes, this development will increase the traffic in the area.
- Snow Storage
 - o The snow storage plan is on Sheet 4 and has shown the snow storage locations
- Environmental Impact study
 - o The Town Code does not require an Environmental Impact Study.

STAFF RECOMMENDATION:

Subdivision Preliminary plats is an administrative action which means if the developer meets all the requirements set in the Town Code, then the subdivision should be approved. Staff recommends approval with the following conditions

1. The slope at the intersections of Road A and that the road be 4% or less and not more than 10% for the first 200 feet.
2. Plans will show snow storage for parking areas
3. A dumpster location and enclosure will be added to the plans for Phase 1
4. Utility and construction easement will be determined, and proof of legal access will be provided before the approval of the final plat.
5. The grading plan will need to include elevation for the building pads of lots 38 - 45
6. The parking lot will need to be paved (unless approved by the Planning Commission for gravel surface.)
7. Lots 41 -45 will need to meet the 25' setbacks.

PROPOSED MOTION:

The Council can table, approve, or disapprove listing what needs to be corrected for approval.

Recommended motion(s)

I move to Table the preliminary plat for Hidden Springs until they can provide (list the conditions and items that are needed for approval)

I move to _____ the preliminary plat for Hidden Springs with the following conditions.

1. The slope at the intersections of Road A and that the road be 4% or less and not more than 10% for the first 200 feet.
2. Plans will show snow storage for parking areas
3. A dumpster location and enclosure will be added to the plans for Phase 1
4. Utility and construction easement will be determined, and proof of legal access will be provided before the approval of the final plat.
5. The grading plan will need to include elevation for the building pads of lots 38 - 45
6. The Parking lot will need to be paved (unless approved by the Planning Commission for gravel surface.)
7. Lots 41 -45 will need to meet the 25' setbacks

ATTACHMENTS:

- A. Preliminary plat
- B. Schematic Plan
- C. Access easement
- D. Pine Tree plat
- E. Development Agreement
- F. Public Notice
- G. Public comments

B&G PROJECT NUMBER 231008

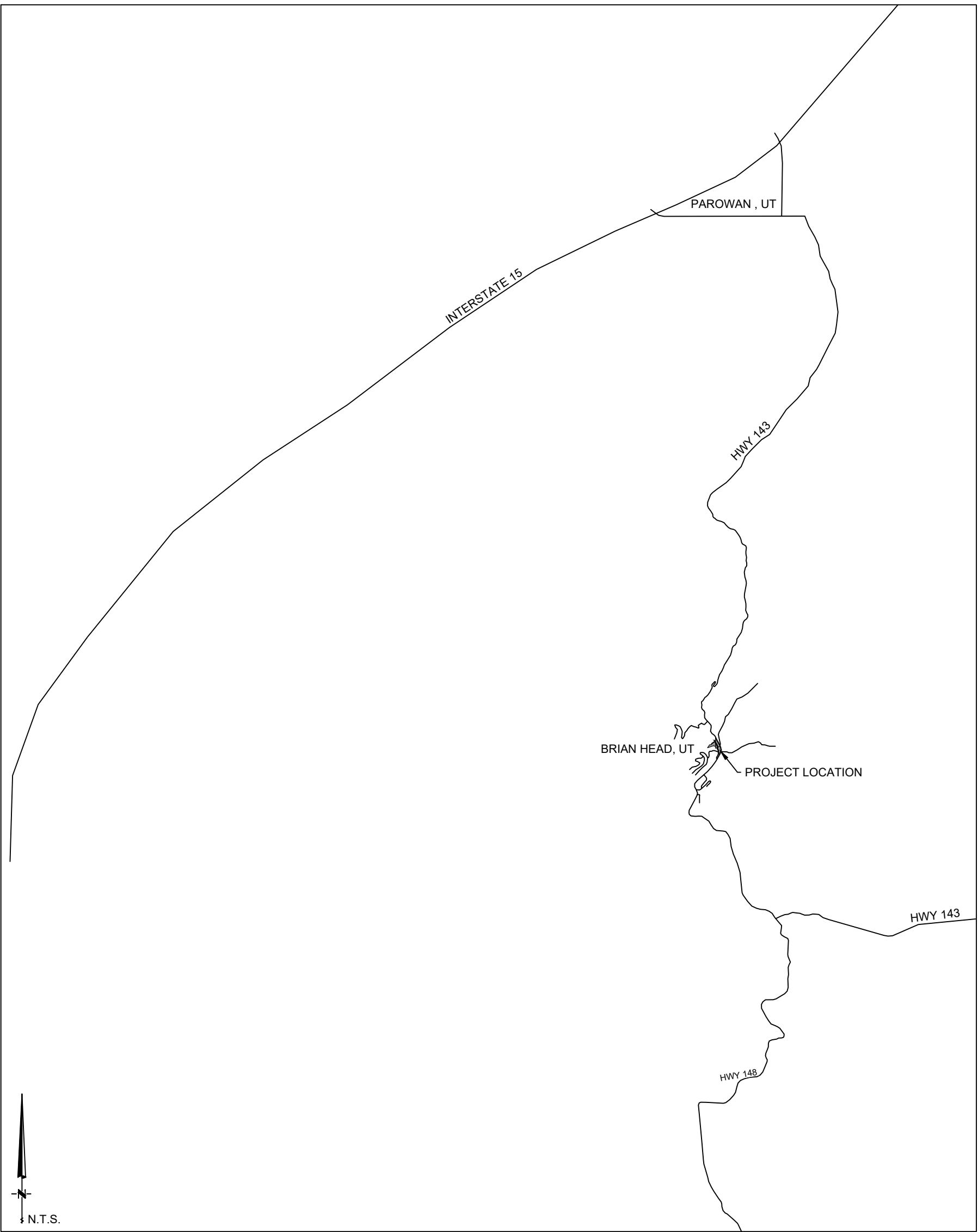
HIDDEN SPRINGS

PRELIMINARY PLAT

LOCATED IN BRIAN HEAD, UTAH

WEST 1/4 CORNER OF SECTION 2, T 36S, R 9 W, SLM
PARCEL # A-1150-0005-0005, A-1144-0001-0012, A-1144-0001-0012-02, A-1150-5-7
1 RIDGEVIEW STREET, BRAIN HEAD, UTAH 84719

VICINITY MAP



SHEET NO.	DESCRIPTION
1	COVER SHEET
2	SITE PLAN
3	PARKING PLAN
4	SNOW STORAGE PLAN
5	GRADING PLAN
6	UTILITY PLAN
7	OFFSITE UTILITY PLAN
8	DETAILS
9	DETAILS
10	DETAILS
11	DETAILS

GENERAL NOTES

- 1) CONTRACTOR IS RESPONSIBLE TO VERIFY LOCATIONS OF ALL UTILITIES PRIOR TO COMMENCEMENT OF WORK IN ANY ZONE.
- 2) ALL WORK AND MATERIALS SHALL COMPLY WITH BRIAN HEAD STANDARD SPECIFICATIONS.
- 3) PROJECTS SHALL INSTALL AN INFORMATIONAL SIGN ON SITE BEFORE CONSTRUCTION BEGINS. THIS SIGN WILL HAVE A MINIMUM SIZE, PLACEMENT LOCATION AND CONTENT INFORMATION WITH THE COMPANY NAME, PHONE CONTACT AND GRADING PERMIT NUMBER.
- 4) PROJECTS SHALL SUBMIT A DUST CONTROL PLAN WITH DETAILS ON EQUIPMENT, SCHEDULING AND REPORTING OF DUST CONTROL ACTIVITIES.
- 5) A MANDATORY PRE-CONSTRUCTION MEETING WILL BE REQUIRED ON ALL PROJECTS PRIOR TO ANY GRUBBING, GRADING OR CONSTRUCTION ACTIVITIES. THE PERMIT HOLDER WILL BE REQUIRED TO NOTIFY ALL DEVELOPMENT SERVICE INSPECTORS.
- 6) FOLLOW APPENDIX 'J' STANDARDS FOUND IN THE IBC.
- 7) ALL OBJECTS SHALL BE KEPT OUT OF THE SIGHT DISTANCE CORRIDORS THAT MAY OBSTRUCT THE DRIVER'S VIEW.

DUST CONTROL

THESE DUST CONTROL MEASURES MUST BE OBSERVED AT ALL TIMES:

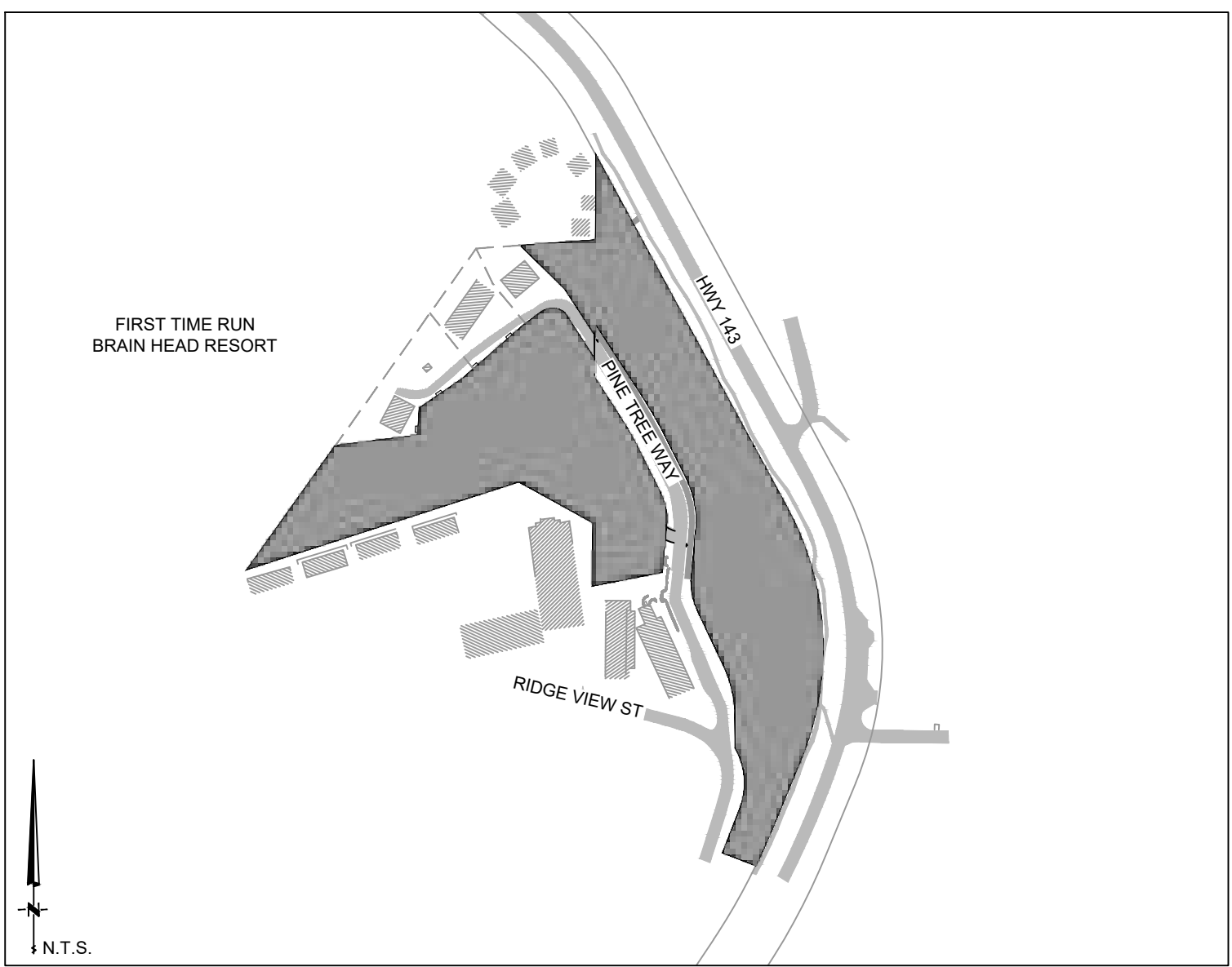
EARTH MOVING ACTIVITIES:

- 1) APPLY WATER BY MEANS OF TRUCKS, HOSES AND/OR SPRINKLERS AT SUFFICIENT FREQUENCY AND QUANTITY, PRIOR TO CONDUCTING, DURING AND AFTER EARTHMOVING ACTIVITIES.
- 2) PRE-APPLY WATER TO THE DEPTH OF THE PROPOSED CUTS OR EQUIPMENT PENETRATION.
- 3) APPLY WATER AS NECESSARY AND PRIOR TO EXPECTED WIND EVENTS.
- 4) OPERATE HAUL VEHICLES APPROPRIATELY IN ORDER TO MINIMIZE FUGITIVE DUST AND APPLY WATER AS NECESSARY DURING LOADING OPERATIONS.

DISTURBED SURFACE AREAS OR INACTIVE CONSTRUCTION SITES:

- 1) WHEN ACTIVE CONSTRUCTION OPERATIONS HAVE CEASED, APPLY WATER AT SUFFICIENT FREQUENCY AND QUANTITY TO DEVELOP A SURFACE CRUST AND PRIOR TO EXPECTED WIND EVENTS.
- 2) INSTALL FENCE BARRIER AND/OR "NO TRESPASSING" SIGNS TO PREVENT ACCESS TO DISTURBED SURFACE AREAS.

PROJECT MAP



APRIL 2024

BUSH & GUDGELL, INC.
Engineers - Planners - Surveyors

205 East Tabernacle #4
St. George, Utah 84770
Phone (435) 673-2337

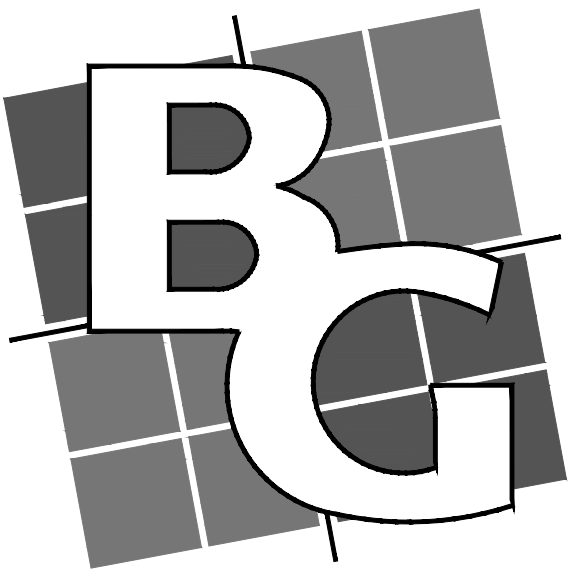


OWNER / DEVELOPER

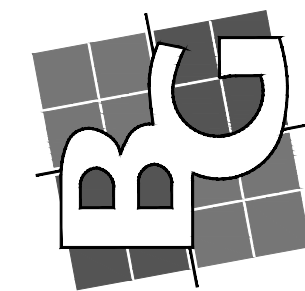
AMMIL DEVELOPMENT LLC
CHELSEA CURCURI
chelseac@ammildevelopment.com
(774) 454-9404
5725 S. VALLEY VIEW BLVD
LAS VEGAS, NV 89118

ENGINEERING CONTACT

BUSH AND GUDGELL, INC.
205 EAST TABERNACLE #4
ST. GEORGE, UT 84770
RICK MEYER - PROJECT MANAGER
(435)-673-2337



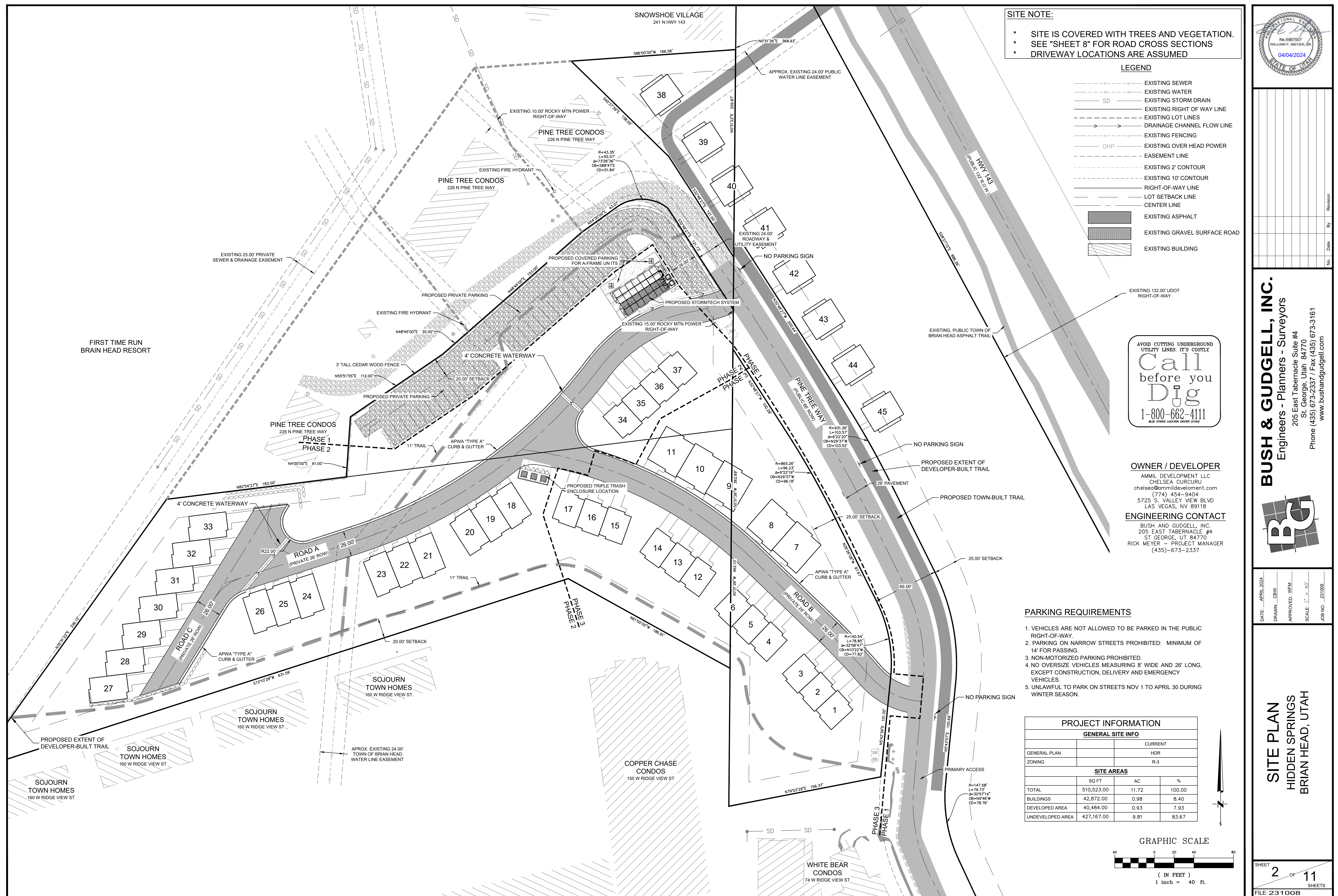
BUSH & GUDGELL, INC.
Engineers - Planners - Surveyors

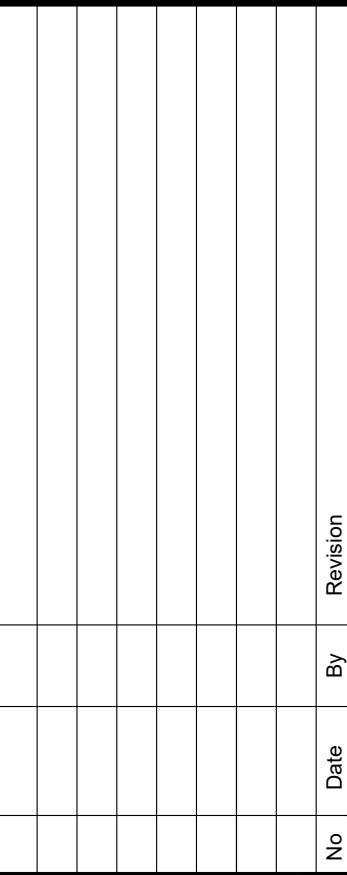


DATE: APRIL 2024
DRAWN: CBW
APPROVED: WFM
SCALE: NOTED
JOB NO. 231008

COVER SHEET
HIDDEN SPRINGS
BRIAN HEAD, UTAH

SHEET 1 OF 11
SHEETS
FILE: 231008





DATE: APRIL 2024
DRAWN: CBW
APPROVED: WFM
SCALE: 1" = 40'
OB NO. 231008

3 OF 11 SHEETS
LE: 231008

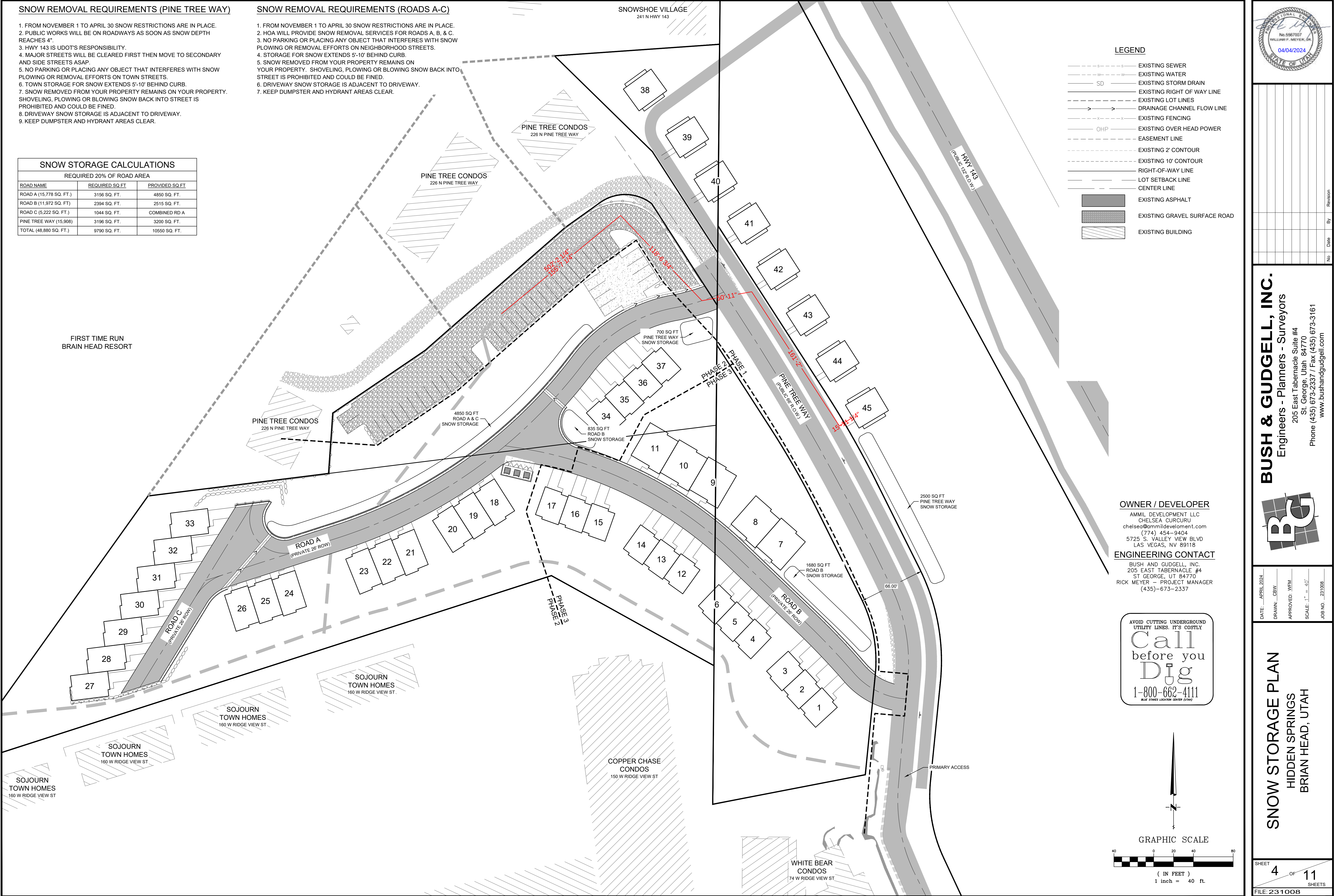
SNOW REMOVAL REQUIREMENTS (PINE TREE WAY)

1. FROM NOVEMBER 1 TO APRIL 30 SNOW RESTRICTIONS ARE IN PLACE.
2. PUBLIC WORKS WILL BE ON ROADWAYS AS SOON AS SNOW DEPTH REACHES 4".
3. HWY 143 IS UDOT'S RESPONSIBILITY.
4. MAJOR STREETS WILL BE CLEARED FIRST THEN MOVE TO SECONDARY AND SIDE STREETS ASAP.
5. NO PARKING OR PLACING ANY OBJECT THAT INTERFERES WITH SNOW PLOWING OR REMOVAL EFFORTS ON TOWN STREETS.
6. TOWN STORAGE FOR SNOW EXTENDS 5'-10' BEHIND CURB.
7. SNOW REMOVED FROM YOUR PROPERTY REMAINS ON YOUR PROPERTY. SHOVELING, PLOWING OR BLOWING SNOW BACK INTO STREET IS PROHIBITED AND COULD BE FINED.
8. DRIVEWAY SNOW STORAGE IS ADJACENT TO DRIVEWAY.
9. KEEP DUMPSTER AND HYDRANT AREAS CLEAR.

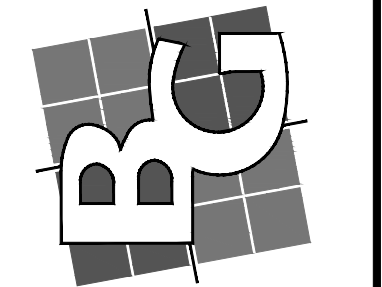
SNOW STORAGE CALCULATIONS		
REQUIRED 20% OF ROAD AREA		
ROAD NAME	REQUIRED SQ. FT.	PROVIDED SQ. FT.
ROAD A (15,778 SQ. FT.)	3156 SQ. FT.	4850 SQ. FT.
ROAD B (11,972 SQ. FT.)	2394 SQ. FT.	2515 SQ. FT.
ROAD C (5,222 SQ. FT.)	1044 SQ. FT.	COMBINED RD A
PINE TREE WAY (15,908)	3196 SQ. FT.	3200 SQ. FT.
TOTAL (48,880 SQ. FT.)	9790 SQ. FT.	10550 SQ. FT.

SNOW REMOVAL REQUIREMENTS (ROADS A-C)

1. FROM NOVEMBER 1 TO APRIL 30 SNOW RESTRICTIONS ARE IN PLACE.
2. HOA WILL PROVIDE SNOW REMOVAL SERVICES FOR ROADS A, B, & C.
3. NO PARKING OR PLACING ANY OBJECT THAT INTERFERES WITH SNOW PLOWING OR REMOVAL EFFORTS ON NEIGHBORHOOD STREETS.
4. STORAGE FOR SNOW EXTENDS 5'-10' BEHIND CURB.
5. SNOW REMOVED FROM YOUR PROPERTY REMAINS ON YOUR PROPERTY. SHOVELING, PLOWING OR BLOWING SNOW BACK INTO STREET IS PROHIBITED AND COULD BE FINED.
6. DRIVEWAY SNOW STORAGE IS ADJACENT TO DRIVEWAY.
7. KEEP DUMPSTER AND HYDRANT AREAS CLEAR.



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Phone (435) 673-2337 / Fax (435) 673-3161
www.bushandgudgell.com



DATE: APRIL 2024
DRAWN: CBW
APPROVED: WFM
SCALE: 1" = 40'
JOB NO. 231008

SNOW STORAGE PLAN
HIDDEN SPRINGS
BRIAN HEAD, UTAH

SHEET 4 OF 11 SHEETS
FILE: 231008

GRADING NOTES

APPROXIMATELY 8,266 CU.YD. OF CUT, 5,121 CU.YD. OF FILL AND 3,145 CU.YD. OF EXPORT MATERIAL IS REQUIRED (FOR GRADING PERMIT ONLY). THE CONTRACTOR SHOULD VERIFY THE QUANTITIES FOR COMPLETION OF WORK. QUANTITIES ARE BASED ON FINISH GRADE OF ROADS & PADS.

ALL IMPORTED STRUCTURAL FILL SHALL BE APPROVED BY THE GEOTECHNICAL ENGINEER PRIOR TO DELIVERY TO THE SITE. ALL IMPORTED STRUCTURAL FILL SHALL BE PLACED IN 8-INCH LOOSE HORIZONTAL LIFTS AND COMPACTED TO A MINIMUM OF 95 PERCENT OF MAXIMUM DRY DENSITY (ASTM D-1557).

ALL EXCAVATION, GRADING AND FILL OPERATIONS WITHIN THE BUILDING AREA SHOULD BE OBSERVED BY THE GEOTECHNICAL ENGINEER TO VERIFY SUB-SOIL CONDITIONS AND DETERMINE ADEQUACY OF SITE PREPARATION, SUITABILITY OF FILL MATERIALS AND COMPLIANCE WITH COMPACTION REQUIREMENTS.

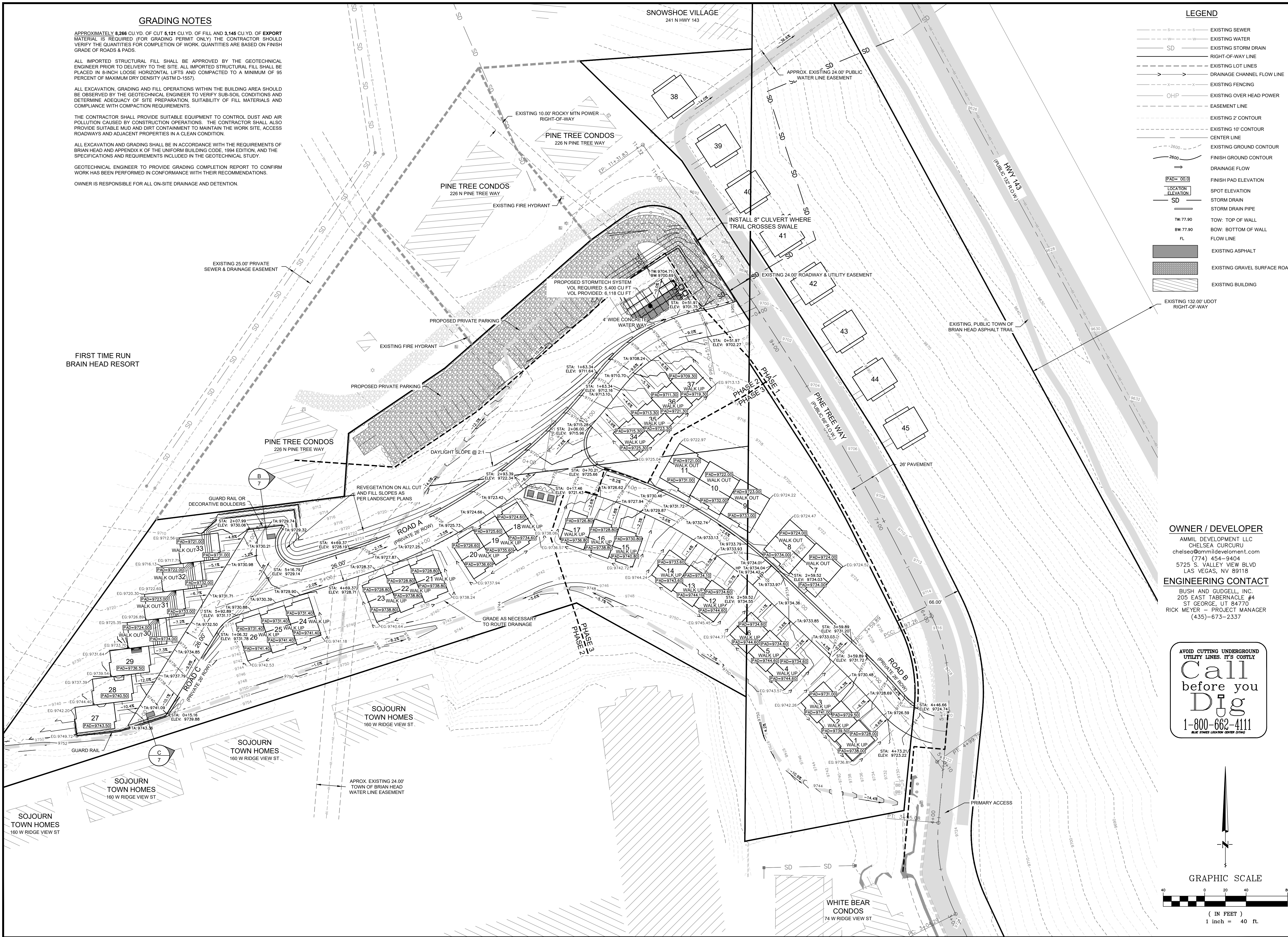
THE CONTRACTOR SHALL PROVIDE SUITABLE EQUIPMENT TO CONTROL DUST AND AIR POLLUTION CAUSED BY CONSTRUCTION OPERATIONS. THE CONTRACTOR SHALL ALSO PROVIDE SUITABLE MUD AND DIRT CONTAINMENT TO MAINTAIN THE WORK SITE, ACCESS ROADWAYS AND ADJACENT PROPERTIES IN A CLEAN CONDITION.

ALL EXCAVATION AND GRADING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF BRIAN HEAD AND APPENDIX K OF THE UNIFORM BUILDING CODE, 1994 EDITION, AND THE SPECIFICATIONS AND REQUIREMENTS INCLUDED IN THE GEOTECHNICAL STUDY.

GEOTECHNICAL ENGINEER TO PROVIDE GRADING COMPLETION REPORT TO CONFIRM WORK HAS BEEN PERFORMED IN CONFORMANCE WITH THEIR RECOMMENDATIONS.

OWNER IS RESPONSIBLE FOR ALL ON-SITE DRAINAGE AND DETENTION.

FIRST TIME RUN
BRAIN HEAD RESORT



LEGEND

- EXISTING SEWER
- EXISTING WATER
- EXISTING STORM DRAIN
- RIGHT-OF-WAY LINE
- EXISTING LOT LINES
- DRAINAGE CHANNEL FLOW LINE
- EXISTING FENCING
- EXISTING OVER HEAD POWER
- EASEMENT LINE
- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- CENTER LINE
- EXISTING GROUND CONTOUR
- FINISH GROUND CONTOUR
- DRAINAGE FLOW
- FINISH PAD ELEVATION
- SPOT ELEVATION
- STORM DRAIN
- STORM DRAIN PIPE
- TOW: TOP OF WALL
- BOW: BOTTOM OF WALL
- FLOW LINE
- EXISTING ASPHALT
- EXISTING GRAVEL SURFACE ROAD
- EXISTING BUILDING

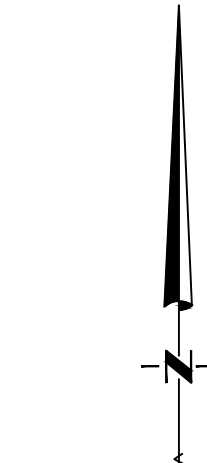
OWNER / DEVELOPER

AMMIL DEVELOPMENT LLC
CHELSEA CURCURI
chelseac@ammildevelopment.com
(774) 454-9404

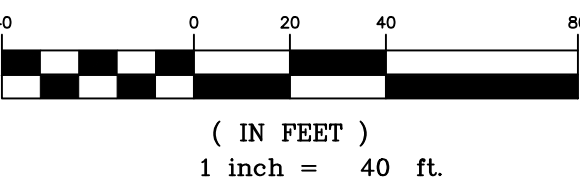
ENGINEERING CONTACT

BUSH AND GUDGELL, INC.
205 EAST TABERNALE #4
ST. GEORGE, UT 84770
RICK MEYER - PROJECT MANAGER
(435)-673-2337

AVOID CUTTING UNDERGROUND
UTILITY LINES. IT'S COSTLY
Call
before you
Dig
1-800-662-4111
BLUE STATES LOCATION CENTER (BOLC)



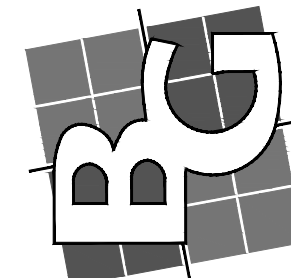
GRAPHIC SCALE



BUSH & GUDGELL, INC.

Engineers - Planners - Surveyors

205 East Tabernacle Suite #4
St. George, Utah 84770
Phone (435) 673-2337 / Fax (435) 673-3161
www.bushandgudgell.com



GRADING & DRAINAGE PLAN

HIDDEN SPRINGS
BRIAN HEAD, UTAH

SHEET

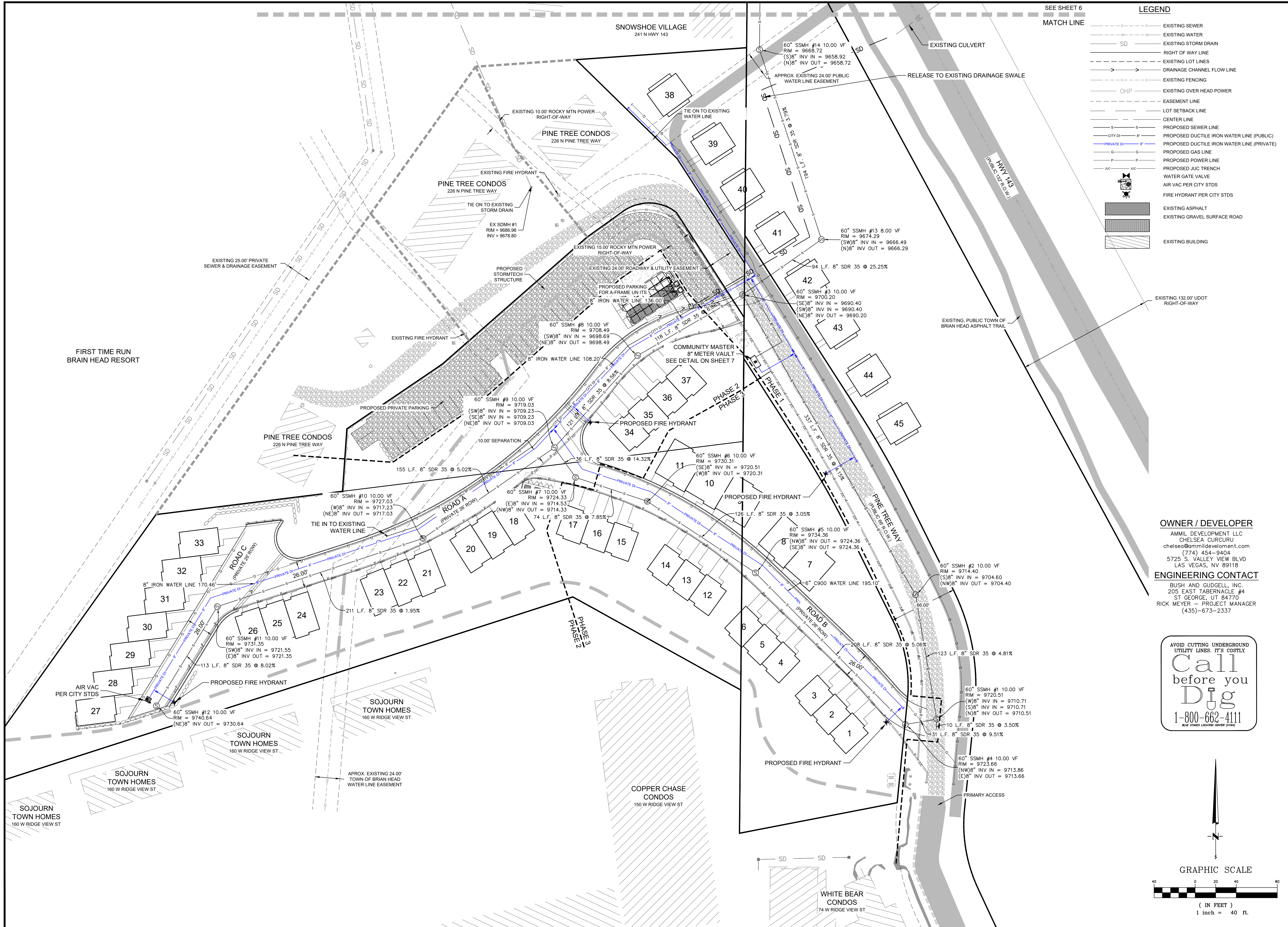
5

OF

11

SHEETS

FILE: 231008



SEE SHEET 6
MATCH LINE

LEGEND

- EXISTING SEWER
- EXISTING WATER
- EXISTING STORM DRAIN
- RIGHT OF WAY LINE
- EXISTING LOT LINES
- DRAINAGE CHANNEL FLOW LINE
- EXISTING FENCING
- EXISTING OVER HEAD POWER
- EASEMENT LINE
- LOT SETBACK LINE
- CENTER LINE
- PROPOSED SEWER LINE
- PROPOSED DUCTILE IRON WATER LINE (PUBLIC)
- PROPOSED DUCTILE IRON WATER LINE (PRIVATE)
- PROPOSED GAS LINE
- PROPOSED POWER LINE
- PROPOSED JUC TRENCH
- WATER GATE VALVE
- AIR VAC PER CITY STDs
- FIRE HYDRANT PER CITY STDs
- EXISTING ASPHALT
- EXISTING GRAVEL SURFACE ROAD
- EXISTING BUILDING

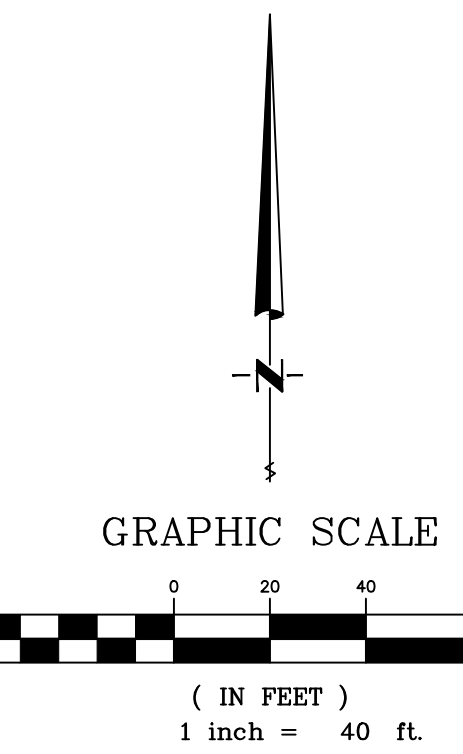
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5725 S. VALLEY VIEW BLVD
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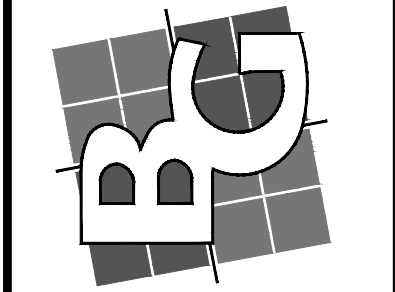
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DATE: APRIL 2024
DRAWN: CBW
APPROVED: WFM
SCALE: 1" = 40'
JOB NO. 231008

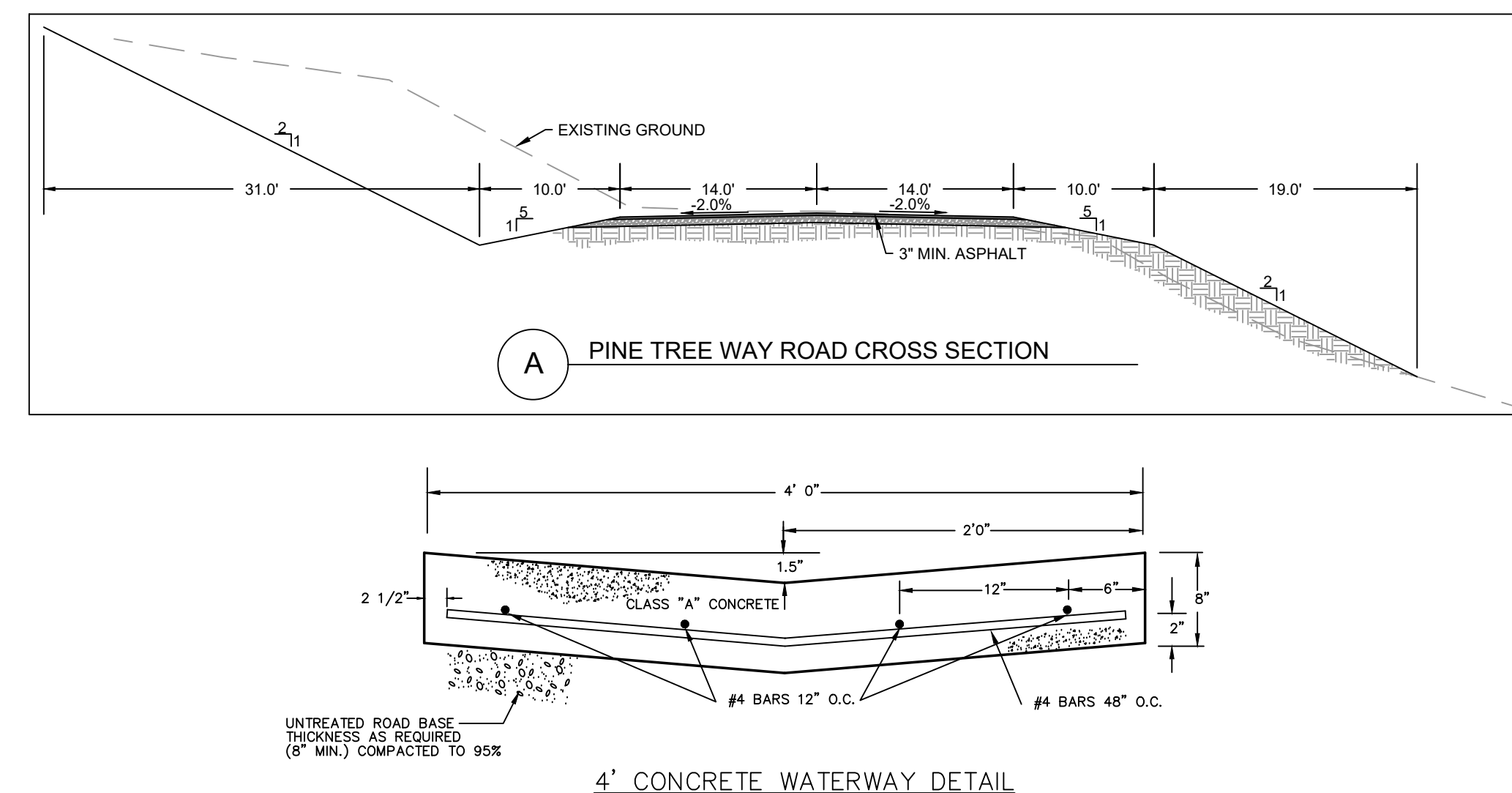
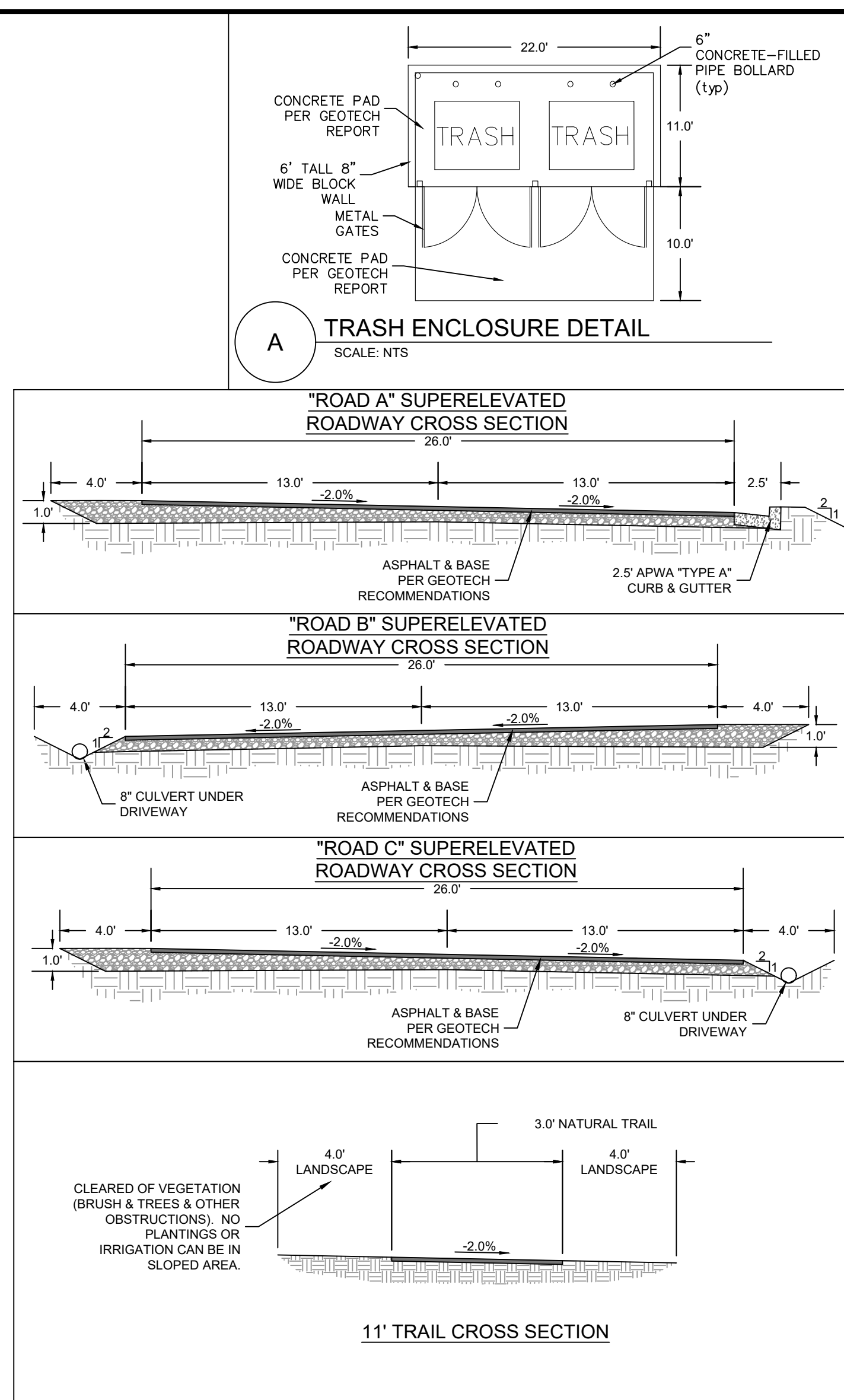
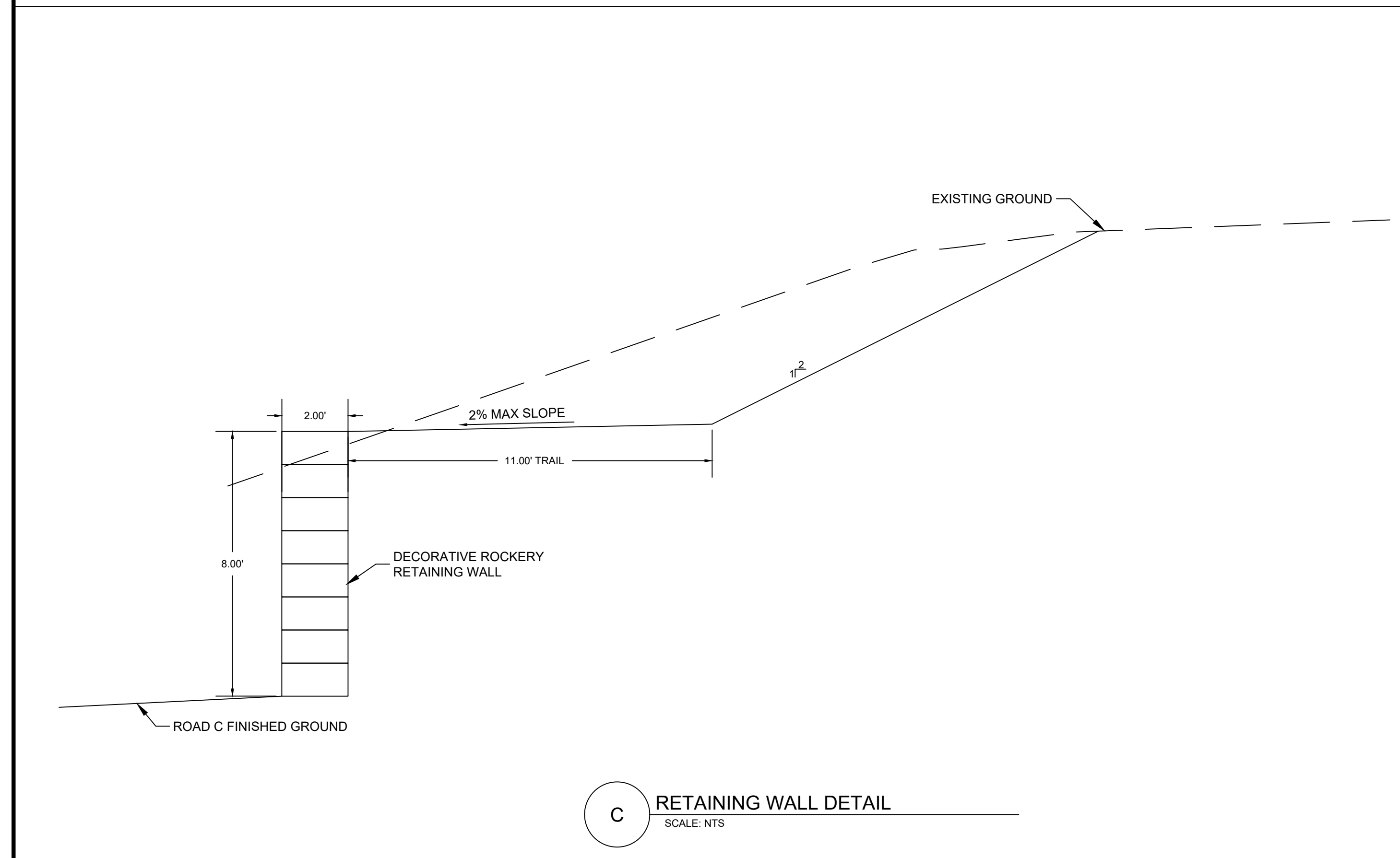
UTILITY PLAN
HIDDEN SPRINGS
BRIAN HEAD, UTAH

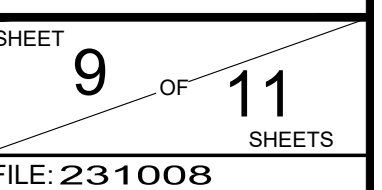
SHEET
6 OF **11**
SHEETS
FILE: 231008

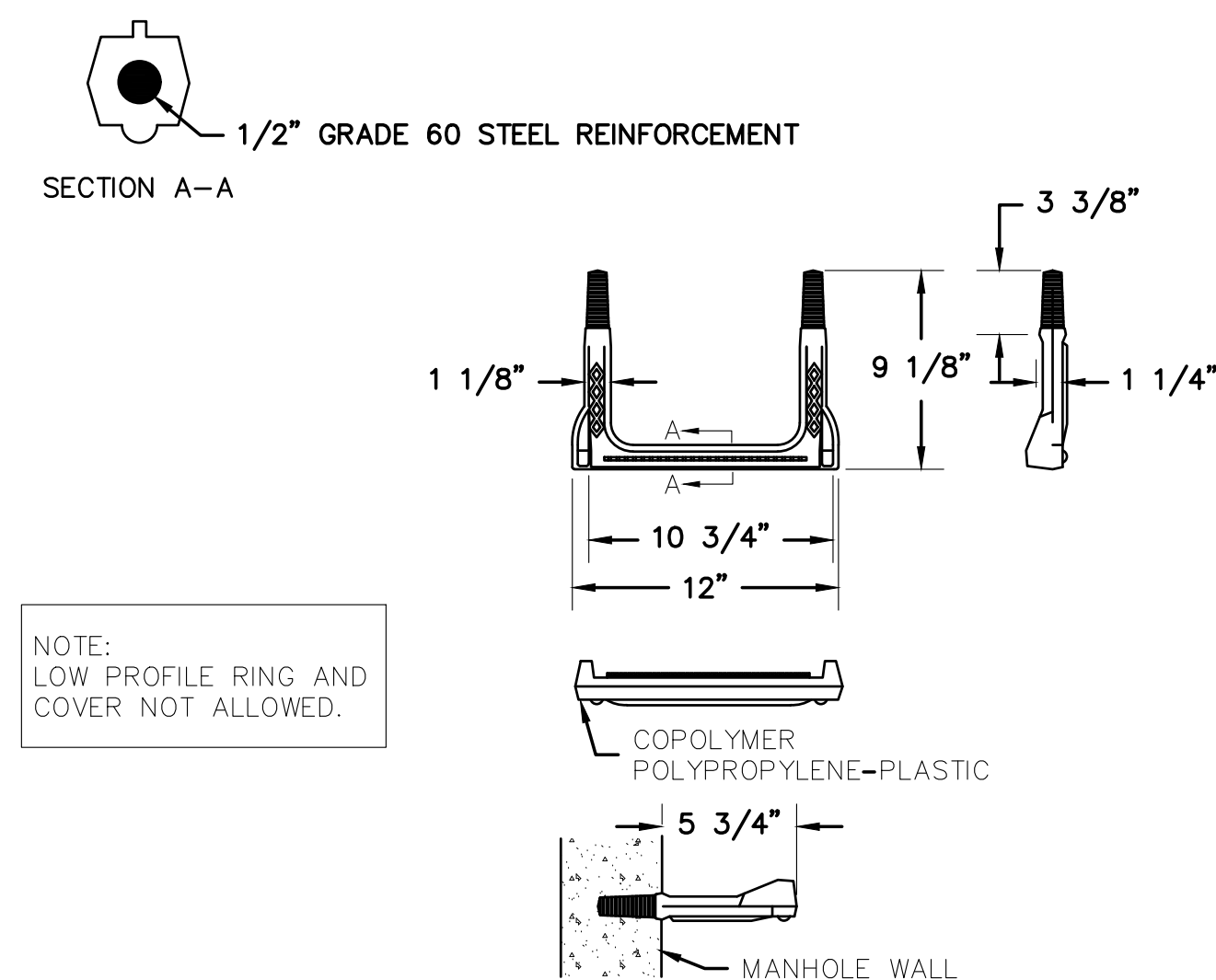
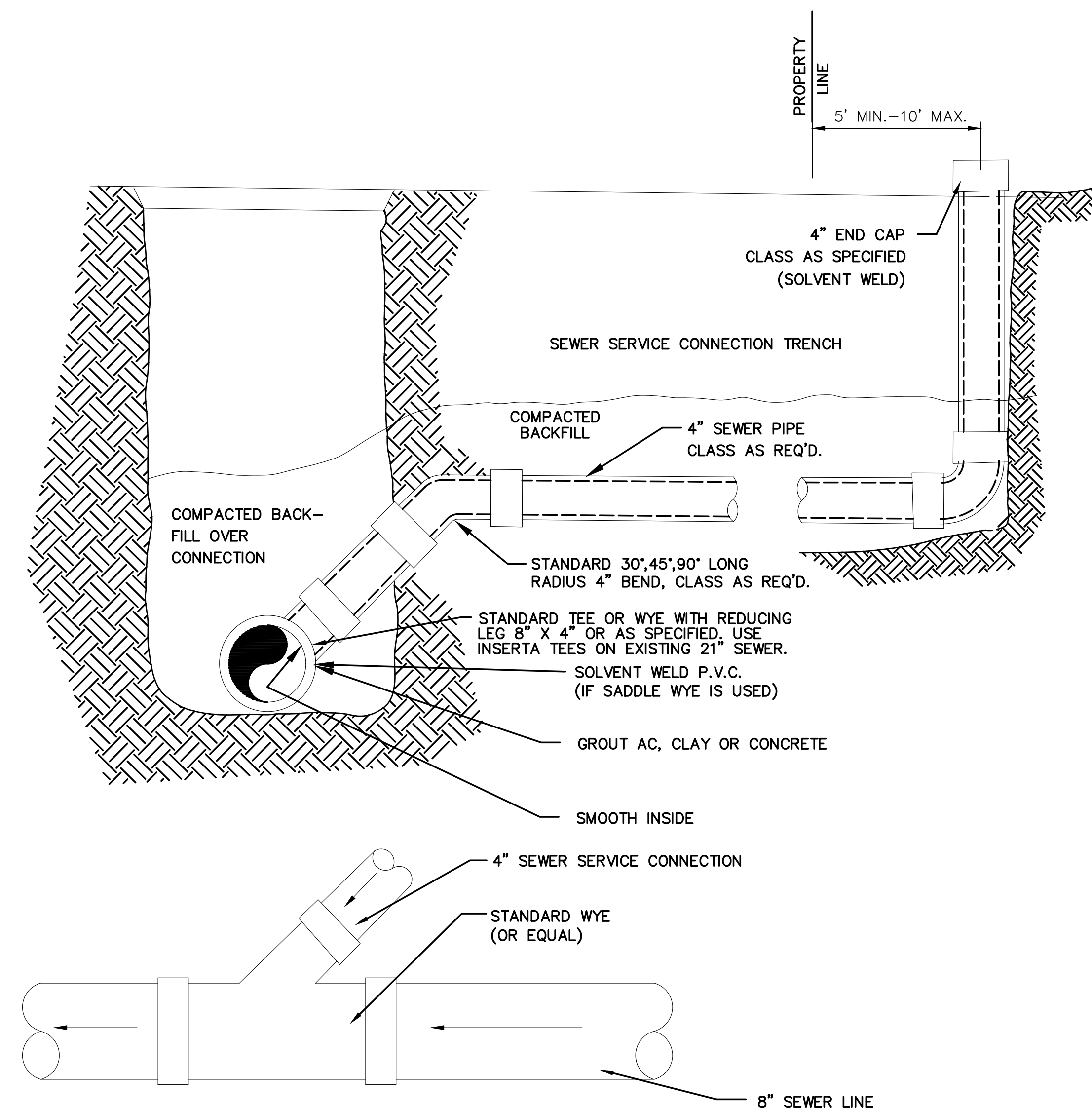
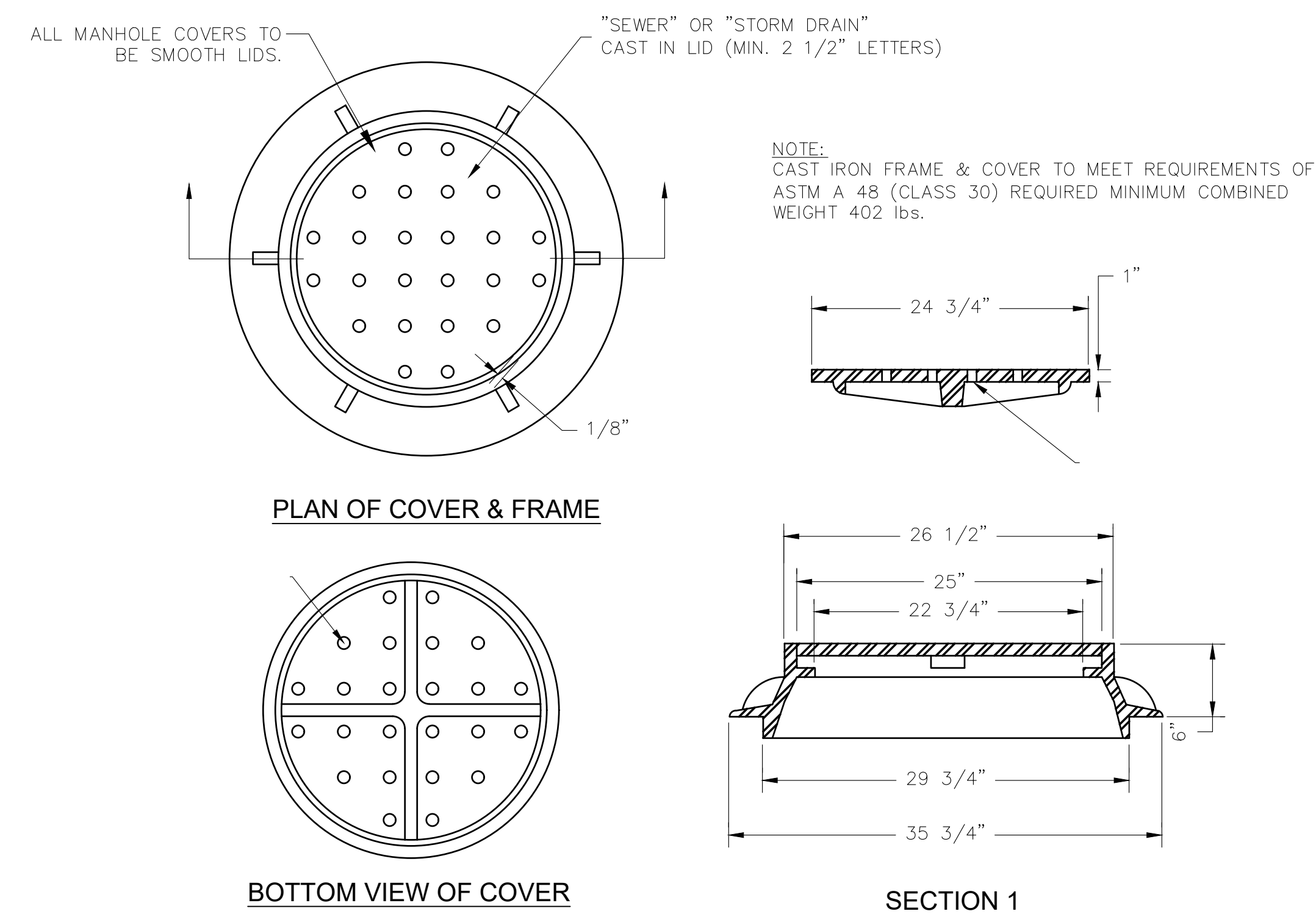
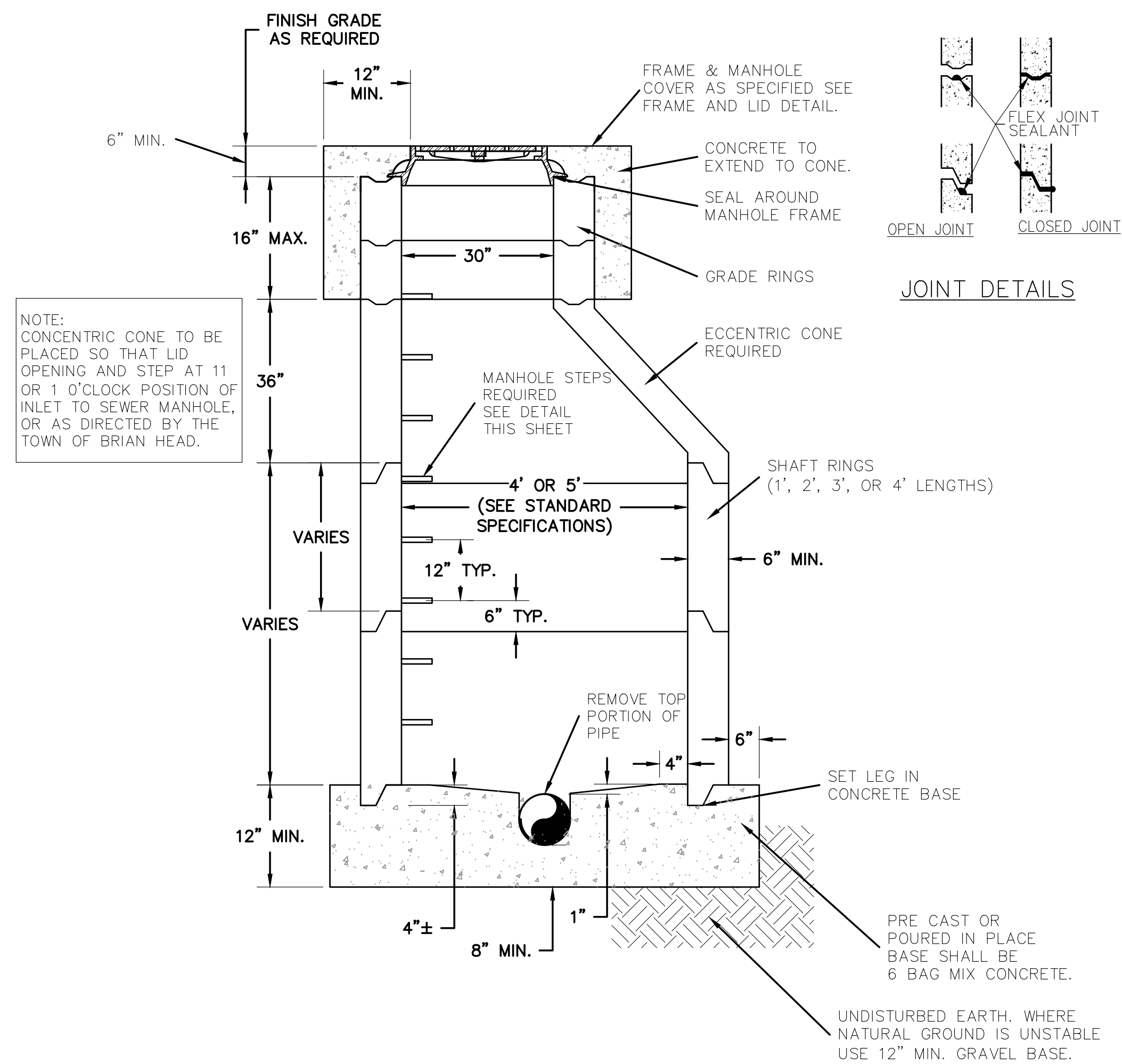
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JOB NO. 231008

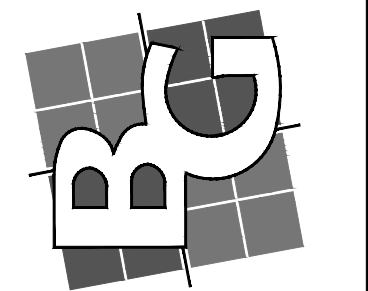
SHEET 7 OF 11 SHEETS
LE: 231008







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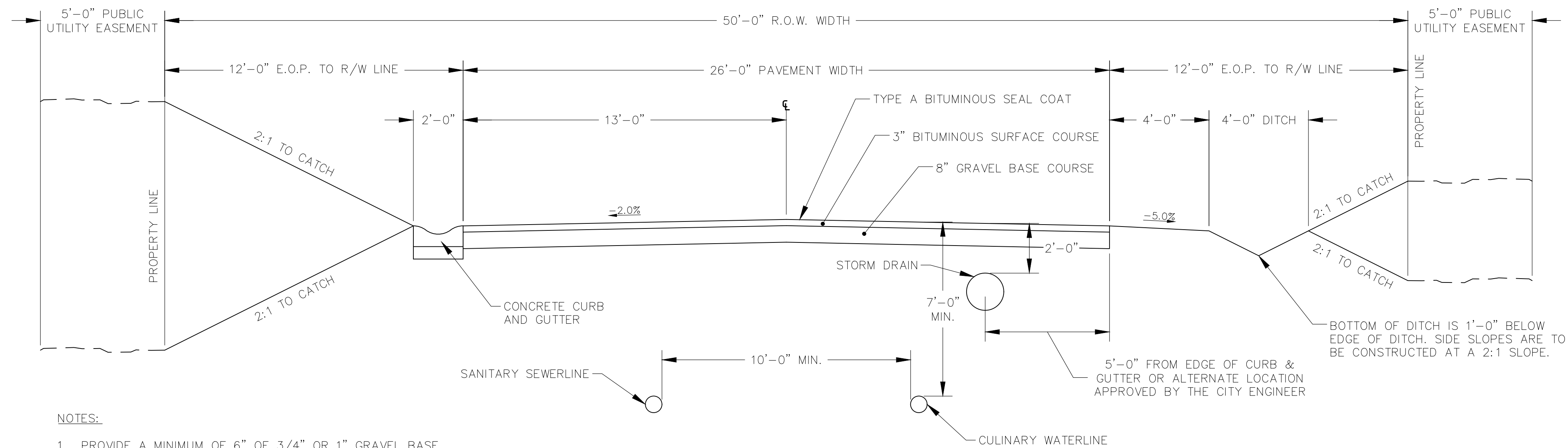
DATE: APRIL 2024
DRAWN: CBW
APPROVED: WFM
SCALE: NTS
JOB NO. 231008

DETAILS

HIDDEN SPRINGS

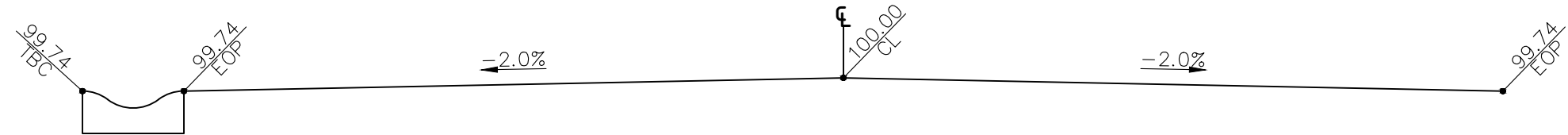
BRIAN HEAD, UTAH

SHEET
10 OF 11
SHEETS
FILE: 231008



- NOTES:
1. PROVIDE A MINIMUM OF 6" OF 3/4" OR 1" GRAVEL BASE COURSE UNDER SIDEWALK, DRIVEWAY APPROACHES AND CURB & GUTTER.
 2. THE 3" BITUMINOUS SURFACE COURSE ON 8" GRAVEL BASE COURSE MAY BE INCREASED BY THE CITY ENGINEER WHEN THE SUBGRADE C.B.R. IS LESS THAN 10 OR WHEN A GREATER DEPTH IS NECESSARY TO PROVIDE SUFFICIENT STABILITY. DEVELOPER MAY SUBMIT AN ALTERNATIVE PAVEMENT DESIGN BASED ON A DETAILED SOILS ANALYSIS FOR APPROVAL BY THE CITY ENGINEER (THE DEPTH SUBMITTED BY THE DEVELOPER MAY BE INCREASED BY THE CITY ENGINEER).
 3. MAXIMUM DIFFERENCE IN ELEVATION BETWEEN CURB ON OPPOSITE SIDE OF STREET SHALL NOT EXCEED 1'-0".
 4. ON ARTERIAL STREETS THE DESIGN ENGINEER WILL PROVIDE A PAVEMENT DESIGN FOR REVIEW BY THE TOWN. LOCATION OF SIDEWALK AND CURB & GUTTER MAY VARY ON INDIVIDUAL ARTERIAL STREETS PER DIRECTION BY THE CITY ENGINEER. WALKS ARE 6' WIDE.
 5. IF CURB & GUTTER IS REQUIRED, FOLLOW THE LEFT SIDE OF THE ROADWAY SECTION. IF CURB & GUTTER IS NOT REQUIRED, FOLLOW THE RIGHT SIDE OF THE ROADWAY SECTION.

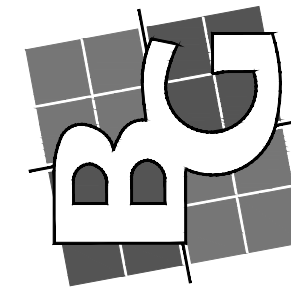
STANDARD ROADWAY SECTION



ELEVATION DIFFERENCE FOR TYPICAL ROAD SECTION



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DETAILS
HIDDEN SPRINGS
BRIAN HEAD, UTAH

SHEET
11 OF 11
SHEETS
FILE: 231008

B&G PROJECT NUMBER 231008

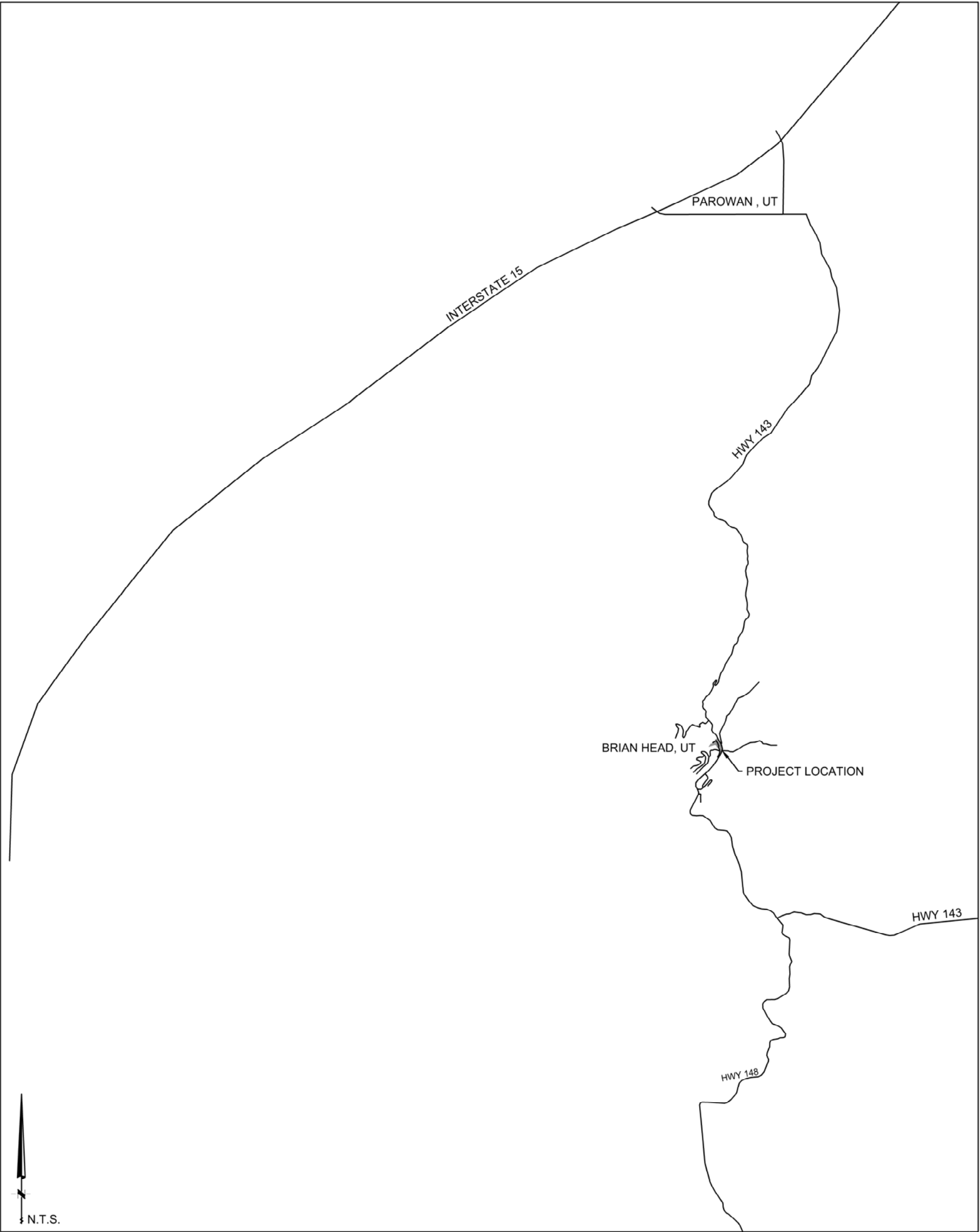
HIDDEN SPRINGS

SCHEMATIC PLAN REVIEW

LOCATED IN BRIAN HEAD, UTAH

WEST 1/4 CORNER OF SECTION 2, T 36S, R 9 W, SLM
PARCEL # A-1150-0005-0005, A-1144-0001-0012, A-1144-0001-0012-02, A-1150-5-7
1 RIDGEVIEW STREET, BRAIN HEAD, UTAH 84719

VICINITY MAP



SHEET NO.	DESCRIPTION
1	COVER SHEET
2	EXISTING CONDITIONS
3	SLOPE ANALYSIS
4	SCHEMATIC SITE PLAN

GENERAL NOTES

- 1) CONTRACTOR IS RESPONSIBLE TO VERIFY LOCATIONS OF ALL UTILITIES PRIOR TO COMMENCEMENT OF WORK IN ANY ZONE.
- 2) ALL WORK AND MATERIALS SHALL COMPLY WITH BRIAN HEAD STANDARD SPECIFICATIONS.
- 3) PROJECTS SHALL INSTALL AN INFORMATIONAL SIGN ON SITE BEFORE CONSTRUCTION BEGINS. THIS SIGN WILL HAVE A MINIMUM SIZE, PLACEMENT LOCATION AND CONTENT INFORMATION WITH THE COMPANY NAME, PHONE CONTACT AND GRADING PERMIT NUMBER.
- 4) PROJECTS SHALL SUBMIT A DUST CONTROL PLAN WITH DETAILS ON EQUIPMENT, SCHEDULING AND REPORTING OF DUST CONTROL ACTIVITIES.
- 5) A MANDATORY PRE-CONSTRUCTION MEETING WILL BE REQUIRED ON ALL PROJECTS PRIOR TO ANY GRUBBING, GRADING OR CONSTRUCTION ACTIVITIES. THE PERMIT HOLDER WILL BE REQUIRED TO NOTIFY ALL DEVELOPMENT SERVICE INSPECTORS.
- 6) FOLLOW APPENDIX J STANDARDS FOUND IN THE IBC.
- 7) ALL OBJECTS SHALL BE KEPT OUT OF THE SIGHT DISTANCE CORRIDORS THAT MAY OBSTRUCT THE DRIVER'S VIEW.

DUST CONTROL

THESE DUST CONTROL MEASURES MUST BE OBSERVED AT ALL TIMES:

EARTH MOVING ACTIVITIES:

- 1) APPLY WATER BY MEANS OF TRUCKS, HOSES AND/OR SPRINKLERS AT SUFFICIENT FREQUENCY AND QUANTITY, PRIOR TO CONDUCTING, DURING AND AFTER EARTHMOVING ACTIVITIES.
- 2) PRE-APPLY WATER TO THE DEPTH OF THE PROPOSED CUTS OR EQUIPMENT PENETRATION.
- 3) APPLY WATER AS NECESSARY AND PRIOR TO EXPECTED WIND EVENTS.
- 4) OPERATE HAUL VEHICLES APPROPRIATELY IN ORDER TO MINIMIZE FUGITIVE DUST AND APPLY WATER AS NECESSARY DURING LOADING OPERATIONS.

DISTURBED SURFACE AREAS OR INACTIVE CONSTRUCTION SITES:

- 1) WHEN ACTIVE CONSTRUCTION OPERATIONS HAVE CEASED, APPLY WATER AT SUFFICIENT FREQUENCY AND QUANTITY TO DEVELOP A SURFACE CRUST AND PRIOR TO EXPECTED WIND EVENTS.
- 2) INSTALL FENCE BARRIER AND/OR "NO TRESPASSING" SIGNS TO PREVENT ACCESS TO DISTURBED SURFACE AREAS.

PROJECT MAP



SEPTEMBER 2023

BUSH & GUDGELL, INC.
Engineers - Planners - Surveyors

205 East Tabernacle #4
St. George, Utah 84770
Phone (435) 673-2337



OWNER / DEVELOPER

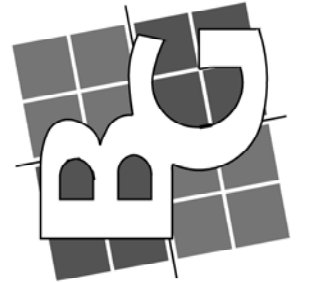
AMMIL DEVELOPMENT LLC
CHELSEA CURCURI
chelseac@ammildvelopment.com
(774) 454-9404
5725 S. VALLEY VIEW BLVD
LAS VEGAS, NV 89118

ENGINEERING CONTACT

BUSH AND GUDGELL, INC.
205 EAST TABERNACLE #4
ST. GEORGE, UT 84770
RICK MEYER - PROJECT MANAGER
(435)-673-2337



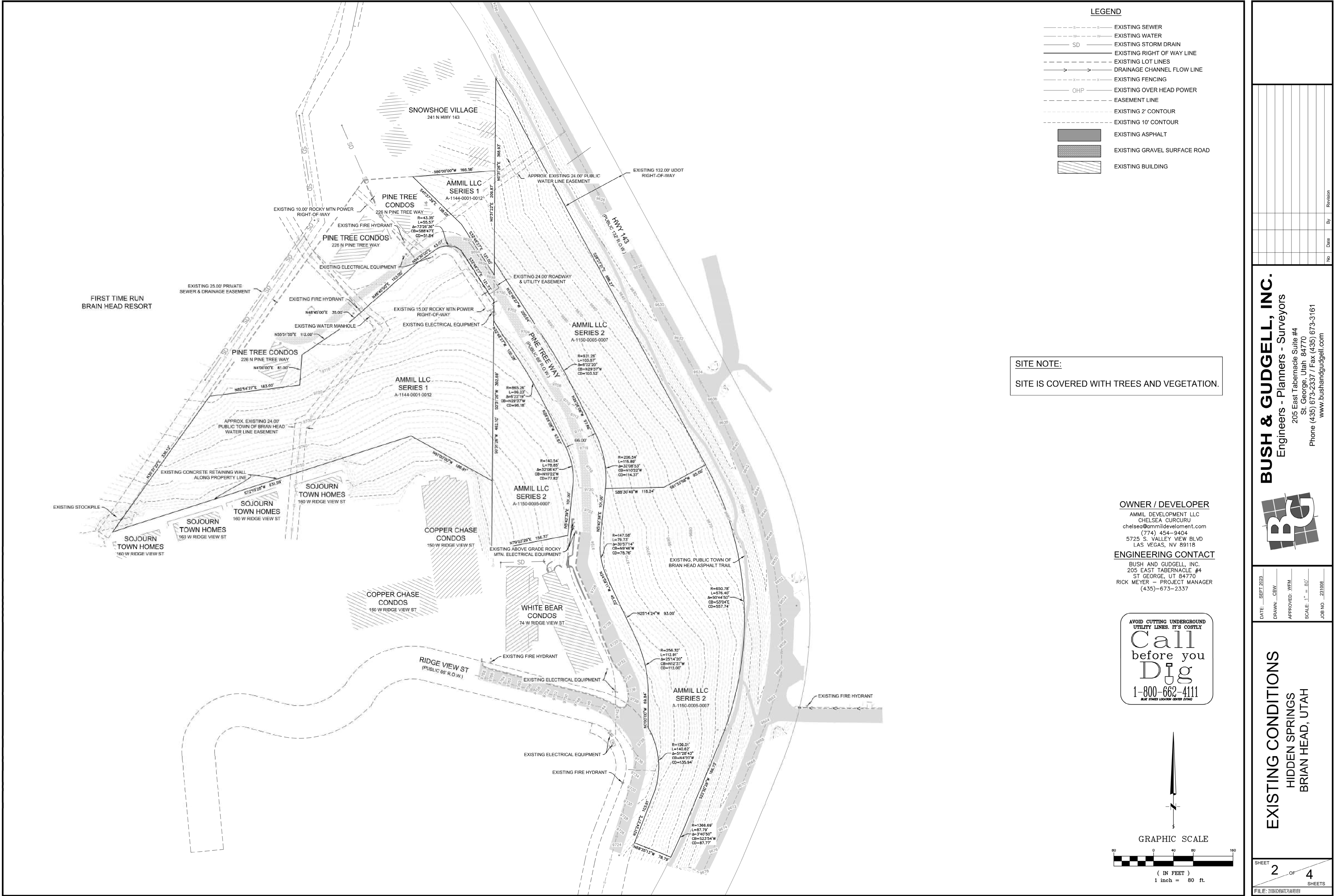
BUSH & GUDGELL, INC.
Engineers - Planners - Surveyors



DATE: SEPT 2023
DRAWN: CEW
APPROVED: WFM
SCALE: NOTED
JOB NO.: 231008

COVER SHEET
HIDDEN SPRINGS
BRIAN HEAD, UTAH

SHEET 1 OF 4 SHEETS
FILE: 231008-PLAN-01





SNOW REMOVAL REQUIREMENTS

1. FROM NOVEMBER 1 TO APRIL 30 SNOW RESTRICTIONS ARE IN PLACE.
2. PUBLIC WORKS WILL BE ON ROADWAYS AS SOON AS SNOW DEPTH REACHES 4".
3. HWY 143 IS UDOT'S RESPONSIBILITY.
4. MAJOR STREETS WILL BE CLEARED FIRST THEN MOVE TO SECONDARY AND SIDE STREETS ASAP.
5. NO PARKING OR PLACING ANY OBJECT THAT INTERFERES WITH SNOW PLOWING OR REMOVAL EFFORTS ON TOWN STREETS.
6. TOWN STORAGE FOR SNOW EXTENDS 5'-10' BEHIND CURB.
7. SNOW REMOVED FROM YOUR PROPERTY REMAINS ON YOUR PROPERTY. SHOVELING, PLOWING OR BLOWING SNOW BACK INTO STREET IS PROHIBITED AND COULD BE FINED.
8. KEEP DUMPSTER AND HYDRANT AREAS CLEAR.

PARKING REQUIREMENTS

1. VEHICLES ARE NOT ALLOWED TO BE PARKED IN THE PUBLIC RIGHT-OF-WAY.
2. PARKING ON NARROW STREETS PROHIBITED: MINIMUM OF 14' FOR PASSING.
3. NON-MOTORIZED PARKING PROHIBITED.
4. NO OVERSIZE VEHICLES MEASURING 8' WIDE AND 26' LONG, EXCEPT CONSTRUCTION, DELIVERY AND EMERGENCY VEHICLES.
5. UNLAWFUL TO PARK ON STREETS NOV 1 TO APRIL 30 DURING WINTER SEASON.

SITE NOTE:

SITE IS COVERED WITH TREES AND VEGETATION.

LEGEND

- EXISTING SEWER
- EXISTING WATER
- EXISTING STORM DRAIN
- EXISTING RIGHT OF WAY LINE
- EXISTING LOT LINES
- DRAINAGE CHANNEL FLOW LINE
- EXISTING FENCING
- EXISTING OVER HEAD POWER
- EASEMENT LINE
- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- RIGHT-OF-WAY LINE
- LOT SETBACK LINE
- CENTER LINE
- EXISTING ASPHALT
- EXISTING GRAVEL SURFACE ROAD
- EXISTING BUILDING

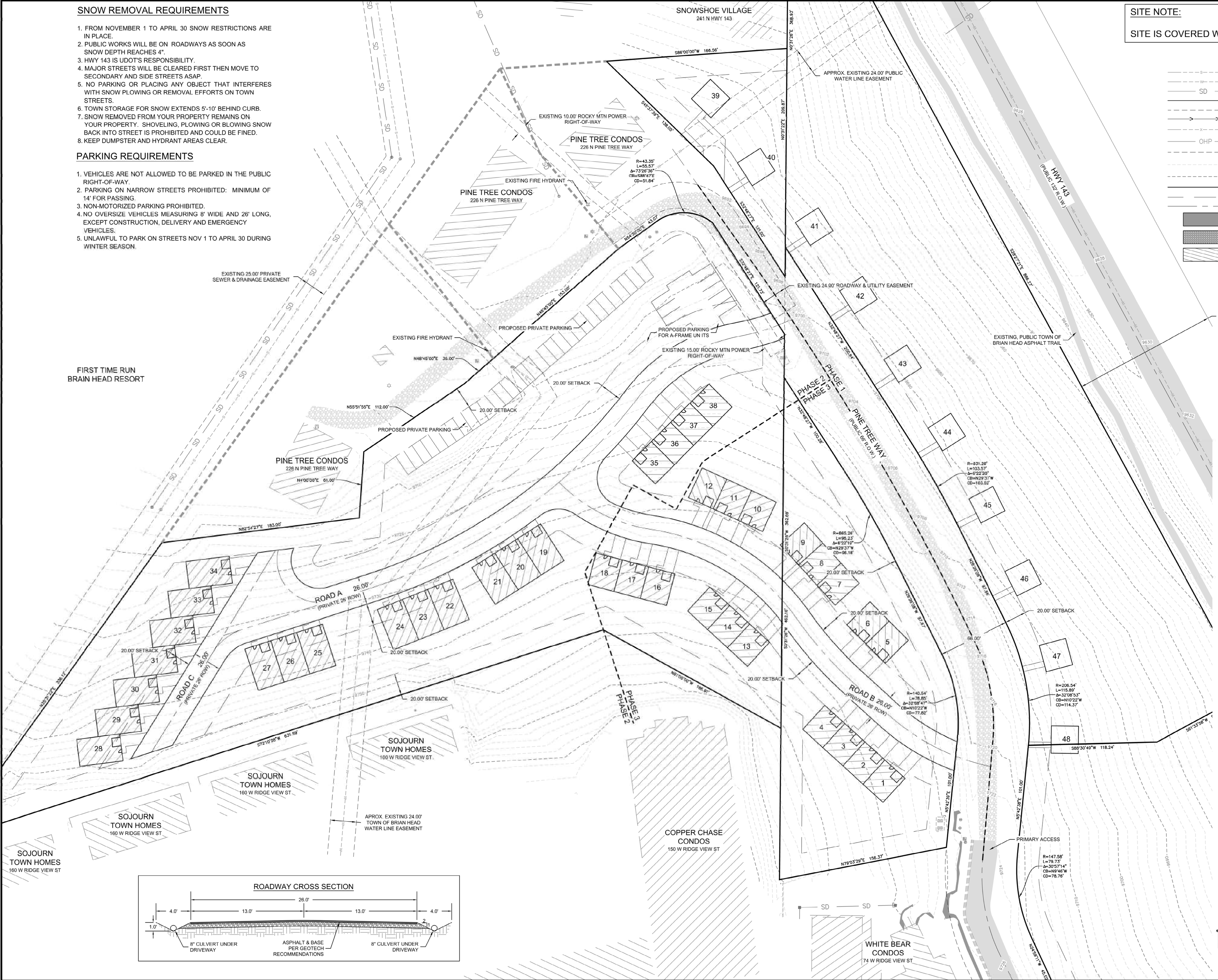
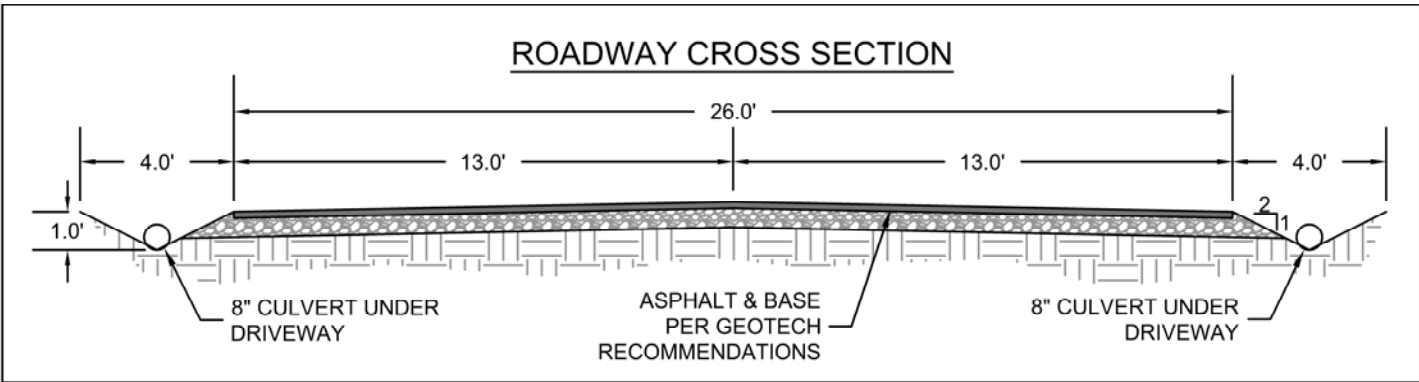
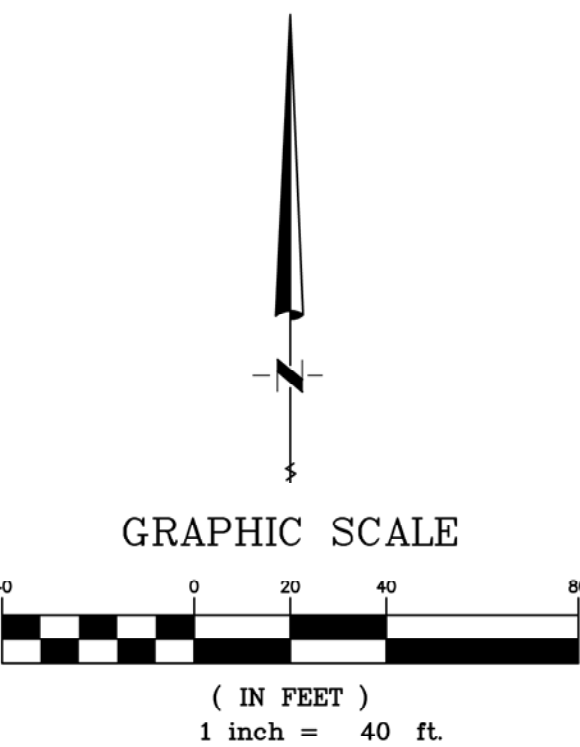
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BLUE STAKES LOCATE CENTER POINT



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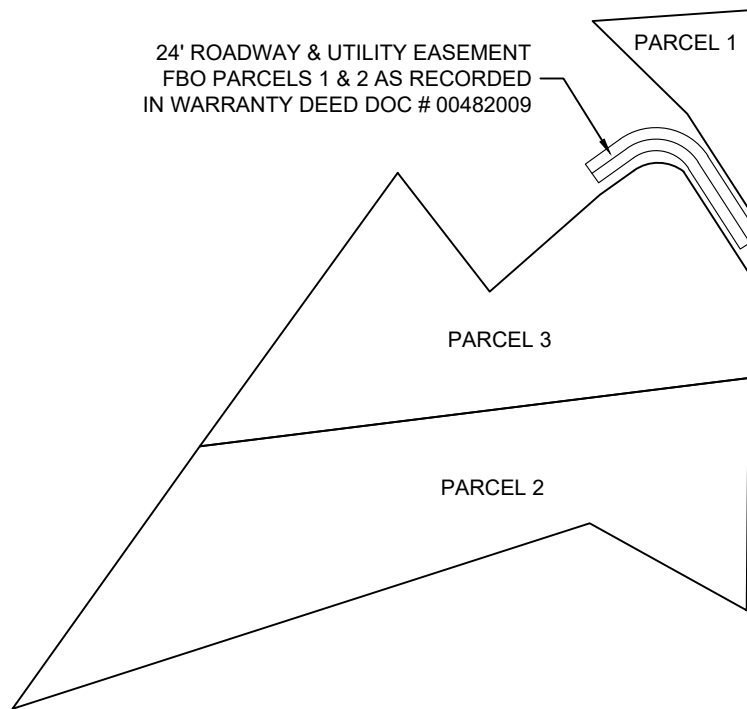


DATE: SEPT 2023
DRAWN: CBW
APPROVED: WFM
SCALE: 1" = 40'
JOB NO: 231008

SCHEMATIC SITE PLAN
HIDDEN SPRINGS
BRIAN HEAD, UTAH

SHEET 4 OF 4
SHEETS

FILE: 231008-231008.dwg



X:\231000-231999\231008 - Brianhead Multi-Family Due Diligence\Survey Research\ACCESS EASEMENT - DOC 482009.dwg

EASEMENT
HIDDEN SPRINGS
BRIAN HEAD, UTAH



BUSH & GUDGELL, INC.
Engineers - Planners - Surveyors
205 East Tabernacle Suite #4
St. George, Utah 84770
Phone (435) 673-2337 / Fax (435) 673-3161

Recording Requested by:
First American Title Insurance Agency, LLC
365 South Main
Cedar City, UT 84720
(435) 586-4476

AFTER RECORDING RETURN TO:
J & E Development, LLC
1814 Walker Lane
Henderson, NV 89014

00482009 Ex00926 Pg00207-00209

PATSY CUTLER - IRON COUNTY RECORDER
2004 APR 19 16:49 PM FEE \$17.00 BY PTC
REQUEST: FIRST AMERICAN TITLE/CEDAR CITY

SPACE ABOVE THIS LINE (3 1/4" X 5") FOR RECORDING USE

FIRST AMERICAN TITLE COMPANY
6-776

WARRANTY DEED

Escrow No. 362-4262358 (cr)
A.P.N.: A-1144-1-12 Acct No. 239860

William Thomas Marshall and Ruth Ann Marshall as Trustees of The Marshall Family Trust, Grantor, of Logan, Cache County, State of UT, hereby CONVEY AND WARRANT to

J & E Development, LLC, a Nevada Limited Liability Company, Grantee, of Henderson, Clark County, State of NV, for the sum of Ten Dollars and other good and valuable considerations the following described tract(s) of land in Iron County, State of Utah:

PARCEL NO 1:

Beginning at a point North 0°31'26" East 647.76 feet from the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section 2, Township 36 South, Range 9, West, Salt Lake Base and Meridian; thence North 0°31'26" East 209.87 feet; thence South 86°00'00" West 166.56 feet; thence South 45°37'39" East 138.05 feet; thence South 32°48'27" East 121.00 feet to the point of beginning.

EXCEPTING THEREFROM all coal, oil, gas and/or other minerals in, on or under said land, together with the right of ingress and egress for the purpose of exploring and/or removing the same.

PARCEL NO 2:

Beginning at a point South 89°31'46" East 1322.90 feet and North 0°31'26" East 232.29 feet from the West Quarter corner of Section 2, Township 36 South, Range 9, West, Salt Lake Base and Meridian; thence North 61°00'00" West 186.90 feet; thence South 72°10'28" West 631.58 feet; thence North 35°30'55" East 336.07 feet; thence North 82°54'27" East 576.14 feet; thence South 0°31'26" West 241.95 feet to the point of beginning.

EXCEPTING THEREFROM all coal, oil, gas and/or other minerals in, on or under said land, together with the right of ingress and egress for the purpose of exploring and/or removing the same.

Affects all of Parcel No. 1 and 2:

Subject to and together with the 24 foot wide roadway and utility easement, being 12 feet on each side of the following described centerline: Beginning South 89°31'46" East 1322.90 feet along the Quarter Section line and North 0°31'26" East 615.00 feet along the 1/16 Section Line from the West Quarter corner of Section 2, Township 36 South, Range 9, West, Salt Lake Base and Meridian; thence North 32°48'27" West 99.73 feet; thence along the arc of a curve to the left, having a radius of 52.35 feet, a distance of 84.69 feet; thence South 54°30'00" West 44.37 feet to the point of ending.

PARCEL NO 3:

Beginning South 89°31'46" East 964.63 feet along the Quarter Section line and North 683.17 feet from the West half corner of Section 2, Township 36 South, Range 9, West, Salt Lake Base and Meridian; said point also being the most Westerly corner of PineTree Condominiums, Phase II; thence South 37°45'00" East 156.38 feet; thence North 48°45'00" East 153.00 feet; thence North 54°30'00" East 43.15 feet; thence along the arc of a curve to the right having a radius of 43.35 feet, a distance of 55.57 feet; thence South 32°48'27" East 127.10 feet; thence South 0°31'26" West 108.00 feet; thence South 82°54'27" West 576.14 feet; thence North 35°38'55" East 360.00 feet to the point of beginning.

Together with a right of way for ingress and egress over and across the Grantor's adjacent property.

EXCEPTING THEREFROM all coal, oil, gas and/or other minerals in, on or under said land, together with the right of ingress and egress for the purpose of exploring and/or removing the same.

Subject to easements, restrictions and rights of way appearing of record or enforceable in law and equity and general property taxes for the year 2004 and thereafter.

Witness, the hand(s) of said Grantor(s), this April 13, 2004.

William Thomas Marshall and Ruth Ann
Marshall as Trustees of The Marshall Family
Trust

Ruth Ann Marshall, Trustee
Ruth Ann Marshall, Trustee

00482009 Bk00926 Pg00208

STATE OF UTAH)
COUNTY OF CACHE)

On 4/14/ 2004, personally appeared before me, William Thomas Marshall and Ruth Ann Marshall as Trustees of The Marshall Family Trust the signer of the within instrument, who duly acknowledged to me that he/she executed the same.

David B. Freeman
Notary Public
DAVID B. FREEMAN
(Printed Name)
My Commission expires: 1-1-08



00482009 Bx00926 Ps00209

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (“**Agreement**”) is made and entered into on this _____ day of _____, 2024, by and between Brian Head Town, a municipal corporation and subdivision of the State of Utah (“**Town**”), and Ammil Development LLC, a _____ limited liability company (“**Developer**”), for development of the land to be known as [Hidden Springs] (“**Development**”).

A. Developer owns and controls approximately 11.72 acres of real property located in Iron County, Utah (“**Property**”), legally described in Exhibit A, which is depicted on the Hidden Springs Preliminary Plat attached hereto as Exhibit B (“**Plat**”). Developer desires to design and develop the Property as a residential community which will include open space and trails and may include a community swimming pool and clubhouse.

B. The Town, acting pursuant to its authority under Utah Code Section 10-9a 101, et seq. and its ordinances, resolutions, and regulations and in furtherance of its land use policies, has made certain determinations with respect to the Development, and, in the exercise of its legislative discretion, has elected to approve this Agreement, provided, however, that Town makes no representation that the above referenced statutes are satisfied in full by entering into this Agreement.

C. The parties acknowledge that this Agreement between Developer and Town will result in planning and economic benefits to the Town and its residents by increasing property tax and other revenues to the Town based on improvements to be constructed on the Property.

D. The parties acknowledge that this Agreement between Developer and Town will also result in planning and economic benefits to the Developer by providing assurances to Developer that it will have the ability to develop the Property in accordance with agreed terms and conditions within this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein,

Town and Developer mutually agree, covenant and promise, as follows:

A. DEFINITIONS.

1. Association. “**Association**” means and refers to the “**Owners Association**” organized pursuant to the Declaration (defined below). The Association which will have, after the period of Developer administrative control, certain responsibilities including but not limited to: preserving and maintaining common areas, facilities, and amenities which are retained and developed for the common use and benefit of all the owners, including commonly owned streetscapes; the development and enforcement of architectural and landscaping design guidelines; developing and enforcing rules and regulations for the continuing operation of the Property; and collecting regular and special assessments, transfer fees, fines, and penalties from the owners in the Property. The Association will be created by the Developer as a non-profit corporation organized under the laws of the State of Utah. The Association will (1) acquire, construct, operate, own, manage, and/or maintain

the common areas within the Property, perform and provide certain services and functions including, without limitation or obligation, contracting for maintaining certain public trails and throughways; (2) be responsible for maintenance and repair of common nonpublic improvements upon property in the Property owned or controlled by the Association in addition to annual, usual and special assessments for maintenance of common nonpublic improvements in the Property; (3) the Association will levy such assessments as may be necessary from time to time to repair, restore or replace landscaping, or other common nonpublic improvements, when necessitated by the installation, maintenance, repair, or replacement of public water, sewer, power, natural gas, and drainage infrastructure; (4) upon the transfer of any lot or homesite, levy, collect and disburse any transfer assessment imposed under the Declaration; and (5) as the agent or representative of the members of the Association, administer and enforce all provisions hereof and enforce use and other restrictions imposed on the Property.

2. Declaration. “**Declaration**” means and refers to the declaration of covenants, conditions and restrictions upon the Property which will be recorded in the Iron County Recorder’s Office and will run with the land. The Declaration will set forth the rights and obligations of the Developer, the Association, and the individual owners with respect to one another, will establish a lien for the collection of assessments, and serve other purposes ordinary to Declaration in similar projects. The parties acknowledge and agree that under no circumstances will Town have any enforcement obligations under the Declaration.

3. Design and Development Guidelines. “**Design and Development Guidelines**” means the written review standards, if any, promulgated by the Architectural Review Committee (“ARC”) created pursuant to the Declaration of the development criteria adopted and from time to time, amended by the Developer and implemented by ARC.

4. Developer. “**Developer**” is defined in the opening paragraph.

5. On-site Improvements. “**On-site Improvements**” means and refers to all public envisioned developer improvements including, sewer, storm drainage, rock lined drainage swales, culinary water, natural gas, lighting, underground utility systems, streets, streetscapes, common areas designated within or adjacent to the Property, snow storage areas, trails, ski trails, or other improvements within the boundaries of the Property.

6. Open Space. “**Open Space**” means land outside of designated improvement areas and outside of the On-Site Improvement areas in this Agreement, which meets the criteria set forth in the Brian Head Town Code “Recreation Open Space Zone” as set forth in §9-7-7 thereof.

7. Public Safety Department. “**Public Safety Department**” means and refers to the agencies acting within their official capacity to perform duties relating to community public safety, law enforcement, emergency response, search and rescue, community fire education and fire prevention services for Town.

8. Public Works Department. “**Public Works Department**” means and refers to the Town department which is responsible for the public works, and operation and maintenance of public infrastructure within the Town.

B. DEVELOPMENT; DENSITY.

1. Development of Infrastructure and Lot Releases. The Property will be developed in phases as shown on the Plat and will enjoy the rights conferred by and be subject to the terms of this Agreement. The Property will be developed in accordance with the Town’s ordinances, regulations, and process with respect to entitlements and construction, and Developer will have the sole discretion to decide how the development proceeds.

2. Residential Density of the Property. The parties agree that the Plat shows the intended residential uses and these anticipated land uses are in substantial conformance to the Town’s general plan, and that the proposed density will be considered an entitlement number and that number will not be altered by any zoning ordinances including, but not limited to, hillside development regulations, setback and open space requirements. The development of the Property to less than the full maximum allowed density will not release Developer from any obligations to the Town as set forth herein, unless as a result of a General Plan amendment which is not requested by Developer, or unless the reduction in total units results in a corresponding reduction in public facilities and/or improvements supported by the appropriate engineering/planning studies as approved by the Town and incorporated in an amendment to this agreement.

C. VESTED RIGHTS AND RESERVED LEGISLATIVE POWERS.

Subject to Utah Code Sections 10-9a-509, with the recording for public record of this Agreement, Developer’s right to develop the Property as described herein is hereby vested subject to the conditions precedent expressly set forth in this Agreement allowing for modification of specific requirements as development of the Property progress toward completion. Nothing in this Agreement will limit the current or future exercise of the police power by the Town in enacting zoning, subdivision, development, transportation, environmental, open space and related land use plans, policies, ordinances and regulations after the date of this Agreement provided that the adoption and exercise of such power is directed at a critical health, welfare and safety concern and will not restrict Developer’s vested rights to develop the Property as provided herein. Furthermore, the Property is still subject to the administrative procedures applicable to the development of the Property, including but not limited to all subdivisions and permit applications, approvals and inspections applicable to the Property. In order to preserve the rights vested to Developer herein, Developer must reasonably pursue the development of the Property. This Agreement is not intended to and does not bind the Town Council in the independent exercise of its legislative discretion with respect to such zoning regulations, except to the extent specifically covenanted as set forth herein, the provisions of this Agreement by recording intended to run with the land to the benefit and burden of Developer and its successors and assigns. Notwithstanding any of the foregoing, nothing herein will prohibit Developer from relying on the zoning in effect at the time any given subdivision application has been submitted, and pursuant to Utah Code Section 10-9a-509, Developer will be entitled to approval of all

completed applications on the basis of the zoning laws and regulations in effect at the time such application was submitted without regard to any subsequent changes to such laws or regulations.

D. COMPLIANCE WITH TOWN DESIGN AND CONSTRUCTION STANDARDS.

Developer acknowledges and agrees that unless expressly stated otherwise, nothing in this Agreement will be deemed to relieve it from the obligation to comply with all applicable laws and requirements of the Town necessary for development of the Property, including the payment of fees, and compliance with the Town's design and construction standards for public improvements which are approved at the time of construction, except as may be specifically set forth otherwise herein.

E. TIME FOR CONSTRUCTION AND COMPLETION OF THE PROPERTY.

Except as otherwise provided in this Agreement, Developer will have the discretion as to the time of commencement, construction, infrastructure phasing and completion of any and all development of the Property. Developer's discretion will be confined within the time limitations set forth in Town code such as final plat expiration.

F. ROADS.

1. Road Dedication. Town and Developer will cooperate in the dedication of Pine Tree Way. In addition, Developer will dedicate any completed rights-of-way within the Property constructed to Town standards as plats are approved for that portion of the Property containing such rights-of-way.

2. Road Access Provided to Town. Pine Tree Way, as well as the private roads within the Property will be monitored and maintained to provide the Town's Public Works and Public Safety Departments year-round normal maintenance and emergency 24/7 access for fire prevention, code enforcement, marshals monitoring, together with access for any other public purpose.

3. Road Standards. Developer will coordinate with Town through Developer's engineer, to ensure all improvements meet or exceed Town's standards and requirements for road design and construction. All proposed roads will be constructed per Town standards. Roads will be private with plowing service to meet or exceed the Town four-hour rule. All private roadways will also serve as water and sewer and utility easements.

4. Road Costs and Ongoing Maintenance. Developer will bear the initial costs of below and above surface construction of all interior roadways within the Property. Developer will construct and install all utilities within road rights of way whether public or private. Once completed, the Town will be responsible for the maintenance of all utilities within and along all finished roadways, and all other interior roadways, and ongoing maintenance of the above ground improvements on public roads such as Town road signage maintenance. Developer will be responsible for maintaining all above and below ground improvements on private roads. Except as requested by Developer, in the event Town removes asphalt pavement for normal or emergency access and/or underground

maintenance or repair of utilities, Town will be responsible to repair where the pavement was removed, Town will be responsible for all future replacement paving or repairs on all public designated roadway(s).

5. Road Snow Plowing. Developer, Developer's designee (including the Association), will be responsible for snow removal of all private interior roadways and private facilities. Developer will strive to meet or exceed the Town's 4-hour goal of snow plowing response times.

6. Roadside Snow Storage Area. Developer will construct roadside snow storage areas on the sides of the roadways and/or designated areas to serve the Property, meeting or exceeding Town's standards.

7. Street and Traffic Control Safety Signage. Developer will bear sole responsibility for costs to purchase, construct, and install all public street signage, including related or required permanent structures, mounts, or supports, and will include all permanent road signage and traffic control devices and signs, which will be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and Town standards.

8. Roadside Drainage System. Developer, at its sole cost and expense, will construct water drainage system along the roadsides, with culverts under the system as needed, and rock lined drainage swales to serve the Property. After installation, Town will be responsible for the maintenance, repair and replacement of the above drainage systems.

G. UTILITIES.

1. Responsible Parties. Developer will bear sole responsibility for costs to initially construct all underground utilities within the Property including water, sewer, power, natural gas, fiber, internet and/or telephone infrastructure together with those third-party providers. Town will bear sole responsibility for costs to maintain, and repair below surface utility improvements for water and sewer utilities Developer and/or individual purchasers and owners will be responsible for their own ongoing maintenance of lines and pump systems from their "lateral lines" into all structures. The parties anticipate that third-party providers such as Rocky Mountain Power, Dominion Gas, fiber, internet, and/or telephone providers, and other service providers will bear sole responsibility for costs to maintain, and repair below surface related utility improvements or repairs for their respective utilities.

2. Water; Vesting of Density Units. Developer will construct water source, storage and distribution improvements connecting to Town's water supply, adhering to Town's standards to serve the Property. Town will transfer water rights to Developer in accordance with the Brian Head Town Development Water Rights Purchase Agreement attached as Exhibit C to provide municipal service for the density/units contemplated in this Agreement. Developer will coordinate with Town through Developer's engineer, to ensure all water improvements meet or exceed Town's standards and requirements for design and construction. The transfer and use of such water rights will be governed by that

certain [Water Rights Transfer and Holding Agreement] between Town and Developer, such agreement to be negotiated and agreed to prior to finalization of this Agreement and included as part of the documents comprising Exhibit C.

3. Sewer.

(a) Sewer Collection and Conveyance. Developer will, at its sole cost and expense, construct improvements connecting the Town's sewer, using both a combination of the Town's traditional gravity system and a hybrid gravity / low pressure sewer system, adhering to Town's standards to serve the Property. In no event will Developer be entitled to consume collection or conveyance capacity needed for the buildout of the existing Town or increase the cost burden on the community.

(b) Sewer Treatment. Developer will have no obligation to meet any sewer treatment capacity demands in the future.

4. Utility Easements for Sewer and Water Extensions. If a sewer or water easement becomes necessary for any extension of sewer or water systems planned, into adjoining land owned and controlled by Developer, Town will agree to acquire such easements from Developer at no cost to the Town.

5. Gas and Power. Developer will, at its sole cost and expense, construct improvements connecting both, the gas-line supply and power-line supply provided by Dominion Gas Co. and Rocky Mountain Power to serve the Property. After installation, the applicable utility provider will be responsible for the maintenance, repair and replacement of the applicable improvements.

H. EASEMENTS.

1. Town Public Trail Easement, Operation and Maintenance. Developer agrees to provide land for non-exclusive easements supporting a connection and an expansion of the Town's public trail network through the Property, any new trails will plug into existing trails on Town and Forest Service Land to the extent possible. Developer will develop, construct and dedicate trails to the Town on such nonexclusive easements at Developer's sole cost and expense. Once dedicated to the Town, the Town will maintain dedicated trails. If Developer, at Developer's sole discretion, finds the Town's maintenance to be insufficient then Developer upon notice to the Town and in cooperation with the Town may upgrade and/or maintain public trails to the standards of the Town. Improvements donated to Town by the Developer will include a Trail Easement Agreement for the use of the land to the Town.

2. Easements and Right of Way Dedications. Any record of survey filed at the Iron County Recorder's office with respect to the entire Property will designate, both the streets and utility plan easements, in addition to all other easements including dedicated private trail easements, Town sewer easements, public trails, and throughways or rights of way as are reasonably necessary for servicing the Property and which will be configured to minimize the impact on the servient property. Easements and public rights of way will be granted or dedicated to the Town and/or other applicable third parties, as the case may be,

as a part of any record of survey to benefit the Property. Town and Developer will mutually cooperate to grant cross easements as may be shown on the applicable record of survey. Developer will reserve such easements as are reasonably necessary for all sewer, utilities, water storage, snow storage, or drainage of the Property's runoff water control. Such easements will be located so as to minimize impact on the servient property.

I. OPEN SPACE.

Developer has flexibility in adjusting Open Space boundaries and may designate Open Space for private use, for public access, or to preserve the unique and natural features of such areas. At the sole discretion and election of Developer, Open Space may be encumbered with an easement restricting its use accordingly. [Notwithstanding anything herein to the contrary, Developer will not have the right to alter any trails included in the Town Trails Master Plan included as Exhibit __ hereto without the consent of Town.]

J. LAND USES; RESTRICTIONS.

1. Land Uses. Residential spaces are intended and planned for the Property including but not limited to, residential single-family homes, townhomes, condominiums, and a-frame cabins.

2. Trails. Pedal bicycles or mountain bikes (including e-bikes, excepting on specified trails for such use), motorcycles, all-terrain vehicles (ATV's), other off-road vehicles, and all means of transport whatsoever, (excepting snowmobiles which are prohibited), will be allowed only on specified trails or easements designated for such use, and homesite driveway access. Subject to the foregoing, Developer and/or the Association will have the authority; (a) to prohibit entirety from Property certain motor vehicles that may be considered to emit noise or other pollution in excess of levels or standards promulgated by the Developer, or Association, and (b) to promulgate such other rules, regulations and restrictions as it deems appropriate with respect to the operation of motor vehicles, non-motorized vehicle, and all means of transport whatsoever nature on the Property.

K. INTENDED DEVELOPMENT AND DESIGN ENVELOPES.

All structures will only be permitted within the boundaries of the site development areas as referenced in the Plat. The Developer has flexibility and sole discretion to amend the envelopes, driveway corridors, and natural Open Space zone areas subject to the Declaration.

L. PROPERTY PERMANENT AND TEMPORARY SIGNAGE.

Developer may, at Developer's cost, elect to design, construct, install, maintain, and repair, both, temporary and permanent decorative Property-themed signage on private roads within the Development, including but not limited to community-naming and roadside numbering, custom monument, rock inspired style signage for fire prevention and home identification purposes. In addition, Developer is allowed signage related to Property and real estate sales activities, including open model home signage, flags and banners, for purposes related to real estate sales activities per Town sign code requirements.

M. REGULATORY MATTERS.

Town and Developer will cooperate in all regulatory matters, which affect both parties. Other requirements of law and processes typical to the development process are not waived by this Agreement, but all such processes will proceed consistent with the Town Code. Any items or developmental processes not addressed by this Agreement will be governed by the normal Town Code existing at the time of the submittal of any development application with respect thereto. To the extent the Property does not utilize current capacities included within the existing Town infrastructure, Developer will not incur any impact fees with respect thereto. Developer may be subject to other impact fees as the Town generally imposes as part of any development application.

N. STANDARD LOT SETBACK AND DESIGN REQUIREMENTS.

The standard minimum lot setbacks will be in accordance with Town's zoning ordinances for the intended respective use for each given site or parcel, as of the date the Parties entered this Agreement, and Developer reserves the right to define, publish, communicate, and enforce more stringent setbacks, height restrictions and overall design guidelines and requirements, at Developer's sole discretion, without obligation, within its own design and development guidelines which will be subject to Town's approval and may change and be amended time to time.

O. ALL ASSOCIATED LIGHTING.

Developer will bear sole responsibility for costs to construct, maintain, and repair mountain lighting standards in accordance with Town's code requirements with additional stringent standards which meet or exceed Town's current standards. Best practices to be taken from the International Dark Sky Association and its recommended Night Sky Standards, consistent of low to ground lighting systems and direct ground lighting systems.

P. ADDITIONAL DEVELOPER'S OBLIGATIONS.

In addition to the Developer obligations set forth elsewhere in this Agreement, the Developer will meet the following requirements in the times and manner set forth herein.

1. Commitment of Developer. The obligations of Developer described by this Agreement and the Town Code are intended by the parties to be comprehensive of all obligations required of Developer by the Town.
2. Trash. Developer will install trash receptacles, per Town standards, to serve the Property.
3. Fire Hydrants. Developer will, at its sole cost and expense, install fire hydrants, per Town standards, to serve the Property. After installation, Town will be responsible for the maintenance, repair and replacement of the fire hydrants.
4. Fiber. Developer will, at its sole cost and expense, install fiber for internet and telephone service with Town's preferred provider. After installation, the internet

provider in the Town will be responsible for the maintenance, repair and replacement of the internet fiber improvements.

5. Remedies. If Town determines, in its sole and exclusive discretion, that Developer or Association have failed to fully satisfy and comply with any obligation in this Section and all of its subsections, the Town will provide written notice to Developer of such failure and Developer will have a period of 30 days to cure such default, provided that if such cure requires more than 30 days and Developer is using commercially reasonable efforts to effectuate such cure, then Developer will have such additional time as necessary to cure the default. In the event Developer fails to remedy such default, the Town will have all remedies at law or equity.

Q. AGREEMENT TO RUN WITH THE LAND.

This Agreement will be recorded against the Property prior to commencement of any work related to development of the Property. This Agreement will be recorded in the Office of the Iron County Recorder, will be deemed to run with the Property, will encumber the same, and will be binding on and inure to the benefit of all successors and assigns of Developer in the ownership or development of any portion of the Property for a period of [] years. This Agreement will not extend beyond [] years in any respect, including vested rights, except as may be mutually agreed upon in writing between the Parties.

R. ASSIGNMENT.

Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning also the responsibilities arising hereunder. This restriction on assignment is not intended to prohibit or impede the sale by Developer.

S. AUTHORITY.

The parties to this Development Agreement each warrant that they have all of the necessary authority to execute the terms of this Agreement. The Town agrees that is will be bound by this Agreement upon recording of this agreement.

T. APPOINTMENT OF REPRESENTATIVES.

To further the commitment of the parties to cooperate in the implementation of this Agreement, the Town, Developer each will designate and appoint a representative to act as a liaison between the Town and its various departments and the Developer. The initial representative for the Town will be the Town Manager, Bret Howser, and the initial representative for the Developer will be Chelsea Curcuru. The parties may change their designated representatives by Notice. The representatives will be available at all reasonable times to discuss and review the performance of the parties to this Agreement and the development of the Property.

U. NO JOINT VENTURE, PARTNERSHIP OR THIRD-PARTY RIGHTS.

This Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto nor any rights or benefits to third parties; except as expressly provided herein.

V. INTEGRATION.

This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the parties hereto.

W. NOTICES.

Any notices, requests, or demands required or desired to be given hereunder will be in writing and should be delivered personally to the party for whom it is intended, or, if mailed by certified mail, return receipt requested, postage prepaid to the parties as communications under this Agreement will be deemed to have been given and received and will be effective three (3) days after deposit in the U.S. Mail to the recipient's address as set forth herein:

Town:

Developer:

Any party may change its address by giving written notice to the other party in accordance with the provision of this section.

X. SEVERABILITY.

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid for any reason, the parties consider and intend that this Agreement will be deemed amended to the extent necessary to make it consistent with such decision and the balance of this Agreement will remain in full force and effect.

Y. TIME IS OF THE ESSENCE.

Time is of the essence to this Agreement and every right or responsibility will be performed within the times specified.

Z. LAW AND USAGE.

Any dispute regarding this agreement will be brought only in Iron County, State of Utah, and heard and settled under the laws of the State of Utah. Whenever the context requires, the singular will include the plural, the plural will include the singular, the whole will include any part thereof, any gender will include both genders, and the term "**person**" will include an

individual, partnership (general or limited), corporation, trust, or other entity or association, or any combination thereof. This Agreement will bind and inure to the benefit of the parties hereto and their respective successors and assigns. The provisions of this Agreement will be constructed as both covenants and conditions in the same manner as though the words importing such covenants and conditions were used in each separate provision hereof.

AA. MUTUAL DRAFTING.

Each party has participated in negotiating and drafting this Agreement and therefore no provision of this Agreement will be construed for or against either party based on which party drafted any particular portion of this Agreement.

BB. FORCE MAJEURE.

Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefor; acts of nature, environmental testing and remediation, governmental restrictions, regulations or controls, judicial orders, enemy or hostile government actions, wars, civil commotions, fires or other casualties or other causes beyond the reasonable control of the party obligated to perform hereunder will excuse performance of the obligation by that party for a period equal to the duration of that prevention, delay or stoppage, and the same duration of time will be added to extend the Term of Agreement.

CC. COURT COSTS.

In the event of any litigation between the parties arising out or related to this Agreement, the prevailing party will be entitled to an award of reasonable court costs, including reasonable attorney fees.

DD. EXPENSES, FEES.

Except as expressly provided otherwise in this Agreement, Developer agrees to pay all costs and expenses of the Town associated with all applications and approvals associated with Hidden Springs, including, but not limited to, professional fees (including attorney's fees, engineering review fees, design review fees etc.) related to this Agreement and that the Town would not have occurred otherwise in its normal development planning and operations for the Town. Developer agrees to pay the Town's legal costs and expenses incurred in preparation and execution of this Agreement.

EE. ENTIRE AGREEMENT.

This Agreement, and all Exhibits thereto, is the entire agreement between the Parties regarding the subject matter set forth herein and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all parties.

FF. WAIVER.

Acceptance by either party of any performance less than required hereby will not be deemed to be a waiver of the rights of such party to enforce all of the terms and conditions hereof. No waiver of any such right hereunder will be binding unless reduced to writing and signed by the party to be charged therewith.

GG. EFFECTIVE DATE.

This Agreement will be effective as of the date filed for public record in the office of the Recorder for Iron County, Utah.

[Signature Page to Follow]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed as of the date first above written.

BRIAN HEAD TOWN,
a municipal corporation and subdivision of the State
of Utah

By: _____
Clayton Calloway, Mayor

By: _____
Bret Howser, Town Manager

Approved as to legal form:

By: _____

AMMIL DEVELOPMENT LLC,
a _____ limited liability company

By: _____
Chelsea Curcuru

STATE OF UTAH)
); ss.
COUNTY OF _____)

On the ____ day of _____, 2024, personally appeared before me _____, the _____ of BRIAN HEAD TOWN, a municipal corporation and subdivision of the State of Utah, and that the within and foregoing instrument was signed on behalf of said Town.

NOTARY PUBLIC
Residing at: _____

My Commission Expires:

STATE OF UTAH)
): ss.
COUNTY OF _____)

On the ____ day of _____, 2024, personally appeared before me _____, the _____ of BRIAN HEAD TOWN, a municipal corporation and subdivision of the State of Utah, and that the within and foregoing instrument was signed on behalf of said Town.

NOTARY PUBLIC
Residing at: _____

My Commission Expires:

STATE OF UTAH)
): ss.
COUNTY OF _____)

On the ____ day of _____, 2024, personally appeared before me _____, the _____ of AMMIL DEVELOPMENT LLC, a _____ limited liability company, and that the within and foregoing instrument was signed on behalf of said limited liability company.

NOTARY PUBLIC
Residing at: _____

My Commission Expires:



May 3, 2024

Dear Property Owner:

An application has been received by Brian Head Town for a preliminary plat for a newly proposed subdivision on Pine Tree Way. Brian Head Town is sending out this notice as per Utah Code Title 10, Chapter 9a, Part 2 and Brian Head Land Management Code 9-1-8.

- A. Anyone wishing to review the information on the proposed preliminary plat may do so at Brian Head Town Hall during normal business hours of 9:00 a.m. to 4:30 p.m. Monday through Friday.
- B. Anyone wishing to make comments about the proposed preliminary plat may submit written comments to the Brian Head Town Clerk @ nleigh@bhtown.utah.gov no later than May 17, 2024, by 4:30 p.m.
- C. The Brian Head Planning Commission will hold a Public Hearing at the BRIAN HEAD TOWN HALL COUNCIL CHAMBERS, 56 North Hwy 143, Brian Head, UT on May 21, 2024, at 1:00 p.m.

If you have any questions or should need additional information, please do not hesitate to contact our offices during normal business hours.

Respectfully,
Brian Head Town

Lester Ross
Building and Planning Official



Enclosure

[illegible]

May 13, 2024

Hi Nancy,

This letter is taking you up on the offer for written response as stated in the town letter dated May 3rd 2024, option B. Thank you for this opportunity to respond to the proposed preliminary plat for Hidden Springs that is scheduled for a public hearing and comment on May 21st, 2024 at 1pm. I own a condominium Unit in the Pine Tree Condominiums Association ("Pine Tree Condo Association") and am currently the president of the Pine Tree Condo Association. I have owned Unit 1b since 2014 which my family has used and enjoyed for several years. There are 16 Units in the Pine Tree Condo Association, and in reviewing the proposed preliminary plat for the Hidden Springs development that is intended to be constructed on the property adjacent to the Pine Tree Condo Association, the various homeowners/condominium owners in the Pine Tree Condo Association have raised several concerns regarding how the current proposed plans will inhibit and negatively impact the use, safety and quiet enjoyment of the owners' property in the Pine Tree Condo Association.

I, along with the other owners in the Pine Tree Condo Association, appreciate the time and consideration of Brian Head (you, the Brian Head Planning Commission, as well as the other respective persons involved with the planning and building in Brian Head). We believe the Hidden Springs development, as proposed by the preliminary plat, fails to sufficiently address access, parking, snow storage, and tree removal, in addition to creating life safety issues related to emergency access. We ask that Brian Head consider each of the following issues/concerns as they relate to the proposed preliminary plat for Hidden Springs:

- (a) The eight A-frame structures (38-45) that are being proposed without any vehicle/automobile parking adjacent to, or even within close proximity, to the structures. Allowing dwellings to be constructed so far away from the parking is not a realistic/pragmatic option. Additionally, roadway access to and from proposed units 38, 39, and 40, is not provided across Ammil's property. (The 24' roadway and utility easement is for Pine Tree Condos, Phases 1-3, and is not for property outside of these phases). Further, we are concerned that during the winter months the occupants of all these units (38-45) will park directly on Pine Tree Way. When this occurs during snowstorms it will block the only access to our units in Pine Tree. White Bear Condominiums have their own parking garages and private driveways and still their vehicles overflow onto Pine Tree Way creating a hazard accessing our property. This is a safety issue that will only be exacerbated by allowing additional structures to be constructed to the east of Pine Tree Way without adequate parking spaces. If this road is blocked it prevents owners, as well as emergency personnel, from accessing the Units in the Pine Tree Condo Association, which is very problematic. Please see attached photo (**Exhibit A**). This photo was taken during a non-holiday, low snow season day (2/24/24). Please take into consideration what this would look like during a storm and a town plow needing to create a path. At best, vehicles parked on the side of

Pine Tree Way would leave a single lane with no room to pass. This is a life safety issue and would likely result in emergency vehicles being unable to access Pine Tree Condo Association in the event of an emergency.

- (b) These far-removed parking spaces from the units (38-45), will also be an ADA issue based on current codes which Ammil will be accountable for upholding with their current parking proposal.
- (c) Ammil's plans do not provide adequate vehicular access across Ammil's property to the proposed parking stalls located south of Pine Tree phases 2 & 3. Ammil does not have a right to use the private road of Pine Tree Condo Association to access these parking stalls and this proposed development is not part of the Pine Tree Condo Association. The owners at Pine Tree pay for the maintenance, repair, etc., of this private road and are not willing to shoulder the burden and costs of numerous people using this private road to access the adjacent property. The parking and roadway area within the Pine Tree Condo Association is already limited and used to full capacity as it stands. In fact, the area with the proposed parking for Hidden Springs has been utilized/used for parking vehicles by the occupants of the Units in the Pine Tree Condo Association for the past 41 years.
- (d) The construction of Hidden Springs, as proposed by the subject preliminary plat, seems to eliminate nearly all the established trees south of the Pine Tree Condo Association — which does not comport with the well-established policy of Brian Head to preserve the natural environment and rural mountain town atmosphere by preserving as many trees as is possible and reasonable.
- (e) Current plans for structures and parking encourage trespassing onto the Pine Tree Condo Association property for mountain access. This affects our privacy and use of our property, and would also increase the financial burden for maintenance and repair of the private roads and property that is part of the Pine Tree Condo Association / development.
- (f) Current storm water holding area (assumed on the map) on the hill in front of Pine Tree Condo Building A also creates a risk to the land stability of Brian Head within 100 yards from our structures which could effect the use and safety of the Pine Tree Condo Association Units and owners.
- (g) Current building designs for structures 34, 35, 36, 37, 38, 39 & 40 along with the parking area (south of Phases 2 & 3 of Pine Tree) requires access through/across property that is Pine Tree Condo Association property, which is not owned by Ammil — and which Ammil has no legal right to use. Ammil Development does not have any right to access the Hidden Springs property through Pine Tree using the private road.
- (h) The proposed plans do not appear to provide adequate turnaround areas for emergency vehicles. This is another life safety / emergency concern.
- (i) Inadequate snow storage? The proposed development plans fail to clearly identify enough land where snow will be piled and stored. Given the number of units and additional roads proposed, adequate snow storage is a significant problem. The density of the proposed subdivision will require all of the parking areas to be used for parking vehicles, yet there are no areas identified where snow can be piled and stored throughout the winter months. The

current plan, as proposed, appears to be less areas for parking per unit and snow storage for the development than the outdated grandfathered plans from Elevate/Sojourn.

- (j) The Pine Tree homeowners are very concerned that all this development along Pine Tree Way will inhibit access and use of our property during construction. We understand this to be a multiple year project. See **Exhibit B**. This photo was taken in the summer of 2023 when Ammil Development was conducting a simple soil sample. This blocked the only access road for over an hour. There was no notification. This gives an early indication of the developer's empathy and understanding of how their actions affect the surrounding next door neighbors safety and use of their property. This is the only exit and entry to our Pine Tree Condos. The owners at Pine Tree are very concerned about this multi-year construction project and how it will drastically impair our access and use of our property based on the current design both in the short and long term.
- (k) Current road planned with proposed grade (road A) exits onto our property in the current design. Concern with grade and angle, cars in winter will easily get stuck sliding down while blocking Pine Tree Way and our only access to our property and use during the winter months. This issue occurs with the Snow Shoe Development that has a lower climb angle. The difference is they only block their own use. As currently proposed in the preliminary plat for Hidden Springs, if a vehicle gets stuck going to a unit in the Hidden Springs development, it would block all access to and from the units in the Pine Tree Condo Association.
- (l) The grade that will be required and the sharp narrow 90 degree turn from Ammils current parking area into Pine Tree Way will cause the same use issue for Pine Tree owners during the winter months. This will result in vehicles blocking our only access and entry to use our property.
- (m) Road C and its placement as a turnaround and the retaining wall will lead to headlights through our windows at D building impairing our privacy and use.
- (n) In the proposed parking (that requires access through a narrow 90 turn and is currently drawn on our property line) doesn't leave enough space and will require access through our property, which has not been approved by Pine Tree Condo Association. If it was to be approved in the current format, we will be forced to move our parking to the property line which will negate proposed parking in development plans for Ammil.
- (o) Brian Head is known to have land stability issues. Just recently Elevate's retaining wall failed because of the hidden springs under their property. The Lofts longstanding structural issues and abandonment of final phase and most recently Crooked River land issues and retaining wall failures. The hillside construction surrounding Pine Tree Condos and the hidden springs under this land could cause land instability as referenced above which may negatively impact Pine Tree Way along with the structural integrity of our property which would result in the inability to use our property.
- (p) Additionally, as proposed, the amount of trees that would need to be removed to allow for the roads and possible areas of snow storage would seem to eliminate the majority of the trees, which could further enhance the land stability issues in Brian Head and could negatively impact the structural integrity of Pine Tree Condos. As proposed, construction of

Hidden Springs does not further the policy of Brian Head to preserve the natural environment and rural mountain town atmosphere.

For the above reasons, and without limitation, I along with the owners in the Pine Tree Condo Association, believe the Ammil Developers preliminary plat for the proposed Hidden Springs development should not be approved as submitted. We appreciate Ammil developers working to build a community that fits into the Brian Head "look and feel". But we are strongly opposed to the current plans, not because of the aesthetics, but because we firmly believe the current plans, as proposed, will create life safety/emergency issues creating problems for Brian Head and the owners of property near the proposed Hidden Springs subdivision, in addition to the significant and negative impact on the use of our Pine Tree property in the short and long term.

Thank you for your careful and thoughtful consideration in the best interest of Brian Heads continued growth.

Sincerely,
Joseph Rudman
Pine Tree Condominium Association President

Exhibit A Photo Attached



Exhibit B Photo Attached



Road is now blocked. Guys on site say will be passable within the hour.

Response to the Hidden Springs Preliminary plot plan ..

External

Inbox



Ed Kittrell < >

May 16, 2024,
5:10 PM (4 days ago)

to me

From.. Ed Kittrell Unit A4 Pine Tree condominiums..

Nancy ..

In accordance with the Town boards request I am submitting my comments and concerns about the proposed preliminary site design for referenced project.. I am the owner of Condo A4 located in Building A of Pine Tree Condominiums...I have been the owner of the condo since 1999 about 24 to 25 years.. I have raised my kids there.. they all learned to ski on the slopes of Brian Head.. now my grandkids are following in their footsteps.. Myself and my families have many fond memories of our times over the many years at the condo .. skiing.. snowboarding.. ATV riding..

Now. it is really so disappointing that this new proposed development is putting our functional use of our Condo and our only access road in real jeopardy. .. I am in total agreement with the response letter and comments from Joe Rudman .. the President of the Pine Tree HOA ..

Also... as an Architect for almost 50 years with my own company.. where I did 100's of projects all around America including many heavy snow areas .. I am now a simi retired Architect.. was registered in about 15 states over the years .. now still registered in Utah.. NM and Nevada .. Over the years I was registered in Alaska.. where I did major projects in Anchorage and Barrows.. to obtain a license in Alaska I was required to take a college class on Permafrost design which also included design for adequate snow removable and storage areas consideration in design ..

So.. in reviewing this preliminary plot plan... it was obvious that the designer did not take into account any normal snow removal design needs... such as laying out the parking areas with space to allow for the moving and removal of snow... nor allow for any areas for snow storage.. which would include the drainage needs as the stored snow melts. This snow removal and storage issue could have a big negative impact on Pine Tree condominiums... due to the location of their major parking area is directly adjacent to Pine Tree site and private drive.

It also appears that the design did not take into consideration the slope of the land and allow for some of the major grade differences near the Pine tree condos development..

In summary.. if the project is built per this design.. it will totally destroy the parking areas of the Pine Tree condominiums .. which has been in place and used for over 25 years... I never thought that we would ever be put in this situation when I bought the unit.. nor believe someone would or could be allowed to do this to our homes away from home..

Thanks for the opportunity to respond..
Ed Kittrell..

May 17, 2024

Good Morning, Nancy,

Please accept my comments and concerns regarding land/usage development of property which involves Pine Tree Condominium Association.

First, my family and I have been coming to Brian Head since February 1981. For many years we rented cabins or condos and eventually purchased three timeshare weeks. During those many years we have looked at real estate to purchase but never found just the right property for us. In July 2015 our realtor took us to the Pine Tree Condos to see unit A-1 which was for sale. We looked at it and within five minutes we knew this was the place for us. We had finally found our piece of paradise. The location, serenity, and our ability to get closer to nature were the big selling factors. The property is used exclusively for our family pleasure and enjoyment.

Since purchasing our unit I have developed health issues which makes safety and accessibility for entrance and exit to/from the property of major importance. This concern is not only for myself but for others who might have need to Emergency Medical Services. I am disabled. I have to use a cane due to back injuries and also am on oxygen full time (due to pulmonary embolisms in December 2015) because of the attitude. In case of a power outage it would be urgent that I receive oxygen from EMS. This is definitely a life safety issue. Any obstruction for access via the one road into our property is non-negotiable.

I have additional concerns. Without going into lengthy detail I will list them below:

- The area plans appear to be too densely developed.
- Inadequate parking plans.
- Inadequate snow storage. Snow needs to be piled and stored, even now it is an issue during the snow season and cuts into parking areas.
- Rapid response for EMS unavailability due to road inaccessibility. Definitely a safety issue.
- Development/construction for multi-years will inhibit homeowners accessibility of property.
- Natural landscape with trees will be destroyed and replaced by a densely developed business venture. Elimination of the majority of the trees would enhance land stability issues in Brian Head.
- Land stability risk for Building A due to current plans for storm water holding areas.

As a homeowner and member of the Pine Tree Condominiums HOA I strongly oppose the Ammil Developers Hidden Springs plans and those plans should not be approved as submitted. As proposed the current plans will create life safety/emergency issues as well as impact the personal enjoyment for use of the homeowners of Pine Tree Condominiums.

Barbara J. Merkel

Unit A-1

Lynn Unger < >

Thu, May 16, 4:18 PM
(4 days ago)

Good afternoon Nancy,

Thank you and Brian Head Town for the opportunity to offer written responses and appear for public comment on the Hidden Springs Preliminary Plat plan being reviewed by Brian Head Town. As a homeowner of a Pine Tree Condominium, part of the Pine Tree Condominium community, and plans to be full-time Brian Head residents, we have several concerns about how the proposed plan from Ammil for the Hidden Springs development will negatively affect the use, safety, accessibility and enjoyment of our property.

- **The proposed eight A-frame structures (38-45) with parking far removed from the units is not a realistic option.**

- **Access:** Access to and from proposed units 38, 39, and 40, is not provided across Ammil's property. The 24' roadway and utility easement is for Pine Tree Condos, Phases 1-3, not for property outside of these Phases. Further, we are concerned that during the winter months the occupants of all these units (38-45) will park directly on Pine Tree Way. When this occurs during snowstorms it will block the only access to our units in Pine Tree. White Bear Condominiums have their own parking garages and private driveways and still their vehicles overflow onto Pine Tree Way creating a hazard accessing our property. We experienced vehicles parked on Pine Tree Way this winter, even when there was not recent snow.
- **Safety:** Consideration should be given to what this would look like during a storm and a town plow needing to create a path. At best, this would leave a single lane with no room to pass. This is a life safety issue and would likely result in emergency vehicles being unable to access Pine Tree in the event of an emergency.
- **Limiting accessibility for individuals with disabilities, the far-removed parking spaces from units (38-45), will be an ADA issue** based on current codes which Ammil will be accountable for upholding with their current parking proposal.
- **Ammil does not have a right to use the private road of Pine Tree to access the proposed structures and parking stalls.**
 - **Access:** Ammil's plans do not provide enough proper access across Ammil's property to the proposed parking stalls located south of Pine Tree Phases 2 & 3. This proposed development is not part of the Pine Tree Condominiums. The owners at Pine Tree pay for the maintenance, repair, etc., of this private road.
 - **Access:** Current building designs for structures 34, 35, 36, 37, 38, 39 & 40 along with the parking area (south of Phases 2 & 3 of Pine Tree) requires access through Pine Tree owned property. Ammil Development does not have access through Pine Tree to use the private road.

- **Access:** The proposed parking (that requires access through a narrow, 90 degree turn and is currently drawn on our property line) doesn't leave enough space and will require access through our property, which has not been approved by Pine Tree HOA. If it were to be approved in the current format, we will be forced to move our parking to the property line which will negate the proposed parking in development plans for Ammil.
- **Emergency vehicle access.**
 - **Safety and access:** The proposed plans do not appear to provide adequate turnaround areas for emergency vehicles. This is another life safety / emergency concern.
- **Current plans for structures and parking encourage trespassing onto our property for mountain access.**
 - **Safety and access:** This affects our privacy and use of our property, and would increase the financial burden for maintenance and repair of the private roads and property that is part of the Pine Tree Condominium development.
- **Storm water holding.**
 - **Safety and Access:** Current storm water holding area (assumed on the map) on the hill in front of Pine Tree Building A is a risk to the land stability of Brian Head within 100 yards from our structures which could affect the use and safety of our Pine Tree Condo owners.
- **Snow storage.**
 - **Access:** We question if there is adequate snow storage for this development. The proposed development plans do not clearly identify enough land where snow will be piled and stored. Given the number of units and additional roads proposed, adequate snow storage is a significant problem. The density of the proposed subdivision will require all of the parking areas to be used for parking vehicles, yet there are no areas identified where snow can be piled and stored throughout the winter months. The current plan as proposed appears to be less areas for parking per unit and snow storage for the development than the outdated grandfathered plans from Elevate/Sojourn.
- **Construction impact.**
 - **Access and safety:** We are concerned this development along Pine Tree Way will inhibit access and use of our property during construction. We understand this to be a multiple year project. While we were not present for the soil sampling conducted by Ammil last summer, we understand there was no notification that the road would be blocked and it was blocked for over an hour, making our unit inaccessible. This concerns us regarding the developer's empathy and understanding of how their actions affect the surrounding neighbors safety and use of their property. Pine Tree Way is the only exit and entry to our Pine Tree Condos. As an owner, we are very concerned about this multi-year construction project and how it will drastically impair our access and use of our property based on the current design both in the short and long term.

•

- **Road grades, exits, and placement.**

- **Access:** The current road planned with proposed grade (road A) exits onto our property in the current design. We have concerns that given the grade and angle, cars will easily get stuck sliding down and blocking Pine Tree Way and preventing us from accessing our property. We have seen this issue with our neighbors in the Snow Shoe Development; however, they only block their own use, not another neighbors. Ammil's plan would block our, the owners at Pine Tree, use of our property.

The grade required and the sharp, narrow, 90 degree turn from Ammil's current parking area onto Pine Tree Way will cause the same use issue for Pine Tree owners during the winter months. This will result in vehicles blocking our only access and entry to use our property.

- **Access and safety:** Road C and its placement as a turnaround and the retaining wall will lead to headlights through windows at Building D, impairing privacy and use.

- **Land Stability.**

- **Safety and access:** Brian Head is known to have land stability issues. Recently Elevate's retaining wall failed because of the hidden springs under the property. The Lofts have had long standing structural issues and abandoned the final phase. The hillside construction surrounding Pine Tree Condos and the hidden springs under this land could cause land instability as referenced above which may affect Pine Tree Way along with the structural integrity of our property which would result in the inability to use our property. In addition, the amount of trees that would need to be removed to allow for the roads and possible areas of snow storage would seem to eliminate the majority of the trees, which could further enhance the land stability issues in Brian Head and could negatively impact the structural integrity of Pine Tree Condos.

For the above reasons we believe the Ammil Developers Hidden Springs plans should not be approved as submitted. We appreciate Ammil working to build a community that fits into the Brian Head "look and feel". We are opposed to the current plans, not because of the aesthetics, but because we firmly believe the current plans, as proposed, will create life safety/emergency issues and also have a significant negative impact on the use of our Pine Tree property in the short and long term.

Thank you for your careful and thoughtful consideration in the best interest of Brian Head's continued growth.

Kind regards,

Lynn Unger and Pete Carmody
PLUC LLC
226 N. Pine Tree Way, A3
Brian Head, UT 84719

Hidden Springs

External

Inbox

Scott H < >

Fri, May 17, 4:31 PM
(3 days ago)

to me

Good Afternoon,

I wanted to add my concern regarding the proposed plans for Hidden Springs. The plans will inhibit the use, safety and enjoyment of my property located in the Pine Tree Condo Complex.

Our HOA president, Joe Rudman, has provided more than adequate detail about the impact of the unrealistic plans.

One of my biggest concerns is access both short term and long term. The plans appear to rely on using our property to access parking stalls. This is the area where my kids currently play. So also, a safety concern. This plan will not work in the best of conditions. It will be a disaster with the big snow storms. I don't see where they will plow the piles of snow. Another concern is that the plans encourage trespassing through our property for mountain access. This affects our privacy and the land that we pay to maintain.

These are just a couple of the big issues that I wanted to address.

Thank you,

Scott Hill
226 Pine Tree Way

Strong opposition to newly proposed subdivision on Pine Tree Way from property owner and tax payer.

External

Teitell, Michael A. < >

Sun, May 12, 6:49 PM
(8 days ago)

May 12, 2024

Lester Ross and others in Brian Head Township Office
Building and Planning Official

Hello:

I am emailing in strongest possible opposition to the proposed new subdivision on Pine Tree Way, I believe called "Hidden Springs" from the letter I received, as a Brian Head property owner, Utah Iron County property taxpayer, and potential whistleblower to protect my right to speak my conscience. I know I am just one person fighting "progress", but I what I am saying makes sense and prevents the continued degradation of a wonderful township.

I hope you will consider what I have to say below and also perform an environment impact assessment if one has not already been done before proceeding with any more planning and any work at all on this proposed new subdivision.

I have been a Copper Chase Condominium owner since 2013. The recently built Elevate subdivision complex has degraded the environment surrounding our complex. The builders of Elevate underbuilt parking structures and expanded the number of units they built beyond their original plans, which will negatively impact Copper Chase owners and vacationers. They built no covered

parking and no amenities, so Elevate owners and vacationers will likely try to use Copper Chase protected parking and amenities, which is illegal and trespassing. To enforce Copper Chase rights, like having Elevate owner vehicles towed and trespassers prosecuted will become an expensive headache, but will have to be done to sustain our complex and our rights.

Now this new proposal further degrades the environment around Copper Chase and nearby White Bear complexes. The beautiful scenery that exists now will be ruined forever, parking will become a bigger headache than even with Elevate issues, and there will likely be more trespassers to deal with.

The charm that is Brian Head is rapidly coming to an end. The infrastructure to support a town with more and more units is not there- Apple Annies, Pizzano's Pizza, Georg's Ski Shop, and the ski resort are not sufficient to support an influx of new owners and guests. The slopes will become overcrowded and Brian Head will go the way that Mammoth Lakes California went and become just another overcrowded ski destination with one big caveat. Mammoth has a world class ski mountain, enormous capacity, amazing terrain, and endless summer hiking and biking activities that Brian Head will not have for the foreseeable future.

What is being proposed is not sustainable in the current landscape of Brian Head and it is predictable that overbuilding will lead to township financial ruin. In the short run there may be some advantages to consider for sure, like an elevated property tax base, but what you are selling out is the heart and soul of the community for minimal, transient gain. Unlike Mammoth, Brian Head will not flourish with a sub-capacity ski mountain with modest terrain and very sparse infrastructure. My complaint is also trying to help you see this and help you from making this tragic and avoidable mistake.

We bought in Brian Head in 2013 because that Brian Head reminded us of what Mammoth was in the 1970s-80s, pre-crowds and pre-sell out commercialization.

I implore you to resist the urge to sell out Brian Head for commercial interests that are nowhere near equal to what Mammoth had to offer in a similar circumstance. As a property owner and taxpayer who will be most closely and adversely impacted by what is being proposed, I hope you will reconsider and stop building an unsustainable environment at Brian Head for the sake of all who love this precious community, yourselves included I am sure.

Thank you, and please reply by return email so that I know you have received my request to stop this planned subdivision from happening.

Mike Teitell
Director, UCLA Jonsson Comprehensive Cancer Center
Property owner and tax payer, Copper Chase Condos



ITEM: ORDINANCE/RESOLUTIONS AMENDING FY 2024 BUDGETS

AUTHOR: Shane Williamson
DEPARTMENT: Administration
DATE: June 25, 2024
TYPE OF ITEM: Legislative Action

SUMMARY:

Ordinance No 24-009, and Resolution No. RDA-041 amending the FY 2024 Brian Head Town Budgets.

BACKGROUND:

The Public Hearing on the FY 2023 Budget Amendments will be held on June 25, 2024.

ANALYSIS:

The following adjustments are proposed for the FY 2024 budget:

General Fund - 10

Revenue

- 10.3110 – General Property Tax (Current Year): Increase by \$66k. To account for actual collections and approved allocation.
- 10.3130 – Sales and Use Taxes: Increased by \$20k to account for increased revenue received.
- 10.3151 – Resort Tax - Increased by \$34k to account for increased revenue received.
- 10.3314 – Public Safety State Grant - Increased by \$1,000 to account for EMS Grant received.
- 10.3341 – General Gov't State Grant - Increased by \$340k to account for Winter Marketing Coop grant received
- 10.3685 – Annexation Cost Reimbursement - Increased by \$44,425 to account for money billed to Aspen Meadows
- 10.3890 – Fund Balance Appropriated - Increased by \$665k to account for allocating FY 2023 Surplus

Expense

- 10.4111.110 – Council – Salaries: Increased by \$2,500 to account for Aspen Meadows Bonus

- 4140.110 Admin – Salaries & Wages: Increased by \$15k to account for Town Manager FY 2024 raise, Aspen Meadows Bonus, enhances Front Desk Service, and Deputy Town Clerk/Treasurer addition.
- 4140.250 Admin – Equipment Supplies/Maintenance: Increased by \$1k to account for Deputy Town Cler/Treasurer computer purchase.
- 4180.310 P&Z - Professional & Technical Services: Increased by \$44,425 to account for annexation expenses bill for reimbursement by Aspen Meadows.
- 4660.612 Marketing & Events – Advertising/Marketing: Increased by \$340k to account winter marketing coop expenses, has balances grant revenue.
- 4650.310 Transit – Professional & Technical Services: Increased by \$4k to account extended ski season shuttle service.
- 4210.110 Police – Salaries & Wages: Increased by \$5k to account for mid-year promotions.
- 4210.290.2 Police – Communications: Increased by \$6,500 to account for catch up in Spillman dispatch system.
- 4210.451 Police - EMT Supplies: Increased by \$1k to account for EMS grant received.
- 4410.111 Streets – Overtime Wages: Increased by \$24k to account for labor on increased snow removal service.
- 4440.252 Shop – Heavy Equip Maintenance: Increased by \$10k to account for tires related to enhanced snow removal.
- 4440.255 Shop - Fuel: Increased by \$52k for additional fuel from snow removal.
- 4900 Contingency: Decreased by \$30k to send to the capital fund for Manzanita Trail restroom project overages.
- 4846 Transfer to Capital Fund: Increased by \$545k – FY 2023 surplus allocations: \$195k to Pavement Management, \$200k to PW facility engineering and site planning, \$80k for additional hydraulic snow blower. \$30k of contingency transfer listed above. \$40k from the current year surplus to cover Manzanita Restroom overages.
- 4847 Transfer to Asset Replacement: Increased by \$150k of FY 2023 surplus to add to revamped asset replacement program.

General Fund Adjustments Summary

Total Adjustments Proposed		\$1,170,425
Adjustments Categorized		
FY 2023 Surplus Allocation	\$625,000	(\$634,400 available)
Grants & Contributions	\$385,425	
FY 2024 Surplus allocations		
Enhanced Snow Removal	\$86,000	
Manzanita Restrooms	\$40,000	
Salary Related	\$22,500	
Miscellaneous	\$7,500	
Shuttle	\$4,000	
Total FY 2024 Surplus	<u>\$160,000</u>	
Total	<u>\$1,170,425</u>	

SEM SAA Fund – 18

Revenue

- 18.3890 – Fund Balance Appropriated: Increase by \$85k. To account for expenses listed below.

Expense

- 18.4400.310 – Professional & Technical Services: Increase by \$5k. To account for engineering on Highland Drive improvements and other SAA road improvements.
- 18.4400.421 – Road Construction: Increase by \$80k. To account for additional road improvement costs on project.

RDA Fund – 25

Revenue

- 25.3110 – Tax Increment Monies - Current: Increase by \$27k. To account for actual collections

Expense

- 25.4140.610 Redevelopment Activities: Increased by \$27k to account for additional park projects added throughout the year.

Capital Fund – 46

Revenue

- 3341 – General Gov't State Grant: Increase by \$22,500. To account for trails grants received
- 3610 – Interest Revenue: Increased by \$19,240 to account for actual collection.
- 3690 Sundry/Misc: Increased by \$392,500 to account from contributions from Aspen Meadows
- 3810 – Transfer from General Fund: Increased by \$545k to account for FY 2023 surplus allocations and contingency transfer
- 3890 – Fund Balance Appropriated – to send money back to savings that was doubled allocated in a previous adjustment.

Expense

- 4210.720 Capital project - Public Safety Building: Increased by \$19,240 to cover project overage on stairs, covered by interest revenue.
- 4210.721 Capital project – PS Building – Aspen Meadows – Increased by \$270k to account for Aspen Meadows contribution per the annexation agreement.
- 4410.700 Capital project - Streets: Increased by \$195k for FY 2023 surplus allocation to streets projects.
- 4440.720 Capital project- Public Works Facility: Increased by \$200k FY 2023 surplus allocation for facility site plan and engineering.
- 4440.730 Capital Project – Shop Equipment: Increased by \$54k hydraulic blower purchase.
- 4560.700 Capital project – Recreation: Increased by \$115k to carry forward Manzanita project budget, and Aspen Meadows Loop.

Asset Replacement Fund – 47

Revenue

- 3640 - Sale of Assets: Increased by \$83k to cover the sale of vehicles currently listed.
- 3810 – Transfer from General Fund: Increased by \$150k to account for FY 2023 surplus allocation.

Expense

- 4100.741 Admin – Vehicle Replacement: Increased by \$7,950 to account for new admin vehicle purchased per new schedule.
- 4400.741 Streets – Vehicle Replacement: Increased by \$103,700 to account for new vehicles purchased per new schedule.

- 4890 – Increase Fund Balance: Increased by \$121,350 to account for FY 2023 surplus allocations.

Solid Waste Fund – 53

Expense

- 4753.690 – Depreciation: Admin – Increased by \$22,803 to account for depreciation of the new garbage truck.

FINANCIAL IMPLICATIONS:

The amended FY 2024 budget needs to allow for invoices coming in for the month of June. Staff feels that there are enough funds in the budgets to cover these expenses. The Town will also be receiving tax revenue for June in July.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends adopting the budgets as amended.

PROPOSED MOTION:

Town Budget:

I move to adopt Ordinance No 24-009, amending the FY 2024 Brian Head Town budgets, as presented.

Redevelopment Agency Budget:

I move to adopt Resolution No. RDA-041, amending the FY 2024 Redevelopment Agency Fund budget, as presented.

ATTACHMENTS:

A: Budget Reports

B: Ordinance No 24-009

C: RDA Resolution No RDA-041



BRIAN HEAD

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET OF FUNDS AND ACCOUNTS ENDING JUNE 30, 2024, FOR THE TOWN OF BRIAN HEAD, UTAH.

WHEREAS, in accordance with the Uniform Fiscal Procedures Act for Utah Towns, Brian Head Town, Utah, has adopted its budget for the fiscal year ending June 30, 2024; and

WHEREAS, in accordance with Utah State law, a public hearing was held on June 25, 2024 to receive public comment on the amended budget, and;

WHEREAS, the Town Council determined an amendment was needed for the purpose of purchasing real property.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF BRIAN HEAD, STATE OF UTAH:

ADOPTION: The Fiscal Year 2024 budget is hereby amended, including all funds and accounts attached as "Exhibit A" of this Ordinance.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF BRIAN HEAD on this _____ day of June 2024.

TOWN COUNCIL VOTE:

Mayor Clayton Calloway
Council Member Martin Tidwell
Council Member Larry Freeberg
Council Member Kelly Marshall
Council Member Mitch Ricks

Aye____	Nay____
Aye____	Nay____
Aye____	Nay____
Aye____	Nay____
Aye____	Nay____

BRIAN HEAD TOWN

By: _____
Clayton Calloway, Mayor

ATTEST:

Nancy Leigh, Town Clerk

CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the 25th day of June 2024, and have posted a complete copy of the ordinance in two conspicuous places within the Town of Brian Head, to-wit: Town Hall and Post Office.

Nancy Leigh, Town Clerk



Brian Head Town
General Fund - 10 - Budget Report

07/01/2023 to 06/30/2024

	Current YTD	Annual Budget	Proposed Adjustment Amount	Proposed Amended Budget
Revenue:				
Taxes				
3110 General Property Tax (Current Year)	1,006,078	939,800	66,000	1,005,800
3120 General Property Tax (Delinquent)	77,442	107,400		107,400
3130 Sales and Use Taxes	279,282	229,400	20,000	249,400
3135 PAR Tax	51,447	43,000		43,000
3140 Franchise Tax	912	3,853		3,853
3145 Telecommunication Tax	3,535	4,817		4,817
3151 Resort Tax	821,490	686,000	34,000	720,000
3152 Highway Tax	154,328	129,000		129,000
3153 Municipal Energy Tax	129,616	128,330		128,330
3154 Municipal Transient Room Tax	178,524	136,000		136,000
3170 Fee in Lieu	10,157	7,500		7,500
3190 Penalties on Delinquent Taxes	1,470	4,400		4,400
3200 Personal Property Taxes	45,076	31,600		31,600
Total Taxes	2,759,357	2,451,100	120,000	2,571,100
Licenses and permits				
3210 Business Licenses	41,702	33,567		33,567
3215 Alcohol Licenses	600	1,033		1,033
3220 Enhanced Services Business License Fee	623,625	522,000		522,000
3221.1 Building Permit Fees	86,779	103,200		103,200
3221.2 Plan Check Fee	52,168	15,900		15,900
3221.3 Tree and Grading Permit Fee	16,064	6,000		6,000
3221.4 State Building Permit Fee 1%	867	15,900		15,900
3222 Land Use Permit Fees	6,100	5,000		5,000
3223 Disproportionate Service STR Fee	66,557	61,300		61,300
3230 Other Permits	0	0		0
Total Licenses and permits	894,463	763,900	0	763,900
Intergovernmental revenue				
3314 Public Safety State Grant	39,958	0	1,000	1,000
3341 General gov't state grant	53,200	76,000	340,000	416,000
3356 Class C Road Funds	113,858	70,200		70,200
3358 State Liquor Fund Allotment	3,546	4,000		4,000
3373 County - fire agreements	40,000	40,000		40,000
Total Intergovernmental revenue	250,562	190,200	341,000	531,200

Charges for services				
3419 Administrative Charges	71,000	71,000		71,000
3422 Retail Fuel	81,334	123,300		123,300
3426 Fire Department Revenue	12,055	10,100		10,100
3428 Misc Police Revenue (Police Reports)	45	0		0
3429 GRAMMA Requests (other than Police Reports)	0	0		0
3435 Shop Charges	155,000	155,000		155,000
Total Charges for services	319,434	359,400	0	359,400
Fines and forfeitures				
3510 Court Fines	2,693	1,000		1,000
3520 Administrative Fines (Code Violations)	350	2,000		2,000
Total Fines and forfeitures	3,043	3,000	0	3,000
Interest				
3610 Interest	116,408	45,000		45,000
Total Interest	116,408	45,000	0	45,000
Special Events				
3550 Donations	1,000	0		0
Total Special Events	1,000	0	0	0
Miscellaneous revenue				
3650 Sales of materials and supplies	0	250		250
3680 Building/Pavilion Rentals	4,927	3,600		3,600
3685 Annexation Cost Reimbursement	44,425	0	44,425	44,425
3690 Sundry (Miscellaneous)	25	0		0
3691 Health Insurance reimbursement (to be cleared)	6,586	3,200		3,200
Total Miscellaneous revenue	55,963	7,050	44,425	51,475
Contributions				
3802.2 Public Safety Impact Fee/3059	3,060	500		500
Total Contributions	3,060	500	0	500
Transfers from other funds				
3825 Transfer from RDA	23,500	23,500		23,500
3890 Fund Balance Appropriated	0	33,463	665,000	698,463
Total Transfers from other funds	23,500	56,963	665,000	721,963
Total Revenue:	4,426,789	3,877,113	1,170,425	5,047,538

Expenditures:**General government****Council**

4111.110 Council - Salaries	20,207	17,500	2,500	20,000
4111.130 Council - Benefits	1,981	1,339		1,339
4111.230 Council - Travel, Conferences & Training	1,938	4,250		4,250
4111.240 Council - Office Supplies & Expense	242	250		250
4111.290 Council - Telephone/Data Plans	752	700		700
4111.450 Council - Expenses	0	0		0
4111.610 Council - Miscellaneous Expense	258	250		250
Total Council:	25,378	24,289	2,500	26,789

Administrative

4140.110 Admin - Salaries & Wages	147,935	139,336	15,000	154,336
4140.111 Admin - Overtime Wages (Administrative)	852	0		0
4140.130 Admin - Employee Benefits	56,398	62,184		62,184
4140.210 Admin - Books/Subscriptions/Memberships	4,062	3,295		3,295
4140.220 Admin - Publishing/Legal Notices	214	1,600		1,600
4140.230 Admin - Travel, Conferences & Training	4,689	5,765		5,765
4140.240 Admin - Office Supplies/Reimb Expenses	8,169	6,000		6,000
4140.245 Admin - Bank Charges	2,342	1,500		1,500
4140.250 Admin - Equipment Supplies/Maintenance	4,722	2,550	1,000	3,550
4140.254 Admin - Vehicle Repair & Maintenance	2,703	1,800		1,800
4140.255 Admin - Fuel & Oil	1,648	1,500		1,500
4140.270 Admin - Bldgs/Grounds - Supplies/Maint	9,106	9,990		9,990
4140.280 Admin - Utilities	5,927	5,000		5,000
4140.290 Admin - Telephone	6,282	5,900		5,900
4140.310 Admin - Professional & Technical Services	20,374	20,205		20,205
4140.312 Admin - Audit & Accounting	17,700	16,000		16,000
4140.450 Admin - Elections	305	1,300		1,300
4140.470 Admin - Uniforms	344	0		0
4140.510 Admin - Insurance Expense	58,589	61,110		61,110
4140.540 Admin - Promotions/Incentives	4,807	13,700		13,700
4140.610 Admin - Miscellaneous Expense	365	350		350
Total Administrative:	357,533	359,085	16,000	375,085

Legal

4145.310 Legal - Professional & Technical Services	3,873	7,000		7,000
Total Legal:	3,873	7,000	0	7,000

Planning and zoning

4180.110 P&Z - Salaries & Wages	122,931	112,392		112,392
4180.111 P&Z - Overtime Wages (P & Z)	144	0		0
4180.130 P&Z - Employee Benefits	46,734	67,232		67,232
4180.210 Admin - Books/Subscriptions/Memberships	561	1,840		1,840
4180.220 Planning & Bldg - State Bldg Permit Fee	575	550		550
4180.230 P&Z - Travel, Conferences & Training	1,488	4,160		4,160
4180.240 P&Z - Office Supplies & Expense	965	2,650		2,650
4180.290 P&Z - Telephone	868	1,100		1,100
4180.310 P&Z - Professional & Technical Services	32,930	10,550	44,425	54,975
4180.313 P&Z - Engineer	172	0		0
Total Planning & Zoning:	207,367	200,474	44,425	244,899

Marketing & Events

4660.230 Marketing & Events - Travel and Training	0	0		0
4660.250 Marketing & Events - Equip Supplies/Maint	4,568	3,200		3,200
4660.310 Marketing & Events - Prof & Technical Services	562	250		250
4660.610 Marketing & Events - Miscellaneous Expense	0	0		0
4660.612 Marketing & Events - Advertising/Marketing	426,898	138,350	340,000	478,350
4660.615 Marketing & Events - Entertainment	6,515	18,400		18,400
Total Marketing & Events:	438,543	160,200	340,000	500,200

Retail Fuel

4640.245 Retail Fuel - Bank Charges	4,416	7,120		7,120
4640.250 Retail Fuel - Supplies & Maintenance	120	1,500		1,500
4640.260 Retail Fuel - Retail Fuel (Town Pump)	81,335	103,600		103,600
4640.310 Retail Fuel - Professional & Technical Services	1,520	900		900
4640.510 Retail Fuel - Insurance Expense	0	560		560
Total Retail Fuel:	87,391	113,680	0	113,680

Transit

4650.250 Transit - Supplies & Maintenance	1,769	1,000		1,000
4650.310 Transit - Professional & Technical Services	15,450	7,500	4,000	11,500
4650.485 Transit - Transportation Service	145,000	149,800		149,800
Total Transit:	162,219	158,300	4,000	162,300

Total General Government:	1,282,302	1,023,028	406,925	1,429,953
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Public safety**Police**

4210.110 Police - Salaries & Wages	398,572	392,878	5,000	397,878
4210.111 Police - Overtime Wages (Police)	33,205	25,710		25,710
4210.120 Police - Part-time Officers	16,541	44,718		44,718
4210.130 Police - Employee Benefits	279,194	294,768		294,768
4210.210 Police - Books/Subscriptions/Memberships	628	690		690
4210.230 Police - Travel, Conferences & Training	4,427	11,090		11,090
4210.240 Police - Office Supplies & Expense	553	800		800
4210.250 Police - Equipment Supplies & Maintenance	12,142	13,830		13,830
4210.254 Police - Vehicle Repair & Maintenance	5,631	6,540		6,540
4210.255 Police - Fuel	18,660	21,800		21,800
4210.270 Police - Bldg/Grounds Supplies & Maintenance	5,209	6,745		6,745
4210.275 Police - Public Safety Building Payment (MBA)	60,260	60,260		60,260
4210.280 Police - Utilities	5,464	4,200		4,200
4210.290.1 Police - Telephone	5,376	5,920		5,920
4210.290.2 Police - Communications	43,597	37,625	6,500	44,125
4210.310 Police - Professional & Technical Services	7,139	9,725		9,725
4210.450 Police - Uniforms	2,020	4,000		4,000
4210.451 Police - EMT Supplies	4,561	1,750	1,000	2,750
4210.452 Police - EMT Training & Travel	625	4,990		4,990
4210.453 Police - Search & Rescue	0	500		500
4210.610 Police - Miscellaneous Expense	885	500		500
Total Police:	904,688	949,039	12,500	961,539

Fire

4220.110 Fire - Salaries & Wages	142,215	128,526		128,526
4220.111 Fire - Overtime Wages (Fire)	11,051	8,570		8,570
4220.120 Fire - Part Time Wages	2,556	4,500		4,500
4220.130 Fire - Employee Benefits	91,212	98,340		98,340
4220.210 Fire - Books/Subscriptions/Memberships	671	310		310
4220.230 Fire - Travel, Conferences & Training	657	1,575		1,575
4220.240 Fire - Office Supplies & Expense	122	350		350
4220.250 Fire - Equipment - Supplies & Maintenance	6,549	9,600		9,600
4220.254 Fire - Vehicle Repair & Maintenance	3,971	7,080		7,080
4220.255 Fire - Fuel	2,734	2,000		2,000
4220.270 Fire - Bldgs/Grounds - Supplies & Maintenance	5,252	6,545		6,545
4220.275 Fire - Public Safety Building Payment (MBA)	60,260	60,260		60,260
4220.280 Fire - Utilities	5,464	4,250		4,250
4220.290 Fire - Telephone	4,943	5,850		5,850
4220.310 Fire - Professional & Technical Services	8,448	10,650		10,650
4220.450 Fire - Uniforms	0	750		750
4220.610 Fire - Miscellaneous Expense	351	2,100		2,100
Total Fire:	346,454	351,256	0	351,256

Total Public Safety:	1,251,142	1,300,295	12,500	1,312,795
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Highways and public improvements

Highways				
4410.110 Streets - Salaries & Wages	252,903	261,118		261,118
4410.111 Streets - Overtime Wages (Streets)	31,095	7,500	24,000	31,500
4410.130 Streets - Employee Benefits	158,650	180,428		180,428
4410.230 Streets - Travel, Conferences & Training	4,571	8,540		8,540
4410.240 Streets - Office Supplies & Expense	120	150		150
4410.250 Streets - Equipment - Supplies & Maintenance	276	1,200		1,200
4410.253 Streets - Snow Removal	118,070	104,000		104,000
4410.254 Streets - Vehicle Repair & Maintenance	0	0		0
4410.261 Streets - Equipment Lease	0	0		0
4410.269 Streets - Equipment Rental	7,995	17,450		17,450
4410.270 Streets - Bldgs/Grounds - Supplies & Maint	89	0		0
4410.280 Streets - Utilities (Area Lights)	13,503	15,000		15,000
4410.310 Streets - Professional & Technical Services	840	3,800		3,800
4410.411 Streets - Street Signs & Signals	2,332	8,500		8,500
4410.415 Streets - Skier bridge O&M	2,600	1,800		1,800
4410.420 Streets - Road Maintenance/Improvements	27,709	33,080		33,080
Total Streets:	620,754	642,566	24,000	666,566
Shop & garage				
4440.230 Shop - Travel, Conferences & Training	1,938	3,820		3,820
4440.240 Shop - Office Supplies & Expenses	1,468	750		750
4440.250 Shop - Equipment - Supplies & Maintenance	27,450	9,150		9,150
4440.252 Shop - Heavy Equipment Maintenance	63,753	39,700	10,000	49,700
4440.254 Shop - Vehicle Repair & Maintenance	16,452	13,200		13,200
4440.255 Shop - Fuel	131,831	80,000	52,000	132,000
4440.261 Shop - Equipment Lease (operating)	115,039	144,300		144,300
4440.270 Shop - Bldgs/Grounds - Supplies & Maint	3,228	2,820		2,820
4440.280 Shop - Utilities	14,156	10,000		10,000
4440.290 Shop - Telephone	6,374	7,100		7,100
4440.310 Shop - Professional & Technical Services	2,406	1,600		1,600
4440.450 Shop - Uniforms	10,084	11,200		11,200
Total Shop & Garage:	394,181	323,640	62,000	385,640
Total Highways & Public Improvements:	1,014,935	966,206	86,000	1,052,206

Parks, recreation, and public property

Recreation				
4560.110 Recreation - Salaries & Wages	34,806	43,676		43,676
4560.111 Recreation - Overtime Wages (Recreation)	1,483	0		0
4560.130 Recreation - Employee Benefits	17,041	21,418		21,418
4560.230 Recreation - Travel, Conferences & Training	129	1,360		1,360
4560.240 Recreation - Office Supplies & Expense	99	150		150
4560.250 Recreation - Supplies & Maintenance	2,429	1,000		1,000
4560.254 Recreation - Vehicle Repair & Maintenance	1,329	800		800
4560.269 Recreation - Equipment Rental	4,595	1,280		1,280
4560.270 Recreation - Blds/Grounds - Supplies & Maint	6,089	2,300		2,300
4560.310 Recreation - Professional & Technical Services	39	200		200
4560.450 Recreation - Uniforms	35	200		200
4560.621 Recreation - Beautification	5,317	6,500		6,500
4560.631 Recreation - Walking Trails	4,256	10,000		10,000
4560.633 Recreation - ATV/Snowmobile Trails	5,615	9,000		9,000
4560.634 Recreation - Trail Signs	797	500		500
Total Recreation:	84,058	98,384	0	98,384
Total Parks, recreation, and public property:	84,058	98,384	0	98,384
Miscellaneous				
4900 Operating Contingency	13,672	44,200	-30,000	14,200
Total Miscellaneous:	13,672	44,200	-30,000	14,200
Transfers				
4846 Transfer to Capital Projects	275,000	275,000	545,000	820,000
4847 Transfer to Asset Replacement	170,000	170,000	150,000	320,000
Total Transfers:	445,000	445,000	695,000	1,140,000
Total Expenses:	4,091,109	3,877,113	1,170,425	5,047,538
Total Net Change in Position:	335,679	0	0	0



Brian Head Town
Steam Engine Meadows SAA - 18 - Budget Report

07/01/2023 to 06/30/2024

	Current YTD	Annual Budget	Proposed Adjustment Amount	Proposed Amended Budget
Revenue:				
Charges for services				
3685 SEM SID Assessment Revenue	0	0		0
Total Charges for services	0	0	0	0
Interest				
3610 Interest Revenue	3,335	0		0
Total Interest	3,335	0	0	0
Transfers				
3890 Fund Balance Appropriated	0	0	85,000	85,000
Total Transfers	0	0	85,000	85,000
Total Revenue:	3,335	0	85,000	85,000
Expenditures:				
Highways and public improvements				
Special improvements				
4400.310 Professional & Technical Services	5,743	0	5,000	5,000
4400.421 Road Construction	78,609	0	80,000	80,000
Total Special improvements	84,352	0	85,000	85,000
Total Highways and public improvements	84,352	0	85,000	85,000
Total Expenditures:	84,352	0	85,000	85,000
Total Change In Net Position	-81,016	0	0	0



Brian Head Town
Capital Projects Fund - 46 - Budget Report

07/01/2023 to 06/30/2024

	Current YTD	Annual Budget	Proposed Adjustment Amount	Proposed Amended Budget
Revenue:				
Intergovernmental revenue				
3341 General Gov't State Grant	432,721	320,820	22,500	343,320
Total Intergovernmental revenue	432,721	320,820	22,500	343,320
Interest				
3610 Interest revenue	29,987	0	19,240	19,240
Total Interest	29,987	0	19,240	19,240
Miscellaneous revenue				
3690 Sundry/Miscellaneous	292,500	0	292,500	292,500
Total Miscellaneous revenue	292,500	0	292,500	292,500
Transfers from other funds				
3810 Transfers from General Fund	275,000	275,000	545,000	820,000
3825 Transfer from RDA Fund	129,180	129,180		129,180
3890 Fund Balance Appropriated	0	1,034,812	-26000	1,008,812
Total Transfers from other funds	404,180	1,438,992	519,000	1,957,992
Total Revenue:	1,159,388	1,759,812	853,240	2,613,052
Expenditures:				
General government				
Administrative				
4100.710 Land Purchase	20	5,500		5,500
4100.720 Capital Project - Town Hall	0	54,600		54,600
4100.742 Capital Project - Public Art	45,864	49,813		49,813
Total Administrative	45,884	109,913	0	109,913
Total General government	45,884	109,913	0	109,913
Public safety				
Police				
4210.700 Capital project - Police Public Safety Vehicles	0	0		0
4210.720 Capital project - Public Safety Building	19,240	0	19,240	19,240
4210.721 Capital project - PS Building - Aspen Meadows	0	0	270,000	270,000
Total Police	19,240	0	289,240	289,240
Fire				
4220.730 Capital Project - Fire Equipment	2,145	45,000		45,000
Total Fire	2,145	45,000	0	45,000

Total Public safety	21,385	45,000	289,240	334,240
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Highways and public improvements

Highways

4410.700 Capital project Streets	169,523	643,105	195,000	838,105
4410.710 Capital project Street Lighting	0	98,558		98,558
4410.715 Capital Project - Hwy 143 Corridor	2,633	195,100		195,100
4410.720 Capital Project - Pedestrian Improvements	504,591	541,910		541,910
4410.740 Capital Project - Public Works Vehicle	0	0		0
Total Highways	676,747	1,478,673	195,000	1,673,673

Shop & garage

4440.720 Capital Projects - Public Works Facility	0	0	200,000	200,000
4440.730 Capital Projects - Shop Equipment	101,662	49,720	54,000	103,720
4440.750 Cold Storage Building Repairs	5,298	30,570		30,570
Total Shop & garage	106,960	80,290	254,000	334,290

Total Highways and public improvements	783,707	1,558,963	449,000	2,007,963
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Parks, recreation, and public property

Recreation

4560.700 Capital project - Recreation	159,456	45,936	115,000	160,936
4560.710 Capital project - Mountain Bike Trails	0	0		0
Total Recreation	159,456	45,936	115,000	160,936

Total Parks, recreation, and public property	159,456	45,936	115,000	160,936
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Total Expenditures:	1,010,432	1,759,812	853,240	2,613,052
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Total Change In Net Position	148,955	0	0	0
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Brian Head Town
Asset Replacement Fund - 47 - Budget Report

07/01/2023 to 06/30/2024

	Current YTD	Annual Budget	Proposed Adjustment Amount	Proposed Amended Budget
Revenue:				
Intergovernmental revenue				
3314 Public Safety State Grant	0	42,929		42,929
Total Intergovernmental revenue	0	42,929	0	42,929
Miscellaneous revenue				
3640 Sale of Assets	0	46,000	83,000	129,000
Total Miscellaneous revenue	0	46,000	83,000	129,000
Transfers from other funds				
3810 Transfer from General Fund	170,000	170,000	150,000	320,000
3890 Fund Balance Appropriated	0	55,625		55,625
Total Transfers from other funds	170,000	225,625	150,000	375,625
Total Revenue:	170,000	314,554	233,000	547,554
Expenditures:				
General government				
Administrative				
4100.720 Admin - Town Hall (Fuel Tank Replacement)	5,004	5,000		5,000
4100.721 Admin - FF&E Replacement/Renewal	1,300	3,300		3,300
4100.741 Admin - Vehicle Replacement	11,100	0	7,950	7,950
4100.742 Admin - Computer/Electronic Replacement	2,898	8,410		8,410
Total Administrative	20,302	16,710	7,950	24,660
Total General government	20,302	16,710	7,950	24,660
Public safety				
Police				
4200.721 Public Safety - FF&E Replacement/Renewal	5,090	23,320		23,320
4200.740 Public Safety - Equipment Replacement	6,475	74,905		74,905
4200.741 Public Safety - Vehicle Replacement	45,383	128,369		128,369
4200.742 Public Safety - Computer/Electronics Replacement	3,473	7,290		7,290
Total Police	60,421	233,884	0	233,884
Total Public safety	60,421	233,884	0	233,884

Highways and public improvements**Special improvements**

4400.721 Streets - FF&E Replacement/Renewal	0	5,000		5,000
4400.740 Streets - Equipment Replacement	34,217	55,900		55,900
4400.741 Streets - Vehicle Replacement	0	0	103,700	103,700
4400.742 Streets - Computer/Electronics Replacement	400	3,060		3,060
Total Special improvements	34,617	63,960	103,700	167,660

Total Highways and public improvements	34,617	63,960	103,700	167,660
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Transfers

4890 - Increase Fund Balance	0	0	121,350	121,350
Total Transfers	0	0	121,350	121,350

Total Expenditures:	115,339	314,554	233,000	547,554
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Total Change In Net Position	54,661	0	0	0
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Brian Head Town
Solid Waste Fund - 53 - Budget Report

07/01/2023 to 06/30/2024

	Current YTD	Annual Budget	Proposed Adjustment Amount	Proposed Amended Budget
Income or Expense				
Income From Operations:				
Operating income				
3443 Sanitation Fees	242,811	257,000		257,000
3444 Sanitation Fees (County)	5,664	8,100		8,100
Total Operating income	248,475	265,100	0	265,100
Operating expense				
4753.110 Salaries & Wages	80,350	80,802		80,802
4753.111 Overtime Wages (Sanitation)	6,409	4,500		4,500
4753.130 Employee Benefits	53,594	57,786		57,786
4753.240 Office Supplies/Reimbursement Expenses	446	500		500
4753.245 Bank Charges - Utilities	1,436	1,200		1,200
4753.250 Equipment - Supplies & Maint	17,891	15,500		15,500
4753.254 Vehicle Repair & Maintenance	18,381	15,000		15,000
4753.256 Shop Charges	19,400	19,400		19,400
4753.310 Professional & Technical Services	620	0		0
4753.480 Contract Services/Landfill Fees	31,748	37,150		37,150
4753.550 Administrative Charges	9,400	9,400		9,400
4753.620 Bad debt expense	0	0		0
4753.690 Depreciation	21,249	0	22,803	22,803
Total Operating expense	260,925	241,238	22,803	264,041
Total Income From Operations:	-12,450	23,862	-22,803	1,059
Non-Operating Items:				
Non-operating income				
3510 Code Violations	600	0		0
3630 Profit or loss on retirement of assets	0	0		0
3794 Interest income	11,979	2,500		2,500
Total Non-operating income	12,579	2,500	0	2,500
Total Non-Operating Items:	12,579	2,500	0	2,500
Total Income or Expense	129	26,362	-22,803	3,559

**BRIAN HEAD REDEVELOPMENT AGENCY
BRIAN HEAD, UTAH**

AMENDED BUDGET RESOLUTION

RESOLUTION NO. RDA-__

A RESOLUTION AMENDING THE FISCAL YEAR 2023 BUDGET ENDING JUNE 30, 2024, OF THE BRIAN HEAD REDEVELOPMENT AGENCY, BRIAN HEAD, UTAH.

WHEREAS, in accordance with the Uniform Fiscal Procedures Act for Utah, Brian Head Redevelopment Agency, has amended its budget for the fiscal year ending June 30, 2024; and

WHEREAS, in accordance with Utah State law, a public hearing was held on June 25, 2024 on the amended budget and comments received relating thereto.

NOW THEREFORE, BE IT RESOLVED BY THE BRIAN HEAD REDEVELOPMENT AGENCY BOARD, BRIAN HEAD, UTAH:

ADOPTION: The Fiscal Year 2024 RDA budget hereby be amended, including all funds and accounts as shown in the budget format attached and dated June 30, 2024 as Attachment "A".

PASSED AND ADOPTED BY THE BRIAN HEAD REDEVELOPMENT AGENCY BOARD MEMBERS OF BRIAN HEAD, STATE OF UTAH on this ____ day of June 2024.

VOTING:

Chairperson Clayton Calloway	Aye____	Nay____
Board Member Martin Tidwell	Aye____	Nay____
Board Member Larry Freeberg	Aye____	Nay____
Board Member Shaun Kelly	Aye____	Nay____
Board Member Kelly Marshall	Aye____	Nay____

BRIAN HEAD REDEVELOPMENT AGENCY

By: _____
Clayton Calloway, RDA Chair

ATTEST:

Nancy Leigh, RDA Clerk

(seal)



Brian Head Town
Redevelopment Agency Fund - 25 - Budget Report

07/01/2023 to 06/30/2024

	Current YTD	Annual Budget	Proposed Adjustment Amount	Proposed Amended Budget
Revenue:				
Taxes				
3110 Tax Increment Monies - Current	477,269	380,000	27,000	407,000
Total Taxes	477,269	380,000	27,000	407,000
Intergovernmental revenue				
3310 Loans/Grants from Local Units	45,000	4,000		4,000
Total Intergovernmental revenue	45,000	4,000	0	4,000
Miscellaneous revenue				
3610 Interest Earnings	16,121	0		0
Total Miscellaneous revenue	16,121	0	0	0
Total Revenue:	538,390	384,000	27,000	411,000
Expenditures:				
General government				
Administrative				
4140.310 Professional & Technical Services	1,800	0		0
4140.311 Legal Services	0	0		0
4140.312 Publishing / Legal Notices	0	0		0
4140.610 Redevelopment Activities	186,841	173,400	27,000	200,400
Total Administrative	188,641	173,400	27,000	200,400
Total General government	188,641	173,400	27,000	200,400
Transfers				
4810 Transfer to General Fund	23,500	23,500		23,500
4846 Transfer to Capital Projects	129,180	129,180		129,180
4890 Budgeted Increase in Fund Balance	0	57,920		57,920
Total Transfers	152,680	210,600	0	210,600
Total Expenditures:	341,321	384,000	27,000	411,000
Total Change In Net Position	197,069	0	0	0



STAFF REPORT TO THE TOWN COUNCIL

ITEM: SKI HAVEN CHALET SPECIAL ASSESSMENT AREA BOARD OF EQUALIZATION

AUTHOR: Shane Williamson
DEPARTMENT: Administration
DATE: June 25, 2024
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will consider a resolution calling for a Board of Equalization for the Ski Haven Chalet Special Assessment Area (SAA) precursor to setting the assessment levels of the area.

BACKGROUND:

Following the receipt of a petition for a special assessment area in Ski Haven Chalets subdivision on July 11, 2023, the Town Council issue a notice of intent to create a special assessment area on August 8, 2023. The Town received no written protest subsequent to the notice of intent, and the Town Council adopted a resolution creating the Ski Haven Chalet Special Assessment Area on November 9, 2023.

Since that time, staff has proceeded with the engineering and bidding of a water and sewer project in Ski Haven Chalets. This project will proceed in summer 2024.

ANALYSIS:

The attached resolution does the following:

- Appoints a Board of Equalization, consisting of the Mayor and any two Council members
- Sets the BOE hearings for July 31, Aug 1, and Aug 2 at 1pm. At these hearings, the BOE will hear any arguments by owners of assessed property why they should be exempt from some or all of the assessment. Staff is not currently aware of any owners who intend to make such an argument.
- Sets out the public notice to be sent to each property owner informing them of the time/place of the BOE hearings, and declaring the proposed assessment at \$9,588 per lot

Next Steps:

- Adopt Assessment Ordinance – August 2024
- Finalizing bond issuance – August 2024

FINANCIAL IMPLICATIONS:

The Town does assume financial risk with any SAA, with this one being no different. Specifically, the Town assumes the debt liability and is potentially on the hook for the bond payments should a property owner default or fail to pay the assessment. However, though a lengthy process, the Town will be a lean holder on each proper with the ability to foreclose should this happen.

In addition to the risks mentioned above, the Town would be contributing \$375,000 to the project. The funds would come from our water capital savings, where we set aside \$200k per year to fund water projects.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends adoption of the attached resolution as proposed.

PROPOSED MOTION:

I move to adopt Resolution number 24-546 APPOINTING A BOARD OF EQUALIZATION AND REVIEW FOR THE TOWN OF BRIAN HEAD, UTAH SPECIAL ASSESSMENT AREA NO. 2023-1

ATTACHMENTS:

A – Board of Equalization Resolution

**TOWN OF BRIAN HEAD, UTAH
TOWN COUNCIL**

**RESOLUTION CALLING BOARD OF EQUALIZATION
June 25, 2024**

RESOLUTION NO. 24-546

A RESOLUTION APPOINTING A BOARD OF EQUALIZATION AND REVIEW FOR THE TOWN OF BRIAN HEAD, UTAH SPECIAL ASSESSMENT AREA NO. 2023-1 (Snowshoe-Toboggan); SETTING THE DATES FOR THE BOARD OF EQUALIZATION TO HEAR AND CONSIDER OBJECTIONS AND CORRECTIONS TO ANY PROPOSED ASSESSMENTS; AUTHORIZING THE TOWN CLERK TO CAUSE TO BE PUBLISHED AND MAILED A NOTICE OF MEETING OF THE BOARD OF EQUALIZATION AND REVIEW; AND RELATED MATTERS.

WHEREAS, the Town Council previously adopted the Notice of Intention to create the Town of Brian Head, Utah Special Assessment Area No. 2023-1 (Snowshoe-Toboggan) (the "SAA"), and published the Notice as required by law; and

WHEREAS, in accordance with the Notice of Intention and after giving notice as required by statute for each SAA, public hearings were held before the Town Council, and the Town Council considered written and oral comments and received additional input from the public during the subsequent protest period concerning the creation and designation of the SAA; and

WHEREAS, prior to and at the hearings and during the allotted protest period subsequent to the hearings, persons having an interest in the SAA were allowed to protest the creation and designation thereof; and

WHEREAS, protests against the creation and designation of the SAA were heard and considered by the Town Council and all times for protests and objections expired then the Town Council created and designated the SAA as set forth in the Notice of Intention; and

WHEREAS, the Engineer for the Town of Brian Head has prepared the proposed assessment lists for the SAA, and the Town Council desires to establish a board of equalization and review for the purpose of considering any objections and corrections to said assessment lists:

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF BRIAN HEAD, UTAH:

Section 1. A Board of Equalization and Review, as required by law, for the SAA (the "Board") is hereby appointed, consisting of the Mayor and the following members of the Town Council, any three of whom can act at the hearings of the Board:

Clayton Calloway
Larry Freeberg
Martin Tidwell
Shaun Kelly
Kelly Marshall

Mayor
Councilmember
Councilmember
Councilmember
Councilmember

Section 2. The Board shall sit as a Board of Equalization and Review on the special assessment proposed to be levied and assessed on the property within SAA at the Town offices located at 56 N. Hwy 143 in Brian Head, Utah, on July 31, 2024, and August 1 and 2, 2024 between 1:00 p.m. and 2:00 p.m. to hear and consider any objections to and make corrections of any proposed assessments which the Board may deem unequal or unjust.

Section 3. The following is the assessment list for the SAA, with the assessment to be in the amount as set forth in the notice.:

The properties in the Snowshoe subdivision and in the Toboggan subdivision and some adjoining properties in the Town of Brian Head, Iron County, Utah. More specifically the following parcel numbers in respective subdivisions as described below. Properties other than the identified parcel numbers will not be included in the proposed Special Tax Assessment Area.

Parcel #	Lot #	Block #	Physical Address
A-1145-0000-000A-06	6	A	201 E STEAM ENGINE DR
A-1215-000A-0001	1	A	235 E SNOW SHOE CIR
A-1216-000C-0002	2	C	202 E STEAM ENGINE DR
A-1215-000B-0002	2	B	224 E SNOW SHOE CIR
A-1215-000B-0003	3	B	238 E SNOW SHOE CIR
A-1215-000B-0011	11	B	265 E SNOWMAN DR
A-1215-000B-0012	12	B	251 E SNOWMAN DR
A-1215-000C-0007	7	C	248 E SNOWMAN DR
A-1215-000B-0013	13	B	237 E SNOWMAN DR
A-1215-000C-0008	8	C	238 E SNOW SHOE DR
A-1215-000C-0015	15	C	295 TOBOGGAN LN
A-1215-000C-0009	9	C	220 E SNOW SHOE DR
A-1215-000B-0014	14	B	231 E SNOWMAN DR
A-1215-000C-0010	10	C	216 E SNOWMAN DR
A-1215-000C-0011	11	C	215 TOBOGGAN LN
A-1215-000B-0015	15	B	225 S SNOW SHOE DR
A-1215-000D-0004	4	D	212 S SNOW SHOE DR
A-1215-000D-0005	5	D	220 S SNOW SHOE DR
A-1215-000D-0006	6	D	228 S SNOW SHOE DR
A-1215-000D-0007	7	D	222 TOBOGGAN LN

A-1215-000D-0008	8	D	238 TOBOGGAN LN
A-1215-000D-0009	9	D	246 TOBOGGAN LN
A-1215-000D-0010	10	D	256 TOBOGGAN LN
A-1215-000D-0011	11	D	266 TOBOGGAN LN
A-1215-000D-0012	12	D	276 TOBOGGAN LN
A-1215-000D-0013	13	D	286 TOBOGGAN LN
A-1215-000B-0008	8	B	315 E SNOWMAN DR
A-1215-000C-0012	12	C	261 TOBOGGAN LN
A-1215-000C-0013	13	C	289 TOBOGGAN LN
A-1215-000D-0019	19	D	296 TOBOGGAN LN
A-1215-000C-0014	14	C	291 TOBOGGAN LN
A-1215-000D-0020	20	D	306 TOBOGGAN LN
A-1215-000D-0021	21	D	316 TOBOGGAN LN
A-1215-000C-0016	16	C	297 TOBOGGAN LN
A-1215-000C-0006	6	C	266 E SNOW SHOE DR
A-1215-000B-0009	9	B	287 E SNOW SHOE DR
A-1214-000A-0001	1	A	301 TOBOGGAN LN
A-1214-000A-0002	2	A	331 TOBOGGAN LN
A-1214-000B-0002	2	B	176 SNOWMOBILE RD
A-1214-000B-0005	5	B	322 TOBOGGAN LN
A-1214-000B-0006	6	B	108 S SNOWMOBILE RD
A-1215-000D-0018	18	D	343 E TOBOGGAN CIR
A-1215-000D-0014	14	D	296 E TOBOGGAN CIR
A-1215-000D-0017	17	D	333 E TOBOGGAN CIR
A-1215-000D-0016	16	D	332 E TOBOGGAN CIR
A-1215-000D-0015	15	D	314 E TOBOGGAN CIR
A-1143-0011-000E-05	5	E	195 SNOWMOBILE RD
A-1214-000E-0006	6	E	183 SNOWMOBILE RD
A-1143-0011-000E-04	4	E	217 SNOWMOBILE RD
A-1143-0011-000E-03	3	E	239 SNOWMOBILE RD
A-1143-0011-000C-44	44	C	347 E SKATE CIR
A-1143-0011-000B-01	1	B	212 S SNOWMOBILE RD
A-1214-000E-0007	7	E	179 SNOWMOBILE RD
A-1214-000E-0008	8	E	165 SNOWMOBILE RD
A-1214-000B-0004	4	B	120 S SNOWMOBILE RD
A-1214-000E-0009	9	E	143 SNOWMOBILE RD
A-1214-000B-0003	3	B	142 S SNOWMOBILE RD
A-1214-000E-0010	10	E	119 SNOWMOBILE RD
A-1214-000E-0011	11	E	92 S SPRING CIR
A-1214-000E-0012	12	E	88 S SPRING CIR
A-1214-000A-0003	3	A	351 TOBOGGAN LN
A-1215-000C-0005	5	C	224 E SNOWMAN DR
A-1215-000B-0010	10	B	279 E SNOWMAN DR

A-1215-000B-0001	1	B	55 S SNOW SHOE DR
A-1216-000D-0001	1	D	91 S SNOW SHOE DR
A-1216-000D-0002	2	D	119 S SOUTH SNOW SHOE DR
A-1216-000D-0003	3	D	137 S SNOW SHOE DR
A-1215-000D-0003	3	D	206 S TOBOGGAN LN
A-1215-000C-0004	4	C	302 E SNOWSHOE DR

Section 4. The Town Clerk is hereby authorized and directed to cause to be posted in three public locations with the Town and posted on the Utah Public Notice Website and mailed to each property owner at the owners mailing address, as provided by law and the ordinances of the SAA, a notice of meeting of the Board, said notice to be in substantially the following forms:

**NOTICE OF MEETING OF THE
BOARD OF EQUALIZATION AND REVIEW
FOR THE TOWN OF BRIAN HEAD, UTAH
SPECIAL ASSESSMENT AREA NO. 2023-1 (Snowshoe-Toboggan)**

NOTICE IS HEREBY GIVEN that a three-member board has been duly appointed to act as the Board of Equalization and Review on the assessments proposed to be levied on the property within the Town of Brian Head, Utah Special Assessment Area No. 2023-1 (Snowshoe-Toboggan) (the “SAA”) pursuant to law.

NOTICE IS FURTHER GIVEN that:

(a) The list of the property in the SAA subject to the proposed assessment and the various amounts of assessment against that property have been completed and are available for examination at the office of the Brian Head Town Clerk.

(b) The total cost of the improvements within the SAA is \$2,881,000.00.

(c) The amount to be paid by the Town is \$2,229,000.

(d) The amount to be assessed to the property owners within the SAA is \$652,000.

(e) Assessments for the improvements constructed within the SAA are to be levied against the properties within the SAA on a per lot basis.

(f) The assessment for water improvements within the SAA will be \$9,588 per lot.

(g) The Board of Equalization and Review for the SAA will meet in the Brian Head Town offices at 56 N. Hwy 143 in Brian Head, Utah on July 31, 2024 and August 1 and 2, 2024, between 1:00 p.m. and 2:00 p.m. The hearing may be adjourned or recessed from time to time provided by law until the work of the Board shall be completed. **At each hearing the Board will hear argument, written or oral, from any person who believes himself/herself to be aggrieved, including arguments relating to any direct or indirect benefits accruing to any tract, block, lot or parcel of property in the SAA or relating to the amount of the proposed assessment against any tract, block, lot or parcel.**

After the hearing has been completed, the Board shall consider all facts and arguments presented and shall make such corrections in any proposed assessment as it may consider just and equitable. The corrections may eliminate one or more pieces of property or may increase or decrease the amount of the assessment proposed to be levied against any piece of property. If the Board of Equalization determines to increase the assessment proposed to be levied against any property, then the notices and hearings required by Section 11-42-403 of the Utah Code must be given and held. On the date of

each hearing those lists and plats and the amount of the proposed assessment against each parcel of property shall be open to public inspection from 9:00 a.m. to 4:30 p.m. continuously at the office of the Brian Head Town Clerk.

If the proposed assessment is imposed and the property owner elects to repay the assessment in installment payments, the property owner will be responsible for applicable interest expenses and administrative costs as well.

/s/ Nancy Leigh
Town Clerk

Section 5. The Town Clerk is hereby directed to enter the foregoing proceedings upon the records of the Town and to cause notice to be posted (1) a public location in the Town between 20 and 35 days before the first meeting of the Board of Equalization and to be posted (2) on the Utah Public Notice Website at least 35 days before the first meeting of the Board of Equalization, and to be posted (3) on the Town's website at least 35 days before the first meeting of the Board of Equalization.

A copy of the notice set forth in Section 3 above shall not later than ten (10) days after posting of such notice, be mailed, postage prepaid, to (1) each residence or property address, and (2) to each owner of land to be assessed within the SAA at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of the county wherein said affected property is located.

ADOPTED AND APPROVED this June 25, 2024.

Mayor

ATTEST:

Town Clerk

(S E A L)

RECORD OF PROCEEDINGS

A public meeting of the Town Council of Brian Head, Utah was held on June 25, 2022, at 1:00 p.m., at the regular meeting place of the Town Council located at 56 N. Hwy 143 in Brian Head, Utah at which meeting there were present the following members who constituted a quorum:

Clayton Calloway	Mayor
Larry Freeberg	Councilmember
Martin Tidwell	Councilmember
Shaun Kelly	Councilmember
Kelly Marshall	Councilmember

Also present:

Nancy Leigh	Town Clerk
Bret Howser	Town Manager

Absent:

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

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

Those voting Yes:

Those voting No:

After the conduct of other business not pertinent to the above, the meeting was, on motion duly made and seconded, adjourned.

Certificate of Town Clerk

I, Nancy Leigh, the duly appointed, qualified and acting Town Clerk of Brian Head, Utah, do hereby certify that the foregoing is a full, true and correct copy of the minutes of a public meeting of the Town Council held at 56 N. Hwy 143 in Brian Head, Utah on June 25, 2024, at the hour of 1:00 p.m. as recorded in the regular official book of minutes as kept in my official office, that said proceedings were duly had and taken as therein shown, and that all the members were given due, legal and timely notice of said meeting as therein shown.

I further certify that I posted in a public location in the Town, a notice of meeting of the Board of Equalization and Review for the Town of Brian Head, Utah Special Assessment Area No. 2023-1 (Snowshoe-Toboggan) (the ‘SAA’) at least twenty (20) and not more than thirty-five (35) days prior to the date said Board will begin its hearings.

I further certify that I posted a notice of meeting of the Board of Equalization and Review for the SAA at least 35 days prior to the date said Board will begin its hearings on (1) the Town’s website and (2) on the Utah Public Notice Website.

I further certify that I mailed a notice of meeting of the Board of Equalization and Review for the SAA within 10 days of the posting on the Utah Public Notice Website to (1) each owner of property in said area and (2) to each residence or property address in said area.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town Clerk this June ___, 2024.

Town Clerk

(S E A L)

PROOF OF POSTING

Attached to this page is the Proof of Posting, drawn from the Utah Public Notice Website that the Notice of Meeting of Board of Equalization and Review was posted on it at least 35 days prior to beginning the first hearing of said Board.

Also attached to this page is Proof of Posting drawn from the Town's website at least 35 days prior to beginning the first hearing of said Board.

Also attached to this page is Proof of Posting at a public location in the Town at least 35 days prior to beginning the first hearing of said Board.

Also attached to this page is the mailing to each owner of record and to each residence or property address in said SAA no later than 10 days after the posting on the Utah Public Notice Website.

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, the undersigned Town Clerk of Brian Head, Utah (the “Town”), do hereby certify, according to the records of the Town in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the April 12, 2022 public meeting held by the Town as follows:

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

(b) By causing a copy of the Meeting Notice to be posted on the Utah Public Notice Website at least twenty-four (24) hours prior to the convening of the meeting, which posting also forwarded notice to a newspaper of general circulation in the Town.

(c) By causing a copy of the Meeting Notice to be posted on the Town’s website at least 24 hours prior to convening of the meeting.

In addition, the attached Notice of 2024 Annual Meeting Schedule for the Town specifying the date, time and place of the regular meetings of the governing body of the Town to be held during the calendar year 2022 was posted on _____, 202__, at the principal offices of the Town, and posted on the Utah Public Notice Website on _____, 202__, which posting forwarded notice to a newspaper of general circulation in the Town.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this June 25, 2024.

Town Clerk

(S E A L)

(ATTACH MEETING NOTICE)

(ATTACH 2022 ANNUAL MEETING NOTICE)



ITEM: FY 2024 FRAUD RISK ASSESSMENT

AUTHOR: Shane Williamson
DEPARTMENT: Administration
DATE: June 25, 2024
TYPE OF ITEM: Informational

SUMMARY:

The Council will review and discuss the results and mitigation recommendations from the Fiscal Year 2024 Fraud Risk Assessment as required by the State Auditor.

BACKGROUND:

The Office of the State Auditor (Office) regularly receives complaints of fraud or abuse by local government officials. The Office is also aware of internal investigations performed by local governments of their own officials and employees. Some of these situations receive significant media coverage, while others are resolved with less publicity. In either case, the level of concern by the public and local and state officials is significant. Many have asked the Office for more direction on how to prevent such occurrences in the future. The program outlined in this guide is designed to help measure and reduce the risk of undetected fraud, abuse, and noncompliance in local governments of all types and sizes. This assessment is a starting point, it is the hope of the Office that local governments will add to and adapt this form to improve how they manage their internal controls and the risk of fraud, waste, and abuse.

ANALYSIS:

The Fraud Risk Assessment goes through several operational categories that may or may not present potential risks to the Town and its finances. In addition, the assessment and corresponding guidelines provide insight and recommendations for ways to improve operations in those categories deemed risky. As such, the results of the assessment deliver an organization in various ranges from Very High Risk to Very Low Risk depending on the overall score. For FY 2024, Brian Head Town Scored 335 points, up from 295 points last year, placing our organization in the Low range of riskiness. That said, Staff feels this is not a bad starting point given our limited staff and operational size. However, there are many potential improvements that can move us closer to if not within the Low-risk range.

First, we can look at the areas we met expectations on the assessment:

- Basic Separation of Duties – 200 points
- Written policies – 45 Points
- Management team with a degree in accounting/finance – 10 points
- Annual commitment to ethical behavior – 20 points
- Annual State Auditor Training – 20 points
- Annual financial training for Clerk and Treasurer – 20 points
- Promote fraud reporting (hotline or email address) – 20 points

On the other hand, some areas we felt short but can easily improve are as follows:

- Implement an Internal Audit function (To eliminate added costs entirely, some entities may coordinate with peer entities and utilize each other's financial staff to act as internal auditors. – 20 points

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends working towards the implementation of the recommendations provided by the assessment results.

PROPOSED MOTION:

No motion necessary, item is discussion/informational only.

ATTACHMENTS:

A – FY 2024 Fraud Risk Assessment



Fraud Risk Assessment

INSTRUCTIONS:

- Reference the *Fraud Risk Assessment Implementation Guide* to determine which of the following recommended measures have been implemented.
- Indicate successful implementation by marking "Yes" on each of the questions in the table. Partial points may not be earned on any individual question.
- Total the points of the questions marked "Yes" and enter the total on the "Total Points Earned" line.
- Based on the points earned, circle/highlight the risk level on the "Risk Level" line.
- Enter on the lines indicated the entity name, fiscal year for which the Fraud Risk Assessment was completed, and date the Fraud Risk Assessment was completed.
- Print CAO and CFO names on the lines indicated, then have the CAO and CFO provide required signatures on the lines indicated.

Fraud Risk Assessment

Continued

*Total Points Earned: 335 /395 *Risk Level: Very Low Low Moderate High Very High
> 355 316-355 276-315 200-275 < 200

	Yes	Pts
1. Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire?	☒	200
2. Does the entity have governing body adopted written policies in the following areas:		
a. Conflict of interest?	☒	5
b. Procurement?	☒	5
c. Ethical behavior?	☒	5
d. Reporting fraud and abuse?	☒	5
e. Travel?	☒	5
f. Credit/Purchasing cards (where applicable)?	☒	5
g. Personal use of entity assets?	☒	5
h. IT and computer security?	☒	5
i. Cash receipting and deposits?	☒	5
3. Does the entity have a licensed or certified (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO) expert as part of its management team?		20
a. Do any members of the management team have at least a bachelor's degree in accounting?	☒	10
4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior?	☒	20
5. Have all governing body members completed entity specific (District Board Member Training for local/special service districts & Interlocal entities, Introductory Training for Municipal Officials for cities & towns, etc.) online training (training.auditor.utah.gov) within four years of term appointment/election date?	☒	20
6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year?	☒	20
7. Does the entity have or promote a fraud hotline?	☒	20
8. Does the entity have a formal internal audit function?		20
9. Does the entity have a formal audit committee?		20

*Entity Name: Brian Head Town

*Completed for Fiscal Year Ending: June 30, 2024 *Completion Date: 6/20/2024

*CAO Name: Bret Howser *CFO Name: Shane Williamson

*CAO Signature:  *CFO Signature: 

*Required

Basic Separation of Duties

See the following page for instructions and definitions.

	Yes	No	MC*	N/A
1. Does the entity have a board chair, clerk, and treasurer who are three separate people?	✓			
2. Are all the people who are able to receive cash or check payments different from all of the people who are able to make general ledger entries?		✓	✓	
3. Are all the people who are able to collect cash or check payments different from all the people who are able to adjust customer accounts? If no customer accounts, check "N/A".		✓	✓	
4. Are all the people who have access to blank checks different from those who are authorized signers?	✓			
5. Does someone other than the clerk and treasurer reconcile all bank accounts OR are original bank statements reviewed by a person other than the clerk to detect unauthorized disbursements?	✓			
6. Does someone other than the clerk review periodic reports of all general ledger accounts to identify unauthorized payments recorded in those accounts?	✓			
7. Are original credit/purchase card statements received directly from the card company by someone other than the card holder? If no credit/purchase cards, check "N/A".	✓			
8. Does someone other than the credit/purchase card holder ensure that all card purchases are supported with receipts or other supporting documentation? If no credit/purchase cards, check "N/A".	✓			
9. Does someone who is not a subordinate of the credit/purchase card holder review all card purchases for appropriateness (including the chief administrative officer and board members if they have a card)? If no credit/purchase cards, check "N/A".	✓			
10. Does the person who authorizes payment for goods or services, who is not the clerk, verify the receipt of goods or services?	✓			
11. Does someone authorize payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".	✓			
12. Does someone review all payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".	✓			

* MC = Mitigating Control

Basic Separation of Duties

Continued

Instructions: Answer questions 1-12 on the Basic Separation of Duties Questionnaire using the definitions provided below.

☑ If all of the questions were answered "Yes" or "No" with mitigating controls ("MC") in place, or "N/A," the entity has achieved adequate basic separation of duties. Question 1 of the Fraud Risk Assessment Questionnaire will be answered "Yes." 200 points will be awarded for question 1 of the Fraud Risk Assessment Questionnaire.

☐ If any of the questions were answered "No," and mitigating controls are not in place, the entity has not achieved adequate basic separation of duties. Question 1 of the Fraud Risk Assessment Questionnaire will remain blank. 0 points will be awarded for question 1 of the Fraud Risk Assessment Questionnaire.

Definitions:

Board Chair is the elected or appointed chairperson of an entity's governing body, e.g. Mayor, Commissioner, Councilmember or Trustee. The official title will vary depending on the entity type and form of government.

Clerk is the bookkeeper for the entity, e.g. Controller, Accountant, Auditor or Finance Director. Though the title for this position may vary, they validate payment requests, ensure compliance with policy and budgetary restrictions, prepare checks, and record all financial transactions.

Chief Administrative Officer (CAO) is the person who directs the day-to-day operations of the entity. The CAO of most cities and towns is the mayor, except where the city has a city manager. The CAO of most local and special districts is the board chair, except where the district has an appointed director. In school districts, the CAO is the superintendent. In counties, the CAO is the commission or council chair, except where there is an elected or appointed manager or executive.

General Ledger is a general term for accounting books. A general ledger contains all financial transactions of an organization and may include sub-ledgers that are more detailed. A general ledger may be electronic or paper based. Financial records such as invoices, purchase orders, or depreciation schedules are not part of the general ledger, but rather support the transaction in the general ledger.

Mitigating Controls are systems or procedures that effectively mitigate a risk in lieu of separation of duties.

Original Bank Statement means a document that has been received directly from the bank. Direct receipt of the document could mean having the statement 1) mailed to an address or PO Box separate from the entity's place of business, 2) remain in an unopened envelope at the entity offices, or 3) electronically downloaded from the bank website by the intended recipient. The key risk is that a treasurer or clerk who is intending to conceal an unauthorized transaction may be able to physically or electronically alter the statement before the independent reviewer sees it.

Treasurer is the custodian of all cash accounts and is responsible for overseeing the receipt of all payments made to the entity. A treasurer is always an authorized signer of all entity checks and is responsible for ensuring cash balances are adequate to cover all payments issued by the entity.



BRIAN HEAD

STAFF REPORT TO THE TOWN COUNCIL

ITEM: FY2025 CONSOLIDATED FEE SCHEDULE RESOLUTION

AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: June 25, 2024
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will consider a resolution adopting the fiscal year 2025 Consolidated Fee Schedule that will take effect July 1, 2024.

BACKGROUND:

After the adoption of the budget, the Council will need to adopt the Consolidated Fee Schedule for the fiscal year that will commence on July 1, 2024.

Council adopted the current Consolidated Fee Schedule June 27, 2023 which included several changes for fiscal year 2024 which included:

1. Utility Rate increase of 1.5% which included water, sewer, and solid waste.
2. Added a slate of building permit fees as the Town took building inspection in-house.
3. Changed the way the Town charges for water connections
4. Updated the Nightly Rental Disproportionate Cost of Service Fee

ANALYSIS:

For the fiscal year 2025, the following changes are being proposed:

1. Increase the Annexation Application Fee from \$500 to \$1000. This would represent about 2 days of time for the Town Clerk. After having gone through two annexation processes this year, staff calculates that this is a better representation of the time spent on the annexation process.
2. Utility Rates for FY2024: The utility model identifies a 3.7% cumulative increase for utility fees in FY 25. Listed below is the utility model identifying residential and commercial rates.

Fiscal Yr	Residential				Commercial					Monthly Bill	% Change
	Water	Sewer	Solid Waste	Monthly Bill	Water	Sewer	Office	Retail	Restaurant		
Current	\$82	\$42	\$12	\$136	\$162	\$97	\$12	\$81	\$110	\$327	
2025	\$84	\$45	\$12	\$141	\$166	\$99	\$12	\$81	\$110	\$333	3.7%
2026	\$86	\$47	\$14	\$147	\$170	\$102	\$14	\$94	\$128	\$350	4.3%
2027	\$90	\$47	\$16	\$153	\$178	\$107	\$16	\$107	\$146	\$374	4.1%
2028	\$94	\$48	\$16	\$158	\$186	\$111	\$16	\$107	\$146	\$387	3.3%
2029	\$100	\$48	\$17	\$165	\$197	\$118	\$17	\$114	\$155	\$411	4.4%
2030	\$103	\$49	\$18	\$170	\$203	\$122	\$18	\$121	\$165	\$427	3.0%
2031	\$106	\$50	\$18	\$174	\$209	\$126	\$18	\$121	\$165	\$436	2.4%
2032	\$109	\$51	\$18	\$178	\$215	\$129	\$18	\$121	\$165	\$446	2.3%
2033	\$113	\$52	\$19	\$184	\$223	\$134	\$19	\$128	\$174	\$464	3.4%
2034	\$117	\$53	\$20	\$190	\$231	\$139	\$20	\$134	\$183	\$482	3.3%

3. The Nightly Rental Disproportionate Cost of Service Fee. After a review of the current number of cabins and condos, staff has recalculated the fee based on the following analysis of public safety costs:

Public Safety Officer Costs	
Avg Total Comp/Hr	\$67.50
Annual Equip/Training	\$20,825
Avg Annual Cost:	\$136,739

Nightly Rental Unit Data	
Units	492
Cabins:	85
Condos:	407
Max Occupancy	3,444
Cabins (Avg):	14.7
Condos (Avg):	5.4

Proposed Fee Table	Full or Partial Fee Levels		
	100%	80%	50%
Equalized Across Units	\$278	\$222	\$139
- or -			
Weighted by Unit Type			
Cabins:	\$582	\$466	\$291
Condos:	\$214	\$172	\$107

For Single-Family Residential (Cabins) the 2025 rate is scheduled to be: \$291 (reduction of \$3)

For Multi-Family Residential (Condos) the 2025 rate is scheduled to be: \$107 (reduction of \$1)

The analysis is based on the cost for a portion of the public safety officers which has increased with inflation and is divided into the number of nightly rental units.

FINANCIAL IMPLICATIONS:

These fees changes, and the resultant revenue stream estimates, were considered by the Town Council and adopted as part of the FY 2025 Budget. Failure to adopt this fee schedule may result in required budget adjustments.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends Council adopt resolution No. 24-546, adopting the FY2025 Consolidated Fee Schedule as proposed.

PROPOSED MOTION:

I move to adopt resolution No. 24-545 adopting the Fiscal Year 2025 Consolidated Fee Schedule as presented.

ATTACHMENTS:

A – FY2025 Consolidated Fee Schedule Resolution



RESOLUTION NO. 24-____

A RESOLUTION ADOPTING THE FISCAL YEAR 2025 CONSOLIDATED FEE SCHEDULE FOR TOWN OF BRIAN HEAD, UTAH AND PROVIDING FOR AN EFFECTIVE DATE OF JULY 1, 2024.

WHEREAS, the Town of Brian Head assesses fees for various zoning procedures, building permits, and other administrative permits, utilities and services provided in the Brian Head Code, and other codes adopted by Brian Head Town; and

WHEREAS, the Town Council adopts the Fiscal Year Consolidated Fee Schedule by resolution after the fiscal year budget has been adopted by the Town Council; and,

WHEREAS, with the adoption of the fiscal year 2025 Brian Head Town Budget, utility rates and other fees have been amended and will become effective with the fiscal year budget beginning July 1, 2024; and,

WHEREAS, the Town Council adopts the Consolidated Fee Schedule by resolution, from time-to-time, for all fees provided for or required under Brian Head Town Ordinances into a single document to facilitate more efficient administration and access of the various fees for the public.

NOW, THEREFORE, BE IT RESOLVED, by the Brian Head Town Council that the "Consolidated Fee Schedule", is hereby adopted with changes identified in **red font**, and updated to be implemented by the Brian Head Town staff forthwith as the Consolidated Fee Scheduled for Fiscal Year 2025.

BE IT FURTHER RESOLVED this Resolution and associated fees shall have an effective date of July 1, 2024.

PASSED AND ADOPTED by the Brian Head Town Council this 25th day of June 2024, by the following vote.

Town Council Vote

Mayor Clayton Calloway	Aye_____	Nay_____
Council Member Kelly Marshall	Aye_____	Nay_____
Council Member Larry Freeberg	Aye_____	Nay_____
Council Member Mitch Ricks	Aye_____	Nay_____
Council Member Martin Tidwell	Aye_____	Nay_____

BRIAN HEAD TOWN

Clayton Calloway, Mayor

ATTEST:

Nancy Leigh, Town Clerk

(SEAL)



BRIAN HEAD TOWN
CONSOLIDATED FEE SCHEDULE
Fiscal Year ~~2024~~2025
Effective Date: July 1, ~~2023~~2024

Land Use Fees

General Plan Amendment	\$1,000/Application
Zoning Amendment	\$1,000/Application
Special Assessment Area (SAA)	\$1,000/Application
Building Concept Review	\$100 Application / \$50.00 Small Bldg. Application
Conditional Use	\$400
Amended Conditional Use Permit	\$200
Variance	\$400
Subdivision/PUD Infrastructure	1% of Engineer's infrastructure costs.
Subdivision/PUD Schematic	\$500/Application
Subdivision/PUD Preliminary Plat	\$1000 application fee
Subdivision/PUD Final Plat	\$500 application fee
Plat Amendment w/ Public Hearing	\$500 application fee
Plat Amendment w/out Public Hearing	\$250 application fee
Subdivision by Metes & Bounds	\$500 application fee
Minor Subdivision (Parcel Split)	\$250 application fee

(Additional mailing costs may be applied if application fee is exceeded)

Development Agreement \$5,000 Down payment to be applied to actual cost incurred by Town staff to prepare and/or present agreement. A positive balance must be maintained or work on agreement will cease.

Annexation Petition ~~\$500~~\$1000, plus cost associated w/ feasibility impact, infrastructure & admin analysis.

Planning Commission Special Meeting \$500

Trenching and Grading Permit

For each single street cut (utility trenching) \$100

For Single Family Residential \$350

For All Other Zones \$600

*Verification as licensed contractor, \$5,000 bond and \$1,000,000 insurance policy with Town as additional insured must be on file with Brian Head Town for any work in any public right-of-way or connection to Town sewer or water mains or grading permit issued prior to an associated building permit.

(Additional bond requirement may be applied based on size, scope, and complexity of the project.)

Logging/Tree Removal Permit

Individual Trees for Safety/Fire No Fee

Residential \$25

Construction \$100/Application

Commercial Logging \$500/Application

Burn Permit

\$10 Residential / \$100 Commercial

Sign Permit, Permanent

\$50/Application

Sign Permit, Temporary (Banner)

No Charge

Administrative Code Violations

1st Violation Notice & Reinspection

No Charge



2nd Violation or Recurrence (a) \$100 fine & \$50 per day of continuing violation for the 14 days immediately following notice of violation and \$100 per day thereafter; or

(b) any higher penalty amount otherwise provided by Town Code

Repeat Inspection Fee \$50

3rd Violation or Recurrence Citation / To Be Determined by Court

Egregious Violations may be issued an immediate citation.

Licensing Fees

Business Licenses:

\$108 / New Business Application

\$62 / Renewal of Business License

\$10.00 / Door-to-Door Solicitation Employee Permit

\$50.00 / Sexually Oriented Employee Permit

\$200.00 / Sexually Oriented Business

\$151 / New Nightly Rental, Application includes 1 unit

\$122 / Renewal Nightly Rental Application includes 1 unit

\$32 / Additional Nightly Rental Unit New

\$26 / Additional Nightly Rental Unit Renewal

Nightly Rental Disproportionate Fee

\$298 per cabin

\$108 per condominium unit

No Charge for Special Event Vendor

Dog License

\$10 Neutered / \$20 Non-neutered

Alcohol License, Initial

\$100

Alcohol License, Renewal

\$50

Publications

Land Management Code

\$30.00 bound copy

General Plan

\$20.00 bound copy

Public Works Construction Manual

\$30.00 bound copy

Maps

\$0.25 for 11"x17" black/white copy

\$0.50 for 11"x17" color copy

\$0.50 for photocopy

\$35 for Small Map

\$60 for Large Map

Administrative Fees

NSF Check

\$25/Returned Check

Copies

\$0.05 per B/W Copy

\$0.10 per Color Copy

Faxes

\$0.10 per page for outgoing faxes

\$0.10 per page for incoming faxes

GRAMMA Request

determined on an individual basis per UCA 63-2-203.

Inspection Fees

One-time Building Inspection

\$75

Re-inspection Fee for building

\$50

Nightly Rental Fire Inspection

\$30

Commercial Business Fire Inspection
schedule)

\$50 (this fee was inadvertently removed from a previous fee



Bonds (Refundable)

Subdivision Completion Bonds	125% of Engineers Cost to Complete
Building Permit Cleanup Bond	\$1,000
Grading & Landscaping Bond	\$2,500
(Additional bond requirement may be applied based on size, scope, and complexity of the project.)	

Building Permit Fees

VALUATIONS

1. New Construction \$150/sq ft
2. Unfinished basements \$50/sq ft
3. Decks, Porches, and Carports \$25/sq ft
4. Remodeling: Value determined by the contractor and approved by the Building and Planning Official to reflect the cost of work for code related items.
5. Valuations may be modified by the Building Official when evidence supports raising or lowering the valuation due to circumstances outside the norm or specifically mentioned above.

Building Permit Calculation Table

TOTAL VALUATION	FEE
\$1 to \$500	\$24
\$501 to \$2,000	\$24 for the first \$500; plus \$3 for each additional \$100 or fraction thereof, to and including \$2,000.
\$2,001 to \$40,000	\$69 for the first \$2,000; plus \$11 for each additional \$1,000 or fraction thereof, to and including \$40,000.
\$40,001 to \$100,000	\$487 for the first \$40,000; plus \$9 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$1,027 for the first \$100,000; plus \$7 for each additional \$1,000 or fraction thereof, to and including \$500,000.
\$500,001 to \$1,000,000	\$3,827 for the first \$500,000; plus \$5 for each additional \$1,000 or fraction thereof, to and including \$1,000,000.
\$1,000,001 and over	\$6,387 for the first \$1,000,000; plus \$4 for each additional \$1,000 or fraction thereof.

Plan Review & Other Applicable Fees

Plan Review	65% of Building Permit fee
Utah State Fee	1% of Building Permit fee

Impact Fees

Water	\$5,250.88 x Conversion Factor
Sewer	\$1,096.91 x Conversion Factor
Public Safety	\$153.00 x Conversion Factor



**Individuals who extend water or sewer lines may qualify for an impact fee reduction equal to their incurred costs for the extension, up to the full amount of the impact fee, with verification of submitted construction costs.

IMPACT FEE CONVERSION FACTOR

Single Family/Condo	1 ERC
All Others	Per Actual Fixture Unit Calculations

*One ERC (Equivalent Residential Connection) is equivalent to 24 water fixture units as calculated in Table 604.3 of the 2006 International Plumbing Code, and 20 drainage fixture units as calculated in Table 709.1 of the 2009 International Plumbing Code.

Connection Fees

Water

Residential:

¾" Meter: \$705
1" Meter: \$800

Town Provides Meter, MXU and Inspection.

Contractor Provides barrel, curb-stop, corp-stop and installation per Town Public Works Standards.

Commercial:

¾" Meter: \$705
1" Meter: \$800
2" Meter: \$1,710
3" Meter: \$2,000
4" Meter: \$3,385
6" Meter: \$5,660
8" Meter: 9,230

Town provides meter, MXU, hot tap, and inspection.

Contractor provides saddle, vault, and all associated materials per Brian Head Public Works Standards.

Inspection services by Town, Street opening & closing by separate permit.

Sewer

\$350

Utility Service Fees

Water	Monthly Base Rate/Demand Charge
Residential .5 ERC ¹	\$4142.00
Residential 1ERC ²	\$8284.00
Commercial	\$162166.00
Commercial Business in a Multi-family complex ³	\$162166.00



¹One Half (.5) ERC- A single unit (regardless of ownership) consisting of (1) room, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom and food storage, preparation and serving accommodations consisting of not more than a single bowl sink, a refrigerator of not more than 5 cubic feet, and an electrical outlet which may be used for a microwave oven. Water consumption for this type of unit will be calculated at .5 of an ERC with a maximum calculated consumption of 2500 gallons per unit per month.

²Full ERC (1), Residential Unit, Dwelling Unit, or Condo Unit- A single unit providing completely independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Water consumption for this type of unit will be calculated at 1ERC with a maximum calculated consumption of 5000 gallons per unit per month.

³Where a commercial business shares a water meter within a multi-family residential or hotel project, and installing a separate commercial meter is not feasible, the Town shall calculate estimated monthly water consumption for the commercial business based on comparable businesses (in Brian Head or other communities) and bill that amount in addition to the base monthly charge.

Residential (Single Family, Condo, Townhouses)

Base Rate includes 5,000-gallon allowance.

Above 5,001 but less than 10,000 gallons	\$3,703.79 /K-gal
Above 10,001 gallons but less than 15,000 gallons	\$4,464.57 /K-gal
Above 15,001 gallons but less than 20,000 gallons	\$5,175.30 /K-gal
Above 20,001 gallons	\$12,2612.56 /K-gal
Monthly rate for disconnected Service (5/8", 3/4", 1")	\$5960.50

Commercial Uses ⁴

Base Rate includes 10,000-gallon allowance.

10,001 to 150,000 gallons	\$4,464.57 /K-gal
Above 150,000 gallons	\$5,175.30 /K-gal
Monthly rate for disconnected Service	\$118121

Construction Water

Monthly hydrant meter rental	\$125 p/month
Deposit for hydrant meter rental	\$1,500
Water rate for water used	\$10 <u>10.25</u> K-gal
Penalty for missed monthly inspection/reading	\$100

Bulk Water

\$100/K-gal	Non-Resident
\$75/K-gal	Resident

⁴Where a commercial business is located within a multi-family residential or hotel project, and installing a separate commercial meter is not feasible, the Town shall calculate estimated monthly water consumption for the commercial business based on comparable businesses (in Brian Head or other communities) and bill that amount in addition to the base monthly charge. The monthly utility bill shall be calculated by adding the base allowance (5,000 gal for 1 ERC, 2,500 gal for .5 ERC) use for each unit in the building and subtracting that from the total water meter reading. The remainder (if there is any) shall be charged using the commercial water rate table.

Example #1: 50-unit condo with a shared meter commercial facility having 30,000 gallon and a meter reading of 300,000 gallons of water.

50 ERC X 5,000 gallons= 250,000 gallons
300,000 gallon meter read – 250,000= 50,000 gallon remainder.
50,000 remainder – 10,000 credits for commercial allowance = 40, 000 gallon excess use
40,000 gallon excess use x ~~4,464.57~~ per thousand gallons= ~~\$178,40182.80~~.

Resulting Bill: 50 ERC x \$8284.00 =	\$41004200
Commercial Base Fee=	\$162,00166.00
Excess Water Use=	\$178,40182.80
Total=	\$4,440,404,548.80

Example #2: 50 unit condo with a shared meter commercial facility having 30,000 gallon and a meter reading of 230,000 gallons of water.

50 ERC X 5,000 gallons= 250,000 gallons
230,000 gallon meter read – 250,000= -20,000 gallon remainder.
Where the remainder is a negative there is no overage charge

Resulting Bill: 50 ERC x \$8284.00 =	\$41,004200
Commercial Base Fee =	\$162166.00

Total = \$4,262,366

Sewer	Monthly Base Rate/Demand Charge
Residential .5 ERC	\$21.00 22.50 per month
Residential 1ERC	\$4245.00 plus 60% of water overuse charge
Commercial	60% of water bill
Commercial Business in a Multi-family complex	60% of water bill after residential use is subtracted

Monthly rate for disconnected service for single family house \$3436.50

Monthly rate for disconnected commercial service \$7476.00

Trash	
Residential (.5 and 1 ERC)/Office	\$12.00
Residential/Office Recycle Fee	\$0
Retail	\$81.00
Restaurant/Lounge	\$110.00
Commercial Recycle Fee	\$0

** Late Penalty 5% / month
 Reconnect Fee \$100
 Disconnect Fee \$100
 Meter Re-read \$50

Additional Solid Waste Service Fees:

Construction Debris \$250 per dumpster
 Refuse (Appliances, Furniture & Similar materials) \$50 per appliance/mattress, etc.
 Blocked Dumpster: \$100 per dumpster
 Spilled Garbage left outside dumpster: \$100 per dumpster.

Special Events/Building Rentals

**Special fees or exceptions may be granted by Administration for local non-profit organizations or civic functions. Additional fees may be charged if there are special needs or setup/takedown.*

Town Hall Rental	\$150 p/day – Council Chambers \$75 for half day up to four hours \$50 p/day – Conference Room \$25 for half day up to four hours – Conference Room \$25 p/day – Kitchen \$15 for half day up to four hours - Kitchen \$250 Refundable Deposit
Public Safety Building Rental	\$200 p/day – Large Multi-Purpose Room \$100 for half day up to four hours – multi-Purpose Room



BRIAN HEAD

	\$100 p/day – Small Conference Room
	\$50 for half day up to four hours – Conference Room
	\$25 p/day – Kitchen
	\$15 for half day up to four hours - Kitchen
	\$250 Refundable Deposit
Town Pavilion Rental	\$50 per day
	\$25 for half day up to four (4) hours
Trail Restoration	Actual Costs to restore trail.
Fire Station Tables	\$5 per table
Police Officer	\$50 p/hr.
Police Officer with Vehicle	\$120 p/hr.
Traffic Cone rental	\$0.50 per day per cone minimum \$10.00
Traffic Warning sign rental	\$15 per day per sign
Traffic Cone/Sign drop off	\$120 after hours.
Garbage Dumpster	\$125 plus after hour costs if applicable
Motor Grader	\$177 per hour w/operator
Dump Truck	\$125 per hour w/operator
Dump Truck w/plow and sander	\$175 per hour w/operator
Loader w/operator	\$150 per hour
P/W employee	\$55 per hour
P/W employee w/pick up	\$120 per hour.

Miscellaneous Town Code Violations:

Alarm System Violation	\$50
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