BRIAN HEAD

The Regular Meeting of the Brian Head Town Council
acting as the governing body for the Brian Head
Community Development Agency (CDA)
Brian Head Town Hall – Council Chambers
56 North Highway 143 – Brian Head, UT 84719
www.Zoom.us (Click Here)
Via Zoom Meeting ID# 810 7727 4757
TUESDAY, JUNE 11, 2024 @ 1:00 PM

MINUTES OF THE TOWN COUNCIL

Roll Call:

Members Present: Mayor Clayton Calloway, Council Member Kelly Marshall, council Member Martin Tidwell, Council Member Mitch Ricks (arrived at 1:02 p.m.)

Members Absent: Council Member Larry Freeberg.

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Amanda Hunter, Code Enforcement; Shane Williamson, Town Treasurer; Lester Ross, Building and Planning Official.

A. CALL TO ORDER

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

B. PLEDGE ALLEGIANCE

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

C. DISCLOSURES

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

D. APPROVAL OF THE MINUTES:

April 23, 2024, Town Council Meeting

Motion: Council Member Marshall moved to approve the April 23, 2024, Town Council minutes. Council Member Tidwell seconded the motion.

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

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

Mayor Calloway commented that he rode the OHV trail in Parowan Canyon and reported that it was a pleasant ride and the trail was in better condition than the current condition of the Town's trail.

Lester Ross, Building and Planning Official

The building season has begun in Brian Head with building permits starting to come in.

Cindy Bulloch, Representative for Congresswoman Celest Malloy, reported on behalf of Representative Malloy's office. Ms. Bulloch reported that Representative Malloy is working hard for the district and explained they accept casework that has to do with federal items such as Nexis, passports, etc.

Ms. Bulloch explained they can assist cities with issues concerning the Veterans Administration, Social Security Administration, and other federal concerns the Town may be having. Ms. Bulloch then updated the Council on the current projects Representative Malloy's office is working on. Ms. Bulloch stated that if the Town needs assistance with federal grants and if it is a grant that is good for the Town and the District, then her office would assist the Town with the grant. Ms. Bulloch distributed her contact information.

F. AGENDA ITEMS:

1. **CODE ENFORCEMENT REPORT: Amanda Hunter, Code Enforcement.** A Code Enforcement Update.

Amanda Hunter, Code Enforcement, presented a code enforcement update to the Council (see attached). Amanda explained that the report summarized citations and warnings from November 2023 to April 2024.

Some of the common violations:

1. Dumpsters are located at construction sites.
2. Addresses assigned to construction sites.
3. Minor alterations.

Amanda reported that minor alterations are one of the bigger issues in which people are finding it challenging that a permit is required if they want to paint the outside of their homes. Amanda explained that this is a concern the homeowners would like to bring to the attention of the Council and encourage the Council to consider eliminating a minor alteration permit requirement.

Bret Howser, Town Manager, reported that the Dark Sky pamphlet was distributed town-wide a couple of weeks ago to the residents Bret reported that Pinetree Condo HOA requested the Town evaluate their night sky lighting. Bret reported that he will be meeting with a company regarding night sky lighting. Chalet Village Condo was evaluated and ideas were presented for their available budget.

2. **BRIAN HEAD PEAK HUT RESTORATION UPDATE.** A presentation on the Brian Head Peak Hut Restoration Project.

Bret Howser, Town Manager, gave a brief background on the Brian Head Peak hut in which the hut's roof was blown off during a winter storm in 2022. Bret explained that Danny Strand from the Dixie National Forest will give a presentation on the restoration of Brian Head Peak hut restoration.

Danny Strand, Dixie National Forest Service, reported that a restoration project for the Brian Head Peak hut is underway and through the Zion Forever program donations are being accepted.

The Council discussed the following:

1. The project cost is $80,000 and $40,000 has been raised to date.

2. The Town will produce a flyer to support the fundraising efforts.
3. A recommendation for a public attraction could be a silver tube that the public can look through to see certain destinations.
4. If there is sufficient revenue, then another project could bring attention back to the landmark.
5. An In-kind match is accepted for this grant. Danny Strand explained the Forest Service may have some of their seasonal help and interns in the area to keep the rock work and materials secured and may reach out to Cedar Breaks National Monument for assistance with patrolling the area.
6. A marketing team will be constructing signage for this project to help promote the Zion-Forever project.

3. HIDDEN SPRINGS PREMILARY PLAT APPROVAL. A discussion for the Preliminary Plat for the Hidden Springs Subdivision.

Lester Ross, Building and Planning Official, presented a Preliminary Plat for the Hidden Springs Subdivision (see attached). Lester reported the proposed subdivision is 38 units and townhomes located on Pine Tree Way between the Pinetree and White Bear Condos.

Lester reported that due to a noticing error, the June 4th Planning Commission's recommendation of approval to the Council was not valid and will need to return to the Planning Commission for an official recommendation. Lester requested the Council review the Preliminary Plat and identify any information you would like the applicant to address.

The Council discussed the following:

1. Mayor Calloway commented that no grading details for units 38 through 42 on the plat and will need to be included.
2. The parking lot is required to be an all-weather hard surface and would need to be paved and would need to update the storm drain tech system to ensure that it does not drain towards other properties.
3. Would like the fence symbol (legend) added to the plans.
4. The walking trail is 36% grade down off the hill and he understands the idea of the right-of-way to the trail but does not see the tail as being functional and isn't sure if the Town should give up the right-of-way for the trail he would be willing to negotiate the right-of-way for the same requirements for parking spaces adjacent to the A-frames which could be outlined in the Development Agreement.
5. Bret reported they own the property east of Pine Tree Way and the development includes eight A-frame units which are zoned as R3 and these units do not meet the 25' setback requirement from Pine Tree Way.
6. Mayor Calloway explained this is an effort to mitigate some of the future parking issues. Bret explained they could park in the right-of-way but were prohibited from parking on Town roads.
7. Council Member Marshall stated she would like more clarification on the other units and if there are garages. Council Member Marshall commented she is concerned about the lack of parking spaces and the parking problems it could create in the future. She would like to see the parking closer to the A-frame units since the roads are narrower in the winter season and snow removal could be a challenge.
8. Council Member Marshall commented that in her experience, the guests would have a better experience if they could park next to their building. She is unsure if the proposed recommendation is enough to satisfy the parking issues.
9. Lester explained the applicant will need to meet the requirements for the 20% of hard surface for snow storage and it is part of their conditions from the Planning Commission.

10. Council Member Ricks inquired about the proposed fence that will separate the properties. Lester reported the fence is a way to mitigate trespassers for Pinetree HOA and the applicant will work with Pinetree on what the fence will look like if both properties decide that a fence is needed. She is envisioning a minimal type of fence to enforce the delineation of the property lines.
11. There is a dispute about the road and if it is on Pinetree property or Hidden Springs. Chelsea explained there is a 24′ easement in which there is a dispute between the two properties. Chelsea explained that she proposed a solution to revise the entrance of the road to avoid using the easement to avoid contesting it.
12. Bret reported the Preliminary Plat will go back to the Planning Commission for a formal recommendation and when it comes back to the Council, the title report should be completed, but Chelsea be planning a workaround with Pinetree HOA and the property dispute. Bret reported that the dispute would be a civil matter and not something the Town could resolve.
13. Mayor Calloway commented that he would like to find a solution for the parking issue and would be willing to trade the trail easement for additional parking space next to the A-frames instead.
14. The offsite parking is allowed under the current code as long as it is within a 500′ radius. Lester reported he walked the distance and it measured under 500′.
15. Lester explained the applicant is not required to work out the details for the parking next to the A-frames if she doesn't want to since she already meets the parking requirements.
16. Chelsea explained she could look into the feasibility of the parking, but it would be difficult with the slope of the grade along with the right-of-way ends, and the four A-frames there isn't a ROW and it would require that vehicles would have to go onto Pinetree property to access the parking which would be undesirable to Pinetree HOA. Council Member Mitch commented that units 42-45 could work, but units 38-41 would be too challenging for those units.
17. Mayor Calloway inquired if Chelsea would consider moving the A-frames to the south and creating a small parking lot for units 38-41. Chelsea responded that it would require vehicles coming from the right-of-way onto the easement and would need Pinetree HOA's cooperation and permission to do so.
18. Council Member Tidwell inquired as to installing a fence inside of the right-of-way of units 38-41. Council Member Tidwell commented that guests will typically park in front of those units to access them. Chelsea reported that she would need to install signage to deter parking in front of the units.
19. Mayor Calloway explained he would consider moving the 15′ trail easement down so that it could be used for parking next to each of the A-frames instead. However, it does not address units 38-41.
20. The turnaround for emergency vehicles has been addressed. An alternative design for a Bullhead T design has been signed off by Public Safety.
21. Lester explained they are proposing an underground water storage which will then be piped into a drainage out to Highway 143 off of the property and is metered out and would be approved by UDOT. The concerns raised about drainage or landslides are addressed. The Town's engineers will also review the plans.
22. Council Member Tidwell commented on a complaint regarding a soil study that blocked Pine Tree Way for over an hour and how they plan to keep a lane open during construction. Chelsea responded she was not aware the road was blocked until she received the letter that commented on it. She has a general contractor that she will coordinate with and as part of the process, will submit for a permit in which a traffic control plan is part of the permit process.
23. The current right-of-way is 66′ wide and currently on the books it is 50′ wide and the Town is willing to negotiate 15′ of the right-of-way for possible parking.

24. Council Member Marshall inquired as to the removal of the trees, if there will be trees preserved, and if a level of privacy will be provided between the two developments. Chelsea explained she plans to preserve as many trees as possible.
25. Mayor Calloway inquired as to the height of the retaining wall on the south side of the development for the gravel parking area. Chelsea responded that she is currently working on the height of the retaining wall with her engineers. Her goal for the area is to try and preserve the natural grade as much as possible.
26. Council Member Tidwell inquired as to the maximum density for Hidden Springs. Lester reported that it is an R3 zone and they currently have 83% landscaping for the project since the development is on a hillside that is too steep to build.

Motion: Council Member Tidwell moved to table Agenda Item F-3, Hidden Spring Preliminary Plat for future information. Council Member Marshall seconded the motion.

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

4. FISCAL YEAR 2024 BRIAN HEAD TOWN/RDA BUDGET(S) ADOPTION. The Council acting as the governing body for the Brian Head RDA will consider an ordinance/resolution for the FY2025 Town & RDA Budgets ending June 30, 2025.

Shane Williamson, Town Treasurer, presented the following fiscal year 2025 budgets to the Council acting as the governing body for the Brian Head Redevelopment Agency, Special Service District, and the Municipal Building Authority (see attached).

Brian Head Town Budget

Shane reported there was one change to the Town Budget in the General Fund:

- Decreased the fund balance by $7,500 and increased the Marketing / Events fund (4660.310) Professional/Tech GL# for the Town's contribution to the Parowan Chamber of Commerce. Shane reported this was the only change in the Town budget.

Motion: Council Member Marshall moved to adopt ordinance No. 24-007 adopting the fiscal year 2025 Town Budget as presented. Council Member Tidwell seconded the motion.

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

Redevelopment Agency

Shane Williamson, Town Treasurer, presented the FY2025 Redevelopment Agency budget ending June 30, 2025 (see attached).

Motion: Board Member Marshall moved to adopt resolution No. RDA-040 adopting the FY2025 RDA budget as presented. Board Member Tidwell seconded the motion.

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

Special Service District

Shane Williamson, Town Treasurer, presented the FY2025 Special Service District budget ending June 30, 2025 (see attached).

Motion: Board Member Marshall moved to adopt resolution No. SSD-037, adopting the FY2025 SSD budget as presented. Board Member Tidwell seconded the motion.

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

Municipal Building Authority

Shane Williamson, Town Treasurer, presented the FY2025 Municipal Building Authority ending June 30, 2025 (see attached).

Motion: Board Member Marshall moved to adopt the FY2025 Municipal Building Authority budget ending June 30, 2025, as presented. Board Member Tidwell seconded the motion.

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

5. **WATER & SEWER CAPITAL FACILITY PLAN AMENDMENT.** An ordinance amending the Capital Facility Plan for Water & Sewer to include two indexes to the Plan.

Aldo Biasi, Public Works Director, presented a draft ordinance amending the Water and Sewer Capital Facilities Plan to include two appendixes:

1. Appendix G: Development & Screening of Alternatives
2. Appendix H: Environmental Analysis

Aldo explained that to complete the bid awards for the sewer project as a requirement from the Department of Environmental Quality, the Capital Facilities Plan would need to have these two appendices in them. This was part of a requirement from the Department of Environmental Quality when the Town applied for a grant for the water and sewer lines for the Snowshoe / Toboggan SAA project.

Motion: Council Member Tidwell moved to adopt ordinance No. 24-008, an ordinance amending the Capital Facility Plan to include Appendix G: Development & Screening of Alternatives and Appendix H: Environmental Analysis as presented. Council Member Marshall seconded the motion.

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

6. **SNOWSHOE/TOBOGGAN SEWER LINE PROJECT BID AWARD.** A contract award for the Snowshoe/Toboggan Sewer Line Project.

Aldo Biasi, Public Works Director, explained the Council has already awarded the contract for the water line portion for Snowshoe/Toboggan SAA. This is for the contract award for the sewer line project for Snowshoe / Toboggan SAA.

Aldo recommended the Council award the contract for the sewer line project for Snowshoe/Toboggan to Perco Rock for $1,583,370 pending the issuance of the construction permit from the state.

Council Member Tidwell inquired if the Ponderosa sewer line project was also included. Aldo explained there wasn't enough funding but the Council could rebid the sewer line project for Ponderosa next year if they chose to.

Motion: Council Member Marshall moved to award the Snowshoe / Toboggan sewer line project to Perco Rock for $1,583,370 pending the issuance of the construction permits from the State. Council Member Marshall seconded the motion.

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

Aldo reported he issued the Notice to Proceed on the Snowshoe / Toboggan Water Line Project for the preconstruction meeting on Thursday, June 13, 2024, and the survey was scheduled to be done on Wednesday but came in earlier than anticipated. They plan to begin the survey on top of Toboggan Lane to make the alignment. Aldo reported the project should move quickly.

7. SALT PILE WELL BID AWARD. Aldo Biasi, Public Works Director. The Council will award the contract for the Salt Pile Well Project.

Aldo Biasi, Public Works Director, gave a brief explanation of the Salt Pile Well Project that was part of the 2024 Water Infrastructure Projects. Aldo explained that the Salt Pile Well is proposed to be located by the Salt Pile Springs area and the well will be about 800′ in depth with a 24″ casing which will go down to a 16″ casing and will be a louvered casing design. This will be a stronger material and a better design than the Bear Flat well which collapsed. The project only includes the casing and testing and does not include the pump

Aldo reported the Town received three bids from KP Ventures, Anzelone Drilling, and Gardner Brothers Drilling. When the bids were submitted, KP Ventures was originally the lowest bid and Gardner Brothers bid came in late and was not a complete packet. KP Ventures did send a letter on how they based their bid on assumptions and staff met with them on their assumptions, some of their answers were acceptable, but the straightness of the well was a concern since they couldn't get into the straightness of the well.

Aldo reported he spoke with Anzalone regarding the straightness of the well in which they reported they would be able to guarantee the straightness of the well and have worked in Brian Head previously. Staff did notice an error in Anzelone's bid which increased the cost. The owners sent a letter showing the mistake and stated they would honor the cost they submitted to the Town. A check was issued in lieu of the bid bond for Anzalone Drilling.

The Council discussed the following:

1. The project is scheduled for 150 calendar days and is projected to be completed before the winter season.
2. The original amount identified in the staff report is $1,549,850 and the proposed motion identified in the staff amount is different: $1,583,370.
3. Power to the well will be supplied by Rocky Mountain Power. Salt Pile Springs already installed a transformer and the power will be pulled to the new well site which could be a couple hundred feet.
4. A backup generator was discussed. Aldo explained that there are not enough funds for a backup generator, but the Council will want to consider a backup generator at the site.
5. Aldo explained that staff had concerns that KP Ventures was not able to meet the straightness of the well. The Town has a provision that allows the Town to not accept the lowest bidder.

6. Anazlone has worked in Brian Head before and has given recommendations on the wells previously and has put time and effort into this project.
7. Mayor Calloway asked Aldo to explain the difference between Option A and Option B. Aldo explained the difference between the two options was test pumping from different depths and the amount of time for test pumping.
8. Aldo explained he also put together estimates for the pumps and materials it will take to put the entire project together as a separate estimate since this bid only includes the test pumping and the casing for the well.

Aldo recommended the Council award the contract to Anazlone Drilling for $148,600 as presented.

Motion: Council Member Tidwell moved to award the casing, and test pumping of the Salt Pile Well to Anazlone Drilling and Pumps in the amount of $1,488,600. Council Member Ricks seconded the motion.

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

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

The Council reviewed the June 18th Planning Commission tentative agenda:

1. Code Enforcement Update
2. LMC Amendment for cladding and colors
3. Subdivision update, 1st Draft Review.
4. Hidden Springs Subdivision Preliminary Plat

June 25th Town Council meeting tentative agenda

1. Fraud Risk Assessment
2. FY2025 Consolidated Fee Schedule Resolution
3. FY2024 Budget amendment
4. Hidden Springs Preliminary Plat

Parking Requirements
Mayor Calloway suggested the Planning Commission review the LMC requirement for offsite parking within 500'.

G. ADJOURNMENT

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

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

The regular meeting of the Brian Head Town Council was adjourned at 2:35 p.m. on June 11, 2024.

July 11, 2024
Date Approved

Nancy Leigh, Town Clerk

BRIAN HEAD TOWN ★ MUNICIPAL CORPORATION ★ THE GREAT SEAL OF THE STATE OF UTAH 1896