

The Regular Meeting of the
Brian Head Town Council
56 North Highway 143, Brian Head, UT 84719
www.Zoom.us ([Click Here](#))
Via Zoom Meeting ID# 880 2452 8774
TUESDAY, JULY 27, 2021 @ 1:00 PM

AGENDA

- A. CALL TO ORDER**
- B. PLEDGE ALLEGIANCE**
- C. SWEARING IN OF NEW BRIAN HEAD MARSHALS.** Nancy Leigh, Town Clerk
- D. 5-YEAR SERVICE AWARDS: DEPUTY DANNY ABBOTT AND KASEY HATCH., PUBLIC WORKS.** Mayor Calloway
- E. LIFESAVING AWARD FOR DEPUTY JARED BURTON.** Chief Dan Benson
- F. DISCLOSURES**
- G. APPROVAL OF THE MINUTES**
 - 1. June 22, 2021, Town Council Meeting Minutes
 - 2. July 13, 2021, Town Council Meeting Minutes
- H. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS.** Public input is limited to three (3) minutes on non-agenda items.
- I. AGENDA ITEMS**
 - 1. FALCON COURT / FOX RUN SPECIAL ASSESSMENT AREA PETITION.** Nancy Leigh, Town Clerk. The Council will discuss and give direction for a petition for a Special Assessment Area on Falcon Court/Fox Run and Forest Drive.
 - 2. FISCAL YEAR 2022 PUBLIC SAFETY DISPATCH AGREEMENT.** Chief Dan Benson, Public Safety Director. The Council will consider a dispatch agreement with Utah Department of Public Safety.
 - 3. FUTURE AGENDA ITEMS.** The Council will discuss potential items for future agendas.
- J. ADJOURNMENT**

Date: July 22, 2021

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 in three conspicuous locations: The Mall, Post Office, 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





STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Falcon Court / Fox Run Special Assessment Area
AUTHOR: Nancy Leigh, Town Clerk
DEPARTMENT: Administration
DATE: July 27, 2021
TYPE OF ITEM: Discussion

SUMMARY:

Council will consider a petition for a Special Assessment Area (SAA) for Falcon Court, Fox Run and part of Forest Drive for a waterline project. Depending on the total number of signatures received, will depend on the size of the SAA.

BACKGROUND:

The Leany's, 290 Falcon Court, have started a Special Assessment Area (SAA) petition with their neighbors with the intent to install a waterline line from Mountain View Drive going up Falcon Court, crossing at Fox Run and continuing down Forest Drive which will loop the waterline back into Mountain View Drive.

ANALYSIS:

As one of the tools for infrastructure improvements, the Town created the Special Assessment Area Policy which was adopted in 2009. The Policy allows property owners to gather a petition requesting infrastructure improvements for their neighborhood and present the petition to the Council for consideration of a SAA. The requirement for a petition is a majority of the property owners who are in favor of a SAA and willing to pay for the assessment over a period of years.

The proposed project would bring water to 26 lots in the Falcon Court, Fox Run and Forest Drive area. The Town also has a proposed looped waterline project for Rue Jolley and Aoki Mitchi which the waterline could be looped into Forest Drive if the SAA were to take place.

Attached is the petition with some of the signatures. In speaking with Jana Leany, she indicated she would have more hard copy signatures available by Tuesday's Council meeting but was unable to get me the signed petitions at the time of this report. Five signed petitions were submitted at this time, which equal 9 out of the 26 lots.

The SAA policy reads "greater than 50% of the total lineal front footage. There are two lots, 23 and 37, that could connect from Mountain View, but their lineal front footage would be included in the total. The total lineal front footage of the proposed SAA area is 4,352 and the signed petitions submitted equal 1,140 feet of front footage.

There is an option that this could be a smaller project that would encompass Falcon Court, Fox Run and three properties on Forest Drive. If this were considered, then they meet the minimum requirement of the majority of properties who have already signed the petition.

Ms. Leany will be meeting with staff first thing Monday morning to review the additional petitions she received in the mail, and staff will have a better idea of where the petition actually stands for either a smaller SAA area or the larger area proposed SAA for Tuesday's

Council meeting. Once the petitions are verified, the Council could direct staff to proceed with the SAA process in which the next step would be to consider an Intent to Create resolution. This process allows for public hearings in which the Council would receive input and then could decide whether to proceed with the SAA project

The attached map showing the subdivision (attachment B) shows each lot and the front footage for each lot. Those highlighted in yellow are identified in the proposed SAA, which may or may not have signed petitions at this time. Those lots with pink highlight next to the lot number are those that have signed the petition. Please note that lot 13 and lot 40 have both had lot line adjustments/vacated and therefore don't count on the number of properties but counts in the lineal footage.

With the Notice of Intent, public hearings will be held in which the Council may receive the neighbor's input on the proposed SAA before deciding to create the SAA. Another item the Council may want to have a future discussion on is if the SAA is to proceed, to consider whether this project should receive a higher priority in the Capital Facilities Plan which is currently prioritized as a five.

FINANCIAL IMPLICATIONS:

The costs for the SAA are for the installation of the waterline. If Council decides to move forward with the SAA after the public hearings are held, then staff would begin the cost estimates for this project. All of the costs associated with the SAA would be included in the assessment

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends Council review the proposed project along with the option of a smaller area for the SAA (Falcon Court, Fox Run and 3 properties on Forest Drive) and direct staff to proceed with the Notice of Intent, hold the public hearings to receive the public's input before deciding whether to create the SAA and whether to consider reprioritizing the SAA project in the Capital Facilities Plan.

Or the Council could table the item until there are sufficient signatures for the entire proposed project.

Staff also recommends the Council review the current SAA Policy to determine whether the current policy is sufficient or needs to be reviewed/reviced.

PROPOSED MOTION:

No motion necessary, discussion and direction to staff.

ATTACHMENTS:

- A – Falcon Court / Fox Run / Forest Drive Petition
- B – Map of lots in proposed SAA area.

Brian Head Town
Public Works Department

Special Assessment Areas

What is a Special Assessment Area?

A Special Assessment Area (SAA) is an area legally defined through ordinance by the Town Council for the installation of public way improvements. Public way improvements may involve the installation of curb and gutter, sidewalks, and drive approaches where such improvements have not previously existed. Improvements may also include roadway and drainage improvements, accessibility ramp construction, and installation of culinary water and sanitary sewer systems. All SAA improvements must extent from existing similar Town owned and approved facilities. SAA projects upgrade the community through the elimination of drainage problems, pedestrian safety concerns, year round access, fire protection and unsightly conditions in the public way.

What does it Cost?

Improvement costs for Water Systems are between \$75 to \$90 per linear foot. Sewer System Improvements are \$50 to \$60 per linear foot and Gravel Road construction to Town Standards is \$35 to \$45 per linear foot (2009 estimated costs). These figures are provided for property owner cost estimating only; actual costs may vary based on specific construction needs and bids received from contractors when the Special Assessment Area is created.

At the completion of the project when actual costs are determined, a special tax assessment is placed on all abutting properties according to the proportional benefit received from the public way improvements. Property owners can pay the assessment in one lump sum or through equal annual installments. The installment plan for Water, Sewer and Street Extension SAA's are generally spread over ten years. Interest charges are accrued on the unpaid balance at a rate established by the Town Treasurer. This interest rate is set when the Town obtains a municipal bond for the project. Favorable interest rates have always been obtained because of the excellent bond rating held by Brian Head Town. Property owners who p[ay the entire assessment within fifteen days of the initial notification avoid any interest charges.

How do I get an SAA in my neighborhood?

Property owners can petition the Town for the installation or reconstruction of public way improvements through a Special Assessment Area. Those signing the petition must be the owners of the properties adjacent to the requested public way improvements, not residents that are renting or leasing the property. A petition form is provided at the end of this information sheet for your use in collecting signatures and determining support of the proposed project. Apparent support of the project, as indicated by those signing the petition, must represent greater than 50% of the total lineal front footage of the proposed public way improvements for the Town to consider creation of a Special Assessment Area.

How long does it take?

SAA petitions are given immediate attention. The time frame from receipt of a petition to construction is approximately 18 months (or sooner), pending the availability of capital improvement funding. Activities that occur during this time frame include public meetings to address property owner concerns, defining the project scope, designing the project, preparing cost estimates, determining the availability of funding, and complying with all SAA bonding requirements.

Please contact Public Works Department at Brian Head Town to obtain information or assistance.
Phone: 435-677-2029

Special Assessment Area Petition

Public Way Improvements

PETITIONERS' SPOKESPERSON:

Spencer Leany **PHONE:** 435-632-2217

MAILING ADDRESS: 2730 Sycamore Street St. George, Utah 84790

PHYSICAL ADDRESS OF PROPERTY: SUBDIVISION: Cedar Breaks Mountain Estates

UNIT: C **BLOCK:** _____ **LOT#** 75 and 76

LOCATION OF PROPOSED DISTRICT:

**Culinary Water to run from Mountain View up Falcon ct across Fox run down Forest Drive
Returning to Mountain View.**

SPECIFIC IMPROVEMENTS REQUESTED:

XX Water System

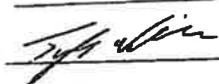
Special Assessment Area Petitioners

EVANS FAMILY TRUST
Signature: *Donald L Evans* Date: 7-13-2021
(Print Name: Donald L Evans) Phone: 928-542-1014

Mailing Address: 1848 E. Riverbend Dr. Saint George UT
Subdivision: Cedar Breaks Mountain Unit C Block _____ Lot 14 A
Estates

Signature: _____ Date: _____
(Print Name: _____) Phone: _____

Mailing Address: _____
Subdivision: _____ Unit _____ Block _____ Lot _____

Signature:  Date: 7/12/2021
(Print Name: Tyler Wilson) Phone: _____

Mailing Address: P.O Box 2384 Pagosa springs, CO 81147
Subdivision: Cedar Breaks Mountain Estate Unit C Block _____ Lot 35

Signature: _____ Date: _____
(Print Name: Ryan Cain) Phone: 435-862-8716
Mailing Address: 278 N FALCON CT IVINS, UT 84738
Subdivision: Cedar Breaks Mountain Estate Unit C Block _____ Lot 33

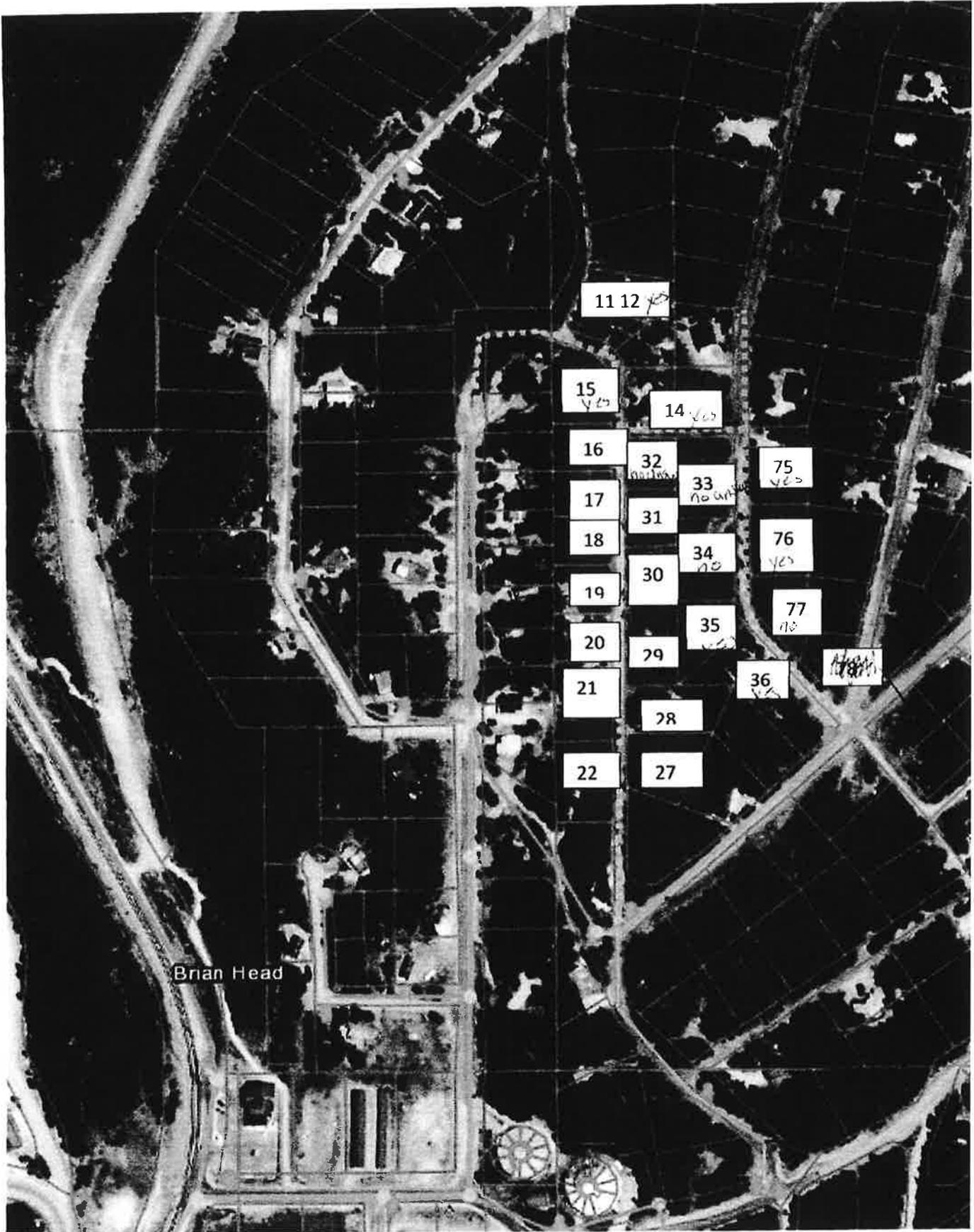
Signature: _____ Date: _____
(Print Name: Scott Merkle) Phone: _____

Mailing Address: 6779 S 1495 E COTTONWOOD HEIGHTS, UT 84121
Subdivision: Cedar Breaks Mountain Estates Unit _____ Block _____ Lot 34

Signature: _____ Date: _____
(Print Name: _____) Phone: _____

Mailing Address: _____
Subdivision: _____ Unit _____ Block _____ Lot _____

(Attach additional sheets as needed)



11 12 ✓

15
Yes

14 ✓

16

32
No WR

75
Yes

17

31

33
No WR

76
Yes

18

30

34
No

19

35
Yes

77
No

20

29

36
Yes

21

28

78
No WR

22

27

Brian Head

Please contact Public Works Department at Brian Head Town to obtain information or assistance.
Phone: 435-677-2029

Special Assessment Area Petition

Public Way Improvements

PETITIONERS' SPOKESPERSON:

Spencer Leany PHONE: 435-632-2217

MAILING ADDRESS: 2730 Sycamore Street St. George, Utah 84790

PHYSICAL ADDRESS OF PROPERTY: SUBDIVISION: 336 N Forest Drive

UNIT: C BLOCK: _____ LOT#

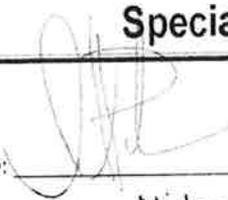
LOCATION OF PROPOSED DISTRICT:

Culinary Water to run from Mountain View up Falcon ct across Fox run down Forest Drive
Returning to Mountain View.

SPECIFIC IMPROVEMENTS REQUESTED:

XX Water System

Special Assessment Area Petitioners

Signature:  Date: 7/15/21

(Print Name: Michon Palmer, Rmnap) Phone: 435-666-4822

Mailing Address: 1842 S 3430 C St George, UT 84790

Subdivision: _____ Unit _____ Block _____ Lot 11 12, 15

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Special Assessment Area Petitioners

Signature: 
 (Print Name: Spencer Leany) ^{7/16/21} Phone: 435-632-8355

Mailing Address: 2730 E Sycamore St George, Utah 84790
 Subdivision: Cedar Breaks Mountain Estate Unit C Block Lot 75

Signature: 
 Date: 7/16/21
 (Print Name: Spencer Leany) Phone: 435-632-8355

Mailing Address: 2730 E Sycamore St George, Utah 84790
 Subdivision: Cedar Breaks Mountain Estate Unit C Block Lot 76

Signature: _____ Date: _____
 (Print Name: Boris Anastasoff) Phone: _____

Mailing Address: 17888 W ESTES WAY, GOODYEAR, AZ 85338
 Subdivision: Cedar Breaks Mountain Estate Unit C Block Lot 77

Signature: _____ Date: _____
 (Print Name: Kent Richman) Phone: _____

Mailing Address: 674 MORNING GLORY SANTA CLARA, UT 84765
 Subdivision: Cedar Breaks Mountain Estate Unit C Block Lot 36

Special Assessment Area Petitioners

Signature: _____ Date: _____

(Print Name: Spencer Leany) Phone: 435-632-8355

Mailing Address: 2730 E Sycamore St George, Utah 84790

Subdivision: Cedar Breaks Mountain Estate Unit C Block _____ Lot 75

Signature: _____ Date: _____

(Print Name: Spencer Leany) Phone: 435-632-8355

Mailing Address: 2730 E Sycamore St George, Utah 84790

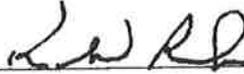
Subdivision: Cedar Breaks Mountain Estate Unit C Block _____ Lot 76

Signature: _____ Date: _____

(Print Name: Boris Anastasoff) Phone: _____

Mailing Address: 17888 W ESTES WAY, GOODYEAR, AZ 85338

Subdivision: Cedar Breaks Mountain Estate Unit C Block _____ Lot 77

Signature:  Date: 7/10/2021

(Print Name: Kent Richman) Phone: 435-229-3728

Mailing Address: 674 MORNING GLORY SANTA CLARA, UT 84765

Subdivision: Cedar Breaks Mountain Estate Unit C Block _____ Lot 36



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: 2021/2022 Dispatch Agreement
AUTHOR: Dan Benson
DEPARTMENT: Public Safety
DATE: February 27, 2017
TYPE OF ITEM: Legislative Action

SUMMARY:

Approve the 2021-2022 Dispatch agreement with Utah Department of Public Safety and authorize the Mayor and Town Manager to sign the agreement.

BACKGROUND:

The current base split is a 47/53 based upon the approved budget for the 2021/2022 fiscal year. The Utah Department of Public Safety's (DPS) share is 47% and Cedar Consolidation's share (Iron, Cedar City, Parowan City, Brian Head Town, Enoch City, Town of Kanarraville, Town of New Harmony, Utah Department of Corrections-AP&P, SUU, and Gold Cross Services) is 53%. DPS and Cedar Consolidation will divide the budgetary increases 50/50 for the DPS Cedar Communications Center expenses, except personnel increases (salaries/benefits) will be divided with 60% to DPS and 40% to Cedar Consolidation.

The Cedar Consolidation divides their portion of the budgetary cost increases with an Agency Usage Formula based upon the prior year's statistics.

The formula is calculated by adding (calls for service, traffic stops, and radio logs) together to get a total amount of workload for the dispatch center. The workload totals are then broken out by agency to calculate their percentage of use for the increased budgetary amount.

ANALYSIS:

This agreement coordinates dispatch services within Iron County in order to provide a necessary service to our citizens and guests.

Through these dispatch services we are able to handle our 9-1-1 calls, as well as our calls for service for Police, Fire, and EMS (Gold Cross). Without this service we would have to handle our own calls for service and establish a call center and utilize manpower for 24/7 coverage.

FINANCIAL IMPLICATIONS:

This item has been budgeted for the fiscal year 2022.

STAFF RECOMMENDATION:

Approve the agreement and authorize the Mayor to sign the agreement to continue with our current Dispatch/Communications agreement which includes 911 services.

PROPOSED MOTION:

I move to approve the FY2021/22 Cooperative Dispatch Agreement with the Utah Department of Public Safety and authorize the Mayor to sign the agreement as presented.

ATTACHMENTS:

A – FY2021-22 DPS Dispatch Agreement

AMENDMENT TO COOPERATIVE AGREEMENT

This Amendment to the Cooperative Agreement (this "Amendment") is made and entered into this 1st day of July, 2021 by and among Iron County, Cedar City, Parowan City, Brian Head Town, Enoch City, Town of Kanarrville, Town of New Harmony, Utah Department of Corrections - AP&P, Southern Utah University, and Utah Department of Public Safety, Communications Bureau ("DPS"). These entities are sometimes referred to collectively as the "Parties" and either may be referred to individually as a "Party," all as governed by the context in which such words are used.

RECITALS

The Parties entered into the Cooperative Agreement ("Agreement") dated July 1, 2017 pursuant to the Interlocal Cooperation Act, Title 11, Charter 13 of the Utah Code, for the purpose of coordinating dispatch and communication services within Iron County area; and

The Parties desire to clarify the formula in determining cost allocation to the Parties for the dispatch and communication services provided by the Cedar Communications Center.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereafter set forth, the mutual benefits to the Parties to be derived from this Amendment, and for other valuable consideration, the receipt and sufficiency of which the Parties acknowledge, it is hereby agreed as follows:

1. Paragraph 13(a) of the Agreement will be replaced in its entirety with the paragraph below.

a. The cost allocation formula described in Exhibit A to this Addendum will be used to determine the fees for the services provided by the Cedar Communications Center. At the time of the adoption of the budget, any allocation of costs over and beyond the fees for services will be agreed upon and the administrator of the Cedar Communications Center will provide in writing the amount to the governing body of each member local entity.

2. With the exception of replacing paragraphs 13(a), the Agreement shall remain in full force and effect. In the event of any inconsistency between the Agreement and the Amendment, the provisions of this Amendment shall supersede and control the provisions of the Agreement.

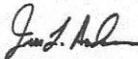
3. Each person signing this Amendment warrants that the person has full legal capacity, power, and authority to execute this Amendment for and on behalf of the respective Party and to bind such Party.

4. The Parties agree to take any and all actions reasonably necessary to effect the purposes of this Amendment and the Agreement.

5. This Amendment may be executed in one or more counterparts, each of which shall be an original, with the same effect as if the signatures were upon the same instrument.

IN WITNESS WHEREOF, the Parties have subscribed their names on the date set below.

UTAH DEPARTMENT OF PUBLIC SAFETY

By: 
Jess L. Anderson
Commissioner
Date: 06/25/2021

Reviewed as to Proper Form and Compliance with Applicable Law:

By: *Rence Spooner*
Title: Assistant Attorney General
Date: June 24, 2021

IRON COUNTY

By: _____
Title: Commisioner
Date: _____

Approved as to Proper Form and Compliance with Applicable Law:

By: _____
Title: County Attorney
Date: _____

CEDAR CITY

By: _____
Title: Mayor
Date: _____

Approved as to Proper Form and Compliance
with Applicable Law:

By: _____
Title: City Attorney
Date: _____

PAROWAN CITY

By: _____
Title: Mayor
Date: _____

Approved as to Proper Form and Compliance
with Applicable Law:

By: _____
Title: City Attorney
Date: _____

BRIAN HEAD TOWN

By: _____
Title: Mayor
Date: _____

Approved as to Proper Form and Compliance
with Applicable Law:

By: _____
Title: Town Attorney
Date: _____

ENOCH CITY

By: _____
Title: Mayor
Date: _____

Approved as to Proper Form and Compliance
with Applicable Law:

By: _____
Title: City Attorney
Date: _____

TOWN OF NEW HARMONY

By: _____
Title: Fire Chief
Date: _____

Approved as to Proper Form and Compliance
with Applicable Law:

By: _____
Title: _____
Date: _____

UTAH DEPARTMENT OF
CORRECTIONS – AP&P

By: _____
Title: _____
Date: _____

Approved as to Proper Form and Compliance
with Applicable Law:

By: _____
Title: _____
Date: _____

SOUTHERN UTAH UNIVERSITY

By: _____
Title: _____
Date: _____

Approved as to Proper Form and Compliance
with Applicable Law:

By: _____
Title: _____
Date: _____

EXHIBIT A

DPS Cedar Communications Center Cost Allocation Formula

The current base split is 47/53 based upon the approved budget for the 2021 fiscal year. The Utah Department of Public Safety's (DPS) share is 47% and Cedar Consolidation's share (Iron County, Cedar City, Parowan City, Brian Head Town, Enoch City, Town of Kanarrville, Town of New Harmony, Utah Department of Corrections – AP&P, Southern Utah University, and Gold Cross Services) is 53%. DPS and Cedar Consolidation will divide budgetary increases 50/50 for the DPS Cedar Communications Center expenses, except personnel increases (salaries/benefits) will be divided with 60% to DPS and 40% to Cedar Consolidation.

The Cedar Consolidation divides their portion of the budgetary cost increases with an Agency Usage Formula based upon the prior year's statistics.

The formula is calculated by adding (Calls for Service, Traffic Stops, and Radio Logs) together to get a total amount of workload for the dispatch center. The workload totals are then broken out by agency to calculate their percentage of use for the increased budgetary amount.

UTAH DEPARTMENT OF PUBLIC SAFETY
 CEDAR COMMUNICATIONS CENTER - UNIT 1544
BUDGET FY2021

<u>EXPENSES</u>	<u>FY2020</u>	<u>INCREASE</u>	<u>FY2021</u>
Personnel - Salaries/Benefits (16 FTE's)	1,352,937		1,352,937
Travel/Training	11,000		11,000
Current Expense	57,000		57,000
Annual Building Lease	49,697		49,697
Data Processing	35,400		35,400
	<u>\$1,506,034</u>		<u>\$1,506,034</u>

REVENUES

DPS 9-1-1 Funds	185,000		185,000
Iron County 9-1-1 Funds	78,000	1-FTE*	0
Utah Dept. of Public Safety	709,099		709,099
Brian Head	23,874	2,340	26,214
Cedar City	208,992	31,200	240,192
Enoch City	27,418	5,460	32,878
Parowan City	23,633	5,460	29,093
Iron County	149,704	24,960	174,664
Kanarraville	2,186	390	2,576
New Harmony	4,561	390	4,951
AP&P/UT Dept. of Corrections	41,123	780	41,903
Southern Utah University	14,154	3,120	17,274
Gold Cross	38,290	3,900	42,190
	<u>\$1,506,034</u>	<u>\$78,000</u>	<u>\$1,506,034</u>

State DPS Share	709,099	47.08%
AP&P Share	41,903	2.78%
Counties/Cities Share	570,032	37.86%
DPS 9-1-1 Funds	185,000	12.28%
	<u>\$1,506,034</u>	100.00%

BUDGET APPROVED BY ADVISORY BOARD ON 5/28/2020

****Due to COVID-19 State Budget COLA of 3% & Pay Plan was cut and there were no increases.****

*Consolidation increased amounts are due to Iron County 9-1-1 funds being used to cover cost of 1-FTE in FY2020 and is now covered by local entities from FY2021 forward.