

The Regular Meeting of the
 Brian Head Town Council
 Brian Head Town Hall - 56 North Highway 143
 Brian Head, UT 84719
MONDAY, OCTOBER 22, 2018 @ 1:00 PM

Roll Call.

Members Present: Mayor Clayton Calloway, Council Member Larry Freeberg, Council Member Shad Hunter, Council Member Lynn Mulder, Council Member Kelly Marshall,

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Aldo Biasi, Public Works Director.

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Brian Head Town Council to order at 1:00 pm for October 22, 2018.

B. PLEDGE OF 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 at the Town Clerk’s office and are available for public inspection during normal business hours.

D. REPORTS / PUBLIC INPUT (Limited to three (3) minutes) Non-Agenda Items

Mayor Calloway

1. Married a couple at the Town Hall last week.
2. Reported he noted that during a walk on the town’s walking trail, the trail ramp going to Steam Engine Drive should be opened during the winter season. Mayor Calloway explained that during a previous meeting, it was the consensus of the Council to close off the ramp going to Steam Engine Drive, but he believes it is counterproductive and that the Council should reconsider their decision and install handrails and signage on the ramp to keep it open during the winter season. Mayor Calloway requested the Council reconsider their previous decision and keep the ramp open during the winter season.

Aldo Biasi, Public Works Director, reported the town has purchased a sander that will be installed on the town’s side-by-side to sand the walking trail during the winter season. Staff will use it on the ramp if the Council determines to keep the ramp open during the winter season. The public works crew will be using the snow blower on the trail to keep it open.

Betty Phelan, Resident, commented she appreciates the town’s effort to keep the walking trail open during the winter season to allow guests to access the ski runs and keeps the pedestrians off of the highway.

Shaun Kelly, Resident, inquired if staff has contacted the town’s insurance company to get their input on keeping the walking ramp open during the winter or if it would be too great of a risk to the town. Shaun suggested the town install “at your own risk” signage on the walking ramp.



1 **Nancy Leigh, Town Clerk**, reported she received a letter from the Utah Department of
 2 Remediation and Recovery (DERR) regarding the groundwater test sample which came back as
 3 contaminated. Nancy explained she is in the process of contacting approved environmental
 4 consultants to get a quote on the cost of mediating the issue. After speaking with Fuel Tec who
 5 was the contractor who replaced the fuel tank, the contamination could have come from when the
 6 line going to the fuel dispenser was cut and some residual fuel may have leaked out and onto the
 7 ground water. All of the other soil samples came back clean. Nancy reported she will keep the
 8 Council updated on the progress of the contamination. Council Member Freeberg requested staff
 9 contact him when the work begins with the consultant.

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 12 **E. APPROVAL OF THE MINUTES:**

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 14 **October 8, 2018 Town Council Minutes**

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 16 **Motion:** Council Member Hunter moved to approve the October 8, 2018 Council
 17 minutes. Council Member Mulder seconded the motion.

18 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member**
 19 **Hunter, Council Member Mulder, Council Member Freeberg, Council**
 20 **Member Marshall, Mayor Calloway).**

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 23 **G. AGENDA ITEMS:**

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 25 **1. BRIAN HEAD FIRE COUNCIL PRESENTATION.** A report from the Brian Head Fire Council

26
 27 Betty Phelan, Brian Head Fire Council, presented a report on the Brian Head Community
 28 Wildfire Preparedness Plan (CWPP). Ms. Phelan explained the committee is made up of
 29 Brian Head residents and the purpose of the committee is to make Brian Head a fire wise
 30 community. Ms. Phelan explained that after the 2017 Brianhead Fire, there was concern
 31 among the residents and a plan was made to make Brian Head a fire wise community.

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 33 Ms. Phelan presented highlights, concerns and recommendations to the Town Council on the
 34 CWPP plan as follows:

- 35 a) The CWPP worked with the Public Safety Department and Bevan Killpack from the
 36 Forest Service along with other agencies to develop the plan.
 37 b) The committee is looking for opportunities to inform the public on being a fire wise
 38 community.
 39 c) Members attended presentations in different communities to see what those
 40 communities have done in becoming a fire wise community.
 41 d) This year, the committee had booths at the 4th of July and Rockoberfest events
 42 distributing information on a fire wise community for public awareness. There were
 43 also three articles in the town's newsletter on defensible space along with what the
 44 Fire Council was doing for fire mitigation efforts.
 45 e) Residents can report their hours and expenses for any time spent on fire mitigation on
 46 their properties. These hours and expenses can be used for matching funds towards
 47 grants the town applies for.
 48 f) The plan identifies priority areas in which buffer zones have been identified. One area
 49 is located on the south end of Brian Head and the Forest Service has been asked to
 50 cooperate in completing fire mitigation on Forest Service property.



- 1 g) Council Member Freeberg suggested the committee identify a mascot for marketing
2 purposes for the committee such as an owl. This would give the public something to
3 recognize and relate it to a fire wise community purpose.
4 h) Jose from Best Western Premier suggested the committee look into a text alert
5 system that is similar to the reverse 911 system. This system could focus on giving the
6 public information on fire mitigation.
7 i) Bret reported the town currently has an email distribution list that could be utilized for
8 sending information to the property owners, along with the town's Facebook page
9 which could also be used for distributing information to the public.
10 j) Chief Benson reported the town has identified the town owned property known as the
11 archery range as an example to the public of what a properly maintained property
12 should look like.
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14 Ms. Phelan then requested the Council consider the following in an effort to promote Brian
15 Head as a fire wise community:

- 16 a) Requested staff include a paragraph on the monthly utility billing giving the
17 residents information on what the Fire Council is working towards along with a link
18 to their website.
19 b) Compile a list of contractors who do tree removal services.
20 c) Offer incentives to property owners who create a defensible space on their
21 property.
22 d) Provide a link to the Fire Council's wildland fire plan for public access.
23 e) There is an inability for property owners to dispose of the trees that are removed
24 from their property. Ms. Phelan suggested the town identify an area in which
25 property owners can dump their trees to be burned by the Fire Department. The
26 Forest Service has suggested a gravel pit area so that it wouldn't have to go
27 through an environmental study process.
28 f) Suggested Bristlecone Pond be full at all times so if there is a need for a
29 helicopter to access the water for fire suppression, it would be available. Bret
30 Howser, Town Manager, explained the water in the pond is part of a lease
31 agreement with Parowan Irrigation in which the town provides the water to
32 Parowan Irrigation beginning Labor Day and typically running through October.
33 The lowest the pond will be is twenty-feet (20'), other than these times, the pond is
34 typically full.
35 g) The Forest Service has reported wood chips that are left over from chipping could
36 also be a fire hazard and suggested the chips be hauled to a burn/slash pit area to
37 be burned.
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39 Council Member Mulder commented the plan was prioritized as a high priority by virtue of
40 participation from the community. Brian Head can become a fire wise community and be
41 part of the solution if the town and residents work together.
42

43 Ms. Phelan reported she will be the chair person and Council Member Mulder will be the
44 co-chair for the committee. The committee is looking to promote a new event during mud
45 month to encourage property owners to cut down their dead trees and create defensible
46 space on their properties.
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48 **Consensus of the Council:** Staff will research slash/burn areas and whether the
49 property would need to be re-zoned. Mayor Calloway commented the area identified for a
50 slash/burn area should not be in a residential zone.
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1 **2. WORKFORCE HOUSING AND TRANSPORTATION DISCUSSION.** A discussion on
 2 workforce housing through the Community Development Block Grant (CDBG) and a discussion on
 3 transportation services.
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5 Bret Howser, Town Manager, reported this agenda is addressing two different issues but are
 6 somewhat related; 1. The issue the town has with a seasonal workforce and possible housing
 7 options. 2. Transit service for the businesses to get their employees to work.
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9 **Transportation**

10 Bret explained he researched the town's major businesses and what they are doing to get
 11 their employees to work. Brian Head Resort utilizes a UTA van pool which uses eight vans.
 12 Cedar Breaks Lodge owns their own shuttle and uses four vans to transport their employees.
 13 Best Western Premier is in the process of working with St. George Shuttle to transport their
 14 employees, but has not yet signed a contract for their service
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16 The Council discussed the following:

- 17 a) Bret reported the UTA van pool option would cost approximately \$1,100 to \$1,200 per
 18 month per van.
 19 b) Bret reported he talked to UTA about shuttling skiers. They reported they don't
 20 currently provide that service and the town would have to look at other possible
 21 options for skiers and the public.
 22 c) Cedar Breaks Lodge uses two vans in the morning and one van in the evening due to
 23 the different work shifts.
 24 d) St. George Shuttle reported they would provide transportation for employees. Both
 25 options they provide come to a cost of approximately \$10 a person for a round trip.
 26 e) Bret explained he did not research what an in-house option would cost.
 27 f) Bret explained the Council may want to discuss the information presented and then
 28 meet with the businesses to try and come up with a solution.
 29 g) Mayor Calloway commented he would like to see what the criteria is for UTA and
 30 whether it would be cost effective for skiers who would pay for a ride.
 31 h) Mayor Calloway encouraged the Council to look towards the future since it will be an
 32 issue the town will need to address in the near future.
 33 i) Mayor Calloway suggested Brian Head Resort survey their guests to see if the public
 34 would be willing to pay for ride up the mountain along with their employees. This
 35 would reduce the congestion in Parowan Canyon and maybe in five years the town
 36 could start looking towards the smaller businesses to participate in the transit system.
 37 j) Council Member Freeberg commented the three major businesses have already taken
 38 care of their employees' shuttle and have built it into their cost of doing businesses,
 39 which seems to be working for them. Council Member Freeberg commented he
 40 believes the town should not be involved in a transit system for employees. Council
 41 Member Mulder agreed with Council Member Freeberg and commented that in looking
 42 towards a future transit system for skiers and the public would be a step in the right
 43 direction.
 44 k) Mayor Calloway commented that a transit service would reduce the burden on the
 45 parking lots in town along with the Parowan Canyon road. Mayor Calloway explained
 46 the town needs to continue with investigating and find the town's niche.
 47 l) Bret reported he will start to develop a plan of possibly expanding the Cedar City
 48 transit district. This could result in additional sales taxes to cover the Brian Head area.
 49 A fare would be charged, and the town could negotiate with the businesses to
 50 participate in the cost by possibly purchasing an employee ride pass or something
 51 similar. The transit district would operate the system.
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Consensus of the Council: Staff will continue to research long-term transit options and to open conversations with Iron County on possible options for transit service in Brian Head. Bret reported he will bring up the conservation during one of his TAC meeting.

Housing

- a) Bret reported there is an action step in the Fiscal Year 2019 Strategic Plan to research affordable housing.
- b) Bret explained he met with Gary Zabriski, Five County Association of Governments, who let him know there are grant funds available to complete an affordable housing study through the Community Block Development Grant (CDBG) which would complete the study.
- c) Bret reported the town identifies affordable housing and workforce housing as equivalent and the town is now on the Community Development Block Grant (CDBG) list for the study which will be completed by July 2019.
- d) Some possible solutions for the plan could range from a passive step such as changing some policies in the Land Management Code (LMC) which could range from making it cheaper to build to the other end of the spectrum of purchasing land and build the affordable housing which is done through deed restrictions.
- e) Mayor Calloway commented the problem is complex and short-term rentals are not helping the situation since homeowners are now renting out their homes on a nightly basis instead of offering a month to month rental for employees.
- f) Council Member Mulder commented the town needs to be careful and define what the town wants in order to avoid any potential problems later on.
- g) Bret reported Cedar City has a Housing Authority and a full-time manager that works for them.
- h) Council Member Marshall commented she believes the town is not ready to take over the housing, but maybe allow for a private investor to build. The town could offer incentives to keep the rent low for employees.
- i) Bret reported the town could use a range of options such as waiving impact fees which meet the policy goals or use the Community Development Agency (CDA) as a tool for property tax rebates.
- j) Brian Head Resort has approximately 200-300 employees for the winter season, but the majority of those employees are college students who already have housing in Cedar City. There are approximately 50-75 employees in the summer season.

Consensus of the Council: Directed staff to move forward with the housing plan from CDBG.

3. PATCHWORK PARKWAY DISCUSSION. A discussion on the Patchwork Parkway and appointing a representative to the committee.

Bret Howser, Town Manager, reported some of the background information on the Patchwork Parkway Committee in his Council report (see attached). Bret explained Council Member Mulder was appointed to the Patchwork Parkway Committee as an elected official which is required by the Patchwork Parkway bylaws. Council Member Mulder has recently resigned from the committee and a new Brian Head representative will need to be appointed.

The Council discussed the following:



- 1 a) Council Member Mulder explained the organization started with a specific goal but has
2 since dwindled off. There are one to two very engaged individuals on the committee
3 who take on tasks beyond the scope of the job.
4 b) Council Member Mulder explained she was on the committee for one year and feels
5 that it is not a fit for her and it would be better if someone else more involved be on the
6 committee.
7 c) The town pays \$1,500 annually to the Patchwork Parkway for promoting the scenic
8 byways.
9 d) Council Member Freeberg commented he believes that Dutch Deutschlander is
10 effective on the committee.
11 e) Former Mayor Dutch Deutschlander is still on the committee but, due to their bylaws,
12 Dutch currently does not meet their requirement as an elected official for Brian Head.
13 f) Staff will contact Nancy Dalton to see if there is a requirement that an elected official
14 be physically present at the meetings or if the member can participate by electronic
15 means or if Dutch Deutschlander can be appointed as the official representative for
16 Brian Head for the committee.

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18 **Consensus of the Council:** Staff will contact Nancy Dalton, Patchwork Parkway
19 Committee Director, to request H.C. Dutch Deutschlander be appointed as Brian Head
20 Town's official representative for the Patchwork Parkway Committee and determine
21 whether their bylaws would need to be amended as it pertains to the provision of requiring
22 an elected official.
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25 **4. RESOLUTION AMENDING THE BRIAN HEAD PERSONNEL POLICY AND**
26 **PROCEDURE MANUAL, TITLE 7, CHAPTER C "LEAVE ACCRUAL".** A resolution
27 amending the Personnel Policy and Procedure Manual for leave accrual.
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29 Bret Howser, Town Manager, presented a draft resolution amending the Personnel Policy and
30 Procedure Manual as it pertains to leave accrual (see attached). Bret explained he completed
31 an analysis which included other cities' and towns' vacation leave. The analysis showed that
32 Brian Head's current vacation leave was higher than other cities. Bret reported he is
33 recommending the Council amend the current vacation leave and grandfather those
34 employees who have progressed through the ranks on their vacation leave. Newer
35 employees would be subject to the new limit of four weeks as a maximum after 15 years of
36 service.
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38 Mayor Calloway explained that in reading the report he is questioning the pool of cities and
39 towns that are identified in the analysis and whether it is comparable to Brian Head. Mayor
40 Calloway suggested the Council table this agenda item until staff can provide a better
41 sampling of cities' and towns' vacation leave before a decision is made. Bret responded the
42 analysis he completed was in line with the Utah City Managers Association report that was
43 recently completed on vacation leave.
44

45 The Council discussed the following:

- 46 a) Most of the town's employees who are at ten years or higher of employment receive
47 five weeks of vacation annually. There is a 200-hour cap in which anything over 200
48 hours will be lost if it is not used by December 31st of each year.
49 b) Council Member Freeberg reported an entry level should be split between 1-2 years of
50 service and 3-4 years of service instead of 1-4 years of service. The first two years
51 would be 10 days of vacation and 3-4 years would receive 12 days of vacation and 5-
52 10 would receive three weeks.



- 1 c) Bret reported those employees that have five weeks of vacation find it hard to take off
2 a large number of days at a time and some employees have strategically taken off
3 days here and there so that it wouldn't be a burden to the town.
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5 **Motion:** Council Member Freeberg moved to adopt Resolution No. 467, a resolution
6 amending the Brian Head Personnel Policy and Procedure Manual, Title 7,
7 Chapter C "Leave Accrual with the addition of the following:
8 1. One to two years of service will have 10 days of vacation leave.
9 2. Three to four years of service will have 12 days of vacation leave.
10 3. All other proposed vacation leave will be adopted as proposed.

11 Council Member Mulder seconded the motion.

12 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member Hunter,**
13 **Council Member Mulder, Council Member Freeberg, Council Member Marshall,**
14 **Mayor Calloway).**
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17 **5. ORDINANCE AMENDING THE BRIAN HEAD STANDARD FOR SPECIFICATIONS**
18 **FOR PUBLIC WORKS CONSTRUCTION MANUAL.** An ordinance amending the Brian
19 Head Public Works Standards Manual, Chapter 5 Sanitary Sewer, Section 5.3 Field Testing.
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21 Aldo Biasi, Public Works Director, presented a draft ordinance amending the Brian Head
22 Public Works Standards (see attached). Aldo explained the proposed amendments identify
23 two changes to the construction manual:

- 24 a) Addition of a mandrel test to the sewer section of the manual.
25 b) Camera inspection on sewer lines. This would be a requirement in the bidding process.
26

27 Aldo explained the mandrel requirement is currently identified in the appendix of the manual
28 but would like a section identified in the manual to bring attention to the requirements. Aldo
29 explained there was a camera inspection on the new Village Way sewer line in which it passed
30 the pressure and mandrel test, but the camera inspection found a belly in the sewer line and
31 the town was able to leverage a three-year warranty with the contractor on the sewer line.
32

33 The Council held discussion on the following:

- 34 a) Council Member Freeberg suggested staff identify criteria and amend the language in the
35 proposed amendment. Bret explained that to create criteria would be difficult since it
36 would have to be specific to the size of camera used and it would be determined by staff
37 as part of the language. The criteria would be spelled out by the engineer and not
38 necessarily need to be identified in the construction manual.
39 b) Aldo explained the main lines are the responsibility of the town, but the lateral is the
40 responsibility of the property owner.
41 c) Mayor Calloway suggested the language referring to television and video tapes be
42 updated to identify electronics since that type of media is outdated.
43 d) Mayor Calloway inquired if the Council wants to table this agenda item and direct staff to
44 identify specifications in the language of the ordinance. Council Member Hunter stated he
45 believes staff can address it. Bret explained the Council can adopt the ordinance with
46 amendments in clarifying that the requirements pertain to the main line and not laterals
47 and change the language for the media and can reference the requirement for the
48 engineering designs.
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50 **Motion:** Council Member Mulder moved to adopt Ordinance No. 18-013, an ordinance
51 amending the Brian Head standards for specifications for public works
52 construction manual with the following amendments to added:



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1. 5.3.2: PVC Deflection Test: Change to read second paragraph, first sentence: The mandrel shall be hand pulled through all sewer line mains, *lateral sewer lines shall not subject to this requirement.*

2. 5.3.3 *Camera/Electronic Media Testing: All reference to television, video tape be amended to electronic media.*

Council Member Mulder seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Hunter, Council Member Mulder, Council Member Freeberg, Council Member Marshall, Mayor Calloway).

6. POTENTIAL FUTURE AGENDA ITEMS. The Council will discuss potential future agenda items

Bret reported staff will identify an agenda item for a potential location for a burn/slash piles for fire mitigation as reported in the Fire Council's request. Staff will research locations that meet the proper zone along with the pros and cons for a burn/slash pit area and will be identified on the November 12, 2018 Council meeting.

H. ADJOURNMENT

Motion: Mayor Calloway moved to adjourn the regular meeting of the Bran Head Town Council for October 22, 2018 Council Mber Hunter seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Hunter, Council Member Mulder, Council Member Freeberg, Council Member Marshall, Mayor Calloway).

The regular meeting of the Brian Head Town Council was adjourned at 3:35 pm for October 22, 2018.

November 13, 2018
Date Approved

Nancy Leigh, Town Clerk

