

The Regular Meeting of the
 Brian Head Town Council
 Brian Head Town Hall - 56 North Highway 143
 Brian Head, UT 84719
MONDAY, OCTOBER 28, 2019 @ 1:00 PM

Roll Call.

Members Present: Council Member Freeberg, Council Member Hunter, Council Member Mulder, Council Member Marshall, Mayor Calloway.

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Aldo Biasi, Public Works Director; Wendy Dowland, Public Works Assistant; Cecilia Johnson, Town Treasurer; Chief Dan Benson, Public Safety 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 28, 2019.

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. APPROVAL OF THE MINUTES:

a. September 23, 2019 Town Council Meeting

Motion: Council Member Hunter moved to approve the September 23, 2019 Town Council minutes. Council Member Mulder seconded the motion.

Action: **Motion carried 4-0-1 (summary: Yes = 4, No = 0, Abstain = 1**
Vote: Yes: Council Member Hunter, Council Member Freeberg, Council Member Marshall, Mayor Calloway. **Abstain:** Council Member Mulder).

b. September 23, 2019 Town Council Closed Session

Motion: Council Member Hunter moved to approve the September 23, 2019 Town Council Closed Session minutes. Council Member Freeberg seconded the motion.

Action: **Motion carried 3-0-2 (summary: Yes = 3, No = 0, Abstain = 2**
Vote: Yes: Council Member Hunter, Council Member Freeberg, Mayor Calloway. **Abstain:** Council Member Mulder, Council Member Marshall).

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

Nancy Leigh, Town Clerk, reported there will be an election ballot box located at the Town Hall for those who want to drop off their election ballots instead of mailing them.



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Council Member Hunter complimented the Public Works department on the summer projects and the Town is looking very nice.

Council Member Mulder reported she attended an orientation at the Cedar City Hospital. Council Member Mulder commented the hospital is an asset to Brian Head and they reported they have received some of the most positive comments from Brian Head’s visitors. They have state of the art equipment which serves a community of 30,000 people. Council Member Mulder commented she was very impressed with the hospital. Mayor Calloway thanked Council Member Mulder for representing Brian Head.

Mayor Calloway

- 1. Thanked those who participated in a field trip in visiting several locations throughout Brian Head to review dark skies and lighting in Brian Head.
- 2. The Chair #1 restroom project is moving forward.
- 3. Encouraged the public to vote in the upcoming Municipal Election for November 5, 2019.

Council Member Marshall reported she attended the fire extinguisher training hosted by the Brian Head Fire Department. Council Member Marshall commented the training was very educational and there was a good attendance from the community.

Bret Howser, Town Manager

- 1. Updated the Council on the progress of the Manzanita Trail. The ACE crew has made it as far as they are able to for the year and will resume the improvement on the trail in Spring 2020. The project is scheduled to be completed by July 4, 2020 and the Town will hold a grand opening for the trail.
- 2. The Public Works department experienced several water pumps that failed at the Million Gallon Water Tank which pumps to the snowmaking pond. Bret reported the crew was able to repair the pumps and they are now back online. The snowmaking pond is now full, and the Resort will begin making snow today.
- 3. All of the springs are now turned back into the system with the exception of the Upper Mammoth Spring which is still testing bad. With the springs turned back into the system, there should be enough water supply for the demand.
- 4. Attended the International City Managers conference last week and attended several workshops on economic development and strategic planning. Bret reported he received several good ideas and will be working on implementing some of them and will be sharing the ideas during the FY2021 Strategic Retreat.
- 5. The recruitment for the Treasurer position has now closed and staff will be conducting the first round of interviews next week. Bret reported that Council Member Marshall, Wendy Dowland, and himself will be interviewing the candidates. The Town received fifteen applications for the Treasurer position.

Wendy Dowland, Public Works Assistant, updated the Council on the building permits for Town. Wendy reported building is starting to slow down and a majority of the projects are wrapping up for the winter season. Staff is seeing more land use applications for next spring.

G. AGENDA ITEMS:

- 1. PUBLIC HEARING FOR ROAD NAME CHANGE TO FOX RUN.** A public hearing to receive comment on a proposed road name change to Fox Run.

Nancy Leigh, Town Clerk, gave a brief explanation for the public hearing in which the Town received a request from a resident asking that an unnamed connector road between Forest Drive and Falcon Court be named Fox Run. Nancy reported that Donna Evans, who resides adjacent to the road, is requesting the name be Fox Run since there is a large fox that is seen on the road.



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Nancy reported this will be a name change only and will not be recorded with Iron County since an official plat amendment was not completed. The Town will install signage, but no official recording of the road will be done with the County.

Mayor Calloway opened the public hearing to receive comment on the road name to Fox Run for the unnamed connector road between Forest Drive and Falcon Court at 1:14 pm.

No comments were received, and no written comments were submitted. Mayor Calloway closed the public hearing at 1:15 pm.

2. ORDINANCE NAMING THE CONNECTOR ROAD BETWEEN FOREST DRIVE AND FALCON COURT IN THE CEDAR BREAKS MOUNTAIN ESTATES, UNIT A AS FOX RUN. An ordinance naming a connector road between Forest Drive and Falcon Court as Fox Run.

Nancy Leigh, Town Clerk, presented an ordinance naming the connector road between Forest Drive and Falcon Court as "Fox Run" (see attached).

Mayor Calloway commented this will only be a name recognized by the Town and will not be a recorded road with Iron County. Council Member Hunter inquired if the road could be recorded with the County in the future. Nancy reported there would need to be a plat amendment which would cost between \$500 to \$1,000.

Motion: Council Member Mulder moved to adopt ordinance No. 19-013, an ordinance naming the connector road between Forest Drive and Falcon Court as Fox Run as presented. Council Member Hunter seconded the motion.

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

3. ORDINANCE AMENDING THE LAND MANAGEMENT CODE, CHAPTER 12.6 (LIGHTING), 12.7 (BUILDINGS) AND 12.7(E) ROOFS. An ordinance amending the Land Management Code, Chapter 12. 6, 12.7 and 12.7(E) for lighting, building designs and roofs.

Bret Howser, Town Manager, reported staff made some changes to Chapter 12.6 (lighting) addressing dark skies at the direction of the Council. Bret presented a draft of the proposed changes to the Council for review and approval (see attached).

Bret reported the majority of the discussion centered on lighting and dark skies and whether the Town should have a requirement of full shielding on all outdoor lighting. The Council took a field trip at night with a lum meter which measures the amount of lumens per square meter that escapes onto another property. Several different locations were metered such as commercial and residential areas. Consensus of the Council was not to see the light source from a neighboring property. One challenge discussed is due to the elevation differences between properties, there may be some instances in which a neighboring light would infringe onto another property even if the light was fully shielded. The Council may need to consider the definition for fully shielded to include the horizontal view. The proposed ordinance also creates restrictions on available type of lighting an owner could use

The Council discussed the following:

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1. Mayor Calloway stated he is opposed to the proposed language in the draft ordinance. He believes it goes against the vision for the Town as a warm and inviting place to visit.
2. Mayor Calloway commented the proposed one lux for residential is acceptable but the commercial should be a higher than five lux as proposed in the draft ordinance. Mayor Calloway suggested commercial be a minimum of five or six, so the property is illuminated sufficiently for the safety of the guests. There are some lights in Town that may need some level of regulations, but full shielding is too restrictive in his opinion.
3. Bret presented a spectrum of light colors ranging from 10,000 kelvins which was a white/blue to 1,000 kelvins which was a warm yellow color (see attached).
4. Council Member Freeberg commented that the white light is intrusive, but a warm color such as a yellow or lighter would be more acceptable and some of the bright lights in Town could be changed to a warmer color instead of requiring full shielding.
5. Council Member Marshall stated her concerns for the Homeowners Associations' who have improved their lighting and would now have to conform to the Town's new lighting requirements. Council Member Marshall commented she does not believe that full shielding is necessary.
6. Council Member Mulder commented she does not believe that full shielding is necessary, but to consider warmer colors instead of white light. Council Member Mulder commented the Town should be using solar lighting for its flagpoles. Council Member Freeberg commented there could be an issue if it is a cloudy day and the solar lights are not able to charge and they may not be as dependable.
7. Council Member Hunter commented he is in agreement with the Council on the lighting.
8. **Consensus of the Council:** Identify the 3,000 kelvins and that the light source cannot exceed the lumen requirement. Full shielding restrictions: will require full shielding for the top of the fixture and will specify that it have a translucent or transparent diffuser and must be in some type of housing. Council did not want the words "fully shielded" identified.
9. Shaun Kelly, Planning Commission, explained the full shielding is being confused with the cut off light fixture and the purpose is to try and keep the light from projecting upward.
10. Bret explained he could amend the definition for full shielding by adding the following sentence to the end of the sentence: partial shielding which employs a translucent element to shield the light source from direct view is allowed if light source emits xxx lumens.
11. Council Member Freeberg stated the Town shouldn't be requiring full shielding and recommended using the warm colors instead, and to shield it from projecting upwards to where you cannot see the light source. With a translucent fixture, the light source would be visible, but the warm colors would be acceptable. Council Member Freeberg commented he is satisfied with the proposed lux limits identified in the ordinance.
12. Mayor Calloway stated that he disagrees with cutoff lighting and feels that the lumen measurement is reasonable, fair and enforceable.
13. Council Member Mulder commented that as long as the top of the light and light source are covered along with using warmer colors. Council Member Marshall agreed.
14. The Council was in consensus in that there should be a requirement for shielding the top of the light only.
15. Mayor Calloway explained there should be language that prohibits an exposed light bulb and to leave the lumens as a guideline since the typical person would not know to research before installing a light fixture.
16. Bret explained the proposed language is a total lumen per acre. Mayor Calloway inquired how staff could enforce this requirement since the majority of building properties are less than one acre. Bret explained as long as the property meets the



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- lux requirements, it would be in compliance. Council Member Freeberg commented the light bulb cannot exceed the 1 lux for residential and 5 lux for commercial. Bret explained the Planning Commission proposed to include lumens, but to use them as a guideline.
17. Bret explained the Council could identify the total lumens serving as a guideline as a measurement for the lux.
 18. Discussion on whether to include the acre p/lumen or whether it is a guideline. Bret explained there are two issues; 1) the total lumens on a property serving as a guideline to get to the proper lux measurement. 2) number of lumens on one fixture and how much glare it creates.
 19. Mayor Calloway inquired as to the language identifying fixtures being placed in order to avoid damage identified in Section A.3. Bret explained this language is already in the code. **Consensus of the Council:** DELETE A.3.
 20. Bret recommended the Council identify regulations on a lumen on a single unshielded fixture and not necessarily have a total lumen per acre since it would set it around 800 lumens which is a 60-watt bulb. Mayor Calloway commented he would agree with this for residential, but not necessarily for commercial.
 21. Council Member Freeberg inquired if hotels have required standards for lighting and, if there is a standard for hotels, the Town would need to be aware of them before any lighting requirements are adopted. Staff will contact the Iron County Building Department on lighting standards for hotels and will make a recommendation to the Council.
 22. **Consensus of the Council:** Limit individual fixture at 800 lumens for residential.
 23. **Consensus of the Council** is to leave the definition for architectural aesthetic lighting as proposed.
 24. **Consensus of the Council:** Section D.2, ADD: security lights shall be operated on a functioning motion sensor and any lights on a motion sensor shall not be counted towards the maximum light measurements in C.3.
 25. **Consensus of the Council:** Remove D.1: language pertaining to the 10:00 pm curfew for outdoor lighting for businesses to shut down their lights will be identified in the Nuisance Code instead.
 26. Council Member Mulder commented that D.1 refers only to businesses and does not address residential.
 27. Mayor Calloway commented in Section E. there are several referrals to the Public Works Standards and not knowing what the public works standards are, he would be hesitant to adopt the code. Bret explained the Public Works Standards do not have standards for streetlighting.
 28. Bret reported he met with Rocky Mountain Power on options for night sky friendly streetlighting and once the Council decides on the lighting, that type of lighting will be the standard identified in the Public Works Standards.
 29. Mayor Calloway commented in Section E.4.2.ii that it refers to the size and type of luminator and inquired if kelvins should be included to the subdivision lighting plans. **Staff will add** the word "kelvins" in Section E.4.
 30. Mayor Calloway commented on Section F.3 and believes there is a better way to light the flagpoles. Mayor Calloway distributed a handout identifying options (see attached).
 31. Mayor Calloway suggested to delete the word "plans" in Section F.5, exemptions: on lighting plans for recreational uses. Bret explained the idea was if the Resort is doing something such as night skiing, they can submit their plan to the Town with the key point to turn off the lights when they are done.
 32. Mayor Calloway stated he is uncomfortable with F.6 referring to Cedar Breaks Monument having a voice in the Town's development. Bret explained the language was preexisting language in the Code and was added when Cedar Break Monument asked the Town to include it in our Land Management Code. Bret explained the language was identified originally in Section E of the subdivision portion of the code. Bret explained if 1) the Town determines the lighting adversely effects the monument



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and 2) receives a letter from all of the parties stating the lighting adversely affect the monument. Bret explained that he believes it is irrelevant since the Town Council and Planning Commission would have to agree to it and he moved it to the exemptions. Bret inquired if the Council wants to create any exceptions for streetlighting. Mayor Calloway commented that this identifies the minimum standards, but the Public Works Standards should identify the maximum standards and doesn't believe it belongs in this section of the code.

33. Mayor Calloway suggested a change to the purpose section to read as follows: It is the intent of this section to encourage lighting practices and system to preserve Cedar Breaks National Monument designation as a Dark Sky location.

Consensus of the Council: Change as proposed in the purpose section of the code.

34. Bret inquired if the Council wants streetlights only at the intersection or every 300' feet as currently identified in the Public Works Standards. Mayor Calloway commented he believes the Town has a minimum of streetlights and the lights currently in the streetlights are annoying and should convert them to a better light such as an LED light. Council Member Mulder commented that to have glaring streetlights that don't serve any public safety issues. These should be minimized.

Consensus of the Council: Streetlights: less is more, but to build in an exception and to be reviewed by the Planning Commission. Staff will create standards for review such as night sky friendly, consistent with the General Plan, etc.

35. Mayor Calloway inquired if staff can measure it with a lux as opposed to every 300' required for streetlighting. Bret inquired if the Council is interested in creating exemptions for streetlighting standards, which would also include how close the poles are. What is proposed is only at the highway intersections and collector roads and where the Public Safety Director deems necessary for safety and these will be in accordance with the Public Works Standards. Mayor Calloway is opposed to the proposed language since it takes away from a sense of place and it would eliminate streetlights at cul-de-sacs and no lights would be on Pinehurst and Eagles Roost streets which have steep cliffs and should have streetlights on these roads.

36. Shaun Kelly recommended the Council have the Public Works Director weigh in regarding state code for streetlights. Staff will research state code.

37. Bret reported he met with Rocky Mountain Power who reported they have the dark sky friendly LED lights for \$500 a light, this does not include the poles and the Town would replace approximately 60 lights at a total cost of \$35,000

38. Bret requested the Council to consider the streetlights and how far apart they want the streetlights and the Council will review it again during the next Council meeting.

Summary of Changes:

1. Will review the exceptions for subdivision lighting section at a later time.
2. Staff will review state code for streetlights.
3. The intro heading for the lighting portion of the Code will be changed to identify the Town as being in support of Cedar Breaks National Monument Dark Sky designation.
4. Shielding has been addressed.
5. Section A.1 Signs and similar...is an appropriate place for full shielding and spotlighting.
6. Staff will rewrite all of Section A.2.
7. Council is satisfied with the proposed language for Architectural Building Design and Roofs.

Shaun Kelly thanked the Council for their engagement and making the Town a better place.

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



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- Bret reported the annual Town holiday party is scheduled for November 22nd.
- Council Member Marshall inquired if it would be possible to bring a bin to Brian Head as a drop off for donations. Council Member Marshall commented there is a lot of good furniture thrown away and that could be donated instead. Bret reported he will contact Deseret Industries in Cedar City to see if they would be willing to bring a bin up for donations. Council Member Hunter reported Deseret Industries will do individual pick-ups for donations and will travel as far as Beaver. Bret reported staff could install an informational sign for the public and identify a timeframe for donations along with contact information for those wanting to donate outside the timeframe identified.
- Mayor Calloway commented he would like to see the Planning Commission do a presentation on their vision for Brian Head. It could be done during a Planning Commission meeting.
- Council Member Hunter suggested the Town identify a yearly motto. Council Member Hunter commented this was discussed during the FY2020 Strategic Planning Retreat and thought there should be one for FY2021. The Council will discuss an annual motto and a brief overview of what the vision will entail. Staff will identify this as an item for the FY2021 Strategic Retreat.
- Bret reported staff will review their action steps to determine if there are any items that need to be added to the Council agenda.
- Mayor Calloway recommended the Planning Commission begin reviewing the Wildland Urban Interface (WUI) Code. Bret reported this item is scheduled for Planning Commission for the FY2020 year.

H. ADJOURNMENT

Motion: Council Member Freeberg moved to adjourn the regular meeting of the Brian Head Town Council for October 28, 2019 Council Member Hunter seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 4:10 pm for October 28, 2019.

November 12, 2019
Date Approved

Nancy Leigh, Town Clerk

