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The Regular Meeting of the
Brian Head Town Council
Brian Head Town Hall - 56 North Highway 143
Brian Head, UT 84719
TUESDAY, NOVEMBER 13, 2018 @ 1:00 PM

Roll Call

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

Members Absent: Council Member Larry Freeberg

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; 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 November 13, 2018.

B. PLEDGE OF ALLEGIANCE

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

C. EMPLOYEE SERVICE AWARD: Cecilia Johnson, Town Treasurer

Mayor Calloway presented a plaque to Cecilia Johnson, Town Treasurer, for her ten years of service to Brian Head Town. The Council congratulated Cecilia on her achievement.

D. 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.

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

Nancy Leigh, Town Clerk, reported the fiscal year 2020 Strategic Planning Retreat is scheduled for January 29-30, 2019. Nancy inquired if Council has any conflicts with the proposed dates and inquired if the Council has a preference for a location for the retreat. Mayor Calloway suggested the public safety building as the location and that the proposed dates are acceptable.

Council Member Mulder thanked the staff for installing the lights on the town's walking trail which turned out beautifully.

Mayor Calloway

1. Agreed with Council Member Mulder on the walking trail lights.
2. Met with Congressman Chris Stewart and Forest Service representatives at the town hall. The main topic of discussion was the need for more funding for the Forest Service.

Bret Howser, Town Manager

1. The town has received approval for the installation of the wayfinding signage in UDOT's right-of-way along Highway 143 through town. Bret reported UDOT will be meeting with Yesco, who received the contract for the wayfinding signage, to get a final copy. Yesco will be installing the posts for the signage and will try to be completed with the project before the 2018-19 ski season.



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2. The new shuttle signs are now completed, and the public works crew will be installing the signage at the designated stop locations. The new signs are a blue shuttle icon. There will be four large signs identifying the shuttle route map and providing information that will be installed at strategic locations. Staff met with St. George Shuttle to update them on the three new shuttle stop locations. The shuttle operator voiced some concerns on the new stop locations and staff assured him they will be monitoring the three new stops during the season and would revisit the location stops if it is determined they are not beneficial to the public. Staff will keep Council updated.
 3. The town shuttle will be operating during the Thanksgiving weekend since Brian Head Resort will have Giant Steps and the Navajo ski bases open.
 4. A RFP for engineering on the FY2020 street projects has been completed and staff received four quotes which were within a few hundred dollars of each other. Staff believes the Town Engineer is giving the town a fair price for services. Bret reported there is approximately \$110,000 identified for engineering in next year's projects. Alpha Engineering did better with the construction management for the projects, but staff felt they needed to clean up some items. Staff will be proceeding with engineering in order to bid out next year's projects.

Chief Dan Benson reported he has heard from Rosenbauer in Minnesota who is building the new pumper fire truck for the town. Chief Benson reported the fire truck is at the plant this week but he doesn't know how far along the truck is from being completed. He did approve a decal plan for the truck and staff has not received a completion date but will continue to work with them.

Cecilia Johnson, Town Treasurer

1. The town will be receiving a check in the amount of \$4,958 from Utah Local Government Trust for a premium relief credit. The town was awarded ten percent (10%) of next year's insurance premium. Bret reported the Trust is a non-profit entity and anything over their costs, they submit back to their members. There is another credit that is similar to the workers comp credit and is related to the town's performance.
2. The annual ULLAR event is scheduled for tomorrow, November 14, 2018 at the public safety building. The event begins around 6:00 pm and the public is invited.

Jeff Hunter, property owner, inquired if the town has a pressurized water line from the upper water tanks to Decker Springs. Bret responded the town has a water project scheduled for summer 2019 for a waterline running from the million-gallon tank to Salt Pile Springs which will serve the Cedar Breaks Estates area. Bret went on to report the town applied for a Community Impact Board (CIB) grant and received \$732,000 in grant funds to run a waterline down Mountain View Drive for fire protection.

Jeff explained there are four cabins located on his road which are fed with a gravity fed waterline and suggested the town consider changing the gravity fed line to a pressurized waterline with the upcoming water project scheduled for spring 2019. Bret reported he will contact Jeff once he has more information from the public works department.

Jeff requested the town do some type of improvement to Shale Road, since it was damaged when the town plowed the road in order to access Decker Springs. Bret responded the town currently has a road maintenance program in which all town roads are identified for some type of maintenance/improvement. As part of the improvement, the town will centerline the road to ensure the road is within the recorded plat along with installing asphalt millings on the roads. Chief Benson explained one of the issues is the access from Park U Pine going towards Shale Road which is a private driveway even if the access road has been there since the 1960's.

Mayor Calloway commented he has received complaints from cabin owners on Meadow Drive requesting the town improve the road. Bret reported the town has a schedule for road



1 maintenance that was completed previously and needs to be updated since new cabins are now
 2 located on roads. The Council will need to review the road maintenance schedule and prioritize
 3 the town roads for improvements and maintenance.
 4

5 Mayor Calloway commented he heard some conflicting information in which there are two kinds of
 6 waterlines; a supply line and a distribution line and if they are crossed it could contaminate the
 7 entire line and that a parallel line needs to be installed. Jeff responded he believes that a supply
 8 line cannot be a distribution line and that a parallel line needs to be installed. Jeff explained that
 9 there are other property owners interested in building in this area, but the water issue is keeping
 10 them from building. Jeff explained that he would give the town a utility easement if the town would
 11 install a pressurized waterline in Shale Road.
 12

13 **Nancy Leigh, Town Clerk**, updated the Council on the fuel tank replacement in which
 14 groundwater contamination was identified from the state. Nancy reported she has received two
 15 quotes from the State's approved consultants. One quote identified a beginning cost of \$11,000
 16 and the other quote had a cap of \$36,000. Nancy explained the town's liability is the first \$10,000
 17 after which the state will pay up to two million dollars. Nancy reported she is working with the state
 18 and consultants to get the project underway since there is a timeline in which the town must
 19 submit a report to the state.
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 21

22 **F. APPROVAL OF THE MINUTES:**

23
 24 • **October 24, 2018 Town Council Minutes**

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 26 **Motion:** Council Member Marshall moved to approve the October 24, 2018 Town Council
 27 minutes with one correction. Council Member Mulder seconded the motion.

28 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Marshall,**
 29 **Council Member Mulder, Council Member Hunter, Mayor Calloway. Absent:**
 30 **Council Member Freeberg).**
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33 **G. AGENDA ITEMS:**

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 35 **1. PUBLIC HEARING FOR COMMUNITY IMPACT BOARD (CIB) FOR STEAM**
 36 **ENGINE MEADOWS PHASE 1C STREET PROJECT.** A public hearing to receive comment
 37 on a proposed street project for Steam Engine Meadows Phase 1C.
 38

39 Bret Howser, Town Manager, noted Brian Head Town had originally applied for a CIB loan to
 40 complete the water, sewer, and streets infrastructure in Steam Engine Meadows Subdivision.
 41 A public hearing was held on October 8, 2018. It has now been determined that Brian Head
 42 Town does not meet the requirements to obtain a CIB loan on the water laterals and sewer
 43 portion of the project. Therefore, this Public Hearing is being held on the streets project only.
 44

45 Cecilia Johnson, Town Treasurer, explained Brian Head Town has applied for a loan through
 46 the Community Impact Board (CIB) for Steam Engine Meadows Phase 1C Streets project,
 47 which would complete the streets in Phase 1C of Steam Engine Meadows Subdivision.
 48 Cecilia explained a public hearing is required to be held to receive public comment on the
 49 proposed project. The Town is asking for a 2.5% low interest rate loan; however, CIB may
 50 grant a loan with a different interest rate. CIB also may award a grant or a combination of
 51 both loan and grant for the project. Cecilia stated this project will not increase property taxes
 52 for Brian Head Town residents.
 53



1 The power, gas, water and sewer line upgrades will be installed in conjunction with the street
2 project. Bret reported he will be attending a Steam Engine Meadows Homeowners
3 Association meeting tomorrow in St. George and will be discussing this project in which the
4 original estimate for the streets have dramatically increased. A letter was sent to the property
5 owners to inquire if they would be willing to pay for the power and gas up front, since these
6 are not Brian Head Town amenities, and several responses indicated they were not willing to
7 pay an assessment up front for the power and gas. Staff is pursuing the project for now and
8 will know if the project will proceed or not after tomorrow's meeting.
9

10 Mayor Calloway opened the public hearing for the Steam Engine Meadows Phase 1C Street
11 project at 1:32 pm. No public comments were received. Mayor Calloway closed the public
12 hearing at 1:33 pm.
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15 **2. CHAIR #1 RESTROOM PROJECT UPDATE.** A discussion on the Chair #1 Restroom Project.

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17 Bret Howser, Town Manager, reported the town received bids on the Chair #1 restroom
18 project, but they came in higher than anticipated. Staff was directed to research pre-cast
19 buildings. These did not provide a cost savings to the town and the design would be a smaller
20 layout for the building. Staff has contacted another contractor who reported he could bid the
21 project out at a lower cost to the town, but staff has not received any information from the
22 contractor.
23

24 Bret reported the town has submitted a second grant application to the Restaurant Tax Board
25 for possible grant funds for the Chair #1 restroom project. Bret explained the Restaurant Tax
26 Board previously approved \$92,000 towards the Chair #1 parking and restroom project, in
27 which the parking lot project was completed this last summer. In speaking with Maria
28 Twitchell, Tourism Director, she indicated the restroom project could be applied for grant
29 funding this year. The town is looking to complete the project for \$140,000 to \$150,000 and
30 suggested the town work with Mayor Calloway who is a licensed contractor and offered to
31 work with the town an owner/builder in order to keep the costs of construction down. The
32 project would begin in spring 2019 and the engineering for the project has already been
33 completed along with the installation of the utilities to the site.
34

35 Bret reported he will know the results of the Restaurant Tax Board grant in a couple of weeks
36 and the Council can revisit this item in December or January. Bret inquired if the Council is in
37 favor of doing the restroom project as an owner/builder using Mayor Calloway's experience to
38 complete the project. Council Member Mulder commented she would like to like to know the
39 results of the grant application first.
40

41 **Consensus of the Council:** Staff will pursue the restroom project as an owner/builder and
42 will no longer pursue the pre-cast building option.
43
44

45 **3. RESOLUTION APPOINTING H.C. "DUTCH" DEUTSCHLANDER TO THE UTAH
46 PATCHWORK PARKWAY COMMITTEE.** Appointment of Dutch Deutschlander as the town's
47 official representative to the Utah Patchwork Parkway Committee.
48

49 Bret Howser, Town Manager, presented a draft resolution appointing former Mayor H.C.
50 "Dutch" Deutschlander as the town's official representative to the Patchwork Parkway
51 Committee (see attached). Bret reported he spoke with Nancy Dalton, Patchwork Committee
52 Director, who explained they would need an official document from the town making Dutch the
53 representative for Brian Head on the Patchwork Parkway Committee.
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55 Mayor Calloway suggested this agenda item be tabled until staff has contacted Dutch
56 Deutschlander to ensure he approves of the appointment.



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Motion: Mayor Calloway moved to table Agenda Item, G-3, Resolution appointment H.C. Deutschlander to the Patchwork Parkway Committee until staff contacts Dutch Deutschlander and receives his approval of the appointment.
Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Marshall, Council Member Mulder, Council Member Hunter, Mayor Calloway. Absent: Council Member Freeberg).**

4. DISCUSSION ON SLASH/BURN AREAS IN BRIAN HEAD. A discussion on slash/burn areas in Brian Head.

Chief Benson explained the Council requested staff to research potential slash/burn locations for Brian Head. Chief Benson reported he has researched the neighboring communities of Duck Creek and Mammoth Creek. Chief Benson explained the burn areas in Duck Creek and Mammoth Creek use forest service property for their burns. Chief Benson explained he is not opposed to identifying an area for burning slash, but he doesn't see a location that would be conducive for a burn area within town limits.

Mayor Calloway commented he has looked at the situation and suggest the Council take staff's recommendation and direct staff to continue to work with the Forest Service to identify a possible location. As of now, the town's gravel pit near Dry Lakes Road would be the only option, but by the time the contractors haul the slash and debris to that location, it could have easily been taken to the landfill in Parowan.

Chief Benson presented pictures of burn areas that got out of control (see attached). Mayor Calloway explained he believes this is the best option right now and understands it is an inconvenience to the property owners. Chief Benson explained that if the property owners do the initial cleanup of their properties, then there would be little maintenance annually to clean up any deadfall.

Council Member Mulder commended Chief Benson on his report to the Council and requested Chief Benson give a presentation to the Fire Council. Chief Benson explained the Council is welcomed to share the information with anyone else who would be interested in fire mitigation on their property.

5. SPEED LIMITS ON TOWN UNIMPROVED/DIRT ROADS. A discussion on the speed limits on the town's unimproved roads.

Chief Benson explained the Council directed staff to research and present options on the problem of speeding on the town's unimproved roads. Chief Benson explained his research determined that speeding may not be as big of problem as much as the dust from vehicles and OHV's are. Chief Benson explained the Council can lower the speed limit to 15 mph but would need to be aware of the cost to produce and install the speed limit signs which would need to be strategically placed on the town's unimproved roads.

Bret reported the cost for the signs was more expensive than anticipated at a cost of \$100 per sign and he is unsure of how many signs would need to be ordered. Chief Benson suggested there be more signage at a beginning of an unimproved road and then reduce the number of signs as it proceeds down the roads. Signs such as "slow down, pay attention" would help to inform the public. Chief Benson explained he had the radar trailer on Mountain View Drive which tracked the speeds with an average speed of 18 mph.



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Bret inquired if the Council has received any feedback from the public on the reduction of the speed limit. Mayor Calloway responded the results from the radar trailer backs the information. Chief Benson explained that less than one percent (1%) drove 25 mph on the residential roads. Mayor Calloway explained he heard from the snowmobiling community on the reduction of the speed limit in which they were not in favor of it. Chief Benson explained the snowmobile trail can be marked at 25 mph and allow other speed limits to be marked in which all dirt roads and the ATV trail will be posted at 15 mph, leaving some discretion to the officers. Mayor Calloway commented he would also like to see some dust signage installed also.

Motion: Mayor Calloway moved to approve a 15 mph for dirt roads and ohv trail within town limits and acquire the necessary signage. Council Member Marshall seconded the motion.

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

6. ORDINANCE AMENDING TITLE 6, CHAPTER 3 OFF-HIGHWAY VEHICLE CODE.

An ordinance amending the OHV Code.

Nancy Leigh, Town Clerk, presented a draft ordinance amending the OHV Code (see attached). Nancy explained that in section 6.3.10, it allows a vehicle under 800 lbs to ride on a snowmobile trail as identified in state law. Nancy explained it could be an issue with ATV's running on the snowmobile trail and causing damage to the trail. Chief Benson explained there are about two to three ATV's a year on the trail, but the majority of the damage is from vehicles that drive on the snowmobile trail. Mayor Calloway commented it may not be an issue, but the Council can revisit it at a later time if it is determined that action is needed.

Nancy explained the following amendments made to the town's OHV Code clarifying Utah State Code for OHVs:

1. Kids between the ages of 8 and 15 must have a Youth Education Certificate from the state.
2. Minors must be within 300' of someone over the age of 21 years of age.
3. Helmets must be worn if the ATV rider is under the age of 18 years old.
4. Riders must have permission from a private property owner to ride on their property.

Mayor Calloway inquired as to OHV operation's on Highway 143 and street legal OHV's. Chief Benson explained it is identified under state code and if the speed is over 50 mph on a state highway, then OHV's are not allowed on the Highway even with a street legal OHV.

Motion: Mayor Calloway moved to adopt Ordinance No. 18-014, an ordinance amending the OHV Code as presented. Council Member Hunter seconded the motion.

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

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

- Mayor Calloway recommended the Council consider the necessary funding for signage for the new speed limit signs during the annual Strategic Planning Retreat.



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- Cecilia Johnson, Town Treasurer, reported she has received numerous photos for the first annual town photo contest and would like to announce the winners during the December 10th Council meeting.

H. ADJOURNMENT

Motion: Council Member Hunter moved to adjourn the regular meeting of the Brian Head Town Council for November 13, 2018. Council Member Marshall seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 2:10 pm for November 13, 2018.

December 10, 2018
Date Approved

Nancy Leigh, Town Clerk

