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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  
**MONDAY, DECEMBER 10, 2018 @ 1:00 PM**

**Roll Call:**

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

**Staff Present:** Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Cecilia Johnson, Town Treasurer; Aldo Biasi, Public Works Director; 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 December 10, 2018.

**B. PLEDGE OF ALLEGIANCE**

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

**C. FIRST ANNUAL BRIAN HEAD PHOTO CONTEST WINNER**

**ANNOUNCEMENT** The presentation of the winners of the first annual Brian Head Town Photo Contest.

Cecilia Johnson, Town Treasurer, reported the town held the first annual photo contest in which there were 80 photos submitted. Cecilia announced the following winners:

- **First Place:** Jason Wallis, who submitted a picture of the Bearflat waterwheel in winter.
- **Second Place:** Craig Hicks, who submitted a picture of a bristlecone tree.
- **Third Place:** Alexi Ellis, who submitted a picture of new growth in the 2017 Brianhead Fire area.

Cecilia reported the winners will receive their pictures on a canvas print and the town will hang copies of their pictures in the town hall for the public. There will also be a link on the town's website of all the photos that were submitted for the contest. Cecilia thanked everyone who participated in the contest. (see attached winning photos).

**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**

**Council Member Mulder** thanked the staff for their coordination of the town's annual holiday party that was held at Brian Head Resort.



**Mayor Calloway**

1. Complimented Chief Benson on his department update.
2. There was some vandalism done to the snowmobile trail in which logs were put down to build jumps for snowboarders which could have resulted in damage to snowmobiles riding the town snowmobile trail. Mayor Calloway commented there needs to be an awareness of things like this and, if found, the public should call the officers.
3. Mayor Calloway inquired as to when the signage for the snowmobile trail will be installed since there were vehicles that drove onto the snowmobile trail during the past week. Kelly Oldroyd, Thunder Mountain Motorsports, commented that in his experience it is a lack of knowledge and would encourage additional signage to inform the public of the snowmobile trail. Kelly went on to explain the snowmobile trail hasn't been groomed yet this year and snowmobilers are currently using the ATV trail through town.

Council Member Freeberg commented the public needs to be educated on snow removal storage near the snowmobile trail citing one instance in which Georg's Ski shop piled their snow storage across the street from their shop and destroyed the snowmobile trail. Kelly responded that if there was coordination with snow removal companies, he could use the additional snow storage to build the snowmobile trail, but that it comes down to timing. Kelly commented he believes that it is not intentional or malicious, but that the snow removal companies need to be educated on the snowmobile trail accesses. Kelly suggested the town look at installing the permanent signage for the snowmobile trail in the summer.

**Council Member Freeberg** reported the snowmobile season is open, but recommended riders stay on roads only until there is more snow for riding in the meadow areas outside of the town.

**Bret Howser, Town Manager**

1. Met with the Steam Engine Meadows Homeowners Association for their annual meeting. Bret reported he discussed the Special Assessment Area (SAA) for Phase 1C with the latest cost estimates and updated them on the town's progress. Bret reported it wasn't what they wanted to hear, but they have decided they will continue to pursue the SAA. The town is looking to submit an application with the Community Impact Board (CIB) for a loan with a low interest rate. The town currently has some information ready to proceed with a CIB loan application and will be meeting with CIB in January/February 2019. Bret explained there are about 15 property owners with a total at 22 properties in the proposed SAA, but only four of the property owners were present at the HOA meeting since it is not a highly active HOA. The town does not plan to move forward until we receive the entire input of the property owners in the Steam Engine Meadows subdivision. Mayor Calloway commented he would like to see a solid commitment from the subdivision before the town expends more resources on this project. Bret reported the application has already been submitted to CIB and the only other costs would be for attending the CIB meeting in January/February and some engineering costs.
2. Bret has been tracking the Utah League of Cities and Towns Legislative Policy Committee via videocast. Bret reported he is tracking a couple of bills that could affect Brian Head. One proposed bill is the sales tax re-distribution. Mayor Calloway recommended the Council consider changing the Council meeting days from Mondays to Tuesdays for January and February so Bret can participate in the League's Legislative Policy Committee webcasts that are currently held on Mondays at noon.

**Chief Dan Benson** reported the department has purchased a decibel meter for noise control on OHV's. Chief Benson reported the officers will use their discretion on what an annoyance is and this will give the officers the tool for noise enforcement control with OHV's.

**Aldo Biasi, Public Works Director**, reported the town's snow blower is having to be repaired and the department is looking for ways to improve the efficiency of using the blower. Bret reported the repair of the snow blower is estimated at \$50,000 to \$60,000 and staff will



1 be presenting a budget adjustment for the repair of the blower. Currently the amount is  
 2 identified in the contingency line of the town's budget.  
 3  
 4

## 5 F. APPROVAL OF THE MINUTES

### 6 November 13, 2018 Town Council Minutes

7  
 8  
 9 **Motion:** Council Member Marshall moved to approve the November 13, 2018 Town  
 10 Council minutes. Council Member Mulder seconded the motion.

11 **Action:** **Motion carried 4-0-1 (summary: Yes = 4, No = 0, Abstain = 1 Vote: Yes:**  
 12 Council Member Marshall, Council Member Mulder, Council Member Hunter,  
 13 Mayor Calloway. **Abstain:** Council Member Freeberg).  
 14  
 15

## 16 G. AGENDA ITEMS:

- 17  
 18 **1. FISCAL YEAR 2018 TOWN AUDIT PRESENTATION.** Wayne Everett, Town Auditor, will  
 19 present the fiscal year 2018 town audit ending June 30, 2018.  
 20

21 Mr. Wayne Everett, Town Auditor, presented the fiscal year 2018 town audit (see attached).  
 22 Mr. Everett reported he did not find any significant audit findings and gave an update to the  
 23 Council of the town's financial status. Mr. Everett reported there are state requirements for  
 24 which he tests every year and this year in his review there was one instance in which the  
 25 Council meeting minutes were not posted on the Utah State Public Meeting Website within  
 26 three days after approval. No other items were identified.  
 27

28 Mayor Calloway commented that on page 9 there is one number that has an extra comma.  
 29 Mr. Everett reported he will contact Pelorus to let them know to correct the error.  
 30

31 The Council thanked Mr. Everett for his presentation of the fiscal year 2018 town audit.  
 32  
 33

- 34 **2. LOCAL CONSENT FOR OFF-PREMISE BEER LICENSES.** Local consent for off-  
 35 premise beer licenses for Apple Annie's Country Store and Brian Head General Store.  
 36

37 Nancy Leigh, Town Clerk, explained there was a recent change in the law for off-premise  
 38 beer holders in which the Department of Alcohol and Beverage Control (DABC) will now  
 39 oversee off-premise beer licenses. Nancy explained municipalities have overseen off-  
 40 premise beer licenses in the past but. due to the new regulations, local consent is required as  
 41 part of their application process to the DABC.  
 42

43 Nancy requested the Council give local consent to Apple Annie's Country Store and Brian  
 44 Head General Store for their off-premise beer application which are to be submitted to the  
 45 DABC. Nancy reported these two businesses have been in operation for several years and  
 46 this is a technicality.  
 47

48 **Motion:** Council Member Freeberg moved to approve local consent for Apple Annie's  
 49 Country Store and the Brian Head General Store for an off-premise beer license.  
 50 Council Member Mulder seconded the motion.

51 **Action:** **Motion carried 4-0-1 (summary: Yes = 4, No = 0, Abstain = 1 Vote Yes:**  
 52 Council Member Freeberg, Council Member Mulder, Council Member Hunter,  
 53 Council Member Marshall. **Abstain:** Mayor Calloway abstained due to a  
 54 potential conflict of interest in which his wife is the owner of Apple Annie's  
 55 Country Store).



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3 **3. RESOLUTION APPOINTING H.C. "DUTCH" DEUTSCHLANDER TO THE UTAH**  
4 **PATCHWORK PARKWAY COMMITTEE.** The appointment of Dutch Deutschlander as the  
5 town's official representative to the Utah Patchwork Parkway Committee.  
6

7 Bret Howser, Town Manager, explained this agenda item was tabled during the November  
8 12, 2018 Council meeting with a direction to staff to contact Dutch Deutschlander to get his  
9 approval for the appointment. Bret reported staff has contacted Dutch Deutschlander who  
10 gave his approval to the appointment.  
11

12 Bret gave a brief explanation on the reason behind the proposed resolution. Bret explained  
13 the Patchwork Parkway Committee's Bylaws require an elected official to sit on the  
14 committee as a representative of their municipality. Dutch Deutschlander who was the  
15 former Mayor of Brian Head, sat on the committee as Brian Head's representative for several  
16 years. Once Mayor Deutschlander retired, Council Member Mulder attended several  
17 meetings as the town's representative but has since resigned from the committee. It was the  
18 Council's decision to appoint former Mayor Dutch Deutschlander as the town's official  
19 representative for the Patchwork Parkway Committee and, in speaking with Nancy Dalton,  
20 Committee Director, she indicated the town would need to adopt a formal resolution  
21 appointing Dutch Deutschlander as the town's official representative for the committee.  
22

23 **Motion:** Mayor Calloway moved to adopt Resolution No. 477, a resolution appointing  
24 H.C. "Dutch" Deutschlander as the town's official representative to the Patchwork  
25 Parkway Committee. Council Member Mulder seconded the motion.

26 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Calloway, Council  
27 Member Mulder, Council Member Freeberg, Council Member Hunter, Council  
28 Member Marshall).  
29  
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31 **4. BUSINESS BEAUTIFICATION PLAN DISCUSSION.** A discussion on a Business  
32 Beautification Program.  
33

34 Bret Howser, Town Manager, explained that during the fiscal year 2019 Strategic Planning  
35 Retreat, the Council identified an action step to create a business beautification program.  
36 Bret reported he has researched what other municipalities have done and one of the most  
37 common things he found was an active approach to have some sort of incentive program in  
38 which a small grant can be provided to assist a business in improving the outside look of a  
39 business. Bret explained that with a grant from the town, the business can apply for financial  
40 assistance. The Council will need to decide what type of incentive the town should offer the  
41 businesses. Bret reported he has requested a copy of Cedar City's policy and should be  
42 receiving their policy shortly.  
43

44 Bret suggested the business be located within the Redevelopment Agency boundaries since  
45 the funds would be identified from the RDA Fund. The Council will need to determine what  
46 guidelines they would like to see in the policy. Bret explained he identified some suggested  
47 guidelines in his staff report (see attached).  
48

49 The Council held discussion on the following:

- 50 a) Bret recommended the Council identify an eligible project be located in the RDA  
51 boundaries. Improvements should be exterior, including landscaping, and the funding  
52 could be a three to one in which the town would contribute \$1.00 for every \$3.00 the  
53 business identifies for improvement.  
54 b) Bret suggested the Council identify up to \$10,000 a year for the program.  
55 c) Look at businesses located in the Village Core area as a priority for grant funding.  
56 d) All improvements must be in compliance with the Land Management Code.



- 1 e) The Planning Commission and Town Council can review any potential improvements.  
 2 f) Mayor Calloway commented he is not in favor of identifying a grant, but that the  
 3 program should be more of an encouragement or challenge to the businesses to take  
 4 pride in their businesses.  
 5 g) Council Member Mulder commented she would agree with the incentive and it would  
 6 be worth it for the town to provide a small grant in order to improve the look of Brian  
 7 Head.  
 8 h) Council Member Freeberg suggested the town do the program for a couple of years  
 9 and if the money isn't used, then consider including the condominiums in the program  
 10 in an effort to clean up their buildings.  
 11 i) Mayor Calloway suggested the town grant four \$2,500 grants for the first year as a  
 12 maximum amount.  
 13 j) Mayor Calloway inquired if a new business could apply for the grant.  
 14 k) Council Member Hunter suggested the town consider the old Edge Restaurant  
 15 building for improvement.  
 16 l) Mayor Calloway inquired if a business is required to submit three estimates and if  
 17 those estimates include labor, and if they are doing labor themselves and whether  
 18 the town should pay for labor costs. Council Member Mulder suggested the funds go  
 19 towards material reimbursement.  
 20 m) Bret reported he will review the model policy from Cedar City to see if they have  
 21 already addressed some of the questions raised today by the Council. Bret will bring  
 22 back a draft policy for Council's review.  
 23

24 **Consensus of the Council:** Staff will move forward with drafting a business  
 25 beautification policy for Council to review at a later date.  
 26  
 27

28 **5. CAPITAL IMPROVEMENT PROJECT LIST APPROVAL.** Approval of the town's one  
 29 year and two to five-year capital project lists.  
 30

31 Cecilia Johnson, Town Treasurer, reported that the Community Development Block Grant  
 32 (CDBG) and Community Impact Board (CIB) require a capital improvement project list for one  
 33 year and a two to five-year list in order to qualify for any grant funding from these two  
 34 agencies. Cecilia reported staff reviewed the current capital project list and identified a one  
 35 year and a two to five-year list for Council's approval (see attached).  
 36

37 Bret Howser, Town Manager, explained the capital improvement list is used to secure funding  
 38 through CDBG and CIB along with staff using the list for all of its projects. The list shows the  
 39 two agencies that the town is also funding some of the project costs. The proposed list did  
 40 not include the replacement of the garbage truck.  
 41

42 The Council held discussion on the following:

- 43 a) The grader replacement is identified on the proposed list in which the town  
 44 anticipates a 0% interest loan with no grant funding for it.  
 45 b) The extrication equipment for the fire department does not qualify for funding. Staff  
 46 has verified this with both agencies and the town will be replacing the equipment with  
 47 its own funds along with a possible public safety grant.  
 48 c) Phase 2 of the town paved walking trail needs to be added to the list. Staff will add  
 49 this project to the two to five-year project list. The engineer is working on a cost  
 50 estimate for phase 2 of the project and it will be giving a "medium 1" priority ranking.  
 51

52 **Motion:** Council Member Mulder moved to approve the Capital Improvement  
 53 Project list for one and two to five-year projects proposed with the  
 54 addition of the Phase 2 of the town walking trail. Council Member  
 55 Freeberg seconded the motion.  
 56



1                   **Action:**               **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Calloway,  
2    Council Member Mulder, Council Member Freeberg, Council Member  
3    Hunter, Council Member Marshall).  
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6               **6. GRADER PURCHASE DISCUSSION.** A discussion on the purchase of a grader.  
7

8               Aldo Biasi, Public Works Director, explained the 140M grader is approaching its payoff on the  
9               loan and staff is looking to replace the grader. Aldo reported the public works crew  
10              completed a test drive with a John Deere grader and discussed the serviceability and  
11              transport costs for their grader along with a trade-in value of the current 140M Caterpillar  
12              grader with the John Deere dealer who is located in St. George. The department met and  
13              discussed the difference between the Caterpillar and John Deere proposals, and it was  
14              determined the Caterpillar was a better deal for the town due to the serviceability of the  
15              equipment. Staff also reviewed the repair and maintenance of the current grader and what  
16              the town has spent in keeping the grader operational.  
17

18              Bret Howser, Town Manager, presented a financial model for the replacement of the grader  
19              (see attached). Bret reported that the town currently leases its front-end loaders and  
20              backhoe, but a lease is not an option for the grader. Bret explained Caterpillar has the option  
21              to finance the purchase and they will give a guaranteed buy back, which is what the town is  
22              currently doing with their vehicles. The final payment for the grader was in November 2018  
23              and staff was considering trading in the grader earlier in the year when the town still owed on  
24              the grader which would have rolled the balance into a new loan and would have increased  
25              the annual payment but, at that time, the transmission in the grader went out and cost the  
26              town \$30,000 in repairs and staff decided to hold off on trading in the grader at that time.  
27              Since that time the grader took a \$40,000 decrease in the trade-in value due to it turning ten  
28              years old and the cost of a new grader increased. Bret explained the Council will need to  
29              discuss whether to keep the existing grader and save money towards a new grader at a later  
30              date or whether the town should trade-in or sell the grader and finance a new grader.  
31

32              The Council held discussion on the following:

- 33              a) Council Member Freeberg inquired if it would be financially beneficial to purchase a  
34              used grader. Aldo explained the town receives a government discount in which a  
35              new grader would cost approximately \$434,000 vs. \$484,000 which is what a private  
36              contractor would pay along with a four-year warranty which is 1,000 hours per year.
- 37              b) Bret explained if the town were to go to a three-year replacement cycle beginning  
38              next year, the payment would increase this year due to the low trade-in value of the  
39              existing grader. The town could purchase the grader for \$328,000 under the  
40              government discount and the town could get a trade-in value of approximately  
41              \$300,000 since the depreciated value works off the \$484,000 instead of the \$328,000  
42              in which the town could lose approximately 10% for the first few years.
- 43              c) Bret reported the town could finance the new grader for five years with a 4% interest  
44              rate or could apply for the CIB loan at a 0% interest rate. This would be an annual  
45              payment increase from \$43,000 to \$48,000. The town would need to identify \$8,000  
46              to \$10,000 a year for several years depending on CIB financing.
- 47              d) Mayor Calloway recommended the town keep the grader for another year and that  
48              the town save towards the purchase of a new grader next year. Bret responded he  
49              made that same decision last year with the grader and the town paid over \$30,000  
50              when the transmission went out in the grader, and there is still the possibility of  
51              another part on the grader that could cost the town a significant amount of money  
52              and down time and the depreciation will continue to decrease with the grader.
- 53              e) Mayor Calloway inquired as to the status of the new dump truck the town recently  
54              purchased. Aldo reported the truck should be available at the end of December  
55              2018. Mayor Calloway commented that the new dump truck would reduce the use of  
56              the grader.



- 1 f) Aldo reported staff is looking to purchase a wing for the grader in which the wing will  
2 work in tandem with the blower, once the blower is repaired.  
3 g) The grader wing will be purchased for \$23,000 in the fiscal year 2019 budget and if  
4 the Council decides to purchase a new grader, that cost would be in the fiscal year  
5 2020 budget.  
6 h) Aldo reported he will need a decision so if the town decides to purchase a new  
7 grader, he would need to secure a building slot with Wheeler Machinery for the  
8 grader.  
9 i) Council Member Freeberg commented it is the town's responsibility to provide  
10 service to the people in the community.  
11 j) The current trade-in value of the existing grader is \$96,800, but by the time the new  
12 grader is ready, the trade-in value could go as low as \$87,000 with Wheeler  
13 Machinery and \$80,000 with John Deere. The town has the option to go to the open  
14 market to sell the grader for a higher price than what is being offered for trade-in for a  
15 possible sale of \$90,000.  
16 k) The capital improvement project list identifies the trade-in value which would be the  
17 town's match and the remaining amount is proposed to be split between grant and  
18 loan.  
19

20 **Consensus of the Council:** Staff will proceed with the purchase a new grader.  
21  
22

23 **7. TOWN PLAYGROUND EQUIPMENT UPDATE.** An update of the town's playground  
24 equipment replacement project.  
25

26 Aldo Biasi, Public Works Director, explained that Wendy Dowland, Public Works Assistant,  
27 has been working on the town's playground equipment replacement project and has received  
28 costs to replace the town's existing playground equipment. The Council has previously  
29 reviewed the proposed playground equipment and directed staff to get a cost estimate for the  
30 equipment. The equipment cost is approximately \$51,850 which did not include any flooring  
31 material with the direction from Council to keep the pea gravel. In researching further, it was  
32 determined that pea gravel is no longer approved for playground material and Utah Local  
33 Government Trust, town insurance company, recommended the town install a soft fall which  
34 would cost an additional \$4,000 for the materials. Staff has received a quote for removing the  
35 existing equipment, pea gravel and installing the new equipment at an additional cost of  
36 \$39,000 for a total of \$95,898.  
37

38 Aldo reported he spoke to the contractor about some of the work being completed by the  
39 town in order to save on costs. Aldo informed the Council the public works department  
40 already has a large project list identified for next year and wanted the Council to be informed  
41 that it could be an option for the Council to have the department do some of the work for the  
42 playground equipment replacement, but to keep in mind the number of projects the  
43 department already has identified for its work load.  
44

45 Council Member Freeberg inquired if staff was able to discuss the harsh environment of Brian  
46 Head on the material to be used for the flooring of the playground area. Aldo responded he  
47 did ask about the wind and was told it is a different material and should be able to handle  
48 Brian Head's weather conditions. Council Member Mulder requested staff secure a sample  
49 of the material so that she can see it. Aldo reported the drainage will be included in the site  
50 preparation of the area but will address it with the contractor specifically. Cecilia reported  
51 that Heber City and Hyde Park have used the material on their playgrounds.  
52

53 Bret Howser, Town Manager, reported this agenda item is an update and discussion and the  
54 Council will be addressing it during the strategic retreat scheduled for January 2019. Cecilia  
55 reported the town will be looking at applying for a possible grant to assist with the funding on  
56 the playground equipment replacement.



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**8. 2019 TOWN COUNCIL MEETING SCHEDULE APPROVAL.** Approval of the 2019 Council Meeting Schedule.

Nancy Leigh, Town Clerk, presented a proposed Town Council meeting schedule for 2019 (see attached). Nancy explained the proposed schedule identifies the second and fourth Monday of each month with meetings beginning at 1:00 pm at the Brian Head Town Hall Council Chambers, but there are two holidays which conflict with the meetings' dates: Memorial Day and Veterans Day. The Council will need to decide if they would like to move the meeting to Tuesday or another day.

Mayor Calloway suggested the Council change the proposed meeting schedule in order to accommodate the Utah League of Cities and Town's legislative policy meetings which are scheduled for the same time period. Mayor Calloway proposed to change the meetings to Tuesday for first meeting in January since the Strategic Planning Retreat will take the place of the second meeting in January and both Council meetings in February be changed to Tuesdays.

**Motion:** Council Member Freeberg moved to approve the 2019 Town Council meeting schedule with the following changes: First meeting in January 2019 will be Tuesday, January 15, 2019; first and third Tuesday in February, and the Tuesday following Memorial Day and Veterans Day. Council Member Marshall seconded the motion.

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

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

There was no discussion on this agenda item.

**H. ADJOURNMENT**

**Motion:** Council Member Freeberg moved to adjourn the regular meeting of the Brian Head Town Council for December 10, 2018. Council Member Hunter seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 2:55 pm. for December 10, 2018.

January 15, 2019  
Date Approved

\_\_\_\_\_  
Nancy Leigh, Town Clerk

