

1 The Regular Meeting of the
 2 Brian Head Town Council
 3 Brian Head Town Hall - 56 North Highway 143
 4 Brian Head, UT 84719
 5 **TUESDAY, JANUARY 15, 2019 @ 1:00 PM**

6
7 **Roll Call.**

8 **Members Present:** Mayor Clayton Calloway, Council Member Larry Freeberg, Council Member Lynn
 9 Mulder, Council Member Kelly Marshall.

10 **Members Absent:** Council Member Shad Hunter.

11 **Staff Present:** Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Chief Dan Benson, Public
 12 Safety Director; Aldo Biasi, Public Works Director, Cecilia Johnson, Town
 13 Treasurer
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16 **A. CALL TO ORDER**

17 Mayor Calloway called the regular meeting of the Brian Head Town Council to order at 1:00 pm for
 18 January 15, 2019.
 19

20 **B. PLEDGE OF ALLEGIANCE**

21 Mayor Calloway led the Council and others in the Pledge of Allegiance.
 22

23 **C. DISCLOSURES**

24 There were no conflicts with today's agenda items. Mayor Calloway stated that the disclosure
 25 statements are on file at the Town Clerk's office and are available for public inspection during
 26 normal business hours.
 27

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

29
 30 **Nancy Leigh, Town Clerk**, updated the Council on the town hall fuel tank groundwater
 31 contamination remediation project. Nancy reported Wood Environmental will begin the project on
 32 February 5, 2019.
 33

34 **Council Member Mulder** thanked those who groomed the snowmobile trail access near the chair #1 area.
 35

36 **Mayor Calloway**

- 37 1. Contacted Iron County Commissioner Adams regarding the garbage issue and the access to
 38 the county landfill afterhours. Mayor Calloway reported Commissioner Adams put him in
 39 touch with Bruce Anderson who reported they are unable to grant access to the county landfill
 40 afterhours but may be able to open the landfill earlier or to keep it open a little later to help
 41 satisfy the town's needs. Mayor Calloway recommended staff follow up with Mr. Bruce
 42 Anderson on a possible resolution.
- 43 2. Attended the Iron County Commission meeting regarding an agenda item discussion on
 44 nightly rentals. The Commission has drafted an ordinance which they have prohibited nightly
 45 rentals in a zone R-1 and R ½ zones. They will be holding a public hearing before they adopt
 46 the ordinance.
 47

48 **Council Member Marshall** thanked Nikki Byl and Markie Adamson, Guest Service
 49 Representatives, on a training they presented to the businesses on what to do in Brian Head. The
 50 training was very informative, and they distributed a packet of information to those who
 51 participated. The turn out was low in which there was approximately six people representing the



1 Best Western Premier, General Store, Nourish Spa, Cecile Wallis and herself. The training was
2 very informational.
3

4 **Council Member Freeberg** reported that one of two the garbage trucks down due to repairs and
5 thanked the staff for their extra effort in keeping up with the demand by making two trips to the
6 county landfill a day.
7

8 **Bret Howser, Town Manager**

- 9
- 10 1. The annual FY 2020 Strategic Planning Retreat is scheduled for January 29th and 30th. Bret
11 reported he sent an email to the Council giving them some homework for the retreat
12 requesting them too give a brief presentation on what Brian Head would look like in the future.
13 Bret asked the Council to consider whether the vision statement that was created five years
14 ago is still applicable. Staff should have the binders ready for distribution to the Council by
15 January 23rd.
 - 16 2. Mayor Calloway inquired as to the budget monitoring report regarding the projections identified
17 (see attached). Bret reported the sales tax projections are usually lower due to a two-month
18 lag on receiving the taxes. Bret reported he spoke to some of the businesses who indicated
19 their sales are higher this year. Mayor Calloway inquired about the contingency line. Bret
20 report that one of the agenda items identified today is regarding an amendment to the budget
21 for the blower repair.
22

23 **Chief Benson, Public Safety Director**

- 24
- 25 1. Mayor Calloway complemented Chief Benson on his professional looking report that was
26 submitted to the Council (see attached report). Mayor Calloway inquired as to what year Chief
27 Benson became chief in relation to the graph. Chief Benson explained the report identified in
28 the earlier years was an outdated program that was not as reliable as the program the
29 department now uses. Chief Benson updated the Council on some of the details identified in
30 the report.
 - 31 2. The type 3 fire truck is almost completed. He flew back to Minnesota last week to look over
32 the truck to ensure it is to the town's standards. There were 16 items that needed to be
33 addressed and the truck should be delivered within the next week.

34 **Aldo Biasi, Public Works Director**

- 35
- 36 1. The snow blower is being repaired at Wheelers in Cedar City and is almost completed. The
37 Kodiak manufacture of the blower is in Burly, Idaho. In speaking with UDOT, they reported
38 they have had some issues in getting parts for their blowers from Kodiak. The estimated cost
39 to repair is \$60,000, but a new one is approximately \$250,000.
 - 40 2. The green garbage truck is being repaired in Cedar City due to some electrical issues the
41 truck is experiencing.
 - 42 3. The new dump truck is been busy hauling salt up the hill and is working well.
 - 43 4. Council Member Marshall inquired as to the culinary projects that are planned for this summer.
44 Aldo reported then Mountain View waterline is one project and the crew will be installing a
45 water meter at the town hall. Bret explained this is a result of an audit in which the town needs
46 to meter its own buildings, and each department will transfer the cost of the water accordingly.
 - 47 5. Council Member Marshall inquired as to the new dumpsters identified in the public works
48 report (see attached report). Aldo explained they are a counter balance dumpster and is
49 spring loaded, so the lid shuts back down to keep snow out of the dumpsters.

50 **Betty Phelan**, resident, commented she has concerns about nightly rentals in the single-family
51 zones. Ms. Phelan commented that the numbers of nightly rentals that are being advertised on
52 VRBO and Airbnb state they sleep 15+ people in some of the cabins. One property advertise they
53 can sleep 50 people in a cabin and in the definition of a residential home identifies no more than
54 four in a residential zone. Ms. Phelan reported that one nightly rental on Pinehurst has no parking
55 available for their guests and are parking on the town streets. Ms. Phelan requested the town
revoke their business license until they can meet the minimum number of parking sufficient for



1 their guests. Ms. Phelan stated the full-time residents are being negatively impacted from the
 2 nightly rentals and feel that no nightly rentals should be allowed in a single-family residential zone.
 3 Ms. Phelan commented that a referendum be presented to the voters of Brian Head to determine
 4 whether nightly rentals should be allowed. Ms. Phelan stated they have lived in Brian Head for
 5 fourteen years and within the last two years, the nightly rentals have significantly impacted their
 6 lives. (see attached letter).
 7

8 **Dan Phelan**, resident, commented the parking on the town's streets is causing a fire hazard, in
 9 which, if there were a fire, the fire department would not be able to get down the streets due to the
 10 number of vehicles that are parked on the town roads.
 11 Council Member Calloway stated staff is currently working on an amendment to the nightly rentals
 12

13 **Shaun Kelly**, resident, thanked the town for the maintenance of the town's paved walking trail.
 14 Mr. Kelly explained the trail is more pleasant to walk on than the highway.
 15

16 Mr. Kelly encouraged the Council to start working on the night sky ordinance for the town and
 17 asked if it could be a discussion items for the upcoming strategic retreat. He would also like it
 18 identified for a future agenda item and would be willing to assist in preparing a presentation.
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20 **Council Member Freeberg** commented on the town's paved walking trail and the installation of
 21 the solar lights that are on the trail. He has noticed more people using the trail and inquired if the
 22 town will be installing signage identifying the trail in an effort to help move people towards the trail
 23 instead of walking on the highway. Bret reported the staff does not yet have the signage up due to
 24 the winter season but will look at getting them installed.
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26 **F. APPROVAL OF THE MINUTES:**

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 28 **December 10, 2018 Town Council Minutes**

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 30 **Motion:** Council Member Mulder moved to approve the December 10, 2018 Town
 31 Council minutes. Council Member Marshall seconded the motion.

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

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 39 **1. PRESENTATION FROM STEVE SWISHER, GTS DEVELOPMENT, ON ECONOMIC**
 40 **DEVELOPMENT IMPROVEMENTS FOR BRIAN HEAD.**

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 42 John Grissinger, Brian Head Resort, introduced Steve Swisher, GTS Development. Mr.
 43 Grissinger explained Mr. Swisher designed the Eccles theater in Salt Lake City and brought
 44 over 400,000 people to downtown Salt Lake City. Mr. Grissinger commented that Mr. Swisher
 45 could help the town will the village core development and rebranding the town.
 46

47
 48 Mr. Burke Wilkerson, Brian Head Resort, reported the resort skier days are up over 40% last
 49 year's numbers and they are now shooting for 250,000 skier days. Burke explained he
 50 believes the increased visitors the town is experiencing goes along with the topic today with
 51 Mr. Swisher. The resort is approaching twenty million dollars of improvements and believe it is
 52 time to take the next step in providing more retail and dining options since they believe it
 critical for the future of Brian Head. Burke explained that they believe it is important to involve



1 the town on the vision of the town and a whole and develop what they want Brian Head to look
2 like.
3

4 Mr. Steve Swisher gave a brief history of his background in which he first came to Brian Head
5 in 1980 and has an affection for Brian Head. Mr. Swisher explained his company is a
6 combination of public and private developer and focuses on projects in their context and
7 creating destinations which include branding. The need to get people involved in are branding,
8 landscaping, lighting issues, how to find the trail systems and the town needs to look as one
9 single resort and consider master planning for the entire town. Some issues to review are how
10 to expand the skier base and keep the people staying longer.

11
12 Some of the highlights of Mr. Swisher’s presentations:

- 13 1. More restaurants and other activities to keep the resort going year-round.
- 14 2. More special events and conferences, such as a conference center.
- 15 3. To find a methodology on how to work with the resort and town with one vision as a
16 combined effort instead of individual efforts.
- 17 4. Mayor Calloway inquired as to what negative things Mr. Swisher sees when he enters
18 Brian Head as a visitor. Mr. Swisher explained that when the visitor comes around the
19 curves up the mountain and there is some type of expectation of arriving, but that a portal
20 or landing that is missing. This would be some place where the visitor can pull the car
21 over and take pictures as they come into Brian Head. You don’t get that “I’m here” feeling
22 when you get to town.
- 23 5. There is a need to set the brand, then the signage and lighting and landscaping on both
24 sides of the highway. Would need to control the vistas and views and it could change the
25 character of the town.
- 26 6. Creating a celebration of a trail head or something.
- 27 7. He would like to set up some community meetings to arrive at a vision that coordinates
28 with the resort.
- 29 8. Dan Phelan, resident, commented that when visiting Jackhole, WY, he notices the
30 elkhorns that are in the middle of the town as a centerpiece and believes Brian Head has
31 the capability to have something like this with logs or something like it.
- 32 9. Mayor Calloway commented he noticed that Mr. Swisher is a businessman first and
33 inquired as to what services he would be looking for from the town. Mr. Swisher explained
34 that he is a fee-based business with architects and designers, and he would have a
35 proposal for the resort and at some point, and possibly do a scope of work for the town.
36 They are also planners and do public and private developments.

37
38 Mayor Calloway thanked Mr. Swisher for his presentation and Mr. Grissinger for arraigining
39 it.
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42 **2. PUBLIC HEARING FOR FISCAL YEAR 2019 BUDGET ADJUSTMENT.** The Council
43 will hold a public hearing to receive public comment on a proposed fiscal year 2019 budget adjustment.
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45 Bret Howser, Town Manager, explained the public hearing was scheduled and noticed
46 according to state law. Staff was waiting on the final numbers from the blower repair for this
47 item but have not yet received it. Bret explained there are a couple of other budget items that
48 would also need to be addressed. Bret requested the Council hold the public hearing portion
49 and table the ordinance amending the budget adjustment until staff receives the final numbers
50 for the blower repair.
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52 Mayor Calloway opened the public hearing at 2:00 pm to receive public comment on an
53 adjustment to the fiscal year 2019 town budget.
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55 No comments were received. Mayor Calloway closed the public hearing at 2:01 pm.



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3. ORDINANCE AMENDING THE FISCAL YEAR 2019 BRIAN HEAD TOWN BUDGET. An ordinance amending the fiscal year 2019 town budget.

Bret Howser, Town Manager, recommended the Council table this agenda item until staff receives the final cost for the blower adjustment.

Motion: Council Member Mulder moved to table Agenda Item F-3, Ordinance Amending the Fiscal Year 2019 Brian Head Town Budget. Council Member Marshall seconded the motion.

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

4. BUSINESS BEAUTIFICATION INCENTIVE PROGRAM RESOLUTION. A resolution for the Brian Head beautification program policy.

Bret Howser, Town Manager, presented a draft policy for the Business Beautification Incentive Program to Council for approval (see attached). Bret explained this item was a discussion during the December Council meeting in which Council directed staff to draft a written policy identifying an incentive to businesses to improve the exterior of their businesses in an effort to beautify Brian Head. Bret reported he used Cedar City's policy as a reference. The report identifies bullet points of the policy and what the purpose of the police and what it takes to be eligible.

The Council held discussion on the following:

1. Council Member Mulder inquired as to how the businesses are to be notified of the policy and process. Bret responded staff can post the information on the town's website along with emailing the businesses letting them know that it is available along with a copy of the policy.
2. Council Member Mulder inquired as to the 180-day limit and whether an extension should be identified on a case by case bases. Bret responded the 180 day was to complete the improvements, but staff can identify an extension clause if needed. Council Member Mulder commented this is a pilot program for one to two years and the Council can review it at that time.
3. Council Member Freeberg explained if the grant was approved in August, it would be too difficult to complete any exterior improvements by January due to the winter season. His concern is that the businesses may not apply for the incentive if the application process is too difficult to complete. Bret explained there is a six-week approval process in which it would need to go through the Planning Commission review and then the Town Council for approval.
4. The Council recommended the Town Council approval would not be necessary since it would be a policy and it would be up to staff for review and would also go through the Planning Commission for approval.
5. The improvements would need to be in compliance with the Land Management Code and would need that approval before any funding would be released.
6. Council Member Mulder recommended staff modify the policy to identify an extension provision. Language to be added: "To complete the improvements, extensions may be granted for extenuating circumstances by staff". The language will be identified throughout the document.
7. The third to the last bullet point under the application procedure, language identifying the requirement for Town Council approval will be removed.



- 8. Fourth bullet point regarding the Planning Commission will be changed to identify the Planning Commission will have the final approval.
- 9. Change the six-week approval process to four weeks for approval of the application.
- 10. Once the application is completed, the 180-day time period begins.

Motion: Council Member Freeberg moved to adopt Resolution No. 478, a resolution establishing a Business Beautification Incentive Program with the following changes:

- Town Council approval will be removed from the document and the Planning Commission will be the final approval authority.
- The application process time will be changed from six-weeks to four-weeks.
- A provision identifying an extension to be added: To complete the improvements, extensions may be granted for extenuating circumstances by staff"

Council Member Mulder seconded the motion

Action: **Motion passed: 3-1-0 (summary: Yes = 3, No = 1, Abstain = 0). Yes:** Council Member Freeberg, Council Member Mulder, Council Member Marshall. **No:** Mayor Calloway. **Absent:** Council Member Hunter).

5. DEPRECIABLE ASSET REPLACEMENT PROGRAM (DARP) POLICY RESOLUTION. A resolution adopting a policy for the town's Depreciable Asset Replacement Program.

Bret Howser, Town Manager, presented a draft policy for the town's depreciable asset replacement program (DARP) (see attached). Bret explained this is one of the action steps in which the Council approved in the budget last year. This is what is referred to asset replacement fund in which the town is contributing \$150,000 annually to the fund. It identifies a list of what the town owns and identifies when the equipment should be replaced. Bret explained he is working with a person to get a better estimate for some of the town's equipment and this is a discussion on how to manage the list.

The Council held discussion on the following:

1. Mayor Calloway commented there are some items that would need to be updated such as the new dump truck that was recently purchased.
2. Mayor Calloway inquired how a situation is going to be handled on whether items will be permanently removed when they become obsolete and can be replaced with something like a phone that more capabilities that in the past.
3. The bulk would be handled in the strategic planning process and budget planning process.
4. This would be addressing things that need to be replaced before they are scheduled to be replaced and were not part of the budget process and how to address it.
5. A committee would review the item and whether it was over the allotted amount, then Council could approve it though a budget adjustment.
6. Mayor Calloway inquired as to where the funds are coming from when there is something that was not budgeted for. Bret responded it could come from the town's savings, or sometimes it would be coupled with budget cuts, or if there is a revenue associated with it. There could also be a surplus projected for the next year.
7. Council Member Freeberg inquired as to where the funds would come from if the town decides to invest funds with Mr. Swisher from GTS, and if it could come from the Redevelopment Agency. Bret responded it could come from the RDA since it would be for economic development.
8. Mayor Calloway inquired if staff would have any information from Mr. Swisher for the upcoming budget process if the town decides to move forward with the project. Bret explained that he didn't want to commit to anything specific today. Council Member



Freeberg commented that the Rocky Mountain Power substation would need to be moved in the future. Bret explained that it would be a major obstacle to consider.

Motion: Council Member Freeberg moved to adopt Resolution No. 479, a resolution establishing a Depreciable Asset Replacement Program (DAR) policy as presented. Council Member Mulder seconded the motion

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

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

North End Town Entrance

Council Member Freeberg commented he would like to have the Council discuss the idea of having an arrival area since the north end of town since he believes the problem area with the substation and the maintenance shop for Cedar Breaks Lodge. Mayor Calloway commented there have been improvements in the area in which Cedar Breaks Lodge has reduced the number of dumpsters to one. Council Member Freeberg inquired that if the property the town currently owns could be used for future expansion. Council Member Freeberg explained that land will be one of the biggest issues the town is facing in the future.

Mayor Calloway commented there is currently a parking study in progress along Village Way

H. ADJOURNMENT

Motion: Council Member Freeberg moved to adjourn the regular meeting of the Brian Head Town Council for January 15, 2019. Council Member Mulder seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 2:38 pm for January 15, 2019.

February 26, 2019

Date Approved

Nancy Leigh, Town Clerk

