

February 12, 2018

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The Regular Meeting of the
Brian Head Town Council
Town Hall - 56 North Highway 143
Brian Head, UT 84719
MONDAY, JANUARY 08, 2017 @ 10:30 AM

Roll Call.

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

Members Absent: Council Member Reece Wilson

Staff Present: Town Manager, Bret Howser, Town Clerk, Nancy Leigh, Public Works Director, Shane Williamson, Town Treasurer, Cecilia Johnson, Public Works Assistant, Wendy Dowland

A. SWEARING IN OF MAYOR CLAYTON CALLOWAY AND COUNCIL MEMBER LYNN MULDER.

Newly elected Mayor Clayton Calloway and Council Member Lynn Mulder took their oath of office as Brian Head's Mayor and Council Member.

B. CALL TO ORDER

Mayor Calloway called the special meeting of the Brian Head Town Council to order at 10:30 am for January 8, 2019.

C. PLEDGE OF ALLEGIANCE

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

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

Nancy Leigh, Town Clerk,

1. Reported on the winners of the annual Christmas Tree Decorating Contest in which Georg's Ski Shop won first place, Brian Head General Store won second place and Apple Annies Country Store won third place and thanked those who participated in this year's event.
2. There will be a celebration for Dutch Deuschlander for his 40 years of service as the Mayor and Council Member. The celebration will begin at 1:00 pm at the Brian Head Public Safety Building. The public was encouraged to attend and help celebrate Dutch's service to the town.

Bret Howser, Town Manager, reported the town was awarded \$92,000 from the Restaurant Tax Grant for the Chair #1 restroom and parking project. Bret encouraged the Council and public to thank the Cedar City/Brian Head Tourism Bureau for their donation. Members of the Restaurant Tax Grant Board is Maria Twitchell, Director Burke Wilkerson, Mike Blake and Rusty Akien



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1 **Dan Benson, Public Safety Director**, reported there are several volunteer fire fighters that will
 2 be attending the winter fire school in St. George. Chief Benson explained that due to the number
 3 of volunteers attending, Brad Benson, Deputy Fire Chief, was able to obtain a grant to pay for the
 4 hotel accommodations in the amount of \$2,000.

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

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9 **December 12, 2017 Town Council Minutes.**

10
11 **Motion:** Council Member Hunter moved to table the December 12, 2017 Town Council
 12 minutes due to a lack of members who were present at the meeting. Council
 13 Member Freeberg seconded the motion

14 **Action:** **Motion carried 4-0-0 (summary: Yes = 4, No = 0, Abstain = 0 Vote: Yes:**
 15 Council Member Freeberg, Council Member Hunter, Council Member Mulder,
 16 Mayor Calloway. **Absent:** Council Member Wilson)

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19 **G. AGENDA ITEMS:**

20
21 **1. STATE FORESTRY AND FIRE PRESENTATION TO BRIAN HEAD FIRE**
 22 **DEPARTMENT.** State Forestry and Fire will present a plaque to the Brian Head Fire Department for
 23 their outstanding service.

24
25 Cornell Crimson, Deputy Forester for the State of Utah, explained the state has awarded the
 26 Brian Head Fire Department the "Cooperator of the Year" award. Mr. Crimson explained this
 27 citation goes to the Brian Head Fire Department because of their performance on the 2017
 28 Brian Head fire which began on June 17, 2017. Ron Wilson, Area Manager, explained that
 29 due to the fire mitigation around the town that has taken place over the years, there would
 30 have been a lot more damage to the town.

31
32 Ron Wilson explained the state gives an award every year which an exceptional award to
 33 receive. Mr. Wilson explained that Chief Benson, Ryan Riddle and Mike Melton saved a lot
 34 of homes in Brian Head with their quick actions and is recognized by the State of Utah.

35
36 Chief Benson explained the award goes to the Brian Head Fire Department and all those who
 37 fought the 2017 Brian Head Fire. Mike Melton, Five County officer for the area, thanked the
 38 Town Council for their support of the public safety department in which the department was
 39 prepared for what happened on June 17, 2017. Mr. Melton explained that so many smaller
 40 town fire departments are struggling to get by and the support the Council gives Brian Head
 41 fire department made the difference in their success on the 2017 Brian Head Fire.

42
43 Mayor Calloway thanked everyone and stated it was a team effort and especially thanked the
 44 Brian Head Public Safety Department.

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48 **2. LOCAL CONSENT FOR HIGH COUNTRY CUISINE, UTAH LLC FOR THREE**
 49 **ALCOHOL LICENSES.** Local consent to High Country Cuisine, Utah LLC for three alcohol
 50 licenses; bar establishment, full-service restaurant and on-premise banquet.

51
52 Nancy Leigh, Town Clerk, presented three local consent applications from High Country
 53 Cuisine, LLC for three different alcohol licenses; a. Bar Establishment, b. Full-Service
 54 Restaurant c. On-Premise Banquet (see attached). Nancy explained the Council approved
 55 local consent in December to the Grand Lodge as a hotel license, but in submitting the



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1 application, the Department of Alcoholic Beverage and Control (DABC) it was requested that
 2 required High Country Cuisine, LLC make the application since they would be the holders of
 3 the license.

4
 5 Jamier from High Country Cuisine, LLC, explained with the submission of their application,
 6 they should have their alcohol license by January 19, 2018. They will be at the Grand Lodge
 7 running the restaurant and bar area.

8
 9 **Motion:** Council Member Freeberg moved to approve the local consents for the three
 10 alcohol licenses: a. Bar Establishment, b. Full-Service Restaurant and c. On-
 11 Premise Banquet. Council Member Hunter seconded the motion.

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

15
 16
 17 **3. PROCLAMATION HONORING H.C. "DUTCH" DEUTSCHLANDER.** A proclamation
 18 honoring H.C. Dutch Deutschlander for his years of service as Brian Head Mayor and Council Member.

19
 20 Nancy Leigh, Town Clerk, presented a proclamation honoring H.C. Dutch Deutschlander for
 21 his 40 years of service as Brian Head Town Mayor and Council Member (see attached).
 22 Nancy explained there will be a celebration this afternoon honoring Dutch for his many years
 23 of service at the Public Safety Building beginning at 1:00 pm.

24
 25 **Motion:** Mayor Calloway moved to adopt the Proclamation honoring H.C. Dutch
 26 Deutschlander as presented. Council Member Mulder seconded the motion.

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

30
 31
 32 **4. CHAIR #1 PARKING DISCUSSION.** A discussion on the Chair #1 parking.

33
 34 Bret Howser, Town Manager, explained this project is in relation to a grant the town received
 35 from the Restaurant Tax Board in the amount of \$92,000. Bret explained there are two
 36 possible projects and two costs associated with it; one for \$200,000 and the other for
 37 \$240,000. The town will be using the \$200,000 for the project estimate for installing
 38 restrooms and paving the Chair #1 parking area (see attached).

39
 40 The Alpha Engineering drawings proposed two options for parking (see attached). One
 41 shows 56 parking spaces parallel to the highway. With the parallel parking, it allows more
 42 parking spaces, but the town will need to meet with Brian Head Resort to determine what
 43 their preference as to the parking. Shane Williamson, Public Works Director, explained that
 44 Utah Department of Transportation (UDOT) will not allow any parking in the right-of-way, but
 45 they are taking a special review of it. If in a worse case scenario, the plan can be drafted to
 46 move the parking back a little from the highway. UDOT is reviewing the plan with their
 47 regional leadership and the town should receive their preliminary review by the end of
 48 January.

49
 50 Bret explained the town will proceed with the project but will need to finalize a draft
 51 agreement with Brian Head Resort once it is decided on which project, and then the Planning
 52 Commission will need to conduct a design review of it. The project should begin construction
 53 by summer of 2018. Staff is looking to send out the request for proposals by March 2108.
 54 Bret asked the Council if they are comfortable with moving the project forward since this
 55 particular project was not originally scheduled in this year's budget, but with the \$92,000
 56 grant from the Restaurant Tax Board it leaves \$108,000 of the project to be covered by the



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1 town. The Redevelopment Agency has funds that are earmarked for this kind of project and
 2 could be used towards this project.

3
 4 There was a dual purpose to provide parking for the skier bridge area and Bristlecone Pond
 5 along with a restroom. If in the event the town develops a village core area which would
 6 consume a lot of the Giant Steps parking area, the Chair #1 parking could be used and could
 7 start pushing some of the skier parking to Chair #1 instead. The resort allows skiers to ride a
 8 ski lift free to the other lifts to purchase a ski pass and with this project, the town and resort
 9 could start to train the public to park at Chair #1 which would free up parking at the Giant
 10 Steps parking area and for a future village core.

11
 12 Bret inquired as to which project the Council prefers with the understanding that UDOT and
 13 Brian Head Resort will still need to weigh in on it and asked when the Council would like to
 14 start discussing the funding on the project.

15
 16 The Council held discussion on the following:

- 17 1. Council Member Freeberg inquired as to how many stalls are in the restroom. Mayor
 18 Calloway responded the plan proposes three to four each.
- 19 2. Council Member Freeberg asked if the cost estimate included the installation of the
 20 water/sewer lines to the restrooms. Shane responded the waterline would not be
 21 substantial, but sewer would require more since it would be nine feet (9') deep.
 22 There is a public works project already scheduled to dig up the road and install a new
 23 culvert and this project would be in conjunction with it in order to be more cost
 24 effective.
- 25 3. Council Member Freeberg asked that when bringing a project to Council for approval,
 26 that a total cost for the project be presented.
- 27 4. Shane explained there will be ongoing maintenance costs, but staff has not yet
 28 identified a cost for that and it would also be part of the agreement with Brian Head
 29 Resort to split the maintenance cost.
- 30 5. Mayor Calloway commented that any type of curb and gutter has not been successful
 31 in Brian Head due to the environment and that he would recommend the RDA
 32 contribute up to \$165,000 towards the projects and expand the parking lot to 50
 33 parking spaces and set the budget not to exceed \$277,000 for the entire project,
 34 which includes the \$92,000 from the grant.
- 35 6. Council Member Mulder inquired as to the town's snowmobile trail which runs under
 36 the bridge. Mayor Calloway suggested the snowmobile trail be re-routed along the
 37 highway instead. Bret commented that when he was looking at the site, it was
 38 discussed to bring the snowmobile trail towards the highway and run it across the
 39 entrance to the parking lot.
- 40 7. Council Member Freeberg commented that snow would need to be left on the
 41 pavement in order for the snowmobiles to cross safely and with the cars entering the
 42 parking lot it could be a dangerous intersection, Mayor Calloway commented the
 43 resort would probably be willing to push the snow into the snowmobile area with a
 44 groomer to make the snowmobile trail safer.
- 45 8. Bret explained the town may have to also deal with UDOT destroying the snowmobile
 46 trail with snow removal also.
- 47 9. Bret explained the town and resort have discussed splitting the maintenance of the
 48 area between winter and summer in which the resort would maintain it in the winter
 49 and the town would maintain in the summer.
- 50 10. Burke Wilkerson, Brian Head Resort, commented that UDOT may want one entrance
 51 and one exit out of the parking lot, similar to the Giant Steps parking lot.
- 52 11. Bob Whitelaw commented the Council could consider combining the two designs
 53 together and push the parking back towards the easement. Bob commented he
 54 would prefer the snowmobiles ride along the highway instead of near the skiers since
 55 the snowmobilers already cross pavement as they travel through town.
- 56 12. The town would build steps down to the pond from the Chair #1 parking.



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- 1 13. Mayor Calloway recommended the Council put a limit as to what the total cost for the
- 2 project of \$165,000 from the RDA funds with the \$92,000 from the Restaurant Tax
- 3 grant and the cost for the water/sewer installation be included in that total cost.
- 4 14. Council Member Freeberg commented he would like to see the total cost before he
- 5 would approve the project.
- 6 15. Council Member Mulder asked what the likelihood that the easement would be
- 7 approved by UDOT? Shane responded that they would not typically allow it, but they
- 8 are looking at it because of a past town parking project that was approved from them.
- 9 16. Council Member Mulder stated he would like to see more compact parking instead of
- 10 a laid-out type of parking.
- 11 17. Shane reported the town could use some type of drainage device to assist with the
- 12 drainage to another area as an option.
- 13 18. Burke Wilkerson, Brian Head Resort, commented the Restaurant Tax Board funded
- 14 the restroom for ½ of what is being proposed and assuming the numbers for the
- 15 asphalt are correct, the cost of the restrooms are high. Bret explained that once the
- 16 town receives the feedback from UDOT and Resort, the town can get a better cost
- 17 estimate to what is being built.
- 18 19. Burke suggested the soil samples also need to be taken of the area before the
- 19 project begins.
- 20 20. Mayor Calloway commented the guests could also utilize the shuttle services from
- 21 the town also as a way of getting around.
- 22 21. Burke Wilkerson, Brian Head Resort, reported a parking analysis identified different
- 23 options for parking which included Village Way and Steam Engine Drive going
- 24 towards Town Hall along with different areas in town. Burke explained when the
- 25 Village Core is developed, there will be a loss of parking at Giant Steps and the
- 26 resort has worked with a property owner adjacent to the Navajo area for additional
- 27 parking to manage skier expectations. Bret explained that at some point the town
- 28 shuttle will become a bigger piece of the solution and would have to look at a remote
- 29 parking lot. Burke commented the guests would have to use the interconnect more
- 30 along with the town shuttle and to consider using the Iron County Fairgrounds in
- 31 Parowan to start shuttling up to Brian Head.
- 32 22. Bob Whitelaw suggested the Council consider moving the parking more towards the
- 33 north/south and add spaces and they could expand into phase two. The parking
- 34 could be moved to 90 degrees and parallel.

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36 **Consensus of the Council:** Option A with more parking and the town contribution not to

37 exceed \$165,000 which is to include the water/sewer installation.

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40 **5. SOLID WASTE ORDINANCE AMENDMENT.** An ordinance amending the solid waste code.

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42 Shane Williamson, Public Works Director, explained that during the last Council meeting in

43 December 2017, there was some discussion on amending the solid waste code, Title 4,

44 Chapter 1, due to inconsistencies and lack of enforcement in the code. Staff made some

45 recommendations specifically on some of the issues:

- 46 a. The town does not have the equipment to haul construction debris.
 - 47 b. The code doesn't have specific language to enforce the "No Construction Debris"
 - 48 c. Doesn't clearly define some of the terms/definitions and staff is recommending
 - 49 modifying the definition for container, refuse and adds a definition for town dumpster
 - 50 and construction debris.
- 51

52 Shane recommended the Council approve the proposed amendment to the solid waste code

53 as presented (see attached). Shane explained that it wasn't staff's intent to create a new

54 solid waste code, only to amend the code for clarification purposes and it identifies language

55 that would place responsibility on those who place construction debris in the dumpster and

56 the ability to enforce it.



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The Council held discussion on the following:

1. Council Member Freeberg commented that enforcement could be a problem with those dumping construction debris in the dumpsters since a private individual or a construction company can put debris in any of the dumpsters and leave the area and the town would not know who deposited the debris. Council Member Freeberg commented he has caught individuals do this and confronted them and was told to "stuff it". Shane explained it will be a challenge, but it will give the town the ability to enforce the code.
2. Bret explained the signage on the dumpsters right now identify "No Construction Debris", but the town can add language that the code will be enforced, and the people could be fined for putting construction debris in the town dumpsters.
3. Shane explained the town has a roll off dumpster during the summer months located at the public works maintenance shop for appliances only, but construction debris still gets put into the dumpster. When the public leaves appliances next to a town dumpster, it takes 2-3 guys to pick up the appliance and haul it to the shop dumpster.
4. Shane explained that he would like to expand the signage on all town dumpsters to identify "No Construction Debris" along with enforcement language.
5. Bret explained the current draft presented to Council is an earlier draft and presented the updated draft for Council review.
6. Couple of the redundancies were taken out of the definitions.
7. Definitions were put in alphabetical order.
8. 4.1.5, last sentence: Council Member Mulder commented the last sentence seems odd and suggested language.
9. CHANGE: 4.1.5 TO READ: "Refuse and construction debris must be taken to the County Landfill. Consensus of the Council.
10. DELETE: 4.1.6.D.2: Consensus of the Council.
11. Mayor Calloway suggested the town consider putting bars on the dumpster to prevent construction debris being deposited into the dumpsters.
12. Shane commented it has been suggested to trade in the white garbage truck for a roll off truck and the town can then haul off the roll off dumpsters and change the recycling bins to a hook and pull so the roll off truck could pick up the recycling along with being a snow removal vehicle.
13. Shane explained the roll off dumpster at the shop has construction debris that is deposited into during the weekend. Shane suggested that public safety could keep an eye out for control of the situation or put a camera at the site.

Motion: Council Member Freeberg moved to adopt Ordinance No. 18-001, an ordinance amending Title 4, Chapter 1, Solid Waste, of the Brian Head Town Code as presented and with the following changes:

1. CHANGE: 4.1.5 TO READ: "Refuse and construction debris must be taken to the County Landfill
2. DELETE: 4.1.6.D.2

Council Member Hunter seconded the motion.

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

6. ORDINANCE AMENDING THE TOWN COUNCIL MEETING SCHEDULE. An ordinance amending the Town Council meeting schedule.

Nancy Leigh, Town Clerk, presented a draft ordinance amending the Town Council meeting schedule (see attached). Nancy explained that Council adopted the 2018 meeting schedule with



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1 a change to the meeting day; from Tuesday's to Monday's. Due to this change, the Council will
 2 need to amend the meeting schedule ordinance.
 3

4 The ordinance identifies that Council meetings will be held at the Brian Head Town Hall, 56 N.
 5 Hwy. 143, Brian Head, UT 84719 and all meetings are scheduled to begin at 1:00 pm or shortly
 6 thereafter. The meeting days will be the 2nd and 4th Monday of each month, unless otherwise
 7 noticed.
 8

9 Nancy explained the Council is required to adopt their meeting schedule by ordinance and in
 10 2013, the Council adopted an ordinance identifying the 2nd and 4th Tuesdays with the provision
 11 the Council would approve their annual meeting schedule by motion.
 12

13 **Motion:** Council Member Freeberg moved to adopt Ordinance No. 18-002, an ordinance
 14 amending the Town Council Meeting schedule as presented. Council Member
 15 Mulder seconded the motion.

16 **Action:** **Motion carried 4-0-0 (summary: Yes = 4, No = 0, Abstain = 0 Vote: Yes:**
 17 Council Member Freeberg, Council Member Hunter, Council Member Mulder,
 18 Mayor Calloway. **Absent:** Council Member Wilson)
 19

20 Mayor Calloway directed staff to change the day in which Council packets are distributed since there has
 21 been a change in the meeting days. Mayor Calloway requested the Council packets be distributed on
 22 Thursday's instead of Friday's.
 23

24 H. ADJOURNMENT

26 **Motion:** Council Member Hunter moved to adjourn the special meeting of the Brian Head
 27 Town Council for January 8, 2018. Council Member Mulder seconded the
 28 motion.
 29

30 **Action:** **Motion carried 4-0-0 (summary: Yes = 4, No = 0, Abstain = 0 Vote: Yes:**
 31 Council Member Freeberg, Council Member Hunter, Council Member Mulder,
 32 Mayor Calloway. **Absent:** Council Member Wilson)
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35 The special meeting of the Brian Head Town Council was adjourned at noon for January 8, 2018.
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39 Date Approved
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 41

42 _____
 43 Nancy Leigh, Town Clerk

