

The Regular Meeting of the  
 Brian Head Town Council Acting as the Governing Body  
 of the Brian Head Special Service District  
 Brian Head Town Hall - 56 North Highway 143  
 Brian Head, UT 84719  
**TUESDAY, FEBRUARY 26, 2019 @ 1:00 PM**

**Roll Call:**

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

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

**A. CALL TO ORDER**

Mayor Calloway called the regular meeting of the Brian Head Town Council to order at 1:00 pm for February 26, 2019.

**B. PLEDGE OF ALLEGIANCE**

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

**C. DISCLOSURES**

- Council Member Marshall stated she may have a potential conflict of interest with Agenda Item #F-3, Business License Code Amendment Discussion in which she owns Brian Head Rental Management which is a nightly rental operation.

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

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

**Nancy Leigh, Town Clerk**, reported the 10<sup>th</sup> annual Jokers Wild Snowmobile Poker Run event was held on February 16, 2019. The event had a turnout of over 70 participants who rode snowmobiles between Brian Head and Duck Creek in an effort to get the best hand. The award ceremony was held at Cedar Breaks Lodge and staff received positive comments on the event.

**Mayor Calloway** complimented the public works crew and public safety officers on their efforts in keeping up the snow removal and keeping people safe during the recent heavy winter storms. Council Member Freeberg agreed with Mayor Calloway and thanked the employees on their efforts.

**Bret Howser, Town Manager**, updated the Council on the 2019 Utah Legislative Session. One proposed bill that could affect Brian Head is the sales tax rate change. Bret explained this bill could affect the hold harmless agreement the town has with the state on sales taxes. Another bill being proposed is the Tier 2 retirement benefits for public safety. Bret encouraged the Council to contact him on any questions they may have regarding proposed bills this year.

**Larry Edgerton**, resident, explained there is an issue with vehicles driving from Ridge View Street onto Eagles Roost and having to turn around since Eagles Roost is a dead-end road. Mr. Edgerton explained he would like to see a sign "No U Turns" installed. Mr. Edgerton explained



1 there is a state law that prohibits vehicles from making a U turn on a blind corner. He would like  
2 the sign installed by the curve of the road on Eagles Roost.

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4 Mr. Edgerton went on to comment that last summer some trees and rocks were removed from the  
5 town's right-of-way in front of his property for snow removal purposes. He would like the town to  
6 contact other property owners and encourage them to clear the town's right-of-way in front of their  
7 properties in an effort to help the town with snow removal.

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9 **Charlene Foley**, resident, commented the town's dumpsters have a side door on them for easier  
10 access for the public and suggested the town install signage on the dumpster asking people to  
11 close the side door on the dumpster in an effort to eliminate snow from getting into the dumpster  
12 along with animals who are getting into the dumpsters by the side door access.

13  
14 Ms. Foley inquired as to the parking area on Burt's Road and whether it is owned by the town or a  
15 private individual. Bret explained the property is owned by Brian Head Resort and is not a public  
16 right-of-way, but the resort uses it for overflow parking. The town has assisted them in clearing the  
17 area during busy weekends.

18  
19 **Justin Morgan**, business owner, complimented the town for their efforts on the snow removal  
20 services this year. Mr. Morgan explained he has three properties located on Irish Trail and Look  
21 Out Circle which are struggling with snow storage issues since there is not enough area to store  
22 their snow on their property. Mr. Morgan inquired if the town is responsible for clearing Look Out  
23 Circle since the road is barely one lane of traffic. Mr. Morgan explained he is having difficulty with  
24 his guests who are trying to access his garage due to the snow storage from the road. Mr. Morgan  
25 explained the snow was pushed up early and with the heavier snow year this, the snow is backing  
26 up into his driveway. He would encourage the Council to plan for the long term in identifying snow  
27 storage.

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29 **Mike Piscreta**, business owner, explained his business provides snow removal services and  
30 would like to address Mr. Morgan's comment regarding snow storage. Mr. Piscreta explained that  
31 due to the layout of Mr. Morgan's cabin and the direction of the garage, it is difficult to access the  
32 garage in the winter. Mr. Piscreta explained that this particular property has only 50% snow  
33 storage and the remaining snow is removed from the property and pushed onto Look Out Circle  
34 onto the town's right-of-way. Mr. Piscreta explained the problem is when cabin owners have the  
35 snow pushed from their property onto the town's right-of-way and they are not identifying enough  
36 snow storage on their property. Mr. Piscreta explained there is a cabin owner on the corner of  
37 Aspen Drive who approached him, thinking he worked for the town, and asked him to push the pile  
38 of snow he had across Aspen Drive. Mr. Piscreta explained that one of his concerns is the  
39 increased numbers of nightly rentals who are needing access to their cabins constantly to get their  
40 cleaners and maintenance people into their cabins. This leads to homeowners who violate the  
41 town's ordinance on the requirement to have sufficient snow storage on their property. Mr.  
42 Piscreta explained there will be a time when the nightly rentals will be an issue due to the number  
43 of guests who get lost and stuck as they try to find the cabin they are renting. Mr. Piscreta  
44 explained there is a limited amount of snow storage on the town's right-of-way and the cabin  
45 owners need to take responsibility in identifying snow storage for their property. Mr. Piscreta went  
46 on to explain there is also an issue with snow drifting which causes some issues and would  
47 encourage the town to work together with owners to make it a better experience for the residents  
48 and guests.

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50 Bret explained there is an agenda item addressing nightly rentals and would ask the public to  
51 leave their comments to that agenda item.

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

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56 **January 15, 2019 Town Council Minutes**



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- Motion:** Council Member Marshall moved to approve the January 15, 2019 Town Council minutes. Council Member Mulder seconded the motion.
- Action:** **Motion carried 4-01 (summary: Yes = 4, No = 0, Abstain = 1 Vote: Yes:** Council Member Marshall, Council Member Mulder, Council Member Freeberg, Mayor Calloway. **Abstain:** Council Member Hunter)

9 **G. AGENDA ITEMS:**

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11 **1. PUBLIC HEARINGS:**

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13 **a) Brian Head General Plan Revision**

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15 Bret Howser, Town Manager, explained the town has been working with Rural Community Consultants for the 2018 update of the town's General Plan. The General Plan is a land use document intended to give a broad view of the town's visions and is a main document guiding the Land Management Code. Bret explained the Planning Commission has given their input on the General Plan and requested a joint meeting with the Town Council to review the General Plan.

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Bret explained a draft of the General Plan is available to the public and requested the Council to hold the required public hearing on the General Plan at this time since there will be a joint meeting with the Planning Commission.

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Mayor Calloway recessed the regular meeting of the Town Council and opened the public hearing to receive public comment on the revision of the town's General Plan at 1:32 pm. No comments were received. Mayor Calloway closed the public hearing at 1:33 pm.

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**b) Amendment to the Land Management Code, Chapter 10.2.H.6; Excavating & Grading Permits**

Bret Howser, Town Manager, explained this is a proposed change to the Land Management Code (LMC), chapter 10, Other Required Permit, pertaining to the grading/excavation, and tree removal permits. Bret explained there was an issue several years ago in which some development started construction and then abruptly ceased, leaving scars on the land. The LMC was amended at that time with a provision that a grading/excavating permit related to building could not be issued until the building permit was obtained. Staff suggested the Planning Commission identify a different option in order for an applicant to receive a grading/excavation permit before the building permit. A bond would be required to ensure re-vegetation of the land. Staff is recommending this change to the code in which a remediation bond would be issued in conjunction with the grading permit for the purpose of vegetation restoration.

Mayor Calloway recessed the regular meeting of the Town Council and opened the public hearing to receive public comment on a proposed change to the Land Management Code, Chapter 10, grading/excavating and tree removal permits at 1:35 pm. No comments were received. Mayor Calloway closed the public hearing at 1:36 pm and reconvened the regular meeting of the Town Council

**2. ORDINANCE AMENDING THE LAND MANAGEMENT CODE, CHAPTER 10.2.H.6 OTHER REQUIRED PERMITS; EXCAVATING AND GRADING.** An ordinance amending the Land Management Code, Chapter 10 for Excavating and Grading Permits.

Bret Howser, Town Manager, presented the draft ordinance amending the Land Management Code 9.10.2.H.6 (Other Required Permits, Excavating and Grading) (see attached).



The Council held discussion on the following:

- a) Council Member Freeberg inquired if a builder changes their mind and leaves a scar on the land, are they required to submit a grading plan? Bret responded a grading plan is required identifying how it will affect the drainage and removal of trees. This concern was also expressed by the Planning Commission.
- b) The town has experienced the difficulties of trying to re-vegetate the pond area in using seed mix and transplanting trees. The town ended up getting a soil sample in order to determine how to re-vegetate the pond area.
- c) The bond is estimated around \$5,000 at this time. Staff is compiling information on what the cost per square foot is seed mix and fertilizer. Wendy explained it would be determined on an individual basis depending on the size of the area they want to disturb.
- d) Council Member Freeberg commented it took him close to ten years in planting trees around his home and inquired who will be monitoring and controlling it? Bret responded it would be in conjunction with the building permit in which the town would require a site plan and would be monitored by the County Inspector until the County is no longer involved at which point the town would be monitoring. Council Member Freeberg recommended the town visit the site during the grading phase of the property. Council Member Mulder agreed with Council Member Freeberg's recommendation on visiting the site during the grading process.
- e) Mayor Calloway inquired if the bond requirement is only for single-family residential since commercial development has its own process they are required go through. Mayor Calloway recommended a change to the ordinance identifying the bond requirement be required for residential only and not make it a condition for commercial development.
- f) Council Member Marshall asked if there is any consideration for a lot that has already been clear cut. Bret responded if it were a lot with no trees left, the town would require them to restore trees to the lot.

**Motion:** Council Member Freeberg moved to adopt ordinance No. 19-001, an ordinance amending the Brian Head Town Code, Title 9, Chapter 10.2.H.6 with the following changes:

1. The provision applies only to residential lots
  2. Staff will establish a monitoring program.
- Council Member Mulder seconded the motion.

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

### 3. BUSINESS LICENSE CODE AMENDMENT DISCUSSION.

A discussion on the first draft of the Business License Code amendment addressing nightly rentals.

Nancy Leigh, Town Clerk, presented the first draft of a proposed amendment to the Business License Code addressing nightly rentals (see attached). Nancy explained there was an action step in the FY2019 Strategic Plan to address nightly rental parking. Nancy explained she researched several other cities' nightly rental ordinances and has drafted a proposed ordinance amending the business license code addressing nightly rentals. Nancy explained the proposed amendment identifies several provisions from Cedar City's short-term rental ordinance that was recently adopted.

Bret Howser, Town Manager, explained the proposed ordinance would require the property owner of the nightly rental to sign the application agreeing to the conditions of a business license. If complaints are received, the property owner would be notified to resolve the issue or would be issued a citation. Several citations could result in a suspension or revocation of their business license.



The Council discussed the following:

- a) Larry Edgerton, resident, suggested the Council consider requiring a list of regulations the nightly rental owners must provide for their guests, such as parking, occupancy, etc.
- b) The number of warnings to a property owner before a citation is issued: It was suggested there be three (3) warnings before a citation is issued.
- c) Council Member Marshall inquired if a loft was considered a bedroom. Mayor Calloway reported that according to the fire code, it has to have a window.
- d) The number for maximum occupancy was discussed and if children were included in the total number for occupancy since they could sleep on the floor.
- e) The difference between the cabins located in a single-family zone vs. the condominiums located in a multi-family residential zone and what is expected in a single-family neighborhood.
- f) There have been some nightly rentals that advertised 25+ people for a cabin rental and whether those locations could host that many of people.
- g) Council Member Marshall inquired if a property owner is doing due diligence in trying to inform their guests on the number of vehicles allowed and the guests violate the town's regulations, whether the property owner should be responsible or the guest who chose to ignore the notice? Bret responded that the town would work with the property owner and could also consider whether to issue a citation to the guests.
- h) Mayor Calloway commented there is a requirement that during snow storms, 4x4's or chains are required for vehicles in Brian Head. Chief Benson responded the officer can cite the vehicle or have the vehicle towed in certain situations.
- i) Mayor Calloway commented he believes nightly rentals are a commercial business and should be charged a commercial rate for their utilities.
- j) Mayor Calloway suggested the term "sleeping areas" be replaced with bedrooms in the proposed ordinance.
- k) Bob Whitelaw, Alpine Lodging and Condo Rentals, commented that cabins and condominiums are different and should be treated differently since parking is not such an issue with condos as it is with the cabins.
- l) Council Member Freeberg commented that if a large condo which would have a higher number of allowed occupants, could bring four to five vehicles which could be a parking issue for the homeowners association.
- m) Mayor Calloway presented a video he took driving along Ridge View Street during a busy weekend in which vehicles were parked on both sides of the street with only one lane for access.
- n) Mayor Calloway requested a recess so the audience interested in participating in this discussion could split into small groups to discuss the issue and identify a speaker for each group to discuss the highlights of their discussions. The meeting was recessed at 2:35 pm and reconvened at 2:45pm. The following individuals were chosen by their groups to give input to the Council:
  - I. Larry Edgerton, resident, explained the residents want to welcome the guests but there are situations in which they don't want to always be calling the police to deal with a nightly rental guest and that the town should be following up with the homeowners instead. Mr. Edgerton explained the condominiums should be separate from the cabins since parking may not be an issue for the complex and would be regulated by the homeowners association instead. Mr. Edgerton explained there is more of an issue with parking in the winter than in the summer, and would encourage the town to set a limit on the occupancy per cabin in which if there is a certain number of citations issued, a property owner could lose their business license. The enforcement of the licensing code is on the town and the residents shouldn't have to call the police to deal with a situation with a nightly rental guest. Mr. Edgerton explained he would like the nightly rental guests to appreciate what the residents are doing and wants the town to enforce the law in protecting the resident's rights. Mr. Edgerton spoke about an incident in which a nightly rental guest was trespassing on their property and when asked to please



1 not trespass, the guest was belligerent with him. He has since posted "No  
2 Trespassing" signs on his property.

- 3 II. Justin Morgan, Mor Mountain Fun, commented he currently owns four properties  
4 in which three are nightly rentals. Mr. Morgan explained the town needs to ensure  
5 that when building permits are issued the property meets the drainage and right-  
6 of-way requirements, and snow storage. He understands that permits are  
7 typically issued in the summer months when snow storage is not a consideration.  
8 He would encourage the town to identify snow storage when addressing  
9 excavating and grading permits for a new building and to ensure there is sufficient  
10 parking. Mr. Morgan went on to comment the town needs to consider the  
11 importance of the guests who are visiting Brian Head and to be careful not to drive  
12 off potential investors since they would be improving the properties in town and  
13 bringing money to the community. Mr. Morgan stated he is unsure if the town is  
14 dealing with an isolated instance with a nightly rental that is a condo or not.  
15 However, guests that bring three vehicles for one condo rental could be an issue  
16 for the homeowners association. He would suggest there be more discussions for  
17 addressing condominiums vs. cabins and that all regulations the town is  
18 considering should keep in mind the issue of snow storage in winter. He  
19 requested the Council not forget about the investors who have made an  
20 investment in Brian Head.

- 21 III. Lisa Holton, Family Time Vacation Rental, commented she is concerned with the  
22 proposed occupancy limits in which she doesn't see how it is going to affect how  
23 many people are renting the place and the number of vehicles that are parked.  
24 Lisa explained the smaller locations won't be affected as much as those with  
25 larger living spaces that can accommodate more people and parking. Family  
26 Time Vacation Rentals currently has over 50 locations and believes the proposed  
27 language identifying occupancy limits at two people per bedroom plus four may  
28 not be the best solution for occupancy limits and Council should consider square  
29 footage of a home in which the Fire Marshall would determine the occupancy for  
30 that location. Lisa explained it does not make sense to have a home that is over  
31 3,000 square feet with one bedroom, that would be allowed a maximum  
32 occupancy limit of six people. Lisa reported she will inform her guests on the  
33 parking issue in an effort to enforce it the best way they can.

- 34 IV. Bob Whitelaw, Alpine Lodging and Condo Rentals, reported he has been in Brian  
35 Head for the last 12 years and owns condos at the Krisiti, Chalet Village and Giant  
36 Steps. Bob explained when a cabin or condo is rented, the management  
37 company or owner is unaware of the number of vehicles the guests are bringing.  
38 Bob explained he has looked at the issues and the differences between a cabin  
39 and condo rental and knows that a cabin rental takes more time due to ensuring  
40 snow removal is done for vehicle parking and access to the cabin. Bob stated he  
41 has not received any complaints that he is aware of and would encourage the  
42 town to ensure clarification on parking. He does not have any problems with  
43 informing his guests there is no parking on town roads or they could be towed.  
44 Bob explained Giant Steps Condos only allows one vehicle to park underground  
45 and any others must park outside. He is not sure where the fault lies when  
46 someone from another rental unit uses the space that is designated for another  
47 condo. Bob asked the Council to consider the sleeping area since there are  
48 several studio condos with a loft, but according to the proposed ordinance would  
49 only allow four people in the unit if lofts are not identified as a bedroom.

- 50 V. Mayor Calloway explained the town is reacting to a problem the nightly rentals are  
51 creating, and the Council is open to suggestions on how to address the problem.

- 52 VI. Mike Piscreta, Special Mountain Services, reported his business began in 2005  
53 and since that time he has seen the evolution of nightly rentals. Mike suggested  
54 new property owners should familiarize themselves with the town's regulations  
55 and if they want to apply for a building permit, the need to designate snow storage  
56 as a percentage of their property. Mike went on to comment that in the process of



1 developing a new system to resolve an ongoing problem, the town needs to keep  
 2 in mind there are already a number of cabins that are not nightly rentals and do  
 3 not have a driveway. Mike commented when owners are filling out the required  
 4 paperwork, they may not always be honest and some who have garages, he has  
 5 noticed they fill the garage with personal property which then no longer be used  
 6 for parking. Mike asked the Council to not forget about the snow storage for  
 7 cabins and identify winter parking for these locations.  
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9 The Council thanked everyone for their comments and reported there will be a public hearing  
 10 held on March 11, 2019 to receive more comments on this agenda item.  
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13 **4. VILLAGE CORE TRANSPORTATION PLAN PRESENTATION.** The Multi Mobile  
 14 Transportation Plan  
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16 Bret Howser, Town Manager, presented a draft of the Village Core Transportation Plan (see  
 17 attached). Bret explained this item is an action step in the town's strategic plan to look at the  
 18 Village Core area to meet the town's transportation needs, so when commercial development  
 19 happens in that area, there will be a multi-modal transportation plan in place to deal with  
 20 parking and pedestrian traffic. Bret explained this plan will assist any future development on  
 21 potential designs for parking. Jones DeMille Engineering has completed the plan for the town.  
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23 Bret Shakespeare, Jones DeMille Engineering, presented a plan with several options for the  
 24 Council's consideration. Mr. Shakespeare explained the plan was presented to the Planning  
 25 Commission for their input which was incorporated into the draft plan presented to Council.  
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27 The Council discussed the following:

- 28 a) Trail connectivity was a big issue since Brian Head is unique in having an OHV trail  
 29 access going through the town and they wanted to maximize the parking within the  
 30 right-of-way that already exists.
- 31 b) Base Alternative widens the roadway with angled parking in both directions (see  
 32 attached) and has a pedestrian path on the east side of Village Way and the trail  
 33 would loop around and connect to the town's existing trail.
- 34 c) One comment from the Planning Commission was accommodating the shuttle stops.  
 35 In the presented base plan, parking is identified in front of the Mall building and has  
 36 185 parking stalls.
- 37 d) Alternative 2 widens the road with parking identified on both sides of the road (Village  
 38 Way).
- 39 e) Mayor Calloway inquired as to the park strip that is identified in the proposed plan.  
 40 Mr. Shakespeare explained they wanted some green space between the curb and  
 41 trail. It can be eliminated as it goes to the Mall due to snow removal issues with it.
- 42 f) Council Member Freeberg inquired if they are extending into any private property in  
 43 order to identify the ten (10') extra feet. Mr. Shakespeare explained it should be  
 44 identified with the existing right-of-way.
- 45 g) Bret explained one idea is the 50' section that came up to delineate between the trail  
 46 and the roadway by using some type of planter that could be removed during the  
 47 winter season. This would give a comfortable delineation between the roadway and  
 48 pedestrian path. Mr. Shakespeare explained the town doesn't have this identified in  
 49 the right-of-way at this time for this section.
- 50 h) Alternative 1 is similar but has angled parking on both sides and some of the parking  
 51 will be identified on the county's parcel of land. The ATV trail will remain in the same  
 52 location and the proposed pedestrian trail will also remain the same. Side paths will  
 53 be connected in this alternative. There would be 15 additional parking spaces in this  
 54 alternative.
- 55 i) Alternative 2 is adding the raised median, a curb on the south bound would be  
 56 parallel parking and angle parking on the south bound lane. This would give the town  
 57 a 16' travel lane and increase the parking by 20 parking stalls above the base



1 alternative. It may be required in select areas to widen the walls out but could fit  
2 overall.

- 3 j) Mayor Calloway distributed a drawing of the proposed area (see attached). Mayor  
4 Calloway explained this proposal would address the needed parking for future  
5 development of the area and is a long-range solution for the Village Core area and  
6 would take into consideration property from the town, county, resort and private  
7 property owners.
- 8 k) Mayor Calloway commented he favored Alternative 2.
- 9 l) Bob Whitelaw, business owner, commented one con for this alternative is that you  
10 can't turn around and the vehicle would be required to proceed to Steam Engine  
11 Drive.
- 12 m) Bret requested the Council review the plan and contact him if they see any potential  
13 problem areas or if there are other alternatives the Council may want to consider.
- 14 n) One item the Planning Commission discussed is the anticipated building of the  
15 pedestrian trail through this area since the town doesn't know what future  
16 development will look like and recommended the ATV trail be moved to Village Way  
17 instead and use the existing ATV trail as the pedestrian trail and not pave the  
18 pedestrian trail at this time.
- 19 o) Bret explained the Council has identified the phase 2 of the pedestrian trail as an  
20 upcoming project this summer and the Council will need to consider whether to  
21 continue with the trail or hold off until a future date. Mayor Calloway commented he  
22 would like to see phase 2 of the pedestrian trail be established up Steam Engine  
23 Drive and possible turn the ATV trail into the pedestrian trail and move the ATV traffic  
24 onto Village Way.
- 25 p) Mayor Calloway commented the town and Mall owners need to address some of the  
26 snow issues in which the Mall's roof is a vinyl type of roofing with snow coming off the  
27 building and could cause damage. Mayor Calloway commented they need to find a  
28 way to retain the snow on the building or forfeit some of their parking for safety  
29 issues.
- 30 q) The shuttle stop in front of the Mall building may be difficult to maintain since the  
31 public will use it for parking instead.
- 32 r) Bret reported he talked to the resort about using the far north end of the resort's  
33 parking for a possible shuttle stop.
- 34 s) Council Member Hunter commented on the proposed side path in front of the Mall in  
35 which there may be safety issues with the snow falling from the roof onto the path.

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37 The Council thanked Mr. Shakespeare for the proposed plan and will generate a report  
38 from the comments the Council and Planning Commission.  
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#### 41 **5. ORDINANCE AMENDING THE FISCAL YEAR 2019 BRIAN HEAD TOWN** 42 **BUDGET.** An ordinance amending the fiscal year 2019 Town Budgets ending June 30, 2019.

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44 Cecilia Johnson, Town Treasurer, presented a draft ordinance amending the fiscal year 2019  
45 budget (see attached). Cecilia explained a public hearing was held on January 15, 2019, but  
46 staff was waiting for the final cost of the snow blower repair before an ordinance amending the  
47 budget was approved by the Council. Cecilia reported the snow blower repairs came to a total  
48 of \$43,000 which is identified in the proposed ordinance.  
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50 Mayor Calloway inquired as to the budget amendment for the enhanced garbage removal that  
51 is identified. Bret explained it was an oversight and is now included in the amendment.  
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53 **Motion:** Council Member Hunter moved to adopt Ordinance No. 19-002, an ordinance  
54 amending the fiscal year 2019 budget as presented. Council Member Marshall  
55 seconded the motion.





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

**6. SPECIAL SERVICE DISTRICT WATER RIGHT LEASE RESOLUTION.** A resolution authorizing a water right agreement for 243.08-acre feet of water for the 2019 irrigation season.

Nancy Leigh, District Clerk, presented a draft resolution for the Brian Head Special Service District (SDD) for approving a water lease agreement with Robert Brothers Dairy (see attached). Nancy explained the SSD leases the 243-acre feet of water in the Parowan Valley on an annual basis. The town received one bid from Richard Hammon for \$7,773.45, but Don Roberts with Robert Brothers Dairy has first right of refusal and chose to exercise his right and matched Mr. Hammon's bid. Nancy explained this will be for the 2019 irrigation season which runs from April through October. Nancy requested the Board adopt the resolution approving a water rights lease agreement with Robert Brothers Dairy for the 2019 irrigation season in the amount of \$7,773.45 as presented.

**Motion:** Board Member Freeberg moved to adopt Resolution No. SSD-025, a resolution authorizing the lease of 243-acre feet of water for the 2019 irrigation season with Robert Brothers Dairy as presented. Board Member Hunter seconded the motion.

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

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

**Core Value Discussion:**

Mayor Calloway reported the Council discussed core values during the strategic retreat on January 30<sup>th</sup>. During the meeting, it was decided the Council would come back and hold discussion on their core values during the Council meeting. Mayor Calloway asked the Council what their consensus is on whether to continue with the discussion.

Council Member Freeberg stated he does not feel this item is a high priority for the Council at this time and the Council could be looking at two different directions and should hold a discussion on it at a future date. Mayor Calloway commented the core values should be the Council's core values.

Council Member Hunter commented that it should be the Council's core values since it would be difficult to establish core values for the community. If the community wants to come together and decide upon something, it would be up to them. Council Member Hunter agreed with Council Member Freeberg in which it is not a high priority for the Council at this time.

**Snow Storage**

Mayor Calloway commented Mike Piscreta brought up several snow removal issues including private property owners who are transferring their snow storage onto the town's right-of-way. Bret explained this has been an issue this winter season due to the large amount of snow that has fallen. Bret reported staff will schedule a meeting with the snow removal companies, Thunder Mtn. Motorsports who does the grooming for the snowmobile trail, the resort and the public works crew to discuss on how to cooperate and come to a solution on how to address the snow storage issue. Staff will report back to the Council on this item.

**Chains or 4x4 requirement during winter storms.**

Council Member Freeberg explained there have been a lot of people who have no understanding of driving in snow while coming up Parowan Canyon. Council Member



Freeberg commented there are vehicles that are still coming up the canyon with no 4x4 or chains on the vehicles and are getting stuck and blocking traffic. Council Member Freeberg explained he would like to see some type of enforcement at the bottom of Parowan Canyon or at the chain-up area in the canyon to check vehicles to ensure they meet the requirement of having a 4x4 or chains when the sign at the chain up area is flashing stating chains or 4x4 is required. Council Member Freeberg explained he doesn't believe the town should have officers down in the canyon stopping vehicles but would like to see the Highway Patrol enforce the state requirement for the canyon. The state law provides that a violation could carry up to four months in jail and up to \$1,000 fine and if there is an accident, then the violation could be enforced. Council Member Freeberg inquired if there were an accident due to no chains or 4x4 when required, if the vehicle's insurance would still be valid.

Bob Whitelaw, business owner, commented that rental vehicles have a provision that the driver cannot put chains on the rented vehicles and the company will usually encourage them to rent a 4x4 instead.

Council Member Freeberg commented he would like to see a discussion on it and would propose staff contact the Utah Department of Transportation (UDOT) and Highway Patrol explaining the situation and request an officer enforce the law at the bottom of the canyon. Council Member Mulder agreed with Council Member Freeberg.

Bret reported staff will compile information on their existing enforcement policy and get their ideas on having an officer stationed at the bottom of the canyon. This will be identified for the March 25, 2019 council agenda.

#### **Snow Berms in intersections**

Council Member Hunter reported the town has seen an increase in traffic this ski season and the town has received a total of nine feet (9') of snow during the month of February. With the tall berms of snow piling up at the corners of the town roads and intersections, he has seen some close calls with traffic accidents since vehicles have to pull out into traffic in order to see if the road is clear. Council Member Hunter asked if staff could please look into reducing the height of the snow berms at the intersections. Mayor Calloway explained the public works crew are out today working on reducing the snow berms at intersections. Bret reported staff will draft a report for Council on the town's plan to address the snow berms.

## **H. ADJOURNMENT**

**Motion:** Council Member Hunter moved to adjourn the regular meeting of the Brian Head Town Council acting as the governing board of the Brian Head Special Service District for February 26, 2019. Council Member Marshall seconded the motion.

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

The regular meeting of the Brian Head Town Council acting as the governing board of the Brian Head Special Service District was adjourned at 4:15 pm. for February 26, 2019.

March 11, 2019

Date Approved

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Nancy Leigh, Town Clerk

