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3 The Regular Meeting of the
4 Brian Head Town Council
5 Brian Head Town Hall - 56 North Highway 143
6 Brian Head, UT 84719
7 **MONDAY, MARCH 11, 2019 @ 1:00 PM**
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10 **Roll Call**

11 **Members Present:** Mayor Clayton Calloway, Council Member Larry Freeberg, Council Member
12 Shad Hunter, Council Member Kelly Marshall.

13 **Members Absent:** Council Member Lynn Mulder.

14 **Staff Present:** Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Aldo Biasi, Public
15 Works Director; Wendy Dowland, Public Works Assistant
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18 **A. CALL TO ORDER**

19 Mayor Calloway called the regular meeting of the Brian Head Town Council to order at 1:00
20 pm for March 11, 2019.
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22 **B. PLEDGE OF ALLEGIANCE**

23 Mayor Calloway led the Council and others in the Pledge of Allegiance.
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25 **C. DISCLOSURES**

- 26 • Council Member Marshall stated she may have a potential conflict of interest with
27 Agenda Item #F-1 & 2, because she owns a nightly rental management company.
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29 There were no other conflicts of interest with today's agenda items. Mayor Calloway stated
30 that the disclosure statements are on file at the Town Clerk's office and are available for
31 public inspection during normal business hours.
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34 **D. REPORTS / PUBLIC INPUT (Limited to three (3) minutes) Non-Agenda
35 Items**

36 **Mayor Calloway** reported on the Iron County Coordinating Council (ICCC) meeting which
37 took place last week. Mayor Calloway reported the topic of discussion was the Cedar Belt
38 route alignment that is being proposed.
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41 **Bret Howser, Town Manager**, updated the Council on the 2019 Legislative Session. Bret
42 reported that House Bill 441; which would drastically alter the base for the collection of sales
43 taxes has been postponed. The bill will most likely be revisited at a later date and may
44 return during the interim session.
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47 **E. APPROVAL OF THE MINUTES:**

48 **February 26, 2019 Town Council Minutes**

49 **Motion:** Council Member Hunter moved to approve the February 26, 2019 Town
50 Council minutes. Council Member Marshall seconded the motion.
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Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Hunter, Council Member Marshall, Council Member Freeberg, Mayor Calloway. Absent: Council Member Mulder).

F. AGENDA ITEMS:

1. PUBLIC HEARING FOR AN AMENDMENT TO THE BUSINESS LICENSE CODE ADDRESSING NIGHTLY RENTALS.

Bret Howser, Town Manager, explained there is a proposed amendment to the business license code addressing nightly rentals (see attached). Bret reported the Council reviewed the first draft of the amended business license code during the February 26, 2019 Council meeting. Bret gave a brief explanation of the current license code in which nightly rentals are a permitted use in almost every zone with the exception of the light industrial zone. Bret explained there are issues that have arisen with the increased number of nightly rentals in town. The main issues are 1) parking that has caused issues with not only snow removal operations, but also blocking roads for fire access. 2) occupancy numbers in single-family residential zones which also brings in noise issues for the neighborhood. Bret explained that violations of the noise ordinance are addressed in the town’s nuisance code and fire code. 3) trespassing issues with the nightly rentals in which some nightly rental businesses are advertising ski in – ski out access and are resulting in trespassing onto private property.

Staff is proposing the following changes to the nightly rental code:

- a. Each location would be individually licensed, and a fee would be assessed for each rental along with a reduction in the licensing fee by half. This would bring the nightly rentals in line with all other business license fees.
- b. The owner of the property would sign an agreement as part of the application process acknowledging their approval to conditions that are placed on nightly rentals. The owner is able to list an agent to work on their behalf, but the property owner will be responsible for violations of the code.
- c. Occupancy limits which were identified from Cedar City’s recently adopted nightly rental code of two persons per bedroom plus four additional. Bret explained that during the February 26th meeting, the Council discussed that this may not work for Brian Head. The Council discussed using the fire code of one person per 200 square feet. A garage would be counted towards the total square footage total.
- d. The fire inspection list would increase to include the maximum number of occupancies, number of parking spaces, and no trespassing signage.

Bret explained that violations of the town code could result in suspension of revocation of a business license. Warnings would be given along with penalties identified for each violation.

Mayor Calloway requested the public to keep their comments to three minutes and if a point as already been addressed several times, to please refrain from repeating the same issue. Mayor Calloway opened the public hearing at 1:15 pm.

Mike Piscreta, Specialized Mountain Services, commented that it is a privilege and not a right to have a nightly rental business in Brian Head. Mr. Piscreta explained the town has a helpful snow removal pamphlet that is available to the public which explains parking obstructions, driveways and rights-of-way and snow storage. Mr. Piscreta suggested the staff include the snow removal pamphlet as part of the application process as an aid to the nightly rental businesses. Mr. Piscreta explained he appreciates the Council taking this issue seriously and considering a



1 change to the code. Mr. Piscreta explained he has seen the evolution of the nightly
2 rentals in Brian Head and it hasn't been pretty. He wants the town to grow and
3 wants people to be successful in their businesses.
4

5 **Betty Phelan**, 438 Eagles Roost, commented she is representing both herself and
6 her husband, Dan Phelan. Ms. Phelan reported she spoke at the last Council
7 meeting on February 26th on this subject. Ms. Phelan congratulated the Mayor and
8 Council for working with the residents on the nightly rental issues. Ms. Phelan
9 commented she read the proposed draft of the license code amendment and
10 noticed there is not a requirement for a nightly rental to carry liability insurance as
11 part of the application process. Ms. Phelan said she spoke to their insurance agent
12 who explained the insurance company is drafting a new policy specifically for nightly
13 rentals. The insurance agent reported it is important to have the nightly rentals
14 identify a specific policy for their business. Ms. Phelan explained the nightly rentals
15 business owners are not primary residents since they live in another place and are
16 renting out their cabins and condos. If a nightly rental had a fire and damage was
17 done to the neighbors and the nightly rental owner only had temporary insurance,
18 that insurance would not cover their neighbor's home and then the neighbor would
19 have to go to court and sue the nightly rental owner to become whole again. Ms.
20 Phelan explained one concern is that each nightly rental carries an appropriate level
21 of insurance such as a bed and breakfast or hotel and they should prove they have
22 coverage as part of their application process; otherwise, it could prove to be a
23 liability on the town for not requiring insurance for nightly rentals.
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25 **Kelly Kennedy**, Nightly Rental Business located at 392 Pinehurst, commented she
26 was glad to have open conversations between the permanent residents and owners
27 who rent out their cabins or condos. Ms. Kennedy explained she has been in Brian
28 Head for over thirty years and remembers she has always had their extended family
29 staying at their condo which is what a lot of families are looking for. Ms. Kennedy
30 went on to say that there are parking capacity issues. She can't imagine why the
31 town would want to limit the capacity when there is open space available for people
32 to park. The town's primary business owner is bringing more summer and winter
33 activities and the nightly rentals will offer the facilities for the public to stay. Ms.
34 Kennedy commented she would not like to see the Council limit the occupancy
35 because of revenue purposes and that most nightly rentals are trying to recover
36 from the 2017 Brianhead Fire which wiped out an entire summer season for these
37 businesses. Ms. Kennedy explained the town should not be comparing themselves
38 to Park City or Cedar City when visitation is slow since these two cities are open
39 year-round, and Brian Head has times that during the spring and fall periods. Ms.
40 Kennedy explained that the reason why she came to Brian Head was to allow the
41 next generation to build the same memories and hopes the Council reaches
42 common ground and have families keep coming back.
43

44 **David Pulsipher**, nightly rental business located at 319 and 315 Ridge View Street,
45 stated he has some questions pertaining to the limit on occupancy numbers allowed
46 for a home.

- 47 1. If his family uses the cabin for private use and exceeds the allowed occupancy
48 number, and is not a nightly rental situation, would he be required to follow the
49 licensing code as it relates to occupancy limits and parking.
- 50 2. Would like to know what is the square footage that the Fire Department uses for
51 occupancy limits. Mayor Calloway responded the fire code identifies one
52 person per 200 square feet.
- 53 3. Would the garage count as part of the square footage total? Mayor Calloway
54 responded it would count towards the total square footage of the home.
- 55 4. Would he have to pay another fire inspection fee to have the license renewed
56 annually?



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5. If one his grandkids wants to hold a wedding reception at his home, which would be a private function, how would the town handle the parking? This could apply to another type of private function such as a Super Bowl party or family reunion.

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Scott Kraft, RBSelf nightly rental business, commented he has read the proposed ordinance amendments and is okay with the proposed language with the exception of the occupancy limits and would recommend the Council follow the fire code instead. Mr. Kraft explained he has remodeled his condo units by removing a bedroom to make larger living spaces and combined bedroom space and he does not count people age five and under as occupancy but allows ages one thru six to count as a half of an adult. Mr. Kraft stated he would appreciate it if the Council would use the fire code for addressing occupancy limits.

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Justin Morgan, Mor Mountain Fun nightly rental business, thanked the Council for their efforts on working on the nightly rental ordinance and knows that it is not an easy task. He would like to make some suggestions to the Licensing Code specifically to the occupancy and parking:

1. Section B: He would propose to renew licenses in March instead of October since the snow is still on the ground and staff could determine where snow storage is identified.
2. Section C: submitting floor plan, parking, etc. He would suggest submitting their insurance policy along with a site plan of their snow storage. He believes that it needs further definition for clarification purposes. A primary and a secondary area for snow storage along with the height and depth of the snow and would also suggest giving this plan to the town's snow removal crew for reference.
3. Parking: under the code it says developed parking and believes there should be more of a definition for the property owners.
4. He is against the owners being cited for violations since the town is making a lot of requirements such as the posting of maximum occupancy limits, parking, trespassing and the owner has all of the required notices given and the listing reflects the town's rules and their guests are still choosing to break the rules, the guests should be the ones cited for the violations and not the property owner.
5. One-hour response time is unreasonable and needs to be a longer period of response time.
6. If a guest is cited for a violation such as parking, then it would be reflected in their feedback to the property owner. If a warning is issued it would be reflected during the renewal process.
7. The garage could identify two parking spaces unless it is filled with other things that would take away the parking. If parking is posted inside of the cabin/condo, the guest would get confused and their booking for the nightly rental would be affected.
8. Section D.9: under the word "etc" he would like to have this clarified so that there is no misinterpretation of what it could mean, and the property owners are fully aware of all of the requirements from the town.
9. Would recommend the Council consider the square footage requirement from the fire code as a means for measuring occupancy limits and a consideration should be given for those who have modified their homes.
10. By giving the property owner notice of parking issues now, then they would have the ability to make any changes to their driveways in the summer season.

Mr. Morgan thanked the Council for their consideration on this issue.

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Dorothy Sheffield, nightly rental owner of 292 Ridge View Street, commented she agrees with a limit for maximum occupancy and would recommend the Council use the square footage identified by the fire code since she owns a large cabin and has several sets of bunkbeds in some of her bedrooms which sleep up to six people in a bedroom. Ms. Sheffield commented she does not feel the town should cite the



1 property owner if they have identified the requirements of the town by giving notice
2 of the maximum number of vehicles and people that are allowed. Some guests will
3 break the rules and they are the ones who should be cited and not the property
4 owner. Ms. Sheffield explained she identifies all of the requirements in a contract
5 between her and her guests. She questioned whether the town would infringe on
6 personal property rights when her family is there which totals 56 people and she
7 would like to make sure that it is identified that it is not a nightly rental for this type of
8 particular situation.
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10 **Jennifer Arnett**, nightly rental at Giant Steps Condo unit #63. Ms. Arnett explained
11 she has submitted a written comment to the Council on this subject but would also
12 like to address the Council on the following:

- 13 1. The provision that the property owner would be cited for violations. Ms. Arnett
14 commented she would like to see that the owner be removed from the
15 requirement of signing the agreement if an owner uses a rental management
16 company on their behalf. Ms. Arnett explained the rental management company
17 is the one who is responsible for obtaining the business license and submitting
18 any required fees/taxes. Ms. Arnett explained she currently works two jobs and
19 does not have the time to manage her nightly rental unit. She feels the
20 management company is the one responsible to ensure that all of the town's
21 requirements are met and if there is a situation and they are not responding, she
22 would like to receive a phone call notifying her of the situation, but that the rental
23 management company's license should be pulled instead of the property
24 owner's.
- 25 2. Ms. Arnett reported she has lived in Park City and has seen the evolution of the
26 nightly rentals.
- 27 3. The one-hour response time is unreasonable. Ms. Arnett explained she works
28 in the medical field and cannot answer her phone and would not be able to
29 make the one-hour response time.
- 30 4. The requirement of submitting plot plans, parking plans are not unreasonable,
31 but the town should already have those plans when the cabin or condo was
32 originally built.
- 33 5. Would recommend the Council follow the fire code as it pertains to the square
34 footage requirement.
- 35 6. Parking: she has no control over where her renters are parking their vehicles
36 and if they chose to break the law, the renters should be the ones cited.
- 37 7. If guests are violating the noise ordinance or doing illegal conduct within the
38 cabin/condo, then the guests should be the ones responsible for being cited.
- 39 8. The condominiums have property managers and they have the ability to call the
40 police if a guest is violating any of the town's rules. She disagrees with giving
41 the property owner a citation for the conduct of their guests.
- 42 9. Would recommend the Council establish a committee to address the nightly
43 rental issues and she would volunteer her time for the committee since she has
44 had experience with the nightly rental issue. Ms. Arnett gave a brief history of
45 her experience in Park City in raising money for a land purchase in order to
46 keep the property zoned as open space along with other experiences.
- 47 10. The town may have to consider building a parking structure in order to meet the
48 demand of parking, or to establish a designated parking lot at which the town
49 shuttle would make regular stops.
- 50 11. She would like to see the town implement a requirement for the property
51 owner to provide a copy of their liability insurance for their home they are renting
52 out.
- 53 12. The fire department should conduct annual fire inspections on all of the nightly
54 rentals to ensure that no alterations were made to the home.
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1 **Charlene Foley**, resident at 315 Ridge View Street. Ms. Foley stated that with Airbnb
2 and others there is a problem on who is answering the ad and what type of individual is
3 renting the property. The property owner doesn't meet the renter face to face and there
4 is no accountability. Ms. Foley reported on a trespassing incident on February 2, 2019
5 with a snowboarder who trespassed onto their property and when confronted became
6 belligerent. After this incident it left them feeling negative about the nightly rentals and
7 one property owner owns two nightly rental properties and when both cabins are fully
8 occupied, they can have up to 52 people at one time. She believes the property owner
9 is abusing the privilege of the nightly rentals and his neighbors are feeling like they live
10 next to a Motel 6. Ms. Foley stated she realizes the Council is addressing the parking,
11 noise and occupancy for nightly rentals, but if the rules are not enforced, they are
12 worthless. Enforcement is essential and she would like to know how the new rules are
13 going to be enforced. The town issues the license and the town should be the one who
14 enforces the rules. She would like to see a new department created by the town to
15 address enforcement issues. The town collects the taxes and fees and could pay for a
16 new department. Also, why isn't the town hall open on the weekends when the largest
17 number of visitors are in Brian Head? The residents suffer with no gain. Ms. Foley
18 thanked the Council for their time.

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20 **Larry Edgerton**, 316 Ridge View Street resident. Mr. Edgerton reported he has been
21 coming to Brian Head for over 40 years and believes it is the last great place for skiing
22 and living. He is a permanent resident and the character of the neighborhood has
23 changed in which 50% of the cabins on their street are nightly rentals. Mr. Edgerton
24 reported he has sent over 20 emails on violations, concerns and phone calls and doesn't
25 believe the town doesn't have the resources to address the short term rental parking
26 Mr. Edgerton commented he agrees with the comment on page 69 of the Council's
27 packet that there should be no cabin short term rentals until a reasonable workable plan
28 is in place. There are 80 cabins out of 530 rentals and the rest are condominiums who
29 have homeowners' associations that can monitor their own areas. Mr. Edgerton stated
30 there is a lack of enforcement policy that has pitted owner against owner as evidenced
31 by the letter on page 73. This is what is happening and will be happening more and
32 more. It is not up to the residents to call the police and confront the guests and owners
33 and it is up to the town who is issuing the licenses and the town should be enforcing the
34 code. There needs to be accountability, citations with monetary penalties and
35 enforcement. 2. Each license renewal should be treated as a new license and a notice
36 should be sent to the neighbors within 300-600 feet of a short-term rental. The neighbor
37 will have the best information on what the impact of a short-term rental does to the
38 neighborhood since it is a business that is pushed upon the residents. 3. The town
39 should review each website for short-term rentals for rules and accuracy. 4. The short-
40 term rental should be inspected each year for compliance with the fire code. The cabin
41 may have a new intended use and is identified as a business. Mr. Edgerton explained
42 the insurance has been covered already. The inspection should be done by three
43 people: fire marshal, council member and staff in order to see the impact on the
44 neighborhood. 5. There are 80 cabin rentals out of 350 cabins which is 23% of the total
45 and there are 50% of that located on Ridge View Street. In his opinion this is too many.
46 The whole character of the neighborhood has changed and turned into something else.
47 Many other towns only allow 10% for short term rentals. Mr. Edgerton explained this
48 should only apply to cabins and not condos. The town welcomes visitors and there is no
49 staff on the weekends at the town hall to answer questions and complaints. The town
50 hall should be opened on the weekend when renters are coming in and the owner is
51 gone. Mr. Edgerton explained that violations and penalties are important, but
52 enforcement of the code is the most important.

53
54 **Bob Whitelaw**, Alpine Lodging and Condo Rentals, explained he has been in Brian
55 Head for over 30 years as a season pass holder. He is surprised that not more of the
56 people from the management companies are not stepping up to speak on behalf of the



1 short-term rental issue. Mr. Whitelaw commented he has reviewed the proposed
2 changes and believes there is a difference between the cabins and condos that are
3 located at the ski bases. Mr. Whitelaw recommended the Council differentiate between
4 the two. He disagrees with licensing each individual property. Mr. Whitelaw reported he
5 bought a Kristi condo 12 years ago and received his license. Since then, he has
6 purchased five other locations along with being a rental management company handling
7 other people's condos/cabins. He disagrees with the individual licensing since it would
8 increase additionally to \$260 which would cost him \$240 annually to renew. The town
9 would be looking at hundreds of additional business licenses and understands the
10 reduction in fees and it would increase the town's revenue. He also disagrees with the
11 fire code since he owns a 330 square foot condo and only one person could stay there.
12 Square footage does not work for condos as it would for cabins. Some places have
13 sleeping areas which are lofts that can sleep people and would agree the proposed
14 language of two per bedroom plus four additional people as an occupancy limit. He
15 recommended the town ticket the offender and not the business license holder since he
16 doesn't think he should be responsible and possibly lose his license because one of his
17 guests does not abide by the rules. Mr. Whitelaw encouraged the Council to reconsider
18 the one-hour response time and extend the time to respond. Mr. Whitelaw commented
19 that the majority of the proposed changes do not really affect his business other than the
20 occupancy issue.

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22 **Steve Sheffield**, short-term rental owner, commented he has owned their cabin for over
23 twelve years. He believes that the Council should not be treating the cabins and condos
24 differently since they are not the same. He would recommend the town cite the offender
25 and not the license holder and that it makes sense to have the town provide
26 enforcement ability during the weekends. Mr. Sheffield commented that there should be
27 someone available to enforce the town codes since he would not like his neighbors to be
28 burdened from their short-term rentals. Mr. Sheffield explained they go to great lengths
29 to try and research the type of people who rent their cabin and there are some guests
30 that lie to them about the number of vehicles they have and have been found out
31 through their camera system. Guests have ignored their request to have the requested
32 number of vehicles, but the majority of the guests abide by their requirements and those
33 groups with large number of people typically control themselves. Mr. Sheffield said
34 there is some angled parking in the street and would like to know how to access it and
35 keep it open to provide extra parking and he is not sure how to coordinate with the town
36 and help enforce the parking and will support the plan.

37
38 **Jennifer Arnett** commented that the last time a city brought up a parking issue, there
39 was an article on Snowbasin who had vehicles towed due to parking violations and it
40 was bad public relations, but it brought parking to the public's attention.

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42 There were no other comments. Written comments were submitted to the Town Clerk
43 and are part of the minutes. Mayor Calloway closed the public hearing and reconvened
44 the regular meeting of the Town Council at 2:10 pm.

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46 Mayor Calloway thanked the public for their input, and, in his opinion, the short-term
47 rentals should be allowed to have large family gatherings and the licensing rules
48 shouldn't apply in this type of instance. He believes all short-term rentals should have a
49 new fire inspection completed to ensure they meet the town requirements. The
50 provision on the proposed language identifying the license holder be cited vs. the
51 offender is that the owner should be linked for continual problems such as a third
52 instance, the owner should be brought into it since the owner is conducting the business
53 and making the profit and they should be part of the solution. For those going thru an
54 agent, it will bring the agent in check. One example would be the idea of providing
55 insurance certificates for the business they are conducting.

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1 Dan Phelan, 438 Eagles Roost resident, commented he is glad to be here and doesn't
2 want to kill the issue of the short-term rentals that bring money to the town. That 90% of
3 the people who are renting their cabins are doing a good job, but there is about 10% that
4 are not. He questioned as to when the sprinkler requirement is required for a cabin and
5 if it is a commercial use, then sprinklers is required. Mr. Phelan stated the town needs
6 to review the sprinkler requirements since it is a safety issue to put 52 people in a home
7 without a sprinkler system.
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9 The Council held discussion on the following:

- 10 1. Council Member Freeberg encouraged the Council to identify carbon monoxide
11 detectors as part of the fire inspection.
- 12 2. Mayor Calloway reported he has contacted Matt Tesdall and Bob Whitelaw, rental
13 management companies, to put together a report on some constructive solutions for
14 the occupancy limits and report on it during the March 25th Council meeting.
- 15 3. Mayor Calloway encouraged the property managers and condominium HOA
16 presidents to contact him on their perspective of the short-term rentals and their
17 impact on the condominium HOA's.
- 18 4. Council Member Hunter commented he would like to see the town define developed
19 parking. He understands it varies between summer and winter seasons since the
20 parking spaces fill up with snow during the winter.
- 21 5. Council Member Hunter stated he agrees with private property rights with family
22 members coming and staying at the cabins and there should be some rules
23 identified.
- 24 6. Council Member Hunter recommended the Council be more generous on the square
25 footage rules and identify a cap on it. He understands the fire code is there for a
26 reason.
- 27 7. Council Member Marshall commented cabins and condos should be identified
28 differently in which the condos are in a multi-family residential zone vs. cabins that
29 are in a single-family residential zone.
- 30 8. Council Member Marshall agrees with not citing the license holder and there needs
31 to be a setup that everything advertised online notifies the renters of the rules and if
32 the rules are violated, then the renters should be cited.
- 33 9. Mayor Calloway stated that the owner should be brought in on the situation in order
34 to keep the management company in check and if it is a continuing problem, the
35 town would then bring in the owner to resolve the issue. The town would issue a
36 warning and after the third instance, the town may pull the license.
- 37 10. Mayor Calloway stated the town can knock on doors to contact the renter when
38 there is a parking issue, and most will move their vehicle. If there are large groups
39 exceeding the parking, then the owner would be notified.
- 40 11. Bret Howser, Town Manager, explained it is not the same people over and over and
41 if the town cites the guests, it is not an effective education process. If the owner is
42 brought into the issue, then the owner is the one who needs to educate the guests
43 and it would be a soft handed approach since the town does not have the personnel
44 to address it. The potential that someone could lose their license if they are not
45 going to help resolve the issue is what needs to be communicated.
- 46 12. Bob Whitelaw, Alpine Lodging, reported that in twelve years he has had less than
47 one-percent (1%) of his guests that have caused an issue. He doesn't see it being
48 a problem for his company. He submits a list of the rentals which identifies the
49 property owner. He believes the condos are different than cabins in which they
50 have a homeowner association along with CC&Rs and they can enforce their own.
- 51 13. Jeff Johnston recommended the Council consider limiting the number of licenses
52 issued and cite the homeowner and make the homeowner enforce the town
53 regulations. The owner can tighten up their contract they have with their guests. If
54 the town were to limit the number of licenses issued, then it would add more value
55 to the license and the homeowner will protect it more. Mr. Johnston explained that
56 Minnesota has a short-term rental issue also.



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14. Council Member Marshall commented the town may need to consider designating a parking area for overflow and have the town shuttle pick them up at a parking lot area.

2. ORDINANCE AMENDING THE BUSINESS LICENSE CODE, CHAPTERS 1 (DEFINITIONS), CHAPTER 2A (LICENSING IN GENERAL) AND CHAPTER 2B (SUSPENSION AND REVOCATION). An ordinance amending the Business License Code addressing Nightly Rentals.

Council directed staff to bring this agenda item back for Council's consideration after further information is obtained from the rental management companies.

Mayor Calloway requested staff to email Mr. Tesdall a list of the rental management companies.

Motion: Council Member Freeberg moved to take a five-minute recess. Council Member Hunter seconded the motion.

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

The regular meeting of the Town Council was recessed at 2:28 pm. The meeting was reconvened at 2:35 pm.

3. BRISTLECONE POND/PARK MASTER PLAN. A review of the Bristlecone Pond/Park Master Plan.

Aldo Biasi, Public Works Director, submitted a draft plan for the Bristlecone Park area (see attached). Aldo explained the plan identifies a current list and future list of projects for improvement around the pond. Aldo requested the Council's input on any other projects they would like to see completed for the park area.

The Council discussed the following:

1. The engineering and design to construct a silt mitigation pond is currently scheduled for this year. Bret reported Mac Hatch, Brian Head Resort, has identified an area for the mitigation pond.
2. The silt pond is not yet budgeted for and if approved, it would be included in the upcoming budget and identified as an action step in the strategic plan.
3. Council Member Freeberg suggested the town transplant trees from the area instead of purchasing trees from other locations. This would give the transplanted tree a better chance of surviving.
4. The town will work with the Tree Commission on transplanting trees around the pond area.
5. A zig-zag fence to be installed similar to what is already along the meadow areas. Council Member Freeberg inquired as to the snowmobile trail that could conflict with the fence. Mayor Calloway requested Council Member Freeberg contact Aldo to review where the snowmobile trail is located in reference to the proposed fence. The snowmobile trail may be within UDOT right-of-way and the fence would be out of the right-of-way. Staff will verify.
6. Mayor Calloway commented he would like to see a barrier of some type to keep the areas that are needing vegetation. This would give the area a chance to grow.
7. Mayor Calloway commented there are a lot of people who are parking in the area by the pond, across from the Mexican restaurant, and no vegetation is growing. Bret explained the Planning Commission has reviewed this and their recommendation



- 1 was to not totally block the area from parking but allow easy access to fishing. A
2 barrier of some type may be needed.
- 3 8. A paved walking trail will follow along Vasels Road and will have a paved loop that
4 will go up to the restrooms at Chair #1. The restrooms are scheduled to be
5 constructed this summer.
- 6 9. There are some proposed picnic sites identified on the plan, but the sites can be
7 relocated if the Council desires.
- 8 10. Council Member Freeberg inquired as to why the town should pave the trail around
9 the pond. Bret explained that it is a suggestion and is a discussion for the Council
10 to decide.
- 11 11. Mayor Calloway commented the raps are down to dirt and would prefer to have it
12 paved instead which would give it a cleaner look. Bret explained it would be a half
13 mile loop and could cost approximately \$50,000 to \$100,000. Bret explained the
14 town would look for a grant to assist in the funding of the trail.
- 15 12. Aldo explained the town has already seeded some of the areas and will be
16 reapplying more seed during the spring.
- 17 13. Council Member Hunter inquired if the silt mitigation pond project can wait another
18 year or if it is a needed project. Aldo explained the project would be dictated by the
19 weather. Mayor Calloway commented the town could possibly block off the culvert
20 and have the water run down the highway and divert it into the creek.
- 21 14. Bob Whitelaw suggested the town consider purchasing a pavilion area similar to
22 Quail Creek pavilion which provides a wind block.
- 23 15. Mayor Calloway suggested more picnic tables be identified on the dam area that
24 can be removed during the winter season.
- 25 16. Mayor Calloway reported he has issued a challenge to the businesses to plant trees
26 and maintain those trees around the pond area. The businesses would purchase
27 the tree, plant it and water it until it is established for two years.
- 28 17. Bob Whitelaw suggested the town widen the dock area and add two more sections
29 to the dock.
- 30 18. The pickleball court will be identified as a future project to resurface the court area
31 unless the town is able to obtain grant funding to improve the pickleball court.
- 32 19. Mayor Calloway requested the kiosk be cleaned up at the pond area and the roofs
33 be replaced with metal instead of the wood shingles that are currently on them.
34 Wood shingles are prohibited by the Land Management Code.
- 35 20. There is a small area on the west side of the pond that still has the large wood chips
36 that were put down several years ago. This will be identified as a potential service
37 group project to clean up the wood chips and put down fertilizer.
- 38 21. There was concern about allowing the public to plant trees anywhere around the
39 pond and that they should be following the plan for planting trees in certain locations
40 around the pond.
- 41 22. Burke Wilkerson, Brian Head Resort, reported the resort has used a tree spade
42 company that was able to transplant large trees on their property. He will give the
43 contact information to staff for transplanting trees.
- 44 23. An irrigation system needs to be established at the pond before more trees are
45 planted. Staff will research past information on an irrigation system for the pond that
46 was previously presented for approval.
- 47 24. The areas where trees will be planted, the town will need to put down top soil in
48 order to condition the soil before planting.
- 49 25. Bob Whitelaw suggested the town consider some type of water feature where the
50 water comes into the pond area. This would enhance the south side of the pond.
- 51 26. The Chair #1 parking will be sealed this summer as part of the street master plan.
52 This would also include any paved trails.
- 53 27. Mayor Calloway commented he would like to enhance what the town already has
54 and in the next year's budget continue to add pavilions to the area.
- 55 28. Identify small patches of space for picnic areas and sod would be used for these
56 areas. Possibly a 20'x20' area. Council will determine.



Consensus of the Council:

1. Widen the dock area.
2. Add picnic tables along the dam that will be removed during the winter season.
3. The kiosk roofs to be replaced with metal roofs and the wood shingle roofs removed along with some stain on them. Two kiosks to be improved.
4. When the snow melts, the Council will take a field trip with staff to designate the areas that will work for picnic areas.
5. The Tree Commission has identified locations on where trees are to be planted around the pond area.
6. Irrigation system will be identified as a project. Identify some frost hydrants in certain locations around the pond.
7. Staff will price out a water feature on the south end of the pond for a potential future project since it would require power to the area.
8. The silt mitigation pond project: Staff will work with UDOT on diverting water down the culvert going down the highway and into the creek instead of the pond. If the town moves the rip-rap, it could provide a barrier for parking and could also be a solution to a silt pond in allowing to clean itself out.

4. FY2020 STRATEGIC PLAN PRESENTATION. A review of the draft FY2020 Strategic Plan.

Bret Howser, Town Manager, presented the draft fiscal year 2020 strategic plan (see attached). Bret explained the draft plan identifies the changes Council identified during their strategic planning retreat in January. Changes to the plan are identified in red font.

The Council held discussion on the following:

Public Works Strategies and Action Steps:

1. Streets: Staff will verify the street "Cedar Circle" May be an incorrect name.
2. ST02: Mayor Calloway stated he would like to see the streets be cleaned more than twice a year. He would like to see the area cleaned at the intersections of where the ATV trail hits the streets, before any major holidays and after the holidays. Aldo reported he can determine which areas are in need of sweeping. A street sweeper will be budgeted for and staff will review the cost for purchasing vs. renting a sweeper. All roads will be swept twice a year and cleaned as needed.
3. Staff will remove the action step for ATV aprons since this project has been completed.
4. An action step will be added for the Vasels Road overlay/chip seal project.
5. Council Member Hunter congratulated the public works staff on their efforts in keeping up with the snow removal operations. Council Member Hunter inquired as to when the town walking trail will be opened. Aldo responded they have it scheduled to be plowed open by this weekend.
6. Bret explained staff will be exploring back-up options for the Kodiak blower. It could be an agreement with someone who owns one and the town can rent in case the Kodiak blower breaks down. Staff will come to Council on the cost of a blower if needed. The Kodiak representative inspected the blower last week and determined the front ribbon on the blower needs to be repaired. Mayor Calloway inquired if the blower was identified in the asset management for replacement. Bret responded the blower was identified in the asset replacement. A date wasn't identified for replace, only a life span of ten years was identified and the town was setting aside approximately \$20,000 a year for replacement.
7. Street Lights: Bret explained staff is looking at a new replacement and maintenance program for the town's street signage. Staff will identify an inventory with costs and will be setting aside some funding annually for this program.



- 1 8. ST07, Transportation: Mayor Calloway commented he would like to see phase 3 of
2 the walking trail identified since it is more of a continuance of the plan identified for
3 funding purposes. Bret explained he didn't identify it because it is in the beginning
4 process of planning on the phase 2 of the walking trail. Phase 3 of the walking trail
5 will not be completed this year which is why it is not identified in the strategic plan.
- 6 9. The volleyball court will be wrapped into the Bristlecone Park maintenance program.
- 7 10. The town may use mag chloride on the walking trail around the pond.
- 8 11. Staff eliminated Strategy PK02 since it was more work and didn't have the benefits.
9 This will be identified for other items such as printing of the trail maps, etc.
- 10 12. Mayor Calloway commented that it is important that Council be more creative in
11 coming up with strategies and action steps and seeing things that are being phased
12 out.
- 13 13. Mayor Calloway commented the culverts on the town trail go down into a deep
14 burrow ditch. He would like to see some culvert installed to help with it.
- 15 14. Mayor Calloway commented he would like to see the OHV crossing sign along the
16 highway near Spruce Street be reinstalled.
- 17 15. Mayor Calloway inquired if there is funding for improvement for the kiosk near the
18 OHV trail by Circle Drive. Bret explained there is currently funding identified for this
19 year and if the project is not completed, staff will carry over that funding into next
20 year's budget.
- 21 16. Mayor Calloway inquired if staff has followed up with Parowan City on the trail
22 coming up Parowan Canyon. Bret reported staff has not yet followed up with
23 Parowan City. Mayor Calloway commented he would like to see Parowan to finish it
24 and staff will need to follow up with them. Aldo explained he has spoken with
25 Parowan City about getting a trail to the forebay and dealing with the flooding
26 issues. Mayor Calloway commented that if another trail was identified that would
27 use the road to Dry Canyon, that it could be a useable trail, but he is unsure whether
28 this route would work or not. As of now, the penn stock line is the only route to get to
29 Parowan. Parowan City is open to the idea and they need to deal with flooding and
30 maintenance issues.
- 31 17. Mayor Calloway requested staff to continue to work with DNR on ideas for the trail
32 from Dark Hollow to Highway 143. He suggested they consider a trail from Dark
33 Hollow to Yankee Reservoir. Mayor Calloway commented that maybe putting a line
34 on a map and the would try to work it through. Bret reported staff will add this as an
35 action step as a continuation of the Dark Hollow Trail and will broaden it to continue
36 to plan for future phases of the mountain bike trails.
- 37 18. Aldo reported staff is looking at purchase a heavy-duty service truck with a crane to
38 assist in lifting PRV's and other heavy job. The vehicle will stay with the town for a
39 long period of time. Mayor Calloway suggested staff look at a used vehicle instead
40 of a new one.
- 41 19. Mayor Calloway suggested the wooden shingle roof over the town hall fuel pumps
42 be replaced to a metal roof instead. Mayor Calloway stated this is not a high priority
43 at this time.
- 44 20. Well Improvements: Aldo explained this is the second stage in order for the town to
45 have a reliable source of water. The town needs to do some maintenance on the
46 town hall well and will be rehabbing the pump for the well. Mayor Calloway inquired
47 if staff can camera the line before the pump is pulled. Aldo reported he will inquire
48 to see if it can be videoed first. Discussion took place on the water production of the
49 Bearflat Well initially. Aldo reported he will research what the production was to be
50 initially for the Bearflat Well.
- 51 21. Staff will correct the word "cal-valve" to "clay valve".
- 52 22. Council Member Freeberg suggested spreading the dumpsters out between Forest
53 Drive and Steam Engine Drive.
- 54 23. Mayor Calloway suggested staff drill some holes in the channel of the side doors so
55 when ice builds up and the doors are difficult to open.



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24. Mayor Calloway reported he received a note on acquiring property for town dumpster site. Mayor Calloway explained there is no room at the Forest Drive dumpster site for any additional dumpsters and if a lot sold, the town would be required to find a new location for the dumpsters. The town is encroaching onto private properties. Bret responded the staff will be recommending the town consider purchase property.

25. Mayor Calloway inquired about dumpster screening or some type of fencing that can be portable due to snow removal issues with enclosures. Bret reported staff is trying to develop a solution that is operational for the screening on the dumpsters.

Bret reported staff will bring back the strategic plan to complete the rest of the plan review and adoption. Staff will identify a budget workshop for the first meeting in April.

Mayor Calloway reported he does not have a lot of comments for the Administration Department's strategies and action steps. He would like to ensure the code enforcement path is in place for citing violations and implementing fines. Bret responded the town currently has a process identified and Wendy Dowland, Public Works Assistant, has it written down and staff will be meeting on it tomorrow with Chief Benson and Jeff Morgan to review the process. If agreed upon, staff will bring a change to the code enforcement policy to Council for review and approval. Mayor Calloway commented he would like to identify it as an action step.

Bret inquired as to the Council's take on the short-term rentals and identifying additional personnel for enforcement on licensing. Bret explained there have been previous discussions on identifying staffing for public works and a Fire Marshal. If the town decides to inspect short-term rentals annually, then fire inspection fees could possibly assist in paying for a Fire Marshall. Bret explained there are three personnel needs: another full-time in addition to the part-time public works position which is approximately \$70,000 to \$80,000 annually and more for a Fire Marshall along with a Code Enforcement Officer.

The Council held discussion on short-term rentals and who should be cited for parking violations. Council Member Freeberg explained that if the public is not able to make a call to dispatch for assistance with short-term rentals, they expect the town to pay for a code enforcement officer to be always be driving around and watching for any violations. Mayor Calloway explained there are more things that are needed than a code enforcement officer. Council Member Marshall commented if the town starts issuing citations, it may clear up the issues. Bret responded staff will come up with a new approach for code enforcement where the police are more involved. Mayor Calloway asked the Council to keep in mind if there should be a cap on the occupancy limit for cabins as a possible solution.

Council Member Freeberg inquired as to the monitoring of the excavating/grading permit program in which they are required to submit a site plan and identify the trees they plan to remove. Bret responded the only way to monitor the situation is to have someone on site while they are cutting trees. Council Member Freeberg suggested staff drive by the site daily when they are cutting. Bret explained they could lose their bond if they cut down more trees than agreed upon.

ED01: Public Services: Bret explained he would like a policy direction from the Council on what the town will provide for special events. The town has been asked to provide portable restrooms, shuttle services and additional law enforcement for every special event. Mayor Calloway commented he would like to think about this before the Council's answers.



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5. GENERAL PLAN REVIEW. A review of the General Plan draft.

The Council did not address this agenda item due to time constraints.

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

The Council did not address this agenda item due to time constraints.

G. ADJOURNMENT

Motion: Mayor Calloway moved to adjourn the regular meeting of the Brian Head Town Council for March 11, 2019. Council Member Hunter seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 5:15 pm for March 11, 2019.

March 25, 2019
Date Approved

Nancy Leigh, Town Clerk

