

The Regular Meeting of the
 Brian Head Town Council
 Town Hall - 56 North Highway 143
 Brian Head, UT 84719
MONDAY, MARCH 12, 2018 @ 1:00 PM

Roll Call.

Members Present: Mayor Clayton Calloway, Council Member Larry Freeberg, Council Member Lynn Mulder (Kelly Marshall, appointed during meeting)

Members Absent: Council Member Shad Hunter

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Chief Dan Benson, Public Safety Director; Shane Williamson, Public Works 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 March 12, 2018.

B. PLEDGE OF ALLEGIANCE

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

C. DISCLOSURES

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

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

Bret Howser, Town Manager, reported the Council receives a budget monitoring report monthly in the Council packet (see attached report). Bret explained if the Council were to open the excel version of the report, they would be able to review each budget item in detail. The monthly financial reports the Council receives from the Town Treasurer will show the year to date and what has expired so far, the excel version will take into account seasons from past years along with a projection. Bret gave an example of what the budget monitoring report can do in the excel format.

1. Council Member Freeberg inquired if the town is withholding retention for the fuel tank replacement project or if it is just the income from the gas sales. Bret explained the revenue will be transferred over at the end of the fiscal year.
2. Mayor Calloway inquired as to the amount of \$74,695 for the town's total revenue amount. Bret explained that after a budget adjustment, the fund was budgeted to be \$74,000 in the negative in the general fund due to paying out the volunteer firefighters from the general fund and a payroll that was on June 30, 2018 which included the firefighters. There was a budget adjustment to account for the amount.

Vicki Morgan, resident and potential Council Member candidate commented that whoever the Council decides to appoint for the vacancy will do a great job.

E. APPROVAL OF THE MINUTES:

February 26, 2018 Town Council minutes



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Motion: Council Member Freeberg moved to approve the February 26, 2018 Town Council minutes. Council Member Mulder seconded the motion.
Action: **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Council Member Freeberg, Council Member Mulder, Mayor Calloway. Absent: Council Member Hunter)**

F. AGENDA ITEMS:

1. TOWN COUNCIL VACANCY APPOINTMENT. The Council will make the appointment for the Council seat that was vacated by Council Member Wilson.

Nancy Leigh, Town Clerk, explained the Council has held the Council vacancy interviews during a special meeting on March 8, 2018 and are now ready to vote and appoint a candidate to the Town Council seat. The candidates who submitted a letter of interest and were interviewed were Vicki Morgan, Cecile Wallis and Kelly Marshall.

Motion: Mayor Calloway moved to appoint Kelly Marshall to fill the Town Council vacancy. Council Member Freeberg seconded the motion.
Action: **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Council Member Freeberg, Council Member Mulder, Mayor Calloway. Absent: Council Member Hunter)**

Kelly Marshall was sworn in to the office of Town Council until December 31, 2019. The Council congratulated Ms. Marshall on her appointment and thanked Vicki Morgan and Cecile Wallis for their interest in applying for the Council seat.

2. CHAIR #1 PARKING LEASE AGREEMENT BETWEEN BRIAN HEAD RESORT AND BRIAN HEAD TOWN. A lease agreement with Brian Head Resort for the Chair #1 parking area.

Bret Howser, Town Manager, presented an updated draft of the Chair #1 parking lease agreement (see attached). Bret identified the major points of the draft agreement:

- 1. Brian Head Resort owns the land and the town owns the improvements in which the town will construct the restroom and pave the parking lot.
- 2. The maintenance costs will be split seasonally in which Brian Head Resort will maintain the parking lot/restrooms during the winter season and the town will maintain them during the summer seasons.
- 3. Repair costs will be split in half between the town and Brian Head Resort.

The Council discussed the following:

- 1. Bret explained he met with Burke Wilkerson, Brian Head Resort, this morning to review the agreement and he also met with Mac Hatch, Brian Head Resort, and Council Member Freeberg to discuss the elements of the site plan. Bret explained this agreement has changed from when the Council first reviewed it in February in which the parking stalls have been moved to the east side of the pavement.
- 2. The snowmobile trail will need to be relocated to run adjacent to the highway and will cross the pavement at the entrance of the parking lot. If for any reason the snowmobile trail does not work along the highway, then it would be relocated to the east side of the parking area instead. Bret explained there could be some conflict with the users in which you will have skiers and snowmobiles along with a future shuttle stop that is designated to be located along the highway, but staff is recommending the trail run adjacent to the highway. Bret explained the town can



manage the trail better and it would be more accessible for signage. There will be some language in the agreement to allow flexibility for the snowmobile trail, so the town can relocate the trail if necessary and it would also allow the snowmobilers to use the restroom facilities.

- 3. Mayor Calloway inquired as to whether Utah Department of Transportation (UDOT) has agreed to the parking lot and allowing the snowmobile trail adjacent to the highway. Shane Williamson, Pubic Works Director, responded that UDOT has reviewed the proposed plan and they recommended the shuttle stop be built in their right of way.
- 4. Shane explained the restrooms are designed to look similar to the Bearflat pump house except for shifting the wall over and the restroom will have four toilets and 2 sinks. Mayor Calloway suggested the design of the restroom have the two areas (women/men) back to back so that plumbing is in the interwall making it more efficient.
- 5. There will four stalls in each restroom; four in the woman's and 2 stalls and 2 urinals in the men's.
- 6. Bret explained the Council can authorize the Mayor or someone sign the agreement with the anticipation that the architectural renderings be attached at a future date or the Council can wait to have the drawings before they approve the agreement. Staff is anticipating the final drawings and site plans from the Engineers next week. Council Member Mulder inquired if there was any hindrance on waiting for the renderings. Bret responded that it would depend on the bidding process since staff is looking to have the project ready to go to bid the first of April.

Motion: Mayor Calloway moved to table Agenda Item F-2, Chair #1 Lease Agreement until all information is complete. Council Member Freeberg seconded the motion.

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

Mayor Calloway asked staff to have the information available and ready to approve the agreement at the next Council meeting scheduled for March 26, 2018.

3. CODE OF ETHICS AND PERSONAL CONDUCT RESOLUTION. A resolution adopting a Code of Ethics and Personal Conduct.

Bret Howser, Town Manager, presented a draft resolution establishing a code of ethics (see attached). Bret explained that during the fiscal year 2019 strategic retreat the Council discussed adopting a code of ethics in which six major headings were identified from that discussion. Mayor Calloway complemented Bret on consolidating the code. Bret reported once the Council has adopted the Code of Ethics, he will bring it back to staff to review and the employees will then sign the Code of Ethics which will be placed in their personnel files. A disclosure statement will also be added to the form that will be signed by all the town boards and town staff.

Mayor Calloway inquired as to the reference to John Wayne and whether it would be appropriate for a Code of Ethics. Staff will remove the reference to John Wayne under the heading "Teamwork".

Motion: Council Member Mulder moved to adopt Resolution No. 470, a resolution establishing a Code of Ethics for town employees, elected officials and town appointed boards. Council Member Freeberg seconded the motion.



way". Bret explained that a walkthrough at this point may not be as effective and staff will need to identify the right time to do a walkthrough for LMC compliance.

10. **CD04: Code Enforcement:** Bret reported he has reviewed this item with staff and has started code enforcement meetings with Officer Jeff Morgan and staff. Wendy Dowland is revising some of the logs for code enforcement.
11. **Economic Development: ED01: Rock n Ride event** has been added and the summer concerts have been removed. Bret explained the Rock n Ride event will take place of the concerts and the Tourism Bureau is willing to contribute. The town will submit an application for a request for funding to the Tourism Bureau.
12. **ED02: 4th of July Fireworks:** Mayor Calloway stated the he hopes everyone can get on board with the decision to hold two firework displays (June 30th and July 4th). Bret reported staff is on board with the Council's decision. Chief Benson reported he will need to research to determine if the town can hold fireworks on June 30th since there could be a new state law that limits the number of days before and after the holiday in which fireworks can be set off.
13. Council Member Freeberg commented that the concepts of having the fireworks on Saturday, June 30th is to kick off a week of 4th of July events. Bret inquired as to how committed is the town on the cardboard boat race event, since there could be a liability issue. Mayor Calloway suggested the town change the event to something else if the cardboard boat race is an issue. Staff will verify with Utah Local Governments Trust on the liability for the cardboard boat race.
14. **Business Retention and Attraction: ED03:** Bret reported the town's slogan will change.
15. **ED05: Business Licenses:** Mayor Calloway commented he was unhappy to see the action step: "Identify unlicensed businesses and bring into compliance" removed from the action steps. Bret explained he had a concern on the process in which this action step went overbudget. Bret reported staff will be doing a blitz for unlicensed businesses instead.
16. **ED06: Expand on-call shuttle service to 4 additional stops:** Mayor Calloway suggested the following stops be added to the extended service: Ridge View/Eagles Roost, Aoki Mitchi/Rue Jolley, Steam Engine Drive/Kodiak and a loop of Hidden Lake/Mountain View/Forest Drive. Bret reported staff may be looking at extending the shuttle contract to St. George Shuttle again this year if they propose similar rates as to last year's.
17. **ED06: Hold meeting with businesses to discuss employee shuttle:** Mayor Calloway reported the Resort has surveyed their guests in the past and thinks that maybe next year they will see if there is enough support for it. Bret explained the main problem is the town would have to provide their own driver if using the Utah Transit Authority (UTA) bus. Mayor Calloway commented that it is something that is not needed now, but another option would be a park and ride in Parowan and in the future identify it in the shuttle contract. This would include the public and employees.
18. **ED07: Replace fuel tanks:** Bret explained staff is working with Fuel Tec to bring down the cost of the tank replacement. Bret explained he has concerns in which the town would have to raise the price of gas to pay for the infrastructure and the more you charge, the less people will buy.
19. **ED08: Village Core Parking Plan:** Bret reported there is a report completed, but it needs to be updated. Bret explained he is unsure of the cost for the parking plan and needs the rough costs depending on the size of the development in an effort to attract developers. **CHANGE ACTION STEP:** "Develop Village Core multi-modal transportation plan with cost estimates". Bret explained the town wants to have parking, pedestrian, and trails within the 66' right of way. Currently there is an ATV trail running adjacent to Village Way and something could be wrapped into the right of way if the Council does not want to extend into the meadow area. There is a need for four modes of transportation identified on



- Village way for the plan. Council Member Freeberg commented to leave the ATV trail separated from the others.
20. **ED09: Staff town hall on Saturday's:** Bret explained the town hall was open on selected weekends, but the number of people who came into the visitor center did not justify having it open on the weekends. This action step was removed from this year's action steps.
 21. Mayor Calloway reported that Cedar Breaks National Monument is planning to build a new visitor center which could negatively impact some of the traffic through Brian Head. Bret reported he will identify that during the Sustainable Recreation Plan meeting since Paul Roelandt, Supervisor for Cedar Breaks National Monument has talked about tying the monument into Brian Head.
 22. **ED10: Beautify Brian Head:** Mayor Calloway suggested the town challenge or encourage the local businesses to clean up their properties along with the residents.
 23. **Strategic Planning:** Mayor Calloway commented that as the Council goes through the year and comes up with ideas, he would like to see these get ideas written down and possibly discussed during the annual strategic retreat. Bret explained the staff has a "parking lot" agenda for projects to discuss for the next strategic retreat, but he will rename it and incorporate the Council's ideas into the list. if Council would like to see something, they can contact staff, and have it identified on the "parking lot" for the strategic retreat or a council agenda.
 24. **Financial Management: Outdoor Recreation Grant:** Bret explained he wanted to put an action step in for the mountain biking trails for the Bunker Creek, Dark Hollow and part of the Boy Scout Loop trails.
 25. Council Member Freeberg inquired if the town is planning to replace the sewer line in Village Way and if there has been any capacity consideration for the village core development. Council Member Freeberg suggested the estimates for repair include a larger line from 8" to maybe a 10" line since it would be beneficial to only dig up the road once instead of a couple of times. Shane responded that the 8" line is large enough, but he will have the engineers run the calculations. Mayor Calloway reported the repair on Village Way cannot wait because of the town's well protection zone at the Bearflat well. Mayor Calloway inquired if the staff has considered subbing out the laterals for a potential core development at this time. Shane Williamson, Public Works Director, responded he could address it since staff is planning to bid out the project in April. Mayor Calloway commented the property that High Country owned north of the mall is changing ownership.
 26. **FM03: Personnel Policy:** Bret explained the merit status in which there are two kinds of employees; one is merit and the other is at will. The department heads and Town Manager are at will employees and can be fired at any time for any reason. The merit employees are merited and fit the requirements in which they cannot be fired for any reason and the town is required to go thru the process for letting go a merit employee. Bret explained that in a training from Utah Local Governments Trust, cities have been losing law suits for wrongful termination because they have granted at will status to their employees. Staff will be review the personnel manual and update as necessary.
 27. **FM05: Citizen Budget:** Staff is putting together a citizen budget pamphlet which will have a graph of the property taxes showing the amount Brian Head portion of taxes.
 28. **PM02: Leave Accrual:** Bret reported staff has been researching other cities and towns on their leave accrual and it shows the town has been generous with vacation leave. Staff will be updating the personnel policy to develop something more in line with other cities and towns. The long-term employees will remain grandfathered.
 29. **PM07: Trainings:** Bret reported he will need to add some trainings to this action step.



1 The Council will continue to review the Public Safety and Public Works Department action
2 steps at the next Council meeting on March 26, 2018.

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5 **G. ADJOURNMENT**

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7 **Motion:** Council Member Freeberg moved to adjourn the regular meeting of the Brian
8 Head Town Council for March 12, 2018. Council Member Mulder seconded
9 the motion.

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

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14 The regular meeting of the Brian Head Town Council was adjourned at 3:35 for March 12, 2018.

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18 March 26, 2018

19 Date Approved

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24 Nancy Leigh, Town Clerk

