

A Special Meeting of the  
Brian Head Town Council  
Via Zoom Meetings  
Meeting ID# 608 606 2222  
**TUESDAY, MARCH 31, 2020 @ 1:00 PM**

# AMENDED AGENDA

**A. CALL TO ORDER**

**B. DISCLOSURES**

**C. AGENDA ITEMS:**

- 1. LOCAL CONSENT APPROVAL FOR BRIAN HEAD RECREATION I, LLC, BRIAN HEAD RESORT, FOR AN ON-PREMISE RECREATIONAL BEER LICENSE.** Nancy Leigh, Town Clerk. The Council will give approval for local consent for a recreational beer license.
  
- 2. DISCUSSION ON TOWN RESPONSE TO COVID-19.** Bret Howser, Town Manager. The Council will hold an open discussion on the Town's response to COVID-19.

**D. ADJOURNMENT**

**Date: March 30, 2020**

Available to Board Members as per Ordinance No. 11-003 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of electronic communications. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

### CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda on the Utah Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation on March 30, 2020. .

Nancy Leigh, Town Clerk



A Special Meeting of the  
 Brian Head Town Council  
 Via Zoom  
 Meeting ID# 608 606 2222  
**TUESDAY, MARCH 31, 2020 @ 1:00 PM**

**Roll Call**

**Members Present:** Mayor Clayton Calloway, Council Member Lynn Mulder, Council Member Kelly Marshall, Council Member Shaun Kelly, Council Member Larry Freeberg (arrived at 1:40 pm).

**Staff Present:** Bret Howser, Town Manager; Nancy Leigh, Town Clerk.

**A. CALL TO ORDER**

Mayor Calloway called the special meeting of the Brian Head Town Council to order at 1:15 pm for March 31, 2020.

**B. DISCLOSURES**

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

**C. AGENDA ITEMS:**

**1. LOCAL CONSENT APPROVAL FOR BRIAN HEAD RECREATION I, LLC, BRIAN HEAD RESORT, FOR AN ON-PREMISE RECREATIONAL BEER LICENSE.** Local consent approval for a recreational beer license for Brian Head Resort.

Nancy Leigh, Town Clerk, explained the new owners of Brian Head Resort are requesting approval for local consent as part of their application to the Department of Alcohol Beverage and Control (DABC) for an on-premise recreational beer license (see attached). Nancy explained it is the same type of alcohol license held by the resort under the previous owner’s name. The sale of Brian Head Resort is in the final stages and the new owners are in the process of acquiring all the required permits and licenses needed to continue doing business as Brian Head Resort. Nancy explained the DABC meets once a month and any new applications must be submitted to them by the 10<sup>th</sup> of the month in order to be considered.

Nancy introduced Gloryann Lynch, Mountain Capital Partners, who is present to answer any questions the Council may have. Ron Burgess, Brian Head Resort Marketing Manager, is also present to answer any questions.

Mayor Calloway thanked Ms. Lynch for participating in today’s meeting and stated the Town is looking forward to working with her and Mountain Capital Partners. Ms. Lynch thanked the Council for holding a special meeting so they are able to submit their alcohol application within the time requirements.

**Motion:** Council Member Marshall moved to approve local consent for Brian Head Recreation I, LLC DBA Brian Head Resort for an on-premise recreational beer license and authorize the Mayor to sign the consent form. Council Member Mulder seconded the motion.





1 prohibit nightly rentals from renting to the public. Mr. Heaton explained he would  
2 encourage the public to visit the Health Department's website which is updated daily.  
3 The website address is: [www.swuhealth.org](http://www.swuhealth.org). Any new information is posted within  
4 24 hours.

- 5 3. Bret inquired as to the proper role for local government and what things the Town  
6 could do to help the community during this pandemic. Mr. Heaton responded the  
7 Board of Health is comprised of a County Commissioner from each county and the  
8 Board determined not take any other measures at this time, other than to follow the  
9 Governor's directives. One action the Town could take is to use their social media in  
10 order to inform the public and encourage them to go to the Health Department's  
11 website in order to get the most up-to-date information.
- 12 4. Parowan officials have installed signs in their parks stating the park is open to the  
13 public but to keep the children off of the playground equipment.
- 14 5. Mayor Calloway inquired as to what is the official position of the Health Department  
15 on wearing masks. Mr. Heaton responded that masks are only recommended for  
16 those who are sick or are health providers providing direct care. Mr. Heaton went on  
17 to explain those who may be asymptomatic should also wear masks since they would  
18 be treated as a sick person.
- 19 6. The Health Department distributed a large quantity of masks to the health providers  
20 and EMS personnel and the priority is for masks to be distributed to health providers.
- 21 7. Bob Whitelaw, Alpine Lodging Rentals, inquired as to the number of visitors who  
22 have tested positive. Mr. Heaton explained five people who were visiting or traveling  
23 through tested positive in the Southwest area and they could be going back to their  
24 homes to quarantine themselves.
- 25 8. Mr. Heaton explained the Health Department's website has recently posted  
26 information on what to do and not do during this times. Mr. Heaton encouraged  
27 everyone to follow the Governor's directives.
- 28 9. Mayor Calloway commented he would like to discuss nightly rentals and sanitizing  
29 the common areas and whether this should be done by the property managers,  
30 residents who live there, or the HOA. Mr. Whitelaw responded he currently does not  
31 have any reservations at this time but believes it should be up to the HOA's to  
32 sanitize their property.
- 33 10. Council Member Freeberg inquired if the Town should consider restricting nightly  
34 rentals in Town. Bret responded the Town does not have the ability to restrict people  
35 from coming to Brian Head and if the Town chooses additional restrictions then the  
36 Town would need to work with their local health department. Bret went on to  
37 comment he does not believe the Health Department would agree to additional  
38 restrictions at this time. Bret explained if the Council is interested in additional  
39 restrictions, he would first need to contact the Health Department for their approval.
- 40 11. Council Member Marshall commented she has heard the concerns from the residents  
41 who live in the condos and are worried about the visitors staying in the condos, using  
42 the pool areas, and possibly infecting the residents. Bret responded the Town could  
43 work with the HOA's in requesting their common areas close down during the  
44 pandemic period.
- 45 12. Mayor Calloway proposed to contact the HOA's for their assistance to mitigate the  
46 impact and have the property managers sanitize the common areas. The Town  
47 should identify a list of potential problem areas and allow the HOA's to address the  
48 sanitation of the common areas.
- 49 13. Council Member Freeberg suggested the Town send a letter to the property  
50 managers informing them that common areas should be sanitized. Chief Benson  
51 explained there are very few people in town and those who have recently come to  
52 Brian Head are homeowners. Chief Benson suggested the Town contact the rental  
53 management companies for their assistance also.
- 54 14. Bob Whitelaw commented the Giant Steps HOA already sent a letter out to the  
55 owners notifying them that the jacuzzies, and the recreation room are shut down with



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- the exception of the laundry room. Most of the HOA's are notifying their homeowners.
- 15. Council Member Kelly thanked the Mayor for his letter that was sent to the residents updating them with accurate information. Council Member Kelly commented that there should be a network so that the residents have someone to call for assistance and the Public Safety Department should be there as a backup. Chief Benson commented if the Council or public are aware of people who may need to be checked on, they should let him know.
- 16. Mayor Calloway stated the Covid-19 pandemic needs to be taken seriously. It is everyone's responsibility to do their part in slowing the spread by practicing good hygiene and social distancing, otherwise, Covid-19 will continue to spread.

**D. ADJOURNMENT**

- Motion:** Council Member Kelly moved to adjourn the special meeting of the Brian Head Town Council for March 31, 2020. Council Member Marshall seconded the motion.
- Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote:** Council Member Freeberg, Council Member Kelly, Council Member Mulder, Council Member Marshall, Mayor Calloway).

May 12, 2020  
Date Approved

\_\_\_\_\_  
Nancy Leigh, Town Clerk





## STAFF REPORT TO THE TOWN COUNCIL

**SUBJECT:** Local Consent for Brian Head Recreation I, LLC,  
Resort Alcohol Permit  
**AUTHOR:** Nancy Leigh, Town Clerk  
**DEPARTMENT:** Administration  
**DATE:** March 31, 2020  
**TYPE OF ITEM:** Legislative Action

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### **SUMMARY:**

The Council will review and grant approval for local consent for a Recreational Beer license for Brian Head Recreation, I, LLC (Brian Head Resort) for their Department of Alcohol and Beverage Control (DABC) application.

Gloryann Lynch, MCP, will be available via Zoom to answer any questions the Council may have on their application. I will have the local consent form ready for Council on Monday, March 30<sup>th</sup>.

### **BACKGROUND:**

Brian Head Resort is in the process of changing ownership, and with that, a new alcohol application must be submitted to the DABC in order for the Resort to serve any type of alcohol on their premises.

Brian Head Resort, Acquisition Partners, LLC currently have a recreational beer license for both of their locations: Giant Steps (Chair 9 Saloon) and Navajo Lodge. Brian Head Recreation I, LLC plans to use the same type of license as Acquisition Partner's currently have.

It is my understanding that Brian Head Recreation I, LLC will continue business as Brian Head Resort, but the alcohol permit must be in the business's legal name that is filed with the state and not a DBA.

### **ANALYSIS:**

Local consent is a requirement of DABC and is part of the application process. Brian Head Town's process is that the Town Council grants local consent for all new applications.

With the deadline of April 10<sup>th</sup> to have their application submitted to DABC, we have requested a special Council meeting to review and grant approval for their alcohol license.

### **FINANCIAL IMPLICATIONS:**

There are no financial implications on the Town's behalf, it will be on the Resort's end in where they must pay the application fee along with the permit fee to DABC which can be expensive. The Town receives a new application fee of \$100 and an annual fee of \$50 thereafter as long as they hold their alcohol license with the state.

**BOARD/COMMISSION RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends the Council approve local consent for Brian Head Recreation I, LLC for the Resort License for DABC as presented.

**PROPOSED MOTION:**

I move to grant local consent for Brian Head Recreation I, LLC DBA Brian Head Resort for a recreational beer license as presented and authorize the Mayor to sign the Local Consent Form.

**ATTACHMENTS:**

A - Brian Head Recreation I, LLC Local Consent Form

# ON-PREMISE BEER RECREATIONAL LICENSE

## Local Consent

**PURPOSE:** Local business licensing authority provides written consent to the Alcoholic Beverage Control Commission (1) to issue an on-premise alcohol license for a person to store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on the premises of the applicant.

**AUTHORITY:** Utah Code 32B-1-202; 32B-5-201, 203, 205 and 206

BRIAN HEAD TOWN

Local business license authority

City

Town

County

hereby grants its consent to the issuance of an on-premise beer recreational license to:

Business Name (DBA): Brian Head Resort

Entity Name (or owner's name if sole proprietor): Brian Head Recreation I, LLC

Location Address: 329 UT-143, Brian Head, UT 84719

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Name/Title

\_\_\_\_\_  
Date

This is a suggested format. A locally produced city, town, or county form is also acceptable.  
The local consent must be submitted to the DABC by the applicant as part of a complete application.