

The Work Session of the
Brian Head Town Council
Town Hall - 56 North Highway 143
Brian Head, UT 84719
TUESDAY, APRIL 11, 2017 @ 10:00 AM

AGENDA

9:00 AM-10:00 AM: CITIZEN BUDGET WORKSHOP: PUBLIC IS INVITED TO ATTEND THIS WORKSHOP ON BRIAN HEAD'S BUDGET PROCESS

- A. CALL TO ORDER 10:00AM**
- B. PLEDGE OF ALLEGIANCE**
- C. WORK SESSION: FISCAL YEAR 2018 BUDGET REVIEW**
- D. PUBLIC HEARING & ADOPTION OF LMC AMENDMENT 1:00 PM**
 - 1. PUBLIC HEARING: LAND MANAGEMENT CODE AMENDMENT TO MEDIUM DENSITY (R-2) AND MULTI-FAMILY RESIDENTIAL (R3) ZONES ADDRESSING HEAVY EQUIPMENT.** The Council will hold a public hearing to receive comment on a proposed amendment to the Land Management Code addressing heavy equipment in Medium Density Residential (R-2) and Multi-Family Residential (R-3) zones. Comments are limited to three minutes and written comments may be submitted to the Town Clerk no later than noon on April 11, 2017.
 - 2. ORDINANCE AMENDING THE TOWN CODE, TITLE 9 LAND MANAGEMENT CODE 9-7-2 and 9-7-3, Medium Density Residential and Multi-Family Residential zones addressing heavy equipment.** Bret Howser, Town Manager. The Council will consider adopting an ordinance amending the LMC addressing heavy equipment in R-2 and R-3 zones.
- E. CONTINUATION OF WORK SESSION: FISCAL YEAR 2018 BUDGET REVIEW**
- F. ADJOURNMENT**

Date: April 7, 2017

Available to Board Members as per Resolution No. 347 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 a telephonic or telecommunications conference. 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 in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 7th day of April 2017 and have posted such copy 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.

Nancy Leigh, Town Clerk



Brian Head Public Safety Council Update

04/01/2017

Brian Head Marshal's Office:

As usual, the Marshal's Office was handling a large variety of calls through the month of March. But with that being said, the majority were mainly calls of service to the general public which resulted in no criminal type of activities. We spend a lot of time helping the public and keeping them safe during bad road conditions and things that factor in when you take people from sunny low elevation climates and put them into our harsh mountain environment. We are always doing our best to make their visit to Brian Head a safe and happy visit.

We are pleased to continue the trend of no stolen snowboards and will strive to keep this trend going to the end of the season and hope it carries over into next season. You may note our Lewdness incident. We get these from time to time and try and explain to people that they are in the mountains, but using the bathroom in the parking lots and exposing yourself to others is considered lewd behavior and can be charged as a sex offense in which you will have to register as a sex offender. This usually gets our bathroom users attention and they go to the restroom in an actual facility the next time. We have had an increase in "Fraud" cases this winter involving using others season passes and the like. We have had great success on these cases and have made numerous arrests charging the suspects with this fraudulent behavior while at the same time getting reimbursement for lost revenue to the resort.

Marshals have also been busy as usual keeping up on all of their certifications. We requalified with our shotguns this month and Deputy Benson taught us some new handgun shooting techniques he learned at the "Firearms Instructor" course he attended in February. We also did some role play training involving "Active Shooters". These skills are very important along with so many others for us to keep up on. Brian Head is a quiet peaceful town for the most part, but complacency is what kills officers and we intend on keeping all our Deputies safe and prepared for whatever comes to Brian Head.

Once again, Brian Head Public Safety participated in "Hero Day" at the resort. This is a great event that we will continue to contribute to as long as the resort hosts it. This year we had both air medical units in town and on display. We are so appreciative of "Life Flight" and "Classic Air Med" for their dedication to serving our community. Deputy Jeff Morgan was the team captain for the "Guns" slalom team, while Bob Goldhirsch captained the "Hoses" team. It was a fun event that we hope will only get bigger and better. We thank all those serving in Public Safety as well as our Armed Forces for their service.

- Shifts and Numbers of Incidents
 - Day Shift = 23
 - Swing Shift = 42
 - Grave Shift = 7
- **Total Incidents for March = 72**

Types of Incidents

- Citizen/Motorist Assist – 27
- Medical – 8
- Vehicle Accidents – 3
- 911/Alarms – 11
- Theft – 2
- Traffic Hazards – 6
- Fire – 2
- Suspicious – 2
- Domestic Problem – 1
- Harassment – 1
- Lewdness – 1
- Fraud – 1
- Keep the Peace – 1
- Reckless Driver – 1
-

Brian Head Fire Dept:

Preparation for the 2017 Wildland Fire Season has already begun. Brian Head Fire Department was able to attend our annual wildland fire refresher course. This training was hosted by Paragonah Fire Department and taught by Dan Benson. We had a good showing to this and have continued interest in our current fire program. We have had some new volunteers showing up to meetings and hope to find a basic wildfire class this spring that we can get them in and trained.

Our Dive Team did some training this past month with a dry suit refresher dive in the SUU pool, and then a dive in the Bristlecone Pond. The ice was very thick (36") and difficult to cut through, but the water was a surprising 82 degrees and quite enjoyable. Okay, April Fools. But we did have some very successful training and the water is pretty bearable with the proper equipment. It was good to get our skill sharpened up before the ice starts melting and thinning out.

Firefighters have been getting out and doing some hiking in preparation for their annual pack test. This is our physical fitness standard and must be passed in order to maintain a current "Red Card" which qualifies our firefighters to work on fires outside our area. This physical test consists of wearing a 45 lb. pack and walking 3 miles in less than 45 minutes. It is a very fast pace even without the pack. As always, we are so appreciative of our firefighters and the time and willingness they show to keeping Brian Head safe.

Credit Mike Saemisch for Photos:



© 2017 Mike Saemisch, Facebook: Life of Brian Head



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GUNS & HOSE

HEROS DAY



Brian Head
RESORT



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: PUBLIC HEARING TO LAND MANAGEMENT CODE AMENDMENT TO MEDIUM DENSITY RESIDENTIAL AND MULTI-FAMILY RESIDENTIAL ADDRESSING HEAVY EQUIPMENT.
AUTHOR: Nancy Leigh, Town Clerk
DEPARTMENT: Administration
DATE: April 11, 2017
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will hold a public hearing for an amendment to the Land Management Code (LMC) addressing heavy equipment in Medium Density Residential (R-2) and Multi-Family Residential (R-3). After the public hearing is closed, the Council will consider adopting the amendment to the LMC by ordinance.

BACKGROUND:

During the November 8, 2016 Council meeting, the Council adopted an amendment to the LMC, Chapter 7 (Zone District Regulations) for single family residential (R-1) that would allow a piece of heavy equipment to be kept on the property along with two attachment for the equipment.

On February 28, 2017, the Council held a discussion regarding the heavy equipment language identified for single family residential being addressed in the R-2 and R-3 zones since it came to the attention of staff there were pieces of heavy equipment stored in the R-3 zones and were not addressed with the adoption of the LMC amendment on November 8, 2016. It was the direction of Council to amend the LMC and bring it to the Planning Commission for their review and recommendation.

ANALYSIS:

During the February 28, 2017 Council meeting discussion on heavy equipment in different zones and two of the snow removal companies; Mike Carr and Mike Piscreta were present at the Council meeting to give their input on the heavy equipment storage in these zones. Mr. Carr indicated he had several pieces of equipment located at several sites that are zoned as R-3 and commercial, but kept the equipment out of the public's view while it was parked. Mr. Piscreta indicated that the town should take a reasonable approach to the storage of heavy equipment and that no more than one piece of equipment should be kept in a R-3 zone.

There was further discussion regarding whether to include R-2 zones since the town does not currently have any property zoned as R-2. It was the consensus of the Council to include the R-2 zones as part of the proposed LMC amendment.

The proposed language amending the LMC is as follows for both R-2 and R-3 zones:

One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for uses such as snow removal or light excavation. The equipment shall be

parked in a place and manner so as to be reasonably screened from view from the public right-of-way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the town.

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

The Planning Commission during their regular meeting on April 4, 2017 held a public hearing on the amendment of the LMC for the R-2 and R-3 zones allowing one piece of heavy equipment with two attachments and the equipment must be reasonably screened from the public's view.

STAFF RECOMMENDATION:

Staff recommends the Council adopt Ordinance No. 17-001 as proposed and recommended by the Planning Commission.

PROPOSED MOTION:

I moved to adopt Ordinance No. 17-001, an ordinance amending the Town Code 9-7-2 and 9-7-3 as presented.

ATTACHMENTS:

A – Draft Ordinance



ORDINANCE NO. _____

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, 7-2-D-12 ZONE DISTRICT REGULATIONS, MEDIUM DENSITY RESIDENTIAL AND 7-3-D-11 ZONE DISTRICT REGULATIONS, MULTI-FAMILY RESIDENTIAL ALLOWING FOR ONE PIECE OF HEAVY EQUIPMENT ON PROPERTY.

WHEREAS, Brian Head Town has identified a need to amend the Brian Head Land Management Code in order to regulate land use within the Town limits of Brian Head, Utah; and,

WHEREAS, the Brian Head Planning Commission held a public hearing on April 4, 2017 giving at least fourteen (14) days' notice prior to the public hearing to receive public comment. The Planning Commission hereby forward their recommendation of approval with modifications of the Brian Head Land Management Code, 7-2-D-12 Medium Density Residential and 7-3-D-11 Multi-Family Residential allowing one piece of heavy equipment to be parked within the identified zones; onto the Brian Head Town Council for their consideration and adoption; and

WHEREAS, the Brian Head Town Council held a public hearing giving at least fourteen (14) day notice, the public hearing was held on April 11, 2017 to receive public comment on the proposed amendments Brian Head Land Management Code; and

WHEREAS, Brian Head Town desires to adopt an amendment to Chapters 7-2-D-12 and 7-3-D-11 of the Brian Head Land Management Code, Attachment "A" regulating land use in Brian Head, Utah as Title 9 of the Brian Head Town Code; and,

WHEREAS, it is in the best interests of Brian Head Town and the health, safety, and general welfare of its citizens to adopt this Ordinance:

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF BRIAN HEAD, UTAH, COUNTY OF IRON, STATE OF UTAH, AS FOLLOWS:

Section 1. The Brian Head Land Management Code is hereby amended and incorporated herein by reference as Title 9, Chapters 7-2-D-12 Medium Density Residential and 7-3-D-11 Multi-Family Residential of the Brian Head Town Code to regulating land use within the Town of Brian Head, Utah. All land uses within the Town of Brian Head shall comply with the Brian Head Land Management Code; and

DRAFT

Section 2. Effective Date. This Ordinance shall take effect upon its passage by a majority vote of the Brian Head Town Council and following notice and publication as required by law. Upon this Ordinance being adopted by the Brian Head Town Council of Iron County, Utah, all provisions of this Ordinance shall be incorporated into Title 9 of the Brian Head Town Code.

Section 3. Conflict. To the extent of any conflict between other Town, County, State, or Federal laws, ordinances or regulations and this Ordinance, the more restrictive is deemed to be controlling.

Section 4. Severability Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Repealer. All provisions of the Brian Head Town Code that are inconsistent with the expressed terms of this Ordinance shall be repealed.

PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH this ____ day of April 2017, with the following vote.

Mayor H.C. Deutschlander	Aye____	Nay____
Council Member Larry Freeberg	Aye____	Nay____
Council Member Clayton Calloway	Aye____	Nay____
Council Member Reece Wilson	Aye____	Nay____
Council Member David Bourne	Absent	

BRIAN HEAD TOWN COUNCIL
BRIAN HEAD, UTAH

By: _____
H.C. Deutschlander, Mayor

ATTEST:

Nancy Leigh, Town Clerk

(SEAL)

CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the ____ day of April 2017, and have posted a complete copy of the ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall.

Nancy Leigh, Town Clerk

Ordinance No. _____

Attachment “A”

**Title 9 of the Brian Head Town Code
Land Management Code Amendments
April 11, 2017**

CHAPTER 7: ZONE DISTRICT REGULATIONS:

9-7-2-D-12: R-2 MEDIUM DENSITY RESIDENTIAL:

12. *One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for uses such as snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from view from the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town.*

9-7-3-D-11: R-3 MULTI-FAMILY RESIDENTIAL:

11. *One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for uses such as snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from view from the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town.*