

The Regular Meeting of the
 Brian Head Town Council
 Brian Head Town Hall - 56 North Highway 143
 Brian Head, UT 84719
MONDAY, MAY 13, 2019 @ 1:00 PM

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Roll Call.

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

Members Absent: Council Member Shad Hunter

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Chief Dan Benson, Public Safety Director; Aldo Biasi, 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 May 13, 2019.

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

Council Member Mulder reported she visited the new gym at the Public Safety building and report that the gym is a nice addition to the building.

Mayor Calloway expressed his gratitude to the public safety officers on the issues they deal with on occasions. Mayor Calloway thanked the department for their dedication and commitment. Chief Benson reported he will pass it onto his officers.

Chief Benson Public Safety Director

1. Reported the 2018-2019 winter season was long and the department handled some very difficult situations this winter season.
2. Law Enforcement Memorial Day is this week which is celebrated across the country.
3. Council Member Freeberg inquired as to a specific fraud case that took place at the local Home Depot in Cedar City in which someone stole a resident's credit card and used it at Home Depot to make purchases. Chief Benson responded the officers worked with the Cedar City Police Department on this case. Officers reviewed some of the surveillance cameras at Home Depot. The resident has been made whole with their credit card company, but Home Depot is out on the materials that were purchased. The person has not yet been caught.

Shaun Kelly, resident/Planning Commission, commented he has reviewed the Town Code relating to the night sky friendly lighting sections and reported the current code addresses glare and colors. Mr. Kelly encouraged the Council to take some time to go out at night and take 10 to



1 15 minutes for their eyes to adjust to the darkness and to see what the night skies are about. A
 2 good example is Cedar Breaks National Monument which is a night sky park.
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4 **Council Member Freeberg** reported the Utah Department of Transportation (UDOT) has been
 5 working to clear Highway 148 going through Cedar Breaks National Monument. They started at
 6 the junction of Highway 14 and 148 heading North towards Brian Head. They are currently at the
 7 Visitor Center and will continue to work on opening Highway 148 for the summer.
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10 **E. APPROVAL OF THE MINUTES:**

11 **April 22, 2019 Town Council Meeting**

12 **Motion:** Council Member Marshall moved to approve the April 22, 2019 Town Council
 13 minutes. Council Member Mulder seconded the motion.

14 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Marshall,
 15 Council Member Mulder, Council Member Freeberg, Mayor Calloway. **Absent:**
 16 Council Member Hunter).
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21 **F. AGENDA ITEMS:**

22 **1. FISCAL YEAR 2020 TENTATIVE BUDGET PRESENTATION.** The FY2020 Tentative
 23 Budgets.
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26 Cecilia Johnson, Town Treasurer, presented a draft of the fiscal year 2020 town budgets (see
 27 attached). Cecilia reported there were some adjustments made to the budget since the
 28 budget work session on April 8, 2019. The changes are as follows:

- 29 a) Allocated funds for a full-time public works position.
 30 b) Some items needed clarification related to the full-time public works position. Bret
 31 explained one of the clarifications was the allocation of the public works personnel
 32 between the enterprise funds and general fund since it was weighted more towards
 33 the enterprise funds.
 34 c) Bret reported staff identified the maximum amount this position can make even
 35 though they may not be making that much.
 36 d) Bret reported staff will need to re-evaluate the allocations to the funds and there
 37 could be the possibility of having to either cut personnel or raise property taxes, as
 38 the utility rates are reduced since more of the public works time will be identified in
 39 the general fund.
 40 e) The lawn maintenance contract expense was eliminated since this will be done by
 41 the seasonal park and recreation person.
 42 f) Expenses that were brought from the Redevelopment Agency to the general fund,
 43 will now be brought back to the Redevelopment Agency.
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45 The Council discussed the following:

- 46 a) Mayor Calloway inquired if staff has identified the changes into the long-term utility
 47 model for future budgeting. Bret responded staff has made those changes and there
 48 is no affect on the utility rates in the next fiscal year, but it does affect the rates in
 49 future years.
 50 b) Mayor Calloway commented that staff has cautioned the Council on relying on sales
 51 tax revenue to fund the new full-time public works position, and in reviewing the
 52 budget, he noticed that the position looks to be relying on sales tax revenue. Bret
 53 explained the sales taxes are plotted on a long-term curve and if there is a high
 54 revenue year, then staff treats that as a one-time revenue. Bret explained if the sales
 55 tax revenue decreases significantly, then the full-time position would be laid off. The
 56 employee will be notified prior to being hired.



- 1 c) Council Member Marshall inquired if the current part-time employee is hired into the
2 full-time position and the town has filled part-time position and if the full-time position
3 is laid off, what is the position of staff for the full-time person. Bret explained he
4 would lay off the part-time position and offer it to the full-time person.
5 d) Mayor Calloway stated he has concerns about the full-time position but will support
6 staff if they can make it work in the budget, then he will support it.
7 e) Bret explained he also has concerns on the full-time position since there is some
8 expectation; they would be anticipating a raise and there is some risk involved.
9 f) The Snowmaking fund's final payment is scheduled for this year and the town is not
10 taking any steps for replacements since it would be the Resort's responsibility. This
11 fund will eventually go away.
12 g) The Redevelopment Agency (RDA) fund identifies the Chair #1 restroom project.
13 Staff will need to amend the amount since the wildland fire transfer was mistakenly
14 identified for the project in the amount of \$150,000. Staff will correct.
15 h) Bret reported staff will need to make a change in the Wildland Fire fund (GL# 2817)
16 in which a transfer will need to be amended. Staff will update the budget for the type
17 6 engine.
18 i) Mayor Calloway inquired as to the grand total of the strategies which is six million
19 dollars in expenditures and there are 5.9 million dollars in revenue. Mayor Calloway
20 inquired as to why the two are not balancing. Bret explained there are operating
21 expenses and non-operating expenses and if all of the GL lines were added up, the
22 total would be 7.2 million dollars which includes the non-operating expenses such as
23 long-term debt and depreciation.
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25 **Motion:** Council Member Freeberg moved to approve the town's fiscal year 2020
26 budget. Council Member Mulder seconded the motion.

27 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member**
28 **Marshall, Council Member Mulder, Council Member Freeberg, Mayor**
29 **Calloway. Absent: Council Member Hunter).**
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32 2. STEAM ENGINE MEADOWS PHASE 1C SPECIAL ASSESSMENT AREA 33 UPDATE. An update on the Steam Engine Meadows Phase 1C Special Assessment Area. 34

35 Bret Howser, Town Manager, gave a brief history off the Steam Engine Meadows Phase 1C
36 Special Assessment Area (SAA). Bret explained the town staff has presented the proposed
37 project before the Community Impact Board (CIB) for a loan. The CIB Board wanted
38 assurance the town owned the streets and requested that the property owners be in favor of
39 the loan. The town is scheduled for a final appearance before the CIB Board in June 2019.
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41 Bret reported he had a telephone conference call with the property owners and most of the
42 properties were represented in the telephone conference call. One property owner was
43 strongly against the SAA and a couple other property owners reported they needed to get
44 their affairs in order first. There is approximately 41% of the properties that are in favor of the
45 SAA (9 of the property owners that participated in the conference call are ready to proceed
46 and one property owner that owns two properties may be in favor of the SAA, but wanted the
47 town to prove they are receiving the best deal possible. Bret asked the Council for the input
48 on the SAA and whether the town should proceed with meeting the CIB Board in June and
49 commits to the loan.
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51 The Council discussed the following:

- 52 a) Council Member Mulder explained she would like more of the property owners to be in
53 favor of the loan.
54 b) Mayor Calloway commented he would like at least $\frac{3}{4}$ of the total property owners in favor
55 of the SAA.



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- c) Bret explained the property owners will need to also cover the costs for the power and natural gas installation since CIB will not cover these utilities with a loan. CIB will provide funding for town streets and utility improvements only.
 - d) The power and natural gas installation is approximately \$300,000. Bret reported he has been working with the property owners to see if they were able to pay a portion up front for the power and natural gas. One property owner who owns two properties explained he would have to sell one of his properties in order to pay for the improvements but called later to let Bret know that he may not be able to make the assessment with the sale of his property.
 - e) Council discussed the town's position if a property were to fail in paying for their assessment for the SAA. Bret explained the town would proceed with foreclosing on the property and the town would then be obligated to pay the assessment until the town was able to sell the property in order to recover its costs.

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Consensus of the Council: There must be at least $\frac{3}{4}$ of the property owners in favor of the SAA prior to the meeting with CIB in June 2019. If staff does not receive information from the property owners in the SAA, then the town may wait another year before it presents to CIB for the project if needed.

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3. RESOLUTION AMENDING THE PERSONNEL POLICY AND PROCEDURE MANUAL, TITLE 3, CHAPTER B, TOWN VEHICLE USAGE BY TOWN EMPLOYEES. A resolution amending the Personnel Policy and Procedures Manual, Title 3, Chapter B for Town vehicle usage.

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Bret presented a draft resolution amending the Personnel Policy and Procedure Manual regarding the provision on Town Usage of Vehicles (see attached). Bret explained the town currently has an informal policy on the town usage of vehicles and the proposed amendment will codify the policy into the Personnel Policy and Procedure Manual. Bret presented the changes proposed to the policy:

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- a) Would limit the vehicle to a 20-mile radius driving distance from Brian Head.
 - b) Exempts current employees at the time of the adoption of the policy and would only apply to new employees.
 - c) Public Works department is authorized for up to two vehicles coming off the mountain for the take home policy.

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The Council discussed the following:

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- a) Bret explained those employees that are called out or required to go to work other than their regular work schedule and have to drive from their home to the Parowan Yard where the town vehicles are kept, those employees are reimbursed for their mileage to the yard.
 - b) Council Member Marshall inquired as to why there is a grandfather clause in the proposed policy. Mayor Calloway responded the public works department was allowed two vehicles to leave the mountain and the department took a vote and agreed to allow one vehicle to go to Panguitch and the other to Parowan and that the employee shouldn't be punished now because of a change in the policy.
 - c) Council Member Marshall expressed her concerns regarding the cost to the taxpayers for a vehicle to drive to Panguitch which is beyond the 20-mile radius identified.
 - d) Cecilia Johnson, Town Treasurer, explained those employees using the town vehicles to commute to work are required to pay taxes on a fringe benefit with the exception of the public safety officers who take their vehicle home.
 - e) Mayor Calloway commented that during the FY2018 Strategic Retreat, the Council reached a compromise in which the employee traveling to Panguitch would use the



1 more fuel-efficient vehicle instead of a truck, unless there was extreme weather in
2 which they would use a four-wheel drive vehicle for safety concerns.

- 3 f) Council Member Mulder inquired as to switching shifts in Parowan. Bret responded
4 the bullet point was written in 2013 and was targeted more towards Public Safety.
5 This item is handled through the management.

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7 **Motion:** Council Member Mulder moved to adopt Resolution No. 481, a resolution
8 amending the Brian Head Personnel Policy and Procedures Manual for Usage of
9 Town Vehicles. Council Member Freeberg seconded the motion.

10 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Marshall,
11 Council Member Mulder, Council Member Freeberg, Mayor Calloway. **Absent:**
12 Council Member Hunter).
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15 **4. FIRE SPRINKLER REQUIREMENT DISCUSSION.** A discussion on the sprinkler
16 requirements for the Town.
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18 Bret Howser, Town Manager, explained this item is a discussion for the Council to determine
19 if the Town should continue with the requirement of fire suppression sprinklers for residential
20 homes over 3,000 square feet. Bret explained the Town adopted this requirement in 2007.
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22 Bret explained the Council can decide to leave the code as is and continue to require any
23 new residential home 3,000 square feet or larger install fire sprinklers; reduce the square
24 footage in which fire sprinklers would be required or remove the requirement altogether. Bret
25 explained the Council could also reference the Wildland Urban Interface (WUI) Code instead
26 of requiring fire sprinklers in residential homes if the Council decides to eliminate the fire
27 sprinkler requirement. Bret explained if the Council were to continue with the requirement for
28 residential fire sprinklers, then the Council needs to be clear in why the requirement is there
29 which is to save lives. The WUI Code is used to prevent fire from spreading from home to
30 home.
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32 The Council held discussion on the following:

- 33 a) Mayor Calloway commented he was contacted by a homeowner and in renewing his
34 homeowner's insurance, the insurance company wanted one-hundred feet of
35 defensible space around his home. This conflicted with the town's Land
36 Management Code in preserving trees for landscaping purposes. Chief Benson
37 explained the Wildland Urban Interface (WUI) Code identifies defensible space so the
38 homeowner wouldn't have to clear cut his property but identify 20'-30' between the
39 treetops and the trees limbed up along with any dead or dying vegetation be
40 removed from the property.
41 b) Chief Benson explained if the town was interested in adopting the WUI Code, the
42 Town could consider adopting portions of the Code. Staff will research to verify if
43 adopting portion of the Code are possible.
44 c) Council Member Freeberg commented on his previous experience in dealing with the
45 WUI Code and the restrictiveness of the code when building a home.
46 d) Bret reported the majority of cities in Utah do not require residential fire sprinklers
47 and the State specifically exempted sprinklers in residential. Brian Head was
48 identified as an exemption requiring fire sprinklers in homes of 3,000 square feet or
49 larger. Bret went on to explain the State wanted to take out the exemption in the
50 State Code and informed the Town they could require a stricter code with the WUI
51 Code. Iron County Building Inspector, Chad Nay, reported they cannot enforce this
52 requirement any longer. Bret reported staff will need to contact the State in order to
53 have the County Building Inspector enforce the residential sprinkler requirement.
54 e) Mayor Calloway reported in the State exemptions for residential fire sprinklers, there
55 were several qualifiers such as a building over 10,000 square feet or twice the size of
56 the neighbor's home that are over 10,000 square feet, a steep grade over five
57 percent (5%) or if the building had wood shake shingles.



- 1 f) Discussion was held on homes that are not connected to the town's water system in
 2 which it would require the owner have a water tank that allows for a flow of water at a
 3 minimum of 15 gallons per minute for 15 minutes. In a calculation for a home of
 4 three bedrooms, it would require 2,500 gallons which is hardship on the owner and
 5 would prohibit the development in town. Chief Benson explained the purpose is not
 6 to put out the fire, but to get people out of the home.
- 7 g) Mayor Calloway commented it is a personal property right to rent out your property
 8 and the State has declared nightly rentals are not a commercial business.
 9 Commercial businesses are required to have fire sprinklers.
- 10 h) Bret recommended the Council consider implementing the WUI Code instead of
 11 requiring fire sprinklers.
- 12 i) Chief Benson explained when the sprinkler requirement was first adopted, the staff
 13 believed that most homes in Brian Head would install fire sprinklers but, in reality, a
 14 majority of the homes that were built were under the 3,000 square foot requirement in
 15 order to avoid installing fire sprinklers.
- 16 j) Chief Benson recommended the Council keep the residential fire sprinkler
 17 requirement the same or lower the square footage. Chief Benson stated he
 18 recommends every home install fire sprinklers.
- 19 k) Chief Benson gave an estimated cost on residential sprinklers in which it may cost
 20 \$1,000 for every 1,000 square footage of the home. The testing requirements are
 21 twice a year by flowing water thru the system.
- 22 l) Mayor Calloway commented it would add approximately \$10 per square foot to the
 23 cost of building the home.
- 24 m) Council held discussion on homes that are larger than 10,000 square feet or if a
 25 garage, either attached or detached, should be included in the calculation for square
 26 footage.
- 27 n) Mayor Calloway commented he would like to know if there is a method of
 28 construction that is more hazardous than others, such as a log home vs. a stick-built
 29 home in extinguishing a fire
- 30 o) Shaun Kelly, Planning Commission, suggested the Town should be looking at what
 31 the Town Fire Department could cover and that should guide as to what the
 32 requirement is.
- 33 p) Mayor Calloway reported Elk Ridge requires fire sprinklers in all residential homes
 34 and he would like to know why the State set the requirement for residential fire
 35 sprinklers at 10,000 square feet.
- 36 q) Chief Benson reported he could request the State Fire Marshall, Kelly Snow, attend a
 37 Council meeting and present to the Council. Mr. Snow would present the facts on fire
 38 sprinklers to the Council. Staff will contact Mr. Snow on a presentation to the Council
 39 for a future meeting. Staff will also invite Chad Nay, Iron County Building Inspector,
 40 to the meeting for this discussion.

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 43 **5. AMENDED SEWER AGREEMENT WITH PAROWAN CITY AND SEWER LINE**
 44 **PRESENTATION.** An amendment to the Inter-Local Agreement with Parowan City for
 45 Construction, Use, Operation and Maintenance of the joint Wastewater System. A presentation of the
 46 sewer line.

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 48 Aldo Biasi, Public Works Director, presented a draft amendment to the sewer agreement with
 49 Parowan City (see attached). Aldo explained the proposed amendment clarifies the
 50 agreement with Parowan City along with clarification on what determined the "outfall line" and
 51 what Brian Head's cost portion was for the cleaning and maintenance of the outfall line.

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 53 The Council discussed the following:

- 54 a) Parowan City has asked if the Town would be interested in taking over the sewer line
 55 from Second Left Hand going down into Parowan. Aldo reported this would add 2.4
 56 miles of pipeline at a cost of \$10,000 annually to maintain. Aldo requested Parowan



1 City submit a video of the line prior to any agreement with the town. The Town has
 2 not yet received any video on this line. Aldo reported this item was not identified in
 3 the amended agreement.

- 4 b) The Town's portion of cost for the cleaning and maintenance of the outfall line is
 5 \$8,000 which is being paid up front instead of waiting for a few years and then paying
 6 for it.
- 7 c) Bret explained the Town was seeing an increase in the operating portion and
 8 Parowan City wanted the Town to pay \$20,000 a year to clean the outfall line. Bret
 9 explained the Town should be responsible for the line that is used by the Town.
- 10 d) Parowan City cannot increase the operating cost for the O&M portion of the sewer
 11 line any more than 5% a year without explanation.
- 12 e) The sewer agreement costs have been built into the utility rates for the Town.

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 14 **Motion:** Council Member Marshall moved to approve the amended Sewer Agreement
 15 with Parowan City and authorize the Mayor to sign the agreement as presented.
 16 Council Member Freeberg seconded the motion.

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

20 21 **TOWN SEWER LINE PRESENTATION**

22 Aldo Biasi, Public Works Director, presented a map of the Town's sewer lines (see attached).
 23 The Council held discussion on the following:

- 24 a) Several subdivisions flow into the outfall line in Parowan.
- 25 b) Council inquired if there was video on the main sewer line from Highway 143 to
 26 Highway 91. Aldo responded the entire system may have been videoed and will
 27 request it from Parowan City. Aldo reported that during his employment with
 28 Parowan City, there were no potential issues identified.
- 29 c) Aldo explained that when there was an issue, Parowan City repaired it and the Town
 30 was responsible for a portion of the cost of repairs. Bret explained the Town should
 31 be responsible for a portion of the actual costs of the repairs and he does not believe
 32 the agreement clarifies it. Staff will verify.

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 34 The Council thanked staff for their presentation.

35 36 37 **6. TOWN MANAGER PERFORMANCE EVALUATION FORM APPROVAL.** Town 38 Manager's performance evaluation form.

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 40 Mayor Calloway explained the Council has used form #1 (see attached) in previous
 41 performance evaluations of the Town Manager and he would like to see a different evaluation
 42 form used. Mayor Calloway reported staff has presented four different evaluation forms:

- 43 #1 – Current evaluation form used for previous Town Managers evaluations.
 44 #2 – Current town employee evaluation form.
 45 #3 – Evaluation form identified from the City Manager's website.
 46 #4 – Evaluation form identified from the Utah City Manager's website.

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 48 The Council held discussion on the following:

- 49 a) Council Member Mulder commented she prefers #3 or #4 to be used for the
 50 Manager's performance evaluation.
- 51 b) Mayor Calloway and Council Member Marshall commented they prefer the #4 form.
- 52 c) Council Member Marshall stated she has concerns on form #4 with some of the
 53 questions with staff and interactions with co-workers and how would the Council
 54 determine this since the Council wouldn't have the insight of the Manager's
 55 interactions with staff.



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- d) Mayor Calloway reported the Council had a 360-performance evaluation several years ago and Council believe it put staff in an uncomfortable situation and their true feelings were not expressed.
- e) Council Member Freeberg commented he is not in favor of form #4 for the evaluation.
- f) Mayor Calloway suggested in the review process to invite staff in and allow them to give their comments on the Manager’s communications and interactions. The Council can meet with the Department Heads on this.
- g) Mayor Calloway suggested the Council use form #4 as a guideline to help focus on some of the items and the Council can also use it for further discussions and mold it into paragraphs if desired.

Consensus of the Council: Form #4 will be used for the performance evaluation for the Town Manager and Council may talk with the Department Heads if they desire.

Mayor Calloway requested the Council have their evaluations completed, totaled up and ready with any comments no later than May 22nd.

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

- Council Member Marshall reported the town walking trail is now open for public use.
- Mayor Calloway requested staff research information for a cemetery. Bret reported this is an action step identified in the Strategic Plan.

G. ADJOURNMENT

Motion: Council Member Freeberg moved to adjourn the regular meeting of the Brian Head Town Council for May 12, 2019. Council Member Marshall seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 4:25 pm for May 12, 2019

May 29, 2019
Date Approved

Nancy Leigh, Town Clerk

