

The Regular Meeting of the  
 Brian Head Town Council Acting as the Governing Board for  
 Brian Head Redevelopment Agency &  
 Brian Head Special Service District  
 Brian Head Town Hall - 56 North Highway 143  
 Brian Head, UT 84719  
**TUESDAY, MAY 28, 2019 @ 1:00 PM**

**Members Present:** Mayor Clayton Calloway, Council Member Shad Hunter, Council Member Larry Freeberg, Council Member Kelly Marshall, Council Member Lynn Mulder  
**Staff Present:** Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Aldo Biasi, Public Works Director; Cecilia Johnson, Town Treasurer; Wendy Dowland, Public Works Assistant; Officer Danny Abbott

**A. CALL TO ORDER**

Mayor Calloway called the regular meeting of the Town Council acting as the governing body for the Redevelopment Agency and Special Service District to order at 1:00 pm for May 28, 2019.

**B. PLEDGE OF ALLEGIANCE**

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

**C. DISCLOSURES**

Mayor Calloway stated that the disclosure statements are on file at 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**

**Nancy Leigh, Town Clerk,** reported the filing for candidacy will begin June 3<sup>rd</sup> until June 7<sup>th</sup> at 5:00 pm. There are three Town Council seats open with one seat for a two-year term and two seats for a four-year term. Those interested in filing for candidacy, please contact Nancy.

**E. APPROVAL OF THE MINUTES: May 13, 2019 Town Council Meeting**

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

**Action:** **Motion passed 4-0-1 (summary: Yes = 4, No = 0, Abstain = 1 Vote: Yes:** Council Member Marshall, Council Member Mulder, Council Member Freeberg, Mayor Calloway. **Abstain:** Council Member Hunter).

Mayor Calloway requested the order of the agenda be changed in order to accommodate Kelly Snow, Deputy State Fire Marshal, who is scheduled to discuss Agenda Item F-6, Fire Sprinkler Presentation. The order of the agenda was modified.

**F. AGENDA ITEMS:**

**1. FIRE SPRINKLER PRESENTATION.** A discussion on fire sprinklers systems with Deputy State Fire Marshal, Kelly Snow.



1 State Deputy Fire Marshal, Kelly Snow, explained he is present to discuss and answer  
2 questions regarding residential fire sprinklers. Some of the highlights regarding residential  
3 fire sprinklers are as follows:

- 4 a) The town's current residential fire sprinkler ordinance is more restrictive than State  
5 Fire Code and a majority of other communities.
- 6 b) Smoke detectors will give a quicker alarm to the residents of a home that is on fire  
7 and its main purpose is to notify the residents that there is a fire. Fire sprinklers will  
8 also discharge after a minute and are mainly for life saving and property saving  
9 purposes.
- 10 c) Fire Code allows antifreeze to be used in residential homes, but the cost is  
11 significantly higher, around four times the amount of a standard sprinkler system.
- 12 d) Deputy Marshal Snow recommended the Council continue with the current fire  
13 sprinkler ordinance vs repealing the ordinance.
- 14 e) A properly maintained sprinkler system has 94% of fires that are contained within one  
15 to two sprinkler head areas with minimal water damage to the property.
- 16 f) Deputy Marshal Snow recommended there be some type of notification in the town's  
17 ordinance that when an alarm is set off the homeowner will be notified that their  
18 sprinkler system went off.
- 19 g) The State Code no longer requires residential sprinkler systems for homes. This was  
20 largely due to an objection from the Homeowner Builders Association to the State  
21 Legislature.
- 22 h) Other surrounding states that require residential sprinklers are California, Colorado  
23 and Wyoming. All of which have communities that require sprinklers.
- 24 i) The cost to install sprinklers in a home is approximately \$1.50 p/square foot up to \$8  
25 p/sq. foot. Brian Head homes could expect to pay approximately \$4 p/sq. foot.
- 26 j) Mayor Calloway commented the Town will need to work with the Iron County Building  
27 Department on this subject since the County does the inspections for the Town.
- 28 k) Bret explained Chad Nay, Iron County Building Inspector, had some concerns  
29 regarding the County Building Department enforcing the Town's existing  
30 requirements for residential sprinklers since there was a portion of State Code which  
31 identified Brian Head as an exception for allowing residential sprinklers. The State  
32 Code was amended and no longer identifies Brian Head as an exemption. Bret  
33 explained the staff and Council would need to decide on whether the Town would  
34 want to clarify State Statute in identifying Brian Head as an exemption and requiring  
35 residential fire sprinklers.
- 36 l) The Town qualifies for the Wildland Urban Interface Code (WUI). This Code does  
37 not have a residential sprinkler requirement in it since it is more focused on  
38 defensible space for a home.
- 39 m) Council Member Freeberg expressed his concerns on those homes within the town  
40 limits having to install fire sprinklers in a home without a water connection to the  
41 town. In his calculations, the homeowner would have to store 1,000 gallons of water  
42 and, in extreme winter weather, this would need to be replaced with antifreeze which  
43 is more expensive at a cost of \$10 a gallon. This would be cost prohibitive to a  
44 homeowner. Antifreeze has a shelf life of seven to nine years, but it could be a  
45 shorter shelf life with hotter temperatures.
- 46 n) Deputy Marshall Snow explained he understands the Town has been reviewing the  
47 Short Term Rental Code and how sprinklers would apply to a rental as a commercial  
48 business. Deputy Marshal Snow explained that the sprinkler code does not apply to  
49 a short term rental property since it doesn't change occupancy and the Town doesn't  
50 have any authority to implement the sprinkler requirement unless the home is 3,000  
51 square feet or larger which is the existing requirement.

52  
53 The Council thanked Deputy Fire Marshall Kelly Snow for his presentation and time.  
54  
55



1           **2. IRON COUNTY BUILDING REPORT.** A building report from the Iron County Building  
 2 Department.

3  
 4 Chad Nay, Iron County Building Inspector, presented a report to the Council from the Iron  
 5 County Building Department (see attached). Mr. Nay explained the report has statistics  
 6 which can be used for identifying growth in Brian Head. Mr. Nay highlighted the following:

- 7       a) A graph identifying the number of building permits from 1983 through 2019. This  
 8 graph is used by the County to determine staffing levels that need to be made in  
 9 order to meet the level of service expected.
- 10       b) One graph identifies all of the cities/towns in Iron County with the exceptions of  
 11 Cedar City and Enoch. This shows the valuation of building permits which is not the  
 12 valuation identified by the County Assessor's office for property tax purposes.
- 13       c) Mr. Nay reported that in reviewing all of the stats over the years, he believes the  
 14 County will be leveling out on building permits over the next few years.
- 15       d) Mayor Calloway asked if Mr. Nay would weigh in on the Town's fire sprinkler issue.  
 16 Mr. Nay explained that if the Town were to continue to require residential fire  
 17 sprinklers, it would be his recommendation to identify the requirement by the total  
 18 footprint of the home instead of identifying living space which eliminates hallways,  
 19 closets, etc as living space. Mr. Nay explained it is his understanding that the Town  
 20 is talking about adopting the WUI Code instead.
- 21       e) Mr. Nay explained the WUI Code is easy to enforce at a building permit level. The  
 22 County did adopt the WUI Code which has been amended twice. Mr. Nay explained  
 23 that the problem with it is there is nothing that is written into the Code for future  
 24 maintenance and it is left up to the Fire Agencies to ensure maintenance. He has  
 25 worked with Keith Park from Southern Utah University, as an intern, who wrote plans  
 26 and maintenance for the WUI Code and the County oversees it for subdivisions. This  
 27 helps the ISO ratings.
- 28       f) Mr. Nay explained he is not sure which Code is best for the Town and it would be up  
 29 to the Council to decide whether to continue with the residential fire sprinkler  
 30 requirement or to go to the WUI Code.

31  
 32 The Council thanked Mr. Nay for his presentation.

33  
 34  
 35           **2. PROPOSED ORDINANCE AMENDING TITLE 3, CHAPTER 1, CHAPTER 2A AND**  
 36 **CHAPTER 2b LICENSING, FOR NIGHTLY RENTALS.** Bret Howser, Town Manager. The  
 37 Council will consider amending Chapter 1, 2A, 2B of Title 3 (Licensing) for nightly rentals.

38  
 39 Bret Howser, Town Manager, explained there have been several Council meetings on a  
 40 proposed amendment to the Nightly Rental portion of the Business License Code in which  
 41 the Council has received input from the community and businesses on the first draft of the  
 42 amended nightly rental ordinance since it was presented to Council on February 26, 2019.  
 43 Bret went on to explain that Council directed staff to submit a second draft with changes  
 44 Council has identified during the past several meetings. Bret presented the 2<sup>nd</sup> draft of the  
 45 Business License Code addressing Nightly Rentals (see attached).

46  
 47 Bret reported the changes made in the second draft of the ordinance are as follows:

- 48       a) **License required for each physical location of nightly rental:** Bret reported staff is  
 49 recommending the following:
  - 50           I. licensing each property separately since this would bring this requirement in line  
 51 with other businesses that are required to license each of their physical locations  
 52 separately.
  - 53           II. Reduce the fee for a nightly rental from \$160 to \$80 for a new application and from  
 54 \$80 to \$40 for a renewal which is also in line with the licensing fees for other types  
 55 of businesses and with individual licensing of each location, enforcement is more  
 56 tenable.



1 III. Staff will conduct a study over the year to determine the cost of administering the  
2 program.  
3

4 If one nightly rental under a management company were to be suspended or revoked, then  
5 it would not affect any other rentals the company may be managing.  
6

7 The rental management companies were in favor of continuing with the current process of  
8 issuing one business license to them and allowing all their rentals to operate under one  
9 license instead of issuing separate licenses for each nightly rental. The rental management  
10 companies identified that an increase in cost for licensing would be detrimental to their  
11 business.  
12

13 The Council agreed with licensing individual businesses during the last meeting on March  
14 25, 2019.  
15

- 16 b) **Parking:** Bret reported parking was one of the main issues that prompted the change for  
17 nightly rentals. The first draft of the nightly rental ordinance required the property owner  
18 be identified on the license and the town could levy fines on the property owner for  
19 parking violations. The majority of the businesses that submitted input to the Council  
20 opposed this provision and requested the Council reconsider citing the vehicle owner  
21 instead of the property owner.  
22

23 The second draft submitted revised the language so the property owner would not be  
24 liable for parking violations if sufficient parking was provided. The town would require a  
25 maximum number of parking spaces onsite and require that information be posted in a  
26 conspicuous location for the guests to see along with information on off-site parking  
27 locations. Bret explained staff will begin to implement an educational campaign to  
28 educate the guests along with the businesses and residents. The parking, snow removal  
29 and nuisance codes will be revisited to ensure these codes are in harmony with the  
30 licensing codes.  
31

32 Council discussed the option to install signage on both ends of town identifying off-site  
33 parking locations and the town's code addressing on street parking. The police will place  
34 a warning sticker on the vehicles that are in violation of the town's parking code rather  
35 than moving towards towing. The emphasis will be on educating the guests. The public  
36 works department will be working with the police during snow removal operations.  
37

- 38 c. **Occupancy Limits:** The first draft identified Cedar City's code relating to nightly rentals  
39 in which occupancy limits were based on two people per bed + four additional. Due to  
40 the input received, the Council has moved away from the first proposal to enforcing the  
41 fire code which is one person per 200 square feet. A cabin square footage would include  
42 the total footprint of the home including garage space in the calculation. The total  
43 maximum capacity for a nightly rental would be posted in a conspicuous location to  
44 inform guests. Bret explained the town will face challenges in trying to enforce this  
45 portion of the code since the town would need a search warrant in order to check the  
46 number of people in a home. There were questions raised concerning a homeowner who  
47 decided to have a party and a large number of people were to attend the party and if they  
48 could be cited for having too many people. Officer Abbott reported there is a provision in  
49 the State Code that allows for a temporary allowance for occupancy as they relate to a  
50 one-time type of gathering such as a wedding or a party.  
51

- 52 d. **Condos vs. Cabins:** Bret reported the first draft of the proposed ordinance change  
53 identified both cabins and condos following the same procedures but, during previous  
54 discussions, the Council agreed with separating the cabins from the condos as it pertains  
55 to parking since parking for condos is regulated by the Homeowners Association.



1 The second draft proposes parking be identified for single-family residential (cabins) only  
2 and allow the Homeowner Association to govern the parking for multi-family residential  
3 (condos).  
4

- 5 e. **Good Neighbor Policy:** Bret reported this policy was not part of the first draft but, in  
6 previous discussions, it was submitted by the Short-Term Rental Coalition (STRC) which  
7 is a group of nightly rental management and individual operators. Bret explained it was  
8 recommended the Good Neighbor Policy be disseminated to the nightly rental  
9 businesses and guests as a consistent source of information.

10 Bret reported the policy will not be identified in the ordinance other than a reference to  
11 the policy and recommended the Council create an ad hoc committee to review and  
12 submit a final draft of the policy to the Council for approval.

13 Council Member Freeberg suggested the town create a webpage that identifies the  
14 requirements for nightly rentals that is separate from the property owners and  
15 Homeowners' Associations and that the information provides something about the town  
16 to give the guest more information on what there is to do in Brian Head.  
17

- 18 f. **Insurance Requirements:** The first draft of the ordinance did not address any insurance  
19 requirements.

20 The second draft requires insurance as part of the application process. Bret reported  
21 staff will continue to work with the insurance company and town attorney on the specific  
22 language relating to insurance.  
23

- 24 g. **Response Time:** First draft of the ordinance required a one-hour response time.

25 Second draft of the ordinance was changed to a four-hour response time. Council  
26 Member Mulder commented if there was an emergency situation, the response time  
27 would need to be reduced. Complaints could range from parking to nuisances such as  
28 noise.  
29

- 30 h. **Enforcement:** First draft of the ordinance did not make a change on when and how  
31 often a fire inspection is required. The current code requires a fire inspection at the time  
32 of application only. Second draft requires a fire inspection biennially (every two years)  
33 and will be completed at the time of renewal. The fire inspection will identify a list of items  
34 based on of Council's direction along with the Fire Marshal's recommendations.

35 Bret reported staff would be looking to spread out the fire inspections over a period of  
36 time since all nightly rentals will need a fire inspection and the officers will continue to do  
37 the initial fire inspection with a new application and staff will look to a part-time position to  
38 assist with the fire inspections for the existing nightly rentals.  
39

- 40 i. **Nuisance Ordinance:** Bret explained the current nuisance ordinances do not address a  
41 quiet time for single family residential neighborhoods and the Council may wish to revisit  
42 the code along with addressing the parking code. Council will review at a later date.  
43

44 Bob Whitelaw, Alpine Lodging and Condo Rentals, inquired if Council Member Marshall  
45 may have a potential conflict of interest being a rental management company. Council  
46 Member Marshall reported she has closed down her rental management company as of  
47 March 31, 2019 and no longer has a conflict of interest with this agenda item. Mr.  
48 Whitelaw then asked if the Council will hold another public hearing for this item since  
49 there has been several changes. Nancy Leigh, Town Clerk, reported the public hearing  
50 has been held and no official public hearing is scheduled again. Nancy reported all of the  
51 information regarding the progress of this matter is outlined on the town's website and  
52 she is also sending an email to all of the nightly rental business and residents in an effort  
53 to inform the public of the Council's progress on the nightly rental code amendment.  
54



1 Mayor Calloway asked the Council to address each of the topics Bret identified for a response  
2 and then for a consensus for a third draft of the nightly rental code. Council discussed the  
3 following:  
4

5 **a. License required for each physical location of nightly rental:**

6 Council Member Freeberg and Council Member Mulder agreed with staff's  
7 recommendation on licensing each individual nightly rental location. Council Member  
8 Mulder explained it would give greater enforcement and accountability. Mayor Calloway  
9 reported he spoke with Matt Tesdall, Family Time Vacation Rentals, who reported it is a  
10 developing trend to require a separate license for each nightly rental location. Mayor  
11 Calloway commented he would like to see an exception to this in which an owner or  
12 manager be allowed only one license for all of their nightly rental properties. Council  
13 Member Freeberg explained if one license is issued for all properties, then if an issue  
14 arose on one property and that license was revoked, then all of the other properties would  
15 be affected. Council Member Hunter stated there should be equality for all of the  
16 businesses as exemplified by the Resort and High Country Realty which are required to  
17 have separate licenses for their two locations.  
18

19 Bob Whitelaw, Alpine Lodging and Condo Rentals, commented he would like to see one  
20 license per location. An example would be if he had four nightly rentals in one  
21 condominium complex, then the town should issue only one license for the four units since  
22 they are at one location. Mr. Whitelaw went on to comment he would like the Council to  
23 separate the owner from the guests when violations occur since the owner wouldn't have  
24 control over things such as underage drinking or noise. Mayor Calloway explained a  
25 violation would be issued to the owner for those things in which the owner has direct  
26 control over.  
27

28 Jim Ortler, Brian Head General Store, reported Nancy has a list of all the fire inspections  
29 for each nightly rental and the Council could allow staff to enforce disciplinary action by  
30 notifying the property management company that a unit is no longer eligible to rent. Bret  
31 explained the town must follow its own process and there is a due process component to  
32 suspension and revocation of a license. Mr. Ortler commented the amount of time and  
33 cost to the town to issue over 500 licenses is significant and the Council should be aware  
34 of it. Mr. Ortler went on to explain that Nancy currently has a listing of all of the nightly  
35 rentals on a spreadsheet and if a nightly rental license needs to be pulled, then she could  
36 strike that location from her list and that a rental management company or property owner  
37 must be in good standing with the Town in order to operate. Bret explained the Town  
38 would need to follow its own procedure for revoking or suspending a business license.  
39

40 Bob Whitelaw recommended the Council require a separate license for cabins but have  
41 only one license for a condo building complex.  
42

43 William Hall commented the owner should have some accountability to the Town. Mr. Hall  
44 explained the rental management companies did not have a lot of time to collaborate, but  
45 they have around 25 people/businesses who have participated in their recommendation to  
46 the Council on the Good Neighbor Policy. Mayor Calloway suggested the rental  
47 management companies gather support and put together a recommendation to the  
48 Council.  
49

50 Council Member Hunter explained if the current ordinance requires a separate license for  
51 branch locations such as the Resort and High County Realty, then it would be consistent  
52 to require each physical location to have a separate license. Mr. Ortler explained that a  
53 rental management company looks at its rental pool locations as inventory and shouldn't  
54 require a separate license for each location.  
55



1 Ms. Shirley Christensen, business owner, commented she understood the town was  
2 deliberating on whether one property owner who owns several short term rental properties  
3 should have one license and the rental management companies could have one license  
4 and the town assess a fee for each property under that license.  
5

6 Mayor Calloway explained he would like to see from staff the following:

- 7 I. Research what other states are doing on individual licensing for properties and why.  
8 II. What is the due process that the staff would feel necessary for the enforcement on a  
9 license. Bret explained the enforcement mechanism is either revoking or suspending a  
10 license and there is due process to revoke or suspend a license. If the town creates a  
11 sub-license, the town may be walking into unknown territory as far as jurisprudence. Bret  
12 explained he will contact the attorney on the town's risk of identifying sub-licenses and  
13 whether it could stand up in a court of law.  
14 III. Draft language in the ordinance allowing for an exemption for an owner/operator to  
15 operate with one license for multiple locations. Mayor Calloway explained that an  
16 example would be if an owner owns multiple locations and also has a rental property from  
17 another owner, then they would be required to hold two licenses. One license for his  
18 personally owned units and one for the other unit they don't own but manage for another  
19 person. Mayor Calloway commented he is not sure if the Council agrees with his  
20 recommendation.  
21

22 **No consensus** was reached on licensing individual rentals.  
23

- 24 g) **Parking:** Bret explained the Council will be reviewing the Parking Ordinance in a future  
25 meeting. Bret went on to report the officers will be putting warning stickers on vehicles  
26 that are geared more towards educating the public rather than penalizing them. Bret  
27 explained there will be signage at both ends of Town identifying "No parking on town  
28 streets between November 1<sup>st</sup> and April 30<sup>th</sup>". Council Member Marshall suggested the  
29 Town consider installing a flashing sign during snow removal operations. Bret explained it  
30 would go against the Town's sign ordinance and would also be up to UDOT since the  
31 Town will need to obtain a permit from UDOT to install the sign within the UDOT right-of-  
32 way. The Council was in consensus on this item.  
33

34 The Council discussed the following:

- 35 a) The Town will proceed with educating the public but will also proceed with ticketing or  
36 possibly towing the vehicle if needed.  
37 b) Possibly provide signage into neighborhoods about the no parking on town street rule.  
38 c) The property owner or rental management company to determine how many parking  
39 spaces they can provide.  
40 d) Council Member Marshall commented she has received feedback from citizens on the  
41 size of parking spaces that should be allowed.  
42 e) Council Member Freeberg commented that it could be an issue if a homeowner or  
43 management company identified ten spaces and only plowed out for two spaces. Mayor  
44 Calloway commented it would be up to the owner since it would directly affect them since  
45 they would have direct control over the number of parking spaces on their property. Bret  
46 explained the staff could review the parking spaces when an inspection is done for the  
47 license and if they are declaring 12 spaces and it is determined they don't have enough  
48 room for 12 parking spaces, then it could be brought to the town's attention and the town  
49 could require the owner to submit a parking plan showing the parking spaces.  
50 f) Larry Edgerton, resident, recommended the Council define parking spaces and that it  
51 shouldn't be left up to the nightly rental operator. Mr. Edgerton explained that the 10' to  
52 fifteen' feet of a driveway adjacent to the town road is a right-of-way and parking  
53 shouldn't be allowed within the town's rights-of-way for snow removal operations. Mr.  
54 Edgerton recommended the Council make one policy decision for both winter and  
55 summer season for clarification purposes and that off-site parking for trailers should be  
56 identified.



- 1 g) Mr. Hall explained that he requires the guests to move their vehicles out of the driveway  
2 while the driveway is plowed out. The vehicles park in the town streets until the driveway  
3 is cleared and ready to park the vehicles.  
4

5 **Consensus of the Council:** The property owner will identify the number of parking  
6 spaces on their property for the nightly rental according to the requirements identified in  
7 the Land Management Code. If determined there are not enough parking spaces, then  
8 the town will require the owner to submit a parking plan identifying parking. The Land  
9 Management Code section will be referenced in the revised ordinance.

10  
11 **Occupancy Limits:**

- 12 a) The proposed language identifies the Fire Code for occupancy limits which is one person  
13 per 200 square feet. Chad Nay, Iron County Building Inspector, suggested the Council  
14 identify the footprint of each floor for the square footage calculations.  
15 b) Bret explained the town would not require condo owners to post occupancy limits since  
16 the Homeowners Association is required to post the occupancy limits for the building.  
17 Bret explained the town is not proposing a new occupancy limit, but to post the  
18 occupancy limits identified in the Fire Code.  
19 c) Mayor Calloway suggested the Short Term Rental group review the occupancy limits and  
20 report back to the Council on the impact of identifying the fire code of one person per 200  
21 square feet rule.  
22 d) Officer Abbott commented that if a private party were taking place at a residence that  
23 exceeded the fire code, then there is a provision that allows for a temporary allowance of  
24 one person per seven square feet.

25 **Consensus of the Council:** Leave as proposed. Follow the Fire Code of one person per  
26 200 sq. feet.  
27

28 **Good Neighbor Policy**

- 29 a) Mayor Calloway recommended an ad hoc committee be established to review the Good  
30 Neighbor Policy and give a recommendation to the Council.  
31 b) The group members will consist of residents, rental management companies, HOA  
32 presidents or a representative and staff to assist. The members will be Larry Edgerton  
33 and Shaun Kelly as representatives for the residents. Matt Tesdall and William Hall will  
34 be representatives for the rental management companies. Mayor Calloway commented  
35 he will inquire to find a representative for the HOA's.  
36

37 **Insurance Requirements**

- 38 a) Bret explained staff is proposing an insurance requirement of a property and casualty  
39 policy which must be maintained at all times. Staff has moved away from requiring a  
40 specific short term rental policy. This would be identified on the license application.  
41 b) Mr. Hall commented he has insurance currently on his home and it would depend on  
42 the limits on how difficult it could be to secure insurance. Mr. Hall explained he has  
43 added a one-million-dollar rider and includes a renter's insurance in case of loss of  
44 business.  
45 c) Mr. Larry Edgerton commented the town should be requiring the short term rental  
46 insurance on all nightly rentals in an effort to protect the guests.  
47

48 **Consensus of the Council:** Owner will provide proof of property and casualty insurance for  
49 the short term rental, no amount was required.  
50

51 **Response Time**

- 52 a) Bret explained staff has proposed an increase in time from the original draft to a four-  
53 hour response time.  
54 b) Mayor Calloway commented he believes the town should not be dictating a timeframe in  
55 which to respond to a complaint such as an issue between the owner and guests. The



1 complaints that are submitted to the town would be more towards parking on town  
2 streets, trespassing, etc.

- 3 c) Bret explained if there is a violation of the Town Code, then the Town would issue a  
4 citation or a written warning.

5 **Consensus of the Council:** Strike the response time from the draft.

6  
7 **Enforcement:**

- 8 a) Mayor Calloway explained enforcement has already been discussed in which staff will  
9 review the Nuisance Code for possible revisions.  
10 b) Jim Ortler inquired if the Town was planning to require the owner to post information  
11 for two points of contacts and that one contact should be a local representative.  
12 c) Council Member Freeberg explained the Town would be legislating how an owner is to  
13 run their business, but it could be identified in the Good Neighbor Policy and that a  
14 local contact should not be a requirement.  
15 d) Nancy explained the current license application identifies a section for a local contact,  
16 but it is not required.  
17 e) Mayor Calloway explained this item goes back to the Council's vision on the visitor's  
18 experience. He has seen where guests have come in and cannot find the rental or  
19 could not access the rental, giving Brian Head a negative experience.  
20

21 Mayor Calloway requested the Council review this topic at a later time and  
22 encouraged the Council to think about whether the Town should require a local  
23 contact as part of the requirements.  
24

25 **Fire Inspection**

- 26 (a) All nightly rentals will need a new fire inspection. Staff will develop a method in which  
27 to accomplish the fire inspections.  
28 (b) Staff will revise the current fire inspection list to include the egress of a unit to be in  
29 compliance with the Fire Code  
30 (c) Mayor Calloway recommended the Staff look for "red flags" such as eight bunkbeds in a  
31 loft and no emergency escape. This information will be passed onto Nancy to address it.

32 **Consensus of the Council:** Fire inspections will be done biennially (every two years) and  
33 staff will develop a method in which to complete all of the inspections.  
34  
35

36 **3. BID AWARD FOR THE MOUNTAIN VIEW / SALT PILE WATERLINE PROJECT.**

37 Mountain View / Salt Pile waterline project bid award.  
38

39 Aldo Biasi, Public Works Director, presented the bid tabulation for the Salt Pile waterline  
40 project (see attached). Aldo explained the bids came in higher than anticipated, and as a  
41 result, staff has negotiated with Perco Rock who reduced their bid by \$250,000 on the  
42 import/export portion of their bid. Aldo reported the pump station was taken out of the bid  
43 due to the electrical drawings that were not completed and the anticipated cost for the pump  
44 station. Aldo recommended the Council award the Salt Pile Waterline project to Perco Rock  
45 in the amount \$729,878.  
46

47 Bret Howser, Town Manager, explained the project was \$300,000 over for the two projects  
48 combined. The anticipated cost for both projects was 1.5 million dollars. Bret explained staff  
49 was able to negotiate with Perco Rock and staff is satisfied with the cost for the Salt Pile  
50 waterline project, but staff is still continuing to negotiate with Orton Excavation on the  
51 Mountain View waterline. Bret explained he is going to meet with the Community Impact  
52 Board (CIB) for additional funding to complete the Mountain View waterline project. Staff  
53 anticipates CIB may offer a loan vs. a grant for the additional funding. Bret inquired if the  
54 Council is comfortable with accepting a loan from CIB if they don't offer a grant for the  
55 additional cost.



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Aldo explained that the town could save some money on the Mountain View waterline project if the town allowed some of the existing material to go back into the trench which would be 2” minus rock. This is not ideal, but would still need to meet the compaction requirement, There could be more settling with the bigger rock, but since it is in a dirt road and the town could continue with road maintenance and the waterline is ductile iron (which is a stronger pipe). The potential savings for the town would be \$100,000, but the contractor is not guaranteeing that it could be \$100,00. Staff will be meeting with the Mountain View waterline contractor tomorrow to negotiate.

Perco Rock has made most of the concessions with a reduction of \$250,000 and Orton has made a concession of \$40,000. Bret explained the pump station is anticipated to cost around \$100,000 and it could be installed in the next couple years in order to save some money.

Bret explained staff has submitted a supplemental application to CIB requesting \$300,000 with the request of 50% grant and 50% loan. The town would try to fund the 50% of the town’s obligation in cash and will come back at a later time to build the pump station.

Aldo explained if the Council were willing to wait until next summer, the contractor would be willing to reduce their bid. They would remove the mob/demob portion of their bid. Bret explained the town could pay back the loan portion with some savings in the impact fees and if more funding is needed, then the it would be a mix of raising rates and new connections to the Mountain View line. Another option is to float the project for a year or two and save up for the project. There is a possibility to pay the GO debt with the Debt Service Fund, but he would need to verify the balance first.

Staff is recommending the Council award the Salt Pile Waterline Project at this time and staff will continue to negotiate with the contractor for the Mountain View Waterline Project and request additional funding from CIB. This project will be presented to Council at a later date.

**Motion:** Council Member Mulder moved to award the Salt Pile Waterline Project to Perco Rock in the amount of \$729,878 as presented. Council Member Hunter seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Mulder, Council Member Hunter, Council Member Freeberg, Council Member Marshall, Mayor Calloway).

**4. PUBLIC HEARING FOR THE FISCAL YEAR 2020 TENTATIVE BUDGETS.** A public hearing for the fiscal year 2020 Budget for the Town, Redevelopment Agency and Special Service District.

Cecilia Johnson, Town Treasurer, presented the budgets for the Town, Redevelopment Agency and Special Service District (see attached). Cecilia explained some changes that were made in the general ledger line budget identifying the grants for the Manzanita Trail which has been awarded and the Town has a match and the Type 6 Fire Engine which was also a grant. Bret explained the Manzanita Trail amount was wrong and is now corrected and the Type 6 Fire Engine was in the wrong line.

Mayor Calloway recessed the regular meeting and opened the public hearing at 4:25 pm. No comments were received. Mayor Calloway closed the public hearing at 4:26 pm.

**5. ARBOR DAY PROCLAMATION.** A proclamation for the 2019 Brian Head Town Arbor Day.



1 Cecilia Johnson, Town Treasurer, presented a proclamation for the 2019 Brian Head Arbor  
 2 Day identifying June 26, 2019 at the Town Arbor Day (see attached). Cecilia explained the  
 3 Arbor Day has been moved later into the month due to the late spring and the amount of  
 4 snow that is in the meadow areas. Cecilia reported the Tree Commission recommended  
 5 June 26, 2019 as the Town Arbor Day and this will be in conjunction with the annual Town  
 6 Clean-Up Day. The Tree Commission requested Chief Benson give a presentation on fire  
 7 mitigation.  
 8

9 Council Member Freeberg inquired if the Town was planning on planting a tree for Arbor Day.  
 10 Cecilia responded the Town could transplant a tree during this budget year and then another  
 11 in the FY2020 budget year. Council Member Hunter reported he has researched to  
 12 determine if the Bristlecone Pine was a protected tree and found that the Town could  
 13 transplant a Bristlecone Pine at the pond if the Town. He reported that as long as the tree is  
 14 on private property and with the permission of the property owner it may be moved.  
 15

16 Mayor Calloway suggested the date be moved to earlier in the month. Council Member  
 17 Mulder explained she is on the Tree Commission and due to the late spring, she would like to  
 18 see the meadows dry up more before having the Clean-Up Day and this will be done before  
 19 the 4<sup>th</sup> of July holiday.  
 20

21 **Motion:** Council Member Hunter moved to authorize the Mayor to sign the Proclamation  
 22 declaring June 26, 2019 as Brian Head Arbor Day as presented. Council Member  
 23 Freeberg seconded the motion.

24 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member Mulder,**  
 25 **Council Member Hunter, Council Member Freeberg, Council Member Marshall,**  
 26 **Mayor Calloway).**  
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## 29 6. GENERAL PLAN REVIEW. A review of the General Plan Revision Draft.

30  
 31 Mike Hanson, Rural Community Development, presented a draft of the General Plan revision  
 32 (see attached). Bret recommended the Council review the policy section in each chapter.  
 33 Bret went on to report the Council held a joint meeting with the Planning Commission and  
 34 during that meeting, chapters 3 thru 5 were reviewed.  
 35

36 The Council discussed the following:  
 37

### 38 Chapter 6 – Public Safety Policies

- 39 1. Bret explained this chapter has items that are more of an administrative policy  
 40 and the General Plan would refer those policies instead of including the policy in  
 41 the Plan.
- 42 2. Staff will present a final draft to the Council for adoption in a future meeting.
- 43 3. Council Member Mulder recommended the policy emphasize fire protection and  
 44 that the CWPP project that is currently happening in town be identified.
- 45 4. The Plan would identify the number of times under policy S2 would need to be  
 46 identified: Mayor Calloway explained the current town policy is one time per  
 47 shift.
- 48 5. Response time was identified as three. Council agreed that the department  
 49 minimize the response times for calls.
- 50 6. Mayor Calloway commented the emphasis should be on retaining an officer and  
 51 recommended a change in Policy V: "Retain and recruit"
- 52 7. Policy T3: ADD: Brian Head Ski Patrol for emergency medical response.
- 53 8. Council Member Freeberg suggested Policy AB "partner with the educate" needs  
 54 to be clarified. Will delete the word "educate". Bret responded he will review the  
 55 document for grammatical errors and wordsmith for clarification purposes.  
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**Chapter 7 – Water**

- 1. Bret explained the areas that are highlighted need information inserted into that section.
- 2. Council Member Freeberg suggested the bottom of the 2<sup>nd</sup> paragraph which states “performs a water treatment when necessary” Council Member Freeberg suggested it be changed to read: “performs water treatment should it become necessary”.
- 3. Policy AC4: Mayor Calloway commented this section needs to be cleaned up. “Maintain pristine quality of water and it builds in the doomsday scenario with chlorination”. Mike explained the policy aims to provide clean, natural and untreated water. Council Member Freeberg commented he doesn’t want the chlorination identified in the General Plan. Will strike the last sentence on the chlorination sentence.
- 4. Mike explained the Council doesn’t need to answer the linear feet of waterline for the Plan, he’ll get that information from staff.

**Chapter 8 – Wastewater**

- 1. Mayor Calloway commented on the two different dates identified for the Parowan City agreement with the wastewater. The Plan identifies 2026 in one area and 2030 in another. Bret explained the 2026 date is when the bond is due to expire and the agreement runs ten years in advance. Both dates are correct.

**Chapter 9 – Solid Waste**

- 1. Policy AH will be revised to state “recruit and retain” in order to be consistent with a previous change in the Public Safety Policy.
- 2. Mayor Calloway commented he would like the Plan to say something that the town may look to purchase property to secure dumpster locations in residential areas.
- 3. Policy AL: Council Member Hunter recommended the Town consider adopting code that would eliminate the use of plastic bags which would show the Town is being environmentally conscientious. A start would be to ban plastic grocery bags. Bret reported he will add a sentence to the 2<sup>nd</sup> paragraph under the Solid Waste Removal section and staff will work on a policy wording for a plastic bag sentence.
- 4. Bret inquired if the Council was interested in considering an ordinance prohibiting plastic bags. Mayor Calloway and Council Member Marshall and Hunter agreed with reviewing an ordinance.
- 5. Bret explained he didn’t get a full list of support services for the policies for the remaining policies and will need to review it at a future meeting.

Bret explained most of the town’s policies focus on external services and would be a short list, which could include finance, and personnel, that could be referenced in the General Plan. Mayor Calloway commented he would like to identify in one of the policies: “Continue to update the Personnel Manual for fairness to the employees and taxpayers”.

The Transportation Plan will be removed from the General Plan since it doesn’t apply to support services.

Mike explained he will be working on the final formatting for the General Plan and will change out some of the photographs that are sideways in the Plan. Mayor Calloway suggested the picture of the “Mall” be switched out.

Council Member Freeberg commented there were errors in the Appendix. Mike reported he has also identified those errors and will correct them. One example is the Commission instead of Council. Council Member Freeberg commented there is a



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sentence in the General Plan that states Brian Head will look to own and operate an ambulance service in the future. Council Member Freeberg stated he would not be in favor of the town owning an ambulance and recommended it be removed from the General Plan.

Mike explained the public hearing for the General Plan has already been held and suggested staff identify it in the Newsletter and available online for the public to review. Mike explained the General Plan is an advisory document and will continue to be updated.

Bret reported staff will continue to update the support services and will make any final comments for changes to Mike for a final draft to be adopted.

**7. TOWN PIT USAGE DISCUSSION.** A discussion on the current and future use of the Town pit area.

Aldo Biasi, Public Works Director, explained with the Public Works projects, the town is paying a high amount for import and export of materials due to hauling the materials up the mountain. Aldo suggested the Council consider allowing the town to store material at the pit for projects.

The Council discussed the following:

1. Mayor Calloway commented he would like to see a clear plan in order for the pit to become usable in the future such as a low-income housing project. Mayor Calloway recommended staff draft a plan and present to Council.
2. Aldo inquired if the Council would allow asphalt millings to be stored at the pit area which would reduce the cost and time for hauling the material for a project.
3. Bret gave a brief history of the pit area in which at one time it was used as a gravel pit and then the Council worried about it becoming an eye sore and the town discontinued the use of storing materials there.
4. Bret inquired as to what the Council would like to see the pit area become. Council Member Freeberg inquired if there are residents living near the pit area. Bret explained there are a couple of residents near the pit area.
5. The Manzanita Trail goes next to the pit area and would identify the trailhead for the trail.
6. Mayor Calloway commented he would like the town to come up with a plan that would terrace the pit into a useful area, such as affordable housing.
7. The pit area is currently zoned as open space.
8. Mayor Calloway commented if there is a purpose for the pit area, then the town should consider excavating the material from the area.
9. Council Member Hunter, Marshall, Freeberg and Mulder agreed to allow materials to be stored on a temporary basis for the projects.
10. Bret explained the Council could consider rezoning the area to light industrial.
11. Bret explained if the Council were interested in rezoning the area, then he would like to identify it on the General Plan Map.

**Consensus of the Council:** The Council and staff will take a field trip to the Town Pit to review the area for potential future use. This will be in conjunction with a field trip to Bristlecone Pond to review the area for improvements for the picnic and pavilion pads.

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



- Mayor Calloway commented he would like staff to review the Nuisance and Parking Ordinance and bring revisions back to Council for review.
- Council Member Freeberg commented he would like the Council to discuss how to get rid of the dead tree slash since property owners don't want to haul the slash off the mountain to the landfill in Parowan and would like the town to rent a tub grinder. Mayor Calloway commented the town should be taking on the property owners' responsibilities.

**G. CLOSED SESSION OF THE TOWN COUNCIL** to discuss the character, professional competence, or physical or mental health of an individual

**Motion:** Council Member Marshall moved to table the closed session to discuss the character, professional competence, or physical or mental health of an individual. Council Member Mulder seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member Mulder, Council Member Hunter, Council Member Freeberg, Council Member Marshall, Mayor Calloway).**

**H. ADJOURNMENT**

**Motion:** Council Member Marshall moved to adjourn the regular meeting of the Town Council for May 28, 2019. Council Member Mulder seconded the motion

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member Mulder, Council Member Hunter, Council Member Freeberg, Council Member Marshall, Mayor Calloway).**

The regular meeting of the Brian Head Town Council acting as the governing body of the Brian Head Redevelopment Agency and Special Service District was adjourned at 6:00 pm for May 28, 2019

June 24, 2019  
Date Approved

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

