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The Regular Meeting of the
Brian Head Town Council
 Acting as the Governing Boards for the
Brian Head Redevelopment Agency & Special Service District
 Town Hall - 56 North Highway 143
 Brian Head, UT 84719
MONDAY, MAY 29, 2018 @ 1:00 PM

11 **Roll Call.**

12 **Members Present:** Mayor Clayton Calloway Council Member Lynn Mulder, Council Member Kelly
13 Marshall.

14 **Members Absent:** Council Member Larry Freeberg (By phone for Agenda Item #2 only), Council
15 Member Shad Hunter

16 **Staff Present:** Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Wendy Dowland, Public
17 Works Assistant, Cecilia Johnson, Town Treasurer; Dan Benson, Public Safety
18 Director, Tom Gurr, Public Works
19
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21 **A. CALL TO ORDER**

22 Mayor Calloway called the regular meeting of the Brian Head Town Council acting as the
23 governing body of the Brian Head Redevelopment Agency and Special Service District to order at
24 1:00 pm for May 29, 2018
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27 **B. PLEDGE OF ALLEGIANCE**

28 Mayor Calloway led the Council and others in the Pledge of Allegiance.
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31 **C. DISCLOSURES**

- 32
- 33 • Mayor Calloway stated he may have a potential conflict of interest with Agenda Item G-2,
- 34 2018 Street Bid Award, in which he has a business on Circle Drive which is one of the
- 35 roads identified for improvements.
36

37 There were no other conflicts of interest with today's agenda items. Mayor Calloway stated that
38 the disclosure statements are on file at the Town Clerk's office and are available for public
39 inspection during normal business hours.
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42 **D. REPORTS / PUBLIC INPUT (Limited to three (3) minutes) Non-Agenda Items**

43
44 **Nancy Leigh, Town Clerk,** reported the town hall fuel pumps are now up and running again.
45 The pumps were down due to a phone line that was disconnected in error.
46

47 **Council Member Mulder** complemented the public works crew on the new handrail that was
48 installed at the Bristlecone Pond / Park area.
49

50 **Bret Howser, Town Manager**

- 51 1. Staff held a bid opening for the Village Way Sewer Project. Bret reported the project
- 52 came in around \$320,000 and the town has been saving for this project over the past
- 53 several years. Bret reported the majority of the bid openings for the town projects
- 54 scheduled for this year has been completed and staff is currently working on the Chair #1



- 1 parking / restroom project. Drawings should be completed within the week and the bid
 2 advertisement should be the following week.
- 3 2. Most of the large construction projects are scheduled to begin after the 4th of July holiday.
 - 4 3. Public Works Director recruitment process is proceeding. Telephone interviews have
 5 taken place and six candidates will be interviewed on Thursday, May 31st and June 1st.
 6 The candidates will be touring the town on Thursday and a social held on Thursday, May
 7 31, 2018 at 5:00 pm at the Public Safety Building. The Council and staff will have the
 8 opportunity to meet the candidates and see how they interact in a social setting. Mayor
 9 Calloway, Mac Hatch and Shane Williamson will sit on the interview panel for the
 10 interviews on Friday, June 1, 2018. Chief Benson will also fill in for Shane Williamson on
 11 some of the interviews. Most of the candidates are from other states; Arizona, Nevada
 12 and Idaho with some from Utah. The town received a good regional response for the
 13 position.
 - 14 4. The town has been approached by the Iron County Tourism Bureau to redirect some of
 15 the town's advertising funds used for seasonal radio advertising towards a GEO fencing.
 16 This type of media sends messages to cell phones if they are in the area. The Resort
 17 and Tourism Bureau are looking at a summer marketing co-op in which each entity will be
 18 identifying \$8,000 each and would like the town to match. Bret reported this could be
 19 identified out of the contingency fund if needed.
 - 20 5. Staff is in the process of putting together funding for a new dump truck and will be
 21 bringing the information to the Council for approval.

22
 23 **Tom Gurr, Public Works**, reported the department has hauled over 600 tons of gravel from
 24 Dry Canyon to Brian Head for town street improvements. The crew has repaired three to four
 25 roads that needed grading and gravel. Snowflake Dr. is now being prepped for mag chloride
 26 and the crew will be putting down milled asphalt on Rue Jolley. The Crystal Aire pump house
 27 is also in the process of being painted.

28
 29 **Shelly Calloway, Business Owner**, reported she has an ongoing problem with garbage
 30 blowing out of the Timberbrook dumpster onto her property. Ms. Calloway reported the
 31 dumpster lid is constantly blowing open and blowing trash all over the area and during the
 32 spring thaw she picked up three large garbage bags and has cleaned her property up three
 33 more times since the snow melt. Ms. Calloway asked the town to address the problem with
 34 garbage coming from the Timberbrook dumpster. One suggestion would be to move the
 35 dumpster to a location that the wind would not blow the lid open. Ms. Calloway suggested
 36 moving the dumpster to the front of the Timberbrook club house. Bret Howser, Town
 37 Manager, reported the public works staff discussed this issue and a temporary solution was
 38 identified by chaining down the lid until a permanent solution is determined. Ms. Calloway
 39 reported no chain has been put on the lid yet and when people put bags in the dumpster,
 40 they leave the lid open. Bret reported he will work on getting a solution this week either by
 41 moving the dumpster or installing a lid lock.

42
 43 Council Member Marshall inquired as to what the town code allows regarding dumpster
 44 enclosures. Bret responded there are a couple of enclosures such as the one at Navajo
 45 Lodge ski base area, but due to snow removal issues, the enclosures are difficult to maintain
 46 access.

47
 48
 49 **E. APPROVAL OF THE MINUTES:**

50
 51 **May 14, 2018 Town Council Meeting Minutes**

52
 53 **Motion:** Council Member Marshall moved to approve the May 14, 2018 Town Council
 54 minutes with changes. Council Member Mulder seconded the motion.



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2 Bret went on to report the town is hoping to save on quantities with the realignment project by
3 using the same road base which is already compacted and not excavate the site and the
4 town will be using asphalt millings instead of asphalt. There was an estimate of \$28,000 for
5 removal and the town is looking to cut that cost by \$20,000 in order to meet the town's goal of
6 \$200,000 identified for the streets project. The cost for chip seal was a good rate and the
7 town may be using the \$214,000 that was left over from previous year's street projects along
8 with some of funds available for the fiscal year 2019 budget to purchase additional chip seal
9 for future road projects.

10
11 Bret reported another major street project will be Vasels Road and Village Way for the next
12 two years, then there will be three years identified for maintenance of the roads which will
13 include crack sealing and patch work. The town will be saving up \$200,000 annually during
14 these years for the next major street project. Eventually the town will be doing fewer major
15 projects and more maintenance on the roads since some of the town roads are 30 years old.

16
17 Council Member Freeberg commented the town was looking at doing a major road project on
18 Hunter Ridge road costing approximately \$125,000. The project was to clean out the soil and
19 install a French drain due to water causing a freezing/thawing effect that was damaging the
20 road. Council Member Freeberg inquired if the town has addressed this issue, and if it hasn't
21 been addressed, then the town should address the drainage issue on Hunter Ridge during
22 this project. Bret responded staff will research to determine whether the drainage issue was
23 addressed in a previous project.

24
25 **Motion:** Council Member Mulder moved to award the 2018 Street Project bid to Western
26 Rock in the amount of \$256,240 as presented. Council Member Marshall
27 seconded the motion.

28 **Action:** **Motion carried 3-0-1 summary: Yes = 2, No = 0, Abstain = 1**
29 **Vote: Yes:** Council Member Mulder, Council Member Marshall, Council Member Freeberg.
30 **Abstain:** Mayor Calloway. Absent: Council Member Hunter).

31
32 Council Member Freeberg was excused from the meeting at 1:45 pm.

33
34
35 **3. TOWN RECYCLING SURVEY RESULTS.** A discussion on the results from the town's
36 recycling survey sent out in April 2018.

37
38 Bret Howser, Town Manager, explained at the direction of the Council, staff sent out a
39 recycling survey to the citizens. The survey was also posted on the town's website in an
40 effort to gather the public's input on the town's recycling services and whether the town
41 should continue to offer recycling services. Bret reported there were a total of 40 responses
42 in which approximately 60% to 70% of the respondents would like to see the town offer
43 recycling services for all types (cardboard, plastic, glass & aluminum). The survey also
44 indicated that 12.5% would rather not have the town offer any recycling services; 62%
45 considered recycling extremely important; 15% considered recycling somewhat important;
46 15% used recycling service more than once a month and 42% using it monthly or quarterly.
47 Bret went on to explained three-fourth of the respondents are willing to pay for the service
48 with the most common response being between \$1 to \$5 more.

49
50 Mayor Calloway commented on an article sent to the Council by Council Member Marshall.
51 Mayor Calloway commented he would like the entire Council present to hold this discussion
52 before any decision is made.

53
54 **Motion:** Mayor Calloway moved to table Agenda Item G-3, Recycling Survey Discussion
55 for an indefinite date. Council Member Mulder seconded the motion.
56



1 Bret inquired if the Council would like to see any additional information from staff for the
 2 future discussion. Mayor Calloway commented that in reviewing the expenses proposed in
 3 the staff report, it does not make sense to him on how the initial outlay can be \$10,000 in
 4 both scenarios if Cedar Breaks National Monument decides to participate in recycling with the
 5 town. Wendy Dowland, Public Works Assistant, reported Cedar Breaks National Monument
 6 has reported they will not be participating in the recycling services. Mayor Calloway inquired if
 7 the staff report identified old information. Bret reported staff will study the numbers identified
 8 in the staff report and report back to the Council.
 9

10 Mayor Calloway inquired as to what Washington County is doing with their materials and
 11 whether they are going to a landfill. Tom Gurr, Public Works, reported he has spoken to
 12 Washington County and they indicated they send their recycling to Salt Lake City for
 13 processing. Bret reported staff will research it and report back.
 14

15 Council Member Marshall explained the article from the New York Times reported that the
 16 United States is outsourcing its recycling to China who then sends to a landfill. Mayor
 17 Calloway commented that the article reported on a requirement to have plastic silverware to
 18 be cleaned and he believes that it is wasting one resource for another.
 19

20 Mayor Calloway explained he is disappointed there were only 40 respondents to the survey,
 21 but he would like to have the entire Council present to have a deeper discussion on the
 22 town's recycling service since it may be a feel-good thing but may not make sense for the
 23 town to continue recycling services.
 24

25 **Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Mayor Calloway, Council**
 26 **Member Mulder, Council Member Marshall. Absent: Council Member Freeberg,**
 27 **Council Member Hunter).**
 28
 29

30 **4. DISCUSSION ON EXTENDED RV PARKING.** A discussion on extended length of time in
 31 which a RV may be parked.
 32

33 Wendy Dowland, Public Works Assistant, reported staff receives inquiries regularly from
 34 people who own property in Brian Head and would like to bring their RV's to stay on their
 35 property for an extended period of time. Wendy went on to explain staff has researched the
 36 Land Management Code which does not prohibit extended RV stays. Staff would like the
 37 Council's input on whether to identify something in the LMC regulating extended RV stays on
 38 properties. Wendy also reported the staff is receiving inquiries about tiny homes which are
 39 mobile and in one case the property owner would like to put multiple tiny homes on their
 40 property, currently zoned multi-family residential. Wendy reported she has taken this agenda
 41 item to the Planning Commission for their recommendation who ran out of time to have a full
 42 discussion on the issue.
 43

44 Mayor Calloway reported the Planning Commission would need to have an in-depth
 45 discussion on the extended RV stays. In a conversation with Commissioner Deutschlander
 46 who reported the Planning Commission briefly discussed it but ran out of time during the
 47 meeting and did not come to a consensus.
 48

49 The Council discussed the following:

- 50 1. Mayor Calloway commented the town should allow extended RV stays on private
 51 property and allow the CC&R's to dictate the subdivision regulations. The town
 52 should treat them as a temporary structure with a time limit of 180 days and adhere
 53 to the town's setbacks and have a method in place to deal with black water, but they
 54 shouldn't have to meet the town's design standards.
- 55 2. Shaun Kelly, Planning Commission, reported the discussion was brief due to the fact
 56 that several Commission members wanted more time to think about it before a



1 recommendation is made. Shaun stated he feels the same way as Mayor Calloway
 2 in allowing the subdivision's CC&R's to dictate the regulations and to treat it as a
 3 temporary structure. Shaun went on to explain he believes they should be allowed
 4 for areas that have no municipal services but should still adhere to the 180 day limit.
 5 Shaun commented that RV's do not typically hold up well in the winter season due to
 6 the snow load.

- 7 3. Council Member Mulder inquired if any of the suggestions are aligned with the
- 8 Washington County ordinance submitted with the staff report. Wendy reported the
- 9 Planning Commission has not yet seen the Washington County ordinance.
- 10 4. Wendy reported Parowan City does not allow extended RV stays and Iron County
- 11 only allows for a one-year time frame while a home is being constructed in which a
- 12 building permit must be pulled along with no hauling of water and they must have an
- 13 approved source of power; no generators are allowed.
- 14 5. Wendy explained the Council could also consider a conditional use permit process
- 15 for extended stays in certain zones.
- 16 6. Council Member Mulder commented she would like to see it controlled by the Land
- 17 Management Code.
- 18 7. Council Member Marshall inquired if the town receives complaints on the RV's.
- 19 Wendy responded only when the RV has been abandoned.
- 20 8. Bret explained the town does not address extended RV's stays right now and staff
- 21 treats them as a vehicle, in which it would be legal to have it on the property if it is
- 22 registered. Bret reported staff is not sure on how the town will be addressing tiny
- 23 homes right now but believe that it would be beneficial to the town to identify it in the
- 24 LMC.
- 25 9. Council Member Marshall commented she has concerns that someone may
- 26 purchase property but is unable to build on that property immediately, but they would
- 27 like use of their property by putting an RV during the summer season. Council
- 28 Member Marshall explained she would like to see some flexibility to allow people to
- 29 use their property.
- 30 10. Wendy explained the town's concern is the waste (black water) since Brian Head
- 31 does not have a dump station for RV's and they would have to take their waste to
- 32 Parowan for dumping.
- 33

34 **Consensus of the Council:** Staff will bring the agenda item back to the Planning
 35 Commission to consider temporary structures and forward a recommendation onto the
 36 Council.

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 38
 39 **5. RESOLUTION IDENTIFYING TWO (2) SIGNATURES FOR THE TOWN'S PUBLIC**
 40 **TREASURERS INVESTMENT FUND (PTIF).** A resolution identifying two signatures for the
 41 town's PTIF accounts.

42
 43 Cecilia Johnson, Town Treasurer, presented a draft resolution for the town's Public Treasurer
 44 Investment Fund (PTIF) identifying two signatures (see attached). Cecilia explained this is an
 45 administrative item in which herself and Bret Howser, Town Manager, would be able to make
 46 changes in the town's PTIF's accounts. The state is revising all their agreements and require
 47 a resolution from the elected body identifying two signatures for the PTIF accounts.

48
 49 **Motion:** Council Member Mulder moved to adopt resolution No. 473, a resolution
 50 identifying two signatures (Cecilia Johnson, Town Treasurer and Bret Howser,
 51 Town Manager) for the town's PTIF accounts. Council Member Marshall
 52 seconded the motion.

53 **Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes:** Mayor Calloway, Council
 54 Member Mulder, Council Member Marshall. Absent: Council Member Freeberg,
 55 Council Member Hunter).
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6. ORDINANCE AMENDING THE BRIAN HEAD PUBLIC BODY MEETING POLICY AND PROCEDURES. An ordinance amending the town’s public meeting policy and procedures.

Nancy Leigh, Town Clerk, presented a draft ordinance amending the Public Boy Meeting Policy & Procedures (see attached). Nancy explained this ordinance was amended to reflect recent changes in the Open Meeting Act along with addressing a conflict between this policy and the Land Management Code, Chapter 3 (Planning Commission) as it pertains to voting.

Council Member Marshall inquired as to the formatting and whether it will be updated. Nancy reported the ordinance it will be updated and codified. Council Member Marshall pointed out some grammatical items that will be corrected with the final document.

Motion: Council Member Marshal moved to adopt ordinance No. 18-003, an ordinance amending the Brian Head Public Body Meeting Policy and Procedures as corrected. Council Member Mulder seconded the motion.

Action: **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes:** Mayor Calloway, Council Member Mulder, Council Member Marshall. Absent: Council Member Freeberg, Council Member Hunter).

7. ORDINANCE AMENDING THE BRIAN HEAD RETAIL BUSINESS LICENSE FEE.

An ordinance amending the Retail Business License Fee and remaining it to Enhanced Services Business License Fee.

Bret Howser, Town Manager, presented a draft ordinance amending the Brian Head Retail Business License Fee (see attached). Bret explained staff is proposing changes to the ordinance that was adopted originally in 1996 and amended in 1997, charging the 1.5% fee. One change is changing the name from Brian Head Retail Business License Fee to Enhanced Service Business License Fee, this would bring it more in line with the actual state code that allows the town to assess an enhancement fee.

Another change is due to some history in which the town adopted the ordinance to pay for the town’s shuttle system and as part of the shuttle service, snow removal was part of the service. The 1997 ordinance identified a specific number of personnel and equipment which was derived from their 1997-1998 season. One item not address was the input of service the public would receive since the town was trying to get a certain level of snow removal service. With the proposed changes, the current snow removal policy is now identified in the amended ordinance. Staff is requesting the Council input and approval on the draft ordinance.

The Council held discussion on the following:

1. Mayor Calloway commented snow removal is identified in order to keep the shuttle system running smoothly during the winter season and he does not see a purpose statement identified in the bullet points of the draft ordinance. Bret responded staff will add the first bullet point “Snow removal operations will be sufficient to allow for continuous public transportation operation throughout the public transportation season. It is anticipated that the following guidelines will provide sufficient service in general, however, the Town may be required to go above and beyond these guidelines in specific instances in order to achieve the above stated goal:”
2. Mayor Calloway commented he has concerns with dedicating service on the four inches (4”) of snow since snow varies such as slush vs. fluff, and whereas slush causes more problems on the roads than fluffy snow would.
3. Council Member Mulder commented the ordinance identifies “or at the direction of the Public Works Director and in cooperation with the Marshal’s department” which she believes this issue would be covered.
4. Mayor Calloway stated the town’s snow removal policy has been working well over the past years.



- 1 5. Mayor Calloway commented he would like the see a prioritization of snow removal
- 2 services geared more towards commercial since the snow removal policy identifies
- 3 commercial as a third priority under emergency accesses and residential.
- 4 6. Tom Gurr, Public Works, reported the public works department tries to keep the
- 5 Village Core and Hunter Ridge roads as higher priorities when removing snow.
- 6 7. Rick Valentine, resident & shuttle bus driver, reported the town did an excellent job of
- 7 keeping the roads clear for the shuttle routes this last winter season.
- 8 8. Mayor Calloway commented he sees the value in making the shuttle route a priority
- 9 in order for the public to use public transportation instead of taking their vehicles.
- 10 Another reason is the town is basing a lot of the fee on providing for the enhanced
- 11 service.
- 12 9. Bret explained notwithstanding the four inches or four-hour rule identified in the
- 13 ordinance, a priority would be to keep the shuttle route open which is the town's
- 14 enhanced service being provided and commercial could be where the town goes
- 15 above and beyond and when there are heavy winter storms, the priority would be to
- 16 keep the shuttle route open.
- 17 10. Rick Valentine, shuttle bus driver, explained when there were some roads that were
- 18 marginal due to a winter storm, he would call the town and the public works crew
- 19 cleared those roads quickly. The shuttle company would also dedicate their 4x4
- 20 vehicles to areas where the snow is typically deeper.
- 21 11. Staff will remove the commercial as a priority.

22
 23 **Motion:** Council Member Marshall moved to adopt ordinance No. 18-004, an ordinance
 24 amending the Brian Head Retail Business License Fee with the following
 25 additional change:

26 Second paragraph under 2-11-2 "Snow removal operations will be sufficient to
 27 allow for continuous public transportation operation throughout the public
 28 transportation season. It is anticipated that the following guidelines will
 29 provide sufficient service in general, however, the Town may be required to go
 30 above and beyond these guidelines in specific instances in order to achieve
 31 the above stated goal"

32 Council Member Mulder seconded the motion.

33 **Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes:** Mayor Calloway, Council
 34 Member Mulder, Council Member Marshall. Absent: Council Member Freeberg,
 35 Council Member Hunter).

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

- 40
- 41 1. Mayor Calloway reported he has spoken to Bret about adding silt management for
- 42 Bristlecone Pond to the FY2020 strategic retreat for discussion and action. Mayor
- 43 Calloway explained this will become an issue at some point in time for the pond.
- 44 2. Mayor Calloway reported he has talked with Mayor Griffin of Parowan City about the
- 45 importance of the multi-use trail from Parowan to Brian Head. Currently the town has
- 46 the OHV trail from Brian Head to Second Left Hand and Parowan City. He would like
- 47 to motivate them to finish the trail from Second Left Hand down and the town could
- 48 consider maintaining the trail from Dry Canyon to Brian Head since the town rehabs
- 49 Dry Canyon and has the equipment down there and the town could grade the trail as
- 50 they bring the equipment back up to Brian Head

51 **Consensus of the Council:** This agenda item will be identified on the June 25,
 52 2018 Council agenda.

53
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 55 **H. CLOSED SESSION OF THE TOWN COUNCIL** A strategy session to discuss the sale of
 56 real property, including any form of water right or water shares.
 57



1 **Motion:** Council Member Mulder moved to recess the regular meeting of the Town
 2 Council and enter into closed session to discuss the sales of real property,
 3 including any form of water rights or water shares. Council Member Marshall
 4 seconded the motion

5 **Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Mayor Calloway, Council**
 6 **Member Mulder, Council Member Marshall. Absent: Council Member Freeberg,**
 7 **Council Member Hunter).**

8
 9 The regular meeting of the Brian Head Town Council was recessed at 2:40 pm.

10
 11 **Motion:** Council Member Mulder moved to adjourn the closed session and reconvene the
 12 regular meeting of the Town Council. Council Member Marshall seconded the
 13 motion

14 **Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Mayor Calloway, Council**
 15 **Member Mulder, Council Member Marshall. Absent: Council Member Freeberg,**
 16 **Council Member Hunter).**

17
 18 The regular meeting of the Brian Head Town Council was reconvened at 3:19 pm

19
 20 **I. ADJOURNMENT**

21
 22 **Motion:** Council Member Marshall moved to adjourn the regular meeting of the Town
 23 Council acting as the governing body of the Brian Head Redevelopment Agency,
 24 Special Service District for May 29, 2018. Council Member Mulder seconded the
 25 motion

26 **Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Mayor Calloway, Council**
 27 **Member Mulder, Council Member Marshall. Absent: Council Member Freeberg,**
 28 **Council Member Hunter).**

29
 30 The regular meeting of the Brian Head Town Council acting as the governing body of the Brian
 31 Head Redevelopment Agency, Special Service District was adjourned at 3:20 pm for May 29,
 32 2018.

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 35 June 11, 2018
 36 Date Approved

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 41 _____
 Nancy Leigh, Town Clerk

