

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
MONDAY, JUNE 10, 2019 @ 1:00 PM

Roll Call.

Members Present: Mayor Clayton Calloway, Council Member Larry Freeberg, Council Member Shad Hunter, Council Member Lynn Mulder, Council Member Kelly Marshall,
Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Aldo Biasi, Public Works Director; Chief Dan Benson, Public Safety Director; Cecilia Johnson, Town Treasurer

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Brian Head Town Council acting as the governing board for the Brian Head Redevelopment Agency and Brian Head Special Service District to order at 1:00 pm for June 10, 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 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 2019 election candidacy filing period ended June 7, 2019. Larry Freeberg and Kelly Marshall have filed for the two four-year term seats. Shaun Kelly and Cecile Wallis have filed for the two-year term seat. Nancy reported the write-in candidacy will run until September 7, 2019 for those who may have missed the filing period.

Mayor Calloway

1. Requested to have the trash bags available to the public for the annual Town Clean-Up Day.
2. Complimented the Public Works Department on replacing the solar lights on the paved walking trail through town.

Council Member Marshall reported she noticed that a youth group was cleaning up around the Town Hall parking lot and she had her kids doing some cleanup on the highway. Council Member Marshall stated that the pond is still frozen, but the restrooms at the park are still locked up and requested the staff to unlock the restrooms for the public.

Council Member Freeberg reported the Wildflower Festival in Cedar Breaks National Monument is scheduled for ten days this year due to the late spring. They don't anticipate as many flowers blooming this year.



Bret Howser, Town Manager

1. Staff will continue to clean up the town prior to the 4th of July.
2. The Town advertised three public works positions: a full-time position, part-time position and a seasonal position. The Town did not receive as many applications as anticipated which has delayed the process of hiring. The closing date was June 7th and interviews are scheduled for tomorrow.
3. Public Work's goal is to have the park open and ready this week for the public to use. There are still some minor repairs that need to be completed due to the winter season. Mayor Calloway reported there was a picnic table that was submerged in the pond and needs to be removed.

Chief Dan Benson

1. The department was burning slash piles in the Steam Engine Meadows subdivision in an effort to reduce the fuels in the area. Chief Benson reported the firefighters had a difficult time with burning green slash piles. The department will continue with their fire mitigation projects.
2. Washington County received their first red flag warning for a high fire danger this week. Due to the heavy wet winter runoffs, the grasses are extremely high and will be drying out which will create a high fire danger.
3. Council Member Freeberg commented on an item in Chief Benson's report on suicide. Chief Benson explained that some of the major causes for suicide are due to mental illness, prescribed drug use of narcotics, additives and pesticides that are in the food supply and social media are also contributors toward depression.

E. AGENDA ITEMS:**1. STEAM ENGINE MEADOWS PHASE 1C SPECIAL ASSESSMENT AREA DISCUSSION.** The Council will give direction on the Steam Engine Meadows Subdivision Phase 1C Special Assessment Area.

Bret Howser, Town Manager, reported Martin Tidwell, SAA Sponsor, is present to answer questions on the Special Assessment Area (SAA) for the Steam Engine Meadows Phase 1C. Bret gave a brief history of the Phase 1C SAA in which a total of 22 properties identified in the SAA area and currently 18 properties have given an affirmed "yes" vote to proceed with the SAA.

As part of this SAA, the Town would need to require a certain amount of the money up front for the installation of power and natural gas since CIB does not fund the power and natural gas installation since they are not town owned utilities. Bret reported that once the funding is approved from CIB, staff will work with the attorney on the necessary documents.

Bret explained Council requested a minimum of 80% of the property owners must be in favor of the SAA before the Council decided to proceed with the SAA. Bret explained there are three property owners that are not in favor of the SAA, but there are 18 properties that are which gives a total of 85% of the owners in favor. Bret recommended the Council move forward with the SAA.

The Council discussed the following:

1. One property owner reported they would have some issues with funding the assessment and would need to work on his financing.
2. There is some risk involved for the Town, but in the case of a default on payment, the Town would foreclose on the property.
3. The Town won't proceed with the finalization of the SAA until the required amount of funding for the installation of the power and gas is received.



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4. Martin Tidwell reported if any of the three property owners don't pay for the upfront costs, he and another property owner will cover the initial amount up front and those owners would be assessed the entire amount on the back end of the assessment.
5. An appraisal was completed two years ago, and the improvements were received in September 2018. Based on the age of the appraisal, the lot values were estimated around \$80,000.
6. One of the property owners gave Bret a verbal approval for the SAA. Bret reported he will have that property owner's consent in writing.
7. Mayor Calloway inquired as to why an additional \$100,000 is identified in the upfront costs. Bret explained that, in speaking with a person from CIB, they indicated CIB does not fund for water laterals, but staff is still working with CIB for the funding.

Consensus of the Council: The Council was in favor of moving forward with the SAA and will proceed with the beginning phases of the SAA.

2. PUBLIC HEARING FOR FISCAL YEAR 2019 AMENDED BUDGETS. A public hearing for the fiscal year 2019 budget amendments for the Town, Redevelopment Agency and Special Service District ending June 30, 2019. .

Cecilia Johnson, Town Treasurer, presented the draft fiscal year 2019 amended budget (see attached). Cecilia explained the majority of the amended budget is due to the heavy snow year.

Mayor Calloway recessed the meeting and opened the public hearing at 1:45 pm. No comments were received. Mayor Calloway closed the public hearing and reconvened the regular meeting at 1:46 pm.

3. PROPOSED ORDINANCE AMENDING TITLE 3, CHAPTER 1, CHAPTER 2A AND CHAPTER 2B LICENSING, FOR NIGHTLY RENTALS. A third draft ordinance amending Chapter 1, 2A, 2B of Title 3 (Licensing) for nightly rentals.

Bret Howser, Town Manager, presented the third draft of the Business License Code addressing nightly rentals (see attached). Bret explained the following changes were made to the third draft:

1. The four-hour response time was changed to the licensee will respond in a timely fashion. Bret explained this requirement will be difficult but would give staff something to work with. This would be to respond to the Town and not a complaint a guest may have with the licensee. A change in the language to read that complaints are to be submitted to the Town and not confused with public safety officers. Consensus of the Council: leave as proposed. Staff will add the response must be to the Town and not the Public Safety department.
2. Individual Licenses: Mayor Calloway commented he would like to see the Town move away from requiring each physical address to be licensed and staff should create a master list in which the licensee must be in good standing. Bret explained in reviewing other cities, all cities require individual licensing at each physical location. In speaking with the attorney, they indicated the Town could have a master license and there could be a partial revocation.
3. Rental Management Companies will need to notify Nancy Leigh, Town Clerk, when they pick up or drop a rental as a requirement.
4. Council Member Marshall commented she has received a lot of pushback on the individual licensing and believes it does not address the hotels for each of their units.
5. Mayor Calloway commented he would like to see a map for overflow parking identified in which the guests would receive a sticker for their vehicle, and they put



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- their contact information into a lock box in case the Town needs to have the vehicle moved.
6. Bob Whitelaw, Alpine Lodging, commented that if a guest violates the law, then they should receive the citation and not the licensee.
 7. The licensee to be responsible for posting the number of parking spaces for the cabins and have that information posted in plain view. The number of spaces will be determined by the licensee.
 8. Parking restrictions are identified from November 1st through April 30th. Bret reported staff will revisit the parking code for a winter season parking restriction and staff will post signs at both entrances to Town.
 9. Mayor Calloway said the Council's focus should be adopting the nightly rental ordinance first and then review the fees in which staff will complete a fee study for the next licensing cycle. One suggestion is to consider a fee for a number of units.
 10. Mayor Calloway requested staff revise the nightly rental ordinance and have the Good Neighbor Policy Group review the Good Neighbor Policy with a recommendation, staff will complete the overflow parking map and schedule a public hearing for input.
 11. Staff will clarify the requirement for fire inspections. Mayor Calloway suggested some language under E-21: Noise control. "The licensee shall use their best effort to reduce noise, etc". The failure to use off-street parking will be stricken. Under the inspection, it states "if renting to the public". Mayor Calloway commented it is automatically assumed they are renting to the public and suggested the sentence be deleted.

- Consensus of the Council:** Staff will revise the nightly rental code for the following:
- a) Remove the requirement of individual licensing for each physical location.
 - b) Staff will create a parallel track for nightly rental enforcement which will have a different track between a regular license and a nightly rental license.
 - c) Rental Management Companies will notify the Town when adding or deleting a unit.
 - d) staff will update the code for clarification and changes the Council has requested.
 - e) The Good Neighbor Policy Group will bring back a recommendation to the Council on the Good Neighbor Policy.
 - f) Staff will review the parking and nuisance codes. The nuisance code will address noise.
 - g) Staff will schedule a public hearing
 - h) The Council wishes the nightly rental code to be adopted prior to August.

4. ORDINANCE AMENDING THE RESIDENTIAL FIRE SPRINKLER CODE. An ordinance amending the residential fire sprinkler code.

Bret Howser, Town Manager, presented an ordinance amending the residential fire sprinkler code (see attached). Bret explained staff has changed the requirement for residential fire sprinklers from 3,000 square feet to 4,000 square feet and removed the exemptions. Staff is also recommending the requirement identify the floor footprint for the calculation of total square footage.

- The Council discussed the following:
1. Mayor Calloway commented he would like to see the Town eliminate the requirement for residential fire sprinklers since in his opinion it hurts the Town's economy and a majority of people are not in favor of installing sprinklers in their homes.
 2. Council Member Freeberg commented the Town should either eliminate the fire sprinkler requirement altogether or strongly encourage it.
 3. Council Member Hunter inquired if there was a possibility of offering incentives for those would want to install residential fire sprinklers.

4. Mayor Calloway commented the Town should increase the requirements for defensible space which would go farther in keeping the community safe.
5. Chief Benson commented he believes defensible space needs to be encouraged, but that sprinklers are designed to save lives which are two different things.
6. Council Member Mulder stated she would be in support of any efforts towards a fire safe community.

Consensus of the Council: direct staff to bring back an ordinance repealing the residential fire sprinkler requirement.

5. ORDINANCE & RESOLUTIONS ADOPTING THE FISCAL YEAR 2020 BUDGETS FOR TOWN, RDA AND SSD. An ordinance adopting the fiscal year 2020 budgets for the Town, Redevelopment Agency and Special Service District.

Cecilia Johnson, Town Treasurer, presented the fiscal year 2020 budgets for the Town, Redevelopment Agency, Special Service District (see attached). Cecilia reported the budget are ready for adoption.

Brian Head Town

Motion: Council Member Marshall moved to adopt ordinance No. 19-003, adopting the fiscal year 2020 Town Budget as presented. Council Member Freeberg seconded the motion.

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

Redevelopment Agency

Motion: Board Member Marshall moved to adopt resolution No. RDA-026 adopting the FY2020 Redevelopment Agency Budget as presented.

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

Special Service District

Motion: Board Member Marshall moved to adopt resolution No. SSD-026 adopting the fiscal year 2020 Special Service District budget as presented. Board Member Hunter seconded the motion.

Action: **Motion carried 5-0-1 (summary: Yes = 4, No = 1, Abstain = 0 (summary: Vote: Yes:** Board Member Mulder, Board Member Marshall, Board Member Freeberg, Board Member Hunter. **No:** Chairperson Calloway).

6. RESOLUTION AMENDING THE PERSONNEL POLICY AND PROCEDURE FOR POLICE OVERTIME. A resolution amending the Personnel Policy and Procedure Manual for police overtime.

Cecilia Johnson, Town Treasurer, presented a draft resolution amending the Town Personnel Policy and Procedure Manual regulating overtime for police officers (see attached). Cecilia explained currently the officers are required to work 85.5 hours in a two-week period before any overtime is identified. The proposed change is to reduce that to 80 hours in a two-week period before overtime is identified.

Motion: Mayor Calloway moved to adopt resolution No. 481, a resolution amending the Personnel and Policy Procedure Manual regulating overtime for police officers to 80 hours in a two-week period. Council Member Hunter seconded the motion.



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

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

Park Benches: Council Member Hunter explained he would like to see benches identifying plaques in remembrance of people in Brian Head, such as Georg Hartlmaier, Sr., Joan Mortenson who have made an impact on Brian Head.
 Consensus of the Council: Bench donation discussion will be placed on a future agenda for Council's consideration.

Bristlecone Pond paved walking trail: Mayor Calloway commented he would like to see the walking trail around Bristlecone Pond paved. Mayor Calloway said the Council will be taking a field trip in the near future and can discuss it further.

Mayor Calloway commented he has purchased three aspen trees for transplanting at the pond area. Bret reported staff prepared areas last fall for the transplanting of trees this year but is waiting for the snow to melt when the trees come out of dormancy. Bret reported the Council is to take a field trip around the pond area to review areas for picnic pads and grass.

G. CLOSED SESSION OF THE TOWN COUNCIL to discuss the sale, lease or purchase of real property. And to discuss the character, professional competence, or physical or mental health of an individual

Motion: Council Member Mulder moved to recess the regular meeting of the Town Council and enter into closed session to discuss the sales, lease or purchase of real property and to discuss the character, professional competence, or physical or mental health of an individual. Council Member Marshall seconded the motion.

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

The regular meeting of the Town Council was recessed at 3:35 pm.

Motion: Council Member Freeberg moved to adjourn the closed session of the Town Council and reconvene the regular meeting. Council Member Marshall seconded the motion.

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

H. ADJOURNMENT

Motion: Council Member Hunter moved to adjourn the regular meeting of the Town Council for June 10, 2019. Council Member Mulder seconded the motion.

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

1 The regular meeting of the Brian Head Town Council was adjourned at 6:00 pm for June 10, 2019.

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4 July 9, 2019

5 Date Approved

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Nancy Leigh, Town Clerk

