

The Regular Meeting of the
 Brian Head Town Council
 Brian Head Town Hall - 56 North Highway 143
 Brian Head, UT 84719
MONDAY, JULY 22, 2019 @ 1:00 PM

Roll Call.

Members Present: Mayor Clayton Calloway, Council Member Larry Freeberg, Council Member Shad Hunter, Council Member Kelly Marshall

Members Absent: Council Member Lynn Mulder

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Wendy Dowland, Public Works Assistant, Chief Dan Benson, Public Safety Director

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Brian Head Town Council to order at 1:00 pm for July 22, 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. APPROVAL OF THE MINUTES:

1. June 24, 2019 Town Council Meeting

Motion: Council Member Hunter moved to approve the June 24, 2019 Town Council minutes. Council Member Marshall seconded the motion.

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

2. June 24, 2019 Town Council Closed Session

Motion: Council Member Hunter moved to approve the June 24, 2019 Town Council Closed Session minutes. Council Member Marshall seconded the motion.

Action: **Motion carried 3-0-1 (summary: Vote: Yes = 3, No = 0, Abstain = 1 Yes: Council Member Hunter, Council Member Freeberg, Mayor Calloway. Abstained: Council Member Freeberg. Absent: Council Member Mulder)**

3. July 9, 2019 Town Council Meeting

Motion: Council Member Hunter moved to approve the July 8, 2019 Town Council minutes. Council Member Freeberg seconded the motion.



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

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

Mayor Calloway reported he received a postcard from a guest who, during their visit, got caught in the heavy rainstorm and stopped at the Visitor Center and received exceptional service. Mayor Calloway explained the Guest Service Representatives provided some hot chocolate to the guests while they warmed up in the Town Hall. Mayor Calloway thanked the Guest Service Representatives for their service.

Bret Howser, Town Manager

1. Received the final approval from the Community Impact Board (CIB) on the Steam Engine Meadows Special Assessment Area (SAA) Phase 1C for a 1.1-million-dollar bond. The bond will be structured as a sales tax bond, but the Town won't be issuing the bonds until the SAA is completed and the legal documents are completed, and no property taxes will be assessed.
2. The Manzanita Trail project will be delayed due to the ACE crew not being available to start as scheduled. Bret reported he is hoping to use the hand crew from the Bunker Creek Trail project to begin working on the Manzanita Trail. The ACE crew is now scheduled to work on the trail in September. The trail will take longer to complete than originally scheduled.
3. The Bunker Creek Trail will have a grand opening on the weekend of the Resort's Bike Festival scheduled for August 24th. The Town will be posting information requesting volunteers to assist with the trail in early August in hopes the work will be completed by August 21st. After this trail is completed, the Dark Hollow Trail is scheduled to begin work. The Dark Hollow Trail is facing some challenges with Second Left Hand Area still being closed.
4. The Town has begun discussions about the OHV Trail going south out of Town. The process will begin with the NEPA process and start the planning work on the trail. The route being considered is following logging roads heading towards Sydney Valley. One challenge is the Mammoth Springs and Brian Head Peak Road. The Forest Service is requesting the Town adopt a resolution supporting the OHV trail. The Town is also looking at another trail from the Marathon Trail to the Rattlesnake Trail. This item will be on the next Council agenda for Council's consideration.

Jeff Hunter, property owner, reported the Town is scheduled to install a new waterline from the 1MG Water Tank to Sal Pile Tank. Mr. Hunter inquired as to when construction will begin since the waterline is scheduled to go through his property along with his neighbor, Ralph Watsons property. Mr. Hunter reported the Town currently doesn't have a recorded easement unless the Town is identifying it as a prescriptive easement since the waterline is being replaced. Mr. Hunter stated his concerns as to when the construction begins since the waterline goes through his road into their cabins along with other utilities that are buried in the vicinity. Mr. Hunter explained the original waterline was installed many years ago and since he assisted with the installation of the waterline, he received a water connection from the Town. Mr. Hunter inquired as to the schedule for the installation of the waterline

Bret responded the Town received funding from CIB which identifies the waterline as a dedicated line in which no connections to properties can be made at this time. Once the project is completed and closed out, the Town will begin the process of changing the waterline to a distribution line in which properties will have the ability to connect to the water system.



Mr. Ralph Watson stated he would like to formalize the easement for the waterline with the Town. Mr. Hunter commented he would also like to discuss the possibility of receiving a free water connection from the Town in exchange for the waterline going through their properties and would like to be part of the process when the waterline goes through their properties. Bret requested they contact him and schedule a meeting to address their concerns and discuss their requests.

Ben Crandle, visitor, explained that during his vacation to Brian Head, he noticed a previous Council agenda item addressing Dark Skies. Mr. Crandle explained he works with communities on transitioning to a Dark Sky community. Mr. Crandle distributed an informational pamphlet to the Council explaining the purpose and proposal for becoming a Dark Sky community (see attached). Mr. Crandle explained he could work with the Town on becoming a Dark Sky community and address any of the Town's issues that may be challenging in becoming a Dark Sky community in which the Town could begin using LED lights and could receive rebates and reduce their power bills by 45%. These lights are also motion detectors in which the light will automatically turn off if a vehicle is in the vicinity for safety purposes.

Bret explained the Town does not own all of the streetlights. Rocky Mountain Power owns the streetlights along Highway 143 so the Town which may not qualify for the rebates.

Mr. Crandle explained his company also provides services for Wifi nodes that are installed on the lights in which the Town can connect, and this could also be used for the Town's water meters, safety and security systems. They also offer off-grid systems if the Town is interested. Mr. Crandle stated he would like to partner with the Town on their lighting issues.

The Council thanked Mr. Crandle for his presentation.

F. AGENDA ITEMS:

1. MONUMENTS RESIDENTIAL TREATMENT CENTER DISCUSSION. An open discussion on an incident with Monuments Residential Treatment Center.

Mr. Gordon Birch, Monuments Residential Treatment Center Director, introduced himself and gave a brief history of his experience as a residential treatment director and some information on Monuments Residential Treatment Center located in Dry Lakes. Mr. Birch explained there was an incident two weeks ago in which two boys left the facility and burglarized several homes in Brian Head causing thousands of dollars' worth of damage. Mr. Birch explained he is present to answer questions from the public on the incident.

The Council discussed the following:

1. The center is licensed up to 56 young men, but there are 24 men currently residing at the facility.
2. The facility opened a year ago and is located in the County.
3. The facility only treats young men from ages 14 to 18 and does not treat drug or alcohol addictions.
4. The young men are there due to significant family issues and are placed by their families. The court is not involved in those who are in the program.
5. The program runs from a year to eighteen months for an individual. The typical stay is one year.
6. They are an accredited high school in which the students earn their diploma.
7. The boys are in therapy approximately nine to ten hours a week with licensed therapists who are employed by the facility.
8. The boys are taken off-campus four times a week in which they go skiing in Brian Head or to the movies in Cedar City along with other activities.
9. The staff is required to complete a forty-hour training and pass a BCI. They are trained also for non-violent crises intervention.



10. The facility is privately owned.
11. The day of the incident, there was a power outage and some of the notification processes were disabled due to the outage. They have since purchased a generator so the facility will continue to operate.
12. Mayor Calloway commented that the burglaries affected some Brian Head residents in which something was taken from them and it cannot be replaced. Mayor Calloway inquired as to what methods have since been put in place so that this type of incident won't happen again.
13. The staff completed an after-action plan review to review everything that took place and what they could do better. They determined to re-train the staff who were involved at a higher level of training, but they cannot guarantee that something like this won't happen again.
14. Their minimum pay is higher than other residential treatment centers in an effort to attract more experienced staff.
15. They currently exceed the state mandate for student / staff level at all times.
16. Mayor Calloway commented there was a rumor that the facility delayed notifying the authorities in an attempt to locate the youths themselves. Mr. Birch stated this is untrue in which they are able to wait up to two hours before they are required to notify the authorities and they searched the property first before they notified the authorities which was 1.5 hours which it took that amount of time to coordinate a search of the immediate area.
17. It is a staff secure facility in which there are alarms in the rooms which will notify the staff, but due to the power outage the alarm system was down.
18. The two juveniles were caught at the chain-up area in Parowan Canyon and the one juvenile who was the leader was expelled from the program.
19. Council Member Marshall inquired if the facility could send out a notification to the citizens in case of another incident. The alert was sent out by the reverse 911 system that notified the citizens in the area of the incident.
20. Council Member Freeberg thanked Mr. Birch for clarifying the rumors that were generated on the incident with the boys who fled the facility. Council Member Freeberg went on to comment that the Town and Resort need to protect the Town's reputation of having a safe community for its visitors and homeowners, and the incident that took place jeopardized that security. Council Member Freeberg commented there are several residents that are equipped to protect themselves and property and he wouldn't want any harm to come to the boys or citizens if something should happen. Council Member Freeberg commented that he appreciated the after-action plan review that took place after the incident.
21. Council Member Freeberg inquired if they would be willing to have a small contingency come to the facilities to help assure the public of the safety measures that are in place. Mr. Birch agreed, but to notify him first.
22. Neither juvenile had a violent background and staff determined they went AWAL to go back to their girlfriends.
23. 98% of those who are in the program just completed a wilderness program and they come into this program with a feeling they accomplished something and then the therapist start to work with them and they begin to deal with their feelings and they typically will become depressed.
24. The facility is made of 70 acres with another 40 acres nearby for a total of 160 acres. There is a total of 65 staff for the facility which consists of teachers, therapists, staff, direct care staff and nurses.
25. Suzette Kroger, resident, explained her cabin was one that was burglarized, and a lot of damage was done to her home. Ms. Kroger inquired as to the cost per juvenile to participate in the program. Mr. Birch explained that the typical cost is \$12,000 per student per month to attend the program.
26. The program does not accept bipolar, no significant psychosis, no violence, or drug or alcohol addictions. They are there primarily due to significant and severe



family issues, depression, anxiety, Oppositional Defiant Disorder (ODD) and they typically struggle at school.

27. Mr. Birch invited anyone from the community to contact him to visit the facility.
28. Both juveniles are facing charges for burglary. The leader that incited the incident has been expelled and his parents are flying him to Israel. The other youth was brought back into the program and he is not allowed out of staff's sight.
29. Mr. Birch stated he is sorry to the citizens as an organization and personally. He realizes the community was affected by what happened.
30. Council Member Hunter inquired if the program accepts volunteers to assist. Mr. Birch responded they do accept volunteers, but they would still be required to pass a BCI first and be trained.

2. PHASE II TOWN WALKING TRAIL. A discussion and direction for the Phase II of the Town Walking Trail.

Bret Howser, Town Manager, explained the Council reviewed Phase 2 of the town walking trail back in October 2018. Bret explained the Council agreed to identify the walking trail going east up Steam Engine Drive to Village Way and to halt the completion of the trail until the Village Core Multi-Modal Transportation Plan was completed. Bret presented a draft of the proposed Phase 2 of the walking trail for Council's review (see attached).

The Council discussed the following:

1. Pedestrian traffic was moved to the OHV Trail located on Village Way proceeding into the Resort's parking lot with one trail going west to Highway 143 to connect to the walking trail located on the east side of Highway 143. The other trail would head south into the Brianwood parking lot area. The trail would then connect onto Vasels Road going towards Bristlecone Pond/Park.
2. Bret explained he and Aldo Biasi, Public Works Director, reviewed the design aspect of the trail and were under the impression the trail was on existing pavement and thought there was a need to delineate the trail from the road.
3. Brian Head Village is paving their parking lot and UDOT has informed them they cannot use the UDOT rights-of-way for snow storage unless the walking trail has been worked out with the Town.
4. The Town may have an opportunity to apply for grant funding through UDOT's TAP but it won't be available until 2021. Staff will continue to research to determine if the Town could apply for the funding.
5. Bret explained that he is hoping UDOT will inform the Town when the funding is available, and the Town would use the costs from the paving program at Brian Head Village towards a match.
6. Staff is anticipating the cost of the trail on the west side of the Highway at approximately \$150,000 to pave the trail from Chalet Village to Georg's Ski Shop. Bret inquired if the Council is still interested in continuing the walking trail on the west side of the Highway to Georg's Ski Shop.
7. Mayor Calloway commented Brian Head Village could pave their parking lot along with part of the trail in going in front of Brian Head Village, but the trail would need to be completed in front of Aspens and Lofts' condominiums in order to have a continuous trail. Mayor Calloway commented he contacted the Aspens HOA on participating in paving and they are intending to pave their parking lot at this time.
8. Mayor Calloway commented the trail section from Brian Head Village to Georg's Ski Shop, is in his opinion, a lower priority and would like an agreement with the Aspens Condos on the paved area only if Brian Head Village paves their parking lot and trail area; otherwise, he would encourage the Council to focus on finishing



the east side of Highway 143 for the walking trail from Steam Engine Drive to the Mall and Resort area.

9. Bret explained UDOT does not want to create a crosswalk across the highway, but if the Town constructs shuttle stops along Highway 143, then UDOT may change their minds on crosswalks.
10. Bret explained staff will be presenting a plan for shuttle stops that could be the opposite of the trails in an effort to establish crosswalks and staff could start a broader discussion with UDOT on making Highway 143 a main street.
11. Shaun Kelly, resident, commented the Council needs to consider snow storage with the walking trail if the trail is to remain open year-round.

Consensus of the Council:

1. Identify Phase 2 in front of the Lofts and staff will inform the Lofts HOA they are to identify their snow storage somewhere else since the trail will be kept open year-round.
2. Staff will determine the best route for the walking trail from Steam Engine Drive to Village Way.
3. The trail will go along the OHV trail to the Mall and from there it will go from the Mall to the Resort's buildings.
4. The color yellow will be identified as the next phase of the trail and another color will be identified for future phases.
5. The trail will end at the OHV trail on the south side of the Mall on Village Way and a kiosk will be installed.
6. A possible future trail will be identified in front of Brianwood Condos Building #2 (west of the condos) adjacent to the meadows and crossing Vasels Road and again in front of Brianwood Condo #1 Building (west of the condos) to Bristlecone Park. A ramp going from the meadow to Vasels Road on the west side of Brianwood Condos would need to be created. This portion of trail would be a summer only path and not cleared in the winter.
7. Bristlecone Pond trail around the pond will be part of the main trail.
8. There may be a possible future trail phase addressing the Resort's parking lot and heading into the meadow area adjacent to the highway in front of Brianwood Condos
9. Staff will get the cost estimates and report back to Council. Bret explained the Town received two outside funding sources for the Phase 1 of the trail: UDOT and Utah Outdoor Recreation Grant, but he is unsure whether the Town can get these funding sources for the Phase 2 of the trail.

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

Residential Fire Sprinkler Requirement

Mayor Calloway commented the Council will need to revisit the Residential Fire Sprinkler Requirement to identify an allowance for guidelines set by the state for driveways that are too steep. Bret explained the Council could require fire sprinklers for homes on steep driveways. Staff will bring an ordinance before the Council on the Residential Fire Sprinkler Requirement for the next Council meeting.

Wildland Urban Interface Code

Mayor Calloway inquired as to when the Planning Commission will be reviewing the Wildland Urban Interface Code (WUI). Bret responded the Planning Commission will be reviewing the Night Sky Ordinance and then will review the WUI Code sometime in September. Mayor Calloway commented the Town needs to have an emergency escape plan or designated safe zones in case of wildland fire for the 2008 annexed area of Town since there isn't a secondary access to that area of Town. Bret suggested the



Community Fire Council review it and present a recommendation to the Council. Bret explained Chief Benson would review it first.

4. TOWN PIT FIELD TRIP. A field trip to the Town pit to consider future uses for the pit area.

Mayor Calloway requested the Council consider taking the field trip to the Town Pit at later time when the Public Works Director is able to attend.

Motion: Mayor Calloway moved to table the Town Pit Field Trip until the Public Works Director is available. Council Member Hunter seconded the motion.

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

G. ADJOURNMENT

Motion: Council Member Freeberg moved to adjourn the regular meeting of the Brian Head Town Council for July 22, 2019. Council Member Hunter seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 4:10 pm for July 22, 2019.

September 9, 2019
Date Approved

Nancy Leigh, Town Clerk

