

The Regular Meeting of the
 Brian Head Town Council
 Brian Head Town Hall - 56 North Highway 143
 Brian Head, UT 84719
MONDAY, JULY 23, 2018 @ 1:00 PM

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

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

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Brian Head Town Council to order at 1:00 pm for July 23, 2018.

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. EMPLOYEE SERVICE AWARDS:

Mayor Calloway presented town staff with the following employee service awards:

- Jared Burton, Public Safety Officer, for 15 years of service. Officer Burton was not present for the award.
- Tom Gurr, Public Works, for 10 years of service.
- Wendy Dowland, Public Works Assistant, for 10 years of service.

Mayor Calloway and the Council thanked Jared, Tom and Wendy for their years of service to Brian Head Town.

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

Mayor Calloway

1. Shaun Kelly and he hiked the Manzanita trail last week but found an alternate trail which was rough but has great potential. Mayor Calloway explained he would like Shaun Kelly to give staff his recommendation on improving the trail. Mayor Calloway noted the existing Manzanita trail follows a dirt road and doesn't seem much like a hiking trail. The trail he and Shaun hiked was more of a scenic hiking trail and a looped trail which would be a better fit for a town hiking trail.



- 1 2. Mayor Calloway commented that since the Alpine Creek Loop Trail is closed, the
2 need to improve the town's hiking trails is important.
3

4 **Council Member Freeberg**, commented while in Cedar Breaks National Monument, people
5 were asking him about the town's hiking/biking trails and what is open to the public since a
6 majority of trails were shut down due to the 2017 Brianhead Fire. Bret reported the Alpine
7 Creek Loop trail, Dark Hollow and those trails running across the Grissinger property are
8 currently closed. The Bunker Creek right fork trail is now open.
9

10 **Council Member Mulder** inquired on how the public can obtain current trail information.
11 Bret reported they can get the information at the town's visitor center or they can also
12 access the information on the visitbrianhead.org website. Bret explained he is unsure what
13 the Forest Service is advertising to the public regarding the trails.
14

15 **Council Member Marshall** commented that while hiking the Rattlesnake Trail she noticed
16 trees were down in the trail, but she was unsure who maintained the trail. Bret reported the
17 Forest Service maintains the Rattlesnake trail. Council Member Marshall went on to report
18 she has hiked the Manzanita Trail which follows a dirt road instead of a hiking trail and
19 believes the trail is lacking signage.
20

21 **Bret Howser, Town Manager**

- 22 1. Met with Parowan City to discuss the ATV trail from Parowan to Dry Canyon. Bret
23 reported Parowan is trying to carve out a trail with the access dirt from the recent
24 landslides.
25 2. Met with Parowan City about phasing out the recycling services who were in
26 agreement. The town has posted signs on the dumpsters informing the public that
27 the recycling service will be discontinued as of August 13, 2018 at which time the
28 town will pick up the recycling dumpsters. Staff has also posted the discontinuance
29 of the town's recycling on the town's Facebook page but received very little
30 comment on it.
31 3. Attended the Iron County Coordinating Council (ICCC) meeting last week.
32 4. Held a log cutting ceremony for the opening of the Bunker Creek Right Fork Trail on
33 July 13th at the Sydney Peak trailhead. Bret reported the town sent press releases
34 but did not see a large showing of the press at the event.
35 5. The town participated in the Rock and Ride Event held on July 14th and 15th. The
36 town hosted a concession booth to distribute information on mountain biking in Brian
37 Head, the future phases of biking trails along with grants the town has received for
38 the mountain bike trail systems. The rainy weather was a factor in the number of
39 people attending the event and the Resort may be looking at a different date for next
40 year's event in an effort to avoid the rainy season.
41 6. Met with the Office of Tourism in Salt Lake City for next year's summer marketing
42 co-op. As part of next year's summer marketing, the town will participate in a new
43 platform "geofencing" which is a marketing tool associated with smart phones and
44 informs the user of what to do in Brian Head when they are here, it works through
45 the locator on a cell phone.

46 The town will be the on-point contact for next year's summer marketing at a
47 projected cost of \$75,000. The state will be contributing one-half of the cost and the
48 town and Tourism Bureau will contribute \$12,500 each. The geofencing program is
49 starting this year with the town contributing \$8,000 towards it. Bret explained he
50 met with the Office of Tourism on submitting a grant application for the geofencing
51 marketing and received favorable feedback. Mayor Calloway inquired as to the kind
52 of feedback will the town receive on the geofencing. Bret explained the town will get
53 the number of hits on the visitbrianhead.org website which will be the landing page,
54 but the town will also be relying on the Tourism Bureau for their information.



1 Bret went on to report the town will also be spending \$24,000 for summer marketing
2 this fiscal year.

3
4 **Wendy Dowland, Public Works Assistant,** reported the town has approximately
5 six active building permits with two new approvals. Wendy reported there are
6 approximately two to three individuals still needing to submit their applications, but
7 they may have to wait until next construction season to begin construction due to
8 the lateness of the season.

9
10 Council Member Freeberg inquired as to the homeowner located on Forest Drive
11 who has logs sitting in the town's road. Wendy responded the homeowner built an
12 accessory structure and had a survey completed. The survey identified the town's
13 road is located on his private property, so the town will need to determine if it will
14 relocate the road or pursue a prescriptive easement. Bret responded staff will
15 research to determine if a previous survey was completed by the town when the
16 road was widened and compare the two surveys.

17
18 **Aldo Biasi, Public Works Director**

- 19 1. The town had a water issue over the weekend in which one sample at the
20 Woodbridge pump station came back as e coli. Staff notified the state which
21 informed the town to issue a boil alert. Staff explained the site was isolated and the
22 water samples on both sides of the site came in clean. The initial contact with the
23 State Department of Environmental Quality (DEQ) identified two water samples
24 taken at the same site came back bad so a boil alert is required. After contacting
25 another person who is over the water program at the DEQ, it was determine the
26 town did not need to issue a boil alert once the situation was explained. Another set
27 of water samples were confirmed as clean and the results were sent to the state.
28 The town is required to have five good water samples before the site can go back
29 into service once a site has identified an e coli result. Bret explained staff
30 immediately shut off the valves from both sides of the pump station once they were
31 aware of the initial test results.

32 Aldo explained the Woodbridge pump station is a site that has not be in use for a
33 period of time, so stagnant water was present in the line. Aldo reported he learned
34 a lot from this experience and will be reviewing policy and procedures and will be
35 drafting a response plan.

- 36
37 2. The town hall fuel tank is being removed.
38 3. The waterline to the Chair #1 parking area is almost completed. The Public Works
39 crew are backfilling the trench and the sewer line has already been installed.
40 4. The Village Way Sewer Line Project is moving slowing due to some issues, but the
41 contractor is moving quickly through the Mall area to not impede the businesses.
42 Staff has installed signage identifying open access to the businesses.
43 5. The Hunter Ridge and Circle Drive realignment project has run into some issues
44 and staff is currently waiting for costs for drainage on Hunter Ridge Road. The
45 subsoil is moving, and the contractor is having to dig it out and recompact it.
46 Geogrid will be placed in the site. Mayor Calloway commented he would like to
47 have the road bladed due to the deterioration of the road during the last thunder
48 storm. Aldo explained the town is waiting on a change order from the contractor for
49 this project.
50 6. Staff dug a channel in Parowan Canyon to relieve some of the flooding issues the
51 highway was receiving. The channel has been working diverting the flood waters
52 away from the highway.
53 7. Staff will be meeting with Ashdown Construction and Mel Clark Construction on
54 Thursday, July 26, 2018 to discuss them coming back and redoing the chip seal on
55 upper Ridge View and Pinehurst Streets. Western Rock will be chip sealing Steam



1 Engine Drive and Hunter Ridge Road which was also part of Ashdown's contract
 2 last year, but Ashdown failed to complete it. Bret reported that Mel Clark was a sub-
 3 contractor for Ashdown and he will come back to fix anywhere the chip seal did not
 4 adhere to the road which is the warranty work.
 5
 6

7 F. APPROVAL OF THE MINUTES

8 July 9, 2018 Town Council Minutes

10 **Motion:** Council Member Marshall moved to approve the July 9, 2018 Town Council
 11 minutes. Council Member Hunter seconded the motion.

12 **Action:** **Motion carried 4-0-1 (summary: Yes: 4, Abstain 1 Vote: Yes: Council**
 13 **Member Mulder, Council Member Marshall, Council Member Hunter, Mayor**
 14 **Calloway. Abstained: Council Member Freeberg).**
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18 G. AGENDA ITEMS:

19 1. GENERAL FUND MONITORING DISCUSSION. A discussion on the General Fund

20 Monitoring.
 21
 22 Bret Howser, Town Manager, reported the staff is wrapping up the fiscal year 2018
 23 budget with expenditures still coming in. Bret gave a presentation of the general fund:

- 24 a) **Revenues:** Property taxes were up, and sales taxes were down, but not as far
 25 down as anticipated.
- 26 b) The town currently 2.3 million dollars; 2.7 million was budgeted for and 2.4 was
 27 projected.
- 28 c) **Expenditures:** Most departments are keeping the expenditures under budget.
- 29 d) **Operating contingency** was budgeted for \$39,000 and is coming in at \$33,000.
 30 There is \$8,000 projected for the geofencing marketing that will be identified out
 31 of the contingency line.
- 32 e) Total revenue was projected to be negative \$75,000 due to the storm drain
 33 master plan and the Type 3 new fire engine. The town also paid out \$46,000 to
 34 the Volunteer Fire Fund which became their own 501C3 organization.
- 35 f) The town was expected to spend \$95,000 out of savings, but as of the current
 36 date the town is \$133,000 in the positive. The town will be looking at projects to
 37 complete such as replacing the aging dump truck for approximately \$100,000
 38 along with \$100,000 for the wayfinding signage. Council will need to prioritize
 39 the projects.
- 40 g) Bret reported the enterprise funds: water, sewer solid waste, are coming in as
 41 expected.
 42
 43
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45 2. 2018 STREET IMPROVEMENT CONTRACT AMENDMENT. A change order to the

46 2018 Street Improvement contract.
 47
 48 Aldo Biasi, Public Works Director, explained a change order has been submitted for the
 49 2018 Street Improvement Project with the following changes:

- 50 a. Adding the Chair #1 Parking lot Option #2 of the parking design to Option #3
 51 which is going from three inches (3") of asphalt to three and half inches (3.5") of
 52 asphalt and increasing the slope of the parking lot to six percent (6%).
- 53 b. Remove the shuttle ramp from the Chair #1 addition.



- 1 c. Adding chip seal / flush coat quantities to the 2018 Street improvement contract
 2 to re-do Hunter Ridge and Steam Engine Drive which were not completed from
 3 the 2017 Street Improvement contract.
 4 d. Reduce the estimated quantities of chip seal / flush coat on Jensen Street and
 5 Leslie Lane.
 6

7 Aldo explained the Steam Engine Drive and Hunter Ridge Road chip seal project was
 8 part of the 2017 Street Improvement project contracted with Ashdown Construction last
 9 year, but due to issues that arose, the project was not completed. It is staff
 10 recommendation that Western Rock complete the project.
 11

12 The Council held discussion on the following:

- 13 a. Bret reported staff is recommending Council approve the change order for
 14 \$150,056 to be added to the 2018 Street Improvement projects for Western
 15 Rock.
 16 b. Council Member Freeberg inquired if the town has done the engineering on the
 17 base coat to ensure that it will work. Aldo explained that Landmark Engineering
 18 who is the sub-contractor for Alpha Engineering, recommended not to over
 19 excavate it. They will be hauling material from the Parowan drainage and will
 20 pay Western Rock to haul it to Brian Head. If the change order is approved, it
 21 would lock in the price of the parking lot at \$139,000.
 22 c. The restrooms for the Chair #1 parking area came in between \$204,000 to
 23 \$350,000 and the engineers estimate was between \$104,000 to \$144,000. The
 24 engineers estimate was from last November.
 25 d. With the Chair #1 parking area being steepened with the slope, the drainage will
 26 go into the pond. There will be no curb on the parking lot for snow removal
 27 purposes.
 28 e. Bret reported the bids for the restrooms for the Chair #1 area came in higher
 29 than the engineers estimate, and the town does not have the funding this year
 30 for this particular project. Bret recommended delaying the project this year and
 31 reported in speaking with Burke Wilkerson, Brian Head Resort who also agreed
 32 the restrooms should be delayed for this year's project. Staff will still move
 33 forward with paving the Chair #1 parking area.
 34 f. Mayor Calloway inquired if public works has completed the installation of the
 35 utilities to the Chair #1 parking area. Aldo explained the power will come from
 36 the chair lift area and is not yet in and the water line is in the final stage of being
 37 completed and the sewer line has been completed. The natural gas line will
 38 need to be addressed before the asphalt is laid down.
 39

40 **Motion:** Council Member Freeberg moved to approve the 2018 Street Improvement
 41 Change Order in the amount of \$150,056 to the Western Rock contract as
 42 proposed. Council Member Hunter seconded the motion.

43 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member
 44 Freeberg, Council Member Marshall, Council Member Hunter, Council
 45 Member Mulder, Mayor Calloway).
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48 3. CHAIR #1 RESTROOM BID AWARD. A bid award for the Chair #1 restroom.

49
 50 Bret Howser, Town Manager, presented the bid tabulation for the restrooms for the
 51 Chair #1 parking area (see attached). Bret explained the lowest bid the town received
 52 was for \$204,000 which was approximately \$100,000 higher than the Engineer's
 53 estimate. Bret reported the Architect who drafted the bid documents was too thorough
 54 since the docs required specific brands on items, increasing the cost. Bret explained



1 staff could change some of the specifications the Architect identified which could save
2 approximately \$20,000 to \$50,000, but the restrooms came in well over \$100,000.
3

4 Bret recommended the Council reject the bids for the Chair #1 restrooms and allow the
5 Architect to modify the plans and then to go to bid in February or March when
6 construction costs will be more favorable. Bret explained that another alternative may
7 be to take the top two bidders and sit down with them to review the costs to determine
8 why the cost was so high.
9

10 Council Member Mulder inquired if the town should consider hiring a different Architect
11 for the project. Bret explained if staff can take the existing plan and sit down with the
12 bidders and get their suggestions of what to change and attach those changes as part of
13 the bid docs, then the town could have the bidders rebid the project.
14

15 Mayor Calloway stated he would like to keep the project moving forward and suggested
16 staff work with the low bidders to review the bid docs. Mayor Calloway stated he is not
17 in favor of cutting down the number of stalls in order to save on costs and would like the
18 project finished by Thanksgiving 2018 or shortly thereafter. Council Member Mulder
19 inquired if the grant the town received for this project has an expiration date. Bret
20 reported the town can request a year extension for the project
21

22 **Motion:** Mayor Calloway moved to reject all bids for the Chair #1 restroom project
23 and direct staff to work with the two lowest bidders of the project to re-
24 evaluate the project. Council Member Marshall seconded the motion.

25 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member
26 Freeberg, Council Member Marshall, Council Member Hunter, Council
27 Member Mulder, Mayor Calloway).
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30 **4. TOWN PLAYGROUND REDESIGN.** A review for the town's playground equipment and
31 design.
32

33 Wendy Dowland, Public Works Assistant, presented a power point presentation (see
34 attached) on the playground equipment design and presented a video of the existing
35 playground.
36

37 Wendy explained staff took Council's suggestions during a previous Council meeting
38 and incorporated them into a new design:

- 39 a. The existing large middle play piece of equipment will be incorporated into the
40 design.
- 41 b. There will be two separate play areas for different age groups.
- 42 c. The creative play area identified as option #1 in the handout "Jasper" which
43 entails a river with different rocks, a bear and canoe play pieces will be for the
44 younger age group.
- 45 d. Council Member Marshall suggested a climbing wall and ropes be incorporated
46 into the design to give it more of a mountain feel.
- 47 e. Council discussed a slide that is built into the hillside that has rollers as the
48 slide portion could be used.
49

50 **Consensus of the Council:** the creative play "Jasper" will be identified on the west
51 side and a rock-climbing wall along with ropes on the east side of the area. Staff will get
52 a final cost including installation for the playground.
53
54



1 **5. ORDINANCE AMENDING THE BUSINESS LICENSE CODE TITLE 3**
 2 **CHAPTER 2A SECTION 21.1 MOBILE FOOD AND STREET VENDORS.** An
 3 ordinance amending the Business License Code relating to Street and Mobile Food Vendors.
 4

5 Bret Howser, Town Manager, presented a draft ordinance amending the Business
 6 License Code pertaining to mobile vendors (see attached). Bret explained the proposed
 7 ordinance identified the following changes:

- 8 a. It would standardize the language referring to mobile vendors instead of mobile
 9 food vendors and street vendors separately.
 10 b. It broadens the definition of mobile vendors to include tents/canopies and
 11 trailers.
 12 c. They would be identified under temporary structures in the Land Management
 13 Code.
 14 d. The Utah Code provision for lemonade stands is incorporated.
 15 e. Mobile vendors can operate under special event permits
 16 f. Redundant language is removed.

17
 18 The Council held discussion on the following:

- 19 a. Mayor Calloway commented he would like the provision pertaining to franchise
 20 agreements eliminated from the ordinance.
 21 b. Bret explained staff would need to research the franchise agreement portion of
 22 the code to determine if there was a legal requirement identifying franchise
 23 agreements before it could be eliminated from the ordinance.
 24 c. Mayor Calloway explained the proposed ordinance requires the vendor to move
 25 250 feet every two hours if they held a franchise agreement with the town.
 26 Mayor Calloway explained the town should not be offering public property for
 27 private gain.
 28 d. The Council received a negative response from the local businesses in allowing
 29 mobile vendors in town other than a special event.
 30

31 **Motion:** Council Member Freeberg moved to table Agenda Item F-5, ordinance
 32 amending the Business License Code for further information. Council
 33 Member Mulder seconded the motion.

34 **Action: Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member**
 35 **Freeberg, Council Member Marshall, Council Member Hunter, Council**
 36 **Member Mulder, Mayor Calloway).**
 37
 38

39 **6. POTENTIAL FUTURE AGENDA ITEMS.** The Council will discuss potential future
 40 agenda items
 41

42 **Wayfinding Signage:**

43 Council Member Mulder inquired as to when staff will be presenting the wayfinding
 44 signage to Council for approval. Bret responded staff is waiting for a fourth bid and the
 45 item is tentatively scheduled for the August 13, 2018 Council meeting.
 46

47 **Nightly Rental Home Occupancy:**

48 Council Member Freeberg reported one resident approached him about another resident
 49 who is renting out their cabin and they have off street parking for eight vehicles, so they
 50 are off the town roads, but there are a large number of people who stay in the cabin at
 51 one time. Council Member Freeberg inquired as to what regulations the town has in
 52 place to address occupancy of a rental home. Chief Benson explained the town could
 53 enforce the fire code which is based off the total square footage of the home which
 54 would include a garage. The total number of occupants would be very high according to
 55 the fire code regulations. **No decision was made on this item.**



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Water/Sewer Rates:

Mayor Calloway inquired if the Council would be interested in adjusting the water and sewer rates during the summer months to allow people to water their lawns and other landscape. Bret responded the Council has the opportunity to discuss the utility rates annually during the strategic retreat in January or can come back and adjust the rates by adopting an amendment to the Consolidated Fee Schedule. **No decision was made on this item.**

H. ADJOURNMENT

Motion: Council Member Freeberg moved to adjourn the regular meeting of the Brian Head Town Council for July 23, 2018. Council Member Hunter seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 2:55 pm for July 23, 2018.

August 13, 2018
Date Approved

Nancy Leigh, Town Clerk

