

The Regular Meeting of the
 Brian Head Town Council
 Brian Head Town Hall - 56 North Highway 143
 Brian Head, UT 84719
MONDAY, JULY 9, 2018 @ 1:00 PM

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Roll Call.

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

Members Absent: Council Member Larry Freeberg.

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Dan Benson, Public Safety Director, Aldo Biasi, Public Works Director, Cecilia Johnson, Town Treasurer,

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Brian Head Town Council to order at 1:00 pm for July 9, 2018.

B. PLEDGE OF ALLEGIANCE

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

C. DISCLOSURES

- Mayor Calloway stated he may have a potential conflict of interest with Agenda Item F-2, 2018 Street Improvement Contract Amendment, in which he owns a business identified in the improvement area but has no personal gain.

There were no other 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

Mayor Calloway

1. Thanked the staff for their efforts in minimizing the dust on the OHV trails by using the water truck on the trails during the 4th of July holiday period. Mayor Calloway reported the 4th of July weekend was a good weekend for the businesses.
2. A meeting was held with the local businesses in which he challenged them to plant a tree and adopt it for a couple of years until it is established. Mayor Calloway commented he would like the Tree Commission to hold a meeting and identify a location ow where trees can be planted at Bristlecone Park. Bret reported the town has transplanted some pine trees since the trees were to be removed due to a construction project. Bret reported there is an action step in the FY2019 Strategic Plan to use a tree spade and transplant aspen trees in the park area this fall. Cecilia reported the Tree Commission is scheduled to hold a meeting on August 3, 2018 in which the Commission will discuss the location for trees.



Bret Howser, Town Manager

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- 3 1. Negotiated a new agreement with Iron County on the residential landfill fees. Bret
- 4 reported the agreement reduced the current rate by 50% which will be a savings in the
- 5 solid waste fund.
- 6
- 7 2. A meeting has been scheduled to meet with Parowan City to discuss the recycling and
- 8 OHV trail tomorrow evening.
- 9
- 10 3. The town has a received a petition for annexation of the Aspen Drive area. Bret reported
- 11 the staff has been working with the sponsors of the annexation and it looks like they have
- 12 reached the 1/3 of the assessed value of the area which will qualify them for
- 13 consideration of annexation. Staff will continue to work with the sponsors and the
- 14 Council will be seeing the request in the near future once the surveyor's map is
- 15 completed.
- 16
- 17 4. The town hall fuel tank replacement will begin next week, July 16th, Bret explained the
- 18 project is scheduled to take approximately four weeks to complete.
- 19

Aldo Biasi, Public Works Director

- 17 1. The public works crew will be working on three projects in the next week; a) Village Way
- 18 sewer project; b) Hunter Ridge/Circle Drive road realignment, and c) town trail pavement
- 19 project.
- 20 **Village Way Sewer Project:** Is scheduled to begin today and conclude August 30th.
- 21 Crews will begin on the north end of Village Way in an effort to reduce the impact to the
- 22 Mall businesses and the upcoming special events. Also explained staff has identified a
- 23 foot traffic plan for the mall area in which there will be sections of the road closed off but
- 24 keeping access open to the Mall.
- 25 Mayor Calloway inquired if staff has plan to put up a reader board sign out in the
- 26 entrance of the Mall area to inform the public the Mall businesses are open. Staff has
- 27 communicated to the contractor the necessity of keeping access open to the Mall
- 28 businesses
- 29 **Town trail pavement project** is scheduled to begin next week starting on Monday, July
- 30 16, 2018.
- 31
- 32 2. Mayor Calloway inquired if the town's garbage truck was down. Aldo explained the truck
- 33 quit working earlier today due to a concrete blanket that was in a dumpster. The blanket
- 34 wrapped around the driveline of the truck until the truck stopped running. Mechanics are
- 35 coming to Brian Head to repair the truck.
- 36
- 37 3. Aldo explained he has met most of the Council at the Public Works Director meet and
- 38 greet as part of the interview process and stated he is available to answer questions from
- 39 the Council and is looking forward to working for the town.

Chief Dan Benson, Public Safety Director

- 40 1. The department has gathered the information from the speed trailer count. The trailer
- 41 was located near Navajo Lodge on hwy. 143 and the information collected was from June
- 42 10th through June 28th:
- 43 a) 34,700 vehicles that passed by the trailer (southbound).
- 44 b) From June 29th through today, there was 12,612 vehicles that passed the trailer
- 45 going southbound into town.
- 46 c) The average vehicle speed was 40 mph with one vehicle speeding by the trailer
- 47 at 84 mph. 80% of the vehicles were going 40 mph and 50% going 30 mph.
- 48 Chief Benson reported the information was useful and the department will continue to use
- 49 the trailer throughout town.
- 50
- 51 2. Public Safety incidents were down over the past two weeks and the department was 22
- 52 incidents during the 4th of July week.
- 53
- 54 3. There have been a lot of volunteers helping with the t-shirt sales and the locals along with
- 55 the volunteer firefighters assisted with the 4th of July pancake breakfast.



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4. The department had the volunteer firefighters take shifts in driving the fire trucks around town not only learning the roads and hydrants, but also to be visible to the public during the holiday. During the shifts, there were a couple of mechanical problems identified with the fire trucks in which they were able to be repaired prior to being called out on a fire.
 5. Chief Benson expressed his appreciation to those who volunteered with the t-shirt sales, pancake breakfast and those who took shifts in driving the fire trucks around town during the holiday.

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Bret Howser, Town Manager

1. There will be a ribbon cutting ceremony for the Bunker Creek mountain bike trail opening on July 13, 2018 at 2:00 pm at the Sydney Peak Trail Head located on the Brian Head Peak Road. An email invite was sent out to the local and regional officials.
2. The town has accepted another offer on one of the town owned lots in the Steam Engine Meadow subdivision. Five out of six properties are now either sold or under the contract. The town has received \$106,000 out of the \$116,000 that was owed on the failed Special Assessment Area.
3. A letter was sent to the property owners in the proposed Special Assessment Area of Steam Engine Meadows Phase 1C, in which the town inquired if the property owners were interested in paying the assessment up front. If there are enough property owners willing to pay the assessment up front, the cost for the non-publically owned utility infrastructure (power & gas) can be covered and the town will borrow the for the remaining town owned improvements. The town will be sending out a survey to those property owners.
4. The town has been working with the sponsors for the Aspen Drive annexation. The town will be completing the surveyor map of the area and will be bringing the annexation petition to the Council for consideration. The staff is reviewing whether there is enough to include the Kokapelli and Ski View Drive as part of the annexation.
5. The town will begin the excavation of the town hall fuel pumps next week, beginning July 16th. The area will be closed off for construction for a period of four weeks. The town will be working under the contractor for the excavation portion of the project. Staff will try to complete the project as quickly as possible assuming there is no contamination.

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Wendy Dowland, Public Works Assistant, reported the town received a new building permit application today and the building department has been busy with the new construction.

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E. APPROVAL OF THE MINUTES:

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June 25, 2018 Town Council Minutes

Motion: Council Member Mulder moved to approve the June 25, 2018 Town Council minutes. Council Member Marshall seconded the motion.

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

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G. AGENDA ITEMS:

1. **NOISE ENFORCEMENT DISCUSSION.** A discussion on OHV Noise.



1 Chief Dan Benson reported the Public Safety department has been proactive and using
2 officer discretion in enforcement on OHV's. Chief Benson explained the current town code
3 identifies decibels and stock exhaust in regulating the noise of OHV's. The challenge is that
4 the town does not own a decibel meter and stock exhausts are purchased from the dealer
5 and it would depend on what constitutes stock exhaust.
6

7 Chief Benson reported he reviewed the stats for the department's OHV calls over the last two
8 weeks in which the town had a total of four incidents and none of those were in the town
9 boundaries. One incident was in on the backside of Navajo and the others were initiated by
10 the deputies. Chief Benson explained the officers understands occasionally there is the one
11 percent (1%) that are a nuisance and the officers will cite those offenders, but the main
12 concern is safety such as helmets on children and speed of the vehicles.
13

14 Chief Benson explained that as part of the incidents, the officers identify the number of
15 contacts made from the stops. From July 2nd through July 9th there were 95 OHV stops which
16 identified 214 contacts. The department is not seeing a lot of complaints which a good
17 indication is the department is doing their job on enforcement. One item the officers are
18 strictly enforcing is the 10:00 pm rule in which no OHV is allowed to be operated during the
19 hours of 10:00 pm until 8:00 am unless there are riders coming home from an OHV trip and
20 the department has not received any complaints regarding night riding
21

22 Bret Howser, Town Manager, explained there are those in the community that receive more
23 complaints than the town hall does, and along with that the public works department are
24 receiving requests for signs to be installed slowing down the OHV's. Bret explained this is a
25 policy question for the Council to determine if the current policy of stopping the riders and
26 educating them is working along with the officer's discretion on whether the rider should be
27 cited or if a different method should be implemented. Bret reported one resident contacted
28 him about the speed of the OHV's who felt that more tickets should be handed out which he
29 believed would resolve the issue, but being a resort community, this type of action could be
30 detrimental. The town will be installing two kiosks at both ends of town identifying the OHV
31 rules and maps. Speed limit signs have been installed on some residential roads and staff is
32 not seeing a lot of incidents regarding noise of the OHV's.
33

34 The Council discussed the following:

- 35 1. The perception the OHV's are traveling faster than they actually are, giving the
36 impression they are speeding.
- 37 2. Council Member Mulder reported on a discussion with visitors and residents who
38 inquired about OHV education and what happens to repeat offenders. Chief Benson
39 responded the officers use their discretion and if there is a repeat offender, then the
40 officer will cite them. Chief Benson explained that hasn't been the situation in most
41 cases since most of the riders are responsive to education.
- 42 3. Council Member Mulder inquired as to the amount the town receives from citations
43 that are issued. Chief Benson explained the town receives very little from the
44 citations.
- 45 4. Chief Benson explained there is signage located around the high traffic areas and the
46 OHV's can safely travel at 25mph in the residential areas.
- 47 5. Chief Benson explained the proactive approach works in that the riders are receptive
48 and those who are renting the OHV's are being educated. Those traveling in groups
49 are typically looking for trails heading out of Brian Head and are not trying to ruin
50 anyone's experience.
- 51 6. Mayor Calloway reported Council Member Freeberg sent an email regarding his
52 thoughts on this item. Mayor Calloway then read the email to the Council and public
53 (see attached).



7. Mayor Calloway commented the officers need to stay on top of educating the OHV users in an effort to keep it in check and to keep it in check otherwise the Council would receive negative reaction from the homeowners.
8. Mayor Calloway suggested the town install speedbumps to slow the OHV traffic down in the high traffic areas and to consider installing changeable signage promoting OHV education. One site the OHV information could be identified at is the town hall fuel pumps.
9. Chief Benson explained in his communications with the riders they are frustrated because they are unable to access trails outside of town. The majority of riders do not want to ride within the town boundaries and are looking for trails outside the town to access.
10. Bret explained staff contacted the Forest Service today to get the process of establishing an OHV route south of town started. He spoke with the previous Forest Service Representatives who designed a couple of routes and have agreed to send over the work they did to Del Orm, Forest Service Supervisor. It could be a couple of years to get a NEPA completed and the trail established.
11. Bret explained the town's first step would be to adopt a resolution requesting the Forest Service begin the process for establishing an OHV trail. Bret reported there will be a resolution for Council's consideration in the near future.
12. Chief Benson explained OHV is inclusive of ATV's, side-by-sides, dirt bikes, and snowmobiles. Chief Benson commented the noise of the Hardly Davidson motorcycles as they come through town are louder than the OHV's, but they are able to access the roads outside of town.
13. Council Member Hunter commented the town should continue with the education of the riders and purchase a decimal meter for approximately \$25. Chief Benson explained it would need to hold up in a court of law to maintain a standard such as a breathalyzer. Staff will research it.
14. Mayor Calloway read Title 6.3.2.B of the Town Code in which it stated that no OHV may be operated within any public parking area. Chief Benson explained the town does not address OHV's on private property and the current code was adopted in 1999 and should be reviewed for changes.
15. Bret reported staff will review the current OHV code and will present amendments to the Council for their approval.
16. Mayor Calloway commented he would like the Council to review the entire section of the OHV code, such as the hours of operation in which if someone is returning back to town the officers should use discretion. The enforcement should focus on the riders that are riding up and down the town roads continuously.
17. Council Member Marshall suggested the town identify large bold signage instead of the kiosks in an effort to attract the attention of the OHV rider. Chief Benson suggested locations where the riders stop such as an overlook or the pond area. The town could identify the interchangeable signage at these locations.

Consensus of the Council: Staff will review Title 6.3 of the Town Code pertaining to OHV's and bring to Council for amendments. Officers will continue with educating the public first before citations are issued, unless there is a repeat offender. Signage will be identified with the interchangeable signs throughout strategic locations in town.

2. 2018 STREET IMPROVEMENT CONTRACT AMENDMENT. A change order to the 2018 Street Improvement contract.

Bret Howser, Town Manager, recommended the Council table this agenda item at this time due to the fact staff did not receive the costs yet. Bret explained staff should have all of the information for the change order by the next Council meeting scheduled for July 23, 2018.



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3 Bret reported Council Member Freeberg emailed him regarding a question regarding the town
4 paying the contractor last year for the chip seal. Bret explained the town received a lower
5 cost for chip seal this year and will use the unpaid portion from the 2017 street improvements
6 to purchase the material. Bret explained there were some issues with the contractor who
7 installed the chip seal on the roads last year in which the chips did not adhere to the road.

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9 Bret explained the town paid a portion of the street contract last year to the contractor for
10 Eagles Roost, Pinehurst and Ridgeview, but the chips did not adhere to Steam Engine Drive
11 and Hunter Ridge road which the town did not pay the contractor for. The town sent a letter
12 to the contractor requesting he come back and redo the portion of chip seal that did not
13 adhere to the roads. The town expects the work to be completed by July 31, 2018, staff is
14 expecting an answer from the contractor no later than July 13th. If the contractor does not
15 contact the town, the town intends to hold up the agreement and exercise its right to draw on
16 the performance bond to complete the project. The town will then add that portion of
17 unfinished work to the new contract for the 2018 street improvements.

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19 Bret went on to report he believes the town is in a strong position since Ashdown Brothers
20 Construction was supposed to submit a change order. The work in question that was
21 completed, the town doesn't receive any particular benefit from it since it was something we
22 already had. Bret reported he will continue to keep the Council informed on the status of the
23 situation.

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25 **Motion:** Council Member Hunter moved to table Agenda Item F-2, 2018 Street
26 Improvement Contract Amendment until further information is received. Council
27 Member Marshall seconded the motion.

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

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33 **3. VILLAGE WAY ROAD CLOSURE.** Approval for the partial road closure of Village Way for
34 the Village Way Sewer Project.

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36 Bret Howser, Town Manager, explained the town adopted an ordinance that requires Council
37 approval to close any of the town's road. Bret reported the Village Way Sewer project is
38 scheduled to be begin today and portions of Village Way will need to be shut down in order to
39 replace the sewer line running through Village Way. Bret reported the town will try to reduce
40 the impact on the Mall businesses during the construction period. The businesses were
41 notified today on the town's plan which identified access to the Mall businesses.

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43 Bret reported there are two special events scheduled to take place on July 14th and 15th for
44 the Rock n Ride event and on July 28th for the car show. Aldo Biasi, Public Works Director,
45 explained the project was changed to start from the north end of Village Way instead of the
46 south end in an effort to minimize the impact on the businesses during the special events.
47 The road closure will be in sections of where the contractor is replacing the sewer line and
48 will try to keep access open as much as possible. Staff will use the reader board when the
49 area in front of the Mall is blocked off to inform the public that the businesses are open and to
50 identify access points to the businesses.

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52 **Motion:** Mayor Calloway moved to approve the road closure of Village Way Road
53 beginning July 9, 2018 until the Village Way Sewer project is completed with the



understanding the road closure will be identified in section of Village Way in conjunction with the construction.

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

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

OHV Trail Dust Control

Mayor Calloway commented in the town's strategic plan, is there an action step for minimizing the dust from the OHV trails in town. Bret reported staff has watered down the OHV trails during busy weekends, but staff will note it for an ongoing plan to minimize the dust of OHV trails. Chief Benson reported there is very little complaints due to the dust control on the trails.

Consensus of the Council: Staff will identify an ongoing action step for minimizing dust on the OHV trail for the FY 2020 Strategic Plan.

Business Cards

Council Member Mulder inquired if the Council is interested in having business cards, so they can be handed out when conducting business for the town. Mayor Calloway and Council Member Mulder commented they would pay for his business cards personally. Bret suggested the Council who would like to have business cards can work with the Guest Service Representatives who will order the cards for them.

Impact Fees

Mayor Calloway inquired if staff is planning to identify a reduction or possibly eliminate the impact fees for the water and sewer on an upcoming Council agenda or if it was planned for the FY2020 Strategic Retreat. Bret reported he will need to meet with Brian Head Resort first to address the issue of the fixture units and staff will then schedule it for a Council meeting agenda.

Bret reported there was an action step to look at reducing the impact fees in which the Council reduced the water and sewer impact fees by one-half and eliminated commercial impact fees altogether. Bret reported now would be a good time to complete an impact fee study and to get a better understanding of impact fees and whether the town wants to collect them or not.

Bret reported he will identify an agenda item to review the water projects also since the impact fees are tied to the town's capital improvement projects. The capital improvement list has projects from 2009 and needs to be updated. Staff will bring the capital improvement project list to Council for review and approval.

Shaun Kelly, resident, inquired as to the feedback on the Yankee Meadow ATV routes and whether they are open. Chief Benson explained they can ride an ATV on the Yankee Meadow road, but the road going towards Panguitch Lake is still closed from the 2017 Brianhead Fire.

H. ADJOURNMENT



1 **Motion:** Council Member Hunter moved to adjourn the regular meeting of the Brian Head
2 Town Council for July 9, 2018. Council Member Marshall seconded the motion.
3 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Mulder,**
4 **Council Member Marshall, Council Member Hunter, Mayor Calloway. Absent:**
5 **Council Member Freeberg).**
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7 The regular meeting of the Brian Head Town Council was adjourned at 2:30 pm for July 9, 2018.
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9 July 23, 2018
10 Date Approved

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14 _____
15 Nancy Leigh, Town Clerk

