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3 The Regular Meeting of the
4 Brian Head Town Council
5 Brian Head Town Hall - 56 North Highway 143
6 Brian Head, UT 84719
7 **MONDAY, AUGUST 26, 2019 @ 1:00 PM**
8

9 **ROLL CALL**

10 **Members Present:** Mayor Clayton Calloway, Council Member Kelly Marshall, Council
11 Member Lynn Mulder
12 **Members Absent:** Council Member Larry Freeberg, Council Member Shad Hunter
13 **Staff Present:** Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Cecilia Johnson,
14 Town Treasurer; Aldo Biasi, Public Works Director; Chief Dan Benson,
15 Public Safety Director
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18 **A. CALL TO ORDER**

19 Mayor Calloway called the regular meeting of the Brian Head Town Council to order at 1:00 pm
20 for August 26, 2019.
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22 **B. PLEDGE OF ALLEGIANCE**

23 Mayor Calloway led the Council and others in the Pledge of Allegiance.
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25 **C. DISCLOSURES**

26 There were no conflicts of interest with today's agenda items. Mayor Calloway stated that the
27 disclosure statements are on file at the Town Clerk's office and are available for public inspection
28 during normal business hours.
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31 **D. APPROVAL OF THE MINUTES:**

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33 **1. July 22, 2019 Town Council Meeting**
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35 **Motion:** Council Member Marshall moved to table the July 22, 2019 Town Council
36 minutes due to a lack of a quorum of those who attended the July 22nd meeting.
37 Council Member Mulder seconded the motion.

38 **Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes:** Council Member Marshall,
39 Council Member Mulder, Mayor Calloway. **Absent:** Council Member Freeberg
40 and Council Member Hunter).
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42 **2. August 12, 2019 Town Council Meeting**
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44 **Motion:** Council Member Mulder moved to approve the August 12, 2019 Town Council
45 minutes. Council Member Marshall seconded the motion.

46 **Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes:** Council Member Marshall,
47 Council Member Mulder, Mayor Calloway. **Absent:** Council Member Freeberg
48 and Council Member Hunter).
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50 **3. August 12, 2019 Town Council Closed Session**
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52 **Motion:** Council Member Marshall moved to approve the August 12, 2019 Town Council
53 Closed Session Minutes. Council Member Mulder seconded the motion.



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1. The Town entered into an automatic aid agreement for fire calls for Parowan, Paragonah and Brian Head in which all three departments will automatically respond to any fire calls. This should assist the departments with any fires that may be called out.
2. State Forestry and Fire has the woodchipper in Brian Head which will chip tree slash for property owners who are looking to clean their lots up for fire mitigation. Several people called worried they missed the chipper and asked if it could circle back to some of the properties to complete chipping the tree slash piles. Property owners can notify the Guest Service Representatives if they would like to have the woodchipper at their location. They can also submit their hours for fire mitigation in which the town will identify those hours towards in-kind matches for fire grants. The chips will be left on the property and is the responsibility of the property owner to remove or use the chips.

F. AGENDA ITEMS:

1. STATE PARKS & RECREATION SNOWMOBILE TRAIL GROOMING AGREEMENT. An agreement with State Parks and Recreation for a reimbursement agreement for the snowmobile trail grooming.

Nancy Leigh, Town Clerk, presented a draft agreement with Utah State Parks and Recreation for reimbursement costs for grooming the Town Snowmobile Trail (see attached). Nancy explained this is a reoccurring agreement with the State in which the Town can recoup one-half of the Town’s grooming cost up to a maximum of \$2,250. Nancy reported the State Parks and Recreation has extended the grooming agreement for a period of five (5) years and increased the maximum cap from \$2,000 to \$2,250. Nancy requested the Council approve the agreement as presented.

Motion: Council Member Mulder moved to approve the State Parks and Recreation Snowmobile Trail Grooming Agreement as presented and authorize the Mayor to sign the agreement. Council Member Marshall seconded the motion.

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

2. RESIDENTIAL FIRE SPRINKLER EXCEPTION ORDINANCE. An ordinance reinstating a portion to the residential fire sprinkler requirement.

Bret Howser, Town Manager, reported the Council recently repealed the residential fire sprinkler ordinance during the June 24, 2019 Council meeting. Bret reported that following that meeting, the Council discussed whether to re-instate a portion of the fire sprinkler code and identify standards for review. Bret reported staff has made the following changes to the residential fire sprinkler code since the August 12, 2019 Council meeting where it was presented for re-instatement:

1. Amended the language on Section A from “difficult or dangerous” to “the building is unsafe to access”. This language was recommended by the attorney.
2. Bret reported staff added the following language to the ordinance for standards:
 - B. Safety of access to buildings will be determined by the Public Safety Director according to the following standards:
 - a. Proximity of public water system.
 - b. Slope and/or condition of access road.
 - c. Slope, length and/or condition of private driveway access.
 - d. Size of the structure (over 10,000 square feet).
 - e. Any combination of the above factors that result in a determination by the Public Safety Director that fire suppression activities would result in unusually high danger for public safety personnel.



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Bret explained staff moved away from identifying a specific percentage of grade since there could be varying factors that depend on the land, the slope and angle turning into the driveway. This would leave some discretion to the Public Safety Director.

The Council discussed the following:

1. Bret reported one home that is currently being built, has some grade and access issues in which the contractor approached staff inquiring if standpipes would resolve the issue. Chief Benson reported he contacted the State Fire Marshal's office and their recommendation was to stay with a sprinkler system and stay away from the standpipe option. The Town will follow the State Fire Marshal's recommendation which is still in line with what the Town was asking the homeowners in the first place.
2. Chief Benson reported this particular new home has a long driveway and due to the slope of the driveway as well as the access road and the distance from a fire hydrant, the Town is requesting the homeowner install a fire sprinkler system. Bret reported the Town is working with the homeowner on possible options.
3. Mayor Calloway inquired as to the size of a home and whether a large home would be considered for fire sprinklers. Bret responded staff would take into account the size of the structure as a factor and anything over 10,000 square feet will be reviewed for installing sprinklers. Chief Benson responded that any structure over 10,000 square feet should have a sprinkler system in it.
4. Mayor Calloway commented that he wants staff to have the right tools to administer the code.
5. Bret explained this ordinance would not be identified in the Land Management Code (LMC), but staff could make a reference to it in the LMC in case there is an instance of where this code would need to be reviewed during a plan check.
6. Chief Benson reported the homeowners who are addressing this issue now have a concern that the Town needs to be consistent with other homeowners who are building.

Motion: Council Member Marshall moved to adopt Ordinance No. 19-011, an Ordinance reinstating a portion of the residential fire sprinkler requirement with the addition of Section B which reads as follows:

- B. Safety of access to buildings will be determined by the Public Safety Director according to the following standards:
 1. Proximity of public water system.
 2. Slope and/or condition of access road.
 3. Slope, length and/or condition of private driveway access.
 4. Size of the structure (over 10,000 square feet).
 5. Any combination of the above factors that result in a determination by the Public Safety Director that fire suppression activities would result in unusually high danger for public safety personnel.

Council Member Mulder seconded the motion.

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

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

RV Parking

Chief Benson reported the Town has hauled away an abandoned RV that was located on Hidden Lake for the past ten plus years. Bret reported the Council will be reviewing the RV ordinance on the next Council agenda.

Dust Mitigation

Mayor Calloway requested the Council address dust mitigation during long dry periods on roads, such as Aspen Drive and other roads, during the annual Strategic Planning Retreat.



Chief Benson reported the Town did not lay down any magnesium chloride this year on the roads which reduces the dust.

Council Member Marshall commented that once the ATV's are moved to Village Way and the pedestrian trail is moved onto the ATV trail adjacent to Village Way, there should be a reduction in dust in that area.

G. TOWN PIT FIELD TRIP. The Council will take a field trip to the Town Pit area to discuss potential future uses.

Motion: Council Member Marshall moved to recess the regular meeting of the Town Council to visit the town pit area for future uses. Council Member Mulder seconded the motion.

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

The regular meeting of the Brian Head Town Council was recessed at 1:40 pm.

The following discussions were held on potential future uses of the town pit area:

1. Affordable housing development and possible funding options such as a GO Bond which would require an election and vote of the people, or a sales tax revenue bond which doesn't require an election.
2. Bret explained the Town currently has the option to haul materials such as road base and asphalt millings which need to be stored until they are used on town projects. Bret inquired if the Council would approve the storage of such materials for a short period of time. Mayor Calloway commented the current zoning of the pit area does not allow for storage of materials and that a zone amendment would need to be done first.
3. Bret reported there have been discussions on a possible location for a future maintenance shop. Mayor Calloway reported the area would not be sufficient for a maintenance shop and would discourage the Council from considering it.
4. Council Member Marshall suggested that a mountain bike park could be an option for the area.
5. Bret inquired as to how far out does the Council believe the future uses are, such as 20 years out before it becomes an affordable housing development. If so, the Council could consider using the area for the short-term for a recreational use.
6. Bret suggested the Council take time to consider the options for the town pit and will hold the discussion again during the annual Strategic Planning Retreat.
7. Mayor Calloway recommended the Town take advantage of getting free materials and storing them at the pit area for the short term. Council Member Marshall commented that it would depend on how long the materials were stored since the pit area is not zoned for storage and it would be an eyesore for the cabin that is adjacent to the pit. Council Member Marshall suggested staff store the materials out of sight of the cabin areas. Bret responded the Town would be using the materials within the next couple of building seasons.
8. Council Member Mulder inquired that if materials are to be stored at the pit area, if staff could help fill in some of the lower areas of the pit.

Consensus of the Council: Store the materials at the pit area with an effort to keep the materials somewhat out of view from the cabin that is adjacent to the pit. There will be no equipment or pipes stored at the pit. Bret reported he will meet with Aldo on a plan to store the materials

The Council reconvened the regular meeting of the Brian Head Town Council at 2:57 pm.

H. ADJOURNMENT



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Motion: Council Member Marshall moved to adjourn the regular meeting of the Brian Head Town Council for August 26, 2019. Council Member Mulder seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 3:10 pm. for August 26, 2019.

September 9, 2019
Date Approved

Nancy Leigh, Town Clerk

