

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

# AGENDA

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. DISCLOSURES**
  
- D. APPROVAL OF THE MINUTES:**
  - 1. July 22, 2019 Town Council Meeting
  - 2. August 12, 2019 Town Council Meeting
  - 3. August 12, 2019 Town Council Closed Session
  - 4. August 13, 2019 Town Council Meeting
  
- E. REPORTS / PUBLIC INPUT (Limited to three (3) minutes) Non-Agenda Items**
  
- F. AGENDA ITEMS:**
  - 1. STATE PARKS & RECREATION SNOWMOBILE TRAIL GROOMING AGREEMENT.** Nancy Leigh, Town Clerk. The Council will consider an agreement with State Parks and Recreation for a reimbursement agreement for the snowmobile trail grooming.
  - 2. RESIDENTIAL FIRE SPRINKLER EXCEPTION ORDINANCE.** Bret Howser, Town Manager. The Council will consider an ordinance reinstatement a portion to the residential fire sprinkler requirement. .
  - 3. POTENTIAL FUTURE AGENDA ITEMS.** The Council will discuss potential items for future agenda items.
  
- G. TOWN PIT FIELD TRIP.** The Council will take a field trip to the Town Pit area to discuss potential future uses.
  
- H. ADJOURNMENT**

**Date: August 23, 2019**

Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of a telephonic or telecommunications conference. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

## CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 22<sup>nd</sup> day of August 2019 and have posted such copy on the Utah Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Nancy Leigh, Town Clerk





## STAFF REPORT TO THE TOWN COUNCIL

**SUBJECT:** State Parks & Rec. Snowmobile Trail Grooming Agreement  
**AUTHOR:** Nancy Leigh, Town Clerk  
**DEPARTMENT:** Administration  
**DATE:** August 26, 2019  
**TYPE OF ITEM:** Legislative Action

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### SUMMARY:

The Council will consider an agreement with Utah State Parks and Recreation for a five-year snowmobile trail grooming agreement.

### BACKGROUND:

Previous agreements with State Parks and Recreation for grooming the snowmobile trails has been the town was reimbursed one-half of its incurred costs up to a max of \$2,000. The Town has held a cooperative agreement with State Parks and Recreation for reimbursement of the Town's snowmobile grooming costs for the Town Trail for the past 15 years and has maintain a good relationship with State Parks and Recreation.

### ANALYSIS:

The Town's latest agreement expired in May 2019, which was a two-year agreement. This year staff negotiated a five-year agreement that State Parks and Recreation granted along with increasing the cap from \$2,000 to \$2,250. This amount typically covers half of the town's costs for the entire season of snowmobile trail grooming which has been contracted out to Thunder Mountain Motorsports.

State Parks and Recreation grooms from Cedar Breaks National Monument to High Mountain staying on the south end of Brian Head. Thunder Mountain Motorsports grooms from their shop on Spruce Street out to Dry Lakes and High Mountain Overlook. This allows for some great snowmobile trails that not only surround Brian Head, but with trails leading out of town towards Cedar Breaks National Monument and Duck Creek area which has some of the best snowmobiling in the area.



### FINANCIAL IMPLICATIONS:

The Town would receive reimbursement of one-half of our incurred cost up to an annual maximum of \$2,250 with this agreement with State Parks and Recreation.

Previous winter seasons, the town incurred the following snowmobile trail grooming expenses:

- 2018-2019 winter season was a heavy and long winter season, the Town had a total of \$6,200 in grooming services.

- 2017-2018 winter season, which was a light snow year, the Town had a total of \$3,100 for grooming services.
- 2016-2017 season, the Town had a total of \$4,495 in grooming costs.

**BOARD/COMMISSION RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends Council approve the agreement and authorize the Mayor to sign the agreement as presented.

**PROPOSED MOTION:**

I move to approve the State Parks and Recreation Snowmobile Trail Grooming Agreement as presented and authorize the Mayor to sign the agreement.

**ATTACHMENTS:**

A – State Parks and Recreation Snowmobile Trail Grooming Agreement

# COOPERATIVE AGREEMENT

between

**THE STATE OF UTAH  
DIVISION OF STATE PARKS AND RECREATION**

and

**BRIAN HEAD TOWN**

for

**GROOMING OF SNOWMOBILE TRAILS IN THE BRIAN HEAD AREA**

This AGREEMENT made and entered into this \_\_\_\_ day of August 2019, by and between Utah Division of Parks and Recreation, known as the STATE, and Brian Head Town, known as the TOWN.

The authorities under which the parties enter into this agreement are provisions found in Title 41, Chapter 22, Utah Code Annotated 1953.

WHEREAS, the parties to this agreement desire to share joint cooperation in the grooming of snowmobile trails in the vicinity of Brain Head Town. The grooming of snowmobile trails is critical to the mission of both parties, which is to promote safety and responsible snowmobile riding among residents and visitors, to encourage economic development of the area, and to protect and conserve the natural resources of the State of Utah.

Since neither party has the resources available, individually, to accomplish this important mission, and since both parties believe that this partnership is the best alternative to provide the services needed, the parties desire to enter into this cooperative agreement. In consideration of the above premise, the parties hereto agree as follows:

WHEREAS, the TOWN agrees to:

1. Groom those sections of trails on the Utah Snowmobiling Cedar Mountain Complex map as agreed to in the annual operating plan utilizing grooming equipment owned by, or under the control of, the TOWN.
2. Obtain all necessary permits, clearances, permissions, and rights from public or private entities necessary to groom the trails.
3. Provide any and all insurance as required by law covering agents, employees or volunteers involved in the trail grooming operation.
4. Bill the STATE prior to May 1, annually, for the STATE's share of costs as indicated in this agreement. Billing shall be accompanied by documentation detailing the following:

total miles groomed, total hours groomed, and total fuel costs incurred. Billing and documentation shall be sent to

OHV Program Coordinator  
Utah Division of Parks and Recreation  
1594 West North Temple, Suite 116  
Salt Lake City, Utah 84114-6001

5. Indemnify, save harmless and release the STATE and all its officers, agents, volunteers, and employees from and against any and all loss, damages, injury, liability, suits and proceedings arising out of the performance of this contract which are caused primarily by the negligence of TOWN'S officers, agents, volunteers, or employees, but not for claims arising from the STATE's primary negligence.

WHEREAS, the STATE agrees to:

1. Reimburse the TOWN for 50% of costs incurred in grooming the trails, up to an annual maximum of \$2,250 (Two Thousand Two Hundred and Fifty Dollars).
2. Indemnify, save harmless and release TOWN and all its officers, agents, volunteers, and employees from and against any and all loss, damages, injury, liability, suits, and proceedings arising out of the performance of this contract which are caused primarily by the negligence of the STATE's officers, agents, volunteers, or employees, but not for claims arising from the TOWN'S primary negligence.

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

1. Either party, in writing, may terminate this Cooperative Agreement in whole, or in part, by providing 30 days written notice to the other party before the date of expiration. Neither party shall incur any new obligations for the terminated portion of the instrument after the effective date and shall cancel as many obligations as possible. Full credit shall be allowed for each participant's expenses and all non-cancelable obligations properly incurred up to the effective date of termination.
2. This Cooperative Agreement is executed as of the date of last signature, and, unless sooner terminated, is effective through June 30, 2024.
3. This agreement in no way restricts the TOWN or the STATE from participating in similar activities with other public or private agencies, organizations and individuals.
4. No part of this agreement shall entitle the parties to any share or interest in the project other than the right to use and enjoy the same under the existing regulations of the STATE and the TOWN.
5. Nothing herein shall be considered as obligating the TOWN or the STATE to expend, or as involving the STATE in any contract or other obligations for the future payment of money in excess of funding approved and made available for payment under this instrument and modifications thereto.

6. Modification within the scope of this instrument shall be made by mutual consent of the parties, and the issuance of a written modification, signed and dated by both parties, prior to any changes being performed. Neither the STATE nor TOWN is obligated to fund any changes not properly approved in advance.
7. The STATE and TOWN have legal authority to enter into this Cooperative Agreement, and the institutional managerial and financial capability to ensure proper planning, management, and completion of the project.
8. Official Contacts for both parties are:

Chris Haller  
 Utah Division of Parks and Recreation  
 1594 West North Temple  
 Salt Lake City, Utah 84114

Nancy Leigh  
 Brian Head Town  
 P.O. Box 190068  
 Brian Head, Utah 84719

9. Parties to this agreement agree to meet prior to December 1 annually to jointly draft an annual operating plan. Then annual operating plan shall become part of this agreement, and shall specify the trails to be groomed by the TOWN, the frequency of grooming, applicable standards of grooming, and other details as agreed to by both parties.

**IN WITNESS WHEREOF**, the parties hereto have caused these presents to be executed by their duly authorized officers.

**BRIAN HEAD TOWN**

**STATE - Division of Parks & Recreation**

\_\_\_\_\_  
 Honorable Clayton Calloway      Date  
 Mayor

\_\_\_\_\_  
 Jeff Rasmussen      Date  
 Director



## STAFF REPORT TO THE TOWN COUNCIL

**SUBJECT:** Residential Fire Sprinkler Requirement Ordinance  
**AUTHOR:** Bret Howser  
**DEPARTMENT:** Administration  
**DATE:** August 26, 2019  
**TYPE OF ITEM:** Legislative Action

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### SUMMARY:

Council will consider an ordinance reinstating a portion of the recently repealed §8-1-4 of the Brian Head Town Code which would allow the Town to require residential fire sprinklers under certain conditions.

### BACKGROUND:

In 2010 the Town adopted an ordinance requiring automatic fire suppression sprinklers to be installed in all residential buildings over 3,000 square feet. The ordinance is codified in §8-1-4 of the Brian Head Town Code as follows:

#### **8-1-4: RESIDENTIAL AUTOMATIC FIRE SPRINKLER REQUIREMENT:**

- A. The town requires automatic fire sprinklers shall be installed in all new one- and two-family and townhouse buildings over three thousand (3,000) square feet in size of defined living space (garage is excluded from defined living space) in accordance with section 903.3.1 of the international building code currently adopted by the state code commission.
- B. In areas not served by the town culinary water services, NFPA standard 1142 for water supplies for rural firefighting shall apply.
- C. Any one- and two-family dwelling and townhouse that is difficult to locate or access, as determined by the authority having jurisdiction, shall be required to follow the guidelines as set forth in NFPA standard 1142, regardless of the size of the building. (Ord. 10-003, 4-13-2010, eff. 4-13-2010)

During the course of the Town's recent revisiting of nightly rental policies a few questions have arisen regarding the application of this ordinance. First, as with all residential development in Town, some have sprinklers and some don't depending on the size, how the livable space was measured, and when it was built (before or after the requirement). This has prompted some to contend that the "gamesmanship" of scaling a project to just under 3,000 ft livable space to avoid the sprinkler requirement is putting neighbors and perhaps the whole town at risk. This raises the question whether the square footage trigger should be reduced or eliminated altogether to counter those who would game the system. Second, reconsidering the square footage limit offers a good opportunity for the Town to revisit the purpose of the sprinkler requirement and re-evaluate if the requirement should exist at all.

Council held a discussion on May 13, 2019 regarding the sprinkler requirement and did not reach a conclusion, asking for further information. One alternative that was brought up in the discussion was to increase the square footage threshold. On May 28, 2019, the Council heard a presentation from the Deputy State Fire Marshal and the Iron County Building Inspector regarding residential sprinkler requirements.

Discussion was held again during the Council Meeting on June 10, 2019 in which the Council discussed a compromise position of requiring residential sprinklers on structures over 4,000

square feet. Ultimately, the Council decided that it was not appropriate for the Town to require residential sprinklers at all and requested that staff return with an ordinance repealing the requirement.

On June 24, 2019, Council repealed §8-1-4 of the Town Code.

On August 12, 2019, Council considered reinstating a portion of the residential sprinkler code to allow for sprinklers to be required in the event the Public Safety Director deems it necessary for safety of response. The Council agreed with the proposed ordinance, but asked staff to include a set of standards for review so there is consistency in the determination of what is safe and what is not.

### **ANALYSIS:**

State Code §15A-5-203 allows local governing bodies to require residential sprinklers by ordinance under any of the following conditions:

- Located in an urban-wildland interface area and does not meet Minimum Standards for County Wildland Fire Ordinance
- No public water system/fire hydrants present
- Access road has a grade greater than 10% for more than 500 continual feet
- Building is over 10,000 square feet or double the average square footage of homes in subdivision
- Exceptions: Can't require if located outside wildland-urban interface, one-lot subdivision, 50 ft defensible space

The first bullet point covers all of Brian Head.

The attached ordinance would reinstate a modified portion of the old §8-1-4 of the Town Code, which would allow Town staff to require residential fire sprinklers for residences that are difficult or dangerous for fire personnel/equipment to access. This would include, but not be limited to, residences with steep driveways. The newly proposed standards for review are included in blue.

#### **8-1-4: RESIDENTIAL AUTOMATIC FIRE SPRINKLER REQUIREMENT:**

- A. The town requires automatic fire sprinklers shall be installed in any new one- and two-family and townhouse buildings that are ~~difficult or dangerous to locate or unsafe to access~~ by public safety personnel and apparatus, as determined by the Public Safety Director, in accordance with section 903.3.1 of the international building code currently adopted by the state code commission.
- B. Safety of access to buildings will be determined by the Public Safety Director according to the following standards:
  - i. Proximity of public water system
  - ii. Slope and/or condition of access road
  - iii. Slope, length and/or condition of private driveway access
  - iv. Size of the structure (over 10,000 square feet)
  - v. 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

### **FINANCIAL IMPLICATIONS:**

N/A

**BOARD/COMMISSION RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends that Council consider the attached ordinance.

**PROPOSED MOTION:**

I move that we approve ordinance No. 19-011 reinstating a limited residential automatic fire sprinkler requirement for Brian Head Town

**ATTACHMENTS:**

A – Residential Fire Sprinkler Requirement Ordinance

DRAFT



**BRIAN HEAD TOWN**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REINSTATING A PORTION OF THE RESIDENTIAL AUTOMATIC FIRE SPRINKLER REQUIREMENT AS TITLE 8, CHAPTER 1.4 OF THE BRIAN HEAD TOWN CODE.**

**WHEREAS**, in 2007, the Brian Head Town Council adopted ordinance No. 07-006, requiring all residential homes over 3,000 square feet of living space to install residential automatic fire sprinklers and amended by ordinance No. 10-003; and,

**WHEREAS**, The Brian Head Town adopted the International Code by State mandate and in 2010, the exception identified in state mandate was removed due to the reasoning that Brian Head Town qualifies as a Wildland Urban Interface Community; and,

**WHEREAS**, The Town Council determined the residential automatic fire sprinkler requirement was an undue burden on the homeowner financially and did not have the impact it was originally intended for and repealed the code in its entirety by adopting ordinance number 19-006 on June 24, 2019; and,

**WHEREAS**, The Town Council determined that a limited portion of the residential fire sprinkler requirement should be reinstated as Title 8, chapter 1.4 of the Town Code; and,

**WHEREAS**, The Town Council desires to ensure the public's health, safety and welfare by repealing the residential automatic fire sprinkler code.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF BRIAN HEAD, UTAH that a limited portion of Ordinance No. 10-003, Residential Automatic Fire Sprinkler Requirement be reinstated as Title 4.8.1 of the Brian Head Town Code as follows:**

**8-1-4: RESIDENTIAL AUTOMATIC FIRE SPRINKLER REQUIREMENT:**

- A. The town requires automatic fire sprinklers shall be installed in any new one- and two-family and townhouse buildings that are difficult or dangerous to locate or access by public safety personnel and apparatus, as determined by the Public Safety Director, in accordance with section 903.3.1 of the International Building Code currently adopted by the State Code Commission.

Ordinance No. \_\_\_\_\_

DRAFT

**SECTION 2. Effective Date.** Upon this Ordinance being adopted by the Brian Head Town Council of Iron County, Utah.

**SECTION 3. Conflict.** To the extent of any conflict between other Town, County, State, or Federal ordinances or regulations, and this ordinance, the more restrictive is deemed to be controlling.

**SECTION 4. Severability Clause.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason, held invalid or unconstitutional by any court or competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF BRIAN HEAD TOWN, IRON COUNTY, UTAH** this \_\_\_\_ day of August 2019 with the following vote.

**Town Council Vote:**

Mayor Clayton Calloway	Aye ____	Nay ____
Council Member Larry Freeberg	Aye ____	Nay ____
Council Member Lynn Mulder	Aye ____	Nay ____
Council Member Shad Hunter	Aye ____	Nay ____
Council Member Kelly Marshall	Aye ____	Nay ____

***BRIAN HEAD TOWN***

Attest:

\_\_\_\_\_  
Mayor Clayton Calloway

\_\_\_\_\_  
Nancy Leigh, Town Clerk

(SEAL)

**CERTIFICATE OF PASSAGE AND POSTING**

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the \_\_\_\_ day of August 2019, and have posted a complete copy of the ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall.

\_\_\_\_\_  
Nancy Leigh, Town Clerk

Ordinance No. \_\_\_\_