

The Regular Meeting of the
 Brian Head Town Council
 Brian Head Town Hall - 56 North Highway 143
 Brian Head, UT 84719
MONDAY, SEPTEMBER 09, 2019 @ 1:00 PM

Roll Call.

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

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Cecilia Johnson, Town Treasurer; Aldo Biasi Public Works Director; 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 September 9, 2019.

B. PLEDGE OF ALLEGIANCE

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

C. COUNCIL RECOGNITION:

PUBLIC WORKS Certifications: Kasey Hatch, Rex Rose, and Jason Wallis. Mayor Calloway presented a certificate of achievement to Kasey Hatch for his Level 1 Water Certification; Rex Rose for his Level 1 Water Certification; and Jason Wallis for his Level 1 Water and Grade 1 Sewer Grade Certifications. Mayor Calloway thanked them for their efforts in achieving their water and sewer certifications.

D. 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.

E. APPROVAL OF THE MINUTES:

1. July 22, 2019 Town Council Meeting

Motion: Council Member Marshall moved to approve the July 22, 2019 Town Council minutes. Council Member Freeberg seconded the motion.

Action: **Motion carried 4-0-1 (summary: Yes = 4 No = 0 Abstain = 1 Vote: Yes:** Council Member Marshall, Council Member Freeberg, Council Member Hunter, Mayor Calloway. **Abstained:** Council Member Mulder).

2. August 13, 2019 Town Council Meeting

Motion: Council Member Marshall moved to approve the August 13, 2019 Town Council Emergency meeting. Council Member Freeberg seconded the motion.

Action: **Motion carried 3-0-2 (summary: Yes = 3 No = 0 Abstain = 2 Vote: Yes:** Council Member Marshall Council Member Freeberg Mayor Calloway. **Abstained:** Council Member Mulder, Council Member Hunter).



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3 **3. August 26, 2019 Town Council Meeting**
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5 **Motion:** Council Member Marshall moved to approve the August 26, 2019 Town Council
6 meeting. Council Member Mulder seconded the motion.

7 **Action:** **Motion carried 3-0-2 (summary: Yes = 3, No = 0, Abstain = 2 Vote: Yes:**
8 Council Member Marshall, Council Member Mulder, Mayor Calloway.
9 **Abstain:** Council Member Freeberg, Council Member Hunter).
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12 **F. REPORTS / PUBLIC INPUT (Limited to three (3) minutes) Non-Agenda Items**
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14 **Council Member Mulder**

- 15 1. The Resort hosted a welcome for the Lt. Governor, Spencer Cox. Lt. Governor Cox gave
16 a good presentation in which many of the residents and staff attended.
17 2. Thanked the volunteer fire department personnel for participating in the annual Labor
18 Day parade in Parowan this year.
19

20 **Mayor Calloway**

- 21 1. Attended the Utah Rural Summit in Cedar City in which Brian Head Resort was awarded
22 the Economic Driver Award by the Office of Economic Development for Iron County. The
23 award was for the Resort's contribution to the local economy.
24

25 **Council Member Marshall** commented the trails signs and other projects the public works crews
26 are working on at the park are looking good and appreciates their efforts in enhancing the park.
27

28 **Bret Howser, Town Manager**

- 29 1. Attended the Utah Rural Summit conference last week, which was well attended, and the
30 Governor and Lt. Governor also participated in this summit. Bret reported there are
31 initiatives with creating 20,000 jobs in rural Utah. Cedar City is becoming the capital of
32 rural Utah.
33 2. Hiked the Dark Hollow Trail with the Forest Service Representatives and DJ Morrisett
34 who used to work for the Town on the hiking trails years ago. The Dark Hollow Trail is
35 scheduled for improvements next spring. The Bunker Creek Right Fork Trail has been
36 noted as a family friendly trail and the Left Fork Bunker Creek Trail will be identified as a
37 beginner to intermediate trail. The Dark Hollow Trail will be an intermediate to expert
38 trail.
39 3. The American Conservation Experience (ACE) crew is scheduled to begin working on the
40 Manzanita Trail. The crew are volunteers and also get paid for part of the time they are
41 working on the trail. The Project Manager suggested some members of the community
42 should introduce themselves and let them know about the area they are working in. The
43 Town will be scheduling a welcome dinner for them on Tuesday, September 17, 2019 at
44 5:00 pm at Bristlecone Park. The Council is invited along with members of the Trail
45 Committee and those interested in the trail are invited to attend. The ACE crew made up
46 of six to eight people will be camping on-site.
47 4. Council Member Freeberg commented there was an aircraft company that was to open in
48 Cedar City. Council Member Freeberg inquired if the company did open. Bret responded
49 Cyberjet was the company that was to open in Cedar City several years ago, but he does
50 not believe the facility was ever built but may be operating something out of the Cedar
51 City Airport.
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53 **Aldo Biasi, Public Works Director**

- 54 1. Will be fog coating the roads tomorrow.



2. The crews are planning to lay down sod at the park within the next couple of days. Aldo reported that the weather forecast is predicting a cold front coming through and inquired if the crews should proceed with laying down the sod with a possibility of snow or if they should wait until next spring. The Council recommended the department proceed with laying down the sod.
3. The zig-zag fence is almost completed by the park area and should be completed within the next couple of weeks. Aldo reported Dennis Lowery agreed to complete the project for a total cost of \$4,400.

Dan Benson, Public Safety Director

1. The Labor Day weekend was one of the busiest weekends the Town has seen and was relatively quiet as far as public safety calls.
2. The fire department had six out of the eleven fire trucks in the annual Labor Day Parade in Parowan this year. Dave Strowell, who worked for the Town on fire mitigation projects, was also in the parade. Dave is battling Parkinson's disease.
3. The department will be recognizing 9/11 this week. The Saemisch's have donated a new flag for the public safety building that will be flown on September 11th.
4. There will be an interfaith program on September 10, 2019 at 7:00 pm at the Parowan City Hall. Chief Benson will be one of the speakers at the event. This year they are recognizing heroes in the community.
5. Council Member Marshall inquired as to the vehicle accident that took place in Parowan Canyon over the Labor Day weekend. Chief Benson reported that a truck that was diverted from Cedar Canyon went down Parowan Canyon and lost the breaks and rear ended a truck and trailer. The truck and trailer overturned onto the k-rail on the 25mph curve. No one was injured in the accident.
6. Received a page from dispatch on a possible fire at the Town's maintenance building yesterday in which fifteen firefighters responded to the call. The call was cancelled once it was determined that it was smoke from the Chessman Canyon fire burning in Cedar Breaks National Monument.
7. Updated the Council on the Chessman Canyon Fire burning in Cedar Breaks National Monument. Officials are letting the fire burn due to the steepness of the terrain and it is surrounded by the rock formations. Chief Benson reported he will send out updates as he receives them. The fire is burning a lot of dead trees and unburned fuels and is growing in size.

Wendy Dowland, Public Works Assistant, reported she has received approximately six building permits for new construction for next construction season.

Cecile Wallis, resident

1. Inquired if the old Mexican restaurant located across the highway from the pond has sold since the for-sale sign is no longer on the building. Bret responded that the sign has probably blown off since he is unaware that the building has been sold.
2. Commented that there is a collection of white rocks for the retaining wall around the pond which are unattractive and asked if the Town is planning to use natural color rocks instead. Aldo responded that all the rocks have been collected for the retaining wall.

G. AGENDA ITEMS:

- 1. TOWN WATER CHLORINATION SYSTEM IMPLEMENTATION.** A discussion on chlorinating the Town's water supply.

Aldo Biasi, Public Works Director, reported Council directed staff to bring back actual costs for installation of a town chlorination system (see attached). Aldo explained that in meeting with the engineer, two chlorination sites will be identified. Staff needs to begin the design work for the system since the State typically takes a month to review and approve a



1 chlorination plan. Aldo explained the Resort will soon be calling for water for snowmaking
2 and, in order to meet the demand, the Town will need to turn the springs back into the
3 system. As of the current date, the springs have been testing clean with the exception of
4 Mammoth Spring which has come back with coliform. Aldo requested the Council give
5 direction to staff to start the process for implementation of a chlorination system.
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7 The Council discussed the following:

- 8 1. Council Member Freeberg commented that he is having difficulty with the idea of
9 chlorinating the Town's water system but understands the need to have safe drinking
10 water. Council Member Hunter agreed with Council Member Freeberg.
- 11 2. Council Member Marshall inquired as to other possible options for chlorination such
12 as the UV light option. Aldo responded the UV light option is expensive and there
13 still needs to be a residual. Chlorine is the least expensive option.
- 14 3. Bret commented there is a lot of concern from the community regarding this topic and
15 suggested the Council consider going through a public process to inform and receive
16 feedback from the public.
- 17 4. Council Member Freeberg inquired as to why this has been an issue this year when it
18 hasn't been one for past years. Aldo explained that the issue is due to the high-water
19 runoff of the springs this year.
- 20 5. Mayor Calloway suggested staff draft the facts of how the Town is now looking at
21 chlorination and notify the residents of a public hearing for the next Council meeting.
22 Mayor Calloway recommended staff send a mass email out to the residents informing
23 them of the public hearing. Mayor Calloway recommended staff send the initial draft
24 to Council for review before the email is distributed.
- 25 6. Council Member Mulder suggested staff provide the same information on batch
26 chlorination to the public that was provided to Council.
- 27 7. Bret explained that one of the main points that should be explained to the public is
28 that chlorine has been used as part of the solution for several years and now the
29 Town is taking more of a proactive approach.
- 30 8. Aldo reported that one concern he hears is the taste of the water will change. Aldo
31 explained that there will not be much of a change in the taste of the water and most
32 people will not notice it. Right now, the Town is running off the tanks which has
33 changed the taste of the water.
- 34 9. A public hearing will be held on September 23rd and staff will outline the information
35 that has been presented to Council. The information will be sent out to the public via
36 email along with social media and the Town's website. This will give the public time
37 to review the information provided.
- 38 10. Bret suggested instead of calling it a public hearing, it could be called a public
39 discussion on the chlorination of public water systems. Mayor Calloway commented
40 that since it is in a formal government setting, it should be a public hearing to receive
41 comment from the public.
- 42 11. Chief Benson suggested the information also include the Town's ability to provide
43 water to the resort for snowmaking.
- 44 12. Council Member Freeberg suggested that since the springs are running clean, the
45 Town could send water from the springs to the resort for snowmaking. Bret
46 responded the Town runs a risk if water from the springs coming back with a bad test
47 since one of the springs is still testing dirty in September. The springs could have
48 changed with the Brianhead Fire and the high runoff and the reliability of the water
49 source is suspect.
- 50 13. Aldo reported the Town may be able to go into an emergency treatment state with the
51 State and chlorinate the system with granular chlorine until the State approves the
52 system.
- 53 14. Tom Gurr, Public Works, reported that about four or five years ago the Town had to
54 turn Salt Pile Springs out to waste for the entire winter due to a bad test. Last year
55 the crew rehabbed three different sites at Mammoth Springs in which one test came
56 back bad. Tom explained that there's been some history with issues affecting the



1 springs, but the town has always been able to fix it. This year it was the heavy
2 snowpack that affected the springs.

3 15. Aldo explained that coliform is from dirt and E. coli is from animals. Aldo reported
4 that it is a standard practice to treat dirty water in a system and most cities treat their
5 spring water. Cedar City has been chlorinating their springs for the past 60 years.
6 Aldo explained that you start to run out of clean sources.

7 16. Mayor Calloway inquired if there was any way to bypass the water from Mammoth
8 Springs to the snowmaking pond in order to meet the demand for snowmaking this
9 year. Aldo responded the Town could use Mammoth Springs to divert to the
10 snowmaking pond if necessary.

11 17. Council Member Freeberg inquired if the chlorination sites are just for the springs.
12 Aldo responded that the Town would only chlorinate the springs and not the tanks.
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14 **Consensus of the Council:** Staff will draft an outline of information for the public and
15 schedule a public hearing during the September 23rd Council meeting. The information
16 will be sent out the first of next week (September 16th).
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19 2. RV PARKING DISCUSSION A discussion on regulating RV parking within Brian Head.

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21 Bret Howser, Town Manager, presented some draft language for an ordinance addressing
22 extended RV parking (see attached). Bret explained he received an email from the attorney
23 who recommended the Town include some limitation or terms for when special approval will
24 be given for camping in public areas, such as a special event permit or in case of
25 emergencies. Bret recommended the ordinance language identify two sections; 1. one for
26 overnight parking in public areas; 2. overnight parking on private property. The attorney also
27 noted that the proposed language did not identify an extension allowance for private parking.
28 Bret explained the ordinance would need to be modified before adoption.
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30 Proposed changes to the ordinance are as follows:

- 31 1. Written approval must be given by the Town Manager to park an RV on a public
32 street.
- 33 2. RV's could park on private property with the following conditions:
 - 34 a) An undeveloped lot would need to have an active building permit associated
35 with it.
 - 36 b) The RV cannot be inhabited on the property for more than 90 days within a
37 one-year span.
 - 38 c) No more than one RV per property is allowed.
 - 39 d) Generators must comply with the Town's noise ordinance.
 - 40 e) Prohibited to park within the setbacks.
 - 41 f) RV's must be licensed and registered.
 - 42 g) May only park for overnight camping between April 30th through November
43 1st.
44

45 The Council discussed the following:

- 46 1. Currently there is no limitation for RV camping on private property.
- 47 2. Council Member Freeberg commented that the proposed language would prohibit
48 someone who owns undeveloped property to camp in their RV on their property
49 unless they had a building permit. Council Member Freeberg commented the
50 property owner may be upset for not being allowed to use their property.
- 51 3. Mayor Calloway commented the Town should be restricting RV's from camping on
52 private property, unless they intend to build on their property.
- 53 4. Bret reported the Planning Commission recommended sixty days a year for
54 temporary RV camping on private property.
- 55 5. Council Member Freeberg suggested a short-term camping allowance of two weeks
56 vs. 90 days.



6. Bret explained this would not prohibit someone from parking their RV on their property year-round, it restricts someone from inhabiting the RV.
7. Mayor Calloway inquired as to how the Town will address those who clear their lots in order to park their RV on their property and stay out of the setbacks without a building permit. Bret responded the Town would enforce it by citing the owner.
8. Mayor Calloway commented he does not want to see Brian Head become a KOA, but believes the Town needs to have an allowance for RV camping if they are actively building on their property.
9. Bret suggested the Council consider allowing more than one RV to park if they have an active building permit and are actively constructing a home on their property.
10. Mayor Calloway commented there should be some allowance for a temporary short period of time that a RV could be parked on private property which already has an existing home on it. Example would be a family reunion.
11. Mayor Calloway commented one of the issues the Town is facing are property owners who are clearing their property in order to park their RV's for the summer and permanently scarring the land.
12. Bret explained the Town cannot issue a tree cutting or excavation permit without a building permit being associated with it.
13. **Consensus of the Council:** allowing RV camping on a developed property for a short period of time.
14. Council Member Mulder stated her concerns of a RV being parked on private property without a building permit since they could clear their property and permanently scar the area.
15. Bret suggested language be identified that a property owner could park their RV for camping on undeveloped property for a period of 16 days so long as no grading or tree removal is allowed.
16. Bret explained the Council will be considering the ordinance at the next Council meeting and Council will need to decide on whether to allow temporary parking on undeveloped private property.
17. Council Member Hunter commented he is fine with language allowing a property owner to park their RV on undeveloped property as long as they are not clearing their land to make room for the RV.
18. Mayor Calloway commented he is opposed to allowing RV camping on private property since it doesn't play a role in fostering the town and believes it devalues the neighborhood.
19. Bret explained enforcement will be after the fact in which the Town would cite the property owner for violations.
20. It would be legal to store a RV on private property and the conditions would not apply to storage of a RV on property.
21. Bret reported staff will redraft the ordinance with the changes Council identified and will work on the language for the 16 days for temporary camping.
22. Staff will identify the difference between developed and undeveloped properties as part of the language to be added.

Language to be added:

1. Temporary period of 16 days for private property.
2. Language from the Attorney for public parking.
3. The number of RV's on private property during actual construction could be two RV's.
4. Two sections will be identified: Camping on public areas and camping on private property.

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

Street naming of a connector road between Forest Drive and Falcon Court has been presented to staff to be named as Fox Run. Mayor Calloway suggested staff also consider



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renaming 425 North since all other streets have names and not numbers. Staff will review the process for street naming.

Council Member Freeberg inquired if staff has been able to contact Rocky Mountain Power on changing out the streetlights to LED. Bret responded staff will need to follow up with Rocky Mountain Power.

H. ADJOURNMENT

Motion: Council Member Freeberg moved to adjourn the regular meeting of the Brian Head Town Council for September 9, 2019. Mayor Calloway seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 2:35 pm. for September 9, 2019.

September 23, 2019
Date Approved

Nancy Leigh, Town Clerk

