

The Regular Meeting of the  
Brian Head Town Council  
56 North Hwy. 143 / Town Hall  
TUESDAY, MAY 13, 2014 @ 1:00 PM

Roll Call.

Members Present: Mayor H.C. Deutschlander, Council Member Jim Ortler, Council Member Larry Freeberg, Council Member Clayton Calloway, Council Member Reece Wilson.

Staff Present: Bret Howser, Nancy Leigh, Tom Stratton, Cecilia Johnson, Wendy Dowland

A. CALL TO ORDER

Mayor Deutschlander called the regular meeting of the Brian Head Town Council to order at 1:00 pm

B. PLEDGE OF ALLEGIANCE

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

C. DISCLOSURES

There were no conflicts of interest with today's agenda items. Mayor Deutschlander 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. APPROVAL OF THE MINUTES:

April 22, 2014 Town Council Meeting

Motion: Council Member Freeberg moved to approve the April 22, 2014 Town Council minutes. Council Member Calloway seconded the motion.

Action: Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).

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

Tom Stratton, Public Works Director

1. Met with Division of Natural Resources (DNR) last Friday to tentatively schedule the stocking of fish for Bristlecone Pond. Council Member Freeberg inquired if the habitat for the fish would need to be stabilized before the fish can be stocked into the pond. Tom responded the decision would be DNR's.
2. After the Iron County Coordinating Council meeting last Wednesday, there was a regional transportation meeting which discussed possible options for mass transit in Brian Head. There was some discussion regarding the UTA vans that the Resort currently uses at a cost of \$1,000 per month.
3. Mayor Deutschlander inquired if staff has received GEM Engineering's report regarding the pond project. Tom responded the engineers have drilled three (3) bore holes and staff is waiting for the area to settle with the spring thaw. Council held discussion on the locations of the drill holes. The contractor, JP Excavating will be here next week to assess the project.
4. Council Member Calloway inquired as to the status of the town's delinquent commercial utility users and if they are keeping current in their agreement with the town. Wendy Dowland, Public Works Assistant, reported the businesses have until the end of June to bring the accounts current, but are making progress.
5. Council Member Wilson inquired if staff has met with Utah Department of Transportation (UDOT) regarding highway 143. Tom responded that GEM Engineering has been meeting with UDOT on a regular basis and will present a design to Council for approval prior to the design being forwarded to UDOT.
6. Council Member Ortler inquired on the status of hiring the trail crew. Tom responded the town has hired one trail crew member and will be hiring more as the summer season begins.

Hans Schwob, resident, inquired as to who receives the funding for fire mitigation from the state and how it is being used. Bret responded that the state will compensate Brian Head for the wildland fire fighters which in the long term, it will assist in recruiting wildland fire fighters for the town. Bret reported he will follow up with Chief Benson on the details of the funding from the state.

**Bob Whitelaw**, business owner, reported that Parowan Elementary held a fund raiser by selling chocolates. Several Brian Head businesses stepped up and sold a total of 7,500 candy bars. The proceeds will go towards purchasing medical equipment. Mr. Whitelaw thanked the following businesses for their participation in the fund raiser: Georg’s Ski Shop, Brian Head Sport, Alpine Lodging, and Apple Annies.

**F. AGENDA ITEMS:**

1. **SENATOR EVAN VICKERS’ PRESENTATION.** Update of the last legislative session.

Mayor Deutschlander introduced Senator Evan Vickers. Senator Vickers gave a legislative update of the last legislation session on the following topics:

- a) Southwest Applied Technology College has received funding to construct three new buildings in the Cedar City area. The funding was granted due to the Cyberjet company which is now located in Cedar City with an anticipation of hiring approximately 1,200 people. The ground breaking should be taking place September, 2015.
- b) The prairie dog funding continues to be a topic of discussion and the senate is working on the issue.
- c) Fire Mitigation has been on the forefront for discussion for the senate. The County has an insurance fund which is funded by withholding a portion of property taxes. The fund totals 1.3 million dollars in which the state matched those funds. One project that has been designated in Iron County for funding was fire mitigation in Brian Head in the amount of \$23,000. Brian Cottom is the new State Forester and is working with all of the agencies to implement 13 projects in the state. Funding will also be set aside for training of local fire departments. The state will look for cooperative efforts with the Forest Service on projects.
- d) Senator Vickers thanked those on the Council for their support in attending the legislation session this year. There were also County Commissioners who attended the legislative session in an effort to give their support.
- e) Council Member Ortler inquired as to the status of the internet taxes which the legislation is now discussing. Senator Vickers updated the Council on the topic. Currently if the business has a physical presence in the state, they are required to collect sales taxes. As Congress is addressing it, if it is passed, it could change the dynamics of the funding system and the state may be looking at reducing other items.
- f) Mayor Deutschlander updated the Council on a meeting that he and Council Member Ortler had with Senator Oakland on the topic of the gas tax. Mayor Deutschlander reported the gas tax did not get resolved during the legislative session. Senator Vickers reported that there was a bigger issue with the gas tax since “green vehicles” are more efficient and less gas being used affecting the B & C road funds. Some options discussed were: 1) raise the gas tax, 2) a local option tax, and 3) add a percentage of sales taxes on top of the gas tax. This item will need to be addressed in order to bring more revenue to the gas tax.
- g) Julie Saemisch, resident, inquired as to the tech money funding this year and if it is part of the Science, Technology, Engineering, Math (STEM) program. Senator Vickers reported that Department of Workforce Services (DWS) will come out with grants that will go towards the STEM program. DWS typically fund more money into school programs, public school, Applied Technology Colleges, and Universities.
- h) Mayor Deutschlander inquired as to funding for the Dixie University building that has been approved. Senator Vickers reported the current building is leased and the university has purchased property and will be constructing a building in the near future.

The Council thanked Senator Vickers for his presentation on the legislative session.

1. **2014-2015 TENTATIVE BUDGET PRESENTATION.** The tentative 2014-2015 budget for Brian Head Town, and Council will set the public hearing for the proposed budgets.

Bret Howser, Town Manager, presented the 2014-2015 Tentative budget for the town, Special Service District, Redevelopment Agency and the Municipal Building Authority (see attached). Bret explained there is a list of changes that were made during the annual budget retreat based on Council’s direction. Some budget items needed to be addressed in the budget such as the vehicle replacement funds to the enterprises funds. Staff has adjusted the administrative charges from the enterprise funds to the general fund (see attached spreadsheet).

Bret requested the approval of the Council on the 2014-2015 tentative public and to schedule the public hearing.

**Motion:** Council Member Ortler moved to approve the tentative 2014-2015 Brian Head Town budget as presented. Council Member Calloway seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).**

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2. **FISCAL YEAR 2015 STRATEGIC PLAN RESOLUTION.** A resolution adopting the FY 2015 Strategic Plan.

Bret Howser, Town Manager, presented the fiscal year 2015 Strategic Plan Resolution (see attached). Bret reported the Council and staff has been working on the strategic plan over the past year and has made adjustments to the plan based on direction from the Council during the budget retreat.

**Motion:** Council Member Freeberg moved to adopt resolution No. 437, a resolution adopting the Fiscal Year 2015 Brian Head Town Strategic Plan as presented. Council Member Calloway seconded the motion.

**Action:** **Motion carried 5-0-0, roll call vote (summary: Yes = 5 Vote: Yes:** Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).

3. **RESOLUTION NAMING THE NEW LAKE.** A resolution naming the new lake.

Bret Howser, Town Manager, explained this agenda was tabled during the May 13, 2014 Council meeting with the direction from Council that the entire Council would weigh in on the naming of the lake/reservoir/pond and directed staff to identify the fourth and fifth name recommendation from the committee. Bret gave a brief update of the committee charged with making a recommendation of names for the lake/reservoir/pond to the Council and the fourth recommendation for a name was Powder Lake. Staff could not find where there was a fifth recommendation for a name. Bret then presented the draft resolution for the Council's consideration.

The Council held discussion on the following:

1. Whether the body of water should be identified as lake, reservoir or pond.
2. Council Member Ortler stated he believes the body of water is not large enough to be a lake.
3. Bob Whitelaw, business owner, commented that reservoir is difficult to spell and could take space on signage vs. lake or pond.
4. Council Member Wilson commented that the term lake had more marketability than reservoir or pond.
5. Shaun Kelly, committee member, commented the consensus of the committee was to identify the body of water as a lake since it was determined that reservoir or pond did not have the same marketability as lake did.

**Motion:** Council Member Ortler moved to adopt resolution No. 438, a resolution officially naming the Bristlecone Pond as the official name. Council Member Calloway seconded the motion.

Council Member Freeberg inquired as to why the name Bristlecone when there are no bristlecone pines located near the pond area. Council Member Calloway stated that he is fond of the name and that it represents something unique in the area.

**Action:** **Motion carried 4-1-0, roll call vote (summary: Yes = 4, No = 1, Abstain = 0) Vote: Yes:** Council Member Calloway, Council Member Freeberg, Council Member Ortler, Mayor Deutschlander. **No:** Council Member Wilson).

6. **ARBOR DAY PROCLAMINATION.** A Proclamation declaring June 5, 2014 as Arbor Day for Brian Head Town.

Cecilia Johnson, Tree Commission Secretary, presented a proclamation declaring June 5, 2014 as Brian Head Town Arbor Day (see attached). Cecilia went on to report that the Tree Commission Chair, Shelly Calloway, has taken pictures of the trees to be planted in front of the town hall and at Bristlecone Pond area. One tree was a dwarf weeping pine tree. Trees that are scheduled to be planted at the Bristlecone Pond site will be quaking aspen and will be located near the new pavilion area.

Cecilia reported the cost for the trees will be reimbursed by Tree City USA once the town submits a request. Cecilia reported the town is a Tree City USA member the past three years. A Tree City sign will be installed in town by Aspen Drive.

**Motion:** Council Member Ortler moved to approve the Proclamation declaring June 5, 2014 as Brian Head Arbor Day. Council Member Freeberg seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander.

7. **TRAILS COMMISSION AMENDED ORDINANCE** An amended ordinance for the Trails Commission.

Bret Howser, Town Manager, presented a draft ordinance reorganizing the Trail Committee (see attached). Bret explained the purpose of the amended ordinance was to reorganize the Trail Commission in reducing the number of members on the commission and stagger their terms.

The Council held discussion on the following:

1. 5. Meetings & Procedures: DELETE “special” from “special meetings” as referred to in the proposed ordinance.
2. 5. Meetings & Procedures: ADD “Chair” to read “Meetings may be called at the request of the Chair or Town Manager”.

**Motion:** Council Member Ortler moved to adopt Ordinance 14-003, an ordinance reorganizing the Brian Head Trail Commission with the following changes: 1) Pg. 2 #5. Meetings & Procedures: Delete the word “Special” from “Special Meetings”. 2) Pg. 2 #5. Meetings & Procedures: Add the word “Chair” to read “The Chair or Town Manager may request....”. Council Member Wilson seconded the motion.

**Action:** **Motion carried 5-0-0, roll call vote (summary: Yes = 5 Vote: Yes: Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).**

**Motion:** Council Member Ortler moved to approve the recommendation of the Town Manager for the members of the Trail Commission as follows: Mayor H.C. Deutschlander (Town Council), Shaun Kelly (Planning Commission), Tom Stratton (Town Staff), Jess Hancock (Forest Service), Paul Rolandt (Cedar Breaks National Monument) and Burke Wilkerson (Brian Head Resort). Council Member Calloway seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Yes: Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).**

Council Member Ortler inquired as to the status of a possible change order for JP Excavating for the reservoir project. Bret responded staff is waiting for a cost of the change order and will be presenting it to the Council for approval prior to any work being completed. If the change is order ready for Council consideration prior to a regularly scheduled meeting, a special meeting of the Council will be called in order to expedite time on the project.

## G. WORK SESSION OF THE TOWN COUNCIL

### LAND MANAGEMENT CODE REVIEW

The Town Council addressed the Land Management Code revisions with the following changes:

#### 1. Temporary Structures Discussion

- a) Staff submitted a summary of how other communities regulate temporary structures (see staff report).
- b) If temporary structures should be handled under the special event ordinance if it pertains to a special event.
- c) The International Building Code (IBC) require an inspection if the structure is 120 square feet or larger.
- d) The current code identifies that a permit application is to include construction documents, which may be discouraging events in Brian Head.
- e) The IBC addresses the number of days for a temporary structure: 180 days.
- f) Staff will review the size of the temporary structure and if the structure is 120 square feet and over 180 days a building inspection will be required.

**Consensus:** The International Building Code (IBC) will govern the regulations and standards as per code and those under the standard of IBC, the staff will review.

#### Chapter 13 Enforcement

**Consensus:** leave as is. Staff will review a possible duplication in language on 9.13.7A.

#### Chapter 14 Signage

**Consensus:** 9.14.8 Specific Sign Requirements table: Staff will clarify the table.

#### Chapter 15 – Wireless Telecommunications

Staff will review Planning Commission minutes for any proposed changes and present to Council for consideration.

Council held discussion on satellite dishes.

#### Consensus:

- 9.15.6 - Satellite dishes that meet the requirements of Section 15.6.A are not required to get a building permit or approval. Satellite dishes cannot stick out more than 4’ and less than 36” in diameter.
- 9.15.12 – Staff will add the following: Exemption: satellite dishes less than 36” in diameter and cannot stick out from building more than 4’.
- Staff will update the table to allow for permitted or conditional uses.
- Council Member Calloway commented the exemption is aimed at private use, not commercial use.

1 **Zone District Map Review.** Council will review the zone district map once all other chapters have been reviewed.  
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3 Council Member Ortler stated he has several proposed changes to the LMC and suggested Council submit their changes in writing to  
4 the Town Clerk for the next work session.  
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7 **H. ADJOURNMENT**

8 **Motion:** Council Member Calloway moved to adjourn the regular meeting of the Brian Head Town Council for May 13,  
9 2014. Council Member Freeberg seconded the motion.  
10 **Action:** **Motion carried 5-0-0. (summary: Yes = 5 Vote: Yes:** Council Member Calloway, Council Member Freeberg,  
11 Council Member Ortler, Council Member Wilson, Mayor Deutschlander.  
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13 The regular meeting of the Brian Head Town Council was adjourned at 4:10 pm for May 13, 2014.  
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16 June 10, 2014  
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22 Nancy Leigh, Town Clerk  
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