

The Regular Meeting of the
Brian Head Town Council
Town Hall - 56 North Highway 143,
Brian Head, UT 84719
TUESDAY, SEPTEMBER 09, 2014 @ 11:30 AM

ROLL CALL.

Members Present: Mayor H.C. Deutschlander, Council Member Larry Freeberg, Council Member Clayton Calloway, Council Member Reece Wilson, Council Member Ortler (left at 12:30 pm).

Staff Present: Bret Howser, Nancy Leigh, Chief Benson, Wendy Dowland, Tom Stratton, Cecilia Johnson, Tom Gurr.

A. CALL TO ORDER

Mayor Deutschlander called the meeting of the Brian Head Town Council to order at 11:30 am.

B. CLOSED SESSION OF THE TOWN COUNCIL. A strategy session to discuss pending or imminent litigation and to discuss the character, professional competence, or physical or mental health of an individual.

Motion: Council Member Ortler moved to recess the meeting of the Town Council and enter into closed session to discuss the character, professional competence or physical or mental health of an individual. Council Member Calloway seconded the motion.

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

Motion: Council Member Ortler moved to adjourn the closed session of the Town Council and reconvene the regular meeting. Council Member Calloway seconded the motion.

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

The closed session of the Town Council was adjourned at 12:30 pm.
Council Member Ortler was then excused from the meeting.

• **TOWN COUNCIL RECESS**

Council recessed the regular meeting until 1:00 pm.

• **THE REGULAR MEETING OF THE TOWN COUNCIL**

Mayor Deutschlander reconvened the regular meeting of the Brian Head Town Council at 1:00 pm.

C. PLEDGE OF ALLEGIANCE

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

D. 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.

E. APPROVAL OF THE MINUTES:

• **August 26, 2014 Town Council Meeting**

Motion: Council Member Calloway moved to approve the August 26, 2014 Town Council minutes. Council Member Freeberg seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Calloway, Council Member Freeberg, Council Member Wilson, Mayor Deutschlander. Absent: Council Member Ortler).**

• **September 5, 2014 Town Council Closed Session**

Motion: Council Member Calloway moved to approve the September 5, 2014 Town Council Special Meeting. Council Member Freeberg seconded the motion.



1 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Calloway, Council Member Freeberg,**
2 **Council Member Wilson, Mayor Deutschlander. Absent: Council Member Ortler).**

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

6
7 **Mayor Deutschlander**

- 8 1. Updated the Council and public on the flu shots which are now available. Mayor Deutschlander encouraged the public
9 to get their annual flu shots for this winter season.
10 2. Congratulated Chief Benson and the volunteers who took the fire engines down to the Labor Day Parade in Parowan.
11 Mayor Deutschlander reported he received comments from the Iron County Auditor regarding the number of fire
12 suppression equipment the town has.

13
14 **Bret Howser, Town Manager**

- 15 1. Updated the Council on the sign code enforcement in which he has identified 15 sign code violations. He took pictures
16 of the illegal signs for the upcoming sign code discussion on the September 23rd meeting. Bret reported he has heard
17 comments from the public on the sign enforcement.
18 2. He will be out of town starting September 10th until next Wednesday, September 17th. He will be attending the annual
19 Utah League of Cities and Towns conference and then flying to North Carolina for the International City Managers
20 Association conference. Chief Benson will be acting Town Manager in his absence.

21
22 **Chief Benson, Public Safety Director**

- 23 1. Attended a catastrophic fire meeting earlier today in which the town was notified that the fire mitigation grant was
24 reduced to \$100,000 instead of the \$250,000 originally identified. The grant funds will be used to cut in roads and log
25 the trees for fire mitigation purposes. The grant funds are referred to as CAT fire money. Chief Benson stated he will
26 have future information at a later date and will report to the Council.
27 2. Council Member Calloway inquired as to the review of the Public Safety's firearms policy and pursuit policy. Chief
28 Benson reported Brian Head's pursuit policy is not to chase at high speeds due to the terrain of the mountain. Other
29 agencies may have a different pursuit policy than Brian Head, but those officers would need to adhere to the Brian Head
30 policy if the chase were to happen within town boundaries. The firearm policy is similar to other agencies in which it
31 discusses off-duty officers who carry firearms.

32
33 **Tom Stratton, Public Works Director**

- 34 1. Met with Parowan Irrigation and Reservoir Company regarding the agreement the town currently has. Staff took them
35 on a tour around the pond and it was decided the town would start letting water out of the pond at 400 gpm which
36 dropped the pond level slightly, approximately six inches (6").
37 2. Staff will be shutting the valve to the pond as of October 1st and will continue to monitor the dock level.
38 3. Discussions have taken place regarding the town's ability to flood the pond for an ice skating rink. The town may have
39 several options available for a sweeper/zamboni type of equipment used for ice skating.
40 4. Council Member Calloway inquired as to the health status of Rob Dalley who recently had surgery. Tom responded
41 Rob is recovering and is scheduled to have another surgery next month.

42
43 **Cecilia Johnson, Town Treasurer**, updated the Council on the Tree City USA Arbor Day grants. Cecilia explained the town is
44 no longer eligible for the Arbor Day grant funds, but in speaking with the Forest Service, the town is now eligible for an \$8,000
45 grant and the application is due this Friday, September 12, 2014. Cecilia went on to report she has sent the information onto the
46 Tree Commission who requested the funds be applied towards the installation of a drip system at the pond where trees were
47 planted last year. Mayor Deutschlander inquired if the town is needs to draft plans or a project description as part of the grant
48 application. Staff will research and report back to the Council.

49
50 **Leland Freeborn, Parowan Prophet**, gave a brief background of his experiences. Mr. Freeborn explained he is known as the
51 Parowan Prophet and he is predicting the world will end in December 2014, between December 18, 2014 and January 6, 2015.
52 Mr. Freeborn explained the public is not sufficiently prepared for nuclear fallout and would encourage everyone to prepare for the
53 ending. Mr. Freeborn went on to explain he would provide support for a community wide program for the public so they are
54 informed and prepared. He believes World War III will begin and 100 million people will die in the United States from the war
55 and fallout. Mr. Freeborn reported he emails a daily letter to those who are interested. Mr. Freeborn then distributed a contact
56 information bookmark to the Council (see attached).

57
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59 **G. AGENDA ITEMS:**
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1 **1. PUBLIC HEARING – COMMUNITY IMPACT BLOCK (CIB) PROJECTS.** A public hearing to solicit
2 public input on two proposed projects: Water Rescue Equipment and Streets Master Plan.
3

4 **Motion:** Council Member Calloway moved to recess the regular meeting of the Brian Head Town Council and open a
5 public hearing for the purpose of receiving public input on Community Impact Board grant request for water
6 rescue equipment and a streets master plan. Council Member Freeberg seconded the motion.

7 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Yes:** Council Member Calloway, Council Member Freeberg,
8 Council Member Wilson, Mayor Deutschlander. **Absent:** Council Member Ortler).
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10 The public hearing was open at 1:40 pm.

11
12 **Bret Howser, Town Manager,** explained the town is in the process of applying for a Community Impact Board (CIB) grant.
13 The town has used CIB funds for the Bristlecone Pond project along with the construction of the Public Safety Building. Both
14 projects were funded on a loan basis from CIB. This request to CIB is for grant funds only for ice water rescue equipment and a
15 streets master plan (see attached).
16

17 **Mayor Deutschlander** gave a brief explanation of the prioritization process in which the Five County Association of
18 Government met to determine the priority for a list of proposed projects from cities and counties. The ice water rescue
19 equipment request was a top priority by the committee. Mayor Deutschlander went on to explain that some of the water rescue
20 equipment will also be used for summer time water rescue.
21

22 **Council Member Wilson** commented he believes the ice water rescue equipment is also a very high priority for Brian Head now
23 that Bristlecone Pond has been constructed. Council Member Wilson inquired if Brian Head will be working with other agencies
24 on an agreement for water rescue on the surrounding lakes. Chief Benson explained that Brian Head would assist other agencies
25 in water rescue.
26

27 **Chief Benson** explained that his staff will be conducting ice water rescue training once the equipment is purchased and there is
28 enough ice on the pond.
29

30 There were no other comments from the public.
31

32 **Motion:** Council Member Calloway moved to close the public hearing for the CIB grant request for water rescue
33 equipment and a streets master plan. Council Member Wilson seconded the motion.

34 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Yes:** Council Member Calloway, Council Member Freeberg,
35 Council Member Wilson, Mayor Deutschlander. **Absent:** Council Member Ortler).
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37 The public hearing was closed at 1:45 pm.
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40 **2. BEARFLAT WELL REPAIR BID AWARD.** Bid award for the Bearflat Well Repair.
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42 Tom Stratton, Public Works Director, explained staff has sent out a Request for Proposals for the repair of the Bearflat Well and
43 received two bids for the repair; 1) Water Well Services, Rod Mudd, in the amount of \$103,940 and 2) Peterson Brothers Drilling,
44 Dwey Peterson, in the amount of \$117,150. Tom reported both companies are well known in the industry and respected in their
45 fields. Tom recommended the Council award the bid for the Bearflat Well repair to Water Well Services in the amount of
46 \$103,940.
47

48 Tom explained the repair will be an “old school design” in which it will be a mill slotted design and the screen will be pulled out
49 of the pipe and steel casing inserted and it will cover 700’ to cover the damage area and the bottom of the well may be cleaned out
50 if necessary.
51

52 **Motion:** Council Member Wilson moved to award the bid for the repair of the Bearflat Well to Water Well Services in
53 an amount not to exceed \$103,940 and services to be completed no later than October 31, 2014. Council
54 Member Calloway seconded the motion.
55

56 Council Member Freeberg inquired as to where the funds are being identified from. Tom explained the town has a USDA short
57 lived asset fund in which the town has been contributing to for projects such as this and \$40,000 will be applied towards the
58 repair; the savings from the Saltpile/Decker Rehab project will contribute \$60,000 and the remaining \$4,000 will be identified out
59 of the water operating budget.
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1 Bret Howser, Town Manager, reported the town has sent an email to the contractor for the pit less adapter notifying him that
2 October 31, 2014 is the deadline. The General contractor, Carter Enterprises, has also been notified of the deadline.
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4 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Yes:** Council Member Calloway, Council Member Freeberg,
5 Council Member Wilson, Mayor Deutschlander. **Absent:** Council Member Ortler).
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8 **3. BUDGET AMENDMENT FOR FISCAL YEAR 2015.** An ordinance amending the fiscal year 2015 budget for
9 the Bearflat Well Repair.
10

11 Cecilia Johnson, Town Treasurer, presented a draft ordinance amending the fiscal year 2015 budget (see attached). Cecilia
12 explained the documents show the transferring of the funds from the short lived asset fund and identifying the savings from the
13 Saltpile/Decker spring rehab project.
14

15 **Motion:** Council Member Calloway moved to adopt Ordinance No. 14-007, an ordinance amending the fiscal year 2015
16 budget. Council Member Freeberg seconded the motion.

17 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Yes:** Council Member Calloway, Council Member Freeberg,
18 Council Member Wilson, Mayor Deutschlander. **Absent:** Council Member Ortler).
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21 **4. DISPATCH AGREEMENT.** An agreement for dispatch services for the fiscal year 2015.
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23 Chief Benson, Public Safety Director, presented a draft dispatch agreement for the fiscal year 2015 for 911 emergency services
24 (see attached). Dan reported the amount identified in the agreement has been budgeted for and this is an annual agreement with
25 Iron County.
26

27 Mayor Deutschlander reported this is a state ran dispatch center and in speaking with other municipalities who fund their own
28 system, do not meet the professionalism that Iron County Dispatch Center has. The Forest Service and Bureau of Land
29 Management use Color Country Dispatch Center, but they have the ability to jump over to the town's or highway patrol's system
30 for assistance in the Forest area or Cedar Breaks National Monument.
31

32 **Motion:** Council Member Calloway moved to approve the fiscal year 2015 Cooperative Agreement with Iron County
33 for 911 emergency services as presented. Council Member Freeberg seconded the motion.

34 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Yes:** Council Member Calloway, Council Member Freeberg,
35 Council Member Wilson, Mayor Deutschlander. **Absent:** Council Member Ortler).
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38 **5. UTILITY RELEIF REQUEST.** Mr. Gordon Marx request for relief from his utilities from 2012 forward.
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40 Bret Howser, Town Manager, explained that Mr. Gordon Marx approached the Council during the August 26th meeting to
41 request relief from his utility bill which is approaching \$8,000. Since Mr. Marx's request was not the agenda for an action for that
42 meeting, staff is now bringing information to Council today.
43

44 Bret explained in the past staff has brought some utility relief requests to the Council for action, but in researching the code, there
45 are some provisions provided that authorizes the staff to grant relief for one of two things: 1) indigent persons who suffer serious
46 hardship as a result of increase rates and may grant a discount rate or; 2) Excessive use in which the Public Works Director
47 determines that the excessive use is not due to the actions of the water user but rather due to causes beyond the control of the
48 user. Bret explained there is no provision to grant relief for sewer services and no provision that Council can grant relief. Bret
49 presented a draft copy of the water and sewer code identifying proposed changes (see attached).
50

51 The Council held discussion on the following:

- 52 1. The Council has the ability to amend the town code to include sewer fees since those are based on water usage.
- 53 2. The Public Works Director has the ability to grant relief for certain circumstances that are beyond the control of the use,
54 but the code would need to identify an appeal process.
- 55 3. If the Council wants the ability to grant relief, the Council would need to amend the code to identify it.
56

57 Bret reported that based on the current code and staff's perspective, Mr. Marx's circumstances would not qualify for relief from
58 his utilities. Mr. Marx did send an email that he would not be able to make to today's meeting and requested the Council table
59 the request until September 23rd. Bret reported the Council can also go with staff's recommendation which would base the
60 request off of the existing town code.



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Consensus of the Council: Council will support staff's recommendation in which staff will notify Mr. Marx of the current code provisions in which he would not qualify for utility relief.

H. ADJOURNMENT

Motion: Council Member Calloway moved to adjourn the regular meeting of the Brian Head Town Council for September 09, 2014. Council Member Freeberg seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Yes:** Council Member Calloway, Council Member Freeberg, Council Member Wilson, Mayor Deutschlander. **Absent:** Council Member Ortler).

The regular meeting of the Brian Head Town Council was adjourned at 2:05 pm. for September 09, 2014.

September 23, 2014

Date Approved

Nancy Leigh, Town Clerk

