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**The Regular Meeting of the
Brian Head Town Council
Town Hall - 56 North Highway 143,
Brian Head, UT 84719
TUESDAY, DECEMBER 09, 2014 @ 1:00 PM**

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9 **Roll Call.**

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

11 **Members Absent:** Council Member Jim Ortler.

12 **Staff Present:** Bret Howser, Nancy Leigh, Tom Stratton, Cecilia Johnson, Dan Benson, Wendy Dowland

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17 **A. CALL TO ORDER**

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

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20 **B. PLEDGE OF ALLEGIANCE**

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

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23 **C. DISCLOSURES**

24 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.

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27 **D. APPROVAL OF THE MINUTES:**

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29 **1. November 10, 2014 Town Council Meeting**

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31 **Motion:** Council Member Calloway moved to approve the November 10, 2014 Town Council minutes. Council Member Wilson seconded the motion.

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33 **Action:** **Motion carried 3-0-1 (summary: Yes = 3, No = 0, Abstain = 1 Vote: Yes:** Mayor Deutschlander, Council Member Calloway, Council Member Wilson. **Abstain:** Council Member Freeberg. **Absent:** Council Member Ortler).

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37 **2. November 25, 2014 Town Council Meeting**

38 **Motion:** Council Member Calloway moved to approve the November 25, 2014 Town Council minutes. Council Member Wilson seconded the motion.

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

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

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46 Mayor Deutschlander thanked Alpha Engineering for the refreshment package they presented to Council today.

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48 Council Member Wilson reported he has spoken with some of the businesses specifically on sandwich boards. Some of the businesses stated they believe their comments fall on deaf ears when addressing the Council on the sign code. Council Member Wilson stated that he believes the Council needs to do more to support the businesses in the current economy and to attract new businesses. Council Member Wilson stated there needs to be responsible growth and the town should be bending over backwards to



1 support the businesses, residents and secondary homeowners. Council Member Wilson stated that the business owner did not want
2 to come in and address the Council today.

3
4 **Bret Howser, Town Manager**, reported he followed up with Council Member Wilson on the sandwich board issue and suggested
5 some options for the Council to consider:

- 6 1. In January, the Council will be working on a strategy session retreat to talk about the goals, and business retention/attraction.
7 The Council can identify strategies in the upcoming year that would address the business friendly concept.
- 8 2. There have been some comments regarding the enforcement of the sign code, specifically on sandwich boards. The Council
9 held a policy discussion. Council could revisit the policy and how it is enforced. Staff can put this item on a future agenda to
10 adjust the policy, adjust the enforcement etc.
- 11 3. According to the International Building Code (IBC), the building is inclusive of everything under the roof, including decks
12 such as the Mall and Apple Annies. Technically, the town regulates the signs outside of the building. Bret inquired if
13 Council is comfortable with this enforcement or if staff should bring this to the Council to discuss the temporary sign
14 provisions and adjust the policy?
- 15 4. Bob Whitelaw, business owner, suggested the Council bring this issue to the attention of the business owners for their input
16 on the sign code

17 **Consensus of the Council:** This will be addressed on the next Council agenda. .

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19 **Tom Stratton, Public Works Director**

- 20 1. Staff is putting together a field trip for a tour of a sewer plant. The closest plant is in Mona, UT and one in Sundance, UT.
21 Tom inquired if the Council wanted to take the tour of the sewer treatment plant or have staff take pictures and present a
22 power point presentation to the Council. **Consensus of the Council:** Tour the Mona sewer treatment plant.
- 23 2. The public works crew has been repairing the existing dumpsters and painting them brown. They have been distributed
24 throughout town. The repairs have saved the town money instead of having to replace the dumpsters.
- 25 3. The Bearflat well: Staff has submitted the water samples to the state for testing and final approval to bring the well online.
26 The company who repaired the well will be here to demobilize today and should be completed by this weekend.
- 27 4. Council Member Freeberg inquired if the Bearflat well is pumping water to the snowmaking pond for the resorts
28 snowmaking needs, and does the resort need more water than what the town has to offer? Tom responded the town will be
29 able to increase the quantity of water to the resort and staff is working with the resort on this issue.

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31 **Dan Benson, Public Safety Director**

- 32 1. The department will be doing surface support training for divers tonight. The department will be working on the ice water
33 rescue in the near future.
- 34 2. The FBI will be coming to Brian Head in late January to conduct some ice diving training. They will be sending a group out
35 to check out Brian Head prior to their training. Currently the ice on the pond is 8” thick.
- 36 3. Council Member Freeberg inquired if the fire department has an estimate of the revenue the town will be receiving from
37 wildland fire fighting for this past summer. Chief Benson reported the town is estimating \$40,000 for this past summer. The
38 wildland fire crews spent most of their time in Oregon on their wildland fires.

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40 **Bret Howser, Town Manager**, reported he received a letter from Nick Vasels last month regarding a development agreement with
41 the town. Bret reported that Mr. Vasels stated he is within six months of starting construction and is ready for the town to install 200’
42 of 8” waterlines into his property. The town has six months to construct the waterlines. Staff will be meeting with Mr. Vasels and
43 report back to the Council on the progress. Bret reported that the installation of the waterline may not be extremely expensive, but
44 the project will need to fit into the capital facilities plan. Staff will work with Mr. Vasels on the route the waterline will be identified.

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47 **F. AGENDA ITEMS:**

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50 **1. BRIAN HEAD TRAIL EASEMENT PROJECT BID AWARD.** Bid award for the trails easement project.

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52 Tom Stratton, Public Works Director, explained this agenda item was tabled due to the lack of confirmation from Utah Department
53 of Transportation (UDOT) on the funding for the trails easement acquisition project. Staff has received confirmation from UDOT
54 and is now ready to proceed with the bid award.

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56 Tom recommended the Council award the bid to Alpha Engineering for the trails easement project in the amount of \$33,247 (see
57 attached). Tom commented that Mr. Gardner from Alpha Engineering is here to answer any questions the Council may have on this
58 project.

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The Council held discussion on the following:

- a) The town’s portion of the project is \$8,000, but the town can always reduce the scope of work.
- b) The funds were budgeted under the recreation department.
- c) The project came through the Patchwork Parkway program for grant funding.
- d) The town already has the trail head frames for the kiosks; staff was awaiting approval to install.

Motion: Council Member Calloway moved to award the Trails Easement Project to Alpha Engineering in the amount not to exceed \$33,247.00. Council Member Freeberg seconded the motion.

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

2. TOWN BUILDING/PROPERTY USAGE. Discussion on the private usage of town buildings and other own owned properties.

Bret Howser, Town Manager, explained he received a question from a local business (Brian Head Outdoor Adventures) on whether they can park some of their equipment (snocat) on town property. Currently the town has a policy on the rental of the town buildings (town hall, public safety) and the pavilion, but no policy has been identified for rental of town property. Bret presented some options to the Council:

- a) Adjust the town hall policy to include buildings and commercial use of the property.
- b) The Council can consolidate the existing policy into one addressing commercial usage within the policy.
- c) Identify a separate policy addressing town property including the Bearflat pumphouse.
- d) The Council can leave it to administration to administer.

The Council held discussion on the following:

- a) Mayor Deutschlander stated his concerns with allowing the storage of any petroleum vehicle parked in the vicinity of the Bearflat well or any well, due to well protection zones.
- b) The annual Boy Scout Jamboree is an example of town property that is used by another organization.
- c) If a snocat were parked in the driveway of the Bearflat well, there were concerns regarding the access to the well when needed.
- d) Council Member Calloway stated that government shouldn’t interfere with private enterprise and that the business would need to adhere to the town’s zoning regulations and let the private businesses take care of their own needs.
- e) Currently there are two properties located within the town that are zoned for heavy equipment.

Consensus of the Council: No changes will be made to the current policy and no parking of equipment will be allowed at the Bearflat pumphouse.

3. PRESERVATION OF THE TOWN MEADOW. A discussion on the preservation of the town meadow

Bret Howser, Town Manager, explained this agenda item is a continuation of previous discussions the Council had on the preservation of the town meadow. In the last Council meeting, the Council talked about the broad concept of the meadow preservation and what degree and mechanism the town would use to preserve the meadow. Staff provided five options to the Council and Council narrowed those options down to two: 1) an overlay zone requiring voter approval; and 2) a third party conservation easement. Bret recommended the Council use an overlay zone requiring voter approval.

The Council held discussion on the following:

a) Voter Approval – Overlay Zone Option:

- i. Only the registered voters of Brian Head would have the ability to vote on this option. Council Member Wilson and Freeberg agreed with this option.
- ii. Council Member Calloway stated that he does not agree with a voter approval approach since he believes he is trying to save something for the future that the public can appreciate. Based on his experience in Brian Head, the voter approval method would not work in preserving the meadow for future generations.
- iii. Mayor Deutschlander commented that without the foresight of past presidents and congress, the United States wouldn’t have the national parks today. Mayor Deutschlander stated that if the town is going to preserve the meadow, then they should preserve and not with a voter approval which may not preserve the meadow for future generations.

b) Third Party Conservation Easement:



- i. Council Member Freeberg expressed his concerns about burdening the taxpayers to pay for a maintenance fee for the conservation easement.
- ii. Whether the Council has the foresight to know what the recreational needs are in the future as it pertains to the meadow and if a conservation easement would restrict those recreational activities.
- iii. Staff will need to do further research on the costs associated with a third party conservation easement.
- iv. If there is a possibility to allow a local group/committee that would inspect the property once a year to keep things in check for the preservation of the meadow.
- v. Council Member Wilson stated that the Council will need to discuss the two properties that are privately owned in the meadow before a decision is made.
- vi. Tom Stratton, Public Works Director, stated that being unable to utilize the meadow the way it has been such as snow storage and the snowmobile trails would be detrimental to the town.
- vii. Peg Simons, Parowan resident, commented that she believes the Council needs to consider the use of snowmobiles in the meadow

Staff will research more details on the third party conservation easement for non-profit groups and what they would be willing to do in terms of maintenance.

4. **POTENTIAL PROPERTIES FOR ACQUISITION/TRADE.** A discussion on potential properties the town could consider trading or acquiring.

Bret Howser, Town Manager, reported the Council adopted an ordinance on the disposal of real property and staff presented a list of properties the town is interested in acquiring/trading. The Planning Commission reviewed the list of potential properties and submitted their recommendations to the Council (see staff report). Bret reported the Council requested staff to identify property owners on potential properties that the town would consider acquiring or trading (see attach property owner list).

The Council held discussion on the following:

- a) Council Member Calloway commented he would like the Council to consider the property north of Chalet Village and Ridge View Street for a potential civic use.
- b) Council Member Freeberg commented he would like to see the entire length of the meadow adjacent to highway 143 be preserved.
- c) The property next to Vasles and Giant Steps should also be preserved.
- d) The Genoe property, property adjacent north of the town hall where the OHV trail is located.

Consensus of the Council: Identify the following properties for acquisition and/or trade: (see attached map)

- a) No. 1 and No. 4 on the target list
- b) The property north of Chalet Village and Ridge View Street
- c) The Forest Service property where the town's maintenance shop is located.
- d) Hutchenson's property located on the north end of Brian Head.
- e) Genoe property located adjacent to the town hall.
- f) No. 5 and No. 6
- g) No. 7. The staff will need to contact the county to determine their intention on the county property that is located within the meadow area.

5. **SOUTHERN UTAH UNIVERSITY MPA PROGRAM PRESENTATION** The Southern Utah University Master Public Administration students' presentation on performance indicators and a proposal for the town's goals.

Bret Howser, explained that during the town's strategic planning process, the town identified strategies and action plans to create resource allocations. The town did not have performance indicators which can be reviewed each year to determine if whether the strategies are working. Bret reported he brought this project to the MPA students at Southern Utah University for high level measures the town can review.

The MPA students then addressed the Council with the following information:

- a) Distributed a handout to the Council identifying the goals/strategies and action steps (see attached).
- b) The students were to come up with measures in the three areas of the community vision; economy, environment and culture.
- c) Ashley Reed, MPA student, reported the program was presented with strategic plans which identified 83 strategies. The students reviewed the various goals and picked those with the most conducive for performance measurements.



- d) They reviewed other cities and resort town that may have created similar goals and reviewed the ways they measured those goals.
- e) Bret reported that when the Council meets in January during the strategic planning retreat, the Council will review some the measurement performances that were identified in the student’s presentation.

The Council thanked the student’s for their presentation.

6. APPOINTMENT OF EMPLOYEE APPEALS BOARD. Appointment of two members to serve on the employee appeals board.

Motion: Council Member Calloway moved to table this agenda item. Council Member Wilson seconded the motion.

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

G. CLOSED SESSION OF THE TOWN COUNCIL. A strategy sessions to discuss the sale of real property, including any form of water right or water shares **and** a strategy session to discuss the character, professional competence, or physical or mental health of an individual.

Motion: Council Member Calloway moved to enter into closed session to discuss the sale of real property, including any form of water right or water shares **and** a strategy session to discuss the character, professional competence, or physical or mental health of an individual. **Motion was seconded by Council Member Freeberg.**

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

The Council entered into closed session at 2:40 pm.

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

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

The Council reconvened the regular meeting of the Town Council at 5:15 pm.

H. ADJOURNMENT.

Motion: Council Member Wilson moved to adjourn the regular meeting of the Brian Head Town Council for December 9, 2014. Council Member Calloway seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 5:15 pm. for December 9, 2014.

January 13, 2015
Date Approved

Nancy Leigh, Town Clerk

