

The Regular/Special Meeting of the
 Brian Head Town Council acting as the
 Governing Board of the Brian Head
 Redevelopment Agency, Special Service District &
 Municipal Building Authority
 Town Hall - 56 North Highway 143, Brian Head, UT 84719
TUESDAY, JUNE 09, 2015 @ 1:00 PM

Roll Call.

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

Staff Present: Bret Howser, Nancy Leigh, Cecilia Johnson, Tom Stratton, Dan Benson

A. CALL TO ORDER

Mayor/Chair Deutschlander called the regular meeting of the Town Council and the special meeting of the Redevelopment Agency, Special Service District and Municipal Building Authority to order at 1:00 pm.

B. PLEDGE OF ALLEGIANCE

Mayor/Chair Deutschlander led the Council/Board in the Pledge of Allegiance.

C. DISCLOSURES

There were no conflicts of interest with today's agenda items. Mayor/Chair 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:

May 26, 2015 Town Council Meeting

Motion: Council/Board Member Calloway moved to approve the May 26, 2015 Town Council/RDA/SSD minutes. Council/Board Member Wilson seconded the motion.

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

May 26, 2015 Town Council Closed Session Meeting

Motion: Council Member Ortler moved to approve the May 26, 2015 Town Council closed session minutes. Council Member Wilson 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



1 **Nancy Leigh, Town Clerk**, reported the deadline for filing for candidacy ended June 8, 2015. There were three
2 people who have filed for the two Council seats: incumbent Jim Ortler, incumbent Larry Freeberg and David
3 Borne.

4
5 **Bret Howser, Town Manager**

- 6 1. The town has received the property taxes from the Grand Lodge in the amount of \$235,000. The amount
7 will be split between the Debt Service Fund and General Fund as required with approximately \$13,000
8 going into the General Fund which will be transferred to the Capital Project Fund for one time projects.
- 9 2. Rocky Mountain Power sent an email regarding the repair of the street lights located along highway 143
10 through Brian Head. Rocky Mountain Power plans to start repairs on the street lights beginning June
11 18th. Working in conjunction with Rocky Mountain Power, Staff has marked the street light poles with
12 yellow tape on those that need repair and will report to Rocky Mountain Power on details for each street
13 light issue.
14 Council Member Calloway reported the street light located on Circle Drive and Hwy. 143 spins around
15 and will also need to be reported to Rocky Mtn. Power for repair.
16 Council Member Ortler inquired if there is a list of the defective lights which could be emailed to the
17 Council. Chief Benson responded staff will draft a list and send onto the Council.

18
19 **Dan Benson, Public Safety Director**, reported Officer Brad Benson has assumed the responsibility of writing
20 grants for the public safety department. One grant Officer Benson submitted received \$13,000 in funding for
21 wildland fire. He is currently working on other grants for the department.

22
23 **Tom Stratton, Public Works Director**

- 24 1. Utah Department of Transportation (UDOT) will begin paving Hwy. 143 on June 30, 2015. The bid
25 opening is scheduled for June 23, 2015 and the work is scheduled for the first part of August. The paving
26 will begin at mile post #14 to mile post #17.
- 27 2. UDOT will also be widening Hwy. 143 in Parowan Canyon at the 25 mph turn.

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30 **F. AGENDA ITEMS:**

- 31
32 **1. REQUEST FOR FUNDING & DIRECTION TO RESOLVE ISSUES RELATED TO THE LEGAL
33 AND ACTUAL LOCATION OF SNOWSHOE (SNOWMAN) DRIVE.** A request to allocate funds and
34 create an action item to address the issue.

35
36 Jim Vincent, property owner in Ski Haven Chalet, Unit B, presented a request for funding to improve Snowshoe
37 Drive and Toboggan Drive by creating a new road (see attached map). Mr. Vincent explained that Toboggan
38 Drive is a very steep road with a 90 degree turn and is very difficult to navigate in winter. Mr. Vincent proposed a
39 new road be created from Lookout Circle through town owned property to connect to Snowshoe Drive. This
40 would serve three additional cabins on Snowshoe Drive and would give the town greater fire protection.

41
42 Mr. Vincent gave a brief history regarding a Special Assessment Area (SAA) in Ski Haven Chalet for water and
43 road improvements, but the SAA was held off due to the recession. Since that time, the property owners have
44 decided to wait until the economy recovers before pursuing the SAA in the area.

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46 Discussion was held on the following:

- 47 1. Snowshoe Drive has a fifty foot (50') platted easement which would allow the town to construct a gravel
48 road for emergency access if the new proposed route were to be constructed.
- 49 2. The proposed route is through town owned property along with two smaller private properties that would
50 be needed in order to connect Lookout Circle with Snowshoe Drive.
- 51 3. The proposed route would provide access through the town owned properties and if they were subdivided
52 would allow the town to sell part of the properties.
- 53 4. Mike Piscreta, business owner, commented he does not necessarily see the connection of the two roads
54 a necessity, but more of a convenience and it would be a benefit for growth. Mr. Piscreta went on to
55 comment that it would depend on whether the town could afford to make the improvements to the area in
56 order to benefit the property owners.

5. Chief Benson commented the town’s fire engines are made for the most the terrain in Brian Head, but a heavy snow storm could make the area impassable, but that it could be applied towards all of the town roads.
6. The fire mitigation crew are working on Snowshoe and Toboggan for fuel mitigation this year.
7. The proposed route is 602’ in length.
8. The town’s snow removal policy identifies roads which have cabins/homes on them will be plowed.
9. Bret reported there may be an access issue with the cul-de-sac connection on the proposed route.
10. Council Member Ortler reported there are several issues throughout the town in which a road/route has been established and is not platted and these typically go through private property.
11. Council Member Ortler stated he would like to identify another action step for the strategic plan to direct the staff to conceptually decide on the best route and begin the process to re-plat the subdivision.
12. Bret reported the Fiscal Year 2016 Strategic Plan identifies an action step in the streets master plan and staff is working with the Community Impact Board (CIB) on a grant.

Consensus of the Council: Staff will conceptually decide on the best route and identify the project as an action step for the Fiscal Year 2016 Strategic Plan. Additional funds for engineering services will be identified at approximately \$2,000.

2. WATER FEE SCHEDULE. A proposed water fee schedule for fiscal year 2016. .

Bret Howser, Town Manager, presented a draft Consolidated Fee Schedule which identifies a change in the utility fees (see attached). Bret explained in 2013 the Council reviewed a financial model for all three enterprise funds; water, sewer and solid waste funds, which showed a proposal of a three percent (3%) increase in the water fund, and decrease the sewer fee in an effort to keep the utility rates fairly low. Staff is proposing a four percent (4%) increase in the utility rates for the upcoming fiscal year 2016.

Discussion was held on the following:

1. A residential utility bill which has water, sewer and garbage would increase from \$109 to \$112.
2. During the budget work session, Council discussed a possibility of changing the hotel rates to a full eru instead of the ½ eru they currently are billed for.
3. The reasoning for the ½ eru for a hotel room is that no kitchen is identified in the unit.
4. Mayor Deutschlander stated the majority of water is used in the bathroom and very little used in the kitchen.
5. Council Member Ortler suggested staff conduct an audit of the hotels to determine if a kitchen is in a hotel unit.
6. Tom Stratton, Public Works Director, reported that Cedar Breaks Lodge has three (3) water meters, one for each building, and it serves residential and commercial uses.
7. Council Member Wilson expressed his concerns with the businesses which are already struggling in paying their utilities. .
8. Bob Whitelaw, business owner, reported during a homeowner association meeting the utility fees were discussed and the majority of the homeowners were unaware of how the utilities were calculated. One concern of the homeowners who visited their condos once a year and are billed on a monthly basis and the rate is not based on usage alone.
9. Bret explained the town is obligated to have water available and in order to do this there are infrastructure costs that are associated with this and why the town identifies a base rate for each connection.

Motion: Council Member Ortler moved to approve the utility rates for fiscal year 2016 as proposed. Council Member Wilson 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)**

Council directed staff to review the hotel’s eru practice and present their findings to the Council within 30 days. Bret explained the Consolidated Fee Schedule will be presented to Council at the next meeting and this document identifies the hotel’s eru’s.

- **Bulk Water Discussion**



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Council Member Freeber stated he may have a conflict of interest with this agenda item since he is a homeowner who utilizes the bulk water system.

Bret Howser, Town Manager, gave a brief history of the bulk water system in which the town currently charges \$0.10 per gallon for potable water. The rate was set to recover the cost of the equipment. Council Member Ortler suggested the Council consider reducing the bulk water rate.

The Council held discussion on the following:

1. One proposal for reducing the bulk water rate would be 7.5 cents per 1,000 gallons for residents in the town and 0.10 cents per 1,000 gallons for those outside the town boundaries.
2. If the town were to charge two different rates. Staff would need to research to determine if the bulk water dispenser has the ability to charge two different rates.
3. The town currently has two licensed commercial water distributors and the difficulty in determining the amount for them when their customers are both inside and outside the town boundaries.
4. The town currently has 90 bulk water users that have an account set up with the town instead of using their credit cards when purchasing bulk water.
5. Tom Stratton, Public Works Director, explained if the bulk water revenue is identified in the water fund and if Council decides to reduce the rates, then the water fund would be negatively impacted.
6. The town has received many complaints from bulk water customers on the current rates and have requested the town consider reducing the rates for those who reside within the town boundaries.
7. Council Member Ortler proposed a 25% reduction in the bulk water rates.
8. Bret explained the complaints the town receives from those utilizing the bulk water is a comparison with those who are paying for metered water, but those who are on the town's water system also pay for sewer unlike the bulk water users.
9. Bret suggested the Council decide on a policy for the bulk water and staff can come back and address the rates accordingly.

Motion: Council Member Ortler moved to reduce the water rate to 7.5 cents per 1,000 gallons for town residents and 10 cents per 1,000 gallons for non-residents. Council Member Calloway seconded the motion.

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

Council Member Ortler reported there are cabin owners who are receiving water from other cabins which are connected to the town's water system and delivering the water to their cabin for use. The Public Safety officers will watch and observe for any violations.

3. FISCAL YEAR 2016 BUDGET(S) ADOPTION. Adoption of the fiscal year 2016 budget for the Town, Special Service District, Municipal Building Authority and Redevelopment Agency.

Bret Howser, Town Manager, presented the draft ordinances and resolutions for the fiscal year 2016 budget (see attached). Bret explained the Council/Board will be adopting fiscal year 2016 budgets for the Town, Special Service District and Redevelopment Agency.

The Council/Board held discussion on the following:

1. Council/Board Member Ortler commented on the town's property tax revenue line and encouraged the Council to reduce the property tax revenue by \$20,000. Council/Board Member Ortler stated he recognizes the growing strength of the economy with the increase of sales tax revenue and the town could decrease the property tax and increase the sale tax revenue line in the budget. Council Member Wilson stated he would be in favor of reducing the property taxes for the town.
2. Bret explained the sales tax revenues are not consistent even though the revenue was high for this year; it is not generally his practice to set a sales tax projection on a short term trend. Bret went on to explain



1 sales tax revenue fluxgate more than other revenue sources. Bret cautioned the Council to not make a
 2 decision based on the idea that the sales taxes will be there.

- 3 3. Bret explained that a truth and taxation process would be needed in order to bring the property tax rate
 4 back to what it currently is.
- 5 4. Council/Board Member Ortler explained it would be a plan for this year and encouraged the Council to
 6 approve a \$20,000 decrease in the property tax revenue line. .
- 7 5. Bret explained the town has identified some projects in which the funding for those projects are identified
 8 with General Fund money. There is an expectation for an increase in the level of service while at the
 9 same time the revenue stream is being reduced. This process will not work.
- 10 6. Council/Board Member Ortler stated he would like to reduce the town's property taxes to an effort to
 11 make it easier to owner property in Brian Head along with develop other resources of revenue.
- 12 7. Council/Board Member Freeberg stated that it is symbolic to the Council, but is not enough to the
 13 taxpayers.
- 14 8. Council/Board Member Ortler suggested staff identify revenue in the town's budget for sale of real
 15 property. Bret explained it would be in the Capital Projects fund in which would be a one-time revenue for
 16 the sale of one of the town owned properties in Steam Engine Meadows subdivision.
- 17 9. Council/Board Member Ortler reported he has spoken with other members of the Council regarding the
 18 town trails and reported he believes there should be more resources going towards the trails. The trails
 19 are identified in the strategic plan and the Trails Committee has been reorganized to focus on the trails.
 20 Council/Board Member Ortler went on to comment the town currently has two trail crew personnel who
 21 have been working on public works projects and not addressing the trail system.
- 22 10. Council/board Member Ortler commented he would like to see the Council authorize a position for public
 23 works instead of focusing on a building inspector/public works position. Bret explained the proposed
 24 budget identifies the salary for a building inspector/public works person in two different departments;
 25 building and public works with a total salary cost of \$42,000.
- 26 11. Council Member Ortler suggested the town identify resources allocated towards signage. The proposed
 27 budget identifies a zero for the line item in the budget.
- 28 12. Council/Board Member Freeberg commented he understands the need to utilize the trail crew on public
 29 works projects. Council/Board Member Freeberg went on to comment the public uses the motorized trails
 30 as a walking trail instead of the town's walking trail located on the west side of highway 143. Bret
 31 responded the staff intends to complete the master trail plan as it relates to the improvements on the town
 32 trails and staff has started with the Navajo Loop trail which has been identified for improvements. The
 33 trail crew will be working on the trails throughout the town.
- 34 13. Council/Board Member Wilson commented he would like to see a target date of having all of the town
 35 trails improved by the July 4th holiday identified as an annual goal. One option for the town to complete
 36 the trail system improvements is to use volunteers as a resource. Council/Board Wilson stated he would
 37 like to see a volunteer plan for trail system improvement implemented. Council/board Member Wilson
 38 volunteered to meet with Bret and Tom to draft a plan.
- 39 14. Council/board Member Freeberg inquired if the town needed temporary resources to assist with the public
 40 works projects.
- 41 15. Council/Board Member Ortler inquired if the town has enough resources in personnel to complete the
 42 projects that are outlined in the strategic plan. Bret responded the town has advertised for a position that
 43 is both building inspector and public works and has not yet received an application that fits both positions,
 44 but would like to keep the position open at this time before a decision to change the position is made.
- 45 16. Council/Board Member Calloway explained the process would be to go through the strategic plan process
 46 and identify a higher priority than what is already identified in the plan.
- 47 17. Tom Stratton, Public Works Director, explained he would like to see a temporary employee for the trails.
- 48 18. Council/Board Member Ortler recommended the town move the \$19,000 from the building inspector
 49 position and identify it towards a full-time public works employee. Bret encouraged the Council to leave
 50 the proposed budget as is and then adjust the budget when a final decision is made on the position.
- 51 19. Council Member Wilson suggested the town consider using volunteers to assist with the trail systems.

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 53 **Consensus of the Council:** Leave the budget as proposed

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 56 **Motion:** Council Member Ortler moved to adopt Ordinance No. 15-006, an ordinance approving the fiscal
 57 year 2016 Brian Head Town Budget with the following changes:



- a) Property tax revenue will reflect a reduction of \$20,000.
- b) The Capital Project fund will reflect an increase of \$75,000.

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).**

• **BRIAN HEAD SPECIAL SERVICE DISTRICT FISCAL YEAR 2016 BUDGET**

Motion: Board Member Calloway moved to adopt Resolution No. SSD-017, a resolution approving the fiscal year 2016 budget for the Brian Head Special Service District as presented. Board Member Wilson seconded the motion.

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

• **BRIAN HEAD REDEVELOPMENT AGENCY FISCAL YEAR 2016 BUDGET**

Motion: Board Member Calloway moved to adopt Resolution No. RDA-019, a resolution adopting the fiscal year 2016 Brian Head Redevelopment Agency budget as presented. Board Member Ortler seconded the motion.

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

4. PUBLIC HEARING: FISCAL YEAR 2015 BUDGET AMENDMENT. A public hearing for the fiscal year 2015 amended budgets for the Town, Special Service District, Municipal Building Authority and Redevelopment Agency.

Motion: Council/Board Member Ortler moved to recess the regular meeting and open the public hearing for the purpose of receiving public comment on the Brian Head Town Redevelopment Agency, and Special Service District fiscal year 2015 amended budgets. Council/Board Member Calloway seconded the motion.

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

Mayor/Chair Deutschlander opened the public hearing at 3:25 pm.

Bill Molder, resident, commented he has been a resident of Brian Head since last August. Mr. Molder explained it was his understanding that Council would be discussing a possible reduction in staff for the town's public safety department. Mr. Molder stated it would be a detriment to the town if the Council were to reduce any personnel in the public safety department and would discourage the Council from any consideration of doing so.

Council Member Wilson responded he believes there were rumors circulating thru town on this topic. Council Member Ortler commented it could be referring to the 33% increase in the budget for public safety personnel which double the cost from last year's budget, but assured Mr. Molder the Council did not propose any changes in the budget. Chief Benson explained the cost is the same amount this year as last year and no increase has taken place.

Mr. Molder went on to commented that a reduction in public safety personnel would be a great concern for those older residents who live in Brian Head if a life threatening occurrence should happen and emergency response was delayed.

Bret Howser, Town Manager, responded the current budget identifies \$40,5000 and the fiscal year 2016 budget proposes \$40,000 for part time personnel.



1 No other comments were received. No written comments were submitted.

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3 **Motion:** Council/Board Member Ortler moved to close the public hearing for the fiscal year 2015 Brian
4 Head Town, Special Service District, Redevelopment Agency budgets. Council/Board Wilson
5 seconded the motion.

6 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council/Board Member Calloway,
7 Council/Board Member Freeberg, Council/Board Member Ortler, Council/Board Member Wilson,
8 Mayor/Chair Deutschlander).
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10 The public hearing was closed at 3:31 pm.

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13 **5. RESOLUTION ENCOURAGING THE IRON COUNTY COMMISSION TO PLACE A LOCAL**
14 **OPTION TRANSPORTATION TAX ON THE 2015 MUNICIPAL ELECTION BALLOT.** A resolution
15 encouraging the Iron County Commission to place a 0.25 local option transportation tax on the 2015 Municipal Election.
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17 Cecilia Johnson, Town Treasurer, presented a draft resolution encouraging the Iron County Commission to place
18 the local option for transportation tax on the 2015 Municipal Election ballot (see attached). Cecilia explained the
19 Utah League of Cities and Towns is encouraging the cities and towns to adopt this resolution encouraging the
20 county commissions to place the local option transportation tax on the 2015 election ballot. The purpose of the
21 transportation tax would go towards street improvements for cities and towns along with funding existing
22 transportation services. Cecilia explained the resolution was amended to fit Brian Head's uniqueness.
23

24 Mayor Deutschlander suggested a change to Section 6, second line in which the resolution be sent to all cities
25 and towns located in Iron County.
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27 **Motion:** Council Member Calloway moved to adopt Resolution No. 449, a resolution encouraging the Iron
28 County Commission to place the local option transportation tax on the 2015 municipal election
29 ballot and the resolution be amended to identify a copy of the resolution be sent to all cities and
30 towns located in Iron County. Council Member Freeberg seconded the motion

31 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Calloway, Council
32 Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).
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35 **6. DRAFT ECONOMIC DEVELOPMENT PLAN & BUSINESS TECH ADVISORY COMMITTEE**
36 **DISCUSSION.** A discussion on the draft Economic Development Plan and consideration of a Business Tech Advisory
37 Committee.
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39 Jonah Humes, Management Intern, presented a draft copy of the Economic Development Plan (see attached).
40 Jonah explained staff is requesting the advice and direction of the Council on a Business Technical Advisory
41 Committee which is proposed to review the Economic Development Plan along with other matters that are
42 important to the business community. Bret Howser, Town Manager inquired if the Council wants the committee
43 identified as a formal or informal committee.
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45 **Consensus of the Council:** Directed staff to create a formal committee and submit to Council for review and
46 approval.
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49 **G. WORK SESSION - LAND MANAGEMENT CODE REVIEW:**
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51 **Motion:** Council Member Wilson moved to recess the regular meeting for the work session to review the
52 Land Management Code. Council Member Ortler seconded the motion.

53 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Calloway, Council
54 Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).
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56 The Council recessed the regular meeting at 3:40 pm.
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Zone District Map.

Bret Howser, Town Manager, presented a draft copy of the zone district map for Council review (see attached). Council Member Ortler commented on #5 on the draft zone district map (Cedar Breaks Lodge maintenance yard), and that having an industrial lot located adjacent to the highway at the beginning of the town is a negative impact on Brian Head,. Council Member Ortler encouraged the Council to change the zone from light industrial to general commercial. Council Member Ortler went on to explain that Cedar Breaks Lodge could continue the existing use, but it would now be identified as a non-conforming use.

Consensus of the Council: Directed staff Change #5 (Cedar Breaks Lodge maintenance yard) from light industrial to general commercial.

Chapter 11, Flexible Approaches

Bret Howser, Town Manager, presented a draft of Chapter 11, Flexible Approaches (see attached). Council Member Calloway commented he would like to hold a discussion specifically on conditional use permits. Council Member Calloway suggested the conditional use permits (CUP) follow the property owner and if the property sells, then a new CUP would be required.

Council will review the CUP process and discuss at the next work session.

Motion: Council Member Ortler moved to reconvene the regular meeting of the Town Council. 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).

The regular meeting of the Town Council was reconvened at 4:05 pm.

H. ADJOURNMENT

Motion: Council Member Wilson moved to adjourn the regular meeting of the Town Council for June 9, 2015. 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).

The regular meeting of the Brian Head Town Council was adjourned at 4:05 pm for June 9, 2015.

August 11, 2015

Date Approved

Nancy Leigh, Town Clerk

