

The Regular Meeting of the
Brian Head Town Council in a Joint Meeting with the
Brian Head Planning Commission
Town Hall - 56 North Highway 143
Brian Head, UT 84719
TUESDAY, OCTOBER 13, 2015 @ 1:00 PM

AGENDA

- A. CALL TO ORDER** **1:00 PM**
- B. PLEDGE OF ALLEGIANCE**
- C. DISCLOSURES**
- D. APPROVAL OF THE MINUTES:**
1. September 08, 2015 Town Council Meeting
 2. September 22, 2015 Town Council Meeting
- E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
- F. AGENDA ITEMS:**
1. **SIGN CODE DISCUSSION.** The Council and Planning Commission will hold a discussion regarding the Brian Head Sign Code.
 2. **IMPACT FEE WAIVER REQUEST.** Tom Stratton, Public Works Director. The Council will consider a request for an impact fee waiver for two property owners.
- G. ADJOURNMENT**

Date: October 9, 2015.

Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of a telephonic or telecommunications conference. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 9th day of October 2015 and have posted such copy on the Utah Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Nancy Leigh, Town Clerk



Brian Head Public Safety Council Update

10/01/2015

Brian Head Marshal's Office:

September ended up being quite an eventful month with Deputies working hard to provide public safety and take care of a huge variety of calls and incidents. Of the 62 total incidents for the month, there was a variety of 28 different "Nature's" to these incidents. Most were just isolated events, but none the less a very busy month.

Besides the large number of incidents, Deputies were taking care of other matters including the finishing up of court cases and reviewing upcoming court cases with our County Attorney's. Sergeant Dan Guymon was able to close out 2 trespassing cases, both with the courts finding the defendants guilty.

As was mentioned in an earlier council meeting, Deputy Cowan was able to track down and apprehend a suspect involved in a burglary at the Brian Head Resort. Mr. John Grissinger was kind enough to send a letter of appreciation to Deputy Cowan. A copy of this letter is attached to this report.

It has appeared that there has been an increase in criminal activity in the Brian Head area. However, with this activity we have ended most incidents with an arrest of suspects. In cases of property theft of damage, we have been able to get property replaced or returned to rightful owners. This says a lot for our Deputies, their availability and their willingness to chase down what leads they have. This is a testament to "good police work", and I can't express enough appreciation for their dedication and efforts in keeping Brian Head safe and secure.

Brian Head Marshal's Office was also involved with a 9/11 program hosted by the Parowan Inter-Faith committee. The program was held at the Grace Christian Church in Parowan. I had the opportunity to introduce all of the public safety, civic groups throughout Iron County. This was a great program and expressed a lot of appreciation to our Public Safety professionals, and our Armed Forces.

As for the bovine wandering through Town, we feel that we have got a much better system of contacting our local cattlemen and they are responding in a responsible and timely fashion. I have met with Alan Adam (local cattleman) on numerous occasions now and he has expressed his concern for the community and will encourage a better more responsible response. Some of the ideas he has talked with me about is hiring a "rider" to keep cattle where they are supposed to be. He also talked about putting some fencing up on the forest which will keep the cattle on the forest permit. What has been happening is that the cows are by-passing some great grazing on the forest and coming straight to Brian Head for fall range. The fact is that they should not even be on John Grissinger's permit until after the 21 of Sept. when the forest permits expire. The point is that the cattlemen are concerned about their relationship with the community and will be better stewards next summer. With our help and good

communications we will be able to avoid the circumstances we had this summer. We are definitely moving in the right direction.

- **September Shifts and Numbers of Incidents**

- Day Shift = 30
- Swing Shift = 25
- Grave Shift = 7

- **Total Incidents September = 62**

- **Types of Incidents**

- Citizen/Motorist Assists- 12
- Animal Problems - 7
- Medicals- 4
- Vehicle Accidents- 3
- 911/Alarms- 7
- Fire Calls – 7
- ATV Problem – 3
- Theft – 2
- Shots Fired – 1
- Suspicious – 2
- Burglary – 2
- Disorderly – 2
- Criminal Mischief – 3
- Hit and Run – 1
- Lost/Found Property – 2
- Overdue Party – 1
- Unsecure Premise – 1
- Trespassing – 1

“Train how you want to fight fire and you will fight fire like you trained.” Not sure who said that, but our firefighters are always working hard and training hard to provide the best fire service possible. This month has been a great training month, and we are making good use of our warm summer weather to get equipment out and exercise it including running water.

Brian Head Fire Department joined with Parowan and Paragonah Fire Departments for a drafting/pumping operations training. In this training, firefighters learn how to draft water from a static water source like a pool or pond. They are then able to either bring the water to pressure to suppress fire, or transport it to another location for fire suppression. This was a well attended training and draft was obtained on all trucks. This is a crucial skill that is often times overlooked and not practiced upon due to the availability of fire hydrants. However, with our fire district covering subdivisions with no hydrants and with the obvious threat of wildland fires, we are glad to know that we are capable of this important skill.

Firefighters also met with Cedar Breaks National Monument and did walkthroughs of their structures. This is very helpful and effective to have a mental note of items in structures, locations of fuel storage, power lines, and other hazards. This is all part of our pre-planning of fire attack on as many commercial and government properties as we can. It is great to have a good working relationship with the Monument.

Firefighters responded to a wildland fire located in the Steam Engine Meadows subdivision. A campfire was left unattended during a wind event, and sparks blew into a nearby woodpile. Firefighters acted quickly and appropriately and extinguished the fire before any real damage occurred. Deputy Jeff Morgan was on scene and was greatly appreciative of our local volunteers. He wrote a letter to express their quick/quality work and dedication he saw while working on scene with them. I have attached this for your review.

With a couple day “wind event” blowing down numerous trees around town and blocking access/egress from subdivisions, the fire department was able to send out a couple of fire trucks, and within a few hours open the Town back up. It is great to have this type of response and security should a more serious, life threatening incident occur. Bottom line is we are really appreciative of our firefighters and can’t express our appreciation enough.

MEMO

Date: September 5, 2015

To: **Dan Benson**, Chief
Brian Head Fire Department

From: **Jeff Morgan**, Deputy Marshal/Firefighter
Brian Head Marshal's Office

Subject: **Job well done! (Volunteer Firefighters)**

I would like to commend volunteer firefighters **B. Miller, C. Whipple and R. Valentine** for their response to a vegetation/wood pile fire that was reported on September 5, 2015 at 1542 hrs. in the incorporated Town of Brian Head.

Their rapid response to the incident and actions at the scene prevented the fire from spreading to a densely forested area of the Town and prevented it from destroying nearby vehicles and residential structures.

At the time of the fire there was a RED FLAG warning due to high winds and this incident could have become a major event.

These individuals are dedicated to the preservation of life and property in the Town of Brian Head. This was a job well done!

Jeff Morgan
JLM/jlm



September 21, 2015

Chief Dan Benson
Brian Head Town
P.O. Box 190068
Brian Head, UT 84719

Dear Chief Benson:

I would like to compliment the outstanding police work by Officer Cowan in apprehending a burglar at Navajo Lodge the night of September 12. The burglar was a trusted employee, and had Officer Cowan not apprehended him, we would have been vulnerable to future losses. We are most appreciative of Officer Cowan's diligence which resulted in a confession, making our town safer.

Many thanks to you and Officer Cowan for a job well done!

Best regards,

John Grassinger
President
Brian Head Resort

Brian Head Acquisition Partners, LLC

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Town Council Staff Report

Subject: Sign Code Discussion
Author: Bret Howser
Department: Administration
Date: 10-13-15
Type of Item: Informational

SUMMARY:

During a combined work session of the Town Council and the Planning Commission on October 13, staff will deliver a presentation outlining the current state of the Town's sign code, changes in case law affecting the Town's sign ordinance, and soliciting public opinion regarding various aspects of the sign code. All business owners in Brian Head have been invited and are welcome to share their thoughts on the future of the sign ordinance in Brian Head.

PREVIOUS COUNCIL ACTION:

Council has reviewed the sign code several times in the past couple years responding to specific issues that have arisen. Some minor changes have been made.

BACKGROUND:

During the past couple of years there has been a fair amount of strife over the sign code. Some in the community are upset that it is not being enforced uniformly. Others, particularly business owners, are upset about certain provisions in the sign code – most commonly the temporary sign restrictions. Staff has been frustrated at the backlash following the few attempts we've made to pro-actively enforce the sign code, while re-actively enforcing the sign code comes off as unfairly picking on a few businesses.

ANALYSIS:

With the approval of Council, staff has invited businesses to attend a work session on October 13 to discuss the sign code. Staff will deliver a presentation describing the current provisions in the sign code, and then lead a discussion with business owners in attendance to determine what the desires of the business community are and how they think we should balance the competing interests of individual property rights versus community look and feel.

Council and Planning Commission should participate in the conversation, but no decisions are going to be made in this meeting.

Using the input of this work session, along with the education that staff will gain at the Utah Land Use Institute conference later in October, staff will redraft the sign code ordinance and bring it back to Council for review.

DEPARTMENT REVIEW:

Administration

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

N/A

RECOMMENDATION:

N/A

PROPOSED MOTION:

N/A

Summary of the Brian Head Sign Code:

- **ALL SIGNS** need a permit to be put up or altered and need construction docs where applicable

These are the signs you can have:

- One **FREE STANDING SIGN** per frontage no taller than 9 ft or larger than 6 ft² in residential and 32 ft² for multi-family. Commercial square footage allowance is 30 ft² plus $\frac{4}{5}$ ft² for each foot of frontage up to 150 feet of frontage, and $\frac{1}{3}$ ft² for each foot of frontage above 150 feet of frontage up to a maximum of 200 ft². Commercial height allowance is based on square footage of the sign: 20 ft height for up to 100 ft² of signage, 25 ft height for up to 150 ft² of signage, and 30 ft height for up to 200 ft² of signage. A projecting sign may be used in lieu of a freestanding sign and is limited to 3 ft² area, no more than 12 inches from the wall, no higher than the highest point of the building façade, and no lower than 7'6" inches from the ground or 8 ft above the ground if it's over a walkway or driveway.
- Total **WALL SIGNAGE** per frontage won't exceed 9 ft² in residential zones (6 ft² for single family) and, in commercial/industrial zones, lesser of 10% of wall or 100 ft² for buildings within 100 ft of road, lesser of 15% of wall or 150 ft² within 300 ft of road, or 20% of wall or 200 ft² over 300 ft of road
- Signs on a **CANOPY/MARQUEE/AWNING/ARCHITECTURAL PROJECTION** cannot be larger than 25% of the face of the architectural projection. Signs attached under a canopy are allowed 6 ft² and must be no lower than 7'6" from the floor. Any sign on an architectural projection which is parallel to the surface of the wall is considered a wall sign. Anything not parallel is not subject to limits of wall signs.
- **REAL ESTATE** signs no taller than 6 ft and no bigger than 6 ft² if located on the property or 32 ft² if located at the entrance to the subdivision or if advertising vacant land, and are limited to one sign in residential and one per frontage in commercial, and must be removed after 10 days of sale/lease/etc.
- **CONSTRUCTION** signs no taller than 6 ft and no bigger than 6 ft² if located on the property or 16 ft² if commercial on 5 acres or less or 32 ft² if commercial over 5 acres or located at the entrance to the subdivision, and are limited to one sign in residential and one per frontage in commercial, and must be removed within 10 days of Certificate of Occupancy.
- Temporary sign permits may be granted for **SPECIAL EVENTS & GRAND OPENINGS** limited to one sign per business per street frontage, no bigger than 16 ft² in residential, 32 ft² in multi-family, and 54 ft² in commercial. Signs cannot be up more than 60 total days or 30 consecutive days and cannot go up more than 14 days before the event and must come down within 7 days after the event.
- **POLITICAL SIGNS** no taller than 6 ft or bigger than 6 ft² and only allowed 60 days prior to election and removed 7 days after election
- Signs inside the **WINDOWS** can't exceed 50% of the window space. No more than 3 illuminated window signs totaling no more than 6 ft² per frontage. Must be turned off after hours.
- No more than two **DIRECTIONAL SIGNS** per street entrance, unlimited interior directional signs. Not more than 25% of any directional signs can be used for business ID or advertising, and signs can't be larger than 32 square feet if visible from adjacent property.

These are the signs you can't have:

- No signs on **VEHICLES** unless 1) the primary purpose of the vehicle is not advertising, *and* 2) the sign is painted on or attached by magnetic decal, *and* 3) the vehicle is properly registered and can be used in the business
- No **ROOF SIGNS** (signs mounted on roof)
- No signs in **RIGHT OF WAY** except for approved Special Community Events, and signs can't interfere with traffic signage or visibility at intersections
- No signs attached to **STREET TREES/UTILITY POLES**
- No **ANIMATED/CHANGEABLE SIGNS** in residential zones and can't interfere with traffic signs
- No **BLINKING/FLASHING** signs where blinking portion is more than 25% of the sign
- No **NEON/INTERNALLY ILLUMINATED** signs on exterior of building
- No **FLOURESCENT** colored signs
- No **BALLOONS/STREAMERS/PINWHEELS** except by event sign permit
- No **PORTABLE SIGNS** except by event sign permit
- **UNSAFE SIGNS** must be removed within 10 days
- **OBSOLETE SIGNS** must be removed within 30 days

These signs are exempt from the Brian Head sign code:

- Government approved directional/warning/informational, memorial plaques, official flags, religious symbols, seasonal decorations, fine art, small address or residential nameplates, business hours or instructional signs (such as No Parking) under 1 ft², limited recreational/informational signs

Dave Phillips <dave@lvphoto.com>

9:49 AM (1 hour ago)

to me

Good morning Nancy,

Unfortunately I will not be able to make this meeting but I would like to add a short comment if I may:

As you may or may not know, I am the Facilities Manager at the Giant Steps condos, and we just went through the process of having our sign approved. While I truly appreciate and completely agree with the desire to maintain the look of the town, I felt the sign codes were a bit restrictive, in particular regarding the maximum height. Our only purpose for erecting a sign at all was to help guests find and identify our condos. Where the problem arises is that the maximum sign height is so short, that in the winter when we are busiest, the sign in most cases with normal snowfall will be covered with snow and render itself useless. I think the maximum height of signs should not be set in stone and should be addressed on a case by case basis, determined by proximity to the roads, possible snow accumulation, etc. A good example is the Thunder Mountain sign. That particular sign is quite large, but the way it was designed, I think it was very tasteful and doesn't take away from the mountain at all. If we truly want to keep an aesthetic look to the town with respect to signage, maybe a good route would be to set standards regarding what materials the signs can be constructed from. Lastly we must always be cognoscente of the fact that as much as we love our quiet little family town of Brian Head, we will cease to exist without being receptive to the needs of our small businesses, and that includes allowing them to erect signage that will draw customers to their place of business.

Thank you for allowing me to express my opinion.

Caroline Lauzon

Sep 12 (10 days ago)

to me

Hi Nancy,

I won't be able to make the meeting on the 13th but my opinion on this matter is that the LEAST visual pollution, the better. I am all for marketing but I would love to preserve the beautiful nature of Brianhead without all the signs and banners. As a resident of Las Vegas, we see the signs EVERYWHERE and it just isn't even effective anymore cause there are so many.

Nicely painted wooden signs with pre-approval from the city could be accepted I guess!?

Thank you for asking the resident's opinion on the matter.
Regards,

Caroline Lauzon

C. [702.328.5506](tel:702.328.5506)

caroline_lauzon@hotmail.com

gcall4paul@aol.com

Sep
11

to me

I love how Park City has their signs low to the ground with nothing flashing. Makes it look very professional, clean and well taken care of. They attract "rich" people from all over the world so they must be doing something right!

Thanks,
Paula

-----Original Message-----

From: Nancy Leigh <nleigh@bhtown.utah.gov>

To: undisclosed-recipients;

Sent: Fri, Sep 11, 2015 7:58 am

Subject: Brian Head Sign Code Public Hearing

Wayne

Sep
13

to me

We like it like it is...Wayne

Sent from my iPad



Town Council Staff Report

Subject: Impact Fee Waiver Request
Author: Tom Stratton
Department: Public Works Department
Date: 10-13-15
Type of Item: Legislative

Summary Recommendations:

A request to waive the water impact fee for two property owners; Leonard Vanderhoven who is installing a waterline down Shady Dell Road and Dawn Keltner who is also installing a waterline in Meadow Drive. These are two separate projects. The Council should discuss the possible option of Waiving Impact Fees when a property owner is going to invest a large amount of money into the Town owned infrastructure.

Topic/Description:

Discuss the benefits and downsides of waiving Water/Sewer Impact fees.

Background:

Every now and then we will receive a request from a contractor or property owner asking that their impact fee be waived because of the large amount of capitol that the owner is needing to invest into the Town owned infrastructure, so the owner can take advantage of being connected to the Town utilities.

Section 2-10D-7 FEE EXCEPTIONS AND ADJUSTMENST:

- A. The town council may, on a project by project basis, authorize exceptions to the impact fees due from development for those projects the town council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include facilities being funded by tax supported agencies, affordable housing projects or facilities of a temporary nature. The town council may elect to waive or adjust impact fees in consideration of economic benefits to be received from the developer's activity.
- B. Applications for exceptions are to be filed with the town at the time the applicant first requests the extension of service to the applicant's development or property

We brought up to Eric Johnson, Council concerns as to rather or not the Impact Fees could have some sort of impact on repaying obligations the Town has through bonds.

The following is from the email that was sent to us by Eric Johnson

From: **Eric Johnson** <eric@bcjlaw.net>
Date: Fri, Sep 25, 2015 at 11:41 AM
Subject: RE: Impact Fee Credits
To: Bret Howser <bhowser@bhtown.utah.gov>

The councilmember's concern is appropriate. The Town doesn't want to do anything that would impair its ability to repay its Water Revenue Bonds, Series 2009 which is owned by USDA-Rural Development. The Town has other bonds that are water bonds, but to obtain interest rate savings, the Town did not pledge water revenues but instead through a vote made a general obligation pledge so impact fees are not directly implicated.

The Series 2009 Bonds do not expressly mention the pledge of impact fees. Instead impact fees are used for the Series 2009 Bonds as general water revenues. The Town makes commitment that it will charge everyone for water services, but the Council can still make an exception here or there to the full water fee, under appropriate circumstances. I would say that much the same can apply to impact fees. If the appropriate circumstances exist to adjust impact fees, then as long as the Town will have sufficient water revenues to make its bond payments, it should be OK to make an exception and give an adjustment.

Let me explain why the resolution does not expressly address impact fees. The flow of funds from impact fees is unpredictable. 2008-2012 was an example of how much they can fluctuate and how unreliable impact fees can be for security to pay back loans. As a result, lenders routinely require borrowers to set monthly water rates high enough to produce sufficient revenues to pay O&M, plus the annual debt payment, plus 25% more than the debt payment for reserves, etc. This was the case for Brian Head in 2009. While impact fees can be and should be used to help make bond payments, your monthly water fees were set high enough to make sure you did not have to rely on impact fees to make bond payments.

Hope that helps.

Eric

Analysis:

Right now we have two property owners that are installing water mains in town roads. The first of these projects is the main line that will go north from Steam Engine Drive on Shady Dell Dr. The cost for this project is \$60,000.

Once this line is installed, Duane Neyon, who lives at the end of Mountain View, has expressed his willingness to extend the line from Shady Dell through his lot then out to Mountain View. Once the line comes within 300 feet of a residence, they are required to hook onto the line. This could start a perpetual movement of people connecting to the water main all the way down Mountain View.

The second line is running south from Ridge Top on Meadow Drive. The cost for this project is \$40,000.

On Friday October 2, I received a phone call from a lot owner on Meadow Drive. He advised that he had been made aware that the new water line was going in and wanted information about connecting to the line.

I think that while property owners are willing to invest such a large sum of capitol into Town improvement we should not then turn around and penalize them with additional fees.

Those who have utilities in front of their homes should still be required to pay the appropriate impact fees when they connect to the system.

Recommendation: For the two listed projects; Shady Dell and Meadow Lane, I would recommend Council Waive the Water impact fees. The connection fees would remain in place.

Allowing these types of waivers will bring additional growth into the areas, where the development is occurring. This will provide more property owners the opportunity to connect to town utilities and start paying into the utility funds.

As far as future projects such as these, staff can bring each one to the Council to be considered on an individual basis.

PROPOSED MOTION:

I moved to wave the water impact fees for Leonard Vanderhoven for the installation of water and sewer lines to be installed on Shady Dell and wave the water impact fees for Dawn Keltner for the installation of water/sewer lines on Meadow Drive as proposed.



