

The Regular Meeting of the  
 Brian Head Town Council Acting as  
 The Governing Body of the  
 Brian Head Special Service District  
 Town Hall - 56 North Highway 143  
 Brian Head, UT 84719  
**TUESDAY, JANUARY 12, 2015 @ 1:00 PM**

**Roll Call.**

**Members Present:** Mayor H. C. Deutschlander, Council Member David Bourne, Council Member Larry Freeberg, Council Member Clayton Calloway.

**Members Absent:** Council Member Reece Wilson.

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

**A. SWEARING IN OF NEW COUNCIL MEMBERS**

Nancy Leigh, Town Clerk, swore in Council Members Larry Freeberg and David Bourne.

**B. CALL TO ORDER 1:00**

Mayor Deutschlander called the regular/special meeting of the Brian Head Town Council acting as the governing body of the Brian Head Special Service District to order at 1:00 pm. for January 12, 2016.

**C. PLEDGE OF ALLEGIANCE**

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

**D. DISCLOSURES**

- Council Member Calloway stated he may have a potential conflict of interest with Agenda Item G-3, Sign Code discussion in which he has a business in Brian Head.
- Mayor Deutschlander stated he may have a potential conflict of interest with Agenda Item G-3, Sign Code discussion in which he has a business in Brian Head.

There were no other 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:**

**December 8, 2015 Town Council Meeting**

**Motion:** Council Member Calloway moved to approve the December 8, 2015 Town Council minutes. Council Member Bourne seconded the motion.

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

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

**Council Member Calloway**

1. He volunteered for parking assistance for the Star Party at Navajo Lodge this past weekend, due to the inclement weather; there wasn't a large turnout this year for the event.
2. Congratulated the fire department on the annual New Year's Eve fireworks display.



**Mayor Deutschlander**

1. The Utah League of Cities and Towns will be hosting the annual Local Officials Day at the Legislature in Salt Lake City. Those interested in attending, please let Nancy know for registration.
2. There will be an open house for Bob Rasmussen, Mayor of Enoch, who chose to not run again. The open house will be held on Wednesday, January 13, 2016 beginning at 6:00 pm and is open to the public. They will be recognizing Bob Rasmussen for his years of service to Enoch.

**Council Member Freeberg**

1. Commended the public works crew on their efforts in keeping the town roads open with the recent heavy storms and equipment which broke down during the storm.
2. Commended the public safety department on not hearing of any real issues meaning they did a great job in keeping the town safe.

**Bret Howser, Town Manager**

1. Attended the Iron County Coordinating Council (ICCC) meeting last week. The committee elected a new Chair, Mayor Don Landess from Parowan and a Vice Chair, Mayor Maley Wilson from Cedar City. The committee will be appointing a treasurer, but will need to review their Bylaws before an appointment is made. The County Commission decided to send one Commissioner to the meetings instead of all three Commissioners.
2. Staff has been addressing complaints regarding the town shuttle. Some of the complaints received were on the wait time for the shuttle. This could be due to a new shuttle company which is still learning the shuttle routes and the large number of guests during the holidays. Staff has been keeping in communications with the businesses and invited some of the businesses to a shuttle meeting with the company. Discussion took place about increasing the mid-week capacity, in which only one van is currently scheduled to run. If the town increased the number of vehicles running, it is proposed to identify the expenditure out of the contingency line. Staff has received a quote to run an additional vehicle.

Council Member Freeberg inquired as to why the expenditures wouldn't be taken out of the fund in which the shuttle fees are identified. Bret explained it is all out of the general fund.

Council Member Bourne commented he has ridden the shuttle and during mid-day the drivers have prolonged stops and seem to be too casual about getting to the stops and he believes there needs to be more consistency in order to run a reliable service. Council Member Bourne commented the drivers are very personable and very helpful. Bret responded he has spoken to the driver's about staying on the designated routes and not get caught in the "ping-pong" effect of having to run from ski base to ski base.

3. The town may have an opportunity to work with the State Tourism department on a marketing grant with Roger Brooks who is one of the best marketing professionals available. Maria from Cedar City/Brian Head Tourism Bureau will be working to draft a grant request. Bret inquired if the town is interested in submitting a grant for Brian Head and Parowan. He will need to confirm if Parowan and Brian Head Resort is willing to participate and what their level of commitment is. Bret explained the town is doing well this year and would like to move forward and use some funds towards a destination development master plan. Bret explained the total cost could be approximately \$25,000 to \$50,000 in which the state grant would pay one-half of the cost and Cedar City/Brian Head Tourism Bureau would pay contribute and if Parowan and Brian Head Resort were to participate the cost could reduce for the town. Bret explained the application deadline is January 18, 2016 and Maria from the Tourism Bureau is completing the application. Council will contact Bret on their thoughts. The cost to the town could be approximately \$8,000 and would be a good opportunity for the town.

**Dan Benson, Public Safety Director**, distributed the department monthly update (see attached). Chief Benson explained there was an increase in incident reports in 2015 and the trend is climbing upward. The wildland fire gross revenues were down this year due to one of the slowest wildland fire seasons since 2002.

**G. AGENDA ITEMS:**

1. **INTRODUCTION / PUBLIC HEARING: ZONE CHANGE REQUEST.** A brief explanation of the proposed zone change request.



1 Bret Howser, Town Manager, explained there is a zone change request for three lots located on Spruce  
 2 Streets, lots 2, 3 & 4. Lots 2, 3 & 4 were previously zoned light industrial but now are identified as single  
 3 family residential. Lot 1 was previously zoned as general commercial and is now zoned as light industrial.  
 4 Bret presented the zone district map with the proposed changes (see attached). Bret explained the zone  
 5 district map was completed from the general plan map that was adopted in 2010 in which the map  
 6 identified buffer zones which allowed for flexibilities in zoning.  
 7

8 The Planning Commission has held a public hearing and forwards their recommendation as follows:

- 9 a) Lots 1, 2, 3 be zoned as light industrial
- 10 b) Lot 4 should be left as single family residential since the lot is adjacent to a single family cabin  
 11 area.

12  
 13 **Motion:** Council Member Calloway moved to recess the regular meeting of the Town Council and  
 14 open a public hearing for the purpose of receiving public comment on proposed zone  
 15 changes. Council Member Bourne seconded the motion.

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

19  
 20 The public hearing was opened at 1:35 pm.

21  
 22 Shaun Kelly, resident, commented one thing the Council needs to note is that Spruce Street also doubles  
 23 as a snowmobile trail from Thunder Mountain Motorsports. The accesses to the lots were some of the  
 24 reasoning for the Planning Commission to identify the lots as light industrial.  
 25

26 Nancy Leigh, Town Clerk, reported there were written comments submitted on the proposed zone change  
 27 (see attached letters).  
 28

29 There were no other comments.

30  
 31 **Motion:** Council Member Calloway moved to close the public hearing on the proposed zone  
 32 changes and reconvene the regular meeting. Council Member Bourne seconded the  
 33 motion.

34 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Bourne, Council**  
 35 **Member Calloway, Council Member Freeberg, Mayor Deutschlander. Absent: Council**  
 36 **Member Wilson).**  
 37

38 The regular meeting of the Tow Council was reconvened at 1:37 pm.

39  
 40 Bret Howser, Town Manager, presented more information on the snowmobile trail which runs along Spruce  
 41 Street in which the town leaves a land of snow on the side of the road for snowmobiles.  
 42  
 43

44 **2. ORDINANCE AMENDING THE ZONE DISTRICT MAP.** An ordinance amending the Zone District Map  
 45 of the Land Management Code.  
 46

47 Council Member Calloway commented he has a couple concerns in which he agrees with the  
 48 recommendation from the Planning Commission with the exception of lot 1 and feels the public should  
 49 have their change to voice their opinion on the zone change. Council Member Calloway went on to  
 50 explain that Snowshoe Village was previously zoned as multi-family residential and is now identified as  
 51 recreation open space. Council Member Calloway commented he would encourage the Council to table  
 52 a decision on the zone change and direct staff to re-notify on the zone district map to include the changes  
 53 he has identified since the public notice identified lots 2, 3, & 4. The notice did not identify a zone change  
 54 request for lot 1 on Spruce Street, nor the Snowshoe Village area.  
 55

56 **Motion:** Council Member Calloway moved to table the zone change ordinance and direct staff to  
 57 re-notice the zone changes and include lot 1 on Spruce Street and Snowshoe Village.  
 58 Council Member Freeberg seconded the motion.



1           **Action:**           **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Bourne, Council**  
 2                                   **Member Calloway, Council Member Freeberg, Mayor Deutschlander. Absent: Council**  
 3                                   **Member Wilson).**  
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6           **3. SIGN CODE DISCUSSION.** A discussion on the revisions to the sign code.  
 7

8           Bret Howser, Town Manager, explained the Council has been reviewing the sign code for several months  
 9           and since that time he has received some training on some Supreme Court rulings regarding freedom of  
 10           speech and how it affects signage. Bret went on to explain that signs such as content based regulation  
 11           are a violation of the first amendment. Staff has come back with a proposal that takes out all content  
 12           based from commercial signs, temporary signs and residential signs. Bret recommended the solution  
 13           would be to go with what is being proposed and keep what the town had for real estate signs in place.  
 14

15           The Council held discussion on the following:

- 16           a) Council Member Calloway commented that a builder or developer should have the ability to put  
 17           up a sign for 60 days after the project is completed instead of the 10 days identified in the code.  
 18           b) Council Member Calloway suggested that real estate signs should be allowed to remain up for  
 19           30 days after the sale has taken place instead of the 10 days that are identified in the code.  
 20           c) **Consensus of the Council:** 9-14-8-B-3-e: Real Estate Signs: **CHANGE** 10 days to 60 days for  
 21           real estate and construction/development signs after the sale or construction is completed.  
 22           d) Council Member Calloway commented he would like to have the language change on I. Non-  
 23           Conforming Signs:  
 24           e) **Consensus of the Council:** 9-14-4-I. Non-conforming signs: **DELETE** "and shall be permitted  
 25           to continue in such status for the period of one year from the passage date hereof, subject to the  
 26           following limitations". **CHANGE LANGUAGE TO READ:** 1. The following modification may be  
 27           made to nonconforming signs without losing nonconforming status: a) Sign copy and face  
 28           changes, non-structural modification, and non-structural maintenance (e.g., painting and rust  
 29           removal) are allows so long as there is no alternation to the physical structure of support  
 30           elements which extend the useful life of the sign. B) A non-conforming sign may be restored if 50  
 31           percent of less of the sign is destroyed, provided that restoration is started within 90 days of the  
 32           damage occurring and is diligently pursued to completed". **DELETE:** #1, 2, 3, 4, 5, and reformat  
 33           #6 to #2.  
 34           f) Council Member Calloway recommended a change to the maximum height to sixteen feet (16')  
 35           for temporary signs since wave banners are typically 15' in height, but to keep the 32 square feet  
 36           or the Council could make an exception for wave banners.  
 37           g) Bret explained temporary signs cannot be located within ten feet (10') of the right-of-way and  
 38           must be located on the property.  
 39           h) **Consensus of the Council:** 9-14-8-b-1-b: Maximum Height: **CHANGE TO READ:** The bottom  
 40           of the sign copy area can't be any higher than six feet (6') above the ground, and the top of the  
 41           sign copy area can't be any higher than sixteen feet (16') above the ground.  
 42           i) **Temporary Signs, Duration for commercial signs:** the code currently identifies 120 days in a  
 43           calendar year and the Council suggested a change to 150 days.  
 44           j) Temporary Signs, duration for residential zones: the code currently identifies 180 days and would  
 45           recommend the duration be reduced to 90 days for residential temporary signs.  
 46           k) **Consensus of the Council:** 9-14-8-B-2-d: Maximum Duration: for residential temporary signs:  
 47           **CHANGE** to 90 days.  
 48           l) **Consensus of the Council** 9-14-8-B-1-d: Maximum Duration for commercial temporary signs:  
 49           **CHANGE** to 150 days.  
 50           m) Council discussed open blinking signs and whether they should be prohibited. Lighted open  
 51           signs cannot be any more than four square feet. It was determined to leave as is.  
 52           n) Council Member Calloway recommended the height for freestanding signs be increased from  
 53           nine feet (9') to twelve feet (12') due to the height of the snow banks which cover a majority of the  
 54           sign making it difficult to see the sign.  
 55           o) **Consensus of the Council:** Freestanding signs for multi-family residential zones: **CHANGE** to  
 56           twelve feet (12') in height.  
 57

58           Staff will bring back an updated draft of the sign code for the Council's approval in February.  
 59



1  
2 **4. SNOW REMOVAL POLICY DISCUSSION.** A discussion on the town's snow removal policy.  
3

4 Tom Stratton, Public Works Director, presented the current snow removal policy (see attached). Tom  
5 explained the policy was adopted in 2007 and inquired if the Council has any concerns or proposed  
6 changes to the policy.  
7

8 The Council held discussion on the following:

- 9 a) Council Member Freeberg commented the public works crew has done an excellent job in  
10 keeping the roads open this year, but he noticed private snow removal companies don't begin  
11 their snow removal services until six inches (6") has accumulated on the ground. Council  
12 Member Freeberg inquired if the cost to the town for the fuel and personnel would reduce if snow  
13 removal services were to begin at six inches (6") instead of four inches (4"). Tom responded the  
14 policy identifies four inches (4") and the cost would be the same if it were four or six inches.  
15 b) The priorities for the town's snow removal services is to clear the public safety building first and  
16 then move to the residential streets and then onto the commercial roads. The resort and other  
17 commercial businesses are responsible for clearing their driveways/parking areas. The town  
18 currently plows the town hall and Village Way.  
19 c) Council Member Calloway inquired as to the liability in front of the Mall in which there are  
20 currently safety cones identified in front of the Mall due to the roof sliding and causing damage to  
21 vehicles. Tom responded Jim Ortler asked to borrow the cones to stop the public from parking  
22 under the roof of the Mall during certain times.  
23

24 The Council determined the snow removal policy is sufficient and no changes were identified for the  
25 policy.  
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27

28 **5. ORDINANCE AMENDING THE BRIAN HEAD PERSONNEL POLICY AND PROCEDURE**  
29 **MANUAL, Title 3, Chapter F-2-k Nepotism.** An ordinance amending the Personnel Policy Manual  
30 addressing Nepotism.  
31

32 Cecilia Johnson, Town Treasurer, presented an ordinance amending the Personnel Policy and Procedure  
33 Manual (see attached). Cecilia explained when the Town Auditor presented the annual audit; it was the  
34 Auditor's recommendation that the town clarify the nepotism section in the personnel policy. Cecilia  
35 explained the town has followed the state law regarding nepotism.  
36

37 **Motion:** Council Member Calloway moved to adopt Ordinance No. 16-001, an ordinance  
38 amending the Brian Head Personnel Policy and Procedure Manual, Title 3, Chapter F-2-k  
39 Nepotism as proposed. Council Member Bourne seconded the motion.

40 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Bourne, Council**  
41 **Member Calloway, Council Member Freeberg, Mayor Deutschlander. Absent: Council**  
42 **Member Wilson).**  
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45 **6. RESOLUTION APPOINTING A MAYOR PRO-TEM.** A resolution appointing a Mayor Pro-Tem.  
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47 Nancy Leigh, Town Clerk, presented a resolution for the Council to appoint a Mayor Pro-Tem. Nancy  
48 explained the current resolution identifies Council Member Jim Ortler was appointed as Mayor Pro-Tem  
49 and the Council will need to appoint a new Mayor Pro-Tem.  
50

51 **Motion:** Council Member Freeberg moved to appoint Council Member Calloway as Mayor Pro-  
52 Tem. Council Member Bourne seconded the motion.

53 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Bourne, Council**  
54 **Member Calloway, Council Member Freeberg, Mayor Deutschlander. Absent: Council**  
55 **Member Wilson).**  
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1 **7. A RESOLUTION AUTHORIZING THE \$706,000 GENERAL OBLIGATION REFUNDING BONDS,**  
 2 **SERIES 2016 (THE "BONDS") TO REFUND ITS OUTSTANDING GENERAL OBLIGATION**  
 3 **REFUNDING BONDS, SERIES 2004 (THE "REFUNDED BONDS"); AND RELATED MATTERS. A**  
 4 resolution authorizing \$706,000 in GO Bonds, series 2016 refunding the 2004 GO Bonds  
 5

6 Bret Howser, Town Manager, presented a resolution authorizing \$706,000 General Obligation (GO)  
 7 refunding bonds series 2016 to refinance the outstanding GO refunding bonds, series 2004 (see  
 8 attached). Bret explained this resolution is refinancing the 2004 GO Bonds at an interest rate of 2%. The  
 9 2004 bonds were at an interest rate of 4-5%.

10  
 11 Marcus Keller, Zion's Public Finance, explained the town had the potential for a savings of 4% and the  
 12 bonds are structured as not to extend the term of the 2004 bonds so the town will pay less each year and  
 13 the savings will go back to the residents of the town which will be identified on their property taxes and  
 14 would be a small amount. Mr. Keller reported the cost of issuance to refinance the bonds is  
 15 approximately \$12,000 but is built into the refinance.

16  
 17 **Motion:** Council Member Calloway moved to adopt Resolution No. 453, a resolution authorizing  
 18 the \$706,000 General Obligation Refunding bonds, Series 2016 to refund its outstanding  
 19 general obligation refunding bonds, series 2004 as presented. Council Member Bourne  
 20 seconded the motion.

21 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Bourne, Council**  
 22 **Member Calloway, Council Member Freeberg, Mayor Deutschlander. Absent: Council**  
 23 **Member Wilson).**  
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26 **BRIAN HEAD SPECIAL SERVICE DISTRICT**  
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28 **8. A RESOLUTION PROPOSING THE ANNEXATION OF CERTAIN PROPERTY INTO THE BRIAN**  
 29 **HEAD SPECIAL SERVICE DISTRICT, CALLING A PUBLIC HEARING AND PROVIDING NOTICE**  
 30 **THEREOF, AND RELATED MATTERS. A resolution calling for a public hearing to propose annexation into**  
 31 **the Special Service District boundaries.**  
 32

33 Council Member Freeberg stated he may have a potential conflict of interest with this agenda item since  
 34 he lives within the proposed annexation area.

35  
 36 Bret Howser, Town Manager, presented a resolution proposing annexation and calling for a public  
 37 hearing. Bret explained the Special Service District is expanding their boundary to be the same as the  
 38 current town boundary.  
 39

40 Nancy Leigh, Town Clerk, explained when the Special Service District was created in 2008, it followed the  
 41 current town boundary and since that time, the town has annexed 280 acres of property into the town.  
 42 The Special Service District is looking to keep the same boundaries as the town.  
 43

44 **Motion:** Council Member Freeberg moved to adopt resolution No. SSD-019, a resolution  
 45 proposing annexation of certain properties into the Brian Head Special Service District  
 46 and calling for a public hearing to be held on February 23, 2016 and directed staff to  
 47 provide the required notice. Council Member Calloway seconded the motion.

48 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Bourne, Council**  
 49 **Member Calloway, Council Member Freeberg, Mayor Deutschlander. Absent: Council**  
 50 **Member Wilson).**  
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53 **H. ADJOURNMENT**  
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55 **Motion:** Council Member Calloway moved to adjourn the regular meeting of the Town Council for  
 56 January 12, 2016. Council Member Bourne seconded the motion.



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

The regular meeting of the Brian Head Town Council was adjourned at 3:00 pm. for January 12, 2016.

February 9, 2016  
Date Approved

\_\_\_\_\_  
Nancy Leigh, Town Clerk

