

The Regular Meeting of the  
 Brian Head Town Council  
 Town Hall - 56 North Highway 143  
 Brian Head, UT 84719  
**TUESDAY, MAY 10, 2016 @ 1:00 PM**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53

**Roll Call.**

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

**Staff Present:** Bret Howser, Nancy Leigh, Dan Benson, Tom Gurr

**A. CALL TO ORDER**

Mayor Deutschlander called the regular meeting of the Brian Head Town Council to order at 1:00 pm for May 10, 2016.

**B. PLEDGE OF ALLEGIANCE**

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

**C. DISCLOSURES**

There were no conflicts of interest with today's agenda items. Mayor Deutschlander stated that the disclosure statements are on file at the Town Clerk's office and are available for public inspection during normal business hours.

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

**Nancy Leigh, Town Clerk,** reported she attended a short term rental meeting hosted by the Utah League of Cities and Towns. Nancy explained the League is forming a committee to address short term rentals to the legislature for the next legislative session.

**Bret Howser, Town Manager,** distributed the budget monitoring report (see attached). Bret explained the budget will end as of June 30, 2016 and the General Fund is projecting a surplus. Those who have questions may contact Bret.

**Tom Gurr, Public Works,**

1. The department has scheduled videoing of the sewer lines with the company, Twin D, on 20% of the system.
2. The request for proposals on the Ridgeview Street project will be advertised this Friday, May 13, 2016.
3. The department is waiting for a third bid for the crack sealing to determine if it would be beneficial to purchase the crack sealer.

**Dan Benson, Public Safety Director**

1. Thanked those who participated in the NIMS training and reported the majority of the staff participated in the training along with a couple of Council Members.
2. Council Member Freeberg inquired as to the status of the mountain biking accident that occurred earlier this week. Chief Benson reported the biker received head trauma and was life flighted out of Brian Head.



- 1 3. Mayor Deutschlander inquired if Parowan City received a new fire truck and whether the vehicle  
 2 is part of a mutual aid agreement with Brian Head. Chief Benson reported the vehicle is a  
 3 telesquirt and is part of the mutual aid agreement. Parowan is still working on the certification for  
 4 the vehicle which was received from Tropic.

5  
6  
7 **E. APPROVAL OF THE MINUTES:**

8  
9 **April 26, 2016 Town Council Meeting**

10  
11 **Motion:** Council Member Calloway moved to approve the April 26, 2016 Town Council/SSD  
 12 minutes. Council Member Freeberg seconded the motion.

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

16  
17  
18 **F. AGENDA ITEMS:**

- 19  
20 **1. TRUST ACCOUNTABILITY PROGRAM (TAP) award presentation.** Presentation of the TAP  
 21 award to Brian Head Town.

22  
23 Bret Howser, Town Manager, introduced Brent Oakerson from the Utah Local Government Trust who will  
 24 be presenting the TAP award to Brian Head Town.

25  
26 Brian Oakerson explained the town participates in the Trust's loss prevention program by implementing  
 27 practices to prevent loss. Brian Head established a safety committee and held quarterly meetings along  
 28 with driver's qualification program and the sewer manhole cleaning on an annual basis. The Town will  
 29 receive a check for five percent (5%) of the town's insurance premiums in the amount of \$1,100 for  
 30 implementing these practices. Mr. Oakerson also explained the town will receive a benefit on the  
 31 worker's comp for their effort in preventing losses and claims. Mr. Oakerson congratulated the town and  
 32 presented the TAP Award to the Mayor.

33  
34 The Council thanked Mr. Oakerson for his presentation.

- 35  
36  
37 **2. 2016 ARBOR DAY PROCLAMATION.** A Proclamation declaring June 15, 2016 as Brian Head Arbor  
 38 Day

39  
40 Bret Howser, Town Manager, presented the 2016 Arbor Day Proclamation naming June 15, 2016 as  
 41 Brian Head Arbor Day (see attached). Bret explained the Tree Committee met and decided to name  
 42 June 15, 2016 as Brian Head Arbor Day. This day will also be in conjunction with the annual town clean-  
 43 up.

44  
45 Council Member Wilson suggested the town use bigger trees and plant fewer than last year. Council  
 46 Member Freeberg explained the larger the trees have a more a difficult time to take root than the smaller  
 47 trees and therefore tend to die quickly after transplanting. Council Member Freeberg suggested the town  
 48 transplant trees already existing on the mountain since they would give a greater chance of living. Brian  
 49 Head Resort is currently offering the town existing trees from a project they are working on. Council  
 50 Member Wilson suggested the town use their funds towards a spade truck instead of trees and transplant  
 51 trees already on the mountain. Bret explained he would need to verify the funding for a spade truck since  
 52 the funding for the trees is from a grant source.  
 53



1 **Motion:** Council Member Calloway moved to authorize the Mayor to sign the Proclamation  
2 declaring June 15, 2016 as Brian Head Arbor Day. Council Member Wilson seconded  
3 the motion.

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

7  
8  
9 **3. FISCAL YEAR 2017 TENTATIVE BUDGET APPROVAL.** Approval of the FY 2017 Tentative  
10 Budget ending June 30, 2017.

11  
12 Bret Howser, Town Manager, presented the fiscal year 2017 tentative budget (see attached). Bret  
13 explained the tentative budget is the result of the Council's direction during the annual budget work  
14 session. Bret reported the Council will hold public hearings next month on approving the fiscal year 2017  
15 budget along with amending the fiscal year 2016 budget.

16  
17 Council Member Freeberg inquired as to the cost for the Vasels Road waterline project and whether the  
18 project is an in-house project and if the cost was accurate. Bret responded staff has identified \$50  
19 per/foot for the waterline which was received from the engineers and estimate for the sewer line was  
20 higher and the cost was for contracting out the project. Council Member Calloway estimated it should be  
21 approximately \$80 to \$85 for the waterline in his experience.

22  
23 Council Member Calloway inquired as to GL# 10-4140.120 (Admin – part-time wages) and why it was  
24 identified as -0-. Bret explained the part-time wages were identified in the administrative line for the  
25 business license enforcement and has since been taken out since the Guest Service Representatives  
26 (GSR) will be doing the searching for unlicensed businesses and the GSR's wages are identified in the  
27 admin salaries line.

28  
29 Council Member Calloway inquired as to GL# 10-4140.310 (Admin- Prof/Tec Services) and why the  
30 budget line is higher this year. Bret explained there is an impact fee study identified for \$20,000 in this  
31 line, but it would be contingent on whether the town received some grant funding also.

32 GL# 10-4220.110 (Fire – wages) There was a cut in the wages and the part-time (10-4220.120) wages  
33 are higher this year. Bret explained this has to do with the transition of a part-time officer going to full-  
34 time.

35  
36 **Motion:** Council Member Calloway moved to approve the fiscal year 2017 tentative budget as  
37 presented. Council Member Bourne seconded the motion.

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

41  
42  
43 **4. VASELS DEVELOPMENT AGREEMENT SECOND AMENDMENT.** The second  
44 amendment to the Vasels Development Agreement.

45  
46 Bret Howser, Town Manager, presented a draft of the second amendment to the Vasels Development  
47 Agreement (see attached). Bret gave a brief history of the development agreement with the Vasels  
48 dating back to 1980. Bret reported the town became obligated to install a waterline at the town's expense  
49 up Vasels Road.

50  
51 The Council held discussion on the following:

- 52 1. Council Member Calloway commented he believed there was supposed to be a 238 unit  
53 condominium project built as to why the town would install the waterline and inquired as to why  
54 the town is installing a waterline at this time if the condominium project has not started. Bret  
55 responded the trigger identified in the agreement was that when Vasels put the town on notice,



1 the town is obligated at that point to install the waterline, but Vasels is not obligated to build the  
2 condominium project at this time according to the agreement language.

- 3 2. During negotiations of determining where the waterline goes, Mr. Vasels proposed a sewer line  
4 be installed instead of going straight up a steep hill through the rocks and the town considered  
5 the cost factor.
- 6 3. The amendment is changing the waterline back into the road and also identifying a sewer line as  
7 part of the project.
- 8 4. Burke Wilkerson, Brian Head Resort, reported Nick Vasels ended up with a triangle piece of  
9 property near the top of chair #2 and inquired if Mr. Vasels is staying within the bounds of his  
10 easement as it pertains to the triangle. If Mr. Vasels decides to develop that property, the resort  
11 would have to build a skier bridge at the upper portion of the easement.
- 12 5. Bret inquired as to the ski way easement located on Vasels Road south of the Black Diamond  
13 condos and who was obligated to build a skier bridge at this junction. Burke Wilkerson, Brian  
14 Head Resort, responded it would need to be determined who would build the bridge.
- 15 6. Legal has reviewed the agreement. Bret recommended the Council approve the amendment and  
16 then once the project is completed, the town will be finished with this development agreement  
17 altogether.
- 18 7. Mayor Deutschlander commented he has concerns with paragraph 2 amending paragraph 1.2 of  
19 the development agreement with regards to the "spigot". Tom Gurr explained there will be a  
20 meter installed which is before the spigot and the Vasels will be responsible for anything beyond  
21 the meter.
- 22 8. Burke Wilkerson, Brian Head Resort, inquired as to the excavation and his concerns with the  
23 snowmaking lines. Bret reported the town will ensure the snowmaking lines will be marked  
24 before any trenching begins.
- 25 9. Mayor Deutschlander inquired as to the difference in the dates in which the agreement identifies  
26 September and the letter identifies August. Bret responded he requested Vasels to give the town  
27 the summer to work on the project and in the bid docs it would identify the project to be  
28 completed by August 31, 2016 but there will be a one month contingency period (September).

30 **Motion:** Council Member Calloway moved to approve the second amendment to the Vasels  
31 Development agreement as presented. Council Member Freeberg seconded the motion.

32  
33 Council Member Calloway reported he estimates the waterline would cost \$122 p/foot for both the water  
34 and sewer lines and he estimates \$80 p/foot for the lines.

35  
36 **Action:** **Motion carried 5-0-0 (summary: Yes = 5) Vote: Yes:** Council Member Bourne, Council  
37 Member Calloway, Council Member Freeberg, Council Member Wilson, Mayor  
38 Deutschlander).

39  
40  
41 **5. RESOLUTION SUPPORTING HOUSE BILL 362, ENCOURAGING IRON COUNTY TO**  
42 **SUBMIT PROPOSAL TO VOTERS IN NOVEMBER 2016 TO AUTHORIZE 0.25% LOCAL**  
43 **OPTIONAL GENERAL SALES TAX DEDICATED TO TRANSPORTATION.** A resolution for a  
44 0.25% local option general sales tax dedicated to transportation be placed on the November 2016 election ballot.

45  
46 Bret Howser, Town Manager, presented a draft resolution encouraging Iron County to submit a proposal  
47 to the voters in November 2016 to authorize a 0.25% local option general sales tax dedicated to  
48 transportation (see attached). Bret explained this is the same resolution the Council adopted last year  
49 regarding the local option sales tax for transportation and the idea is that the state is looking at  
50 transportation infrastructure in which the gas tax doesn't have any inflationary component built into that  
51 tax and is proposing an increase in the gas tax last year and then in addition to diversify the revenue it is  
52 hedge with another revenue stream of 0.25%. When it was put into place, it was up to the counties to  
53 implement it and then onto the voters. Iron County opted out of putting it on the ballots and wanted to  
54 create a provision that Iron County and Cedar City's CAT service could distribute it in a different way,  
55 which was done. Parowan and Cedar City has adopted the resolution along with other cities/towns in the  
56 county and Brian Head is being asked to adopt the resolution.



Bret explained Brian Head would receive approximately \$10,000 to \$15,000 annually from the tax. The town has set aside \$200,000 in the budget for road improvements and is funding a large portion with property taxes and this tax could help offset some of the town's expenses on the road improvements.

Mayor Deutschlander explained he asked that four changes be made to the draft resolution and are identified in red font (see attached). Bret reported he has received some public input from John Grissinger on an explanation of the tax. Bret then read the email from Mr. Grissinger (see attached).

The Council held discussion on the following:

1. Council Member Calloway commented that as the town competes for visitors, the poor condition of the roads do have a negative impact on the visitors and for Utah to have a reputation as a great state to visit, he is in support of the tax.
2. Council Member Freeberg inquired as to what percent does the town receive and where does the remaining go to? Bret explained the split would be Brian Head received 0.1% of any point of sales approximately (\$12,000) and the county receives everything in the incorporated areas and Cedar City would also receive .1% for their sales taxes and the transit district would receive some. It could be close to one million dollars to the county and the state does not receive any of it unless they have a transit system such as UTA.
3. Council Member Wilson commented he is not in favor of the tax.
4. Burke Wilkerson, Brian Head Resort, commented that the tax would have to be passed along to the customer and from that standpoint he would object to it. Mr. Wilkerson stated the resort collected 840,000 from sales taxes and inquired as to how much the town actually receives. Bret explained the town receives less than a quarter of that.
5. Mr. Wilkerson commented the visitors wouldn't see the improvements on the road such as highway 143 or I-15 and would not be a big benefit to the town.

**Motion:** Council Member Calloway moved to deny the proposed resolution. Council Member Wilson seconded the motion.

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

**G. ADJOURNMENT**

**Motion:** Council Member Calloway moved to adjourn the regular meeting of the Brian Head Town Council for May 10, 2016. Council Member Wilson seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 2:15 pm for May 10, 2016.

May 24, 2016  
Date Approved

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

