

The Regular Meeting of the
Brian Head Town Council
Via Zoom Meeting ID#

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Meeting ID# 845 9437 0906

TUESDAY, OCTOBER 13, 2020 @ 1:00 PM

Roll Call.

Members Present:

Mayor Clayton Calloway, Council Member Larry Freeberg, Council Member Kelly Marshall, Council Member Lynn Mulder, Council Member Shaun Kelly (via Zoom Meetings).

Staff Present:

Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Wendy Dowland, Public Works; Chief Dan Benson, Public Safety Director (via Zoom Meetings).

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Brian Head Town Council to order at 1:00 pm for October 13, 2020.

B. PLEDGE ALLEGIANCE

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

C. DISCLOSURES

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

September 08, 2020, Town Council Minutes

Motion: Council Member Mulder moved to approve the September 8, 2020, Town Council minutes. Council Member Freeberg seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Freeberg, Council Member Mulder, Council Member Marshall, Council Member Kelly, Mayor Calloway).

E. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS.

Nancy Leigh, Town Clerk, reported a ballot box for the General Election will be available in her office for those wishing to drop off their ballots.

Mayor Calloway,

1. Thanked the public works crew for their efforts in repairing a water leak from an old waterline at Apple Annie's Country Store this week.
2. The paved walking trail around Bristlecone Pond has been completed and encouraged the public to walk the trail.

Council Member Marshall

1. Manzanita trail has a fallen tree on the trail she noticed when she hiked the trail.



2. Complemented the Town on the road widening project on Snowshoe.

Wendy Dowland, Building, reported one of the bigger items this year has been the tree removal for fire mitigation. Property owners on Willow Court have done an impressive job in improving their area for fire mitigation this year.

Aaron Robertson, property owner,

1. Inquired if there is someone who could educate him on thinning the trees correctly for fire mitigation. Mayor Calloway suggested contacting Markie Adamson or Sierra Winscenston, Brian Head Town, who will contact the Fire Department for them. Council Member Mulder recommended they also keep their hours used in fire mitigation and report them to the Town. Mayor Calloway encouraged people to look at the cabin located on Hidden Lake, left side, for an example of fire mitigation.
2. Explained that the ski slopes have a lot of fallen heavy timber on where two mountain bike trails are located. He would volunteer his time to clean up the area but is uncertain whether they can since they are on private property.

F. AGENDA ITEMS

1. **TOBOGGAN LANE WATERLINE REQUEST.** A request from property owners on Toboggan Lane for a waterline request.

Aaron Robertson, a property owner, thanked the Town for their efforts in widening Snowshoe Road. Mr. Robertson reported he met with staff and the Town Engineer on a request to install a waterline along Toboggan Lane. Mr. Robertson presented a proposed plan for a waterline installation to Toboggan Lane (see attached). The proposed route runs along Town easements except for one area which runs through private property owned by John Grissinger. This property would need an easement to be acquired from Mr. Grissinger. The proposed route has the least amount of area that would require the use of costly pressure valves.

Mr. Robertson reported they are looking for possible grant funding through the Town and explained that five property owners on Toboggan who are committed to financially participate in this project.

The Council discussed the following:

1. The Town will be reviewing the Capital Facility Plan (CFP) which identifies infrastructure projects for the Town.
2. Mayor Calloway commented staff would need to review the proposed plan for the waterline to Toboggan Land and Council would need to determine if the cost for this project would be the best use of Town funds to service five cabins vs using the funds to service more cabins on other roads.
3. A draft of the Capital Facilities Plan is scheduled to be reviewed by the Council in November or December 2020.
4. Mr. Robertson reported two additional cabins are currently being built and two more have plans to build for a total of nine cabins. Mr. Robertson explained their concern is for fire protection and would want to install fire hydrants.
5. The proposed route is within the Town's rights-of-way except the yellow area marked on the map which is private property owned by John Grissinger. The current easement is 16' feet and 20' feet is required. Staff will need to verify the easements.
6. If the waterline were installed on Steam Engine Drive, the costs would be higher since two pressure values would be required and it would be more cost-effective to run more waterline through another route and would be able to serve more properties.
7. Bret reported as a general rule if there were six hundred (600') of waterlines, the Town may want to loop the waterline. Council Member Freeberg commented since the Town is now chlorinating the water, then it would not be as necessary to loop the waterlines.



8. Council Member Kelly commented he believes part of the proposed route runs through a streambed which would not be ideal for a waterline. Council Member Kelly inquired if the identified easement is a water easement identified on the maps. Bret reported the proposed waterline would cross the stream and would not run down the stream. The staff will verify the route.
9. Bret suggested staff can contact Mr. Grissinger to request flipping the easement from one side to the other and have the waterline installed in the road which would preserve the stream.
10. Bret reported that the property owners who own three lots on an easement would need to be contacted. Mr. Stillman reported one property owner is looking to build but has not because of a lack of utility services.
11. Bret reported the Council will need to prioritize the projects identified in the Capital Facilities Plan and will need to decide whether this project would be identified as a high priority. Bret explained the Council will need to identify a set of standards to use for the prioritization of the capital facility projects.
12. The cost for this project is approximately \$600,000.
13. There are three probable options available to the Council: a) if the Town were to fund this project entirely, the Town would need to save up for approximately three years. b) approach the property owners on Toboggan to assist financially with the project. c) apply for a grant, similar to the Mountain View waterline grant from the Community Impact Board (CIB) or other grant funding sources.
14. Once the CFP is approved, the property owners can check back with the Council on their project.
15. Mayor Calloway inquired as to what level of financial participation in the project the property owners are willing to do. Mr. Robertson explained he is not sure at this time, but in researching other communities, he noted they require around \$15,000 or a percentage of the project. Mr. Robertson stated that if the Town were to request over a million dollars, it would be too difficult with the number of cabin owners.

The Council thanked Mr. Robertson and Mr. Stillman for approaching the Council with their project and explained the Council will be reviewing the Capital Facilities Plan projects during their Fiscal Year 2022 Strategic Planning Retreat scheduled for January 2021 and invited them to keep in contact with staff on the project.

2. PLANNING COMMISSION APPOINTMENT. The advice and consent for the appointment of a Planning Commission Member, due to a vacancy.

Bret Howser, Town Manager, reported Mac Hatch, Planning Commission Member, submitted his resignation for the Planning Commission. Mac served on the Planning Commission for the past ten years and the Town would like to thank him for his service to the community.

Bret reported the vacancy was advertised and the staff received six candidates who submitted a letter of interest for the position. After interviewing each candidate, Bret reported he has chosen Cecil Wallis to be appointed to the Planning Commission for a term of five years. Bret requested the advice and consent of the Council for Cecil Wallis to be appointed as a Planning Commission Member.

Motion: Council Member Freeberg moved to approve the advice and consent of the Council for the appointment of Cecil Wallis as a Planning Commission Member. Council Member Marshall seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Marshall, Council Member Freeberg, Council Member Kelly, Council Member Mulder, Mayor Calloway).



1 **3. RESOLUTION ESTABLISHING THE ADMINISTRATIVE POLICY FOR TRAFFIC**
2 **SIGNAGE REQUESTS.** A resolution adopting the policy for traffic signage requests.

3
4 Bret Howser, Town Manager, presented a draft resolution of an administrative policy for traffic
5 signage requests (see attached). Bret explained that over the last year, there has been an
6 increase in OHV traffic in residential neighborhoods. Property owners have begun putting up
7 signage in an effort to slow down the OHV's. Bret explained this impacts the aesthetics of the
8 Town and does not follow the sign standards. Staff is proposing a policy that would outline the
9 process for the public to request signage from the Town. The public can review the different
10 signs available online and submit their requests to the Town who will then review and decide. The
11 policy identifies a set of standards of review along with an appeal process.

12
13 The Council discussed the following:

- 14 1. Staff will increase the signage along the OHV trail to slow down the OHV's as they travel
15 through Town.
16 2. Council Member Freeberg commented the OHV speed limits in residential areas are 15
17 mph and vehicles are 25 mph which creates as much dust as OHV's.
18 3. Council Member Marshall inquired if the person who is making the request is required to
19 pay for the signage on their own or if the Town will bear the expense of the sign. Bret
20 responded the Town will purchase and install the sign at the Town's expense. There is
21 currently funds budgeting for street signage, but if more signage is needed, staff will
22 present a budget adjustment.
23 4. Council Member Marshall recommended the list of approved signage should be attached
24 to the policy. Staff will attach the approved signage as part of the policy.
25 5. Mayor Calloway inquired as to the Public Works Standards as it relates to the installation
26 of street signs. Wendy Dowland, Public Works, responded the Public Works Standards
27 follow the Utah Manual on Uniform Traffic Control Devices.
28 6. The officers will be issuing more citations for OHV's speeding in Town. This has been
29 communicated to the OHV rental businesses in Town.
30 7. Council Member Freeberg commented the contractors who are going to their job sites
31 seem to be the worst offenders for speeding in residential areas and suggested a letter or
32 some sort of communication be sent to them informing them of the speed limits and to
33 slow down.
34 8. Aaron Robertson suggested the Town use the electronic reader boards to convey the
35 message. Bret explained the Town has rented the reader boards in the past but is
36 currently working on purchasing one for approximately \$30,000 to \$40,000 with the
37 second tranche of Covid-19 money that will be disbursed shortly.

38
39 **Motion:** Council Member Mulder to move to adopt resolution No. 497, a resolution
40 establishing an administrative policy for traffic signage requests. Council
41 Member Marshall seconded the motion.

42 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Mulder,
43 Council Member Marshall, Council Member Freeberg, Council Member Kelly,
44 Mayor Calloway).

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47 **4. POTENTIAL FUTURE AGENDA ITEMS.** The Council will discuss potential items for future
48 agendas.

49
50 **Scheduled Agenda Items for October 27, 2020:**

51 Bret explained the Planning Commission will be reviewing and forwarding their recommendation
52 to the Council on the grading permit requirements. The Iconic Art piece survey will be presented
53 to the Council.

54
55 **Contractors working without permits**

56 Mayor Calloway inquired as to the status of the contractors who are working without permits and
57 enforcement options through the Utah Department of Professional and Occupational Licensing



(DPOL) and the Town to fine contractors as well as the property owners. Wendy responded the Town can cite both the contractors and property owners.

Council Member Marshall inquired as to a brochure that could be distributed to the real estate agents to give to their clients on the regulations for grading. Bret explained the brochure was completed and distributed to some of the realtors in Town.

Nightly Rental Clarification

Council Member Marshall requested clarification on the Town's Nightly Rental Code as it relates to occupancy. Council Member Marshall commented that one of her clients who recently purchased a condo and was planning to rent it out contacted a staff member on the occupancy requirements. That staff member stated it was one person per 200 square feet, which she was unsure it was accurate information. Nancy Leigh, Town Clerk, explained that for single-residential homes the occupancy limit calculation is based on one person per 200 square feet, which is Fire Code, but in multi-family residential zones, it is up to the Homeowners Association to regulate the occupancy and parking for their buildings. Staff will discuss this at their next staff meeting to ensure all staff is aware of the requirements.

Conditional Use Permits for Home Occupations

Mayor Calloway commented the Town granted a conditional use permit for a home occupancy for snow removal and water transport services and he had concerns on who it would be applied to. The conditional use permits expired, but it allowed up to three machines with one of those machines being stored inside. Mayor Calloway commented that he believes that the code missed the intent of what was required, and he would like to have another discussion on it.

Bret explained the Council identified a list of home occupations that are allowed in single-family residential zones as conditional uses and those discussions, it was added a light, light industrial use that the user could provide snow removal and water services and they would be allowed to store up to three pieces of equipment at their home with one piece of equipment stored inside. The permitted use allowed anyone to store one piece of equipment at their home for private use, but if they were doing any type of commercial use with the equipment, it would require a conditional use permit. There were two requests for a conditional use permit at the same time and the requirements that were set by the Planning Commission is that two pieces of equipment stored outside and one-piece stored inside, the area must be screened, and a requirement to pull a building permit within two years otherwise the conditional use expired.

Currently, there is a request for a conditional use permit for a home occupation on Spruce Street that will be heard by the Planning Commission during their next meeting. The applicant is the same that applied in 2016 but now has a different location. Mayor Calloway expressed his concerns on the potential for abuse and believes the intent was missed. He would like the Council to discuss it.

Wendy Dowland, Public Works, explained the Planning Commission sets the conditions at that time but does not mean they will set the same conditions for the upcoming conditional use permit review.

Mayor Calloway reported the Council identified campgrounds as a conditional use in General Commercial zones and looking back he is rethinking his decision and would like the Council to discuss it. Council Member Marshall commented she would like to have this discussion since there are no light industrial zones available.

Mayor Calloway commented he would also like to revisit the light industrial zones since he believes it is inappropriate to have light industrial zones along the highway frontage and collector roads. He has seen the impacts of light industrial along the highway and would like the Planning Commission to forward their recommendations to the Council.

Bret reported the Planning Commission reviewed the Zone District Map and had a difficult time trying to find areas where a light industrial zone could be identified. Bret explained the challenges



1 the Planning Commission faced in identifying lighting industrial zones and was a reason as to
2 why the conditional use permit in single-family residential zones was established to allow for
3 snow removal and water transport services. The Planning Commission could revisit the Zone
4 District Map to identify potential light industrial zones.
5

6 **Home Occupations & Agricultural Use**

7 Mayor Calloway commented there are agricultural exceptions in the Home Occupations portion of
8 the Land Management Code that he does not believe apply and recommended the language be
9 removed. It refers to the keeping of animals for agricultural use for home occupations. Bret
10 explained the language was possibly pulled from other suburban zoning ordinances and
11 implemented into the Land Management Code. One issue people are facing nowadays are some
12 property owners want to have goats and/or sheep on their property and the Land Management
13 Code allows for a provision as a conditional use permit allowing livestock in a single-residential
14 zone. The Planning Commission will review the use and forward its recommendation to the
15 Council.
16

17 **Code Amendment Discussion for Working within the Town right of ways.**

18 Mayor Calloway explained that Title 8-3-3 of the Town Code, it identifies a time frame in which
19 prohibits the public from working within the Town rights of way. October 15 through May 15th.
20 Mayor Calloway recommended an exception to the provision that would give an administrative
21 exemption to allow work within the Town rights-of-way beyond October 15th if the weather
22 permitted and approved by the Public Works Director.
23

24 **Heavy Equipment Parking in General Commercial Zones**

25 Mayor Calloway commented that heavy equipment is prohibited from parking in the General
26 Commercial zone and recommended the Council revisits the code for clarification purposes.
27 Mayor Calloway stated he would not support heavy equipment parking in the Village Commercial
28 zone.
29

30 **Town Council Packets**

31 Mayor Calloway commented the staff has two weeks in which to prepare the Council packets and
32 Council Members have two days in which to read the packet and be prepared to decide. There
33 are times when the amount of information presented is overwhelming and inquired if the Council
34 would like to restructure when the Council packets are to be distributed. Bret explained staff also
35 prepares for the Planning Commission meeting on the weeks the Council doesn't meet and some
36 items depend on an outcome from the Planning Commission meeting and staff has a couple of
37 days to turn the information around for Council's review for their next meeting. Bret inquired if
38 Council was interested in receiving their packet on Thursday instead of Friday.
39

40 Council Member Mulder commented there are some Council meetings in which the Council
41 packet has an excess of 100+ pages and she feels she cannot get all of the facts in that amount
42 of time. Council Member Mulder commented the Council could discuss it to find a balance and
43 give the Council additional days when needed.
44

45 Mayor Calloway commented the Council also relies on the information provided by staff who are
46 typically available for questions during the Council meetings, but recently, the department heads
47 have not been attending the Council meetings. Council Member Mulder commented she
48 appreciates when the Department Heads are available, but also understand they are needed
49 otherwise and may not have the time to attend the meeting. Council Member commented there is
50 a need to compromise, but it is difficult to anticipate the need for each meeting. Council Member
51 Freeberg commented that Bret can work with the Council on the information needed and
52 schedule the department heads to be at the meeting if there is a particular subject the Council
53 would need their expertise in. Bret explained that he believes this can be handled
54 administratively and not sure if a Council discussion is necessary at this time. Bret explained
55 there are times when the department head would need to stand in for their absent employees.
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G. ADJOURNMENT

Motion: Mayor Calloway moved to adjourn the regular meeting of the Brian Head Town Council for October 13, 2020. Council Member Freeberg seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Mulder, Council Member Marshall, Council Member Freeberg, Council Member Kelly, Mayor Calloway).

The regular meeting of the Brian Head Town Council was adjourned at 2:35 pm for October 13, 2020.

October 27, 2020

Date Approved

Nancy Leigh, Town Clerk

