

The Regular Meeting of the
Brian Head Town Council
www.Zoom.us ([Click Here](#))
Via Zoom Meeting ID# 864 4827 6643
TUESDAY, SEPTEMBER 28, 2021 @ 1:00 PM

AGENDA

- A. CALL TO ORDER**
- B. PLEDGE ALLEGIANCE**
- C. DISCLOSURES**
- D. APPROVAL OF THE MINUTES:** September 14, 2021 Town Council Meeting
- E. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS.** Public input is limited to three (3) minutes on non-agenda items.
- F. AGENDA ITEMS:**
 - 1. SOUTHERN UTAH STATE BANK CREDIT CARD APPROVAL.** Shane Williamson, Town Treasurer. The Council will consider approval for State Bank of Southern Utah to be the Town's credit card provider.
 - 2. ORDINANCE AMENDING TITLE 1, CHAPTER 14 OF THE TOWN CODE FOR ORGANIZATION OF THE BRIAN HEAD TRAILS COMMITTEE.** Bret Howser, Town Manager. The Council will consider an ordinance amending the Brian Head Trails Committee for reorganization.
 - 3. BUILDING/PLANNING LEVELS OF SERVICE DISCUSSION.** Bret Howser, Town Manager. The Council will hold discussion and give direction on the level of service for building/planning.
 - 4. FUTURE AGENDA ITEMS.** The Council will discuss potential items for future agendas.

G. ADJOURNMENT

Date: September 24, 2021

Available to Board Members as per Ordinance No. 11-003 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 public board may participate by means of electronic communications. 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 conspicuous locations; The Mall, Post Office, and the Brian Head Town Hall and have posted copies on the Utah Meeting Notice Website and the Brian Head Town 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





STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Southern Utah State Bank (SBSU) Credit Card Approval
AUTHOR: Shane Williamson
DEPARTMENT: Administration
DATE: September 28, 2021
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will consider approving the use of State Bank of Southern Utah (SBSU) as our credit card provider.

BACKGROUND:

Staff uses credit cards for purchases when buying on an account is not available. Such cases may include small purchases, travel expenses, one time-small purchases, or vendors that do not offer the option to open on an account. Currently, Town uses US Bank as our credit card provider. However, staff is seeking to switch to SBSU to solve issues with customer service and ease of action staff is experiencing with US Bank.

ANALYSIS:

As mentioned above, Town currently uses US Bank for our credit cards provider, with specific limits placed on each card and the Town Manager, who has delegated purchasing authority for the Town, being the manager of these limits. Over the past several years, staff has begun having major customer service and ease of access issues with US Bank. Therefore, we are seeking to bring our business to our local bank who currently holds our checking account, SBSU. With the SBSU credit card platform, we can manage the cards in the same manner, with each card having a specific limit, and the Town Manager managing those limits and any changes that may be requested. In our analysis, we are receiving better service switching to SBSU with local customer service, and an easier to navigate online portal. That said, SBSU requires us to submit minutes illustrating Council's approval of the cards by motion and vote.

FINANCIAL IMPLICATIONS:

The credit cards will include a \$100 per year service fee, something we did not experience with US Bank. However, staff feels that the more efficient system and access to customer service will save this and more in staff time managing the credit card program moving forward.

STAFF RECOMMENDATION:

Staff recommends that Council approve the switch to SBSU as our credit card provider.

PROPOSED MOTION:

I move to approve State Bank of Southern Utah as the Town's credit card provider.

ATTACHMENTS:

n/a



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Trails Committee Amended Ordinance
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: September 28, 2021
TYPE OF ITEM: Legislative Action

SUMMARY:

The Town Council will consider an ordinance amending Title 1 Chapter 14 of the Town Code providing for the establishment of the Trails Committee.

BACKGROUND:

The Trails Committee was established by ordinance in 2009 to develop the Brian Head Trails Master Plan, initially, and later revised to handle ongoing implementation of the Trails Master Plan. The Committee was to consist of six members representing various community stakeholders.

After the completion of the Trails Master Plan in 2013, the Committee has not enjoyed robust participation. Shaun Kelly was appointed as the Committee Chair in 2014, and most of the work expected of the Committee has been handled by him, the Town Manager, and the Town Council ever since.

ANALYSIS:

During the creation of the FY 2022 Strategic Plan, staff suggested a course of action to reinvigorate the Town's trails planning, implementation, and maintenance efforts. The proposed actions steps (which were adopted in the Strategic Plan by the Council) include:

- Re-establish Trails Committee
- Update Trails Master Plan with prioritized project list and funding recommendations

Staff recommends the attached changes to Title 1 Chapter 14 of the Town Code to help re-establish the Trails Committee. By shrinking the size of the Committee, we are hopeful that the meetings will be better attended, it will be easier to establish a quorum, and the meetings can stay more on-point.

The Town Manager has reached out to the following to fill the newly established makeup of the Committee:

- Council/Planning Commission – Shaun Kelly
- Town Manager or Designee – Bret Howser
- Brian Head Resort – Ken Jenson
- DNF or CBNM (advisory) – Jess Hancock

Each of these potential appointees has been contacted and expressed a desire to help with the Town's trail planning efforts. I have personally worked with them over the years on various trails endeavors and have found them to be dedicated to bringing about excellent trails and trail systems in and around our community. One more member will be needed to

fill the community-at-large slot, and the Town Manager is looking for suggestions for that position.

FINANCIAL IMPLICATIONS:

There will be a minimal cost associated with conducting Committee meetings. This Committee will be tasked with developing a project plan and maintenance plan for trails, which will be incorporated into one or more budget proposals in the future.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approving the attached ordinance amending the makeup and duties of the Town Trails Committee.

PROPOSED MOTION:

I move to adopt ordinance No. 21-014 an ordinance amending Brian Head Town Code Title 1 Chapter 14: Trails Committee as presented.

ATTACHMENTS:

A – Ordinance Amending Trails Committee

DRAFT



ORDINANCE NO. 21-_____

AN ORDINANCE AMENDING ORDINANCE NO. 14-003 RE-ORGANIZING THE BRIAN HEAD TRAILS COMMITTEE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Brian Head Town Council adopted Ordinance No. 09-015 creating the Trails Master Plan Development Committee on October 19, 2009 for the purpose of formulating the policies and strategies to develop a Trails Master Plan for consideration of adoption by the Town Council, and;

WHEREAS, The Town Council adopted Ordinance No. 14-003 in May 2014 reorganizing the Trails Committee to review and recommend amendments to the Trails Master Plan to the Town Council, and:

WHEREAS, it was determined that the number of committee members were greater than deemed necessary to make an effective committee to review and make recommendations to the Brian Head Master Trails Plan, and;

WHEREAS, the Town Council determined that reducing the number of Trail Committee members would be to the benefit of the Town in which the Trails Committee will review and forward recommendations for amendments to the Master Trail Plan for trails throughout the Brian Head area.

NOW, THEREFORE, BE IT ORDAINED BY THE BRIAN HEAD TOWN COUNCIL that Title 1, Chapter 14 of the Brian Head Town Council for the Brian Head Trails Committee be amended as identified in Attachment A.

EFFECTIVE DATE: This Ordinance shall become effective upon a majority vote of the Brian Head Town Council.

SEVERABILITY CLAUSE: It is hereby declared that all parts of this Ordinance are severable, and if any section, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause or provision shall not affect the remaining sections, clauses or provisions of this Ordinance.

REPEALER: All ordinances, orders and regulations or parts thereof heretofore adopted or passed which are in conflict herewith are, to the extent of such conflict, hereby repealed. This repealer shall not be construed so as to revive any ordinance, order, regulation or part thereof heretofore repealed.

PASSED, APPROVED, and ADOPTED by majority vote at a duly called meeting of the Town Council of Brian Head, Utah this _____ day of September 28, 2021

DRAFT

TOWN COUNCIL VOTE;

Mayor Calloway
Council Member Lynn Mulder
Council Member Larry Freeberg
Council Member Kelly Marshall
Council Member Shaun Kelly

Aye_____	Nay_____
Aye:_____	Nay_____
Aye_____	Nay_____
Aye_____	Nay_____
Aye_____	Nay_____

BRIAN HEAD, UTAH

Mayor Clayton Calloway

ATTEST:

Nancy Leigh, Town Clerk

CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on _____ of September 2021 and have posted a complete copy of the ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall.

Nancy Leigh, Town Clerk

Title 1 – Administration

Chapter 14

TRAILS COMMITTEE

1-14-1: TRAILS COMMITTEE ESTABLISHED

1-14-2: MEMBERSHIP

1-14-3: TERMS OF SERVICE, REMOVAL AND VACANCIES

1-14-4: OFFICERS AND THEIR DUTIES

1-14-5: PUPOSE AND DUTIES OF THE COMMITTEE

1-14-6: MEETINGS AND PROCEDURES

1-14-1: TRAILS COMMITTEE ESTABLISHED

The Trails Master Plan Committee created by ordinance 09-015 is hereby amended and renamed the "Trails Committee". (Ord. 09-015, 10-13-2009 amd. Ord. 14-003, 5-13-2014)

1-14-2: MEMBERSHIP

The Trails Master Plan Committee shall consist of ~~six-four~~ (64) members. Members shall consist of ~~one (1) a representative from either the~~ Town Council ~~or Planning Commission member,~~ ~~one (1) Planning Commission member,~~ ~~Cedar Breaks National Monument representative,~~ ~~Dixie national forest representative,~~ ~~Brian Head Resort representative,~~ ~~and one town staff member~~ the Town Manager or designee, and member of the community at-large. A representative of both Cedar Breaks National Monument and Dixie National Forest shall be invited to serve as advisory members. The town shall appoint a Secretary which shall not be a voting member of the committee. (Ord. 09-015, 10-13-2009 amd. Ord. 14-003, 5-13-2014)

1-14-3: TERMS OF SERVICE, REMOVAL AND VACANCIES

- A. Members of the Trails Committee shall be appointed by the Town Manager with the advice and consent of the Town Council. They shall serve for a term of four years. ~~The initial terms of the Council member representative, Town staff representative, and National Forest representative shall be set at two years. The initial term of the Planning Commission representative, National Monument representative and Resort Representative shall be four years. All initial terms shall begin retroactively on January 1, 2014. Thereafter, all appointees shall serve a four year term.~~ (Ord. 09-015, 10-13-2009 amd. Ord. 14-003, 5-13-2014)

- B. Vacancies in the Committee occasioned by removals, resignations, or otherwise shall be filled for the unexpired term in the same manner as the original appointments. The Town Manager ~~will serve as an Ex-officio member, and may add~~ other ex-officio members ~~may be added~~ as the committee deems necessary. They shall serve by the invitation of the secretary and shall have no vote. (Ord. 09-015, 10-13-2009 amd. Ord. 14-003, 5-13-2014)

1-14-4: OFFICERS AND THEIR DUTIES

At its first meeting, and annually at the first meeting of a new year, the Committee shall elect a Chairman, Vice-Chairman and any additional officers as necessary. The Chairman shall preside at the meetings, appoint sub-committees with the concurrence of the Committee, and generally perform the duties of a presiding officer. The Chairman shall have the right to vote. The Vice-Chairman or a Board member designated by the Chairman shall preside when the Chairman is absent. The agenda for meetings shall be prepared by the secretary. (Ord. 09-015, 10-13-2009 amd. Ord. 14-003, 5-13-2014)

1-14-5: PURPOSE AND DUTIES OF THE COMMITTEE

The purpose and duties of the committee are as follows:

- ~~A. Prepare a trails master plan for the town with associated maps, sign design standards, and associated information relevant to a trails master plan (Ord. 09-015, 10-13-2009 amd. Ord. 14-003, 5-13-2014)~~
- ~~B.A.~~ Recommend projects and ordinances necessary for the implementation of the Trails Master Plan, along with associated budget proposals. (Ord. 14-003, 5-13-2014)
- ~~C.B.~~ Make recommendations regarding the obtaining of easement or licenses for usage of trails identified in the Master Plan. (Ord. 14-003, 5-13-2014)
- C. Review and revise the Trails Master Plan as deemed necessary. (Ord. 14-003, 5-13-2014)
- D. Create and coordinate a volunteer pool for trails maintenance and projects.
- ~~D.E.~~ Address other trails related issues and projects and make recommendations as assigned by the Town Council or Town Manager. (Ord. 14-003, 5-13-2014)

1-14-6: MEETINGS AND PROCEDURES

The Committee may adopt rules and regulations not inconsistent with the law applicable to public bodies for governing of its meeting. The committee shall abide by the Utah Open Public Meeting laws as outline in U.C.A. [52-4-2](#) and the Brian Head Public Body Meeting Policy and Procedures. Meetings may be called at the request of the Chair or Town Manager. A quorum for the transaction of business shall be a simple majority of the Committee Members. When vacancies occur, a simple majority of the remaining Committee members shall constitute a quorum. Minutes

shall be kept at all meetings. Closed meetings may only be held for purposes authorized by U.C.A. [52-4-2-205](#), as amended. (Ord. 09-015, 10-13-2009 amd. Ord. 14-003, 5-13-2014)



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Building/Planning levels of service
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: September 28, 2021
TYPE OF ITEM: Discussion

SUMMARY:

The Town Council will hold a discussion regarding Building/Planning workload and levels of service. The Council may elect to give administrative direction.

BACKGROUND:

Brian Head Town has had a checkered history providing building and planning services. [For purposes of this conversation, building service will be defined as applying International Building Code (IBC) – ie: building inspections – and planning services are defined as applying the Town’s Land Management Code (LMC) – ie: design reviews]. The Town’s Administrative Code is silent as far as the creation or delegation of duties related to building or planning services. The Town’s Land Management Code essentially delegates all responsibility for administering land management policies to the Town Manager, but also frequently references a “Building Department” or “Building Official”, which are not provided for in the Administrative Code. So the Town Code does not create a clear administrative structure that is expected to deliver the building and planning services required of Town staff.

Ultimately, the Town Manager bears the general responsibility for providing these services. This has been carried out in various manners over the years. In previous decades there have been intermittent periods where the Town employed a building inspector who approved building permits and performed inspections applying IBC, and ostensibly checked plans against the Town’s LMC. Following the 2008 recession, the Town laid off it’s building inspector position, and the Town Manager at that time (who had previously been trained as a building inspector) took over the duties. When that Town Manager left the Town in 2013, building inspection duties were taken over by one of the Public Works operators for a brief period. By 2014, the Town was contracting with Iron County to perform building inspections and enforce IBC. However Town staff retained the responsibility for applying the LMC during the permitting process. Much of this duty was delegated to the Town’s Public Works Assistant. And for years this was a relatively workable solution as the vast majority of the building permits were simple cabin builds.

With the sharp uptick in building activity since 2017, though, Town staff has been forced to modify our approach. The Public Works Assistant position has been slowly morphing into a Town Planner position, taking on more and more responsibility and receiving specific training for that role. Over the past year in particular, the Town Manager and Town Planner have worked with the Planning Commission to revamp our ordinances and processes to attempt to balance the demand of the community for strict enforcement of the Town’s LMC along with the needs of builders for a streamlined process. This has proven to be a useful effort, but it has only increased the demand and stress on Town staff’s time – particularly the Town Planner. And it bleeds over to other staff who have to answer repeated phone calls

from builders and property owners (or prospective property owners) who are frustrated that they are not getting answers from the Town Planner [I'll note here that they often are getting answers, just not the answers they want]. These interruptions have an impact on the rest of the Town's administrative responsibilities and functions, as well as staff morale.

The frustration among those working with the Town for permitting causes staff, and we suspect Council, to question whether the desired level of service is being met. Staff is seeking a discussion on this point.

ANALYSIS:

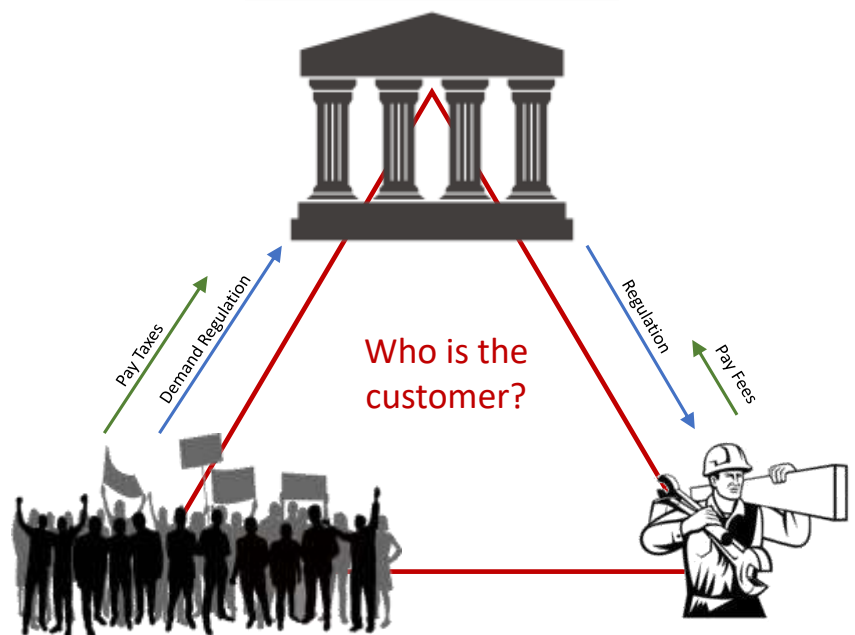
Certainly internal process improvements are a big part of the potential solution to the level of service issue outlined in the Background section. Indeed, staff has been working through process improvements, including:

- Online improvements which more clearly outline the permitting processes
- Online scheduling with the Town Planner
- Clearly identifying backup roles (ie: the Town Manager is designated to take building/planning calls when the Town Planner is unavailable)
- Shifting certain duties from the Town Planner to the Code Enforcement Officer

However, the sheer volume of calls and demands on the Town Planner's time continue to be overwhelming. During our endeavors to seek process improvements and time management improvements, we have identified one trend that we need the Council's assistance working through: Many of the calls and service demands we deal with are from people who do not own property in Brian Head (at least not yet). We discussed attempting to limit these calls or finding a way to spend less time on these calls because these folks are not paying for staff's time. This led us to the question: **Who is our customer???**

Defining the Customer

In a simple business model, it's typically fairly simple to identify who your customer is. Usually it's the person who is buying your product or service. And often that is the person with whom you interact in the delivery of that product or service. So we are tempted to look at the person we're interacting with in the delivery of building/planning services (typically the contractor or the property owner who is building) as the customer. But in this case it's not that simple. The property owner or the contractor is not the one demanding that the LMC or IBC be applied to their build (in fact, it's often quite the opposite – they'd rather be left free to do whatever



they want and they don't want the Town looking over their shoulder).

So who is demanding building/planning service? I would suggest that the community of residents, secondary residents, and businesses who have already built in Brian Head and have an interest in protecting their investments against the potentially deleterious building activities of those coming into the community are the ones demanding building/planning services. They are the ones asking for smart growth, for preservation of community character, etc.

Who is paying for these services? The combined FY 2022 budget for Building & Planning is just over \$128,000. The total FY 2021 actual receipts of building and planning permits was just over \$31,000. This means that building and planning services are largely paid by property and sales tax payers (which are our property owners, residents, and visitors).

Another argument may be made that the property owner is paying for inspection services to ensure that their contractors are providing the safe and quality product they promised, but that would apply more to the implementation of IBC done by the County than the enforcement of the LMC conducted by the Town.

Customer Determines Urgency/Priority

Staff has begun using the Eisenhower Matrix in an effort to improve time management. This is a 2x2 decision-making matrix that helps categorize/prioritize tasks by importance and urgency:



The basic idea here is to spend as much time as possible in Quadrant 2. As you do so, fewer important items become urgent because you're getting to them well ahead of time. Some examples of how certain tasks in land use planning might be categorized include:

- Quadrant 1: Permit reviews, inspections, Planning Commission packets
- Quadrant 2: Organizing files, reviewing code for changes, training

- Quadrant 3: Preparing minutes, answering emails/phone calls for non-active applicants
- Quadrant 4: Organizing an OHV event (I use this as an example because it was an action item that had been delegated to the Town Planner for years which had nothing to do with land use planning)

As staff has tried to look at the various tasks that come our way in the land use planning realm, we've realized that determining urgency is difficult. Everybody who calls with a question for the Town Planner considers their matter urgent. But how do we as staff determine what's truly urgent and what's not? It stands to reason that we consider something important or urgent if our customer considers it so. But who is our customer?

Consider the following example – The Town receives a phone call from somebody who has never been to Brian Head but who is looking to purchase a lot. They have a list of questions regarding accessibility to utilities, zoning, schools, local leash laws, contact information for builders, etc. There are weeks in the summer where these phone calls can chew up several hours a week. To the caller, their questions are urgent and important. But they seem less so to staff because they are neither a property owner in town nor a builder. However, they may become one. If we rate this matter as important, it goes into Quadrant 1 and we must drop what we're doing to take the time to address it. If it's not important, it either goes into Quadrant 3 and we delegate the front-desk person to answer the question the best they can (or send them to a list of FAQ's on the website), or it goes into Quadrant 4 and we tell them to contact a realtor and have a nice day.

Another example – A contractor applies for a building permit by dropping off half the information necessary to determine whether the project meets LMC or not, along with a check. They are sent an email telling them their application is incomplete, and we need the following information. Over the next month, the contractor drops in three times to see the Town Planner who is either in a meeting or not in the office each time. Another month later, the property owners calls the Town to find out why they haven't been issued a permit. They are told to schedule an appointment online with the Town Planner. They become irate and demand to speak to the Town Manager because they paid for their permit and they've been getting the run-around for two months. The builder believes the matter to be urgent, but not important (meaning it's not important to them whether the Town can verify that the LMC is being met prior to granting a permit). If the builder is the customer, the matter should be in Quadrant 3, and it should be delegated to somebody with a rubber stamp (which frankly, is what the Town has done for most of its existence). But if the rest of the community is the customer, then it is important to ensure that the LMC is properly applied and the urgency is a problem only created by the builder's lack of attention to the process. So it would be Quadrant 2, and they should schedule an appointment.

FINANCIAL IMPLICATIONS:

One outside-the-box idea would be to match up the financial burden of building/planning services with those that are demanding it. Traditionally communities try to pass along much of the cost of building/planning services to the builders (who are ostensibly receiving the service, or at a minimum causing the need for the service). However one might argue that the beneficiary of the service is the community, not the builder, and that the burden of cost should be placed on the beneficiary of the service.

So if the Council determines that the customer being served by building/planning services is the community at-large, perhaps the Council should consider fully funding building/planning services (or at least planning services) through taxes and eliminate permitting fees to the Town outside of bonds, impact fees, or other fees that directly pay for something the builder is receiving from the Town. This would be a pretty radical idea, and quite out-of-step with the rest of the municipalities in Utah.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

We are seeking discussion and perhaps direction. Staff only hopes to gain a better understanding of Council's take on how we're meeting the desired level of service in the building/planning function, and perhaps a better identification of who our building/planning customer is to aid us in making process improvements.

PROPOSED MOTION:

No motion necessary, item is discussion/informational only

ATTACHMENTS:

N/A