

Approved October 12, 2021

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

Roll Call:**Members Present:**

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

Staff Present:

Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Shane Williamson, Town Treasurer; Aldo Biasi, Public Works Director; Wendy Dowland, Town Planner; Chief Dan Benson, Public Safety Director

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Brian Head Town Council to order at 1:00 pm for September 28, 2021.

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 with the Town Clerk and are available for public inspection during normal business hours.

D. APPROVAL OF THE MINUTES:**September 14, 2021 Town Council Meeting**

Motion: Council Member Mulder moved to approve the September 14, 2021 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 Kelly, Council Member Marshall, Council Member Mulder, Mayor Calloway).

E. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS. Public input is limited to three (3) minutes on non-agenda items.

Nancy Leigh, Town Clerk, reported she is part of a committee to begin the initial stages of coordinating Brian Head Town's 50th birthday celebration. Nancy reported the committee will be working with people who know the history of Brian Head and the surrounding area. An open house is scheduled for October 20, 2021 from 10:00 am to 2:00 pm at the Town Hall. Invited are people who may have stories on the history of the area along with volunteers to help with the celebration event in 2025. Nancy encouraged the Council to invite all those who are interested in the open house.



Approved October 12, 2021

Council Member Kelly reported that Cedar Breaks National Monument will be holding winter activities this year such as snowshoeing events. Council Member Kelly also reported that the yurt may be moved to the north overlook.

Bret Howser, Town Manager, reported that the Fall Community Hike event is scheduled for Saturday, October 2, 2021 at 10:00 am where participants will meet at the Bearflat Road area to begin the hike. The participants will hike the Navajo Loop Trail for a total of 3.5 miles round trip and will end with a lunch at the Pavilion.

Wendy Dowland, Town Planner, reported she has received four new permits. So far this year, the department has been busy with a total of 47 active building permits: Two (2) permits are for a multi-family residential build; One (1) permit for an light industrial build; and 15 random remodels and garages, and 29 permits for single-family residential builds, but not all of the residential builds have received their permits yet since they are still in the process of submitting the required documents. There have also been twenty-eight tree removal permits and twenty-two grading permits issued.

Shane Williamson, Town Treasurer, reported the FY2021 annual audit is underway for the Town.

Emily Mitchell, Rue Jolley property owner, reported she is requesting the Council consider an exemption to the camping code. Ms. Mitchell reported she is wanting to build a home and was informed by the staff that parking her trailer on her property is prohibited unless she has an active building permit. Ms. Mitchell stated she does not have an active building permit at this time since she is waiting for the engineer to submit the plans. Ms. Mitchell reported she would like to keep her trailer on her property during the winter season and would like an exception to park her trailer on her property for the 2021-22 winter and 2022 summer seasons. Bret explained the Town prohibits any trailers be left on properties during the winter season from November 1st through April 30th due to the heavy snow loads. Bret reported the Council can consider this item under the Future Agenda Items later in today's meeting if the Council chooses to revisit or discuss the camping code.

Mayor Calloway inquired if the Council is interested in revisiting the camping code. Council Member Kelly commented he would like the Council to consider an amendment to the camping code. Council Member Marshall commented she has heard from a large number of people who have complained about not being able to camp on their property and that the Council could take a different approach of issuing a daily camping permit that would identify the limited number of days. Council Member Marshall stated she understands the reasoning behind the current code, but she has also received a lot of complaints. Council Member Freeberg commented the Council could discuss a limited use for camping.

Mayor Calloway reported this will be a future agenda item. Staff will draft a report for the item and contact Ms. Mitchell on the meeting date.

F. AGENDA ITEMS:

1. SOUTHERN UTAH STATE BANK CREDIT CARD APPROVAL. Council approval for State Bank of Southern Utah credit card provider.

Shane Williamson, Town Treasurer, reported the Town has been using US Bank One credit cards as the Town's credit card provider. There have been numerous issues and challenges in working with the company. Because of the problems staff has faced, staff has researched



Approved October 12, 2021

other credit card providers and it was determined that State Bank of Southern Utah (SBSU) would be the best option for the Town since the Town has its accounts with State Bank.

As part of State Bank of Southern Utah's process, they have requested the Council approve them to be the Town's credit card provider. The Mayor, Bret, and Shane have reviewed the application and signed the required documents. The last step is the Council's approval.

Shane reported that SBSU will issue ten cards at no cost and for any additional cards over ten there is a fee of \$10 per card per year. The Town will need a total of twenty cards since several cards are used for the firefighters/engines when they are on a fire out of state.

Motion: Council Member Kelly moved to approve State Bank of Southern Utah as the Town's credit card provider. Council Member Mulder seconded the motion.

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

2. ORDINANCE AMENDING TITLE 1, CHAPTER 14 OF THE TOWN CODE FOR ORGANIZATION OF THE BRIAN HEAD TRAILS COMMITTEE. An ordinance amending the Brian Head Trails Committee for reorganization.

Bret Howser, Town Manager, presented a draft ordinance amending the Brian Head Trails Committee (see attached). Bret reported staff updated the ordinance as it pertains to the number of trail committee members. The current ordinance has a total of six (6) committee members which consists of representatives from other agencies such as the Forest Service and Cedar Breaks National Monument. Staff is recommending a reduction in the number of members that would eliminate other agencies except for the Forest Service, which would be an advisory position only. The proposed amendment would have one member from the Council or Planning Commission; one member from Brian Head Resort; The Town Manager or designee and one community member. Bret reported he has spoken to Council Member Kelly as the Council representative, Ken Jensen for the Resort's representative, and Jess Hancock as the representative for the Forest Service. Bret reported he will be seeking one more individual who would be an advocate for motorized vehicles to serve on the committee.

The Council discussed the following:

1. Mayor Calloway reported he has spoken to Mike Saemisch, resident, to serve on the committee. Mr. Saemisch reported he would volunteer for the committee.
2. Bret reported he has been reviewing some individuals in the OHV population to fill the position.
3. Those who have committed to volunteer for the committee consist of two hikers and a mountain biker, which is why a representative of the OHV population is being sought.

Motion: Council Member Marshall moved to adopt Ordinance No. 21-014, an ordinance amending the Brian Head Trails Committee as presented. Council Member Freeberg seconded the motion.

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

3. BUILDING/PLANNING LEVELS OF SERVICE DISCUSSION. A discussion on the level of service for building/planning.



Approved October 12, 2021

1 Bret Howser, Town Manager, reported staff has been receiving a large volume of phone
2 calls and in-person visits from real estate agents, builders, and potential property owners
3 with questions on properties and the building process.
4

5 The challenge staff is facing is that the majority of real estate agents are not knowledgeable
6 about the Town's building/zoning process and will call to gather information, but then will
7 have their clients also call the Town offices with the same or similar questions on the same
8 properties.
9

10 The staff has taken steps for time management which included implementing an online
11 appointment schedule where the public can schedule in person or by phone appointments
12 with the Town Planner. Other staff members have faced the same challenges in answering
13 questions on individual properties when the Town Planner is not available. The staff has
14 directed the majority of the public to the online appointment schedule but is still facing a
15 large volume of inquiries for properties with individuals who are wanting instant answers to
16 their questions.
17

18 Bret explained this agenda item is asking the question of Who is our customer? when it
19 comes to building and planning. Some people feel their situation/question is urgent, but the
20 challenge is whether the staff should address it immediately to satisfy the individual and still
21 handle their current workload. Bret reported that the Eisenhower Matrix identifies quadrants
22 that can be used for time management purposes:
23

24 Quadrant 1: Do – Do tasks immediately.

25 Quadrant 2: Schedule – Schedule tasks to do later.

26 Quadrant 3: Delegate – Delegate tasks to someone else.

27 Quadrant 4: Eliminate – Eliminate tasks.
28

29 Bret reported that the public's questions are answered by staff but there are times when the
30 person wants staff's immediate attention because they are in a hurry, but staff may already
31 have priorities that need to take precedence. As an example, a builder who comes in late
32 with their plans, past the identified deadline date and wants to be on the upcoming Planning
33 Commission meeting after the packet and agenda has been posted and staff has not had a
34 chance to review the plans first. This example has happened multiple times.
35

36 The Council discussed the following:

- 37 1. Council Member Marshall explained she understands staff's issues and can relate to the
38 constant phone calls from people but, in some respect the buyers and sellers are also
39 taxpayers.
- 40 2. There are two departments that a new builder must work with: the Town for signing off
41 on compliance with the Land Management Code and Iron County for the building
42 permit/inspections. Any delay in submitting a required document could result in a denial
43 of a building permit until all the documents are submitted correctly.
- 44 3. One challenge has been the requirement for engineered plans and the delay in waiting
45 for those plans to be produced and submitted.
- 46 4. Wendy reported she is currently working with the County to identify the Town's role in
47 the building process that would be included on the County's website. She will be able to
48 sign off on a particular application online which will increase the efficiency of the
49 application process.
- 50 5. Staff is in the process of creating web pages that would identify town services to
51 properties. This would hopefully reduce the number of phone calls asking for that
52 information.
- 53 6. Wendy reported the listing agent should have the information for the properties they are
54 selling instead of having the potential buyers call the Town offices asking for the same
55 information. Bret explained it should be the listing agent calling in and getting the
56 information and they should disseminate that information to their clients.



Approved October 12, 2021

7. Council Member Marshall suggested staff identify information on a potential property in written form instead of calling in; they could link that document in the MLS system that could be shared with other real estate agents.
8. Council Member Marshall suggested a Frequently Asked Question page on the Town's website with links to the Town code would be a major assistance to the public.
9. Bret inquired if the Council is interested in allowing flexibility with the grading permit which requires an engineered grading plan. This has been one of the issues in the delay in issuing a grading permit.
10. Wendy explained that it typically takes more than a week to get the engineered grading plans and she has informed the client that it would be easier to apply for a building permit instead since the engineered grading plan is not required unless it is a slope over 20%.
11. Council Member Marshall reported that one reason for the delay in submitting engineered plans is due in the cost having the plans drafted. Council Member Marshall suggested the Town should post a notice that engineered plans could take time.
12. . Bret reported another challenge is a newly enacted law where the Town is required to issue a building permit within 14 days, or the builder/applicant can proceed without a permit. The County's online application process will automatically reject a building permit until all of the documents are uploaded
13. Bret reported more than one-half of the building permit applications submitted to the Town are not complete at the time of submission.
14. Wendy commented she believes the requirement for engineered grading plans is an unnecessary step in the process for a grading permit and one should only be required if there is a slope over 20%.
15. Council Member Freeberg stated he believes engineered grading plans are needed because of drainage.
16. Bret reported there have been instances where the Town has cited builders and property owners for violating the Town Code by either grading or building without a permit and they are willing to pay the fine instead of following the rules.
17. Council Member Kelly stated he believes that if the Town were able to implement the GIS system and if it were well implemented it would be able to provide the information needed.
18. Bret explained that one of the conflicts in the building arena is between the residents and prospective residents and the application of the Town Code.
19. Mayor Calloway commented that the residents enjoy looking at trees and do not want anyone to cut them down because it would affect their view. Every mountain town faces the same struggles.
20. Council Member Kelly suggested the Council amend the Land Management Code to match the terrain and start changing the town to be a more community-oriented place.
21. Council Member Marshall commented that all property owners are taxpayers and that the Land Management Code protects the experience, current community, and new customers that are building. Those that are building need to know the timeframe for the application process with the understanding that the Town will not circumvent the process.

Summary:

Staff will continue to implement time management processes such as:

1. Merge the Town's building process with the County's online process.
2. Implement the Town's GIS program.
3. Establish a template for property information to be distributed to listing agents.
4. Identify a Frequently Asked Question fact sheet on the Town's website.
5. Staff will continue to strive forward with a balance with the community and building while staying true to the Town Code.
6. Expand the use of automated systems.
7. Enforcement of the Land Management Code.
8. Communicate well in advance on expected timelines.



Approved October 12, 2021

1
2
3 **4. FUTURE AGENDA ITEMS.** The Council will discuss potential items for future agendas.
4

5 **Camping Code Discussion:** Mayor Calloway reported the Council will discuss the current
6 camping code for residential properties as a future agenda item. Staff will contact Ms.
7 Mitchell of the Council meeting date.
8

9 **Workforce Housing:** Mayor Calloway requested this item be scheduled for a future agenda
10 item and what the role of the town should or can be for workforce housing.
11

12 **Non-compliant Scars:** Council Member Kelly requested the Council address areas that are
13 non-compliant scars such as the upper level of the Lofts Condos which are currently in the
14 process of being purchased. The Summit Subdivision is another location that needs to be
15 addressed. Council Member Kelly reported that he would like the Council to discuss how to
16 phase out the scars. Bret reported this item could be a strategic retreat item. One option
17 could be incentives.
18
19

20 **G. ADJOURNMENT**
21

22 **Motion:** Council Member Kelly moved to adjourn the regular meeting of the Brian
23 Head Town Council for September 24, 2021. Council Member Freeberg
24 seconded the motion.

25 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member**
26 **Freeberg, Council Member Kelly, Council Member Marshall, Mayor**
27 **Calloway).**
28
29

30 The regular meeting of the Brian Head Town Council was adjourned at 3:10 pm on
31 September 24, 2021.
32
33

34 October 12, 2021
35 Date Approved
36
37
38
39

40 _____
Nancy Leigh, Town Clerk

