

The Regular Meeting of the
Brian Head Town Council
Brian Head Town Hall – Council Chambers
56 North Highway 143 – Brian Head, UT 84719
[www.Zoom.us \(Click Here\)](https://www.zoom.us/j/8412078)
Via Zoom Meeting ID# 841 2078
TUESDAY, OCTOBER 11, 2022 @ 1:00 PM

Roll Call.

Members Present: Mayor Clayton Calloway, Council Member Kelly Marshall, Council Member Martin Tidwell, Council Member Shaun Kelly.

Members Absent: Council Member Larry Freeberg.

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Shane Williamson, Town Treasurer; Aldo Biasi, Public Works Director; Amanda Hunter, Code Enforcement; Chris Leigh, Public Works.

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Brian Head Town Council to order at 1:00 pm on October 11, 2022.

B. PLEDGE ALLEGIANCE

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

C. 20-YEAR SERVICE AWARD PRESENTATION: CHRIS LEIGH, PUBLIC WORKS.

Mayor Calloway and Aldo Biasi presented a 20-year service award to Chris Leigh, Public Works. Mayor Calloway thanked Chris for his years of service and dedication to the Town.

D. 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.

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

1. Reported on the status of the Hidden Haven walking trail. Mayor Calloway reported the trail has significant damage with this year's monsoon rains and recently a visitor broke her ankle and had to be airlifted out of the area. Mayor Calloway reported he volunteered for the Town to install signage notifying the public of the poor condition of the trail. He checked with the State and reported that the Town would produce the signage since existing signage is insufficient to warn the public.
2. Bret reported that he, the regional manager of the Division of Natural Wildlife (DNR), and a representative of the Utah Department of Transportation (UDOT) met and discussed the status of the Hidden Haven Trail. In a conversation with the Attorney General, it was reported that the existing signage would need to remain and signage that closed the trail could not be installed since the state would assume liability for hikers who could get injured on the trail. Bret reported they are currently working on a long-term solution to repair the trail, which could involve re-routing the trail altogether. A short-term repair would include gabion baskets to shore up some of the trail areas. Bret reported that this



is currently not on the DNR's list for projects, but the Town could seek grants to assist with the repair of the Hidden Haven Trail.

Bret Howser, Town Manager

1. Updated the Council on the Town Planner position that is currently open. Bret reported he may have some potential interviews and may decide due to time restraints. If the Council or others have any questions, please contact Bret.
2. Will be on vacation as of Thursday, October 24, 2022, and will not be available by phone. Aldo Biasi, Public Works Director, will be the Town Manager interim during his absence.

Aldo Biasi, Public Works Director

1. Updated the Council on the status of the cement pad for Brian the Bear art piece. Aldo reported the pad is now prepped and ready for when the art piece is delivered.
2. Updated the Council on the status of the Bearflat Well. Aldo reported the motor was replaced but did not work due to using older parts on the motor. The motor was sent to be machined since it is the only motor available. The second camera test has been completed and pictures of the swedged patch are available to view. The motor should be ready within a week. The previous motor was 250 HP and will be removing some of the bowels and the well should produce 400 GPM. The new motor is 125 HP which is preferable.
3. Pavement has been installed at Bristlecone Park. Other asphalt patches have also been installed around town.
4. The new 2022 Peterbilt garbage truck has been delivered. Aldo inquired if the Council was interested in wrapping the truck the same as the Town's other Peterbilt garbage truck or waiting until the Town has decided on the branding. **The consensus of the Council:** wait until the branding has been approved before any wraps are to be installed on the garbage truck. Aldo reported the older white American LaFrance garbage truck will go to surplus.
5. Crews are working on several projects in town and some of the crew is currently working on Park U Pine Road.

Susan Baughman, Cedar Breaks Mountain Homesites, commented she is commenting on the Ranger Court Special Assessment Area (SAA). Ms. Baughman stated that she received a Letter on the Notice of Intent for the Ranger Court SAA which includes 18 lots, but only three homes are located in the area. She purchased her home ten years ago and she understood that she would be responsible for the installation of water. Ms. Baughman stated that Ranger Court SAA only identifies a water line and would force those building to install septic tanks. Ms. Baughman reported she is a geologist and believes there is a risk that the septic tanks could infiltrate as far as 40 miles away, as what happened in Strawberry. Ms. Baughman encouraged the Council to consider a percolation study for the area. She also commented that for the SAA to fail, there would need to be forty percent (40%) of the property owners to submit a written protest and she has only noticed there are only six people or three percent (3%) of the property owners who actively at their properties and the remaining are silent taxpayers. Ms. Baughman commented she would like to see Brian Head grow as a community instead of short-term rentals and she believes that the SAA would encourage people to purchase homes and bring OHVs to the town. She has seen people riding OHV and she does not want those kinds of neighbors.

Ms. Baughman commented she has been an active resident for the past twenty years and encouraged the Council to see growth happen responsibly and to care more about the community instead of short-term rentals. If property owners want water to their cabins, they should pay for the water themselves. Ms. Baughman commented that if there are only three people who are active and possibly three others who want to build then she believes that it is unfair to assess those property owners who don't want water on their property.



1 **F. AGENDA ITEMS:**

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3 **1. FY2023 BUDGET AMENDMENT.** An ordinance amending the FY2023 Town Budget.

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5 Shane Williamson, Town Treasurer, presented a draft ordinance amending the fiscal year

6 2023 town budget (see attached). Shane reported that during the September 27, 2022,

7 Council meeting, a public hearing was held, and no comments were received. The Council

8 also proposed changes to the budget which were included in the proposed budget today.

9

10 The additional items are as follows:

- 11 1. Surplus bonuses were spread out throughout the General Fund. The total was
- 12 \$21,000.
- 13 2. The 2021 surplus was transferred to the Capital Project Fund where the Highway 143
- 14 Corridor projects are identified.
- 15

16 **Motion:** Council Member Marshall moved to adopt ordinance No. 22-011, amending the

17 fiscal year 2023 town budget as presented. Council Member Tidwell seconded

18 the motion.

19 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Yes:** Council Member Marshall,

20 Council Member Tidwell, Council Member Kelly, Mayor Calloway. **Absent:**

21 Council Member Freeberg).

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23

24 **2. TELLURIDE/MOUNTAIN VILLAGE, COLORADO FIELD TRIP DEBRIEF.** A discussion

25 of the benefits of the Telluride/Mountain Village, CO field Trip.

26

27 Bret Howser, Town Manager, reported that the Council and several members of the Planning

28 Commission went to Telluride and Mountain Village, Colorado. The purpose of the trip was to

29 review a community that is similar to Brian Head and learn from their challenges and what

30 they would have done differently. This would help the Council to prepare for the Strategic

31 Planning Retreat that is scheduled for January 2023. Bret explained that Mountain Village

32 was a planned community and has more similarities to Brian Head and has more of the look

33 and feel and development pattern that the Council would like to see in Brian Head and the

34 new Aspen Meadows development.

35

36 Telluride was more of a classic Victorian mining town whereas Mountain Village is a ski Town

37 as was originally master planned to be one. Bret reported the staff report identifies the

38 highlights from the trip from each of the participants (see attached).

39

40 The Council discussed the following:

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42 Mayor Calloway:

- 43 1. There were some similarities to Brian Head, but one item that stood out was short-
- 44 term rentals. Mountain Village had more control over its short-term rentals and
- 45 believes the Council needs to bring the single-family aspect back into it. He believes
- 46 that those short-term rentals that advertise 40 people for accommodations are
- 47 unreasonable.
- 48 2. Encouraged the Council to revisit preserving the meadow and believes the Council
- 49 should take a stronger stand on it.
- 50 3. The architectural control is something he would like to see in Brian Head since it
- 51 brings the desired outcome.
- 52 4. Believes the Town needs to address some of the Highway 143 traffic issues.
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- 54
- 55



Council Member Tidwell:

1. Would like to see the Town mirror its annexation process and ensure that the needs of the Town are being met. He would like to see the Town work with Gardner and Plum, Aspen Meadows Developer, to ensure they will annex into Brian Head. His goal would be to meet the needs of the Town and the reasonable needs of developers.
2. Parking: He heard that Mountain Village's Council did not consent to the parking, but believes the Town also has a responsibility to ensure parking. He would like the Council to begin setting aside property for future parking.
3. Transit: would like to consider implementing a shuttle from Parowan to Brian Head. He would like to see a fixed route for those who are wanting to shuttle from Parowan to Brian Head.
4. Short-term rentals: Mountain Village eliminated short-term rentals by not allowing any on-street parking in which they control the short-term businesses. Council Member Tidwell commented that this could also eliminate the occupancy issues and should be reviewed by the Council.
5. Development: Council Member Tidwell commented that the Town should not be in the development business and does not see the younger generation living in Brian Head. He believes that there are two population centers; Parowan and Cedar City and would encourage the Council to consider improving the shuttle services vs. developing affordable housing.
6. Night Skies: Presented pictures of the street lighting in Mountain Village which shows the streetlights that are twelve feet (12') in height. He did ask the guide from Mountain Village about the major collector roads and why there were no streetlights at the intersections. The response was they did not want streetlights and did not feel it was a public safety issue.
7. Telluride, CO: the main street was very pleasing in that the streetlights were downlit and the lighting and wattage were not intrusive. The car lights were the most annoying lights he noticed.
8. Information Kiosks: Council Member Tidwell commented that he would like to see kiosks for Brian Head in three to four locations. He understands that it would require maintenance and would like to update the signs and events which would give a look and feel to the visitors of what is happening in Brian Head.
9. Land Acquisition: Council Member Tidwell commented that he believes the Council needs to look for opportunities to acquire property whenever possible.
10. Water Conservation: he would like to see the Town do more on water conservation. He enjoyed the walkable community look and feel of the pocket parks they have.

Council Member Marshall

1. Annexation: Ensure the Town has control when considering annexation.
2. Parking: Liked the Mountain Village parking structure which was open and did not look like a concrete block.
3. Mountain Village gondola, there was a question as to who is responsible for replacing it. She would like to ensure the Town does not take on the future infrastructure that could cost the Town in the future and also ensure there is a clear path as to who would be responsible for the maintenance and replacement of infrastructure such as a gondola.
4. Transit: She would like to see a shuttle run from Parowan to Brian Head and possibly use the County's fairground parking lot as a location for the shuttle pickup.
5. Short-term rentals: Telluride and Mountain Village have several hotels that Brian Head does not. Telluride had disallowed short-term rentals unless they were grandfathered in. Mountain Village rules for short-term rentals were different for the different areas and those outside the town boundaries did not have any restrictions.
6. Affordable Housing: Council Member Marshall commented that if the idea in the future is to have more employees who live off the mountain, the Town could consider purchasing property in Parowan as well. The property in Parowan would be cheaper than property Brian Head.



7. Kiosks: Recalled that there were many bike racks located throughout the community, which was impressive along with the trail system.
8. Telluride's big park facilities were remarkable and would like to see a recreation facility in Brian Head in the future.
9. Events: Telluride had a large banner across their main street advertising a race and she would like to see something similar in Brian Head with an event banner over the highway entering into town. There could be more participation in events.
10. Took pictures of a small business, Butcher Baker, in which they had a sign that if the public was willing to rent their cabin/condo to an employee, they would give a discount to them. In speaking with the shop owners, employee housing is a big issue.

Council Member Kelly

1. Reminded the Council that they need to look to the future and who they are catering to and should remember the residents vs. short-term rental businesses.
2. Pushing housing outside of town takes away from being a community which would result in only visitors being in town.
3. Would like to up the attitude to be a better Brian Head and to take things away from other resort communities and merge them into what Brian Head is. Council Member Kelly commented that he does not believe the soils or snow depths are the same in Brian Head as in Telluride or Mountain Village.
4. Water Conservation: Is in favor of promoting water conservation, along with good lighting / night sky practices.

Mayor Calloway commented he would like to see the following action steps developed from their trip:

1. **Affordable Housing:** Will approach it with transit improvements. Possible pilot program to run a shuttle from Parowan to Brian Head. Bret reported he has talked with St. George Shuttle, and it is something the Town may be adding for services. Will bring the businesses together to use it.
2. **Night Skies/Signage:** Bret reported this item is already being addressed. A Core Beautification Program would include underground utilities, streetlights, signage, branding, and better kiosks. This could include a General Obligation (GO) bond that would go to the voters for a decision.
3. **Short-Term Rentals:** Bret reported that he would not recommend revisiting the short-term rental code unless there is an appetite to change the zoning unless the Council is interested in addressing the off-street parking year around. The next level would be addressing the zoning and disallowing short-term rentals in single-family residential zones.
4. **Meadow Preservation:** Currently zoned as Conservation Open Space (COS) and a future Council could rezone the meadow and allow development. The meadow is permanently protected at this time. Council Member Kelly commented he would support kiosks and trails through the meadow.
5. **Kiosks:** Bret reported this item could be included in the Core Beautification Program as a project. Mayor Calloway suggested the kiosks be addressed at this time by scoping out the project now instead of waiting for an RFP. He would like to begin this project at this instead of waiting for the Strategic Planning Retreat. Mayor Calloway stated he is frustrated with spending one-half of the budget on a design that the Council doesn't like and believes that using the kiosk pictures from Telluride and Mountain Village would be a better fit for Brian Head. Bret reported that he will have Aldo Biasi, Public Works fabricate something and present it to the Council. Bret explained if Council is wanting to identify some of these projects in the current budget, he would need to find staff time to do so. The kiosks are identified as an existing project. Council Member Marshall suggested using an ironwork company to complete the project. Council Member Kelly suggested using town residents who would volunteer their time towards the project.
6. UDOT Transportation Study has been completed and adopted by the Council. Staff is working on funding from UDOT and has received grant funding from Utah Outdoor



Recreation for phase 3 of the Town Walking Trail. The next request will be for crosswalks and shuttle stops. The purpose is to beautify Highway 143 and reminded the Council that once completed, more personnel would be needed to maintain everything.

7. **Traffic Calming Projects:** such as planter boxes that are on the road. Telluride had steel boxes with logos and plants which split the traffic and slowed the cars down. This concept could be applied to the traffic for Village Way.

Mayor Calloway suggested the kiosks identify some history, events, and directions for the public.

3. **BRIAN HEAD STREET LIGHTS MASTER PLAN.** Establishing the Street Lights Master Plan.

Bret Howser, Town Manager, presented a draft Streetlight Master Plan (see attached). Bret reported the Master Plan was updated with the changes identified by Council during the September 27, 2022 meeting. Bret reported he met with the streetlight representative from Rocky Mountain Power who presented options for decorative streetlights, except only one option is currently available. The kelvin is 2700 since Rocky Mountain Power's engineers do not have 3000-kelvin lights (see attached). Bret reported he will be receiving vendor contacts from Rocky Mountain Power on other options for streetlights.

Bret presented the streetlight map (see attached). The following was discussed:

1. Blue dots: existing streetlights and scheduled to be replaced with decorative lighting.
2. Yellow and Orange dots are backward: The orange dots are streetlights in the Trails at Navajo subdivision and the Town will not be addressing any of these streetlights.
3. Yellow dots: Streetlights that will be eventually phased out except those at the entrances to the condominiums in which the existing cobra heads will be changed to night sky-friendly cobra head streetlights.
4. Rocky Mountain Power has a payback incentive on the Town's streetlight bills.
5. The proposal shows reducing the streetlights along Highway 143 to twenty feet (20') in height, but not replacing the cobra arm.
6. Green dots: streetlights that are planned to be replaced with LED and dark skies lights.
7. Decorative lights would be identified along the Highway corridor. Outside the core area, there were four to five lights that may be included.
8. The Council decided that streetlights will not be identified at the intersections of the collector roads unless the neighborhood requests them.
9. Council Member Kelly encouraged the Council to ensure that the streetlights are consistent throughout the town and not just along Highway 143.
10. Council Member Tidwell commented the Council discussed a phased process for street lighting. The project identifies addressing the core area first and then branching out to the other areas for street lighting.
11. The initial plan was that certain lights would be retrofitted to the LEDs since it could be a couple of years before those streetlights would be addressed. There were four to five streetlights in this category.
12. Bret reported those lights that are identified with the green dots and are outside the core area will be retrofitted to LED or possibly with decorative light.
13. No streetlights at intersections of collector roads.
14. The streetlights on Ridge View Street and Rue Jolley will be identified with a red dot to be removed or a yellow dot and will be phased out.
15. Council Member Kelly suggested the directional signage should also have some type of lighting for the public to see at night.
16. Council Member Marshall inquired if those streetlights identified with a green dot are to be replaced by Rocky Mountain Power at a later time, and inquired as to the cost for retrofitting those lights. Bret responded it would be \$750 per head fixture and \$2,000 for the pole for a cost of \$2,750 per streetlight. There would be a 60-month



- credit for anything the Town does with Rocky Mountain Power reducing the cost to approximately \$1,000 to \$1,500 per pole.
17. Underground power could be run to the lights, but the staff does not have those costs identified at this time. Mountain Village identified \$9,000 per pole for their costs.
 18. Mayor Calloway reported the Iron County Fairgrounds underwent improvements and installed new lighting which illuminates the ground and does not have a glare to them. Mayor Calloway suggested this could be an option for the Town.
 19. Council Member Marshall inquired if the staff is requesting approval for the Streetlight Master Plan but will not be picking lights at this time. Bret responded that staff would bring back projects that identify the decorative lights. Rocky Mountain Power has one option available.
 20. Funds from the Town's surplus could fund the projects and if the Council wants different lights, there would be an additional \$100,000 for the project.
 21. The Council discussed light shielding.
 22. Bret reported the Council will need to determine the cost and if the Town should use an outside vendor. If the Town chose an outside vendor, the Town would be responsible for the maintenance of the poles.
 23. Page 2 of the Master Plan identifies a typo. Staff will correct it.
 24. Council Member Tidwell commented that he wanted to be clear that the last three lines on page 2 be changed to read "not mounted higher than sixteen feet (16') for the maximum on the highway unless UDOT requires otherwise.
 25. Bret explained if the Council wants to hang a banner across the highway, the height will have to be taller than 16' for clearance, but the banner could be hung higher than the streetlight.
 26. Jessie Marsha, a resident, reported that UDOT's requirements are 14.5'.
 27. Attachment A of the Streetlight Master Plan needs to be replaced with the current map the Council presented today (see attached).
 28. Mayor Calloway commented he would recommend sixteen feet (16') as a maximum height and twelve feet (12') for collector roads.
 29. The Council would like to see the kelvins reduced to a maximum of 3,000 to 2,700 which is more of a yellow color. Type 2 lights are 36 watts, and level 1 is 22 watts. The consensus is to reduce the wattage to 22 watts. Bret reported those streetlights that are not going to be replaced, will have the lights reduced to level 1 to reduce the glare.
 30. Council Member Kelly commented that on page 2, Village Core decorative lights down to residential streets, there is no language regarding decorative requirements and recommended the Master Plan be consistent throughout the three sections.
 31. A lighting committee will be established to review requests for lighting.
 32. A definition addressing glare should be clarified in the Land Management Code.
 33. Wayfinding signs on Hunter Ridge and Ridge View. Council Member Marshall commented she would like to see these two signs lit for the public.

Consensus of the Council:

1. A Lighting Committee will be established by the Council.
2. The Lighting Map will be corrected. Orange and yellow dots will be switched. Yellow where the current orange dots are identified and vice versa.
3. Maximum height: 16' for the Highway and 12' on collector and residential roads.
4. All streetlights will be decorative.
5. Reduce the wattage to a level 1: 22 watts.
6. Attachment A map will be replaced with the correct map.
7. The Wayfinding signs along Hunter Ridge and Ridge View will be identified in the Core Beautification Program.

Motion: Council Member Marshall moved to approve the Streetlighting Master Plan with the following changes:

1. Pg. 1, the typo of duplicate "additional" will be removed.



2. Maximum Height Allowed: 16' for arterial roads and 12' for the collector and residential roads
3. Decorative lights for all streetlights.
4. Change Attachment A Map with the corrector map.
5. The orange and yellow dots identified on the map will be switched around.
6. Identifying green dots as yellow on the map for phased-out removal of those lights.

Council Member Tidwell seconded the motion.

Action: Motion carried 3-1-0 (summary: Yes = 3, No = 1, Abstain = 0).

Yes: Council Member Marshall, Council Member Tidwell, Council Member Kelly. **No:** Mayor Calloway. **Absent:** Council Member Freeberg).

Mayor Calloway stated that he is not 100% behind the Master Plan, but believes it is a good step forward. He received a lot of comments from residents that are on the opposite end of the topic and does not feel this particular plan will satisfy some of them.

4. FUTURE AGENDA ITEMS. The Council will discuss potential items for future agendas.

1. Bret reported the Planning Commission will hold a public hearing and forward a recommendation for a zone change on Spruce Street from R-1 to I-L. The Commission will also consider a lot line vacation.
2. Bret inquired if the Council is interested in amending the Business License Code as it relates to food trucks. Currently, the Town Code is very restrictive, and the Council adopted a resolution a year ago that eased the restrictions on food trucks operating in Brian Head. Council Member Marshall commented that she may have a potential conflict of interest with this agenda item. Council Member Tidwell and Mayor Calloway commented they would like to address the topic.

G. ADJOURNMENT

Motion: Council Member Kelly moved to adjourn the regular meeting of the Brian Head Town Council for October 11, 2022. Council Member Marshall seconded the motion.

Action: Motion carried 4-0-0 (summary: Yes = 4 Yes: Council Member Marshall, Council Member Tidwell, Council Member Kelly, Mayor Calloway. **Absent:** Council Member Freeberg).

The regular meeting of the Brian Head Town Council was adjourned at 3:20 pm for October 11, 2022.

November 8, 2022

Date Approved

Nancy Leigh, Town Clerk

