

The Regular Meeting of the  
Brian Head Town Council  
Town Hall - 56 North Highway 143  
Brian Head, UT 84719  
**TUESDAY, OCTOBER 25, 2016 @ 1:00 PM**

**Roll Call.**

**Members Present:** Mayor Deutschlander, Council Member Freeberg, Council Member Calloway, Council Member Wilson, Council Member Bourne.

**Staff Present:** Bret Howser, Nancy Leigh, Dan Benson, Cecilia Johnson, Shane Williamson

**A. CALL TO ORDER**

Mayor Deutschlander called the regular meeting of the Brian Head Town Council to order at 1:00 pm for October 25, 2016.

**B. PLEDGE OF ALLEGIANCE**

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

**C. DISCLOSURES**

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

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

No reports or public input.

**E. APPROVAL OF THE MINUTES:**

**October 11, 2016 Town Council Meeting**

**Motion:** Council Member Calloway moved to approve the October 11, 2016 Town Council minutes. Council Member Bourne seconded the motion.

**Action:** **Motion carried 4-0-1(summary: Yes = 4, No = 0, Abstain = 1 Vote: Yes: Council Member Bourne, Council Member Calloway, Council Member Freeberg, Mayor Deutschlander. Abstain: Council Member Wilson).**

**F. AGENDA ITEMS:**

**1. STATE FIRE STATUTE DISCUSSION ON RESIDENTIAL FIRE SPRINKLER**

**REQUIREMENT.** A discussion regarding whether the town should allow the State to revise their statute by eliminating Brian Head Town specific state statute referencing residential fire sprinklers.

Chief Dan Benson explained there is a provision in state statute which specifically identifies Brian Head's requirement for fire sprinklers in residential homes larger than 3,000 square feet. Chief Benson gave a brief history of the residential fire sprinkler requirement that was enacted by town ordinance originally in 2007 and then amended in 2010, which identified homes larger than 3,000 square feet would require fire sprinklers to be installed.



Chief Benson explained the Homebuilders Association is in the process of cleaning up some of the International Building Code (IBC) and noticed this specific requirement for Brian Head and brought to the attention of the State Fire Marshal. Chief Benson went on to explain the State Fire Marshall will support the decision of the Council on this item as to whether to eliminate it from the IBC and the town can enforce it with the town code or it can left in the IBC as it stands.

The Council held discussion on the following:

1. Chief Benson reported it will also address the Wildland Urban Interface Code (WUI). Council Member Freeberg explained the WUI is in his opinion extremely strict and does not really adhere to the general plan for the town in which trees would not be allowed within so many feet of a home and trek type of decking would not be allowed. Council Member Freeberg commented he would like the town regulate the fire sprinkler requirement.
2. Bret explained if the provision were to be taken out of state statute, the town would have make the ordinance compliant with state statute since the ordinance was written under authorization of what was allowable at the time, but now it would be under the WUI code. Staff would need to research this further for verification.
3. Bret presented an email from Town Attorney, Eric Johnson, regarding the town's options (see attached).
4. Chief Benson explained that another thing for the Council to consider if the town decided to leave the provision in the state statue, the town would not have any local control and if the town wanted to amend the ordinance, a new bill would need to pass the legislature first.
5. Bret explained the Council would need to answer the question on what is the right square footage threshold. Staff has been receiving comments from the public who are building homes under the 3,000 square foot threshold and the town is getting smaller homes built which then affects the growth to the tax base.
6. Bret explained the Council will need to hold this conversation in July on what the town wants the ordinance to look like and whether the 3,000 square foot threshold is something the Council wants to keep. Because in the legislative session there may be enough legislative force to get the exemptions from state statute removed.
7. Council Member Freeberg suggested staff to look at the average size of home that is built in Brian Head to determine if the 3,000 square foot threshold is what the town wants.
8. Council Member Bourne inquired how much of an effect on a homeowners insurance does a fire sprinkler requirement have and if it is significant enough to offset the cost on their insurance. Mayor Deutschlander responded in building Brianhead Sports which had sprinklers installed, the cost was offset within five years.
9. Mayor Deutschlander explained the town adopted the ordinance because at the time there were mansions being built in Steam Engine Meadows and the town did not have a good response time for fire.
10. Chief Benson explained if the Council decides to take the provision out of state statute then it would come out, but if the town wants the provision left in then it would be a fight to keep it in and the State Fire Marshal has indicated they would assist Brian Head to keep it in state statute.
11. Chief Benson recommended the Council to leave the provision in state statute, but if the town has to adopt the Wildland Urban Interface Code as part of that provision, then the town should fight it. The staff is still gathering information on this issue and working with the town's attorney.
12. If a residential home that is not served by city water is required to have 37,000 gallons of water for a 2,400 square foot home if the state identifies Brian Head under the WUI area. Bret presented an email on the state statute requirements (see attached).
13. The town attorney has been requested to research this item further to determine if the town would have to adopt the WUI code.

**Consensus of the Council:** Staff will gather further information on the matter and will update the Council once information has been received.

2. **STREETS PRESERVATION PROGRAM DISCUSSION.** A discussion on a proposed street preservation program for its town roads.



Shane Williamson, Public Works Director, presented the Street Preservation Program draft to the Council (see attached). Shane explained that the Utah Department of Transportation (UDOT) and LTAP completed a survey on the town's streets which were then categorized as either needing surface maintenance or surface rehabilitation. Shane explained he is requesting Council direction to approve the street preservation program in an effort for the streets to be sustainable for a long period of time.

Shane explained that currently the town is doing a reactive asphalt maintenance program and he is looking to do a proactive street program instead. This program would identify gravel roads along with asphalted roads and would be categorized based on level of service, traffic volume and cost.

The proposed program identifies levels 1, 2 and 3. Level 1 roads are the main collector roads and would have an eight year life cycle. Other levels would identify a ten year life cycle for those roads less traveled.

The Council held discussion on the following:

1. Shane explained the plan allows the town to take and build a model for several years out on each road and to be proactive. The model would address the funding of the project and give staff the ability to go to bid in the winter season and ready for construction in June.
2. Bret Howser, Town Manager, explained this program would be integrated into the strategic plan and Council can determine whether the \$200,000 currently being set aside for road projects is sufficient or if more is needed.
3. Bret explained the town had a survey regarding the town's roads in which the town received 250 responses from the survey. One item that was noted was the responses that people tied the condition of the roads to a marketing aspect.
4. The classification identified in the plan was based on the classification from the town's street master plan.
5. Some roads identified in the plan were not within the town's boundaries. Staff will review and confirm all town roads.
6. Mayor Deutschlander inquired if inflation has been built into town's model for road improvements. Bret explained the town is looking at the first ten years and have already inflated the costs which are identified in the \$200,000 that is currently set aside annually for road improvements.
7. Council Member Wilson inquired if staff has determined the viability of doing in-house projects such as crack sealing the roads instead of contracting it out. Shane responded he has spoken to Parowan City who just purchased a new crack sealer on the possibility of partnering with them. Bret explained staff has held off on purchasing a new crack sealer since they didn't know much about the equipment.
8. Council Member Wilson commented if the town were to partner with Parowan City on the use of their crack sealer a written agreement would need to be in place. Council Member Wilson encouraged staff to explore all options first before obligating to Parowan City.
9. Council Member Calloway commented he believes the treatment cycles are too far out from each other due to Brian Head's environment; one example is waiting ten years for treatment on level 2 streets.
10. Council Member Calloway explained that in his experience the mag chloride treatment should be done every other year for level 3 roads.
11. Council Member Wilson encouraged staff to consider using the road millings that are in Parowan for the town's roads.
12. Bret explained the town has been doing slurry seal on its roads for the past several years and it hasn't stood up well to the harsh environment. The town is now moving away from slurry seal and going towards chip sealing instead, but without the experience on chip sealing, the staff will need to revisit the life cycle for those roads.
13. Bret explained staff will come back with a model with different treatment cycles such as six and eight years for level 1 and eight to ten years for level 2 roads. Staff will present different options for Council to review.
14. Shane explained the town needs to get the roads back to a standard and then it would be more viable and cheaper to maintain the roads from that point on. The outlook in the next few years is going to be an overlay on those roads that have deteriorated.



15. The plan is now to take the projects that are planned for the roads on the major collector roads and to keep on the list for the County RPO for additional funding. Hopefully any project within ten years would receive assistance in funding which would reduce the cost to the town.

## G. ADJOURNMENT

**Motion:** Council Member Calloway moved to adjourn the regular meeting of the Brian Head Town Council for October 25, 2016. Council Member Freeberg seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 2:10 pm for October 25, 2016.

November 8, 2016

Date Approved

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Nancy Leigh, Town Clerk

