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The Regular Meeting of the
Brian Head Town Council
Town Hall - 56 North Highway 143
Brian Head, UT 84719
TUESDAY, FEBRUARY 28, 2017 @ 1:00 PM

Roll call:

Member Present: Mayor H.C. Deutschlander, Council Member Clayton Calloway, Council Member Reece Wilson, Council Member David Bourne

Member Absent: Council Member Larry Freeberg

Staff Present: Bret Howser, Nancy Leigh, Cecilia Johnson, Chief Dan Benson, Wendy Dowland, Shane Williamson.

A. CALL TO ORDER

Mayor Deutschlaner called the regular meeting of the Brian Head Town Council to order at 1:00 pm for February 28, 2017.

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 Items

Nancy Leigh, Town Clerk, reported on the annual Jokers Wild Snowmobile Poker Run held on February 18, 2017. Nancy reported there were 86 participants and unfortunately the weather did not cooperate. The event gathered over \$8,000 in cash and prizes and participants reported having a good time despite the weather.

Council Member Calloway thanked the Public Works department for attending to the pot holes that were in Circle Drive.

Bret Howser, Town Manager

1. Updated the Council on the legislative session. One bill he has been following is the short term rental bill which would prohibit a municipality from disallowing a short term rental from advertising. Another bill staff has been following is the food truck bill which if passed, would allow a food truck within proximity of a food establishment. Currently the town ordinances prohibit a food truck within 500 feet of a food establishment. Staff will contact legal to determine how this bill will affect the current business license ordinance.
2. A meeting was held last week with the designers for the way finding signs. The public was invited to give input on the way finding signage. Staff received information from those who attended and the designers will be working over the next couple of weeks on



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a design. Bret inquired if Council is interested in reviewing the preliminary designs.
Consensus of the Council: Staff will bring the preliminary designs to Council for review.

- 3. The next Council meeting, March 14, 2017, the Council will be holding a discussion on the town’s shuttle service and reviewing this year’s performance. Bret inquired as to what the Council is looking for. Council Member Calloway commented he would like some input on how to fine tune the service. Council Member Wilson commented on the number of stops the shuttle takes. Mayor Detuschlander inquired if there is a provision in the contract to identify the shuttle’s as Brian Head Town’s free shuttle service. Bret responded the shuttles do have a logo and a sign stating it is a free service. Council Member Bourne reported that during his experiences riding on the shuttle, the drivers have been giving the guests their cell phone numbers. Bret reported staff will bring the shuttle discussion to the Council at the next Council meeting.

Shane Williamson, Public Works Director

- 1. The requests for proposals for the Streets Master Plan were opened on March 7, 2017. The town received seven proposals with a broad range of costs.
- 2. The bid advertisement for the street project has now been posted. Staff has sent out five sets of plans to contractors and the bid opening date is scheduled for March 9, 2017.

Chief Dan Benson

- 1. He will be changing out one of the police vehicles. The current vehicle will be traded in on a new one.
- 2. Classic Air Med staged in Brian Head last Saturday and have reported they will stage in Brian Head during the Youth Ski League event in March.

Julie Saemisch, Brian Head Chamber of Commerce, presented the Council with a check from the Brian Head Chamber of Commerce which is now officially closed. Julie reported that after five years of attempting to create the Chamber of Commerce, the decision was made to close the chamber. Julie reported the check is in the amount of \$5,303.00 and is to be used towards printing brochures. The Council thanked Julie for her years of service on the Chamber.

E. EMPLOYEE RECOGNITION: Cecilia Johnson, Town Treasurer, who will receive the Government Office of Finance Association (GFOA) Distinguished Budget Award.

Bret Howser, Town Manager, explained that Cecilia Johnson, Town Treasurer, has received the Distinguished Budget award from the Government Office of Finance Association (GFOA). Bret explained the award is for the next three years and this is the second time Cecilia has earned the award. The Council congratulated Cecilia on her accomplishment.

F. APPROVAL OF THE MINUTES:

February 14, 2017 Town Council Meeting

Motion: Council Member Calloway moved to approve the February 14, 2017 Town Council minutes. Council Member Bourne seconded the motion.

Action: **Motion carried 3-0-1 (summary: Yes = 3, No = 0, Abstain = 1 Vote: Yes:** Council Member Bourne, Council Member Calloway, Mayor Deutschlander. **Abstain:** Council Member Wilson. **Absent:** Council Member Freeberg).



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3 **G. AGENDA ITEMS:**
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5 **1. PUBLIC HEARING FOR COMMUNITY IMPACT BOARD (CIB) GRANT**
6 **APPLICATION FOR A FIRE DEPARTMENT PUMPER TRUCK.** A public hearing
7 to receive comment on a grant application to CIB for a pumper fire truck.
8

9 Mayor Deutschlander explained the purpose of today's public hearing is to receive
10 comment on a proposed grant application to the Community Impact Board (CIB) for a
11 pumper fire truck. Mayor Deutschlander then read the following statement
12

13 "While a request for funding has been made to the CIB for grant funding for the project,
14 the CIB Board may instead offer to the town of Brian Head the CIB funding in the form of
15 an interest bearing loan which would require repayment. As an alternative, the CIB
16 Board may also offer funding as part loan/part grant, at their discretion. The CIB interest
17 rate for loans is currently 2.5% and terms can be up to 30 years, though for fire
18 equipment such as this, it would be shorter, likely 10 or 15 years maximum. Loans may
19 also be paid off early with no pre-payment penalty.
20

21 **Motion:** Council Member Calloway moved to recess the regular meeting of the Brian
22 Head Town Council and open a public hearing for the purpose of receiving
23 comment on a proposed grant application to CIB for a pumper fire truck.
24 Council Member Bourne seconded the motion.

25 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member
26 Bourne, Council Member Calloway, Council Member Wilson, Mayor
27 Deutschlander. **Absent:** Council Member Freeberg).
28

29 The public hearing was opened at 1:20 pm.
30

31 Comments were received from the following individuals:
32

33 **Chief Dan Benson** commented he hopes this project presses forward since the town is
34 in need of a new fire engine. Chief Benson explained he met with Five County
35 Association of Government and reported the town's second line fire engine is over 30
36 years old and the first line fire engine is over 20 years old. Due to a good maintenance
37 schedule on the equipment, the trucks have been running with no major issues.
38

39 **Bret Howser, Town Manager**, explained the town has also held a public hearing on this
40 item as it pertained to the Community Development Block Grant (CDBG). The town was
41 listed as a low to moderate income level which allowed to the town to apply for grants
42 through CDBG. The pumper truck is expected to cost approximately \$400,000 and the
43 town is requesting \$150,000 from CIB and requesting \$200,000 from CDBG with the
44 remaining balance coming from the town's wildland fire fund.
45

46 **Chief Benson** explained the wildland fire fund generates revenue through sending its
47 wildland fire fighters to fight fires and then saves those funds for things such as
48 equipment and fire engines. Chief Benson went on to explain the pumper truck is a type
49 3 wildland fire engine which has a dual purpose of being used for wildland fires and also
50 structure fires and has the ability to pump 1,250 gallon per minute. Currently the town's
51 Pierce fire engine is a structure fire only engine.
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53 There were no other comments and no written comments were received.
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Motion: Council Member Calloway moved to close the public hearing and reconvene the regular meeting of the Brian Head Town Council. Council Member Bourne seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Bourne, Council Member Calloway, Council Member Wilson, Mayor Deutschlander. **Absent:** Council Member Freeberg).

The public hearing was closed at 1:27 pm and the regular meeting was reconvened.

2. FIVE COUNTY ASSOCIATION OF GOVERNMENT NATURAL HAZARD MITIGATION PLAN RESOLUTION. A resolution adopting the Five County Association of Government Natural Hazard Mitigation Plan 2017-2021.

Bret explained the plan is an ongoing plan that Five County Association of Government updates every five years and the last time it was adopted by the Council was 2012. The plan is for the Natural Hazard Mitigation Plan for 2017-2021 (see attached) Bret requested the Council adopt the Natural Hazard Mitigation Plan as presented.

Motion: Council Member Calloway moved to adopt Resolution 460, a resolution adopting the Five County Association of Government’s Natural Hazard Mitigation Plan for 2017-2021 as presented. Council Member Bourne seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Bourne, Council Member Calloway, Council Member Wilson, Mayor Deutschlander. **Absent:** Council Member Freeberg).

3. FINALIZE PLACEMENT OF PAVED TRAIL. Discussion on the placement of the town’s paved trail.

Shane Williamson, Public Works Director, explained the town was awarded grant funding from Utah Outdoor Recreation in the amount of \$50,000. In addition staff has submitted an application for grant funding from Utah Department of Transportation (UDOT) in which the town was one of the final two projects being presented to the Transportation Committee. Shane explained that once the town receives the grant funding, the town will need to be prepared to move forward on the project which will include crosswalks across highway 143 throughout the town (see attached map of trail).

The Council held discussion on the following:

1. Previous discussions with the Council there were some issues about routing the walking trail up Steam Engine Drive and Village Way.
2. With the proposed plan there could be some issues with crossing onto private property that the town needs to be aware of.
3. Phase 1 of the project identifies the walking trail from the hotels located on the north end of Brian Head to the town hall.
4. Discussion on the maintenance of the trail during the winter season. Shane explained he intends to use the town’s skid loader with a blower for snow removal purposes in an effort to keep the trail open in the winter. The snow storage would be located in the right of way.
5. A crosswalk would be identified at Hunter Ridge and highway 143. A second crosswalk would be located at Highway 143 and town hall in which the trail would continue up Steam Engine Drive and onto Village Way. There is also a proposal for a crosswalk at The Lofts and highway 143 going into Giant Steps parking lot.



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6. The walking trail would run from the north end to the south end of Brian Head where it would extend into Forest Service property.
7. Shane explained his goal is to avoid crossing private property and will keep the trail within the UDOT right of way and town property.
8. The trail would provide access and gather a greater quantity of people to use the trail instead of walking along the highway.
9. Council Member Calloway commented he has some major concerns with Phase 2 of the project in which the trail would go through the Giant Steps parking lot and then in between Giant Steps and Brianwood condos. Council Member Calloway commented he believes the town would need to negotiate with Giant Steps Condos and would need to obtain an easement instead of a license.
10. Council Member Calloway commented that in Phase 2 of the project there are some issues with snow storage. Snow storage would either be put back onto the property of the condos or onto the highway. Shane reported he will research this item further.
11. Bret explained the trail would gather the people from the condominiums and keep them off the highway. Another issue is keeping an identifiable trail through the Giant Steps parking lot so that the public would continue to use it as it goes between Brianwood and Giant Steps condominiums.
12. Council Member Calloway pointed out the condominiums located on the west side of the highway where the proposed trail is identified, the issue will be snow removal since the condos uses UDOT's right of way for their snow storage and is where the trails are proposed to be located.
13. Mayor Deutschlander cautioned the staff of identifying the walking trail where the snowmobile trail is located if the proposed trail is moved to the east side of the highway.
14. Council Member Wilson suggested staff rethink Phase 2 of the project, but he believes the Giant Steps Homeowner Association would be in favor of having a paved walking trail.
15. Bret reported the town has applied for \$400,000 in grant funding from UDOT for the remaining balance of the project.
16. Discussion was held regarding possible relocating the trail to the east side of the highway. Bret explained if the trails were located on the east side, the public would still be walking along the highway and the trail would conflict with the ATV trail.
17. Council Member Wilson suggested the entire trail be paved, but not plow the trail during the winter from Brian Head Village condos to the south end of town.
18. Bret reported another issue staff is working on is trying to keep the paved trail separate from the town roads. One suggestion would be to install a v-ditch which is an inverted curb that can also catch the run off and storm water.
19. The crosswalks will meet the Americans with Disabilities Act (ADA), and staff will further research the grade going up Steam Engine Drive for ADA compliance.
20. Bret reported there will be a public hearing at the next Council meeting on this project.
21. Council Member Calloway inquired if there is a need to pave the trail on the section between town hall and Village Way.
22. The trail will be a total of twelve feet (12') wide with ten feet (10') of pavement.
23. The Council congratulated staff on keeping the walking trail off of private property.

Consensus of the Council: Approved the crosswalk locations and the trail will remain on the west side of the highway for winter and summer use. Staff will work on the "red line trail" identified on the proposed trail map.



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2 **4. HEAVY EQUIPMENT STORAGE IN NON-RESIDENTIAL ZONES.** A discussion
3 regarding heavy equipment storage in non-residential zones.
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5 Bret Howser, Town Manager, explained that when the Council reviewed the heavy
6 equipment clause in the Land Management Code, language was inserted for heavy
7 equipment storage in single family residential zones. Bret explained heavy equipment
8 storage in multi-family residential zones was not completely addressed, but it was briefly
9 discussed by the Council. Bret then read the language that was adopted by the Council
10 regarding heavy equipment:

11 *“One piece of heavy equipment along with two heavy equipment attachments may be*
12 *kept on premises for non-commercial use, such as private snow removal or light*
13 *excavation. The equipment shall be parked in a place and manner so as to be reasonably*
14 *screened from view from the public right of way. Additional equipment used for*
15 *construction may be parked at the site when authorized by a current building permit”*
16

17 Bret explained that if a loader is parked in a multi-family (R-3) zone which is being used
18 for snow removal on that property it would be allowed, but if there are, for example, five
19 loaders and there isn't a need to have five loaders at one location, it would be considered
20 as equipment storage and that use would not be allowed.
21

22 Bret inquired if the town cares if there is a piece of equipment being stored in a R-3 zone
23 that is used for a commercial use. If Council is satisfied with equipment being stored on
24 R-3 zones, then Council needs to determine how it is being applied and whether stronger
25 language is needed in the code that would not allow for several pieces of equipment in a
26 parking lot. Bret suggested using the same language from R-1 zones and amend the
27 language to allow commercial use.
28

29 Council Member Wilson stated he may have a potential conflict of interest in which he
30 has a piece of equipment stored at Giant Steps condos which is an R-3 zone that is used
31 for snow removal.
32

33 The Council held discussion on the following:

- 34 1. Council Member Calloway suggested the same language from R-1 and strike the
35 non-commercial use or light excavation and the equipment be reasonably
36 screened from the view of the public.
- 37 2. Mike Carr, business owner, commented he believes there should be one piece of
38 equipment allowed on R-3 zones.
- 39 3. Mike Piscreata, business owner, stated that the town should take a reasonable
40 approach to the situation in which one piece of equipment is more than enough
41 for that complex, but if there is more than one piece of equipment he believes it
42 becomes equipment storage. Mike then inquired if there is any regard to a piece
43 of equipment being parked at a cabin for a couple of hours and not be
44 considered equipment storage.
- 45 4. Council Member Calloway commented that there is a date range in which the
46 screening requirement does not apply during the winter season.
- 47 5. Mayor Deutschlander stated that the town is remiss for not having more light
48 industrial zones identified in town since there is a need for heavy equipment.
- 49 6. Council Member Calloway proposed the Land Management Code be amended to
50 allow one piece of equipment in R-2 and R-3 zones whether or not it is for
51 commercial hire. Bret explained the town does not have any R-2 zones
52 identified. Council Member Calloway stated he would want the R-2 zone
53 language to reflect the same as R-3 zone language in an effort to be consistent.



7. Council Member Calloway complimented Mike Carr to keeping his equipment spread throughout the town and out of the public view.

Bret reported staff will identify the language for R-2 and R-3 zones to be identical as R-1 with the exception of the non-hire language. Staff will schedule the public hearings for amending the Land Management Code and will present the proposed language to the Planning Commission for their recommendation before it comes back to the Council for consideration.

5. ECONOMIC DEVELOPMENT INCENTIVE DISCUSSION. A discussion on economic development incentives.

Bret Howser, Town Manager, explained that Council directed staff to “Develop marketing/incentive package for potential developers” as an action step in the FY 2017 Strategic Plan and staff has been researching options for Council’s consideration. Bret explained economic development activities can be split into three categories: 1) Administrative Tools, 2) Infrastructure Development, and 3) Direct Financial Incentives.

The Council held discussion on the following:

1. The Redevelopment Agency is used for infrastructure development in which it is designed to give an ongoing revenue source that can be used to retire bonds.
2. Bret explained the last category is direct financial and reviewed the options that are listed under this heading. Bret explained that when dealing with direct incentives there is a stipulation in state statute that the town needs to receive adequate consideration for any payments they make, but there is an outlet valve if the Council holds a public hearing and the Council makes findings there is a sufficient benefit for the funds to be given out.
3. The Brownfield grant is typically used for projects such as redeveloping old gas stations and federal money is available. Bret explained he does not see a lot of opportunity for state and federal grants.
4. Bret recommended the Council continue to tailor the Land Management Code requirements in which language was inserted a few years ago identifying development agreements.
5. Infrastructure Development: the Redevelopment Agency (RDA) is currently in place and there are enough funds in the RDA.
6. Direct Incentives can be used in the form of sales tax increment rebate. Bret explained that Brian Head is not competing against other communities due to our location.
7. The goal is to establish a development friendly area and suggested the Council consider 25% rebate for up to ten years, but the town would need to be specific about incremental sales tax rebates and to ensure the performance indicators are being met before the rebate is given. Council Member Calloway commented he agrees with this option and staff’s recommendation.

Motion: Council Member Calloway moved to direct staff to return to Council with an Economic Incentive Package for consideration. Council Member Bourne seconded the motion. Council Member Bourne seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Bourne, Council Member Calloway, Council Member Wilson, Mayor Deutschlander. Absent: Council Member Freeberg).**



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H. ADJOURNMENT

Motion: Council Member Calloway moved to adjourn the regular meeting of the Brian Head Town Council for February 28 2017. Council Member Bourne seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Bourne, Council Member Calloway, Council Member Wilson, Mayor Deutschlander. **Absent:** Council Member Freeberg).

The regular meeting of the Brian Head Town Council was adjourned at 2:40 pm for February 28, 2017.

March 14, 2017
Date Approved

Nancy Leigh, Town Clerk

