

The Regular Meeting of the
Brian Head Town Council Acting as the
Governing Body for the Brian Head
Redevelopment Agency and Special Service District
Town Hall - 56 North Highway 143
Brian Head, UT 84719
TUESDAY, JUNE 13 2017 @ 1:00 PM

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

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

A. CALL TO ORDER

Mayor Deutschlander called the regular meeting of the Brian Head Town Council acting as the governing body for the Brian Head Special Service District and Redevelopment Agency to order at 1:00 pm for June 13, 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

Mayor Deutschlander thanked those who participated in the annual town cleanup day and Arbor Day last week. There was a great turnout for the event.

Council Member Freeberg reported on the free fishing day hosted by the Utah Division of Wildlife Resources had a good turnout with approximately 50 to 60 people who participated even though the weather was cold.

Shane Williamson, Public Works Director

1. The Mayor and he attended the Iron County Coordinating Council (ICCC) last week in Cedar City in which the hospital gave updates on their projects. One other item of discussion was the prairie dog issue in which there has a potential change from state to federal jurisdiction which can change anything within the next two month and could take effect within seven days.
2. The department is waiting for better weather to start the street projects for the town and should be ready to go by the end of the month.
3. Council Member Freeberg inquired as to the number of children that ride the bus to Parowan for school this year. Bret reported as of a couple of years ago, there were approximately 10 children from Brian Head that rode the bus to school and he is unsure how many children were riding the bus this school year.



4. Council Member Calloway inquired as to the status of the dock that is currently floating in Bristlecone pond. Shane explained the dock is one of the goals for this week. Shane went on to explain the chains holding the dock had twisted and needed some repairs to them, but the project should be completed before the upcoming weekend.
5. Council Member Calloway commented the chains that were placed on the dumpsters located on Circle Drive seem to be working well, with the exception of the dumpster located at Timberbrook which did not work as well as the one on Circle Drive.
6. Council Member Wilson inquired as to the status of the road project at the bottom of Parowan Canyon. Shane reported the completion date is scheduled for August 15th, but they are anticipating August 1st as their completion date, due to an authorization given for an easement to temporarily construct a road that re-routed the highway. There were 15 utility lines that had to be relocated and they are currently working on the drainage box.
7. Council Member Freeberg thanked the public works department for getting Bristlecone Park ready for the Memorial holiday weekend.

E. APPROVAL OF THE MINUTES:

May 23, 2017 Town Council Meeting

Motion: Council Member Calloway moved to approve the May 23, 2017 Town Council minutes. Council Member Bourne 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).

F. AGENDA ITEMS:

1. **TAP AWARD PRESENTATION.** Utah Local Governments Trust will present the TAP award to Brian Head Town.

Bret Oakerson, Utah Local Governments Trust, presented the TAP, trust award program, award to the Mayor and town. Mr. Oakerson explained the town has participated in the loss prevention program with the employees who have participated in loss prevention. Mr. Oakerson congratulated Cecilia Johnson, Town Treasurer, on compiling and submitting the required paperwork and the town is doing better than the average town of its size and the town's claims are down. Mr. Oakerson presented a check in the amount of \$3,339.70 which represents five percent (5%) of the town's liability premiums and will also reflect in the cost for workman's compensation.

The Council thanked Mr. Oakerson for his presentation and congratulated staff on their achievement in loss prevention.

2. **LOCAL CONSENT FOR FULL SERVICE RESTAURANT ALCOHOL LICENSE FOR CEDAR BREAKS BAR & GRILL.** Local consent for a full service restaurant alcohol license for Cedar Breaks Bar & Grill.

Nancy Leigh, Town Clerk, presented a request on behalf of Cedar Breaks Lodge for a full-service restaurant alcohol license (see attached). Nancy explained Cedar Breaks Lodge previously held a full-service restaurant alcohol license, but allowed the license to lapse and since it has been over a year, they are required to submit as a new application.



- Motion:** Council Member Bourne moved to approve the full service restaurant alcohol license for Cedar Breaks Lodge as presented. Council Member Calloway 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).

3. ORDINANCE/RESOLUTION ADOPTING THE FISCAL YEAR 2018 BUDGET FOR BRIAN HEAD TOWN AND BRIAN HEAD REDEVELOPMENT AGENCY.. An ordinance/resolution adopting the FY 2018 budgets for the town, Redevelopment Agency and Special Service District for the year ending June 30, 2018.

Cecilia Johnson, Town Treasurer, presented the final budget for fiscal year 2018 to the Council for approval (see attached). Cecilia explained the Council/Board will be adopting the final fiscal year 2018 budgets for the Redevelopment Agency as a separate resolution that is presented.

- Motion:** Council Member Calloway moved to adopt ordinance 17-002, an ordinance adopting the fiscal year 2018 budget for Brian Head Town as presented. Council Member Bourne 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).

- Motion:** Council Member Calloway moved to adopt resolution No. RDA-028, a resolution adopting the fiscal year 2018 budget for the Brian Head Redevelopment Agency as presented. Council Member Wilson 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)..

4. PUBLIC HEARING FOR FISCAL YEAR 2017 AMENDED BUDGET. A public hearing for the FY2017 amended budgets for the town, Redevelopment Agency and Special Service District ending June 30, 2017.

- Motion:** Council Member Calloway moved to recess the regular meeting and open the public hearing for the purpose of receiving public comment on the Brian Head Town, Brian Head Redevelopment Agency, Special Service District amended budgets ending June 30, 2017. 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 was recessed at 1:20 pm

Cecilia Johnson, Town Treasurer, informed the Council and public that staff will be amending the budget until its adoption before June 30th. Cecilia reported that by law, the town can amended the budget until it is officially adopted by the governing body and staff will continue to update the budget with revenue and expenditures until the invoices are completed.

- Motion:** Council Member Calloway moved to close the public hearing and reconvene the regular meeting of the Town Council. Council Member Bourne 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 Town Council was reconvened at 1:21 pm.

5. PUBLIC HEARING FOR AMENDING THE TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTERS 2, 4, 7, 10 AND 12. A public hearing on proposed amendments to the Land Management Code.

Motion: Council Member Bourne moved to recess the regular meeting and open a public hearing for the purpose of receiving public comment on proposed amendments to the Land Management Code. Council Member Calloway 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 recessed at 1:22 pm.

There were no comments received and no written comments submitted to the Town Clerk.

Motion: Council Member Calloway moved to close the public hearing and reconvene the regular meeting of the Town Council. Council Member Bourne 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 reconvened at 1:23pm.

6. ORDINANCE AMENDING THE TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTERS 2 (Definitions), CHAPTER 4 (Submittal Requirements), CHAPTER 7 (Zone District Regulations), CHAPTER 10 (Other Required Permits) and CHAPTER 12 (Design Standards for Construction and Development. An ordinance amending the Land Management Code.

Bret Howser, Town Manager, presented a draft amendment to the Land Management Code (see attached). Bret explained the town received additional information on conditional uses and how the town was applying them. Bret explained conditional use permits can be allowed but the conditions must be already identified in the Town Code or the basis for the conditional uses must be identified. The proposed amendments pertaining to conditional uses are identified in chapter 2 (Definitions), chapter 7 (Zone District Regulations), and chapter 10 (Home Occupations).

The Council held discussion on the following:

1. The Planning Commission reviewed the conditional uses in chapter 2, definitions, chapter 7, zone district regulations and chapter 10, home occupations.
2. The Planning Commission proposed a definition for light manufacturing: "*Light Manufacturing: Fabrication operations in which all processing, curing, compounding, packaging, treatment, assembly, or disassembly of items takes place wholly within an enclosed building and generates little to no external noise, smoke, fumes, or odors*". Some of the



- language is already identified in the home occupation conditional uses and using the light manufacturing terms.
3. Some conditional uses were moved to the light industrial zone, such as brick and mortar car wash, building material sales, contractor storage yard, mortuary and changed manufacturing to light manufacturing.
 4. Other conditional uses such as a rock crusher and saw mill are proposed to be identified under a new zone "heavy industrial" in the future. The Planning Commission will still need to review the zone district map to identify a heavy industrial zone first. One other proposal is to identify the sexually oriented businesses under the heavy industrial zone once it is created. The proposed heavy industrial zone will be presented to the Council in the future.
 5. Campgrounds and public utilities are proposed as a conditional use. Staff wanted the language tied to conditions. These uses are proposed to be identified in Chapter 12, Design Standards.
 6. The Planning Commission reviewed the standards for retaining walls in which there would be a general process for standards for review. Certain heights and lengths of retaining walls would still need to have an engineer's stamp of approval along with the standards for review.
 7. If a homeowner is proposing a retaining wall to build a home, the town will not issue the permit for grading or the retaining wall until the building permit is issued.
 8. Council Member Freeberg reported on examples of retaining walls which had water issues and the Planning Commission was considering identifying some type of state statute language. Bret explained the LMC already has language which addresses this issue.
 9. Council Member Calloway recommended some changes to the LMC in which most of the proposed changes are for clarification purposes.
 10. One item was a change to the soils test in which the current code identifies six feet (6'). It is proposed to change that to ten feet (10') for a soils test since the majority of utility lines are more than six feet (6') down. The County currently requires ten feet for a soils test for a septic tank which is the standard.
 11. The landscaping requirement for the Village Core zone was overlooked and not identified. The proposed amendment addresses this item for the Village Core landscaping.
 12. Driveway issues were discussed in which some driveways come down at a steep angle coming directly onto the asphalt of the town streets and when removing snow, the driveway and snow plow can be damaged. The driveways need to maintain a crown of the town road for five feet (5') which is being proposed. Bret explained the proposed language gives more flexibility in which the driveway must be approved by the Public Works Director when they submit their plans to the town for review and approval.
 13. Vinyl siding was discussed in which the Planning Commission recommending it to look like natural materials. Bret explained the Planning Commission recommended striking out a sentence since the paragraph identified a reference to Section B of that same section which covered the type and feel of the materials. Council Member Calloway recommended the Council leave the sentence in the paragraph.
 14. Council Member Wilson commented he believes the town should not be limiting the public from building their dream cabin and does not agree with the town telling what they can and can't use to build their cabins.
 15. Council Member Freeberg suggested the language include the sides and back of the building as it applies to the language not allowing predominant stucco. Council Member Freeberg gave an example of a cabin in Steam Engine Meadows Subdivision as an example of where the front of the home was broken up with natural materials, but the sides and back was predominately stucco.
 16. Council Member Wilson suggested the town should address color restrictions that could address it instead.
 17. **Consensus of the Council:** Leave in the sentence addressing stucco type materials, 9-12-7-f-2 which was proposed to be stricken by the Planning Commission.



18. Council then discussed colors. Wendy Dowland, Public Works Assistant, stated the code currently identifies natural colors, but one issue staff is facing is the color white, a natural color, but it stands out and whether that is a color the Council should address.
19. Bret suggested that vinyl siding that looks like wood or other natural materials could be addressed in the color section of the code.
20. Mayor Deutschlander suggested there be some type of language which identifies the quality of vinyl since a poor quality vinyl will come apart in the Brian Head elements. It was suggested the town use a 44000 thickness of vinyl as a requirements since it is a heavier material along with a natural material as the style.
21. Council Member Calloway stated the Council is dealing with whether the vinyl siding and materials are to be used in limited quantities and whether to address the entire building including the sides and back and how much to allow.
22. Council Member Wilson commented he believes the vinyl siding test will come with the vinyl installation that is schedule to begin at the Villas Condo project. Bret explained the town would not let the Villas break up vinyl with vinyl.
23. Council Member Calloway explained the Council agrees on the intent in which they do not want a single color big wall type of look.
24. Bret suggested the following language: "These materials are used in limited quantities provided they are broken up with contrasting materials, colors, textures consistent with subsection B".
25. Bret explained the town wants to encourage people to use natural materials and minimize the use of manmade materials.
26. Council Member Calloway commented there needs to be a section for standards of review for siding and re-siding and how it applies to new construction.
27. Council Member Calloway explained he is not ready to make a decision at this time and would like time to review the language along with taking some pictures of what is desirable and undesirable and address it at the next Council meeting.
28. Wendy explained there is another proposed amendment to accessory structures in which there is a homeowner on Highland Drive that is looking to construct a detached garage and according to the LMC, it has to be under 50% of the primary structure. Wendy explained the plans for the garage match the home and due to the elevation it had a 20' roof and is greater than the 50% of the primary home.
29. Bret inquired if the Council is interested in expanding the 50% restriction and allow for flexibility or not. **Consensus of the Council:** Leave the language in the LMC as is. No change to accessory structures.
30. Wendy then inquired as to the proposed amendment to the parking requirement in which it is currently identified for one parking space per three people per vehicle and the proposed change to increase it to one parking space per five people per vehicle.
31. Bret explained this proposed change is from the Resort in which they are addressing an issue that is something that may be in the future and if they do decide to build, it would be in the form of a development agreement which would address the parking issue. No change to the parking requirement.

Motion: Council Member Calloway moved to table Agenda Item F-6, Land Management Code Amendments for further information. 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).

G. ADJOURNMENT

Motion: Council Member Calloway moved to adjourn the regular meeting of the Town Council acting as the governing body of the Brian Head Redevelopment Agency, Special Service District for June 13, 2017. Council member Bourne 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 Town Council acting as the governing body of the Brian Head Redevelopment Agency and Special Service District was adjourned at 3:15 pm for June 13, 2017.

July 11, 2017

Date Approved

Nancy Leigh, Town Clerk

