

The Regular Meeting of the
Brian Head Town Council
Town Hall - 56 North Highway 143
Brian Head, UT 84719
TUESDAY, SEPTEMBER 13, 2016 @ 1:00 PM

Roll Call.

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

Staff Present: Bret Howser, Nancy Leigh, Chief 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 September 13, 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 Items

Council Member Freeberg thanked Chris & Nancy Leigh for the wall décor that is being completed for the town's historical display. Council Member Freeberg explained the backdrop of the display is from the town's old redwood tank which had to be cut several times before it could be used for the backdrop.

Mayor Deutschlander reported he met with a District Engineer for the Utah Department of Transportation (UDOT) on the pile of rocks in Parowan Canyon when UDOT widen the 25 mph curve area. UDOT reported they will continue to widen the 25 mph curve for more clearance for vehicles coming up and snow plows going down. The rocks will be used and the barrier wall will be moved out approximately three to four feet into the creek area.

Bret Howser, Town Manager

1. The Patchwork Parkway committee held a meeting last week. One discussion item was the priority of trails and coordination with other agencies who are submitting grant applications on trails that may intersect with each other. The town will meet with Iron County Tourism Bureau, Iron County Trails to ensure that the town's OHV trails or preferred routes in town are included in their Iron County ATV map.
2. The Public Safety Department participated in the Labor Day parade in Parowan. The town was well represented and the Mayor went through the parade route twice.
3. The Iron County Coordinating Council met in Enterprise last week. One item of discussion was intergenerational poverty which has committees working on the issue. A twenty year ground water management plan is now in the works and one issue they are facing in trying to figure out how to incentive people to relinquish unused water rights.



4. The Outdoor Recreation Summit will be in Cedar City tomorrow. Council Member Wilson will be attending this meeting. The group will be in Brian Head on Thursday for a site visit. The town currently has a grant application submitted for the paving of the town's walking trail.
5. The Utah League of Cities and Town's annual conference in Salt Lake City is scheduled for September 14 thru 16th. Mayor Deutschlander and Council Member Bourne will be attending this year's conference.

Shane Williamson, Public Works Director

1. The Iron County RPO meeting was held after the Iron County Coordinating Council meeting adjourned. Discussion centered on the belt loop from Enoch to the center interchange in Cedar City. The project may be ten or more years before completion.
2. The Vasels water/sewer line project is near completion. There is approximately 40' of sewer line left to install.
3. The Alpine Creek trail is now finished.
4. The crew has been focusing on the maintenance of the town's roads.

Chief Dan Benson

1. An individual has been charged with the burglaries that were taking place in Steam Engine Meadows subdivision. The individual confessed to breaking in three cabins in Brian Head.
2. Fuel mitigation has begun and the department will be bringing in a larger crew during the fall season.

Mike Ricycle, property owner, commented that the citizens in town are upset that the flag wasn't half masked on September 11th and encouraged the town to remember next year.

E. APPROVAL OF THE MINUTES:

August 23, 2016 Town Council Meeting

Motion: Council Member Calloway moved to approve the August 23, 2016 Town Council minutes. Council Member Bourne seconded the motion.

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

F. AGENDA ITEMS:

1. COLLECTOR ROAD PROJECT PRIORITIZATION. A discussion on the town's road project prioritization.

Shane Williamson, Public Works Director, explained staff is looking for input from the Council on the priority of road improvement projects for the next fiscal year. Shane explained the department is completing the following road projects that begun earlier this year:

- a) The top of Ridge View Street, Eagles Roost and Pine Hurst which will complete the subdivision.
- b) Hunter Ridge Road to highway 143 will be the next priority road project with a ¾" overlay to put a crown in the road for drainage purposes. The department is waiting on a pavement analysis and to also see how the chip seal that was laid down on Ridge View Road holds up over the winter season.
- c) Steam Engine Drive to Alpine Court will be next priority identified for a project. Crews will be patching a bad spot in the road next week and then will come back with an overlay and chip seal.



1 The Council held discussion on the following:

- 2 a) The projects identified follow the town's street master plan.
3 b) Council Member Calloway suggested the town go further to Ponderosa instead of Alpine Court
4 and commented that there are some areas in need of repair from Village Way to Forest Drive.
5 c) Council Member Calloway inquired if Hunter Ridge Road would need to be dug up and re-
6 compacted in some areas. Shane responded it would be identified in the specifications.
7 d) Bret explained the town identified \$200,000 in the fiscal year 2017 budget along with a \$30,000
8 surplus from fiscal year 2016 budget for road improvements. The town can complete the road
9 patching before the winter season hits along with some of the chip seal on Eagles Roost, Ridge
10 View and Pinehurst Streets.
11 e) Council Member Freeberg suggested if there is pavement left over to look at repairing a dip in
12 the road by the public safety building and Parkside Townhomes. Shane responded there will
13 be a company here next week to patch that area.
14 f) Bret explained staff will be coming back in front of Council this fall to discuss the broader plan
15 for road improvement projects over the next several years in which staff will submit a schedule
16 for paved and dirt roads improvements.

17
18 **Consensus of the Council:** Satisfied with staff's recommendation on the priority of the road
19 improvement projects as submitted.
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22 **2. IRON COUNTY DISPATCH AGREEMENT.** An annual agreement with Iron County for the dispatch
23 services.
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25 Chief Dan Benson presented a draft copy of the annual dispatch agreement with Iron County for
26 emergency services (see attached). Chief Benson explained the agreement identified a one percent
27 (1%) increase from last year at a cost of \$20,980 for Brian Head. The formula is based on 50% on call
28 volume and 50% on assessed property values. Chief Benson reported he has been working with
29 dispatch services to create a different formula for costs since Southern Utah University hasn't seen an
30 increase in their dispatch services nor has Adult Parole and Probation. Their argument is that these
31 two entities are state paying entities and they would be paying themselves.
32

33 Mayor Deutschlander inquired if there were any other changes other than the cost in the agreement.
34 Chief Benson explained this is the same agreement as previous years with a different dollar amount.
35

36 **Motion:** Council Member Calloway moved to approve the Interlocal agreement with Iron County
37 for dispatch services for the fiscal year 2017 as presented. Council Member Freeberg
38 seconded the motion.

39 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member Bourne, Council**
40 **Member Calloway, Council Member Freeberg, Council Member Wilson, Mayor Deutschlander).**
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43 **3. PEDESTRIAN / BIKING LANE ALONG HIGHWAY 143.** A discussion on whether to switch the
44 walking trail with the ATV trail.
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46 Bret Howser, Town Manager, explained this agenda item came to light a few times and inquired if the
47 Council is interested in swapping the current walking trail on the west side of the highway with the ATV
48 trail located on the east side of the highway.
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50 Bret explained the town is in the process of applying for a grant and working with UDOT on a paved
51 pedestrian trail and would like the Council's input before the grant application is submitted. Bret
52 explained he has submitted some pros and cons on switching the trails in the staff report in the
53 Council's packet (see attached).
54

55 The Council held discussion on the following:



- a) Bret explained one main pro for moving the walking trail to the east side of the highway is there would be less crossings since the town would have to work with UDOT on designated crossings which would consist of four crossings if the trails remained in the current locations.
- b) Bret identified a con for moving the ATV trail to the east side of the highway would be the widening of the trail for ATV's and both trails would require improvements if they were switched.
- c) Bret reported that a drawback for keeping the ATV trail on the east side of the highway is that it restricts business access for pedestrians.
- d) Council Member Calloway commented if the town is planning to pave the trail, he would like to see the trail open year round.
- e) Council Member Wilson commented that in Jackson Hole, WY they have identified their walking trails with green paint for easy reference to pedestrians and vehicles.
- f) Council Member Calloway presented a map of a proposed new location for a second walking trail on the east side of highway 143 (see attached).
- g) Council Member Freeberg commented the town should keep the trails where they currently are especially since there would be a concern of moving the ATV trail in front of the condominiums on the south end of town.
- h) Mayor Deutschlander commented the trails should not be switched. One concern is the ATV's going between the condominiums and along the shoulder of highway 143 making it a safety issue.
- i) Discussion was held on whether winter access for the walking trail would be needed south of Georg's Ski Shop. It was determined it would not be needed.
- j) Council Member Wilson suggested that the proposed second walking trail from Georg's to Vasels road use existing town roads and the town may be able to work with Giant Steps Condos Homeowners Association for an easement on Vasels Road area. The town would also need to work with Brian Head Resort if the trail were to go through Giant Steps parking lot.
- k) Bret explained the trail would need to meet the town's standards for trails in which it would be ten feet (10') in width and the town would use the bobcat for snow removal purposes in keeping the trail open year round.
- l) Bret reported he would continue talking to UDOT about a third crossing on the north end of town and report back to Council at a later date.

4. RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE ADDRESSING

IMPACT FEES. A Resolution amending the Consolidated Fee Schedule addressing the reduction or suspension of the water and sewer impact fees.

Bret Howser, Town Manager, presented a draft resolution amending the Consolidated Fee Schedule (see attached). Bret explained that during the last Council meeting, staff was asked to come back with options for the impact fees which are identified in the Consolidated Fee Schedule. Bret explained staff has presented the following options which are identified in two separate resolutions:

- a) A reduction in the water and sewer impact fees. The current cost for water and sewer impact fees are approximately \$14,000 (\$11,000 for water and \$2,400 for sewer). One option would be to reduce the water impact fees prior to 2009 when the water impact fees increased significantly. If the Council would like to consider reducing the impact fees to be in line with surrounding communities, it would be about a 55% decrease, bringing the impact fees to approximately \$6,500.
- b) Another option would be to suspend the water and sewer impact fees altogether. Bret reported he has spoken to the town attorney regarding the town's bond obligation and none of the impact fees are obligated to the bonds, only the user rates are obligated towards the water bonds.
- c) Bret also explained there is the arraignment with Brian Head Resort on a water agreement for water fixtures. The 1993 water agreement identified the resort was given water fixture units or connections which had a value at that time. The resort took those as payment as part of the agreement and they could use them for any of their developments, such as the Trails at Navajo, in which if anyone came in to build in the Trails subdivision, they would go to the resort



1 who collected the impact fees. When the impact fees were raised in 2009, it altered how the
2 town administered it with the resort in which the town would collect the impact fees and in turn
3 pay the resort. If the impact fees were suspended, the resort would not be receiving any
4 impact fees. The town could send the people to the resort for the connection costs which is
5 acceptable under the agreement, according to the town attorney.
6

7 The Council held discussion on the following:

- 8 a) Bret explained if the town reduced the water impact fee and the resort felt that it was too low,
9 the resort can charge the people what they want to. Bret explained he is not aware of the
10 resort's position on this, but does not believe the resort has a legal claim on the amount the
11 town charges.
12 b) Council Member Freeberg commented he would support the 55% reduction in the water and
13 sewer impact fees or the fee prior to 2009, but is not in favor of suspending the impact fee
14 altogether.
15 c) Mayor Deutschlander explained the town is obligated to nine million dollars of water
16 improvement thru the bond obligations and those who have connected and paid their impact
17 fees have contributed. Mayor Deutschlander commented he is not in favor of suspending the
18 impact fees and since the town hasn't spent any large amount of money on sewer projects, he
19 would support reducing the sewer impact fee by half and leave the public safety impact fee as
20 is.
21 d) Bret reported a citizen has submitted a letter to the Council on this agenda item (see attached).
22 e) Don Evans, 314 Forest Drive, commented he represents approximately 30 cabins in the Ski
23 Haven Chalet and Mountain Chalet area and he has the full support of the residents in
24 encouraging the Council to suspend the impact fees for a temporary period of three to five
25 years. Mr. Evans reported he has kept track of his water usage and he averages about 500
26 gallons of water per month and with the current water rates and impact and connection fees he
27 believes it would take 29 years to break even if he were paying \$0.075 per gallon. Mr. Evans
28 stated he understands the infrastructure need and the cost to maintain it, but by suspending the
29 impact fees the town would stimulate growth and he personally knows of eight cabins owners
30 who would bring water to their cabins. Mr. Evans thanked the Council for their time and
31 consideration on the matter along with the improvements the town has made on the roads.
32 f) Council Member Calloway suggested a compromise for the impact fees: Reduce the impact
33 fees to 55% to bring in line with other communities and staff will revisit the extension of the
34 waterline as it pertains to the 25% credit in which the town will waive the impact fee completely
35 if they are extending the waterline for any commercial development, restaurant or retail only.
36 Multi-family residential units would not qualify for the impact fee waiver.
37 g) Bret VanMeter, Contractor, commented he has been working in Brian Head since 1998 and
38 feels the impact fees are too high. Mr. VanMeter explained that any home over 3,000 square
39 feet requires a fire sprinkler system and so he is building homes that are under the 3,000
40 square foot requirement. Bret explained the people in the county have lower fees and they
41 haul water and believes it makes a difference and encouraged the Council to consider
42 suspending the impact fees.
43 h) Council Member Freeberg and Bourne support the 55% reduction in the impact fee and if a
44 waterline is installed the impact fee would be waived.
45 i) Council Member Wilson recommended the Council suspend the impact fees for a temporary
46 period of time and then the Council should re-evaluate them to determine whether to suspend
47 or keep the impact fees. Council Member Wilson commented he doesn't think the fees will
48 make or break the town and it could promote growth.
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51 **Motion:** Council Member Calloway moved to adopt Resolution 457, a resolution amending the
52 Consolidated Fee Schedule by suspending the water and sewer impact fees for a
53 undetermined period of time. Council Member Wilson seconded the motion.

54 **Action:** **Motion failed 2-3-0 (summary: Yes = 2, No = 3, Abstain = 0 Vote: Yes:** Council
55 Member Calloway, Council Member Wilson. **No:** Council Member Bourne, Council
56 Member Freeberg, Mayor Deutschlander).



Motion: Council Member Calloway moved to adopt Resolution No. 457, a resolution amending the Consolidated Fee Schedule by reducing the impact fees by 55% and waiving the impact fees for individuals who extend municipal services, commercial development, retail and restaurant services according to the town's standards. Council Member Freeberg seconded the motion.

Bret Howser, Town Manager, requested clarification of the motion. Bret asked that if a residential property wanted to pull a two inch (2") line off the spring line and million gallon tank to feed just their property, they would not qualify for the impact fee waiver. Council Member Calloway stated the water/sewer line would need to be installed according to the town standards in which it would be in the ground with fire hydrants and any other standards the town requires in order to qualify for a waiver. A service line would not qualify.

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

Bret reported he will advertise the fact the town is waiving commercial impact fees.

G. ADJOURNMENT

Motion: Council Member Calloway moved to adjourn the regular meeting of the Brian Head Town Council for September 13, 2016. Council Member Bourne seconded the motion.

Action: **Motion passed 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 2:35 pm for September 13, 2016.

October 11, 2016

Date Approved

Nancy Leigh, Town Clerk

