

A Special 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/86550326908)

Via Zoom Meeting ID# 865 5032 6908

WEDNESDAY, DECEMBER 6, 2023 @ 1:00 PM

MINUTES OF THE TOWN COUNCIL

Roll Call.

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

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Lester Ross, Building and Planning Official; Shane Williamson, Town Treasurer.

A. CALL TO ORDER

Mayor Calloway called the special meeting of the Brian Head Town Council to order at 1:00 p.m. on December 6, 2023.

B. PLEDGE ALLEGIANCE

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

C. 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.

D. AGENDA ITEMS:

- 1. BRIAN HEAD 2023 MUNICIPAL ELECTION CANVASS.** The Council acting as the Board of Canvassers will canvas the 2023 Brian Head Municipal Election.

Nancy Leigh, Town Clerk, gave a brief introduction for the 2023 Brian Head Municipal Election Canvass. Nancy reported there were three Council seats on the ballot with two Council seats as a four-year term and one seat as a two-year term, all three Council seats went unopposed. Nancy reported there was a bond election along with the reauthorization of the Parks, Arts, and Recreation (PAR) sales and Use tax of 0.1% for ten years.

The Town Council acting as the Board of Canvassers then canvassed the 2023 Brian Head Town Election as follows:

Total Registered Voters:	104
Total Ballots Cast:	42
Total Voter Turnout:	40.38%

Town Council 2-year Term

Mitch Ricks:	31 votes 73.81%
Total Votes Cast:	31 Votes 73.81%
Contest Totals	42 Votes 100.00%

Town Council 4-year Terms:

Kelly Marshall:	31 votes	36.92%
Larry Freeberg:	28 votes	33.33%
Total Votes Cast:	59 Votes	70.24%
Total Contest	84 Votes	100.00%

Brian Head Special Bond Election

Yes:	20 votes	47.62%
No:	18 votes	42.86%
Total Votes Cast:	39 Votes	90.48%
Total Contest Total	42 Votes	100.00%

Proposition 11 – PAR Tax Reauthorization for ten years.

In Favor (Yes)	26 Votes	61.90%
Against (No)	13 Votes	30.95%
Total Votes Cast	39 Votes	92.86%
Total Contest Total	42 Votes	100.00%

Nancy then presented a resolution for the Special Bond Election (see attached). Nancy reported that the Town Attorney has submitted the resolution for the Council to sign for the canvassing of the General Obligation Bond special election. Nancy reported there was a vote correction of 20 votes in favor of the Bond.

Motion: Council Member Kelly moved to adopt resolution 23-539, a resolution that the Town Council sit as the Board of Canvassers for the purpose of canvassing the returns of the Special Bond Election held on November 21, 2023 and related matters with the correction of the vote of 20 in favor of the Special Bond Election. Council Member Tidwell seconded the motion.

Bret recommended that the motion be amended to include pending final review of the Town Attorney.

Motion Council Member Kelly amended his motion to include pending the Town Attorney's final review. Council Member Tidwell seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote:** Council Member Kelly, Council Member Tidwell, Council Member Marshall, Council Member Freeberg, Mayor Calloway).

Motion: Council Member Marshall moved to approve the 2023 Brian Head Town Election results as final. Council Member Kelly seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote:** Council Member Kelly, Council Member Tidwell, Council Member Marshall, Council Member Freeberg, Mayor Calloway).

2. ASPEN MEADOWS ANNEXATION DEVELOPMENT AGREEMENT ADOPTION. Aspen Meadows Annexation Development Agreement.

Bret Howser, Town Manager, presented the final draft of the Aspen Meadows Annexation Development Agreement (see attached). Bret reported this is the final draft and is ready for adoption by the Council.

Bret reported that the following changes were made to the Agreement:

1. Mountain Zoning was not discussed in council meetings but was discussed in Planning Commission meetings in April and May 2023. The Commission requested the Mountain Zoning be identified in the Development Agreement and it was neglected until last month when it was included in the Development Agreement. This was part of the recommendation by the Planning Commission.
2. The Financial Analysis is now included in the Agreement. Bret reported he has met with each Council Member individually to answer questions on the financial analysis due to the brief time the Council had to review the analysis.
3. The Water Holding Agreement is included as a sister agreement to the Annexation Development Agreement and was amended to include a 4-bedroom as was requested by the Council in the November 14, 2023 council meeting.
4. All of the changes requested by the Council were incorporated into the Development Agreement.

Mayor Calloway commented that he has met with each Council Member individually to address any concerns the Council may have with the Agreement or the development itself. Mayor Calloway inquired if the Council has any other concerns regarding the Aspen Meadows Annexation Development Agreement.

Council Member Freeberg expressed his concerns about three to five years of being enough revenue to cover the cost when the financial analysis is based on the built-out of Aspen Meadows. Council Member Freeberg commented that it has been discussed in detail by the Council, but he still has concerns that the cost may not cover the expenses and he would like them to recognize that it is a factor and put it on record and that the project was not to incur costs to the Town and if it gets out of hand, then the Town may have to come back and ask the developer to contribute to some of the costs.

Council Member Freeberg commented that some of his concerns were also on the sewer system, but he has been assured that it is safe and the Southeast Neighborhood is being identified as a trial basis for the sewer. The Public Works Director, Aldo Biasi, stated that he is comfortable with the E1 sewer system along with the developer, and if it becomes an issue, then the Town can readdress it and it is identified in the Development Agreement.

Motion: Council Member Kelly moved to approve the Aspen Meadows Annexation Development Agreement and authorize the Mayor to sign the Agreement. Council Member Marshall seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote:** Council Member Kelly, Council Member Tidwell, Council Member Marshall, Council Member Freeberg, Mayor Calloway).

Flint Decker, Aspen Meadows, thanked the Council for their efforts in adopting the Development Agreement and referred to historical events that have taken place and referred to this event as a historic event in creating a new development for Brian Head.

Council Member Freeberg personally thanked Bret Howser and Mayor Calloway for their dedication and efforts on the Development Agreement along with Flint Decker to make this event happen.

1 **E. ADJOURNMENT**

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3 **Motion:** Council Member Kelly moved to adjourn the special meeting of the Brian Head
4 Town Council. Council Member Marshall seconded the motion.

5 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote:** Council Member Kelly, Council
6 Member Tidwell, Council Member Marshall, Council Member Freeberg, Mayor
7 Calloway).
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9 The special meeting of the Brian Head Town Council was adjourned at 1:29 p.m. on December 6, 2023.
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14 Date Approved
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19 Nancy Leigh, Town Clerk