BRIAN HEAD

The Regular 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)
Via Zoom Meeting ID# 870 9758 9066
**TUESDAY, AUGUST 26, 2025 @ 1:00 PM**

# AGENDA

**A. CALL TO ORDER**
**B. PLEDGE ALLEGIANCE**
**C. DISCLOSURES**
**D. APPROVAL OF THE MINUTES:** August 12, 2025, Town Council Meeting
**E. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS.** Public input is limited to three (3) minutes on non-agenda items.

**F. AGENDA ITEMS**

1. **CONSIDERATION OF A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, UTAH, DECLARING ITS INTENTION TO DESIGNATE AN ASSESSMENT AREA FOR THE PURPOSE OF LEVYING ASSESSMENTS AGAINST PROPERTIES WITHIN THE ASSESSMENT AREA TO FINANCE THE COSTS OF CERTAIN WATER SYSTEM IMPROVEMENTS, ROAD IMPROVEMENTS, AND RELATED IMPROVEMENTS IN THE ASSESSMENT AREA; AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST THE ASSESSMENT AREA AND ITS ASSESSMENTS, AND RELATED MATTERS.** Shane Williamson, Admin. Dept Head, The Council will consider a resolution declaring a Notice of Intent to create the Brian Head Unit 3 Special Assessment Area.

2. **FUEL REDUCTION PROJECT.** Chief Dan Benso, Public Safety Director. A request for Council's approval to support the fuel reduction project in the "Archery Range" area, a total of 18 acres utilizing grant funding.

3. **LAND MANAGEMENT CODE AMENDMENT DISCUSSION – NOTICING.** Greg Sant, Planning & Building Administrator. The Council will hold a discussion on a proposed amendment to the LMC for noticing requirements.

4. **AD HOC COMMITTEE FOR PLANNING/BUILDING PROCESSES & BUILDING REGULATIONS.** Bret Howser, Town Manager. The Council will decide on if an Ad Hoc Committee should be established for Planning/Building processes and building regulations.

5. **FUTURE AGENDA ITEMS.** Discussion on potential items for future Council agendas.

**G. ADJOURNMENT**

**Date: August 22, 2025**

Available to Board Members as per Ordinance No. 11-003 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the public board may participate by means of electronic communications. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING
I hereby certify that I have posted copies of this agenda at the following conspicuous locations; the Post Office, The Mall, and the Brian Head Town Hall and have posted copies on the Utah Meeting Notice Website and the Brian Head Town website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.
*Nancy Leigh, Town Clerk*

# STAFF REPORT TO THE TOWN COUNCIL

BRIAN HEAD

**ITEM:** **BH UNIT 3 SPECIAL ASSESSMENT AREA NOTICE OF INTENT**

**AUTHOR:** Bret Howser
**DEPARTMENT:** Administration
**DATE:** August 26, 2025
**TYPE OF ITEM:** Legislative Action

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## SUMMARY:

The Council will consider a resolution to begin the process for the Brian Head Unit 3 Special Assessment Area (SAA) by adopting a Notice of Intent (NOI).

## BACKGROUND:

During the May 13, 2025, Town Council Meeting, the Town Council accepted the petition for the Brian Head Special Assessment Area. At that time, the SAA had 63% support on the petition. Town policy requires that more than 60% of the lot owners sign the petition for approval to be considered.

## ANALYSIS:

**Location**:
The proposed SAA covers twenty-two (22) lots along Driftwood and Paintbrush in the Brian Head Unit 3 Subdivision. A waterline would begin at Highway 143 and proceed up Driftwood and Paintbrush. The map was provided by the SAA Sponsor and approved by Public Works and the Town's engineer.

**Estimated Costs:**
A cost estimate based on recent bids for similar projects is provided as an attachment. The current estimate for construction is $968,339 (including 20% contingency and 12% design/construction mgt). The total amount of bond issuance (including debt reserve fund and cost of issuance) is anticipated to be $1,101,000, which would result in an assessment per lot of $50,045. These are estimates only.

The total appraised value of the SAA is $3,731,000, putting the value to assessment ratio at 3.39, which meets both state statute as well as the Town's SAA policy requirements.

**SAA Process:**
Once the NOI is adopted, the Town can then begin accruing reimbursable costs, and, therefore, can begin project planning and engineering. In addition, the Town will send letters to all property owners discussing the 60-day protest period. If 40% of lot owners protest the SAA, the project area must be abandoned by state statute. At the 60-day mark, the Council will hold a public hearing to hear any verbal protests that were not sent in writing and subsequently can adopt the Notice of Creation if there were not 40% protests. The Town will engineer and bid the project this fall and then offer Board of Equalization hearings where owners can protest their specific assessment prior to officially adopting an assessment.

## FINANCIAL IMPLICATIONS:

The Town does assume financial risk with any SAA, with this one being no different. Specifically, the Town assumes the debt liability and is potentially on the hook for the bond payments should a property owner default or fail to pay the assessment. However, though a lengthy process, the Town will be a lean holder on each proper with the ability to foreclose should this happen.

## BOARD/COMMISSION RECOMMENDATION:

N/A

## STAFF RECOMMENDATION:

Staff recommends that Council move forward with adopting the Notice of Intent.

## PROPOSED MOTION:

I move to adopt Resolution number 25-559, adopting the Brian Head Unit 3 Special Assessment Area Notice of Intent as presented.

## ATTACHMENTS:

A – Notice of Intent
B – Cost Estimate

Brian Head, Utah

August 26, 2025

The Town Council (the "Council") of the Town of Brian Head, Utah (the "Town") met in regular session on August 26, 2025, at 1:00 p.m. at the regular meeting place of said Council at 56 North Highway 143 in Brian Head, Utah, with the following members of the Council present:

| | |
|---|---|
| Clayton Calloway | Mayor |
| Martin Tidwell | Council Member |
| Mitch Ricks | Council Member |
| Larry Freeberg | Council Member |
| Duane Nyen | Council Member |

Also present:

| | |
|---|---|
| Nancy Leigh | Town Clerk |
| Bret Howser | Town Manager |

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, the Town Clerk presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this August 26, 2025, meeting, a copy of which is attached hereto as Exhibit A.

Thereupon, the following Resolution was introduced in writing and pursuant to motion duly made by Council Member _____ and seconded by Council Member _____, adopted by the following vote:

AYE:

NAY:

The Resolution was later signed by the Mayor and recorded by the Town Clerk in the official records of the Town. The Resolution is as follows:

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, UTAH, DECLARING ITS INTENTION TO DESIGNATE AN ASSESSMENT AREA FOR THE PURPOSE OF LEVYING ASSESSMENTS AGAINST PROPERTIES WITHIN THE ASSESSMENT AREA TO FINANCE THE COSTS OF CERTAIN WATER SYSTEM IMPROVEMENTS, ROAD IMPROVEMENTS, AND RELATED IMPROVEMENTS IN THE ASSESSMENT AREA; AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST THE ASSESSMENT AREA AND ITS ASSESSMENTS, AND RELATED MATTERS.

BE IT RESOLVED by the Town Council (the "Council") of the Town of Brian Head, Utah (the "Town"), as follows:

Section 1. The Council hereby determines that it will be in the best interest of the Town to designate an area to finance the costs of certain water system improvements, road improvements, and related improvements (collectively, the "Improvements") in the Brian Head Unit 3, Blk A Subdivision, Iron County, Utah. The Council hereby determines that it is in the best interest of the Town to levy assessments against properties benefited by the Improvements to finance the costs of said Improvements. The Council hereby determines that the Improvements qualify as an "Improvement" pursuant to the Act (defined below) and that the Town is authorized to provide such Improvements. In order to finance the Improvements, the Town proposes to designate the Brian Head Unit 3 Assessment Area (the "Assessment Area") pursuant to Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the "Act"), the area of which is more particularly described in the Notice of Intention to Designate Assessment Area set out hereafter.

Section 2. The costs of the Improvements shall be paid by a special assessment to be levied against the properties situated within the Assessment Area that are specially benefited by the Improvements. The assessment will be based on a per lot basis (the "Assessment"). Attached hereto as Exhibit A is a list of the properties within the Assessment Area and the proposed Assessment related to each property. The Assessment may be paid when assessed or, at the option of the property owner, through installments to be paid for up to ten (10) years.

Section 3. The Council shall hold a public hearing on September 23, 2025, at 1:00 p.m. at the Brian Head Town Hall, located at 56 North Highway 143 in Brian Head, Utah to hear all objections related to the Assessment Area as set forth in the Act. Thereafter, written protests from property owners against the proposed Assessments may be filed in the Office of the Town Clerk, whose address is 56 North Highway 143 in Brian Head, Utah, for a period of 60 days after the date of the public hearing. On November 25, 2025 (such date being within 15 days after the date the protest period expires), at 1:00 p.m. at the Brian Head Town Hall Council Chambers in Brian Head, Utah, the Council shall count the written protests filed and calculate whether adequate protests have been filed and hold a public meeting to announce the protest tally and whether adequate protests have

been filed. The Council may thereafter adopt a resolution abandoning or creating the proposed Assessment Area depending on whether adequate protests have been filed. The Town Clerk is hereby directed to give notice of intention to designate the Assessment Area (the "Notice of Intention") to finance the costs of the Improvements. The Notice of Intention shall specify the date of the public hearing and the time within which protests against the proposed Assessments may be filed. The Notice of Intention shall be published as a Class B Notice under Section 63G-30-102, Utah Code Annotated 1953, as amended, for at least 20 days but not more than 35 days before the date of the public hearing. As a Class B Notice, the Town Clerk shall mail a copy of the Notice of Intention by United States Mail, postage prepaid, to each owner of property to be assessed within the Assessment Area at the last known mailing address of such owner, using for such purpose the names and addresses of said owners appearing on the last completed real property assessment rolls of Iron County, Utah, and, in addition, a copy of the Notice of Intention shall be mailed, postage prepaid, addressed to "Owner" at the street number of each piece of improved property to be affected by the Assessment. If a street number has not been so assigned, then the post office box, rural route number, or any other mailing address of the improved property shall be used for the mailing of the Notice of Intention. Said Notice of Intention shall be in substantially the following form:

## NOTICE OF INTENTION TO DESIGNATE ASSESSMENT AREA

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of the Town of Brian Head, Utah (the "Town") declares its intention to designate the Brian Head Unit 3 Assessment Area (the "Assessment Area") to finance the costs of certain water system improvements, road improvements, and related improvements (the "Improvements") in the Brian Head Unit 3, Blk A Subdivision, Iron County, Utah within the Assessment Area and to levy a special assessment (the "Assessment" or "Assessments") for a period of ten years as provided in Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the "Act"), on real property situated within the Assessment Area for the benefit of which such Assessments are to be expended in the management and costs of the Improvements.

## DESCRIPTION OF ASSESSMENT AREA

The Assessment Area includes the following parcels, listed by Tax Parcel Number:

A-1148-0005-0025, A-1148-0005-0035, A-1148-0005-0044, A-1148-0005-0037, A-1148-0005-0028, A-1148-0005-0039-02, A-1148-0005-0021, A-1148-0005-0022, A-1148-0005-0038, A-1148-0005-0040, A-1148-0005-0045, A-1148-0005-0036, A-1148-0005-0004, A-1148-0005-0031, A-1148-0005-0012, A-1148-0005-0042, A-1148-0005-0008, A-1148-0005-0005, A-1148-0005-0030, A-1148-0009-00AM, A-1148-0005-0041, A-1148-0005-0043.

The approving resolution, maps, and other information about the Assessment Area are available for examination in the offices of the Town Clerk, 56 North Highway 143 in Brian Head, Utah from 9:00 a.m. to 5:00 p.m. Monday through Friday.

## INTENDED IMPROVEMENTS

The Improvements shall include the installation of culinary waterlines, roadway drainage improvements, roadway re-alignment, gravel road improvements and related improvements.

## ASSESSMENT RATE, FINANCIAL PLAN AND SOURCES AND USES OF FUNDS

The Assessment is proposed to be levied on benefited property within the Assessment Area to pay for the Improvements according to the estimated benefits to the property from such Improvements. The Town expects to finance the cost of the Improvements by issuing assessment bonds. The Town currently estimates selling the assessment bonds at an interest rate of approximately 6.25%, maturing within ten (10) years of their date of issuance. Inasmuch as the bonds have not been issued, the Town notes that the interest rate and annual payment are only estimates and not a cap or maximum amount.

It is the intent of the Town to create and fund a reserve fund from proceeds of the bonds. Such reserve fund will be replenished from funds received from the foreclosure of delinquent properties. The Town may also elect to replenish the reserve fund by any of the methods provided in the Act. Any funds remaining in the reserve fund upon full payment of the bonds will first be disbursed to the Town to repay any advances made (including interest thereon) and second, to the property owners in accordance with such owners' pro-rata share of the Assessments.

## ESTIMATED COSTS OF IMPROVEMENTS

The total acquisition and/or construction costs of the Improvements, including estimated overhead costs, administrative costs, costs of funding reserves, capitalized interest and debt issuance costs, is currently estimated at $1,101,000, all of which is anticipated to be paid by Assessments to be levied against the properties within the Assessment Area to be benefited by such Improvements, which benefits need not actually increase the fair market value of the properties to be assessed.

## METHOD OF ASSESSMENT

The cost of Improvements to be assessed against the benefited properties within the Assessment Area shall initially be assessed using a per lot methodology. The Assessment shall not exceed the benefits derived by the properties within the Assessment Area.

As permitted by, and in accordance with the Act, from time-to-time additional property may be added to the Assessment Area, at which time the remaining Assessments shall be reallocated proportionately by the Town Clerk.

## PAYMENT OF ASSESSMENTS

The Assessments may be paid by property owners in not more than ten (10) annual installments (each, an "Installment"), with interest on the unpaid balance at a rate or rates fixed by the Town, plus any third party/direct out of pocket costs of the District related to the administration and collection of the Assessments, or the whole or any part of the Assessment may be paid without interest within twenty-five (25) days after the ordinance levying the Assessment becomes effective. The Assessments shall be levied according to the benefits to be derived by each property within the Assessment Area. Other payment provisions and enforcement remedies shall be in accordance with Title 11, Chapter 42, Utah Code Annotated 1953, as amended. The Town has determined that the reasonable useful life of the Improvements is at least fifty (50) years and that it is in the Town and the owners' best interest for certain property owner installments to be paid for up to ten (10) years, if not prepaid.

The estimated Assessment for the benefited property related to this notice is $50,045.45. The first Installment is currently estimated to be due on approximately November 30, 2026. If any Installment is not paid by the due date, the unpaid Installment(s) will accumulate delinquent interest and/or charges in accordance with the

Assessment Ordinance and State law. The Assessments will be collected by including the billing in property tax notices for property owners. The Town will ensure that no Assessments will be collected and used for purposes other than those described in this Notice.

It is the intention of the Town to levy assessments as provided by the laws of Utah and upon approval by the Council, on all parcels and lots of real property to be benefited by the proposed Improvements within the Assessment Area according to the benefits to be derived by the property. The purpose of the assessment and levy is to pay those costs of the Improvements, which the Town will not assume or pay; provided, however, the Town may advance its funds for the cost of the Improvements and reimburse those costs from Assessments as they are collected.

A map of the proposed Assessment Area, copies of plans of the proposed Improvements and other related information are on file in the office of the Town Clerk who will make such information available to all interested persons.

PUBLIC HEARING

The Council shall hold a public hearing on September 23, 2025, at 1:00 p.m. at the Brian Head Town Hall, located at 56 North Highway 143 in Brian Head, Utah, to hear all objections related to the Assessment Area and all persons desiring to be heard, as set forth in the Act.

**TIME FOR FILING PROTESTS**

**PROTESTS FROM PROPERTY OWNERS OBJECTING TO THE ASSESSMENT AREA DESIGNATION OR OBJECTING TO BEING ASSESSED FOR THE IMPROVEMENTS MUST BE FILED IN WRITING WITH THE TOWN CLERK EITHER IN PERSON DURING REGULAR BUSINESS HOURS MONDAY THROUGH FRIDAY OR BY MAIL (56 NORTH HIGHWAY 143, BRIAN HEAD, UTAH 84719) ON OR BEFORE 5:00 P.M. ON NOVEMBER 24, 2025.**

To be counted against the creation of the Assessment Area, protests or objections MUST BE IN WRITING, signed by all owners of the property proposed to be assessed. The written protest must describe or otherwise identify said property. If the number of lots that is the subject of timely filed written protests represents at least 40% of the total lots included within the Assessment Area, the Council will not impose the Assessment. Protests withdrawn prior to the expiration of the protest period and protests from areas deleted from the Assessment Area will not be counted against the creation of the Assessment Area.

On November 25, 2025 (such date being within 15 days after the date the protest period expires), at 1:00 p.m. at the Brian Head Town Hall Council Chambers in Brian Head, Utah, the Council shall count the written protests filed and calculate whether adequate protests have been filed and hold a public meeting to announce the protest tally

and whether adequate protests have been filed. The Town shall post the total and percentage of the written protests it has received on its website at least five days before such meeting.

BY RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, UTAH.

/s/ Nancy Leigh
Nancy Leigh, Town Clerk

After the conduct of other business not pertinent to the above, the meeting was, on motion duly made and seconded, adjourned.

(SEAL)

By:_____
Clayton Calloway, Mayor

ATTEST:

By:_____
Nancy Leigh, Town Clerk

STATE OF UTAH )
: ss.
COUNTY OF IRON )

I, Nancy Leigh, the duly chosen, qualified, and acting Town Clerk of the Town of Brian Head, Utah (the "Town"), do hereby certify as follows:

(a) That the foregoing typewritten pages constitute a full, true, and correct copy of the record of proceedings of the Council at a regular meeting thereof held in Brian Head, Utah on August 26, 2025, at 1:00 p.m., insofar as said proceedings relate to the consideration and adoption of a resolution declaring the intention of the Council to designate the Brian Head Unit 3 Assessment Area to pay for the costs of certain Improvements therein described as the same appears of record in my office; that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified.

(b) That due, legal, and timely notice of said meeting was served upon all members as required by law and the rules and ordinances of the Town.

(c) That the above resolution was provided to my office on August 26, 2025, has been recorded by me, and is a part of the permanent records of the Town.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of the Town this August 26, 2025.

(SEAL)

By:_____
Nancy Leigh, Town Clerk

| | | |
|---|---|---|
| STATE OF UTAH | ) | AFFIDAVIT OF MAILING |
| | : ss. | NOTICE OF INTENTION |
| COUNTY OF IRON | ) | |

I, Nancy Leigh, the duly chosen, qualified, and acting Town Clerk of the Town of Brian Head, Utah (the "Town"), do hereby certify that the Notice of Intention to Designate Assessment Area (the "Notice of Intention") was approved and adopted in the proceedings of the Council held on August 26, 2025.

I further certify that the Notice of Intention was published as a Class B Notice under Section 63G-30-102, Utah Code Annotated 1953, as amended, for at least 20 days but not more than 35 days before the date of the public hearing (September 23, 2025).

I further certify that on August ___, 2025, I mailed a true copy of the Notice of Intention by United States Mail, postage prepaid to each owner of land to be assessed within the proposed Assessment Area at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of Iron County, and in addition I mailed on the same date a copy of said Notice of Intention addressed to "Owner" to the street number, post office box, rural route number, or other mailing address of each piece of improved property to be affected by the assessment.

I further certify that a certified copy of said Notice of Intention, together with a description of the improvements and a map of the proposed Assessment Area, was on file in my office for inspection by any interested parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town, this August 26, 2025.

(SEAL)

By:_____
Nancy Leigh, Town Clerk

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Nancy Leigh, the undersigned Town Clerk of the Town of Brian Head, Utah (the "Town"), do hereby certify, according to the records of the Town Council of the Town (the "Council") in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the August 26, 2025 public meeting held by the Council as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the principal offices of the Town at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice to be posted on the Utah Public Notice Website (http://pmn.utah.gov) at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice to be posted on the Town's official website at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2025 Annual Meeting Schedule for the Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the Council to be held during the year, by causing said Notice to be posted at least annually (a) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, (b) on the Town's official website and (c) in a public location within the Town that is reasonably likely to be seen by residents of the Town.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this August 26, 2025.

(SEAL)

By:_____
Nancy Leigh, Town Clerk

SCHEDULE 1

MEETING NOTICE

SCHEDULE 2

ANNUAL MEETING NOTICE

# EXHIBIT B

## PROPOSED ASSESSMENT LIST

| Tax Parcel Number | Owner | Proposed Assessment |
|---|---|---|
| A-1148-0005-0025 | ISOLA RICHARD & LINDA | $50,045.45 |
| A-1148-0005-0035 | MOORES TERENCE/KIESHA CECILLA J/T | 50,045.45 |
| A-1148-0005-0044 | JARVIS JESSICA J/T | 50,045.45 |
| A-1148-0005-0037 | ENGELHORN BRIAN L/CONNIE JEAN | 50,045.45 |
| A-1148-0005-0028 | RASMUSSEN ROBERT DION/LAURIE ANN J/T | 50,045.45 |
| A-1148-0005-0039-02 | RASMUSSEN ROBERT DION/LAURIE ANN J/T | 50,045.45 |
| A-1148-0005-0021 | BYRD BUDDY | 50,045.45 |
| A-1148-0005-0022 | HOSKIN JEANETTE M LIVING TRUST | 50,045.45 |
| A-1148-0005-0038 | YATES DAVID/KERSTIN REVOCABLE TRUST | 50,045.45 |
| A-1148-0005-0040 | O KELLEY FAMILY TRUST | 50,045.45 |
| A-1148-0005-0045 | HARTLMAIER INC | 50,045.45 |
| A-1148-0005-0036 | HARTLMAIER INC | 50,045.45 |
| A-1148-0005-0004 | HARTLMAIER INC | 50,045.45 |
| A-1148-0005-0031 | HARTLMAIER INC | 50,045.45 |
| A-1148-0005-0012 | HUBERT THOMAS MICHAEL TRUST | 50,045.45 |
| A-1148-0005-0042 | SZU BRIAN HEAD LLC | 50,045.45 |
| A-1148-0005-0008 | HARTLMAIER INC | 50,045.45 |
| A-1148-0005-0005 | HARTLMAIER INC | 50,045.45 |
| A-1148-0005-0030 | JOYNER FAMILY TRUST | 50,045.45 |
| A-1148-0009-00AM | MOORES TERENCE/KIESHA CECILLA J/T | 50,045.45 |
| A-1148-0005-0041 | CALAVERAS LLC | 50,045.45 |
| A-1148-0005-0043 | MANN MATTHEW/SHAUNA J/T | 50,045.45 |

# Unit 3 SAA

## Brian Head, Utah

### Preliminary Engineer's Opinion of Probable Construction Costs

**April 9, 2025**

| ITEM NO. | ITEM DESCRIPTION | QUANTITY | UNITS | UNIT PRICE Dollars & Cents | ITEM PRICE Dollars & Cents |
|---|---|---|---|---|---|
| 1 | Mobilization @10% | 1 | L.S. | $66,690.00 | $66,690.00 |
| 2 | Tie-in to Existing Water | 1 | Each | $8,500.00 | $8,500.00 |
| 3 | Furnish and Install 8" Ductile Iron Culinary Water Pipe | 2,520 | L.F. | $160.00 | $403,200.00 |
| 4 | Furnish and Install 8" x 8" Flange Ductile Iron Tee | 2 | Each | $2,000.00 | $4,000.00 |
| 5 | Furnish and Install 8" MJ Ductile Iron Bend with Restraining Glands | 4 | Each | $1,800.00 | $7,200.00 |
| 6 | Furnish and Install Fire Hydrant | 9 | Each | $2,600.00 | $23,400.00 |
| 7 | Furnish and Install 3/4" Water Service Connection | 24 | Each | $4,300.00 | $103,200.00 |
| 8 | Furnish and Install 8" MJ Cap with Restraining Glands | 1 | Each | $1,000.00 | $1,000.00 |
| 9 | Furnish and Install 8" Flange x MJ Gate Valve | 6 | Each | $7,000.00 | $42,000.00 |
| 10 | Furnish and Install Air/Vacuum Valve Assembly | 1 | Each | $14,000.00 | $14,000.00 |
| 11 | Pressure Test and Disinfect Culinary Waterline | 1 | L.S. | $10,000.00 | $10,000.00 |
| 12 | 6" Roadbase (10 feet Wide) | 25,200 | S.F. | $2.00 | $50,400.00 |
| | | | | SUBTOTAL | $733,590.00 |
| | | | | 20% CONTINGENCY | $146,718.00 |
| | | | | 12% ENGINEERING & CONSTRUCTION MANAGEMENT | $88,030.80 |
| | | | | TOTAL | $968,338.80 |

| | |
|---|---|
| TOTAL COST PER LOT | $34,583.53 |




ALPHA ENGINEERING

# STAFF REPORT TO THE TOWN COUNCIL

**SUBJECT:** Brian Head Fuels Reduction Project
**AUTHOR:** Dan Benson
**DEPARTMENT:** Brian Head Public Safety
**DATE:** August 26, 2025
**TYPE OF ITEM:** Discussion

## SUMMARY:

Council will consider a fuels reduction project utilizing grant funding to cut, clean and clear hazardous fuels on the town property know as the "Archery Range" and 18-acre parcel north of the Brian Head Lodge.

## BACKGROUND:

Brian Head Public Safety has been working for years attempting to thin hazardous fuels in the "Archery Range" and has had a goal to clean the 18 acres north of the Brian Head Lodge for years. Both areas are densely overgrown and pose a threat to wildfire in our community. Brian Head Public Safety is a small department that must split workload between police, fire and EMS, and we have not been able to get a lot of fuels reduction work done. We have recently been awarded a fuels reduction grant with the State of Utah and have assisted in drawing up a proposal for a contractor to come and treat both areas. We are excited to treat both project areas. This report is to identify these two areas with council and address any concerns that you might have.

## ANALYSIS:

Brian Head Public Safety is excited to push this contract through and to use the State Forestry funds to complete a long-awaited project. We request council's support in pursuing this work.

## FINANCIAL IMPLICATIONS:

This grant is for $170.000 dollars and there is no financial responsibility to the town immediately to treat the area. Brian Head Town will be responsible for burning the piles with assistance from State Forestry and Fire. We will cover those costs within the normal annual budget and use staff as they are available and on shift.

## STAFF RECOMMENDATION:

Staff recommend that council support this fuels reduction project as presented in the plan that is attached.

## ATTACHMENTS:

A – Brian Head Fuels Reduction Contract Requirements
B – Cut & Pile Site Map

# STAFF REPORT TO THE TOWN COUNCIL

BRIAN HEAD

**ITEM:** **PUBLIC HEARING NOTICING**

| | |
|---|---|
| **AUTHOR:** | Greg Sant |
| **DEPARTMENT:** | Planning and Building |
| **DATE:** | August 26, 2025 |
| **TYPE OF ITEM:** | Discussion |

## SUMMARY:

The Council will consider an amendment to the Land Management Code (LMC) in 9-1-8 changing the Notification Requirements for a Public Hearing to 10 days that would align with State Code requirements for noticing land use regulations.

## BACKGROUND:

The existing LMC has conflicting information regarding the Notification Requirements for a Public Hearing. In the same paragraph it requires 14 days as well as referring to the State Code that only requires 10 calendar days. This amendment is bring consistency and clarification in the LMC.

## ANALYSIS:

Our LMC discusses Notice Requirements in Title 9, Chapter 9-1-8:

**NOTICES:** Whenever notice to adjoining property owners or the public is required by any section of this title, the notice shall be given in the following manner:

A. Public Notice: Public notice of all public hearings and public meetings required to be noticed shall be given in accordance with Utah Code Annotated §10-9a-201 as amended, as applicable.

B. Notice to Adjoining Property Owners:

1. Where the provisions of Utah Code Annotated § 10-9a-201 et seq. as amended, require notice of public hearings to be given to adjoining property owners, the applicant shall give such notice to those owners whose property is located entirely or partly within three hundred feet (300') from any boundary of the property subject to the application. Notice shall be mailed at least fourteen (14) calendar days prior to the public hearing to the address appearing on the last completed real property assessment rolls in the office of the County Recorder. The notice shall include a map showing the land included in the application and a letter stating that the application has been filed, the nature of the application, the time, place, and date of the public hearing on the application, and that more complete information is available at the Town offices. (ord. 15-004, 4-28-2015)

2. The applicant will provide a referral packet as defined in Chapter 4 of this title. The Planning and Zoning Department will prepare and mail the notice to adjacent landowners, as well as appropriate agencies. The mailing will be paid for by the applicant. The notice shall be mailed at least fourteen (14) days prior to the public hearing. (ord. 15-004, 4-28-2015, amd. 21-005, 05-11-2021)

However, if you look up Utah Code Annotated § 10-9a-201 et seq. as amended, it states:

(1) At a minimum, each municipality shall provide actual notice or the notice required by this part.
(2) A municipality may by ordinance require greater notice than required under this part.

This is very general and Brian Head has determined the noticing period to be 14 calendar days, however, most of the Utah Code only requires 10 calendar days as is stated below:

**10-9a-205. Notice of public hearings and public meetings on adoption or modification of land use regulation.**

**(1) Each municipality shall give:**

**(a) notice of the date, time, and place of the first public hearing to consider the adoption or any modification of a land use regulation; and**

**(b) notice of each public meeting on the subject.**

**(2) Each notice of a public hearing under Subsection (1)(a) shall be:**

**(a) mailed to each affected entity at least 10 calendar days before the public hearing; and**

**(b) (i) provided for the area directly affected by the land use ordinance change, as a class B notice under Section 63G-30-102, for at least 10 calendar days before the day of the public hearing; or**

**(ii) if the proposed land use ordinance adoption or modification is ministerial in nature, as described in Subsections (6)(a) and (b), provided as a class A notice under Section 63G-30-102 for at least 10 calendar days before the day of the public hearing.**

With our meetings always being held on Tuesday afternoon, if something happens in that meeting and we would like it to be on the next meeting, and it requires notification, there is not enough time to notice before the next meeting. Therefore, the issue would be put off for another cycle and it could delay it from being heard for up to four or five weeks. By going to a ten calendar day noticing period, it would allow staff to react to items being discussed in the current meeting and have two to three days to get the notice out before the next meeting.

## STAFF RECOMMENDATION:

Staff recommends that the Notice Requirement match that of the Utah Code and be changed to ten calendar days.

## PROPOSED MOTION:

This is a discussion item only and if Council agrees with this change it would first go to the Planning Commission and then come back to Town Council in a Public Hearing.

## ATTACHMENTS:

None

# STAFF REPORT TO THE TOWN COUNCIL

BRIAN HEAD

**ITEM:** **PLANNING/BUILDING PROCESSES & BUILDING REGULATIONS AD HOC COMMITTEE**

**AUTHOR:** Bret Howser, Town Mgr
**DEPARTMENT:** Administration
**DATE:** August 26, 2025
**TYPE OF ITEM:** Informational / Administrative Action

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## SUMMARY:

The Council will hold a discussion on Ad Hoc Committees and what their role and responsibilities are in serving on an Ad Hoc Committee. The Council may create an ad hoc committee by motion.

## BACKGROUND:

On July 29, 2025, the Town Council, after having interviewed several candidates for appointment to an open position on the Council, appointed Duane Nyen to the Council. Due to consistent comments from the candidates for Council, Mayor Calloway suggested appointing the remaining candidates (Logan Cruz, Steve Singer, and Troy Benson) to an ad-hoc committee to study and make recommendations related to the Town's construction and building processes. Troy Benson suggested including in the scope of the committee to review staff interactions with the public as well. The meeting was closed without further direction.

On August 12, 2025, Troy Benson gave comment during the Council meeting regarding this makeup of this committee and its objectives. Council took no action as the item was not agendized.

## ANALYSIS:

Committees are traditionally broken down into two types by Utah municipalities:

- Standing Committees
  - Appointed by resolution or ordinance
  - Ongoing in nature
  - Making decisions or advising on an area of general municipal interest
  - Supported by budget funds
  - Subject to the rules of the Open & Public Meetings Act
- Ad-hoc Committees
  - Created by motion
  - Temporary in nature
  - Researching or advising on a specific topic
  - Generally not supported by budget funds
  - May or may not be subject to the rules of the Open & Public Meetings Act
    - According to §52-4 of Utah Statute, "Public Bodies" are subject to Open & Public Meetings Act, including proper noticing and recording of all meetings which can only be held open to the public
      - "Public body" means: (i) any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:
        (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;
        (B) consists of two or more individuals;

(C) expends, disburses, or is supported in whole or in part by tax revenue; **and**
(D) is vested with the authority to make decisions regarding the public's business

- Brian Head Town Attorney advises that Utah courts have an expansive view of what is considered a Public Body, so when in doubt, use open and public meetings.

No further instruction is given is State Statute how such committees are to be appointed or operated. Ad-hoc committees are only mentioned elsewhere in statute as they pertain to specific state entities rather than municipalities.

Brian Head Town code mentions committees in Title 1 – Administration. The following provisions are made for committees:

- §1-7-7 (E ) and (G). Town Council may not interfere with the Town Manager in carrying out personnel management responsibilities, but the Council may appoint a committee to investigate the conduct of any officer or department of the Town gov't.
- §1-7-11 (D): Town Mgr has authority to appoint committees "for the proper consideration of issues affecting the Town".
- §1-13-16 (G): "Agenda items needing more attention/investigation and/or discussion may be referred to a committee, staff for further review. **A motion should be made which identifies specifics of the committee or staff on when and how they are to report on the matter.**"

Existing public bodies for Brian Head Town include the Town Council, Planning Commission, Trail Committee and Tree Commission.

Brian Head Town has used Ad Hoc Committees in the past to bring in some different perspectives to a specific topic or project the Council would like to have more input from. They typically have some of the following members: Council, Planning Commission, members of the community with special qualifications/interests, and Town staff to assist with their purpose and help with any details that other committee members may not be aware of.

Some examples of Brian Head Town's Ad Hoc Committees include the following:

- Town Meadow Preservation Committee – To review the Bearflat Meadow Preservation Plan.
- Lighting Committee – to review the Town's existing street lighting.
- Good Neighbor Policy Committee – To draft the Good Neighbor Policy for short term rentals.
- Brian Head Art Committee – To propose new ideas for public art for the Town.

## FINANCIAL IMPLICATIONS:

N/A

## BOARD/COMMISSION RECOMMENDATION:

Mayor Calloway has submitted the following recommendation to create an ad-hoc committee:

***Creation of the Brian Head Citizens Missing Voice ad hoc committee***

*In the council meeting on July 22, 2025, the council was interviewing the candidates to replace the vacancy left by Kelly Marshall. During the interviews, there was a reoccurring statement from each of the candidates, the statement was they were applying for the position to fill the missing voice. As I thought about this when we got into the council meeting on July 29, 2025, I felt the need for the council to hear the missing voice.*

*As an elected body, we represent the people therefore it is necessary that we hear all their voices and by creating the Brian Head Citizens Missing Voice Committee we should be able to gain some valuable insight that many people feel that we are missing. This is an opportunity to gain some unfiltered and honest input from the residents, business, and other stakeholders on how the town is performing as an organization to serve the people.*

*I propose creating the Brian Head Citizens Missing Voice Committee (an ad hoc committee) and appoint Troy Benson as a chairperson with the goals of soliciting input from the public on how the Town performs as they see it. With a time frame not to exceed 90 calendar days and give the council biweekly updates and submit a final report.*

Troy Benson, the proposed chairman of the committee, has submitted the attached proposal covering the purpose, scope, makeup, and timeline for the committee envisioned by Mayor Calloway. He proposes the following members on the committee:

- Troy Benson (Chair)
- Wendy Weatherwax
- Logan Cruz
- Steve Singer
- Don Evans
- Skylar Bennett

## STAFF RECOMMENDATION:

Staff recommends that Council discuss the proposed ad-hoc committee, determine whether they feel a need for such a committee, identify the specific issues that they wish to be investigated, and provide necessary timelines, committee membership, etc.

## PROPOSED MOTION:

The Council may create an ad-hoc committee, appoint members to that committee, and give instructions and timelines to that committee by motion, if they choose. Alternatively, Council may choose to direct staff to prepare an ordinance to establish a standing committee as an official public body.

## ATTACHMENTS:

A – Troy Benson Committee Proposal

# Brian Head Missing Voice Committee

## Ad Hoc Agenda and 90-Day Execution Plan

## Introduction

The Ad Hoc Committee was formed in response to community concerns regarding interactions between citizens, Town Board Members, and Town Hall. Residents have expressed a desire for improved communication, consistency, and responsiveness across departments.

It is important to note that all facets of town government should not view this committee as an aggressive or adversarial body. In good governance, committees are formed to provide fresh light and constructive pathways to express the need for change within the government. As with all government, the ultimate responsibility is to serve the people.

Citizens believe government must continue to evolve in order to better meet community needs, with a focus on:

- Department policies
- Public interaction
- Consistency
- Willingness to change and self-evaluate

## Purpose

To deliver clear and actionable recommendations to the Town Board that identify the top three issues per department and provide solutions to improve communication, efficiency, and professional standards.

## Scope

- Departments to be interviewed: Building, Public Works, Code Enforcement, Public Safety, Business Licensing, Human Resources.
- Leadership interviews: Department heads, staff as needed, Town Board Members, the Mayor, and Town Manager.
- Citizen input: Collected through surveys and possibly at least one public forum.
- Complaint data: Reviewed for recurring issues.
- Final report: Includes the top three issues per department and recommended actions.

## Committee Members

- Troy Benson — Chair
- Wendy Weatherwax
- Logan Cruz
- Steve Singer
- Don Evans
- Skylar Bennett

## Timeline & Milestones

## Month 1 (Days 1–30): Kickoff & Data Collection

- Launch citizen survey
- Begin compiling 12-month complaint data
- Schedule interviews with department heads, staff as needed, Town Board members, the Mayor, and Town Manager

Committee Actions by End of Month 1:

- Citizen survey launched and open for responses
- Complaint data collection underway

## Month 2 (Days 31–60): Engagement & Information Gathering

- Conduct interviews with department heads, staff as needed, Town Board members, the Mayor, and the Town Manager
- Continue collecting survey responses
- Hold public forum for feedback (if needed)
- Analyze complaint data

Committee Actions by End of Month 2:

- Interview summaries documented
- Public forum notes recorded (if held)
- Preliminary recurring issues identified

## Month 3 (Days 61–90): Analysis & Recommendations

- Finalize top three issues per department
- Draft and finalize recommendations report
- Day 80–85: Present report to Town Board
- Day 90: Public closeout and release of final report

Committee Actions by End of Month 3:

- Final recommendations report completed
- Presentation delivered to Town Board
- Findings released publicly

## Expected Outcomes

- Clear, prioritized list of issues across all departments
- Leadership input integrated through interviews
- Actionable recommendations for the Town Board
- Improved citizen engagement and communication
- Empower the Town Board, through citizen input, to provide clear and consistent direction for how the town's operations and interactions are conducted
- Establish a six-month review process to ensure accountability and integrity across all levels of government