

The Regular Meeting of the
Brian Head Town Council
TUESDAY, AUGUST 26, 2025 @ 1:00 PM

Minutes of the Town Council

Roll Call.

Members Present: Mayor Clayton Calloway, Council Member Larry Freeberg, Council Member Duane Nyen, Council Member Martin Tidwell, Council Member Mitch Ricks.

Staff Present: Ciera Claridge, Deputy Clerk; Bret Howser, Town Manager; Shane Williamson, Treasurer; Dan Benson, Public Safety Director; Jon Ficken, Public Works Director; Greg Sant, Building and Planning Administrator.

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Town Council to order at 1:03pm.

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. APPROVAL OF THE MINUTES:

August 12, 2025, Town Council Meeting

Motion: Council member Nyen moved to approve the August 12, 2025, Town Council Minutes. Council Member Tidwell seconded the motion.

Action: **Motion carried 4-0-1 (summary: Yes = 4, No = 0, Abstain = 1. Yes:** Mayor Calloway, Council Member Nyen, Council Member Tidwell, Council Member Ricks. **Abstain:** Council Member Freeberg who was not present at the meeting).

E. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS. Public input is limited to three (3) minutes on non-agenda items.

Ciera Claridge, Deputy Clerk, reported that she was working on coordinating hotels for the strategic planning retreat scheduled for the end of September. She planned to have an agenda ready for the next council meeting or prior, which she would send out to all council members.

Council Member Nyen expressed happiness about the recent rainfall, noting that over an inch of rain had fallen in the last 24 hours, allowing his wildland gear to gather dust.

Council Member Ricks informed the council about a "Meet the Candidates" event scheduled for September 17th from 7:00 to 8:30 PM. He and Council Member Tidwell would be participating, and he encouraged interested residents to attend. The event was being organized by the Parowan and Brian Head Chamber of Commerce.

1 **Council Member Tidwell** commented on recent improvements, noting that the lighting on the trail and
2 new signs looked great and had received positive feedback from the community.

3 **Council Member Freeberg** expressed his pleasure at being back and agreed with others about the welcome
4 arrival of the monsoon season.

5 **Bret Howser, Town Manager**, reported on a visit from Senator Lee's lands team the previous week. The
6 team met with the town, the resort, and Aspen Meadows to discuss expansion plans, particularly as they
7 pertain to working with federal lands. Tom Pedigree, the General Manager of the resort, gave a
8 presentation updating everyone on the progress of the proposed expansion project as it moves through the
9 official processes with the Forest Service. Bret mentioned that the resort was excited about the Forest
10 Service officially opening the public part of the process in mid-July, which started the official clock on the
11 project. The resort was planning to apply for an expedited process and hoped to hear back on that soon.
12

13 Bret also discussed a scheduled private installation of a sewer line on Forest Drive. When the blue stakes
14 were laid out, the contractor had concerns about the water line's location. The Town had the road surveyed
15 to compare the line's position to the centerline. It appeared there was room to proceed with the sewer line
16 installation, but a short stretch of the existing water line close to Mountain View Drive might need to be
17 relocated or sleeved. Bret noted they would meet with the contractor after Labor Day to assess any
18 outstanding issues.

19 **Jon Ficken, Public Works Director**, provided an update on the Manzanita overlook project, mentioning
20 that they were in the process of installing safety cables. He also noted that some hikers had requested not
21 to advertise the spot too much due to its beauty.

22 **Chief Dan Benson, Public Safety Director**, reported on a new hire for the deputy position. Kaden
23 Sorenson, previously a trail guide and mechanic at Thunder Mountain, had been offered the job. Dan
24 mentioned that Sorenson had started at POST (Peace Officer Standards and Training) on Monday and was
25 expected to graduate on December 18th.

26 **Phyllis Semick**, Diamond Peak Property Management, raised concerns about inconsistencies in the nightly
27 rental fees and the process of communicating changes to property owners. She requested clarification on
28 how the fee increases were determined and expressed a desire for more transparent communication about
29 such changes.
30

31 Bret Howser, Town Manager, elaborated on the background of the fee increases, highlighting that these
32 adjustments were primarily implemented to cover the cost associated with a police officer specifically
33 assigned to address issues arising from nightly rentals. This fee was initially calculated to cover a portion
34 of a police officer's salary, accounting for around 1700 hours of their time. Initially, the council had agreed
35 to charge the fee at 50% of the calculated amount, which was reviewed and updated annually based on
36 changes in costs, such as the officer's salary and associated equipment.
37

38 In a recent review, Bret acknowledged there were some miscalculations in the fee, which needed correction.
39 Due to these adjustments, staff revisited and recalculated the fee, presenting it back to the council. During
40 this time, it was discovered that an anticipated funding from Iron County, which was originally intended
41 to cover part of this expense, would not be forthcoming. As a result, the council decided to increase the fee
42 to 80% of the calculated amount to compensate for this shortfall.
43

44 Additionally, Bret offered to meet with Phyllis to further discuss and clarify any misunderstandings
45 regarding the fee increases and the process of how these fees are determined. He also explained that while
46 the fee is updated each year, it is meant to be reasonably related to the cost of providing the specific service,
47 which, in this case, involves the enhanced policing effort needed for nightly rental properties. Phyllis
48 appreciated the explanation and acknowledged the necessity of staffing for public safety concerns, despite
49 the noticeable fee increase.

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.** A resolution declaring a Notice of Intent to create the Brian Head Unit 3 Special Assessment Area.

Bret Howser, Town Manager, explained that the Town had received a petition from Brian Head Unit 3 to create a Special Assessment Area (SAA). The council had previously accepted the petition, and an appraisal of the properties had been conducted to ensure the ratios were met. The next step in the process was to issue a notice of intent to create the special assessment area.

Bret outlined the future steps, which included creating the special assessment area, engineering the project, bidding it out, getting actual costs, moving forward with the bonding process, and eventually creating the actual assessment based on those costs. Bret noted that there would be multiple opportunities for people to protest their specific assessments throughout the process.

The Council discussed the fire mitigation classification of the area (confirmed to be Class A) and the remaining amount approved for special assessment areas on water projects (approximately \$1.5 million).

Motion: Council Member Tidwell moved to adopt Resolution number 25-560 adopting the Brian Head Unit 3 Special Assessment Area Notice of Intent as presented. Council Member Nyen seconded the motion.

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

2. **FUEL REDUCTION PROJECT.** Approval to support the fuel reduction project in the "Archery Range" area, a total of 18 acres utilizing grant funding.

Chief Dan Benson, Public Safety Director, presented a proposal for a fuel reduction project using state-funded fuel mitigation money. Chief Benson identified two areas for the project: the "archery range" (also known as the dog park) near Steam Engine Drive and Snowshoe Toboggan area, and an 18-acre area behind the Hotel Brian Head Lodge (see attached).

The project would involve a 25-acre fuel reduction, including limbing, cutting out dead and dying trees, and removing trees six inches or smaller. The material would be piled and left to dry for a year before burning. Chief Benson explained that the areas were chosen due to their high-risk status for potential fire spread into residential areas.

The project would be carried out by hand crews rather than mechanized equipment to treat more acres and be less intrusive to the land. Chief Benson hoped to start work on the smaller archery range area in the fall if possible.

Council members asked questions about the power line in the area, the use of third-party contractors, and the possibility of allowing residents to collect firewood from the cleared areas. Dan confirmed that

1 a third party would do the cutting and piling, while town personnel would handle the burning,
2 potentially with assistance from state and other local fire departments.

3 The council gave their support for the project and appreciation for Chief Benson's efforts in securing
4 grant funding for the work.
5

6 **3. LAND MANAGEMENT CODE AMENDMENT DISCUSSION NOTICING. A proposed**
7 **amendment to the LMC for noticing requirements.**
8

9 Greg Sant, Building and Planning Administrator, presented a proposal to amend the Land
10 Management Code regarding public notice requirements (see attached). Greg recommended amending
11 the notice period from 14 days to 10 days to align with state statute and improve the efficiency of the
12 process.
13

14 Greg explained that the current 14-day requirement sometimes causes delays in project approvals,
15 especially given the short building season in Brian Head. He emphasized that the change was not
16 intended to reduce public input but to streamline the process.
17

18 Council Members discussed the pros and cons of the proposed change. Some concerns were raised
19 about giving remote homeowners enough time to respond, but it was noted that the availability of
20 Zoom meetings and email communications has made it easier for people to participate remotely.
21

22 The council agreed to move forward with the proposal, directing Greg to prepare for a public hearing
23 on the issue with the Planning Commission, followed by another public hearing with the Town
24 Council.
25

26 **4. AD HOC COMMITTEE FOR PLANNING /BUILDING PROCESSES & BUILDING**
27 **REGULATIONS. The Council will discuss whether an Ad Hoc Committee should be established for**
28 **Planning/Building processes and building regulations.**
29

30 Troy Benson, resident, presented a proposal for Council's consideration to create an ad hoc committee
31 that would review and provide recommendations on planning and building processes and regulations
32 in Brian Head. The committee's goal is to gather information from various sources, such as town staff,
33 council members, and citizens, to compile a comprehensive report assessing potential improvements
34 in town operations and communication.
35

36 Council Members engaged in a lengthy discussion, raising several questions and concerns about the
37 proposed committee. Key areas of concern included:
38

- 39 • **The Selection Process for Committee Members:** Council Member Ricks questioned the method
40 of selecting committee members, querying whether they represent diverse perspectives, including
41 those of business owners, residents, and staff. Troy clarified that the initial members were chosen
42 by the Mayor and himself, focusing on individuals with diverse backgrounds that range from
43 local government roles to contracting and owner-builders.
- 44 • **Potential Bias Due to Inclusion of Former Council Candidates:** Concerns were expressed
45 regarding the potential bias that may arise from having former council candidates as nearly half
46 of the committee members. Troy responded by emphasizing the necessity of choosing members
47 who are committed to creating positive changes rather than simply voicing complaints.
- 48 • **The Level of Council Involvement in the Committee's Work:** Council Member Ricks asked
49 whether the council would be involved beyond receiving updates. Troy indicated that right now,
50 the council's involvement is mainly through interviews to understand their experiences and
51 insights regarding town operations.

- **The Scope and Authority of the Committee:** Council Member Tidwell expressed concerns regarding the broad nature of the committee's purpose and questioned whether its members have the relevant expertise to assess areas such as improved communication efficiency and professional standards. Troy reassured the council that the committee's role is primarily to identify and report on issues, not to make management decisions.
- **Transparency and Adherence to Open Meeting Laws:** Discussions arose about whether the ad hoc committee needed to comply with the Open and Public Meetings Act (OPMA). Suggestions were made about potentially making the meetings open to the public to avoid perceptions of secrecy, though it was acknowledged that the committee is not a standing one and thus may not be subject to such regulation.
- **The Process for Interviewing Town Staff and Protecting Their Rights:** The council discussed whether staff interviews should be anonymous, and it was highlighted that any interaction with staff should proceed with caution to ensure that their rights are protected and to avoid creating an environment of distrust.

Upon conclusion of the discussion, the council chose to table the motion and directed Council Member Ricks and Council Member Tidwell to work collaboratively with Troy. They were tasked with refining the language and scope of the committee proposal to address the concerns raised, and to then present a more detailed plan to the council at the next meeting. The refined proposal will need to encompass specific details on data collection methods, anonymity considerations, and the overall execution plan for the committee's initiative.

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

Bret Howser, Town Manager, reviewed upcoming agenda items for future meetings:

- September 2nd Planning Commission meeting: Discussion on potential Land Management Code amendment related to flag lots, and possible minor plat amendment.
- September 9th Town Council meeting: Potential public hearing on Land Management Code amendment for flag lots, and possible road vacation as part of a plat amendment
- Presentation from Iron County on a potential solution for septic situations
- Refined proposal for the ad hoc committee, tentatively scheduled for the September 9th Council meeting.

G. ADJOURNMENT

Motion: Council Member Ricks moved to adjourn the regular meeting of the Town Council on August 26, 2025. Council Member Freeberg seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 2:55pm on August 26, 2025.

Date Approved

Ciera Claridge, Deputy Clerk