



## 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](http://www.Zoom.us) ([Click Here](#))

Via Zoom Meeting ID# 832 6089 7191

**TUESDAY, SEPTEMBER 23, 2025 @ 1:00 PM**

# MINUTES OF THE TOWN COUNCIL

**Members Present:** Council Member Larry Freeberg, Council Member Mitch Ricks, Council Member Duane Nyen.

**Members Absent:** Mayor Clayton Calloway, Council Member Martin Tidwell

**Staff Present:** Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Chief Dan Benson, Public Safety Director; Shane Williamson, Town Treasurer; Jon Ficken, Public Works Director; Greg Sant, Building/Planning Administrator.

Council Member Freeberg is serving in the absence of Mayor Calloway and Council Member Tidwell as Mayor Pro Tem.

## A. CALL TO ORDER

Mayor Pro Tem Freeberg called the regular meeting of the Town Council to order at 1:00 pm.

## B. PLEDGE ALLEGIANCE

Mayor Pro Tem Freeberg led the Council and others in the Pledge of Allegiance.

## C. DISCLOSURES

There were no conflicts of interest with today's agenda items. Mayor Pro Tem Freeberg 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:

September 09, 2025, Town Council Meeting

**Motion:** Council Member Nyen moved to approve the September 9, 2025, Town Council minutes. Mayor Pro Tem Freeberg seconded the motion.

**Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Council Member Ricks, Council Member Nyen, Mayor Pro Tem Freeberg. Absent: Council Member Tidwell, Mayor Calloway).**

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

**Council Member Nyen** reminded the public to clean their fireplace flues for the upcoming winter season.

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2 **Mayor Pro Tem Freeberg** commented on the fall leaves that are turning color and may be in full  
3 color for the next couple of weeks.  
4

5 **Bret Howser, Town Manager**

- 6 1. Reported he was on vacation in Mexico for the past week and is catching up on his  
7 emails this week.  
8 2. The annual Fall Community Hike is scheduled for September 30, 2025, beginning at  
9 11:00AM. Participants will meet at the Town Hall, and the hike will take place on the  
10 Manzanita Trail with lunch provided at the newly installed deck overlooking the  
11 Manzanita Trail area.  
12

13 **Council Member Ricks**

- 14 1. commented on Steam Engine Drive and how well the road was recently repaired after  
15 the installation of water and sewer lines for the Snowshoe/Toboggan Special Assessment  
16 Area (SAA) project. The road was recently paved after several months under  
17 construction.  
18 2. Inquired if Chief Benson has the information on the fire mitigation chipping program  
19 will be completed this year or next year. Chief Benson explained that they were on a fire  
20 and will make a phone call in hopes it will be completed this fall.  
21  
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23 **F. AGENDA ITEMS**

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25 1. **UTILITY EXTENSION REQUEST.** Linda Cook, property owner. A request to extend the  
26 utilities to the property of Linda Cook located west of Snowflake Lane.  
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28 The Council considered a request from Linda Cook and Bobby Baker to extend utilities to  
29 their property located at 344 West 775 South in Brian Head.  
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31 Jon Ficken, Public Works Director, presented the staff recommendation, explaining that the  
32 property owners were requesting town participation for a sewer extension. Jon noted that  
33 the extension would cost approximately \$6,400 to \$8,320 (at \$100-\$130 per foot for about 65  
34 feet). Jon reported that the staff recommendation was to decline the request as the Town had  
35 previously declined similar requests from other property owners.  
36

37 Linda Cook, property owner, presented their case, explaining that they had purchased the  
38 lot over a year ago to build a 1,400 square foot cabin. Ms. Cook noted that she and her  
39 husband are both 77 years old and want to enjoy Brian Head before they become too feeble  
40 to go outdoors. Ms. Cook introduced an alternative approach using an E1 sewer system,  
41 which would be more affordable than a conventional gravity system. The E1 system uses  
42 pressure to transport wastewater through small diameter pipes and requires less excavation.  
43 Ms. Cook emphasized that with the E1 system, they would not need financial support from  
44 the Town, and they have been working with the Hartlmaier's who own the adjacent  
45 property for an easement for the E1 system to be installed. Ms. Cook highlighted that they  
46 were waiting for the Town's approval of this plan before proceeding with their building  
47 permit application.  
48

49 Jon explained that according to State Code for sewer, it is required that the sewer line be  
50 extended to the furthest part of the property line and that an easement through another  
51 property cannot be approved.  
52

1 Mayor Pro Tem Freeberg noted that there appeared to be two different subjects: the original  
2 request based on a gravity flow system and the new E1 system proposal. Mayor Pro Tem  
3 Feeeberg suggested tabling the item until the E1 system could be properly evaluated by  
4 town staff.

5 **Motion:** Mayor Pro Tem Freeberg moved to table the agenda item for the utility extension  
6 request for further information. Council Member Ricks seconded the motion.

7 **Action:** **Motion carried 3-0-0 (summary: Yes = 3** Vote: Yes: Council Member Ricks,  
8 Council Member Nyen, Mayor Pro Tem Freeberg. **Absent:** Council Member  
9 Tidwell, Mayor Calloway).

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14 **2. SKI HAVEN CHALETS SUBDIVISION WALKWAYS.** The public use of platted walkways  
15 throughout the Ski Haven Chalets Subdivision.

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17 Bret Howser, Town Manager, presented information about the platted walkways in the Ski  
18 Haven Chalets subdivision. Bret explained that the subdivision was created approximately  
19 50-60 years ago when it was part of the county and was later annexed into the town around  
20 2000. The subdivision includes several 10-foot walkway easements that are now town-  
21 owned land.

22 Bret reported that property owners had requested the Town develop some of these  
23 walkways for pedestrian, mountain bike, or ski access. Bret noted that staff had initially  
24 suggested this request go through the strategic planning process, but the property owners  
25 suggested the work could be done with volunteers and minimal town resources.

26 Bret shared that he and Chief Benson had evaluated some of the proposed walkways and  
27 found significant slope issues. The priority 3 walkway from Steam Engine Drive to the  
28 archery range area had approximately 30% average slope, and the priority 4 walkway had  
29 over 20% slope. Bret explained that according to the Town's trail building standards,  
30 anything over 20% is considered extremely difficult and potentially dangerous.

31 John Stark, resident, spoke in support of developing the walkways, stating that many people  
32 are already hiking and biking through the area. Mr. Stark suggested developing meandering  
33 trails with switchbacks to mitigate the steep grades and mentioned that volunteers and  
34 funding were available.

35 Damon Sargent, property owner, expressed concerns about the town's plan, noting that his  
36 survey showed the walkway on his property was a private easement, not public right-of-  
37 way. He also raised safety concerns about steep slopes and winter sledding on these  
38 potential trails.

39 Benjamin Burton, property owner 536 Toboggan, commented that priority #2 in which a lot  
40 of their questions already have been addressed and inquired about the Town's other trails  
41 and if a master plan is available and requested to review it.

42 Jon Anderon, 411 Toboggan Lane, commented on the property above the proposed dog  
43 park and stated he is in support of the trail system throughout the area that the public  
44 would enjoy the trails and could offer opportunities for future utilities in the area.

1 Steve Singer, 151 Ponderosa Drive, commented that the entire area backs up to the Chair #5  
2 ski lift area, and the council should consider winter access and believes it does not tie into it.  
3

4 Council members expressed multiple concerns including:  
5

- 6 • The disconnected nature of the walkways
- 7 • Whether they would meet town trail standards
- 8 • The need for coordination with Brian Head Resort for any connections
- 9 • Maintenance costs
- 10 • Ownership verification
- 11 • Safety issues on steep slopes

12 The **consensus of the council** was that a more comprehensive evaluation was needed,  
13 including discussions with Brian Head Resort, slope analysis, and property ownership  
14 verification. The council agreed this should be part of the strategic planning process in  
15 January.

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18 **3. PUBLIC HEARING FOR BRIAN HEAD UNIT 3 SPECIAL ASSESSMENT**  
19 **AREA.** A public hearing to receive comments from the property owners in the Brian Head Unit 3  
20 Special Assessment Area.

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22 Shane Williamson, Admin. Dept. Head, explained that the public hearing was the beginning  
23 of the 60-day protest period for the special assessment area. Shane noted that if 40% of  
24 property owners protested during this period, it would prevent the project from proceeding.  
25 The assessment would add water infrastructure and improve roads in the area but would  
26 not include sewer.

27 Mayor Pro Tem Freeberg opened the public hearing at 2:27 PM.  
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30 Dion Rasmussen, who owns two properties in the area, expressed that he supports bringing  
31 water to the community but requested an exemption for one of his properties that already  
32 has a well. He asked about the process to exclude one property while including his other  
33 property in the assessment.

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35 Mayor Pro Tem Freeberg closed the public hearing at 2:30 PM.  
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37 Bret Howser, Town Manager, offered to discuss Rasmussen's situation outside of the  
38 meeting and bring it back to council if needed.  
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41 **4. PUBLIC HEARINGS:**

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43 **a) 450 EAST PARTIAL ROAD VACATION**

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45 Greg Sant, Building/Planning Administrator, gave a brief introduction to the public  
46 hearing for the partial road vacation of 450 East. Greg reported that a month ago, the  
47 Planning Commission approved a minor plat amendment involving two landowners and  
48 about eight lots. The Plat Amendment would vacate a portion of 450 East Road, where  
49 Mountain View turns north and becomes 450 East. The purpose was to preserve an area  
50 known as "the meadow," which floods every spring and supports wildlife.  
51

1 Mayor Pro Tem Freeberg opened the public hearing. There were no comments from the  
2 public. Mayor Pro Tem Freeberg closed the public hearing at 2:36 PM.  
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5 **b) LAND MANAGEMENT CODE AMENDMENTS FOR CHAPTER 1-8 (NOTICING) AND**  
6 **CHAPTER 12-2 (ESTABLISHING FLAG LOTS).**

7  
8 Greg Sant, Building/Planning Administrator, gave a brief introduction on the proposed  
9 amendments to the Land Management Code,  
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- 12 a) Chapter 1-8 (Noticing) and Chapter 12-2 (Establishing flag lots). Greg reported that  
13 Chapter 1-8, changing the noticing requirement from fourteen (14) days to ten (10)  
14 days that would be in line with state code. This would also streamline the process.  
15 Greg explained that with the availability of Zoom meetings and email, the longer  
16 wait period was no longer necessary.  
17 b) Chapter 12-2 would establish provisions for Flag Lots to help provide access to  
18 landlocked lots and minimize infrastructure. Greg noted this was encouraged by the Planning  
19 Commission during the past three meetings.  
20  
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22 Greg noted that the Planning Commission forwarded a recommendation of approval for both  
23 amendments to the Land Management Code.  
24  
25

26 Mayor Pro Tem Freeberg opened the public hearing to receive comments on the proposed  
27 amendments to the Land Management Code at 2:36 p.m.  
28  
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30 No comments were submitted, and no comments were given during the public hearing.  
31 Mayor Pro Tem Freeberg closed the public hearing at 2:37 p.m.  
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34 **5. 450 EAST PARTIAL ROAD VACATION ORDINANCE.** An ordinance vacating a  
35 portion of 450 East Road.  
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38 Road Greg Sant, Planning/Building Administrator, presented a draft ordinance partially  
39 vacating 450 East Road (see attached). Greg reiterated that the purpose of the road vacation  
40 was to preserve the meadow area. Greg noted that the only two entities' signatures were  
41 required to consolidate the lots and partially vacate 450 East Road.  
42  
43

44 Bret Howser, Town Manager, clarified that the road in question had never been improved  
45 and no there were no utilities in the area. Bret then presented a satellite imagery  
46 demonstrating that the right-of-way was only platted and that the plan would create a small  
47 cul-de-sac rather than extending the road through the meadow.  
48  
49

50 Council Member Ricks expressed support for the preserving the meadow, noting that it was  
full of elk and deer.

**Motion:** Council Member Ricks moved to adopt ordinance No. 25-007, vacating portion  
of 450 East Road as presented on the Amended Final Plat for Cedar Breaks  
Mountain Estates, Unit A Subdivision. Mayor Pro Tem Freeberg seconded the  
motion.

1           **Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes:** Council Member Ricks,  
2            Council Member Nyen, Mayor Pro Tem Freeberg. **Absent:** Council Member  
3            Tidwell, Mayor Calloway).

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6           **6. LAND MANAGEMENT CODE AMENDMENTS FOR CHAPTER 1-8 NOTICING**  
7           **REQUIREMENTS AND CHAPTER 12-2 ESTABLISHING FLAG LOTS.** An  
8           ordinance amending the LMC for Noticing Requirements and establishing Flag Lots.

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10          Allow Greg Sant, Planning/Building Administrator, presented a draft ordinance amending  
11        the Land Management Code (LMC) for Chapters 1-8 Noticing and Chapter 12-2 establishing  
12        Flag Lots (see attached).

13

14          Greg explained that the noticing amendment would change the requirement from 14 days to  
15        10 days, matching state statute practices. He noted this would help with the town's short  
16        building season and allow items to be addressed in the next meeting rather than waiting a  
17        month.

18

19          Regarding flag lots, Sant explained that the Planning Commission had worked through  
20        multiple sessions to develop standards that would help with housing needs while  
21        addressing safety concerns. He confirmed that the provisions would only apply to R-1  
22        zoning and that each flag lot would have its own staff (access strip).

23

24          Council members discussed several aspects of the flag lot provisions:

- 25
- 26
  - Whether adjacent properties could share a staff (access strip)
  - How utilities would be handled
  - Requirements for fire safety
  - Notification to neighboring properties
  - Snow removal concerns

31          Greg clarified that the provisions included options for fire safety, including a whole house  
32        sprinkler system in lieu of a private fire hydrant.

34          **Motion:** Council Member Ricks moved to adopt ordinance No. 25-008, amending the  
35        Land Management Code, Chapter 1-8 for Noticing and Chapter 12-2 establishing  
36        Flag Lots as presented. Council Member Nyen seconded the motion.

37          **Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes:** Council Member Ricks,  
38        Council Member Nyen, Mayor Pro Tem Freeberg. **Absent:** Council Member  
39        Tidwell, Mayor Calloway).

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

44          Bret Howser, Town Manager, noted that the next council meeting would include trails  
45        committee appointments and a fiscal year 2026 budget adjustment. He reminded council  
46        members that the next Tuesday was a fifth Tuesday, so there would be no meetings, giving  
47        them a three-week break before their next council meeting.

49          Bret also noted that the strategic planning session would be January 27-28, 2026, and  
50        advised council members to plan accordingly.

1      **G. ADJOURNMENT**  
23      **Motion:**      Council Member Nyen moved to adjourn the regular meeting of the Town  
4      Council. Council Member Ricks seconded the motion.5      **Action:**      **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes:** Council Member Ricks,  
6      Council Member Nyen, Mayor Pro Tem Freeberg. **Absent:** Council Member  
7      Tidwell, Mayor Calloway).8      The regular meeting of the Town Council was adjourned at 2:55 p.m. on September 23, 2025.  
910     \_\_\_\_\_  
11     Date Approved  
1213     \_\_\_\_\_  
14     Nancy Leigh, Town Clerk  
15

DRAFT