



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/82464716408)

Via Zoom Meeting ID# 824 6471 6408

TUESDAY, NOVEMBER 25, 2025 @ 1:00 PM

TOWN COUNCIL MINUTES

Members Present: Mayor Clayton Calloway, Council Member Larry Freeberg, Council Member Duane Nyen, Council Member Council Member Mitch Ricks
Members Absent: Council Member Martin Tidwell
Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Greg Sant, Planning & Building Administrator; Tom Gurr, Public Works.

A. CALL TO ORDER

Mayor Calloway called the special meeting of the Town Council to order at 1:00 pm.

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

Council Member Nyen reminded the Council and others of the annual Volunteer Firefighters Thanksgiving dinner that will be taking place later this evening at the public safety building from 5:00 pm to 7:00 pm.

Mayor Calloway commented that he was excited to see the hardware for the banners that will be put up over the Highway.

Bret Howser, Town Manager

1. Updated the Council on the Snowshoe/Toboggan SAA project. The water line has passed the pressure test, and crews are chlorinating the system today. Once tested and passes, the waterline will connect the Snowshoe Drive to Steam Engine Drive waterline. Some challenges are if the waterline is opened, it would create a freeze in the waterline. The Town has given Perco Rock, contractors, permission to finish the project. A punch list will be addressed next year. The gas line will be installed next year. Council Member Freeberg inquired as to where the chlorinated water is dumped once it is tested. Tom Gurr, Public Works, responded that he believes it will run down the road into the drainage. Council Member Freeberg expressed his concern for the vegetation that could be damaged from the chlorine.

2. The Town's first annual Holiday Lighting ceremony is scheduled for November 26, 2025, beginning at 5:00 pm at the Town Pavilion. Santa Clause will make a visit at 5:30 pm. Bret thanked the Lighting Committee for their efforts. Some members of the Parowan/Brian Head Chamber of Commerce will bring some volunteers to assist with the Holiday Lighting ceremony and reported they will bring more volunteers to assist.

Tom Gurr, Public Works

1. The Snowflake Booster station is currently down for repairs. Staff are waiting on parts for the booster panel. Mayor Calloway inquired if the booster station is a reoccurring problem. Tom explained that the last issue was a pump, this time it is the panel, two separate issues.
2. New hire, Joe Marshall, begun as of yesterday, Monday, November 24, 2025. Joe has experience with heavy equipment.

Cindy Vanalstraed, citizen, commented that she works with special disability people and inquired about the chairlift to the Mall building for disabled people. Cindy explained she has some people from the special Olympic ski team from Porta Rico who would need the chairlift to access the Mall businesses. Greg Sant, Planning & Building Administrator, explained that the fire inspection was recently completed and they are waiting on the lift chair that is currently backordered.

E. AGENDA ITEMS

1. **TOWN RIGHT-OF-WAY REQUEST FOR 180 GURR WELL ROAD.** A request for a portion of the Town's right-of-way for an expansion of a driveway located at 180 Gurr Well Road.

Bret Howser, Town Manager, explained the Town received a request from Dax Tobin, owner of 180 Gurr Well Road who is requesting a portion of the Town's right-of-way so that he can expand the retaining wall out further for access to the cabin (see attached). Bret reported that previous Public Works Director, Jon Ficken, walked the site with him and it was Jon's opinion that it would take the town's snow storage area. Bret reported that it is staff's recommendation to not grant the right-of-way and it was relayed to the applicant who had the option to come to the Council with his request.

Dax Tobin explained that the driveway is currently too narrow for a vehicle to drive to the front of the cabin and is requesting a portion of the Town's right-of-way to move the retaining wall. Mr. Tobin presented pictures of his narrow driveway, a survey of the property (see attached). Mr. Tobin explained that there is sufficient snow storage on the north side of Gurr Well Road where a meadow lies and believes the road is 40' wide when the standard is 30' wide.

The Council discussed the following:

- A sewer manhole is located within the driveway (see picture).
- The survey map shows the driveway is already located in the Town's right-of-way.
- The north side of Gurr Well Road is private property and not available for the Town to use as snow storage.
- Mayor Calloway commented that the approval would set a precedence that could be carried throughout the town but empathizes with Mr. Tobin.
- Mr. Tobin reported that he would like to pave his driveway and is requesting only 1" to 2" of right-of-way and that the manhole would not be covered.

- Mayor Calloway suggested Mr. Tobin contact his neighbors for a plat amendment.
- Council Member Nyen reported he takes the fire engines for test runs, but not on dirt roads, and he would have concerns on Gurr Well Road during the winter, the snow storage on both sides of the road would be questionable.

Motion: Council Member Nyen moved to deny the request for a portion of the town's right-of-way for 180 Gurr Well Road. Council Member Freeberg seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Nyen, Council Member Freeberg, Council Member Ricks, Mayor Calloway. Absent: Council Member Tidwell).**

2. BRIAN HEAD UNIT 3 SPECIAL ASSESSMENT AREA PROTEST TALLY NOTIFICATION TOTAL. A review all written protests to the Brian Head Unit 3 Special Assessment Area.

Nancy Leigh, Town Clerk, explained that as part of the Special Assessment Area requirements, the Council will review the protest tally for the SAA after the 60-day protest period which has officially ended. The 60-day protest period began after the public hearing was held on September 23, 2025.

Nancy then presented the protest tally as follows:

- Rote22 lots located in the Brian Head Unit 3 SAA
- One (1) written protest was received.
- Protest tally: 4.5% of the area.

Nancy explained the next step for Council is to consider a Notice of Designation resolution for the Brian Head Unit 3 SAA.

3. CONSIDERATION OF A RESOLUTION DESIGNATING THE BRIAN HEAD UNIT 3 ASSESSMENT AREA (THE "ASSESSMENT AREA") FOR THE PURPOSE OF (i) 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, (ii) ESTIMATING THE AMOUNT OF THE ASSESSMENTS TO BE LEVIED AND THE METHOD OF ASSESSMENT, AND (iii) GENERALLY DESCRIBING THE PERIOD OVER WHICH THE ASSESSMENTS ARE TO BE PAID AND THE MANNER IN WHICH THE TOWN INTENDS TO FINANCE SAID IMPROVEMENTS; AND RELATED MATTERS. A resolution adopting the Notice of Creation for the Brian Head Unit 3 Special Assessment Area

Bret Howser, Town Manager, presented a draft resolution for the Notice of Designation for the Brian Head Unit 3 Special Assessment Area (see attached). Bret reported he visited the site with the Town's engineer to review a portion of Driftwood Drive which has a narrow area and if the section could be widened to meet the Town's standards for roads. A portion of Driftwood Drive has a 30' right-of-way instead of the 50' right-of-way due to the cuts on the road. The SAA petitioned for a waterline and the Town could bond for some of the project, but that portion of the road would be a challenge, since it is too narrow for a snowplow.

The Council expressed their concerns with the following items:

1. Staff will verify with the town engineer on the centerline of the road to ensure that it is surveyed and if it is included in the construction costs.
2. The map shows the waterline as a looped system and if the Town has an easement in order to loop the waterline. Staff will verify.
3. Ensure the own is transparent with the challenges of the project and the expectations that they may have.
4. An updated map of the SAA area will be included since several lots have already been combined.
5. Verify that the properties will be able to install a pressurized sewer system.

Council directed staff on the following items:

1. Contact the property owners to have the conversation on the challenges of this project and what the expectations are regarding the road and sewer.
2. Verify with the Town engineer on the survey of the centerline and if a pressurized sewer system could be installed.
3. Update the SAA Map.
4. Verify the easement for the loop water line.

Motion: Council Member Nyen moved to table the Brian Head Unit 3 Special Assessment Area Notice of Designation resolution for further information. Council Member Ricks seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Nyen, Council Member Freeberg, Council Member Ricks, Mayor Calloway. **Absent:** Council Member Tidwell).

4. LIGHTNING POINT TRAIL PLANNNG SERVICE CONTRACT AWARD.

Contract award for the Lightning Point Trail Planning Services.

Bret Howser, Town Manager, presented a draft contract for the Lightning Point Trail Planning services (see attached). Bret explained that this item was an action step to get a NEPA completed with a categorical exclusion in order to allow the town to build the trail. Bret explained that the Lightning Point Trail is proposed to be located on the south side of Brian Head and running to Cedar Breaks National Monument. A planning grant was awarded to the Town from Utah Outdoor Recreation.

There were three respondents to the request for proposals for this project and a committee reviewed the proposals. It is staff's recommendation to award the contract to Jones & DeMille. Bret explained that staff are currently waiting for their attorney to review the contract but explained that the contract will not grant anything of substance and is being presented as a recommendation to award the contract in a form approved by the Town Manager.

Council Member Freeberg expressed some his concerns regarding the details of the proposal; 1) the documents that provides that the project is successful, 2) a survey of the grouse hawk species which are an endangered species which have certain requirements from the federal government, 3) the document does not identify if there are plans to do a consultation with the Wildlife CFR part 1-46 for specific species, 4) consultation with the Native Americans since there is an area that has artifacts. Council Member Freeberg commented that he would like to have the contract reviewed for these types of items. Mayor Calloway inquired whether the committee took into considerations any

discrepancies or the scope of work. Bret reported that the engineer has experience with these types of environmental assessments recently in this area and suggested that Council Member Freeberg review the scope of work along with a conversation with Jones & DeMille to determine if it is built into the contract.

Motion: Council Member Freeberg moved to table the contract award for the Lightning Point Trail planning contract for further information. Council Member Nyen seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Nyen, Council Member Freeberg, Council Member Ricks, Mayor Calloway. Absent: Council Member Tidwell).**

F. ADJOURNMENT

Motion: Council Member Freeberg moved to adjourn the special meeting of the Town Council. Council Member Nyen seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Nyen, Council Member Freeberg, Council Member Ricks, Mayor Calloway. Absent: Council Member Tidwell).**

The special meeting of the Brian Head Town Council was adjourned at 2:44 pm.

December 9, 2025

Date Approved

Nancy Leigh, Town Clerk