

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# 826 9388 2514

TUESDAY, FEBRUARY 10, 2026 @ 1:00 PM

MEETING MINUTES OF THE TOWN COUNCIL

Roll Call:

Members Present: Mayor Clayton Calloway, Council Member Larry Freeberg, Council Member Duane Nyen, Council Member Logan Cruz,

Members Absent: Council Member Mitch Ricks (Via Zoom Meetings)

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Shane Williamson, Town Treasurer; Chief Dan Benson, Public Safety Director; Jared Tubbs, Public Works Director

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Brian Head Town Council to order at 1:00 PM on Tuesday, February 10, 2026, at the Brian Head Town Hall Council Chambers.

B. PLEDGE ALLEGIANCE

Mayor Calloway led the Council and attendees 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:

January 13, 2026, Town Council Minutes

The Council reviewed the minutes from the January 13, 2026, Town Council meeting. Council Member Freeberg indicated he had found an item that he had discussed with Nancy, and she was addressing it.

Motion: Council Member Freeberg moved to approve the January 13, 2026, Town Council minutes with a minor change. Council Member Nyen seconded the motion.

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

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

Council Member Freeberg stated that the “snow dance is working” and expressed hope for continued snowfall.

1 Mayor Calloway reported that he had spoken with a representative from the Division of Natural
2 Resources regarding a project in the canyon that extends up Bowery Creek toward Yankee
3 Meadows. The project involves habitat restoration and fire mitigation using a "lop and scatter"
4 method rather than burning. Flint Decker offered additional details about the project.
5

6 Council Member Cruz stated he was happy to be back and was going through his healing
7 process following surgery, noting some ongoing neurological symptoms but that his back felt
8 good. The Council expressed their best wishes for his recovery.
9

10 **Bret Howser, Town Manager**

- 11 1. Referenced his weekly email from the previous Friday and highlighted that Flint Decker
12 had offered to assist with planning the ceremonial park space. If the Council was
13 comfortable with this arrangement, Flint would work with the already-contracted
14 engineers and architects to develop alternatives that might better utilize the space and
15 incorporate more of the town's history. The Council indicated support for this approach.
- 16 2. The shuttle stops and crosswalk project would be advertised for bid on Monday,
17 February 15, with a bid opening targeted for March 11. He encouraged anyone aware of
18 contractors who might be interested to contact him.
- 19 3. Has a request for bid ready for the exterior remodel of the Town Hall building and
20 planned to advertise it concurrently with the shuttle project.
21
22

23 **F. AGENDA ITEMS**

24
25 **1. PUBLIC HEARING FOR AN AMENDMENT TO THE LAND MANAGEMENT**
26 **CODE, CHAPTER 2 (DEFINITIONS), CHAPTER 7 (ZONE DISTRICT REGULATIONS) &**
27 **CHAPTER 12 (DESIGN STANDARDS).**
28

29 Greg Sant, Planning and Building Administrator provided an introduction to the proposed
30 amendments. Greg explained that during a recent General Plan and zone change request,
31 the Council realized that the R-2 (medium density residential) zone had some
32 inconsistencies. Staff reviewed R-1 (single-family residential), R-2, and R-3 (multi-family
33 residential) zones, as well as the definitions affecting those zones.
34

35 Greg reported that they initially thought Chapter 12 (Design Standards) might require
36 changes, no amendments to that chapter were ultimately needed. The changes were
37 confined to Chapter 2 (Definitions) and Chapter 7 (Zone District Regulations).
38

39 Greg highlighted that the biggest change was in the R-2 zone, where the density allocation is
40 four units per acre, increasing to eight units per acre if the developer uses the inclusionary
41 housing mechanism.
42

43 Mayor Calloway opened the public hearing at 1:10 PM to receive comments. No one was
44 present on Zoom, and there were no public comments. The public hearing was closed at 1:11
45 PM.
46
47

48 **2. ORDINANCE AMENDING THE LAND MANAGEMENT CODE, CHAPTER 2**
49 **(DEFINITIONS), CHAPTER 7 (ZONE DISTRICT REGULATIONS).** An ordinance amending
50 the LMC, Chapters 2, 7, and 12.
51

52 Greg Sant, Planning & Building Administrator, briefly recapped the proposed changes. Greg
53 explained that inclusionary housing is found in Title 9, Chapter 7 of the Land Management
54 Code. To achieve higher density in R-2 and R-3 zones, developers must meet water

1 requirements in Section 9-9-7 and, if the project exceeds ten total units, must comply with
2 inclusionary housing provisions in Section 9-9-8. The inclusionary housing requirements
3 include providing affordable housing units with deed restrictions or paying a fee in lieu and
4 purchasing additional water rights to draw from the town's available pool.
5

6 Greg clarified that R-2 previously allowed up to ten units per acre, but the Planning
7 Commission recommended reducing the maximum to eight units per acre. Greg noted that
8 if a developer has one acre and reaches eight units, they must pay for extra water but would
9 not yet trigger the inclusionary housing requirement (which kicks in at ten or more units). If
10 they have two acres at eight units per acre (totaling sixteen units), a percentage of those
11 would need to meet inclusionary housing requirements.

12 The Council discussed the language in Section 9-7-2-d-8 for R-2 and Section 9-7-3-d-5 for R-
13 3. Council Member Cruz suggested that the wording was somewhat contradictory, stating a
14 maximum of four units per acre but then allowing up to eight. He proposed clearer
15 language: "base density, four units per acre; maximum possible density, eight units per acre"
16 with the necessary inclusions. Bret Howser, Town Manager and Council Member Nyen
17 agreed that simplifying the language would be helpful. After discussion, the Council agreed
18 to revise the second sentence to read "density may be increased to" eight units per acre (for
19 R-2) and twenty-five units per acre (for R-3) where the provisions of Section 9-9-7 are met.
20 This change would be applied to both zones.
21

22 The Council then discussed the definition of "apartment" in Chapter 2. Council Member
23 Nyen suggested adding language about common utilities, similar to the condominium
24 definition. After discussion, the Council agreed to add "common town utilities" to the
25 apartment definition, specifying that apartments would require common water and sewer
26 connections to the town, though individual units could have separate gas and power.
27

28 Mayor Calloway also sought clarification on Accessory Dwelling Units (ADUs) in R-1 zones.
29 Greg confirmed that ADUs require a conditional use permit in R-1 and are not currently
30 allowed in R-2 or R-3. The Council discussed whether ADUs should remain a conditional
31 use or become a permitted use. Mayor Calloway and Greg agreed that requiring a
32 conditional use permit provides important oversight to ensure compliance with parking,
33 setbacks, and other requirements. Greg suggested waiting until a few ADU applications
34 have been processed to determine if the conditional use requirement is necessary or
35 redundant, and the Council agreed with this approach.
36

37 Council Member Freeberg asked about building bonus provisions in Section 9-7-11, and
38 Greg clarified that in R-2, the standard height is 25 feet, but developers can increase to 45
39 feet if they enter into a building bonus agreement, which allows the town to control building
40 exteriors.
41

42 Council Member Cruz asked whether there was any language around ADUs in R-2. Greg
43 confirmed there was not; ADUs are only listed as a conditional use in R-1.
44

45 Mayor Calloway inquired about the undisturbed area requirements. Greg explained that R-1
46 requires 15% undisturbed area, and the proposed amendment would require 20% in R-2,
47 matching R-3. Council Member Freeberg suggested making the undisturbed requirement
48 consistent at 20% across all three zones, but Mayor Calloway cautioned against restricting
49 the smaller lots prevalent in R-1, noting that many are as small as 0.15 acres. The
50 landscaping requirement remains at 25% in both R-1 and R-2, so developers have a smaller
51 disturbed area to work with but must still achieve the same landscaping.
52

53 Mayor Calloway asked about a notation "ASDFA" on Deer Trail in the spreadsheet. Bret
54 explained this was simply where his hand rested on the keyboard while working on the

1 spreadsheet. He clarified that Deer Trail Upper was being added to the rotation but not in
2 year one, pending the outcome of a Special Assessment Area (SAA) project. If the full Deer
3 Trail waterline project proceeds, the road will be improved and then placed into the
4 rotation; if not, it will not be in the rotation.
5

6 **Motion:** Council Member Freeberg moved to adopt Ordinance Number 26-001, amending
7 the Land Management Code, Chapter 2 (Definitions) and Chapter 7 (Zone
8 District Regulations), with the following changes:

- 9 1. Section 9-7-2-d-8, change the second sentence to read "density may be
10 increased to eight units per acre where the provisions of Section 9-9-7 are
11 met";
- 12 2. Section 9-7-3-d-5, make the same change to read "density may be
13 increased to twenty-five units per acre where the provisions of Section 9-
14 9-7 are met";
- 15 3. Section 9-2, Dwelling Definition C (apartments), add "common town
16 utilities." Council Member Nyen seconded the motion.

17 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Council Member Freeberg,**
18 **Council Member Nyen, Council Member Cruz, Mayor Calloway. Absent:**
19 **Council Member Ricks).**
20
21

22 **3. TRANSPORTATION UTILITY FEE & GRAVEL ROAD PLAN.** A discussion on the
23 Transportation Utility Fee (TUF) and the service for gravel road maintenance.
24

25 Bret Howser, Town Manager, presented an update to the gravel road maintenance plan
26 based on the Council's discussion at the Strategic Planning Retreat. Bret explained that he
27 had created two priority tiers for gravel roads: high priority (3-year rotation) and medium
28 priority (6-year rotation). Roads were prioritized based on whether they were part of an
29 access loop to neighborhoods, had houses, or had utilities installed. Roads with at least one
30 cabin were generally included. Some roads with no cabins but newly installed utilities were
31 also added, anticipating future development.
32

33 Bret outlined the policy adjustments he made to reduce costs. He removed binding agent
34 application from medium-priority roads, applying it only to high-priority roads. Removed
35 all imported material from the budget, planning instead to work with whatever material is
36 on the ground and apply road base on top of it. Bret also proposed recovering only half of
37 the staff costs and none of the incremental costs for equipment, essentially using
38 opportunity cost to reduce the fee burden. These adjustments brought the annual cost to
39 approximately \$148,000, of which \$67,000 is already being collected, leaving a funding gap
40 of approximately \$86,000 for the gravel road program. This would result in a Transportation
41 Utility Fee (TUF) of approximately \$14.50 per cabin and \$7.84 per condominium.
42

43 Bret noted that the policy direction from the Council's retreat was to hold public hearings to
44 present both the TUF option and a property tax option and gauge public input. Bret asked
45 for direction on scheduling the public forums, suggesting at least two hearings, including
46 one in the evening. Mayor Calloway suggested one forum in the evening and potentially
47 incorporating another with a Council meeting. Council Member Nyen emphasized the
48 importance of getting public input and making sure businesses have an opportunity to
49 respond, advocating for forums that would be convenient for them. Council Member Cruz
50 supported a public forum held after normal work hours when more people could attend.
51

52 The Council discussed notification methods. In addition to social media, physical postings
53 around town, and the newsletter, Bret suggested including information on utility bills.
54 Council Member Freeberg strongly recommended doing a full mailer to reach all property

1 owners, noting that this is an important issue that will cost property owners money. Bret
2 acknowledged that the previous mailer had cost over \$3,000 but agreed that reaching
3 everyone was important. Council Member Nyen noted that they could eliminate properties
4 that had been returned to sender in the past, and that hitting utility bill recipients would
5 capture those who would be impacted by a TUF (though property tax would affect a
6 broader group). The Council agreed to proceed with a mailer.
7

8 Regarding timing, Bret explained that the state legislature is currently considering a bill that
9 may change the timing requirements for property tax public hearings. If the bill passes and
10 takes effect this year, the town may be required to hold an additional public hearing in May
11 or June, even if they hold forums in March. Despite this uncertainty, the Council agreed to
12 move forward with public forums in March.
13

14 Mayor Calloway questioned whether the \$86,000 funding gap was sufficient, expressing
15 concern that costs always exceed expectations and that the town would have to return soon
16 to increase fees. Council Member Nyen suggested starting with the \$86,000 figure and
17 asking the public whether they prefer a more conservative or aggressive approach. He
18 emphasized that the most important issue is determining the funding mechanism (TUF
19 versus property tax) and getting the public's input on that question.
20

21 Council Member Freeberg agreed, noting that he preferred the TUF because it is a
22 committed, restricted fund that cannot disappear into general revenues and can be adjusted
23 incrementally. He suggested building in some increase (perhaps 20%) to avoid having to
24 return to the public shortly after implementation for additional adjustments. Council
25 Member Cruz asked whether there was a way to incentivize neighborhoods to come
26 together for a long-term fix, such as paving their roads, and potentially receive tax breaks.
27 Mayor Calloway and Bret explained that asphalt maintenance costs are actually higher than
28 dirt road maintenance costs, and the issue being addressed here is ongoing maintenance
29 rather than upfront construction costs.
30

31 Bret confirmed his understanding of the Council's direction: hold two public forums in
32 March (one during the day, one in the evening), advertise via all available methods
33 including a mailer, and present the \$86,000 funding gap with the gravel road program as
34 currently outlined. The emphasis would be on educating the public about the two funding
35 options (TUF and property tax) and soliciting feedback. The Council could refine the
36 program amount based on public input.
37

38 Public comment was invited. John Stark suggested that Toboggan North or Toboggan East
39 should be prioritized as a grade 3 road because it closes an access loop and receives
40 significant summer traffic. John also requested that Ponderosa be moved up in the schedule,
41 as there are currently three cabins on the road with two more in planning. Bret responded
42 that he is working to bring in the Iron Wolf machine (the rock masticator used on Peak
43 Road) to treat several roads, including Ponderosa and others. Bret expressed hope that
44 Ponderosa could be completed this summer, bringing it to a good gravel surface before
45 applying road base a few years later and placing it on a six-year rotation.

46 Regarding Toboggan Northeast, Bret agreed it would be a good candidate for the Iron Wolf
47 if that machine is secured.
48

49 John Stark, resident, also commented on the TUF versus property tax discussion, stating that
50 he would prefer adjusting property taxes on unimproved lands. He noted that bare lots are
51 increasing in value, but owners pay little if they are assessed at a low rate. If the town uses a
52 TUF, those owners will never contribute. Bret acknowledged the concern but explained that
53 state law requires basing TUF on trips, making it difficult to assign significant fees to empty

lots. Additionally, collecting from empty lots is problematic without the leverage of shutting off a utility.

Council Member Freeberg asked about the application of millings (asphalt grindings) as a potential cost-saving measure, and Troy Benson, resident, indicated he might have access to millings. Bret noted that millings were the original plan years ago, but sources dried up. He would be interested in exploring that option if it proves more cost-effective. Council Member Freeberg commented on the importance of properly rolling and watering millings multiple times to ensure they bind and last.

Consensus of the Council: There will be two public forums held in March 2026; one at night and the other on a council meeting day. Staff will advertise by all methods including postcard mailers, social media, town website, etc. Staff will go with the program that was presented today and will work on the financing. Council agreed to proceed.

4. **2024-2025 WATER & SEWER INFRASTRUCTURE PROJECTS UPDATE.** An update on the set of water & sewer projects and hold discussion on next steps.

Bret Howser, Town Manager, provided an update on the 2024-2025 water and sewer infrastructure projects. Bret reviewed the background, noting that the Town had updated its Capital Facilities Plan (CFP) and received favorable financing, allowing the Town to bid a large set of projects. He divided the projects into three categories based on the financing structure:

Snowshoe and Toboggan Water (SAA Project): Bret reported that this project came in under budget, with less than \$20,000 remaining in the budget. The contingency had been tight at \$18,000, and that is approximately what was left over. There were no significant change orders on this project, and it is essentially wrapped up.

Snowshoe and Toboggan Sewer Project: This project is expected to have approximately \$300,000 remaining, which is about what was originally bid for the Ponderosa sewer line. The town had decided not to proceed with the Ponderosa line during the original bidding to maintain more budget cushion, but it now appears there would be sufficient funds to complete it. Bret recommended rebidding the Ponderosa sewer line, noting that the engineering is largely complete and only the bid documents would need updating. Bret expressed optimism that favorable bids, like those recently received for other projects, could bring the cost below the original \$308,000 estimate. The Council indicated support for this approach.

2024-2025 Infrastructure Projects: This category included the well, the highway water line replacement, the Blue Jay Way, a pump station, and SCADA replacement. The pump station received no bids and was removed. The SCADA replacement was pulled late in the process due to financing complications and is now in limbo. Bret indicated that Public Works Director Jared would need time to evaluate whether the SCADA replacement is still necessary. The Blue Jay Way loop was also pulled from the list. Bret could not recall the specific reason, but he noted that a contractor building a home in the area wants to extend the water line across the frontage of about two of the four lots in the gap, potentially allowing the town to partner and close the loop for the remaining two lots. There are some complications with blending private and federal-funded work (due to Davis-Bacon requirements), as well as a right-of-way issue where the pavement crosses private property between Blue Jay Way and Granite Court. Bret reported that he had a positive conversation with the affected property owner, who was unaware the pavement was on his property. The owner seemed open to cleaning up the right-of-way issue, and the Town could potentially keep him whole on acreage by conveying some town-owned property behind his parcel.

1
2 The projects that were completed included the well and the highway line replacement. The
3 well was drilled and capped but only produced approximately 100 gallons per minute,
4 which is significantly less than the target. Bret estimated that finishing out the well with
5 pumps and equipment would cost approximately \$300,000, though the engineer indicated
6 this was a high-end estimate. The policy recommendation is to approach the resort and ask
7 if they would be willing to cover a proportional share of the debt service to finish the well
8 for snowmaking purposes, as the Town does not currently need the water for municipal use.
9 The Council indicated agreement with this approach. Bret noted that the town has an
10 existing agreement with the resort for transferring water for snowmaking, including a
11 wheeling fee to cover the town's costs. The Town also provides excess municipal water to
12 the resort, which offsets the Town's lease obligations to the Parowan Reservoir Company.
13 However, the rate and timing of water delivery are not specified in the agreement, which
14 can create issues during peak snowmaking periods when the resort wants large volumes
15 quickly. The original plan was for the new well to provide additional capacity (600 gallons
16 per minute), allowing the town to enter into a more specific agreement with the resort. With
17 the well underperforming, the town would need to determine if the resort is willing to pay
18 for finishing the well to gain an additional 100 gallons per minute.
19

20 Bret also noted that there is an outstanding issue related to the generator at the pump
21 station near the half-million-gallon tank on the ski runs, which is primarily needed for
22 snowmaking to ensure the town can transfer water during power outages. In the twelve
23 years he has been with the town, lack of a generator affected snowmaking only once, and he
24 did not consider this a high-priority item to revisit. Council Member Freeberg asked several
25 questions about the Town's water transfer arrangements with the resort. Bret clarified that
26 the resort leases 100 acre-feet of water rights from Parowan Reservoir Company and the
27 Town charges a wheeling fee to transfer that water, which had not been covering the Town's
28 power costs. Any excess municipal water used for snowmaking offsets the town's own lease
29 obligations, so the town only charges the wheeling fee for that water, not the lease cost itself.
30

31 Bret summarized the recommendations:

- 32 1. Rebid the Ponderosa sewer line,
- 33 2. work with the contractor and property owner on Blue Jay Way to potentially close
34 that loop,
- 35 3. talk to the resort about finishing the well,
- 36 4. allow Jared, Public Works Director, time to evaluate the SCADA replacement.
37

38 The Town has approximately \$900,000 remaining in this project category. Bret
39 acknowledged that this federal financing has been "troublesome money" because it operates
40 on a reimbursement basis, requiring extensive documentation and resulting in months-long
41 delays in receiving funds, which created significant cash flow challenges.
42

43 Mayor Calloway asked the Public Works Director to thoroughly evaluate the need for the
44 generator at the pump station and provide a recommendation. The Council agreed with the
45 overall direction.
46

47
48 **5. FUTURE AGENDA ITEMS.** Discussion on potential items for future Council agendas.

49 Nancy Leigh, Town Clerk, reviewed the items planned for the next Council meeting: the
50 2024-2025 audit presentation, a code enforcement policy review, and a discussion on zone
51 designation for Resort Mixed Use for Aspen Meadows. Council Member Freeberg requested
52 a review of how development agreements relate to zoning and what the Council needs to
53 consider when evaluating zone changes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

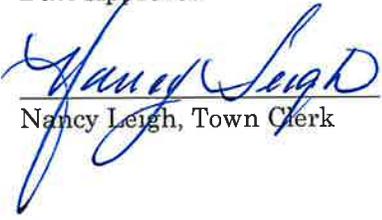
G. ADJOURNMENT

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

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

The regular meeting of the Town Council was adjourned at 3:09 pm for February 10, 2026.

February 24, 2026
Date Approved



Nancy Leigh, Town Clerk

