



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# 865 9797 1846
TUESDAY, MARCH 10, 2026 @ 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 Logan Cruz,

Members Absent: **Council Member Mitch Ricks.**

Staff present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Chief Dan Benson, Public Safety Director; Jared Tubbs, Public Works Director; Greg Sant, Planning & Building Administrator; Amanda Hunter, Code Compliance; Ciera Claridge, Deputy Clerk; Shane Williamson, Town Treasurer.

A. CALL TO ORDER

Mayor Calloway called the regular 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. APPROVAL OF THE MINUTES:

February 24, 2026, Town Council Minutes

The Council reviewed the minutes from February 24, 2026. With no changes or corrections proposed, the minutes were approved as presented.

Motion: Council Member Nyen moved to approve the February 24, 2026, Town Council minutes. 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 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.

1 **Nancy Leigh, Town Clerk**

- 2 1. reported that there is one more day remaining for applications for the council vacancy,
3 with three applications received so far. The deadline is tomorrow, March 11th at 5:00 PM,
4 with interviews scheduled for the March 24th council meeting.
- 5 2. The What Hut Rail Jam event will take place at the Mall on March 20th and 21st. Nancy
6 reported that the event will require closing Village Way Road from 11 AM to 9 PM both
7 days and with a parking plan in place.

8 **Council Member Nyen** noted seeing the first bluebird of the season, marking the changing
9 weather.

10 **Council Member Freeberg** observed that this appears to be the end of the snow season but
11 mentioned that Noah is predicting a strong El Niño year next year, which could mean lots of
12 snow.

13 **Bret Howser, Town Manager**, The Town has taken over maintenance of the Brian Head
14 Peak Road through an agreement with the county, classifying it as a schedule A road that
15 the Town will maintain through a subcontract with the county.

16
17 **Public Comments:**

18 **Mike Childs**, Shady Dell Lane, addressed the council regarding his experiences as a builder
19 in town over the past four years. Mike expressed feeling harassed and bullied by code
20 enforcement, stating he was fined \$1,000 initially and repeatedly singled out afterward. Mike
21 explained that his concerns went unheard despite sending numerous group texts to staff.

22 Mike emphasized the need for a clear complaint process that allows citizens to bring
23 concerns directly to the town council, where the council could decide whether to direct the
24 Town Manager to investigate or handle the review through a different process. He thanked
25 Council Members Nyen and Cruz for meeting with him and hearing his concerns directly,
26 which gave him confidence that citizens can have a voice. Based on this interaction, Mike
27 announced he is not interested in pursuing legal action against the town and is prepared to
28 withdraw his complaint lawsuit. Mike emphasized that the five council members are elected
29 to represent citizens and provide direction to the community, with the authority to hire and
30 fire management as needed.

31 **Martin Tidwell**, Red Fox Circle, announced that the GOP caucus is scheduled for a week
32 from today at 7 PM in the town building, with all registered Republican voters invited to
33 attend.

34
35 **F. AGENDA ITEMS**

- 36
37 1. **FISCAL YEAR 2025 TOWN AUDIT PRESENTATION.** A presentation of the FY 2025
38 Town Audit ending June 30, 2025.

39
40 Shane Williamson, Town Treasurer, introduced independent auditor Kevin Jones from
41 Haynie & Company to present the FY 2025 audit results.

42 Kevin Jones presented the audit findings, emphasizing that the town received a clean,
43 unmodified opinion, meaning the financial statements are fairly presented. The audit was

1 conducted using government auditing standards, and a single audit was required due to
2 federal money received and spent by the town.

3 Key financial highlights included:

- 4 • Total net position increased by approximately \$2.2 million during the year
- 5 • Total unrestricted net position decreased by \$287,000
- 6 • Net capital assets increased by about \$4.1 million, from \$52.2 million to \$56.3 million
- 7 • Long-term debt outstanding also increased by \$4.1 million
- 8 • Total revenues were approximately \$10 million compared to \$9.5 million the
9 previous year
- 10 • Total expenses were roughly \$7.8 million compared to \$7.2 million the previous year

11 The audit included testing of \$2.6 million out of \$3.15 million in federal expenditures
12 (approximately 83% coverage). Jones noted there were no audit findings or compliance
13 issues, and the town had no corrected or uncorrected misstatements. He commended Shane
14 and Bret for their professionalism and prompt assistance during the audit process.

15 Bret Howser, Town Manager, clarified that the general fund budget versus actual figures
16 included all funds beginning with "1," including Wild Empire and notably the special
17 assessment area funds for Snowshoe and Toboggan projects, which received significant
18 upfront funding including grants and bonds, explaining the favorable variance in revenues.

19 Council members expressed appreciation for the clean audit results, with Martin Tidwell
20 congratulating staff and the town for conservative financial management.

21 **Financial Impact & Community Benefit**

22 The audit demonstrates the Town's strong financial position with \$2.2 million in increased
23 net position, funded through a combination of operational revenues, grants, and bond
24 proceeds. This represents ongoing financial stability with \$4.1 million in new capital assets
25 balanced by corresponding debt. The clean audit provides accountability to residents and
26 supports the Town's credit rating for future borrowing needs, while the \$3.15 million in
27 federal expenditures demonstrates effective grant management that leverages outside
28 funding for community infrastructure improvements.

29 **2. CODE COMPLIANCE AMENDED POLICY ADOPTION** A resolution amending the 30 Code Compliance Policy. 31

32 Due to scheduling needs, this item was moved up in the agenda order.
33

34 Bret Howser, Town Manager, introduced the updated code compliance policy, emphasizing
35 the significant change from "code enforcement" to "code compliance" terminology (see
36 attached). The policy reflects the "educate, educate, accelerate" approach discussed during
37 the strategic planning retreat, with numerous action steps included in the strategic plan to
38 support this philosophy change.

39 Council members expressed support for the policy direction. Council Member Nyen called
40 it a good step forward, noting it's a dynamic document that can be changed as needed.
41 Council Member Freeberg agreed it was a good step forward and suggested having a
42 different person review the document for terminology consistency, noting that plural forms
43 like "violations" might not be caught in search-and-replace functions.

1 Council Member Cruz appreciated the wording change and raised questions about the
2 complaint process, suggesting council members should receive complaints directly to
3 provide citizens with advice and guidance. He referenced how his meeting with Mike
4 Childs helped resolve a potential lawsuit situation.

5 Bret explained plans for improved transparency through the 311 system on the Town's
6 website, with tracking capabilities and potential sharing with council through a Google
7 Sheet. He recommended semiannual summarized reports to council while cautioning about
8 the legal risks of platforming unsubstantiated complaints. For personnel complaints
9 specifically, Bret noted the appropriate chain of authority while acknowledging the need for
10 transparency with council when necessary.

11 Troy Benson, Mountain View Dr. resident, explained that the Missing Voice Committee's
12 intent was to create a conduit for complaints to reach council members, as there had been
13 instances where council members were unaware of ongoing problems. The goal is to
14 provide an avenue for citizens to get around staff when they feel unheard.

15 Mayor Calloway cautioned against swinging the pendulum too far in reaction to previous
16 problems, emphasizing the need for measured adjustments rather than overcorrection.

17 Mike Childs, resident, returned to the podium to clarify his concerns about the current
18 system, using an NFL analogy where having one person serve as "judge, jury, executioner,
19 and rule-maker" is problematic. He expressed preference for elected officials (the council) to
20 have more oversight, requesting they serve as the "players association" to provide balance.

21 **Motion:** Council Member Freeberg moved to adopt resolution No. 26-566 amending the
22 Administrative Code Compliance Policy as presented. Council Member Nyen
23 seconded the motion.

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

27
28 **3. PRESENTATION OF THE BOARD OF EQUALIZATION'S REPORT FOR THE BRIAN**
29 **HEAD UNIT 3 ASSESSMENT AREA (THE "ASSESSMENT AREA") AND**
30 **CONSIDERATION FOR ADOPTION OF AN ASSESSMENT ORDINANCE**
31 **CONFIRMING THE ASSESSMENT LIST AND LEVYING AN ASSESSMENT**
32 **AGAINST CERTAIN PROPERTIES IN THE ASSESSMENT AREA, FOR THE PURPOSE**
33 **OF FINANCING CERTAIN IMPROVEMENTS IN THE ASSESSMENT AREA; AND**
34 **RELATED MATTERS.** An ordinance adopting the Brian Head Unit 3 SAA final assessment and
35 acceptance of the Board of Equalization's report.
36

37 Town Manager Bret Howser explained the Special Assessment Area process, noting this
38 represents a later step in completing what has become an increasingly lengthy process.

39 The Board of Equalization held hearings in February with one protest received for the Brian
40 Head Unit 3 SAA. The Board recommended no changes to the proposed assessments despite
41 the protest, which suggested alternative distribution methods. The Town's policy divides
42 costs evenly by lot rather than by frontage or valuation, and the Board of Equalization lacks
43 authority to change this policy.

44 The assessment ordinance sets the total amount that can be paid upfront within 25 days of
45 adoption, with no interest charged. After that period, property owners pay over 10 years
46 with interest through debt service payments on bonds the Town will issue.

1 Assessment amounts are just under \$41,000 per lot for Brian Head Unit 3 (total assessment
2 \$900,000) and just under \$24,000 per lot for Elk Drive SAA (total assessment \$575,000).

3 Council Member Freeberg asked about the ability to prepay after the initial 25-day period,
4 which Bret confirmed is possible. He also inquired about inspection checklists for project
5 execution, which Bret confirmed would be developed with weekly project management
6 meetings and proper inspection protocols.

7 **Financial Impact & Community Benefit**

8 The Brian Head Unit 3 special assessment totals \$900,000 to be funded through property
9 owner assessments of \$41,000 per lot, representing a one-time infrastructure improvement
10 that can be paid upfront or financed over 10 years with interest. This assessment addresses
11 critical fire protection infrastructure needs by funding water line installations, providing
12 essential safety improvements for residents in the assessment area while following
13 established town policy for equitable cost distribution among benefiting properties.

14 **Motion:** Council Member Nyen moved to adopt ordinance No. 26-002, levying an
15 assessment against the properties in the Brian Head Unit 3 Special Assessment
16 Area for the purpose of certain improvements in the assessment area. Council
17 Member Cruz seconded the motion.

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

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22 **4. PRESENTATION OF THE BOARD OF EQUALIZATION’S REPORT FOR THE TOWN OF**
23 **BRIAN HEAD, UTAH SPECIAL TAX ASSESSMENT AREA NO. 2025-02 (ELK DRIVE)**
24 **(THE “ASSESSMENT AREA”) AND CONSIDERATION FOR ADOPTION OF AN OF**
25 **AN ASSESSMENT ORDINANCE CONFIRMING THE ASSESSMENT LIST AND**
26 **LEVYING AN ASSESSMENT AGAINST CERTAIN PROPERIES IN THE ASSESSMENT**
27 **AREA FOR THE PURPOSE OF FINANCING CERTAIN IMPROVEMENTS IN THE**
28 **ASSESSMENT AREA; AND RELATED MATTERS.** An ordinance adopting the Elk Drive SAA
29 final assessment and acceptance of the Board of Equalization’s report
30

31 This item followed the same process and rationale as the Brian Head Unit 3 assessment area.

32 **Financial Impact & Community Benefit**

33 The Elk Drive special assessment totals \$575,000 funded through property owner
34 assessments of \$24,000 per lot, representing a one-time infrastructure investment that can be
35 paid upfront or financed over 10 years with interest. This assessment funds essential water
36 line improvements to serve the Elk Drive area, providing critical infrastructure for fire
37 protection and water service reliability while distributing costs equitably among directly
38 benefiting properties according to established town policy.

39 **Motion:** Council Member Nyen moved to adopt ordinance No. 26-003, levying an
40 assessment against properties in the Elk Drive Special Assessment Area for the
41 purpose of certain improvements in the assessment area. Council Member Cruz
42 seconded the motion.

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

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2 **5. FISCAL YEAR 2027 STRATEGIC PLAN REVIEW.** A review the first draft of the FY2027
3 Strategic Plan

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5 Bret Howser, Town Manager, presented the first draft of the FY 2027 Strategic Plan, noting
6 the inclusion of America 250 branding on the cover and in various action items throughout
7 the document (see attached).

8 The council reviewed the plan section by section:

9 **Public Information:** The council discussed AV improvements for Council Chambers and the
10 Public Safety training room. The Mayor requested better functionality for guest presentations
11 and elimination of screen jittering issues. Council Member Freeberg suggested high-visibility
12 t-shirts for town cleanup events to increase visibility and participation.

13 **Community Development:** Town Manager Bret Howser explained the 14-17 day timeframe
14 for design review reflects state statute requirements, though the Town routinely performs
15 faster. Bret noted the online building guide and inspection list came from the Missing Voice
16 Committee recommendations.

17 Discussion included training for code compliance staff, including a credentialed code
18 enforcement safety specialist course. Bret explained the goal of rebranding code compliance
19 through social media videos and marketing to introduce staff before negative interactions
20 occur, helping people expect education rather than enforcement.

21 **Economic Development:** The council discussed transitioning the holiday lighting event to
22 greater Chamber of Commerce involvement while maintaining town participation. Council
23 Member Freeberg expressed support for pursuing grants to install power lines down Village
24 Way to encourage development, noting this as critical for business district growth.

25 The council reviewed various other economic development initiatives including dark sky
26 compliance outreach, Brian Head Days planning for America 250, and fuel dispenser
27 replacement.

28 **Strategic Planning:** The council noted the inclusion of updating the community vision
29 statement and various operational improvements.

30 **Financial Management:** Discussion included grant opportunities, particularly a new
31 playground and sports court grant program from the Office of Outdoor Recreation. Town
32 Manager Bret Howser expressed interest in pursuing a pickleball court project with 50/50
33 matching funds from the RDA.

34 **Public Safety Section:** Chief Dan Benson explained the need for a new body camera system,
35 as the current system is no longer supported and cameras are failing. The new system would
36 include automatic redaction capabilities and better storage, though it will be expensive. He
37 also discussed plans for a life flight landing pad, potentially in the corner area near Chair 8 or
38 by filling in a corner near the pond to maintain trail access.

39 The council discussed various equipment needs including SKED rescue sleds, AED
40 placement in public buildings, and contracting annual hydrant flow testing for 100 hydrants
41 per year on a rotating basis rather than testing all 300 annually in-house.

42 The council agreed to continue reviewing the Public Works section at the next meeting rather
43 than extending the current meeting further.

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

Council Member Nyen raised concerns about how special assessment areas with multiple zones (R-2, R-3, commercial) should be handled, suggesting this needs future discussion.

Council Member Nyen also questioned the legal status of Timbercrest road maintenance, noting that Blue Jay and Granite Court don't actually meet and asking whether there's a recorded connection between the two roads across private land.

Town Manager Bret Howser explained there's an access easement recorded, and he's working with property owners to convert it to an actual right-of-way through a land swap arrangement. The surveyor was on site today working on the legal description needed to complete this process.

Council Member Cruz discussed snowmobile trail maintenance issues raised by Kelly in a written complaint. The council agreed this needs attention, with suggestions to walk the trail with Kelly Oldroyd, Thunder Mtn. Motorsports, and Jared Tubbs, Public Work Director, to identify specific problems and establish a clear annual maintenance protocol before each snow season.

Nancy Leigh, Town Clerk, outlined upcoming agenda items including Planning Commission meetings for Aspen Meadows preliminary plat and zoning discussions, council interviews for the vacancy position, public work standards adoption, strategic plan public works review, public forum recap, Patchwork Parkway presentation, and bid award for shuttle stop and town hall exterior improvements.

G. ADJOURNMENT

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

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: 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 3:29 pm for March 10, 2025.

Date Approved

Nancy Leigh, Town Clerk