BRIAN HEAD

The Regular Meeting of the

Brian Head Town Council

Brian Head Town Hall – Council Chambers

56 North Highway 143 – Brian Head, UT 84719

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Via Zoom Meeting ID# 874 3844 8858

TUESDAY, JUNE 23, 2026 @ 1:00 PM

MINUTES OF THE TOWN COUNCIL

Roll Call.

Members Present: Mayor Calloway, Council Member Freeberg, Council Member Nyen, Council Member Tidwell, Council Member Cruz.

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Shane Williamson, Admin. Service Director; Amanda Hunter, Code Compliance; Ciera Claridge, Deputy Clerk, Greg Sant, Planning & Building Administrator; Stg. Jon Bettridge, Public Safety.

A. CALL TO ORDER

The regular meeting of the Brian Head Town Council was called to order at 1:00 pm by Mayor Calloway.

B. PLEDGE ALLEGIANCE

Mayor Calloway led the Council and others in the Pledge of Allegiance.

C. EMPLOYEE SERVICE AWARD: 5-YEAR SERVICE AWARD - AMANDA HUNTER, CODE COMPLIANCE.

Shane Williamson, Admin. Service Dir. Presented Amanda Hunter, Code Compliance Officer, with her 5-year Service Award, noted that she began her role in 2021. Mayor Calloway extended thanks to Amanda on behalf of the Council.

D. 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.

E. APPROVAL OF THE MINUTES:

June 23, 2026, Town Council Meeting

Motion: Council Member Tidwell moved to approve the June 23, 2026, Town Council meeting minutes. Council Member Cruz seconded the motion.

Action: **Motion carried 4-0-1, Yes = 4 No = 0, Abstain = 1 Vote: Yes:** Council Member Freeberg, Council Member Tidwell, Council Member Cruz, Mayor Calloway. **Abstained:** Council Member Nyen (was not present for the meeting).

F. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS.

Public input is limited to three (3) minutes on non-agenda items.

Nancy Leigh, Town Clerk, reported on two upcoming community events. The Tactical Archery Challenge (TAC) will take place at Brian Head Resort this Thursday through Sunday (July 16-19), with the Town providing shuttle services and implementing road closures between the Mall and Giant Steps parking lot. There are approximately 3,500 participants and 7,000 total people expected to attend along with 120 vendors were that will be set up. Nancy also reminded attendees that Brian Head Days was two weeks away, July 24 -25, with a full schedule of events posted on the Town website and social media, and that volunteers were still being sought. Bret Howser, Town Manager, invited the Town Council to the Flag Dedication for the Memorial Park that is scheduled during Brian Head Days on Saturday, July 25th at 11:00am at the water wheel pump house where the memorial park will be located on the north end of Village Way Road.

Council Member Tidwell inquired about Council participation expectations for Brian Head Days, given that no meeting would be held before the event. Bret Howser noted that the flagpole dedication ceremony — scheduled for Saturday the 25th at approximately 11:00 AM at the Bear Flat pump house — this event would be particularly appropriate for Council attendance, as it is a meaningful Town project. Colonial Flag was scheduled to install the flagpoles the following week, and a ceremonial flag-raising was planned in coordination with Public Safety.

Council Member Tidwell also commended the Town and Brian Head Resort for their coordination on the 4th of July, expressing a sense of community pride. Council Member Tidwell specifically credited Public Works for clearing the Aspen Loop trail of deadfall, noted positive trends in public safety enforcement and training, and mentioned favorable public feedback regarding trail lighting.

Council Member Nyen expressed measured optimism at recent rainfall but noted it was tempered by a visit to the Cottonwood Fire area at Eagle Point Ski Resort near Beaver, UT. Council Member Nyen praised Public Safety's Chief Dan Benson for his educational role in demonstrating where fire mitigation had and had not been performed, and emphasized the value of continuing to develop the Community Wildfire Protection Plan aggressively in light of what occurred at Eagle Point.

Mayor Calloway elaborated on the Eagle Point fire observations, pointing to a photo of a fully engulfed cabin surrounded by unburned trees as evidence of the importance of fire-resistant building materials such as stucco and metal. Mayor Calloway expressed concern that the fire could drive up insurance rates or reduce the availability of fire insurance for Brian Head property owners and suggested the Town may need to take a harder look at material requirements. Council Member Nyen added that fire-resistant materials that still appeared "mountainish" were observed on surviving structures, though wildfire behavior remained unpredictable.

Council Member Cruz commented he received positive feedback from the 4th of July holiday and reported that a majority of the public understood the cancellation of the fireworks display due to extreme fire weather.

Stg. Jon Bettridge (Public Safety), reporting on behalf of Chief Benson, informed the Council that the state fuels crew had begun fuel mitigation work near the archery range. Officer Bettridge reported that two fires had briefly pulled crew members away but that those fires — one in Ashdown Gorge and one near Meadow Lake — were being contained, with Ashdown Gorge showing less than 0.1 acres burned. Both fires were believed to be lightning-caused. Council Member Freeberg raised a question about social media reports of SWAT activity in the area over the weekend; Bettridge was not on duty at the time but offered to follow up.

Bret Howser, Town Manager, provided a broad update on active infrastructure projects:

- **Elk Drive Special Assessment Area (SAA)** was substantially complete, awaiting final state approval.
- **Blue Jay Way** work had been delayed approximately one month due to materials compliance issues under the federal Buy America Act. The existing pavement had already been removed, and the Town was seeking quotes to pave the rerouted and non-excavated portions of the road. Bret flagged that the funding source for that paving work — likely pavement management — would require a policy discussion by the Council.
- **Brian Head Unit 3 SAA** work had begun, with the contractor (Air States) having moved to that location.
- **Forest Drive** work — involving a water line realignment and road hump removal — was nearing completion for the Town's portion of the project. A CenturyLink line conflict had been resolved sufficiently to proceed, though the private sewer line portion of the project was now projected to extend into October due to CenturyLink coordination delays. Administrator Howser also noted that a separate, large CenturyLink line was struck during digital sign installation work in front of Town Hall, and the matter of fault was being disputed.
- **Steam Engine Road** grinding and asphalt replacement began from the highway up to just past Forest Drive, with the goal of completing the most impactful section before the upcoming large event. Work was to continue in the Woodbridge subdivision, where it was expected to have less impact on visitors.
- **Shuttle stop foundations** were being poured, with a cement truck observed actively working on-site.

Bret also confirmed that the bulk water dispenser lawsuit had been resolved in the Town's favor. Bret noted there appeared to be no viable appeal route for the opposing party. Despite the favorable outcome, Bret indicated the Town intended to review and improve its practices and training around the relevant equipment.

Council Member Freeberg noted ongoing CenturyLink service disruptions at his residences and mentioned having applied to South Central as an alternative.

G. AGENDA ITEM:

1. **LAND MANAGEMENT CODE AMENDMENT; CHAPTER 4 SUBMITTALS CHAPTER 7 ZONE DISTRICT REGULATIONS, CHAPTER 12: SPORTS COURT.** An ordinance amending the Town Code, Title 9, Land Management for Chapters 4, 7, & 12 addressing Mixed Use Overlay Zones and Sports Courts.

   Greg Sant, Planning and Building Administrator, presented a draft ordinance representing three Planning Commission sessions on two distinct LMC amendments: (1) a proposed Mixed Use Overlay Zone, and (2) revisions to the Sports Court provisions. The Council addressed each topic in turn.

   Mixed Use Overlay Zone (Title 9, Chapters 4 (Submittals) and 7 (Zone District Regulations)
   Greg outlined the Planning Commission's deliberative process, which considered three possible approaches to implementing mixed use: adding permitted uses to existing zones, creating an overlay zone, or a third alternative. The Planning Commission ultimately recommended an Overlay Zone as the least intrusive option, as it preserves the underlying zone while allowing additional uses through a required Development Agreement. The proposed language covers allowed uses (by zone type), prohibited uses, height regulations,

lot coverage, yard requirements, development standards referencing Chapter 12 of the LMC, a project evaluation and review process, and submittal requirements relocated to Chapter 4.

Mayor Calloway opened discussion by expressing concern about the application of the overlay zone to R-1 (single-family residential) zones, questioning whether the amendment effectively opened the door to commercial retail, restaurants, and lodging within established neighborhoods. Mayor Calloway noted that residents who purchased in R-1 zones did so under existing rules, and changing those rules raised fairness concerns.

Greg clarified that applying the overlay to any parcel would require a full application, site plan, traffic study, and a development agreement reviewed first by the Planning Commission and then by the Council, with public hearings and notifications to property owners within 300 feet. Greg offered two examples of R-1 parcels where such a mechanism might be appropriate: a roughly 15-acre parcel at the top of Ridgeview Street with ski-in/ski-out potential co-owned by Aspen Meadows, the Town, and the resort; and a 30-acre property off Kodiak Drive where a walkable neighborhood commercial node could theoretically function. He acknowledged the Kodiak example might "backfire" as an argument.

Council Member Tidwell expressed support for the concept in commercial and industrial zones but shared the Mayor's hesitation regarding R-1, seeking clarification on what legal recourse the Council would have to deny an application that met all submittal requirements. Bret clarified the critical distinction: applying for the overlay zone is a legislative/zoning decision — not an administrative one — meaning the Council retains full discretion to deny the application for policy reasons, without being bound by the submittal checklist. A note received from the Town Attorney during the meeting confirmed this position, stating that overlay zones should be treated as full legislative actions with all corresponding legislative processes applied.

Council Member Nyen expressed general support for mixed use overlay zones but wanted legal confirmation of the Council's denial authority — particularly referencing a prior R-1 zone change denial at the lower end of Ridgeview, where the decision was based on community fit rather than a specific code violation.

Council Member Freeberg was opposed to the concept as applied to R-1, arguing that small-scale commercial insertions — such as a mini mart — into residential neighborhoods were inappropriate and unnecessary given the town's size and character. Council Member Freeberg suggested that if the minimum lot size threshold were raised significantly (e.g., to 10 acres), it would effectively prevent spot commercial uses within residential neighborhoods.

A key clarification emerged from Bret regarding the overlay zone's comparative benefit over a straight rezone: if a property were rezoned to General Commercial outright, the Council would have had its one legislative opportunity to say no, after which the property owner could build anything permitted in that zone without further Council review. By contrast, the overlay zone approach — because it requires a development agreement — keeps the Council involved in approving the specific development plan, ensuring the outcome matches what was approved. Bret described the development agreement as the "linchpin" of the mechanism, providing a level of specificity and accountability not achievable through standard zoning.

Greg noted that the overlay zone also provides greater development flexibility than existing zones by allowing multifamily density in R-1 and additional vertical height in commercial

zones, while still keeping underlying zone standards (setbacks, coverage) intact — offering developers additional uses without the full implications of a zone change.
Following discussion, the Council reached general consensus on several points:

- The Mixed-Use Overlay Zone is appropriate and supported for General Commercial, Village Commercial, and Light Industrial zones.
- The overlay zone is appropriate for R-3, where a condominium project might incorporate ground-floor commercial uses.
- The Council remained divided and cautious about applying the overlay to R-1, with a majority expressing concern about opening the door to commercial activity in established residential neighborhoods, even with the safeguards of the development agreement process.
- Several members suggested that a minimum lot size significantly larger than 1 acre could help limit the overlay's R-1 applicability to large, planned developments rather than small infill parcels.
- Council Member Tidwell noted the overlay zone could also serve as a useful lever for negotiating affordable housing commitments in development agreements, beyond what code currently mandates.
- The Council requested that Greg also add R-2 and R-3 to the overlay zone framework and bring the revised language back through the Planning Commission before returning to Council.

The item was effectively tabled pending: (1) return of the revised proposal incorporating R-2 and R-3 from Planning Commission, and (2) legal confirmation (since received via attorney note) of the Council's authority to deny overlay zone applications on legislative grounds.

Chapter 12: Sports Courts
Greg presented a streamlined amendment to Chapter 12 governing sports courts, following two Planning Commission sessions. Key provisions included:

- **Fencing:** Chain link fencing is permitted provided it is a non-reflective matte finish that blends with the residential and natural environment.
- **Setbacks:** Fencing may extend halfway into the required setback.
- **Lighting:** Must comply with the Town's lighting ordinance (downward-focused, within brightness limits). The amendment as presented did not specify a height limit for light poles.
- **Placement:** Lighting must not be oriented toward the street in a manner that creates traffic hazards.
- **View Corridor:** Sports court structures must not obstruct the view corridor at driveway access points.

Council Member Tidwell raised the absence of a height limit for sports court lighting, noting that a 20-foot light pole on a 10-foot fence could be erected without restriction under the current language. The Council discussed appropriate heights, referencing that backyard multi-sport court lights typically range from 12 to 20 feet, while regulation courts use 20–30-foot poles. Bret proposed language stating that lighting height shall be "no higher than necessary for the proposed activity, and no higher than 12 feet without Planning Commission approval." The Council found this language acceptable, as it provides a default standard while giving the Planning Commission a meaningful basis for evaluating exceptions.

Motion: Council Member Nyen moved to adopt Ordinance No. 26-012, amending the Land Management Code Chapter 12.21 – Sports Court, with the additional language for lighting height: Lighting height shall be no higher than necessary for the proposed activity, and no higher than twelve feet (12’) without Planning Commission approval. Council Member Cruz seconded the motion.

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

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

Nancy Leigh, Town Clerk, noted three items tentatively planned for the next Town Council agenda: a change order for the shuttle stop project, and an update on the Missing Citizen Voice Ad Hoc Committee report that was submitted to the Council in December 2025. The Council requested Bret circulate his prior recommendations on the report — stemming from the ad hoc committee report and survey results — with updates on each action item, by Wednesday the 22nd to allow sufficient time before the next packet deadline. Bret agreed to send the report along with context for Council Member Tidwell, who had joined the Council after the original report was prepared. The third item is a Land Management Code (LMC) amendments for Chapter 7 and 4 since they were tabled today.

H. ADJOURNMENT

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

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

The regular meeting of the Town Council was adjourned at 2:47 pm on July 14, 2026.

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Date Approved

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Nancy Leigh, Town Clerk