



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# 838 5486 4256

TUESDAY, AUGUST 11, 2026 @ 1:00 PM

AGENDA

- A. CALL TO ORDER**
- B. PLEDGE ALLEGIANCE**
- C. DISCLOSURES**
- D. APPROVAL OF THE MINUTES:** August 11, 2026, Town Council Meeting
- E. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS.** Public input is limited to three (3) minutes on non-agenda items.
- F. AGENDA ITEM:**
 - 1. CONSTRUCTION MITIGATION POLICY AMENDMENT FOR WINTER RIGHT-OF-WAY.** Greg Sant, Planning & Building Administrator. The Council will consider an amendment to the Construction Mitigation Policy for the winter right-of-way.
 - 2. SPECIAL ASSESSMENT POLICY AMENDMENT.** Bret Howser, Town Manager. The Council will consider a resolution amending the Special Assessment Policy.
 - 3. FUTURE AGENDA ITEMS.** Discussion on potential items for future Council agendas.
- G. ADJOURNMENT**

Date: August 21, 2026.

Available to Board Members as per Ordinance No. 11-003 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the public board may participate by means of electronic communications. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda on the Brian Head Town website, Utah Public Meeting website, and at the Town Hall according to Utah Code Annotated §63A-20-102 and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Nancy Leigh, Town Clerk



STAFF REPORT TO THE TOWN COUNCIL

ITEM:

CONSTRUCTION MITIGATION

AUTHOR: Greg Sant
DEPARTMENT: Planning and Building
DATE: August 25, 2026
TYPE OF ITEM: Administrative Direction

SUMMARY:

We implemented the Construction Mitigation over a year ago and have come through the first winter since it was approved. Staff would like to suggest a few changes after enforcing this for over a year. Council will review and decide if these changes are warranted.

BACKGROUND:

During the last 15 months, Staff has come across fewer violations regarding obstructions in the ROW as well as onsite problems then previously experienced. During the Winter months only 3 builders decided to apply for a Winter ROW permit and only 1 of them had multiple violation and the other 2 only had 1 violation that was immediately remedied. Despite the success of this policy, Staff has noticed a few things that need to be clarified and addressed.

ANALYSIS:

The violations incurred resulted from not being clear when certain mitigation items needed to be implemented as well as difficult lots that did not have flat areas for parking, dumpsters, or material storage.

PROPOSED POLICY:

The proposed changes are reflected on the attached Policy.

FINANCIAL IMPLICATIONS:

It is hopeful that this will generate funds to offset the cost of damage done to Town equipment from items being stored in the R.O.W.

STAFF RECOMMENDATION:

Staff recommend that the Council directs staff to implement this Revised Construction Mitigation Plan.

PROPOSED MOTION:

I propose that the Town Council direct staff to implement the Revised Construction Mitigation Plan Policy as outlined in this staff report.

ATTACHMENTS:

1. Revised Construction Mitigation Plan Policy

PROPOSED REVISED TOWN POLICY

Construction Mitigation Plan (CMP)

A new Administrative Policy has been approved for CMP's as follows:

1. A **separate** site plan will be submitted with the permit that would show the following (See attached Example):
 - A. Limits of Disturbance (LOD) and the Undisturbed areas are well defined.
 - B. Potential locations for vehicle parking, material storage/staging, dumpsters, toilet facilities, wash-out areas, dirt and snow storage areas. Some of these locations may be in the R.O.W. shoulder.
 - C. The CMP should be reviewed by Planning/Building as well as Public Safety and Public Works.
2. Enforcement, penalties and fines are added to our Consolidated Fee Schedule as follows:
 - A. All violations will result in a flag being placed on the violators' permit, and no inspections will be conducted on their property until the violation has been resolved and the fine is paid.
 - B. 1st Violation – No Charge with a deadline to be fixed within 5 days.
2nd Violation - \$500 with a deadline to be fixed within 5 days.
3rd + Violations - \$1,000 with a deadline to be fixed within 5 days.
 - C. Egregious Violations can be given a Class A misdemeanor Citation by Public Safety and the fine will be determined by the Court.
3. It is the intention of this policy to maintain a minimum 20-foot roadway always allowing Two-way traffic.
4. As part of **all** permit processing, the Applicant will be Notified of the following Acknowledgements:

Proposed Acknowledgement for All Permits

As a Builder, Developer or Owner I acknowledge the following:

1. A temporary Limits of Disturbance (LOD) fence/**caution tape** is required to be installed around the limits of the disturbance area to protect the proposed undisturbed land on the property.
2. **A pre-construction meeting between Staff and Owner/Contractor is required before any construction can begin on the site. Owner/Contractor will have the following on site at that time:**
 - A. All property corners.
 - B. Construction sign as described below.
 - C. Toilet Facilities
 - D. Fence/Caution tape at Limits of Disturbance as shown on the site plan.
3. **A Wash-out Basin and Dumpster must be on site before concrete can begin.**
4. A construction sign is required for all projects with the following info (See attached Example):
 - A. Contractor Name with permit address of the building site as well as the contractor phone number.
 - B. Sign will be 24"X36" in size and placed so that it is visible and readable from the street and the sign characters must contrast with its background.
 - C. The sign will not remain on the property for more than 12 months following the completion of the project (issuance of the CO).

5. The shoulder of the Right-of-Way (R.O.W.) in front of the subject lot can be used for parking construction vehicles, ~~trash dumpsters~~ and material staging areas. **Trash Dumpsters may be placed in the ROW only with Staff Approval.** These areas must be identified on the CMP Site Plan. Rebar is never allowed in the R.O.W. Roadways and Cul-d-sacs must always remain clear for emergency vehicles.
6. Toilet facilities, wash-out areas, excess dirt and site snow must be kept onsite. Toilets must be staked so they do not blow over. Each site must have a lined designated wash-out area for concrete, stucco, drywall mud and paint that has a sign denoting it as such.
7. A building lot or site must always be maintained in a clean and safe condition.
8. **Adjacent property not owned by the Owner cannot be used for any of the required items for Construction Mitigation; i.e. material storage, dumpsters, etc.**
9. Furthermore, all activities that will block 1 or more lanes of the road for 60 minutes or more will be required to apply for a R.O.W. permit with the Town and provide a traffic control plan for the date and time of closure.
10. Brian Head Town is not responsible for or liable for any damage to vehicles, materials or equipment stored or left in the R.O.W.

Proposed Acknowledgement for Winter R.O.W. Construction Permits

1. All the acknowledgements above.
2. If Builder, Developer or Owner will be building during the winter season (11/1 to 4/30), and they will need to use the R.O.W. for storage and/or parking, they must apply for a Winter R.O.W. Construction Permit for their project.
3. The proposed Winter ROW Construction Permit fee is \$1,500 for a 24-month period. Thereafter, it will need to be renewed for \$1,500 for another 24-month period if they still need to use the R.O.W.
4. Property Corners in front of the lot need to be in place and always marked with Snow Posts. Furthermore, all equipment parking and material storage areas must be marked with Snow Posts.
5. The contractor is responsible for all snow clearing on the subject lot as well as the R.O.W. that will be used for material storage and parking. Said snow cannot be put into the roadway.



BRIAN HEAD

STAFF REPORT TO THE TOWN COUNCIL

ITEM: SAA POLICY REVISION

AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: August 25, 2026
TYPE OF ITEM: Legislative Action

SUMMARY:

Council will consider a resolution revising the Special Assessment Area & Public Improvement District Policy.

BACKGROUND:

In 2009, the Town annexed a few neighborhoods (chiefly Cedar Breaks Mountain Estates and Ski Haven Chalets) which were subdivided and developed in Iron County preceding decades. That annex area did not have water and sewer utilities. It is unclear to current staff what the Town's plan was to complete those utilities once those neighborhoods were annexed into Town, but it might be assumed that the intent was to complete them via Special Assessment Areas (SAAs). However, following the 2017 Brian Head Fire, it became clear that not having water infrastructure in the annex area represented a significant risk to the rest of the Town. In 2020, the Town completed a water line project on Mountain View Drive in Cedar Breaks Mountain Estates with the intent of putting water within reach of the neighborhoods and spurring SAAs to extend water lines through the rest of the neighborhood. In 2021, the Southwest Utah Department of Health began enforcing a policy in the annex area requiring that those wishing to develop their property using a septic tank be on the Town's water system. In 2025, the Town is installing a spine water line in Ski Haven Chalets.

With an influx of SAA petitions in recent years, the Council again reviewed the SAA policy in October 2024 and March 2025, and made a handful of amendments, including a requirement of 60% minimum threshold on petitions and a clear tie between the minimum valuation ratios and the fire protection zone.

In early 2026, during the process of establishing the Elk Drive and Brian Head Unit 3 SAAs, Council advised staff to return with changes reducing the ratio requirements for Fire Protection Zone B & C, now that all the Zone A SAAs had been completed (or underway) and to address distribution of assessments in SAAs with varying land use zones.

Staff is now returning with the revised policy as instructed.

ANALYSIS:

The attached policy update changes Fire Protection Zone B to a 3:1 ratio requirement, and Zone C to a 4:1, as previously instructed by Council. Staff has already been operating to this standard, we're just formalizing the change.

The revised policy also suggests language that would allow Council to consider differential assessments in areas where the land use zoning results in differential benefit to the properties

within a given SAA. For example, where there are single family and multi-family properties in the same SAA, the multi-family properties might pay a higher share since the improvements would result in additional connections for them. This issue came up during the Board of Equalization hearings for the Brian Head Unit 3 SAA. The Council has not given staff final policy direction on this, so it should be discussed thoroughly.

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the changes as proposed.

PROPOSED MOTION:

I move to adopt resolution No. 26-577 amending the Brian Head Town Special Assessment Area and Public Improvement District Policy as proposed [or with specified changes]

ATTACHMENTS:

A – SAA Policy (Updated)



RESOLUTION NO. 26-__

A RESOLUTION AMENDING THE SPECIAL ASSESSMENT AREA POLICY FOR THE TOWN OF BRIAN HEAD AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, The Town Council originally adopted Resolution No. 391 in June 2009 establishing the Special Assessment Area Policy for Brian Head Town which subscribed to the concept that “development pays for its own way” and requires that all new development within Brian Head Town provide complete infrastructure at the developer’s expense; and;

WHEREAS, The Council revised the Special Assessment Area Policy in 2022 when numerous Special Assessment Area requests were submitted and the Council determined that additional requirements would need to be adhered to and therefore adopted Resolution No. 22-523 revising the Special Assessment Area Policy, and;

WHEREAS, The Town Council then made amendments to the policy with resolution 24-255, increasing the petition percentage to 60%; and again in 2025 with resolution No. 25-556 for valuation calculations, and;

WHEREAS, the Town Council recognizes the need to amend the 2025 SAA policy to reduce the ratio requirements for Fire Protection Zones B &; and;

WHEREAS, the Town Council recognizes the benefit of public way improvements and supports the Special Service Area process for assisting property owners in completing such improvements within the Town.

NOW, THEREFORE BE IT RESOLVED by the Brian Head Town Council, that this Resolution hereby amends the 2025 Special Assessment Area (SAA) Policy for Brian Head Town as Attachment “A” “SPECIAL ASSESSMENT & PUBLIC IMPROVEMENT DISTRICT POLICY”

Section 1. ADOPTION: The Brian Head Town Special Assessment Area Policy (attachment A) is hereby adopted by reference as the SAA policy for Brian Head Town; and

Section 2. EFFECTIVE DATE. This Resolution shall take effect upon its passage by a majority vote of the Brian Head Town Council.

Section 3. SEVERABILITY CLAUSE. If any section, subsection, sentence, clause, phrase, or portion of this resolution is for any reason, held invalid or unconstitutional by any court or competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.



Section 4. REPEALER, any prior resolutions and/or policy which identifies Special Assessment Area for Brian Head Town are hereby repealed.

ADOPTED, APPROVED, and ORDERED by majority vote at a duly called meeting of the Town Council of Brian Head, Utah this ____ day of August 2026

Town Council Vote:

Mayor Calloway	Yes____	No____
Council Member Larry Ffreeberg	Yes____	No____
Council Member Logan Cruz	Yes ____	No ____
<i>Council Member Duane Nyen</i>	Yes ____	No ____
<i>Council Member Martin Tidwell</i>	Yes ____	No ____

BRIAN HEAD TOWN

Clayton Calloway, Mayor

ATTEST:

Nancy Leigh, Town Clerk

SEAL)

SPECIAL ASSESSMENT & PUBLIC IMPROVEMENT DISTRICT POLICY

Date Approved: August 9, 2022 (Updated August 25, 2026)

Brian Head Town (the “Town”) will consider the use of Special Assessment Areas (SAA) and/or Public Improvement Districts (PID) as provided for by Utah Code Annotated §11-42 where consistent with the dictates of this policy. Notwithstanding the ensuing policy, the Town Council retains the privilege of denying or approving any SAA or PID for which the Town receives a petition, as allowed under State Statute, where the Council finds that approval would result in undue risk or damage to the Town as a whole.

General Benefit of Proposed Development

The Town recognizes that in assisting individual property owners (or a group of individual property owners) with infrastructure development through public financing, all property owners in the Town are asked to share in a small fraction of the risk that would otherwise be incumbent upon that individual (or group of individuals). Therefore, the Town will only consider public financing (such as SAA or PID bonds) for development projects that entail broad public benefit. Examples of such include, but are not limited to, roadways which improve traffic circulation, water lines which provide needed firefighting capacity to areas which pose a wildfire risk to the Town, and sewer lines in areas which will protect health and sanitation for the community’s watersheds.

Petitions for SAAs or PIDs shall stipulate the proposed general community benefit entailed in the proposed development project which justifies the public assumption of risk. Exhibit A provides a map of fire protection priority areas as designated by the Town Marshal to assist the Town Council in determining the general public benefit of any proposed water lines. Proposed line extensions within these priority areas in excess of 1,000 linear feet, or which create looping/redundancy within the water delivery system, should be given consideration.

Petition Requirements

Property owners can petition the Town for the installation or reconstruction of public way improvements through a SAA or PID. Those signing the petition must be the owners of the properties adjacent to the requested public way improvements, not residents that are renting or leasing the property. Once the sponsor has acquired the required signatures of the property owners who are in favor of a SAA, the petition is to be submitted to the Town Clerk for verification of signatures and legal property owners. Apparent support of the project, as indicated by those signing the petition, must be at least 60% of the total properties/lots of the proposed public way improvements for the Town Council to accept a petition and consider the creation of a Special Assessment Area.

Timeline for SAA Creation

The following gives a rough outline of a typical SAA creation and project implementation timeline:

- 1) Petition is submitted to Town

- a) Signed by owners representing 60% of parcels
- b) Includes map, description of improvements, and list of parcel numbers
- 2) Staff review meeting
 - a) Communicate any issues with petition to applicant
 - b) Allow applicant to correct anything before going to Council
- 3) Council receives petition in open meeting, accepts or rejects by motion
- 4) Council considers resolution - Notice of Intent to Create SAA
 - a) Determination whether to proceed with SAA based on general public benefit
 - b) Resolution sets date for public hearing
 - c) Advertise public hearing for four weeks
- 5) Public hearing held in open meeting, 60 day contest period begins
 - a) Contest period can be bypassed if 100% of property owners sign a waiver and consent form
 - b) If 40% or more of property owners protest the creation of the SAA during contest period, it fails
- 6) Staff obtains preliminary project cost estimate and property appraisals
- 7) Council may create SAA by resolution
- 8) Council creates Board of Equalization by resolution
 - a) Sets BOE hearing dates (35 day notice)
 - b) Use preliminary estimates plus large contingency or the maximum assessment
- 9) Town begins process of issuing bonds
- 10) Town proceeds with engineering and bidding for project
- 11) Town awards project bid and sets SAA assessment by ordinance
 - a) Property owners have 25 days to prepay their assessments
- 12) Bonds are issued, project may proceed

The entire process to put an SAA into place is expected to take 6-8 months. As such, petitions must be received by the Town by June 30 of year 1 in order to proceed with the improvements in year 2. PID timelines have yet to be defined by the Town.

Assessments

Assessments will typically be distributed among property owners in a manner commensurate with the benefit received by each property. In the case of water or sewer line extension in single-family neighborhoods, for example, it is assumed that the benefit received by each lot is equal, regardless of size or valuation of the lot, so a flat assessment would be applied to each lot. Where multiple zones exist in the same assessment area, Council may weight assessments by number of units allowed per lot and/or size of connection. Assessments will be included on the Iron County property tax bill and collected along with general property taxes. The Town requires that assessments be retired when a property is sold.

Financing Considerations

State Statute requires a 3:1 coverage ratio of property value to assessment for SAAs. The Town may consider a 3:1 coverage ratio for proposed SAAs with a fire protection priority A or B, and a 4:1 coverage ratio for proposed SAAs with a fire protection priority ~~BC, and a 5:1 coverage ratio for proposed SAAs with a fire protection priority C.~~ The Town-required coverage ratio will be calculated by dividing the total land valuation (land only, no structures) assuming completion of the proposed utility improvements by the Town Engineer's stamped cost

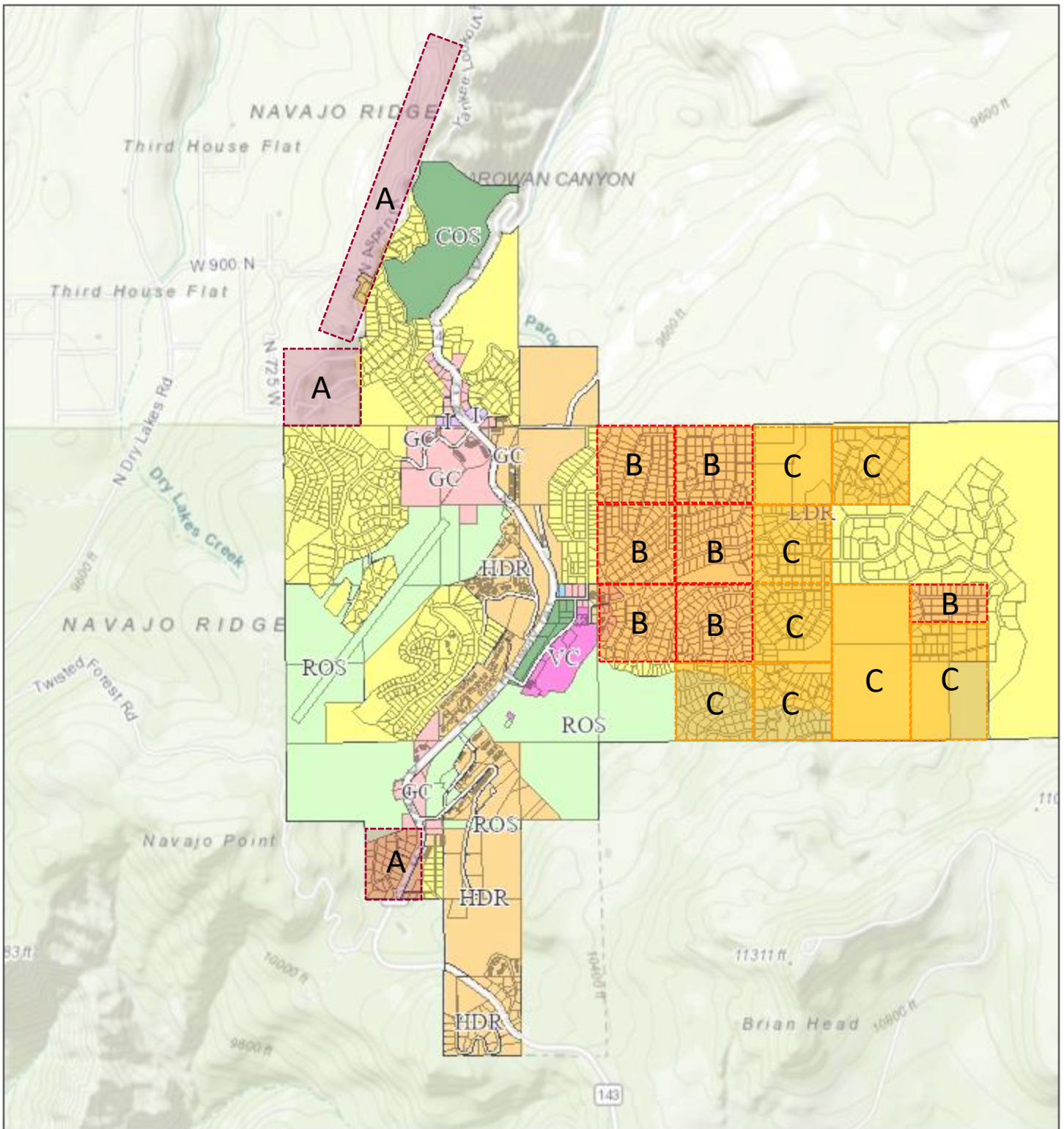
estimates for the proposed project plus the cost of issuance (excluding any debt service reserve funding). Council may also consider other factors in granting or denying a petition such as disparity of property values, prepayments by property owners of assessments, and additional benefits or risks to the town.

SAA bonds will not exceed a ten-year term or 7.5% true interest cost. Bonds will be structured with an annual call provision to allow property owners to retire the entire outstanding assessment at any time. Each bond issuance will have a 10% debt service reserve funded by the proceeds of the bonds. The Town will only consider backstopping SAA or PID bonds with sales tax revenue or other Town guarantee under extraordinary circumstances where significant public interest is involved.

At no time will the Town carry more than \$5 million in outstanding SAA debt.

Exhibit A – Map of Priority Areas

Fire Protection Priority Areas



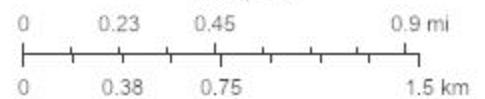
July 29, 2022

Priority Levels

- A** Critical for Fire Protection
- B** Potentially Substantial for Fire Protection
- C** Some Benefit for Fire Protection

These prioritizations assume the completion of all 2022 SAA water lines and the Toboggan water line in 2023

1:36,112



Bureau of Land Management, Utah AGRC, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, METI/NASA, EPA, USDA