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# 845 1605 7358

TUESDAY, AUGUST 11, 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 Martin Tidwell, Council Member Logan Cruz.

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Ciera Claridge, Deputy Clerk; Greg Sant, Planning & Building Administrator.

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Town Council to order at 1:00 p.m.

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 statement is on file with the Town Clerk and are available for public inspection during normal business hours.

D. APPROVAL OF THE MINUTES:

July 28, 2026, Town Council Meeting

Motion: Council Member Nyen moved to approve the July 28, 2026, Town Council minutes as presented. 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).

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

Mayor Calloway solicited reports from Council Members and staff. No Council members had items to report.

Greg Sant, Planning & Building Administrator, noted that 26 new permits were issued in the preceding month, describing activity as broad and varied across different project types.

Ciera Claridge, Deputy Clerk, provided an update on the planned strategic planning trip to Sun Valley, Idaho. Ciera reported significant difficulty in obtaining any communication from Sun Valley and, after exhausting reasonable efforts, the decision was made to cancel the trip for the current year. Ciera indicated that she would begin researching options for the 2027 trip in the late fall or early winter, with the intent to present vetted options at the February strategic planning retreat to avoid a recurrence of the same issue.

No public comments were offered on non-agenda items.

F. AGENDA ITEM:

1. **CAMPING DISCUSSION.** A discussion on potential changes to the Town's camping code and receive a recommendation from the Planning Commission.

Greg Sant, Planning & Building Administrator, introduced the item, noting he had been asked to review the Town's policy on camping on vacant residential lots. His staff report drew heavily from a prior staff report prepared by the Town Manager approximately five years earlier, as the relevant circumstances had not materially changed. The core question before the Council was whether to permit property owners to bring campers or RVs onto their vacant lots for recreational camping purposes.

Greg summarized the current policy: camping on vacant lots is prohibited, with the sole exception being a single RV or camper permitted on a lot during active construction, and only between April 30 and November 1, after which it must be removed. The Planning Commission reviewed the matter the prior week and recommended leaving the policy as-is.

Greg also referenced a written submission from a member of the public, Dave Mason, which proposed allowing temporary camping for purposes such as fire mitigation work, even absent a building permit. The Planning Commission did not support this expansion.

Council discussion reflected broad support for the Planning Commission's recommendation. Council Member Tidwell and Council Member Nyen both expressed comfort with maintaining the status quo, with Nyen noting that a previous period during which camping was allowed on lots had resulted in incidents of illegal sewage dumping. Council Member Freeberg raised the concern that any allowance should mandate utility hookups—including sewer and power—to prevent dumping of waste on the ground, noting the Town had previously prohibited additional septic tanks after investing substantially in its water system. Council Member Cruz had previously raised a suggestion for a temporary permit system; Sant noted this approach had been tried between 2019 and 2021 using a 16-day permit but proved extremely difficult to enforce and was ultimately abandoned in favor of the current prohibition.

Public comment was offered by two residents. Cecile Wallis suggested that modern self-contained trailers, combined with a Town-provided dump station and a window-sticker date tracking system modeled on her experience with the California Parks and Recreation Department, could allow controlled camping on private lots. Former Council Member Linda Ames expressed strong opposition to any expansion, particularly in R-1 zones, citing concerns about generator noise, waste disposal, and property values. She noted a trailer had been parked on Hunter Ridge for what she believed to be approximately seven years under an active building permit and urged the Council to consider time limits on RV presence even during construction, as well as mandatory utility hookups.

In response to Ms. Ames' concern, Greg confirmed that the permit in question remained active, as inspections had been conducted as required every six months per the International Residential Code. Greg acknowledged uncertainty as to whether the trailer had been removed during the winter months as required and committed to enforcing that provision going forward. Greg further noted that the policy does not currently specify hookup requirements for construction-period RVs and indicated he would bring proposed amendments on that narrower issue back to the Planning Commission.

Dave Mason addressed the Council, confirming his written submission had been received and explaining that utility access challenges—specifically the severing of utilities that had previously been planned to reach his property—were the primary reason he had been occupying a temporary structure without a building permit.

The Council declined to direct any change to the general camping ordinance, affirming the Planning Commission's recommendation to leave the prohibition in place. Council Member Tidwell commended the process in bringing the citizen's request through proper channels to a reasoned conclusion.

2. LAND MANAGEMENT CODE AMENDING, TITLE 9, CHAPTER 7.4 ZONE DISTRICT REGULATIONS/GEERAL COMMERCIAL – MIXED USE OVERLAY ZONE; CHAPTER 4.1(B).5, SUBMITTAL REQUIREMENTS FOR MIXED-USE OVRLAY ZONES, AND CHAPTER 12.5(C).6 DESIGN GUIDELINES/FENCING.

Ordinances amending the LMC for submittal requirements for the Mixed-Use Overlay Zone, Ch.7.4 General Commercial – Mixed-Use Overlay Zone and Ch. 12.5(C).6 General Design Guidelines for fencing.

Greg Sant, Planning & Building Administrator, presented amendments to three sections of the Land Management Code relating to the Mixed-Use Overlay Zone, returning to the Council following a prior meeting at which he had discovered that mixed residential use already existed within the General Commercial zone. Greg reported that revisions to the staff report were marked in red to indicate new additions. Mayor Calloway suggested identifying three separate ordinances instead of combining them into one ordinance.

Chapter 7.14 – Mixed Use Overlay Zone

Greg summarized the key changes since the last Council meeting. At the Council's direction, he had brought the question of including R-2 and R-3 zones—in addition to R-1—in the residential side of the overlay to the Planning Commission. Adding R-2 and R-3 required removing the lot-size minimum tied to R-1 standards. The Planning Commission also recommended excluding motels and hotels as permitted uses within the R-1 zone specifically, while allowing them in R-2, R-3, and General Commercial.

On the minimum lot size, the Planning Commission recommended retaining the one-acre minimum, reasoning that a smaller minimum would result in less intense, smaller-scale commercial development—such as a neighborhood market—rather than larger, more intensive projects that a five-acre minimum might encourage.

Greg further reported that, upon reflection, he had removed short-term rentals from the list of prohibited uses, as it was inconsistent to prohibit short-term rentals while permitting motels and hotels, which are functionally short-term rental uses. He also proposed removing the prohibition on detached single-family dwellings within the overlay, allowing a property to contain both a commercial use and a residence. He removed the mandated 12-foot minimum ceiling height for ground-floor commercial space, as the Planning Commission found no clear rationale for the requirement. Finally, at the Council's prior direction, he added language requiring that application of the overlay zone to any property must be accomplished through a legislative action by the Town Council, with Town Attorney Eric confirming that the Council may deny such an application for any reason.

The Council debated whether R-1 should be included in the overlay zone's eligible zones. Mayor Calloway expressed a preference for excluding R-1, at least initially, to test the overlay zone in less sensitive zones before risking unintended consequences in residential areas. Council Members Tidwell, Nyen, and Cruz each expressed support for retaining R-1 in the ordinance. Council Member Tidwell argued that the legislative action requirement—with attendant public notice, neighbor notification, and Council discretion to deny for any reason—provided sufficient protection. Council Member Nyen agreed that excluding R-1 could create complications if a prospective applicant were forced to rezone to R-2 first, potentially leaving a property with a higher base zoning even if the mixed-use project was never completed. Greg affirmed that the overlay zone actually protects R-1 by keeping the underlying zone intact regardless of whether the overlay project moves forward.

Council Member Freeberg maintained his personal objection to including R-1, citing the small scale of the town and the potential for commercial uses incompatible with established residential neighborhoods. Council Member Freeberg also raised concerns about snow shedding from roofs onto public walkways and roads, referencing incidents at the Town mall the prior year. Greg confirmed that snow storage and snow safety plans would be added to the submittal requirements under the next agenda item.

Several members of the public spoke. Cruz, A longtime developer emphasized the importance of not foreclosing R-1 from the overlay, pointing to a 12-acre R-1 parcel adjacent to the ski resort as an example where a mixed-use village concept could be viable only under the overlay framework. Cruz further argued that growth requires private developers and that the Town should enable rather than resist appropriate development. Another speaker, John Stark, urged the Council to recognize the pressing need for commercial space and amenities in Brian Head, citing the resort's environmental impact report forecasting over 1,100 employees and the current shortage of restaurants, retail, and family activity options. Former Council Member Linda Ames cautioned the Council to pursue "good growth," reminding members of past projects that had gone bankrupt and left the Town holding significant liabilities, and suggested that any promissory commitment from developers may prove unenforceable in a major economic downturn.

The Council discussed the concept of requiring a promissory commitment to build as part of the overlay approval. Bret Howser, Town Manager, noted that a well-crafted development agreement, tied either to the land or to a specific developer with a non-assignment clause, could provide some protection. Greg noted his own experience in which a development agreement required council approval of any change in developer. Bret acknowledged, however, that no legal mechanism is fully proof against developer bankruptcy in a major market collapse.

The Council reached consensus to proceed with adoption of the ordinance including R-1, with the one-acre minimum retained, and moved to a vote.

Motion: Council Member Tidwell moved to adopt ordinance No. 26-012, amending the Land Management Code, chapter 7.14 Mixed-Use Overlay Zones as presented. Council Member Nyen seconded the motion.

Action: **Motion carried 4-1-0 (summary: Yes = 4 No = 1 Abstain = 0 Vote: Yes:** Council Member Tidwell, Council Member Nyen, Council Member Cruz, Mayor Calloway**. No:** Council Member Freeberg).

Chapter 4.1(B).5 – Submittal Requirements for Mixed-Use Overlay Zones

Greg presented the proposed submittal requirements to accompany the newly adopted overlay zone ordinance. Ten items were already enumerated; Greg proposed adding an eleventh item requiring applicants to submit a snow storage plan and snow safety plan, addressing both ground-level snow removal and roof-shedding impacts on public areas, in response to Council Member Freeberg's concerns. The Council indicated no further changes were needed.

Motion: Council Member Nyen moved to adopt Ordinance No. 26-013, amending Land Management Code Chapter 4.1(B).5, Submittal Requirements for Mixed-Use Overlay Zones, as presented and including the snow storage and snow shedding plan requirement. Council Member Cruz seconded the motion.

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

Chapter 12.5(C).6 – Design Guidelines/Fencing

Greg explained that this amendment addressed a minor inconsistency: a prior meeting had added sports court fencing provisions to Section 9-12-21, but Chapter 12, Section 5 still contained a general prohibition on chain-link fencing. The amendment would clarify that chain-link fencing is permissible where specifically authorized by the sports court provisions in Section 9-12-21, ensuring consistency across the LMC.

Motion: Council Member Freeberg moved to adopt Ordinance No. 26-014, amending Land Management Code Chapter 4.5(C).6, Design Guidelines for Fencing, as presented. Council Member Cruz seconded the motion.

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

3. **TOWN PROPERTY LEASE FOR CONCRETE BATCH PLANT.** A discussion on the potential lease of Town owned property for a batch plant.

Bret Howser, Town Manager, introduced the item, explaining that the Town had received a request from John Stark, on behalf of his company, to locate a temporary concrete batch plant on Town-owned property in accordance with Land Management Code Chapter 10. The proposed site was in the Lookout Circle/archery range area, which Bret identified as preferable to other locations in order to minimize conflict with residential uses and avoid additional clearing or grading.

John Stark addressed the Council to describe the batch plant operation. John explained that a batch plant combines sand, gravel, cement, water, and admix chemicals—including air entrainment additives suited for high-altitude conditions—to produce concrete on-site. The footprint would be approximately 90 by 35 feet, situated on an existing gravel bed that had previously served as a staging area. Water would be sourced from the municipal supply, with approximately 1,000 gallons stored on-site. A standby generator would operate only during batching. John estimated noise levels at 75 to 85 decibels, comparable to on-site construction equipment. Dust mitigation would be achieved by wetting down aggregate materials each evening. The primary purpose of the plant was to service his current construction projects—Ski Haven, Chalet units, and a build on Steam Engine Drive—producing approximately 460 yards of concrete. He noted that the method reduces truck traffic versus importing ready-mix concrete in multiple loads.

Council Member Tidwell raised concerns about traffic impacts on residents along Lookout Circle and Steam Engine Drive, given the proximity of cabins in that area. John responded that daily truck movements to those projects would be two to three trucks and that the batch plant approach would result in fewer total vehicle movements than hauling pre-mixed concrete from off the mountain. Council Member Freeberg inquired whether the access road down Lookout Circle was adequate; John stated it had been improved by Public Works this year and served as a preferred access route to the Ski Haven and Chalet developments.
Regarding whether the concrete would be available to the public, John indicated it was currently intended solely for his own projects but that in the future, if a seller's permit were obtained, it could be made available to others. The Council acknowledged this distinction.

Council Member Tidwell recommended that the lease term be kept as short as practically possible to allow evaluation of any impacts on nearby residents before committing to a longer arrangement. Bret proposed that the operational term run through the end of October 2026, with equipment remaining on-site through spring, at which point the Town would issue a formal RFP for future use of the site. Council Member Freeberg requested that cleanup and site restoration to original condition be included in the lease terms, which Bret confirmed would be addressed. The compensation discussed was in the range of $500 to $750 per month, which the Council found acceptable.

Motion: Council Member Tidwell moved to direct staff to prepare a lease agreement authorizing the Town of Brian Head to lease a portion of Town-owned property near the archery range, approximately 6,500 square feet, to John Stark for the location of a private temporary concrete batch plant, for a term not to exceed October 31, 2026, with the possibility of leaving equipment on-site through spring pending an RFP process. Council Member Cruz seconded the motion.

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

4. **BRIAN HEAD DAYS UPDATE REPORT.** An update from the first annual Brian Head Days event and give input for future Brian Head Days events.

Nancy Leigh, Town Clerk, presented a report on the first annual Brian Head Days event, held over Pioneer Weekend. Nancy praised staff for their efforts in executing a two-day program with multiple ancillary events alongside the main attraction. Key lessons identified included the need for earlier and more robust marketing—for which contact had already been made with Maria at the Iron County Tourism Bureau—and the need to shift the organizational model so that the broader community and local businesses take on more of the individual events, with the Town serving as coordinator rather than primary executor.

Nancy reported that the budgeted cost was approximately $47,950, with a proposed revenue offset of $21,715. Actual costs came in at approximately $40,230 as of the meeting date, with some invoices still outstanding. Revenue included a $5,500 grant from the tourism bureau and $3,500 in sponsorships and donations. Bret Howser, Town Manager, estimated an additional $15,000 in staff time, bringing the total Town investment to approximately $40,000 when including labor. Bret noted the original budget had included approximately $15,000 for the event, with an additional $10,000 absorbed for the drone show, which was added late in the planning process.

Bret flagged the T-shirt program as an area for adjustment: the Town had budgeted to spend $4,200 and net $5,500 but ultimately spent approximately $4,000 and recovered only $1,000 due to lower-than-anticipated sales. Bret suggested reducing the quantity of shirts in future years, potentially pursuing a scarcity or collector's-item approach, and exploring whether local retailers could sell shirts on consignment to eliminate the need for a staffed Town information booth selling merchandise. The Council noted that the Town's financial controls require separation of duties between those who disburse and those who receive funds, which limits which staff members can handle cash sales.

Council sentiment was broadly positive. Council Member Nyen stated the event was well done for a first-time effort and that money was well spent. Council Member Tidwell characterized it as a great community event aligned with the Town's strategic goals of generating summer visitation traffic and expressed a desire to see the event grow over time. Council Member Freeberg expressed interest in understanding the feasibility and cost of a carnival-type element to engage the significant number of teenagers and preteens observed at the event.

Mayor Calloway was excused from the meeting at 3:10 pm. Council Member Nyen then chaired the meeting.

Regarding future programming, Nancy reported that a logging show was identified as a strong long-term option consistent with Brian Head's history, but that such shows are booked two to three years in advance and cost between approximately $25,000 and $32,000. The Council discussed the possibility of beginning the booking process now for an event two years out, with Bret suggesting that the drone show budget could potentially be reallocated toward a logging show in a future year while retaining the fireworks program. The motocross stunt show, which cost approximately $13,500 and was widely praised, was noted as a strong candidate for return. A snowmobile-across-the-pond race was briefly mentioned as another idea. The Council directed staff to look into what deposit would be required to book a logging show and to research the feasibility of a carnival component for the following year.

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

Nancy Leigh, Town Clerk, noted that only one item was currently scheduled for the next Council meeting: a construction mitigation policy for winter right-of-way access, to be presented by staff. The Council requested that a final cost summary for Brian Head Days be provided when all invoices are received, noting it need not be a formal agenda item.

G. ADJOURNMENT

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

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

The regular meeting of the Brian Head Town Council was adjourned at 3:18 pm.

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Date Approved

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Nancy Leigh, Town Clerk