

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# 883 3347 2058
TUESDAY, APRIL 22, 2025 @ 1:00 PM

MINUTES OF THE TOWN COUNCIL

Roll Call

Members Present: Mayor Clayton Calloway, Council Member Larry Freeberg, Council Member Martin Tidwell, Council Member Mitch Ricks

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Shane Williamson, Town Treasurer; Greg Sant, Planning & Building Administrator; Jon Ficken, Public Works Director; Chief Dan Benson, Public Safety Director; Ciera Claridge, Deputy Clerk

A. Call To Order

Mayor Calloway called the regular meeting to order at 1:00 PM.

B. Pledge Allegiance

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

C. Employee Recognition

This item was initially skipped due to the employees not being present. It was noted that the item would be addressed at the next meeting.

D. Disclosures

Mayor Calloway stated that disclosures are on file with the Town Clerk and can be viewed during regular business hours. There were no conflicts of interest with today's agenda items.

Mayor Calloway disclosed a potential conflict with agenda item 4 Construction Mitigation Policy, and stated he would recuse himself from the meeting at that time.

E. Approval Of The Minutes

March 11, 2025, Meeting Minutes

Mayor Calloway asked if there were any changes or corrections to the March 11, 2025, minutes. There were none.

Motion: Council Member Marshall moved to approve the minutes from March 11, 2025, as presented. Council Member Freeberg seconded the motion.

Action: **Motion passed 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member Freeberg, Council Member Tidwell, Council Member Marshall, Council Member Ricks, Mayor Calloway).**

March 25, 2025, Meeting Minutes

Mayor Calloway asked if there were any changes or corrections to the March 25, 2025, minutes. There were none.

Motion: Council Member Tidwell moved to approve the minutes from March 25, 2025, as presented. Council Member Freeberg seconded the motion.

Action: **Motion passed 4-0-1 (summary: Yes = 4 No = 0 Abstain = 1 Vote: Yes:** Council Member Freeberg, Council Member Tidwell, Council Member Ricks, Mayor Calloway. **Abstained:** Council Member Marshall, who was not present at the meeting).

F. Reports / Public Input On Non-Agenda Items

Council Member Marshall shared that she had visited Victoria, British Columbia and the Butchart Gardens. She mentioned sending the mayor a picture of a trash can with a flower planter on top and offered to share additional pictures.

Bret Howser, Town Manager, reported attending the Legacies in Town conference but did not provide specific details. He mentioned needing to discuss HB 34 with Dan regarding the reporting of the fire mitigation plan.

Council Member Freeberg reported that the snowmobile season was over.

Bret Howser provided an update on beautification projects:

- Close to signing a contract to redo street signs.
- Streetlight improvements set for this summer.
- Discussing potential changes to the town sign, including making it digital
- Presented options for a new sign design, including a hybrid option with stone base and digital screens.
- Estimated costs for the sign project:
- Digital screens alone: approximately \$59,000
- Total project cost: over \$100,000
- Discussed potential ways to reduce costs, such as using smaller screens.
- Sought initial feedback from the council on the concept.

Council members provided various opinions on the sign project, including concerns about cost, weather effects, and visibility. No formal decision was made, but Bret Howser indicated he would continue to work on the project and bring back more information at a future meeting.

G. Agenda Items:

1. Public Hearing: Land Management Code Amendment, Chapter 7, Accessory Dwelling Units

Greg Sant, Planning & Building Administrator, gave a brief introduction to the public hearing. Greg reported the proposed amendments address accessory dwelling units in the R1 (single-family residential) areas.

Mayor Calloway opened the public hearing at 1:35 PM. Nancy Leigh noted that comments had been submitted by John Stark, which were included in the packet as a link due to the 83-page length.

No comments were received from the public during the hearing.

Mayor Calloway closed the public hearing at 1:36 PM.

Council Member Ricks asked for clarification on the off-street parking requirement for ADUs. Greg Sant explained that the maximum requirement would be two extra parking

spaces, regardless of the number of bedrooms in the ADU, to be consistent with requirements for regular homes.

2. Nightly Rental Code Amendment Discussion

Nancy Leigh, Town Clerk, presented proposed changes to the business license code for nightly rentals, including:

- Defining rental management companies (6 or more units)
 - Requiring posting of business license numbers on all short-term rental advertising platforms
 - Addressing fractional/multiple ownership
 - Changing occupancy calculation from square footage to bedroom-based
- The council discussed each proposed change, including:
- The definition and fee structure for rental management companies
 - The impact of posting business license numbers on advertisements.
 - Requirements for fractional ownership and owner affidavits
 - Pros and cons of changing to a bedroom-based occupancy calculation

Council members expressed various concerns and opinions on the proposed changes. Nancy stated she would bring back additional scenarios for large square footage homes at the next meeting and will send out an email to all short-term rental owners with the proposed changes for their input.

3. Land Management Code Discussion on Nightly Rental Zoning

Bret Howser, Town Manager, presented a concept for regulating nightly rentals through zoning, including:

- Creating neighborhood groups in single-family residential areas
- Implementing caps on the total number of nightly rentals allowed in each group.
- Establishing spacing requirements between nightly rentals

The council discussed the concept, with members expressing various concerns about implementation, enforcement, and potential impacts on property rights and the local economy. The Planning Commission's recommendation against pursuing this approach was also noted.

After discussion, the consensus of the council indicated they did not wish to pursue this concept further at this time.

4. Construction Mitigation Administrative Policy

Greg Sant, Planning and Building Administrator, presented the proposed Construction Mitigation Administrative Policy, highlighting recent changes based on council feedback. Key points included:

- Clarification on allowed locations for dumpsters, toilets, and other construction-related items
- Updates to enforcement and penalties
- Discussion of winter construction permits and fees.

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The council discussed various aspects of the policy, including:

- The \$1,500 fee for winter right-of-way construction permits.
- Duration of permits (agreed to limit to 24 months)
- Defining the right-of-way and potential issues with road alignment

Motion: Council Member Ricks moved to implement the construction mitigation plan policy as outlined, with changes to clarify that the winter season right-of-way permit will only be needed if they need to utilize the right-of-way, and with the permit good for 24 months. Council Member Freeberg seconded the motion.

Action: **Motion passed 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Freeberg, Council Member Tidwell, Council Member Marshall, Council Member Ricks Absent: Mayor Calloway who recused himself from the meeting).** .

5. Future Agenda Items

The following items were suggested for future agendas:

- Employee recognition (carried over from this meeting)
- Update on legislation regarding the potential acquisition of 20 acres of Forest Service land
- Visual presentation of the proposed 20-acre land acquisition

Council Member Ricks suggested reviewing the definition of "footprint" in the ADU ordinance for clarity.

H. Adjournment

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

Action: **Motion passed 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Freeberg, Council Member Tidwell, Council Member Marshall, Council Member Ricks, Absent: Mayor Calloway who recused himself from the meeting).**

The regular meeting of the Brian Head Town Council was adjourned at 2:57 pm on April 22, 2025.

May 13, 2025
Date Approved


Nancy Leigh, Town Clerk

