



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 \(Click Here\)](https://www.zoom.us/j/87564316431)

Via Zoom Meeting ID# 875 6431 6431

**TUESDAY, FEBRUARY 25, 2025 @ 1:00 PM**

**MINUTES OF THE TOWN COUNCIL**

**Roll Call:**

**Members Present:** Mayor Clayton Calloway, Council Member Larry Freeberg, Council Member Kelly Marshall, Council Member Martin Tidwell, Council Member Mitch Ricks.

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

**A. CALL TO ORDER**

Mayor Calloway called the regular meeting of the Brian Head 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 11, 2025, Town Council Meeting.**

**Motion:** Council Member Freeberg moved to approve the February 11, 2025, Town Council minutes. Council Member Marshall seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Freeberg, Council Member Marshall, Council Member Ricks, 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.

**Nancy Leigh, Town Clerk,** reported on the upcoming 50<sup>th</sup> Anniversary Celebration for the Town. Nancy reported that there are two major events taking place with one March 12-15<sup>th</sup> and the other July 24-26, 2025.

**Bret Howser, Town Manager**

1. Presented a speech for the State of the City During last week's meeting of the Cedar City Chamber of Commerce and Homebuilder's Association.
2. Council Member Freeberg inquired about the UDOT Road Safety Meeting that took place. Bret reported that he did not attend that meeting.

**Mayor Calloway** inquired as to the status of the Town's white garbage truck that is currently down for repairs. Jon Ficken, Public Works Director, reported that the internal oil filter shattered inside the engine area and the Town received an estimate for repairs in the amount of \$20,000. Discussion was held on the truck's replacement date, which is five to six years, but the truck is currently two years old. Bret reported that he will review the Town's utility fund financial model to determine if the fund is sufficient for the repairs. Mayor Calloway explained that he would like to ensure the Town has reliable trash trucks.

**Council Member Ricks** inquired as to an update on the Rocky Mountain Power project that is taking place at the substation on the north end of town and if they have some safety features that will prevent motorists/people from falling into the dig area. Greg Sant, Building/Planning Administrator, responded they have been issued grading permit and will be remediating the slope side. It is unclear whether Rocky Mountain Power will install a retaining wall at the top of the slope or if the generators they plan to temporarily house will be used to block the area. Greg reported that the project is scheduled to proceed in stages with the generators first going in to provide the power while they build onto the substation. Staff are waiting for Rocky Mountain Power to contact the Town on this project but believe they should be completed by Fall 2025.

**Greg Sant, Planning/Building Administrator**, reported he attended the International Code Council conference last week in St. George where Lestor Ross, previous town Building Inspector was overseeing the conference. Greg reported that the conference was informative.

**Bret Howser, Town Manager**

1. Updated the Council on the 2025 Legislative Session on any potential bills that could impact Brian Head. Bret reported on some land use bills and short-term rental bills that may benefit the Town with nightly rentals in code enforcement.
2. One legislative bill HB98 which regulates the exterior of a single-family residential home will allow municipalities to regulate the front and back of the yard and the color of the home. The Town will continue to utilize the building bonus in the Land Management Code as a way to regulate single family residences.
3. Council Member Mitch inquired as to legislation that pertains to the sale of federal land since the Town is requesting the Forest Service to give 20-acres on the south end of Brian Head. Bret reported that a bill has been drafted on the land acquisition process with the Forest Service, and he should have the draft by the end of today and will distribute to the Council. There will be a reconciliation process along with other items wrapped into the draft bill.
4. Reported on the process for acquiring Forest Service property in which he had an advisory option from the appraiser since the Forest Service requires an appraiser that is "yellow book", and he has reported the cost range is between \$20,000 to \$35,000 per acre which would cost the Town approximately \$700,000. There are restrictions that would be placed on the land in which it must be for public purposes only. There is a revisionary clause that if the Town decided to use it for another purpose, then the Forest Service has the option to exercise the clause and take back the land. It was suggested that the land could be used for material storage, gravel pits, etc. Bret explained that the area is an entryway into Brian Head and would not want that type of use in that area.

- 1           5. Bret reported that staff are researching property to lease for a storage area from Parowan  
2           City and is located near the Parowan Landfill.

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4       **Council Member Tidwell** reported that he has invited Congresswoman Celeste Maloy and  
5       Representative Rex Shipp to the Town's 50<sup>th</sup> Anniversary dinner on Wednesday. Nancy reported  
6       she also invited Senator Even Vickers to the dinner as well.

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9       **F. AGENDA ITEMS:**

- 10  
11       **1. ELK DR., RANGER COURT & 275 EAST SPECIAL ASSESSMENT AREA RATIO**  
12       **DECISION/DIRECTION.** The Council will determine the ratio coverage requirement for Elk  
13       Drive, Ranger Court and 275 East SAA ratio assessment and give directions to staff.

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15       Shane Williamson, Town Treasurer, reported that the Town currently has three Special  
16       Assessment Areas; Elk Drive, 275 East and Ranger Court that are in a pending status until  
17       the Council determines the ratio coverage for the three SAAs. The state's ratio coverage for a  
18       SAA is 3:1, in which the improvements must be three times higher than the value of the  
19       property. The Town's SAA Policy identifies the following ratio coverage as identified on the  
20       Fire Protection Map:

- 21           • Zone A: 3:1 ratio coverage.  
22           • Zone B: 4:1 ratio coverage  
23           • Zone C: 5:1 ratio coverage.

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25       Shane requested the Council's direction on the interpretation of the Town's SAA Policy as it  
26       relates to the ratio coverage. Shane reported he identified options for the Council to consider  
27       in the staff report for this agenda item (see attached).

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29           1. Coverage ratio per Town Policy  
30           2. Coverage ratio per aggregate value  
31           3. Coverage ratio Total Value

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33           • Elk Drive SAA has more homes in the SAA area than Ranger Court and 275 East  
34           SAAs. The ratio coverage according to the Town's SAA policy shows a requirement  
35           of 4:1 ratio.  
36           • Ranger Court SAA: Shane reported that he is not confident in the estimate since the  
37           estimate is two years old. According to the Town's SAA policy, the ratio coverage  
38           for Ranger Court is 4:1 as identified on the Fire Protection Map.  
39           • 275 East SAA currently requires 4:1 ratio coverage and does not meet the Town's  
40           SAA policy.

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42       The Council discussed the following:

- 43           1. If the Town's SAA Policy needs clarification on the ratio coverage and identify  
44           language as to what the value, the Town is using.  
45           2. The aggregate raw land value used a group of appraised lots and if the Town is too  
46           conservative.  
47           3. Looped water lines: Elk Drive would have a looped water line if 275 E. SAA  
48           proceeds, otherwise, it would not be looped.  
49           4. If all three SAAs proceed, then it would be under the Town's cap of five million  
50           dollars identified for SAA bonding.

5. Council Member Tidwell commented that he believes the SAA Policy needs clarification on the ratio coverage and define what the value is.
6. Council Member Marshall commented that having clarification on how it would be calculated and if it is close, it would be at the discretion of the Council who could consider the SAA to fail if it falls less than the ratio. This would also help the public.
7. Council Member Marshall commented she appreciated the options presented in the staff report which identified the aggregate raw land vs. the appraised value. The Council could look at the overall to determine if the SAA makes sense to proceed or not.
8. Council Member Ricks suggested if additional language should be included that the Council can review an SAA based on the risk assessment and if there is a close margin, the Council can evaluate the SAA individually. The different values give a better perspective and would give more flexibility to the SAA. It would be benchmarked against the risk to the Town.
9. Council Member Freeberg expressed his concerns about the Ranger Court SAA, in which there are six lots that have a low value and could put the Town at risk. His second concern is the project estimates that were conducted prior to a substantial increase in materials.
10. Council Member Freeberg commented that he would like to have the property owner know what the updated estimate is.
11. Council Member Ricks commented that another issue with SAA are the roads would need to be improved and if the estimates identify a cost per foot.
12. Mayor Calloway commented he would like to first start with the Town's SAA Policy for consistency and clarification purposes.
13. Council Member Tidwell commented the method of a total value is not defined and he would volunteer to assist with the language for clarification purposes and give direction on what would be able to move forward.
14. Consensus of the Council: Identify Option B: Coverage ratio per aggregate value, retain the language in the Policy and identify some flexibility in the policy.
15. Council Member Marshall commented that if the risk to the Town was 3:1 coverage, and if the property owner defaulted and the Town acquired the property, the Town would still get the value out of the land when it sold.
16. Bret reported there will be another SAA petition presented to the Council. Brian Head Unit 3 which is identified as Zone A on the fire protection map. Once that SAA is presented, there will be one Zone A left on the map: Aspen Drive.
17. Bret reported staff will make an amendment to the SAA Policy to identify the total land values of the parcels (Option B) and staff will clarify the language.
18. Mayor Calloway commented he does not want 15 lots at a lower value and only 5 lots at a high value and if language should be identified to address this. Bret responded that he would identify language where the top 10% or 20% does not make up more than xxx percent of the value.
19. Council Member Ricks commented that the SAAs are an investment in the Town's infrastructure and would open doors for property owners who want to develop their raw land and if the Town could make it easier for property owners to increase the opportunity to develop especially for the single-family residential zones.
20. The Council can review the Fire Protection Map for the SAAs at a later time.
21. The council would like an updated estimate for Ranger Court.

**Motion:** Council Member Marshall moved to proceed with the Elk Drive and Range Court SAAs but will not move forward with 275 East SAA. Council Member Ricks seconded the motion.

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

**2. PUBLIC HEARING FOR THE FISCAL YEAR 2025 BUDGET ADJUSTEMENT.** A public hearing to receive comments on a proposed Budget Adjustment for the Town and the Redevelopment Agency.

Shane Williamson, Town Treasurer, gave a brief introduction to the FY2025 Budget Amendment for the public. Shane explained that the proposed amendment is for the FY2024 Surplus in the General Fund and allocating expense for the Town's 50<sup>th</sup> Anniversary and for a UDOT grant project (see attached staff report).

Mayor Calloway recessed the regular meeting and opened the public hearing to receive comments on the FY2025 Town Budget at 2:14PM.

No written comments were submitted.

**Michael Hyte**, Elk Drive resident, inquired as to the status of the Elk Drive SAA and if the Council was planning to proceed with the SAA and the expected construction time. Staff updated Mr. Hyte on the Council's decision with Elk Drive.

There were no other comments. Mayor Calloway closed the public hearing at 2:20PM and reconvened the regular meeting.

**3. FISCAL YEAR 2025 BUDGET AMENDMENT FOR THE TOWN BUDGET AND REDEVELOPMENT AGENCY BUDGET ENDING JUNE 30, 2025.** An ordinance amending the FY2025 Town Budget and acting as the governing body for the Redevelopment Agency, consider a resolution amending the FY2025 Redevelopment Agency Budget.

Shane Williamson, Town Treasurer, presented a draft ordinance amending the FY2025 Town Budget for the expense of the Town's 50<sup>th</sup> Anniversary and a UDOT grant project.

**Motion:** Council Member Marshall moved to adopt ordinance No. 25-001, an ordinance amending the FY2025 Town budget as presented. Council Member Tidwell seconded the motion.

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

**4. FUTURE AGENDA ITEMS.** The Council will discuss potential items for future agendas.

The Council reviewed the upcoming March 11, 2025, council agenda:

1. FY2026 Strategic Plan Draft.
2. Special Service District water lease agreement.
3. Construction Mitigation Policy

1    **G.    ADJOURNMENT**

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3            **Motion:**            Mayor Calloway moved to adjourn the regular meeting of the Town Council.  
4                                   Council Member Tidwell seconded the motion.

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

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9    The regular meeting of the Brian Head Town Council was adjourned at 2:22 pm on February 25, 2025.

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12    March 11, 2025  
13    Date Approved

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17    *Nancy Leigh*

18    Nancy Leigh, Town Clerk