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
www.Zoom.us (Click Here)
Via Zoom Meeting ID# 874 5995 3372
TUESDAY, DECEMBER 9, 2025 @ 1:00 PM

MINUTES OF THE TOWN COUNCIL

Roll Call

Members Present: Mayor Clayton Calloway, Council Member Duane Nyen, Council Member Larry Freeberg, Council Member Mitch Ricks (via Zoom Meeting @ 1:11pm)

Members Absent: Council Member Martin Tidwell

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Shane Williamson, Admin Dept. Head; Tom Gurr, Public Works, Greg Sant, Planning Building Administrator; Chief Dan Benson, Public Safety Director; Ciera Claridge, Deputy Clerk.

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the 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:

Council reviewed the minutes from previous meetings. There were no changes or corrections noted for any of the three sets of minutes.

1. **November 12, 2025, Town Council Meeting**

   Motion: Council Member Nyen moved to approve the November 12, 2025 Town Council minutes. Council Member Freeberg seconded the motion.

   Action: **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes**: Council Member Nyen, Council Member Freeberg, Mayor Calloway. **Absent:** Council Member Ricks, Council Member Tidwell)

2. **November 18, 2025, Town Council Special Meeting**

   Motion: Council Member Nyen moved to approve the November 18, 2025, Town Council Special Meeting minutes. Council Member Freeberg seconded the motion.

   Action: **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes**: Council Member Nyen, Council Member Freeberg, Mayor Calloway. **Absent:** Council Member Ricks, Council Member Tidwell)

3. **November 25, 2025, Town Council Special Meeting**

Motion: Council Member Freeberg moved to approve the November 25, 2025, Town Council Special Meeting minutes. Council Member Nyen seconded the motion.

Action: **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes**: Council Member Nyen, Council Member Freeberg, Mayor Calloway. **Absent:** Council Member Ricks, Council Member Tidwell)

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

Council Member Nyen reported on his attendance at the Utah League of Cities and Towns, Government 101 event, which she found very informative with lots of useful material.

Bret Howser, Town Manager,

1. provided updates on the Public Works Director interviews, stating that phone interviews had been completed and four candidates would be invited for in-person interviews the following week.
2. Reported that issues with the Snowflake booster pump station, which had been hampering snowmaking efforts, had been addressed by the Public Works crew who found a temporary solution while awaiting a new control panel.

Chief Dan Benson reported on the success of the annual Thanksgiving dinner and thanked Bob Goldhirsch for his efforts in coordinating the event.

Mike Childs, a resident at 547 Shady Dale Lane, expressed concerns about harassment and intimidation from code enforcement. He stated that his civil rights had been violated during a recent administrative hearing and submitted a formal complaint. Mr. Childs described his efforts over the past four years developing Shady Dale Lane, including paving the road and installing sewer and water laterals.

Cecile Wallis, a resident at 315 Elk Drive, inquired if residents would be able to see the bids proposed for the waterline project on Elk Drive, emphasizing the importance of transparency. Cecile thanked Kate Bryant, The Mall, and the town for the festive holiday atmosphere and mall upgrades. Cecile thanked the Mayor for the service award for serving on the Planning Commission and the opportunity to serve. Mayor Calloway responded that the bid totals are in the Council's packet along with a bid tabulation. Mayor Calloway went on to explain that the holiday lighting is ongoing and should be near completion.

Flint Decker, Aspen Meadows, shared a magazine article featuring Brian Head and its sister city, noting there would likely be another article about Brian Head in the following month's issue.

Chip Deutschlander, Brianhead Sports business owner in Brian Head, inquired about when he would be able to publicly comment on the ad hoc committee report. Town Manager Bret Howser confirmed this would be possible at the January 13th Council meeting.

F. AGENDA ITEMS

1. **CITIZEN'S VOICE AD HOC COMMITTEE REPORT.** Ad Hoc Committee. The Citizen's Voice Ad Hoc Committee will give a report on the survey generated to residents and businesses.

Skyler Bennett, Committee Member, presented the report from the Citizen's Voice Ad Hoc Committee. He explained that the committee was established to gather unbiased feedback from the community through two surveys: one for property owners and citizens (which received 456 responses) and another for business owners (which received 58 responses). The report consisted of two parts:

Report 1: Providing recommendations for four service areas with immediate operational improvements that could have positive impacts on the community

Report 2: Two additional structural recommendations to address underlying issues
Key survey insights showed code enforcement as the biggest friction point, along with communication gaps, lack of follow-up, residents being unaware of projects, winter communication issues, and unpredictable business licensing processes.

The four areas selected for recommendations in Report 1 (in order of importance) were:

1. Code enforcement
2. Town administration and communication
3. Public works
4. Business licensing

Recommendations included switching from proactive to reactive code enforcement, establishing a formal complaint process, and providing updated project calendars with advance notice of town projects.

Report 2 recommended hiring a PR communications coordinator and adopting a leadership framework to improve town operations.

Skyler Bennett emphasized the substantial time commitment the committee had dedicated to this project and asked the Council to thoroughly review the packet and respond with implementation plans by the first week of January, with a six-month follow-up to evaluate progress.

The Council thanked the committee for their work, with members expressing their intention to review the report carefully. Bret indicated the report would be posted on the Town website and a follow-up discussion was scheduled for the January 13th meeting.

Chip Deutschlander commented on one of the highlights in the report regarding a reactive code enforcement methodology instead of being proactive. Chip commented that this approach would be a negative approach and would set the system up for failure. Chip reported that he would like to be informed on this item.

2. **PLANNING COMMISSION MEMBER APPOINTMENTS.** The Council will give their advice and consent for two Planning Commission Members and an Alternate Planning Commission Member

Town Manager Bret Howser recommended appointing Rachelle Lee to the full-time Planning Commission position and Roger Thomas to fill the remainder of Sheri Brown's term (expiring December 31, 2027). Bret also recommended Robinson as Planning Commissioner Alternate with a term expiring December 31, 2023.

Roger Thomas introduced himself as a builder who has been active in Brian Head for five years. He noted that he also serves on the Iron County Planning Commission where he was chairman for two years.

Motion: Council Member Freeberg moved to consent the approval of Rachelle Lee as a regular member of the Planning Commission with term expiring January 31, 2030; Roger Thomas as a regular member of the Planning Commission with term expiring December 31, 2027; and Taizsha Robinson as Planning Commissioner Alternate with term expiring December 31, 2030. Council Member Nyen seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Freeberg, Council Member Nyen, Council Member Ricks, Mayor Calloway. **Absent:** Council Member Tidwell

3. **TRAIL COMMITTEE MEMBER APPOINTMENTS.** The Council will give their advice and consent for Trail Commission Members.

Bret Howser, Town Manager, reported that all of the trail committee members' appointments have expired and the Council will give their advice and consent to the proposed trail committee members he is recommending. Bret recommended appointing Sheri Brown (resident), Trace Whitelaw(Town Staff), Dave Crane (Brian Head Resort), and Kim Oldroy (Thunder Mtn. Motorsports) as full-time members of the Brian Head Trails Committee with Jess Hancock as an advisory member.

Motion: Council Member Freeberg moved to give consent to the appointments of Sheri Brown, Trace Whitelaw, David Crane, Kim Oldroyd as full-time members of the Brian Head Trails Committee with Jess Hancock, Forest Service, as an advisory member. Council Member Nyen seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Freeberg, Council Member Nyen, Council Member Ricks, Mayor Calloway. **Absent:** Council Member Tidwell

4. **CONSIDERATION OF A RESOLUTION DESIGNATING THE BRIAN HEAD UNIT 3 ASSESSMENT AREA (THE "ASSESSMENT AREA") FOR THE PURPOSE OF (i) LEVYING ASSESSMENTS AGAINST PROPERTIES WITHIN THE ASSESSMENT AREA TO FINANCE THE COSTS OF CERTAIN WATER SYSTEM IMPROVEMENTS, ROAD IMPROVEMENTS, AND RELATED IMPROVEMENTS IN THE ASSESSMENT AREA, (ii) ESTIMATING THE AMOUNT OF THE ASSESSMENTS TO BE LEVIED AND THE METHOD OF ASSESSMENT, AND (iii) GENERALLY DESCRIBING THE PERIOD OVER WHICH THE ASSESSMENTS ARE TO BE PAID AND THE MANNER IN WHICH THE TOWN INTENDS TO FINANCE SAID IMPROVEMENTS; AND RELATED MATTERS.** A resolution adopting the Notice of Creation for the Brian Head Unit 3 Special Assessment Area.

Bret Howser, Town Manager, explained that this item had been tabled from a previous meeting due to concerns about the road. Bret presented engineered drawings showing how the road could be modified, explaining that the project would involve cutting on the uphill side and filling on the downhill side with a 1.5 to 1 slope. This would require encroaching about 20 feet onto properties on either side of the road, affecting several lots.

Bret noted he had spoken with one property owner, George Hartlemaier, who was willing to allow the town to work on his property. He would need to contact additional property owners but believed the road improvements might actually help them by providing better access to their properties. The estimated cost for the road project would be about $100,000.

Regarding water protection concerns, Bret explained that while the area is in a water protection zone for a well, it is in the outer zone with fewer restrictions. Properties could install septic systems in this area.

There was extensive discussion about the positioning of the waterline relative to potential future sewer lines. Town Engineer Rhett Beazard explained that they would maintain at least ten feet (10') of horizontal separation between water and sewer lines as required by state code. Rhett noted that unlike previous projects, the current design positions the waterline based on the centerline of the deeded right-of-way rather than the existing road, ensuring proper separation for future utilities.

Council Member Freeberg expressed concerns about creating future issues with sewer installation. Rhett explained that in areas where gravity sewer would be difficult due to the terrain, they would use a pressurized system where each property's pump would push sewage through the mainline to the point where it could transition to gravity flow. After addressing all concerns, the Council proceeded with the vote.

Motion: Council Member Nyen moved to adopt Resolution Number 25-562 designating the Brian Head Unit 3 special assessment area as presented. Council Member Ricks seconded the motion.

Council Member Freeberg commented that he would like to know the linear cost per foot and the unit including installation and materials. Bret responded that with water materials it is approximately $200 for the Brian Head Unit 3 that has 22 lots, that would be approximately $39,000 per lot for Brian Head Unit 3 and approximately $22,275 per lot for the Elk Drive SAA project.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Freeberg, Council Member Nyen, Council Member Ricks, Mayor Calloway. **Absent:** Council Member Tidwell).

5. ELK DRIVE AND BRIAN HEAD UNIT 3 SPECIAL ASSESSMENT AREA BID AWARD.

Contract award for the Elk Drive and Brian Head Unit 3 Special Assessment Areas project.

Bret Howser, Town Manager, presented the bid results for the Elk Drive and Brian Head Unit 3 water line projects (see attached). Bret explained that the Town had approached the bidding differently this time by splitting materials from labor and installation and bidding earlier than normal, which appeared to result in more favorable bids.

Ferguson Water Works was the only bidder for materials at $328,384.03 combined for both projects ($140,763 for Elk Drive and $187,551 for Brian Head Unit 3).

For installation and labor, seven bids were received, with Interstate Rock providing the lowest responsive bid at $221,856 for Elk Drive and $325,505 for Brian Head Unit 3.

The total construction costs before contingency were $362,619 for Elk Drive and $513,000 for Brian Head Unit 3. With contingencies (10% for Elk Drive, 15% for Brian Head Unit 3) and additional costs for engineering, bond fees, and debt service reserves, the total project costs were estimated at $537,000 for Elk Drive and $858,000 for Brian Head Unit 3.

Bret noted the value-to-cost ratios were 9.18 for Elk Drive (the highest for any SAA project) and 4.35 for Brian Head Unit 3, indicating low risk for bond issuance. He mentioned they already had potential bond buyers lined up.

Motion: Council Member Freeberg moved to authorize Town Manager to enter into the contract with Ferguson Water Works to furnish materials for the Elk Drive and Brian Head Unit 3 water lines in the amount of $328,384.03 in a form approved by the town attorney. Council Member Nyen seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Freeberg, Council Member Nyen, Council Member Ricks, Mayor Calloway. **Absent:** Council Member Tidwell).

Motion: Council Member Nyen moved to authorize the Town Manager to enter into a contract with Interstate Rock for installation of the Elk Drive and Brian Head Unit 3 water lines in the amount of $547,360.75 in a form approved by the town attorney. Council Member Freeberg seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Freeberg, Council Member Nyen, Council Member Ricks, Mayor Calloway. **Absent:** Council Member Tidwell).

Bret inquired if the Council is interested in recalibrating the ratios for the Town. **Consensus of the Council:** Yes.

6. LIGHTNING POINT TRAIL PLANNNG SERVICE CONTRACT AWARD. Contract award for the Lightning Point Trail Planning Services.

Bret presented a draft contract for the Lightning Point Trail Planning (see attached). Council Member Freeberg confirmed he had reviewed the scope of work for the Lightning Point Trail Planning Service contract. He explained that the project would determine the route for the trail by establishing a polygon area in which the route could be selected, rather than following a predetermined line.

Motion: Council Member to award the contract for Lightning Point Trail Planning Service to Jones & DeMille Engineering in a form approved by the Town Manager. Council Member Nyen.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Freeberg, Council Member Nyen, Council Member Ricks, Mayor Calloway. **Absent:** Council Member Tidwell).

7. 2026 TOWN COUNCIL MEEETING SCHEDULE APPROVAL. The Council will approve their 2026 Meeting Schedule.

Nancy Leigh, Town Clerk, explained that the Council is required to approve their meeting schedule for the upcoming 2026 year. Nancy noted that an ordinance adopted years ago established that meetings would be held on the second and fourth Tuesdays at 1:00 PM at Town Hall. The proposed schedule for 2026 had no conflicts with holidays. Nancy presented the proposed 2026 meeting schedule for Council's consideration (see attached).

Motion: Council Member Nyen moved to approve the 2026 Town Council meeting schedule as presented. Council Member Freeberg seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Freeberg, Council Member Nyen, Council Member Ricks, Mayor Calloway. **Absent:** Council Member Tidwell).

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

Bret Howser, Town Manager, requested input from Council members on items they would like to discuss at the upcoming Strategic Planning Retreat scheduled for January 27-28, 2026.

For the January 13th meeting, Nancy Leigh, Town Clerk, noted that the agenda would include the audit presentation, a general plan amendment and zone change, and the ad hoc committee's public input.

G. ADJOURNMENT

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

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Freeberg, Council Member Nyen, Council Member Ricks, Mayor Calloway. **Absent:** Council Member Tidwell).

The regular meeting of the Town Council was adjourned at 2:32 pm on December 9, 2025.

January 13, 2026
Date Approved

Nancy Leigh, Town Clerk

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