

The Regular Meeting of the
Brian Head Town Council Acting
Brian Head Town Hall – Council Chambers
56 North Highway 143 – Brian Head, UT 84719
[www.Zoom.us \(Click Here\)](https://www.zoom.us/j/81897375520)
Via Zoom Meeting ID# 818 9737 5520
TUESDAY, DECEMBER 10, 2024 @ 1:00 PM

Roll Call.

Members Present: Council Member Freeberg, Council Member Marshall, Council Member Tidwell, Council Member Ricks.

Members Absent: Mayor Clayton Calloway.

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Shane Williamson, Town Treasurer; Chief Dan Benson, Public Safety Director, Ciera Claridge, Deputy Clerk.

A. CALL TO ORDER

Mayor Pro Tem called the regular meeting of the Town Council to order at 1:00 PM on December 10, 2024.

B. PLEDGE ALLEGIANCE

Mayor Pro Tem Tidwell led the Council and others in the Pledge of Allegiance.

C. DISCLOSURES

There were no conflicts of interest with today's agenda items. Mayor Pro Tem Tidwell 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:

November 12, 2024, Town Council Meeting.

Motion: Council Member Ricks moved to approve the November 12, 2024, Town Council minutes. Council Member Marshall seconded the motion.

Action: Motion carried 5-0-0 (summary: Yes = 4 Vote: Yes: Council Member Marshall, Council Member Ricks, Council Member Freeberg, Mayor Pro Tem Tidwell).

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

Gary Webster, Representative of Senator Lee's, updated the Council on the work he has been doing with the Town Manager, Bret Howser. Mr. Webster reported on an issue regarding a land exchange between the Town and Forest Service for the Town's maintenance building location. The Forest Service rejected the land exchange that was proposed by the Town. Mr. Webster explained that this issue may be resolved in the future since Senator Lee will become the Chairperson of national issues related to public lands. Mr. Webster reported that there will be

access, and they are working on ideas such as a public access to the public works maintenance building area.

5. Council Member Freeberg commented on an item mentioned in the Public Safety Department update regarding an incident with Southern California gang members who were in Brian Head and involved in an altercation.

F. AGENDA ITEMS:

1. **PLANNING COMMISSION APPOINTMENT.** The Council will give their advice and consent to the reappointment of Jeff Morgan for a 5-year term on the Planning Commission.

Bret Howser, Town Manager, reported that each year one Planning Commissioners term expires with the exception of the year that the Commissioner and Alternate Commissioner's term are on the same expiration year. This year, Jeff Morgan's term expires at the end of December, and he is requesting the advice and consent of the Council to reappoint Jeff Morgan for a 5-year term to the Planning Commission.

Motion: Council Member Marshall moved to give the advice and consent for the reappointment of Jeff Morgan for a 5-year term on the Planning Commission. Council Member Freeberg seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4, Vote: Yes: Council Member Freeberg, Council Member Marshall, Council Member Ricks, Mayor Pro Tem Tidwell).**

2. **PRESENTATION OF THE PROTEST PERIOD RESULTS FOR THE 2024-3 (275 EAST) SPECIAL ASSESSMENT AREA.** Protest results for the 275 East SAA.

Shane Williamson, Town Treasurer, gave a brief background on the 275 East Special Assessment Area (SAA). Shane reported that the public hearing was held, and the 60-day protest period expired as of December 9, 2024. Shane then presented the protest results to the Council:

- 275 East Special Assessment Area Protest Results: two (2) protests were received which is 9.5% of the protest and is below the 40% threshold that would abandon the SAA.

Shane reported the Town has started the appraisal process to determine if the area meets the 4:1 ratio required by the Town since this area along with the Ranger Court and Elk Drive SAAs are also required to meet a 4:1 value ratio which is identified as area "B" on the Town's SAA's policy fire protection map. Shane reported that the notice to create the SAA will be presented to the Council in January 2025.

Mayor Pro Tem Tidwell reported that the 9.5% of protests submitted are below the required 40% and this agenda item is an informational item. The next step will be the resolution to create or abandon the SAA.

The Council thanked Shane for his report.

3. **CONSTRUCTION MITIGATION ADMINISTRATIVE POLICY.** A Construction Mitigation Administrative Policy that would allow for the use of the Town's right of Way for contractors who are building during winter.

- D. 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 wash-out area for concrete, stucco, drywall mud and paint.
- E. A building lot or site must always be maintained in a clean and safe condition.
- F. Furthermore, all activities that will block one (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.
- G. 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.

The Council discussed the following:

- 1. Violation recipient and who would be responsible, the contractor or property owner. Subcontractors were also discussed. Bret reported that he believes it was intended to be the general contractor, but it could be whoever pulls the building permit with the Town.
- 2. Education: Bret reported that as a building permit is pulled, staff can educate the contractor on the Town's process. The Town also hosts a contractor/building in Brian Head session and the Town staff can include this process in the presentation.
- 3. Council Member Marshall commented that the contractors that are in violation are the ones who use the Town's right of way in front of other people's property to store their construction materials.
- 4. If the Town should consider providing a specific signage that would be required for consistency purposes. Staff will create a template that will dictate the size of the sign.
- 5. If the Town should post the basic regulations on staging in the Town's right of way so the public can view them as well.
- 6. Ensure that Title 9, Chapter 14 (Land Management Code, Signage) is coordinated with the policy.
- 7. Fees: It is proposed that a fee of \$1,500 be assessed and applies only in the winter season.
- 8. Requirement to maintain a minimum of one car width for thru traffic to ensure the road is not blocked. It is the intention of the Town to allow 20' for two-way traffic. There is a challenge for areas that have narrow roads.
- 9. Greg suggested that for dead end roads, there is a requirement for emergency access which is identified in the draft policy.
- 10. Greg commented that if the road is blocked for more than 60 minutes, they are required to have a traffic plan. Bret explained that a site plan will also identify if the road would be blocked.
- 11. Council Member Marshall inquired as to #3 of the proposed requirements if the Town wants to require permission if the contractor extends onto the neighbor's property. Greg responded that in a previous discussion, the Town would want to have written permission submitted to the Town if they were to extend onto the neighbor's property. Council Member Freeberg commented that it would control areas of disturbance on adjacent properties if the Town required written permission.
- 12. Mayor Pro Tem Tidwell inquired if there is a checklist for staff and if the contractor/property owners are aware of what the requirements are, such as permission from adjacent property owners, it would help staff. If the original goal is that undisturbed areas remain as undisturbed and if there is an opportunity for the contractor/property owner to store their materials on the neighbor's right of way, it would help meet the goal. Bret explained if the adjacent property is vacant land and the right of way, the Town could run into challenges from the property owner since many property owners believe the right of way is their property. Mayor Pro Tem

Nancy Leigh, Town Clerk, presented the 2025 Town Council Schedule and requested the Council review and approve the schedule. Nancy reported that the meeting schedule identifies the following:

1. Council meetings are scheduled for the 2nd and 4th Tuesday of each month with the exception of November and December where there is one meeting scheduled.
2. All meetings begin at 1:00PM or shortly thereafter.
3. The primary meeting location is the Town Hall.
4. The Redevelopment Agency, Special Service District and Municipal Building Authority will meet as needed.

Nancy reported that one meeting schedule in November is in conflict with Veterans holiday and inquired if the Council wanted to move the meeting to Wednesday, November 12, 2025. The council consensus was to move the meeting to November 12, 2025.

Motion: Council Member Marshall moved to approve the 2025 Town Council Meeting Schedule as presented with the change of the November 11, 2025, meeting will be changed to Wednesday, November 12, 2025. Council Member Ricks seconded the motion.

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

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

Bret reported he has emailed the draft agenda for the upcoming fiscal year 2026 Strategic Planning Retreat and requests any input from the Council on the agenda items.

G. ADJOURNMENT

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

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

The regular meeting of the Brian Head Town Council was adjourned at 2:11 pm on December 10, 2024.

January 14, 2025

Date Approved


Nancy Leigh, Town Clerk