



The Regular Meeting of the Brian Head Town Council acting as the governing body for the Brian Head Special Service District (SSD)
Brian Head Community Development Agency (CDA)
Brian Head Municipal Building Authority (MBA)
Brian Head Town Hall – Council Chambers
56 North Highway 143 – Brian Head, UT 84719
[www.Zoom.us \(Click Here\)](https://www.zoom.us/j/81451147627)
Via Zoom Meeting ID# 814 5114 7627
TUESDAY, MAY 28, 2024 @ 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; Shane Williamson, Town Treasurer; Aldo Biasi, Public Works Director; Amanda Hunter, Code Enforcement; Lester Ross, Building & Planning Official; Chief Dan Benson, Public Safety Director.

A. CALL TO ORDER

Mayor Calloway called the regular meeting of the Town Council acting as the governing body for the Special Service District (SSD), Redevelopment Agency (RDA), and Municipal Building Authority (MBA) 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 statements are on file with the Town Clerk and are available for public inspection during normal business hours.

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

Mayor Calloway thanked the volunteers who participated in the annual Town Cleanup.

Council Member Freeberg commented on an article that reported visitors who are visiting Brian Head for the first time commented that they noticed the American Flag is everywhere which says something for America.

Bret Howser, Town Manager

1. Updated the Council on interviews for the Public Works Director and Deputy Clerk positions. There will be a social on June 3, 2024, at 6:30 p.m. at the Brian Head Lodge for the Public Works Director to involve the community. Bret reported the public is invited to meet the candidates during the social. Bret reported that a decision should be made on

the two positions by the end of next week. Bret reported that Aldo Biasi, Public Works Director, is still available until the end of June.

2. Justin Osmond gave a presentation during the May 8th Council meeting on Pioneer Day. During his presentation, Mr. Osmond will be hosting an event and requested a contribution from the Town. Bret inquired if the Council is interested in sponsoring Mr. Osmond's event. Bret reported the sponsorship is \$1,000. Bret explained he would identify the expense out of the Contingency Fund. **The consensus of the Council:** approved the sponsorship for \$1,000.

Chief Dan Benson, Public Safety Director, reported that the department received a \$150,000 grant from Outdoor Recreation for winter rescue towards the purchase of snowcats and snowmobiles. Also received a charitable donation of \$80,000 towards this grant.

E. AGENDA ITEMS:

1. **PUBLIC HEARINGS:** A public hearing to receive comments on the matters listed below.

- 1) **ASPEN MEADOWS ANNEXATION OF 1,779.02 ACRES LOCATED ON THE NORTHEAST SIDE OF BRIAN HEAD TOWN.**

Bret Howser, Town Manager, gave a brief background for the public hearing on the Aspen Meadows Annexation. Bret reported the Aspen Meadows annexation area is located on the northeast side of the Brian Head Town boundary and includes 1,779.02 acres of property. The majority of the property is owned by G&P Ranch, LLC, also known as Gardner and Plum who are the Aspen Meadows Developers, along with three other parcels that are privately owned; Brian Head Town, Purda Vista, and the MC Crofts. The Planning Commission held a public hearing during their meeting on May 21, 2024, as required by state law, and forwarded a positive approval for this annexation.

Bret reported that staff has gone through the annexation process for the past five months and is now before the Council for a public hearing. Bret explained that County representatives are present today including Reed Erickson, County Planner who has been assisting the Town with the process.

Mayor Calloway recessed the regular meeting and opened the public hearing to receive comments on the Aspen Meadows Annexation at 1:09 p.m.

Dave Mason, Timbernest Subdivision, commented that in reviewing the documents that are associated with the Aspen Meadows annexation, he reviewed the old General Plan along with the newer version of the General Plan, he noticed where the high and low residential densities are identified, but also noted there is a new classification for medium residential or R2 and inquired as to the requirements for R2 zones. Mr. Mason commented that R1 is low-density residential and requires 1/3 acre to build a home. The new zone of Annexed Transition (AT) is now going to be identified for the Aspen Meadows property that is being annexed. Mr. Mason recommended the Council extend the "buffer" area and extend the open space for the property that is adjacent to the north side of Timbercrest Subdivision would like to see where the R1 and R2 zones are identified on the General Plan to hold the area for "Open Space" along the north side to provide a buffering between the two subdivisions.

There were no other comments and no written comments were submitted for the Aspen Meadows Annexation area.

Mayor Calloway closed the public hearing on the Aspen Meadows Annexation and reconvened the regular meeting of the Town Council at 1:12 p.m.

2) **BRIAN HEAD UNIT 3 SUBDIVISION ANNEXATION OF LOTS 1,2,3,4,5,8,10,11,& 28 LOCATED ON THE SOUTHWEST SIDE OF BRIAN HEAD TOWN.** A public hearing for the Brian Head Unit 3 proposed annexation.

Bret Howser, Town Manager, gave a brief background on the Brian Head Unit 3 Annexation. Bret reported that this subdivision was mainly incorporated with the rest of the Town in 1975, but there were 9 lots located in Brian Head Unit 3 that were never incorporated and are currently identified as County boundaries. Bret reported the Town was approached with an Annexation Petition and the Town went through the annexation process, which is one of the final steps in the process.

Bret reported the Planning Commission held a public hearing on this topic and forwarded a recommendation of approval to the Council during their May 21, 2024 Commission meeting.

Mayor Calloway recessed the regular meeting and opened the public hearing to receive comments on the Brian Head Unit 3 Annexation at 1:14 p.m.

There were no comments and no written comments were submitted. Mayor Calloway closed the public hearing and reconvened the regular meeting at 1:15 p.m.

3) **GENERAL PLAN & ZONING FOR ASPEN MEADOWS AND BRIAN HEAD UNIT 3:** A public hearing for an amendment to the Town General Plan with the establishment of AT Annex Transition and MZOD Mountain Zoning Overlay District.

Bret Howser, Town Manager, gave a brief explanation of the proposed amendments to the General Plan in which (AT) Annexed Transition would be established. Bret explained that with the two pending annexations that are in their final steps, the Town General Plan would need to reflect the annexations which are the Brian Head Unit 3 annexation is proposed to be zoned as (R1) Single-Family Residential. Bret explained that the General Plan and the Land Management Code would be amended to establish the AT and MZOD zones.

Bret reported due to the large size of Aspen Meadows, it was determined a new zone; Annex Transition (AT) be established. Annex Transition would give the flexibility of allowing the property to remain until it is developed, at which time, the property would be rezoned. Bret reported that the AT Zone would be a type of "holding" zone for areas that are annexed until they are ready to rezone when development happens.

Bret reported that in the Aspen Meadows Annexation Development Agreement, the Town agreed to certain allowances in zoning such as creating the Mountain Overlay District Zone specifically for Aspen Meadows. Due to the size of the parcels of Aspen

1 Meadows being annexed into the Town, the Annexed Transition Zone would allow
2 the property to remain until Aspen Meadows is ready to develop and they would
3 apply to rezone the property at that time. The Mountain Zone Overlay District
4 would identify an overlay district over an area that would grant special allowances.
5 Aspen Meadows development identified this zone as having stricter requirements
6 than the current zoning.
7

8 Mayor Calloway opened the public hearing to receive comments on the General Plan
9 Amendment for Aspen Meadows and Brian Head Unit 3 annexations at 1:22 p.m.
10

11 **Julie Saemisch**, resident, inquired as to who would be proposing the final zoning
12 and if it would follow the Land Management Code in which the Planning
13 Commission would review the application. Ms. Saemisch commented she would
14 like to understand the basics of who would be reviewing the applications.
15

16 **Dave Mason**, resident, stated that he realizes the proposed AT Zone is a holding
17 pattern. He has dealt with medium-density residential in Las Vegas and commented
18 that developers rarely develop anything else than the maximum. Mr. Mason
19 commented he would like to see the Council identify a low-density residential and
20 Recreation Open Space (ROS) to extend approximately 305' in width between the
21 subdivisions and would not like to see a tracked home area.
22

23 There were no other comments and no written comments were submitted. Mayor
24 Calloway closed the public hearing at 1:24 p.m.
25
26

27 4) **LAND MANAGEMENT CODE AMENDMENT, CHAPTER 7 ZONE**
28 **DISTRICT REGULATIONS.** The Council will receive input on Annex Transition
29 Zoning and Mountain Zoning Overlay District.
30

31 Bret Howser, Town Manager, commented that this item was described in the last
32 agenda item, General Plan Amendment, in which the Council will hold a public
33 hearing to receive comments on a proposed amendment to the Land Management
34 Code to establish the Annexed Transition (AT) Zone and the Mountain Zone Overlay
35 District (MZOD).
36

37 Mayor Calloway opened the public hearing at 1:25 p.m. to receive comments on the
38 proposed amendments to the Land Management Code, Chapter 7 (Zone District
39 Regulations) for establishing the Annex Transition and Mountain Zone Overlay
40 District.
41

42 No comments were given and no written comments were submitted. Mayor
43 Calloway closed the public hearing at 1:26 p.m.
44
45

46 5) **PUBLIC OFFICIAL COMPENSATION INCREASES.** A public hearing for the
47 public official compensation increase for the FY2025 year.
48

49 Shane Williamson, Town Treasurer, reported this is a new requirement by the State
50 as of May 1, 2024, in which a separate public hearing for the public officials'
51 compensation increases. Shane explained that a public official is defined as the
52 Town Manager and Department Heads of Public Works and Public Safety. Shane

1 reported the proposed increases are identified in the FY2025 budget and the impact
2 to the budget is \$28,309.

3
4 Mayor Calloway opened the public hearing to receive comments on the public
5 officials' compensation increase at 1:27 p.m.

6
7 **Dave Mason**, a resident, commented that they work their "tails" off and deserve the
8 raise.

9
10 No other comments were given and no written comments were submitted. Mayor
11 Calloway closed the public hearing at 1:28 p.m.

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14 6) **FISCAL YEAR 2025 BUDGET(S): BRIAN HEAD TOWN, COMMUNITY**
15 **DEVELOPMENT AGENCY, SPECIAL SERVICE DISTRICT, MUNICIPAL**
16 **BUILDING AUTHORITY.** A public hearing on the FY2025 Budget(s).

17
18 Shane Williamson, Town Treasurer, gave a brief introduction to the fiscal year 2025
19 budgets which include the Town, Redevelopment Agency, Special Service District,
20 and Municipal Building Authority. Shane reported that no changes were made and
21 is the same budget as what was presented in the tentative budget on May 14, 2024.
22 Shane explained the FY2025 budgets are scheduled to be adopted during the June 11,
23 2024 Council meeting.

24
25 Mayor Calloway opened the public hearing to receive comments on the FY2025
26 Town, RDA, SSD, and MBA budgets at 1:29 p.m.

27
28 **Dave Mason**, a resident, commented that he watched as the Mayor and Council
29 Member Tidwell reviewed the budget, he believes that they have done a wonderful
30 job with the budget.

31
32 No other comments were given and no written comments were submitted. Mayor
33 Calloway closed the public hearing at 1:30 p.m.

34
35
36 Bret Howser, Town Manager, answered the questions that were raised during the public
37 hearing portion of the meeting. Bret addressed the following questions:

- 38 1. Question on medium-density residential for Aspen Meadows: **Answer:** Bret reported that
39 medium-density residential (R2) maximum density allows up to eight (8) units per
40 acre. Bret explained that once Aspen Meadows is subdivided down, there will be a
41 combination of low-density residential (R1), medium-density residential (R2), and
42 high-density residential (R3) which will be a mixed-use in the pods and villages along
43 with open spaces that would provide a buffer between the neighborhood that is
44 developed between Aspen Meadows and the Timbercrest subdivision.
- 45 2. Question regarding the process and if the Planning Commission will be the public
46 body to review and approve the land use process. **Answer:** Bret reported Aspen
47 Meadows will be zoned as Annexed Transition. When the developer is ready to
48 subdivide and develop, they will be required to rezone the property and submit a
49 subdivision preliminary plat. The zone change will go through the current process of
50 the Planning Commission and Town Council. The subdivision process is currently
51 being amended to comply with the new state requirements for subdivisions which the

Planning Commission will review the subdivision once the Town Council has been taken out of the process with the change in the subdivision code.

2. ASPEN MEADOWS ANNEXATION ORDINANCE. An ordinance annexing the Aspen Meadows area into Brian Head Town and identifying a zone for the annexed area.

Bret Howser, Town Manager, presented a draft ordinance annexing the Aspen Meadows area as proposed. Bret reported there was an adjustment in the Special Warranty Deeds for the properties that are being transferred to the Town in which the legal description was amended to match up with the estimated acreage that was delineated in the Agreement.

Council Member Martin commented that he would like to be clear on the Warranty Deeds that are an addendum in the ordinance. Council Member Tidwell inquired as to what the connection between the new documents that are being presented and the documents presented in the staff report and if the Council approves the annexation ordinance, which set of Warranty Deeds would be officially adopted; the Special Warranty Deeds submitted with the staff report or the new Warranty Deeds that the Council has not reviewed yet?

Eric Johnson, Town Attorney, reported the Council can specify which Warranty Deeds they would like to identify in the motion if the Council chooses to adopt the ordinance today. The Council can make a motion pending the verification of the Special Warranty Deeds. Council Member Marshall commented the only question could be is that the addendums do not match up and if the Council can view the new parcels that are identified or what the value is for acreage. Bret reported that the new descriptions were submitted earlier today and the legal descriptions are the exact acreage amount identified in the Development Agreement. Council Member Tidwell commented that according to the Development Agreement, the developers have one year to move things around.

Motion: Council Member Tidwell moved to adopt ordinance No. 24-003, annexing 1,779.02 acres of unincorporated property of Aspen Meadows as Annex Transition (AT) zone, amending the official Zone District Map of Brian Head with the new and updated legal descriptions for the Special Warranty Deeds as presented. Council Member Freeberg seconded the motion.

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

Flint Decker, Aspen Meadows, thanked the Mayor, Council, and staff for their work on the annexation of Aspen Meadows and stated that this is a milestone for Brian Head Town and Mountain Capital Partners and the Brian Head community.

3. BRIAN HEAD UNIT 3 ANNEXATION ORDINANCE. An ordinance annexing nine lots of the Brian Head Unit 3 Subdivision into the Town of Brian Head and identifying a zone for the area.

Bret Howser, Town Manager, presented a draft ordinance annexing 9 lots of the Brian Head Unit 3 Subdivision into Brian Head Town (see attached).

Motion: Council Member Marshall moved to adopt ordinance No. 24-004 annexing lots 1,2,3,4,5,8,10,11 and 28 of the Brian Head Unit 3 subdivision into Brian Head

1 Town as a single-family residential zone; amending the official Zoning Map of
2 Brian Head Town. Council Member Freeberg seconded the motion.
3 **Action:** **Motion carried 5-0-0 (summary: Yes=5 Vote: Yes:** Council Member Tidwell,
4 Council Member Freeberg, Council Member Marshall, Council Member Ricks,
5 Mayor Calloway).

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8 **4. GENERAL PLAN AMENDMENT.** An ordinance amending the General Plan for the Aspen
9 Meadows and Brian Head Unit 3 Annexations.

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11 Bret Howser, Town Manager, presented a draft ordinance amending the General Plan that
12 will now incorporate Aspen Meadows and the Brian Head Unit 3 subdivisions (see attached).
13 Bret reported that Aspen Meadows is zoned as Annexed Transition and Brian Head Unit 3
14 will continue with the zone of single-family residential.

15
16 Bret explained that Aspen Meadow's Master Plan identifies the higher density, but they could
17 move things around. The entire development has a total density of 1,467 units and as a whole
18 is light density but will be denser in the pod area. As part of the subdivision process, the
19 Town will discuss ways to mitigate impacts on the existing neighborhoods along with public
20 hearings that will be held to receive comments from the community.

21
22 **Motion:** Council Member Marshall moved to adopt ordinance No. 24-005, amending the
23 Brian Head General Plan to incorporate the Aspen Meadows and Brian Head
24 Unit 3 annexations; amend the Annexation Map to reflect the annexation
25 boundaries with Aspen Meadows and Brian Head Unit 3; establish the use of
26 Annexed Transition and Mountain Zoning Overlay District to the General Plan
27 and amending the dates and figures accordingly. Council Member Tidwell
28 seconded the motion.

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

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34 **5. LAND MANAGEMENT CODE AMENDMENT, CHAPTER 7, ZONE DISTRICT**
35 **REGULATIONS.** An ordinance amending the LMC, Chapter 7 adding Annex Transition (AT) and
36 Mountain District Overlay (MDO) Zones.

37
38 Bret Howser, Town Manager, presented a draft ordinance amending the Land Management
39 Code, Chapter 7 (Zone District Regulations) establishing Annexed Transition (AT) and
40 Mountain Zoning Overlay District Zones (see attached).

41
42 Bret reported the proposed amendment would incorporate the changes for Annexed
43 Transition and Mountain Overlay District Zones to be established in the Land Management
44 Code.

45
46 **Motion:** Council Member Ricks moved to adopt ordinance No. 24-006, amending the
47 Land Management Code, Chapter 7 establishing Annexed Transition (AT) and
48 Mountain Overlay District. Council Member Freeberg seconded the motion.

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

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3 **6. RESOLUTION FOR EMPLOYER PICK-UP FOR EMPLOYEE CONTRIBUTION**
4 **TO THE PUBLIC SAFETY TIER II RETIREMENT SYSTEM.** A resolution for employer
5 pickup for the employee contribution to the Public Safety Tier II Retirement System.

6 Shane Williamson, Town Treasurer, presented a draft resolution allowing for employer pick-
7 up for employee contribution for the public safety personnel that is identified in the Utah
8 Retirement System (URS) in the tier II system. Shane explained that in 2022, the Utah
9 Retirement System identified the change to Tier II for public safety personnel in which it was
10 required that a resolution be adopted for the employer pick-up of the amount. During the
11 2024 Utah Legislative Session, the state identified that cities would need to identify the actual
12 percentage they are willing to pick up for this system. This year's amount is 4.73% for non-
13 public safety employees and is already included in the FY2025 budget.

14
15 Shane reported if there is an increase next year, the Council will again consider another
16 resolution. Shane explained that when this process began it was close to the 10% difference
17 between Tier I and Tier II systems and now it is within the three percent (3%).

18
19 The Council discussed the following:

- 20 1. The difference between Tier I and Tier II employees: Utah Retirement System
21 identified the Tier II system in 2011 which increased the number of years before
22 retirement from 30 to 35 years and reduced the percentage of retirement pay received.
23 2. Council Member Ricks inquired if a new resolution would be required annually.
24 Shane responded that only if the rate increases, but if the rate remains the same or
25 reduces, then a resolution would not be required.
26 3. Council Member Ricks suggested that the staff report clarify the fact that a resolution
27 may not be needed annually unless the percentage changes.

28
29 **Motion:** Council Member Ricks moved to adopt resolution No. 24-542, a resolution
30 approving the employer pick-up for the Utah Retirement System Tier II public
31 safety personnel at a rate of 4.73% for the fiscal year 2025 budget as presented.
32 Council Member Tidwell seconded the motion.

33 **Action:** **Motion carried 5-0-0 (summary: Yes=5 Vote: Yes:** Council Member Tidwell,
34 Council Member Freeberg, Council Member Marshall, Council Member Ricks,
35 Mayor Calloway).
36
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38 **7. MAYOR PRO TEMPORE RESOLUTION.** The Council will elect a Mayor pro tem and a
39 backup by resolution.
40

41 Nancy Leigh, Town Clerk, presented a draft resolution for the Mayor pro tem and an
42 allowance for a Mayor pro tem backup in case the Mayor and Mayor pro tem are unavailable
43 for a meeting or other duties that may require the presence of the Mayor (see attached).
44 Nancy explained that Council Member Freeberg has been the Mayor pro tem since 2016 and
45 requested the Council decide who they would like to see as Mayor pro tem and identify a
46 backup Mayor pro tem.
47

48 Nancy reported in researching other communities, she found that several communities had
49 backup Mayor pro tems and offered the suggestion to the Council for their consideration.
50

Motion: Mayor Calloway moved to elect Council Member Tidwell as Mayor pro tem and Council Member Marshall as Mayor pro tem backup. Council Member Ricks seconded the motion.

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

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

This agenda item was not addressed.

F. ADJOURNMENT

Motion: Council Member Marshall moved to adjourn the regular meeting of the Town Council acting as the governing body for the RDA, SSD, and MBA on May 28, 2024. Council Member Ricks seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 1:52 p.m. on May 28, 2024.

June 25, 2024

Date Approved

Nancy Leigh
Town Clerk