

RESOLUTION NO. 25-560

Brian Head Unit 3

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, UTAH, DECLARING ITS INTENTION TO DESIGNATE AN ASSESSMENT AREA FOR THE PURPOSE OF 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; AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST THE ASSESSMENT AREA AND ITS ASSESSMENTS, AND RELATED MATTERS.

BE IT RESOLVED by the Town Council (the "Council") of the Town of Brian Head, Utah (the "Town"), as follows:

Section 1. The Council hereby determines that it will be in the best interest of the Town to designate an area to finance the costs of certain water system improvements, road improvements, and related improvements (collectively, the "Improvements") in the Brian Head Unit 3, Blk A Subdivision, Iron County, Utah. The Council hereby determines that it is in the best interest of the Town to levy assessments against properties benefited by the Improvements to finance the costs of said Improvements. The Council hereby determines that the Improvements qualify as an "Improvement" pursuant to the Act (defined below) and that the Town is authorized to provide such Improvements. In order to finance the Improvements, the Town proposes to designate the Brian Head Unit 3 Assessment Area (the "Assessment Area") pursuant to Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the "Act"), the area of which is more particularly described in the Notice of Intention to Designate Assessment Area set out hereafter.

Section 2. The costs of the Improvements shall be paid by a special assessment to be levied against the properties situated within the Assessment Area that are specially benefited by the Improvements. The assessment will be based on a per lot basis (the "Assessment"). Attached hereto as Exhibit A is a list of the properties within the Assessment Area and the proposed Assessment related to each property. The Assessment may be paid when assessed or, at the option of the property owner, through installments to be paid for up to ten (10) years.

Section 3. The Council shall hold a public hearing on September 23, 2025, at 1:00 p.m. at the Brian Head Town Hall, located at 56 North Highway 143 in Brian Head, Utah to hear all objections related to the Assessment Area as set forth in the Act. Thereafter, written protests from property owners against the proposed Assessments may be filed in the Office of the Town Clerk, whose address is 56 North Highway 143 in Brian Head, Utah, for a period of 60 days after the date of the public hearing. On November 25, 2025 (such date being within 15 days after the date the protest period expires), at 1:00 p.m. at the Brian Head Town Hall Council Chambers in Brian Head, Utah, the Council shall count the written protests filed and calculate whether adequate protests have been filed and

hold a public meeting to announce the protest tally and whether adequate protests have been filed. The Council may thereafter adopt a resolution abandoning or creating the proposed Assessment Area depending on whether adequate protests have been filed. The Town Clerk is hereby directed to give notice of intention to designate the Assessment Area (the "Notice of Intention") to finance the costs of the Improvements. The Notice of Intention shall specify the date of the public hearing and the time within which protests against the proposed Assessments may be filed. The Notice of Intention shall be published as a Class B Notice under Section 63G-30-102, Utah Code Annotated 1953, as amended, for at least 20 days but not more than 35 days before the date of the public hearing. As a Class B Notice, the Town Clerk shall mail a copy of the Notice of Intention by United States Mail, postage prepaid, to each owner of property to be assessed within the Assessment Area at the last known mailing address of such owner, using for such purpose the names and addresses of said owners appearing on the last completed real property assessment rolls of Iron County, Utah, and, in addition, a copy of the Notice of Intention shall be mailed, postage prepaid, addressed to "Owner" at the street number of each piece of improved property to be affected by the Assessment. If a street number has not been so assigned, then the post office box, rural route number, or any other mailing address of the improved property shall be used for the mailing of the Notice of Intention. Said Notice of Intention shall be in substantially the following form:

NOTICE OF INTENTION TO DESIGNATE ASSESSMENT AREA

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of the Town of Brian Head, Utah (the “Town”) declares its intention to designate the Brian Head Unit 3 Assessment Area (the “Assessment Area”) to finance the costs of certain water system improvements, road improvements, and related improvements (the “Improvements”) in the Brian Head Unit 3, Blk A Subdivision, Iron County, Utah within the Assessment Area and to levy a special assessment (the “Assessment” or “Assessments”) for a period of ten years as provided in Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the “Act”), on real property situated within the Assessment Area for the benefit of which such Assessments are to be expended in the management and costs of the Improvements.

DESCRIPTION OF ASSESSMENT AREA

The Assessment Area includes the following parcels, listed by Tax Parcel Number:

A-1148-0005-0025, A-1148-0005-0035, A-1148-0005-0044, A-1148-0005-0037, A-1148-0005-0028, A-1148-0005-0039-02, A-1148-0005-0021, A-1148-0005-0022, A-1148-0005-0038, A-1148-0005-0040, A-1148-0005-0045, A-1148-0005-0036, A-1148-0005-0004, A-1148-0005-0031, A-1148-0005-0012, A-1148-0005-0042, A-1148-0005-0008, A-1148-0005-0005, A-1148-0005-0030, A-1148-0009-00AM, A-1148-0005-0041, A-1148-0005-0043.

The approving resolution, maps, and other information about the Assessment Area are available for examination in the offices of the Town Clerk, 56 North Highway 143 in Brian Head, Utah from 9:00 a.m. to 5:00 p.m. Monday through Friday.

INTENDED IMPROVEMENTS

The Improvements shall include the installation of culinary waterlines, roadway drainage improvements, roadway re-alignment, gravel road improvements and related improvements.

ASSESSMENT RATE, FINANCIAL PLAN AND SOURCES AND USES OF FUNDS

The Assessment is proposed to be levied on benefited property within the Assessment Area to pay for the Improvements according to the estimated benefits to the property from such Improvements. The Town expects to finance the cost of the Improvements by issuing assessment bonds. The Town currently estimates selling the assessment bonds at an interest rate of approximately 6.25%, maturing within ten (10) years of their date of issuance. Inasmuch as the bonds have not been issued, the Town notes that the interest rate and annual payment are only estimates and not a cap or maximum amount.

It is the intent of the Town to create and fund a reserve fund from proceeds of the bonds. Such reserve fund will be replenished from funds received from the foreclosure of delinquent properties. The Town may also elect to replenish the reserve fund by any of the methods provided in the Act. Any funds remaining in the reserve fund upon full payment of the bonds will first be disbursed to the Town to repay any advances made (including interest thereon) and second, to the property owners in accordance with such owners' pro-rata share of the Assessments.

ESTIMATED COSTS OF IMPROVEMENTS

The total acquisition and/or construction costs of the Improvements, including estimated overhead costs, administrative costs, costs of funding reserves, capitalized interest and debt issuance costs, is currently estimated at \$1,101,000, all of which is anticipated to be paid by Assessments to be levied against the properties within the Assessment Area to be benefited by such Improvements, which benefits need not actually increase the fair market value of the properties to be assessed.

METHOD OF ASSESSMENT

The cost of Improvements to be assessed against the benefited properties within the Assessment Area shall initially be assessed using a per lot methodology. The Assessment shall not exceed the benefits derived by the properties within the Assessment Area.

As permitted by, and in accordance with the Act, from time-to-time additional property may be added to the Assessment Area, at which time the remaining Assessments shall be reallocated proportionately by the Town Clerk.

PAYMENT OF ASSESSMENTS

The Assessments may be paid by property owners in not more than ten (10) annual installments (each, an "Installment"), with interest on the unpaid balance at a rate or rates fixed by the Town, plus any third party/direct out of pocket costs of the District related to the administration and collection of the Assessments, or the whole or any part of the Assessment may be paid without interest within twenty-five (25) days after the ordinance levying the Assessment becomes effective. The Assessments shall be levied according to the benefits to be derived by each property within the Assessment Area. Other payment provisions and enforcement remedies shall be in accordance with Title 11, Chapter 42, Utah Code Annotated 1953, as amended. The Town has determined that the reasonable useful life of the Improvements is at least fifty (50) years and that it is in the Town and the owners' best interest for certain property owner installments to be paid for up to ten (10) years, if not prepaid.

The estimated Assessment for the benefited property related to this notice is \$50,045.45. The first Installment is currently estimated to be due on approximately November 30, 2026. If any Installment is not paid by the due date, the unpaid Installment(s) will accumulate delinquent interest and/or charges in accordance with the

Assessment Ordinance and State law. The Assessments will be collected by including the billing in property tax notices for property owners. The Town will ensure that no Assessments will be collected and used for purposes other than those described in this Notice.

It is the intention of the Town to levy assessments as provided by the laws of Utah and upon approval by the Council, on all parcels and lots of real property to be benefited by the proposed Improvements within the Assessment Area according to the benefits to be derived by the property. The purpose of the assessment and levy is to pay those costs of the Improvements, which the Town will not assume or pay; provided, however, the Town may advance its funds for the cost of the Improvements and reimburse those costs from Assessments as they are collected.

A map of the proposed Assessment Area, copies of plans of the proposed Improvements and other related information are on file in the office of the Town Clerk who will make such information available to all interested persons.

PUBLIC HEARING

The Council shall hold a public hearing on September 23, 2025, at 1:00 p.m. at the Brian Head Town Hall, located at 56 North Highway 143 in Brian Head, Utah, to hear all objections related to the Assessment Area and all persons desiring to be heard, as set forth in the Act.

TIME FOR FILING PROTESTS

PROTESTS FROM PROPERTY OWNERS OBJECTING TO THE ASSESSMENT AREA DESIGNATION OR OBJECTING TO BEING ASSESSED FOR THE IMPROVEMENTS MUST BE FILED IN WRITING WITH THE TOWN CLERK EITHER IN PERSON DURING REGULAR BUSINESS HOURS MONDAY THROUGH FRIDAY OR BY MAIL (56 NORTH HIGHWAY 143, BRIAN HEAD, UTAH 84719) ON OR BEFORE 5:00 P.M. ON NOVEMBER 24, 2025.

To be counted against the creation of the Assessment Area, protests or objections **MUST BE IN WRITING**, signed by all owners of the property proposed to be assessed. The written protest must describe or otherwise identify said property. If the number of lots that is the subject of timely filed written protests represents at least 40% of the total lots included within the Assessment Area, the Council will not impose the Assessment. Protests withdrawn prior to the expiration of the protest period and protests from areas deleted from the Assessment Area will not be counted against the creation of the Assessment Area.

On November 25, 2025 (such date being within 15 days after the date the protest period expires), at 1:00 p.m. at the Brian Head Town Hall Council Chambers in Brian Head, Utah, the Council shall count the written protests filed and calculate whether adequate protests have been filed and hold a public meeting to announce the protest tally

and whether adequate protests have been filed. The Town shall post the total and percentage of the written protests it has received on its website at least five days before such meeting.

BY RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, UTAH.

/s/ Nancy Leigh
Nancy Leigh, Town Clerk

After the conduct of other business not pertinent to the above, the meeting was, on motion duly made and seconded, adjourned.



By: 
Clayton Calloway, Mayor

ATTEST:

By: 
Nancy Leigh, Town Clerk

STATE OF UTAH)
 : ss.
COUNTY OF IRON)

I, Nancy Leigh, the duly chosen, qualified, and acting Town Clerk of the Town of Brian Head, Utah (the “Town”), do hereby certify as follows:

(a) That the foregoing typewritten pages constitute a full, true, and correct copy of the record of proceedings of the Council at a regular meeting thereof held in Brian Head, Utah on August 26, 2025, at 1:00 p.m., insofar as said proceedings relate to the consideration and adoption of a resolution declaring the intention of the Council to designate the Brian Head Unit 3 Assessment Area to pay for the costs of certain Improvements therein described as the same appears of record in my office; that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified.

(b) That due, legal, and timely notice of said meeting was served upon all members as required by law and the rules and ordinances of the Town.

(c) That the above resolution was provided to my office on August 26, 2025, has been recorded by me, and is a part of the permanent records of the Town.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of the Town this August 26, 2025.



By: Nancy Leigh
Nancy Leigh, Town Clerk

STATE OF UTAH)
 : ss.
COUNTY OF IRON)

AFFIDAVIT OF MAILING
NOTICE OF INTENTION

I, Nancy Leigh, the duly chosen, qualified, and acting Town Clerk of the Town of Brian Head, Utah (the "Town"), do hereby certify that the Notice of Intention to Designate Assessment Area (the "Notice of Intention") was approved and adopted in the proceedings of the Council held on August 26, 2025.

I further certify that the Notice of Intention was published as a Class B Notice under Section 63G-30-102, Utah Code Annotated 1953, as amended, for at least 20 days but not more than 35 days before the date of the public hearing (September 23, 2025).

I further certify that on September 2, 2025, I mailed a true copy of the Notice of Intention by United States Mail, postage prepaid to each owner of land to be assessed within the proposed Assessment Area at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of Iron County, and in addition I mailed on the same date a copy of said Notice of Intention addressed to "Owner" to the street number, post office box, rural route number, or other mailing address of each piece of improved property to be affected by the assessment.

I further certify that a certified copy of said Notice of Intention, together with a description of the improvements and a map of the proposed Assessment Area, was on file in my office for inspection by any interested parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town, this September 2, 2025.



By: 
Nancy Leigh, Town Clerk

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Nancy Leigh, the undersigned Town Clerk of the Town of Brian Head, Utah (the "Town"), do hereby certify, according to the records of the Town Council of the Town (the "Council") in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the August 26, 2025 public meeting held by the Council as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the principal offices of the Town at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

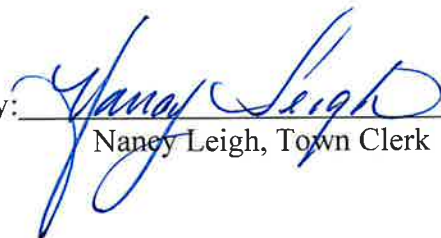
(b) By causing a copy of such Notice to be posted on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice to be posted on the Town's official website at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2025 Annual Meeting Schedule for the Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the Council to be held during the year, by causing said Notice to be posted at least annually (a) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, (b) on the Town's official website and (c) in a public location within the Town that is reasonably likely to be seen by residents of the Town.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this August 26, 2025.



By: 
Nancy Leigh, Town Clerk

SCHEDULE 1
MEETING NOTICE



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# 870 9758 9066

TUESDAY, AUGUST 26, 2025 @ 1:00 PM

AGENDA

- A. **CALL TO ORDER**
- B. **PLEDGE ALLEGIANCE**
- C. **DISCLOSURES**
- D. **APPROVAL OF THE MINUTES:** August 12, 2025, Town Council Meeting
- E. **REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS.** Public input is limited to three (3) minutes on non-agenda items.
- F. **AGENDA ITEMS**
 - 1. **CONSIDERATION OF A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, UTAH, DECLARING ITS INTENTION TO DESIGNATE AN ASSESSMENT AREA FOR THE PURPOSE OF 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; AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST THE ASSESSMENT AREA AND ITS ASSESSMENTS, AND RELATED MATTERS.** Shane Williamson, Admin. Dept Head, The Council will consider a resolution declaring a Notice of Intent to create the Brian Head Unit 3 Special Assessment Area.
 - 2. **FUEL REDUCTION PROJECT.** Chief Dan Benso, Public Safety Director. A request for Council's approval to support the fuel reduction project in the "Archery Range" area, a total of 18 acres utilizing grant funding.
 - 3. **LAND MANAGEMENT CODE AMENDMENT DISCUSSION - NOTICING.** Greg Sant, Planning & Building Administrator. The Council will hold a discussion on a proposed amendment to the LMC for noticing requirements.
 - 4. **AD HOC COMMITTEE FOR PLANNING/BUILDING PROCESSES & BUILDING REGULATIONS.** Bret Howser, Town Manager. The Council will decide on if an Ad Hoc Committee should be established for Planning/Building processes and building regulations.
 - 5. **FUTURE AGENDA ITEMS.** Discussion on potential items for future Council agendas.
- G. **ADJOURNMENT**

Date: August 22, 2025

Available to Board Members as per Ordinance No. 11-003 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the public board may participate by means of electronic communications. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda at the following conspicuous locations; the Post Office, The Mall, and the Brian Head Town Hall and have posted copies on the Utah Meeting Notice Website and the Brian Head Town website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Nancy Leigh, Town Clerk

SCHEDULE 2
ANNUAL MEETING NOTICE



BRIAN HEAD

2025

**BRIAN HEAD TOWN COUNCIL
MEETING SCHEDULE**

LOCATION:

BRIAN HEAD TOWN HALL - COUNCIL CHAMBERS
56 NORTH HIGHWAY 143, BRIAN HEAD, UT 84719

TIME:

ALL MEETINGS ARE SCHEDULED TO BEGIN AT 1:00 P.M. (MST) OR SHORTLY
THEREAFTER UNLESS OTHERWISE NOTICED.

DATES:

ALL MEETINGS ARE SCHEDULED FOR THE 2ND & 4TH TUESDAY OF EACH MONTH
ON THE FOLLOWING DATES:

JANUARY: 14th & 28th
FEBRUARY: 11th & 25th
MARCH: 11th & 25th
APRIL: 8th & 22nd
MAY: 12th & 27th
JUNE: 10th & 24th

JULY: 8th & 22nd
AUGUST: 12th & 25th
SEPTEMBER: 9th & 23rd
OCTOBER: 7th & 21st
NOVEMBER: 12th
DECEMBER: 9^h

THERE WILL BE ONE COUNCIL MEETING SCHEDULED FOR THE MONTH OF
NOVEMBER AND DECEMBER 2024 WHICH WILL BE THE 2ND TUESDAY OF THESE
MONTHS, UNLESS OTHERWISE NOTICED.

THE MEETINGS OF THE BRIAN HEAD REDEVELOPMENT AGENCY, BRIAN HEAD
SPECIAL SERVICE DISTRICT, AND THE BRIAN HEAD MUNICIPAL BUILDING
AUTHORITY WILL BE HELD WHEN NEEDED AND WILL BE POSTED ACCORDINGLY.

For Meeting Packets and more information visit brianheadtown.utah.gov

Dated this 6th day of January 2025

In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should
call the Brian Head Town Hall @ 435-677-2029 giving at least three (3) days notice prior to the meeting.

CERTIFICATE OF POSTING

I hereby certify that on January 6, 2025, I have posted copies of this 2025 Meeting Schedule in three public and conspicuous places within
the Town limits of Brian Head, to wit: Town Hall, Post Office, and The Mall and have caused a copy of this notice to be delivered to the Daily
Spectrum and have posted it on the Utah Public Meeting Notice Website.

Nancy Leigh, Town Clerk

EXHIBIT B

PROPOSED ASSESSMENT LIST

Tax Parcel Number	Owner	Proposed Assessment
A-1148-0005-0025	ISOLA RICHARD & LINDA	\$50,045.45
A-1148-0005-0035	MOORES TERENCE/KIESHA CECILLA J/T	50,045.45
A-1148-0005-0044	JARVIS JESSICA J/T	50,045.45
A-1148-0005-0037	ENGELHORN BRIAN L/CONNIE JEAN	50,045.45
A-1148-0005-0028	RASMUSSEN ROBERT DION/LAURIE ANN J/T	50,045.45
A-1148-0005-0039-02	RASMUSSEN ROBERT DION/LAURIE ANN J/T	50,045.45
A-1148-0005-0021	BYRD BUDDY	50,045.45
A-1148-0005-0022	HOSKIN JEANETTE M LIVING TRUST	50,045.45
A-1148-0005-0038	YATES DAVID/KERSTIN REVOCABLE TRUST	50,045.45
A-1148-0005-0040	O KELLEY FAMILY TRUST	50,045.45
A-1148-0005-0045	HARTLMAIER INC	50,045.45
A-1148-0005-0036	HARTLMAIER INC	50,045.45
A-1148-0005-0004	HARTLMAIER INC	50,045.45
A-1148-0005-0031	HARTLMAIER INC	50,045.45
A-1148-0005-0012	HUBERT THOMAS MICHAEL TRUST	50,045.45
A-1148-0005-0042	SZU BRIAN HEAD LLC	50,045.45
A-1148-0005-0008	HARTLMAIER INC	50,045.45
A-1148-0005-0005	HARTLMAIER INC	50,045.45
A-1148-0005-0030	JOYNER FAMILY TRUST	50,045.45
A-1148-0009-00AM	MOORES TERENCE/KIESHA CECILLA J/T	50,045.45
A-1148-0005-0041	CALAVERAS LLC	50,045.45
A-1148-0005-0043	MANN MATTHEW/SHAUNA J/T	50,045.45

Brian Head, Utah

August 26, 2025

The Town Council (the “Council”) of the Town of Brian Head, Utah (the “Town”) met in regular session on August 26, 2025, at 1:00 p.m. at the regular meeting place of said Council at 56 North Highway 143 in Brian Head, Utah, with the following members of the Council present:

Clayton Calloway	Mayor
Martin Tidwell	Council Member
Mitch Ricks	Council Member
Larry Freeberg	Council Member
Duane Nyen	Council Member

Also present:

Bret Howser	Town Manager
Ciera Claridge	Deputy Clerk

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, the Town Clerk presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this August 26, 2025, meeting, a copy of which is attached hereto as Exhibit A.

Thereupon, the following Resolution was introduced in writing and pursuant to motion duly made by Council Member Tidwell and seconded by Council Member Nyen, adopted by the following vote:

AYE: Mayor Calloway
Council Member Tidwell
Council Member Freeberg
Council Member Ricks
Council Member Nyen

NAY: None

The Resolution was later signed by the Mayor and recorded by the Town Clerk in the official records of the Town. The Resolution is as follows: