

**BIG WATER MUNICIPAL  
TOWN COUNCIL  
REGULAR MEETING**

**APPROVED MINUTES**

**Wednesday April 17, 2024**

**60 N Aaron Burr, Big Water, Utah 84741**

**Work Session 6:30pm**

**Meeting 7:00pm**

- 1.) Public Hearing - 7:01pm – Amending the zoning section 15.20.060, Table of Development Standards: Minimum required development standards residential zones.**
- 2.) Public Hearing - 7:02pm – Amending Municipal Code 5, Business License and Regulations & Amending the Big Water Municipal Fee Schedule section 4.04.020, Business License Fees**
- 3.) Public Hearing - 7:03pm – Adding subsection 8.01 “Fire Regulations” to Municipal Code 8, Public Health, and Safety**

**WORK SESSION-**

**1. CALL TO ORDER— 7:05pm**

Council Members in Attendance: Mayor David Schmuker, Councilmen: Luke McConville, Levi Banfill, Jim Lybarger

**2. DISCUSSION ON AGENDA ITEMS** – Council members discussed Old Business line b.) Nicole Wood spoke to shed some light on the work that went behind it. the fees can be changed but any verbiage changes will have to go to an attorney because it has already been to an attorney through Kanab. The clerk mentioned that she could work on this since we work with businesses. Discussed the amount the businesses were not charged for filing late. Mayor Schmuker moved on to New Business line a.) There are two people that have put in, Nicole Wood & Jennie Lassen. Line b) appreciation pay for losing holiday pay. Line c) Preliminary budget, Levi thinks we need to schedule a work session to discuss it. Line d) raising the height limits on accessory buildings.

**3. ADJOURN— 7:23pm**

**PUBLIC HEARINGS**

- 1.) Public Hearing - 7:01pm – Amending the zoning section 15.20.060, Table of Development Standards: Minimum required development standards residential zones– Open 7:01pm No Comment Close 7:02pm**
- 2.) Public Hearing - 7:02pm – Amending Municipal Code 5, Business License and Regulations & Amending the Big Water Municipal Fee Schedule section 4.04.020, Business License Fees- Open 7:02pm – No Comment – Close 7:03pm**
- 3.) Public Hearing - 7:03pm – Adding subsection 8.01 “Fire Regulations” to Municipal Code 8, Public Health, and Safety– Open 7:03pm – Shirlene Hull: I am in favor of adding this to our code. Once this has passed does that mean the Fire Dept will have more leeway to make this better to fit our town? Mayor David Schmuker: Yes, that is what the Fire Chief said, that this will give him more leeway – Close 7:05pm**

**MEETING**

**1. CALL TO ORDER – 7:23pm**

**2. ROLL CALL** – Council Members in Attendance: Mayor David Schmuker, Councilmen: Luke McConville, Levi Banfill, Jim Lybarger -- Absent:

**3. PLEDGE OF ALLEGIANCE** – Mayor leads Pledge of Allegiance

**4. STATEMENT OF CONFLICT** – None

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**5. APPROVAL OF MARCH MINUTES** – Motion to approve as written made by Jim Lybarger, Luke McConville second, all ayes. Motion passed.

**6. MAYOR, COUNCIL, AND DEPARTMENT REPORTS –**

- **Mayor:** We met with Tracy Munson from UDOT regarding the issue with the new turn lane intersection. Brown Brothers was at that meeting and gave some input. For now, they are going to try and mitigate the safety concerns with extra signage. They are looking at the issue and trying to find a solution. I also went to a meeting in Kanab and there is talk about doing a County wide Fire District. The whole county is going to participate and the feeling was very positive. Full transparency. Everybody sees a need for this so we can make response times better and make the entire county better. There was more hoopla about a sewer system, I want to make it clear that there is NO sewer system. “Solid Waste” is referring to the Transfer Station and things like garbage, appliances etc. The term solid waste as referred to in recent meetings and discussions has nothing to do with a sewer system, it is ONLY referring to trash at the Transfer Station. On a separate subject, regarding a building inspector. The one we had who was trying to get his certifications has not worked out. Denise Wood and I have gone and talked to the Page Building Inspector. We have not heard back yet but that could be an option for us.
- **Fire Chief Robert Barnett:** Not present.
- **Marshal Russ Johnson:** Nothing to report.
- **Planning & Zoning Administrator Denise Wood:** Mayor and I visited zoning compliance issues. The Mayor and I have also had some discussions with some developers that have expressed some interest in some property around town.
- **Treasurer:** There have been no large expenditures for the month. We have been working on the preliminary budget for 2024-2025 and are ready to have the Council look at it. I did attend the URS conference notifying us of all the legislative changes to URS fund and as of July 1, 2024, public employees will be required to pay 0.7% out of each check. Public safety and the firefighter are required to pay an additional 2.14%. I did add 3% to the employees’ compensation package. Big Water already picks up the employee portion, so it could be assumed that the additional increase may also be picked up by the town. However, this 2.14% increase may be included as part of the 3% compensation package.

**7. CITIZEN COMMENTS (Each citizen that chooses to do so is given a reasonable amount of time to**

**comment)** — Jennie Lassen: Just wanted to remind everyone about the town clean up on Saturday. 9am AZ time. We are handing out bags at the park or you clean up the easements at your house. Then bring the bag of litter to the park where we will have a picnic potluck and the town is providing hot dogs.

David Schmuker: The Pow Wow at the town turned out very nice. The additional law enforcement said it went well they did not have one incident all weekend. We hope this is on again for next year and more people can make it out.

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Jim Lybarger: Have we reached out to any of the other applicants for the building inspector that are local? (Clerk stated they have not reached out to them.) The Pow Wow people did a really good job cleaning up. The park was left immaculate.

Mayor Schmuker: Todd and Nickelle Burton did a wonderful job with the Pow Wow and should be commended.

Vicky Alexander: Paul Hyde is a contractor, I'm not sure if you have reached out to him yet or not but he is a contractor.

**8. OLD BUSINESS -**

- a) **Discussion and Possible Action on Adopting Ordinance No. 06-2024 Big Water: Burn Permits; OPEN FIRES AND BURNING WITHIN TOWN LIMITS INCLUDING REQUIRING BURN PERMITS THE TIMING OF BURNING (officially after commencement of Public Hearing)**— Already voted last month, take off agenda.
- b) **Discussion and Possible Action on Adopting Ordinance 05-2024 Amending Business License and Regulations Municipal Code 5 & Adopting Big Water Municipal Fee Schedule section 4.04.020 (Business License Fees)**— Keep on old business. We will do more work on this one.
- c) **Discussion and Possible Action on Adopting Ordinance 04-2024; Amendments to Big Water Municipal Zoning Code 15.40 for Short Term Rental (STR)**— Jim Lybarger motions to pass Ordinance 04-2024, Levi Banfill seconds, all aye. Motion passed.

**9. NEW BUSINESS**

- a) **Discussion and Possible Action on Appointing New Town Council Board Member**— Jennie Lassen and Nicole Wood are given time to speak about why they want to be appointed to the Town Council. Motion to appoint Jennie Lassen made by Levi Banfill, seconded by Jim Lybarger. All aye. Motion passed.
- b) **Discussion and Possible Action on Approving Employee Appreciation Pay**— Levi Banfill motions to approve, seconded Jim Lybarger. All aye. Motion passed.
- c) **Discussion and Possible Action on Big Water Municipal 2024-2025 Preliminary Budget**— Tabled, Council will hold a special meeting for this. Put on old business.
- d) **Discussion and Possible Action on Amending and Adopting the zoning section 15.20.060, Table of Development Standards: Minimum Required Development Standards Residential Zones**— Levi Banfill motions to adopt, seconded Jim Lybarger. All aye. Motion passed.

**10. POSSIBLE CLOSED SESSION**— Legal Issues; Litigation; Land purchase; Personnel business; or items as described under Utah State Code Utah Code 52-4-205 — No closed session.

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**11. RETURN TO REGULAR MEETING:**

- a) **Discussion and Possible Action on Personnel Business Matter Discussed in Closed Session on Personnel business— None**

**12. FINANCIAL REPORTS** — Levi Banfill motions, Luke McConville seconded. All in favor.

**13. ADJOURNMENT** — Jim Lybarger motions, Luke McConville seconded. All in favor Closes at 7:51pm