

**BIG WATER MUNICIPAL
TOWN COUNCIL
REGULAR MEETING**

APPROVED MINUTES

Wednesday June 12, 2024

60 N Aaron Burr, Big Water, Utah 84741

Work Session 6:30pm

Meeting 7:00pm

- 1.) **Public Hearing - 7:00pm** – (SITLA Land) Zone Change from RE-2 to RE-1
- 2.) **Public Hearing - 7:01pm** – Town Employee Compensation Package in compliance with Utah S.B. 91
- 3.) **Public Hearing - 7:02pm** – Statutory Employee Compensation Package in compliance with Utah S.B. 91
- 4.) **Public Hearing - 7:03pm** – Open the FY 2023-2024 Budget to Appropriate up to \$10,000 from other departments to Balance Final Fiscal Year Expenditures

WORK SESSION-

CALL TO ORDER— NONE

Council Members in Attendance: Councilmen:

2. DISCUSSION ON AGENDA ITEMS—

3. ADJOURN—

PUBLIC HEARINGS

- 1.) **Public Hearing - 7:00pm** – (SITLA Land) Zone Change from RE-2 to RE-1-Open at 7:44pm David: Ryan, will the lot size change? Ryan: We will pretty much stick to what is on the map. It’s currently only zoned for 12 lots, the new zone would allow for 13, that being said there isn’t really much difference when talking about degradation of the cliff due to leech fields.
David Schmuker reads a comment card received from homeowner, Pat Larkin, that could not be at the meeting. She is opposed to the zone change because there is already degradation of the cliff in this area. Smaller lots mean more leech fields which would lead to the destabilization of this area. There is a clear example of this in the cliff to the east of her house.
David Schmuker: When they were making gravel down there a lot of the water was used causing damage.
Ryan: I will most likely be using Iron Rock to do grading to level off the land.
Close at 7:54
- 2.) **Public Hearing - 7:01pm** – Open 7:54pm Town Employee Compensation Package in compliance with Utah S.B. 91- Close 7:56pm
- 3.) **Public Hearing - 7:02pm** – Open 7:56pm Statutory Employee Compensation Package in compliance with Utah S.B. 91—No public comment. Close 7:56
- 4.) **Public Hearing - 7:03pm** – Open 7:56pm Open the FY 2023-2024 Budget to Appropriate up to \$10,000 from other departments to Balance Final Fiscal Year Expenditures—No public comment. Close 7:57pm

MEETING

1. CALL TO ORDER – Open 7:57pm

2. ROLL CALL – Council Members in Attendance: Jim Lybarger, Luke McConville, Mayor David Schmuker; Absent: Levi Banfill, Jennie Lassen

3. PLEDGE OF ALLEGIANCE – Mayor leads Pledge of Allegiance

4. STATEMENT OF CONFLICT – No conflicts

5. APPROVAL OF MAY MINUTES – Motion to approve made by David, Luke seconds, all aye. Motion passed.

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6. MAYOR, COUNCIL, AND DEPARTMENT REPORTS –

- **Mayor:** Using the material from the Highway paving to lay down on roads within town limits that are in need. They are going to finish the road to the Town House project and Under Canvas will get the road amil. The road up there is dusty and washboard in some areas. They will be paying for this, not the Town. Brown Brothers will be donating the road amil. On the 18th there will be a second meeting on the county wide fire district. Just to let everyone know this is something the county is working on pursuing. They are looking to a County wide Fire District. Report on AES is that they will be here later this month with a check for \$40,000 for the Fire department.
- **Fire Chief Robert Barnett: Not present**—Report from the Fire Chief was read by Mayor David Schmuker: “The 4th is on a Thursday this year. Fireworks can only be discharged from July 2nd to the 5th from 11am to 11pm except July 4th the time is 11am to 12 midnight. Fireworks can only be discharged at the town park on the ball field. The Big Water Fire Department will be at the park from 1830 to 0015 Utah time. If you have any questions, please feel free to contact me.”
- **Marshal Russ Johnson:** There’s been an uptick in dog complaints.
- **Planning & Zoning Administrator Denise Wood:** Complaints- one new complaint . It is in the process of being resolved with the Owners. Currently we are continuing to work on compliance/Ordinance issues. I am working on clarifying some of our ordinances so we can proceed and code enforcement. I will continue working with the Town Council on these projects. Attended the Utah League of Cities and Towns conference in Cedar City on May 22nd . It was very informative. We do have an LAA (Local Administration Advisor) Roger Carter which is assigned to our area for questions and answers. I did breakout sessions on subdivisions and land use 101. In the Building Department there were two applications which include a garage and a covered deck . Again, Have had numerous conversations on purchasing properties and zoning on those properties. I have checked in again with the easements in Big Water and it is still with the BLM solicitors and our Attorney has been notified about the situation Attended May and June P&Z meetings. Will continue to work with P&Z on numerous projects and zoning modifications they have going on.
- **Treasurer:** On your road amil that Brown Brothers gets from the highway to pave our roads, it will give us more money. We get money six times a year from the state based on how many roads we have. We decided to get a letter of Credit from Zions Bank for the Transfer Station instead of going through with a reclamation bond. It will be for \$30,000 and cost 2% instead of 5% or \$600 instead of \$1500. I have been in contact with the Utah Tax Commission, and everything is on track to start getting the resort tax in October. You have a resolution you will be looking at tonight that will need to be voted on to make it official, but thereafter we will be collecting the resort tax at 1.1%. We have ordered the iPad tablets for each of the Council members. After everything is installed, they should be ready to use for the August meeting. The end of the year is June 30, and the budget is looking good. We will be moving money between departments to keep the budget balanced. We have no significant overages this year. Jim Lybarger asked to be sent a copy of the budget when Peggy gets back and reconciles.

7. CITIZEN COMMENTS (Citizens are given a reasonable amount of time to comment) — Tom Reneau: It’s great that we are paving these roads, Fish Hatchery Under Canvas, and on Independence. What about people that are residents and their gravel streets? Carlucci Way, Canyon Drive and Revolution are not paved. Residents should take priority. David: The Town Homes and Under Canvas are paying for those roads to be done. If there is some road amil left over I can look into a price to see how much it would cost to do those roads and some of the other dirt roads.

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8. OLD BUSINESS -

- a) **Discussion and Possible Action on Adopting Ordinance 05-2024 Amending Business License and Regulations Municipal Code 5**— Luke comments that he has reservations because Levi Banfill and Jennie Lassen are not here. Jim states that we have been talking about this for months and he, Luke and the Mayor have spent hours going over it. Motion to pass made by Jim Lybarger, seconded by David Schmuker, all ayes. Motion passed.

9. NEW BUSINESS

- a) **Discussion and Possible Action on Big Water Municipal to Adopt Resolution 2024-07 Adding Services to Glen Canyon Special Service District**— Motion to adopt made by Jim Lybarger, second Luke McConville, all ayes. Motion passed.
- b) **Discussion and Possible Action on Big Water Municipal to Adopt Resolution 2024-11 Authorizing the imposition and collections of a resort tax; providing for the administration and enforcement of the tax; and providing for the use of the tax proceeds**— Motion to adopt made by Jim Lybarger, second Luke McConville, all ayes. Motion passed.
- c) **Discussion and Possible Action on Big Water Municipal to Adopt Resolution 2024-12 Appropriating Money to Balance the Current 2023-2024 FY Budget**— Motion to adopt made by Jim Lybarger, second Luke McConville, all ayes. Motion passed.
- d) **Discussion and Possible Action on Big Water Municipal to Adopt Ordinance 08-2024 Amending Zoning Code; Table of Uses, Codes 15.20.030, 15.08.060, 15.08.020, 15.14.020, 15.30.040 whereas a Public Hearing was held by the Big Water Planning & Zoning Commission Monday June 3, 2024, and these amendments were passed to go before the Big Water Town Council for approval**— Motion to adopt made by Jim Lybarger, second Luke McConville, all ayes. Motion passed.
- e) **Discussion and Possible Action on Big Water Municipal to Adopt Ordinance 09-2024 to Rezone a part of Residential Estates 2 (RE-2) to Residential Estates 1 (RE-1)** — Motion to adopt made by Jim Lybarger, second Luke McConville, all ayes. Motion passed.
- f) **Discussion and Possible Action on Annexation Policy Plan - Define Boundaries in which to Include in Plan**— This is just a discussion. David: If we move forward with this, we would move out towards Church Wells, Grand Staircase, State Line, Hoodoos, Birthday Arch, Wire Grass Canyon, there's talk of a UTV & ATV having a place out here on the moon where they can learn to ride safely. This is kind of a first step tonight to start thinking about this. David: Roger Carter says we need to look at all the pros and cons that may bring in a lot of taxes for houseboat rentals. Not that we are going to put an extra tax on, but if we are going to annex in, we may possibly glean off of what is already going on there. Nicole Wood: I just want to ask if this is something you would want P&Z to have input on this. David: Yes. Katie says to keep in mind that whatever section of land we annex in we have to provide services to; Water, public safety, and fire. We can do small pieces at a time and that is a whole other process. We must create the boundaries of the annexation policy first before we do anything else. Keep on Old Business.
- g) **Discussion and Possible Action on Big Water Municipal Being the Body of Politic for Lone Rock Views & Agreement Proceedings**— GCSSD has already voted on this in 2022 to be the body of politics. We have been told we need to vote on it officially by the Town Council; because those are Town Homes owned by individual owners and it is a septic system not any type of sewer system. Under Canvas has this also. It was approved by the

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state of Utah. I've already told the people forming the HOA they need to start getting an inventory of extra parts. HOA will pay water master to maintain the system. I think it's a good thing for the town to be the body of politic so we can keep our eyes on it. Motion made to approve Big Water Municipal being the Body of Politic by Jim Lybarger to be the body of politic, second by Luke McConville, all ayes. Motion passed.

h) Discussion and Possible Action on the Big Water Municipal Transportation Master Plan Currently Underway by Appointed Town Engineers "Sunrise Engineering". Updates to Current Area Map & Making Suggestions for Future Connectivity Roads, Road Improvements, and Possible Future Dedicated Recreational Trails— Open discussion regarding the progress being made. This is a grant, and we are going to do a study. The map you have is a proposed trail. This in just a proposal and it doesn't mean we are adopting it. Part of the transportation master plan is getting together thoughts and ideas of dedicating roads and trails. This map is just an example of what could be. Once we have a dedicated trail system, developers would have to adhere to them and incorporate them into the development. We are discussing this, so the Town does have a standard. We will keep everyone updated.

10. POSSIBLE CLOSED SESSION— Legal Issues; Litigation; Land purchase; Personnel business; or items as described under Utah State Code Utah Code 52-4-205 —

11. RETURN TO REGULAR MEETING: (if applicable)

a) Discussion and Possible Action on Matter/s Discussed in Closed Session- Legal Issues; Litigation; Land purchase; Personnel business; or items as described under Utah State Code Utah Code 52-4-205 —

12. FINANCIAL REPORTS — Motion made by Luke McConville to approve the financials, second by Jim Lybarger, all ayes. Motion passed.

13. ADJOURNMENT — Motion to adjourn made by Jim Lybarger, second Luke McConville, all aye. Motion passed.

Close at 9:11pm