

**BIG WATER MUNICIPAL
TOWN COUNCIL
REGULAR MEETING
MINUTES**

Wednesday December 18, 2024

60 N Aaron Burr, Big Water, Utah 84741

6:30pm Work Session

7:00pm Public Hearing: Amending Big Water Municipal Fee Schedule

7:00pm Meeting

WORK SESSION-

CALL TO ORDER— 6:39 pm

1. ROLL CALL- Council Members in Attendance: Mayor- Schmuker here | Council Members-Lybarger, Lassen, Banfill | Absent- Luke McConville

2. DISCUSSION ON AGENDA ITEMS— Fire dept budget. In the past couple years, the town has contributed to shortages between the Fire Department revenue and Expenditures. Stephanie: We went through the actuals, from last year and the year before, and looked at their expenditures and all the revenue that they brought in, and there was a shortage every year, so really the town did put in money every year to cover those expenditures. Last year it was \$47,927. Granted, we got \$40,000 from ADS the next year, so last year he was short this much, which the town covers, and the year before it was \$9,500.

Allen Alldridge from Kane County is here to present an agreement between agencies including Page, Big Water, Kane County. This MOU would make it legal for all entities to assist in each other's jurisdiction. We have signatures so far from Coconino County, Kane County, Kanab City, and Fredonia. So, we're just trying to get you guys' tonight. I was emailing with your attorney last week and he did raise an issue, but I think we got it. If something happens and they're outside of their jurisdiction, they're still covered in protection. It's pretty standard how we'll operate and help each other out. We've actually done these in the past.

NB-B- A resolution to repeal the 1.1% resort tax was already voted last month, this is just to adopt the resolution.

C- Hiring Deputy Marshal. No other applications were received. Just Chris Travis. Jim asks where the funding will come from. Peggy says it will come from the administration budget, \$13,000. Also, some ARPA money that we need to obligate, \$2,000+ that we could use. Jennie mentions that we did have a 1.1% resort tax for the past couple months that would be some added funds for the rest of the year.

D-Employee Appreciation pay is something we do each quarter for the part time employees.

E- Amending the fee schedule to include demolition and grading. Levi, we are trying to encourage people to clean up their yards and not many people may not be able to afford a \$1000-\$1500 escrow fee. The fee could be refunded but Levi mentions that we would just lien the property if we had to finish the clean-up.

F- Adding definition for demolition permits.

G-Amending fire inspections to annually instead of every 5 years to match the STR code.

H-signage- altering some verbiage to clarify downward facing lighting.

I-ARPA funds obligated.

Minutes from last month seem to look good.

3. ADJOURN— Close at 7:01

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PUBLIC HEARING – 7:00pm- opens at 7:01 PM

1. **Amending Big Water Municipal Fee Schedule- Demolition/Moving Permit and Escrow Fee for Demolition/Moving Permit**—Hyrum Short, encouraging to hear the town council members are in agreement that we should not deter clean up in addressing fees.
Wryht Short is in agreement that we could pursue a lien if we had to step in to clean up a demolition instead of charging the residents.
Closed at 7:03pm

MEETING

CALL TO ORDER– 7:03

1. ROLL CALL– Council Members in Attendance: Mayor- Schmuker here | Council Members-Lybarger, Lassen, Banfill | Absent- Luke McConville

2. PLEDGE OF ALLEGIANCE – Mayor leads Pledge of Allegiance

3. STATEMENT OF CONFLICT – None

4. APPROVAL OF NOVEMBER MINUTES – Jim motions to approve as written. Levi seconds. Lybarger yes, Lassen yes, Banfill yes, Schmuker yes.

5. MAYOR, COUNCIL, AND DEPARTMENT REPORTS –

- **Mayor:** We made it through another year, and it has been a good year getting regulations in place for the town that we never had before. Kinda growing pains but we need to adhere to state laws and such.
- **Council:**
 - **GCSSD; Levi Banfill:**
 - **Parks & Recreation; Jennie Lassen:** We had a great turnout for the potluck. Santa was there, kids had fun. It's a great event every year. Santa came around on the fire truck.
 - **Planning & Zoning; Jim Lybarger:**
 - **Public Safety; Luke McConville:** Not present
- **Fire Chief:** Jim Loyd says it went really well going around and handing out Christmas boxes to the kids. Shirlene, in the past the city has paid for the Christmas boxes for the kids. Has there been any donations that can cover these costs. Danny Ibarra has donated \$1000 for Christmas parties, supplies, etc.
- **Marshal:** Russ is really excited to bring Chris on. He has used him quite a bit and will be happy to be able to pay him. Chris definitely already knows how to be a cop, but Russ will work with him for Big Water specifics. Russ looks forward to having some relief. Jennie asks if the black car will be sufficient for Chris to use. Russ says he thinks it will be fine for 2 days per week.
- **Planning & Zoning Administrator:** Not present
- **Treasurer:** There have been no out-of-the-ordinary expenditures reported during this period. The remaining ARPA funds need to be obligated, and this is included as a line item on your agenda for discussion and resolution. Following a consultation with our auditor, Rick Roberts of Kimball and Roberts, a correction must be made regarding the revenue allocation to the Fire Department Leases line item. The revenue funds previously allotted to the Fire Department leases in their line item must be reallocated. These funds, originally derived from tax revenue, need to be restored to the tax revenue line

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item to comply with proper financial practices. Tax revenue can only be allocated to line items that directly correspond to its source. Pending your approval, the financial report will reflect this reallocation, ensuring accurate reporting and adherence to financial regulations. Approval of the updated financial adjustments can be made during the financial reports line item on your agenda. A public hearing is not required as the budget amount has not changed.

6. CITIZEN COMMENTS (Citizens are given a reasonable amount of time to comment) —

Adam Wagener- 25 E Lexington. Has been a STR host and long-term host for many years. Has some concerns regarding the new rules. All STR must have their vehicles parked on the property and not on the street. Is that overriding DMV but can't residents park on the street? easement vs street? \$75 business license fee. He doesn't feel that average homeowners should have to pay a business license fee on top of the STR and fire inspection fee. So, I ask that the average homeowner not have to pay this fee. Rental space of the STR cannot be shared but an exception should be made when the owner lives there I think this needs clarification. Maybe there could be a clause in the code for this issue.

Tom Reneau- First would like to thank the residents for attending. This is more than normal. It's great that the council can get feedback. Old Business (A) Hopes Fire dept can get the finances figured out to prevent the Fire Chief from refusing fire services to the town. Old Business(B) Supports resolution repealing the tax. Last month many people were in favor of the tax. He encourages those people to pay the 1.1% of their total sales directly to the town in a donation. Dealership graciously refunded the extra 1.1% that was not supposed to be charged last month. Old Business (C) hiring a deputy marshal. Tom supports the hiring as long as we are in compliance with Resolution 2024-22 regarding funds in the budget financially responsible for the salary. Old Business (H) Signage- this month's P&Z, did not address electronic billboard issue. They said it would be addressed in Town Council. Is that still going to be addresses?

Shirlene Hull- Has it been determined if we are going to keep the 1.1 tax? David, it will be repealed tonight. Shirlene is in favor of keeping it if it will help fund Chris's salary as the new Deputy Marshal.

Hyrum Short- When the Fire Chief was asking for funds, he hoped that we can show him that the Town does contribute, and it can be resolved without having to raise taxes. In reference to the Chief's comment about not responding to fires in our town, the only reason we have a fire station is to fight fires in our town. Repealing the 1.1% tax, if we could show a plan as to where the money could be spent, it might help the people be in favor.

Levi Banfill says the Fire Chief is an employee of this town and he does answer this council. All employees answer to the Mayor and Town Council. He would like to request a closed session to address it. The Fire Chief is outside of his rights as an employee to say that he is not responding to fire in the town of Big Water. The Big Water Fire Department is funded by the town of Big Water.

Jim Loyd says he will definitely respond to a fire in our town regardless.

Jim Lybarger- we should have had the special meeting before this one like discussed in the last month meeting. As many citizens comment I think we need to move forward and pursue with more enthusiasm getting things done. We keep putting things off. We started to repeal this tax three months ago and we're still talking about it because the citizens were given the wrong information. We had an issue with the Fire Department but nobody to my knowledge has gone and actually sat down with the Fire Chief from the Town Council but myself. I struggle with that as a Town Council member and as a citizen of this town I appreciate the Fire Department. That's why we put together the Fire Department appreciation thing because they need to know that they're appreciated. They need to know that we value them but as a concerned citizen and as a concerned Town Council member if we're going to talk about something and do something we need to actually follow through with it and do it. We've been putting off this property sale thing too for a year. We got to start making some decisions.

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Adam Wagener- electric sign at the RV park, he says it looks beautiful. It may not be to code, but it looks great.

7. OLD BUSINESS –

- a) **Discussion and Possible Action on Fire Department Funds**— (Possibly set a date for special meeting) Table

8. NEW BUSINESS

- a) **Discussion and Possible Action on Intergovernmental Agreement for Mutual Aid Law Enforcement Coconino County, Kane County, Kanab City, Town of Fredonia, City of Page, and Town of Big Water, pursuant to authority granted to each entity under A.R.S. § 13-3872, and U.C.A. § 11-13-201 et. seq.**— (Kane County Emergency Manager, Lt. Alan Alldredge of the Kane County Sheriff's Office will be in attendance to answer any questions) .— Jennie motions to pass the intergovernmental agreement for mutual aid for law enforcement. Levi seconds. All in favor. Motion Passes.
- b) **Discussion and Possible Action on Adopting Proposed Resolution 2024-22 to Repeal 1.1% Resort Community Tax**— Jim motions to repeal the tax. Levi seconds. Lassen yes, Jim yes, Levi yes, David mentions that we will be the only town in the county that qualifies for it but doesn't implement it. David votes yes. Motion passes
- c) **Discussion and Possible Action on Consideration of Hiring Chis Travis for the Deputy Marshal Position- Adoption of Resolution 2024-24**— Jennie motions to adopt resolution 2024-24 hiring Christopher Travis as the Deputy Marshal position. Levi seconds. All in favor.
- d) **Discussion and Possible Action on Approving Third Quarter Employee Appreciation Pay**— Levi motions to approve Jim seconds. All in favor.
- e) **Discussion and Possible Action on Adopting Proposed Resolution 2024-23 Amending the Big Water Municipal Fee Schedule** - No motion. Item off the agenda. Planning and Zoning can choose to revisit it.
- f) **Discussion and Possible Action on Adopting Proposed Ordinance 17-2024 to Amend Big Water Zoning Code 15.42.010 Definitions- Adding Definition for "Demolition Project"**— (Big Water Planning & Zoning held a Public Hearing December 9, 2024) Jim motions that we adopt the proposed ordinance 17-2024 to amend the Big Water Zoning Code 15.42 010 and the definitions and adding that definition for demolition project. Jennie seconds. All in favor.
- g) **Discussion and Possible Action on Adopting Proposed Ordinance 18-2024 Amending Municipal Code 5.01.050 0 Business License - Application – Issuance; (amending fire inspections from every five years to annual as in BWM code for Short Term Rentals** — (Big Water Planning & Zoning held a Public Hearing December 9, 2024) Jim motions that we adopt that amendment 18-2024 which removes and replaces every five years to an annual fire inspection ... Jennie seconds. Banfill no. Jim yes, Jennie yes, Schmuker yes. Passes by majority.
- h) **Discussion and Possible Action on Adopting Proposed Ordinance 15-2024 Allowed Signage**— (Big Water Planning & Zoning held a Public Hearing December 9, 2024) Discussion that this

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would force businesses to redo all their lighting to downward facing. No motion. Removed from agenda.

- i) **Discussion and Possible Action on Obligating Remaining ARPA Funds in the Amount of \$2,624.00**— Can be used for new Deputy Marshal's salary. Levi motions to obligate the remaining ARPA funds in the amount of \$2,624.00 to the Marshals Office. All in favor.

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

10. RETURN TO REGULAR MEETING —

- a) **Discussion and Possible Action on Closed Session**— N/A

11. FINANCIAL REPORTS — Jennie motions to approve the financial reports with the alteration that we're going to be moving the fire department leases from their line item back into the tax revenue line item in order to comply with proper financial practices. Levi seconds Jennie yes, David yes, Levi yes. Jim Abstains due to lack of understanding.

12. ADJOURNMENT — Levi motions to adjourn. Jim seconds. All in favor. 7:50 pm