

BIG WATER TOWN COUNCIL

MEETING MINUTES

Monday August 16, 2021

7:30 PM (Utah Time) WORK SESSION

1. CALL TO ORDER 7:30PM
2. DISCUSSION ON MEETING AGENDA ITEMS

Vince Here, Sheath Here, David Here, Michelle Here. Judah should be here in a minute. Discuss on the future sewer system. Vince asked about a grant. Office of Tourism, Vince has secured the Office of tourism domain name. Possibility of building a small building. He will donate the domain to the town once it's up and going. He is working on a 20 + foot dinosaur sculpture and some decorative fencing for the property. Not donating the property to the town, possibly an LLP. Rent has to be more than \$1 per year. South Central Contract - Attorney has advised us to do a lease agreement and not an easement because an easement is permanent. Vince asked how long the lease would be for. He thinks if we do a lease, we need to have a short lease, so in case we need to add on to fire department or do something different. Employee leave will be table tonight, so we have more time to work on it and research. Fire Truck repairs invoice is in the packet. The fire truck has been taken down to Vegas. Michelle asks if the invoice was for towing only. It's for towing and 2 hours of diagnostics. Mayor ask Chief Horning if he has anything else. They have gone thru the truck and came up with an extensive number of repairs. Michelle asks if there are other companies capable of doing the work so we can get bids from them as well? We need 3 quotes if it's over \$1,000.00. The fire truck had to be put on a trailer to be towed to Las Vegas. STR ordinance - Michelle states Planning and Zoning went thru this and made changes. Anything crossed out was taken out and anything underlined was added. Vince asks if the changes were to take liability off town and fire department? We removed a lot of the requirements that were part of the inspections when we decided to no longer require them, some of these were added back in to address safety concerns. He also asked if we would get a copy of the insurance policy? We still receive some of the insurance policies because it used to be our policy to have the town listed as an insured, but this is no longer because most insurance will not list Big Water Town on the policies. We need to send this to the attorney and have a public hearing before we can pass this. Just wanted to get Town Council's input. We can send this back to P&Z or if not a lot of changes we can send this on to Attorney for review. Michelle states she believes we need a scaled drawing but not a professional one.

Corporate Partnership disclosure – Vince asks what the attorney said? Michelle reads summary statement as follows: Therefore, it is my opinion that this proposed ordinance would be an unnecessary intrusion by government into the private sector and substantially oversteps government boundaries because it does not achieve a legitimate government purpose. The Town has no legitimate interest as to who owns a company doing a development, any more than the government has an interest in the operations of a business in its town provided it does not violate the law. The people of Big Water do not have a right to interfere and seek private information from an individual company that does not directly tie to the government or its employees. In essence, this proposed ordinance seems to be targeted to control inappropriate government conduct by its employees, but essentially attacks the private sector. It does not achieve a legitimate government purpose.

Finally, as a side note, if such law were passed and an attempt was actually taken to revoke a license for a lack of disclosure due to a change in the shareholders or directors, there is substantial concern that this could be construed as a "per se" taking under the fifth Amendment. Potential damages could be substantial by both the Town and individual council members. In a nutshell, the risk of passing such a law does not outweigh the benefit of the required disclosures and there is already established a means by which the concerns of inappropriate government conduct have been adequately addressed by the state legislature.

Vince disagrees with the attorney. He claims there are 34 towns, including Kane County Land Use Authority, that require articles of incorporation. We used Kane County's application for developments but we still need to add these requirements to our ordinances. Michelle asks if there is anything allowing them to stop a development because of a change in ownership. Vince says he will need to look into that but feels we should be following the county's example. P&Z and Mayor have discussed who to put in the Planning and Zoning seat they have chosen Nicole Wood. Vince asked if there were other people? There were four letters turned in. Vince feels we should be choosing a person based on experience. Stacy wants to know what open meeting this was done at? It was discussed at the last P&Z meeting. Mark Maham feels Nicole has a conflict of interest because she is a real-estate agent. Nicole states she is not licensed in Utah. Vince asks if she could get money through a referral. She could but she does not collect referral fees. Vince agrees that it is a conflict and doesn't like it.

3. ADJOURN 8:02 pm

8:00 PM MEETING

AGENDA-

1. CALL TO ORDER 8:02 pm
2. ROLL CALL Sheath, Vince, Judah, Michelle, and David all present
3. PLEDGE OF ALLEGIANCE
4. STATEMENT OF CONFLICT – None stated
5. APPROVAL OF MINUTES – 07-19-2021
6. MAYOR, COUNCIL AND DEPARTMENT REPORTS:
Mayor –
Fire Chief –
P & Z Administrator – Tony's not here but there were 2 permits approved this month
7. CITIZEN COMMENTS
Stacy Wadleigh: Did you all review the safety study, and are you all aware of the increased liability?
Mark Maham: Wants to know how the board feels about the safety study that was done. Nothing has been done so he feels like nobody cares.
Sheath agrees the highway is dangerous in general.
Michelle asks if the citizens would like us to stop all new construction because there are only 20ish townhomes that have received final approval. There has to be a subdivision amendment to add any more. The preliminary approval was for 45 and the final is for about 20. It is assumed the 45 will happen but there is nothing in front of us indicating more.
Stacy would like to see the plans that were turned into the state requesting turnouts. She has only seen the preliminary. UDOT says they haven't seen anything. The construction crews are not using the entrance they were asked to use and are using American Way instead. That is her entrance. She is angry and frustrated because of the construction traffic using that turn.
Unstated Citizen: It saddens her a lot of citizens have talked to board many times about the safety issues, and she doesn't feel the board listened to their concerns. Please take other people's concerns into consideration. She feels the council rushed into their decision to approve the development.
Vince Olson: 622 vehicles projected to use that entrance per day doesn't take into account atvs. That will be another 200 to 300 per day. Someone is going to get hurt bad and we'll all be liable for it.
Pat Horning: As a citizen not as the fire chief. He can't see 680 cars using that turnout. Even if each house has 2 drivers and their kids drive also plus deliveries and visitors, that would be only 400. Would like to see the 680 quantified. Do they use the same equation here that they use in Salt Lake City?
Mayor would like to address this. Tom Avant was here last month, he is working with the County and the state road department. They are working on this corridor and getting turn outs for this town. We had a meeting here with the state, SITLA,
Mark and Mayor Schmuker had a conversation back and forth about the turn outs and if the State of Utah and Kane County is working on the turn-out of HWY 89 in Big Water Clerk. Mark says UDOT hasn't received anything and doesn't believe it is being worked on.
Vince thinks we need to not approve any building permits out there until a turnout has been put in. Mayor asks if we should not allow any more building in town? Vince says no, just the townhomes because the others are all spread out. Most of the new construction right now is in the same neighborhood.
Tony Shanklin asks about the money that was previously used for the highway design. We did a preliminary plan with our engineer that was turned in and is being revamped with the county.
Marshal Johnson: States he is confused about the turnouts. Asked if it's with the State and County are working on it. Multiple people in the audience disagree and say it's not and they are not being worked on.
8. Presentations
9. Possible Closed Session – personnel leave details
10. OLD BUSINESS-
 - a. Discussion and Possible Action on Future Sewer System-Table
 - b. Discussion and Possible Action on Establishing a Big Water Office of Tourism- Vince States Domain is claimed, property is being looked at right now, not negotiate right now.
 - c. Discussion and Possible Action on South Central Contract- Mayor thinks we need to have the lawyer look at this, have lease done, and not do an easement. Will not sign contract tonight. Have the attorney write up a lease. Right now we are getting 3 internet connections, Vince thinks we should charge \$2,400 per month. We got their attention by sending them a \$2,000 bill and they said no way. Vince says we can charge whatever we want because if they don't pay it they will have to move the tower. Michelle says that doesn't benefit our citizens. We need to research what other towns are charging.
 - d. Discussion and Possible Action on Employee Leave Accruals-Vince this need to be handle in the next meeting. He believes we need to stop pushing it off. Tabled to next month
11. NEW BUSINESS-
 1. Discussion and Possible Action on Fire Truck Repairs- The major problem is the pump. Vince asked what the pump is. Chief Horning explains what a pump is. The pressure release valve is bad

and the pump has developed a leak. The pump will not pass a pump test right now. We need to get it to pass a pump test, this tells us it's adequate to use. This company in Las Vegas has all the parts to fix it and could tow it and run diagnostics for \$2800.00. Vince asked if it's coming out of towns money or fire department moneys. Chief feels with the covid money etc, there should be money and we have to fix the truck. Vince asked if there are any plans to extend the fire department. Chief Horning states they talk about it at drill and when making the monthly schedule. Chief Horning states they are talking about their 5-year plan and what they would like to see happen with their fire department. There is a lot of growth coming. Fixing this truck helps us meet National Standards that we have adopted, if fixed. Once we get the estimate, we will submit it to the TC. We need the pump fixed, air brakes, and pressure valve. Vince asked if those 3 things were fixed would it bring it to the national level. No, but we won't know what else it needs until we get the quote. We are only approving the transport and diagnostics right now. We have an application in to the CIB for a grant to get a new truck. Sheath Motions Judah Seconds all in favor. Once we get a list of items needed to be fixed we can call a special meeting.

2. Discussion and Possible Action on Short Term Rental Ordinance Amendments- Table to next meeting. Michelle requests that we not wait until the next meeting to think about this. Email in any suggestions and be ready to make a decision.
 3. Discussion and Possible Action on Corporate / Partnership / Involvement Disclosure Ordinance- Councilman Olson-Discussed in the work session. Councilman Olson would like to see this passed. Michelle asked Vince to send the information he has on the towns that already have something like this to the clerks so they can give it to the attorney for review. Vince says it is not just in Utah. Utah is the only ones we should be looking at, because other states have different laws. Table to next meeting, Vince will send us the information so we can look at how their resolutions are written and see what we would need to do to implement something similar.
 4. Discussion and Possible Action on Planning and Zoning Seat- Any other comments about Nicole Wood. Vince Olson thinks this is a conflict of interest because he believes she would get a referral fee. She states again that she doesn't accept referral fees. Sheath Motions Judah Seconds Vince no Michelle Aye.
 5. Financial Reports-Vince asks about the payment to Dixie Leavitt. It is our liability insurance. Vince would like to be emailed a copy of the plan. If we can get a copy emailed to us, otherwise, no. You can come into the office and look at it if you would like. Vince would like to shop around for a better deal. This was shopped around. Judah Motion Sheath 2nds all in favor
12. Adjourned Judah Motions Sheath 2nd all in favor

Join Zoom Meeting

<https://us02web.zoom.us/j/860173983?pwd=L2E3RWdOR2JGcVNiUXFjMFZOUFdRdz09>

Meeting ID: 860 173 983

Password: 564038