

January 4, 2012

Meeting started at 7:05 p.m.

Present: Bill Muse, Mayor; Sue Inman, Gladys LeFevre, Council Members; Dennis Bertucci, Randy Ripplinger, Outgoing Council Members; Tom Jerome, Steve Cox, Incoming Council Members; Judi Davis, Clerk; Mark McIff, Attorney.

Public Present: Shelly Ripplinger, Ashley Coombs, Walt Gove, Peg Smith and Sergio Femenias, Mike Nelson, Cheryl Cox, Pete and Cookie Schaus, Tina Karlsson, Mary Jane Coombs, Denise Pennington, Judy Drain, Mark Nelson, Donna Jean Wilson, Randy Catmull, Karen Terry, Boz Bosworth and Bobbie Cleave.

Pledge of allegiance

Sue made a motion we approve the minutes of the meeting of December 6. Dennis seconded the motion. Voting unanimously in favor were Bill, Sue, Dennis, and Gladys.

Dennis thanked the community and Council for the opportunity to serve and hoped that the incoming members remember that their responsibility is to serve the Town. Bill also thanked Randy for his service.

The oath of office was administered by the clerk to Tom and Steve.

The Mayor made assignments to the Council for areas of responsibility. Gladys will continue with her responsibilities for the cemetery, community center and grounds around the community center. Sue will continue with her assignment for responsibility for the roads and landfill. Steve was given the assignment to be the Parks Commissioner (tract park), and will be the head of the Park Committee and will choose participants in it. He will also be the liaison between the Council and the Fire Department. Tom was asked to be the enforcement officer and liaison between the Planning Commission and Council.

The Mayor appointed Loch Wade to fill a vacancy on the Planning Commission. Tom made a motion to accept Loch as a member of the Planning Commission. Gladys seconded the motion. The vote was unanimous. The Mayor appointed Larry Davis and Adalee Muse to fill vacancies on the Board of Adjustment. Gladys made a motion to approve the appointments. Sue seconded the motion. The vote was unanimous. (Kelly Wade and Brynn Brodie came.)

The Mayor introduced the problems that have arisen with the opening of the community center. (Ana Sanders, Elizabeth Julian, Jimmy Catmull, Stephanie Toutati came.) There have been miscommunications in the process. The Council have no intention of keeping

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anyone out of the building. The simple fact is that there have not been any extra keys available to distribute, but there will be some available after Thursday.

Some keys will be assigned on a full-time basis: a set as needed to the head librarian, an appropriate set for all librarians to be kept in a lock box that they can all access, nearly a full set for the custodian, and front door, meeting room, and office keys for the Planning Commission secretary. The policy is that events must be scheduled through the Clerk, and the person in charge of each event will sign out from the Clerk a set of keys and return it at the end of the activity. Gladys, as Councilmember responsible for the building, will have a front door key.

There was discussion on whether anyone needs a key to the back door. Whoever is using the building has to be responsible for it. So, in order to have an awareness of who is coming and going, that person should use only the front door so he/she won't have to worry about someone coming in unnoticed through the back door. For activities, we can specify which keys will be needed. (Kandice and Corry Johnson and Loch Wade came.)

As for use of the kitchen, it was felt that there was not a problem with the library or anyone else using it—they just need to ask for a key. We will include a kitchen key in the library's set.

Bill read the proposed key agreement, which includes a paragraph requiring that a person who loses or otherwise compromises a key will be responsible for paying the cost of rekeying the building and replacing all keys for it. The clerk will find out the potential cost entailed in that requirement. Kandice suggested charging a fine for a lost key instead. However, the key would still be somewhere, thereby compromising the security of the building. Maybe the person who loses or copies a key could lose the right to have a key again. The paragraph putting liability for what happens in the building onto the person checking out a key is a concern to everyone. The Town is insured for liability. If an activity is inherently dangerous, the person sponsoring it could be required to furnish his/her own insurance. (Sam Stout came.) Peg wondered why, once a person is inside the building, there is a need to lock any of the rooms. You may need a room you didn't anticipate needing.

Brynn wondered what the perceived risk is and why we are all at once concerned about liability. Gladys explained that there was risk with the old building, and Bill explained that we have more to lose now. The restrooms being located down a dark hall is a concern. If children go down alone and someone comes in the back door, there could be a problem. There needs to be some responsibility when the building is open. Tom feels the building was built so the restrooms could be available all the time. If we lock the outside doors, he feels we aren't honoring a commitment that was made to provide accessible restrooms. The Mayor explained that the building was designed so that the

restrooms could be accessible from the outside but the interior of the building would still be secured by the locked hall door, but that the building will be completely locked at night. Whether that arrangement will be year round hasn't been discussed.

Loch suggested what he thought was a reasonable way to handle the matter. If he wanted to use the building, he would check out a set of keys that opens everything. If he opens it, he signs an agreement which is filed and signs out the keys every time he uses it. His responsibility is to close everything when he uses it, and he will have a checklist of what is required. People should be able to access everything, and the checklist should be posted in a conspicuous place. Mike suggested that we have a trial period to try out leaving the outside doors to the restrooms open. He then clarified that the preschool group is not being run by himself, but by a set of parents.

After more discussion, Loch summarized, stating that his understanding was that during daylight hours when someone is using the building, the front and back doors and hallway door will be unlocked. When the person using the building leaves, he is required to make sure the hallway and front doors are locked, as well as all interior doors. The custodian then locks the back door at 5:00, or whatever time is decided upon, which may change seasonally. The custodian will unlock and lock the back door every day. Peg wondered if the keys could be labeled, and also asked who would furnish the keys if Judi isn't available. We've discussed that but haven't come up with an alternative yet. However, if a person needs access, it is reasonable to assume that he'll know a few days beforehand and can make arrangements to get a key.

Kandice was concerned about the people who open having the restrooms available for their people, but then having to be responsible for anyone else who may come into the building because it's open. We are taking the liability part off the key agreement. But if someone else comes in and makes a mess, the person in charge will still be responsible for cleaning up. Tom stated that when he holds a class, he wants the building to be open for people to use. But, he could open the building, let his people in, then lock the building if he doesn't want to take other responsibility. Loch feels that security concerns are valid. Someone can lock the back door. We've survived for years without restrooms. A person could lock himself in and everyone else out.

Denise asked if we are personally liable if we take a key and someone gets hurt. Mark answered that, if you take a key and have access to the whole building, (with a disclaimer that he doesn't necessarily agree with the law, but the law is what it is) and something happens in a room that you're not even using but you're the one in charge of the building and someone files a lawsuit, they can file it against you and the Town. Stephanie suggested that we could make it the responsibility of the person to get his own insurance if he is not comfortable with working under the Town's. Bobbie asked if we couldn't leave a key at the Post Office as we have done in the past. That practice came about

when Judi was contractor at the post office. The key was left there for convenience, but people took advantage of it, and we don't want to put the responsibility of signing out the key on Katie.

Tom suggested that we put in place a three-month trial period. In the meantime, we will check on insurance as needed. At the end of the three months we can revisit the policy after we have recommendations on changes from them. The key policy could be divided into two different spheres: 1) permanent, such as library, custodian, clerk, Planning Commission secretary, and 2) other users, for which their initial sign-out requires the signing of the key agreement which will cover them as long as they will sign out a key. They we could adopt Loch's suggestion that, after that period of time, there is a sign-in, sign-out sheet, and that would be our key policy. The openness of the building will depend on the person who signs the key out—they can decide whether they want the building open to the public while they're there, or they can keep the building closed and just do their activity with the building closed. Steve offered to second it if Tom's suggestion was being made as a motion. Bill agreed to accept it as a motion contingent that the key agreement that was being signed would be the draft agreement as presented but only with provisions 1, 2, and 3. Sue liked the suggestion that Loch made and was going to suggest that we have a trial period. Bill accepted Tom's proposal as a motion and Steve's second, then put it up for a vote. The motion carried with Bill, Tom and Steve voting in favor of the motion.

The Mayor discussed the library. They wanted to be completely separate from the Town, but Dianne has agreed to have someone from the Council be a liaison between the two bodies. They can still be autonomous but have a liaison. Bill would like to be that liaison. We will respect them, and they need to respect us. The community center needs to work for the Town and for the library. Dianne will choose her Board of Directors. We will not pass any kind of operating agreement until Curtis and Dianne are here. The library people don't want to be at the mercy of the whims of political change. Mark will work with us, but he wants to consult with our insurance. There is not yet a lock box for the library key. Lauren will be given the library key until they get a lock box. They are planning to open this Saturday.

Fees were discussed. We need to raise the charge for family reunions, weddings, etc. Tom suggested that, for groups that charge a fee for participation, we could have a scale depending on the number of participants. He feels that groups that don't charge are providing a service and we shouldn't charge them. Randy Catmull suggested that we might consider the length of time they will be in the building. Kandice suggested we charge an hourly fee. We will discuss it later, but for January there will not be a fee for anyone.

Boulder Farmstead Water Company has requested that they have a Perpetual License

Agreement with the Town. Mark doesn't know why we need to have such an agreement, but if we decide to, he has concerns with some of the provisions. He's not comfortable with it being a permanent agreement (our agreements with Garkane and South Central are for specific amounts of time and are renewable) as it gives easements under all existing and future roads and would take away our ability to decide what we want to do with future roads. Randy said they would like the protection of easements for their main lines that are already in place, so that when they apply for grants or loans they don't have the added step of having to get easements. Their rights would not override the rights of the Town. They asked for "perpetual" because a water line, once in place, is usually a permanent fixture. If we want to change it, that would be up to us. Because they're not trying to be the exclusive provider of services, Mark can understand why they're trying to do what they are.

Mark suggested that we could approve it with some rewording. Mark asked if they could map out the lines that are already in place, we could do easements based on what's already there. His concern is that it is so general. If we were to build a new road, we would have to give them an easement whether one was needed or not and without us having any say in it. He suggested that we would give easements for any roads that already have lines along them, then when they want to put some at new locations, they would come to us and we would give it to them. Randy wondered if it would work to reword it to give easements to everything that is currently existing as of this date. That is why Mark wants to have a map, so we would know where the existing lines are and what we are giving easements to, then they would record the easements with the County Recorder. They will have to have a description in order to record them. If we can describe now exactly where the lines are, there should never be a problem. Mark will communicate with Boulder Farmstead's attorney to see if they can come up with an agreement that is mutually agreeable, then we will consider it. We have a road excavation ordinance in place that will have to be followed.

Randy presented a letter in which he requests that, until another business also asks to use the directional sign at the Highway 12/Burr Trail intersection, he be allowed to use the entire space allowed for all signs (36 square feet.) Tom has studied the sign ordinance and has sympathy for Randy's situation and would like to help. However, in order to consider his request further, the ordinance would have to be changed. He would like the Planning Commission to review the sign section of the Zoning Ordinance to simplify it. The pertinent section in this case is 1018(5). Tom feels that it needs to be adjusted. Subsections b, c, and f would have to be changed in order to consider Randy's request. The maximum size allowed for a free-standing sign is 16 square feet, so even if there are 36 sq. ft. available, he wouldn't necessarily be able to use it all. Randy is open to any help he can get. Tom suggested that we request that the Planning Commission change the ordinance. If there were no other applicants for use of that directional sign location, one business could have up to 16 sq. ft., and possibly one from each direction. If other

businesses were to qualify to use the location, existing sign owners would have to cut back on the size of their signs. Peg said she would put a preliminary discussion of the matter on the Planning Commission's agenda for next week.

The Mayor proposed that we apply for a CIB grant for \$95,000 to develop the tract park. Sam will be the engineer for the park. We will need \$30,000 for the fence. We will also need gravel for the pathways. We have a list of what we want to do and will get figures from Sam as to the cost of doing those things. We will need maintenance equipment. Sam stated that the parking lot as designed is too small, with only 10 spaces, so he enlarged it. Phase I would include a footbridge, walking paths, culverts, picnic table pads, and rerouting of ditches. One of the first things we need to do is keep the grass cut. Bill said we would begin by mowing twice a month as a trial. Loch stated that it is hard to mow even with a brush hog. We need to have earth moved or landscaping done. It is swampy in places. We need to fix it, then keep it mowed. Sam suggested we plow the whole thing first. The horses are out of the lower part, so it will have to be brush hogged. Tom added that the brick building needs to be refurbished. Randy suggested that we put a fence on the east boundary line to identify the west edge of the Town road. We should then identify the east side of the road and create access to the park from the road. It will need a culvert. Sam said it is doable, but will be expensive. Gladys made a motion that Judi and Bill prepare an application for a CIB grant of \$100,000 or more if needed. Sue seconded the motion. The vote was unanimous.

The Fire Department is requesting that they use \$100 for Emergency Vehicle Operator training from their budget. Corry approved the expenditure. He is happy to be working with Steve as the liaison and encouraged him to become a fireman. They didn't have any calls or accidents last month. They now have GPS systems in all of their trucks. There will be a fire meeting this week and usually the first week of every month. He takes the truck to Tropic every other month for fire chief's training. The door of one of the bays was broken, but they've had it fixed. No one on the Fire Department was able to go to Winter Fire School this year, so they will try to hold a training here. They received their letters outlining expectations from the Town and feel good about it, except that they would like the meal for their spouses to be paid for in exchange for their service to the town. Their complaint is that they aren't able to use their parking lot as intended because of the recycling, which is in a shambles now because of an earlier wind. We will try to find a place they could move it to, possibly Mark Austin's property behind the cemetery.

The Planning Commission reviewed Gibbs Smith's CUP application for an RV park and have many questions that need to be addressed. They have the survey information compiled and will have the rollout of it on January 17 at 5:30, with food. Peg will put the results on the website. It will be the kickoff to revising the General Plan. Peg welcomed Loch to the Commission.

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Sue with Sam checked the road in BKRE that was excavated earlier. She will see if the County will help fix it. Some of the ditches are silting in and flooding the roads. Randy stated that there are so many rocks that it's hard to find the road when the County pushes snow. The Town needs to remove some rocks. The deep snow covers many of the hydrants. We need to put ID on them and have someone clear them.

A work party will be held this Saturday at 9:00 to move the Town office materials back to the community center.

Abbie Orozco applied for a home occupation business license. It was approved.

Tom made a motion the meeting adjourn. Sue seconded the motion. The vote was unanimous.

The meeting adjourned at 9:40 p.m.

Minutes prepared by Judith Davis, Town Clerk