

January 4, 2018

Meeting began at 7:05.

Present Bill Muse, Mayor; Gladys LeFevre, Steve Cox, Conrad Jepsen, Council Members; Judi Davis, Clerk.

Excused: Farlan Behunin, Pete Benson

Public Present: Pete and Cookie Schaus, Peg Smith and Sergio Femenias, Carla Saccomano, Lisa Varga, Mary Jane Coombs, Jabe Beal, Sean Babbington.

Pledge of allegiance

There was not a quorum of people present who were here for the December 7 meeting, so approval of those minutes will be postponed.

Bill expressed his appreciation for the opportunity to have served for 16 years and to work with the Councils and Clerk. Gladys presented him with a plaque from the Council and gave special thanks for his work in getting funding for the Community Center remodeling and for development at the Tract Park.

The newly elected Mayor, Steve Cox, and Council Members, Gladys LeFevre and Conrad Jepsen, were sworn in by Clerk Judi Davis. Steve thanked Bill for his work and for his teaching..

Steve made **assignments** of responsibility for himself and the council for oversight of departments and committees and appointed Peg Smith as Deputy Town Clerk. Gladys made a motion to approve creating the position of Deputy Town Clerk. Conrad seconded the motion, and the vote was unanimous.

There was discussion on the **Zoning Administrator** position. Donna Jean serves in that position as well as being on the Planning Commission. As appeals on rulings made by the ZA are heard by the PC, there is a conflict with one person filling both positions. Donna would prefer to stay on the Planning Commission. We will put up a notice that the ZA position needs to be filled. If no one is interested or qualified, she agreed to keep that position and resign from the Planning Commission.

**Employees** were discussed. Gladys will come up with hours needed for the Community Center custodian, and Conrad will do the same for the caretaker of the Tract Park. We also have a groundskeeper for the Community Center grounds. We will consider next month whether to combine any of those responsibilities and make one position or whether to leave it the way it is. We will also discuss whether to leave those jobs to contractors or to make them employees.

Larry Davis resigned from the **Board of Adjustment**, and we need to fill that position.

Jeff Sanders' two five-year terms are up. Gladys wondered if we should consider a change in the ordinance in BoA terms. Dennis Bertucci is not able to participate in his position because of health issues, but they seldom meet, and he may be able to be ready by the time they have another meeting. Maybe we could have someone on standby to fill in until he's back. In addition to Jeff, the other members are Ray Gardner, Mark Nelson, and Dennis. Peg (BoA Secretary) said Jeff is the knowledgeable person on that Board and wondered if he could remain until we could find someone else. Steve wondered if we could even keep him on as an advisor until someone else could become acquainted with the BoA procedures and requirements. The question was raised as to how much of a break a person would need to take from the BoA after his two five-year terms before he could be appointed again. If we want to change the length of terms or anything else in that section of the ZO, the Council would have to submit an application for a change. It is a lengthy process but is a possibility.

Judi will post a **notice of vacancy**. Peg suggested leaving Jeff on until someone expresses an interest. January 30 will be the deadline for submitting a letter of interest in the Zoning Administrator and Board of Adjustment positions.

We need to keep better track of when **PC and BoA terms** start and end. We will assign each position a number. Gladys made a motion that we number the Planning Commission seats and Board of Adjustment seats so they can be rotated properly and that we use the information from last month's minutes to set the PC seats and information given by Steve to set the BoA seats. Conrad seconded the motion, and the vote was unanimous.

It has been suggested that we move away from **Conditional Use Permits** to permitted uses. The PC has started reviewing definitions of short-term rentals. They have been advised to move those uses from conditional use status into permitted use status and also to review for permitted status other uses that are also now conditional. A resolution has been written and revised describing with more specificity what exactly we are allowing them to study and revise. During a 180-day period of study and revising, no applications that would violate what they are working on could be submitted and considered in order for the PC to be able to consider the issues without the pressure of considering applications that are in conflict with what they are studying.

In relation to this issue, Gladys had asked if we could discuss the list of **zoning violations** that was given to us by the PC some time ago. Her concern is the legality of the proposed resolution because we already have a degree of noncompliance that is not being enforced, especially in housing issues. Anyone could come and point out our knowledge of ordinance violations that aren't being enforced, but we're denying them the opportunity of submitting an application for a short-term rental.

Steve replied that if someone came for an application for a resort that conflicted with what we are trying to do, the PC could set it aside for 180 days, explaining to them that we are revising that section to resolve some problems and they would have to wait. Gladys' concern is that someone with an attorney could come and remind us that we aren't enforcing the ordinances we have, so how can we stop his client from doing something that conforms to the current ordinance. She then asked what we are doing about the problems on the list they gave us?

The PC is waiting for us to tell them what we've done about those violations. If we're going to stop others from moving forward, what are we going to do about those we know are not in compliance? Conrad stated that we've been notified of problems and haven't done anything about them. Now we're going to leave those alone and create something that we hope will stop these things from happening in the future before fixing the existing problems. Will the revisions they'll be working on now solve some of the problems that were pointed out earlier? Peg said that the PC was told that we have too many **conditional uses** on our tables of uses. They've reviewed those uses, and many of them could be termed short-term/transient rentals. What the PC is doing now is trying to define what exactly those definitions are and then looking at permitted uses in zones that are in place now. They just want a little breathing room by not having applications coming in during the time of reviews. The ADU issue is a more complicated issue involving land use, density, and other issues. She is expecting that the citizen groups that have been formed will address and make recommendations on some of those matters. After they have finished their work, there will be attorney/planner reviews and public hearings where there will be an opportunity for the public to address any concerns or make suggestions.

Conrad asked how the PC decided to study these things. Peg responded that the Town Council asked them to look at how these problems can be fixed and to set standards for CUP's. Steve stated that it has been recommended that we change as many Conditional Uses to Permitted Uses as we can.

Carla gave the example of RV/Campgrounds as Conditional in every zone. We need to decide whether a use is appropriate in a certain place according to the General Plan. Do we want RV parks anywhere, or do we want to restrict them to certain zones? We have to decide what we want and where we want it. Without the moratorium, anyone could come in with an application and put an RV park anywhere, and we would have to consider it under the current ordinance. After some discussion, Conrad stated that he's fine with the PC reviewing the uses and recommending changes, but he would like to consider further whether they should refuse new applications. As it is now, he would vote no on the resolution. Steve would vote yes, so it probably won't pass tonight. Carla stated that, whatever comes from the study, what's in place now can't be reversed. Conrad made a motion to table the resolution without making a decision. Gladys seconded the motion.

Conrad and Gladys voted in favor of the motion and Steve voted against.

Steve introduced a Garfield County School District request for a letter of support from the Town for their application for a **STEM Grant**. The program was created for rural schools to be able to have the same opportunities for this education that the larger schools have. Our District was turned down in the first round of applications because it was felt there wasn't enough support from the communities and business partners to make it sustainable after the grant money is gone. The grantors want to know that the towns of Boulder, Escalante and Antimony want the program. They aren't asking us for money, but we could offer the use of our facilities at no cost for such things as summer workshops or whatever else might be needed. It is a good program and would be good for our schools and help our youth to be competitive in today's world. Gladys made a motion to have Steve write a letter of support which Judi would put on Town letterhead. Conrad seconded the motion and the vote was unanimous.

Gladys has heard concerns about **Section 1017** of the Zoning Ordinance, which regulates RV type vehicles as temporary dwellings. The question is whether a person could stay in his RV at one friend's place for 90 days then move to another person's place for 90 days, and so on. After discussion on subsection 3 it was decided that the section's wording would prevent that unless the friend/family owned four pieces of property.

Steve introduced the PC's December 2016 **list** showing what they deemed to be **zoning infractions**, many of which involved what were described as accessory dwelling units. We do not have anywhere a definition of ADU's. He stated that he is on the list because he has a room in his garage that has beds and a bathroom. In definitions he's seen, an ADU has to also have a kitchen, which his does not. We need to decide whether we want the PC to change some wording or have the Enforcement Officer go around and let people know they're not in compliance. We need to follow through on this list. We have permitted accessory buildings, but not accessory dwellings. We need to clarify what is allowed. We are more in need of places for people to live than to strictly enforce the ordinance. Carla was instructed to have the housing group define ADU's and discuss whether we want them or not. Judi has been going through the list and has found that many have either been fixed or are not problems. There are some valid concerns, but fewer than we first thought.

There is concern about the BOSS property. We can't find anything in the files showing that a CUP has been approved. Josh Bernstein owns the land and Steve Dessinger owns the business. The land is now for sale. We may want to let a potential buyer know that there are no permits for the activities that are happening there now. Conrad and Steve will take pictures to document the current structures. Conrad will talk with Ryans about their expired building permit and to Blake about her farm housing (which may or may not be compliant,) We need to figure out where the violations are and contact those people

about coming into compliance.

The November and December checks were reviewed. Gladys made a motion to approve them as presented. Conrad seconded the motion. The vote was unanimous.

Steve reported for Farlan that one lane of the road to David Brems' lot has been put in, as has the fire hydrant. Farlan has ordered a culvert which the Town will pay for. He doesn't think there will be any drainage problems once it's in. He has talked to Sam and to the County about finishing the road. He also talked to Sam about doing some clean-up at the landfill and digging a new pit if it's needed.

Gladys reported for the Travel Council that the County passed \$2 million in transient room tax receipts last year. The Town doesn't get a portion of that, but there are grants and programs that individual businesses can apply for and participate in. She will bring a copy of their budget next month so we can see how the money is used. A portion of the money is used for advertising. Steve asked her to pass on that he feels some of the money should go to visitor services, such as EMT's, search and rescue, and recycling-- infrastructure service types of things rather than more advertising. Peg wondered if there's any way we can find out how much Boulder businesses are putting into that total. Gladys will see if she can get that figure. She will call a meeting of the cemetery committee soon.

The Planning Commission will be discussing Ward Coombs' application for a subdivision at their next meeting.

The owner of the land that the Lower Boulder dumpsters are on has asked that we arrange to have them moved by March. Steve talked to Brian Bremner about moving them and told him where we want them. Brian will have his driver look for appropriate places to put them.

There were no additional comments from those at the meeting. Conrad made a motion that the meeting adjourn. Gladys seconded the motion. The vote was unanimous.

The meeting adjourned at 9:00 p.m.