

November 1, 2018

Meeting began at 7:05

Present: Steve Cox, Mayor; Conrad Jepsen, Peter Benson, Gladys LeFevre, Council Members; Judi Davis, Clerk. Farlan Behunin excused.

Public Present: Bob, Naomi, Dave, and Annette Brems, Ashley Coombs, Perry Tancredi, Tessa Barkan, Curtis Oberhansley, Peg Smith, Troy and Elizabeth Julian, Donna Owen.*.

Pledge of Allegiance

Gladys made a motion to approve the minutes of the October 4 meeting. Conrad seconded the motion, and Gladys, Conrad, and Steve voted in favor. Pete was not at that meeting and abstained.

David Brems stated that their family have two lots divided by **100 West** and they have a house on each piece. They are here to petition the Council to allow them to **establish an encroachment on the road**. His parents and brother-in-law are handicapped. Naomi has fallen three times, each fall resulting in broken bones requiring surgery, and Bob needs solid ground on which to walk. Barbara and Larry occupy the top floor of the new house. Larry is living with the effects of a severe stroke. They are asking permission to place one or two east-west wheelchair friendly walkways across the roadway in order to make it safer for Bob, Naomi, and the rest of their family to be able to safely stay here.

Conrad asked how fair it would be to the property owners to the north if that easement weren't available? Dave said they're not aware of any immediate plans to use that road, but they are proposing that we make a standard encroachment agreement that if the time came that the road was to be opened, they would remove the walkways at their expense. Pete suggested that, if it were built correctly, it could become part of the road and wouldn't have to be removed. Conrad asked if there would be a way for them to trade this easement for some of their own land. Dave responded that it may be a future possibility if the road were needed, but now, while the road isn't needed and there are no known immediate plans to open it, they would like to use it. Steve clarified that they would like to run their sidewalks east-west for now to be used until the road is needed. At that point, the road could be improved and they could still have their access with the sidewalks remaining in place. Without a diagram, it's hard to make a decision, but what they are asking is if there's a possibility for something to be placed across our right-of-way to be used now, until the road is needed. Gladys asked if there is another road further west on the other side of their property. There isn't. The land on the west of their property is privately owned.

Perry asked to speak on behalf of BOSS, who owns the property surrounding the Brems' lots. Their concern is that, if they parcel some of the land at some time, they will need

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that road for access. David stated that their immediate concern is the safety of their family. Boss' concern is that they have access to that property if they need it later. Gladys would like to get our attorney's opinion. Steve stated that we need a drawing to see exactly what they are thinking of doing. He is not opposed to approving some kind of safety proposal, but we need more information on our liabilities. Conrad suggested that they start now using paver stones. Dave replied that pavers sometimes come dislodged and would not be safe. The walkway needs to be stable in order to use wheelchairs on it. Steve said that we'd have to sign off formally and that we need a map and an encroachment agreement. Curtis suggested that we grant them permission and have an agreement that would stay with the land stating that they have the right to put the walkway there and that BOSS will be able to use the road for access. He feels that it would be easy to leave the walkways there when the road is improved. State law requires that permission of all affected landowners be given. Steve said that we can't start the process until we have a drawing, but that we'll move as quickly as we can. Perry suggested that the map include an alternate route in case it's needed in the future.

Gladys has received information **on cemeteries** from state code which she wasn't aware of. If the cemetery is owned by the Town, there are different requirements, and we will need the help of either our attorney or the lady who sent the information. We are supposed to provide an annual report to the Division of State History and also have a map of the cemetery. The road has been graveled, and Farlan approved it. Stave asked if we want a culvert by the upper gate? We'll see what happens. For now we have a drainage ditch along the top to divert the water from going through the cemetery. Naomi reported that the Town isn't big enough to have a cemetery district, which would have provided extra money. Gladys reported on Keith Gailey's book on the cemetery. Gravesites were not plotted in straight lines. She'll work with Shauna Beard on these problems after the first of the year.

Three people have expressed an interest in filling the **vacancy on the Planning Commission**: Elizabeth Julian, Steve Johnson, and Judy Drain. After some discussion, Steve made a motion to appoint Elizabeth Julian to fill the remainder of Tabor Dahl's term, which ends December 31, 2019. Gladys asked Steve to read through the other terms: Slot 1 (Donna Jean's), now Josey Muse, ends December 31, 2018; slot 2, which was Tabor's, ends December 31, 2019; slot 3, Perry, ends December 31, 2020; Slot 4, Colleen, ends December 31, 2021; and slot 5, which was Carla's and is being finished by Matt Cochran, ends December 31, 2022. If the ordinance creating an alternate Commissioner passes, he/she could move into that seat. As a point of information, Gladys pointed out that four of the five members live in Lower Boulder. Steve restated his motion to appoint Elizabeth Julian to fill the current vacancy. Gladys seconded the motion. The vote was unanimous.

Peg, as Planning Commission secretary, stated that it is gratifying when people volunteer, especially when they have attended some meetings and have a feel for what is happening.

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The Planning Commission will have a public hearing for the proposed ordinance creating the position of an alternate member for the Planning Commission. (*) Copies of the proposed ordinances will be posted for the public to review. Public hearings for both proposed ordinances (PC alternate member and ADU's) will be held by the Town Council beginning at 6:00 before the beginning of the Council's December 6 meeting, contingent on the PC recommending to the Council that the ordinances be adopted. (They have already passed to us a positive recommendation on the ADU ordinance.) Pete reported that the Planning Commission's process was thorough and well done. Perry, a member of the PC, warned that there will be some at the ADU public hearing asking questions about Short Term Rentals. The Commission will consider that issue at a later time--this ordinance is only for ADU's. Curtis discussed public hearing principles.

Hell's Backbone Grill has agreed to prepare a **Firefighter Appreciation Dinner** and wondered if the Town would approve paying for the dinner, drinks, and tip. Donna stated that the County gives the EMT's a dinner at which they can have any non-alcoholic drink they want. If they want alcohol, they pay for it themselves. Pete recused himself from voting, as he is a firefighter. Gladys made a motion that we pay for the firefighters' and spouses' meals, non-alcoholic drinks, and the tip. Conrad seconded the motion. The vote was unanimous.

Gladys reported that there are now two entrances to the cemetery and that we need a gate. The Young Men Scouts will do some repairs on the fence in the spring. It should last a few more years since there are no cattle there. We need to get a mower to pull behind a 4-wheeler to keep the brush down. The Escalante Post Office is ready to install another bank of boxes like the ones we now have on the east wall, but we'll have to cut the counter far enough back that it will fit in that corner space. As soon as we get it ready, they can install them. Gladys is trying to find out what the problem is with the electrical system. Judi suggested that, at the same time someone trims the counter, we install the new slot for local mail. Gladys has found a slot cover--we just need someone to install it.

The Tract Park restrooms will be winterized tomorrow. Farlan reported to Steve that the new street signs are all installed except one and that Sam has been to the landfill cleaning things up.

Judi reported that as part of the renewal of our landfill permit we had to update the estimated post-closure costs. Farlan refigured the probable costs with today's prices. The costs are understandably higher than they were ten years ago. We have to increase the amount in our Public Treasurer's Investment Fund (which is the mechanism used to invest the money that will be used to care for it after it is closed) to equal the new costs. We need to add \$1,918 to that fund. When the auditor did our books, he found that we have excess fund balance which has to be allotted to this year's budget. We can take the amount we need for the PTIF from that overage.

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Conrad reported that the maintenance building at the Tract Park has been painted.

Pete reported that the Planning Commission has been studying Accessory Dwelling Units (ADU's) and Short Term Rentals and that Josey has been working on the General Plan update. They hosted a workshop with Lee Nellis, and reports of the program are good. The knowledge gained should help with the General Plan process. The Fire Council will meet on November 13 at 6:00. Everyone is welcome to come. Some of the heirloom fruit trees have died, but that was not unexpected. He also reported that the Arts Council's annual fundraiser, Artrageous, will be on December 8. There will be good food and live and silent auctions on donated art work.

Gladys made a motion that the Town sponsor the Community Christmas Market. Conrad seconded the motion. The vote was unanimous.

Peg reminded the group that the Planning Commission meetings will begin at 6:00 this month and that they will have a public hearing to receive input on the proposed ordinance change creating the position of an alternate member of the Planning Commission

Steve mentioned that the ERWP will hold a meeting on November 7 from 9:00-3:00 in Escalante. He is our representative on that committee and encourages anyone interested in the watershed to attend. After being approached by citizens, Steve asked UDOT to consider putting in a **turning lane for southbound traffic onto the Burr Trail from Highway 12**. During the busy season, which is the majority of the year, traffic gets backed up at that curve, and it is becoming a dangerous spot. They have now done a couple of preliminary designs and are working with the County. Within the next month of two, we should have plans for a turning lane from Highway 12 (going south) onto the Burr Trail. Both entities (State and County) have to agree on the plan. Things move slowly, but at least they have a plan.

Pete made a motion to approve the **September checks issued**. Gladys seconded the motion, and the vote was unanimous.

Public comments were accepted. Naomi asked why we don't have a microphone. Some of the older people don't come because they can't hear what's going on. She asked us to consider it and thanked everyone for the work they do.

Conrad made a motion that the meeting adjourn. Gladys seconded the motion, and the vote was unanimous. The meeting adjourned at 8:20.