

April 7, 2010

Meeting began at 8:05 p.m.

Present: Bill Muse, Mayor; Gladys LeFevre, Sue, Inman, Dennis Bertucci, Council Members; Judi Davis, Clerk. Absent: Randy Ripplinger.

Public Present: Scott Brodie, Cheryl and Steve Cox, Tom and Claire Bartelt, Connie Reid, Denise Pennington, Matt Cochran and Constance Lynn, Shea Haws, Keith Watts, Ashley Coombs.

Pledge of allegiance

Gladys made a motion we accept the minutes of meetings held March 4, March 5, and March 26, with a correction to the March 26 minutes as requested by the mayor. Sue seconded the motion. The vote was unanimous.

Bill, Judi and John Spendlove of Jones and DeMille attended the CIB meeting in Salt Lake last week to defend our application for a grant. Our application was given priority status and moved forward to the June meeting for final approval. We were asked if we could accept a 50/50 grant/loan ratio. We are not able to make the loan payments that would require, so they will consider a change to a \$200,000 30-year 0% interest loan and a \$330,000 grant. They could ask for a change in that figure and may recommend that we add a small tax to cover a larger loan. We should know whether we will receive the Rural Development grant by mid-May. (Pete and Cookie Schaus and Alyssa Thompson and her daughters came.)

Assuming both applications are approved, the project will go to bid, but we will choose the contractor. It would be nice if we could use a local contractor, but we will need to choose the one who will best fit the requirements of the contract. We should be able to begin the actual building part of the project next spring.

The mayor reopened a public hearing which was begun on January 25 to receive comments on Dick and Connie Reid's request to vacate First West Street between their two parcels. We have since that time received written approval for the vacation from LeFair Hall and Jacqueline Smalley, adjoining property owners. There was no additional comment, and the public hearing was closed.

Gladys asked about the ownership of roads. Marvin Bagley had done some research into the town's ownership of roads, on which he reported at our December 6, 2007, meeting. He had learned that when a road was vacated, the interest in that road went to the property owners on either side. However, a Utah Court of Appeals decision had ruled that streets

that were created under the Township Act were obtained from the Federal Government and when they were vacated they were returned to the town as trustee for the citizens. The town could choose to give the land to the abutting landowners or they could sell it, with the money going to the town. Marvin did research at the county courthouse to see whether our platted streets were created under that act or not. Our records don't show his report to us on that research, so Mark is checking with him to find out what he learned. It is our recollection that the Boulder Townsite map was not created under that act, in which case we couldn't sell the land. Other roads, such as those in Lower Boulder, are already owned by individuals and are only roads by right of use. If we were to vacate our claim on them, the individuals who have the deed to them would still own them.

At this point, we have set a precedent for vacating roads, and it wouldn't be fair to change that right now with no notice. We should look at what we want to do in the future after we know what we can legally do. Gladys made a motion we adopt Ordinance 65, Ordinance Vacating a Portion of First West Street. Dennis seconded the motion. The vote was unanimous. Gladys will check with Les Barker, and Judi will check to see how Mark's research is coming.

Drew Parkin from the BLM was on the agenda to discuss the Highway 12 improvement project but was unable to be here tonight.

Resolution 2010-1 regarding the use of rotenone was read and reviewed. Gladys made a motion we adopt Resolution 2010-1. Sue seconded the motion. The vote was unanimous. Matt reported that the comment period is underway in the Environmental Assessment process and will end April 16. The Forest Service will be here April 15 at 7:00 to conduct a workshop and to accept written comments. The team which is working on this EA process will be here. He thanked everyone who has written letters. The final EA will be designed after the receipt of comments. What isn't addressed now can't be appealed later. It will be a short EA process.

Bill reported that Sam Stout, Daniel Reeder, and Ray Gardner met with Jones and DeMille to discuss capturing more water in Spectacle Lake and making that system more efficient. They will help the Irrigation Company apply for a grant that will help with that project. The grant would be done with Garkane as a partner and would also go for other green sources of electricity. Increased capacity at Spectacle would provide more water for more electricity. The grant would also promote solar and wind power to increase production of electricity. Garkane could be used as an example of innovation in the production of green energy. It could then be proposed that the Colorado River Cutthroat Trout could be introduced into Spectacle Lake instead of into the streams lower on the watershed. The rotenone project then wouldn't be necessary, as there wouldn't be competitive species at Spectacle Lake. Cookie asked if the Forest Service people were

aware of how small we are and what percentage of our population the letters represent. She was assured that they will be made aware.

Scott reported that the Garfield County School District is considering closing the Boulder School. This affects the town, not just the children and their families. It would be a big loss for the community and is very important to the parents to keep the school. The BES Community Council will be on the agenda for the next school board meeting, to be held April 15, in Antimony. Scott understands the financial pressure statewide, but our children are important to us, too. Most parents will home school rather than send their children on the bus. They were told earlier that the Boulder School makes money for the District, then they were told that it was a liability.

Gladys is working on getting figures and asked if it would help if the Town Council wrote a letter explaining the impact closing the school would have on our community. They are talking about closing it at the end of this year. It was suggested that we see if it could be extended one year to give us time to come up with alternatives, but Gladys feels it will be a fight each year because funding sources are drying up, and the District isn't worried about losing our students.

Cheryl asked if the tax base of the Boulder area is high enough to have an influence. Gladys responded that the District will still get our tax money even if they lose our children. It's an economic decision. Right now, Gladys is the only school board member in favor of leaving this school open. The district needs to make decisions on all the schools by April 15 so they can let teachers know if they will have jobs next year. Dennis wondered if Scott had polled the parents to see what they will do next year if the school is closed. Shea responded that none of the parents will send their children to Escalante.

Denise asked if there is any way to reduce the costs of the District. Cuts need to be made across the board—everyone needs to give up the lunch program, bus routes, etc., not just Boulder. It would be easy to say, "We'll get rid of this one school, and the rest of you can keep your programs." Then, only a few people would be mad at you. Cheryl asked about a certain home school program that might get funding from a government source. Gladys responded by questioning whether anyone thinks that, if they take money from the government, they won't have restrictions on how that can be used? And does anyone want those requirements that would be placed on them?

Keith asked how the Board can make these kinds of decisions without data. How much do we bring in to the District? How do we compare with others? It seems irresponsible to make decisions without public input. Why aren't the figures on the table for something of this magnitude? There needs to be public input. There needs to be a proper analysis. Don't throw us out without proper consideration.

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Gladys suggested that people call and write to the Board members: Gregg Christensen (Escalante), Ken Platt (Henrieville), Brian Bremner and Ted Chidester (Panguitch. Bill suggested that as many as possible go to the School Board meeting with the goal of postponing the vote. If we lose it, we need to find a solution to keep our kids in some kind of school here. Cheryl wondered if we could somehow bring back some home schooled kids to the school for at least part of the day. There was a discussion on various options. If we could get another year, it would give us a year to regroup and figure out a solution. Gladys will try to get email addresses for the other Board members. Scott read the Community Council (PTA)'s letter, which will be published in the Insider and mailed to each Board member. The Town Council will send a letter in support of keeping the school open.

Department reports were made. The remaining wood out front is available for anyone who wants it. Sue went to the annual UDOT meeting which updated everyone on upcoming projects. She learned about funding and maintenance. She also reported on the Forest Service open house on their road system. She did the quarterly landfill report, and found that getting the pit burned has been a little bit of a problem. She would like the Fire Department to schedule the burning on a regular basis and would like someone to monitor it. Dennis replied that, when Donna Jean calls, they burn it. He will see that Corry monitors it, especially during the spring and summer, and will keep in touch with Donna. They will try to do it more often.

Bill appreciates all the public participation in the many issues we've had recently. Judi urged everyone to participate in the census count, as most of our funding from various sources (grants, taxes, road money, etc.) is based on our population. Every person makes a difference.

Dennis made a motion the meeting adjourn. Gladys seconded the motion. The vote was unanimous.

The meeting adjourned at 10:00.

Minutes prepared by Judith Davis, Town Clerk