

August 2, 2012

Meeting began at 7:03 p.m.

Present: Bill Muse, Mayor; Sue Inman, Steve Cox, Tom Jerome, Council Members; Judi Davis, Clerk.

Absent and excused: Gladys LeFevre, Council Member.

Public Present: Alan Scott, Bill Geil, Stephanie Flake, Eric Houston, Walt Gove.

Pledge of allegiance

After some discussion, Tom made a motion to accept the amended minutes of the appeal hearing held June 7. Steve seconded the motion. Voting in favor were Steve, Tom, and Sue. Bill abstained because some of the changes which were made involved his personal remarks, and he felt it was appropriate that he not vote.

Steve made a motion to approve the minutes of the July 5 meeting. Sue seconded the motion. The vote was unanimous.

Eric Houston introduced himself as a Panguitch City Councilman and owner of a motel. (Peg Smith came.) Because of concern for the economy of Panguitch and the rest of the County, he, along with others, visited certain small towns in Colorado to see why their businesses are so successful. There were several reasons, the first of which is internet promotion. They also have placed information booths throughout their towns and have placed electronic billboards in surrounding states. They also have produced brochures and established a volunteer-staffed visitor center. (Cheryl Cox and Keri Corderman came.) They promote their historic districts, including providing a historical walking tour and selling t-shirts. What is needed here is an attraction to draw people, and we need to let them know what those attractions are. In Panguitch, the business owners meet together once a month in the off season to hear speakers on tourism and to receive business training. Eric would like to see this become a county-wide program. (Blake Spalding came.) Panguitch has also hired a part-time marketing director.

The last items of paperwork for the Spring Hill and Full Moon Farms subdivisions applications have not yet been submitted, so they weren't considered. The Council agreed to have a short meeting to vote on them as soon as the last paperwork is submitted.

Sue made a motion to adopt Resolution 2012-3 Adopting a Natural Hazards Mitigation Plan update. Tom seconded the motion. The vote was unanimous.

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Cheryl, representing the Boulder Arts Council, provided a handout detailing the arts shows they propose to have in the entryway for the rest of this year and into next year. There will be some traveling exhibits, as well as work shown by individual, local, and seasonal workers. They are also planning to do an event each month. The Council was supportive of what was presented.

Tom submitted an enforcement report, a copy of which is found at the end of these minutes as part of the proceedings of this meeting. After visiting with personnel at the Health Department about sanitation issues, he recommended that we have someone from that department come here to give us inservice instruction on sanitation issues. He also proposed a procedure for handling issues of non-compliance and of receiving complaints. The Council agreed with the proposed policy, which is also included as a part of these minutes, and approved posting this notice on the bulletin board.

The Planning Commission is discussing lot sizes, especially in response to Loch's application. This will be an ongoing discussion. They are working on creating a checklist for the subdivision process to make sure no steps are missed. They will choose a new co-chair at their next meeting. If paperwork comes in, they will also be considering an application for a sign for Joe Parker.

Blake asked to what extent she can be involved in the determination of any changes that might affect her staff house. She understands that the Town has to answer complaints that come to them and that one has been lodged against her staff house, but she feels the issue was resolved before she even bought the house and feels that, at some point, continuing complaints become harassment. Tom assured her that she will be completely involved, but doesn't feel that he personally has all the information to satisfy him that there was clear resolution on the number of occupants and the use in the beginning. The problem, as he sees it, is that the Town has an open-ended policy that leaves any house in town available to become a multi-family residence. Bill clarified that the complaints have been about the number of people and said that, in the early meeting, eight was the anticipated number that would live in the house. Blake stated that they do not have eight people in the house. Tom doesn't feel that number of people is the problem right now, nor is the structure or its function the problem. It affects the ability of the community to control their habits.

Before moving forward in this process, he would want to talk to Blake and to Red House Farm and to any other people who are renting rooms to other people who aren't a single family unit. He doesn't think that going through a Conditional Use Permitting process will negatively impact her situation. All he wants is for the town to have a clear, legal process in allowing and in controlling such houses. In arriving at this process, he wants input from Blake and any others in the same situation. Just for the record, Blake stated that she wished she had eight people in the house, but she hasn't been able to maintain

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that number. Bill asked her if she feels harassed by the Council, to which she replied that no, not in the least, but that it has been difficult to have a series of things—complaints about the toilet, the farm, the signs and the house. They are very interested in being law-abiding citizens. She has 36 employees, many of whom are year-round residents, and she would like the support of the town in her efforts. All of these distractions have made it an uncomfortable year for her. She doesn't feel harassed, she just wonders to what extent an individual can use this complaint process to harass someone. Bill explained that the process Tom will be following is the same as has been practiced in the past and that permission given Blake in the beginning was in compliance with laws in effect at the time. She was not shown favoritism. Rumors get started by people who don't get the facts.

From now on, permits issued will be announced in Council meeting. The Boulder Mountain Lodge has been issued a building permit for a new four-unit lodging building.

The Fire Department and EMT representatives have not yet had a meeting on security issues. Corry and Josey are meeting to get training for our fire personnel so they can have red cards, which would enable them to fight fires outside the town limits. Federal fire agencies are planning to give us a fire presentation at September's Council meeting.

Steve reported on the Tract Park. He, Bill, Sam, and Dave Taylor met to discuss an irrigation system, and Sam is following through on it. Bill is taking care of getting rid of the thatch which has built up, especially at the north end. The grass is ready to be cut again. They are trying to get the groundwork done in order to move ahead. We probably will need an irrigation-type pond. Before we can do anything else, we need the infrastructure in place at the top of the parcel. Bill will try to get the path mowed this month.

Tom and Joe are moving landscaping rocks around the Community Center. He has asked

Ben Ripplinger to help with putting railings on the upper playground equipment.

The landfill is okay, and there has been some patching done on the roads. The BKRE roads are torn up, but they are at a place that 330 tons of gravel can be ordered now. Bill asked about the rocks which were removed from the Heaton's lot. We can replace them, and Bill will offer a tree to replace the one that was removed. Bill will mow a part of the roadside at the corner by the firehouse.

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

The meeting adjourned at 8:30 p.m.

### Enforcement Report

Earlier this year, Mayor Bill Muse, with the authority of the Boulder Town Council, requested that in my [Tom Jerome] capacity as enforcement officer I investigate two issues. Later another issue presented itself in the form of a complaint lodged by Randy Catmull at one of our Boulder Town meetings.

These issues are as follows:

1. Neighbors of Boulder Fields subdivision #2 voiced concerns a house in the subdivision was being used as a multi-family dwelling or boarding house. There was a question relating to the number of occupants (not family members) in said dwelling.
2. Concern was voiced on the recent Boulder Town Survey about sanitation facilities being used at the Hell's Backbone Grille farm/garden.
3. There are signs located in Boulder that are out of compliance or do not have the necessary conditional use permit.

Issue #1: To the best of my knowledge this issue was discussed by the Boulder Town Council in 2007, but, I am unclear about its resolution. I will continue to investigate the history and possible avenues for coming to resolution, with a report to the town council at a later date.

Issue #2: I was told that some concern had been voiced about a) humans swimming in an irrigation pond that would be used to water an organic garden and b) the use of the composting toilet on the Hell's Backbone Farm/Garden property. I contacted S. W. Public Health Department on both of these issues.

- a) There is no issue involved with people swimming in an irrigation pond.
- b) Although S. W. Public Health does not officially recognize the use of composting toilets for dwellings, they are aware of the composting toilet on the Hell's Backbone Farm/Garden and had no issue with its function. They do not have a policy or procedure for returning to inspect the installed equipment.

Contacts at S.W. Public Health are Robert Beers, Environmental Officer (435 986-2582) and John Gallis (435 817-2729).

Issue #3: Two signs in particular were identified by Mr. Catmull as being out of compliance; a) The "Blaker's Acres" sign on S. Lower Boulder Road and b) the "Boulder Sand and Gravel sign on Hwy 12.

- a) The “Blaker’s Acres” sign has been removed.
- b) I am currently in the process of walking a conditional use permit through the process with Gibbs Smith and Joe Parker to bring this sign into compliance.

#### Policy for Handling Issues of Non-compliance

In a discussion at the last Boulder Planning Commission meeting, I [Tom Jerome] expressed an outline of the procedure for handling issues of non-compliance with Boulder Town Ordinances that I believe meets the intent of the Boulder Town Council. This process would:

1. Require anyone who brings a complaint to the Boulder Town Council about non-compliance to submit their complaint in writing expressing the nature of the infraction and identifying the ordinance section and number as applicable. The Boulder Town Council will not address anonymous complaints.
2. If the Boulder Planning Commission wishes the Town Council to take up an issue of non-compliance, the Commission should inform the Town Council of the infraction/issue in writing.
3. The Boulder Town Enforcement Officer will address any non-compliance at the direction of the Town Council in the following manner.
  - a) The out-of-compliance person or business will be contacted and shown a copy of the ordinance in question. The compliance officer will work with that person or business to remedy the non-compliance issue.
  - b) If the person or individual is unwilling to work with the town or takes an adversarial position, the enforcement officer will return to the Town Council to determine the proper course of action.

The first avenue of action in enforcement of Boulder Town ordinances will be to work with the party/parties involved in a helpful and cooperative method.