

August 5, 2010

Meeting began at 6:50 p.m.

Present: Bill Muse, Mayor; Gladys LeFevre, Dennis Bertucci, Sue Inman,  
Councilmembers; Judi Davis, Clerk.

Absent: Randy Ripplinger, Councilmember (excused.)

Public Present: Don Montoya, Matt Cochran and Constance Lynn.

Pledge of allegiance

The mayor changed the order of the agenda and moved to the first of the meeting the item to take action on the Planning Commission's recommendation on a request to change Section 1017 of the Zoning Ordinance. Dennis feels we should let the owners of the farm know they aren't in compliance with either local or state laws. Sue wondered if there would be consequences or if a time limit would be imposed. Dennis feels we don't want to shut the farm down, and Bill feels we should follow the spirit of the law. Don suggested we could allow them a grace period in which they could continue to use the porta potties and let them go to the end of the season as is but not be allowed to use them next year. That could solve the problem. (Daniel Reeder and Ashley Coombs came.) The problem is one of sanitation.

Bill suggested we write a letter and tell them they are out of compliance. Dennis said we should at least notify them that they are out of compliance. Matt and Constance stated that Arizona has a law allowing a small system, and that the people at the state level in Utah are willing to change their rules to allow a small system, but they need more information. Because there are people living in the trailer, we have to deal with black water. Gladys made a motion we accept the recommendation of the Planning Commission and not change Section 1017. Dennis seconded the motion. The vote was unanimous. We will write to Blake and tell her that the Town Council and Planning Commission both voted not to change the Zoning Ordinance and let her know she is out of compliance but that we will allow them 90 days to begin coming into compliance. They must have a legal system in place by next season.

Dennis made a motion this meeting adjourn so that we can open the organizational meeting of the Local Building Authority. Gladys seconded the motion. The vote was unanimous. The meeting was adjourned at 7:10 p.m. and was reopened at 7:30. (Ray Gardner, Walt Gove, and Bill and Judith Geil came.)

The Mayor read Resolution 2010-3. Gladys made a motion we adopt Resolution 2010-3, A Resolution Approving the Organization of a Local Building Authority for Boulder

Town, Garfield County, Utah, to be Named the Local Building Authority of Boulder Town and the Forms of Articles of Incorporation and By-laws Relating Thereto, and Authorizing the Appropriate Officers of Said Town to Take all Necessary Action in Connection Therewith. Dennis seconded the motion. The vote was unanimous.

Bill appointed Judi Davis to be Treasurer of the LBA. The vote to sustain the appointment was unanimous.

Gladys made a motion we accept the minutes of the meeting of June 3 as presented. Dennis seconded the motion. Gladys, Dennis and Bill voted in favor and Sue abstained from voting, as she wasn't present at that meeting.

Gladys made a motion we accept the minutes of the meeting of July 1 as presented. Dennis seconded the motion. The vote was unanimous.

Because the town is not earning any interest on its checking account and very little interest on its Money Market account, the bank has recommended that we transfer the money to a public funds checking account, which bears an interest rate nearly double that which we now have. Gladys made a motion that we change our account to a public funds checking account. Sue seconded the motion. The vote was unanimous.

As a follow-up on last month's road discussion, it was reported that Doran will do the trimming along the roadsides as soon as he can. (A five-minute break was taken. Donna Owen came.) Doran has mowed once, but the weeds along the roadsides are growing up again. Sue showed pictures of the problem areas discussed on the walkabout. Some trees will require professional trimming. Some trees are dying. For liability reasons, we need to take action.

The "tunnel trees" on the Lower Boulder Road are dying. Matt has issues with any proposal to remove them. He understands the liability but wonders why we can't just take out the dead branches and asked if we would re-think the issue. Bill replied that lots of towns have trees arching over their roads. Constance wondered about personal responsibility and liability of the individual—if she runs into a tree, it's her problem. Dennis feels the road is too narrow. Donna wants us to trim the dead branches but leave the trees.

Can we take "before" pictures, trim the tree, take "after" pictures, and send them to the insurance company and ask if trimming the trees is sufficient to remove our liability. Sue feels that, if we know there is a problem and don't do anything about it, we are liable. Matt suggested that if we take action that would show our intention of minimizing the problem. Bill stated that we may be able to have Garkane remove the dead branches, as

they are near their lines. Bill Geil suggested that before and after pictures would show our good intentions.

It was also suggested that we put a guard rail around it to deflect anyone who might otherwise run into it and also that we put a reflector at the tree and include it in the picture. Bill asked if we were in agreement that, before just cutting the tree down, we would take a before picture, have the dead branches trimmed, hopefully by Garkane, but if not, by someone we hire, then take an after picture and send both pictures to the insurance company. It was then proposed that we not just focus on this one tree but that we take after pictures of all the hazards that were noted and show the insurance company that we are being proactive in correcting potential problems.

Dennis will take a few more before pictures tomorrow. The stump by Renon Peterson's will be taken out. The County said the willows by Stouts, Biglers, and Donna Jean's along B Street have to be taken out before they can plow snow. Constance wants to be sure there is no chemical treatment of the willows. For now we will brush hog them only. Mark Nelson's upper road has been washed out. The County will fix it. Donna would like to see the Russian Olives at their place trimmed back and would also like those inside their property to be trimmed.

We need to have a new construction pit dug at the landfill. Bill will call Garkane about trimming the lower Boulder tree. The first priority in trimming right now is around the school.

Randy Ripplinger would like to have the teeter totters that are on the north side of the Town Hall if we aren't going to be using them. We'll check with the park committee, but will have to call for bids if we are going to surplus them. Farlan pushed the debris in the burn pit further in, leaving room for several more weeks' worth of yard waste before the pit has to be burned. When it is full, they will schedule a burning. Gladys asked if we are taking mobile homes at the dump. Judi is quite certain it isn't allowed under our permit unless the County is willing to haul them to John's Valley. We will make sure Donna Jean checks the permit and refuses to accept them if they aren't allowed.

Judi reported that John Spendlove called and said Rural Development is still waiting on the \$50,000 grant. As soon as he knows anything, he will let us know. The Town received a letter from a gentleman in Escalante who requested that we change our sign ordinance to allow better off-premises signage for places like Boulder Mesa Restaurant who are off the highway. Judi was instructed to respond that we aren't planning to change the ordinance and to thank him for his concern.

Bill Geil, who bought a lot from Clifford Fuller, is supportive of our recycling program

but was concerned when he helped load that the cardboard was soggy from the rain. He paid for a tarp to cover the area and suggested that, in our remodeling of the community center, we consider setting aside some of the money to cover the recycling area.

Gladys made a motion we adjourn to executive session to discuss potential litigation. Dennis seconded the motion. The vote was: Gladys, aye; Dennis, aye; Sue, aye; Bill, aye. The Council adjourned to executive session at 8:30 p.m.

At 8:41 p.m., Gladys made a motion open meeting reopen. Sue seconded the motion. The vote was: Sue, aye; Gladys, aye; Dennis, aye; Bill, aye.

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

The meeting adjourned at 8:42 p.m.