

April 4, 2019

Meeting began at 7:00 p.m.

Council members present: Steve Cox; Mayor, Gladys LeFevre, Conrad Jepsen, Judy Drain  
Council Members; Michala Alldredge; Clerk

Public present: Tina Karlsson, Elizabeth Julian, Pete and Cookie Schaus, Tessa Barkan, Ray Nelson, Denise Pennington, Barbara and Larry Vanquill, Pam Furches, Dave Brems, Bob and Naomi Brems, Ashley Coombs, Walt Gove, Curtis Oberhansley, Stacy Adams, Tamara Arbon and Scotty Mitchell via teleconference during discussion of her encroachment agreement

Pledge of allegiance

Judy moved to approve the March 7, 2019 minutes. Conrad seconded the motion and all approved.

Mayor Cox asked that public comments be moved to the end of the agenda instead of before department reports.

First item on the agenda was Scotty Mitchell's encroachment request on 100 West enabling her to run a water line. All council members should have received an email from Scotty detailing her reasons for the request. She also submitted two maps showing where the water line will go. Mayor Cox believes it is a pretty good option reasoning that the town probably won't use or improve that road. Gladys asked if the town attorney has an opinion, one way or the other. Mayor Cox replied that we haven't heard back from him yet. Mayor Cox has read through the agreement and feels that it is pretty standard language but no, we haven't received a final say from our attorney yet. Scotty asked that if anything is left out or needs to be added to please let her know and she will work out the language with the attorney. Depth of the construction and why was discussed. Gladys verified that this would be congruent with the water company's normal practice. She also verified that this would be recorded with the county. Mayor Cox confirmed and detailed the procedure for an encroachment agreement. First, town council decides to allow it. Next, our attorney will then check through it. Then, the town would sign a completed application or agreement and it would be notarized and sent to the county recorder prior to construction. Judy asked if there would be any potential problems with it in the future. Mayor Cox doesn't foresee any issues. Scotty added that per Sam, if ever a road were built it would be leveled out and the dirt would move towards Scotty's land. Which means that the piping would be even lower depth wise. Gladys asked if this is on one of the towns deeded right-of-ways. Mayor Cox confirmed that it is. Scotty invited any council members to come see the property if they would like to see it in order to aid in making their decision. Mayor Cox asked for a motion to accept the idea of the encroachment agreement, dependant upon our attorney's approval. Gladys made the motion, and added that she agrees because the 60 foot right-of-way is already deeded to the town. Judy seconded the motion and all approved.

Next agenda item was the Brems's encroachment agreement on 100 West and 500 North. Mayor Cox stated that the council originally received an encroachment agreement that was approved by our attorney but the maps were not adequate to be recorded. The council asked for more maps showing more detail. Dave Brems thanked the council for allowing him to address the request again. He provided more detailed maps as requested and explained his request in detail. He pointed out the septic lines indicated on the map. Mayor Cox stated that in the original encroachment agreement there was nothing about the septic lines. Dave stated that the original agreement only covered the sidewalks and path because the septic was pre-existing and that he was not prepared to talk about it today. Mayor Cox stated that technically the septic lines should be included in the agreement even though it was done a long time ago. Dave prefers not to address that issue now but would prefer to do it in the future, if needed. Conrad inquired about the needs for the parking pad. Dave explained it was for parking between the two homes to enable occupants to access the sidewalk safely. Mayor Cox wants wording added to the agreement addressing the septic lines. He added that everything that is encroaching needs to be included in the agreement. Curtis, town zoning administrator, stated that the town can not be vested in state or municipal properties with any kind of encroachment or adverse possession. It is not like private property and pre-existing conditions mean nothing when it comes to an agreement. Therefore it needs to be addressed in the agreement. Mayor Cox said he would like additional wording added to the agreement stating that the Brems's will abandon or remove the septic system if someone petitions to continue the road. Mayor Cox stated that he is opposed to anything without any wording in the agreement and will vote no on the agreement. However, if the wording will be added then he will approve and the issue will not be pushed out until next month. Once we receive the added language we will forward to our attorney for approval and move it ahead as soon as possible. Dave agreed that he will bring additional wording to address the septic. Conrad made a motion to accept the encroachment agreement with the addition of language about the septic lines, to abandon or remove them when/if the road gets put in and our attorney will verify that it meets the towns legal requirements. Judy seconded it and all approved.

Next, BCA discussion of the 4th of July. Josh Ellis talked about the tentative plans and schedule for the 4th of July town celebration. Including a parade, a party in the park following the parade then dinner and entertainment. He reminded the clerk about obtaining the permit for the parade. The BCA would also like schedule festivities in the park on Saturday, July 6th since Hell's Backbone Grill and the Boulder Mountain Lodge will not be sponsoring a talent show this year as they have done in years past. Mayor Cox proposed that the town donates \$1500.00 and use of the town facilities for the event. Gladys made the motion and Judy seconded it, all approved. Josh thanked the council and added that there is a marketing grant through the travel council and he stated that BCA would be willing to help the town with funding to replace or update the informational kiosks located on either end of town. Mayor Cox asked the BCA to bring in a

proposal that would include what each involved party would be responsible for and any budgeted funds.

Tina Karlsson spoke on behalf of the Boulder Arts Council. They would like to put up a 16 foot banner approximately 6 days before each of three Music in the Park events this summer (June, August and September). In order to do this they need approval from the Town. Mayor Cox verified that the size of the banner would fit in the ordinance. Tina explained that the banner can't be on a fence so temporary posts would be put in. Curtis granted them a temporary use permit but town needs to grant permission. Tina further explained that she didn't have a photo of the banner to show because the Arts Council is planning to have a contest to create the banners. Mayor Cox asked for a motion to approve, Gladys motioned, Conrad seconded and all approved.

In the March Town Council meeting it was brought to the council's attention that use of the Community Center and fees needs to be addressed. Some regular users of the Community Center are not always cleaning up after they use it, as they have agreed to when given permission to use it. Judi compiled a list of regular users and each council member received a copy. Mayor Cox read the list and directed the council members to discuss how to determine what consequences, if any, if the building is not being taken care of and cleaned up after use as agreed upon. Gladys expressed concern with determining who is charged to use the community and who is not. It was determined that the issues are keeping the building clean, wear and tear on the facility, use of restroom supplies and people-mainly children coming in and out of the building when it's open for classes etc. that are not in attendance of the class or event being held. There was discussion about which groups are paying, which should pay and how to decide who to charge for use. Elizabeth suggested that a checklist be filled out by a user each time to remind the user of things to be done after each use of the facility. Judi added to this idea suggesting that a user document any notes to the checklist about anything that was not clean or needed attention when they arrived prior to their use of the facility. Mayor Cox agrees and proposed that the user signs the checklist and gives it back to Judi when they return the keys to the building. Josh suggested that users be charged a small fee to offset maintenance and custodial costs. Mayor Cox asked Gladys if she is willing to start with a checklist before charging users. She agreed and stated that she will work with Judi to get a checklist together to give to users. Dave suggests putting list of criteria together on how and who to charge. Mayor Cox determines that groups or users that are not cleaning up properly will receive notification that they will have a cleaning fee going forward.

Next, a discussion on amending the town subdivision ordinance to remedy problems with lots being sold without culinary water was held. Mayor Cox referenced a previous council meeting that Randy Catmull had explained that our subdivision ordinance is weak in certain sections and

the wording needs to be adjusted so that lots don't get sold without water, as well as other problems. He cited that this was a specific problem for Boulder Farmstead. After that meeting Mayor Cox asked Curtis to look at specific issues in the ordinance and identify what changes need to be made. He detailed the process for changing a town ordinance and proposed that the Town Council initiate the application process in this case, with Curtis's assistance. Curtis detailed the issues for the council members that he had outlined in a quick draft for an application. He expressed his feeling that it is a healthier process to have it start with Town Council and then submit it to the Planning Commission then come back to Town Council. He stated that the main concern regarding water in Boulder's subdivisions is liability. Currently the ordinance states the same thing as the state statute. Curtis read the statute for the council members and further explained that he contacted Southwest Utah Public Health for clarification. He determined that the wording doesn't prevent Boulder from liability issues and proposes changes to the ordinance stating that Boulder will make sure all lots for sale have water to prevent any future problems: especially since Boulder Farmstead only has 55 water connections remaining. His second concern is in the wording regarding bonding and bonding requirements. He explained that Boulder could potentially be sued or responsible for finishing a subdivision if a developer goes broke. He suggests to use conditions in the preliminary plat approval and make a development agreement in conjunction with the preliminary plat to ensure that the subdivision is developed before the lots are sold. Upon completion of the improvements to be checked by an engineer, etc. the town can then sign off on the final plat, send it to the county to be recorded and finally, sell the lots. Gladys asked if there were any other responsibilities that the town is potentially liable for. Curtis answered that yes, the town is also responsible for roads, water hydrants for fire suppression, power, in some cases fences, and a landowners agreement for maintenance of the road. He reiterated that yes, all the infrastructure is included. He stated that he will go through the checklist and add it to the ordinance if it is needed. Mayor Cox invited town council to make a motion to fill out an application for the Planning Commission to address the issue of culinary water. Gladys made a motion, Judy seconded it and all approved it. Curtis will initiate the process with the Planning Commission the following week.

Conrad reported that the park and grounds committee had a meeting and compiled a list of suggested things at the town park. The list is as follows: a rolling door to the shed, the roof of the pavillion needs to be painted (2 coats), the picnic tables need to be repaired or replaced. Randy Catmull is working on the first two items. Sam Stout thinks the tables are repairable and is working on the project. The west fence line needs to be taken down, the willows mowed and then the fence replaced to match the one on the north side of the park. The committee recommend that the fence job be hired out. The committee suggested a need for a barrier on the north side of the pavillion to protect occupants in inclement and windy weather. Mayor Cox discussed the purchase of a utility vehicle for the park for hauling, etc.

Judy reported a clean up of weeds at the dump. Mayor Cox assigned Judy to determine where we need to post new speed limit signs since the town approved decreasing the speed limit to 25 mph. She can work with Judi to figure out the cost and how to order the signs. He also asked her to replace the missing 25 mph speed limit sign at the intersection just west of Lower Boulder (in front of Idonas house). He stated that there is a sign in the shed that can be used. Mayor Cox asked Judy to follow up on getting the sign in at Randy Catmull's place. There is an anchor and Randy stated he would complete the anchor once the ground was no longer frozen. Mayor Cox stated that we have the signs and posts to finish it. He requested that the faded Yield sign by post office be replaced . He said that it can be replaced with a new Yield sign or replaced with a stop sign because we have plenty of them on hand. Mayor Cox expressed the need for a sign alerting drivers of the upcoming stop sign at the intersection of Burr Trail Road and Highway 12 due to lack of visibility as vehicles approach that area. He asked Judy to make a list of her needs in completing these tasks and the council will help her. He referred her to Bob Phillips for help with the anchors after she obtains the necessary hardware. He informed her that she would need to contact Blue Stakes once she has identified where the signs should go and they will come out and mark them.

Gladys reiterated that she would welcome any more ideas about renting the town hall. She reported that she is working with the LDS young women's group to create a map of the cemetery. The map will show who is buried where and detail how many graves are still available. She informed the council members that the town charges to open and close a grave. The mortuary charges the client and then pays the town this fee. Mayor Cox requested that Gladys look into putting a projector screen in the community room, perhaps over the serving window since nothing can be put over the sound barriers.

Mayor Cox reported that he attended a CIB meeting and realized afterward that Boulder had asked for significantly less funding for fire equipment than everyone else. He contacted 2 of the commissioners and asked them if they would purchase the equipment for us without going through CIB. He spoke with Pete and estimates total cost of the necessary equipment at \$25,000. He will ask the county to consider covering the wildland fire costs as well as applying for CIB for \$25,000 to cover everything. He has not heard back from the commissioners yet. Mayor Cox reported that Boulder is the only town in Garfield county that is working on a community wildfire preparedness plan and that the commissioners recognize that we are ahead of the other communities in the county. The application for the CIB grant is due June 3rd and we may need to hold a public hearing prior. He will work with Judi to get notice to the public.

Michala presented checks that Judi prepared for approval. Gladys motioned to approve, Conrad seconded it and all approved.

Public comments- Pam Furches asked if Mayor Cox would be attending arbor day and asked if not would he sign the proclamation. He agreed to sign and she reminded the council and

audience to come to Arbor Day on Saturday, April 6, 2019. Mayor Cox read and signed the Arbor Day proclamation.

Mayor Cox asked for a motion to adjourn the meeting. Conrad made a motion to adjourn, Gladys seconded it and all approved. Meeting was adjourned.