

September 18, 2008

Meeting began at 7:05 p.m.

Present: Bill Muse, Mayor; Randy Ripplinger, Dennis Bertucci, Councilmembers; Judi Davis, Clerk; Marvin Bagley, Attorney; Ashley Coombs, Denise Pennington, Don Montoya, Clifford Fuller, Serena Stockmann.

Pledge of allegiance

Gladys is at School Board meeting and is excused.

There was discussion on the choice of a website designer. Randy made a motion that we contract with Muzungu Designs to design the town's website. Dennis seconded the motion. The vote was unanimous.

The Mayor read proposed Ordinance 60 and Resolution 2008-2 (Rick and Linda Crawford came) and asked if there were questions. Don asked what the penalties of a Class C misdemeanor are, to which Marvin responded that they are up to three months in jail, a \$1500 fine, or both. Denise asked if the dogs continue to bark, does she call the sheriff? Marvin responded that yes, that was the procedure, at which time a warning would be issued. If another complaint is received (within 30 days of the warning), a citation is given, then the matter goes to the judge. If 30 days pass before another complaint is received, the process starts over. Each complaint results in another citation. Rick asked how it will be enforced. He and Linda have documented several other dogs barking continuously which haven't been reported. Marvin, citing a similar situation, stated that we would proceed on a complaint basis; if no complaint is made, no prosecution is required. Rick felt there should be a decibel level stated in the ordinance in order to determine if it is really a nuisance. Bill felt it was up to a judge to determine.

Rick stated that he has purchased new dog barking-activated collars and has assurance from the manufacturer that they work, but they have not arrived yet. They should be here within a week. Marvin said that prior complaints can still be abated by State Law. Serena wondered if the earlier letters provided to Marvin can be used as evidence of past behavior. Prior bad acts are not admissible unless they reach the level of becoming a habit or routine practice. The judge would have to make a decision as to whether it is a bad act or a routine practice. The judge may or may not listen to the prior complaints.

Bill asked who will be our enforcement officer. Marvin replied that we could name a city official. Currently, Wendell is the Town's enforcement officer. We could ask the

County to do the enforcement. We would be saying, in effect, the Town adopted the ordinance. We want you to enforce it. This gives the Sheriff's Office the authority but not the obligation to enforce it. Instead of Wendell issuing a citation, we could have him prepare a report and send it to the sheriff and ask his office to enforce it.

Rick would like a decibel level included in the ordinance but otherwise feels it is fair. The Council feels it is fair. Linda wondered if it should have a provision requiring that the owners be called before the complaint is filed. Dennis made a motion we adopt Ordinance 60. Randy seconded the motion. The vote was unanimous. Dennis made a motion we accept Boulder Town Resolution 2008-2. Randy seconded the motion. The vote was unanimous.

Clifford asked whether the town has addressed the issue of airplane noise at 5:00 a.m. We have not. We could put it on a later agenda for discussion. Don stated that there are FAA regulations governing the matter.

Bill had a report from the principal that there are three signs (a school sign and two speed limit signs) down which need to be put back up. The Mayor suggested that we hire Wendell (Elaine Roundy came) for \$16/hour to do these kinds of immediate maintenance jobs. Also, there is a dead deer on the Coombs property next to the school which is resulting in an offensive odor. The deer needs to be removed. There could be a problem of predators near the school, so the cause of death needs to be determined to see if there is a greater problem.

The Council was asked to look at the Capital Improvements List and come prepared to update it at the next meeting.

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

The meeting adjourned at 8:00 p.m.