

September 5, 2013

Meeting began at 7:00 p.m.

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

Public Present: David Jones, Dennis Bertucci, Cheryl Cox, Bob and Naomi Brems, Cindy Wilson, Cindy Sanchez, Ashley Coombs, Bill and Judith Geil, Peg Smith, Walt Gove, Ben Dalton, Eugene King, Stephanie Flake, Mike Nelson and Alyssa Thompson, 2 others.

Pledge of allegiance

Tom made a motion we approve the minutes of the August 1 meeting. Gladys seconded the motion. The vote was unanimous.

It was agreed by the Council to postpone applying for **CIB funding for Tract Park restrooms** until February.

Dennis stated that Shelly is returning from an ambulance run and will be late for the meeting, so the agenda was changed to allow her to speak when she returns.

David Jones introduced the **Community Covenant program**. It is designed to enlist organizations, such as towns, to partner with the National Guard in providing needed services to service members and their families. They want to have a relationship with the Town in this effort. Boulder is the 189th municipality in the state to participate. Their goals are threefold: 1) To raise awareness of the issues that service members and their families are still facing. Even though some of the conflicts abroad are winding down and the focus on them is lower, they want us to realize that some of the wars are still being fought in the homes of returning service people with families, jobs, PTSD, drug abuse, and other things that we don't like to talk about. 2) To remind us that some of the best resources in the town are the people. David, as a chaplain, counsels with these people one weekend a month, and the rest of the time they are in the communities, and we can help in supporting them. (Sam Stout came.) 3) They want to establish a relationship with us so they can share the information they have. He then read the Community Covenant document; the Council signed it, and some pictures were taken. Cindy Wilson was appointed to be Boulder's liaison between the Town and David Jones. (Lisa Varga came.)

The time was turned over to Superintendent Dalton to discuss the **school board's** upcoming ballot issue. He distributed a flier which will be sent to all boxholders before

the election. They are asking us to pass a **local tax levy**. They have two bonds that were passed about 15 years ago to pay off buildings. One will mature in 2014 and the other in 2015. This local levy would allow the district to continue to collect the same amount of tax that they have been in the past, with the plan to put the money (\$1 million/year) in the bank and, in five years, build an elementary school and, in another five years, build an additional elementary school to replace buildings that are aging. The cost of fixing the old buildings is so great that it makes more sense to build new ones. By planning now, they can pay cash for new buildings in the future. When these buildings are finished, the district will have no debt. They would rather earn interest on the money they would be saving than pay interest if they had to borrow money.

The real advantage of going to a voted local levy for the district and the students is that they would receive about \$55,000 in matching funds for the local levy from the State Office of Education every year. They could also receive additional State money if we have the voted local levy in place. We are one of only seven local school districts that do not have a voted local levy. The intent is to use the money that will accumulate after the bonds are paid for buildings. The reality is that a future Board could do something else with the money, but that is not the intent of the current Board. They can't build future facilities without the taxpayers agreeing to it at some point, so if they say yes now, the money can be saved for the future. If they say no, the District will have to come back in a few years and ask for a general obligation bond to build a new structure. If this passes, it will be assessed on property taxes at a rate of .001772 per dollar of taxable value, which is what they are collecting on the general obligation bonds this year, so taxpayers will not see an increase over what they are already paying. (Shelly Ripplinger and Caroline Gaudy came.)

Principal King announced that the students of Escalante High School want to provide the Town with another **service day**. They will come Tuesday, September 24, from 11:30 to 2:30, and there will be 70 students. They want to interact with the people of Boulder and would like us to come up with some projects. We will let him know next week what they can do for us.

Shelly transferred to the Town an **AED unit** which was donated for placement in the Community Center for use in emergencies. We need to find a place in the open section of the building to mount it.

More parking is needed by the firehouse and ambulance bay for **emergency personnel parking**. The gravel that is on it now is too coarse to drive on. Steve reported that Jay Brooks (County Road Department) looked at it. Next year they could put asphalt on it at an estimated cost of \$10,000, but they are concerned about having to work with their equipment in the limited space there. We need to consider drainage problems at the site. We could also cover it with a layer of road base. The weeds are a problem, but it's hard

to get them out because of the ants. Shelly would like to see the landscaping and picnic table at the south end of the parking area removed and extend the parking to the road. It would provide more parking as well as eliminate the attraction of people to that area, which compounds the parking problem. Tom and Bill don't want to remove the picnic area, but agree that the big rose bushes could be removed to create more parking space. The entry way could also be widened. Shelly asked the Council to think of the EMT's at night and the danger to them if they have to park a distance away from the bay. Parking a distance away also increases the response time in an emergency. Naomi reminded the audience of the mess that was at the corner and the great amount of time and effort it took to get it looking nice and pleaded that we not eliminate this beautiful spot. It was suggested that we could use the students to clean out the weeds. Lisa agrees that there should be parking west of the Firehouse. Shelly stated that flowers are pretty, but someone's life is at stake when the EMT's are called. They can't park one behind another, because some people leave sooner than others, and some cars could be blocked by others who might leave later. Sam stated that we will be making a parking lot across the street along the east side of the fence. Shelly asked if we would consider leaving the landscaping but removing the attraction of the picnic tables.

Tom suggested a compromise and stated: 1) The Council does care about the problem, we are talking about paving the parking lot. 2) We could clear the weeds up to the trees, making the parking area as large as possible, and pave it. It is rare that everyone shows up at the same time. 3) If this doesn't work, we can address it in a year. He is not willing to bulldoze the whole corner now and doesn't feel that the picnic tables are used that much. Lisa suggested putting a plastic notice on the table stating that users should unload their picnic cooler, then park around the corner. Steve thought that, if we have an attractive parking lot across the street, it may take pressure off the use of the corner picnic table. Sam has an estimate and plans for the Tract Park parking area. Cheryl stated that some of the extra picnic tables can be put across the street, and Sam suggested we put the Search and Rescue trailer at the County Road Shed. Caroline said that there are times when everyone comes but they aren't all needed, so some don't stay. Bill said we are listening and we do care, and Tom said that this is the first we've been told of the problem. Shelly isn't happy that the picnic table will be staying because of the safety of the people and of the EMT's—sometimes they leave in a hurry and people picnicking aren't aware of them and aren't watching for them. Tom said we need caution signs along the road for the short stretch between the highway and 100 East/Tract Park area. Peg feels that just one picnic table would not create any more kid traffic than everyday traffic and thinks there are plenty of solutions on the table. Walt thinks we should get together and make a plan, but cautioned us not to jump into a solution. Cindy wondered if the emergency vehicles could turn on their sirens when they leave the building just until they reach the road—it's a universal sound that is understood in any language. Sam said that, if needed, we could culvert the ditch and extend the parking lot to the highway, then enter onto the highway instead of onto 300 North/C Street. Bill, Tom, Steve and Gladys

Meeting held September 5, 2013

Page 4

would like to leave the picnic table, clear out the rest of the area, and pave that space. Sue would like to take out the picnic table. Tom suggested that we revisit the issue next month and create a timetable. We will invite Corry to participate in the discussion.

Peg reminded the group of the **BCA**-sponsored Meet the Candidates Night to be held Thursday, September 19, at 7:00 in this building. She will be the moderator and wants it to be a civil discussion and not a debate. There will be questions from the audience. It should last about an hour, and there may be refreshments. It is planned to be low key and informative. The BCA wants to promote communication in Town.

Cheryl announced that a new **Arts Council** show is up and that they received the grant for local arts that they had applied for in the amount of \$4,000.

In reporting on roads, Sue deferred to Bill on a complaint of overutilization of four-wheelers by youth. Some flooding was caused in the BKRE subdivision by damage done by the machines. Gladys wondered if it is our responsibility to enforce that kind of violation or if it should be turned over to the Sheriff's Department. Should they just be given a warning? Sam said the damage was minor and that it isn't a huge problem now, but that it is making a rut and could start breaking up the chip seal. Sue feels the damage has to be documented. Tom will get details and handle the complaint.

The road to Elaine Roundy's is washed out. We need a permanent solution to this problem which has been recurring for many years. We need to put an 80' culvert diagonally under the road from Wendell's to a point below Anthony's trailer. The road has been graded so low that in the winter Elaine's water has frozen. Gladys will check with Dell to see if we can get gravel. UDOT permits are in place to have Eric begin putting the street signs up. UDOT will get us a driver feedback sign to be placed above the Museum. We will pay half the cost and get power to it, as well as pay the power bill, which is expected to be \$8/month. UDOT will install and maintain it. Our approximate cost will be \$2,250. Sue will see if UDOT would put up a "Reduced Speed Limit Ahead" sign north of the cattle guard to warn of the lower speed. Lisa would like to see the speed limit in town reduced, but if that isn't possible, at least double yellow lines all the way through the center of town, except possibly coming up the canal hill.

The Planning Commission is going through the Table of Uses and are proposing some changes. They will have a public hearing on Sept. 10 to receive comment on them. Tom also proposed the beginning of discussion on the Red House Farm issue. He recommended a use permit for public gatherings that could be issued on a yearly basis. It may not be the best solution, but it will get the discussion started. The PC also visited the complaint and feel they have a role in formulating a definition, but that it's not their position to enforce an existing ordinance. The Brodies are amenable to proposing a Conditional Use and for applying for a CUP after the ordinance is changed. Submitting

the proposal would bring it to a public discussion. It has become obvious to Tom, as Enforcement Officer, that this is an ordinance issue and not a neighbor issue.

Tom feels there are three alternatives available: 1) Stop what you're doing. 2) We can have our lawyer make you stop what you're doing. 3) Find a pathway towards becoming a legal entity with all the restrictions involved. He then asked the Council: do we tell RHF they can't do any more activities until this is settled? Do we begin enforcing or do we let it slide? Judi asked if there is a specific use they are violating? There is one. Is there a conditional use they can apply for a permit for? No. They have to propose one and go through the lengthy process. Caroline stated that there are still events being held every week. They call their facility a theater barn. Is that a recreational facility or not? She asked why it is allowed to go on. She emphasized that this is not a personal attack and that the events they sponsor are good events. This could happen to everyone in a LDR zone. Gladys feels we need to stop whatever is contrary to the ordinance, but that we should give them until the end of the month. Cindy asked which of the activities we should stop—just the events held in the barn? Also the things in the yard? Tom thinks anything that would be an invitation for public participation should be stopped. He would look negatively on invitations given through Pegboard and feels that handing out flyers to friends just skirts the issue. It is okay to go ahead and invite friends, but if announced publicly, it's against the ordinance. Lisa thinks it's not about the Red House Farm but about the ordinance. (Donna Owen came.) Caroline thinks it's a mistake to ask the Council whether the ordinance should be enforced—we should just enforce it. Tom stated that the use of the property is an illegal use because it's not on the Table of Uses. They could get a temporary use permit for an occasional use.

Sam asked how, when the ordinance is changed, so we enforce it. The offended person would call the Sheriff's Department and complain about the noise, and they would send Ray to stop it. Tom said that some time ago the BCA came to the Town to see about having a facility where large numbers of people could come for group events. We still don't have such a place. The RHF has filled the vacuum created by not having a place to meet, even though it wasn't done appropriately. However, the use is not universally negative. We need to define a use that is appropriate. There are conditions that can be placed on a use so the activity can be controlled. We're in the middle of the process. In the meantime, they can get a temporary use. Steve asked if they can just keep getting temporary use permits. Caroline stated that this isn't the only farm in town, and that the activities could be spread around. Bill stated that property owners have rights, and RHF has the right to do a lot of the things they are doing. We mitigate it by going through the process we're going through. Caroline isn't wanting to stop the harvest festival, just spread it around to other properties. The Brodies own two properties. Sometimes exercising your rights limits others' rights to their freedoms. People should be reasonable. Tom suggested we give them two weeks, then say that, until you go through the process and get your CUP, if you have any more public events, you'll put us in a

position of having to have our lawyer pursue this. For now, they should get a Temporary Use Permit for each event. Peg stated that, because of the process and things beyond their control, this process could very probably go through next spring. Getting a CUP is not something they can do until there is a use they can apply for. Donna feels that everyone should follow the law. She understood it was against the ordinance to change the use of a barn and also wondered if they couldn't be required to provide a parking lot. Naomi asked, doesn't a person have a responsibility to be a good neighbor? It is a moral responsibility to be a good neighbor.

Bill suggested we ask them to cut their activities back by half until the ordinance is fixed. Sue thinks we should put a time or number limit on things until the ordinance is changed. Gladys asked what we should do about the retail store. Steve thinks we should have a deadline for them to take the first step. Will they be allowed to just keep getting temporary use permits? If the Brodies don't come forward with a definition, Tom already has a definition on the table. The PC will talk about repetitive public events and limitations on them and connecting them to a Conditional Use. Steve stated that we have to go through the process to get somewhere. He doesn't think we can stop them, because they will just get TUP's for everything they want to do. Tom doesn't care about shutting them down, he wants them to obey the law.

Lisa wants to give the Brodies credit and feels that, in good faith, they want to be good neighbors and are willing to work through the process. We should say, "We're in a process. Please be good neighbors." Steve thinks they've tried. Caroline responded that no one has enforced the ordinance. Cheryl thinks we should push them toward using the temporary permit process to let them get through the season and let us see the workings of the TUP process. Tom thinks the ordinances are complicated and not perfect and need to be tweaked. Maybe we need to put a limit on the number of TUP's a person can have in a year. Everyone on both sides is being reasonable and wants to work things out. We are trying to help resolve the problem.

Peg feels the Town Council has been humane in enforcing the ordinances. The intent of permits is to control things that would disturb neighbors in any part of town. Gladys stated that all we're asking is that they not advertise to the public. Tom agrees with Caroline that the law is being broken. We're heading to the end of the season. By next spring, we should have a solution in place. His preference is to leave it alone and go through the process. Caroline asked if that means the Town won't do anything about it, and stated that, for four years, nothing was done about it. If there are ordinances, they should be enforced. Bill, speaking for the Town, said that the Council did not know of this complaint until two months ago. We're trying to fix the problem, but it takes time. We try to do things in a just manner, trying to follow the spirit of the law. Sometimes we have to tweak the letter of the law to do it. We are working toward a solution. Lisa would like to leave emotions out of the discussion. Will the ordinances be enforced? This is an

opportunity to set a precedent to enforce the ordinances. We should look at the bigger picture. Donna feels it would be a win/win situation to tell him what he's doing is illegal but that he does have an option.

Tom made a motion that the Town Council communicate with the Brodies that they have two weeks to cease their public activities and that, after that point in time, they are no longer allowed to be doing public events without some kind of permitting process. (And Tom will convey to them personally that the permitting process that's available to them is a Temporary Use Permit.) Gladys seconded the motion. The vote was unanimous.

Gladys reported that people who use the building need to shut the windows, turn off the lights and fans, and lower the shades. Judi will give these instructions to people when they pick up the keys.

The Firehouse identification sign is being made. After the heavy rains we have had, it was discovered that the firehouse roof is leaking. Corry will work on getting it fixed.

Steve reported that we are becoming a Tree City. We have gone through the beginning part of the process, but we still need to have an Arbor Day Celebration. It will be held Friday, Sept. 13, at 1:00, and we will plant trees. We still need a Tree Board. Constance has agreed to be on the Board, and Bill will work with them, but we need two more volunteers. After we have the Board and adopt a Tree Ordinance, we will qualify to apply for grants. Caroline has many volunteer apricot trees which we are welcome to use. The Committee, along with many volunteers, have finished graveling the trails to the overlook, and Steve asked that everyone please use the footpaths. Sam reported that someone has requested permission to put up a volleyball net at the Tract Park.

We have 250 feet more of trail to finish, which will required 83.3 cu. yd. of gravel. The parking area at the maintenance shed needs 22 cu. yd., and 40 cu. yd. (four loads) are needed for the firehouse parking lot. Steve said the County has been generous in providing gravel for the trails and asked that we write a thank you letter to the County.

Judi announced that tomorrow is the deadline to file as a write-in candidate for November's election.

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

The meeting adjourned at 10:00.