

October 4, 2012

Meeting began at 7:05 p.m.

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

Public Present: Ryan and Mrs. Orton (UDOT), Keith and Sue Fullmer (SCC), Drew  
Parkin, Mike Nelson.

Pledge of allegiance

Tom made a motion to accept the minutes of the September 6 meeting as presented. Sue seconded the motion. The vote was unanimous.

Ryan Orton, representing UDOT, received the Town's letter requesting that they not **spray the weeds along the highway** within Town limits. He is willing to work with us but is bound by State code which requires him to address noxious weeds. He and his supervisor thought they could model a contract with us, similar to the Adopt-a-Highway contract, which would be altered to address noxious and nuisance weeds, as well as the height of grasses around delineator posts, guard rails, bridge structures, and other places they can't mow. In the past, they've treated those places with soil sterilant to reduce the cost of mowing. The height requirement for those areas is no shorter than 6" and no higher than 14".

Because they won't be back with any chemical treatments until spring, and there will not be a need to make a decision on this until early in the year, he brought us information that we can study during the next few months. He stated that, if we have a civic group or similar organization in the community who could actually handle the requirements for the 12 miles of road (both sides) in town, they would be willing to let us do it. The law requires him to continually address the noxious weeds to try to eradicate them, and nuisance weeds (such a field bindweeds) to be kept in check. It will be a big job for us to do this for the whole 12 miles of right-of-way; if we do any miles, we have to do all of them. We will have to sign a contract that we would have to abide by. (Peg Smith came.)

He would like to hear our proposal for things we could try. Weed control is a major issue with UDOT. If their weeds seed our farmers' fields, it reflects on them. The easiest way for him to take care of the weeds is to use a pre-emergent sterilant, Sahara DF, a non-restricted use herbicide which sterilizes the soil for a year. It's pretty safe and has been used here for the last three years.

Bill stated that he anticipates there being a committee who will be against any spraying of anything that isn't bee friendly and who would prefer organic, so we will do that if we can. The agreement Ryan would like to see us put together would be mechanical removal of the weeds. If we can make it work, it would have to be monitored continually—not just once, but even two or three times a month. It can't be done just once in a season, or it will fail. He has put in a lot of time with their landscape architects and others to see if they thought it could work. Twelve miles of continual eradication of noxious weeds and keeping in check nuisance weeds would be a big job. Do we think we can do it? They're willing to give us a chance. Bill asked if Boulder Town takes it over, would there be any state funding to help. No, there will not be. We will study the information he has given us. (Bill and Judith Geil came.)

Ryan asked if there is support for doing this project. They would start with a one-year contract. It will require intense effort of three times/month. The contract would be formed using the Adopt-a-Highway format as a model where it references group, mile markers, etc., as needed. Mike thanked him for his non-adversarial approach and asked if the issue is just around delineators. The cheapest way for him to do around them is to sterilize the soil, then follow it with the mower. They also use broadleaf killer on bindweed. The noxious weed list was updated this year, so the list he has given us is not complete. We can get the updated list online. (Lisa Varga and Constance Lynn came.) He is here in a spirit of cooperation and hopes we can work together to meet the requirements of the law. They mow twice a year, but mowing alone doesn't take care of the noxious/nuisance weeds. They haven't sprayed the whole length of road in Boulder for a number of years but have spot treated some areas in the last three years.

Ryan thinks we can make it work if we have the manpower to do it. Let's get the contract together and try it for a year, then re-evaluate it. Questions to consider will include, "Did we re-seed by missing some?" We have to get to the weeds before they go to seed. Tom asked if they will educate us on the plants? Ryan referred us to a book called Weeds of the West. In discussing the current list of noxious and nuisance weeds, Ryan recommended that we check with Garfield County to see whether they've added any to the list. Sahara DF and a broadleaf killer are the only things they use here. If we can get the job done with organic products instead of by mechanical means, that's fine, as long as the requirements of State law are met. They will probably start spraying in May. Bill will contact people who want to be on the committee.

Drew Parkin presented an update on the **Escalante Canyons Marathon** which will be held on October 13. It was organized with the hope of giving a boost to the economy of both Boulder and Escalante. The City of Escalante is their financial agent, but they will form a non-profit organization before next year. They have their UDOT permit, and traffic control and safety measures are in place. There will be two runs: 1) a marathon from the south end of the Tract Park in Boulder to Escalante High School and 2) a 10-

mile race from the Head of the Rocks to Escalante plus a small spur around the cemetery to make up the full 10 miles. They are working with the Highway Patrol, who will have a car at the front and the back of the race. Traffic will continue. The marathon will begin at 7:30 a.m. and end at 1:30, and the 10-mile race will begin at 9:00. There will be cones from the Head of the Rocks to Escalante, and the runners will be required to stay inside the cones. Each side road entering the highway will have a warning sign. There will be 16 aid stations to dispense water and energy drinks. (Ashley Coombs came.) The EMT's in each community are on alert, and there will also be EMT's stationed at Calf Creek. There will be signs on each end and at the Burr Trail notifying travelers of the race. There will also be a series of porta potties. This will affect Boulder Town for about 45 minutes, as there are only 10 marathon participants. (Tina Karlsson came.) There are 40 runners signed up so far. There will be a meeting afterwards to see how to proceed in the future.

Bill asked who has liability if there is an accident. Garfield County has a \$1 million policy for events, and each runner will sign a liability form releasing the State, County, Escalante City, and Boulder Town. Bill wondered if the County would put us on their policy as an additional insured for the event, and Drew said he would ask them. The County Travel Council is actually the sponsor. He asked for volunteers for the aid stations. There will be a dinner the night before from 5:30-7:00 at the Escalante park.

Tina reported that there have been some complaints about the visibility of the **recycling center** and proposes that we consider putting some kind of banner to skirt the east side. Bill said most of the complaints have been about the view from the west side. The Town could put some money into the solution. A fence was proposed, but that would make it difficult to load the trailer. We could put in vegetation barriers or could redesign the site by putting the glass on the south end. Constance feels the visibility is part of what makes it successful. Could there be a banner that would name it? The Town's sign ordinance wouldn't permit a banner that large. Tom would like a fence, at least until the vegetation grows up. Gladys wondered if they had considered alternatives, such as moving it back ways further from the road, etc. Tom wondered if we could come up with some sort of compromise, such as the Town donating materials and the recyclers furnishing the labor. Because it would also be shielding the dumpsters from view, it would be a legitimate use of tax dollars. Tina and Constance were asked to bring an estimate of the cost of a fence which would be six feet tall and 15 feet long. Constance asked how many people are complaining, and Bill reported that he has had four complaints so far. They will come with a design and estimate. Gladys made a motion that the Town ask the recycling people if they will come forward with a proposal of what we could put up by the west side of our dumpster area so they aren't visible from the highway. Sue seconded the motion. The vote was unanimous.

Keith Fullmer, representing **South Central Communications**, discussed their desire to take cable to an electronic carrier in the area of Ripplingers. They have applied to the Town for a **right-of-way**. They have existing cable and rights-of-way in some places, but they want to put cable along the roadside past the Stouts' property where the actual road is not located where the Town road is mapped. As background, he stated that they are expanding their cable to provide better service, specifically internet. People within two miles of their central building across from the church get service from there, and beyond that, they have four electronic multiplexers that provide service—one each by Black Ledge, Boulder King Ranch Estates, Salt Gulch, and Lower Boulder by Vard Coombs'. In an effort to upgrade service in Boulder, they have had two projects this year. One, they increased the band width by replacing the microwave from Barney Top to the central office here (there is no cable to Boulder—it comes through radio), and the second is this one going to the carrier at Black Ledge to the east, which was chosen because there was limited funding, and it was the closest. Next year it will be Lower Boulder. The intent is to upgrade to all areas. Salt Gulch will be last because of the distance.

Tonight he is asking for a right-of-way past Sam's house but has been told that we are considering realigning that road. They would like to bring their cable along the Town's right-of-way. Because there is already cable along the opposite side of that road, they may already have right-of-way given by Truman or some other previous owner, but he didn't have time to check on that before this meeting, and they want to put this cable on the east side of the road. The Town doesn't have a right-of-way for this existing road, just a right by use. He is here tonight to tell us their position and to let us know what they're trying to do. Mark stated that after a certain amount of time it becomes dedicated to the public, but only the part that has been used at least 10 years. This road hasn't been litigated in court and declared public. After studying the maps of the actual location and the mapped location, it was stated that we have not changed the location of the road and are not planning to. An alternative for South Central would be to put their cable along the street as it is platted. Tom made a motion that the Town Council of Boulder Town give permission to South Central Communications to run their cable at their discretion either on the east side of 300 East or down through the existing easement as shown on our plat. Sue seconded the motion. The vote was unanimous. The record shows that SCC knows that the road as it is now located has not been litigated, so Boulder Town is not warranting the easement.

**Charges for use of the building** were discussed. At the March meeting, charges were approved for a temporary three-month trial period. In that time, it has been realized that we set charges for half and full day use, but not for shorter time periods. And we didn't decide whether to distinguish between uses which charge a fee or ask for donations and those that don't. We want the building to be used and don't want to charge so much that people won't use it, but, if someone is profiting from the use, they should pay for the utilities. We discussed charging a percentage of what is received through charge or

donation. Anyone who uses it without a charge or with minimal charge should be expected to leave it clean. The question of liability was asked. If someone charges participants, does that give us a liability? That question was asked before, and the insurance company said that, as long as the building itself is safe, a person who willingly participates in an activity that is inherently dangerous takes the liability upon himself. Judi will review the notes from the previous conversation with the insurance company. Tom made a motion that we provide use of the building free to people in the community if they are bringing in \$50 or less per session and it lasts less than two hours. The Town will have the option in these cases to let someone else have first chance to use it if they are willing to pay full price. Based on the nature of the activity, the town could require a certificate of insurance. Gladys seconded the motion. The vote was unanimous.

We need to **open the budget**. We will do it half an hour before the December 6 meeting at 6:30. Next month we will come with suggestions of items for inclusion in the revised budget.

The landfill is fine. The pit will be ready to burn soon. Sue went to a UDOT meeting. The Boulder King Ranch Estates roads are nearly complete. She has done more research on street identification **signs**. The cost depends on how they are mounted and would be \$38.35/sign and post if we use U-channel posts and if they are just pounded into the ground. She is trying to find out what kinds of entrances to Highway 12 need stop signs. At this point, we need 28 signs and won't plan to put them into place until spring. It was agreed that we should cement them in.

Gladys plans to continue to the end of the year with the current custodian. The high school students did a great service to the community this week. We will send a letter of thanks to the superintendent. Farlan would like to fix the south fence at the cemetery. Gladys didn't realize that it needed attention and will talk to him about it. The Christmas program was discussed. A few people have asked for a change and have asked that the Santa Claus party be separate from the school program. Gladys wondered if perhaps during the holiday market or some other activity in December there would be a two-hour time that Santa Claus could be here in this building and kids could come and visit with him. She asked that the Council give it some thought and come prepared to discuss it next month.

The Planning Commission has been having a discussion on housing. They are also working on clarifying multi-person dwellings. Next week they will hold public hearings on the Parker sign and on two requests for sign ordinance changes. They will also vote on Loch Wade's request for a change in the Zoning Ordinance. Bruce Parker has contacted us about a planning/zoning problem that has arisen elsewhere in the state and has offered to help us update our ordinance to prevent our having the same problem. The cost, which would include a visit here to answer questions, would be \$2,500. We will

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contact him to see if he would be willing to answer questions at the same time on some other things we're facing and to tell him that we don't want to do this until spring.

Corry has fixed the flat tire on the white fire truck and has moved it into the building. The trailer has also been moved. He is working on getting rid of the green truck. The County will try to come next week to pave the entrance to the west bay. That bay's heater needs to be fixed. Steve has been contacted by someone who needs to do community service. Tom will see if he has paint for the playground equipment. The restroom window in the firehouse is being repaired.

The November meeting will be held at 6:00.

Peg notified us that Ray Gardner's five-year term is up at the end of this year. He has on-going scheduling problems that make it difficult for him to continue to participate. BJ Orozco will also be gone, so we will need to replace two people.

Gladys made a motion that the Council adjourn to executive session to discuss litigation. Sue seconded the motion. The voting was as follows: Bill-Aye, Gladys-Aye, Sue-Aye, Tom-Aye, Steve-Aye. The Council went to executive session at 10:00 p.m. At 10:30 p.m., Gladys made a motion that the Council return to open meeting. Tom seconded the motion. The vote was as follows: Gladys-Aye, Bill-Aye, Sue-Aye, Tom-Aye, Steve-Aye.

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

The meeting adjourned at 10:30 p.m.

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Minutes prepared by Judith Davis, Town Clerk