

February 4, 2016

Meeting began at 7:04 p.m.

Present: Bill Muse, Mayor; Pete Benson, Farlan Behunin, Council Members; Judi Davis, Clerk.

Excused: Gladys LeFevre, Council Member

Public Present: Mary Behunin, Ashley Coombs, Donna Owen, Keith and Lisa Watts, Carla Saccomano, Heather McDevitt, John and Marsha Holland, Geogine Blaser, Loch Wade, Sylas Navar, Steve Cox.

Pledge of allegiance

Peter Benson was sworn in as a newly elected Council Member.

The Council adjourned to Executive Session to discuss personnel at 7:05 p.m.

At 7:12, Pete made a motion to resume the open meeting. The vote was Farlan, yes; Pete, yes; Bill, yes.

Pete made a motion to approve Steve Cox as a Council Member to fill the vacancy created by the resignation of Cynthia Wilson. Farlan, Pete and Bill voted in favor. Steve was sworn in.

Because there is not a quorum here tonight who were at the November meeting, we will delay approval of those minutes until March. Farlan made a motion to approve the January minutes as presented. Pete seconded the motion. The vote was unanimous.

John Holland presented to each member of the Council a written copy of the **Scenic Byway Committee's** annual report. The TODS bill is now law, and UDOT is ready to implement it. It will allow business signage for off-highway businesses. Each business using the service will pay for its sign. We should start seeing the signs this summer.

With the help of the committee, he has spent a great deal of time working on a plan to reconcile the desires of visitors to the communities along Highway 12 and the needs of the people who live here. The result is the State Scenic Byways Livability Program. A few years ago, Gael Hill was involved with the State Scenic Byways program and received money to help formulate the plan, and the planning is finished. John is uncertain how it will be implemented. Uniform signs will be implemented statewide.

Last year's meeting inviting public comments on how tourism effects communities

resulted in some interesting comments. One of the impacts on Boulder was reported to be on emergency medical services. John spoke with Senator Okerlund about this issue. Training and operating funds for small rural communities are hard to find, but it is more needed as more people travel and have accidents. John is planting seeds of the reality of the need in places where it may do some good and will continue to do so. The overlying issue is that rural communities are challenged to host a lot of people. We invite them to come but need them to spread out and not all come to the same places at the same time.. One way the State is working on a remedy is by promoting Scenic Byway travel to less well known places.

The bike trail is finished from Red Canyon to Bryce Canyon, and they applied for a grant for a similar trail to Cannonville and Henrieville. Steve asked about billboards. John discussed HB252, Scenic Byway Amendments, which would give landowners of unzoned or commercially zoned land along Scenic Byways the opportunity to appeal to the local authority for segmentation, which would allow them to be exempt from the restrictions of Scenic Byway sign rules. If we were to approve a request for segmentation, that's the end of the process. If we disapprove it, they can appeal to the State Scenic Byway Committee, obtain an attorney, and within 30 days reach an agreement.

Loch asked if someone's application for segmentation was approved, would they still be restricted by the Town's sign ordinance. John's answer is that, if we have a sign ordinance that is already in effect, the segmentation would never be approved by the Town. But, if the appeal reverses that decision, it overrides the Town's decision, and they can put up any kind of sign they want. John expressed his dislike of the bill to our representative, Mike Noel, who is sponsoring the bill, but to Mr. Noel it is a private property rights issue. Only properties that are unzoned or zoned commercial will be able to apply for segmentation. The Scenic Byway Committee has to prove that the area is non-scenic.

We should, and do, have a rock-solid sign ordinance so we can have reason to deny a segmentation request. A letter opposing the bill from the Town signed by the Mayor would carry a lot of weight. Anyone wanting a TODS sign should contact John. He reported that Keith Watts and Bill Geil represent us well on the committee.

Discussion continued from last month on the **subdivision** request of **Hills and Hollows**. Donna asked the Town to reconsider whether it would be okay to make a subdivision not based on the non-conforming property, but that they are not creating a non-conforming piece in the back. She feels that issue was not properly addressed, partly because of comments purportedly made by Meg Ryan, which everyone agreed to take as good advice. She asked around for a copy of the email, which no one could find; nor could anyone remember who the information came from. She then contacted Meg herself and received an answer, which she forwarded to the Planning Commission and had Judi

forward to the Council. Basically it said that the Town has jurisdiction to make the decisions and that she does not have that authority, nor did she give Donna any advice.

Loch stated that he can't remember whether he has an email from Meg, but he knows that Alyssa called and talked to her and reported what she said.. However, he thinks he may have an email from Meg. He did ask questions of Mark McIff and forwarded his response to Donna and the PC. Alyssa had just asked for Meg's opinion on what we should do. Loch's remembrance of what Alyssa reported was that it would be creating a non-conforming lot, which isn't allowed in our own ordinances. Donna stated that Meg's response to her was that she didn't advise on those things and that the Town could go either way.

Donna called Justin Fisher, the County Planner, to get his opinion, which was that the lot that is already there being non-conforming has nothing to do with the new lot and that making a lot that is conforming is showing good faith in working toward the goals of the Town. Mark McIff said that we could go either way, but it would be safer not to approve it. Donna asked the Council to please consider creating a conforming lot out of a non-conforming lot. She was not able to work things out with John Veranth and asked us to approve the subdivision based on Justin's recommendation and Mark's statement that we could go either way.

Loch stated that the new survey shows that setbacks between the edge of the building and the property line are not sufficient, so the lot is non-conforming. The top lot would be conforming and the bottom would be non-conforming. The question was whether they could allow two lots to be created—one conforming and one not. Meg Ryan was firm in recommending that it not be done. Loch then contacted Mark, asking him what was the safest course of action. The response was that, even though it could be argued either way, the safest course would be to deny it, and the best course would be for the property owners to work it out. Loch hoped they could work it out, but he wanted the PC to do the safest thing. He personally would like to see Donna have the subdivision. The PC voted unanimously to recommend that the subdivision not be approved, but they hadn't heard from Justin at that time.

Pete read John Veranth's letter which stated that his offer to Donna is still open, but since it isn't acceptable to her, he recommends that the Council uphold the PC's recommendation. The Mayor asked if the Council would like to comment. Pete stated that there could be benefits and drawbacks with a non-conforming lot, so it's a dilemma. Steve feels that we are on better footing following the PC recommendation and also would like to see it resolved. Pete made a motion that the Council vote to accept the recommendation from the Planning Commission and deny the subdivision. Steve seconded the motion, and the vote was unanimous.

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Farlan reported that it will cost as much to widen the Lower Boulder Road where it has been broken as to chip seal the whole thing (\$75,000.) Precision Pipeline will patch the cuts that are theirs and the County will patch the holes that aren't related to the water project. We will see if we have money to double coat it. Pete asked if the fire department area could be plowed early on when it snows. Farlan will get it plowed, as the County's first responsibility is to clear the school bus routes. The question was asked who would pay for trimming Rachel's tree limb. It is her responsibility. Precision will have to compact the ground before patching.

Pete reported that the PC will be having discussions on affordable housing and are also working on the review of CUP's. Seven fire fighters participated in Winter Fire School. Corry and Katie spent a great deal of time preparing for the ISO audit. It appears that our fire ratings will be staying the same. One heater in the firehouse is not working. He talked to Jamie Pace regarding a sprinkler system and doing arborist work. His was the only response to our Request for Proposals to do the trimming.

The new light on the town grounds is compliant with the requirements of the Zoning Ordinance.

Farlan made a motion the meeting adjourn. Pete seconded the motion. The vote was unanimous, and the meeting adjourned at 8:45.

Minutes prepared by Judith Davis, Town Clerk