

May 2, 2019

Meeting began at 7:10 p.m.

Council members present: Steve Cox; Mayor, Peter Benson, Judy Drain, Conrad Jepsen, Gladys LeFevre; council members, Judi Davis, Michala Alldredge; town clerks

Public present: Susan Heaton, Ray Nelson, Andy, Donna Owen, Shawn Owen, Tessa Barkan, Stephanie Love, Blake Spalding, Matt Cochran, Lou Tancredi, Perry Tancredi, Walt Gove, Mark Nelson, Jimmy Catmull, Colleen Thompson, Josey Muse, Bill Muse, ?, Randy Catmull, Peg Smith, Elizabeth and Troy Julian, Ashley Coombs, Ana Sanders, Keri Venuti

Pledge of allegiance

Gladys made a motion to approve the April 4, 2019 meeting minutes, Conrad seconded the motion and all approved.

First on the agenda was **Sugarloaf Valley Farms**. Mayor Cox asked Shawn Owen and Andy Rice to come to the meeting and introduce themselves and the business(es) they will be operating. Shawn Owen expressed his excitement to be back in his hometown. He spoke of his history growing up in Boulder and expressed that he still feels deeply that he is resident of Boulder and that he loves this community. The businesses they will be running at Sugarloaf Valley Farms are cattle and farming. He also owns Hills and Hollows. The new ventures are a short-term rental/guest ranch, additionally they will be growing industrial hemp. He wants to produce more value to the land here by attempting to grow this year. This aligns with ranching and farming. He explained that hemp is a versatile commodity and the many uses and functions of it. The crop itself is more constructive. The focus will be on CBD production, which is medicine. Andy Rice spoke next and introduced himself and his family. They are new to Boulder and are happy to be here. This was an intentional move for his family. He's very excited about this project. He is focused on doing agriculture. He spoke about using the land in partnership with the company, and take less and give more through this process.

Public comments and questions:

Peg Smith asked if they had any plans for the arena. Shawn answered, yes, that it will continue to be used for horses and cattle. Additionally it might be available for the public to use. They may use it for hemp protection (weather) once the crop is harvested.

Blake Spalding stated that one thought/question that came to her was what is the towns feeling if out of town residents provide some long-term rentals in addition to short-term rentals.

Josey Muse commended them for staying with agriculture. She then asked whether they will process the CBD oil on-site or will they do that elsewhere. Shawn replied that the CBD productions will be done outside of Denver, CO. Only the growing would be done in Boulder. Andy added that it is one harvest per year and there would be limited traffic taking it out of town.

Judy Drain asked who in the audience knows about hemp. Many people raised their hands. She voiced that she believed that it is the up and coming thing with a lot of value.

Peg stated that one rumor she heard was that they have a state-of-the-art machine shop or wood shop and are going to employ twenty people and build tiny houses. Shawn clarified that this is a rumor but his brother Josh is indeed interested in this. They have a lot going on currently so they will not be doing this right now.

Mayor Cox thanked Shawn and welcomed him back to Boulder.

The second agenda item was the **Residential Short-Term Rental (RSTS) Ordinance** discussion and consideration for approval.

Peter started out by addressing people's worries about the number or amount of restrictions. He explained that the thought was that there is an under current where people are worried about the impact of short-term rentals. He expressed that generally things are not a big deal but things can change so the idea was if we made the ordinance more restrictive to begin then we can eliminate restrictions later if needed. It will be easier to eliminate restrictions later versus opening it in the beginning in an effort to limit potential catastrophic implications.

Mayor Cox encouraged PC members to chime in as needed to help clarify and field issues and questions that arise.

Judy expressed that she disagrees with the restriction in having one rental, especially if the person is renting and contributing to the community. She stated that she doesn't know how to determine otherwise. Peter clarified that the way the ordinance is written shouldn't affect long-term rentals.

Gladys stated that she thinks we're setting ourselves up for lawsuits. She stated that it is not property owners responsibility to supply rental housing for employees. She stated that she doesn't think that the criteria should be any different for long and short-term rentals. She reiterated that this issue of determining who gets to have an RSTR hasn't been addressed She expressed appreciation to the PC for their time and effort. She maintained that each property owner does is responsible for their own property. She disagrees with the 184 day restriction. She has serious concerns about the legality of the ordinance.

Conrad expressed that he agrees with Gladys. That there are too many restrictions and it will be hard to get rid of them later. He feels that the restrictions can be used against us to create more restrictions later. He stated that he has a lot of questions and concerns.

Mayor Cox stated that he understands the concerns with the restrictions and the potential for lawsuits. The ordinance was written tying it to the general plan and all the whereas statements lay out why it's written the way it is. Conrad asked if our attorney looked at it. Mayor Cox answered that yes, he has and said it was fine and asked that we add in a statement as to why we are restricting it to residents, which is Whereas statement #2. Our attorney thinks it is well crafted and didn't say anything about it being too restrictive or not being restrictive enough. He stated that any potential issue may arise from allowing certain groups and not allowing others (residents versus non-residents). Therefore, Whereas statement #2 was added to the ordinance. Mayor Cox stated that he and Peter have been to the PC meetings that the

ordinance was drafted and explained that the PC has spent a lot of time crafting the document. That they looked at number of different town ordinances. He cited that Escalante waited too long to create ordinances and now have high numbers of short-term rentals. Now they are struggling in trying to remedy the situation. He reiterated that the PC tried to put enough restrictions in the ordinance to protect boulder residents but also allow them to make money renting their property as a short-term rental. He notified the council members that they can haggle over this until it's too late or they can pass the ordinance and work with it, making any alterations as needed in the future. He reiterated that he believes it has been written through a lengthy process and is not a boilerplate thing. He stated that the council can take a vote or make a motion but if they do not pass the ordinance then they need to give the PC detailed items to change and alter because this is a final draft. The PC has produced approximately 6 drafts and he feels strongly that the town council should not send back and ask them to re-write it. He strongly suggests they provide detailed instructions. Peter stated that he has been to many meetings and all the items have come up and been addressed in two public hearings on this issue. He reminded the council that the people who showed up and participated in the public hearings and PC meetings determined the outcome. Perry added that they started with the housing round tables a couple of years ago. Bill Muse stated that the minutes from the PC meetings regarding this issue are all available online. He asked if we are limiting it to less than 20 RSTR's. Mayor Cox replied yes. Blake wondered if this will unfairly weight the folks who live out of town. Such as the Draw, Salt Gulch, etc. She also asked if she should apply now if she may wants to have an RSTR in 10 years. Perry explained that the ordinance is written that it is first come first serve. Conrad clarified that he could rent out each of his homes, one as short and one as long-term. Randy asked about resident versus non-resident issue. Mayor Cox referred him to the Whereas statement #2 in the draft. Keri commented as long-term renter that she sees the supply and demand for long term renters and feels that the ordinance protects her and other long-term renters. Mark Nelson stated that he checked out Wayne county and found that Bicknell had 10% Airbnb's so they restricted all Airbnb's to main street. He continued that Loa has restricted it 10% across the board and that's it. He stated that he thinks our ordinance is least restrictive of many in the state. Stephanie asked what the reason behind limiting a RSTS to 184 days per year. Josey explained that this was a way to determine true residency. Donna feels that the ordinance might have been rushed through. Mayor Cox stated that he would entertain a motion unless there were any more questions. Gladys referred to page 2 chapter 10 and stated she disagrees with allowing non-residents to run (commercial) long-term but not RSTR's. She stated that she disagrees with the 183 day residency rule. She feels that someone should be allowed to rent 365 days per year. She feels that someone should be allowed to have more than 1 RSTR. She referred to page 3, b and c: she is concerned about dividing Boulder into zones/areas. She referred to #5 and stated that she believes that all is needed is a) name of owner and e) sales tax and a business license. She referred to #6 on page 6 and asked if we need it. Shaw commented that it seems that it might be easier to go in small pieces versus lots of pieces to start. He also commented that if you give it full 365 days it would guarantees that supply and demand will fix it another way. Mayor Cox stated that he thinks that with planning

that doesn't work very well. That if you start adding too many things in then there are too many grandfathered things. Colleen commented as a property owner that she feels that the ordinance would protect her from potential problems that would arise from having a non-resident Airbnb near/next door. She explained that the restrictions were to protect ourselves and guests in our community. Ray Nelson suggested adding a requirement for a business license and attach the safety compliance pieces to it instead of in the ordinance Perry talked about the zoning types in Boulder and reiterated that every restriction is to protect property rights of residents. Mayor Cox presented options that the town council vote to approve the ordinance as is, or someone could make a motion to send it back with very specific instructions on things to change. He stated that he would vote yes and asked that council members against it suggest specific changes. Peter suggested that they make an amendment to the 183 day residency restriction in an effort to pass. He then moved that the 183 day restriction be removed. He moved to remove page 2, 3b, 2ii, 2. Judy seconded it. Mayor Cox, Peter and Judy voted in favor of it. Conrad and Gladys voted against it. The ordinance passed 3-2 with the change.

Department reports

Conrad nothing to report on the park. There was discussion of cows running around in the park. The issue seems to be resolved. Mayor Cox talked about the new town vehicle and said it has been a good purchase and is working great. Judi reported that the town now has the title for it.

Gladys reported that the cemetery clean up day will be May 21st. The LDS young men and young women will be doing it. She will put out a email reminder via Pegboard. She had nothing to report about the town hall. She confirmed with Judi that everyone who uses/rents the town hall now will receive a checklist of duties. Mayor Cox commented that the new bank of mailboxes in the post office look good. Gladys and Elizabeth stated that they are working to obtain a used projector screen for the town hall through the Garfield county school district at discounted price. Gladys reported on the travel council results. She stated that they talked about making sure transient room tax goes back to the county as some businesses are not paying it, so they are trying to crack down on it.

Judy reported that she talked to Donna Jean Wilson and that they burned the excess debris in the dump. She also got a few of the stakes put in for the speed limit and stop signs. She reported that she spoke with Farlan and he is doing well. He also told her that coming into town on Burr Trail road there is a sign that informs drivers of a reduced speed ahead but then there is not a speed limit sign or any other sign until the stop sign at the corner of Burr Trail and Highway 12. She tested it at 35 mph and feels that is too fast. She believes it should be 25 mph. The council and audience agreed with her. She will work on putting in a new 25 mph speed limit sign. She suggested moving the yield sign (at the corner of the post office and 500 N.) forward 8-10 feet and replacing with a stop sign in order to see both sides safely. Mayor Cox agreed to it. He also mentioned the need for road repair where the pipeline was replaced on Burr trail by the Randy's place. He asked her to talk to Randy about it and also looking into repairs that need

to be made on Lower Boulder. He mentioned that the water company may want to go in on it with the town to complete the repairs. Peter reported that fire department burned the debris at the dump. Also, the county commission gave the town some money to purchase personal protection equipment for the fire department. He's in talk with Ron Harris about what to buy and has some bids on equipment. Mayor Cox recommends that he get it done soon so county doesn't forget about it. Mayor Cox reminded everyone that the town is working on a Community Wildfire Preparedness Plan (CWPP) and our firefighters don't have the protective gear they need to combat a fire outside. The gear that they do have is used 10 year old hand-me-down gear. The town received \$22,000 from the county to protect our firefighters and we currently have \$,5000 towards the Community Impact Board (CIB) grant. Next, he stated the the fire council is planning a chipper day when someone brings a chipper to town and drives around chipping yard debris left on the road for them. He stated that there is some accounting to do before the end of the fiscal year for our \$2,500 commitment to the state towards wildfire mitigation. He believes we have enough volunteer hours. Regarding the PC there will be two public hearings at next week's meeting. One on the general plan revision and the second on the proposed required infrastructure for culinary water at a subdivision.

Mayor Cox reported that he went to a pre-fire season meeting with the forest service. He stated that they are going to attempt to notify about any prescribed burns. When they notify us the council will notify the town members. He also had a meeting with a representative who sells Dark Sky fixtures that he believes would best suit the town and it is an alternative fixture that is less expensive than the one the town currently has. We are working toward a Dark Sky ordinance if it is what our community members want. The PC will work through the process.

Judi presented the checks issued this month for approval. Peter made a motion to approve, Gladys seconded it, all members approved. Then, she announced that we have a town election this year and the sign-up is June 3-7,2019. The candidate packets and applications will be available from the town clerks. She stated that June is our budget month and asked council members to bring their items and ideas to Junes meeting.

Public comments:

Walt congratulated the council and PC on the RSTR. Bill said it was a good meeting. Shawn thanked everyone. Peg reminded everyone that if they are working on fire mitigation to count up your hours and money spent on equipment purchased and give them to Pete because they count as volunteer hours. There are forms at the town clerk's office.

Mayor Cox thanked the audience and asked for a motion to adjourn. Peter made a motion to adjourn, Gladys seconded the motion and all approved.

Meeting adjourned at 8:50 p.m.

