

December 6, 2018

Meeting began at 7:00 p.m.

Present: Present: Steve Cox, Mayor; Conrad Jepsen, Gladys LeFevre, Peter Benson, Council Members; Judith Davis, Clerk. Excused: Farlan Behunin, Council Member.

Public Present: Peg Smith, Troy Julian, Judy Drain, Ray Nelson, Denise Pennington, Tessa Barkan, Syllas Navar, Michayla Alldredge, Jabe Beal, Curtis Oberhansly, Elizabeth Julian, Ashley Coombs, Cookie Schaus. .

Pledge of Allegiance

Pete made a motion to approve the minutes of the November 1 meeting. Gladys seconded the motion, and the vote was unanimous.

Steve recommended that the Council appoint Josey Muse to fill **the vacancy on the Planning Commission**. Pete made a motion to approve the assignment, Gladys seconded the motion, and the vote was unanimous. Her term will be from January 2019 through December 2023.

We have advertised for a **Town Clerk Trainee**, as Judi needs to cut back on her time. The position will pay \$15/hour and will be for 10 hours per week and could increase, depending on the workload. We advertised the position and received inquiries. After considering the applications, the Mayor appointed Michala Alldredge as Town Clerk trainee and asked for a motion to confirm the appointment.. Gladys made the motion, including the explanation that she is available to begin immediately. Pete seconded the motion, and the vote was unanimous.

The Council has had a public hearing and much discussion on proposed **Ordinance 2018-4 regarding ADUs**. The Mayor felt it was appropriate to ask Curtis to draft language as suggested in the hearing rather than send it back to the Planning Commission. Gladys agreed there is no need to send it back and would like to see language that would fix what we've decided needs to be changed. Curtis replied that this approach is the proper way to do things. He will correct the things that the Council feels need to be changed and bring it back to the Council to consider next month. We will have our attorney review it before we vote. Steve: We need to make it clear what we want Curtis to change. Gladys felt it would be acceptable for the ordinance to allow "any legal lot" rather than the sizes that are in the preliminary ordinance. The Council was in agreement. She also said that when we sign off on a building permit for an ADU we need to know that Boulder Farmstead has approved the applicant's arrangements for culinary water. Curtis suggested that we meet with the BFWC Board and make sure that they not sign off if their requirements aren't met. The Town cannot put Boulder Farmstead's rules into

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our ordinance. Steve stated that BFWC's current requirement is that a separate water connection is required for each dwelling. Steve will make arrangements to meet with a representative of BFWC. Anyone on the Council is welcome to attend..

Curtis suggested we pull the ordinance apart and **distinguish between ADU rental and ADU guest house**. A CUP would be required for rental units but not for a family guest house. Conrad suggested we define both options: guest house and rental ADU. If someone gets a CUP for a rental and decides later that they don't want to rent it out, they could transition to a guest house and not renew their CUP. Curtis wants to make a clear distinction between the two types of ADU's. A person could convert from a guest house to a rental unit or vice versa any time they want, they'd just have to get a CUP if they were changing from a guest house to a rental unit. Steve clarified that we need to put the option to transition into the ordinance, but have definite rules on how it is to be done. Conrad stated that the rental unit would have to be equipped with all required facilities, so if a guest house is present without kitchen facilities, it could not be immediately used as a rental. There should be only one rental on a property. Gladys asked how we will know for sure that a guest house is not being used as rental. Through the CUP process we will know who's using a second residence and for which purpose.

Jabe, speaking of the smaller lots, presented the scenario of having a dwelling and an accessory building, such as a garage, on a property, then the owner decides he wants to have an accessory dwelling unit. Curtis stated that it would be allowed, as long as the accessory building isn't being used as a dwelling. He will draft changes into the ordinance and will send a draft to each Town Council member.

Ordinance 2018-5, creating the position of an alternate Planning Commission member, was discussed. Pete likes the plan. Gladys wanted it clear that a person who is appointed to be the alternate member does not guarantee an automatic seat on the PC when there is a vacancy. Being appointed to a seat on the Commission is a separate appointment. Pete made a motion to approve Ordinance 2018-5. Conrad seconded the motion, and the vote was: Pete - Aye, Gladys - Aye; Conrad - Aye; Steve - Aye. Peg will post a notice of the opening.

The Town received a communication from the Bremses regarding the **Encroachment Agreement** and drawings of what they are asking for. They weren't present at the meeting to answer questions, and the Council all agree that we need a better map so we can have a legal description of where and what the encroachment will be. Steve asked Curtis if we have to record the encroachment. Curtis said it will have to be signed before a notary and that both parties will have to sign. It will then be sent to the County Recorder to be recorded. This is why we need a map showing lot boundaries, location of encroachment, etc. The encroachment will become a legal record and will go with the property if it is ever sold. The shed is nonconforming. We will write a letter to the

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Brems family stating that we need a map showing the existing encroachments (septic system, shed, etc.) in addition to the maps.. Steve read a letter from neighbors Camille and Doug Hall opposing any additional encroachment on 100 West street. Curtis wasn't familiar with the existing encroachments—septic tank and line, sheds, trees, etc. He thinks we can allow encroachments (which are different than road vacations) but wants Mark to weigh in on it. Gladys recommended that we table the issue until we receive the information we need from them.

This year's financial reports show an **excess fund balance** in the General Fund. We need to allocate the amount that is in excess. Ashley suggested that the Town buy a truck to use. Cookie stated that the Senior Citizens need a van. They also need to have a medical van come. Steve approached Five Counties about a van, and it is a complicated process. . Peg replied that County and Town money could be used to purchase a van. Steve replied that, if someone wants to check with the Senior Citizens program, CIB, and/or Five Counties, we could consider it. We would need to look long-term at our maintenance expenses and insurance costs. Elizabeth suggested that we could use some of it to help encourage others to be EMTs. Conrad recommended that we set some of it aside to purchase a utility vehicle.

Steve introduced the possibility of establishing a **Municipal Transient Room Tax (TRT)**. He attended a mayors' meeting where Flint Timmons of GOED talked about a four-step process where they come into a town and do an assessment mainly related to tourism. The next step is to create a tourism master plan specific to the town, followed by a marketing plan and an action plan. There will be a set cost for each step but they will do a 50-50 matching grant to the towns. The mayors asked where the money is coming from, and he replied that some towns are adding a municipal TRT. The County has a room tax of 4.25%. The State adds to that .32%, and the towns are allowed to add an additional 1% to the room tax. It can be used for any purpose, but a lot of towns are using it to mitigate the effects and impacts of tourism. It would be collected by motels, sort-term rentals, and airbnbs. Is that something we want to do? If we want to do it, Steve will have Mark draft an ordinance. After we adopt it, we send it to the State and they begin collecting and sending to us the money. Gladys has no objection to it but thinks we should get input from the businesses that would be collecting the tax. Steve thought it would be wise to hold a public hearing. Pete wondered if we had an idea how much we would get. We don't. Escalante and Tropic have it in place, and Escalante's mayor told Steve that it is wonderful to have the extra money for projects they wouldn't otherwise be able to do. Steve suggested we might put it toward the recycling program, new picnic tables, and other things that will be needed as a result of the impacts of tourism. We have the freedom to use the money as we see fit. Peg said the Planning Commission has discussed the impact of short term rentals, etc., and they feel there is an opportunity for people to rent space under the table, and they feel there should be a large fine to anyone who is caught doing it. Steve will have Mark draft an ordinance and we'll

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schedule a public hearing and go from there. Pete feels that we should identify how we would spend the money. Gladys suggested that, since we have to pay for the assessments, we need to decide if it's really worth it. At the meeting she attended on the same topic, it was suggested that they let a town or two try it and see if it's really worth it. Steve said two towns in Carbon and Emery County are trying it, so others can see how it works and decide for themselves if they want to adopt it.

The **Capital Improvements List** was reviewed. The Town needs a parking lot and should place it on the 2-5 year list, as we aren't ready to move ahead on a large one-year project. Gladys is concerned about the cost of the engineering that goes along with any building/improvement projects, but the engineers are the ones that are able to get the grants. Pete stated that the Fire Department needs new protective gear, as what they have are used hand-me-downs from other departments. It would be a worthwhile project for a one-year grant. Pete estimates the equipment would cost about \$1,000/fireman. Judi will contact Gary Zabriskie to see if this is an appropriate project for a grant. Steve asked if we want to put a parking lot on the 2-4 year project list. We don't know just how much it would cost. Cookie suggested it would be good to continue the walking path along the highway from Hills & Hollows to Hall's Store in order to provide a safer route for people who now walk along the highway. Conrad asked about the engineering of a path in the gullies. They may have to be filled in, or people could walk into them and back out. The cost of the project on the List would only be an estimate. Steve said we would need to figure out a funding source to supplement what the Town can provide. Elizabeth is quite certain that Escalante partnered with the school district through the State for safe walking places for kids. She believes Tropic is doing a similar project. She doesn't know the details, but we could contact one of those cities to see how it worked for them. Steve pointed out that last year's form shows trails as a possible project. Jabe commented that he's quite confident that UDOT did a thorough Highway 12 Plan that may contain a project such as this. They may have funds that could be used for matching.

We will submit a request on the one-year list for new fire department gear at an estimated cost of \$10,000. On the 2-4 year list we can list a parking lot at an estimated cost of \$150,000 and a trail along the highway from Hills & Hollows to the Anasazi State Park, for \$100,000. We will include a spur of the trail from the highway to the elementary school. We will have to provide some of the funding, so we will have to figure that into the amount we will be asking for. In thinking of those using the path, we should consider calling it a multi-use path.

We need to set the schedule for the **Council's meetings in 2019**. Peg said the Planning Commission wondered about trading weeks with us, with them meeting on the first Thursday and the Council on the second Thursday. The way it is now, when they have something to pass to the Council, it has to wait three more weeks before it can be considered. Other options were suggested. Gladys made a motion to continue holding

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regular Council meetings on the first Thursday of each month at 7:00 p.m. Pete seconded the motion, and the vote was unanimous in favor.

Pete reported that there are currently three firemen who are planning to go to Winter Fire School. The Planning Commission continues to work on Short Term Rentals, and Josey is working on the General Plan. There should be a Town Council person on their committee. Cookie reported that there is a fire hazard along the Lower Boulder Road with five feet high piles of tumbleweeds. Pete said they will burn the dump tomorrow. The EMS people have reported that the garage door to the ambulance bay is broken and they are trying to get it fixed. They will hold a fire meeting on Wednesday, December 12

Reporting for Farlan, Steve said that UDOT has drawn up turn lane plans for the junction of the Burr Trail Road and Highway 12. It will be a left turn lane for traffic coming from the north to be able to safely turn onto the Burr Trail. Steve, as Mayor, and a UDOT representative will meet with the County Commission to ask for their cooperation with the turn lane. Sam dug a new construction pit at the landfill. The loads coming to the pit have decreased substantially since we have started enforcing the County ordinance. He asked Brian Bremner to have the County haul off all the mattresses and other things that are still there, but he hasn't heard back from him. With the decrease in weekday loads, Donna won't need help at the landfill. If she does need someone during the week, Dean will fill in for her. Judi reported that the State has implemented a fee of \$500/year or 21 cents for every ton of solid waste which is treated or disposed, whichever is greater, and a minimum annual fee of \$500 or 11 cents for every ton of solid waste which is transferred, whichever is greater. We will need to add this into the budget. We need an electrician to check the overhead light of the front door of the Community Center. Conrad will try to find an electrician to fix it.

Gladys reported that the American Legion would like to place flag holders at the cemetery so they can put flags up on Memorial Day and Veterans Day. We would like them to do it. She also reported that people aren't cleaning up after they use this building. She asked Peg if she would send a Pegboard message reminding people that use of the building includes cleaning up after themselves. If they don't, we will have to start charging. There is a checklist on the bulletin boards that show what is expected. Reporting on the Travel Council, she said that Falyn Owens wants to visit a meeting to report on money taken in, number of visitors, and other tourist related items. We will invite her to come to the January meeting.

Steve reported that the street light across the street is on and is dark sky friendly. Garkane will inventory the lights (private and public) and get us an estimate of what it would cost to convert the others. The lights aren't those that we were looking at before. There was discussion on the light to the southwest of the building. It is not supposed to have a shield on it. If it is positioned right, it will shine down and not out. Garkane told

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Steve that they only put up two kinds of lights, and this is not one of them. Casey Glover of Garkane told him that they plan to replace town owned lights at their expense within the next five years.

He went to a mayors' housing meeting at Bryce Canyon presented by Sharleen Wilde (Farlan's daughter) who works for a non-profit housing foundation in Provo that specializes in affordable housing. They're trying to put together a county-wide affordable housing program. She wants to focus her efforts on Boulder and wants to help with how we can solve some of our housing problems. They mostly buy old houses and fix them up or find lots to buy and build houses. She's willing to come down and give us some suggestions. It's a county-wide problem, but each town has it's own unique situation.

It will soon be time to renew our Enterprise Zone. If we enact it any time next year, it will be retroactive to the first of the year, so there isn't a rush to get it done. If it's something we want to continue, we can add it to a Council member's duties.

Gladys will vote the Town's irrigation water shares at their annual meeting.

Ray Nelson fixed the front door lock, but it isn't a permanent fix. Gladys will try to find someone to fix it.

Conrad made a motion the meeting adjourn. Pete seconded the motion, and the vote was unanimous.

The meeting adjourned at 9:45 p.m.

Minutes prepared by Judith Davis, Clerk