

September 3rd, 2020 Town Council Meeting

Meeting began at 8:00 p.m.

Council present: Steve Cox; Mayor, Elizabeth Julian, Gladys LeFevre, Judy Drain, Conrad Jepsen Council members, Judi Davis, Michala Alldredge; Town Clerks

Public Present: Josey Muse, Bill Muse, Tessa Barkan, Peg Smith, Pete & Cookie Schaus, Lisa Varga, Keith Watts, Curtis Oberhansly, Ashley Coombs, Tom Hoyt, Matt Cochran, Julie Barkan, Dan Pence & Jennifer Geerlings, Chuck Flake, Devaki Murch, Keri Venuti, Judith & Bill Geil.

Pledge of Allegiance

Approve minutes of June 18, July 2, and August 6, 2020 meetings:

Elizabeth made a motion to approve meeting minutes for June 18th, Judy seconded the motion, Mayor Cox, Elizabeth and Judy voted to approve. Mayor Cox made a motion to approve the July 2nd meeting minutes, Judy seconded the motion. Mayor Cox, Elizabeth and Judy voted to approve the minutes. Elizabeth made a motion to approve the August 6th meeting minutes with the change that Judy Drain wasn't in attendance, Gladys seconded the motion. Gladys, Elizabeth and Mayor Cox voted to approve the minutes.

Review and Discussion of Municipal Officers' and Employees Ethics Act:

Judi gave a review and training from Part 13 of the Utah State Code. All council members received a copy via email beforehand to follow along and it was posted on the website as well. Judy stated that it is imperative for all Town Council (TC) members to act and vote with integrity and uphold the trust the town has placed in the council members. Gladys asked about recusal specifics. Mayor Cox responded that if there is ever a question about whether someone should recuse themselves we can always consult with our town attorney, Mark Mccliff, and have him issue a legal opinion. He reiterated that all council members should vote with integrity and honesty. Judi stated that per the Utah state code, disclosure by council members should be noted in the meeting minutes. She furthered that as long as council members are upfront and explain their situation to the council, then they would be safe.

Public Hearing on Wireless Communication Towers and Facilities Ordinance: Mayor Cox made a motion to leave the regular meeting and move into a public hearing. Elizabeth seconded the motion. Roll call vote was unanimous in favor. Matt Cochran gave the background on the draft ordinance. He stated that a few months ago a communication company wanted to put a new tower in (next to the elementary school and across from the LDS church). The Zoning Administrator looked into mitigating that since the proposal was for a tower that was to be approximately 120' and potentially dangerous at that height. The existing ordinance didn't allow for any mitigation. The Planning Commission (PC) amended the ordinance, with assistance from Lee Nellis. Language was added to the Conditional Use Permit (CUP) which will allow for negotiation regarding a new tower. Matt then discussed details of additions to the amendment. Mayor Cox clarified that this is not about a recent cell tower proposal, that it is to adopt the amended ordinance for if and when there is a proposal. He then opened it up for public input.

Daniel Kennedy clarified the purpose of the ordinance. He stated that he supports it because it gives Boulder Town more ability to govern itself.

Alyssa Thompson inquired about whether there was a recent proposal for a cell tower on Thompson Ledge. Mayor Cox replied that, to his knowledge, the town has not received a formal proposal. He furthered that there would be a CUP process when a formal proposal is received. She expressed concern with a 5G tower.

Ashley Coombs feels that Boulder needs to have a tower to provide more coverage especially for residents in Salt Gulch etc. He feels that the current tower is not providing enough coverage.

John Veranth stated that the internet is becoming increasingly important for the economic viability of small towns. And doing things that make it difficult for people to put in new communication facilities really hurts us, it hurts the educational opportunities of our students, it hurts people who are trying to work from home and he thinks we need to keep that in perspective. When we put up roadblocks, like in the draft ordinance, it may deter cell phone providers from bothering with Boulder. He asked the TC to balance their considerations of the limiting specifics while maintaining the economic viability of our town.

Loch Wade gave a planning heads up. He stated that the town has vacated Thompson Ledge road which is listed in the ordinances. If that is not a legal non-conforming use then the town will have to deal with that before issuing a CUP. He recommended looking through to town records to determine if it is a legal non-conforming use. If it is not, then siting a tower will violate the sensitive lands ordinance.

Mayor Cox made a motion to close the public hearing and return to the regular meeting. Gladys seconded the motion. A roll call vote was unanimous to return to the regular meeting.

Discussion and Vote on Ordinance:

Mayor Cox explained that he asked Matt Cochran to draft a conflict of interest statement because he wants the council to get used to thinking about this. He then read the statement for sensitive voting. He asked if anyone feels they have a conflict related to voting on this ordinance. Neither he nor any TC members had a conflict of interest prior to the vote. Then there was a discussion. Judy asked how they could hide or disguise a tower of that size. Matt responded that in other places they disguise them as trees etc. Conrad agreed. Elizabeth asked to receive a copy of the statement Mayor Cox read and recommended posting it to the Boulder website. She asked if it is possible to have a contract if there isn't a CUP. She continued that, moving forward we need to look at what is currently in place and identify whether the tower simply needs maintenance or it is inadequate and needs to be replaced. Mayor Cox stated that these things could be added as conditions. Judy suggested that the ordinance verbiage be changed with regards to concealment of the tower to say "if possible" in section 2. A. of the ordinance. Conrad made a motion to approve the motion with the change suggested by Judy, Gladys seconded the motion. The roll call vote was unanimous in favor of approving the ordinance.

Discussion of CARES Act Funds for Boulder:

Mayor Cox stated that Boulder is eligible for approximately \$21K to pay for any COVID-19 related expenses that we might or will incur by 12/31/2020. There will be three distributions of the funds. He applied for our first distribution of \$7K. Any money not spent can be returned to the state. Judi confirmed we have received \$7077.00 He stated that we will use the funds to pay for Zoom. Additionally, we are looking at purchasing Meeting Owl Pro so we can conduct hybrid meetings in the future. He sent a document to all TC members detailing what the funds can be used for. He asked everyone to think about and identify any needs that we can use the funding for. Conrad asked if the funding comes automatically or if we need to reapply for each distribution. Mayor Cox was unsure but expects that we will receive further notification from Garfield County in December 2020 regarding the next distribution.

Final Written Decision on Nelson Appeal:

Michala stated that a written statement of the findings and conclusion on Mark Nelson's appeal was completed and delivered to him on September 1st, 2020. He has thirty days from then to appeal the decision to District court. If his appeal is successful the TC will schedule a hearing on his original appeal. The written statement is posted as a link on the website under Town Council Agendas, Minutes and Recordings-Town Council Meeting September 3, 2020 towards the bottom of the page.

Department Reports

Planning Commission and Roads:

Judy reported that she has the signs ready to be installed. They need to put some bases in prior to putting the new signs up. She is trying to get in touch with Jay about the road repair. Mayor Cox suggested that she coordinate with Jay to have some work done when the turn lane construction is happening later this month. Peg reported regarding the Planning Commission. She stated that there will be a continuation of the Lee Nellis meetings on development standards at 6:00 p.m. next Thursday. There will be a final presentation on the RSTR mapping project by Michala.

Enforcement, Landfill, Grounds and Park Committee:

Conrad had nothing to report on enforcement. He stated that work is being done at the landfill to create more room. He spoke with Judi Davis about the title on the town side by side maintenance vehicle. It is still in the name of the previous owner so he is working with Judi to get that retitled and registered. Mayor Cox asked if the landfill report had been done. Michala will get it finished next week. Mayor Cox asked Gladys to check on flooring in the back room of the Post Office. Judi stated that flooring is needed in the middle room. Gladys will find someone to install it and obtain a quote. Mayor Cox asked about the cement posts that were left in the sidewalk when the cement was poured at the Community Center. Judi stated they were left for historical purposes. Mayor Cox asked if we want to restore them and leave the posts or remove them. Conrad suggested posting photos of what it looked like at the Community Center and removing the actual posts. He will follow up on it this month.

Cemetery and Buildings:

Gladys stated she had nothing to report. Mayor Cox asked if we would be able to have flags put by all the Veterans gravesites for Veteran's Day. She's working on it.

EMS, Arts Council, Fire Council and Library Board:

Elizabeth reported that she had no news from the Fire Department, EMT's continue to be busy and are relaying emergency calls through cell phones and texts messages. She continued that Andy and Taylor have not taken the national certification test. The Library is trying out a reopening for the next three Saturdays with social distancing practices in place and hope to get feedback from the community. The Arts council had a favorable response from the public to the Art in the Park event last Saturday. The Fire Council held a successful event Friday, August 28th. There were 18 attendees. Most areas in and around Boulder were represented. The demonstrations and discussions focused on mitigation practices and defense options. The major concerns raised were lack of maintenance on adjoining properties, water availability and adequate pressure to use on site fire hoses and maintenance of the roadsides on Lower Boulder creek. She furthered that the Fire Council has a proposal from Judith Geil to work with Michala in obtaining address information for residents and properties. Elizabeth reported that Boulder Elementary School is wrapping up the third week of school, with in person attendance. Everyone on campus is wearing masks and practicing physical distancing. She asked that all residents be conscientious of traffic around the school. They are utilizing the LDS church pavilion across the street, so walking back and forth. Additionally, the students walk and ride bicycles to and from school. She furthered that hopefully there will be a bus route for Boulder students soon since there are enough students in attendance that live beyond one mile from the school.

Mayor:

Mayor Cox reported that the Tree board recommended leaving the damaged tree by the dumpsters near the Community Center through the winter and reevaluating whether or not it is viable next spring. He stated that the County Economic Development Board has \$95K available across the county to apply and use for business recruitment, development or expansion, or workforce training needs. It is not for COVID-19 relief. If anyone is interested contact Kaden Figgins at Garfield County.

Clerks, including approval of checks Issued - August 2020

Gladys made a motion to approve the checks, Judy seconded the motion. The roll call vote was unanimous to approve the checks.

Public Comments:

Keith Watts stated that it was a great meeting and thanked the TC for their service. He suggested obtaining masks from Devaki and making them available in public places. He furthered that the weeds on Lower Boulder road are quite high and need to be mowed to mitigate from being a potential fire hazard.

Loch commented about Judy's proposed change to the Cell Tower Ordinance. He stated that per the sensitive lands ordinance any structure on top of a mesa cannot be seen from a section of Highway 12 or from the Burr Trail road. So, any new structure that goes in on Thompson Ledge will have to conform to the sensitive lands ordinance and be disguised so it isn't visible.

Gladys made a motion to adjourn, Conrad seconded the motion, and a roll call vote was unanimous to adjourn. Meeting was adjourned at 8:36 p.m.