

**Community Center, 351 North 100 East, Boulder, UT 84716 Phone: 435-335-7300**

**MINUTES TO BE APPROVED AT AUGUST 3, 2023 TOWN COUNCIL MEETING**

**Boulder Town Council Regular Meeting**

**March 2, 2023, 7:00 PM**

**Meeting Minutes**

Town Council Members present- Mayor Judy Drain, Steve Johnson, Gladys LeFevre, Elizabeth Julian, Deputy Town Clerk Lexxi Johnson, and Town Clerk Jessica LeFevre

Public Present- Corry Johnson, Barbara VanQuill, Larry VanQuill, Constance Lynn, Dan Pence, Jennifer Geerling, Steve Cox, April O'Neal, Josh Ellis

Via Zoom- Lee Nellis, Blake Spalding, Tina Karlsson, Mark Nelson, Kip Greene, Randy Ripplinger, Jennifer Bach, Tessa Barkan, Phoenix Bunke, Katie Coleman, Peg Smith, Jill Trombley, Heather Logan, April O'Neal, June ?

Meeting was called to order at 7:01

The Pledge of Allegiance is spoken.

***Approve agenda-***

Mayor Drain makes a motion to approve the agenda, there is a second. All approve. Motion passed.

***Approve February 2, 2023, Minutes-***

Mayor Drain had a couple small grammatical errors for Lexxi to correct. Mayor Drain makes a motion to approve the February 2023 minutes with the two corrections. Councilmember LeFevre seconds it. All approve. Motion passed.

***Public Comment-***

No Public Comments.

***Ethics Ordinance review-***

Lee Nellis discusses the results of the research he has done that the Town Council asked of him in Ethics Ordinances. Lee states that he looked up the Utah State Statute and talked with the Utah League of Cities and Towns. He states that the town doesn't have much flexibility. When you look around the state, virtually none of the municipalities has an ethics ordinance. The reason for that is that they don't want to be involved financially for what is included in a criminal investigation. The law allows you as the city to set up your own local ethics commission as an alternative to the States ethics commission but no one else has done that. The Utah League of Cities and Towns recommends that you don't do that and that you let it go on to the State. The cost, both financial and political, will be tremendous. With that knowledge, what can the town do about these things?

The public needs to have the Council's trust. The Town Council needs to make sure they are clear with the community that we are guarding the public interest. One way to summarize that could be to adopt an aspirational Ethics policy. It would not be an ordinance. It would be a resolution. One of the elements would be to fill out an annual ethics disclosure form. The Town already does that but there is an error that refers to the county statutes instead of the Town Statutes. You need to disclose potential conflicts as you go. The mayor, before a public meeting, should ask if anyone has a conflict of interest. Doing that will reassure the public and make it clear you are seeking to comply with the laws.

Lee asks if there are any questions? A discussion followed where Lee answers questions from Josh Ellis and council members.

Mayor Drain asks if Lee would put a draft together for a Boulder Town Ethics Ordinance. Lee accepts and says he will put together a draft.

### ***Tree City Complaint of Violation-***

Mayor Drains states that she is going to read the complaint filed by Tree City and anything that deals with Councilmember Catmull will be postponed till next month. Mayor Drain states that she would like to resend the vote to use town funds to pay for trimming or removal of trees on private property. We can resend that vote now. Mayor Drain makes a motion to resend the vote. Councilmember LeFevre second it. All approve. Motion passed.

Constance Lynn and Dan Pence- Constance states the reason there is a complaint is because there was a violation of the ordinance. I had sent an email to the entire town council asking to be notified when the tree that we agreed on cutting would be coming down. If I had been notified, I would have been there on sight and then the other tree came down. Dan Pence states that the only reason the complaint is being filed is because the agreement that we all made in February was not followed or we would not have made this complaint.

Councilmember LeFevre states that she would like some of the wording in the ordinance to be changed to make things clearer. She also brings up that the town should change the amount for the purchasing policy. It is currently \$1,000 but maybe it should be \$5,000 with the current economic state.

### ***A-OK trimming invoices needing to be paid-***

Councilmember LeFevre expresses when we look over our ordinances to make sure that people are aware that if you have a tree growing over the street or over your neighbor's yard that it is your responsibility to take care of it. We will notify you and if you don't take responsibility, the town will do it and then you will be charged for it. There was a discussion that followed talking about the invoices from A-OK.

Mayor Drain states that we will have to finish this discussion and will continue this discussion next month after contacting a few of the private landowners.

### ***Zoning Administrator Staff Report-***

Zoning Admin April O'Neal states that in the February Planning Commission meeting they approved two new home businesses. The upcoming items potentially in April is the Deer Ranch subdivision. They are looking into just splitting the 80 acres into 2 properties. The Boulder Mountain guest ranch needs a CUP for the Headwaters Ranch. Outstanding items at the February meeting were discussed to survey the Lower Boulder Robinson Lane.

### ***Fourth of July Discussion-***

The council discussed the need for a 4th of July committee. Councilmember Johnson volunteers to be the point person and to get a committee together and start planning the 4th of July celebration.

### ***Employees Duties and Pay-***

Councilmember Julian states it is important to address the employees' pay. We have a good idea of what people get paid from what was assigned and what is actually happening and then addressing it and looking at it. Especially as Town Clerk LeFevre comes into her job some of the things we have recorded might be out of date because the last time we went through that description there weren't such heavy online parts. We aren't going to have a Deputy Clerk. It is nice for her to take notes and be present and not have to do the zoom. And we really need to separate the duties of the Treasurer and the Town Council. We need to address the pay and make some changes because we just keep talking about it. The council discusses the details of the Treasurer and Jessica's position as the new Town Clerk.

Councilmember Julian makes a motion that we start Jessica at \$21 an hour for 6 months. With the expectation of up to 30 hours a week. In September we can re-evaluate based on training and job performance and the hours a week. Steve Seconds. Elizabeth, yes. Steve, yes. Judy, yes. Gladys recused herself. Motion passed.

Councilmember Julian makes a motion that we start Corry off at \$21.01 an hour for what he is currently doing with up to 30 hours a week. Gladys seconds. All approve. Motion passed.

Councilmember Julian makes a motion to pay Peg \$27.91 an hour. Steve seconds it. Gladys, I am going to say no. I am concerned about the town's finances. Elizabeth, yes. Steve, yes. Judy, yes. Motion carries.

Councilmember Julian makes a motion to pay April O'Neal as the zoning administrator, based on her current expectations with her duties and hours each month at \$21 an hour. Gladys seconds it.

Councilmember Julian states that if we are saying that we are going to re-evaluate Jessica's position in September we should re-evaluate all these positions in September. That way we can really work with each person and go over what was the expectation when they were hired and what is the actuality of it now and to evaluate. And to also re-evaluate the pay scale then and make sure it matches what is being asked of the employees in their duties. This pay scale needs to be looked at annually to be reviewed if it needs changes due to the economy and other things.

All council members approve. Motion carries.

Councilmember LeFevre makes a motion to start Dean at \$12.99 on year 5 of the pay scale. Steve, seconds. All approve. Motion carries.

The council discusses the need for a clear process for opening the dump after hours. The council agrees to get more details and to write up a draft.

Councilmember Julian makes a motion that we adjust Lexxis pay as a first-year deputy clerk to \$20 an hour starting today for whatever amount she works. Gladys, Seconds. All approve. Motion passes.

***Discussion on moving some funds to a safer place-***

Mayor Drain states that we were going to talk about moving some funds to a safer place but that will be with the treasurer. It really is something we need to take seriously and get it moved. The PTIF account is up to 5%.

Councilmember Julian makes a motion that we temporarily make Councilmember Johnson the Treasurer as we determine what those responsibilities are. Gladly seconds. All approve. Motion carries.

Mayor Drain postpones the discussion on the PTIF account until we get Councilmember Johnson all set up as the Treasurer.

***Department reports-***

Councilmember LeFevre reports that she wants to thank everyone with the free box. They got so much out of there and had people take it out. The travel council is meeting in Boulder on the 15th of March if anyone wants to attend at 10 AM.

Councilmember Julian states that the library is continuing to serve hot drinks and baked goods Saturday 10-12, Wed 11-1. March is Art education month, so the kids have a gallery show on Saturday. The Elk that are in the park, this Sunday the Art Council is following through with their commitment and working with the fire department to burn the Elk Sunday March 5th at 7 Pm. The planning commission. No new big news. They are continually working with Lee Nellis on some things.

Councilmember Johnson states I have nothing on the Parks committee. Councilmember Catmull wanted me to report for him that the county is doing an incredible job with snow removal.

Corry Johnson states he will also report on Councilmember Catmull to the fire department that they haven't had any calls. We do have an extrication training on May 6th that we are going to do with Anasazi. We are going to use their parking lot and their video room. We will have instructors here and we have the extraction equipment here, and three cars. They will send the instructors out here and we will cut them all up. And it is all paid for by the Utah fire and rescue academy.

Mayor Drain reports Garfield County had one CUP and we had three subdivisions like Hercules that they can't do anything with. We put 3-4 smaller pieces back together to make bigger lots so they can start using some of those lots. It was a quick meeting. I need everybody to turn in their training certificates. The Open Meeting and Municipals Official training. I will follow up with who I still need.

***Approval for February checks-***

Mayor Drain lets the council know that we are going to postpone the check till next month because Jess left them at home.

***Final public comments***

Deputy Town Clerk Lexxi Johnson- I just wanted to clarify that I am not doing the clerk job because I am having a baby and I am prioritizing my family. I just wanted to clarify that for everyone.

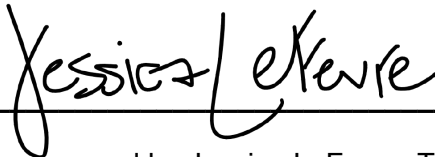
Mayor Drain- We appreciate you so much. I told her thank you, but I want to tell her thank you again.

***Upcoming business-***

Councilmember Julian states Tree ordinance, conflict of interest, tree complaint, invoices, April asked to be a standing on the agenda as the Zoning Administrator, 4th of July, and some people asked if we could move the April meeting to Monday or Tuesday. If we can't, it's okay, I just will not be able to attend the meeting. I have a conflict on Thursday April 6th. Town Clerk LeFevre can stay connected with us all and we can figure out when.

Councilmember LeFevre makes a motion to adjourn the meeting. Steve seconds it. All approve. Motion carries.

Meeting adjourned.



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Minutes prepared by Jessica LeFevre, Town Clerk

08/04/2023

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Date