

MINUTES TO BE APPROVED AT OCTOBER 5, 2023 TOWN COUNCIL MEETING

Boulder Town Council Regular Meeting

April 6, 2023 7:00 PM

Meeting Minutes

Town Council Members present- Mayor Judy Drain, Steve Johnson, Jim Catmull, Gladys LeFevre, and Town Clerk Jessica LeFevre

Public Present- Brenda Catmull, Randy Catmull, Sam Stout, April O'Neal, Mike Nelson, Dan Pence, Jennifer Geerlings, Ashley Coombs, Tessa Barkan, Shelly Price, Josh Ellis, Loch Wade, Todd Campbell

Via Zoom- Peg Smith, Ellayna LeFevre, Mark Nelson, Jeanne Zeigler, Katie Coleman, Matthew Cochran, Lee Nellis, Constance Lynn, Lexxi Johnson, Elena Hughes, Nancy Tosta, Tina Karlsson

Meeting was called to order at 7:01 pm by Mayor Drain.

The Pledge of Allegiance is spoken.

Approve Agenda-

Mayor Judy Drain makes a motion to approve the agenda. Council member LeFevre requests to put the complaint letters received by Randy and the Tree City letter together on the agenda for efficiency. Mayor Judy moves to make a motion to approve the agenda. There is a second. All approve. Motion passes unanimously.

Approve March 2, 2023, Minutes-

Mayor Drain postpones the approval of the March minutes until May.

Public Comment-

Councilmember Catmull steps down from the Council to address the Council as a citizen. He addressed some accusations against him, specifically the conflict of interest brought against him by Josh Ellis. He stated it was not only untruthful, but it was slanderous to an appointed official, his family, and to Boulder Farmstead. He clarified that where fire hydrants were located was dictated by town ordinance and state code and continued to read from a prepared statement. He called for a public apology from Mr. Ellis for the lying and harassment and insisted Mr. Ellis stop signing correspondences as Assistant Fire Chief as it was in conflict with the town's fire ordinances.

Councilmember Catmull addressed the Tree City complaint. He stated the two trees that were removed from the dumpster area were hazardous trees and there had been a misunderstanding

with A1 tree services regarding the removal of the second tree. He continued to read from a prepared statement and referenced ordinances that addressed tree maintenance.

Councilmember Catmull stated he did not have the trees cut down as a citizen and that he had the trees cut down as a Council member in accordance with the ordinances and the complaint against him for this was a joke.

Recognition of Debbie Stout, Tree City and Brandie Harman and Ron Johnson-

Mayor Drain recognized Debbie Stout for doing the weather for the past 30 years and congratulated her for her service and then recognized the Tree Board for their tenth year of Boulder being named a Tree City. Mayor Drain recognized Ron Johnson and Brandie Hardman for receiving the annual Conservation Achievement Award dealing with improving the sustainability of natural ecosystems and agriculture.

Ethics Ordinance Review-

Lee acknowledged how stressful this was for everyone and that a discussion about this might clear the air and lead to some healing of the issues which had become quite conflictual. He proposed a policy statement, not an ordinance, but he thought that as a Council they could enforce this standard on their boards if they chose to do so. He had kept it as consistent as he could with Utah law, but Utah law was not clear or tremendously helpful in many instances but he had done all he could to keep this as consistent with what the law stated.

Lee stated the statute said quite explicitly that filing disclosure reform once a year was insufficient and that Council needed to come up with a procedure in which anyone who needed to disclose a potential conflict be allowed to do so.

Mayor Drain stated they went through the conflict of interest training every year and as far as she could see most of this stuff fell in line with what the state required and asked if there was anything he had outlined that the state did not require. Lee replied everything was based on a combination of state law and common and the thing Council was not doing was that when there was a potential conflict of interest it needed to be disclosed right then and there and if necessary, the Councilmember needed to recuse themselves.

Councilmember LeFevre moved to make a motion to stay with state law and include the ethics phrase before every meeting in the agenda. Councilmember Johnson seconded. All voted Aye. Motion passed unanimously

Purchasing Policy review-

Mayor Drain stated there was a clause that anything over \$1,000 required a bid. Councilmember LeFevre suggested raising this number to \$5,000 due to inflation.

Councilmember LeFevre moved to make a motion to increase their purchasing policy to \$5,000 and anything over \$5,000 required to go out for a bid. Councilmember Catmull seconded. All voted Aye. The motion passed unanimously.

Zoning Administrator Staff Report-

Zoning Administrator April O'Neal stated there would be a CUP for Guest Ranch Headwaters for which they previously did not have one due to a clerical error and so they were just complying and she did not see it being a problem. Councilmember LeFevre clarified that they met all the

criteria for what they defined as a guest ranch. Zoning Administrator April O'Neal confirmed and stated their application was complete and everything was existing.

Hughes/ Geerlings subdivision approval-

Mayor Drain stated the Hughes-Geerlings Subdivision was postponed until June.

Boulder Pedestrian Path presentation-

Councilmember Catmull stated he had gone up to Salt Lake City in February to see if he could get some grants for Boulder for the Burr Trail to improve the intersection at Highway 12 and Burr Trail Road but they had been put off for that grant until next year. He had also put in for an ADA approved pathway from the pavilion in the park to the Burr Trail that would be a red concrete, 8-foot wide pathway. The grant was for \$684,000 for which Boulder would have to pay 6.7% of the cost which would come out to around \$38,000. He showed an image of the proposed pathway and stated this would collect the road water and allow it to drain properly.

Councilmember Catmull stated they were 7th on the list out of 11 people to put in for the money and when he told them Boulder did not have any ADA approved paved pathways they were moved to second on the list and they could start building in 2025 if this was approved. Councilmember LeFevre clarified the projected process were in line with potential inflation. Councilmember Catmull confirmed.

Councilmember LeFevre asked who this money came through. Councilmember Catmull replied it came out of the Joint Committee from UDOT and the State Highway. He stated they wanted to see any kind of improvements coming through with ADA approval.

Councilmember Catmull stated he wanted to present this to the community for feedback before any sort of approval was given. He thought this was a good solution for erosion and water control as well as ADA accessibility. He said one of the Joint Committee member had asked him where the school was located and told him he would like to see them come back and ask for money to provide sidewalks from the school to the pavilion and up to the town hall and in front of the museum and that they would give them the money they needed.

Councilmember Catmull stated they would get the funding for this project in September if they decided to move forward so they needed to make a decision.

Committees review and discussion

Councilmember LeFevre stated she had looked up the difference between council, committee, and board and had tried to go through the Boulder committees and put them in different columns to determine how they all should be governed.

Councilmember Lefevre stated the Planning Commission and the Board of Adjustments were both appointed by the Mayor and approved by the Town Council and each had term limits. She stated they also had a library board and an arts council which had nothing to do with the town board. The town allowed them to use their facilities for the benefit of the community. Councilmember Lefevre continued through the list of committees in the town and stated they had the park committee which they did not appoint members to and she would like to see a governing board so they knew who answered to the Council. She stated they had the cemetery committee and the tree committee, which she would like some more input on. They had the fire mitigation committee, which was the one Judith Geil was over, and she was not sure whether or not that was a town appointed committee. Mayor Drain clarified it was state run and Ms. Geil

was representing Boulder on the 5 counties for the emergency and that had to do with wildfires and the wildfire emergency interface. Councilmember LeFevre asked if there was someone on the town board who was a liaison. Mayor Drain clarified Ms. Geil addressed the Council for those issues. Councilmember LeFevre suggested forming a committee for this issue. Councilmember LeFevre asked if they wanted a fire department committee so that they had a line of command.

Councilmember LeFevre asked if the members of these committees fell under the ethics requirements. Peg replied yes. Councilmember LeFevre asked if they needed to provide ethics training to these committee members. Peg replied yes, any appointees or employees required this training. Councilmember LeFevre stated they needed to make sure that the members of these committees were aware of the rules they should be following and the minutes they needed to be taking and the public notices that needed to be made.

Randy's complaint letter-

Mayor Drain moved onto Randy's letter and stated she had recused herself because she was his aunt and Councilmember LeFevre would handle this situation. Councilmember LeFevre stated she would not read the letter, but it would be posted on the website and available to the public.

Councilmember LeFevre wanted to make sure the voice of the public was heard. There was discussion about the reasons that the tree was removed. Councilmember LeFevre stated they needed to address the ordinance to make it clearer. Councilmember Catmull read the ordinance referring to this tree. Councilmember LeFevre wanted to make sure they were interpreting the ordinances correctly.

Town Clerk LeFevre stated that when you got into the ordinances it gave clear definition of who was the authoritative body regarding these decisions and if anyone did not have access to these, she was willing to print them off and offer a hard copy to them.

Town Clerk LeFevre stated these issues would be addressed in future meetings. Mayor Drain clarified that Councilmember LeFevre wanted members to read the letter and the ordinance and decide if they had complied accordingly.

Mayor Drain stated that next month they would go through the ordinances and the letters and make decisions accordingly

A-1 Tree Co. Invoices-

Mayor Drain moved onto the A1 invoices of the tree removal. She stated she had spoken with Catherine Smith and had also spoken with Nicole and that they were not notified and would not be paying for the trimming and the town had taken the responsibility for that to get done therefore the town needed to take the responsibility to make sure that that invoice was paid, and that invoice came to \$1600. Mayor Drain stated that the other invoice was for the dumpster and that one came to \$2800 and the total between the both of them came to \$4400. She stated the council had done this in good faith and that the town needed to take care of it.

Councilmember Lefevre moved to make a motion for the city to pay this invoice. Councilmember Johnson seconded.

Councilmember LeFevre was unaware they needed to let private property owners that they would be charged for city maintenance. Councilmember Catmull interjected and recited the ordinance that clarified that the city was responsible for this maintenance.

The motion was repeated. All voted Aye. Motion passed unanimously.

Tina Karlsson, Todd Campbell Rocket-Ship relocation-

Tina Karlson presented the item. She stated the structure that Mr. Campbell had made was a time capsule for the community and there had been a number of people interested in not having it torn down but the new owners at the Burr Trail Outpost need it to be removed. She thought it was a community statue that needed to be moved and had sought out possibilities for it to be moved and there was interest in having it moved.

Mayor Drain clarified they would be paying to have it moved? Mr. Campbell stated they wanted the city to help pay for the rental of the equipment and the straps and that they wanted the city to take on the risk. Mayor Drain stated she was under the understanding that they were just asking for permission to replace it. Mr. Campbell stated they were looking for \$3500 to have it moved. Councilmember Catmull clarified they were asking the city to take on the risk. Mr. Campbell replied yes.

Mayor Drain suggested they get together with the parks committee and have it brought back to the Council for a decision.

Lower Boulder tumbleweed burn, firefighter training funds-

Mayor Drain moved onto the Lower Boulder tumbleweed burn. She stated they wanted to get on it as quickly as possible and they had a recommendation. Councilmember Catmull stated that last year they had 4 or 5 firefighters for the burn and Corey had suggested to him that during the burn they should be able to receive pay from the fire department under training. Mayor Drain did not think this was a bad idea. Councilmember LeFevre clarified they were doing it along the roadside and the right of way. Councilmember Catmull confirmed.

Councilmember Catmull moved to make a motion to pay the firefighters out of the training fund for the Lower Boulder burn. Second by Councilmember Johnson. All voted Aye. Motion passes unanimously.

Department Reports-

Councilmember LeFevre stated they were going to come up with some ideas about mapping the cemetery and they would never get the graves in straight lines, but they could get them into some quarter sections. Mayor Drain asked if there was anything from tourism. Councilmember LeFevre replied that tourism in Southern Utah was slow last year, and they were hoping things were going to do better and they had a new advertising campaign company. Mayor Drain asked about a gate for the cemetery. Councilmember LeFevre replied it was being done.

Town Clerk LeFevre stated that the Arts Council would be willing to help with the cost of moving the statue.

Councilmember Johnson stated the 4th of July committee had had two people that had accepted.

Councilmember Catmull stated the subdivision road had gotten hammered this winter and they were going to need to figure out something for that. ~~Lower Boulder they had flattened the corner.~~ **Loa Builders cut the corner going into the subdivision and completely flattened the road sign. Corry and I can see if we can get it to stand up and hammer out the road sign.** He stated Bradley Bess had told him to get ahold of him regarding the dump so they could start removing stuff from there and next month the fire department would be having a training with the jaws of life, and he would have Corry send out a message.

Town Clerk LeFevre reported on behalf of Councilmember Julian that the Planning Commission was working with Lee Nellis to clarify the application process for conditional use permits and cleanup inconsistency and clarification within the ordinances, the Planning Commission hopes to present a report to the Town Council in the next few months on recommended changes to be made before the process of Planning Commission hearings and the official passing off of recommendations to the Town Council and then the Guest Ranch application will be reviewed at the next Planning Commission meeting. For the town arts council, the town currently had the Utah art and museum traveling exhibit: "What Would You Do?", utilizing Mary Oliver's poem, "The Summer", a journal making workshop is scheduled for Saturday April 22nd from 1-4 pm.

Approval for February and March checks-

Motion made by Councilmember Catmull for the approval of the February checks. Second by Councilmember Johnson. All voted Aye. Motion passed unanimously.

Motion made by Councilmember Catmull for the approval of the March checks. Second by Councilmember Johnson. All voted Aye. Motion passed unanimously.

Adjourn-

Motion made by Council member LeFevre to adjourn. Second by Councilmember Catmull. All voted Aye. Motion passed unanimously.

Meeting adjourned.

Minutes prepared by Jessica LeFevre, Town Clerk

Date