

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

Boulder Town Council Regular Meeting

July 6, 2023 7:00 PM

Meeting Minutes

Town Council Members present- Mayor Judy Drain, Steve Johnson via zoom, Jim Catmull, Gladys LeFevre, Elizabeth Julian, Town Clerk Jessica LeFevre

Meeting was called to order at 7:02

Pledge of Allegiance

**Approve agenda-** Motion made to approve the agenda with approval of the minutes to be made in a special meeting made by Councilmember LeFevre. Audio cuts out. All voted Aye motion passed unanimously.

**TC conflict of interest disclosure -** None were disclosed.

**Public comments-** Mayor Drain opened the meeting for Public Comment.

Jill Trombley asked about the cross walks that got chip sealed over. Mayor Drain replied they were going to paint them back on.

Blake Spalding commented on the sidewalk project and requested the project be delayed until some of her questions from the previous meeting were addressed.

Steve Cox commented when he spoke to a representative from the ULCT he had been told that a realignment of the Burr Trail Road/Highway 12 came along as a part of the proposal and that they would need to hear from UDOT before any decisions were made.

Scott Berry, founder of the Boulder Mountain Lodge, did not think it was a good idea for the town to incur the extra liability that would come with this project. He was also concerned about maintenance of the path and the loss of parking to the businesses on that corner.

Dave Mock saw the pathway as more of a driveway than a sidewalk and wanted to see a diagram of the project. He said a lot of people that he had talked to in town were not in favor of the project as presented and just because a grant was available did not mean that they needed to take money for the sake of taking money. He said he had not seen any reports from the Planning Commission about this and he thought they should have the first crack at it. He said they had a General Plan that had taken a long time to come up with and he had a hard time seeing how this project reconciled with the General Plan.

Shelley Gipson had heard a lot about how this had gotten started and was surprised at how not one person had mentioned the grant was offered because it was ADA and she would benefit from that. She did not think it was a good idea to turn this grant down because they would probably never qualify again.

Tina Karlsson thought that in the spirit of a community funded project it needed to go through a community consensus.

John Veranth thought a project like this needed to go through a very formal community process where drawings were prepared and alternatives were considered. He did not have any opposition to an ADA pathway but there were a lot of elements to consider. He recommended this be sent to a community census review before Town Council made any decision.

Blake Spalding said she was supportive of ADA accommodations and was not convinced this sidewalk was their best option for ADA compliance. She just had questions she felt had not been answered and felt they should try to find funding for the roads or a sidewalk to the school or EMTs and an ambulance and there might be a lot of unintended consequences of a pathway like this.

**Michael Winn, candidate for new Boulder Town attorney-** Clerk LeFevre clarified a lot of work had gone into finding a suitable candidate for the new Boulder Attorney and Mr. Winn was a perfect candidate for Boulder's needs. Mr. Winn introduced himself and provided his background.

Steve Cox asked Mr. Winn how familiar he was with the Land Use Development Management Act of Utah. Mr. Winn replied he had dealt with all of the above.

Councilmember Julian asked if he would be willing to sit in on meetings in order to get a better understanding about issues specific to Boulder. He replied yes, he was willing to do the research necessary. Councilmember Julian asked how long it would take for him to acknowledge them when/if they reached out to him. Mr. Winn replied he would acknowledge inquiries conversationally immediately to give notice he had received the communications, Clerk LeFevre confirmed that his responses with her had been very timely.

Blake Spalding asked if Mr. Winn had any experience with ethics violations. Mr. Winn replied that he did.

Mr. Winn wrapped up his presentation.

There was discussion about how Mr. Winn would be paid and when he would begin to work for the Town.

Sam Stout asked about Mr. Winn's billing process for giving advice to individuals.

There was further discussion about how Mr. Winn would be paid for his attendance at the Council meetings and Planning Commission meetings. Clerk LeFevre suggested paying him hourly for the time being and see how it goes.

Councilmember Julian motioned to appoint Michael Winn as Boulder Town attorney starting at an initial hourly rate of \$75/hr. and reevaluate this rate based on cost to determine if this rate should be turned into a monthly rate and that for the first 8 months that Michael Winn is the Boulder Town attorney, he will attend either in person or virtually all of the Town meetings. Second by Councilmember LeFevre. All voted Aye. Motion passes unanimously.

**Zoning Administrator Staff Report-** April O'Neal presented the item and gave an update on the Meadowlark Subdivision stating there were issues with the roads that needed to be addressed in order for it to go forward. She had spoken to applicants in the area that this pertained to and they were waiting to see the necessary changes on the plat before approval.

April O'Neal stated ordinance 152.041 needed to be changed in order for this to move forward and the Planning Commission would need to change this ordinance.

Councilmember Julian stated that since the access to this subdivision was part of her property, when this came up to Council for a vote she would not be voting on this issue.

**Adopting Roberts Rules-** Clerk LeFevre described Roberts Rules and explained it was a procedural set of rules for the flow of the Council meetings.

John Veranth commented the Planning Commission had been using these rules since January of 2021 and it provided guidance or complicated situations in the absence of a formal set of rules already in place.

Clerk LeFevre stated there were excellent training programs associated with these rules and wanted these trainings to be required if Roberts Rules were adopted.

Peg commented the clerk and the chair of the Planning Commission needed to be particularly versed in these rules in order to maintain order and keep people from talking over each other.

Councilmember Julian moved to adopt Roberts Rules with the stipulation that training be completed by all current Council members within 30 days, and newly appointed members complete training within 30 days. This also applies to the Planning Commission. Councilmember LeFevre seconded. All voted Aye. Motion passes unanimously.

**Reassigning Steve Johnson's Roles-** Mayor Drain gave duties for the Parks committee and enforcement officer to Councilmember Julian.

Mr. Winn explained the process of filing a complaint of noncompliance to an ordinance.

Councilmember Julian asked for clarification on those duties.

**Application fees, Town Building fees, Landfill fees-** Clerk LeFevre would be posting all of these fees online after Council reviewed the final drafts and she thought the room rentals for locals and local businesses was too high.

Peg commented on the conceptual subdivision application and thought \$75 was too high and did not think there should be a fee to bring an idea to the Planning Commission for discussion.

Councilmember Catmull moved to remove the fee of the conceptual subdivision application of \$75. Second by Councilmember LeFevre. All voted Aye. Motion passed unanimously.

There was discussion about the desired amounts for the remaining fees.

Councilmember Catmull moved to set the first time conditional use application fee at \$75. Councilmember LeFevre seconded. All voted Aye. Motion passed unanimously.

April commented on permitted use permits and thought they could lower that fee since business licenses were only \$5.

Peg stated an appeal should probably cost more than \$75 because the paperwork required by the clerk was double what they usually had to handle so she suggested a \$150 fee for appeals.

Councilmember Julian made a motion to change the appeal application fee from \$75 to \$150. Seconded by Councilmember Catmull. All voted Aye. Motion passed unanimously.

It was asked if most of these fees were consistent with other towns. Councilmember Julian commented there were a lot of people that did not go through the process and keeping prices low encouraged people to go through the process.

The next fee discussed was the excavation application fee and it was decided to look more into this fee to make sure it aligned with the ordinances.

Peg pointed out that liquor licenses were not on the fee list and were \$50 and yearly renewable.

Councilmember Julian motioned to change the owner-builder certification fee from no fee to a \$25 fee. Councilmember Catmull seconded. All voted Aye. Motion passed unanimously.

Councilmember LeFevre commented on the rental rates for the Town building and there was discussion on the difference in amount from renting rooms versus the whole building and the difference between local and nonlocal rates.

Clerk LeFevre asked for rates of renting the pavilion for exclusive use and if that included the restrooms. She needed a half day rate and a full day rate.

Councilmember Julian asked if these rental rates included the town's chairs and tables or the stage. It was decided these were not included because Cory would have to come out and set everything up so it should require an additional cost.

Councilmember Julian motioned to change the daily rate for greater Boulder residents and removing the outside restroom fee and changing it to a pavilion fee of \$15 half-day fee and a \$25 full-day fee, and the pavilion fee for a full day was \$100 dollars and \$50 for a half and non-local residents receive a \$200 full day fee and a \$100 half day fee. Councilmember Catmull seconded. All voted Aye. Motion passed unanimously.

There was discussion on how to define a half day.

Councilmember LeFevre commented if someone worked for the Planning Commission or the Town Council they got to use the building for free one day a year.

Councilmember LeFevre motioned if you worked for the Planning Commission, Board of Adjustments, or Town Council you got to use the building for one full day a year free of charge. Councilmember Catmull seconded. All voted Aye. Motion passed unanimously.

The landfill fee was discussed and Clerk LeFevre clarified they were only voting on the price and not the acceptance of the full document because she wanted to change the document before it was accepted.

Clerk LeFevre would be posting all of this current and amended information and applications and fees online.

**Panguitch Hospital fundraiser-** Clerk LeFevre presented the information for this item. Councilmember Julian volunteered to provide a Boulder element for this fundraiser.

**Resolution for disclosing any conflicts of interest/ updated Ethics disclosure form-** Mayor Drain stated a resolution needed to be created where conflict of interest was addressed at the beginning of every meetings agenda no matter who was on the Council.

Clerk LeFevre commented the Ethics disclosure form that had been signed by current Council was out of date and she would be updating the form per state code and have them all resign it.

**Tree Ordinance-** Mayor Drain went through the ordinance and pointed out on page one that they needed a definition for minor limbs but they had not been able to find a definition on the Tree City website. There was discussion about how they would define 'minor limb' and it was decided the tree board would come back to the next meeting with a definition.

Mayor Drain continued to go through the ordinance and read passages she wanted removed and how she wanted them reworded. There was discussion about these recommendations and replacing 'tree board' with 'licensed arborist'. Councilmember LeFevre clarified the Town Council was the governing body and ultimately made the decisions about advice received and recommendations made and 'Town Council' should put present in the ordinance

Mayor Drain continued through the ordinance and stated they were going to have to wait on a vote no matter what because they needed to define 'minor limb' but would make the changes discussed and agreed upon.

Councilmember Julian suggested bringing in Mr. Winn to address the wording and definitions and have a work meeting if they needed to. It was decided to postpone the item until further discussion was had.

**Pedestrian Path Council discussion and vote-** Mayor Drain stated this was an ADA path and when they put in for the grant they had talked about putting paths in all the way to Hills and Hollows. This path had a lot of pros and she had talked to Chris Potter and he told her that there were millions of dollars and the state wanted to put in pathways to connect the towns and bike paths on highways and roads. She thought the bottom line was that this path was going to help keep people safe and they thought this path would be a good thing for a lot of reasons and the county had volunteered \$10,000 for the path.

Mayor Drain stated they wanted to try to incorporate growth into the Town and it would not prevent Boulder from being a rural community. Councilmember Catmull commented they needed to have a vote on this by August. Councilmember Julian thought they needed to form a committee with a specific charter to address all of the concerns of the public and determine actual costs of the long-term maintenance and have a complete and transparent plan that people could see.

Councilmember Catmull stated they needed to accept the money by August. There was discussion about the timeline of the project.

Clerk LeFevre clarified what they were trying to vote on and it was decided that Council would have a second meeting in July to further discuss this item.

Mr. Winn commented on a CUP and it had already been an existing pathway was already designated as such so it did not require a CUP but it would be best practice.

The item was postponed until they had more information.

**9/11 Ideas-** Mayor Drain suggested cleaning up the cemetery and other suggestions were discussed.

**Public Treasurers' Investment Fund (PTIF) update-** Clerk LeFevre received an update that the names on the account had been updated and she would start moving money.

**Emergency Plan with Judith Geil-** Judith Geil provided an update on the emergency plan and the jurisdiction and authority of wildfires on public lands. She suggested they request in writing

for legal purposes what the town authorization was and to what extent. Councilmember Catmull stated if the fire was in the town, Mayor Drain had the authority to evacuate the town and if it got onto forest service land then the Boulder Fire Department would have to make the call to request assistance from public land and county services.

Judith Geil commented in the ordinance they had stated they would have an emergency plan but she was looking for detail and resolution on that and it was a critical legal question as to how extensive the Town's authority was. Mr. Winn commented on the legalities of it and encouraged working with the County rather than the federal agencies.

Judith Geil provided the updated chain of command and it was made available to the public and discussed the difficulties of connectivity she had discussed amongst her POD leaders and it was suggested to put an outdoor alarm system on the fire building. She also recommended a heavy duty roadside mower.

**Park Pavilion parking lot extension-** Clerk LeFevre gave a brief overview of the project, but Sam Stout had left the meeting and he had all of the preliminary estimates. This property is a town road right-of-way and they could easily put in a gravel extension and the entire 60 feet was owned by the town.

**Planning Commission Clerk position discussion-** Mayor Drain suggested cross-training Clerk LeFevre for both clerk positions. The treasurer position was discussed and because, according to Camille, Boulder is such a tiny town, the only people that were not allowed to do it were Mayor Drain or Clerk LeFevre but any other Town employee could double as the treasurer. The roles of Clerk, Deputy Clerk, and outsourcing minutes was discussed.

Councilmember LeFevre motioned the Town hire a Deputy Clerk who takes on the role who would work directly under Clerk LeFevre and that they be paid one dollar less by the hour. Councilmember Catmull seconded. All voted Aye motion passed unanimously.

Councilmember Catmull motioned to keep Heidi on at \$15/hr. to help out until the position is posted and offered to the public. Councilmember Julian seconded. All voted Aye. Motion passed unanimously.

**Department reports-** Councilmember Johnson had nothing to report. Clerk LeFevre reported on the Parks Committee meeting. Councilmember LeFevre had nothing to report. Councilmember Julian reported on the Fiery Furnace Marching Band performing in the park and on the Affordable Housing committee. She also suggested they have very specific charters for the different committees. Councilmember Catmull reported on the roads in the subdivision and asked that whoever took the speed bumps return them. Councilmember Julian reported they needed them back to be in compliance with the grant from UDOT they received in order to finish the crosswalk.

**June checks issued-** Mayor Drain motioned to approve the June checks. Councilmember Catmull seconded. All voted Aye. Motion passed unanimously.

**Final Public Comments-** Peg commented on eastern presence at the County fair and suggested they look into getting a bus for the fair.

Blake Spalding commented on the work meeting for the pedestrian path and asked if it was public and requested the concerns about the businesses on the highway be addressed.

**Upcoming business for August-** The 4<sup>th</sup> of July committee report, the tree ordinance, town jobs.

**Adjourn-** Councilmember LeFevre motioned to adjourn. Councilmember Catmull seconded. All voted Aye. Motion passes unanimously.

Meeting Adjourned.

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Minutes prepared by Jessica LeFevre, Town Clerk

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Date

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