

Boulder Town Council Regular Meeting
March 7, 2024 7:00 PM
Meeting Minutes

Town Council Members present or on Zoom- Mayor Judy Drain, Josh Ellis, Ray Gardner, Gladys LeFevre, John Veranth

Town staff present or on Zoom- Town Clerk Jessica LeFevre, Deputy Clerk Lacy Allen, Zoning Administrator Erin Smith

Meeting was called to order at 7:00pm

The Pledge of Allegiance is spoken

Approve agenda Councilmember Ellis made a motion to remove items 14 & 16 from the agenda. Councilmember Veranth seconded. All in favor. Motion carries.

TC conflict of interest disclosure No disclosures were made.

Department report, council and administrators Councilmember LeFevre reported that the businesses had decided to hold the independence day celebration on the actual 4th of July which is a thursday. They are trying to come up with more ideas for things going on the whole weekend. They will also be sending out a survey asking about the food. The businesses also talked about the “Boulder Town” signs. They would like to see the north end of town sign brought down by the cattle guard by Boss.

Councilmember Ellis reported that all the new fire hoses were now installed on the fire truck. He talked to Dave Dodds and asked to remove the large items from the dump. The county will put it on their list. Dave Dodds said there was no official agreement between the Town and County about dumpsters or the dump but they do help us out with these things. He had met with Ray and Corry about the emergency plan and discussed a lot. There is a repeater on the tower on Thompson Ledge that could be connected to in an emergency. He feels like he is making good progress on it.

Councilmember Veranth reported that the Coleman’s road excavation permit for an irrigation pipe at 200 N has been approved. He is starting to work on a road maintenance plan and budget. Reminded everyone of the state deadline for the

subdivision ordinance being January 1, 2025 so the Town Council should plan on hearing in October to allow time for any language changes before the final approval vote.

Councilmember Gardner reported that the Library is still open Wednesdays and Saturdays from 10am-12pm. For enforcement, nothing has been brought to his attention as for now. For the Town Park he stated that Steve Cox had contacted him and let him know that he would like to do some kind of memorial to honor Bob and Naomi Brems and all the work they helped put in with the Town grounds. Councilmember Gardner asked Steve to meet with the Brems family and to come up with some conceptual plan and then they can present that to the Town board. The Park Committee needs to appoint a Chair and a secretary.

Councilmember Ellis jumped in and stated that he was helping work on getting the rocket ship moved into the Town Park. They were hoping they would be able to get it moved this month. It would involve a crane and some dirt and rock work. If anyone has questions about it they could reach out to Josh or Tina.

Clerk LeFevre asked Councilmember Ellis to contact Corry and to let him know the plan. Councilmember Ellis confirmed he would.

Mayor Drain reported that she had contacted the tree committee and they had their pruning workshop this last wednesday and then later this month they would have another meeting. Garfield County Planning Commission past 3 CUPs for short term rentals. In January they tabled that agriculture zone change. It is an area north, east of Panguitch as you leave town. There are people wanting to purchase the land and they are asking if they can change the zone from agriculture to commercial. They did a road study and they will need to put in a left hand turn lane. The developer is responsible for the money to put that in. They tabled the application until they decide if they will pay for the turn lane. The County had an amendment to their short term rental ordinance. They had 39 short term rentals that were out of compliance. The county sent out letters and only half responded. With this the county amended their ordinance. It states "upon failure to respond to the second notice within 14 days of certified delivery the owner shall be guilty of a class c misdemeanor and shall be subject to a separate fine of \$100 per day until all applicable documentation is submitted and all fees are paid in full to the county. A lean will be on the property for any outstanding penalties. A little food for thought for us as we will be going through this soon.

Review of Roberts Rules 5 minute limit Tabled till next month.

Approve minutes for November Emergency Work Meeting, December Regular Meeting, January Regular Meeting, February Regular Meeting

Councilmember Ellis made a motion to approve the November emergency work meeting minutes with the edits that have been posted on-line. Councilmember Gardner seconded. All approved. Motion passes

Councilmember Veranth made a motion to approve the December Regular meeting minutes with the edits that have been posted on-line. Councilmember Ellis seconded. All approved. Motion passes

Councilmember Veranth made a motion to approve the January Regular Meeting minutes with the edits that have been posted on-line. Councilmember Ellis seconded. All approved. Motion passes

Councilmember Ellis made a motion to approve the February Regular Meeting minutes with the edits that have been posted on-line. Councilmember Veranth seconded. All Approved. Motion passes

Public Comments 3 minutes maximum per person. You may not give your time up to another person. Public Comments will be open for 30 min.

Peg Smith stated that she wanted to make a comment on the item regarding Lee Nellis. As the retired Planning Commission clerk she wanted to share that the planning commission is all volunteer, members usually with little to no knowledge or training with land use. There are free resources available that the town could tap into more for sure but having an individual with the knowledge and skills that Lee has and who attends all the meetings so he knows what is happening in Boulder. There is no comparison to what Lee can offer. The planning commission needs someone like him. He has been incredibly useful to the town. She knew he was asking for a raise and wasn't sure everything that entailed but that he was worth paying for. Also this Saturday 10am-12pm is the Boulder Wellness open house. They want feedback from the town and show the things that are available. Boulder Wellness is a non-profit service to connect Boulder residents with resources for services. They don't provide the service but they do the legwork to help get the services.

Elizabeth Julian stated that as being on both Planning Commission and Town Council how much she appreciated Lee Nellis and felt that his use both in person and in-between meetings with his expertise was very invaluable.

During the Boulder Wellness open house she will have two tele-health kits set up in the community center to see how they work and how you can use them.

Subdivision approval 1795 S Lower Boulder Road - Owen Zoning Administrator Smith presented the preliminary subdivision application for Sugar Loaf'n acres located at 1795 S Lower Boulder Road. She stated the content of the application has been reviewed by herself as the zoning administrator and by the planning commission and to the best of her knowledge it complies with all requirements of the Boulder Town Ordinances. The planning commission directed her to forward this application onto the Town Council with recommendation of approval without any conditions, or plan modifications, or requirements for infrastructure improvements.

Commissioner Veranth moved to approve the subdivision application for 1795 South Lower Boulder Road as submitted and without any conditions for plan modification and without any requirements for dedications or for infrastructure improvements. This preliminary subdivision application approval by the Town Council shall act as the final subdivision approval in accordance with ordinance 152.046 (A)(1). Councilmember Ellis seconded the motion.

Commissioner Ellis stated that he wanted to thank Zoning Administrator Smith for such an empowering letter. It was so clearly presented and it gave him everything he needed to feel empowered to make an informed decision on the subdivision. Thank you for this. All voted aye. Motion carries.

Lee Nellis review of duties and request for pay increase Mayor Drain stated that everyone had received a copy of what he was asking and his resume. She was going to suggest that we wait until the budget meeting but that we really did have the money in the budget. She stated that she would really like to discuss and vote on it during this meeting. Lee has been making \$40 an hour and he is asking for a raise to \$50. He is also asking for a flat \$1,500 for traveling. And he is possibly coming 4 times this year. That is the basics of it.

Councilmember LeFevremade a motion to not renew the contract. Councilmember Gardner seconded the motion.

Councilmember LeFevre stated that she appreciated everything that Mr. Nellis has done but that we have other sources closer to this area. We also need to look at what we are spending in administration. Not just in this department. We need to help Erin with some schooling. At this time I am not interested in renewing his contract

Councilmember Gardner stated that whenever a contract expires it is always good to look at your options. We may come back to Lee in the future but it doesn't hurt to look at other options.

Councilmember Ellis stated that Lee doesn't have a contract with the Town. Nothing is expiring. He asked for clarification that Lee didn't have any contract in place with the town.

Clerk stated that Lee had sent over a draft contract for the Town to review. He doesn't have a contract with us now but continuing he would like to have a contract in place with the Town. In 2018 he was brought on to help the town on one project and the town has repeatedly reached out for help with things and now he helps the Planning Commission with so many things.

Councilmember Ellis stated that folks with the Planning Commission are requesting his presence to stay on so at this time it's just a matter of budget. Personally I am not interested in kicking Lee to the curb and that he is valuable to have around. Now how much money we spend and how much is in the budget is what I would like to talk about tonight. Even though he isn't here he is an out of the box thinker and I like that. Having someone like that at our disposal, he is very confident and very clever. We certainly need to bring someone in to help Erin under the new subdivision ordinance and are going to need training to make sure all applications meet the standards. Lee has already stated he doesn't want to take this on and doesn't want to carry the liability insurance needed. I would prefer to say that the raise he is asking for is simply an adjustment for inflation since he started working for us. I would like to see us honor his pay increase and then at our budget meeting we could set an hourly limit around that and who defines priorities and what he works on. We also need to think about who we bring on to help Erin. Lee is a visionary thinker and that is good to have around. It seems unnecessary to fire him like the motion on the table.

Councilmember Veranth stated that this is a difficult one for him. He feels that Lee is a great resource but at times he seems like he has sometimes pushed his own agenda.

Councilmember Veranth stated he has looked over the planning budget and we usually budget about \$10,000 for all the expenses. That does include the planning clerk, training sessions and that even though we haven't spent money in some of the other places we are trending above budget. We need someone who is going to be able to help Erin with specific project review and with the new ordinances. That means we will need to spend less on Lee and more on someone else. We have other free resources we need to tap into. If we are going to increase his pay we need to set a limit on his

hours. And then state that Lee works only on things that the Planning Commission chair asked of him and not his own ideas.

Mayor Drain stated that she is concerned that we need to get our ordinance through and with everything that Lee knows and in dealing with the Planning Commission. She said she agreed with what John and Josh had stated about hours. And how we work that out she wasn't sure. She wants the PC to be able to move forward and get those ordinances in place and changed. I think it is important to have him there to help get it done. If we take him out of the loop the Planning Commission might not get it done.

Mayor Drain asked for a vote.

Gladys aye. Josh no. John no. Ray aye. Judy no. Motion fails.

Councilmember Veranth made an alternative motion to approve Lee's pay increase to \$50 an hour but limit his billing to \$500 a month average, no travel money until we have discussed the budget and that Mr Nellis is to give priority to work items assigned by the Planning Commission chair. Councilmember Ellis seconded.

Councilmember Ellis stated that when we go into the budget in detail we should revisit this topic to adjust with the hours decided.

Mayor Drain asked for a vote.

Gladys, no. Josh, aye. John, aye. Ray, no. Judy, aye. Motion carries

Future projects list Mayor Drain asked for all commissioners to present their top five priorities that they have right now.

Councilmember Ellis stated that he wants to keep flow charting our processes. Putting bylaws in place for the council. Documenting procedures for the staff standardizing how things are done. Getting involved in the subdivision re-write.

Councilmember LeFevre stated EMT's, thinking about the landfill, job descriptions that include a daily log to help everyone make better decisions, talking more about the Planning Commission and that the Town Council needs to do a better job at directing them so they have a clearer understanding of what is being asked of them.

Councilmember Veranth stated that his priority is housing for local workers and families, especially ordinance changes to remove barriers for those who want to provide housing. General plan: under our normal five-year cycle we would revise the General Plan this year. However, since the plan was updated in 2021 we could revise again in

2026. The planning commission will need to update the general plan to include more specifics and be more reflective of the fact that about 90% of our revenue comes from sales tax, transient room tax, and resort tax. Roads Department: We really need to get a good handle on our road situation. There are short term things but also long term questions like Lower boulder road.

Councilmember Gardner stated that he would like to see the CUP process be easier for those non-professional developers. Easier to understand the information within the forms.

Mayor Drain stated that she agrees on EMT's. She also wants to go over the Emergency plan. Also the Tree ordinance. Get the pickleball court re-done. Lights and timers for the Town building. And seeing if we have a possible water leak because the town is using so much water. That could mean putting in sprinklers and timers. Also the excess parking by the pavilion.

Boulder Town Signs Clerk stated that she wanted to make sure that there was a council member assigned to it. Councilmember LeFevre answered earlier that she was so for now nothing else needed to be discussed.

Budget Year to Date Mayor Drain stated that Clerk LeFevre had gotten a lot done, especially today.

Clerk LeFevre stated that she had called the auditors for help and they did! She has been having a hard time defining the sales tax because there is no report or receipt and the money gets auto deposited into the bank account. She has spent hours on the phone with different state and county representatives including the lady over the treasury department and the person over the tax commission and no one was able to give any answers. Kimball and Roberts gave the state website that had all the info. She stated that she was having a hard time finding a truth point for many of the financial things and today with the auditor they gave her a couple starting truth points. Clerk LeFevre and the mayor had also gotten a lot of great info from pelorus. Renewal still 100 % truth but the ledger accounts are much closer. She stated that she would be able to get that caught up more with all the information that was given today. She stated that the state had been withholding the Towns sales tax, road B & C money and taxes from the county. She had completed everything that was asked and the Town should be receiving the money anytime now.

Councilmember Veranth suggested that on Thursday March 21 to have a work meeting on the budget. It would be helpful to have the auditor there for the meeting to answer

questions. The Town didn't budget any money for the roads this year so now the roads budget is \$42,000 over. The council will need to have a budget hearing so we can move money in the budget.

The work meeting will be held at 4pm on March 21, 2024.

Fire Department Equipment Funding using CARES Grant Councilmember Ellis presented a quick list that includes tools and online processing. It is roughly about \$3,000. Once they know how much money they have they will prioritize what items to get first.

Councilmember Ellis made a motion that they approve \$3,000 of funding from the cares funds to support the procurement of some of these items.

Councilmember LeFevre seconded.

Mayor Drain stated that it looked like all the items listed were things that could really help the Fire Department. That we really need the rest of the money for EMT's.

Councilmember Gardner asked about a few specific tools.

Councilmember Veranth stated that everything looked appropriate.

Mayor Drain asked for a vote.

All in favor. Motion passes.

Councilmember Ellis thanked the council.

Town Pavilion parking lot extension Mayor Drain stated that Sam Stout had brought up that we are getting real close to the timeline or if it's something that needs to wait till the fall. Mayor Drain asked Councilmember Gardner when the irrigation water would be turned on and then turned off?

Councilmember Gardner stated the water would come in the first part of April, maybe mid April. And then off about mid month of October. About two weeks either way depending on weather.

Clerk LeFevre said that last year a few public members brought up this project to help with the limited parking the Town has. The two big events the town has with the 4th of July and the Holiday parking. During these events it becomes a safety issue and especially in front of the fire house. The area that was being presented is a public road

that the town owns. The town owns 60 feet from the fence line. When it was originally brought up, it was said that it would make it very easy to turn the property into a parking lot that matches the exact other side parking lot so that you aren't really messing with the road. Laying down gravel so you weren't paving it, putting lines on it, to make it a gravel base just like the other side. That property does include the irrigation water that runs through so that entails culverts. The town would need to do this for a parking lot and for it they decided to develop the road. The culverts will be a big part of the cost. She remembered that it was actually the Park Committee that brought this project up to the Town's attention. When presenting the project Sam Stout said he was willing to help and that his time and his tractor cost would be free. What it really looked like would be opening the fence down by the bathrooms to make it like a U shape parking lot. We would leave the trees in the middle. Sam also said he would be able to use the pile of fill dirt and rocks on the side of the community center for putting in the culverts. It is something that the previous council was working and wanted to bring it back up with this current council.

Councilmember Veranth stated that this would need to be something to look at with the Town budget so they can make an informed decision as part of the capital projects budget. Clerk stated it would be nice that if it was a project the council wanted to move forward on it would be something that would happen in and after Oct.

Councilmember Ellis stated that there are parts that can be made to use now without the culverts being put in with different options. He asked if the park committee could come up with a more detailed plan.

Councilmember Ellis made a motion that they have the park committee build out a more detailed plan to present to the council. Gladly seconded the motion.

Councilmember Gardner stated that he would like to see some kind of parking pattern and traffic pattern. Showing the flow with smaller and larger vehicles entering and exiting the parking lot.

Mayor Drain asked for a vote.
All in favor. Motion passes

Discussion Item: Draft resolutions on town appointments and delegation

Councilmember Veranth stated that Jeff Sanders had helped put these into writing. The key one is the first one. It makes it clear in writing that Lacy is the treasurer, Jessica is the clerk, recorder, and planning secretary, and Erin is the Zoning Administrator. The second resolution names the Fire chief and fire marshal. The third one indicates that we

have delegated the building code enforcement to the Garfield County building department and that law enforcement to the Sheriff's office.

Clerk LeFevre that Attorney Michael Winn had taken a look at them and made his edits and has sent them back. To clarify Clerk LeFevre stated that when you send things over to Michael he is mostly looking for grammatical things. And unless we ask him specific things. If we want him to look into specific things you have to ask him specifically.

Councilmember Veranth stated he would send specific legal questions to Mr, Winn and would like to have the resolutions included on the April agenda to be voted on.

Discussion of document flow and posting between meetings Councilmember Ellis stated that he wanted to talk about setting up for the meeting. For voting items to set a hard deadline of a week before. To make that coincide with Jessica's actual office hours on Thursday instead of Friday afternoon. Jessica wants to see any and all voting items by the end of day Thursday and then those would be on the draft agenda. All the materials need to be sent to Jessica at the end of day Thursday and she can get them up by first of day Friday to post everything. If we can shoot for that as a group for voting items.

Mayor Drain stated she didn't have a problem with voting items. She brought up concern for things like the subdivision that went through tonight. They didn't have much time for that.

Councilmember Ellis answered that those items are different. There are things they have a duty to with procedure and he meant things the council was bringing forwards.

Mayor Drain asked Clerk LeFevre if everything was doable.

Clerk LeFevre replied saying that the deadlines and dates are all things that the council was bringing up and putting into place not her. She didn't care one way or another what deadline the council decided to put in. State Code states 24 hours before the meeting, so as long as they are in before that. When the council previously stated they wanted the deadline to be Friday, the end of day that didn't quite work with her schedule. To make sure it was doable it is best for it to be one of the set business working days so Thursday is the best.

Councilmember Ellis stated that he would like peoples names next to the topic so that everyone knows who will be presenting or talking and if anyone has questions about the item they can go to who is listed. And then during the staff meeting with Jessica and

Lacy. We talked about something like a clerks report which would help let everyone know the basics of each agenda item.

Clerk LeFevre agreed that everything being asked was something that would be able to be done. She also stated that there is a new folder in the google drive. It is called "proposed items for the meeting" where the council can upload their documents for the meetings and then she can organize them out where they should go.

Councilmember Veranth stated that he appreciated being able to access the draft minutes as soon as possible because he uses them as his notes to get ready for the next meeting.

Clerk LeFevre responded that the draft meeting minutes would not be posted any earlier than 15 days after the meetings. The realities of everyone's roles is different then what has been happening this winter and with everyone going back to their full time jobs. She wants to be able to give Heidi the proper time that she deserves to get the minutes in a place to present to the council.

Approval for February checks issued Councilmember Veranth made a motion to approve the February checks. Councilmember Gardner seconded the motion. All in favor. Motion carries.

Upcoming business for April

Finalize 3 resolutions and possible vote on those by John

Road maintenance plan by John

Ordinance from the P.C.

Everyone start gathering information for the next fiscal budget

Budget hearing

Landfill Policy resolution by Josh

Priority List organization by Josh

Mayor Drain stated that the County has given the town 10 picnic tables and we just need to arrange a time to pick them up from Bryce.

Adjourn Mayor Drain moved to adjourn.

Date Minutes Approved: April 4, 2024



Jessica LeFevre, Town Clerk