

MINUTES TO BE APPROVED AT JUNE TOWN COUNCIL MEETING

Boulder Town Council Regular Meeting

April 4, 2024 7:00 PM

Regular Meeting Minutes

Town Council Members present- Mayor Judy Drain, Josh Ellis, Ray Gardner, Gladys LeFevre, John Vernath

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

Meeting was called to order at 7:01pm

The Pledge of Allegiance is spoken.

**Approve agenda** Councilmember LeFevre made a motion to approve the agenda as presented. Councilmember Veranth seconded the motion. All approved. Motion passes.

**TC conflict of interest disclosure** Councilmember Veranth disclosed he has been working as an engineering consultant on the Meadowlark subdivision. He stated there has been no nominal compensation and will recuse himself from voting.

**Tribute to Bill Muse presented by Mayor Drain**

**Department report, council and administrators** Councilmember Ellis- Dump: Resolution on the agenda. Nothing new otherwise. Fire Department: made some purchases with the ARPA money that was approved and given by the council. Wildfire council: Has been working with Juith Geil on pre-season information regarding weed load reduction.

Councilmember Gardner - Park: encouraging the committee to assign a chair and secretary. Regarding library and other enforcement issues there is nothing to report.

Councilmember LeFevre: Cemetery: Nothing new. Town Hall: Nothing new. Group of girls coming into town May 31 from 9am until 12 pm and are looking for service projects. Talked about painting the dumpsters near the school and in town. They will need supplies.

Councilmember Veranth: Roads: Tree committee has been contacted about trees on the roads. No maintenance is scheduled until the budget is approved. Community Forum Saturday April 20th at 10AM regarding the pedestrian path to discuss alternatives. In regards to the Meadowlark subdivision, the application was voted on by the Planning Commission in November in 2022 and was not considered by the Town Council. Zoning Admin Erin Smith will have a staff report at the May meeting for the Town Council to consider. Arts Council: Purchased \$4500 worth of new sound equipment and are going to kick off their new music education project on Wednesday, April 17th at 6PM. They are also trying to find space for the pottery equipment and they may want to put a shipping container on the town grounds. It is possible it will be a discussion item at the next meeting.

Mayor Drain: County info: 3 CUPs and 2 subdivisions were approved. A zone change from Agriculture to residential for one of the subdivisions near Panguitch. 5 counties Mayor meeting had 5 speakers. Tree Board: Meeting April 16th from 2:00-3:30 and are working on hitting their tree goal.

Town Clerk LeFevre: Heidi hasn't given an official resignation so as for right now she will not be recording and transcribing minutes. The 15 day turn around is extremely hard so if things are behind, that is why. We talked about posting her position, but we think between clerks Jessica and Lacy that we can stay on top of those.

**Review of Roberts Rules 5 minute limit** Mayor Drain stated that a reminder that everyone gets a chance to speak. And another reminder not to say why you voted the way you vote.

**Approve minutes for February 6 Special Meeting, February Work Meeting, March 7 Regular Meeting, March 21 Work Meeting** Councilmember Lefevre made a motion to approve the February 6 Special meeting minutes. Councilmember Veranth seconded. All approved. Motion passes.

Councilmember Veranth made a motion to approve the February Work meeting minutes. Councilmember LeFevre seconded. All approved. Motion passes.

Councilmember LeFevre made a motion to approve the March 7 Regular Meeting minutes. Councilmember Veranth seconded. All approved. Motion passes.

Councilmember Veranth made a motion to approve the March 21 Work meeting minutes. Councilmember LeFevre seconded. All approved. Motion passes.

**Public Comments- 3 minutes maximum per person. You may not give your time up to another person.** Tina Karlsson- As the Planning Commission Chair she stated that the Planning Commission had voted to postpone their regular meeting to Thursday, April 25th and that Lee Nellis is hosting a Forum Thursday, April 11th regarding average lot sizes. It will help to give everyone a better understanding in regards to this issue. It will be 7-9PM and will be a hands-on activity. It will give more options for people who want to divide land and for the general plan in an effort to keep open spaces and agriculture. She also stated in regards to the budget, Lee has added value to the Planning Commission and has been very helpful.

Dan Pence- In regards to the RV ordinance. There are already people living in RV's and there doesn't seem to be a problem and his questions are... 1. How will a 90 day time limit be helpful? 2. Who will enforce the 90 day rule? 3. How is a 90 day limit in Boulder's best interest if we are trying to create housing?

Blake Spalding- She stated that she thinks it is very important to approve a 9 month policy for seasonal workers. Typically people who live in RV's try to find housing and the days of living out on the monument are over and that it would be great to have the infrastructure to live in RV's for 9 months. A lot of the people who come here and start out living in these ways have stayed, found places to live, have married and are having babies who are going to school. Do we want barriers for entry or do we want to support people living here in order to be able to house and employ them?

**Public Hearing- 2024 FY Budget Adjustments** Councilmember Veranth made a motion to close the regular meeting and open the Public Hearing. Councilmember LeFevre seconded. All approved. Motion carries.

No public comments or concerns were made.

Councilmember Veranth made a motion to close the Public Hearing on the budget and open the regular meeting. Councilmember LeFevre seconded. All approved. Motion carries.

Councilmember Veranth made a motion to transfer \$60,000 from the class c road funds balance and put it in the road fund budget for the 23-24 Fiscal Year Budget. Councilmember LeFevre Seconded. All approved. Motion Carries.

**Discussion and consideration of 2024 FY Budget Adjustments** Councilmember LeFevre made a motion to move \$3500 from the Administrative budget and move it to

the Fire Department and also to move \$4500 from the Capital Outlay. Councilmember VeranthSeconded. All in favor. Motion Carries.

**Public Hearing- Ordinance 2024-2: Updating the Regulation of Recreational Vehicles** Councilmember Veranthasked for a staff report from the Planning Commission. Tina Karrlson reported updates. RV allowance on RV parks, Building Permit and RV allowance time while building and RV allowance commercial properties for employees.

Councilmember Veranth made a motion to close the regular meeting and open the Public Hearing for Ordinance 2024-2. Councilmember LeFevre seconded. All approved. Motion carries.

**Discussion and consideration of Ordinance 2024-2:Updating the Regulation of Recreational Vehicles** Jennifer Geerlings would like to advocate for more flexibility. She doesn't think anyone should be restricting RV's. She thinks it makes sense to allow them for housing and would like to see a longer time allowance.

Jen Bach asked how the town plans on enforcing the Building Permit time allowance in regards to living in an RV on your property while building.

Elena Hughes that she thinks this ordinance is a way to make a difference now and she hopes there would be other housing options in the future. She is also curious if Ray will be voting on this because of his RV campground.

Blake Spalding stated she would hope that the 120 day restriction would be longer to match a restaurant season and wanted to know if there would be a different designation for agricultural land.

Mark Nelson stated he thinks the seasonal use of RV's for employee housing is incomplete because there isn't a lot of information in regards to guidelines. RV ordinance idea of "potentially compatible" use there is no information or guidelines as to what those are. He would like Michael Winn to comment on this.

Councilmember LeFevre made a motion to close the Public Hearing and open the regular meeting. Councilmember Veranth seconded. All approved. Motion carries.

Councilmember Veranth made a motion to open Ordinance 2024-2 for discussion. Councilmember LeFevre seconded. All in favor. Motion carries.

Councilmember LeFevre asked for a definition of what “PC” means on page 2. Councilmember Veranth responded that it means it needs approval from the Planning Commission as a conditional use.

Councilmember Ellis mentioned in the Table of Uses there is an incompatibility. The 120 day use for temporary use is limited and he wants to know why it isn’t permitted for longer than 120 days.

Elena Hughes commented that it is written as long as you satisfy A, B, or C in the Table of Uses then it cancels out the 120 day use.

Councilmember Veranth made a motion §153.172 Replace the proposed additional item (C) with the following: “(C) Temporary housing in recreational vehicles in accordance with the provisions of sections 153.201, 153.175, and 153.176 is not subject to the time limit in §153.172 (A). Did a Councilmember second this before it was voted on?

All approve. Motion carries.

Councilmember Veranth made a motion. “§153.175 Change the final sentence from “The RV must be connected or have reasonable access to culinary water, on-site wastewater disposal, and power.” to read “The RV must be connected or have reasonable access to culinary water and on-site wastewater disposal. Councilmember LeFevre seconded.

Discussion:

Councilmember Ellis asked why it is such a confusing way to get a temporary use permit and who regulates it.

Councilmember Veranth responded that the discussion was that there needed to be a way to verify so the temporary permit is approved by the Zoning Administrator.

Councilmember Ellis and Councilmember Veranth discussed having a temporary use permit form for the RV use that needs to be updated.

Planning Commission Chair Tina Karlsson stated the permit is in the process of being updated to coincide with the ordinance, but since the ordinance hasn’t been approved, it has not been fully updated. The Planning Commission is working with the Zoning Administrator to update these forms.

Mayor Drain asked all those in favor of the motion.

All in favor. Motion carries.

Councilmember Veranth commented on the conflict of interest with Ray and his RV application. He clarified it is legitimate to vote unless it directly affects the outcome of the vote. Councilmember Ellis commented that he thinks at least potential conflicts of interests need to be disclosed before the matter is discussed by the body.

Councilmember LeFevre asked that since her situation is grandfathered in, does she need to disclose. The consensus is that disclosure is key, but recusing yourself is not necessary.

Councilmember Ellis commented that he doesn't think power needs to be required to live in an RV on their property while they are building their home. It is not a sanitary issue.

Councilmember Veranth commented about power being in the ordinance that they may not cause a disturbance. He thinks it would be appropriate to drop the " and power".

Councilmember Ellis asked about enforcement and the temporary use form. Mayor Drain commented she is also concerned about generators and the noise.

Councilmember Veranth made a motion in § 153.175 to read "The Rv must be connected or have reasonable access to culinary water and on-site wastewater disposal." And to drop "and power" at the end of that sentence. Councilmember LeFevre seconded the motion. Gladly aye, John aye, Judy no, Josh aye. Motion carries.

Councilmember Veranth made a motion "In §153.176 (A) (3) change "The primary occupant of the RV shall be a worker employed at the business occupying the commercial site." to read "The primary occupant of the RV shall be a local worker." Councilmember Ellis seconded the motion.

Discussion:

Councilmember Veranth reasoned that when it is tied to the business and unintended consequences. Businesses don't own the site and it is an attempt to add employee housing and it makes it easier to have employees working for multiple employers.

Councilmember Ellis asked how in the world that would ever be enforced?

Jen Bach asked the question: does it make the landlord responsible for evicting people?

Councilmember Veranth responded that clauses 4 and 5 address that. It is not a town concern, it is a rental agreement between land owner and renter and is a private contract between two individuals.

Discussion around “local worker” and what that means. Councilmember Veranth brought up a government employee who works locally. Mayor Drain thinks “town or local business” needs to be included. Councilmember Ellis agreed.

Mayor Drain called a vote on motion “In §153.176 (A) (3) change “The primary occupant of the RV shall be a worker employed at the business occupying the commercial site.” to read “The primary occupant of the RV shall be a local worker.”

Gladys, no. John, aye. Judy, no. Josh, no. Motion failed.

Councilmember Ellis made a motion to amend “In §153.176 (A) (3) to read “The primary occupant of the RV shall be a worker employed at a local business.” Councilmember LeFevre seconded. All in favor. Motion carries.

Councilmember Veranth made a motion. §153.201 (A) Delete the phrase “for a period of not more than 90 days accumulative in any given calendar year.” The revised sentence read: “(A) Any owner of real property that is located within the town limits or family member or guest of such owner may occupy as a dwelling an RV located on such property if one of the following conditions is met. Councilmember Ellis seconded the motion.

Discussion:

Councilmember Veranth said occupancy for longer won’t cause a problem. There is no visual impact whether the RV is occupied or not and there is no real concern to limit it to 90 days. There isn’t anyone able to enforce it so there’s no reason to limit it.

Councilmember Ellis agreed that it needs to be changed to coincide with other timelines and this place may not be the right spot to address the timeline. He stated he does not think this is an appropriate timeframe and it makes sense to remove it.

Councilmember LeFevre asked if this wasn’t presented to the public, can the Town Council vote on it.

Councilmember Veranth said it was discussed multiple times and the Planning Commission decided not to change it, but there are people in the public who did bring up the limit tonight and it should be discussed.

Mayor Drain said she thinks there needs to be a time limit.

Blake Spalding commented they don't need year round housing, that a 9 month season would be sufficient.

Councilmember Veranth suggested 270 days.

Councilmember Veranth amended his motion.

Councilmember Veranth made a motion. §153.201 (A) Delete the phrase "for a period of not more than 270 days accumulative in any given calendar year." The revised sentence read: "(A) Any owner of real property that is located within the town limits or family member or guest of such owner may occupy as a dwelling an RV located on such property if one of the following conditions is met. The motion was not seconded.

Councilmember Veranth made a motion to table the Ordinance 2024-2 until next month. Councilmember LeFevre seconded the motion. All approved. Motion Carries.

A 5 minute break was taken.

**Reimbursing Jessica and Lacy to become Town Notaries presentation by Clerk LeFevre** Councilmember Veranth made a motion to cover the notary fees for clerks Jessica and Lacy. Councilmember LeFevre seconded. All approved. Motion Carries.

**Resolutions on town appointments and delegation presented by Councilmember Veranth** The purpose is to state what we are doing and who is doing them. Especially for checks and balances.

Councilmember Veranth made a motion to adopt Resolution No. 2024-1 as presented. Councilmember LeFevre seconded. All Approved. Motion carries.

**Landfill resolution presented by Councilmember Ellis** Councilmember Ellis discussed changes to the Landfill and Dumpster Policies to approve and adopt. The major change is a 24 hour notice for off hours to Cindy Wilson. Fees have been updated and are to be paid by the town clerk. There is a penalty clause that was added to charge a fee and a \$500 fee was discussed. And the dump is open to Town and County residences.

Councilmember Ellis made a motion to adopt Resolution 2024-2 Updating Boulder Town Landfill and Dumpster Policies with the amendments proposed . Councilmember LeFevre seconded. All approved. Motion carries.

Mark Nelson asked about vehicles being allowed in the dump and Councilmember Ellis clarified they are only allowed to hold vehicles and it has a State permit and the vehicle matches what is stated in the permit.

Mayor Drain mentioned that there isn't space in the dump for vehicles and so this issue needs to be further discussed. Councilmember Ellis mentioned we could charge a fee to take cars.

Councilmember LeFevre asked the question about all county residences and asked about fire clean up and if Escalante residents can bring things over to Boulder. Councilmember Ellis clarified the intention is only to service Boulder.

Councilmember Ellis made a motion to accept amended Resolution 2024-2 taking out "including both town and county residents" and changing the penalty to \$500.00. Councilmember LeFevre seconded. All approved. Motion Carries

**Getting initial requests for 2025 budget** Councilmember Veranth recommended using the historic budget and it would be adequate. He would like to work with Jessica to see where money is being spent. Administrative needs to be increased and agreed that Jessica as Budget officer is the best idea.

**Project List Prioritization presented by Councilmember Ellis** Councilmember Ellis presented a document where he had laid out the length of projects, resources and cost. There is a scoring structure which shows you what is high priority vs low priority. Everyone should focus on the higher scoring issues. The intention is to standardize priorities.

**Approval for March checks issued** Councilmember Veranth made a motion to approve the March checks. Councilmember LeFevre seconded. All approved. Motion Carries.

### **Upcoming business for May**

Draft Budget

Ordinance 2024-2

Meeting with the Auditor

Three year capital plan  
Meadowlark  
Possible Arts Councils  
Property tax percentages (Josh)

**Adjourn**

DRAFT