

**Boulder Town Council Regular Meeting
August 1, 2024 7:03 PM
Meeting Minutes**

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

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

The Pledge of Allegiance is spoken.

Approve agenda

Councilmember Lefevre made a motion to approve the agenda as presented.

Councilmember Ellis seconded the motion. All in favor. Motion carries.

TC conflict of interest disclosure

None.

Approve Minutes

Councilmember Lefevre made a motion to approve the July 10th Special Meeting minutes with the approved corrections.

Councilmember Ellis seconded the motion. All in Favor. Motion Carries.

Department report, council and administrators

Councilmember Veranth stated there is a Road Maintenance Log online. The Boulder Arts Council did a workshop on the ADA requirements for buildings and the Arts Council will speak next month about a possible space for use.

Councilmember Veranth then spoke about the Joint Meeting held and thought there was a lot of valuable information and it felt very organized.

Councilmember Ellis reported that there were no Fire calls, County is working on the rapid SOS system. The Wildfire council will be sending out a survey. Landfill needs a new pit dug.

Councilmember Lefevre reported that businesses have been slow from the Utah Travel Council.

Mayor Drain reported Garfield County approved a zone change request from agriculture to resort recreation for a possible Equestrian RV Park.

Town Clerk Jessica Lefevre reported about the Fiscal Year End recording audit that was done for the state. It went very well.

Public comment, 3 Minutes maximum per person. You may not give your time up to another person.

Jen Bach commented on the RV Ordinance changes. She feels that the 270 day amendment wasn't adequately presented to the public. Specifically it wasn't presented for Public Comment. Changing something major without a Public Hearing feels like a bait and switch. She does not think it was honorable. She said it isn't that people don't like the ordinances, it's the fact that they need to be carefully considered.

Mark Nelson commented ditto on what Jen Bach said. He wanted to speak about raising property taxes by 17% and he doesn't know why so much and where that is going and states the council should be careful. He also wanted to comment on the RV Ordinance and stated that this is a mess in his opinion and it is bad planning. He thinks it all needs to be looked at again, specifically the Table of Uses.

Blake Spalding representing Hell's Backbone Grill & Boulder Mountain Lodge commented that they are keen on the alternative plans that don't run the pathway in front of the restaurant. They would like to see a loop with a permeable surface.

Nina Brownell commented that she felt enthusiastic about the plans that connect the school and a permeable surface. She would also like to see a path that doesn't run in front of the businesses. She also expressed concerns about the finances and if it is the best use of resources.

Bench in the park for Bob and Naomi Brems-Dave and Annette Brems

Dave Brems presented a proposal for a memorial bench in the park for Naomi and Bob Brems.

Councilmember Ellis made a motion to approve the

Councilmember Lefevre seconded the motion.

All in favor. Motions Carries.

County Fire Protection Agreement

Councilmember Lefevre made a motion to rescind the County Fire Protection Agreement.

Councilmember Ellis seconded the motion.

All in Favor. Motion Carries.

Councilmember Ellis made a motion to approve the County Fire Protection Agreement as presented. Councilmember Lefevre Seconded the motion.

All in Favor. Motion Carries.

Boulder Farmstead Water Company Fire Hydrant Agreement

Councilmember Ellis made some changes to the contract that has been sent over to the Boulder Farmstead Water Company.

Councilmember Ellis made a motion to present the Boulder Farmstead Water Company contact as presented to the public to Boulder Farmstead for review. Councilmember Lefevre seconded the motion.

All in Favor. Motion Carries.

RV ordinance

Councilmember Lefevre made a motion to rescind the RV Ordinance as presented. Councilmember Ellis seconded the motion.

Councilmember Veranth asked for a discussion. He asked to make sure that what is discussed at the Public Hearing is the Draft he will have presented to the public at the hearing.

All in favor. Motion carries.

Appeal and Penalties in the subdivision ordinance- Attorney Winn

Attorney Michael Winn stated for the Subdivision Ordinance Draft the Planning Commission suggested that any violation be subject to criminal penalty and right now there is no way to enforce those types of penalties. He suggested a visit with the Town Council and checking Town Code. The problem with any criminal offense is that it evokes the bill of rights so you have to offer due process. There are some options. Option one would be to enter into an interlocal agreement with Law Enforcement to enforce Ordinances. Option two would be to create your own justice forum. He reviewed Town Code and Misdemeanors were mentioned many times. Misdemeanors are not enforceable and he is suggesting the wording is changed to charging an administrative fee for violations.

He suggested that he take it back to the Planning Commission.

Councilmember Lefevre asked what happens if they don't pay. Michael Winn responded that is where Leins come in.

Councilmember Ellis commented he doesn't see the value of creating a Justice Forum and also questions creating so many rules when there isn't a way to enforce them and asked what it would take to have penalties systematically outlined?

Michael Winn responded that part of the Town Code would need to be referenced to the penalties.

Councilmember Veranth commented that putting all the enforcement in one area in the code is much cleaner and believes that fees are much friendlier.

Michael Winn stated he would work with the Planning Commission to get that into the code.

Councilmember Ellis made a motion to have Attorney Winn investigate and present a new section of our code related to Civil Fine. Councilmember Lefevre seconded the motion.

All in favor. Motion carries.

American Legal Updates & Content- Councilman Ellis

Councilmember Ellis reported that ordinances are being up for codification on the American Legal website. He stated he would like to reorganize the structure. There is an option to put resolutions up on American Legal as well. He would like the council's approval to move forward with getting everything uploaded.

Councilmember Veranth said he would like to see everything up on the website. He offered to help sort through the archives of resolutions to see what needs to be posted.

Councilmember Lefevre asked councilmember Ellis if he isn't impressed with American Legal, should we be looking for another company.

Councilmember Ellis stated Unico is an option, but none of the companies are that great. So he thinks going forward with who we use is just fine for now.

Mayor Drain agreed with that.

Councilmember Ellis made a motion that the Town Council add their resolutions to the American Legal website starting with 2024 only. Councilmember Lefevre seconded the motion.

All in favor. Motion Carried.

Tax Rate Update

Councilmember Ellis stated that he called the Garfield County Treasurer to ask when the last time Boulder modified their tax rate. It has not been adjusted in the last 30 years.

Fee schedule

Councilmember Veranth presented 2 documents. The bottom line is that Boulder Town is at the low end of the range for fees they are charging. He thinks there should be some time and input from the businesses and the community and suggests subdivision application fees need to be adjusted. He recommended the town tie the fees closely to how much it costs the town.

Councilmember Veranth went over Land Use fees and made 3 suggestions to the council then opened it up for discussion. Option 1 is a fee for requesting a zoning change or general plan change. Option 2 is a \$250 fee plus \$25 an hour. Option 3 is \$50 an hour and a \$250 hour fee.

Councilmember Lefevre said she likes the idea of a fee and a cost per hour plus.

Councilmember Ellis supported a higher rate since there is quite a lot of work involved.

Councilmember Ellis made a motion to accept alternative 3 for the land use fee category. Councilmember Veranth seconded the motion.

All in favor. Motion Carried.

Town Clerk Jessica Lefevre mentioned that they needed to adjust the current fee schedule.

Councilmember Ellis made a motion that the preliminary subdivision application fee and the final subdivision application fee each get set at the \$1000 plus the \$70 an hour rate. Councilmember Lefevre seconded the motion.

All in favor. Motion Carried.

Councilmember Ellis made a motion that the appeal application of \$150 under "other land use applications" be amended to read appeal to the Board of Adjustment and be set to \$500 plus \$70 an hour. Councilmember Lefevre seconded the motion.

Councilmember Lefevre asked if the town is found at fault, can they refund it?

Councilmember Veranth moved to amend to say "\$500 plus \$70 an hour fee will be refunded if the appeal stated the town was in error." Councilmember Ellis seconded the motion.

All in favor. Motion Carries.

Councilmember Ellis made a motion that they revise the general plan or map amendment application line item and zoning ordinance text or map amendment application line item to have a fee of \$500 plus \$70 an hour only if it applies to a specific project and not generally applicable. Councilmember Lefevre seconded the motion.

All in favor. Motion Carries.

No camping on 500 North

This is a request from Katie Coleman and Jamie Skidmore agreed to put the signs up.

Councilmember Veranth made a motion that the Town Council approve putting up “No Parking” signs on 500 North. Councilmember Lefevre seconded the motion.

Councilmember Ellis made a motion to amend the motion to say “No Camping” instead of “No Parking”.

Councilmember Lefevre seconded the motion.

All in Favor. Motion Carries.

Active Pathway Grant Research

Councilmember Veranth stated that there were 2 opportunities that would require that the town would not have to match funds. Depending on the town discussion and what the council decides, these can be discussed.

Active Pathway Route discussion and possible vote

The Council discussed possible pathways.

Councilmember Lefevre said her vote is not to spend anymore money.

Councilmember Ellis stated he is with Councilmember Lefevre and wanted to point out that when the grant first came up, no one had been through a proper budget cycle and now that we have, there is a clearer picture of the budget and it seems that it would be grossly inappropriate financially. He also stated at some point UDOT will put in a paved trail so waiting would be his preference.

Councilmember Veranth thanked everyone for their hard work that went into this. He does agree that it is a big chunk of money to come up with to match.

Councilmember Lefevre made a motion to rescind the motion to accept the grant money for the pedestrian pathway. Councilmember Ellis seconded the motion.

All in favor. Motion Carries.

Staff Upcoming Work & Priorities

Councilmember Ellis spoke and discussed the decision to properly manage staff and be able to receive feedback from staff and establish priorities.

He mentioned implementing annual reviews and tying that to raises on a yearly basis.

Mayor Drain commented that managing staff isn't as easy as it looks. There are certain things that need to be done and if they aren't getting done then the Town Council can get involved, but the employees know what they are doing. Support and help is recommended, but adding additional work to the staff isn't her priority.

Councilmember Lefevre stated she would like the Town Clerk to set up Venmo and get QR codes set up at the town park.

Mayor Drain stated everything needs to go to her and she will delegate.

Councilmember Ellis stated he would like to see Job Descriptions for all the staff by the next meeting. He mentioned creating a system as the council changes over time, it will be easier for people to plug into.

Some of the priorities that were mentioned are: Crosswalks, Maintenance such as trimming weeds around Fire Hydrants, Venmo account, Square for payments, Testing AI for minute transcriptions to save money, Sending backlog of Town Council Minutes to American Legal and form updates from Zoning Administrator.

Town Clerk Jessica Lefevre commented that if a town employee is asked to do something more, it will be based on if the employee has the time and the time remaining in their hours.

Councilmember Lefevre said all items that need to be delegated come to the town board and they delegate the tasks as to what is most important.

Approval for June and July checks issued

Councilmember Veranth made a motion to approve the June and July checks.

Councilmember Ellis seconded the motion.

All in Favor. Motion Carries.

Upcoming business for September

Fee Schedule, Public Hearing for RV Ordinance, Independence Day Recap, Budget & Financial Review & town Pay Scale.

Public Comments

Troy Julian apologized as he missed the conversation about the Pathway and he is available if they need him.

Adjourn

Mayor Drain Adjourned the meeting at 9:19 PM.

Date Minutes Approved: Sept 5, 2024



Jessica LeFevre, Town Clerk