

MINUTES TO BE APPROVED AT JULY TOWN COUNCIL MEETING

Boulder Town Council Regular Meeting

May 2, 2024 7:00 PM

Meeting Minutes

Town Council Members present- 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 7:02 pm

The Pledge of Allegiance is spoken

**Approve agenda**

Councilmember Lefevre made a motion to approve the agenda. Councilmember Ellis seconded the motion. All approved. Motion carried.

**TC conflict of interest disclosure** Councilmember Veranth disclosed that he has been a consultant and has prepared documents on the Meadowlark subdivision. He has not communicated with Erin Smith or Michael Winn regarding the merits of the application or regarding compliance of the application with town ordinances after the decision was made by the applicants in March to update the November 2022 application and request consideration by the Town Council. He has no financial interest in the project.

**Department report, council and administrators**

Councilmember Ellis reported on the following:

Fire Department - There were 2 fires. He commented that the first responder position is intense and they promise to show up. Containing fire is the primary goal.

Dump - There is a new director. We can have people scavenging and it is legal. Burn the weed pit on Monday so it is cleared out.

Wildfire Council - No updates yet.

Councilmember LeFevre reported that volunteers will be painting the dumpsters and will be cleaning up around the town park Saturday after memorial day starting at 9am.

Councilmember Veranth requested to move ahead to improve 200 N, 2705 N, and the minor culvert clearing at Burr Trail Grill entrance. Cost will be around \$3200.

Councilmember Veranth reported to the Planning Commission that Kaden Figgins is working on subdivision plans. Tika Karlsson has stepped down as chair and Nancy Tosta has been appointed as Chair. A heartfelt thank you was given to Tina for all of her hard work on the Planning Commission.

Councilmember Veranth also reported on the Active Path Transportation and the planning commission will work with them. Recommended a yearly meeting between Town Council and Planning Commission in regards to comments that better communication needs to be had between the two bodies.

Lastly, councilmember Veranth reported on the Arts Council is evaluating ADA accessibility of town facilities for their activities.

Councilmember Gardner had nothing to report.

Mayor Drain reported to the Tree Committee that there will be a report to tell us which trees need to be taken down.

**Five Forks Meadowlark Subdivision presented by Zoning Administrator Erin Smith & council discussion** Zoning Administrator Erin Smith Presented the initial application for the proposed subdivision dividing 10.03 acres at Meadowlark Lane. A letter was sent to the applicants on January 30, 2024 denying the subdivision for failure to timely finalize and submit the application.

The applicants filed an appeal on February 9, 2024 to review the application and conditions.

Both parties have met and agreed to resolve all issues.

**Discussion:**Councilmember Lefevre asked how they are going to keep the road maintained and who will enforce it?

Zoning Administrator Erin Smith responded that there is a maintenance agreement that stipulates conditions and they can continue to discuss further, but agreement is in place.

Councilmember Ellis commented that he feels it's important to make a requirement that there is a basic driveway standard that is a requirement everywhere.

**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.** Tina Karlsson stated she has been involved since the beginning since she is on the Planning Commission. It has been an affordable option and there were changes made to the ordinances to make this subdivision possible. The maintenance piece was addressed to the whole subdivision. As a planning commissioner she believes it was a good choice to recommend this subdivision to the town. The Planning Commission needs a lot of support with what changes need to be made.

Matt Cochran commented as a former chair of the Planning Commission and a landowner adjacent to the property and is in support of the subdivision. He stated this has been a difficult process. Road maintenance agreement has met the town requirements. Safety and fire access was the most important.

April O'Neil stated the issue she has with this application is with access. Town Council approved 152.041 where the maintenance agreement with the application was not submitted. Documents were not shared with the public and they were not in compliance. State ethics and questions Councilmember Veranth with a Conflict of Interest. Feels the public has had an issue with the Town Council in the past. Applicant was living in an RV with no Septic for 2 years which is a violation and she is a Planning Commission member. Not upholding ordinances. No building permit with 3 structures. Ethics of everything going on... Further public's trust to put personal interest aside.

Troy Julian stated he and his wife gave land to Dylan and Elena. There is no question that they are in support of the subdivision. There have been a lot of speed bumps and concerns. He believes that the town needs to make sure that it meets town ordinances. If it passes and it is not complete, it shows the ordinances can be ignored when they want. It opens the door to supporting illegal people you do like and closing the door on people we don't like. He wants it to pass, but he wants it to pass legally.

Elena says she knows the ordinances forwards and backwards and it truly meets the ordinances. They were told they had to meet the ordinances.

Tessa Barkan commented that this has been going on for 3 years and every attempt possible has been made.

Keith Watts representing the Boulder Active Path Committee. He stated the community forum on April 20th was successful, but they felt like they did not have enough participation so there is an online survey at [boulderactivepaths.com](http://boulderactivepaths.com). He encouraged participants to comment and state what they like or dislike about the plans.

Heidi Sola since the Zoning Administrator suggested approval for Meadowlark subdivision and that the Town Council should listen to the Zoning Administrator who has passed the subdivision.

John Kelly stated he is in full support and the process has been painfully slow. He understands town business takes time. He recounted that the current Zoning Administrator said this subdivision meets the requirements and should be passed. He stated this should not have taken 3 years.

Bree Rusell wanted to speak to a pattern that she has seen and that folks who were most successful needed a lawyer to represent them to make sure they were following the ordinances and she thinks that based on character is no way to make a decision.

Blake Spalding has a small farm across the road and she agrees with what has been said and she is in support of small farmers. It is starting to feel personal and that perception is unfortunate. People with money doing outrageous things can lawyer up and do whatever they want. She is in favor of the Meadowlark subdivision being passed tonight. She also is in favor of the RV ordinance and would like the ordinance to immediately let businesses house employees. Businesses are getting busier and we need employees with sane and reasonable housing.

Nancy Tosta commented on the RV ordinance as a member of the planning commission hoping in the future they can be more comprehensive in what they discussed and let everyone know what options were considered. The Planning Commission is painfully aware of the ordinance challenges. RV discussion focused on temporary housing primarily for employees. RV's are vehicles and not covered by building codes. Allowing RV's for housing received majority support. She encouraged the town to pass the RV ordinances.

Jon Ryan suggested the Town Council follow the Zoning Administration recommendations and has concerns about requiring maintenance agreements and it can become a popularity contest.

Dylan Geerlings is an applicant along with Elena Hughes on the subdivision and has spent years on this project. There have been confusing and contradictory ordinances. Asked that the Town Council listen to the Zoning Administrator. Preliminary application has met conditions. Asks to follow ordinances as they have been asked to do.

Jen Bach commented on the RV ordinance and echoed Nancy's comment. She would like to add not enforcing something isn't a good reason to take away a rule.

Nick Vincent a year ago he had a similar process with his subdivision. There is a sense of distrust in the process and this is an important decision.

John Kelly asked about the RV wastewater disposal requirements. Ordinance says on-site. He empties his at the state park.

Councilmember Ellis made a motion to pass the Meadowlark subdivision as proposed without conditions. Gladys seconded.

**Discussion** Councilmember Lefevrre asked if it's met everything legal. Zoning Administrator confirmed.

Councilmember Ellis commented on the public comments. He has looked into some concerns. One of them being Robison lane and would have to extend to all of the lower boulder and there would be no subdivisions if this were the case. He mentioned that roads need to be mapped so this doesn't happen again. He also stated putting restrictions not required is bad practice.

Councilmember Veranth noted that subdivisions are an administrative process. He is relying on the recommendations of the Zoning Administrator to aid in this decision.

Mayor Drain stated there is a lot of work to do with our ordinances and it could have been done better.

Vote on the motion councilmember Ellis made stating "to pass the Meadowlark subdivision as proposed without conditions." Gladys seconded.

Josh Ellis aye, Gladys Lefevre aye, John Veranth aye, Ray Gardner aye. All in favor.

Motion carries

**Discussion of Ordinance 24-2** Discussion was postponed until a special meeting could be held.

**Discussion of Ordinance complexity presented by Josh Ellis** Discussion was also postponed as it ties in with the discussion of Ordinance 24-2. This will be discussed at the special meeting.

**Landfill Policies presented by Josh Ellis** Councilmember Ellis said that camp trailers need to be addressed. He is adding a resolution that is to be discussed next month.

**Fire ban presented by Josh Ellis** Councilmember Ellis stated he would like to implement a fire ban to begin now. Mayor Drain stated that a resolution needs to be made.

Councilmember Gardner asked a question about burning and wanted clarification if you can burn and what is the reasoning for moving up the date. And stated he would like to be able to burn on his property if there is a way to do that.

Mayor Drain said the winds this year are the biggest concern and understands what Councilmember Gardner is saying, but is very concerned about the wind.

Decision was made to keep the date that is current for the fire ban.

**Tax rate presentation by Josh Ellis** Josh presented the town rate and the total tax rate percentage for the municipality. The main point is that raising the taxes wouldn't be out of the question because our rate is so low comparatively.

**Independence Day Town Celebration check in with Gladys Lefevre** Councilmember reported that Hell's Backbone Grill will be holding the Ice Cream social and talent show. We are working on music and a movie in the park. If you have suggestions and are willing to volunteer. Please let her know.

## **Break**

**Fiscal year 2025 Boulder Town Budget presented by Jessica Lefevre and Judy Drain** Town Clerk Jessica Lefevre and Mayor Judy Drain presented the budget. A discussion was had about Michael Winn's wages. Jessica stated that she and Erin the Zoning Administrator rely on him quite a bit and would recommend that they continue. Michael Winn stated that he would like to create a fee schedule that makes sense for Boulder.

The council and clerk then went through the budget line by line and council members discussed line items and discussed possible ways to increase revenue.

**Approval of April Checks issued** Councilmember Lefevre made a motion to approve the April checks. Councilmember Veranth Seconded. All in favor. Motion carried.

## **Upcoming business for June**

Fee Schedule

Work Meeting on Ordinance 24-2, Farmstead water contract

Grants

Joint meeting Town Council and Planning Commission

Budget

Public hearing for the budget

## **Adjourn**