

Boulder Town Council Regular Meeting  
February 1, 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, Transcriptionist Heidi Sola

Meeting was called to order at 7:01pm.

**Pledge of Allegiance** The Pledge of Allegiance was spoken.

**Approve agenda** Motion to approve the agenda made by Councilmember LeFevre. Seconded by Councilmember Gardner. All voted Aye. Motion passed unanimously.

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

**Department report, council and administrators**

Councilmember Ellis reported that the fire department had been busy and there had been a structure fire on January 10. Lessons were learned about what the fire department needed and they would come up with a plan to present at the March meeting. He reported that fire training was held in St. George earlier in the month and fire hoses would be replaced on the trucks on February 10. He reported that Karen DeBonis, the EMT, was out of town at the Grand Canyon. He reported on the dump and stated that Sam was digging a hole today. He also reported that the fire council was working with Judith on revising the emergency plans.

Councilmember LeFevre LeFevre reported on the business community and said they were continuing to get their council formed and that the cemetery needed two culverts and Marc Austin was going to work on getting those put in.

Councilmember Veranth reported on the roads and stated that he had a meeting with the Coleman's about repairing the road after the Jepsen fire and that the school needed to get new speed bumps and paint. He planned on discussing this further under the agenda item later this evening.

Councilmember Gardner reported on the library and stated the current hours and that they were taking on an oral project for the town to preserve local history. He reported on the park and stated that per conversations with previous Councilmember Julian they had discussed the park committee and he was directed to speak with Sam Stout.

Mayor Drain reported on the transportation plan and stated when a plan was put together for Boulder it could be assimilated with the larger transportation plan for surrounding communities and that she wanted a transportation study done on Burr Trail. She stated there would be two more meetings regarding the transportation plans. Mayor Drain reported she had talked to the Tree Board and they were on their winter break so there was nothing to report.

Clerk LeFevre reported that she was able to get the speed bumps and the paint into town and Corry would be starting to work on that. She wanted a bigger conversation about this because there had been conversation about where to put them and wanted to add this discussion to the agenda for next month. She reported on the bathroom signs requested from UDOT and they had been put up two days ago and they seemed to be working.

Councilmember LeFevre asked if the restrooms were closed in the winter if they had to do anything to the signs. Clerk LeFevre responded that there was not a responsibility to do that and usually the bathrooms were closed in the winter but Corry had been leaving them open to see how it goes to plan on how to handle it going forward.

**Review of Roberts Rules 5 minute limit** There was not a review.

**Approve minutes for November emergency work meeting, December regular meeting, January regular meeting** Item was tabled.

**Public Comments 3 minutes maximum per person. You may not give your time up to another person.**

Aiden Solstrum and Graycen Hilton presented their trip to Washington D.C. They had a poster board with pictures and said their favorite thing was going into the White House, the Capitol Building, and the Botanical Gardens.

Betsy Hilton thanked the town Council and everyone that had contributed to make the trip possible. She stated it was a great experience to take part as a County and thanked the Council again and hoped the Town would consider participating in this trip again.

Jennifer Geerlings commented that she felt strongly that the Town would take time to develop a plan that included the entire community with regards to the pedestrian pathway. She stated she had looked at the different plans that Keith had put together and hope that the Planning Commission would take a look at these in order to include the community in the final decision. She thought it was important for the Council to

evaluate the community input in order to establish trust with regards to making a decision about the ped path.

Shelley Price-Gipson commented on the pedestrian pathway and she knew it was an ongoing discussion and she supported how everyone felt but that she and Tony would really appreciate it because of their physical restraints living in Boulder. She stated that she and Tony went to Escalante twice a week in order to get their physical activity in.

Blake Spalding commented on the pedestrian pathway and stated that she appreciated the volunteer service of the Council but did not appreciate that this had been under discussion for a year and she did not have the answers to the questions that she wanted. Her main concern was the unintended consequences and what was going to be scary was the driveways and whose liability that would be if there was an accident. She did not like option A or the original plan and requested that Council hear the community's concerns.

Keith Watts commented that after the December meeting he was concerned that Council had said there were no alternatives and so he had come up with two alternatives that he had sent out to Council. He proposed moving the path to the other side of the street and insisted there were other alternatives including connecting the path to the school and the State Park. He stated that he had found fifteen problems with plan A and that the pathway was not in the right place. He thought the community would like to see an ADA pathway that catered to the elementary school children so they did not have to walk along the highway. He stated that what had been put forward was a poorly organized plan and wanted the Town to take the appropriate time to make a good decision.

Mark Nelson commented that he had not planned on speaking but he had written letters that no one had responded to and he had been on the park committee that had originally designed the pathway and they wanted a pathway that fit the town and that they had wanted to keep the rural feel. He commented that the philosophy behind the park was that it was a beautiful natural area and they wanted the development focused on the one side of the park in order to maintain a natural area in the center of town and he still thought that this was a sound philosophy. He commented that he had just walked the current path recently and did not think that it needed to be changed and what had gone wrong with this project was that a decision had been made in the wrong way and they needed to get away from that in order to make a sound decision. He also did not understand how Council could not see that plan A funneled people into the park and he did not think that that made any sense. He wanted to see the lower end of the park preserved.

**Mayor pro tempore** Mayor Drain stated that the Council needed a Mayor ProTem in instances of her absence and read the job description of the position. Councilmember Ellis commented that because of Robert's Rules he nominated Councilmember Veranth as Mayor ProTem. Councilmember LeFevre seconded. All voted Aye. Motion passed unanimously.

**Boulder Town Emergency Plan Analysis** Mayor Drain stated she would like to have a work meeting regarding this in order to come up with a really good plan. Councilmember Ellis stated there were a lot of issues with this and the biggest one was that there was no clear direction about who was supposed to do what. He referenced the EOP process flowchart available online and talked through the different flows. He pointed out the multiple flaws in the chart and stated there was more liability once the process was laid out in a flow chart and he wanted to work on tying up the loose ends. He stated that there was not a solid chain of command and he and Corry had discussed establishing something concrete. He stated that only the Mayor could declare a state of emergency and Mayor Drain confirmed. Mayor Drain commented she was glad that Councilmember Ellis had taken the reins of this because they really needed to have an emergency plan in place and they needed a way to be able to communicate emergencies to the communities on the outskirts of town. Councilmember Ellis stated he would like to meet with Sheriff Gardner and Fire Chief Johnson in order to work out what they needed to present at a meeting.

Councilmember Veranth thanked Councilmember Ellis for all of his work on this and stated that the coordination between the Fire Chief and the Sheriff and the Council would be beneficial.

Mayor Drain stated that they would make a plan in March to finalize this plan at the work meeting. She broke down the Councilmember obligations for the chain of command and stated they could change that after they had the meeting regarding the finalization of the chain of command.

**All users pedestrian pathway alt route to around the Town Pavilion to present to the Joint Highway Committee** Mayor Drain stated the Council had already voted to accept the money and that she would like someone to make a motion on plan A.

Councilmember LeFevre made the motion to accept Plan A. Councilmember Veranth seconded the motion.

Councilmember Ellis stated he had a phone call with Chris Potter and that all things were possible but any significant changes needed to be submitted to the Highway Committee. Mr. Potter had told him that the town was not stuck with what had been approved but not to bother coming back to the committee with a surface that was not 8 feet wide or paved. Chris Potter said a delay could be made, but if the town was going to refuse the path, they should do it now. He did not see a motivation to move forward with either of these plans but he was not here to represent himself, he was here to represent the town as a whole and in fairness they should analyze all of the options available.

Councilmember Gardner thought the pathway had the potential to be a nice feature in the community but he didn't see a lot of use on the current pathway. His concern was whether or not this was the best use of the Town's road money.

Councilmember Veranth made a motion to discontinue any further discussion of the multi-use path issue and suggested it be referred to the Planning Commission to commit to a committee for further research and study of the alternatives and request a year delay from UDOT so that study can be done. Councilmember Ellis seconded.

Councilmember Ellis stated that no one has provided a good reason to the community of why this issue could not be more thoroughly discussed and that they could represent a new plan to the Highway Committee in the fall.

Mayor Drain thought that plan A was a good plan for the community allowing everyone to use the plan.

Councilmember Veranth moved to discontinue any further discussion of the options and to refer the multi-use pathway to the Planning Commission for further research and study of the alternatives and request a one year delay from UDOT.

Mayor Drain voted no. All others voted Aye. The motion passed.

**Ordinance §34.16 policy for approval of minutes & §34.03 Electronic Meetings**

Clerk LeFevre stated that State Code needed to have meeting minutes drafts posted within 30 days but the Town ordinance stated it should be posted within 15 days and read the ordinance. She read the proposed change that would change the Town ordinance to be aligned with the State Code.

Councilmeber LeFevre made a motion to approve the changes to the ordinance.

Councilmember Veranth did not think that the suggested change to the ordinance had not been presented properly.

Mayor Drain seconded the motion.

Mayor Drain stated that they would like to get to a point where they could get the minutes done within fifteen days but sometimes it was just not possible and like the idea of aligning with the State Code.

Councilmember Veranth did not like the idea of paraphrasing state code. He preferred that the minutes were submitted within 15 days in order to have the information available for the Transcriptionist Sola.

Councilmeber Veranth motioned to table the item pending a work meeting regarding Town procedures. Councilmember Ellis seconded. All voted Aye. The motion passed.

**Landfill** Councilmeber Ellis reported that he had talked to Donna Jean and he had learned a few things that were interesting to him. He thought the way they needed to handle this was through a resolution that explained the policies and got some signage that indicated what the rules were. He stated there were 9 acres at the dump and they

were using about one third of that and he wanted to get up there and dig some test holes. Clerk LeFevre asked if the people at the dump had been upholding these policies. Mayor Drain confirmed that Cindy had been upholding these policies.

Councilmember Ellis thought they needed to figure out how much land they were working with and stated that for future reference he did not have a dump key and thought they needed to get a new lock for knowledge of key distribution.

Councilmember Ellis stated he would continue to research this and draft some policies based on what he had been told and once they had determined what they wanted to do they could put it into a resolution.

**EMT hybrid program options** Councilmember Ellis stated he had been researching program options and had located several that offered remote options with a final on-site certification.

**Planning Commission SB-174 consultant funding** Mayor Drain stated that when this had been put out she wanted to make sure that it was feasible, SB-174 was new legislation to bring the Town code up to the State's subdivision requirements. Mayor Drain stated that the State had come through with some money in order to bring the Town up to code and she had talked to Kayden who had said this would be totally feasible and allow the Planning Commission to free up their time by having Kayden handle this. She wanted to present this item to the Council for discussion. Clerk LeFevre stated that Boulder had access to \$14,000 in assistance but they had to use one of eight approved consultants and if the Town decided to use Lee Nellis the Town would have to pay him from its own funds and not the \$14,000 of State assistance so the Town should utilize that \$14,000 and have Kayden handle this.

Councilmember Veranth thought this was a good idea and the Town needed all the resources they could get and that they should move forward with this.

Councilmember Ellis stated that SB-174 was an interesting law in which the State had turned subdivisions into a purely administrative process and the Council would no longer have a significant say in proposed subdivisions and this would have significant consequences so they needed as many minds on this as possible and he thought it was important for citizens in the community to realize how big of a change this would be.

Councilmember Veranth stated one thing this ordinance did was set a timetable for a town to review a subdivision for completeness and that there needed to be an administrative land use authority to make there was an objective standard for these subdivisions.

There was discussion about how to accept the \$14,000 from the State. Clerk LeFevre explained that once it was decided to bring Kayden on then he would send over a contract.

Councilmember Veranth moved to proceed with the use of the consultant pool money with the expectation that a contract would be received for approval at a future meeting. Councilmember LeFevre seconded. All voted Aye. Motion passed unanimously.

**Communication between Town Council and Planning Commission** Councilmember Veranth stated that he intends to be heavily involved in the communication between Town Council and Planning Commission. There is a need to focus planning efforts on specific topics that the Town Council wants to move forward on. His further goal is to help avoid situations where the Planning Commission sends recommendations to the Town Council without sufficient background and rationale for consideration. He asked for the Town Council to help set deadlines and items that they wanted the Planning Commission to spend time on.

Councilmember LeFevre stated they needed to prioritize what they wanted discussed. Councilmember Veranth stated the RV ordinance draft should be brought to Council by the May regular meeting, the Pedestrian Path had been given a year delay and the subdivision ordinance needed to be presented by September.

Mayor Drain asked what needed to be included on a list for getting the subdivision ordinance in order. Councilmember Veranth stated he did not think they needed to focus on zoning and that they needed to focus on the subdivision ordinance. Councilmember Veranth explained priorities would be RV Ordinance, Subdivision Ordinance, cleaning up language in Zoning Ordinance, but to focus on the RV and Subdivision Ordinance.

Councilmember Ellis thought the combination of Mr. Nellis and Mr. Figgins would be best to put most of the work onto. Councilmember Ellis agreed with Councilmember Veranth on priorities.

**Present and sign Fraud Risk Assessment** Clerk LeFevre presented the fraud risk assessment packet to the Councilmembers. This assessment is required by the state and needs to be signed by the Council. Councilmember Ellis addressed that we should have more policies and procedures to prevent fraud risk. Councilmember Lefevre stated that precautions have been started and policies and procedures will be implemented. Councilmember LeFevre asked if the Town had a GRAMA fee schedule and asked for clarification on the conflict of interest question on the online training.

**Assign council member to be over Independence Day Celebration** Mayor Drain stated they needed to assign a Councilmember to appoint a committee and be a liaison for the 4<sup>th</sup> of July festivities. Councilmember Ellis stated he was willing to help but did not want to be in charge of it. Councilmember LeFevre suggested asking the businesses to be involved in the organization of the event and volunteered to be the liaison.

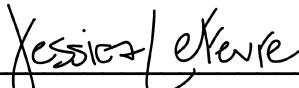
**Approval for January checks issued** Councilmember Veranth asked about the American Planning Association. Clerk LeFevre explained the incentives. Motion to

approve the January checks made by Councilmember LeFevre. Seconded by Councilmember Ellis. All voted Aye. Motion passed unanimously.

**Upcoming business for March** Clerk LeFevre pointed out that there were no smoke detectors or fire extinguishers in the Town building and that needed to be addressed. Councilmember Veranth suggested documenting that Lacy and other town employees be documented by resolutions and suggested a work meeting regarding town procedures and processes. Councilmember Veranth asked for year to date financials and budget information on the next agenda. He also suggested scheduling a closed meeting moderated by a neutral party in an attempt to diffuse reasonably imminent litigation.

**Adjourn** Meeting adjourned at 10:25.

Date Minutes Approved: March 7, 2024

  
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Jessica LeFevre, Town Clerk