

# Boulder Town, Utah Minutes

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## Town Council Regular Meeting and Public Hearing

Thursday, May 1, 2025

7:00 PM at Boulder Town Community Center

Boulder Community Center, 351 North 100 East, Boulder, UT 84716 Phone: 435-335-7300

### 1. Opening Ceremonies

#### 1.1 Call to Order

Mayor Conrad Jepsen called the meeting to order at 7:00 PM on May 1, 2025, for the regular meeting and public hearing.

#### 1.2 Roll Call and Determination of Quorum

Mayor Jepsen conducted a roll call.

- Gladys LeFevre, Town Council Member (Online via Zoom)
- Josh Ellis, Town Council Member
- John Veranth, Town Council Member
- Ray Gardner, Town Council Member
- Conrad Jepsen, Mayor

A quorum was established. Clerk Jessica LeFevre was present.

#### 1.3 Pledge of Allegiance

Mayor Jepsen led the Pledge of Allegiance.

#### 1.4 Adoption of Agenda

*Mayor Jepsen proposed an amendment to add agenda items 1.5 (Conflict of Interest Disclosure) and 1.6 (Town Attorney Comments). John Veranth seconded the motion.*

The council voted unanimously to add these items.

*Josh Ellis proposed an amendment to change item 16 from an executive session to a discussion on staff policy updates. Gladys LeFevre seconded the motion.*

The council voted to approve this amendment, with John Veranth abstaining.

#### 1.5 Conflict of Interest Disclosure

John Veranth disclosed that he owns two rental properties in town that may be affected by changes in the table of uses and RSTR rules. He stated he does not feel uniquely affected and will vote on related matters.

Ray Gardner disclosed that he owns a rental property in town that may be part of the duplex discussion. He also mentioned potential conflicts related to RSTR discussions due to owning a campground.

Gladys LeFevre disclosed that she has a campground with rentals and is related to Town Clerk Jessica LeFevre.

### **1.6 Town Attorney Comments**

The town attorney, Michael Winn, explained that he will offer tips and tricks or legal reviews during council meetings, planning and zoning meetings, and joint sessions. He mentioned upcoming topics such as legislative updates, offenses against the administration of government, open meeting requirements, ethical violations, public records requests, standards of review, and qualification for good faith or immunity.

John Veranth requested that the attorney highlight any ordinances that need prompt revision. Josh Ellis asked for more information on Conditional Use Permits (CUPs), especially regarding case law.

### **2. Meeting Minutes Approval for April 3 and April 23**

Ray noted a correction for the April 3 minutes, stating that a discussion about the town septic was with Glade Shakespeare from the health department, not Gladys Shakespeare.

*Josh Ellis moved to accept the April 3 and April 23 meeting minutes.  
John Veranth seconded the motion.*

The motion passed unanimously.

### **3. Department and Staff Reports**

Gladys LeFevre reported on cemetery matters, stating she would contact young men and women for the annual cleanup before Memorial Day.

Gladys LeFevre mentioned putting a note on the pegboard about taking bags from the free box to thrift stores when going out of town.

Gladys LeFevre followed up on Susan Kelly's request about the pickleball court. Clerk Jessica LeFevre noted that Elizabeth Julian is moving forward with scheduling a date, and they will work together on purchasing policy and next steps.

Gladys LeFevre will follow up with Cheryl Cox regarding the July 4, 2026, 250th celebration. Josh Ellis and Clerk Jessica LeFevre noted it would be on the June agenda.

Ray Gardner provided an update on the town park septic issue. He reported that the septic tank was pumped, but no anomalies were observed. Ray Gardner suggested consulting with a septic designer to explore options for

expanding the absorption area, such as extending leach lines or adding additional ones. Josh Ellis suggested adding further discussion to the October regular meeting.

Josh Ellis reported on a small fire in the center of town that occurred after the fire ban was voted in but before it took effect. He noted that the fire ban information on the town's homepage needs to be updated from 2024 to 2025. EMT training is progressing, and Judith Geil is returning for Wildfire Council.

Josh Ellis provided a landfill update on metal recycling, working with DMV on scrap titles for all vehicles, and the state's upcoming on-site landfill audit scheduled for Tuesday, June 3. He also mentioned that the Q1 report to the state, due April 15, needs to be completed and submitted.

John Veranth reported that asphalt pothole repairs will be done once the asphalt plants are running, but no specific date has been set. He also mentioned that the tree committee was informed that the town would pay for an arborist to look at the cottonwood tree hit by roadside grading and to fix an apple tree.

Clerk Jessica LeFevre noted she did not have anything to report.

Zoning Administrator Erin Smith was absent, and no report was provided.

Mayor Conrad Jepsen noted that various departments and staff members have continued collaborating with Elizabeth Julian to identify administrative needs, develop solutions, and plan for future process improvements. He mentioned that Elizabeth has assisted Clerk Jessica LeFevre with clerical duties during the absence of a deputy clerk.

#### **4. Public Comments**

Elaine Baldwin, representing Garfield County, spoke about America's 250th birthday celebration next year. She discussed plans for a committee to organize events and mentioned potential grant opportunities for towns to fund activities such as Fourth of July celebrations, fireworks, and banners. Baldwin outlined ideas like a quilt contest, encouraging people to walk 250 miles in the celebration year, and creating a book about ancestors who fought in the Revolutionary War.

Mark Nelson expressed concerns about the proposed duplex ordinance, stating that it could lead to high-density housing and open the door for outside investment. He worried that it might not produce affordable housing as intended and could encourage speculation by non-residents. Nelson suggested testing the ordinance in a high-density zone rather than allowing duplexes in every zone.

Speaking as a member of the public, Nancy Tosta shared her views on the

RSTR ordinance. She stated that RSTRs should not be considered B&Bs and should not be required to serve food. Tosta suggested requiring an owner or licensee on-site for an RSTR as an option to add to the ordinance. She also recommended moving the restroom signs at the park as soon as possible to address misuse.

As the Planning Commission Chair, Nancy Tosta emphasized the need for a systematic approach to enhance communication and streamline processes between the Town Council and the Planning Commission. Specifically, she noted that the council input is commonly received post-deliberation and advocated for its provision earlier in the procedural timeline.

Tina Karlsson echoed Nancy's comments about not requiring food service for RSTRs and expressed concern about the burden on the town and violations. She also mentioned seeing someone filling up a full water tank at the park, emphasizing the need to address this issue.

## **5. Discussion on 2025 Municipal Election**

Mayor Conrad Jepsen noted that the upcoming election will remain a standing agenda item through the end of the year. All relevant documents were included in the meeting materials, and the required election notice was posted.

## **6. Action on Election Ordinance Changes**

John Veranth proposed adopting the draft election ordinance 2025-D, which was based on discussions from the previous month and advice from the town attorney, Michael Winn.

*John Veranth moved to adopt the draft election ordinance 2025-D.  
Gladys LeFevere seconded the motion.*

During the discussion, John Veranth explained that the new ordinance states that elections will be conducted according to Utah Code Annotated Title 20A, which covers the entire election code. The ordinance also specifies that the town will use the primary election route and explicitly states that Utah Code Annotated Chapter 11 governs financial disclosure. Chapter 31 will be repealed in its entirety.

The motion passed unanimously.

## **7. Discussion and Possible Action on CPA Assistance with IRS (Councilmember Ellis)**

Josh Ellis proposed hiring Larson and Company PC to manage the town's interactions with the IRS regarding payroll back taxes issues.

*Josh Ellis moved to hire Larson and Company CPAs to manage the*

*town's interactions with the IRS regarding the payroll back taxes issue. John Veranth seconded the motion.*

Josh Ellis explained that Kyle from Polaris recommended this firm, which has staff with direct access to the IRS. He estimated the cost would be a couple of hundred dollars, definitely less than a thousand. The council discussed the benefits of having professionals handle this matter.

The motion passed unanimously.

#### **8. Discussion and Possible Action on Fraud Assessment (Councilmember Ellis)**

Dave Sanderson, CPA, the town's new financial adviser, presented (online via Zoom) the annual fraud risk assessment required by the state auditor. He explained that he had updated the previous year's assessment, adding points for his credentials and training. The town's total score improved from the last year.

Sanderson noted that while the assessment doesn't prevent fraud, it is a required process. He suggested ways the town could improve its score in the future, such as adding the state auditor's fraud hotline number to the town website and potentially forming an audit committee.

The council reviewed the assessment and discussed potential improvements for the future.

#### **9. Discussion on Monthly Financial Reports (Councilmember Ellis)**

Josh Ellis explained that this item stemmed from discussions about preventing oversights in financial matters, such as the recent issue with unpaid payroll taxes. After consulting with Kyle, the CEO of Polaris (the town's accounting software), he mentioned that they identified several reports the council should review monthly.

Josh Ellis noted that Dave Sanderson, now the financial adviser, will review much of this information. Josh Ellis suggested leaving this item as is for now and moving on to the next agenda item.

#### **10. Discussion on 2026 Budget & 2025 Q3 Financials (Councilmember Ellis)**

Dave Sanderson presented a financial report he created to help understand the town's financial status. He explained the "red-green report," which shows the budget, actuals to date, percentages, and reprojected figures based on current trends.

Dave highlighted that the town is projected to have a surplus of \$10,379 more than initially budgeted. He also noted that the town's ending fund balance is projected to be slightly over the allowed percentage, suggesting

that some money may need to be transferred to the capital projects fund. The council discussed various aspects of the budget, including CARES money for administrative salaries in the previous year and how that affects budget comparisons.

Dave also presented information on the Class C Roads Fund, Building Authority, and Capital Projects Fund. He explained that he would provide monthly reports, including a budget report, check register, and the "red-green report" for five months of the year.

The council briefly discussed the 2026 budget, noting that the tentative budget presented was essentially the 2025 budget copied over. It was agreed to revisit this at the June meeting and potentially schedule a separate work meeting to discuss it in more detail.

## **11. Public Hearing for Duplex Ordinance**

*John Veranth moved to close the regular meeting and open the public hearing on the duplex ordinance. Gladys LeFevre seconded the motion.*

The motion passed unanimously.

Mark Nelson spoke during the public hearing, reiterating his concerns about the duplex ordinance. He expressed worry about high-density housing and outside investment, stating that the ordinance might not produce affordable housing as intended. Nelson suggested testing the ordinance in a high-density zone rather than allowing duplexes in every zone.

*John Veranth moved to close the public hearing and reopen the regular meeting. Gladys LeFevre seconded the motion.*

The motion passed unanimously.

## **12. Discussion and Possible Action on Duplex Ordinance**

John Veranth led the discussion on the duplex ordinance. He stated that duplexes already exist in town without causing problems and that there is demand for smaller units. John emphasized that the ordinance would be a step forward in implementing recommendations from the housing workshop two and a half years ago.

The council engaged in a lengthy discussion about the definition of duplexes, their potential impact on the community, and how the ordinance might interact with other regulations, such as those for short-term rentals. They also discussed the state law that allows internal ADUs (Accessory Dwelling Units) and how this affects the town's ability to regulate housing.

After much debate, the council agreed to modify the definition of a "duplex" to "a single building having two separate "dwelling units" and to remove the

reference to Utah State Code 38-11-102 (6).

*Josh Ellis moved to amend the motion to change the definition of duplex and remove the state code reference. John Veranth seconded the amendment.*

The amendment passed unanimously.

*Josh Ellis moved to accept ordinance 2025-B (the duplex ordinance) as amended. John Veranth seconded the motion.*

The motion passed with Ray Gardner abstaining due to his ownership of a rental property that could be affected by the ordinance.

For clarification, it was noted that the election ordinance will be numbered 2025-2, and the duplex ordinance will be 2025-3.

### **13. Discussion on RSTR Ordinance (Councilmember Veranth)**

John Veranth presented talking points for revising the Residential Short-Term Rental (RSTR) ordinance. The main proposal was to require that the license holder be on the premises when guests are present, regardless of who owns the property. This would simplify regulations and ensure better oversight of guest behavior.

The council discussed various aspects of this proposal, including:

- How would it affect current RSTR operations
- The potential for outside investors to exploit the system
- The difference between this proposal and the current regulations
- How might it impact housing availability for local workers
- The interaction with other ordinances, such as those for bed and breakfasts

After extensive discussion, the council reached a consensus on several points:

- Focus on non-owner-occupied short-term rentals
- Require the license holder to live on the property
- Not cap the number of license-holders occupied short-term rentals
- Rewrite the definition of bed and breakfast to align with the new RSTR regulations
- Consider implementing a fee for RSTR licenses

The council agreed to have a committee rewrite the ordinance based on these points and invite comments from the planning commission before returning a draft to the Town Council.

#### **14. Discussion and Possible Action on Topics and Timing of Joint TC - PC Meeting**

The council discussed scheduling a joint meeting with the Planning Commission. The Planning Commission had suggested Thursday, May 22, at 7 PM. They proposed topics to include an overview of newly passed state laws affecting towns and their impact on local ordinances, as well as an update from Elizabeth Julian.

After the discussion, the council agreed to schedule the meeting for 6 PM instead of 7 PM. They also added a topic to discuss a more systematic approach to addressing ordinances, code changes, and work that needs to be done. Mayor Conrad Jepson and Planning Commission Chair Nancy Tosta will co-create the agenda.

*John Veranth moved to schedule the joint Planning Commission - Town Council meeting for 6 PM on Thursday, May 22. Josh Ellis seconded the motion.*

The motion passed unanimously.

#### **15. Discussion and Possible Action on July 4 Town Celebration (Councilmember Gardner)**

Ray Gardner reported on the plans for the July 4th celebration. The committee, consisting of Ray Gardner, Jen Bock, and Barbara Van Quill, has decided to stick with the traditional Boulder celebration format:

- A parade in the morning
- Lunch at the park (including a pig roast)
- A dance in the evening with a band

Ray Gardner confirmed that the budget would remain at \$3,000 as in previous years. He mentioned the need to inventory supplies in the shed and potentially purchase a portable shade structure. The committee has secured the Muddy Boots band for the evening dance and is seeking four rooms in the community to house the band members.

Ray Gardner also mentioned the possibility of obtaining grant money for the celebration through Elaine Baldwin's initiative for America's 250th birthday celebration.

#### **16. Discussion on Staff Policy Updates**

Josh Ellis provided an update on changes to staff management practices agreed upon in a recent executive session:

- Implementing annual reviews for all staff
- Introducing new time sheets and digital time tracking for employees



- Setting work and office hours for the clerk
- Establishing and implementing a task list system
- Requiring professional development and/or annual training for staff
- Instituting monthly staff meetings

The council discussed these changes and agreed to assign a council member the responsibility for monthly staff meetings, with the mayor having the authority to make this assignment and the participation of the Planning Commission chair.

### **17. Potential Upcoming Business for the June Regular Meeting**

The council discussed items for the June meeting agenda, including:

- Reviewing and accepting the certified tax rate from the county
- Holding a public hearing for the budget (requiring a 7-day notice)
- Approving the budget by June 30
- Making department assignments for staff
- Following up on RSTR ordinance discussions
- Addressing any necessary legislative changes identified in the joint meeting with the Planning Commission

### **18. Adjourn**

The meeting was adjourned at 9:32 PM.

**Date Minutes Approved: July 15, 2025**

/s/ Elizabeth Julian

Boulder Town Clerk