

Boulder Town, Utah Minutes

Town Council Regular Meeting

Tuesday, September 2, 2025

7:00 PM at Boulder Town Community Center

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

Opening Ceremonies

Call to Order

Mayor Conrad Jepsen called the September 2, 2025, Boulder Town Council public hearing and regular meeting to order at 7:00 PM. He reminded everyone to speak into their microphones.

Roll Call and Determination of Quorum

The mayor conducted a roll call.

- Gladys LeFevre: Present
- Josh Ellis: Present
- John Veranth: Present
- Ray Gardner: Present
- Conrad Jepsen: Present

Mayor Jepsen confirmed a quorum was present with all five council members in attendance.

Pledge of Allegiance

Mayor Jepsen invited those present to rise and join in the Pledge of Allegiance.

Adoption of Agenda

Mayor Jepsen asked for a motion to adopt the agenda as presented.

Gladys LeFevre moved to adopt the agenda as presented. Josh Ellis seconded the motion.

The motion passed unanimously with all council members voting in favor.

Conflict of Interest Disclosure

Mayor Jepsen asked if any council members had conflicts of interest to disclose regarding items on the agenda. No conflicts were reported.

Consent Agenda

Mayor Jepsen introduced the consent agenda, which included approval of meeting minutes from August 19, financial reports, and scheduling of the September 16 special work meeting and the October 7 regular meeting. Councilmember Veranth requested that the financial reports be removed from the consent agenda to be discussed separately under agenda item 6.

Josh Ellis moved to approve the consent agenda items, excluding the financial reports. Gladys LeFevre seconded the motion.

The motion passed unanimously.

Department and Staff Reports

Councilmember Reports

Gladys LeFevre reported on her efforts to apply for the Christmas grant program. She estimated she could come up with about \$2,000 worth of expenses, with a 65% county match. She explained she was looking for solar-powered Christmas decorations that would be easy to put up and take down.

Ray Gardner inquired about the status of the septic system at the town park, which had been discussed about a year ago. He asked Conrad to speak with Corry about whether he had noticed any issues over the summer to determine the urgency of addressing the situation. Mayor Jackson made a note to follow up on this with staff.

Ray Gardner read a statement regarding Boulder Town's request for Mountain America Credit Union to remove former mayor Judy Drain and former town clerk Jessica LeFevre from all accounts. The statement requested that treasurer and deputy clerk Lacey Allen be designated as a principal on all accounts, and that Mayor Conrad Jepsen and Clerk Elizabeth Julian be added to all accounts.

John Veranth requested reimbursement solely for the \$415 registration fee to attend the ULCT Convention, excluding any travel or lodging costs.

He outlined details for an upcoming work meeting for the Town Council and Planning Commission, which will consist of a two-hour session, followed by

a break, with the option for a more informal Q&A session that can continue into the afternoon for interested parties. Councilmember Veranth mentioned the necessity of deciding whether lunch will be included.

Along with others, John Veranth has pinpointed several critical topics for the training, many derived from the planning commission and additional members:

1. The planning commission chair has specifically requested guidance on leveraging zoning to fulfill town objectives, including balancing open space and affordable housing.
2. Clarification is needed on the distinctions between the legislative zoning process and the conditional use permit process. This will entail an in-depth review of topics on the Conditional Use page of the property rights website.
3. Discussions will include potential solutions and strategies to address the issue that most of Class C roads lack recorded easements, encompassing aspects like adverse possession, easements, and the prescriptive road statute.
4. Best practices will be reviewed regarding appeals, whether employing a citizen Board of Adjustment or a land use law professional as the hearing officer.
5. A distinction will be drawn between land use regulations (such as zoning and building permits) and business regulations, which include business licensing, health and safety standards, and parking.
6. There is a necessity to explore available resources to assist in drafting clear, legally sound ordinances from plain language policy points for ordinance language.
7. A request was made by a planning commission member for guidance on regulating commercial uses, given Boulder's complex legacy decisions like the abolition of the commercial zone, subjective commercial development standards, and removal of commercial uses from the table. Presently, all businesses in Boulder are deemed non-conforming.

John Veranth expressed his appreciation for the Planning Commission's efforts, acknowledging their differing views on the RSTR Ordinance. He emphasized that his primary aim for the agenda item at the meeting was to achieve a consensus on ordinance provisions among the council.

Planning Commission Report

Nancy Tosta reported that the Planning Commission did not have an August meeting, but they had been working on the community survey between

their July and August meetings. She stated that they received 138 responses, which they considered a good response rate. The survey results, including comments and statistical data, were summarized and made available in the Planning Commission meeting materials folder.

Tosta also mentioned that a general forum was held on July 30th, with approximately 30-40 people attending in the community room. The survey results were presented, and additional questions were posed to attendees. These results were also available in the Planning Commission meeting materials folder.

She explained that the Planning Commission is using this information to inform their update of the general plan. They intend to redraft the plan to make it clearer and simplify the priorities. Tosta emphasized that they believe they have had good community input as part of this process.

Staff Reports

Elizabeth Julian provided updates on several items:

- Community Center: The front door lock system was updated with no reported issues.
- Audio Equipment: Microphone replacements were ordered. The owl system was tested, but the audio was not working, requiring further troubleshooting.
- Website Updates: Minor revisions have been made to improve usability and access to documents and information. A recent update included the addition of the community center and pavilion calendar.
- Digital Records: Collaboration is ongoing with John and Josh to improve accessibility to ordinances, resolutions, approved minutes, and other records. The codification for all 2025 ordinances is now available on American Legal, with a minor issue noted for Ordinance 2025-1. The goal is to have all 2024 ordinances codified by the October regular meeting.

Public Comments

Donna Owen provided public comment regarding the dumpster situation in town. She noted that \$6,000 goes to sanitation, presumably mostly for the dump, while \$100,000 to \$150,000 comes in from resort and sales tax. She suggested there could be room in the budget to keep dumpsters in the community where they could be helpful.

Owen expressed concern about employees having to drive into town to dispose of trash, potential litter issues, and tourists being frustrated with having to drive to inconvenient locations to dispose of waste. She specifically mentioned Hills and Hollows and the corner as two primary locations on Highway 12 that have been threatened with dumpster removal.

She urged the council to consider the impact on local businesses and to push back against the county if necessary to maintain adequate waste disposal options for the community.

Presentation and Discussion on Financial Reports

Dave Sanderson presented the financial reports remotely. He explained the "red-green report," which shows actual amounts compared to budgeted amounts for various categories. Notable points included:

- Taxes were at 101% of the budget
- Licenses and fees were at 143% of the budget
- Intergovernmental revenue was at 128% of the budget
- Landfill and cemetery revenue were down
- Miscellaneous revenue was up significantly
- Overall revenue was at 92% of what was budgeted

On the expenditure side, Sanderson noted that the town had spent 88% of its budgeted amount for administration. The current fund balance was \$217,000, which is 97.98% of the maximum allowed.

For the road fund, Sanderson explained that one more Class C road allotment payment was still outstanding. The fund balance for roads was projected to increase to \$322,944, but he noted that the upcoming chip seal project would affect this number in fiscal year 2026.

Dave Sanderson also briefly discussed the building authority fund and the capital project fund. He emphasized the importance of the "red-green report" for tracking the town's financial position.

Council members asked questions about the accounting methods used, particularly regarding the accrual of sales and resort tax revenues.

Dave Sanderson explained that he had implemented proper accrual accounting methods, which resulted in what appeared to be a revenue increase due to the timing of recognizing these taxes.

John Veranth asked about the dramatic increase in tax revenues. Dave explained that previously the town used cash method accounting, but

governmental accounting requires modified accrual method. Since tax payments are two months in arrears, this year included a two-month "bonus" to catch up with proper accrual accounting.

Dave Sanderson explained the confusing nature of the cash balance reports, noting that each fund owns portions of the various bank accounts, which is why some show negative balances. He emphasized focusing on total cash positions rather than individual account balances. The discussion revealed that Polaris automatically manages these distributions between accounts.

The council discussed the need for standardized monthly financial reporting and quarterly presentations from Sanderson. They also inquired about the necessity and purpose of having an external accounting firm perform a compilation report, given that it hadn't detected certain discrepancies in the past.

Dave Sanderson agreed to provide monthly financial reports including the check register, standard financial report, operational budget report, and cash summary from Polaris, with the red-green report added quarterly starting December 31st.

He also discussed the need to determine state auditor compliance requirements, noting that the town may need a compilation report or audit depending on their revenue levels. Dave Sanderson agreed to research the state auditor requirements and report back with options for meeting compliance while providing useful financial oversight.

Discussion and Possible Action on Financial Accounts and Usable Funds

John Veranth presented a motion regarding the transfer of funds to pay for roadwork:

John Veranth moved that the treasurer be authorized to transfer funds in the amount of \$152,185 from the Class C road fund balance in the MACU money market account to pay for the invoice for Garfield County Roadwork. Gladys LeFevre seconded the motion.

The council voted unanimously in favor of the motion.

Discussion and Possible Action on the 2025 Municipal Election

Mayor Jepsen reported that there was no new business to discuss and reminded the council and public that they can refer to the website and future public notices. If there are no objections, let's move forward.

Discussion and Possible Action on Boulder: America250

Mayor Jepsen reported that a logo licensing agreement, a stipend agreement, and completed W-9 forms have been submitted to the state.

Cheryl Cox provided an update on Boulder's participation in the America250 celebration. She reported on several upcoming events:

1. September 13: A "Give Boulder a Hand" event, marking the start of a year of service in conjunction with the dedication of a Boulder hands sculpture.
2. September 17: A Constitution Day observance, including a reading of the Constitution and voter registration opportunities.
3. November 19: A celebration of President Garfield's birthday, organized by the library committee.

Cox mentioned that these events would need to be posted on the Now Playing Utah website and requested assistance in creating a Boulder town account for this purpose. She also inquired about the possibility of using a dedicated space on the town bulletin board in front of the Post Office for America 250 event notices.

The council discussed options for displaying event information, including using a large calendar-like board and utilizing existing bulletin board space. They agreed to explore various options to enhance event visibility and approved the use of the town bulletin board located in front of the post office.

Discussion and Possible Action on Board of Adjustment Vacancies

The council discussed filling the remaining vacancy on the Board of Adjustments. Susan Kelly presented her interest and qualifications for the position. After discussion, the council supported Mayor Jepsen's appointment of Susan Kelly to the Board of Adjustments.

Mayor Jepsen assigned Susan Kelly to the Board of Adjustments with a term ending in January 2029, and Jen Bach with a term ending in 2030.

Discussion on Boulder's Plan for County Dumpsters

Mayor Jepsen reported that the county had informed the town that it would work with Boulder to develop a central location for all town dumpsters. This would include leveling the ground and providing a gravel base.

The council discussed the need for expanding the current dumpster site and potentially adding dumpsters at other locations, such as Salt Gulch.

Mayor Jepsen volunteered to work with the county on this project and coordinate with council members to determine the best layout and location for the expanded dumpster area.

Public Hearing on Commercial Use: Draft Ordinance 2025-G Changing the Boulder Town Code 153.117 Table of Uses to Delete Commercial Use

Mayor Jepsen delivered a preparatory overview for the public hearing on Ordinance 2025-G, which seeks to eliminate "commercial use" from the table of uses outlined in Section 153.117 of the Boulder Zoning Code. He stated that the ordinance change was intended as an interim step to address the current code's lack of clarity regarding the meaning of "commercial" and to allow time for a more comprehensive review of commercial development within the Town's General Plan.

Gladys LeFevre moved to close the regular meeting and open the public hearing on draft ordinance 2025-G. John Veranth seconded the motion.

The motion passed unanimously to close the regular meeting and open the public hearing.

Nancy Tosta, speaking as a member of the public, asked for clarification on whether the public hearing was explicitly on the ordinance transmitted by the Planning Commission or if alternatives were being discussed.

No other public comments were made during the hearing.

Discussion and Possible Action on Commercial Use: Draft Ordinance 2025-G Changing the Boulder Town Code 153.117 Table of Uses to Delete Commercial Use

Following the public hearing, the council discussed the proposed ordinance and potential alternatives.

John Veranth, after previously supporting when assigned to the planning commission, expressed concerns about the impact of completely removing commercial use from the table of uses, noting that it could potentially make existing businesses non-conforming.

Michael Winn suggested delaying to allow further discussion and integration regarding the necessary updates related to S.B. 179, which pertains to the Local Regulation of Business Entities Amendments. He believed this would address the concerns raised by John.

Josh Ellis expressed concerns regarding the ongoing alterations in guidance provided to the Planning Commission and the resulting risk of project expansion in addressing this matter. He also agreed to postpone the discussion for further deliberation, while emphasizing the issue of scope creep.

Gladys LeFevre inquired whether the issue required immediate action during this meeting or if it could be postponed.

Mayor Conrad Jepsen confirmed that all relevant materials and discussions would be ready for consideration in October, including a draft ordinance and input from Michael Winn.

After extensive discussion, the council agreed to table the item until the October meeting to allow for further consideration and potential revisions.

John Veranth moved to table the discussion on Ordinance 2025-G until the October meeting. Gladys LeFevre seconded the motion.

The motion passed unanimously.

Presentation on Planning Commission Transmittal RSTR Ordinance Revisions

Planning Commission Chair Nancy Tosta presented an overview of the Planning Commission's work on revising the Residential Short-Term Rental (RSTR) ordinance. She explained that the commission had worked to address the points outlined by the Town Council, including:

1. Requiring the RSTR licensee to live on-site
2. Grandfathering existing RSTRs, B&Bs, and guest ranches

3. Encoding impacts and mitigation measures for Conditional Use Permits
4. Including an affidavit of compliance with requirements
5. Deleting the requirement to operate a certain number of days
6. Addressing the issue of limits on RSTRs

Tosta noted that the Planning Commission recommended allowing 15 RSTRs in Boulder, distributed across three areas to avoid concentration in any one neighborhood. She emphasized that most towns they examined are putting limits on the number of RSTRs due to various concerns.

Discussion on RSTR Ordinance

The council engaged in a lengthy discussion about the proposed RSTR ordinance revisions. Key points of discussion included:

1. The requirement for the license holder to live on-site and the potential legal implications of this requirement
2. The need for a simple, easily administrable regulatory scheme
3. Concerns about the impact of RSTRs on housing availability and community character
4. The possibility of grandfathering existing RSTRs and limiting or prohibiting new ones
5. The need to balance property rights with community interests

After discussion, the council agreed to revise the draft ordinance to be consistent with the six points they had agreed upon in May, with the intention of presenting updated language for a public hearing at the October meeting.

John Veranth moved that the Town Council revise the draft RSTR ordinance to be consistent with the six points agreed upon by the Town Council in May, and to prepare this revised version for a public hearing at the next month's meeting. Josh Ellis seconded the motion.

The motion passed unanimously.

Discussion and Action on Multi-Use Office Copier

Elizabeth Julian presented information on bids received for a new multi-use office copier. She recommended accepting the bid from Smart Document Solutions to outright purchase for \$1,983.51 plus a monthly maintenance fee of \$28.50.

John Veranth moved to authorize the staff to proceed with the purchase of the recommended copier from Smart Document Solutions. Gladys LeFevre seconded the motion.

The motion passed unanimously.

Discussion and Action on HVAC

This item was postponed pending receipt of bids.

Discussion and Possible Action on Americans with Disabilities Act (ADA) Accommodations

The council discussed options for improving ADA accommodations, particularly in response to a request for increased support for individuals who are hard of hearing during meetings. Elizabeth Julian presented findings on potential options.

After discussion, the council agreed to implement closed captioning for meetings and to add an ADA notice to meeting announcements.

John Veranth moved to add the ADA notice to meeting announcements and use closed captioning for future meetings when requested. Josh Ellis seconded the motion.

The motion passed unanimously.

The council discussed the necessity of assessing and addressing ADA compliance issues in town facilities, including the community center and the park. They explored potential grant opportunities for essential upgrades and considered improvements to the audio and video technology in the current system.

Additionally, they planned to follow up with the initial requester regarding the effectiveness of the accommodations that were implemented.

Discussion on Alcoholic Beverages Ordinance Review

The council briefly discussed the need to update the town's alcoholic beverages ordinance to align with state regulations and expand the number of licenses available. They scheduled a public hearing for 6 PM on Tuesday,

September 16th, immediately preceding the Planning Commission meeting, to discuss and potentially vote on these changes.

Presentation, Discussion, and Possible Action on Relevant Legislative Changes: Follow-Up from August Regular Meeting

This item was postponed to a future meeting.

Summary of Discussions and Action Items

Elizabeth Julian summarized the key action items and decisions from the meeting, including:

1. Ray Gardner's request for Conrad Jepsen to follow up with Corry Johnson regarding the park restroom septic system
2. Dave Sanderson to research state auditor requirements and report back on options
3. Dave Sanderson to send monthly financial reports and present quarterly reports to the council
4. Cheryl Cox to work with Elizabeth Julian on creating a town Now Playing Utah account for America250 events
5. Cheryl Cox can utilize the town side of the bulletin board by the post office for America250 Boulder
6. Elizabeth Julian will schedule the Board of Adjustment's annual meeting
7. Conrad Jepsen to lead the plan for centralizing and expanding the town's dumpster location
8. The commercial use ordinance discussion was moved to next month's meeting
9. John Veranth and Josh Ellis will prepare revised RSTR ordinance language for a public hearing at the October meeting
10. Staff authorized to purchase the new office copier from Smart Documents Solutions
11. Elizabeth Julian to follow up with the initial ADA accommodation requester and implement closed captioning for meetings
12. Josh Ellis and Elizabeth Julian will coordinate on the Audio/Video approach for meetings now that the Owl isn't functioning
13. Michael Winn to prepare updated language for the alcoholic beverages ordinance review

Potential Upcoming Business

The council briefly discussed potential items for future meetings, which were all included in the Summary of Discussions and Action Items, except for the upcoming HVAC bids.

Adjourn

With no objections, Mayor Conrad adjourned the meeting at 9:33 PM.

Minutes Approved: November 4, 2025

/s/ Elizabeth Julian
Boulder Town Clerk