

BOULDER TOWN, UTAH PUBLIC NOTICE

Governing Body: TOWN COUNCIL
Meeting Type: Special Meeting
Date and Time: Tuesday, February 10, 2026, at 6:00 p.m.
Location: Boulder Community Center, 351 North 100 East, Boulder, Utah

In accordance with the Utah Open and Public Meetings Act, [Utah Code Ann. § 52-4-202](#), the minutes for the above-referenced meeting are provided below.

MINUTES

I. OPENING PROCEDURES

1.1. Call to Order

Mayor Cheryl Cox called the Tuesday, February 10, 2026, special town council meeting to order at 6:01 PM. She noted this was a joint meeting between the planning commission and the town council and informed those online that the [owl] camera was broken, so they would only see Mayor Cox and Planning Commission Chair Nancy Tosta.

1.2. Determination of Quorum

Mayor Cox conducted a roll call. All Town Council members were present, establishing a quorum. Planning Commissioner Darrel Fuller was absent.

Town Council Present:

Council Member Lacy Allen (via Zoom)
Council Member John Veranth
Council Member Josh Ellis
Council Member Tina Karlsson
Mayor Cheryl Cox

Planning Commission Present:

Planning Commissioner Elena Hughes
Planning Commissioner Phoenix Bunke
Planning Commission Chair Nancy Tosta

Planning Commissioner Nick Vincent

Staff Present:

Elizabeth Julian, Town Clerk

Also Present:

Kevin Smedley, Five-County Community Advisor

Michael Winn, Town Attorney

Roger Carter, Five-County Local Administrative Advisor (via Zoom)

1.3. Pledge of Allegiance

Mayor Cox asked everyone to rise for the Pledge of Allegiance. The assembly recited the pledge together.

1.4. Motion to Adopt the Agenda

***Motion:** Councilmember Josh Ellis moved to adopt the agenda as presented. Councilmember Tina Karlsson seconded.*

***Vote:** Voice Vote – all ayes.*

***Result:** Motion Passed unanimously, 5-0.*

1.5. Declaration of Conflicts of Interest

Mayor Cox asked if there were any conflicts of interest to declare. No conflicts were declared.

II. PRESENTATIONS AND REPORTS (Information/Discussion)

None

III. PUBLIC HEARING (Public Input Only)

None

IV. PUBLIC COMMENT ON AGENDA ITEMS (Public Input)

None

V. DEPARTMENT REPORTS (Information)

5.1. Planning Commission Chair

Planning Commission Chair Nancy Tosta encouraged commissioners to participate in the discussion. She noted that this meeting had a different format from previous joint meetings and emphasized that the intent was to have a conversation about activities and to get input from the council.

5.2. Staff

No staff reports were presented.

5.3. Mayor

Mayor Cox noted the different meeting format and expressed hope for more informal discussion during the work session.

VI. CONSENT AGENDA

None

VII. ADMINISTRATIVE ACTION ITEMS (Motion Required)

7.1. Public Entity Resolution

Mayor Cox explained that a public entity resolution was needed for their CPA to conduct banking business, including PTIF transfers, and to support the transition to the State Bank of Southern Utah. Mayor Cox requested approval to utilize this resolution once all signatures were obtained.

Motion: Councilmember John Veranth moved to approve the resolution.
Councilmember Lacy Allen seconded.

Vote: Roll Call – Councilmember Lacy Allen - Aye, Councilmember John Veranth - Aye, Councilmember Josh Ellis - Aye, Councilmember Tina Karlsson - Aye, Mayor Cheryl Cox - Aye.

Result: Motion Passed unanimously 5-0

7.2. Ethical Behavior Pledge Form

Mayor Cox presented an ethical behavior pledge form from the state auditor's office that all elected officials, appointed members, and staff must complete. She requested approval of the form itself, noting that individuals would sign it at their respective future meetings after review.

Motion: Councilmember Josh Ellis moved to approve Resolution 2026-A as presented. Councilmember John Veranth seconded.

Vote: Roll Call – Councilmember John Veranth - aye, Councilmember Josh Ellis - aye, Councilmember Tina Karlsson - aye, Councilmember Lacy Allen - aye, Mayor Cheryl Cox - aye.

Motion Passed unanimously 5-0

VIII. LEGISLATIVE ACTION ITEMS (Motion Required)

None

IX. WORK SESSION (Discussion Only - No Action Taken)

9.1. Joint Session: Town Council and Planning Commission

a. Introduction And New Legislation —Kevin Smedley, LAA 5C

Kevin Smedley from the Five County Association of Governments introduced himself, explaining his role in helping communities update general plans, use GIS maps, and assist with zoning code or subdivision ordinance updates. He shared that he had worked in planning for 25 years, retired, and then returned to help small communities.

Smedley reviewed Boulder's general plan, noting that its original footprint was established in 1997. He stated that the plan was in compliance with state code but questioned whether it outlined the goals and policies the community wanted to pursue. He identified some language that directed the

town to take specific actions, which could be cleaned up to maintain the document as a voice of the community.

He emphasized that updating the general plan ultimately comes down to what the community wants - whether to start from the beginning with public input or modify the existing framework through public meetings and surveys. He clarified he was there to help execute the community's vision, not dictate what should be done.

Smedley warned about pending legislation that would make all considerations under the current state code mandatory rather than optional, placing a significant burden on small towns. He encouraged reaching out to legislators to oppose this bill.

b. Planning Commission Update —PC Chair Tosta

Planning Commission Chair Nancy Tosta first announced that Colleen Thompson had resigned from the planning commission, noting the town council would address the vacancy at their next meeting.

She also clarified for Kevin Smedley that the zoning code PDF sent to him wasn't fully current, as some recent ordinance changes hadn't been codified in the online version yet.

Tosta explained the planning commission's interest in updating the general plan, specifically:

- a. Updating dated population and demographic data
- b. Using data from a town survey conducted last summer with 130 responses
- c. Incorporating insights from a series of talks held last winter about what people value about Boulder
- d. Potentially streamlining and reformatting the document
- e. Clarifying priorities, especially for 5-year increments
- f. Simplifying the document to make goals clearer, particularly by addressing redundancies in land use goals

She emphasized that the Planning Commission believed the entire zoning code needed to be rewritten, not done piecemeal, and that clarity in the general plan about zoning requirements was essential. She asked Smedley about assigning responsibility for policies and actions to specific groups or committees within the general plan to make tracking easier.

Smedley confirmed this could be done, suggesting that the planning commission or other appropriate committees be attached to specific policies. He explained that the general plan serves multiple roles, including those that require funding and ongoing work. He also suggested using consecutive numbering for goals across sections, rather than restarting at "Goal 1" in each section, to improve user-friendliness.

Each planning commissioner then briefly discussed their assigned sections:

Elena Hughes (environment chapter): She felt the environment section was short and could be expanded, particularly to address what residents value, such as wildlife and the night sky, which she feels aren't well represented in the current plan.

Phoenix Bunke (economy section): She noted that the economy section was also small compared to the others and would likely need additions to align with the survey findings. She supported creating a standardized format with goals and policies clearly tabbed at the beginning of each chapter.

Nick Vincent (housing section): He identified opportunities to update census data and housing statistics in tables within his section.

c. Town Council And Planning Commission Open Discussion: Requests And Suggestions Regarding General Plan & Zoning

Councilmember John Veranth began by deferring to Councilmembers Josh Ellis and Tina Karlsson for historical background on the general plan. He expressed full support for updating the general plan, but emphasized it was a question of priorities. He identified several hard topics that needed immediate attention rather than starting with reorganization and rewriting.

Veranth highlighted the commercial standards as a critical problem, noting the "ill-considered change" in 2021 that left the town without a regulatory structure for businesses. He was shocked by the length of the zoning code but realized that much of it was boilerplate required by state law. He noted only 3 pages dealt with zoning map, zones, and uses, while 68 pages covered procedural matters.

He provided a detailed list of problematic areas in the zoning code, including:

- Definitions inconsistent with state law
- Language not updated to reflect current state law
- Redundancies and contradictions from merging multiple ordinances
- Confusing appeals procedures
- Redundant noticing language
- Requirements stricter than state law without a clear justification
- Confusion between public hearings and public meetings
- Illogical structure and numbering

Veranth advocated for a complete rewrite using a clean, logical structure with good model language from other Utah municipalities. He emphasized the commercial issue as the highest priority.

Councilmember Josh Ellis recalled the last major general plan rewrite involved working groups spending months reviewing every word. He valued that process for bringing community members together to discuss conflicting desires and compromise.

Ellis expressed concern that individual planning commissioners might take sections on their own, emphasizing the need for broad community involvement through subcommittees.

He questioned what specific problem the general plan rewrite would solve, contrasting it with clear, immediate problems in the zoning ordinance that pose "existential threats" - particularly the inability to move forward with commercial development and the risk of legal challenges from well-funded developers.

Ellis raised concerns about adding items such as "large concrete pathways" and "large concrete retaining ponds" that the town doesn't want. While acknowledging that general plan updates would be beneficial, he emphasized that the zoning ordinance is the top priority and will require a full year of effort.

Councilmember Tina Karlsson pushed back against jumping into zoning without first checking the general plan, noting that the general plan must clearly state the direction for ordinances to have proper authority. She requested more specific information from the town council about the exact problems in the commercial areas.

Karlsson supported having professional help to generate a clearly formatted zoning ordinance and streamline processes. She questioned the approach - whether to proceed part by part through hearings - and emphasized the planning commission had already gathered substantial public input through forums.

Councilmember Lacy Allen acknowledged being new to these issues but felt the general plan was good overall and didn't need a huge overhaul. She found the zoning ordinance difficult to understand without professional help and advocated making it more straightforward for ordinary residents.

Mayor Cheryl Cox reflected on her involvement in the previous general plan update, acknowledging the value of the extensive public process. She expressed openness to reformatting to better align goals and zoning ordinances, but questioned the timeline. She wanted the completed work to be shared publicly with clear documentation of changes and their sources.

The discussion evolved into a debate about priorities and process:

Planning Commission Chair Nancy Tosta argued they couldn't rewrite the zoning ordinance without clarity in the general plan, since zoning must comply with the general plan. She noted that current general plan items aren't addressed in the zoning code, creating compliance issues. She expressed frustration about going in circles after requesting direction for six months.

Kevin Smedley clarified that the general plan is a policy document without force of law, while the zoning code is law. He suggested starting with agreement on goals and policies before addressing zoning specifics. He offered to review the documents and provide recommendations for structuring a zoning ordinance rewrite.

The discussion intensified around sequencing:

Councilmember John Veranth suggested the current general plan (pre-2021) was adequate except for commercial issues. He proposed two task forces - one for procedural zoning issues and another for commercial aspects requiring parallel general plan and zoning work.

Councilmember Josh Ellis supported the planning commission's reformatting of the general plan, provided the wording didn't change, and then conducting a gap analysis to identify which policies were implemented in the zoning code. He reiterated that the general plan rewrite, which requires extensive public involvement, should be a separate, later project.

The group eventually reached consensus on priorities:

- Update procedural parts of zoning with consultant assistance
- Work on the commercial sections of both the general plan and zoning in tandem
- Acknowledge future work needed on the general plan, but not as an immediate priority

Planning Commission Chair Nancy Tosta requested that the planning commission be allowed to demonstrate progress on both documents in parallel, arguing against piecemeal changes that had created current problems.

d. Annexation Chapter Discussion

The discussion shifted to annexation policy requirements. Nancy Tosta explained that state law requires an annexation policy plan before any annexation can occur, referencing updated code section 10-2-803 from 2025. She noted Michael Winn suggested this could be a chapter in the general plan rather than a separate document.

Kevin Smedley and Roger Carter confirmed that either approach would work based on community preference.

The conversation revealed significant skepticism about annexation:

Councilmember Josh Ellis argued there was no motivation for anyone to petition for annexation into Boulder except for smaller lot sizes, which Boulder doesn't allow. He noted that the town offers no infrastructure improvements and doesn't own roads or water systems. He stated this was the fourth time the issue had come up in a year, with over an hour of meeting time spent, calling it "completely a waste of time" unless the county forces annexation.

Planning Commission Chair Nancy Tosta countered that people on the mesa had discussed wanting to participate in town governance through annexation.

The debate continued with various perspectives:

Mayor Cheryl Cox emphasized that without a plan, the town wouldn't have a seat at the table for developments affecting Boulder, even if annexation never occurred.

Councilmember John Veranth noted recent state law changes that moved subdivisions from administrative to legislative decisions, reducing the town's influence even with an annexation plan.

Councilmember Tina Karlsson expressed concern about developments that use town roads and affect water sources, and wanted compensation and input on such projects.

Michael Winn shared that Garfield County had a 2008 resolution directing those considering development near municipalities to approach the towns first. He indicated the county commission would codify this as an ordinance, giving towns more influence over nearby development beyond just subdivisions.

Roger Carter provided an example from Iron County, where a town that never wanted to grow created an annexation policy plan to have greater say in preventing unwanted density increases approved by the county.

He explained the annexation policy plan process would take 4-6 months, with multiple hearings and extensive notice requirements. He emphasized it didn't compel towns to accept annexations but provided flexibility for discussions.

The group reached consensus that town representatives should contact county commissioners about potentially passing an ordinance requiring developers to consult with Boulder before developing near town boundaries. If the county showed willingness, then pursuing an annexation policy plan would become more worthwhile.

e. Discuss The Previously Established Workflow Between The Town Council And The Planning Commission

Mayor Cox briefly reviewed the established workflow between bodies, describing it as a back-and-forth communication process.

Councilmember Josh Ellis noted that the only problem arose when they deviated from the process, which caused unnecessary frustration. He emphasized wanting to avoid such deviations going forward.

Planning Commission Chair Nancy Tosta asked if John Veranth's memo could serve as the problem statement for step one of their process.

Councilmember Josh Ellis recalled that their previous approach involved a written problem statement with clear short-term and long-term elements, followed by a formal motion and vote by the town council. He recommended doing this at their next meeting to ensure clarity and prevent scope creep.

Planning Commission Chair Nancy Tosta raised a question from land use training about whether the town council could make land use code changes without the planning commission's recommendations. She asked whether substantial council rewrites of commission-recommended ordinance language would require returning to the planning commission.

Kevin Smedley and Roger Carter confirmed the council has ultimate authority to modify recommendations, though substantial changes might warrant additional hearings for public input. The planning commission must initiate land-use matters, but the council retains final decision-making authority.

The consensus was that the Planning Commission is authorized to proceed to the second step of the workflow, enabling them to begin work at their upcoming meeting next week. However, the Town Council will initiate the workflow process at its March meeting, following the Planning Commission's work.

X. GENERAL PUBLIC COMMENT (Public Input)

None

XI. CLOSING BUSINESS

11.1. Review of Outcomes, Assignments, and Counsel Recommendations

Town Clerk Elizabeth Julian summarized the meeting outcomes:

- Actions:
 - Adopted the agenda as presented
 - Passed the public entity resolution as presented
 - Passed the ethical behavior pledge form as presented
- Work Session Summary: The joint session began with Kevin Smedley's introduction and overview. Planning Commission Chair Nancy Tosta provided updates supplementing her memo and invited commissioner input. Discussion revealed the town council priorities for the planning commission:
 - Update procedural parts of zoning with professional resources (specifically Kevin Smedley)
 - Work on the commercial zoning section in parallel with the general plan commercial section
 - Planning commission may work on other priorities in tandem
- Additional Outcomes:
 - Nancy Tosta requested that Kevin Smedley review documents and share his recommendations
 - Regarding annexation, the focus shifted to Michael Winn's suggestion for requesting county adoption of an ordinance (not just policy) for a seat at the table for all infrastructure, not just subdivisions
 - Contacting county commissioners first to gauge interest before proceeding with annexation planning work
 - Workflow process deemed satisfactory without changes needed
 - Councilmember Tina Karlsson requested that the planning commission review the requests at their next meeting and report back with any suggestions for moving forward.
 - Planning Commission Chair Nancy Tosta clarified that the planning commission would discuss priorities at its next meeting and report to the town council at the March meeting on what they heard and planned to do, allowing the council to formalize direction if needed.

11.2. Future Agenda Items

Future agenda items identified:

- Planning commission to discuss town council priorities at their February 17 meeting
- Town council to formalize problem statement and direction at March 3 meeting

11.3. Confirmation of Next Meeting

- Planning Commission: Tuesday, February 17, 2026, at 6:00 PM
- Town Council: Tuesday, March 3, 2026, at 6:00 PM

XII. CLOSED SESSION (Action - Motion Required To Enter/Exit)

No closed session was held.

XIII. RETURN TO REGULAR MEETING (Discussion & Possible Action)

Not applicable as no closed session was held.

XIV. ADJOURNMENT

With no objection, Mayor Cheryl Cox adjourned the meeting at 8:19 p.m.

CERTIFICATE

BOULDER TOWN, STATE OF UTAH

PRESIDING OFFICER:

/s/ Cheryl Cox, Mayor

ATTESTATION:

/s/ Elizabeth Julian, Town Clerk

Date Approved by the Town Council: **March 3, 2026**