BOULDER TOWN, UTAH PUBLIC NOTICE

Governing Body:	TOWN COUNCIL
Notice Type:	Regular Meeting
Date and Time:	Tuesday, October 6, 2026, at 7:00 p.m.
Location:	Boulder Community Center, 351 North 100 East, Boulder, Utah

In accordance with the Utah Open and Public Meetings Act, Utah Code § 52-4-202, this Agenda and Notice is hereby provided.

Meeting materials are are available for public review on the Utah Public Notice website, provided in PDF format, and may also be accessed via the following link:
BT-2026_MATERIALS_20261006_MeetingRegular_TC_FINAL_V5.0_ADMIN....

AGENDA

I. OPENING PROCEDURES

1.1. Call to Order
1.2. Determination of Quorum
1.3. Pledge of Allegiance
1.4. Motion to Adopt the Agenda (Action Item - Motion Required)
1.5. Declaration of Conflicts of Interest (Information)

II. PRESENTATIONS AND REPORTS (Information/Discussion)

2.1. Presentation by Boulder 6th Graders Regarding Washington D.C. Field Trip Funding Support
2.2. Presentation and Update on Rotenone by Matt Cochran

III. PUBLIC COMMENT ON AGENDA ITEMS (Public Input) (≤ 20 minutes)

Speakers must state their name for the record and are limited to 3 minutes.

IV. DEPARTMENT REPORTS (Information)

4.1. Members
4.2. Staff
4.3. Mayor

V. CONSENT AGENDA (Action Item - Motion Required)

5.1. Acceptance of Financial Reports - None
5.2. Approval of Proposed Minutes: September 1, 2026, Regular Meeting

and Public Hearing, and September 15, 2026 Special Meeting

VI. PUBLIC HEARING (Public Input Only, Motion to Enter/Exit)
None

VII. ADMINISTRATIVE ACTION ITEMS (Motion Required)

7.1. Consideration of Resolution No. 2026-W Terminating the 2026 Seasonal Fire Restrictions

7.2. Consideration and Possible Action on Approval of a Flat-Rate Cost-of-Living Adjustment (COLA) for Town Staff Pay Schedule

7.3. Consideration on Funding Request from the Special Events Community Account for the Boulder 6th Grade Washington D.C. Field Trip

VIII. LEGISLATIVE ACTION ITEMS (Motion Required)

8.1. Consideration of Resolution No. 2026-X Amending the Purchasing and Procurement Policy

8.2. Consideration of Resolution No. 2026-Y Amending the Fee and Fine Schedule

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

9.1. Discussion on Agenda Structure —Council Member Ellis

9.2. Discussion and Assignment of Planning Commission Priorities

9.3. Consideration of Cemetery Road Maintenance —Council Member Veranth

9.4. Consideration of Amending Ordinance to Replace Board of Adjustment with Administrative Law Judge Appeal —Council Member Veranth

X. GENERAL PUBLIC COMMENT (Public Input) (≤ 20 minutes)
Speakers must state their name for the record and are limited to 3 minutes.

XI. CLOSING BUSINESS

11.1. Review of Outcomes, Assignments, and Counsel Recommendations

11.2. Future Agenda Items

11.3. Confirmation of Next Regular Meeting:
Tuesday, November 3, at 6:00 PM

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

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

IVX. ADJOURNMENT

NOTICE

SPECIAL ACCOMMODATIONS (ADA)

In compliance with the Americans with Disabilities Act (ADA), individuals needing reasonable accommodations should notify the Boulder Town Office at 435-335-7300 or townclerk@boulder.utah.gov at least one week before the meeting.

ELECTRONIC OR TELEPHONE PARTICIPATION

Zoom Link: https://us06web.zoom.us/j/4353357300
Meeting ID: 4353357300 Password: 84716 Phone: +1 346 248 7799
Policy: Ensure your Zoom name includes the first and last names of attendees

CERTIFICATE OF POSTING

This Agenda and Notice was publicly posted on the following locations:

- The Utah Public Notice website (http://pmn.utah.gov)
- Boulder Town's website (http://www.boulder.utah.gov)
- Boulder Town's Bulletin Board

Date Published: **October 1, 2026**
Date Updated: **October 2, 2026**; *Revision to Work Session and supplementary Meeting Materials appended to packet*
/s/ Elizabeth Julian, Boulder Town Clerk

eMINI MOQUIS 6TH GRADERS

SPONSOR A WASHINGTON, DC TRIP

Help send the Escalante Elementary 6th Grade Class to Washington, D.C.!

EXPLORE ★ LEARN ★ LEAD ★ MAKE A DIFFERENCE

- PLEASE HELP US EARN MONEY FOR OUR 6TH GRADE CLASS TO GO TO WASHINGTON, DC IN DECEMBER.
- WE ARE LOOKING FOR OPPORTUNITIES TO EARN MONEY BY DOING PROJECTS FOR THOSE NEEDING IT.
- PLEASE REACH OUT TO ESCALANTE ELEMENTARY SCHOOL **435-826-4247** FOR PROJECTS YOU WOULD LIKE THEM TO DO TO EARN MONEY.
- OR PLEASE FEEL FREE TO DONATE ANY AMOUNT USING THE QR CODE, CASH, OR CHECK.

Thank You!

EVERY CONTRIBUTION HELPS OUR STUDENTS EXPERIENCE OUR NATION'S CAPITAL!

Invest in Today's Students for a Brighter Tomorrow!

FREEDOM
LEADERSHIP
SERVICE
OPPORTUNITY

HONOR
EDUCATION
A BRIGHTER TOMORROW

★ ★ ESCALANTE ELEMENTARY SCHOOL ★ ★

EXPLORE ★ LEARN ★ LEAD ★ MAKE A DIFFERENCE

eMINI MOQUIS

6TH GRADERS

SPONSOR A 6TH GRADR

Explore
Learn
Lead
Make a Difference

ESCALANTE ELEMENTARY SCHOOL
WASHINGTON, D.C. TRIP FUNDRAISER

Help send the Escalante Elementary 6th Grade Class to Washington, D.C.!

$1	$2	$3	$4	$5
$6	$7	$8	$9	$10
$11	$12	$13	$14	$15
$16	$17	$18	$19	$20
$21	$22	$23	$24	$25
$26	$27	$28	$29	$30

Pick a number and donate that amount to support the Escalante Elementary 6th Grade Washington, D.C. Trip.

Every contribution helps our students experience our nation's capital!

Thank you for supporting the Escalante Elementary 6th Grade Class of 2027!

Rotenone on Boulder Mountain and in the Escalante Watershed

Briefing for Boulder Town Council and the public
October 6, 2026 — Matthew Cochran

Context

Rotenone fish-killing projects are again underway or proposed in the waters surrounding Boulder Mountain. Agencies describe these projects as native-fish conservation: removing existing fish populations before establishing or expanding native species. For those of us who live here, this raises familiar concerns about the health of our creeks, public safety, alternatives to poisoning, and whether our communities have a meaningful say. Many Boulder residents remember the East Fork Boulder Creek fight of 2009–2011, when public opposition, independent research, administrative appeals, and sustained community engagement helped stop further proposed rotenone treatment. That was a significant community victory. This briefing offers a picture of what is happening now, ahead of my presentation to the Council.

Where projects stand

Pleasant Creek: DWR and Fishlake National Forest conducted rotenone treatment August 10–12, 2026, to remove nonnative trout and establish Colorado River cutthroat trout. Public notification appears to have been limited and indirect, raising questions about whether nearby communities had a meaningful chance to learn about the project and respond. The treatment area includes upper Pleasant Creek, North Fork Pleasant Creek, Behanin Creek, and Meeks Draw. DWR has stated that at least one further treatment is planned for July or August 2027, with another possible application that season and cutthroat reintroduction intended for fall 2027.

Pine Creek: Pine Creek flows through the **Box–Death Hollow Wilderness** before joining the Escalante River. DWR's Watershed Restoration Initiative project #7924 proposes two fish barriers downstream of the wilderness boundary and describes future piscicide treatment of approximately 12 miles of Pine Creek to remove brown trout and expand Colorado River cutthroat habitat. The barrier project is listed for fiscal year 2027. The treatment's timing, exact reach, approvals, and opportunities for public input remain under investigation.

Slickrock Saddle and the broader Escalante watershed: In 2022 and 2023, DWR applied rotenone to Slickrock Saddle Bench Spring, a small spring-fed pocket drainage entering the Escalante River below the bench between Sand Creek and Death Hollow. Agency records document notching beaver dams to lower water levels and concentrate fish before treatment. Lowering these ponds reduces stored water and alters aquatic habitat, working against the benefits beavers bring to watershed restoration. Monitoring and mechanical fish removal continue, while DWR's broader upper-Escalante planning identifies additional nonnative-fish

sources and evaluates triggers for control or eradication projects. This deserves attention across the watershed before further chemical projects advance.

Who is involved

The lead agency is the **Utah Department of Natural Resources (DNR), through its Division of Wildlife Resources (DWR)**. DWR develops fish-management plans and carries out treatments. The **U.S. Forest Service**, through Fishlake and Dixie National Forests, manages affected forest lands and reviews projects on those lands. The **Bureau of Land Management**, including Grand Staircase–Escalante National Monument, is involved on BLM lands, including Slickrock Saddle. The **Utah Division of Water Quality (DWQ)**, within the Department of Environmental Quality, oversees water-quality permit requirements and enforcement. The **Watershed Restoration Initiative (WRI)** supports planning and funding; a project listing does not mean every necessary approval is in place.

Where we stand legally and strategically

I am contesting these practices and scouting each project through records requests, agency correspondence, and planning documents. My priorities are to understand what happened at Pleasant Creek before another treatment proceeds, establish what is planned for Pine Creek and when, and investigate the broader watershed strategy. I am asking for the evidence behind these decisions, serious consideration of nonchemical alternatives, compliance with permit requirements, and a meaningful place for local people in the process.

On September 23, DWQ confirmed that it was seeking information from DWR and Fishlake National Forest to determine whether the Pleasant Creek treatment met permit requirements. That is an important development, though no final violation finding or order stopping future treatment has been established in the information available for this briefing. Records requests and appeals are underway, and I intend to pass the assembled evidence to a legal team in the near future. These waters are part of our home. The work now is to build a clear case while there is still time to influence what happens next.

Request to the Council

The Mayor’s recent letter to the agencies has brought Boulder’s concerns forward. I ask the Council to build on that step by considering a watershed-protection resolution for discussion and a vote next month. A governing body’s voice carries weight and can help stop these practices. A proposed template accompanies this briefing; please adapt it to reflect your priorities. It brings together concerns about public health, ecology, our local economy, transparency, and community participation. From my conversations, I believe support among your constituents is overwhelming. Our earlier Boulder Creek effort showed what an engaged community can accomplish. Please make this a priority so the Town’s voice can support the investigations underway and help shape decisions before further treatment occurs.

TOWN OF BOULDER, UTAH

RESOLUTION NO. _____

A RESOLUTION OPPOSING THE USE OF PISCICIDE TREATMENTS IN BOULDER MOUNTAIN WATERS

WHEREAS, the streams, springs, lakes, wetlands, and watersheds of Boulder Mountain are vital ecological, cultural, recreational, agricultural, and economic resources for the Town of Boulder and surrounding communities; and

WHEREAS, piscicide treatments, including rotenone formulations and associated treatment and neutralizing chemicals, are intentionally introduced into aquatic systems to eliminate fish populations and can also cause mortality and disruption among aquatic invertebrates and other non-target organisms, affecting prey communities, food-web relationships, species composition, and the ecological function and recovery of treated streams and connected aquatic ecosystems; and

WHEREAS, the intentional application of piscicide treatments to public waters raises legitimate public-health concerns for downstream communities, recreationists, visitors, livestock operators, and other users of Boulder Mountain waters, particularly where treated waters may be used for recreation, agriculture, livestock, or other human contact; and

WHEREAS, Boulder's local economy depends substantially upon tourism, recreation, agriculture, clean water, healthy ecosystems, and the reputation of Boulder Mountain as a clean, wild landscape; and

WHEREAS, the Town supports the protection and restoration of native species but believes such efforts should not require the poisoning of functioning aquatic ecosystems;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF BOULDER, UTAH, THAT:

1. **Formal Opposition. The Town of Boulder formally opposes the use of piscicide treatments in the waters and watersheds of Boulder Mountain.**
2. **Nonchemical Management. The Town calls upon state and federal agencies to pursue non-chemical methods of fisheries management and native-species restoration in these waters.**

3. **Consultation and Transparency. The Town requests advance consultation with Boulder and other affected communities, together with full and timely public disclosure of proposed piscicide treatments, permits, environmental and public-health analyses, monitoring plans, alternatives considered, and anticipated cumulative effects before such projects are approved or undertaken.**
4. **Protection of Community Interests. The Town affirms that protection of clean water, public health, local agriculture and livelihoods, tourism, recreation, and the ecological integrity of Boulder Mountain is a fundamental community interest.**

PASSED AND ADOPTED by the Boulder Town Council this ___ day of _____, 2026.

Mayor

Town Clerk

Property Assessment & Arborist Evaluation
September 8th, 2026
Assessment by: Jeriah Bowser (Tamarix)
ISA Certified Arborist (Lic: UT-4681A)

Following an on-site assessment, we recommend addressing the hazardous trees and limbs to improve the safety of the properties, and tree and limb reductions for the general health and maintenance of your trees.

We are currently scheduling clients for late Winter - early Spring 2027 and beyond. Please let us know how you would like to move forward so we can add you to the schedule.

Reference	Recommended Work	Estimate
Section #1	General Maintenance (hauling not included)	$600
	Hauling and Debris Removal	$100
Section #2	Hazardous Tree/Limb Removal	$6,050
	Hauling and Debris Removal	$400
Section #3	Hazardous Tree/Limb Removal	$216
	Hauling and Debris Removal	$100
	ESTIMATED PROJECT TOTAL	**$7,466**

Recommended Work Categories:

1. Hazardous Tree/Limb Removal (High Risk)
These limbs present the greatest concern due to their potential to cause damage to people, structures, vehicles, or other property. Addressing these hazards should be the first priority.

2. General Maintenance (Low Risk)
These recommendations are preventative in nature and are intended to improve tree health, reduce future risk, and help maintain the long-term structure and safety of your trees and property.

Section #1: Community Center & Town Park
Work Category: General Maintenance (Low Risk)
Estimate: $650

AMERICA 250
UTAH

Section #2: Lower Boulder Road
Work Category: Hazardous Tree/Limb Removal
Description Tree #1: Hazardous Tree Removal / $560 (hauling & debris removal not included)

Section #2: Lower Boulder Road
Work Category: Hazardous Tree/Limb Removal
Description Tree #2: Hazardous Limb Removal / $5,400 (hauling & debris removal not included)

Section #3: Burr Trail Road
Work Category: Hazardous Limb/Tree Removal
Description: Hazardous Limb Removal / $410 (hauling & debris removal not included)

TOWN OF BOULDER, STATE OF UTAH

Report: Staff Report

Governing Body: Town Council

Meeting Date: Tuesday, October 6, 2026

Agenda Item: Department Reports
Item Type: Information

Contributors: Municipal Staff & Administrative Department

Date Submitted: October 6, 2026

FINANCIAL & BUDGET SYSTEM UPDATES

Town Clerk Elizabeth Julian is working closely with Kyle Walker and support staff to clean up the Pelorus budget structure. This aligns the system with the budget passed by the Town Council in June and ensures each transaction is correctly categorized (for example, breaking down sales and use tax). This will improve bookkeeping transparency and help the Council track and allocate funds effectively, demonstrating how the town can see revenue collected from transient room tax versus general sales tax. Updated financial reports will be ready for the next regular meeting.

Additionally, Elizabeth is coordinating with Pelorus and state officials to transition monthly reporting, reconciliations, and other duties away from Dave Sanderson in order to comply with state separation of duties rules. Because Elizabeth records and prints checks, she does not sign them, as two signatures are required on all checks. To prevent payment delays when Mayor Cheryl Cox or Council Member Lacy Allen is out of town, Council Member Tina Karlsson has been added as an authorized signer. Elizabeth was also added to the PTIF accounts as directed at the last meeting, allowing her to record transactions into Pelorus properly.

Furthermore, Elizabeth is working with Council Member John Veranth to better understand the recent Sales and Use Tax application completed to obtain an updated tax exemption status for the town, as well as the recent need to complete

quarterly sales and use tax returns to ensure that everything required by the state is completed on time and accurately.

STAFFING & RESPONSIBILITY UPDATES

Duties have been adjusted following Gina Ortolan's hiring as Deputy Clerk & Recording Secretary and Erin Smith's resignation as Zoning Administrator & Land Use Authority. The town is currently advertising for the open Zoning Administrator position, and in the meanwhile, responsibilities will most likely fall on Elizabeth Julian with support from Five Counties and the mayor. Non-land use permits and licenses previously handled by Erin have been reassigned to Town Clerk Elizabeth Julian.

Elizabeth is supporting Gina with onboarding and training for recording duties. Gina has also completed all annual required trainings, including state archives training for recording officers.

ELECTION

As Election Officer, Elizabeth Julian is working with county clerks to prepare for the upcoming election. Ballots will be mailed Tuesday, October 13, and Boulder's official ballot box will arrive the following day. The ballot box at the Town Office will be accessible to the public during the following hours:

Tuesdays 10:00 am - 12:00 pm
Wednesdays 10:00 am - 12:00 pm
Fridays 5:00 pm - 7:00 pm

The ballot box is also accessible whenever staff or Council members are present in the office. Any additional availability will be posted. Following the County's official notice, Boulder will publish local election notices to ensure broad community awareness.

WORKERS COMPENSATION & AUDIT

Under our updated insurance policy with Utah Local Governments Trust, Lowery & Associates, Inc. is conducting a routine premium audit. Town clerks are working closely with the auditors to provide all required historical documentation and records which has been a comprehensive and time intensive endeavor.

The Unemployment Insurance Quarterly Filing due by October 31 has been completed.

LANDFILL REPORTS & TRAINING

To ensure quarterly landfill reporting is accurate and meets previous guidelines from Kelly Shaw, Cheryl Cox and the clerks created improved digital recording logs and covered them during September training. Required signage was ordered and delivered to Maintenance/Custodian Corry Johnson for installation. Once installed, photos will be shared with our new state representative.

Sarah Harris was hired as an alternate Landfill Attendant and attended the September training to maintain consistent record-keeping standards.

The town is on track to have the required landfill quarterly report completed, submitted, and paid by the October 15 deadline.

INFRASTRUCTURE & FACILITIES

Starlink

The Fire Department received its Starlink unit, mobile case, and mounting bracket last month. Monthly service is active, and all equipment was handed over to Fire Chief Corry Johnson. All information was also communicated with Council Member Josh Ellis in his role as the Fire Department liaison and as a member of the Fire Department.

Automated External Defibrillator (AED)

The AED at the Community Center was no longer functioning. Elizabeth worked with the supplier to order replacement parts, including a 5-year replacement battery ($89.54) and 5-year replacement pads ($201.62). The fire station currently has two units, but Fire Chief Corry Johnson is unsure if two or if any are needed since they don't use them and were previously gifted them. Quotes were received for two options: Option 1 is a new Zoll AED Plus unit for $1,790.02 ($1,690.02 total after a $100 trade-in rebate), and Option 2 is a refurbished Zoll AED Plus unit for $700.00. The fire department is currently evaluating whether they need one or two units and which option to pursue.

Facility Reservation Request & Agreement

The reservation request and agreement form was updated to remove the cleaning deposit fee, as directed by the Town Council at the last regular meeting.

Meeting Audio/Visual System

Building on discussions from last month's Mayor's Notes and meeting minutes, the administrative team has been collaborating with other small Utah communities and engaging with the Utah Municipal Clerks Association (UMCA) to address ongoing audio/visual (AV) challenges for public meetings. Feedback was received from municipal clerks regarding a potential meeting system, and staff will continue researching options to ensure this initiative remains on the radar.

FIVE COUNTY AOG SUMMIT

Town officials and staff attended the Five County AOG Summit, joining other regional leaders for training and collaboration. In addition to all six Planning Commissioners, attendees included Mayor Cheryl Cox, Council Member John Veranth, Council Member Tina Karlsson, Deputy Clerk Gina Ortolan, and Town Clerk Elizabeth Julian. Key takeaways from the event included practical land-use training during the Planning Commission 101 session led by Rob Terry, specialized municipal leadership workshops covering aging infrastructure, council and staff relations, community funding opportunities, and emergency preparedness, as well as opportunities for regional collaboration across neighboring communities.

Date: September 13, 2026

To: Boulder Town Council, Boulder, UT

Re: Resignation – Zoning Administrator and Administrative Land Use Authority

Dear Boulder Town Council,

Please accept this letter as formal resignation from my positions as Zoning Administrator and Administrative Land Use Authority for Boulder Town.

I appreciate the opportunity to have served Boulder these last few years and to have contributed to the community through this work. I am grateful for the experience and for the opportunity to work with the Town Council, Planning Commission, staff, and community members.

I would like to provide Boulder Town with sufficient time to make the transition. I intend to wrap up my current projects by September 30, 2026. I am available by appointment to process permit applications and for other projects on a case by case basis, not to exceed December 15, 2026.

Sincerely,

Erin J. Smith

Erin J. Smith, PhD, MBA

DRAFT MINUTES PENDING APPROVAL

BOULDER TOWN, UTAH PUBLIC NOTICE

Governing Body: TOWN COUNCIL
Meeting Type: Regular Meeting
Date and Time: Tuesday, September 1 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 Boulder Town Council Regular Meeting and Public Hearing to order at 6:02 PM on Tuesday, September 1, 2026, at the Boulder Community Center, 351 North 100 East, Boulder, Utah.

1.2. Determination of Quorum

The Mayor conducted a roll call. All Town Council members were present, establishing a quorum.

Town Council Present:
Mayor Cheryl Cox
Council Member Lacy Allen
Council Member Josh Ellis
Council Member Tina Karlsson (participating remotely via Zoom; Absent from approximately 7:02 pm until 7:28 pm due to power outage)
Council Member John Veranth (arrived late at 6:09 pm)

Others Present:
Elizabeth Julian, Town Clerk
Gina Ortolan, Deputy Clerk

1.3. Pledge of Allegiance

Mayor Cheryl Cox led the Pledge of Allegiance.

1.4. Motion to Adopt the Agenda

Mayor Cox confirmed that Version 5 of the meeting materials packet is the current and official reference for the proceedings.

> ***Motion****: Council Member Josh Ellis moved to accept the agenda as presented. Council Member Lacy Allen seconded.*
>
> ***Vote:*** *Roll Call Vote – Council Member Josh Ellis- Aye, Council Member Tina Karlsson - Aye, Council Member John Veranth - Absent, Council Member Lacy Allen - Aye, Mayor Cheryl Cox - Aye.*
>
> ***Result: Approved 4-0***

1.5. Declaration of Conflicts of Interest

Council Member Josh Ellis disclosed a potential conflict of interest regarding his business that might be subject to regulation under the proposed ordinance amendments on the agenda.

II. PRESENTATIONS AND REPORTS (Information/Discussion)

2.1. Cougar and Rotenone Presentation by Constance Lynn

Constance Lynn introduced a presentation regarding the Vigil Walk over Boulder Mountain, which she organized on behalf of the community from August 11 through 14, 2026. She explained that the walk was intended to raise awareness about what she described as threats to the local cougar population and to waterways in the area. She recounted that, just days before the walk was set to begin, participants inadvertently learned that the Utah Division of Natural Resources (DNR) would be conducting rotenone poisoning operations at Pleasant Creek from approximately August 10 through 14. Community members contacted DNR, speaking with Aquatics Manager Mike Hadley, and requested that the project be postponed. Mike Hadley agreed to a pause only by court order. When the vigil marchers arrived at Pleasant Creek on August 12, they encountered DNR staff at their camp, and participants observed dead fish floating following the treatment.

Constance Lynn further reported that, following the march, she had been in contact with DNR Director Dex Magnus, and that as of that afternoon she had learned that Director Magnus intended to visit Boulder on September 22 at 4:00 PM. She expressed that her purpose in presenting the video was to move discussions about these projects from the conceptual realm into tangible community awareness, and she urged the Council and public to view what a chemically treated creek looks like.

A video was then played, which included footage from the vigil walk and the aftermath of the rotenone treatment at Pleasant Creek.

Mayor Cheryl Cox noted that the Town had been attempting to secure a meeting with DNR since January and welcomed the confirmed date of September 22 at 4:00 PM.

2.2. 2.2. Five County AOG Summit

Mayor Cheryl Cox announced that the Five County Association of Governments will provide training for all town council and planning commission members in the five county region on Thursday, September 10th from 5:30–8:30 PM at Ruby's Inn. Mayor Cox strongly encouraged all members to register and coordinate carpooling through Town Clerk Elizabeth Julian. Mayor Cox also reminded members that the League of Cities and Towns Fall Conference will be held October 27–28 in Salt Lake City, and that registration fees increase at the end of the month.

2.3. Amending Ordinances

Town Clerk Elizabeth Julian provided an overview of the proposed ordinance amendments, summarizing the five draft ordinances included in the meeting materials:

Draft Ordinance amending Chapter 110 (General Business Provisions): Establishes foundational business licensing rules, removes business classes, sets a standard annual renewal cycle of March 1, and shifts all licensing fees to the fee schedule. Also introduces a progressive civil code enforcement framework, reserving misdemeanor prosecution as a last resort.

Draft Ordinance amending Chapter 111 (Alcoholic Beverages): Replaces outdated local licensing provisions. Under Utah law, the state retains primary licensing authority, so the town's role is limited to granting or denying statutory local consent when required.

Draft Ordinance amending Chapter 112 (Residential Short-Term Rentals as Businesses): Regulates RSTRs as businesses, requiring license holders to be natural persons who are permanent residents living on-site and present during guest stays, mandates annual compliance certifications, and requires license numbers to be displayed on online listings.

Draft Ordinance amending Section 153.204 (RSTRs as Land Use and Zoning): Maintains the cap of 12 active RSTR authorizations. The Planning Commission recommended replacing the lottery system with a first-come, first-served waiting list and replacing subjective discretion with objective guidelines for evaluating CUP conditions. Additionally, the recommended that RSTR CUPs and Business Licenses not be transferable with sale of property. Town Clerk Julian noted a legal concern flagged by Town Council Member Josh Ellis regarding the non-transferability of RSTR CUPs, noting that land use CUPs traditionally run with the land.

Draft Ordinance amending Chapter 130 (Fire Restrictions): Updates the default fire restriction season to May 1–October 31, aligns with Utah State Division of Forestry Fire and State Lands Stage 1 and 2 guidelines, adds explicit bans on dry vegetation ignition, and mandates available running water for active fire pits on private property.

III. PUBLIC COMMENT ON AGENDA ITEMS (Public Input)

Mayor Cheryl Cox opened the public comment period for non-public hearing agenda items, reminding speakers to state their names, limit comments to three minutes, to reserve comments pertaining to the proposed ordinances for the formal public hearing, and a 20-minute total period.

Matt Cochran addressed the Council regarding the mountain lion and rotenone issues. He noted that a Salt Lake Tribune opinion article published that morning, authored by Paul Garvey, connected Boulder Town, the Vigil Walk for mountain lions, and the rotenone treatment of Pleasant Creek. He urged the Council to pass the pending mountain lion resolution and emphasized the urgency of acting publicly on these matters. He further reported that he had learned Pine Creek was the next waterway targeted for a similar treatment, with fish barriers already under construction, and that Sand Creek and others were likely to follow. He urged the Council to adopt a unified governing body statement and expressed hope that it could serve as a precedent for Torrey, Escalante, and other nearby towns.

Blake Spalding echoed the calls to support the mountain lion resolution and to take a stand on the rotenone issue. She described Boulder as a tourism-based economy and expressed concern about the reputational impact of allowing what she characterized as the extermination of the area's primary predator and the poisoning of a watershed known for its purity. Spalding also spoke at some length about her personal experience at the previous Town Council meeting, stating that she felt ridiculed and that certain exchanges had been disrespectful and damaging. She urged the Council to honor the community's investment in the general plan process. Spalding further expressed concern about the recent reduction of the Grand Staircase-Escalante National Monument boundaries, concerns about proposed national park designations in the Escalante Canyon area and the removal of monument protections for lands adjacent to Boulder, noting that she had submitted a statement for a related legal proceeding.

Jennifer Geerlings spoke about the general plan process, expressing concern that the Town Council had shelved the planning commission's work on the draft general plan during its previous meeting before it was complete. She argued that the process had been a genuine bottom-up community effort, citing a survey completed by 108 to 130 respondents and significant public comment. She maintained that the general plan is aspirational and does not itself create regulations, and that the Council could have allowed the Planning Commission to complete it before voting on adoption. Geerlings further questioned the Council's decision to proceed with ordinances before a current general plan was in place. She also raised concerns about statements made by a council member characterizing some community ideas as ridiculous, and argued that no single group has a monopoly on defining Boulder's future.

Mark Austin raised a concern regarding drainage at the town cemetery, noting that recent rains had caused significant erosion at the cemetery entrance. He offered to assist with installing drainage culverts, noting that coordination with the Town would be necessary given that the cemetery sits on town land.

Eric Sheffield expressed gratitude for the awareness from Vigil Walk and urged the Council to pass the mountain lion resolution. He framed Boulder's natural ecology as a defining feature that draws visitors and spoke to the town's potential to be a recognized example of ecological stewardship.

Elena Hughes also urged passage of the mountain lion resolution. She additionally spoke to what she characterized as a strained relationship between the Planning Commission and the Town Council over the past several months. She noted that

newer Planning Commission members had expressed feeling disheartened and disrespected. She encouraged the Council to use the current moment as an opportunity to build a more respectful and collaborative relationship with the commission and offered to share her thoughts in writing or by phone.

Darrell Fuller (participating remotely via Zoom) thanked the Council for including red-line versions of proposed documents in the meeting materials, noting that such formatting makes review far more efficient. He also offered brief commentary on the general plan discussion, stating his view that the Planning Commission had entered into scope creep and had not adequately reined in its work when directed to do so, though he acknowledged that communication problems had existed on both sides.

Jen Bach (participating remotely via Zoom) raised a technical note, pointing out that when the Google Docs were accessed in view-only mode, comments were not visible. She noted this had been confirmed through testing with Town Clerk Julian and suggested it be taken into account in the future.

Mary McIntyre asked to read a statement before playing a brief video. She summarized the history of Boulder Town's 2011 effort to halt rotenone treatment of Boulder Creek by UDWR, which was ultimately successful after three years of community action. She noted that the current Pleasant Creek treatment proceeded despite community requests for a public meeting. She read from a collaborative UDWR/Utah State University study that acknowledged limited ability to predict rotenone's impacts on streams and lakes and called for more research on long-term ecosystem effects. She argued that UDWR manages waterways as fisheries rather than ecosystems and described the introduction of rotenone as creating a cascade of effects on the food web. A short video was then played showing the neon-purple appearance of Pleasant Creek following treatment, at the point where the neutralizing chemical potassium permanganate had been added. The video had been included in the meeting materials packet, available for public reference.

IV. DEPARTMENT REPORTS (Information)

4.1. Members

Council Member Tina (participating remotely via Zoom) reported on the Tree Committee's plans for the October 10th Arbor Day celebration in partnership with Tree Utah, including the planting of approximately 10 trees in various locations throughout the park and community center area. She noted that Tree Utah's free-tree program will continue for approximately three more years and encouraged

use of the opportunity. She also noted that black locust trees near the community center require damage control and that she is exploring assistance from a tree trimming company.

Council Member Josh Ellis reported that the state landfill inspection for the dump occurred on July 20th and notes observations consistent with prior years; report included in meeting materials packet. He noted the fire department now has mobile Starlink connectivity available, though it needs to be mounted.

Council Member John Veranth reported on road safety improvements, including alignment concerns and proposed safety signage. He noted ongoing coordination with other agencies including a meeting with UDOT to address various concerns on Highway 12. He indicated that UDOT will be doing a speed study in the next month.

Council Member Lacy Allen reported on a recent Stop the Bleed training session provided in collaboration with the Boulder Wellness Network and Garfield County EMS. She encouraged residents to take advantage of future sessions to support local emergency response resources. Council Member Allen also noted a weekend emergency involving a choking incident and indicated she is seeking clarification on the protocol for dispatching local EMTs versus ambulances through 911.

4.2. Staff

No separate staff report was given.

4.3. Mayor

Recent Meeting and Procedural Missteps: Mayor Cheryl Cox acknowledged that the July meeting had revealed areas where the Council had an opportunity to improve. She stated that she had received significant feedback regarding procedural mistakes and a lack of civility. She reported that she had been working with Five County Association of Governments representative Roger Carter and the Town's legal counsel to address what occurred. She outlined three actions taken at the July meeting that inadvertently deviated from the posted agenda. She explained that while directives issued to the Zoning Administrator were appropriate, two specific votes occurred during the work session without being formally designated as action items, and therefore those votes do not stand. As a consequence, the directive to the Planning Commission issued at that meeting was not legally binding. Mayor Cox stated that she had deliberately deferred retabling the matter until after the September 10 training, so that the Council could have more information before

deciding how to proceed, with the matter to be placed back on the October agenda. She also noted that the removal of the cleaning deposit fee during the same July meeting would be corrected formally through action on the fee schedule later in the evening.

Mayor Cheryl Cox reminded the Council that formal motions must take place only under items explicitly posted for action, and that while the Council can establish consensus and assign tasks during discussion and informational sessions, voting on binding matters must conform to posted agenda items.

Respectful Conduct: Mayor Cheryl Cox stated that the Council must do better when it comes to respectful behavior, and that she believes they should hold the Council to a high standard as a model for the community. She shared that she had been working on her own leadership and proposed that the Council build on existing ethics standards by adopting a clear code of conduct applicable to elected officials, appointed members, staff, and volunteers. She noted that a draft code of conduct had been included in the meeting materials for Council members to review over the coming months, with the goal of adopting it after further deliberation.

AV Solutions: Mayor Cox reported that the Town continues to experience challenges with its audiovisual equipment. She noted that while a previous proposal to correct these issues was rejected by the Council, she committed to working with staff to research solutions used by other Utah towns, with the goal of improving both in-room microphone clarity and remote participation through Zoom.

Boulder Farmstead Water Company Stakeholder Meeting: Mayor Cox announced that Boulder Farmstead Water Company would hold a stakeholder meeting on Wednesday, September 16, at 7:00 PM. She stated she intended to attend to represent the Town and invited other Council members to participate.

Water Usage: Mayor Cox noted that the Town had experienced some overages in water usage the previous month—$30 over budget for the community center grounds and $95 over for the town park—but characterized this as a significant improvement over the previous month. She publicly thanked Corry Johnson, maintenance, and Council Member Tina Karlsson for their work in reducing water usage and acknowledged the positive role of recent rainfall.

Hazard Mitigation: Mayor Cheryl Cox reported that the hazard mitigation committee had met the previous week and was continuing to develop a draft plan with Five County. She anticipated that once the draft was ready, stakeholder

meetings would be convened, with fire identified as the primary hazard warranting attention. She noted that she and Council Member Josh Ellis would be collaborating on community wildfire-related matters.

Rotenone and Community Notification: In response to the presentations and public comments heard earlier in the meeting, Mayor Cox addressed the community's concerns about the Pleasant Creek rotenone treatment. She acknowledged the personal dimension of the issue, noting her own background as a downwinder and with family members who are also downwinders and expressing that she has a deep personal difficulty accepting governmental assurances of safety. She identified the core issue for the town as a failure of communication — the community was never notified in advance that the treatment was going to occur, and signage was not posted at prominent places on at the site. She noted that required public notices were posted in the Spectrum rather than in local publications accessible to the community, such as the Insider. Unless Council members had objections, Mayor Cox stated her intention to write a letter on behalf of the Town to those making these decisions, asking them to reconsider the poisoning and, at minimum, to substantially improve local community notification practices. She described this as a first step, with the possibility of pursuing a formal resolution in the future depending on Council direction.

Anonymous Complaint: Mayor Cox reported that the Town had received an anonymous letter of complaint on August 13, which had been distributed to the Town Council. In accordance with the Town's established 2016 policy for handling noncompliance issues — which requires the citation of a specific code violation — the Council was declining further action at this time. She used the occasion to remind the public of the requirements for submitting a valid complaint, and noted that Town Clerk Julian had included the 2016 policy in the meeting materials.

Boulder Arts Council: Mayor Cox expressed enthusiasm for the Latin fusion band performance held the previous Saturday, which had drawn community members from both Boulder and Escalante. She noted that the final Music in the Parks event for 2026 would be held on September 11, featuring 3hattrio and an art exhibit reception featuring Kristin Barsh and Lisa DeLong.

V. CONSENT AGENDA

Council Member John Veranth moved to pull items 5.1 (Acceptance of Financial Reports) and the related expenditures acceptance from the consent agenda, noting that the financial reports reflected incomplete data and should not be approved.

Council Member Josh Ellis seconded and additionally noted a broader concern about the language of "accepting expenditures" implying blanket approval. The financial reports were pulled for presentation at a future meeting after updates are completed, revising what was submitted by Dave Sanderson.

> ***Motion****: Council Member John Veranth so moved [to approve the consent agenda, excluding the financial reports and related expenditures items, with those items to be reviewed at a subsequent meeting]. Council Member Josh Ellis seconded.*
>
> ***Vote:*** *Voice Vote – All members voted in favor; Council Member Tina Karlsson not present for vote.*
>
> ***Result: Approved 4-0 (Financial reports pulled for future review; proposed minutes from July 7 and August 11 approved)***

VI. PUBLIC HEARING (Public Input Only, Motion to Enter/Exit)

Mayor Cheryl Cox called for a motion to close the regular meeting and enter the public hearing.

> ***Motion****: Council Member Josh Ellis moved to close the regular meeting and enter the public hearing. Council Member Lacy Allen seconded.*
>
> ***Vote:*** *Roll Call Vote – Council Member Josh Ellis- Aye, Council Member Tina Karlsson - Absent, Council Member John Veranth - Aye, Council Member Lacy Allen - Aye, Mayor Cheryl Cox - Aye.*
>
> ***Result: Approved unanimously 4-0-1 — Public hearing opened at approximately 8:10 PM***

Mayor Cheryl Cox provided an overview of the public hearing's purpose: to gather community input on proposed amendments to Boulder Town Code Chapters 110, 111, 112, Section 153.204, and Chapter 130, in compliance with Utah Code §10-9a-204.

Mayor Cox reminded speakers to state their full name for the record, specify which ordinance they were addressing, and noted that the Council would not respond to individual comments during the hearing but would address them later in the agenda.

6.1. Draft Ordinance No. 2026-D: Amendments to Boulder Town Code Section 153.204 (Residential Short-Term Rentals regarding Land Use and Zoning)

6.2. Draft Ordinance No. 2026-C: Amendments to Boulder Town Code Chapter 112 (Residential Short-Term Rentals as Businesses)

6.3. Draft Ordinance No. 2026-E: Amendments to Boulder Town Code Chapter 110 (General Business Provisions)

6.4. Draft Ordinance No. 2026-A: Amendments to Boulder Town Code Chapter 111 (Alcoholic Beverages)

6.5. Draft Ordinance No. 2026-F: Amendments to Boulder Town Code Chapter 130 (Fire Restrictions)

Jen Bach (participating remotely via Zoom) addressed Draft Ordinance No. 2026-D regarding the non-transferability of RSTR CUPs. She had conducted internet research and found examples of other Utah jurisdictions — including Daggett County and Bountiful — that had successfully implemented provisions making short-term rental CUPs non-transferable upon property sale. She summarized that Daggett County requires the new property owner to apply for a new license within 45 days of transfer, or the CUP is forfeited. Bountiful similarly states that short-term rental permits do not run with the land. She proposed that the Council consider some form of grace period following a property transfer, during which the new owner would be required to satisfy all current license and CUP conditions. She also noted that transfer requirements could serve as a useful mechanism for bringing nonconforming uses into compliance, and expressed her view that maintaining the cap on RSTR authorizations, while providing for reassessment points, was preferable to removing it.

Darrell Fuller (participating remotely via Zoom) provided comment, though his remarks were not directed toward any of the five specific ordinance amendments under consideration for the public hearing. Instead, he addressed the proposed code of conduct referenced earlier in the Mayor's report, urging the Council to exercise extreme caution regarding any ethics rules that could potentially restrict public speech. He referenced the classical concept of *logos* — the connection between

speech and reason — and stated he would vigorously oppose any ethics provisions that he viewed as restricting free expression.

Blake Spalding addressed the RSTR provisions, specifically expressing interest in understanding the process by which short-term rental listings are established and regulated. She described what she characterized as several unlicensed or unregistered Airbnb-style operations in their neighborhood, including one that she said hosted a large party at night. Spalding argued that RSTR operators should be subject to the same tax obligations, insurance requirements, and regulatory compliance as traditional lodging businesses. She also expressed a preference for requiring RSTR operators to live on the property where the rental operates, which she said was not the current practice in her area of observation.

Ray Gardner addressed the RSTR cap and questioned the fundamental fairness of limiting authorizations to a fixed number. He argued that a first-come, first-served approach inherently advantages those who secured licenses early, allowing them to retain that benefit indefinitely. He proposed a conditions-based approach instead, suggesting that any applicant able to meet clear, enforceable conditions should be eligible for a license, regardless of when they applied, and that those who cannot meet the conditions simply would not qualify.

Elizabeth Julian, speaking as a community member, requested clarification on the proposed on-site residency requirement for new RSTRs, specifically asking how it would be administered and enforced. She also questioned why RSTR operators would be subject to an on-site presence requirement when traditional lodging establishments like hotels and motels are not, and encouraged the Council to evaluate the potential enforcement and administrative challenges.

John Catmull (participating remotely via Zoom) addressed several points. He stated that he had paid all required lodging taxes, town taxes, and state-required fees from the day he opened his short-term rental, and sought to correct what he characterized as a recurring misconception that RSTR operators do not pay taxes. He questioned the logic of requiring the license holder to be a permanent resident living on-site, noting that if he is required to live at the rental property, he would have no separate place of residence and could not simultaneously be a guest host. He asked whether there would be grandfather provisions for established operators such as himself and his brother-in-law, and raised the issue of ensuring a level playing field between RSTR operators and traditional lodging providers.

Mayor Cox confirmed that no additional online commenters were waiting to speak and invited any remaining in-room speakers. Hearing none, she noted that additional written public hearing comments had been submitted and were included in the meeting materials packet.

> ***Motion****: Council Member Josh Ellis moved to exit the public hearing and reenter the regular meeting. Council Member Lacy Allen seconded.*
>
> ***Vote:*** *Roll Call Vote – Council Member Josh Ellis- Aye, Council Member Tina Karlsson - Absent, Council Member John Veranth - Aye, Council Member Lacy Allen - Aye, Mayor Cheryl Cox - Aye.*
>
> ***Result: Approved 4-0 — Public hearing closed at approximately 8:25 PM.***

VII. ADMINISTRATIVE ACTION ITEMS (Motion Required)

7.1. Approve Resolution No. 2026-20: Public Entity Update

This resolution updates the town's Public Entity Investment Fund (PTIF) authorization to remove Dave Sanderson and add Elizabeth Julian as an authorized signatory for PTIF account access.

> ***Motion****: Council Member Josh Ellis moved to update the entity form [to] remove Dave Sanderson and add Elizabeth Julian. Council Member Lacy Allen seconded.*
>
> ***Vote:*** *Roll Call Vote – Council Member Josh Ellis- Aye, Council Member Tina Karlsson - Absent, Council Member John Veranth - Aye, Council Member Lacy Allen - Aye, Mayor Cheryl Cox - Aye.*
>
> ***Result: Approved 4-0***

7.2. Consideration of Hiring Recommendation of Deputy Clerk/Recording Secretary

Mayor Cheryl Cox reported that the hiring committee completed interviews for the Deputy Clerk position, with outstanding candidates applying. The committee recommended Gina Ortolan for the position.

***Motion**: Council Member Josh Ellis moved to accept the hiring of Gina Ortolan [as Boulder Town Deputy Clerk]. Council Member John Veranth seconded.*

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

Result: Approved unanimously 5-0

***Action Item Assigned:** Gina Ortolan officially hired as Boulder Town Deputy Clerk/Recording Secretary.*

7.3. Consideration of Resolution No. 2026-U: Planning Commission Seat 1 and Resolution No. 2026-V: Planning Commission Alternate

Mayor Cheryl Cox noted that applicants would have the opportunity to briefly address the Council before action was deferred to after the closed session. The following applicants presented:

Mark Austin noted his extensive experience serving on land use commissions in Springdale and dealing with local, county, and state land use matters over many years.

Jen Bach (participating remotely via Zoom) noted she has served as Planning Commission alternate, attended several trainings, and has been actively engaged in both town council and planning commission meetings for approximately five to six years.

Donna Owen (participating remotely via Zoom) stated her qualifications as a 40-year Boulder resident, business owner, EMT for 22 years, and property owner, expressing willingness to serve as an alternate.

Alyssa Thompson (participating remotely via Zoom) noted 20 years in the community as a business owner and property owner, with a desire to return to Planning Commission service.

Action was deferred pending the closed session. See Section XIII.

7.4. Consideration of Contract No. 2026-03: Fire Protection And Water Access Agreement With Boulder Farmstead Water Company

Mayor Cheryl Cox provided background, noting that the town and water company had been attempting to reach agreement for several years. She confirmed that a February 13, 2023 letter from Boulder Farmstead Water Company stated they would not renew the prior agreement, dated September 1984, so the option before the Council was the draft contract in the meeting materials. She noted the draft contained a blank for a dollar amount and, while the Water Company had been involved in drafting, the document had not been formally accepted by them, particularly pending the town's payment offer.

Council Member Josh Ellis clarified for the record that the Water Company cannot legally deny the fire department access to hydrants; the agreement is therefore not about access itself, but about the protocols for how the town accesses hydrants, the communication and notification surrounding that access, and the allocation of liability, indemnification, and insurance responsibilities. He stated that the primary financial component of the agreement is payment for snow removal around hydrants. He suggested a starting offer of $500 per year.

Council Member Josh Ellis expressed that the Water Company had not sent a representative to this agenda item. He and other members described the negotiating dynamic as a back-and-forth process that had dragged on without resolution and urged that the matter be handled in a way that was fair to both parties.

Council Member John Veranth proposed that, if the Water Company did not accept the $500 offer, the parties be encouraged to engage a mutually agreed-upon third-party arbitrator to determine an appropriate amount, rather than allowing the matter to remain unresolved for another year.

The Council discussed the question of maintenance obligations, with Council Member John Veranth emphasizing that the Water Company—having received a multi-million dollar federal grant through the USDA to install a 600,000-gallon tank and supporting infrastructure—bears the maintenance obligation for that infrastructure, including the hydrants. He noted that under the terms of USDA funding, the Water Company is federally required to provide fire access. He stated there was no precedent for a municipality paying to maintain infrastructure it does not own, and described the agreement as covering access protocols and snow

removal only, not maintenance or repair.

Council Member John Veranth also raised an equity consideration: the hydrants serve properties throughout the town, including properties on wells that are not customers of the Water Company, and some level of compensation for that public safety service may be appropriate, even if the precise amount remained in dispute.

The Council agreed that the draft contract as presented was acceptable in all respects other than the dollar amount, and that $500 should be offered as the town's opening position, with an invitation to the Water Company to counter-offer if they did not accept.

> ***Motion****: Council Member John Veranth moved (to present the draft contract as that the town,) that the Council authorizes the town to present the draft that's in the meeting [materials] packet as the town's current offer, with an amount of $500, and ask Boulder Farmstead if they are willing to accept or counter offer it. Council Member Josh Ellis seconded. :*
>
> ***Vote:*** *Roll Call Vote – Council Member Josh Ellis- Aye, Council Member Tina Karlsson - Aye, Council Member John Veranth - Aye, Council Member Lacy Allen - Aye, Mayor Cheryl Cox - Aye.*
>
> ***Result****:* ***Approved unanimously 5-0 — at 7:45 PM to authorize the town to present the draft Contract No. 2026-03 as included in the meeting materials packet, with $500 entered in the blank for section 5.1, as the town's current officer, and to invite Boulder Farmstead Water Company to accept or submit a counteroffer.***
>
> **Action Item Assigned:** Mayor Cheryl Cox and Town Clerk Elizabeth Julian to transmit Contract No. 2026-03 with the $500 annual figure to Boulder Farmstead Water Company, requesting a counteroffer if not accepted as presented.

7.5. Consideration of Proposed Resolution No. 2026-M: Predator Management Study

Mayor Cheryl Cox noted that Resolution No. 2026-M, Version 3 — addressing predator management study and related public safety concerns — had been reviewed by the town attorney since its presentation in July, with no changes

recommended.

> ***Motion**: Council Member Josh Ellis moved to approve Resolution No. 2026-M, Version 3, as presented at the July 7, 2026 town council meeting. Council Member John Veranth seconded.*
>
> ***Vote:** Roll Call Vote – Council Member Josh Ellis- Aye, Council Member Tina Karlsson - Aye, Council Member John Veranth - Aye, Council Member Lacy Allen - Aye, Mayor Cheryl Cox - Aye.*
>
> ***Result**: **Approved unanimously 5-0***

7.6. Consideration of Tree City Official Proclamation for Arbor Day

Council Member Tina explained that the annual proclamation is required to maintain Boulder Town's Tree City USA status and to allow the Tree Committee to apply for continued recognition. The Arbor Day celebration date was set for October 10, 2026.

> ***Motion**: Council Member Josh Ellis moved to accept the Tree City USA official proclamation of Arbor Day set October 10, 2026 for Boulder Council Member Lacy Allen seconded.*
>
> ***Vote:** Roll Call Vote – Council Member Josh Ellis- Aye, Council Member Tina Karlsson - Aye, Council Member John Veranth - Aye, Council Member Lacy Allen - Aye, Mayor Cheryl Cox - Aye.*
>
> ***Result**: **Approved unanimously 5-0***

VIII. LEGISLATIVE ACTION ITEMS (Motion Required)

Council Member John Veranth proposed a process for working through the draft ordinances: the Council would discuss each ordinance in detail, accept motions to amend specific wording where there was disagreement, and then vote on adoption. For minor changes, staff would be directed to make corrections before final codification. For major changes, a clean draft would be prepared for a subsequent vote. Mayor Cheryl Cox and other members agreed this was a sound approach.

Repeal and Replace Language: Council Member Josh Ellis raised a procedural point that the town's own ordinances require that code amendments be enacted as a repeal and replace of the prior section rather than as a piecemeal amendment. He noted that prior efforts to submit red-lined versions to the town's codification service, American Legal, had resulted in confusion and the codified version not matching what the Council had voted on. Both Council Members Josh Ellis and John Veranth agreed that all five ordinances should be formatted as repeal-and-replace documents referencing a clean text in Exhibit A, rather than amendment-style documents.

> ***Action Item Assigned:*** *Town Clerk Elizabeth Julian to work with the Town Attorney to reformat all five ordinances as repeal-and-replace documents referencing a clean text in corresponding Exhibits.*

Red-Line Comparison: Councilmember Ellis raised a process concern applicable to all five ordinances: He requested that future reviewed ordinance drafts include a full red-line version for comparison purposes.

8.1. Consideration of Draft Ordinance No. 2026-D: Amendments to Boulder Town Code Section 153.204 (Residential Short-Term Rentals regarding Land Use and Zoning)

Council Member Josh Ellis opened discussion by emphasizing that the ordinance amendments being considered in this package were housekeeping in nature and not intended to make major policy changes such as altering the cap on RSTR authorizations. He noted that any major changes of that scope would need to go back to the Planning Commission and were outside the intended scope of this effort.

Non-Transferability of CUPs — Section 153.4155: Council Member Josh Ellis explained his concern. He acknowledged that the Planning Commission had recommended making RSTR CUPs non-transferable upon property sale, but argued this was not legally defensible under state land use law, which provides that CUPs run with the land. He noted that all of the land use training materials the Council had received were consistent on this point. He further argued that the intent behind separating the land use CUP from the business license was precisely so that the residency and operational requirements—including on-site owner presence—could be placed in the business license section, which renews annually, rather than in the CUP. Under this design, even if a CUP transfers with a property sale, the new owner would still need to obtain a new business license each year and would need to meet all current residency and operational requirements to do so. If they could not,

they would be unable to operate the RSTR even if the CUP technically transferred. Council Member Ellis also raised an equity concern: if CUPs are not transferable, a property owner who has built an RSTR business and depends on that income to service a mortgage would be unable to sell to a buyer in a similar financial situation, effectively destroying the economic value of that business.

Councilmember John Veranth seconded the motion to strike the non-transferability provision, citing consistency with established legal principles that CUPs are among the only land use decision types that run with the land, and noting that even if non-transferability were technically legal, it would be poor policy.

> ***Motion****: Council Member Josh Ellis moved to (strike, we amend the ordinance to) strike item 5, [Section 153.4155, 'which provided that neither RSTR business licenses nor RSTR CUPs are transferable']. Council Member John Veranth seconded.*
>
> ***Vote:*** *Roll Call Vote – Council Member Josh Ellis- Aye, Council Member Tina Karlsson - Aye, Council Member John Veranth - Aye, Council Member Lacy Allen - Aye, Mayor Cheryl Cox - Abstain.*
>
> ***Result****: **Approved 4-0-1 — Motion to strike Section 153.415 (5)***

Restoration of Prior Ordinance Provisions: Council Member Josh Ellis noted that the Town Attorney's revised version of the ordinance had omitted several provisions that had been in the original, including language addressing the configuration of units in proximity to adjoining properties and dwellings, the relationship to contiguous lot boundaries (particularly relevant where an applicant owns multiple contiguous lots), and provisions regarding proposed time of year and duration of use. He confirmed he had added these provisions back into the draft, as they reflected the original legislative intent and no substantive change in content. No objections were raised by the Council to restoring these provisions.

Following discussion, the Council agreed the ordinance was ready for adoption as amended.

> ***Motion****: Council Member Josh Ellis moved to adopt Draft Ordinance No. 2026-D, as amended. Council Member John Veranth seconded.*
>
> ***Vote:*** *Roll Call Vote – Council Member Josh Ellis- Aye, Council Member Tina Karlsson - Aye, Council Member John Veranth - Aye, Council*

Member Lacy Allen - Aye, Mayor Cheryl Cox - Aye.

Result: unanimously Approved 5-0 at 8:17 PM

8.2. Consideration of Draft Ordinance No. 2026-C: Amendments to Boulder Town Code Chapter 112 (Residential Short-Term Rentals as Businesses)

Council Member Josh Ellis led discussion on Draft Ordinance No. 2026-C.

Eligibility Framework — Restructuring for Clarity: Council Member Josh Ellis identified a structural concern in the eligibility section, noting that the first three criteria addressed property eligibility (having a CUP, a Board of Adjustment determination of lawful nonconforming use, or grandfathered status) while the fourth criterion addressed applicant eligibility (meeting residency and operational requirements). He recommended restructuring so that applicant eligibility was clearly listed first, followed by the property eligibility criteria, to improve readability and prevent future confusion. He noted the Planning Commission had been confused by this ordering, as had he initially. Council Member Josh Ellis proposed recording, there was no voiced objection.

Opportunity to Cure Period: The proposed draft had included a 15-day opportunity to cure a business license violation before enforcement action. Council Member Ellis found 15 days insufficient and proposed extending the period to 30 days, with further discussion suggesting 60 days might be more reasonable. The Council agreed to change the cure period to 60 days.

Hearing Officer Reference: The draft referenced a hearing officer, which Boulder does not have. Council Member Josh Ellis recommended replacing this with a reference to the town's existing appeals authority, which the Council agreed to.

Non-Transferability Conforming Amendment: Consistent with the amendment adopted under Item 8.1, the non-transferability language in this chapter was revised to read only that RSTR business licenses are not transferable, removing the reference to CUPs that had been struck from the zoning ordinance.

***Motion**: Council Member Josh Ellis moved to adopt Ordinance No. 2026-C, Chapter 112, as amended. Council Member John Veranth seconded.*

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

Result: unanimously Approved 5-0 at 8:27 PM

8.3. Consideration of Draft Ordinance No. 2026-E: Amendments to Boulder Town Code Chapter 110 (General Business Provisions)

Council Member Josh Ellis led discussion on Draft Ordinance No. 2026-E.

Grandfathering of Existing Business Licenses: The preamble included language providing that any annual business license valid on the effective date of the ordinance would remain valid. Council Member Ellis questioned if this provision was intentional, or instead template language, and Town Clerk Julian confirmed that the Town Attorney had been aware of the town's specific situation and had drafted it accordingly.

> **Action Item Assigned:** Town Clerk Elizabeth Julian to confirm with the Town Attorney that the grandfathering provision in the preamble is intentional and aligns with the town's specific legal situation.

Exemptions — Restoration of Prior Ordinance Language: Council Member Josh Ellis noted that the draft had omitted an existing exemption from the business licensing requirement for certain categories, including wholesale or resale businesses without a physical presence in town, agricultural production, incidental businesses (such as a child's lemonade stand), nonprofits, businesses expressly exempted by state or federal law, and businesses exempted under valid reciprocity agreements. He also noted the existing exemption for businesses specifically exempted from taxation and fees by state or federal law, and disclosed that his own consulting business does not require a Boulder business license under that provision because he is not required to charge sales tax under state law. He acknowledged the conflict of interest inherent in recommending the inclusion of a provision that benefits his own situation, but noted the provision was already present in the existing codified ordinance and he was simply suggesting restoring it. The Council debated whether the removal of certain provisions was necessitated by legal factors previously unknown to the body. It was the consensus of the members that, absent specific legal mandates or recommendations to the contrary, the original language should be reinstated. Council Member Josh Ellis presented suggested text for these restorations within a redlined draft for review.

Home-Based Business Licensing and State Law: Council Member John Veranth raised a substantive issue regarding home-based businesses. He cited Utah Code §10-1-203, which prohibits municipalities from charging a fee to a resident for operating a home-based business unless the combined off-site impact of that business and the primary residential use materially exceeds the off-site impact of the residential use alone. He argued that if the town cannot charge a fee for home-based businesses that produce no material off-site impact, the basis for requiring a business license for such businesses is also weakened. He recommended adding exemption language along those lines directly to the ordinance. Council Member Josh Ellis noted that he had added suggested language exempting businesses with no impact outside the home structure, which he believed addressed this concern in part. Discussion ensued regarding where the line should be drawn—a massage therapist with clients coming to a home, for example, generates traffic and therefore arguably some off-site impact—but the Council agreed that the addition of the no-external-impact language was a reasonable starting point.

Default Penalty — Criminal Misdemeanor: The draft retained a provision stating that unless specific penalties were provided, violations of the chapter constituted a class B misdemeanor. Council Member John Veranth strongly objected to treating a paperwork or business license compliance violation as a criminal offense by default. He argued this was disproportionate, unenforceable in practice, and created exposure for residents who might technically be in violation of an administrative requirement. Council Member Josh Ellis agreed, noting that the broader question of civil enforcement policy—including how fines are structured, how they are made to stick, and how the town would actually pursue non-payment—needed to be addressed comprehensively across all ordinances, not just in this chapter. The Council agreed to remove the default misdemeanor penalty provision and to address civil enforcement policy as a separate, coordinated project. Council Member Josh Ellis provided suggested language within a redlined draft for review.

> ***Motion****: Council Member Josh Ellis moved to adopt Draft Ordinance No. 2026-E, amending Boulder Town Code Chapter 110, as amended during the meeting. Council Member John Veranth seconded.*
>
> ***Vote:*** *Roll Call Vote – Council Member Josh Ellis- Aye, Council Member Tina Karlsson - Aye, Council Member John Veranth - Aye, Council Member Lacy Allen - Aye, Mayor Cheryl Cox - Aye.*

draft

***Result**: unanimously Approved 5-0 at 8:45 PM*

8.4. Consideration of Draft Ordinance No. 2026-A: Amendments to Boulder Town Code Chapter 111 (Alcoholic Beverages)

Brief discussion addressed whether a fee should be associated with the local consent process. Council Member John Veranth noted that under Utah law, municipal fees must reflect the actual cost of providing a service, and the only service here is a legislative action, making a fee difficult to justify. No fee was included. The Council proceeded to approve the draft ordinance as presented in the meeting materials packet.

***Motion**: Council Member Josh Ellis moved to approve Ordinance No. 2026-A, Chapter 111, as presented. Council Member Lacy Allen seconded.*

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

***Result**: unanimously Approved 5-0 at 8:47 PM*

8.5. Consideration of Draft Ordinance No. 2026-F: Amendments to Boulder Town Code Chapter 130 (Fire Restrictions)

Council Member Josh Ellis led discussion on Draft Ordinance No. 2026-F.

Legislative Findings Section: The draft included a legislative findings section, which the attorney noted could be included if the Council preferred it as protection against a challenge to the town's use of police powers to regulate fire. Council Member Josh Ellis recommended removing this section, noting that no other town ordinances contain such language and that he found it unlikely anyone would challenge the town's authority to regulate fire hazards. The Council agreed to remove the section.

Fire Pit Definition: The draft defined a fire pit as a permanently constructed structure. Council Member Josh Ellis recommended removing the word "permanently constructed" to accommodate the widespread use of portable fire pits and fire mats, which have become common, particularly in outdoor recreation contexts. He also added a requirement that the fire pit be protected by a three-foot radius of noncombustible materials, noting that the prior language could have

permitted a constructed fire pit surrounded by dried vegetation. The Council agreed to both changes.

Default Fire Restriction Stage: Council Member Josh Ellis identified a gap in the draft: while Stage 1 and Stage 2 restrictions were defined, the ordinance did not specify what stage the town defaults to absent a specific resolution. He recommended adding language establishing Stage 1 as the default during the fire restriction season, to avoid the need for a new resolution each year simply to activate the basic season restrictions. The Council agreed.

Violation Penalty: The draft referenced a violation penalty. Council Member Josh Ellis suggested replacing misdemeanor with a $1000 fine. The Council agreed that rather than embedding a specific dollar figure in the ordinance, the penalty should be referenced as set forth in the fee schedule, consistent with the Council's overall direction of removing specific dollar amounts from code language. The Council agreed to make that change. Council Member Josh Ellis provided suggested language within a redlined draft.

> ***Motion****: Council Member Josh Ellis moved to approve Ordinance No. 2026-F, Chapter 130, as amended. Council Member John Veranth seconded.*
>
> ***Vote:*** *Roll Call Vote – Council Member Josh Ellis- Aye, Council Member Tina Karlsson - Aye, Council Member John Veranth - Aye, Council Member Lacy Allen - Aye, Mayor Cheryl Cox - Aye.*
>
> ***Result****: **unanimously Approved 5-0 at 8:51 PM***

8.6. Consideration of Draft Resolution No. 2026-W: Fee Schedule

Mayor Cheryl Cox introduced the revised fee schedule, describing it as a reformatting effort that converted the prior spreadsheet into a single document with a table of contents, incorporated suggested fee adjustments, and reflected the Council's prior direction to remove the cleaning deposit for local residents. She noted that the fee schedule would likely need to be revisited monthly initially as individual ordinances are updated, before settling into annual or biannual review cycles.

Council Member Josh Ellis moved to refer the fee schedule to committee rather than vote on the full document at this meeting. He outlined the following bullet points to

guide the committee's work: (1) remove fees not specifically authorized by an enabling ordinance; (2) separate fines and civil enforcement penalties from the fee schedule, as fines are distinct from fees and would become a separate project; and (3) develop a policy on which facility uses should be subject to fees and which should not.

On the question of facility use fees, Council Member John Veranth expressed his view that the community center exists to build and serve the community and that the Town should be generous in allowing civic and community-oriented activities at no charge — particularly given that the majority of the Town's revenue comes from tourism-related taxes rather than from residents. He drew a distinction between commercial or private use, on the one hand, and open community-benefit programming on the other. Mayor Cheryl Cox acknowledged that not all uses are equivalent in community benefit, noting that private events such as a family memorial or party may warrant some fee even if open to the public. The Council agreed this distinction would be worked out by the committee.

Council Member John Veranth proposed that the committee also document a cost basis or back-of-envelope calculation for each proposed fee, consistent with state law requirements that municipal fees must reflect the actual cost of providing a service and cannot function as a hidden tax increase.

> ***Motion****: Council Member Josh Ellis moved to refer this to committee, [with] a few high level bullet points we agree on instead of going line by line right now especially tonight. Council Member John Veranth seconded.*
>
> ***Vote:*** *Roll Call Vote – Council Member Josh Ellis- Aye, Council Member Tina Karlsson - Aye, Council Member John Veranth - Aye, Council Member Lacy Allen - Aye, Mayor Cheryl Cox - Aye.*
>
> ***Result: unanimously Approved 5-0 — Referred to subcommittee.***
>
> **Action Item Assigned:** Fee Schedule Committee composition to consist of Council Member John Veranth, Zoning Administrator Erin Smith, Council Member Lacy Allen, and at least one clerk. A progress report was directed for October, with draft consideration in November.

Following the vote to refer the fee schedule to committee, Council Member John Veranth moved separately to formally rescind the $150 cleaning deposit for resident use of the town facility, correcting the procedurally improper vote

taken at the July meeting.

> ***Motion**: Council Member John Veranth moved that we officially rescind the $150 cleaning deposit for residential, resident use of the [community center]ecind the $150 cleaning deposit for resident use of the town community center. Council Member Lacy Allen seconded.*
>
> ***Vote:** Roll Call Vote – Council Member Josh Ellis- Aye, Council Member Tina Karlsson - Aye, Council Member John Veranth - Aye, Council Member Lacy Allen - Aye, Mayor Cheryl Cox - Aye*
>
> ***Result: unanimously Approved 5-0 — Rescinded the $150 cleaning deposit requirement for residents reservations of the Boulder Community Center facility***

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

9.1. Meeting File Storage & Management Review

Council Member Josh Ellis led discussion on the need to establish a coherent file storage and management system for Town meeting materials and records. He described the current situation as disorganized, noting that multiple transitions in staff and structure over the past several years had resulted in materials being scattered, difficult to retrieve, and inaccessible through the desktop interface. He identified that the meeting materials workflow and long-term records management needed to be addressed as an integrated problem, rather than through continued piecemeal adjustments to the Town's current Google Drive setup. He also noted that the question of which working documents should be accessible to the public — particularly editable or comment-enabled Google Docs — would require guidance from the Town Attorney on records policy. He acknowledged that the inability to view document comments in view-only mode was a significant functional limitation for both public transparency and internal collaboration.

Mayor Cheryl Cox connected this discussion to earlier Council consideration of platforms such as Civics Plus, which would address meeting materials management, public notification, ADA-compliant website compliance, and related functions in an integrated way. She expressed the view that continuing to use Google in ways it was not designed for — rather than adopting a dedicated municipal records system — was producing ongoing difficulties.

Council Member John Veranth emphasized the importance of ensuring that documents with significance beyond a single meeting are filed in a way that allows retrieval years later, citing past instances where survey results or inspection records had been lost. He expressed strong support for a more robust records management effort.

> **Action Item Assigned:** A document management subcommittee was established, comprising Town Clerk Elizabeth Julian, Council Member Josh Ellis, and either Mayor Cheryl Cox or Council Member John Veranth. Participation is open to additional staff, representatives from the Planning Commission, and others as long as a quorum isn't established.

X. GENERAL PUBLIC COMMENT (Public Input)

Jennifer Geerlings expressed concern about a council member's characterization of certain general plan comments as coming from people trying to tell long-term residents what to do. She argued that no individual or group has exclusive authority over Boulder's community identity, and that inclusive governance requires welcoming all voices.

Blake Spalding raised concerns about the installation of flock (license plate recognition) cameras in Boulder by the sheriff's office, noting that residents and visitors have expressed discomfort with the surveillance. She asked the Council to explore whether the town has authority to restrict or remove such cameras and raised concerns about the potential effects of large-scale mining operations should monument protections be removed.

Mayor Cheryl Cox responded that she had spoken with the county sheriff about the cameras and would invite him to present to the Council and citizens regarding their purpose and use, and noted she would explore with the town attorney what authority the town may have regarding their presence. She also noted the camera at Boulder's location had been vandalized shortly after installation.

XI. CLOSING BUSINESS

11.1. Review of Outcomes, Assignments, and Counsel Recommendations

Town Clerk Elizabeth Julian summarized all actions taken during the meeting. She recommended that once the five adopted ordinances are finalized and posted, they be placed on the next meeting agenda for a brief review to catch any transcription

errors before codification, due to the revisions made during the meeting, without requiring a public hearing.

11.2. Future Agenda Items

The following items were identified for future agendas:

- Review of finalized ordinances (Nos. 2026-A, C, D, E, F) —October meeting
- Project permit ordinance review and high-level policy discussion
- Purchasing policy —October meeting
- Employee cost-of-living adjustment
- Landfill employee compensation, following completion of training
- Board of Adjustment replacement with an appeals authority — Council Member John Veranth to present
- Planning Commission direction —October meeting
- Civil enforcement policy and ordinance consistency project —ongoing

Council Member Josh Ellis recommended that in the future, a plain-language bullet-point discussion of policy intent occur before any ordinance is sent to the town attorney for drafting, to reduce cost and ensure alignment.

11.3. Confirmation of Next Regular Meeting

The next regular meeting was confirmed for **Tuesday, October 6, 2026.**

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

***Motion**: Council Member Josh Ellis moved to enter a closed session to discuss the character, competence, or health of an individual in this room. Councilmember John Veranth seconded.*

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

Result: Approved unanimously 5-0. — Closed session entered at 9:47 PM.

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

***Motion**: Council Member Josh Ellis moved to return to the regular meeting. Council member Lacy Allen seconded.*

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

Result: Approved unanimously 5-0. — Regular meeting reconvened at 9:52 PM.

Upon returning to regular session, the Council took action on the Planning Commission appointments deferred from Item 7.3.

***Motion**: Council Member Lacy Allen moved to approve Resolution No. 2026-U appointing Jen Bach to Boulder Town Planning Commission Seat 1 for a term expiring December 31, 2028. Council Member Josh Ellis seconded.*

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

Result: Approved unanimously 5-0. — Appointing Jen Bach to the Planning Commission; Seat 1

***Motion**: Council Member Lacy Allen moved to approve Resolution No. 2026-V appointing Mark Austin to the Planning Commission Alternate for a term expiring December 31, 2028. Council Member Josh Ellis seconded.*

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

Result: Approved unanimously 5-0. — Appointing Mark Austin to the Planning Commission; Alternate

XIV. ADJOURNMENT

draft

Mayor Cox adjourned the regular meeting and public hearing at 9:54 PM.

CERTIFICATE

BOULDER TOWN, STATE OF UTAH

_____

[First and Last Name], Title

ATTESTATION:

_____

[First and Last Name], Title

Date Approved by the Town Council: _____

draft

DRAFT MINUTES PENDING APPROVAL

BOULDER TOWN, UTAH PUBLIC NOTICE

Governing Body: TOWN COUNCIL
Meeting Type: Special Meeting
Date and Time: Tuesday, September 15 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 Boulder Town Council Special Meeting to order at 6:03 PM on Tuesday, September 15, 2026, at the Boulder Community Center, 351 North 100 East, Boulder, Utah. Mayor Cox notes that Version 3 of the Meeting Materials Packet was in use and available on the Town website.

1.2. Determination of Quorum

The Mayor conducted a roll call. Three Town Council members were present, establishing a quorum.

Town Council Present:
Mayor Cheryl Cox
Council Member Tina Karlsson
Council Member John Veranth

Town Council Absent:
Council Member Lacy Allen
Council Member Josh Ellis

Others Present:
Jayme Blakesley, Esq., Town Attorney
Elizabeth Julian, Town Clerk

1.3. Pledge of Allegiance

Mayor Cheryl Cox led the Pledge of Allegiance.

1.4. Motion to Adopt the Agenda

***Motion**: Council Member John Veranth moved to adopt the agenda as presented. Council Member Tina Karlsson seconded.*

***Vote:** Roll Call Vote – Council Member John Veranth - Aye, Council Member Tina Karlsson - Aye, Mayor Cheryl Cox - Aye.*

Result: Approved 3-0

1.5. Declaration of Conflicts of Interest

Mayor Cheryl Cox invited members to disclose any conflicts of interest with items on the agenda. Council Member John Veranth disclosed that he is a shareholder of Boulder Farmstead Water Company. Mayor Cox noted that she is also a shareholder of the same entity.

II. DISCUSSION AND POSSIBLE ACTION ITEMS

2.1. Discussion and Possible Action on Agreement with Boulder Farmstead Water Company regarding Received Termination Letter — Contract No. 2026-03 Fire Protection and Water Access Agreement

Mayor Cox opened discussion on this item by providing context for the special meeting. She explained that on September 1, the Town Council had approved Contract No. 2026-03 — the Fire Protection and Water Access Agreement with the Boulder Farmstead Water Company — with the understanding that the dollar amount in the contract would likely require further negotiation. Between that meeting and this meeting, the Town received a termination letter effective September 17 from counsel for the Boulder Farmstead Water Company, and the Town had been working with Town Attorney Jayme Blakesley in the days since to identify actions that would protect the community in the event of a fire. Mayor Cox then turned the floor over to Town Attorney Blakesley to brief the Council on developments.

Town Attorney Blakesley's Briefing

Town Attorney Jayme Blakesley provided a detailed summary of events leading up to the meeting. He directed the Council's attention to a letter dated September 4, 2026, from the law firm Smith Harvickson, counsel for the Boulder Farmstead Water Company, included in the meeting packet. The letter stated that the Water Company was terminating the 1984 agreement with the Town and imposing a fee of $2,500 per incident for each occurrence in which the Town might need to use the fire hydrants within the town that are maintained by the Water Company.

Attorney Blakesley stated that upon reviewing the contract and the Town's rights thereunder, and in consultation with Mayor Cox, the Town responded with a letter — also included in the meeting packet — that was intended to strike a friendly but firm tone and to encourage the Water Company's attorney to negotiate the outstanding terms of the agreement. Attorney Blakesley reported that he was able to speak with the Water Company's attorney earlier that afternoon, and described the tone of the conversation as friendly and productive.

Attorney Blakesley advised that the Water Company's attorney had not been aware that the Town Council had adopted an agreement on September 1, 2026. Upon being informed of this, the Water Company's attorney proposed a series of edits, ran them by the Water Company's board, and presented them to Attorney Blakesley as acceptable to the Water Company. A redlined version of the agreement reflecting these edits was included in the meeting packet, though Attorney Blakesley acknowledged that, due to the tight timeline — having spoken with counsel around 3:00 PM that same afternoon — the redlines had been provided to Council members only shortly before the meeting commenced.

Attorney Blakesley characterized the majority of the proposed edits as clerical in nature. He identified two edits of substantive significance:

First, the Water Company proposed an annual fee of $3,000, regardless of the number of times the Town requires use of the hydrants during the year. Attorney Blakesley noted that during his conversation with the Water Company's attorney, two figures had initially been quoted: $3,000 per year with the Water Company not performing snow removal, or $4,500 per year with the Water Company handling snow removal. Following an exchange of emails, the Water Company agreed to perform snow removal at the $3,000 rate, representing a concession of $1,500 from their original demand.

Second, the Water Company requested a change to the indemnification provision, limiting the Water Company's liability to its own negligent acts. Attorney Blakesley

advised that this was standard practice under Utah law, which restricts indemnification to an entity's own acts, and that he did not view this as a concern.

Additional clerical edits addressed an internal inconsistency in the agreement, where one section referenced no cost while another referenced the $3,000 annual fee, and removed a reference to the Interlocal Agreement Act in the preamble, as the Water Company is a private — not public — entity, and the agreement is therefore not an interlocal agreement.

Council Discussion

Council Member John Veranth opened questioning by asking about the basis for the $3,000 figure and how the Water Company had arrived at it. Attorney Blakesley indicated that he had not explored the methodology in depth with opposing counsel, but offered his assessment that the figure likely reflected an attempt to approximate the average annual costs of maintenance and the expense of keeping water available for fire protection, particularly given the difficulty in predicting how often the Town might need to draw upon the hydrants and in what volume.

Mayor Cheryl Cox provided historical context, noting that a contract negotiated in 2018 had included a fee of $50 per hydrant — which at that time would have amounted to approximately $3,600 — but had never been executed due to the Water Company's failure to sign. She also noted that a December proposal had included a $4,500 fee, of which $1,500 was attributed to snow removal, suggesting that the current $3,000 figure could be understood as that prior figure minus the snow removal component.

Council Member Tina Karlsson followed up by asking whether the insurance provisions had been accepted by the Water Company. Attorney Blakesley confirmed that the insurance provision remained in the form adopted by the Council on September 1, 2026, and had not been altered by the Water Company.

Mayor Cheryl Cox raised a concern about oversight and accountability regarding hydrant maintenance. The agreement references Section 4.1, which requires the Water Company to maintain, repair, and test fire hydrants in accordance with USFC 507-5-2. Mayor Cox asked whether there was a mechanism by which the Town could receive confirmation that those obligations were being fulfilled — for example, access to any documentation that the Water Company might already be required to submit to the state. Attorney Blakesley noted that Section 9.2 of the agreement, titled "Further Assurances," requires both parties to execute and deliver

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documents necessary to effectuate the intent and purpose of the agreement, and indicated that the Town could invoke that provision to request confirmation of compliance with the applicable code requirements.

Council Member John Veranth raised a broader question about the nature of the consideration being exchanged under the contract. He expressed that he remained uncertain about precisely what the Town was paying for — whether it was for maintenance, access to water, or actual use of water — and noted that the agreement language on this point struck him as vague. He also raised the question of what obligations the Water Company may have already undertaken through the terms of grant funding it had received for the water pipeline and tanks, including significant low-interest loans and loan forgiveness. He framed this not as an objection to the contract, but as a matter of principle: if the Water Company had already agreed to provide community-wide fire protection as a condition of receiving that public grant funding, the Town should understand what it is paying for in that context.

Attorney Blakesley responded that, in his reading, the contract is primarily an agreement for service — specifically, the availability of fire protection water and hydrants maintained in working condition for emergency use. He acknowledged that he came to this matter as a newer attorney for the Town, which he noted carried both advantages and disadvantages: the absence of historical context allowed him and the Water Company's attorney to focus on the terms, the cost, and reaching a bottom line without the weight of prior disputes.

Council Member John Veranth acknowledged the force of the points raised in favor of proceeding, but expressed continued unease about whether the Town was paying for something the Water Company was already obligated to provide under its grant agreements. He noted he was not opposed to the contract, but wanted those considerations to be understood.

Mayor Cheryl Cox noted that the Town is currently in the process of developing its hazard mitigation plan, emergency operations plan, and wildfire plan, all of which necessitate the Water Company's participation as a partner. She emphasized that the relationship between the Town and the Water Company had not been strong, and that moving forward on this agreement could help restore the working relationship needed for those planning efforts.

Council Member Tina Karlsson observed that the Water Company had effectively placed the Town in a difficult position by issuing the termination letter, which

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would take effect on September 17, 2026 — just two days hence. She expressed strong support for improving the relationship with the Water Company and noted that, while she had reservations about the pressure being applied, the $3,000 annual fee was preferable to the prospect of being charged $2,500 per incident under the terminated 1984 agreement.

Attorney Blakesley confirmed, in response to a direct question from Mayor Cheryl Cox, that he had verified with the Water Company's attorney that the hydrants would not be shut off or access restricted in the event of an emergency after September 17, 2026. However, the Water Company's stated intention was to charge $2,500 per occurrence for any use of the hydrants under those circumstances.

Mayor Cheryl Cox noted the financial comparison: the Town would pay $3,000 for the entire year under the proposed agreement, versus $2,500 per single emergency occurrence under the terminated agreement's fee structure.

Council Member John Veranth raised the question of whether the Council should defer action until the next regularly scheduled meeting on October 6, 2026, rather than acting on a redlined agreement received only hours before the meeting. He acknowledged the concern about rushing consequential decisions and observed that any obligation incurred was at least mitigable by the agreement's 60-day termination notice provision, which he confirmed with Attorney Blakesley. He ultimately concluded, however, that given the circumstances and the financial risk to the Town in the interim period, it was likely appropriate to move forward.

Attorney Blakesley addressed the concern about the timing of the redlines directly, reassuring the Council that the substantive changes from the version adopted on September 1 were limited to two provisions: the indemnification language — which he characterized as standard under Utah law — and the dollar amount, which was now filled in as $3,000 per year. He noted that the Council had been reviewing the contract for approximately three months and had previously agreed that the only outstanding issue was the fee.

Two prepared motion options were offered for the Council's consideration: (1) to accept the redlined revisions and adopt the contract as revised, or (2) to authorize Town Attorney Blakesley to continue negotiating with the Water Company's attorney based on the Council's direction.

Council Member John Veranth indicated his preference to move forward, and Council Member Tina Karlsson noted that further negotiation would not be cost-effective, as attorney fees could consume any savings achieved.

> ***Motion****: Council Member John Veranth moved to accept the redlined revisions proposed by Boulder Farmstead Water Company to Contract No. 2026-03, Fire Protection and Water Access Agreement, including the $3,000 annual fee, vegetation clearing duties, and revised indemnification terms, and to authorize Mayor Cheryl Cox to execute the updated agreement. Council Member Tina Karlsson seconded.*
>
> ***Vote:*** *Roll Call Vote – Council Member John Veranth - Aye, Council Member Tina Karlsson - Aye, Mayor Cheryl Cox - Aye. Council Member Josh Ellis — Absent, Council Member Lucy Allen — Absent.*
>
> ***Result: Approved 3-0***

Motion Passed. Mayor Cheryl Cox confirmed that Contract No. 2026-03, as amended by the accepted redlined revisions, was approved, and that she was authorized to execute the updated agreement on behalf of the Town.

Mayor Cheryl Cox thanked Town Attorney Jayme Blakesley for his work on the matter over the preceding several days and for attending the meeting. Attorney Blakesley departed following the conclusion of this agenda item.

III. CLOSED SESSION

Mayor Cheryl Cox announced that the Council would not be entering a closed session.

IV. RETURN TO SPECIAL MEETING

No action was taken under this agenda item, as no closed session was held.

V. PUBLIC COMMENT

Mayor Cox opened the floor to public comment.

Judith Geil addressed the Council. Judith Geil disclosed for the record that she is also a shareholder of the Boulder Farmstead Water Company. She stated that she had sent an email to the Water Company earlier that day requesting that the agreement be presented and explained at the Water Company's annual meeting

scheduled for the following evening, and asking whether the contract had been signed. She requested that the Town notify the Water Company in time for the agreement to be presented at that meeting. Mayor Cox confirmed that the signed agreement would be transmitted to the Water Company's attorney the following day.

Judith Geil also raised a concern regarding hydrant maintenance. Having lived across from one of the hydrants for ten years, she stated that she had never witnessed any maintenance or testing of that hydrant. She drew a comparison to practices she observed while living in Phoenix and Seattle, where water was run through hydrants to verify functionality. She expressed support for the idea raised earlier in the meeting — that the Water Company be required to document and sign off on inspections of the Town's 72 hydrants on a regular, systematic basis over the course of each year, and that this documentation be shared with or made accessible to the Town.

No other members of the public came forward to comment.

Mayor Cox closed the public comment period.

VI. ADJOURNMENT

There being no further business, Mayor Cheryl Cox adjourned the Special Meeting at 6:34 PM.

CERTIFICATE

BOULDER TOWN, STATE OF UTAH

_____

[First and Last Name], Title

ATTESTATION:

_____

[First and Last Name], Title

Date Approved by the Town Council: _____

draft

RESOLUTION NO. 2026-W

TOWN OF BOULDER, STATE OF UTAH

A RESOLUTION TERMINATING THE 2026 SEASONAL FIRE RESTRICTIONS IN BOULDER TOWN, UTAH

WHEREAS, Boulder Town Code § 130.03 establishes an annual fire restriction season beginning May 1 and continuing through October 31 of each year, defaulting to Stage 1 Fire Restrictions; and

WHEREAS, Boulder Town Code § 130.03(B) authorizes the Town Council, by resolution, to shorten the annual restriction period or declare that no seasonal restrictions shall be in effect when fire conditions warrant; and

WHEREAS, Boulder Town Code § 130.03(C) provides that in determining whether restrictions should be modified or terminated, the Town Council may consider recommendations of the Boulder Town Fire Department and the Utah Division of Forestry, Fire, and State Lands, restrictions imposed by Garfield County or federal land management agencies, weather conditions, fuel moisture, drought conditions, and wildfire activity; and

WHEREAS, fire restrictions in surrounding areas and Garfield County have been lifted, and local fuel moisture and weather conditions indicate a reduced threat of wildfire prior to the standard October 31 end date; and

WHEREAS, the Town Council has evaluated current fire danger conditions and determined that terminating the 2026 seasonal fire restrictions early is appropriate and safe for the community;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF BOULDER TOWN, UTAH, THAT:

1. **Termination of Seasonal Fire Restrictions.** Pursuant to Boulder Town Code § 130.03(B), the 2026 Stage 1 Fire Restrictions currently in effect are hereby terminated, effectively lifting seasonal fire restrictions within Boulder Town.

DRAFT | v1.0

2. **Continued Fire Safety Awareness.** Residents and visitors are reminded to practice standard fire safety and adhere to all applicable state statutes, local safety standards, and fire safety practices regarding open flames and outdoor ignitions.

3. **Emergency Authority Reserved.** Pursuant to Boulder Town Code § 130.07, nothing in this Resolution limits or restricts the authority of the Town Council to adopt emergency fire restrictions should extraordinary fire danger or adverse weather conditions arise.

4. **Effective Date**. This resolution shall take effect immediately upon passage and adoption.

5. **Severability Clause**. If any part of this Resolution is found invalid, it does not affect the remaining portions.

PASSED AND APPROVED this 6th day of October, 2026.

Boulder Town Council

[seal]

By: Cheryl Cox, Mayor

_____

Voting:

Lacy Allen	Yea ___	Nay ___	Abstain ___	Absent ___
Josh Ellis	Yea ___	Nay ___	Abstain ___	Absent ___
John Veranth	Yea ___	Nay ___	Abstain ___	Absent ___
Tina Karlsson	Yea ___	Nay ___	Abstain ___	Absent ___
Cheryl Cox	Yea ___	Nay ___	Abstain ___	Absent ___

Attest: Elizabeth Julian, Town Clerk

_____

DEPOSITED in the office of the Town Clerk this 7th day of October, 2026.

RECORDED this 7th day of October, 2026.

DRAFT | V1.0

ORDINANCE NO. 2026-06

TOWN OF BOULDER, STATE OF UTAH

AN ORDINANCE OF THE TOWN OF BOULDER REPEALING THE CURRENT PROVISIONS OF CHAPTER 130 OF THE BOULDER TOWN CODE, RELATING TO FIRE RESTRICTIONS, AND ADOPTING THE PROVISIONS OF NEW RECODIFIED CHAPTER 130.

WHEREAS, as previously directed by the Town Council, Town staff has prepared policy updates and amendments to Chapter 130 of Town Code; and

WHEREAS, the Town Council has held a public hearing and has determined that the proposed revision and recodification of Chapter 130 will better serve the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Boulder, Utah as follows:

Section 1. Legislative Findings. The Town Council finds that:

A. Wildfire poses a significant threat to the public health, safety, welfare, property, and natural resources of Boulder Town.

B. The existing annual fire restriction period has required frequent modification to reflect actual fire conditions and no longer adequately corresponds to the modern wildfire season.

C. Aligning the Town's fire restrictions with the State of Utah's Stage 1 and Stage 2 fire restriction framework will promote consistency, improve public understanding, and reduce confusion.

D. This ordinance is adopted pursuant to the Town's authority under Utah law to protect the public health, safety, and welfare and is intended to complement applicable federal, state, and county fire restrictions.

Section 2. Repeal. Chapter 130 of the Boulder Town Code is hereby repealed in its entirety.

Section 3. Adoption and Codification. A revised and recodified Chapter 130 of the Boulder Town Code, as more particularly set forth in Exhibit A, attached hereto and incorporated herein by reference, is hereby adopted and codified.

Section 4. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 5. Effective Date. This Ordinance shall take effect upon publication of posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this 1st day of September, 2026.

Boulder Town Council

By: Cheryl Cox, Mayor

Voting:

Lacy Allen	Yea X	Nay ___	Abstain ___	Absent ___
Josh Ellis	Yea X	Nay ___	Abstain ___	Absent ___
John Veranth	Yea X	Nay ___	Abstain ___	Absent ___
Tina Karlsson	Yea X	Nay ___	Abstain ___	Absent ___
Cheryl Cox	Yea X	Nay ___	Abstain ___	Absent ___

Attest: Elizabeth Julian, Town Clerk

DEPOSITED in the office of the Town Clerk this 4th day of September, 2026.

RECORDED this 4th day of September, 2026.

EXHIBIT A

CHAPTER 130: FIRE RESTRICTIONS

§ 130.01. Purpose.

The purpose of this chapter is to reduce the risk of wildfire within Boulder Town by establishing seasonal fire restrictions, authorizing additional restrictions when fire danger warrants, promoting consistency with the fire restriction framework administered by the Utah Division of Forestry, Fire, and State Lands pursuant to Utah Code Section 65A-8-212, and protecting the public health, safety, and welfare.

§ 130.02. Definitions.

As used in this chapter:

APPROVED FIRE PIT means a stone, masonry, concrete, or metal fire pit or fireplace designed to contain open flames and prevent the spread of fire, protected by a 3' radius of noncombustible materials.

FIRE CHIEF means the chief of the Boulder Town Fire Department or the chief's designee.

FIREWORKS has the meaning provided in the Utah Fire Prevention and Safety Act.

OPEN FIRE means any outdoor fire or combustion of combustible material, whether for warmth, cooking, recreation, disposal, or any other purpose, excluding devices specifically exempted by this chapter.

PYROTECHNIC DEVICE has the same meaning as provided by Utah law and includes exploding targets and similar devices designed to produce combustion, explosion, heat, smoke, or light.

SPARK ARRESTOR means a properly installed and maintained device designed to prevent the emission of sparks or flaming particles from an internal combustion engine.

STAGE 1 FIRE RESTRICTIONS mean restrictions established pursuant to § 130.04.

STAGE 2 FIRE RESTRICTIONS mean restrictions established pursuant to § 130.05.

§ 130.03. Annual Fire Restriction Season.

(A) Unless otherwise provided by resolution of the Town Council, the annual fire restriction season shall begin on May 1 and continue through October 31 of each year and shall default to Stage 1 Fire Restrictions.

(B) The Town Council may, by resolution:

1. begin restrictions before May 1;
2. terminate restrictions after October 31;
3. shorten the annual restriction period when fire conditions warrant; or
4. declare that Stage 1 Fire Restrictions, Stage 2 Fire Restrictions, or no seasonal restrictions shall be in effect.

(C) In determining whether restrictions should be imposed, modified, or terminated, the Town Council may consider:

1. recommendations of the Boulder Town Fire Department;
2. recommendations of the Utah Division of Forestry, Fire, and State Lands;
3. restrictions imposed by Garfield County or federal land management agencies;
4. weather conditions;
5. fuel moisture;
6. drought conditions;
7. wildfire activity; and
8. any other factors affecting public safety.

§ 130.04. Stage 1 Fire Restrictions.

Unless otherwise modified by resolution, the following restrictions apply whenever the Town Council declares Stage 1 Fire Restrictions.

(A) No person shall build, maintain, attend, or use an open fire except:

1. within an approved fire pit located on private property where running water is immediately available; or
2. within an established fire ring or other facility specifically designated for fires by the Town or another governmental agency.

(B) No person shall smoke outdoors except:

1. within an enclosed vehicle;
2. within an enclosed building;
3. within a developed recreation site; or
4. while stopped in an area paved or otherwise free of dry vegetation.

(C) No person shall discharge or use fireworks, pyrotechnic devices, tracer ammunition, or exploding targets.

(D) No person shall cut, weld, or grind metal in an area containing dry vegetation.

(E) No person shall operate a motorcycle, chainsaw, all-terrain vehicle, utility terrain vehicle, or other small internal combustion engine unless equipped with a properly functioning spark arrestor.

§ 130.05. Stage 2 Fire Restrictions.

Whenever the Town Council declares Stage 2 Fire Restrictions, the following restrictions apply in addition to all Stage 1 Fire Restrictions.

(A) No person shall ignite, maintain, or use any open fire.

(B) The prohibition in subsection (A) does not apply to propane, natural gas, or other compressed-gas cooking appliances equipped with an on/off valve and used in an area cleared of combustible material.

(C) The Town Council may impose additional restrictions by resolution when reasonably necessary to protect public health, safety, and property.

§ 130.06. Relationship to Other Laws.

(A) This chapter establishes minimum fire restrictions within Boulder Town.

(B) This chapter is intended to complement, and not replace, applicable fire restrictions adopted by the United States, the State of Utah, Garfield County, or any other governmental entity having jurisdiction.

(C) Compliance with this chapter does not excuse compliance with any applicable federal, state, county, or other lawful fire restriction.

(D) When multiple restrictions apply to the same activity, the more restrictive provision shall govern.

§ 130.07. Emergency Restrictions.

Nothing in this chapter limits the authority of the Town Council to adopt emergency fire restrictions by resolution whenever extraordinary fire danger exists.

§ 130.08 Construction.

Nothing in this chapter shall be construed to authorize any act prohibited by the Utah Fire Code, the Utah Fire Prevention and Safety Act, or any other applicable provision of state or federal law.

§ 130.09. Enforcement.

This chapter may be enforced by:

1. Boulder Town law enforcement officers;
2. the Garfield County Sheriff's Office;
3. the Boulder Town Fire Department; and
4. any other person authorized by law.

§ 130.10. Violations and Penalties.

(A) A violation of this chapter constitutes a fine as defined by resolution in the fee schedule, unless another penalty is specifically provided by Utah law.

(B) Each separate act, each prohibited fire, and each individual firework or pyrotechnic device discharged constitutes a separate offense.

§ 130.11. No Duty Created.

Nothing in this chapter creates a duty on the part of Boulder Town, its officers, employees, or agents to inspect property, discover violations, prevent fires, or protect any person or property from wildfire.

RESOLUTION NO. 2026-Z

TOWN OF BOULDER, STATE OF UTAH

A RESOLUTION ADOPTING THE ADJUSTED BOULDER TOWN STAFF PAY SCHEDULE REFLECTING A 3.2% COST OF LIVING ADJUSTMENT (COLA)

WHEREAS, the Town of Boulder is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the Town Council evaluates and updates the Boulder Town Staff Pay Schedule annually to account for inflation and cost of living adjustments; and

WHEREAS, a 3.2% Cost of Living Adjustment (COLA) increase has been calculated and integrated into the proposed Staff Pay Schedule dated October 6, 2026, as documented in Policy No. 2026-F; and

WHEREAS, the Town Council finds it appropriate and necessary to adopt the updated pay schedule to maintain competitive and equitable compensation for all municipal staff positions;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF BOULDER TOWN, UTAH, THAT:

1. **Adoption of Staff Pay Schedule.** The Town Council hereby adopts and approves the adjusted Boulder Town Staff Pay Schedule reflecting the 3.2% COLA increase, as set forth in Policy No. 2026-F.
2. **Applicability.** The rates and longevity stipends established in the adopted pay schedule shall apply to all covered town employees according to their position and years of experience.
3. **Repeal of Prior Schedules.** All prior staff pay schedules or conflicting compensation resolutions are hereby superseded and repealed.
4. **Effective Date**. This resolution shall take effect immediately upon passage and adoption.

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5. **Severability Clause**. If any part of this Resolution is found invalid, it does not affect the remaining portions.

PASSED AND APPROVED this 6th day of October, 2026.

Boulder Town Council

[SEAL]

By: Cheryl Cox, Mayor

_____

Voting:

Lacy Allen	Yea ___	Nay ___	Abstain ___	Absent ___
Josh Ellis	Yea ___	Nay ___	Abstain ___	Absent ___
John Veranth	Yea ___	Nay ___	Abstain ___	Absent ___
Tina Karlsson	Yea ___	Nay ___	Abstain ___	Absent ___
Cheryl Cox	Yea ___	Nay ___	Abstain ___	Absent ___

Attest: Elizabeth Julian, Town Clerk

_____

DEPOSITED in the office of the Town Clerk this 7th day of October, 2026.

RECORDED this 7th day of October, 2026.

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POLICY NO. 2026-F

COLA 3.20%

TOWN OF BOULDER, STATE OF UTAH

STAFF PAY SCHEDULE
Exhibit A to Resolution No. 2026-Z | Effective [Month DD], 2026

# of Years Experience	Boulder Town Clerk, Zoning Administrator		Deputy Clerks, Treasurer		Custodian & Maintenance		Landfill Attendent	
	25-06-05	Proposed 26-10-06	25-06-05	Proposed 26-10-06	25-06-05	Proposed 26-10-06	25-06-05	Proposed 26-10-06
0	$23.74	$ 24.50	$21.67	$ 22.36	$20.64	$ 21.30	$12.38	$ 12.78
1	$25.80	$ 26.63	$23.74	$ 24.50	$21.05	$ 21.72	$12.63	$ 13.03
2	$28.90	$ 29.82	$26.83	$ 27.69	$21.68	$ 22.37	$13.01	$ 13.43
3	$30.34	$ 31.31	$27.64	$ 28.52	$22.33	$ 23.04	$13.41	$ 13.84
4	$31.86	$ 32.88	$28.74	$ 29.66	$23.23	$ 23.97	$13.93	$ 14.38
5	$32.65	$ 33.69	$29.89	$ 30.85	$24.16	$ 24.93	$14.50	$ 14.96
6	$33.47	$ 34.54	$31.09	$ 32.08	$25.12	$ 25.92	$15.08	$ 15.56
7	$34.31	$ 35.41	$32.33	$ 33.36	$26.13	$ 26.97	$15.68	$ 16.18
8	$35.17	$ 36.30	$32.33	$ 33.36	$26.13	$ 26.97	$15.68	$ 16.18
9	$36.04	$ 37.19	$32.33	$ 33.36	$26.13	$ 26.97	$15.68	$ 16.18
10	$36.95	$ 38.13	$32.33	$ 33.36	$26.13	$ 26.97	$15.68	$ 16.18
11	$37.87	$ 39.08	$32.33	$ 33.36	$26.13	$ 26.97	$15.68	$ 16.18
12	$38.82	$ 40.06	$32.33	$ 33.36	$26.13	$ 26.97	$15.68	$ 16.18
13	$39.79	$ 41.06	$32.33	$ 33.36	$26.13	$ 26.97	$15.68	$ 16.18
14	$40.78	$ 42.08	$33.95	$ 35.04	$27.43	$ 28.31	$16.46	$ 16.99
15	$41.80	$ 43.14	$33.95	$ 35.04	$27.43	$ 28.31	$16.46	$ 16.99
16	$42.85	$ 44.22	$33.95	$ 35.04	$27.43	$ 28.31	$16.46	$ 16.99
17	$43.92	$ 45.33	$33.95	$ 35.04	$27.43	$ 28.31	$16.46	$ 16.99
18	$45.01	$ 46.45	$33.95	$ 35.04	$27.43	$ 28.31	$16.46	$ 16.99
19	$46.14	$ 47.62	$35.98	$ 37.13	$29.08	$ 30.01	$16.46	$ 16.99
20	$47.29	$ 48.80	$35.98	$ 37.13	$29.08	$ 30.01	$16.46	$ 16.99
21	$48.48	$ 50.03	$35.98	$ 37.13	$29.08	$ 30.01	$16.46	$ 16.99
22	$49.69	$ 51.28	$35.98	$ 37.13	$29.08	$ 30.01	$16.46	$ 16.99
23	$50.93	$ 52.56	$35.98	$ 37.13	$29.08	$ 30.01	$16.46	$ 16.99
24	$52.20	$ 53.87	$38.14	$ 39.36	$30.83	$ 31.82	$18.49	$ 19.08
Longevity Stipend	$581.62	$ 600.23	$581.62	$ 600.23	$563.59	$ 581.62	$348.97	$ 360.14
	Longevity Stipend: Employees who have worked for more than 25 years will receive an additional amount at the end of each fiscal year, in addition to their submitted monthly hours.							

Note: The historical Fee Staff Pay Schedule is available upon request beginning with March 2023 or by accessing the following Google Sheet:

BT-2026_POLICY_[ApprovalDate]_POL-2026-F_StaffPaySchedule_DRAFT_V5.0_ADMIN

RESOLUTION NO. 2026-X

TOWN OF BOULDER, STATE OF UTAH

A RESOLUTION ADOPTING THE BOULDER TOWN PURCHASING AND PROCUREMENT POLICY (POLICY NO. 2026-E) AND SUPERSEDING RESOLUTION NO. 2014-1

WHEREAS, the Town Council of Boulder Town, Utah, previously adopted a municipal purchasing policy on May 1, 2014, via Resolution No. 2014-1; and

WHEREAS, the Town Council evaluated and discussed updating municipal purchasing authority levels, competitive bidding thresholds, and administrative procedures during its regular meeting on February 3, 2026; and

WHEREAS, updating the purchasing and procurement guidelines aligns town procedures with the Utah Procurement Code (Utah Code Title 63G, Chapter 6a, as amended) and promotes fiscal accountability, transparency, and efficient administration; and

WHEREAS, a comprehensive Purchasing and Procurement Policy, designated as Policy No. 2026-E, has been drafted to govern all municipal procurements of supplies, services, construction, and design professional services for Boulder Town; and

WHEREAS, the adoption of Policy No. 2026-E serves the best interests of Boulder Town and its residents by ensuring fair competition, clear expenditure approval thresholds, and proper administrative oversight;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF BOULDER TOWN, UTAH, THAT:

1. **Adoption of Policy.** The Town Council hereby approves and adopts the Purchasing and Procurement Policy, attached hereto as Exhibit A and incorporated herein by this reference.
2. **Superseding Prior Policies.** This Resolution and Policy No. 2026-E shall supersede and replace the purchasing policy adopted by Resolution No.

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2014-1 and any prior purchasing policies or guidelines of Boulder Town inconsistent herewith.

3. **Administration and Delegation.** The Procurement Official (Mayor or designee) and Town officers are authorized and directed to execute, administer, and enforce the provisions of Policy No. 2026-E.

4. **Effective Date**. This resolution shall take effect immediately upon passage and adoption.

5. **Severability Clause**. If any part of this Resolution is found invalid, it does not affect the remaining portions.

PASSED AND APPROVED this [date] day of [Month], 2026.

Boulder Town Council

[seal]

By: Cheryl Cox, Mayor

_____

Voting:

Lacy Allen	Yea ___	Nay ___	Abstain ___	Absent ___
Josh Ellis	Yea ___	Nay ___	Abstain ___	Absent ___
John Veranth	Yea ___	Nay ___	Abstain ___	Absent ___
Tina Karlsson	Yea ___	Nay ___	Abstain ___	Absent ___
Cheryl Cox	Yea ___	Nay ___	Abstain ___	Absent ___

Attest: [Full Name, Title]

_____

DEPOSITED in the office of the Town Clerk this [date] day of [Month], 2026.

RECORDED this [date] day of [Month], 2026.

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POLICY NO. 2026-E

TOWN OF BOULDER, STATE OF UTAH

PURCHASING AND PROCUREMENT

Exhibit A to Resolution No. 2026-X | Effective [Month, DD], 2026

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1. PURPOSE AND AUTHORITY

A. Purpose

The purposes of this Policy are to:

1. Ensure fair and equitable treatment of persons who conduct or seek to conduct business with Boulder Town;

2. Obtain supplies, services, construction, and other procurement items at reasonable cost and on terms advantageous to the Town;

3. Promote competition when competition is practicable and appropriate;

4. Establish efficient procurement procedures appropriate to the size and administrative resources of the Town; and

5. Establish clear authority and accountability for Town expenditures.

B. Authority

This Policy establishes the Town's rules and procedures for purchasing and procurement.

Except as otherwise expressly provided in this Policy, Town procurements shall comply with applicable provisions of the Utah Procurement Code, Utah Code Title 63G, Chapter 6a, as amended.

The Town has established the local protest and appeal procedure contained in Section 18 and has not adopted Parts 16, 17, 18, or 19 of the Utah Procurement Code.

If a provision of this Policy conflicts with a mandatory provision of state or federal law applicable to the Town, the mandatory provision controls.

2. APPLICABILITY AND EXEMPTIONS

A. Applicability

This Policy applies to the procurement of supplies, services, construction, professional services, and other procurement items by Boulder Town except as otherwise provided by law.

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B. Federal or State Funding

When a procurement involves federal or state assistance, grant funds, or other funds subject to procurement requirements imposed by the source of the funds, the Town shall comply with all applicable requirements associated with those funds.

If those requirements are more restrictive than this Policy, the more restrictive requirements apply.

C. Cooperative Purchasing

Nothing in this Policy prevents the Town from using a State of Utah contract, cooperative purchasing contract, or other procurement method authorized by applicable law.

3. DEFINITIONS

For purposes of this Policy:

"Contract" means an agreement for the procurement or disposal of a procurement item.

"Mayor" means the Mayor of Boulder Town or, when expressly authorized under this Policy, the Mayor's designee.

"Procurement" means the acquisition of a procurement item through an expenditure of public funds or an agreement to expend public funds.

"Procurement item" means an item of personal property, technology, service, construction project, or other item that may be procured under applicable law.

"Procurement Official" means the Mayor unless the Town Council designates another person to serve in that capacity.

"Responsive" means conforming in all material respects to the requirements of a solicitation.

"Responsible" means having the capability in all respects to perform fully the contract requirements and the integrity and reliability necessary to assure good-faith performance.

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"Solicitation" means an invitation for bids, request for proposals, request for statements of qualifications, or other document used to solicit responses for a procurement.

"Town" means Boulder Town.

"Town Council" means the Boulder Town Council.

Terms not defined in this Policy have the meanings assigned to them by applicable provisions of the Utah Procurement Code.

4. PROCUREMENT ADMINISTRATION AND DELEGATION

A. Procurement Official

The Procurement Official shall administer Town procurements and may:

1. Solicit quotations, bids, proposals, statements of qualifications, and other procurement responses;

2. Administer procurement procedures;

3. Execute purchases and contracts within the authority granted by this Policy or the Town Council;

4. Administer Town contracts; and

5. Make written determinations required by this Policy or applicable law.

B. Administrative Delegation

The Procurement Official may delegate administrative purchasing responsibilities to the Town Clerk or another Town officer, employee, or agent.

A delegation under this subsection does not authorize an expenditure beyond the approval authority established by Section 5.

C. No Artificial Division of Purchases

No person may intentionally divide, sequence, structure, or otherwise separate a procurement for the purpose of avoiding an approval threshold, competitive procurement requirement, or other requirement of this Policy or applicable law.

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5. EXPENDITURE APPROVAL

Approval under this section authorizes the expenditure of Town funds. It does not excuse compliance with the procurement procedures required by Section 6 or applicable law.

A. Budgeted Purchases of $5,000 or Less

The Mayor or designee may approve a purchase that:

1. Is included within the Town's current approved budget; and
2. Does not exceed $5,000.

B. Budgeted Purchases Over $5,000 Through $15,000

The Mayor may approve a purchase that:

1. Is included within the Town's current approved budget; and
2. Exceeds $5,000 but does not exceed $15,000.

C. Purchases Over $15,000

A purchase exceeding $15,000 requires prior Town Council approval.

The Town Council may approve a specific purchase or a not-to-exceed amount and delegate vendor selection and administration of the procurement to the Procurement Official.

D. Unbudgeted Purchases

An unbudgeted purchase requires prior Town Council approval.

E. Multiyear Contracts

A contract that obligates the Town beyond the current fiscal year requires Town Council approval unless the Town Council has previously authorized the commitment.

F. Grant Matching Obligations

An application for or acceptance of a grant that requires a financial match or other material financial commitment by the Town requires Town Council approval.

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6. SMALL PURCHASES AND COMPETITIVE PROCUREMENT

Unless another procurement method or exception is authorized by this Policy or applicable law, the following procedures apply.

A. Purchases of $5,000 or Less

A procurement of $5,000 or less may be made without obtaining competitive quotations if the Procurement Official or other authorized purchaser determines that the price is reasonable.

Competition should be sought when reasonably practicable if doing so is likely to provide a material benefit to the Town.

B. Purchases Over $5,000 Through $15,000

The Town shall seek quotations from at least two vendors when reasonably available.

Quotations may be obtained orally, electronically, or in writing and shall be documented in the Town's procurement records.

If two quotations cannot reasonably be obtained, the Procurement Official may proceed with the procurement after documenting the efforts made to obtain competition and determining that the procurement is in the Town's best interest.

C. Purchases Over $15,000 Through $50,000

The Town shall seek written quotations from at least three vendors when reasonably available.

The Town shall describe the procurement item with sufficient specificity to permit meaningful comparison among quotations.

If three quotations cannot reasonably be obtained, the Procurement Official may proceed with the procurement after documenting:

1. The efforts made to obtain competition; and

2. The basis for determining that the selected procurement is in the Town's best interest.

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D. Purchases Over $50,000

A procurement exceeding $50,000 shall be conducted through a standard procurement process authorized by applicable law, including competitive bidding or a request for proposals, as appropriate to the procurement.

The Town Council shall approve the award.

E. Aggregate Procurement

The applicable threshold shall be determined based upon the reasonably anticipated total value of the procurement and not merely the amount of an individual invoice, payment, purchase order, or component of the procurement.

7. SOLICITATION AND NOTICE

A. Public Notice

When public notice of a solicitation is required by law, the Town shall provide notice in the manner and for the period required by applicable law.

Unless a different period is authorized by law, a required public solicitation shall be posted at least seven days before the deadline for submission of responses on:

1. The Town's official website; or
2. A State of Utah website authorized for posting public procurement notices.

B. Shortened Notice

When permitted by law, the Procurement Official may shorten a required notice period upon making the written determination required by applicable law.

C. Individual Notice

As a courtesy and to promote competition, the Procurement Official may provide individual notice to known potential vendors.

Failure to provide individual notice does not invalidate a procurement for which required public notice was properly provided.

D. Electronic Procedures

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The Town may use electronic solicitation, communication, and submission procedures to the extent permitted by law.

8. SELECTION AND AWARD

A. Price-Based Procurement

For a procurement based primarily upon price, the Town shall award the contract to the responsive and responsible vendor offering the lowest price unless another basis for award is stated in the solicitation or authorized by law.

B. Request for Proposals

When factors other than price are material to selection, the Town may use a request for proposals or another procurement method authorized by law.

A request for proposals shall identify the material evaluation criteria and their relative importance.

The contract shall be awarded to the responsible offeror whose proposal is determined to provide the best value to the Town based upon the criteria stated in the solicitation.

C. Evaluation

The Town shall evaluate bids, proposals, quotations, or other responses according to the requirements and criteria stated in the solicitation.

D. Rejection

The Town may reject any or all bids, quotations, proposals, or other responses when the Procurement Official determines that rejection is in the Town's best interest.

E. Cancellation

The Town may cancel a solicitation when the Procurement Official determines that cancellation is in the Town's best interest.

F. Responsibility

The Town is not required to award a contract to a vendor merely because the vendor submits the lowest price if the vendor is not responsive or responsible or another method of award is authorized by the solicitation and applicable law.

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9. COOPERATIVE AND STATE CONTRACTS

The Town may obtain procurement items through:

1. A State of Utah contract;
2. A cooperative procurement contract available to the Town;
3. A contract of another public procurement unit when use of that contract is authorized by law; or
4. Another cooperative procurement method authorized by applicable law.

A procurement properly made under this section does not require separate competition under Section 6.

The expenditure remains subject to the approval requirements of Section 5 unless the Town Council has otherwise authorized the expenditure.

10. SOLE SOURCE AND OTHER NONCOMPETITIVE PROCUREMENTS

A. Authority

The Town may make a procurement without competition when a noncompetitive procurement is authorized by applicable law, including when only one source is reasonably available for the procurement item.

B. Written Determination

The Procurement Official shall make any written determination and provide any notice required by applicable law before award.

C. Negotiation

The Procurement Official shall negotiate price and other contract terms in the Town's best interest to the extent reasonably practicable.

D. Approval

A noncompetitive procurement remains subject to the expenditure approval requirements of Section 5.

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11. EMERGENCY PROCUREMENTS

A. Authority

The Town may make an emergency procurement without following the ordinary competitive procedures of this Policy when an emergency procurement is authorized by applicable law.

B. Scope

An emergency procurement shall be limited to the procurement items reasonably necessary to address the emergency.

C. Competition

The Town shall obtain as much competition as practicable under the circumstances.

D. Documentation

As soon as reasonably practicable, the Procurement Official shall document:

1. The circumstances giving rise to the emergency;
2. The procurement made;
3. The contractor or vendor selected;
4. The amount of the procurement; and
5. The basis for the selection.

E. Town Council

The Procurement Official shall inform the Town Council of any emergency procurement that otherwise would have required Town Council approval under Section 5 at the next reasonably available Town Council meeting.

12. DESIGN PROFESSIONAL SERVICES

Architectural, engineering, and other design professional services subject to Utah Code Title 63G, Chapter 6a, Part 15 shall be procured in accordance with applicable law.

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Except when another procurement method is authorized by law:

1. The Town shall publicly announce its need for design professional services when required by law;

2. Selection shall be based upon demonstrated competence and qualifications for the services required;

3. Price shall not be used as a criterion in the initial evaluation when prohibited by law; and

4. After selecting the most qualified provider, the Town shall negotiate fair and reasonable compensation.

If the Town cannot negotiate satisfactory terms with the most qualified provider, the Town may terminate negotiations and proceed to negotiate with the next most qualified provider as permitted by law.

13. CONSTRUCTION CONTRACTS

A. Applicable Requirements

Construction procurements shall comply with applicable requirements of the Utah Procurement Code and other applicable law.

B. Bonds and Security

Bid security, performance bonds, payment bonds, retainage, and other construction security shall be required when and to the extent required by applicable law.

Nothing in this Policy limits the Town's authority to require additional security, insurance, warranties, or contractual protections when appropriate to a particular project and permitted by law.

C. Contract Requirements

Construction contracts should identify, as appropriate:

1. The scope of work;
2. Contract price or basis of compensation;
3. Time for performance;
4. Insurance and bonding requirements;
5. Procedures governing changes in the work;

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6. Payment procedures;
7. Acceptance and closeout requirements; and
8. Other terms reasonably necessary to protect the Town.

14. CONTRACT ADMINISTRATION AND CHANGE ORDERS

A. Administration

The person designated to administer a Town contract may approve routine administrative matters within the scope of the contract.

B. Change Orders

A change order or contract amendment that increases the Town's financial obligation must be approved by the person or body that would have authority under Section 5 to approve the resulting total expenditure.

C. Material Changes

A change order or contract amendment may not materially alter the scope of a competitively procured contract in a manner inconsistent with applicable procurement law.

D. No Circumvention

A change order may not be used for the purpose of avoiding competition or the approval requirements of this Policy.

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15. LOCAL AND REGIONAL VENDORS

The Town encourages participation in Town procurements by local and regional vendors.

To promote competition, the Procurement Official may provide individual notice of procurement opportunities to known local or regional vendors in addition to any public notice required by law.

No preference based solely upon a vendor's geographic location shall be applied unless specifically authorized by applicable law and stated in the solicitation.

16. PROCUREMENT RECORDS

A. Records

The Town shall maintain procurement records as required by applicable law and the Town's records-retention requirements.

B. Contents

Procurement records should be sufficient to document, as applicable:

1. The procurement item;
2. The vendor or contractor;
3. Quotations, bids, proposals, or other responses received;
4. The basis for vendor selection;
5. Required written determinations;
6. Approvals required by this Policy;
7. The contract, purchase order, invoice, or other purchase document;
8. Change orders or amendments; and
9. The amount expended.

C. Public Records

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Access to procurement records is governed by applicable law, including the Government Records Access and Management Act. Nothing in this Policy requires disclosure of a record that is protected from disclosure by law.

17. ETHICS AND CONFLICTS OF INTEREST

A. Compliance with Law

A Town officer, employee, agent, consultant, or other person participating on behalf of the Town in a procurement shall comply with applicable state and local ethics, conflict-of-interest, gratuity, kickback, and procurement laws.

B. Conflicts

A person with an actual conflict of interest relating to a procurement shall disclose the conflict as required by law and shall not participate in the procurement decision to the extent prohibited by law.

C. Gratuities and Kickbacks

No person participating in a Town procurement may solicit or accept a gratuity, kickback, or other benefit prohibited by applicable law.

D. Statutory Penalties

Nothing in this Policy creates, modifies, or supersedes any criminal offense, civil liability, or penalty established by state law.

18. PROCUREMENT PROTESTS AND APPEALS

The procedures in this section constitute the Town's administrative procedures for protests and appeals arising from Town procurements.

A. Right to Protest

An actual or prospective bidder, offeror, contractor, or other person with a direct economic interest that is aggrieved in connection with a Town solicitation, procurement, or contract award may file a written protest with the Procurement Official.

A protest must state with particularity:

1. The procurement or award being protested;

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2. The protester's interest in the procurement;

3. The facts giving rise to the protest;

4. The grounds upon which the protest is based; and

5. The relief requested.

A protest may be based upon:

1. An alleged violation of applicable law or this Policy;

2. The Town's failure to follow a material provision of a solicitation;

3. A material error in the evaluation of responses;

4. Improper bias in the evaluation process;

5. The incorrect application or calculation of an evaluation criterion; or

6. A solicitation requirement that is unduly restrictive or anticompetitive.

A vague, conclusory, or unsupported allegation is not sufficient to state a protest.

B. Time for Filing

A protest concerning the terms, specifications, requirements, evaluation criteria, or other contents of a solicitation must be filed before the deadline for submission of bids, proposals, or other responses.

Any other protest must be filed within seven calendar days after the protester knew or reasonably should have known of the facts giving rise to the protest.

A protest that is not timely filed shall be dismissed.

C. Procurement Official's Decision

The Procurement Official shall determine whether the protest is timely and states sufficient grounds for consideration.

The Procurement Official may:

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1. Request written information from the protester, Town staff, the successful vendor, or another person whose participation would assist in resolving the protest;

2. Review any portion of the procurement record relevant to the protest; and

3. Conduct an informal conference if the Procurement Official determines that a conference would assist in resolving the protest.

The Procurement Official is not required to conduct an evidentiary hearing.

The Procurement Official shall issue a written decision stating the basis for the decision and any relief granted.

The decision should be issued within 15 calendar days after receipt of the protest unless the Procurement Official determines that additional time is reasonably necessary.

D. Appeal to Town Council

A protester adversely affected by the Procurement Official's decision may appeal the decision to the Town Council by filing a written notice of appeal with the Town Clerk within seven calendar days after the decision is issued.

The appeal shall identify:

1. The decision being appealed;

2. The specific grounds upon which the protester contends the decision should be reversed or modified; and

3. The relief requested.

The Town Council shall consider the appeal based upon the procurement record, the written protest, the Procurement Official's decision, and the written submissions of the parties.

The Town Council may permit oral argument or request additional information if it determines that doing so would assist its review. The Town Council is not required to conduct an evidentiary hearing.

E. Standard of Review

An appeal to the Town Council is not a de novo procurement decision.

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The Town Council shall uphold the Procurement Official's decision unless it determines that the decision:

1. Is contrary to applicable law or this Policy;

2. Is arbitrary or capricious;

3. Is not supported by substantial evidence in the procurement record; or

4. Resulted from a material procedural error that prejudiced the protester.

The Town Council may affirm, reverse, or modify the decision or remand the matter to the Procurement Official for further proceedings.

The Town Council's written decision constitutes the Town's final administrative decision.

F. Effect of Protest or Appeal

Upon the filing of a timely protest, the Town shall not award the contract or, if the contract has already been awarded, shall not proceed with performance to the extent reasonably practicable until the protest and any timely administrative appeal have been resolved.

The Procurement Official may authorize the procurement or contract to proceed while a protest or appeal is pending if, after consultation with the Town Attorney, the Procurement Official determines in writing that proceeding without delay is necessary to protect the Town's substantial interests.

The filing of an untimely protest does not stay or otherwise affect the procurement.

G. Remedies

If a protest or appeal is sustained, the Procurement Official or Town Council, as applicable, may grant relief reasonably necessary to correct the procurement error, including:

1. Amending or cancelling a solicitation;

2. Requiring reevaluation of bids, proposals, or other responses;

3. Cancelling an award;

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4. Directing that all or part of a procurement be conducted again; or

5. Granting other prospective administrative relief consistent with applicable law.

Nothing in this section authorizes an award against the Town of attorney fees, lost profits, bid or proposal preparation costs, consequential damages, or other monetary damages.

H. Judicial Review

A person seeking judicial review of the Town's final administrative decision shall proceed as provided by applicable law.

A person must exhaust the administrative remedies provided by this section before seeking judicial relief to the extent required by law.

19. INTERPRETATION AND ADMINISTRATION

A. Interpretation

This Policy shall be interpreted to provide the Town with the administrative flexibility permitted by applicable procurement law while preserving fair competition, fiscal accountability, and Town Council control over material financial commitments.

B. Changes in Law

If applicable procurement law is amended after adoption of this Policy, this Policy shall be interpreted consistently with the amended law to the extent reasonably possible.

A mandatory statutory requirement controls over an inconsistent provision of this Policy.

C. Administrative Procedures

The Procurement Official may establish forms and administrative procedures consistent with this Policy to facilitate purchasing, documentation, contract administration, and recordkeeping.

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Administrative procedures may not alter the expenditure authority or competitive procurement thresholds established by this Policy without Town Council approval.

D. Effective Date

This Policy takes effect upon adoption by the Town Council and supersedes and replaces the purchasing policy adopted by Resolution No. 2014-1 and any prior Town purchasing policy inconsistent with this Policy.

DRAFT | V1.0

Purchasing Policy Review: Policy No. 2026-E

Conversation transcript (J and Claude) · October 2–5, 2026

J · *Attachment: BT-2026_POLICY_ApprovalDate_POL-2026-E_PurchasingAndProcurement_DRAFT_V1.0_ADMIN.pdf*

Compare this policy to other small Utah municipalities and, based upon that comparison, provide recommendations for simplification.

Claude

I compared the draft with purchasing policies from five other small Utah local governments: Hideout, Apple Valley, Alta, Elk Ridge and the Snyderville Basin Cemetery District. I also checked it against the ULCT handbook in this project. The draft's dollar thresholds and approval levels are normal for a town of Boulder's size. What sets it apart is its length and how often it repeats itself.

How the draft compares

	Boulder draft	Hideout	Apple Valley	Alta	Elk Ridge
Length	21 pp. (about 4,000 words)	~8–9 pp.	20 pp.*	short	9 sections
No quotes needed	≤$5k	≤$5k	<$5k	<$5k	≤$2.5k
Middle tier	$5–15k: 2 quotes; $15–50k: 3 written quotes	$5–30k: 3 informal quotes	$5–12k: 3 quotes	$5–25k: 2 quotes	$2.5–50k: 3 quotes
Formal bid or RFP	>$50k	>$30k	≥$12k	>$25k (RFP)	>$50k
Council approval	>$15k, or anything unbudgeted	>$30k	≥$12k	>$25k if unbudgeted	>$50k
Protest/appeal process	**~2.5 pp., two levels**	none	none	one line (protest specs before bid opening)	none

*Apple Valley's 20 pages also cover property disposal, donations, insurance and bonds.

The main differences:

- **More tiers than needed.** The draft has four competition tiers and three approval tiers, and the breakpoints don't line up. The comparison towns mostly use three tiers, with the same breakpoints for competition and approval.

- **Protest procedure.** Boulder's is the most elaborate in the group. It has filing rules, a standard of review, rules on stays, a list of remedies and a judicial-review section. None of the town-sized comparisons has anything like it.
- **About 41 references to "applicable law."** Phrases like "as required by law" and "when authorized by law" appear throughout. Many sections only say "follow the law," which adds length without telling anyone what to do.
- **The construction bidding law is missing.** The statute that actually sets bidding rules for town construction is Utah Code 11-39. It requires bids above the bid limits: $40,000 for building improvements and $125,000 for public works, both in 2003 dollars and adjusted each year. Class C road projects also have their own bidding rule (72-6-108). The draft mentions neither and points to the state Procurement Code instead. Hideout's ordinance cites 11-39 directly.

Recommendations

1. **Use one combined table for thresholds.** For example:
    - **Up to $5,000:** the Mayor or a designee approves if it's budgeted. No quotes, but the price must be reasonable.
    - **$5,000–$50,000:** seek at least 2 quotes, or document why that wasn't possible. The Mayor approves up to $15,000 if budgeted; above that, the Council approves.
    - **Over $50,000, or above the 11-39 bid limit for construction:** formal bid or RFP, and the Council awards the contract.

    This replaces Sections 5.A–C and 6.A–D. Sections 5.A and 5.B differ only by the words "or designee," so they can be merged.
2. **Cut the protest section (18) to one paragraph.** A written protest goes to the Mayor within 7 days and gets a written decision. That decision can be appealed to the Council within 7 days, and the Council's decision is final. Have the town attorney confirm this is enough, since Section 1.B says the town is relying on its own protest procedure instead of the state's (Procurement Code Parts 16–19).
3. **Put the three exceptions into one section with three short paragraphs.** These are state and cooperative contracts (Section 9, plus 2.C, which repeats it), sole source (Section 10) and emergencies (Section 11). Each needs the same two points: document it in writing, and Council approval rules still apply. Emergencies should also be reported at the next Council meeting.
4. **Replace the construction and design-professional sections (12 and 13) with citations.** Point to 11-39 for construction bidding, retainage and bonds; 72-6-108 for Class C roads; and Procurement Code Part 15 for design professionals. This also fills the 11-39 gap above. The 8-item contract checklist in 13.C is better kept as an internal guide than in the policy.
5. **Drop sections that only restate the law or repeat other sections:**
    - 7.C repeats 15 (notifying vendors directly).
    - 8.F repeats 8.A (lowest responsible bidder).
    - 19.B repeats 1.B (state law controls).
    - 16.C (records requests) and 17.D (penalties) say nothing beyond the statutes.
    - Definitions can shrink to "Procurement Official," with everything else deferring to the Procurement Code.

6. **Merge the records and ethics sections (16 and 17)** into one short section. Keep the 9-item records list in 16.B, since it's the most useful operating guidance for the Clerk. Add the ULCT handbook's reminder that bid records must be kept for 3 years (10-6-122).
7. **Combine the purpose, scope and interpretation sections (1, 2 and 19)** into one opening section. Keep only the rule against splitting purchases to dodge thresholds (4.C), the rule that grant-funding requirements control (2.B) and the effective date.

All of this should bring the policy to about 5–7 pages, closer to Hideout and Elk Ridge.

Drafting errors to fix either way

- **Section 5.A:** the list is numbered 2 and then 1.
- **Table of contents:** it lists 6.A, C and D but leaves out 6.B.
- **Out-of-place headings:** in several places two headings sit together and the text below belongs to the first one. This happens at 8.A/B, 11.B/C, 14.A/B and 17.A/B. Headings 7.D and 16.C are also cut off from their text by page breaks.

I'm not a lawyer, so the town attorney should review the protest-procedure and statute questions.

Sources:

- Hideout Ord. 2024-O-09
- Apple Valley Purchasing Policy (R-2022-29)
- Alta minutes adopting purchasing policy
- Elk Ridge Purchasing Chapter
- Snyderville Basin Cemetery District policy
- Utah Code 11-39-101
- ULCT Powers & Duties 2024 (project doc), Purchasing chapter, pp. 240–241

J

Worth noting: Boulder does not own or manage any public utilities (e.g., a water company) or large infrastructure. Because of this, we procure very little. Are all these sections even appropriate?

Claude

Mostly no. The draft reads like a policy for a city that bids out utility and capital projects every year. For a town that mainly buys supplies, services and the occasional contractor, about half of it doesn't apply.

There are still three reasons to keep a short written policy:

- **Grants.** Federal grant rules (2 CFR 200.318) require the town to have written procurement procedures before it spends federal money. Grants are probably where Boulder's largest purchases come from.
- **Spending control.** The Clerk has to check every payment against the town's purchasing rules before it goes out. The ULCT handbook recommends towns adopt "some simple purchasing rules" for this reason.
- **Construction bidding still applies if it ever happens.** Utah Code 11-39 requires public bids for building improvements and public works above the bid limits. Road work paid with Class C road funds also has its own bidding rule (72-6-108). One sentence citing these is enough.

Section by section

Section	Verdict
1 Purpose & Authority	Shrink to 2 sentences
2 Applicability (grant-funds rule)	**Keep.** Grants are likely your biggest purchases
3 Definitions	Cut
4 Procurement Official / no splitting purchases	Keep in 2 sentences
5 & 6 Approval and quote tiers	**Keep.** This is the core, as one small table
7 Solicitation & Notice	Cut to one sentence for the rare formal bid
8 Selection & Award	One sentence: lowest responsible bidder or best value
9 State and cooperative contracts	One sentence. Useful for equipment
10 Sole Source	One sentence plus a note in the file
11 Emergency	Short paragraph. Worth keeping for fire or flood
12 Design Professionals	Cut, or a one-line reference to state law
13 Construction	One sentence citing 11-39 and 72-6-108
14 Change Orders	One sentence: approval follows the new total
15 Local Vendors	Cut
16 Records	Keep a short checklist (quotes, approval, invoice)
17 Ethics	One sentence pointing to existing state ethics and anti-kickback law
18 Protests & Appeals	Cut to one paragraph or less (see below)
19 Interpretation	One sentence: the Mayor may adopt forms

The protest section (18) deserves a closer look. It is about 2.5 pages, for a town that may never run a formal bid. Have the town attorney confirm the minimum needed: Section 1.B says the town is relying on its own protest procedure instead of the state's (Procurement Code Parts 16–19). A short version would be: protest in writing to the Mayor within 7 days, then appeal to the Council within 7 days, and the Council's decision is final.

Result

Cut this way, the policy fits on about **2 pages**, or could be a one-page resolution:

1. Spending authority and quote tiers, in one table.
2. Exceptions: state contracts, sole source and emergencies.
3. Grants: the funder's rules control when they are stricter.
4. Construction: follow 11-39 and the Class C road rule when they apply.
5. Change orders, records and ethics, in a few lines.
6. Protests, in one short paragraph.

I can draft that version if it would be useful for the Council.

J

Please draft a clean version of this as a Word doc. Additionally, create a second document which is a markup/redline of the original, and add comments indicating why these areas were cut or simplified (including references to state law, or other small municipality policies).

Claude · *Attachments: BT-2026_POLICY_POL-2026-E_PurchasingAndProcurement_DRAFT_V2.0_CLEAN.docx; BT-2026_POLICY_POL-2026-E_PurchasingAndProcurement_V1.0-to-V2.0_REDLINE.docx*

I've made both Word documents.

- **Clean V2.0:** the policy is now 10 sections and about 6 pages, down from 19 sections and 21 pages. A single table now sets who approves a purchase and how many quotes are needed at each dollar level.
- **Redline:** this is the original V1.0 text with every change shown as a Word tracked change, plus 29 comments explaining why each cut or simplification was made. The comments cite state statutes, the federal grant rules, the ULCT handbook, and the Hideout, Apple Valley, Alta and Elk Ridge policies. I checked that accepting all changes in the redline produces exactly the clean version.

The Council should look at four changes in particular:

1. **Construction section.** V1.0 sent construction bidding to the Utah Procurement Code. The redline points it to Utah Code 11-39 instead, plus 72-6-108 for road projects paid with Class B and C road funds. This is the one substantive correction rather than a simplification.
2. **Quotes for $15,000–$50,000.** I reduced this from three written quotes to two, because a remote town often can't get three. The Council can restore three if it prefers.
3. **Protest section.** It's cut from about 2.5 pages to a few sentences. The Town Attorney should confirm that is enough, since V1.0 says the Town has its own protest procedure instead of the state's.
4. **Clerk pre-audit.** I added a sentence tying the policy to the Town Clerk's pre-audit of claims, which is how the policy actually gets applied day to day.

> I’m not a lawyer, so the statute citations in both documents should get a quick check by the Town Attorney before adoption.

POLICY NO. 2026-E

TOWN OF BOULDER, STATE OF UTAH

PURCHASING AND PROCUREMENT

Exhibit A to Resolution No. 2026-X | Effective [Month, DD], 2026

Commented [1]: Simplified draft (V2.0). Boulder does not own or operate a water or other utility or major infrastructure, so Town procurement is small in volume and mostly routine supplies and services. This redline cuts the policy from 19 sections (21 pp.) to 10 sections. The ULCT Powers & Duties Handbook (2024), p. 240 & n. 562, notes that the Uniform Fiscal Procedures Act requires an orderly purchasing system of cities but not towns, and recommends that towns adopt "some simple purchasing rules."
Comparators reviewed: Hideout Ord. 2024-O-09 (~8-9 pp.); Apple Valley Purchasing Policy, Res. R-2022-29; Alta purchasing policy (approved 4/14/2021); Elk Ridge purchasing chapter (Ch. 10, 9 sections).
Legal citations should be confirmed by the Town Attorney before adoption.

~~Table of Contents~~

~~1. PURPOSE AND AUTHORITY~~
~~2. APPLICABILITY AND EXEMPTIONS~~
~~3. DEFINITIONS~~
~~4. PROCUREMENT ADMINISTRATION AND DELEGATION~~
~~5. EXPENDITURE APPROVAL~~
~~6. SMALL PURCHASES AND COMPETITIVE PROCUREMENT~~
~~7. SOLICITATION AND NOTICE~~
~~8. SELECTION AND AWARD~~
~~9. COOPERATIVE AND STATE CONTRACTS~~
~~10. SOLE SOURCE AND OTHER NONCOMPETITIVE PROCUREMENTS~~
~~11. EMERGENCY PROCUREMENTS~~
~~12. DESIGN PROFESSIONAL SERVICES~~
~~13. CONSTRUCTION CONTRACTS~~
~~14. CONTRACT ADMINISTRATION AND CHANGE ORDERS~~
~~15. LOCAL AND REGIONAL VENDORS~~
~~16. PROCUREMENT RECORDS~~
~~17. ETHICS AND CONFLICTS OF INTEREST~~
~~18. PROCUREMENT PROTESTS AND APPEALS~~
~~19. INTERPRETATION AND ADMINISTRATION~~

Commented [2]: Deleted. A table of contents is unnecessary for a short policy.

1. PURPOSE AND AUTHORITY

Commented [3]: Purpose list deleted: it has no operative effect. Subsection headings removed because the section is now four sentences. The authority, Procurement Code, Parts 16-19, and conflict-with-law sentences are kept as drafted.

~~A. Purpose~~

~~The purposes of this Policy are to:~~

1. ~~Ensure fair and equitable treatment of persons who conduct or seek to conduct business with Boulder Town;~~
2. ~~Obtain supplies, services, construction, and other procurement items at reasonable cost and on terms advantageous to the Town;~~
3. ~~Promote competition when competition is practicable and appropriate;~~
4. ~~Establish efficient procurement procedures appropriate to the size and administrative resources of the Town; and~~

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~~5. Establish clear authority and accountability for Town expenditures.~~

~~B. Authority~~

This Policy establishes the Town's rules and procedures for purchasing and procurement. The Town Clerk shall apply this Policy when pre-auditing claims against the Town.

Except as otherwise expressly provided in this Policy, Town procurements shall comply with applicable provisions of the Utah Procurement Code, Utah Code Title 63G, Chapter 6a, as amended.

The Town has established the local protest and appeal procedure contained in Section ~~18~~9 and has not adopted Parts 16, 17, 18, or 19 of the Utah Procurement Code.

If a provision of this Policy conflicts with a mandatory provision of state or federal law applicable to the Town, the mandatory provision controls.

Terms not defined in this Policy have the meanings assigned to them by the Utah Procurement Code.

~~2. APPLICABILITY AND EXEMPTIONS~~

~~A. Applicability~~

~~This Policy applies to the procurement of supplies, services, construction, professional services, and other procurement items by Boulder Town except as otherwise provided by law.~~

~~B. Federal or State Funding~~

~~When a procurement involves federal or state assistance, grant funds, or other funds subject to procurement requirements imposed by the source of the funds, the Town shall comply with all applicable requirements associated with those funds.~~

~~If those requirements are more restrictive than this Policy, the more restrictive requirements apply.~~

~~C. Cooperative Purchasing~~

~~Nothing in this Policy prevents the Town from using a State of Utah contract, cooperative purchasing contract, or other procurement method authorized by applicable law.~~

~~3. DEFINITIONS~~

~~For purposes of this Policy:~~

~~"Contract" means an agreement for the procurement or disposal of a procurement item.~~

Commented [4]: Added to connect the policy to the Town Clerk's statutory pre-audit duty. Under the Uniform Fiscal Procedures Act for Utah Towns, the clerk pre-audits claims and certifies that they were properly approved (Utah Code 10-5-123; see ULCT Handbook pp. 43 n.115 & 122). In practice this is how the policy is enforced in a town of Boulder's size.

Commented [5]: Moved from former Section 3 (Definitions), which is deleted.

Commented [6]: Deleted.
2.A restates the policy's own scope.
2.B (grant funding) is moved to new Section 6.A. Grants are likely to be the Town's largest procurements.
2.C duplicates former Section 9 (cooperative contracts), now Section 5.A.

Commented [7]: Deleted. "Procurement Official" is now defined in Section 2.A. "Town," "Town Council," and "Mayor" need no definition. The remaining terms default to the Utah Procurement Code definitions (Utah Code 63G-6a-103) under the sentence retained in Section 1.

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~~"Mayor" means the Mayor of Boulder Town or, when expressly authorized under this Policy, the Mayor's designee.~~

~~"Procurement" means the acquisition of a procurement item through an expenditure of public funds or an agreement to expend public funds.~~

~~"Procurement item" means an item of personal property, technology, service, construction project, or other item that may be procured under applicable law.~~

~~"Procurement Official" means the Mayor unless the Town Council designates another person to serve in that capacity.~~

~~"Responsive" means conforming in all material respects to the requirements of a solicitation.~~

~~"Responsible" means having the capability in all respects to perform fully the contract requirements and the integrity and reliability necessary to assure good-faith performance.~~

~~"Solicitation" means an invitation for bids, request for proposals, request for statements of qualifications, or other document used to solicit responses for a procurement.~~

~~"Town" means Boulder Town.~~

~~"Town Council" means the Boulder Town Council.~~

~~Terms not defined in this Policy have the meanings assigned to them by applicable provisions of the Utah Procurement Code.~~

~~4. PROCUREMENT ADMINISTRATION AND DELEGATION~~2. ADMINISTRATION

Commented [8]: Condensed. The five enumerated powers are replaced with one sentence. The delegation limit and the anti-splitting rule are kept. The anti-splitting rule mirrors the statutory prohibition on dividing construction projects to avoid bidding (Utah Code 11-39-103(2)(b); ULCT Handbook p. 240).

A. Procurement Official

~~The Procurement Official shall administer Town procurements and may:~~

~~1. Solicit quotations, bids, proposals, statements of qualifications, and other procurement responses;~~

~~2. Administer procurement procedures;~~

~~3. Execute purchases and contracts within the authority granted by this Policy or the Town Council;~~

~~4. Administer Town contracts; and~~

~~5. Make written determinations required by this Policy or applicable law.~~

The Mayor is the Town's Procurement Official unless the Town Council designates another person. The Procurement Official administers Town purchasing and contracts and makes the written determinations required by this Policy.

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B. Administrative Delegation

The Procurement Official may delegate administrative purchasing responsibilities to the Town Clerk or another Town officer, employee, or agent.

A delegation under this subsection does not authorize an expenditure beyond the approval authority established by Section ~~5~~3.

C. No Artificial Division of Purchases

No person may intentionally divide, sequence, structure, or otherwise separate a procurement for the purpose of avoiding an approval threshold, competitive procurement requirement, or other requirement of this Policy or applicable law.

The applicable threshold shall be determined based upon the reasonably anticipated total value of the procurement and not merely the amount of an individual invoice, payment, purchase order, or component of the procurement.

Commented [9]: Moved from former 6.E so that both threshold-evasion rules sit together.

~~5. EXPENDITURE APPROVAL~~3. APPROVAL AND QUOTATION REQUIREMENTS

Commented [10]: Former Sections 5 (approval) and 6 (competition) are merged into one table. The approval and quotation breakpoints now line up.
Comparators: Hideout requires no quotes up to $5,000, three informal quotes from $5,000 to $30,000, and sealed bids with Council approval over $30,000. Apple Valley requires no process under $5,000, three quotes from $5,000 to $11,999, and bid/RFP with Council approval at $12,000 or more. Alta requires two quotes from $5,000 to $25,000 and an RFP over $25,000. Elk Ridge requires nothing up to $2,500, three quotes from $2,500 to $50,000, and formal bidding with Council approval over $50,000.
Boulder's $5,000 / $15,000 / $50,000 breakpoints fall within this range and are retained.
Former 5.A and 5.B differed only by "or designee" and are combined in the table. This also cures the misnumbered list in former 5.A (item 2 before item 1).

~~Approval under this section authorizes the expenditure of Town funds. It does not excuse compliance with the procurement procedures required by Section 6 or applicable law.~~

The following table establishes who may approve a purchase and the competition required, based on the reasonably anticipated total cost. Approval by the Mayor is limited to purchases included in the Town's current approved budget.

Commented [11]: New consolidated threshold table. It replaces former 5.A-C and 6.A-D.

Anticipated total cost	Approval	Competition required
$5,000 or less	Mayor or designee (budgeted)	None; the price must be reasonable
Over $5,000 through $15,000	Mayor (budgeted)	Quotations from at least two vendors when reasonably available
Over $15,000 through $50,000	Town Council	Written quotations from at least two vendors when reasonably available
Over $50,000	Town Council (award)	Competitive bidding or request for proposals with public notice under Section 4

~~**A. Budgeted Purchases of $5,000 or Less**~~

~~The Mayor or designee may approve a purchase that:~~

~~2. Does not exceed $5,000.~~

DRAFT V2.0

1. Is included within the Town's current approved budget; and

B. Budgeted Purchases Over $5,000 Through $15,000

The Mayor may approve a purchase that:

1. Is included within the Town's current approved budget; and
2. Exceeds $5,000 but does not exceed $15,000.

C. Purchases Over $15,000A. Council Delegation

A purchase exceeding $15,000 requires prior Town Council approval.

The Town Council may approve a specific purchase or a not-to-exceed amount and delegate vendor selection and administration of the procurement to the Procurement Official.

D. UnbudgetedPurchasesB. Council Approval Required

An unbudgeted purchase requires prior Town Council approval.Regardless of amount, prior Town Council approval is required for: (1) an unbudgeted purchase; (2) a contract that obligates the Town beyond the current fiscal year, unless the Town Council has previously authorized the commitment; and (3) an application for or acceptance of a grant that requires a financial match or other material financial commitment by the Town.

E. Multiyear Contracts

A contract that obligates the Town beyond the current fiscal year requires Town Council approval unless the Town Council has previously authorized the commitment.

F. Grant Matching Obligations

An application for or acceptance of a grant that requires a financial match or other material financial commitment by the Town requires Town Council approval.

6. SMALL PURCHASES AND COMPETITIVE PROCUREMENT

Unless another procurement method or exception is authorized by this Policy or applicable law, the following procedures apply.

A. Purchases of $5,000 or Less

A procurement of $5,000 or less may be made without obtaining competitive quotations if the Procurement Official or other authorized purchaser determines that the price is reasonable.

Competition should be sought when reasonably practicable if doing so is likely to provide a material benefit to the Town.

Commented [12]: Former 5.D (unbudgeted), 5.E (multiyear) and 5.F (grant match) are combined into one sentence. These are the key Council controls and are retained in substance.

Commented [13]: Deleted as a separate section. Its content is now in the Section 3 table and Subsection 3.C.

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~~B. Purchases Over $5,000 Through $15,000~~C. Quotations

~~The Town shall seek quotations from at least two vendors when reasonably available.~~

Quotations may be obtained orally, electronically, or in writing (written quotations are required for purchases over $15,000) and shall be documented in the Town's procurement records.

If ~~two quotations cannot~~the required quotations cannot reasonably be obtained, the ~~Procurement Official~~approving official may proceed with the procurement after documenting the efforts made to obtain competition and determining that the procurement is in the Town's best interest.

~~C. Purchases Over $15,000 Through $50,000~~

~~The Town shall seek written quotations from at least three vendors when reasonably available.~~

~~The Town shall describe the procurement item with sufficient specificity to permit meaningful comparison among quotations.~~

~~If three quotations cannot reasonably be obtained, the Procurement Official may proceed with the procurement after documenting:~~

1. ~~The efforts made to obtain competition; and~~
2. ~~The basis for determining that the selected procurement is in the Town's best interest.~~

~~D. Purchases Over $50,000~~

~~A procurement exceeding $50,000 shall be conducted through a standard procurement process authorized by applicable law, including competitive bidding or a request for proposals, as appropriate to the procurement.~~

~~The Town Council shall approve the award.~~

~~E. Aggregate Procurement~~

~~The applicable threshold shall be determined based upon the reasonably anticipated total value of the procurement and not merely the amount of an individual invoice, payment, purchase order, or component of the procurement.~~

~~7. SOLICITATION AND NOTICE~~4. FORMAL BIDS AND PROPOSALS

A. Public Notice

~~When public notice of a solicitation is required by law, the Town shall provide notice in the manner and for the period required by applicable law.~~

Unless a different period is authorized by law, a required public solicitation shall be posted at least seven days before the deadline for submission of responses on:

Commented [14]: Three-quote tier replaced with two written quotes. Alta uses two quotes up to $25,000. In a remote town with few local vendors, three written quotes often cannot be obtained, which would make the documented-exception route the norm. The Council may restore three quotes if preferred.

Commented [15]: Former Sections 7 and 8 are condensed into one section. Formal bids over $50,000 are expected to be rare for Boulder.
Kept: 7-day posting, the award standard, and the right to reject or cancel.
Deleted: 7.B shortened notice (statute governs whether permitted), 7.C individual notice (duplicated former 15 and is allowed without policy language), and 7.D electronic procedures (allowed by law).

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1. The Town's official website; or
2. A State of Utah website authorized for posting public procurement notices.

~~B. Shortened Notice~~

~~When permitted by law, the Procurement Official may shorten a required notice period upon making the written determination required by applicable law.~~

~~C. Individual Notice~~

~~As a courtesy and to promote competition, the Procurement Official may provide individual notice to known potential vendors.~~

~~Failure to provide individual notice does not invalidate a procurement for which required public notice was properly provided.~~

~~D. Electronic Procedures~~

~~The Town may use electronic solicitation, communication, and submission procedures to the extent permitted by law.~~

~~8. SELECTION AND AWARD~~

~~A. Price-Based Procurement~~B. Award

~~B. Request for Proposals~~

For a procurement based primarily upon price, the Town shall award the contract to the responsive and responsible vendor offering the lowest price unless another basis for award is stated in the solicitation or authorized by law.

When factors other than price are material to selection, the Town may use a request for proposals or another procurement method authorized by law.

A request for proposals shall identify the material evaluation criteria and their relative importance.

The contract shall be awarded to the responsible offeror whose proposal is determined to provide the best value to the Town based upon the criteria stated in the solicitation.

~~C. Evaluation~~

~~The Town shall evaluate bids, proposals, quotations, or other responses according to the requirements and criteria stated in the solicitation.~~

~~D. Rejection~~C. Rejection and Cancellation

The Town may reject any or all bids, quotations, proposals, or other responses when the Procurement Official determines that rejection is in the Town's best interest.

Commented [16]: Merged into Section 4.
8.C (evaluation) and 8.F (responsibility) repeat the award sentences that are kept.
Note: in V1.0, headings 8.A and 8.B appeared back-to-back with the text misplaced below 8.B. That drafting error is cured here.

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~~**E. Cancellation**~~

The Town may cancel a solicitation when the Procurement Official determines that cancellation is in the Town's best interest.

~~**F. Responsibility**~~

~~The Town is not required to award a contract to a vendor merely because the vendor submits the lowest price if the vendor is not responsive or responsible or another method of award is authorized by the solicitation and applicable law.~~

~~9. COOPERATIVE AND STATE CONTRACTS~~5. EXCEPTIONS TO COMPETITION

A procurement made under this section does not require quotations or bids under Section 3 but remains subject to the approval requirements of Section 3.

A. State and Cooperative Contracts

The Town may obtain procurement items through~~:~~ a State of Utah contract, a cooperative procurement contract, or a contract of another public procurement unit when use of that contract is authorized by law.

~~1. A State of Utah contract;~~

~~2. A cooperative procurement contract available to the Town;~~

~~3. A contract of another public procurement unit when use of that contract is authorized by law; or~~

~~4. Another cooperative procurement method authorized by applicable law.~~

~~A procurement properly made under this section does not require separate competition under Section 6.~~

~~The expenditure remains subject to the approval requirements of Section 5 unless the Town Council has otherwise authorized the expenditure.~~

~~10. SOLE SOURCE AND OTHER NONCOMPETITIVE PROCUREMENTS~~

B. Sole Source

~~**A. Authority**~~

The Town may make a procurement without competition when a noncompetitive procurement is authorized by applicable law, including when only one source is reasonably available for the procurement item.

~~**B. Written Determination**~~

~~The Procurement Official shall make any written determination and provide any notice required by applicable law before award.~~Before award, the Procurement Official shall document in the procurement record why only one source is reasonably available and shall provide any notice required by law.

Commented [17]: Former Sections 9 (cooperative), 10 (sole source) and 11 (emergency) are consolidated as three short subsections. One lead sentence states that Section 3 approval still applies, replacing three separate "remains subject to Section 5" clauses. Hideout's ordinance handles sole source (good-faith review plus written determination) and emergencies (as much competition as practicable, report to Council at next meeting) in similarly brief form.

Commented [18]: Now Section 5.B. The written-determination requirement is made concrete: document why only one source is reasonably available.

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~~**C. Negotiation**~~

The Procurement Official shall negotiate price and other contract terms in the Town's best interest to the extent reasonably practicable.

~~**D. Approval**~~

~~A noncompetitive procurement remains subject to the expenditure approval requirements of Section 5.~~

~~**11. EMERGENCY PROCUREMENTS**~~

C. Emergency Purchases

~~**A. Authority**~~

The Town may make an emergency procurement without following the ordinary competitive procedures of this Policy when ~~an emergency procurement is authorized by applicable law.~~an immediate purchase is necessary to protect public health, safety, or property.

~~**B. Scope**~~

~~**C. Competition**~~

An emergency procurement shall be limited to the procurement items reasonably necessary to address the emergency.

The Town shall obtain as much competition as practicable under the circumstances.

~~**D. Documentation**~~

As soon as reasonably practicable, the Procurement Official shall document~~:~~ the circumstances giving rise to the emergency, the procurement made, the vendor selected, the amount, and the basis for the selection.

~~1. The circumstances giving rise to the emergency;~~

~~2. The procurement made;~~

~~3. The contractor or vendor selected;~~

~~4. The amount of the procurement; and~~

~~5. The basis for the selection.~~

~~**E. Town Council**~~

The Procurement Official shall inform the Town Council of any emergency procurement that otherwise would have required Town Council approval under Section ~~5~~3 at the next reasonably available Town Council meeting.

Commented [19]: Now Section 5.C. The trigger is stated in plain terms (protecting public health, safety, or property) rather than by reference to "applicable law." The five-item documentation list is folded into one sentence. Council notice at the next meeting is retained; this matches Hideout.

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~~12. DESIGN PROFESSIONAL SERVICES~~6. GRANTS AND CONSTRUCTION

A. Grant-Funded Purchases

When a procurement involves federal or state assistance, grant funds, or other funds subject to procurement requirements imposed by the source of the funds, the Town shall comply with those requirements, including 2 CFR Part 200 for federal awards. If those requirements are more restrictive than this Policy, the more restrictive requirements apply.

B. Construction and Design Professionals

Architectural, engineering, and other design professional services subject to Utah Code Title 63G, Chapter 6a, Part 15 shall be procured in accordance with applicable law.

~~Except when another procurement method is authorized by law:~~

1. ~~The Town shall publicly announce its need for design professional services when required by law;~~
2. ~~Selection shall be based upon demonstrated competence and qualifications for the services required;~~
3. ~~Price shall not be used as a criterion in the initial evaluation when prohibited by law; and~~
4. ~~After selecting the most qualified provider, the Town shall negotiate fair and reasonable compensation.~~

~~If the Town cannot negotiate satisfactory terms with the most qualified provider, the Town may terminate negotiations and proceed to negotiate with the next most qualified provider as permitted by law.~~

~~13. CONSTRUCTION CONTRACTS~~

~~A. Applicable Requirements~~

Construction procurements shall comply with ~~applicable requirements of the Utah Procurement Code and other applicable law.~~Utah Code Title 11, Chapter 39, which requires competitive bidding of building improvements and public works projects that exceed the statutory bid limits, and, for road projects funded with Class B and C road funds, Utah Code § 72-6-108.

~~B. Bonds and Security~~

Bid security, performance bonds, payment bonds, retainage, and other construction security shall be required when and to the extent required by applicable law.

~~Nothing in this Policy limits the Town's authority to require additional security, insurance, warranties, or contractual protections when appropriate to a particular project and permitted by law.~~

Commented [20]: Former Sections 2.B, 12 and 13 are combined into new Section 6.
Design-professional procedures (former 12) restated the qualifications-based selection rules of Utah Code 63G-6a Part 15. The single cross-reference sentence is kept and the paraphrase deleted. The Town seldom procures architects or engineers, and the statute controls when it does.

Commented [21]: Moved from former 2.B, with a reference added to 2 CFR Part 200. For federal awards, 2 CFR 200.318(a) requires non-federal entities to have and use documented procurement procedures consistent with state and local law. This short policy satisfies that requirement, and the federal standards control when they are stricter.

Commented [22]: Former Section 13 is condensed. The contract-content checklist (13.C) is better kept as internal guidance or a contract template than as policy.

Commented [23]: Important correction. V1.0 pointed construction to the Utah Procurement Code, but the statute that governs town construction bidding is Utah Code Title 11, Chapter 39. It applies to all municipalities whether or not they adopt the Procurement Code (ULCT Handbook p. 240).
Bid limits under Utah Code 11-39-101 are $40,000 for building improvements and $125,000 for public works projects, in 2003 dollars, adjusted annually by the lesser of 3% or CPI.
Road projects using Class B and C road funds have separate bidding rules under Utah Code 72-6-108 (ULCT Handbook p. 241 n.569).
Retainage is limited to 5% (Utah Code 13-8-5) and must be held in an interest-bearing account (Utah Code 11-39-105).

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~~C. Contract Requirements~~

~~Construction contracts should identify, as appropriate:~~

~~1. The scope of work;~~

~~2. Contract price or basis of compensation;~~

~~3. Time for performance;~~

~~4. Insurance and bonding requirements;~~

~~5. Procedures governing changes in the work;~~

~~6. Payment procedures;~~

~~7. Acceptance and closeout requirements; and~~

~~8. Other terms reasonably necessary to protect the Town.~~

~~14. CONTRACT ADMINISTRATION AND CHANGE ORDERS~~7. CHANGE ORDERS

~~A. Administration~~

~~B. Change Orders~~

The person designated to administer a Town contract may approve routine administrative matters within the scope of the contract.

A change order or contract amendment that increases the Town's financial obligation must be approved by the person or body that would have authority under Section ~~5~~3 to approve the resulting total expenditure.

~~C. Material Changes~~

~~A change order or contract amendment may not materially alter the scope of a competitively procured contract in a manner inconsistent with applicable procurement law.~~

~~D. No Circumvention~~

A change order may not be used for the purpose of avoiding competition or the approval requirements of this Policy.

~~15. LOCAL AND REGIONAL VENDORS~~

~~The Town encourages participation in Town procurements by local and regional vendors.~~

~~To promote competition, the Procurement Official may provide individual notice of procurement opportunities to known local or regional vendors in addition to any public notice required by law.~~

~~No preference based solely upon a vendor's geographic location shall be applied unless specifically authorized by applicable law and stated in the solicitation.~~

Commented [24]: Retitled and condensed. The two operative rules are kept: approval follows the new total, and no circumvention. Former 14.C (material changes) restates procurement law.

Commented [25]: Deleted. The section had no operative effect.
Individual notice to local vendors is permitted without policy language.
The geographic preference sentence only prohibited what is already not authorized.

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~~16. PROCUREMENT RECORDS~~8. RECORDS AND ETHICS

Commented [26]: Former Sections 16 and 17 are combined. The 9-item records checklist is kept because it is the most practical guidance for the Clerk. Former 16.C restated GRAMA (Utah Code 63G-2), which applies regardless.
The ULCT Handbook (p. 241) notes that bid records and proof of advertisement should be kept at least three years (citing Utah Code 10-6-122, the city provision). Follow the State Archives retention schedule.

A. Records

The Town shall maintain procurement records as required by applicable law and the Town's records-retention requirements.

~~B. Contents~~

Procurement records should be sufficient to document, as applicable:

1. The procurement item;
2. The vendor or contractor;
3. Quotations, bids, proposals, or other responses received;
4. The basis for vendor selection;
5. Required written determinations;
6. Approvals required by this Policy;
7. The contract, purchase order, invoice, or other purchase document;
8. Change orders or amendments; and
9. The amount expended.

~~C. Public Records~~

~~Access to procurement records is governed by applicable law, including the Government Records Access and Management Act. Nothing in this Policy requires disclosure of a record that is protected from disclosure by law.~~

~~17. ETHICS AND CONFLICTS OF INTEREST~~

Commented [27]: Condensed into Section 8.B, with specific citations added: the Municipal Officers' and Employees' Ethics Act (Utah Code 10-3-1301 et seq.) and Procurement Code Part 24 (unlawful conduct, gratuities, kickbacks).
Per the ULCT Handbook p. 241, Part 24 applies to municipalities regardless of whether they adopt the rest of the Procurement Code. This makes former 17.C and 17.D unnecessary.

B. Ethics

~~A. Compliance with Law~~

~~B. Conflicts~~

A Town officer, employee, agent, consultant, or other person participating on behalf of the Town in a procurement shall comply with applicable state and local ethics, conflict-of-interest, gratuity, kickback, and procurement laws, including the Municipal Officers' and Employees' Ethics Act, Utah Code Title 10, Chapter 3, Part 13, and Utah Code Title 63G, Chapter 6a, Part 24.

A person with an actual conflict of interest relating to a procurement shall disclose the conflict as required by law and shall not participate in the procurement decision to the extent prohibited by law.

~~C. Gratuities and Kickbacks~~

~~No person participating in a Town procurement may solicit or accept a gratuity, kickback, or other benefit prohibited by applicable law.~~

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~~**D. Statutory Penalties**~~

~~Nothing in this Policy creates, modifies, or supersedes any criminal offense, civil liability, or penalty established by state law.~~

~~18. PROCUREMENT PROTESTS AND APPEALS~~9. PROTESTS

The procedures in this section constitute the Town's administrative procedures for protests and appeals arising from Town procurements.

~~**A. Right to Protest**~~

An actual or prospective bidder, offeror, contractor, or other person with a direct economic interest that is aggrieved in connection with a Town solicitation, procurement, or contract award may file a written protest with the Procurement Official.

A protest must state~~ with particularity:~~ the procurement protested, the facts and grounds for the protest, and the relief requested.

~~1. The procurement or award being protested;~~

~~2. The protester's interest in the procurement;~~

~~3. The facts giving rise to the protest;~~

~~4. The grounds upon which the protest is based; and~~

~~5. The relief requested.~~

~~A protest may be based upon:~~

~~1. An alleged violation of applicable law or this Policy;~~

~~2. The Town's failure to follow a material provision of a solicitation;~~

~~3. A material error in the evaluation of responses;~~

~~4. Improper bias in the evaluation process;~~

~~5. The incorrect application or calculation of an evaluation criterion; or~~

~~6. A solicitation requirement that is unduly restrictive or anticompetitive.~~

~~A vague, conclusory, or unsupported allegation is not sufficient to state a protest.~~

~~**B. Time for Filing**~~

A protest concerning the terms, specifications, requirements, evaluation criteria, or other contents of a solicitation must be filed before the deadline for submission of bids, proposals, or other responses.

Any other protest must be filed within seven calendar days after the protester knew or reasonably should have known of the facts giving rise to the protest.

A protest that is not timely filed shall be dismissed.

Commented [28]: Reduced from ~2.5 pages to a few sentences. Kept: who may protest, filing deadlines, written decision, appeal to Council within 7 days, Council decision final, stay of award, and no monetary damages.
Deleted: enumerated grounds, procedural detail, standard of review, and remedy lists.
Comparators: Hideout, Apple Valley and Elk Ridge include no protest procedure. Alta addresses protests in one sentence (specification protests before bid opening).
Town Attorney to confirm that this abbreviated procedure is sufficient, given Section 1's statement that the Town has not adopted Procurement Code Parts 16-19 (Utah Code 63G-6a-1601 et seq.).

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~~C. Procurement Official's Decision~~

~~The Procurement Official shall determine whether the protest is timely and states sufficient grounds for consideration.~~

~~The Procurement Official may:~~

1. ~~Request written information from the protester, Town staff, the successful vendor, or another person whose participation would assist in resolving the protest;~~
2. ~~Review any portion of the procurement record relevant to the protest; and~~
3. ~~Conduct an informal conference if the Procurement Official determines that a conference would assist in resolving the protest.~~

~~The Procurement Official is not required to conduct an evidentiary hearing.~~

The Procurement Official shall issue a written decision stating the basis for the decision and any relief granted.

~~The decision should be issued within 15 calendar days after receipt of the protest unless the Procurement Official determines that additional time is reasonably necessary.~~

~~D. Appeal to Town Council~~

A protester adversely affected by the Procurement Official's decision may appeal the decision to the Town Council by filing a written notice of appeal with the Town Clerk within seven calendar days after the decision is issued.

~~The appeal shall identify:~~

1. ~~The decision being appealed;~~
2. ~~The specific grounds upon which the protester contends the decision should be reversed or modified; and~~
3. ~~The relief requested.~~

The Town Council shall consider the appeal based upon the procurement record, the written protest, the Procurement Official's decision, and the written submissions of the parties.

~~The Town Council may permit oral argument or request additional information if it determines that doing so would assist its review. The Town Council is not required to conduct an evidentiary hearing.~~

~~E. Standard of Review~~

~~An appeal to the Town Council is not a de novo procurement decision.~~

~~The Town Council shall uphold the Procurement Official's decision unless it determines that the decision:~~

1. ~~Is contrary to applicable law or this Policy;~~

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~~2. Is arbitrary or capricious;~~

~~3. Is not supported by substantial evidence in the procurement record; or~~

~~4. Resulted from a material procedural error that prejudiced the protester.~~

The Town Council may affirm, reverse, or modify the decision or remand the matter to the Procurement Official for further proceedings.

The Town Council's written decision constitutes the Town's final administrative decision.

~~F. Effect of Protest or Appeal~~

Upon the filing of a timely protest, the Town shall not award the contract or, if the contract has already been awarded, shall not proceed with performance to the extent reasonably practicable until the protest and any timely administrative appeal have been resolved.

~~The Procurement Official may authorize the procurement or contract to proceed while a protest or appeal is pending if, after consultation with the Town Attorney, the Procurement Official determines in writing that proceeding without delay is necessary to protect the Town's substantial interests.~~

~~The filing of an untimely protest does not stay or otherwise affect the procurement.~~

~~G. Remedies~~

If a protest or appeal is sustained, the Procurement Official or Town Council, as applicable, may grant relief reasonably necessary to correct the procurement error~~, including:~~.

~~1. Amending or cancelling a solicitation;~~

~~2. Requiring reevaluation of bids, proposals, or other responses;~~

~~3. Cancelling an award;~~

~~4. Directing that all or part of a procurement be conducted again; or~~

~~5. Granting other prospective administrative relief consistent with applicable law.~~

~~H. Judicial Review~~

Nothing in this section authorizes an award against the Town of attorney fees, lost profits, bid or proposal preparation costs, consequential damages, or other monetary damages.

~~A person seeking judicial review of the Town's final administrative decision shall proceed as provided by applicable law.~~

~~A person must exhaust the administrative remedies provided by this section before seeking judicial relief to the extent required by law.~~

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~~19. INTERPRETATION AND ADMINISTRATION~~10. FORMS AND EFFECTIVE DATE

Commented [29]: Former 19.A (interpretation) and 19.B (changes in law) duplicate the conflict-with-law sentence retained in Section 1 and are deleted. Administrative procedures and the effective date are kept.

~~A. Interpretation~~

~~This Policy shall be interpreted to provide the Town with the administrative flexibility permitted by applicable procurement law while preserving fair competition, fiscal accountability, and Town Council control over material financial commitments.~~

~~B. Changes in Law~~

~~If applicable procurement law is amended after adoption of this Policy, this Policy shall be interpreted consistently with the amended law to the extent reasonably possible.~~

~~A mandatory statutory requirement controls over an inconsistent provision of this Policy.~~

~~C.~~A. Administrative Procedures

The Procurement Official may establish forms and administrative procedures consistent with this Policy to facilitate purchasing, documentation, contract administration, and recordkeeping.

Administrative procedures may not alter the expenditure authority or competitive procurement thresholds established by this Policy without Town Council approval.

~~D.~~B. Effective Date

This Policy takes effect upon adoption by the Town Council and supersedes and replaces the purchasing policy adopted by Resolution No. 2014-1 and any prior Town purchasing policy inconsistent with this Policy.

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POLICY NO. 2026-E

TOWN OF BOULDER, STATE OF UTAH

PURCHASING AND PROCUREMENT

Exhibit A to Resolution No. 2026-X | Effective [Month, DD], 2026

Commented [1]: Simplified draft (V2.0). Boulder does not own or operate a water or other utility or major infrastructure, so Town procurement is small in volume and mostly routine supplies and services. This redline cuts the policy from 19 sections (21 pp.) to 10 sections. The ULCT Powers & Duties Handbook (2024), p. 240 & n. 562, notes that the Uniform Fiscal Procedures Act requires an orderly purchasing system of cities but not towns, and recommends that towns adopt "some simple purchasing rules."
Comparators reviewed: Hideout Ord. 2024-O-09 (~8-9 pp.); Apple Valley Purchasing Policy, Res. R-2022-29; Alta purchasing policy (approved 4/14/2021); Elk Ridge purchasing chapter (Ch. 10, 9 sections).
Legal citations should be confirmed by the Town Attorney before adoption.

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~~19. INTERPRETATION AND ADMINISTRATION~~

Commented [2]: Deleted. A table of contents is unnecessary for a short policy.

1. PURPOSE AND AUTHORITY

Commented [3]: Purpose list deleted: it has no operative effect. Subsection headings removed because the section is now four sentences. The authority, Procurement Code, Parts 16-19, and conflict-with-law sentences are kept as drafted.

~~A. Purpose~~

~~The purposes of this Policy are to:~~

1. ~~Ensure fair and equitable treatment of persons who conduct or seek to conduct business with Boulder Town;~~
2. ~~Obtain supplies, services, construction, and other procurement items at reasonable cost and on terms advantageous to the Town;~~
3. ~~Promote competition when competition is practicable and appropriate;~~
4. ~~Establish efficient procurement procedures appropriate to the size and administrative resources of the Town; and~~

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~~5. Establish clear authority and accountability for Town expenditures.~~

~~B. Authority~~

This Policy establishes the Town's rules and procedures for purchasing and procurement. The Town Clerk shall apply this Policy when pre-auditing claims against the Town.

Except as otherwise expressly provided in this Policy, Town procurements shall comply with applicable provisions of the Utah Procurement Code, Utah Code Title 63G, Chapter 6a, as amended.

The Town has established the local protest and appeal procedure contained in Section ~~18~~9 and has not adopted Parts 16, 17, 18, or 19 of the Utah Procurement Code.

If a provision of this Policy conflicts with a mandatory provision of state or federal law applicable to the Town, the mandatory provision controls.

Terms not defined in this Policy have the meanings assigned to them by the Utah Procurement Code.

~~2. APPLICABILITY AND EXEMPTIONS~~

~~A. Applicability~~

~~This Policy applies to the procurement of supplies, services, construction, professional services, and other procurement items by Boulder Town except as otherwise provided by law.~~

~~B. Federal or State Funding~~

~~When a procurement involves federal or state assistance, grant funds, or other funds subject to procurement requirements imposed by the source of the funds, the Town shall comply with all applicable requirements associated with those funds.~~

~~If those requirements are more restrictive than this Policy, the more restrictive requirements apply.~~

~~C. Cooperative Purchasing~~

~~Nothing in this Policy prevents the Town from using a State of Utah contract, cooperative purchasing contract, or other procurement method authorized by applicable law.~~

~~3. DEFINITIONS~~

~~For purposes of this Policy:~~

~~"Contract" means an agreement for the procurement or disposal of a procurement item.~~

Commented [4]: Added to connect the policy to the Town Clerk's statutory pre-audit duty. Under the Uniform Fiscal Procedures Act for Utah Towns, the clerk pre-audits claims and certifies that they were properly approved (Utah Code 10-5-123; see ULCT Handbook pp. 43 n.115 & 122). In practice this is how the policy is enforced in a town of Boulder's size.

Commented [5]: Moved from former Section 3 (Definitions), which is deleted.

Commented [6]: Deleted.
2.A restates the policy's own scope.
2.B (grant funding) is moved to new Section 6.A. Grants are likely to be the Town's largest procurements.
2.C duplicates former Section 9 (cooperative contracts), now Section 5.A.

Commented [7]: Deleted. "Procurement Official" is now defined in Section 2.A. "Town," "Town Council," and "Mayor" need no definition. The remaining terms default to the Utah Procurement Code definitions (Utah Code 63G-6a-103) under the sentence retained in Section 1.

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~~"Mayor" means the Mayor of Boulder Town or, when expressly authorized under this Policy, the Mayor's designee.~~

~~"Procurement" means the acquisition of a procurement item through an expenditure of public funds or an agreement to expend public funds.~~

~~"Procurement item" means an item of personal property, technology, service, construction project, or other item that may be procured under applicable law.~~

~~"Procurement Official" means the Mayor unless the Town Council designates another person to serve in that capacity.~~

~~"Responsive" means conforming in all material respects to the requirements of a solicitation.~~

~~"Responsible" means having the capability in all respects to perform fully the contract requirements and the integrity and reliability necessary to assure good-faith performance.~~

~~"Solicitation" means an invitation for bids, request for proposals, request for statements of qualifications, or other document used to solicit responses for a procurement.~~

~~"Town" means Boulder Town.~~

~~"Town Council" means the Boulder Town Council.~~

~~Terms not defined in this Policy have the meanings assigned to them by applicable provisions of the Utah Procurement Code.~~

~~4. PROCUREMENT ADMINISTRATION AND DELEGATION~~2. ADMINISTRATION

Commented [8]: Condensed. The five enumerated powers are replaced with one sentence. The delegation limit and the anti-splitting rule are kept. The anti-splitting rule mirrors the statutory prohibition on dividing construction projects to avoid bidding (Utah Code 11-39-103(2)(b); ULCT Handbook p. 240).

A. Procurement Official

~~The Procurement Official shall administer Town procurements and may:~~

~~1. Solicit quotations, bids, proposals, statements of qualifications, and other procurement responses;~~

~~2. Administer procurement procedures;~~

~~3. Execute purchases and contracts within the authority granted by this Policy or the Town Council;~~

~~4. Administer Town contracts; and~~

~~5. Make written determinations required by this Policy or applicable law.~~

The Mayor is the Town's Procurement Official unless the Town Council designates another person. The Procurement Official administers Town purchasing and contracts and makes the written determinations required by this Policy.

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B. Administrative Delegation

The Procurement Official may delegate administrative purchasing responsibilities to the Town Clerk or another Town officer, employee, or agent.

A delegation under this subsection does not authorize an expenditure beyond the approval authority established by Section ~~5~~3.

C. No Artificial Division of Purchases

No person may intentionally divide, sequence, structure, or otherwise separate a procurement for the purpose of avoiding an approval threshold, competitive procurement requirement, or other requirement of this Policy or applicable law.

The applicable threshold shall be determined based upon the reasonably anticipated total value of the procurement and not merely the amount of an individual invoice, payment, purchase order, or component of the procurement.

Commented [9]: Moved from former 6.E so that both threshold-evasion rules sit together.

~~5. EXPENDITURE APPROVAL~~3. APPROVAL AND QUOTATION REQUIREMENTS

Commented [10]: Former Sections 5 (approval) and 6 (competition) are merged into one table. The approval and quotation breakpoints now line up.
Comparators: Hideout requires no quotes up to $5,000, three informal quotes from $5,000 to $30,000, and sealed bids with Council approval over $30,000. Apple Valley requires no process under $5,000, three quotes from $5,000 to $11,999, and bid/RFP with Council approval at $12,000 or more. Alta requires two quotes from $5,000 to $25,000 and an RFP over $25,000. Elk Ridge requires nothing up to $2,500, three quotes from $2,500 to $50,000, and formal bidding with Council approval over $50,000.
Boulder's $5,000 / $15,000 / $50,000 breakpoints fall within this range and are retained.
Former 5.A and 5.B differed only by "or designee" and are combined in the table. This also cures the misnumbered list in former 5.A (item 2 before item 1).

~~Approval under this section authorizes the expenditure of Town funds. It does not excuse compliance with the procurement procedures required by Section 6 or applicable law.~~

The following table establishes who may approve a purchase and the competition required, based on the reasonably anticipated total cost. Approval by the Mayor is limited to purchases included in the Town's current approved budget.

Commented [11]: New consolidated threshold table. It replaces former 5.A-C and 6.A-D.

Anticipated total cost	Approval	Competition required
$5,000 or less	Mayor or designee (budgeted)	None; the price must be reasonable
Over $5,000 through $15,000	Mayor (budgeted)	Quotations from at least two vendors when reasonably available
Over $15,000 through $50,000	Town Council	Written quotations from at least two vendors when reasonably available
Over $50,000	Town Council (award)	Competitive bidding or request for proposals with public notice under Section 4

~~**A. Budgeted Purchases of $5,000 or Less**~~

~~The Mayor or designee may approve a purchase that:~~

~~2. Does not exceed $5,000.~~

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1. Is included within the Town's current approved budget; and

B. Budgeted Purchases Over $5,000 Through $15,000

The Mayor may approve a purchase that:

1. Is included within the Town's current approved budget; and
2. Exceeds $5,000 but does not exceed $15,000.

C. Purchases Over $15,000A. Council Delegation

A purchase exceeding $15,000 requires prior Town Council approval.

The Town Council may approve a specific purchase or a not-to-exceed amount and delegate vendor selection and administration of the procurement to the Procurement Official.

D. UnbudgetedPurchasesB. Council Approval Required

An unbudgeted purchase requires prior Town Council approval.Regardless of amount, prior Town Council approval is required for: (1) an unbudgeted purchase; (2) a purchase that exceeds the current budget category by over 10%; (32) a contract that obligates the Town beyond the current fiscal year, unless the Town Council has previously authorized the commitment; and (43) an application for or acceptance of a grant that requires a financial match or other material financial commitment by the Town.

E. Multiyear Contracts

A contract that obligates the Town beyond the current fiscal year requires Town Council approval unless the Town Council has previously authorized the commitment.

F. Grant Matching Obligations

An application for or acceptance of a grant that requires a financial match or other material financial commitment by the Town requires Town Council approval.

6. SMALL PURCHASES AND COMPETITIVE PROCUREMENT

Unless another procurement method or exception is authorized by this Policy or applicable law, the following procedures apply.

A. Purchases of $5,000 or Less

A procurement of $5,000 or less may be made without obtaining competitive quotations if the Procurement Official or other authorized purchaser determines that the price is reasonable.

Competition should be sought when reasonably practicable if doing so is likely to provide a material benefit to the Town.

Commented [12]: Former 5.D (unbudgeted), 5.E (multiyear) and 5.F (grant match) are combined into one sentence. These are the key Council controls and are retained in substance.

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Commented [13]: Deleted as a separate section. Its content is now in the Section 3 table and Subsection 3.C.

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~~B. Purchases Over $5,000 Through $15,000~~C. Quotations

~~The Town shall seek quotations from at least two vendors when reasonably available.~~

Quotations may be obtained orally, electronically, or in writing (written quotations are required for purchases over $15,000) and shall be documented in the Town's procurement records.

If ~~two quotations cannot~~the required quotations cannot reasonably be obtained, the ~~Procurement Official~~approving official may proceed with the procurement after documenting the efforts made to obtain competition and determining that the procurement is in the Town's best interest.

~~C. Purchases Over $15,000 Through $50,000~~

~~The Town shall seek written quotations from at least three vendors when reasonably available.~~

~~The Town shall describe the procurement item with sufficient specificity to permit meaningful comparison among quotations.~~

~~If three quotations cannot reasonably be obtained, the Procurement Official may proceed with the procurement after documenting:~~

1. ~~The efforts made to obtain competition; and~~
2. ~~The basis for determining that the selected procurement is in the Town's best interest.~~

~~D. Purchases Over $50,000~~

~~A procurement exceeding $50,000 shall be conducted through a standard procurement process authorized by applicable law, including competitive bidding or a request for proposals, as appropriate to the procurement.~~

~~The Town Council shall approve the award.~~

~~E. Aggregate Procurement~~

~~The applicable threshold shall be determined based upon the reasonably anticipated total value of the procurement and not merely the amount of an individual invoice, payment, purchase order, or component of the procurement.~~

Commented [14]: Three-quote tier replaced with two written quotes. Alta uses two quotes up to $25,000. In a remote town with few local vendors, three written quotes often cannot be obtained, which would make the documented-exception route the norm. The Council may restore three quotes if preferred.

~~7. SOLICITATION AND NOTICE~~4. FORMAL BIDS AND PROPOSALS

Commented [15]: Former Sections 7 and 8 are condensed into one section. Formal bids over $50,000 are expected to be rare for Boulder.
Kept: 7-day posting, the award standard, and the right to reject or cancel.
Deleted: 7.B shortened notice (statute governs whether permitted), 7.C individual notice (duplicated former 15 and is allowed without policy language), and 7.D electronic procedures (allowed by law).

A. Public Notice

~~When public notice of a solicitation is required by law, the Town shall provide notice in the manner and for the period required by applicable law.~~

Unless a different period is authorized by law, a required public solicitation shall be posted at least seven days before the deadline for submission of responses on:

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1. The Town's official website; or
2. A State of Utah website authorized for posting public procurement notices.

~~**B. Shortened Notice**~~

~~When permitted by law, the Procurement Official may shorten a required notice period upon making the written determination required by applicable law.~~

C. Individual Notice

As a courtesy and to promote competition, the Procurement Official may provide individual notice to known potential vendors.

Failure to provide individual notice does not invalidate a procurement for which required public notice was properly provided.

~~**D. Electronic Procedures**~~

~~The Town may use electronic solicitation, communication, and submission procedures to the extent permitted by law.~~

~~8. SELECTION AND AWARD~~

Commented [16]: Merged into Section 4.
8.C (evaluation) and 8.F (responsibility) repeat the award sentences that are kept.
Note: in V1.0, headings 8.A and 8.B appeared back-to-back with the text misplaced below 8.B. That drafting error is cured here.

~~**A. Price-Based Procurement**~~**B. Award**

~~**B. Request for Proposals**~~

For a procurement based primarily upon price, the Town shall award the contract to the responsive and responsible vendor offering the lowest price unless another basis for award is stated in the solicitation or authorized by law.

When factors other than price are material to selection, the Town may use a request for proposals or another procurement method authorized by law.

A request for proposals shall identify the material evaluation criteria and their relative importance.

The contract shall be awarded to the responsible offeror whose proposal is determined to provide the best value to the Town based upon the criteria stated in the solicitation.

~~**C. Evaluation**~~

~~The Town shall evaluate bids, proposals, quotations, or other responses according to the requirements and criteria stated in the solicitation.~~

~~**D. Rejection**~~**C. Rejection and Cancellation**

The Town may reject any or all bids, quotations, proposals, or other responses when the Procurement Official determines that rejection is in the Town's best interest.

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~~E. Cancellation~~

The Town may cancel a solicitation when the Procurement Official determines that cancellation is in the Town's best interest.

~~F. Responsibility~~

~~The Town is not required to award a contract to a vendor merely because the vendor submits the lowest price if the vendor is not responsive or responsible or another method of award is authorized by the solicitation and applicable law.~~

~~9. COOPERATIVE AND STATE CONTRACTS~~5. EXCEPTIONS TO COMPETITION

A procurement made under this section does not require quotations or bids under Section 3 but remains subject to the approval requirements of Section 3.

A. State and Cooperative Contracts

The Town may obtain procurement items through~~:~~ a State of Utah contract, a cooperative procurement contract, or a contract of another public procurement unit when use of that contract is authorized by law.

~~1. A State of Utah contract;~~

~~2. A cooperative procurement contract available to the Town;~~

~~3. A contract of another public procurement unit when use of that contract is authorized by law; or~~

~~4. Another cooperative procurement method authorized by applicable law.~~

~~A procurement properly made under this section does not require separate competition under Section 6.~~

~~The expenditure remains subject to the approval requirements of Section 5 unless the Town Council has otherwise authorized the expenditure.~~

~~10. SOLE SOURCE AND OTHER NONCOMPETITIVE PROCUREMENTS~~

B. Sole Source

~~A. Authority~~

The Town may make a procurement without competition when a noncompetitive procurement is authorized by applicable law, including when only one source is reasonably available for the procurement item.

~~B. Written Determination~~

~~The Procurement Official shall make any written determination and provide any notice required by applicable law before award.~~Before award, the Procurement Official shall document in the procurement record why only one source is reasonably available and shall provide any notice required by law.

Commented [17]: Former Sections 9 (cooperative), 10 (sole source) and 11 (emergency) are consolidated as three short subsections. One lead sentence states that Section 3 approval still applies, replacing three separate "remains subject to Section 5" clauses. Hideout's ordinance handles sole source (good-faith review plus written determination) and emergencies (as much competition as practicable, report to Council at next meeting) in similarly brief form.

Commented [18]: Now Section 5.B. The written-determination requirement is made concrete: document why only one source is reasonably available.

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~~**C. Negotiation**~~

The Procurement Official shall negotiate price and other contract terms in the Town's best interest to the extent reasonably practicable.

~~**D. Approval**~~

~~A noncompetitive procurement remains subject to the expenditure approval requirements of Section 5.~~

~~**11. EMERGENCY PROCUREMENTS**~~

C. Emergency Purchases

~~**A. Authority**~~

The Town may make an emergency procurement without following the ordinary competitive procedures of this Policy when ~~an emergency procurement is authorized by applicable law.~~an immediate purchase is necessary to protect public health, safety, or property.

~~**B. Scope**~~

~~**C. Competition**~~

An emergency procurement shall be limited to the procurement items reasonably necessary to address the emergency.

The Town shall obtain as much competition as practicable under the circumstances.

~~**D. Documentation**~~

As soon as reasonably practicable, the Procurement Official shall document~~:~~ the circumstances giving rise to the emergency, the procurement made, the vendor selected, the amount, and the basis for the selection.

~~1. The circumstances giving rise to the emergency;~~

~~2. The procurement made;~~

~~3. The contractor or vendor selected;~~

~~4. The amount of the procurement; and~~

~~5. The basis for the selection.~~

~~**E. Town Council**~~

The Procurement Official shall inform the Town Council of any emergency procurement that otherwise would have required Town Council approval under Section ~~5~~3 at the next reasonably available Town Council meeting.

Commented [19]: Now Section 5.C. The trigger is stated in plain terms (protecting public health, safety, or property) rather than by reference to "applicable law." The five-item documentation list is folded into one sentence. Council notice at the next meeting is retained; this matches Hideout.

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~~12. DESIGN PROFESSIONAL SERVICES~~6. GRANTS AND CONSTRUCTION

A. Grant-Funded Purchases

When a procurement involves federal or state assistance, grant funds, or other funds subject to procurement requirements imposed by the source of the funds, the Town shall comply with those requirements, including 2 CFR Part 200 for federal awards. If those requirements are more restrictive than this Policy, the more restrictive requirements apply.

B. Construction and Design Professionals

Architectural, engineering, and other design professional services subject to Utah Code Title 63G, Chapter 6a, Part 15 shall be procured in accordance with applicable law.

~~Except when another procurement method is authorized by law:~~

1. ~~The Town shall publicly announce its need for design professional services when required by law;~~
2. ~~Selection shall be based upon demonstrated competence and qualifications for the services required;~~
3. ~~Price shall not be used as a criterion in the initial evaluation when prohibited by law; and~~
4. ~~After selecting the most qualified provider, the Town shall negotiate fair and reasonable compensation.~~

~~If the Town cannot negotiate satisfactory terms with the most qualified provider, the Town may terminate negotiations and proceed to negotiate with the next most qualified provider as permitted by law.~~

~~13. CONSTRUCTION CONTRACTS~~

~~A. Applicable Requirements~~

Construction procurements shall comply with ~~applicable requirements of the Utah Procurement Code and other applicable law.~~Utah Code Title 11, Chapter 39, which requires competitive bidding of building improvements and public works projects that exceed the statutory bid limits, and, for road projects funded with Class B and C road funds, Utah Code § 72-6-108.

~~B. Bonds and Security~~

Bid security, performance bonds, payment bonds, retainage, and other construction security shall be required when and to the extent required by applicable law.

~~Nothing in this Policy limits the Town's authority to require additional security, insurance, warranties, or contractual protections when appropriate to a particular project and permitted by law.~~

Commented [20]: Former Sections 2.B, 12 and 13 are combined into new Section 6. Design-professional procedures (former 12) restated the qualifications-based selection rules of Utah Code 63G-6a Part 15. The single cross-reference sentence is kept and the paraphrase deleted. The Town seldom procures architects or engineers, and the statute controls when it does.

Commented [21]: Moved from former 2.B, with a reference added to 2 CFR Part 200. For federal awards, 2 CFR 200.318(a) requires non-federal entities to have and use documented procurement procedures consistent with state and local law. This short policy satisfies that requirement, and the federal standards control when they are stricter.

Commented [22]: Former Section 13 is condensed. The contract-content checklist (13.C) is better kept as internal guidance or a contract template than as policy.

Commented [23]: Important correction. V1.0 pointed construction to the Utah Procurement Code, but the statute that governs town construction bidding is Utah Code Title 11, Chapter 39. It applies to all municipalities whether or not they adopt the Procurement Code (ULCT Handbook p. 240).
Bid limits under Utah Code 11-39-101 are $40,000 for building improvements and $125,000 for public works projects, in 2003 dollars, adjusted annually by the lesser of 3% or CPI.
Road projects using Class B and C road funds have separate bidding rules under Utah Code 72-6-108 (ULCT Handbook p. 241 n.569).
Retainage is limited to 5% (Utah Code 13-8-5) and must be held in an interest-bearing account (Utah Code 11-39-105).

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~~C. Contract Requirements~~

~~Construction contracts should identify, as appropriate:~~

1. ~~The scope of work;~~
2. ~~Contract price or basis of compensation;~~
3. ~~Time for performance;~~
4. ~~Insurance and bonding requirements;~~
5. ~~Procedures governing changes in the work;~~
6. ~~Payment procedures;~~
7. ~~Acceptance and closeout requirements; and~~
8. ~~Other terms reasonably necessary to protect the Town.~~

~~14. CONTRACT ADMINISTRATION AND CHANGE ORDERS~~7. CHANGE ORDERS

~~A. Administration~~

~~B. Change Orders~~

The person designated to administer a Town contract may approve routine administrative matters within the scope of the contract.

A change order or contract amendment that increases the Town's financial obligation must be approved by the person or body that would have authority under Section ~~5~~3 to approve the resulting total expenditure.

~~C. Material Changes~~

~~A change order or contract amendment may not materially alter the scope of a competitively procured contract in a manner inconsistent with applicable procurement law.~~

~~D. No Circumvention~~

A change order may not be used for the purpose of avoiding competition or the approval requirements of this Policy.

~~8~~15. LOCAL AND REGIONAL VENDORS

The Town encourages participation in Town procurements by local and regional vendors.

To promote competition, the Procurement Official may provide individual notice of procurement opportunities to known local or regional vendors in addition to any public notice required by law.

Preference based solely upon a vendor's geographic location within Garfield County shall be applied if the bid amount is within 20% of similar bids.

Commented [24]: Retitled and condensed. The two operative rules are kept: approval follows the new total, and no circumvention. Former 14.C (material changes) restates procurement law.

Commented [25]: Deleted. The section had no operative effect.
Individual notice to local vendors is permitted without policy language.
The geographic preference sentence only prohibited what is already not authorized.

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~~No preference based solely upon a vendor's geographic location shall be applied unless specifically authorized by applicable law and stated in the solicitation.~~

~~16. PROCUREMENT RECORDS~~

~~9~~8. RECORDS AND ETHICS

Commented [26]: Former Sections 16 and 17 are combined. The 9-item records checklist is kept because it is the most practical guidance for the Clerk. Former 16.C restated GRAMA (Utah Code 63G-2), which applies regardless.
The ULCT Handbook (p. 241) notes that bid records and proof of advertisement should be kept at least three years (citing Utah Code 10-6-122, the city provision). Follow the State Archives retention schedule.

A. Records

The Town shall maintain procurement records as required by applicable law and the Town's records-retention requirements.

~~B. Contents~~

Procurement records should be sufficient to document, as applicable:

1. The procurement item;
2. The vendor or contractor;
3. Quotations, bids, proposals, or other responses received;
4. The basis for vendor selection;
5. Required written determinations;
6. Approvals required by this Policy;
7. The contract, purchase order, invoice, or other purchase document;
8. Change orders or amendments; and
9. The amount expended.

~~C. Public Records~~

~~Access to procurement records is governed by applicable law, including the Government Records Access and Management Act. Nothing in this Policy requires disclosure of a record that is protected from disclosure by law.~~

~~17. ETHICS AND CONFLICTS OF INTEREST~~

Commented [27]: Condensed into Section 8.B, with specific citations added: the Municipal Officers' and Employees' Ethics Act (Utah Code 10-3-1301 et seq.) and Procurement Code Part 24 (unlawful conduct, gratuities, kickbacks).
Per the ULCT Handbook p. 241, Part 24 applies to municipalities regardless of whether they adopt the rest of the Procurement Code. This makes former 17.C and 17.D unnecessary.

B. Ethics

~~A. Compliance with Law~~

~~B. Conflicts~~

A Town officer, employee, agent, consultant, or other person participating on behalf of the Town in a procurement shall comply with applicable state and local ethics, conflict-of-interest, gratuity, kickback, and procurement laws, including the Municipal Officers' and Employees' Ethics Act, Utah Code Title 10, Chapter 3, Part 13, and Utah Code Title 63G, Chapter 6a, Part 24.

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A person with an actual conflict of interest relating to a procurement shall disclose the conflict as required by law and shall not participate in the procurement decision to the extent prohibited by law.

~~C. Gratuities and Kickbacks~~

~~No person participating in a Town procurement may solicit or accept a gratuity, kickback, or other benefit prohibited by applicable law.~~

~~D. Statutory Penalties~~

~~Nothing in this Policy creates, modifies, or supersedes any criminal offense, civil liability, or penalty established by state law.~~

~~18. PROCUREMENT PROTESTS AND APPEALS~~9. PROTESTS

~~The procedures in this section constitute the Town's administrative procedures for protests and appeals arising from Town procurements.~~

~~A. Right to Protest~~

~~An actual or prospective bidder, offeror, contractor, or other person with a direct economic interest that is aggrieved in connection with a Town solicitation, procurement, or contract award may file a written protest with the Procurement Official.~~

~~A protest must state with particularity: the procurement protested, the facts and grounds for the protest, and the relief requested.~~

1. ~~The procurement or award being protested;~~
2. ~~The protester's interest in the procurement;~~
3. ~~The facts giving rise to the protest;~~
4. ~~The grounds upon which the protest is based; and~~
5. ~~The relief requested.~~

~~A protest may be based upon:~~

1. ~~An alleged violation of applicable law or this Policy;~~
2. ~~The Town's failure to follow a material provision of a solicitation;~~
3. ~~A material error in the evaluation of responses;~~
4. ~~Improper bias in the evaluation process;~~
5. ~~The incorrect application or calculation of an evaluation criterion; or~~
6. ~~A solicitation requirement that is unduly restrictive or anticompetitive.~~

~~A vague, conclusory, or unsupported allegation is not sufficient to state a protest.~~

Commented [28]: Reduced from ~2.5 pages to a few sentences. Kept: who may protest, filing deadlines, written decision, appeal to Council within 7 days, Council decision final, stay of award, and no monetary damages.
Deleted: enumerated grounds, procedural detail, standard of review, and remedy lists.
Comparators: Hideout, Apple Valley and Elk Ridge include no protest procedure. Alta addresses protests in one sentence (specification protests before bid opening).
Town Attorney to confirm that this abbreviated procedure is sufficient, given Section 1's statement that the Town has not adopted Procurement Code Parts 16-19 (Utah Code 63G-6a-1601 et seq.).

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Commented [JE29]: Defer entirely to state code, other jurisdictions do that and don't even have this section

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~~B. Time for Filing~~

~~A protest concerning the terms, specifications, requirements, evaluation criteria, or other contents of a solicitation must be filed before the deadline for submission of bids, proposals, or other responses.~~

~~Any other protest must be filed within seven calendar days after the protester knew or reasonably should have known of the facts giving rise to the protest.~~

~~A protest that is not timely filed shall be dismissed.~~

~~C. Procurement Official's Decision~~

~~The Procurement Official shall determine whether the protest is timely and states sufficient grounds for consideration.~~

~~The Procurement Official may:~~

1. ~~Request written information from the protester, Town staff, the successful vendor, or another person whose participation would assist in resolving the protest;~~
2. ~~Review any portion of the procurement record relevant to the protest; and~~
3. ~~Conduct an informal conference if the Procurement Official determines that a conference would assist in resolving the protest.~~

~~The Procurement Official is not required to conduct an evidentiary hearing.~~

~~The Procurement Official shall issue a written decision stating the basis for the decision and any relief granted.~~

~~The decision should be issued within 15 calendar days after receipt of the protest unless the Procurement Official determines that additional time is reasonably necessary.~~

~~D. Appeal to Town Council~~

~~A protester adversely affected by the Procurement Official's decision may appeal the decision to the Town Council by filing a written notice of appeal with the Town Clerk within seven calendar days after the decision is issued.~~

~~The appeal shall identify:~~

1. ~~The decision being appealed;~~
2. ~~The specific grounds upon which the protester contends the decision should be reversed or modified; and~~
3. ~~The relief requested.~~

~~The Town Council shall consider the appeal based upon the procurement record, the written protest, the Procurement Official's decision, and the written submissions of the parties.~~

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~~The Town Council may permit oral argument or request additional information if it determines that doing so would assist its review. The Town Council is not required to conduct an evidentiary hearing.~~

~~E. Standard of Review~~

~~An appeal to the Town Council is not a de novo procurement decision.~~

~~The Town Council shall uphold the Procurement Official's decision unless it determines that the decision:~~

1. ~~Is contrary to applicable law or this Policy;~~
2. ~~Is arbitrary or capricious;~~
3. ~~Is not supported by substantial evidence in the procurement record; or~~
4. ~~Resulted from a material procedural error that prejudiced the protester.~~

~~The Town Council may affirm, reverse, or modify the decision or remand the matter to the Procurement Official for further proceedings.~~

~~The Town Council's written decision constitutes the Town's final administrative decision.~~

~~F. Effect of Protest or Appeal~~

~~Upon the filing of a timely protest, the Town shall not award the contract or, if the contract has already been awarded, shall not proceed with performance to the extent reasonably practicable until the protest and any timely administrative appeal have been resolved.~~

~~The Procurement Official may authorize the procurement or contract to proceed while a protest or appeal is pending if, after consultation with the Town Attorney, the Procurement Official determines in writing that proceeding without delay is necessary to protect the Town's substantial interests.~~

~~The filing of an untimely protest does not stay or otherwise affect the procurement.~~

~~G. Remedies~~

~~If a protest or appeal is sustained, the Procurement Official or Town Council, as applicable, may grant relief reasonably necessary to correct the procurement error, including:~~

1. ~~Amending or cancelling a solicitation;~~
2. ~~Requiring reevaluation of bids, proposals, or other responses;~~
3. ~~Cancelling an award;~~
4. ~~Directing that all or part of a procurement be conducted again; or~~
5. ~~Granting other prospective administrative relief consistent with applicable law.~~

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~~H. Judicial Review~~

~~Nothing in this section authorizes an award against the Town of attorney fees, lost profits, bid or proposal preparation costs, consequential damages, or other monetary damages.~~

~~A person seeking judicial review of the Town's final administrative decision shall proceed as provided by applicable law.~~

~~A person must exhaust the administrative remedies provided by this section before seeking judicial relief to the extent required by law.~~

~~19. INTERPRETATION AND ADMINISTRATION~~10. FORMS AND EFFECTIVE DATE

Commented [30]: Former 19.A (interpretation) and 19.B (changes in law) duplicate the conflict-with-law sentence retained in Section 1 and are deleted. Administrative procedures and the effective date are kept.

~~A. Interpretation~~

~~This Policy shall be interpreted to provide the Town with the administrative flexibility permitted by applicable procurement law while preserving fair competition, fiscal accountability, and Town Council control over material financial commitments.~~

~~B. Changes in Law~~

~~If applicable procurement law is amended after adoption of this Policy, this Policy shall be interpreted consistently with the amended law to the extent reasonably possible.~~

~~A mandatory statutory requirement controls over an inconsistent provision of this Policy.~~

~~C.~~A. Administrative Procedures

The Procurement Official may establish forms and administrative procedures consistent with this Policy to facilitate purchasing, documentation, contract administration, and recordkeeping.

Administrative procedures may not alter the expenditure authority or competitive procurement thresholds established by this Policy without Town Council approval.

~~D.~~B. Effective Date

This Policy takes effect upon adoption by the Town Council and supersedes and replaces the purchasing policy adopted by Resolution No. 2014-1 and any prior Town purchasing policy inconsistent with this Policy.

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RESOLUTION NO. 2026-Y

TOWN OF BOULDER, STATE OF UTAH

A RESOLUTION ADOPTING THE REVISED MUNICIPAL FEE AND FINE SCHEDULE (POLICY NO. 2026-D) AND REPEALING RESOLUTION NO. 2025-3

WHEREAS, the Town Council of Boulder Town, Utah, has established a consolidated Municipal Fee and Fine Schedule to provide transparency, consistency, and alignment with municipal ordinances; and

WHEREAS, the Town previously adopted the Fee and Fine Schedule under Resolution No. 2025-3 in March 2025; and

WHEREAS, a comprehensive review of administrative costs, licensing fees, facility rental requirements, land use applications, and civil penalties is currently underway; and

WHEREAS, this resolution and policy will need to be reviewed and revised monthly until all areas have been thoroughly reviewed and areas of corrections identified until the council is able to review annually; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF BOULDER TOWN, UTAH, THAT:

1. **Adoption of Municipal Fee and Fine Schedule**. The Town Council hereby approves and adopts the revised Municipal Fee and Fine Schedule, attached hereto as Exhibit A and designated as Policy No. 2026-D.
2. **Repeal of Prior Resolution**. Resolution No. 2025-3 and all prior fee schedules or conflicting resolutions are hereby repealed and superseded in their entirety upon the effective date of this Resolution.
3. **Effective Date**. This resolution shall take effect immediately upon passage and adoption.
4. **Severability Clause**. If any part of this Resolution is found invalid, it does not affect the remaining portions.

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PASSED AND APPROVED this [date] day of [Month], 2026.

Boulder Town Council

[seal]

By: Cheryl Cox, Mayor

_____

Voting:

Lacy Allen	Yea ___	Nay ___	Abstain ___	Absent ___
Josh Ellis	Yea ___	Nay ___	Abstain ___	Absent ___
John Veranth	Yea ___	Nay ___	Abstain ___	Absent ___
Tina Karlsson	Yea ___	Nay ___	Abstain ___	Absent ___
Cheryl Cox	Yea ___	Nay ___	Abstain ___	Absent ___

Attest: [Full Name, Title]

_____

DEPOSITED in the office of the Town Clerk this [date] day of [Month], 2026.

RECORDED this [date] day of [Month], 2026.

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POLICY NO. 2026-D

TOWN OF BOULDER, STATE OF UTAH

MUNICIPAL FEE AND FINE SCHEDULE

Exhibit A to Resolution No. 2026-Y | Effective [Month DD], 2026

Commented [1]: Sent to committee in 9/1 meeting with the following to be examined/adjusted:
Remove fees not specifically empowered by ordinance
Remove fines Civil forfeiture, that should be its own project
Revise facility fees regarding who and how public pays/public use
Committee: Lacy, Erin, John, clerk

Commented [2]: consider expanding the document to include penalties as well as administrative fees rather than having two separately maintained documents

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I. GENERAL NOTES & MUNICIPAL POLICIES

These policies and fees apply to all applications, permits, and rentals listed in this schedule.

1.1. Timing of Payment of Application Fees

All application fees, rental rates, and administrative fees set forth in this schedule must be paid in full at the time of submission of the application or request. No initial review, staff processing, or scheduling of any public hearing or meeting before the Planning Commission, Town Council, or Appeal Authority will occur until payment of the application fee has been rendered in full.

1.2. Professional Review Fees

The Town of Boulder engages third-party professionals, such as attorneys, surveyors, and engineers, to conduct specialized reviews of applications, permits, plat maps, and other technical or legal matters not specifically listed herein. The costs of these professional services vary, depending on the specific application, permit, plat map, or document/matter reviewed. The Town shall estimate and assess fees in addition to those listed in this schedule to cover the actual and necessary costs of these third-party professional services. Reviews and processing shall not proceed until sufficient escrow or estimated payment is deposited.

1.3. Publication, Mailing & Associated Expense Fees

The actual cost of any required publication of notice, certified mailings of notice, or physical posting of notice as required under any Title of the Boulder Town Code or the Utah Municipal Land Use, Development, and Management Act (Utah Code Annotated § 10-9a-101 et seq.) must be paid by the applicant as a requirement before any corresponding land use application or permit approval. The applicant is also responsible for any associated costs and expenses the Town may incur in relation to processing land use applications or permits, including but not limited to: updating of the Town's zoning maps and GIS data, General Plan amendments, special meeting noticing, and additional staff fees and research fees. The applicant

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will be sent an invoice for all said charges from the Town, which must be paid in full prior to the approval or issuance of a permit, license, or release of information.

1.4. Non-Refundability of Fees

No municipal fees of any kind set forth in this schedule, other than refundable cleaning, security, or damage deposits, are refundable under any circumstances. Once an application is submitted, staff processing and administrative review starts as soon as submitted, utilizing public resources that cannot be recouped; therefore, all application, licensing, zoning, subdivision, and rental fees are strictly non-refundable.

1.5. Late Payment Penalty

A 10% or $20.00 fee, whichever is greater, applies to all overdue billing, assessed every 30 days past due. This applies universally to all fees and charges in this schedule.

Utah State Tax Commission - Property Tax Division **Resolution Adopting Final Tax Rates and Budgets**	Form PT-800 Rev. 02/15

County: GARFIELD **Tax Year:** 2026

It is hereby resolved that the governing body of:

BOULDER TOWN

approves the following property tax rate(s) and revenue(s) for the year: **2026**

1. Fund/Budget Type	2. Revenue	3. Tax Rate
10 General Operations	19,860	0.000502
	$19,860	0.000502

This resolution is adopted after proper notice and hearing in accordance with UCA 59-2-919 and shall be forwarded to the County Auditor and the Tax Commission in accordance with UCA 59-2-913 and 29-2-920.

Signature of Governing Chair

Signature: _____ Date: _____

Title: _____

BOULDER TOWN OFFICIAL SEAL STATE OF UTAH

II. PUBLIC FACILITY & PAVILION RENTALS

Renting public facilities for private, commercial, or community-oriented activities. Local rates apply strictly to physical residents within Zip Code 84716. Outside rates apply to all other organizations or individuals.

2.1. Daily Rental Fees & Usage Requirements Table

Service / Item	Fee	Notes / Reference
Entire Community Center	$100.00 / day (Local) / $200.00 / day (Outside)	Local: Checklist; Outside: $150 Deposit
Community Room	$30.00 / day (Local) / $60.00 / day (Outside)	Local: Checklist; Outside: $150 Deposit
Meeting Room	$30.00 / day (Local) / $60.00 / day (Outside)	Local: Checklist; Outside: $150 Deposit
Kitchen	$50.00 / day (Local) / $100.00 / day (Outside)	Local: Checklist; Outside: $150 Deposit
Pavilion & Park	$30.00 / day (Local) / $60.00 / day (Outside)	Local: Checklist; Outside: $150 Deposit
Tables (Off-Site)	$5.00 / table	Checklist
Chairs (Off-Site)	$1.00 / chair	Checklist

2.2. Deposit and Usage

Outside organizations are subject to a $150.00 refundable cleaning deposit. Local users are exempt from the deposit but must complete a detailed cleanup checklist; failure to do so will result in denial of future use.

2.3. Community Property Damage Assessment

The renter shall be held liable for the full cost of any damages sustained by municipal property during the rental period, whether caused by the renter or their associates. In instances where a security deposit has been collected, such funds will be applied first toward remediation costs. If repair or replacement expenses exceed the deposit amount, the renter must remit the remaining balance to the Town within 30 days of the event. This assessment includes all materials, professional labor, and administrative overhead required to restore the facility to its prior condition.

2.4. Fee Waivers for Sponsored Events

Fees are waived for community-oriented events open to the public and sponsored by Boulder Town and its governing bodies, as well as Boulder Fire Department, Garfield County EMS, Boulder Wildfire Council, Friend of the Library, Boulder Arts Council, Boulder Wellness Network, Boulder Tree City, Boulder Irrigation Company, Boulder Farmstead Water Company, Boulder Ward, Boulder Elementary School, and Boulder Community Alliance.

Commented [3]: as suggested during the Sept 1 TC meeting

2.5. Courtesy Rentals for Town Officials

Town Council, Planning Commission, and Board of Adjustment members receive one courtesy rental of one venue per calendar year at no cost for personal, non-commercial use.

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III. PUBLIC RECORD REQUESTS (GRAMA)

Fulfillments of public record requests in compliance with the Government Records Access and Management Act (GRAMA) under Utah Code § 63G-2-203.

3.1. Public Records Request (GRAMA) Fee Table

Service / Item	Fee	Notes / Reference
GRAMA Record Search & Compilation	First 15 minutes are free of charge; Actual Staff Time (See Notes)	Hourly rate of the lowest-paid employee capable of searching and compiling records, per Utah Code § 63G-2-203.
GRAMA Copying (Black & White)	$0.15 / page	Base rate for one-sided printouts when electronic delivery is not feasible or at staff discretion.

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IV. MUNICIPAL LANDFILL CHARGES

Waste disposal costs for landfill (dump) operations authorized by municipal policies and resolution.

4.1. Landfill Fee Table

Service / Item	Fee	Notes / Reference
Landfill Use (Open Hours)	$15.00	Saturdays 12:00 PM – 4:00 PM. ***A $15.00 per load fee was approved by the Town Council in March by policy, but has not yet been implemented.*
Landfill Off-Hours (Initial Load)	$50.00	Flat fee assessed to dispatch town staff to open the gate outside regularly scheduled hours.
Landfill Off-Hours (Additional)	$25.00 / load	Assessed for each additional load brought during the same scheduled off-hours opening.

Commented [4]: consider adding truck & trailer combo rates as noted in feedback

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V. CEMETERY FEES

Resident cemetery plot allocations and grave excavation services.

5.1. Cemetery Fee Table

Service / Item	Fee	Notes / Reference
Cemetery Plot Purchase	$0.00 (Free)	Exclusively reserved for verified local residents (Zip Code 84716).
	$50.00	Non-residents
Cemetery Grave Opening & Closing	$300.00	Flat service rate to cover professional backhoe excavation, leveling, and grave closing.

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VI. CIVIL CODE ENFORCEMENT & NON-COMPLIANCE

Universal stepwise civil enforcement policy and standard fines applied across all municipal, zoning, licensing, and land-use violations before criminal misdemeanor escalation.

6.1. Code Enforcement & Non-Compliance Penalties Fee Table

Service / Item	Fee	Notes / Reference
Initial Courtesy Notice	$0.00	Issued upon verification of a municipal code violation. Grants a mandatory 30-day grace period for voluntary remediation.
First Non-Compliance	$150.00	Assessed automatically on Day 31 if the violation remains uncorrected after the initial 30-day grace period.
Fire Ordinance Violation	Up to $1,000.00	Code § 92.99; Penalty for non-compliance with municipal fire protection and burn restrictions.
Administrative Appeal Fee	$50.00	Filing cost to appeal a citation with the Administrative Hearing Officer. Strictly non-refundable.

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VII. GENERAL BUSINESS LICENSING

General business operations, annual renewals, and municipal alcoholic beverage local consent certificates under Chapter 110 & 111.

9.1. General Business Licensing Fee Table

Service / Item	Fee	Notes / Reference
New Business License	$70.00	Code § 110
Renewal Business License	$35.00	Code § 110; Annual regulatory oversight fee. Due on or before March 1 of each calendar year.
Late Renewal Penalty	$25.00	Code § 110; Assessed for licenses renewed between 31 and 90 days late.
Alcohol Consent Certificate	$50.00	Code § 111

Deleted: Temporary Business License

Deleted: $35.00

Deleted: For short-term, seasonal, or transient merchant operations.

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VIII. TEMPORARY USES & PERMITS

Oversight of temporary land use activities, mobile housing setups during construction, and special events.

8.1. Temporary Uses & Permits Fee Table

Service / Item	Fee	Notes / Reference
Special Events Permit	$50.00 Base + $25.00/day starting day 2	Code § 153.172
Temporary Land Use Permit	$50.00	Code § 153.172
Temporary RV Use Permit	$50.00	Code § 153.156

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IX. PROJECT APPLICATIONS & CONSTRUCTION PERMITS

Zoning clearance reviews, physical inspections, and public right-of-way street excavation permit requirements under Chapter 151. Please note that Garfield County issues building permits after project approval is granted by Boulder Town.

9.1. Project Application & Construction Permits Fee Table

Service / Item	Fee	Notes / Reference
Project Application Approval	$50.00	Code § 151
Owner/Builder Filing Certificate	$50.00	Code § 151
Excavation Permit	$50.00	Code § 91.12

Deleted: Business License Inspection

Deleted: $50.00 / hour

Deleted: Assessed when professional safety or zoning re-inspections are necessary.

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X. LAND USE & ZONING APPLICATIONS

Administrative and Planning Commission hearings, conditional use approvals, zoning map amendments, and Board of Adjustment appeals.

10.1. Land Use and Zoning Fee Table

Service / Item	Fee	Notes / Reference
Permitted Use Certificate	$50.00	Updated from $25; Code § 153.136
Map-Amendment Application	$50.00	Updated from $25; Code § 153.074
Nonconforming Use Application	$50.00	Updated from $25; Code § 153.259
Zoning Code Text/Map Amendment	$500.00 + $70.00 / hr	Plus actual costs of professional consultants; Code § 153.075
General Plan Amendment	$500.00 + $70.00 / hr	Plus actual costs of professional consultants; Code § 153.070
Appeal Application	$500.00 + $70.00 / hr	Refunded in full if Town is found in error; Code § 153.273
Sign Application	$35.00	Code § 153.202

SUBDIVISION APPLICATIONS (CHAPTER 152)

Deleted: Conditional Use Permit (CUP) Application

Deleted: $100.00

Deleted: Updated from $75; Code § 153.150

Deleted: Variance Application

Deleted: $100.00

Deleted: Updated from $75; Code § 153.311

Deleted: Interpretation Application

Deleted: $50.00

Deleted: Updated from $25; Code § 153.026

Preliminary and final subdivision plats, boundary line agreements, and technical appeal panels. Billed hourly for actual professional review time.

11.1. Land Use and Zoning Fee Table

Service / Item	Fee	Notes / Reference
Boundary Line Agreement Review	$50.00	Code § 152.202
Conceptual Subdivision Plan (Initial)	$0.00 (Free)	Initial introductory workshop/ review, free of charge; Code § 152.302
Conceptual Subdivision Plan (Re-review)	$70.00 / hour	Assessed for each review after the initial; Maximum of four reviews; Code § 152.302
Preliminary Subdivision Application	$400.00 + $70.00 / hr	Plus actual pass-through costs of engineering and legal consultants; Code § 152.303
Final Subdivision Application	$400.00 + $70.00 / hr	Plus actual pass-through costs of engineering and legal consultants; Code § 152.304
Subdivision Appeal Panel Fee	$1,000.00	Filing cost to assemble independent review panel on final disputes; Code § 152.304 / UCA § 10-9a-508(5)(d))

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Boulder Town Facility Fee Schedule, Revised March 2025(Resolution No. 2025-3). Note: The Boulder Town Council sets this Fee Schedule.

A mandatory, refundable $150 cleaning fee applies to all rentals.

Rental Fees:

- **Entire Building (Closed to Public):** $400/day for Residents (84716 Users) / $600/day for Outside Businesses/Organizations
- **Auditorium (Community Room) with Kitchen:** $75 for Residents (84716 Users) / $400 for Outside Businesses/Organizations
- **Meeting Room:** $30 for Residents (84716 Users) / $200 for Outside Businesses/Organizations
- **Pavilion:** $0 for Residents (84716 Users) / $150 for Outside Businesses/Organizations
- **Tables & Chairs:** $0 for Residents (84716 Users) / $0 for Outside Businesses/Organizations

To **book or modify a reservation** for the community center and pavilion, you must **complete and submit the Boulder Town Facility Use & Cleaning Fee Agreement**.

Please note that all reservation requests and the required associated fees must be submitted at least one week before the event date. This lead time is necessary because Boulder has limited regular office hours (Tuesdays, 10:00 am to 12:00 pm) and does not employ full-time staff for processing.

For additional information or assistance, you may contact the Town Clerk by email or by calling 435-335-7300.

#	Fee Type	Fee	Relevant Ordinance	Last TC Review	Fee in Ordinance?	Notes
Subdivision Applications (Chapter 152)						
1	Boundary Line Agreement Review	$50	§ 152.202 BOUNDARY LINE AGREEMENTS.	Resolution 2025-3	Yes	"This review is subject to a fee set by resolution by the Town."
2	Conceptual Plan Review, Initial Review	$0	§ 152.302 CONCEPTUAL PLAN REVIEW	Resolution 2025-3	Yes	"There is no fee for the initial review of a Conceptual Plan."
3	Conceptual Plan, Re-review (first one is free; up to four allowed)	$70/hr	§ 152.302 CONCEPTUAL PLAN REVIEW	Resolution 2025-3	Yes	"A maximum of four Conceptual Plan reviews are allowed. Each review after the first shall be subject to a fee established by the Boulder Town Council."
4	Preliminary Application	$400 + $70/hr + Actual costs of consultants	§ 152.303 PRELIMINARY SUBDIVISION APPLICATION	Resolution 2025-3	Yes	"Fee payment required for Preliminary Subdivision Application as established in Boulder Town Code."
5	Final Application	$400 + $70/hr + Actual costs of consultants	§ 152.304 FINAL SUBDIVISION APPLICATION	Resolution 2025-3	Yes	
6	Appeal & Committee	$1,000	§ 152.304 FINAL SUBDIVISION APPLICATION	Resolution 2025-3	Yes	"If a dispute arises on a Subdivision Improvement Plan, onafter the 4th or final Review Cycle, and the ALUA fails to respond within 40 business days (or 60 business days if the applicant has not responded within 40 days), the applicant may request that the ALUA assemble an appeal panel in accordance with UCA 10-9a-508(5)(d) to review and approve or deny the Final Subdivision Application. The ALUA must do this within 10 business days of receiving both the written request and payment of the appeal fee."
7	Additional Costs	Actual costs of consultants	152.008 FEES	Resolution 2025-3	Yes	"The applicant shall pay all additional costs incurred by the Town for the provision of services provided by the ALUA and/or a Professional Engineer, Surveyor, other consultant hired by the ALUA necessary to review the subdivision application materials for conformity to the requirements of this chapter and accepted engineering standards and practice. The applicant shall be notified of additional work required by the ALUA and/or the intent to hire consultants and shall have the option to amend or withdraw the application prior to any additional work."
Use Applications						
8	Conditional Use Application	$75	§ 153.150 ISSUANCE.	07-2023	No	No specific dollar amount indicated
9	Permitted Use Application	$25	§ 153.136 APPLICATION REQUIREMENTS.	07-2023	No	No specific dollar amount indicated
10	Special Events Application	$25	§ 153.172 ALLOWED TEMPORARY USES.	07-2023	No	No specific dollar amount indicated
11	Temporary Use Application	$25	§ 153.172 ALLOWED TEMPORARY USES.	07-2023	No	No specific dollar amount indicated
12	Temporary RV Use Permit Application	$25	§ 153.156 USE OF RV OR MOBILE HOME FOR LIVING PURPOSES DURING PERIOD OF CONSTRUCTION OF PERMANENT DWELLING.	07-2023	No	No specific dollar amount indicated
Other Land Use Applications						
13	Appeal Application	$500 + $70/hr (Will be refunded if Town found in error)	§ 153.273 APPEAL.	Resolution 2025-3	No	Hourly rate for billed time by ZA, planning consultant, attorney, surveyor, or professional engineer.
14	General Plan Amendment	$500 + $70/hr	§ 153.070 AMENDMENTS TO TOWN'S GENERAL PLAN.	08-2024	No	Hourly rate for billed time by ZA, planning consultant, attorney, surveyor, or professional engineer
15	Map-Amendment Application	$25	§ 153.074 AMENDMENTS TO THIS CHAPTER, INCLUDING THE ZONING DISTRICTS MAP.	Resolution 2025-3	No	No specific dollar amount indicated
16	Interpretation Application	$25	§ 153.026 ADMINISTRATIVE INTERPRETATIONS.	Resolution 2025-3	No	No specific dollar amount indicated
17	Nonconforming Application	$25	§ 153.259 APPLICATION REQUIREMENTS; DETERMINATION OF APPLICATION COMPLETENESS REQUIRED.	Resolution 2025-3	No	No specific dollar amount indicated
18	Sign Application	$35	§ 153.202 SIGNS.	Resolution 2025-3	Yes	No specific dollar amount indicated
19	Variance Application	$75	§ 153.311 APPLICATION REQUIRED.	Resolution 2025-3	No	No specific dollar amount indicated
20	Zoning Ordinance Text or Map Amendment Application	$500 + $70/hr	§ 153.075 PROCEDURES FOR AMENDING THIS CHAPTER AND ZONING DISTRICTS MAP AMENDMENTS (REZONES).	Resolution 2025-3	No	Hourly rate for billed time by ZA, planning consultant, attorney, surveyor, or professional engineer
Other Applications						
21	Project Application ("Project Approval") (The Garfield County Building Inspector will calculate and assess their fee.)	$25	§ 151.03 APPLICATION FEES	Resolution 2025-3	No	"Boulder Town fees for a Project Application are established by resolution by the Town Council and shall be paid at the time a Project Application is submitted."
22	Business License Application	$25/$5	§ 110.04 LICENSE FEES.	07-2023	Yes	
23	Liquor License Application	$50	§ 111.03 BEER AND LIQUOR LICENSE FEES.	07-2023	Yes	
24	Business License Application-Temporary	$15		07-2023	No	
25	Excavation Permit	$25	§ 91.12 APPLICATION FOR STREET EXCAVATION PERMIT.	07-2023	Yes	No specific dollar amount indicated
26	Owner/Builder Certification for Projects	$25		07-2023	No	This seems like the same thing as a Project Permit Application.

#	Fee Type	Fee	Last TC Review	Notes
Daily Building Rates: Renting the Entire building for the day and building would be closed to the public				
1	Local Business/Personal	$400	03-2025	
2	Outside Business/Personal	$600	03-2025	
	No fee if the event/building is open to the public, but refundable cleaning Deposit applies.			
Daily Rates: 84716 users				
3	Meeting Room	$30	03-2025	
4	Auditorium with Kitchen	$75	03-2025	Refundable cleaning depost applies
5	Pavilion	$0	03-2025	Refundable cleaning depost applies
6	Table & Chairs	$0	03-2025	Refundable cleaning depost applies. Load/unload yourself.
Daily Rates: Outside Business/Organizations				
7	Meeting Room	$200	03-2025	
8	Auditorium with Kitchen	$400	03-2025	Refundable cleaning depost applies
9	Pavilion	$150	03-2025	Refundable cleaning depost applies
10	Table and Chairs	$0	03-2025	Refundable cleaning depost applies. Load/unload yourself.

Cleaning Deposit: $150. If renter cleans so the custodian does not have to, they get all or part of their fee back.

Town Council, Planning Commission Members, and Board of Adjustments members get a courtesy rental of 1 day a year for free.

TOWN OF BOULDER, STATE OF UTAH

Report: Town Council Assignments to the Planning Commission

Governing Body: Town Council
Meeting Date: October 01, 2026

Agenda Item: Discussion and Assignment of Planning Commission Priorities
Item Type: Work Session: Information/Discussion

Contributors: Administration

Date Submitted: October 1, 2026
Date Revised: October 2, 2026

EXECUTIVE SUMMARY

This report provides background context for the Town Council work session regarding upcoming assignments and priorities for the Planning Commission. The purpose is to establish a clear baseline of past directives and assist the Town Council in identifying next steps, leading discussion topics, and assigning recommendations.

BACKGROUND

The Town Council utilizes the established "Process for Town Council-Planning Commission Communications and Ordinance Development" (drafted May 22, 2025) as its leading process for determining and transmitting priorities to the Planning Commission. Under this framework, the Town Council identifies a problem statement and known constraints to transmit to the Planning Commission, initiating an iterative collaborative cycle of review, alternative development, public hearings, and ordinance drafting.

The last standing assignment formally issued from the Town Council to the Planning Commission originated from their joint meeting work session on February 10, 2026. The directive to the Planning Commission was to prioritize reviewing and updating the town's commercial zoning provisions in Chapter 153 in tandem and aligned with commercial sections of the General Plan.

In July 2026, the Town Council paused the Planning Commission's work on the General Plan update. Using the February 10 baseline as a reference point, and the established “Process”, the Council can now evaluate past directives to determine logical next assignments and priorities for the Planning Commission.

PROPOSED MOTIONS

Motions during this work session should remain procedural rather than an administrative or legislative action.

Possible Motions:

"I move to direct [specific staff or council member(s)] to draft and transmit the Town Council's recommended assignments and priority topics discussed today to the Planning Commission for their upcoming work schedule."

"I move to initiate the Town Council-Planning Commission communications framework (Attachment A) by formally transmitting the problem statement and known constraints regarding [insert topic/assignment] to the Planning Commission for their initial review and discussion during the upcoming month's meeting."

ATTACHMENTS

A. Process for TC-PC Communications (May 22, 2025) — BT-2026_…

B. Town Council Special Meeting Minutes (February 10, 2026) — BT-2026-…

C. Town Council Regular Meeting Minutes (July 07, 2026) — BT-2026_…

D. Town Council Regular Meeting & Public Hearing Draft Minutes (September 01, 2026) — BT-2026_…

Process for Town Council-Planning Commission Communications and Ordinance Development

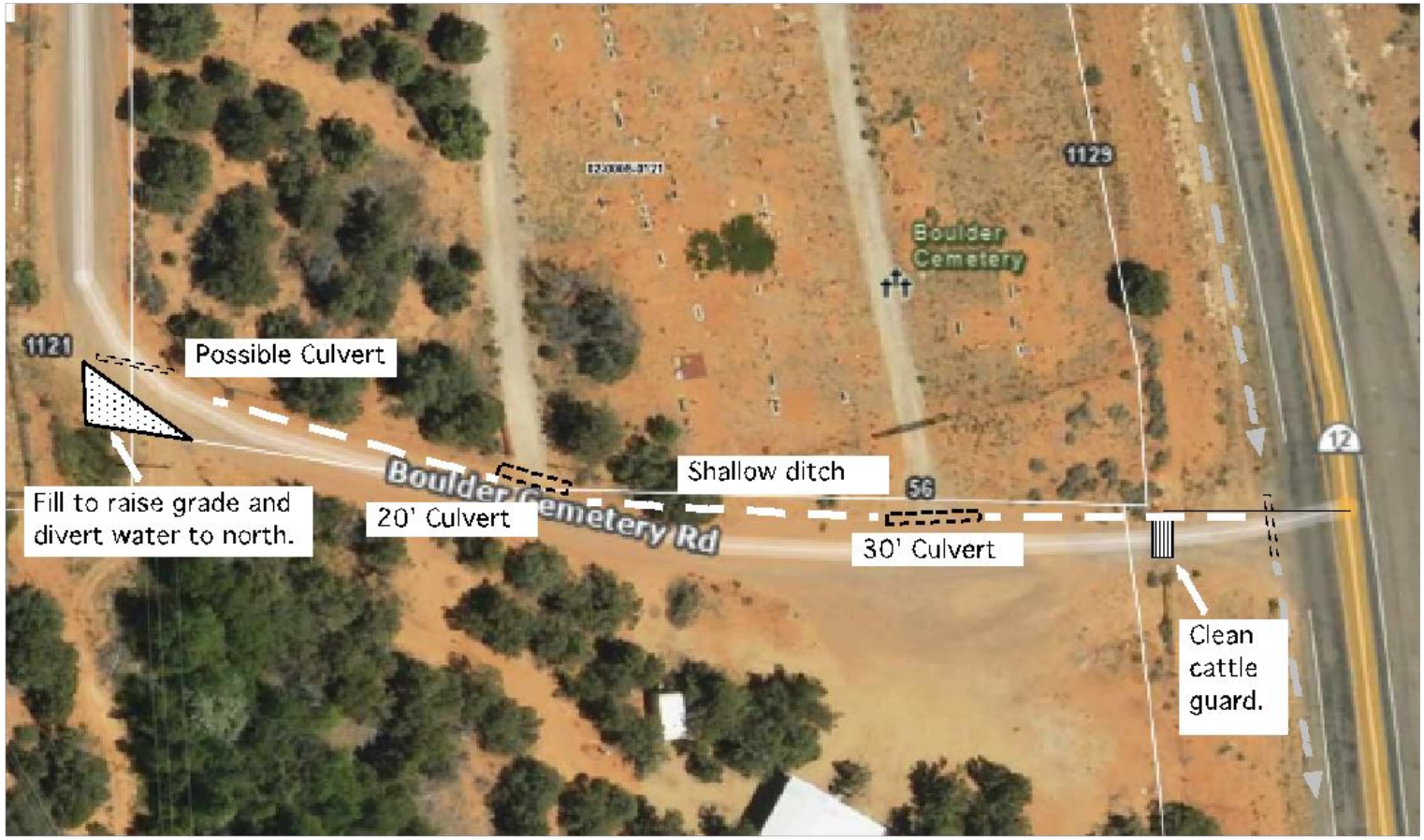
Drafted During May 22, 2025 TC-PC Joint Meeting

Timeline (Theoretical)	Activity	Possible Outcome
Jan – 1st wk	Town Council (TC) identifies a need (statement of the problem or issue) and any known constraints. Transmits the problem statement and constraints to the Planning Commission (PC).	Clear statement of problem or issue, possible constraints
Jan – 3rd wk	PC discusses the problem, determines if it is clearly understood, identifies any questions or concerns and begins to outline possible alternatives to address the issue.	Possible alternative approaches, clarifying questions, concerns
Feb – 1st wk	PC (Chair?) presents at the TC meeting, asking clarifying questions and outlining preliminary alternatives. TC provides answers and expresses interest in specific alternatives.	Preferred alternative approach
Feb – 3rd wk	PC discusses preferred alternative(s) and holds a public hearing to gather reactions and input.	Clarification and questions on preferred alternative based on discussion and public input.
Mar - 1st wk	PC Chair presents at TC meeting - input on preferred alternatives. Gets feedback from TC.	
Mar – 3rd wk	PC discusses draft ordinance language.	Draft ordinance
Apr – 1st wk	PC presents and discusses with TC proposed ordinance language.	Initial reactions from TC on draft ordinance
Apr – 3rd wk	PC discusses language changes, holds a Public Hearing on the proposed ordinance, drafts final language, transmits final draft ordinance to the TC.	Final draft ordinance language
May – 1st wk	TC holds public hearing, reviews/discusses the final draft ordinance.	
June – 1st wk	TC votes on ordinance.	

Cemetery Road

- Developing a plan to improve drainage on the existing cemetery road.
- Cost expected to be between $15,000 and $20,000 for fill material, road base, culverts, and labor.
- $65,200 expected road fund revenue for F.Y.
- Need consent to continue with design and preparation of bidding documents.
- TC will need to approve contract and reopen budget to cover expenditure.

Cemetery Road Concept



100 ft

Budget
Culverts 30+20 ft = 50 ft (Possible 80 ft) $1600
Fill material and road base 600 cu yds Jackson Excavating estimate $8000
Hauling Jackson Excavating estimate $4000
Grader $1000
Labor hrs @ (Not including Mark Austin Donated Time)

Board of Adjustment & Appeals

- I want to thank the current and past members of the Board of Adjustment for their service.

  Jabe Beal, Jeanne Zeigler, Ray Gardner, Susan Kelly

  Nick Vincent, Elizabeth Julian, others over the years.

- What I am proposing is not a criticism of the current town Board of Adjustment, but addresses problems that are intrinsic to any citizen-based appeal authority.

Citizen Appeal Board Issues

- The administrative appeal process is the first step in resolving potential litigation.
  - Citizens are being asked to rule on complex legal issues.
  - Errors in procedure or documentation can lead to a court making a ruling unfavorable to the town.
- There is no advantage to have “local input” on appeals.
  - State law allows very limited discretion on land use variances.
  - Administrative decision appeals are based on legal specifics, not public opinion.

Small-town Specific Issues

- There are additional issues with a citizen appeal board in a small town like Boulder.
  - Citizens are being asked to serve as neutral arbitrators of issues involving neighbors, friends, or relatives.
  - We have a small pool of volunteers. BoA members are prevented from serving in other land use roles
  - Appeals are rare (0 in 5 years) that new board members do not benefit from the experience of existing members.

Administrative Law Judge

- Many jurisdictions appoint an attorney with land use expertise to serve as the appeal authority.
  - Impartial – decision is separated from local relationships
  - Ruling is made by someone with relevant training and experience
- Generally work is on a fee for service basis.
- Preliminary discussions with Craig Call who is the appeal authority for Grand County and many others. Former Utah Property Rights Ombudsman.
  - Sample engagement agreement provided.

Boulder, Appeal Authority

Recommendation:

Initiate the process of replacing the Board of Adjustment with a Administrative Law Judge.

Steps

1) *Because "appeals" is in Chapter 153 (Zoning Ordinance) refer the question to the planning commission. Draft charge in Packet.*
2) *TC reviews recommendation and decides on key policy issues for the ordinance.*
3) *Town Attorney to draft ordinance language.*
4) *Town Council public hearing, debate, and vote*
5) *Open request for proposals for Admin. Law Judge.*
6) *Sign fixed-term contract for appeal services as needed.*

Bullet Points - Charge to PC

- Review the information land use appeals from ULCT and the information provided by Mr. Call and any other background information the commission considers relevant.
- Consider the pros and cons of switching to an Administrative Law Judge for land use and administrative approval appeals.
- Consider how this change would affect administration of the zoning code and other town ordinances.
- Make a recommendation to the Town Council within two months.
- Motion "Assign John to write up the formal charge based on the discussion tonight and transmit it to the Planning Commission."