

Minutes
Regular Meeting and Public Hearing
Town Council, Town of Castle Valley
Wednesday, January 17, 2006
5:30 PM, Community Center

Call to Order. Meeting called to order at 5:32 PM.

Council Members Present: Damian Bollermann, Ranna Bieschke, Alice Drogin, Jim Lindheim, Valli Smouse.

Others Present: Sue Bellagamba, Jeff Johnston, Greg Halliday, Sherri Simmons, Karen Nelson, Steve, Ron Drake, Michael Ashcroft, Sue's, Ray Radley, Elaine Pinkowski, Mark Webster, Darr Hatch, Leta Vaughn, Elaine, Ed Derdarian, Mary Beth Fitzberg, Jeff Whitney, Eric (Stevens property), Stacy & baby, Greg Nunn, Marie Hawkins.

1. Open Public Comment

Sue Bellagamba spoke for the Nature Conservancy on TNC projects along the Colorado River Corridor and explained a future effort to sell the irrigated Mayberry Orchard area to someone for conservation purposes. She invited people to call TNC for details or involvement.

Karen Nelson commented favorably on the new shades for the windows.

Karen suggested the 5:30 PM meeting time is difficult, especially for working people.

Karen suggested a building moratorium for buildings with a total of 5,000 square foot total roof area to provide time for discussion with the community to see if they want to limit house size.

Jack suggested working towards re-zoning the area that is in limbo due to the land exchange to the Grand County Watershed Protection Zone.

Ron Drake said, as bus driver, he appreciated the grading around Castle Creek Lane.

Ed Derdarian challenged the use of Town funds on the proposed basketball court instead of on essential services in the valley. He opposed spending his tax dollars for a recreational item, objected to the lack of community input, and drew attention to the costs of maintenance and liability insurance.

Ranna noted a survey went out when the community building was built and that was one of the questions.

Ray Radley suggested not many people would use a basketball court, but a lot would use the proposed horseshoe pits.

Damian said the horseshoe area is still underway.

Ron Drake explained earlier work towards basketball hoops at the LDS Church.

2. Communications to the Town

Damian read aloud a letter from John Buchanan from January 14, 2007 about current unsafe dam conditions, requesting the Town to petition the State for a formal inspection to protect human health and safety. **Valli will respond to John Buchanan.**

Rick Fullam sent his thanks for Town financial support for the New Years fireworks.

3. Public Hearing: Proposed Nuisance Ordinance.

Damian opened the public hearing at 6:00PM.

Karen Nelson complimented the new draft. She suggested that one complaint should be enough to engage the process if it is a serious watershed contamination issue.

Greg Halliday agreed you should only need one complaint if it is a health or safety concern.

Steve Meleski said the three-complaint stipulation doesn't work if something (example: a light) only affects one person.

Jeff Whitney spoke from experience with complaints saying something that annoys only one person may be a "clash across the fence". He approved of three people being needed on a complaint unless, like lights, it is already covered by another ordinance.

Jeff Johnston suggested people should have to prove they really are affected. He said watershed issues are a definite concern, and three or more junk cars is a reasonable limit, but that two or three critical issues would be a reasonable place to start. He asserted that other clauses in the draft are too abstract and unreasonable, that it would take too much time to chase them all down, and that he has heard no talk of how to afford enforcement.

Jack Campbell said he was glad to see some things removed. He commented on Council opinions that old cars are a visibility issue and objected to the definition of illegal cars as cars that aren't registered, giving examples of what he called "legitimate" cars that might not be registered. He suggested finding language that described the real problem and pointed out the first zoning ordinance said in-operable vehicles should not be stored in public view.

Karen Nelson spoke on fuel storage.

Elaine Pinkowski asked for the history behind the nuisance ordinance. Damian said the origins were in junk vehicle issues and people wanting others to clean their lots up.

Jim said a Nuisance Ordinance was suggested by several lawyers as the best mechanism for dealing with junk cars. Jim referred to issues applying the zoning ordinance to junk cars including the threat of grandfathering.

Ranna explained it is not the Council's intention to go out and find people who are breaking the law, but rather to help people who have serious conflicts with neighbors.

Jeff Whitney repeated Jack's point that the current draft language makes criminals of people, i.e., that a car may not be a nuisance except that it isn't licensed.

Jeff Johnston commented on the lack of definition in the noise clause. He said the ordinance can't be supported in court without a decibel level and some way to measure it.

Mark Webster expressed concern that people banding together around nuisances could turn into a witch hunt.

Steve Meleski saw this as an effort to create a basic framework and expressed faith that people will be human. Karen Nelson agreed.

Jim explained that the nuisance process comes into play after the complaint process has been exhausted.

Jeff Johnston inquired about the creation of an enforcement personnel position, the proper jurisdiction of a political body in judging the validity of complaints and meeting out penalties, and the plans for administering and paying for enforcement. Ranna explained that this is an administrative position, not an enforcement position. Valli explained that an enforcement administrator would be hired on an as-needs basis. Jim explained that the enforcement sits at the very end of a process.

Mary Beth Fitzburg expressed concern about the accumulation of junk clause and the inoperable vehicles clause. She was not in favor of regulating only aesthetics and suggested adding wording about watershed protection and public health and safety. She noted people do recycle and use salvaged materials, sometimes in view of neighbors.

Jeff Whitney noted it is difficult to get the health department to react well.

Alice Drogin said the State has regulations about abandoned vehicles.

Jack Campbell suggested, on page 2, replacing the word "annoy" with a better word. He said the fire hazard clause could criminalize every lot, i.e., that it needs a criterion as it is currently not specific.

Damian closed the public hearing at 6:34 PM.

Approval of Minutes

4. Approval of Minutes: TC Regular Meeting, December 20, 2006.

Jim moved to approve these minutes. Alice seconded. Jim, Alice and Damian voted aye.

Ranna suggested the following changes:

#17, paragraph 3, third sentence: end of sentence will read "not including an edger or a flagpole"

#18 paragraph 8: change "everyone" to "the Council"

Jim moved to approve as amended. Ranna seconded. Motion passed with Damian, Alice, Jim and Ranna in favor. Valli abstained.

5. Reports

Planning Commission & CUP annual report

Marie Hawkins reported that there was no meeting because there was no quorum. Rebecca reported on the Annual Conditional Use Review.

Water Advisory Committee/Watershed Protection

Alice reported on the Water Advisory Committee (WAC). A resource center is being developed in the community building for public use. Alice has been working with Michael Peck on revisions to the watershed protection ordinance, and hopes to add a watershed protection plan to the Master Plan. The WAC has been working to gain support for the inclusion of the Castle Valley watershed in a study planned for the Moab aquifer

by trying to get resolutions passed by Moab City, Grand County Council, USGS, Grand Water and Sewer Agency, and the Town of Castle Valley showing support to go after this federal money.

Alice formally recognized Sue Bellagamba's work on the WAC.

There was discussion of the specific funding legislation, a goal to acquire some additional test wells to test in the upper part of CV where most of the aquifer recharge is thought to come from the 60% of the area that is outside town boundaries, maximum safe yield, impacts of drought, salt at the boundaries, quantity and quality testing.

Alice will send the TC her list of questions CV wants to have answered by the study.

Roads Department

Damian reported on snow removal and the efforts to research the purchase of a BLM loader. There have been some calls about work needed on CV drive. Steve Meleski commented the County did the Loop Road but didn't come in here although a lot of people live here. There was discussion of snow removal knocking the crown out and filling the ditches.

Jack Campbell has spoken to Dave Warner and Dave Vaughn about CV Drive starting to checkerboard; he recommends the County put seal coat project in their budget. **Damian will call Dave Warner about this.**

Valli reported on efforts to re-build the road committee.

Building Department

Leta Vaughn's report listed no building permits in December.

Water Rights

Water Rights is pushing for the last of the Town Water Right verification letters to come back to them.

Water Rights is writing the claims and will send them to CV next week, which will start the 90 day protest period. The Council will schedule a conference call with Gerry Kinghorn to discuss making a claim for the remainder of the water originally held by CV and going after other options like County and/or Flaming Gorge water with a late 1950s seniority date. Damian said he sees little hope of holding onto the original rights, and Gerry Kinghorn has filed for Flaming Gorge rights to be transferred to CV. **Damian will contact Kinghorn for a copy of the Flaming Gorge request, and to begin finding a meeting date.** Rebecca reminded the TC of a recommendation to hold a meeting to catch the new Council up on water rights issues and context under the previous Council. **Damian will talk to Bruce Keeler.**

Scott Brackett is away for a couple of months; Damian is handling water rights in the interim. Jim offered to help.

New Business

6. Discussion & possible action re: Suspension of Road Supervisor Position (Damian).

Rebecca will check to be sure the position is posted. Once someone is hired, Damian will not be handling roads any longer as part of the Mayoral position.

7. Discussion & possible action re: Resolution in Support of Seeking Funding for a Hydrologic Characterization Study in the Castle Valley Watershed (Alice).

Alice presented a resolution for passage by the Council.

Discussion ensued on the federal sole source aquifer designation.

The following decisions were made:

- **second Whereas: "Whereas in 2001 the US Environmental Protection Agency designated the Castle Valley aquifer system as the sole and principle source of drinking water for the residents of the Town of Castle Valley and stated that contamination of this aquifer system would be detrimental to the health and safety of the residents of the Town of Castle Valley."**
- **third Whereas from the bottom: Replace the reference to oil and gas exploration with "There are discussions regarding multiple uses on federally-owned land".**

Alice moved to adopt the resolution in support of funding for a Hydrologic Characterization Study in the Castle Valley Watershed with the changes as mentioned. Valli seconded. Motion passed unanimously.

8. Discussion & possible action re: Clerk Job Description (Damian, Valli).

Valli, Damian and Rebecca have worked to create this draft.

Jim suggested the following changes:

- **Move the “writing checks” task from the audit section to the financial and records keeping section.**
- **Put back in the reference to which tasks are statutory.**
- **Put back in the item “draw warrants if the town runs out of money”.**
- **Add reference to doing minutes “in accordance with Town procedures”.**
- **Add back in “mailing of required public notices” as number 3.**

Ranna suggested the following changes:

- **Item #10: add a comma office mgmt. #1 ends in a comma**
- **Item #8: add a period**
- **Item VII , #1: replace “land us” with “land use”.**
- **Correct the numbering, e.g., there are currently two Xs (tens), and no VIII.**

There was extensive discussion, with some input from the public and from the Clerk, regarding the following: whether the Clerk position is full-time or part-time, changes over the time Rebecca has held the position, the tasks in the job description, splitting out part of the job to someone else, whether the Clerk would continue to work with the PLUC, motivations and incentives and salary experiences, the adding of projects to the Clerk’s obligations and defining the workload, possibly turning the Clerk position into a salaried position, holding off for a few months to solidify the job before making decisions, possible public hearing requirements, possibly re-opening the job. Comments were made by Jim Lindheim, Valli Smouse, Marie Hawkins, Damian Bollermann, Karen Nelson, Jeff Johnston, Aaron Davies, Jack Campbell, Steve Meleski, and Rebecca Martin.

Valli moved to take a five-minute recess. Jim seconded. Motion passed unanimously.

[meeting break at 7:35 PM - re-convened at 7:40 PM]

Two different job descriptions were advanced: Resolution 2004-9 dated August of ’04 and a description dated January ’05, the relevance of the recently passed Employee Manual. Rebecca answered Alice that she is comfortable working full time. Valli has volunteered to help with filing three hours per week. Damian is also trying to spend more time in the office, particularly during office hours.

Jim moved to define this as a full time job that would be paid on a salary. No second.

Valli moved to table this item until the next meeting. Alice seconded. Valli will work on the job description. Valli will put the job description into a resolution format. Ranna said she would like the resolution to define this as a full-time salaried position. A public hearing will be held. Motion passed with Alice, Valli and Damian voting aye. Ranna and Jim abstained.

[tape did not start correctly and was re-started as soon as it was noticed]

9. Discussion & possible action re: Town Council Work Protocols (Jim)

The Council discussed the process for handling in-coming communications to the Town, e.g., this month from John Buchanan, Karen Nelson, Mary O’Brian, and Rick Fullam. Each Council Member will take responsibility for answering correspondence for a specific period of time as they come in. Valli will handle January; Alice will take February; Damian will take March. Valli suggested the responses could be verbal, not necessarily in writing.

The forming of committees, and their roles in relation to the TC, were discussed. If a committee is appointed, minutes and recordings must be kept. It was agreed that informal committees have been working so far.

It was decided that the TC should be consulted if a public hearing is being set and that a hearing should be held either immediately preceding a regular meeting or on a separate day. A Hearing agenda will be posted as a separate agenda from a regular meeting agenda. 5:30 PM was deemed too early for a public hearing; hearings are for the public; Saturday was suggested as a good hearing day.

Rebecca will email information for the Clerk’s matrix on public postings.

10. Discussion & possible action re: Annual Meeting Schedule (Jim)

Jim moved to change the annual meeting schedule to say March 21st, and November 28th, and all meetings to be at 6:30. No second.

Ranna moved to change (the March meeting) to March 21 and (the November meeting) to November 28, keeping all others the third Wednesday of the month, with all meetings at 6:30 except for February (being at 5:30) unless there is a public hearing at which time it will be at 6:30. Alice seconded. Motion passed with Damian, Jim, Alice and Ranna in favor; Valli against.

Old Business

11. Discussion: Proposed Nuisance Ordinance (Jim).

There was discussion of the need for section 1.2.B, General Definitions of Nuisance. Jim explained that the Town should define nuisances in accordance with State definitions in order to be able to pursue the State remedies.

The need to define “fire hazard” specifically was recognized. **Valli will talk to the fire department for definitions to re-work that.** Discussion ensued about referring to vegetation/organic materials as a nuisance.

Re: junk cars: **this section will be re-worked to define visibility as the nuisance, not the registration/licensing.** Jack suggested the wording: **“Inoperable vehicles shall be stored out of view of public streets or neighboring property and maintained in such a way as to pose no threat to the Castle Valley watershed.”** The possibility of people putting up fences to hide an accumulation of cars but then harming the watershed was discussed. **“Poses no threat to the watershed or to public health or safety” will be added.**

Re: junk cars: discussion ensued about the wording on the limit having been changed in this draft from “more than three” to “three or more” vehicles.

Re: abandoned mobile homes: **the word “appearance” will be removed.**

Valli no need to have public hearing on this. This will come to final draft. Damian suggested skipping it next month and have another one later. **This will be a discussion item next month.**

Re: Item 5, Accumulation of Junk: There was discussion of creating a situation that places the majority of the town in violation. **Changing wording to “unsightly accumulation” was suggested to refine the definition and to help protect yard art.**

Re: Item 5: add **“particularly such accumulations as constitute a threat to the Castle Valley watershed.” Jim will revise the draft, send it around to the TC, and create the new draft.**

12. Discussion & possible action re: Appointment to Planning & Land Use Commission (Damian).

Damian nominated Susan Halliday for the PLUC. No motions were made to approve. Three people have put their names in: Susan Halliday, Greg Halliday and Jack Campbell. Damian has spoken with Michael Peck and will talk to Marie Hawkins. Jim suggested trying to move this along.

13. Discussion & possible action re: Complaint Resolution Board Update (Jim).

Five community members have been added to the CRB: Steve Meleski, Greg Nunn, Jennifer Redding, Janina Schmidt. Aaron Davies agreed to serve as well. All TC and PLUC members are part of the CRB.

14. Discussion & possible action re: Government Records Access and Management Act (Jim).

Jim presented two different examples of towns adopting GRAMA. He favored the language that adopted GRAMA “except as inappropriate”. **This will be written up as a resolution.**

15. Discussion & possible action re: Watershed Protection (Alice).

Handled under item 7 above.

16. Discussion & possible action re: Office Building & Lot Capital Expenditures (Damian).

The Council agreed to fund the listed expenses for driveway rock and gravel, bookcases and picture rails for resource center, a fire safe filing cabinet, small filing cabinet and bookcase for the office. **Ranna will donate a small refrigerator for the kitchen.** Alice will make up a notice asking for other donations.

Jim moved to approve spending \$2,200 to \$2,400 for those items, including labor and installation. Alice seconded. Motion passed unanimously.

17. Discussion & possible action re: Basketball Court Construction (Ranna).

A bid was received from Jared Ehlers. **Ranna will provide copies of this bid.** The price has gone up by \$2,600. Ranna would like to work with a contractor to try to get the price down. She said the current budget is \$30,000 and basketballs and a net for volleyball/tennis will be needed.

Joan expressed the importance of paying attention to drainage.

Ranna requested help in actually laying out the court. Damian or someone on roads could help.

18. Discussion & possible action re: Cemetery Maintenance Project (Damian).

\$1,000 has arrived from Grand County Cemetery District. \$600 per year will come in annually for each of the next four years. Some irrigation will be set up. **Damian will bring an Memorandum of Understanding to County to keep the agreement in place regardless of any changes in County officials.**

Valli said Damian, Rebecca and Valli will attend a training in SLC from 9:00 to Noon on Jan. 24th. Ranna said Andrew Moore would come down and do the Open and Public Meetings portion of the training for us. **Valli will call to cancel the SLC training. Ranna will determine costs and suggest the following meeting date options to Andrew Moore: Fri. 1/26, and the week of 2/12 – 2/ 16.**

19. Treasurer’s Report.

None. Jim emailed everyone the financial reports from Barbara Hicks.

20. Payment of Bills.

The payment to ULGT is workers compensation. The amount went down this year and will be paid in one payment rather than in a monthly amount.

There was discussion of the ordinance to have people pay for copies of ordinances.

Discussion ensued about whether to treat the Town Clerk as a part-time or full-time employee with regard to holiday and other benefits. Jim wanted to have a proposal with dollar value brought to this meeting, and defined the issues as the Council not being consulted and how the claims should be paid at this point. Jim suggested not to pay the Clerk for holiday days until the TC makes a decision.

21. Executive Session. (if needed)

Jim moved to go into executive session for purposes of pending litigation. Ranna seconded. Motion passed unanimously. Adjournment to closed session at 9:46 PM. The Clerk was not present; the meeting was recorded.

The Clerk’s holiday pay will be held until after a discussion with Kinghorn. Jim moved to pay all bills with the exception of the Clerk’s check, and to pre-approve a new payment without the three days holiday. Valli seconded. Motion passed unanimously.

Adjournment.

Ranna moved to adjourn. Alice seconded. Motion passed unanimously. Meeting adjourned at 10:15 PM.

Approved _____
Damian Bollermann
Mayor

Attest _____
Alice M. Drogin
Acting Clerk