

**MINUTES**  
**TOWN COUNCIL REGULAR MEETING**  
**WEDNESDAY, OCTOBER 17, 2012 – 6:30 P.M.**  
CASTLE VALLEY COMMUNITY CENTER  
2 CASTLE VALLEY DRIVE

Town Council Members Present: Mayor Erley, Council Members: Hill, Drogin, Williams, Duncan  
Town Council Members Absent: None  
Others Present: Ron Drake, Greg Halliday, Faylene Roth, Pamela Hackley, Bob Lippman, Mary Beth Fitzburgh, Laura Cameron, Dave Rhoads, Bob Soldat  
Recorder: Alison Fuller

**CALL TO ORDER**

Mayor Erley called this regular town meeting to order at 6:36 p.m.

1. Open Public Comment

Laura Cameron thanked the road department for the awesome job they have done keeping the roads accessible during the last major rain storms.

Dave Rhoads a mechanic in the valley would like to build a barn for a safer cleaner environment to work in and is willing to work in any way he can to make this happen.

He read a letter he wrote regarding his willingness to build a barn that would be environmentally responsible and insulated to mitigate his noise. He would only take a few clients at a time and would only work inside regular work hours.

Bob Lippman voiced his appreciation to Mr. Rhoads for his work on vehicles for the Fire Department.

Mayor Erley reported that the County planner and engineer for Horrocks Engineering will be meeting tomorrow Oct 18 at 11:00 concerning the construction for the bike path that will be starting in 2-3 weeks.

Mayor Erley reported that the wait on construction could be up to 15 minutes.

2. Approval of Minutes

\* Regular Town Council Meeting September 19, 2012

Council Member Hill found 2 typos in the minutes.

Council Member Drogin moved to amend the minutes with the added corrections, Council Member Hill seconded. The Motion passed unanimously.

3. Executive Reports

\* Road Committee

Council Member Hill reported that gravel brought from the Castleton pit might have brought in noxious weeds on Buchannan Road, and asked if these weeds were coming in with the gravel if we could let citizens know.

The Town will keep an eye out for this weed and look for it near the Castleton gravel pit.

Council Member Hill reported that there is \$3,800 in the budget for "repair other" in the roads department for crack and seal equipment.

Roads Manager Halliday also reported that the Road Shed has been completed and presented the key to the town.

Pam Hackley asked if the road shed stayed within the budget.

Mayor Erley stated that it did.

\* PLUC

Council Member Hill asked what getting a septic upgrade entailed as far as inspection requirements?

Faylene Roth stated that the property owner wants to enlarge the septic and she wondered herself who was in charge of following up to see the upgrade indeed happened.

Council Member Hill affirmed that the Health Inspector could go in and perform the tests on the septic to insure it was working properly.

Roth reported that they were still following up on the septic reviews from the General Plan Survey.

Council Member Drogin asked if Dave Rhoads was going through the permitting process to build the barn that he spoke of earlier.

Rhoads responded that he was still feeling this out as a possibility and if it was going to be feasible.

Mayor Erley stated that the Town Council is still on the same schedule with seeing the response from the General Plan Surveys, and that they will be in by the end of the month.

PLUC Chair Fitzburgh stated that the surveys were a piece of this issue and there would be other community input procedures to get a better community response, so the review process could be as much as 6 months.

\* Energy Information Officer

Mayor Erley stated that the Energy Information Office could not attend the meeting tonight and that report would be delivered at the next meeting.

4. Correspondence

Mayor Erley read an e-mail from Mr. Noce concerning a rock fall that occurred at 5:02 at the end of Pope. After a visual inspection he stated that more rock fall can be expected there.

Mayor Erley read a letter from Warren Scott concerning the road easement at the end of Schaffer to Fire Station #1. Mr. Scott stated he supports the access for emergency use but he feels that individual property rights and values should remain intact. The Fire district requests a 20' wide hard surfaced road that ideally would be on lots 193 and 194. Mr. Scott stated that Ms. Willoughby's preference was that her land would not be disturbed unless there is no other possibility. Warren stated that the road there could be used for the Fire Stations needs and has not inhibited their department in the past. Mr. Scott stated that the desired road is wider than the existing Schafer road and does not see the need for a larger road. He continues to state that the 4-season access road would not be money well spent as a tax payer in Castle Valley. Mr. Scott wondered if a feasibility study had been done for alternate emergency access routes.

Mayor Erley stated that a hard surfaced road was necessary for the use of heavy equipment in a flooding situation.

Bob Lippman stated that there were some misrepresentations in the letter read and that the Fire Department had run into issues using the current road and that was why the Fire Department approached Ms. Willoughby.

Mayor Erley stated that the town is working on the easement and when it is prepared the town and the fire district will be ready to move forward with this issue.

**NEW BUSINESS**

5. Discussion and Possible Action re: application for a Permanent Conditional Use Permit for a wind turbine on Lot 365

Bob Lippman thanked the PLUC for approving the small scale non-intrusive wind generator. He supports and encourages the Town's support and commitment to using renewable energy. He stated that this is a simple elegant inexpensive innovation that can easily mitigate problems of the community at large. This enables them to do their part in decreasing their carbon foot print and address climate change. He also stated that the Utah legislature just passed a 50 million dollar subsidy program for wind and solar power, and the county inspector is in support of this.

Council Member Williams asked if the pole that Mr. Lippman set up on the property was the full 27' tall.

Lippman replied that the pole was about 23' tall.

Lippman read the letter he wrote to the PLUC regarding the specs for a wind generator, if he followed the manufacturers' suggestion the pole he would need would be 37'. He knew that would be too tall so he chose the minimum 27' model.

Council Member Drogin replied that since the wind generator is not as tall as the manufacturers' recommendation and it being set so close to the house, the wind generator would not be very efficient.

Lippman replied that the site he chose was the best choice for missing the wind eddies formed around the house, but that it still caught wind in both directions.

Mayor Erley stated that he and Council Member Drogin looked at the site and felt that the location was in the best spot to mitigate view sheds and that it was centrally located in the lot.

Mayor Erley stated that the town has a height limitation of 25'. The intent for this is to mitigate impacts on view shed. He also stated that the PLUC compared the wind generator to an antennae or a chimney, and thus was not subject to height limits. He and the property owners that wrote the town disagreed with this view because the wind generator is free standing. He also stated that the structure would be approximately 5' taller than the post that Lippman placed for an example of the proposed structure and this was important to acknowledge.

Mayor Erley also stated that the General Plan Survey addresses this issue regarding the height requirements for alternative energy. Windmills and black hot water tanks both require height for alternative energy efficiency.

Mayor Erley stated that he would be comfortable with a 25' tall structure based on the Town's ordinance and due process of the community.

Lippman learned today that there are already 3 of these wind generators in the valley and he is the first to work with the town in installing one of these wind generators. He felt that he was working with the law since the PLUC viewed this structure like unto a chimney.

Mary Beth wanted to clarify what the Planning and Land Use Commission based their recommendation on. They did not apply the 25 foot building height limit which is determined by a very complicated formula based on where grade intersects the perimeter of a building, and other aspects. She noted that the Town does not currently apply the building height limit to other free standing structures such as flagpoles or solar panel arrays, and they did not apply it to the recent application for a church steeple. She stated in this situation she is required to administer and to apply the law as it stands, not base approval by what people want or don't want. Their decision was based off Ordinance 85-3, which states that the impact of the proposed CUP should not exceed the impact of other uses currently permitted in the same zone. The PLUC felt that the proposed wind generator was compatible, in terms of its scale and mass, with other allowed structures that may extend beyond the 25 foot building height limit such as evaporative coolers, chimneys, or antennae

on roofs. She felt that the Town Council made a mistake setting a standard in denying Mayor Erley's Windmill in the past.

Council Member Duncan asked what they would do if the wind generator does not produce the power that they hope, would they take it down?

Lippman stated that if the wind generator doesn't work at all he would take it down, but that it will work. He stated that he disagreed with a letter sent in from a community member stating the power gained would only power a couple of light bulbs. Lippman went on to explain the chart the letter quoted stated the power would charge batteries which is what they wanted to accomplish.

Council Member Drogin stated that the power made from the wind generator was not their concern and she wanted the Town to support alternative energy. She also stated she was worried about the letters from their neighbors and wanted to address those concerns as well. She suggested a pole be put up that would be an example of what the structure would actually look like to help the neighbors see it was not as obtrusive as it sounds.

Council Member Hill stated that she went to the site and it seemed like a good site for the wind generator. She also stated that after returning home and imaging a structure of that nature next to her would make an impact on her.

Council Member Williams stated the he feels the same as Council Member Hill but PLUC Chair Fitzburgh had looked into this a lot and her research should be respected and seriously considered.

Council Member Drogin also stated that we would see this more and more.

Council Member Hill stated that she would rather see a wind turbine than fracking 4 miles away.

Pam Hackley stated that they own the adjacent lot and that they could technically build a 25' house on it. She stated she did not understand why nearby neighbors have so much control over something that is so much less impactful.

Mayor Erley stated that the issue is simply the 25' limitation.

Council Member Drogin stated the neighbors are not in control but she just wanted to see them like it. She believed that if they could see where it was proposed that they would agree with the chosen location.

Lippman stated that he has tried to go the extra mile by shortening the recommended height. Also the wind turbine can be turned off electronically and will not always be spinning. This wind generator would mitigate the need for noisy fossil fueled generators, which have been a big problem in the upper 80. He stated that he is looking for approval tonight so he can pour concrete for the anchors before the ground freezes and he would be willing go with a 24' pole voluntarily and see if the wind generator works well and charges the batteries sufficiently. He doesn't want the wind generator to be any taller than need be.

Council Member Hill asked what the lightening risks would be.

Lippman responded that the wind generator is securely grounded and does not attract lightening.

*Council Member Duncan moved to approve the CUP as presented, Council Member Williams seconded.*

*Aye: Council Members Duncan, Williams, Hill, Drogin.*

*Nay: Mayor Erley.*

#### 6. Discussion and Possible Action re: Colorado Plateau Dark Sky Cooperative.

Mayor Erley stated this group is in support of dark skies and that Castle Valley has supported this organization in the past. He reported that astronomers from Grand Junction had taken

readings at Hittle Bottom on Hwy 128 and it was the darkest sky reading he had ever recorded.

Faylene Roth stated that she has done a lot of night sky programs and Castle Valley is darker than all the locations she had done these programs at. She stated that as a community we are very fortunate.

*Council Member Williams moved to have Mayor Erley sign on behalf of the town in support of the Colorado Plateau Dark Sky Cooperative. Council Member Drogin seconded. The Motion passed unanimously.*

Faylene Roth also mentioned that there are extra sheets available for the community to sign.

## **UNFINISHED BUSINESS**

7. Discussion and Possible Action re: Castle Valley's Emergency Mitigation plan. [Tabled]

8. Discussion and Possible Action re: Upgrading the mailboxes and surrounding area. [Tabled]  
*Council Member Williams moved to take from the table Item 8, Council Member Hill seconded. The Motion passed unanimously.*

9. Discussion and Possible Action re: Resolution Abolishing Corporate Personhood  
And Money As Free Speech.

Mayor Erley stated that he needed to speak with the county clerk for regulations on having an exit poll.

*Council Member Hill moved to empower the Mayor Erley to put in motion a poll regarding item 9, Council Member Drogin seconded.*

*Aye: Council Member Drogin*

*Nay: Council Members Hill, Williams, Duncan and Mayor Erley*

*Council Member Hill made a motion to allow the mayor to research and find out the regulations for an exit poll regarding Item 9 on Election Day & if applicable have one set up, Council Member Williams seconded. The Motion passed unanimously.*

10. Discussion and Possible Action re: Consideration for amendment of Ordinance 2009-2 regarding Castle Valley's Driveway Culvert Policy. [Tabled]

*Council Member Hill motioned to Untable item 10, Council Member Williams seconded. The Motion passed unanimously.*

11. Payment of Bills

Council Member Duncan asked how many trees the town purchased for \$258.00.

Alison Fuller stated there were 6 trees and shrubs purchased from Mary Rees.

Council Member Drogin asked why we purchased diesel from Jay Zuckerman.

Council Member Hill confirmed with Roads Manager Halliday that Zuckerman had an excess.

*Council Member Williams moved to pay the bills expect for the 2 that need to be clarified before they are be paid, Council Member Duncan seconded it. The Motion passed unanimously.*

12. Closed Meeting

Mayor Erley stated that a closed session will be held for the purpose of a strategy session to discuss pending and reasonably imminent litigation.

**ADJOURNMENT**

*Council Member Williams moved to adjourn the meeting, Council Member Drogin seconded. The Motion passed unanimously.*

Mayor Erley adjourned the meeting at 8:37p.m.

**APPROVED:**

**ATTESTED:**

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David Erley, Mayor

Alison Fuller, Town Clerk