

MINUTES  
REGULAR MEETING OF THE TOWN OF CASTLE VALLEY  
TOWN OF CASTLE VALLEY  
WEDNESDAY, NOVEMBER 16TH, 2011 – 6:30 P.M.  
CASTLE VALLEY COMMUNITY CENTER  
2 CASTLE VALLEY DRIVE

COUNCIL MEMBERS PRESENT: Mayor Erley, Council Members Drogin, Henry and Hill.  
ABSENT: Council Member Williams

OTHERS PRESENT: Denise Lucas, Ron Drake, Marybeth Fitzburgh, Greg Halliday

RECORDER: Town Clerk Jil Kulander

1. Call to Order: 6:34 P.M.
2. Open Public Comment:  
Mayor Erley explained that the Public Hearing that was originally scheduled for this evening was cancelled after speaking with the town attorney because the town must follow the specific protocol actions for the CIB loan for the Road Shed Project. The Public Hearing regarding the CIB loan for the Road Shed Project was postponed until a later date, possibly January.
3. Discussion and Possible Action re: The Financial Implications of an Approved Application for a CIB Loan for a Castle Valley Road Shed. Due to the protocol issues, this discussion was postponed.
4. Approval of Minutes
  - \* September 21, 2011 Regular Town Council Meeting.

Council Member Hill motioned to approve September 21st, 2011 minutes as presented including the amendment of who recorded them. Council Member Drogin seconded the Motion. The Motion was approved unanimously.

- \* September 26, 2011 Special Town Council Meeting.

Council Member Hill motioned to approve the amended September 26th, 2011 minutes as presented. The Motion was seconded by Council Member Drogin. The Motion was approved unanimously.

- \* October 19, 2011 Regular Town Council Meeting.

Council Member Hill motioned to approve October 19th, 2011 minutes as presented. Council Member Henry seconded the Motion. The Motion was approved unanimously.

Faylene Roth was commended for the minutes she recorded.

5. Reports

\* Roads Committee

Roads Supervisor Halliday submitted the Roads Report.

Council Member Hill asked about the construction on Lot 94 and the subsequent removal of dirt from Lot 95 to Lot 94. Roads Supervisor Halliday reported that the owner of Lot 95 contacted him and that after investigating he reported that there are no hazards from the dirt relocation.

Mayor Erley discussed the need to review the Road Committee Budget as a decision will need to be made regarding the scheduling for the repair of the Town dump truck.

Mayor Erley and Council Member Hill discussed a modification to the monthly Roads Budget Report that will reflect total budget expenditures to date.

Council Member Henry expressed concern about the lack of signage for the safety of the Grand County crew re-tarring Castle Valley Drive. She also had a question regarding the safety of driving on the hot tar.

\* Planning and Land Use Commission

PLUC Chair Fitzburgh submitted the PLUC Report.

Discussion regarding non-permitted dwellings.

Council Member Hill asked the question of how many non-permitted buildings there are in the valley that owners are trying to sell. Mayor Erley replied that there are three, one of which may have recently sold. PLUC Chairwoman Fitzburgh reported that the original permits were not for a dwelling, but they are being used and represented as such. There was discussion regarding the difficulty of how to label these buildings. PLUC Chair Fitzburgh mentioned that the Grand County Council is also having difficulties with labeling temporary/seasonal dwellings.

Denise Lucas asked if there is a way to flag these properties that will alert buyers during the process of purchasing in this Buyer Beware state. Mayor Erley questioned our duty as a government office in this matter. He will talk to lawyer about this.

A letter is being drafted to address this issue. It is expected to be ready in January 2012 after the town's legal counsel Mr. Kinghorn reviews it.

There was discussion about the new Town Survey which the PLUC is drafting for the Town's General Plan Revision. Council Member Hill asked when they will be updating the 2007 survey with new questions. PLUC Chair Fitzburgh reported that the PLUC is at this time putting together the questions and collecting feedback for the revisions.

It was recommended that all Council Members begin to generate a list of possible questions. The Town Council will hold a workshop in January 2012 on this matter.

In order to best assure that the survey questions are neutral and that they are useful, it was suggested that the survey be reviewed by a consultant with expertise in writing neutral survey questions before mailing.

### **NEW BUSINESS**

6. Discussion and Possible Action re: Posting for Heavy Equipment Operator Position. There have been no applicants for this position.

Council Member Drogin motioned that we remove the posting for a heavy equipment operator as recommended by Roads Supervisor Halliday. Council Member Hill seconded the Motion. The Motion passed unanimously.

7. Discussion and Possible Action re: Canvassing of Votes from the November 8th, 2011 Castle Valley Municipal Election.

Council Member Hill motioned that we approve the election results from the November 8, 2011 Castle Valley Municipal Elections. Council Member Henry seconded the Motion. The Motion passed unanimously.

8. Discussion and Possible Action re: Approval of Regular Town Council Meeting Schedule for 2012.

Council Member Drogin moved that we approve the 2012 Regular Town Council Meeting Schedule with the addition of the meeting time, 6:30 P.M. Council Member Hill seconded the Motion. The Motion was approved unanimously.

9. Discussion and Possible Action re: Installing an additional phone line on the outside of the Town Building for emergency, local, and credit card calls.

Council Member Hill motioned to approve addition of a courtesy phone to be installed outside the town building along with three inside lines, one as a designated fax line. Council Member Henry seconded the Motion. The Motion passed unanimously.

10. Discussion and Possible Action re: Grand County General Plan Revision.

The public comment period for Grand County General Plan Revisions ends on December 28, 2011. Mayor Erley presented a letter from the Castle Valley Town Council for the Grand County Council. The intent is to return several revisions to their original language which offers stronger language regarding wildlife and river corridor protections.

Council Member Drogin moved that we approve the Motion to send the letter from the Town of Castle Valley to the Grand County Council regarding the Grand County General Plan Revisions with an edit to remove redundant language. Council Member Hill seconded the Motion. The Motion was approved unanimously.

11. Discussion and Possible Action re: A town flagpole.

Council Member Henry reported that she had received a call regarding the need for the town to have a flagpole.

Mayor Erley suggested we look into the and into the Federal and State regulations so that we are informed of public duty around this decision. Council Member Hill offered to research the expected costs and the requirements.

Council Member Henry Tabled the issue until the December 14, 2011 meeting.

**OLD BUSINESS**

12. Discussion and Possible Action re: Developing Emergency Response Plans for Geologic and Other Hazards. (Tabled)

13. Discussion and Possible Action re: CIB Road Shed Loan.

Mayor Erley and Council Member Hill reported on a conference call with Bill Prater, Bond Attorney for the CIB, Keith Burnett Head of the CIB, attorney Randy Larsen and paralegal Cindy Arnold of the Salt Lake City Ballard Spahr legal team. Cindy worked with the town for the creation of the MBA in 2004.

In the call they went through the parameters of the CIB loan and the steps the town will be expected complete in the process and what the attorneys will need to do.

Attorney Randy Larsen recommended during the conference call that the Town of Castle Valley utilize the sales tax revenue rather than paying the loan with the MBA. This will save the town money on closing costs and the title insurance fees. If the legislature would alter the sales tax distributions so as they are insufficient to service this loan, the Town's general revenues will fund the payments for the CIB loan .

Council Member Hill brought up that the town must have one annual reserve payment set aside in Reserve Fund. She noted that we have already budgeted \$10,000 for an annual payment for 2012, so that payment could be used for the reserve/emergency payment. Mayor Erley agreed as the first payment is not due until October 1, 2013.

The town has budgeted \$20,000 for this project. The architectural bid and the attorney fees for Kinghorn will be paid from this budgeted money.

Attorney Kinghorn reviewed and finalized the Request For Proposal draft for the architectural bids.

After a discussion it was decided to amend the job description for the Roads Supervisor to include the management of this project. This will be on the January agenda for approval.

Council Member Hill made a Motion to approve the Request For Proposal document and to approve the use of the Sales Tax Revenues for CIB loan payments for the Road Shed Project. Council Member Henry seconded the Motion. The Motion was approved unanimously.

14. Payment of Bills

There was discussion about the expected costs to repair the arm of the grader. It needs a new hydraulic RAM. The company will need a 70-day lead time to build the part. Costs are expected to run close to \$4,000.00  
The budget was reviewed by Council Member and Treasurer Hill confirmed that we are under budget on the year-to-date maintenance expenditures.

Council Member Henry made a Motion to approve payment of bills as presented. Council Member Drogin seconded the Motion. The Motion was approved unanimously.

Council Member Henry made a public statement of appreciation to Denise Lucas for her hard work as the Castle Valley Town Clerk and for her efforts to create a smooth transition in the training of the new Town Clerk. Council Member Drogin added her thanks to Denise Lucas for her ongoing efforts to serve as a Notary Public for the completion of the POA documents.

Council Member Hill moved to adjourn. Council Member Drogin seconded the Motion. The Motion was approved unanimously. Mayor Erley adjourned at 8:47 P.M.

**Adjournment: 8:47 P.M**

**APPROVED:**

**ATTESTED:**

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David D. Erley, Mayor

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Jil Kulander, Town Clerk