

**MINUTES:**

**PUBLIC HEARING ON AMENDING THE ZONING COMPLIANCE CONTRACT DATED JULY 1<sup>ST</sup> 1996, FOR THE CASTLE VALLEY BED & BREAKFAST LOCATED AT 424 AMBER LANE (LOT #424), TO CLARIFY: THE TOTAL OVERNIGHT OCCUPANCY, ALLOWABLE UNITS, FURTHER DEVELOPMENT OF THE PRIMARY RESIDENCE, TERMS THAT ALLOW A MANAGER TO ACT AS PRIMARY RESIDENT, REQUIREMENTS UPON SALE, OTHER MINOR AMBIGUITIES IN NEED OF CLARIFICATION.**

**WEDNESDAY November 20<sup>TH</sup>, 2013 - 6:30 P.M.**

CASTLE VALLEY COMMUNITY CENTER

2 CASTLE VALLEY DRIVE

FOLLOWED BY THE

**REGULAR TOWN COUNCIL MEETING**

**Council Members Present:** Mayor Erley, Council Members Drogin, Duncan & Hill.

**Council Members Absent:** Council Member Williams.

**Others Present:** Greg Halliday, Ron Drake, Mary Beth Fitzburgh, Dustin Grimm, Deena Foltz, Bruce Keeler, Greg Nunn, Faylene Roth

**Recorder:** Alison Fuller

**PUBLIC HEARING:**

Mayor Erley called the Public hearing to order at 6:33p.m.

Mayor Erley closed the Public hearing at 6:34p.m.

**TOWN COUNCIL REGULAR MEETING:**

**CALL TO ORDER**

Mayor Erley called the meeting to order at 6:34pm

**1. Open Public Comment**

Greg Nunn stated that a friend of his was on the back side of Polar Mesa and saw one of the recently released "Mt. Goats" headed northeast.

**2. Approval of Minutes**

\* **Regular Town Council Meeting October 16<sup>th</sup>, 2013**

Council Member Hill moved to approve the minutes as presented, Council Member Drogin seconded, the Motion passed unanimously.

**3. Executive Reports**

\* **Road Committee**

Council Member Hill asked if Halliday could insert the price for work on equipment in the road report.

Halliday stated that he does not ever see the price for the work.

Council Member Hill asked how the garage door was operating at this point.

Halliday stated that it was not fixed yet.

Council Member Drogin inquired about the Town's Loader and stated that it seems like it is breaking down very often but Halliday is still able to operate it.

Halliday stated that he has been able to piece it together, and that he had a resident with expertise in big equipment take a look at the loader who stated that it is worn out.

Council Member Drogin stated that it would be interesting to see how much of the budget was going to the loader since so much work had been done on it this month alone.

Halliday stated that he had cleaned out the culvert on Miller that was totally filled with sediment and mostly river gravel. He stated that the downstream side could still use more work.

Bruce Keeler suggested contacting Tom at the Solid Waste District who has purchased a lot of equipment and really figured out the best kind and place to purchase more heavy equipment.

**\* PLUC**

Council Member Hill inquired about the CUP for the B&B and how they would approve it if the contract had not been sorted.

Mayor Erley stated that he did not think that the B&B was in compliance so they would not be able to approve the CUP until they agreed on a new contract and are in compliance with it.

PLUC Chair Fitzburgh stated that if the Council did not renew their business license they would need to apply for a new one and could not just renew their old one.

Council Member Duncan inquired about the PLUC December meeting and if it had moved.

PLUC Chair Fitzburgh stated that their Jan. 2014 meeting had moved and that the PLUC has decided to move their Public hearing for the General Plan till after the holidays.

**\* Treasurer's Report**

Council Member Hill stated that overall the Town is doing well however the budget is over 3%, she stated that the grounds maintenance went over due to the incredibly weedy year and that it may balance out in the winter.

Council Member Duncan inquired about the "Other water" line item.

Council Member Hill stated that it was due to the Town renewing their water right's and that next year's renewal was done this year so the amount was over but it was a lower cost this year because they were combined.

**\* Handicap Accessibility award update - Bruce Keeler**

Bruce Keeler introduced the Salt Lake Disability Law Center and what their organization does. He stated that when they came to Castle Valley they were impressed by the Town going above and beyond the ADA requirements. He described the Town's old office trailer that served as the Town facility and did not meet the ADA requirements. He stated that it would've cost twice the amount of the trailer to bring it up to code. He stated that most communities the size of Castle Valley do ½ or none of what the Town did for accessibility. He described the other awards that were presented at the banquet which included architectural ingenuity, and Lagoon who made all of their rides handicap accessible.

**4. Correspondence**

Mayor Erley read a formal complaint from David Rhoads regarding Town Equipment getting worked on at their neighbors'.

**NEW BUSINESS**

**5. Discussion and Possible Action re: Approval of non-routine C.U.P. for lot 306 for a small jerky & meat processing facility.**

Council Member Hill stated that everything looked very well thought out & put together.

Council Member Duncan asked if Nunn would be processing wild game for others.

Nunn stated that he imagined he would and that all of his processing for others would be marked "not for sale".

Council Member Duncan moved to approve the CUP for lot 306 with the conditions set forth by the PLUC, Council Member Drogin seconded, the Motion passed unanimously.

**6. Discussion and Possible Action re: A letter of support to the Forest Service for the west face WUI & inclusion of a component to protect the Rattlesnake power line.**

Council Member Hill stated that it was a well written letter and that it seemed the need was obvious to protect the line.

Council Member Hill moved to sign the letter presented to protect the WUI, Council Member Drogin seconded, the Motion passed unanimously.

**7. Discussion and Possible Action re: 2014 Town Council Regular Meeting Schedule.**

The council discussed the 3<sup>rd</sup> Wednesday for each month except for January.

Mayor Erley stated that he would be gone for the 3<sup>rd</sup> Wednesday in Jan. and would prefer the 4<sup>th</sup> Wednesday instead.

Council Member Hill moved to hold the 2014 Town Council meetings on the 3<sup>rd</sup> Wed of each month except for January where it will be the 4<sup>th</sup> Wed., Council Member Drogin seconded, the Motion passed unanimously.

## **8. Discussion and Possible Action re: Capitol needs/planning for the future.**

Mayor Erley stated that the Town is standing firm within the Town budget, however there are many major projects, repairs & purchases that should be done that the budget is not prepared to handle. He stated that he would like the council to start thinking about these issues now and that this is an ongoing reality the town will need to address. He looked at his property taxes and concluded that the Town receives \$60,000-\$70,000 for their taxes and that only 10% or less of the overall tax bill comes back to Castle Valley. He stated that he was not impressed that the County was talking about spending \$80,000 annually on bike path maintenance. He discussed the state of the Town's equipment and the imminent upcoming projects. He stated that everyone should go home and review their taxes and decide if CV should be receiving 10% or less of their taxes. He questioned if investing in equipment would be wiser than paying someone to do the work when then Town is going to have to continually clean out drainages and maintain roads and culverts in the Town.

Council Member Duncan inquired about the private property owners whose cooperation is needed and if they would still be happy if the Town did the work rather than the hired back-hoe operators.

Mayor Erley stated that he thought that it would be fine. He stated that there is one property owner who he has not heard anything from yet and hoped to hear from them soon as their property is in a key position.

Council Member Duncan asked what would be done if the loader finally dies while the town is in the process of cleaning out the drainages that need it so badly.

Mayor Erley stated that was a very good question and that either way the drainages need to be cleaned out. He stated that it didn't seem like a good idea to put the loader through that kind of abuse without a better plan.

Council Member Hill suggested a onetime tax increase to receive an extra \$67,000 which would equal 10% more annual property tax for residents.

Council Member Duncan stated even that increase would be very large for some residents in the valley.

Mayor Erley stated that there are possible funds that the Town could apply for in 2014 that would be awarded in 2015 due to the excessive amounts of total dissolved solids in Castle Creek. He stated that raising some taxes, applying for grants and actively preparing to address these issues is going to be the solution.

Council Member Drogin stated that it seemed like the Town is going to need to buy new equipment.

There was discussion around what the Town would need to budget for and how to prepare for it.

Mayor Erley stated that he would like the Council to think about all of these issues and come back and have a healthy conversation with creative ideas and approaches.

Council Member Hill moved to table item 8, Council Member Duncan seconded, the Motion passed unanimously.

## **9. Discussion and Possible Action re: Adopting amended Ordinance 2006-3 an Ordinance establishing a Planning and Land Use Committee.**

PLUC Chair Fitzburgh stated that most of the changes were technicalities and that wording was changed to fit a wider array of scenarios. Utah code was cited in the Ordinance rather than specific numbers to avoid the need to revise the ordinance when Utah code changed.

Council Member Hill moved to adopt the amended Ordinance 2006-3, Council Member Drogin seconded, the Motion passed unanimously.

## **10. Discussion and Possible Action re: Appointing a Town Council Member for the vacant 4 year term.**

There was discussion around the stipulations and the process to appoint a Town Council member.

Mayor Erley stated that the Council should be thinking of individuals that may be interested in filling the position.

Town Clerk Fuller described the process and requirements to become a Town Council Member.

Council Member Duncan moved to address item 14 now, Council Member Hill seconded, the Motion passed unanimously.

## **UNFINISHED BUSINESS**

### **14. Discussion and Possible Action re: Approval of a non-routine C.U.P. for a mobile automotive repair shop for lot 441. [Tabled]**

Council Member Hill moved to untable item 14, Council Member Duncan seconded, the Motion passed unanimously.

Mayor Erley stated that he met with the applicant and discussed the issues and the aquifer and stated how pleased he was with the meeting.

Mayor Erley inquired about item 5 in the conditions the PLUC put on the CUP regarding storing gasoline and stated that the applicant would need to be on a regular schedule of emptying his stored fluids. He went through the conditions and verified that the wording was correct throughout.

Council Member Duncan inquired about the insurance coverage for the applicant.

Dustin Grimm stated that the cost for the insurance was extremely costly.

There was discussion around the insurance coverage the applicant would need.

PLUC Chair Fitzburgh stated that the PLUC was expecting the applicant to get a surety bond to cover the damage that could happen potentially occur, and that she was not sure what pollution insurance would cover or what the difference would be.

Council Member Hill moved to table item 14, Council Member Duncan seconded, the Motion passed unanimously.

### **11. Discussion and Possible Action re: Amending the Zoning and Compliance Contract located on lot 424 Amber Lane. [Tabled]**

Council Member Hill stepped down from the table due to a conflict of interest.

Council Member Duncan moved to untable item 11, Council Member Drogin seconded, the Motion passed.

Ayes – Mayor Erley, Council Members: Duncan, Drogin

Nay – 0

Abstained – Council Member Hill

Mayor Erley stated that the Grahams agree that they need to comply with the sq. ft. regulations, and all that needed to be sorted now were fees and penalties. Initially he felt that \$1,500 a year plus \$500 for the pre-existing violations they inherited but decided that he would be satisfied with charging them \$1,000 a year and waive the \$500 for the inherited violations for the sake of resolving the issue and going forward with the new contract. He recommended a \$3,000 fine that would accompany the new contract which would require their compliance with Town ordinances.

PLUC Chair Fitzburgh asked when the Town would approve the CUP.

Mayor Erley stated that the Town could approve it at the Dec. 18<sup>th</sup> meeting however the Grahams are leaving for the holidays on the 17<sup>th</sup> so it wouldn't be signed until January.

Council Member Duncan asked if the \$3000 would cover the Town's expenses.

Mayor Erley stated that it would come very close to covering the Town's expenses at this point however more bills are expected from the Town's lawyer.

Council Member Duncan stated that the \$500 fee that Mayor Erley stated that he would be willing to wave would not be congruent with how other businesses would be treated.

Council Member Drogin inquired if charging the \$500 was worth it.

Mayor Erley stated that in 2 ½ years the illegal unit rented at \$185 a night during the tourist season could have brought in \$70,000-\$80,000. He stated that the fee was definitely within an appropriate range.

Council Member Drogin suggested asking for \$3500 in order to leave a little wiggle room.

There was discussion around what a fair fee would be and if a Motion was needed.

Mayor Erley stated that the Grahams would like to know what their financial requirements would be before they sign the new contract and he would tell them the council feels comfortable with a \$3500 fine.

There was discussion around charging an annual fee for the penalty.

PLUC Chair Fitzburgh stated that the building permit they need has still not been issued and the B&B would need to come before the PLUC and follow the Town's process in order to get it.

Council Member Duncan stated that if the Town approved their business license the B&B would still need to get their building permit in order to rent the room.

Council Member Drogin stated that paragraph 3 Compatibility with the neighborhood was cumbersome and unclear and hoped to say ".....and not constitute a nuisance."

Roth inquired about # 3 in the contract and if primary residence should be defined more clearly.

There was discussion around how primary residence would be defined and if it should be more clear.

Roth inquired about "Additions" 4<sup>th</sup> paragraph, and if there should be a something about construction. She also asked if the abbreviation for sq. ft. should be a more familiar abbreviation. She inquired if there should be a time period included in the clean-up/conversion in the case that the B&B was not operating as a B&B.

The council decided to put a 6 month time period for the B&B to be returned to regular residential use.

Roth inquired about the fire extinguisher inspection and if it will be required this year for the renewal of their business license.

Council Member Duncan moved to table item 11, Council Member Drogin seconded, the Motion passed.

Aye – Mayor Erley, Council Members: Drogin, Duncan

Nay – None

Abstained – Council Member Hill

**12. Discussion and Possible Action re: Joining community forces with Utah Army National Guard. [Tabled]**

Council Member Hill moved to untable item 12, Council Member Duncan, the Motion passed unanimously.

There was discussion around opening the e-mail sent from the Utah Army National Guard.

Council Member Duncan moved to table item 12, Council Member Drogin seconded, the Motion passed unanimously.

**13. Discussion and Possible Action re: Changing the address system in Castle Valley to improve EMS response.[Tabled]**

**15. Discussion and Possible Action re: Review annual CIB list. [Tabled]**

**16. Discussion and Possible Action re: Emergency Mitigation Plan funding and updates. [Tabled]**

Council Member Duncan moved to untable item 16, Council Member Drogin seconded, the Motion passed unanimously.

There was discussion around moving the item into executive reports on future agendas

Council Member Duncan stated that the planning is moving along and that their first Public Input meeting is coming up.

Mayor Erley stated that he had been trying to reach Verizon and currently there is a 3G cell tower on Bald Mesa.

Council Member Duncan asked that Mayor Erley pass on all pertinent information pertaining to communication to the communication team on the Hazard Mitigation Planning committee.

**17. Payment of Bills**

Council Member Hill stated that the total elections cost was \$1,035.

Council Member Duncan moved to pay the bills, Council Member Drogin seconded, the Motion passed unanimously.

Council Member Hill moved to adjourn, Council Member Duncan seconded, the Motion passed unanimously.

Mayor Erley adjourned the meeting at 8:26pm.

**ADJOURNMENT**

Approved: \_\_\_\_\_

David Erley, Mayor

Date

Attested: \_\_\_\_\_

Alison Fuller, Town Clerk

Date