

MINUTES
SPECIAL TOWN COUNCIL MEETING
MONDAY, NOVEMBER 2ND, 2015 AT 6:00 P.M.
CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE

Council Members Present: Mayor Erley, Council Members: Duncan, Drogin, Hill & O'Brien

Council Members Absent: None

Others Present: Ron Drake, Mary Beth Fitzburgh, Leta Vaughn, Greg Child, Greg Halliday, Jocelyn Buck, Joan Sangree, Bill Rau, Russ Cooper, Jason Matz,

Recorder: Alison Fuller

SPECIAL TOWN COUNCIL MEETING

CALL TO ORDER

Mayor Erley called the meeting to order at 6:03 p.m.

NEW BUSINESS

1. Discussion and Possible Action re: Leasing a backhoe through the State's Contract with Honnen instead of leasing through CAT with Wheeler.

Mayor Erley stated that the council had decided to move forward with the CAT Wheeler lease at the last Town Council meeting but had since been approached by Honnen/John Deere who had been awarded the Utah State contract in May of 2015. Honnen/Deere is leasing state contract backhoes for under a \$1000 annually for a 300 hour lease. Since the paperwork had not been turned into CAT Wheeler the council still had the option to go with the State contract.

The backhoe lease ends with CAT on Nov. 5th and comes with the option of renting month to month.

Mayor Erley stated that he looked into the details and things looked good with the contract. Grand County and Moab are going to go with the Honnenn/John Deere State contract as well. John Deere came to get market shares in Utah and is offering a really good deal because of it. Some towns are getting multiple backhoes and use the 300 hours on a machine and then use another one instead of paying the higher hourly rate after the allotted hours.

The council discussed renting month to month if there is a need, between the backhoe pickup and delivery.

Mayor Erley felt that the Deere backhoe would come within a month and felt the town would be covered especially with the quality customer service CAT has provided.

CM Duncan moved to lease through the State contract, CM Hill seconded, the Motion passed unanimously.

2. Discussion and Possible Action re: Recent developments on Lot # 438.

Mayor Erley stated that there are solar panels in the easement, and there were questions about how many people were camping there.

CM Drogin asked who owned the lot and if they were present.

Mayor Erley stated that the lot owners are present and they have asked Alf to leave within a week. The question remains, "when does camping become an illegal second dwelling?"

MaryBeth Fitzburgh stated that the ordinance is clear about a RV being a temporary dwelling if it is *lived* in and that a permit is required before it is occupied. She stated that if there is a permanent residence and someone is living in an RV then it is a second dwelling. The Town allows people to live in RV's while building their house but they must get a temporary dwelling permit for the RV first. She said the difference between camping and an illegal second dwelling is intent. If the intent is to live indefinitely, versus a visit, it is illegal.

CM Drogin asked if there is a time limit on the town's definition of camping.

Fitzburgh stated the town is covered a little better by keeping the limit open, since many people come and go and stay on their lots. She stated that camping on a lot is different and they do not give temporary dwelling permits for tents, teepees, or yurts, but they are considered a dwelling if someone is living in them.

CM Hill asked if it was the lack of septic that didn't require a permit for those stated dwellings.

Fitzburgh stated that the Water Protection Ordinance states that property owners need to be hooked up to septic or be self contained at all times on their property even in tents, teepees or yurts.

There was discussion around a 'groover' being approved by the sanitarian.

There was concern over the RVs on lot 438 and what was happening with the grey and black water.

The RV and infrastructure on lot 438 was out of compliance with Town Ordinances based on it being a second dwelling and the setbacks from the road were not kept.

Bill Rau stated that he was glad that this was open for discussion and stated that Alf had been staying on Rob Soldat's for 4 months with no issue. He stated that the way the town has handled this issue is really inconstant and he was concerned with the process.

There was discussion around a formal complaint being filed in order for the Town to act on the Lot 438 issue.

CM Duncan stated that it is a good point that Rau brings up and perhaps a formal complaint should be placed to have the RV's be removed by the town's formal process.

Mayor Erley stated that he had several verbal complaints about the issue many weeks back and he had stopped by and talked to Alf and given him a copy of Ordinance 85-3 to become familiar with the Town's rules and he told him he was out of compliance.

There was discussion around the town ordinances and how they are enforced and if a formal complaint is needed for the Mayor to enforce ordinances.

CM Duncan asked the public if the council should be looking for more issues.

Rau stated that perhaps the council should be looking around a little bit more.

CM O'Brien felt that if the council looked around there would be many cases where people were not following town ordinances. He felt that was the sentiment of the valley, and issues were handled on a complaint basis.

There was discussion around neighbors being unhappy with what their neighbors are doing and that most people do not file formal complaints. The council discussed how far problems should go before the town steps in without a formal complaint.

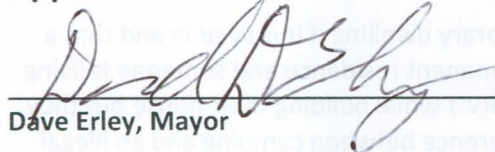
Mayor Erley stated that if the Town wants increased enforcement the community should be prepared to pay for it.

CM Hill moved to adjourn, CM O'Brien seconded, the Motion passed unanimously.

Mayor Erley adjourned the meeting at 6:30p.m.

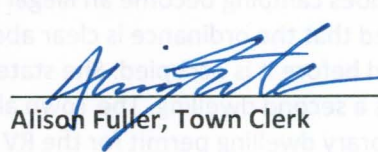
ADJOURNMENT

Approved:

 12/16/15
Date:

Dave Erley, Mayor

Attested:

 12.16.15
Date:

Alison Fuller, Town Clerk