



MINUTES

PUBLIC HEARINGS ON ORDINANCES 85-3 & 2006-3 & REGULAR TOWN COUNCIL MEETING

WEDNESDAY, FEBRUARY 18TH, 2015 AT 6:30 P.M.

CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE

Electronic Attendees: Council Member O'Brien joined the meeting electronically with 2 Castle Valley Dr. as the designated anchor location.

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

Council Members Absent: None

Others Present: Mary Beth Fitzburgh, Leta Vaughn, Ron Drake, Jason Matz, Elizabeth Tubbs, Jenny & Tom Haraden, Faylene Roth, Jack Campbell.

Recorder: Alison Fuller

CALL TO ORDER

Mayor Erley called the public hearings & regular town council meeting to order at 6:33 p.m.

PUBLIC HEARINGS

1. Possible changes to Ordinance 85-3 concerning conditional use permits, definitions, formatting and appeal authority.

Mary Beth Fitzburgh stated that there was a change the Council and PLUC discussed in a workshop, on pg. 7, Item 3, last sentence, the words were added after "residential", "...and permitted agricultural use."

Council Member Drogin asked for clarification on the appeal authority regarding contradicting wording in granting variances.

Fitzburgh stated that the Appeal Authority could grant variances but not *land* use variances.

2. Possible changes to Ordinance 2006-3 concerning appeal authority.

Mayor Erley stated the amendments would allow for a one person appeal authority if the Council chose, and it would be someone with some land use expertise, who would be completely neutral & independent from the community.

Variances do not occur often so it would not be a large expense. This format is becoming common practice in many towns and cities for these reasons.

REGULAR MEETING

3. Open Public Comment

Ron Drake stated that he is in the process of ordering a generator from Federal excess property that will be on a trailer and could easily power Fire Station 1 & the Town Building.

Mayor Erley stated his excitement and thanked Drake for undertaking the project. The Town will look at the budget for next year for getting the proper wiring to plug into the generator.

Council Member Hill strongly urged the community to pump their septic tanks every 3-5 years after checking her system in the fall and it seemed fine and then recently, to her surprise pumping was really needed.

4. Approval of Minutes

*** Regular Town Council Meeting January 21st, 2015.**

Council Member Hill moved to accept the minutes as presented, Council Member Duncan seconded, the Motion passed unanimously.

5. Executive Reports

Mayor Erley moved the Water agent report ahead of the County Council update since Council Member Tubbs had not yet arrived.

*** Water Agent Report – John Groo**

Groo Stated that he had been working on the database and had also been thinking about the Water Contamination portion of the Town's Hazard Mitigation Plan. He and the Mayor also talked to Kenneth Kolm who is spearheading the Town's Water Study and realized that the Study did not need to be done over 2 fiscal years since the funds were coming from the Capital Projects account and the study may be done this year.

*** County Council Update – Elizabeth Tubbs**

Council Member Tubbs stated that the Council had changed a bit with several new members. She stated that the 7 County Coalition is now a 6 County Coalition since Grand County left it. The Council has been getting involved with the Bishop's Public Lands Initiative, and the Council had been meeting every Monday to work hard on the Initiative. She stated that the map for the entire Southeast Region is going to be published on March 25th so the Council is in a big rush to get the ideas they develop into the Map in the Land Initiative. It is anyone's guess what will be accepted into the plan from the Council recommendations. The most important thing in this process is how the process itself is executed and everyone in the County deserves to be represented by the Council since they will all be affected by the outcome.

Fitzburgh asked if the draft maps will be presented since they won't be presented in a public hearing.

Council Member Tubbs stated that the area is fairly simple to look at and thought there may be more wilderness than some folks want and less wilderness than some folks want, but her best guess was that the current council would not vote to include a transportation corridor through the Book Cliffs.

Roth asked if the Council had asked Sen. Bishop's office to find out when the maps were due.

Tubbs stated that the Council had been in very close contact with Bishop's office and the maps may have already been due. She stated that she wasn't sure what the County's land use recommendation would look like but the Senator's first letter sent to the County was that he wanted this bill to come from the counties and be a grassroots effort. This is a huge undertaking and it will take some time for the process to be complete.

Mayor Erley stated that it seemed like the process is healthy at the moment, and even if the Bishop's bill fails it's good that the community had the discussion locally.

Council Member Tubbs made sure the community knew that Skywest will discontinue service and Great Lakes will pick up service again in May, with a promise that they will be providing more consistent service in larger planes that will not succumb to elements that prevent reliable flights.

There was discussion around the landing strip needing to be made wider and built stronger for even larger planes to land at the Moab Airport.

Council Member Tubbs stated that they learned during Skywest's service that with 10,000 enplanements the airport would receive a million dollars rather than around \$130,000 for airport improvements and the airport was actually close to that. Uintah County had put up most the funds to do a feasibility & economic study for a road through the Bookcliffs and that a bid had been accepted for the job. She did vote to get to the study done chiefly to gain more information. UDOT looked at what it would cost to put a road in Segoe Canyon and found that it would be 3x more expensive than anything else. She stated that the Catastrophic Fire Plan is still under way. It had gone through several changes recently but she was having regular meetings for the plan. The Counties funds would go towards prevention, not suppression. The plan is designed to be geared toward the municipalities but there are a lot of unknown parts of how the implementation would play out, but State Forestry and Fire would be part of it for sure.

*** Road Committee – Jason Matz**

Matz stated that he had been grading and working on the roads. The road committee meeting went well yesterday and the committee wants to keep an eye out for good equipment before the Town is in dire need.

Mayor Erley stated that the committee has decided that the Grader is possibly worth holding on to and Mark Simmons is going to take a close look at it to judge its condition. The committee also thought that the Town should get a big dump truck to haul material that would require CDL's and possibly drug testing.

There was discussion around drug testing and insurance and what would be required.

Matz stated that the committee is still looking at the Castle Creek & Castle Valley Dr. Culvert and getting easements to maintain the culvert.

Mayor Erley stated that he & Matz had reviewed the Road Mangers hours since starting work and he had averaged more hours per week than the job description stated.

*** Planning & Land Use Commission - PLUC**

The Council stated that they liked having the minutes from the PLUC meeting & thought it was a good change.

Council Member Duncan inquired about the building permit process in place and inquired about a house that looks to be being built in the floodplain.

There was discussion around the town controlling where people can build on their property and since there is no map there is no a guide to say where people can build or cannot. The Town performs a drainage review which simply ensures that the water will not change where it enters and exits the property.

*** Hazard Mitigation Committee – Jazmine Duncan**

Council Member Duncan stated at the last meeting they got a lot of work done on their list of resources and prioritizing mitigations. They hoped to have a public hearing sometime soon to get public input. She stated that Rocky Mtn. Power crews have been spraying herbicides in Moab but not in CV but wondered about spraying happening in the CV watershed.

*** Treasurer's Quarterly Report -Tory Hill**

Council Member Hill stated that the budget is looking good, the Shafer Lane easement used up the budgeted legal funds and that will be amended in May. The budget funds for leasing the Grader have not been used and those will go into the Capital Roads fund where the Council will decide to put that money toward the CV Dr. culvert or equipment.

*** Administrative Matters & Procedures**

The Mayor discussed a meeting that will be happening with UDOT March 31st. The Town also is going to receive a dividend from its insurance company.

NEW BUSINESS

7. Discussion and Possible Action re: Purchasing a projector screen & equipment for CV Community Center.

Mayor Erley stated that the Town Building had had been hosting movie nights and slide shows that have been well attended by the community and upgrading from the homemade screen and hauling equipment could be a very good thing for the community building.

Tom Haraden stated that he had worked a lot on the theaters in National Parks and had a good friend that had installed many of their systems. He discussed the different options for mounting the projector, the wiring and who would own the equipment; the Library or the Town.

Mayor Erley stated that wiring that would be involved to install a ceiling mounted projector would need to be done to by a commercial electrician.

Council Member Hill stated that this would be a perfect use for the reserve funds for capital improvements to the town building.

T. Haraden presented other options for funding: Waba Sabi Make a Difference Grant, Friends of the Library, Grand County Library, and private donations.

Mayor Erley would like to take a closer look at the total cost with labor and come back and make a decision.

Council Member Duncan stated that perhaps when the electrician comes out they could take a look at this project as

well as the wiring to hook up to the generator the Fire District is getting. Campbell stated that he was willing to donate the sound system for the town and he felt that the most important thing to upgrade in the movie/slide show system would be to get a nice screen. T. Haraden stated that a 119 inch wide screen was estimated by his professional friend. Jenny Haraden stated that the next book sale will take place in April and perhaps they would be willing to donate a portion of those profits. Council Member Drogin stated that a screen is only \$100, and the Council agreed to approve that now. J. Haraden said that she would be willing to put out a donation jar during the projector events but she was curious who would actually own the equipment and who she would give that money to. Council Member Hill thought the Town should own the equipment. The group discussed other opportunities the projector system would provide such as trainings, webinars, etc. Faylene Roth stated that she had begun working on a grant through the Wabi Sabi grant and also needed to know who would be responsible for the equipment. T. Haraden stated that if there are multiple groups that will be coming in to use it, it would be best for the projector be permanently set up. Ron Drake suggested a way to black out the windows that are behind where the proposed screen would go. Council Member O'Brien moved to have the Town own the projector equipment and look into other options for funding, Council Member Duncan seconded, the Motion passed unanimously.

8. Discussion and Possible Action re: Adopting changes to Ordinance 85-3 concerning conditional use permits, definitions, formatting and appeal authority.

Council Member Hill moved to adopt the presented Ord. 85-3 with the noted changed, Council Member Duncan seconded, the Motion passed unanimously.

9. Discussion and Possible Action re: Adopting changes to Ordinance 2006-3 concerning appeal authority.

Council Member Drogin moved to adopt 2006-3, Council Member Duncan seconded, the Motion passed unanimously. Mayor Erley stated that he had been speaking with Zacharia Levine who would be interested in becoming the Appeal Authority and they were looking into any possible conflicts of interest with the County due to his position as Planner and Jeff Whitney doing CV building inspections. Fitzburgh stated that there are certain land use decisions that could be sent directly to the 3rd district court as an option if the Council chose to set it up that way.

10. Discussion and Possible Action re: Game lines on the tennis/basketball court.

Mayor Erley stated that Janet had brought up the issue since the tape had recently peeled off the court and if the Town wanted to paint the lines, now would be the time before the tape residue is gone. Council Member Drogin moved to have Janet paint the lines on the basketball court, Council Member O'Brien seconded, the Motion passed unanimously.

11. Discussion and Possible Action re: Sending a letter to Grand County Council in support of meaningful watershed protection being included in the County's recommendations to Senator Bishop's Public Lands Initiative.

Mayor Erley stated that since the new County Council had been elected there has been more interest in protecting the watersheds in the Public Lands Initiative. He had talked with Moab City Council member and the County Council and it seemed that it would be best if both municipal councils submitted a letter to the County Council for watershed protection in the plan. Council Member Hill moved to approve the letter to send to the County Council, Council Member Drogin seconded, the Motion passed unanimously.

12. Discussion and Possible Action re: Amending the Deed restriction on Greenbelt Lot 369.

Mayor Erley stated that the deed currently restricts the use of crossing lot 369 for anything but emergencies and it would be good to have it allow other uses like, road maintenance and for the Fire Districts use. Council Member Hill moved to approve amending the Deed Restriction on Greenbelt Lot 369, Council Member Duncan seconded, the Motion passed unanimously.

13. Discussion and Possible Action re: Possible re-enforcement to the Castle Creek/Castle Valley Dr. culvert instead of a bridge.

Mayor Erley stated that the Road committee had been looking seriously at what it would take to reinforce the culvert in place by armoring the sides, inlet and exit with concrete and rebar. A bridge could potentially do major erosion to property owners downstream & the culvert acts as a check dam.

Council Member Drogin asked if the Town needs to get an engineer to look at the project.

Mayor Erley stated that Marc Stilson stated that if we do not take out the culvert and repair it, the Town does not have to adhere to the drainage study but would need a Stream Alteration Permit.

Council Member Hill stated that the amount of money needed to do the repair is a lot more realistic, and that if the culvert can be repaired the Town should do that.

There was discussion around liability the town would have if they chose to repair the culvert and what the access would be.

Mayor Erley stated that all 3 private property owners are willing to grant the Town access to work on the project. He asked if the Town would like to get an engineer to look at the project and find out what a repair would really do.

The council decided to research the liability the town may have if they re-enforced the culvert.

Campbell stated that he thought that hydraulically the water would have less velocity with a bridge. He recommended a steel sheet to line the bottom of the culvert to prevent rocks and debris from causing damage.

Council Member moved to table Item 13, Council Member Drogin seconded, the Motion passed unanimously.

14. Discussion and Possible Action re: A survey for access easements for the culvert at Castle Creek & Castle Valley Dr.

Mayor Erley stated that the needed property owners appear to all be willing to give easements to maintain the culvert. There was discussion around a letter sent by Greg Child one of the affected property owners and it seemed the conditions would be workable.

The Town needs immediate access rights to remove any possible plugs in the culvert. Plugging of the culvert appears to be the biggest threat to it.

Mayor Erley thought it would be around \$1,000 for the survey, but didn't have solid numbers.

Council Member Duncan stated that the easements are something the Town needs to have regardless.

Council Member O'Brien stated that he liked the idea of the contracts going to the Town attorney.

Council Member O'Brien made a motion to get the easements surveyed, Council Member Hill seconded, the Motion passed unanimously.

15. Discussion and Possible Action re: Legal advice regarding Ord. 1992-1 that outlines Electrical Utility Installation Requirements.

Mayor Erley stated that currently 1992-1 does not allow for moving power poles. This is needed so the Town can move a power pole that is currently in the right of way on Shafer Lane.

Fitzburgh stated that 1992-1 is a land use ordinance and it would need to go through the public process with the PLUC.

Council Member Hill recommended adding a line that says, if the pole is in a town road easement the pole would be allowed to move rather than bury underground lines.

The Council agreed to take Council Member's Hill's suggestions to Attorney Sloan.

Campbell inquired about Ord. 1992-1 being a land use ordinance and thought that the intent would allow this action.

Council Member Hill moved to Table Item 15, Council Member Duncan seconded, the Motion passed.

Council Member O'Brien abstained.

Council Member O'Brien was disconnected during this Agenda Item.

UNFINISHED BUSINESS

16. Discussion re: Possible changes to Ordinance 85-3. [Tabled]

Council Member Hill moved to untable Item 16, Council Member Duncan seconded, the Motion passed.

Council Member O'Brien abstained.

17. Payment of the bills

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

Council Member O'Brien abstained.

Council Member Hill moved to adjourn, Council Member Duncan seconded, the Motion passed.
Council Member O'Brien abstained.

Mayor Erley adjourned the meeting at 8:45 p.m.

ADJOURNMENT

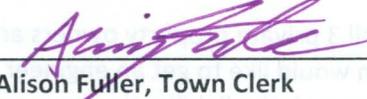
APPROVED:



David Erley, Mayor

3/18/15
Date:

ATTESTED:



Alison Fuller, Town Clerk

3.18.15
Date: