

**PUBLIC HEARING ON PROPOSED AMENDMENTS TO ORDINANCE 85-3, THE TOWN'S LAND USE ORDINANCE, AND  
OTHER APPLICABLE  
ORDINANCES, REGARDING: ENFORCEMENT, PENALTIES, AND FINES BY THE TOWN OF CASTLE VALLEY, UTAH.  
WEDNESDAY, FEBRUARY 20, 2013 - 6:30 P.M.  
CASTLE VALLEY COMMUNITY CENTER 2 CASTLE VALLEY DRIVE  
FOLLOWED BY THE  
TOWN COUNCIL REGULAR MEETING**

**Council Members Present:** Mayor Erley, Council Members Drogin, Duncan and Hill

**Council Members Absent:** Council Member Williams

**Others Present:** Ron Drake, Greg Halliday, MaryBeth Fitzburgh, Leta Vaughn, Laura Cameron, Lesley Craig, Bob Lippman, Bob Russell, Larry Craig

**Recorder:** Alison Fuller

**CALL TO ORDER**

Mayor Erley called the Public Hearing to order at 6:31p.m.

1. Public hearing on proposed amendments to Ordinance 85-3, the Town's land use ordinance, and other applicable ordinances, regarding: enforcement, penalties, and fines by the Town of Castle Valley, Utah. *Council Member Drogin moved to adjourn the Public hearing Council Member Duncan seconded, the Motion passed unanimously.*

Adjourned at 6:33p.m.

**ADJOURNMENT**

**TOWN COUNCIL REGULAR MEETING**

**CALL TO ORDER**

Mayor Erley called the regular Town Council meeting to order at 6:33p.m.

Leta Vaughn stated that there is a nest underneath the Town's solar panels and wanted the Town to know. There was discussion around the maintenance & cleaning of the solar panels.

1. Open Public Comment
2. Approval of Minutes

\* Regular Town Council Meeting January 16, 2012

Council Member Hill corrected the Motion on page 6 to read "*Council Member Duncan seconded, Further discussion*" followed by a paragraph of discussion and ending with "*After discussion, the Motion passed unanimously.*"

*Council Member Hill moved to approve the minutes as amended, Council Member Duncan seconded, 3 – Ayes Mayor Erley, Council Member Duncan and Hill.*

*Council Member Drogin abstained.*

3. Executive Reports

\* Road Committee

Mayor Erley read a letter of resignation from Roads Chair Jeff Johnston, and thanked him for his great contributions and ideas he shared. He also stated that he and the Roads Manager Halliday are meeting although it is not an official meeting due to lack of a quorum.

Council Member Hill asked if Roads Manager Halliday had gotten an estimate for new culverts for Castle Valley Drive.

Roads Manager Halliday stated that 10' culverts were \$11,000 each and the two sections are needed to get the length needed at Castle Creek.

Mayor Erley gave a brief history to the audience concerning the need for an estimate for these particular culverts.

Council Member Hill asked how long it would take for the culverts to arrive.

Roads Manager Halliday reported 3-4 weeks for delivery.

Council Member Hill asked if that estimate was just for the culverts?

Roads Manager Halliday stated that was correct, culverts and delivery.

Council Member Drogin questioned how long it would take to replace the culverts and if there was a better time of the year to replace?

There was discussion surrounding the details of installing the culverts.

Council Member Duncan asked about a big chunk taken out the road, and if it was the Town's road crew.

Roads Manager Halliday responded that the county snow plow was responsible for that.

Council Member Hill wondered if there was a new driver since the river road was damaged at the same time.

Roads Manager Halliday replied that the state is responsible for the river road maintenance.

Roads Manager Halliday said that he had looked into snow plows for the front of other road department vehicles.

Mayor Erley stated that this would enable the Town to plow Castle Valley Drive and the side roads simultaneously and cause less damage to CV Drive.

Roads Manager Halliday reported that he was also looking into blades for the front of the grader to decrease the amount of space needed to plow, and the amount of snow that could be moved. He reported new blades were about \$7,000 and used plows would be between \$1,000-\$3,000.

Roads Manager Halliday reported that there are 34 miles of road to plow in the valley and some roads require chains. He stated that the time would decrease with the new plow equipment.

Council Member Duncan stated that more time would be needed to plow Castle Valley Drive.

Roads Manager Halliday replied that Mark Roth would also be plowing at the same time. He also stated that the Mack truck the Town was thinking about using for the new water truck does not seem like a good fit for the Water Truck because it was specifically designed for a Fire Truck which greatly complicates the issue of converting the truck. He stated the Indian truck is worn out, and is not acceptable health wise to drive. He also stated that the tar had arrived, and that the grader will probably need some welding work soon to prevent further damage to it.

\* PLUC

Council Member Hill asked if there was just the one fee that the PLUC wanted to raise.

PLUC Chair Fitzburgh stated that any amendments to ordinances referring to the fee sheet should be done after the fee sheet is updated. She stated that fees need to be based on actual costs because the state does not approve cities to make a profit on fees.

4. Correspondence

Mayor Erley read a letter from a citizen concerned about a man carrying a gun at the mailbox and requested that the mailbox area be gun free.

Mayor Erley read a letter from a citizen regarding re-vegetating the area that was burned last spring with plants and plugs from the late Mary Rees or other suppliers who carry native plants and seeds.

Mayor Erley asked if Drake could put something in the paper regarding the citizens whose property was burned in last spring's fire contacting the Town if they are interested in some of Mary Rees's plants.

**NEW BUSINESS**

5. Discussion and Possible Action re: Adopting the Federal Holiday Schedule for the Town's Office Hours.

*Council Member Hill moved to adopt the federal holiday schedule, Council Member Duncan seconded, the Motion passed unanimously.*

6. Discussion and Possible Action re: A letter to the BLM and Grand County in support of changing the name of Negro Bill Canyon to William Grandstaff Canyon.

Mayor Erley stated that in respect to citizens in the community he felt that he would be willing to write a letter in support of the name change.

Council Member Duncan stated it this seemed like a personal decision and that the council doesn't need to take a stand.

Council Member Hill stated that she felt she wanted history to be preserved but would not be against writing a letter either, but she would hope that there would be some kind of plaque to give the history of the canyon.

Mayor Erley stated his support of a kiosk stating the history of the canyon and William Grandstaff.

*Council Member Hill moved to send a letter in support of changing the name under the condition that a historical marker be present, Council Member Drogin seconded,*

*3- Ayes Mayor Erley, Council Members Drogin and Hill.*

*1 –Nay Council Member Duncan.*

*The Motion passed.*

#### 7. Discussion and Possible Action re: Administration of Town Water Rights.

Mayor Erley read a letter from the former Town Water Agent regarding the current state of affairs concerning the Town's water rights.

The letter stated that the Town's relationship with the state was in good standing and positive progress had taken place concerning the computer database. It also expressed gratitude to town employees and the Mayor for the aid in furthering the stance for the Town's water rights. It included recommendations and important things that would need to be done and paid for in order to protect and preserve the Town's water rights. It also stated support for the Town's new Water Rights Agent.

Mayor Erley stated that he agreed with just about everything in the letter and that many of those topics have been discussed internally over the last 3 years. He stated that all the new Water User Agreements would need to be perfected. He stated that the last adjudication process the town went through caught the Town in a less than ideal position. He stated that the affirmation process is now going on and that John Groo, the new Water Agent, is very familiar with the Water Database since he set it up.

Council Member Duncan asked what was needed to prove up the water rights.

Mayor Erley stated that the state came out and did adjudication for the valley previously, however normally that would be \$3-4000. He stated that as a municipal water supplier the cost to adjudicate required a simple well test for around \$500. He stated that the question remains who should be responsible to for paying for the adjudication. He stated that it was a big and unanswered question. He stated that the people that have been most involved with the water issues of the Town all agree that municipal water status may be the Town's best long-term option. He stated that there was an incredible amount of support in the General Plan Survey in support of a fill-up municipal well.

Council Member Duncan asked if the property owners that had signed water user agreements with the town were aware of the need to prove up the rights, and if not why?

Mayor Erley replied that they did not and it was unclear even to the Town what the details were to prove up the rights.

Council Member Duncan asked if the Town should be selling water rights to citizens without giving them the information regarding the proving up process and costs.

Mayor Erley replied that citizens have been getting water rights for \$85 and they have the right to walk away from them if they don't want to go through that process. He also stated that no matter whether they got a water user agreement from the Town or a right directly from the state they would have to prove up at some point by the same process. He stated that an idea for a Water Master Plan is a good one.

Council Member Hill stated that the letter stated the Town does not have liability for the water quality currently but as a municipal water supplier this was still unclear.

Mayor Erley stated that as a municipality someone in Salt Lake City that has a resident who uses a lot more water and then all of the sudden uses a lot less, the excess water goes back to SLC. He stated that it is not that simple for Castle Valley as a public water provider. He stated that the Town has an interest in proving up water rights so the Town does not lose any water rights.

Council Member Drogin asked how many water rights would be affected.

PLUC Chair Fitzburgh stated that putting something in the General Plan regarding the Water Master plan would be a

good idea.

Mayor Erley recommended that the Council read through Ron Mengel's letter and record issues that they would like to deal with.

There was discussion surrounding a municipal well and the Town becoming a public water supplier.

#### 8. Discussion and Possible Action re: General Plan report.

Mayor Erley stated that they got the results back from the General Plan Survey.

Council Member Hill stated that the Access database with the results was now locked and only the Administrator has access to it.

Laura Cameron asked who the administrator was, and why the database would need to be changed.

Council Member Hill stated that Jeff Fink was the administrator and it was locked so that there would not be any accidental changes made to it.

PLUC Chair Fitzburgh stated that the survey is the PLUC's responsibility and it should be handled by the PLUC.

Mayor Erley stated that it would be good to get the raw results from the survey on the website as soon as possible, especially with current issues in the Town.

PLUC Chair Fitzburgh stated that it's misleading if it's not broken down by resident, non-resident, and renter, and that there is also a lot of information on the write-in portion and she does not want the information to be misleading or incomplete.

#### 9. Discussion and Possible Action re: Purchase of road easements from SITLA.

Mayor Erley stated that there are a number of roads that were unclaimed in the SITLA/BLM Land Swap area. He stated that there is money that is given by the OHV taxes to cover the Town's purchase of these easements. However, if an easement is purchased with these funds then it must be open to OHV travel. He stated that he requested the outright purchase of 870 feet of road easement on the extension of Shafer Lane from the Town's greenbelt property to the Fire Station 1 property in order to insure access in perpetuity.

Council Member Duncan stated that the Fire District also wants to purchase that same piece of road.

Mayor Erley stated the Town's legal counsel advised that the Town should hold the easements for the roads that the Town builds and maintains. He also stated he is open to joint easements with the Fire District.

Council Member Hill asked what the disadvantage would be for the Fire District to have a joint easement.

Fire District Representative reported access problems the Fire District had in the past. He stated his concern for the long run, and that government changes every 4 years and the Fire District wants to insure their access for emergencies. He expressed his concerns for possible agendas private parties may have.

Council Member Duncan stated that if the easement does go to the Fire District would the county be responsible for the maintenance of the road.

Mayor Erley stated that the road was in Town boundaries and it was the Town's responsibility.

Council Member Hill questioned why the Fire District could not share the easement with the Town.

There was discussion surrounding the 870' easement and a possible joint easement between the Town and Fire District.

Fire District Representative stated that the Fire District wants perpetuity.

There was discussion surrounding successful past arrangements the Town and Fire District had created and that both entities had the same wants and needs for the same citizens.

Fire District Representative requested that the item be put on the table so that both parties can work thru the issue.

Mayor Erley stated that he respects the Fire District's need for perpetuity. He stated he is planning on still trying to get an easement from lot 193. He also stated that the Town is also in need of emergency access to the greenbelt from both the River Ranchos and the Loop Road.

Council Member Duncan stated that both parties are serving the same people.

Fire District Representative stated that the Fire District is here and would like an open dialogue.

*Council Member Duncan moved to table item 9, Council Member Hill seconded, the Motion passed unanimously.*

10. Discussion and Possible Action re: The Town of Castle Valley participating in the 50th Anniversary of Canyonlands National Park.

Council Member Drogin stated that in 2014 Canyonlands will be celebrating their 50 year anniversary which Castle Valley played a small role in. She suggested some kind of event, hanging some local art or a poetry reading.

Mayor Erley asked when in 2014?

Council Member Drogin replied that it would be in September 2014.

There was discussion surrounding the land swap in Castle Valley that helped make possible the Canyonlands N.P. expansion.

Mayor Erley asked if Council Member Drogin would be willing to organize some meeting in the future for this.

Laura Cameron asked if perhaps there could be some information on the website to inform the residents of the Valley's history.

The Council thought that would be a good idea.

11. Discussion and Possible Action re: The Purple Bench Project.

Mayor Erley stated that this is a project in Moab for public transportation that has worked well in other communities.

There was discussion surrounding illegal hitchhiking, carpooling, and possible problems that could arise.

Council Member Hill suggested using a purple bandana to walk down the road in place of the purple bench.

Roads Manager Halliday stated that when he worked at the pentagon there was something called slugging which worked well for carpooling to and from the pentagon.

PLUC Chair Fitzburgh stated that having something like a ride board on the website had always seemed like a good idea.

Mayor Erley stated that could still put the town in the same liability, although he liked the idea.

12. Discussion and Possible Action re: The Town's land use ordinance, and other applicable ordinances, regarding: enforcement, penalties, and fines by the Town of Castle Valley.

Mayor Erley stated that this would be good for the Town to have in place for a number of reasons.

PLUC Chair Fitzburgh stated that it had been about a year and a half since the fee sheet was updated.

Mayor Erley stated that in March or April the Council looks closely at the Fee sheet.

PLUC Chair Fitzburgh made a recommendation to update the fee sheet prior to amendments and make a resolution to update the fees.

Council Member Hill asked if the \$10 septic fee was for a new septic.

PLUC Chair Fitzburgh stated that was correct and that there was still a little gray area as far as an upgrade to a septic.

Council Member Hill asked if there should be a different fee for inspections?

Cameron stated that when they bought their house they did have someone come out and inspect their septic, and perhaps someone like that could support an inspection system.

Mayor Erley asked if the guy that pumps the septic is really qualified to inspect the septic.

PLUC Chair Fitzburgh said that the grey water has already been approved by the Town but the building inspector would be the one that would approve a septic.

*Council Member Hill moved to Table Item 12, Council Member Duncan seconded, the Motion passed unanimously.*

13. Discussion and Possible Action re: Short term rentals.

Mayor Erley reported that Greg Halliday had inspected the illegal bed & breakfast and the range was still absent so there is no secondary dwelling.

Council Member Drogin stated that there were one day rental advertisements on the website.

Mayor Erley replied that was correct and that was why the Town took action on this issue.

Council Member Duncan asked what would the Town do if neighbors complain when renters that have been there for 25 days.

Mayor Erley stated that as long as the rental was for more than 25 days they would be in compliance according to the ordinance and they would be a different type of nuisance  
PLUC Chair Fitzburgh asked if it was possible to post no short term rentals on the website.  
Mayor Erley stated that he is not sure if there is a perfect solution to solving the Town's enforcement issue.  
Council Member Drogin stated that it seems to be solved at this time and hopefully it will remain that way.

**UNFINISHED BUSINESS**

14. Discussion and Possible Action re: The 2012 Exit Poll results. [Tabled]

15. Discussion and Possible Action re: Approval of fees for legal services with Christina Sloan.[Tabled]  
*Council Member Hill moved to untable item 15, Council Member Drogin seconded, the Motion passed unanimously.*  
There was discussion surrounding using a local attorney.  
*Council Member Hill moved to pay for legal services with Christina Sloan, Council Member Drogin seconded, the Motion passed unanimously.*

16. Discussion and Possible Action re: Amending language on complaint resolution ordinance in relationship to fees and penalties. [Tabled]

17. Discussion and Possible Action re: Fire District easement across Lot 194. [Tabled]

18. Discussion and Possible Action re: Castle Valley's Emergency Mitigation plan. [Tabled]  
*Council Member Hill moved to untable item 18, Council Member Duncan seconded, the Motion passed unanimously.*  
Council Member Duncan stated that the SEULG pre-disaster mitigation plan is not an emergency response or management plan, but something that would aid in creating our own emergency management plan. She stated that we have to adopt their plan to be eligible for assistance from FEMA.  
Mayor Erley stated that the Town will need to work with the Fire District to create a comprehensive plan for the community.  
Council Member Duncan stated that the Fire District is also working on their plan.

19. Payment of Bills

Council Member Hill informed the council of a \$100 check that was written for Jeff Fink for his help with the surveys.  
Council Member Drogin voiced concerns about the dangerous road construction conditions on Highway 128 and how to possibly mitigate them.  
Council Member Duncan asked what the stop sign was for?  
Roads Manger Halliday reported that it was a hard left sign for the turn on Castle Valley Dr. over the creek.  
*Council Member Duncan moved to pay the bills, Council Member Drogin seconded, the Motion passed unanimously.*

20. Closed Meeting

*Council Member Hill moved to adjourn, Council Member Duncan seconded, the Motion passed unanimously.*  
Mayor Erley adjourned the meeting at 9:28p.m.

**ADJOURNMENT**

**Approved:** \_\_\_\_\_  
David Erley, Mayor

**Attested:** \_\_\_\_\_  
Alison Fuller, Town Clerk