

AGENDA

PUBLIC HEARING ON PROPOSED AMENDMENTS TO ORDINANCE 85-3, THE TOWN'S LAND USE ORDINANCE, PROHIBITING THE FOLLOWING FOR HOME AND PREMISES OCCUPATIONS: ON-SITE MOTOR VEHICLE, TRAILER OR BOAT REPAIR SHOPS; AUTO BODY AND/OR FENDER REPAIR SHOPS; MANUFACTURE, ASSEMBLY OR REPAIR OF HEAVY EQUIPMENT, MAJOR APPLIANCES, OR ENGINES; JUNKYARDS; AND MORTUARIES OR CREMATORIALS.

WEDNESDAY, MARCH, 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, Hill and Williams

Council Members Absent: None

Others Present: Ron Drake, Greg Halliday, MaryBeth Fitzburgh, Leta Vaughn, Anne Goodenough, Ed Derderian, Hank Freeman, Ann McLanahan, John Lucas, Faylene Roth, Trisha Ogilvy, Ted Bright, Pam Gibson, Bill Morck, Bob Schumaker.

Recorder: Alison Fuller

CALL TO ORDER

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

1. Public hearing on proposed amendments to Ordinance 85-3, the Town's land use Ordinance, prohibiting the following for home and premises occupations: on-site motor vehicle, trailer or boat repair shops; auto body and/or fender repair shops; manufacture, assembly or repair of heavy equipment, major appliances, or engines; junkyards; and mortuaries or crematoriums.

John Lucas stated that the Town would deprive a man and his son their livelihood if the council passed the proposed amendments. He stated that Rhoads had been operating his small automotive repair shop for 3 years and that no pollution or nuisance of any kind had taken place in that time. He quoted Jim Lindheim from the Sun paper who stated that a mechanic shop poses a very remote threat to the aquifer and that Castle Valley's aquifer was not pristine. He asked the Mayor if he had done business with the mechanic shop? He stated that the amendment is directed to Rhoads directly and that it will not affect anyone else. He stated that if the Council made the amendment that they should consider grandfathering in Rhoads.

Hank Freeman on lot 433 stated that he has no disagreement with anyone making a living and showed the council an aerial view of Rhoads' lot and what it had developed into over the years. He voiced his concern for the over development of that lot and the harm it poses to his view shed and property value.

Ed Derderian from 394 & 395 stated that he had been around for 20 years and he had got along with most of his neighbors participating in barbeques, and dinner parties, he wished that it was true with all of his neighbors. He stated that it may seem that we are a small enough Town that we should be able to work things out, but he thinks that is why the town needs to pass these ordinances so that neighbors are not fighting with each other. He stated that if the Town had passed these ordinances years ago we would not be here today.

Bob Shoemaker from lot 30 stated that his question is, isn't this already covered by our by-laws? And each business reviewed when they apply. He is concerned about having a lot of extra rules that the Town doesn't really need.

PLUC Chair Fitzburgh stated that in land use code there is a list of things that are permitted as conditional use. The PLUC is allowed to approve those things on the list and set reasonable conditions and that was basically it. She stated it was very hard for the PLUC to outright turn a Conditional Use permit down if it was an occupation on the list. She stated that if the PLUC felt they could not set conditions to mitigate risks then those occupations should not be on the list in the first place. She stated that PLUC felt that the conditions that would have to be set for the occupations in question would cost the applicants so much financially that it did not make sense to allow them.

Freeman stated that he has had no problem with the person in question and that he had been a good neighbor, quiet, and sometimes friendly and that his problem was with the business.

Lucas stated that the town is doing this to an individual after the fact and that he had been running his business without polluting anything and that he has been a good neighbor.
Mayor Erley adjourned the public hearing at 6:48p.m.

ADJOURNMENT

TOWN COUNCIL REGULAR MEETING

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

Council Members Absent: None

Others Present: Ron Drake, Greg Halliday, MaryBeth Fitzburgh, Leta Vaughn, Anne Goodenough, Ed Derderian, Hank Freeman, Ann McLanahan, Faylene Roth, Trisha Ogilvy, Ted Bright, Pam Gibson, Bill Morck, Bob Schumaker.

Recorder: Alison Fuller

CALL TO ORDER

Mayor Erley called the meeting to order at 6:48p.m.

1. Open Public Comment
2. Approval of Minutes
 - * Regular Town Council Meeting February 20, 2013

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

3. Executive Reports
 - * Road Committee

Council Member Drogin thanked Roads Manager Halliday for the repair and grading he did on her road.

Council Member Williams asked if 4 deer kill was average.

Roads Manager Halliday stated that he had only started keeping track this year.

Council Member Hill asked if the cutting edge typically only lasts a few years?

Roads Manager Halliday stated that he got a discount on the new blade, but scraping frozen roads greatly wears down the steel and a few years per blade is normal.

Council Member Hill inquired about the Road Department having a water truck?

Roads Manager Halliday stated that he lifted the water tank into the dump truck and it's is working for now.

Council Member Hill inquired about "snow clearing x2" in his snow report.

Roads Manager Halliday stated that is for the second pass while clearing snow.

Council Member Duncan asked if the Town had been charged for road repairs from damage done this winter.

Roads Manager Halliday stated that the Town had not been charged but the road had been repaired.

***PLUC**

PLUC Chair Fitzburgh stated that they have not completed the survey and proofing took a lot more time than expected. She wants to double check everything before it goes out and hopes to finish it by the end of the week.

4. Correspondence

Mayor Erley read a letter from the County Planner concerning the road construction on 128 for the bike path. It recognized the high traffic the road will be experiencing and during big events there will not be work done. It also stated that full night closures will begin the beginning of April.

He also read a letter from a resident who expressed concern about the cleanliness of the air, water and view shed in Castle Valley. The resident was concerned about storage of cleaners, oil, solvents and hoped that any businesses that would store these items not be allowed in the valley.

Mayor Erley read another letter from a resident who recognized the process and points of view that the community contributed during this process. The resident stated that key to the PLUC findings was that the solvents used in this business pose a threat to the environment. The letter stated that the risk cannot be mitigated, and by limiting a conditional use permit would prevent possible spills, and if a spill occurred the Town could possibly be held responsible for such an incident. The letter stated that it is the Town's fiduciary responsibility to protect the Town's aquifer.

NEW BUSINESS

5. Discussion and Possible Action re: Town Arbor Day celebration.

Town Clerk Fuller stated that the Town had been awarded a grant from the Arbor Day Foundation to plant more trees and native plants at the Town lot. The grant requires the Town to hold an Arbor Day celebration which will take place the last Friday in April in sync with Utah's official Arbor Day. There will be planting as well as a small plant walk around the Town lot identifying and stating the uses of the plants.

6. Discussion and Possible Action re: Amending Castle Valley Ordinance 85-3 which incorporates draft amendments dated February 20, 2013, March 7, 2013 and March 20, 2013.

Mayor Erley stated that the Town, Fire Department, and he took vehicles over to Rhoads and that he realized later that Rhoads did not have the right permit to work on the vehicles, and once the Town realized that, there weren't any more vehicles brought to him. He stated that he has work left undone and that he would like Rhoads to finish it when he can but as the Mayor he takes the job very seriously and the Town does not have the resources to regulate a business like this one. He stated that the folks that want the mechanic shop don't want their taxes to be raised. He stated regulating and mitigating toxic waste is very expensive. He also responded to Lindheim's article and stated that he agreed with a lot that he stated but he is not a hydrologist. He stated that there seems to be a lack of understanding in Castle Valley of the aquifer. He stated that every hydrologist and geologist he has talked to compared the issue to Russian roulette. He stated that the valley was never laid out to put in a water system for drinking or sewage treatment and it could cost as much as 6 digits a lot to install. He stated that the Town does not have another choice for water, that our aquifer is unconfined. He stated that one gallon of gasoline can contaminate a million gallons of water and chemicals like trichlorobenzene are much, much, much more toxic than gasoline. He stated a citizen in Colorado dumped less than a gallon of one of these solvents and contaminated a whole community's watershed and all of their wells. He stated that the issue is not about mitigating impacts, land use, or government but about common sense and protecting the citizens and property values in Castle Valley. He thanked the government for their professionalism throughout this process and stated that he has put his heart into this position and elections are coming up and that the power is in the community's hands.

Council Member Drogin stated that she really liked how the PLUC wrote their report in stating how each member felt about the issue.

Council Member Duncan stated that she had put a lot of thought into the issue and didn't like the thought of taking away someone's livelihood but felt that Rhoads does have other options. She stated she would really like to think that a small mechanic shop would be good in the valley but the Town does not have the resources to properly mitigate such a business. She felt the Council would not be doing a good job by allowing these types of businesses at this point. She also stated that regardless of what the Town decides there will still be people working on vehicles but it doesn't make it right to permit a shop and the Council needs to do what they feel is responsible for the community.

Council Member Hill stated she felt the same as Council Member Duncan and doesn't like the idea of telling a member of the community that they cannot make their living in the valley. She went on to explain how she washes her paint brushes in a 5 gallon bucket and lets the water evaporate so she can clean up *all* of the paint and not wash any of it into the water table. She felt that the water table is the real issue and feels strongly in favor of the amendments to 85-3, possibly even more so after seriously confronting this issue. She also apologized for the amendments causing any personal anguish.

Mayor Erley stated that the issue speaks to him most about the need to educate residents about the frailties of the valley's aquifer, and what residents' daily actions mean for the aquifer. He discussed the possibility of disposing toxins at the Town to help people dispose of them properly. He stated that the Town has proper storage tanks for their diesel and that the Town is moving away from gasoline due to its toxicity and flammability. He stated that when SITLA was working with the Town for the Castleton Tower issue there were septic density studies being looked at closely and the knowledge and workings of the aquifer was far more present. He again stated that the biggest issue with this is the need to educate the community about their aquifer.

Council Member Drogin stated that she is neighbors with the Rhoads and really likes them. She stated that she feels odd as well having a business herself and telling someone else that they can't. Her main concerns were for the watershed, the Town's liability and what this would open the door to. She felt that sooner or later a business of that type would have an accident and for that reason felt that the amendments were necessary. She stated how difficult it is to tell someone they can't do what they would like, but protecting the watershed needs to come first.

Council Member Williams stated that when he and his wife moved to the valley they were attracted to its beauty, but the need was also immediately apparent to protect the valley's sole-source aquifer. He stated that there is still a huge need to go to Town and perhaps if there were more resources out here having a mechanic shop would keep you from that need, but at this point everyone still has to go to Moab. He stated that the Mayor based his election on his concern for the aquifer and the single most important thing to do is to protect it. He also stated the need for educating the public about the aquifer and to protecting it.

Council Member Drogin stated her appreciation for the Rhoads willingness to work with the town, and to do the right thing. She stated it was unfortunate that at this point it seems impossible to allow it to happen due to the regulations the Town would have to put on them and fees they would need to pay so the Town could afford to regulate them and in the end it probably wouldn't be worth it for these types of businesses. She stated that it had been really good to have this conversation as a town.

Council Member Hill and Duncan seconded Council Member Drogin's comment regarding their appreciation for the Rhoads.

Mayor Erley stated that he is not willing to do spot zoning in the Town and that the Bed & Breakfast was here before the Town was created and that is why it was grandfathered in. He also stated that a lot of people in the valley bought their lots because they have good water, and a lot of people have invested a lot of money into their water systems and are not concerned about the watershed because they have such poor water quality due to minerals.

Council Member Hill moved to adopt the modification and amendments to Castle Valley Ordinance 85-3 dated March 20th 2013 titled Prohibited home and premise occupations and enforcement penalties and fines, and incorporate them into a consolidated final amendment ordinance 85-3 which also includes those changes and amendments to Ordinance 85-3 as presented in the document dated March 20, 2013 titled 3.20.2013 Final Draft amendment 85-3 only on enforcement penalties and fines. Council Member Williams seconded, the Motion passed unanimously.

7. Discussion and Possible Action re: Adopting a Permit Application and Fee Schedule.

Mayor Erley stated that fees inside ordinances will be referenced to the Fee Schedule as well as other permit and application costs. He stated that it will be reviewed annually and the biggest change was the addition of land use ordinance violation fee of \$250 a day.

Council Members Williams moved to adopt resolution 2013-1, Council Member Hill seconded, the Motion passed unanimously.

8. Discussion and Possible Action re: The water system at the Town Hall.

Mayor Erley stated that the Town had a filter in place in the past but it was taken out, he stated that the toilets were turning brown in a matter of days after they are cleaned.

There was discussion surrounding different ways to keep the bathrooms clean with the poor water and what a filter would be able to accomplish. The Mayor will look in to the different option for the Town and associated costs.

9. Discussion and Possible Action re: Town employee pay raise policy.

Mayor Erley stated that the Town currently does not have a policy in place and it would be a good policy to have.

He described other policies that Moab and Grand County have in place that they could get ideas from.

Council Member Hill stated that it seemed like the town should have a pay raise policy.

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

10. Discussion and Possible Action re: Spring clean-up.

Mayor Erley stated that last year there was a lot of brush and inappropriate waste put into the dumpsters and the cost was around \$4000 to put on the clean up.

Town Clerk Fuller relayed that the cost of labor, the cost to dump, and transport the waste plays into the total cost and the Solid Waste District would like to send vouchers for the land fill instead.

Roads Manager Halliday stated that there were a number of people that seemed they had brought all of their kitchen garbage from the year and that was a problem last year.

Drake stated that Moab and the surrounding area have been getting vouchers for a number of years.

UNFINISHED BUSINESS

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

12. Discussion and Possible Action re: Amending language on Complaint Resolution Ordinance in relationship to fees and penalties. [Tabled]

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

Mayor Erley stated that there are a number of resolutions and ordinances that need to be addressed in the new Fee Schedule. He hopes to go through each resolution and ordinance and get the appropriate wording for each.

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

Council Member Williams moved to untable item 13, Council Member Duncan seconded, the Motion passed unanimously.

Mayor Erley stated that he and Roads Manager Halliday were at the easement that day and stated that there is a gate in the Fire District's road easement. He stated that the Town needs to get together with the Fire District and sort out the best way to access the easement.

14. 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. [Tabled]

Mayor Erley stated that he had drafted a letter and sent it to the council who had made some changes for the better.

Mayor Erley read the drafted letter to the audience which stated support of the name change with a historical plaque.

Council Member Duncan stated that she was not comfortable speaking for the Town on this issue.

There was discussion surrounding how the letter would be signed.

15. 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. [Tabled]

Council Member Duncan moved to untable item 15, Council Member Williams seconded, the Motion passed unanimously.

16. Discussion and Possible Action re: Purchase of road easements from SITLA. [Tabled]

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

Mayor Erley gave a brief history of the land swaps and easements the Town has been working on with SITLA.

Council Member Duncan stated that the Fire District wants to wait for BLM to get the land from SITLA because they would then grant the Fire District the proposed easements in a Title 5, and would like the Town to wait as well and not purchase the easements from SITLA.

Mayor Erley stated that the Town's late attorney told him that the Town is the land use authority in this area and if the Town is building and maintaining roads the Town needs the title, easement, or right-of-way for those roads. He stated that he is very interested in working with the Fire District.

Council Member Duncan stated that because the land easements are not currently owned by private property owners the scenario is different.

Mayor Erley stated the cost to build the road would be a lot less for the Town than a contractor.

Council Member Duncan stated that the Town and Fire District need to sit down and work through this issue together.

Council Member Hill inquired about a joint easement with the Town and the Fire District.

Mayor Erley stated that a joint easement is evidently not realistic but an easement and right-of-way could work. He indicated the Fire District has concerns about accessing the emergency access in the future.

17. Payment of Bills

Council Member Drogin inquired about the audit that was done by Smuin, Rich and Marsing and if there was another big audit coming?

Council Member Hill stated that there will not be.

There was discussion surrounding state audits and private audits.

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

18. Closed Meeting

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

Mayor Erley adjourned the meeting at 8:18p.m.

ADJOURNMENT

Approved: _____
David Erley, Mayor

Attested: _____
Alison Fuller, Town Clerk