

**MINUTES**  
**REGULAR TOWN COUNCIL MEETING**  
**WEDNESDAY, APRIL 15<sup>TH</sup> 2015 AT 6:30 P.M.**  
**CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE**

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

**Council Members Absent:** None

**Others Present:** Mary Beth Fitzburgh, Leta Vaughn, Greg Halliday, Jason Matz, Ron Drake, John Groo, Susan Lucas, Faylene Roth

**Recorder:** Alison Fuller

**CALL TO ORDER**

Mayor Erley called the meeting to order at 6:32 p.m.

**REGULAR MEETING**

**1. Open Public Comment**

Faylene Roth stated that over the years there had been talk about the town building having an art show, wine and cheese are often served, and perhaps the town would like to host weddings and as it stands the town policy does not allow alcohol and wondered if that could be looked at again.

Council Member (CM) Hill inquired about the alcohol that is served in Moab public places.

Fitzburgh stated that she thought the alcohol was prohibited as the town was a government entity.

Greg Halliday stated that it seemed that there were a lot of children in the valley and he thought that the town could use a playground for kids to play. He stated that he had seen kids playing on rocks and was concerned for their safety and thought a playground would be a good solution.

The council discussed how much kids enjoy playing on rocks even when a playground is available.

Mayor Erley stated that tonight's meeting was 64 of 96 for him and recommended the community start looking for someone to fill his position. He said that the town had come a long way and the job would be much easier and no one person should run a town.

**2. Approval of Minutes**

**\* Regular Town Council Meeting March 18<sup>th</sup>, 2015.**

CM Hill stated that on page 2, 1<sup>st</sup> paragraph, she would like the phrase to say "...the fact that we did not need to lease a grader this year", and get rid of "their decision" as they did not make that decision they simply just did not need to lease the grader since the old one had made it another year.

CM O'Brien moved to accept the minutes as amended, CM Duncan seconded, the Motion passed unanimously.

**3. Executive Reports**

**\* Road Committee – Jason Matz**

Matz stated that there were a lot of different funding opportunities presented at the UDOT March meeting and he was going to look into those further. He said he had quite the "To Do" list for the next month and the Spring Clean-Up went well and was very busy. There was one piece of trash that ejected from the dumpster upon unloading and broke a taillight of a truck parked too close, the resident was not upset and was grateful for their service. The Town would remedy any issues that may arise from that incident. It seemed that there were a lot of people that really took advantage of the clean up.

CM Drogin inquired about a clean-up for toxic products that would not be fit for the landfill in CV and if

something like that could happen.

Mayor Erley stated that he thought collecting those items at the same time would be good.

Town Clerk Fuller said she thought that Canyonlands Community Recycling will offer a collection for those products in May in Moab.

Roth inquired about Moab Green Solutions getting paid for providing recycling at the clean-up and hoped that he had been compensated.

#### **\* Planning & Land Use Commission – Marybeth Fitzburgh**

Fitzburgh stated that the power company would replace lines that are already in place, but putting in new lines on private property would be considered service line extensions and they would put new lines underground with some exceptions. Property owners would need to come to the PLUC and Town Council for approval of overhead lines if there were obstacles such as dynamiting through rock or power system constraints. CV has 25,000 volts while Moab only has 12,000 volts so the power company could only run line for a ½ mile or less underground. She was unsure if there were undeveloped properties that aren't near a transformer. The PLUC was also seeking direction regarding a portion of the Ordinance where the electric utility company would notify the Town of any major modifications to the primary electrical system. The PLUC would be holding a public hearing in May and would be looking to modify ordinance 92-1 and present it to the town council during the May meeting.

#### **\* Water Agent Report – John Groo**

Groo stated that he had gotten data together for the Water Study and tied up other small loose ends. He asked the council about the Town's greenbelt lots and if there was water that could be allocated to those lots. A property owner had come into the office and inquired about water rights on the greenbelt lots. He thought that the Town did not allocate water for the Greenbelt lots

Town Clerk Fuller thought the resident was possibly inquiring about the water for nurturing the riparian area. Mayor Erley stated that he thought that the town had decided that those lots would remain unoccupied and hence would not require water rights.

There was discussion around the ability to put a municipal well on a Greenbelt lot. They also discussed that it would take a lot of water and a "beneficial use" deemed by the State to put water back in Castle creek to water the riparian zone. The State has indicated that putting water into the Ditch Company Ditch could be viewed as a beneficial use.

#### **\* Hazard Mitigation Committee – Jazmine Duncan**

CM Duncan stated that there will be a Public Hearing on Wednesday, May 13<sup>th</sup> at 6 p.m. to get public input on the Draft CV Hazard Mitigation Plan. The Fire Commissioners and members of the Fire District started on some of their long term emergency planning at their last meeting. Some of the things that came up were road access, inaccessible homes, the aging population and what that means for calls and keeping a full roster at the Fire District. The Fire District had a training they opened up to the public on fire extinguisher maintenance and propane storage. The town's propane tank actually could use modifications to make it safer. She stated that she was surprised to read that the town's land use ordinance recommended burying propane tanks which is not ideal.

Fitzburgh stated that portion of 85-3 was cut and pasted from the County's ordinance and was not intended for propane.

There was discussion around buried propane tanks being less of a fire hazard but don't show obvious signs of leaking and need more tests and maintenance to keep them safe.

Fitzburgh stated that she was aware of this issue and there actually was a draft that went to the council and was rejected in the past.

There was discussion around screening propane tanks for visual appeal however many screens are flammable and not safe and the ordinance should be looked at from a safety stand point first and foremost.

Mayor Erley stated that he learned that fire extinguishers should be tipped upside down once and month to have the powder moved through the solution and when using them on oily fires, the fire should be put out from the top down to prevent the fire from splattering.

Fitzburgh stated that propane tanks should be 1' off the ground and non-flammable screening should be 5' away on all sides.

#### **\* Treasurer's Quarterly Report – Tory Hill**

CM Hill stated that the budget looked good, there were no surprises and the budget is at 74%. The road department is doing well due to not needing to lease a Grader yet. "Road Legal" had been added to the budget as a line item for the legal road easement work and will be amended at their budget hearing in May.

#### **4. Correspondences**

Mayor Erley stated that UT had changed how the gas tax is calculated and CV would receive a \$5,783 increase in B&C road funds. The County has the option to put a referendum on the ballot to raise the gas tax by 0.25% which would equal almost another \$4,000 for CV. The county stands to gain \$238,000 without the referendum and could stand to get around \$626,000 more if the referendum passes. The reason the bill went through was because it was recognized that B&C road funds were only covering about 40% of the cost to maintain B&C roads and Utah wanted money to go into public transit which portions of this money would be required to go towards in communities that have public transit in place.

CM Hill read a letter from Bill Rau regarding Drones and their inflated use and accessibility. He stated that the Drones do not have regulations other than around airports. Currently the town does not prohibit drones from flying over private property and perhaps the town should reconsider what is prohibited.

Mayor Erley stated that his brother-in-law is a commercial photographer in San Diego and uses a Drone and they are becoming more common for sure.

Fitzburgh stated that commercial use of drones is prohibited in CV because it is zoned residential agricultural but the most likely party to use drones in CV would be real estate agents and that if Police get a warrant they can also use drones.

Mayor Erley stated that perhaps the nuisance ordinance would be appropriate to amend.

Halliday stated that the space that drones can fly is in "no man's land" and that a drone would be better for filming in an area than a helicopter.

Ron Drake stated that he thought that there would be a lot more drone use for firefighting.

Mayor Erley thought that this topic would be good to think about keeping in mind that there are some beneficial uses but at the same time drones could be extremely invasive.

Mayor Erley read a letter from the Castle Valley Gourd Committee asking for permission to store gourd festival props and supplies in the town's old road shed. The road department was more than willing to share their space in their shed with the Gourd Festival Committee.

#### **5. Administrative Procedures & Matters**

Town Clerk Fuller reported that the Town's building/grounds caretaker had fallen and broken her wrist while maintaining the Castle Valley Cemetery and would be recovering for the next 2-3 months.

There was discussion around not letting Ms. Gregory do light or one handed work due to the risk of re-injury. The council discussed hiring a private contractor who could be 1099'd or using a temp. agency in the meantime.

CM Duncan asked if the Town had a policy for drug testing when accidents occur on the job.

Town Clerk Fuller stated that when she contacted the insurance company there was no mention of getting testing done, and thought that would fall under the Town's insurance policy and didn't think the Town had an internal policy. She stated that the Town should have an internal accident report form for

incidents so the Town has a record of accidents just in case the employee decides not to go to the hospital right away. Workman's Comp. confirmed with Fuller that, that would be an appropriate way to handle our situation with the hospital being so far away.

## **NEW BUSINESS**

### **6. Discussion and Possible Action re: Approving contract with Zacharia Levine as the Town Appeal Authority.**

Mayor Erley stated that he had gotten a sample contract from Meg Ryan, the planner for the Utah League of City & Towns, he had edited to fit Castle Valley's needs. Zacharia had a couple questions regarding the contract but he was comfortable with the fees in the contract. The town's attorney was not able to review the final contract due to her sick children.

CM Hill asked if the council should approve the contract upon the approval by the town attorney.

CM Hill moved to approve the contract with Zacharia as long as it passed legal review with no substantive changes, CM Duncan seconded, the Motion passed unanimously.

### **7. Discussion and Possible Action re: Approving the amended Town of Castle Valley Employee Policies.**

The council reviewed additions to the policy regarding the 2% pay raise policy and requiring National Incident Management System (NIMS) training for the Town Council and employees.

There was discussion around who should be required to receive the 3 hour NIMS training out of the employees and elected & appointed town officials. The council agreed that the employees and the Town Council should take the NIMS training

CM Duncan stated she thought there should be something stating that employees should expect getting drug & alcohol testing in the event of an accident at work.

Mayor Erley wondered if the council should take the policy to the town attorney before approving the section regarding drug testing to ensure thoroughness.

CM O'Brien inquired about the town's definition of employees in the Policy's employment category.

The Council agreed that the NIMS training would be for all town employees and volunteers would also be required to get drug tested if they are hurt while volunteering for the town.

CM Hill moved to Table Item 7, CM O'Brien seconded,

Drake asked if there should be drug testing upon hiring and include random testing as well.

The council discussed the cost of drug testing on a regular basis and testing when there are accidents or if there is suspicion of substance abuse at work.

the Motion passed unanimously.

### **8. Discussion and Possible Action re: Possible purchase of road equip. and increasing the limit to \$25,000.**

Mayor Erley stated that there was a really nice truck & plow that had sold already that the committee couldn't purchase because it was out of their pre-approved price range. The road committee was hoping for an increase to be able to jump on a nice piece of equipment. He said that the road department really needs a water truck and doubts they would need that much money for one.

There was discussion around money coming out of the Capital roads account that may be replenished through the surplus that was gained by not needing to lease a grader.

The council stated that they trust the road committees' opinion and don't want to miss a good deal because the decision had to wait to go to the Town Council first.

Mayor Erley stated that the road committee is not out to buy, just to buy and if they don't find a nice piece of equipment that money will stay in the Capital roads fund.

CM Hill moved to allocated up to \$25,000 from the capital road fund and let the Road Department decide what equipment to purchase, CM Drogin seconded, the Motion passed unanimously.

**9. Discussion and Possible Action re: Chip sealing Castle Valley Drive.**

Mayor Erley stated that it is ideal to chip seal every 7 years and the town is at that mark for CV drive. The road committee had discussed that now is a good time to chip seal due to the low price of oil.

The council discussed doing the project in order to save the town a lot of money.

CM Drogin inquired about getting the material at a locked in price.

Halliday stated that as long as the price of oil is low the material will be low and last time the town had it done it was hard to find oil since it was all being turned into fuel.

CM Hill will get a bid on the current cost and report what she finds out.

**10. Discussion and Possible Action re: A concrete pad for the Town's propane tank.**

Mayor Erley stated that heating the building to 50-55 degrees is the only thing the propane is used. The electric heaters the Town Clerk purchased heat the building to a comfortable temperature using the town's solar power when the building is occupied. The town considered switching the internal heating system to electric but the estimate was around \$10,000 and the heaters have proved to work great. He felt it would be best if the town kept the propane tank and made sure to meet the best safety standards for it.

CM Hill inquired about the heat being the only thing the propane is used for.

Mayor Erley stated that the hot water had been disconnected as it was not working properly so the heat was truly the only use for the propane currently.

There was discussion around pouring a concrete pad for the propane tank and the cost of concrete being cheap while the delivery cost is expensive. The council discussed other concrete projects that would be beneficial in order to use a full truck of concrete, they discussed splitting a concrete truck with contractors, the Fire District or residents to save on cost. They discussed mixing bags of concrete on site depending on the specifications of the needed concrete pad.

CM Drogin moved to Table Item 10, CM O'Brien seconded, the Motion passed unanimously.

**11. Discussion and Possible Action re: Grand County's affordable housing plan.**

CM Duncan stated that she attended an affordable housing meeting and was intrigued by the ordinance that Moab had that created an option for realtors to offer a tax on sales that would contribute money to the affordable housing in Moab. She stated that CV is not required to have an affordable housing plan because we are too small, but CV is effected by the housing problem and could do something to be a part of the solution. A CV resident was at the meeting and stated that if the real problem is the amount of land in the Moab area why was CV not looked at as a solution. CM Duncan explained that CV is limited by septic tanks threatening the aquifer and more residents on lots would require a sewer system.

Mayor Erley said that he likes the idea of having an optional real estate transfer tax.

CM Duncan stated that it could be good to get this out there and that if second home owners were to rent their homes it would be beneficial for many parties as far as tax breaks, increasing property maintenance, providing housing, etc.

Fitzburgh stated that CV is platted at 5 acres in order to be zoned residential agricultural by the State.

There was discussion around agricultural practices enabling residents the ability to afford their land in CV.

Drake stated that the commute to Moab can make affordable housing in CV mute due to gas prices.

CM Duncan stated that there are 2 resorts close by that could provide local employment for CV residents.

Fitzburgh stated that the state and feds require group homes for seniors that may fit in with the affordable housing crisis as well as serve CV's aging population.

CM Duncan moved to table Item 11, CM Hill seconded, the Motion passed unanimously.

**UNFINISHED BUSINESS**

**12. Discussion and Possible Action re: Possible re-enforcement to the Castle Creek/Castle Valley Dr. culvert instead of a bridge. [Tabled]**

**13. Payment of the bills**

CM Drogin inquired about Workmans Compensation billing the Town.

The Town will know how it will affect the budget before the fiscal year ends.


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

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

Mayor Erley adjourned the meeting at 8:33 p.m.


**ADJOURNMENT**

**Approved:**

  
\_\_\_\_\_  
Tory Hill, Acting Mayor & Chair

Date:

**Attested:**

  
\_\_\_\_\_  
Alison Fuller, Town Clerk

**6.20.15**

Date: