

AGENDA
PUBLIC HEARING ON AMENDMENTS TO ORDINANCE 85-3 RELATED TO LARGE-SCALE BEEKEEPING OPERATIONS, CONDITIONAL USES, PERMITTED LIVESTOCK REQUIREMENTS, SETBACK REQUIREMENTS FOR WELLS AND SEPTIC SYSTEMS, AND DEFINITIONS.

Followed by the
REGULAR TOWN COUNCIL MEETING
WEDNESDAY JULY 16th, 2014 6:30 P.M.

CASTLE VALLEY COMMUNITY CENTER
2 CASTLE VALLEY DRIVE

Electronic Attendees: Council Member Drogin was not able to attend the meeting.

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

Council Members Absent: Council Member Drogin.

Others Present: Faylene Roth, Ron Drake, Jack Campbell, Jen & Jim Goff, Jerry Shue, Pam Hackley, Laura Cameron, Jared Anderson, Brock Johansen, Bruce Keeler, Bob O'Brien

Recorder: Alison Fuller

PUBLIC HEARING:

Mayor Erley called the public hearing to order at 6:38p.m.

Jack Campbell stated that he noted that Foster Homes had been crossed out of the Ordinance and stated that in the past there was a Juvenile home that was going to be started in the valley with 13 criminal juveniles that would live under one roof and the ordinance prohibited that from happening.

There was discussion around what constitutes a foster home.

Laura Cameron stated that the State has strict guidelines and stringent rules on Foster homes and the PLUC did not feel that they needed to regulate beyond the State.

Campbell stated that noise was not included in the changes and should be and also stated that the way the zoning Ordinance is currently written it would allow for too many animals on town lots. He stated that the world is much different now than it was in 1985 when the Land Use Ordinance was written.

He used Monsanto as a prime example of how the world has changed as well as the threats that are in it.

Pam Hackley stated that she supported the prohibition of any sort of migratory bee keeping.

Jen Goff stated her concerns for the way that 85-3 is currently written and how it limits those who are raising livestock responsibly. She stated that 1 cow could do more damage than lots of goats depending on how the animals are tended.

Council Member Hill moved to close the public hearing, Council Member Duncan seconded, the Motion passed unanimously.

REGULAR TOWN COUNCIL MEETING:

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

CALL TO ORDER

1. Open Public Comment

Campbell stated that in the last meeting he was very impressed with the way the Council handled the public meeting last month and commended the council for having such an open dialogue with the citizens.

2. Approval of Minutes

*** Regular Town Council Meeting June 18th, 2014.**

Council Member Hill noted on the Water Agent report on the last paragraph 2nd line, "is" should be "are".
Council Member Duncan moved to approve the minutes with the change noted, Council Member Hill seconded, the Motion passed unanimously.

3. Executive Reports

*** Water Agent Report**

Groo stated that he is working on the clerical sides of organizing the Water User Agreements and future processes the Town may move towards.

There was discussion around the State legislation that may affect the need for recording water right numbers with the county and how that might steer the future water right process through the town.

*** Road Committee – No report this month**

Mayor Erley stated that Halliday had retired after years of excellent service and the new roads Manger Jason Matz started his first day yesterday.

*** PLUC (Planning and Land Use Commission)**

PLUC Chair Cameron stated that in the last PLUC meeting there was discussion around putting parts of 85-3 through at the meeting and the parts of the Ordinance that need more thought could be returned to the PLUC for further discussion.

*** Hazard Mitigation Planning Update**

Council Member Duncan stated that the group had been discussing fire hazards and clearing brush from power poles and around transformers and whose responsibility it is. The group also wanted to get a map of the utilities so there is someone in the valley who is aware of how the utilities are laid out. The group also discussed severe weather and creating a space at the Town building with back-up power and aid available.

*** Treasurers Report**

Council Member Hill stated that due to some unexpected sales tax income the budget's income was over. She stated that the payroll was over budget due to a miscalculation but overall there was just under \$10,000 surplus that Town was not expecting.

*** Administrative & Procedural Matters**

There was discussion around the Town's protocol for what to do when people can't meet the deadline to remove second dwellings in accordance to a decommissioning contract.

4. Correspondence

Mayor Erley read a letter from citizens who were in support of getting internet.

Council Member Hill suggested not reading the 5 page letter during the meeting since the council had already read it and a few names had been added and removed from the letter after it was turned into the Town. The letter was in favor of livestock limits in Ordinance 85-3.

Mayor Erley announced that the letter was a public document and could be viewed anytime during regular office hours or at the present time if anyone so chose.

NEW BUSINESS

5. Discussion and Possible Action re: Internet Technology availability & Federal Grants described by Emery Telcom.

Brock Johansen introduced himself and described how Emery Telcom began. Bigger carriers would not come into Emery County to serve them, so Emery Telcom co-op was created and has branched out to the southeastern region of Utah. He stated that the FCC (Federal Communications Commission) has grants available for communities who do not get service which is defined as 3 megs or less. The FCC did just raise that number to 10 megs. He discussed 2 grants through the FCC; The Community Connect grant is available annually with about \$13 million for the whole U.S. A new grant fund called the Connect America fund has 4.5 billion annually which Castle Valley may eventually get. Emery Telcom was not trying to propose a project but felt that Castle Valley was a prime candidate to receive one of these grants. Castle Valley is a very hard community to serve and that is why Frontier doesn't spend a lot of money on Castle Valley.

Mayor Erley inquired about the resorts on the River Road and if they would be included in the grant. Johansen stated that the best way to bring fiber optics into the valley would be to come from Cisco and down through "Top of The World" along the aerial lines in place which would also serve the river corridor. He described different networks that provide internet i.e . Fiber optics, DSL, radio/wireless & cellular. Emery Telcom is the only fiber network that serves southeast Utah and all of the carriers use Emery Telcom's fiber optic line to carry data up to Salt Lake & beyond that includes all cell phone calls, internet, etc. "Fiber" is a glass cable the size of a strand of hair that has lasers shot through it at different times that transmit data within it. He stated that the data limit it is yet to be discovered in fiber lines. Castle Valley has a DSL copper system for internet which is limited by the length of the copper loops. If one is further than 5,000 ft from the repeater poor internet service is expected. Wireless internet bounces signals to little antennas on peoples' houses, the down fall is that the internet is shared as it bounces around, thus the megs can get used up before reaching a location.

There was discussion around the lack of internet service in the upper valley where residents receive the least amount of megabytes.

Faylene Roth asked if using the wireless system & 5 megs is provided would it still be there in heavy use.

Jared Anderson stated that if an antenna can transmit 12 megs and more than 2 people get on the internet to use their 5 megs, each user will not receive their 5 megs. Over subscription occurs because companies recognize that not all the users will be online at the same time and the need to have all the megs all the time for all their customers would be over kill a lot of time.

Mitchell May asked if the grant comes through how long it could take to get fiber into Castle Valley.

Johansen stated that currently they are working towards Monticello and they are looking at about 12-14 months. The slow part of the process is the permitting through BLM, SITLA etc. He stated that once the permits are in place the lines go up quick especially if there are aerial lines already.

May inquired about the costs for the fiber optics to Castle Valley.

Johansen said that it would be ¼-1 million dollars to bring fiber to the Town Building in Castle Valley and more to bring it to homes. He stated that Castle Valley is very difficult and expensive to serve which is Emery Telcom would not consider this project without a grant. He explained that businesses take a big load off the residents because they buy big circuits from the carriers and make it more appealing to carriers.

Roth asked what the monthly costs are compared to Frontier.

Johansen stated that the costs are a little under Frontiers and the pricing is standard and available online. He described the public service initiative that evens out the costs to rural settings for internet service.

Hackley asked how the fiber optic line would dovetail with the poor power lines that don't provide reliable power.

Johansen stated that when the infrastructure is built there would be new poles put in place where they are needed and proper permitting would be required.

Campbell asked if there was any kind of hybrid that could be done with the different internet systems.

Johansen stated that all the systems could basically be used together in different combinations to improve service.

There was discussion around the cost of hybrid systems and what could be done to improve internet service. Johansen described how the beams are transferred from antenna to antenna. Radio waves are highly directional and have a 3 degree beam width; cellular antennas have a 92 degree beam width. He described nodes that could be used on shorter copper lines to increase the number of megabytes.

Mayor Erley stated that internet service on the river corridor is very important for emergencies.

Johansen stated that if there was a tower put in for cell service that had a clean shot of the river it could also provide cell service and possibly internet. He stated that there are mitigations that could be done to lessen the impacts of a tower.

Mayor Erley stated that the Forest Service has a portable tower that can be moved around for the best reception during wildfire.

There was discussion around the software that can very accurately predict the line of site for reception for new possible towers.

Johansen & Anderson offered their help to the Town anytime it was needed.

There was discussion around the height that a dish would need to be to transmit data.

Town Clerk Fuller asked for Council Member Drogin what the cost would be for the Town and what the responsibility the Town would have.

Johansen stated that the costs would be covered by Emery Telcom and the Town would just need to supply a place with 2 computers that have free access to the internet.

Hackley asked that the Town keep the community involved in the decision making process.

Mayor Erley stated that there is a private entity who is trying to bring the internet into the valley and it is out of the Town's hands. He expressed his concerns for not being able to use the internet and not being able to conduct simple business online while others are able to stream movies and take up the bandwidth.

6. Discussion and Possible Action re: Adoption of Ord. 85-3 CV's land use ordinance as it's related to large-scale beekeeping operations, conditional uses, permitted livestock requirements, setback requirements for wells and septic systems, and definitions.

Council Member Hill added a 's' to foresights, instead of foresighted.

There was discussion around the wording for "group home" and using different language that would still comply with State statute.

Bruce Keeler stated that he thought that allowing a conditional use group home would be a mistake since the Town does not have enough in their ordinances to regulate what would basically be a small hotel.

There was discussion around how to comply with State & Federal statute and protect the Town as well.

PLUC Chair Cameron stated that it seemed there were parts of the ordinance that could be passed tonight but perhaps there would be parts be sent back to the PLUC for review.

There was discussion around definitions of language that was put into the proposed amendments to 85-3.

Council Member Hill inquired about the electromagnetic and electrical interference language being considered.

PLUC Chair Cameron stated that a lot of the language that was added was taken from the Utah League of Cities and Towns sample land use ordinance.

Council Member Duncan stated that many of the proposed criteria would be hard to measure and that the wording is based on opinion and not measurable means. She stated that there needed to be more definitions to the language used.

Roth stated that the Conditional Use Permits are applied for and the new criteria would enable the Town to look at aspects of the business that would need to be mitigated, perhaps on kinds of businesses they had not even considered.

Council Member Duncan stated that she was not comfortable with the proposed language regarding buildings needing to be the same size, scale & mass as other surrounding structures.

The Council reviewed the proposed changes that they all felt comfortable adopting. They included; No more than 30 beehives can be kept on each legally platted lot, migratory beekeeping operations of any size, either permanent or temporary are prohibited, water wells shall be located at least fifty (50) feet from the property line between contiguous lots and at least 100 feet from any existing septic system, septic systems shall be located at least fifty (50) feet from the property line between contiguous lots and at least 100 feet from any existing water well, All road easement encroachments must receive written approval by the Town's Roads Manager through the approval of a right of way encroachment permit application prior to commencing any work within a Town road easement.

Council Member Hill moved to approve changes to Ordinance 85-3 on Sections 4.2, 4.4, 5.2, & 5.7, Council Member Duncan seconded, the Motion passed unanimously.

7. Discussion re: The Proposed Budget Increase.

Mayor Erley stated that he had been communicating with Ron Mengel about his concerns for the increase and had a chain of e-mails with explanations for the tax increase available for public review.

Council Member Hill stated that she had been confronted many times about the need for such a big increase and stated that getting these big projects done during the current administration would ensure that taxes could go down before the council leaves office.

Campbell stated that taxes haven't been increased in a long time even with inflation and wondered what taxes would be if they had gone up equally with inflation. He stated that there are many things the Town has done that put the tax increase in a light that would say that taxes are not increasing. He stated that the tax increase should possibly stay high because the cost to run a town increases as it grows and as time goes on people expect a higher standard.

Mayor Erley stated that the Town needs to see what the equipment costs will be & how many hours the Town will actually use the equipment. There could be a lot of savings inside the proposed budget if they do not need to lease the equipment for 500 hours a year.

Campbell stated that he really valued what the Town is doing by taking their jobs seriously.

Hackley stated that she found the e-mails that were circulated amongst the council to be very helpful and she agreed with the Town leasing equipment based on her experience with the Solid Waste District. She stated that she agrees that the taxes should have increased over the years but the extreme jump in taxes is a big junk of their household budget and wondered if the increase could be spread out over 5 or 6 years.

Mayor Erley stated that he is very weary of leaving the important proposed projects in unknown hands by not raising enough money to complete the projects within the current councils' terms of office.

There was discussion the around ways to spread out the financial burden on property owners, and the importance of finishing the projects during the current council to ensure the projects are completed.

Hackley inquired about the water study and what the specific things thing it would accomplish and how it would be done.

Mayor Erley stated that Castle Valley's watershed is not nearly as hydrologically, geologically or politically complicated as the Moab and Spanish Valley watershed and that is why the cost is so much less. The goal would be to create a water budget for the town and to get a ground water management plan. Based on what the study says it could determine that the best thing to do would be to close the watershed to further water rights appropriations. He stated that Castle Valley and the Moab area is sitting in the middle of major frackable oil shale layers according to the May 2014 Survey Notes published by the Utah Geological Survey.

Groo stated that the water study would very credible , would offer answers to looming questions and ones the Town had not yet asked, and would be invaluable in the future.

8. Discussion and Possible Action re: A representative for the Castleland Resource Conservation & Development.

The group discussed who would be a good representative for the Town.

Council Member Duncan moved to Table Item 8, Council Member Hill seconded, the Motion passed unanimously.

9. Discussion and Possible Action re: Approval of a MOU with the Fire District for sharing equipment.

Council Member Hill moved to accept the MOU between the Town of Castle Valley and Castle Valley Fire District for maintenance and use of any and all roads deemed necessary by both parties for public safety and welfare, Council Member Duncan seconded, the Motion passed unanimously.

UNFINISHED BUSINESS

10. Discussion and Possible Action re: Participating in the National Flood Insurance Program. [Tabled]

Council Member Hill moved to untable item 10, Council Member Duncan seconded, the Motion passed unanimously.

Council Member Duncan stated that the question she did not get answered was whether or not the town would be held liable.

Council Member Hill moved to table Item 10, Council Member Duncan seconded, the Motion passed unanimously.

11. Discussion and Possible Action re: Moving over to Vote-by-mail only. [Tabled]

12. Discussion and Possible Action re: Adopting amended Ord. 95-6 an ordinance Regarding the Building Permit Process & approval of a form acknowledging Castle Valley's prohibition of short term rentals. [Tabled]

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

Council Member Hill moved to adopt the amended Ordinance 95-6 with the presented form, Council Member Duncan seconded, the Motion passed.

13. Discussion and Possible Action re: The Board of Adjustments. [Tabled]

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

The Mayor stated that the PLUC is still working through this.

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

14. Discussion and Possible Action re: Internet service in Castle Valley. [Tabled]

15. Payment of Bills

Council Member Duncan moved to pay the bills as presented, Council Member Hill seconded, the Motion passed unanimously.

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

Mayor Erley adjourned the meeting at 9:10 p.m.

ADJOURNMENT

Approved:

Attested:

David Erley, Mayor

Date:

Alison Fuller, Town Clerk

Date:

APPROVED