

MINUTES
TOWN COUNCIL REGULAR MEETING
WEDNESDAY, SEPTEMBER 19th, 2012 – 6:30 P.M.
CASTLE VALLEY COMMUNITY CENTER
2 CASTLE VALLEY DRIVE

Town Council Members Present: Mayor Erley, Council Members: Hill, Drogin, Williams

Town Council Members Absent: Council Member Duncan

Others Present: Ron Drake, Greg Halliday, Faylene Roth, Michael Dunton, Skip Ambrose, Ed Derderian, Don Tuft, Bruce Millis, Bob Butcher, Leta Vaughn, Mary Beth Fitzburgh, Daniel Prickett

Recorder: Alison Fuller

CALL TO ORDER

Mayor Erley called the Regular Town meeting to order at 6:31pm.

1. Open Public Comment

Alison Fuller reported applying and receiving a grant from Tree Utah for planting trees and shrubs for the town lot.

Mayor Erley read a letter from an anonymous citizen who had a suspicious visitor late the night of Saturday the 15th. The stranger was inquiring about L.D.S. services the next day but the home owner did not believe his story and did not see his car at the church the next day. The homeowner believed that his house was getting cased for a burglary.

Ron Drake reported that other citizens were also approached at their houses with the same story given to them.

2. Approval of Minutes

- * Regular Town Council Meeting August 15, 2012

Council Member Hill motioned to approve the minutes as presented, Council Member Drogin seconded, the Motion passed unanimously. Council Member Williams abstained.

3. Executive Reports

- * Road Committee
- * PLUC

PLUC Chair Fitzburgh reported that the General Plan surveys are in the mail.

Mayor Erley spoke about the importance that should be placed on the General Plan Survey.

PLUC Chair Fitzburgh informed the public of the PLUC meeting in October for questions regarding the General Plan Survey.

4. Correspondence

NEW BUSINESS

5. Discussion and Possible Action re: amendments of Ordinance 85-3.

Mayor Erley stated that the reason for the amendments were due to a recent application for an addition to a non-complying structure, the Ordinances are silent on this issue.

PLUC Chair Fitzburgh noted that the amendment basically says that additions on non-complying structures are allowed as long as they currently meet town ordinances.

Council Member Hill asked if there was anything in the ordinance regarding height for alternative energy structures.

PLUC Chair Fitzburgh stated that there are only clear height requirements on buildings, not on alternative energy structures.

Council Member Williams moved to approve the recommended amendments to Ordinance 85-3, Council Member Hill seconded the Motion. The Motion passed unanimously.

6. Discussion and Possible Action re: application for a nonroutine conditional use permit by Michael Dunton for Lot 413.

Mayor Erley stated that Michael Dunton's neighbors seemed to be in support of the application that Michael Dunton submitted with the conditions the PLUC proposed.

Council Member Hill asked if there would be an inspector from PLUC to inspect conditional use permit areas.

PLUC Chair Fitzburgh stated that the building inspector will inspect the building but the PLUC has not inspected buildings for home occupations in the past but according to the ordinance they are permitted to do so.

PLUC Chair Fitzburgh explained that CUP's would be investigated after a complaint is presented to the town.

Mayor Erley explained that permits and problems are enforced by the Mayor and certain issues that may need to be enforced in the future would require a different kind of position to enforce ordinances.

Ed Derderian asked if there was a difference between a complaint against a business or a safety issue.

PLUC Chair Fitzburgh stated that there was one CUP in the town that would have posed a greater fire risk and an inspection by the fire department was written into the permit as a condition, so it is possible for a clause to be written into the conditional use permit where some sort of regular inspection would be required.

Council Member Hill stated that there are private businesses that inspect fire extinguishers and perhaps they could be used as part of an inspection requirement.

Bruce Millis asked if this was referring to hoarders and junk yards or building permits.

Mayor Erley remarked it concerned home occupation, junk yards would be regarded as a nuisance in the ordinances.

Council Member Drogin asked if there was a way to make provisional annual permits.

PLUC Chair Fitzburgh stated that all of the permits are annual and if there are no complaints the permit is renewed automatically.

Council Member Hill stated that there was support and concern from the neighbors that a project may be too large for the new shop and the project would be too noisy outside of the shop.

Council Member Williams asked if there were any complaints before the shop was burned down.

Mayor Erley and Council Member Williams stated there were no formal complaints filed before the fire.

PLUC Chair Fitzburgh stated that if a neighbor does complain it does not immediately cancel the permit, the complaint has to be valid.

PLUC Chair Fitzburgh stated that inside Dunton's permit there were time lines for when work could happen and the noise level would be allowed to reach what a home hobbyist would make.

Council Member Hill asked if there would be separate storage for the tanks and flammable fluid in the new building away from the "hot" work.

Mr. Dunton confirmed that before and in the future the "hot" areas were and will be separate from flammable fluids.

PLUC Chair Fitzburgh stated for the record that the cause of the fire at Mr. Dunton's did not have anything to do with the welding shop or Mr. Dunton's business.

Council Member Hill asked if Mr. Dunton was going to renew his permit and not let it expire again.

Mr. Dunton replied that his permit had *regrettably* expired, and he would be sure to renew.

Council Member Hill made a motion to approve the nonroutine conditional use permit, Council Member Williams seconded, Council Member Drogin third, the Motion passed unanimously.

7. Discussion and Possible Action re: building permit application for addition to a non-complying structure on Lot 102.

Council Member Hill asked if the primary reason for the building was for the guest house. Don Tuft said that he labeled the addition as a guest house but that was not the sole purpose.

PLUC Chair Fitzburgh defined a second dwelling as something that someone *lives* in permanently or that contains a bathroom and a kitchen. She continued to say that the plans cannot label a guest house on their lot because it would not be a truthful statement in a sale description of the property.

Council Member Drogin asked if the lot was in question because our ordinance was silent on the issue of adding addition to noncomplying structures.

PLUC Chair Fitzburgh stated that that was correct, and the structures addition is in compliance with the town's current ordinances.

Council Member Hill motioned to approve item 7, Drogin seconded it. The Motion passed unanimously.

8. Discussion and Possible Action re: formal initiation of amendments to 85-3 prohibiting the following for home and premises occupations: motor vehicle, trailer or boat repair shops; auto body and/or fender repair shops; manufacture, assembly or repair of heavy equipment, major appliances, engines or motors; junk yards; and mortuaries or crematoriums.

Mayor Erley stated that 85-3 is silent on this issue, and if applicants can mitigate impacts of their business their permit can be approved. He stated there are questions on the General Plan Survey regarding the communities view on what businesses should or should not be allowed in Castle Valley.

Mayor Erley read a letter from a member of the community requesting a moratorium of the issuance for building and CUP involving auto repair, welding, metal fabrication, junk yards, lawn mower, or small engine repair.

PLUC Chair Fitzburgh stated that she does not believe the town has grounds to put a moratorium on this matter.

Council Member Hill asked how many permits are issued in the town regarding the agendas description.

Mayor Erley stated that there is one for mobile repair.

PLUC Chair Fitzburgh said there were some old permits but there was basically just the one previously stated.

Mr. Prickett stated that it is a grey area letting industrial commercial businesses in Castle Valley.

Mayor Erley stated the ordinances were not nearly as grey as some community members chose to interpret them.

Council Member Hill stated that if someone was able to mitigate their noise impact etc., and responsibly take care of their waste she didn't see a problem with people making a living on their land.

PLUC Chair Fitzburgh stated that the council can consider this topic and deny new permits for 6 months that would fit under this umbrella.

Bruce Millis stated that it seems like a moratorium would accuse the community of being guilty until proven right.

Ed Derderian handed out the Grand County and Salt Lake County's zoning ordinance for residential zoning which showed no industrial uses allowed in Rural Residential zoning. Mr. Derderian stated that Castle Valley is zoned as residential agricultural and it was not a coincidence that industrial uses were not permitted in residential zones in Grand County and Salt Lake County.

Mayor Erley stated there was not going to be a final decision made tonight and wanted a healthy community discussion on this topic to define the ordinance further.

Council Member Drogin asked if there was a formal complaint against industrial businesses. Mayor Erley replied there was an informal complaint but no formal complaint had been submitted.

PLUC Chair Fitzburgh stated that according to State law it becomes challenging to deny a permit if the applicant agrees to mitigate the negative impacts.

Council Member Hill asked if the council initiated to amended 85-3 ordinance then could the town postpone new permits that weren't in compliance with the initiated amended ordinance?

Council Member Hill stated that the timing is good to hear community input through the General Plan Survey. She also verified that initiating an amendment to an ordinance is not a permanent change.

PLUC Chair Fitzburgh stated that in order to amend an ordinance there would be a large process that would greatly include the community and then the final decision would be up to the Town Council.

Council Member Williams moved to initiate Town Council amendments to Ordinance 85-3 prohibiting motor vehicle, trailer or boat repair shops; auto body and/or fender repair shops; manufacture, assembly or repair of heavy equipment, major appliances, engines or motors; junk yards; and mortuaries or crematoriums. Council Member Hill seconded the Motion, the Motion passed unanimously.

UNFINISHED BUSINESS

9. Discussion and Possible Action re: Castle Valley's Emergency Mitigation plan
Council Member Williams moved to table the item, Council Member Hill seconded, the Motion passed unanimously.

10. Discussion and Possible Action re: Landscaping to lessen the visual impact of the solar panels

Council Member Hill stated that the solar panels do not seem to be a major eye soar and also are something to be proud of.

Mayor Erley stated that it would be nice to mitigate the sight of the solar panels chiefly for the Henrys.

Ed Derderian stated that if the town mitigated the sight of the solar panels it would set a good example for others that get solar panels.

Council Member Williams motioned to plant trees in a berm to be constructed in front of the solar panels, Council Member Hill seconded it, the Motion passed unanimously.

11. Discussion and Possible Action re: Upgrading the mailboxes and surrounding area

Mayor Erley stated that we recently found a lot description for the mailbox land. He also spoke with the Post Master who said it was unlikely that we could get new boxes, and if we did we might get different numbers which seemed like a big deal.

Mayor Erley also stated that there was a possible donor for the new mailbox area if the designs pleased the donor.

Council Member Hill asked if there was a question regarding the mailboxes on the General Plan Survey.

PLUC Chair Fitzburgh said yes there is a question about the mailboxes on the survey.

Council Member Hill motioned to table this issue until they get a response from citizens through the survey. Council Member Drogin seconded, the Motion passed unanimously.

Bruce Millis stated that he spoke with the post master as well and the mailboxes are not actually owned by the post office. He also stated that the boxes are an old structure and ugly and it would be nice if the entrance of the community was nicer.

Don Tuft stated that when the mailboxes went in originally he was concerned about safety since the boxes are so close to the road. He thought that the triangle space on the other side of the road seemed like a safer spot.

Mayor Erley stated that there had been a wide variety of feedback from the community regarding the mailbox upgrade, but wanted to also include mailbox users that do not live in The Town of Castle Valley.

12. Discussion and Possible Action re: Fire cost sharing

Council had no discussion on this topic and removed it from the agenda.

13. Discussion and Possible Action re: The 4-Season Emergency Access Route.

Mayor Erley reported there was not much new news on this topic but the fire chief was in contact with the property owner to work out an agreement.

14. Discussion and Possible Action re: Resolution Abolishing Corporate Personhood And Money As Free Speech.

Mayor Erley stated that the Town was presented with a petition to abolish corporate personhood. The town council came up with the language for the issue to be on the ballot but municipalities can not put opinion questions on the ballot with out the ok from the state. The council however can pass a resolution on this topic and send it out to our state representatives.

Council Member Drogin stated that the states decision was astounding regarding this topic. Council Member Williams stated the he was concerned about the council not making some movement after so many community members worked on and signed the petition against this.

Ed Derderian asked what other states were doing regarding this issue.

The Council thought that other states were able to vote on this issue and didn't have the same Utah law.

PLUC Chair Fitzburgh asked if there was a way to have an unofficial pole near the election pole regarding this issue on the same day as the elections if allowable.

Council Member Williams moved to have the Mayor research the topic regarding election rules and having a pole on the Resolution Abolishing Corporate Personhood and Money as Free Speech, Council Member Drogin seconded, the Motion passed unanimously.

15. Discussion and Possible Action re: Consideration for amendment of Ordinance 2009-2 regarding Castle Valley's Driveway Culvert Policy. [Tabled]

16. Payment of Bills

Council Member Williams made a motion to pay the bills as presented, Council Member Drogin seconded. The Motion passed unanimously.

Council Member Hill motioned to adjourn the meeting, Council Member Williams seconded, the Motion passed unanimously.

17. Closed Meeting

Mayor Erley adjourned the meeting at 8:27pm.

ADJOURNMENT

Approved:

Attested:

David Erley, Mayor

Alison Fuller, Town Clerk