

MINUTES  
REGULAR MEETING OF THE TOWN COUNCIL,  
TOWN OF CASTLE VALLEY  
WEDNESDAY, APRIL 16, 2008 AT 6:30 P.M.  
CASTLE VALLEY COMMUNITY CENTER  
2 CASTLE VALLEY DRIVE

**Town Council Members Present:** Damian Bollermann, Jim Lindheim, Ranna Bieschke, Valli Smouse, Aaron Davies.

**Others Present:** Mary Beth Fitzburgh, Leta Vaughn, Joan Sangree, Jack Campbell, Ron Drake, Sheri Simmons.

1. Call to Order: 6:35 p.m.
2. Open Public Comment:  
  
None.

Approval of Minutes:

3. Approval of Minutes: March 19, 2008 Regular Town Council Meeting.  
  
Valli motioned to approve the Minutes as amended. Ranna seconded the Motion. Damian, Jim, Valli, Aaron and Ranna all approved the Motion. The Motion passed unanimously.
4. Approval of Minutes: March 20, 2008 Public Hearing and Special Town Council Meeting.  
  
Jim motioned to approve the Minutes as amended. Valli seconded the Motion. Damian, Jim, Valli, Aaron and Ranna all approved the Motion. The Motion passed unanimously.
5. Approval of Minutes: March 26, 2008 Special Town Council Meeting.  
  
Ranna motioned to approve the Minutes as amended. Jim seconded the Motion. Damian, Jim, Valli, Aaron and Ranna all approved the Motion. The Motion passed unanimously.
6. Reports:
  - . Roads (Damian and the Road Committee)  
  
Damian reported that there hasn't been a lot going on re: roads. Requesting

capital funds for the purchase of culverts will be something the Committee will address later this year. High priorities for the Committee include doing work on Shaffer to improve the drainage situation where the creek crosses the road. Duke Relitz has suggested hiring a dump truck from Chuck Henderson in Moab, and the Committee is exploring cost-effective ways of moving dirt. There have been no applicants for the position of Road Supervisor.

Joan Sangree added that the Committee has identified priorities for this fiscal year re: the budget and purchases that are needed and will continue to work on that.

. Planning and Land Use Commission (Mary Beth Fitzburgh)

Mary Beth reported the following:

The PLUC approved the housing decommissioning contract for Lot 53.

The PLUC discussed amending 95.6, and will pass on their recommendations to the Council.

Interviews for the position of Building Permit Agent will be conducted this week. Other PLUC members will be involved and Town Council members are invited to participate. The PLUC is working on written processes for the Building Permit Agent that are clear enough for anyone to be able to follow. Leta Vaughn will train the new Agent.

The PLUC came up with a list of questions to present to Craig Call re: Conditional Use Permits, and will be talking with him re: changing the Board of Adjustments to a single person.

.. Financial Report (Jim Lindheim)

Jim went over the Financial Report in detail and answered any questions put forth by the Council. In addition to reviewing the financial numbers, he added that, in summary, the Town is not as flush money wise as we were a year ago, mainly because income is down (due to no water agreements and people being delinquent on their property taxes) and because there's been much work done on the roads. The operating budget for roads is pretty much gone. We don't have to stop work on the roads; just know that the money is not there. If at the end of the year we've overspent, we can always transfer money in from our General Fund PTIF.

New Business:

7. Discussion and Possible Action re: Vacancy on Planning and Land Use Commission.

Damian pointed out that as Karen Nelson's term is set to expire in June, now might be a realistic time to have someone fill that position. All agreed that the opening should be posted and that the term will start this June (2008) and will be a four-year term. Damian agreed to have the position posted.

8. Discussion and Possible Action re: Allocation of Capital Funds for Purchasing Culverts.

Damian said that approximately \$6000.00 would cover the purchase of the culverts that need to be installed this year, and that we'd still be a little bit ahead. He pointed out that the price of steel is rising rapidly and that it would be better to buy more than less. Approximately 240 feet (at around \$35.00 per foot) will be needed. (The culverts are 20 feet long and 3 feet wide.)

Jim Lindheim made a motion to spend up to \$6000.00 from the Capital Fund on the purchase of culverts and whatever labor is necessary for installation, and said that the action should be taken by the end of the fiscal year. Valli seconded the Motion. Damian, Jim, Valli, Ranna and Aaron all approved the Motion. The Motion passed unanimously.

9. Discussion and Possible Action re: Exploring the Town's Options and Potential Policies Toward the Mitigation of Illegal Drainage Alterations on Private Property.

Discussion ensued re: what leverage the Town has to insure that people do not make damaging drainage alterations. Three avenues were discussed:

- A. Withholding building permits: Damian suggested this and said that Gerry Kinghorn agreed it would be a good idea. Mary Beth asked if the Town would be relying on the Building Permit Agent to do this. Aaron said if that is the case, that should be listed as one of the requirements of the position;
- B. Pursue it as you would a nuisance: Damian said this would also be a good avenue to pursue: Complaint resolution through the Complaint Resolution Committee. Jim read the definition of a nuisance and said that in a standardized letter the Town could notify the person that they are in violation of the Nuisance Ordinance; and
- C. Create an ordinance to address the issue: Ranna asked if Gerry Kinghorn had said that an ordinance should be made. Jack Campbell said that this issue is too important to be addressed under the Nuisance Ordinance.

Aaron pointed out that there is a distinction between someone who created the alteration and someone who inherited it. He added that when a road is damaged

it's difficult to determine the cause without going onto someone's property. Damian said that input from the Road Supervisor would be valuable in cases such as that.

Jack Campbell asked if in the Town filing system there's a record of the history of each lot to include any problems with that lot. Valli said that would be a great idea to tag problem lots.

The consensus was to pursue this issue, for now, through the Nuisance Ordinance.

10. Discussion and Possible Action re: Giving Denise Lucas Authorization to Pay Chase Visa Invoices in Order to Avoid Finance Charges.

Jim Lindheim made a motion that the Town Clerk be authorized to pay the Chase Visa invoices before the Council reviewed them if that is necessary to avoid late fees. Valli Smouse seconded the Motion. Damian, Jim, Valli and Aaron all approved the Motion. Ranna opposed. The Motion passed with four ayes and one nay.

#### Old Business:

11. Discussion and Possible Action re: Review of Housing Decommissioning Contract (tabled).

Left on table.

12. Discussion and Possible Action re: Conditional Use Permit Procedure (tabled).

Left on table.

13. Discussion and Possible Action re: Revisions to 95-6 (Building Permit Process).

Jim reported that he checked with Craig Call, who recommended that we treat it as if it were a land use ordinance and follow the procedures for amending the ordinance (i.e., the PLUC must review it and hold a public hearing).

Mary Beth said that the drainage issue could easily be included in 95-6.

If we need to update any of the forms we should be able to do so without going through a formal resolution by the Town Council.

There was concern about not wanting to jeopardize our interlocal agreement with the County Building Inspector.

Jim expressed concern that the rights of citizens be respected. Once they've given us all the information, we need to take action on an application as soon as possible – certainly with a deadline..

Mary Beth said that at least 30 days should be allowed until the PLUC meeting if PLUC needs to review.

14. Discussion and Possible Action re: Amendments to the Zoning Ordinance Regarding Height Limits, Setbacks and Square Footage.

The draft of proposed revisions to Ordinance 85.3 from Craig Call (see attachment) was addressed. The Council discussed various scenarios that would be allowed under the ordinance and the pros and cons of each scenario.

15. Discussion and Possible Action re: Castle Valley Drive Interlocal Agreement.

Damian reported that he had spoken with Jeff Ericson of U.D.O.T. and now has more accurate information regarding this issue. In short, if we owned the road we would not receive any more money than the county would receive if they owned the road. All agreed that the county needs to be apprised of the correct facts in this matter as negotiations continue.

16. Discussion and Possible Action re: Addressing the Issue of Inappropriate ORV Use in the Valley.

Damian and Aaron said that SITLA doesn't have much of an interest in the issue, although they might pay for signage.

Damian suggested we use approximately \$1000.00 for signage from the \$3000.00 allocated for weed control. He also suggested using the road equipment to block roads off with rocks, dirt and so on. Discussion ensued re: whether blockage with rocks, moving dirt, etc. will work in this terrain. All agreed that if something isn't done the situation will worsen.

Jim agreed that \$1000 would be acceptable to spend if we don't spend the full \$3000 on weed control.

Ranna agreed something must be done but expressed doubt that signs or blockage will be that effective. Joan Sangree is hopeful that a combination of approaches will work: signage, blocking, locking where possible, and slowing the creation of more roads.

Damian said he would consult with Michael Smith and Dave Erley, who both have experience in these matters, re: what kind of signage is effective.

Aaron voiced concern that with signs and labor the project would cost over \$1000.00 and that these may not be the kind of people who will respect signs anyway. He further voiced concern that we have a large property owner (SITLA) who's not committed to investing money, and that we'd be spending public money on private property.

After further discussion the consensus was that we must do something. Therefore, we'll begin by having Greg Halliday make signs (perhaps backed by heavy steel) and see how effective that will be.

Jim notioned to spend up to \$1,000.00 on signag and labor. Valli seconded the Motion. Damian, Jim, Ranna, Valli and Aaron all approved the Motion. The Motion passed unanimously.

17. Discussion and Possible Action re: Basketball Court.

Ranna reported that bids for the court had come in very high, perhaps because builders have so much work right now and don't want the job. She suggested that cutting the size of the court back to 70' X 60' (a small full court) would lower the cost and that the size would still allow for volleyball. She also suggested the option of doing the court in-house, as we've done a bit of that with the grading portion of the court. She stressed that whatever the Council decides re: size, this should be put out to bid again immediately because if we don't use the \$20,000.00 grant money we lose it.

Damian added that his only concern is that so many people ask why we're building a basketball court. Aaron agreed that he hears no support for it and although it troubles him not to make use of the money, he wonders if it will end up costing the Town money. He further questioned the cost of insurance.

Ranna answered that if we turn the grant money down this will be the second time we've done so and Jim Lindheim agreed that if we don't get this started now we'll end up giving back a check for \$2000.00. Jack Campbell suggested that each builder give three bids: for a full court, a smaller full court, and a half court, and added that having half a court is not undesirable.

Ranna agreed to obtain the bids, and added that of the three choices a smaller full court would be more versatile. Aaron agreed to see where the bids come in and then consider setting a benchmark for insurance and considering other costs that might be involved before voting on the issue.

18. Payment of Bills.

Valli made a Motion to approve payment of the bills as submitted. Jim seconded the Motion. Damian, Valli, Ranna, Jim and Aaron all approved the Motion. Motion passed unanimously.

19. Executive Session (if needed)

None needed.

Ranna motioned to adjourn the meeting. Aaron seconded the Motion. Damian, Jim, Ranna, Valli and Aaron all approved the Motion. The Motion passed unanimously.

Adjournment: 9:47 p.m.

**APPROVED:**

**ATTESTED:**

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