

MINUTES  
PUBLIC HEARING FOR A NON-CONFORMING USE ON LOT 424  
FOLLOWED BY THE REGULAR MEETING OF THE TOWN COUNCIL  
TOWN OF CASTLE VALLEY  
WEDNESDAY, DECEMBER 17, 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 and Aaron Davies.

**Others Present:** Laura Cameron, Joan Sangree, Mary Germain, Jack Campbell, Mary Beth Fitzburgh, Pam Hackley.

**Public Hearing for a Non-Conforming Use on Lot 424:**

1. Call to Order: 6:30 P.M.
2. Open Public Comment.

Damian said that the Planning and Land Use Commission had already held a meeting and recommended that the Non-Conforming Use Permit for Lot 424 be approved. He encouraged comments from the audience. Pam Hackley said that she supported the Permit. Joan Sangree asked if the plan was to rebuild the structure with no substantive changes. Damian said the building is being changed a little, however it is maintaining the previous footprint.

Adjournment: 6:32 P.M.

**Regular Meeting of the Town Council.**

1. Call to Order: 6:32 P.M.
2. Open Public Comment.

Pam Hackley asked about the status of the flood risk mitigation effort in the aftermath of the Porcupine Ranch fire. Aaron stated that we have formally requested the help of the NRCS, and NRCS has submitted an application on our behalf to their national office and is waiting for funding. In a previous conversation with Norm Evenstad, Norm indicated that the project would cost somewhere in the area of \$600,000, with the Town supplying approximately \$150,000 of this amount in funding or in-kind services. However, he did express a willingness to pursue this in smaller increments.

One way that we could supply part of our funding, is to supply rock for riprap. However, in order to confirm the suitability of the rock for this purpose, testing would be required. Aaron believes it will take somewhere between \$500 to \$1,000 to do the testing. There are two firms that he knows of in Grand Junction that do this type of testing. However, he does not see the funding happening by Spring, 2009.

Pam suggested possibly involving the County in this effort sooner rather than later. Aaron thought this might be a good idea, as it might work out that the County equipment could be part of our share of the funding.

Laura Cameron asked if we now have a Roads Department Manager, as she is concerned about the priorities set for snow plowing.

3. Approval of Minutes: November 19, 2008 Regular Meeting of the Town Council.

Ranna motioned to approve as amended. Jim seconded the Motion. Damian, Jim, Ranna, Valli and Aaron all approved the Motion. The Motion passed unanimously.

4. Reports:

- . Roads – (Damian Bollermann and Roads Committee)

Jim had sent out an email to Damian and the Roads Committee making them aware of the current standing with regard to the Roads budget. Damian commented that all that will be done over the next few months is snow removal, so there should be no significant drain on the budget between now and spring. He also indicated, however, that in an emergency situation we do have our “rainy day” Roads fund, which we have never tapped and which could be used in an emergency.

When it was learned that the Roads Department Manager position had not been posted on the Workforce Services website, the Town Council reconfirmed its decision to do this. The Town Clerk then agreed to have this posting accomplished. The Town Council discussed advertising this position in other publications if there were not sufficient responses. This would be decided at the January, 2009 Town Council Meeting.

- . PLUC (Mary Beth Fitzburgh)

Jim asked how the Watershed Protection Ordinance came under land use. The response was that PLUC had expressed a willingness to take a look at watershed protection, and Damian had asked them to look at it. However, following some discussion, it was decided that it may not be appropriate for

the PLUC to craft a Watershed Protection Ordinance because it may not be land use. Jim also asked how non-conforming fencing is handled when the property is sold -- does the non-conforming fence carry with the land? All agreed that this will be discussed when the Town Council considers the recommendation on the Deer Fencing Ordinance.

New Business:

5. Discussion and Possible Action re: Financial Statement for FY2008.

Jim presented the Financial Statement for FY2008 to the Town Council and directed Denise to publish its availability for general inspection in the Times Independent, on the website and on the bulletin boards.

6. Discussion and Possible Action re: Setting Meeting Dates for 2009.

The Suggested Meeting Dates presented in the Red Books were set, with no exceptions. Jim motioned to approve the dates as presented. Valli seconded the Motion. Damian, Jim, Ranna, Valli and Aaron all approved the Motion. The Motion passed unanimously. Denise will post the dates in the Times Independent, on the website and on the bulletin boards.

7. Discussion and Possible Action re: A Building Permit for a Non-Conforming Use on Lot 424.

Jim motioned to approve a Building Permit for a Non-Conforming Use for Lot 424. Aaron seconded the Motion. Damian, Jim, Ranna, Valli and Aaron all approved the Motion. The Motion passed unanimously.

8. Discussion and Possible Action re: Appointment to the Planning and Land Use Commission.

Damian nominated Mary Beth Fitzburgh for a term beginning January 1, 2009 to the Planning and Land Use Commission. Jim motioned to approve the nomination of Mary Beth for a new four-year term of the Planning and Land Use Commission. Aaron seconded the Motion. Damian, Jim, Ranna, Valli and Aaron all approved the Motion. The Motion passed unanimously.

9. Discussion and Possible Action re: Annual Update and Renewal Requests for Conditional Use Permits.

Mary Beth had provided copies of a form for the Red Books showing the status of all of the Conditional Use Permit holders. Aaron motioned to renew all of the Conditional Use Permits which had currently been reviewed and approved by the Planning and Land Use Commission. Valli seconded the

Motion. Damian, Jim, Ranna, Valli and Aaron all approved the Motion. The Motion passed unanimously.

10. Discussion and Possible Action re: Appointment of a Town Council Representative to the Community Fire Planning Committee.

The Community Fire Planning Committee has invited Aaron to represent Castle Valley. Damian nominated Aaron as our official Castle Valley Representative to the Community Fire Planning Committee. Jim motioned to approve the nomination. Valli seconded the Motion. Damian, Jim, Ranna and Valli all approved the Motion. Aaron abstained. The Motion passed with four in favor, one abstained.

11. Discussion and Possible Action re: Summary of Recommended Changes by the PLUC to Ordinance 85 – 3 (tabled).

After the Town Council thanked Mary Beth for all of her work on this, Valli motioned to table this item. Ranna seconded the Motion. Damian, Jim, Ranna, Valli and Aaron all approved the Motion. The Motion passed unanimously.

#### Old Business:

12. Discussion and Possible Action re: BLM Oil and Gas Lease December 19, 2008.

Damian mentioned that he was contacted by Darcy Campbell of the Environmental Protection Agency. Darcy is in charge of the Sole Source Aquifer Program for six western states, including Utah. She is trying to get the BLM leases deferred for an indefinite period of time (i.e., at least two years).

The U.S. EPA is working with the BLM to establish better protection for Sole Source Aquifers and Source Water Protection Zones in Utah. The Town of Castle Valley is actively working with the EPA in these efforts.

The Planning and Land Use Commission had, at one time, done considerable work with regard to this. It was suggested that the Town Council review this material. Pam Hackley believes that she has an electronic copy of the latest edition of this. She will check for it and forward it on to Denise.

13. Discussion and Possible Action re: Status of Securing Bids from Engineering Firms for Drainage Study.

Damian has talked with one firm who has an engineer who visits Moab frequently. He will try to set up a meeting on his next trip to Moab.

Damian and Valli will follow up.

14. Payment of Bills.

Ranna motioned to approve the bills as presented. Valli seconded the Motion. Damian, Jim, Ranna, Valli and Aaron all approved the Motion. The Motion passed unanimously.

15. Executive Session (if needed).

None required.

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

Adjournment: 7:52 P.M.

**APPROVED:**

**ATTESTED:**

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**Damian Bollermann, Mayor**

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**Denise Lucas, Town Clerk**