

MINUTES
REGULAR MEETING OF THE TOWN COUNCIL
TOWN OF CASTLE VALLEY
WEDNESDAY, SEPTEMBER 19, 2007 AT 6:30 P.M.
CASTLE VALLEY COMMUNITY CENTER
2 CASTLE VALLEY DRIVE

Town Council Members Present: Damian Bollermann, Jim Lindheim, Valli Smouse, Alice Drogin. **Absent:** Ranna Bieschke.

Others Present: Ken Johnson, Jeff Anderson, Mark Webster, Cris Coffey, Aaron Davies, Joan Sangree, Dave Rhoads, Paulette Grace, Debbie Officer, Karen Nelson, Leta Vaughn, Mary Beth Fitzburgh, Laura Cameron, Elaine Pinkowski, Ron Drake, Diane Pataki, Will Holoman.

Call to Order: 6:33 P.M.

1. Open Public Comment.

Cris Coffey mentioned that she has a neighbor who lives out of town, and who was very disappointed that she missed the Clean-Up Day. The neighbor mentioned that, had she known the date in advance, she would have scheduled a trip around it.

Cris asked if it is possible to give more notice of the Clean-Up dates in the future.

Approval of Minutes:

2. August 15, 2007 Regular Town Council Meeting Minutes. Jim motioned to approve the Minutes as presented. Alice seconded the Motion. Damian, Jim, Alice and Valli voted to approve the Motion. The Motion passed with four in favor.

3. Reports:

. Roads (Damian Bollermann)

Damian announced that he has once again assumed the temporary role of Roads Supervisor until a permanent Supervisor can be found.

Damian also announced that Dave Rhoads will continue as a mechanic and loader operator, and that we have now hired a new road grader operator, Duke Relitz.

The water truck is now operational.

There is an Upper 80 road easement meeting scheduled for Saturday, September 22, 2007 to begin forming a cohesive road easement community in the Upper 80.

There are multiple projects on the plan for the Town, including the fire access road.

Duke has already accomplished a fairly complete build-up of upper Pace and upper Bailey roads.

Jim asked that the Council be kept abreast of the Roads Department's priorities, and also pointed out that the Roads Department is not authorized to approve large expenditures, such as equipment, without Council approval.

. Planning and Land Use Commission (Karen Nelson)

Karen mentioned that no building permits had been issued since the last meeting, although they had one question from a land owner regarding combining lots. This question was referred to Grand County.

Karen also stated that they are almost current with Minutes.

The Planning and Land Use Commission passed, and recommended to the Town Council, the 2006 International Building Code.

Karen mentioned the Decommissioning Contract, but also mentioned that Ranna is working on it and has asked for more time before presenting it to the Town Council.

The Planning and Land Use Commission recommended two specifications in the case of Dave Rhoads' requested change in his Conditional Use Permit:

1. A slab to be poured within 60 days of final approval; and
2. The Planning and Land Use Commission is to check if any notification of neighbors is required, and respond to Mr. Rhoads within the week.

The Conditional Use Permit process is almost complete. The Planning and Land Use Commission are recommending that, if there is a question of impact on a Conditional Use Permit, the Town has the right to ask the individual involved to come to the meeting.

The Planning and Land Use Commission passed, and recommended to the Town Council, the new Zoning Ordinance.

Gil Gonzales resigned from the Planning and Land Use Commission. He is planning to relocate to California.

. Water (Damian Bollermann)

Damian said that Janae Wallace had called to tell us that the Utah Ground Water

Quality Board had met, and we are now formally classified (the entire valley) as presented in last month's Petition for the Castle Valley Aquifer Classification/Reclassification.

. Watershed (Alice Drogin)

Alice mentioned that she had reworked wording on the Water section of the General Plan.

4.a. Discussion and Possible Action re: Endorsement of SEUTPM Management Plan.

Eleanor Bliss provided a sample endorsement letter for presentation to the Southeast Utah Tamarisk Partnership. She made a brief presentation asking for the Town's cooperation on this, adding that the SEUTPM Plan places Utah in a favorable position to compete for millions of federal dollars that may become available through the recently passed *Saltcedar and Russian Olive Control Demonstration Act* and through other grant opportunities.

In the meantime, several people in the SEUTPM are working on smaller grants, as well as looking at studies for monitoring, different treatments, etc.

Jim stated that he was comfortable with the letter of endorsement, and motioned to endorse the Plan and use the letter as a basis for our own letter of endorsement. Valli seconded the Motion. Damian, Jim, Alice and Valli all voted in favor of the Motion. The Motion passed with four in favor.

4.b. Discussion and Possible Action re: Ordinance Defining Formal Initiation of Consideration of a Land Use Amendment.

The Planning and Land Use Commission has done some work on the Zoning Ordinance and, in March of 2007, the Town passed a Moratorium on living space.

Jim mentioned that the Town Council is allowed an additional six months to turn down building permits that conflict with an amendment that the Town Council is considering.

Valli motioned to approve the Ordinance as amended. Alice seconded the Motion. Damian, Jim, Valli and Alice all voted in favor of the Motion. The Motion passed with four in favor.

5. Discussion and Possible Action re: Public Notice on Elections.

Consensus was to publish this as a Public Notice.

6. Discussion and Possible Action re: Amendments to Ordinance 85-3.

Jim advised that we retain a good land use lawyer. He also advised that we should check with towns that have done this type of Ordinance. He would then like to re-approach the whole question, set up a workshop, etc.

Damian felt that the allowable six-month extension will give us time and enable us to retain an attorney, talk with other towns, etc.

Jim has a list of attorneys approved to prepare land use advisory opinions (from the Utah Land Use and Eminent Domain Advisory Board), and will see that the other Town Council members receive a copy of this list.

Jim also suggested that, instead of referring to this as Ordinance 85-3, we simply refer to it as the Zoning Ordinance until it is completed and passed.

Jim motioned to table this item. Valli seconded the Motion. Damian, Jim, Valli and Alice all approved the Motion. The Motion passed with four in favor.

7. Discussion and Possible Action re: Ordinance Amending Town Building Codes.

Damian stated that this was just a formality to bring the Town's Codes into line with the County Codes.

Alice motioned to adopt the Ordinance to amend Ordinance 2006-5. Jim seconded the Motion. Damian, Jim, Valli and Alice all voted in favor of the Motion. The Motion passed with four in favor.

8. Discussion and Possible Action re: Resolution Amending Purchasing Policy.

Alice motioned to accept the Resolution. Jim seconded the Motion. Damian, Jim, Valli and Alice all voted in favor of the Motion. The Motion passed with four in favor.

9. Discussion and Possible Action re: Resolution on Written Comments to Government Entities and Third Parties.

Jim motioned to adopt the Resolution as presented. Alice seconded the Motion. Damian, Jim, Alice and Valli all voted in favor of the Motion. The Motion passed with four in favor.

10. Discussion and Possible Action re: Policies for Use of Town Building and Lot.

The question arose as to whether this would include activities both inside and outside the building. The consensus was that this required a more detailed look.

Valli is to do more research on this.

Jim motioned to table this item. Valli seconded the Motion. Damian, Jim, Valli and Alice all voted in favor of the Motion. The Motion passed with four in favor.

11. Discussion and Possible Action re: Contract with Smuin, Rich & Marsing.

Jim motioned to approve the contract sent to us by Smuin, Rich & Marsing. Valli seconded the motion. Damian, Jim, and Valli all voted to approve the Motion. Alice voted nay. The Motion passed with three in favor, and one opposed (Alice Drogin).

12. Discussion and Possible Action re: Paying Road Supervisor.

Damian is once again acting as Road Supervisor. Jim confirmed that he is to receive the \$350 stipend he has received in the past for this position. However, both Patrick Fugal and Dave Rhoads had been receiving \$500 per month for this position. Jim motioned that, at the next Town Council meeting, there be a Public Hearing to raise Damian's Road Supervisor pay to \$500. Valli seconded the motion. Jim, Valli and Alice all voted in favor of the Motion. Damian abstained. The Motion passed with three in favor, and one abstained (Damian Bollermann).

13. Discussion and Possible Action re: Revision of Ordinance 1999-5, "Hunting and Discharge of Firearms".

After some discussion, it was decided that the map needs reworking. Damian will handle this.

Jim motioned to table the item. Alice seconded the Motion. Damian, Jim, Valli and Alice all voted in favor of the Motion. The Motion passed with four in favor.

14. Discussion and Possible Action re: Purchase of a Culvert for John Buchanan.

Joan Sangree stated that the current policy is that the Town sizes the culvert and moves it, but the owner pays for it. However, John's culvert was damaged when the Town moved it. Alice motioned to purchase the culvert because John's culvert was damaged in the course of the Town moving his culvert.

Joan suggested that, if the Motion is approved, we receive the damaged culvert in return, as part of it can be used on another project.

Alice motioned to table the issue until we have better information. Valli seconded the Motion. Damian, Jim, Valli and Alice all voted in favor of the Motion. The Motion passed with four in favor.

15. Discussion and Possible Action re: Cris Coffey Requesting the Town Council's Participation in the 7th Annual Castle Valley Gourd Festival, and Possible Funds for Food.

Jim motioned to allocate \$250.00 toward food at the festival. This was the same donation the Town made last year. Valli seconded the Motion. Alice declared her

vested interest in the Festival, which was noted. Damian, Jim, Valli and Alice all voted in favor of the Motion. The Motion passed with four in favor.

16. Dave Rhoads' Request for Change to his Conditional Use Permit.

Valli noted that this change represents a substantial departure from the mobile premise that his original Conditional Use Permit was issued under.

Valli motioned to send the request back to the Planning and Land Use Commission to go through the process again, because it is a significantly different Conditional Use Permit. Jim seconded the Motion. Damian, Jim, Valli and Alice all voted in favor of the Motion. The Motion passed with four in favor.

17. Deborah Hills' (cleaning person) New Cleaning Rate of \$45.00 per Month/Cleaning, Versus \$35.00 per Month/Cleaning.

Jim motioned to approve the increase. Valli seconded the Motion. Damian, Jim, Valli and Alice all voted in favor of the Motion. The Motion passed with four in favor.

Old Business:

18. Discussion and Possible Action re: General Plan.

Jim motioned to approve Draft 5, together with maps. Alice seconded the Motion. Damian, Jim, Valli and Alice all voted in favor of the Motion. The Motion passed with four in favor.

19. Discussion and Possible Action re: Process for Answering Citizen Letters.

After some discussion, the consensus was to keep handling the correspondence as it is currently being done (i.e., Denise acknowledging receipt, thanking correspondents for taking the time to contact us, and offering her name as a contact for any future concerns).

20. Discussion and Possible Action re: A Fire Ban Ordinance in Castle Valley.

Jim motioned to approve the Ordinance as presented, with the addition of "Very High" in Section 1. Alice seconded the Motion. Damian, Jim, Valli and Alice all voted in favor of the Motion. The Motion passed with four in favor.

21. Discussion and Possible Action re: Settlement Payment to the Williams' (Brooke and Terry).

Jim felt this was premature. No action was taken.

22. Discussion on Interlocal Agreement with Grand County on Castle Valley Drive.

Jim mentioned that Shawn Warnke's wife had a baby yesterday, and that everything may be on hold for a few weeks. After that, he anticipates going back into negotiations.

23. Review of the Housing Decommissioning Contract.

Jim motioned to table this item. Valli seconded the Motion. Damian, Jim, Valli and Alice all voted in favor of the Motion. The Motion passed with four in favor.

24. Payment of Bills.

Jim moved to accept the bills as presented, with the exception of the Dave Rhoads' bill which should be reduced by \$106 (per Damian). Valli seconded the Motion. Damian, Jim, Valli and Alice all voted in favor of the Motion. The Motion passed with four in favor.

25. Executive Session (if needed).

None needed.

Alice motioned to adjourn. Valli seconded the Motion. Damian, Jim, Valli and Alice all voted in favor of the Motion. The Motion passed with four in favor.

Adjournment: 9:03 P.M.

Approved:

Attested:
