

Minutes  
Public Hearing on Ordinance 85-3, the Zoning Ordinance  
Followed by the  
Regular Meeting of the Town Council,  
Town of Castle Valley  
Wednesday, February 16, 2011 at 6:30 P.M.  
Castle Valley Community Center  
2 Castle Valley Drive

**Town Council Members Present:** Dave Erley, Tory Hill, Brooke Williams, Valli Smouse, Aaron Davies.

**Others Present:** Greg Halliday, Michael Ashcraft, Darin Menlove, Erik Secrist, Joan Sangree, Ron Drake, Craig Helmsley, Sally Rains, Larry Craig, Mary Beth Fitzburgh, Leta Vaughn, Jeff Whitney.

**Public Hearing on Ordinance 85-3, The Zoning Ordinance**

1. Call to Order: 6:31 P.M.
2. Discussion and Possible Action on Ordinance 85-3, The Zoning Ordinance.

Ron Drake asked if we are changing the zoning for animals.

Jim Lindheim congratulated Mary Beth, the PLUC and the Town Council for all of the work done on Ordinance 85-3. He also said that he thinks the number of animals is very generous. What he disagrees with is the CUP, and thinks the Council should not do this now.

Erik Secrist said that he is satisfied with the animal section of the document and thinks the animal numbers are reasonable.

Sally Rains had a problem with the number of dogs allowed under the definition of a kennel. Aaron responded it is only to make it clear that this number is a commercial enterprise.

Erik asked if a person breeding dogs as a hobby is permissible under 85-3.

Greg asked if there is anything that prohibits the free range of dogs and cats.

Jeff Whitney said that there is a state law regarding this.

Mary Beth commented that some people purchase a lot and then just turn animals onto their lot. Do these animals have to be the lot owner's animals?

Joan then asked if someone is renting a lot, can they bring their horses to that lot?

Craig Helmsley had a question about the number and type of horses. He was provided with a copy of the proposed changes in order to read that section for himself.

Dave read an email from Glen Kincaid.

Jim Lindheim said that the enforcement sections seem somewhat different. Also, when someone makes a complaint he thinks it should be responded to quickly.

Dave read Bruce Keeler's email aloud.

Valli motioned to adjourn the Public Hearing. Brooke seconded the Motion. Dave, Brooke, Aaron, Tory and Valli all approved the Motion. The Motion passed unanimously.

Adjournment: 6:57 P.M.

**February 16, 2011 Regular Public Meeting of the Town Council:**

1. Call to Order: 6:57 P.M.

2. Open Public Comment:

Jim Lindheim commented on needing a traffic light at the junction of Route 128 and Route 191. He asked if this item could be put on next month's agenda and stay on it until it is resolved. Jeff Whitney said he had spoken with UDOT without much success. Jim asked if the County councilman might have some weight with the County. Jeff suggested contacting Councilman Jim Nyland.

3. Approval of Minutes: January 10, 2011 Town Council Workshop.

A. Valli motioned to approve as presented. Tory seconded. Dave, Tory and Brooke all approved. Valli abstained. Aaron voted nay. The Motion passed with three in favor, one abstained, and one opposed.

Approval of Minutes: January 19, 2011 Regular Town Council Meeting.

B. Brooke motioned to approve as presented. Tory seconded the Motion. Dave, Tory, Valli and Brooke all approved the Motion. Aaron abstained. The Motion passed with four in favor, one abstained.

4. Roads (Greg and Roads Committee)

- Roads Report - Greg had provided his monthly report, which was inserted in the Red Books. He answered a few questions from his report.

PLUC

- Mary Beth provided Ordinance 85-3 to be discussed and possibly acted upon.

It was decided to hold a meeting on Monday, February 28<sup>th</sup> at 6:30 P.M. to evaluate Ordinance 85-3 and to review the new proposed changes in a complete written form before voting on the ordinance revision.

**New Business:**

5. Discussion and Possible Action re: Approximately \$500 Expense for a Monitoring Program for the Solar System.

Dave said that there is an add-on computer monitoring system available for our solar system which costs about \$500. It is not eligible for inclusion in the grant. This add-on would provide the following services:

- Allow us to easily check up on our solar system via a computer and keep a record of power production to the grid;
- Send us an email telling us when the system is down; and
- Allow the installer to check on the system remotely and make certain we are operating efficiently.

While this is a one-time-only expense and Dave can approve this without the Town Council's support, he thought this should be a Town Council decision.

Tory motioned to approve the purchase. Brooke seconded the Motion. Dave, Brooke, Tory, Valli and Aaron all approved the Motion. The Motion passed unanimously.

6. Discussion and Possible Action re: Utah Division of Water Rights, Town of Castle Valley Water Use Annual Survey.

As part of being a Public Water Provider we now have to fill out an annual survey for the Division of Water Rights. Ron Mengel has spent a lot of time on this. The survey is due at the end of the month and Gerry Kinghorn says it looks fine. Gerry Kinghorn indicated legislation will probably come in the next two to five years that will categorize Public Water Providers in the same light as Municipal Water Providers. This will be a positive development for the Town and has implications on the proving up requirements of managing water rights. We have approved having UGS continue to look at our monitoring wells.

7. Discussion and Possible Action re: Ordinance 2004-4, An Ordinance Prohibiting the Take-Off, Landing and Flight of Powered Ultralights and Other Aircraft in Castle Valley, Utah.

Citizens complained about the DWR flights monitoring the deer herds. Dave investigated and found that the Town does not have jurisdiction over the airspace of Castle Valley – only the FAA. He spoke with a representative of the FAA in Salt Lake City who informed him that it would be best to bring our ordinance in line with FAA regulations for the various craft of flying machines in order to achieve enforceable regulations.

Dave wants to decide if we should amend the Ordinance, repeal it, etc. He would like the Town Council to think about it until next month and bring it back to the next meeting.

Valli motioned to table item 7. Brooke seconded the Motion. Dave, Aaron, Tory, Brooke and Valli all approved the Motion. The Motion passed unanimously.

**Old Business:**

8. Discussion and Possible Action re: Training Possibilities.

It was agreed that, if Gerry Kinghorn comes to this area on some other business, we would ask him to schedule some training time and a training session for us.

9. Discussion and Possible Action re: Revisions to Ordinance 85-3.

Motion to untable. No second. The Motion failed.

10. Discussion and Possible Action re: Partnering Agreement with the Southeast Utah Tamarisk Partnership (SEUTP) (tabled).

No action on this item.

11. Valli motioned to pay the bills as presented. Tory seconded the Motion. Dave, Tory, Aaron, Brooke and Valli approved the Motion. The Motion passed unanimously.

Aaron moved that the meeting adjourn. Tory seconded the Motion. Dave, Tory, Aaron, Brooke and Valli all approved the Motion. The Motion passed unanimously.

Adjournment: 8:40 P.M.

**APPROVED:**

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**David D. Erley, Mayor**

**ATTESTED:**

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**Denise Lucas, Town Clerk**