

MINUTES
REGULAR MEETING OF THE TOWN COUNCIL
Wednesday, May 17, 2006, at Castle Valley Community Center

CALL TO ORDER. Meeting called to order at 6:33 PM. Damian Bollermann presiding.

Members present: Ranna Bieschke, Damian Bollermann, Jim Lindheim.

Others Present: Valli Smouse, Gil Gonzales, Kurt Baker, Cris Coffey, Ron Drake, Jeff Johnston, Greg Halliday, Pam Hackley, Jack Campbell, Leta Vaughn, Mary Beth Fitzberg, Jim Tharp, Scott Bracket, Darr Hatch, Dan Kent.

1. Discussion & possible action re: Appointments to Fill Town Council Mid-Term Vacancies.

Ranna moved to nominate Valli Smouse (to fill a Town Council position). Jim seconded. Damian commented on Valli's broad experience in local government. **Motion passed unanimously.**

Valli Smouse was sworn in as Town Council member.

Council members commented on the closing date on the public notice for TC applicants, and on the obligation to vote on all applicants. **Ranna moved to not vote on Jeff Johnston's (May 15) application, and to post notice of an open (TC) position until the next meeting. Jim seconded.** Jim has heard of other people who were interested but thought the process was closed. Council members agreed that giving it more time was a good idea. **Motion passed unanimously.**

Letters of interest for appointment to the TC and for the P&Z have been received from Gil Gonzalez. Pam, Jim, Damian, and Darr commented on the process of appointing people. **Jim moved to nominate Gil to the Town Council. Valli seconded.** No discussion. **Damian called the question. No votes were voiced.** Jim commented he would like to see Gil on P&Z. Ranna commented she doesn't know Gil well enough and has a responsibility to the Town. Gil commented that good team work is vital, that he is very interested in "giving back" to the Town, and that he has been involved with politics in Denver. Damian suggested dealing with (item 28) at this time.

Jim moved (to change the order of the agenda) to handle item 28 at this point. Valli seconded. Motion passed unanimously.

28. Discussion & possible action re: Appointments to the Planning Commission.

Damian recommended Gil Gonzales to serve on the P&Z. Jim moved to approve the recommendation to put Gil on the P&Z. Valli seconded. Pam commented that Gil would be great. **Motion passed unanimously.**

Valli Smouse noted that she will resign from the P&Z. **Both the P&Z and TC open positions will be posted.** Discussion ensued. The Council recommended not placing deadlines on the public notices.

2. Swearing In New Council Members. (handled in item 1 above)

3. Approval of Minutes: TC Special Meeting, February 23, 2006 - ULCT.

Ranna moved to table this set of minutes. Jim seconded. Motion passed with Jim, Ranna and Damian voting aye. Valli abstained.

4. Approval of Minutes: TC Special Meeting, March 10, 2006 – UOL.

Jim moved to approve this set of minutes. Ranna seconded. Ranna requested to receive the attachments for these minutes (as she was not present at the meeting). **Motion passed with Damian and Jim voting aye. Valli and Ranna abstained.**

5. Approval of Minutes: TC Special Meeting, March 28, 2006 – Water Issues Workshop.

Jim moved, and Ranna seconded, to approve the minutes with all suggested edits incorporated. Motion passed with Jim, Damian, and Ranna voting aye. Valli abstained.

6. Approval of Minutes: TC Special Meeting, April 19, 2006 – Septic Drainfield Study.

Jim moved, and Ranna seconded, to pass this set of minutes with all suggested edits (from the draft minutes document) incorporated, (plus the addition of the following changes):

- Paragraph 1: "will be done in Castle Valley" was changed to "was proposed"
- Paragraph 4: strike "when"; sentence to read: "in unsuitable soil for a conventional septic system"
- The question mark was removed next to John Buchanan's name.

Pam reported on the status of this study. Pam, Judy and Amy met at length after the (April 19) meeting and they said they wanted to go back and reassess what they wanted to do. The money is there and something will be done. The owners of B&B were willing to have their field tested.

Motion passed with Ranna, Jim and Damian voting aye. Valli abstained.

7. Approval of Minutes: TC Regular Meeting, April 19, 2006.

Jim moved, and Ranna seconded, to pass this set of minutes with all suggested edits (from the draft minutes document) incorporated.*

The following additional changes to the minutes were suggested:

- Italics will be removed.
- Item 6, bullet 2: the phrase “the possibility of” will be kept.
- Item 6, page 2: “\$120 per year per acre foot” was changed to “\$20 per year per acre foot”.
- Item 8, paragraph 2: remove the phrase “Rebecca, not sure this is true”.

Discussion ensued about attachments. **Damian will give Rebecca Pam Hackley’s resignation letter and Rebecca will distribute copies to the TC.**

*** Jim moved to (amend his earlier motion to read: “to pass this set of minutes with all suggested edits incorporated from the draft minutes document, and to include corrections made at this meeting”). Motion passed with Jim, Ranna and Damian voting aye. Valli abstained.**

8. TREASURER’S REPORT.

Jim reported that the Town remains in good shape financially, and is still heading for a surplus between \$10,000 and \$20,000 at the end of the fiscal year, with no surprises in the past month.

9. PAYMENT OF BILLS.

The remaining CV scholarship amounts are on the list to be paid. Payroll taxes will be paid monthly instead of quarterly from now on. Jim suggested paying the rent by putting money aside monthly. **Ranna moved, and Valli seconded, to pay the bills (as presented). Motion passed unanimously.** (list of bills attached)

10. OPEN PUBLIC COMMENT PERIOD.

Jack commented that Colin Fryer’s/Red Cliffs Ranch was given the right to double his density by the Grand County Council. Up to 212 units are now allowable.

11. COMMENTS BY COUNCIL MEMBERS. None.

COMMITTEE REPORTS

12. Water Department Report

Scott Bracket reported that people are responding well and that he has made over 100 calls. Out of 107 town permits, 65 are thought to need the field review (“proving up” process). 66 have been signed up, some of whom have Water Use Certificates and wish to be reviewed at this time for various reasons. Scott has been calling around 20 people whose rights have lapsed, and is half way through; some may not know this yet, but they still should be placed on the election list. New applications are limited to 6.73 acre feet, but a Town right is not. Watering native vegetation is allowed.

Claude has sent the first set of 13 results (from field reviews) to the Town. The amounts listed were generous, and the total acre foot amount was increased for one lot. **These results will be distributed to the lot owners who have a town permit, agreements will be amended where necessary by a vote of the Town Council, a Town signature on the information will be required, and then the information will be put in the determination book to be submitted to the court later this fall.** The second week of June was mentioned as the final field review deadline. The Town will not sign off until all are accounted for.

Scott found a backup copy of the database (addresses) from John Groo’s records and has updated it.

Discussion ensued about following up both on the people who are on the list and not yet on the list.

13. Road Department Report

Darr reported that dirt is being delivered to the Community Lot. A fence is being repaired where it is being cut and wrapped so deer won't hook it. Damian noted that that particular fence was designed for deer passage and there has been no deer mortality there, so cutting it just lets the cows in. Around \$8,000 is still available to be spent on roads; Darr said more will still be spent (before the end of the fiscal year). Ron Drake commented that there is some washboarding on lower end; **Darr will approach the fire department because spreading water/possibly using their water truck is necessary to make it possible to grade.**

14. Landscaping Report

Greg Halliday is preparing to order picnic tables and benches out of recycled plastic, not fixed to the ground. **The TC requested current cost estimates.** More trees have been planted and are on drip irrigation. A line now is in place under the parking lot to the birms. The tree line is now a loop.

15. Building Department Report

Leta reported that there was 1 building permit this month to Lot 147. (report included)

16. Planning & Zoning Commission Report

Valli reported that the P&Z is passing on to the TC: (report included)

- two recommendations for Conditional Use Permits
 - a recommendation for an increase in the Building Permits Agent pay scale from \$12 to \$16/hour
 - a recommendation to add consulting services to the budget for the P&Z for larger scale ordinance work
 - a draft Ordinance re: Complaint Resolution & Enforcement passed to TC at the April TC meeting
 - a request for clarification on who shall oversee and/or sign off on timesheets for the Building permits Agent
- Valli will serve as liaison from the TC to the P&Z. The P&Z Chair will serve as liaison to the TC from the P&Z. Gil Gonzalez will now replace Pam Hackley on the P&Z since Valli's resignation is not effective yet.

17. Fire Wise Report

No report. The open burn season traditionally ends around mid-to-end of May.

18. POA Board Report

No report

OLD BUSINESS

19. Discussion & possible action re: Employee Policy Manual (tabled).

Item remained tabled. Jim intends to discuss this when there is a full Council.

20. Discussion & possible action re: Administrative Process for Complaint Resolution & Ordinance Enforcement. (tabled)

Jim moved, and Ranna seconded, to take this item off of the table. Motion passed unanimously. It was decided to list this item on (the next TC) agenda as a proposed ordinance. Jim moved, and Ranna seconded, to re-table this item. Motion passed unanimously.

21. Discussion & possible action re: Cemetery Maintenance Agreement (tabled).

Jim moved, and Ranna seconded, to take this item off of the table. Motion passed unanimously. Damian reported that Grand County needs a plan. Michael Smith is working on a plan and estimates it will cost around \$100. **Damian will speak to Michael about the ETA for the plan. Jim moved, and Ranna seconded, to table this item. Motion passed unanimously.**

22. Discussion & possible action re: Clerk/Recorder Job Description. (tabled)

Jim moved, and Valli seconded, to un-table this item. Motion passed unanimously. Discussion ensued about the idea of the P&Z getting its own clerk while addressing the objective to maintain good communication between the TC and the P&Z. The Clerk job description is to be completed after certain budget decisions are made. Objectives for the Clerk position are to get hours down, and also to get the workload done including especially all of the statutory work.

Discussion ensued about the broad scope of the Clerk's job. Rebecca commented that she has been willing to work/in fact working 40 hours per week already. Cris Coffey commented that this process is really a description of what it takes to run a town as much as a description of what the Clerk will do.

Jim moved to table this item. Ranna seconded. Motion passed unanimously.

23. Discussion & possible action re: Review of Planning Commission Enabling Legislation. (tabled)

Jim moved to un-table this item. Valli seconded. Motion passed unanimously. After many efforts, Pam heard back from David Church before this meeting. He has a copy of the proposed Ordinance and will make it a priority to look it over. Pam noted that research time and challenges with these types of things have prompted the P&Z to recognize the need for some expert/consultant work. **It was decided that having David Church look this over is sufficient, and having Kinghorn look it over is not necessary at this time. Pam will pass on whatever information comes back to the TC for their next meeting. Jim moved, and Ranna seconded the motion, to table this item. Motion passed unanimously.**

24. Discussion & possible action re: Current Enforcement Issues.

Re: Lot 100: Damian reported that Kinghorn suggested that the Town may want to pass a nuisance ordinance which could be the basis for a general nuisance lawsuit. The Town may not be able to recoup cleanup costs based on Ordinance 85-3. **By next month, Kinghorn may provide nuisance ordinance language for the TC to adopt.**

The many steps the Town has taken to cause this lot to be cleaned up, and many conversations with lawyers and advisors, were mentioned. "The cat women and the junk men" are said to be typical problem scenarios. When the next letter (to Lot 100) goes out, the issue is going to court, and may take years. David Hawks has received permission from San Juan County to set up a car crusher in South Spanish Valley.

Discussion ensued about appropriate uses of public funds and precedent setting, i.e., paying for clean up vs. paying lawyers. Damian said someone offered to donate \$500 for clean up; Damian offered Robin \$500 for the trailer. Robin did not respond.

Some of the junk on Lot 100 preceded the zoning ordinance. Discussion ensued about the watershed date. A nuisance ordinance gets around the grandfathering of junk.

Discussion ensued about nuisances, property values, private property rights, and a variety of CV attitudes. Jesse Nation is the legal owner of Lot 100.

Re: Lot 384: Damian read a complaint from Michael Ashcraft aloud dealing with illegal multiple dwellings not hooked up to septic and lights and noise at night. (complaint included).

Discussion ensued about whether there is, or needs to be, a limit to the length of stay for visitors without a temporary dwelling permit, the Town's definitions of "dwelling", "temporary dwelling", "structure", "building", and the length of time this such a situation may go on. (definitions attached) It was determined that a camper is defined as a dwelling by the Town, and can also qualify as a temporary dwelling. A dwelling is illegal if it is not connected to a septic, and if it is connected then it is a second dwelling which is illegal.

Jim Adamson would be responsible to investigate whether a trailer is connected to a septic. Valli noted that the next step is to call Adamson.

Re: Lot 198: Damian reported that the yard light has been painted, which is to serve as a shield. No further comment has come back on this. Damian noted that there is no follow up in place.

25. Discussion & possible action re: Town Website.

Jim commented that the website is still not completely up and running, and asked for Damian to hand responsibility for the website back to him (Jim). Jim said either the current person must complete the work or he will find someone else. Damian requested some cost estimates from other providers. Jim Tharp commented that it should be 5 hours of work costing around \$200. Jim Lindheim said he would find someone for a replacement. Damian asked Jim to find someone before changing the current situation. Cris Coffey commented on the need for a technician and also someone to continually monitor and refine the site. Damian wants the whole TC to determine what goes on the site. Rebecca asked for eventual decisions about who is responsible for what. The site will be primarily a public notice tool.

NEW BUSINESS

26. Discussion & possible action re: Conditional Use Permit, JRJ Construction, Lot 157. (application included)

This conditional use has been recommended by the P&Z for approval. Jim commented on difficulties he has with the Conditional Use Permit process. Discussion ensued about whether the definition for “premise occupation” assumes a dwelling and the intent of the ordinance. Jeff Johnston explained why the permit was requested on his property/permanent site instead of on the lot where he is currently a renter.

Discussion ensued about the appropriateness of this process for low-impact uses, whether problems could be handled through a complaint process, and the intent to maintain a rural residential zone and high quality of life in CV.

Ranna moved, and Valli seconded, to approve this CUP for Jeff Johnston, for JRJ Construction, on Lot 157, with the conditions in (Ordinance) 85-3 and (the condition) “anything not expressly allowed is prohibited”. Motion passed with Ranna, Valli and Damian voting aye. Jim abstained.

27. Discussion & possible action re: Conditional Use Permit, Castle Valley Grapevine, Lot 186. (application included)

This conditional use has been recommended by the P&Z for approval.

Valli moved, and Ranna seconded, to approve (this CUP) for Gil Gonzales/Kurt Baker, for the Castle Valley Grapevine, on Lot 186, with the conditions that (the business) meets all of the conditions of (Ordinance) 85-3 as amended and (the condition) “anything not expressly allowed is prohibited”. Discussion ensued about the connection between a business being “for compensation” and the need for a CUP. Gil expressed interested in having everything in place that is required and was commended for staying ahead of the ball. **Motion passed unanimously.**

29. Discussion & possible action re: Protocol for TC and P&Z Intercommunications.

Discussion ensued about the plan to have memos completed by the TC and the P&Z after each meeting to improve communications and keep each body informed on what the other is doing, to express appreciation for the work each is doing, and to put requests and recommendations in writing. **Valli will serve as the liaison to the P&Z and will do the memos.**

30. Discussion & possible action re: Public Hearing Date to Re-Pass Ordinance 85-3.

Discussion ensued about addressing the clerical error in zoning Ordinance 85-3 (i.e., Section 3 having been accidentally omitted from the document during the last amendment process). Damian explained that, after communicating with the Town attorney, the current plan is to re-adopt the entire Ordinance with Section 3 included. The aim of the public hearing is to put Section 3 and Ordinance 85-3 together again, with this not being the time for addressing Ordinance changes. Damian has requested a memo from Kinghorn with his opinion. We can get David Church’s (ULCT) legal opinion, but cannot get it in a legal memo form.

Discussion ensued on whether it would be necessary to hold a P&Z hearing prior to a TC hearing. The answer to this will affect the TC hearing date.

Pam gave the TC a document tracking some history for 85-3. (copy included)

31. Discussion & possible action re: Landscaping Budget.

Cost estimates are needed for further landscaping work.

32. Discussion & possible action re: Bid Process for Basketball Court.

Discussion ensued about putting in a basketball court, expressing formal interest by the TC, grant funding from the County Recreation Board or other sources, and the requirements of the bid process. **Jim said to proceed.** \$1,000 donation from Rim Rock Roadrunners is available for this purpose. **Ranna will get together with Greg Halliday, get specifications together and get bids.** Benefits discussed were that this might be good for kids and/or bring people to the community lot.

33. Discussion & possible action re: Tentative Town Budget for the Coming Year (Fiscal Year 2007).

Jim reported on (FY 2007) budget preparation. The line item for “Legal” would be increased to \$12,000 to plan for water issues, ordinance/resolution review work, and ordinance enforcement. P&Z funds would be increased to cover secretarial work. Funds would be added to hire a maintenance person. Certain amounts from the Capital budget would be used to fund capital improvements on the roads.

The Town has been running surpluses. A \$10,000 or \$20,000 surplus is expected. \$14,000 is in the roads fund, \$57,000 is currently in the capital fund, and \$85,000 in the general fund.

A capital (spending) plan must be created and passed (by the TC).

34. Discussion & possible action re: Public Hearing Date on Proposed FY 2007 Town Budget.

The hearing date/time was set for Thursday, June 8, at 6:30 PM, (at #2 CV Drive).

35. Discussion & possible action re: Public Hearing Date on Proposed FY 2006 Budget Amendments.

This hearing date was also set for Thursday, June 8, at 6:30 PM, (at #2 CV Drive). Public Notice will be posted for both hearings.

36. Discussion & possible action re: Special Meeting Date re: Town Budget FY 2007. No discussion; no decisions.

37. Discussion & possible action re: Community Lot Use Request from Dennis Bowarts.

A request has come in to show a movie in the pavilion area about government suppression and the events at Waco, Texas. Discussion ensued about impacts from lights/sound/number of people, content issues, whether it could be held indoors, whether admission would be charged, content and free speech, whether the applicant pays taxes to CV, and the right to determine what is allowable. **Damian will get more details. Rebecca will send the guidelines for the town lot and building usage around to everyone.**

38. COMMUNICATIONS AND PETITIONS.

Re: USFS Plan: Damian already sent the Town's comments on the plan. A hard copy of the plan for the library will be requested.

Jack commented that there is merit in drawing the fine lines for the CUP process. There was general agreement that "the goal is" to have ordinances that are ready to be enforced.

39. EXECUTIVE SESSION. None needed.

ADJOURNMENT.

Jim moved, and Ranna seconded, to close the meeting. Motion passed unanimously. Meeting adjourned at 9:50 PM.

ATTEST:

Clerk/Recorder