

**Minutes Regular Meeting
Town Council, Town of Castle Valley
Wednesday, June 21, 2006, Castle Valley Community Center**

Call to Order: Meeting called to order by Mayor Bollermann at 6:34 PM.

Council Members Present: Damian Bollermann, Valli Smouse, Ranna Bieschke, Jim Lindheim.

Others Present: Paul Smyth, Michael Ashcraft, Michael Dunton, Floyd Stoughton, Diana Vaughn, Greg Halliday, Janina Schmidt, Steve Heinrich, Karen Clark, and Jim Tharp.

Clerk/Recorder: Rebecca Martin

1. Discussion & possible action re: Appointment to Fill Town Council Mid-Term Vacancy.

Jim nominated Alice Drogin. Ranna seconded. Motion passed unanimously.

2. Swearing In New Town Council Member.

Alice Drogin was sworn in to the Town Council by the Clerk.

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

Jim moved, and Ranna seconded, to adopt these minutes as presented. Motion passed. Damian, Jim and Ranna voted aye. Valli and Alice abstained.

4. Approval of Minutes: MBA Meeting, May 17, 2006.

Ranna moved, and Jim seconded, to adopt these minutes as presented. Motion passed with Damian, Ranna, Jim and Valli voting aye. Alice abstained.

5. May 17 Regular: Jim moved, and Ranna seconded, to adopt these minutes.

The following changes were suggested:

Item #1: replace "appoint Gil" with "nominate Gil".

Item #28, page 1, par. 2: replace the words "was uncomfortable with" with "recommended not placing deadlines...".

Item #10: replace "Moab County Council" with "Grand County Council".

Item #12: strike the sentence "Rick Wilde thinks they have proved up 80% by now."

Item #24, par. 3: Replace "Robin declined the offer" with "Robin did not respond".

Item #23: "Rim Rock Roadrunners".

Ranna moved to approve these minutes with these changes. Jim seconded. Motion passed with Damian, Ranna, Valli and Jim voting aye. Alice abstained.

6. Approval of Minutes: TC Special Meeting, June 8, 2006 – Budget Hearings.

Jim moved to approve these minutes with the addition of the meeting date. Ranna seconded. Motion passed with Jim, Damian and Ranna voting aye. Alice and Valli abstained.

7. Treasurer's Report.

Jim reported on income and expenses. There is a surplus this year. The scholarship donation came in during this fiscal year, so two scholarship incomes will appear this year. In a meeting with Barbara Hicks it was agreed that the reporting will be simplified so that the categories will be easier to follow through the year.

8. Payment of Bills.

Discussion ensued about whether both Frontier bills can be paid with one check. **Rebecca will inquire about this.** Greg has worked 100 hours so far. A lot of the bills are going to the Community Lot. **Money will be moved from capital to general fund to cover all of the Pavilion costs.** Money will also be moved to the general fund checking from the PTIF(s). Bob's Sanitation is to be paid the dumpster fee for one dumpster from Clean-Up Day; the other ten dumpsters were paid for by Grand County Solid Waste District.

Valli moved to pay the bills as presented. Ranna seconded. Motion passed unanimously.

9. Open Public Comment Period.

Michael Ashcraft noted that he has written 3 letters of complaint about Janet Gregory, and now “something has made a difference” and he is noticing improvement. He expressed thanks to the Council for reading his letter aloud, and thanks to Ron Drake for publishing parts of the letter. Late night bonfires have stopped.

He went into the multiple dwelling issue and asked what the Council could do. He believes there is a permanent resident, possibly a renter, in a trailer on (Lot 384) with lights on all night every night. Some outdoor lights are no longer up and the windows are blocked in Michael’s direction, but what light gets through is still a problem. He has planted trees but it isn’t working.

Michael described the (situation on the) lot as an eyesore and a junkyard that violates the reasons that people live in this Valley. He went into the history of his experiences with the situation, and said there is currently a minimum of four people living in one house and two trailers with doubtful septic connections. If it is connected then it is a multiple dwelling issue; if not then it is a septic issue. Damian suggested that Michael could contact the District Sanitarian.

Michael described more history, and a sizable open pit garbage dump, and a kid on motorcycle racing a pick-up truck up and down Homestead for days. Damian summarized that things have gotten better, and some things really need to be resolved. Michael emphasized that the second resident is illegal.

Diana Vaughn discussed Lot 100. She knows of no action that the Town has taken; the complaint was waged over a year ago. Four more vehicles have been added since the April TC meeting. There is a second dwelling with an individual living in the truck camper. There have been some “more or less threats not to mess with people”. Diana believes people are coming and going at night without lights causing dogs to bark. The people who brought the petition of complaint have resolved to attend every Council meeting.

Damian commented that he appreciates their diligence. Item 11 (of this agenda) will be a discussion of this.

10. Committee Reports

Water Department Report

Scott Brackett reported that the field review process has been on hold. Scott provided an updated progress list which includes about 25 names who have chosen to be re-reviewed during this adjudication. (copy included) **The election list will be faxed to the State to have them cross-check it.**

Jim suggested that the Town should get an update from the State on how many lots they have done (a field review update). He wants the Town to have better information and noted that the Town has a right to the information.

Discussion ensued about getting further information about the next steps in the process for the adjudication/field review. **Damian will call Teresa to see if she can give us more information.**

Road Department Report

Darr is doing much better today and will be home in the next day or two.

Building Department Report

The building report listed one building permit issued. Leta has done some research to help property owners.

Landscaping Department Report

Greg reported on landscaping progress. The majority of the plants are in and smaller things will wait to go in the ground until larger things arrive. Some are still on order. The watering system is completed in some areas. Greg is investigating having the grass areas hydro-seeded, i.e., seed mixed with paper is sprayed on to be wind proof, as so it won’t wash away.

Valli commented that it looks great. It was noted that Lot 2 will be proved up soon.

Planning & Zoning Commission Report

Valli went over the P&Z report (report included). Discussion ensued about the IRC vs. the UBC code due to a suggestion that the Town adopt the IRC code. Someone mentioned an open pit of garbage as a watershed concern. The enabling legislation has come back from David Church with comments.

POA Board Report: No report.

Fire Wise Report

Diana Vaughn reported on fire wise efforts. People can log in-kind fire (prevention) hours using the forms in (the black mailbox beside Smokey). Crews have helped to burn slash piles. It was noted that the crews are not denuding property entirely, but rather creating an interrupted path. Firewise info is on the website in the building department section. Dave and Diana Vaughn can do site visits to discuss fire prevention with lot owners. Ken Drogin will advise on landscape.

Discussion ensued about whether the fire department does/does not want community people coming to fires. The fire department could be held legally responsible if someone is injured. Things considered helpful were: bringing drinking water for fire fighters to the staging area or helping with traffic control. However “heading out alone into the brush” to fight the flames was discouraged. Floyd said “We can’t encourage, but people always come.” The recent fire burned (213) acres in less than two hours.

Valli thanked the fire department for helping with a very scary fire in the Town’s in back yard.

Jim moved, and Valli seconded, to suspend the order of the agenda to handle item 21. Motion passed unanimously.

21. Discussion & possible action re: Conditional Use Permit, Michael Ford Dunton Studio, Workshop, Lot 413.

Jim noted that the conditions placed on the two CUPs differ significantly. The Council expressed concerns to Michael Dunton about mitigating impacts to neighbors, fire prevention while welding, vehicle traffic, noise, smell, outdoor lighting, and operating hours.

Valli moved to approve the CUP for lot 413. Alice seconded. Motion passed unanimously.

Good idea to have someone from P&Z.

Jim moved to change the order of the agenda to handle item 30. Ranna seconded. Motion passed unanimously.

30. Discussion & possible action re: Selecting & Purchasing Outdoor Furniture.

Lengthy discussion ensued about the pros and cons of various proposed benches and tables. **Decisions were made to purchase one bench for the gravel area next to the door and three wheelchair accessible eight foot picnic tables, both cedar colored for the pavilion area.**

Alice moved to suspend order of business and handle item 25, seconded by Valli. Motion passed unanimously.

25. Discussion & possible action re: Resolution re: Voting Methods for Town Elections.

Discussion ensued, including comments from Karen, Janina, Jim, Rebecca and Alice about the upcoming County election and their use of Diebold electronic (touch screen) voting machines. **The Town will take up the issue of paper ballots at a future meeting.** The Town only controls municipal elections. County, State and Federal elections have switched to voting machines. A paper (tape) is produced and kept for 22 months. Comments on the machines can be directed to the Lieutenant Governor www.elections.utah.gov. **The Town will draft a resolution to have the Town use paper ballots for the next meeting.**

Old Business

11. Discussion & possible action re: Current Enforcement Issues & Proposed Nuisance Ordinance.

As part of the Town Attorney’s recommendations about how to deal with the Lot 100 situation, a draft of a Nuisance Ordinance has been sent for Council review (draft attached). This type of ordinance addresses current concerns, without obstacles such as “grandfathering” issues. Lights and barking dogs are not in current draft. Discussion ensued about outlining the penalties and getting recommendations for timely enforcement. **Jim and Ranna will call John Brems and complete a draft for the next TC meeting.**

Discussion ensued about the history and specifics of the enforcement process, including County enforcement, with comments by Diana Vaughn, Michael Ashcraft and Valli Smouse.

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

Jim moved to take this item off of the table. Alice seconded. Motion passed unanimously.

Jim has drafted this proposed policy manual. Pam Hackley gave input to the draft. It now requires focused attention.

Jim moved to hold a workshop before the next regular TC meeting on the draft of the employee policy manual, at 4 PM on July 19. Valli seconded. Jim will re-send these documents to everyone. Damian called the question. Motion passed unanimously.

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

Jim presented an updated Clerk timesheet. (copy included)

Valli moved, and Ranna seconded, to suspend the order of the agenda to handle item 20. Motion passed unanimously.

20. Discussion & possible action re: Conditional Use Permit, Dale Silverman, Prometheus Welding, Lot 28

Rebecca reported on some specifics discussed at the P&Z meeting, i.e., this is a small scale, mostly mobile, welding and repair service with all equipment on a one-ton truck and no shop structure. Discussion ensued, with comments from neighbors and Ron Drake, and also from Alice Drogin, Jim Lindheim, and Ranna Bieschke.

Questions were asked about hours of operation, fire safety, enforcement in case someone complains, noise level, traffic, size and scope of operation, types of projects, chemicals, any potential retail specifics, signage, equipment, layout of the welding area and driveway, and familiarity with fire codes.

It was determined that typical projects would be to build a barbecue or trailer, projects are not deadline driven, most work is “on site” (at the client’s location, not Lot 28), no plans for retail, not a lot of extra traffic, no signs. Dale also explained that he has been a Wildland fire fighter, fire suppression equipment will be on the truck, he doesn’t want early/late hours for his family’s sake, is considerate of and reasonable with neighbors, has been welding and is requesting the permit to keep up a hobby level and also be able to put up a notice to attract interest, no forklift is necessary, the driveway will not accommodate large trucks, the entire operation is very part time with no intention to expand as Dale works 50 hours per week at his regular work

Jim moved, and Ranna seconded, to add the condition “No more than 8 hour of welding per week on the premises” Motion passed unanimously.

Jim moved to add the condition “all relevant state fire code regulations will be adhered to, and that sufficient precautions be taken to prevent damage to property. Alice seconded. Motion passed unanimously.

Valli moved to approve the CUP for Dale Silverman on Lot 28 with the eight conditions. Ranna seconded. Motion passed unanimously.

Jim moved, and Alice seconded, to amend the order of the agenda to handle Item 26 about a weekly farm stand. Motion passed unanimously.

26. Discussion & possible action re: Weekly Farm Stands on the Community Lot.

HL Weber presented a project to have a weekly farm stand (on the community lot) from 4PM to 7PM on Fridays. The idea is to benefit commuters, increase library and other lot visitation, to have our own farmer’s market without having to travel to Moab, and to be able to have other events piggy back on this. This is during library hours, with building open and bathrooms available, and HL volunteered to staff it. People would staff their own tables.

Jim gave information on how it works for Moab Farmers Market. That event is officially sponsored because there must be insurance. A temporary tax license is needed. Any value added items must pay a tax; items “grown for consumption” do not. A manager reports sales to the state. The market must be registered with the state and a fee paid.

Discussion ensued about whether the Town could sponsor this, who might want to sell and the history of a previous CV farmers market, and the need for people to clean up after themselves. **Rebecca will call the insurance company about the Town sponsoring a farmer’s market. (Ranna will research the tax ID question.) HL will continue to pursue the idea and report to the Council at the end of the season.**

Jim moved to have the Town serve as sponsor if possible, and to waive the event fee, and to pay the State fee to register the event. Valli seconded. Motion passed unanimously.

14. Discussion & possible action re: Proposed Ordinance re: Complaint Resolution & Ordinance Enforcement. (tabled) Remained tabled.

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

16. Discussion & possible action re: Review of Planning Commission Enabling Legislation. (tabled) Remained tabled. Rebecca will distribute copies of the draft with David Church's suggestions.

17. Discussion & possible action re: Website Management.

Jim reported on website progress. The website will be considered a public notice tool.

Discussion ensued re: posting people's individual phone numbers on the web vs. using the Town's contact information. It was decided to continue using the Town's contact information.

Jim asked the Clerk to email people if something is in their boxes so they don't have to come to the office to check, and also to do by email whatever is possible, i.e., whatever is electronic. It was mentioned that Hank Freeman is a scanner wizard to help get the scanner up and running with the system.

New Business

18. Discussion & possible action re: Resolution to Amend Fiscal Year 2006 Budget.

Treasurer, Jim Lindheim, reported on proposed amendments to the Fiscal Year 2006 budget. Since the (June 8) budget hearing, income came in in the following areas: \$500 in property taxes, a fee in lieu payment (what you pay on your car – the cars in CV pay this), and the FY 2007 scholarship donation which arrived early (showing as income in FY 2006). Expenses were "pretty much as expected". Certain things were added in as regular fund expenses instead of the money coming from capital funds. Roads were under-spent at year end. An insurance bill was paid since the hearing. The Town ended up with a surplus of \$29,000 out of a budget of \$133,000. There is a plan to shift those funds to the capital projects fund for use on a major roads project next year.

Jim moved to approve the amended 2006 budget based on Column F ("Budget Sheet 1") or the current year column (budget sheet 2). Valli seconded. Motion passed unanimously.

19. Discussion & possible action re: Resolution to Adopt Fiscal Year 2007 Budget.

Jim reported on the proposed 2007 budget. Re: Income: The estimated property tax amount, \$62,339, was received from the County (6/20/06) after the budget hearing, creating the appearance of a surplus on the budget sheets. Income is not significantly different from (FY 2006). There may be some income from water permits. The CV scholarship money for 2007 arrived within the 2006 fiscal year so the books show the income in FY 2006.

Re: expenses: This budget includes more money in legal professional fees for (ordinance) enforcement, water (rights), Planning Commission legal consulting and an ordinance review process. More money will be going into payroll this year. There are separate items for the Town Clerk and for a separate P&Z Clerk under the assumption that the job may be split. A building/community lot manager/maintenance person may be hired. A raise is shown for the Building Permit Agent. All of the road capital improvements will come from the capital fund and not from the general fund.

Discussion ensued about what liquor fund, motor carrier and various state tax categories represent.

Jim presented the capital fund income and expenses. Grant money is reflected here. Discussion ensued about whether formal studies would qualify as capital expenditures. \$79,567 in capital funds will carry forward to 2007. Two capital projects are budgeted for FY 2007, i.e., \$30,000 for road improvements and \$10,000 for a basketball court.

Both the General Fund and Capital Fund budgets are up for approval.

Jim moved to adopt the 2007 budgets. Alice seconded. Motion passed unanimously.

22. Discussion & possible action re: Appointment to the P&Z.

No action. Damian will interview everyone.

23. Discussion & possible action re: Section 3, Ordinance 85-3.

Damian explained this Ordinance has to be sent back to P&Z to be re-passed. **Damian will communicate with Michael Peck on this.** This process will re-include section III, left off in 2004 during the most recent amendment process, but will not be a reexamining of the whole ordinance to make other changes at this point. **The TC will give the exact ordinance to the P&Z to be passed and sent back for passage by the P&Z, i.e., section I, with the enforcement clause as section II. The P&Z will hold a public hearing.** A hearing by the TC may be optional.

24. Discussion & possible action re: General Plan and Overall Ordinances Review.

Valli suggested beginning the General Plan review with an informal TC/P&Z workshop to brainstorm questions and ideas, including also the drainage studies, and have everyone familiarize themselves with the General Plan. She suggested putting out questionnaires, perhaps to handle 4-5 questions at a time, perhaps inviting the public to a pot luck at the community building to collect input, perhaps using the Pavilion to bring people together during the summer months. She suggested that the process may remain informal for a few months as the TC and P&Z work through all that is “on their plates”. This information would go to the P&Z for them to start working on it.

Discussion ensued about this five-year review of the general plan and how ordinances related to the General Plan.

Damian will talk to Michael Peck to schedule this first workshop. Copies will be sent to TC electronically.

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

Ranna will apply for a grant from Grand County Recreation Special Service District to pay the difference between a half court and full court. Bids have been just under \$10,000 for a half court. There is plenty of room physically to make it a full court. Marcie Till and Jim Salmon both encouraged CV to apply since it has been four years since CV has asked for money.

Discussion ensued about whether to ask for the full amount or to ask for a matching amount. Everyone is comfortable with a full court. There will be no night lighting.

28. Discussion & possible action re: Town Council Press Release Policy.

Jim commented that he sees a need for things to be reported accurately, and suggested that the Town could email information to Ron from time to time. Jim proposed a process whereby Damian would sign off on these.

29. Discussion & possible action re: Feasibility of Regular Re-Cycling Pick-Up Service at Community Lot.

Damian presented the project to work with Colin Fletcher/Green Solutions to bring collection barrels out and to fence a collection area. Discussion ensued about the current closure of the recycling center. Solid waste may take over the recycling. It was decided to determine what is happening with Moab before the Town goes forward with the idea.

31. Communications and Petitions. None.

32. Executive Session. (if needed) None.

Adjournment.

Alice moved, and Jim seconded, to adjourn. Motion passed unanimously. Meeting adjourned at 10:02PM

ATTEST:

Rebecca Martin, Town Clerk