

Regular^[RM1] Meeting Minutes
Town Council, Town of Castle Valley
Wednesday, October 18, 2006, 6:30 PM, Community Center

[\[An audio-recording of this meeting is available to the public.\]](#)

Call to Order. Meeting called to order by Mayor Bollermann at 6:32 PM.

Members present: Damian Bollermann, Valli Smouse, Jim Lindheim. Ranna Bieschke arrived 7:25PM.

Absent: Alice Drogin.

Others present: Jack Campbell, Jennifer Mengel, Ron Mengel, Steve Meleski, Karen Nelson, Bob Lippman, Pam Hackley, Jeff Johnston, Scott Brackett, Mary Beth Fitzburgh, Dave Erley, Marie Hawkins, Darr Hatch, Vickie Kress, Ron Drake, Leta Vaughn, Mary Rees, Steve Heinrich, Janina Schmidt, Brian Murray, Greg Nunn, Jake Burnett, Denise Lucas, John Lucas, Craig Tuttle, Sharon Tuttle, Michael Peck, Jim Tharp.

Town Clerk: Rebecca Martin.

~~[\[Clerk's Note: The audio-recording of this meeting is available for details of comments.\]](#)~~

1. Open Public Comment

Jack presented the Town with two copies of the drainage master plan maps.

Dave announced if anyone has trouble during hunting season this year, they can call enforcement officer Casey McBay at 435-820-6015 or the County dispatch.

Marie requested a fall clean-up. Pam is the County's representative on solid waste and will bring it up.

Jennifer requested that safety cones be placed on the severe washout on Buchanan Lane.

Ron Mengel inquired about the availability of Gambian baskets from the Town to stabilize an undercut section of Placer Creek behind his home in the greenbelt. Damian said the Town does have these; they were originally to be used in Castle Creek.

Damian expressed thanks for Sam Hills doing the annual fence check.

Jeff described flood damage to the Placer Creek dam and to Lot 157, thanked people for helping in the emergency, asked the town for help in re-building the levee, and encouraged working together. He has been told that old irrigation pipe can not be dug up; it can be re-buried. He asserted that the neglect of the ponds in the Town's drainage master plan over the last 15 years has led to damage in many parts of the Valley and suggested the Town start now to allot funds and seek flood damage funds to do necessary work. He commented that if everyone works together it will be a lot less expensive and the lot owners are willing to pitch in significantly.

Dave suggested moving the approval of minutes back to the start of the agendas.

Objections were raised about the large amount of time and money being spent on changing the minutes. Comments were made by Jeff, Ron Drake, Vickie, Damian, Jim, Bob, Michael, Valli, Ron Mengel, and Marie on what constitutes "the public record", whether it is lawful to change the minutes at different stages, who is responsible for the minutes, perspectives on what a "factual change" is/is not, transparency when changing minutes, Castle Valley's standards for its elected officials, the Clerk having to attest to the public record, and what must be included in a set of minutes. Rebecca commented on efforts underway to refine the minutes process and posting audio recordings of meetings to the website. Jim Lindheim cited for the record: "UT code 63-2-304(22) the following records are protected if properly classified by a Government entity" (and the list included) "(22) drafts unless classified as public".

2. Planning Commission Report

Michael reported on the October 4 and 17 PLUC meetings (outline attached). PLUC is reviewing a B&B building permit request because that lot is a non-conforming use and something may have to be signed to avoid having the new garage converted into another unit. Michael expressed dissatisfaction with the more abbreviated style of minutes, saying he prefers for discussion and disagreements to be reflected in the public record. The Complaint Process draft has been re-worked and sent back to the TC.

Questions are being solicited actively for the general plan survey. A special meeting is scheduled for Tuesday, November 8, at 7:00 PM, for an open forum on water aspects of the General Plan.

Re: Building Department: One electrical permit and one septic permit were issued in September.

New Business

3. Presentation by David Erley re: Watershed Concerns.

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adopted 11/16/06

Includes suggested changes by Jim Lindheim, Valli Smouse and Ranna Bieschke.

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Dave thanked the Mayor for the opportunity to be on the agenda. He stated that the citizens' complaint process won't protect the aquifer and encouraged the Town to take responsibility to insure compliance. He commended Damian for his leading role, working with Tim Hicks, in keeping pesticides out of the unconfined aquifer. He commended Jim and Ranna for his-their work on the nuisance ordinance draft.

Dave said the Town was incorporated to handle primary issues involving the whole community and its wellbeing such as water rights, watershed/aquifer protection, drainage, road maintenance, flood protection, and planning and land use. He felt these are what the Town is all about.

He commented that the General Plan revision falls at a good time to address watershed protection and that the Town has reached the maturation level at this point in history to take a proactive role to protect the aquifer. He mentioned several areas where he felt citizens should not be asked to insure ordinance compliance, flood protection measures and aquifer recharge.

Dave presented a five-point set of priority issues discussed by the Water Working Group. (document included)

4. Discussion & possible action re: Changing the November TC Meeting and Public Hearing Date.

Jim moved to move the November TC meeting and public hearing dates to Thursday, November 16. Valli seconded. Motion passed unanimously.

5. Discussion & possible action re: Flood Mitigation, Catchment Ponds and Renewal of Drainage Study.

~~(audio recording hereby incorporated into the record)~~

A letter and drainage master plan map were received from Rebecca re: the Placer Creek pond, public vs. private drainage work, asking for funding research and Town involvement. (documents included) Jim and Ron Mengel have flood photos; other photos are requested. Flood money appears to be available from the State.

Valli and Ron Mengel commented on the history of the drainage study and the Town's actions.

Discussion ensued re: whether the drainage study should be re-done, the benefits of engineering and planning ahead, low-tech drainage solutions and public education, state law about changing drainages, whether the Town has the right to go onto private property, types of equipment, effects of hydrology, pond and drain maintenance, aquifer recharge, Ditch Company water rights issues, flood control, culvert bottlenecks, Placer Creek, the new Placer Creek, Castle Creek, Buchanan, Shafer, Miller, Taylor and Buchanan Lanes, Town help with private driveway culverts, and whether funding could be found to act on the whole drainage master plan at this juncture. Comments were made by Ron, Jim, Damian, Jeff, Pam, John, Jim Tharp, Darr, Steve, and Jake.

Funding options were discussed with comments by Jim, Ron Mengel, Damian, Karen, Valli, and Rebecca. Jim explained there was \$69,000 in the capital improvements fund, \$30,000 of which is the designated roads budget, and \$18,800 in the Class C roads/emergency fund.

Suggestions were made by Jim, Valli, Dave, Pam and Damian for Town actions to take including: immediate stabilization/repair of damaged areas, prioritizing for the use of Town funds and drainage work, hiring someone to update the drainage study and have a Town representative work with them to fit the work to the local situation, maintaining a Road Supervisor's list of immediate projects including bringing in "pit run" gravel, forming a water committee, researching where to get engineering/hydrology help and funding, forging good working relationships, and approaching the Town Attorney to create drainage agreements. **Valli will look into funding and look for engineers.** Damian suggested an engineer who has been used in the past and works for Moab City.

6. Discussion & possible action re: Fixed Time Water Application for Water for Lot 190.

The Town has filed protests to larger fixed time water applications in the past and an application was published in a newspaper for 24 acre feet on a 5 acre lot. The owner also has a 6.73 application on the same lot.

Jim moved to send in a letter of objection to this 24 acre feet on Lot 190. Valli seconded. Motion passed unanimously.

7. Discussion & possible action re: Landscaping Budget.

Jim said that the landscaping cap set at the last meeting should have been \$9,400 for this fiscal year rather than \$10,500.

Jim moved to cap the expenditure at \$9,400. Ranna seconded. Motion passed unanimously.

Old Business

8. Discussion & possible action re: Appointment to the Planning & Land Use Commission.

No applicants.

9. Discussion & possible action re: Process for how minutes are done.

Jim suggested adding to the minutes procedure that final minutes should contain the record of the corrections in strikethrough format.

Public discussion by Damian, Michael, Rebecca, Jeff, Valli, Jim, Mary Beth, Jack, Karen covered reasons for doing minutes in a variety of ways, transparency for the public, brevity for the Council, reflection of tone for the Planning Commission, whether a resolution should be crafted to set the minutes procedure, and clarifications by the Clerk.

10. Discussion & possible action re: Consideration of Mediation MOU re: Restoration Work on Terry & Brooke Williams' Lot, 274 Pope Lane.

Michael read aloud a signed Memorandum of Understanding about proposed restoration work on 274 Pope Lane. (document included)

11. Discussion & possible action re: Proposed Complaint Resolution Process.

The TC received a proposed temporary Ordinance outlining a process for formal complaints and conflict resolution. The TC is soliciting public comment on this and intends to vote on the Ordinance at the November 16 TC meeting. Bob commented that the timeframes, which were part of the original idea of the ordinance, are needed as part of the ordinance.

12. Discussion & possible action re: Proposed Nuisance Ordinance.

Jim described a meeting with ~~police~~ Police County and City officials, including police, in Moab. The point was made that a law enforcement and code enforcement should be done by two different types of people. Finding someone to do code enforcement is difficult. **Ranna and Jim will revise the code enforcement officer job description and may try to get someone who has the training or can get the available training from the code enforcement organization.**

Pam mentioned that county planner, Mary Hofine, was working on a draft nuisance ordinance with a courtesy notice included. Rebecca will get a copy of this draft.

Damian reported on the junk car crushing project. Twenty cars are said to be coming off of lot 100. He requested that people encourage their neighbors to participate.

13. Discussion & possible action re: Basketball Court Construction.

Ranna reported that the Town was awarded \$20,000 from Grand County Recreation Special Service District to build a basketball court. The Town has set aside \$10,000 for this project ~~and Rim Rock Roadrunners donated \$1,000 also.~~ which includes Rim Rock Roadrunners' donation of \$1,000. Ranna will solicit bids as the next step.

14. Discussion & possible action re: Review of Letter to Property Owners about Water Use Maps.

Scott Brackett and Damian will meet with Teresa Wilhelmsen Oct. 19 to verify maps to go out to property owners about their water use amounts. Valli will try to attend as well. This is the first protest period if the listed amount of water is not accurate. There will be a second protest period once the adjudication book comes out. The Town will have to sign new water permits with some people.

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

Jim moved to un-table this item. Valli seconded. Motion passed unanimously.

Damian explained that the cost estimate to have a law associate re-draft the Employee Manual, at \$210 per hour, would come to around \$1,500, so he discouraged this idea. Jim will meet with the lawyer for an hour to discuss what the issues are and determine if the whole process could be capped at two hours.

Jim moved to re-table. Ranna seconded. Motion passed unanimously.

16. Discussion & possible action re: Clerk Job Description (tabled).

Item remained tabled.

17. Communications, Petitions and Committee Reports (reports on Water, Roads, Building, Landscaping).

John Buchanan, a hydrologist living on Pace Lane, is reviewing our drainage study and would like to help us.

Damian reported on Bailey Lane, the static water level in the monitoring well came up 5 inches in ~~October~~ September.

A suggestion was made to move reports back to the front of the agenda or have committee people give a written report to try to shorten the meetings and avoid people having to wait to the end to report.

Re: water: Scott reported the Town database is up to date and envelopes are ready for the impending mailing. The water rights information in the database is not up to date but could be updated using the state records.

Damian said Gerry Kinghorn is preparing for the Town to file claim for all of its original water rights. Water rights lawyer, Steven Clyde, may be able to work with the Town. The State Division of Water Rights is going to be writing claims on all of these rights to go in the Proposed Determination Book; at that time Gerry will submit this other claim.

Dave suggested talking to Bruce Keeler about how the adjudication works and what the Attorney General's role is in the process to avoid mistakes and to alleviate community fears. Scott suggested that the arguments from previous Town water committee members familiar with the issues be included in the later protest period.

Re: Roads: Darr reported that the road department has plenty to do and things will eventually dry out. The fuel tank is down to 3/8. Citizens expressed thanks for post-flood road work. A privately cut diagonal ditch that channels all the water in the upper area into Pope Lane was discussed. There was discussion of how to deal with this, and whether Martineau's house is at risk, with comments by Darr, Damian and Dave. Rock and dirt are coming for Pope and Buchanan.

Re: Landscaping: The draft job description for the building/landscaping maintenance person will go to Jim for proofreading. The water has been turned off on the lawn. Eventually more dirt will be hauled to Lot 2. **The TC decided to keep people off the lawn for the gourd festival.**

Brian Murray, Debbie Hills and Karen Nelson suggested replacing the sign on the green gate in the Upper 80 saying "please close the gate". Cows are getting in. Rebecca will research options through BLM, Turners, Angel Sign Company in Grand Junction and/or Canyonlands Copy Center.

Damian suggested making the rest of the no hunting signs available to the public. Rebecca will put them at the building entrance with a description of how to post your land properly. Dave suggested that the Town consider establishing a half-mile no-hunting buffer for the Town.

Re: POA: The annual meeting will be held in November at the Community Building. The Town will be on the agenda to present water rights information.

Approval of Minutes

18. Approval of Minutes: TC Regular Meeting, September 20, 2006.

Jim moved to approve the minutes. Ranna seconded.

Ranna suggested the following changes:

Item 1, paragraph 6: remove the phrase "her perspective on the style of Dave's comments".

Page 3, item 10: include "Cris Coffey's commented some administrations put a pay rate change into effect for the next administration."

Jim amended his motion to approve the minutes as now corrected. Ranna seconded. Motion passed. Valli abstained.

19. Treasurer's Report. Everything is fine.

20. Payment of Bills. The list of bills shows all of the bills to be paid starting at Bob's Sanitation.

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

21. Executive Session. As per UT code 52-4-205(1)(c), strategy sessions to discuss pending or reasonably imminent litigation.

Jim moved to close the meeting, to hold it now in this place. Valli seconded. Motion passed. Ranna voted no. Executive Session convened at 10:00 PM and the Regular meeting re-convened at 10:32 PM.

Adjournment: Jim moved, and Valli seconded to adjourn. Motion passed unanimously. The regular meeting adjourned at 10:33 PM.

~~{PLEASE NOTE: Further details of discussions can be heard on an audio tape of this meeting and are hereby incorporated into these minutes as part of the official public record of this meeting.}~~

ATTEST:

Town Clerk, Rebecca Martin