

REGULAR TOWN COUNCIL MEETING MINUTES

Date: Thursday, May 12, 2005

Place: CASTLE VALLEY COMMUNITY CENTER

CALL TO ORDER: 6:35 PM

Council Members present: Bruce Keeler, Bob Lippman, Dar Hatch, Robert Ryan, Jerry Bidinger

Others present: Jennifer Mengel, Otis Willoughby, Catherine Howells, Pam Hackley, Damian Bollermann, Rana Bieschke

Clerk/Recorder: Rebecca Martin

1. **Personnel matters:** Bruce read a letter of appreciation and commendation aloud to Jennifer Mengel, and presented to her a plaque. Jennifer expressed appreciation and commented that many deserve commendation for work done on behalf of the Town.

Approval of minutes of prior Town Council meeting 04-14-2005. Minutes stand as presented.

Approval of minutes of Special Meeting 04-21-2005. Minutes stand as presented.

COMMITTEE REPORTS

2. Water Working Group:

Pam Hackley reported that the group is meeting regularly and is currently working on the paper the Town has asked them to work on.

3. Water Agent:

Jerry Kinghorn, Jerry Bidinger, Bruce Keeler, and Catherine Howells went to a meeting of the Board of Water Resources. It was a cordial beginning of a long process of keeping dialog open and working with staff.

Flaming Gorge water is not available right now because larger water requests are lined up, and the Board of Water Resources doesn't want to open up appropriations until they "take back other water that's sitting out there" [B.K.] Town attorney, Jerry Kinghorn, will keep the process going forward and keep the dialog open.

Everyone is still working with the Town towards a solution, including the Attorney General's Office, i.e., the lawyers for the State Engineers Office. Other suggestions were made in the Water Board meeting about other options by the Board of Water Resources.

The adjudication has been pushed off to the end of 2007-2008 due to staffing changes, thus giving the Town more time to look over alternatives.

Catherine is doing research for Jerry Kinghorn on the history of all the change applications in Castle Valley to be used in negotiations if needed.

4. Road Department:

Improvement projects are planned for this spring, and some of the preparation work has been done. Damian asked for the Council's opinion on whether the finances are "there" to go forward. \$8,122 remains in the improvement budget. Jerry Bidinger gave the "go ahead" for Damian to continue using that budget as planned.

No road meeting has been held recently; they meet approximately every two months.

5. Planning & Zoning Commission:

Pam Hackley reported that progress is being made on the drafting of a fuel storage ordinance. Eventually, a draft will be run by the attorney. There is a goal to have an ordinance ready for a public hearing by the July meeting. Dar suggested, and **it was decided, that drafts of the ordinance will be distributed to the Council before anything goes before the public.**

6. Fire Department:

The building reports for the past six months were provided to the Council. From now on, the category "Building Department" will be added to the "reports section" of the TC agenda, and Ron will provide a monthly report for Rebecca to include in the TC packets.

Fire Department trainings, which will serve as certifications for the Volunteer Fire Department, have been going on over the past four weekends for Wildland fire department techniques. There will be one more weekend of training, then one weekend of testing. State Lands and Forestry will be coming to Castle Valley to help with fire prevention work on private properties. Ron and Floyd Stoughton have been seeking appropriate work for this crew to do.

7. POA Board: No report.

8. Grand County Recreational Services Board: No report.

9. Landscaping Committee:

People who have expressed interest in helping out on the volunteers Landscaping committee are: Ken Drogin, Mary Rees, Jake Burnett, Karen Nelson, and Bruce Keeler. There may be other additions to the list. Arbor Day trees have been planted and black pipe will be run as temporary irrigation. Bruce approached Kara (Dohrenwend, of Wildland Scapes), who placed a bid on the landscaping, and they said they are interested in the phase I irrigation. Their irrigation consultant is available to do the work in June.

10. Solid Waste District Report

The Solid Waste District paid 100% of the bill for the Castle Valley spring clean-up. This represents a savings of around \$2,100 over typical expenditures in previous years. The district is picking up the tipping fees for Spanish Valley, Moab, Thompson, and Castleton, for up to 7 yards, and so covering costs for our 8 dumpsters was not a problem.

Jerry moved, and Dar seconded the motion, to change the order of the agenda to move item #16 next on the agenda. Motion passed unanimously.

16. Discussion and possible action concerning Donation from Rim Rock Road Runners.

Rim Rock Road Runners President, Rana Bieschke, offered a \$1,000 donation to be used by the Town of Castle Valley to create “something physical” in keeping with their enthusiasm for running. They suggested that the donation might be used to create a jogging trail around the area. That would be their first choice. They also suggested using the money to fund a basketball court. They hope to continue to support the town, and appreciate the residents supporting the race.

Bob moved, and Dar seconded the motion, to set aside this generous donation from the Red Rock Road Runners (\$1,000) into a capital reserve fund, and to earmark it for a jogging trail and/or a basketball court. Motion passed unanimously.

OLD BUSINESS

11. Discussion and possible action concerning adoption of Amendments to the Town Budget for PY 2004.

Jerry proposed waiting to amend it because it is so close to the end of the fiscal year, i.e., to avoid having to amend it twice. Item not tabled.

**12. Public Hearing re: Amendments to Ordinance 2003-3, Exclusionary Deer Fencing Policy
Hearing opened: 7:09 PM**

History: the directive to P&Z was only to look at the definition of commercial agriculture.

Jennifer spoke in favor of the amended ordinance saying she believes the definition of commercial agriculture is now written as well as can be.

Pam Hackley spoke as a citizen saying the definition of commercial agriculture is as good as need be, and the ordinance is still missing penalty and enforcement clauses. Parts of the ordinance still appear to conflict with other parts. **Pam handed over her work on this ordinance to the Clerk.** Jerry asked for further input on what else must be done to revise this ordinance.

Bruce proclaimed the topic now open for discussion by the Council, and left the hearing open to public input. Discussion ensued. There was agreement that the commercial agriculture definition was now good, and that some places in the ordinance still “don’t work”. It was deemed important to fix the

remaining problems with the ordinance to avoid handing out an ordinance that contains ambiguity. The Town's interest in wildlife protection is established in the general plan and has been a priority.

Jerry moved, and Robert seconded the motion, to return the proposed amendment of Ordinance 2003-3 to the P&Z to reconcile the attachment with the Ordinance itself or to remove the attachment entirely, and in all other ways to make the document consistent.*

Issues discussed included: if the intent within the ordinance was to allow only smooth wire, this would need to apply to exclusionary fences, including commercial agriculture, as well; "anything could be an exception to Section 1"; the numbers in Section 1 are in disagreement with the fence diagrams; the intent was to avoid the creation of a deer run down the roads where they can't get away from cars; the wording appears to make residents unable to fence a small dog into a yard; the setback pertains to 50' from the road surface to the fence, not from the easement to the fence, whereas defining the setback from the road is more ambiguous than from the easement.

Close of public hearing: 7:47 PM.

***Bruce called the previous question. Motion passed unanimously.**

13. Discussion and possible action concerning Monitoring Wells Project. (Tabled)

Rebecca will call to get a Certificate of co-insurance for BLM. Bruce will work with her on this.

14. Discussion and possible action on Inter-local Agreement with Grand County regarding law enforcement. (Tabled)

Robert moved, and Jerry seconded the motion, to move item 14 off the table. Motion passed unanimously.

15. Discussion concerning activities for Castle Valley youth. (Tabled)

Robert moved, and Jerry seconded the motion, to move item 15 off the table. Motion passed unanimously.

NEW BUSINESS

17. Discussion and possible action concerning P&Z recommendation for Lot 52 Conditional Use Permit.

[Clerk's note of clarification: Mary Rees had not yet arrived at the meeting.] **Bruce said that the P&Z must put conditions on the permit before passing it to the TC for approval. Bob said that the guidelines from TC to the P&Z should be in a written form.** Catherine Howells suggested that P&Z should draft the procedures for CU permits for the TC to adopt.

Robert moved, and Jerry seconded the motion, to table the item. Motion passed unanimously.

The Council instructs P&Z to put their CU permit procedures into writing, run it by TC for approval.

18. Discussion and possible action concerning appointments to Board of Adjustments.

Bruce reported that Susan Ulery will stay on the Board of Adjustments, and that Rob Soldat may be willing to as well. Three more members are needed who are not current TC or P&Z members or anyone one who's job is land use or zoning.

There was discussion about what the implications are for the Town once the Board of Adjustments has made a decision because once the Board of Adjustment makes a decision, then someone can go to court. The comment was made that if there is any chance to do a project without a variance, then the Board of Adjustment can't grant a variance. There was speculation that they also can't reverse a TC or P&Z decision and that they can grant exceptions to the rule, but they can't change a rule. Bruce says to "beat the bush" for people to put on the BOA. Catherine will suggest people who may be likely candidates.

Robert found the board of adjustments statute and read it aloud. (copy included)

19. Discussion and possible action concerning Preliminary Town Budget for PY 2005.

Item 17: Lot 52, Conditional Use permit:

The following conditions were placed on the CU permit for Lot 52:

- Hours of operation: 8:00 AM to 7:00 PM
- no on premises sales
- no employees.

Mary Rees answered questions to the following effect: No one will be coming onto the lot as part of the business, no selling off of the lot is planned, Mary's permit from the State is just for selling off site, Mary may want to grow a larger quantity of something and thus may want a delivery, although not in the foreseeable future; no invasive species are propagated, but rather everything is salvaged plants and locally collected seed.

Jerry moved, and Bob seconded the motion, to approve the CU permit [for Lot 52]. Motion passed unanimously.

20. Discussion and possible action concerning the Clerk/Recorder Pay Rate.

Robert moved, and Dar seconded the motion, to suspend the order of the agenda [to move item 20 after item 26] until after the Executive Session. Motion passed unanimously.

21. Comments by Council members.

The Town has received a follow up letter from Jim Adamson describing the clean-up of Lot 53.

West Auto, across from Tom Tom's is now collecting cars and will come out and pick up cars at no cost. Comment was made that Joe may not be licensed to pick them up and store them on his lot.

Catherine asked about the trailer. Bruce said the issue is in process.

The County Council is making a decision on the Trail Mix plan. A non-motorized trail plan to connect areas using some new and some existing trails, some re-designation of trails to non-motorized, some private land easements needed. County council looking for comment. Comment period ends Tuesday. Pam can help us get copies or to get Colin's phone number. Affected areas in Castle Valley include: Parriot Mesa trail, Round Mountain trail, Castleton connector trail, Golden staircase.

COMMUNICATIONS AND PETITIONS

22. Communications to/from the Town.

Pam/Castle Creek: comments included. Knapweed money is affected. Other exotic plants will come in. Mary spoke with Brian at SITLA. They hauled sand to cover the pipe which involved a lot of overland driving. Brian asked if Mary would help re-vegetate in the fall. Bruce says SITLA claims that they plan to do some remediation. Brian may not have seen the area yet since the pipeline installation. Bruce says they are going to try to

The Town has received a request from Luke Van Horn to allow residents to use the internet at the community building. (copy attached)

Rebecca will become a notary for the convenience of Castle Valley residents.

23. Open Public comment period.

Mary Rees commented that a good amount of water is coming out of the mountains, and the new pipe is carrying it all past the rich habitat above the bridge. She suggested that the Seventh Day folks should consider allowing some of the water to flow naturally at this time of year because it is overflowing at the pond. Catherine said this is a water rights diversion issue and that the water right is surface water; and is a very old water right. It is metered going into the pond, and all that goes beyond the pond is over-allotted.

The Town may be able to express a concern to the agencies involved on behalf of our watershed ordinance.

24. TREASURER'S REPORT

\$5,000 will be left in the checking account after paying the bills. **Money will have to be moved in order to pay the bills for next month.**

25. PAYMENT OF BILLS

Robert moved, and Jerry seconded the motion, to pay the bills. Motion passed unanimously.

26. EXECUTIVE SESSION.

Jerry moved, and Dar seconded the motion, to adjourn to executive session. Motion passed unanimously. The Council adjourned to executive session at 9:17 PM

Jerry moved, and ____ seconded the motion, to pass an ordinance to set the Clerk's [pay rate] at \$13.50/hour. Motion passed unanimously.

Robert moved, and everybody seconded the motion, to adjourn the meeting. Motion passed unanimously.

ADJOURNMENT: Meeting adjourned at 10:40 PM.

Attachments:

Letter of Commendation

Red Rock Road Runners info

Draft of amendment to Ordinance 2003-3

Board of Adjustment Statute info

Lot 52 CU permit application

Luke Van Horn proposal letter

ATTEST:

APPROVED:

Rebecca Martin, Clerk/Recorder
