

**TOWN OF CASTLE VALLEY  
REGULAR COUNCIL MEETINGS MINUTES  
AUGUST 11, 2005**

**COUNCIL MEMBERS PRESENT:** Bruce Keeler, Mayor, Jerry Bidinger, Bob Lippman, Robert Ryan and Darr Hatch

**AUDIENCE:** Jennifer Mengel, Deputy Clerk, Ron Mengel, Ron Drake, Jack Campbell, Catherine Howells, Damian Bollermann

**MEETING CALLED TO ORDER AT 6:34 PM**

1. Bruce Keeler presented Catherine Howells with a recognition plaque honoring her service to the community.

Adoption of Minutes from July 14, 2005 Town Council Meeting. **Minutes adopted as presented.**

**COMMITTEE REPORTS:**

2. **Water Working Group** – no report.

3. **Water Department Report** – covered under Agenda item 14.

4. **Road Department** – Damian Bollermann reported that the Road Department met on 8-10-2005. Damian informed the Council that they had discussed implementation issues of the drainage study. Discussion with the Council followed concerning the extent of implementation and various limitations which exist within Castle Valley. The Council suggested that the Attorney Kinghorn be contacted regarding compliance with the study and documentation as to the Town's obligations. It was agreed that records of road maintenance are required and that Mark Webster's annotated timesheets should be adequate.

In addition House Bill 146 was discussed. The State wants all communities to bring roads to a minimum standard; however, Damian believes that this is an unrealistic expectation for Castle Valley. Bruce believes that Castle Valley roads are not included in this requirement because they were "grandfathered" in when the Town was incorporated. Ron Mengel believes that the State is not requiring major upgrades, rather it is about reaching minimum standards of road design.

5. **Planning & Zoning** – no report.

6. **Fire Department** – Ron Mengel reported that all Fire Department personnel had successfully passed the required State testing. The volunteers are now preparing for the mandatory physical exertion testing. In addition, Ron stated that the Fire District tax increase had been adopted following the public hearing on Aug. 9, 2005.

7. **Building Department Report** – Ron Mengel reviewed the written report submitted to the Council. Three permits were issued and a complaint about construction dust was addressed.

8. **POA** – No report.

9. **Grand County Recreational Services Board** – No report.

10. **Landscaping Committee** – Bruce Keeler informed the Council that the landscaping valve boxes had been purchased and the holes have been dug for the installation. Ken Drogin has volunteered his time to accomplish the work. Planting will begin as soon as the weather permits. Low water volumes have necessitated a change in the grass areas of the plan. Perhaps a cistern will be necessary in the future if additional irrigation is needed. Bruce thanked the Scout troop, especially, Nephi Williams, for their work clearing the many weeds from the property.

11. **Solid Waste District** – Bruce Keeler reported that the County Council had asked the District to accept junk cars at the landfill. Bruce explained that this could not be done due to environmental restrictions.

**OLD BUSINESS:**

**12. Bob Lippman moved to take the Annexation Policy Plan off of the table for discussion. Jerry Bidinger seconded the motion and it passed unanimously.** Bob outlined the changes that he had incorporated into Version 4 of the draft. Bob standardized language and included references required by recent changes in municipal code. Bruce expressed concern about the inclusion of “newly annexed areas shall not receive any water rights from the Town.” Discussion followed regarding the choice of “shall” or “may”. The Council agreed to leave the sentence as written. **Darr Hatch moved to accept Ordinance 2005-1, Annexation Policy Plan, incorporating two editorial corrections. Jerry Bidinger seconded the motion and it passed unanimously.**

#### **NEW BUSINESS:**

**13.** Mark Webster announced that the Round Mountain Vineyard will be donating money to the Castle Valley Scholarship fund following this year’s harvest. Two applicants have applied for the 2005 scholarship; Mark Shelburg and Drew D’Agnese. **Robert Ryan moved to split the scholarship and award it evenly to Mark and Drew. Darr Hatch seconded the motion and it passed unanimously.**

**14.** In anticipation of Catherine Howell’s resignation as the Water Agent, Bob Lippman and Jerry Bidinger have agreed to serve as Council representatives and public liaisons for water issues. Bob, Jerry and Catherine met to establish a continuity of information, review of rules and regulations, and to familiarize the team with the requirements of the Water Agent position. **Prior to her departure Catherine will provide the Council representatives with an index of the files she has established.**

Bob and Jerry spoke about the importance of the public relations aspect of the Water Agent position. The Town must establish greater accuracy and consistency in communications with the public.

Bruce spoke about his recent communications with Attorney Kinghorn. The Town has been informed that a response from the State Water Engineer is forthcoming. In addition the Town has been informed by the Attorney General’s office that existing water rights must be honored when issuing new well permits until the adjudication has been completed. The Division of Water Rights has directed the Town to seek new water rights for undeveloped lots within Castle Valley.

Jerry and Bob expressed concern about the public relations and liabilities associated with information provided to the public by the Town. They would like to formalize the process for information to flow back and forth between the Town and the citizens. The team suggested that initial efforts should include a Town position statement on the subject of water rights as well as written versions of established and known questions and answers. It was also suggested that a process be created whereby citizens can submit questions to the Council and an expectation of how answers will be delivered. It was noted that the POA would also be able to serve as a conduit for information to absent property owners.

Bruce added that this information should be provided to the Division of Water Rights in Price, Utah. Experience has shown that the office in Price provides information that is unreliable. Citizens should be warned that information from the Price office should be requested in writing and to include the Town in any communication.

**The Council will direct Rebecca to post an advertisement for the Water Agent position.**

**15.** Bruce reported that a Right of Entry from SITLA had been received for the monitoring well drilling requirements. A similar right of entry is expected from the BLM. In addition, Bruce described a letter from Attorney Brems which required the selected well driller, Eric Brue, WDC Exploration & Wells, to respond to the Town by July 29, 2005 or the contract would be terminated. Since no response was received, a new bid will have to be conducted. The new bid has been slightly modified to reduce the number of wells to 10. **Darr Hatch moved to accept the termination of the contract and move forward with the new bid as presented. Jerry Bidinger seconded the motion and it passed unanimously.**

16. As of 8-11-2005, two people had filed for the position of Mayor in the November election; Gil Gonzales and Damian Bollermann. Jim Lindheim has filed for a Town Council position. Bruce stated that an employee of the Town can run for the office of Mayor. The League of Women Voters will be contacted if candidate forums are desired.

17. Bruce read his response to the Forest Service regarding the installation of a communications tower in Willow Basin. Bruce raised several points of concern. It was agreed that the selected site was unfortunate from an esthetic point of view and that several issues had not been addressed in the proposal. Pam Hackley also submitted a detailed analysis of her concerns about the communication tower proposal.

18. The Board of Adjustments has three volunteers in place, two more are needed. Jack Campbell suggested that Sam Welch be contacted.

19. The Grand County Special Service Water District is in the process of consolidating their various agencies into one unit. As part of that consolidation Castle Valley notification is required. The present stage of the consolidation offers Castle Valley the opportunity to receive future sewer services from the newly created entity. The Council discussed many issues raised by this issue including potential tax levies for future development not benefiting Castle Valley. Attorney Kinghorn has been requested to provide the Town with documentation concerning the acceptance or rejection of this offer. In addition Mr. Kinghorn has been requested to examine the larger issue of Castle Valley participation in any Special Service District. **Darr Hatch moved to table this item pending further advice from Mr. Kinghorn. Robert Ryan seconded the motion and it passed unanimously.**

20. The Council reviewed the bid for shade cloth for the Town building. Questions were asked about other methods of accomplishing the goal of shading the windows. It was agreed that the purchasing policy required that three telephone bids be gathered prior to making a decision on a method. **Jerry Bidinger moved to table the issue pending additional bids. Darr Hatch seconded the motion and it passed unanimously.**

21. Bruce stated that he had approved the purchase of the software outlined in the proposal by Rebecca. In addition, a technical support proposal by Miso Media Studios was discussed. The Council discussed the value of technical support for the website and noted that the contract was for only one year. It was agreed that this support would benefit the Town. **Jerry Bidinger moved to accept the proposal by Miso Media. Darr Hatch seconded the motion and it passed unanimously.**

22. Jerry Bidinger informed the Council that W-2 and 1099 statements from 2001, 2002 and 2003 had not been received by the IRS and could not be located in Town paper records. Mark Webster and Damian Bollermann, town employees, were requested to search their personal records for copies of the documents.

Robert Ryan and Dar Hatch both informed the Council that they would not be seeking reelection to the Town Council in the November election.

Bob Lippman highlighted the upcoming Utah League of Cities and Town annual convention. He suggested that it might benefit the Town to have a member of the Council attend the conference.

Bruce Keeler described his discussions with Joe Nicholson, DWR. New hunter information signs have been created and will be posted by the DWR. Castle Valley residents as well as the Town need to post "No trespassing, no hunting" signs on private property. Darr suggested coordinating with Seventh Day landowners to control hunter access within the residential section of the valley.

23. The Town received official notification of the intent to move the Atlas Tailing Pile to a position north of Moab via rail.

24. Jack Campbell described past dealings with the State Attorney General's office.

**25.** Jerry Bidinger delivered the Treasurer's report. Since the fiscal year is only one month old there is little information to compare actual spending versus budgeted amounts. Property tax and road receipts can not be predicted at this time. Future budget organization will be done according to the requirements of the State and the Town's auditor. Future capital expenditures will be funded directly by the Capital Fund rather than the General Fund.

**26. Darr Hatch moved to pay the bills as presented. Robert Ryan seconded the motion and it passed unanimously.**

**Jerry Bidinger moved to suspend the meeting to move into Executive session to discuss pending litigation. Darr Hatch seconded the motion and it passed unanimously.**

**Robert Ryan moved to adjourn the Executive session. Jerry Bidinger seconded the motion and it passed unanimously.**

**Jerry moved to resume the regular session of the Town Council. Bob Lippman seconded the motion and it passed unanimously.**

**ADJOURNMENT:**

**Darr Hatch moved to adjourn the regular session at 10:45 PM. Robert Ryan seconded the motion and it passed unanimously.**

**ATTEST:**

**APPROVED ON:**

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Jennifer Mengel, Deputy Clerk

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Date