

**Minutes
Town Council Meeting
Thursday, December 8, 2005
Castle Valley Community Center**

CALL TO ORDER: Meeting called to order by Mayor Keeler at 6:34 PM.

Council Members Present: Bruce Keeler, Darr Hatch, Bob Lippman, Robert Ryan.

Absent: Jerry Bidinge.

Others Present: Vickie Kress, Damian Bollermann, Karen Nelson, Steve Molesky, Corey Greaves.

Clerk/Recorder: Rebecca Martin.

- 2. Approval of Minutes of Town Council Meeting 10-13-05. (tabled) Adopted as presented.**
- 3. Approval of Minutes of Town Council Meeting 11-10-05** Bob Lippman suggested three changes (email attached). **Robert moved, and Bob seconded the motion, to accept the minutes with Bob's changes incorporated.**
- 4. Approval of Minutes of Special Town Council Election Canvass Meeting 11-22-05. Adopted as presented.**
- 1. Awards:** Awards of appreciation for public service were presented to Karen Nelson for her work as Construction Project Manager, to Damian Bollermann as Road Supervisor, to Robert Ryan for 8 years on Town Council, to Darr Hatch for 8 years on Town Council, to Bruce Keeler for 8 years as CV Mayor, and to Bruce for his work on the Solid Waste Board. Awards included artwork by Jennifer Mengel, Tom Wesson and Serena Supplee.
- 5. Open Public Comment Period.** No public comment.

COMMITTEE REPORTS

6. Water Working Group

Damian reported that the WWG met (on Dec. 7). Educational handouts are being made available to the public. Ron brought in septic system handouts. The watershed plan is currently a high priority. Municipal use designation is still being discussed as a means to hold onto water rights. Water retention measures/options were discussed. Watershed and permaculture study are being reviewed as a collaborative approach to CV watershed issues. (Minutes of WWG included.)

7. Water Department Report

Bob reported that two requests to prove up rights are pending. Mark Page (Regional Engineer) is retiring as of Dec. 15. Jerry Olds (State Engineer) promised CV the "mystery letter" and said it would contain an offer of some positive water rights options, plus procedural issues to prove up water rights and to get well permits moving. **Bob will go through files to see how many lots are due to be proved up.** One person found that, on the DWR website, their water agreement appeared to have been withdrawn. It may be a technical problem; **it is an issue that the Town needs to pursue.** Bruce noted that many issues may be resolved simultaneously. Dale Pierson (Spanish Valley Water District) is moving and may be replaced in March. "The letter" is referred to by the State as "being reviewed".

8. Road Department

Damian reported that Darr and Joe have been cleaning up drainages. Joe Corey, the new grader driver with 12 years of snow cat driving experience, is doing an excellent job. Some gravel has been graded on Buchanan & Hooley. Taylor is all cleaned up. Roughly half of budget will be spent now, and half in the spring. Pam Hackley is doing a great program of re-seeding in disturbed areas. Darr is moving rocks from Taylor to the Upper 80 with a dump truck. Karen commented that the culvert on Buchanan is still smashed; it was hit by the trailer.

Darr has been discussing with Mark Webster ways to get rid of goatheads. The question is whether they can be burned or if they react like sandburs, and whether they can be broadcast burned with a torch and/or burned after collecting them. Pulling them up before they set seed and taking them to the dump is thought to be best.

9. Planning & Zoning Commission

Rick Lamb has offered his resignation. There is nothing in writing yet from Carl Anderson or Richard Schwartz.

Pam has been working with the Solid Waste Board, especially Audrey Graham (county council), about creating a household hazardous waste day or program. Someone has expressed interested in writing a grant. Bruce thinks we may get some action on this.

10. Fire Wise Report

Corey Greaves reported that a State crew did some burning and chipping last month on Jorgenson's lot. The Fire Department did some fuel reduction on Amber Lane. The Fire Dept. is going to post notices announcing burn dates. Outside of the burn season, permits are now going to be required and people fined who burn without one. Darr asked if the old dump is still burning at Jorgenson's. Corey says they checked it and it's out. Amber Lane also smoldered for two days.

11. Building Department Report

Report from Ron Mengel for October and November. (report included)

12. POA Board: no report.

13. Landscaping Committee: No activity anticipated until spring.

14. Solid Waste District Report

Bruce reported that they have just instituted a tonnage rate at Klondike instead of a cubic yard rate, thinking that this may generate more revenue.

OLD BUSINESS

15. Water Rights update.

Bob suggested that CV can actively pursue courses of action while waiting for the letter from the State, e.g., to consider hiring a professional consultant to deal with the variety of issues facing the Town, both on water rights and on procedural issues. Bob said this might put us a step ahead of the game.

Bob reported that Jerry Olds is in favor of the Town holding the water rights instead of individuals holding the rights. Bruce thinks the State would rather not redesign the system based on individuals, but would rather have the Town administrate the system at some level. It was noted that there may be things not yet out on the table which makes it hard to determine what to do.

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

No electronic copy is available to the Town yet from Solid Waste. **This item remained tabled.**

17. Castle Valley Mineral Exploration (tabled).

Bob moved and Darr seconded the motion to take this item off of the table. Motion passed unanimously.

Bob reported that meetings of the House Legislative Committee have been attended by Bruce, Damian and Bob with recommendations on the Utah Recreational Land Exchange Act. This would be a land swap between the State and the BLM, involving numerous municipalities. The Town submitted comments requesting that lands that go into the hands of BLM be given some protective status to limit surface occupancy, mineral patenting, and hard-rock mining claims, etc. Bruce reported that the lead Democrat on the resources committee is pushing for the BLM land to be removed from mineral and surface development, and should stay as open space.

Bob reported that the EPA would take a closer look at any mineral development and its triggering of sole source aquifer protection in the Recreational Exchange Act, than they did on the USFS proposal

because that was seen as a good proposal. If a project is above operating budget, a review is triggered; otherwise the Town must push it. Bob noted that he was “priming” them for the eventuality that hard-rock mineral development will pick up again.

Bruce suggested letting this come off of the agenda until something is happening again. He said the timetable for the land exchange is not tight because it is still in committee.

18. Pending Complaints Update.

Lot 100 is still being worked on by the Town’s attorney.

Lot 384: (M.Ashcraft’s Nov. 30 letter included) When Bruce last spoke to M. Ashcraft, he indicated that he was going to drop the complaint but this letter does not clarify whether he is withdrawing the complaint or not. **Bruce said further clarification is needed.**

19. Monitoring Wells Update.

Tracy (Balsley) dug the first well on the Loop Rd. near the Quakey Shake. It was 260’ deep and hit bedrock with no water. This is important information for an area SITLA had viewed as prime development land. This well was expected to be around 90 feet deep. This well was needed for aquifer classification.

Another 80’ test well is now complete in the road easement on Bailey Lane, by Bruce’s house.

Now Tracy is up by Porcupine Rim, which is another well needed for aquifer classification.

Another property is needed down along Castle Creek. The road easement has been encroached by trees and fences, so it will have to be on private property.

The Town needs to find a map of the DWR/ Utah Open Lands purchase. A well is needed between Erley’s and the Upper 80.

Janae Wallace said the classification is possible even with fewer wells. Certain key locations are required. Twenty tests are required. Several shallower wells are hoped for in the lower end to test for nitrates because they stay on surface until they reach a certain concentration. The shallow wells are useful for indicating contaminants early.

NEW BUSINESS

20. Appointment of Temporary Vice-Treasurer and Council Member.

Bruce reported that it had been determined that replacing Robert at this juncture, since he and Hertha have sold the B&B, is not necessary. Robert may continue to do his term to it’s end because there is a six month window after residence is changed.

Robert requested to suspend the order of business in order to fulfill his obligations before he has to leave. **Robert moved, and Darr seconded the motion, to change the agenda in order to pay the bills before the vice-treasurer needed to leave the meeting. Motion passed unanimously.**

31. Treasurer’s Report:

Rebecca presented the current financial reports and list of bills. Darr asked whether it appears that there will be a need to amend the budget this year. The answer is that, yes, budget amendments should be made to correct for any changes between what was expected and what has actually been needed, but that this can be done towards the end of the year.

32. Payment of Bills: Bob moved, and Robert seconded the motion, to pay the bills as presented.

Motion passed unanimously. Rebecca will connect with Robert by phone (12/9/05) to complete the necessary transfer of funds from the PTIF to the checking account.

21. Town of Castle Valley Annual Financial Report. (Written report included)

22. Spraying along the Loop Road by Grand County.

Pam commented that the diffuse knapweed pulling project was planned, but the county sprayed on both sides all the way up to kill knapweed and other things that they thought interfered with “sight distance”. **Pam suggested that the Town should get together with Tom Higgs and work out a plan for what does and does not get sprayed to respect the resources going into the pulling effort and also for aquifer protection. The County will be approached as well because they are the ones who requested the spraying.** Discussion included whether Castle Valley could do the mowing, the problem of County mowers spreading the weeds to other parts of the county, liability issues, coordination efforts between jurisdictions, wash-down stations, etc.

Bob moved, and Robert seconded the motion, to leave this on the agenda.

23. Discussion and possible action re: Road Supervisor Position.

Darr put his name is to be considered for Road Supervisor. Discussion ensued. **Bob moved, and Robert seconded the motion, to hire Darr as Road Supervisor. Motion passed with three votes in favor. Darr abstained.**

24. Discussion & possible action re: Building Department Position.

No applications have come in. **The deadline extended to the January 18 TC meeting. Rebecca will repost the job notice and put it back in the paper.**

25. Discussion & possible action re: Three P&Z Appointments.

No letters of interest have been received. **Rebecca will repost the position notice and put it back in the paper.** Interested parties should submit a letter of interest.

26. Discussion & possible action re: Solid Waste Board Appointment.

Bruce applied to continue serving as the Castle Valley representative. **Robert moved, and Darr and Bob seconded the motion, to appoint Bruce to the Solid Waste Board. Motion passed with three votes. Bruce abstained.**

27. Discussion & possible action re: Administrative Process for Complaint Resolution & Ordinance Enforcement.

Bob presented a proposal that expands Resolution #96-3 for consideration by the Council. This proposes that a Complaint Resolution Board be established, to include a Council Member, Building (Permits Agent), a Planning Commission Member, and possibly a member of the community at large. Included are certain timelines, e.g., when complaints are to be acted on/investigated by the Board, when a recommendation would go to the Mayor, when a letter goes out, etc. A significant addition is that the person would be invited to work with the Board before anything goes to the attorney, as an intermediate process. If there is no resolution or cooperation after 30 days, then the issue can be forwarded to the attorney.

Robert moved, and Darr seconded the motion, to table this agenda item. Motion passed unanimously.

28. Discussion and possible action re: Creating a Plan for the Capital Projects Fund.

This item will be dropped from the agenda until Jerry returns and a proposal can be made.

Robert moved, and Darr seconded the motion, to change the order of the agenda to allow for Council Member comments. Motion passed unanimously.

30. Comments by Council Members

Robert thanked everyone on the Council, and in the community, for all of the support and worthwhile projects in which they have all been involved. He encouraged people to be involved and to encourage others to put their names in for the P&Z, etc. Bruce thanked Robert for his participation on the Council. Robert said he would be available if necessary for two weeks.

Bruce commented that this has been an interesting and enjoyable 8 years for him. He said he has learned a lot about himself and about the community. He said he will miss it.

Darr said it has been an interesting 8 years. He has seen the Town evolve; 8 years ago, it was 4 votes away from disincorporation. He commented that it feels like a different level. Now, he thinks, most people accept that the Town really exists, and this brings more responsibility to the Council.

Bob also congratulated the newly elected officials. He does not know what advice to give but looks forward to a good collaborative process in addressing the needs of the Town, especially in relation to water (rights) and watershed issues.

Bruce said things appear to be going in a good direction and he feels the new Council members and the new Mayor will continue on in the direction it has been going. He commented that the community won't let (the new Council) stray too far in any case.

29. Communications and Petitions.

Announcement: public hearing of the UT Air Quality Board, Dec. 14, SLC.

Announcement: Radiation Control Board meeting in Blanding re: proposal for licensing of importation of nuclear materials to be processed at the mill there. Traffic and transport would bring these shipments through Moab, although not directly along Rte. 128 due to bridge limitations. Bob said this is something to keep tracking. The local Sierra Club group is working on it, and has requested a hearing in Moab around the second week in January.

31. Executive Session. None needed.

Adjournment.

Darr moved, and Bob seconded the motion to adjourn the meeting. Motion passed unanimously. Meeting adjourned at 7:59PM.