

**Minutes**  
**Regular Town Council Meeting, Town of Castle Valley**  
**Wednesday, January 18, 2006**  
**Castle Valley Community Center**

**Council Members Present:** Damian Bollermann, Ranna Bieschke, Jerry Bidinger, Jim Lindheim, Bob Lippman.

**Others Present:** Jack Campbell, Darr Hatch, Ron Mengel, Jake Burnett, Vicky Kress, Pam Hackley, Julie Wentz, Ron Drake, Cris Coffey.

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

It was determined that TC Members who were not at a certain meeting are not responsible for adopting those minutes. Minutes of executive sessions can be approved in regular sessions although changes can only be discussed in executive session.

**1. Approval of Minutes of Town Council Meeting: December 8, 2005.**

**Bob moved to approve the minutes as presented. Jerry seconded the motion. Motion passed unanimously.**

**2. Approval of Minutes of Executive Session: December 27, 2005.**

**Jim moved, Ranna seconded, to table this item. Motion passed unanimously.**

**3. Approval of Minutes of Special Meeting: January 9, 2006.**

**Jim moved to approve the minutes, Jerry seconded the motion. Jerry amended that the minutes must include the closing motion both for the executive session and for the regular meeting. Motion passed unanimously with this change.**

**4. Approval of Minutes of Executive Session: January 9, 2006.**

**Bob commented, on record, that statements made at this meeting, while accurately recorded, contained inaccurate information. Jim moved to approve these minutes, Bob seconded, motion passed unanimously.**

**5. Election of Officers**

**Jerry moved, and Bob seconded the motion, to appoint Jim Lindheim as Treasurer and Ranna Bieschke as Vice Treasurer. Motion passed unanimously.**

**6. Awards**

Ron Mengel received an etched artist's rendition of a petroglyph as a symbol of appreciation for doing a fine job as Building Permits Agent for the Town.

**7. Open Public Comment Period.**

In response to a question from Ron Mengel Damian reported there is expected to be one more monitoring well giving a total of six wells.. Damian has been handling the management of the project. Ron asked about the reporting plan from the monitoring wells to the Town residents. **Damian will work this out with (UT Geologic Survey) Janae and Mike.**

In response to a question from Vicky Kress, Damian said that the initial grant was for 12 wells, but that Mike Lowe and Janae Wallace are comfortable that the current number will give a broad enough sample. Ron said he asked the Town to go back to UTGS to see if further money can be made available. **Damian will ask Janae and Mike about this.**

In response to a question from Jake Burnett regarding "withdrawal" of certain water rights,

Jerry and Jim responded that while some sort of action like that was taken for as many as 70 wells in 2000 as part of a larger change in how the town water rights were being handled, the real water rights problem for people who signed water agreements with the town is that all such agreements were based on four “mother water rights” which are likely to be questioned in the adjudication.

Bob addressed Jake’s question on what the Council is doing. He said the Town learned of the issues a year ago, and has been developing strategies, some of which have required waiting for the letter from the State Engineer. The letter arrived a year after it was promised. One of the Town’s goals was to insure that citizens would maintain the right to go directly to Price, as they did prior to the Town, to make a water use claim, develop it, prove it up on their own, and then own a water right. That is confirmed in the state letter.

Bob explained that the Town is pursuing several strategies to attempt to replace the town’s water rights with other water rights. The Town’s attorney is working on concerns, questions, and ambiguous matters in the State’s December 8 letter. He is formulating a letter that will go to the State to get written answers.

The Council is drafting a status report letter to the citizens. This will outline current options and will point out the option to go get a private right.

In response to a question from Ron Mengel regarding the status of rights that people may have deeded to the town (so called “orphan rights”), Jerry pointed out that their status will depend on whether they were based on the questionable “mother water rights” or some other basis.

Ron Drake presented the Town with a framed copy of an article with photos documenting the making of an advertisement of a 1973 Chevy Impala, atop Castle Rock.

## **Committee Reports**

**8. Water Working Group:** no report.

**9. Water Department:** no (further) report. Damian noted that we do not have a Water Agent at this time.

**10. Road Department:** Darr reported that there is not too much going on at this time of year. The crew is finishing off some of the Upper 80 areas, and the rest of the road work is going along normally.

**11. Building Department Report:** Damian is able to cover some building department requests during the hiring period. Ron Mengel has helped by processing one permit, and has offered to help if time-sensitive requests come in before someone is hired.

**12. Planning & Zoning Commission:** Pam reported that she was elected to be the new Chair of the Planning Commission. Hearings were held on the Proposed Amendments to the Deer Fence Ordinance, and on the Aquifer Protection Ordinance. Valli Smouse has been appointed to the P&Z Pam is doing a draft of updates of P&Z bylaws, enabling legislation and terms of service to be brought to the TC. Rebecca was instructed post a permanent notice explaining when someone would need a conditional use permit; this would also be published in the TI each November. The February P&Z meeting was changed (from Feb. 8) to Tues., Jan. 31, at 7:00 PM.

**13. Fire Wise Report:** A copy of the Fire Department 2006 budget was presented. Ron Mengel said no Fire Wise report. A large trailer will be located at the station for about four weeks with training materials for fire fighters to upgrade skills.

**Ron requested the Town to coordinate with the Fire Department as soon as possible on the Town’s needs for clean-up day in the spring** Volunteers are needed to learn fire fighter and 1st responder skills.

The Fire Department received a 1979 MAC fire engine, driven here from Syracuse, west of SLC. Ron said it is worth at least \$25,000.

**14. POA Board:** no report

**15. Landscaping Committee:** no report

**16. Solid Waste District Report:** no report

**17. Office Report:** Rebecca submitted a written report on what the Clerk work actually is, to be used in reviewing the position (included with these minutes).

#### OLD BUSINESS

**18. Discussion & possible action re: Employee Policy (tabled).** Jim volunteered to spearhead this project. Rebecca will share other resources that are in the office. Jerry suggested asking Kinghorn for examples of policies he has approved in the past.

**19. Discussion & possible action re: Water Rights (tabled).** The next step for the Council is to finalize and send a letter to the people of Castle Valley.

#### NEW BUSINESS

**20. Discussion & possible action re: Protocol and Accountability in Meeting Processes, Communications, Record Keeping and Decision Making Processes.**

Bob presented a document suggesting topics to be covered with the new Council coming in, and said this might be better taken up at a workshop.

He said TC can improve decision-making by improving its processes and communications and keeping good records with State officials, County officials, etc.

The following was recognized: a need to prioritize what is currently before the Council and to improve the processes of work. **Jim moved, and Jerry seconded the motion, to design and hold a workshop, to be based on things in the Work Distribution Plan for 2006 (Item 21) with the intention to try to prioritize what the town should be addressing first. Damian amended by adding “within the next month”. Motion passed unanimously.**

**21. Discussion & possible action re: Work Distribution Plan for 2006.**

Covered under the last item.

**22. Discussion & possible action re: Pending Well Permit Refunds and Process.**

Damian introduced this saying there has been discussion about establishing a refund for people who have paid money to the town for a well permit if they relinquish their water agreement with the Town in favor of a direct water right from the state. It was determined that perhaps the council was not in a position to “nail this down” yet. **Jerry moved, and Jim seconded the motion, to table this discussion. Motion passed unanimously.**

**23. Discussion & possible action re: Cemetery Maintenance Agreement with Grand County.**

Damian had a conversation with Judy Carmichael re: setting an agreement whereby CV would charge the County a fee and taking over maintenance of the cemetery. Damian suggested getting some water rights for cemetery use, hiring someone to put in around 30 hours per season, and perhaps hiring a riding mower. **Damian will try to come up with an estimate and talk to Judy again.**

**Jerry moved, and Ranna seconded, to table this discussion. Motion passed unanimously.**

#### **24. Discussion & possible action re: Administrative Process for Complaint Resolution & Ordinance Enforcement.**

Bob Lippman introduced a draft of a complaint resolution concept. He said there are pending complaints with legal costs to the Town and confusion and ambiguities in ordinance enforcement.

Damian expressed concern that so many ordinances are on the books and not enforced. He mentioned the Conditional Use (CU) permit process, saying many people should have CU permits but may not. **Ranna Bieschke suggested going over existing ordinances to see what can be done about ordinances on the books that can't be enforced.**

**Jerry moved to table item 24 and include it in the upcoming TC workshop. Jim seconded. Motion passed unanimously.**

Pam mentioned that the P&Z discussed **holding a public open house on an annual basis to allow the public to discuss planning issues in the town.**

#### **25. Discussion & possible action re: Hiring Building Permits Agent.**

Applications have been received from Leta Vaughn, Eric Johanson.

**It was decided that interviews would take place, with Damian, Ranna, and possibly Rebecca interviewing.**

**Problems identified were: only legislating what CV can enforce, informing people what the ordinances are.**

#### **26. Discussion & possible action re: P&Z Appointments.**

Three P&Z appointments are before the Council.

Pam Hackley must to be re-appointed because she was appointed to fill Catherine Howells' term. Damian recommended re-appointing Pam Hackley to the P&Z. **Jim moved to re-appoint Pam Hackley to the P&Z. Ranna seconded the motion. Motion passed unanimously.**

**Damian recommended Vicky Kress for appointment to the Planning Commission. Jerry moved, and Jim seconded the motion. Motion passed unanimously.**

Damian will look further into the applications of Gil Gonzales and Marie Hawkins and make a recommendation for the third P & Z slot.

#### **27. Discussion & possible action re: Website Advertising Policy.**

Damian read a letter from Jennifer Reading suggesting that CV businesses be able to advertise through the CV website. **Jim moved to table and approach this issue in context of a larger website redesign. Ranna seconded. Motion passed unanimously.**

#### **28. Communications and Petitions.**

Damian suggested and the Council concurred that the Mayor should screen and handle communications and petitions and only bring to the Council those things which require Council approval or where he specifically seeks the entire Council's advice.

#### **29. Comments by Council Members.**

#### **30. Treasurer's Report.**

Jerry asked concurrence with the proposed Economic Forecast section of the Audit. The Council concurred. He indicated that the audit was otherwise completed and looked good although the

auditing review was at a fairly low level.

Jerry reviewed the budget situation. We have concerns about the cash flow of payments and **need to check out the future flow of these payments and know when they will be.** The only serious budget problem at this point is that we have already spent the full year allocation for the town clerk. We may be able to cover the overage from other savings but need to get a handle on the cost of this item as soon as possible.

Jerry reminded the Council of the

Jerry reminded the Council of the roles and responsibilities spelled out by statute. The Mayor is the chief fiscal officer. Treasurer has to make sure there's enough money in the account to pay the bills. Clerk is the de facto auditor. The Mayor's job is to set the budget.

**31. Payment of Bills.**

Shade cloth has been coded to capital projects. **Jerry moved to pay the bills as presented. Jim seconded. Motion passed unanimously.**

**32. Executive Session. Jerry moved to adjourn to executive session. Ranna seconded. Motion passed unanimously.**

**Adjournment.**

**Jim moved and Jerry seconded to close the Regular meeting. Motion passed unanimously. Meeting closed at 11:00 PM.**

**Attest:**

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**Clerk/Recorder, Rebecca Martin**

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**Date**