

MINUTES
REGULAR MEETING AND PUBLIC HEARING
TOWN COUNCIL, TOWN OF CASTLE VALLEY
Wednesday, March 15, 2006, 6:30 PM, Castle Valley Community Center

Council Members Present: Damian Bollermann presiding, Bob Lippman, Jerry Bidinger, Jim Lindheim.

Absent: Ranna Bieschke.

Others present: Darr Hatch, Greg Sayers, Alison Kennedy, Alice Drogin, Cris Coffey, Pam Hackley, Jack Campbell, Jeff Johnston, Ron Drake, Vickie Kress, Ron Mengel, Jennifer Mengel, Robert Holliday, Eddie Morandi, Ken Johnson, Marie Hawkins, Jim Tharp, Michael Peck, Coby Shumway, and Jennifer Driscoll.

Clerk/Recorder: Rebecca Martin.

CALL TO ORDER: Meeting called to order at 6:33 PM

1. Approval of Minutes of TC Meeting: February 15, 2006.

Damian noted that previously discussed changes (documentation attached) are incorporated. Bob commented that any time there is a discussion about a Town employee, i.e., under item 16, the law says to go to executive session.

Jim moved, and Jerry seconded, to approve these minutes with the changes. Motion passed unanimously.

2. Approval of Minutes of Special TC Meeting: February 23, 2006 - ULCT.

Discussion ensued over general concern about the minutes being too bare bones and not providing enough information about the content of the meeting. References to the audio recordings must also be added. Key points should be included. **Jim moved, and Jerry seconded, to table approval of these minutes and to direct the Clerk to do a more inclusive set of minutes.**

3. Approval of Minutes of Special TC meeting: March 2, 2006 – Division of Water Rights.

A somewhat better record is needed. The Power Point presentation must be attached. Item 22 will affect how these minutes are handled. **Jim moved to table these minutes. Bob seconded. Motion passed unanimously.**

4. Approval of Minutes of Special TC Meeting: March 10, 2006 - UOL.

Minutes unavailable; meeting was less than one week ago. **Jerry moved to table, Bob seconded. Motion passed unanimously.**

5. TREASURER'S REPORT.

Jim reported that the Town's finances are still in good shape. Income and expenditures are both below expected at this time. Sales tax income is more than expected. Property tax income is less than expected. These may balance.

6. OPEN PUBLIC COMMENT PERIOD. No comments.

7. COMMENTS BY COUNCIL MEMBERS. BOB received thanks for the Hawaiian leis with which he gifted the Council and Clerk for the evening.

COMMITTEE REPORTS

8. Water Department Report

An outline of water department priorities was offered by Bob and Jerry. (priority list included)

The state engineer gave a presentation (on 3/2/06). Conversations with Rick Wilde have been ongoing about the timetable for the State coming to CV (to prove up water rights as part of the adjudication).

Other water items are on the agenda (of this meeting).

9. Road Department

Darr reported: The weather has wreaked havoc with things being wet. Some roads were too muddy to do, so some further touch-up is pending. All roads will be covered in the next few weeks.

Greg Holiday commented that the hole on the corner is in need of repair. Someone would normally contact Dave Vaughn to have someone come out with asphalt and repair it. Jack mentioned to Dave Vaughn that CV drive is checker-boarding and they would have to get on it.

10. Building Department Report Pam reported that Leta has been serving as building permit agent since mid-February and is getting a lot of building permit requests. Pam and Leta are working on questions that have come up. They hope to meet with Damian and Darr to learn their way through the drainage review process.

11. Planning & Zoning Commission Report

Item 24, the Ordaining Ordinance for the P&Z, and Item 23, the Conditional Use Permit (CUP) for Alison Kennedy are on this meeting agenda. Pam suggested the Council change the order of the agenda to expedite this.

12. Fire Wise Report

Ron Mengel provided an article on Firewise efforts, called Burn and Learn, for the TC to read. (copy included)

Coby Shumway, County Fire Warden, visited to present concerns about fire danger with the cheat grass providing potential extra fuel. Coby will be running crews, and taking volunteers, on some weekends to burn extra fuel on private properties. A charged garden hose and shovels should be on hand with the volunteers. This volunteer work is eligible for in-kind matching funds; upwards of \$60,000 was received last year for such fire prevention efforts. Forms are available in the black mailbox by Smokey. It was agreed that the public notices for these weekends could be posted on the Town bulletin boards.

Coby provided a print-out of State laws pertaining to fire protection. (copy included)

Damian has been working with Gil on the mowing of cheat grass on vacant lots.

Jennifer Driscoll, seasonal dispatch worker, explained that they can project a five-day window for a clearing index. Anything below 500 feet is a no-burn. Fire ratings (Smokey) are statewide, so CV ratings are stepped up by one mark due to the cheat grass situation.

13. POA Board: No report.

14. PUBLIC HEARING to hear public comment on proposed changes to the pay rate for the statutory position of Town Clerk / Recorder.

Mayor Bollermann opened the public hearing.

Jim reported on determining the scope of the current work of the Clerk/Recorder (draft job description included under item 21). The Clerk/Recorder currently handles a far broader range of tasks than the original job description, including far more than is statutory, and possibly ranging towards a Town Administrator role. In order to bring the hours down to a goal of around 30 hours, some things must come off the Clerk/recorder's list and a) be given to someone else or b) be dropped.

Discussion continued throughout the hearing about the need to "cut the job down", with comments by Jerry, Damian, Cris, Jim. The target hours were likened to the speed limit where "you always go over".

A raise to \$14.50 had been proposed. Jim commented this rate is not unusual, and that the Town could afford this increase for the rest of the year. Fran Townsend said around 40% of the county budget is spent on administrative salaries. CV is well under that, and the Clerk is the main CV staff.

Bob noted that a 2001 Ordinance set the pay rate for the Clerk/Recorder at \$16/hour. Discussion continued on this topic throughout the hearing, with comments from Bob, Darr, Damian, Marie, Jerry. It was agreed that a superseding Ordinance is needed.

Darr, Eddie, Damian and Cris spoke in favor of a pay raise, advocating doing what is necessary to keep turnover low.

Discussion ensued about pay rates for other Town employees, e.g., one person at \$4,000/year one at \$18/hour, two at \$14/hour, one at \$15/hour, and one at \$12/hour.

The expansion of the job description was discussed, e.g., added PR work, secretarial functions, ongoing work of setting up systems and adjusting to building, maintenance tasks, personnel work, and handling the work of departments without employees. Days with long hours were mentioned. Ideas for what to split off into other jobs were discussed.

Bob, Darr, Damian, Pam and Marie spoke in favor of a \$16/hour rate as per the existing ordinance. When asked, no comments were offered from the public against this pay rate.

Damian expressed thanks to Jim for doing the work to dive in and determine what the job is.

Public hearing closed at 7:29.

OLD BUSINESS

15. Discussion & possible action re: Resolution on Clerk/Recorder Pay Rate (tabled).

Bob moved to amend this document to read \$16/hour. Jim seconded. Damian, Darr and Pam spoke in favor of this change. Comparative Clerk pay rates were mentioned below and above this rate. Budgetary issues were discussed, e.g., that this change will put the Town over budget, that the budget will have to reflect this commitment

in the future, and that the surplus funds typically serve as a buffer in the first half of the fiscal year before taxes come in. Damian noted that all public hearing comment was in support of being sure the Clerk is adequately compensated. The significant expansion of the job description since (Resolution 2004-9) was discussed, and Bob noted that eventually the enforcement (of ordinances) will add further tasks.

Damian called the question. Motion to accept this amendment passed unanimously.

Jerry read the Ordinance allowed with current changes. In total, the following changes were made to the Administrative Resolution re: Clerk/Recorder pay rate:

- **The document shall become an ordinance rather than a resolution.**
- **The pay rate shall be \$16.00 per hour rather than \$14.50 per hour throughout the document.**
- **The second “whereas” shall read, “Whereas the Town of Castle Valley wishes to set forth per diem and mileage compensation for all statutory employees and every officer and member of the governing body, and,”**
- **The ordaining clause shall read, “IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE VALLEY, UTAH, THAT:”**
- **The per diem clause shall read, “Per Diem and mileage. All statutory employees, all officers and members of the governing body shall receive mileage and per diem at the current rate set by Grand County, Utah, for all trips approved by the governing body.”**

Jim moved to approve this Ordinance with the changes. Jerry seconded. Motion passed unanimously.

Jeff Johnston thanked the Council for putting in the effort to get a scope on the job.

Rebecca also expressed her thanks for the hard work and also for “really listening”.

Rebecca will email this new Ordinance to the TC to be sure the changes are accurate.

Jerry moved to suspend the order of the agenda to cover item 23 next. Jim seconded. Motion passed unanimously.

23. Discussion & possible action re: Conditional Use Permit Request for a Consulting Business, Lot 387.

Pam introduced the P&Z recommendation to the TC for approval of this permit with the listed conditions. (Permit application with listed conditions included).

Alison Kennedy introduced her consulting practice providing services to non-profits and small businesses. In home activities will include: phone, internet, and potential occasional client visits to the house. **Jim moved to approve. Jerry seconded.**

Discussion ensued about the relatively extensive CUP process and whether low-impact businesses could be exempt until they reach a certain level of activity. History was mentioned wherein some CV businesses grew well beyond their start. The intent of the CUP process to protect neighbors against business, and to protect the overall zoning concept, was mentioned. **The P&Z was asked to come back to the TC with a suggestion (to help in this matter).**

Damian called the question. Motion passed unanimously.

Jim moved, and Jerry seconded, to go back to the regular order of the agenda.

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

Jerry moved, and Bob seconded, to take this off the table. Motion passed unanimously. Each TC member needs to read the draft employee policy (based on Grand County Solid Waste’s policy manual) with the two amending memos (based on Jim’s suggestions and the County’s manual), and give Jim comments. A workshop was determined to still be a good approach to move this project forward.

Jim moved to re-table this and set up a workshop. Jerry seconded. Motion passed unanimously.

17. Discussion & possible action re: Administrative Process for Complaint Resolution & Ordinance Enforcement. (tabled)

Bob moved to take this off the table. Jerry seconded. Motion passed unanimously.

Bob presented this complaint resolution process draft for the TC to work out. It is designed to help CV through a lot of complaints, to be fair, to move complaints along, to have teeth, and to have consequences. A series of workshops may be needed. This may be turned into an ordinance.

Discussion ensued. Other towns have an enforcement officer, where CV has to try to get the county to handle enforcement. The current process includes a letter from the Mayor, a 30 day period for the violation to come into compliance, and then it is forwarded to the sheriff/attorney.

The county is working on these issues. The current County plan is that people who won't come into compliance will have a lien filed and compulsorily be brought into compliance. This CV process may not be in accordance with the County's process. (tape 2, side B, 2/5 through)

A joint TC and PLUC workshop was scheduled for Tues., March 28th, at 6:30 PM, at the Community Building. The Complaint Resolution Process will be the first agenda item. The working draft will be circulated via email so those who cannot attend may comment. The workshop and agenda with action items will be posted.

Ron Mengel reminded the TC **to schedule the town clean-up day**. Pertaining to Lot 100 issues, Pam noted that the county (Solid Waste) has to agree so that clean-up jibes with auto wrecking.

Jerry moved to table this item (item 17). Jim seconded. Motion passed unanimously.

[A five-minute break was taken by all. Meeting re-convened at 8:37 PM.]

Jim moved to group items 18, 22, and 25 together since all are water issues. Jerry seconded. Motion passed.

22. Discussion & possible action re: Transcription of Water Rights Meeting.

Bob proposed to have the (March 2, 2006) Water Rights meeting transcribed. Lengthy discussion ensued. The pros of transcription were: to provide an accurate portrayal of the proceedings for lot owners who missed meeting and/or new people coming in, as a legal necessity in a tricky process of documenting the evolving water rights issues and process, and to avoid liabilities involved with summarization. The cons were that the meeting included unimportant information as well as important, that there is a need for the Town to make a clear statement above and beyond the transcript, that transcripts take time, and that confusion could result in using the transcript instead of a Town statement.

The Town holds Water Right Agreements with 105 lots. **A letter must go out quickly because people must be told they have the option to prove up now, under the Town's rights.** There is new information, i.e., everyone who is ready to prove up their water may do so now to keep their seniority water right with the Town. A lack of information from the Town at this time would create a further problem. **The State should approve what the Town says to people. The Town also must gain clarity on what the agreements say.**

The Power Point presentation and a digital recording of the March 2nd meeting are available to be borrowed and/or posted to the Town's website.

Discussion ensued about the need to communicate with all property owners. **Stated goals were: to produce a transcript within a week, mail out a communication to owners within two weeks, send a thank you letter to Jerry Olds ASAP, hire a "water agent" to serve as liaison between property owners and the State on water issues, and to complete a letter to the State requesting further time because the Town now has to put things in place.** (tape 3, side A, 1/5 through)

Bob moved to have the State Engineer's presentation and the proceedings of the March 2nd meeting transcribed as quickly as possible. Jerry seconded. Motion passed unanimously.

24. Discussion & possible action re: Draft of Water Rights Letter to Property Owners.

Jim presented a draft as a starting point for the (future) water agent and lawyer. **A statement will be added that a transcript of the meeting, the power point presentation and a digital recording are available.**

Discussion ensued about the urgency of getting the letter out and the potential liabilities of failing to do so and in a timely manner.

Discussion ensued about whether to have the State sign off on the letter. (tape 3, side A, 60% through)

An Executive Session is needed to draft the letter.

Jim moved to send out a letter to all property owners, and to get this done in the next two weeks. Motion passed unanimously.

25. Discussion & possible action re: Hiring of Water Agent and Job Description.

A draft job description for a Town Water Agent was discussed (draft job description included). This person would help the people through the current process who have agreements with the Town. The position could possibly be dissolved once the adjudication is over. The Town is also still working towards acquisition of further water rights. **The job title was changed to Water Adjudication Administrator. It was determined that the TC should continue to handle policy, and the water administrator should help with administration and keep records of all administrative actions related to water. To “key skills” was added: “Ability to work in Excel and/or Access.”**

The state engineer wants to wrap this up the adjudication by July, unless they change that timeline upon request from the Town.

Bob noted that with all that the Town currently has to do, it may be worth considering having a town manager to coordinate what is before us, serve as Administrative Assistant to Mayor, communicate with County, etc. This is provided for in state law.

It was decided that a Water Adjudication Administrator job description will be placed in the paper next week with an application deadline two weeks from the time of posting. The job will also be posted with workforce services. The soonest goal for having someone hired is three weeks.

It was determined to check the recent septic survey agreement form allowing surveyors on private property to see if it can be used here.

Jim moved and Jerry seconded to post this job based on this job description as fast as possible. Motion passed unanimously.

Rebecca will circulate the updated job description to the TC for final editing.

18. Discussion & possible action re: Water Rights (tabled).

A letter must go out to Jerry Olds. This will be a thank you letter. Extensive discussion ensued about whether to include a request, also, for more time before people must prove up, and whether to ask for a specific amount of time, or just for time in general. It was noted that March 2nd, 2006 was the first time people heard that they need to prove up now, rather than on the timetable provided at the time of their well applications. **It was determined that a request for more time should be added, and the suggestion made to hold an executive session to discuss the legal implications related to (asking for more time).**

Damian and Bob will contact each other in the morning (on 3/16/06) to decide what will go into the letter to Jerry Olds.

Discussion ensued about the procedure for writing a letter on behalf of the Town or Town Council. In the past, sometimes the Mayor wrote the letter, or asked someone to write it, or a TC member can write it on behalf of the town if they bring the issue. The procedure is not outlined. It is not clear who may veto the letter in the draft stage(s). Sometimes (past letters) were approved at a council meeting, and sometimes written by someone and the TC sees it at the next meeting. It was acknowledged that many letters in the past have not been as important or contentious as current (water rights) letters. (tape 3, side B, 1/3 through to 1/2 through)

19. Discussion & possible action re: Cemetery Maintenance Agreement (tabled).

Jim moved to take this item off the table. Bob seconded. Motion passed with Damian, Jim and Bob voting eye. Jerry was out of the room at the time.

Water rights are needed for the cemetery lot. This is one of the red tagged (permit pending) files. There is no start card, but the cemetery would be using Town water rights. There is an option under discussion for another Town water right from a neighboring lot to cover this. Rick Wilde has a mechanism recommended for transferring water from lot to lot.

Judy Carmichael made an offer to pay CV \$1,500 this year, plus a \$500 per year payment after this to cover cemetery maintenance. \$7,200/year is currently paid to the cemetery district from CV.

Needed maintenance includes: to install irrigation, to plant sand drop seed to force out tumbleweed, and to keep it mowed and watered.

Jim moved to counter-offer \$1,500 (for the first year) and 1,000 (per year after that for ongoing maintenance). Jerry seconded. Motion passed unanimously.

Damian will circulate the agreement via email to gain consensus, and then it can be ratified at the next TC meeting.

20. Discussion & possible action re: Website Management.

Jim reported on a meeting with Miso Tunks, Vickie Kress, Jim Lindheim, and Rebecca Martin. Rebecca will forward documents to Vickie; Vickie will post PDFs to the website. The goal is for the website to become a more effective tool for sharing documents with the public.

Appreciation was expressed to Vickie for this volunteer service.

NEW BUSINESS

21. Discussion & possible action re: Clerk/Recorder Job Description.

The TC has a first draft of the new job description. The goal is to reduce it down. (draft included)

23. Discussion & possible action re: Review of Planning Commission Enabling Legislation.

As per a State law change in May of '05, there must be a formal establishment of the P&Z. Pam presented a proposed Ordinance which establishes the P&Z and its bi-laws. (ordinance included) The P&Z is also supposed to recommend what will be the land use authority and what will be the appeal authority for the Town; this is covered in sections 17 and 18.

Discussion ensued about Section 1 which provides for two alternate members. Pam said this was included to address past quorum issues and alternates could be called upon to help the P&Z meet the requirement to meet 12 times a year.

The Mayor and one TC member shall interview new members.

It was noted that this document proposes that the PLUC utilize Roberta's Rules of Order rather than Robert's, which allows more flexibility.

Section 12, Minutes and Records: Discussion ensued about hiring or appointing an outside persona or the Clerk to take minutes. **The P&Z will work with the TC on this.**

Terms of service are staggered to end June 30 and Dec. 31 with the idea that a different group would come forward in June then in December.

This document will be run by the lawyer. A statement will be added to the Section about someone serving more than two consecutive terms to allow them to serve again after a hiatus. A statement will be added about when someone must recuse themselves, either as an appendix or included in the section about code of ethics. Pam and Jerry will straighten out the wording.

This Ordinance will be placed on the next TC agenda as an action item. No public hearing is required to pass this type of ordinance.

A decision was made that it is acceptable for David Church, of Utah League of Cities and Towns to review this instead of Kinghorn. This would not be true if this were a liability issue or about something wherein ULCT had no expertise.

26. Discussion & possible action re: Hiring of Landscape Coordinator and Job Description.

It was decided to hire a person, at \$16/hour, to be paid out of the budget for capital expenses (job description included). **Rebecca will publicize the job opening.**

Jerry moved to post the job description, Jim seconded.

Discussion included that \$14,000 remains available from the CIB money. It is expected to spend \$10,000 on benches. The managing of the shade cloth project will be added to the job description.

Motion passed unanimously.

27. Discussion & possible action re: Schedule Workshop Session & 2006 Work Plan.

A Special Meeting is scheduled for March 28th. **A decision was made to hold regular 4 PM workshops prior to the regular monthly TC meeting.** Thus, the next scheduled workshop will be April 19th, 4:00 PM (at #2 CV Drive).

Jerry said to send the Russell email to Kinghorn and get a response back.

COMMUNICATIONS AND PETITIONS.

A letter re: the Lot 100 complaint was received from Diana Vaughn and read aloud by Damian. (letter included) Discussion ensued about county junk car work. Judy Carmichael is spearheading the junk vehicle effort in Grand County. **Damian will talk with Judy Carmichael, Dave, Diane, and the County Administrator.** Pam cautioned not to rely on Grand County re: junk vehicles, because Solid Waste hasn't seen anything in writing. The cost of tire disposal is a big issue. The Lot 100 issue is larger than just junk vehicles. (blue trailer)

Kinghorn and Sydney Fannesbeck have both said this type of complaint typically must go to court to get any compliance, and a town would probably have to pay for the clean-up and file a lien to re-coup the costs. Success rates are not good. **Damian will have a discussion with the petitioners.** Enforcement, to be serious, has to be in the budget. The Mayor is the chief enforcement officer. The Town is getting very low on patience.

A letter was received from Barbara Zavada about an unshielded yard light and read aloud by Damian. It was agreed that the complaint is valid; it can be verified every night. **Damian will call Ray & Charlene.**

Pam noted that the Board of Adjustments (BoA) met and granted the requested variance.

Judy Sims of Utah State University worked with Catherine Howells to procure a grant to do further septic studies, i.e., absorption, density, and effectiveness. A graduate student is ready to go forward with this. The Town will get results of their study; they will provide information on septic maintenance. They may come down in April for an informational meeting with the TC and the community. There is \$2,000 to pay someone as a liason; Judy Sims does the hiring. Pam requested for the town building agent to be able to ask people to participate in the study. Perhaps this could be how the money is spent.

Damian reported that the first reports from the monitoring wells show very good water in a number of the areas. At Bruce Keeler's lot it showed .06 parts per million for nitrates; this is low.

Another complaint letter was received from Irv about the no hunt sign posts. Damian said the posts have been taken down.

The insurance claim re: the car hitting a marker post was denied.

Discussion ensued about fixing the handicap signs. **This will be brought to Darr's attention as he is the official maintenance person.**

EXECUTIVE SESSION. None.

PAYMENT OF BILLS.

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

ADJOURNMENT.

Jerry moved, and Bob seconded, to adjourn. Meeting adjourned at 11:02 PM.

ATTEST:

Rebecca Martin, Clerk/Recorder

Date