



## MINUTES

### REGULAR TOWN COUNCIL MEETING WEDNESDAY, AUGUST 17<sup>TH</sup>, 2016 AT 6:30 P.M.

CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE

Council Present: Mayor Erley, Council Members: Duncan, Drogin, O'Brien and Hill.

Absent: None.

Others Present: Ron Drake, MaryBeth Fitzburgh, Leta Vaughn and Harry Holland.

Clerk/Recorder: Jocelyn Buck

#### REGULAR TOWN COUNCIL MEETING

##### CALL TO ORDER

Mayor Erley called the Regular Town Council Meeting to order at 6:30 PM

**1. Open Public Comment:** None.

##### **2. Approval of Minutes**

\* Regular Town Council Meeting for July 20<sup>th</sup>, 2016.

CM Hill moved to approve minutes, seconded by CM Duncan, motion passed unanimously.

##### **3. Executive Reports**

\*Roads Committee - Mingo Gritts

Erley reported that shoulder work on Castle Valley Drive has started in preparation for the chip seal project. There will be more grading work as well as the burning of weeds along the edges closer to the start date. There will be excess dirt in some places, Ed Derderian has requested excess dirt for his driveway. Mark Roth will be working fewer hours, so Mingo and Josh will be getting more hours on the Castle Valley Drive repaving project. In an email a landowner up on Taylor Lane had asked what the plans were for future grading and road work on Taylor Lane. Erley had responded that Taylor Lane is and will continue to be a difficult road to maintain. He also has asked Mingo to go up and re-evaluate Taylor Lane for any possible improvements and report back to him. Erley will meet with the landowners next time they come to town.

CM Hill stated that it would be more efficient to push dirt farther aside when possible than to start hauling it away.

CM Duncan added some places would still require dirt to be removed such as around driveways and culverts.

\*Planning & Land Use Commission- Marybeth Fitzburgh

Fitzburgh reported there was no PLUC meeting this month due to a lack of a Quorum.

CM Hill questioned the Jorgen's Decommissioning permit as to whether the required square footage removal would include the historical cabin or just the existing house.

Fitzburgh clarified that there was no specific removal requirements only that they end up within the ordinance mandated square footage.

\*Water Agent Report - John Groo

Erley reported John Groo was unable to attend tonight. Legal work continues on the Water User Agreement and the supporting Ordinance. Council should have a draft soon to review. And then it will take a couple months for public input. The goal would be to finish up in November. Erley had a meeting in Boulder with Ken Kolm and Paul van der Heijde to site a culinary well and discuss well head protection. Erley reported that a meeting set for September 21<sup>st</sup> 3 PM with John Groo, CM Duncan, Mark Stilson and himself will discuss the next steps for the CV Water Study.

Fitzburgh asked if there was any news on whether the new Ordinance was a Land Use ordinance or not.

Erley stated he would find out within the next two weeks.

\*Fiber Optics Internet Research Committee- CM Drogin

CM Drogin stated most of the members of the Committee have been out of town so there has not been a meeting. She also stated she has repeatedly emailed Mike Giles from Frontier but has not yet got a confirmed meeting date. Drogin has talked informally to several residents and everyone just wants better internet fiber optic or whatever it takes.

CM O'Brien stated he was asked to contact Emery Telecom regarding potential internet service. He reported back that Emery has no future plans to provide that service.

CM Drogin asked if there was any update Royce's progress.

Erley stated the permit was still with the BLM.

Ron Drake added that it might be held up because there were some concerns with bird's living and nesting around the tower and that it may require a separate study.

\*Update on Housing Task Force- CM Duncan

CM Duncan reported at the last workshop they reviewed a Draft Ordinance on affordable housing that basically would require developers to include some affordable housing.

O'Brien explained that in the Draft if you spend more than 30% of your income on housing that is defined as not affordable. He also reported that a developer would be required to build certain percentage affordable housing within the development. And that new businesses could be required to provide a percentage of employee housing.

CM Hill stated that in her experience most employees in town are paying 50% of the earning for housing.

#### **4. Correspondence**

Rocky Mountain Power

Erley reported Rocky Mountain Power will be working across the LaSals to shorten the distances between power poles where the lines have sagged and have become a potential outage risk in high winds.

Erley reported that Road work will start in September on the LaSal Loop road. Some closures will take effect he will attend the upcoming meeting and that information will be posted on the Town website and bulletin boards.

Follow up to Cliffview Tourist Traffic

Erley reported he spoke with the Information Center, he was told that Jeff who lives out here was sending people to the CV overlook and that the people must have gotten lost. The Center is aware of the problem and had already spoken with the complainant.

#### **5. Administrative Matters & Procedures**

Erley said the Gourd Festival will be October 15<sup>th</sup> this year. And the Gourd Festival will be taking over the shed that has been shared with the Road Crew. The rental fee for the Gourd Festival will be \$40 the same as previous years based on the cost of one cleaning of the Town Building.

Forwarding Fire District Newsletter to town list

CM Duncan stated the Fire District wanted to have a link to their website on the Town website and also to distribute current newsletters to the Town Updates list. The Council supported providing this community resource.

#### **NEW BUSINESS**

CM Hill motioned to change order of business and begin with Items 13, 14 and 15 first, seconded by CM Duncan, motion passed unanimously.

13. Discussion and Possible Action re: Appointing New Member to the PLUC.

Erley stated he has interviewed Ryan Anderson and recommended him to the Planning and Land Use Commission.

Erley nominated Ryan Anderson to the Planning and Land Use Commission.

CM O'Brien motioned to appoint Ryan Anderson to the Planning and Land Use Commission, seconded by CM Drogin motion passed unanimously.

14. Discussion and Possible Action re: Appointing New Member to the PLUC.

Erley stated he has met with Harry Holland and recommends Harry Holland to the Planning and Land Use Commission.

Erley nominated Harry Holland to the Planning and Land Use Commission.

CM O'Brien motioned to appoint Harry Holland to the Planning and Land Use Commission, seconded by CM Duncan, motion passed unanimously.

15. Discussion and Possible Action re: Appointing New Members to Roads Committee.

Erley stated both Russ Cooper and CM Duncan have an interest in joining the Roads Committee. In order for CM Duncan to attend the meetings will need a time change from 9:30 AM to 4PM, days the same, second Tuesdays.

Erley nominated both Russ Cooper and CM Duncan to join the Roads Committee.

CM Drogin motion that Russ Cooper and CM Duncan be appointed to the Roads Committee, seconded by CM O'Brien. Motion passed by CM Hill, Drogin and O'Brien. CM Duncan abstained.

**6. Discussion and Possible Action re: CV seeking Cooperating Agency status or other designation with the Forest Service and Dept. Agriculture for the Manti-La Sal Forest Plan Revision.**

Erley provided the Status information from the Forest Service website. Erley said our main issue is that we do not have jurisdiction over our watershed. Cooperating Agency status will give us a voice in the revision process. And that this status criterion specifically recognizes a "special knowledge" of which our Water Study would definitely fulfill.

Erley stated he wants the town to go on record that we want our watershed protected. And our Water Study would be a great addition to our comments/input for the Revision process.

CM O'Brien stated he thinks we should apply for the Cooperating Agency Status.

CM Hill agreed that we need someone from the Town involved in the process for our own interests.

CM Duncan asked if we did not get Cooperating Agency Status could we still get another status.

Erley stated that depending on what status we asked for the Forest Service would probably want/expect us involved on the overall process not just items related to our watershed.

Fitzburgh stated that along with the Water Study the map of our Aquifer and the Sole Source Aquifer Designation should be included.

CM O'Brien asked if apart from a letter is there an application process required for status.

Erley stated he would look into the application process and then he recommended tabling this item and in the meantime submitting a letter to the Forest Service requesting Cooperating Agency Status.

CM Hill motioned to table, seconded by CM Duncan, motion passed unanimously.

**7. Discussion and Possible Action re: The Equipment Operator Level 1 Job Description.**

Erley stated he has gone over this job description with Josh and he is happy with it.

CM Hill motioned to accept the Equipment Operator Level 1 Job Description, seconded by CM Drogin, motion passed unanimously.

**8. Discussion and Possible Action re: Drogin Complaint.**

Erley stated he wanted to thank everyone involved in a difficult situation.

CM Duncan stated the both parties have been interviewed.

CM O'Brien questioned what the definition of "resolved" was. Does resolved mean an agreement between both parties has been reached? Or is it in terms of the ordinance? If the violator has made containment improvements that address the violation can that be considered resolution? Or is resolution based on the complainant's demand that the dog be removed from the valley?

CM Hill asked if the dog was now in an enclosure and secured at all times.

Fitzburgh clarified that resolved meant that the violation of the ordinance has been resolved now and in the future.

CM O'Brien stated that dog still may leave property if it is off leash and/or not supervised within the property. Also, there is no way of knowing if the dog could or would get out of the enclosure in the future. O'Brien added this dog has a history of running at large and attacking other dogs.

CM Hill asked if Castle Valley had a leash law whether Moab Animal Control would get involved.

CM Duncan confirmed we would need a leash law to "qualify" for Grand County Animal ordinances and enforcements.

CM Duncan stated they want photos of the structure the violator have built to contain the dog.

CM O'Brien said he could call the violator and pursue going by and looking at the structure.

CM Duncan stated they have to follow the Complaint timeline and at this point need legal advice.

Erley stated he would contact our lawyer tomorrow and discuss how to proceed.

CM Hill stated that several of the neighbors should be interviewed.

CM Hill motioned to table, seconded by CM Duncan, motion passed unanimously.

**9. Discussion and Possible Action re: Solar for Road shed and Fire station-2.**

Ron Drake stated the Fire District was interested in putting solar panels on the Fire station 2 and the Road shed.

Erley stated he though was a good idea, but didn't think the panels should be on the roof.

CM Hill agreed more solar was a good idea. Would the system run off two meters or one?

CM Drogin asked if the solar system would give us power when the power goes out.

Erley responded that there has to be a bypass to switch over to solar and to disconnect from the grid.

CM Duncan stated we still need to pursue getting a generator for the Town.

Erley asked the Council if they would support this solar project and everyone agreed it was a good idea especially if there was a grant funds available.

#### 10. Discussion and Possible Action re: Splitting the Wild land Fire Policy cost with district.

CM Duncan stated this Policy costs \$1300.00 annually and they are asking the Town to share by splitting this cost.

Vaughn explained the Policy was basically a "catastrophic insurance plan for the Valley", it would help pay for other agencies to help fight fire in the Valley.

CM Drogin stated this should a budget item for the future.

CM Hill clarified it would be \$650.00 annually and would be included as a budget item.

CM Hill motioned that we go ahead a split the annual fee of \$1300.00 with the Fire District, seconded by O'Brien, motion passed unanimously.

#### 11. Discussion and Possible Action re: EMR situation in CV

CM Duncan stated that Daystar will not be having students involved in the EMR program this school year. This leaves us with five EMR active members.

CM Hill stated we do have it in the budget to train three people annually.

Drake stated that EMR training does require a minimum number of attendees in order to hold a class, but maybe another jurisdiction will have training that we could send our people to.

Erley stated that we needed to advertise and try to get some new recruits

CM Hill stated we will let this item drop.

#### 12. Discussion and Possible Action re: Resolution of Town of Castle Valley and Daystar Academy property boundary issues.

Erley reported that Daystar is not really interested in a conservation easements and would rather do a title swap for our culinary well site and Shafer Lane widening project in exchange for land needed for their septic setbacks. They will need more land to solve their problems than we will need to solve ours.

CM Hill asked where would be the access to the well site.

Erley stated water would be hauled out by the Fire station not down Shafer. Erley wants to get Ken Kolm and Paul van der Heijde involved by using the last \$5000.00 allocated to the Water Study to plan for this well site. The well site will need to go through the qualitative process set by the State .Erley explained it is located in a sweet spot separate from Castle Creek and the Aquifer .And therefore would be less likely to be contaminated or interfere with flow rates to other parties. This would be a low flow solar powered well. Negotiations with Daystar will continue.

CM Hill stated we will let this item drop.

#### **UNFINISHED BUSINESS**

#### 16. Discussion and Possible Action re: Septic tank emergency loans program [tabled].

CM Hill motioned to un-table, seconded by CM Duncan, motion passed unanimously.

CM Hill stated we will let this motion drop.

#### 17. Discussion and Possible Action re: Big Tree Maintenance. [Tabled]

CM Drogin motioned to un-table, seconded by CM Hill, motion passed unanimously.

CM Drogin stated she has left several messages but has not been able to make contact with the land owner Jim Kemmies.

Erley said the tree is in the Town easement but we would like to communicate with the land owner our maintenance objectives before work starts.

CM Hill suggested CM Drogin leave another message simply asking permission to access tree for maintenance.

Erley stated we will let this item drop.

18. Payment of the bills

CM Hill commented that part of the last FY 2016 USGS Water Testing bill will be paid in this Fiscal year as the bill was not received until this month's billing cycle.

CM Duncan moved to pay the bills, seconded by CM Drogin, motion passed unanimously.

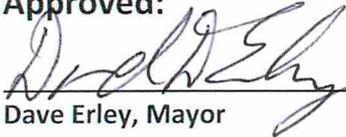
19. Close Meeting

**ADJOURNMENT**

CM Duncan moved to close the meeting, CM Hill seconded, motion passed unanimously.

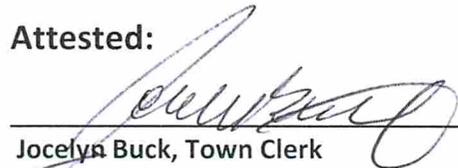
Erley closed the meeting at 7:57PM

Approved:

  
\_\_\_\_\_  
Dave Erley, Mayor

9/21/16  
Date:

Attested:

  
\_\_\_\_\_  
Jocelyn Buck, Town Clerk

9/21/16  
Date: