

MINUTES

REGULAR TOWN COUNCIL MEETING WEDNESDAY, DECEMBER 19th 2018 AT 6:30 P.M.

CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE

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

Absent: CM Hill

Others Present: Andrea Martin, Ron Drake, Colleen Thompson, Tom Wood, Laura Cameron, Pam Hackley, Deb and George Holling.

Clerk: Jocelyn Buck

REGULAR TOWN COUNCIL MEETING

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

1. Open Public Comment

Tom Wood wanted to acknowledge that Jack Campbell is in the hospital and wanted everyone to send him goodwill wishes for a speedy recovery.

2. Approval of Minutes:

* Regular Town Council Meeting November 14, 2018.

CM Drogin motioned to approve the minutes, CM Holland seconded, motion passed unanimously

* Special Town Council Meeting November 20, 2018.

CM Drogin motion to approve, CM O'Brien seconded, motion passed. CM O'Brien was not present so would have to abstain. Approval will be moved next month's meeting.

3. Executive Reports:

*Roads Committee - Mingo Gritts

No written report due to problems with the Internet. Duncan reported that the Road Committee did have questions regarding requiring a grade review be done when any large scale earth moving is done on a lot not just for construction. Thompson explained that grade review has been added to Ordinance 85-3, encouraging grade reviews for all earth moving projects. She added that in the Road's meeting it was agreed to send out any pertinent changes such as grade views to all the back hoe operators in the Valley. The grade review is performed by the Building Permit Agent, who may consult with the Road's Supervisor for specific non- construction related earth moving issues.

*Planning & Land Use Commission-Colleen Thompson

CM O'Brien asked for clarification on what a "hoop house" was. Roth explained it is a temporary greenhouse structure. No further questions.

*Housing Task Force- M Duncan- no questions.

*Water Agent Report -John Groo- not present

*Fire District-M Duncan

Chief Drake reported that the Town Building was set up as the Valley Command post yesterday because the phones were out for almost 8 hours. The new radio Frontier has installed at Bald Mesa was and still is having intermittent service problems. Duncan added that next month when the town base station is programmed we will be able to contact the Sheriff's Office directly when/if the phones go down.

*Landscaping Report-CM Drogin- nothing new.

*Solid Waste Service District-Pam Hackley reported that the Solid Waste District is very close to hiring a new District Manager. There is still an opening on the Solid Waste District board.

4. Correspondence: Tana Kincaid sent a letter supporting the proposed changes to the hunting designation at the Upper Eighty. We also received a promotion package to help us plan an event to commemorate the Golden Spike's 150th Anniversary. Tom and Jenny Haraden will use it to plan a program for Story Time at the library.

5. Administrative Matters & Procedures: Town Office will be closed Monday December 24th and 31st.

NEW BUSINESS

CM Holland moved to change the order of business and take Item 13 next, CM Drogin seconded, motion passed unanimously.

13. Discussion and Possible Action re: Consideration of the conditions for and the approval of the Non-Permanent Conditional Use Permit for the installation of exclusionary fencing on Lots 54 and 55 (tabled).

CM O'Brien moved to un table Item 13, CM Drogin seconded, motion passed unanimously.

M Duncan asked the applicant to explain any changes in the application after previous discussions.

George Holling explained that originally they had asked for a 6 foot fence, based on feedback and their needs they have decided to go with a 5 foot fence by adding a top rail to the existing 4 foot fence.

M Duncan added that in our correspondence with the Division of Wildlife the top rail is not necessarily safer for deer.

Thompson stated that her research contradicted that and having a solid top rail would be safer for deer. Discussion continued on how the deer modify their travel patterns and adapt to fences throughout the Valley.

M Duncan clarified that the existing corral is not part of the exclusionary fence CUP application.

Tom Wood stated he felt that the existing corral is part of the CUP. He believes there is a legal issue with the corral's recent repair to 6 feet. And that the Fencing Ordinance was in violation when the corral was constructed. He cited per the State Ombudsman non-conforming property rights (grand fathering) the foot print of the corral is protected but the height of the fence is not. He believes there is an Ordinance violation based on the 6 foot height of the corral and it not being 50 feet from the road. Wood cited concerns for his own safety when deer could be trapped along Lazaris and corral fence.

M Duncan explained the Town's legal counsel cited that in another section of our Ordinance we require livestock to be properly fenced as well as some other ambiguities in our Ordinance that may not stand up legally. At the time of construction the corral was built at 6 feet, Duncan clarified the corral was not being treated under the Fencing Ordinance when it was built because it was not a perimeter exclusionary fence it was a corral.

Wood asked to have this Item tabled until we could have the new Attorney give us their opinion.

M Duncan stated she does not anticipate the Town having a new attorney when Sloan takes over as the County Attorney. And that we are here tonight considering the CUP application for an exclusionary fence the corral is a separate issue.

Thompson asked for verification of the height of the original corral.

Hollings stated it was 6ft originally but was it was not repaired to maintain that original height.

Wood still believes that the corral should be lowered to 4 feet.

M Duncan stated he would be welcome to appeal our decision.

Wood wanted to know if a CUP application should continue to be considered when there is a complaint or an allegation of an ordinance violation on that property.

M Duncan stated the fencing complaint does not affect the exclusionary fence CUP.

CM O'Brien said the complaint decision was based on that the corral can be repaired or replaced as long as it is done in the same foot print.

Discussion continued on the fence's original height and Holling referred to photographs that showed were the hardware still remained on the corral posts establishing the height at 6 feet.

M Duncan asked Hollings to explain any changes to the fence plan diagrams in the application specific to where it abuts the corral. She added she approved of the design of their fence because they had taken into consideration the fence is a non permanent CUP and they could always remove the top rail leaving the fence at the legal height of 4 feet.

Faylene Roth explained the non -permanent CUP renewal process and that any changes to an Ordinance would require the compliance by the applicant. Also if the CUP "use" did not continue after one year the fence height would need to be lowered to 4 feet.

Discussion continued on developing the conditions for the Exclusionary Fence CUP approval. Wood asked for one condition to be a 10, 20 or 30 foot setback on the exclusionary fence along Lazaris. He wanted this request on the record for public safety concerns.

M Duncan stated she would require substantial safety concerns in order to take land from property owner for an additional easement. If she was subjected to that demand she would want to put a price tag on that land in terms of lost production.

Holling added that they have had a survey to put the fence out of the right of way and as of now without the top rail they are in compliance.

M Duncan and CM Holland both agreed that we will wait to next year for the CUP renewal to see if there were any public safety concerns.

Open discussion continued on deer crossing roads and cars speeding in the Valley

CM O'Brien motioned to approve the Exclusionary fence on Lots 54 and 55, the conditions would be:

1. the exclusionary fence is to be no more than 5 (five) feet in height, with the wire fence at 4 feet and a top bar at 5 feet.

2. If the CUP is not renewed during the annual renewal period, the property owner has 90 days from CUP expiration to remove the top rail of the entire exclusionary fence to lower it to the height of the existing 4 foot wire fence.

3. The corral on Lot 54 adjoining Lazaris Lane is considered a separate issue from the exclusionary fence CUP.

4. Renewal of the CUP will take into consideration any public safety incidents.

CM Holland seconded, motion passed unanimously.

M Duncan thanked the Hollings for working through this with the Council and Tom Wood for voicing his concerns.

6. Discussion and Possible Action re: Recommendation and nomination to the Planning and Land Use Commission.

M Duncan recommended Colleen Thompson to the Planning and Land Use Commission.

CM Drogin moved to nomination Thompson to the PLUC, CM O'Brien seconded, motion passed unanimously.

7. Discussion and Possible Action re: Recommendation for the Building Permit Agent position.

CM O'Brien moved to accept the recommendation from M Duncan and the Hiring Committee to hire Colleen Thompson for the Building Permit Agent Position, CM O'Brien seconded, motion passed unanimously.

M Duncan thanked Faylene Roth for staying in the Building Agent Position for so long until we could fill that opening. And added we are glad to still have Roth as our PLUC Clerk.

8. Discussions and Possible Action re: Open House and Public Hearing on Hunting Boundaries at the Upper Eighty.

CM Drogin updated the Council on the planning for the Open House January 7th. She proposed that we ask to have the two Utah Public Land (UOL) properties between the Town boundary and the Upper Eighty properties designated as "No hunting" and the rest of the BLM land as Archery only. The Open House will be an opportunity to ask the DWR and UOL questions, exchange information and give residents a chance to make written statements for this proposal.

Discussion continued on the history of past proposals and sign designations. This history is very unclear and we have not found any record of those proposal or designation's. Pam Hackley had even spoken with Chris Wood (DWR) and he could find no history of the Town's previous attempts to change the hunting designation.

M Duncan stated that we need to move forward by getting support from the community, amending the Hunting Ordinance and developing a new proposal for the Wildlife Board.

CM Drogin wanted that corridor designated no hunting for the safety of people that want to go out here and hike around as well as the property owners.

CM Holland added that his main concern is getting a safety buffer around the Upper Eighty properties. They will have maps of the proposal at the Open House and he is working on emailing property owners an online survey.

Hackley suggested that we do not treat this as only an Upper Eighty issue there is a potential for having hunting safety issues along all Town boundaries.

M Duncan briefly outlined the time-line for amending our Hunting Ordinance; The RAC will not look at our proposal until their November meeting. In the meantime we will need to have a legal review of our amended ordinance and then Council approval of that Ordinance as it will be part of our proposal to the Division of Wildlife Board. They need our proposal 45 day prior to their November meeting. Our goal is to have the new Ordinance and our proposal completed by September 1st. We will clarify this time-line and process with Chris Wood at the Open House.

Item dropped

9. Discussion and Possible Action re: Changing Town Building Office hours.

M Duncan explained that the Clerk has been putting a lot of hours; it would make sense to not have posted open office hours on Thursdays so she can get more work done without interruptions.

Buck added she would be available by appointment on Thursdays as needed.

CM Drogin motioned to approve change of Town Office Hours starting January 1st, CM O'Brien second, motion passed unanimously

10. Discussion and Possible Action re: Approval of Conditional Use Permits and Business License Renewals.

Roth explained that residents are required to renew all non permanent CUPs annually; Dave Erley's windmill is a non permanent CUP and means it needs to be renewed. However since his application windmills have been changed to a permanent CUP. Dave Wagstaff's renewal was late and is not included in the PLUC summary. The Creamery is not operating as a creamery at present so they no longer need a certificate from Utah Department of Agriculture and Food. Roth added that Michael Dunton needs to have a fire suppression inspection to be consistent as this became a condition for Jason Matz's shop.

CM O'Brien motioned to approve the Conditional Use Permits and Business License Renewals as listed with the stipulation for Dunton Lot 387 and Matz Lot 413 for them to get their Fire suppression inspections done by December 31st and to include Dave Wagstaff's CUP Lot 400, CM Drogin seconded, motion passed unanimously.

11. Discussion and Possible Action re: Mayor's 2019 Community letter.

Roth handed out a draft of a Zoning Rules letter that we want to include in the mailing.

Buck added that to save money we will be printing and processing in house using volunteers.

12. Discussion and Possible Action re: Clerk compensation for Janitorial/Maintenance work.

M Duncan explained that as we have not be able to hire anyone for maintenance Jocelyn has shown some willingness to do that as well as the cleaning Janet cannot do. Duncan feels she should be compensated for that work apart from her duties as Clerk.

CM Drogin added that Landscaping Committee has been working on a proposal to separate the Landscaping duties from the Maintenance position. They have somebody that is interested in doing only Landscaping.

Buck explained she had spoken with CM Hill about compensation and we could pay her with the janitor code apart from her clerk position.

This was an administrative matter but the Council agreed this was a good solution, Bucks compensation to be discussed.

UNFINISHED BUSINESS

14. Discussion and Possible Action re: Temporary Land Use Regulation for 85-3 Sections 4.9 Permitted Livestock requirements and Animal Units for RAR-1 Zone and 4.10 Specific review criteria for Conditional Use Permits for livestock exceeding one and one half (1.5) Animal units per acre for RAR-1 Zone.(tabled)

15. Closed Meeting (If necessary).

16. Payment of the bills.

Pre Authorization to pay the John Deere annual lease \$10,263.77 and John Groo \$ 243.75.

CM Drogin motioned to pay the bills with pre-authorization to pay the John Deere annual lease \$10,263.77 and John Groo \$ 243.75, CM O'Brien seconded, motion passed unanimously

ADJOURNMENT

CM Drogin motioned to adjourn, CM O'Brien seconded, motion passed unanimously.

M Duncan closed the meeting at 8:56 PM

Approved:

Jasmine Duncan 1/14/2019

Jasmine Duncan, Mayor

Date:

Attested:

Jocelyn Buck 1/16/19

Jocelyn Buck, Town Clerk

Date:

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