

MINUTES
PUBLIC HEARING

Ordinance 2019-3 An Ordinance granting Emery Telecommunications & Video, INC., it's Successors and Assigns a Franchise for a Communications System.

AND THE REGULAR TOWN COUNCIL MEETING

WEDNESDAY DECEMBER 18th 2019 AT 6:30 P.M.

CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE

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

Absent: None

Others Present: Brock Johansen, Jared Anderson, Chris Hunt, Lee Stoddard, Ann McClanahan, Hank Freeman, Greg Halliday, Bob Lipman, Laura Cameron, Russ Cooper, Julie Baird, Donnarae Aiello, Jerry Green, Laurie Simonson, Sherry Karp, Bruce Keeler, John Smith, Ron Drake, Jack Campbell, Pamela Gibson, Greg Child and Shannon O'Donoghue.

Clerk: Jocelyn Buck

Call to order

Mayor Duncan called to order the Public Hearing and Regular Town Council Meeting at 6:31 PM.

PUBLIC HEARING

Ordinance 2019-3 An Ordinance granting Emery Telecommunications & Video, INC., it's Successors and Assigns a Franchise for a Communications System.

Craig Child asked why the Town needs an Ordinance for a Franchise Agreement. Why is the Town entering to a business deal with a private a company?

Brock Johansen- Emery CEO explained this is a process required by State statute that the Town has an agreement with a company to use their public right of ways. The Agreement establishes the use, requirements and control of those utility easements.

Paylene Roth asked if this was the same as the Ordinance agreement the Town has with Rocky Mountain Power. M Duncan confirmed yes this is the same type of agreement.

Julie Baird stated the Franchise Agreement has some very good provisions to protect the Town. The private land owners are now being asked to sign utility easements and she felt that the landowners should have the same provisions as the Town has in the Franchise agreement. An easement is permanent so how the easement is to be used needs to be established now.

Lee Stoddard asked if the Emery utility easement along Castle Drive would be underground.

M Duncan clarified that easement currently with Rocky Mountain Power (RMP) along CV Drive is above ground.

Jack Campbell added that the Emery fiber optic cable will be above ground where RMP lines exist. He asked what visual impact of the cables would be. Campbell had concerns regarding page 7 #18 of the Agreement regarding the provision to abandon the lines in place; he recommended the agreement include provisions for removal of all Emery installations. Campbell continued, on Page 3 asking what a distribution plant was?

Jared Anderson- Emery COO explained that is the box mounted on the poles from where the line can be run the pole and into residences.

Campbell cited that on page 2 of the agreement copper cable is mentioned a number of times; this is a fiber optic project. A legal agreement should not allow copper cables if this is a fiber project.

Johansen explained this project is initiated by a Community Connect project grant, 80 % is funded by the USDA. The plans are for fiber there will be no copper used. Copper is more expensive than fiber. He agreed to abandon provisions in #18. Johansen added the cable is visible it is approximately the size of a

"pinky finger" it gets smaller as it goes into residences. They can be seen all over in Moab. The cable is black.

Anderson passed around a sample wire.

Campbell asked if the agreement could be more specific to the Castle Valley project. Regarding #25 what if Emery sold the project to another company.

Johansen explained the Emery Telecom is a nonprofit cooperative company own by the residents of Emery County. They have never assigned any of their plants since they were formed in 1950.

Greg Halliday asked how they planned on stringing wire across private property over fences, drainages and brush.

Johansen stated that the Franchise agreement deals with Town's utility easement, with installations on private property Emery will work with the property owners.

Halliday clarified he was asking about how they would string the lines on the power pole in the utility easement that cross his property.

Chris Hunt (Mid State Engineer for Emery) stated that in a lot of places they will be bringing the lines by hand across lots. He has spoken to several residents and assured them that no equipment will come on to private property without him personally talking to the property owner. Some places they can drive in, that is rare, other places they may use an ATV or have to go in by foot to place the cable. He has been doing this for forty years and understands how he needs to communicate to property owners.

Hank Freeman cited the easement states Emery is allowed to trim trees and brush in the utility easement but then they say they won't disturb anything.

Anderson explained that Emery has it in their contract with RMP that if trees need to be trimmed from the powerlines RMP has to do it.

Laura Cameron explained that her property is very rocky her Frontier phone line was buried very shallow across her property. Is it economically feasible to bury cable in rocky areas like that? She continued asking will property owners get any notice when Emery will be entering/working on their properties.

Johansen explained Chris will be talking with property owners and using door knockers etc.. He continued that the grant for this project was funded based on aerial lines. It would never have been funded by the USDA if it was a full "buried" project. It would have been too expensive. There may be some places in the Town in a special circumstance that we need to install aerial line and there are provisions in this agreement for Emery to go to the Town and ask for a variance. The Town can always turn Emery down, otherwise we will only go aerial were there are existing RMP lines. That said some rocky places may be too expensive to access and provide services.

Child asked how much lower the Fiber cable has to be from the electric line.

Hunt explained that their line has to be 40 inches from the power line and RMP has been replacing a bunch of poles in the Valley because with the addition of the fiber line there would not have been the legal clearance for vehicles. RMP monitors the lines and poles too and if there are any violations Emery would have to remove their lines.

Russ Cooper asked if the Emery line would be above or below the existing Frontier lines.

Johansen responded it would generally be below but this would be on a case by case basis depending on the engineering of each pole.

Child asked what happens if a property owner refuses to sign the easement agreement.

Johansen and Anderson stated they could look into an eminent domain situation or potentially engineering a work around. They have never had that situation. It is also important to take into account that there is a limited amount the Grant funding, if costs go over Emery could tap out and may have to cancel the project.

Cooper stated that with as sketchy as Frontier has been the public will be happy to have consistent reliable communication service especially for 911 services.

M Duncan entered into the Hearing the email/ comments from the Steinmans.

Bob Lippman stated he has been working with this process for a long time. This is a valuable and needed benefit for Castle Valley. We have heard concerns and trust that Emery will be sensitive to the concerns of private property owners. He and his family supports this Ordinance to allow the Emery Telcom project to go ahead with needed internet, telephone and 911 services. Lippman thanked Emery Telcom for achieving the grant and the Town Council.

Stoddard seconded Lippmann's comments.

M Duncan closed the Public Hearing at 7:10 PM

REGULAR TOWN COUNCIL MEETING

Call to order

1.Regular Town Meeting Open Public Comment

Bruce Keeler explained that residents with net metering should have received a letter from RMP regarding a study Vote Solar is doing. Despite what RMP is saying in the letter it is important for those affected go in and authorize RMP to release their data for the study. The Public Utilities commission is evaluating how much RMP can credit customers for excess net metered power and the amount of that power generated along with how much RMP can re-sell it for. The Vote Solar study will provide the Public Utilities commission with this data. Vote Solar is partnering with Utah Clean Energy which has had a lot to do with getting alternative energies in to Utah. There is a 12/31/2019 deadline for this.

2. Approval of Minutes:

*Regular Town Council Meeting November 21st, 2019.

CM Hill motioned to approve the minutes with several typo corrections, CM O'Brien seconded, motion passed unanimously.

3. Executive Reports:

*EMS District- Ed Weeks- not present

*Roads Committee - Mingo Gritts- Report and Minutes provided.

*Planning & Land Use Commission-Colleen Thompson – Report and Minutes provided.

*Housing Task Force- M Duncan- nothing to present

*Water Agent Report - John Groo

Groo reported that there have been more applications for well permits this year (10) than the last five years altogether.

*Fire District-M Duncan

M Duncan reported the County EMS is using Alert Sense for reverse 911 calling. In an emergency they can use it to call land lines and we can also register our cell phone through them. This system can break down the Valley to call certain roads or sections of Town. Sometime in January we may have them test their system out here.

CM Holland asked what the caller id they will use.

Sherry Karp asked if they would leave a voice mail recording.

M Duncan replied that the system would leave a message with a call back number. And she will look in to what caller id number would be left and when the test would be run.

*Landscaping Report- CM Drogin- nothing new

*Solid Waste District-Stephanie Hambrosky- no report.

4. Correspondence: Monument Waste Recycling will start offering bimonthly curbside recycling in Castle Valley every other Tuesday for a monthly \$14 fee.

Cameron asked if Monument is using the single stream recycling method.

CM Hill stated that it is single stream recycling and it is not all it is cracked up to be so if you are used to recycling the other way please continue.

5. Administrative Matters & Procedures:

M Duncan recognized the service of CM Drogin. This is Alice's last meeting, her term ends 12.31.2019.

Alice has served two and a half terms on the Town Council and during that time she has been the

Deputy Treasurer, on the Municipal Building Authority, the Landscape Committee Chair, the Fiber Optics Research Committee Chair, she has served several times on the Complaint Resolution Board and recently she has spent months working with CM Holland trying to improve Town safety by trying to get the hunting designation changed out on the BLM land. M Duncan presented CM Drogin with a certificate of appreciation to Boulder Mt Lodge and \$100 towards dinner at the Hell's Backbone Grill. CM Hill briefed the Council, as of January 14th 2020 Windows 7 will no longer be supported by Microsoft and we need to upgrade all Town computers to Windows 10. Both the PLUC and Water Agent computers are at least 8 years old. She asked that the Council approve \$2000 for replacing both those computer as well as have the Clerk's Computer upgraded to Windows 10. There was \$1000 in the budget for database/computers and we will amend the budget for the additional \$1000 in order to get this done. The Council agreed to those purchases.

NEW BUSINESS

6. Discussion and Possible Action re: Ordinance 2019-3 An Ordinance granting Emery Telecommunications & Video, INC., it's Successors and Assigns a Franchise for a Communications System.

M Duncan asked about the incomplete provision in #10 for a non- discriminatory clause. She asked if the use of copper cable could/should be removed from the agreement.

Johansen agreed to provide language for #10 "Emery Telcom agrees to provide broadband on a non-discriminatory basis to residents, however the Franchise may refuse based on economics" and removed all referenced to copper cable.

CM Hill pointed there were numerous references to the Town Engineer, Castle Valley does not have a town engineer or the money to hire one.

Johansen offered to remove the word engineer and just leave it as the Town, so that clause could encompass any Town Official or employee.

M Duncan continued as per concerns from Campbell, asked that Emery make changes to the abandonment clause in #18.

Johansen added in to #18 "In the alternative, upon abandonment initiated by the Franchise the Town may require the Franchise to remove all or some of the aerial communication system".

John Smith asked about receiving the Engineer plan and EIS.

Discussion continued on the progress Emery has made across Millcreek to Porcupine rim. Emery was currently working backwards from Redcliffs and Sorel River Ranch. They are waiting for special cable for the span down off the rim.

CM Holland asked to have the maps referenced in #6 C sent to the Town.

CM Hill asked if the grant would be enough to put the Upper 80 underground, because there are no power poles up there.

Johansen explained that hopefully those costs have been built into the grant provided there are no unseen costs.

CM Hill motioned to approve Ordinance 2019-3 An Ordinance granting Emery Telecommunications & Video, INC., its Successors and Assigns a Franchise for a Communications System as amended with all references to copper cable and an engineer removed and the addition of a non-discrimination clause in #10, and clarification in #18 for abandonment, CM Drogin seconded, motion passed unanimously.

7. Discussion and Possible Action re: Town's Easements for Emery Fiber.

There were problems with these easements that needed clarification. The Town does not own Lot 367 and the placement of the pole on the Lot 2 easement was not correct.

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

8. Discussion and Possible Action re: Recommendation and Appointment of Lee Stoddard for the position on the Planning and Land Use Commission.

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

9. Discussion and Possible Action re: Appointment of Council Member Holland as Deputy Treasurer. CM Drogin motioned to appoint CM Holland as the Deputy Treasurer, CM O'Brien seconded, motion passed unanimously.

10. Discussion and Possible Action re: Resolution on House Bill 411 The Community Renewable Energy Act.

M Duncan reported on meeting she had with Chris Thomas (Salt Lake City Sustainability), Carly Castle (Moab City), Kaylan Jones and Zacharia Levine (Grand County). Salt Lake City and Park City are getting this rolling and they will probably be running the show because they are larger municipalities. Carly brought up the need to have a facilitator to bring together all 16 Communities that are expected to sign this Resolution. The next steps are to have a government's agreement between all the participating Communities and then an agreement between RMP and the Public Utilities Commission. The next meeting will be at the end of January, CM-elect Pamela Gibson has volunteered to be our representative. The next agreement will be between the entire group of communities and RMP. Then there will be work to agree on a proposed rate design with opt out options. Next the Office of Consumer Services will hire a third party to do the study. The cost of the study is yet to be determined; it could be \$200,000.00, what the Town's portion of that cost would be is as yet unknown. It could be based on population and/ or consumption. Divided by 16 it could potentially cost us \$12,000.00. This Resolution gets us a seat at the table for this process. We can decide when we want to opt out or if we want to sign on to the Group Ordinance. If we do to pay for the study then we would pretty much be committed. M Duncan added that passing this Resolution is important because it shows our commitment to work towards 100% renewable energy in our Community. We could look at other ways to do this, example being a Blue Sky Community Challenge. There are a lot of things to consider. The cost of this study is also not fair for CV residents that are already off the grid, because we would be using their tax dollars pay for this.

CM Holland stated that this Resolution is a good symbolic first step. Residential use is only about 25 % of total use; most of consumption is in commercial use. Having a seat at the table we will have a voice. Discussion continued on how the Town can work towards reducing electricity consumption on our own. CM O'Brien motioned to pass Resolution 2019-7 A Resolution Adopting the Goal of 100 % Renewable Electricity by 2030. CM Holland seconded, motion passed unanimously.

11. Discussion and Possible Action re: Memorandum of Understanding with the Castle Valley Fire District for the Town to use the Well on Lot 13.

CM Hill asked to have the quarterly payments made in April, July, October and January.

CM Hill motioned to approve the Memorandum of Understanding with the Castle Valley Fire District for the Town to use the Well on Lot 13. CM Holland seconded, motion passed unanimously.

12. Discussion and Possible Action re: Snow plowing Protocol.

CM Hill expressed her concerns that the Town parking lot was not being plowed correctly and that we should look at hiring Greg Halliday or Jason Matz to do that work.

There was lengthy discussion on how the Town Building Parking Lot was being plowed. Using the back hoe was scraping too much of the road base off and into "flowerbeds" or just into piles around the lot. CM Hill and Drogin agreed the piles were not being moved back on to the parking areas in a timely manner after the snow had melted.

M Duncan explained that with big equipment it is hard to adjust the blade to only take snow off. She continued that the Road Committee had discussed this in their meeting and were against hiring out the work mainly for liability reasons.

Buck added that the parking lot needs to be plowed before the Building is open. Otherwise there could be a liability issues if someone slipped and fell. She was concerned that road base needed to be put back after the snow melted, and that the Landscape person should not have to do this with a shovel and wheelbarrow when the road crew has heavy equipment to do it.

CM Hill agreed that the road crew made the mess and should be responsible to clean it up or better still minimize the amount of road base scrapped off when plowing in the first place. Eventually it was decided to have Brady work with the Crew and see if they could do it better.
Item dropped

13. Discussion and Possible Action re: Purchase Order for Road signs.

M Duncan explained that a portion of these signs are for the Lot 429 corner mitigation and to replace the reflective arrows on curves and the rectangle signs at the Castle Creek crossing by Brady's.

CM Hill objected to the "pavement ends" sign and it was agreed to remove that from the purchase order which dropped the total amount to were the Mayor could approve the purchase without Council approval.

14. Discussion and Possible Action re: Approval of non permanent conditional use permits and business license renewals for 2020.

CM Hill motioned to approve the non-permanent conditional use permits and business license renewals for 2020; CM O'Brien seconded motion passed unanimously.

15. Discussion and Possible Action re: Drainage agreements- Not ready still with the Road Committee.

16. Discussion and Possible Action re: Ordinance 2000-1 Amended Prohibiting the obstruction of Roadways and easement within the Town. Not ready still with the Road Committee.

UNFINISHED BUSINESS- None

17. Closed Meeting (If necessary).

18. Payment of the bills.

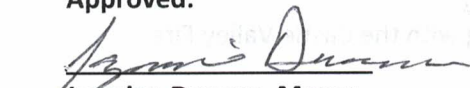
CM Drogin motioned to pay the bills, CM O'Brien seconded, motion passed unanimously.

ADJOURNMENT

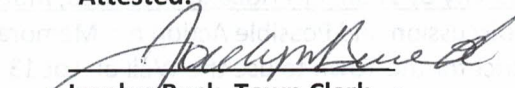
CM Hill motioned to adjourn, CM Drogin seconded, motion passed unanimously.

M Duncan adjourned the Meeting at 8:31 PM

Approved:


Jazmine Duncan, Mayor
Date: 1/16/2020

Attested:


Jocelyn Buck, Town Clerk
Date: 1/16/2020

OFFICIAL COPY
CV Recorder 