MINUTES
THE REGULAR TOWN COUNCIL MEETING

WEDNESDAY, AUGUST 19th, 2020 AT 6:30 P.M.

CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE

****Due to concerns regarding the potential spread of COVID-19 this meeting was held electronically by Conference Call. The Anchor site was 2 Castle Valley Dr.**

Council Members Present: Mayor Duncan and Council Members: Gibson, Hill and O'Brien.
Absent: CM Holland.
Others Present: Ron Drake, Colleen Thompson, Jack Campbell, Stephen Curtis, John and Leesa Smith, Marie Hawkins, Norman Llewellyn, Donna Kramer, Tom Wood, Laura Cameron, Russel Cooper, Karen Nelson and Matt Langer
Clerk: Jocelyn Buck

Regular Town Meeting

M Duncan called the meeting to order at 6:32PM
Roll Call

1. Open Public Comment

Jack Campbell asked that the septic density study be cited in the General Plan.

2. Approval of Minutes:

5.29.2020 Joint Meeting with Grand County and Moab City Councils.
CM Hill motioned to approve the Minutes from 5.29.2020 as presented, CM O'Brien second, motion passed unanimously.

6.8.2020 Special Town Council Meeting
CM Hill motioned to approve the Minutes from 6.8.2020 as presented, CM O'Brien second, motion passed unanimously.

6.17,2020 Public Hearing and Regular Town Council Meeting
CM Hill motioned to approve the Minutes from 6.17.2020 as presented, CM O'Brien second, motion passed unanimously

7.15.2020 Public Hearing and Regular Town Council Meeting
CM Hill motioned to approve the Minutes from 7.15.2020 as presented, CM O'Brien second, motion passed unanimously

3. Executive Reports:

*Roads Committee- M Duncan
CM Hill asked to have the Road Meeting minutes from 7.14.2020 corrected to read "that she sent her letter to M Duncan not Road Manager Gritts".
*Planning & Land Use Commission-Colleen Thompson- no questions, great Minutes
*Community Renewable Energy Act.-CM Gibson updated Council that the Committee has updated all the participating Communities that the costs will be shared based on population and electrical load. The Committee is working on a way the costs could be staggered over two years. This would lessen the financial impact if other Communities were to pull out of the agreement. At this time the Town's costs would be around $400.00. M Duncan asked for an update on the time line. CM Gibson stated that the plan is to have the governance agreement completed by the end of this year which does comply with the time line.

*Solid Waste District- Diane Ackerman- not present, no report.
*Water Agent and Water Committee Report - John Groo not present, no report.
*Hazard Mitigation Committee- M Duncan reported we have received the report from the State on what we need to fix in our Plan before we can submit it to FEMA. The Committee will be meeting again to work on those requirements.
*EMS District- Ed Weeks - not present, no report.
*Fire District-M Duncan /Chief Drake reported that Monday morning there was a small tree fire started from a power pole down on Lot 395 near the creek. The Fire Department responded quickly and the fire was put out before it could get down into the creek under brush.
*Housing Task Force- M Duncan- Minutes provided.
4. Correspondence: Tom Haraden submitted an email regarding his concerns about the increased speeding and unsafe driving on CV Drive and he asked the Council address the situation. M Duncan noted that in a report attached to Haraden's email that the fatality and injury rate to pedestrians is much higher at 40 MPH compared to lower speeds. That is probably why we set the speed on CV Drive at 30 MPH.
5. Administrative Matters & Procedures: Neighborhood Clean-up the Council agreed with the Road Committee to tentatively set the date for Saturday November 7th. Conference call monthly fee , Buck just wanted verified that we will pay $10 per month. Manti LaSal National Forest Scoping Period Update - CM O'Brien reported that the Draft Plan should be posted in the second week of August and the scoping period should start the second week of September for the 60 day comment period. Town letters- CM Hill will write a comment on BLM proposed restrictions in Mineral and Hell Roaring Canyons to protect wildlife.

NEW BUSINESS

6. Discussion and Possible Action re: Castle Valley Drive placement and easement at Karen Nelson's lot 77. CM Hill asked that if we vacate the easement in lot 77 then we would have to go through the process of getting a prescriptive easement from Lot 76.
M Duncan explained that would be the legal process and it would cost the Town. The road having been there for 30 + years would be the legal basis of getting the prescriptive easement but we would still need to go to court to get that easement.
Nelson stated that she cannot sell her property because she does not have clear title and any potential buyer would not be able to get a loan on it. This started in 1992, in 1998 she was told the situation was resolved then she was granted a variance to build her house addition further into the easement which reinforced for her that the situation was resolved. She cannot wait to sell her property for the Town to get an easement from Patric O'Kelley Lot 76. Such an easement would also jeopardize his mortgage.
CM Gibson stated that because both Nelson and O'Kelly have title insurance the Title Companies should be able to get this resolved because they did not do their initial homework on the titles. Nelson stated that the Title Company did not do a survey so they just covered the lot based on the Town Plat Map. CM Gibson suggested that maybe the Town can work with O'Kelley. Buck added that O'Kelly is fine with where the road is now and is not interested in any changes. M Duncan stated that ultimately we may have to pursue litigation for the prescriptive easement.
Nelson explained she was told that a quick claim sale of a piece of a mortgaged property would be grounds for the mortgage to fail. O'Kelly would have to pay off his current mortgage to make any changes sometime he is not prepared to do.
CM Hill asked if the O'Kelley property could just be re-appraised because it would hold the same value there would not be a change in its value as the road has always been there. In fact the appraised value would be higher.
Nelson stated that she can't wait, she needs to get this resolved or take the Town to court. M Duncan ventured that if Nelson can afford to take the Town to court she should pay for the Town to get the prescriptive easement and that would be faster. The Town cannot afford to get the easement right now.

Buck asked for clarification as to why Nelson cannot sell it "as is". Nelson stated because the title is "muddied" and now that she has disclosed that a buyer would not be able to get a mortgage and also the sale price would be significantly lower than its value. M Duncan asked for a time line to discuss options with O'Kelley and Nelson requested a commitment for some kind of action within 7 days.
CM Gibson agreed to meet with O'Kelley and see if this can be resolved. CM O'Brien added that perhaps an informed realtor could help with the situation.
CM Hill asked if Nelson would consider sharing the cost for the prescriptive easement with the Town. Nelson stated she might be and will talk to her attorney about those options
CM Hill motioned to table Item 6, CM O'Brien second motion passed unanimously.

7. Discussion and Possible Action re: Continuing the Road Committee. Ordinance 2008-3.
M Duncan explained that the Road Committee met and found enough value in the Committee for it to continue. They may need to recommend some amendments to Ordinance 2008-3 regarding duties of the Chair and to look into ways to make the Committee more productive. We will need to recruit a couple new members to the Committee and hopefully we can get people with some road experience.
CM O'Brien asked to have input from the Committee as to what to amend the Ordinance. CM Gibson stated that besides working within the road's budget the Town needs to know how much work and repairs are costing the Town. M Duncan agreed that we need to know how much road work costs as part of being accountable to residents and their questions. CM Hill also agreed that the Committee has value but any new members need to know how limited our budget is and that the Council will not always agree with the Road Committee's recommendations. It was agreed to continue the Road Committee, fill the open positions and to have the Committee look at Ordinance 2008-3 and provide recommendations for any necessary amendments. CM O'Brien agreed that the Road Committee has value and should continue.

8. Discussion and Possible Action re: Approval for replacing the Well pressure tank.
CM Hill motioned to replace the pressure tank; CM O'Brien seconded motion passed unanimously.

9. Discussion and Possible Action re: Fee Schedule review. Resolution 2013-1.
Council agreed they had no new changes except the addition of the encroachment permit and renewal. An updated Resolution will be on the September agenda for approval.

UNFINISHED BUSINESS

10. Discussion and Possible Action re: Adoption of the Castle Valley General Plan-(updated draft available on Town website)(tabled)
CM Hill motioned to un-table Item 10, CM O'Brien seconded, motion passed unanimously.
Council's edits and addition: In the introduction provided by CM Holland Council agreed to remove that the "Town was incorporated to promote" to the" Town promotes". Page 14 Policies #4 Shafer Lane will be maintained as a four season emergency egress and ingress for the public. Section #5 Water the Existing Conditions paragraph still needs some definitions and explanations of a designated water supplier and a municipal watershed designation terms referred to in Policies #11 and #15 as they would pertain to Castle Valley. Council asked to have John Groo work on that section.
M Duncan opened up Item 10 for public comment.
Jack Campbell asked that the septic density study be cited in the General Plan. That study had recommended 15 acre lots per septic tank. He will write up a paragraph to add to the Water section of the Plan. Both Thompson and Gibson had some typo /small edits that they will email to Buck.
CM Hill motioned to table Item 10; CM O'Brien seconded motion passed unanimously.

11. Closed Meeting (If necessary).

12. Payment of the bills.

CM O'Brien motioned to pay the bills; CM Gibson seconded motion passed unanimously.

ADJOURNMENT

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

M Duncan adjourned the Meeting at 8:06PM

Approved:

Jazmine Duncan, Mayor

Date: 9/23/2020

Attested:

Jocelyn Buck, Town Clerk

Date: 9-23-2020