

MINUTES
THE REGULAR TOWN COUNCIL MEETING

WEDNESDAY, SEPTEMBER 16th, 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 Holland.

Absent: CM O'Brien.

Others Present: Ron Drake, Colleen Thompson, Jack Campbell, Stephen Curtis, John and Leesa Smith, Norman Llewellyn, Jim Woolaway, Laura Cameron, Russel Cooper, Diane Ackerman and John Groo

Clerk: Jocelyn Buck

Regular Town Meeting

Call to Order M Duncan called the Meeting to order at 6:30 PM

M Duncan delivered the Electronic Meeting Determination

Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. § 54-2-207(4), Jazmine Duncan, Mayor of the Town of Castle Valley issues this Determination supporting the decision to convene electronic a meeting of the Council via Conference Call without a physical anchor location. Due to the COVID-19 pandemic Meetings at the anchor site may present substantial risk to public health and safety. Taking into consideration public health orders limiting in-person gatherings, the average "at risk" age of Town residents and the limited space in the Town Building, the Town of Castle Valley will continue to hold meetings by electronic means. This determination expires 30 days after the day on which the Mayor has made the determination. The public can join the Conference Call Meetings or submit comments through emails.

Roll Call

1. Open Public Comment

Jack Campbell commented on Item 12. Prior legal options clarified the land in question is titled land owned by the Town not a road easement. The landowner of Lot 77 bought a parcel of land that is 3.31 acres and they knowingly built on land that was not theirs. They are asking the Community to give them an acre of land so that they can now sell their property for more money. This was not cleared up in the early 90's because the other landowner (Lot 76) would not respond. The current landowner of lot 76 has not been paying taxes on that land. This problem is owner caused because they did not locate the boundaries of their land before they built on it, which is not the Town's problem. One of the solutions would be for the Town to sell the 1.7 acre property to the Lot 77 owners. The Town will need money to pay for the prescriptive easement for Castle Valley Drive that is currently on Lot 76. Colleen Thompson noted that the lettering change from B to A in amendments from Ordinance 2003-3 was not in the packet copy.

2. Approval of Minutes: 8.19.2020 Regular Town Council Meeting

CM Hill motioned to approve the Minutes with CM Gibson's correction to Item 6 the double "thats", CM Gibson seconded, motion passed unanimously

3. Executive Reports:

***Roads Committee-** M Duncan-Minutes provided.

CM Hill asked if there was any interest in the open Road Committee position. M Duncan responded hopefully there will be a new member next month. CM Gibson reported that Road Department is now

going to use the database that John Groo created. This will give us access to various reports from data on road work, costs as well as time spent on certain roads.

*Planning & Land Use Commission-Colleen Thompson- Minutes provided, no questions.

The Council thanked the PLUC for their work on the Ordinance amendments.

*Community Renewable Energy Act.-CM Gibson updated the Council that the Committee is creating a website so the public can get information and follow their progress.

*Solid Waste District- Diane Ackerman reported that the District has had to cut it's budget they are not doing the Hazardous waste event and were not able to waive the tipping fee for the Town Clean-up. However Evan Tyrell may reconsider and be able to waive \$500 of the tipping fees if the Council provides him with a letter asking for financial assistance.

*Water Agent and Water Committee Report - John Groo reported that he has filed the change application for Lot 13 the Fire District Well as a public use well.

*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- The Commissioner's Meeting was postponed- nothing to report.

*Housing Task Force- M Duncan- nothing to report.

4. Correspondence: Three letters were received regarding the new MPH signs. CM Holland had a discussion with Bob Lippman regarding the 20 MPH signs on the Upper Eighty road and Lippman asked to have the speed reduce to 15MPH. Council discussed this and decided to make the Upper Eighty 15MPH the same as the rest of the unpaved roads in Town. Another email was received questioning the costs to the Town for the signs and also why the reflective rectangle signs have been replaced at the "S" curve by Brady's but not at the Bailey "S" curve. Gritts will be ordering more reflective signs for there and will respond to that email.

5. Administrative Matters & Procedures: Manti LaSal Forest Scoping Update - CM O'Brien-not present. Town letters- CM Holland reported the Rocky Mountain Power is considering dropping the net metering rate from .10 cent per kilowatt to .01 per kilowatt. To which CM Hill stated that could make it unfeasible to even invest in home solar. M Duncan stated that with HB 411 RMP solar power is probably moving away from encouraging home solar installations towards big renewable projects. CM Hill disagreed stating there are a lot of studies that believe home solar is the future. RMP just doesn't want to pay or give credit to homeowners for power. CM Holland thought it was important for the Town send our comments to the Public Service Commission. He asked if we could round up the numbers of home solar installations in the Valley .CM Gibson pointed out that those that have net metering now have a contract with a time limit these potential RMP changes would affect new net metering customers. Discussion continued on the pros and cons of home solar and net metering. CM Holland will write a letter commenting on RMP potentially reducing net metering rates and the Council will approve the letter through email. CM Holland also suggested writing a thank you letter to Congressman Lowenthal and Senator Durbin as they were instrumental in getting the BLM to rescind the gas leases out by Canyonlands. Their taking action proves that public comments and the Town's letters have some potential influence over divisive issues.

NEW BUSINESS

6. Discussion and Possible Action re: Well location Variance on Lot 194

Jim Woolaway (owner of Lot 194) explained that the existing well on his lot has excessive amounts of silt. He has discussed the problem with John Groo and Danny Prickett and they agreed with the recommendation to drill another well as far away from the existing well as possible. After identifying potential sites there are competing distances (set back rules) between the Scott property lines, the cul-de-sac and the septic leach field resulting in a small triangle of land where they would recommend

drilling the new well. He may need to get variances because of the distances from the well site to the cul-de-sac and the Scott property line. Woolaway's plan was to meet with John Groo and with a tape measure and getting the exact measurements before proceeding with a Variance.

CM Hill motioned to table Item 6, CM Holland seconded motion passed unanimously.

7. Discussion and Possible Action re: Hunting Season Notification.

Council discussed posting the relevant 2020 hunting season dates at the mailboxes and on the green gate in the Upper Eighty. Buck will create temporary signs and maybe in the future the Town, DWR and BLM can go in together for a more permanent sign and/ or information kiosk.

John Groo joined the meeting CM Hill motioned to un-table Item 6, CM Gibson seconded, motion passed unanimously

Groo had been over to Lot 194 and looked at the potential well sites. He had some concern that the power line may be close to where Prickett would need to bring in his drilling equipment. Groo and Woolaway agreed that the area in question may require a survey to see if there is 50' from the Scott's fence and the cul-de-sac. Discussion continued on where 194's leach field ends in relation to the potential well site. Groo and Woolaway will meet and get the measurements. Buck will send out the information on Variances to both.

8. Discussion and Possible Action re: Amendments to Ordinances 85-3 sections 4.2-4.5 and 2003-3.

The amendments remove any and all references to commercial agriculture and any necessary re-lettering. M Duncan stated that at some point she would like to see further discussion on fencing amendments to 2003-3. Thompson agreed that the PLUC will be doing more research about wildlife and fencing.

CM Hill motioned to approve the amendment in Ordinances 85-3 sections 4.2-4.5 and 2003-3 as presented, CM Holland seconded, motion passed unanimously.

9. Discussion and Possible Action re: Payment of Road Shed CIB loan \$7375.00

CM Hill motioned to approve the CIB Road Shed loan, CM Gibson seconded motion passed unanimously.

10. Discussion and Possible Action re: Approval of Resolution 2020-8 Fee Schedule

CM Hill motioned to approve Resolution 2020-8 Fee Schedule as presented; CM Holland seconded motion passed unanimously.

11 Discussion and Possible Action re: Neighborhood Clean-up additional \$1100 cost.

CM Hill reported that we cut our budget for FY2020 to have a surplus because we don't know what effects COVID will have on Town FY 2021 revenues, so we saved enough for the Cleanup especially after the additional \$500 waiver for tipping fees.

CM Hill motioned to go ahead with the Fall Clean up even if we cannot get the \$500 waiver. M Duncan added that we are in budget FY2021 and we may or may not still have another Clean up in spring 2021.

CM Hill agreed but the FY 2020 money was saved in the General Fund as we had canceled the Spring 2020 Clean-up. The motion was seconded by CM Holland, motion passed unanimously.

UNFINISHED BUSINESS

M Duncan asked for a motion to change the order of business and go to Items 13 and 15 ahead of Item 12.

CM Holland motioned to move Items 12 and 14 to after Item 15, CM Gibson seconded, motion passed unanimously.

13. Discussion and Possible Action re: Adoption of the Castle Valley General Plan-(tabled)

CM Gibson motioned to un table item 13, CM Holland seconded, motion passed unanimously.

Jack Campbell had made revisions adding information on septic density to the Water Section page 15, CM O'Brien made revisions to page 16-17 #11/ #12 and CM Holland further edited #12 making it into two complete sentences. They also decided to keep the "may" options in #11. Added to the Introduction bullet points was "Greater ability to pursue goals specific to the Town of Castle Valley that may not be

important to other entities". There were also some minor typo corrections and Thompson will reformat the charts and pagination after text is complete.

CM Holland motioned to approve the 2020 General Plan with revisions and corrections, CM Gibson seconded, motion passed unanimously. The Council thanked everyone that worked on the Plan.

15. Payment of the bills.

CM Gibson motioned to pay the bills, CM Holland seconded, motion passed unanimously.

At 8:10 PM M Duncan asked the public to leave the Meeting as the Council was going into a Closed session.

12. Discussion and Possible Action re: Castle Valley Drive placement and easement at Karen Nelson's lot 77(tabled)

CM Hill motioned to un table Item 12 and move it into a closed meeting, CM Holland seconded, motion passed unanimously

14. Closed Meeting (If necessary) Utah Code 52-4-205 (c) strategy session to discuss pending or reasonably imminent litigation.

8:25PM Council came out of the Closed session.

12. Discussion and Possible Action re: Castle Valley Drive placement and easement at Karen Nelson's lot 77 – Continued

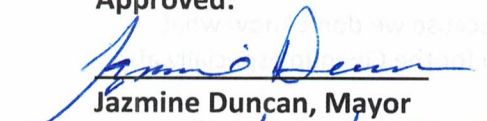
CM Hill motioned to approve having the Town Attorney Christina Sloan discuss with Karen Nelson's Attorney what role we can take with Karen Nelson's easement. CM Holland second, motion passed unanimously.

ADJOURNMENT

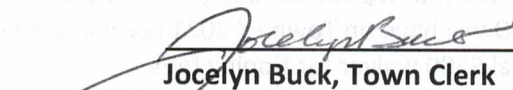
CM Hill motioned to adjourn, CM Holland seconded, motion passed unanimously.

M Duncan adjourned the Meeting at 8:30PM

Approved:


Jazmine Duncan, Mayor
Date: 10/20/2020

Attested:


Jocelyn Buck, Town Clerk
Date: 10-20-2020