



AGENDA

THE REGULAR TOWN COUNCIL MEETING WEDNESDAY, NOVEMBER 18th, 2020 AT 6:30 P.M.

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.

**** HOW TO JOIN THE CONFERENCE CALL ***

Option 1 Dial-in phone number (US): (978) 990-5000 follow prompts. Access code: 895972#

Option -2 Join the online meeting (must have computer speakers and microphone):

<https://join.freeconferencecall.com/townclerk58> Online meeting ID: townclerk58

*After callers login into the Meeting press *5 to mute, the call Host will unmute the Council when the meeting is to begin and unmute when the Mayor will roll call for Public for Comments.

Regular Town Meeting

Determination and Roll Call

1. Open Public Comment

2. Approval of Minutes: 10.21.2020 Regular Town Council Meeting

3. Executive Reports:

*Roads Committee- M Duncan

*EMS District- Ed Weeks

*Planning & Land Use Commission-Colleen Thompson

*Fire District-M Duncan /Chief Drake

*Community Renewable Energy Act.-CM Gibson. Utah100Communities.org

*Housing Task Force- M Duncan

*Water Agent and Water Committee Report - John Groo

*Solid Waste District- Diane Ackerman

4. Correspondence: Bluff Strategic Planning email, CV Drive Trail email.

5. Administrative Matters & Procedures: Town letters, Fall Clean-up wrap up.

NEW BUSINESS

6. Discussion and Possible Action re: Overflights

7. Discussion and Possible Action re: Approval of 2021 Town Council Meeting dates

8. Discussion and Possible Action re: Approval of letter of support for Fire Department Grant.

9 Discussion and Possible Action re: Approval of letter in opposition to Bookcliffs Highway.

10. Discussion and Possible Action re: Complaint Resolution process.

UNFINISHED BUSINESS-None

11. Closed Meeting (If necessary)

12. Payment of the bills.

ADJOURNMENT

For Meeting Packets go to: <https://www.utah.gov/pmn/index.html> Government: select "Cites"

Entity: select "Castle Valley" Body: select "Town of Castle Valley" "Select this meeting and click on

"Download attachments"

DRAFT MINUTES
THE REGULAR TOWN COUNCIL MEETING

WEDNESDAY, OCTOBER 21st, 2020 AT 6:30 P.M.
CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE

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

Absent: None

Others Present: Ron Drake, Colleen Thompson, Norman Llewellyn, Tom Wood, Donna Kramer 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

Thompson suggested removing the word "expiration" from the date line on the Encroachment Permit form line.

2. Approval of Minutes: 9.16.2020 Regular Town Council Meeting

CM Hill motioned to approve the Minutes with one minor typo correction, CM O'Brien seconded, motion passed unanimously.

3. Executive Reports:

*Roads Committee- M Duncan-Minutes provided. CM Holland asked how Emery was going to mitigate the dust on the roads after laying the fiber conduit. M Duncan reported that they will be using our water truck to water down the dust problem. CM Hill asked how the database was working for the Roads Department reports. CM Gibson reported to the Council that she has updated all the data from January this year to the present and that will enable us to run various reports.

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

*Community Renewable Energy Act.-CM Gibson updated the Council that the Committee is still working on the website so the public can get information and follow the program's progress. Orem has asked to be omitted from the cost sharing analysis.

*Solid Waste District- Evan Tyrell, District Director has approved waiving \$500 from our Clean-up landfill tipping fees.

*Water Agent and Water Committee Report - John Groo reported that he had received an email from Francisco Castillo from the Forest Service asking for a letter of support from the Town for the Forest Service to pursue funding from Congress to acquire several parcels of land in and adjacent to the LaSal National Forest boundaries . There are several private mining patents that are or will be expiring on

these lands that are in the Town's Watershed. He was asking for support for this acquisition. CM O'Brien has been drafting a letter of support see item #9.

*Hazard Mitigation Committee- M Duncan reported the State has approved our Plan and is has been sent on to FEMA. Once we receive it back the Council will have another final Resolution to adopt the Official Plan.

*EMS District- Ed Weeks- not present, email report sent.

*Fire District-M Duncan /Chief Drake- reported the State Burn Window will not be determined until November 1st. And in Castle Valley burning will not be allowed even during the State Burn window until our fire danger rating goes down to "Moderate ". Drake has had several calls out to people tell people to put out their campfires.

*Housing Task Force- M Duncan- AmeriCorps has new VISTA job position open for working on housing and homelessness in the Community

* Treasurer's Report- CM Hill reported that sales tax and Class C Roads revenue are up, probably because of an increase in domestic travel. The Permit Agent has been very busy and 41% of her salary budget has been used. Hill recommended amending the budget in January so everybody could see how we will get through the next 6 months. And at that time there could be money for various projects we previously cut due to concerns of decreases in revenue from the effects of COVID.

4. Correspondence: Bob Shoemaker's email he wanted to recommend a change to the General Plan Introduction the sentence should read the Town promotes the interests of the "majority" of Town residents. And Bob Lippmann sent an email to check the status of the new 15 MPH signs for the Upper 8 road. M Duncan explained that the signs have been ordered.

5. Administrative Matters & Procedures: Manti LaSal Forest Scoping Update - CM O'Brien reported that official scoping will start sometime in January. Mary O'Brien will be sending out the alternative EIS. Town letters- CM Hill has joined the Bookcliff's Highway Coalition a group that is against the highway. The seven County coalition is moving forward with the highway. Those against it believe it is a redundant highway. Hill added that the Town may want to write a letter voicing our opposition to it. Such a highway will put a lot more traffic down SR128 that is already too busy. CM Hill will write the letter to be approved via email or at next month's Meeting. Encroachment Application Council agreed to the removal of the word "expiration" as per Thompson's suggestion. Fall Clean-up it was agreed to put out an email ahead of the Clean-up with COVID precautions and let residents know they should be prepared to unload their stuff. Thompson and CM Hill volunteered to help. Council had discussion on Moab and Grand County Council has just passed a 15 MPH speed limit for UTVs as well as a moratorium on new business licenses for UTV rental and tour companies.

NEW BUSINESS

6. Discussion and Possible Action re: Appointment of a new member to the Road Committee.

M Duncan reported that the Road Committee has recommended to the Council they appoint Jeff Whitney to the Road Committee.

CM Hill motioned to appoint Jeff Whitney to the Road Committee, CM Gibson seconded, motion passed unanimously.

7. Discussion and Possible Action re: Approval of the Fraud Risk Assessment form.

CM O' Brien recommended next year adding the Ethical Behavior policy to increase our overall points. The Council will work on that for FY2021.

CM Holland motioned to approve the Fraud Risk Assessment form as it is, CM O'Brien seconded, the motion passed unanimously.

8. Discussion and Possible Action re: Approval of UGS Groundwater Monitoring Proposal.

CM Hill motioned to approve the UGS Proposal, CM Holland seconded, the motion passed unanimously.

9 Discussion and Possible Action re: Approval of Forest Service letter that endorses their plan to buy develop-able land in our watershed.

Council agreed it was a great letter. CM Holland asked if they are looking for watershed protection only or is the Forest Service also looking at lands that affect air and light shed quality. CM O'Brien clarified that these parcels are specific to water quality in order to potentially qualify for Land Water Conservation funding. CM Holland asked if there was any interest in them purchasing the SITLA parcel at the head of Professor Valley. CM O'Brien will look into if there is any interest in protection of that parcel.

CM Hill motioned to approve the letter and CM O'Brien seconded, motion passed unanimously.

10. Discussion and Possible Action re: Approval of Single Instance Drainage Work Waiver / Release agreement
M Duncan explained these agreements are needed in order for the Town to have permission to work on drainages that are on private property where potential flooding/ flash floods would affect our road infrastructure and neighboring lots. The single instance agreement would be necessary in emergency drainage situations. CM Holland pointed out there are a lot of semi colons in these documents that should be removed, the Council agreed to remove semicolons from both documents.

CM Hill motioned to approve Single Instance Drainage Work Waiver / Release agreement with corrections, CM O'Brien seconded, motion passed unanimously.

11. Discussion and Possible Action re: Approval of the Mutual Easement and Right of Way "Drainage Agreement.

CM Hill motioned to approve the Mutual Easement and Right of Way Drainage Agreement with corrections, CM O'Brien seconded, motion passed unanimously.

12. Discussion and Possible Action re: Rocky Mountain Power in Holyoak cul-de-sac.

CM Hill clarified that for Option one another pole will have to be put on Keogh's Lot 308 and the existing pole will have to be moved out of the cul-de-sac on to Greg Nunn's property. We will require two easements. She asked if the Road Department was still going to help Nunn move his fence. Duncan did not know and that would be between the Road Department and Nunn. Council was aware there will be a new pole in order to clear adequate emergency vehicle turn around room in the cul-de-sac. Item dropped.

UNFINISHED BUSINESS- None

13. Closed Meeting (If necessary)

14. Payment of the bills.

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

ADJOURNMENT

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

M Duncan adjourned the Meeting at 7:50PM

Approved:

Jazmine Duncan, Mayor

Date:

Attested:

Jocelyn Buck, Town Clerk

Date:

DRAFT MINUTES

CASTLE VALLEY ROADS COMMITTEE MEETING

TUESDAY, OCTOBER 20th, 2020 at 4:30 P.M.

CASTLE VALLEY COMMUNITY CENTER

2 CASTLE VALLEY DRIVE

****Due to concerns regarding the potential spread of COVID-19 this meeting was held outside at the Town Pavilion, 2 Castle Valley Dr.**

Members Present: Jazmine Duncan, Pamela Gibson and Glen Wilson.

Members Absent: None.

Recorder: Jocelyn Buck.

Public Present: Colleen Thompson, Jeff Whitney and Stephen Curtis.

Roads Department: Mingo Gritts

Call to Order

M Duncan (acting Chair) called the meeting to order at 4:36 PM

1. Open Public Comment: None

2. Approval of Minutes of Roads Meeting September 15th 2020.

Wilson motioned to approve the September 20th Minutes, Gibson seconded, motion pass unanimously.

3. Executive Report:

Monthly Road Report-Mingo Gritts

Gritts reported they had to fix some drainage problems on lower Pace after the last rain storm. This involved pulling out an old culvert that was placed too deep. They replaced the shoring of one culvert up at the Upper Eighty. The mower is fixed and they have finished mowing. With the Burn window remaining closed the crew will have to manually clean out the culverts and ditches and haul the weeds and brush to the back of the Town lot. Goat heads are spreading; Jeff Whitney said the County Weed Department used to sell/ recommend beetles that would eat only goat heads. Amber lane has a lot of goat heads, Wilson stated this is probably from Lot 427 irrigation running over in to the road. The only way to get rid of goatheads is to burn the seeds or dig the plants up and bag them.

4. Correspondence: Buck had a request to have the pot holes at Castle Creek Ln and Castle Valley Dr. repaired. Buck and Gibson added there is another pothole at the mailboxes and in the pavement up by the mailboxes.

5. Administrative: Database report update Gibson has completed data entry going back to January. She presented example of the kind of reports the database can generate. She still has some questions for John Groo. Gritts has updated the employee and equipment information; he needs to ask Groo how to add new pieces of equipment. The equipment costs on the reports are only the value of the equipment used basically what it would cost if we had to subcontract out the equipment. Buck asked what reports the Committee would like each month, it was decided the work log, roads worked on report. Buck asked how we could plug in the Town's actual cost for each piece of equipment repair and maintenance both the employee time and the parts. Whitney explained that this database is used by the Grand Count Road Department to document every piece of equipment's hourly worth to justify their budget. Discussion continued how we can get a report on the actual cost of maintenance of each piece of equipment. Thompson added it should be possible to combine the data of maintenance cost and the hours used to get an overall value of each piece of equipment used. Buck pointed out repair expenses are not part of the database reports those are in Quickbooks. Gritts wanted to add some more codes to the database for more detailed information. Gibson wanted the work logs turned in daily. Both Gritts and Gibson will work through their issues with Groo. The General Plan is now available on the Town website.

6. Standard Operating Procedures: still pending

New Business

7. Discussion and Possible Action re: Recommendation for a new Committee member.

Wilson motioned to recommend Jeff Whitney to the Council for the position on the Road Committee, Gibson seconded, motion passed unanimously.

8. Discussion and Possible Action re: Fall Clean-up planning

Discussion was on whether to cancel or not. It was decided to go ahead and have residents wear masks, observe social distancing, pre-sort their stuff and be prepared to unload their stuff. Whitney recommended having an area where residents could dump heavy stuff and then use the back hoe to pick it up.

9. Discussion and Possible Action re: Emery Fiber project dust control.

Gritts explained that the Emery subcontractors having been doing a great job but now they have got into areas where they need a bulldozer to dig trenches through the cobble. They have ended up tearing up the road and stirring up a lot of loose dirt and sand dust. They are now leasing our water truck to water down the dust. Both Gibson and Whitney stated the situation down on lower Shafer is not improving. Gritts will talk to Emery and the subcontractors. The lease agreement we have with Emery was a quick fix to reduce the dust on Shafer and that lease expires at the end of October. After that they will have to lease their own water truck. Gibson pointed out that digging along lower Shafer will be easy compared to the rocks etc. that they will run into on the rim side steep roads. Gritts added that ripping up the cobble causes a lot of loose dust. Duncan also added that we should take photos of the roads prior to the Emery installation work so we have proof of how the road looked.

10. Discussion and Possible Action re: update HolyOak cul-de-sac options.

Gritts updated the Committee that the Keoghs do not want to put the electricity underground or to have a new pole on their property. So that leaves Option 1 moving the existing pole out of the cul-de-sac and installing two new poles in the cul de sac utility easement. The Council will discuss approval of Option 1 the new poles at their next meeting. Discussion continued on future plans for cul de sacs throughout the valley.

Unfinished Business

11. Road's Budget- the budget is inline, Wilson recommended evaluating the mower and to consider how to replace it.

12. Emergency Planning- Evacuation Planning- nothing to report

13. Closed session- not needed.

Adjournment

Wilson motioned to adjourn, Gibson seconded motion passed unanimously.

Duncan adjourned the Meeting at 5:39PM

Approved:

Acting Chair Mayor Duncan:

(Date)

Attested:

Jocelyn Buck, Town Clerk:

(Date)

**WORKING DRAFT MINUTES (2ct)
REGULAR MEETING
OF THE PLANNING AND LAND USE COMMISSION**

Date: Wednesday, November 4, 2020

Time: 6:30 PM

Place: Conference Call

Electronic Meeting Determination

Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. § 54-2-207(4), Bill Rau, Chairman of the Town of Castle Valley Planning and Land Use Commission issues this Determination supporting the decision to convene electronic meetings of the Planning and Land Use Commission 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 Planning and Land Use Commission will continue to hold meetings by electronic means. This determination expires 30 days after the day on which the Chairman has made the determination. The public can join the Conference Call Meetings or submit comments through email.

Present: Ryan Anderson, Marie Hawkins, Bill Rau, Colleen Thompson, Stephen Curtis

Absent: None

Others Present: Jack Campbell

Clerk/Recorder: Susan Curtis

CALL TO ORDER REGULAR MEETING (some attendees optionally shared video)

Electronic Meeting Determination read by Rau

Rau called the Regular Meeting to Order at 6:32 P.M.

1. Open Public Comment – none

2. Approval of Minutes

Regular Meeting of October 7, 2020

Anderson moved to approve the Minutes as presented. Thompson seconded the Motion. Anderson, Hawkins, Rau, Curtis, and Thompson approved the Motion. The Motion passed unanimously.

3. Correspondence – none

4. Town Council Meeting Report —Thompson

The Town Council meeting was held on October 21. This year's tax revenues for Castle Valley and Moab are up and not having the budget issues from Covid-19 as first feared. Chipper day is on November 9 and 10. Clean-up day is this Saturday November 7. Jeff Whitney was appointed to the Castle Valley Road Committee.

5. Building Permit Agent Report —Thompson

- **Permit Activity:**

TOWN OF CASTLE VALLEY - Building Permits Report

Approval Date Between 10/1/20 And 10/31/20

Approval	Lot	Road	Owner	Type	Purpose	Description	Height	Sq Ft <=19	Sq Ft >19
10/29/2020	160	Buchanan Lane East	Hill, Tory & Stock, Mit	Building	Residence	2BR residence	15.75	1580	0

- **Updates on Recent Applications:**

- Received signatures on sunroom on lot 54 that we talked about at last month's PLUC meeting and Thompson can proceed with approval. The permit will be completed once the applicant decides how to submit, via the Grand County online portal or on paper.

6. Procedural Matters

- **Update on action items from previous PLUC meetings, including Discussion re. Livestock Committee**

Discussion:

Thompson – I know some people are anxious to take action on pig front. The Livestock Committee had a meeting last week and had a fruitful discussion, committee decided would be more efficient overall to present on all types of livestock at same time and estimate can present proposed language in January or February to the PLUC; the pigs will take more thought than anything else. Two of main goals in terms of process are to engage Livestock owners to avoid a contentious situation, and want to make sure to do as much research as possible, consensus is the 2010 ordinance is thought to not have done this.

Rau – so we won't see any draft language or anything in depth from the livestock committee at our December meeting?

Hawkins - asked if Bruce Keeler was on the call to see if he wanted to give an update on conversation they had last week. Hawkins talked with Keeler and Keeler agreed we could go ahead and put a moratorium on pigs while the rest of the work gets completed and he wants to get this completed by February as folks don't buy animals over the winter. Want to close the possibility of someone coming into the valley and putting a bunch of pigs in.

Thompson commented that Keeler advised committee not to act too hastily on livestock.

Curtis – two interests and concerns is to be responsive to survey results and town, gave a report in July and don't want to rush things, and need to make sure have information we need when go to present. Secondly, the priority he sees for the Town is pigs. Would hate to see somebody get 30 pigs on the lot next to them and feel like we have not done everything we could have done, need to be as timely as we can be and be would like to see us prioritize pigs and maybe moratorium can help with that.

Hawkins – Keeler said he is fine with that, he thinks other livestock owners will be fine with that and the owners are starting to understand the PLUC is trying to work with them.

Thompson – Campbell and Thompson have been looking into state laws on moratoriums and read the same law differently. Thompson left a message for lawyer friend to get opinion on whether town can even do a moratorium for something that doesn't require a permit.

Hawkins – moratoriums are put on things that are detrimental but not necessarily being asked about on paperwork, doesn't seem logical to not be able to have a moratorium as couldn't get anything done.

Thompson – if we do a moratorium, for at least one person in the valley this would be like a red flag to a bull in terms of legal challenge. In Town ordinance 2007-4, if cannot do a specific moratorium, when starting to amend a land use ordinance, an automatic moratorium kicks in, but this isn't triggered until the amendment appears on Town Council agenda and is discussed.

Anderson – want to verify something he thinks he saw while driving by the lot across from the Town building, he saw 6 black pigs, asked if anyone has seen these. Thompson hasn't seen them but has smelled them and heard they are let out on pasture sometimes, Anderson said they were wrangled into a sty the next day but they were out in the yard. News to Ryan that these pigs were on the lot.

Campbell – smelled pigs at the last livestock committee meeting at the pavilion. An occasional odor just wafting by is not a big deal usually, but when odors linger it is a problem, gave examples of residents having to have windows closed due to noxious coal smoke. We need a law or something to keep livestock from causing people to feel they have to move out of the valley due to smells, residents should not have to be subject to these issues. Campbell does not agree with Thompson that no imminent danger exists because we don't know what is going to happen tomorrow and just increasing time period where something bad could happen.

Thompson – even if only amend ordinance for pigs, there is a window where someone could max out on pigs, only conceivable way to halt this is to have a moratorium, which may be a good reason to use part of budget to get legal advice on implementing a moratorium. Can we ask the Town Council to start a moratorium on something that does not have a permit process? Since it seems to be a simple legal question, may be worthwhile to do this.

Curtis – is there anything Town Council can do to in terms of a public health threat or emergency could they freeze it immediately?

Anderson – have seen this precedent set by Grand County Council when they are building in certain areas until research can be completed, thinking we could have moratorium until research is completed.

Rau – moratoriums are for 6 months and not sure if Town Council would see it in the same way as PLUC with all research that has been done.

Hawkins – Town Council saw same surveys as PLUC.

Campbell – do have a strong legal basis to put in a moratorium on zoning ordinance in light of geologic survey about aquifer and possible contamination of ground water, many communities have bans on pigs with no justification at all, have had quality of life issues here in the valley due to pigs, do need to find out the legal opinion if moratorium is allowed, my sense is we could have a moratorium implemented by Town Council, for example if there was RoundUp being sprayed all over the valley a commonsense approach for Town would be to prohibit something like this until we have established law, even if no permits required at the moment.

Curtis – makes sense and thinking of one lot now with 30 pigs, legally we could be thinking of this as multiple lots could have pigs, this could be public health threat and not sure how we mitigate this.

Rau – not sure if considered a health threat or nuisance by state, agriculture has some exemptions from nuisance lawsuits in Utah, suggest we get opinion from a lawyer somewhat familiar with Castle Valley on whether or not the Town Council can declare a moratorium on swine. In Jan or Feb PLUC can have language for discussion and public hearing. Hear what lawyer has to say, Town Council meeting in two weeks, and be good to get on Town Council agenda for November.

Campbell – need someone with experience in Utah property law, Campbell called Ombudsman about a moratorium and they agreed could have a moratorium on something that does not require a permit, but got sense they were not familiar with this topic.

Thompson – left message for Laurie [actually Julie], Moab City Attorney (CV resident), asking this question; Moab has had several moratoria lately, if she can't answer then maybe ask Christina the Town lawyer. Hope to hear back in a day or so.

Rau – need to have an answer by next Monday, November 9.

Curtis – to put all together, livestock committee will keep moving forward, work on pigs, but don't want to lose time as Marie mentioned earlier, keep moving forward the rest of the work while we work on the moratorium.

Hawkins – the moratorium would be on pig language. Rau reminded all that in January we will have a new person on PLUC and good to have them involved, dealing with swine now and bigger question shortly thereafter.

Curtis – asked Thompson to elaborate thought process of livestock committee thinking on best to not separate swine, if anything else went into decision or if wrapped up in 6 month moratorium.

Thompson – Keeler shared more conversations with livestock owners, there are more pigs in valley than we were originally aware of, so many are not problematical, none ever want as many as even 10, a litter may have more but then always get rid of them. Part of tools in how to write ordinance. Keeler and Campbell pointed out the original proposal from June had numbers that are not far off from current owner's units, and owners are ok with proposed numbers—with needed tweaking like how to deal with subadult animals. Aside from one person, the thinking is there's not immediate urgency. A lot of people bought land here in the 70s, 80s, and 90s because CV allowed agriculture and livestock. Maybe we can only allow weaners and not allow breeding of pigs, that's a tool, for example, also limiting to smaller breeds, setbacks, etc.

Hawkins – why can't we figure all this out while we have a moratorium and look like we are doing something?

Thompson – trying to answer Curtis question, and if we can do a legal moratorium, am fine with that.

Anderson – how familiar is the Town Council with the current livestock committee information?

Thompson – Thompson gave them the Livestock Committee report, they get our minutes, which hopefully they read, and the PLUC sat in the July meeting and updated council on waste and livestock impacts—but we should reach out and make sure they know what we are thinking about.

Curtis – trying to learn all we can about livestock and cycles, etc...part of this is the livestock owners' understanding they have responsibility in existing ordinances and how they manage their farms and purchase animals, looking at Keeler's report from last month on pig numbers.

Thompson – Need to come up with a livestock ordinance they can live with, most agree the 2010 numbers are not viable. Curtis commented on Keeler's numbers from last month, Keeler's report did not include lots 54 and 55. Thompson said understanding given by owner is piglets to be kept on lot 429 by Town Building, adult pair to be kept on lot 54, he said that at a meeting but...

Rau – best path to determine if we can have a moratorium is to contact the lawyer, the next step would be to present language for a moratorium for Town Council to review on November 18, and then the Livestock Committee could bring draft language to the December meeting. Town Council has to understand what they are being asked to do.

Curtis – reiterated original livestock committee report was very close to surveys unit numbers.

Thompson – agree and owners overall could live with those numbers; we need to keep them engaged and involved to avoid a circus like 2010.

Campbell – think this [moratorium] will be more than a paragraph, and to be sufficient it will likely be several pages to give enough force and not easily challengeable and can't just say no pigs.

Thompson – rather than laying out all legal arguments, can we say in recent Town survey, which was required by law, we received overwhelming support to reduce swine numbers; and that PLUC is asking for a moratorium for no additional pigs (unless someone has a pregnant pig, of course).

Campbell – think need way more language than that from what has seen in past, especially due to past errors made by town. Think will need a specific language in what is being addressed and why like watershed. Have two options: 1) beginning amendment to ordinance and Town Council could start talking about it; 2) if we do moratorium, identify fairly serious health type issue and language to justify moratorium, it is thing like watershed as modifying 2010 ordinance.

Hawkins – can Council put on the agenda and discuss limiting bringing in pigs to trigger the moratorium?

Campbell – yes think if put on agenda and discuss, can reduce window of someone coming in with pigs, and will have 6-month moratorium.

Thompson – would we have to have a proposed amendment to put on the TC agenda?

Rau – don't think so, could see proposed amendment coming, TC could direct PLUC to work on amendment to 85-3.

Anderson – agree, conversations with livestock owners are not that far off with exception of pigs. This is what we need them to look at and create moratorium, and expedite process.

Curtis – reminded Keeler's report last month could find zero livestock owners that support current swine numbers.

Rau – agree useful for Town Council initial discussion to know about that and other supporting information, asked Thompson to let us know what she hears back from lawyer; Anderson and Rau to work on moratorium language for Town Council.

- **Discussion re. Preliminary List of Renewals 2021 Conditional Use Permits and Business Licenses**

Clerk - 21 Business Licenses up for renewal and 31 CU HPO (Home & Premises Occupations) up for renewal. Rick Fullam has historically had a fireworks business and he passed away last year and need to know if fireworks are still being stored on property.

Thompson – heard second-hand from new owner that he was working on moving fireworks and will double check on this for PLUC, think new owner is not interested in business and will find out if it needs to be inspected.

- **Discussion re. 2021 PLUC Meeting Schedule**

Rau - looked at calendar and did not notice any holiday conflicts, the PLUC will continue to meet on first Wednesday of each month.

Special note – Hawkins wished Curtis (the Scorpio) a happy birthday!

7. NEW BUSINESS – none

UNFINISHED BUSINESS – none

CLOSED MEETING – none

Summary/Action Items for November 4 PLUC Meeting:

1. Rau and Anderson – write up draft language for swine moratorium to present to the Town Council at November 18 meeting.
2. Thompson – write question to lawyer asking if Town Council can set a moratorium on swine while working on amending the ordinance and let PLUC know answer by Monday November 9.
3. Thompson – check with new owner of Rick Fullam property [#299] to see if fireworks are being removed or if will need to be inspected.
4. Clerk – send PLUC 2021 meeting schedule to Town Clerk for November Town Council meeting.

ADJOURNMENT

Curtis moved to adjourn the Meeting. Anderson seconded the Motion. Anderson, Hawkins, Rau, Curtis, and Thompson approved the Motion. The Motion passed unanimously.

Rau adjourned the Meeting at 7:29 P.M.

DRAFT

2021 Planning and Land Use Commission Meeting Schedule

First Wednesday of Each Month at 6:30pm

January 6

February 3

March 3

April 7

May 5

June 2

July 7

August 4

September 1

October 6

November 3

December 1



Bluff Strategic Planning Notes:

Bluff is currently in the process of creating a strategic plan for the Town and seeks to reach out to other towns similar in size and budgets to Bluff.

- Bluff is a brand-new town with 245 residents
- Bluff residents are - Well educated - 36% have a College Degree and have an average household income of \$33,500
- Bluff is a Town of Small Businesses - 28 Bluff businesses that employ 259 persons
- Bluff Town Budget: 2021 - 40% of the Town revenues are from sales and other travel/recreation tax revenues
- Bluff is similar in size and budgets to other towns - Torrey, Boulder, Hanksville, and Castle Valley

The Town of Bluff would like to set up a joint virtual (electronic) work session with your Town Council sometime before the end of the year.

Some of the issues we would seek to discuss:

- What budget impacts are you anticipating due to Covid-19 travel and tourism declines?
- How does your town decide how responsibilities are shared and who does what tasks?
- What staff does your town currently have, how much do they work (hours), and how much are they paid?
- What facilities does your town own and how did you develop or acquire them?
- Were any of those facilities a former school or other public buildings?
- What advice do you have to develop and maintain better relationships with your County Commissioners and Regional Associations of Government?
- What advice do you have to develop and maintain better relationships with your local businesses?
- Any other advice you might want to share with a brand-new town?

Questions – Comments:

Ann Leppanen, Bluff Mayor at ann@townofbluff.org

435-672-9900

Or

Bob Springmeyer, Consultant at Bobspring@bonnevilleresearch.com

801-673-9021



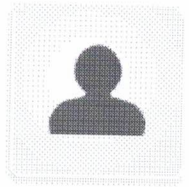
Bonneville Research

Trail along CV Drive

Tue 11/3/2020 6:51 AM

From: Sue deVall

To: townclerk@castlevalleyutah.com



Since CV Drive has no road shoulders, pedestrians, bicyclists and horseback riders must be on the road in traffic. Some drivers will not give an inch.

How about creating a trail where the Emery Telecom crew has laid their cable? It is already cleared so it should be fairly simple to keep it open. I consider this to be a safety issue as well as a way to improve quality of life here in CV.

Respectfully,
Sue deVall

2021

Town Council Roads PLUC Meetings

January							February							March							April							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
3	4	5	6	7	8	9		1	2	3	4	5	6		1	2	3	4	5	6		4	5	6	7	8	9	10
10	11	12	13	14	15	16																						
17	18	19	20	21	22	23																						
24	25	26	27	28	29	30																						
31																												

May							June							July							August						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1																					
2	3	4	5	6	7	8			1	2	3	4	5														
9	10	11	12	13	14	15																					
16	17	18	19	20	21	22																					
23	24	25	26	27	28	29																					
30	31																										

September							October							November							December						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
5	6	7	8	9	10	11																					
12	13	14	15	16	17	18																					
19	20	21	22	23	24	25																					
26	27	28	29	30																							

The Town of Castle Valley takes wildfire prevention very seriously. A 2019 Town survey found that 95% of respondents considered efforts to reduce wildfire danger to be a priority for the Town. The Town works closely with the Fire Department to assist property owners to reduce the risk of wildfire to their homes and outbuildings. Several community members are trained to do Firewise assessments on residents' properties. The Town will encourage more community residents to assist the Fire Department in conducting these assessments.

The Town of Castle Valley strongly supports the grant proposal to the Rocky Mountain Power Foundation by the Castle Valley Fire Department for wildfire prevention and mitigation.

Sincerely,

DRAFT CASTLE VALLEY ORDINANCE # 2018 - __

**COMPLAINT PROCESS: AN ORDINANCE ESTABLISHING
A COMPLAINT RESOLUTION PROCESS, THE COMPLAINT RESOLUTION BOARD
AND A UNIFORM PROCEDURE FOR ORDINANCE ENFORCEMENT
(This Ordinance Amends and Supersedes Ordinance 2008-2)**

WHEREAS

The Town of Castle Valley has duly established ordinances concerned with the protection of public health, safety and welfare; and,

WHEREAS

State law requires that the Mayor shall be responsible for enforcing the laws and ordinances of the Town, and

WHEREAS

The Town of Castle Valley acknowledges the right to privacy of the residents of this community, and

WHEREAS

The Town of Castle Valley acknowledges the occasional need for designated officials, employees, or agents to lawfully enter onto the property of persons residing in this community for the expressed purpose of inspection, and

WHEREAS

The Town of Castle Valley inspections shall take place only upon presentation of written complaint or evidence of proper authority, and shall be limited to entering buildings and structures during the course of their construction, modification, or repair, and to inspecting land uses or other uses to determine compliance with the provisions in the Castle Valley ordinances,

WHEREAS

The Town of Castle Valley is reviewing its Ordinances and Resolutions. While this process is ongoing, the Town finds that there is an immediate need to establish a uniform procedure to respond to and resolve complaints and to enforce Town Ordinances,

THEREFORE BE IT ORDAINED that the following procedure shall be developed and implemented to effectively and equitably enforce the Town's ordinances, and to process, evaluate and respond to complaints alleging a nuisance or violation of a Town ordinance:

1. A Complaint Resolution Board ("CRB") is hereby established, to consist of a pool of members including private citizens, seated Town Council members, seated PLUC members, and the Building Agent,(appointed by the Town Council delete) The Mayor will assign two different CRB members from this pool for each incident to address complaints as s/he deems appropriate.

2. The complainant shall file a written complaint with the Town Clerk. A valid complaint ~~would be a letter describing~~ describes a specific incident or incidents, the name and lot number of the person or persons who are the subject(s) of the complaint, and reference to violation(s) of an ordinance. The Town Clerk will forward the complaint to the Mayor and the CRB group within seven days. Two CRB members will be appointed by the Mayor within fourteen days to determine if an ordinance has been violated. One of these two members will interview the complainant within fourteen days. If they believe that the ordinance violation is valid the two appointed CRB members will contact the defendant within fourteen days. The first contact with the defendant will be to try to resolve the issue amicably.
3. If the complaint is resolved, the resolution shall be documented by all parties at the time of the resolution. If the complaint is not resolved, the two CRB members will schedule a meeting with the defendant to investigate, explore further mediation options and set a deadline for the defendant to comply within fourteen days. The two CRB members will document their observations and report their findings to the Mayor, the CRB group and the complainant within fourteen days.
4. If at this point, a resolution has not been reached, or if the agreed upon process/resolution is not followed, the Mayor and/or the code enforcement administrator will initiate legal proceedings by sending the complainant a registered letter as per Town Resolution 96-3, or the Nuisance Ordinance, within thirty days.
5. The letter shall set forth the violations alleged, and a synopsis of the CRB findings, along with a request that the conduct or activity be abated within 30 days of receipt, or immediately, if it is an emergency or animal safety complaint. In the event the violation requires more than 30 days to abate, the Town and CRB may develop a plan to abate the violation with specific actions and deadlines.
 - The owner(s) and/or resident(s) shall further be informed that the failure to abate the nuisance or bring the conduct into compliance within 30 days from receipt of the letter, or failure to take abating action by the deadlines as documented on the timeline if a timeline is developed, shall result in legal proceedings being brought against the owner/resident who shall then be responsible for all costs and attorney's fees resulting from such proceedings, in addition to any legal judgment for the costs of abatement and compliance, or for damages; and
 - It shall be further stated that the action would be enforceable by court action or tax lien, pursuant to State law; (should this be a period)
6. In the case of an emergency threat to public health, safety or welfare, all time periods noted herein shall be accelerated as is practicable, and the proper, relevant, authorities (County, State, Federal) shall be notified by the Mayor; (should this be a period)
7. If a timeline has been developed and the owner/resident is abating violations as per the deadlines, the Town Council may, upon the majority recommendation by the CRB and Mayor, extend the time for abatement/compliance for 30 day period(s). In the event that the matter is not resolved to the satisfaction of the CRB and the Town Council, within the 30-

day time period, or on schedule with the timeline, the matter shall be forwarded to the Town Prosecutor (who is the Town Prosecutor) for action as soon as the relevant 30-day period(s) expires.

8. Notice of any legal judgment shall be filed with the County Treasurer pursuant to State law for tax enforcement of any and all costs of enforcement, abatement and damages; (should this be a period)
9. Legal action by the Town shall not preclude any civil action filed against the violator by or on behalf of any person affected and damaged by the nuisance or violation.
10. Penalties and fines: A person convicted of a violation of this Ordinance may be sentenced to pay a minimum fine of \$250, with a maximum fine not to exceed \$1,000, as per Utah code Section 76-3-301.
11. This Ordinance shall become effective immediately upon public posting.

PASSED, ADOPTED AND APPROVED by the Town Council of The Town of Castle Valley in open session this ___ day of _____, 2018 by the following vote:

Aye:

Nay:

Absent:

TOWN OF CASTLE VALLEY

Jazmine Duncan, Mayor

ATTEST:

Jocelyn Buck, Town Clerk

Official Seal of the Town of Castle Valley

Effective Date

Complaint Resolution Process/ Checklist

Complainant: _____

Defendant: _____

Complaint Resolution Board: _____

Timeframe	Item	Deadline	Date of Action
	Letter from Complainant		
7 days	Clerk creates file, forwards letter to the Mayor		
14 days	Mayor appoints Complaint Resolution Board (CRB)		
14 days	CRB reviews Letter of Complaint and interviews Complainant		
	No violation: letter to Complainant		
14 days	Yes violation: CRB meets w/Defendant.		
	Yes resolve: documentation of action taken File closed		
14 days	No resolve: CRB sets deadline for Defendant to comply/resolve		
	Yes resolve: File closed		
14 days	Not resolved: CRB reports to Mayor, Complainant and w/written report		
30 days	Mayor/Code Enforcement Admin initiate legal process: inform prosecutor, send register letter to Defendant.		
	Yes resolved: document achievement, copy CRB File closed		
ASAP after 30 days	No resolve: CRB, Mayor recommends to Town Council to pursue legally		
	No pursue: letter to alleged violator, copy CRB File closed		
	Yes pursue: letter to alleged violator; proceed w/prosecutor		

STEP 1: Written Complaint Received

<u>Actions to Be Taken</u>	<u>Information</u>	<u>Deadline Date</u>	<u>Comments</u>
1) Clerk creates file 2) Clerk forwards letter to Mayor and writes in deadline for Step 2	Date Received: _____ Complainant/ Lot _____ Defendant/Lot _____ Alleged Violation: _____ Date Sent to CRB: _____	By: (Within 7 days of receipt of letter)	

STEP 2: Mayor appoints 2 person CRB

<u>Actions to Be Taken</u>	<u>Information</u>	<u>Deadline Date</u>	<u>Comments</u>
1) Mayor assigns CRB and Clerk records names/ date of CRB assignment and sets deadline for Step 3	Names of CRB : 1) 2) Date Assigned: _____	By: (Within 14 days of Step 1)	

STEP 3: At least one CRB Team member interviews Complainant and Team decides whether to pursue as violation

<u>Actions to Be Taken</u>	<u>Information</u>	<u>Deadline Date</u>	<u>Comments</u>
1) Interview is conducted and documented If No 1) CRB informs Complainant in writing 2) Letter copied to CRB 3) Clerk files letter/closes file If Yes, Step 4 (CRB sets deadline for Step 4)	Date of interview: _____ Method of Interview: Phone _____ In Person _____ E-mail _____ Interviewer(s): _____ _____ Copy of Ordinance to both parties Date Letter Sent: _____	By: (Within 14 days of Step 2)	

Step 4: CRB Team contacts the Defendant and tries to resolve

<u>Actions to Be Taken</u>	<u>Information</u>	<u>Deadline Date</u>	<u>Comments</u>
1) Meeting with Defendant	Date of Meeting: _____ Method of Meeting: _____ Phone _____ In Person _____ E-mail _____ Interviewers: _____	By: _____ (Within 14 days of Interview of Complainant)	
If resolved 1) CRB Team documents details 2) Complainant and CRB notified 3) Team checks on compliance with Complainant 30–45 days later and documents	Date of Documentation: _____ Terms of Compliance: _____		
If not resolved, Step 5 (CRB Team sets deadline for Step 5)	Date of Compliance Check: _____		

Step 5: CRB Team explores further options and sets a deadline with Alleged Violator to comply/ resolve within 14 days

<u>Actions to Be Taken</u>	<u>Information</u>	<u>Deadline Date</u>	<u>Comments</u>
1) CRB documents its efforts 2) Clerk files documentation	Date of Documentation: _____ Deadline for Defendant: _____ Terms of Compliance: _____	By: _____ (Within 14 days of failure to achieve Step 4)	
If resolved, 1) CRB documents details 2) Complainant and CRB notified 3) Team checks on compliance with Complainant and documents	Date of Final Report: _____ Date of Compliance Check: _____		
If not resolved, Step 6 (CRB sets deadline for Step 6 based on Compliance Deadline)			

Step 6: CRB Team reports back to Mayor, Complainant.

<u>Actions to Be Taken</u>	<u>Information</u>	<u>Deadline Date</u>	<u>Comments</u>
1) CRB provides written official report to Mayor 2) Clerk files and sets deadline for Step 6 based on Date of Written Report)	Date of Written Report: _____	By: (Within 14 days of Compliance Deadline in Step 5)	

Step 7: Mayor and/or Code Enforcement Administrator initiates legal process

<u>Actions to Be Taken</u>	<u>Information</u>	<u>Deadline Date</u>	<u>Comments</u>
1) Inform Prosecutor 2) Send registered letter to Defendant requiring compliance within 30 days 3) Copy of letter to CRB and Complainant 4) CRB Team to check with complainant on compliance after deadline date If compliance achieved, 1) Document achievement 2) Copy to CRB and Complainant If compliance not achieved, Step 8	Date of Prosecutor Notification: _____ Date Registered Letter Sent: _____ Date of Required Compliance _____ Date of Documentation: _____	By: (Within 30 days)	

Step 8:CRB Team/ Mayor recommends action to Town Council; TC decides whether or not pursue w/Prosecutor under Nuisance Ordinance or other procedure

<u>Actions to Be Taken</u>	<u>Information</u>	<u>Deadline Date</u>	<u>Comments</u>
1) Council Decision If not pursued, 1) Letter sent to Complainant documenting decision and reasons 2) Letter copied to CRB 3) Clerk closes file If pursued, 1) Proceed with Prosecutor 2) Inform Complainant by letter	Date of Council Decision: _____ Summary of Decision: Date Letter Sent to Complainer: _____	By: ASAP after the 30 days of Step 7	