

GRAND COUNTY COUNCIL MEETING  
December 20, 2005

Grand County Council met on the above date in regular session. Present were Councilmen Jerry McNeely, Chairman presiding, Judy Carmichael, Nate Knight, Joette Langianese, Audrey Graham and Jim Lewis with Clerk Fran Townsend. Rex Tanner absent.

**OTHER ADMINISTRATIVE:**

County Council met with Andrew Fitzgerald regarding the 2006 Public Defender Contract... Andrew had asked for an increase of \$24,000 in his base pay plus health insurance coverage for him and his wife in the new contract. Council apologized to him for not having dialog with him before not approving the request. Andrew had submitted a letter of resignation stating the workload was so heavy he could not continue to serve as Public Defender without added pay. Because the workload is so heavy and will increase even more with the drug court activity, he has no time to handle his private practice. There are also ongoing costs with copies, file folders, letters plus staff needed to answer phones and take care of the correspondence. The council advised Andrew they would review a revision of his contract and bring it up for approval at the first meeting in January.

**ELECTED OFFICIAL AND DEPARTMENT HEAD REPORTS:** Judge Paul Cox came before the council to discuss his salary. He stated he has been trying for six months to discuss salaries for the Justice Court. In particular he is talking about the salary paid to the judges. He referred to a letter received from the AOC. The problem is not just relative to Grand County. Other Counties have the same problem in that they do not pay their judges the salary suggested by AOC. Councilman Langianese pointed out Judge Cox is only here one day a week. Judge Cox says that is because they can only have the courtroom one day a week. He referred to the fact certification process will be coming up again. The Council wishes to do further research pertaining to number of citations, revenue, Moab City, Courts, etc. Clerk Fran Townsend will also research other counties and responsibilities of their Justice Court Judges.

Sheriff Nyland talked to the council about the drug court program including the Federal Drug Court Grant awarded to Grand County. All the entities are getting the program put together. He has received bids for remodel of the room that will be used UA testing, i.e. putting in a sink and drain, etc. Funding can come out of the impact fees to do this. Two bids were received: Dalton Construction for \$2997 and Stiltson Mechanical for \$2,645. The Sheriff's Office has been working with the county Attorney moving forward with the Drug Court program. He would like authorization to award this bid so they are ready to move forward with the testing. Councilman Graham asked why this could not be set up in the

Moab City Offices if they have room. Nyland says no, we need to keep the testing in a secure area. **Motion: Langianese moved to approve request to do the remodel for a UA room and award the bid to Dalton Const seconded by Carmichael. While Dalton Construction is not the low bidder, there were some problems with the other contractor at the MAPS project. Knight voted no, Carmichael, Laniganese, McNeely, Graham and Lewis voted aye. Motion carried 5-1.**

Sheriff Nyland pointed out that Public Defender Andrew Fitzgerald works really well with inmates in the jail and hopes something can be worked out to keep Andrew in that position.

Phil Stubblefield, Manager of the Old Spanish Trail Arena advised the Council there are rumors circulating that he not renting stalls at the OSTA. This is not true, he is renting stalls. The problem comes from an individual who owes back money for stall rent and has been creating problems at the arena for some time. The new Concessionaire is doing a good job. The capital improvement plans to add a new awning to the building on the north side will be a great addition. This is in the 2006 Capital Improvement Plan. They are talking about putting in 40 additional stalls. The Recreation District Board will be meeting the 3<sup>rd</sup> Wednesday in January (January 18 from 6:00 to 6:30 pm) and he is inviting the Council to attend. They will be talking about their Capital Projects plan and presenting it to CIB. They will meet at City Council offices.

**A. APPROVAL OF 2006 COUNTY COUNCIL MEETING SCHEDULE: Motion: Langianese moved to approve the schedule as presented seconded by Carmichael. Motion carried 6-0.**

**B. TAX ROLL CORRECTION:** County Treasurer Peggy Taylor asked the Council to approve removal of \$44.42 taxes charged against Parcel #24-XST-0081 under the name of CC Company. The business is no longer active and there is no value on the property. **Motion: Graham moved to approve request seconded by Knight. Motion carried 6-0.**

**C. AMENDMENT TO ATTORNEY CONTRACT FOR JAMES C. BARKER:** Mr. Barker is our representative in Washington on behalf of the Atlas Tailings Removal. This amendment will change his billing rate from \$12,000 to \$10,000 per month. Langianese reported DOE (Department of Energy) got a call from representatives in Washington D.C. Congress is looking at cutting back on money already appropriated for us for the Atlas clean-up. They advised we need to contact our lobbyist to get ahead of this and Joette contacted him this morning. He is contacting our congressmen. Lewis asked that we get a report on a regular basis from Barker. Langianese says he attaches a report to his bill. **Motion: Langianese moved the amendment be approved seconded by Carmichael. Motion carried 6-0.**

**D. AMENDMENT TO AIRPORT BOARD BYLAWS** This amendment would change the number of members on the board from seven to five. Councilman

Knight would like to stay as a voting member on the board. At this point, one of the five members would be a council member. **Motion: Carmichael moved to approve amendment seconded by Knight. Motion carried 6-0.**

**E. CREATING A LOCAL HOUSING COORDINATING COMMITTEE:** Councilman Graham stated other AOG's have this. The committee does not have any power but would gather information. **Motion: Graham moved to create committee (Audrey says she would serve as Chairman of the committee) seconded by Carmichael. Lewis asked how do we set up committee? Graham says she will work on that. Motion carried 6-0.**

**F. AGREEMENT WITH BROOKSHIER CLEANING SERVICES FOR POTASH ROAD VAULT TOILETS AND LIONS PARK FOR 2006: Motion: Langianese moved to approve contracts for Brookshire cleaning for Lions Park and Potash Road Vault Toilets seconded by Graham. Motion carried 6-0.**

DISCUSSION OF CHANGE IN COMPENSATORY TIME POLICY: Issue was tabled as Tanner was not present.

Graham moved to recess seconded by Lewis. Motion carried 6-0.

EXECUTIVE SESSION: Carmichael moved to enter into executive session at 5:30 p.m. for discussion of Administrator Contract seconded by Knight. Motion carried 6-0. Present were all Councilmen but Tanner with Clerk Fran Townsend and Hattie Schetzle. Graham moved to close session at 5:40 pm seconded by Carmichael. All voted aye.

Carmichael moved to enter an executive session at 5:40 pm to discuss contract negotiations seconded by Graham. Motion carried 6-0. All Councilmen but Tanner were present with Clerk Fran Townsend and Hattie Schetzle. Graham moved to end session at 5:50 p.m. seconded by Carmichael. Motion carried 6-0.

Motion: Lewis moved to enter an executive session at 5:50 pm to discuss pending litigation seconded by Knight. Motion carried 6-0. Present were all Councilmen but Tanner with Clerk Fran Townsend and Hattie Schetzle. Carmichael moved to close the session at 6:07 pm seconded by Lewis. Motion carried 6-0.

Meeting recessed until 7:00 p.m.

Meeting called to order by Chairman McNeely.  
Councilman Knight was not present for the night meeting.  
Pledge of Allegiance was led by Joe Kingsley.

APPROVAL OF PAYMENT OF BILLS: Motion: Carmichael moved to approve bills in the amount of \$628,358.09 (including payroll of \$151,076.60) seconded

by Langianese. Roll call vote: Carmichael – aye, Langianese – aye, McNeely – aye, Graham – aye and Lewis aye. Motion carried 5-0.

CHECK NOS. 42522-42754	\$477,281.49
PAYROLL	\$151,076.60

I. **APPROVAL OF MINUTES DECEMBER 6, 2005 MEETING:** Motion: Graham moved to approve minutes seconded by Lewis. Motion carried 5-0.

CITIZENS TO BE HEARD: NONE.

J. **REPORT ON GRAND COUNTY CLEAN-UP PROJECT:** Joe Kingsley – working to move forward with clean-up especially on old cars. Carmichael was successful in getting a major recycler down from SLC to analyze the Bert swink facility. It is marginal to clean up using steel on property as source of revenue. Tires have been removed from vehicles. There are over 10,000 tires on property. For clean-up to be economically viable – not feasible to clean-up because of tires. We would have to pay for tire removal. Kingsley is asking council for approval for concept. Lewis – what happens to tires? Audrey says landfill cannot accept tires. We would have to pay to have them hauled to SLC. Solid waste board could maybe have funds to help with transport. Joette – not sure it would be feasible for the new County Administrator to have a draft put together by second meeting in January. Council strongly supports this concept.

K. **PUBLIC HEARING FOR REOPEN OF 2005 BUDGET:** County Clerk/Auditor Fran Townsend discussed the memo presented to the Council containing information pertaining to the need for re-opening the 2005 budget. There were increase in utility costs, some personnel changes and transfer of funds for Atlas Tailings Removal Expense in the General Fund. Other funds included additional revenue not budgeted for that needed to be spent this year. There were no comments from the public. Public hearing closed.

L. **CONTRACT FOR NANCY JANE WOODSIDE. COUNTY ADMINISTRATOR:** Motion: Carmichael moved to approve contract seconded by Langianese. She will be starting January 3, 2006 Motion carried 5-0.

M. **RESOLUTION AMENDING 2005 GRAND COUNTY BUDGET:** Motion: Lewis moved to approve resolution to amend 2005 budget. Graham seconded. Roll call vote: Carmichael – aye, Langianese – aye, McNeely – aye, Graham – aye and Lewis aye. Motion carried 5-0.

N. **RESOLUTION ADOPTING THE 2006 GRAND COUNTY BUDGET FOR GENERAL FUND AND SPECIAL REVENUE FUNDS:** Motion: Councilman Lewis moved to adopt with following changes seconded by Langianese: increase Public Defender Budget to original request; Museum budget to cover costs of roof repair, Add line item for Canyon Country Partnership dues, adjustment to Restaurant Tax and Car rental budget as recommended, revision

on the Wild Land Fire Suppression budget, adjust Treasurer budget to cover costs of extra help during tax season and some personnel budgets to bring them in line with the adopted Compensation/Classification guide as adopted by the Council and adjust revenues accordingly. **Carmichael voted no, Langianese - aye, McNeely - aye, Graham - aye and Lewis aye. Motion carried 4-1.**

**O. RESOLUTION APPOINTING MEMBER TO COMPLETE TERM FOR THE THOMPSON SPECIAL SERVICE DISTRICT: Motion: Carmichael moved to adopt resolution appointing Alberta Taylor to serve the remainder of a term on the board, term expiring December 31, 2008 seconded by Graham. Motion carried 5-0.**

**P. APPOINTMENT TO GRAND COUNTY WEED BOARD: Motion: Carmichael moved to appoint Kara Dohrenwend and Gary Wilson, Terms to end 12/31/09 seconded by Langianese. Carmichael, Langianese, McNeely and Lewis voted aye, Graham voted no. Motion carried 4-1.**

**Q. APPOINTMENTS TO GRAND COUNTY PUBLIC LIBRARY BOARD: The Library Board recommend Kathy Wilson and Belenda Ledbetter. Franklin Seal did not reapply to serve. Terms will expire 12/31//09. Motion: Graham moved to appoint Wilson and Ledbetter, Carmichael seconded. Motion carried 5-0.**

**R. APPOINTMENTS TO MOAB AREA TRAVEL COUNCIL ADVISORY BOARD: The Travel Council board recommend Steve Wang and Colin Fryer to be appointed for four year terms with terms expiring 12/31/09 and Michael Smith for one year term to expire 12/31/06. Motion: Councilman Lewis moved seconded by Graham that Steve Wang and Colin Fryer be appointed for four year terms and Michael Smith for the one year term. Motion carried 5-0.**

**S. APPOINTMENTS TO PLANNING AND ZONING COMMISSION: There are three vacancies on the P&Z Commission. Eight (8) applications were received. P&Z recommended D L Taylor, Ed Bridges and Jean Binyon. Motion: Carmichael moved to appoint D L Taylor, Ed Bridges and Jean Binyon to the Planning and Zoning Commission, Langianese seconded. Graham says D L Taylor has been there 16 years and she would like to see a new person. Lewis feels we need experienced persons remaining with two new people coming on board. Robbie Levin withdrew his name. Carmichael, Langianese, McNeely and Lewis voted aye, Graham voted no. Motion carried 4-1.**

OTHER CONSIDERATIONS: none  
Council and Administrative Office: Council office will be closed Thursday and Friday.

Dave Cunningham is interested in leasing the old Senior Center Building for Southeastern Utah Health Department. CNHA is also interested

Motion to adjourn – Langianese moved seconded by Lewis.

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Jerry McNeely, Chairman

Attest: \_\_\_\_\_  
Fran Townsend, Clerk/Auditor