

## GRAND COUNTY COUNCIL MEETING

March 7, 2006

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

Legislative Update: Legislature passed a bill that allows an additional 1.25% Transient Room Tax to be levied by the Counties. This could be used for Brick & Mortar if the County decides to enact this additional TRT fund collection.

A. TRAVEL COUNCIL REPORT FROM MARIAN DELAY: Marion reported TRT collections were up a little over 12% for 2005 with 4 properties still outstanding. Arches National Park was up over 6.5% and Canyon lands 5.8%. Discovermoab.com had almost 13,000,000 hits, up 34.4% over 2004.

The Travel Council has \$45,000 set aside to assist event organizers in advertising their event for 2006. To date we have receive 6 applications for the funding and are encouraging organizers of existing or new events to call us to determine eligibility.

They attended several Trade and Travel Shows and plan to attend four more this year. They continue to host Fam Tours

HB40 passed by the legislature will require additional reporting for use of TRCC funds collected. This will be done working with the County Auditor.

**B. APPROVAL OF BID FOR 2006 WEED CHEMICALS:** Bids were received from Helena Chemical Company in the amount of \$10,012.95 and Intermountain Farmers in the amount of \$9,999.99. Tim Higgs, Weed Dept. Supervisor, recommends awarding bid to the low bidder. *Motion: Carmichael moved to award bit to Intermountain Farmers seconded by McNeely. Delivery of product is included in the bid price. Motion carried 7-0.*

**C. APPROVAL OF BID FOR FURNISHING NEW LIBRARY:** Two bids were received- for two separate bid packages. MBI Business Designs \$12,368 for Lounge Chairs; Spacesaver Intermountain for other library furnishings - \$23,583.47. These are single source providers. *Motion: Graham moved to award the individual bids as presented seconded by McNeely. Motion carried 7-0.*

**D. APPROVAL OF BID FOR PURCHASE AND INSTALLATION OF ONE HEATING/COOLING UNIT AT COURTHOUSE:** Two bids were received: Nelson's Heating & Refrigeration for \$12,085 and Moab Heat -N-Cool for \$12,800. *Motion: Carmichael moved to award bid to Nelson's Heating & Refrigeration, low bidder seconded by Graham. Motion carried 7-0.*

**E. BID FOR MAINTENANCE OF COUNTY HEATING/COOLING SYSTEMS:**

Two bids were received: Nelson's Heating & Refrigeration, Inc Moab Heat-N-Cool.

**Motion: Graham moved to award bid to Nelson's Heating & Refrigeration seconded by Lewis. Nelson is low bidder. Motion carried 7-0.**

**F. AWARD BID FOR MAINTENANCE OF FIRE SUPPRESSION SYSTEMS INCLUDING FIRE EXTINGUISHERS:**

Bids were received from Booth Fire Protection, Inc and State Fire DC Specialties. Travel is not included in their bid. Marvin has called them to inquire about travel expense but has not had response from them at this point.

**Motion: Carmichael moved to table until we know travel expense seconded by Graham. Table until March 21<sup>st</sup>. Motion carried 7-0.**

**G. APPROVAL OF DESIGNATION OF FUNDING \$10,000 TO MOAB CITY FOR HUMANE SOCIETY ANIMAL SHELTER.**

This contribution was approved in a Prior budget year but City of Moab is just now asking for the contribution.

**Motion: Carmichael moved to donate the \$10,000 – funding to come out discretionary funds in the General Fund seconded by Lewis. Knight voted no, rest voted aye. Motion carried 6-1.**

**H. ORDINANCE TO INCORPORATE ALL PREVIOUS TRANSIENT ROOM TAX ORDINANCES INTO ONE ORDINANCE:**

**Motion: Lewis moved to adopt ordinance seconded by Graham. Motion carried 7-0.**

**I. SPECIAL USE LEASE FOR .57 ACRES OF GRAND COUNTY PROPERTY ALONG THE GREEN RIVER:**

Lessee is Tim Vetere. He will use the property to install pump to pump water to a 10,000 acre farm.

**Motion: Carmichael moved to approve seconded by McNeely. Lease is not transferable or assignable. SITLA'S condition for their leases is for 50 years so ours matches the other leases involved in this transaction. Motion carried 7-0.**

OTHER ADMINISTRATIVE: Memo from Dave Warner was presented concerning current Road Projects – comment from Council when ready.

Thompson Springs Water Use agreement between Crescent Junction disposal site, Crescent Junction properties, Thompson Springs Service District, Grand County and DOE has been signed by all parties.

Library budget for building project report presented.

March 10<sup>th</sup> – noon have invited City Council to have lunch with us and work together on future issues. Lunch will be held at the Grand Center. Nate and Jim will be out of town.

The deal with Mark Horwitz and Dave Warner on purchasing a drainage easement for \$31,500 is moving forward. We need a quitclaim deed for purchase of easement.

Position for Arena Manager is being posted tomorrow.

Issue of security at Airport – discussing with Nyland.

Administrator is meeting with Judy and Pat and Frontier – upgrading phone system in building.

Citizens to be heard? Change ? Leave as is.

DOT meeting on issues relating to current projects will be held April 5<sup>th</sup> from 9 to 11. This does not include the bridge over Colorado River.

Ltr from Zions Bank – on UAC Debt – need representative. On next agenda.

Final payment from UDOT from mineral lease - \$212,065.11. A payment of \$48,949.00 was received by the Hospital Service District.

Week from today – retreat will be held from 3 to 6 p.m. at Grand Center. March 14<sup>th</sup>.

Meeting recessed until 6:00 p.m.

EXECUTIVE SESSION: Councilman Graham moved to enter into an executive session at 6:02 p.m. to discuss a personnel issue seconded by Carmichael. Motion carried 6-0. Present were Councilman Langianese, Tanner, Knight, Lewis, Carmichael and Graham with Administrator Nancy Woodside. Carmichael moved to close executive session at 7:00 p.m. seconded by Lewis. Motion carried 6-0.

Pledge of Allegiance was led by Sue Bellagamba.

APPROVAL OF PAYMENT OF BILLS: Motion: Carmichael moved to approve bills in the amount of \$225,937.16 seconded by Knight. Roll call vote: Carmichael – aye, Knight – aye, Tanner – aye, McNeely – aye, Langianese – aye, Lewis – aye and Graham – aye. Motion carried 7-0.

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|------------------------|--------------|
| CHECK NOS. 43601-43712 | \$125,218.85 |
| PAYROLL – 2/6 AND 2/19 | \$100,718.31 |

APPROVAL OF MINUTES: Motion: Carmichael moved to table minutes of February 21<sup>st</sup> meeting seconded by Graham. Motion carried 7-0.

CITIZENS TO BE HEARD: Jack Campbell: talked about land use code. He feels we have removed incentive for affordable housing. He also discussed the General Plan.

David Early addressed the editorial about Forest Service Management, in particular the watershed in Castle Valley and Castleton. He feels Council is not acknowledging concerns about the watershed.

Mike Suarez spoke of the letter Jack Campbell wrote concerning removal of members of the Planning and Zoning Commission. He would urge the council to look at what Campbell said – if what he said was true or opinion.

Lorie Martin – underlying issue – important P&Z not vote on matters they have financial interest in. Should apply to council as well.

Council Reports: Airports –we have a grant to design and plan for new grading and leveling of airport taxi way and runway plus 200 feet on side of runway to make it safer.

Solid waste board is meeting April 6<sup>th</sup>. Graham urged the public to come if you have solutions to removal of junk cars – are working on this. Library – are ordering furniture at this point. Good things happening. County is putting together a relay for life for cancer.

Joette – Moab Tailings – waste management ordinance. Public hearing will be held this evening. Health dist – hired person for independent /assisted living. They will go to CIB for 50% match for this project. Met with “David Olsen – walked through campus of MAPS and working on connecting trails with existing trails.

**N. LEGISLATIVE REPORT:** - Bruce Richeson and Donna Sackett are representatives from Senator Bennett’s office. They want to have better dialog and be available to constituents of Grand County – i.e. IRS, VA – Social Security, or areas where people are struggling with individual situations. An expo will be held April 19<sup>th</sup> – April 20<sup>th</sup> in Vernal.

Bruce does Natural Resources. Councilman Langianese stated we are working on procuring funding for moving the Atlas Tailings pile, but need resources for Grand County to deal with the impacts. The Provo office phone number is 801-851-2525. They are also available to assist with service for Medicare – part d for prescriptions.

O. Report on affordable housing conference in Denver is not available at this time.

**P. PRESENTATION REGARDING LAND AND WATER CONSERVATION FUND ACQUISITION FROM NATURE CONSERVANCY ON MOAB RIM:** The report was presented by Mary Von Koch. Nature Conservancy purchased 160 acres known as Moab Rim. Hiking, biking, etc will still be allowed. They have worked closely with BLM as well as the jeep community and biking to make the transition use friendly.

PUBLIC HEARINGS:

**Q. PRELIMINARY PLAT OF THE TIERRA DEL SOL UPD SUBDIVISION:** Proposal is of a 10.04 parcel of land located north of the Spanish Trail Arena and fronts on Highway 191. Property is currently zoned SLR-1 and proposed 21 Duplex building. Each Unit will be sold separately. Property owner is Pyatt Construction. The Grand County Land Use code as amended to date, Grand county Master plan as amended to date, public hearing notice and Memo to County Council. Councilman Lewis asked how the drainage issue will be addressed. Mary Hofhine says the county engineer asked applicant to address that. Councilman Langianese stated the arena manager says they get complaints concerning dust. Dan says they have irrigation water for the project to keep

the dust down but issue is with arena dust, not the construction project. Public Hearing closed.

**R. PROPOSED AMENDMENT FOR A CONDITIONAL USE PERMIT FOR DAYSTAR ADVENTIST ACADEMY LOCATED ON THE LOOP ROAD APPROXIMATELY 25 MILES FROM MOAB CITY:** Zoning Administrator Mary Hofhine read into the record the following: The Grand county Land Use code as amended to date, Grand County Master plan as amended to date, public hearing notice and Memo to County Council. Proposal concerns school property adjacent to Castle Valley. This academy has a long history in Grand County. They are asking for minimal expansion. There will be a new girl's dorm, boy's dorm, staff housing, Grand Gateway, and Church building with worship space and classrooms along with a Private RV Park – guests only – not open to public. This is a private school. There were no Public Comments. No comments from Council. Public hearing closed.

**S. PRELIMINARY PLAT FOR ESTADOS PUENTES SUBDIVISION LOCATED ON THE CORNER OF SPANISH VALLEY DRIVE AND SPANISH TRAIL ROAD:** Owner Ed Bridges proposes a subdivision of 6.3 acres with residential zone district. Zoning Administrator Mary Hofhine read into the record the following: The Grand County Land Use code as amended to date, Grand County Master plan as amended to date, public hearing notice and Memo to county council. No public comments were heard so Public Hearing closed. Audrey stated property to south belongs to LDS church. Possibly people will be walking and she hopes there will be walking trails included.

**T. PROPOSED AMENDMENT TO LAND USE CODE TO AMEND SEC 8.1.3a**  
This addresses Waste Management Facilities and uses; and Addition of Sec. 3.2. SS Waste Materials Management. Zoning Administrator Mary Hofhine read into the record the following: The Grand County Land Use code as amended to date, Grand County Master plan as amended to date, public hearing notice and Memo to County Council. With upcoming Atlas Tailings removal project – Council & P&Z asked Richard Grice to look at this. No comments from Public. Feds are not required to follow our ordinance, but they are working with us.

**U. PROPOSED AMENDMENT TO LAND USE CODE TO AMEND SEC. 3.3.2 H DUDE RANCH OR DESTINATION RESORTS TO ALLOW SIGNAGE UP TO 192 SQUARE FEET:** This would accommodate signage that is on property of Colin Fryer, more specific to Red Cliff's Lodge. P&Z did recommend approval. Classification of use - Grice says this is very narrow use – applies to only this property. David Early – last few years Grand County has been going in direction to encourage upscale of destination of resorts. Joe Kingsley – lives in Castle Valley – people are confused about where to turn in – can cause accidents because people do not know where the entrance is. He would like to see better lighting on the sign. Feels signage is appropriate. Steve Bolosky – existing signage – out of compliance – this would bring it into compliance – not to create a bigger sign. Would like to see it go back to what was discussed in the early beginning. Mike Binyon – feels will destroy view if we allow bigger signs.

Ed Bridges – propose to the council – return ordinance to P&Z – making a county ordinance for scenic byways. It should be of use to the whole county – not just one person.

Colin Fryer – Signs total more or less 200 Square feet. He is running four different businesses on this site. Museum, restaurant, winery, lodging plus equestrian center where he boards horses. Comparison – Aarchway Inn. Measurement of that sign is 1600 square foot. He is asking for 192 square feet. Not asking for billboard.

Richard Grice – reference made to Aarchway Inn which is a non conforming use and is lawful. Destination resort is not the same as a motel. People decide to go to in advance.

Public Hearing Closed

Tanner feels this is for upscale resorts – P&Z pushed this through just for one person. He is not in favor of this. Does not feel Colin has fulfilled aspects of the PUD from the beginning.

**V. DESIGNATING OLD HIGHWAY TRAIL AS NON-MOTORIZED:** Trail Mix came to county ask if county would give them the use of the Old Highway located north of Moab adjacent to the current 191 highway. Road does not go anywhere! They would make this a single tract for bikes. It has approximately 2. miles of pavement. It would cost county \$350,000 to pave it for vehicles. If we designate this as non-motorized we will lose \$70,200 in B Road dollars. We do want to keep as Right Of Way so it could be used for emergency vehicles, i.e. power lines, etc. Trail Mix would go to CIB to get \$ to pave a 10 foot strip down for bikes. **Motion: McNeely moved to designate Old Highway Trail as Non Motorized Bike Trail – 2.5 miles seconded by Graham. Motion carried 7-0.**

**W. RESOLUTION APPOINTING ONE MEMBER TO THOMPSON SPRINGS SPECIAL SERVICE FIRE PROTECTION DISTRICT BOARD:** This would appoint Brenda Rogers to fill existing vacancy – term to expire 12/31/09. **Motion: Graham moved to adopt resolution seconded by Carmichael. Motion carried 7-0.**

**X: ORDINANCE TO REZONE PROPERTY FROM RR, RURAL RESIDENTIAL TO HC, HIGHWAY COMMERCIAL.** Parcel is located at 3255 So. Highway 191. Tim Keogh and Jim Farrell are property owners and subject property consists of approximately 5.74 Acres. Motion: Graham moved to table item until further notice. Motion failed for lack of second. Graham moved to table issue for one month. She is concerned because we have a lot on the table now. Motion died for lack of second. Motion – Carmichael moved to table for two weeks. Lewis seconded. Knight, McNeely voted no, Langianese, Carmichael, Tanner , Lewis and Graham voted aye. Motion carried 5-2.

Tanner moved to adjourn seconded by Lewis. Motion carried.

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Joette Langianese, Chairman

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