

**Grand County Council Meeting
Council Chambers
125 E. Center Street
Moab, UT**

February 6, 2007

The Grand County Council met for Workshop Session on the above date. The meeting was called to order by Chair Jim Lewis at 3:00 p.m. In attendance were Councilmen Jim Lewis, Gene Ciarus, Bob Greenberg, Jerry McNeely and Joette Langianese, Patricia Holyoak and Audrey Graham along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll.

1. Presentation Regarding Engineering Services Contract (Shawn Warnke)

Shawn Warnke presented data to support the need for in house Engineer Services. Grand Water & Sewer Service Agency would like to discuss the possibility of sharing the duties and cost of the Engineer. Shawn will begin the process of developing job descriptions and interlocal agreements.

Other Administrative

Shawn will be conducting in house employee training on the 5th Tuesday of every month. UCIP will provide the training. The first training scheduled is in Customer Service and Shawn would like every employee to attend. This would mean the Courthouse would be closed for two hours during those trainings.

Executive Session

MOTION: Motion by Councilman Audrey Graham to enter into Executive Session at 3:45 p.m. to discuss personnel issues. Present were Councilmen Jim Lewis, Patricia Holyoak, Joette Langianese, Gene Ciarus, Bob Greenberg, Jerry McNeely and Audrey Graham. Others present were Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. Motion seconded by Councilman Joette Langianese carried 7 – 0.

MOTION: Motion by Councilman Bob Greenberg to end the session at 3:53 p.m. Motion seconded by Councilman Patricia Holyoak carried 7 – 0.

Recess to the Municipal Building Authority meeting at 3:55 p.m.

The Regular Session of the Council meeting was called to order at 4:10 p.m. by Chairman Jim Lewis.

A. Public Hearing Regarding the Intention of Grand County, Utah, to Issue Revenue Bonds to be Used to Finance the Renovation and Construction of a Natural History Building and Related Improvements for the Canyonlands Natural History Association or any Related Company; In the Approximate Principal Amount of Not to Exceed \$800,000.

Ty Burgess and Kraig Black of Wells Fargo Bank explained the process CNHA will go through to obtain a \$550,000 loan at 5.5% interest. Grand County will be the conduit for the money and in the event of default Wells Fargo will foreclose. The closing date has been set for March 1st.

Alice Drogin questioned the tax free money. Ty Burgess explained that the money is taxable to the investor. Wells Fargo will not pay tax on the interest earned. Cindy Hardgrave thanked the Council and Shawn for the help on this project.

Public Hearing closed at 4:25 p.m.

B. Consideration For Adoption of a Resolution Providing for the Financing By the Issuer of the Renovation and Construction of a Natural History Building and Related Improvements (the “Project”) to be Located in Grand County, Utah for Use By For the Canyonlands Natural History Association (the “Borrower”) In Order to Promote the General Welfare of the Residents of the State of Utah; Authorizing and Providing for the Issurnce By the Issuer of Its \$550,000 Revenue Bonds, Series 2007 (Canyonlands Natural History Association Project) Which Will Be Payable Solely From the Revenues Arising From the Pledge of a Loan Agreement Among the Issuer, The Borrower and Wells Fargo Brokerage Services, LLC., As Lender; Authorizing The Execution and Delivery of Said Loan Agreement, Deed of Trust, Escrow Agreement and Related Documents; Confirming the Sale of Said Bonds; and Related Matters.

MOTION: Motion by Councilman Bob Greenberg to approve the resolution as submitted. Motion seconded by Councilman Jerry McNeely carried 7 – 0.

C. Pamela B. Juliano, Eastern Utah Field Representative Office of Congressman Jim Matheson

Pamela was not present for the meeting.

D. Consideration and Approval of Bids for Sheriff Vehicles

Sheriff Jim Nyland received two bids one from Moab Chevrolet and one from Certified Ford and recommended purchasing the 2008 Ford pickups. **MOTION:** Motion by Councilman Patricia Holyoak to approve Sheriff’s recommendation. Motion seconded by Councilman Jerry McNeely carried 7 – 0.

E. Grand County Public Library Report (Eve Tallman)

The Grand County Public Library recently received the 2007 Best Small Library in America Award. Congratulations to Eve Tallman and her staff.

F. Update Victim Advocate Service Grant (Shauna Jones, Attorney’s Office)

Shauna Jones is the victim advocate working under the direction of the Grand County Attorney. The advocate program is partially funded with a VAWA Grant and the purpose is to aid individuals victimized by crime. The Attorney’s Office continues to struggle for adequate space for victim interviews.

G. Discussion and Consideration to Approve a Resolution of Support for Castle Valley Aquifer Study – Alice Drogin, Castle Valley (Geoff Freethey)

MOTION: Motion by Councilman Joette Langianese to approve the resolution as presented. Motion seconded by Councilman Bob Greenberg carried 6 – 1 with Councilman Jerry McNeely opposed.

H. Discussion and Consideration of Approval of a Letter Thanking Cedar City for the Donation of a Fire Truck for the Canyonlands Field (Shawn Warnke)

MOTION: Motion by Councilman Bob Greenberg to approve the thank you letter. Motion seconded by Councilman Audrey Graham carried 7 – 0.

I. Discussion and Consideration of Approval of a Letter to the Moab Valley Fire Protection District Requesting Discussion with Chief Brewer to Provide Fire Protection for the Canyonlands Field (Shawn Warnke)

Chief Corky Brewer is requesting confirmation of Grand County’s interest in further discussion regarding fire protection at the Airport. **MOTION:** Motion by Councilman Bob Greenberg to approve a letter to Moab Valley Fire Protection District. Motion seconded by Councilman Audrey Graham carried 7 – 0.

J. Requested Concurrence of De Minimis Finding US-191 over Colorado Bridge – Michael Baker, Applicant (Shawn Warnke)

MOTION: Motion by Councilman Audrey Graham to sign the concurrence. Motion seconded by Councilman Jerry McNeely carried 7 – 0.

K. Discussion and Consideration to Approve a Statement of Intent to fund the North Moab Recreation Areas Trail – Old Highway Section (Shawn Warnke)

MOTION: Motion by Councilman Joette Langianese to table Item K. Motion seconded by Councilman Gene Ciarus carried 7 – 0.

L. Discussion and Consideration to Approve a Liquor License for Canyonlands By Night – Rachel Paxman, Applicant (Clerk’s Office)

MOTION: Motion by Councilman Joette Langianese to approve the local consent for full service liquor license. Motion seconded by Councilman Jerry McNeely carried 7 – 0.

M. Discussion of MHF Logistical Solution’s Request to Renew the Cisco Bridge Usage Agreement Renewal

Dave Warner – inspected the bridge and recommended the county not allow the weight limit to exceed the maximum for the bridge. Shawn will work with Dave during the next two weeks to identify alternative possibilities.

Administrative Items

Discussion followed regarding Office Space issues. Shawn will prepare a presentation for the February 20th Workshop discussion.

Recess

The evening session of the Grand County Council meeting was called to order at 7:00 p.m. by Chairman Jim Lewis at the Grand Center. In attendance were Councilmen Jim Lewis, Gene Ciarus, Bob Greenberg, Jerry McNeely, Patricia Holyoak, Audrey Graham and Joette Langianese along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll and Pat Byrd. The Pledge of Allegiance was led by Marcus LaFrance.

Payment of bills

MOTION: Motion by Councilman Patricia Holyoak to approve bills presented for payment in the amount of \$971,178.06. Payroll in the amount of \$214,074.07 and accounts payable \$757,103.99 check numbers 48037 – 48297. Motion seconded by Councilman Joette Langianese carried with 7 – 0 roll call vote.

Approval of Minutes

MOTION: Motion by Councilman Joette Langianese to table minutes of the January 16, 2007 meeting. Motion seconded by Councilman Bob Greenberg carried 7 – 0.

Citizens to be Heard

Barb Morra spoke about an item on an agenda 4 ½ years ago regarding the Moab Mesa Land Company and SITLA.

Ryan Holyoak spoke in opposition of Agenda Item R – the Portal RV Resort. He is concerned about turning Rural Residential zoned property into Commercial.

Gary Holyoak spoke in opposition of the Portal RV Resort.

Bill Love thanked the Council for the chance to speak.

Jack Campbell spoke in favor of affordable housing.

O. Proposed Ordinance for a Zone Change Request on 17 acre parcel of Land Located at Murphy Lane and Desert Road, From Rural Residential to Large lot Residential PUD – Jamie Gull, Applicant (Mary Hofhine)

This application is submitted by Redstone Development LLC who seeks to rezone 17.17 acres of property, located at the intersection Cedar Hills Lane and Murphy Lane, from Rural Residential (RR) to Large Lot Residential PUD.

Jamie Gull presented his development to the Council noting the benefits the proposed zone change will provide to Grand County and the surrounding area. The developer feels the zone change meets the goals of the General Plan and will accomplish certain objectives deemed beneficial and desirable for Grand County.

Bill Love spoke in opposition of the proposed zone change noting it would be a sore thumb and is not compatible with the surrounding area.

Greg spoke in opposition of the zone change and suggested the developer continue the project with the current zone.

Anna Conrad provided a Power Point presentation.

David Forgarti requested the Council deny the zone change.

Bob Clauper requested the Council deny the zone change.

Mike Benyon spoke in opposition noting it would be an unfair advantage to other developers who in the past requested bonus density.

Dave Bogner spoke in opposition noting the drainage problem.

Wayne Hoskisson spoke in opposition of the development.

Ann Sherrill is against the rezone for same reasons the Planning Commission stated.

Mike Swarez spoke in opposition asking the Council to consider water issues.

Randy Day spoke in favor of the zone change and requested the Council act on the facts presented to them.

Dan Silva spoke in opposition.

Mary Morain sent each Councilmember a letter and spoke in opposition citing native plants, birds and wildlife.

Liz Thomas spoke in opposition asking the Council to consider a petition with 100 signatures from area residents.

Jonathan Olschewski spoke in opposition with concerns about the water shed.

Councilman Jerry McNeely spoke in favor of the project asking those in attendance if they lived on developed land.

Councilman Pat Holyoak noted the space in the valley and the need for careful planning and development.

Councilman Audrey Graham spoke in favor of smaller homes spread out in affordable housing developments and feels the developer is disrespectful to continually come back and waste the Council's time.

The Public Hearing closed at 8:25 p.m.

P. Proposed Ordinance for an Amended Preliminary Plat Phase 1 for Johnson;s Up-On-Top Mesa Amended PUD – Mark Oligschlaeger, Applicant (Mary Hofhine)

This application is submitted by the Cloudrock Land Company LLC and seeks to amend the Johnson's Up-On-Top Mesa Master Plan and Preliminary Phase I Plat. The request would reduce density in the village and shift substantial density out onto the mesa and pull approved density back further from the edges of the mesa. The proposal would reduce open space in the PUD from about 80 percent to 60 percent. The Planning Commission reviewed the application at a public hearing on December 13, 2006 and recommended approval subject to the conditions in the staff memo dated February 1, 2007.

Councilman Joette Langianese spoke regarding vacating County roads.

Michael Liss noted that after successful litigation his group is back and ready to begin building their community.

Mark Oligschlaeger, a principal with Leucadia Corporation presented the amended proposal request to the Council. The developers currently have an approved plan and they do not intend to change the character of the mesa, but are requesting the 20 percent no longer be classified as Open Space. It now would be categorized as Rural Preserve subject to restrictions.

Councilman Bob Greenberg asked about employee housing. The plans do not include employee housing, but the developer does have the capacity to accommodate employees.

Bill Love spoke regarding the major changes within the last five years. The 2007 Land Use Code protects the area and the USGA has classified it as a recharge area.

Steve Russell disclosed the fact that Councilman Joette Langianese is his wife and in reference to staff comments and recommendations, disagrees that the development agreement from 2002 grants the developer vested rights. Steve feels this request is a total reconfiguration of the project and it must be held to the current process and the current Land Use Code with regard to open space.

John Weischt spoke in opposition stating that Grand County needs affordable housing. Requested the Council consider water issues and not allow development but leave Johnson's Up-On-Top the way it is.

Peter Lawson spoke in opposition of Cloudrock and its magnitude of impact on our community. As a developer working on a development with affordable housing and lots of open space knows it can be done. Feels such a substantial change should be held to current standards.

Steve Olschewski spoke in opposition noting the changes since the original approval.

Jack Campbell spoke regarding the change in open space and compared the Castle Valley development.

Dave Fogerti spoke in opposition commenting on open space.

Wayne Hoskison spoke in opposition noting water as the number one reason.

Mike Swarze requested the amendment be denied and feels the developer should not be bound to the 2002 Land Use Code.

Jennie noted that the social and economic support to the town have already established and is concerned about access via Sunny Acres Lane and Highway 191.

Randy Day spoke in favor stating that Utah is 95% open space and the project will benefit the Grand County tax base.

Mary Merain spoke in opposition and is concerned about the number of houses and water.

Tara Collins spoke in opposition with regard to water issues.

John Andrews with SITLA spoke in favor and noted the number of units for annexation into Grand Water and Sewer Service Agency has not changed. SITLA considers open space along with public schools and stated this project provides income for local schools.

Barb Morra spoke in opposition and requested the Council consider all information presented.

Councilman Audrey Graham invited developers, investors and land owners to an Affordable Housing meeting February 7 at 2:00 p.m. in the Zions Bank basement.

Councilman Bob Greenberg thanked the audience for speaking and attending the meeting.

Mark Oligschlaeger spoke in favor noting the legal interpretation states the developer shall be allowed to modify the density mixture if it meets the requirements. The project was not done in haste and vesting does have a specific meaning and McKay Dee is a responsible developer.

Michael Liss spoke in favor citing the overall nature of the development.

Councilman Joette Langianese announced a special workshop on the February 14th and requested more staff information be provided.

The Public Hearing closed at 9:50 p.m.

Five minute recess.

Q. Discussion and Consideration of a Resolution Accepting Whispering Oaks Ranch, PUD Recreational Subdivision and Release of Bond on the Property Held as Collateral to Michael and Kelly Shumway (Mary Hofhine)

MOTION: Motion by Councilman Bob Greenberg to approve the resolution as submitted. Motion seconded by Councilman Audrey Graham carried 7 – 0.

R. Discussion and Consideration of the Portal RV Resort, Conditional Use Permit – Leroy Ellis, Applicant (Mary Hofhine)

MOTION: Motion by Councilman Bob Greenberg to table the agenda item. Motion seconded by Councilman Joette Langianese. Discussion followed regarding the outstanding conditions set forth by the Planning Commission. **MOTION:** Councilman Bob Greenberg amended the previous motion and moved to return the application to Planning and Zoning for reexamination of the issues of short term use, right of ways and density. Councilman Joette Langianese agreed to amend the second. Motion carried 7 – 0.

S. Discussion and Consideration of the Trails End PUD Final Plat – Jeffrey S. Flanders, Applicant (Mary Hofhine)

MOTION: Motion by Councilman Bob Greenberg to table the agenda item. Motion withdrew. **MOTION:** Motion by Councilman Audrey Graham to approve the final plat for Trails End PUD. Motion seconded by Councilman Jerry McNeely carried 7 – 0.

T. Discussion and Approval to Initiate a Request for Proposal for a Human Resource Consultant to Perform Job Description and Compensation Study (Shawn Warnke)

MOTION: Motion by Councilman Jerry McNeely to table the item until the next meeting. Motion seconded by Councilman Bob Greenberg carried 7 – 0.

U. Discussion and Approval to Initiate a Request for Proposal for Architectural Services to Create Building Plans for the EMS Office and Garage (Shawn Warnke)

MOTION: Motion by Councilman Joette Langianese to approve the agenda item. Motion seconded by Councilman Audrey Graham carried 6 for with 1 abstention from Councilman Gene Ciarus.

V. Discussion and Consideration to Approve Castle Valley’s Representative to the Recreation Special Service District (Shawn Warnke)

MOTION: Motion by Councilman Bob Greenberg to approve the appointment to the Recreation Board. Motion seconded by Councilman Audrey Graham carried 7 – 0.

W. Discussion and Consideration of Approval of Job Description and Authorization to Commence the Recruitment Process for a Land Planner (Shawn Warnke)

MOTION: Motion by Councilman Joette Langianese to approve subject to changes and corrections. Motion seconded by Councilman Jerry McNeely carried 7 – 0.

MOTION: Motion by Councilman Bob Greenberg to adjourn at 10:15 p.m. Motion seconded by Councilman Jerry McNeely carried 7 – 0.

Jim Lewis
Grand County Council Chairman

ATTEST:

Grand County Clerk/Auditor