

**GRAND COUNTY COUNCIL
REGULAR MEETING
Council Chambers
125 E. Center Street
Moab, UT**

March 18, 2008

The Grand County Council met on the above date in the Council Chambers of the Grand County Courthouse located at 125 E. Center Street, Moab, Utah. Chairman Gene Ciarus called the Afternoon Session of the Council Meeting to order at 3:00 p.m. In attendance were Council Members Gene Ciarus, Jim Lewis, Patricia Holyoak, Jerry McNeely, Joette Langianese, Bob Greenberg and Audrey Graham along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. The regular Council meeting recessed until 3:15 to allow for the Municipal Building Authority meeting at 3:00.

Elected Official Reports

Jim Nyland – Sheriff Nyland informed the Council of a major event being planned for the Moab area in August. A committee comprised of County, City and State law enforcement agencies to determine what the needs will be for the event. The event was unknown at budget time so additional funds will be required for the Sheriff's Office. The Sheriff also noted that he is monitoring animal control calls and charges from the City for the use of the shelter. Sheriff's Office is geared up and ready for Jeep Safari.

Presentations

Assessor's Office Pay for Performance Presentation

Dorothy Gough and staff presented their Pay for Performance strategic plan and described the functions of the Assessor's Office. The value of property in Grand County increased in 2007 by over \$180 million dollars. The Assessor's Office is in need of a 4WD vehicle to cover the outlying areas in the County.

Discussion Items

Discussion Regarding Increasing the Transient Room Tax January 2009

Council Member Greenberg led the discussion regarding the possibility of increasing the amount of Transient Room Tax collected by lodging businesses. The proposed increase would amount to approximately \$500,000 with a portion of the funds going to help offset the cost of Grand County law enforcement and Solid Waste. The committee formed by the Council to study the impacts of the increase held meetings with the Travel Council and the Lodging Association and now requested direction on the proposal submitted. The proposed TRT increase will be on the next Council agenda for discussion and action.

Discussion of a Resolution Ratifying the Codification of the Land Use Code

The Community Development Department presented the Council with the current Land Use Code document. On January 15 the County Council approved a major overhaul of the Land Use Code and the next Council meeting agenda will include consideration of a resolution ratifying the codification of the Grand County Land Use Code.

Action Items

Discussion and Consideration of Approving a Resolution Adopting the Pay for Performance as Grand County's Classification and Compensation System

HR Director Pat Byrd suggested the guidelines not be a part of the Policies and Procedures but rather referenced there. **MOTION:** Motion by Council Member Bob Greenberg to adopt the resolution eliminating the last paragraph of the "now, therefore, be it resolved" referring to the Policies and Procedures. Motion seconded by Council Member Patricia Holyoak. Council Member Jim Lewis suggested the steps be clarified to make certain employees understand the program. Motion carried 7 – 0.

Discussion and Consideration of Approving a Ground Lease at Canyonlands Field Between Grand County and George Mandes for Purposes of Constructing a Hangar

MOTION: Motion by Council Member Bob Greenberg to approve the lease with the exception of striking the last sentence in paragraph 6 “title shall be transferred to the County after the lease as described in Section 21 Rights upon Termination” and adding “the Federal Reserve Bank CPI will be used in connection with the 3 year rent adjustments”. Motion seconded by Council Member Joette Langianese carried 7 – 0.

Discussion and Consideration of Approving an Office Space Lease at Canyonlands Field Between Grand County and Great Lakes Airlines

MOTION: Motion by Council Member Joette Langianese to approve the office space lease. Motion seconded by Council Member Jerry McNeely. Council Chair Gene Ciarus requested adding the evergreen clause. All agreed and motion carried 7 – 0.

Discussion and Consideration of Approving a Resolution Granting a Utility Easement from Green River to Crescent Junction for a Proposed Water Line

MOTION: Motion by Council Member Audrey Graham to approve the easement with the addition of all attached equipment to include generators in the 7th whereas of the easement. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

Discussion and Consideration of Re-Approving a Bid to Purchase a Meal on Wheel Truck According to the Purchasing Policy (Verleen Striblen)

This item was on a previous Council agenda but the bid did not include the hot shot portion of the vehicle. The hot shot keeps food hot until it is delivered. Bids were received from Delivery Concepts West (\$31,635.00) and Moab Ford (\$31,804.00). **MOTION:** Motion by Council Member Joette Langianese to approve the bid from Moab Ford in the amount of \$31,804.00. Motion seconded by Council Member Patricia Holyoak carried 7 -0.

CLOSED EXECUTIVE SESSION

MOTION: Motion by Council Member Joette Langianese to enter into Executive Session at 5:15 p.m. to discuss potential and imminent litigation. Motion seconded by Council Member Jim Lewis carried 7 – 0. Present were: Council Members Ciarus, McNeely, Langianese, Graham, Lewis, Greenberg and Holyoak along with Council Administrator Shawn Warnke, County Attorney Happy Morgan and Clerk/Auditor Diana Carroll. **MOTION:** Motion by Council Member Bob Greenberg to end the Executive Session at 5:46 p.m. Motion seconded by Council Member Jerry McNeely carried 7 – 0.

Recess

The evening session of the Council Meeting was called to order at 7:00 p.m. by Chairman Gene Ciarus. Present were Council Members Ciarus, Holyoak, Graham, Lewis, Greenberg, Langianese, and McNeely with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. The Pledge of Allegiance was led by Jerry McNeely.

Approval of Minutes

MOTION: Motion by Council Member Audrey Graham to approve the minutes of the February 6 and March 4, 2008 meetings as corrected. Motion seconded by Council Member Jerry McNeely carried 7 – 0.

Approval of Payment of Bills

MOTION: Motion by Council Member Patricia Holyoak to approve bills presented for payment in the amount of \$546,596.81. Accounts Payable check numbers 53711 – 53913 in the amount of \$415,905.48 and payroll in the amount of \$130,691.33. Motion seconded by Council Member Bob Greenberg carried with a 7 – 0 roll call vote.

Citizens to be Heard

Bill Love spoke regarding oil and gas leases in Grand County and urged the Council to be involved in the permit process.

Consent Agenda

- C. Approval of an Exception (as allowed by the County's Personnel Policies and Procedures) and the Creation of an Alternative Supervisory Plan for Related Employees
- D. Approval of a Letter Sent to BLM Requesting the 3rd Amendment to the Cooperative Management Agreement Between BLM and Grand County Providing for Public Safety Resource Protection and Recreation Management and Maintenance in the Sand Flats Recreation Area
- E. Approval a Resolution Adopting the Local Homeless Coordinating Committee's Ten Year Plan for Housing and Homelessness
- F. Approval of a Beer License for the Sorrel River Ranch
- G. Approval of a Beer License for the Rodeo

MOTION: Motion by Council Member Jerry McNeely to approve the items on the consent agenda. Motion seconded by Council Member Audrey Graham seconded. Council Member Graham requested the Resolution regarding the Homeless Committee Ten Year Plan be removed from the consent agenda. Motion amended and carried 7 – 0.

Public Hearings- Action Items (at the Council Discretion)

H. Public Hearing on Rezoning Request from Rural Residential (RR) to Highway Commercial (HC) for a 1 acre parcel located at 3230 Overlook Road, Ben Byrd & Joe Kingsley

This application is jointly submitted by Ben Byrd and Joe Kingsley. The property consists of approximately one acre and is located at 3230 Overlook Road. The application seeks to rezone the portion of the property currently zoned Rural Residential (RR) to Highway Commercial (HC). Community Development staff found the property was inadvertently zoned RR in 1978 when portions of Spanish Valley were zoned according to their use at the time. The Planning Commission held a public hearing on February 28, 2008 to review and consider the application and found the RR zone was adopted in error and the HC rezone is in conformance with the goals and policies outlined in the General Plan. There were no public comments. **MOTION:** Motion by Council Member Jerry McNeely to approve the rezone. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

I. Public Hearing on the Proposed Grand County Non-Motorized Trail Master Plan

Trail Mix Committee member Sandy Freethy presented the proposed Grand County non-motorized trail Master Plan. Council Member Jim Lewis thanked the Trail Mix Committee for the work done on the plan. **MOTION:** Motion by Council Member Jim Lewis to approve the Grand County Non-Motorized Trail Master Plan as presented. Motion seconded by Council Member Bob Greenberg. Council Member McNeely and Dave Vaughn asked for clarification on the Spanish Valley area trails and thought more work may be needed on them. Council Member Lewis stated that the plan is only a proposal and the pending trails will have ongoing discussion with all agencies involved. The Planning Commission reviewed the plan and recommended approval. Motion carried 5 – 2 with Council Members Ciarus and McNeely opposed.

J. Continuation of a Public Hearing for Four Corners Community Behavioral Health (Jan Bodily, Four Corner Community Behavioral Health

Jan Bodily of Four Corners Community Behavioral Health Executive Director advised that the Grand County Council is the local authority for mental health and substance abuse and required to hold a public hearing to solicit input on mental health and substance abuse needs in the county. These comments will be used as the annual area plan is prepared to submit to the State Division of Substance Abuse and Mental Health.

Mike Suarez spoke in favor of Four Corners Community Behavioral Health and the benefit to the community for victims of abuse.

Public Hearing closed.

K. Public Hearing on an Ordinance Amending the Enabling Language for the Grand County Historical Preservation Commission

Council Administrator Shawn Warnke suggested the Board amendments be done in ordinance format and to allow for a common location. This ordinance will increase the number of Historical Preservation Commission Board members from five to six. Public hearing closed at 8:00 p.m. **MOTION:** Motion by Council Member Jerry McNeely to approve the ordinance as presented. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

L. Public Hearing on an Ordinance which Formally Establishes the Grand County Airport Board

The recommended ordinance formally establishes the Airport Board. Council Administrator Shawn Warnke reported that the Airport Board reviewed the ordinance and recommended approval. The ordinance expands the number of members from five to seven and allows Moab City and the Travel Council to nominate a member. The public hearing closed at 8:05. **MOTION:** Motion by Council Member Bob Greenberg to adopt the ordinance as presented. Motion seconded by Council Member Jerry McNeely carried 7 – 0.

MOTION: Motion by Council Member Bob Greenberg to appoint Vicki Barker to the Historical Preservation Commission and Jason Taylor to the Airport Board to be effective on the date of the ordinance effectiveness. Motion seconded by Council Member Joette Langianese carried 7 – 0.

General Business- Action Items

M. Approval of an Ordinance which Amends the Enabling Language for the Grand County Historical Preservation Commission

See above public hearing

N. Approval of an Ordinance which Formally Establishes the Grand County Airport Board

See above public hearing

O. Discussion and Consideration of Approving an Appointment to the Grand County Historical Preservation Commission

See above public hearing

P. Discussion and Consideration of Approving an Appointment to the Grand County Airport Board

See above public hearing

Q. Discussion and Consideration of Approving Appointments to the Grand County Board of Adjustments

Council Administrator Shawn Warnke reported that there is one vacancy for sure on the Board of Adjustments and possibly two. **MOTION:** Motion by Council Member Bob Greenberg to appoint Steve Russell to fill the vacancy and Robbie Levin to the possible vacancy. Council Chair Ciarus ruled the motion is out of order and stated that an ordinance is in place that requires the board members be interviewed. Council Member Greenberg requested that the Council receive a letter of resignation on the possible vacancy. Community Development staff said that the resignation was conditional on a board appointment. The member did not want to hold up meetings due to lack of quorum and would stay on the board until replaced. Council Member Joette Langianese noted that the Land Use Code states that all or none of the applicants may be interviewed. **MOTION:** Motion by Council Member Joette Langianese to table the appointments until the next meeting to allow the Community Development Department to take the recommendations back to the Board of Adjustments for interviews. Motions seconded by Council Member Bob Greenberg carried 7 – 0.

R. Discussion and Consideration of Approving a Resolution Adopting the Spanish Valley Transportation Master Plan

MOTION: Motion by Council Member Joette Langianese to approve the resolution adopting the Spanish Valley Transportation Master Plan with the Marshall Lane and Mill Creek Drive connectors taken out of the plan. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

Council Reports

Council Chair Ciarus received a letter from the BLM State Director notifying Grand County that Shelley was appointed to temporarily fill the Moab Field Manager position.

Council Member Langianese informed the Council that the Health Care SSD has approved the agreements and they are with the County Attorney. The Revenue Bond process is moving forward. The Hospital has not signed off on the Long Term Facility but are working on it.

Future Considerations

Council Member Greenberg requested an update on the aquatic center and the old library renovation.

MOTION: Motion by Council Member Joette Langianese to adjourn at 8:30 p.m. Motion seconded by Council Member Jerry McNeely carried 7 – 0.

Gene Ciarus
Grand Council Chairman

ATTEST:

Diana Carroll
Grand County Clerk/Auditor