

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

September 2, 2008

The Grand County Council met in regular session on the above date in the Council Chambers of the Grand County Courthouse located at 125 E. Center Street, Moab, Utah. Vice-Chairman Joette Langianese called the Afternoon Session of the Council Meeting to order at 3:05 p.m. In attendance were Council Members Joette Langianese, Jim Lewis, Audrey Graham, Bob Greenberg and Jerry McNeely along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. Council Members Gene Ciarus and Patricia Holyoak were absent.

MOTION: Motion by Council Member Audrey Graham to enter into Executive Session to discuss personnel issues at 3:05 p.m. Motion seconded by Council Member Bob Greenberg carried 5 – 0. Present were Council Members Langianese, McNeely, Graham, Lewis, Greenberg, Council Administrator Shawn Warnke, Clerk/Auditor Diana Carroll, HR Director Pat Byrd and Council Assistant Ruth Dillion. Council Chairman Gene Ciarus and County Attorney Happy Morgan arrived at 3:20 p.m. **MOTION:** Motion by Council Member Gene Ciarus to end the session at 3:25 p.m. Motion seconded by Council Member Bob Greenberg carried 5 – 0.

Chairman Ciarus took over meeting.

Elected Official Reports

Grand County Sheriff Jim Nyland reported that the recent Banditos Motorcycle event went very smooth. There were 1,124 contacts made with motorcycles with 526 contacts spent building relationships with the participants. There were some alcohol and weapons violations reported. The Sheriff's Office was also involved with the investigation of a plane crash near the Canyonlands Airport with multiple fatalities. The Sheriff's Office was called to assist State Lands and Forest Service agencies with the Porcupine Ranch fire.

Agency Reports

Report on Proposal to Construct a Non-Motorized Trail along the Porcupine Rim (Mike Diem, Moab/Monticello Ranger District of the Manti-La Sal National Forest)

The Moab/Monticello Ranger District of the Manti-La Sal National Forest is seeking public comments on a proposal to authorize and construct approximately 2.3 miles of non-motorized single track trail along the Porcupine Rim.

Report on Proposal to Authorize Cattle Grazing on the Deep Creek (Mike Diem, Moab/Monticello Ranger District of the Manti-La Sal National Forest)

The County Council received notice from the Moab/Monticello Ranger District of the Manti-La Sal National Forest regarding a proposal to continue to authorize grazing by issuing a term grazing permit on the Deep Creek C & H Allotment on National Forest System Land. The area lies between the Geyser Pass and Deep Creek drainages in San Juan County.

Mike Diem also gave an update on the Porcupine Ranch fire. The fire burned in an area with steep hills and access to the fire was difficult. As of today there is one Type 1 crew with helicopters to continue to monitor the fire. Mike thanked the Sheriff's Office and Road Department for the assistance. The estimated cost to fight the fire is \$2.2 million and approximately 3,500 acres burned.

Consent Agenda

1. Ratification of Letters to Mayor Sakrison and Mayor Bollermann Regarding the Re-establishment of the Boundary Commission
2. Approval of a Letter Requesting Aerial Balls along the Power Lines Above the Wetlands

3. Approval of the Travel Council Director's Signature on Two (2) Memoranda of Understanding (MOUs) for Co-op Funding with the Utah Office of Tourism
4. Ratification of the Listing for Disposal of the Star Hall Ballast and Light Fixtures

MOTION: Motion by Council Member Audrey Graham to approve the consent agenda. Motion seconded by Council Member Jim Lewis. Council Member Graham would like to add a short statement to the letter regarding the aerial balls to identify the area of the power lines and also request being notified when the work is complete. Council Member Lewis noted that the Travel Council receives matching funds grant money from the State. Motion carried 6 – 0.

Action Items

Discussion and Consideration of Approving a Bid for the Energy Upgrades Request for Bids and Approving the Facilities to Be Upgraded (Marvin Day & Jeff Whitney)

Two Bids were received for the energy upgrade request and were reviewed by the selection committee. Based on the review criteria the committee recommended the bid be awarded to the low bidder Nava Electrical Inc. in the amount of \$55,605. An addition to the project will provide protective lighting for the Old Spanish Trail Arena. **MOTION:** Motion by Council Member Bob Greenberg to approve the bid award and authorize the Council Chair to sign all associated documents. Motion seconded by Council Member Audrey Graham carried 6 – 0.

Discussion and Consideration of Approving a Project Agreement Between the Forest Service and Grand County for the Resurfacing of Oowah Lake Road (Bill Jackson)

The County has an existing agreement with the Forest Service to maintain roads that are within their jurisdiction. This agreement would be a supplement to the existing agreement. The Oowah Lake Road will receive a 4-inch surface layer of aggregate for a distance of approximately 2.9 miles. The road improvements will increase the amount received from Class B Road fund when the project is complete. **MOTION:** Motion by Council Member Jerry McNeely to approve the agreement. Motion seconded by Council Member Bob Greenberg carried 6 – 0.

Discussion and Consideration of Approving a Resolution Authorizing an Employer Pick-up Of Employee Retirement Contributions (Pat Byrd, Human Resource Director)

MOTION: Motion by Council Member Jim Lewis to approve the resolution as presented. Motion seconded by Council Member Bob Greenberg carried 6 – 0.

Discussion of Either Expanding or Creating a Special Service District (Shawn Warnke)

Discussion continued from earlier Council meetings regarding the proposed creation or expansion of special service districts. Council Administrator Shawn Warnke will research further some of the items discussed today and return within the next couple of meetings.

Discussion of an Ordinance Amending Resolution No. 2621 Establishing a Boundary Commission

The ordinance will be on the September 16, 2008 Council agenda for action.

Recess at 5:40 p.m.

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

Approval of Minutes

MOTION: Motion by Council Member Jim Lewis to approve minutes of the July 15, August 5, 12 and 19, 2008 Council Meetings with the suggested corrections by Council Member Greenberg. Motion seconded by Council Member Joette Langianese carried 6 – 0.

Approval of Payment of Bills

MOTION: Motion by Council Member Bob Greenberg to approve bills presented for payment in the amount of \$622,477.19. Accounts payable check numbers 55979 – 56139 totaling \$481,768.04 and payroll in the amount of \$140,709.15. Motion seconded by Council Member Jim Lewis carried with a 6 – 0 roll call vote.

Presentations

Update on the Hospital/Long-Term Care Project (Roy Barraclough, CEO/Administrator of Moab Valley Healthcare, Inc. dba Allen Memorial Hospital)

Mike Bynum and Roy Barraclough both representing Moab Valley Healthcare, Inc. informed the Council of the need to withdraw the long term care facility from the hospital construction project. The Healthcare Special Service District will now move forward with plans to present a package to the Community Impact Board as well as initiating an RFP for a private entity to develop the LTC Facility. The long term care facility was included in the CIB Project list. The Special Service District reports that a 36 bed facility would be feasible to operate in Grand County.

General Business- Action Items

Discussion and Consideration of Approving Proposed Amendment to Transient Room Tax (TRT) Ordinance to Increase the TRT Rate Effective January 2009

MOTION: Motion by Council Member Bob Greenberg to approve the proposed ordinance and authorize Chairman Ciarus to sign a letter to the Utah State Tax Commission informing them of the change. Motion seconded by Council Member Jim Lewis. Council Member Greenberg led the discussion noting that the study committee was appointed in December, 2007 to research the possibility of increasing the TRT rate. The committee met with the Travel Council and members of the lodging association where the topic was discussed and debated extensively. Greenberg feels the process was a good one and it exposed issues and concerns from the lodging industry. Greenberg also noted that the County Council worked extensively on the budget and encouraged other Council Members to consider the proposed ordinance favorably. Council Member Lewis acknowledged the opposition of the lodging industry and reiterated the huge impact tourism has on Grand County. Council Member Lewis also requested favorable consideration. Council Member Graham requested further research to see if TRT can be used at the Canyonlands Airport. Council Member Langianese reminded others the lodging association was not opposed to the increased tax rate, they were just concerned about how the money would be spent. Chairman Ciarus stated that he could not support the increase and that we should put the money back into tourism. Motion failed 3 – 3 with Council Members Ciarus, McNeely and Langianese opposed.

Discussion and Consideration of Approving a Letter of Concern to the Federal Energy Regulatory Commission Regarding the Proposed Pumped Storage Facility at Bull Canyon and Long Canyon (Shawn Warnke)

MOTION: Motion by Council Member Audrey Graham to approve the letter and authorize the Chairman's signature. Motion seconded by Council Member Joette Langianese. Council Member Graham asked for changes to be made in the letter by deleting the 5th bullet and adding "The plan is inconsistent with the current and proposed BLM RMP. If/as this application moves forward we would appreciate being listed as stakeholders and receiving all public updates, notices and hearing schedules". Council Members agreed that the County needs to stay informed regarding this issue. Council Member Graham amended her motion to include the recommended addition. Motion seconded by Council Member Langianese carried 6 – 0.

Discussion and Consideration of Approving the 1st Amendment to the Red Rock Speedway Lease Agreement (Shawn Warnke, Jason Parriott, & Mark Thayn)

The proposed amendment reflects changes made at the facility. The Red Rock Motocross Club now has liability insurance to cover riders. **MOTION:** Motion by Council Member Joette Langianese to approve the amendment to the lease agreement. Motion seconded by Council Member Jim Lewis. Council Administrator Shawn Warnke reminded Council that the changes made in the amendment are in the gray shaded print. Council Member Langianese amended her motion to reflect the changes. Item number 8 will now state "Lessee shall hold 2 – 3 ride days per week for the public subject to; race organization bylaws, weather constraints, availability of water and number of riders". Motion seconded by Council Member Lewis carried 6 – 0.

Discussion and Consideration of Approving an Amount Not to Exceed \$1,300 From the Discretionary Funds for the Preparation of a Survey Plat for Annexing County Property Into the Grand Water District (Shawn Warnke)

MOTION: Motion by Council Member Bob Greenberg to approve the preparation of a survey plat for annexing County property into the Grand Water District with an amount not to exceed \$1,300 for half of the cost annexation with the money coming from discretionary funds. Motion seconded by Council Member Jerry McNeely carried 6 – 0.

General Council Reports

Council Member Greenberg reported that Chuck Howell, CEO of Great Lakes is scheduled to meet with the Airport Board. The Board wants to discuss the possibility of scheduled flights to Salt Lake City and the need for a marketing plan for Canyonlands Field.

Council Member McNeely and Bill Jackson met with Castle Valley representatives regarding surfacing of Castle Valley Drive. With the high price of oil, surfacing the road at this time is not feasible. According to the agreement with Castle Valley, they will not take over the road until it is surfaced and until that happens the County Road Department will continue to maintain the road.

Future Considerations

Council Member Graham reported that in the August 28th edition of The Times Independent, the Utah Division of Oil, Gas and Mining is seeking comments regarding a treatment facility at West Water. Council Member Greenberg suggested a copy of the Cease and Desist letter be sent to the West Water facility. Council Administrator Shawn Warnke informed the Council that he was working with the Planning and Engineering Department on this issue.

MOTION: Motion by Council Member Bob Greenberg to enter into Executive Session at 8:58 p.m. to discuss pending or reasonably imminent litigation. Motion seconded by Council Member Audrey Graham carried 5 – 1 with Council Member McNeely opposed. Present were Council Members Ciarus, McNeely, Graham, Greenberg, Lewis and Langianese, Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. **MOTION:** Motion by Council Member Joette Langianese to end the Executive Session at 9:05 p.m. Motion seconded by Council Member Bob Greenberg carried 6 – 0.

MOTION: Motion by Council Member Joette Langianese to send a copy of the Cease and Desist letter to the Utah Division of Oil, Gas and Mining. Motion seconded by Council Member Bob Greenberg carried 6 – 0.

Meeting adjourned at 9:10 p.m.

Grand County Council

Gene Ciarus, Chairman

ATTEST:

Grand County Clerk/Auditor
Diana Carroll