

GRAND COUNTY COUNCIL
Grand County Council Chambers
125 East Center Street, Moab, Utah

January 6, 2009

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. Chairman Gene Ciarus called the Afternoon Session of the Council Meeting to order at 4:00 p.m. In attendance were Council Members Gene Ciarus, Audrey Graham, Patricia Holyoak, Bob Greenberg, Chris Conrad, Chris Baird and Ken Ballantyne along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll.

Council Chairman Ciarus opened nominations for the election of Council Chair and Vice Chair. Council Member Chris Baird nominated Council Member Bob Greenberg and Council Member Ken Ballantyne nominated Council Member Audrey Graham for the Chair position. The vote for Council Member Greenberg in the Chair position was 4 – 3 with Council Members Ciarus, Ballantyne and Graham opposed. Council Member Bob Greenberg nominated Council Member Audrey Graham as Vice-Chair and with no other nominations Council Member Audrey Graham was named Vice-Chair by acclamation of Chairman Ciarus. Council Member Greenberg took over as Chair of the meeting.

Executive Session

Grand County Attorney Happy Morgan requested the Council hold an Executive Session. **MOTION:** Motion by Council Member Gene Ciarus to enter into Executive Session at 4:06 p.m. to discuss pending or reasonably imminent litigation and for the discussion of the character, professional competence, or physical or mental health of an individual. Motion seconded by Council Member Audrey Graham carried 7 - 0. Present were Council Members Greenberg, Ballantyne, Graham, Baird, Conrad, Ciarus and Holyoak along with County Attorney Happy Morgan, County Clerk/Auditor Diana Carroll, Council Administrator Shawn Warnke, EMS Director Jeff Davis and HR Director Pat Byrd. **MOTION:** Motion by Council Member Gene Ciarus to end the session at 4:27 p.m. Motion seconded by Council Member Ken Ballantyne carried 7 – 0.

Department Head Reports

EMS Director Jeff Davis gave a report on ambulance service for the 2008 year. A comparison of last year showed the number of incidents increased over the prior 2007 annual report.

Travel Council Director Marian DeLay presented a letter from San Juan County Economic Development Director Charlie DeLorme regarding the State's proposed cut in marketing funds for the Utah Office of Tourism. The Travel Council Advisory Board will be sending a letter to Governor Huntsman regarding the proposed cut. Marian reported an 18% increase of TRT collections in Grand County and requested the Council write a letter of concern regarding budget cuts. Council Members requested the Travel Council prepare a letter for County Council consideration at the January 20, 2009 meeting.

Grand County Engineer Mark Wright reported that Planner Krissie Killoy has written grant proposals to the Utah Partner in Conservation District. If awarded, the grants will provide funding for landscape and connection trails on a County owned parcel near Lions Park. The grants are 100% funded with no local match required.

Agency Reports

A. Report on Proposed One-Year Right of Entry Permit for Issuance to Intrepid Potash Moab, LLC (Bryan Torgerson, SITLA)

Bryan Torgerson reported that SITLA has received a right of entry application. Intrepid Potash intends to use this one year right of entry permit to develop another solution based mining point for their potash mining operations. They will be working on approximately 5 acres of trust lands conducting test and exploratory drilling operations.

B. Report on the Forest Service's Proposed Action for the Management of Motorized Wheeled-Vehicle Travel on a Portion of the Moab/Monticello Ranger District of the Manti-La Sal National Forest
Manti La Sal National Forest Service District Ranger Mike Diem, presented his scoping letter regarding the Forest Service's proposed action for the management of motorized wheeled-vehicle travel on a portion of the Moab/Monticello Ranger District. The proposal focuses on changes within seven areas on the Ranger District within the La Sal Unit. The Forest Service requested public comments on the proposed action be received by January 16, 2009.

Presentations

C. Moab Area of Chamber of Commerce Presentation

Moab Area Chamber of Commerce Executive Director Sarah Bauman and Interim President Phil Mueller made a short presentation introducing the Chamber to Council Members. The Chamber requested the Council contribute to them and reported that the City of Moab provides office space to the Chamber as their contribution.

Consent Agenda

D. Approval of a Letter of Support Regarding Southeastern Utah Regional Mentoring

E. Approval of Indemnification Document for Issuing a Building Permit in the Flood Plain

F. Approval of a Letter of Support for the Monitoring Program for the Tamarisk Beetle

G. Approval of a Letter to the Colorado River Board of California Notifying them of Contact Information for the Moab Tailing Project Steering Committee

H. Approval of a Letter of Support for Continued Funding in the State Budget for the Moab Music Festival

MOTION: Motion by Council Member Gene Ciarus to approve the consent agenda changing the letter from Council Member Greenberg to the State of California, to a letter on the County Council letterhead. Motion seconded by Council Member Chris Conrad carried 7 – 0.

Action Items

I. Discussion and Consideration of Re-Approving the IT Contractor for the Library

Council Member Ciarus wanted to know the status of the IT employee position. Council Administrator Shawn Warnke said he is working on office space for the employee. **MOTION:** Motion by Council Member Audrey Graham to approve the contract and authorize the Council Chair to sign the agreement. Motion seconded by Ken Ballantyne. Chair Greenberg suggested a policy regarding re-bidding contracts. Motion carried 7 – 0.

J. Discussion and Consideration of 2009 Utah State University Extension Cooperative Agreement with Grand County

Mike Johnson, Utah State University Extension County Director, presented information regarding the Extension program in Grand County. Several new programs were introduced recently and Mike is in the process of developing a VITA site here to assist moderate to lower income individuals with tax preparation. Mike also presented the USU Cooperative Agreement for Council consideration. **MOTION:** Motion by Council Member Chris Conrad to approve the agreement as presented. Motion seconded by Council Member Gene Ciarus carried 7 – 0.

K. Discussion and Consideration of Approving a Change Order with Nava Electric to Install Energy Upgrades

Based upon the cost associated with the change order received from NAVA Electric, Grand County Facilities Supervisor Marvin Day recommended the Council reject the bids approved earlier by the Council. **MOTION:** Motion by Council Member Gene Ciarus to approve rejection of all of NAVA Electric bids and direct the Maintenance Department to make energy upgrades as deemed appropriate. Motion seconded by Council Member Chris Conrad carried 7 – 0.

L. Discussion and Consideration of Appointing Council Representatives and Liaisons to Boards, Commissions and Committees

Through discussion and with Council Members volunteering Council Chair Greenberg appointed most vacant board positions. Council Members wanted the record to reflect the following changes: **MOTION:** Motion by Council Member Gene Ciarus not to appoint an official county liaison to all public land administrators/agencies boards. Motion seconded by Council Member Audrey Graham carried 5 – 2 with Council Members Greenberg and Baird opposed. **MOTION:** Motion by Council Member Audrey Graham to have the Council representative of the Mental Health Board and Public Health board to be the same person to save on travel expense as the meetings are held on the same day. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

M. Discussion and Consideration of Authorizing the Payment of an Invoice for Engineering Services for Dewey Bridge (Historical Preservation Commission)

Historical Preservation Commissioners Bruce Louthan, Russ von Koch and Vickie Barker presented information regarding the reconstruction of the Dewey Bridge. Former Commissioners authorized DGP Consulting Engineers to perform a feasibility study, which showed the bridge could be rebuilt. The cables seemed to be okay but would require further testing. The Historical Preservation Commission wants to move forward with fund raising and will put an ad on the County website and have the donations collected in the Clerk's Office. **MOTION:** Motion by Council Member Ken Ballantyne to approve payment of the invoice from DGP Consulting. Motion seconded by Council Member Patricia Holyoak. Council Member Graham expressed concern from tax payers regarding the use of tax dollars to rebuild the bridge. Motion carried 6 – 0 with Council Member Ciarus abstaining from the vote.

Discussion Items

N. Discussion of a Resolution Amending the Bylaws for the Historical Preservation Commission

Council Administrator Shawn Warnke presented the proposed resolution and reported it has been forwarded to the County Attorney for review. The resolution will be presented for consideration at the next Council meeting.

O. Discussion of Calendar Items and Public Notices (Ruth Dillon & Shawn Warnke)

P. Discussion of Evening Session Items (Shawn Warnke)

Recess at 6:15 p.m.

The evening session of the Council Meeting was called to order at 7:00 p.m. by Chairman Bob Greenberg. Present were Council Members Gene Ciarus, Bob Greenberg, Patricia Holyoak, Audrey Graham, Ken Ballantyne, Chris Baird and Chris Conrad with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. The Pledge of Allegiance was led by Council Member Ken Ballantyne.

1. Approval of December 16, 2008 Minutes

MOTION: Motion by Council Member Audrey Graham to approve minutes of the December 16, 2008 Council Meeting with the changes suggested by Council Chair Greenberg. Motion seconded by Council Member Patricia Holyoak carried 5 – 0 with Council Members Baird and Ballantyne abstaining from the vote.

Approval of Payment of Bills

MOTION: Motion by Council Member Patricia Holyoak to approve bills presented for payment in the amount of \$622,032.03. Accounts payable check numbers 57587 – 57800 totaling \$324,637.81 and payroll in the amount of \$297,394.22. Motion seconded by Council Member Gene Ciarus carried with a 7 – 0 roll call. Clerk/Auditor Diana Carroll confirmed the bills presented were within budgeted appropriations.

Citizens to Be Heard

Bill Love spoke regarding an illegal dumping site recently opened under the pretense of a farming operation.

Rebecca Stone spoke regarding the level of ambulance service and requested a committee study the possibility of advancing the service.

Michelle Steele spoke favor of the current level of ambulance service.

Public Hearings

2. Public Hearing on the Question of Establishment of The Grand County Transportation Special Service District

The Public Hearing opened at 7:15 p.m. Council Member Ciarus noted that trails have been added to the Special Service District and UDOT does not recognize trails as transportation. Council Member Greenberg recalled a letter from Kimberly Schappert requesting the Council set aside a portion of the Mineral Lease funds for trail maintenance.

Rita Brumol addressed the comment about bikes not being transportation.

Trail Mix Committee Member Sandy Frethey said Trail Mix is in favor of anything that will give funding to trail maintenance.

The Public Hearing closed at 7:20 p.m. Written comments will be received until January 21, 2009.

3. Public Hearing on a Proposed Resolution Amending the Approved Southgate Preliminary Plat

County Engineer Mark Wright prefaced comments with an acknowledgement of the following: "the applicant has increased the percentage of impervious area in the commercial lots. The National Resource Conservation Service runoff estimation method uses a minimum impervious area in commercial zones of 75%. The drainage report provided by the applicant uses an impervious area of 50% for commercial lots. It is my opinion that for the purpose of runoff calculations impervious area in all commercial zones should be a minimum of 75%. A drainage easement will likely be necessary on lot 22 to direct the flows towards the proposed detention basin. Off site drainage easements will likely be necessary to convey the outflow from the proposed detention basin to a stream channel."

This application is submitted by property owners Tim Keogh and Jim Farrell (applicants). The property is zoned Highway Commercial (HC) and consists of 12.8 acres. The applicant proposes reducing the existing approval of 55 residential units to 40 units with lost units changed to either two large commercial lots or two large residential lots. The Planning Commission reviewed the application in a Public Hearing on November 12, 2008 and recommended approval subject to the conditions set forth in the staff report dated January 6, 2009. Applicant Tim Keogh said the issues regarding the commercial lots will be addressed at final plat with a commercial site plan. There were no public comments and the public hearing closed 7:30 p.m.

General Business- Action Items

Discussion and Consideration of a Proposed Resolution Approving the Pueblo Verde, Phase II Final Plat

The application is submitted by Jim Farrell on behalf of the property owner SLI Commercial Real Estate. The property consists of 28.2 acres zoned Planned Unit Development (PUD) with a Rural Residential (RR) base zoning district. The property is being developed in two phases and includes 28 lots. The Planning Commission reviewed the application at a public hearing on November 12, 2008 and recommended approval subject to the conditions set forth in the staff report dated January 6, 2009. **MOTION:** Motion by Council Member Gene Ciarus to approve the final plat for Pueblo Verde, Phase II with the three conditions set forth by the by the Planning Commission. Motion seconded by Ken Ballantyne. Council Member Ciarus explained the reason for the proposed sunset clause for Chapman Lane road conditions is due to a sand dune and the high cost to maintain. Motion carried 5 – 2 with Council Members Graham and Greenberg opposed. Council Member Baird requested the staff create a template for further Council review.

Discussion and Consideration of Board Appointments to the Canyonlands Health Care Special Service District Board

MOTION: Motion by Council Member Audrey Graham to approve the appointment of Kyle Bailey to serve in the at-large position of the Canyonlands Healthcare Special Service District Administrative Control Board with term expiring 12/31/2012. Motion seconded by Council Member Gene Ciarus carried 7 – 0.

General Council Reports

Council Member Graham will be attending a Smart Growth conference in Albuquerque, NM.
Council Member Ballantyne reported that the Hospital District will be going to CIB with a request for funding on the Long Term Care facility.

Future Considerations (Time Permitting)

Council Member Graham would like a report from the Planning Office regarding the Cisco Project Mr. Love spoke about.
Council Members Ciarus, Graham and Holyoak will attend the School Board meeting January 13, 2009 at 3:00 p.m.

Adjourn

MOTION: Motion by Council Member Patricia Holyoak to adjourn at 7:50 p.m. Motion seconded by Council Member Chris Baird carried 7 – 0.

Bob Greenberg
Grand County Council Chairman

ATTEST:

Diana Carroll
Grand County Clerk/Auditor