

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

February 3, 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 Bob Greenberg called the Afternoon Session of the Council Meeting to order at 4:00 p.m. In attendance were Council Members Bob Greenberg, Gene Ciarus, Audrey Graham, Patricia Holyoak, Chris Conrad, Chris Baird and Ken Ballantyne along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll.

Department Head Reports

A. 2008 Weed Department Report

Grand County Weed Supervisor Tim Higgs presented his work plan to Council Members. Some current and future projects cross the county lines of San Juan, Uintah, Emery and Mesa, Colorado counties. Weed Board representative, Council Member Conrad, suggested the Weed Department make a presentation regarding noxious weed to the Council.

B. 2008 Sand Flats Recreation Area Report

Sand Flats Director Andrea Brand reported increased use at the Sand Flats Recreation Area during 2008. The use fees paid through a State Institutional Trust Lands permit will be approximately \$20,000. Law enforcement to the area comes from the services provided by the BLM. The county services provided by SFRA include maintenance, toilet cleaning, information, brochures and maps.

EMS Director Jeff Davis presented bid results for the purchase of a new ambulance. Funding for the purchase will come from a grant from the State of Utah in the amount of \$25,000 along with proceeds from the sale of the old ambulance. It was reported that State funding for these types of grants will be cut in the future.

Canyonlands Field Airport Manager Kelly Braun requested the Council Chairman sign the grant paperwork for the upcoming FAA project. Armstrong Consultants attended a recent Airport Board meeting to explain how proposed stimulus money will fund the airport lighting project. The grant application needs to submit immediately as funds will be distributed for projects that are ready to begin immediately. The funding package will be \$647,000 and will not require County matching funds. The Chairman will sign the grant documents and will ratify the decision at the next meeting on the consent agenda.

Presentations

C. Report on Public Defender Contract Performance

Grand County Public Defender Andrew Fitzgerald discussed his performance since the recent contract with the Parental Defender Joyce Smith. Juvenile Court is taking additional time and Andrew suggested taking \$500 from his contract and adding that amount to Joyce Smith's contract and she would take over the Juvenile Court cases each Monday. The contract amendment will be considered at a future date.

D. Presentation of Annual Payment in Lieu of Taxes (PILT) for Division-Owned Lands in Grand County

Bill Bates, Regional Supervisor, Utah Division of Wildlife Resources, presented the 2008 PILT payment for Grand County in the amount of \$4,358.49. Bill also reported on projects in the area including a bison transplant from the Henry Mountain to the Bookcliffs area and a big horn sheep collaring that was based at the airport.

Consent Agenda

E. Approval of a Draft Letter to the United States Board on Geographic Names Giving Grand County Council's Opinion on a Proposal to Make Official the Name "Corona Arch" for an Arch near Arches National Park in Grand County, Utah

F. Approval of a Bid for the Maintenance of Heating and Cooling Systems of County Facilities and Authorizing the Chair to Sign the Contract

G. Approval of a Bid for Window Washing Services of County Facilities and Authorizing the Chair to Sign the Contract

H. Approval of a Bid for Maintenance on County Fire Suppression Systems and Authorizing the Chair to Sign the Contract

MOTION: Motion by Council Member Audrey Graham to approve the consent agenda with the change to the letter regarding Corona Arch. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

Action Items

I. Discussion and Consideration of Approving a Firm (Contingent Upon Contract Negotiations) for Professional Engineering Services for the Lion's Park Transit Hub and Authorizing County Staff to Start Negotiations of a Contract

The selection committee recommended Horrocks Engineering to provide engineering services for the Lion's Park Transit Hub project. **MOTION:** Motion by Council Member Chris Baird to accept the joint proposal from Horrocks Engineers, MHTN Architects and RB&G Engineering and grant these firms joint, coordinated authority to perform Architectural and Engineering Services for Grand County within the Lion's Park Transit Hug FTA ATPPL Grant contingent upon the execution of a contract, further authorize the Chair to sign contracts and agreements associated with the Grant's procurement of engineering services, and further authorize County staff to start contract negotiations. Motion seconded by Council Member Chris Conrad carried 7 – 0.

J. Discussion and Consideration of Moab City's Notice of Proposed Annexation of 0.61 Acres Located at Approximately 792 West 400 North and Consideration of Protest

The County received notice of from the City of Moab regarding a proposed annexation. The annexation includes a road easement owned by Grand County on 400 North that would become the responsibility of the City. **MOTION:** Motion by Council Member Gene Ciarus to draft a letter to the City requesting clarification of their intent regarding the road. Motion seconded by Council Member Patricia Holyoak. Council Member Graham thought the County should protest the annexation until the road issue is settled. Motion carried 6 – 1 with Council Member Graham opposed. **MOTION:** Motion by Council Member Audrey Graham to protest the annexation due to the fiscal impact and road issues. Motion seconded by Council Member Ken Ballantyne. Council Members discussed the need for a protest and decided it may be best to address the issue. Motion fail 1 – 6 with Council Members Graham, Greenberg, Conrad, Baird, Ciarus and Holyoak opposed.

K. Discussion and Consideration of a Resolution Amending the County Policy and Procedure Manual Creating Volunteer Service, Employment Promotion and In-House Recruitment Policy and Procedure

MOTION: Motion by Council Member Chris Baird to postpone until the next meeting. Motion seconded by Council Member Audrey Graham carried 7 – 0.

M. Discussion and Consideration of Setting a Date for the Council Retreat and Confirming a Date for a Council Workshop on Amendments to the Policies and Procedures of the Governing Body

Council Chairman Greenberg set February 25, 2009 from 3:00 to 5:00 p.m. as the date to work on Policy and Procedures. The Council retreat will be held March 31, 2009 beginning at 9:00 a.m. and will include lunch with elected officials. The proposed agenda will be presented at a future meeting.

N. Discussion and Consideration of Approving and Authorizing the Publication for a Carpet Request for Bids for the Courthouse and Moab Information Center

Grand County Facilities Manager Marvin Day presented the bid specifications for carpet at the Courthouse and the Moab Information Center and reported that the estimate is high as it includes square footage of areas not needing carpet. **MOTION:** Motion by Council Member Ken Ballantyne to approve the carpet bid for the Courthouse and the Moab Information Center and authorize the staff to make minor adjustments and notice this RFB at the soonest possible time. Motion seconded by Council Member Chris Baird carried 7 – 0.

Discussion Items

O. Discussion of Creating Specifications for Heating and Cooling Controls for the Courthouse

Grand County Building Official Jeff Whitney reported that the control system is antiquated and cannot be upgraded. Council Members gave staff direction to create specifications to go to bid with.

P. Discussion of Calendar Items and Public Notices

Q. Discussion of Evening Session Items

Recess at 6:25 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 Chris Baird.

1. Approval of December 16, 2008 Minutes

MOTION: Motion by Council Member Gene Ciarus to postpone approval of minutes of the January 20, 2009 Council Meeting. Motion seconded by Council Member Ken Ballantyne 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 \$419,097.81. Accounts payable check numbers 58036 – 58212 totaling \$284,586.18 and payroll in the amount of \$134,511.63. 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.

Presentations

2. Presentation on Closure of Matrimony Spring

Jim Adamson, Southeastern Utah District Health Department presented collection reports from Matrimony Spring showing unsatisfactory levels of coliform in the water. Jim reported that the geological seal has changed causing the water to become contaminated. The Southeastern Utah District Health Department ordered the spring closed effective immediately. Jim will put a sign up and requested that the County Road Department pull the pipe.

3. Presentation on Federal Economic Stimulus Funds Opportunity for Programs Including Seekhaven

Mike Suarez and Jaylyn Hawks reported that the state is cutting funding for programs like Seekhaven. Congressman Matheson's office suggested the use federal stimulus funds to replace the state funding.

General Business- Action Items

4. Discussion and Consideration of Approving a Draft Letter of Support Regarding an Economic Stimulus Opportunity for Programs Including Seekhaven

MOTION: Motion by Council Member Audrey Graham to approve a letter of support with detail regarding employment impacts and authorize the chair to sign the letter. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

5. Discussion and Consideration of Approving a Resolution Amending the Approved Southgate Preliminary Plat

Community Development staff noted a correction on the resolution in the number of lots from 55 to 43 lots. **MOTION:** Motion by Council Member Ken Ballantyne to approve the resolution with the recommended correction. Motion seconded by Council Member Chris Baird carried 7 – 0.

6. Discussion and Consideration of Approving a Proposed Amendment to the Land Use Code to Allow "Telecommunications Towers and Facilities" and "Outfitters, Guide Services and Facilities" to the List of Uses Allowed by Conditional Use Permit in the GB, General Business Zone District

MOTION: Motion by Council Member Chris Baird to approve the amendment as presented. Motion seconded by Council Member Gene Ciarus carried 7 – 0.

7. Discussion and Consideration of Approving the Final Resolution Creating The Grand County Transportation Special Service District, Including Appointing Individuals to Serve on the Administrative Control Board of the District, and Approval of a Letter to the Lt. Governor's Office Certifying that the Council has followed the Required Steps in the State Code to Create the District

Council Administrator Shawn Warnke provided a slide presentation with information regarding the creation of the Transportation District. **MOTION:** Motion by council Member Gene Ciarus to approve the resolution establishing the Grand County Transportation Special Service District deleting the bulleted items of Section 6 regarding bike lanes. Motion seconded by Council Member Patricia Holyoak. Council Member Ciarus reported that two districts cannot overlap services provided. Council Chairman Greenberg request they follow procedure of reviewing the document paragraph by paragraph. **MOTION:** Motion by Council Member Audrey Graham to postpone the item for two weeks given the facts addressed tonight. Motion seconded by Council Member Ken Ballantyne. Council Member Baird wanted to be upfront that he absolutely opposed Council Member Ciarus' motion and that he wanted trail language in the resolution. Council Chairman Greenberg stated the discussion was on

postponement. Council Member Graham withdrew her motion. The first motion to approve by Council Member Ciarus was now back on the table for consideration. Chairman Greenberg opened each section for consideration.

MOTION: Motion by Council Member Chris Baird to amend Section 5 to set the boundaries as the unincorporated areas of the County. Motion seconded by Council Member Audrey Graham. Council Administrator Shawn Warnke noted that the legal description for the County was huge and that Dave Vaughn is concerned about the work involved creating a legal description. Motion carried 6 – 1 with Council Member Conrad opposed.

MOTION: Motion by Council Member Chris Baird to amend the resolution pulling the strike outs and insert the language from the previous draft regarding commuter trails from Spanish Valley. Motion died for lack of a second.

MOTION: Motion by Council Member Chris Conrad to reinstate the 5th bullet. Motion seconded by Council Member Ken Ballantyne. Council Member Baird requested to see a statement from UDOT. Council Member Graham would like to see language from the Attorney that the district would create an overlap. Motion carried 5 – 2 with Council Members Ciarus and Holyoak opposed.

MOTION: Motion by Council Member Audrey Graham to reinstate the 2nd bullet. Motion seconded by Council Member Chris Baird. Council Member Graham amended her motion to include maintenance of any paved lane public trail within the District's boundary and changing "trail" to "lane". Motion carried 6 – 1 with Council Member Ciarus opposed.

MOTION: Motion by Council Member Chris Conrad to re-word Section 6 from "directly contiguous" to "touching with contact". Motion seconded by Council Member Patricia Holyoak carried 5 – 2 with Council Member Ciarus and Baird opposed.

MOTION: Motion by Council Member Patricia Holyoak to amend Section 11 subject to review by the Attorney to allow the Council Member appointee to reside outside the District boundary. Motion seconded by Council Member Chris Conrad carried 6 voting in favor with Council Member Ciarus abstaining from the vote.

MOTION: Motion by Council Member Audrey Graham that pursuant to attorney opinion to amend after the conclusion of the first term of office all terms thereafter, other than the Council Member's term. Motion seconded by Council Member Chris Conrad carried 6 voting in favor with Council Member Ciarus abstaining from the vote.

MOTION: Motion by Council Member Audrey Graham to delete the third paragraph of Section 11 "the Council has considered that..." Motion seconded by Council Member Chris Conrad failed 1 – 6 with Council Members Holyoak, Ciarus, Baird, Conrad, Graham and Ballantyne opposed.

MOTION: Motion by Council Member Chris Baird to postpone the approval of the resolution as amended until the evening session of the next Council meeting and interview the candidates in the afternoon session. Motion seconded by Council Member Chris Conrad carried 6 – 1 with Council Member Ciarus opposed.

General Council Reports

Council Member Ciarus worked with the Attorney General's Office taking affidavits from area residents for Class D Roads.

Council Member Baird attended the Grand County Recreation Special Service District Board meeting and also attended the Utah Association of Counties Newly Elected Officials Training.

Council Member Conrad attended the UAC training where he met with Christine Watkins and David Hinkins and was invited to meet with Uintah County Commissioners.

Council Chairman Greenberg noted that the cross wind data for the airport is now in place. He also attended UAC meetings regarding proposed cuts targeting county run programs like Meals on Wheels, Drug Court and Mental Health funding.

Council Member Graham reported that the Housing Authority of SE Utah did receive money for sweat equity housing. The DOE wanted to know if they could close the DOE Reading Libraries at Crescent Junction and Grand Junction as no one has used either of them.

Council Member Ballantyne reported that Grand County will soon be asked to help San Juan County residents to be able to use the library.

Adjourn

MOTION: Motion by Council Member Ken Ballantyne to adjourn at 10:00 p.m. Motion seconded by Council Member Chris Baird carried 7 – 0.

Grand County Council Chairman

ATTEST:

Diana Carroll
Grand County Clerk/Auditor