

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

April 7, 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 3:00 p.m. In attendance were Council Members Bob Greenberg, Audrey Graham, Ken Ballantyne, Patricia Holyoak, Chris Conrad and Chris Baird along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll.

Department Head Reports

Grand County Travel Council Director Marian DeLay invited Council Members to attend an informal meeting with Senator Hinkins.

Grand County Engineer Mark Wright spoke to Council Members regarding a contract for design work on the Lions Park project.

Agency Reports

A. Report on the Lake Bottom Fire along the Dolores River (Zack Farmer, Grand County Fire Warden)

Sheriff Nyland was present and requested this item not be discussed until the investigation of the fire is complete.

Presentations

Pam was running late by consent moved the agenda.

B. Briefing and Introduction of Eastern Utah Field Staff for the Office of Congressman Jim Matheson UT-02 (Pamela Juliano, Field Representative)

Pam Juliano introduced herself and reported that Congressman Matheson is opening mobile offices throughout the State. The mobile office will begin in Wasatch County and will be in Southeast Utah toward the end of April.

C. Presentation on SITLA's Plans, Priorities and Predictions for Spanish Valley (Kay Burton, Resource Planner & Doug Buchi, Assistant Director for Development, School & Institutional Trust Lands Administration)

Bryan Torgerson introduced Kay Burton, Resource Planner for SITLA, who thanked the Community Development Staff for their help with recent projects. A committee working on the Spanish Valley block of State Institutional Trust Lands Planning Project has developed a plan they hope to have approved within the next nine months. The majority of the projects in the plan are in San Juan County. Grand County projects include Lemon Lane and the USU parcel. The plan will be available on the SITLA website within the next 60 days.

D. Presentation on Lions Park Planning (Marcy DeMillion, National Park Service – Rivers, Trails, and Conservation Assistance Program)

The Rivers, Trails and Conservation Assistance (RTCA) Program is the community assistance arm of the National Park Service. RTCA staff provides technical assistance to community groups and local, state, and federal government agencies working to protect natural areas and water resources and enhance recreation opportunities. Marcy DeMillion is the only staff person in Utah and is currently working on the Lions Park grant in Grand County. Council Administrator Shawn Warnke will be working with UDOT and Moab City to resolve multi-jurisdiction ownership issues and will prepare the necessary documents for approval at the end of April.

Action Items

E. Discussion and Consideration of Awarding a Bid for the Carpet Removal and Replacement for the Grand County Courthouse and Moab Information Center (Marvin Day & Jeff Whitney)

The selection committee reviewed the bids received and recommended approval of the local contractor, Flooring America. **MOTION:** Motion by Council Member Chris Conrad to award the bid submitted by

Flooring America in Moab for the Courthouse and the Moab Information Center (MIC) following Option B Flooring Specifications, and utilizing the carpet, baseboard and glue choices as submitted and to authorize the Chair to sign the agreement and associated documents. Motion seconded by Council Member Chris Baird carried 7 – 0.

F. Discussion and Consideration of Restructuring of the Community Development and Building Departments (Shawn Warnke)

Council Administrator Shawn Warnke presented information to the Council regarding restructuring of the Community Development and Building Departments stating that the County could improve services provided to the public by restructuring the departments. The Interlocal Agreement with Moab City regarding inspections will remain the same. **MOTION:** Motion by Council Member Audrey Graham to direct the Council Administrator to explore options and ramifications of restructuring and bring the results back to the Council. Motion seconded by Council Member Gene Ciarus failed 3 – 4 with Council Members Greenberg, Ballantyne, Ciarus and Holyoak opposed. **MOTION:** Motion by Council Member Patricia Holyoak to direct the Council Administrator to move forward with restructuring the Community Development and Building Department as proposed and direct him to work with the Human Resource Director to bring any necessary documents back to the Council for approval. Motion seconded by Council Member Ken Ballantyne. **MOTION:** Motion by Council Member Gene Ciarus to amend the motion to add that the Council Administrator come back to the Council with a plan in six months. Council Members Holyoak and Ballantyne approved the amended motion. Motion carried 5 -2 with Council Members Graham and Conrad opposed.

G. Discussion and Consideration of Amending Resolution No. 2813 / 2796 Adopting a Rental Agreement for Grand County Facilities (Jana Smith)

Grand County changed insurance carriers to Utah Local Government Trust, who do not require facility users to purchase additional liability insurance. Insurance Coordinator Jana Smith presented a revised rental agreement for Council consideration. **MOTION:** Motion by Council Member Audrey Graham to approve as proposed with the suggested changes and corrections. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

H. Discussion and Consideration of Approving a Resolution More Formally Establishing the Grand County Trail Mix Committee (Shawn Warnke)

MOTION: Motion by Council Member Chris Conrad to approve the resolution formalizing the Trail Mix Committee with the correction by Chairman Greenberg adding “each” to agency stakeholder section. Motion seconded by Council Member Gene Ciarus carried 7 – 0.

I. Discussion and Consideration of Approving a Memorandum of Agreement Between Grand County and Canyonlands Natural History Association for Accounting Services for Trail Funds (Shawn Warnke)

The proposed Memorandum of Agreement gives parameters regarding the County’s annual appropriation to CNHA for improvements to trails within Grand County. **MOTION:** Motion by Council Member Gene Ciarus to approve the Memorandum of Agreement between Grand County and Canyonlands Natural History Association for accounting services of trail funds. Motion seconded by Council Member Ken Ballantyne carried 7 – 0.

J. Discussion and Consideration of a Possible Reception/Luncheon for Legislators in Conjunction with the Tailings Haul Ribbon-Cutting Ceremony (Chair Greenberg)

MOTION: Motion by Council Member Ken Ballantyne to approve hosting a luncheon to be funded from the Atlas Tailings Fund. Motion seconded by Council Member Chris Baird carried 6 – 1 with Council Member Ciarus opposed.

K. Discussion and Consideration of Authorizing the Chair to Sign a Joint Defense Agreement in Regard to the SUWA et al. v. Allred Lawsuit (Chair Greenberg)

Chairman Greenberg led the discussion regarding the appropriateness of signing a Joint Defense Agreement. There will be a closed meeting at the UAC Management conference for the entities involved in the lawsuit. Mark Ward is drafting an agreement and Chairman Greenberg is requesting permission to sign the document. County Attorney Happy Morgan noted the signature is required by attendees who will agree not to disclose the discussion that goes on in the meeting. Chairman Greenberg summarized the content of the agreement which binds confidentiality and agrees not to divulge comments. **MOTION:** Motion by

Council Member Gene Ciarus to approve those attending to sign the agreement. Motion seconded by Council Member Chris Baird carried 7 – 0.

L. Discussion and Consideration of Authorizing the Chair to Sign a Letter to the County Attorney Concerning the County's Intervention in the SUWA et al v. Allred Lawsuit

Discussion occurred with the County Attorney who advised the Council of the type of behavior expected of them while participating in the lawsuit. There was no action taken.

Discussion Items

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

N. Discussion of Evening Session Items (Shawn Warnke)

Consent Agenda- Action Items

- O. Ratification of a Comment Letter Sent to Moab/Monticello Ranger District Regarding Concerns for Watershed Protection on the Brumley Ridge C&H Allotment Located on the East Slopes of the La Sal Mountains
- P. Ratification of the Chair's Co-Signature on the Clerk/Auditor's Letter to the Auditors Regarding the Audit of 2008 Financial Statements
- Q. Approval of a Draft Letter to the Grand County Recreation Special Service District Regarding the Distribution of 2008 Mineral Lease Funds
- R. Approval of a Draft Letter to Elected Officials and Department Heads Regarding Participation in a Publicity Opportunity for National County Government Week
- S. Approval of and Authorizing the Chair to Sign a Beer Permit for the Moab Valley Multicultural Center
- T. Approval of the Chair's Signature and Certification of an Equitable Sharing Agreement Between the County Attorney, the Treasury Department, and the Drug Enforcement Agency Regarding Items Forfeited in Conjunction with the Federal Authorities

MOTION: Motion by Council Member Chris Baird to approve the consent agenda. Motion seconded by Council Member Chris Conrad. **MOTION:** Motion by Council Member Ken Ballantyne to remove Item Q from the Consent Agenda. Motion seconded by Council Member Chris Conrad carried 7 – 0. **MOTION:** Motion by Council Member Audrey Graham to substitute the letter in Item R that references an organizational meeting instead of a newspaper article. Motion seconded by Council Member Chris Conrad carried 5 – 2 with Council Members Ciarus and Greenberg opposed. Main Motion to approve the Consent Agenda carried 7 – 0. **MOTION:** Motion by Council Member Chris Baird to postpone Item Q to get a recommendation to allocate excess Mineral Lease money. Motion seconded by Council Member Ken Ballantyne carried 7 – 0.

Recess at 5:50

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 Sarah Fields.

Approval of Minutes

1. March 17, 2009

MOTION: Motion by Council Member Ken Ballantyne to approve minutes of the March 17, 2009 Council Meeting. Motion seconded by Council Member Patricia Holyoak 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 \$799,668.37. Accounts payable check numbers 58836 – 59096 totaling \$657,949.27 and payroll in the amount of \$141,719.10 confirming all bills presented were within budgeted appropriations. Motion seconded by Council Member Gene Ciarus carried with a 7 – 0 roll call.

Citizens to Be Heard

Bill Howard presented petitions and spoke representing people in favor of re-opening Matrimony Springs.

Sarah Fields spoke in favor of re-opening Matrimony Springs and reported that Kane County Water has put in a request for water rights for a nuclear power plant in Green River.

General Business- Action Items

3. Discussion and Consideration of Appointment of Council Liaison to the Children's Justice Center Advisory Board (Shawn Warnke)

MOTION: Motion by Council Member Chris Conrad to appoint Council Member Ciarus to serve on the Children's Justice Center Advisory Board. Motion seconded by Council Member Chris Baird carried 7 – 0.

4. Discussion and Consideration of Changing Council Member Assignments to Boards, Commissions, and Committees (Shawn Warnke)

MOTION: Motion by Council Member Gene Ciarus to appoint Chairman Bob Greenberg to the Travel Council Board. Motion seconded by Council Member Audrey Graham. Chairman Greenberg noted that a motion is not needed and he also appointed Council Member Baird to serve on the Trail Mix Committee.

5. Discussion and Consideration of a Monitoring Plan for the Danish Flats Production Water Facility (Mark Wright)

MOTION: Motion by Council Member Gene Ciarus to approve the proposed monitoring plan with the operator to supply daily inspection reports. Motion seconded by Council Member Ken Ballantyne. **MOTION:** Motion by Council Member Chris Baird to amend the motion to include an inspection frequency as needed by the Council or Engineer. Motion did not receive a second. Motion carried 7 – 0.

6. Discussion and Consideration of Remanding the Evaporative Pond Ordinance to the Planning Commission for Possible Amendments (Council Member Baird)

MOTION: Motion by Council Member Chris Baird to remand the Evaporative Pond Ordinance to the Planning Commission to re-consider several issues regarding protective adequacy and testing hazardous emissions. Motion seconded by Council Member Ken Ballantyne carried 5 – 1 with Council Member Ciarus opposed and Holyoak abstained from the vote.

General Council Reports

Council Member Baird reported on meetings of the Film Commission and Recreation District.

Council Member Conrad requested follow up on the Matrimony Spring issue.

Council Chairman Greenberg reported that the Solid Waste District is moving forward with a recycling agreement between the District and Canyonlands Community Recycling. The Airport Board is concerned that the new Great Lakes Aviation schedule requires more ARFF coverage and may suggest charging for the additional services provided.

Council Member Graham reported that the Transportation Special Service District has been approved by the Lt. Governor and will meet Tuesday. Rural Development has placed the Housing Authority on a high-risk list which has to do with the self-help program. April is Child Abuse Prevention month.

Council Member Ballantyne reported that the Hospital Board met recently with their bond attorney and Zions Bank.

Future Considerations

Council Member Baird suggested the need for a water shed protection ordinance.

Council Member Graham reported that Frank Darcey will be representing the Moab Sportsman's Club and will come to the next Council Meeting to discuss their proposed shooting range.

Adjourn

MOTION: Motion by Council Member Chris Conrad to adjourn at 8:25 p.m. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

Bob Greenberg
Grand County Council Chairman

ATTEST:

Diana Carroll
Grand County Clerk/Auditor