

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

August 4, 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 East 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, Patricia Holyoak, Chris Conrad, Gene Ciarus and Chris Baird along Grand County Clerk/Auditor Diana Carroll. Council Member Ken Ballantyne was absent.

Department Head Reports

A. Recommendation Regarding Maintenance of the Pedestrian/Bike Bridge at Lions Park (Bill Jackson, Road Department Supervisor)

Grand County Road Department Supervisor, Bill Jackson, reported damage has occurred to the Pedestrian/Bike Bridge in which the block wall on the West side is pulling away from the abutment corner and the concrete slab is settling. Horrocks Engineers have verbally agreed to supply the material to repair the damage if the County furnishes labor for the repair.

B. 2008 Annual Report of the Travel Council Department (Marian Delay, Travel Council Director)

Marian Delay, Travel Council Director, presented the 2008 Travel Council Annual Report indicating that Transient Room Tax increased 16% over 2007 collections. However, early information indicates that through June of 2009 TRT collections are down approximately 7% from 2008.

Department Head Advisory Committee Report and Review of Interim Measures in the Absence of a Council Administrator

Facilities Supervisor, Marvin Day reported that he recently circulated memos asking County employees not to bring pets to work and to follow the proper procedure when planning remodeling projects.

Presentations

C. Presentation of a DOE Financial Assistance Award to Grand County

Don Metzler, Moab Federal Project Director, U.S. Department of Energy (DOE), presented a Financial Assistance Award in the amount of \$110,000 to Grand County. The money will be used to support monitoring and outreach efforts associated with the Moab Uranium Mill Tailings Remedial Action (UMTRA) Project including hiring technical staff, legal services to monitor compliance and to offset administrative costs for project related tasks.

Action Items

D. Discussion and Consideration of Annual Statement of Compliance to the Department of Energy Regarding the UMTRA (Uranium Mill Tailings Remedial Action) Project (Community Development Department Representative)

MOTION: Motion by Council Member Audrey Graham to approve the Annual Statement of Compliance as submitted subject to the correct resolution being referenced and the following suggested changes: Attachment 1 to include "underpass", #3 Outdoor lights, #5 Ongoing monitoring, at either site, #8 Hours and Days of Operations, and authorize the Chair's signature on the proposed letter to the Department of Energy requesting an annual statement of compliance. Motion seconded by Council Member Chris Conrad carried 6 – 0.

Citizen Comment: John Darke spoke regarding issues at a recent Atlas Tailings Stake Holder Committee meeting.

E. Discussion and Consideration of a Bid Award and Contract Agreement for Improvements to the Hell's Revenge Parking Lot in the Sand Flats Recreation Area (Andrea Brand, Program

Manager for Sand Flats Recreation Area; Mark Wright, County Engineer; Russ von Koch, BLM-Moab Field Office)

Andrea Brand, Program Manager at Sand Flats, returned as requested, with options for Council to consider regarding the proposed Hell's Revenge Parking Lot project. **MOTION:** Motion by Council Member Audrey Graham to approve award of Option A as presented which is as originally proposed but with an increase in the size of the vegetated island to provide more screening of the parking area from the roadway. Motion seconded by Council Member Gene Ciarus carried 6 – 0.

F. Discussion and Consideration of Proposed Amended and Restated Interlocal Cooperation Agreement for Establishing the Multicounty Appraisal Trust (MCAT) for Administering a Multi-County Effort in Appraisal and Equalization of Property Values and Effective Collection, Utilization and Distribution of Property Tax Proceeds (Dorothy Gough, County Assessor and MCAT Board Member)

MOTION: Motion by Council Member Gene Ciarus to approve the proposed agreement and authorize the Chair to sign associated documents and have the attorney approve the agreement as to the form and compliance with applicable law. Motion seconded by Council Member Audrey Graham carried 6 – 0.

G. Discussion and Consideration of Authorizing a Letter to the Housing Authority of Southeastern Utah Requesting Information on Activities and Status (Council Member Graham)

MOTION: Motion by Council Member Audrey Graham to send the revised letter to the Housing Authority of Southeastern Utah requesting information and documents and authorize the Chair to sign the same. Motion seconded by Council Member Chris Baird. A lengthy discussion occurred. Motion carried 4 – 2 with Council Members Holyoak and Ciarus opposed. **MOTION:** Motion by Council Member Chris Baird to establish a committee to review the requested information and establish better communication with the Housing Authority as to best help them. Motion seconded by Council Member Chris Conrad carried 4 – 1 with Council Member Holyoak opposed and Council Member Ciarus abstaining from the vote. The Committee will consist of Council Members Graham, Baird and Ciarus.

H. Discussion and Consideration of Establishing a Special Committee for Developing a Council Administrator Contract (Chair Greenberg)

MOTION: Motion by Council Member Chris Conrad to appoint Council Members Greenberg, Ciarus and Ballantyne to serve as Committee Members on the Special Committee for Developing a Council Administrator Contract. Motion seconded by Council Member Chris Baird carried 6 – 0.

Discussion Items

I. Discussion of Recommendation Concerning Establishing a County EMS Advisory Council (Ken Ballantyne and Chris Conrad)

Discussion occurred regarding creating an EMS Council or Advisory Committee. EMS Director, Jeff Davis, reported that the new Medical Director is taking a more active position and is more involved and feels some of the issues and concerns will work themselves out. Council Members Ballantyne and Conrad will continue researching options for the EMS Department and further discussion will continue at a future meeting.

J. Report of the Council Administrator Interview Committee (Chair Greenberg)

Chair Greenberg reported that the first interview committee has completed interviews and recommends the Council interview three applicants.

K. Discussion of Calendar Items and Public Notices (Ruth Dillon, Council Assistant)

L. Discussion of Evening Session Items (Chair Greenberg)

Item 5 on the Evening Session is not ready for public hearing.

Consent Agenda- Action Items

M. Ratification of the Chair's Signature on a Letter of Understanding from Auditors Smuin, Rich & Marsing, Certified Public Accountants, of the Nature and Limitations of the Services Provided for the Grand County Council and Moab Area Travel Council

N. Ratification of a Memo Sent to Moab City Including Amended Appendix 2 to the Lions Park Memorandum of Understanding (MOU)

O. Ratification of a Letter to the Housing Authority of Southeastern Utah Regarding Board Vacancy Announcement

P. Ratification of Letter of Response to Citizen Complaint (Confidential)

Q. Approval of a Draft Letter of Support for the Utah Workforce Housing Initiative

MOTION: Motion by Council Member Chris Baird to approve the consent agenda as presented. Motion seconded by Council Member Patricia Holyoak. Council Member Ciarus requested that letters be approved prior to being mailed and not ratified on the consent agenda. Council Member Graham explained the misunderstanding of communication regarding the Housing Authority Board Vacancy announcement. Motion carried 6 – 0.

Closed Session(s) if necessary

MOTION: Motion by Council Member Chris Conrad to enter Closed Session to discuss the character, professional competence, or physical or mental health of an individual at 5:00 p.m. Motion seconded by Council Member Chris Baird carried 6 – 0. Present were: Council Members Greenberg, Graham, Holyoak, Conrad, Baird and Ciarus, Clerk/Auditor Diana Carroll and Danalee Gerber. **MOTION:** Motion by Council Member Audrey Graham to end the Closed Session at 5:33 p.m. Motion seconded by Council Member Chris Baird carried 6 – 0.

Recess

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

Approval of Minutes

1. July 7, 2009

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

2. July 21, 2009

MOTION: Motion by Council Member Chris Conrad to postpone approval of the July 21, 2009 minutes. Motion seconded by Council Member Gene Ciarus carried 7 – 0.

MOTION: Motion by Council Member Patricia Holyoak to approve bills presented for payment in the amount of \$497,173.31. Accounts payable check numbers 60598 – 60744 totaling \$207,271.35 and payroll in the amount of \$289,901.96 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

Charlotte Mates a Citizen of Grand County for 14 years spoke regarding a request to create a transportation shuttle committee. Council Member Ciarus suggest Charlotte contact a Council Member for assistance. Chair Greenberg wished her well with her endeavor.

Public Hearings- Possible Action Items

3. Public Hearing to Receive Comments from the Public Regarding Amendments to the Grand County Consolidated Fee Ordinance No. 477

No comments were received from the public. The Public Hearing closed at 7:10 p.m. Written comments will continue to be received until August 12, 2009.

4. Public Hearing to Receive Comments from the Public Regarding a Proposed Zone Change from Range Grazing (RG) to Heavy Industrial (HI) for Property Located in Cisco, Grand County, Utah, a 386-Acre Parcel of Land Owned by Spendrup & Assoc. Inc. & Great Basin Development LLC

Staff read into the record The Grand County Land Use Code and the Grand County General Plan both as amended to date. The application is submitted by property owner representative Randy Day on behalf of the property owner, Spendrup & Associates (Applicant). The subject property is located south of I-70 and exit 214 adjacent to the Cisco town site. The parcels proposed for rezone are north of the Union Pacific railroad and Highway 6 & 50. The applicant is the owner of approximately 405 acres and is requesting a rezone 295.5 of these acres from Range and Grazing (RG) to Heavy Industrial (HI). The Grand County Planning Commission reviewed the subject application in a public hearing on July 8, 2009 and voted to recommend denial of the rezone to the County Council based on the lack of information demonstrating consistency with the General Plan and adequate infrastructure to support the proposed zoning.

Randy Day spoke on behalf of the property owner.

There were no comments from the public. The Public Hearing closed at 7:28 p.m. Written comments will continue to be received until August 12, 2009.

5. Public Hearing to Receive Comments from the Public Regarding a County Application to the Bureau of Land Management Requesting Land for Public Purposes

This item was listed on the agenda in error.

6. Public Hearing to Receive Comments from the Public Regarding the Proposed Conduit Issuance by Grand County, Utah of FHA Insured Mortgage Hospital Revenue Bonds (Moab Regional Hospital Project)

There were no comments from the public. The Public Hearing closed at 7:30 p.m.

General Business- Action Items

7. Discussion and Consideration of Adoption of a Resolution Providing for the Conduit Financing by Grand County, Utah (the "Issuer") of the Acquisition and Construction of Certain Hospital Facilities, Equipment and Land to Be Located in Grand County, Utah in Order that Moab Valley Healthcare, Inc. (the "Borrower") May Be Provided with Facilities to Promote the General Health and Welfare within the State of Utah; Authorizing and Providing for the Issuance by the Issuer of its FHA Insured Mortgage Hospital Revenue Bonds (Moab Regional Hospital Project) Pursuant to a Trust Indenture Which Will Be Payable Solely from the Revenues Arising from the Pledge of a Loan Agreement with the Borrower and Related Security Documents; and Related Matters

MOTION: Motion by Council Member Gene Ciarus to suspend the rules of the County Council to allow action by the Council. Motion seconded by Council Member Ken Ballantyne carried 7 – 0. **MOTION:** Motion by Council Member Ken Ballantyne to adopt the resolution as presented providing for the conduit financing by Grand County of the acquisition and construction of certain hospital facilities, equipment and land to be located in Grand County, Utah in order that Moab Valley Healthcare, Inc. (the "borrower") may be provided with facilities to promote the general health and welfare within the State of Utah. And to authorize and provide for the issuance of its FHA Insured Mortgage Hospital Revenue Bonds (Moab Regional Hospital Project) pursuant to a trust indenture which will be payable solely from the revenues arising from the pledge of a loan agreement with the borrower and related security documents and related matters. Motion seconded by council Member Patricia Holyoak carried 7 – 0.

8. Discussion and Consideration of a Conditional Use Application for Thayne Enterprise Inc. (La Sal Mountain Outfitters) for an Outfitter Guide Service Located at 3031 S. Hwy. 191, Moab (Community Development Department Representative)

MOTION: Motion by Council Member Chris Baird to approve subject to the conditions recommended by the Planning Commission. Motion seconded by Council Member Gene Ciarus carried 7 – 0.

9. Discussion and Consideration of Adoption of a Resolution Approving the White Horse Planned Unit Development (PUD) Final Plat (Community Development Department Representative)

The subject application is submitted by Marc Griffith, on behalf of the property owner Desert Spectrum LLC (Applicant). The master plan and preliminary plat consists of 33 single family residential lots on 35.22 acres. The subject property is zoned Planned Unit Development (PUD) with a Rural Residential (RR) base zoning district. The subject application seeks final plat approval for all 33 lots. The Planning Commission reviewed the application in a public hearing on September 10, 2008 and recommended approval to the County Council subject to the conditions set forth in the staff report dated August 4, 2009 with the exception of #2, which has been completed. **MOTION:** Motion by Council Member Baird to approve the resolution subject to the conditions set forth in the staff report dated August 4, 2009. Motion seconded by Council Member Gene Ciarus carried 7 – 0.

10. Discussion and Consideration of Proposed Amendment to the Land Use Code, Clarification of Section 5.4.2D Constrained Lands; Insertion of a New Section 5.6.6 Steep Slope Measurement; Clarification of Standards Found in Section 6.11 Open Space and Common Area; and Delineation of a Practical Dimensional Standard for Steep Slopes as Required Open Space (Community Development Department Representative)

The purpose of the proposed zoning amendment is to establish a standardized method for measuring steep slopes and to further clarify and define how steep slopes are regulated within the Land Use Code. The proposed amendment will enable greater flexibility with respect to project design and open space while remaining consistent with the rural character, clustered development, and sensitive lands goals identified in the General Plan. **MOTION:** Motion by Council Member Conrad to approve the Land Use Code slope amendment as submitted. Motion seconded by Council Member Ken Ballantyne. **MOTION:** Motion by Council Member Chris Baird to amend the motion to add “natural” to Section 5.4.2D, Constrained Lands. Motion seconded by Council Member Ken Ballantyne carried 7 – 0. **MAIN MOTION:** Motion carried 5 – 2 with Council Members Ciarus and Holyoak opposed.

General Council Reports

Council Member Holyoak attended meetings of MMAD and Chamber of Commerce
Council Member Ciarus attended Rural Summit in Cedar City and an Affordable Housing meeting.
Council Member Conrad attended a meeting of the facilities committee and reported that Matrimony Spring is now running water from a crevasse.
Council Chair Greenberg attended meetings of Grand County Solid Waste District and the Airport Board.
Council Member Graham attended the Housing Authority meeting.
Council Member Ballantyne reported the groundbreaking ceremony for the new hospital will be August 26, 2009 at 10:00 a.m.

Future Considerations

Council Member Graham would like a follow up on Matrimony Spring and what needs to be done.

Closed Session(s) if necessary

Adjourn

MOTION: Motion by Council Member Ken Ballantyne to adjourn at 8:15 p.m. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

Grand County Council Chairman

ATTEST:

Diana Carroll
Grand County Clerk/Auditor