

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

August 18, 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 2:00 p.m. In attendance were Council Members Bob Greenberg, Ken Ballantyne, Audrey Graham, Patricia Holyoak, Chris Conrad, Gene Ciarus and Chris Baird along Grand County Clerk/Auditor Diana Carroll.

**2:00 Council Administrator Candidate Interview
Melinda Brimhall -**

**3:00 Council Administrator Candidate Interview
Bryan Torgerson**

**4:00 Council Administrator Candidate Interview
John Park**

CLOSED SESSION

MOTION: Motion by Council Member Patricia Holyoak to enter Closed Session to discuss the character, professional competence, or physical or mental health of an individual at 4:35 p.m. Motion seconded by Council Member Chris Conrad carried 7 – 0. Present were: Council Members Greenberg, Graham, Ballantyne, Holyoak, Conrad, Baird and Ciarus, Clerk/Auditor Diana Carroll, Carrie Valdes, Jeff Whitney, Marvin Day, Todd Peterson and Ruth Dillon. **MOTION:** Motion by Council Member Audrey Graham to end the Closed Session at 5:47 p.m. Motion seconded by Council Member Chris Conrad carried 7 – 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 Jim Jones.

Approval of Minutes

1. July 21, 2009

MOTION: Motion by Council Member Ken Ballantyne to approve the minutes of the July 21, 2009 meeting as presented. Motion seconded by Council Member Chris Conrad seconded carried 6 – 0 with Council Member Holyoak abstaining from the vote.

2. August 4, 2009

MOTION: Motion by Council Member Chris Conrad to approve the minutes of the August 4, 2009 meeting. Motion seconded by Council Member Patricia Holyoak with suggested changes carried 6 – 0 with Council Member Ken Ballantyne abstaining from the vote.

3. August 7, 2009

MOTION: Motion by Council Member Chris Conrad to approve the minutes of the August 7, 2009 meeting. Motion seconded by Council Member Chris Baird carried 4 – 0 with Council Members Ballantyne, Conrad and Ciarus abstaining from the vote.

MOTION: Motion by Council Member Patricia Holyoak to approve bills presented for payment in the amount of \$713,225.87. Accounts payable check numbers 60745 – 60963 totaling \$575,216.53 and payroll in the amount of \$138,009.34 confirming all bills presented were within budgeted appropriations. Motion seconded by Council Member Gene Ciarus carried with a 7 – 0 roll call vote.

Department Head Reports

4. Review of Draft Storm Drain Master Plan Update and Draft Design Criteria for Drainage Studies within Spanish Valley (Mark Wright, Community Development Director/County Engineer)

Grand County Engineer Mark Wright suggested the Council schedule a workshop to discuss funding sources and prioritize the projects.

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

Facilities Supervisor Marvin Day reported that in the absence of the Old Spanish Trail Arena Manager he is filling in to assist in the management of OSTA. Marvin also reported that the carpet replacement project is nearing completion.

Agency Reports

Bruce Louthan of the Historical Commission reported they are applying for a 50/50 required match grant in the amount of \$3,000 to provide for the Dewey Bridge feasibility study. The Historic Commission has \$2,500 for the cash match and the remaining soft match would come from in-kind services of Commissioners.

Presentations

5. “Opportunities for City-County Collaboration: Mill Creek Drive Road and Bike Lane Improvements” (David Olsen, Moab City Community Development Director & Dan Stenta, Moab City Engineer)

Moab City received a grant from Utah Trails & Pathways Committee for the purpose of creating a safe bicycle/pedestrian route from Grand Vu Subdivision to the Mill Creek Drive/Sand Flats Road intersection. The City requested the County partner with the City on this project by contributing the necessary funds to allow the project to bid as a full roadway width overlay so that the best value can be realized by the community. The financial contribution necessary for the County is a minimum of \$45,000 to a maximum of \$85,000 depending on the amount of roadway completed.

Public Hearings- Possible Action Items

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

Review of the Grand County Consolidated Fee Ordinance resulted in proposed fee changes in the following departments: Community Development, Clerk/Auditor, Old Spanish Trail Arena, Sand Flats Recreation Area, Sheriff’s Office, Moab Area Travel Council, Weed Department, Canyonlands Airport and the Haz/Mat Response Task Force. The Public Hearing was opened at 7:50 p.m.

Laurie Collins an Event Planner spoke regarding consideration of requests for fee waiver for non-profit organizations.

The Public Hearing closed at 8:55 p.m. Written comments will continue to be received until 5:00 p.m. on August 26, 2009.

General Business- Action Items

7. Discussion and Consideration of Proposed Amendments to Grand County Consolidated Fee Ordinance No. 477 (Diana Carroll, Clerk/Auditor)

MOTION: Motion by Council Member Ken Ballantyne to suspend the rules to allow for a vote on the ordinance. Motion seconded by Council Member Patricia Holyoak. Council Member Baird requested more time to review the ordinance changes. Motion failed 1 – 6 with Council Member Holyoak voting in favor.

8. Review of Parental Defender Semi-Annual Report and Discussion and Consideration of Authorizing Increase in Funds for Parental Defender Contract (Joyce Guymon Smith, Parental Defender)

MOTION: Motion by Council Member Gene Ciarus to approve the requested increase with funding to come from the Council Discretionary funds. Motion seconded by Council Member Audrey Graham carried 7 – 0. The contract amendment will be the next Council meeting agenda.

9. Discussion and Consideration of 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 (Community Development Department Representative)

Planning Staff presented the zone change request. 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. Staff notes that the decision to rezone is discretionary to the County with the burden of proof on the applicant to demonstrate that the proposed use is consistent with the General plan and the Land Use Code. **MOTION:** Motion by Council Member Audrey Graham to deny the rezone request based on inconsistency, lack of supporting information and lack of infrastructure. Point of Order was raised by Council Member Baird and Council Member Graham withdrew the motion. **MOTION:** Motion by Council Member Gene Ciarus to approve the proposed ordinance. Motion seconded by Council Member Patricia Holyoak. A discussion occurred. Motion failed 3 – 4 with Council Members Greenberg, Graham, Conrad and Baird opposed.

10. Discussion and Consideration of Approval of 1) a County Application to the Bureau of Land Management Requesting Land for Public Purposes for a Proposed Shooting Range and 2) a Grant Agreement with the Division of Wildlife Resources for Costs (Krissie Killoy, County Planner and Frank Darcey III, Moab Sportsmen’s Club)

MOTION: Motion by Council Member Gene Ciarus to authorize the Chair to sign the BLM application requesting land for public purposes (proposed shooting range), the grant agreement from Utah Division of Wildlife Resources, and all associated documents. Motion seconded by Council Member Ken Ballantyne carried 7 – 0.

11. Discussion and Consideration of Appointment of a Council Member to the Housing Authority of Southeastern Utah Board of Commissioners to Fill a Vacancy Due to a Resignation (Chair Greenberg)

MOTION: Motion by Council Member Audrey Graham to appoint Bob Greenberg to the Housing Authority of Southeastern Utah (HASA) Board of Commissions to fill a position left vacant by Craig Hibberd, term expiring December 31, 2012. Motion seconded by Council Member Chris Baird. A discussion occurred. **MOTION:** Motion by Council Member Gene Ciarus to table consideration of the appointment and send to the attorney for further review. Motion seconded by Council Member Chris Conrad carried 7 – 0.

~~**12. Discussion and Consideration of Establishing a Council Study Committee to Review Information Requested from the Housing Authority of Southeastern Utah (HASU) and to Make Recommendations to Council for Improved Communications with HASU (Council Member Graham)**~~

13. Discussion and Consideration of Approval of a Proposed Template for Council Administrator Employment Agreement (Chair Greenberg and Council Members Ballantyne and Ciarus)

The issue was dealt with in closed session and not needed at this time.

Discussion Items

14. Discussion of Proposed Resolution to Establish a County Emergency Medical Services (EMS) Advisory Council (Council Members Ballantyne, Conrad and Holyoak)

MOTION: Motion by Council Member Gene Ciarus to postpone the agenda item. Council Member Ciarus withdrew his motion as the Chair summarized the opinion from the County Attorney. The Committee will continue to review options and action will be taken at the next meeting.

15. Discussion of Proposed EMS Training Standards

Jeff Davis, EMS Director reported that the department protocols are being reviewed by the new Medical Director and several issues are being cleaned up. The changes move the EMS Department toward a higher national standard.

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

Consent Agenda- Action Items

17. Ratification of Letter to Utah Division of Drinking Water and Associated Public Notice & Signage Regarding Termination of Matrimony Spring as a Community Water System
18. Ratification of Council Administrator Candidate Thank You Letters
19. Ratification of Memo to Staff Regarding Temporary Management of Old Spanish Trail Arena
20. Ratification of Letter Sent to a County Employee (Confidential)
21. Approval of Draft Letter to County Board/Commission Chairs Regarding Annual Training

22. Approval of Amendment to Contract Between the State of Utah Administrative Office of the Courts and Grand County Sheriff for Bailiff and Security Services at Seventh District and Juvenile Courts

23. Approval of U.S. DOE Financial Assistance Agreement Including Budget

MOTION: Motion by Council Member Ken Ballantyne to approve the consent agenda as presented. Motion seconded by Council Member Chris Conrad carried 4 – 3 with Council Member Baird, Ciarus and Holyoak opposed.

General Council Reports (time permitting)

Council Member Baird attended a meeting of the Air and Water Scoping Committee.

Council Member Conrad reported the Board of Health cautioned residents to take preventive measures regarding the H1N1 Flu.

Council Member Ballantyne reported that the Long Term care facility will be closing with CIB Thursday.

Council Member Ciarus reported that at the Rural Summit, Mayor Sakrison accepted an award for the Atlas Tailings Project. Ciarus also attended the Southeastern Utah Association of Local Governments

Future Considerations (time permitting)

Council Member Baird requested continued investigating of Matrimony Spring options at one of the next two meetings.

Adjourn

Meeting adjourned at 9:30 p.m.

Grand County Council Chairman

ATTEST:

Diana Carroll
Grand County Clerk/Auditor