

GRAND COUNTY COUNCIL MEETING
September 6, 2005

Grand County Council met in workshop and discussion session on the above date at 2:30 p.m. Present were Councilmen Jerry McNeely, chairman presiding, Judy Carmichael, Nate Knight, Joette Langianese, Audrey Graham and Jim Lewis with Clerk Diana Carroll. Rex Tanner was absent.

A. Discussion of Highway 128 Bike Path Design Study (Larry Reasch, Horrocks Engineering & Kim Manwill, UDOT)

Kim – UDOT has agreed to continue work on the Trail project. If a clear plan on direction and matching funds has not been developed within the next year, the money will go for other projects throughout the State. UDOT will send a letter to the local governments explaining the process and what the grant requirements are. If these allocated funds are lost, future grants for Grand County will be very hard to get.

Joette: This project is on the agenda later today and we lack the information of where the money (matching funds) will come from. Kim: With the additional time, the need to approve the design can be tabled at this time. If the project is done in pieces, we must explain how this meets objectives of the entire project. The plan must be the County's plan. UDOT is willing to help but the direction must come from the County and the matching funds are required to be in place.

Larry Reasch presented a map with specific detail of why the trail costs are so high. A retaining wall is needed between the rock ledge and the roadway to build a path. The cost for the retaining wall is approximately \$1.5 million dollars. The bridge at Lions Park is ready and should go through in the year's funding. Dave Warner was present and agreed that B Road money could be used but would greatly impact his budget. UDOT would like to see 100% of the design done to get a true estimate of the costs and phase the project based on those findings. Pieced sections are a selling point for additional money, it shows that we have a plan.

Kim – The County has the option to scale back the amount of funds requested by doing a complete design and scope. Larry (Horrocks Engineering) will pull the design team off now until a meeting with all parties can be held. Grand County Council will continue working on the trail project. Other projects in the area include the Negro Bill Canyon job which will lower the vertical curve along that stretch of Highway 128. LeGrand Johnson Construction was awarded the contract on this project. BLM funded a large culvert to go under the roadway on this job.

DOE will be meeting with UDOT Wednesday afternoon to discuss moving the turn access for the tailings project. An overpass will be required if they intend to put trucks on the road. Kim will update the Council on the results of the meeting.

UDOT – Main Street project is back on track. It may be possible to keep costs down if the project can be done in conjunction with a job in Monticello.

B. Discuss Issue of Employee Benefits for Former Employees Who Are Rehired (Judy Carmichael)

An employee has requested that 2 ½ years of previous employment at CJC be considered to put her in the next level of accrual for vacation. There is currently no policy for this type of

action and the Council will work on developing a policy. There was no action on this request.

Joette – Teen Center is coming under Agency Reports to request using the old Senior Center for a temporary space.

REGULAR SESSION

MOTION: Judy Carmichael moved to enter into Executive Session to discuss the character, competence or health of an individual. Nate Knight seconded. Motion carried 6-0. **MOTION:** Audrey Graham moved to end the Executive Session. Judy Carmichael seconded. Motion carried 6-0.

Elected Official and Department Head Reports

C. Consideration of Approval of Highway 128 Bike Path Design Study (Jim Lewis)

MOTION: Jim Lewis moved to table the Design Study. Nate Knight seconded. Motion carried 6-0.

D. Consideration of Approval of Retail Beer License for Moab Halloween Bike Fest (Wesley Shannon)

MOTION: Joette Langianese moved to approve the Beer License. Nate Knight seconded. Motion carried 6-0.

E. Consideration of Approval of Board of Equalization Decisions (Dorothy Gough)

Dorothy received 74 applications for BOE. The total adjustment showed a \$2,108,260 decrease. The action will not affect the tax rate. **MOTION:** Nate Knight moved to approve the BOE decisions to reduce the assessed value. Audrey Graham seconded. The BOE will receive applications until September 15 and Dorothy will come back to the Council with any additional requests. Motion carried 6-0.

F. Consideration of Approval of Amendment to 1982 Sales Agreement Between Grand County and American Legion Post #54 for Use of New Center Space (Joette Langianese)

The amendment has been drafted and we are waiting to hear back from Legion. **MOTION:** Joette Langianese moved to table the item. Judy Carmichael seconded. Motion carried 6-0.

G. Consideration of Approval of Resolution Amending Resolution #2292-A (Jerry McNeely)

Judy Carmichael – This was an error in a map of the upper area of Sand Flats, the recorders Office needs the correction made. **MOTION:** Judy Carmichael moved to approve the resolution as presented. Jim Lewis seconded. Motion carried 6-0.

H. Consideration of Approval of Resolution to Change Grand County Pay Periods and Paydays (Nate Knight)

The resolution will adjust the pay periods to resolve the issue of not being paid for days throughout the year and bring us in line with the rest of the State. **MOTION:** Nate Knight moved to approve the resolution as presented. Audrey Graham seconded. Motion carried 6-0.

Other Administrative Items – There will be a Department Head meeting September 12 Audrey will represent the Council at the meeting.

Joette wanted a retreat before the administrator is hired. After discussion the Council decided to wait until after the Administrator is hired to hold a retreat.

Audrey: Requested the County spell out who can ride in a County owned vehicle.

Joette: Passed out Administrator resumes – Interviews start Wednesday at 9:00 a.m.

MOTION: Nate Knight moved to adjourn until 7 p.m. Judy Carmichael seconded.

The evening session was called to order at 7:00 p.m. by Chairman McNeely. Present were Judy Carmichael, Nate Knight, Joette, Langianese, Jerry McNeely, Audrey Graham and Jim Lewis. Rex Tanner was absent.

Manual Torres led the Pledge of Allegiance

Approval of Payment of Bills

MOTION: Judy Carmichael moved to approve bills presented for payment in the amount of \$1,434,425.41. Nate Knight seconded. Motion carried 6-0 with roll call vote as follows: Carmichael; aye, Knight; aye, Langianese; aye, McNeely; aye, Graham; aye, Lewis; aye. Accounts payable check numbers 41037 – 41288 \$1,211,420.59 and payroll total \$223,004.82.

J.. Approval of Minutes of Council Meeting: August 16, 2005

MOTION: Jim Lewis moved to approve the minutes from the August 16, 2005 Council meeting. Nate Knight seconded. Spelling of Kim Manwill needs corrected. Motion carried 6-0

Citizens to be Heard

Bill Love: Election of Water Board is not on the agenda. Why are we having an election? 2,000 acres of SITLA will take away our water. Why are we doing this?

Mike Suarez: Is the vote on the expansion on the agenda? How is the public to respond to the question of expansion if it is not clear whether it is expansion or consolidation?

Jack Campbell: Comments as a result of the hurricane in the gulf coast.

Randy Day: Does not see transfer of wealth. Wealthy people are buying land. SITLA will put the land to good use. We need to provide services to tax paying citizens.

Page Holland: You hear a minority dictating to a majority. An elected board should make the decisions.

Barb Morra: The election started in 1978 when the first bond election was held. At that time the board should have been elected. In 1991 someone brought the question to Al McLeod who asked the County Council. In 2001 no one wanted to do anything about it. In 2005 the petition was passed around and received the required signatures.

City/County Coordination Report

Joette Langianese: the City and County plan to work very closely together on the consolidation.

Public Hearings

J. Public Hearing Regarding the Consolidation of the District with the Grand Water Conservancy District and the Spanish Valley Water and Sewer Improvement District (This Hearing is for the Consolidation, Only. Comments will not be recognized concerning the proposed Board Election.

Bill Love: The resolution is a water board issue. We have so many questions. The 30 day comment period is over. The City, Wayne County and Green River and the people do not want this.

Charles Pipkin: I find myself in the position of doing a subdivision. I have the opportunity to sell my property. I want to deal with only one bureaucracy.

Michelle Walker: Thank you for your efforts. Whatever issues come up it is easier to deal with less people. Thank you for your work.

Dave Cozzens: Spoke in favor of the consolidation. I have sat through meetings and am convinced this is an idea whose time has come. Let's get on with it.

Dan Pyatt: Current board member for Sewer Improvement, and Spanish Valley Water District, and Grand Water...who is confused. If you can combine 3 districts into one agency, we can manage our resources as a whole. All districts need each other to become a whole. It will save money, \$10,000 on audit fees alone. March of 2004 the consolidation started I would like to see process move forward.

Merrie Knutson: I agree with the comments made in favor of consolidation. It makes sense to have only one agency. It will save money, keep things concise and do a better job.

David Knutson: If I were sarcastic I would say I agree with this nonsense. I am not and it is not a good move. I would like to speak for a large number of people in support.

Randy Day: In favor of combining the services of water & sewer. Dale (Pierson) does a good job. Things are happening in Grand County. It is a wonderful thing. This is a better way to do it. One entity to come to.

Mary Keogh: I support a consolidation for most of the same reasons mentioned earlier.

John Keogh: I am in favor of consolidation, I am not in favor of something that will not be mentioned. (The proposed Board election.)

Page Holland: Everything everyone has said is true. We would all like to see this clarified. These boards are not going away, they have debt. If the boards are consolidated, they should be elected.

Mike Holyoak: I am in favor. Jack brought up a good point about the hurricane (Katrina) a lot of fingers are being pointed at agencies. I look forward to the consolidation.

Dale Johnson: Green River Mayor – we have been provided no information of the district. If the expansion is approved, what services will Green River City property owners receive? If you do not adopt the resolution, you will be removed from the district. August 8, 2005 Fran Townsend notified Green River of the intention. Green River City Council discussed Grand County's intention. Green River will not participate and requests removal from the district.

Tom Burr: Mayor Johnson spoke for me.

Hans Weibel: I am confused, is it consolidation, expansion? There is not a map available.

Damian: pass

David Early: Castle Valley resident – have been taxed over the years and have received no benefit. I am very confused by the consolidation and its rush. I feel it is another effort to tax

us. I hope Castle Valley takes the same stance as Green River. Colorado River rights could alleviate Castle Valley water issues. I hope you make a good and fair decision.

Mike Suarez: The only reason I am not addressing the election is that I would be removed. Is there anyone else that feels they would like to stop the mouths of the people of Spanish Valley? Is there anyone else who would admit that? Simplicity, a board will represent people – there could be 17 board members.

Dean Brady: I am in favor of consolidation. I want to thank the board for getting involved. I am happy that I can hook up to sewer.

Barb Morra: I encourage you to get involved. Barb asked for more time. I have a million things to say, I want you to understand the situation. Improvement District – Spanish Valley to provide water & sewer. GC Water SSD – Grand County voters approved Ken's Lake. It is being presented in a confusing way but it is not hard.

Carrie Cozzens: I am in favor of the consolidation. My 17 year old son who will be able to vote is confused. Consolidation needs to take place. Each board was formed when a current need arose. None of the boards are intertwined.

Dan Kent: I was going to complement you for bringing water. Barb has put a lot of her time, I would like to see her elected.

Sarah Fields: I have heard statements about consolidation. The driving force is development. From the information in the newspaper, I am very confused about the consolidation. There should be a water study done. The board members should be elected. I am opposed to going further without an election.

Dave Stolfa: Against consolidation. Contrary to what has been said, we don't know how much water we have. We are lumping assets of the boards together. Consolidation is for developers.

Public Hearing closed at 8:10 written comments will be received until September 21, 2005.

K. Presentation of a Statement Regarding Written Protests Received Against the Expansion of Services Provided by the Grand County Special Service Water District (Fran Townsend)

Fran: As of the beginning of today's meeting I have received 33 written comments which comprise 56% of the total assessed value of the district. The percentage of registered voters must be at least 50% of the total assessed value of the district in order to have an affect on the expansion.

L. Public Comment on an Ordinance to Rezone a 1.4 acre Parcel of Real Property from GB, General Business, to SLR2, Small Lot Residential. This parcel is adjacent to the Grand Vu Subdivision. Applicants are David and Dina Lance. (Mary Hofhine)

The application is submitted by David and Dina Lance (Applicant). The applicant requests to rezone a 1.4 acre parcel of real property from GB, General Business, to SLR2 Small lot Residential. This parcel is adjacent to the Grand Vu Subdivision. Rational to support the rezoning includes the fact that the parcel was rezoned in error. The Grand County Planning Commission reviewed this application at their regular meeting on August 10, 2005 and voted

to recommend approval of the rezone as it was zoned commercial in error. No comments.
Public Hearing closed at 8:40

M. Public Comment on an Ordinance to Rezone a 1 acre Parcel of Land from RR, Rural Residential, to SLR2, Small Lot Residential 2 located at 870 Bittle Lane, Moab, Utah. (Mary Hofhine)

This application is submitted by Lola Oliver (Applicant). The subject property consists of approximately 1 acre and is located behind the Alco Store at 870 Bittle Lane. The applicant seeks to rezone the property currently zoned RR District to SLR2 District. The Grand County Planning Commission reviewed this application at their regular meeting on August 10, 2005 and voted to recommend in favor of the rezone. The surrounding properties were recently annexed into the City with a similar zone district.

Jim Lewis: What is allowed in the City's R3? Mary: It allows for 9000 sq ft lots. One of the complaints was about drainage and how it will be addressed.

Joette Langianese: Why wouldn't this be annexed into the city? Mary: It is surrounded by other county properties.

Matt Hubberd: Drainage is an issue. Light pollution is a huge issue along with increased traffic.

Tim Keogh: I own the property to the west. Drainage issue – most comes from the parking lot at the state building. The drainage issues are being addressed. The zone change keeps within the neighborhood.

Jim Keogh: Of all the original lots on the same side of the street, Lola's lot is the largest.

Public Hearing closed at 8:35

N. Public Comment of an Ordinance to Amend the Land Use Code, Section 3.10 of the MFR, Multi-family Residential District (Mary Hofhine)

The MFR, Multi-family Residential District is intended to provide for medium to high density residential infill and the development of affordable housing on lots of not less than 20,000 square feet. Planning Commission has taken the problems of the past PUD's and improved certain areas.

Audrey Graham: She applauds the efforts of P&Z and feels this ordinance is not ready to approve. We do not have anything in place to assure that it will be affordable housing. The needs of the community need to be addressed. I am all for it but not yet. Mary: We are not sure what our needs are. The denser the property the more affordable it is. Judy Carmichael: Denser does make it more affordable. No one will be approved without going through the proper procedure. The goal is to infill, clean-up areas and make affordable housing possible.

Joette Langianese: Thanked the Planning Commission for their efforts.

Jack Campbell: Support the endeavor, a technical problem that needs to be addressed is common area and open space need to be defined.

Citizen: It is good to have housing closer to the city. The housing authority is working on a plan and asks that this item be tabled until the plan is presented.

Sarah Fields: I would like to second what Mary said. There is a whole area of trailer parks off of Williams Way that will no longer exist. Land specifically dedicated to low income housing.

Barb Morra: Where are the areas currently zoned for 20 unit/acre? The 1996 public facility analysis says we don't have enough water.

Jim Keogh: The area is the most affordable in the area.

Karen Robinson: Is Rim Village 20/acre? (No) I would like to make sure there is affordable housing.

Gary Jacobsen: Chairman of the Housing Board. My problem is, we can continue to study forever. We need to take action. There is a lot of other areas for housing.

General Business

- O. Consideration of Approval of an Ordinance to Rezone a 1.4 acre Parcel of Real Property from GB, General Business, to SLR2, Small Lot Residential. This parcel is adjacent to the Grand Vu Subdivision Applicants are David and Dina Lance. (Mary Hofhine)**

MOTION: Judy Carmichael moved to approve the ordinance as presented. Nate Knight seconded. Motion carried 6-0.

- P. Consideration of Approval of an Ordinance to Rezone a 1 acre Parcel of Land from RR, Rural Residential, to SLR2, Small Lot Residential 2 located at 870 Bittle Lane, Moab, Utah. (Mary Hofhine)**

MOTION: Judy Carmichael moved to approve the ordinance as presented. Nate Knight seconded. Motion carried 6-0.

- Q. Consideration of Approval of an Ordinance to Amend the Land Use Code, Section 3.10 of the MFR, Multi-family Residential District (Mary Hofhine)**

MOTION: Audrey Graham moved to table adoption of the ordinance. Joette Langianese seconded. Audrey: Affordable housing was the bulk of comments heard. Audrey will have the necessary information for Planning & Zoning. Motion failed 3-3. (Judy Carmichael, Nate Knight and JerryMcNeely against). **MOTION:** Judy Carmichael moved to approve the ordinance as presented. Nate Knight seconded. Motion carried 4-2 (Joette Langianese and Audrey Graham against).

- R. Consideration of Approval of a Resolution for a 2-lot Minor Subdivision. The subject property includes about 2.5 acres and is located at 3230 East Juniper Drive. Applicants are Edmond and Kenna Bridges. (Mary Hofhine)**

MOTION: Judy Carmichael moved to approve the resolution as presented. Jim Lewis seconded. Motion carried 6-0.

- S. Consideration of Approval of Agreement between the State of Utah and Grand County to Participate in the Contract between the State of Utah and Diebold Election systems, inc. to comply with the help America vote act of 2002 (Fran Townsend)**

Fran recommended the council approve the agreement. Audrey: We must conform, and we can either conform or buy our own system. **MOTION:** Jim Lewis moved to approve the agreement. Nate Knight seconded. Motion failed 3-3. **MOTION:** Audrey Graham moved to approve the agreement but to send a letter requesting a written response from the Election Office with answers to questions raised earlier. Judy Carmichel seconded. Motion carried 4-2. (Jerry McNeely and Nate Knight against).

T. Re-adoption of County Ordinance No. 286 Relating to Imposition and Collection of Tourism, Cultural and Convention Tax (Fran Townsend)

This is an ordinance that we must pass each September. **MOTION:** Judy Carmichael moved to approve the ordinance as presented. Audrey Graham seconded. Motion carried 6-0.

U. Family Day Proclamation (Jim Lewis)

This is a day to eat dinner with your children. **MOTION:** Jim Lewis moved to designate September 26, 2005 Family Day. Judy Carmichael seconded. Motion carried 6-0.

Other considerations:

Joette: October 15 will be the grand opening of the Grand Center from 3:00 – 8:00 p.m. Grand Center is open and up and running.

MOTION: Judy Carmichael moved to adjourn at 9:45 p.m. Joette Langianese seconded.

ATTEST:

Fran Townsend
Grand County Clerk/Auditor

Jerry McNeely
Grand County Council Chair