

GRAND COUNTY COUNCIL MEETING
October 4, 2005

Grand County Council met in regular session on the above date. Present were Councilmen Jerry McNeely, Chairman presiding, Judy Carmichael, Nate Knight, Rex Tanner, Joette Langianese, Audrey Graham and Jim Lewis with Clerk Fran Townsend.

Elected official Reports: County Attorney Happy Morgan discussed the engagement of a water Attorney, Steve Clyde, for the consolidation issue of the Water Special District. Happy suggested Rex is the contact person. Joette pointed out that we need to use Scott or Happy where possible and circumvent using a very expensive attorney if we have another alternative. Councilman Tanner stated this attorney would help us stay on our time line, etc. Happy said this attorney met with Blaine Carlton this afternoon to be brought up to speed.

Search & Rescue – had two call outs yesterday – will be up to 100 call outs this year. We need to look at what we are billing people. To date we have billed \$12,500 and collected about \$3,500 of that was billed. It was suggested we adopt a process for collecting the uncollectible – including the ambulance.

A. APPROVAL OF EXTRA HELP IN THE ASSESOR’S OFFICE: *Motion: Councilman Carmichael moved to approve hiring extra help in the Assessor’s office seconded by Knight. This would be a temporary person to the end of the year. Motion carried 7-0.*

B: CANCELLATION OF ASSESSED TAXES, INTEREST AND PENALTIES: County Treasurer Peggy Taylor asked the Council to dismiss the following amounts on the tax roll as uncollectible taxes, penalties and interest:

PARCEL NO.	OWNER	AMOUNT
24-XST-0218	Railcar Rolling Stock	\$4,385.60
24-XST-0096	Daymond Gilliland	\$ 124.49
27-XST-0196	Railcar Rolling Stock	\$ 78.61
06-CVF-0001	Nature Conservancy	\$ 16.42
05-021-0018	Utah State School Trust Lands	\$ 25.58
01-B20-0001	Rural Child Development	\$2,474.03
24-XST-0079	Walter Broadhead	<u>\$ 622.16</u>
	TOTAL	\$7,726.89

Motion: Councilman Knight moved to dismiss taxes, penalties and interest per request of County Treasurer seconded by Langianese. Motion carried 7-0.

C.. APPROVAL OF DISPOSAL OF OLD SPANISH TRAIL ARENA PERSONAL PROPERTY: OSTA manager Phil Stubblefield reported there is an old Steer chute and old gates for which we have no use for and never will. Also, there is a manure spreader – not used at the arena. Phil is asking permission to sell these items as surplus property.

Motion: Lewis moved to declare this surplus property and agree to sell it at the listed price per Phil seconded by Langianese. Motion carried 7-0.

D. OLD SPANISH TRAIL ARENA CONCESSIONS CONTRACT: Question was raised on forgiving the insurance cost against the 10% of the gross. This cost would be \$200 for the year. This amount could be taken out of the first events proceeds. We would need to include this in the contract. Questions were raised - can the contracts be assigned i.e. Recreation district – what is their role? **Motion: Councilman Lewis moved to approve this contract with addition of \$200 on liability insurance cost and transferability of contract to other county entities. Seconded by Langianese. Motion carried 7-0.** County Council stated they have received a compliment from Quarter Horse Association on the great job Phil has done in managing the arena and thanked him for the great job he is doing.

E. APPROVAL FOR STAR HALL ADVISORY COMMITTEE TO BEGIN RFP PROCESS FOR ARCHITECT SERVICES FOR CONTINUED RENOVATINOS OF STAR HALL: Jim Lindham is on the committee and on the star hall centennial committee who is responsible for the fund raising. They are moving forward with renovation. Phase one is to replace heating and cooling and finish exterior work. Third – handicap accessible bathroom. Phase two is renovation of the inside. Downstairs boiler room will no longer be in place. There should be sufficient funds to complete phase one of the project. Phase two will happen as funding is available. They wish to issue an RFP that will run for about a month and then take about 6 weeks for selection. The selection would take place in December and activity would happen after first of the year. In the meantime – Rex Holman has volunteered to be the project manager. **Motion: Langianese moved to approve going ahead with the RFP process seconded by Carmichael. They are proposing that the TRCC be allocated for the heating and cooling system this next year. Jim says they have asked Utah Power to give them an audit to evaluate the best energy. Motion carried 7-0.**

F. APPROVAL FOR FOOD BANK TO UTILIZE THE FREEZER AT THE OLD COMMUNITY CENTER AT NO CHARGE: Councilman McNeely stated we need to find a contractor to move this old Freezer to the food bank building. However, we need to cut a hole in the wall of the Food Bank building to do so. **Motion: Langianese moved to allow them use of the old freezer and relocate it at no charge seconded by Graham. Motion carried 7-0.**

G. GRANT AGREEMENT FOR STATE AID FOR PUBLIC AIRPORTS; This grant is to install a Security Gate and push button locks at the airport. This will be approximately a \$20,000 project. The grant will be for \$18,000 with a match of \$2000 which the airport board has in their budget. **Motion: Langianese moved to approve the agreement seconded by Knight. Motion carried 7-0.**

H. TRANSPORTATION SECURITY ADMINISTRATION (TSA) LEASE AT CANYONLANDS FIELD: **Motion: Councilman Knight moved to renew the lease seconded by Carmichael. Motion carried 7-0.**

I. APPOINTMENT OF MARGARET COCHRAN TO SE UTAH HEALTH DISTRICT: This is a five year term – she was not reappointed but should have been. *Motion: Carmichael moved to reappoint Margaret Cochran to SE Utah Health District Board seconded by Graham. Her term will run from 1-1-2004 until 12-31-08. Motion carried 7-0.*

J. REINSTATEMENT OF BOB JONES AND TONY LEMA TO TRAVEL COUNCIL ADVISORY BOARD: Bylaws of TC states if you miss three meetings – you are dismissed. However, the bylaws always allow for you to reapply with a letter and Lema and Jones have done this. *Motion: Carmichael moved to approve seconded by knight. They will be reinstated to complete their terms – Jones 12-31-07 and Lema 12-31-08. Motion carried 7-0.*

K. COUNCIL MEMBER LIAISON TO TRAVEL COUNCIL ADVISORY BOARD: Since Councilman Knight is out of town so much he can no longer do this. This person really needs to have something to do with lodging, etc. *Motion: Langanese moved to appoint Lewis seconded by Carmichael. Motion carried 7-0.*

L. APPROVAL OF ORDINANCES ESTABLISHING METHODS, RULES AND PROCEDURES FOR THE DECLARATION AND DISPOSAL OF SURPLUS PROPERTY: *Motion: Knight moved to approve the ordinance Establishing Procedures for declaring real property surplus seconded by Carmichael. Motion carried 7-0. Knight moved to approve Ordinance Establishing Method, Rules, and Procedures for the Disposal of Surplus Property. Motion carried 7-0. All voted aye.*

EXECUTIVE SESSION: Motion: Langanese moved to enter an executive session to discuss collective bargaining at 5:25 p.m. seconded by Carmichael. Motion carried 7-0. Present were all seven Council Members plus County Clerk Fran Townsend. Councilman Lewis moved to end executive session at 5:40 p.m. Motion carried 7-0.

Graham moved to enter into executive session at 5:45 p.m. to discuss a personnel issue. All Council members were present with Clerk Fran Townsend. Carmichael moved at 6:03 to end executive session seconded by Lewis. All voted aye.

Meeting recessed until 7:00 p.m.

PLEDGE OF ALLEGIANCE: Led by Rex Tanner

APPROVAL OF PAYMENT OF BILLS: Carmichael moved to approve bills in the amount of \$ 246,088.47 seconded by Knight. Roll call vote- Carmichael – aye, Tanner – aye, Knight – aye, Langanese – aye, McNeely – aye, Graham – aye and Lewis – aye. Motion carried 7-0.

CHECK NOS. 41477-41661

M. APPROVAL OF MINUTES OF SEPTEMBER 6 : Lewis moved to approve minutes seconded by Graham. Motion carried 7-0. Lewis moved to table minutes of Sept 20 seconded by Langianese. Motion carried 7-0.

CITIZENS TO BE HEARD: Dale Irish represents the Grand County Historical Commission. Subject – Dewey Bridge. Last year in July he proposed that we have a fire problem around the bridge because of the weeds. Bridge is susceptible to vandalism. However, nothing has been done all summer. Maybe the Council could come up with \$300 to \$400 to have Dale oversee the job. Councilman McNeely said he would like to see what happened to the inmates, maybe Marvin could take them up to have them hoe the weeds. Also – maybe the Weed Department people could go hoe the weeds with inmates.

PUBLIC HEARINGS:

N. PUBLIC HEARING FOR PRELIMINARY PLAT FOR BLU VISTA CASITAS, LLC SUBDIVISION; A PROPOSED SUBDIVISION OF LAND LOCATED ON SPANISH VALLEY DRIVE; REX TANNER IS APPLICANT.

Zoning Administrator Mary Hofhine read into the record the following: The Grand county Land Use code as amended to date, Grand county Master plan as amended to date, public hearing notice and Memo to county council. The proposed Subdivision is 35.3 Acres with 38 Single Family Lots. Road rights-of-way dedications require 4.2 acres, leaving 31.1 net acres for residential development in the RR, Residential District. The RR district is a mandatory PUD district with a minimum lot area of 1.0 net acre and a minimum lot width of 130 feet. Thus the density entitlement applicable to this property is 31 lots – bonus density of 7 lots is proposed.

The P&Z Commission at their meeting on September 14th supported bonus density per Land Use Code, Sec. 3.22.9A of 7 lots, in consideration of the applicant's proposal. - =Approximately ½ Acre plus in the RR, Rural Residential Zone District. The Applicant is asking for a bonus density of 7 units per the PUD Standards. The following are finding of fact and conditions by the P&Z Commission:

BE IT FURTHER RESOLVED that the Grand County Council does hereby support the bonus density per *Land Use Code*, Sec. 3.22.9A, of 7 lots, (22%) in consideration of the applicant's proposal:

1. Reduced height of the buildings to 24 feet as measured in accordance with Land Use Code, Sec. 3.4.9, Maximum height,
2. More restrictive outdoor lighting covenant with a note on the final plat,
3. Open space of 11.3 acres (32%), which includes 100 feet buffer along the interior and 50 feet buffer along Spanish Valley Drive,
4. A public trail system within the open space around the perimeter of the project that connects to an adjacent trail.

Rex Tanner: Two issues – basic explanation of the project has been given by Mary Hofhine. Trail – is 3400' in length that ties into another trail that creates a trail over a

mile long. This is a beginning of a trail system in Spanish Valley to tie into trails in the valley. There is a 50 foot setback from the road before the property starts and in some areas 100 feet. There is 32% open space on the project in addition to open space next to existing open space on another project. He does not agree with P&Z – documentation from engineer says ROW should exist and he feels it does not need a continuing road. He is asking the Council not force him to pave a road that goes no where. Master Plan – development pays its own way. Once ROW is turned over to county then the county needs to adjust its land use code to connect this road to other developments. It should not be his responsibility. Page 61 of Land Use Code or Master Plan? He is requesting 23% increase on bonus density . Carmichael asked if Rex would bond to pave the road – Rex says no.

Rex pointed out that if the adjoining land develops., then they will have to tear up that asphalt to lay the sewer and water, other utilities, etc.

Councilman Knight stated it is not logical that the road should be built to nowhere. If someone else comes in and builds a subdivision they are not required to build a road on someone else’s property. This developer could go to Rex and say – I need a ROW and will build the road so I can have access to that property. Also – county is in the business of development, etc, and we continue to be a stumbling block to developers. Thus we risk our tax base. We need to work with developers, not against them. If we need to change the land use code or county road requirements, then we need to do that.

Lewis – purpose is also to plan ahead for the future. We need to correct our mistakes when we see them. Otherwise we keep making them. County and Tax Payers will pay or we have the developer do that. We need to watch out for future growth and public good.

Rex – if county would allow this road to be classified as private road then he could recapture cost of the road with future development as it happens.

Discussions of the Council were as follows:

General Plan states that development pays for all construction costs of the development

The road extensions are required by the standards in the Land use Code, Sec. 5.3.3

Bonding is an acceptable practice for the road until the need for construction.

There is a need to plan for future development and if mistakes were made there is no need to repeat them.

A policy of the General Plan is to provide affordable housing.

Affordable housing is considered an extraordinary public benefit, developers could provide for that in order to receive bonus density, or provide double the open space.

Janie Tuft – feels that Rex is being generous in donating that road for access.

Jack Campbell says he does not feel this is a legal subdivision. Not a public benefit.

PUBLIC HEARING CLOSED.

O. PROPOSED ZONE CHANGE FROM RF, RANGE GRAZING TO RS, RESORT SPECIAL. The parcel is located just north of the Dead Horse Point Turnoff

(SR 313). It is a 12.47 Acre Parcel of land owned by Paul Morris. Mary Hofhine read into the record the following: Grand County Land Use Code as amended to date, the Grand County Master Plan as amended to date, the public hearing notice and Memo to County Council. This proposal meets the area plan for the north corridor – which went through a public process. Owner wishes to change zone to a commercial use – it is in the plan. Mary says there is no definite plans, etc but once the zone change happens, then they go through the development process. They would need to have water, sewer, utilities, etc before anything can happen. Currently it is zoned for a minimum 5 acre lots. RS District would allow short-term accommodations and related uses. Rex says it seems appropriate to rezone this since it has already gone through the public process for development of the north corridor.

Jannie Tuft – has been working with Paul Morris – provided site plans, drainage studies, water, etc. Most of this would come into play when PUD is presented.

Public hearing closed.

P. PUBLIC HEARING TO AMEND RED CLIFFS GUEST LODGE PUD LOCATED AT MM 13 HIGHWAY 128. The applicant, Colin Fryer, is proposing to reconfigure the buildings by converting 20 of the detached river front cabins to employee housing and moving the employee housing units from the ranch site to the main lodge site to be used as guest units. The property is in an RG Range Grazing Zone District. There are no net changes in density. Just moving uses about.

They range from 600 square ft to 1000 sq feet. Rex says, really there were not enough P&Z members there – three voted for the proposal and one against. One recused himself because he would gain financially from this proposal.

Langianese understands why 600 sq feet for employee housing is ok, but does not understand why he would ensure the council that is going to be employee housing. What assurance would they have it will not change. Colin says from the beginning, you amend to meet the needs and business growth. It will be a better project in the long run by the changes he proposes. He needs to protect his square footage in the ability to have employee housing. Today, we are asking to move some more units off the river over onto the creek. Joette wants him to guarantee he will never use it for anything other than employee housing. This was required by Sorrel River Ranch Resort also. Originally he was allowed 36,000 square feet, but he has amended that. He does not want to give up his rights to ask for something else in the future, based in future development. Colin feels it is not an issue on this request. In essence, he said he is not willing to say he will never ask for another change.

Colin needs to get building now if he is going to be ready for spring. If he reinvented the wheel with P&Z then time is of the essence. He feels Red Cliffs is a positive development. They have been bringing big groups to the area, have been very successful. They are rated #1 by hotel destination group. People come for conventions, workshops, etc.

Colin pointed out that he collects taxes, provided tax base, provided infrastructure for good encouragement growth. There is not much room for development in the river corridor. It is scenic but it is also economic development. River companies have expanded – more boats on the river. Colin says we should encourage high quality development. We do have development on the river – it is not a wilderness area.

He is not asking for more density, but asking for moving some overnight units. Impact to river is almost neutral.

Colin pointed out there were three people missing at the P&Z meeting.

Issue – his signage and lighting issues with P&Z - he will meet with them next Wednesday to try to work out the issues.

Audrey feels the deed restriction should be in place. She feels this is a mistake – and the development should never have happened along the river.

It was pointed out Tom Shellenberger was not present at the P&Z meeting and he does not have a problem with what Colin is asking. He would have voted in favor of the project. Marcus – destination resort in the code – accommodations will be provided for overnight guests or employee. Code says 600 sq feet so P&Z cannot change that.

Bob Maxwell with Chamber of Commerce – there is a problem finding enough employees to supply the needs and another problem is where we will house them. They stay off the road – Colin takes money he earns and put that back into the community. So he would like to see the community work with him. Employee housing is very important. If Colin can provide this – Bob would like to see that happen.

Jack Campbell is against the proposal.

Public hearing closed.

Q. RESOLUTION FOR PRELIMINARY PLAT FOR BLU VISTA CASITAS, LLC PRELIMINARY PLAT: Councilman Tanner recused himself from the discuss and voting on the issue. Motion: Carmichael moved to approve this as follows:

BE IT FURTHER RESOLVED that the Grand County Council does hereby support the bonus density per *Land Use Code*, Sec. 3.22.9A, of 7 lots, (22%) in consideration of the applicant's proposal:

1. Reduced height of the buildings to 24 feet as measured in accordance with Land Use Code, Sec. 3.4.9, Maximum height,
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seconded by Langianese. She stated it has been awkward that we work with Tanner as a Council member – but understand that business needs to move forward in a timely manner. Tanner stated for the record he has never discussed this with the Council. Graham is not in the business to add revenue through development. Carmichael, Langianese and Lewis voted aye, – Knight, Graham McNeely voted against. Motion failed. Knight moved to approve preliminary plan with existing ROW not paved – road in question. There was no seconded so motion failed. Motion – Carmichael moved to approve preliminary plat as it stands seconded by Langianese. Carmichael, Langianese and Lewis voted aye, Knight, McNeely and Graham voted no. Motion did not pass. Tanner is asking to recapture the cost of this paving from the next developer. Paving would benefit the next developer, not Tanner. Rex says he would pave and not curb and gutter.

R. ORDINANCE TO REZONE 12.47 ACRES OF REAL PROPERTY FROM RG, RANGE GRAZING TO RS, RESORT SPECIAL.. Property is located just north of Dead Horse Point Turnoff, SR313. Paul Morris is owner of the property. Motion: Carmichael moved to adopt ordinance, seconded by Knight. Motion carried 7-0.

S. ORDINANCE TO AMEND RED CLIFFS GUEST LODGE PUD: Motion: Carmichael moved to send application back to P&Z seconded Lewis. Lewis, Carmichael and Langianese voted aye, McNeely, Graham and Knight voted no. Motion failed.

ADMINISTRATIVE REPORTS: The Grand Center grand opening will take place October 15th. The Center won an award by Architect design.

DOE public hearing will be held 7:00 p.m. tomorrow at the Grand Center concerning Atlas . Same meeting will be held in Thompson on the 6th. Oct 6 – Stake Holders group will meet with DEQ. 9:30.

Motion to adjourn: Langianese moved to adjourn seconded by Lewis. Motion carried.

Jerry McNeely, Chairman

Attest: _____
Fran Townsend, Clerk/Auditor