

GRAND COUNTY COUNCIL MEETING
November 15, 2005

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

Legislative update: County Clerk Fran Townsend talked about the new law concerning the Assessing and Collecting Budget – having to move all cost and revenue into a special revenue fund and out of the general fund. It should be revenue/expense match but she will have to work out the process for handling this. If time does not permit to take care of this before we finalize the budget, it can be handled next year when we reopen the budget. The legislative action was taken in March of this year but it was just disclosed to the County Auditors in the UAC meeting held last week.

Jerry talked about UAC and UCIP

Community options for Rural Elders: A letter was written earlier to Senator Hatch. Pace Model cannot be implemented in Utah because we have to pass a law to implement that.

Marcus LaFrance, Chairman of the airport board reported no meetings have been held since July. Three board members were present last night out of seven. This was not a quorum so they could not even approve the minutes. He suggested we amend the bylaws to reduce composition of the board to five or three members. We have three vacancies as of 12/1 this year. They have advertised last four or five weeks and have had no results. Marcus submitted his resignation effective 12/31/05. Ron Flanders is the only one left on the board. Suggested the Council start over and Ron said he will resign. Council can amend the bylaws of the airport board to make that reduction.

Mr. Francis – does not understand why restructure in size of board would help but maybe Airport Manager can come to the Council and have approval for actions needed at the airport from the Council, and not get in a hurry to redo the composition of the board. In fact, he suggested making the board up to 10 members.

E. APPROVAL OF TIM VETERE LOCATION OF PUMP ON GRAND COUNTY PROPERTY: Tim is planning to start farming and needs to place a pump on the county property to pump water to farm 6500 acres. In 1999 he started a farm in Grand County. BLM wanted to do a land swap so in 2000 he started farming land that was swapped between BLM and State Lands. State Lease = 5500 acres. He has water rights and needs to install pumps to get water to his farm. He needs the right to use the land so he can work out an agreement to secure a permit to get water from the river. **Motion: Carmichael moved we support Tim's process by allowing him to have access to the**

Green River off our property and set up an agreement for the future. Langianese seconded. Motion carried 6-0.

F. ESTABLISHMENT OF MOAB TAILINGS IMPACT FUND: Motion: Langianese moved to establish the fund to be followed up with a resolution to define the specifics of the fund. Seconded by Carmichael. Motion carried 6-0.

G. APPROVAL OF MANAGED PHARAMACY BENEFITT SERVICES AGREEMENT – NACO DRUG CARD: This has been discussed by the council previously. This will provide a drug card to any citizen in Grand County – NACO will pay the cost. Inmates can take advantage of this which could reduce our jail costs. Motion Langianese moved to approve the agreement seconded by Tanner. Motion carried 6-0.

H. CONTRACT FOR SERVICES BETWEEN GRAND COUNTY AND WILLIAM SCHULTZ – PUBLIC DEFENDER SPECIFIC FOR DEFENDANT MATTHEW HARTER: Motion: Carmichael moved to approve contract seconded by Graham. Tanner voted no, rest voted aye. Motion carried 5-1.

OTHER ADMINISTRATIVE ITEMS: AGREEMENT BETWEEN GRAND COUNTY AND DISTRICT COURT; FOUR CORNERS MENTAL HEALTH AND GRAND COUNTY; FOUR CORNERS MENTAL HEALTH AND GRAND COUNTY SHERIFF'S OFFICE. These agreements need to be in place to move forward with the Drug Court Grant awarded to Grand County. **Motion: Carmichael moved approve agreements with recommended changes seconded by Tanner. Motion carried 6-0.**

EXECUTIVE SESSION: Langianese moved to enter into an executive session at 5:15 p.m. to discuss competence, Character or health of an individual seconded by Graham. Motion carried 6-0. All Council members except Nate Knight were present with Clerk Fran Townsend. Motion: Langianese moved to close executive session at 5:30 p.m. seconded by Tanner. Motion carried 6-0.

The evening session of the Grand County Council Meeting was called to order at 7:00 p.m. by Chairman McNeely. Council members present were Jerry McNeely Judy Carmichael, Joette Langianese, Audrey Graham, Rex Tanner, and Jim Lewis. Nate Knight was absent

Chairman McNeely congratulated Grand County Red Devils as they captured the 2A State Football Championship.

The Pledge of Allegiance was led by Mary Hofhine.

Approval of Payment of Bills

MOTION: Judy Carmichael moved to approve the bills presented for payment in the amount of \$355,685.39 check numbers 42044-42192. Rex Tanner seconded. Motion carried with the following roll call vote: Carmichael, aye; Langianese, aye; Graham, aye; McNeely, aye; Tanner, aye; Lewis, aye.

I. **Approval of Minutes**

MOTION: Audrey Graham moved to approve the minutes of the September 20, 2005 meeting. Jim Lewis seconded. Corrections included the dollar amount of the bills approved for payment. Council asked to confirm the approval of the minutes for the September 6, 2005 meeting. Motion carried 6-0.

MOTION: Judy Carmichael moved to table the October 4, October 18 and November 1 minutes. Jim Lewis seconded. Rex Tanner requested a deadline be put on approval of the minutes. Council requested the minutes be ready for approval at the November 29, 2005 Special Meeting. Motion carried 6-0.

Public Hearings

J. Public Hearing Regarding an Ordinance on a Proposed Zone Change from RR Rural Residential and HC, Highway Commercial, to SLR2 Small Lot Residential 2. This Parcel is Located Just North of Grand County Spanish Trail Arena; Dan Pyatt is the Property Owner and the Subject Property Consists of Approximately 10 acres. (Mary Hofhine)

This application is submitted by Pyatt Construction, Dan Pyatt (Applicant). The application seeks to rezone that portion of the property currently zoned HC, Highway Commercial and RR to SLE-2 Small Lot Residential. The property location currently has a split zone of Highway Commercial and Rural Residential Zoning. In making its determination the County Council shall consider the recommendation of the Planning Commission, staff reports and written and oral testimony presented. Staff comments: Grand County currently has an abundance of HC zoning. There are large undeveloped areas of HC district zoning along both sides of Highway 191 South between the City limits and Spanish Trail Road. Rezoning to residential zone would allow for a pocket of residential development along a commercial corridor.

Audrey Graham: The surrounding property owners have not been notified. School Board owns nearby property and Board members are concerned about developing the area.

Jim Lewis: Section 6.2.6 Issues for consideration: Residential Lots next to the Spanish Trail Arena property would be a problem for the neighbors of the recreation complex. Recreation Board plans to develop the arena and the people moving in the subdivision need to know that events will be held at the arena. Will the people hold the county liable for allowing this rezone?

Joette Langianese: Jim understands the idea, what he wants to ask Dan is how he plans to mitigate the issues.

Dan Pyatt: The arena is an asset to my development. I am required by law to disclose what I know about the property when I sell it.

Rex Tanner: The developer knows better than anyone the risks of the development. Highway Commercial zoning needs to be eliminated from the Rural Residential areas. The heart of the issue is mixing the HC and RR zones.

Judy Carmichael: In the past the Planning Commission has left Highway Commercial in the front area of the property, the commercial in the middle and RR in the back of the property. This is the last piece of HC on that side of the road.

Audrey Graham: Regarding the 6.2.6 issues, will there be benefits derived by the community or area by granting the proposed rezone?

Dan Pyatt: The Planning Commission approved this 5-0.

No other comments. Chairman McNeely closed the Public Hearing at 7:30 p.m.

K. Public Hearing Regarding a Resolution for Lopez Minor Subdivision Plat; Tina Lopez is the Applicant. The subject Property includes about 1.23 acres and is located at 1452 Rocky Road. (Mary Hofhine)

The application is submitted by Tina Lopez and request is made to approve a 2-lot minor subdivision. The property includes 1.23 acres and is zoned LLR, Large Lot Residential, which has a minimum lot area of .50 of an acre and a minimum lot width of 100 feet – the proposed lots comply with both requirements. The Planning Commission recommends approval without condition. No comments. Closed at 7:38 p.m.

L. Consideration of Approval of an Ordinance on a Proposed Zone Change from RR, Rural Residential and HC, Highway Commercial, to SLR2, Small Lot Residential 2. This Parcel is Located Just North of Grand County Spanish Trail Arena; Dan Pyatt is the Property Owner and the Subject Property Consists of Approximately 10 Acres. (Mary Hofhine)

MOTION: Judy Carmichael moved to approve the Ordinance as presented. Joette Langianese seconded. Jim Lewis: It is a good transition and has good points. The recreation board is concerned about the development. Joette Langianese: Would like the response from the Planning Commission included in the memo and criteria met for their recommendation. Motion carried 6-0.

M. Consideration of Approval of a Resolution for Lopez Minor Subdivision Plat; Tina Lopez is the Applicant. The Subject Property Includes About 1.23 Acres and is Located at 1452 Rocky Road. (Mary Hofhine)

MOTION: Judy Carmichael moved to approve the Resolution as presented. Audrey Graham seconded. Motion carried 6-0.

Council and Administrative Reports

There will be a Council Meeting on November 29, 2005 at 6:00 p.m. on the agenda will be a Public Hearing to declare surplus property, fee adjustment for the Grand Center, and consideration of the Compensation/Classification System Policy amendment to the Employment Policies and Procedures.

The Green River Clinic made a request for funding. Council recommended the request be forwarded to the Hospital District.

Atlas tailings update: Congress recently approved \$28 million dollars for moving the tailings project.

There will be a public meeting in Thompson December 5 and in Moab December 14 regarding air monitoring.

MOTION: Joette Langianese moved to adjourn at 7:55 p.m. Jim Lewis seconded. Motion carried 6-0.

ATTEST:

Fran Townsend
Grand County Clerk/Auditor

Jerry McNeely
Grand County Council Chairman