

GRAND COUNTY COUNCIL MEETING  
January 17, 2006

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

**ELECTED OFFICIAL AND DEPARTMENT HEAD REPORTS:** Librarian Eve Tallman reported on the Library Construction project. April 27<sup>th</sup> is the deadline to complete. Their goal is to keep the library open as much as possible during the transition. They will probably be closed for one week when they move. Painters are arriving tomorrow, tile installers be there next Monday along with the drywall staff. Landscapers are beginning rough in of landscaping. Councilman Rex Tanner asked if we are on budget, i.e. – change in design – more costs incurred because of change. Eve reported Contractor meetings are held every two weeks. Jeff Whitney attends all meetings with Eve – and meets with sub contractors. Change orders – some reduce costs – Drawings have some issues. Contractor is very good. So far we have up to \$20,000 cost in changes but we have up to \$92,000 in the contingency fund to cover these costs. Tanner stated he wants the administrator more involved in this process. Rob Beishline is the architect construction administrator. He will be here next Wednesday and council wants Nancy to meet with him.

Legislative update – UAC has conference every week on Thursday. It will be made available on video conference 9:00 a.m. every Thursday at Allen Memorial Hospital.

A. Discussion concerning Amendment to Surplus Property Ordinance for time of Notices – ten vs. fourteen days. After discussion, council feels it is in the best interest of the public to have a longer time for notification. No change will be made.

**B. MUSEUM BUILDING MODIFICATIONS:** Jim Tharpe, chairman of the Museum board and Rusty Salmon – museum curator discussed the 50<sup>th</sup> anniversary goal and vision for the museum. Minutes from January 16, 1967 reflect the County agreed to deed the adjacent museum building lot to Grand County Library. Legislation now does not allow County Libraries to own their land so all of the land is recorded under Grand County name. The museum needs more space and need to better position their entrance. There is also a need to become ADA compliant. The request is to expand to the back of the museum – adding a metal building of 1800 square feet. Museum board will raise all monies for expansion. Utility and maintenance costs could go up. They would like to take 40% of existing grass to the west of the museum and utilize that for new entrance which could be visible from Main Street. The current entrance is not visible and people tend to think they are not open because they

can't see inside. Existing restrooms are not ADA compliant. Exhibit space on second floor would have to be abandoned because of ADA. Seven hundred square feet on second floor would be lost for exhibits, but will utilize for storage. Audrey Graham raised question concerning the roof repair as budgeted. Jim Tharpe said we do not need to replace the roof – just repair it. Currently there is a shed owned by the Library behind the museum. This expansion would still provide four parking spaces for the back. Tanner – does this best fit in the capital facilities plan – etc. use of library building. He does not want to see anything move forward until we get this plan in place. Tharp says they do have a specific time line – i.e. by 2008 for their 50<sup>th</sup> anniversary. They would like to have this done. Project cost would be \$125,000 for new entrance & restrooms and another \$125,000 for steel building plus \$ 50,000 for display, security and lighting.

**C. HOUSING NEEDS ASSESSMENT STUDY:** Karena Gholson reported they have expanded in San Juan County so have hired more staff to meet those needs. Affordable housing just depends on income. She provided County Council with information viable to issues concerning housing. Page `18 – provides some suggestions how the Council might participate – i.e. ordinances, etc the county might consider. Tanner made a point over secondary home ownership. Secondary homes may be rental property, not necessarily secondary homes. Housing coalition – Lance Christie is working on getting this particular information – i.e. building permits, assessor's records, etc.

**D. RESOLUTION AUTHORIZING GRAND COUNTY CHILDREN'S JUSTICE CENTER TO ACCEPT DONATIONS ON BEHALF OF THE CENTER AND AUTHORIZING DONATIONS TO BE SPENT AT THE DISCRETION OF THE DIRECTOR:** Connie Haycock, CJC director advised the center is a facility where law enforcement and child protective services can bring a child who is a victim of child abuse or witness of a crime. They can video and audio tape the interview. Goal is to minimize the crime. Connie serves as a liaison to investigators, etc who interview the children. Through this process – they can accept donations. Something is needed to authorize them to run funds raised through the county. Donations would be tax exempt. **Motion: Tanner moved to adopt resolution seconded by Carmichael.** Lewis asked if any procedure for accepting funds – i.e. time frame for turning in funds is in place. Connie said there is no problem – it is already set up. We are setting precedence that County attorney will be involved in this process. **Motion carried 7-0.**

**E. AMENDMENT TO CAFETERIA PLAN FOR HEALTH INSURANCE:** This amendment changes Section 7.4: Maximum and Minimum Benefits: This changes the amount of contribution an employee may make from \$1000 to \$2000. There is no cost to the county. **Motion: Tanner moved to approve amendment seconded by Graham. Motion carried 7-0.**

**F. STAR HALL INSURANCE FEE WAIVER:** Rusty Salmon stated the Moab Poets and Writers Opening night is held at Star Hall. Last year there was no insurance requirement – tulip insurance. The opening night is funded by the Grand County Recreation District making provision for the Senior Citizens to attend. **Motion: Carmichael moved to waive fee seconded by Lewis. Motion carried 7-0.**

**G. ORDINANCE FOR PRIMARY RESIDENCE TAX EXEMPTION:** Dorothy Gough, County Assessor asked other Utah County Assessors for what they had on file to assist with this procedure. Dorothy has a form she sends out the first of year to out of town property owners asking for information concerning primary residence. **Motion: Tanner moved to table until second meeting in February giving the Council more time to study the proposed ordinance seconded by Graham. Motion carried 7-0.**

**H. CANYON COUNTRY PARTNERSHIP REPRESENTATIVE:** The Canyon Country Partnership is a good place for contacts, i.e. state legislators and congressmen. McNeely has been serving in this capacity. **Motion: Lewis moved that McNeely continue to serve as representative seconded by Carmichael. Motion carried 7-0.**

**I. APPROVAL OF AIRPORT BY-LAWS CHANGE:** Since council changed number of board members from seven to five there is a need to amend the Airport Board bylaws to reflect this change. **Motion: Knight moved to approve the change seconded by Graham. Motion carried 7-0.**

**J. RESOLUTION TO AMEND CHANGE TO COUNTY ADMINISTRATOR'S CONTRACT:** This resolution will place County Administrator in Grade 19, step 15. Question was raised – is this a full time employee of county? Tanner asked if we should add another line – another grade, to accommodate this, i.e. create grade 20. Administrator Nancy Woodside stated we are just trying to help Diana set her salary within our step and grade chart just adopted by the County Council. **Motion: Carmichael moved to adopt resolution seconded by Tanner. Motion carried 7-0.**

**K. RESOLUTION OF THE GRAND COUNTY COUNCIL APPROVING PHASE ONE OF THE NEW SPANISH TRAIL BIKE PATH ALONG SR-128:** The purpose of the resolution is to resolve the County's support financially for the Phase One project for the New Spanish Trail Bike Bath along SR-128. **Motion : Lewis moved to approve resolution seconded by Tanner.** Audrey Graham asked if item #2 in the resolution is for funding for engineering study of the full project. Answer – no - phase one covers completion of engineering study. Lewis – design study is important – so maybe we do need to clarify the purpose of the funding. It can't hurt anything. **Lewis amended his motion to include design of engineering study and as much trail as possible to follow the Colorado Trail, etc. Tanner agreed to the amended motion. Tanner**

**stated he is voting yes for this but expressed concern about committing \$97,000 of general fund monies for this project. He feels this is a Grand County Recreation Special Service District project because the county gives Mineral Lease monies to the Recreation District for recreation projects. Motion carried 7-0.**

**L. RESOLUTION DECLARING THE INTENT OF GRAND COUNTY TO ARRANGE FOR SHORT-TERM FINANCING TO ACCOMMODATE THE ANTICIPATED OPERATING CAPITAL DEFICITS BY THE ISSUANCE OF TAX AND REVENUE ANTICIPATION NOTES AS A PARTICIPANT IN THE UTAH ASSOCIATION OF COUNTIES COMBINED CASH FLOW BORROWING PROGRAM: Motion: Tanner moved to adopt the resolution seconded by Carmichael. Motion carried 7-0.**

Other Administrative Items:

County Administrator discussed the need to move forward with the next TEA funding cycle. She asked if the County Council supported Moab Trail Alliance proceeding with a grant application. It was the consensus of the Council to move forward with this grant application for phase II for the Spanish Trail Bike Path along SR-128.

County Road Dept superintendent reported to the Administrator the mobile home located by the County Road Shed is for sale by owner Kent Green. Kent Green wants County to purchase this. Nancy recommends we not do this.

Facilities management: We have had a request from Southeastern Utah Health Department Health Dept for use of old Senior Center Building.

EXECUTIVE SESSION: Councilman Knight moved to enter into an Executive session to discuss character or health of an individual at 6:00 p.m. seconded by Lewis. Motion carried 7-0. All Council members were present with Administrator Nancy Woodside. Motion: Tanner moved to end executive session at 6:27 p.m. seconded by Lewis. Motion carried 7-0.

Meeting recessed until 7:00 p.m.

Meeting called to order at 7:00 p.m. Pledge of Allegiance was led by Bob Maxwell.

Councilman Langianese publicly expressed her thanks for Diana Carroll carrying the responsibilities of the Personnel Director and all her hard work done in the absence of a County Administrator.

PAYMENT OF BILLS: Motion: Carmichael moved to approve payment of bills in the amount of \$769,649.56 seconded Knight. Roll call vote: Carmichael –

aye, Knight – aye, Tanner – aye, Langianese – aye, McNeely – aye, Graham – aye and Lewis – aye. Motion carried 7-0.

CHECK NOS. 42892-43078	\$650,035.20
PAYROLL	\$119,614.36
TOTAL	\$769,649.56

APPROVAL OF MINUTES: Motion: Councilman Tanner moved to approve minutes of January 3, 2006 meeting with corrections seconded by McNeely. Motion carried 6-0, Graham abstained.

CITIZENS TO BE HEARD: None

CITY/COUNTY COORDINATION REPORT: The County Council will be getting together some Friday in February with City Council. It was suggested either February 10 or 17<sup>th</sup>. Moab City is having their annual meeting with Utah League of Cities and Towns on the 9<sup>th</sup> and 10<sup>th</sup>. March 3<sup>rd</sup> or 10<sup>th</sup> was suggested as a good date. Audrey will write up an invitation to send to City. Lewis reported the Grand County Recreation District board meeting will be meeting with Moab City from 6 to 6:30 tomorrow evening. Moab City will be there to discuss CIB application for the project for the pool. Meeting will be held in City Council Chambers.

**M. APPROVAL OF AN ORDINANCE ON PROPOSED AMENDMENT TO LAND USE CODE FOR THE PUD, PLANNED UNIT DEVELOPMENT; OPEN SPACE AND COMMON AREA REGULATIONS; AND DEFINITION OF “DENSITY”:** This issue was tabled from the last council meeting. No public comment will be taken. Section 3.22.6 – deleted “use on review”. 3.22.7 – wording changed from “may” to “shall” be reduced. 3.22.10– A. delete “common area is not calculated as part of open space requirement”: 3.22.12 delete “and investment” and “thereto of unsightly or obnoxious appearance”; ;3.22.13 add “shall”; 3.22.14 (A.3) delete “clearly” and change occupants to “residents”  
**Motion: Carmichael moved to adopt the ordinance seconded by Graham. Tanner recused himself from voting on this item on the agenda due to a pending development. Motion carried 6-0.**

**O. PUBLIC HEARING ON PROPOSED SELL OF GRAND COUNTY REAL PROPERTY LOCATED IN SAN JUAN COUNTY – CORONADO PARK SUBDIVISION – TRACT D:** Al Boyd – question on property of 21.73 acres located near the old airport. If put up to bid – how will we handle it? When it comes up for bid – what kind of terms will be involved? Council had no plans at this time. No other comments.

**P. APPROVAL OF SALE OF LAND LOCATED IN SAN JUAN COUNTY – CORONADO PARK SUBDIVISION – TRACT D: Motion: Councilman**

**McNeely moved to sell seconded by Knight.** Knight – we will follow procedure and it will be published. Nancy recommended we have a new appraisal done before we sell this. Lewis – said he would like to hold off until we decide concerning our facilities plan – etc. Lewis feels the timing is not right. We need to assess all of our property. Tanner pointed out the land is located in San Juan County – no water or sewer. Proceeds from sale of the property could be utilized to pay for some of our future development. Procedure was put in place to inform the public. Councilman Graham says land only goes up in value. It was pointed out we have people who are interested in buying this property now. It may not be an option down the road to sell – feels we need to act when do have interest in the property. Councilman Tanner stated this procedure is out of order, why are we considering a decision to sell now? County Clerk Fran Townsend pointed out procedure was followed according to the ordinances adopted by the County Council and this is next step. **Knight, McNeely voted aye, Lewis, Tanner, Carmichael, Langianese and Graham voted no. Motion failed.**

**Q. RESOLUTION TO APPROVE THE BOND RELEASE FOR TURN LANES OFF HIGHWAY 191 INTO RIM VILLAGE VISTAS:** Purpose of this action is to release some certified checks totaling \$25,588 the county has been holding and a bank bond in the amount of \$144,874. The Letter of Credit No. ZSB801321 will be held until we get a maintenance security bond in the amount of \$14,670. Motion: Carmichael moved to approve resolution seconded by Graham. Motion carried 7-0.

**R. RESOLUTION FOR CLARK MINOR SUBDIVISION PLAT:** Butch Clark is the applicant. Subject property includes about 39.7 acres located just north of Resource Blvd on both sides of Spanish Valley Drive: **Motion: Carmichael moved to approve seconded by McNeely. Motion carried 7-0.**

**S. RESOLUTION FOR JOHNSTON SUBDIVISION FINAL PLAT, LOCATED ON TERRACE DRIVE.** Dwight Johnston is applicant. **Motion: Carmichael moved to approve seconded by McNeely. Motion carried 7-0.**

**T. RESOLUTION APPOINTING BOARD MEMBERS TO MOAB MOSQUITO ABATEMENT DISTRICT:** Only two people applied - Michael Binyon and Jeanette Kopell. **Motion: McNeely moved to adopt resolution appointing Michael Binyon and Jeanette Kopell for a four year term each to the board – terms to end 12/31/09 seconded by Lewis. Motion carried 7-0.**

**U. APPROVAL OF APPOINTMENT OF ONE MEMBER TO MOAB AREA TRAVEL COUNCIL ADVISORY BOARD:** This term expires 12/31/06. Scott McFarland was booted off the board, according to Travel Council by-laws, because missed three meetings. However, he has reapplied, rearranging his schedule so he could attend. **Motion: Lewis moved to appoint McFarland seconded by Knight. Motion carried 7-0.**

**V, APPOINTMENT OF THREE MEMBERS TO THE BOARD OF ADJUSTMENTS – TERMS TO EXPIRE 12/31/09.** The Council asked the Candidates to present themselves before the Council. Applicants were asked the following questions:

Are you aware that a matter is pending?

Will you comment on whether you can fairly decide that matter without taking into consideration what you may have heard and instead rely on the instructions given them and the facts presented during the board hearing?

Can you be impartial and unaffected by what you have heard or believe to be true?

as follows:

Lance Christie: Are you aware a matter before this board? Lance said yes. Langianese asked if he could make an impartial decision. Christie said he would consider the facts only.

Judy Tangren: Stated she could look at all the facts and make a decision based on facts only. She feels her years working in the assessor's office would be a benefit.

Mike Suarez: stated he was impartial and not affected by what has been heard to date concerning the issue before them.

Kelly Thornton – interviewed by phone by Nancy. Has served in the past. She did receive an email that there is a matter pending before this board but is not aware of the facts.

Langianese stated If any person has taken a position publicly on this issue, they could still serve on the board but must recuse themselves from voting on this issue. Motion: Graham moved to appoint Lance Christie, Judy Tangren and Mike Suarez with Kelly Thornton as alternate. Motion died for lack of second. Motion: McNeely moved to appoint Lance Christie, Judy Tangren and Kelly Thornton seconded by Knight. Motion carried 6-0. Tanner recused himself from voting. Councilman Langianese then advised the appointees not to have any ex-parte contact with anyone about the pending matter. They should excuse themselves from conversations on the topic. Board appointees should refrain from updating themselves about the topic, except by appropriately considering the documents and other evidence presented at the Board of Adjustments hearing.

Discussion of fee ordinance amendment and schedule public hearing No action taken at this time.

Council and Administrative Reports:

Tanner reported the finalization on sewer agreement with City and Spanish Valley Water and Sewer is in process. Next step will be considered by agency. Graham will be going to Denver for a seminar on building Safe and Health

communities. Solid Waste District will interview board applicants Feb 2 so we consider appointments at those Feb 7<sup>th</sup>.

Moab Tailings update: Moving forward with upgrade on the water pipeline in Thompson to Crescent Junction. Reading room for the Atlas Tailings information should be set up in Thompson set up this week. We do have a reading room in Grand County Library. Stake holders meeting was held last week with Richard Grice.

Motion to adjourn: McNeely moved to adjourn seconded by Graham. All voted aye.

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Joette Langianese, Chairman

Attest: \_\_\_\_\_  
Fran Townsend, Clerk/Auditor