

GRAND COUNTY COUNCIL MEETING
March 21, 2006

The regular session of the Grand County Council was called to order at 4:00 p.m. on the above date by Chairman Joette Langianese. Others in attendance were Councilmen Nate Knight, Jim Lewis, Rex Tanner, Judy Carmichael, Jerry McNeely and Audrey Graham with Grand County Clerk/Auditor Fran Townsend, Chief Deputy Diana Carroll and Administrator Nancy Woodside.

A. Presentation of Payment in Lieu of Taxes (Derris Jones of Division of Wildlife Resources)

Derris Jones – Utah Div of Wildlife Resources presented a check to Grand County in the amount of \$4,358.49. This amount represents the 2005 contractual amount from property owned in Grand County by the Division of Wildlife Resources in lieu of payment of property taxes. Some of those properties include the Matheson Wetlands and the Book Cliff ranch property.

B. Bison Transplant to Book Cliffs (Derris Jones)

Dave Olsen reported on bison transplant to the Book Cliffs. The Ute Indian reservation is home to approximately 500 bison. The Division of Wildlife Resources is putting together a management plan for bison in the Book Cliffs. The herd has existed there for about twenty years and the Division would like to work with surrounding property owners in the bison development. The intent of the Division would be to establish a free roaming herd which would be the third herd in the state.

C. Consideration of Approval of Resolution for Vehicle Financing (Fran Townsend)

MOTION: Motion by Councilman Knight to approve the resolution as presented in the amount of \$188,491.80 with interest at a rate of 4.3%. Motion seconded by Councilman Carmichael and carried unanimously 7-0.

D. Consideration of Approval of Letter of Support for Bureau of Land Management Resource Management Plan (Jerry McNeely).

MOTION: Motion by Councilman McNeely to approve the “balanced alternative” plan and send the letter of support to BLM. Motion seconded by Councilman Knight. Councilman Tanner questioned the Areas of Critical Environmental Concern (ACEC) with regard to the Ten Mile Wash area. BLM stated travel in the area is limited to designated roads. Councilman Graham wanted water shed language added to the letter of support. BLM assured Grand County Council the water sheds are being addressed. Motion carried unanimously 7-0.

E. Consideration of Approval of Letter of Support to Nature Conservancy In Favor of Sale of Moab Rim Property to the Land and Water Conservation Fund(Joette Langianese)

MOTION: Motion by Councilman Graham to approve sending the letter of support to the Nature Conservancy for the sale of the Moab Rim property to the BLM Land & Water Conservation Fund. Motion seconded by Councilman Tanner who asked the process of the purchase. Mary VonKoch responded that Congress appropriates the money. Funds for this project have been requested for 2009. Motion carried unanimously 7-0.

F. Consideration of Approval of Resolution Regarding Refund of Debt from Utah Association of Counties (Jerry McNeely)

MOTION: Motion by Councilman Carmichael to approve the resolution as presented. Motion seconded by Councilman Tanner and carried unanimously 7-0.

G. Consideration of Approval of Purchase of Easement from Marc Horwitz for building of Drainage and Detention (Nancy Woodside)

The purpose of purchasing the easement would be for construction a Grand County storm/water line for drainage or detention. **MOTION:** Motion by Councilman Carmichael to approve purchase of the easement in the amount of \$31,500 to be paid from Drainage Impact fees. Motion seconded by Councilman Graham and carried unanimously with a 7-0 roll call vote.

H. Consideration of Approval of Proposal from Facilities Planner, Prescott Muir (Judy Carmichael)

Administrator Woodside noted that page 5 of the document specifies what he (Prescott) will do for Grand County. The public facilities plan will be used to some extent. Money for the proposal is not in the budget – it can come from the general fund. Councilman Carmichael would like to expedite the payment. **MOTION:** Motion by Councilman Carmichael to approve the proposal with money coming from the Discretionary Fund. Motion seconded by Councilman Tanner. Councilman Graham questioned the reimbursable expense at cost + 10%. The signed document will be a MOU (agreement). AIA Standard Architect form is not necessary. Motion carried 5-2 with Councilmen McNeely and Knight opposed.

I. Consideration of Information Technology Proposal from Dan Neuss (Nancy Woodside)

MOTION: Motion by Councilman Knight to table the agenda item. Motion seconded by Councilman Graham and carried unanimously 7-0.

J. Other Administrative Items

Contract with Jim Barker – Tailings lobbyist - Council wanted to review the contract in 6 months to make certain appropriations had been made. Administrator Woodside is concerned about his bills and what exactly he is doing. The contract will be reviewed by the Council at their first meeting in June. Councilman Langianese will ask Barker to give a status report.

Code enforcement Officer – the Council will need to know the timeline of codification of ordinances.

UDOT meeting April 5th from 9-11 a.m. at the Grand Center. Councilmen McNeely and Carmichael will attend.

Administrator Woodside would like to increase the number of board members on the Airport Board. Council agreed this was not needed.

Division of Oil Gas & Mining – May 16 12:00 – 1:30 in the Council Chambers

BLM lease land with map Councilman McNeely will report back to the Council after meeting with Dave Vaughn.

There will be a Draft from Horrocks of the Spanish Valley Transportation Study presented to the Council on April 18th.

There is a letter in your packet from Moab City regarding the Economic Development Agreement.

Administrator Woodside wants to meet with each Councilman before the Governor's joint meeting. The meetings will take place March 31st at the joint meeting with Moab City.

Joette: P&Z conference April 6th in Provo – Councilman Carmichael and Administrator Woodside will attend.

Recess – at 6:00 p.m.

The evening session of the Council meeting was called to order at 7:00 p.m. by Chairman Langianese. Others in attendance were Councilmen Nate Knight, Jim Lewis, Rex Tanner, Judy Carmichael, Jerry McNeely and Audrey Graham with Grand County Clerk/Auditor Fran Townsend, Chief Deputy Diana Carroll and Administrator Nancy Woodside. The Pledge of Allegiance was led by Sandy Bastian.

Approval of Payment of Bills

MOTION: Motion by Councilman Carmichael to approve bills presented for payment in the amount of \$843,470.76. Accounts payable check numbers 43713 - 43970 totaling \$736,311.84 and payroll check numbers 21625 – 21695 and 30506 – 30584 totaling \$107,158.92. Motion seconded by Councilman Knight and carried unanimously with a 7-0 roll call vote.

K. Approval of Minutes

MOTION: Motion by Councilman Knight to table approval of minutes. Motion seconded by Councilman Lewis and carried unanimously 7-0.

Presentations

L. Review and Certification of Four Corners Community Behavioral Health Inc.'s Annual Audit (Bob Greenberg)

The State requires Grand County to review and approve the annual audit of Four Corners Community Behavioral Health. **MOTION:** Motion by Councilman Carmichael to approve and certify the 2005 FCCBH annual audit. Motion seconded by Councilman Graham and carried unanimously 7-0.

M. Consideration of approval of a Resolution for a Preliminary Plat of the Tierra del sol PUD Subdivision. The proposal is a 10.04 acres parcel of Land Located North of the Spanish Trail Arena and Fronts on Highway 191, Currently Zoned SLR-2 and proposes 21 Duplex Buildings: Each Unit Will be sold Separately (Mary Hofhine)

MOTION: Motion by Councilman Carmichael to adopt the resolution as presented. Motion seconded by Councilman McNeely and carried unanimously 7-0.

N. Consideration of Approval of an Ordinance on a Proposed Amendment to the Conditional Use Permit for DayStar Adventist Academy Located on the Loop Road Approximately 25 miles from Moab City on Highway 128, the Property is in an RG, Range Grazing Zone District (Mary Hofhine)

MOTION: Motion by Councilman Carmichael to adopt the ordinance as presented. Motion seconded by Councilman Graham and carried unanimously 7-0.

O. Consideration of Approval of a Resolution for a Preliminary Plat for the Estados Puestes Subdivision Located on the Corner of Spanish Valley Drive and Spanish Trail

Road. The Proposed Subdivision is 6.3 Acres With 5 Single Family Lots Approximately 1 Acre Plus in the RR, Rural Residential Zone District (Mary Hofhine)

MOTION: Motion by Councilman Carmichael to adopt the resolution as presented. Motion seconded by Councilman McNeely with a spelling correction on now therefore #1 carried unanimously 7-0.

P. Consideration of Approval of an Ordinance on a Proposed Amendment to the Land Use Code to Amend Sec. 8.1.3A Waste Materials Management (Mary Hofhine)

MOTION: Motion by Councilman Carmichael to table adoption of the ordinance. Motion seconded by Councilman Graham and carried unanimously 7-0.

Q. Consideration of Approval of an Ordinance on a Proposed Amendment to the Land Use Code to Amend Sec. 3.3.2H Dude Ranch or Destination Resorts by the Addition of a New Subsection to Allow Signage up to 192 Square Feet (Mary Hofhine)

MOTION: Motion by Councilman Knight to adopt the ordinance as presented amending the Land Use Code by the addition of Subsection 3.3.2.H.15 regarding maximum allowable signage. Motion seconded by Councilman McNeely. Councilman Lewis thinks there is a better solution to the problem (signage) other than the ordinance. Councilman Graham is concerned the ordinance is not a good solution to the problem. Councilman Carmichael said the ordinance is not about Red Cliffs and does not apply. Councilman McNeely sees nothing wrong with the ordinance presented by Planning & Zoning and is in favor of their recommendation. Councilman Knight feels the business needs a bigger sign. The Property owner brings money into the county and needs adequate signs. Councilman Carmichael believes the ordinance does not apply to Colin Fryer. Administrator Woodside will work with Colin to come up with a solution administratively. Motion failed 2-5 with Councilmen Knight and McNeely in favor. **MOTION:** Motion by Councilman Lewis to deal with the Red Cliff signs administratively by the next Council meeting and in the meantime allow Colin to un-cover his signs until the issue is resolved. Motion seconded by Councilman Carmichael and carried with a vote of 5-2. Councilmen Knight and McNeely opposed. A resolution will be prepared for the next Council meeting.

R. Consideration of Approval of an Ordinance to Rezone property from RR, Rural Residential, HC, Highway Commercial. This parcel is located at 3255 S. Highway 191; Tim Keogh and Jim Farrell are the property Owners and the Subject Property Consists of Approximately 5.74 acres (Mary Hofhine)

The Grand County Planning Commission reviewed this application in a public hearing on January 25, 2006 and found the proposal to be consistent with the issues for consideration and recommended approval without condition. Staff comments included in the Planning Commission memo dated February 10, 2006 suggested the County Council may wish to consider amending the PUD regulations to allow greater flexibility where a PUD is approved over lands in two zoning districts. Councilman Carmichael received an administrative interpretation of the zone and suggests not to rezone the property but to blur the line of the two zones and the property owner be entitled to the existing density of the current zone. Councilman Lewis questioned the fact that the property owners are not asking for a PUD. Councilman Carmichael said they (property owners) would have to come to Planning Commission as a PUD. The unintended consequences would go away in a PUD. Councilman Tanner is concerned about the interpretation and what ensures that the two zones become a part of the Land Use Code. Councilman Carmichael has asked the Planning Commission to prepare a code amendment to address these issues. Tim Keogh feels the interpretation could be done administratively but have applied for a zone change not a code amendment. Jim Farrell shared that as a developer mixed

use/mix density is very difficult to plan. Councilman Graham said a PUD is designed to provide mixed use. **MOTION:** Motion by Councilman Tanner to adopt the re-zone ordinance as presented. Motion seconded by Councilman Knight. Motion failed 3-3 with 1 abstention. Councilmen Knight, Tanner and McNeely in favor of the ordinance. Councilmen Graham, Langianese, and Carmichael against. Councilman Lewis abstained from voting questioning the use of an arbitrary line drawn in the past. **MOTION:** Motion by Councilman Lewis to approve the zone change from RR to HC based on the fact the line was arbitrarily drawn and to include 5.74 acres. It was a zoning artifact from the past. Motion seconded by Councilman Tanner. Councilman Graham feels the County is opening up for problems. Councilman Carmichael is not comfortable making a decision based on arbitrary line and agrees with the Planning Commission's recommendation. The Land Use Code requires compelling reason to rezone property and the burden of proof lies with the developer. **AMENDED MOTION:** Motion by Councilman Lewis to amend the original motion to include the recommendation from Planning & Zoning finding the proposal to be consistent with the issues for consideration and recommend approval without conditions. Amended motion seconded by Councilman Tanner and carried 4-3. Councilmen Knight, Lewis, McNeely and Tanner in favor while Councilmen Carmichael, Langianese and Graham voted against. Councilman Carmichael will continue work on the code amendment.

MOTION: Motion by Councilman Graham to enter into executive session AT 8:42 p.m. to discuss personnel issues. Motion seconded by Councilman Carmichael and carried unanimously 7-0. Present were Councilmen Knight, Lewis, Tanner, Carmichael, Langianese, McNeely and Graham. Others present were Grand County Clerk/Auditor Fran Townsend, with Diana Carroll and Administrator Woodside. **MOTION:** Motion by Councilman Lewis to end the executive session at 8: 45. Motion seconded by Councilman Carmichael and carried unanimously 7-0.

MOTION: Motion by Councilman Carmichael to adjourn at 8:50 p.m. Motion seconded by Councilman Lewis carried unanimously 7-0.

Joette Langianese, Chairman
Grand County Council

Attest: _____
Fran Townsend
Grand County Clerk/Auditor