

Grand County Council
June 20, 2006

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

Elected Officials

Grand County Clerk/Auditor Fran Townsend reported on the upcoming election. The new election equipment is in place and staff is trained and ready to proceed.

A. Consideration of Approval for 2007 Area Plan for Substance Abuse and Mental Health (Bob Greenberg)

Bob Greenburg presented the 2007 Area Plan for Substance Abuse and Mental Health. The plan is a required by Statute and outlines the requirements of Four Corners Community Behavioral Health. The plan is made available for the local authority to approve by May 1st of each year. Approving the plan does not bind the county in any way. Four Corners will be coming to the County for funding requests in the fall. **MOTION:** Motion by Councilman Audrey Graham to approve the 2007 Area Plan for Substance Abuse and Mental Health as presented. Motion seconded by Councilman Jerry McNeely carried 6-0.

B. Consideration of Approval of a Request to Waive building Permit Fee for Contracted Construction Project at the Moab Golf Club, Manual Torres (Jeff Whitney)

The Moab Country Club leases the golf course from Moab City and pays 2% of the gross income back to the City. The Moab Country Club has an agreement with the City to keep the 2% normally paid to fund improvements at the golf course. Manual Torres, on behalf of Moab Country Club, requested \$1,890.06 in building fees be waived by Grand County. **MOTION:** Motion by Councilman Nate Knight to approve waiving the building permit fees. Motion seconded by Councilman Rex Tanner carried 6 – 0. Councilman Jim Lewis noted that the Recreation District also contributed money to fund the improvements.

C. Consideration of Approval of Appointment of Primary Election Judges (Fran Townsend)

MOTION: Motion by Councilman Audrey Graham to approve the appointment of election judges as submitted. Motion seconded by Councilman Jerry McNeely carried 6 - 0.

D. Consideration of Approval of an Interlocal Agreement as to the Creation Funding and Administration of a Joint Affordable Housing Plan by and between

Grand County, The City of Moab, and the Housing Authority for Southeast Utah. (Audrey Graham)

The plan has been reviewed by the Attorney and Richard Grice, Grand County Planner. The Housing Authority will bring current board members to the County Council for approval at the next meeting. This agreement would require each entity to pay \$6,000. to develop the plan. The committee is working on fund raising options. **MOTION:** Motion by Councilman Audrey Graham to approve the Interlocal Agreement. Motion seconded by Councilman Jerry McNeely. Councilman Nate Knight would like to review the Housing Authority budget prior to finalizing the plan. Councilman Rex Tanner wondered if the other participants in the plan are required to approve it as well. Both County's Officials have worked hard to develop a working relationship and Grand County should not jeopardize that relationship. Councilman Audrey Graham noted that San Juan County approved the current board members who are Grand County residents. Motion carried 4 – 2 with Councilmen Nate Knight and Rex Tanner against. Councilman Audrey Graham will follow up at the next meeting.

E. Consideration of Approval to Ratify a Lease Between Grand County and Frontier Communications (Jim Lewis)

Marian DeLay wanted to pay the lease from TRCC funds. Clerk/Auditor Fran Townsend said the TRCC Funds were already obligated. **MOTION:** Motion by Councilman Jim Lewis to approve the Lease as submitted with funding to come from TRCC funds. Motion seconded by Councilman Nate Knight carried 6 – 0.

F. Consideration of Approval of Mesa Airlines Terminal Space Lease (Nate Knight)

MOTION: Motion by Councilman Nate Knight to approve the terminal lease. Motion seconded by Councilman Jim Lewis carried 6 – 0.

Other Administrative

Spanish Valley Transportation Study comment period has been extended to July 7, 2006.

Council received a letter from Eve Tallman at the Library requesting permission to close the Library on July 3 Holiday in exchange for the July 24th Holiday. The Holiday schedule is set at the beginning of each year and the public expects the Library to be open on July 3rd. Council did approve Eve Tallman's request to shorten the hours of operation from 9:00 a.m. to 5:00 p.m. and will advertise the change.

Councilman Rex Tanner – how to proceed with IT contract with Dan Nuess. There is a signed contract in place. Council will consider the contract during the evening session.

Recess until 7:00 p.m.

The evening session of the Grand County Council meeting was called to order at 7:05 p.m. by Vice-Chairman Judy Carmichael. Others in attendance were Councilmen Nate Knight, Jim Lewis, Rex Tanner, Jerry McNeely and Audrey Graham with Grand County Clerk/Auditor Fran Townsend and Chief Deputy Diana Carroll.

The Pledge of Allegiance was led by Tim Keogh.

Approval of Payment of Bills

MOTION: Motion by Councilman Jim Lewis to approve bills presented for payment in the amount of \$475,086.59. Accounts payable check numbers 45078 - 45191 totaling \$475,086.59 and payroll check numbers 22159-22227 and 61106 - 61194 totaling \$109,482.29. Motion seconded by Councilman Nate Knight and carried with a 6-0 roll call vote.

G. Approval of Minutes

MOTION: Motion by Councilman Audrey Graham to approve the minutes from the May 23, 2006 meeting. Motion seconded by Councilman Jim Lewis and carried 6 – 0.

MOTION: Motion by Councilman Audrey Graham to approve the minutes from the June 6, 2006 meeting. Motion seconded by Councilman Jim Lewis. One addition is to add the 2.5% County matching funds to the FAA Grant Agreement agenda item. Motion carried 6 – 0.

Citizens to be Heard

Tim Stewart – recently attended the Airport Board meeting to request permission to park cars at the Airport for rental. The staff at the Airport will rent the cars. Clerk/Auditor Fran Townsend will review the Thrifty Lease for an exclusive clause and report back to the Council.

Presentations

H. Recognition to Grand County for their Historical Participation in the Development of Utah's Oil and Gas Industry (Jerry McNeely)

The Utah Division of Oil and Gas is celebrating 50 years as a State Agency. The Bamberger-Millis #1 oil well was the first exploratory oil well drilled in the State of Utah and was located in Grand County just south of Green River in 1891. Councilman Jerry McNeely accepted the award on behalf of Grand County for participation in the production of oil & gas.

I. Public Hearing on a Preliminary Plan for Rim Village vistas Phase III PUF, a Subdivision of land located on Highway 191, just south of the Grand County Arena. The proposed subdivision is 21.72 acres with a proposal of 196 units of multi-family residential in 2 Zone Districts, a MFR, multi-family and a RR, Residential Districts.

The application, submitted by SMA, on behalf of the owner Chuck Henderson, proposes to subdivide a 21.72 acre parcel into 196 lots. The property is a split zone of RR, Rural Residential and MFR-20, multi-family residential 20. The Council has endorsed the Zoning Administrator's interpretation to allow mixing densities; the applicant has provided a master plan of the project with the mixed density. All interior roads are private roadways and for safety reasons the County Engineer has requested they be 24 feet wide. There were no public comments.

Public Hearing closed at 7:30 p.m.

General Business

J. Consideration of Approval on an Ordinance for a Preliminary Plat for the Noy Desert Wind Subdivision located on Highway 191 Lot 72. The proposed subdivision is 2.4 acres with 20 single family lots in the HC Highway Commercial Zone (Mary Hofhine)

The Planning Commission reviewed this application submitted by Burakom Kesavadhana at their regular meeting on April 26, 2006 and recommended approval subject to the conditions set forth in the Ordinance. **MOTION:** Motion by Councilman Audrey Graham to send the application back to Planning & Zoning for clarification of Item #5 regarding connectivity. Motion seconded by Councilman Jim Lewis. Councilman Audrey Graham is concerned about Item #5 which states the connectivity to the Southeast and Northwest sides of the development shall be provided and determined by applicant. Councilman Jim Lewis agreed that connectivity is an issue and agrees with Audrey. Councilman Rex Tanner would not be in favor of sending the application back to P&Z but would prefer voting down the Ordinance with the possibility of additional motions. If it did go back to P&Z it would come back to the Council with no connecting roads. The Land Use Code states that street connections are discretionary with exceptions for unusual cases. Councilman Judy Carmichael noted the Council does not have the authority to waive the Planning Commission decision regarding connectivity. Motion failed 3 – 3 with Councilmen Nate Knight, Rex Tanner and Jerry McNeely opposed. **MOTION:** Motion by Councilman Rex Tanner to approve Desert Wind PUD Preliminary Plat as presented, with the exception of the #5 conditional recommendation and read the following findings into the record: the Grand County Attorney recommends the Council establish findings to vary from the P&Z recommendations. To substantiate the findings Rex noted the lands bordering to the Southeast and Northwest are also zoned HC Highway Commercial and the idea of enforcing street connection standards in the Land Use Code interferes with development of those bordering properties. The Street Connection zoning stipulation in the Land Use Code seems to be intended for Residential Zoning not Commercial Zoning. Applying the strict interpretation of the Land Use Code interferes with the property owner's rights as indicated in a letter from the property owner by reducing the density 20% which would also reduce the number of units from 20 to 16. The underlying zone allows up to 50 units on the 2.5 acre parcel. By allowing the developer to determine the location of the roads, the surrounding property owners end up with roads that go nowhere and private roads are a burden to the tax payer. To require the additional roads in a grid system does away with the rural character that Grand County strives to maintain. The safety of area residents is jeopardized by allowing that many houses on 2.5 acres. Increased traffic inside the subdivision coupled with the negative of traffic along the highway, takes away the property owner's rights to develop and market his subdivision. Motion seconded by Councilman Nate Knight. Councilman Jim Lewis agreed and would like to see the items written and the suggestions given back to P&Z and have them present a recommendation to the Council. Councilman Judy Carmichael stated the adjacencies are standard in land use by determining the location of the road which allows access to surrounding properties. Motion failed 3 – 3 with Councilmen Jim Lewis, Judy Carmichael and Audrey Graham opposed. **MOTION:**

Motion by Councilman Rex Tanner to send back to Planning & Zoning. Motion seconded by Councilman Audrey Graham passed 5 – 1 with Councilman Nate Knight opposed.

K. Consideration of Approval of an Ordinance for a Code Amendment to allow “Telecommunications Tower and Facilities” and “Outfitters and Guide Services and Facilities” in the GB, General Business Zone District by Conditional Use (Mary Hofhine)

MOTION: Motion by Councilman Audrey Graham to adopt the ordinance as presented. Motion seconded by Councilman Rex Tanner passed 6 – 0.

L. Consideration of Approval of Resolution for a Conditional Use Permit for Cingular Wireless 80 Foot Telecommunication Tower and Related Facilities Located at 1969 Highway 191, Cingular Wireless, Applicant (Mary Hofhine)

MOTION: Motion by Councilman Nate Knight to approve the resolution as presented. Motion seconded by Councilman Rex Tanner carried 6 – 0.

M. Consideration of Approval on a Resolution for Tierra del sol PUD Amendment – Changing Front Set-backs, Dan Pyatt, Applicant (Mary Hofhine)

MOTION: Councilman Audrey Graham moved to approve the resolution as presented. Motion seconded by Councilman Jim Lewis carried 6 – 0.

N. Consideration of Approval of a Resolution of Inducement for Industrial Revenue Bonds for Medspring Group (Rex Tanner)

Councilman Nate Knight reclused himself to the audience. Dick Baggett, Medspring Group CEO withdrew his company’s request. Industrial Revenue Bonds require unanimous support by the Council. On behalf of Medspring Dick thanked Councilmen Jerry McNeely, Rex Tanner and Judy Carmichael and apologized to the hard working citizens. Medspring was approved and will be locating in San Juan County.

Other Administrative

Judy Carmichael - There will be a City/County joint meeting June 30 at 11:30 at City Hall. Administrator job applications can be reviewed by Councilmen in the Council Office. June 28 Planning Commission meeting will be DOE Conditional Use Permit. The damage on the roof at the old Senior Center will not be covered under insurance but repairs still need to be made. Council agreed to proceed with the repairs based on the estimate from Joe Sorenson with the money adjusted during Budget re-opening.

Audrey Graham - Grand County Labor Summit at City Hall Thursday from 10 to noon. Housing issues and the current labor shortage will be discussed.

Council Reports

Jim Lewis - Travel Council mailer has been sent to the Northwest part of the U.S. it invites people to visit Grand County. Travel Council will be moving to their new location the middle of this month.

Rex Tanner – requesting direction from the Council regarding the IT Contract with Dan Nuess. Councilman Audrey Graham wanted to make certain the Purchasing Policy was followed. Council agreed to proceed and Rex will contact Dan.

Councilman Audrey Graham reported the Recycle Center is searching for funds to hire someone to bail cardboard. The Center hopes to be open by the end of June. Reminded residents to vote, early voting is available in the Clerk’s Office and there are some changes in polling places.

Councilman Nate Knight requested to have Dave Warner fix the trench at the airport. Councilman Jerry McNeely will talk to Dave Warner.

MOTION: Motion by Councilman Nate Knight to adjourn at 8:10 p.m. Motion seconded by Jerry McNeely carried 6 – 0.

Joette Langianese, Chairman
Grand County Council

Attest: _____
Fran Townsend
Grand County Clerk/Auditor