

GRAND COUNTY COUNCIL MEETING

August 1, 2006

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

Chairman Langianese ask Council during the workshop to consider amending agenda to hear the presentation by MHF Logistic Solutions since they were here now. Council agreed.

PRESENTATION BY MHF LOGISTICS: Rick Zink made the presentation. He reported it has been over a year since he was here. There is not a lot of activity through the Cisco Transport station. They lost part of the New York Contract. They do keep their Cisco site under rent with Union Pacific in case anything opens up. They are currently bringing some Rail Loads in to Crescent Junction. This is strictly a trucking move. They do not have anything in the immediate future for Cisco. There was a rumor of bringing some material from Oklahoma here, but not true, have no contract for that. Their commitment to the council is the same as always. If they have a large enough project that needs conversation with council concerning the bridge, will initiate conversation concerning that at the time it is needed.

They are stepping up activities concerning the Moab Tailings. Dennis Morgan is one of the business development managers – in charge of gov't work that they do. Rick asks that the council consider their past history with the County when the RFP comes out concerning the Atlas Tailings removal and keep them in mind.

ELECTED OFFICIAL REPORTS:

A. DISCUSSION OF PURCHASE OF A USED VEHICLE FOR SHERIFF'S DEPARTMENT: Sheriff Nyland reported he had a sheriff's vehicle involved in an accident in Salt Lake City. Police report cited the other person at fault. The car was totaled. We have received \$9,500 insurance payment for that vehicle. He asked the council permission to purchase a used car, using that money. This vehicle will be used for commute and transport prisoners, etc. He has been making some phone calls to other state and county surplus departments to see what is available. Cost would run about \$15,000. Tanner feels rather than purchase a used vehicle, maybe we need to purchase a new one. Nyland stated people will be in training in Salt Lake City for another six months. Council suggested to go ahead and purchase a new car now and then reduce number of new vehicles request by one in the 2007 budget process. Councilman Knight agrees it is better to just purchase a new one. Clerk/Auditor Fran Townsend advised there are also funds available for mileage charged from the Airport Security Grant that could be used toward the purchase of a vehicle. Nyland will proceed with bid process and bring recommendation to council. Langianese wants to look into grant funds as she was not aware of this availability.

C. PRESENTATION OF 2005 GRAND COUNTY FINANCIAL AUDIT: The presentation was made by Greg Marsing of Smuin, Rich & Marsing CPA Firm. There

were no reportable issues, no weaknesses. We did have one major program – airport grant. He reported the County has done a good job in setting up controls. The County appears to be in good financial position at the end of the year. Council suggested we have Greg come back toward the end of the August to review the audit after they have opportunity to study it.

ACTION ITEMS:

D. CONTRACT WITH SE UTAH ASSOCIATION OF GOVERNMENTS SENIOR CITIZEN’S NUTRITION: This contract will run from July 1, 2006 to July 30, 2007. They are asking for an increase of \$15,000 over last year. They have had an increase in using more food plus gasoline costs. There has also been an increase in staff. Verleen says donations from the Seniors have increased up as they raised that an additional 50 cents. **Motion: Councilman Lewis moved to approve the contract seconded by McNeely.** Lewis asked if this is strictly for nutrition. Answer is yes. Increase in seniors served and meals on wheels have really increased. Cook gets \$10 per hour and other kitchen staff gets \$8 per hour. They have 80 home delivered meals and 70 to 100 come to the center four days a week. This cost also includes supplement – insure nutritional drink - but they also have suggested donation that covers cost and material. Tanner asked if home delivery meals require some kind of qualifying. Yes – a Dr. prescription and have to be homebound. **Motion carried 7-0.**

E. PAYMENT REQUEST FOR ENGINEERING SERVICES AND TIME EXTENSION FOR HORROCKS ENGINEERS FOR NEW SPANISH TRAIL: Payment will be made by UDOT from the funds we have already deposited with them. **Motion: Lewis moved to approve the payment and extension to the contract to March 2007 seconded by Graham. It was reported that there have been some hold-ups concerning permits, etc. Motion carried 7-0.**

F. PAYMENT REQUEST FOR ENGINEERING SERVICES, PLAN APPROVAL & TIM EXTENSION FOR HORROCKS ENGINEERS FOR COLORADO RIVER PEDESTRIAN BRIDGE: **Motion: Lewis moved to approve payment request and extension seconded by Carmichael. Motion carried 7-0.**

G. RESOLUTION TO AMEND TITLE OF THE EXECUTIVE FUNCTION IN ALL COUNTY ORDINANCES AND RESOLUTIONS. This action will provide amendment to all ordinances and resolutions wherever the title, “County Administrator” appears in any ordinance or resolution, it shall be deemed to refer to the Council Administrator. **Motion: Carmichael moved to approve seconded by Tanner. Motion carried 7-0.**

Other Administrative:

Item from Corky on House Bill 146 – requires all his volunteers to get training – red card. Grant Applications signed \$5,500 for RSVP – with AOG for counseling services – HIP Grant. Another letter for Travel Council for a matching grant.

Meeting with Sitla on Friday – their request –

Land exchange part we are more concerned about the land exchange happening where people have dropped mineral rights either direction. Still not interested – and if they continued would lose grand county support. Land Exchange – Uintah county – they

benefit or reservation benefit. Sitla would exchange public lands with reservation. Our piece – seem like we wouldn't lose anything but really need to look at it. It is on Ute Indian reservation. Utah recreational land exchange – have always supported this. Concerned that the language did not include mineral withdrawal.

Audrey raised question concerning the old senior center building – health department wants to rent the building – search and rescue, EMS - . Rex – need to clarify with facilities planner - . Question – looking at the plan - .

Recess.

Call to order at 7:00 p.m. – Jim Lewis absent.

PLEDGE OF ALLEGIANCE Laura Kamala led in the pledge of Allegiance.

APPROVAL OF PAYMENT OF BILLS : Councilman Carmichael moved to approve bills in the amount of \$800,786.46 plus \$103,981.25 payroll for a total of \$904,767.71 seconded by Knight. Of this total - \$518,306.33 were funds transferred to the Public Treasurer's Investment Fund (savings). Roll call vote: Knight – aye, Tanner – aye, Carmichael – aye, Langianese – aye, McNeely – aye, and Graham – aye. Motion carried 6-0.

CHECK NOS. 45171-45808	\$ 80,948.12
CHECK NO. 45809	\$ 76.57
CHECK NOS. 45810-45913	\$718,471.46
VOIDED CHECKS	(\$ 709.69)
PAYROLL	<u>\$103,981.25</u>
TOTAL	<u>\$904,767.71</u>

APPROVAL OF MINUTES JULY 11 AND JULY 18: Councilman Graham moved to approve minutes of July 11, 2006 meeting seconded by Carmichael. Carmichael, Langianese, McNeely and Graham voted aye, Knight and Tanner abstained. Motion carried 4-0. Councilman Carmichael moved to approve minutes of July 11 – Audrey/Judy names corrected 4-2 abstained Nate & Rex were absent July 18 – corrections in red. Judy/Nate. Motion carried 5-1 Jerry was absent.

CITIZENS TO BE HEARD:

Ray Tibbetts: He recently heard we are in the process of trading state land in the Castle Valley area. He is against trading the lands. We need to look at land swaps closer. School sections should not be traded out the county where they are now. Need to make sure we maintain the mineral rights on these trades. It does draw certain amount of revenue every year. Need to look a lot closer before we make any trades.

Laura Kamala: Director of Southern Utah Programs for Grand Canyon Trust. They have been working for three years in partnership with Utah State Trust Lands on a Utah Recreational Land Exchange for 2006. It is very close to a vote now in Congress and should be voted on in the House in September. As far as oil and gas lease withdrawals go that have been negotiated between Republican and Democrat Staff on the House and Senate Resources Committee, it is not something that the town of Castle Valley or the Grand Canyon Trust have been pushing. Democrats are working hard to get the bill passed. This is important for the future of Grand County. There are a lot of sensitive

lands involved in the exchange. She is asking the County Council, if there are outstanding issues, to work them out so we can move forward with the bill.

Bill Hedden: Ex Director of Grand Canyon Trust. He was gratified when Council took action of the utility corridor behind the rocks. The bill is not just about Castle Valley. Many other areas are involved and could be an impact on the recreation economy. He understands oil & gas withdrawals but there are other avenues that provide more revenue for local schools. He thanked the Council for their time and hopefully you can come up with language for a letter.

John Darke: would like to draw attention to an agenda item that occurred after 4 pm on August 1, 2006. I am appearing as a private citizen. I sat in your chambers and watched what I felt was an absurd and unnecessary event. Members of the audience watched as they thought MHF Logistics would make a presentation. The meeting was not recorded on audio. I attended the meeting and stood up in the back of the room and asked for a point of order. I will review the tape in the morning. Are my comments on the tape? Does someone speaking in the back get recorded? Does this body think there is a conflict of interest re: the waste corridor or the tailings.

John Wolfe: Property owner of multiple properties in Grand County. You said you work in the interest of Grand County, I ask that you work in the interest in the residents of Grand County.

PUBLIC HEARINGS

J. PUBLIC HEARING REGARDING PROPOSED TAX RATE INCREASE:

Fran Townsend, Clerk/Auditor reported this the second in a series of public hearings. The first one was held during the 2006 budget process in December of 2005. We now know the assessment value and know what we need to balance the budget. Lamar Sayer advised the Total advertised in the Newspaper Ad includes the Library, Courthouse Bond, Library Bond and Assessing and Collecting levies. The general fund portion is \$1,240,000.

Ray Tibbetts: Thank you for representing Grand County, you are all my friends and I trust you. We have a problem in Grand County as a lot of young people are buying expensive houses and a lot of old people living in expensive houses. Young people want to stay in Moab and make a living. It is becoming impossible to live here. It's becoming like Aspen. It takes a lot of money to run the government so you must keep a tight reign on the money. State requires you to assess the property, but they don't require the value. The best thing to do is lower the tax rate. We have a boom cycle and new homes are affecting high taxes. I suggest rather than bring in all this money, lower the tax revenue so you don't go over budget and have no increase in taxes this year.

Mike Suarez; I realize expenses go up for Counties too. He suggested a progressive tax rate. Those who have more can afford more pay more. Those who can't afford pay a smaller amount. Please consider if possible.

John Wolfe: Property values have doubled, cheap old house on a rotten piece of land. I am on a fixed income where will I get the money? Are you suggesting we rob people, or

will you through us out on the street. I am disabled. The state is cutting benefits on us, the disabled. We are competing with millionaires. I see county and city employees drive around in expensive cars. I make do with second hand clothing. What else to you want us to do.

Ed Bridges: I live on Spanish Trail Road. I wish to re-iterate what Mr. Tibbetts said. My taxes on undeveloped land have increased over 100%. I think there should be a law that states you cannot raise taxes over a certain %.

Ann Walden: My taxes were raised last year and then again this year. You need to re-evaluate what we need and don't need in the County. Start dealing more with our state lands, sale them for revenue. Russians are freer than we are. I'd like to see our taxes lower. We need to know how to button up and be prepared.

Ruthona Rey: resident of Moab city. I don't see any information of the expenses and revenues in the county. How much does it cost to run the county. Do we need the increased taxes, if so why. Older people end up subsidized.

Bill Love: consolidations. I've heard we should be consolidating with the City. You need to look at. We have a county attorney and continue to pay an outside attorney. Get into the budget and look at consolidation.

Public Hearing closed at 7:45 p.m. Council will take comments for two weeks.

K. PUBLIC HEARING ON PRELIMINARY PLAT REVIEW TRAIL END PUD: Property is located at the end of Roberts Road, Jeff Flanders, Applicant. Subject property includes a total of 6.75 acres and is zoned RR, Rural Residential, a mandatory PUD district. Mr. Flanders proposes division of the property into six (6) lots with a minimum of ½ acre-lots range in size from 0.5 to 0.8 acres. Planning and Zoning reviewed the application in a public hearing on July 12, 2006 and recommend approval to the County Council without conditions..

Councilman Nate Knight: lot sizes are from one half to eight tenths of acre. Are sidewalks required for more than one half acre? Mary Hofhine stated minimum requirement is ½ acre. Audrey: could you point out the flag lots? Mary: flag lots are allowed in PUDs.

Jeff Flanders: Mary has explained the issue very well - I have nothing to add.

Public Hearing closed at 8:52 p.m.

General Business

L. CONSIDERATION OF APPROVAL ON THE SALE OF COUNTY REAL PROPERTY, LOCATED AT THOMPSON SPRINGS, LOT 16, BLOCK A. Clerk Fran Townsend reported we went through the public hearing process. May 23rd meeting Council voted unanimously to approve. There is an offer on the land. Rex asked if this is the old fire station. Answer – yes. I thought we tabled it until we heard from the

residents. Two people spoke at the public hearing. Carmichael asked if we had verified the survey for correct description. Fran said yes, that had been done by Tim Keogh and his report is in her file. Is anyone else interested?

Nate: there may be. The building is unsafe and creates a liability. The building overlaps the offerer's property. I think we should dispose of it. The buyer will dispose of the building within 120 days. He has negotiated with us over the last year. **MOTION: Nate moved to sell the property as per his (Tom Ryan) proposal in his letter and not transfer title until the building is removed. McNeely seconded.** Nate: it is in the best interest of the adjacent property owner to buy the property. The Thompson residents asked for the funds to go to something for Thompson.

Audrey: the lot is in the center of Thompson and some residents have expressed interest in a park or basketball court. She would like to see it go to the public on open market.

Rex: we've talked about the liability on the same point, I agree with Audrey. For \$3,000 I think we should go out on the open market. Adding another 3 months to this long process will not hurt. We need to start thinking about the outlying areas in the decisions we make. This would be a good first step.

Nate; one thing to consider. The building is maybe only 1,000 square feet, not much could be built on the lot. We have an interested buyer, I think we should dispose of it and have it over with.

Jerry; Tommy Ryan owns the adjacent property, if someone else buys it, they will have to deal with him.

Rex: Audrey, did you have comments from different people. Audrey has been to the water board meetings, and spoke to several people.

Nate: most just want County to do something for Thompson residents.

Joette: I am confused about the process. We declared it surplus, I thought tonight we just were making a decision on whether or not to sell.

Vote: Knight, McNeely voted aye, Tanner, Carmichael, Langianese and Graham voted no. Motion failed 2-54.

MOTION: Carmichael moved to advertise for sale for 2 months through the paper for bids to be received in the clerk's office. Advertisement to run for 1 month. Audrey seconded. Audrey said to include "any and all bids can be refused". Judy & Audrey will write something for Fran. Tanner, Langianese, Carmichael and Graham voted aye, Knight and McNeely voted no. Motion carried 4-2. Audrey & Jerry are on the property management team and will make it work.

M. RESOLUTION FOR PRELIMINARY PLAT SOUTHGATE VILLAGE :
Motion: Carmichael moved to approve with considerations as presented by P&Z seconded by Tanner. Knight, Tanner, Carmichael, Langianese and McNeely voted aye, Graham voted no. Motion carried 5-1.

N. RESOLUTION FOR FINAL PLAT, ESTADOS PUENTAS: Property is located at the corner of Spanish Trail Road and Spanish Valley Drive. Ed Bridges is the applicant. Councilman Carmichael asked if Bridges has submitted bonding. Mary said all criteria have passed. **Motion: Councilman Carmichael moved to approve with**

continued compliance seconded by McNeely. Knight, Tanner, Langianese, Carmichael and McNeely voted aye. Graham voted no. Motion carried 5-1.

O. APPROVAL OF ORDINANCE FOR A TEMPORARY REGULATION OF HIGHWAY COMMERCIAL RESIDENTIAL USE: Carmichael reported this is to correct a mistake made by the county Planning and Zoning Commission. The re-codification will take it back to its original state. The 1st 200 feet will be commercial. There are properties to vest, Keogh, Noy and Miksell. This is an error that needed to be fixed. **Motion: Carmichael moved to approve as submitted seconded by Tanner. Tanner also stated this gives County some breathing room for discussions. Graham reiterated UDOT has some safety concerns. Motion carried 6-0.**

Other Considerations

Joette: a couple of people wanted to speak and I asked them to make a presentation at the next meeting. They will be on the next agenda in the evening.

Council Reports:

Knight: Spoke to Mesa Air and there has been an increase in enplanements. Mesa is pleased with what is going on.

McNeely is meeting with BLM Thursday concerning off road vehicles.

Graham reported she and Mary Hofhine are going out to Thompson to discuss ordinances regarding clean up. Center street in front of City Hall and Library will be closed.

Langianese had an email on Dan Stenta's report who is the City engineer who assessed the flood damage at DOE project. She will be meeting with Senator Bennett's staff regarding the Assisted Living Project.

LaMar Sayer with the Utah State Tax Commission will come and make a presentation to the Council. LaMar will get with Nancy to book a time.

Motion to adjourn: Carmichael moved to adjourn seconded by McNeely. Motion carried 6-0.

Joette Langianese, Chairman

Attest: _____
Fran Townsend, Clerk/Auditor