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GRAND COUNTY COUNCIL MEETING  
September 19, 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.

**Agency Reports:**

**A. DISCUSSION OF BLM RESOURCE MANAGEMENT PLAN FOR GRAND COUNTY:** Presentation was made by Maggie Wyatt. The BLM has been working very hard with Jerry McNeely on the Resource Management Plan for Grand County. There have been some major changes – specifically with the oil and gas leasing alternative. If the council disagrees, then Maggie suggested they write a letter. She referred to the Red Areas on her map that represents closed areas. This means there would be no oil and gas leases – no surface occupancy area. Currently there are no leases in those areas but it has been open for leases the last 20 years. The BLM has agreed they would include the following in plans for the future – if technology changes and you can reach the oil or gas by drilling horizontal more than  $\frac{3}{4}$  mile then it would modify to meet that standard. They have been given their direction by the state office. Lewis - on map looks it like four areas that are affected. Large one is along river corridor plus Richardson Amphitheater and Mary Jane Canyon(Fisher Towers area). Master plan says this is wilderness area. In effect – donut hole is closed because you can't get to it. Jerry said the reason we went for non surface occupancy in the first place – if something happened and people wanted to drill horizontally, we could always talk about it. This issue is not coming from local BLM – they are being forced into this by powers above her. Jerry disagrees with this new plan. There is a lot of difference between no surface occupancy and no lease. If technology changes and you can drill further distance, then there would be a plan amendment. Audrey says she is in favor with going with the new one. Nate agrees with Jerry. It is difficult to get something back once it is released. Non-surface occupancy needs to be changed. Joette feels we accomplished much by being the first to complete our plan and does not agree that we should write a letter. Lewis thinks we can support our local BLM but need to go on record as saying we do not agree with this. We need to state if BLM chooses to go with the plan, then we want go on record stating we would like the option of amending the plan so technology changes could be implemented. Langianese said she would work with Jerry in drafting a letter to have on the agenda for a future meeting. Maggie expressed her appreciation for all the work Grand County has put into this – especially Jerry. Maggie thanked council for their time. Draft of RFP will be out in March of 2007.

**Presentations**

**B. REPORT FROM SENATOR BENNETT'S OFFICE:** Report was given by Donna Sackett and Kylee Brooks. They are following their plan to get around to all the counties every so often. Satellite office has been set up. Activity in Washington is at a standstill since it is an election year. Budget process is stalled. End of next week is end

of fiscal year. They are hopeful we can get funding packages through – i.e. Atlas clean-up \$500,000 set aside for Grand County. DOE request was for 23 million. There is some concern about contracting not moving forward. MAPS program - Senate reports there is \$450,000 going toward Senior Housing Project. Not sure how it will all play out.

**C. APPROVAL OF BOARD OF EQUALIZATION RECOMMENDATIONS:** County Assessor Dorothy Gough reported she had approximately 75 appeals. Eighteen were error corrections before disclosure notices were mailed out. *Motion: Councilman Graham Audrey moved to approve the recommendations seconded by Lewis. Motion carried 7-0.*

**D. BIDS RECEIVED UNDER AN INVITATION TO BID ON SALE OF LOT 16, BLOCK A, THOMPSON SPRINGS:** Councilman Knight stated the Character of the property changed after it was advertised. We only received one bid which included removal of the building. Our only course is to reject the bid and re-bid. *Motion Nate moved to reject the bid received for Thompson property seconded by Graham. Motion carried 7-0.*

**E. RESOLUTION OF GRAND COUNTY COUNCIL APPROVING PROPERTY RELEASE TO U.S. POSTAL SERVICE:** This will provide a space for post office boxes for Thompson residents since the current Post Office has closed. The location has changed because Graham and Knight went out and surveyed the property. Boxes come in clusters of 8. The resolution probably provides more room than actually needed. Knight we are making allowances more than they need now. *Motion Audrey moved to approve resolution as written with the 25 feet staying as is – seconded by Carmichael. Tanner voted no, rest voted aye. Motion carried 6-1.*

**F. RE-ADOPTION OF COUNTY ORDINANCE NO. 286 RELATING TO IMPOSITION AND COLLECTION OF TOURISM, RECREATION, CULTURE AND CONVENTION TAX:** This action provides authority to continue assessing Restaurant and Car Rental Tax as required by State Tax Commission rule. *Motion: Lewis moved to approve re-adoption seconded by knight. Motion carried 7-0.*

**G. DISCUSSION OF SPANISH VALLEY TRANSPORTATION PLAN AND MILL CREEK DRIVE PATH AND OLD HIGHWAY PATH:** No alternative transportation plans were presented so trail mix recently voted on Spanish Valley Master Trail Plan to present to the county. A trail 8 to 12 feet wide would be sufficient width to accommodate pedestrians and bikers. *Motion: Carmichael moved to approve the Trail Mix Plan for Trails for developed areas for the Spanish Valley Transportation Plan and Mill Creek Drive Path and Old Highway Path seconded by Lewis.* Audrey talked about the health issue – opportunity for exercise, etc. Langianese said it would be well for Zakery Steel – City Planner – to work with or attend meetings with Horrocks. Zac says would be glad to do that. Dave Olsen said the cost estimate is \$298,000 to repave the red sections all the way to Hiway 313. We can get an \$80,000 grant from foundation to match CIB grant. It would be county application to do that. Time line to go to CIB?

Probably as soon as we get app done. Langianese stated we are going to CIB for swimming pool and MAPS and we don't want to compete with each other for funding. Lewis thinks CIB does not look at our projects as competing. Lewis has met with Schappert and learned we may be able get them to pave the first section from bridge to first part of red area. We will be reapplying for non-motorized trail funding through transportation in three or four months. **Motion carried 7-0.**

**H. LEASE AGREEMENT BETWEEN GRAND COUNTY AND RED ROCK MOTOCROSS CLUB CHANGE FROM 30 DAYS TO 10 YEARS:** Councilman Knight feels this is a good project. Chad Stephens, Bridget Sisco and Shane Ward were present to represent officers of that club. Membership drive will be held next week. They propose to put a lot of money into the project. They have talked to Dirt Works who can do job on the track for \$15,000 to \$20,000. The club hopes they can raise that much money by the end of the year. It is a lot of money to put into a project that you can only lease for month to month basis. They will guarantee it is a safe track and it can meet AMA regulations. Langianese stated our attorney is advising against a 50 year lease – tying up property for future council members. Knight said property could be valuable if county would decide to sell it. But it falls into activity for recreation for something we do not have. If Red Rock Motocross Club wants to put money into it we should consider 10 year lease or 5 year lease with option to renew. Lewis agrees – if they are going to develop the property it would increase in value. If we give the non profit group a chance to develop – maybe 5 year extension would be adequate. He would hate to see us limit it. This could promote some off season activity in our area. Lewis would like to see us give them at least five years. McNeely would be in agreement for 10 years. Chad feels this would give kids in our community a place to go out and ride. Sheriff's Department is in favor of this. Graham expressed concern about liability for the county. If we build to AMA regulations, we can get insurance at their reduced costs. There would be a use fee charged. Mitchell is comfortable with the process. Tanner stated he has lived here for 16 years and this race track has sat there with no improvement. He thinks this is an opportunity that some people are willing to put into a project, i.e. investment back into community. This could have impact on tourist economy as well as providing recreation for kids. **Motion: Tanner moved to create a new lease with Red Rock Motocross Club for 10 years seconded by Knight. Knight – in the lease agreement state they have two events a year – lease to Redrock Motocross Club rather than Joe Mitchell giving Joe 30 days notice we are terminating his lease. Motion carried 7-0.**

OTHER ADMINISRTATIVE:

Utah Petroleum scheduled October 4 at Little America – RSVP by Sept 26<sup>th</sup>  
USAC meeting breakfast Friday 22<sup>nd</sup>. Jerry & Audrey will attend.  
Public comment period for Arches National Park transportation plan and environmental assessment ends September 21<sup>st</sup>. We can still do written comments.  
Graham, McNeely and Langianese will attend USACC conference.  
Joint City/County meeting will be September 29<sup>th</sup>

Budget process coming up. Fran advised the Council she has started the budget process and will try to have a calendar for them next week. She will be working very closely with Diana to train her in the budget process.

Board appointments are coming up.

Thompson Bridge – amount of cost would be less if we put in culvert. Wayne county had a project and they dropped it so we get their funding from UDOT. Horrocks will put the project out to re-bid and hope to get more contractors on board.

Section around goose island – UDOT – trail mix – has Horrocks as engineer of record for that project. UDOT has to agree with it. Pedestrian bike bridge project had to be separated out.

EXECUTIVE SESSION: Motion to enter executive session at 5:55 p.m. made by Graham seconded by Carmichael to discuss a personnel issue. Present were Councilmen Knight, Lewis, Tanner, Carmichael, Langianese, McNeely and Graham with Clerk Fran Townsend. Tanner moved to close the executive session at 6:17 p.m. seconded by Graham. Motion carried 7-0.

Motion: Tanner moved to ratify decision to place Treasurer Peggy Taylor on paid Administrative leave seconded by McNeely. Motion carried 6-1 with Knight abstaining.

EXECUTIVE SESSION: Councilman Tanner moved to enter into an executive session at 6:18 p.m. to discuss potential litigation seconded by Lewis. McNeely moved to close session at 6:30 seconded by Graham. Motion carried 7-0.

Meeting recessed until 7:00 p.m.

Meeting called to order and Pledge of Allegiance was led by Ed Bridges.  
Lewis was absent for the evening meeting.

APPROVAL OF PAYMENT BILLS: Carmichael moved to approve bills in the amount of \$282,229.75 and payroll in the amount of \$103,889.69 for a total of \$386,119.44 seconded by Knight. Roll call vote – Knight – aye, Tanner – aye, Carmichael – aye, Langianese – aye, McNeely – aye, and Graham - aye. Motion carried 6-0.

CHECK NOS. 46340-46413	\$ 98,480.70
CHECK NOS. 46414-46574	\$183,749.05
PAYROLL 8/21 – 9/3, 2006	\$103,889.69

APPROVAL OF MINUTES: Motion: Graham moved to approve minutes of September 3, 2006 meeting with corrections presented by Langianese and Graham seconded by Carmichael. Motion carried 6-0.

CITIZENS TO BE HEARD: Dennis Boartz – custodian of petition to fire Judge Cox. People are still listening to rumors. Not sure what is happening. Councilman Langianese advised this is not the job of the Council. All actions concerning Judges are up to the Judicial Council and retention election. Not the County Council authority.

## **Public Hearings**

**K. PUBLIC HEARING ON PROPOSED ZONE CHANGE ON PROPERTY LOCATED ON MURPHY LAND AND CEDAR HILLS DRIVE:** Zone Change request is from RR, Rural Residential to SLR-1, Small Lot Residential 1. Redstone Development, LLC is the Applicant. Carmichael read into the record the following: The Grand County Land Use code as amended to date, The Grand County Master Plan as amended to date, The Public hearing notice and the Memo to the County Council. Property is School District Property. Craig Kleinman with law firm of Parry Anderson and Gardiner represents the applicant. Jamie Gull is one of the applicants and was present. He feels there is a need for this development to provide what is needed in the valley. There is a lot of this kind of development in the vicinity. He presented the proposed site plan. Current zoning allows one acre lots. There are several drive ways off Murphy Lane. Over 50% of land would be open space in their proposal. You can see trail, open space and nice lot sizes. He also mentioned private property rights.

### **Citizens Comments:**

Larry Thomas: There are many valid reasons to deny this request. Planning seems to be happening by development. He is very skeptical of requests to rezone property.

Bill Love: Sent to the council the motion made by the Planning and Zoning. County never meant for SLR1 to be there. He mentioned the subject of water – do we have enough water.

Tom and Sandy Grandin – 3371 Juniper Drive. We have a lot of open area in the county with a lot of land that could be rezoned. We need to take a hard look at why this request is being presented. Development wants to make more money. Developer has rights to develop their land. They think one acre plan could be redrawn so it would look better.

Wendy Hansen stated there are only four adjoining properties. Her property is next to this development. She feels they have been miss-led. There are only four properties that adjourn this development. She is concerned they will end up with small lots.

Mike Binyon – lives at 3057 Coyote Court. There is a need for lots for second homes for people from out of state. This will not be low income housing – will be second homes. There is no record of where this developer has built and what they have done in the past.

Mary Moran – planning should not be designed to meet the developer needs.

Dr. Klepper – Lives across the street – asks that they deny this request. He feels this is a benefit of few but detriment to many. This would change the area in character – additional traffic issues, etc. He asks the Council to respect the rights and opinions of neighbors.

Randy Day – resident of that area. Resident of Cedar Hills before they built their homes. Public Clammor has raised many issues. However, letters from utilities, engineer state all is in order for plan. Our own engineer says Roads are sufficient. Nothing says it should not be done. Our own SLR1 states this is the area for higher density. Anything can be put on that property right now. People use this property for a walking trail, dog trail, etc. Anything can be put on that property now. These private property rights are important. And so is the 30 or 40 people who would move into that property. It is not

fair to say you don't know what you are getting. He encouraged the Council to make a decision with logic and not public opinion.

Lisa Patterson - 2729 old city park road. Read Grice's comments to the council. There is no community benefit that would justify what is being proposed. There were 95 people that signed the petition. She asked that the Council listen to the Planning and Zoning recommendations. She has a concern that these houses will be used as rentals, not primary homes for owners.

Tia Norling – 1996 West Highland Drive – opposed to development.

She asks council not consider high density. She would be in favor with existing zoning and it should be done with PUD. Traffic problems have been addressed. Developers and Realtors should not be driving P&Z decisions. We need to follow our plans. If it is not meeting people's needs, then we need to change the plan.

Jen Sadoff – hoping the council will consider the P&Z recommendations.

Greg Kennedy: feels it is ridiculous to say you will create open space. If you build 80 homes there would probably be two cars per residence – too much traffic. Property rights – ask council not rezone to make more profit for the developer. This is not respecting other people's property rights. Feels the county and city need to purchase land (State Trust Lands) and build homes that people can afford (affordable housing).

Councilman Langianese closed the public hearing. Developers have two minutes for rebuttal. They resent the slur against their character. They have not tried to mislead the citizens in any way and feel they have taken an approach in the best interest of the community. They have been accused of trying to make a lot of money. If this were so, they would not give up any space. He feels their compromise is good for the public. Represents better plan than what is allowed there. There would no restrictions. Up zoning allows a more conducive development. They would then have the opportunity to present a better plan. Offering green space would be better for the plan.

A decision on this request will be considered at the next council meeting.

**L. RESOLUTION APPROVING CONDITIONAL USE APPLICATION FOR IN HOME DAY CARE CENTER:** Property is in SLR1 - small lot residential district. Day care would be for more than 6 children. Owner now has a day care but is going increase the number of children cared for in the daycare. This is required. **Motion: Carmichael moved to adopt the resolution approving the conditional use application seconded by Tanner. Motion carried 6-0.**

Other Considerations: Councilman Graham reported the Solid Waste District Board has decided to waive the tipping fee for the removal of the Thompson building – but this would only be for half of the cost. Tanner stated we should then deduct the \$1,500 other half of the cost from the mineral lease monies allocated to Solid Waste District for 2007. He suggested we write a formal letter requesting the Solid Waste Board waive full cost.

Councilman Knight requested that we have on our next agenda what we are going to do with the Thompson property. County Clerk Fran Townsend brought up the issue of the

property owned by the county located in San Juan County. As we are going into the budget process, is this revenue we might consider adding to our budget – do we wish to sell the property at this time.

Councilman Knight reported from the airport board meeting. They are proceeding with safety issues on the skirts of the runway. They had an incident out there – a plane landed there and totaled out. The information that the runway was closed was posted appropriately but the pilot failed to check that site. TSA reported that it is more difficult to fly. Nothing liquid will be taken on planes. Be aware of that. We can find out the restrictions by getting on TSA website. We have a Five year plan – projects – now that we are certified. We are still working on our compliance issues. We will receive the fire truck from Cedar City but will have to wait another month. The County will have to equip that truck so need to consider that cost through budget process. Emplanements are up about 40%. Issues brought up at Chamber, planes not showing up, as scheduled. They are working on this.

Jerry McNeely – spent time with a reality film producer. They drove 300 miles and the producer liked all of our area.

Audrey Graham – minutes of the Solid Waste Board says they will discuss discount of the Thompson Building disposal costs at the October meeting. They are also working with the recycling center. Affordable housing plan is being worked on. Bike trail meeting was held today. They may use cement instead of black top because of the cost. Langianese will meet Monday with architect concerning the assisted living center. Meeting will be at Grand Center.

Motion to adjourn was made by Councilman Knight seconded by Tanner. Motion carried 6-0.

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Joette Langianse, Chairman

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