

**Grand County Council Meeting
Council Chambers
125 E. Center Street
Moab, UT**

January 16, 2007

The Grand County Council met for Workshop Session on the above date. The meeting was called to order by Chair Jim Lewis at 3:00 p.m. In attendance were Councilmen Jim Lewis, Gene Ciarus, Bob Greenberg, Jerry McNeely and Joette Langianese along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. Councilmen Audrey Graham and Pat Holyoak were absent.

1. Role of Utah Association of Counties and Information on Proposed Legislation Regarding Mineral Revenue (Brent Gardner, Utah Association of Counties)

Brent Gardner explained that Utah Association of Counties is a statewide organization whose primary function is to represent counties at the State Legislature. UAC urged Grand County Council to closely watch the progress of the bills during this current legislative session and communicate support to the representatives.

2. Update on Star Hall Construction Activities (Rex Holman)

Rex Holman reported on the remodel project at Star Hall. The Star Hall Committee collected over \$300,000 from fund raising efforts and obtained a grant from CIB for \$300,000. The Council thanked the Committee for their efforts and reminded them to carefully follow County procedures disposal of county property. At the next Municipal Building Authority meeting the decisions of the Committee will be ratified by the MBA Board.

Executive Session

MOTION: Motion by Councilman Bob Greenberg to enter into Executive Session to discuss potential litigation. Motion seconded by Councilman Joette Langianese at 3:50 p.m. carried 5 – 0. Present were Councilmen Jim Lewis, Jerry McNeely, Joette Langianese, Gene Ciarus and Bob Greenberg, Council Administrator Shawn Warnke, County Attorney Happy Morgan and Clerk/Auditor Diana Carroll. **MOTION:** Motion by Councilman Joette Langianese to end the Executive Session at 4:10 p.m. Motion seconded by Councilman Bob Greenberg carried 5 – 0.

The Regular Session of the Council meeting was called to order at 4:15 p.m. by Chairman Jim Lewis.

Elected Official Reports

Sheriff Nyland reported that the jail is currently housing 55 inmates, which is over the legal capacity and will have to move inmates to another facility. Sheriff Nyland wanted the Council to know he has met with Shawn and Happy regarding overcrowding and

office space issues. The jail crowding is a serious issue with the majority of prisoners being felony probationers. Councilman Jerry McNeely said he has seen the plan for the old Library building and believes it will work for the Sheriff and Attorney. Jails are a liability and Sheriff Nyland has told us this many times. Councilman Gene Ciarus recently toured the Jail and the Attorney's Office and witnessed the crowded conditions. The old Library will be a short term fix for the Attorney and Sheriff but it will work. Councilman Bob Greenberg feels it would be mistake to move law enforcement away from the courts section. The Council will look at the Sheriff's plan for relocating offices at the next meeting. Councilman Joette Langianese said the Council will be talking about this issue at their meeting on the January 30th.

Presentations

A. Wildlife Resources Presenting a Check for the Payment in Lieu of Taxes for 2006 (Darris Jones)

Darris Jones presented a check in the amount of \$4,358.49 to Grand County. This money represents payment in lieu of tax on wildlife management properties. Those properties are the Cunningham Ranch in the Bookcliffs and the Matheson Preserve.

B. Update on Trail Mix Projects (Kim Schappert and Ginny Carlson)

Ginny Carlson of the Trail Mix Committee thanked the County for continued support of projects and recent funding in the amount of \$10,000. A Forest Service Grant will allow Cross Country skiing tracks to be set. The Bar M Trail Environmental Assessment is in progress as well as easements being obtained for a trail from the Spanish Trail Arena to Johnson's Up On Top. Trail Mix is requesting a letter of support from Grand County regarding a grant application to complete alternative transportation projects.

C. Fire Protection Services Required by Part 139 Certification for Canyonlands Airport (Shawn Warnke)

Council Administrator Shawn Warnke presented information to the Council regarding Part 139 Certification at the Airport. Fire protection is a requirement of the Part 139 Certification and must be in place by June 11, 2007. The exact cost of the Certification process is unknown and fee increases could be one source of additional revenue to help fund the Certification. The Airport Board will be reviewing leases to determine if increases in fees are a possibility. Councilman Bob Greenberg will get data reports from the Airport Manager regarding landing fees.

Discussion and Action Items

D. Letter of Support for the Alternative Transportation in the Parks and Public Lands Program – Grant/Funds for the Trail Improvements (Kim Schappert)

MOTION: Motion by Councilman Joette Langianese to approve the letter of support for Alternative Transportation. Motion seconded by Councilman Gene Ciarus carried 5 – 0.

E. Letter of Support for the Transportation Enhancement Program-Grant/Funds for Trail Improvements (Kim Schappert)

MOTION: Motion by Councilman Joette Langianese to approve the letter of support for the Transportation Enhancement Program. Motion seconded by Councilman Jerry McNeely carried 5 - 0.

F. Amendment to the Utah's Division of Parks and Recreation Utah Non-Motorized Trail Matching Fund Program Fiscal Assistance Agreement Amendment No. 1 (Shawn Warnke)..

The Amendment extends the completion date of the project to December 31, 2008.

MOTION: Motion by Councilman Bob Greenberg to approve the Amendment to the original agreement. Motion seconded by Councilman Joette Langianese carried 5 – 0.

G. Discussion and Approval of Posting SITLA Leased Land (which comprises Sand Flats Recreation Area) Closed for Trapping and Hunting (Andrea Brand & Shawn Warnke)

Council Administrator Shawn Warnke was recently advised by Andrea Brand of trapping in the area of Sand Flats. Since the County has an interest in the leased SILTA land, steps could be taken to close the Sand Flats area to hunting and trapping. Andrea said that because the Sand Flats is a developed recreation area it is closed to shooting and she requested the Council also declare the area closed to hunting and trapping. Darris Jones from the Utah Wildlife Resources said that trappers can legally trap in any area. He would hate to see that big of an area closed to an activity that is important to some people. Darris would like to locate the trapper that is using the area and talk to him.

MOTION: Motion by Councilman Bob Greenberg to post the SITLA lands closed. Motion seconded by Councilman Joette Langianese. Councilman Greenberg feels the Sand Flats is our back yard and it is appropriate to close the area. Councilman Joette Langianese said we have a big county and this is a multi user area. It makes sense to close the area to hunting. Councilman Jerry McNeely disagreed stating that area is too much land to close. Councilman Gene Ciarus said he is not for closing lands to hunting and trapping. The closure request started out to be 1,400 acres and ended up being 7,000 acres. Councilman Jim Lewis agrees that trapping is not a compatible use but does not agree with closing that much land. Andrea would prefer the item be tabled so she can take the issue back to the Stewardship Committee. Councilman Bob Greenberg withdrew his motion. Councilman Joette Langianese withdrew her second. **MOTION:** Motion by Councilman Jerry McNeely to table the request. Motion seconded by Councilman Joette Langianese carried 5 – 0. Andrea will come back at a later date with more information.

H. Discussion and Approval of an Ordinance Amending Ordinance #379 Adopting the Updated Building Codes (Jeff Whitney and Shawn Warnke)

Jeff Whitney reported that every three years the ICC amends the Building Codes and they are adopted state wide and we must adopt the ordinance to allow enforcement of the new code. **MOTION:** Motion by Councilman Joette Langianese to adopt the ordinance as presented. Motion seconded by Councilman Jerry McNeely carried 5 – 0.

I. Discussion and Approval of a Public Utility Easement Located at Approximately 478 East 100 North (Shawn Warnke)

Councilman Bob Greenberg owns property adjacent to the requested easement property and reclude himself from the vote. **MOTION:** Motion by Councilman Jerry McNeely to approve the public utility easement. Motion seconded by Councilman Gene Ciarus carried 4 – 1. Councilman Bob Greenberg was a non vote.

J. Discussion Regarding Legal Services in Washington DC (Joette Langianese)

Councilman Joette Langianese explained that Jim Barker was retained by Grand County to lobby for money to help defray costs of the Atlas Tailings removal. His efforts in Washington DC did result in funds being earmarked for the County but with the Congressional changes in 2007 all earmarked money was frozen. Council agreed they could not justify spending money for a lobbyist at this time. Shawn and Joette will draft a letter to end the relationship with Jim Barker at this time. **MOTION:** Motion by Councilman Joette Langianese to suspend the contract with Jim Barker for legal services in Washington DC but continue a working relationship with him. Motion seconded by Councilman Bob Greenberg carried 5 – 0.

K. Consideration for Adoption of a Resolution Declaring the Intention of Grand County, Utah to Issue Revenue Bonds to be Used to Finance the Renovation and Construction of a Natural History Building and Related Improvements for the Canyonlands Natural Association or Any Related Company; Authorizing the Issuance and Sale of Such Bonds in the Approximate Principal Amount of Not to Exceed \$800,000; Establishing Conditions Which Must Be Met at or Prior to the Issuance of Revenue Bonds; Providing for A Public Hearing and For Publication of A Notice for the Public Hearing; and Related Matters.

MOTION: Motion by Councilman Bob Greenberg to approve the resolution as presented. Motion seconded by Councilman Joette Langianese carried 5 – 0.

L. Consideration for Adoption of a Resolution Approving the Adoption by the Municipal Building Authority of Grand County, Utah, of a Parameters Resolution Authorizing the Issuance of Not More than \$600,000 Lease Revenue Bonds, Series, 2007; and Related Matters

MOTION: Motion by Councilman Joette Langianese to adopt the Resolution as presented. Motion seconded by Councilman Jerry McNeely carried 5 – 0.

Recess to Municipal Building Authority meeting at 6:20 p.m.

The evening session of the Grand County Council meeting was called to order at 7:05 p.m. by Chairman Jim Lewis. In attendance were Councilmen Jim Lewis, Gene Ciarus, Bob Greenberg, Jerry McNeely and Joette Langianese along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. Councilmen Audrey Graham and Pat Holyoak were absent. The Pledge of Allegiance was led by Mary Wright.

Approval of Payment of Bills

MOTION: Motion by Councilman Joette Langianese to approve bills presented for payment in the amount of \$849,667.43. Motion seconded by Councilman Gene Ciarus carried with a roll call vote of 4 – 1 Councilman Bob Greenberg abstained from voting.

Approval of Minutes of Council Meeting

MOTION: Motion by Councilman Joette Langianese to approve minutes of the December 19, 2006 and January 2, 2007 meetings. Motion seconded by Councilman Gene Ciarus carries 5 – 0.

N. Discussion & Consideration of an Ordinance Approving Karin Ridge PUD Located at the Top of Westwater Drive (Shawn Warnke and Mary Hofhine)

Discussion regarding the Karin Ridge PUD is allowed because of new council members. Council Administrator Shawn Warnke reviewed the two issues the Council wanted the Planning Commission to revisit. The water source protection and how this project would be designed in relationship to density. The conditions proposed by Moab City would have no impact on the project. There is currently development in the water shed areas and most of the City's issues are relative to construction. The Planning Commission recommended approval by the County Council with conditions set forth in the ordinance. The issue with respect to density is the staff's interpretation of the PUD language which allows uses to be those of the underlying zoning district and for single-family and multi-family uses to cross zoning boundaries within a PUD provided the gross density based on underlying zoning is respected. Councilman Joette Langianese – even though the interpretation of Section 3.22.6 of the Land Use Code allows for mixed zones I am concerned about the interpretation of the code. **MOTION:** Motion by Councilman Gene Ciarus to approve the Karin Ridge PUD as submitted by Planning and Zoning with the number of units to be built changed to 99 total units based on the math equation. Motion seconded by Councilman Jerry McNeely. Councilman Gene Ciarus feels P & Z spent a lot of time on this project and we do not have the right to refuse it. Councilman Jerry McNeely said we have Planning and Zoning and Mary Hofhine and Shawn Warnke – why do we question these people when we are a part time council? Councilman Bob Greenberg – we are here for a reason and would like to propose two changes to the motion have the city and county approve the monitoring schedule and change the date to 2006. Councilman Gene Ciarus modified his motion to include the changes recommended by Councilman Bob Greenberg. Councilman Jerry McNeely agreed. Councilman Joette Langianese – we specifically requested P & Z look at the issues and it is very discouraging that the Planning Commission did not review them. They did work hard but it could be better. The interpretation bothers me and the March 13 letter is not in the minutes and I can't find it documented. We have two different languages in the Land Use Code. Our code does not say that mixed density is allowable and I cannot support this project until the Planning Commission looks at our issues. Councilman Bob Greenberg – I wish as a community we would have had the foresight to protect this land. I wonder if the Zoning Administrator and Shawn have addressed the view shed. Motion carried 4 -1 Councilman Joette Langianese opposed.

O. Discussion and Consideration of a Resolution Approving Red Point Minor Subdivision Plat (Mary Hofhine)

MOTION: Motion by Councilman Joette Langianese to approve the resolution as submitted. Motion seconded by Councilman Gene Ciarus carried 5 – 0.

P. Red Cliff Ranch Destination Resort Conditional Use Amendment, Located at MM 13 SR 128 (Mary Hofhine)

The application is submitted by Colin Fryer, Applicant. The applicant seeks approval of an amendment to the approved Red Cliffs Guest Lodge Conditional Use Permit. The project is located on a 212.5 acre parcel. **MOTION:** Motion by Councilman Gene Ciarus to approve the change as submitted by the Planning Commission. Motion seconded by Councilman Jerry McNeely. Councilman Bob Greenberg said (to Mr. Fryer) I like doing business with you it is a great place. I cannot support the Conditional Use application, it moves the central location. I hope you'll develop the units as you originally envisioned. Motion carried 4 -1 Councilman Bob Greenberg opposed.

Q. Consideration of Approval of a Letter to Mesa Air Requesting Written Response to Current Service Levels (Shawn Warnke)

Councilman Bob Greenberg wanted an accounting of scheduled and missed flights and any ongoing reports. **MOTION:** Motion by Councilman Joette Langianese to approve sending a letter to Mesa Air. Motion seconded by Councilman Bob Greenberg carried 5 – 0.

R. Discussion and Consideration of a Response to SITLA Regarding a Proposed Power Line Easement Located Through Township 26 South, Range 25 East, Crossing Sections 23, 26, 34 & 35 (Shawn Warnke)

The process of obtaining the easements is that SITLA notifies the affected entities so they can provide written comments. Brian Torgersen (SITLA) noted that as a courtesy SITLA notifies you of activities occurring in your county. Redd Ranches requested that the line come from the route described. Grand County is not required to respond, the comments would be just for SITLA to consider. It was agreed that Grand County will not respond to the easement request.

S. Change order for the Grade Safety Areas Project located at the Canyonlands Field Airport (Shawn Warnke)

MOTION: Motion by Councilman Joette Langianese to approve the change order. Motion seconded by Councilman Bob Greenberg carried 5 – 0.

Other Administrative Items

Council Administrator Shawn Warnke will schedule a joint City/County meeting in February to discuss funding Film Commission and the Annexation Process.

January 30th at 4:00 p.m. Council will hold a workshop to discuss the county facilities plan.

Other Considerations

MOTION: Motion by Councilman Joette Langianese to authorize Peggy Taylor to return to work. Motion seconded by Councilman Jerry McNeely. Councilman Bob Greenberg feels this opens us up to some exposure and that we should wait. Motion carried 4 – 1 with Councilman Bob Greenberg opposed.

Council Reports

Councilman Joette Langianese attended a recent CIB meeting with the Hospital Board. CIB is concerned about the amount of local contribution to the project and feels the project requires too much subsidy. Councilperson Joette Langianese also reported on her travel to Washington DC and meeting with Southern California Water District, the DOE and Bennett's staff and the need to keep moving forward with meetings with the DOE. In 2008 we should be seeing more funds. The cost of the project has changed from \$500 million to between \$6-800 million dollars.

MOTION: Motion by Councilman Jerry McNeely to adjourn at 8:55 p.m. Motion seconded by Councilman Bob Greenberg carried 5 – 0.

Jim Lewis
Grand County Council Chairman

ATTEST:

Grand County Clerk/Auditor