

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

February 20, 2007

The Grand County Council met in regular Session on the above date. The meeting was called to order by Chair Jim Lewis at 4:10 p.m. In attendance were Councilmen Jim Lewis, Gene Ciarus, Bob Greenberg, Jerry McNeely and Joette Langianese, Patricia Holyoak and Audrey Graham along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll.

Elected Official Reports

A. Pamela B. Juliano, Eastern Utah Field Representative Office of Congressman Jim Matheson

Pamela Juliano was not present.

B. Discussion and Consideration of Awarding the 2007 Maintenance Contract for Courthouse and Star Hall Exterior Window Cleaning (Marvin Day)

Bids were received from Anasazi Window Cleaners and JJ's Professional Window Cleaning. **MOTION:** Motion by Councilman Jerry McNeely to accept the low bid from JJ's Window Cleaning. Motion seconded by Councilman Bob Greenberg carried 7 – 0.

C. Discussion and Consideration of Awarding the 2007 Maintenance Contract for Fire Suppression (Marvin Day)

MOTION: Motion by Councilman Bob Greenberg to accept the low bid received from State Fire and authorized Chairmen Jim Lewis to sign the contract when the County Attorney completes the contract. Motion seconded by Councilman Audrey Graham carried 7 – 0.

D. Discussion and Consideration of Awarding the 2007 Maintenance Contract for HVAC (Marvin Day)

MOTION: Motion by Councilman Gene Ciarus to accept the low bid from Moab Heat and Cool and authorize Chairman Jim Lewis to sign the contract when completed by the County Attorney. Motion seconded by Councilman Pat Holyoak carried 7 – 0.

E. Discussion and Consideration of Awarding a Bid and Authorizing the Purchase of an Ambulance (Jeff Davis)

MOTION: Motion by Councilman Audrey Graham to award the bid for the ambulance purchase to Rocky Mountain Ambulance in the amount of \$79,451.00. Motion seconded by Councilman Jerry McNeely carried 7 – 0.

E. Office Space Issue (Shawn Warnke)

A discussion was held with Sheriff Jim Nyland and County Attorney Happy Morgan regarding the issue of office space and continual jail over crowding. Sheriff Nyland was asked to present his floor plans for review and to look at the other options available. The final options will be presented for approval at the next meeting.

F. Discussion and Consideration of a Resolution to Support the GWSSA Task Force Efforts to Initiate Further Studies to Quantify Developable Water From the Sole-Source Glen Canyon Aquifer System, Moab, Utah (Terry Sykes, GWSSA)

MOTION: Motion by Councilman Bob Greenberg to adopt the resolution as presented. Motion seconded by Councilman Audrey Graham carried 6 – 1 with Councilman Gene Ciarus opposed

due to the Nature Conservancy involvement. Gary Wilson and Terry Sykes will keep Shawn updated on the progress.

G. Discussion and Consideration of Approval to Amend the Air Monitoring Agreement for the Installation and Maintenance of Air Monitoring Equipment, Located at the Grand County Recycling Center, 1000 E. Sandflats Road, Moab (Shawn Warnke)

MOTION: Motion by Councilman Joette Langianese to approve the agreement. Motion seconded by Councilman Bob Greenberg carried 7 – 0.

H. Discussion and Consideration to Approve the Commencement of Drafting a Document with the Moab Valley Fire Protection District to Provide Fire Protection Services to the Canyonlands Airfield (Shawn Warnke and Corky Brewer)

Funding possibilities for fire protection were discussed. Councilman Bob Greenberg will explore the options of increased landing fees and the use of TRT funds as potential sources to fund fire protection. **MOTION:** Motion by Councilman Joette Langianese to approve commencement of drafting a document with Moab Valley Fire Protection District. Motion seconded by Councilman Bob Greenberg carried 7 – 0. In the meantime Chief Corky Brewer will explore other options for fire protection.

I. Agreement with Mr. William Schultz to Provide Services for a Criminal Appeal (Shawn Warnke)

MOTION: Motion by Councilman Bob Greenberg to table the agreement until the evening session. Motion seconded by Councilman Audrey Graham carried 7 – 0.

J. Discussion and Consideration of MHF Logistical Solution's Request to Renew the Cisco Bridge Usage Agreement Renewal (Dave Warner and Shawn Warnke)

Dave Warner's recommendation is to restrict the weight limit of the trucks or they can use an alternative route. **MOTION:** Motion by Councilman Joette Langianese to respectfully decline the agreement unless they respect the weight limit. Motion seconded by Councilman Audrey Graham carried 7 – 0.

The evening session of the Grand County Council meeting was called to order at 7:00 p.m. by Chairman Jim Lewis. In attendance were Councilmen Jim Lewis, Gene Ciarus, Bob Greenberg, Jerry McNeely, Patricia Holyoak, Audrey Graham and Joette Langianese along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. The Pledge of Allegiance was led by Joy Trotter.

Payment of bills

MOTION: Motion by Councilman Patricia Holyoak to approve bills presented for payment in the amount of \$962,255.36. Payroll in the amount of \$101,590.55 and accounts payable \$860,664.81 check numbers 48298 – 48537. Motion seconded by Councilman Joette Langianese carried with 7 – 0 roll call vote.

Approval of Minutes

MOTION: Motion by Councilman Bob Greenberg to table approval of minutes. Motion seconded by Councilman Jerry McNeely carried 7 – 0.

Citizens to be Heard

Judy Powers spoke in opposition to trapping in Grand County.

Bill Love spoke in opposition to trapping noting the need for the Council to respond to the Sand Flats request to close trapping.

Helen Mitten spoke on behalf of concerned tax payers who have family incarcerated in Grand County Jail and the over crowding issue.

John Keyes requested a resolution honoring Bob Dalla.

Margie Baker spoke in opposition to trapping.

Jackie Weller spoke regarding peoples concerns about trapping.

Pete Gross spoke regarding trapping issues.

Presentation(s)

K. Allen Memorial Hospital Update (Roy Barrclough)

Roy Barrclough the CEO of Allen Memorial Hospital reported on the progress of the new hospital project.

Public Hearings

L. Public Comment, Discussion, and Consideration on a Proposed Ordinance for a Code Amendment to the Land Use Code Sec. 3.15.9 Limiting the Density in the HC, Highway Commercial Zone District to 8 Units Per Acre

The Grand County Planning Commission reviewed HC, Highway Commercial code amendment at a Public Hearing on February 14, 2007 and recommended denial based on the Commission's goals and support of affordable housing and recommend the Council keep the density in the HC District at 20 units per acre. Grand County Councilmembers held a lengthy discussion regarding the six month moratorium established on August 1, 2006 to enact temporary land use regulations.

Councilman Joetter Langianese questioned why there are developments on HC that are not affordable housing.

Rex Tanner requested the Council look at creative ways to approach affordable housing.

Jim Farrell spoke regarding mixed density and affordable housing.

Bill Love spoke in favor of developers providing affordable housing.

Randy Day spoke in opposition to the ordinance stating it would not accomplish anything.

Barb Morra spoke via the telephone regarding water issues.

Michael Suarez encouraged the Council to send a clear and strong message to Planning and Zoning to require affordable housing.

Jack Campbell requested the Council find incentives to provide affordable housing.

Public Hearing closed at 8:30 p.m.

MOTION: Motion by Councilman Bob Greenberg that pursuant to Utah Code 17 – 27a-504(1)a having findings of compelling, countervailing public interest to extend the moratorium on development in the HC zone for 90 days and direct Planning and Zoning to return within 30 days an amendment that will adequately provide incentives for affordable housing. Motion seconded by Councilman Audrey Graham. Councilman Graham and Langianese questioned the legality of

the action. Council Administrator Shawn Warnke recommended adopting the ordinance with a sunset clause for 6 months out. Motion failed 1 – 6 with Councilman Bob Greenberg voting for. **MOTION:** Motion by Councilman Bob Greenberg to direct Planning and Zoning to return within 90 days with a proposed ordinance that provides incentives for affordable housing developments in HC and other zones. Motion seconded by Councilman Joette Langianese carried 4 – 3. Councilmen Patricia Holyoak, Gene Ciarus and Jerry McNeely against.

General Business

M. Discussion and Consideration to Approve a Proposed Ordinance for a Zone Change Request on 17 Acre Parcel of Land Located at Murphy Land and Cedar Hills, From Rural Residential to Large Lot Residential PUD -Jamie Gull, Applicant (Mary Hofhine)

The applicant Jamie Gull requested time to allow him the opportunity to mitigate the cost of the amenities required by the County. **MOTION:** Motion by Councilman Jerry McNeely to table the item to allow the developer to redo his PUD. Motion seconded by Councilman Patricia Holyoak. Discussion followed regarding the public process concerning changing an application. Motion failed 2 – 5 with Councilmen Patricia Holyoak and Jerry McNeely for tabling.

MOTION: Motion by Councilman Gene Ciarus to approve the development and change the zoning to LLR PUD zone. Motion seconded by Councilman Jerry McNeely. Councilman Gene Ciarus explained findings in his research of the project compared to surrounding areas. Motion failed 3 – 4 with Councilmen Patricia Holyoak, Gene Ciarus and Jerry McNeely voting for the zone change.

N. Discussion and Consideration to Approve a Resolution for a Conditional Use Permit for an impound lot located at 2471 So. Hwy 191 in a HC, Highway Commercial Zone. - Jakob and Candis Zufelt, Applicant (Mary Hofhine)

This application submitted by Jakob and Candis Zufelt proposes using an existing commercial lot for a fenced impound storage area. The Planning Commission reviewed the application and recommended approval subject to the conditions regarding landscaping and outdoor lighting. **MOTION:** Motion by Councilman Joette Langianese to approve the conditional use permit with the condition that vehicles stay in the impound yard no longer than 90 days. Motion seconded by Councilman Jerry McNeely carried 7 – 0.

O. Discussion and Consideration to Approve a Resolution for the Southgate Subdivision Phase 1 Final Plat, Located on Hwy 191, near the Equestrian Center – Jim Farrell and Tim Keogh, Applicants (Mary Hofhine)

This application is submitted by property owners Tim Keogh and Jim Farrell. The property is zoned HC, Highway Commercial and includes 12.8 acres located 4.8 miles south of Moab. The Applicant proposes the division of the property into 56 residential units on 11 acres with the remaining property to be vacant commercial property. The Planning Commission reviewed the application and recommended approval subject to the conditions set forth being satisfied. **MOTION:** Motion by Councilman Joette Langianese to approve the resolution as submitted. Motion seconded by Councilman Jerry McNeely carried 7 – 0.

P. Discussion and Consideration of Approving an Ordinance Creating a Temporary Moratorium for All Conditional Uses with in the Zoning Districts

MOTION: Motion by Councilman Joette Langianese to table adoption of the ordinance and use on review based on SB60. Motion seconded by Councilman Jerry McNeely carried 7 – 0.

Q. Discussion and Consideration of Approval to Initiate a Request for Proposal for a Human Resource Consultant to Perform Job Description and Compensation Study (Shawn Warnke)

MOTION: Motion by Councilman Joette Langianese to approve Shawn's request. Motion seconded by Councilman Audrey Graham carried 7 – 0.

R. Discussion and Consideration for Adoption of a Resolution Authorizing the Issuance and Sale of Grand County, Utah Tax and Revenue Anticipation Notes, Series 2007 in the Aggregate Maximum Principal Amount of Approximately \$1,250,000; and Related Matters. (Diana Carroll)

MOTION: Motion by Councilman Joette Langianese to approve the resolution as submitted. Motion seconded by Councilman Bob Greenberg carried 7 – 0.

Other Considerations

Councilman Bob Greenberg requested a resolution to recognize Bob Dalla for the next agenda.

Agreement with Mr. William Schultz to Provide Services for a Criminal Appeal

This item was tabled from the afternoon session of the meeting. Councilman Joette Langianese stated the amount of money requested was considerable more than the current contracted conflict attorney receives for the entire year. **MOTION:** Motion by Councilman Joette Langianese to approve paying Mr. Schultz \$2,000 with \$1,000 due in the beginning and \$1,000 due when the case is complete. Motion seconded by Councilman Audrey Graham carried 6 – 1 with Councilman Bob Greenberg voting against.

MOTION: Motion by Councilman Jerry McNeely to adjourn at 10:10 p.m. Motion seconded by Councilman Bob Greenberg carried 7 – 0.

Jim Lewis
Grand County Council Chairman

ATTEST:

Grand County Clerk/Auditor