

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

**March 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 4:00 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. Update from Senator Bennett's Office (Donna Sackett)**

Donna Sackett and Kyleen Brooks from Senator Bennett's Provo Office updated the Council on several current issues. The 2007 budget cuts from Washington DC which affected earmarked money relating to the Atlas tailings pile and MAPS project were of concern to Grand County. There will now only be money available for construction and removal of the tailings, all 2007 special funding requests were cut. Donna urged Grand County to continue to make funding requests as they still look at requests for museums, transportation, drainage and other county projects. Senator Bennett will be in Richfield on April 4<sup>th</sup> from 3:00 to 5:30 p.m. for the Six County Summit and in Logan on May 30 – 31 for the Rural Business Conference.

**Presentations**

**B. Update of GWSSA Activities (Dan Pyatt, Gary Wilson & Terry Sykes)**

Terry Sykes presented the 2006 Annual Report from Grand Water and Sewer Service Agency and gave a quick over view of the agency. Some recent projects have been the tamarisk removal at Ken's Lake and the partnership with San Juan County for a feasibility study for a waste water treatment plant in the upper end of Spanish Valley. The agency will review water rates soon and may consider an increase to encourage conservation.

**C. Office Space Issue Updates (Shawn Warnke)**

The Sheriff and Attorney along with Jeff Whitney, Marvin Day, Shawn Warnke and Prescott Muir met to discuss the old Library remodel project. The roof repairs and window replacement will be the first step of the project and will be bid shortly. The cost for remodeling the library building is estimated to be between \$120,000 - \$150,000 with additional costs for the current Sheriff's office remodel to be determined. The jail portion of the project will add 50 more beds to the current facility. Marvin will begin working on costs estimates for the Courthouse portion of the project. Special Service Districts can now be created for jail operations and the Sheriff and Attorney want to review that possibility. The group will continue to work together to collect the necessary information to provide a plan and cost estimates for the project.

**D. Long Rang County Resource Planning (Shawn Warnke)**

Council Administrator Shawn Warnke presented a flow chart showing the current funds administered by the County and the revenue associated with each fund. Long range plans identified several areas that will present possible funding concerns with the necessary growth of the County continuing at the current rate. Grand County Council is presently facing many difficult decisions and the information provided in this report will be instrumental in evaluating those considerations.

**E. Discussion of Funding Option to Hire a Full-Time Engineer (Shawn Warnke & Dave Warner)**

Grand County has adopted ordinances that require an engineering professional to review development proposals and to ensure county policy is followed regarding the drainage and transportation master plans. Grand County currently pays Horrocks Engineers to provide the required services. The recommendation from Shawn and Dave is that the County hires a full time employee who would be available as needed for professional engineering services.

**F. Discussion and Consideration of Letter of Support for Recreational Trails Proposal Ride with Respect/Proposed Proclamation for Motorcycle Trails (Dale Parriott & Cliffton Coontz)**

A lengthy discussion with Maggie Wyatt, Russ Von Koch and Katie Stevens from the Bureau of Land Management, the Ride with Respect group and Grand County concluded that the proposed motor cycle trail designation of the Thompson Trail and Copper Ridge Loop would provide connectivity with the Sovereign Trail System without affecting the BLM's RMP project. **MOTION:** Motion by Councilman Joette Langianese to support an off highway motorized single track trail to connect Green River to the Colorado line. Motion seconded by Councilman Bob Greenberg failed 2 – 5 with Councilmen Joette Langianese and Bob Greenberg voting for. **MOTION:** Motion by Councilman Gene Ciarus to approve the letter as written. Motion seconded by Councilman Jerry McNeely carried 4 – 3 with Councilmen Gene Ciarus, Jerry McNeely, Jim Lewis and Patricia Holyoak voting for.

**G. Discussion and Consideration of Letter of Support for the Moab City and Recreation District's CIB Application for the Grand County Aquatic/Recreation Center**

Manual Torres from Grand County Recreation Special Service District (GCRSSD) and Donna Metzler from Moab City spoke regarding the favorable position of both entities in connection with the proposed new Aquatic/Recreation Center. The GCRSSD will provide a revenue source for re-payment of the CIB loan through Mineral Lease funds allocated by Grand County Council. Moab City will require GCRSSD pledge the funding support in the form of an Interlocal Agreement. The requested amount of the pledge of mineral lease money is \$190,000 per year for the CIB payment and \$25,000 per year for operational contributions for a total of \$215, 000 per year for 25 years. Once the ILA is in place the pledge of funding cannot be compromised unless the mineral lease funds come to an end. **MOTION:** Motion by Councilman Bob Greenberg to authorize Jim Lewis to sign the letter of support. Motion seconded by Councilman Gene Ciarus carried 4 – 3 with Councilmen Gene Ciarus, Bob Greenberg, Jim Lewis and Jerry McNeely voting for.

**H. Discussion and Consideration of a Plan for Moab Fire District to Provide Fire and Rescue Services to the Moab/Canyonlands Airport (Bob & Shawn)**

Councilman Bob Greenberg is the Airport Board liaison and gave an update on the Part 139 Certification process at the Airport. The final portion of the certification process requires fire fighting capabilities be in place by June 8, 2007. At a previous Council meeting it was agreed to use Moab Valley Fire Protection District for the ARFF portion of the certification, which will require approximately \$200,000. The Airport Board recommends either a .75% increase in Transient Room Tax collection which would increase the room rate by \$.75/night or raising the current amount of landing fees charged to the airline. The only other option would be to petition the FAA for a more affordable carrier. **MOTION:** Motion by Councilman Bob Greenberg to petition the US DOT to re-bid the Essential Air Service for a smaller plane that will not require Part 139 Certification. Motion seconded by Councilman Gene Ciarus. The County Attorney will research the legal ramifications of noncompliance of the Part 139 Certification. Motion carried 7 – 0.

**I. Discussion and Consideration of a Plan for Moab Fire District to Provide Fire and Rescue Services to the Moab/Canyonlands Airfield (Bob Greenberg and Shawn Warnke)**

Item dies for lack of motion.

**J. Discussion and Consideration of Approval of an Agreement with Mr. William Schultz to Provide Services for a Criminal Appeal (Shawn Warnke and Happy Morgan)**

William Schultz was appointed by the Judge in the case. **MOTION:** Motion by Councilman Audrey Graham to approve the agreement to provide services for the criminal appeal. Motion seconded by Councilman Bob Greenberg carried 7 – 0.

**K. Discussion and Consideration to approve a Board of Equalization Request for Property Tax Exempt (Dorothy Gough & Diana Carroll)**

**MOTION:** Motion by Councilman Joette Langianese to table the agenda item. Motion seconded by Councilman Audrey Graham carried 6 – 1 with Councilman Bob Greenberg abstained.

**L. Discussion and Consideration of a Project Application and Grant Agreement for State Aid for Development of Public Airports: Moab/Canyonlands Field Airport Crack Seal, Seal Coat & Paint Apron and Taxiway (Shawn Warnke and Bob Greenberg)**

**MOTION:** Motion by Councilman Joette Langianese to approve the application and grant agreement. Motion seconded by Councilman Patricia Holyoak carried 7 – 0.

**M. Update on MHF Logistical Solution's Request to Renew the Cisco Bridge Usage Agreement Renewal (Shawn Warnke and Dave Warner)**

In a letter from MHF Logistical Solutions they proposed that in consideration of permission to cross the bridge they would provide additional measures to provide protection for continued use of the bridge. The additional measures included posting a bond for the bridge, provide shoring of the bridge to protect against heavy loads and altering the agreement to address funding the ultimate replacement of the bridge. Dave Warner reiterated his original recommendation to suggest an alternate route or build a detour. **MOTION:** Motion by Councilman Joette Langianese to accept Dave Warner's recommendation that we offer MHF

Logistical Solutions the opportunity to build a detour or improve the dirt road alternate route. Motion seconded by Councilman Audrey Graham carried 7 – 0.

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, Patricia Holyoak and Audrey Graham along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. The Pledge of Allegiance was led Jail Commander Sgt. Veronica Bullock.

### **Approval of Bills**

**MOTION:** Motion by Councilman Patricia Holyoak to approve bills presented for payment in the amount of \$354,731.01 – Accounts Payable \$244,983.17 check numbers 48707 – 48944 and Payroll \$109,747.84. Motion seconded by Councilman Joette Langianese carried with a 7 – 0 roll call vote.

### **N. Approval of March 6, 2007 Minutes**

**MOTION:** Motion by Councilman Bob Greenberg to approve the minutes of the March 20, 2007 meeting with the following corrections. B. Instructed Dave Warner *not* to sell gravel. D. Agreement between BLM and SITLA for *BLM* to manage land in Kane Creek. Motion seconded by Councilman Audrey Graham to include the following corrections: G. transport *overweight* trucks. J. For the purpose of funding a study for *moderate income* housing. Councilman Joette Langianese corrected Council Reports as *Grand County* received a Technical Assistance grant. Motion carried 7 – 0. **MOTION:** Motion by Councilman Bob Greenberg to approve the minutes of the March 9, 2007 Special Council meeting. Motion seconded by Councilman Audrey Graham carried 7 – 0.

### **Citizens to be Heard**

Helen Mitten spoke with concerns about the jail over-crowding. There are 61 people in a space designed for 45. The Sheriff is asking the Council again for accommodations he needs help and he needs it now.

Sarah Fields spoke regarding a discussion she had with UDOT about a County road at Cisco. Grand County has the right to control the size and type of vehicle allowed on the road.

### **O. Appointment and Confirmation Proceedings of a Justice Court Judge**

Councilman Jim Lewis thanked all who participated in the Justice Court Judge selection process for their time and efforts and recommended Aubry Holderness to the position. **MOTION:** Motion by Councilman Joette Langianese to confirm the appointment of Aubry Holderness. Motion seconded by Councilman Audrey Graham carried 6 – 1 with Councilman Jerry McNeely opposed.

### **P. Sheriff Jim Nyland, Minutes of Meetings**

Sheriff Jim Nyland spoke regarding the minutes of previous Council meetings being edited by Councilmembers. The Sheriff feels his discussion with the Council regarding jail over-crowding is a serious issue facing Grand County and wants comments made to become a part of the permanent record. **MOTION:** Motion by Councilman Gene Ciarus that approval of

the January 16, February 6 and 20, 2007 minutes be on the next agenda for reconsideration. Motion seconded by Councilman Jerry McNeely carried 5 – 2 with Councilmen Joette Langianese and Bob Greenberg opposed.

### **Public Hearing**

**Q. Public Hearing, Discussion and Consideration of Approving a Resolution for the Preliminary Plat for the Simpatico Subdivision, Located at the Intersection of Plateau Drive and Starbuck Lane Kyle Kimmerle, Applicant. Mary Hofhine**

This preliminary plat application is submitted by property owner Kyle Kimmerle and proposes the division of land into 6 single family lots. The Grand County Planning Commission reviewed this application in a public hearing on February 28, 2007 and recommended approval subject to the conditions set forth in the March 15, 2007 staff memo. Council questions and comments regarding the subdivision were answered by Staff and there were no comments from the public. The public hearing closed at 8:42 p.m.

**R. Discussion and Consideration of a Resolution for the Fischer Minor Subdivision, Located on Starbuck Lane – Kyle Kimmerle, Representing Applicant (Mary Hofhine)**

**MOTION:** Motion by Councilman Joette Langianese to approve the resolution as submitted. Motion seconded by Councilman Audrey Graham carried 7 – 0.

**S. Discussion and Consideration of a Resolution for a Conditional Use Permit for a Surface Mine, Located Approximately 3 miles South of Crescent Junction Off Highway 191 – HB Mining, Applicant (Mary Hofhine)**

**MOTION:** Motion by Councilman Joette Langianese to table the agenda item until the applicant is prepared. Motion seconded by Councilman Bob Greenberg carried 7 – 0.

**T. Discussion and Consideration of Approving Craig Hibberd to Serve on the Housing Authority of Southeastern Utah Board (Audrey Graham)**

There were three applicants and the Housing Authority Board's recommendation is Craig Hibberd. **MOTION:** Motion by Councilman Audrey Graham to approve the appointment of Craig Hibberd to the Housing Authority of Southeastern Utah Board with the term ended 12/31/07. Motion seconded by Councilman Gene Ciarus carried 7 – 0.

Council Administrator Shawn Warnke requested amending the consent agenda to remove the Travel Council Cleaning Bid item.

### **Consent Agenda**

**U. Approval of a Resolution for the Use of County Property in Thomson Springs for Community Purposes**

**MOTION:** Motion by Councilman Bob Greenberg to amend and approve consent agenda. Motion seconded by Councilman Audrey Graham carried 7 – 0.

### **Other Considerations**

**K. Discussion and Consideration to approve a Board of Equalization Request for Property Tax Exempt (Dorothy Gough & Diana Carroll)**

**MOTION:** Motion by Councilman Bob Greenberg to grant the BOE exemption request. Motion seconded by Councilman Jerry McNeely carried 7 – 0.

**Council Reports**

Councilman Joette Langianese is participating in the technical assistance grant project for Rural Health and will also be meeting with the Southern California Metro Water District for a site tour of the Atlas Tailings followed by discussions.

Councilman Patricia Holyoak attended the Cemetery Board meeting and reported the Cemetery will be purchasing new mowers and the irrigation water will soon be turned on.

Councilmen Jerry McNeely and Gene Ciarus recently traveled to Price for the purpose of lobbying UDOT for funding of passing lanes on Highway 191. San Juan County is in support of the passing lanes near the county line. They also discussed and identified the need for railroad crossings as they relate to the tailings removal project.

Councilman Audrey Graham reported that the Solid Waste Board has a consultant coming to tour the land fills, transfer station and recycle center.

**MOTION:** Motion by Councilman Bob Greenberg to enter into executive session at 8:05 p.m. to discuss personnel issues. Motion seconded by Councilman Audrey Graham carried 4 – 2 – 1 with Councilmen Gene Ciarus, Bob Greenberg, Jim Lewis and Audrey Graham voting for. Councilmen Joette Langianese and Jerry McNeely opposed and Patricia Holyoak abstained from voting. Present were Councilmen Jim Lewis, Patricia Holyoak, Joette Langianese, Gene Ciarus, Bob Greenberg, Jerry McNeely and Audrey Graham along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. **MOTION:** Motion by Councilman Bob Greenberg to end the Executive Session at 8:25 p.m. Motion seconded by Councilman Jerry McNeely carried 7 – 0.

**MOTION:** Motion by Councilman Bob Greenberg to adopt the Council Administrator evaluation. Motion seconded by Councilman Jerry McNeely carried 7 – 0.

**MOTION:** Motion by Councilman Bob Greenberg to adjourn at 8:27 p.m. Motion seconded by Councilman Jerry McNeely carried 7 – 0.

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**Grand County Council Chairman**

**ATTEST:**

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**Grand County Clerk/Auditor**