

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

May 1, 2007

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

MOTION: Motion by Councilman Joette Langianese to amend the agenda of the regular Council meeting to allow discussion on the subject of sending a letter to the BLM regarding the Revised Moab Field Office Resource Management Plan and Environmental Impact Statement. Motion seconded by Councilman Jerry McNeely carried 7 – 0. The letter being considered is a draft provided to other Counties throughout the State by the Utah Association of Counties. Councilman Jerry McNeely and Dave Vaughn have worked extensively with Maggie Wyatt and the BLM on the Resource Management Plan (RMP) and they feel they have been left out of the final decisions made by the Washington, DC BLM Office.

Council Administrator Shawn Warnke presented information from a previous UDOT meeting which showed Grand County road classifications. Many of the busy roads in the County are not included in the UDOT classification system. To classify these as major collector roads would require trading other minor roads already in the system. This item will be discussed at a future joint City/County meeting prior to sending a letter to UDOT requesting classification of major roads.

A proposal received from a recent RFP for Job Classification, Compensation, & Performance Evaluation was presented by Council Administrator Shawn Warnke. Personnel Systems & Services provided the only proposal and they plan to perform employee audits along with job classification, compensation and performance evaluations. The proposals provided for several different options and ranged in cost from \$29,696.00 to \$38,273.00.

Recess at 3:45 p.m. to the Municipal Building Authority meeting.

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

A. Discussion and Consideration of Approving a Two Year Property Tax Exemption on Personal Property Tax on a Mobile Home (Dorothy Gough and Jennifer Murphy)

MOTION: Motion by Councilman Audrey Graham to table this agenda item. Motion seconded by Councilman Bob Greenberg carried 7 – 0.

B. Discussion and Consideration of Approving Option 2 for the Mill Creek Drive Transportation Project Funded by UDOT (Shawn Warnke & Jerry McNeely)

The Mill Creek Drive Transportation Project has been ongoing since 2004 and UDOT requested a meeting with the Engineer to discuss the development of the project. UDOT asked Horrocks Engineers to have a decision from Grand County at the time of the meeting to indicate the desired direction of the County or risk losing the \$2 million dollars set aside for the project. **MOTION:** Motion by Councilman Joette Langianese to approve Option #2 as presented by Horrocks Engineers. Motion seconded by Councilman Jerry McNeely carried 7 – 0. If changes are required, they can be made as the project progresses.

C. Discussion and Consideration of Selecting an Architect to Create Plans for Remodeling the Building Previously Used the Senior Center to the EMS Building (Jeff Davis & Shawn Warnke)

Three proposals were submitted for review regarding the planned EMS Building remodel at the site of the old Senior Center. The architect selected for the Health Department portion of the remodel did respond to the RFP. The recommendation from Council Administrator Shawn Warnke is to select Jim Dresslar Architect, as his proposal called for concept design drawings prior to construction drawings. The concept drawings would be sufficient to present to CIB for funding requests. **MOTION:** Motion by Councilman Jerry McNeely to select Jim Dresslar as recommended. Motion seconded by Councilman Audrey Graham. Councilman McNeely worked with Dresslar on the Food Bank Building and commended his work. Motion carried 6 – 1 with Councilman Joette Langianese opposed.

D. Reclassification of Chief Deputy Clerk to the Human Resource Director and Consideration of Hiring a Deputy Clerk (Shawn Warnke)

The responsibilities associated with the Council Administrator position does not allow sufficient time to dedicate to personnel matters. Since the time of the vacant position of the previous County Administrator, personnel and human resource management have been the duties of the Chief Deputy Clerk along with payroll, insurance and benefit responsibilities. Council Administrator Shawn Warnke recommended the position of Chief Deputy Clerk be reclassified to Human Resource Director and an additional full time employee be hired to assist with payroll and other duties of the Clerk/Auditor's Office. **MOTION:** Motion by Councilman Bob Greenberg to make the Chief Deputy Clerk the Human Resource Director and authorize the Clerk/Auditor to hire an additional Deputy Clerk. Motion seconded by Councilman Jerry McNeely. Councilmen expressed concern over increasing County government but understand the importance of managing human resource issues. **MOTION:** Substitute motion by Councilman Joette Langianese to approve reclassifying the Chief Deputy Clerk position to Human Resource Director and hire a Deputy Clerk carried 5 – 2 with Councilmen Jerry McNeely and Bob Greenberg opposed.

E. Discussion and Consideration Regarding 139 Certification for Moab/Canyonlands Airfield Request to FFA for Essential Air Service Provider to Use Aircraft that Does Not Require Fire Rescue Services (Shawn Warnke)

MOTION: Motion by Councilman Bob Greenberg to table the agenda item until the first meeting in August. Motion seconded by Councilman Audrey Graham carried 7 – 0.

F. Discussion and Consideration to Approve a Letter to the BLM Regarding the Revised Moab Field Office Resource Management Plan and Environmental Impact Statement (Jerry McNeely)

The discussion on this item occurred earlier in workshop session. **MOTION:** Motion by Councilman Bob Greenberg to authorize Chairman Jim Lewis to sign the letter to the BLM making the recommended changes to include only the portions that apply to Grand County. Motion seconded by Councilman Audrey Graham. Councilman Gene Ciarus is opposed to the deletion of anything from the letter as Councilman McNeely has worked hard with UAC to draft a letter that worked for all Counties. Motion carried 4 – 3 with Councilmen Jerry McNeely, Jim Lewis and Gene Ciarus opposed.

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, Joette Langianese, Patricia Holyoak and Audrey Graham along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. The Pledge of Allegiance was led by Rex Tanner.

Approval of Payment of Bills

MOTION: Motion by Councilman Patricia Holyoak to approve the bills presented for payment in the amount of \$540,218.78. Accounts payable check numbers 49329 – 49524 in the amount of \$424,998.90 and payroll in the amount of \$115,219.88. Motion seconded by Councilman Joette Langianese carried with a 7 – 0 roll call vote.

Approval of Minutes

F. April 17, 2007

MOTION: Motion by Councilman Audrey Graham to approve the minutes of the April 17, 2007 meeting. Motion seconded by Councilman Patricia Holyoak. Councilman Bob Greenberg made the following corrections: Item C add “future”; Item D add “bidding and”. Councilman Audrey Graham corrected Item H adding “College” and “to give children and grand children of qualified miners”. Motion carried 7 – 0.

Citizens to be Heard

Bill Love spoke regarding information supplied for public comment not being available to the public along with Grand County paying for lawsuits and trail maintenance for developers.

Public Hearing(s)

G. Consideration of an Ordinance for a Land Use Code amendment by the repeal of Article 3, Zoning District Regulations; and the adoption of a new Article 3, Zoning District Regulations; Article 4, Use Regulations; Article 5, Special Purpose and Overlay Districts; Article 6, Lot Design Standards; Land Use Code Sec. 6.1 Conditional Use Permits and SLR1, SLR2, zone district designation to SLR, Small Lot Residential and the renumbering of all remaining section so the LUC to reflect these changes (Richard Grice)

Richard Grice presented the public hearing information on behalf of Mary Hofhine and read into the record the Grand County General Plan as amended to date, the Grand County Land Use Code as amended to date, the Public Hearing Notice, and the memo to the Grand County Council. The

County Council packets did not contain the information on Article 5 so the public hearing will be continued until the documents are available.

Chris Baird spoke regarding short term rentals. TRT is decreasing at the same time short term rentals are increasing. Nightly rentals are a significant part of the county in resort communities.

Beth Logan a citizen who owns a rental home in a PUD suggested that if the PUD allows short term rentals, they should be allowed in the future. Also PUD's should always have conditional use permits.

Bill Love feels that changes in Land Use Code are a good idea, however does not know if it's legal. Bill would like the Council to continue to vote on Condition Use Permits and people should be able to make public comments.

Lance Christie believes the document has challenges but is a good job. Processing of food and cabinet makers should not be confined to heavy industry zone.

Mike Suarez agreed with Chris Baird. Do not stay silent on overnight rentals and continue to hold public hearings on conditional uses.

Tom Shellenberger supports overnight rentals in the appropriate places. As a former Planning Commissioner he requested the changes in the Land Use Code be indicated by underlines and strikeouts.

Dan Pyatt is disappointed with the postponement of discussion of overnight rentals. A recent project of Pyatt Construction was down-zoned because overnight rentals were allowed and property has been sold with those intentions. Overnight rentals are good for Grand County as they are taxed at twice the rate of residential.

Janie Tuft spoke in favor of amendments to the Land Use Code being indicated with strike outs and under lining.

Rex Tanner feels some good points have been brought up. Overnight accommodations should be use on review. Condos and townhouses are not addressed.

Jean Binyon feels the Planning Commission recommendation should exclude accessory dwellings and they should be called less than 30 day rentals. How they can be regulated and collect TRT should be addressed.

Barb Morra spoke via the telephone and addressed a few things people have talked about. The code allows for cookie cutter lots and there has been a lot of confusion in the last seven years. Public hearings are important for citizens. Changes affect neighborhoods and it is important to listen to what other people have to say.

Randy Day feels that this is a partial code amendment that drastically affects how people live. Affordable housing is non-existent in the code. Is concerned that the code is confusing and challenged Council to look at it as if they were citizens.

Susie Harrington re-affirms that conditional use should be at the council level. This is a significant change. If conditional use meets the criteria you are required to permit it. It is important to look and have public hearings. Affordable housing needs to be part of the code. Suggests the County re-advertise and go back to Planning Commission and come up with a new document.

The public hearing closed at 8:15 p.m. Council Chair Jim Lewis requested the Planning Commission discuss short term rentals at their June meeting and tonight's comments be considered. The County Council will hold a Public Hearing at their last meeting in June.

General Business

H. Discussion and Consideration of an Ordinance for Desert Wind PUD Final Plat – property located on Highway 191 Government Lot 72, Burakorn Kesavadhana, Applicant (Mary Hofhine)

This application is submitted by Burakorn Kesavadhana (Noy). The applicant proposes division of 2.4 acres of land into 20 footprint lots. The property is zoned HC, Highway commercial and is located on Highway 191. The Grand County Planning Commission re-considered the referenced application at their regular meeting on March 28, 2007 and recommended approval subject to the conditions set being met prior to the County Council meeting. **MOTION:** Motion by Councilman Audrey Graham to approve the final plat. Motion seconded by Councilman Gene Ciarus carried 7 – 0.

I. Discussion and Consideration of an Ordinance for Pueblo Verde Final PUD Final Plat – Phase I; located on Spanish Valley Drive near Sunny Acres Lane. Jim Farrell Agent for the applicant. (Mary Hofhine)

This application is submitted by Jim Farrell on behalf of the property owners, SLI Real Estate, Howard Kent Manager, and Doug Carroll applicant. The Grand County Planning Commission reviewed this application at their regular meeting on April 11, 2007 and recommended approval subject to the conditions set forth in the staff memo dated April 25, 2007. **MOTION:** Motion by Councilman Joette Langianese to approve the final plat. Motion seconded by Councilman Patricia Holyoak. Councilmen Bob Greenberg and Audrey Graham could not support approval with so many of the stipulations still pending. Mary Hofhine stated that the engineer's comments are in subsequent phases and Phase II is not an issue and the final plat is in the mail. Motion carried 5 – 2 with Councilmen Bob Greenberg and Audrey Graham opposed.

J. Discussion and Consideration of Approval for an Ordinance for the Amended Preliminary Plat for Cloudrock Including the Amended and Reinstated Development Agreement, Mark Oligschlaeger, Applicant (Richard Grice)

This application is submitted by the Cloudrock Land Company, LLC and seeks to amend the Johnson's-Up-On-Top Mesa, Master Plan and Preliminary Phase I Plat. The application was tabled following the public hearing on February 6, 2007, with the direction to provide a more concise document for Council's consideration that includes staff review and approval of all exhibits necessary to facilitate future administration. **MOTION:** Motion by Councilman Bob Greenberg to table for two weeks. Motion seconded by Councilman Audrey Graham. Councilman Greenberg received his data late and has not had time to review the voluminous

documents. Richard Grice reminded Council that at the last meeting direction from the Council was to re-organize the document in a reasonable matter. The intention was too provide Council with a working document. The documents supplied contain the staff memo and underlined/strike out versions of the Development Agreement along with legal opinions. The County Attorney reviewed all of the documents submitted by the developer and asserted that if the Council feels that staff and the Planning Commission have done their job it is appropriate to approve the project. A lengthy discussion occurred regarding water issues, litigation, roads, building heights, Grand Water and Sewer Service Agency impacts and other similar topics. The County Attorney will not be available at the May 15, 2007 meeting. Motion to table failed 3 – 4 with Councilmen Jim Lewis, Patricia Holyoak, Gene Ciarus and Jerry McNeely opposed. **MOTION:** Motion by Councilman Bob Greenberg to enter into Executive Session at 9:25 p.m. Motion died for lack of a second. **MOTION:** Motion by Councilman Gene Ciarus to approve the Ordinance for the Amended Preliminary Plat for Cloudrock including the Amended and Reinstated Development Agreement. Motion seconded by Councilman Jerry McNeely. Councilmen Greenberg and Langianese were concerned about pending litigation. Motion to approve failed 3 – 4 with Councilmen Langianese, Greenberg, Graham and Lewis opposed. **MOTION:** Motion by Councilman Graham to table for one week after the Attorney reviews the citizen memo filed today. Motion seconded by Councilman Langianese. Councilman Ciarus requested the date and time of the meeting be determined now. It was agreed that the agenda item would be tabled until Tuesday May 8, 2007 at 6:00 p.m. Motion carried 6 – 1 with Councilman Jerry McNeely opposed.

K. Discussion and Consideration of Approval for an Ordinance for the Final Plat for the Stone Crest PUD (Formerly know as Karin Ridge), Larry Becknell, Applicant (Richard Grice)

MOTION: Motion by Councilman Joette Langianese to table this item until the documents are together and the engineer has reviewed them. Motion seconded by Councilman Bob Greenberg carried 5 – 2 with Councilmen Jerry McNeely and Gene Ciarus opposed.

L. Discussion and Consideration of a Proposed Ordinance for Code Amendments to Sec. 7.7 Minor Record Survey, and Sec. 7.17 Site Plan Review (Mary Hofhine)

The Planning Commission recommended approval of the Code Amendments. **MOTION:** Motion by Councilman Audrey Graham to approve the ordinance to include changing one time only division and denials automatically will be sent back to the Planning Commission. Motion seconded by Councilman Bob Greenberg carried 4 – 3 with Councilmen Jerry McNeely, Patricia Holyoak and Joette Langianese opposed.

Consent Agenda

M. Approval of a Cleaning Contract for the Travel Council Building

N. Renewal of the Grand County's Public Defender Contract

MOTION: Motion by Councilman Joette Langianese to approve the consent agenda. Motion seconded by Councilman Patricia Holyoak carried 7 – 0.

MOTION: Motion by Councilman Gene Ciarus to enter into Executive Session at 10:10 p.m. to discuss potential litigation. Motion second by Councilman Joette Langinaese carried 7 – 0. Present were all Councilmen with Council Administrator Shawn Warnke, Clerk/Auditor Diana

Carroll, County Attorney Happy Morgan and Planner Richard Grice. **MOTION:** Motion by Councilman Bob Greenberg to end the session at 10:25 p.m. Motion seconded by Councilman Patricia Holyoak carried 7 – 0.

MOTION: Motion by Councilman Bob Greenberg to adjourn at 10:30. Motion seconded by Councilman Patricia Holyoak carried 7 – 0.

Grand County Council Chairman

ATTEST:

Grand County Clerk/Auditor