

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

June 5, 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 and Audrey Graham along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. Councilman Patricia Holyoak was absent.

MOTION: Motion by Councilman Bob Greenberg to enter into Executive Session at 3:03 p.m. to discuss the competency of an individual. Present were Councilmen in attendance, Council Administrator Shawn Warnke, Clerk/Auditor Diana Carroll, Attorney Happy Morgan and Building Official Jeff Whitney. Motion seconded by Councilman Jerry McNeely carried 6 – 0. **MOTION:** Motion by Councilman Joette Langianese to end the session at 3:20 p.m. Motion seconded by Councilman Audrey Graham carried 6 – 0.

There was a presentation and discussion from David Fitsimmons of Prescott Muir regarding expanding the scope of work associated with the Facility Plan Analysis to include developing construction plans for the remodel of the old Library and jail expansion project. Prescott Muir asked the Council to consider an alternative approach doing the mechanical and electrical work on a design-build basis. This would require the general contractor to include in their bid a registered engineer's design that would meet the required performance criteria. The Council agreed that the architect design should include the engineering and mechanical designs. The Council also requested a review of funding sources to determine how we will pay for this project. The Council directed staff to put the architect services out to bid and to look into funding options.

Presentation on Capital Facility Plan and Impact Fees

Council Administrator Shawn Warnke presented information regarding Law, Fire, Parks and Drainage Impact Fees.

There was discussion of a Resolution ratifying the Grand County Land Use Code as Amended through May, 2008. Council members agreed that we should wait to ratify the LUC after the upcoming amendment to the Zoning Districts is approved. It was decided the discussion will continue at the next meeting.

The regular session of the Grand County Council meeting was called to order at 4:35 p.m. by Chairman Jim Lewis. In attendance were Councilmen Jim Lewis, Gene Ciarus, Bob Greenberg, Jerry McNeely, Joette Langianese and Audrey Graham along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. Councilman Patricia Holyoak was absent. The Pledge of Allegiance was led by Rick Donham.

Elected Official Reports

A. D.O.R.A. –Drug Offender Rehabilitation Act (Sheriff Jim Nyland)

Sheriff Nyland reported on S.B 50 the Drug Offender Rehabilitation Act (DORA) which modifies provisions of the Utah Substance Abuse and Anti-Violence Coordinating Council and the Code of Criminal Procedure to implement requirements relating to screening, assessment, and substance abuse treatment for offenders. The bill requires that on and after July 1, 2007, offenders convicted of any felony offense participate in the screening and assessment process. The funding will be appropriated to Adult Parole and Probation and Four Corners Community Behavior Health. The

Sheriff's Association feels the State should include funds in the legislation to pay the jails housing the prisoners.

Agency Reports

Russ von Koch from BLM introduced Shelley Smith who is the acting field manager in place of the retiring Maggie Wyatt. Russ also announced that Grand County's application for alternative matching funds scored within 1% of the top and is on the list for technical review. These funds will be used to complete the bicycle lanes on Highway 128 and will total over \$4 million dollars.

Presentations

B. USU County Extension Services (Michael Johnson)

Mike Johnson described the programs and services the County Extension Agent provides to Grand County. Councilman McNeely thanked Mike for his work with Tim Higgs on noxious weeds in the County.

General Business

MOTION: Motion by Councilman Joette Langianese to amend the agenda moving Item I to Item D. Motion seconded by Councilman Audrey Graham carried 6 – 0.

C. Discussion and Consideration of Approval of a Standard Cooperative Agreement for Utah State University Extension Educational Work (Michael Johnson)

MOTION: Motion by Councilman Jerry McNeely to approve the agreement as presented. Motion seconded by Councilman Joette Langianese carried 6 – 0.

I. Discussion and Consideration of Approving Architects for the Design of the Emergency Medial Services Offices and Ambulance Garage (Shawn Warnke)

There was discussion regarding the events that have occurred since February 21, 2007 when the Council approved advertising for an RFP for architectural services for the remodel of the old Senior Center to accommodate the offices of the Health Department and Grand County EMS. **MOTION:** Motion by Councilman Audrey Graham to direct staff to work with the Health Department to jointly submit a CIB application and authorize the Council Administrator to negotiate with Hoffman Architects the price to create the final construction drawings. The Council reminded staff the portion of Jim Dresslers work should be excluded from the contract with Hoffman. Motion seconded by Councilman Bob Greenberg. Councilman Joette Langianese requested the motion be amended to direct Council staff to research the need for Interlocal Agreements with the Health Department. Motion carried 6 – 0.

D. Discussion and Consideration of Approval of Recommendation to Approve a Bid for a Scenic Byway 128, 279, and 313 Corridor Management Plan (Marian DeLay)

The Moab Area Travel Council advertised for proposals to develop a Corridor Management Plan for Scenic Byways 128, 279 and 313. This plan would allow the Travel Council to move forward to attain All American Status for the roads. The cost of the study will be \$40,000 and paid for with matching funds from the Travel Council budget. The Travel Council reviewed the proposals received and recommended approval of the proposal submitted by Randy and Kaaron Jorgen. **MOTION:** Motion by Councilman Bob Greenberg to approve the Travel Council recommendation. Motion seconded by Councilman Joette Langianese carried 6 – 0.

E. Discussion of Jointly Funding a Full-Time Film Commission Employee with Moab City (Shawn Warnke)

In recent meetings Grand County and Moab City have discussed the possibility of jointly funding a full time Film Commission position. The Travel Council will continue to contribute to fund the Film Commission budget and the State Travel Council encourages the County to support the Film Industry. The Travel Council plans to budget \$25,000 annually to the Film Commission. **MOTION:** Motion by Councilman Bob Greenberg to authorize the Council Administrator to move ahead with the job description and Interlocal Agreement with the City and to begin negotiations with City on the budget.

Motion seconded by Councilman Jerry McNeely. Councilman Joette Langianese suggested that the budget amounts be mentioned in the Interlocal Agreement. Motion carried 6 – 0.

F. Discussion and Consideration of Approval of a Cooperative Agreement Preconstruction and Construction Reimbursement and Local Government Contract with UDOT; SR-128 New Spanish Pedestrian & Bicycle Path (Shawn Warnke)

MOTION: Motion by Councilman Bob Greenberg to approve the Cooperative Agreement and the Horrocks contract based on available matching funds. Motion seconded by Councilman Jerry McNeely carried 6 – 0.

G. Discussion Regarding Forming a Study Committee for the Use of the County Property Adjoining Arches National Park at the Colorado River Bridge (Audrey Graham)

The County property is located in the area of the Boat Dock and according to Sheriff Nyland has severe public safety issues. Grand County attained the property from a Patent from the Federal Government for recreation and public use. The Boat Ramp along with a portion of the parking area is on State Sovereign Lands. A committee will be formed comprised of a representative from Grand County Council, Grand County Sheriff, Moab City, UDOT, Utah Sovereign Lands, Trail Mix, BLM, National Park Service and Travel Council. Councilman Jerry McNeely will be the County Council representative on the committee. **MOTION:** Motion by Councilman Joette Langianese to move forward with a committee to make recommendations to the Council with each agency appointing its own agent. Motion seconded by Councilman Audrey Graham carried.

H. Discussion and Consideration of Approval of the Employer Certification of Utah Retirement Systems Retirement Contribution Rates (Pat Byrd, Diana Carroll)

Annually each participating employer of the Utah Retirement Systems is required to certify the contribution rates for the upcoming fiscal year. **MOTION:** Motion by Councilman Joette Langianese to certify the contribution rates paid to Utah Retirement Systems for employee benefits. Motion seconded by Councilman Gene Ciarus carried 6 – 0.

Recess at 6:15

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, and Audrey Graham along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. Councilman Patricia Holyoak was absent. The Pledge of Allegiance was led by Bill Zanotti.

Approval of Minutes

J. May 15, 2007

MOTION: Motion by Councilman Audrey Graham to approve the minutes of the May 15, 2007 meeting. Motion seconded by Councilman Jerry McNeely carried 6 – 0.

Approval of Payment of Bills

MOTION: Motion by Councilman Joette Langianese to approve the bills presented for payment in the amount of \$645,103.57. Accounts payable check numbers 49710 – 50041 in the amount of \$530,756.62 and payroll in the amount of \$114,346.95. Motion seconded by Councilman Gene Ciarus carried with a 7 – 0 roll call vote.

Citizens to be Heard

Mike Suarez spoke of concerns of secret ballot voting during a Planning Commission meeting.

Dave Cozzens: Is a Planning Commissioner and wanted the Council to know that the Commission feels strong about their recommendation of the Board Member.

Presentation(s)

K. Presentation Concerning Grand County School District Voted Leeway Special Election, June 26, 2007 (Margaret Hopkin and Jim Webster).

Grand County School District representatives Margaret Hopkin and Jim Webster explained the upcoming Voted Leeway Election. The Leeway will provide funding for Maintenance and Operation expenses for the District which includes salaries, supplies and programs. The election will be on June 26, 2007 and will increase their budget by \$985,000 if approved. The Council had several questions and comments regarding the tax increase.

Public Hearing(s)

L. Public Hearing and Discussion of a Proposed Ordinance that creates Urban Development Referrals for Property that is within a Municipalities' Declared Annexation Boundaries. Proposed Ordinance will Create a New Sec. 7.1.12 of the Land Use Code and Renumbering of Other Sections as Necessary (Mary Hofhine)

Mary Hofhine, Planning Administrator read into the record for reference the Land Use Code as amended to date, the General Plan as amended to date and the draft Ordinance. The Utah Code requires that the Counties not approve urban development within a municipality's expansion area unless: The county notifies the municipality of the proposed development; and the municipality consents in writing to the development; or within 90 days after the county's notification of the proposed development, the municipality submits to the county a written objection to the county's approval of the proposed development; and the county responds in writing to the municipality's objections.

Chris Baird wanted to point out the intention of notification is to get some contiguous use in the areas and wanted to see coordination with the City regarding annexations.

Councilman Jim Lewis noted that State Code allows 90 days after notification and the County can make that requirement stricter. The Planning Commission recommended 90 days.

General Business

M. Discussion and Consideration of Approving a Proposed Ordinance Relating to the Adoption of The 2006 Edition of the Utah Urban- Wildland Interface Code Relating to Fire Protection for Structures (Jeff Whitney)

MOTION: Motion by Councilman Joette Langianese to adopt the ordinance as presented. Motion seconded by Councilman Audrey Graham. Sheriff Nyland noted that State Fire Warden Bill Zanoti is currently acting as County Fire Warden until a replacement can be hired. Motion carried 6 – 0.

N. Discussion and Consideration of Approving a Resolution Expressing Disapproval of the Proposed "Voter Confidence and Increased Accessibility Act of 2007." (Diana Carroll)

MOTION: Motion by Councilman Audrey Graham to approve the resolution as presented. Motion seconded by Councilman Gene carried 5 – 1 with Councilman Greenberg opposed.

O. Discussion and Consideration of Approving a Resolution Amending Resolution 2413 by Changing Allowable Amounts for Per Diem and Mileage Reimbursement (Shawn Warnke)

Discussion occurred regarding the per diem and mileage rate. **MOTION:** Motion by Councilman Bob Greenberg to amend the current Resolution increasing the mileage rate to \$.41/cents per mile and adding to Item 3 of the Notwithstanding exception "When travel is funded by a grant or other program, the employee will be given the amount provided and funded by the program". Motion seconded by Councilman Audrey Graham with a request that the employee receive prior approval from their Supervisor to be reimbursed mileage and only if a County vehicle is not available. Motion carried 4 – 2 with Councilmen Ciarus and McNeely opposed.

P. Discussion and Consideration of Approving a Planning Commissioner to Fill a Vacancy (Mary Hofhine)

Planning Administrator, Mary Hofhine conveyed the recommendation of the Planning Commission to appoint Judy Tangreen to fill the remaining vacant Board Member term. **MOTION:** Motion by Councilman Audrey Graham to appoint Chris Baird to fill the remaining term of vacancy. Motion seconded by Councilman Bob Greenberg. Councilman Graham appreciates that Judy is on the Board of Adjustments. Councilmen Ciarus and McNeely feel the Council should listen to the Planning Commission and appoint their recommendation. Councilman Lewis would like to see a Board Member who researches well and has projects finalized before they come to the Council for approval. Motion carried 4 – 2 with Councilmen Ciarus and McNeely opposed.

Q. Discussion and Consideration of Approving a Resolution Creating an Essential Air Service Study Committee to Assist the Airport Board in Obtaining Public Input Regarding the Essential Air Service (Bob Greenberg)

MOTION: Motion by Councilman Bob Greenberg to approve appointment of a Task Force to study the Essential Air Service proposal and make recommendations to the Airport Board by July 19. Councilman Greenberg will Chair the Task Force. Motion seconded by Councilman Joette Langianese carried 6 – 0.

Consent Agenda

R. Letter Regarding the Alternative Transportation in the Parks and Public Lands Program

S. Letter Regarding the Defense Authorization Act to Congressman Jim Matheson

T. Letter Regarding a Stop Work Order on the Restoration of the Memorial Wall

MOTION: Motion by Councilman Audrey Graham to approve the Consent Agenda. Motion seconded by Councilman Joette Langianese carried 6 – 0.

Council Reports

U. Bookcliffs Road Alignment Tour (Bob Greenberg)

Councilman Bob Greenberg will arrange a tour to the Bookcliffs Road Alignment. Dave Warner will go along and the public is invited. The tour will be on June 25, 2007.

Councilman Joette Langianese updated on the happenings at the tailings pile. Congress Matheson put a timeline on moving the pile of 2019. On June 14, 2007 Southern California Metro Water Users are coming for a meeting and site visit to strategize funding and make certain the DOE prioritizes this project.

Councilman Audrey Graham noted that John Cox, US Department of Agriculture Director for Utah recently announced that Grand County Housing Authority received special recognition for the homes built under the self-help program as being Energy Star compliant.

MOTION: Motion by Councilman Joette Langianese to adjourn at 8:40. Motion seconded by Councilman Jerry McNeely carried 6 – 0.

Grand County Council Chairman

ATTEST:

Grand County Clerk/Auditor