

**GRAND COUNTY COUNCIL
REGULAR MEETING
Council Chambers
125 E. Center Street
Moab, UT**

April 1, 2008

The Grand County Council met on the above date in the Council Chambers of the Grand County Courthouse located at 125 E. Center Street, Moab, Utah. Chairman Gene Ciarus called the afternoon session of the Council Meeting to order at 3:00 p.m. In attendance were Council members Gene Ciarus, Jerry McNeely, Jim Lewis, Patricia Holyoak, Joette Langianese, Bob Greenberg, and Audrey Graham along with Council Administrator Shawn Warnke and HR Director Pat Byrd.

Elected Official Reports

Sheriff Nyland reported that Energy Solutions was of great help during replacement of a power pole that burned over Jeep Safari weekend. Council Member Langianese will send a letter to Energy Solutions thanking them for their efforts. Sheriff Nyland also reported the Jeep Safari was a successful event. Council thanked the Sheriff's Office for a job well done.

Agency Reports

Overview of a Lease on SITLA Land for a Natural Gas Metering Station (Bryan Torgerson)

Bryan Torgerson notified the County Council of an upcoming pipeline lease with Williams Energy to construct, operate, repair and maintain a natural gas metering station. The facility will be located in the SW ¼ SE ¼ of Section 35 TS 24 S R20E SLB&M (approximately 1 acre) and the term of the lease will be 30 years.

Presentations

Travel Council for Performance Presentation

Marian Delay presented the Travel Council Strategic Plan to the Council and briefly explained the goals.

2008 Budget Commitments that Require Ongoing Funding

Council Administrator Shawn Warnke gave a Powerpoint presentation reminding the Council of 2008 budget commitments. Discussion occurred regarding some of the following future expenses: Justice Court Judge, Public Defender, Road Department capital expenses, facility expenses and deputy attorney.

Discussion Items

Proposed Reclassifications for the Travel Council

Salary survey data collected during the Pay for Performance process for the Travel Council and Assessor's Office that compared other 4th and 5th class counties during the Pay for Performance process for the Travel Council and Assessor's Office, Pat Byrd, found that positions in the Travel Council and Assessor's Office were below the average of other counties. Based on the information collected Pat and Shawn recommended reclassification of the positions.

Proposed Letter of Understanding Associated with the Deputy Assessor/Appraiser Position (Pat Byrd)

Two employees were hired close to the same time in the Assessor's Office and began the process of training and testing with the intent of reaching the status of licensed real estate appraisers. This will be a one time opportunity and the employees understand that they must complete the process or will remain in the Deputy Assessor/Motor Vehicle Personal Property Clerk position.

Proposed Salary Adjustments to Elected Officials

HR Director Pat Byrd presented information gathered from other 5th class counties regarding the salary for elected officials. During the Pay for Performance process reclassification of some positions could result in the employee receiving a higher salary than the elected official in that department. Pat will supply the UAC salary survey for Council review.

Council Member McNeely was excused at this time.

Action Items

Discussion and Consideration of Forwarding a Proposal to the Hotel Association Regarding the Possible Uses Associated with Increasing the Transient Room Tax January 2009 (Bob Greenberg)

MOTION: Motion by Council Member Bob Greenberg to forward to the lodging association a proposal to increase the Transient Room Tax by .97% effective January 1, 2009. Motion seconded by Council Member Jim Lewis failed 3 – 2 with 1 abstained. Council Members Greenberg, Lewis and Graham voting in favor, Langianese and Ciarus opposed and Holyoak abstained.

Discussion and Consideration of Approving the 3rd Amendment to the Cooperative Management Agreement Between BLM and Grand County Providing for Public Safety Resource Protection and Recreation Management and Maintenance in the Sand Flats Recreation Area (Andrea Brand)

MOTION: Motion by Council Member Joette Langianese to approve the 3rd amendment to the Cooperative Management Agreement between BLM and Grand County. Motion seconded by Council Member Bob Greenberg carried 6 – 0.

Discussion and Consideration of Action on the West-Side Energy Corridor Programmatic Environmental Impact Statement (Councilperson Graham)

No action taken.

Discussion and Consideration of Approving and Authorizing a Notice for Request for Proposals for Parental Defender Attorney Contract (Shawn Warnke)

This request for proposal is a result of a meeting held earlier this year with Andrew Fitzgerald regarding the increased work load in the Public Defender's office. The scope of work in the new proposal will be for the parental defender portion only. **MOTION:** Motion by Council Member Jim Lewis to approve the solicitation of proposals. Motion seconded by Council Member Audrey Graham carried 6 – 0.

Discussion and Consideration of Approving and Authorizing a Notice for Request for Bids for Remodeling of the Old Library (Shawn Warnke)

Jeff Whitney and Marvin Day will be working to oversee and work with the selected contractor. **MOTION:** Motion by Council Member Jim Lewis to approve the notice for request for bids for remodeling the old library building. Motion seconded by Council Member Patricia Holyoak carried 5 -1 with Council Member Graham opposed.

Recess at 5:20 p.m.

The evening session of the Council Meeting was called to order at 7:04 p.m. by Chairman Gene Ciarus. Present were Council Members Ciarus, Greenberg, Langianese, Holyoak, Lewis, and Graham with Council Administrator Shawn Warnke and HR Director Pat Byrd. Council Member McNeely was absent. The Pledge of Allegiance was led by John Keyes.

Approval of Minutes

MOTION: Motion by Council Member Bob Greenberg to table the minutes of the March 18, 2008 Council meeting. Motion seconded by Council Member Patricia Holyoak carried 6 – 0.

Approval of Payment of Bills

MOTION: Motion by Council Member Patricia Holyoak to approve bills presented for payment in the amount of \$724,297.59. Accounts payable check numbers 53914 – 54092 totaling \$596,503.61 and payroll in the amount of \$127,793.98. Motion seconded by Council Member Bob Greenberg carried with a 6 – 0 roll call.

Citizens to be Heard

Dan Velasquez: Cloudrock Project Manager spoke in opposition regarding the appointment of Steve Russell to the Board of Adjustments due to his record of objectivity to the project and the fact that his spouse is a Council Member.

Barb Morra – spoke regarding the Board of Adjustments appointment not on the Council agenda and requested the Council clear up any confusion about appointments and resignations.

Consent Agenda

- B. Approval of a Resolution that Reclassifies the Travel Council Executive Director Position
- C. Approval of the Reclassification of the Internet Specialist/Graphic Designer Position
- D. Approval of the Reclassification of the Information Specialist Position

- E. Approval of the Reclassification of the Travel Council Administrative Assistant Position
- F. Approval of the Classification of Deputy Assessor/Appraiser
- G. Approval of a Letter of Understanding Associated with the Deputy Assessor/Appraiser Position
- H. Approval of the Reclassification of a Deputy Assessor Motor Vehicle/Personal Property Clerk
- I. Re-Approval of the Local Consent for a Full-Service Restaurant Liquor License Issued by the State to Sorrel River Ranch
- J. Re-Approval of the Local Consent for an On-Premise Banquet Liquor License Issued by the State to Sorrel River Ranch
- J-1 Approval of the Local Consent for a Temporary Special Event Beer Permit for the Canyonlands Rodeo Committee
- K. Approval of a Letter to Michael Badger Requesting Temporary Use of Property for the County's Fireworks Event .

MOTION: Motion by Council Member Joette Langianese to approve the consent agenda. Motion seconded by Council Member Audrey Graham carried 6 – 0.

Public Hearings

L. Public Hearing on a Preliminary Plat for the Whitehorse PUD Subdivision

The Grand County Planning Commission reviewed this application on May 9 and June 13, 2007 and recommended approval to the County Council of the Whitehorse PUD preliminary plat. The approval is subject to compliance with all applicable requirements of the 2007 Land Use Code. Grand County Council Members voiced concern regarding slope of the property and access to adjoining property.

White Horse PUD (Mark Griffith) – presentation of the PUD.

Lucy Curtis – spoke regarding her concerns including lighting issues, high density, retention of agricultural feeling, quality and quantity of water and emergency access.

Terry Galen – spoke in opposition to nightly rental issues.

Russ Tangreen – spoke in respect of property owner rights to develop property, but is concerned about access.

Stephanie Dahlstrom – is concerned about the impact of construction for the development, the safety of residents with construction workers in and out of development, water, lighting and noise.

Tim Stewart – would like to have an arrangement to access his property through the development and would like an easement recorded for secondary access for emergency vehicles only.

Barb Morra – spoke addressing her concerns about nightly rentals, time shares, rezoning, drainage, detention ponds close proximity to water wells.

Barb Smith – concerned about the confusion of which Land Use Code to be used and the impacts of increased traffic.

Mark Griffith – stated that the staff reports are valid and comprehensive according to the Grand County Land Use Code.

Clint Allen, Engineer for the project, noted that a traffic study is not required and that existing roads are adequate for the additional traffic.

Public hearing closed. Council will continue to receive written comment for two weeks from tonight.

M. Public Hearing on a Plat Amendment for Lot 11 of the All American Acres Subdivision

The applicant, Ulla Brunner and Rhonda Gotway, is requesting approval 3 lot subdivision in All American Acres. The property consists of approximately 5 acres and is zoned Rural Residential (RR). The Grand County Planning Commission reviewed the application in a public meeting on March 26, 2008 and recommended approval to the Council finding that the Amended Plat of Lot 11 All American Acres Subdivision is in compliance with the applicable County and State standards.

Property owners Ulla Brunner and Rhonda Gotway spoke regarding confusion about the subdivision process.

Lucy Curtis – spoke regarding the need to be consistent and fair.

Gary Wilson – owns 15 acres in subdivision is concerned with inconsistency of what has been done in past,

Terry Galen – spoke regarding the notification process and claimed that she didn't receive the notification.

Russ Tangreen – received conflicting information in the past regarding subdividing and would like to see consistency in the process.

Mary Hofhine addressed the issue of consistency stating that the subdivision process has changed over years.

Council Member Greenberg stated he is sensitive to inconsistency and the primary goal of county is to achieve consistency.

Barb Morra spoke regarding confusion and concern with the Council relying on home owner associations to follow rules.

Public Hearing closed. Written comment will be received for 2 weeks until the next meeting.

General Business- Action Items

Council Member McNeely arrived at this time.

Discussion and Consideration of Approving a Letter to the Department of Energy Encouraging the Department to Commence Moving the Tailing (Councilperson Langianese)

Council Members discussed writing a letter to the Department of Energy urging the Atlas Tailings Project move forward as quickly as possible. **MOTION:** Motion by Council Member Joette Langianese to approve sending the letter to the DOT. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

Council Reports

Council Member Greenberg requested an update on the animal control situation. Chairman Ciarus informed the Council that he is waiting for a response for Donna Metzler on a meeting time and date.

Council Member Graham questioned any follow up from Planning & Zoning about Cisco building issues.

Future Considerations

Council Member Greenberg would like to discuss secret ballots in a future meeting.

Adjourn

MOTION: Motion by Council Member Joette Langianese to adjourn at 8:53 p.m. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

Gene Ciarus
Grand Council Chairman

ATTEST:

Diana Carroll
Grand County Clerk/Auditor