

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

April 15, 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, Jim Lewis, Patricia Holyoak, Jerry McNeely, Joette Langianese, Bob Greenberg and Audrey Graham along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. The regular Council meeting recessed until 3:20 to allow for the Municipal Building Authority meeting.

EXECUTIVE SESSION

MOTION: Motion by Council Member Joette Langianese to enter into Executive Session at 3:25 p.m. to discuss the character, professional competence or physical or mental health of an individual. Motion seconded by Council Member Jim Lewis carried 7 – 0. Present were Council Members Ciarus, Langianese, McNeely, Graham, Lewis, Greenberg and Holyoak, Council Administrator Shawn Warnke, County Attorney Happy Morgan and Clerk/Auditor Diana Carroll. **MOTION:** Motion by Council Member Joette Langianese to end the Executive Session and enter into another Executive Session to discuss pending or reasonably imminent litigation. Motion seconded by Council Member Audrey Graham carried 7 – 0. Present were the above named people. **MOTION:** Motion by Council Member Bob Greenberg to end the Executive Session at 4:10 p.m. Motion seconded by Council Member Audrey Graham carried 7 – 0.

Agency Reports

USU Working Committee for Higher Education (Steve Hawks)

Steve Hawks and Sam Sturman from the Utah State University presented the strategic plan to provide higher education to the community. Council Members were invited to attend a planning meeting on April 18 at noon in the City Council Chambers. Council Member Audrey Graham volunteered to serve as Council representative on the Higher Education Committee.

Discussion Items

Cisco Desert Report (Councilperson Greenberg & Mark Wright)

At the request of concerned citizens, Council Member Bob Greenberg wanted to make certain everything is going according to the law with regard to the Cisco desert oil field operations. Grand County Engineer Mark Wright reported that a land owner started to subdivide his land without following the proper procedure. The Community Development Department addressed the situation.

Discussion of Amendments to the Resolution No. 2806 Amending the Appointment Process for Boards and Commissions (Shawn Warnke)

Council Administrator Shawn Warnke presented a draft of the resolution with strikeouts and underlines. Discussion occurred regarding the term limits of board members. The resolution will be ready for the next Council Meeting.

Discussion of the Classification of the Grand County Facility and Event Promoter (Marian DeLay)

Marian Delay and Pat Byrd recommended the position be classified as Grade 10 Step 3. The classification is listed on the evening portion of the meeting under the consent agenda.

Discussion of the Process to Implement Salary Adjustments of Elected Officials (Pat Byrd)

Discussion occurred regarding the procedure of implementing salary adjustment of Elected Officials. Pat Byrd presented salary survey information gathered comparing salaries of other Fifth Class Counties. Council Member Langianese requested additional information to compare budgeted revenues for each county in the survey.

Action Items

Consideration for Adoption of a Resolution of the County Council of Grand County, Utah (The "County"), Authorizing and Approving the Execution of an Annually Renewable Master Lease Agreement, Dated as of April 1, 2008, by and between Grand County and the Municipal Building Authority Of Grand County, Utah (The "Authority"), Authorizing the Issuance and Sale by the Authority of Its Taxable Lease Revenue Bonds, Series 2008, in the Aggregate Principal Amount Of \$500,000; Authorizing the Execution of a Master Resolution, Ground Lease, Leasehold Deed of Trust, Sublease Agreement, and Other Documents Required in Connection Therewith; Authorizing the Construction of a New Fire Station and All Related Improvements; Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transaction Contemplated by this Resolution; and Related Matters (Diana Carroll and Chief Brewer)

The bond attorney for the Moab Valley Fire Protection District was present via telephone during the Grand County Municipal Building Authority meeting to answer questions regarding the lease documents for the fire station construction project. Chief Corky Brewer explained the history of the project. The MVFPD is limited by state law to a financing term period of eight years making it impossible to repay the money within that time frame. **MOTION:** Motion by Council Member Bob Greenberg to approve the resolution as submitted subject of fixing the errors as previously stated in the Municipal Building Authority Meeting. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

Discussion and Consideration of Approving a Memo of Understanding with Redtail Aviation to Collect Ramp Fees in Behalf of the County (Kelly Braun)

The Memorandum of Understanding will allow the County to collect the fee set by adoption of Ordinance 465. Redtail Aviation as the Fixed Base Operator at Canyonlands Field will administer the collection of the fees and in turn the County will compensate Redtail Aviation 40% of the fees collected. There were a few minor corrections and changes noted. **MOTION:** Motion by Council Member Joette Langianese to approve MOU with Redtail with the stated corrections. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

Discussion and Consideration of Creating a Council Study Committee on Drafting Proposed Amendments to the Procedures and Policies of the Governing Body (Shawn Warnke)

MOTION: Motion by Council Member Jim Lewis to create a study committee to draft amendments to the Procedures and Policies of the Governing Body and to appoint Council Member Joette Langianese and Bob Greenberg, with Chair participation, to the study committee. Motion seconded by Council Member Audrey Graham carried 7 – 0. The committee will meet and have draft changes prepared for the May 20, 2008 meeting.

Discussion Regarding the Library Board's Recommendation to Have the Library Fund 72 Fund a Full-Time Maintenance Employee for the Library (Shawn Warnke & Carrie Valdes)

The Library has been funding \$15,000 of a full time maintenance employee and Director Carrie Valdes along with the Library Board recommend that the employee be designated full time at the Library. The employee will continue to work under the direction of the Grand County Maintenance Department and the Library will increase the funding amount to include the full time with benefits position. The Maintenance Department would then hire another full time employee to help with the cleaning of the Travel Council and Road Department and the contracted cleaners of those facilities would no longer be needed. **MOTION:** Motion by Council Member Audrey Graham to approve the position as the Library Board recommends. Motion seconded by Council Member Patricia Holyoak. Council Member Graham added to the motion and Council Member Holyoak agreed, to include language to dissolve the current cleaning contracts. Motion carried 7 – 0.

Consideration of Approving a Clerical Position in the Clerk Auditor's Office (Diana Carroll)

In a memorandum to the County Council, Clerk/Auditor Diana Carroll requested another full time deputy clerk position. The growth of County government together with advanced technology in election preparation has added to the duties of the Clerk/Auditor's Office. **MOTION:** Motion by Council Member Joette Langianese to table the request to allow time for Council Administrator Shawn Warnke and the Clerk/Auditor to look for money to fund the position. Motion seconded by Council Member Greenberg carried 5 – 2 with Council Members McNeely and Ciarus opposed.

Discussion and Consideration of Re-Approving the Concessionaire Agreement for the Old Spanish Trail Recreation Complex (Shawn Warnke)

MOTION: Motion by Council Member Jim Lewis to approve the concessionaire agreement and authorize the Council Chair to sign the agreement with the term of two years. Motion seconded by Council Member Audrey

Graham carried 5 – 1 with Council Member Greenberg opposed. Council Member Holyoak had left the room during the vote.

Discussion and Update of Dewey Bridge (Chairman Ciarus)

Council Chair Ciarus updated the Council on the recent fire that destroyed the historic Dewey Bridge. The Council Chair asked for the help of the Historic Preservation Commission and interested Council Members to work on a committee to recommend the future of the bridge. The bridge is owned by the County but there is no funding to rebuild the bridge. Several members of the audience voiced concern and spoke in favor of rebuilding the bridge. Council Member Patricia Holyoak volunteered to be the Council representative on the committee. **MOTION:** Motion by Council Member Bob Greenberg to name the Historic Preservation Commission as the reconstruction committee to study the feasibility of reconstruction. Motion seconded by Council Member Joette Langianese carried 7 – 0.

Discussion and Consideration of Accepting the Awarded Certified Local Government Grant (to fund local historic preservation projects in the amount of \$3,750) (Bruce Louthan)

The Utah State History Department of Community Culture has reviewed and approved the grant application. **MOTION:** Motion by Council Member Audrey Graham to approve and authorize the Council Chair to sign the documents. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

Recess until 7:00 p.m.

The evening session of the Council Meeting was called to order at 7:00 p.m. by Chairman Gene Ciarus. Present were Council Members Ciarus, Holyoak, Graham, Lewis, Greenberg, Langianese, and McNeely with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. The Pledge of Allegiance was led by Ruth Dillion.

Approval of Minutes

Approval of the minutes was postponed until the next meeting.

Approval of Payment of Bills

MOTION: Motion by Council Member Patricia Holyoak to approve bills presented for payment in the amount of \$795,750.67. Accounts Payable check numbers 54093 – 54537 in the amount of \$668,041.12 and payroll in the amount of \$127,709.55. Motion seconded by Council Member Jerry McNeely carried with a 7 – 0 roll call vote.

Citizens to be Heard

Brittney Ellis who represented the Moab Lodging Association spoke in opposition of the increase to the Transient Room Tax.

Julianne Fitzgerald spoke in opposition of increasing Transient Room Tax.

Consent Agenda

- A. Approval of a Classification of the Travel Council Events Promoter Position
- B. Approval of Thank You Letter to Energy Solutions Regarding Prevention of Major Power Outage Over Easter Weekend
- C. Approval of ATPPL Letter to Senator Bennett Requesting Support of Funding of the Last Two Phases of the SR 128 Pathway
- D. Approval of Letter to Support Film Commission Outdoor Festival Funded by a Wabisabi Grant
- E. Approval of a Congratulations Letter Regarding Laura Joss Being Named to NPS Intermountain Region Post
- F. Approval of Grant (Earmark) for the Tamarisk Beetle Monitoring

MOTION: Motion by Council Member Jerry McNeely to approve the consent agenda as presented. Motion seconded by Council Member Audrey Graham carried 7 – 0.

General Business- Action Items

Discussion and Consideration of Forwarding a Proposal to the Special Committee Regarding the Possible Uses Associated with Increasing the Transient Room Tax January 2009 (Councilpersons Bob Greenberg and Jim Lewis)

Council Member Bob Greenberg presented a revised proposed Transient Room Tax increase of .82% which is 2/3 of the allowed 1.25%. Discussion occurred regarding the proposal and the recommendation of the committee appointed to review the increase. **MOTION:** Motion by Council Member Bob Greenberg to authorize Council Members Greenberg and Lewis to present the revised proposal to the Travel Council. Motion seconded by Council Member Jim Lewis carried 4 – 3 with Council Members Ciarus, McNeely and Langianese opposed.

Discussion and Consideration of Approving a Preliminary Plat for the Whitehorse PUD Subdivision (Community Development Dept.)

The public hearing for the Whitehorse PUD was held at the last Council meeting. Questions regarding access, over night/time share use, slopes and open space were answered by the Community Development staff. **MOTION:** Motion by Council Member Jerry McNeely to approve the Whitehorse PUD preliminary plat. Motion died for lack of a second. **MOTION:** Motion by Council Member Bob Greenberg to adopt the preliminary plat with the recommended stipulations of the Planning Commission and using a conflict engineer. Motion seconded by Council Member Patricia Holyoak carried 5 – 2 with Council Members Graham and Langianese opposed.

Discussion and Consideration of Approving a Plat Amendment for Lot 11 of the All American Acres Subdivision (Community Development Dept.)

This plat amendment was originally processed as a minor record survey. The Planning Commission later held a public hearing as required by State Law. **MOTION:** Motion by Council Member Jim Lewis to approve the preliminary plat amendment for All American Acres Lot 11. Motion seconded by Council Member Bob Greenberg carried 6 – 1 with Council Member Graham opposed.

Discussion and Consideration of Approving a Resolution Ratifying the Codification of the Land Use Code (Community Development Dept.)

MOTION: Motion by Council Member Jim Lewis to approve the resolution as presented to codify the Land Use Code as amended to date. Motion seconded by Council Member Audrey Graham carried 6 – 1 with Council Member McNeely opposed.

Council Reports

Council Member Graham reminded the public of National Library Week and the upcoming Thompson Springs clean up weekend.

Council Member Greenberg reported that contracts recently approved by the Airport Board will be on the next Council agenda. Also, the trailers at the entrance to the airport are gone now.

Future Considerations

Council Member Graham received a letter from the Department of Health regarding an expected influenza pandemic. The Health Department will provide vaccines for critical people. There will be an agenda item for the next Council meeting. Emergency Management Director Corky Brewer will be asked to make a recommendation of the critical people in Grand County.

Council Member Lewis had a letter from San Juan County claiming that they would like to retain the Johnson's Up on Top road. It seems that both Grand and San Juan Counties are claiming the road. It starts in Grand County and continues in to San Juan County. The developer has been notified that the road must stay open.

Adjourn

MOTION: Motion by Council Member Joette Langianese to adjourn at 8:20 p.m. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

Gene Ciarus
Grand Council Chairman

ATTEST:

Diana Carroll

