

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

**July 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, Joette Langianese, Jim Lewis, Audrey Graham, Bob Greenberg, Jerry McNeely along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. Council Member Patricia Holyoak was absent.

**Department Head Reports**

**A. Update on UDOT Grant/Cooperative Agreement Regarding Safety Program/Sign Improvements**

The Grand County Road Department will receive a grant from Utah Department of Transportation to provide signs to be placed on Grand County roads. The grant amount will be up to \$200,000 with 93/7 percent matching funds of approximately \$14,000 to be paid from either the B Road Fund or Council Discretionary Funds. The grant award comes as a result of recent study showing Grand County with the most "run off the road" accidents in Utah between 2002 and 2005.

**Agency Reports**

**B. Tentative-Update on Green River Diversion Dam Project (Karen Silliman, Green River City Council)**

Karen Silliman did not show up.

**C. Report on Two Proposed Pipeline Easements on School Trust Lands to Supplement Delta Petroleum's and Fidelity's Greentown Production Projects (Bryan Torgerson, SITLA)**

Bryan Torgerson, State of Utah School and Institutional Trust Lands Administration, reported that SITLA recently received two applications for pipeline easements within Grand County. The easement description allows Delta Petroleum to construct, operate, repair and maintain a buried 6 inch oil pipeline and a buried 8 inch natural gas pipeline. The pipelines are needed to supplement Delta and Fidelity Petroleum's Greentown production projects in Grand County.

**Presentations**

**D. Presentation Regarding Manti-La Sal National Forest Update on Forest Planning, Wild and Scenic Rivers, the Motor Vehicle Use Map and Projects Planned for the Moab District**

Mike Diem, Moab/Monticello District Forest Ranger reported on several forest service projects currently underway in Grand and San Juan Counties including a site in Miner's Basin eligible for Wild and Scenic River Designation, the EIS Draft and the comprehensive evaluation motor vehicle use map for Moab and Monticello Forest Lands. Council Members urged Mike to continue working cooperatively with Grand County and to include joint agency work that was done in the past.

**E. Presentation on Health Department Roles and Services and Relationship with the County**

David Cunningham was not available for the Council meeting. Council Member Graham reported that the Health Department [is](#) looking for a new building and wants to make sure the Council knows [their-its](#) roles.

**Action Items**

**F. Discussion and Consideration Regarding Proposed Access Road Realignment for Agricultural Purposes on SITLA Lands to Provide Access to Coal Canyon**

Council Member Gene Ciarus requested this item be on the agenda to make certain the Council convey [s](#) the County's concerns to SITLA. Bill Jackson, Grand County Road Department Supervisor recommended allowing SITLA to proceed with the application for proposed access road realignment for agricultural purposes in order to provide access to the Coal Canyon area. Grand County would require the road be built to County standards before it was accepted into the B Road inventory. The improved road would increase

the amount paid through B Road funds allocation. It was agreed that the existing road would not be abandoned by the county until the county is satisfied that the new road is complete, built to county standards and would not impose additional maintenance costs on the county

**G. Discussion and Consideration of Approving the Sponsoring the Confluence Literature Festival** Grand County Library Director Carrie Valdes requested the County Council waive the fees and sponsor the Confluence Literature Festival by approving the use of Star Hall for the event. **MOTION:** Motion by Council Member Joette Langianese to approve the request of the Library. Motion seconded by Council Member Bob Greenberg. Council Chairman Ciarus voiced his concern regarding the recent remodel of Star Hall and the need to charge for events. Motion carried 5 – 1 with Council Member Ciarus opposed.

**H. Discussion and Consideration of a Proposed Resolution Amending the County Employee Policies & Procedures Manual Regarding Section VII – Compensation – All Employees**  
A lengthy discussion occurred regarding exempt positions. **MOTION:** Motion by Council Member Jim Lewis to postpone approving the resolution until the exempt portion of the policy is re-worked. Motion seconded by Council Member Jerry McNeely. Council Member Lewis suggested re-wording the policy eliminating the 4 hour limitations. Motion carried 6 – 0.

**MOTION:** Motion by Council Member Joette Langianese to recess for 5 minutes. Motion seconded by Council Member Jim Lewis carried 6 – 0.

**MOTION:** Motion by Council Member Joette Langianese to establish a committee made up of Council Members Greenberg and Ciarus, Marvin Day (an exempt employee) and Pat Byrd, HR Director to work on Section G of the proposed policy with no time limit. Motion seconded by Council Member Audrey Graham carried 5 – 1 with Council Member Greenberg opposed.

**I. Discussion and Consideration of Resolution Adopting the Comprehensive Health and Safety Policy for Grand County as Part of the Grand County Employment Policies and Procedures**  
**MOTION:** Motion by Council Member Audrey Graham to postpone the agenda item to a future meeting. Motion seconded by Council Member Jerry McNeely carried 6 – 0.

**J. Discussion and Consideration of Resolution of Grand County Amending Resolution No. 2579 Creating the Grand County Safety and Accident Review Committee and Establishing an Accident Review Policy**  
**MOTION:** Motion by Council Member Jim Lewis to approve the resolution as presented. Motion seconded by Council Member Jerry McNeely carried 6 – 0.

**K. Discussion and Consideration of Approving a Cooperative Lease Agreement between Division of State Parks and Recreation Trails and Pathways Program and Grand County for a Trail Maintenance Trailer**  
**MOTION:** Motion by Council Member Bob Greenberg to approve the cooperative lease agreement between the Division of State Parks and Recreation Trails and Pathways Program and Grand County for a trail maintenance trailer. Motion seconded by Council Member Audrey Graham carried 6 – 0.

**L. Discussion and Consideration of Approving and Authorizing the Publication for a Carpet Request for Bids for the Courthouse and Moab Information Center**  
Council Administrator Shawn Warnke reported that a vestibule will be built at both entrances to main courthouse and those areas will not require carpet. The bid award will go to a supplier instead of contractor so a bond will not be required. The project does not require a building permit. **MOTION:** Motion by Council Member Bob Greenberg to approve the publication of the RFP with the addition of low VOC carpet and leave the recycle portion of the requirement in the specifications. Motion seconded by Council Member Audrey Graham. **MOTION AMENDED** to ask bidders to include a payment schedule. Motion carried 6 – 0.

**M. Discussion and Consideration of Approving and Authorizing the Publication for Demolition of a Structure Located at 138 East 100 North, Moab**

**MOTION:** Motion by Council Member Joette Langianese to approve authorizing the publication for demolition of a structure located at 138 East 100 North. Motion seconded by Council Member Bob Greenberg carried 6 – 0.

**N. Discussion and Consideration of Approving and Authorizing the Publication for a Request for Bids for Energy Upgrades to the Courthouse and Other County Facilities**

**MOTION:** Motion by Council Member Bob Greenberg to approve the request for bids subject to any recommendations from Rocky Mountain Power for energy upgrades to the Courthouse and other County facilities. Motion seconded by Council Member Audrey Graham. Council Member Graham requested on-going efforts to obtain grants and reimbursements during the remodel of the other county buildings, such as the old library and senior center. information regarding reimbursement from Rocky Mountain Power for the remodel of the old senior center and the old library. Motion carried 6 – 0.

**Recess at 5:50**

The evening session of the Council Meeting was called to order at 7:00 p.m. by Chairman Gene Ciarus. Present were Council Members Gene Ciarus, Bob Greenberg, Audrey Graham, Jerry McNeely, Joette Langianese, and Jim Lewis with Council Administrator Shawn Warnke and HR Director Pat Byrd. Council Member Patricia Holyoak was absent. The Pledge of Allegiance was led by Andrew Fitzgerald.

**Approval of Minutes**

**MOTION:** Motion by Council Member Bob Greenberg to approve the minutes of the 1) May 20, 2008; 2) June 3, 2008; and 3) June 17, 2008 Council meetings with corrections. Motion seconded by Council Member Jim Lewis carried 5 in favor, ~~with~~ Council Member Joette Langianese abstained due to absence.

**Approval of Payment of Bills**

**MOTION:** Motion by Council Member Joette Langianese to approve bills presented for payment in the amount of \$565,329.40. Accounts payable check numbers 55105 – 55363 totaling \$442,654.04 and payroll in the amount of \$122,675.36. Motion seconded by Council Member Audrey Graham carried with a 6 – 0 roll call.

**Consent Agenda**

4. Ratification of a Letter in Support of a Travel Council Grant
5. Approval of a Draft Letter to Jerry Flesher Granting Permission to Sublease the Private Hangar to Skydive Moab
6. Approval of an Alternative Supervisory Plan for an Applicant for a Weed Technician in Accordance with the County Policy and Procedures
7. Approval of the Neisser Minor Record of Survey
8. Approval of a Rivette Minor Record of Survey

**MOTION:** Motion by Council Member Jim Lewis to approve the consent agenda. Motion seconded by Council Member Jerry McNeely carried 6 – 0.

**General Business- Action Items**

**9. Discussion and Consideration of Amending the Public Defender Attorney Contract**

A lengthy discussion occurred with Public Defender Andrew Fitzgerald who expressed his concern regarding several issues in the proposed contract. The court ordered restitution for public defender services has historically been paid to the County by Seventh District Court, the county then paid those funds directly to the public defender. Council Administrator Warnke visited with Judge Anderson who reportedly thought the money would go to help the County recoup the money paid to the Public Defender. The restitution on average amounted to \$4,300. **MOTION:** Motion by Council Member Bob Greenberg to approve the contract in the amount of \$60,508 and include "upon 90 days notice of intent to terminate, hourly rate to be \$75.00 per hour after 60 days. Motion seconded by Council Member Audrey Graham carried 6 – 0.

**10. Approval of a Draft Letter to Utah Department of Environmental Quality, Division of Solid and Hazardous Waste as Required by Solid Waste Permitting and Management Rules Regarding Closure and Post-Closure Cost Financial Assurance for the Klondike and Moab Landfills**

The letter to Utah Department of Environmental Quality is required as part of the annual Grand County audit to show financial assurance regarding closure and post-closure of the Klondike and Moab Landfills.

**MOTION:** Motion by Council Member Audrey Graham to postpone sending the letter until the Solid Waste Attorney reviews the information. Motion seconded by Council Member Bob Greenberg carried 6 – 0.

**General Council Reports**

Council Member Greenberg reported on his recent visit to the wind farm in Spanish Fork, Utah.

Council Member Langianese traveled to the DOE site at Crescent Junction for ground breaking. The water line is operational and construction has started on the first disposal cell.

Council Member Graham recently attended the Canyon Country Partnership meeting and heard updates from participants including Utah Division of Oil and Gas regarding the Fidelity project.

**MOTION:** Motion by Council Member Joette Langianese to adjourn at 8:10 p.m. Motion seconded by Council Member Jim Lewis carried 6 – 0.

**Grand County Council**

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Gene Ciarus,- Chairman

**ATTEST:**

Diana Carroll  
Grand County Clerk/Auditor