

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

August 5, 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 3:03 p.m. In attendance were Council Members Gene Ciarus, Joette Langianese, Jim Lewis, Patricia Holyoak, Audrey Graham, Bob Greenberg, Jerry McNeely along with Council Administrator Shawn Warnke and Clerk/Auditor representative Pat Byrd.

Agency Reports

SITLA Report on a Proposed Road Access Easement at Township 22 South Range 18 East Section 32

Grand County Council received notification from SITLA of an easement application to construct, operate, repair and maintain an access road. The proposed access road would be new construction and would service the Little Grand Wash State Well. The road would connect into the Ruby Ranch Road on the eastern end. The proposed easement corridor is 229.3 feet long and 50 feet wide.

Introduction of Fire Warden and Report on Sloughs Fire (Zack Farmer & Corky Brewer)

Rudy Sandoval was introduced as the new County Fire Warden. Chief Corky Brewer updated the Council on the recent fire that occurred in the slough area. A total of 89 acres burned with cost estimates of \$33,000.

Action Items

Discussion and Consideration of Authorizing Verizon to Submit a Rezone and Conditional Use Applications to Construct a Cellular Tower for Cellular Services and Public Safety Radio Equipment at 1000 Sand Flats Road- County Owned Property (Shawn Warnke)

Several months ago the Grand County School District approached the County with a request to locate a radio repeater on County owned property at 1000 Sand Flats Road. The repeater would provide a wider range of radio coverage locally. **MOTION:** Motion by Council Member Jim Lewis to approve the County Council Chair to sign the associated documents to authorize the Verizon representatives to move forward with submitting the necessary land use applications for a communication tower to be located at 1000 Sand Flats Road subject to the following conditions: 1) that capacity on the tower will be used to meet the public safety demands for communication. 2) That Verizon makes site improvements (upsizing utility lines and shelters) to easily allow public agencies to install communication antenna and panels. 3) that the tower's visual impacts be mitigated as much as reasonably possible. Motion seconded by Council Member Audrey Graham carried 7 – 0.

Discussion and Consideration of an Interlocal Agreement for the Provision of a Special Event Law Enforcement Services By and Between Grand County and the City of Moab

Sheriff Jim Nyland reported on the upcoming Banditos Motorcycle event. Preliminary costs estimates could total \$80,000. A grant from Homeland Security for \$10,000 has been awarded and other possible funding sources are being investigated. The ILA between Moab City and Grand County will be for this event only. **MOTION:** Motion by Council Member Bob Greenberg to approve the ILA with the last sentence in paragraph 3 deleted and give the Sheriff approval to make any purchases necessary. Motion seconded by Council Member Audrey Graham carried 7 – 0.

Discussion and Consideration of Approval of a Letter of Support for a Grant Application to Plan Improvements to the Lion's Park (Trail Mix Representative)

Kim Schappert is working with Marcy DeMillion from Recreational Trails and Conservation Assistance program regarding an application for assistance in the next phase of planning for both the north and south sides of Lions Park. The grant would allow Ms. DeMillion to facilitate the development of an interpretive program that would result in kiosks and signage on both sides of the river. A landscape plan would also be developed. **MOTION:** Motion by Council Member Jim Lewis to approve the letter of support for grant application. Motion seconded by Council Member Audrey Graham carried 7 – 0.

Discussion and Consideration of Approving a Plan to Develop the House Located at 58 North 100 East (Melich Home) as County Office Space

A lengthy discussion occurred regarding the possible uses for the county owned property at 58 North 100 East. **MOTION:** Motion by Council Member Bob Greenberg to postpone the decision to allow investigation of costs to remodel the building. Motion seconded by Council Member Joette Langianese carried 7 – 0.

Discussion and Consideration of Approving a Resolution Amending the County Employee Policies & Procedure Manual Regarding Section VII – Compensation – All Employees (Pat Byrd)

MOTION: Motion by Council Member Bob Greenberg to approve the resolution as presented. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

Discussion and Consideration of Approving a Letter Authorizing the Challenge of the 2007 United States Census Population Estimates for Grand County (Shawn Warnke)

Grand County building permit data shows that there were 399 more individuals than estimated by the US Census. **MOTION:** Motion by Council Member Jim Lewis to approve the County Council Chair to sign a letter and all associated documents to challenge the 2007 population estimates for Grand County. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

Discussion and Consideration of Approving a Letter Regarding Moab City's Amendment to the Annexation Plan Map (Community Development Department)

Moab City is currently updating their annexation policy plan and a letter addressing some Grand County issues was presented. **MOTION:** Motion by Council Member Joette Langianese to approve the letter regarding annexation to the City of Moab. Motion seconded by Council Member Patricia Holyoak carried 6 -1 with Council Member McNeely opposed.

Discussion and Consideration of a Resolution to Formalize the Moab Tailings Project Steering Committee

MOTION: Motion by Council Member Joette Langianese to table until the August 19, 2008 meeting to get input from the attorney. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

Discussion and Consideration of an Appointment of Council Representation on the Moab Tailings Project Steering Committee

MOTION: Motion by Council Member Bob Greenberg to postpone until the August 19, 2008 meeting. Motion seconded by Council Member Audrey Graham carried 7 – 0.

Discussion Items

Discussion of an Ordinance Granting to Questar Gas Company a Franchise for the Construction, Operation and Maintenance of a Gas Distribution System in Grand County

A previous agreement between Grand County and Questar Gas has expired and the proposed ordinance would allow them to operate with the county.

Discussion Regarding the Proposed Request for Bids (RFB) for Carpeting the MIC and Courthouse and Update on the Pending RFB

Bids were received and will be reviewed by the selection committee and come back to the Council for approval on August 19, 2008.

Recess

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, Patricia Holyoak, Audrey Graham, Jerry McNeely, Joette Langianese, and Jim Lewis with Council Administrator Shawn Warnke and Clerk/Auditor representative Pat Byrd. The Pledge of Allegiance was led by Chairman Gene Ciarus.

MOTION: Motion by Council Member Joette Langianese to amend the agenda placing Item 8 regarding proposed Transient Room Tax increase under the "Presentations" heading. Motion seconded by Council Member Jerry McNeely carried 7 – 0.

Approval of Minutes

MOTION: Motion by Council Member Jim Lewis to table approval of minutes. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

Approval of Payment of Bills

MOTION: Motion by Council Member Patricia Holyoak to approve bills presented for payment in the amount of \$732,469.30. Accounts payable check numbers 55547 – 55790 totaling \$477,719.32 and payroll in the amount of \$254,749.98. Motion seconded by Council Member Bob Greenberg carried with a 7 – 0 roll call.

Citizens to be Heard

Jane Dillon May spoke regarding an ordinance passed on November 8, 1988 relating the proposed activity in the Cisco area.

Presentations

Council Member Bob Greenberg presented information resulting from the TRT review committee and requested a public hearing be scheduled for the next County Council meeting.

Consent Agenda

1. Approval of a Letter Acknowledging the Termination of Glenn Gurney's Ground Lease at the Airport
2. Approval of Agreement Between the State of Utah Administrative Office of the Courts and Grand County Sheriff for Bailiff and Security Services at Seventh District and Juvenile Courts
3. Approval of Signature on Lease Agreements for the State of Utah SITLA Regarding the Lease on the Travel Council Billboards on Interstate 70
4. Approval to Authorize the Chair to Sign the Robbins Trust Minor Record of Survey Plat
5. Approval to Authorize the Chair to Sign an Exemption Plat for Rim Village Town Homes
6. Approval to Declare Items in the Two County Owned White-Houses (Adjacent to the Travel Council Office) as Surplus Property and Authorizing the Facility Supervisor to Dispose of the Property as Deemed to be in the Best Interest of the Public

Council Member Bob Greenberg requested the Agreement regarding bailiff services be removed from the consent agenda and given time to review the salary amount. **MOTION:** Motion by Council Member Joette Langanese to approve the consent agenda with the exception of Item 2, the bailiff agreement and bring it back at the next meeting. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

Public Hearings

Public Hearing on Canyon Village: Rezone to Multi-Family Residential-14 and Approval of a Master Plan- Property Located at the Intersection of Highway 191 and Millcreek Road

This application is submitted by Paul Morris on behalf of the property owner, Millcreek Moab, LLC for 22.44 acres of vacant land zoned Large Lot Residential (LLR) and Highway Commercial (HC). The application seeks a rezone to Multi-Family 14 (MF-14) and master plan approval. The Planning Commission reviewed the application on June 11, 2008 in a public hearing and recommendation approval subject to the following conditions: 1. landscaping plan, parking lot issues, 2. Open space and common area inconsistencies, 3. Engineering approvals, 4. Affordable housing requirements, 5. LUC Section 6.14 C regarding additional restrictions.

Council Member Greenberg commented on the 501(c)(3) non profit status.

Council Member Graham questioned the definition of affordable units in Item 3.

Paul Morris requested the Council allow them to continue working on the project and not let the affordable housing issues stand in the way.

Chris Baird spoke regarding the community housing needs.

Julie Ann Fitzgerald spoke in favor of the development.

Randy Day spoke in favor of the rezone.

Council Member Langanese suggested waiting two weeks to make decision to allow for more time to study the issues.

A special meeting was suggested and Council Member Lewis agreed.

Council Member McNeely said the recommendation of Planning & Zoning should be trusted.

MOTION: Motion by Council Member Jerry McNeely to waive the two week public hearing period and to approve the zone change to MFR 14 contingent on conditions set forth by the Planning Commission. Motion seconded by Council Member Patricia Holyoak failed 3 – 4 with Council Members Greenberg, Lewis, Langanese and Graham opposed. Grand County Planner Krissie Killooy stated that the conditions could be met by next week. Chairman Ciarus will call a special meeting and suggested comments be made within the next few days.

General Business- Action Items

Discussion of Cooperative Agreement Between Manti-La Sal National Forest, BLM-Moab Field Office, NPS-Southeast Utah Group, Moab Area Travel Council, and Canyonlands Natural History Association Regarding Operation of the Moab Information Center

MOTION: Motion by Council Member Bob Greenberg to approve the agreement. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

Discussion and Consideration of Approving a Letter to DEQ Regarding the Solid Waste Closure Cost Financial Assurance for the Moab and Klondike Landfills

MOTION: Motion by Council Member Audrey Graham to approve the financial assurance letter to Utah Department of Environmental Quality, Division of Solid and Hazardous Waste for the Closure and Post-closure for the Klondike and Moab Landfills for a period ending December 31, 2008. Additionally, direct the staff to prepare a letter to the District to request a meeting to discuss the District's ability to provide the financial assurance as the owner of the landfills. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

Discussion and Consideration of a Letter Regarding the Submitted Protest of the Proposed Annexation of Lion's Back Resort Development

MOTION: Motion by Council Member Bob Greenberg to authorize Council Administrator Shawn Warnke to sign the letter. Motion seconded by Council Member Audrey Graham carried 6 voting in favor. Council Member McNeely excused himself at this time.

General Council Reports

Council Member Langanese requested an Executive Session for the next meeting for the Council Administrator's evaluation.

MOTION: Motion by Council Member Joette Langanese to adjourn at 9:40 p.m. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

Grand County Council

Gene Ciarus, Chairman

ATTEST:

Diana Carroll