

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

August 19, 2008

The Grand County Council met in regular session 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 and Jerry McNeely along with Council Administrator Shawn Warnke and Clerk/Auditor representative Pat Byrd. Council Member Patricia Holyoak was absent.

Recess at 3:10 p.m. to the Municipal Building Authority until 3:45 p.m.

Department Head Reports

A. Update on Pedestrian/Bike Bridge and to Discuss a Revised Cooperative Agreement and Other UDOT & County Projects (Mark Wright & Kirk Thornock, UDOT)

County Engineer Mark Wright presented the Cooperative Agreement to the Council and noted that the original agreement was for a lesser amount and had stipulations that bound the County to more money. The agreement also contains an oil cost adjustment to allow for rising gas costs.

B. Report on the Condition of the House Located at 58 North 100 East (Melich Home) as County Office Space (Marvin Day & Jeff Whitney)

The Maintenance staff estimated costs to repair and remodel the County owned property at approximately \$10,000 although the electrical system has not been reviewed. The water leaks reportedly came from lines inside the house and the door threshold. The recommendation from Marvin Day is to demolish the house and in its place put a modular office building. Council Member McNeely reminded the Council the house was built in the 1940's and when the food bank was there it was a "sick" building. The maintenance staff will continue to explore other potential solutions for the building.

Agency Reports

C. Report on a Proposed Overhead Power Line and Associated Access Roads to Service the Ruby Ranch Property (Section 36, Township 21 South, Range 16 East) (Bryan Torgerson, SITLA)

Bryan Torgerson presented information regarding an easement application from Rocky Mountain Power to construct, operate, repair and maintain an overhead power line and associated access roads. The power line would service the Ruby Ranch property located in Grand County. The proposed power line would connect into an existing power line on SITLA land.

Presentations

D. Presentation on the Statement of Compliance and Construction Update Regarding the DOE's Uranium Mill Tailings Remedial Action Project

Don Metzler, Department of Energy, reported that as of last week \$1.6 million dollars were added to the tailings project. The project plans are in place and they know what the expectations are. The DOE will perform trainings with area emergency entities to aid in response times to the Crescent Junction worksite. They will continue to work through a County appointed representative to keep communication lines open.

Consent Agenda

E. Approving the Council Chair's Signature on a Letter to the State Community Services Office Regarding Funding to Seekhaven

F. Approving the Council Chair's Signature on the Foy Minor Record of Survey Plat

G. Approval of a Resolution Releasing the Financial Guaranty for the Moab Springs Ranch Subdivision Infrastructure Improvements

MOTION: Motion by Council Member Audrey Graham to approve the consent agenda. Motion seconded by Council member Jim Lewis carried 6 – 0.

Action Items

H. Discussion and Consideration of Approving a Cooperative Agreement Modification No. 1 Between Grand County and UDOT for the Colorado Pedestrian & Bike Bridge

MOTION: Motion by Council Member Jim Lewis to approve the Cooperative Agreement as submitted and authorize the Council Chair to sign the agreement. Motion seconded by Council Member Bob Greenberg carried 5 – 1 with Council Member Langianese opposed.

I. Discussion and Consideration of Awarding of Bid to Demolish the Structure Located at 138 East 100 North (Across from the MARC) (Marvin Day & Jeff Whitney)

MOTION: Motion by Council Member Joette Langianese to approve the KSUE bid in the amount of \$12,853. Motion seconded by Council Member Bob Greenberg carried 6 – 0.

J. Discussion and Consideration Regarding Grand County Emergency Medical Services Department's Request to Update Three "LifePacks" Over the Next Three Years

MOTION: Motion by Council Member Joette Langianese to approve the purchase of three (3) Zoll Lifepack units in the amount of \$50,855.70. Motion seconded by Council Member Jerry McNeely. The budget amount will cover the lease payment for three units. Jeff Davis will work with the Clerk/Auditor regarding competitive interest rates. Motion carried 6 – 0.

K. Discussion and Consideration of Appointing County Officers to Serve on Boundary Commission and Approving a Letter to Be Sent to the Mayor of Moab and Castle Valley Regarding Appointments to the Boundary Commission (Shawn Warnke)

MOTION: Motion by Council Member Joette Langianese to postpone the Boundary Commission appointments until there is an amended resolution. Motion died for lack of second. **MOTION:** Motion by Council Member Jim Lewis to send the letters to the entities and formulate a resolution to amend the terms and appointments of the officers. Motion seconded by Council Member Bob Greenberg carried 6 – 0.

L. Discussion and Consideration of Approving an Ordinance Granting to Questar Gas Company a Franchise for the Construction, Operation and Maintenance of a Gas Distribution System in Grand County (Shawn Warnke)

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

M. Discussion and Consideration of Approving a Resolution to Formalize the Moab Tailings Project Steering Committee (Councilpersons Langianese and Greenberg)

MOTION: Motion by Council Member Jim Lewis to postpone the resolution and include the language discussed today regarding terms of office. Motion died for lack of a second. **MOTION:** Motion by Council Member Bob Greenberg to approve the resolution with the following changes: add to "Committee Members – County Council Members and Thompson Springs Fire District" and "Committee Terms – Steering Committee Members shall not be limited by terms except elected officials subject to term limits". Motion seconded by Council Member Joette Langianese carried 4 – 2 with Council Members Ciarus and McNeely opposed.

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

MOTION: Motion by Council Member Joette Langianese to appoint Council Members Patricia Holyoak and Bob Greenberg to the Moab Tailings Project Steering Committee. Motion seconded by Council Member Audrey Graham carried 4 – 2 with Council Members Ciarus and McNeely opposed.

O. Discussion and Ratification of a Letter to Utah State Tax Commission Requesting Access to Sales and Use Tax Collection Data as Part of Litigation Related to Sales Tax Revenue Redistribution by the Tax Commission on Cellular Phone Taxes (Councilperson Langianese)

MOTION: Motion by Council Member Joette Langianese to ratify sending the letter. Motion seconded by Council Member Jerry McNeely carried 6 – 0.

MOTION: Motion by Council Member Joette Langianese to enter into Executive Session at 6:10 to discuss personnel issues. Motion seconded by Council Member Audrey Graham carried 6 – 0. In attendance were Council Members Ciarus, Langianese, Lewis, Graham, Greenberg and McNeely along with Council Administrator Shawn Warnke, Clerk/Auditor Diana Carroll and HR Director Pat Byrd. **MOTION:** Motion by Council Member Joette Langianese to end the Executive Session at 6:15 p.m. Motion seconded by Council Member Bob Greenberg carried 6 – 0.

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 Ed Bridges.

Approval of Payment of Bills

MOTION: Motion by Council Member Bob Greenberg to approve bills presented for payment in the amount of \$535,678.57. Accounts payable check numbers 55791 – 55978 totaling \$411,141.81 and payroll in the amount of \$124,536.76. Motion seconded by Council Member Jim Lewis carried with a 6 – 0 roll call.

Elected Official Reports

1. Update on an 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

Sheriff Jim Nyland reported that he, as well as other counties, is working with the Court officials to get the amount of funding increased. The Sheriff is required to provide bailiff services to the courts.

Presentations

2. Proposed Pumped Water Energy Storage Facility (Frank Mazzone, Utah Independent Power)

Representatives from Utah Independent Power presented information on a proposed pumped water energy storage facility. Council Chairman suggested the company hold a public meeting at the Grand Center.

Public Hearings

3. Proposed Amendment to an Ordinance to Increase the Transient Room Tax Rate

In December, 2007 Grand County Council notified the lodging businesses in Grand County of a possible increase of Transient Room Tax rate beginning January 1, 2009. Grand County Council also appointed Council Members Greenberg and Lewis to a committee to study the possibility of increasing the Transient Room Tax rate. The result of the study is a recommendation to increase the TRT rate to 3.73% to off-set the operational cost related to Solid Waste, Emergency Medical, Search and Rescue and Law Enforcement activities.

Chairman Ciarus opened the public hearing for comment at 7:45 p.m.

Cynthia Smith as owner and operator of a guest house spoke in favor of increasing TRT stating the increase would help ease the burden of Grand County residents.

Joan Gough spoke in favor of increasing TRT stating it will provide an opportunity to share the burden of expense.

Bill Love speaking in favor said this is an opportunity to mitigate the cost of tourist.

Bruce Keeler, Chair of Grand County Solid Waste Board, spoke in favor of the TRT increase. A recent study regarding operations at the land fill shows the average per ton per usage Grand County is 20% higher primarily due to tourists. Everyone in the County pays for tourists.

Bob Ott, owner of KOA spoke for the Lodging Association against the increase. The local tourism industry is affected by the economy around the world which has had a decline.

Sandy Norton a small business owner and nightly rental representative spoke against any tax increase.

Tim Erickson requested allowing other members of the lodging association speak.

Rachel Paxman an outfitter from Canyonlands by Night spoke against any tax increase.

Barb Morra via telephone spoke in support of the proposed amendment to increase TRT.

Ray Tibbetts spoke against raising taxes.

Kyle Kimmerle agrees with the principal of TRT but also agrees with the majority against increasing TRT.

Jim Swallen owner of Adventure Inn, a 21 room motel that caters to travelers on a limited budget spoke against the increase.

Bob Jones spoke against increasing TRT but in favor of using the tax for a convention center.

Joe Kingsley said he was sensitive to TRT and its use and endorsed the increase for a convention center.

Tom Rees spoke in favor of increasing TRT and it would help offset the increase of property tax.

Mike Binyon spoke in favor of increasing TRT.

Council Chairman Ciarus closed the public hearing at 8:20 p.m.

4. Proposed Increase in Property Tax Revenue

The 2008 Grand County Budget was approved based on increasing property tax revenue by \$500,000. The first of two required public hearings was held December 4, 2007 to begin the Truth in Taxation process to increase

property taxes. The second public hearing is being tonight held prior to adoption of the 2008 Certified Tax Rate. Chairman Ciarus opened the public hearing for comment at 8:25 p.m.

Jay Pratt spoke against the property tax increase.

Ned Dalton wanted to know why his property taxes have gone up for the past two years.

Ed Dedarian owner of rental houses in Grand County spoke in opposition to the tax increase stating he would have to pass the increase on to renters.

Sandy Norton spoke against the increase stating property values are not increasing.

Barb Morra via telephone spoke against property tax increase.

Zach Bastian spoke against the property tax increase.

Rex Tanner cautioned Council Members about funding a \$6 million dollar swimming pool and to look for other ways to generate money.

Kathy McGill spoke against the increase stating she is currently working two jobs to keep her place.

Sue Dalton spoke against raising taxes.

Kyle Kimmerle suggested finding other sources of income.

Chairman Ciarus closed the public hearing at 8:45 p.m.

General Business- Action Items

5. Approval of Resolution Adopting the Proposed 2008 Certified Tax Rates

MOTION: Motion by Council Member Jim Lewis to adopt the certified tax rate. Motion seconded by Council Member Bob Greenberg. Council Member Greenberg stated that the budget was deliberated for months and was not done arrogantly, lightly or capriciously. Adopting this resolution ratifies a decision made last December at a public meeting in which no one attended. Motion carried 5 – 1 with Council Member Langianese opposed.

6. Approval of an 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

MOTION: Motion by Council Member Joette Langianese to approve the agreement. Motion seconded by Council Member Jerry McNeely carried 4 – 2 with Council Members Greenberg and Graham opposed.

Future Considerations

Council Member Greenberg – stated the need to get around assessment process.

Council Member Langianese – suggested inviting the Sheriff to give an update on the Banditos event.

MOTION: Motion by Council Member Joette Langianese to adjourn at 9:10 p.m. Motion seconded by Council Member Audrey Graham carried 6 – 0.

Grand County Council

Gene Ciarus, Chairman

ATTEST:

Diana Carroll