

**GRAND COUNTY COUNCIL
REGULAR MEETING**

**Grand County Council Chambers
125 East Center Street, Moab, Utah**

October 7, 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 3:01 p.m. In attendance were Council Members Gene Ciarus, Jim Lewis, Patricia Holyoak, Audrey Graham, Bob Greenberg, Jerry McNeely along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. Council Member Joette Langianese was absent.

Department Head Reports

Transient Room Tax Audit Report (Marian DeLay)

Michele Hill was introduced as the new Events Coordinator. Marian DeLay reported on a recent audit of local lodging businesses done by the State. The audit found some accounts were over paid and Marian suggested refunding the overpayments.

Agency Reports

Report on a Proposal to Cultivate Alfalfa and Other Agricultural Commodities on Trust Land Using Pivot Sprinklers (Bryan Torgerson, SITLA)

SITLA received an application proposing to cultivate alfalfa and other agricultural commodities on trust land using pivot sprinklers. Council Member McNeely noted that B Roads run through the land and stated that the Coal Canyon project has not been done as it was proposed. The County road has not been completed. Council Member Lewis suggested a letter be sent to the applicant similar to the one sent on the Coal Canyon issue. The letter will go to both SITLA and the applicant.

Report on a Proposed Natural Gas Pipeline and Access Road Easement on School Trust Lands to Service the Trail Canyon 1-3 Well (Bryan Torgerson, SITLA)

SITLA received an application to construct, operate, repair and maintain a 4 inch diameter surface natural gas pipeline and an access road. The proposed access road would be new construction and will be used to service the Trail canyon 1 – 3 well located on trust land.

Update on Arches National Park (Kate Cannon, NPS Southeast Utah Group Superintendent)

Kate Cannon reported that National Park visitation has recently increased with August being a banner month with visitation up 22%. The four area parks hired 44 new employees during the past season and will recruit in November for the 2009 season. The park roads will be chip sealed this fall.

Presentations

Outline of a Public Briefing October 9, 2008 on the Department of Energy's Uranium Mill Tailings Remedial Action (UMTRA) Project (Don Metzler, DOE)

Don Metzler gave an update on the UMTRA Project. The Environmental Assessment is complete and an agreement with Union Pacific Railroad has been signed. There will be a public meeting October 9, 2008 at the Grand Center at 6:30 p.m.

Affordable Housing Update

Council Member Graham reported the Affordable Housing Plan is nearing completion.

Consent Agenda

G. Approval of a Draft Letter to Emery County Commissioners and a Similar Draft Letter to the Emery County Economic Development Director Regarding a Proposal by Transition Power Development for a Nuclear Power Plant on SITLA Land Near Green River, Utah

H. Approval of a Draft Letter to The Nature Conservancy Regarding Membership in the Moab Tailings Project Steering Committee

I. Approval of the Charles Henderson Ground Lease Agreement at Canyonlands Field

J. Approval of a Contract for Children's Justice Center Between Grand County and the Attorney General

MOTION: Motion by Council Member Jim Lewis to approve the consent agenda as presented. Motion seconded by Council Member Audrey Graham. Council Member Lewis noted that we do not want to get involved in another county's business we are just asking to be kept informed. Motion carried 6 – 0.

Action Items

Discussion and Consideration of Approving a Letter Regarding Transfer of Funds from Phase II of the 128 Trail to Moab Canyon Trail Project (Mark Wright)

MOTION: Motion by Council Member Bob Greenberg to approve the signature on the project. Motion seconded by Council Member Jerry McNeely carried 6 – 0.

Discussion and Consideration of Approving a Resolution Adopting Amendments to the Library Board By-laws (Carrie Valdes)

MOTION: Motion by Council Member Audrey Graham to approve the resolution with Carrie's suggested change. Motion seconded by Council Member Pat Holyoak carried 6 – 0.

Discussion and Consideration of Approving County Employee Benefit Carriers for Fiscal Year 2009 (Pat Byrd & Diana Carroll)

MOTION: Motion by Council Member Patricia Holyoak to approve the benefit carriers as presented. Motion seconded by Council Member Bob Greenberg carried 6- 0.

Discussion and Consideration of Approving a Resolution Amending the County Employee Policies & Procedures Manual Regarding Eliminating Coordinated Health Care Insurance Coverage for Lawfully Married Employees (Pat Byrd, Shawn Warnke, & Diana Carroll)

MOTION: Motion by Council Member Bob Greenberg to approve the resolution amending the Employee Policies & Procedures that clarifies that a lawfully married couple shall have health care insurance under the name of one employee and providing for compensation for employees now receiving health care insurance under each employee's name. Motion seconded by Council Member Audrey Graham carried 6 – 0.

Discussion and Consideration of Approving the Hearing Officer's Recommendation Pertaining to the Board of Equalization (Dorothy Gough & Diana Carroll)

MOTION: Motion by Council Member Jim Lewis to approve the recommendations of Board of Equalization Hearing Officer. Motion seconded by Council Member Patricia Holyoak failed 3 – 3 with Council Members Greenberg, Graham and McNeely opposed. **MOTION:** Motion by Council Member Bob Greenberg to reconsider the BOE recommendations. Motion seconded by Council Member Audrey Graham carried 5 – 1 with Council Member McNeely opposed. **MOTION:** Motion by Council Member Jim Lewis to approve the recommendations of the BOE Hearing Officer. Motion seconded by Council Member Patricia Holyoak carried 4 – 2 with Council Members Greenberg and McNeely opposed.

Discussion and Consideration of Approving Tax-Related Abatements and Credits (Peggy Taylor)

MOTION: Motion by Council Member Jim Lewis to approve the suggested abatements and credits as presented. Motion seconded by Council Member Audrey Graham carried 6 – 0.

Discussion and Consideration of Approving the Cancellation of Property Taxes Applied to the Housing Authority of Southeastern Utah (Peggy Taylor)

MOTION: Motion by Council Member Audrey Graham to approve cancellation of Property Taxes in the amount of \$1,529.81. Motion seconded by Council Member Bob Greenberg carried 6 – 0.

Discussion and Consideration of Approving a Draft Letter of Support to the Permanent Community Impact Fund Board (CIB) for the Canyonlands Health Care Special Service District's Application for the Long Term Care Facility

MOTION: Motion by Council Member Bob Greenberg to approve the letter of support. Motion seconded by Council Member Jim Lewis carried 6 – 0.

Recess at 5:20

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, and Jim Lewis with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. Council Member Joette Langianese was absent. The Pledge of Allegiance was led by Council Member Audrey Graham.

Approval of Minutes

MOTION: Motion by Council Member Audrey Graham to approve minutes of the September 16, 2008 Council Meeting. Motion seconded by Council Member Patricia Holyoak carried 5 voting in favor with Council Member Greenberg abstaining from the vote.

Approval of Payment of Bills

MOTION: Motion by Council Member Patricia Holyoak to approve bills presented for payment in the amount of \$574,028.05. Accounts payable check numbers 56328 – 56489 totaling \$447,331.65 and payroll in the amount of \$126,696.40. Diana Carroll reported that all bills were within approved budget amounts. Motion seconded by Council Member Bob Greenberg carried with a 6 – 0 roll call vote.

Citizens to Be Heard

Sarah Fields spoke regarding an email sent to council members.

Barb Morra spoke requesting that packet information from Council meetings be available to the public.

Council Member Bob Greenberg requested the Council discuss and act on an item not on the agenda. **MOTION:** Motion by Council Member Bob Greenberg to add the distribution of packets to tonight's agenda. Motion seconded by Council Member Audrey Graham carried. Council Administrator will research whether or not the Council can act on the motion.

Presentations

Presentation of the Proposed Scenic Byway Corridor Management Plan (Randy Jorgen & Marian DeLay)

Randy Jorgen presented the SR-128 Upper Colorado River Scenic Byway document and expressed his personal reservations about changes in the final document. Council Member McNeely noted that some BLM deletions were made by the board overseeing Randy's work. Council Member Greenberg requested discussing the document at a later date and would like to consider adopting it as the county's official document. Council will schedule a meeting in January to review the document. The oversight committee has met and made their recommendation to the Council and it is contained in the document.

Public Hearings

Discussion and Consideration of a Proposed Amendment to the Land Use Code Section 8.2 for the Addition of Two Alternate Members to the Board of Adjustment

Planning Staff read into record the General Plan and the Land Use Code both amended to date. The Board of Adjustments consists of five regular members appointed by the Council for four-year staggered terms. Due to unexpected vacancies, scheduling conflicts and recusals the BOA has

recommended approval of two alternate positions to help ensure a fully seated board for all meetings.

Sarah Fields spoke in support for amendment to LUC.

The Public Hearing closed at 7:45 p.m. Grand County Council will continue to receive written comments until October 16, 2008.

Discussion and Consideration of a Proposed Amendment to the Land Use Code Regarding a New Section for Evaporation Pond Facilities for Produced Water Disposal Standards

Planning Staff read into the record the General Plan and the Land Use Code both as amended to date. The proposed amendments are the work of the Planning commission.

Council Member Graham commented on enforcement.

Bill Love noted that the business is a multibillion dollar industry and the cost to protect the county is minute.

Terry Shephard representing Red Rock Forests spoke regarding energy development, netting of skim pit, hazing and health effects.

Celia Alario echoed the folks who spoke before her and urged the Council to do more.

Laura Kamala – Utah Director for Grand Canyon Trust spoke regarding the cumulative impacts.

Pam Hackley a Castle Valley resident spoke regarding production water and Highway 128 being excluded for transportation.

Bob Lipman commended the Planning Commission and requested reinstating the moratorium on evaporative ponds.

Barb Morra – via telephone made comments.

Harold Shephard – coordinator of the local Green Party – spoke regarding migratory birds.

David Early – Castle valley resident said that no one in Grand County is benefiting.

Marcus LaFrance – Grand County resident proposed one amendment to the ordinance. Requested the Council read the proposed amendment and talk about it.

The Public Hearing closed at 8:52 p.m. Grand County Council will continue to receive comments until September 16, 2008.

General Business- Action Items

Discussion and Consideration of Approving Two Board Re-Appointments to the Travel Council Advisory Board (Marian DeLay)

The Travel Council Advisory Board recommended re-appointment of Colin Fryer and Jason Taylor to fill the board vacancies. **MOTION:** Motion by Council Member Jim Lewis to re-appoint Jason Taylor and Colin Fryer. Motion seconded by Council Member Jerry McNeely carried 5 -1 with Council Member Greenberg opposed.

Discussion and Consideration of Approving a Proposed List of County Capital Improvements for Application to the Permanent Community Impact Fund Board (CIB) (Shawn Warnke)

MOTION: Motion by Council Member Patricia Holyoak to approve the list as presented. Motion seconded by Council Member Jerry McNeely. Council Member Lewis would like the list re-written in consecutive order by submission date. Motion carried 6 – 0.

Discussion and Consideration of Approving a Resolution for the Final Plat for Cloudrock, Phase 1A (Community Development Representative)

Before beginning the presentation, the Community Development Department corrected the date indicated that Ordinance 454 was adopted to “May 8, 2007” and made correction to the Planning Commission recommendations item number 6 should read “application for legal vacation of main access RS2477 road to be completed by the applicant after construction and acceptance of the proposed new road”. Item number 7 should read “submission of all required federal and state construction permits, including UPDES, prior to the issuance of County zoning development and/or building permits;”.

This application is submitted by Cloudrock Land Company, LLC and seeks final plat approval for phase 1A, consisting of 12 mesa lots. The applicant is the successor in rights and approvals on approximately 1,935 acres of School and Institutional Trust Lands Administration (SITLA) property with a Range and Grazing (RG) base zoning district. Planning Commission reviewed the application on June 26, 2008 and recommended approval subject to the conditions listed in the staff report dated October 7, 2008.

Council Member Graham questioned what would happen if during the appeal process lots are sold and courts decide the project stop.

Mark Oligschlaeger noted that once the lots are conveyed the process cannot be unwound. Cloudrock is responsible to disclose to the buyer, the developer moves forward at their discretion.

Sarah Fields spoke regarding a letter from DEQ to GWSSA and said the surveyor certification is not in the packet.

Barb Morra –via telephone– spoke regarding obtaining Council packets.

Planner, Krissie Killoy said the surveyor certificate is on the final plat.

Council Member Graham asked the applicant how much of a set back would it be to wait two weeks.

Mark Oligschlaeger stated he had several communications with Ms. Fields and have made attempts to make information available to her. Her actions seem to be a delay tactic.

Mark Wright reported that the applicant advertised a public meeting way beyond the requirement of the process and has not changed anything.

MOTION: Motion by Council Member Jerry McNeely to approve as recommended by staff with the Letter of Credit activated prior to recordation of the plat. Motion seconded by Council Member Patricia Holyoak.. Council Member Greenberg requested an amended motion to include submission of Cloud Rock’s buyer disclosure statements to the County Attorney. Council Members McNeely and Holyoak agreed. Motion carried 5 – 1 with Council Member Graham opposed.

Discussion and Consideration of a Resolution to Accept and Final Release of Subdivision Improvement Bonds for Rim Village Phases 3 Through 6 (Community Development Representative)

MOTION: Motion by Council Member Audrey Graham to approve the resolution to accept and final release of bonds. Motion seconded by Council Member Jerry McNeely carried 6 – 0.

Discussion and Consideration of Approving a Proposed Ordinance Amending Resolution No. 2621 Establishing a Boundary Commission (Shawn Warnke)

MOTION: Motion by Council Member Jim Lewis to approve the proposed amendment. Motion seconded by Council Member Bob Greenberg carried 6 – 0.

Discussion and Consideration of Appointing County Officers to Serve on the Boundary Commission (Shawn Warnke)

MOTION: Motion by Council Member Bob Greenberg to appoint Pat Holyoak to the Boundary Commission. Motion seconded by Council Member Jim Lewis. Council Administrator Shawn Warnke will solicit other elected officials to serve on the Commission. Motion carried 6 – 0.

General Council Reports

Council Member Graham reported that flu shots are available.

Adjourn at 9:51 p.m.

Grand County Council

Gene Ciarus, Chairman

ATTEST:

Grand County Clerk/Auditor
Diana Carroll