

GRAND COUNTY COUNCIL
Grand County Council Chambers
125 East Center Street, Moab, Utah

November 18, 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 Diana Carroll. Council Member Patricia Holyoak was absent.

Consent Agenda

- A. Approval of a Draft Letter to SITLA Regarding a Proposed Access Road Easement Near Utah Launch Complex / White Sands Missile Range**
- B. Approval of a Draft Letter to the Southeastern Utah District Health Department Regarding a Community Impact Fund Board (CIB) Application to Fund a Facility**
- C. Approval of a Draft Letter to the Planning Commission Requesting Review and Study of Code Amendments Relating to Information Presented by Rural Water Association of Utah to the County Council on Water Systems**

MOTION: Motion by Council Member Bob Greenberg to approve the consent agenda with corrected typos in the SITLA letter. Motion seconded by Council Member Audrey Graham carried 6 – 0.

Discussion Item

- D. Review and Discussion of the 2009 Tentative Budget Including Amendment of a Resolution on Elected Officials Salaries (Diana Carroll & Pat Byrd)**

The 2009 tentative budget was presented to Council Members for review. The final budget workshop meeting will be held Friday, November 21, 2008 at noon in the Council Chambers. HR Director Pat Byrd presented a draft resolution regarding elected officials salaries. The same methodology used in the recent employee salary survey was used to compare elected officials salaries with other 4th, 5th and 6th class counties.

Action Items

- E. Discussion and Consideration of Approval of a Contract Between Grand County and UDOT Regarding the Millcreek Reconstruction Project (Mark Wright)**

The preliminary phase of the Mill Creek Drive project is complete and the environmental assessment for the project has been approved. **MOTION:** Motion by Council Member Jim Lewis to approve the UDOT contract. Motion seconded by Council Member Bob Greenberg carried 6 – 0.

- F. Discussion and Consideration of Approval of a Contract Between Grand County and UDOT Regarding the Moab Canyon Bike Trail (Mark Wright)**

The preliminary phase of the Moab Canyon project is nearing completion with a CAD X expected for the project. This agreement is a portion of the larger Moab Canyon project with a total budget of \$1,625,000 with a \$125,000 match coming in part from a grant from Utah Parks and Recreation. **MOTION:** Motion by Council Member Jim Lewis to approve the contract between UDOT and Grand County for the Moab Canyon Bike Trail and authorize the chair to sign the agreements and docs associated. Motion seconded by Council Member Bob Greenberg. Council Member Lewis noted that the Trail Mix Committee is working on funding sources for the \$75,000 budget shortfall. Council Member Greenberg requested the motion be amended to allow the Chair

to sign the follow up engineering agreement. Council Member Lewis agreed with the amended motion. Motion carried 6 – 0.

G. Discussion and Consideration of Advertising a Request for Proposal (RFP) for Engineering Services for the Lions Park Transit Hub (Mark Wright)

The preliminary phase of the Lions Park Transit Hub is complete and the Federal Transit Administration (FTA) has approved the environmental documents for this project. Funding for the project is an FTA grant which requires engineering services to be procured through this type of selection process. **MOTION:** Motion by Council Member Jim Lewis to approve the RFP for engineering services with the date corrected and to allow Mark Wright and Shawn Warnke to sign related documents. Motion seconded by Council Member Joette Langianese carried 6 – 0.

H. Discussion and Consideration of Approving a Carrier for the County's Property and Liability and Worker's Compensation Insurance (Pat Byrd)

MOTION: Motion by Council Member Bob Greenberg to accept the Utah Local Governments Trust bid for 2009 Workers Compensation and Liability/Property insurance coverage. Motion seconded by Council Member Audrey Graham carried 6 – 0.

I. Discussion and Consideration of Approving a Proposed Resolution Appointing a Grand County Representative and Alternate Representative for the Utah Counties Insurance Pool Annual Membership Meeting (Shawn Warnke)

MOTION: Motion by Council Member Joette Langianese to appoint Jerry McNeely with Pat Byrd as the alternate. Motion seconded by Council Member Audrey. Motion carried 6 – 0.

Discussion Items

J. Discussion on the Proposed Scenic Byways Corridor Management Plan for State Roads 128, 279, & 313 (Marian DeLay & Shawn Warnke)

MOTION: Motion by Council Member Bob Greenberg to postpone until the December 2nd Council meeting. Motion seconded by Council Member Audrey Graham. A lengthy discussion followed regarding alleged conflicts with the BLM lease plan and the RMP. Motion failed 2 – 4 with Council Members Ciarus, McNeely, Lewis and Langianese opposed. Chair Ciarus reminded Council Members this was a discussion only item but will be on the December 2nd agenda as a public hearing.

K. Discussion Regarding the Proposed Road Special Service District (Shawn Warnke)

The County Attorney and Council Administrator will work together to have the documents ready for Council consideration at the Budget Meeting Friday, November 21, 2008

L. Discussion of Calendar Items and Public Notices (Ruth Dillon & Shawn Warnke)

M. Discussion of Evening Session Items (Shawn Warnke)

Council Chair Ciarus cautioned the council of actions regarding items 5 & 6 of the evening session.

CLOSED SESSION

MOTION: Motion by Council Member Joette Langianese to enter into Executive Session at 5:23 p.m. to discuss the character, professional competence, or physical or mental health of an individual and to discuss pending or reasonably imminent litigation. Motion seconded by Council Member Jerry McNeely carried 6 – 0. Present were Council Members Ciarus, McNeely, Graham, Langianese, Lewis and Greenberg, Sheriff Jim Nyland, Clerk/Auditor Diana Carroll, Council Administrator Shawn Warnke, County Attorney Happy Morgan and HR Director Pay Byrd. **MOTION:** Motion by Council Member Joette Langianese to end the session at 6:02 p.m. Motion seconded by Council Member Jerry McNeely carried 6 – 0.

Recess at 6:05

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 Clerk/Auditor Diana Carroll. Council Member Patricia Holyoak was absent. The Pledge of Allegiance was led by Chairman Gene Ciarus.

Approval of Minutes

MOTION: Motion by Council Member Jim Lewis to approve minutes of the October 7, October 21, and November 5, 2008 Council Meeting with the changes suggested by Council Member Greenberg. Motion seconded by Council Member Bob Greenberg carried with 5 voting in favor. Council Member Langianese abstained due to absence.

Approval of Payment of Bills

MOTION: Motion by Council Member Bob Greenberg to approve bills presented for payment in the amount of \$414,774.73. Accounts payable check numbers 56967 – 57202 totaling \$283,742.01 and payroll in the amount of \$131,032.72. Motion seconded by Council Member Audrey Graham carried with a 6 – 0 roll call. Clerk/Auditor Diana Carroll confirmed the bills presented were within budgeted appropriations.

Citizens to Be Heard

Harold Shepherd, Issues Director for Red Rock Forests spoke regarding the need for an ordinance for the protection of water sheds.

Barb Morra spoke via speaker phone regarding the County Council's attitude towards public input.

Presentations

1. **Presentation on BLM Land Available for Oil and Gas Leases (BLM Representative)**

There are approximately 360,000 acres of land in the Grand County area that will be included in a BLM lease sale for oil and gas development. Included in the proposed lease are approximately 600 acres of private land located in the subdivision area between the Old City Park and Mill Creek. Shelly Smith along with other BLM employees presented maps and information regarding the BLM lease sale. A discussion occurred with Council Members, BLM Staff, National Park Service employees and members of the audience. The public comment period ends December 3, 2008.

General Business- Action Items

4. **Discussion and Consideration of a Letter to Be Sent to Selma Sierra, the BLM State Director Requesting the Withdrawal of Proposed Leases on Private Lands in Spanish Valley and the Deferral of Proposed Leases Adjacent to Arches and Canyonlands National Parks (Councilpersons Graham, Langianese, and Greenberg)**

Council Member Audrey Graham requested the letter be on the agenda because of concerns regarding the residential area to be included in the proposed lease sale. Council Members voiced concern about interfering with the BLM RMP process. Council Member Greenberg requested the Chair appoint a committee to work on a new draft of the letter to present for consideration at the December 2, 2008 meeting. Chair Ciarus appointed Council Members Lewis, Greenberg and Graham to the committee.

5. **Discussion and Reconsideration of a Motion that Approved Resolution No. 2845, 2008 Approving the Cloudrock Final Plat For Phase 1A (Councilperson Greenberg)**
6. **Discussion and Consideration of Approving a Resolution Rescinding Resolution No. 2845, 2008 Approving the Cloudrock Final Plat For Phase 1A (Community Development Representative)**

Agenda items 5 & 6 were combined. Council Member Greenberg reported a procedural error was made in a resolution that the council fully intends to correct at the December 2, 2008 meeting.

7. Discussion and Consideration of a Minor Subdivision and Plat Amendment for Lot 8 of All American Acres (Community Development Representative)

MOTION: Motion by Council Member Joette Langianese to approve the plat amendment for Lot 8 of All American Acres. Motion seconded by Council Member Audrey Graham carried 6 – 0.

8. Discussion and Consideration of Approving the Ancient Acres PUD Preliminary Plat Extension (Community Development Representative)

MOTION: Motion by Council Member Joette Langianese to approve the extension of the Ancient Acres Preliminary Plat. Motion seconded by Council Member Audrey Graham. Council Member Greenberg commented that the Council should not consider these types of extensions. Motion carried 6 – 0.

9. Discussion and Consideration of Approving Resolution Extending the Conditional Use Permit for Mining of Sand and Gravel (Community Development Representative)

MOTION: Motion by Council Member Joette Langianese to extend the conditional use permit due to the construction delay on I-70. Motion seconded by Council Member Bob Greenberg carried 6 – 0.

10. Discussion and Consideration of a Proposed Ordinance Amending the Land Use Code to Include Evaporation Pond Facilities for Produced Water Disposal Standards (Community Development Representative)

Community Development Staff met with the Division of Oil, Gas and Mining (DOGAM) to review all areas of the ordinance. Comments from citizens, County Council, and DOGAM were taken into consideration in the amendment. Council Member Greenberg requested the addition to #18 addressing enforcement and penalties. Council Member thoroughly reviewed the document and made suggested changes which will be considered at the December 2, 2008 meeting.

11. Discussion and Consideration of Proposed Amendments to Resolution No. 2839 Regarding the Policies and Procedures of the Governing Body (Councilpersons Langianese, Greenberg and Lewis)

MOTION: Motion by Council Member Joette Langianese to postpone the consideration of the proposed amendments to resolution no. 2839 regarding the policies and procedures of the governing body until the next meeting. Motion seconded by Council Member Audrey seconded carried 6 – 0.

General Council Reports

Council Member Greenberg reported on the recent DOE meeting.
Council Chair Ciarus reported on the UAC conference.

Adjourn at 9:55 p.m.

Grand County Council

Gene Ciarus, Chairman

ATTEST:

Grand County Clerk/Auditor
Diana Carroll

