

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

December 2, 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 6:00 p.m. In attendance were Council Members Gene Ciarus, Joette Langianese, Jim Lewis, Audrey Graham, Bob Greenberg, Patricia Holyoak and Jerry McNeely along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll.

Department Head Reports

A. Update on Cloudrock Phase 1A Final Plat (Mark Wright)

The Community Development Department acknowledged the fact that staff did not include a portion of the Engineers estimate for the Cloudrock Phase IA Final Plat in the Council's packet. The Engineers estimate includes both the surface and subsurface improvements associated with this final plat. The guarantee will be in an amount to include the cost and will be reviewed by the County Attorney and the County Clerk/Auditor prior to recordation.

Consent Agenda

B. Ratification of the Chair's Signature Authorizing UDOT to Process the Contracts on the North Moab Recreation Areas - Courthouse Wash to SR-313 Project

MOTION: Motion by Council Member Jim Lewis to approve ratifying the Chair's signature on the UDOT documents. Motion seconded by Council Member Jerry McNeely carried 7 – 0.

Action Items

C. Discussion and Consideration of a Proposed Resolution Formalizing the Star Hall Advisory Committee (Shawn Warnke & Marvin Day)

MOTION: Motion by Council Member Jim Lewis to approve the resolution as presented. Motion seconded by Council Member Audrey Graham carried 7 – 0.

Discussion Items

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

E. Discussion of Evening Session Items (Shawn Warnke)

CLOSED SESSION

MOTION: Motion by Council Member Joette Langianese to enter into Executive Session to discuss pending or imminent litigation at 5:25 p.m. Motion seconded by Council Member Jerry McNeely carried 7 - 0. Present were Council Members Ciarus, Graham, McNeely, Langianese, Lewis, Greenberg and Holyoak along with Council Administrator Shawn Warnke, Clerk/Auditor Diana Carroll, Attorney Happy Morgan, Danalee Gerber, Mark Wright and Krissie Killoy. **MOTION:** Motion by Council Member Bob Greenberg to end the session at 6:55 p.m. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

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, Patricia Holyoak and Jim Lewis with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. The Pledge of Allegiance was led by Chairman Jerry McNeely.

Approval of Minutes

MOTION: Motion by Council Member Bob Greenberg to approve minutes of the November 18, 2008 Council Meeting with corrections. Motion seconded by Council Member Audrey Graham carried with 6 voting in favor. Council Member Holyoak abstained due to absence.

Approval of Payment of Bills

MOTION: Motion by Council Member Patricia Holyoak to approve bills presented for payment in the amount of \$436,197.48. Accounts payable check numbers 57203 – 57383 totaling \$291,365.67 and payroll in the amount of

\$144,831.81. Motion seconded by Council Member Bob Greenberg carried with a 6 – 0 roll call. Clerk/Auditor Diana Carroll confirmed the bills presented were within budgeted appropriations.

Public Hearings

2. Public Hearing on the Proposed Scenic Byways Corridor Management Plan for State Highways 128, 279, and 313 (Marian DeLay)

Members of the Scenic Byway Committee presented the Scenic Byways Corridor Management Plan for State Highways 128, 29 and 313 and recommended the council accept the river corridor plan. Committee members reported that the document supplements and adds to the existing BLM RMP and the Colorado Riverways management plan.

Aaron Davies, Castle Valley Town Council Member spoke as a resident of Castle Valley with safety as a main concern and the stated that uranium trucks should be prohibited.

Mike Shumway spoke regarding a failed attempt to improve the Loop Road. He feels tourism is great but we need more better paying jobs. His company has 25 young men working who are buying homes in Grand County.

Bruce Keeler a Castle Valley resident represented the Town of Castle Valley on the Scenic Byway Committee. He commented on the task of the Committee to pare down the document from the original to what it is now and noted that most of the public comments related to safety on Highway 128.

Peggy Taylor spoke regarding uranium hauling and the need to realize where the community started. The good paying jobs are needed.

Josh Shumway has lived in Moab 30 years and grew up with uranium, oil and gas.

Merlene Dalton Grand County Recorder spoke in favor of considering the resources of cattle, mining, oil and gas.

Trena Harrison spoke in favor of natural resources and feels we need this as much as tourism.

Damion Bollerman spoke as a Castle Valley resident as the Town Council did not take a position on the plan. At a meeting in Castle Valley people said the same things that those who spoke said tonight. He reminded the Council they were here to represent the people of the County. He would like to see the river road stay the way it is.

The Public Hearing closed at 7:40 p.m. Written comments will be accepted until Wednesday, December 10, 2008.

3. Public Hearing on a Resolution Approving the 2009 Tentative Budget Including Elected Officials Salaries (Diana Carroll & Pat Byrd)

Council Member Bob Greenberg confirmed that the 2009 budget does not include a property tax increase. There were no public comments. Written comments will be accepted until December 10th.

4. Public Hearing on a Resolution Amending the 2008 Budget (Diana Carroll)

There were no public comments. Public Hearing closed at 7:45 p.m. Written comments will be accepted until December 10th.

5. Public Hearing on Amending Ordinance No. 465 Relating to Grand County's Consolidated Fee Schedule (Shawn Warnke)

There were no public comments. Written comments will be accepted until December 10th.

General Business- Action Items

6. Discussion and Consideration of a Resolution of Grand County Council Establishing a Capital Improvement Fund (Diana Carroll)

MOTION: Motion by Council Member Audrey Graham to adopt the resolution adding a statement to the fourth whereas to refer to a proposed capital improvements plan. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

7. Discussion and Consideration of a Board Appointment to the Grand County Cemetery Maintenance District (Shawn Warnke)

MOTION: Motion by Council Member Patricia Holyoak to approve the appointment of Yvette Mallon to serve on the Grand County Cemetery Board with term expiring on 12/31/2012. Motion seconded by Council Member Bob Greenberg carried 7 -0

8. **Discussion and Consideration of Board Appointments to the Grand County Historical Preservation Commission (Shawn Warnke)**

MOTION: Motion by Council Member Jim Lewis to approve the recommendation of the Grand County Historical Preservation Commission to appoint Bruce Louthan with term expiration of 12/31/2012 and JoAnne Chandler with term expiration of 12/31/2010. Motion seconded by Council Member Patricia Holyoak carried 6 – 1

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

The Community Development Staff prepared the proposed ordinance based on comments received adding item 17 regarding enforcement and penalties. **MOTION:** Motion by Council Member Joette Langianese to postpone adopting the ordinance until the County Attorney reviews it. Motion seconded by Council Member Bob Greenberg. Council Member Greenberg wants to review the emission data and their health effects to make sure the levels will protect our community. Motion carried 7 – 0.

10. **Discussion and Consideration of Approving a Draft Letter to Selma Sierra, BLM State Director Regarding Proposed Oil and Gas Leases in Grand County (Councilpersons Greenberg, Lewis & Graham)**

The committee appointed to draft the letter presented it for Council consideration. Council Member Langianese suggested another letter that does not suggest a formal protest but supports the BLM and the RMP process. **MOTION:** Motion by Council Member Bob Greenberg to place the committee's recommended letter for consideration. Motion seconded by Council Member Audrey Graham. Council Member McNeely urged Council Members not to jeopardize the County's relationship with BLM. Matheson, Bennett and Hatch's staff are pushing for more drilling and for Grand County to protest is not a good thing to do, he said. Council Member Lewis does not feel we are protesting the RMP but rather the specific areas for oil and gas drilling. Council Member Holyoak stated that the County should not seem negative by sending a letter of protest. Council Chair Ciarus recalled the Sagebrush Rebellion of the 1970's. After a lengthy discussion the County Attorney suggested the Council temper their protest and send a letter of concern. Council Chair Ciarus invited members of the audience to speak on the issue.

Wayne Hoskisson spoke regarding possible legal challenges with the RMP and feels that portions of it will fail the legal test.

Kelly Shumway spoke regarding current deficits and the economic impact facing other states across the nation. A letter of protest shows that the Council is not confident that the BLM can manage their resources.

Chris Conrad admitted he has not read the letter but it seems inappropriate since the BLM answers to the same people as the Council.

MOTION: Substitute motion by Council Member Audrey Graham to send the second one page draft letter without the cross-outs. Motion seconded by Council Member Bob Greenberg. Council Member Langianese noted that the proposed letter says to withdraw the lease parcels. Council Member Greenberg was concerned that any parcels are not leased at the auction would be available as over the counter sales for the next two years. Motion failed 3 – 4 with Council Members Ciarus, McNeely, Langianese and Holyoak opposed.

11. **Discussion and Consideration of Approving a Resolution Declaring that the Public Health, Convenience and Necessity Require the Establishment of The Grand County Transportation Special Service District, Providing for a Public Hearing on the Establishment of the District along with Advertising for Vacancies for the Administrative Control Board (Shawn Warnke)**

Council Administrator Shawn Warnke presented information regarding the process for establishing a Transportation Special Service District. **MOTION:** Motion by Council Member Joette Langianese to adopt the resolution declaring that the public health, convenience and necessity require the establishment of the Grand County Transportation Special Service District providing for a public hearing on the establishment of the District and authorizing the Clerk to provide notice of the hearing and vacancies for the Administrative Control Board, and direct the staff to take all actions necessary or appropriate to effectuate the provisions of this resolution. Motion seconded by Council Member Jerry McNeely carried 7 – 0.

12. **Discussion and Consideration of Proposed Amendments to Resolution No. 2839 Regarding the Policies and Procedures of the Governing Body**

Council Members reviewed and discussed the Committee's recommended proposed changes. **MOTION:** Motion by Council Member Bob Greenberg to amend the policies and procedures to add the provision regarding distribution of packets. Motion seconded by Council Member Audrey Graham failed 2 – 5 with Council Members Ciarus, McNeely, Langianese, Lewis and Holyoak opposed. **MOTION:** Motion by Council Member Joette Langianese to postpone any amendments until after the first of the year. Motion seconded by Council Member Audrey Graham carried 7 – 0.

General Council Reports

Council Member Ciarus shared a letter from Bill Howell regarding a presentation by Ron Dean on Energy Related Disabilities.

Council Member Holyoak reported that Grand County Cemetery Board Member Bruce Nelson is retiring.

Council Member Greenberg reported that air service from Great Lakes Aviation has deteriorated during the last two months and that the Airport Board has sent a letter to Great Lakes' CEO Chuck Howell.

Meeting adjourned at 9:50 p.m.

**Gene Ciarus, Chairman
Grand County Council**

ATTEST:

**Diana Carroll
Grand County Clerk/Auditor**