

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

December 16, 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 3:10 p.m. In attendance were Council Members Gene Ciarus, Joette Langianese, Jim Lewis, Audrey Graham, Patricia Holyoak, Bob Greenberg and Jerry McNeely along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll.

Department Head Reports

The Community Development Department reported that Congress will soon have an economic stimulus package available for infrastructure. Potential projects could possibly have millions of dollars flowing into the county through this program. Mark Wright requested the Council help identify projects.

Presentations

A. Presentation on Grand County Insurance Pool Membership (Johnnie Miller, CEO and Members of the Board of Trustees, Utah Counties Insurance Pool)

At the November 18, 2008 Council Meeting, Council Members voted to terminate insurance coverage with UCIP. UCIP CEO, Johnnie Miller introduced himself to the Council Members and reported on the recommendations of the UCIP Board following their annual meeting. The Board decided not to pursue enforcement of the 120 day termination notice, but would send a bill for 2009 insurance premiums and if the County did not pay the invoices, we would be cancelled for non-payment.

Consent Agenda

- B. Approval of a Letter to School Institutional Trust Lands Administration (SITLA) on Permission to Make Road Closures as Recommended in Grand County Travel Plan for One Section Leased by Grand County in the Sand Flats Recreation Area
- C. Approval of the 2009 Regular Council Meeting Schedule
- D. Acknowledgement of Tentative Budget Review of the Mosquito Abatement District's Budget
- E. Approval of Re-Adoption of a County Ordinance Relating to Imposition and Collection of Tourism, Recreation, Cultural, and Convention (TRCC) Tax
- F. Approval of Re-Adoption of a County Ordinance Providing for a Transient Room Tax (TRT) Ordinance
- G. Approval of a Resolution Approving the 2009 Grand County Café Plan Document
- H. Approval of a Ground Lease Agreement at Canyonlands Field between William & Whitney Hawley and Grand County
- I. Approval of a Bid for the Printing of the Travel Council Travel Planner and WOW Piece
- J. Approval of a Memorandum of Understanding between Grand County Emergency Medical Services and the Department of Energy

MOTION: Motion by Council Member to Bob Greenberg to approve with the Consent Agenda with the exception of Item I. Motion seconded by Council Member Patricia Holyoak. Council Member McNeely confirmed that the road to the Mummy Cave would be closed but that a parking area would be developed at that site. Motion carried 7 – 0. Marian DeLay presented bids received for printing of the Travel Council Travel Planner and WOW Piece from Peczuch Printing - \$37,519.42 and Travel Planner Spectrum Printing - \$26,380.00. The Marketing Committee recommended awarding the bid to Peczuch Printing. **MOTION:** Motion by Council Member Joette Langianese to approve the recommendation of the Travel Council Marketing Committee. Motion seconded by Council Member Jim Lewis carried 7 – 0.

Discussion and Action Items

K.1 Discussion and Consideration of Approving a Resolution Terminating Coverage for Workers Compensation Through Utah Counties Insurance Pool

MOTION: Motion by Council Member Joette Langianese to approve the resolution to withdraw all insurance from UCIP. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

K. Discussion and Consideration of Amending Resolution #2840 Amending Grand County Employment Policies & Procedures Manual Regarding Section VII – Compensation – All Employees Establishing Pay for Performance and Employee Appraisal Policy Guidelines and Procedures and amending Grand County Employment Policies & Procedures Section VI, Employment Status – All Employees Regarding the Employee Probationary Period (Pat Byrd & Pay for Performance Committee)

Human Resource Director Pat Byrd presented the amending resolution regarding establishing Pay for Performance Policies. Pat introduced the committee and thanked them for their collaborative effort. **MOTION:** Motion by Council Member Bob Greenberg to approve the resolution with changes discussed today. Motion seconded by Council Member Audrey Graham carried 7 – 0.

L. Discussion and Consideration of Approving a Resolution Authorizing the Execution of a Lease-Purchase Agreement Between Grand County and Wells Fargo (Diana Carroll)

MOTION: Motion by Council Member Joette Langianese to approve the resolution for vehicle leases in the amount of \$198,896.28. Motion seconded by Council Member Jim Lewis. Council Member Greenberg requested a formal bid process for the next lease. Motion carried 7 – 0.

M. Discussion and Consideration of a Proposed Resolution Formalizing the Trail Mix Committee (Shawn Warnke)

MOTION: Motion by Council Member Joette Langianese to send the resolution to the county attorney for review and bring back to the Council at the first meeting in February. Motion seconded by Council Member Jerry McNeely carried 7 – 0.

N. Discussion and Consideration of Appointments to the Board of Adjustment (Community Development Representative)

The Board of Adjustments recommendation is Dale “Pete” Peterson and James Hofmann with terms expiring 12/31/2012. The board will continue to advertise for alternate members. **MOTION:** Motion by Council Member Bob Greenberg to approve the appointment of the recommended positions. Motion seconded by Jerry McNeely carried 7 – 0.

O. Discussion and Consideration of an Appointment to the Grand County Public Library Board (Council Member Graham)

MOTION: Motion by Council Member Audrey Graham to approve the appointment of Al McLeod with term expiring 12/31/2012. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

P. Discussion and Consideration of Appointments to the Housing Authority of Southeastern Utah Board (Council Member Graham)

MOTION: Motion by Council Member Audrey Graham to approve Sandra Starley and Toni Turk to the Housing Authority with terms expiring 12/31/2013. Motion seconded by Jim Lewis carried 7 -0.

Q. Discussion and Consideration of a Board Appointment to the Solid Waste Special Service District No. 1 (Council Member Graham)

MOTION: Motion by Council Member Audrey Graham to approve Kevin Fitzgerald with term expiring 12/31/2012. Motion seconded by Council Member Joette Langianese carried 7 – 0.

R. Discussion and Consideration of a Resolution Allocating Mineral Lease Funds for 2009 for the HB-134 Mineral Bonus Account (Shawn Warnke)

MOTION: Motion by Council Member Joette Langianese to approve 100% of the bonus mineral lease funds to Grand County Recreation Special Service District. Motion seconded by Council Member Jim Lewis carried 7 – 0.

S. Discussion and Consideration of a Resolution Allocating Mineral Lease Funds for 2009 (Shawn Warnke)

MOTION: Motion by Council Member Joette Langianese to allocate 1/3 of the Mineral Lease funds to each of the Solid Waste, Hospital and Transportation Districts and the State PILT 50% to the Recreation and 50% to the Transportation Districts. Motion seconded by Jim. Council Member Langianese divided her motion to consider the mineral lease only. Council Member Lewis agreed and motion carried 7 – 0. Council Member Langianese said the schools get other money from state and federal funds. Council Member Greenberg said that schools have ongoing expenses and tax payers voted for the new schools. **MOTION:** Motion by Council Member Bob Greenberg to allocate State PILT as follows: 40% to the Transportation Special Service District, if approved, 30% to schools and 30% to recreation. Motion seconded by Council Member Audrey Graham. Council Member Greenberg estimated that of \$240,000 of PILT will provide adequate money to Recreation to pay the bond payment and will allow \$100,000 to transportation. Motion carried 4 – 3 with Council Members Ciarus, Langianese and Lewis opposed.

T. Discussion and Consideration of Waiving the Interest on Property Taxes for Mary Lou Lopez (Peggy Taylor)

MOTION: Motion by Council Member Jim Lewis to approve waiving interest in the amount of \$1,139.01. Motion seconded by Council Member Jerry McNeely. Council Member Langianese cautioned about setting precedent. Council Member Greenberg said that without knowing the nature of the hardship and the fact that It is not the home of the individual but commercial property and that non payment has gone on for three years made it impossible for him to support the waiving of interest. Motion carried 5 – 2 with Council Members Greenberg and Graham opposed.

Discussion Items

- U. Discussion of Calendar Items and Public Notices (Ruth Dillon & Shawn Warnke)
- V. Discussion of Evening Session Items (Shawn Warnke)

Recess at 5:10

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 Diana Carroll. The Pledge of Allegiance was led by Mark Wright.

MOTION: Motion by Council Member Joette Langianese to amend the agenda to have Item #5 after the public hearing and to include all three public hearings for action altogether. Motion seconded by Council Member Jim Lewis carried 7 – 0.

Approval of Minutes

MOTION: Motion by Council Member Audrey Graham to approve minutes of the December 2, 2008 Council Meeting with the changes suggested by Council Member Greenberg with the exception of the comments made by Council Member Ciarus. Motion seconded by Council Member Joette Langianese 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 \$950,111.19. Accounts payable check numbers 57384 – 57585 totaling \$732,633.90 and payroll in the amount of \$217,477.29. Motion seconded by Council Member Bob Greenberg carried with a 7 – 0 roll call. Clerk/Auditor Diana Carroll confirmed the bills presented were within budgeted appropriations.

Citizens to Be Heard

Council Member Greenberg requested a point of personal privilege and said “all of “we” were not supporters of the sagebrush rebellion”.

Presentations

2. Presentation Recognizing Employee Years of Service for Grand County (Pat Byrd)

Grand County Employees were recognized for their Years of Service as follows: 5 years – Happy Morgan, Debbie Littlefield, Jeff Cohen, James Jackson, Melody McCandles, Jody Ellis, Cody McKinney, Terri Hines, Philip Mosher; 10 years – Andrea Brand, Diana Carroll, Dave Vaughn; 15 years – Marvin Day, Matt Bailey, John Jackson, John Cortes; 20 years – Cheryl Pratt, Arthur Hines; 30 years – Jim Nyland.

3. Presentation Recognizing Years of Public Service by Councilpersons Lewis, Langianese, and McNeely (Chairman Ciarus)

Chairman Ciarus presented plaques to outgoing Council Members Joette Langianese, Jerry McNeely and Jim Lewis who were recognized for their years of service.

4. Presentation Recognizing Sandy and Geoff Freethey as Recipients of the American Trails State Trail Advocacy Award (David Olsen)

Trail Mix Committee Member David Olsen presented a plaque as recipients of the American Trails State Trail Advocacy Award to Sandy and Geoff Freethey. Chairman Ciarus thanked the couple on behalf of the Council.

5. Presentation on the Grand County Enterprise Zone Designation and the Grand County Recycling Marketing Development Zone Designation (Lester Prall, Governor's Office of Economic Development)

The agenda was amended this item will be after the public hearing.

Public Hearings

6. Public Hearing on Amending Ordinance No. 355 Establishing and Creating a Grand County Council on Aging (Verleen Striblen)

Verleen Striblen presented the amending ordinance and reported the change is necessary to reduce the board members to five to be able to conduct business with a quorum in attendance. No comments were received.

MOTION: Motion by Council Member Joette Langianese to approve amending Ordinance 355 to reduce the number of members to five. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

7. Public Hearing on Approving a Resolution Renewing the Grand County Enterprise Zone Designation (Les Prall and Shawn Warnke)

Les Prall with the Governor's Office of Economic Development presented information regarding designation of the Grand County Enterprise Zone. There were no public comments. Public Hearing closed at 7:46 p.m. **MOTION:** Motion by Council Member Bob Greenberg to approve the resolution and authorize the Council Administrator to submit under Chairman Ciarus' authorization. Motion seconded by Council Member Audrey Graham carried 7 – 0.

8. Public Hearing on Approving a Resolution Renewing the Grand County Recycling Marketing Development Zone Designation (Les Prall and Shawn Warnke)

Les Prall presented information regarding designation of the Grand County Recycling Marketing Development Zone. There were no public comments. Public Hearing closed at 7:55 p.m. **MOTION:** Motion by Council Member Audrey graham to approve the resolution. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

General Business- Action Items

9. Discussion and Consideration of a Resolution Establishing the Grand County Scenic Byways Corridor Management Plan for State Highways 128, 279, and 313 (Marian DeLay)

Comments received during the public hearing process resulted in minor changes to the document. **MOTION:** Motion by Council Member Joette Langianese to approve the resolution. Motion seconded by Council Member Jerry McNeely carried 7 – 0.

10. Discussion and Consideration of Approving a Resolution Concerning Cloudrock Final Plat For Phase 1A- (Approving the Withdrawal of the Cloudrock Final Plat for Phase 1A) (Applicant Mark Oligschlaeger and Community Development Representative)

Cloudrock representatives Mark Oligschlaeger and Wade Budge explained that recent deteriorating market conditions were the primary purpose of the decision to withdraw the final plat application for Cloudrock Phase 1A.

MOTION: Motion by Council Member Jim Lewis to approve the resolution. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

11. 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)

MOTION: Motion by Council Member Joette Langianese to approve the ordinance as submitted. Motion seconded by Council Member Jerry McNeely. Council Member Langianese stated that the Council has been over this many times, all the needs have been met and we should move on and amend the ordinance as needed. Council Member Greenberg requested time to review the documents he received today. Council Member Graham noted that on Item 8 B she requested quarterly independent water quality testing to be included. **MOTION:** Council Member Joette Langianese amended her motion to include Council Member Graham's comments. Motion carried 6 – 1 with Council Member Greenberg opposed.

12. Discussion and Consideration of Legislative Priority for Department of Environmental Quality (DEQ) Funding for Tailings Project Monitoring (Councilpersons Greenberg and Holyoak)

The Atlas Tailings Steering Committee met and recommended the County advocate for funding for Utah Department of Environmental Quality to provide enhanced oversight of project safety issues as a high priority for the coming Utah Legislative session. **MOTION:** Motion by Council Member Bob Greenberg to urge the State to allocate adequate funding for the UDEQ to provide the needed oversight of the Moab Tailings Project and adopt this as high priority. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

13. Discussion and Consideration of Amending Ordinance No. 465 Relating to Grand County's Consolidated Fee Schedule (Shawn Warnke)

MOTION: Motion by Council Member Joette Langianese to approve amending Ordinance No 465. Motion seconded by Council Member Patricia Holyoak carried 6 – 1 with Council Member McNeely opposed.

14. Discussion and Consideration of a Proposed Resolution Approving the 2009 Tentative Budget Including Amendment of Elected Officials Salaries (Diana Carroll & Pat Byrd)

MOTION: Motion by Council Member Jim Lewis to approve the 2009 budget with the elected official salary's the same regarding the Assessor, Recorder and Treasurer at \$48,806 with the rest as recommended. Motion seconded by Council Member Bob Greenberg carried 4 – 3 with Council Members Holyoak, McNeely and Ciarus opposed.

15. Discussion and Consideration of a Resolution Amending the 2008 Budget (Diana Carroll)

MOTION: Motion by Council Member Joette Langianese to approve the amended 2008 budget. Motion seconded by Council Member Jim Lewis carried 7 – 0.

General Council Reports

16. Update on the Establishment of the Grand County Boundary Commission (Pat Holyoak)

Council Member Patricia Holyoak reported that the Grand County Boundary Commission has been established. Members will include Damian Bollerman as the Castle Valley representative, Patricia Holyoak and Merlene Mosher will represent Grand County, Dave Sakrison, Moab City representative with Barbara Hicks, Doug McElhane and Bart Leavitt at-large.

Future Considerations (Time Permitting)

Council Members Langianese, Lewis and McNeely thanked the citizens of Grand County for allowing them to serve as Council Members.

Meeting Adjourned at 9:10 p.m.

**Gene Ciarus
Grand County Council**

ATTEST;

**Diana Carroll
Grand County Clerk/Auditor**