

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

**February 17, 2009**

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 Bob Greenberg called the Afternoon Session of the Council Meeting to order at 3:00 p.m. In attendance were Council Members Bob Greenberg, Audrey Graham, Patricia Holyoak, Chris Conrad, Chris Baird and Ken Ballantyne along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. Council Member Gene Ciarus was absent.

**Department Head Reports**

**A. 2008 Canyonlands Field Report**

Kelly Braun, Canyonlands Field Airport Manger gave a year-end report of activity at the Airport. Several FAA projects have been completed including crack and fog seal for the taxiway and ramp areas along with painting of the centerline and holding line markings. The Essential Air Service Carrier reports that passenger enplanement numbers have increased approximately 25%. There were several areas of concern regarding equipment needs at the airport. The current ARFF (aircraft rescue and fire fighting) truck does not meet FAA requirements and could be considered for entitlement funds in the future.

Grand County Engineer Mark Wright reported that the Community Development Department will be working with Grand County Road Department on a grant application for replacement of the Bitter Creek Bridge. The grant will be in the amount of \$2 million dollars and requires an 80/20 county match of \$400,000.

**Presentations**

**B. Training on Government Records Access and Management Act (GRAMA) and Open Meetings Act**

Todd Karl Jenson, on behalf of the Grand County Attorney presented legal opinion and information to Council Members regarding GRAMA and open meetings.

**C. Presentation on Comparison of Grand County Trail Mix Committee and Moab Trails Alliance**

Board Members from both the Grand County Trail Mix Committee and the Moab Trails Alliance presented information relating to how the groups were formed, who the members of each group are, the purpose of each organization, where funding for each group comes from and how that money is spent.

**D. Interviewing of Applicants for the Proposed Grand County Transportation Special Service District**

Applications were received from persons interested in serving on the administrative control board of the proposed Grand County Transportation Special Service District. Qualified applicants were invited to attend the Council meeting to participate in the interviewing process in which each applicant answered a series of questions posed by Council Members. The following applicant participated Geoff Freethey, John Hartley, Patrick McGann, Russell Pogue and Tim Smith. Applicants Joette Langianese and Kimberly Schappert were interviewed but the qualification of residency within the District was questioned.

**Consent Agenda**

- E. Ratification of a Letter of Support Sent to Congressman Matheson Regarding an Economic Stimulus Opportunity for Programs Including Seekhaven
- F. Ratification of a Letter of Condolence Sent to Donna Sackett in Senator Bennett's Office
- G. Approval of a Memorandum of Understanding (MOU) between Utah Education Network and Grand County Public Library for Improved Internet Connection Services at the Library and Authorizing the Chair to Sign All Associated Documents
- H. Approval of Bid Award Regarding Purchase of an Ambulance for the EMS Department
- I. Approval of Bid Award Regarding Purchase of a Vehicle for the Travel Council
- J. Approval of Bid Award Regarding Purchase of Vehicles for the Sheriff's Office

K. Approval of Amendment #2 to the Interlocal Cooperation and Contract Agreement between Southeastern Utah Association of Local Governments- Area Agency on Aging and Grand County for Aging Services and Authorizing the Chair to Sign All Associated Documents

L. Approval of Bid Award in Response to the Request for Statements of Qualification and Experience to Airport Engineering Consultants for Canyonlands Field and Authorizing the Chair to Sign All Associated Documents

M. Approval of a Grant Application and Grant Agreement for Federal Funds by the Federal Aviation Administration to Canyonlands Field for a Project to Rehabilitate Runway Edge Lights (Construction Phase I) and Authorizing the Chair to Sign All Associated Documents

**MOTION:** Motion by Council Member Chris Conrad to approve the consent agenda as presented. Motion seconded by Council Member Patricia Holyoak. **MOTION AMENDED** by Council Member Chris Baird to award vehicle bids locally if the bid amount is within 10% of the low bid. Amended motion seconded by Council Member Ken Ballantyne carried 6 – 0 to approve the amendment. Motion to approve the consent agenda carried 6 – 0.

#### **Action Items**

#### **N. Discussion and Consideration of a Resolution Amending the County Policy and Procedure Manual Regarding Employment Promotion and In-House Recruitment Policy and Procedures**

Grand County HR Director Todd Peterson presented the proposed amendment to the Policies and Procedures with changes suggested by Council Members and the Grand County Attorney. **MOTION:** Motion by Council Member Patricia Holyoak to approve the amendment as presented. Motion seconded by Council Member Ken Ballantyne carried 6 – 0.

#### **O. Discussion and Consideration of the Noticing of a Request for Proposal (RFP) for a Food and Beverage Concession Stand at Old Spanish Trail Arena**

The County has received written notice of cancellation of the contract from the concessionaire at the Old Spanish Trail Arena. Council Administrator Shawn Warnke recommended the Council assign the contract rather than go through the RFP process in an attempt to reduce interruptions during the upcoming busy season. **MOTION:** Motion by Council Member Ken Ballantyne to approve noticing the RFP for concessionaire if Joan Wilcox does not assign the contract by February 23, 2009. Motion seconded by Council Member Chris Conrad carried 6 – 0.

#### **Discussion Items**

**MOTION:** Motion by Council Member Audrey Graham to amend the agenda to discuss item Q first. Motion seconded by Council Member Ken Ballantyne carried 6 – 0.

#### **Q, Discussion of the Permitting Process for Burn Permits (Zack Farmer, Fire Warden and Corky Brewer, Fire Chief)**

The Clean Air Act allows a 30 day period two times each year when outside burning is allowed. The State Division of Forestry and Fire declares the time between June 1 and October 31 of each year as closed fire season. The fire warden has the authority to issue burn permits during the closed fire season. Chief Brewer is concerned that if the public is required to follow several different sets of rules this will led to confusion and suggested that the Grand County Fire Warden issue all burn permits. Working with the Grand County Attorney and Grand County Sheriff, Chief Brewer will develop a proposal and return to the Council for consideration.

#### **P. Discussion of Topics for Possible Meeting with Grand County Recreation Special Service District No. 1 (County Council)**

Council Members discussed the possibility of holding a joint meeting with members of the Grand County Special Service District to talk about issues of concern to both parties. Since this joint meeting will now be scheduled, the Committee appointed by Chairman Greenberg earlier this year is no longer necessary.

#### **Discussion of Calendar Items and Public Notices (Ruth Dillon & Shawn Warnke)**

#### **Discussion of Evening Session Items (Shawn Warnke)**

**MOTION:** Motion by Council Member Ken Ballantyne to enter into Executive Session at 5:25 p.m. to discuss the character, competence or health of an individual. Motion seconded by Council Member Audrey Graham

carried 6 – 0. Present were Council Members Greenberg, Holyoak, Baird, Conrad, Graham and Ballantyne, Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. **MOTION:** Motion by Council Member Ken Ballantyne to end the Executive Session at 5:38 p.m. Motion seconded by Council Member Chris Conrad carried 6 – 0.

Recess

The evening session of the Council Meeting was called to order at 7:00 p.m. by Chairman Bob Greenberg. Present were Council Members Gene Ciarus, Bob Greenberg, Patricia Holyoak, Audrey Graham, Ken Ballantyne, Chris Baird and Chris Conrad with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. The Pledge of Allegiance was led by Council Member Patricia Holyoak.

### **Approval of Minutes**

#### **1. January 20, 2009**

**MOTION:** Motion by Council Member Audrey Graham to approve the minutes with the reviewed corrections. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

#### **2. February 3, 2009**

**MOTION:** Motion by Council Member Patricia Holyoak to approve the minutes with the reviewed corrections. Motion seconded by Council Member Ken Ballantyne 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 \$331,810.95. Accounts payable check numbers 58213 – 58444 totaling \$194,648.14 and payroll in the amount of \$137,162.81. Motion seconded by Council Member Gene Ciarus carried with a 7 – 0 roll call. Clerk/Auditor Diana Carroll confirmed the bills presented were within budgeted appropriations.

### **Presentations**

#### **3. Presentation on the Role of the Press and Access to Information**

Times Independent Editor Lisa Church presented information to Council Members regarding GRAMA requests and the role of the press.

#### **4. Public Hearing on a Conditional Use Application for San Arroyo Livestock, LLC, Phase 2 (Danish Flats) for a Commercial Produced Water Evaporation Pond System**

Community Development staff read into the record the General Plan and the Land Use Code as amended to date. This application is submitted by Gerald Knutson of Danish Flats Environmental Services (DFE) on behalf of the property owner San Arroyo Livestock. The applicant is requesting site plan and conditional use permit approval for an evaporation pond facility for produced water disposal. The proposed Phase Two facility would be located in northeastern Grand County adjacent to the existing Phase One. The site is approximately 2.5 miles north of exit 214 on Interstate 70. The Planning Commission reviewed the subject application during a meeting on January 28, 2009 and recommended approval subject to the conditions set forth in the staff report dated February 17, 2009.

Council Member Baird noted that typically when a use is expanded the entire project is brought into compliance. Monitoring and fee payments are the only outstanding issues.

Council Member Ciarus confirmed with staff that the County Attorney had not reviewed the issue of non-conforming use.

Speaking on behalf of the applicant, Neal Richardson, Danish Flats Environmental, introduced the Compliance Officer and CEO of the company and discussed how the decline of oil exploration has affected the DFE project. All production water from drilling operations must be hauled from their location whether or not the wells are operational. The applicant has worked with the Planning Commission and staff members for the past year and the sudden increase of production water has oil companies waiting for the expanded services to be completed. Neal has met with the County Clerk/Auditor and together have scheduled a billing procedure as required by the ordinance. DFE has worked closely with the Red Rock Forest group to develop a mutual agreement to study the affect of water in the desert. Due to the increase in production water being received at DFE Neal requested the Council consider a request to move forward with the approval process tonight.

Council Member Graham spoke regarding a page missing from a letter in the application, the closure plan, culinary water and the fact that property taxes for the land have historically been paid on Greenbelt.

Harold Shepard, Chairman of the local Green Party spoke in support of a working system and the agreement entered into by DFE. Harold requested memorializing Phase Two of the permit.

Julianne Fitzgerald spoke in opposition of the disposal pits.

The public hearing closed at 8:05 p.m. Council will continue to receive public comments until February 25, 2009.

**MOTION:** Motion by Council Member Gene Ciarus to suspend the rules and to act on the request of DFE to consider their application tonight. Motion seconded by Council Member Ken Ballantyne. Council Member Ciarus said the applicant has gone through the process for a long time. Council Member Ballantyne expressed appreciation for the work done to accomplish agreement by both the industrial and environmental groups. Council Member Baird said he still has unanswered questions. Council Chair Greenberg commended the applicant for going out of the way to work with the community and thanked the other organizations. Motion failed 3 – 4 with Council Member Baird, Conrad, Greenberg and Graham opposed.

#### **5. Public Hearing on a Conditional Use Application for Verizon Wireless for a 30-Foot Telecommunication Tower and Buildings, at Cisco, Utah Block 12**

Community Development staff read into the record were the General Plan and the Land Use Code as amended to date. This application is submitted by Joseph Serrao of Verizon Wireless on behalf of private property owners Tariq Ahmad and Wayne Stout. The application requests conditional use permit and site plan review for a 30 foot monopole telecommunications tower in Cisco, Utah. The proposed site is located in the Heavy Industrial (HI) zone district. The Planning Commission reviewed the subject application in a public hearing on January 28, 2009 and recommended approval subject to the conditions set forth in the staff memo dated February 17, 2009. There were no comments from the public. The Public Hearing closed at 8:20 p.m. Council will continue to receive public comments will continue until February 25, 2009

#### **General Business- Action Items**

6. Discussion and Consideration of Appointment of Council Liaison to Film Commission Committee  
Council Member Chris Baird volunteered to fill this position.

#### **7. Discussion and Consideration of Board Appointment(s) to the Council on Aging**

**MOTION:** Motion by Council Member Audrey Graham to appoint Jan Flynn to the Council on Aging and to appoint Norma Stocks to replace Jean Bickers with both terms to expire 12/31/2012. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

#### **8. Discussion and Consideration of Projects for Stimulus Funding and Authorization for the Chair to Sign Letters to Congressional and State Delegation**

The proposed federal stimulus package presented by President Obama will be aimed at public works projects that are ready for immediate construction. Utah Association of Counties is collecting inventory lists of these types of projects from counties in Utah in preparation for submittal to the Congressional delegation for recommendation. **MOTION:** Motion by Council Member Ken Ballantyne to approve submitted projects and authorize the Chair to sign letters to the Congressional delegation and to authorize the Council Chairman to meet with Grand County Engineer Mark Wright to prioritize the county list in order of readiness to begin. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

#### **9. Discussion and Consideration of Approving the Final Resolution Creating The Grand County Transportation Special Service District, Including Appointing Individuals to Serve on the Administrative Control Board of the District and Naming Each Initial Term, and Approval of a Letter to the Lt. Governor's Office Certifying that the Council has Followed the Required Steps in the State Code to Create the District**

Council Member Ciarus reminded Council Members the issue before them is consideration of the resolution as amended. **MOTION:** Motion by Council Member Chris Baird to strike the 5<sup>th</sup> bullet of Section 6 and replace construction of non-motorized trails. Motion seconded by Council Member Audrey Graham. Council Member Baird stated that a bicycle lane is an integral part of transportation and the intent of the motion is to

leave the description of transportation to the discretion of the Transportation Special Service District. Motion carried 5 – 2 with Council Members Ciarus and Holyoak opposed. **MOTION:** Motion by Council Member Audrey Graham to add “or other local government entities” to Section 7 on page four. Motion seconded by Council Member Chris Baird carried 7 – 0. **MOTION:** Motion by Council Member Ken Ballantyne to approve the resolution as amended and appoint to the Administrative Control Board Geoff Freethy, Pat McGann, Russell Pogue, Tim Smith and Audrey Graham. Motion seconded by Council Member Patricia Holyoak. **MOTION:** Motion by Council Member Chris Baird to amend the motion to replace Russell Pogue with John Hartley. Motion seconded by Council Member Audrey Graham carried 4 – 3 with Council Members Holyoak, Ciarus and Ballantyne opposed. Chairman Greenberg called for the question of the original motion for consideration of adoption of the final resolution creating the Grand County Transportation Special Service District and authorization of the required signatures. Motion carried 6 – 1 with Council Member Ciarus opposed.

### **General Council Reports**

- Council Member Holyoak reported that she will Chair the Cemetery Board in 2009 and that Sarah Baughman resigned as Director of the Chamber of Commerce.
- Council Member Ciarus recently met with officials regarding Mineral Lease funds and the creation of RAC Boards. Council Member Ciarus was recently appointed to serve on the CDBG Board.
- Council Member Baird attended the Housing Authority meeting where it was reported the plan should be ready to present to the Planning Commission by the end of March. Grand Water and Sewer Service Agency is contemplating rate increases and have procured a lease on a well.
- Chairman Greenberg reported that SITLA will present an update to the Council regarding the planning process for SITLA lands in Spanish Valley. Council Member Holyoak will attend a meeting Thursday, at the UAC Office in Salt Lake City to represent Grand County on public land issues.
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- Council Member Graham requested an update on Matrimony Springs. Council Administrator Shawn Warnke reported attending a meeting with about ten other people from Castle Valley, Moab City, Grand County and GWSSA where they learned that several Castle Valley residents relied on Matrimony Springs and they want an alternative water source. Council Member Graham will present a report from a recent Smart Growth Conference.

### **Future Considerations**

#### **10. Grand County Economic Dashboard**

Chairman Greenberg presented economic data showing increases in TRT collections and visitation at Arches National Park while City Sales Tax and building permits reportedly decreased.

Council Member Graham requested a discussion regarding the 1992 GRAMA Ordinance.

Council Member Conrad was approached by an EMS employee who wondered if the Council was going to appoint a task force to look into EMS service. This will be a discussion item for next Council meeting.

**MOTION:** Motion by Council Member Chris Baird to adjourn at 9:40 p.m. Seeing no objections Chairman Greenberg adjourned the meeting.

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Grand County Council Chairman

ATTEST:

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Diana Carroll  
Grand County Clerk/Auditor