

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

March 3, 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 and Chris Baird along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll. Council Member Ken Ballantyne was absent.

CLOSED SESSION FOR BRIEFING ON POTENTIAL LAWSUIT

MOTION: Motion by Council Member Gene Ciarus to Enter into Executive Session at 3:02 p.m. to discuss pending or reasonably imminent litigation. Motion seconded by Council Member Patricia Holyoak carried 6 – 0. Present were Council Members Greenberg, Holyoak, Ciarus, Baird, Conrad, and Graham, Council Administrator Shawn Warnke, Clerk/Auditor Diana Carroll, County Attorney Representative Danalee Gerber and Utah Association of Counties Representative Mark Ward with Attorney Todd Jensen via telephone conference call. **MOTION:** Motion by Council Member Gene Ciarus to end the Closed Session at 3:47 p.m. Motion seconded by Council Member Audrey Graham carried 6 – 0.

Council Member Ken Ballantyne arrived at this time.

Department Head Reports

A. 2008 Old Spanish Trail Arena Report

OSTA Manager Terry DeLay reported on 2008 events. The USTRC team roping was the largest event held at the arena with approximately 1,400 teams participating. The Grand County Recreation Special Service District continues to provide financial support of capital projects.

B. Report on Closure by the Utah Division of Water Quality (DWQ) of Propane Storage Facility on Highway 191 North (closure commenced while the facility was in the County's jurisdiction and is now within Moab City's jurisdiction)

Grand County Engineer Mark Wright reported that the Utah Division of Water Quality has completed the closure process on the Enterprise Products Operating LLC propane storage facility on North Highway 191. The subject property was part of the recent North Moab City annexation.

Consent Agenda

C. Ratification of Letters Sent to Applicants and Appointees to the Grand County Transportation Special Service District Administrative Control Board

D. Approval of Draft Letter to Members of the Grand County Transportation Special Service District Board Coordinating Items Remaining to Finalize and Make Operational the District

E. Ratification of Grand County Stimulus Priorities and Letter Sent to Congressional Delegation and State Officials Regarding Prioritized County Projects for Stimulus Funding

F. Ratification of Letter Sent to Utah Housing Corporation Requesting Designation as a Difficult to Develop Area (DDA)

G. Approval of National Park Service (NPS) Task Agreement for Tamarisk Beetle Monitoring and Authorization of the Chair to Sign Associated Documents

H. Approval of Bid Award for Tractor for Canyonlands Field and Authorization of the Chair to Sign Associated Documents

MOTION: Motion by Council Member Gene Ciarus to approve the Consent Agenda as presented. Motion seconded by Council Member Ken Ballantyne carried 6 – 0 with Council Member Graham abstaining from the vote due to personal conflict as her husband is involved in the Tamarisk Beetle project.

Action Items

I. Approval of Amendment of Council-Approved Grant Application to Utah Partners for Conservation and Development (UPCD) to Split Grant Equally with Co-Applicant, Rim to Rim, for Tamarisk Beetle Monitoring (Tim Higgs)

The Utah Partners for Conservation and Development suggested that Grand County combine the grant application with Rim to Rim as they have done extensive research and tamarisk beetle monitoring over the past two years. Kara Dohrenwend is owner of Rim to Rim and is also Chair of the Grand County Weed Board. Council Administrator Shawn Warnke presented three different options for Council consideration. Grand County could submit the grant application, the grant application could be combined with Rim to Rim and they be named sole source provider of monitoring services or Grand County could apply and bid the services provided by Rim to Rim. Staff recommendation is to combine the application and name Rim to Rim sole source provider of research services and data monitoring. **MOTION:** Motion by Council Member Gene Ciarus to approve the grant application splitting with Rim to Rim following the Grand County Purchasing Policy. Motion seconded by Council Member Chris Conrad carried 6 – 0 with Council Member Graham abstaining from the vote due to her husbands involvement with the Weed Board.

Discussion Items

Discussion of Grand County Leasing their Mineral Rights to Fidelity Exploration & Production Company on Land Located South of I-70 Along the Green River (Township 22 South Range 16 East Section 9)

Wolcott, LLC representing Fidelity Exploration and Production Company of Denver presented a proposal for consideration of leasing County owned mineral rights on property near Little Valley. Council Administrator Shawn Warnke will research current market rates of comparable mineral rights and work with the County Attorney regarding the proper procedure to follow.

Discussion of Amendments to Ordinance No. 228 Regarding Public Access to Records

Council Member Graham requested follow up on the information regarding GRAMA presented by Attorney Todd Jensen at the last Council Meeting. The County Clerk will work with the County Attorney and bring a recommendation to the Council in 90 days.

Discussion of Retreat Agenda Items

Council Chair Greenberg suggested adding IT issues and possible financial policies to the retreat agenda. Council Member Baird requested adding discussion of a maintenance schedule for county owned trail systems. Council Member Graham requested a group warm up activity and review of previous goals. Elected officials will be invited to attend lunch.

Recess for 5 minutes.

5:00 p.m. JOINT MEETING WITH THE GRAND COUNTY RECREATION SPECIAL SERVICE DISTRICT BOARD TO DISCUSS PRIORITIES AND PLANS

A lengthy discussion occurred with Board Members Mike Steele, Manual Torres and John Geiger of the Grand County Recreation Special Service District. Mike Steele, Recreation District Chairman, gave a report of upcoming projects including ball fields at OSTA, the City pool project and the grant program.

Recess at 6:00 p.m.

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. February 17, 2009

MOTION: Motion by Council Member Audrey Graham to approve minutes of the February 17, 2009 Council Meeting. Motion seconded by Council Member Chris Baird carried 6 – 0 with Council Member Ciarus 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 \$310,471.19. Accounts payable check numbers 58448 – 58615 totaling \$174,192.77 and payroll in the amount of \$136,278.42 confirming all bills presented were within budgeted appropriations. Motion seconded by Council Member Gene Ciarus carried with a 7 – 0 roll call.

Citizens to Be Heard

Kelly Thornton spoke regarding her attendance of a planning workshop. Kelly suggested the county and city co-sponsor a local training similar to the one she attended.

Public Hearings- Possible Action Items

General Business- Action Items

2. Discussion and Consideration of Postponement of Conditional Use Application for San Arroyo Livestock, LLC, Phase 2 (Danish Flats) for a Commercial Produced Water Evaporation Pond System

This application is submitted by Gerald Knutson of Danish Flats Environmental Services (DFES) 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 existing Phase One. The Grand County Planning Commission reviewed the application and forwarded a favorable recommendation subject to the conditions set forth in the staff report dated March 3, 2009. Grand County Council held a public hearing on February 17, 2009 where Council directed staff to address issues raised at the public hearing. Staff members and the County Attorney have requested additional time to complete their research. **MOTION:** Motion by Council Member Chris Baird to postpone action until the next meeting. Motion seconded by Chris Conrad carried 7 – 0.

3. Discussion and Consideration of Approving a Resolution for a Conditional Use Application for Verizon Wireless for a 30-Foot Telecommunication Tower and Buildings, at Cisco, Utah Block 12 (Community Development Representative)

This application is submitted by Joseph Serrao of Verizon Wireless on behalf of private property owners Tarig Aqmad and Wayne Stout. The application requests conditional use permit and site plan review for a 30 foot monopole telecommunications tower in Cisco, Utah. Grand County Council held a public hearing on February 17, 2009. The Planning Commission reviewed the application and recommended approval subject to the conditions set forth in the staff memo dated March 3, 2009. **MOTION:** Motion by Council Member Audrey Graham to approve the resolution subject to conditions on the staff report. Motion seconded by Council Member Chris Conrad carried 7 – 0.

4. Discussion and Consideration of Approving a Resolution for Acceptance of Estrella Estates Subdivision (Community Development Representative)

The applicant is requesting acceptance of a residential subdivision. The subject property consists of approximately 25 acres located at 4750 Sunny Acres Lane. Grand County approved the final plat with a bond of \$11,998.70 on September 5, 2006. The Land Use Code requires a warranty bond be in affect for a two year period after acceptance. The County Engineer has reviewed the plans and site and found the subdivision to be acceptable. **MOTION:** Motion by Council Member Gene Ciarus to approve the resolution and release the bond. Motion seconded by Council Member Ken Ballantyne carried 7 – 0.

5. Discussion and Consideration of Approval a Resolution on Proposed By-Laws for the Board of Adjustment (Community Development Representative)

As required by State Law, Grand County has established a Board of Adjustment as the appeal authority to the Land Use Code and has appointed members to serve on that board. The Board of Adjustment met recently and recommended the draft by-laws be presented to Grand County Council for consideration. **MOTION:** Motion by Council Member Audrey Graham to approve the Board of Adjustment By-laws as presented. Motion seconded by Council Member Chris Baird. **MOTION:** Motion by Council Member Chris Baird to approve the resolution with suggested changes on page one. Motion seconded by Council Member Patricia Hoyloak carried 7 – 0. **MOTION:** Motion by Council Member Ken Ballantyne to change the language on page three to “wishing to resign”. Motion seconded by Council Member Chris Baird carried 7 – 0. **MOTION:** Motion by Council Member Chris Baird to add to page 3, item III.1 “Chair reviews and determines for jurisdiction and Zoning Administrator reviews for completeness”. Motion seconded by Council Member Audrey Graham carried 7 – 0. **MOTION:** Motion by Council Member Gene Ciarus to delete the bad reference to standards in IV.3.1. Motion seconded by Council Member Ken Ballantyne carried 7 – 0. **MOTION:** Motion by Council Member Chris Baird to correct the singular and plural references and the page numbers. Motion seconded by Council Member Chris Conrad carried 7 - 0. Main motion by Council Member Graham to adopt the resolution carried 7 – 0.

6. Discussion and Consideration of a Board Appointment to the Planning Commission

Council Member Ciarus reported that the Grand County Planning Commission met and interviewed prospective board members. **MOTION:** Motion by Council Member Gene Ciarus to appoint Rex Tanner to the Planning Commission. Motion seconded by Council Member Patricia Holyoak. Council Member Ciarus said that while all applicants would be good, Rex has experience on the Planning Commission. Motion failed 3 – 4 with Council Members Greenberg, Graham, Conrad and Baird opposed. **MOTION:** Motion by Council Member Chris Baird to appoint Kalen Jones. Motion seconded by Council Member Audrey Graham carried 5 – 2 with Council Members Ciarus and Holyoak opposed.

7. Discussion and Consideration of Board Appointments to the Grand County Recreation Special Service District (Council Member Baird)

The Grand County Recreation Special Service District forwarded the recommendation for appointment to the administrative control board of Jim Lewis and John Ogden. **MOTION:** Motion by Council Member Chris Baird to appoint Jim Lewis and John Ogden. Motion seconded by Council Member Ken Ballantyne. Council Member Baird amended his motion to include that John Ogden will complete the term vacated by Jean Bickers and Jim Lewis will fill the vacant seat with both terms expiring 12/31/2012. Motion carried 7 – 0.

8. Discussion and Consideration of Authorization of the Chair to Sign Associated Documents and for the County Attorney to Take Actions Necessary in Defense of Grand County Travel Plan

Council Member Ciarus requested this item be on the agenda so action could be taken if necessary. **MOTION:** Motion by Council Member Gene Ciarus to postpone until the March 17, 2009 meeting. Motion seconded by Council Member Audrey Graham carried 7 – 0. Council Members requested a copy of the complaint.

General Council Reports

Council Member Holyoak attended the UAC meeting regarding public land issues and also met with the Historical Commission regarding Dewey Bridge repairs.

Council Member Ciarus will attend Utah Association of Counties meeting on March 12, 2009 with the Forest Service to continue RAC discussions.

Council Member Baird attended the GWSSA meeting and reported that a public hearing regarding rate increases will be held this Thursday

Council Chair Greenberg attended the Airport Board meeting and brought their recommendation to the Council to charge a lease application fee of \$75.00 to subsidize the time the manager spends on

preparation of the lease. A letter will be sent to Great Lakes Aviation expressing opposition to the new flight schedule.

Council Members Graham and Greenberg attended a Castle Valley meeting regarding conservation work on land vulnerable to flooding that burned during the Porcupine Fire.

Council Member Ballantyne reported that the Hospital District will meet Thursday. The meeting will be in conjunction with the CIB Bond Public Hearing.

Future Considerations

Council Member Ciarus requested the next meeting agenda include consideration of dues to Southeastern Utah Energy Producers.

It was reported that SITLA will be in Grand County the week of March 23rd and would like to meet with Council Members. The time and place of the meeting to be announced later.

MOTION: Motion by Council Member Chris Baird to adjourn at 8:18 p.m. Motion seconded by Council Member Chris Conrad carried 7 – 0.

Grand County Council Chair
Bob Greenberg

ATTEST:

Grand County Clerk/Auditor
Diana Carroll