

GRAND COUNTY COUNCIL REGULAR MEETING

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

AGENDA March 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, Ken Ballantyne, Patricia Holyoak, Chris Conrad and Chris Baird along with Council Administrator Shawn Warnke and Clerk/Auditor Diana Carroll.

Elected Official Reports

Sheriff Jim Nyland informed Council Members of a proposed decrease in jail reimbursements for state inmates. Beginning in July the average per day inmate reimbursement will be cut in half. Sheriff Nyland also strongly discouraged approving the placement of a pipe safe at Dewey Bridge.

Department Head Reports

A. 2008 Building Department Report (Jeff Whitney)

Grand County Building Official Jeff Whitney gave an update on 2008 data for the Building Department, including Moab City and Grand County fees collected and City and County valuations.

Agency Reports

B. Report on Pipeline Anomaly and Proposed Digs & Staging Areas on School Trust Lands Near Arches National Park (Township 24 South, Range 20 East, Sections 25 & 35) by Applicant, Northwest Pipeline (Bryan Torgerson, SITLA)

As a result of an internal inspection of the Ignacio-Sumas 26 inch mainline operated by Northwest Pipeline GP, two anomalies have been located on Trust Lands which must be investigated. Each anomaly dig will require temporary workspace outside the existing 50 foot wide pipeline right of way. The areas will be used for staging and offloading of equipment necessary to conduct anomaly digs.

C. Report on Proposal for Right-of-Entry Permit to Allow a Seismic Survey on Approximately 13,028 Acres of Trust Lands Near Cisco in Grand County (Bryan Torgerson, SITLA)

The State Institutional Trust Lands Administration desires to issue a Right of Entry permit to allow a 3-D Seismic Survey on Trust Lands near the Cisco area in Grand County.

D. Report on Proposal for Right-of-Entry Permit to Allow a Seismic Survey on Approximately 1,280 Acres of Trust Lands Near the Danish Flats Area in Grand County (Township 19 South, Range 23 East, Sections 32 & 36) (Bryan Torgerson, SITLA)

The State Institutional Trust Lands Administration desires to issue a Right of Entry permit to allow a 3-D Seismic Survey on Trust Lands near the Danish Flats area in Grand County.

E. Report on Proposal for Range Improvement of Ponds and Corral on Lone Cone Allotment Near Green River in Grand County (Township 20 South, Range 17 East, Section 16) (Bryan Torgerson, SITLA)

State Institutional Trust Lands Administration grazing permittee, Chet Hunt, proposes to construct two ponds and a small corral on trust land to improve cattle management on the Lone Cone Allotment.

F. Report on Proposal to Continue Livestock Grazing on the Brumley Ridge C&H Allotment on the East Slopes of the La Sal Mountains (Mike Diem, Moab/Monticello Ranger District)

The Moab/Monticello Ranger District of the Manti-La Sal National Forest proposes to continue to authorize livestock grazing through a term grazing permit on the Brumley Ridge C & H Allotment. The proposed action will continue a five unit, deferred rotation management system. The scoping statement was presented to Council Members and provides a 30 day notice and comment period.

G. Report on Proposal to Conduct Rehabilitation Activities in the Area of the Porcupine Ranch Wildfire in Grand County (Township 26 South, Range 24 East, Sections 5, 6, 7 & 8) (Mike Diem, Moab/Monticello Ranger District)

Grand County received a letter from the Moab/Monticello Ranger District seeking comments on their proposal to conduct rehabilitation activities in the area of the 2008 Porcupine Ranch Wildfire in Pinhook Valley above Castle Valley. The purpose of the proposal is to restore vegetative communities and repair minor facilities burned by the wildfire.

Consent Agenda

- H. Ratification of a Letter Sent to Smith Hartvigsen Regarding Return of Appeal Application Fee
- I. Approval of a Draft Letter to Wadsworth Brothers Construction Regarding Connecting to Grand County's Water Service Lateral at Lion's Park
- J. Approval of a Draft Letter Requesting the Donation of a Pipe Safe from BLM to Solicit Donations for the Reconstruction of Dewey Bridge
- K. Approval of and Authorizing the Chair to Sign a Beer Permit for Canyonlands Rodeo
- L. Authorizing the Chair to Sign a Financial and Operating Plan Agreement with the Manti-La Sal National Forest Service Regarding Patrol of Forest Service Roads and Addressing Concerns of Forest Service Campground Hosts
- M. Approval of and Authorizing the Chair to Sign a Contract for the 2009 GIS (Geographic Information Systems) / Cadastral Mapping Grant with the State of Utah
- N. Approval of and Authorizing the Chair to Sign an Office Lease Agreement at Canyonlands Field with Skydive Moab

MOTION: Motion by Council Member Ken Ballantyne to amend the consent agenda removing items I and J. Motion seconded by Council Member Chris Conrad carried 7 – 0. **MOTION:** Motion by Council Member Gene Ciarus to approve the modified consent agenda. Motion seconded by Council Member Chris Baird carried 7 – 0. **MOTION:** Motion by Council Member Chris Baird to postpone the Wadsworth Brothers Construction letter issue until the question of water rights is resolved. Motion seconded by Council Member Ken Ballantyne carried 7 – 0. **MOTION:** Motion by Council Member Gene Ciarus not to send the letter to the BLM requesting the pipe safe donation. Motion seconded by Council Member Audrey Graham carried 6 – 1 with Council Member Patricia Holyoak opposed.

Action Items

O. Discussion and Consideration of a Resolution Amending the County Policies and Procedures Manual Creating Volunteer Service (Todd Peterson)

MOTION: Motion by Council Member Ken Ballantyne to adopt the resolution with the suggested changes. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

P. Discussion and Consideration of Requesting School Institutional Trust Lands Administration (SITLA) to Include Grand County Mineral Rights on Land Located South of I-70 Along the Green River in an Upcoming SITLA Auction (Township 22 South, Range 16 East, Section 9) (Shawn Warnke)

The application from the oil company was withdrawn and no action taken at this time.

Q. Discussion and Consideration of Approving a Draft Letter to Utah Department of Environmental Quality, Division of Solid and Hazardous Waste as Allowed by Solid Waste Permitting and Management Rules Regarding Closure and Post-Closure Cost Financial Assurance for the Klondike and Moab Landfills (Shawn Warnke)

District

The County Council approved a joint resolution with Moab City in 1997 that stated that the County would provide financial assurance for the closure and post closure for Klondike and Moab Landfills. With the submission of the letter Grand County would become financially responsible for half of the closing costs of the landfills if the Solid Waste District is unable to meet this obligation. **MOTION:** Motion by Council Member Audrey Graham to approve the proposed financial assurance letter to Utah Department of Environmental Quality, Division of Solid and Hazardous Waste for the closure and post closure cost for the Klondike and Moab Landfills. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

R. Discussion and Consideration of Approving Payment of Membership Fees for the Southeastern Utah Energy Producers Association from the Discretionary Line Item (Council Member Ciarus)

MOTION: Motion by Council Member Gene Ciarus to pay the membership fee using discretionary funds for payment. Motion seconded by Council Member Ken Ballantyne carried 4 – 3 with Council Members Conrad, Greenberg and Graham opposed.

S. Discussion and Consideration of Approving Payment of Membership Fees for the Utah Housing Coalition from the Discretionary Line Item (Council Member Graham)

MOTION: Motion by Council Member Audrey Graham to approve payment of the membership fees for the Utah Housing Coalition from discretionary funds. Motion seconded by Council Member Ken Ballantyne carried 7 – 0.

Discussion Items

T. Discussion of County Responsibility for Matrimony Spring (Chair Greenberg)

Road Supervisor Bill Jackson requested direction from the Council regarding the Matrimony Spring issue. The Road Department has fixed vandalism damage at the spring on several occasions and does not have money in their budget to continue. The issue will be on a future Council agenda as an action item.

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

V. Discussion of Evening Session Items (Shawn Warnke)

Recess at 4:40 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 Krissie Killoy.

Approval of Minutes

1. February 25, 2009

MOTION: Motion by Council Member Gene Ciarus to approve minutes of the February 25, 2009 Council Meeting. Motion seconded by Council Member Audrey Graham carried 7 – 0.

MOTION: Motion by Council Member Audrey Graham to approve minutes of the March 3, 2009 Council Meeting with the suggested changes. Motion seconded by Council Member Patricia Holyoak 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 \$356,534.58. Accounts payable check numbers 58616 – 58835 totaling \$214,342.64 and payroll in the amount of \$142,191.94 with Clerk/Auditor Diana Carroll confirming all bills presented were within budgeted appropriations. Motion seconded by Council Member Gene Ciarus carried with a 7 – 0 roll call.

General Business- Action Items

3. Discussion and Consideration of Approving a Resolution for a Conditional Use Application for San Arroyo Livestock, LLC, Phase 2 (Danish Flats) for a Commercial Produced Water Evaporation Pond System (Community Development Representative)

MOTION: Motion by Council Member Gene Ciarus to approve the resolution as presented by staff. Motion seconded by Council Member Ken Ballantyne carried 6 – 1 with Council Member Baird opposed. At the request of the Planning Commission, Chairman Greenberg requested that staff have recommended language regarding inspections prepared for the next Council Meeting.

4. Discussion and Consideration of Approving a Resolution for Extension of Time for Phase III Final Plat Approval for Tierra del Sol (Mark Wright)

MOTION: Motion by Council Member Ken Ballantyne to approve the resolution as submitted. Motion seconded by Council member Patricia Holyoak carried 7 – 0.

5. Discussion and Consideration of Approving a Resolution to Become an Intervener in Southern Utah Wilderness Alliance (SUWA), et al. v. Allred (Tabled from March 3, 2009 Council Meeting)

MOTION: Motion by Council Member Gene Ciarus to approve the resolution as submitted. Motion seconded by Council Member Ken Ballantyne. A lengthy discussion followed regarding Grand County's intervention in the lawsuit. Motion carried 4 – 3 with Council members Graham, Conrad and Greenberg opposed.

General Council Reports

Council Member Holyoak attended the Cemetery Board meeting and reported they are preparing for spring.

Council Member Ciarus attended the RAC meeting with the Forest Service.

Council Member Baird attended the Film Commission meeting.

Council Member Conrad attended the Travel Council Meeting and reported that CNHA reduced hours at the MIC.

Council Member Graham reported that the Transportation Special Service District has not held a meeting yet.

Council Member Conrad agreed to attend the Sand Flats Stewardship meeting on June 11, 2009 in the place of Council Members Graham.

Council Member Ken Ballantyne reported that representatives from HUD will be here the week of the 23rd for a site visit for the new hospital.

Future Considerations

Chairman Greenberg said he would add an action item to the next agenda regarding remanding the waste water pond ordinance to the planning commission. Chairman Greenberg also requested the County Attorney provide a list of litigation contracts.

Council Member Baird would like to add a discussion regarding a water source protection ordinance.

Adjourn

MOTION: Motion by Council Member Patricia Holyoak to adjourn at 8:35 p.m. Motion seconded by Council Member Chris Baird carried 7 – 0.

Grand County Council Chair
Bob Greenberg

ATTEST:

Grand County Clerk/Auditor
Diana Carroll