

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

May 19, 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, Gene Ciarus and Chris Baird along Grand County Clerk/Auditor Diana Carroll.

Elected Official Reports

A. *Update Regarding Indigent Abatements*

Grand County Treasurer Peggy Taylor requested the Council consider adopting a resolution defining the criteria for indigent abatement qualifications. The Treasurer and Clerk/Auditor will draft a resolution for Council consideration at a future meeting.

Department Head Reports

Grand County Engineer Mark Wright reported that the Lions Park project is moving forward. Memorandum of understandings is being drafted for UDOT, Moab City and Grand County to consider.

Agency Reports

B. *Report on Public Notice for Application, and SITLA's Acceptance of Competing Applications, to Mine Common Sand and Gravel on Trust Lands near Castle Creek in Grand County (Township 25 South, Range 24 East, NW4NW4, Section 32 (Bryan Torgerson, SITLA)*

Bryan Torgerson reported on an application SITLA received to mine sand and gravel in an existing gravel pit in Castle Valley.

C. *Report on Notification Regarding the Proposed "Mineral Bottom" Boat Ramp Maintenance General Permit along the East Side of the Green River at Township 26 South, Range 17-1/2 East, Section 24, NW1/4 SE1/4 (Alison McCluskey, Division of Forestry, Fire & State Lands)*

Alison McCluskey from Utah Division of Forestry, Fire and State Lands provided details regarding a general permit application for the existing "Mineral Bottom" boat ramp along the east side of the Green River. The Bureau of Land Management is requesting a 10-year general permit for the purpose of maintaining the boat ramp and existing parking area.

Action Items

D. *Discussion and Consideration of Establishing Procedures for the 2009 Tax Sale*

Diana Carroll, Grand County Clerk/Auditor, requested the Council adopt procedures to follow for the tax sale to be held May 28, 2009. **MOTION:** Motion by Council Member Chris Baird to approve the resolution establishing tax sale procedures. Motion seconded by Council Member Audrey Graham carried 7 – 0.

E. Discussion and Consideration of Upgrades to Counters in Treasurer's Office

Peggy Taylor, Grand County Treasurer requested permission to replace the counters in the Treasurer's Office. Two bids were received and Peggy recommended using Raven's Nest Woodsmiths. They submitted a bid of \$9,145 which was not the low bid but they could accommodate the schedule of the new carpet installation. Peggy has \$3,000 from her budget that could be used toward the purchase. **MOTION:** Motion by Council Member Gene Ciarus to approve the request of the Treasurer to replace the counters using Raven's Nest Woodsmiths. Motion seconded by Council Member Patricia Holyoak carried 6 – 1 with Council Member Graham opposed.

F. Discussion and Consideration of Amending Ordinance No. 477 Relating to the Consolidated Fee Schedule for Sand Flats Recreation Area (SFRA) Fees (Andrea Brand, SFRA Program Manager)

The fee increase was discussed at the last Council Meeting. **MOTION:** Motion by Council Member Audrey Graham to amend the Consolidated Fee Ordinance to increase the day use fees at Sand Flats. Motion seconded by Council Member Ken Ballantyne carried 7 – 0.

G. Discussion and Consideration of Acceptance of an Irrevocable Letter of Credit as a Financial Guarantee for Whitehorse Planned Unit Development (PUD) (Community Development Department)

On September 10, 2008 Marc Griffith presented an application for White Horse Final Plat to the Planning Commission. The Planning Commission recommended approval of the White Horse Final Plat with a letter from Zions Bank for an Escrow Bond Security Agreement between Grand County, White Horse Development and Zions Bank. Mr. Griffith is now requesting that for the remainder of the infrastructure on the project, the County allow an Irrevocable Letter of Credit. The County Attorney and Clerk/Auditor have reviewed the documents and recommend approval. **MOTION:** Motion by Council Member Chris Baird to accept the Irrevocable Letter of Credit from Whitehorse Development Company. Motion seconded by Council Member Gene Ciarus carried 7 – 0.

H. Discussion and Consideration of Proposed Amendments to Resolution No. 2839 Regarding the Policies and Procedures of the Governing Body (Chair Greenberg)

MOTION: Motion by Council Member Chris Conrad to approve the resolution with the proposed amendments to date. Motion seconded by Council Member Audrey Graham. **AMENDED MOTION:** Motion by Council Member Chris Baird to postpone approval until there is a clean copy to review. Motion seconded by Council Member Audrey Graham carried 4 – 3 with Council Members Greenberg, Ciarus and Holyoak opposed.

Discussion Items

I. Review of Interim Measures in the Absence of a Council Administrator (Chair Greenberg)

Council Chairman Greenberg reviewed the memo distributed by the Council Office with suggested procedures to follow during the absence of a Council Administrator.

J. Discussion of Calendar Items and Public Notices (Ruth Dillon, Council Assistant)

K. Discussion of Evening Session Items (Chair Greenberg)

Consent Agenda- Action Items

L. Ratification of a Letter to Scott Martin, Attorney for the Moab Tailings Project Steering Committee, Regarding a Meeting with Don Metzler, Federal Project Director for the DOE's Uranium Mill Tailings Remedial Action (UMTRA) Project

M. Approval of a Draft Letter to the Times-Independent Editor 1) Thanking Citizens and Staff for Participating in National County Government Week and 2) Soliciting Applications to Fill County and Special Service District Board Vacancies

N. Approval of a Draft Letter to Southeastern Utah District Health Department Requesting Ongoing, Periodic Water Testing of Matrimony Spring

O. Authorization of the Chair's Signature on a Contract between Grand County and the BLM Moab Field Office to Spray Noxious Weeds on Public Lands

P. Authorization of the Chair's Signature on a Contract between Grand County and Fullam's Fireworks, Inc. for the Purchase and Display of Fireworks for Independence Day

Q. Authorization of the Chair's Signature on a Cooperative Agreement with UDOT for Preconstruction and Construction Reimbursement for the Rural Roads Safety Signing Project

R. Approval of Annual Sponsorship Via Four Corners Community Behavioral Health (FCCBH) for Registration and Housing for Up to Four Candidates to Attend the University of Utah School on Alcoholism and Other Drug Dependencies, and Authorization of the Chair's Signature on Associated Documents

MOTION: Motion by Council Member Chris Conrad to approve the consent agenda. Motion seconded by Council Member Chris Baird. County Attorney Happy Morgan spoke and noted that she will not ask Scott Martin to address the Council, but to report to her and she will forward any communication to Council members. Motion carried 7 – 0.

Recess at 4:50 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 Clerk/Auditor Diana Carroll. The Pledge of Allegiance was led by Jason Parriott.

Approval of Minutes

1. May 5, 2009

MOTION: Motion by Council Member Ken Ballantyne to approve minutes of the March 31, 2009 Council Meeting with the suggested changes. Motion seconded by Council Member Gene Ciarus carried 7 – 0.

MOTION: Motion by Council Member Patricia Holyoak to approve bills presented for payment in the amount of \$461,501.23. Accounts payable check numbers 59505 – 59775 totaling \$319,464.32 and payroll in the amount of \$142,036.91 confirming all bills presented were within budgeted appropriations. Motion seconded by Council Member Gene Ciarus carried with a 7 – 0 roll call

Presentations

2. Update on Red Rock Speedway (Red Rock Dirt Riders, Inc. - Jason Parriott, President and Mark Thayn, Treasurer)

Jason Parriott and Mark Thayn representing the Red Rock Dirt Riders were accompanied by a room full of supporters as they reviewed activities at the Red Rock Speedway during the past year as well as scheduled upcoming events. Council members encouraged the group to communicate the open ride day to the public.

General Business- Action Items

3. Discussion and Consideration of Adoption of an Ordinance for the Proposed Zone Change from Rural Residential (RR) to Small Lot Residential (SLR) for Property Located on Bittle Lane, Moab, Utah, a 1.30-Acre Parcel of Land Owned by Rodney & Dixie Dalton and Hal Adams

This application was reviewed by Grand County Council during a public hearing on May 5, 2009.

MOTION: Motion by Council Member Gene Ciarus to approve the ordinance regarding the zone change as submitted. Motion seconded by Council Member Audrey Graham carried 7 – 0.

4. Discussion and Consideration of a Resolution Regarding Acceptance of Required Improvements of the Estados Puentes Subdivision and Release of the Warranty Bond (Community Development Department)

MOTION: Motion by Council Member Patricia Holyoak to approve the resolution releasing a warranty bond in the amount of \$8,123.00 Motion seconded by Council Member Chris Conrad carried 7 – 0.

5. Discussion and Consideration of Filing a Protest with the Utah State Division of Water Rights Concerning Application a35402 – “Application to Change Point of Diversion, Place of Use, and Nature of Use of Water for the Blue Castle Generation Project”, Green River Power Plant (Council Member Baird)

MOTION: Motion by Council Member Chris Baird to file the proposed letter of protest with Kent L. Jones, State Engineer, Division of Water Rights concerning Application a35402, and authorize the Chair to sign all necessary documents. Motion seconded by Council Member Audrey Graham. Discussion occurred regarding the proposed action. Motion failed 3 – 4 with Council Members Holyoak, Ciarus, Conrad and Ballantyne opposed.

6. Discussion and Consideration of Approving a Letter Opposing New Research, Development, and Demonstration Leases for Oil Shale (Council Member Baird)

MOTION: Motion by Council Member Chris Baird to send the proposed letter to the Department of the Interior, Bureau of Land Management opposing new research, development, and demonstration (RD&D) oil shale leases, and authorize the Chair to sign all necessary documents. Motion seconded by Council Member Audrey Graham. Discussion occurred regarding the proposed action. Motion failed 3 – 4 with Council Members Holyoak, Ciarus, Conrad and Ballantyne opposed.

General Council Reports

Council Member Ciarus attended the SEUALG meeting.

Council Chairman Greenberg along with Council Member Holyoak, Attorney Scott Martin, Joette Langianese recently met with DOE representatives.

Council Member Graham reported that rehabilitation is underway on the Porcupine Ranch Fire site. The Housing Plan is now ready to go to Planning Commissions of the County and City.

Council Member Ballantyne attended the Library Board meeting. He also reported that funding for the hospital has been approved and closing on the loan is scheduled for June 17, 2009.

Future Considerations

Council Chairman Greenberg requested discussion regarding vacancy of the Interant Staff position.

Council Member Conrad requested discussion regarding a pavilion at the Grand Center.

Adjourn

MOTION: Motion by Council Member Ken Ballantyne to adjourn at 8:03 p.m. Motion seconded by Council Member Gene Ciarus carried 7 – 0.

Bob Greenberg
Grand County Council Chair

ATTEST:

Diana Carroll
Grand County Clerk/Auditor