

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

**July 21, 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 East 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, Chris Conrad, Gene Ciarus and Chris Baird along Grand County Clerk/Auditor Diana Carroll. Council Member Patricia Holyoak was absent.

**Elected Official Reports**

**A. Presentation of 2008 Audit (Diana Carroll, Clerk/Auditor)**

Greg Marsing of Smuin, Rich & Marsing, Certified Public Accountants, presented the 2008 Grand County Financial Statements.

**Department Head Reports**

Grand County Library Director, Carrie Valdes, reported increases in all tracked categories at the Library. Carrie also noted that the 2009 Budget included revenue from Fund Balance of approximately \$114,000 and is concerned about operating from fund balance.

**Department Head Advisory Committee Report**

Carrie Valdes reported there have been no issues during the past two weeks.

**Agency Reports**

**B. Updates on: 1) Hazardous Fuels Reduction Project in Willow Basin and 2) Rehabilitation Activities in the Area of the Porcupine Ranch Wildfire in Grand County**

Mike Diem, District Ranger, Moab/Monticello Ranger District, reported that the Environmental Assessment required for the Willow Basin project was released in July. Discussion occurred regarding the EA. Mike also gave an update of the ongoing rehabilitation on the Porcupine Ranch Fire.

**Presentations**

**C. Discussion on: 1) How Utah Association of Counties (UAC) May Best Interact with Grand County Council and 2) Possible Interaction with Other Counties with Council Form of Government**

Brent Gardner, Executive Director of UAC, met with Council Members to discuss how UAC can better serve the needs of Grand County Council and requested feedback on the services offered by UAC. Brent requested that the Multi County Appraisal Group ILA be processed as soon as possible.

**D. Discussion on Suggested Forest Health/Restoration Projects for Regional Forester**

Mark Ward, Senior Planning Coordinator & Policy Analyst of UAC, reported on a survey currently underway regarding the Bark Beetle infestation occurring around the state and requested the Council participate in the survey.

**Action Items**

**E. Discussion and Consideration of Approving a Bid Award and Contract Agreement for Improvements to the Hell's Revenge Parking Lot in the Sand Flats Recreation Area**

Andrea Brand, Sand Flats Recreation Area Program Manager, presented bids received from the bid process for the Hell's Revenge Parking Lot improvement project. LeGrand Johnson Construction submitted the only bid for the project and Andrea recommended the Council award the bid as presented. **MOTION:** Motion by Council Member Audrey Graham to approve the proposed bid and contract agreement between Grand County and LeGrand Johnson Construction Company for the Hell's Revenge Park Lot Improvement Project as presented and authorize the Chair to sign Notice of

Award and all associated documents. Motion seconded by Council Member Gene Ciarus. Commercial outfitters from the audience requested time to speak on the issue and reported the four week closure would negatively impact their business. A lengthy discussion occurred and the motion failed 1 – 5 with Council Member Greenberg voting in favor of the motion. **MOTION:** Motion by Council Member Chris Baird to direct staff to come up with an alternative and to work with the contractor to obtain an updated bid with mitigation of the aesthetics included in the paved parking lot. Motion seconded by Council Member Chris Conrad carried 6 – 0.

**F. Discussion and Consideration of Approving a Bid Award for Heating and Cooling Controls for the Courthouse and for Upgrades to Heating and Cooling Systems for the Travel Council Building, for Dispatch and for the Radio/Server Room (Marvin Day, Facilities Supervisor)**

**MOTION:** Motion by Council Member Ken Ballantyne to approve the bid award, based on the estimates and “not to exceed” amounts proposed, to Moab Heat-N-Cool for a heating and cooling control system for the Courthouse and for upgrades to heating and cooling systems for the Dispatch, Radio/Server Room, and Travel Council Building. Motion seconded by Council Member Chris Baird carried 6 – 0.

**G. Discussion and Consideration of Approving a Bid Award for the Runway Lighting Project at Canyonlands Field (Kelly Braun, Airport Manager)**

Chairman Greenberg, Airport Board liaison, presented the recommendation of the Board in the absence of Kelly Braun. **MOTION:** Motion by Council Member Ken Ballantyne to approve the bid award to Mesquite Electric as presented and authorize the Chair’s signature on associated documents. Motion seconded by Council Member Chris Baird carried 6 – 0.

**H. Discussion and Consideration of Approving a Special Warranty Deed with Reservation and Conservation Easement Along the Colorado River and Mayberry Preserve (Krissie Killoy, County Planner & Sue Bellagamba, Canyonlands Program Director of The Nature Conservancy)**

**MOTION:** Motion by Council Member Ken Ballantyne to approve the Chair’s signature on the Mayberry Preserve Special Warranty Deed with a Reservation of Conservation Easement. Motion seconded by Council Member Gene Ciarus carried 6 – 0.

**I. Discussion and Consideration of Request to the Bureau of Land Management (BLM) to Participate as a Cooperating Agency on Gateway South and TransWest Express Transmission Line Projects (Chair Greenberg)**

**MOTION:** Motion by Council Member Ken Ballantyne to send a response letter to the BLM to participate as a cooperating agency on the Gateway South and TransWest Express Transmission Line Projects and authorize the Chair to sign all associated documents. Motion seconded by Council Member Chris Baird failed 3 – 3 with Council Members Baird, Ciarus and Graham opposed.

**J. Discussion and Consideration of Appointment(s) of Council Liaison to BLM (Chair Greenberg)**

**MOTION:** Motion by Council Member Chris Baird to appoint a liaison to the BLM. Motion seconded by Council Member Audrey Graham carried 5 – 0 with Council Member Ciarus abstaining from the vote. Council Member Baird volunteered to be the liaison.

**Discussion Items**

**K. Follow Up on 6-Month Budget Presented to Council on July 7, 2009 (Council Members)**

Council Members questions were answered during the audit presentation.

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

**M. Discussion of Evening Session Items (Chair Greenberg)**

**Consent Agenda- Action Items**

**N. Declaring a 2001 Ambulance as Surplus Property**

- O. Ratification of the Thank You Letters Sent to Council Administrator Applicants
- P. Ratification of Appendix 2 and 3 to the Lions Park Memorandum of Understanding Between Grand County and Moab City (Appendix 2: Facility/Amenity List with City/County Roles; Appendix 3: UDOT Letter of Intention to Make Surplus Property Available to Lions Project after Bridge Construction)
- Q. Approval of an Agreement Letter of Request to LB Moab Land LLC Regarding the 2010 Fireworks Display Location for Independence Day
- MOTION:** Motion by Council Member Chris Baird to approve the consent agenda as presented. Motion seconded by Council Member Chris Conrad. Council Member Ciarus shared concerns regarding the Lions Park MOU. **MOTION:** Motion by Council Member Gene Ciarus to delete the Lions Park issue referencing The Grand Center from the MOU. Motion seconded by Council Member Chris Baird carried 5 – 1 with Council Member Conrad opposed. The main motion to approve the consent agenda carried 6 – 0.

***Closed Session(s) if necessary reasonably imminent litigation.***

**MOTION:** Motion by Council Member Chris Conrad to enter Closed Session at 5:58 p.m. to discuss pending or reasonably imminent litigation. Motion seconded by Council Member Chris Baird carried 6 – 0. Present were: Council Members Greenberg, Graham, Ballantyne, Conrad, Baird and Ciarus and Clerk/Auditor Diana Carroll. **MOTION:** Motion by Council Member Chris Baird to end the Closed Session at 6:02 p.m. 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, Audrey Graham, Ken Ballantyne, Chris Baird and Chris Conrad with Clerk/Auditor Diana Carroll. Council Member Patricia Holyoak was absent. The Pledge of Allegiance was led by Joe Kingsley.

**Approval of Minutes**

**1. June 16, 2009**

**MOTION:** Motion by Council Member Gene Ciarus to approve with the suggested changes. Motion seconded by Council Member Chris Conrad seconded carried 6 – 0.

**2. June 30, 2009**

**MOTION:** Motion by Council Member Chris Conrad with the suggested changes. Motion seconded by Council Member Gene Ciarus carried 6 – 0.

**3. July 7, 2009**

**MOTION:** Motion by Council Member Audrey Graham to postpone approval of the July 7, 2009 minutes. Motion seconded by Council Member Chris Baird carried 6 – 0.

**MOTION:** Motion by Council Member Gene Ciarus to approve bills presented for payment in the amount of \$689,739.58. Accounts payable check numbers 60377 – 60597 totaling \$543,073.92 and payroll in the amount of \$146,665.66 confirming all bills presented were within budgeted appropriations. Motion seconded by Council Member Chris Baird carried with a 7 – 0 roll call

**Public Hearings- Possible Action Items**

**4. Public Hearing on a Proposed Amendment to the Land Use Code, Clarification of Section 5.4.2D Constrained Lands; Insertion of a New Section 5.6.6 Steep Slope Measurement; Clarification of Standards Found in Section 6.11 Open Space and Common Area; and Delineation of a Practical Dimensional Standard for Steep Slopes as Required Open Space**

Planning Staff presented and read into the record the Grand County Land Use Code and General Plan both as amended to date. The purpose of the proposed zoning amendment is to: (1) establish a standardized method for measuring steep slopes and (2) further clarify and define how steep slopes are regulated within the land use code. The proposed amendment will enable greater

flexibility with respect to project design and open space while remaining consistent with the rural character, clustered development and sensitive lands goals identified in the General Plan. There were no comments from the public and the public hearing closed at 7:30 p.m. Written comments will continue to be received until July 29, 2009.

**5. Public Hearing on a Conditional Use Application for Thayne Enterprise Inc. (La Sal Mountain Outfitters) for an Outfitter Guide Service Located at 3031 S. Hwy. 191, Moab**

Planning Staff presented and read into the record the Grand County Land Use Code and General Plan both as amended to date. This application is submitted by Mark Thayne, property owner representative for the applicant Thayne Enterprise, Inc. (LaSal Mountain Outfitters) and Canyonlands Natural History Association (CNHA). The applicant is requesting site plan approval and an “outfitter, guide service and facility” conditional use permit (Sec. 3.1 Use Table). The applicant is currently leasing the building from CNHA and proposes to operate an archery pro-shop with range and booking office. The property is located at 3031 South Highway 191 and is zoned Highway Commercial (HC).

There were no comments from the public and the public hearing closed at 7:38 p.m. Written comments will continue to be received until July 29, 2009.

**6. Public Hearing on Steel Bender (Old Mail Trail) Road Realignment**

Dave Vaughn, Assistant Road Supervisor, presented the proposed road realignment submitted by Tom Hunt, petitioner. The petitioner’s property is located on both sides of Mill Creek south of Hidden Valley. The road currently runs parallel to Mill Creek and the proposed realignment would move the road to the west of the current location. Legal descriptions of the right of ways will not be available until September 1, 2009.

There were no comments from the public and the public hearing closed at 7:50 p.m. Written comments will continue to be received until September 1, 2009.

**General Business- Action Items**

**7. Discussion and Consideration of Options for Matrimony Spring (Chair Greenberg)**

Chairman Greenberg reported that the County has received legal advice to return the spring to its natural state. **MOTION:** Motion by Council Member Gene Ciarus to instruct the county road department to remove the county build facility and return the spring to its natural state and publish and post the required notices. Motion seconded by Chris Conrad. Discussion occurred and comments were taken from the audience regarding the spring, including an offer to purchase the property from Castle Valley resident Joe Kingsley, a test report of total cholorform from Willow Basin resident Bill Howard. Motion carried 4 – 2 with Council Members Graham and Baird opposed. **MOTION:** Motion by Council Member Ken Ballantyne to request the County Attorney continue to research options including disposal of the property. Motion seconded by Council Member Gene Ciarus carried 6 – 0. **MOTION:** Motion by Council Member Chris Baird to form a committee “Matrimony Springs Options Committee”. Motion seconded by Council Member Audrey Graham carried 6 – 0. Council Members Ballantyne and Baird will serve on the committee.

**General Council Reports**

**Council Member Ciarus** – attending the Radio Committee meeting and reported that they will be receiving grant money.

**Council Member Baird** – attended meetings of Trail Mix and they are considering a trail from Power Dam to Lions Back; GWSSA reported Ken’s Lake levels are low. Baird also attended meetings of the Air and Water Quality Committee and Recreation District.

**Council Member Greenberg** – Solid Waste & CCR have signed a management agreement to allow Solid Waste to operate the recycling facility for CCR. Greenberg also attended meetings of the Airport Board and Travel Council.

**Council Member Graham** – requested the at-large council members met and talk about Thompson Springs issues. Graham attended meetings of the Transportation District and the Facility Committee.

**Council Member Ballantyne** – will be working on a resolution regarding EMS for an August Council meeting agenda.

**Future Considerations**

8. Community Impact Fund Board (CIB) Interagency Workshops

***Closed Session(s) if necessary***

**MOTION:** Motion by Council Member Chris Baird to enter Closed Session to discuss the character, professional competence, or physical or mental health of an individual at 8:40 p.m. Motion seconded by Council Member Gene Ciarus carried 6 – 0. Present were: Council Members Greenberg, Graham, Ballantyne, Conrad, Baird and Ciarus and Clerk/Auditor Diana Carroll.  
**MOTION:** Motion by Council Member Ken Ballantyne to end the Closed Session at 8:44 p.m. Motion seconded by Council Member Chris Baird carried 6 – 0.

**Adjourn**

**MOTION:** Motion by Council Member Chris Baird to adjourn at 8:45 p.m. Motion seconded by Council Member Chris Conrad carried 6 – 0.

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Grand County Council Chairman

**ATTEST:**

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Diana Carroll  
Grand County Clerk/Auditor