

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

September 15, 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. Vice Chairman Audrey Graham called the Afternoon Session of the Council Meeting to order at 3:00 p.m. In attendance were Council Members, Audrey Graham, Patricia Holyoak, Chris Conrad, Gene Ciarus and Chris Baird along Grand County Clerk/Auditor Diana Carroll. Council Members Bob Greenberg and Ken Ballantyne were absent.

Department Head Advisory Committee Report and Review of Interim Measures in the Absence of a Council Administrator

Marvin Day reported that the Advisory Committee met and recommended the temporary staff in the Council Office stay on for three months to help with the transition of the new Council Administrator.

Presentations

A. Public Defender Semi-Annual Report (Andrew Fitzgerald, Public Defender)

MOTION: Motion by Council Member Chris Baird to table the item until Andrew Fitzgerald arrives. Motion seconded by Council Member Chris Conrad carried 5 – 0.

Action Items

B. Discussion and Consideration of Authorizing an Emergency Purchase of a Medication Dispensing Locker for Emergency Medical Services (Jeff Davis, EMS Equipment Officer)

EMS Director Jeff Davis submitted a letter explaining the emergency purchase of a medication dispensing locker. The proposed new system is computerized and will track user information. **MOTION:** Motion by Council Member Chris Baird to authorize the emergency purchase of the Med-Dispense locker as recommended and authorize the Vice Chair to sign all associated documents. Motion seconded by Council Member Chris Conrad carried 5 – 0.

C. Discussion and Consideration of Management of Food & Beverage Services at the Old Spanish Trail Arena (OSTA) (Marvin Day, Acting OSTA Manager)

It was the recommendation of Acting OSTA Manager Marvin Day for the County to hire staff to operate the concession at OSTA in – house. **MOTION:** Motion by Council Member Chris Baird to direct staff to explore options and provide data at the next Council Meeting for hiring employees to manage the food & beverage services at the Old Spanish Trail Arena. Motion seconded by Council Member Patricia Holyoak carried 5 – 0.

D. Discussion and Consideration of Hiring a Temporary Concessionaire for the Old Spanish Trail Arena (OSTA) through November 30, 2009 (Marvin Day, Acting OSTA Manager)

MOTION: Motion by Council Member Chris Conrad to direct staff to do an emergency hire of a qualified temporary concessionaire for the Old Spanish Trail Arena through November 30, 2009, under written agreement, and authorize the Vice Chair in the Chair's absence to sign all associated documents. Motion seconded by Council Member Patricia Holyoak carried 5 – 0.

E. Discussion and Consideration of Approving a Resolution Accepting Tierra del Sol PUD Subdivision, Phase I and Authorizing Release of the Warranty Bond (Community Development Department Representative)

The applicant is requesting acceptance of a residential subdivision. The subject property consists of approximately 2.32 acres located at Highway 191 and Southgate Drive. **MOTION:** Motion by Council Member Chris Conrad to approve and accept the Tierra del Sol PUD Subdivision and utilities and release of the warranty bond in the amount of \$22,717.59 along with any accrued interest. Motion seconded by Council Member Patricia Holyoak carried 5 – 0.

F. Discussion and Consideration of Revision and Renewal of the Emergency Manager Contract (Corky Brewer, Emergency Management Director)

MOTION: Motion by Council Member Chris Conrad to approve the proposed Services Agreement of the contract Emergency Management Director, to include a provision for a six-month probationary period, the recommended changes discussed and authorize the Chair or Vice Chair to sign the agreement and all associated documents. Motion seconded by Council Member Chris Baird carried 5 – 0.

Discussion Items

G. Discussion of a Proposed List of County Capital Improvement Projects for Fall Submission to the Permanent Community Impact Fund Board (CIB) (Council Members Baird and Conrad)

The purpose of the discussion is to update Council Members on the proposed Capital Improvement Projects ready for submission to CIB. The list will be finalized at a meeting in October.

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

I. Discussion of Evening Session Items (Vice Chair Graham)

Consent Agenda- Action Items

J. Ratification of the Chair's Signature on the Rocky Mountain Blue Sky Grant Award Letter for Grand County Public Library

MOTION: Motion by Council Member Chris Conrad to approve the Consent Agenda as presented. Motion seconded by Council Member Patricia Holyoak carried 5 – 0.

Closed Session(s) if necessary

Recess at 4:20 p.m.

The evening session of the Council Meeting was called to order at 7:00 p.m. by Vice Chairman Audrey Graham. Present were Council Members, Gene Ciarus, Audrey Graham, Patricia Holyoak, Ken Ballantyne, Chris Baird and Chris Conrad with Clerk/Auditor Diana Carroll. Council Chair Bob Greenberg was absent. The Pledge of Allegiance was led by Grand County High School Government Student Dusty Arehart.

Approval of Minutes

1. September 1, 2009

MOTION: Motion by Council Member Chris Conrad to approve the minutes of the September 1, 2009 meeting. Motion seconded by Council Member Patricia Holyoak carried 6 – 0.

Approval of Payment of Bills

MOTION: Motion by Council Member Patricia Holyoak to approve bills presented for payment in the amount of \$413,314.95. Accounts payable check numbers 61146 – 61336 totaling \$272,372.04 and payroll in the amount of \$140,942.91 confirming all bills presented were within budgeted appropriations. Motion seconded by Council Member Gene Ciarus carried with a 6 – 0 roll call vote.

Citizens to Be Heard

Bill Love spoke regarding a violation notice from DPGM issued to Danish Flats.

Sarah Melnicoff spoke requesting Trail Mix reconsider the Scenic Snake Trail on Mill Creek.

Kara Dowrend spoke regarding primary residence becoming secondary when you are re-modeling a home.

Presentations

2. Family Support Center Update (Theresa Wyatt-Hines, Family Support Center Director)

Theresa gave an update of the Family Support Center and notified Council Members that her grant was cut 3.5% this fiscal year. The Family Support Center was selected for a grant award by Frontier Communication.

Public Hearings- Possible Action Items

3. Public Hearing to Hear Public Comment on the Vacation of the Old County Right-Of-Way Located Between Locust Lane and Mill Creek Drive

There is a remnant State right of way approximately 100 feet in width and 260 feet in length that runs between Milts and Dave's Corner Market. The right of way was dedicated to Grand County by the State of Utah when the highway was redirected. Adjacent property owners have petitioned the County to vacate the right of way and dedicate the land to the property owners.

Dave Sakrison spoke regarding the vacation noting that the land is a non-developable lot with utility easements in it.

4. Public Hearing to Hear Public Comment on a Preliminary Plat for Overlook Commercial Condominium Subdivision Located at 1362 Overlook Road, on a One-Acre Parcel of Land

Staff read into the record the Grand County General Plan and Land Use Code as amended to date. This application is submitted by Ben Byrd. The applicant proposes division of one acre into three condominium units for commercial warehouse use. A condominium is a specific type of property ownership where a unit of property (air space) is owned by an individual, while common parts of the property, such as the grounds and building, are owned jointly by all unit owners. A condominium owner's association will be formed to be the responsible for the maintenance of all common areas. The property is located on Overlook Road and is zone Highway Commercial.

Ed Welling a property owner who lives on Overlook Road spoke concerning what industry will be in the buildings and lighting.

The public hearing closed at 7:45 p.m. and written comments will be accepted until September 30, 2009.

5. Public Hearing to Hear Public Comment on a Conditional Use Application for an Exploration Gas Well on the Private Property Owned by the Wilcox Family, 6 Miles East of Green River

The application is submitted by Don Hamilton on behalf of the property owner Jon L. Wilcox. The applicant is requesting site plan and conditional use permit approval for an exploratory gas well project. The project site is approximately six miles northeast of Green River. The proposal includes the construction of one well pad that may contain up to two wells per pad, as well as (if deemed productive) the installation of well pad facilities and a 16 inch or less buried steel pipeline. Total project acreage including well pad, access road, and pipeline is approximately 21 acres. The Grand County Planning Commission reviewed the application in a public hearing on September 9, 2009 and recommended approval subject to the conditions set forth in the staff report dated September 15, 2009.

Bill Love spoke regarding the aquifer in the area.

Don Hamilton representing Fidelity Exploration spoke in response to comments from Bill Love regarding protection and review of all aquifers in the area.

The public hearing closed at 8:00 p.m. and written comments will be accepted until September 30, 2009.

MOTION: Motion by Council Member Ciarus to suspend the rules to allow for a vote tonight. Motion seconded by Council Member Patricia Holyoak carried 4 – 2 with Council Members Conrad and Baird opposed. **MOTION:** Motion by Council Member Gene Ciarus to approve the Conditional Use Permit as presented. Motion seconded by Council Member Patricia Holyoak. Council Member Baird stated he would like more time to review the application. Motion carried 5 – 1 with Council Member Baird opposed.

6. Public Hearing to Hear Public Comment on a Preliminary Plat for Cougar Canyon Ranch Recreational Subdivision Located on Wilson Mesa

The application is submitted by Floyd Harrell et al (applicant). The application requests approval of a six lot recreational subdivision to be located off of Sand Flats Road on an existing 77.33 acre parcel. The Grand County Planning Commission reviewed the application in a public hearing on August 26, 2009 and recommended approval with the conditions set forth in the staff report dated September 15, 2009.

Bill Love spoke regarding a Historic Trail on Wilson Mesa and requested that the public not lose access to the Loop Road.

The public hearing closed at 8:15 p.m. and written comments will be accepted until September 30, 2009.

General Council Reports

Council Member Holyoak attended meetings of the Cemetery District and the Chamber of Commerce.

Council Member Ciarus attended meetings of the Willow Basin Fire Protection group and ALG.

Council Member Baird requested discussion of the Scenic Snake Trail.

Council Member Conrad reported there will be an EMS meeting Thursday afternoon at the hospital.

Council Member Graham reported that the new fees for Sand Flats begin today.

Future Considerations

Council Vice Chair Graham reported on a fire in Elgin and the need for an MOU with Emery County.

Adjourn

MOTION: Motion by Council Member Chris Baird to adjourn at 8:33 p.m. Motion seconded by Council Member Ken Ballantyne carried 6 – 0.

Grand County Council

ATTEST:

Diana Carroll
Grand County Clerk/Auditor