

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

**October 6, 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 Patricia Holyoak, Chris Conrad, Gene Ciarus and Chris Baird along Grand County Clerk/Auditor Diana Carroll and Council Administrator Melinda Brimhall.

**Department Head Reports**

**A. 2008 Grand Center Report (Verleen Striblen, Director)**

Grand Center Director Verleen Striblen gave an update on a variety of activities that occur at the facility. The Grand Center is available for group rental and produced \$22,500 in revenue for 2008. Senior activities at the Grand Center include congregate meals for over 11,419 meals in 2008, transportation totaling 3,955 rides and 3,069 units of activity. The Retired Senior Volunteer Program logged 6,167 volunteer hours in 2008.

**Agency Reports**

**B. Presentation on Assessment of La Sal Forest Health and Options (Mike Diem, District Ranger of the Moab/Monticello Ranger District and Greg Montgomery, Silviculturalist)**

Information was presented regarding vegetation on the Manti La Sal Mountain. Insect infestation and drought conditions have caused wide spread tree mortality among spruce and aspen trees in the area.

**Action Items**

**C. Discussion and Consideration of Appointing a County Representative to Vote at the Utah Partners for Conservation and Development (UPCD) Meetings (Tim Higgs, Weed Department Supervisor)**

**MOTION:** Motion by Council Member Gene Ciarus to appoint Tim Higgs as the Grand County representative to vote at the Utah Partners for Conservation and Development (UPCD) Meeting. Motion seconded by Council Member Chris Conrad carried 7 – 0.

**D. Discussion and Consideration of Approval of a Proposed Resolution Enacting Policies and Procedures for Entering into Lease Agreements and Approving Lease Agreement Templates for Canyonlands Field (Kelly Braun, Airport Manager)**

The Airport Board reviewed the proposed resolution and recommended Council approval. Discussion occurred and changes and corrections were presented. **MOTION:** Motion by Council Member Audrey Graham to approve the proposed resolution with suggested changes to the resolution and lease form. Motion seconded by Council Member Chris Baird carried 7 – 0.

**E. Discussion and Consideration of Approval of Amended Contract Agreement with Horrocks Engineering for Storm Drainage Master Plan (Mark Wright, Community Development Department Director/ County Engineer)**

Mark Wright presented the amended contract for the Storm Drainage Master Plan, which included accommodating the public meeting. **MOTION:** Motion by Council Member Ken Ballantyne to approve the modification in scope and price (change order) to the Horrocks Engineers Contract – Grand County Storm Drain Master Plan Update in the amount of \$15,605 with funds to come from the 2009 Community Development budget. Motion seconded by Council Member Patricia Holyoak failed 2 – 5 with Council Members Holyoak and Ballantyne voting in favor. **MOTION:** Motion by Council Member Gene Ciarus to have the Community Development staff return with a plan in the amount of \$8,000 – \$10,000. Motion seconded by Council Member Chris Conrad. **AMENDED MOTION:** Motion by Council Member Holyoak to amend Council Member Ciarus' motion to have the Community Development Staff return with a plan with no cost associated to it. Motion seconded by Council Member Chris Baird carried 5 – 2 with Council Member Ciarus and Greenberg opposed. The original motion for a new scope of work without a cost associated to it carried 7 – 0.

**F. Discussion and Consideration of Proposed Interlocal Agreement between Moab City and Grand County Pertaining to the Joint Funding of Roadway Improvements to Mill Creek Drive (Chair Greenberg)**

The Mill Creek Drive Improvement Project was extended to 2010. **MOTION:** Motion by Council Member Audrey Graham to approve the proposed Interlocal Agreement between Moab City and Grand County pertaining to the joint funding of roadway improvements to Mill Creek Drive and authorize the Chair to sign all associated documents. Motion seconded by Council Member Ken Ballantyne. Council Member Graham amended her motion to include the paint striping in the ILA. Moab City Engineer Dan Stenta felt that in future the amendment to the ILA might cause confusion. Council Member Graham withdrew the amended motion. Motion carried 7 – 0.

**G. Discussion and Consideration of County Funding Priorities to Forward to Grand County Transportation Special Service District (Council Member Graham)**

**MOTION:** Motion by Council Member Chris Conrad to recommend to the Grand County Transportation Special Service District that the Mill Creek Drive, Kane Creek Road Widening, erosion on the bike path near Arches, and the Overlook Road project be named as priority projects. Motion seconded by Council Member Gene Ciarus.

**AMENDED MOTION:** Motion by Council Member Ken Ballantyne to forward the list recommended by Grand County Road Supervisor Bill Jackson in it's entirety to the Transportation Special Service District and allow the Board to decide which projects to fund. Motion seconded by Council Member Patricia Holyoak carried with Council Members Greenberg, Ciarus and Graham opposed.

**H. Discussion and Consideration of Approval of 2009 Board of Equalization Recommendations (Diana Carroll, Clerk/Auditor)**

The Board of Equalization hearings were conducted by Hearing Officer Randy Kelly. The recommended changes in value as a result of the hearings along with abatement requests were forwarded to Council Members for consideration. **MOTION:** Motion by Council Member Gene Ciarus to approve the recommendations as presented. Motion seconded by Council Member Chris Baird carried 5 – 2 with Council Members Greenberg and Graham opposed.

**Discussion Items**

**I. Discussion Regarding Amending the Grand County Land Use Code to Establish Conditions for Permitting Disposal by Various Means including, but not limited to Injection and Land Application of Exploration and Production Water (Chair Greenberg)**

The Grand County Attorney has requested the County Council take action to create record to begin amendment of the Land Use Code to establish use-specific standards to regulate exploration and production water disposal facilities in Grand County. Jurisdictional consideration will be given with respect to the authority granted to state and federal agencies. It is within Grand County's land use authority to regulate such things as: location, traffic, bonding, mitigation and monitoring.

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

**K. Discussion of Evening Session Items (Vice Chair Graham)**

**Consent Agenda- Action Items**

- L. Ratification of a Letter of Acknowledgement Sent to Floyd Stoughton, Former Castle Valley Fire Protection Chief
- M. Approval of a Draft Letter Regarding the Tamarisk Re-vegetation Project
- N. Approval of Property Tax Exemption for Utah Open Lands Conservation, a Nonprofit Organization
- O. Approval of a Bid Award to Wildland Scapes, LLC, Sole Bidder, for the North Side Lions Park Restoration Project
- P. Approval of Renewal of the Mutual Aid Agreement between Grand County Emergency Medical Services and San Juan County Emergency Medical Services
- Q. Approval of Re-Authorizing and Re-Noticing a Request for Bids for Posting New Bid Specifications for Electrical Upgrades at the Old Spanish Trail Arena (OSTA)
- R. Ratification of the Chair's Signature as a Nominating Committee Member on the 2010 Grand Conservation District Supervisor Election's Official List of Nominees

Item N was removed from the Consent Agenda. **MOTION:** Motion by Council Member Patricia Holyoak to approve the Consent Agenda. Motion seconded by Council Member Chris Conrad carried 7 – 0. **MOTION:** Motion by Council Member Chris Baird to postpone Item N until the next meeting. Motion seconded by Council Member Chris Conrad carried 5 – 2 with Council Members Ciarus and Ballantyne opposed.

*Closed Session(s) if necessary*

**MOTION:** Motion by Council Member Chris Conrad to enter Closed Session at 5:25 p.m. to discuss the character, professional competence, or physical or mental health of an individual. Motion seconded by Council Member Chris

Baird carried 7 – 0. Present were Council Members Greenberg, Ballantyne, Graham, Conrad, Baird, Ciarus and Holyoak, Council Administrator Melinda Brimhall and Clerk/Auditor Diana Carroll. **MOTION:** Motion by Council Member Chris Conrad to end the closed session at 5:27 p.m. Motion seconded by Council Member Chris Baird carried 7 – 0.

### **Recess at 5:28**

The evening session of the Council Meeting was called to order at 7:00 p.m. by Chairman Bob Greenberg. Present were Council Members Bob Greenberg, Gene Ciarus, Audrey Graham, Patricia Holyoak, Ken Ballantyne, Chris Baird and Chris Conrad with Clerk/Auditor Diana Carroll and Council Administrator Melinda Brimhall. Chair Greenberg introduced Melinda Brimhall, the new Council Administrator, who led the Pledge of Allegiance.

### **Approval of Minutes**

1. September 15, 2009

**MOTION:** Motion by Council Member Chris Conrad to approve the minutes of the September 15, 2009 meeting. Motion seconded by Council Member Patricia Holyoak carried 6 – 0 with Chair Greenberg abstaining from the vote due to absence.

### **Approval of Payment of Bills**

**MOTION:** Motion by Council Member Patricia Holyoak to approve bills presented for payment in the amount of \$538,323.03. Accounts payable check numbers 61337 – 61633 totaling \$392,223.99 and payroll in the amount of \$146,099.04 confirming all bills presented were within budgeted appropriations. Motion seconded by Council Member Gene Ciarus carried with a 7 – 0 roll call vote.

### **Citizens to Be Heard**

**Pam Hackley** thanked the Council for the providing Council Meeting information packets at the Library.

### **Presentations**

#### **2. Report on Financial Condition of Grand County School District (Margaret Hopkin, Superintendent)**

Margaret Hopkin, Jim Webster and Kaaron Jorgen updated the Council on the current financial situation with the Grand County School District. An audit is currently underway to investigate inconsistencies in the District's annual financial statements.

#### **3. Housing Authority High Risk Update (Janice Kocher, Housing Specialist, USDA Rural Development)**

USDA Rural Development Housing Specialist, Janice Kocher gave Council an update on the high-risk status of the Housing Authority of Southeast Utah (HASU). Janie Tuft, Vice-Chair of HASU reported that the board is working diligently to rectify the high-risk status.

#### **4. Report on Required Inspections at Danish Flats Production Water Facility (Mark Wright, Community Development Director)**

Grand County Engineer, Mark Wright reported that recent inspections indicate that no leaks have occurred in the liner system at Danish Flats. An enhanced evaporation system installed by Danish Flats was operated in a manner inconsistent with their Conditional Use Permit. The inconsistency was observed by Grand County resident Pam Hackley and the alleged leak in the system was reported to the Times Independent. Pam Hackley spoke to Council Members and described the incident and addressed her concerns.

### **Public Hearings- Possible Action Items**

#### **5. Public Hearing to Hear Public Comment on a Proposed Resolution to Adopt the Grand County and City of Moab Housing Study and Affordable Housing Plan as an Amendment to the General Plan**

At the direction of the Planning Commission, staff developed a Resolution that, if adopted, amends the General Plan with the Grand County and City of Moab Housing Study and Affordable Housing Plan. The amendment adds the plans' goals, objectives and five year action plan to Section 4.2.12 of the General Plan. The public hearing was opened for comment at 8:20 p.m.

Emily Neuhaus – represents Community Rebuilds, a local non-profit group spoke in favor of the plan.

Craig Hibbert – spoke in favor of the plan and urged adoption of the plan.

The public hearing closed at 8:28 p.m. Written comments will continue to be accepted until 5:00 p.m. on October 14, 2009.

### **General Business- Action Items**

**6. Discussion and Consideration of Filing a Protest of Water Rights Application A78643 and Diligence Claim for Matrimony Spring (Council Member Baird)**

**MOTION:** Motion by Council Member Chris Baird to file the protest and diligence claim and authorize the Chair to sign all necessary documents and authorizing payment of \$15.00 filing fee. Motion seconded by Council Member Patricia Holyoak. Council Member Baird amended his motion to include authorizing the engineer to file the appropriate documents. Motion carried 7 – 0.

**7. Discussion and Consideration of Sending a Letter of Protest to the State Water Rights Division Regarding San Juan Water Conservancy District's Transfer of Water Rights for Nuclear Power Plant in Green River, Utah (Council Member Graham)**

**MOTION:** Motion by Council Member Audrey Graham to send the proposed letter to the State Engineer protesting application "a35874" and authorize paying the \$15 fee from Discretionary Funds. Motion seconded by Council Member Chris Baird. Discussion occurred and residents Sarah Fields and David Early spoke in favor of sending the letter. Motion carried 4 – 3 with Council Members Ciarus, Holyoak and Ballantyne opposed.

**8. Discussion and Consideration of Referring Amendments to the Land Use Code, as Proposed by Canyonlands Watershed Council, to the Planning Commission (Chair Greenberg)**

**MOTION:** Motion by Council Member Chris Baird to refer the proposed amendments to Title 16, Article 3. Use Regulations, Sec 3.1 Use Table: Principal Uses by Zoning District (page 3-3), with respect to certain uses currently permitted by right in Heavy Industrial (HI) Zones the Land Use Code, requested by Canyonlands Watershed Council to the Planning Commission. Motion seconded by Council Member Audrey Graham carried 4 – 3 with Council Members Holyoak, Ciarus and Ballantyne opposed.

**9. Discussion and Consideration of Approving a Resolution for a Bond Release for Simpatica Subdivision (Community Development Department Representative)**

**MOTION:** Motion by Council Member Ballantyne to approve and accept the Simpatica Subdivision improvements, excepting all private road, private easements and utilities and release of the warranty bond in the amount of \$4,965.00 along with any accrued interest. Motion seconded by Council Member Chris Conrad carried 7 – 0.

**10. Discussion and Consideration of Approving a Resolution for Cougar Canyon Ranch Recreational Subdivision Preliminary Plat (Community Development Department Representative)**

**MOTION:** Motion by Council Member Chris Conrad to approve the Cougar Canyon Ranch Recreational Subdivision Preliminary Plat Resolution as presented. Motion seconded by Council Member Gene Ciarus carried 7 – 0.

**11. Discussion and Consideration of Approving an Ordinance Vacating the Old County Right-of-Way Located Between Locust Lane and Mill Creek Drive (Community Development Department Representative)**

**MOTION:** Motion by Council Member Audrey Graham to adopt the Ordinance and have the Chairman of the County Council sign the Ordinance to vacate an unused section of County road right-of-way between Locust Lane and Mill Creek Drive and the remnant land be equally appropriated to adjacent properties. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

**12. Discussion and Consideration of Approving a Resolution for Overlook Commercial Condominium Subdivision Preliminary Plat (Community Development Department Representative)**

**MOTION:** Motion by Council Member Patricia Holyoak to approve the Overlook Commercial Condominium Preliminary Plat Resolution waiving the bond until such time the Grand County Road Department does the road work and the remaining designations as recommended. **AMENDED MOTION:** Motion by Council Member Gene Ciarus to amend the motion to allow the applicant to pay the Grand County Road Department \$1,400 for installation of curb and gutter. Motion seconded by Council Member Ken Ballantyne failed 3 – 4 with Council Members Greenberg, Graham, Baird and Conrad opposed. **MAIN MOTION:** Motion carried 6 – 1 with Council Member Ciarus opposed.

**13. Discussion and Consideration of Acceptance of U.S. Department of Energy's Annual Statement of Continued Compliance Regarding the Conditional Use Permit (Mark Wright, Community Development Department Director / County Engineer)**

**MOTION:** Motion by Council Member Patricia Holyoak to accept the U.S. Department of Energy's (DOE) annual statement of continued compliance regarding their Conditional Use Permit as submitted. Motion seconded by Council Member Chris Conrad carried 7 – 0.

**General Council Reports**

Council Member Baird

- GWSSA is sending a letter of intent to San Juan County.
- Trail Mix ongoing trail maintenance.

Council Member Conrad

- Presented a letter from the Health Department regarding funding request.

Council Member Greenberg

- Solid Waste is proposing to take over operations of recycling from Canyonlands Community Recycling
- Airport Board had a presentation from Great Lakes Aviation regarding the Essential Air Service.

Council Member Graham

- Interlocal Agreement with Emery County regarding emergency services provided to Grand County.
- Pilot program for homeless individuals.

### **Future Considerations**

Termination of lease with Canyonlands Community Recycling

Karena Goulsen reported that the Housing Authority will provide a monthly report.

*Closed Session(s) if necessary*

### **Adjourn**

**MOTION:** Motion by Council Member Gene Ciarus to adjourn at 9:45 p.m. Motion seconded by Council Member Chris Baird carried 7 – 0.

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Grand County Council Chairman

**ATTEST:**

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Diana Carroll  
Grand County Clerk/Auditor