

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

October 20, 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 4:00 p.m. In attendance were Council Members Bob Greenberg, Patricia Holyoak, Chris Conrad, Gene Ciarus and Chris Baird along Grand County Clerk/Auditor Diana Carroll. Council Members Ken Ballantyne and Audrey Graham were absent.

Department Head Reports

Marvin Day introduced Jeff Foster, the newly hired OSTA Manager.

Mark Wright introduced Lee Shenton, the newly hired UMTRA Liason.

Agency Reports

A. Report from the Grand County Fire Warden (Zack Farmer, Fire Warden, Utah Division of Forestry, Fire and State Lands)

Grand County Fire Warden, Zack Farmer gave a summary of the 2009 fire season and updated Council Members on the National Fire Plan.

Action Items

B. Discussion and Consideration of a Bid Award for Heating and Cooling Upgrades at the Old Spanish Trail Arena (OSTA) (Marvin Day, Acting OSTA Manager and Facilities Supervisor)

MOTION: Motion by Council Member Patricia Holyoak to approve the bid award, based on the estimates and "not to exceed" amounts proposed, to Moab Heat n Cool, for heating and cooling upgrades at the Old Spanish Trail Arena and authorize the Chair to sign all associated documents. Motion seconded by Council Member Gene Ciarus failed 2 – 3 with Council Members Baird, Conrad and Greenberg opposed. **MOTION:** Motion by Council Member Chris Conrad to award the contract to Nelson's Heating & Refrigeration, Inc. Motion seconded by Council Member Chris Baird failed 3 – 2 with Council Member Ciarus and Holyoak opposed. **MOTION:** Motion by Council Member Gene Ciarus to send the bid back allowing two weeks to respond with energy efficiency concerns. Motion seconded by Council Member Patricia Holyoak carried 5 – 0.

C. Discussion and Consideration of Appeal of Denial of a Property Tax Exemption for Utah Open Lands Conservation, a Nonprofit Organization (Dave Erley, Utah Open Lands)

David Early representing Utah Open Lands spoke regarding the property tax exemption request. The parcel contains 540 acres of fawning land and is a critical habitat for the deer herd. **MOTION:** Motion by Council Member Gene Ciarus to deny the request for property tax exemption. Motion seconded by Council Member Patricia Holyoak failed 3 – 2 Council Members Baird and Greenberg opposed. The land owner must now submit their appeal to the State.

D. Discussion and Consideration of Approval of a Proposed Public Meeting Plan for Presentation of the Storm Drainage Master Plan Update and Design Criteria for Drainage Studies within Spanish Valley (Mark Wright, Community Development Department Director / County Engineer)

Mark Wright presented two options regarding presentation of the Storm Drainage Master Plan Update public meetings. December 2, 2009 is the only date available at the Grand Center for the public meeting. **MOTION:** Motion by Council Member Chris Baird to approve Option 2, a public Council meeting with a short power point presentation facilitated by the County Engineer and to include a means for public prioritization. Motion seconded by Council Member Gene Ciarus carried 4 – 1 with Council Member Greenberg opposed.

E. Discussion and Consideration of Prioritizing a List of Countywide Capital Improvement Projects for Submission to the Permanent Community Impact Fund Board (CIB) (Chair Greenberg)

Two public meetings were held in preparation for County Council prioritization of projects. At the request of Council Member Graham, Chair Greenberg suggested the Grand County General Plan Update be added to the County's priority list. Council Member Ciarus noted that "A" projects should be critical requests. **MOTION:** Motion by Council Member Chris Conrad to approve the short term and medium term lists of County wide capital improvement projects, as agreed per today's prioritization, for submission to the Permanent Community Impact Fund Board (PCIFB) and authorize the Chair to sign all associated documents. Motion seconded by Council Member Gene Ciarus carried 5 - 0.

Discussion Items

F. Is the time right for a Grand County public lands bill? (Chair Greenberg)

Grand County Council has the opportunity to steer the future management of Bureau of Land Management lands in the County by working with conservation interests to create a federal Grand County public land legislative proposal. Chair Greenberg will proceed with ~~initiating~~drafting a proposed process to develop legislation to resolve land management issues.

G. Discussion of Calendar Items (Ruth Dillon, Council Assistant)

H. Discussion of Evening Session Items

Consent Agenda- Action Items

I. Approval of an Application for a Retail Beer License for WabiSabi

J. Approval of a Letter Supporting the Federal Communications Commission's Granting of a License to Moab Valley Health Care for Frequencies in the Public Safety Band for Emergency Room Use

K. Approval of a Proposed FY2010 Contract between Grand County and Children's Justice Center

L. Approval of a Proposed Second Amendment to the Interlocal Agreement for Cooperative Maintenance of Castle Valley Drive by and between the Town of Castle Valley and Grand County to Use the Current FEMA Schedule of Equipment Rates

M. Approval of the Irish Two-Lot Minor Records Survey

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

Closed Session(s) if necessary

MOTION: Motion by Council Member Patricia Holyoak to enter Closed Session at 6:00 p.m. to discuss pending or reasonably imminent litigation and to discuss the character, professional competence, or physical or mental health of an individual. Motion seconded by Council Member Chris Conrad carried 5 – 0. Present were Council Members, Greenberg, Baird, Conrad, Ciarus and Holyoak, Clerk/Auditor Diana Carroll and Council Administrator Melinda Brimhall. **MOTION:** Motion by Council Member Chris Baird to end the Closed Session at 6:41 p.m. Motion seconded by Council Member Chris Conrad carried 5 – 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 Bob Greenberg, Patricia Holyoak, Ken Ballantyne, Chris Baird and Chris Conrad with Clerk/Auditor Diana Carroll. Council Members Audrey Graham and Gene Ciarus were absent. The Pledge of Allegiance was led by Roy Barraclough.

Approval of Minutes

1. October 6, 2009

MOTION: Motion by Council Member Chris Baird to postpone approval of the minutes. Motion seconded by Council Member Patricia Holyoak carried 5 – 0.

MOTION: Motion by Council Member Patricia Holyoak to approve bills presented for payment in the amount of \$481,529.32. Accounts payable check numbers 61634 – 61830 totaling \$336,703.43 and payroll in the

amount of \$144,825.89 confirming all bills presented were within budgeted appropriations. Motion seconded by Council Member Chris Baird carried with a 5 – 0 roll call vote.

Presentations

2. Report on the Hospital Project (Roy Barraclough, CEO Allen Memorial Hospital)

Roy Barraclough presented a power point presentation update on the new hospital construction project. The funding is in place and construction is underway.

General Business- Action Items

3. Discussion and Consideration of Declaration of County Surplus Property and Authorization of a County Auction (Diana Carroll, Clerk/Auditor and Marvin Day, Facilities Supervisor)

MOTION: Motion by Council Member Chris Baird to declare the proposed items as surplus and authorize staff to conduct a surplus auction Saturday, October 24, 2009. Motion seconded by Council Member Chris Conrad carried 5 – 0.

4. Discussion and Consideration of a Proposed Resolution to Adopt the “Grand County and City of Moab Housing Study and Affordable Housing Plan” as an Amendment to the Grand County General Plan (Krissie Killoy, County Planner)

MOTION: Motion by Council Member Chris Conrad to postpone the consideration until Council Member Graham is present. Motion seconded by Council Member Patricia Holyoak carried 5 – 0.

General Council Reports

Council Member Holyoak

- Attended Cemetery Board meeting.
- Reminder – Chamber of Commerce Banquet.

Council Member Baird

- Requesting a joint meeting with Transportation Special Service District and Recreation District.
- Working on a trail maintenance Interlocal Agreement.

Council Member Greenberg

- Airport Board did not forward a recommendation from Great Lakes Aviation regarding the Essential Air Service to Council.
- Travel Council reviewed TRCC & TRT budgets.

Future Considerations

5. Discussion of a Proposed Resolution Establishing a Moratorium for Permitting Disposal by Various Means including, but not limited to, Injection and Land Application of Exploration and Production Water

Chair Greenberg explained that the resolution would formally start the clock on the exploration and production water moratorium. Castle Valley resident Pam Hackley presented comments from Bob Lipman and spoke regarding moratorium benefits. Mayor Damian Bollerman made personal comments in favor of the moratorium. Council will take action to prepare a resolution for consideration at the next meeting.

Closed Session(s) if necessary

Adjourn

MOTION: Motion by Council Member Chris Baird to adjourn at 7:45 p.m. Motion seconded by Council Member Patricia Holyoak carried 5 – 0.

Grand County Council Chairman

ATTEST:

Diana Carroll/Grand County Clerk/Auditor