

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

March 2, 2010

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 Audrey Graham 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, Patricia Holyoak, Gene Ciarus and Chris Baird along Grand County Clerk/Auditor Diana Carroll and Council Administrator Melinda Brimhall.

Council Administrator Report

Council Administrator Melinda Brimhall reported the following:

- Margy Baker accepted the EMS Director position.
- The Facilities Subcommittee will meet Wednesday, March 3, 2010.
- The Library will hold their annual book sale Saturday, March 6, 2010.

Department Head Reports

A. 2009 Sand Flats Recreation Area (SFRA) Report (Andrea Brand, SFRA Program Manager)

Sand Flat Recreation Area Program Manager Andrea Brand gave an update to Council Members on 2009 statistics and upcoming projects planned.

Agency Reports

B. Division of Wildlife Resources Update and Presentation of 2010 Payment in Lieu of Taxes (PILT) Funds (Bill Bates, Southeastern Regional Supervisor, Utah Division of Wildlife Resources)

Utah Division of Wildlife Resources Southeastern Regional Supervisor Bill Bates presented a check in the amount of \$4,358. The funds come from sales of fishing and hunting licenses and represent Payment in Lieu of Taxes on 8,717 acres at \$.50/acre. Bill Bates also gave an update on habitat projects, bison transplant and changes to summer pursuit for bear regulations.

Presentations

C. Information Technology (IT) Stakeholders Committee Report (Matt Cenicerros, IT Coordinator)

IT Coordinator Matt Cenicerros gave a report on current and future IT needs, the structure of the Stakeholder Committee and long-term planning.

D. Semi-Annual Report of the Grand County Parental Defender and Juvenile Defender (Joyce G. Smith, Attorney)

Grand County Parental/Juvenile Defender Joyce Smith presented her semi-annual report. Client representation includes parents of minor children in juvenile court cases, family drug court along with appeal cases.

Action Items

E. Discussion and Consideration of Approving a Draft Letter to Utah Department of Environmental Quality, Division of Solid and Hazardous Waste as Allowed by Solid Waste Permitting and Management Rules Regarding Closure and Post-Closure Cost Financial Assurance for the Klondike and Moab Landfills (Melinda Brimhall, County Council Administrator)

MOTION: Motion by Council Member Bob Greenberg to approve the proposed financial assurance letter to Utah Department of Environmental Quality, Division of Solid and Hazardous Waste for closure and post-closure costs for the Klondike and Moab Landfills and authorize the Chair to sign all associated documents. Motion seconded by Council Member Ken Ballantyne carried 7 – 0.

F. Discussion and Consideration of Modification of the UDOT Engineering Services Contract for Millcreek Drive Project Number STP-LC19(8), Spanish Valley Drive to Murphy Lane (Mark Wright, County Engineer/Community Development Director)

MOTION: Motion by Council Member Chris Baird to approve the proposed modification, as written, adding \$6,100 to the Engineering Services Contract for Millcreek Drive Project Number STP-LC19((8) Spanish Valley Drive to Murphy Lane and authorize the Chair to sign all associated documents. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

Discussion Items

G. Discussion of Calendar Items and Public Notices (Melinda Brimhall, County Council Administrator and Ruth Dillon, Council Assistant)

Consent Agenda- Action Items

H. Approval of Application for Temporary Special Event Beer Permit for Stormy Harper dba SHarper Management, LLC at Old Spanish Trail Arena

I. Approval of Draft Letter of Support for Canyonlands Watershed Council Concerning Their Grant Application to the Model Forest Policy Program

J. Approval of a Participating Agreement between Grand County and Utah Division of Forestry, Fire and State Lands

K. Approval of a Grant Application for Federal Funds by the Federal Aviation Administration to Canyonlands Field to Replace the Existing Airport Rescue and Fire Fighting (ARFF) Truck with a New Index B ARFF Truck

Item H has been removed.

MOTION: Motion by Council Member Bob Greenberg to remove Item H from the Consent Agenda. Motion seconded by Council Member Chris Baird carried 7 – 0. **MOTION:** Motion by Council Member Chris Baird to approve the consent agenda. Motion seconded by Council Member Bob Greenberg carried 4 – 3 with Council Members Ciarus, Ballantyne and Holyoak opposed.

CLOSED SESSION

MOTION: Motion by Council Member Chris Baird to enter Closed Session to discuss litigation. Motion seconded by Council Member Chris Conrad. Council Member Greenberg said that he does not see anything that suggests potential litigation and will not vote for a closed session. Motion failed 2 – 5 with Council Members Greenberg, Graham, Ciarus, Ballantyne and Holyoak opposed.

Recess at 4:40 p.m.

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

Approval of Minutes

1. February 2, 2010 (County Council Meeting)

2. February 16, 2010 (County Council Meeting)

MOTION: Motion by Council Member Ken Ballantyne to approve the minutes of the February 2, 2010 Council Meeting. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

MOTION: Motion by Council Member Patricia Holyoak to approve the minutes of the February 16, 2010 Council Meeting striking the reference to Roberts Rules of Order. Motion seconded by Council Member Chris Conrad carried 7 – 0.

Approval of Payment of Bills

MOTION: Motion by Council Member Patricia Holyoak to approve payment of bills presented in the amount of \$601,496.02. Accounts payable check numbers 63415 – 63610 totaling \$452,891.95 and payroll in the amount of \$148,604.07 confirming all bills presented were within budgeted appropriations. Motion seconded by Council Member Chris Baird carried with a 7 – 0 roll call vote.

Citizens to Be Heard

Presentations

3. Presentation of Speech “Does America Still Have Heroes?” (Caitlyn Howe, Veterans of Foreign Wars Voice of Democracy Award Winner)

Veterans of Foreign Wars Post Commander Mark Luddington introduced Caitlyn Howe whose speech “Does America Still Have Heroes?” has advanced to the national level of competition. After presentation of her speech the local VFW Post presented Miss Howe a \$500 grant to cover incidental expenses during competition.

4. Matrimony Springs Update (Mark Wright, County Engineer/Community Development Director)

Mark Wright suggested possible options and estimated costs for development of Matrimony Springs as a public drinking water system.

Public Hearings- Possible Action Items

5. Public Hearing to Hear Public Comment on the Mental Health and Substance Abuse Treatment Needs in Grand County (Jan Bodily, Chief Executive Officer, Four Corners Community Behavioral Health)

Grand County is required to hold a public hearing to receive comments on mental health and substance abuse needs. The comments are considered during the preparation of the annual area plan which is submitted to the State Division of Substance Abuse and Mental Health. There were no comments from the public.

General Business- Action Items

6. Discussion and Consideration of Appointments to the:
- a. Council on Aging (Verleen Striblen, Staff Liaison to the Council on Aging)
 - b. Housing Authority of Southeastern Utah Board (Chair Graham, Council Liaison to the HASU Board)
 - c. Solid Waste District Board – Castle Valley Representative (Council Member Greenberg, Council Liaison to the Solid Waste District Board)

MOTION: Motion by Council Member Chris Conrad to approve the appointment of Kathleen Shields to fill the position left vacant by the late Sherryl MacLeod, for a term expiring December 31, 2010 and authorize the Chair to sign all associated documents. Motions seconded by Council Member Patricia Holyoak carried 7 – 0.

MOTION: Motion by Council Member Ken Ballantyne to appoint Jerry McNeely to the Housing Authority of Southeastern Utah (HASU) Board of Commissioners to fill the position left vacant by Toni Turk, for a term to end on December 31, 2013 and authorize the Chair to sign all associated documents. Motion seconded by Council Member Gene Ciarus carried 7 – 0.

MOTION: Motion by Council Member Bob Greenberg to appoint Bruce Keeler to the Solid Waste Management District No. 1 as Castle Valley Town’s representative for a term to end on December 31, 2013 and authorize the Chair to sign all associated documents. Motion seconded by Council Member Chris Baird carried 7 – 0.

7. Discussion and Consideration of Adopting a Proposed Resolution to Approve the Preliminary Plat for the Cutler Subdivision Located on Rim Rock Road (Community Development Representative)

This application is submitted by Robert and Michelle Cutler. The applicant proposed division of 2.43 acres into two lots for residential use. The property is located on Rim Rock Road and is zoned Rural Residential (RR). Two existing residences and two accessory structures are located on the property. The application seeks to create separate lots for each residential unit. The Grand County Planning Commission reviewed the application and recommended approval subject to the conditions set forth in the staff report dated March 2, 2010. The Grand County Council held a public hearing on February 16, 2010.

MOTION: Motion by Council Member Bob Greenberg to approve the Curler Subdivision Preliminary Plat subject to the following conditions being met prior to final plat:

1. Carport. Issuance of a building permit for the carport.
2. Covenants, Conditions, and Restrictions (CC&RS). Review and approval of CC&R documents.
3. Questar. Provision of a service commitment letter from Questar Gas Company.
4. Road. Submission of road profile information for the private access tract indicating less than 12 percent grades.
5. Drainage. The applicant has submitted a drainage report; drainage report to be reviewed and approved by the County Engineer.

Motion seconded by Council Member Gene Ciarus carried 7 – 0.

8. Discussion and Consideration of Adopting a Proposed Resolution to Approve the Preliminary Plat for A&M Subdivision Located on Spanish Valley Drive Road (Community Development Representative)

This application is submitted by Michelle and Archie Walker. The applicant proposes division of 2.48 acres into three lots for residential use. An existing residence and detached garage is located on proposed lot two. An existing accessory structure is located on proposed lot three. The Grand County Planning Commission reviewed the application and recommended approval subject to the conditions set forth in the staff report dated March 2, 2010. The Grand County Council held a public hearing on February 16, 2010.

MOTION: Motion by Council Member Gene Ciarus to approve the A&M Subdivision Preliminary Plat subject to the following conditions being met prior to final plat:

1. Roads. Private access tract improvements and road encroachment to be reviewed and approved by the Road Supervisor and County Engineer; and
2. Covenants, Conditions, and Restrictions (CC&Rs). Review and approval of CC&R documents.

Motion seconded by Council Member Bob Greenberg carried 7 – 0.

9. Discussion and Consideration of Approval of a Letter of Support to the Moab/Monticello Ranger District of the Manti-La Sal Forest Service Regarding the Willow Basin Community Wildfire Protection Plan and the Fuels Reduction Treatment Slated for the Adjacent Public Lands (David Erley, Mayor, Town of Castle Valley)

For many years the Forest Service has proposed to do a fuels reduction treatment for Willow Basin on the north side of the La Sal Mountain as part of the overall Moab Face fuels reduction project. Town of Castle Valley Mayor, David Erley requested a letter of support from Grand County for the Willow Basin Community Wildfire Protection Plan. Comments were received from the following property owners and interested parties:

Jerry White spoke regarding the implied impacts of cattle grazing on the mountain.

Joette Langianese spoke regarding the work done on the plan and request the Council address the entire project in their letter.

Jim Keogh attended the group meetings and requested the Council consider the project as a whole. The Town of Castle Valley's suggestions were not for this project specifically.

Terry Leach spoke in support of the Forest Service project.

Stan Baker representing the National Wild Turkey Federation spoke in favor of the subcommittee recommendations.

Alison McCluskey from Forestry, Fire and State Lands facilitated the Forest Service subcommittee meetings and will return to the Council in two weeks for a more in depth presentation.

MOTION: Motion by Council Member Gene Ciarus to postpone approval of the letter of support until after Alison makes her presentation. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

General Council Reports

Council Member Ciarus

- Will be attending an Economic Development meeting.

Council Member Ballantyne

- Reported that the hospital will have a "Topping Out" Ceremony Thursday at noon.

Council Member Holyoak

- Attended Moab Tailings Committee and Historic Preservation Commission meetings.

Council Member Conrad

- Attended USDA Rural Development meeting.

Council Member Graham

- Attended USDA Rural Development and Transportation District meetings.

Future Considerations

Council Member Baird is working with the Sheriff and Moab City regarding animal control and will have an item next agenda. The Film Commission is requesting more money to fill a part time position. The Recreation District would

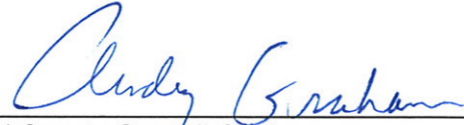
like to work on an ILA regarding the ball fields. Requested Mark Sovine give a report from the Water District of the plans in place to ensure Grand County water needs are met.

Council Member Graham announced the upcoming CCP meeting in Green River.

Closed Session(s) if necessary

Adjourn

MOTION: Motion by Council Member Bob Greenberg to adjourn at 8:48 p.m. Motion seconded by Council Member Chris Baird carried 7 – 0.



Grand County Council Chair
Audrey Graham

ATTEST: 

Grand County Clerk/Auditor
Diana Carroll