

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

**November 3, 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 Audrey Graham, Chris Conrad, Bob Greenberg, Ken Ballantyne, Patricia Holyoak, Gene Ciarus and Chris Baird along with Grand County Deputy Clerk/Auditor Lisa Cenicerros.

**Council Administrator Report**

Council Administrator Brimhall reported that the onsite ERFA meeting went well. There should be a survey team here this week. Steve Swift will be starting at OSTA leaving an opening at the Grand Center.

**Action Items – Discussion and Consideration of Approving:**

**A. Contract Award for Bleacher Demolition at the Old Spanish Trail Arena (OSTA) (Marvin Day, Acting OSTA Manager and Melinda Brimhall, County Council Administrator)**

There is no money appropriated for this project. The bleachers are considered to be condemned by our insurance company. Chair Graham asked Marvin for alternatives. 1) Auction them off and give a time limit to tear them down and remove, or 2) do the work with inmates, which will be a slow process, likely, taking most of the spring and summer.

Council Administrator Brimhall said that she spoke with a couple of people about the funding issues. She recommended that the Council award the bid. Possibly the Recreation District will be able to cover the cost. If not, there might be other avenues to explore for funding.

**MOTION:** Motion by Council Member Bob Greenberg to provisionally accept the Tazco, LLC bid subject to the Recreation District concurring with funding. Motion seconded by Council Member Chris Baird carried 7 – 0. Council Member Baird will present the issue to the Recreation Board.

**B. Horrocks Engineers' Proposed Scope of Work to Complete the Grand County Storm Drain Master Plan to Include the Pack Creek 100-Year Floodplain Study (Mark Wright, County Engineer/Community Development Director)**

Discussion occurred regarding the need for \$65,000 additional funding needed for the Pack Creek Floodplain Study. **MOTION:** Motion by Council member Chris Baird to postpone consideration of this item until the next budget meeting. Motion seconded by Council Member Ken Ballantyne carried 7 – 0.

**C. Renewal of 2011 Grand County Employee Health Benefits (Melinda Brimhall, County Council Administrator and Ruth Mattox, Human Resources Director)**

Human Resource Director Ruth Mattox attended the meeting via telephone conferencing. **MOTION:** Motion by Council Member Bob Greenberg to accept Option 1 as presented. Motion seconded by Council Member Ken Ballantyne carried 7 - 0.

**Discussion Items**

**D. Discussion Concerning Grand County's Form of Government and Clarification of Elected Officials and County Council Roles, Matter Postponed from October 19, 2010**

Chair Graham suggested all of the elected officials as well as the elected Council Members move to a table set up for a more positive personable discussion. All elected are present with the exception of Peggy Taylor, Diana Carroll, and Judge Holderness. Grand County Attorney Happy Morgan cautioned Council Members about discussing items that are currently being litigated. There was no further discussion.

**E. Calendar Items and Public Notices (Melinda Brimhall, County Council Administrator and Ruth Dillon, Council Assistant)**

**Closed Session(s) if necessary**

**MOTION:** Motion by Council Member Chris Conrad to enter Closed Session at 4:05 p.m. to discuss pending or reasonably imminent litigation. Motion seconded by Council Member Ken Ballantyne carried 7 – 0. Present were Council Members Graham, Conrad, Holyoak, Baird, Ballantyne, Greenberg and Ciarus along with

**MOTION:** Motion by Council Member Bob Greenberg to end the Closed Session at 4:23 p.m. Motion seconded by Council Member Chris Baird carried 7 – 0.

**MOTION:** Motion by Council Member Bob Greenberg to enter Closed Session at 4:24 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. Grand County Clerk/Auditor staff was asked to leave the meeting. There was no further official record of the closed session. **MOTION:** Motion by Council Member Bob Greenberg to end the closed session at 4:30 p.m. Motion seconded by Council Member Gene Ciarus carried 7 – 0.

**Recess**

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, Chris Conrad, Ken Ballantyne, Bob Greenberg, Gene Ciarus, Chris Baird and Patricia Holyoak with Deputy Clerk/Auditor Lisa Cenicerros. The Pledge of Allegiance was led by Bryon Walston.

**Approval of Minutes**

1. September 22, 2010 (County Council Special Meeting – Auditor/Council Budget Workshop, Matter Postponed from October 5 & 19, 2010) (Diana Carroll, Clerk/Auditor)
2. October 5, 2010 (County Council Meeting, Matter Postponed from October 19, 2010) (Diana Carroll, Clerk/Auditor)
3. October 6, 2010 (County Council Special Meeting – Auditor/Council/Elected Officials/Department Heads Budget Workshop, Matter Postponed from October 19, 2010) (Diana Carroll, Clerk/Auditor)
4. October 19, 2010 (County Council Meeting) (Diana Carroll, Clerk/Auditor)
5. October 20, 2010 (County Council Special Meeting – Auditor/Council/Elected Officials/Department Heads Budget Workshop) (Diana Carroll, Clerk/Auditor)
6. October 25, 2010 (County Council Special Meeting – Meeting with Governor Herbert on Mineral Bottom Road Update and Other Local Matters) (Diana Carroll, Clerk/Auditor)
7. October 27, 2010 (County Council Special Meeting – Budget Workshop) (Diana Carroll, Clerk/Auditor)

**MOTION:** Motion by Council Member Chris Conrad to approve items 1, 3, 5, & 7. Motion seconded by Council Member Bob Greenberg carried 5 – 0 with Council Members Ballantyne and Ciarus abstaining from the vote.

**MOTION:** Motion by Council Member Chris Conrad to approve the October 5, 2010 minutes. Motion seconded by Council Member Chris Baird carried 6 – 0 with Council Member Ballantyne abstaining from the vote due to absence.

**MOTION:** Motion by Council Member Chris Baird to postpone minutes of the October 6 and 19, 2010 Council Meeting minutes. Motion seconded by Council Member 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 \$560,903.09. Accounts payable check numbers 66828 – 67037 totaling \$401,790.90 and payroll in the amount of \$159,112.19 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**

John Corkery spoke regarding a proposed music event and believes he has a solution to the location of the event. He is planning to hold the event on the Jim Nelson property next to the Colorado River. He presented the Council with some basic maps for preliminary plans.

### **Presentations**

**8. Update on Grand County School District Board of Education’s Adoption of a Resolution Regarding the San Juan School District Boundary Change for Spanish Valley (Margaret Hopkin, Grand County School District Superintendent; Robert Farnsworth, Business Administrator; Jim Webster, Board Member)**

Margaret Hopkin presented a resolution that has been adopted by both Grand and San Juan County School Boards requesting the transfer of a portion of Sand Juan County School District to Grand County School District. There is no action required of Grand County at this time.

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

**9. Continued Public Hearing to Hear Public Input on Proposed Ordinance Amending the Use Regulations for Accessory Dwelling Units (Sec. 3.3.2.B) of the Grand County Land Use Code, Matter Remanded to Planning Commission September 21, 2010 (Krissie Killoy, County Planner)**

Krissie Killoy presented an amendment the Grand County Land Use Code to encourage dwelling units as an affordable housing opportunity while protecting neighborhood character and the quality of life in residential zone districts. The Grand County Planning Commission reviewed the proposed amendment on October 13, 2010 and voted to forward to the County Council with a recommendation of approval.

### **Public Hearing Opened**

Jeff Whitney spoke regarding difficulty of enforcement of the use of each space, whereas square footage is much easier to regulate.

There were no other comments from the public. Written comments will continue to be accepted until 5:00 p.m. on November 10, 2010

### **General Business- Action Items – Discussion and Consideration of Approving:**

**10. Proposed Amendments to Ordinance No. 443 which Adopted the Current Editions of the Codes Governing Construction that would Include Allowing Grey-Water Use and Adding 1997 Uniform Code for the Abatement of Dangerous Buildings (Jeff Whitney, Building Official)**

A public hearing was held regarding this matter on October 19, 2010. **MOTION:** Motion by Council Member Bob Greenberg to adopt the proposed amendments to Ordinance 443 to include “grey water” provision of Appendix C of the Plumbing Code and the 1997 Uniform Code for the Abatement of Dangerous Buildings, and to authorize the Chair to sign all associated documents. Motion seconded by Council Member Chris Baird carried 7 – 0.

**11. Request by Citizen Petition for Grand County Bee Inspector (Council Member Greenberg)**

State Apiarist/Entomologist Danielle Downey was present via conference call and discussion occurred with her. **MOTION:** Motion by Council Member Chris Baird to advertise for a County Bee Inspector and appoint at the December 7, 2010 meeting. Motion amended to include a job description. Motion seconded by Council Member Bob Greenberg carried 6 – 0. Chris Conrad abstained from the vote declaring a conflict of interest.

**12. Proposed Amendment to State PILT Allocations for 2011 (Melinda Brimhall, Council Administrator)**

**MOTION:** Motion by Council Member Bob Greenberg to amend the resolution adopted at the October 19, 2010 Council Meeting specifying the allocation of State PILT as follows: 10% Recreation District, 20% Transportation District, 40% Healthcare District and 30% to Grand County School District and authorize the Chair to sign all associated documents. Motion seconded by Council Member Chris Baird. **MOTION:** substitute Motion by Council Member Gene Ciarus to take the 30% from the School District and move it to the Transportation District. Motion died for lack of a second. The original motion carried 6 – 1 with Council Member Ciarus opposed.

**General Council Reports**

Council Member Conrad will be absent for the November 16<sup>th</sup> meeting.

**Future Considerations**

Chair Graham suggested that the Council pay the fee for newly elected Council Member Jim Nyland to attend training in Salt Lake City.

*Closed Session(s) if necessary*

**Adjourn**

**MOTION:** Motion by Council Member Chris Baird to adjourn at 8:37 p.m. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.



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Grand County Council Chair  
Audrey Graham

**ATTEST:**



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Grand County Clerk/Auditor  
Diana Carroll