

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

**December 21, 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 4:00 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.

**Agency Reports**

**A. Notification of FFSL Employee Award for Alison McCluskey (Bill Zanotti, Area Manager, Forestry, Fire & State Lands (FFSL))**

**This item postponed by presenter request until evening**

**Action Items- Discussion and Consideration of Adopting/Approving:**

**B. Proposed Resolution to Approve the Request of the Board of Education of the Grand County School District to Transfer a Portion of the San Juan County School District Located in Spanish Valley, Utah to the Grand County School District (Melinda Brimhall, County Council Administrator)**

**MOTION:** Motion by Council Member Gene Ciarus to adopt the resolution and authorize the Chair to sign all associated documents. Motion seconded by Council Member Patricia Holyoak carried 7 – 0.

**C. Proposed Resolution Formalizing Approved Health Savings Account as Part of 2011 Employee Benefit Offerings (Melinda Brimhall, County Council Administrator)**

**MOTION:** Motion by Council Member Chris Baird to adopt the resolution approving implementation of the Health Savings Account as presented and authorize the Chair to sign all associated documents. Motion seconded by Council Member Ken Ballantyne carried 7 – 0.

**D. Proposal to Formalize the County Engineer Position as a Non-Contracted Position (Melinda Brimhall, County Council Administrator)**

Discussion occurred regarding formalizing the County Engineer position as a non-contracted position.

**MOTION:** Motion by Council Member Gene Ciarus to postpone action until the January 4, 2011 Council meeting. Motion seconded by Council Member Patricia Holyoak carried 4 – 3 with Council Members Greenberg, Ballantyne and Baird opposed.

**E. Proposal to Create a Study Committee to Review the Public Defender Proposals (Melinda Brimhall, County Council Administrator)**

**MOTION:** Motion by Council Member Bob Greenberg to create a study committee to include the City Manager, Council Administrator, Chief Mike Navarre, and Sheriff Jim Nyland. Motion seconded by Council Member Ken Ballantyne. **MOTION:** Amended Motion by Council Member Greenberg to include a representative from the County Attorney's Office and Judge Manley or Holderness. Motion carried 7 – 0.

**F. Proposal to Accept Utah Local Governments Trust (ULGT) as Carrier for Workers' Compensation and Liability/Property Insurance Coverage for 2011 (Jana Smith, Chief Deputy Clerk/Auditor)**

Grand County is in the third year of a three year contract with Utah Local Governments Trust (ULGT) and they have presented a proposal to extend the contract for another three years with an increase limit of 10%.

**MOTION:** Motion by Council Member Bob Greenberg to accept the ULGT proposal. Motion seconded by Council Member Ken Ballantyne carried 7 – 0.

**Discussion Items**

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

**Consent Agenda- Action Items Adopting/Approving:**

**1. Proposed Billboard Lease Agreement with Enterprise Rent-A-Car at Canyonlands Field, Matter Postponed from December 7, 2010**

**MOTION:** Motion by Council Member Chris Baird to approve the Consent Agenda. Motion seconded by Council Member Chris Conrad carried 7 – 0.

*Closed Session(s) if necessary*

**Recess at 5:00 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, Chris Conrad, Ken Ballantyne, Bob Greenberg, Gene Ciarus, Chris Baird and Patricia Holyoak with Clerk/Auditor Diana Carroll. The Pledge of Allegiance was led by Alison McClusky.

**Approval of Minutes (Diana Carroll, Clerk/Auditor)**

1. October 25, 2010 (County Council Special Meeting – Discussion with Governor Herbert on Mineral Bottom Road and Other Local Matters), Postponed from November 16, 2010

Chair Graham reported this meeting was called by the Governor and asked to strike it from future agendas.

2. November 3, 2010 (County Council Meeting), Postponed from November 16, 2010

3. November 15, 2010 (County Council Special Meeting – Budget Workshop, including Matter Postponed from November 3, 2010), Postponed from November 16, 2010

4. November 16, 2010 (County Council Meeting), Postponed from December 7, 2010

5. November 19, 2010 (Joint City-County Council Meeting), Postponed from December 7, 2010

6. November 19, 2010 (County Council Special Meeting – Budget Workshop), Postponed from December 7, 2010

7. November 23, 2010 (County Council Emergency Meeting – Declaration of a Local State of Emergency Regarding a Law Enforcement Officer Shooting Incident and Manhunt), Postponed from December 7, 2010

8. December 7, 2010 (County Council Meeting)

**MOTION:** Motion by Council Member Patricia Holyoak to approve all above minutes with the suggested changes included. Motion seconded by Council Member Bob Greenberg carried 7 – 0.

9. December 7, 2010 (Municipal Building Authority Meeting)

Item moved to the next Municipal Building Authority Meeting.

**Approval of Payment of Bills**

**MOTION:** Motion by Council Member Patricia Holyoak to approve payment of bills presented in the amount of \$711,482.95. Accounts payable check numbers 67507 – 67749 totaling \$557,573.13 and payroll in the amount of \$153,909.82 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**

Sara Melnicoff and Kristina Cassidy gave Council Members an update report on work being done on a homeless shelter. Several members of the homeless community were introduced and shared some common issues.

**Presentations**

**A. (Item postponed from afternoon agenda)**

**Notification of FFSL Employee Award for Alison McCluskey (Bill Zanotti, Area Manager, Forestry, Fire & State Lands (FFSL))**

Bill Zanotti presented the award to Alison McClusky during the evening session of the Council Meeting. Letters of recognition were received regarding Alison's cooperative work with other agencies.

**10. Presentation of the Housing Authority's Annual Report (Fremont Woodward, Executive Director, Housing Authority of Southeastern Utah)**

Housing Authority of Southeastern Utah (HASU) Executive Director Fremont Woodward presented the annual report for 2010. A map of the Moab Valley showed eleven Mutual Self-help and Crown home locations. The new 60-unit Cinema Court rental complex has been awarded tax credits for the project. Council member Graham reported that even when HASU clients are able to obtain a voucher for rent assistance, they struggle to find qualified homes due to prevalence of delapidated structures in the community.

**11. PowerPoint Presentation on Tourism-Related Air Service to Grand County (Council Member Greenberg)**

Council Member Greenberg narrated a Powerpoint Presentation used by the Travel Council for promotion of commercial air service to the Grand County area.

**12. Presentation Recognizing Years of Public Service by:**

- a. Assessor, Dorothy Gough
- b. Attorney, Happy Morgan
- c. Council Member, Bob Greenberg
- d. Justice Court Judge, Aubrey Holderness
- e. Recorder/Surveyor, Merlene Dalton
- f. Sheriff, Jim Nyland

Chair Graham presented plaques to out going Elected Officials in recognition of their years of dedicated service to the citizens of Grand County.

**Public Hearings- Possible Action Items**

**13. Public Hearing to Hear Public Comment on Proposed Ordinance Regarding Unlawful Discriminatory Housing Practices based on Sexual Orientation or Gender Identity (Brandi Balken, Equality Utah Representative)**

Barbara Galler spoke in favor of the ordinances relating issues of importance that affect day to day life.

Pam Hackley spoke in favor of the ordinance and urged Council Members to pass the ordinances.

Mike Duncan spoke in favor of the ordinances.

**14. Public Hearing to Hear Public Comment on Proposed Ordinance Regarding Unlawful Discrimination in Employment Practices Based on Sexual Orientation or Gender Identity (Brandi Balken, Equality Utah Representative)**

The people who spoke to the Housing Ordinance requested their comments be included in the Employment Practices Ordinance. The Public Hearing closed at 8:45 p.m. **MOTION:** Motion by Council Member Patricia Holyoak to suspend the rules and vote on both ordinances tonight. Motion seconded by Council Member Bob Greenberg carried 7 – 0. **MOTION:** Motion by Council Member Patricia Holyoak to adopt both ordinances as presented. Motion seconded by Council Member Bob Greenberg. **MOTION:** Amended Motion by Council Member Gene Ciarus to change the procedure for filing complaints from the Council Administrator to the County Attorney. Council Member Holyoak and Greenberg accepted the amendment. Motion carried 7 – 0.

**MOTION:** Motion by Council Member Chris Conrad to reconsider Item D. Motion seconded by Council Member Greenberg carried 7 – 0. Council Administrator Melinda Brimhall presented a corrected redlined job description. **MOTION:** Motion by Council Member Bob Greenberg to establish a County Engineer/Community Development position and adopt the job description. Motion seconded by Council Member Patricia Holyoak. Discussion occurred regarding the position. Motion carried 6 – 1 with Council Member Baird opposed.

**General Business- Action Items - Discussion and Consideration of Adopting/ Approving:**

**5. Proposed Resolution Amending the 2010 Grand County Budget (Diana Carroll, Clerk/Auditor)**

**MOTION:** Motion by Council Member Chris Baird to adopt the resolution amending the 2010 Grand County budget with changes discussed regarding the Restaurant Tax Budget. Motion seconded by Council Member Ken Ballantyne carried 7 – 0.

**16. Proposed Resolution Approving the 2011 Grand County Budget (Diana Carroll, Clerk/Auditor)**

**MOTION:** Motion by Council Member Bob Greenberg to adopt the resolution approving the 2011 Grand County Budget. Motion seconded by Council Member Chris Baird. Council Member Greenberg said Grand County's budget is a fiscally conservative budget. Council Member Conrad commended Department Heads for operating their departments with responsible budgets. Council Member Ballantyne spoke in opposition of the budget process as he was not able to attend the workshops. Motion carried 6 – 1 with Council Member Ballantyne opposed.

**17. Proposed Tax Increase for the Grand County Public Library (Diana Carroll, Clerk/Auditor and Carrie Valdes, Library Director)**

**MOTION:** Motion by Council Member Chris Baird to approve the tax increase as specified in the 2011 Grand County Library Budget. Motion seconded by Council Member Ken Ballantyne. Council Members spoke of the intense consideration given to the proposed tax increase both by the public and Council Members. Motion carried 5 – 2 with Council Member Ciarus and Holyoak opposed.

**18. Appointment of Grand County Justice Court Judge (Melinda Brimhall, County Council Administrator)**

Chair Audrey Graham appointed David Tubbs as the Grand County Justice Court Judge. **MOTION:** Motion by Council Member Gene Ciarus to approve confirmation of the appointment made by Chair Graham. Motion seconded Ken Ballantyne carried 6 – 0. Council Chair Graham abstained from the vote.

**19. Appointment(s) to district and County Boards and Commissions**

**a. Council on Aging**

*Joan Jackson and Kathleen terms expiring 12/31/2014*

**b. Health Care Special Service District Board**

*Tom S. Edwards, Business Professional Representative term expiring 12/31/2014*

**c. Historical Preservation Commission**

*Vicki Barker and JoAnne Chandler term expiring 12/31/2014*

**d. Housing Authority of Southeastern Utah**

*Katie Hanway term expiring 12/31/2015*

**e. Library Board**

*Katie Stevens term expiring 12/31/2014*

**f. Recreation Special Service District**

*Manual Torres and Michael Steele terms expiring 12/31/2014*

**g. Transportation Special Service District**

*Patrick McGann term expiring 12/31/2014*

**h. Travel Council Advisory Board**

*John Knowles, Rachel Paxman and Arlo Tejada terms expiring 12/31/2014*

**i. Weed Control Board**

*Patrick McGann term expiring 12/31/2014*

**MOTION:** Motion by Council Member Chris Conrad to approve the recommendations for the board appointments as presented. Motion seconded by Council Member Patricia Holyoak. Chair Graham thanked Board Members for their willingness to serve the citizens of Grand County. Motion carried 7 – 0.

**General Council Reports**

Council Member Ballantyne

- Reported on a construction schedule delay due to change orders. Also, the Long Term Care Center will be required to hire a director to comply with Medicare billing regulations.

Council Member Baird

- The Recreation District now has a biddable plan for the ball park complex.

Council Chair Graham

- Attended the Sand Flats meeting and reported that BLM campground use is up as is visitation.
- Attended the City of Moab Water Treatment Plan meeting.

Council Member Greenberg

- It has been a pleasure to serve with a great Council.

**MOTION:** Motion by Council Member Bob Greenberg to enter Closed Session at 8:52 p.m. to discuss the character, professional competence or physical or mental health of an individual. Motion seconded by Council Member Chris Baird seconded at 8:50 p.m. carried 7 – 0. Present were Council Members Graham, Conrad, Holyoak, Baird, Ballantyne, Greenberg and Ciarus with Clerk/Auditor Diana Carroll, Council Administrator Melinda Brimhall and Council elect Jim Nyland. **MOTION:** Motion by Council Member Greenberg to end the closed session at 9:35 p.m. Motion seconded by Council Member Baird carried 7 – 0.

**MOTION:** Motion to adjourn at 9:38 p.m.

  
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Grand County Council Chair  
Audrey Graham

**ATTEST:**

  
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Grand County Clerk/Auditor  
Diana Carroll