



GRAND COUNTY COMMISSION REGULAR MEETING

**Grand County Commission Chambers
Hybrid virtual participation on Zoom
Moab, Utah**

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MINUTES 6 December 2022

The Grand County Commission met in a regular meeting on December 6th, 2022. The meeting was held in-person in the Grand County Commission Chambers, with hybrid virtual participation also available via Zoom. It was also broadcast and saved on YouTube. Attending the meeting in-person was Commission Chair Jacques Hadler, Commission Vice-Chair Mary McGann, and Commissioners Trisha Hedin, Sarah Stock and Kevin Walker. Also attending in-person were Commission Administrator Mallory Nassau, Associate Commission Administrator Quinn Hall and Strategic Development Director Chris Baird. Grand County Commissioner Josie Kovash and Grand County Attorney Christina Sloan were in attendance virtually.

4:00 Call to Order Regular Commission Meeting (5:20)

Pledge of Allegiance

Chair Hadler gave a statement discouraging any members of the public from placing stickers on public signage directed towards UTVs, which he stated do not offer any constructive solutions to challenges that County residents may be facing and only serve to foster division in the community.

Vice-Chair McGann, member of the Airport Board, gave a statement concerning the action proposed in Item 6 of the agenda, which does not serve to outlaw backcountry aviation activity, contrary to the belief of many. It is not the intention to affect historic backcountry airstrips, but to respond proactively to potential increased user conflict and degradation of quality of life for Grand County residents.

Citizens to Be Heard (9:35)

Brendan Cameron offered gratitude to the Commission for approving the Special Event Permit for the Outerbike event that he organizes, for their work in clarifying the Special Event Permit process, and for passing the ADO Ordinance as a way to address workforce housing challenges.

Andy Lewis, Grand County resident, spoke to the tension between preservation and conservation with regards to Item 6 on the agenda, and the dangers of promoting tribalism between user groups. States that the proposed ordinance as written is too aggressive and is not productive in reaching a solution.

Adam Bishop, recently moved to Moab from California due to excess regulations on recreation. Questioned whether the proposed Ordinance in Item 6 would affect hot air balloon activity.

Jared Husmann, Director of Aeronautics for the State of Utah, stated that his office hasn't reached a large amount of noise complaints from Grand County, questioned whether there was data regarding noise complaints received. Sought collaboration from the Commission with his office in the establishment of rules as they relate to aviation activity. Stated that proposed ordinance as written is too broad.

Dell Keys, pilot and Grand County resident, stated that pilots try to be respectful, seeking more information regarding complaints received, expressed confusion about the definition of approved takeoff and landing strips. Expressed concerns about overregulation and urged the Commission to table the proposed action in Item 6.

Mick Knutson, BASE jumping advocate, spoke of the challenges of preserving BASE jumping activity in the face of increased regulation, which he says are also considered aircraft.

Nathan Pertuset, paragliding and power paragliding pilot and Grand County resident, seeks more information regarding perceived problems and more collaboration with user groups. Spoke to concerns regarding what he perceives as a 'blanket ban.'

Mark Rickert, Grand County resident, expressed concerns with the amendment proposed in Item 6, including the definition of 'high quality' recreational experiences. Seeking more information regarding the nature and volume of noise complaints received. Wishes for the Commission to table the proposed action.

Jody Patterson, chair of the Airport Board, expressed concerns about user conflict and potential increased burdens on the airport facility and staff as a result of the proposed action in Item 6.

Korey Yost, Grand County resident, expressed that he enjoys the freedom of Grand County, believes that the Commission should be looking to preserve freedom rather than take it away. Seeks more information regarding noise complaints received. Wishes for the Commission to table the proposed action in Item 6 until more robust data is presented.

Frank Ortiz, co-owner of Moab Heli X, referenced already existing FAA regulations regarding minimum safe altitudes for a variety of aircraft and operation over congested areas.

Dave Werschky, Grand County resident, expressed concern regarding what he perceives as vague wording in the proposed amendment in Item 6. Highlighted the unique aviation community in Grand County. Spoke to concerns regarding the process by which this proposed action was brought to light to the public, wishes for the action to be tabled.

Ian Mitchard, Grand County resident, recreational paramotor pilot, believes that proposed action in Item 6 would ban paramotor activity. Expressed that the process for the proposed legislation to come to a vote is inappropriate. Restriction of 2.4 million acres for noise complaints over a small amount of this area is not reasonable.

Dan Kent, Grand County resident, expressed empathy to all users, but expressed concern about the obstruction of freedom to people not engaging in paramotor activity, and negative impacts to wildlife.

DJ Fernandez, pointed out that the problem is not paramotor activity but the noise itself, and that there are ways to regulate the noise through things like mufflers.

Rhett Burroughs, recreational pilot, spoke to being blindsided by the proposed action in Item 6, asserted that this proposed action would be a violation of State law due to a rushed process. Spoke in favor of people enjoying their freedoms.

Stephen Whiting spoke about the joy of aviation activity, and that people's enjoyment matters. Said that government should solve problems in the least restrictive way possible. Stated that proposed action in Item 6 would create unsafe conditions for aviators.

Josh Lagross, fixed wing pilot, stated that the proposed action in Item 6 was not congruent with FAA guidelines. Stated that noise abatement actions could be concentrated in the most sensitive areas. Stated that pilots do not want to annoy residents or harm nature.

Wendy Lessig, Utah liaison of the Recreational Aviation Foundation, seeks more information about noise complaints received by the County, and seeks collaboration and cooperation in reaching solutions. Wishes for the Commission to table the proposed action in Item 6.

Jessie Farrabaum, spoke to concerns regarding broad language used in proposed action in Item 6, need for more information and data to create solutions for the purported problems.

Jimmy Peterson, Grand County resident, supports all recreational activities, stated that the proposed action in Item 6 was very rushed, wishes to know more about the reported noise complaints and receive more evidence and data, wishes for the Commission to table the proposed action.

Derek Hanson, Grand County resident and aviation enthusiast, concerned that the proposed action in Item 6 restricts freedom, would like to see more data regarding noise complaints. Believes that the proposed action is rushed and not well thought out. Stated that attaching mufflers to aircraft is not a reasonable solution.

Roy Evans, President of Utah Back Country Pilots Association, spoke to importance of preserving Utah's backcountry aviation heritage, seeks amicable solutions, more robust data, and peaceful coexistence amongst recreational users.

Ethan Johnson, Grand County resident, Redtail Aviation employee, spoke to the relative ineffectiveness of the proposed action in Item 6, which would not affect noise impacts and would push the few bad actors further into the backcountry.

Vice-Chair McGann made a comment to clarify that she feels strongly that Item 6 would be postponed in favor of a more clear and collaborative solution.

Steph Davis, Grand County resident, objects to unsupported regulation targeting aviation user groups without an appropriate public comment period. Even though she finds motorized recreation distasteful, it does not mean that those user groups should have their rights taken away from them.

Russ Robinson, Grand County resident, spoke to the importance of aviation activities for individuals with physical handicaps, and that the proposed action in Item 6 would be discriminatory towards those groups. Stated that a relatively small number of weekly complaints do not justify the proposed action.

Kristin Adams, Grand County resident, spoke to the general responsibility and care that aviation users take in respectfully participating in their sport.

Brent Cain, Grand County resident, expressed concerns regarding regulation of the use of public lands, which all have the right to access through proper and legal channels, that freedoms must be protected, and that the Commission must work with the user groups and not eliminate them.

Braedin Butler, Ogden, UT resident and paramotor user, stated that the proposed action in Item 6 would be an overreach of authority and restriction on an activity that is very meaningful to many users. Wishes for the proposed action in Item 6 be postponed until more data can be collected.

Rob Hunter, spoke regarding his passion for airplane camping in Grand County. Expressed gratitude to the Commission for clarifications offered regarding the intent to maintain existing backcountry airstrips.

Elaina Thornhill, Grand County resident, expressed concerns regarding the short notice given for such a potentially impactful action as proposed in Item 6, and would like more information and collaboration in deriving solutions.

Joseph Metzger, professional helicopter pilot, stated that he believes that pilots are respectful and enjoy quiet themselves, that noise impacts from aircraft are very transitory in their nature, and that environmental impacts of aviation activity are minimal to non-existent compared to other user groups.

Abby Hearn, Grand County resident, gave a statement regarding the importance of aviation in her life. Stated that her own business activity as a wedding photographer in the backcountry is not impacted negatively by aviation activity, but rather is enhanced by it. Stated that the proposed action in Item 6 does not reflect a majority view in Grand County.

Tracy Michaud, Grand County resident, stated that the proposed action in Item 6 is an ill-conceived overreach. Highlighted the numerous public comments in this meeting calling into question the proposed action.

Department Reports (none scheduled)

Presentations

HB 180 Clarifications (1:20:00)

Chase Pili, OHV Program Manager for the Division of Outdoor Recreation and Lieutenant Brody Young from Utah State Parks gave a presentation regarding the Utah Off-Highway Vehicle Education Requirement associated with to House Bill 180, including its purpose, educational course components, types of OHV covered by course requirement and related exemptions, and expected timeline for commencement of enforcement.

Visitation and Traffic Statistics Presentation (1:27:00)

Commissioner Walker gave a presentation regarding long term trends in visitation and tax revenue, including charts demonstrating historic Arches National Park visitation, Highway 191 traffic at milepost 130, general sales tax revenue trends, Transient Room Tax revenue trends, analyses regarding overall visitation and spending as it relates to visits and spending at individual businesses, charts demonstrating historic hotel occupancy rate trends and a research narrative resulting from a Utah resident survey executed by the University of Utah and contracted by the Utah Office of Tourism. Commissioner Walker commented on the imperative role that the Commission has in responding to concerns in balancing quality of life within the context of a tourism driven economy.

1. Approval of Minutes (Gabriel Woytek, Clerk/Auditor)

November 14th, 2022 (Joint Workshop of the Grand County Commission and Budget Advisory Board)

November 15th, 2022 (Joint Workshop of the Grand County Commission and Budget Advisory Board, Regular Meeting of the Grand County Commission)

November 18th, 2022 (Meeting of the Grand County Board of Canvassers)

Motion by Commissioner Stock to approve the minutes from November 14th, November 15th, and November 18th)

Motion Seconded by Commissioner McGann

Discussion (none at this time)

Motion Passes 7-0

Ratification of Payment of Bills

Motion by Commissioner McGann to approve and ratify payment of bills in the amount of \$970,254.81 and payroll in the amount of \$322,751.99 for a combined total of \$1,293,006.80.

Motion Seconded by Commissioner Clapper

Discussion (none at this time)

Motion passes 7-0

Commission Member Disclosures (none at this time)

General Commission Reports and Future Considerations (1:45:40)

Jacques Hadler

- Whole Enchilada trail system name codification meeting, for emergency response purposes
- Orientation planning meeting for newly electeds
- Historic Preservation Committee meeting, comments to be received on Grand County Connects website for potential historic walking/driving tour of Grand County
- Responsible Recreation Committee meeting, summary of Trail Ambassador program
- Attended Moab Housing Fair
- Cora Phillips hired as the new Emergency Manager

Trisha Hedin

- Planning Commission Meeting, presentation by Russ Von Koch regarding Atlas Tailing Future Planning, Moab Housing Fair, Affordable Housing Master Plan, public comment regarding noise mitigation measure overlay district

Sarah Stock

- Mosquito Abatement District Board Meeting, upcoming budget hearing
- Community Renewable Energy Agency meeting, application to Public Service Commission to be delayed until March 2023, to be submitted by Rocky Mountain Power, low-income plan approved which excluded automatic opt-out provision

Kevin Walker

- Update from BLM regarding processing of comments regarding Labyrinth/Gemini Bridges TMP, Two Rivers dispersed camping plan to be released soon

Mary McGann

- Economic Development Advisory Board meeting, child care support measures discussed
- Sustainability Festival at the Recycling Center
- Solid Waste Special Service District, contract offered to potential director
- Canyon County Partnership
- Airport Board Meeting

Josie Kovash

- No reports at this time

Evan Clapper

- No reports at this time

Elected Official Reports (none at this time)

General Business - Action Items, Discussion and Consideration of:

2. Moab Information Center (MIC) Lease Agreement (Chris Baird, Strategic Development Director, Roxanne Biermann, Canyonlands Natural History Association) (1:58:40)

Presentation

Currently drafted lease proposes a contribution of \$51,000 of Transient Room Tax Funds for recurring support of the MIC. Current rent contribution by the County to the MIC is \$2,300 per month. MIC requesting support for staffing the restrooms to be open later. Discussion regarding various terms of the proposed lease.

Motion by Commissioner Clapper to approve the Moab Information Center lease with the Canyonland Natural History Association for zero dollars for a term of two years.

Motion failed due to lack of a second

Further discussion regarding information needed for completing the lease agreement. Biermann requested that termination clause in current draft include a 6-month warning, and reconsideration of maintenance requirements which would entail further costs to CNHA. \$55,375 requested by CNHA as an ongoing contribution. Commissioner Stock advocated for collecting rent and making a contribution of Transient Room Tax Funds to support the MIC, rather than a contribution of General Fund monies for ongoing support of the MIC. Request to adjust closing time of public restroom from 10pm to 9pm. Baird summarized proposed lease terms based on Commission consensus: Rent charged to be \$2,300 per month (Section 3.01), County contribution to CNHA set to \$55,375 (Section 3.02), strike tenant responsibility for winterizing of sprinkler system (section 4.02), termination clause to include a 6-month noticing requirement (Section 9.02(c)), change bathroom closing time from 10pm to 9pm.

Motion by Commissioner Walker to approve the Moab Information Center lease with the Canyonland Natural History Association incorporating the edits outlined by Strategic Development Director Baird.

Motion Seconded by Commissioner McGann

Discussion

Biermann sought clarification that snow removal duties would be resolved through further conversations with Grand County Administration and Grand County Maintenance Staff.

Motion passes 7-0

6pm Citizens to be Heard (2:31:30)

Stephen Stocks spoke on behalf of Woody's Tavern regarding their difficulties with the Utah Department of Alcoholic Beverage Services and potentially being forced to close, expressed gratitude to the Commission and the community in their support and efforts in helping to keep Woody's open.

Dustin McKinley, General Manager of Crump-Reese Ford Dealership, spoke regarding the land use code amendments directed towards noisy businesses that was contemplated at the last Planning Commission meeting. Mentioned his business' ongoing contributions to the community and requested that the Commission not support the contemplated amendments as it would be damaging to small business.

Nick Oldham, Grand County resident and employee of Highpoint Hummer, spoke to the danger of the public mistrust in government, and expressed frustration at recently proposed business regulation activity by the Planning Commission and County Commission.

Benjamin Burr, Executive Director of the Blue Ribbon Coalition, spoke in reference to Item 6, asked the Commission to reconsider the proposed action that would negatively affect important people in the aviation community.

3. Colorado River Footbridge Re-dedication (Jody Patterson, Historic Preservation Committee) (2:40:00)

Presentation

Patterson gave a brief background regarding the history regarding the footbridge referenced in the proposed action. Commissioner Walker asked if there were any other documented cases of people dying from rockfall incidents. Commissioner Clapper asked where the funding would be derived for the plaque, which would come from Commission discretionary funds.

Motion by Commissioner McGann to approve the dedication of the Colorado River Footbridge to Otto Ellis, Alvie Holyoak and Neil Westwood

Motion Seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 7-0

4. Proposed Ordinance Establishing the 2023 Consolidated Fee Schedule and Repealing and Replacing Ordinance No. 649 (Commission Administration) (2:44:45)

Presentation

Commission Coordinator Alishia Oliver offered a presentation regarding the process for departmental adjustments to fee changes. Commissioner Stock asked about the restriction on mobile stage rental for use within the boundaries of Grand County, stating that this restriction was perhaps too narrow, and could perhaps included the entire 84532 zip code area, to encompass the La Sal Mountains and South Spanish Valley and other outlying areas. Commissioner Stock also highlighted the hourly rate for technician staffing associated with the stage. Administrator Nassau gave justification for including an hourly rather than a daily rate.

Motion by Commissioner Stock to approve the ordinance to establish the 2023 Consolidated Fee Schedule and repeal and replace Ordinance 649 with Sand Flats Recreational Area fees conditional upon Bureau of Land Management approval, including one edit to the mobile stage rental agreement terms to include the 84532 zip code in the geographic range allowable for rental.

Motion Seconded by Commissioner Clapper

Discussion (none at this time)

Motion passes 7-0

5. Approving Independent Contractor Agreements with Laurel Hagen, Esq. to file change applications for County Water Rights and draft a Revised Water Source Protection Ordinance
(Christina Sloan, Grand County Attorney) (2:50:40)

Presentation

Attorney Sloan gave a brief summary regarding the need for the work associated with the proposed agreements. Cost within budget and procurement code.

Motion by Commissioner McGann to approve the Independent Contractor Agreements with Laurel Hagen, Esq. to File Change Applications for County Water Rights and Draft a Revised Water Source Protection Ordinance.

Motion Seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 6-0, Clapper abstaining

6. Approving Ordinance Amending Title 17 (Use of Public Lands) to Prohibit Aircraft Take-Offs and Landings Outside of Approved Aircraft Take-Off and Landing Areas (Commissioner Walker)
(2:53:00)

Presentation

Commissioner Walker gave background regarding the origins of the proposed action. Explanation given that the Bureau of Land Management hasn't taken action on the regulation of aviation landing activity, which would behoove action by local government in the absence of federal statute. Before this proposal would take effect, the BLM would have to agree with the legal reasoning, so the intent was not for immediate action to take place but to spur on action by the BLM. Idea behind the proposed amendment was to apply existing regulations applicable to private lands onto public lands. Walker spoke regarding the reasoning behind regulation of recreation activities on public lands and the fact that most uses have had to be regulated over the years as certain activities become more widespread. Attorney Sloan offered clarification that the County has no authority to regulate airspace but only takeoffs and landings, and that SITLA already does prohibit takeoffs and landings on their parcels. Walker supported tabling the item at this point but spoke to the importance of continued follow through so that solutions would be reached, as past inaction related to overnight accommodations and UTVs left Grand County with the challenges that it faces today. Commissioner Hedin suggested generating a working group with all of the organizations represented in the meeting's public comment on the matter in order to move forward on the topic. Commissioner Stock asserted that postponement was reasonable given the volume and nature of public comment and need for

better public information effort on the topic, but that taking action eventually is very important so that recreational user groups do not continue to increase their sense of entitlement. Commissioner Walker suggested that at this point the Commission could draft a letter to the BLM in the interest of maintaining momentum on the topic. Commissioner Hadler spoke in favor of postponement due to the volume and nature of public comment. Commissioner McGann spoke to the importance of proactive action in addressing recreational user groups that could potentially become too disruptive for residents and before it is too late to take any action.

Motion by Commissioner McGann to postpone the proposed Ordinance Amending Title 17 of the Grand County General Ordinances to Prohibit Aircraft Take-Offs and Landings Outside of Approved Aircraft Take-Off and Landing Areas.

Motion Seconded by Commissioner Hedin

Discussion

Commissioner Walker responded directly to public comment received. Hot-air balloon activity would not be affected by the proposed action. Non-motorized parachuting not affected. Clarification that regulation of takeoffs and landings is the only way to influence how people fly. Recreational user groups are typically regulated and segregated as use increases. Further discussion regarding the process for drafting a letter to the BLM, as discussed. Commissioner Clapper asserted that most users do recreate responsibly and self-regulate their own user communities, that proactive planning and guidelines for future expansion is important and that some backcountry landing activity is worth preserving, such that more finely targeted regulation would be appropriate. Discussion regarding the merits of postponement, with Commissioners Walker and Clapper expressing opposition to postpone so that there doesn't appear to be any commitment for the Commission to consider the item again in its current form.

Motion to postpone passes 5-2, Walker and Clapper opposed

7. Ratification of Letter Regarding Utah Black Bear Management Plan and 2023 Recommendations (Christina Sloan, Grand County Attorney) (3:18:40)

Presentation

Commissioner Hedin gave background regarding the need for the letter and the need for reasonable and humane tightening of rules to prevent abuses to wildlife. Letter to be received as public comment. Commissioner Hedin clarified that she supports the use of hounds in wildlife management, but that language in current rules does not do enough to prevent abuse, particular in limiting the number of hounds that are able to be run and the elimination of fall pursuits due to user conflict and bear sensitivity during this time of year.

Motion by Commissioner Stock to ratify the letter as presented

Seconded by Commissioner McGann

Discussion

Gerrish Willis offered a statement regarding the Division of Wildlife bear guidelines and past efforts to request prohibition of running hounds in the La Sal Mountains due to the intensity of user conflict, which continues to worsen. Suggested that the letter be modified to suggest closure of the La Sal unit to hunting with hounds. Commissioner Hedin added that such an inclusion to comment from the Commission regarding closure would likely be counterproductive. Commissioners Hadler and McGann spoke to the disturbing nature of cruel activity to bears that has occurred.

Motion passes 7-0

8. Approving Cooperative Agreement between Utah State University Extension and Grand County
(Quinn Hall, Associate Commission Administrator) (3:29:45)

Presentation

Associate Administrator Hall offered that the proposed action is budgeted for and constitutes a routine renewal.

Motion by Commissioner Stock to approve the Cooperative Agreement between Utah State University Extension and Grand County pending approval of the 2023 Budget.

Motion seconded by Commissioner Walker

Discussion (none at this time)

Motion passes 7-0

Consent Agenda – Action Items (3:30:40)

- 9.** Ratification of Strong & Hanni Retainer Agreement and Waiver for Grand County Sheriff's Office Policy and Training Review
- 10.** Ratification of the Woody's Tavern Letter of Support
- 11.** Board Appointment to the Canyonlands Special Health Care Service District
- 12.** Annual Google Workspace Renewal

Motion by Commissioner McGann to adopt the Consent Agenda as listed by the Chair.

Motion seconded by Commissioner Stock

Discussion

Commissioner Clapper expressed a preference to have Special Service District Board appointments as regular agenda items in the future. Further discussion that in instances where only one recommended candidate was being considered for one opening, that consent agenda inclusion would suffice.

Motion passes 6-0, Hedin absent

Discussion Items (none scheduled)

Public Hearings

- 13.** Public Hearing on Petition to Vacate the Existing Western Portions of Willow Springs and Dalton Wells Roads, County B Roads, Located within the Utah Raptor State Park Campground (3:32:20)

Presentation

Associate Commission Administrator Quinn Hall presented details regarding the petition, as presented in the packet. No public comment received.

Chair Hadler opened the Public Hearing

Dan Kent thanked the Commission for what he views as vacating claims on unnecessary roads.

Chair Hadler left the Public Hearing open until 5pm on Wednesday, December 14th.

- 14. Public Hearing to Solicit Comments on the Amended 2022 Budget, the Tentative 2023 Budget, and a proposed 8.7% Cost of Living Adjustment for all Elected Officials (3:34:40)**

Presentation

Strategic Development Director Chris Baird (participating virtually) gave an overview of the proposed budget amendment, as shown in the packet. Total revenue projection for 2022 down only \$169,404. Approximately \$2.61 million proposed to be contributed to the Capital Projects Fund, up from original \$1.24 budgeted. Baird also gave brief overview of proposed tentative 2023 budget, which includes the 8.7% COLA for all county employees and elected officials, and is presented with edits resulting from review by the Budget Advisory Board and the Commission. Small amendment will be needed to reflect updated agreement with CNHA, in addition to some other potential minor changes addressing last-minute issues that come up. Commissioner Walker spoke to the open and transparent budget process undertaken in Grand County in comparison with other public bodies. Commissioner McGann spoke to the importance of the budget process and its continued improvement during her time as a Commissioner.

Chair Hadler opened the Public Hearing (no public comment at this time)

Chair Hadler left the Public Hearing open until 5pm on Wednesday, December 14th.

Chair Hadler and Administrator Baird clarified that Thompson Springs Special Service Fire District Control Board budget hearing would take place at the December 20th Commission meeting.

Closed Session(s) (none at this time)

Chair Hadler adjourned the meeting at 7:43 p.m.



Jacques Hadler
Chair, Grand County Commission



Gabriel Woytek
Grand County Clerk/Auditor