



**GRAND COUNTY COMMISSION
REGULAR MEETING**

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

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**MINUTES
21 March 2023**

The Grand County Commission met in a regular meeting on March 21st, 2023. 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 Kevin Walker, and Commissioners Mary McGann, Trisha Hedin, Evan Clapper, Bill Winfield and Mike McCurdy. Also attending in-person were Commission Administrator Mallory Nassau, County Attorney Stephen Stocks and Clerk/Auditor Gabriel Woytek. Strategic Development Director Chris Baird was in attendance virtually.

3:02 p.m. Chair Hadler Called the Meeting to Order

Motion by Commissioner McGann to enter closed session for the discussion of the character, professional competence, or physical or mental health of an individual.

Motion seconded by Commissioner McCurdy

Motion passes 7-0

After exiting the closed session at 3:55 p.m., Chair Hadler called to move action item 5 forward, without objection.

5. Consideration of Dispute Resolution Appeal (Commission Administrator Mallory Nassau, Personnel Services Director Renee Baker) (0:30:00)

Presentation (none at this time)

Motion by Commissioner McGann to authorize and direct the Commission Administrator to notify the parties to the dispute resolution appeal, in writing, that the Commission has decided that we will not disturb the underlying employment decision.

Motion seconded by Commissioner Winfield

Discussion

Commissioner Walker noted for the record that this item was discussed at length in closed session with details reviewed from both sides of the dispute.

Motion passes 7-0

Motion passes 5-2, Hedin and Clapper opposed

Chair Hadler called for a brief recess

4:06 p.m. Thompson Springs Special Service Fire District Board Meeting (see separate agenda) (10:10)

4:10 p.m. Call to Order Regular Commission Meeting (14:30)

Pledge of Allegiance

4 p.m. Citizens to Be Heard (15:25)

Grand County resident Kaitlin Myers spoke to reiterate points that she made in writing to the Commission in support of recommended improvements to the High-Density Housing Overlay Ordinance and associated implementation.

Grand County resident Joe Kingsley spoke in support of proposed improvements to the High-Density Housing Overlay Ordinance, and agrees with Kaitlin Myers and Courtney Kizer regarding this matter.

Grand County resident Brittney Melton expressed concerns regarding the rising cost of living for residents in the County, and stressed that the Commission should be very conservative in its spending and budgeting out of concern for potentially passing any costs to residents already struggling.

Grand County resident Courtney Kizer spoke in regards to potential improvements in County housing policy, and spoke to the challenges associated with bringing a proposed housing project to fruition. New policy should reflect the actual success rate of housing development projects. Also stated support for the new County Staff Engineer position.

Presentations

Grand County's Water Rights (20:30) (Laurel Hagen)

Hagen gave a presentation with the purpose of presenting an initial assessment regarding the potential for better utilizing Grand County's unused water rights. Hagen gave a brief background of her own qualifications related to the topic. Explanation given of the attributes of a water right, including identifying number, point of diversion, place of use, volume, and priority date. Description of the public water supplier exemption which applies to the rights that Grand County owns, and allows the County to hold water rights despite nonuse. Maps shown of water right zones in the Grand County region, of which Grand pertains to zone 5. Overview of water rights owned by Grand County, including at Canyonlands Regional Airport and Old Spanish Trail Arena (OSTA). Overview of other water rights held by Grand County, including 3 unused well water rights, the Elgin ditch (which has significant volume and very senior right (1906)), and the Dewey Spring. Description given of process related to transferring a water right.

Commissioner Walker asked for further clarification about the process for a change order application and its limits. Commission Hedin asked for further clarification about San Juan County water rights. Utah Division of Water Rights has provisionally approved 500 acre feet of groundwater out of 5,000 that had been attempted to be transferred. Priority date for this right was changed to 2017. Commissioner Clapper asked about the potential loss of less senior water rights and the notice given to entities in danger of losing such

rights. Grand County is well protected by the public water supplier exemption. Commissioner Walker asked about any potential disputes over water right priority dates, given imminent changes in water policy and pressure to support growing urban areas over agriculture. Hagen has concluded in her own research that water rights established after the 1922 Colorado River Compact are in danger of curtailment, and that surface rights from 1958 and later will be in serious danger of curtailment, which pertains to every local water right out of the Colorado River. Unclear how rights to groundwater will be treated in upcoming policy changes. Discussion regarding the future consideration of a joint meeting water workshop with Moab City to spend considerable time discussing water topics.

Department Reports (none scheduled)

Grand County Planning and Zoning Department Report (Elissa Martin, Planning and Zoning Director) (46:55)

Martin gave an overview of Planning and Zoning Staff and Responsibilities. Highlights and accomplishments given from 2022 until present, including adoption of the 2030 General Plan. Overview of updates to the Planning and Zoning website. Overview of recent Land Use Code Updates and future contemplated updates. Brief snapshot of code enforcement activity in 2022. 52 Development applications processed and 163 Building Permits approved in 2022. Overview of Regional Housing Outlook and potential new projects approved or in varying degrees of approval. Overview of upcoming projects and main topics of focus for 2023. Presentation of timeline for Future Land Use Plan process, with potential adoption in June 2023. Commissioner Walker asked for clarification about the housing pipeline data given, particularly as it relates to affordability, and Commissioner Clapper asked for further classification regarding the process and method by which a given development had been approved.

Approval of Minutes (Gabriel Woytek, Clerk/Auditor)

Approval of minutes for February 21st, 2023 (Regular Meeting of the Grand County Commission)

Motion by Commissioner McCurdy to approve the minutes from February 21st, 2023

Motion Seconded by Commissioner Hedin

Discussion (none at this time)

Motion Passes 7-0

Ratification of Payment of Bills

Motion by Commissioner Hedin to approve and ratify payment of bills in the amount of \$2,469,711.47 and payroll in the amount of \$697,996.25 for a combined total of \$3,167,707.72.

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 (1:03:25)

Jacques Hadler

- Responsible Recreation Meeting, discussion regarding inclusion of motorized component, presentation from Wanderapp
- Broadband workshop meeting
- Attended Canyonlands Business Summit, delivered opening address
- Thompson Springs SSD meeting, presentation and discussion by Engineer Russell Seeley from Department of Water Quality regarding feasibility of selling additional ERUs in Thompson, recommendation given that selling 10-20 would conservatively acceptable, board approved 20 ERUS for use, to be distributed for sale at next meeting
- Trail Mix meeting, upcoming volunteer events and efforts to expand and improve volunteer programming, Active transportation rep needed on board, discussion regarding dog trail etiquette
- Attended Moab Area Transit ribbon cutting ceremony
- Historic Preservation Committee meeting, new member considered and recommended
- Jesse Martinson of the State Legislative Auditor's office informed the Chair that audit results will be released on April 12th, assurance given of no findings pertaining to Grand County

Trisha Hedin

- Planning Commission meeting, new applicants for opening to be considered, tip sheets and development guides being rolled out
- Meeting with Marc Stilson regarding Thompson Springs and various other water topics
- Grand Water Sewer and Service Association meeting, snow level 168% of average (average rates recalculated in 2020), year-to-date precipitation 21.3 inches, Ken's Lake level at 1,790-acre feet, soil moisture at 9,500 ft at 46 percent saturation
- Mosquito Abatement District meeting, working on new GIS system, preparing for wet spring
- Conservation District meeting, scholarship available to high school seniors through the Department of Agriculture
- Moab Area Watershed Partnership meeting, discussion with a rep from Division of Water Rights regarding new legislation from state, discussion regarding next action steps related to water, including increased monitoring and potential for contracting with a University of Utah graduate student researcher for water modeling efforts

Bill Winfield

- Arches SSD meeting, engineer's report slated for next meeting to confirm compliance of system, quarterly meeting schedule being discussed
- Airport Board meeting, new contracts with Redtail currently in legal review, updated AOP to be released soon, new hangar construction delayed by weather

Mary McGann

- Economic Development Board meeting
- Atlas Sites Future Committee meeting, review of all suggestions and recommendations from public
- Travel Council meeting, Love Communications to work on visitation dashboard available to local government and businesses
- Solid Waste SSD meeting, approved 4% COLA effective in April
- Canyon Country Partnership meeting, McGann elected chair of this group for four years
- Presentation with slideshow given regarding UMTRA lobbying visit to Washington D.C.

Mike McCurdy

- Future Consideration: OSTA and Special Events Advisory Committee must revisit Special Events Ordinance. 15 events cancelled or denied due to application deadline timeline issues.

Evan Clapper

- Sand Flats Stewardship Committee meeting, update from responsible recreation staff, review of Sand Flats digital media offerings
- EMS SSD, update on mental health grants applied for to address challenges for first responders, continued discussions regarding improvements planned for dispatch through Sheriff's Office
- Cemetery District meeting
- Canyonlands Health Care SSD meeting

Kevin Walker

- Weed Board Meeting
- Meeting with US Forest Service regarding Forest Plan Revision process, upcoming discussion regarding designated dispersed camping on Forest Service lands
- Utah Broadband meeting, potential federal funding for expanding broadband in rural areas, opportunity for input on current plans being formed.
- Microphone improvement sought for guest presentation table in Commission Chambers.

Elected Official and Staff Reports

County Sheriff Jamison Wiggins

- Major Crimes Task Force has been busy in the seizure large amounts of drugs
- MOU with Underground Railroad which targets Human Trafficking, to pay for license plate reader for GCSO
- MOU with Arches NP regarding SAR services
- MOU with Forest Service to provide additional equipment to GCSO
- Current staffing issues related to availability of vehicles and equipment
- Bradley Hines named new Search and Rescue Commander
- Focus on speed enforcement in March
- Implementing Community Based Policing
- Long term goal for establishing a public safety building, grants currently being monitored

County Attorney Stephen Stocks

- Working with Administration on establishment of uniform bylaws for Boards and Districts
- Opioid Settlement updates, possibility for dispersal of funds to USARA
- Trainings for Law Enforcement, specialized neurological assessments for domestic violence victims
- Attended open house for Moab Community Resource Center

County Clerk/Auditor Gabriel Woytek

- New Clerk Deputy Dana Van Horn onboarding
- Visit from Lieutenant Governor's Office Liaison
- Upcoming VOTE certification training at Weber State
- Met with Personnel Services Director Baker and a representative of the ULGT and an update on our insurance and areas for improvement

Commission Administrator Mallory Nassau

- Nod to Alishia Oliver for efforts in bylaw streamlining process
- Alert Sense to give upcoming presentation to Commission

General Business - Action Items, Discussion and Consideration of:

1. Addition of Stormwater Project Associated with Spanish Valley Drive Pathway (Strategic Development Director Chris Baird (2:00:00)

Presentation

Baird explained that 30% of overall design has been completed on the pathway project. 2022 storms have caused necessary reconsideration of stormwater conveyance systems. Updates could add up to \$860,000 to project cost, funded separately from UDOT Hotspot funding. David Riddle of Jones and DeMille Engineering displayed maps showing stormwater drainage problem areas, as well as several videos displaying these flood issues. Contemplated motion would be a soft approval to move forward with this updated design. Change order would follow, along with a change in contract with UDOT. Commissioner Winfield spoke to his experience in helping homeowners affected by recent flood events, questioned the ability of a simple gutter in mitigating stormwater effects and the potential for adding a berm to protect those homes. Riddle expressed concerns that a gutter or berm would concentrate water and create more negative effects for property owners further down grade. Commissioner Walker sought clarification that funding the updates would come out of Capital Projects which is normally oriented towards stormwater drainage projects. Commissioner Winfield mentioned the potential for financial participation from Arroyo Crossing if this plan includes modifications to deficiencies in their drainage system.

Motion by Commissioner McGann to approve the addition of a stormwater mitigation project between 2200 and 1700 Spanish Valley Dr. to the Spanish Valley Dr. Pathway project.

Motion seconded by Commissioner Hedin

Discussion

Commissioner Walker gave remarks regarding storm drainage priorities in the County. Existing stormwater prioritization is ready to be reconsidered due to wide range of stormwater projects needed, especially those that address frequent flooding near peoples' homes. This action is consistent with efforts to reprioritize. Baird clarified that Roads Supervisor Bill Jackson has been directed to offer his recommendations for a stormwater master plan update.

Motion passes 7-0

6pm Citizens to be Heard (none at this time)

2. Purchase order for VHF repeaters for the Grand County Sheriff's Office (Commission Administrator Mallory Nassau) (2:23:40)

Presentation

Nassau gave background for the proposed action. State Public Safety contract with Motorola is available for this equipment, but state contract was not the lowest bid. Proposed purchase falls within the State Homeland Security Program grant, amount approved and budgeted for.

Motion by Commissioner Walker to approve the purchase order for VHF repeaters in the amount of \$67,098.

Motion Seconded by Commissioner McCurdy

Discussion

Commissioner Clapper asked if these grant funds could be used for any other purposes. Grant funds limited to emergency management efforts. Grant covers 100% of cost.

Motion passes 7-0

3. County Engineer Job Description and Recruitment (Personnel Services Director Renee Baker) (2:26:20)

Presentation

Baker gave background on process for development of the proposed job description and explained that the engineer would be housed in new County Community Development Department Building.

Motion by Commissioner McGann to approve the County Engineer Job Description and authorize recruitment and hiring effective 3/22/2023.

Motion Seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 7-0

4. Annual Contract with Bandwango (Marketing Director Melissa Stocks and Economic Development Director August Granath) (2:27:55)

Presentation

Melissa Stocks gave a brief background on the service offered by the Bandwango platform, which encourages visitation and economic activity in the downtown core. Platform currently being used by Salt Lake City. Commissioner Walker sought clarification as to whether this was an existing renewal or a new service. Granath explained that this was on initial pre-approval list but was ultimately left off of that list during the budget process. Commissioners McCurdy and Commissioner Walker asked about measuring return on investment of this service, and were given assurance that future consideration of this contract would take into account its resulting economic benefit.

Motion by Commissioner Walker to approve an annual contract with Bandwango for \$9,500

Motion seconded by Commissioner McGann

Discussion (none at this time)

Motion passes 7-0

6. Voluntary Appointment to the Grand County Economic Development Advisory Board (Commissioner McGann) (2:38:55)

Presentation

Commissioner McGann gave a brief overview of the application review and selection process which led to the recommended motion. 8 applications received and considered.

Motion by Commissioner McGann to approve the appointment of Melisa Jeffers to serve on the Grand County Economic Development Advisory Board with a term expiring 12/31/2023.

Seconded by Commissioner Hedin

Discussion

Commissioner Walker gave his impression of the interview process and spoke to the unusually large applicant pool and difficulty in making a recommendation. All interviews were recorded and are available to the public.

Motion passes 5-1, Winfield opposed, McCurdy abstaining

7. Voluntary Appointment to the Grand County Planning Commission (Planning and Zoning Director Elissa Martin) (2:41:35)

Presentation

Martin gave a brief overview of the interview process. Unanimous recommendation given from strong pool of five candidates.

Motion by Commissioner McGann to appoint Jerry Klaes to the Grand County Planning Commission, with term expiring 12/31/2023

Motion seconded by Commissioner Winfield

Passes 7-0

8. Ordinance to approve the Amended Development Agreement for the Manderfield HDHO Final Plat Extension (Planning and Zoning Director Elissa Martin) (2:44:00)

Presentation

Martin gave background regarding the proposed action.

Motion by Commissioner Walker to adopt the ordinance approving the Amended and Restated Development Agreement for Manderfield HDHO development located at 2691 Desert Rd, allowing for a 1-year extension of the Final plat recording deadline conditioned upon the following: The owner shall record the Amended and Restated Development Agreement in the real property records of Grand County Utah simultaneously with this Ordinance and prior to application for final plat, construction, or development approvals.

Motion seconded by Commissioner Winfield

Discussion

Commissioner Clapper referenced feedback regarding difficulties in getting HDHO developments online, and expressed reticence at granting an extension. The applicant gave an update regarding their project timeline, which is planned to be an owner-builder project.

Motion passes 7-0

9. Memorandum of Understanding between Grand County and Southeast Utah Health Department (Active Trails and Transportation Director Madeline Logowitz) (2:48:15)

Presentation

Logowitz gave background on the proposed action, as shown in the packet. Health Department to contribute 50% of cost associated with County staff person focused on human waste management issues.

Motion by Commissioner McGann to approve the Memorandum of Understanding between Grand County and the Southeast Utah Health Department that will allow for the transfer of funds to Grand County for the Healthy Trails Coordinator position.

Seconded by Commissioner Walker

Discussion

Chair Hadler recognized the Southeast Utah Health Department for their efforts in collaboration.

Motion passes 7-0

10. 2023 OHVR Grant Application - GC Active Transportation and Trails (Active Trails and Transportation Director Madeline Logowitz) (2:51:00)

Presentation

Logowitz gave background on the proposed action, as outlined in the packet. Grant submitted in 2022 for a Jeep Wrangler, but no award given. Current resubmission to incorporate feedback received from previous submission. Multi-year grant with a 25% match, which entails a commitment to future spending. \$30,000 is currently approved in 2023 budget for motorized trail ambassadors. With this action, Logowitz is seeking commitment from the Commission to approve this \$30,000 amount as the match for this grant in future 2024 and 2025 budgets. Chair Hadler spoke to the importance of motorized trail ambassadors and endorsed the program in general. Clapper sought clarification that the 25% match would be comprised of trail ambassador staff hours. Logowitz clarified that the grant ask would be for two UTVs.

Motion by Commissioner Walker to approve the Active Transportation and Trails Department's 2023 OHVR grant application to obtain funding to purchase UTVs and trailer for the Motorized Trail Ambassador program.

Seconded by Commissioner McGann

Discussion (none at this time)

Motion passes 7-0

Consent Agenda – Action Items (3:02:40)

11. Approval of Consent Agenda Items

12. Memorandum of Understanding with Utah Geological Survey for Data Provider Services

13. Contract with Hudson Printing Company

14. Fee Waiver for the new Building Permit for construction of the Airport's Snow Removal Equipment Building

15. Letter of Support for Utah Raptor State Park

16. Moab Music Festival's High Water 2023 Concert Series Local Consent

- 17. Ratification of TEVA, Alegram CVS, Walgreens, and Walmart Opioid Settlement**
- 18. Memorandum of Understanding (MOU) with the Moab Free Health Clinic to acquire an AmeriCorps VISTA volunteer for the Planning & Zoning Department**
- 19. Memorandum of Understanding (MOU) with the Moab Free Health Clinic to acquire an AmeriCorps VISTA volunteer for the Economic Development Department**
- 20. Grand County Disclosure Statements**

Motion by Commissioner McGann to approve the consent agenda as presented.

Motion failed due to lack of a second

Commissioner McCurdy requested that items 16 and 19 be pulled from the consent agenda for further discussion.

Motion by Commissioner Walker to approve the consent agenda as presented, excepting items 16 and 19

Motion seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 7-0

16. Moab Music Festival's High Water 2023 Concert Series Local Consent (3:05:12)

Discussion

Administrator Nassau described the local consent process needed for liquor licensing. Action constitutes an endorsement that the event sponsor needs in order to secure a permit from the state.

Motion by Commissioner McGann to approve the local consent for a single event liquor permit for the 2023 Moab Music Festival's High Water Concert event series in Grand County UT June 9th to June 12th, 2023.

Motion seconded by Commissioner McCurdy

Motion passes 7-0

19. Memorandum of Understanding (MOU) with the Moab Free Health Clinic to acquire an AmeriCorps VISTA volunteer for the Economic Development Department (3:08:38)

Discussion

Commissioner McCurdy sought clarification on the fiscal impact of this action. Clarification given that \$4,500 is the local match for a full-time year-round employee. Commissioner Winfield sought additional clarification on this expense, given staffing changes spurred on by House Bill 416. Administrator Nassau gave details regarding the VISTA program, which is focused on capacity building and does fit within the current staffing structure. Commissioner Walker asserted that if budget cuts were to be considered, this would among the last potential cuts because of how much value is received for a relatively small sum. Attorney Stocks explained that this VISTA volunteer cannot displace an existing County employee. Commissioner McCurdy expressed concern regarding a volunteer taking another housing opportunity away from an existing resident.

Motion by Commissioner Walker to approve an MOU with the Moab Free Health Clinic, establishing a collaborative partnership in order to acquire an AmeriCorps VISTA service member to serve in Grand County's Economic Development Department

Motion seconded by Commissioner Hedin

Motion passes 7-0

Discussion Items (none scheduled)

Public Hearing(s) (none scheduled)

Chair Hadler adjourned the meeting at 7:14 p.m.

Kevin Walker

Kevin Walker
Vice-Chair, Grand County Commission

Gabriel Woytek

Gabriel Woytek
Grand County Clerk/Auditor