



GRAND COUNTY COMMISSION REGULAR MEETING

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

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MINUTES 4 April 2023

The Grand County Commission met in a regular meeting on April 4th, 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 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 Strategic Development Director Chris Baird. Chair Jacques Hadler was absent leaving Vice-Chair Walker to chair the meeting.

4:00 p.m. Vice-Chair Walker Called the Meeting to Order

Pledge of Allegiance

4 p.m. Citizens to Be Heard (2:05)

Danette Johnson and Kate Jagla, representatives of the Moab Free Health Clinic, expressed gratitude to Grand County for its financial support for the efforts of MFHC and the new Non-Profit Resource Campus that it has successfully established.

Grand County resident Courtney Kizer spoke in support of adjustments that she feels must be made to the HDHO ordinance. Kizer stated that rules and regulations must be closely examined and comments from constituents incorporated. Kizer expressed that building housing in Grand County is a responsibility of all, and is currently fraught with an excess of roadblocks.

Presentations

Workplace Electric Vehicle Charging Funding Assistance Program/Solar options for Grand County (7:30) (Cherie Major and Kim Sherwood, members of the Council on Aging)

Major and Sherwood expressed their goal of installing electric vehicle charging at the Grand Center and the available applicable funding sources for achieving this goal. Current state funding source is available to local governments without a maximum limit, with a 50% cost share. Other tax incentives may also apply. Recommendation given that opportunities also be targeted for training of local technicians to handle maintenance needs of charging stations. Proposal being prepared for 4-6 fast charging stations at the Grand Center, and an additional proposal at other sites in the County. Commissioner Winfield sought confirmation that these efforts would be focused on Level 3 fast charging stations. Commissioner McGann sought clarification on what the associated costs would be to the County in the referenced proposals. Costs vary widely based on given site installation, which would need to be evaluated by the utility provider. Initial

estimates for 4-6 charging station proposal could be in the \$150,000 range. Commissioner Clapper expressed support for the concept and for pursuing funding while it is available. Commissioner Walker inquired if the 50% match could be offset through other funding sources, because at this moment it feels to him like a large commitment. Strategic Development Director clarified that the grant can be applied for without committing to the match funding, but at this time general approval is being requested to move forward with an application and a future workshop for siting and establishing the project. Commissioner Hedin spoke to the importance of strategic placement of the potential charging sites throughout the community.

Department Reports

Justice Court Report (Justice Court Judge Danalee Welch-O'Donnal) (27:25)

Judge Welch-O'Donnal gave an overview of her advisory board commitments and her court's activities. Domestic Violence Compliance Court Pilot is currently being instituted. Grand County Justice Court recently recertified and is a class two court. 247 new filings each month. Preceding 12 months (March 2022-March 2023) saw 335 criminal cases, 11 small claims cases and 2,588 traffic cases. Webex virtual court continues to be universally available and preferred by the public. In person cases seen on an as needed basis. Courtroom not currently set up for hybrid, but the state is planning to implement facility upgrades in May 2023 to offer this capability. Commissioner Clapper sought clarification on the case load thresholds for a given class designation. Commissioner Walker asked how the judge feels in general about the efficient operation of the court. Attorney Stocks offered in his own experience that the judge maintains a high level of professionalism and respect, and that the continuation of a virtual option has been a great way to maintain access to justice for the public.

Approval of Minutes

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

Motion by Commissioner McGann to approve the minutes from March 21st, 2023

Motion Seconded by Commissioner Hedin

Discussion (none at this time)

Motion Passes 6-0

Ratification of Payment of Bills

Motion by Commissioner Hedin to approve and ratify payment of bills in the amount of \$1,387,007.90 and payroll in the amount of \$364,088.06 for a combined total of \$1,751,095.96.

Motion Seconded by Commissioner McGann

Discussion (none at this time)

Motion passes 6-0

Commission Member Disclosures (40:45)

Commissioner Winfield disclosed that he is an owner of an HDHO designated parcel. Winfield also disclosed that he received campaign contributions in 2022 from Redtail Aviation.

Attorney Stocks disclosed that he received campaign contributions in 2022 from Redtail Aviation. Items in consideration during this meeting concerning Redtail Aviation have gone through the appropriate ethical legal process.

Commissioner Clapper disclosed that his business, Clapper Adventures, has utilized the services of the Small Business Development Center.

General Commission Reports and Future Considerations (42:00)

Trisha Hedin

- Future Land Use Planning Steering Committee Meeting
- Planning Commission Meeting, discussion regarding intents to apply for ADO applications
- Zone 7 Annual Conservation District Meeting, emergency funding available for livestock producers amidst difficult climate conditions, application of Inflation Reduction Act to soil health and water conservation efforts
- Mosquito Abatement District meeting, first mosquito treatment made on April 3rd

Bill Winfield

- Meetings with Marc Stilson regarding effort by San Juan County for stormwater retention, potential for using excess from Somerville ditch for recharging the aquifer
- Attended Tripartite Board Meeting, regional Food Bank inventory is way down and demand for assistance is way up
- SEUALG meeting, review of CDBG grant and revolving loan fund program, State Governor's office offering Economic Development Loans, name change being discussed, Grand County water monitoring efforts could be a candidate for CDBG funding
- Meeting with local realtors regarding frustration concerning HDHO and ADO, funding issues exist for mortgage lenders
- Update regarding housing assistance for Grand County resident Doreen O'Connell, who was displaced by 2022 floods

Mary McGann

- Economic Development Board meetings, discussion regarding potential for Revolving Loan Fund and maintenance of Small Business Development Center, brainstorming on definitions for Economic Diversification
- Meeting with Union Pacific Railroad regarding potential for a SLC-Moab spur, which would build off of expansion of Rocky Mountaineer, potential Train Depot at Tailings Pile
- Four Corners Mental Health Board Meeting
- Public Health Board Meeting, discussion regarding Vision Statement update, Health Department will not make move into new nonprofit resource center
- Meeting with Governor's Chief Deputy Mike Mauer for review of UMTRA project
- One year anniversary celebration at USU-Moab facility

Mike McCurdy

- Meeting with OSTA staff regarding Jeep Safari event
- Attended Special Events Advisory Committee meeting

Evan Clapper

- Highlighted comment period opening for fee changes at Sand Flats Recreation Area, which includes a proposal to eliminate trailer fee to encourage trailering of vehicles through town

Kevin Walker

- Future Land Use Planning Steering Committee Meeting
- Responsible Recreation Committee Meeting, discussion regarding expansion of ambassador program to motorized recreation, potential for 'downtown' ambassadors, potential for metal pavilions for ambassadors at key trailheads, discussion regarding local input on outdoor recreation apps, new native outdoor recreation visitation app, local advertising efforts including billboards
- Future Consideration: examine process for approval procedures for tourism advertising

Elected Official and Staff Reports

County Attorney Stephen Stocks

- Attended newly elected training in Taylorsville
- Taking over drug court program as the attorney for the state
- CJC Director position offered to Andrea Noyes

General Business - Action Items, Discussion and Consideration of:

1. Resolution approving the Final Plat and Subdivision Improvements Agreement for Manderfield Subdivision (Planning and Zoning Director Elissa Martin) (1:05:30)

Presentation

Martin gave an overview of the proposed action, as shown in the packet. Administrative decision, staff recommends approval.

Motion by Commissioner McGann to approve the Findings of Fact set forth in the staff report dated January 6th, 2023 and the proposed Resolution approving the Final Plat of Manderfield Subdivision, with the following conditions:

1. The Owner shall record the SIA simultaneously with the Final Plat in the Recorder's Office; and
2. The Owner shall submit an acceptable completion assurance bond for the incomplete public improvements and infrastructure warranty bond for completed accepted public improvements as established in the SIA to the County in the amounts set forth in the SIA prior to recordation of the Final Plat.
3. The Owner shall continually comply with the County Engineer's requirements and Ordinance No. 610 (HDHO Rezone) and the Amended HDHO Master Plan and Development Agreement.

Motion seconded by Commissioner Winfield

Discussion

Commissioner Walked noted for the public that items concerning this proposed development have been seen by the Commission on multiple prior occasions.

Motion passes 6-0

2. Independent Contractor's Agreement for the Renovation of the Community Development Building (Former Interact Clubhouse) (Strategic Development Director Chris Baird) (1:11:10)

Presentation

Baird gave an overview of the bid process completed in order to arrive at the currently contemplated agreement. This building is planned to house Planning and Zoning, Building, and Engineering Departments.

Motion by Commissioner Hedin to approve the agreement with Moab Construction, Inc. for the remodel of the Community Development Building for an amount not to exceed \$291,369.

Motion Seconded by Commissioner McCurdy

Discussion

Commissioner Winfield disclosed that he has worked with Moab Construction in the past, in his capacity as a General Contractor.

Motion passes 6-0

3. Voluntary Appointment to the Historic Preservation Commission (Planning and Zoning Director Elissa Martin) (1:13:30)

Presentation

Martin gave a brief overview of the application process and subsequent review. Four applications received, three interviewed. Favorable recommendations unanimous. Commissioner Walker referenced potential for expansion of this board, as the resignation of standing members had to be made in order to make these appointments.

Motion by Commissioner McGann to approve the appointment of Joe Kingsley and Dennis Brown to serve on the Historic Preservation Commission, with each respective term expiring on 12/31/2026, and the appointment of Jessica Chamberlin-Maw for a term vacancy expiring on 12/31/2023.

Motion Seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 6-0

4. Operating Agreement Between Canyonlands Regional Airport and Redtail Jet Center, LLC (Airport Administrative Assistant Tara Collins) (1:16:00)

Presentation

Tara Collins gave an overview of the updated agreement, approved unanimously by the Airport Board.

Motion by Commissioner Winfield to approve the Operating Agreement Between Canyonlands Regional Airport and Redtail Jet Center, LLC

Motion seconded by Commissioner McGann

Discussion (none at this time)

Motion passes 6-0

5. Lease Agreement Between Canyonlands Regional Airport and Redtail Jet Center for Terminal Building Office Space (Airport Administrative Assistant Tara Collins) (1:18:55)

Presentation

Comments offered by Collins for Item 4 apply additionally to items 5, 6, and 7. Attorney Stocks clarified the need for separate action items, as each constitutes a separate contract. Stocks gave an overview of the contract review process.

Motion by Commissioner McGann to approve the Lease Agreement Between Canyonlands Regional Airport and Redtail Jet Center for Terminal Building Office Space.

Seconded by Commissioner McCurdy

Discussion (none at this time)

Motion passes 6-0

6. Lease Agreement Between Canyonlands Regional Airport and Redtail Jet Center for Retail Terminal Space (Airport Administrative Assistant Tara Collins) (1:20:10)

Presentation (none at this time)

Motion by Commissioner McGann to approve the Lease Agreement Between Canyonlands Regional Airport and Redtail Jet Center for Retail Terminal Space.

Motion seconded by Commissioner McCurdy

Discussion (none at this time)

Passes 6-0

7. Lease Agreement Between Canyonlands Regional Airport and Redtail Jet Center for Bulk Fueling Stations, Self-Fueling Island, and Mobile Fuel Trucks (Airport Administrative Assistant Tara Collins) (1:20:40)

Presentation (none at this time)

Motion by Commissioner McGann to approve the Lease Agreement Between Canyonlands Regional Airport and Redtail Jet Center for Bulk Fueling Stations, Self-Fueling Island, and Mobile Fuel Trucks.

Motion seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 6-0

8. Mutual Aid Agreement between the Airport, EMS & Moab Valley Fire (Airport Administrative Assistant Tara Collins) (1:21:30)

Presentation

Collins offered background for the agreement, which is required by the Federal Aviation Administration (FAA). No financial terms expressly outlined by this agreement.

Motion by Commissioner McCurdy to approve the signed Mutual Aid Agreement between the Airport, EMS, and the Moab Valley Fire Department.

Seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 6-0

9. Budget Amendment Concerning Small Business Development Center Agreement (Strategic Development Director Chris Baird) (1:23:05)

Presentation

Baird outlined the three-year agreement Grand County recently entered into with Utah State University for businesses consulting services at \$100,000 per year. With the enactment of House Bill 416 at the 2023 State Legislative Session, Transient Room Tax dollars will not be available to fund this agreement past July 1st of 2023. Current proposal is to pay out the full three years of that contract, for a total of \$300,000, prior to that deadline. Economic Development Staff and Board agree that the SBDC is a very high priority for remaining funding that is received in first half of 2023. Services included in the agreement include a small business consultant staffed physically in Grand County. Attorney Stocks clarified that item 10 of the contract states Grand County would not be obligated to fulfill the contract for its full term if it were unable to pay. Commissioner Walker stated that a review of the current regional SBDC consulting activity shows that its services have been oriented to tourism related businesses, such that use of TRT promotional dollars might be considered a possibility. Baird stated that the State Auditor's Office advised against this use.

Motion by Commissioner McGann to approve a budget amendment for the USU Small Business Development Center Agreement from \$100,000 to \$300,000 and authorize payment to USU for the full terms of the agreement.

Seconded by Commissioner Winfield

Discussion

Commissioner Winfield inquired as to where the funds would otherwise be drawn from out of the budget, if not from TRT. Baird stated that there isn't a currently identified funding stream that would support this contract. Commissioner Hedin sought clarification as to whether past and current SBDC services have been offered on a full or part-time basis.

Motion passes 6-0

10. Prioritization of the FY 2024 Permanent Community Impact Fund Board Project List (Strategic Development Director Chris Baird) (1:30:55)

Presentation

Baird clarified that the Southeastern Utah Association of Local Governments hold their ranking meeting on April 18th, which is the same day as the next Commission meeting. Commission has to offer its ranking priorities now, in anticipation of that meeting. Applications for CIB funding require inclusion on this ranking list.

Motion by Commissioner Winfield to approve the CIB prioritization list as presented in the Commission meeting for submission to the Southeastern Utah Association of Local Governments.

Seconded by Commissioner McCurdy

Discussion (none at this time)

Motion passes 6-0

11. County Fair Budget Contribution (Strategic Development Director Chris Baird) (1:40:45)

Presentation

Baird explained that budget projections expected \$500,000 in Transient Room Tax Diversification funds to be receipted in the second half of 2023. Since these funds will no longer be available for diversification activity due to House Bill 416, the currently proposed action is to use these funds to help fund a new County Fair. Old Spanish Trail Arena Director Angela Book has put together a budget for the event which details a request of \$49,973 at this time. Commissioner Hedin spoke to the importance of County Fairs in building community, and expressed concern about stable funding for this project into the future. Book explained that fundraising efforts would be undertaken for the event to meet its goals for future expansion. Commissioner Walker stated that he felt this was a good and appropriate use of this pot of funds.

Motion by Commissioner Hedin to approve the 2023 County Fair budget contribution in the amount of \$50,000.

Seconded by Commissioner Winfield

Discussion

Commissioners Hedin and McCurdy expressed gratitude to Book and her team for bringing the concept to fruition. Commissioner Walker stated that this adds diversity and variety to the events held in the County.

Motion passes 6-0

Consent Agenda – Action Items

12. Approval of Consent Agenda Items

13. Letter of Support for Forestry, Fire & State Lands Grant Application

14. Letter of Engagement for the Appraisal of Real Property Owned by Grand County

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

Motion seconded by Commissioner McGann

Discussion (none at this time)

Motion passes 6-0

Discussion Items

15. Planning and Zoning 2023 Roadmap Prioritization (Planning and Zoning Director Elissa Martin) (1:49:00)

Presentation

Martin explained that she is bringing this roadmap to the Commission at present in order to gauge whether any adjustments are desired at this time. Overview given of current roadmap document. Through public workshops, feedback has been received regarding barriers to housing, which guides action plan for quarter two of 2023. Two action items highlighted for feedback are solutions to offset costs of public improvements for 'mom and pop' minor subdivisions and potential amendments to HDHO eligibility requirements and rules and regulations to increase eligibility and lendability. Commissioner Walker stated that he feels that current subdivision improvement requirements seem more suitable to larger developments but that he feels adjustments could be made to how smaller developments might be handled.

Vice-Chair Walker paused the discussion and opened the 6pm Citizens to be Heard (1:59:00)

Grand County resident Becky Manderfield spoke to the challenges associated with costs of required subdivision improvements, which has caused delays and almost made impossible her own efforts to create affordable housing for members of the local workforce.

Grand County resident and Planning Commission Chair Emily Campbell spoke as a citizen regarding what she perceives as a lack of urgency on the part of the Commission in addressing the affordable housing crisis. Items like revisions to ADU regulation and revisions to the definitions for actively employed households have been left unaddressed despite various calls for action. Campbell spoke to the desperate need that exists in the community.

Grand County resident, Planning Commission member, and HDHO project developer Steve Evers spoke to the current housing crisis in Grand County, which is intense and ongoing. He stated that legal challenges to interpretation of HDHO rules and regulations have been falsely attributed as a cause for the delays in bringing HDHO units online. His own development was only made possible by what he described as a 'local unicorn angel investor'. Evers spoke to the misguided distaste that exists towards developers and their role in a community. Stated that reflection and improvement is greatly needed with respect to the HDHO rules and regulations.

Vice-Chair Walker resumed discussion on item 15 (2:10:10)

Commissioner Winfield spoke to his own experience and frustrations with the existing barriers to housing and HDHO developments in particular, and the need to seriously consider the revisions that have been called for in the community.

Commissioner McGann that a workshop is currently being contemplated and planned for the next Commission meeting in order to address the stated concerns. McGann agreed with the need for adjustments.

Commissioner Hedin sought clarification on what the upcoming planned workshop would be focused on. Martin explained that staff report for upcoming April 10th Planning Commission meeting would seek to refine the topics covered in that workshop.

Attorney Stocks spoke to possible changes in definitions to Actively Employed Households in the HDHO ordinance and his willingness to be involved in drafting potential revisions.

Commissioner Walker agreed with the need for more flexibility in the County's subdivision rules, and spoke regarding the calls for HDHO reform, noting that some suggested revisions are compelling but others are not, and that some suggested revisions could open the door to abuse and unintended consequences. Walker spoke to his own experience on the Planning Commission and his recollection that the HDHO was intended to house professionals like nurses and police officers.

Commissioner Winfield spoke to the challenges in financing for potential developments as a primary roadblock in restricting needed housing development.

Commissioner Clapper spoke in agreement regarding the need to address issues related to financing potential developments as well as adjusting broader subdivision requirements. Clapper expressed hesitation regarding the revision of eligibility guidelines, as he feels that there are still many currently eligible individuals who could access housing options when financing issues are ironed out. Expressed concerns with opening the program to retirees, college students, and remote workers when local workers still need housing. Stated that some of the delays in bringing HDHO units online are understandable, that projects are indeed moving along, and that there are larger projects experiencing unclear delays which are responsible for the lack of housing that has come online.

Commissioner McGann referenced the fierce community opposition that existed when attempting to enact the HDHO ordinance.

Commissioner Walker spoke to the finite capacity that exists in the Planning and Zoning Department for processing and moving through any proposed updates, revisions, and affordable housing efforts.

Further discussion ensued amongst the Commission regarding upcoming approach to holding a joint workshop at the April 24th Planning Commission meeting, and how to prioritize recommendations and discussions for a series of upcoming workshops.

Martin continued with an overview of the 2023 Roadmap document. Various comments were made regarding the intricacies of prioritizing individual action items, with no individual items being removed outright. One detail brought forth by Commissioners Walker and Winfield, which is inherent to the discussion regarding the Future Land Use Map and Land Use Code Updates, is guidance and planning in particular on the South 191 Commercial corridor, which would necessarily involve the Utah Department of Transportation and property owners.

16. Special Events (Commissioner McCurdy) (2:57:30)

Commissioner McCurdy raised three specific issues with the current Special Events Ordinance that he wanted to address before the Commission: Special Events Advisory Committee lacks discretionary capacity, inability to replace holes in the event schedule that could be caused by unexpected event cancellation and

the potential for the Old Spanish Trail Arena to have its own scheduling and event approval guidelines so that it can be better used and better recoup operating expenses.

Commission Administrator Nassau raised concerns regarding coordination with emergency response agencies in opening up event scheduling flexibility, as well as constant revolving door of changes that the County has implemented to the Special Events Ordinance over the past 5 years. Flexibility might be found within the existing framework.

Commissioner Hedin gave background and justification for the currently established Event approval framework, including establishing an annual event calendar and promoting event diversity. Hedin expressed a preference for increased discretion for the Commission in evaluating event application rather than offering more discretion to the Special Events Advisory Committee. Hedin also stated that events at OSTA do have an overarching impact across the county and as such, their events can't be isolated from the overall calendar.

Attorney Stocks advocated for removing the County Attorney from the Special Events Advisory Committee, and other various procedural points to consider with said Committee in order to increase efficiency.

Commission Administrator Nassau stated that she would support bringing all events before the Commission, as well as altering the makeup of the Advisory Committee.

Commissioner Winfield advocated for an expanded ability to fill in potential gaps in the event schedule, and the need to always consider improvements and fine tuning of regulation, especially with the evolving composition of the Commission.

Commissioner Clapper spoke to the process and rationale behind the current Special Events Ordinance, and that he would like to see the current process remain in place for longer than one quarter before considering revisions. Clapper expressed that the conventional wisdom that events drive overall business throughout the County may be unfounded. Clapper also stated that staff feedback received from OSTA has been that the facility is indeed well booked and heavily used, as was found when a lucrative large film production rental was considered in 2022.

Commissioner Walker agreed that the determination as to whether an event is high or low impact should be a straightforward administrative decision that does not require a seven-person committee and recommended that one person make an initial determination for approval. Walker stressed the importance of the quarterly review structure for balancing the wider event calendar. Walker agreed that certain events of limited size like rodeos that are largely OSTA-centered could indeed warrant a different approval structure, and that last minute replacements for canceled events might be a valid approach if they were OSTA-centered.

Commissioner McCurdy clarified that he agrees that fine tuning adjustments are needed and not a major overhaul. McCurdy also stated that OSTA had been more heavily booked in the recent past, but is currently experiencing more vacancies than usual due to the lack of scheduling flexibility, and that events do strongly affect the economy, and missteps in regulation can affect large and impactful events.

Commission Administration given direction to compile and consider how some potential tweaks could be incorporated into the ordinance and brought before the Commission at a future meeting.

Public Hearing(s) (none scheduled)

Vice Chair Walker adjourned the meeting at 7:28 p.m.



Jacques Hadler
Chair, Grand County Commission



Gabriel Woytek
Grand County Clerk/Auditor