GRAND COUNTY COMMISSION
WORKSHOPS AND REGULAR MEETING

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

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MINUTES
19 September 2023

The Grand County Commission met in a regular meeting on September 19th, 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 Evan Clapper, Trisha Hedin, Bill Winfield, and Mike McCurdy. Also attending in-person were Commission Administrator Mallory Nassau, Clerk/Auditor Gabriel Woytek and County Attorney Stephen Stocks. Commissioner Mary McGann was absent. Commission Vice-Chair Kevin Walker entered the meeting at 2:54 p.m.

2:34 p.m. Workshop: Alternative Dwelling Overlay (ADO) Intent to Apply (ITA)

Associate Planner Jenna Gorney gave an overview of the third round of ADO ITA submissions. The purpose of the ITA review is for the Commission to offer an affirmative nod to favorable applicants to proceed with the remainder of the application process. 114 of the pilot program's 150 ADO units have been approved by the Commission, with 35 currently being proposed in this round. Applicants would still need to complete a full rezone application with two public hearings before consideration of final approval.

Commissioner McCurdy declared that he would recuse himself from discussion at this workshop, as he is one of the applicants being considered (Application #4).

Gorney presented a vicinity map and site plan proposal for the following applications:

Application #1: 2812 Spanish Valley Drive
4 sites proposed. Applicant failed to receive a recommendation to proceed from the Commission in Round 2 of ADO ITAs. Drainage easement crosses the property. Proposed development lies in close proximity to future development node, but is not located within a preferred zoning district. Adjustments made to ADO site placement and typology from previous application. Current proposal includes stick built tiny homes and not RV lots, as well as access moved exclusively to Spanish Trail Road. Applicant seeks to highlight what they consider a suitable location.

Application #2: 2810 Spanish Valley Drive
7 sites proposed. Not located in a preferred zoning district, but near major collector road as identified by the Unified Transportation Master Plan. Located near what is considered a future development node. 35-foot-wide drainage easement crosses the property, evaluation pending from the floodplain administrator.

Application #3: 1441 Spanish Valley Drive
4 sites proposed. Located within a preferred zoning district for ADO projects. Located on major collector road, with access to future shared use path.

Application #4: 1379 South Arnel Lane
8 sites proposed. Proposed site plan includes circular internal access. Not located within a preferred zoning district, however this is unique Rural Residential parcel is surrounded by highway commercial.

Application #5: 4060 Spanish Valley Drive
15 sites proposed. Applicant has stated that they are open to adjusting proposed access points. Property surrounded by Rural Residential zoning district. Each proposed site is located within the 100-year floodplain. All site design standards laid out in the ordinance have been met.

Discussion
Commissioner Hedin referenced Application #1 and its status as a Community Rebuilds development, which she suggested is already subsidized and should not be entitled to use their property for rental income. Hedin suggested that the applicant continue existing privacy fence to envelop the entire property, and expressed concerns regarding impacts to longtime neighboring residents.

Commissioner Walker referenced the current applications that lie within the Rural Residential (RR) zoning district, and stated that during the process of writing the ADO Ordinance, there was general agreement that the RR zone was not suitable, perhaps with some exceptions. Walker expressed resistance to supporting Applications 1 and 2 out of the principle of sticking to an appropriate process for increasing density, and because he feels that these parcels don’t present sufficient compelling cases to generate an exception. Walker stated that he hopes to soon have the larger planning discussion and process to identify those areas that might be suitable for increased density.

Commissioner Winfield clarified that the neighbor of applicant #1 has expressed support for the project, contrary to what has been suggested. Staff offered clarification that a requirement for stick-built dwellings can be written into the development agreement.

Commissioner Clapper expressed concern regarding stick-built home requirements, due to the fact that RV sites have a lighter footprint that could be more easily redeveloped. Clapper highlighted that application #1 was located close to a commercial district and was an appropriate location, especially with access placed on the Spanish Trail Road side of the property. Clapper added that this was a clear future development node where continued change is imminent, and that the applicant’s status as a Community Rebuilds homeowner should not preclude the ability to use property as they see fit. Clapper added that the property has ample screening, which is a desirable feature.

Chair Hadler agreed that the access concentrated on Spanish Trail Road is a desirable adjustment. Hadler clarified that a positive recommendation at this stage does not guarantee final approval.

A brief discussion ensued regarding application #2, where it was pointed out that the proposed ADO sites were position near the back of the property, well screened from the road, at a parcel adjacent to application #1 and very near an already approved ADO.

Chair Hadler called for a straw poll to measure favorability of applications #1 and #2. Both applications had three Commissioners in favor and two Commissioners against.

In reference to application #3, Commissioner Hedin said that this property has new ownership, and that there was already an RV on the property that appears is being used as an illegal dwelling. Hedin stated that the proposal at this location contributes to a hodge podge of development that is unpleasant for the exisiting neighbors, and stressed that increased density does create negative impacts.

Commissioner Walker stated that application #3 was located closer to town and was adjacent to higher density areas, making it generally favorable. Chair Hadler sought confirmation that RV sites were being proposed in this application. Commissioner Winfield expressed support for the application, and stated there are ways to mitigate the impacts of increased density, such as appropriate screening and fencing. Commissioner Walker stated that this area would likely be ripe for consideration of increased density due to its proximity to the city, to major roads, and to already dense areas. Commissioner Clapper stressed that the application felt like appropriate infill for a location surrounded by commercial zones.

Chair Hadler called a straw poll to gauge support for application #3. Four Commissioners expressed support, and one was against.

In reference to Application #4, Commissioner Hedin sought confirmation that the only access to the property was through Arnel Lane, which she described as a small road running through a quiet neighborhood. Hedin expressed concern about the potential impacts to the neighborhood. Commissioner Walker stated that he is inclined to support the application due to its location surrounded by higher density parcels, and the fact that this would likely be a strong candidate for higher density as a result of a planning effort. Walker stressed that he is not playing favorites on behalf of a fellow commissioner, that his ruling would be consistent with opinions applied to all applications, and that he had no prior knowledge of a commissioner being associated with this project.

Commissioner Winfield stated that application #4 was consistent with existing surrounding uses, and he had no prior knowledge that Commissioner McCurdy was involved. Commissioner Hedin expressed disagreement with the idea that the proposed development was consistent with immediate surrounding uses. Chair Hadler stated that the application does fit the area and that he would heavily factor public comment in his final decision. Commissioner Walker stressed that minimizing citizen complaints should be the goal, that negative comment can't be fully eliminated, but that sites can be chosen for minimal impacts.

Chair Hadler called a straw poll to gauge support for application #4. Four Commissioners expressed support, and one was against.

In regards to application #5, Commissioner Hedin stated that she has already fielded complaints from the community regarding this property, which was recently purchased by the current out-of-town owners. Hedin suggested that the County has done lots of work in this drainage which has been subsequently undone by the new neighbors. Hedin stated that the proposed development would have major traffic impacts on Beeman Road, where residents are already having trouble with increased traffic impacts. Hedin pointed out that this was very high density proposed in a floodplain. Commissioner Walker stated that he was not in favor of this application because it is not a suitable parcel for increased density simply due to its location and the surrounding zoning. Chair Hadler expressed doubts about the application and agreed with the likely traffic impacts to Beeman, and the fact that it is located far away from the Moab City center.

Commissioner Hedin requested an update regarding the Huitt development, which was a previous ADO application that was denied. Staff has had no communication with that applicant. In regards to application #4, Commissioner Clapper agreed that the application was located farther South, and also proposes the type of density that entails much greater neighborhood impact. Commissioner Winfield stated that the intention of the ADO was to bring housing online, and that this application would serve to make available badly needed housing.

Chair Hadler called a straw poll to gauge support for application #5. Two Commissioners expressed support, and three were against.

Discussion ensued amongst the Commission about bringing back any individual application before a full Commission, in light of McGann's absence and McCurdy's recusal. Attorney Stocks clarified that an application could be brought back by an absent commissioner or by a commissioner that voted in the majority of an application's ruling. Further discussion followed regarding whether the Land Use Code would need to be adjusted to extend deadlines to allow for a postponed application. Staff agreed to investigate and confirm prior to this round of action.

Attorney Stocks provided context for his recommendation to Commissioner McCurdy to recuse himself from voting or being involved in discussion, as doing so could be interpreted as positioning his own application for a better chance at approval.

3:29 p.m. Workshop: Allocating Mineral Lease Funds and State PILT (56:05)

Administrator Nassau explained the process for deriving the currently proposed revenue figures and their associated proposed allocations. The only major difference from the previously considered allocation request is the Grand County School District request of 50% of the State PILT, which was also its request in 2021.

Commissioner Walker suggested that adjustments from year to year for these allocations are best kept in the status quo. Walker suggested that EMS is funded through Transient Room Taxes (TRT), such that an allocation to EMS should be postponed in order to account for the overall EMS funding picture, and this approach should apply to any district that also receives TRT.

EMSSSD Board Chair Elizabeth Tubbs and EMS Executive Director Andy Smith discussed the nature of their allocation request, including the possibility of the request request for TRT funds at a later time. Clarification that the PILT allocation would not account for additional one-time funding request to pay for an ambulance, and the EMS' State PILT allocation serves to make up the difference for the imbalanced split of the HC Sales Tax.

Commissioner Walker stated that he was inclined to decline the request by the School District because it would create the need to make up a shortfall elsewhere in funding a separate district. Walker added that the School District is its own taxing entity, and thus has the ability to self-fund. Commissioner Clapper stated that the reality is that increased state funds allocated to the school district could prevent increased taxes to the same populace. Commissioner Walker suggested that in the past he has been frustrated in the budget process that the Commission too often just follows the same as it has done in the past, but in this case maintaining funding for Recreation appears to be highly valued by the community, and the funds allocated to the Recreation District, which would be diverted by the School District's request, have been consistently very well used, with significant ongoing demand. Andy Smith clarified that TRCCA taxes can now go towards tourism mitigation, but Walker clarified that allocations of this funding source are already accounted for. General agreement was expressed that there was no intention amongst the Commission to reduce the allocation for the Solid Waste District.

Consensus was reached that Action Item 15, determination of allocations of Transient Room Taxes, would be postponed.

Chair Hadler called a recess at 3:51 p.m.

Chair Hadler proposed moving the scheduled 3:30 p.m. Workshop titled 'Countywide Project and Initiative Work Plan' to the Discussion section after General business, with no objections

4:04 p.m. Thompson Springs Special Service Fire District Board Meeting (see separate agenda) (1:31:35)

4:08 p.m. Chair Hadler called to order the Regular Meeting

Pledge of Allegiance

Citizens to Be Heard (1:36:00)
Mike McCurdy, speaking as a citizen, expressed support for all housing efforts being considered at this meeting.

Presentations

2022 Audit Results (Clerk/Auditor Woytek and Jon Haderlie, Partner CPA, Larson & Company, PC) (1:37:30)

Clerk/Auditor Woytek expressed gratitude and appreciation for his staff, who were instrumental in ensuring a smooth audit process.

Jon Haderlie began by expressing his future goal of completing Financial Statements by June 30th, even though this might be the earliest Grand County has had its audit completed. Haderlie encouraged Commissioners to work with Component units to complete their audits sooner, which is the principal cause of delays.

Haderlie gave his summary of the audited Financial Statements, which includes an unmodified or unqualified opinion. The basis for his team's opinion follows standard government auditing standards. Haderlie explained new requirements regarding the County's internal analysis response to unexpected circumstances, whereby an impactful event like a global pandemic should be addressed in financial statements, including an internal analysis. Haderlie expressed the importance of internal controls. Audit identified no material weaknesses or significant deficiencies, and an unmodified opinion regarding conformance to the State Auditor compliance guide. This audit included a test of ARPA funds allocated by Grand County, which came back clean. Overview given of letter to governance, including an explanation of the methodology in identifying the quoted significant risks, which apply universally to all entities, not just to Grand County. Haderlie stressed that the goal should be to seek improvement every year, but that this was overall a very clean audit.

Department Reports

Sand Flats Recreation Area (SFRA) Annual Report (SFRA Director of Operations Andrea Brand) (1:57:15)

Brand gave an update of SFRA activity, including most significant features and attractions, recreation modalities, amenities, and demographics (200,000 average annual visitors). SFRA is self-sustaining enterprise fund, whose entire budget comes from collected fee monies. SFRA mission displayed. Recreation program overview given. A chart with historical revenue receipts was displayed, with gate receipts currently down 4% compared to 2022. $175,000 in additional revenue expected in 2024 as a result of the fee change approved in 2023. Overview given of current staffing levels and principal day-to-day demands of SFRA staff. Description of SFRA involvement in establishing the new House Bill 180 OHV online test. Overview of volunteer work days completed by a variety of groups in improving the motorized and non-motorized trail system. Overview given of Raise grant application and scoring, which was one of a final four in Utah, of which two were funded. Application process continuing for internal dark sky park status.

Commissioner Walker inquired about the additional revenues associated with the fee increase, and what that will allow SFRA to accomplish. Brand explained that this will make significant matching fund contributions available for efforts like the RAISE grant (pavement extension of Sandflats Road) and the RTP Grant (6 foot separated multimodal trail).

Commission Member Disclosures

Commissioner McCurdy stated that he will be recusing himself from Action Item 2, as he is one of the applicants for an ADO project.

General Commission Reports and Future Considerations (2:16:35)

Jacques Hadler

- Attended Trail Mix meeting, discussion regarding upcoming climber movie night and Kestrel Run trail work day on September 23rd, Public Lands Day. Work to begin on Tuk Springs, new single track mountain bike trail
- Attended meeting with Assessor regarding property tax reassessments
- Attended Chamber of Commerce meeting, City Election debate scheduled for October 2nd, upcoming annual chamber banquet
- Thompson TSSD meeting, two applicants for secretary opening filled by a current board member, new opening to be posted
- Attended Motorized Trail Committee meeting, presentation regarding Utah Raptor State Park, ceremonial groundbreaking to take place on September 25th

Trisha Hedin

- Held meetings with Marc Stilson regarding potential upcoming water studies
- Met with TJ Brewer regarding fire annexation process
- Attended Planning Commission Meeting, review of properties proposed to be annexed by Moab City
- Attended Conservation District Meeting, approved funding for the Youth Garden Project and Three Canyons Ranch in the Bookcliffs

Bill Winfield

- Attended State DNR fire meeting, explanation given of the liability that the County holds, update provided to Castle Valley Fire District which was unable to attend
- Attended UAC meeting, discussion regarding compliance with Senate Bill 174 which deals with Accessory Dwelling Units, discussion regarding election integrity and Utah’s continued inclusion in cross-state voter database maintenance tool ERIC, discussion with rural counties regarding centrally assessed litigation, and discussion regarding the importance of extending the rural fil incentive tax credit
- Meeting with San Juan County regarding planned water Monitoring wells in Grand County in the south Spanish valley
- Meeting with Assessor regarding property tax reassessments
- Attended and spoke at the legislative session interim meeting in St. George to express support for the continuation of the rural film tax incentive

Kevin Walker

- Attended Budget Advisory Board meetings, provided suggestion that Commissioners not delay in expressing opinions regarding spending priorities, as the tentative budget comes together quickly

- Participated in discussions regarding Fire District expansion, future pattern of spending for fire department and expansion of taxable districts. New taxing structure not to be completed and fully executed until 2025, with Commission workshop to come

Mike McCurdy
- Attended Budget Advisory Board meetings

Evan Clapper
- Attended Cemetery meeting, new mower to be acquired
- Attended meeting with SFRA Stewardship Committee, discussion regarding 2024 budget
- Attended Canyonland Health District Meeting, effort underway to be removed from litigation regarding an associated long-term care facility
- Attended EMSSSD meeting, discussion regarding long term goals and visioning
- Criminal Justice Committee hosted by County Attorney's office, effort to map resources in the County in order to establish a plan and identify room for improvement and needed resources

Elected Official and Staff Reports

Grand County Clerk/Auditor Gabriel Woytek
- Continued process of meeting one-on-one with every department head to review 2024 budget requests, and running Budget Advisory Board Meetings

Grand County Attorney Stephen Stocks
- Attended Criminal Justice Coordinating Council
- San Juan County Children's Justice Center to continue to receive assistance from Grand as they transition to an independent center
- Attended Utah Prosecution Council
- Participated in Clinical Safety Team with Grand County High School

Commission Administrator Mallory Nassau
- PILT allocations, familiarization with Flood Monitoring Alert System
- Spanish Valley Pathway Committee, formal committee to be established moving forward
- Introducing new Economic Development Director Ben Fredregill around the County.

General Business - Action Items, Discussion and Consideration of:

1. Resolution Authorizing and Approving of The Restructuring the Hospital Revenue and Refunding Bonds Series 2021 And Execution of An Amendment to The Loan Agreement.
(Alex Buxton, Vice President, Zions Bank Public Finance) (2:43:25)

Presentation
Nassau gave an overview of the proposed action, including the associated public hearing requirement and potential action. Proposed extension on bond project into 2024 requires this process. Public hearing noticed, as required by law. Alex Buxton explained this county issued bond (Grand County serves as a conduit for tax exempt interest rates) for hospital expansion, set to expire on October 1st, 2023. Bond to be legally reissued in order to change two main points: extension until June 25th, 2024 (with optional extension until September 23rd 2024), as well as a change in the interest and maturity rate. Long-term financing to be secured with the USDA. Attorney Stocks highlighted that Exhibit B and schedule 1 and 2 were not included in the agenda packet. Buxton stated that these documents will be made available. Commissioner Walker

sought clarification that Grand County would no longer be involved once long-term financing agreement was secured with USDA.

Chair Hadler opened the public hearing at 5:25 p.m.

No public comment was made at this time.

Motion by Commissioner Winfield to suspend policy and take action

Motion seconded by Commissioner McCurdy

Discussion (none at this time)

Motion to suspend policy passes 5-0, Walker absent

Chair Hadler closed the Public Hearing at 5:27 p.m.

1. Resolution Authorizing and Approving of The Restructuring the Hospital Revenue and Refunding Bonds Series 2021 And Execution of An Amendment to The Loan Agreement.

(Alex Buxton, Vice President, Zions Bank Public Finance) (2:54:10)

Motion by Commissioner Winfield to approve the resolution authorizing and approving of the restructuring the Hospital Revenue and Refunding Bonds Series 2021 and execution of an amendment to the loan agreement

Motion seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 6-0

2. Alternative Dwelling Overlay Intent to Apply Submissions (Round 3) (2:55:35)

Presentation
Gorney gave a brief overview of the third round of ADO applications, including proposed site plans and housing typologies being proposed as part of each project. Chair Hadler described the process undertaken during the workshop, whereby it was determined that some applications are set to be postponed because they need to be considered by a full vote of the commission, while a motion is set to be entertained by projects that showed either sufficient support or very little support during the workshop.

Motion by Commissioner Walker to support the following ADO ITA applicants to move forward with the Full Rezone request for the Alternative Dwelling Overlay via ADO District application: Application number 3 at 1441 Spanish Valley Drive and Application number 4 at 1379 South Arnel Lane.

Motion seconded by Commissioner Clapper

Discussion
Commissioner Walker stressed that there was no conflict of interest present in voting on an applicant that was also a commissioner. Walker presented a list of findings related to the motion, which apply uniformly to

the approval of both projects included in the motion: proposed projects are compatible with surrounding uses and community characteristics, location close to highway and major collectors which will create fewer traffic impacts and offer short commute times for residents, and a favorable overall design of the proposed projects. Chair Hadler clarified that this was only an intent to apply and not a final approval, and that there remained ample time for public comment to be expressed in favor or against these projects.

Motion passes 4-1, Hedin opposed, McCurdy abstaining

Motion by Commissioner Walker to postpone consideration of applications numbers 1 and 2

Motion seconded by Commissioner Winfield

Discussion
Chair Hadler clarified that straw polls taken during the workshop were close enough to warrant waiting for a full commission to be present to vote.

Motion passes 5-0, McCurdy abstaining

Motion by Commissioner Walker to deny application number 5

Motion seconded by Commissioner Hedin

Discussion
Commissioner Walker offered the following findings related to denial: not in a preferred zoning district, incompatible with existing community characteristics, incompatible with historic uses, high traffic impact and long commute. Commissioner Clapper clarified that the purpose of the ITA process is to prevent developers from wasting time pushing projects forward, and after seeing a lack of general support for this project he will follow the vote to deny. Commissioner Winfield stated that these projects come forward to the stage of Commission consideration for a reason, because they meet the guidelines of the program, and that he supported this effort as a way to increase housing inventory.

Motion to deny passes 4-1, Winfield opposed, McCurdy abstaining

3. **Purchase Of a K-9 For the Grand County Sheriff's Office** (Jamison Wiggins, Grand County Sheriff) (3:10:45)

Presentation
Sheriff Wiggins gave his Office's regular report before presenting the agenda item:
- Currently attending annual Utah Sheriff's Conference in St. George
- Another Internet Crimes against Children Predator caught this weekend

In regards to the action item, Sheriff Wiggins explained that the current GCSO K-9 is in the process of being retired, and represents a major asset in identifying and seizing narcotics. K-9 training class starts in October, an advantageous slower time of year, and why this item is being brought before the Commission at this time. Sheriff Wiggins explained that this effort would be paid by asset forfeiture account, which are funds seized from highway drug cartel busts, and that the dog can be helpful for neighboring counties in Southeastern Utah as well. Clerk/Auditor Woytek confirmed that after reviewing federal guidelines for applicable uses of asset forfeiture funds, this was a compliant use.

Motion by Commissioner McCurdy to approve

Motion Seconded by Commissioner Winfield

Discussion
Commissioner Clapper inquired regarding the one-time and ongoing associated costs with a new K-9. Sheriff Wiggins explained that the training from the State of Utah is free of cost for any officer or deputy in the State of Utah. Drug Detection dog would require 4 hours per week in the field. K-9 handler requires extra on-call pay. Asset forfeiture monies to be used for the bulk of ongoing costs. Attorney Stocks described the benefit of a dog in the vehicle for prosecution. Commissioner Walker stated that the proposed expense was agreeable, even though it was coming outside of the regular budgeting process.

Motion passes 6-0

Chair Hadler moved Item 10 up, without objection

10. Ratification of the Memorandum of Understanding Regarding Phase 1 Of A Flood Warning System (Cora Phillips, Emergency Management Director, Mallory Nassau, Commission Administrator) (3:19:10)

Presentation
Phillips briefly introduced herself and explained the current state of flood monitoring systems in the County, and existing limitations in monitoring and alerting large flood events as they occur. Moab City has agreed to pay for the first scoping phase for a 5-year implementation plan. Administrator Nassau clarified that ratification was warranted as this action was only meant to memorialize what will be a continued team effort.

Motion by Commissioner Winfield to approve the Memorandum of Understanding regarding Phase 1 of a Flood Warning System between Grand County and the City of Moab.

Motion seconded by Commissioner McCurdy

Discussion
Attorney Stocks inquired as to whether San Juan County expressed interested in sharing in flood emergency alert efforts. Stocks requested that all agreements go through his office for review. McCurdy reiterated the importance of collaboration with San Juan County. Commissioner Walker sought clarification regarding the range of options for a flood warning system that were being considered.

Motion passes 6-0

6pm Citizens to be Heard (3:26:00)

Grand County resident Lisa Boose, employee at Moab Springs Ranch, spoke in regards to this year’s commercial tax assessment. Boose already submitted a comment to the Commission via email. Boose feels that assessment process was faulty, and stated that Moab Springs Ranch was a locally owned business that is iconic, important to community, legendary, and does not deserve the treatment that she feels it is being given.

Grand County resident and Moab Springs Ranch General Manager McKay Edwards spoke regarding commercial tax assessments. Edwards feels that the process is deeply flawed after meeting with the County's contracted commercial appraiser, including a flawed cap rate that did not account for rising interest rates. Edwards has filed appeals for 32 parcels; 19 bungalows and 13 townhomes. Basis of bungalow appeals are the results determined by his own hired MAI appraiser. Basis of appeal for townhome units are comparable sales. Edwards expressed concerns regarding the appeal process, and suggested that the Commission has delegated its authority in the taxation process. Edwards stated that there are 30 employees, 18 homeowners, 12 partners and lenders that he is speaking on behalf of.

4. **2024 Insurance Renewal Rate Increases** (Renee Baker, Personnel Services) (3:39:00)

Presentation
Baker gave an overview of renewal details and associated costs. Kroger pharmacy (City Market) will continue without coverage, but there will be no gap in coverage for those seeking care at St. Mary's Hospital in Grand Junction.

Motion by Commissioner Walker to approve the Grand County Medical Insurance rate renewal with Cigna, with a dental premium increase of 3.05%, Basic Life Insurance increase of 3.2%, and Long-Term Disability increase of 4%. I also move to approve the equalization of the employee paid premium for the Traditional Plan Structure at 11.48%, with a monthly cost to the employee of $99.46 (Single), $162.30 (Two-Party) and $238.77 (Family) effective January 1st, 2024.

Motion Seconded by Commissioner Winfield

Discussion
Commissioner McCurdy expressed satisfaction with the coverage available to County employees. Commissioner Winfield mentioned a potential group plan that would become available through the Utah Association of Counties, which could be a competitive option in the future.

Motion passes 6-0

5. **Resolution Amending Section VIII. Benefits- Vacation and Section X. Work Polices Of The Grand County Employee Handbook** (Personnel Services Director Renee Baker) (3:44:37)

Presentation
Baker gave an overview of the proposed action, which seeks to reduce to costs associated with personal vehicle use associated with County business. Original intent of vacation accrual policy was to offer greater negotiation leverage. Administrator Nassau acknowledged that the change in travel policy was a hardline approach to cut costs associated with County businesses-related travel.

Motion by Commissioner Hedin to approve the resolution updating Section VIII - Benefit - All Employees - Vacation and Section X - Work Policies - Travel of the Grand County Employee Handbook.

Motion seconded by Commissioner Winfield

Discussion
Commissioner Clapper expressed that travel often involved long distances and some personal business and recreation can be an important part of that travel from Grand County's remote location. Such benefits to travel would not be allowable in a county vehicle.

Motion passes 4-2, Winfield and Clapper opposed

5. **2024 Rural County Grant Application Proposals** (Sky White, Interim Economic Development Specialist, Economic Development Director Ben Fredregill, Forrest Rodgers, EDAB Chair) (3:50:20)

Presentation
Rodgers provided context for the two potential recipients of these grant investments, and explained that the represented continuing investments in the critical community need areas of childcare and small business vitality. Representatives from both proposed recipients were present. Shalee Bryant, representative of the Moab Area Chamber of Commerce, explained plans to complete a needs-based assessment, business training, and assume the coordination of the annual business summit. Attorney Stocks sought clarification that business trainings would be offered in addition to those that had already been approved through the Small Business Development Center. Rodgers noted that the Governor's Office gave confirmation that these were an appropriate use of Rural County Grant funds. MCC director Rob Walker gave an overview of the uses proposed by Moab Community Childcare.

Motion by Commissioner Clapper to approve the submission of the EDAB recommended proposals for the 2024 Rural County Grant application including $125,000 to support the Moab Area Chamber of Commerce and $75,000 to support Moab Community Childcare.

Seconded by Commissioner McCurdy

Discussion
Associate Commission Administrator Quinn Hall added that there was only one applicant for the funds, the Grand County School District, which was deemed by the Governor's Office to not be an appropriate recipient of the funds. Commissioner Winfield stressed that close public scrutiny must always be considered when awarding these public funds.

Motion passes 6-0

6. **Ordinance Repealing and Replacing Budget Advisory Board Duties and Functions** (Clerk/Auditor Woytek) (4:02:25)

Presentation
Clerk/Auditor Woytek gave an overview of the proposed action which is meant to offer only a temporary solution for bringing an experienced individual into the budgeting process already underway, with the intention of reconsidering the board composition prior to next year's budget season.

Motion by Commissioner Walker to approve the ordinance repealing and replacing Ordinance 665 to add the option of a Grand County employee to the board organization, including modifications proposed by the Attorney

Motion seconded by Commissioner McCurdy

Discussion
Commissioner Winfield stated resident concern regarding the appointment of a County staff person to this board. Attorney clarified that the position to be filled was the position formerly held by the budget officer and not a citizen at-large position to begin with.

Motion passes 6-0

7. Staff Appointment to The Budget Advisory Board (Clerk/Auditor Woytek) (4:14:25)

Presentation
Woytek explained that Associate Commission Administrator Quinn Hall was an ideal candidate to fill in on a temporary basis due to his established background and experience with Grand County's budget.

Motion by Commissioner Walker to approve the temporary appointment of Quinn Hall for a term that expires 12/31/2023 to the Budget Advisory Board, as allowed in the related Ordinance.

Motion seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 6-0

8. Letter Of Support for The Bureau of Land Management's Proposed Onshore Oil And Gas Leasing Rule (Commission Chair Hadler) (4:16:15)

Presentation
Chair Hadler explained that public hearing in Salt Lake City on September 12th had passed without any major concerns or reasons for modifying or pulling the proposed letter. Hadler stated that he had trouble finding any comment in opposition to the proposed rule.

Motion by Commissioner Hedin to approve the Letter of support for the Bureau of Land Management's (BLM's) proposed Onshore Oil and Gas Leasing Rule.

Seconded by Commissioner Walker

Discussion
Commissioner Hedin stated that the proposal deals primarily with the fiscal component of oil and gas leasing, and that regulations associated with bonds and leasing are out of date, as well as those associated with well reclamation. Commissioner McCurdy stated that he mostly agrees with the letter, but questioned whether the end consumer would end up footing the bill if costs to producers were raised.

Commissioner Walker stated that Grand County exemplifies many of the problems that the new rules seek to fix, that dollar amounts for leasing tend to be very low compared to the costs that are involved with production, and that a large majority of leases never become productive and are largely speculative, with such rising costs leading to a reduction in speculative activity.

Commissioner Winfield stated that he agreed to the need for updates to the fee structure, but questioned why the authors of the letter did not reach out to stakeholders including the state and surrounding counties to join in solidarity. Winfield asserted that Grand County always has the largest ask to the Community Impact Board (CIB) for funding, which is derived from oil and gas activity. Winfield added that NEPA already protects the resources described in the letter, and that it does not provide solutions but uses verbiage consistent with environmental groups, which is not appropriate coming from the governing body of the county. Winfield suggested that community assets that need funding exist in the first place thanks to revenues linked to extraction, and that surrounding counties feel that our actions continually serve to negatively affect them. Winfield agreed with Commissioner McCurdy that the costs are indeed passed on to the general populace.

Commissioner Walker stated it is important for a diversity of opinions to be expressed, that disagreement from neighboring counties provides more reason for a dissenting view to be put forward, and that things work best when we say what we think rather than suppressing our voices. Chair Hadler stated that in 2017, an eventually withdrawn speculative lease was being threatened near the Slickrock Trail, which sparked a huge public outcry, and that the proposed letter and the rule it supports will serve to mitigate those potential issues. Commissioner Winfield reiterated that CIB funding would be hard to come by if Grand County continues to send these letters of this nature.

Commissioner Clapper stated that the CIB has been pretty vocal about moving away from grants altogether, and that Grand County is actually low on the list of total funds received by County from the CIB. Commissioner McCurdy reiterated that penalizing oil and gas will affect the regular person's pocket book, including to those people who would come to visit the area and support the local economy. Commissioner Hedin stated that there is no direct correlation to what it costs to drill and what we pay at the pump, and that profits associated with oil and gas activity have been shown to prioritize increases to the multimillion dollar salaries of executives and not to the modest wages of roughnecks on the ground doing the work.

Motion passes 4-2, Winfield and McCurdy opposed

9. Letter of Support for WabiSabi's Application for the Economic Assistance Grant from the Governor's Office of Economic Opportunity (Commissioner Hedin) (4:33:30)

Presentation
Commissioner Hedin described the proposed action, explaining that WabiSabi was in the process of seeking a new space and redefining its mission. Kevin Clyde of the WabiSabi board is leading the pursuit of this grant opportunity. Hedin stressed that WabiSabi remains an important entity for vulnerable members of the community through the availability of emergency vouchers for clothing and furniture.

Motion by Commissioner McCurdy to approve the Letter of Support for WabiSabi's application for the Economic Assistance Grant from the Governor's Office of Economic Opportunity

Seconded by Commissioner Walker

Discussion
Several Commissioners added kind words about WabiSabi's important role in Grand County.

Motion passes 6-0

12. Resolution Allocating Health Care Facilities Sales and Use Tax Revenues Received during Calendar Year 2024 to Eligible Entities (4:36:55)

Presentation
Nassau explained that the proposed allocation was the agreed upon split by both entities: 57% to the Canyonlands Healthcare Special Service District and 43% to the Grand County EMS Special Service District.

Motion by Commissioner Walker to approve the Resolution allocating Healthcare facilities Sales and Use Tax Revenue received in the Calendar year of 2024

Motion seconded by Commissioner Winfield

Discussion
Commissioner Walker stressed that the DSH payment for the hospital is a very important contribution by the Canyonlands Healthcare Special Service District that this allocation helps to support.

Motion passes 5-0, Hedin absent

13. Resolution Allocating Mineral Lease Funds and State PILT Allocated to Grand County by the State of Utah During Calendar Year 2024 to Eligible Special Service Districts and/or to The School District (Mallory Nassau, Commission Administrator) (4:38:56)

Presentation
Administrator Nassau gave an overview of the proposed action. Spreadsheet displayed showing proposed allocations. UDAF funds proposed to be broken out with the following split: 23% to the Recreation Special Service District, 57% to the Transportation Special Service District, 10% to the Grand County School District, 10% to the Solid Waste Special Service District. DWS Mineral Lease Funds proposed to be split 65% to the Recreation Special Service District and 35% to the Solid Waste Special Service District. State PILT proposed to be split at 50% to the Grand County EMS Special Service District, 30% to the Recreation Special Service District and 20% to the Grand County School District.

Motion by Commissioner Walker to approve the resolution allocating Mineral Lease and State PILT funds to eligible districts for calendar year 2024, as quoted by the administrator and as displayed in the agenda packet.

Seconded by Commissioner Winfield

Discussion
Further clarification given that allocations proposed in the present motion are identical to those presented in the packet.

Motion passes 6-0

14. Selecting Secure Rural Schools Election and Approving Allocations (Mallory Nassau, Commission Administrator) (4:41:07)

Presentation
Administrator Nassau gave an overview of the proposed action. No objections to following Title I uses.

Motion by Commissioner Walker to send the attached letter to the Utah Department of Government Operations indicating that Grand County elects to use 100% of its Secure Rural Schools allocation for Title I uses, and to allocate 50% of the funding to the Grand County School District and 50% to the Grand County Transportation District.

Seconded by Commissioner McCurdy

Discussion (none at this time)

Motion passes 6-0

15. Allocations of Transient Room Tax Funds for Calendar Year 2024 (Mallory Nassau, Commission Administrator) (4:42:40)

No motion made. Commissioner Walker clarified that these allocations would be discussed at a time when TRT funding as a whole is discussed. Walker stressed that there were generally no objections to existing funding levels and that the Commission is willing to consider additional requests at the time of follow-up to the topic.

Consent Agenda – Action Items (4:43:28)

16. Approval of Consent Agenda Items

A. Approval of Grand County Commission Meeting Minutes for August 15th, 2023 and September 5th, 2023
B. Ratification of Payment of Bills
C. Emergency Management Preparedness Grant (EMPG) Award
D. Utah Cooperative Marketing Program Grant Contract #240631829 between The Utah Office of Tourism, Governor's Office of Economic Opportunity and Grand County Economic Development
E. Ratification of The Rural County Grant Letter Requesting Final Release of Funds
F. Memorandum of Understanding for The Public Safety Partnership Pilot Program with USARA And Moab Regional Hospital
G. Purchase of the UTVs That Were Awarded Through State Division of Natural Resource (DNR) Grant Funds for UTV Education and Search and Rescue Assistance

Motion by Commissioner Clapper to approve the Consent Agenda as read by the Chair, excepting consent agenda item D

Seconded by Commissioner Walker

Discussion (none at this time)

Motion passes 6-0

D. Utah Cooperative Marketing Program Grant Contract #240631829 between The Utah Office of Tourism, Governor's Office of Economic Opportunity and Grand County Economic Development (4:45:55)

Presentation
Associate Commission Administrator Quinn Hall explained that this was the standard ongoing Cooperative Marketing Agreement that has been maintained with the State, which allocates $212,500 from TRT promotional dollars, which is matched 100% by the State Office of Tourism. Clapper highlighted that the County is indeed investing in efforts to market, despite suggestions that it has not been active in this effort, and that the partnership with state is great, but that he would like to continue to have discussions regarding the use of local marketing resources. Grand County Marketing Specialist Melissa Stocks stated that the programmatic marketing outlined in the agreement includes 35% regional, 45% fly-markets, and 20%

oriented to international visitation. The proposed effort piggybacks on Love Communications' statewide campaign. Walker stated that because Grand County has done a good job adjusting the focus of the nature of its marketing, such efforts are worth supporting. Commissioner Clapper suggested that an item such as this should always be a general business action item.

Commissioner Winfield stated that true promotional advertising is different than education-based advertising. Winfield stated that $2 million annually has been spent on promotion in the past so this $500K total investment is still not up to that past level. Commissioner Clapper mentioned that there does seem to be a consensus that business is generally down, and that it is worth looking at other creative ways of generating return on investment for marketing efforts.

Motion by Commissioner Walker to approve Utah Cooperative Marketing Program Grant Contract #240631829 between The Utah Office of Tourism, Governor's Office of Economic Opportunity and Grand County Economic Development

Motion seconded by Commissioner McCurdy

Motion passes 6-0

Discussion Items

17. Tax Valuation (4:52:45)

Grand County Treasurer Chris Kauffman gave an overview of the property tax assessment and collection process, including their purpose, what types of entities property taxes fund, property tax distributions in 2022, identification of countywide taxing entities, the process for identifying how much property tax is needed, how valuations are determined, when assessments happen, and other factors that go into tax collection.

Commissioner Walker stated that the problems being in experienced in Grand County regarding Property Tax collection are two-fold: the five-year re-assessment cycle, and what does appear to be a questionable appraisal methodology.

Attorney Stocks sought clarifications regarding five-year cycle and underpaying. Stocks stressed that the Assessor would need to have sufficient staff to reassess every property every year.

Winfield sought clarification as to whether the Commission had indeed given up any authority even though it is the presumptive Board of Equalization.

Clerk/Auditor Woytek clarified that the Commission still serves as the Board of Equalization and still reserves the right to approve recommendations made by the Hearing Officer seeing all appeals.

Winfield stated that Grand County can sign up to be a member of MLS, which will offer access to sales figures even in a non-disclosure state.

Commissioner Walker spoke to comments made in the past by former Moab City Finance Director Ben Billingsley regarding lack of comparable sales figures and the need to sign up for MLS in order to derive the necessary information to efficiently reassess the entire County every year.

Commissioner McCurdy stated that it was clear that finding a way to move to an annual reassessment cycle is a very important effort.

County Initiative and Work Plan (moved from pre-meeting workshop to Regular Business discussion item) (5:27:50)

Administrator Nassau gave an overview of the effort to garner feedback from Department Heads through a survey focused on current and future department needs. Quick snapshot of building needs feedback suggests that the current state of the Courthouse building is sufficient but that there are some departments in a critical state. A new County office building established in conjunction with a new public safety facility seems like the only viable option, rather than focusing on one or the other.

Commissioner Clapper expressed support for the idea of a new County Office Building and the transition of public safety departments into the Courthouse building. Nassau explained that the County needs study would be updated and revised in the interest of advancing this discussion.

Public Hearing (none scheduled)

Closed Session(s)

Motion by Commissioner Clapper to enter closed session for the purpose of discussing pending or reasonably imminent litigation.

Motion seconded by Commissioner Winfield

Motion passes 6-0

Motion by Commissioner Clapper to exit closed session at 8:20 p.m.

Motion seconded by Winfield

Chair Hadler adjourned the meeting at 8:21 p.m.

Jacques Hadler
Chair, Grand County Commission

Gabriel Woytek

Gabriel Woytek
Grand County Clerk/Auditor