



GRAND COUNTY COMMISSION REGULAR MEETING

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

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MINUTES 18 June 2024

The Grand County Commission met in a regular meeting on June 18th, 2024. The meeting was held in-person in the Grand County Commission Chambers, with hybrid virtual participation available via Zoom. It was also broadcast and saved on YouTube. Attending the meeting in person were Commission Vice Chair Kevin Walker, and Commissioners Bill Winfield, Mary McGann, Trisha Hedin, Evan Clapper, Mike McCurdy. Also attending in person were County Attorney Stephen Stocks, Commission Administrator Mallory Nassau and Clerk/Auditor Gabriel Woytek. Commission Chair Jacques Hadler was in attendance virtually.

4:00 p.m. Thompson Springs Special Service Fire District (see separate agenda)

4:04 p.m. Vice Chair Walker called to order the Regular Meeting

Pledge of Allegiance

Chair Hadler announced that the July 2nd regularly scheduled commission meeting would be canceled.

Commissioner McGann made a statement recognizing Commission Administrator Mallory Nassau, who is resigning from her position as Commission Administrator effective June 20th.

4 p.m. Citizens to be Heard

Brian Hunnings expressed gratitude to the Commission for their support and approval of the John Wayne Grit Series race. Three members of the Economic Development Advisory Board, Brian Hunnings, Lori MacFarland, Alex Borichevsky, and Jenny Gleason, addressed the Commission as a body. Gleason responded to statements made at the last Commission meeting, stating that TRT spending had not been done in accordance with the Travel Council Advisory Board recommendations, that the Commission does not heed TCAB recommendations, and cited specific recent examples of recommendations that were not followed by the Commission. Hunnings stated that advertising and promotion expenditures being proposed at this meeting present one opportunity, and added that messaging focused on responsible recreation was the wrong approach in today's competitive environment. Hunnings stated that wording in the County's Responsible Recreation messaging resolution from November 2020 was too restrictive in allowing for needed tourism promotion activity, that the tourism economy is flat or slightly down, and that the TCAB will follow with revised language that will better allow for appropriate promotional spending. Borichevsky pointed out that the role of the TCAB was to support tourism and be good stewards of the tourism economy, as volunteer members from the community who deeply understand its needs. MacFarland stated that according to statute as well as statements made by Commissioner McGann, the TCAB was in charge of business decisions, rather than County Economic Development staff.

Clif Koontz of Ride with Respect spoke in regards to the Dolores River Management Plan, stating that the motorized trail committee had not discussed it, and that the comment letter is almost identical to the labyrinth rims plan, including all of the same issues raised with it. Koontz stated that the proposed buffer areas suggested in the letter represent hundreds of miles of crude closures and that complete closures in riparian areas not appropriate and should include more practical consideration. Koontz requested that modest changes, some subtractions and additions should be considered, in order to achieve a truly balanced approach.

Presentations (none scheduled)

Department Reports (none scheduled)

Agency Reports (none scheduled)

Commission Member Disclosures

General Commission Reports and Future Considerations

Jacques Hadler

- Attended UMTRA infrastructure tour
- Attended Trail Mix meeting, discussion for uphill Falcon Flow trail, official designated trail at theater cinema and ice cream parlor, accessibility for handicap users that use adaptive equipment and where the Moab area can improve in its adaptive recreation amenities, Mark Jolisaint named the new climbing rep
- Attended Chamber of Commerce meeting, hosted candidate meet and greet, planning business summit on August 19 and 20
- Attended TSSSD meeting, discussion regarding purchase of metering system with granted CIB funds, discussion regarding upcoming well exploration project
- Leaving the country for 5 weeks to return late July

Evan Clapper

- Cemetery District Board, purchasing two new columbaria
- Sandflats Stewardship Committee, proposed new uptrail to serve Falcon Flow to address congestion
- Canyonlands Healthcare Special Service District Meeting, EMS seeking a loan to cover operating costs

Bill Winfield

- Attended Dolores River TMP at the Grand Center
- Attended Centrally Assessed meeting with Senator McKay to address appeals, revenue instability, and appeals litigation costs, legislation to follow to address these issues
- Attended Internal Audit Committee meeting
- Attended UAC Community Development Meeting, uniform parking standards, HOA, water retention
- Attended MVFD annexation meeting
- Attended Southeast Colorado River Watershed Council meeting
- Fire burning at I-70 on state line, to qualify as a share fire as it started in Utah, state will cover the costs, started on SITLA land which will help to avoid costs to Grand

Mary McGann

- Attended working group for an extensive tour of the UMTRA site, manufactured homes will be left, historic water pump in place, pond in place could be used for potential recreation, railroad owned by

Union Pacific and BLM, Rocky Mountaineer could make use to extend route into scenic canyon, tour for congress being planned for the fall

- Attended TCAB meeting, some segments of the tourism economy are down, reviewed current promotion generally out on the web for material discouraging motorized visitors, only place found was Blue Ribbon Coalition

Trisha Hedin

- Attended Dolores TMP open house
- Attended Planning Commission meeting
- Attended range tour with Dee Taylor
- Attended Internal Audit Committee, to evaluate applications for Financial Expert
- Attended meet and greet with Lena Grace of National Parks Southeastern group
- Attended Colorado River Watershed Council
- Attended dinner funded by UDAF to honor producers in Grand and San Juan
- Attended Conservation District meeting, large grant received for fire mitigation activity in Pack and Mill Creek which the district will assist in administering

Mike McCurdy

- Attended Transportation District meeting
- OSTA Advisory Board Meeting
- Grand County Fair coming up

Kevin Walker

- Attended Fire District annexation meeting

Elected Official and Staff Reports

Clerk/Auditor Woytek

- Republican Primary Election Update:
 - o 2160 total ballots mailed in three instances
 - o 500 ballots returned Daily Returned Ballot Disposition can be found on the Clerk/Auditor page of the GC website
 - o June 14th was the deadline for registration to vote on a regular ballot, those newly registered republicans may still vote with a provisional ballot
 - o Early voting open from 9am to 4pm, closed on Juneteenth, voting on Election Day is open from 7am to 8pm
 - o New ballot dropbox in the Courthouse lobby
 - o Hosted visits from the Lt. Governor's Office and a rep from the Legislative Auditor's Office
 - o Election canvass needs to be scheduled from July 2-9
- Steven Vowles hired as the new County Finance Officer under the Clerk/Auditor's office

County Attorney Stephen Stocks

- Initial appeal hearing for Kane Springs to be held on June 27th at noon

Commission Administrator Nassau

- Meeting with fire district coming along, rough terms to be presented tonight at the fire commission meeting, timelines to be coming up quickly to complete annexation by end of calendar year

General Business - Action Items, Discussion and Consideration of Approval:

1. 2025 Utah Office of Tourism Cooperative Grant Application (Ben Fredregill and Sky White, Economic Development Department)

Presentation

Fredregill gave an overview of the application and accompanying process, with a deadline of June 28th. Staff hosted Love Communications for a familiarization tour for this marketing firm that represents Grand County and generates its promotional material. Fredregill has the authority as the director of the Destination Management Organization for bringing forth proposals for Commission approval.

Mark Stevenett of Love Communications gave an overview of the proposed marketing effort that would be funded by the Cooperative Grant. Overview given on the team approach exercised in executing campaigns such as this. Presentation regarding challenges faced, opportunities available to capture, media strategy recommendation objectives, and a focus strategy concentrated on domestic fly markets. Discussion and presentation regarding current top domestic markets, audience analysis, media channel recommendations, project budget flowchart, overview of different national strategies related to drive and fly markets. Current emphasis is to displace international markets in order to maximize demonstrated return on investment and allow for other nimble resources to reach those markets, especially for the visitation lull experienced in the hot summer months.

Commissioner Winfield asked if advertising was present for the 'adventure' side in addition to the 'sustainable' side, and stated that images shown in the presentation did not appear to address families or motorized recreation users. Winfield expressed concerns that the international market would be neglected to the economy's long-term detriment. Fredregill stated that the focus on Outside magazine as an advertising partner is very much oriented toward adventure advertising. Winfield added that the Boards be integrated and well used in the decision-making processes associated with marketing choices.

Commissioner Walker asked whether there were methods for evaluating and tracking how actual visitors spend their time and resources when they come. Fredregill stated that there exists quite a wide variety of visitor types, such that the challenge becomes finding universal marketing messages that will encourage first time as well as repeat visitors. Fredregill specified that just the particular Co-Op marketing effort will pivot away from international marketing but other more concentrated efforts will address that important market. Walker stated that more information is needed regarding the types of impacts that different visitors have.

Motion by Commissioner McGann to approve the 2025 Utah Office of Tourism Cooperative Marketing Grant application content as presented, which calls for \$250,000 in grant funding and \$250,000 in Grand County matching funds to be allocated in the 2025 tourism marketing budget.

Motion seconded by Commissioner Hedin

Discussion

Commissioner Clapper asked if there was prioritization placed on what programs would be selected first in the event that the full funding wasn't offered in what is a competitive process, particularly the Outside Magazine food docuseries that was presented and which Clapper stated a preference in favor of. Clapper also referenced the option of supporting local content creators and integrating their skills into these efforts.

Attorney Stocks asked about the proportion of Grand County's funding of the promotion versus the production of the Outside Magazine docuseries content, in the interest of potentially securing the County's retention of such intellectual property. The exact details were currently unknown.

Commissioner McCurdy stressed the importance of emphasizing visitation by families, which he feels are a high spending brand of visitor.

Motion passes 7-0

2. Utah Office of Tourism Co-operative Marketing Opt-in for: Australia, Canada, France, India, Germany, Austria, Switzerland, United Kingdom, Belgium and the Netherlands (Ben Fredregill and Sky White, Economic Development Department)

Presentation

Fredregill gave an overview of the proposed effort. 65% increase in spend from 2023. Opt-in program also entails inclusion in sales missions.

Motion by Commissioner Clapper to approve the Co-op Marketing opt-in forms with Utah Office of Tourism for Australia, Canada, France, India, Germany, Austria, Switzerland, United Kingdom, Belgium and the Netherlands

Motion seconded by Commissioner McCurdy

Discussion (none at this time)

Motion passes 7-0

3. 2024 Media Campaign Independent Contract Agreement with ABC 4 (Ben Fredregill and Sky White, Economic Development Department)

Presentation

Fredregill summarized the proposed effort to promote Grand County Film Tourism's 75th year. Video package highlighting individuals instrumental in building the area's film industry and important sites featured in film throughout the years. 'Setjetting' is a new term referring to individuals seeking to see firsthand sites used in their favorite content.

Motion by Commissioner Hedin to approve the media campaign contract with ABC 4 News Utah for \$30,000 to provide in-banner video on ABC4.com, commercials/GTU on Broadcast, Commercials on Streaming Platforms and 2 30-minutes specials.

Motion seconded by Commissioner Winfield

Discussion

Commissioner Clapper referenced his concerns regarding the appropriate preparations needed to welcome and educate visitors to far flung areas of the sensitive desert associated with film.

Motion passes 7-0

6pm Citizens to be Heard

Film Commissioner Bega Metzner stated that on Thursday, June 27th, the local movie theater will offer special screenings of the film Horizon available to those who were involved in the production, including County Commissioners.

Brittney Melton stated that social media is a very powerful tool, and that deciding that certain sectors of tourism are not important is equivalent to stating that those who rely on that tourism are also not important. Melton stated that more collaboration is necessary to support the economy in the way that it needs.

4. Voluntary Appointment to the Thompson Springs Special Service Water District (Chair Hadler)

Presentation

Chair Hadler gave an overview of the action. Two candidates applied for the vacancy.

Motion by Commissioner Hadler to approve the appointment of Jenny Gleason to serve the Thompson Springs Special Service Water District, with term expiring 12/31/2026

Motion seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 6-0, Clapper absent

5. Old Spanish Trail Arena Pickleball/Playground Grant with the Utah Division of Outdoor Recreation (Associate Commission Administrator Quinn Hall)

Presentation

Hall and OSTA Director Angie Book gave an overview of the proposed action. 50% match entails \$636,000 to be committed from Grand County. Project scope includes an ADA playground.

Motion by Commissioner McGann to approve the Old Spanish Trail Arena Pickleball/Playground Grant with the Utah Division of Outdoor Recreation

Motion seconded by Commissioner McCurdy

Discussion

Commissioner Winfield asked about the data that was available to support this expenditure and if there was the appropriate demand for a project of this scale, especially considering the general underutilization of the baseball fields at OSTA. Book stated that the sports fields at OSTA were actually being very well utilized. No specific data exists to analyze that demand for that site, only anecdotal information regarding increased development in Spanish Valley. Moab City is not offering a funding contribution towards the effort. Commissioner Hedin agreed that uses at OSTA are on a tremendous recent upswing and that she has no doubt that the facilities would be well used.

Motion passes 7-0

6. 2024 Certified Tax Rates for Grand County (Clerk/Auditor Gabriel Woytek)

Presentation

Woytek gave an overview of the proposed action. Tax Valuation Notices will be sent out no later than July 19th, but will likely hit mailboxes earlier in July.

Motion by Commissioner Clapper to approve the final 2024 Grand County Certified Tax Rates, as presented on proposed forms PT-693, for Grand County Operations, Library, and Assessing & Collecting

Motion seconded by Commissioner McGann

Discussion (none at this time)

Motion passes 7-0

7. Approval of Funding Renewals for Opioid Settlement Funds (Clerk/Auditor Gabriel Woytek)

Presentation

Woytek gave an overview of the proposed action. Grand signed on to the One Utah MOU, whereby pharmaceutical companies were ordered to pay a settlement for their part in facilitating a devastating opioid epidemic across the entire country, including in our own community.

Motion by Commissioner McGann to approve the allocation of opioid settlement funds with the following allocation percentages: 60% to USARA, 20% to the Wellness Collective, and 20% to Moab Recovery Center, and renew existing funding agreements for each recipient entity, with the directive for a pre-meeting between recipient organization prior to next year's allocation.

Motion seconded by Commissioner Walker

Discussion (none at this time)

Motion passes 6-1, Clapper opposed

8. Indigent Defense Commission Grant Award (Commission Administrator Nassau)

Presentation

Nassau gave an overview of the proposed action.

Motion by Commissioner McCurdy to approve the Indigent Defense Commission grant award.

Motion seconded by Commissioner McGann

Discussion (none at this time)

Motion passes 6-0, Winfield absent

9. Scoping Letter for the Dolores River Travel Management Plan (Vice Chair Walker)

Presentation

Commissioner Walker gave an overview of the proposed action. Walker stated that language referencing riparian areas is meant to address motorized trails that run along riparian areas and not those that have brief crossings. The buffer percentage approach for separating motorized trails from other uses is an attempt to address a measure of balance in a consistent way across the board, however imperfect it may be. Commissioner Hedin stated that many roads that do exist are only there as a relic from ranching and mining, and if all of the 'cherry-stemmed' roads were left open it would take away critical refuge for wildlife.

Commissioner Winfield stated that he did not believe that the letter was balanced because it is aimed at closing already existing opportunities for motorized recreation. Winfield stated that massive closures already took place during the last planning process in 2008, such that another wave of closures is not warranted. Winfield added that no user conflicts exist in his frequent experience recreating in this area, that buffer zones for rafting recreators is not reasonable and warranted, that more active working participation is needed in preparing such draft letters. Commissioner Winfield requested that the item be tabled so that more Commission input can be gathered and included, and the Sand Flats Recreation Area is a great example of how mixed use can be harmonious.

Commissioner Walker stated that the closures of 2008 were not as widespread as is being suggested, and that those closures were mostly old seismic lines with no recreational value.

Commissioner McCurdy stated that he struggles to support any road or trail closure. Commissioner Hedin clarified that this was the scoping period and that Grand County was a cooperating agency, and perhaps an additional comment could be submitted after this scoping period to offer more fine-tuned comments not afforded by the tight comment period currently offered. Commissioner Clapper highlighted that the letter does call out the need for a fair distribution of opportunities for multiple user groups.

Chair Hadler acknowledged that the buffer zones were difficult for many to swallow, and that perhaps topography could be appropriately considered as an alternative.

Commissioner McCurdy stated that the use of percentages in applying a buffer associated with closure implies that user conflict exists where it actually does not.

Motion by Commissioner Clapper to approve the Scoping Letter for the Dolores River Travel Management Plan, with a clarification regarding uses in riparian zones as discussed and a suggestion that topography could replace or complement a percentage buffer as a measure to more accurately determine potential closures, and change the term 'historical accident' to 'historical use',

Motion seconded by Commissioner McGann

Discussion

Commissioner Winfield stated user volume in this area is not increasing, contrary to what the letter suggests, and added that the elk population has become overwhelmingly large over the course of recent decades and no specific protection is warranted for their range. Winfield emphasized the need for more advance collaboration in the preparation of such letter.

Motion passes 4-2, Winfield and McCurdy opposed, Hadler absent

10. Amendment to the Response Letter to the State Auditor's Office (Vice Chair Walker)

Presentation

Walker gave an overview of the proposed action, summarizing the changes made to the letter since it was last brought before the Commission.

Motion by Commissioner McGann to approve the amendment to the response letter to the State Auditor's Office

Motion seconded by Commissioner Hedin

Discussion

Commissioner McCurdy stated that the suggestion in the last meeting that he was grandstanding is ironic given that the language in the letter is currently being softened.

Commissioner Walker stated that the main reason that the letter changed was for the sake of public perception, as it will be released to the general public and not just the State Auditor's office.

Commissioner Winfield sought clarification that this was the final version of this response letter. Winfield stressed that the effort to tone down the letter was exactly what he expressed was needed when the first draft was considered. Winfield stated that Commissioners are not accepting responsibility for approvals which are being questioned by a state-level office, and that his efforts are focused on improving financial practices across the County.

Commissioner Hedin stated that different interpretations of code are not equivalent to mistakes or willful wrongdoing.

Commissioner Walker stated that a failure to follow GAAP principles in this instance arose from a situation during which the State Auditor's Office, the County Attorney, and Grand County's external audit firm were consulted in taking such action, and the way it was recorded on the books wasn't to the State Auditor's liking.

Attorney Stocks stated that disagreement will always exist on sensitive topics, and that quick sharing of information related to these topics among the entire Commission is critical.

Motion passes 5-2, McCurdy and Winfield opposed

11. Chair Pro-tem for the July 18, 2024, Regular Commission Meeting (Chair Hadler)

Presentation

Vice Chair Walker explained the need for the proposed action.

Motion by Commissioner Clapper to approve Commissioner McGann as Chair Pro-tem for the July 18, 2024, Regular Commission Meeting

Motion seconded by Commissioner Hedin

Discussion

Clarification made that Vice-Chair Walker would still be able to attend agenda review along with the approved Chair Pro-tem.

Motion passes 7-0

Consent Agenda – Action Items

12. Approval of Consent Agenda Items

A. Approval of Meeting Minutes for May 21, 2024

B. Ratification of Payment of Bills

C. Local Consent at the 2024 Grand County Fair for the Moab Brewers, LLC

D. Local Consent for the Moab Music Festival

E. Volunteer Appointment to the Airport Board

F. Off-Highway Vehicle Recreation (OHVR) Grant from the Utah Division of Outdoor Recreation

G. American Red Cross Facility Use Agreement

Motion by Commissioner McCurdy to approve the Consent Agenda as read by the Chair, excepting Item B.

Motion seconded by Commissioner Clapper

Discussion (none at this time)

Motion passes 7-0

Consent Agenda Item B: Ratification of Payment of Bills

Commissioner Winfield pulled bills from the consent agenda to raise attention to the trend of very high costs coming in for the public defender fees. Administrator Nassau clarified that Public Defenders are very expensive and the Counties in Utah are required to provide them.

Motion by Commissioner McGann to approve the bills as presented in the agenda packet

Motion seconded by Commissioner Winfield

Motion passes 7-0

Discussion Items

Priority Land Use Code Updates – status, timeline and discussion

Planning and Zoning Director Elissa Martin shared a presentation regarding Summer 2024 priority Land Use Code Amendments, including a timeline to adopt any amendments, overview of proposed changes to the Article 3 use table, overview of proposed changes to residential uses allowed in commercial districts, other miscellaneous updates being drafted, and other potential update needs that would be pushed to the next round of updates.

Martin highlighted the need identify and address instances of remote industrial or highway commercial zoning as in the case with Kane Springs. At Commissioner McCurdy's request, Martin offered several reasons why residential density would be reduced in the Highway Commercial zone. Commissioner Winfield stressed that changing any uses by right on private property should be done very carefully.

Chair Hadler moved up items 16 and 17, without objection

Public Hearings

16. Consider an Ordinance approving the Planned Unit Development Workforce Housing Density Bonus for 1131 Lance Ave

Martin gave an overview of the proposed PUD density bonus for workforce housing being sought by applicant Community Rebuilds.

Chair Hadler opened the public hearing at 8:39 p.m., to remain open until 5 p.m. on June 26th, 2024.

No public comment received at this time.

17. Consider an Ordinance approving the Planned Unit Development Workforce Housing Density Bonus for 1278 San Juan Dr

Martin gave an overview of the proposed PUD density bonus for workforce housing being sought by applicant Community Rebuilds.

Chair Hadler opened the public hearing at 8:44 p.m., to remain open until 5 p.m. on June 26th, 2024.

No public comment received at this time.

Discussion Items (continued)

Process for Administrator Vacancy

Commissioners discussed and agreed upon details for the hiring process of a new County Administrator.

Closed Session Policies

Attorney Stocks gave review of Closed Session policies for Commission edification, and referenced scenarios highlighting appropriate conduct as it relates to discussion held in closed session and the handling of sensitive topics discussed within them, including some discussion regarding legal jeopardy when breaking closed session.

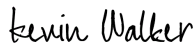
Closed Session

At 9:07 p.m., motion by Commissioner McGann to enter closed session for the purposes of discussing pending or reasonably imminent litigation.

Motion seconded by Commissioner Hedin

Motion passes 7-0

Chair Hadler adjourned the meeting at 9:26 p.m.



Kevin Walker
Vice-Chair, Grand County Commission



Gabriel Woytek
Grand County Clerk/Auditor