GRAND COUNTY COMMISSION
REGULAR MEETING

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

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MINUTES
3 September 2024

The Grand County Commission met in a regular meeting on September 3rd, 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 Chair Jacques Hadler, Commission Vice Chair Kevin Walker and Commissioners Bill Winfield, Trisha Hedin, Evan Clapper, Mike McCurdy. Also attending in person was acting Commission Administrator Quinn Hall, Clerk/Auditor Gabriel Woytek, and County Attorney Stephen Stocks. Commissioner Mary McGann was absent.

2:01 p.m. Workshop: Presentations on ongoing Financial Needs and Obligations for the purpose of later determining Funding Allocations

Transportation Special Service District (TSSD)

Acting Chair Archie Walker described the activities of the TSSD, especially with respect to stormwater drainage projects, which are of particular interest and urgency given recent flood events. Current and ongoing projects discussed. Commissioner Walker sought confirmation that $400K of the $600K allocated in 2023 went to road overlays and not on drainage projects. Drainage projects have not typically been the emphasis of TSSD activity. Commissioner Hedin stressed that a priority should be placed on an updated Stormwater Mitigation plan. Commissioner Winfield stated that the TSSD board should be involved in such planning processes.

Canyonlands Health Care Special Service District (CHCSSD) and Grand County Emergency Medical Service Special Service District (GCEMS SSD)

Joette Langianese and Daniel Cook of CHCSSD, and Andy Smith of GCEMS began their presentation explaining that the two boards receiving the Rural Health Care Sales Tax have come together to agree on an updated 50/50 split of the tax. Langianese explained that this would be sufficient to cover CHCSSD payments to the CIB and DSH, along with continue support to the Moab Free Health Clinic. CHCSSD is engaged in an ongoing process of looking at remaining 8 acres available for the MAPS project. Smith stated that GCEMS saw a significant reduction in income due to reduced insurance payments, with insurance providers refusing to pay ambulance bills. PILT request from GCEMS remains unchanged, as well as one-time allocation of TRT (350k). Smith specified that GCEMS serves locals more than it does visitors. Discussion regarding a potential effort to raise the Rural Healthcare Sales Tax to the maximum allowable one-percent from the current half percent. The full one percent could be pursued upon renewal of the tax by the Commission in 2026, and clear direction would need to be made on the ballot consideration for such a tax so that clear guideline would be made regarding qualified uses, which have recently been expanded by the state legislature. Smith clarified that back payments from insurance companies for ambulance bills could still be possible.

Grand County School District

Superintendent Mike McFalls and Director of Special Education and Student Services Jill Tatton presented the GCSD proposal for funding, with a request for funds that specifically support GCSD Pre-K programming, which currently serves 55 students identified as needing services to address learning deficits through early intervention, oftentimes children from less privileged socioeconomic backgrounds. History of PILT allocation and Pre-K data presented. GCSD is in the process of designing and building a new pre-K facility in order to better meet growing demand for services. 15 students currently on waiting list. Clapper asked about tax rate related to these pupils, which don't carry the same weight for state funding, and also pointed out that the GCSD has the ability to raise its tax rates in order to secure more funding.

Solid Waste Special Service District #1

SWSSD staff people Chris Scovill and Jessica Thacker gave an overview of the SWSSD activities, including volume of waste processed systemwide, recycling operations with recent historical trends, overview of current challenges and upcoming goals. Description given of the impact created by the County's funding allocation. $500,000 requested for 2025. Commissioner Winfield extended condolences for the loss of board chair Chad Harris. Clarification given that the Klondike Bluffs landfill site, which totals 80 acres, currently has only 40 of those acres permitted for landfill activity, with the remaining 40 still available.

Grand County Recreation Special Service District

Board member Bob Kraft gave an overview of the projects funded by GCRSSD in the last year. $55,500 was the approved allocation in 2024. $71,474 requested for 2025 based on requests for funding received from various entities.

At 3:07 p.m., Chair Hadler called for a recess, without objection

3:59 p.m. Chair Hadler called to order the Regular Meeting

Pledge of Allegiance

4 p.m. Citizens to be Heard

West Center Street property owner Helene Rohr stated that she wishes for her property valuation to take into account the location of her property within a flood zone. Team Rubicon has ruled that her property is outside their scope for remediation. Rohr stated that drainage issues which must be addressed by the City and County are causing the damage and limitations to her property's use. Flood mitigation measures needed for her property reach the scope and scale of government intervention, not just her own personal accountability.

Wayne Hoskisson spoke with concerns regarding the Transient Room Tax, appreciates effort by the Commission in its use of these funds, and expressed dismay at political judgments leveled by state legislators regarding Grand County's actions.

Pete Gross stated that he has personally measured excess decibel levels for off-road vehicles at his residence and encouraged greater enforcement efforts on noise ordinance violations.

Presentations

Moab Chamber of Commerce

Chamber Director Cassie Oliver addressed concerns regarding the Chambers' application for Rural County Grant funds, referencing details included in the agenda packet. Total amount of new request for these grant funds is $63,500, which was approved by the Economic Opportunity Board. Commissioner Winfield sought further detail on reported expenses and whether the already approved expenses were actually executed. Oliver discussed topics planned for quarterly trainings, which have been scheduled and will be completed as proposed. Winfield asked if the Business Summit pre-party hosted at the Red Earth venue was included in the grant expenditures, and Oliver confirmed that $5,000 was used for that purpose. Winfield stressed that perception was important for the use of these funds.

Department Reports (none scheduled)

Agency Reports (none scheduled)

Commission Member Disclosures

General Commission Reports and Future Considerations

Jacques Hadler
- Attended hearing and spoke at State Legislature Revenue and Taxation Committee
- Outdoor Recreation Summit in Bryce Canyon
- Ribbon cutting at Murphy Flats residential development

Evan Clapper
- Star Party successfully held at Sand Flats Recreation Area
- Meeting with EMS regarding ambulance financing, to be settled and acquired soon
- Meeting with staffer from John Curtis' Office, discussion regarding air service, letter requested to speak directly to specific needs and topics, including use of federal lands for housing, inflation reduction act energy credits which could be used at airport

Bill Winfield
- Trail to Tomorrow presentation
- USU-Small Business Development Center conversation regarding adjustment of contract
- Meeting regarding Flood Damage and mitigation efforts
- Toured flood damage with Romney staffer
- Attended outing at Flaming Gorge reservoir hosted by the Colorado River Authority

Mike McCurdy
- No reports at this time

Trish Hedin
- Meeting with staffer from John Curtis' Office, discussion regarding air service, letter requested to speak directly to specific needs and topics, including use of federal lands for housing, inflation reduction act energy credits which could be used at airport
- Meeting regarding Flood Damage and mitigation efforts
- Internal meeting regarding flood mitigation, discussion regarding need to update flood mitigation plan, State undergoing a larger statewide floodplain analysis

Kevin Walker
- No reports at this time

Elected Official and Staff Reports

Clerk/Auditor Woytek
- Election and Budget seasons well underway

Acting Commission Administrator Quinn Hall
- Special Events Coordinator Kate Finley moving on from County, named Director of Career and Technical Education with GCSD
- RFP for Mud Springs Trail System posted

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

1. **UDOT 191 Corridor Preservation Agreement** (Administrator Hall and County Engineer Dan Stenta)

Presentation
Stenta explained that UDOT has gone through a process of identifying future right of way needs. With this agreement in place, land use actions will trigger notification to UDOT for potential acquisition of the areas identified. UDOT does not currently have a budget to construct frontage roads, which would ultimately be handed over to Grand/San Juan Counties for maintenance. SITLA has agreed with UDOT regarding acquisition of rights of way, which comprise 75% of future frontage in San Juan County. Commissioner Winfield clarified that frontage roads will begin at Aggie Boulevard light and extend south from that point.

Motion by Commissioner Walker to approve the UDOT 191 Corridor Preservation Agreement

Motion seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 6-0

2. **Independent Contractor Agreement (ICA) for Blake Construction LLC for new roofs on Barns E & F for damage caused by the June 21, 2024, Storm** (OSTA Director Angie Book)

Presentation
Book described the damage caused by recent storms which require the proposed expense.

Motion by Commissioner Winfield to approve OSTA's request for funding for the use of unbudgeted funds in the amount of $11,573.00 for the replacement roofs of Barns E and F and approve the Independent Contractors Agreement with Blake Construction, LLC

Motion seconded by Commissioner Walker

Discussion
Clerk/Auditor Woytek clarified that this expense would be pulled from the General Capital Projects budget, Fund 34.

Motion passes 6-0

3. UDOT TPA Cooperative Agreement Grant for 2011 Non-Motorized Trail Master Plan Update (Maddie Logowitz)

Presentation
Logowitz described the technical planning grant, with $30,000 match to be provided by the City of Moab. 13 years have passed since last plan update.

Motion by Commissioner Walker to approve UDOT's Technical Planning Assistance Program Funds Cooperative Agreement that will provide $90,000 to update the 2011 Grand County Non-Motorized Trails Master Plan.

Motion seconded by Commissioner Hedin

Discussion
Commissioner McCurdy asked about Moab City's support for this plan. Logowitz stated that for several years the city has expressed support, as the project will serve areas that connect to the City. Commissioner Winfield sought clarification as to whether this involved rights of way and egress through private property, and stressed the importance of working closely with any and all private property owners through this planning process.

Motion passes 6-0

4. Rezone Request for 1540 Spanish Valley Drive (Moab Heat and Cool) from Large Lot Residential (LLR) to Neighborhood Commercial (NC) (Planning and Zoning Director Amy Weiser and Code Enforcement Officer Brandon Black)

Presentation
Weiser opened the floor to any general questions and comments for the request, which was presented along with a public hearing at the last Commission meeting. Commissioner Winfield stated that he had moved to remand the item previously because there was community support that had gone unheard during its previous consideration. Winfield stated that there is no conflict of interest that his general contractor business has with this common local subcontractor.

Motion by Commissioner Hedin to deny the request to rezone real property located at 1540 Spanish Valley Drive, known as Grand County Parcel No. 02-0017-0202, from Large Lot Residential (LLR) to Neighborhood Commercial (NC), stipulating that the applicant shall have 90 days to cease and desist all commercial operations at the property.

Motion seconded by Commissioner Clapper

Discussion
Commissioner McCurdy stated that he would prefer 6-12 months for the cease-and-desist order. Commissioner Hedin referenced discussion at Planning Commission, with very few comments received in support of the rezone. Confirmation was reached that the property was never zoned commercial but did host unpermitted commercial activity that was ordered to stop. Staff has ruled that the rezone is not congruent with future plans and is incompatible with the existing neighborhood characteristics. Planning Commission unanimously recommended denial. Commissioner Walker stated that it was important to protect residential neighborhoods, even though commercial property is hard to come by, and that future planning efforts should take in account this demand for light industrial type commercial property. Code Enforcement Officer Black recommended up to 180 days for the business to cease commercial activity. Commissioner Hedin agreed with 180 days. Commissioner McCurdy expressed concerns for any employees of the business suffering as

a result of this action, and cautioned for as much leniency as possible. Commissioner Winfield suggested 180 days as a minimum. Winfield pointed out that Moab Heat and Cool was the contractor of choice to replace heating and cooling units on the County Courthouse building, and is the business generally relied upon for the County facility HVAC needs.

Motion by Commissioner Walker to amend the order to cease and desist to 180 days.

Amendment seconded by Commissioner Hedin

Discussion (none at this time)

Amendment to the original motion passes 6-0

Amended Motion passes 6-0

5. **Resolution Initiating Proceedings to Amend the Land Use Code** (Planning and Zoning Director Amy Weiser and Commissioner Walker)

Presentation
Vice-Chair Walker explained the requirement in state code for this action, in order to vest land use applications received moving forward. This is the same action taken by the Commission six months ago, with some adjustments. Commissioner Winfield sought clarification that the resolution was only for the purpose of declaring a 180-day window for potential amendments, including a reference to sections of the LUC that could undergo amendment. Commissioner Walker clarified that this action does not guarantee any amendments to the Land Use Code but rather opens up potential amendments for consideration. Weiser stated that this action did not go through the Planning Commission for a recommendation, and gave further clarification regarding the purpose for the action. Commissioner Winfield stated that there were many constituents highly concerned and aware of potential future changes to the Land Use Code. McCurdy disclosed that he is an ADO applicant. Weiser stressed that clear and objective standards are needed for assessing zoning changes, and that uncertainty in this regard for property owners can have very negative consequences. Clapper stated that many are seeking the certainty of potential revision in order to move forward with their own projects.

Motion by Commissioner Walker to approve the resolution initiating proceedings to amend the land use code in a manner that would prohibit approval of an application as submitted pursuant to Utah State Code 17-27A-508(1)(B)

Motion seconded by Commissioner Clapper

Discussion
Commissioner Winfield stated that uncertainty faced by constituents is related to an extension of a 6-month window that has already been experienced, which holds up property owners and their own plans and projects. Commissioner Walker clarified that this does not apply retroactively and hold up applications already received. Chair Hadler stated that the changes should be brought forward for consideration as soon as possible so as not to keep any property owners waiting an undue amount of time.

Motion passes 4-1, Winfield opposed, McCurdy abstaining

6. **Letter of Support for the Utah Office of Energy Development** (Commissioner Hedin)

Presentation
Hedin gave an overview of the proposed action, part of an effort by the Utah Association of Counties to pursue federal funding for EV charging stations. Unclear if it would directly result in such stations being installed in Grand County.

Motion by Commissioner Hedin to approve the letter of support for the Utah Office of Energy Development.

Motion seconded by Commissioner McCurdy

Discussion (none at this time)

Motion passes 6-0

7. Volunteer Appointment to the Solid Waste Special Service District (Chair Hadler)

Presentation
Chair Hadler explained the proposed action. Two applications received. District contemplating expansion to a seven-member board.

Motion by Commissioner Hedin to approve the appointment of Ashley Wareham to the Solid Waste Special Service District, term ending 12/31/2027.

Motion seconded by Commissioner McCurdy

Discussion (none at this time)

Motion passes 6-0

8. Independent Contractor Agreement (ICA) with EFG Consulting LLC to prepare a comprehensive Impact Fee Study (Acting Commission Administrator Hall and County Engineer Dan Stenta)

Presentation
Hall and Stenta gave an overview of the proposed process and action. Impact Fee update may allow for expanded uses of impact fees. One addition to the scope of work is to capture the impact of visitors on the active transportation system. Overall result of the study will be an updated Impact Fee ordinance. Impact Fees levied on new construction. Commissioner McCurdy disagreed with the concept of funding such a study in order to enable the collection of more money. Water and sewer collected by the city and special service districts form the lion share of overall impact fees collected. Stocks explained that fees had to be supported by a study. Winfield asked about what might be delaying the prioritization of funding a stormwater plan update at this time, which had been planned to be the next study to be budgeted for. Impact fee study already budgeted for this year. Stormwater Plan update to be discussed during scheduled discussion item.

Motion by Commissioner Clapper to approve the Independent Contractor Agreement (ICA) with EFG Consulting, LLC for professional services resulting in a comprehensive impact fee study including an updated Impact Fee Facilities Plan and Impact Fee Analysis

Motion seconded by Commissioner Walker

Discussion (none at this time)

Motion passes 5-1, McCurdy opposed

9. Authorization of the County Commission Administrator Selection Subcommittee to Work with Admin and Offer the Position to Preferred Candidate (Chair Hadler)

Presentation
Hadler described status of the administrator hiring process, with three unnamed candidates as finalists referred to as candidates A, B, and C. Candidate A the consensus top choice, with candidate B as the second choice. Commissioners Hedin and Winfield agreed with candidate A as the top choice. Clapper expressed that he is comfortable with the committee's assessment.

Motion by Commissioner Walker to authorize the Commission Administrator Selection Subcommittee to work with Grand County Administration and Grand County Personnel Services staff to extend appropriate offers to top candidates applying for the Commission Administrator Position.

Motion seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 6-0

Consent Agenda – Action Items

10. Approval of Consent Agenda Items

A. Approval Of Meeting Minutes for August 20 and August 21
B. Ratification of Payment of Bills
C. Volunteer Board Appointment for the Thompson Springs Special Service Water District Board
D. Grand County Search and Rescue Drone Purchase
E. Extension of the Existing Grand/San Juan County Interlocal Agreement (ILA) for the Mud Springs Trail System

Motion by Commissioner Walker to approve the Consent Agenda as read by the Chair

Motion seconded by Commissioner McCurdy

Discussion (none at this time)

Motion passes 5-0, Winfield absent

Discussion Items

11. USU Contract Extension and Additional Funding Requirements

Attorney Stocks opened the discussion regarding the Small Business Development and Support position that USU has had difficulty filling, and whether the County was still interested in that position being filled under the existing parameters of the agreement. 2.7-year TRT funded position would potentially need a longer range commitment by the County in order to fill it as currently written. Commissioner Hedin said that she has seen this position at USU thrive in the past with the right leadership and staff, but that the correct arrangement was currently not present for it to thrive on its own, especially if it were not regularly supervised, with the Dean currently located in Blanding. Discussion regarding the challenges associated with hiring and different mechanisms that could be put into place to hire the right person or seek other solutions for small business support through USU if the position isn't hired within a given timeframe. Amendment to existing contract will be presented and considered for the next Commission agenda.

6pm Citizens to be Heard

Dee Taylor spoke with concern regarding potential changes to the Land Use Code that the Commission might be considering and urged postponement if so. Taylor stated that he received an emergency verbal authorization from the Division of Water Rights to begin excavation in the streambed which is needed to prevent excess flooding on his property. Taylor stated that he needs help from the City and County to complete all of this work.

Shirley French stated that giving 180 days for Moab Heat and Cool to cease commercial operations and vacate the property is excessive given their long history of inappropriate use.

Helene Rohr spoke regarding the potential for financial aid to private landowners for flood related remediation and mitigation given the declaration of state of emergency.

Michael Skarda spoke with curiosity about upcoming potential changes to the Land Use Code which could consider the availability of quality water, and advocated for permission to develop his property north of the valley, Namaste Rock, which has a viable and clean groundwater source.

12. Flood/Stormwater Projects

Commissioner McCurdy opened the meeting questioning why San Juan County wasn't more involved in the present conversations and meeting regarding large scale work needing to be done to mitigate flood damage in the shared valley, particular in the Pack Creek drainage, and added that an updated Stormwater Drainage Plan would need to involve San Juan County. Clarification given that the emergency stakeholder meeting that took place would be posted on YouTube for everyone's awareness of those discussions.

County Engineer Dan Stenta spoke to the need to update the 2011 Stormwater Drainage Plan, and the need to prioritize potential projects and their associated costs with other capital needs around the County. Stenta added that projects should be prioritized based on how many properties that they will protect. Commissioner Winfield stated that it was important to explore options for bonding to finance large projects so that future generations would be contributing toward projects that will benefit them. A list of short-term projects is being developed that could be addressed and funded with existing balance in the next 24 months in order to address some critical areas. Commissioner Walker agreed that bonding options should be pursued, in addition to CIB funding avenues and lobbying the state legislature to expand the available uses of existing tax revenues. Stenta referenced current efforts by the state to update floodplain mapping, which will begin in Grand in 2025. Commissioner Winfield emphasized bringing all stakeholders together to come up with solutions. Discussion regarding the potential for having a Department within the County dedicated to stormwater drainage projects, versus having a contractor on hand to complete projects as needed.

13. Discussion on Revenue and Taxation Interim Committee

Commissioner McCurdy, who called for this discussion item to be on the agenda, stated that he took person offense to the action by the Chair and Vice-Chair to speak before this committee while leaving out his own position because he has differing views, and that he would have attended the meeting had he been informed of the opportunity.

Chair Hadler described the sequence of events that led to himself and Vice-Chair Hadler speaking before the state legislature. Hadler reviewed the policies and procedures of the governing body, as it relates to commissioners conveying the official position of the Commission, which they are allowed to do when the Commission has taken an official position. Hadler stated that he felt that he and Walker were invited specifically in order to be interviewed by this committee. Commissioner Walker reiterated that the Commission had already discussed the State Auditor's findings extensively, and a majority position had been made quite clear through two separate action items. Commissioner Hedin expressed remorse to Commissioner McCurdy for his hurt feelings on the matter, and expressed how ultimately cumbersome it would be for Commissioners to constantly be reporting their whereabouts and activities to the Commission as a whole. Commissioner McCurdy stated that it still felt to him a very intentional snub, and that it was clear that the Chair and Vice-Chair spoke on behalf of the Commission, which he feels was improper.

Chair Hadler referenced the two instances which established the County Commission's official position, including the failure to vote on a motion to recognize and conform to all of the State Auditor's findings. Vice-Chair Walker stated that he was disturbed that McCurdy would repeat the language regarding intentional abuse. McCurdy stated that he can make such an accusation speaking as a private citizen. Commissioner Hedin stated that it was sent from a county email address. Commissioner Winfield stated that the audit finding letter refers clearly to intentional misuse. Winfield added that he was outraged and disappointed in the Commission leadership for not working together as a team, and that the Chair was not invited personally as they claim but rather, they were invited and presented themself as the Chair of the Commission. Winfield speaks for the constituents in his efforts to secure funding and find successes the constituents of the County. Intentional misleading of all parties involved. Commissioner Clapper stated that when he served as Chair he often was called to speak at the legislature on short notice, and that this is standard practice and according to rules and regulations. Clapper added that he takes personally the accusations of intentional misuse, and he's been around to approve and defend these uses and objects to the suggestion that he wasn't doing things to advocate and protect his constituents.

Attorney Stocks stated that in July 2024 the Commission postponed acceptance of the audit findings, which was discussed with concern to future potential litigation. Stocks stated that it was improper for the Chair and Vice-Chair not to identify that they did not represent the entire Commission. Stocks stated that it was apparent that he does not have access to all topics discussed amongst the Commission, and that the invitation was a trap set by the legislature that could have used the wisdom of the entire board and the input of the attorney. Commissioner Walker stated that policies and procedures are quite clear, and were clearly followed by staying within the parameters of the approved response letter. Walker urged Commissioners McCurdy and Winfield to be specific about their accusations of intentional abuse. Commissioner McCurdy stated that it was inappropriate to advocate for increased flexibility in spending TRT before the committee because that specific topic was not discussed by the Commission body as a whole.

Commissioner Walker reviewed the state auditor findings in order to point out that some errors and specific decisions had been made, none of which constituted intentional abuse. Commissioner Winfield stated that all he was asking for as part of this discussion was for the entire Commission to be brought together in order to discuss Grand County's position on any matter.

Chair Hadler adjourned the meeting at 8:05 p.m.

Jacques Hadler
Chair, Grand County Commission

Gabriel Woytek

Gabriel Woytek
Grand County Clerk/Auditor