



GRAND COUNTY COMMISSION REGULAR MEETING

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

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MINUTES 17 September 2024

The Grand County Commission met in a regular meeting on September 17th, 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 Commissioner Chair Jacques Hadler, Commission Vice Chair Kevin Walker and Commissioners Bill Winfield, Mary McGann, Evan Clapper, Trisha Hedin, Mike McCurdy. Also attending in person was acting Commission Administrator Quinn Hall, Clerk/Auditor Gabriel Woytek and County Attorney Stephen Stocks.

3:15 p.m. Workshop: Mineral Lease, State PILT, and Rural Healthcare Sales Tax Allocations for Calendar Year 2025

Allocations of the subject revenues were presented in a consolidated document, as discussed and proposed at previous Commission meeting. Commissioner Walker stated that the Transportation Special Service District spends Mineral Lease monies on roads, and that these funds might be better spent on other things like flood control because of other funding sources that exist for roads. Commissioner McCurdy added that the Transportation District charter does include flood mitigation, and that this board has discussed diverting more funds to flood mitigation. Commissioner Walker suggested that perhaps the chart could be changed to focus solely on flood mitigation, since roads might feel like a more satisfying way to spend the money, which is not a good reason to use mineral lease monies for it. Commissioner Hedin added that the charter could also explicitly reference the replacement and construction of bridges and culverts and the acquisition of easements for stormwater control. Commissioner McCurdy stressed that the Commission is limited in how it can impose on the way a district uses its funds. Commissioner Clapper asked that the record reflect that the Commission wishes for the Transportation Special Service District to focus their activity on stormwater mitigation. Commissioner Walker asserted that the Commission can legally specify under what conditions a district will be funded as a way of controlling how the funds are utilized. Walker added that a fresh look should be considered for the future cycle, so that the percentages aren't unnecessarily carried over and set in stone. The Commission requested that a future allocation discussion include historical charting of funding sources as well as trends for each revenue source.

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

4:03 p.m. Chair Hadler called to order the Regular Meeting

Pledge of Allegiance

4 p.m. Citizens to be Heard

Marcy Till spoke in regards to recent flooding impacts to her property on Heaven Lane. Till gave thanks to Dan Stenta and Bill Jackson for their willingness to meet and speak with residents in regarding to the damages and potential solutions.

Dwight Johnston spoke regarding his attendance at the Planning Commission, and spoke in opposition to action to change the Land Use Code that he viewed as limiting housing density, and mentioned the need for apartments and more density to create affordability in housing. Johnston specified that there is only 4.3 percent private land in Grand County.

Doug Carroll, property owner at 2850 S. Highway 191, spoke regarding his property valuations, which saw a 300% increase in 2023. Carroll expressed concern regarding the reduction in highway commercial occupancy rates that are being considered. The potential sales price on his property would take a hit. He would like to know the reason for the consideration of this potential change, which he feels would have a tremendous unfair impact on property owners. Carroll stated that even 18 units per acre should not be considered high density.

Josh Green spoke regarding a pedestrian vehicle accident that he witnessed on Highway 191, and referenced areas littered with memorials, urging UDOT to address the serious safety issues associated with this corridor. Green added that the dark skies ordinance has made the roads too dark. His neighborhood is surrounded by nightly rentals with lots of associated car traffic and strangers, in a neighborhood without appropriate safety lighting. Green suggested that no more than a vocal handful wanted such an ordinance in place, and that dark skies are no more than a selfish boast that punishes the middle and lower classes.

Presentations (none scheduled)

Department Reports

Library Report (Library Director Carrie Valdes)

Valdes focused on recurring facility issues at the library, especially as it relates to capital facilities, including the HVAC system, with a major repair/renovation planned for 2026 that would involve a 6-week closure of the facility, repairs to the roof, light fixtures, handicap accommodations, new carpeting, exterior soffit and fascia, and the solar panel system. Valdes believes that planned 2026 repairs can be completed with facility improvement plan that is in place, but the shared geothermal system with Moab City is not working correctly, and requires \$600,000 in repairs or new condensers, and might need to be addressed prior to replacing more HVAC units, not planned or budgeted for. Commissioner Winfield asked if recent substantial tax increase was being used to help plan and cover these renovations, and advocated for separating from the geothermal system with the City. Valdes confirmed that the 2023 Library tax increase was made to directly address facility needs, especially with bond paid off. Discussion regarding benefits and drawbacks for what would be a preferred heating and cooling system, with the geothermal seeing greater potential cost savings in the long run but more complexity.

Valdez briefly referenced programming at the Library, including upcoming events for adults and the festival of science.

Facilities Maintenance (Facility Supervisor Shawn Fugit)

Fugit gave an overview of his department's activity across the County. Recap of 2023 included HVAC repairs, backup generator replacement, Courthouse Water heater system and associated plumbing, and

mixing valve for jail. Recap of 2024 to date included EOC roof repairs, automatic transfer switch replacement, continued HVAC repairs, hail damage repairs, and repairs to damage to the paved path caused by floods.

Old Spanish Trail Arena (OSTA Director Angie Book)

Book gave the 2023-2024 OSTA department report, with an overview of a packed lineup of events hosted including PRCA Rodeo, Team Rubicon, Easter Jeep Safari, community-oriented events and the Grand County Fair. Overview given of a variety of Arena maintenance projects, Surplus Sale, north end culinary line replacement, and baseball diamond improvements. Brief overview given of OSTA budget and future projects and needed maintenance items.

Agency Reports (none scheduled)

Commission Member Disclosures (none at this time)

Commissioner McCurdy disclosed that he is a developer of an Alternative Dwelling Overlay project and that his wife is a county employee who carries County health benefits for his family. In reference to the proposed ICA with Metro Title, McCurdy disclosed that this company employs multiple family members.

Commissioner McGann disclosed that her son works at Sand Flats Recreation Area.

General Commission Reports and Future Considerations

Jacques Hadler

- Trail Mix meeting, BLM ebike scoping period postponed, volunteer push for national public lands day
- Responsible Recreation Committee meeting, 100k interactions with visitors logged by Trail Ambassadors motorized program proceeding positively
- UAC Conference, discussion regarding TRT legislation
- Chamber of Commerce 'meet the candidates' forum

Evan Clapper

- Cemetery District Board meeting, October meeting will be moved to November
- Sandflats Stewardship Committee meeting, 2025 budget presentation
- EMS meeting

Bill Winfield

- Budget Advisory Board meetings
- Airport Board meeting
- UAC Conference, discussion regarding public lands, centrally assessed
- Moab Valley Fire District Annexation meeting
- Meeting with Brownfields, consideration of doing a study at the old schoolhouse in Thompson Springs

Mary McGann

- Solid waste meeting, Operational plan for transfer station, pilot composting program to be initiated
- Meeting with Senator Hinkins, discussion regarding line-item budget at state level for funds available to rural communities affected by natural disasters, in order to address FEMA formulas which put lower population communities at a disadvantage

Trisha Hedin

- Planning Commission meeting
- Mosquito Abatement District Meeting
- Conservation District Meeting
- Library Board Meeting, November 14th bag of books sale

Mike McCurdy

- Attended UAC Conference

Kevin Walker

- No reports at this time

Elected Official and Staff Reports

Clerk/Auditor Woytek

- UAC Conference
- Elections Update
- Budget Update

County Attorney Stephen Stocks

- 9/18 10am Kane Springs CUP Appeal Ruling to be made
- Blue Ribbon Coalition Oral arguments for Summary Judgment upcoming
- Utah Prosecution Council Conference
- Budget Advisory Board presentation
- Community Recovery Day Celebration put on by USARA
- UAC Conference, discussion regarding Board of Canvassers and election certifications, presentation by candidates for the Office of the Attorney General

Acting Commission Administrator Hall

- UAC Conference
- Impact Fee Analysis Initial meeting 9/24 at 4pm
- Meeting with consultants for Land Use Plan update

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

Chair Hadler moved Item 4 up, without objection

4. Ratification and Update on State of Emergency Declaration (Commission Administration)

Presentation

Oliver explained that the proposed action was to ratify declaration for August flood event and extend deadline by thirty days in order to cover a potential subsequent flood event.

Motion by Commissioner McCurdy to approve the Ratification of the State of Emergency Declaration for August 23, 2024, and extend the deadline beyond 30 days to reflect the additional assistance needed to supplement flood recovery efforts within Grand County.

Motion seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 7-0

Chair Hadler moved Item 6 up, without objection

6. 2025 Insurance Rate Renewal Increase (Commission Administration)

Presentation

Administrator Hall explained that the renewal effectively represents a net zero cost to the County year over year.

Motion by Commissioner Hedin

Motion seconded by Commissioner Walker

Discussion (none at this time)

Motion passes 6-0, McCurdy absent

Chair Hadler moved Item 7 up, without objection

7. Resolution Amending Grand County Handbook, Section E (Commission Administration)

Presentation

Hall explained that there had been an error with the previously signed handbook relating to payout of leave which clearly did not reflect the intention of the Commission or staff.

Motion by Commissioner Walker to approve

Motion seconded by Commissioner Hedin

Discussion

Winfield stated that the mileage reimbursement should be for only one-way, based on discussion held.

Motion by Commissioner Walker to amend original motion to state that mileage reimbursement for County business would be limited to one-way

Motion to amend seconded by Commissioner Hedin

Motion to amend passes 7-0

Amended motion passes 7-0

6pm Citizens to be Heard

Saina Carey, resident and property owner in the Thompson Springs area, spoke regarding her community and its perceived water crisis, stating it just lacks the proper infrastructure for storage and metering. Carey

stated that the fire district annexation and its associated taxing will place an undue financial burden on the many low-income residents of the area. Many roadblocks in her effort.

1. A Public Hearing to update the Land Use Code

Amy Weiser and Bryce Rogers showed a powerpoint presentation displaying the timeline that brought the current conversation to present consideration. Any LUC revisions are meant to reflect the updated land use element which included a number of public workshops, but do reflect changes from a plan that has yet to be adopted.

Planning Commission directed to offer recommendations to four proposed LUC changes:

1. New Range and Resource District (RAR-20), unfavorable recommendation forwarded by Planning Commission
2. Proposed Major Utility Overlay, unfavorable recommendation forwarded by Planning Commission
3. Proposal to remove "Outfitter and guide service and facility" as a conditional use in the Rural Residential zone, Planning Commission forwarded a recommendation as follows: maintain use as CUP, and allow same use as permitted use in other zones.
4. Proposed revision to reduce maximum allowable residential density in the Highway Commercial Zone from 18 dwelling units to 5, unfavorable recommendation forwarded by Planning Commission

Planning Commission unanimously agreed to review a number of potential LUC changes at the next meeting on September 23: Article 3 (3.2 and 3.3), Article 6 (6.8 and 6.9), and Article 9 (9.4 and 9.16)

Commissioner Walker stated that RAR-20 zone does not have a map because it does not propose to change any zoning. Walker added that existing LUC had vulnerabilities in regards to inappropriate zoning in specific areas, and 4 additional elements being considered will address this conflict.

Commissioner Clapper reiterated that the RAR-20 zone wouldn't apply to any particular location but would currently be nebulous. In regards highway commercial, Clapper stated that commercial activity in residential neighborhoods is rampant, and the proposed changes are meant to support the establishment of commercial areas in commercial zones. Clapper added that incentivizing home development in commercial areas is tricky, as it is hard to identify the appropriate incentive for creating the type of housing that the community needs.

In reference to the proposed reduction of housing density in Highway Commercial, Commissioner McCurdy rhetorically questioned when the government has taken away something and given it back in greater numbers. McCurdy asked for an estimate on completion of the future land use plan.

Commissioner Winfield stated that an action designed to take away density and give it back makes no sense to him, and that it was important to listen to experts, slow down, and involve people who could be having their property rights taken away. Winfield stated that it was inappropriate for the Commission to pick and choose what it listens to from boards who volunteer a huge amount of time and effort in making recommendations, and that it was not following proper process by stretching the imagination of how such considerations should be brought forth. Winfield added that downgrading density in Highway Commercial does nothing to solve the housing problem, and that the Commission can't force a developer to lose money. The only solution to the housing problem is to build housing, which requires working with and incentivizing developers to build it.

Commissioner McGann stated that this was a Public Hearing meant for exposition of information and not time for debate of material or wide-ranging opinion by the Commission.

Commissioner Hedin stated that the September 9th Planning Commission meeting was available for review on YouTube, such that Planning Commission comments are heard in full.

Attorney Stocks encouraged the Commission to closely look at allowable Conditional Use Permitting and consider what it deems desirable across the land use table.

Commissioner Walker referenced the commercial real estate shortage, and suggested that deep lots could allow for more dense residential development in the back of the property.

At 6:43 Chair Hadler opened the public hearing, to remain open until 5 p.m. on Wednesday, September 25th.

Planning Commissioner Bob O'Brien, speaking as a citizen, spoke regarding the RAR 20 zone, stating that there was currently too much density for the proposed range and resource zone. O'Brien recited the purpose of that zone, and stated that a maximum allowable density of 1 unit per 20 acres would be aligned with allowed densities in similar zones in other counties.

Dwight Johnston stated that other counties had much more proportional private land, and thus the little private land in Grand County must remain developable. Johnston added that apartment buildings are a perfect fit for commercial zones that aren't in the middle of residential areas.

Jeff Cornelius, owner of highway commercial property, stated that reducing allowable residential density in Highway Commercial would not serve to alleviate the housing crisis. The issue isn't commercial activity in residential areas, but rather a lack of housing availability.

Danette Johnson, Highway commercial property owner, stated that the Highway Commercial zone should have a higher density than currently allowed, and added that advisory boards aren't worth the time and effort because the Commission does not heed its advice, and that there are more pressing issues plaguing the county that could use the Commission's attention. Johnson stated that property rights never come back once they are taken away, and that there is a place for residential uses in the highway commercial zone.

Johnathan Skarda expressed frustration with the additional 180 day waiting period for land use code changes, and expressed specific concern with the highway commercial zone, whose density is often constrained by technical limitations of the property, and that critical and creative residential uses should remain available in the highway commercial zone.

Mary O'Brien stated that heightened development standards in RAR-20 are needed, referenced the use table in chapter 3.1 of the LUC, with the stated uses being contemplated and potential accompanying uses non-existent. O'Brien stated that the County must do more work to make it more understandable to the community regarding contemplated uses in the range and resource zone. Wildland fire risk is serious and must be considered in this zoning, suggested using the Planning Assistance for Wildfire document as a way to assess wildfire risk and its impacts.

Grand County resident and highway commercial property owner Russell Pogue stated that the housing shortage is having a number of negative impacts in the community and the local economy, namely for agencies to hire essential professionals and workforce to live in town.

2. \$95,814 grant award for non-motorized trail signage and maintenance (GCATT Director Madeline Logowitz)

Presentation

Logowitz gave an overview of the grant award and associated project. Match of \$20,000 in labor, BLM to contribute \$40,000 match.

Motion by Commissioner Walker to approve signing the Non-Motorized Recreational Trails Program Grant contract that provides \$95,814 in funding for non-motorized trail signage and maintenance improvements.

Motion seconded by Commissioner Winfield

Discussion

Clapper clarified that match is all budgeted labor hours and no cash. Winfield asked about what trails would be targeted. Logowitz stated that several specific trails were called out in the applications, and that the Trail crew sometimes must respond to urgent needs that spring up in response to things like flood damage and also to emerging high use areas, such that flexibility is needed.

Motion passes 7-0

3. Grant-Funded Temporary Project Coordinator Position (GCATT Director Madeline Logowitz)

Presentation

Logowitz gave a description of the proposed action for hiring a manager for the non-motorized master plan update. Logowitz confirmed that available grant funds could be used to fund this position, which would handle the RFP process for a consultant, complete GIS data, spearhead public engagement and outreach, and other associated efforts. Commissioner Winfield sought clarification on the temporary nature of the position and how much funding would be needed to support it, and stressed that direct engagement with property owners would be needed in addition to general public outreach. Five-year timeframe available for use of the grant funds, but Logowitz is targeting this winter offseason to jumpstart the effort into the new year and hopefully complete within 12 months, with an average of 20 hours per week, at a cost \$15-20,000 total. Feedback heard loud and clear regarding direct outreach with private property owners.

Motion by Commissioner McCurdy to approve the grant-funded, temporary, part-time special project coordinator position as written, with edits as discussed.

Motion seconded by Commissioner Walker

Discussion

Logowitz clarified that the Klondike Bluffs area to be included in the plan. Full schedule and application to be shared with the Commission.

Motion passes 7-0

5. Memorandum of Understanding (MOU) with Utah State University (USU) for Groundwater Monitoring of the Moab, Spanish Valley Watershed (Commissioner Hedin)

Presentation

Commissioner Hedin gave an overview of the proposed monitoring effort, which would be led by Dr. Tom Lachmar of Utah State University. Grad student would begin work at the end of 2024 and collect data from all relevant entities and begin modeling process, which would take a couple of years until completion.

Motion by Commissioner McGann to approve Memorandum of Understanding (MOU) with Utah State University (USU) for Groundwater Monitoring of the Moab, Spanish Valley Watershed.

Motion seconded by Commissioner Hedin

Discussion

Clarification that partnership was being pursued to avoid costly consultants. \$80,000 total fiscal impact. Discussion regarding the need to invite input from San Juan County, and the value in including people ahead of time, particularly in reference the existing poor relationship with the San Juan County water district.

Motion passes 7-0

8. ICA with Metra Title

Presentation

Oliver gave an overview of the process, which required soliciting proposals. One proposal received, within budget.

Motion by Commissioner McCurdy to approve the Independent Contractor Agreement with Metro Title for the Thompson Springs Title Report.

Motion seconded by Commissioner Hedin

Discussion

Winfield disclosed he has a sister who is a property owner in the area and that he will abstain from this vote. Hall specified that community outreach would occur before any resurvey would occur. Stocks stated solid community outreach would be important for what can be an esoteric process.

Motion passes 6-0, Winfield abstains

9. Resolution Allocating Mineral Lease Funds and State PILT Allocated to Grand County by the State of Utah During Calendar Year 2025 to Eligible Special Service Districts and/or to the School District

Motion by Commissioner McCurdy to approve the resolution allocation Mineral Lease and State PILT funds to eligible districts, as per the resolution.

Motion seconded by Commissioner Walker

Discussion (none at this time)

Motion passes 7-0

10. Resolution Allocating Health Care Facilities Sales and Use Tax Revenues Received During Calendar Year 2025 to Eligible Entities

Motion by Commissioner Winfield to approve the resolution allocating healthcare facilities sales and use tax revenues received during calendar year 2025.

Motion seconded by Commissioner McCurdy

Discussion (none at this time)

Motion passes 7-0

11. Creation of a Flooding Impact and Mitigation Sub-Committee (Administrator Hall)

Presentation

Hall explained need to discuss in depth options countywide for several more technical options that could be considered to address flooding. Hedin and Winfield and McGann volunteered to be included. Attorney Stocks stated that the ad-hoc working group or more formalized group are viable options. Start with ad-hoc and move to more formal if serious options are being considered.

No formal action taken; committee agreed upon per discussion

12. Resolution Amending Resolution 2350 Restructuring the Grand County Solid Waste Special Service District No. 1

Presentation

McGann explained the need for an additional board member.

Motion by Commissioner McGann to approve the Resolution Amending Resolution 2350 Restructuring the Grand County Solid Waste Special Service District No. 1

Motion seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 7-0

Consent Agenda – Action Items

13. Approval of Consent Agenda Items

A. Approval of Meeting Minutes for September 3, 2024

B. Ratification of Payment of Bills

C. Ratification of the Single Event Local Consent Beer Permit for Outerbike

Motion by Commissioner Hedin to approve the Consent Agenda, as read by the Chair.

Motion seconded by Commissioner McCurdy

Discussion (none at this time)

Motion passes 7-0

Discussion Items

Dark Sky Compliance and Enforcement

Attorney Stocks explained the current status of Dark Sky enforcement, which is that there is an ordinance on the books, but the process for enforcement is not clear between pursuit of voluntary compliance or civil suit, which would involve active enforcement by code compliance active or the issuance of citations/letters from the Attorney's Office.

Commissioner Walker stated that issues of light trespass could have been enforced by now. Commissioner Hedin stated that she preferred a neighborhood complaint driven process, and for extreme examples the option for attorney letter seems appropriate. Commissioner McGann stated that action should be taken to align the ordinance to match the City's in 2025. Commissioner Hedin stated that City's ordinance is too complex. Commissioner McGann would like to follow up with solutions for bringing people into compliance.

Commissioner McCurdy expressed a preference for a complaint driven process that highly prioritizes voluntary compliance and avoids any escalation. Commissioner Winfield stated that he wishes to remain involved in coming up with a solution with the current extreme example of light trespass between neighbors that has prompted the current discussion. Winfield added that funds for incentivization of compliance must be involved, and no one should be forced to come into compliance out of their own pocket. Commissioner Walker asked if a fine schedule would need to be drafted. Discussion regarding the potential need for a formal resolution to allow for access to state funding.

County Finance Projections for 2025

Treasurer Kauffman discussed his methodology for projecting Federal PILT and Property Tax revenues, which will show small increases from the previous year. Conservative interest income projections used, with an average interest rate of 4.25%, which factors in several rate reductions by the federal reserve. Less income projected in 2025 than will be received in 2024.

Budget Officer Steven Vowles gave an overview of his approach to projecting growth in 2025, which he predicts to be around 2.5% to 3.5%, roughly equivalent to the currently estimated 2.7% COLA. Commissioner McCurdy stated that he was in favor of a flat growth recommendation for staff. Commissioner Winfield expressed gratitude for the efforts of Vowles and Kauffman.

Invitation to Political Subdivision Committee

Hadler explained the circumstances behind he and Commissioner Walker's appearance before the Committee. Commissioner Winfield stressed that increased dialogue was needed between leadership and the state, and that the general attitude should be to implement the recommendations given by the State Auditor's Office. Discussion continued regarding next actions to be taken to resolve and increase cooperation and compliance.

Closed Session

At 8:35 p.m., motion by Commissioner Hedin to enter a closed session for the purposes of discussing the character, professional competence, or physical or mental health of an individual.

Motion seconded by Commissioner Walker

Motion passes 7-0

At 8:47 p.m., motion by Commissioner McCurdy to exit the closed session

Motion seconded by Commissioner Hedin

Motion passes 7-0

Chair Hadler adjourned the meeting at 8:47 p.m.



Jacques Hadler
Chair, Grand County Commission



Gabriel Woytek
Grand County Clerk/Auditor