



GRAND COUNTY COMMISSION WORKSHOP AND REGULAR MEETING

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

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MINUTES 5 December 2023

The Grand County Commission met for a workshop and regular meeting on December 5th, 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 and Commissioners Mary McGann, Evan Clapper, Bill Winfield, Trisha Hedin and Mike McCurdy. Also attending in-person were Commission Administrator Mallory Nassau, Clerk/Auditor Gabriel Woytek and County Attorney Stephen Stocks. Vice-Chair Kevin Walker was in attendance virtually.

3:01 p.m. Budget Workshop (0:00)

Clerk/Auditor Woytek offered details regarding the following topics:

Updated Major Revenue Projections - \$193,547 revenue reduction in the General Fund entered into updated tentative budget

Department Cuts - \$470,871 cut from the General Fund, \$56,428 from Fund 16 (Economic Development), \$141,122 from Fund 47 (Active Trails and Transportation).

Current Budgeted Fund Balance draw of \$813,733

Solid Waste contribution increased to \$500,000, **Moab Valley Fire District** contribution restored to originally requested amount of \$150,000

Capital Projects – Administrator Nassau reviewed 2024 Capital Project requests. The Commission gave consensus approval for the following projects for 2024: Beacon Tower Maintenance and Painting (Airport), Main Server and Storage Array (IT), Automatic Transfer Switch and Four HVAC Replacements (Maintenance), Fire Suppression System (OSTA), Archery Range (OSTA), Pickleball and Playground (OSTA), EOC Roof (SAR), Security Gate Replacement (Airport), Facilities Capital Planning and Design (Commission)

Chair Hadler called the regular meeting to order at 4:15 p.m.

Pledge of Allegiance

4:16 p.m. Citizens to be Heard (1:15:20)

Grand County Airport Board Chair Jody Patterson spoke to the great need for potential SITLA land swaps associated with land surrounding the Airport, especially as it relates to upcoming needed taxiway expansion projects.

Grand County Airport Board Member Bill Hawley stated that camping on SITLA land adjacent to the airport is creating a safety issue that needs to be addressed through SITLA land acquisition, for which appraisals must be secured so that a transaction can be considered.

Grand County resident John Gerrard from Jenn's Jeep Rentals spoke regarding his concern with the County's advertising budget. In his experience talking with business owners, there is general fear in regards to the continued rising costs of doing business. Gerrard stated that the Commission should make budgetary decisions that support local businesses because these serious issues affect the entire community, and more tourists need to be attracted to town in order to support local businesses.

Grand County resident Brittney Melton spoke to decisions by the Commission that she feels have served to limit housing, that the state of the economy is stagnating and things must be improved to stimulate it, and the Commission needs to be more unified in supporting its constituents. Melton suggested that the County's Audit Committee responsibilities have been ignored, that failure to follow necessary practices will eventually hurt taxpayers, and that she wants a statement from the Commission to the public to explain what she described as financial errors.

Grand County overnight rental owner Dwight Johnston said that his business is down 40%, which he says is a result of Commission decisions. Johnston added that Moab is a recreation town, businesses have invested heavily to be a part of that economy, more consideration should be given to events that bring in visitors and a more encouraging spirit should be maintained for tourism activity.

Presentations (none)

Department Reports (none scheduled)

Commission Member Disclosures

McGann disclosed that her son is an employee of Sand Flats Recreation Area.

Attorney Stocks disclosed that his wife is a Grand County employee.

General Reports (1:28:48)

Jacques Hadler

- Participated in the Better Destinations steering committee to establish goals for tourism and economic growth
- Attended Chamber of Commerce Christmas tree lighting and Christmas light parade
- Attended Motorized Trail Committee e-bike subcommittee meeting
- Future consideration: UMTRA 14-million-ton ceremony slated for December 14
- Future consideration: invite lobbyist Cody Stewart to give presentation about the state legislature and legislative priorities for Grand County in 2024

Trisha Hedin

- Attended Moab Mosquito Abatement District meeting, open secretary position
- Attended Moab City WURMP meeting, Future consideration: presentation regarding this plan at a Commission meeting

Bill Winfield

- Participated in the Better Destinations steering committee to establish goals for tourism and economic growth
- Attended UAC legislative committee virtual meeting, discussion regarding House Bill 174 draft, Governor's Office pushing for further advances to increase housing inventory, new GO appointee to oversee housing expansion efforts
- Attended Moab City WURMP, discussion regarding ongoing efforts for collaboration between water entities
- Attended meetings with lobbyist Cody Stewart regarding potential visits from State Legislators
- In discussions regarding well monitoring grants being pursued by San Juan County

Mary McGann

- Attended Economic Development Advisory Board meeting, discussion regarding Strategic Planning effort with Better Destinations, presentation regarding alternative high school facility
- Canyon Country Partnership meeting: 2024 annual state park passes on sale, Dead Horse Point and Goblin Valley parks experiencing high visitation, rock fall on white rim trail caused road to be impassable to cars, Sam Van Wetter named new Director of Canyonlands Natural History Association
- Attended meeting regarding UMTRA auditing processes
- Attended meetings with lobbyist Cody Stewart regarding potential visits from State Legislators

Mike McCurdy

- No report at this time, will take budgetary questions to Recreation Special Service District

Evan Clapper

- No reports at this time

Kevin Walker

- No reports at this time

Elected Official and Staff Reports

Grand County Attorney Stephen Stocks

- UAC attorney available at no cost to Grand County
- Children's Justice Center delayed for San Juan County, Grand will continue to cover from January to March in 2024
- Lobbying efforts already underway, encouragement to the Commission to begin active involvement

General Business - Action Items, Discussion and Consideration of:

1. National forest plan letter of comments (Chair Hadler) (1:52:00)

Presentation

Chair Hadler gave a background for the proposed action. Letter delayed from previous meeting due to robust discussion concerning discussed tweaks to original draft, which are reflected in the letter shown in the packet. Hadler added that this topic is close to everybody's heart. Hadler stated that he approved the letter as drafted but with the final bullet point removed from the 'Lack of Alternatives' section, which reads:

"Similarly, many of the recommendations we made in our 2021 scoping letter regarding Wilderness Evaluation are absent from all of the alternatives analyzed in the DEIS. We also note that many of the wilderness recommendations contained in the DEIS incorporate unnecessarily large half-mile buffers along roads. We recommend that such boundaries be drawn along identifiable disturbances on the ground or a maximum of 300 feet from open roads. Of the alternatives analyzed, Alternative D comes closest to Grand County's position on roadless and wilderness areas."

Commissioner Hedin spoke in appreciation for the high volume of citizen comment received, which have been incorporated and acknowledged in this current draft, and additionally through striking the last bullet point in the draft.

Commissioner Winfield expressed that he is not supportive of any option other than A, because all other options step too far on the toes of locals that use the mountain. Commissioner Walker stated that he drafted the letter based on a letter approved by the Commission in the previous public comment period. No conservation easements or WRA being proposed in San Juan County. Commissioner Winfield acknowledged that the edits presented do create an improvement, but can still serve locals in a better way, and that alignment with the State would be well warranted. Winfield added that the language in the letter comes from an activist point of view, which needs to share the sandbox, and the Commission should scrap this letter and support option A.

Commissioner McCurdy stated that even alternative A drifts into a more restrictive plan which he does not support. McCurdy would like to see no changes at all to the forest plan and continued use for local constituents.

Motion by Commissioner McGann to approve the letter to the U.S. Forest Service providing comments on the proposed Manti La-Sal National Forest plan, with the final bullet point from the 'Lack of Alternatives' section of the currently presented draft removed.

Motion Seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 5-2, Winfield and McCurdy opposed

2. Memorandum of Understanding with the City of Moab for Emergency Operations Plan (Grand County Emergency Management Director Cora Phillips) (2:00:32)

Presentation

Phillips described the proposed MOU necessary for updating the EOP in accordance with House Bill 96 which requires an update every five years. Grant funds cover the County's contribution of \$40,000, City of Moab to cover \$9,750, which represents the amount over the budget award.

Motion by Commissioner McGann to approve the memorandum of understanding with the City of Moab for the Emergency Operations Plan.

Motion seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 7-0

3. Independent Contractor Agreement with Integrated Solutions for Emergency Operations Plan (Grand County Emergency Management Director Cora Phillips) (2:03:03)

Presentation

Phillips gave an overview of the proposed action, as described in previous action item.

Motion by Commissioner McCurdy to approve independent contractor agreement with Integrated Solutions for the Emergency Operations Plan.

Motion Seconded by Commissioner McGann

Discussion

Phillips briefly explained that this plan serves to establish a framework for area agency emergency response to all types of hazards.

Motion passes 7-0

4. Tax forgiveness for parcel 01-0MWA-0115 (Grand County Treasurer Christopher Kauffman) (2:05:08)

Presentation

Property owners Georges and Sue Mali explained the situation which left their primary residence designated as a secondary residence for property tax purposes, which they are seeking forgiveness for.

Motion by Commissioner Winfield to approve tax forgiveness of \$1,765.97 for parcel 01-0MWA-0115.

Motion seconded by Commissioner McGann

Discussion

Attorney Stocks sought confirmation that the property owners no longer own a home in Santa Fe, New Mexico, and asked a number of other clarifying questions in order to better understand how this applicant was able to come before the Commission, as a way highlight that a fair process is needed for all property owners in the County. Commissioner Hedin stated that she would like more information about the recourse available for these people. Commissioner McGann stated that a forgiveness request has happened only once in her experience as Commissioner. Commissioner Walker stated that he supported the motion on the floor, stating that no one is disputing that this is a primary residence, and that the Commission should always follow an opportunity to charge the appropriate amount of taxes and that it is the responsibility of local government to make things easier for citizens. Walker added that the situation requires empathy and he doubts that there will become a backlog of such requests after this precedent is set.

Treasurer Kauffman described his process in assisting the taxpayer in getting this request before the Commission. Attorney Stocks asked regarding what limit would be in place to prevent a taxpayer from bringing such requests. Kauffman described his office's process for granting exceptions for penalties and interest. Commissioner Hedin stated that if this were a mistake on behalf of the county, she would be receptive to this action, and expressed wonder regarding the process by which this property went through a sale with the property remaining designated as secondary. Hadler stated that he had a hard time going against the advice of the attorney and Assessor, which is to deny the request.

Motion passes 6-1, Hadler opposed

5. Emery Telcom Franchise Agreement (Jared Anderson, Emery Telcom) (2:27:30)

Presentation

Anderson explained that the agreement serves to clear the installation and maintenance and repair of fiberoptic systems in public rights-of-way.

Motion by Commissioner Clapper to approve the franchise agreement with Emery Telcom, doing business as E Fiber Moab, LLC

Motion seconded by Commissioner Winfield

Discussion

Anderson explained the nature of the work to be done, including that fiberoptic cable will be buried where no aerial routes are already established. End goal is to get fiber to all of the community, with the effort currently expanding south into Spanish Valley.

Motion passes 7-0

6. First Amendment to Independent Contractor Agreement with Crux Academy for Marketing, Responsible Recreation, and Economic Development Video Project (Economic Development Director Ben Fredregill) (2:30:58)

Presentation

Fredregill gave a description for the proposed contract amendment which adds a visitor facing education video series.

Motion by Commissioner McGann to approve the first amendment to the independent contractor agreement between Grand County and Crux Academy for the development of the visitor-facing educational video series project.

Motion seconded by Commissioner Clapper

Discussion

Clapper spoke in support of this effort which he views as an efficient use of staff time.

Motion passes 7-0

7. Ordinance: Amended Development Agreement- ADO Extension Request (Parcel No. 02-0020-0020, 2850 S. Highway 191 Moab, Utah) (Associate Planner Jenna Gorney) (2:33:05)

Presentation

Gorney gave an overview of the proposed extension request, and described the process outlined in the Land Use Code for such requests. Applicant has submitted site plan application and is working with engineer on challenges causing delays. Highway occupancy permit approval needed from UDOT, and applicant also was required to submit drainage report and traffic impact study.

Motion by Commissioner Clapper to adopt the Ordinance approving the Amended Development Agreement for the Tyson Carroll ADO development located at 2850 S. Highway 191, allowing for a 6-month extension of the Site Plan approval and Certificate of Occupancy deadline conditioned upon the following:

1. The owner shall record the Amended Development Agreement in the real property records of Grand County Utah simultaneously with this Ordinance and prior to application for Site Plan, or development approvals

Motion seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 7-0

8. Volunteer Board Appointment to the Planning Commission (Commissioner Hedin) (2:38:15)
Presentation

Two applications received, with Hofhine receiving recommendation for appointment by the Planning Commission on November 27.

Motion by Commissioner McGann to approve the appointment of Mary Hofhine to serve on the Planning Commission, with the term expiring 12/31/2025.

Motion seconded by Commissioner McCurdy

Discussion (none at this time)

Motion passes 7-0

9. Proposed Commission Meeting Dates for 2024 (Commission Administrator Mallory Nassau) (2:40:01)

Presentation

January 2nd meeting to remain in place after some discussion considering the potential to move that meeting's date.

Motion by Commissioner Hedin to approve Commission Meeting Dates for 2024 as presented.

Motion seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 7-0

10. Memorandum of Agreement with the Utah Indigent Defense Commission for Title IV-E Federal Funding Reimbursement (Commission Administrator Mallory Nassau) (2:41:53)

Presentation

Nassau described the background for the proposed agreement, which is required in order to be eligible for reimbursement funds. Approximately \$2,000 to \$5,000 per year expected to be received for parental defense.

Motion by Commissioner McCurdy to approve the memorandum of agreement with the Indigent Defender Commission for Title IV-E reimbursement.

Motion seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 7-0

11. Letter of Support for Utah Department of Transportation (UDOT) Technical Planning Assistance Grant (Planning and Zoning Director Elissa Martin) (2:44:21)

Presentation

Martin gave background for the basis of the grant request, as shown in the packet. Minimum matching amount is 6.67%, but the current proposal involves putting forth \$30,000, a lot more than the minimum, which makes for a stronger grant application.

Motion by Commissioner Winfield to approve the Letter of Support for Utah Department of Transportation (UDOT) Technical Planning Assistance Grant, which is tied to grant match funds coming directly from Moab City.

Motion seconded by Commissioner McCurdy

Discussion

Chair Hadler expressed his support for the opportunity. Administrator Nassau clarified that Moab City would need to provide the grant match, and an MOU would need to be drafted to ensure that this would fall within budget. Proposal as of now is not within the approved 2024 budget. \$6,093 represents what would be the minimum match.

Motion passes 7-0

Consent Agenda – Action Items (2:58:05)

12. Approval of Consent Agenda Items

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

Seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 7-0

6:01 p.m. Chair Hadler called a recess of the County Commission meeting for a special meeting of the Thompson Springs Special Service Fire District Control Board (see separate agenda)

Chair Hadler reconvened the meeting at 6:04 p.m. and opened the second session of Citizens to be Heard (3:03:40)

Grand County resident Theresa King stated that the company that Grand County has hired to operate the Grand County Connects public feedback portal states in its terms in conditions that the portal is not a public forum and does not protect rights to free speech secured by the constitution, which all Commissioners have taken an oath to uphold. King stated that she felt it was important that free speech be protected at all costs.

Discussion Items (none scheduled)

Public Hearings

13. Public Hearing: Proposed Tax Increase for the Grand County Public Library (3:06:15)

Presentation

Clerk/Auditor Woytek and Library Director Carrie Valdes gave an overview of the 2024 Library budget, demonstrating the need for the proposed property tax increase, which largely derives from inflationary ongoing cost increases and facility maintenance needs. Valdes explained that there was approximately \$200,000 remaining in the library's fund balance. Commissioner Winfield asked whether the proposed tax increase could be lessened, given the challenges being experienced in the local economy.

Chair Hadler opened the Public Hearing at 6:13 p.m., to remain open until 5 p.m. on Wednesday December 13th.

Grand County resident Theresa King stated that she has no problem with the tax increase but would like the library to consider remaining open to the public on Sundays on holidays when children need a safe space to go.

14. Public Hearing to Solicit Comments on the Amended 2023 Budget, and the Tentative 2024 Budget (3:14:28)

Presentation

Clerk/Auditor Woytek provided a fund level summary of total changes being proposed for the end of year amendment and also a fund level summary of the proposed 2024 proposed budget compared with the proposed end of year 2023 budget. Woytek then gave a detailed overview within each fund of revenues and expenses proposed for both the 2023 end of year budget amendment and 2024 proposed budget while highlighting any major changes and key points.

Chair Hadler opened the Public Hearing at 7:40 p.m., to remain open until 5 p.m. on Wednesday December 13th.

No public comment received at this time.

15. Public Hearing to Solicit Comments on the proposed cost of living adjustment for all Elected Officials and an Increase to the Sheriff's wage. (4:41:40)

Personnel Services Director Renee Baker gave an overview of the fiscal impact of a cost-of-living adjustment for elected officials, designed to keep compensation rates competitive from year to year.

Chair Hadler opened the Public Hearing at 7:44 p.m., to remain open until 5 p.m. on Wednesday December 13th.

No public comment received at this time.

Commissioner McGann spoke to the importance of maintaining a COLA for electeds in order to not fall behind in compensation rates and avoid larger jumps down the road. Attorney Stocks stated that he wishes to forego receiving a COLA in order to maintain his own offices expense requests for the next year. Commissioners Winfield and McCurdy stated that they wish to waive the COLA, due to the optics associated with the adjustment when they feel that the local economy is struggling.

Commissioner Hedin stated that maintaining fair compensation for electeds is critical in order to keep opportunity accessible to those who are not independently wealthy and need the compensation to participate. Hedin added that a softening of the economy is being experienced everywhere across the country, not just in Grand County. Commissioner Clapper encouraged all electeds to accept the COLA so that the compensation for different seats does not become out of syn and so that compensation remains fair for future potential office holders. Clapper added that Commissioner could choose to reduce their travel budgets instead.

Chair Hadler stated that he could not be a commissioner without a viable salary attached, that he wants to avoid the paradigm where you need the requisite financial capacity to run for Commissioner, and wants to avoid imbalances in Commissioner compensation. Hadler suggested that the COLA be included for those Commissioners wishing to decline and that they instead give to charity or back to the County so that the overall budgeted compensation remains in line.

Commissioner Walker stated that maintaining a consistent increase to keep up with inflation and equalizing Commission salaries is important and that it is not advisable to create barriers for people to want to run. Walker stressed that the COLA is just an action designed to keep up with inflation, is not equivalent to a pay increase, and purchasing power stays the same. Walker added that salary adjustments should be the result of an official salary survey.

8:02 p.m. Closed Session(s)

Motion by Commissioner McCurdy to enter closed session for discussing the purchase, exchange, lease or sale of real property.

Motion seconded by Commissioner Winfield

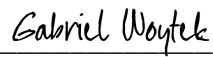
Motion passes 7-0

The Commission exited closed session at 8:26 p.m.

Chair Hadler adjourned the meeting at 8:27 p.m.



Jacques Hadler
Chair, Grand County Commission



Gabriel Woytek
Grand County Clerk/Auditor