



GRAND COUNTY COMMISSION REGULAR MEETING

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

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MINUTES 19 March 2024

The Grand County Commission met in a regular meeting on March 19th, 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, Mary McGann, Evan Clapper, Mike McCurdy. Also attending in person were Commission Administrator Mallory Nassau, and County Attorney Stephen Stocks. Commissioner Trisha Hedin was absent.

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

4:02 p.m. Grand County Board of Canvassers

4:06 p.m. Chair Hadler called to order the Regular Meeting

Pledge of Allegiance

4 p.m. Citizens to be Heard

Dave Closser shared his concerns regarding the Kane Creek Preservation and Development Project, stating that a CUP should not be granted for a waste treatment facility due to the evolving nature of the project, large scale, location within the floodplain which contradicts Grand County Ordinance 598, limited access for emergency vehicles in times of flood, and fill activity related to the development plan which he believes will create flooding issues on Kane Creek Boulevard.

Presentations

Utah Division of Wildlife Resources (UDWR) PILT (payment in lieu of taxes) Payment

Southeast Regional Supervisor Chris Wood of UDWR gave a brief presentation of this annual disbursement to Grand County for property owned by this agency within Grand County, and introduced Sergeant Devin Shirley who is the new conservation officer for the area. Wood also gave an update on the Seago Trail Head and stated the UDWR is negotiating with the Ute tribe to restore access through tribal lands into what is an otherwise difficult to access and roadless area of the Bookcliffs. The BLM, SITLA, UDWR, and Sportsmen's groups will be meeting on April 24th to develop more ideas on alternative access.

Department Reports (none scheduled)

Agency Reports (none scheduled)

Commission Member Disclosures

Chair Hadler stated that he will recuse himself from Agenda Item 1 due to his close association with the applicants.

General Commission Reports and Future Considerations

Jacques Hadler

- Lobbying visit to Washington, D.C., representatives Moore and Malloy graciously received the Grand County delegation, Meeting with DOT regarding current Essential Air Service Contract, meeting with Nuclear Regulatory Commission regarding closing procedures for Crescent Junction dump site, discussion regarding making permanent the Arches timed-entry system

Evan Clapper

- Attended Cemetery District Board meeting, irrigation to be turned on soon
- Attended Sand Flats Stewardship Committee meeting, recommendation forwarded to Commission to fill board vacancy
- Visit from new State EMS division director Darin Bushman, now housed within State Department of Public Safety
- Attended EMS Special Service District

Bill Winfield

- Attended Motorized Trail Committee meeting
- Meeting with Utah Raptor State Park Officials, UDOT, and Megan Blackwelder in regards to the potential extension of the paved multi-use path to the new park, which will require additional funding, potentially from the Utah Trails Network
- Attended Colorado River Advisory Council Meeting in St George, update on discussion between upper and lower basins
- Working on Thompson Springs replat, committee needed to advance effort

Mary McGann

- Remotely attended Travel Council Advisory Board Meeting, current effort focused on destination wedding promotion, discussion regarding lack of promotion to Europe in the summer months
- Lobbying visit to Washington, D.C., visited with 10 representatives, 4 senators, and three divisions, discussions regarding funding maintenance for UMTRA as well as land transfer, Senator Kelly of Arizona gave recommendations for funding and planning of UMTRA future site, discussion with John Curtis and staff regarding water in Thompson Springs

Trisha Hedin (read by Hadler)

- Attended meeting with Sheriff Wiggins, SITLA, and grazing permit holder on the East Tavaputs regarding feral cows in the Bookcliffs area
- Met with Elmgreens and Moab Museum regarding preservation of the Roubidoux inscription
- Anson Blackstone Minerals Open House in Green River on March 13th, breach at an exploratory brine well on March 8th, emergency effort undertaken to protect the Green River
- Attended recognition of Team Rubicon at OSTA

Mike McCurdy

- No reports at this time

Kevin Walker

- Attended separate meetings with the Forest service and BLM, major work to begin soon on La Sal Loop Road, BLM working on A1 Lithium EA, new helium pipeline being considered for Big Flat area, revision of travel management plan to begin for the triangle area

Staff Reports

Commission Administrator Mallory Nassau

- Spanish Valley Pathway meeting

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

1. Escape Adventures – Enforcement Discussion (CUP not granted) (Parcel No.02-005A-0002) (Associate Planner Jenna Gorney)

Presentation

Gorney explained the need for the Commission to make a concrete decision on when the CUP applicant must cease commercial activity following denial of the CUP. Planning and Zoning Department suggests a conversation starting point for the Commission of 90-120 days. Clarification made by Attorney Stocks that the CUP applicant intends to file an appeal to the denial and that any comments made in this meeting would become a part of the appeal file. Commissioner Winfield suggested that the item be postponed in order for the appeal process to take its course. Discussion proceeded regarding timing of the appeals process, estimated to be between 60 and 90 days, during which the Commission expressed consensus comfort in allowing the business to continue its operation. Attorney Stocks gave a detailed overview of the appeals process.

Motion by Commissioner Winfield to postpone

Motion seconded by Commission McGann

Discussion

Further discussion regarding a potential 120-day timeline in the event the CUP denial stands upon appeal, for which there was a general level of comfort among the Commission.

Motion passes 5-0, Hadler abstaining

2. 2024-2025 Special Event Grant Program Review (Special Events Program Manager Kate Finley and Assistant Economic Development Director Sky White) (2:00:00)

Presentation

White and Finley explained that the currently presented 2024 and 2025 Special Event Grant program is an attempt to streamline the grant application and reporting process, and better align it with the Event Permit application process. There are no major changes to the purpose and goal of the grant program, some reporting and information gathering requirements suggested by Attorney Stocks were included. \$67,500 allocated for this purpose in 2024. Staff explained that one kink in this proposal was identified, which is that integrating the grant program with the permitting process may require events that only secure a city special event permit to also go through the county permitting process, and that the Commission could include in their

motion the express consideration of special events that are not going through the county permitting process and directing staff to setup a process for these events to apply for the grant within the special events application portal.

Motion by Commissioner Clapper to approve the 2024 and 2025 Special Event Grant Program, with considerations for Moab City events as discussed

Motion seconded by Commissioner McCurdy

Discussion (none at this time)

Motion passes 6-0

3. Update to the Right of Way Easement Acquisition Policy and Procedure (Attorney Stocks and County Engineer Dan Stenta)

Presentation

Stenta explained the reason for this action, which opens up the possibility for pursuing evaluations rather than full scale appraisals, as a way saving time and limiting the overall cost. Property owners granting easements could be offered a bonus in exchange for accepting a simpler comparison evaluation prepared by a certified right of way agent, and handled administratively. Commissioner Walker suggested that the bulleted items in the section addressing the threat of legitimate domain on page 2 be joined by the word 'or' such that only one would need to be satisfied in order to trigger the eminent domain process, and Attorney Stocks agreed with this edit.

Motion by Commissioner Clapper to approve update to the right of way easement acquisition policy and procedure, with edits to the section regarding the threat of eminent domain, as discussed.

Motion seconded by Commissioner McGann

Discussion

Motion passes 6-0

4. Storm Drain Grant of Easement and Agreement (County Engineer Dan Stenta)

Presentation

Stenta gave an overview of the proposed action, as presented in the packet. The purpose of the easement is to accommodate the installation of the storm drain pipeline associated with the Jackson Street Storm Drain Project Phase 2. This project has been in the making for a long time, and this easement is one of the last pieces needed before advertising the project for construction bids. The compensation that the owner wants for the easement grant is the replacement of a private irrigation pipe that will be disturbed by the project. Lengthy negotiation and review process completed with the landowners, who are satisfied and ready to sign.

Motion by Commissioner McGann to approve the Storm Drain Grant of Easement and Agreement

Motion seconded by Commissioner Walker

Discussion

Clarification given that approximately 60 feet of irrigation line would be replaced.

Motion passes 6-0

5. Utah Department of Cultural and Community Engagement Grant Contract for Historic Preservation (Jody Patterson, Historical Preservation Commission Chair)

Presentation

Chair Hadler, liaison to the Historic Preservation Committee gave a brief background for the grant effort, which entails no financial obligation from Grand County.

Motion by Commissioner Walker to approve

Motion seconded by Commissioner McGann

Discussion

Commissioner Winfield sought confirmation that this action does not target or address potential artifacts on private land, but only on public lands.

Motion passes 6-0

6. Moab Podcast Marketing/Responsible Rec 6-Series (Assistant Economic Development Director Sky White and Trails Director Maddie Logowitz)

Presentation

Logowitz and White gave a description of the podcast effort, as presented in the agenda packet, which will serve to generate more owned media for Grand County that will showcase outdoor recreation opportunities. Staff confirmed that the podcast series would be available on major platforms like the Apple podcast app.

Motion by Commissioner Walker to approve the Independent Contractor Agreement with KZMU to produce 6 podcasts about the Moab area outdoor recreation opportunities and responsible recreation practices.

Motion seconded by Commissioner McGann

Discussion

Logowitz offered a more detailed breakdown of the topics to be covered in the series, which won't be specific to motorized or non-motorized recreation but will cover a broad range of user groups and focus on survival and search and rescue scenarios.

Motion passes 6-0

7. 2024 Non-Motorized Recreational Trails Program Grant Application/Letter of Support (Trails Director Madeline Logowitz)

Presentation

Logowitz gave an overview of the grant application for \$82,000, as presented in the agenda packet, to assist with labor for trail maintenance and sign installation located in Grand County, due on March 31st.

Approximately \$27,000 would be considered a local match, in the form of staff field labor over 24 months, or over 1,700 hours.

Motion by Commissioner McGann to approve the letter of support for the 2024 non-motorized recreational trails program grant application

Motion seconded by Commissioner Winfield

Discussion

There was additional discussion regarding specific sign placement, particularly related to various climbing areas.

Motion passes 6-0

8. Termination of Dell Keys' Lease, Lot 102 at the Airport, and Approval of Lease for K&K Airplane Services, LLC, for the same Lot. (Airport Director Tammy Howland)

Presentation

Howland gave an overview of the proposed action, as presented in the agenda packet. Action is a follow up the Commission's previous decision to turn down the right of first refusal.

Motion by Commissioner Winfield to terminate Dell Keys' 1998 Lease for Airport Lot 102 / 104, and further move to approve the proposed lease for the same Lot with K & K Airplane Services, LLC

Motion seconded by Commissioner McGann

Discussion

Clarification made that this was not a new 50-year ground lease but rather completes the remainder of the term of the existing lease.

Motion passes 5-0, McGann absent

9. Conflict Public Defender Agreement (Commission Administrator Mallory Nassau)

Presentation

Nassau gave an overview of the proposed action, as presented in the agenda packet, which is designed to move away from the current reliance on costly hourly contracts for conflict attorneys.

Motion by Commissioner McGann approve the conflict public defender agreement

Motion seconded by Commissioner Winfield

Discussion

Motion passes 6-0

10. Conflict Parental Defender Agreement (Commission Administrator Nassau)

Presentation

Nassau gave an overview of the proposed action, as presented in the agenda packet. Month to month agreement proposed.

Motion by Commissioner Winfield approve the conflict parental defender agreement

Motion seconded by Commissioner McCurdy

Discussion

Motion passes 5-0, McGann absent

Consent Agenda – Action Items

11. Approval of Consent Agenda Items

A. Approval of Meeting Minutes from 2/20/2024

B. Ratification of Payment of Bills

C. Letter of Support for Salt Lake City’s application for the EPA’s Climate Pollution Reduction Grant

D. Grand County Replacement Track Kit and associated undercarriage wear parts for #83 1989 D8N Bulldozer

E. 2024 Conflict of Interest Disclosures

F. Airport Purchase of Type 3 glass beads for airfield paint marking

G. Voluntary Appointment to the Moab Mosquito Abatement District Board (MMAD)

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, McGann absent

Discussion Items

12. Discussion regarding Ordinance No. 588 Outdoor Lighting and Sign Illumination Standards (2019) and possible revisions

Planning and Zoning Director Elissa Martin gave a brief overview of Ordinance 588, adopted by the Commission on April 2nd of 2019, codified in Land Use Code section 6.6. Moab City recently approved revised lighting requirements which included an extension of the soon to expire amortization of non-conforming outdoor lighting. Moab City revisions could serve as a baseline for revisions to the land use code considered by the County, adapted as needed to unincorporated areas. Distinguishment being considered for egregious light trespass cases that would need to be addressed immediately. Draft redline version will be available for Commission review in April or May. Commission feedback desired for approaching enforcement cases as the amortization period approaches.

Commissioner McGann spoke to the challenge that the pandemic created in terms of addressing this within the original timeline, and also spoke to the importance of dark skies to the tourist economy and local quality of life. McGann added that incentive and subsidy program could be very effective in garnering compliance.

Commissioner Walker stated that he thinks that a two-to-three-year amortization period for compliance would be much more effective in spurring action to comply. Commissioner McCurdy spoke in support of any sort of program that would induce voluntary compliance, as he sees problems arising in hard enforcement of this issue. Commissioner Winfield stated that he would prefer that the County match the City's timeline and stay aligned in order to avoid confusion with the public, and sought clarification that any enforcement was complaint-based only. Chair Hadler agreed that following the City's timeline would be preferable, and added that emphasis on enforcement would likely have to be broken up into manageable pieces.

Martin spoke to the need for some sort of subcommittee that could address the educational components of this ordinance as well as coordination of subsidies and incentives, as a way of reducing the burden on Planning and Zoning staff.

6pm Citizens to Be Heard

John Weisheit expressed concern regarding the lithium mining activity proposed for Grand and Emery Counties and requested that the Commission ask Anson Resources to make a public presentation regarding their project. Weisheit stated that these industrial projects need water and there is no water left to be allocated after cutback that will be imposed.

Austin Carter spoke to the negative impacts that industrial projects along the Green River, combined with little state oversight, have made on the livelihoods of farms and ranches along the waterway such as his own family's. Carter also spoke to the mismanagement by the state of Bison herds in the Bookcliffs area.

13. Discussion regarding Special Events Ordinance

Administrator Nassau gave a presentation regarding potential exceptions (8.16.040) that might be applied to certain special events and written in the Special Events Ordinance, especially those geared towards family and youth. Some events have had to be cancelled or operated differently which has led to frustration and underuse of the OSTA facility. Attorney Stocks spoke to the potential streamlining of events permitting contained within a dedicated event facility's design and occupancy standards, and further discussion about streamlining the event hosting process at OSTA.

Discussion regarding how the Special Event Committee could be involved in applying the appropriate exceptions. Discussion regarding the need for a legacy event list to allow for easier event permitting for longtime recurring events in good standing. Staff directed to bring a potential framework for legacy event criteria at the next Commission meeting.

OSTA Director Book spoke to her process in evaluating potential events and some of the specific roadblocks in place given the current language of the ordinance.

Public Hearings (none scheduled)

Closed Session

At 7:07 p.m., motion by Commissioner McGann to enter closed session for the purpose of discussing pending or reasonably imminent litigation.

Motion seconded by Commissioner McCurdy

Motion passes 6-0

At 8:01 p.m., motion by Commissioner McGann to exit closed session

Motion seconded by Commissioner McCurdy

Motion passes 6-0

Chair Hadler adjourned the meeting at 8:02 p.m.



Jacques Hadler
Chair, Grand County Commission



Gabriel Woytek
Grand County Clerk/Auditor