



**GRAND COUNTY COMMISSION  
REGULAR MEETING**

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

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**MINUTES  
16 April 2024**

The Grand County Commission met in a regular meeting on April 16<sup>th</sup>, 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, Trisha Hedin, Evan Clapper, Mike McCurdy. Also attending in person were Commission Administrator Mallory Nassau and Clerk/Auditor Gabriel Woytek. County Attorney Stephen Stocks entered the meeting at 3:04 p.m.

**2:00 p.m. Chair Hadler called to order the Regular Meeting**

**Closed Session**

**At 2:00 p.m., motion by** Commissioner McGann to enter closed session for the purpose of discussing the character, professional competence, or physical or mental health of an individual

**Motion seconded by** Commissioner McCurdy

**Motion passes 7-0**

**At 3:03 p.m., motion by** Commissioner McGann to exit closed session

**Motion seconded by** Commissioner Hedin

**Motion passes 7-0**

**At 3:04 p.m., Chair Hadler called for a 5-minute recess**

**3:11 p.m. Workshop**

**Review of Q4 2024 Special Event Intent to Apply (ITA) Applications**

Special Events Coordinator Kate Finley gave an overview of special event applications submitted for quarter 4 of 2024 which have a high impact designation based on criteria outlined in the special events ordinance. Submissions for quarter 1 of 2025 may be considered and approved in advance of the standard assigned quarterly review for that period. All submissions being considered now have been seen before by the Commission and are considered to be in good standing with all related agencies. No major changes to any

of the events other than minor date tweaks. Some discussion about the appropriate amount of coordination between organizers of REXY, Queen of the Desert and Outerbike, which share a similar location and fall on the same weekend. Finley communicated with organizers of REXY, Queen of the Desert and learned that participants would shuttle to the starting area at Gemini Bridges and the overall presence of the event at that location would be no more than 15 vehicles. Commissioner Walker suggested that events submitting applications for quarters beyond the standard review period might be most appropriately considered if they have been held for several years, and that perhaps a standard cutoff could be established for granting that “special” permission. Commissioner Clapper suggested that a local organizer with high familiarity should still be considered for this advance consideration, even if for a relatively newer event.

## **October Submissions**

### **Outerbike**

3-day mountain biking event in its 14<sup>th</sup> year, total daily attendance (TDA) 650, held 10/4-10/6 on public lands

### **REXY, Queen of the Desert 2024**

Gravel cycling event in its fourth year, TDA 370, held 10/5 on public lands from Moab to Fruita

### **Moab 240 Endurance Run**

240-mile trail running event in its eighth year, 370 TDA, held 10/11-10/16 on public lands and outdoor private property

### **Red Canyon Powwow**

Powwow event, 1,500 TDA, held 10/18-10/20 at OSTA

### **2024 Moab Jeep Jamboree**

Motorized recreation event, 280 TDA, held 10/24-10/26 at OSTA and on public lands

### **Moab Trail Marathon, Half Marathon, 10K and Kids K**

Footrace event, 1,800 TDA, held 10/30-11/3 on public lands

## **November Submissions**

### **Dead Horse Ultra**

Footrace event since 2014, 1,200 TDA, held 11/15-11/16 on public lands and outdoor private property

## **December Submissions**

### **Moab Locals 10K**

Footrace event in its second year, 450 TDA, held 12/7 on public streets and city park

**January 2025 Submissions** (Commission may postpone decision for the following events until standard assigned quarterly review)

### **Arches Ultra**

Footrace event in its eighth year, 700 TDA, held 1/23-1/26 on public lands and outdoor private property

## **February 2025 Submissions**

### **Moab’s Red Hot Ultra 2025**

Footrace event in its 18<sup>th</sup> year, 500 TDA, held 2/20-2/23 on public lands and outdoor private property

## **March 2025 Submissions**

### **Skinny Tire Festival 2025**

Cycling event in its 23<sup>rd</sup> year, 600 TDA, held 3/8-3/11 on public streets and outdoor private property

### **Canyonlands Half Marathon 2025**

Footrace event in its 50<sup>th</sup> year, 900 TDA, held 3/14-3/15 on public streets and public lands

### **Behind the Rocks Ultra 2025**

Footrace event in its 11<sup>th</sup> year, 350 TDA, held 3/22 on public lands

**At 3:32 p.m., Chair Hadler called a recess until 4 p.m.**

**4:00 p.m. Thompson Springs Special Service Fire District Board Meeting** (see separate agenda) (0:00)

Motion Walker, second Winfield, 7-0  
Fire chiefs report by MM

**At, 4:04 p.m., Chair Hadler reconvened the Regular Meeting (5:45)**

## **Pledge of Allegiance**

**4 p.m. Citizens to be Heard (6:30)**

Dave Closser stated that he was not opposed in principle to development, but was opposed in particular to what he sees as the unreasonable scale of the development being planned for Kane Springs, and referenced common sense practice and subjective standards for evaluating developments in general, which are intended to be used by the Commission to protect the interests of the community, and should be used to support the interest of thousands of community members over a few developers.

Gavin Belfry expressed opposition to granting the CUP for Kane Springs at this time because more information is needed regarding the development, including more detail in the floodplain development permit. Belfry added that National Park quality landscapes should be protected from developments such as this, which would negatively affect the overall visitor economy, and that approval of the CUP at this time is equivalent to the County's overall stamp of approval.

Jeanine Torres expressed her opposition to the CUP at Kane Springs due to the potential negative impacts to the environment and dark skies, inadequate infrastructure, and what she sees as a poor fit for the community. Torres added that protection for locals against projects such as these should be put into place.

Emily Campbell stated that State Law, the Land Use Code, and the Grand County General Plan would be violated by an approved Kane Springs CUP. Campbell stated that State law mandates conformance with the current General Plan, which should be considered binding. Section six calls out smart growth principles, for which a framework is specified in section 6.2. and makes reference to the notion that intensified levels of development and accompanying infrastructure improvements should be limited to a specific urban service

area, and also states that the extension of infrastructure should be logical and orderly. Through its planning processes the County intentionally defined service level areas and explicitly denied expansion of infrastructure intended only for service level 1. Campbell stated that the CUP should be denied because it is not compliant with the General Plan because associated impacts cannot be reasonably mitigated.

Thea Pirmann, resident of Salt Lake City, stated that when she visits the rural Utah desert that she does so to escape the city for pristine areas, and expressed her concerns regarding the hazards presented by flooding at the wastewater treatment facility being proposed at the Kane Springs development site.

Leanna Usher stated that she lives in Moab long term because she values the small town feel that is surrounded by nature, and stated that the wastewater treatment plant being proposed on Kane Springs will have an outsized negative impact on the community, and that there are unreasonable hazards associated with flooding.

Stan Johnson, a citizen with a background in transportation and civil engineering, stated that he feels a strong sense of community in Moab, and that the development being proposed at Kane Creek is not considering the needs of the community but rather is solely driven by profit. Johnson stated that traffic impacts will not be sufficiently mitigated, that the road currently serving the area is already inadequate, and that labor does not exist to serve the nature of proposed development which includes commercial type uses. Johnson added that the interest of the community should outweigh the interest of the developers and availability of sufficient water is also a great concern that should be further examined.

Laurel Hagen expressed opposition to approval of the CUP for the wastewater treatment plant at the Kane Springs development, stating that insufficient time had been given in order to consider all relevant materials in the agenda packet for making a decision while also being available for public examination, and that major issues had yet to be resolved, including questions regarding zoning and water rights issues, answers which have a great impact as to what the development might be. Hagen added that unsettled rights of way, a NEPA process, and improvements to the road all remain major question marks for this development to feasibly proceed, and that the developer was accumulating permits and approvals, time, and effort in order to make their project a foregone conclusion by the time that final approvals are under consideration.

**Presentations** (none scheduled)

**Department Reports** (none scheduled)

**Agency Reports** (none scheduled)

**Commission Member Disclosures** (none at this time)

**General Commission Reports and Future Considerations** (32:45)

**Jacques Hadler**

- Attended Chamber of Commerce meeting, Laici Shumway stepped down as Director, replaced by Cassie Oliver
- Attended Thompson Springs Special Service District, considering qualifications for board vacancies, metering bids discussed
- Attended Spring Spruce Up volunteer trail maintenance event
- Museum of Moab to have annual fundraising gala on April 24<sup>th</sup>, tickets still available

**Evan Clapper**

- Attended Cemetery District Board Meeting

- Attended Canyonlands Health Care Special Service District meeting, approval of bylaw updates, discussion regarding staffing challenges

#### **Bill Winfield**

- Attended Moab Valley Fire District discussion
- Attended Moab Main Street meeting at the MARC put on by SERDA
- Attended Water 303 informational meeting with presentations by public utility providers
- Attended Moab Highway 191 traffic study open house at the library, future consideration for a presentation at a Commission meeting
- Attended Grand County Transportation Special Service District and TSSSD to report on Thompson replat effort
- Attended UAC Leadership dinner meeting to discuss needs of Grand County

#### **Mary McGann**

- Attended Solid Waste Special Service District meeting, more drivers acquiring CDL certification, new fee schedule could be adjusted and applied based on income level
- UMTRA field trip scheduled for Tuesday April 23<sup>rd</sup>
- Attended orientation meeting for the evaluation process for scoring Homeless Committee grants
- Attended Travel Council Advisory Board meeting, presentation of data from Kate Finley, future consideration for it to be brought before the Commission, presentation regarding familiarization tours, discussion regarding advertising geared specifically towards sightseers and recreationalists, respectively, recognition of recently retired Robert Riberia from the Economic Development Department
- Future consideration for meeting regarding future of CJC funding
- Recognition of Moab Times-Independent reporter Sophia Fisher, who is set to leave her job as reporter

#### **Trisha Hedin**

- Water Workshop to be uploaded to YouTube for public consumption
- Attended Farm Days, event for third graders to engage in ag related activities
- Attended Planning Commission meeting, discussion regarding commercial uses and lack of commercial spaces
- CJC meeting, reduction in allocation of federal funds which will result in reduction of funding for the CJC, Grand County may need to cover the shortfall
- Attended Grand Conservation District meeting, discussion regarding DOE pipeline out of Green River

#### **Mike McCurdy**

- Attended OSTA meeting, which now serves as the Grand County Fair Board
- Attended Transportation Special Service District meeting, discussion regarding upcoming Mesa and Desert Road project

#### **Kevin Walker**

- Bear's Ears Plan out for public comment, Grand is a Cooperating Agency, Commission must have conversations about what Grand should or should not comment on, with recreation being a topic that could potentially be most appropriate, in anticipation of a formal letter to be issued from the Commission

### **Elected Official and Staff Reports**

#### **Clerk/Auditor Woytek**

- In-person portion of the Single Point Audit contracted by Larson CPA took place last week
- UAC Legislative Management conference coming up at end of month

#### **Attorney Stocks**

- CUP Appeal heard by Hearing Officer Craig Call, ruling to be issued likely within thirty days
- Attended Utah Prosecution Council meeting
- Attended OSTA public surplus auction
- Pinwheels on Courthouse lawn for Child Abuse Prevention Month, effort by Family Support Center
- Attended Moab Highway 191 traffic study open house at the library, effort aims for aesthetic changes as a way to reduce speeds and increase pedestrian safety

**Commission Administrator Mallory Nassau**

- No report prepared at this time, will follow up via email

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

**1. Dispute Resolution Appeal (1:04:45)**

**Chair Hadler explained that Action Item 1 would not be considered at this time, without objection**

**2. Q4 2024 Special Event Intent to Apply Applications (ITA) (Special Events Program Manager Kate Finley) (1:05:05)**

**Presentation**

Finley gave an overview of the Quarter 4 events, which were presented and discussed at the pre-meeting workshop, with details also presented in the agenda packet.

**Motion by** Commissioner McGann to approve the following Special Event Intent to Apply submissions: Outerbike, Remy Queen of the Desert, Moab 240 Endurance Run, Red Canyon Powwow, Moab Jeep Jamboree, Moab Trail Marathon, Moab Half Marathon, 10K and Kids K, Dead Horse Ultra, Moab Locals 10K, and 2025 submissions Arches Ultra, Moab Red Hot Ultra, Skinny Tire Festival, Canyonlands Half Marathon, Behind the Rocks Ultra (all applications submitted at this time)

**Motion seconded by** Commissioner McCurdy

**Discussion**

Commissioner Walker highlighted that these were all well-established events in good standing, in a part of the event calendar that was not currently crowded.

**Motion passes 7-0**

**3. Resolution: Kane Springs Improvement District Conditional Use Permit for Major Utility (Planning and Zoning Director Elissa Martin and County Engineer Dan Stenta) (1:10:00)**

**Presentation**

Martin gave a description of the wastewater treatment plant being proposed, which would serve a mixed-use development planned for the site, along with an overview of the history of permitting and planning at the site. Kane Springs Improvement District is the body politic that was required to be formed by the Division of Water Quality in order to establish the public sewer system, with an approval of concept subsequently approved. Staff determined that the use is not consistent with updated 2030 General Plan. Technical review falls under Utah Division of Drinking Water and Utah Division of Water Quality. Review of Preliminary Plat would

continue upon approval of the CUP, which would be followed by the Commission's administrative approval of the Final Plat.

Stenta spoke to the process of identifying reasonably anticipated detrimental effects considered by staff, added that consistency with the General Plan is also a general criterion for granting a CUP, and that no express conditions were being recommended by staff at this time.

Legal counsel Bruce Baird, representing the developer-applicant, expressed appreciation for the hard work of staff in preparing the application. Baird gave his analysis and clarification regarding how the CUP process is laid out in State Code, and stated that the developer largely agrees with the staff report and summary as presented, with the caveat that operating conditions be met during operation and not prior to approval. Baird mentioned some minor disagreement with staff on item number 6 regarding inconsistency with the General Plan, stating that water treatment service provision was not inconsistent with the General Plan, and that code subsection E contains an inherent inconsistency regarding this detail, and that ambiguities in code are construed in favor of the applicant. Baird stated that public comment largely conflated the CUP with concerns regarding the wider development. Developer will comply in all regards with all applicable codes and rules, and would agree to toll the ripcord in order to facilitate approval at the May 7<sup>th</sup> Commission meeting. Baird added that recommended conditions are a recap of items largely required by State code. Adding conditions may give the county ability to enforce items when the state may fail to do so.

Commissioner Walker addressed the application's compliance with the General Plan and referenced LUDMA, which refers to public utilities being treated separately in judging their compatibility with the General Plan, to which counsel Baird will respond with a written briefing.

Commissioner Clapper sought clarification that staff was neutral in its recommendation for approval or denial. Staff explained that detrimental impacts or inconsistencies in the findings and staff report would be the only grounds for denial. Staff confirmed that they determined that there were no unmitigated impacts.

Commissioner Walker stated that State code refers to effects, which is a term vaguely defined, and that he interprets a utility being introduced into an area that did not previously have one as an introduction of effects that could be very difficult mitigate. Counsel Baird asserted that the 'effects' of the proposed use refers to the first-level effects associated with the use of the wastewater treatment facility only, not the follow-on effects of the proceeding development.

Commissioner McGann expressed concern regarding the fitness of the current road for accommodating the building of the proposed wastewater treatment facility. Counsel Baird responded that the County can't speculate that the developers can't solve any problems with the road, and that a condition regarding the road can't be imposed other than to ensure that traffic remains adequately managed throughout construction. Stenta clarified that as a condition prior to construction, the road is to be brought up to a pavement width of twenty feet.

Commissioner Winfield commended staff in their thorough and balanced review of a touchy topic, and sought clarification on the ripcord clause which must be exercised in order to avoid litigation. Attorney Stocks gave an overview of liabilities to the County and the well spelled out standards that must be applied in this determination while stressing that conditional uses cannot be denied for any reason that the County might come up with. Winfield added that public clamor is leading to the overburdening of staff when considering the demands of interested citizens.

Counsel Baird stated that denial would be a very significant liability to the County which would violate the property rights of his client and would lead to a takings claim that could amount to a finding of lost value of a future project, amounting to many millions of dollars, in this case likely more than a case that was ruled in favor of developers in Tooele County.

Commissioner Hedin stated that she does not feel that the decision should be made tonight, stated that she represents the community which is overwhelmingly against this project, and that it is very important that the Commission give all due consideration on behalf of that community.

**Motion by** Commissioner McGann to postpone decision until the regular Commission meeting on the 7<sup>th</sup> of May

**Motion seconded by** Commissioner Hedin

### **Discussion**

Commissioner Walker asked Stenta whether the proposed facility was designed as is for a particular amount of equivalent residential units. Stenta explained that it had capacity for double the flow of the currently anticipated development, and that scalable upgrades would be achievable for such a system. One condition for approval is that issuance of certificate of occupancies would hinge upon approval of sewage treatment plant. No further development permits would be issued if the plant were to reach its capacity.

Commissioner Clapper asked who would be left to operate the system if the body politic were to fail. Attorney Stocks responded that it would become the responsibility of the County. Commissioner Winfield added that with respect to the County's liability, the Commission is responsible to the constituents of the County and what liability they are willing to place on the entirety of that constituency, as it relates to vulnerability to litigation by the developers.

Commissioner Walker stated that the overall proposal is large and complex in relation to other developments and therefore is hard to cleanly fit within the County's Land Use Code, and asked whether the CUP approval could be contingent upon approval of the preliminary plat. Attorney Stocks explained that the owner of the land for the CUP applicant is separate from owner of wider development, and this ownership structure makes it hard to deny the CUP, because the ripple effects of the future development cannot necessarily be considered.

Commissioner McCurdy sought confirmation that the goalposts laid out by County staff were met in considering this CUP. Staff explained that there weren't any legally defensible weaknesses in the application.

Legal counsel Baird commented regarding potential future operational failure, stating that no speculation can be made about what might happen if the district doesn't operate and that there was no reasonable way that operation would default to the County. Chapter 10 bankruptcy proceedings would be initiated, and would require users to pay what it takes to make it run.

Commissioner Walker referred once again to 'effects', and argued that the bigger picture development must be viewed as an effect of the wastewater treatment facility. Walker added that past County Commissions permitted highway commercial zoning because they wanted to approve a campground in a very hard to develop area. The currently proposed facility could not have been contemplated in the past when the zoning change was granted, and the modern possibility of a wastewater facility is what enables the currently contemplated development.

Commissioner Clapper made a reference to the applicability of water rights and what entity must have those rights secured, and expressed a desire for further technical land use counsel on a variety of issues. Valid water rights may be included as a condition of approval for the CUP.

**6 p.m. Citizens to be Heard** (none at this time)



Commissioner Walker referred to the limit on the number of houses on a cul-de-sac being potentially applicable to the proposed future project, and also referred to Section 4.06 which mentions public utilities and their compatibility with the general plan. Walker added that the presence of compelling countervailing public interest could apply in this case, due to the unusual facts surrounding the development, and also suggested that an accurate summary of the flood hazard of the area could be useful.

Stenta stated that the floodplain damage prevention ordinance states that critical facilities be outside of the 500-year floodplain, which currently encompasses downtown Moab and several existing critical facilities, and gave more detail regarding specific state regulations that exist for wastewater treatment facilities in special flood areas, and that a dramatic Colorado River flood event would not happen by surprise due to the need for multiple years of very high snow pack conditions. Further discussion regarding the inclusion of a condition requiring proof of valid water rights, which Stenta confirmed were already included.

Discussion ensued regarding the County's legal liability in the case of abandonment of the wastewater facility. Discussion regarding public roads and how they could become condemned and subject to eminent domain if left to disrepair by the public entity, and the County's responsibility to maintain and improve its roads.

#### **Motion passes 5-2, Winfield and McCurdy opposed**

#### **4. Resolution: Rim Tours Adventures CUP (Planning and Zoning Director Elissa Martin) (2:53:10)**

##### **Presentation**

Martin gave an overview of the proposed action, as presented in the packet. The Applicant is seeking approval of a Conditional Use Permit for the purposes of operating an outfitter business operation at the property, specifically a mountain biking rental and guide service. The Conditional Use would allow equipment rentals and guide services for hiking, rafting, canyoneering, biking, and rock climbing, per LUC Section 3.2.3 K. 1 - General Outfitters, Guide Services and Facilities. The property is located in the Highway Commercial (HC) zoning district, where an outfitter/guide service use requires a Conditional Use Permit. The mountain bike rental and guide business has historically operated at the location, without a CUP. Now that the property has changed ownership and the new owner has applied for a business license, the use is required to come into compliance with the LUC

**Motion by** Commissioner Winfield to adopt the resolution approving a Conditional Use Permit for a Non-ATV Outfitter Guide Service & Facility for Rim Tours Adventures on Grand County Parcel No. 02-0007-0095 as illustrated on the Site Plan attached to the Resolution as Exhibit A, with the following conditions in order to mitigate reasonably anticipated detrimental effects of the proposed use:

1. To minimize the impact of the use to neighboring properties, the property owner shall maintain the existing 6' privacy fence adjacent to residential dwellings;
2. Noise from rigging and de-rigging shall be avoided outside regular operating hours;
3. Permittee/Owner agrees to comply with the Commercial Use Standards set forth for Non-ATV Outfitter Guide Service and Facility in LUC Section 3.2.3(K).

**Motion seconded by** Commissioner Walker

##### **Discussion**

Chair Hadler stated that he was familiar with the business and its past and current owner and is comfortable with the motion on the table. Commissioner Walker added that this was a longstanding use and the required reapproval of the CUP amounts to a quirk in the Land Use Code.

**Motion passes 7-0**

**Chair Hadler moved item 6 up, without objection**

**6. Resolution: Final Plat, Arroyo Crossing, Phase I, Corrected Tract E, Amended** (Planning and Zoning Director Elissa Martin) (2:58:55)

**Presentation**

Martin gave an overview of the proposed action, as presented in the packet. Staff recommends approval. HASU Director Ben Riley gave an overview of the plans to build self-help homes at the site.

**Motion by** Commissioner McCurdy to adopt the Resolution approving the Final Plat, Arroyo Crossing, Phase I, Corrected Tract E, Amended, based on the Findings of Fact set forth in the staff report dated January 29th, 2024, and with the following conditions:

1. The Owner shall record the SIA simultaneously with the Final Plat in the Recorder's Office; and
2. The Owner shall submit an acceptable completion assurance bond for the incomplete public improvements and infrastructure warranty bond for completed accepted public improvements as established in the SIA to the County in the amounts set forth in the SIA prior to recordation of the Final Plat.

**Motion seconded by** Commissioner Winfield

**Discussion**

Commissioner Walker sought confirmation that the action would have little to no novel effects on surrounding landowners.

**Motion passes 7-0**

**5. Approval to Purchase Large Amount of Storm Drain Pipe from State Contract Vendor using Storm Water Mitigation Fund, State Contract MA987** (County Engineer Dan Stenta) (3:05:45)

**Presentation**

Stenta gave an overview of the proposed action, as presented in the packet. Pipe intended to be used for Jackson Street Phase Two as well as road improvements scheduled for Desert and Mesa Roads. Action designed to reduced contractor markup. County would need to secure insurance.

**Motion by** Commissioner Winfield to approve the purchase of 160 feet of 48" solid of Storm Drain Pipe from State Contract Vendor using the Storm Water Mitigation Fund Balance for a total of \$319,857.39.

**Motion seconded by** Commissioner Walker

**Discussion** (none at this time)

**Motion passes 7-0**

**7. Engineer's Design Exception for the Road Right-of-Way Width for a Portion of the Old Thompson Townsite (County Engineer Dan Stenta) (3:09:28)**

**Presentation**

Stenta gave an overview of the proposed action, as presented in the packet. County Surveyor Lucas Blake indicated that he would not deviate from the standard right of way without formal commission approval.

**Motion by** Commissioner Winfield to approve the Engineer's Design Exception for the Road Right-of-way width for a portion of the Old Thompson Townsite.

**Motion seconded by** Commissioner McCurdy

**Discussion**

Staff clarified that a legal definition of where exceptions specifically would need to be applied is not necessary at this time. Plat will be redrawn for the entire area and will reflect the updated right of ways.

**Motion passes 7-0**

**8. Independent Contract Agreement for the 2024 Grand County Fair for Atkinson Sound (OSTA Director Angie Book) (3:13:20)**

**Presentation**

Book gave an overview of the proposed action, as presented in the agenda packet. Agreement includes engineer for sound equipment and lights for fair performances.

**Motion by** Commissioner Walker to approve the Independent Contract Agreement for the 2024 Grand County Fair for Atkinson Sound in the amount of \$10,800.00.

**Motion seconded by** Commissioner McCurdy

**Discussion**

Book clarified that the Atkinson was selected as a contractor due to past positive experiences and level of professionalism needed for job of this scale.

**Motion passes 7-0**

**9. Grand County Attorney - COLA Ordinance (Personnel Services Director Renee Baker) (3:15:45)**

**Presentation**

Public Hearing held on this item, per policy. No public comment received.

**Motion by** Commissioner Clapper approve the Ordinance Establishing and Affixing the Salaries of the Elected County Attorney.

**Motion seconded by** Commissioner Winfield

**Discussion**

Commissioner Hedin revisited the discussion from November of 2023, and cited an article from the Moab Times-Independent that illustrated the reason that the Attorney was not granted a COLA during budget

discussions. Hedin stated that it was important for Commissioners to follow through on their stated intentions. Commissioner McCurdy stated that a past vote on a COLA across all elected offices was a separate subject. Commissioner Walker agreed that it was a separate subject. Commissioner Winfield stated that just because it was in the newspaper does not mean that it is correct, and added that the Commission voted as a 4-3 majority for a COLA for the Commission, and this does not have anything to do with the County Attorney's COLA. Commissioner McGann clarified that the approval of a COLA was not equivalent to a tax increase.

**Motion passes 6-1, Hedin opposed**

## **10. Engagement Letter with Larson Certified Public Accountants for Audit of 2023 Financials (Clerk/Auditor Woytek) (3:21:00)**

### **Presentation**

Woytek gave an overview of the proposed action, as presented in the agenda packet. This is a standard engagement letter with no material difference from those previously agreed upon. In-person portion of audit process was completed last week (week of April 8<sup>th</sup>). This is the third of three quoted years in the engagement agreement with Larson CPA. Jon Haderlie reiterated his intention of redrafting financial statements from scratch. Woytek stated that he will more actively seek guidance and review from consulting accountants at Squire to review the drafted statements for accuracy. Those liaisons with special service districts requiring an audit should do everything they can to spur on completion, as the finalization of Grand County audit depends on these component units.

Commissioner Winfield stated that a new engagement letter and selection of external auditor should come before the full Commission, and that there is an obligation to ensure that errors do not happen going into the future.

**Motion by** Commissioner Walker approve the chair's signature on the Engagement Letter with Larson Certified Public Accountants for Audit of 2023 Financials

**Motion seconded by** Commissioner McGann

### **Discussion**

Commissioner McCurdy and Clerk/Auditor Woytek agreed that the process for putting the external audit out to bid should be initiated without further delay.

**Motion passes 5-2, Winfield and McCurdy opposed**

## **11. Anson Resources Presentation Request (Commissioner Hedin) (3:31:15)**

### **Presentation**

Commissioner Hedin referenced an email received by the Commission that came in after the agenda packet was finalized from Anson Resources regarding their planned activities in Grand County. Hedin stated that mitigating conflict with resource management activity requires communication with stakeholders at an early stage. Commissioner Winfield referenced the national commitment that the Biden administration has made to Lithium and renewable energy, stated that the recent event at the testing well was blown out of proportion, and that Anson Resources should be brought in before the Commission as a collaborator and partner and not as an adversary to be antagonized and interrogated. Commissioner Hedin agreed that they be invited as a partner to better inform the Commission and the public. Commissioner Clapper requested that there be an update given to the Commission regarding general extraction related activities in the area. Commissioner

Winfield stated that at the Planning Commission meeting many negative comments were made regarding the Anson activity and that this made him weary of inviting them to a forum where they would get such a reception. Attorney Stocks suggested editing the letter to move the third paragraph to after the fifth paragraph, and include an inquiry regarding schedule availability.

**Motion by** Commissioner McGann approve the Anson Resource presentation request, with changes suggested by the County Attorney

**Motion seconded by** Commissioner Clapper

**Discussion** (none at this time)

**Motion passes 7-0**

## **Consent Agenda – Action Items (3:42:35)**

### **12. Approval of Consent Agenda Items**

**A. Approval of Meeting Minutes from 3/19/2024 and 4/2/2024**

**B. Ratification of Payment of Bills**

**C. Teen Center Shared Office Space Agreement with the Moab Free Health Clinic and Grand County**

**D. Volunteer Appointment to the Historic Preservation Commission**

**E. Extension to GCATT/USFS Cost Share Agreement**

**F. Ratification of Letter of Support to Bureau of Land Management (BLM) for Completion Efforts of Hwy 128 Paved Path (Gap Closure to Grandstaff Canyon)**

**Motion by** Commissioner McGann 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**

### **13. Thompson Springs Service District Funding Assistance (3:44:10)**

Chair Hadler stated that as a result of the Commission turning down CDBG grant funding sponsorship for Thompson Springs in order to strengthen the Moab Valley Fire's request, additional funding sources are being sought to support the community of Thompson Springs' efforts to secure water. Jones and DeMille offered a quote for a hydrology study at up to four sites, in the amount of \$9,700. General hydrology study of the area would be offered by the contractor with completion of a survey of all four sites. Attorney Stocks confirmed that a land use contract would be secured for access to the well that would be drilled on private property. If an easement was secured after the study was completed, that could affect the property owner's position on the value of their own property. Commissioner Hedin supported the idea of a general hydrology study which would be valuable and logical. Discussion regarding these funds coming out of the Commission discretionary fund. Consensus support was expressed amongst the Commission to approve the potential funding allocation to support this effort.

#### **14. Thompson Springs Replat Planning Discussion (4:00:05)**

Commissioner Winfield suggested that a committee be formed, consisting of the Roads Supervisor, Surveyor, Engineer and Planning and Zoning Director, along with other leadership. Concerns of biggest holdouts on this action were allayed in the surveyor's draft. Title report will be required for every parcel, as well as utility location, both of which will come with considerable cost. Residents currently not able to pull a building permit or sell their land because of incorrect platting. Follow up needed to determine costs in order to continue discussion on funding for this critical project.

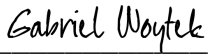
**Public Hearings** (none scheduled)

**Chair Hadler adjourned the meeting at 8:09 p.m.**



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Jacques Hadler  
Chair, Grand County Commission



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Gabriel Woytek  
Grand County Clerk/Auditor