

Moab Valley Fire Protection District Special Commission Meeting

45 South 100 East, Moab Utah 84532

July 30, 2024 - 1:00 p.m.

A. Call to Order:

1. The meeting was called to order by Chairman Archie Walker at 1:00 p.m.
2. Commissioners Present: Chairman Archie Walker, Commissioner Jim McGann, Commissioner Charlie Harrison
3. Staff Present: Chief TJ Brewer, Battalion Chief Brandon McGuffee, Administrator Cathy Bonde

B. Citizens to Be Heard:

1. None Present

C. Annexation:

1. Commissioner Walker said we have been discussing and analyzing annexation for a long time. We, as the Fire Department, have invested a lot into it. Our discussion today is on the intent to annex with a final decision still a couple of months away. Commissioner Harrison stated we have a lot of time involved in the process, and it is hard to go backwards. Commissioner McGann agreed. Commissioner Harrison requested further discussion before voting, and Commissioner McGann asked if there were any changes or updates.

2. Cathy informed Commissioners on her discussion with attorney Brad Christopherson of Hayes Godfrey Bell earlier in the day.

Mr. Christopherson advised Grand County provide an MOU in relation to intent to transfer assets pending resolution of title. Grand County attorney Stephen Stocks had stated the transfer of assets would most likely not be complete by the time Moab Fire needs to approve final resolution of annexation. Mr. Christopherson said the MOU should state that in the event any legal obstacles prevent the transfer of an asset, the asset will be leased back to Moab Fire for \$1.00 per year. The assets include all items funded through the County's building authority by Moab Fire, Station 1, Thompson Fire Station and all engines and equipment of that special service district, and the MOU would also include right of first refusal on the building currently housing the sheriff and attorney offices, as well as repairs to the Thompson Fire Station and its property. Discussion was had on the repairs needed to the Thompson Fire property. Cathy conveyed Mr. Christopherson thought the transfer of

assets could be done relatively quickly, but without that in place, the MOU is our best assurance of the asset transfer taking place.

In the event the Fire Commissioners wanted the asset transfer in place prior to annexation, Mr. Christopherson stated Moab Fire could wait to annex until sometime next year, but that would cause some difficulty for the county treasurer and auditor/clerk as taxes would be prorated based on when annexation takes place. He suggested July 1 for annexation in the event Fire Commissioners choose to wait until assets are ready for transfer to complete the annexation. The District would miss out on half a year of tax revenue. Cathy stated the MOU would give us some guarantee as administrative and commission personnel at the County may change prior to finalization of the transfer of assets. Commissioner McGann asked if we had a list of the assets, and Cathy stated the County has the information for all assets associated with Thompson as well as assets we paid for through the County's building authority. The County's attorney office is researching how and if assets can be transferred. The CIB assets should transfer easily, but the catch with the Station 1 property is that the loan has not been paid off yet, so it may not be able to be transferred until 2028. The possibility of the note being transferred from the County's building authority to our LBA to expedite the transfer is being researched.

3. Referring to Resolution 2024-001, Moab Valley Fire Protection District Intent to Annex, Cathy asked that the public hearing date be pushed back a couple of weeks to provide more time to prepare mailings and other postings required. This would push the final approval of annexation to early November. Mr. Christopherson said once the annexation petition reaches the Lt. Governor, the process is largely administrative and could be completed in as little as a week. He advised against petitioning later in the year as holidays can cause delays. Mr. Christopherson also shared that the entire annexation process could have been done by Grand County instead of Moab Fire.

Grand County will need to dissolve Thompson Fire's special service district in order for us to annex it.

4. Chief Brewer stated he continues to have concerns about operations in relation to annexation, but the issue of annexation is not going to go away until we actually annex. Looking through the history of the proposed annexation, Moab Fire gave up a lot in relation to our requests of the County to help in preparing us operationally. The final agreement is a small fraction of our original request. He stated he is concerned about the gap year between annexing and proposing a tax increase to meet the operational needs. Chief Brewer referred to a recent fire call in the Dolores Triangle that upon annexation would be our responsibility. Its remoteness would require 5 hours of drive time just to get to the incident. It re-instilled the fact that we can't ask our volunteers to commit to that amount of time for an incident. Operationally this means more paid staff which we may not be able to financially accommodate. Concern is also for ensuring service in our current District does not diminish when we need to send firefighters out to the farther reaches of the County. Chief Brewer asked that the Commissioners support the Department in the needs that will be created by annexation.

Chief Brewer stated that so far this year about 20% of our calls have been to the proposed annexation area. Calls are not the only aspect of annexation. It includes inspections, walk-

throughs, and pre-planning of projects. It affects us both administratively and operationally.

Cathy added that as of yesterday, she and Chief Brewer were prepared to say we would not annex. A lot of conversation as well as discussion with the attorney have shifted us back to continuing the annexation process. Chief Brewer stated that the comparison of our current District size to that of the annexed District, as evidenced on the map, is nerve-wracking.

Chief Brewer reiterated there is a lot we can't foresee and therefore a lot that we don't know in relation to the annexation. We will need the support of our Commissioners as we process changes that annexation will introduce. Commissioner Harrison stated we have done the best we can do, and Commissioner Walker stated he felt annexation was in the best interest of our citizens. Commissioner McGann agreed.

5. Cathy presented two map options, one designates the private parcels within the annexation and one simply designates the annexation area. On the map with designated parcels, Cathy suggested the removal of a part of a designated parcel that was within Moab Fire's current District to provide clarity. The part of the parcel outside of the current District would remain designated. Chief Brewer presented different aspects of both map's contents. Discussion was had on Castleton and Castle Valley Fire Department. Moab Fire asked that Castleton parcels not be included, but if any of Castleton is included in the annexation, those parcels can be annexed into Castle Valley's District at a later date.

Cathy asked for Commissioners' preference as to which map should be included in the Resolution. Commissioner McGann stated he preferred the map designating the private parcels. Other Commissioners agreed. Further discussion was had on the map and its boundaries as well as what is included in the mailing that will go to parcel owners in the proposed annexation area.

6. Commissioner Walker made a motion to approve Resolution 2024-001 Intent to Annex including the map designating parcels, changing the public hearing date from September 17th to September 30th, and removing the yellow designation on the private parcel already within Moab Fire's current District from the map. Commissioner Harrison seconded the motion. The motion carried unanimously with Commissioner Walker voting yea, Commissioner Harrison voting yea, and Commissioner McGann voting yea.

7. Commissioners agreed to hold a meeting on Monday, November 4 to make the final decision on annexation. This allows the required 30 day protest period as well as time to process any written protests.

8. Cathy will contact Quinn Hall and the Grand County attorney's office about the MOU for intent to transfer assets with a deadline of approval prior to the Fire Commission's final vote to annex. She will also finalize the required mailing by working with Cristin Hofine to obtain the legal description and obtaining information for the estimated financial impact to a property owner from Chris Kauffman. Commissioner McGann asked about notifying County Commissioners about the transfer of assets as it was not conveyed to them at the meeting when the first MOU was approved. Cathy stated the County has a list of all Thompson assets as well as the assets we purchased through their building authority. The county attorney's office is looking into the Station 1 property as to how it was all acquired and owned since it happened in stages.

D. Adjourn:

1. Chair Walker adjourned the meeting at 2:08 p.m.

_____ **Date** _____

Archie Walker, Chair

Attest: _____

Cathy Bonde, Clerk

DRAFT