



GRAND COUNTY COMMISSION REGULAR MEETING

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

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MINUTES 1 October 2024

The Grand County Commission met in a regular meeting on October 1st, 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, Trisha Hedin, Evan Clapper, Mary McGann, and Mike McCurdy. Also attending in person was acting Commission Administrator Quinn Hall, Clerk/Auditor Gabriel Woytek, and County Attorney Stephen Stocks.

4:00 p.m. Chair Hadler called to order the Regular Meeting

Pledge of Allegiance

4 p.m. Citizens to be Heard

Dave Cozzens, owner of 120 acres near Lion's Back, stated that he is prevented by outside environmental groups from developing his land, that his family does not feel represented by the Commission, and that a floodplain mitigation plan must be implemented immediately.

Presentations

Legislative Session Preview

Grand County lobbyist Cody Stewart gave a preview of items of interest to Grand County that are likely to come up during the Spring 2025 General Legislative Session. Stewart explained the parameters of his relationship with an ad-hoc legislative team composed of three Commissioners. January, February, March are the months when legislators are most active, but it is most important to engage with legislators before that time comes. Conservative makeup of the legislature as a whole must be acknowledged when approaching lawmakers about potential policy changes. Housing, energy, public lands, homelessness, education are the main topics that he expects to be addressed. Tourism, housing, water, childcare are the four specific issues that have been stated as priorities by the ad-hoc Committee, as well as the UMTRA effort at the federal lobbying level. Representative John Curtis may have draft language for Grand County to review in regards to the UMTRA project. Staying an active part of UAC is critical for Grand County's long-term strategy for remaining relevant, especially as a small rural county. Legislature has lots of power to enact legislation that can have serious real-life impact on Grand County. Governor's office a champion of rural issues, tourism, and affordable housing.

Commissioner McGann specified that flood mitigation efforts are definitely a high priority as it relates to relief that could be provided by the state legislature. Emergency Manager Cora Phillips explained that more funds are needed from the state in order to address flood mitigation needs, as well as decreased restrictions for accessing the funds that are available.

Commissioner Winfield inquired regarding centrally assessed legislation, specifically legislation that might be drafted by Senator McKay.

Stewart mentioned that TRT reform legislation would also likely be addressed, with specific details not yet available about what exact changes might be made. Stewart stated that if specific changes to state law are sought, that those must be identified so that he can identify key legislators to work with on those efforts proactively. Defensive efforts in the face of over one thousand bills that are drafted is a much more challenging effort.

Audit Report (Jon Haderlie, Larson & Company, PC)

Haderlie gave a brief presentation of the issued financial statements, as presented in the agenda packet. September 30th deadline to the federal government is critical for maintaining low-risk status for future audits and the amount of test work needed for federal expenditures.

In terms of the results of the audit and associated opinions. Scope of opinion is unmodified. Special Service District audits have created chronic annual delays, Larson working with State Auditor's office to push legislators to require districts to submit audits earlier in the year. Responsibility of the Financial Statements lies with County management. Professional skepticism practiced in reviewing the County's books, with an approach of trust and verification. Establishment and implementation of internal controls is critical in preventing fraud and abuse. Overview given of statements made in report.

Commissioner McCurdy asked whether this financial statement was presented to the Grand County Internal Audit Committee, which is a control that Grand County has in place. Haderlie agreed that the Internal Audit Committee should meet to review the statements. Commissioner Clapper sought clarification regarding the overall summary of findings, which showed no lack of control over the budget.

Commissioner Winfield stated that taxes were currently being withheld because the audit report is late and the County is in non-compliance with the State Auditor's Office. Winfield confirmed that Larson drafted the financial statements, which does not appropriately follow policy, and that internal controls were bypassed with the failure to review statements through Internal Audit Committee. Winfield expressed concern regarding the auditor's opinion as it relates to the identification of no weaknesses and deficiencies when errors have been brought to light which must be acknowledged.

Department Reports

Emergency Management (Grand County Emergency Manager Cora Phillips)

Phillips gave a detailed overview of the duties of her role, including training and exercises, plan development, outreach and education, and other activity. Phillips discussed a variety of efforts underway to build resilience to disaster.

Information Technology (IT Director Matt Cenicerros)

Ceniceros gave an overview of his department's activity, which includes expanding and changing networking gear, hardware rotation schedule, cybersecurity initiatives, disaster recovery protocols, State of Utah Cybersecurity Commission, rebooting GIS policy committee, and a variety of other project management duties. New systems admin position to be requested from the Commission in 2025. Overview given of the current state of cybersecurity threats, especially phishing attacks via email that seek to gain access to a system.

6pm Citizens to be Heard

Dwight Johnston encouraged the Commission not to pass any more restrictive new zoning proposals which he feels would stunt growth, and stated that he was upset with the Chair of the Planning Commission for offering recommendations outside of the Planning Commission meeting.

Suzie Johnston stated that potential zoning changes would not affect her property, but asked the Commission to vote down potential reductions in density. High density housing in the highway commercial district is what is currently needed in order to address housing inventory issues, in order to help the tourism economy especially.

Michael Morris, owner of High-Performance Ford, stated that his investment in Moab is going bust because of the lack of availability of housing. Morris spoke to the need to facilitate growth, which he wants to help in achieving.

Greg Klepzig, San Juan County resident, spoke in opposition to proposed changes to the land use code, suggesting that such changes are designed to collect more tax revenue.

Katherine Holyoak urged the Commission to vote against proposed Land Use Code changes, stating that changes to agricultural land would hurt her family, and expressed the need to facilitate more building and housing by local contractors and developers.

Pete Gross stated that in his experience as a river guide on the Salmon River, many customers were repeat and word of mouth type visitors, and that this style of promotion and establishment of a tourism-based economy is earned and built. A reputation as being overrun and too crowded will not yield positive results for Grand County and its economy.

Jeff Cornelius, highway commercial property owner, stated that the Planning Commission gave unfavorable recommendations to all the proposed changes, that land use code changes would be a move against affordable housing, and that apartment complexes with high density belong on highway commercial.

Todd Beeman spoke in opposition to decreasing density in highway commercial because it would stunt growth in the area and prevent the establishment of more affordable housing.

Johnathan Skarda spoke in opposition to any reductions in density, as it would result in less affordable housing.

Paul Cozzens, whose family owns property in Moab, expressed opposition to proposed land use code changes, especially changes to range and grazing.

Doug Carroll, commercial and residential property owner, referenced recent increases in property valuation and how this penalizes and hurts renters. Carroll expressed opposition to any decreases in allowable housing density.

NRCS Request for Assistance under the Emergency Watershed Protection Program (County Engineer Dan Stenta)

Stenta gave an update regarding the potential funding source, as presented in the packet.

Public Hearing to approve changes to the Land Use Code

Planning and Zoning Director Amy Weiser discussed a different set of potential land use code revisions, distinct from those being considered for approval later in this meeting. This round of potential revisions is comprised of 'housekeeping' and updating of various sections of code in order to address the following topics:

- Section 3.2: Public Improvements
- Section 3.3: Accessory dwelling units standards being brought up to state code
- Article 6: Update to fence standards, include explicit reference to floodplain prevention ordinance, update language regarding hazard areas and grading permits, add natural and historic drainageway section
- Section 9.4: Additional submittal requirements for preliminary plats
- Section 9.8.1 and 9.9: Bring up to state code
- Section 9.16: Site plan applications for commercial and multifamily developments

Commissioner Walker stated that the floodplain prevention ordinance established minimum requirements, with the land use code potentially adding additional requirements, and wondered if this would result in the weakening of requirements. Weiser stated that County Engineer Stenta confirmed that Ordinance 598 includes all the needed and adequate language to incorporate into the Land Use Code as it relates to these minimum requirements.

Chair Hadler opened the Public Hearing at 6:34 p.m., to remain open until 5 p.m. on Wednesday, October 9th

(No comment received at this time)

Agency Reports (none scheduled)

Commission Member Disclosures (none at this time)

General Commission Reports and Future Considerations

Jacques Hadler

- Museum of Moab board meeting, radium exhibit delayed, exhibit sponsors needed
- Future Land Use Code Open House
- Wish for wheels provided a bike to every second grader in Grand County
- BLM ebike scoping period started today, running through November 1st, comments open for submission on BLM website

Evan Clapper

- Land Use Plan Open House
- Future Consideration: more information and preparation needed for upcoming Mill Creek flood plan meeting with Moab City and other entities

Bill Winfield

- Budget Advisory Board meetings
- State Fire and Moab Valley Fire dialogue, precipitating an additional meeting to clarify annexation process
- Utah Airport Operators Association conference
- Audit Committee meeting
- Southeastern Utah Watershed Council Meeting
- State Fire meeting to get overview and establish clear expectations and ensure coverage of county residents within initial attack, while still maintaining State Fire Warden
- Flood Mitigation ad-hoc committee

Mike McCurdy

- No reports at this time

Trish Hedin

- Moab Area Watershed Partnership issues,
- Castle Valley meeting with townspeople regarding property valuations
- GWSSA Board meeting, water use is down, snow and lake report:
- Moab Regional Hospital remodel ribbon cutting celebration

Kevin Walker

- Cooperators meeting for Bear's Ears Management Plan
- Budget Advisory Board meetings
- Fire Annexation meeting
- Meeting with State Auditor John Dougall to discuss findings letter

Mary McGann

- Economic Opportunity Advisory Board meeting
- Trail to Tomorrow study and workshop for action plan from the study
- Housing Authority meeting
- Solid Waste Special Service meeting, Chris Sobol now manager, finished survey of Moab Landfill, expansion of cell five at Klondike Landfill

Elected Official and Staff Reports

Sheriff Jamison Wiggins

- August SO Stats: 2,796 calls through dispatch, 659 911 calls, 875 calls responded to by deputies, 256 traffic stops, 28 arrests, 113 papers served, 13 SAR Calls
- Submission of pre-trial release deputy grant application, successfully funded
- Public outreach regarding school bus stop sign
- Annual Sheriff's Conference in St George, to host monthly meeting in October at Red Cliffs Lodge

Clerk/Auditor Woytek

- Election season is upon us
 - o September 30 voluntary financial disclosures will be posted today
 - o First extract to be sent to printer this Friday

- Public Logic and Accuracy Test October 14th
 - Ballots to be sent October 15th
 - In-person voting Available starting October 22
 - October 25th is the voter registration deadline
 - Encourage folks to return ballots early
- BAB meetings back to Wednesday 10am, budget season carries on

County Attorney Stephen Stocks

- Fire Annexation meeting, focus on liability responsibility, and safety. Despite delegating action, county would still remain liable
- Audit meeting
- Utah prosecution council
- Presented arguments for BRC case
- MIC Public Land Day event
- Local Justice Coalition
- Meeting with County Assessor
- Seeking more assistance with contract help for managing workload

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

Chair Hadler moved item 9 up, without objection.

9. Peters Propane Appeal of Zoning Interpretation (Attorney Stocks)

Presentation

Stocks explained the circumstances surrounding the proposed action. Ombudsman intervention resulted in opinion favoring the applicant. Attorney recommendation to reverse the Planning and Zoning Office's decision. County can go back and reenter into the planning stage with new common ground. Going against an ombudsman decision could result in negative consequences.

Motion by Commissioner Hedin to reverse the Planning and Zoning Director's zoning interpretation on Parcel and send back to Planning and Zoning office for the planning process.

Motion seconded by Commissioner Winfield

Discussion

Commissioner Walker expressed concern that no formal ombudsman opinion or decision had been written. Limited capacity in the Ombudsman Office for issuing full scale opinions. Hedin stated that this industry regulates itself and that this is a much-needed service in the community, hopes that planning process will be expedited. Attorney Stocks stated some other items that will need to be ironed out in that process.

Motion passes 6-1, Clapper opposed

1. Moab Information Center Lease Renewal (Administrator Hall)

Presentation

Hall gave an overview of the proposed action, which includes a two-year renewal with a mutual option for an additional year.

Motion by Commissioner Walker to approve the Moab Information Center Lease

Motion seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 7-0

2. Letter of Support for Grand Water & Sewer Service Agency's application for funding through the Upper Colorado River Basin System Conservation and Efficiency Program
(Agency Manager Ben Musselman, Grand Water & Sewer Service Agency)

Presentation

Kevin Clyde and Ben Musselman gave an overview of the proposed effort to draw Colorado River water down Spanish Valley, to the benefit of San Juan and Grand Counties. Division of Wildlife Resources has given a verbal commitment, but no formal support. Nature Conservancy would likely not be in favor, but with more specific benefits to the Matheson Preserve, they could be open to the idea. Commissioner Walker states that cooperation via a comprehensive plan would be preferable and asked how this potential project fit into such a plan. No financial support being requested from the County at this time.

Motion by Commissioner McCurdy to approve the Letter of Support for Grand Water & Sewer Service Agency's application for funding through the Upper Colorado River Basin System Conservation and Efficiency Program

Motion seconded by Commissioner Winfield

Discussion

Commissioner Hedin stated that as a result of Southeastern Watershed Council meeting that there is a separate grant opportunity which is more open ended. Open discussion regarding needed projects and the importance of getting together all stakeholders in anticipation for next grant opportunity. Commissioner McGann requested more information regarding the Nature Conservancy and their efforts to pursue other grant funds for work in the Matheson Preserve. Commissioner Winfield stated that this was worth pursuing now and putting into motion, as the effort is an inevitability. Commissioner Walker continued to express hesitancy supporting an effort that is outside of a comprehensive planning process, stating that the water rights will still be available 6 to 12 months from now. San Juan County has written a letter of support. Commissioner Hedin stated that she was receptive to the first phase of the project because even if it does not go further that, it will benefit the wetlands. Hedin stated that reliance on the Colorado River for development is scary, but not necessarily for secondary water purposes. Commissioner Winfield stated that inviting stakeholders rather than forcing them would be critical in these efforts. Commissioner McCurdy stated that he was in favor of starting this in motion for the sake of his children and future generations of residents.

Motion passes 4-2, Clapper and Walker opposed, Hadler abstaining

3. Independent Contractor Agreement (ICA) with Simpleview LLC., and Granicus LLC for the Discover Moab Website Re-Design (Economic Development Director Ben Fredregill)

Presentation

Fredregill gave an overview of the proposed action, including RFP committee recommendation and presentation before the Travel Council Advisory Board.

Motion by Commissioner McGann to approve the Independent Contractor Agreement (ICA) with Simpleview LLC., and Granicus LLC., for the Discover Moab Website Re-Design

Motion seconded by Commissioner McCurdy

Discussion

McCurdy stated that he would like a follow up regarding the return on investment of this effort. Clapper asked if the request for proposals was noticed locally.

Motion passes 7-0

4. Moab City / Grand County / San Juan County Interlocal Agreement (Trails Director Maddie Logowitz)

(No presentation or action taken at this time)

5. Independent Contractor Agreement with KCI Technologies for underground utility investigation services on Spanish Valley Drive (County Engineer Dan Stenta)

Presentation

Stenta explained that the County has included a storm drain pipeline component part of the Spanish Valley Drive Shared Use Pathway project. Funding for the storm drainage component will come from the Stormwater Mitigation Fund, but it makes sense to combine the design effort and construction under a single contract. Underground utility investigation services are needed to identify conflicts between existing underground utilities and the proposed storm drain trunk line, which was not included in the design engineer's scope of work. Important to pursue now to avoid more costly delays during construction.

Motion by Commissioner McCurdy to recommend approval of an Independent Contractor Agreement with KCI Technologies with a Not to Exceed amount of \$22,183.14 for utility investigation services. Subject to the to the following condition: All vendors' insurance certificates and forms must be received prior to start of work.

Motion seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 7-0

6. A Public Hearing to Update the Land Use Code (Planning and Zoning Director Amy Weiser)

Presentation

Weiser gave an overview of potential land use code changes being presented. Public hearing opened at previous Commission meeting. Change to article 2 being proposed is a brand-new zone called RAR 20, not a change to the range and grazing zone. Description of RAR 20 zone given. Commissioner Walker said that there is a need to continue to workshop RAR 20 given planning commission support and existing zones in comparable counties. Commissioner Winfield stated that this action would only benefit the wealthy, and that

comments in favor of the action were written mostly by Castle Valley residents who live on 5 acre lots, that the zone was initially proposed as a 20-acre minimum for commercial operations, not residential, and that imagined problems are not sufficient to support such action.

Motion by Commissioner Clapper to postpone taking action on proposed new zone RAR 20 until further workshopping and mapping exercises are taken.

Motion seconded by Commissioner McGann

Discussion

Weiser checked in with the Commission regarding an action timeline.

Motion to postpone passes 7-0

Presentation (continued)

Weiser described the proposed major utility overlay LUC revision, to remove major utilities as a conditional use in article 3.3. use table, and instead require a major utility overlay.

Motion by Commissioner McCurdy to deny the major utility overlay LUC revision

Motion seconded by Commissioner Winfield

Motion by Commissioner McCurdy to amend the original motion to postpone action at this time rather than deny

Motion to amend seconded by Commissioner Winfield

Motion to amend passes 5-1, Walker opposed, Clapper abstaining

Motion by Commissioner Walker to amend the amended motion to approve the proposed major utility overlay LUC revision

Motion to amend the amended motion seconded by Commissioner Clapper

Motion to amend the amended motion passes 5-2, Winfield and McCurdy opposed

Motion to approve the twice amended motion passes 5-2, Winfield and McCurdy opposed

Presentation (continued)

Weiser explained that the Planning Commission would like to see 'Outfitter and Guide Service Facility' remain in the Rural Residential Zone with some potential tweaks, along with the rationale that they provided.

Motion by Commissioner McGann to postpone action on revisions to 'Outfitter and Guide Service Facility' uses in Rural Residential

Motion seconded by Commissioner Winfield

Discussion

Commissioner Hedin stressed that this concept needs to be applied systematically to avoid negative impacts to established existing neighborhoods, and added that she would abstain given her own inclusion in such a neighborhood.

Motion passes 4-2, Clapper and Walker opposed, Hedin abstaining

Presentation (continued)

Weiser explained Planning Commission opposition to changing Highway Commercial density from 18 to 5 units per acre, stating that it should only be considered with increased density in other areas. Residential dimensional standards in nonresidential areas also not recommended, across the board. Commissioner Walker stated that an action to postpone could include concurrent bonuses as stated by the Planning Commission. Commissioner McCurdy stated density bonuses should be offered in Highway Commercial and other zones, not reductions.

Motion by Commissioner McCurdy to deny the proposal to change Highway Commercial Zone density from 18 to 5 units per acre

Motion seconded by Commissioner Winfield

Discussion

Commissioner Winfield stated that this item should not even be considered in the first place, and that a vote in favor would be a vote against housing. Commissioner Hedin expressed support for denial, and encouraged thinking outside the box and not just opening up all development, because that type of approach won't support accessible workforce housing. Commissioner Walker stated that the current zoning does not support housing, and that high density development with no restriction will only result in expensive housing, as has been the case in Highway Commercial, citing the Sage Creek development. Walker suggested that the overlay opt-in zoning approach like the HDHO, allowed by the state, is the path for more housing. Commissioner Winfield stated that the HDHO program is a failure and not a viable way to create more housing.

Motion by Commissioner Walker to amend the original motion to postponement of the item, with the condition that it be brought back before the Commission coupled with opt-in zones that allow higher density housing with a workforce/affordable component.

Motion to amend seconded by Commissioner Clapper

Motion to amend passes 4-2, Winfield and McCurdy opposed, Hedin abstaining

Amended motion passes 4-2, Winfield and McCurdy opposed, Hedin abstaining

7. 2023 TRT/TRCCA Expenditure Report (Clerk/Auditor Woytek)

Presentation

Clerk/Auditor Woytek clarified that the report could be subject to amendment and resubmission, which would go back through Commission approval.

Motion by Commissioner McGann to approve the 2023 TRT/TRCC Expenditure Report as presented.

Motion seconded by Commissioner Hedin

Discussion (none at this time)

Motion passes 7-0

Closed Session

At 9:14 p.m., motion by Commissioner McGann to enter closed session for the purposes of discussing the purchase, exchange, or lease of real property and pending or reasonably imminent litigation

Motion seconded by Commissioner Winfield

Discussion (none at this time)

Motion passes 7-0

At 9:55 p.m., Motion by Commissioner McCurdy to exit the closed session

Motion seconded by Commissioner Clapper

8. Resolution with the City of Moab for the Atlas Park (Chair Hadler)

Presentation

Hadler explained that Grand County and the City of Moab wish to enter into a non-binding Memorandum of Understanding clarifying the roles and responsibilities of each party with regard to the transfer and redevelopment of the current Uranium Mill Tailings Remedial Action (UMTRA) site. The goals of the parties are to transfer ownership of the site and eventually oversee redevelopment. Moab City will hire, fund, and provide the necessary resources for a dedicated employee within its Community Development Department. Moab City and Grand County will share various other resources related to the potential redevelopment.

Motion by Commissioner McGann to approve the resolution with the City of Moab for the Atlas Park

Motion seconded by Commissioner Hedin

Discussion

No further detail available regarding funding partnership. Commissioner Winfield stressed that he does not want the County to give up any rights once the land is passed from the feds. Attorney Stocks gave a legal opinion on any rights potentially being given up.

Motion passes 7-0

Consent Agenda – Action Items

9. Approval of Consent Agenda Items

B. Ratification of Payment of Bills

C. FY25 Annual Cooperative Agreement – Utah Dept. of Natural Resources (Forestry, Fire, and State Lands) and Grand County (Grand County Weeds Dept.)

Motion by Commissioner Walker to approve the Consent Agenda as read by the Chair (original item A not included in motion)

Motion seconded by Commissioner McCurdy

Discussion (none at this time)

Motion passes 7-0

Discussion Item

Withholding of State Allocated Funds and Property Taxes

Chair Hadler referenced letters received from the State Auditor's Office related to the discussion title. Commissioner McCurdy stated that a letter received as early as July 19th should have been shared with the entire Commission.

Commissioner Winfield asked what the current status of negotiations with the State Auditor's Office were. Walker pointed to already recorded corrections in the issued financial statements and described ongoing productive conversations being had with the State Auditor's Office. Attorney Stocks outlined legal recourse potentially available to Grand County in relation to any remaining disagreement.

Commissioner Walker stated that he was optimistic that the remaining differences can be worked out. Discussion regarding putting together all arguments as needed to be prepared for any type of response. Commissioner Winfield a question when the County would stop arguing.

Closed Session

At 10:34 p.m., motion by Commissioner McGann to enter closed session for the purposes of discussing the character, professional competence, or physical or mental health of an individual and collective bargaining issues

Motion seconded by Commissioner Clapper

Discussion (none at this time)

Motion passes 7-0

At 10:52 p.m., Motion by Commissioner McCurdy to exit the closed session

Motion seconded by Commissioner McGann

10. Consideration and Possible Action on Administrator Offer (Administrator Hall)

Presentation

Attorney Stocks explained that the Commission was in negotiations with an applicant and there are a few remaining terms to discuss. Commission to give authority to negotiate and finalize an offer as needed with the Chair and the Attorney.

Motion by Commissioner Winfield

Motion seconded by Commissioner Walker

Discussion (none at this time)

Motion passes 7-0

Chair Hadler adjourned the meeting at 10:54 p.m.



Jacques Hadler
Chair, Grand County Commission



Gabriel Woytek
Grand County Clerk/Auditor