



GRAND COUNTY COUNCIL REGULAR MEETING

Grand County Council Chambers
125 East Center Street, Moab, Utah

Tuesday, October 15, 2019

The Grand County Council met in a regular session on the above date in the Grand County Council Chambers of the Courthouse located at 125 East Center Street, Moab, Utah. The meeting was called to order by Council Chair Evan Clapper at 2:07 p.m. In attendance were Council Members Mary McGann, Jaylyn Hawks, Greg Halliday, Terry Morse, Rory Paxman, Curtis Wells, Evan Clapper, Council Administrator Ruth Dillon, County Attorney Christina Sloan, and Clerk-Auditor Chris Baird.

Call to Order

Chair Clapper called the meeting to order at 2:07 p.m.

Pledge of Allegiance

Judd Hill led the Pledge of Allegiance.

Approval of Minutes (Chris Baird, Clerk/Auditor)

- A. **June 10 (Joint County Council Meeting with San Juan County Commissions and SITLA), Postponed from June 18, 2019**
- B. **September 17, 2019 (County Council Meeting), Postponed from October 1, 2019**
- C. **September 20, 2019 (Joint County Council Emergency Meeting with Moab Area Travel Council Advisory Board), Postponed from October 1, 2019**
- D. **October 1, 2019 (County Council Meeting)**
- E. **October 2, 2019 (Joint County Council Meeting with Planning Commission)**
- F. **October 8, 2019 (Joint County Council Meeting with Grand County Elected Officials, Moab City Council, Castle Valley Town Council, and Mayors)**

Motion by Council Member McGann to approve the minutes for 9/17/2019 and 10/1/2019 Joint and Regular meetings. Motion seconded by Council Member Morse.

Council Member Hawks would like the minutes approving the minutes to indicate that emergency medical services were a component of the rationale for the adoption of the Healthcare sales tax, and that the EMS department was actively engaged in aiding in the adoption of the tax.

Motion carries 6-0-1 with Council Member Wells abstaining.

Motion to postpone agenda items A, C, E, and F. Motion seconded by Council Member Morse carries 7-0.

Ratification of Payment of Bills

Motion by Council Member Paxman to ratify the payment of the bills and payroll totaling \$806,320.55 (Bills - \$552,784.55, Payroll - \$253,536.00). Motion seconded by Council Member Morse carries 7-0 by roll-call vote.

Council Member Disclosures

Jaylyn Hawks: Has a brother and sister in-law near the Arroyo Crossing development.

Rory Paxman: Is the owner of a company that rents UTVs.

All council members disclosed that they are property owners.

General Council Reports and Future Considerations

Greg Halliday: Met with the Moab Valley Fire Protection District and the Castle Valley Fire Protection District regarding boundaries.

Jaylyn Hawks: Attended a Canyonlands Healthcare Special Service District meeting, reported on a ribbon cutting at a memorial garden at the Long Term Care Center, attended the meeting between elected officials and Rep. John Curtis, and attended the UMTRA 10 million tons moved celebration.

Mary McGann: Attended a Planning Commission meeting, attended a candidate forum for the City Council, attended the meeting with elected officials and Rep. John Curtis, attended the 10 million tons moved UMTRA celebration, and a Solid Waste Special Service District meeting.

Curtis Wells: Attended the meeting with elected officials and Rep. John Curtis.

Terry Morse: Attended a meeting concerning overnight accommodations, a Mosquito Abatement District meeting, and a Grand County Soil Conservation District meeting.

Rory Paxman: Attended the elected officials meeting with Rep. John Curtis, the 10 million tons moved UMTRA celebration, an Airport Board meeting, and also announced Judd Hill's resignation as Airport Director.

Evan Clapper: Attended Budget Advisory Board meetings, reported that the Grand County Cemetery will hold an open house for the new columbarium, attended a Trail Mix meeting, and an EMS Special Service District meeting.

Elected Official Reports

Clerk-Auditor Chris Baird: Ballots have gone out for the General Municipal Election, and also very busy with 2020 budgeting.

Council Administrator Report

Ruth Dillon: Working to make sure that the Airport is in good hands with the resignation of the Airport Director.

Department Reports

G. 2018 Information Technologies Report (Matt Cenicerros, Director)

Matt Cenicerros gave a report on the activities of the IT department for 2018 and reiterated a request for an assistant IT technician.

Agency Reports (None)

Citizens to Be Heard (None)

Presentations

H. Presentation regarding a request for an easement across a county-owned parcel located at the old shooting range near the Moab Landfill (Richard Cooke, Citizen)

Richard Cooke presented on a piece of property that he owns near the "old Sand Flats shooting range". Would like to purchase an easement for a driveway providing access to his property. County Attorney

Sloan indicated that this would be a private drive and wouldn't work for a subdivision. Cooke responded that this would be ok as he has no intention of subdividing. Discussion was had about assigning the liability of lead remediation associated with the easement. Halliday commented that he would want the road to be as close to the property boundary as possible.

Teresa King: Has been living next to this property for over 20 years. Concerned about putting another entrance on Sand Flats road and is concerned about traffic, and the possibility that visitors could get lost.

Road Department Supervisor Bill Jackson and Council Member Greg Halliday will walk the property with the owners.

General Business- Action Items- Discussion and Consideration of:

I. Adopting proposed proclamation declaring October as Domestic Violence Awareness Month (Abi Taylor, Deputy Executive Director, Seekhaven Family Crisis and Resource Center)

Abi Taylor, presented on the proclamation and the activities of Seekhaven.

Chair Evan Clapper read the proclamation.

Motion by Council Member McGann to approve the proclamation and authorize the chair to sign all associated documents. Motion seconded by Council member Wells carries 7-0

J. Approving proposed Independent Contractors Agreement with Love Communications for the Moab Area Travel Council Media Company of Record for 2020-2021 (Mary Lou Lopez, Moab Area Travel Council Administrative Assistant/TRT Specialist)

Motion by Council Member McGann to approve the proposed Independent Contractors Agreement with Love Communications as the Media Company of Record for the Moab Area Travel council which will secure TV, Radio, Digital, and Billboards for 2020- 2021, subject to County Attorney review and approval, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Paxman carries 7-0.

K. Approving Stormwater Drainage Easement Agreement between Grand County and Roxanne Bierman for the Arbor Drive improvement project, Postponed from October 1, 2019 (Bill Jackson, Roads Supervisor)

Bill Jackson presented on the proposed easement.

Motion by Council Member Halliday to approve the storm drainage easement agreement between Grand County and Roxanne C Bierman and authorized the Chair to sign all associated documents. Motion seconded by Council Member Morse carries 7-0.

L. Approving proposed Option and Ground Lease Agreement with InSite Towers Development 2, LLC to build a cell tower located at Old Spanish Trail Arena (OSTA) (Steve Swift, OSTA Director)

Steve Swift presented the revised proposed agreement. Rent would range from \$18,000 to \$34,000 depending on when tenants sign on to the tower. The Cell tower will increase the signal in the area. Cell phone service isn't reliable at OSTA during events, and could be a safety liability during events. The tower would also serve as a platform for new arena lighting.

Motion by Council Member Wells to approve the proposed Option and Ground Lease Agreement with InSite Towers Development 2, LLC to build a cell tower located at Old Spanish Trail Arena (OSTA), and authorize the Chair to sign all associated documents. Motion seconded by Council Member Paxman.

Discussion:

Sloan: Indicated that the rent was increased and the term of the lease was reduced by 10 years. Grand County code says that the tower can not be approved unless it can not be accommodated on an existing tower within 5 miles.

Tierney Rowe: The maps InSite produced are by licensed engineers. The existing towers can not support the population density here. Some issues can be addressed through the rezone of the property to highway commercial. Insurance limits in the contract were increased to meet the request of the County Attorney.

Sloan: The approval would need to be contingent on the rezoning. The Council would need to make certain "findings" before they can technically approve according to existing code. The contract is not far enough along to be compliant with Grand County code.

Tierney expressed that they have cleared all the hurdles requested of them, and now there are new ones.

Sloan: Steve Swift didn't bring this new contract to her until the last couple days.

Tierney would like to know the full requirements for approval.

Sloan: Encourages the County to not approve this contract.

Tierney: Several Agencies have reviewed the risk associated with adjacent use, and regularly approved such uses.

Rory Paxman, Rim Village area has poor cell phone coverage.

Wells: There is enough interest from the Council to warrant this discussion. Would like to better understand the code requirements, and what needs to be further accomplished to make this contract work.

Sloan: Grand County Code requires findings be made in order to approve, and those findings have not been made.

McGann: Inquired about the rent revenue.

Tierney: \$1,500/month in base rent plus \$400/month per additional tenant.

McGann: Would like to see this happen in order to help generate revenue for the County.

Hawks: Not comfortable approving tonight with contingencies attached. Hasn't seen the final contract document.

Tierney: The final document was provided to Steve Swift.

Matt Cenicerros: This would help with the first responder network by providing a location for FirstNet.

Substitute Motion by Council Member Wells to approve the proposed Option and Ground Lease Agreement with InSite Towers Development 2, LLC to build a cell tower located at Old Spanish Trail Arena (OSTA), contingent on satisfaction with County Code 3.3.2. P, the completion of the rezoning of the property, and also subject to County Attorney review, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Paxman.

Terry Morse: Voted against this last time because of the height and location of the tower. In rethinking, now considers that the health, safety, and welfare issues are more important. And, is in favor of this amended contract.

Motion carries 6-1 with Council Member Clapper opposed.

M. Adopting proposed resolution of the County Council of Grand County, Utah, authorizing the issuance and sale of not more than \$265,000 aggregate principal amount of excise tax revenue bonds, series 2019; and related matters (Judd Hill, Airport Director)

Motion by Council Member Morse to adopt the proposed resolution of the County Council of Grand County, Utah, authorizing the issuance and sale of not more than \$265,000 aggregate principal amount of excise tax revenue bonds, series 2019; and related matters, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Paxman carries 7-0.

N. Approving proposed reclassification of the Airport Director position from Grade 15 to Grade ____ (Ruth Dillon, Council Administrator and Renee Baker, HR Director)

Motion by Council Member McGann to approve the reclassification of the Airport Director position from Grade 15 to Grand 21 and authorize the chair to sign all associated documents. Motion seconded by Council Member Morse carries 7-0.

O. Adopting proposed ordinance amending Ordinance 526 Flood Damage Prevention (Bill Hulse, Chief Building Official/Floodplain Administrator)

Motion by Council Member Hawks to adopt the proposed ordinance approving amendments to Ordinance 526 Flood Damage Prevention, and authorize the Chair to sign all associated documents. Motion seconded by Council Member McGann carries 7-0.

P. Approving proposed letter of intent to join the CRS program (Community Rating System) of the National Flood Insurance Program (Bill Hulse, Chief Building Officer/Floodplain Administrator)

Motion by Council Member McGann to approve the proposed letter of intent to join the CRS program (Community Rating System) of the National Flood Insurance Program, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Wells carries 7-0.

Q. Adopting proposed ordinance approving the Viewgate Terrace HDHO Development Application, Master Plan, and Development Agreement, located at 1248 South Highway 191 (Kenny Gordon, Community & Economic Development Director)

Attorney Sloan presented some redline edits to the ordinance not shown in the packet that will need to be approved.

Motion by Council Member Wells to adopt the proposed ordinance approving application of the High Density Housing Overlay District 35b (HDHD – 35b) to the subject parcel, the Viewgate Terrace HDHO Development Agreement, and the Viewgate Terrace Master Plan as presented by the County Attorney and contingent upon the County Attorney approving final language for the storm drain facility access and maintenance easement deed granted to the County, and the Viewgate Terrace Master Plan shall be updated as follows:

Additional plan notes; applicant shall improve the access road to the appropriate public road standard as a condition of future preliminary plat or site plan approval, applicant shall improve the access on 191 as a condition of future preliminary plat or site plan approval according to UDOT standards, applicant shall record all easements shown on plan notes, and the cul-de-sac radius shall be updated to 50' according to county code on the Master Plan. And, authorize the Chair to sign all associated documents.

Motion seconded by Council Member Halliday carries 7-0.

R. Adopting proposed resolution approving the Emery Telcom Yard Conditional Use Permit (CUP) located at 1728 South Rocky Road (Kenny Gordon, Community & Economic Development Director)

Motion by Council Member Halliday to adopt the proposed resolution approving the Emery Telcom Yard Conditional Use Permit (CUP) located at 1728 South Rocky Road, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Paxman carries 7-0.

S. Adopting proposed ordinance approving the Arroyo Crossing PUD Overlay, Master Plan, and Development Agreement establishing an Affordable Housing Set-aside and repealing Ordinance No. 550, in part, which supersedes and replaces the similar DRAFT ordinance approved on August 20, 2019 (Kenny Gordon, Community & Economic Development Director)

Motion by Council Member McGann to adopt the proposed ordinance approving the Arroyo Crossing PUD overlay, Master Plan, and Development Agreement establishing an affordable housing set-aside and repealing Ordinance No. 550, in part, which supersedes and replaces the similar draft ordinance approved on August 20, 2019 subject to final approval of the updated Arroyo Crossing Development Agreement by the County Attorney, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Morse.

Council Member Hawks: Lives very near this project. Is concerned about traffic related impacts on Highway 191. Asked not to rename Budweiser Dr. to Plateau.

Chris Holyoak: Lives very near this project. Is concerned about the access to the project and traffic impacts.

Pat Matheson, consultant to the project, worked on an acceptable solution to the access easement. Decided not to make the road wider in order to discourage speeding.

Motion carries 6-0-1 With Council Member Hawks abstaining.

T. Adopting a proposed resolution approving the Arroyo Crossing PUD Phase 1 Final Plat and Subdivision Improvement Agreement, located at 2022 Spanish Valley Drive (Kenny Gordon Community & Economic Development Director)

Motion by Council Member McGann to adopt the proposed resolution approving the Arroyo Crossing PUD Phase 1 Final Plat dated October 8, 2019 and Subdivision Improvement Agreement conditioned upon the following:

- Applicant shall record the Subdivision Improvements Agreement in the real property records of Grand County, Utah;
- Applicant shall record the utility and drainage easements associated with future phases of development alongside the Phase 1 Final Plat and Subdivision Improvements Agreement; and
- Final plat approval for any future phases shall be contingent upon the Applicant improving Spanish Valley Drive to the minor collector road standard as described within the Spanish Valley Transportation Master Plan in effect at that time. And, authorize the Chair to sign all associated documents.

Motion seconded by Council Member Morse.

Rory Paxman: Asked about the width of the streets compared with Spanish Valley Dr.

Pat Matheson: The roads are similar in width to Spanish Valley Dr.

Chris Holyoak: Also concerned about construction traffic and asked for traffic mitigation.

Motion carries 6-0-1 with Council Member Hawks abstaining.

U. Approving noticing an increase for Grand County's general operations and library operations property tax budgets for 2020 (Chris Baird, Clerk/Auditor)

Motion by Council Member McGann to approve noticing an intent to increase property taxes for General Fund operations and Library operations for 2020. The General Fund operations increase to be \$2,111,000 and is a 75% increase over the current budget General Fund Operations Budget. The Library operations increase to be \$275,400, and is a 38.55% increase over the current Library Operations budget. The purpose of the increase is to:

- Cover the expenses of the 2019 Salary and benefits increases;
- Cover the expenses of the increased 2020 benefits renewal rates
- Cover the expenses of a 1.7% 2020 Cost of Living Adjustment
- Cover the expenses of \$500,000 in Capital Projects
- Cover the expenses of \$627,500 in new position requests
- Cover the expenses of \$160,000/year in new facility debt

And, authorize the Chair to sign all associated documents. Motion seconded by Council Member Morse carries 5-2 with Council Members Paxman and Wells opposed.

V. Adopting a resolution approving a property tax increase for the Moab Mosquito Abatement District for 2020 (Council Member Morse, and Clerk/Auditor Chris Baird)

Motion by Council Member McGann to approve a resolution of the Grand County Council to approve the Moab Mosquito Abatement District's noticing of up to an \$80,000 property tax increase for 2020,

representing an approximate 33.46% increase above the current budget and authorize the Chair to sign all associated documents. Motion seconded by Council Member Morse carries 7-0.

W.

See instead Emergency Joint Meeting agenda with Grand County, Moab City, and Castle Valley Town Councils to be held earlier today at 1:00 p.m. in the County Council Chambers

X. Previously addressed in Joint Meeting

Larry Ellerton indicated that Rep. Curtis' office has received calls from those opposing the resolution that was previously approved in the joint meeting pertaining to OHVs in the National Parks.

Y. Approving recommendations to the Moab Chamber of Commerce for "Business of the Year" (Council Member Paxman)

Motion by Council Member McGann to nominate Raven's Rim Zipline Adventures and Sweet Cravings Bakery and Bistro for "Business of the Year" to the Moab Area Chamber of Commerce and authorize the Chair to sign all associated documents. Motion seconded by Council Member Paxman carries 7-0.

Z. Approving appointment of a Justice Court temporary judge (Ruth Dillon, Council Administrator)

Motion by Council Member McGann to appoint Steven Streams as the temporary Justice Court Judge and authorize the Chair to sign all associated documents. Motion seconded by Council Member Morse carries 7-0.

Consent Agenda- Action Items

AA. Ratifying permanent placement of Moab Art Trails' purchased art piece, "Big Country" guitar, to be placed in front of Star Hall

BB. Ratifying the Chair's signature on Climbing Stewardship Agreement between the High Mountain Institute and Grand County

CC. Approving response letter to residents of Castle Valley regarding aircraft flights over Castle Valley

DD. Approving proposed Music License Agreement with David Steward for *Do It Like a Local* song and *Moab Do It Like a Local Music Video*

Motion by Council Member McGann to approve the consent agenda, pending legal review for agenda item CC, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Hawks carries 7-0.

Discussion Items

EE. Calendar items and public notices (Bryony Hill, Council Office Coordinator)

Bryony Hill presented the calendar items and public notices.

Public Hearings- Possible Action Items (none)

Closed Session(s) (if necessary)

Adjourn

Chair Clapper adjourned the meeting at 5:04 p.m.

ATTEST:


Chris Baird – Clerk/Auditor

APPROVE:


Evan Clapper – Council Chair