



**GRAND COUNTY COMMISSION  
REGULAR MEETING**

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

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**MINUTES  
3 May 2022**

The Grand County Commission met in a regular meeting on May 3<sup>rd</sup>, 2022. The meeting was held in-person in the Grand County Commission Chambers, with hybrid virtual participation also available via Zoom. It was also broadcast and saved on YouTube (timestamps in parentheses). Attending the meeting in-person was Grand County Commission Chair Jacques Hadler, Commission Vice-Chair Mary McGann, Commissioners Evan Clapper, Kevin Walker, Sarah Stock and Josie Kovash. Commissioner Trisha Hedin was absent. Also attending in-person were Commission Administrator Mallory Nassau, Associate Commission Administrator Quinn Hall, Clerk/Auditor Gabriel Woytek, and County Attorney Christina Sloan.

**2:03 p.m. Public Lands Proposal Workshop**

Commissioner Walker presented overview of current status of Public Lands Proposal Process. More detailed proposals set to be developed after thorough and substantive public input. Presentation of Grand County Commission public lands vision statement and review of key principles. Brief discussion about funding advantages related to the establishment of National Conservation Areas.

Commissioner Stock reviewed public comment through survey responses, to date. Notable comments included but not limited to: strong support for NCA designation, strong support for Arches National Park expansion, concerns with overcrowding, support for more designated dispersed camping, support for water conservation measures, support for non-motorized designation for Labyrinth Canyon, Sand Flats user conflict. Commissioner Walker summarized further comments offered by citizens via email.

Commissioner Walker offered a vision for what the Final Public Lands Proposal will look like including some discussion regarding goals, legislation, and administration.

Commissioner Walker presented an interactive map of Grand County and offered description and explanation for tentative NCA boundaries. Discussion regarding definitions and prescriptions of NCAs. Establishment of NCAs typically involves mineral withdrawal but otherwise doesn't automatically preclude any particular use. NCAs establish a management team and open up another pool of funding to the BLM. Commissioner Clapper asked about access to funding with a consolidated NCA vs the currently drafted collection of separate NCAs. Commissioner Kovash asked about the potential for collaboration and/or extension into Uintah County or Ute Tribal Lands.

Clarification offered that already existing mineral/oil/gas development would be unaffected by potential NCA designation, but future development would likely not be allowed. Discussion regarding areas currently deemed significant for mineral extraction. Commissioner Clapper discussed consideration of excluding some of these areas in a proposal as a way to respond to potential pushback and present compromise. Commissioner Kovash suggested distinguishing potential extraction activity associated with facilitating renewable energy. Agreement that second round of public input process will not present extraction-oriented alternatives but will state clearly and solicit input on the impacts that this could potentially have on extraction.

Discussion on how to approach public input process with regards to recreation opportunity balance. Commissioner Clapper suggested sticking to general goals with regards to recreation rather than jumping into a route by route analysis, which could quickly become unproductive.

Discussion regarding the variety of potential land swap proposals that could be included as part of the wider process, and agreement to pursue.

**Chair Hadler adjourned workshop at 3:43 p.m.**

**4:00 p.m. Board of Equalization (see separate minutes) (2:01:48)**

**4:16 p.m. Regular Meeting Call to Order (2:15:27)**

**Pledge of Allegiance**

**Citizens to Be Heard (2:16:13)**

Charlotte Mates described experience of attending Grand County Neighborhood Area Planning meeting with low public turnout. Suggested need for better coordination with City and other governmental agencies in posting and advertising such events and other public outreach efforts. Recommended one consolidated source for making people aware and soliciting participation.

Sam Van Wetter expressed support for Commission in using creative tools for limiting noise in streets and neighborhoods.

**Presentations (2:21:35)**

**A. Presentation on SITLA Bears Ears land swap (Michelle McConkie, Director, Chris Fausett, Deputy Assistant Director, Bryan Torgerson, Resource Specialist, Trust Lands Administration)**

SITLA staff presented specifics of proposed land swap. Discussed SITLA mandate to generate funds for beneficiaries and the need to swap land with BLM in order to fulfill that mandate. Discussion regarding challenges finding land that qualifies for swap. Description of areas that were removed from initially proposed swap after receiving local input. Process still in draft form, will need approval from state legislature and also an act of Congress to approve BLM exchanges.

Commissioner Walker sought rationale from SITLA staff on why parcels in Grand County proposed on current draft are considered to have value. Commissioner Stock discussed parcel labeled 'Dubinky Wash' and its significance for low impact recreation and this use's potential degradation by oil and gas development. Chair Hadler pointed out that a parcel labeled 'Big Flat' contains a significant mountain biking trail system. SITLA staff clarified that multiple uses are encouraged and accommodated on SITLA owned parcels. Commissioner Stock discussed tension with SITLA acquiring parcels before Grand County has completed its Public Lands Process and fully explored avenues to establish protections that Grand County wants to institute. Commissioner Walker supports the land swap to protect Bear's Ears, but pointed out that it does not make sense for SITLA to trade in to parcels that will be proposed again for swap as part of Public Lands Process. Commissioner Walker discussed strong concerns about the large majority of parcels in proposed swap. Pointed out that Grand County has more than its fair share of SITLA ownership within its boundaries compared with others around the state, and hopes that current draft will be updated further to

reflect these concerns. Staff clarified that estimated 10 percent of currently proposed swap is in Grand County, by acreage. Commissioner Stock encouraged SITLA to look into corridors for development of transmission lines along Cisco desert as viable candidate for deriving economic value.

**Department Reports** (none scheduled)

**Approval of Minutes (Gabriel Woytek, Clerk/Auditor) (2:55:45)**

- B. April 19<sup>th</sup>, 2022 (Regular County Commission Meeting)
- C. April 25<sup>th</sup>, 2022 (Joint Workshop County Commission/Planning Commission)

**Motion by** Commissioner McGann to approve the minutes from April 19<sup>th</sup>, 2022 and April 25<sup>th</sup>, 2022.

**Motion Seconded by** Commissioner Stock

**Discussion** (none at this time)

**Motion Passes 6-0**

**Ratification of Payment of Bills**

**Motion by** Commissioner McGann to approve and ratify payment of bills in the amount of \$748,098.63 and payroll in the amount of \$331,287.46 for a combined total of \$1,079,386.09.

**Motion Seconded by** Commissioner Walker

**Discussion** (none at this time)

**Motion passes 6-0**

**Commission Member Disclosures**

Commissioner Clapper disclosed that in his private business he has contracted with the film industry through connections made by the Film Commission.

**General Commission Reports and Future Considerations (2:58:30)**

Jacques Hadler

- UMTRA well field tour
- Joint County Commission/Planning Commission Land Use meeting
- Joint City/County meeting
- Moab Museum meeting
- Chamber of Commerce meeting
- Noise 2.0 working group and associated special Commission workshop
- Future consideration: consideration of Public Information Officer

Sarah Stock

- Community Renewable Energy Program Meeting
- Mosquito Abatement District meeting

- Weed Department meeting, currently without weed technicians
- UMTRA well field tour, observation of remediation efforts

Kevin Walker

- Public Lands Proposal
- Transportation Special Service District
- Meeting with BLM regarding general issues
- In response to citizen comment, agreed that there is room for improvement in receiving public input

Evan Clapper

- Arches Special Service District, expansion of district approved

Mary McGann

- Moab Tailings Project Steering Committee, including visit to Department of Energy in Grand Junction, alternate landfill cover design close to approval, \$67 million approved for UMTRA, tailings removal currently projected to be complete in 2026
- Moab Area Housing Task Force meeting
- Solid Waste Special Service District meeting, planned send off for outgoing director Evan Tyrell

Josie Kovash

- Utah Association of Counties Board of Director's meeting, requested feedback from Commission on best utilizing this membership

### **Elected Official Reports**

Grand County Clerk/Auditor Gabriel Woytek

- UAC Manager's Conference in Ogden

Grand County Attorney Christina Sloan

- Noise 2.0 workshop recording available online for the public
- New case management software currently operational in Attorney's Office
- Hired second prosecutor Eddie Cervantes to take over Justice Court docket

### **Commission Administrator Report**

Commission Administrator Mallory Nassau

- Fully staffed administrator's office has potential to address public outreach needs
- Introduction of a variety of new efficiencies and processes, policies and procedures

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

**D.** Adopting Ordinance approving rezone of real property located at 75 W. Old Hwy 6 & 50, Thompson Springs from Range and Grazing to General Business (Parcel No. 07-0021-0105), while preserving the existing OAO-RV/Campground (Elissa Martin, Planning and Zoning) (3:19:40)

### **Presentation**

Staff presented rezone application and report as it appears in packet. Offered a suggestion to omit reference to OAO in the motion to eliminate redundancy.

**Motion by** Commissioner McGann to approve the request to rezone real property located at 75 W. Old Highway 6 & 50 in Thompson Springs, known as Grand County Parcel No. 07-0021-0105, from Range & Grazing to General Business (GB), while preserving the OAO-RV/Campground overlay.

**Motion Seconded by Commissioner Walker**

**Discussion**

Commissioner Clapper asserted that there has been a change of character in the area. Commissioner Kovash agreed that existing zoning was made in error. Commissioner McGann asserted that proposed use is compatible with surrounding area. Commissioner Walker stated that care must be taken in facilitating development in Thompson given water constraints but that the current application is reasonable within this context.

**Motion passes 6-0**

**E.** Adopting Resolution approving the Final Plat of Wingate Subdivision, Lot 12 & Tract A Amended located on Parcel No. 02-0WIN-0013 & No. 02-0WIN-0099 (Elissa Martin, Planning & Zoning) (3:28:40)

**Presentation**

Staff presented details of final plat as shown in packet.

**Motion by** Commissioner Walker to approve the Findings of Fact set forth in the staff report dated March 28, 2022 and the proposed Resolution approving the Plat Amendment of Wingate Subdivision, Lot 12 & Tract A Amended.

**Motion Seconded by Commissioner Stock**

**Discussion**

Commissioner Stock expressed support for the lot line adjustment, pleased to see open space and playground being included in this plan and would like to see this become a requirement in future high density housing initiatives.

**Motion passes 6-0**

**F.** Approving Special Event Permit for Raptor on the Rocks 2022 (Angie Book, OSTA Director) (3:31:35)

**Presentation**

Staff presented permit application as presented in packet. Commissioner Stock sought clarification that this application was being considered due to it being motor vehicle related.

**Motion by** Commissioner Walker to approve the special event permit for the 2022 Raptors on the Rocks under the currently approved special event ordinance.

**Motion Seconded by Commissioner McGann**

**Discussion** (none at this time)

**Motion passes 5-1, Stock opposed**

**G.** Approving FLSA exemption for the position of Film Commissioner (Renee Baker, Personnel Services Director) (3:33:45)

**Presentation**

Staff presented proposed exemption. Stated that after 4 months it has become clear that this position is best suited for exempt status.

**Motion by** Commissioner Stock to approve the Fair Standards and Labor Act administrative exemption for the position of Film Commissioner effective May 16th, 2022.

**Motion Seconded by** Commissioner McGann

**Discussion**

Commissioner McGann acknowledged difficulties in the County absorbing Film Commission and need to continue to adapt and accommodate its presence as a county office. Chair Hadler offered appreciation for the work of the Film Commissioner and desire to find the best fit for the Film Commission in the County and in the community. County Attorney Sloan asserted that it is unfair to make this conversion without a salary increase and that compensation is not a Director's salary in the context of the County, only Film Commission in the state with 75 years of history is deserving of more respect. Commissioner Stock stated that major salary adjustments should occur within the context of the wider budgeting process, clarified that the Film Commissioner will absorb the fiscal impact of this exemption as they will not be paid for overtime hours. Commissioner Walker stated that piecemeal discussion of salary increases is not appropriate and that this particular case should not be an exception. Film Commissioner offered update on current workload. Commissioner Kovash stated that 60-80 hour work weeks are not sustainable. Commissioner Clapper clarified that TRT funds can be used to offset costs associated with this position.

**Substitute motion by** Commissioner Clapper to postpone the item for future consideration

**Substitute motion seconded by** Commissioner Stock

**Discussion**

Commissioner McGann discussed long time frame and complexity involved in the Film Commission breaking off into its own organization. Commissioner Walker clarified that the outcome will result in an employee working overtime and not being compensated. County Attorney clarified the fiscal impact of a potential salary increase which would be \$19,000 total, which would be taken away from the Responsible Recreation budget. Commission Administrator Nassau suggested formation of a committee or holding a meeting to coordinate and address challenges associated with the Film Commission operating within the County. Economic Development Director August Granath requested that there be a Commission liaison on this committee, for which Commission Kovash agreed to volunteer. Kevin Walker clarified complexity of TRT budget, particularly that the promotion side of this revenue has three arms, and that the restraints associated with TRT funds applicable to this arm of that revenue is readily utilized.

**Motion passes 6-0**

**H.** Approving Family Support Center Director Grade increase from Grade 10 to a Grade 13 (Renee Baker, Personnel Services Director and Christina Sloan, County Attorney) (3:57:30)

**Presentation**

Staff presented proposed grade change as presented in packet. County Attorney described role of FSC, stated that it is unusual for it to have an affiliation with local government, as in Grand. This position has always been graded lower because Clerk's office has handled administrative duties. Recruitment has been very challenging due to low salary, which justifies this increase because new Director will offer administrative skills. Discussed intention for FSC to eventually spin out into its own non-profit organization and this position was recruited with that expectation, as many funding opportunities exist for such organizations.

Commissioner Walker clarified that the proposed increase will enable recruitment for a person bringing more skills that will work towards a transition towards independence from the County.

**Motion by** Commissioner Walker to approve the Grade Change from a Grade 10 to a Grade 13 and exemption status from non-exempt to Fair Standards and Labor Act executive exemption for the position of Family Support Director effective on the start date of the new Director and authorize the update to the 2022 Position Pay Plan.

**Motion Seconded by** Commissioner Clapper

**Discussion** (none at this time)

**Motion passes 6-0**

### **Citizens to be Heard (4:07:10)**

Charlotte Mates mentioned upcoming public meetings: May 4<sup>th</sup> town hall at 7:30 p.m. with Congressman John Curtis, Thursday, May 5<sup>th</sup> ribbon cutting at new addiction recovery center, National Nursing Home Week May 8-14, the outdoor patio at the Canyonlands Care Center will be open for the public to enjoy activities with residents.

Larry Ellertson, public lands, rural issues and energy advisor for John Curtis, Congressman Curtis to visit Moab for town hall on May 4<sup>th</sup>.

**I.** Approving updated job descriptions for the Grand Center Director and Grand Center Facilities Coordinator (Renee Baker, Personnel Services Director) (4:10:55)

#### **Presentation**

Staff presented updates as shown in packet. No grade changes or fiscal impact.

**Motion by** Commissioner Clapper to approve the updated job descriptions for Grand Center Director and Grand Center Facilities Coordinator, effective May 4th, 2022.

**Motion Seconded by** Commissioner McGann

**Discussion** (none at this time)

**Motion passes 6-0**

**J.** Adopting Ordinance repealing Title 5 (Business Licenses) of the Grand County General Ordinances and related Ordinance No. 632 and adopting new Title 5 (Business Licenses) (Christina Sloan, County Attorney) (4:12:45)

#### **Presentation**

County Attorney Sloan presented proposed actions as shown in packet, with revisions derived from May 2<sup>nd</sup> Noise Workshop. Discussed rationale for business license cap on rental companies vs. guide companies. Clarifying language added to Sales Tax Affidavit section. Commissioner Walker clarified that penalty section was removed.

**Motion by** Commissioner Walker to repeal Title 5 (Business Licenses) of the Grand County General Ordinances and related Ordinance No. 632 and adopt new Title 5 (Business Licenses) of the Grand County General Ordinances.

**Seconded by** Commissioner Kovash

**Discussion**

Commissioner Clapper clarified that companies that are both outfitters and rental companies qualify under the rental classification and contribute towards the rental company cap. Commissioner Walker expressed gratitude to Attorney Sloan for her persistent efforts in addressing noise concerns in the community.

**Motion passes 6-0**

**K.** Approving Rural County Grant Part A FY22 spending reallocation for Economic Development (Ben Alter, Economic Development Specialist and August Granath, Economic Development Director) (4:18:30)

**Presentation**

Staff presented rationale for spending reallocation. Discussed the identification of most critical priorities by the Economic Development Advisory Board -- Day Care Grants and Workforce Housing Support -- for use of these grant funds, which will still be approved by the Governor's Office. No concrete proposals yet, exploring deed restriction program pilot and ADU incentivization or financing. Housing in rural communities is a priority for the Governor's Office and they view this as an opportunity to create a positive example. Staff offered clarification that state legislature is seeking to streamline funding processes for economic development and that this is indeed viewed as a long-term funding source, despite recent state legislative activity that appears to dissolve the funding program.

**Motion by** Commissioner Walker to approve the Grand County Economic Development Department's (EDD) suggested reallocation of funds for the FY22 Rural County Grant Part A award.

**Motion seconded by** Commissioner Clapper

**Discussion** (none at this time)

**Motion passes 6-0**

**Motion by** Commissioner McGann to postpone agenda items L and M (4:33:15)

**Motion seconded by** Commissioner Clapper

**Discussion**

Commissioner Walker clarified that these items require further discussion before consideration by the County Commission.

**Motion passes 6-0**

**L.** Approving Resolution Repealing Resolution No. 3260 and Amending Resolution No. 3228 and the Bylaws of The Economic Development Advisory Board ("EDAB") (Ben Alter, Economic Development Specialist and August Granath, Economic Development Director)



**POSTPONED**

**M.** Approving board appointments to the Economic Development Advisory Board (Commission Liaison, Ben Alter, Economic Development Specialist and August Granath, Economic Development Director)

**POSTPONED**

**Consent Agenda – Action Items (4:33:55)**

**N.** Approving Utah Department of Agriculture and Food (UDAF) Invasive Species Mitigation Grant Application for FY 2022-2023

**O.** Approving local consent for Roughies on the Rocks single event liquor permit

**Motion by** Commissioner McGann to approve the Consent Agenda as presented.

**Motion seconded by** Commissioner Stock

**Discussion** (none at this time)

**Motion passes 6-0**

**Discussion Items**

**P.** Calendar items and special events (Quinn Hall, Associate Commission Administrator)

**Public Hearings- Possible Action Items (4:36:35)**

**Q.** Public hearing to solicit public comment on the Grand County General Plan 2030

**Presentation**

Grand County Planning and Zoning Director John Guenther discussed General Plan approach. Currently still utilizing top-down methods in filling out the GAP analysis. Discussed recent neighborhood planning efforts and moving towards grassroots exercises in the community. Commissioner Walker requested clarification on how a layperson might view a digestible version of the currently drafted plan. Staff clarified that Section 15 of the current draft offers a summary. Staff presented milestones achieved in process thus far.

**Chair Hadler opened public hearing at 6:46 p.m., to remain open until Wednesday, May 11, at 5 p.m.**

**Chair Hadler adjourned meeting at 6:47 p.m.**



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Jacques Hadler  
Chair, Grand County Commission

*Gabriel Woytek*

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Gabriel Woytek  
Grand County Clerk/Auditor