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 4:10 p.m. In attendance were Council Members Evan Clapper, Curtis Wells, Mary McGann, Jaylyn Hawks, Greg Halliday, County Attorney Christina Sloan (arriving 4:27 p.m.) Council Administrator Ruth Dillon, and Council Office Assistant Tara Collins to take Minutes. Absent were Council Members Terry Morse, Rory Paxman, and Clerk-Auditor Chris Baird.

Call to Order

Council Chair Evan Clapper called the meeting to order at 4:10 p.m.

Pledge of Allegiance

The Pledge of Allegiance was led by Bega Metzner.

Approval of Minutes

A. March 20, 2019 (Joint City-County Council Special Meeting & Rep. John Curtis Town Hall), postponed from April 2, 2019
B. April 2, 2019 (County Council Meeting), Postponed from April 16, 2019
C. April 16, 2019 (County Council Meeting), Postponed from May 7, 2019
D. May 7, 2019 (Joint City-County Council Special Meeting)
E. May 7, 2019 (County Council Meeting)

Motion by Council Member Curtis Wells to postpone approving the minutes. Motion seconded by Council Member Greg Halliday carries 5-0.

Ratification of Payment of Bills

Motion by Council Member Curtis Wells to ratify the payment of the bills totaling $594,388.50. (Bills - $352,929.70, Payroll - $241,458.80). Motion seconded by Council Member Mary McGann carries 5-0 by roll-call vote.

General Council Reports and Future Considerations

Greg Halliday: Attended a Thompson Water Special Service District meeting, a Historic Preservation Committee meeting, a BLM travel management planning meeting, and briefed the Town of Castle Valley on some fire problems.

Jaylyn Hawks: Listened by phone to a UAC meeting regarding public lands, discussed a roadless rule petition, Forest Service, and House appropriations bills.
Mary McGann: Attended a realtor’s meeting at Zion’s Bank, a Solid Waste Special Service District meeting, A Moab Area Watershed Partnership meeting, a Mill Creek Community Collaborative Group meeting, and received a call from Congressman John Curtis that UMTRA funding was approved.

Christina Sloan arrived 4:27 p.m.

Curtis Wells: Attended Arches National Park congestion meeting, a Planning Commission meeting for Terry Morse. Recommends a joint workshop with the planning commission in the future.

Evan Clapper: Attended the Grand County Cemetery Maintenance District meeting, and a meeting with Trail Mix.

Elected Official Reports

F. 2018 Collections, Investments, and Update (Chris Kauffman, Treasurer)

Chris Kauffman presented regarding property tax collections, investments, and improvements his office had made for tax payers.

Motion by Council Member Jaylyn Hawks to move agenda item I forward, seconded by Council Member Curtis Wells carries 5-0.

Item I. Trust Accountability Program (TAP) Award. Doug Folsom discussed how Insurance, Liabilities Safety Committee has been especially effective. Council Member Evan Clapper accepted the award.

Council Administrator Report

Ruth Dillon reported on a joint meeting with San Juan County Commission, scheduled for June 10, 10:00 a.m. at the OSTA pavilion.

Department Reports

Judd Hill, Airport Director, reported that they got funding for the runway: $4,750,000. Most of their match money for CIB is set aside.

The Travel Council reported on a program with airlines to educate visitors on treating public lands well.

Kaitlin Myers gave a report on economic development.

Agency Reports

G. Change in Form of Government Study Committee Update.

Stephen Stocks, Study Committee Chair, reported that they have a deadline to wrap things up by Thanksgiving. They will have 3 open houses and a survey.


Bega Metzner, Director, reported that it’s the Film Commission’s 70th anniversary. Many film projects are underway.
Citizens to Be Heard

Kiley Miller, a 20-year resident, attended the San Juan County Commission meeting today and discussed the moratorium on commercial development and that the Love’s Truck Stop is not a done deal.

Presentations

I. Presentation on Trust Accountability Program (TAP) Award. Doug Folsom, Loss Prevention Manager, Utah Local Governments Trust

(Presented Earlier)

J. Update on Right of Way (ROW) application submitted to the BLM for the Eastern Utah Regional Connector (EURC) Road. Troy Ostler, Engineer, CIVCO Engineering.

Mike McKee, with the 7-County Coalition, said that a few years ago, there was a proposal to build a road to connect Uintah County to Grand County (the “Book Cliffs Road”).

Troy Ostler was selected to lead the ROW request.

Mike McKee said that the least impactful route would be through East Canyon. The BLM had some questions. The State Legislature allocated money for an Environmental Impact Statement. This is proposed to be a State Road.

Troy Ostler estimates a timeline of 4-6 years.

Discussion was had about why this is being pursued when the County has rejected it several times.

In answer to Jaylyn Hawks, the main driver behind this is the 7-County Coalition.

General Business- Action Items- Discussion and Consideration of:

K. Approving property tax deferrals (Chris Kauffman, Treasurer).

Motion by Council Member Mary McGann to approve all 4 property tax deferrals and authorize the Chair to sign all associated documents. Motion seconded by Council Member Jaylyn Hawks. Motion carries 4-0 with Curtis Wells temporarily out of the chambers.

L. Approving proposed contract award to Hudson Printing for the Moab Outdoor Adventure Guide (Elaine Gizler, Moab Area Travel Council, Executive Director).

Motion by Council Member Curtis Wells to award the contract to approve the proposed contract award to Hudson Printing for the Moab Outdoor Adventure Guide, in the amount of $15,195 for 50,000 pieces, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Jaylyn Hawks carries 5-0.

M. Approving bid award for the installation of light pole bases at Old Spanish Trail Arena (OSTA) (Steve Swift, OSTA Director).

Motion by Council Member Curtis Wells to approve the bids for the installation of the light pole bases by Straight Line contracting valued at $6780, installation of electrical by A&E Electric valued at $5200, Purchase of poles from Complete Lighting valued at $3112, and Light fixtures from Saddleback lighting valued at $3289 and authorize the Chair to sign all associated documents. Motion seconded by Council Member Greg Halliday.

Discussion was had regarding the deficit being taken from the capital work budget.

Motion carries 5-0.
N. Adopting proposed amendments to the Grand County Consolidated Fee Schedule Ordinance (Kaitlin Myers, Community & Economic Development Specialist), Postponed from May 7, 2019.

Motion by Council Member Curtis Wells to repeal and replace Ordinance No. 582 “An Ordinance of the Governing Body of Grand County Establishing the Grand County Consolidated Fee Schedule” to include the provisions of fee waivers to governmental entities, affordable housing developments, and other activities with a broad public purpose, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Mary McGann. Motion carries 4-1 with Council Member Greg Halliday opposed.

O. Adopting proposed amendments to Resolution No. 3035 that updated the Development Fee Impact Report (Kaitlin Myers, Community & Economic Development Specialist), Postponed from May 7, 2019.

Motion by Council Member Curtis Wells to adopt the proposed amendments to Resolution No. 3035 that updated the Development Fee Impact Report that will allow for fee waiver exemptions for specific development activities, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Mary McGann.

Discussion was had regarding: This doesn’t say we will waive impact fees; it just says we can. Also, smaller projects can be waived by P&Z, whereas large projects must go before the County Council. Discussion was had about what is small and what is large.

Motion carries 4-1 with Council Member Greg Halliday opposed.

P. Approving proposed development and impact fee waivers for the proposed Arroyo Crossing Subdivision (Audrey Graham, Moab Area Land Trust Board Chair and Kaitlin Myers, Community & Economic Development Specialist), Postponed from May 7, 2019.

Motion by Council Member Curtis Wells to approve the proposed waiver of application fees and impact fees applicable to the platting and development process for the Arroyo Crossing subdivision in the amount of approximately $371,834.82 over the next 10 years, and authorize the Chair to sign all associated documents.

Discussion was had on the amounts of the fee waiver: $49,000 approximately, depending on the number of units.

Substitute motion by Curtis Wells to approve fee waivers not to exceed $50,000. Motion seconded by Council Member Mary McGann.

Discussion was had regarding other, higher amounts requested, but not addressed today. Also, this opens the door to an endless stream of requests.

Motion carries 4-1 with Council Member Greg Halliday opposed.

Q. Approving proposed lease agreement with Emergency Medical Services Special Service District for use of the Civic Center and adjacent parking shed located at 540 and 580 E. 100 N. (aka, old senior center) (Christina Sloan, County Attorney), Postponed from May 7, 2019.

Motion by Council Member Jaylyn Hawks to postpone Item Q until the next meeting. Motion seconded by Council Member Greg Halliday, carries 5 to 0.

R. Approving proposed job description and new position for a Human Resources Assistant at Grade 4 (John West, Human Resources Director and Christina Sloan, County Attorney).

Motion by Council Member Jaylyn Hawks to approve the job description and authorize the Chair to sign all associated documents. Motion seconded by Council Member Mary McGann.
Discussion was had regarding Grade 4 starting at approximately $35,000 plus benefits.

Motion carries 5-0.

**Motion** by Council Member Mary McGann to remove Item W. from the Consent Agenda, motion seconded by Council Member Curtis Wells, carries 5-0.

**Consent Agenda - Action Items**

S. Adopting proposed resolution approving Hackney Minor Record Survey, a three-lot subdivision, located at 2491 E. Mesa Rd.

T. Approving proposed Cooperative Law Enforcement Annual Operating Plan & Financial Plan in the amount of $3,000 for FY2019 between Grand County Sheriff’s Office and the USDA, Forest Service Manti-La Sal National Forest ending September 30, 2020

U. Approving application for retail beer license for Archview RV Resort & Campground located at 13701 North Highway 191

V. Approving proposed letter to UDOT for comments pertaining to storm drain construction adjacent to the Historic Elk Mountain Mission

W. Approving use of Grand County logo as a cooperating agency with Mill Creek Collaborative Group (Removed by motion)

X. Approving Chair’s "unsworn declaration" on Statement of Water User’s Claim for:
   a. Water Right No. 05-200
   b. Water Right No. 05-664

**Motion** by Council Member Mary McGann to approve the consent agenda (without Item W.) and authorize the Chair to sign all associated documents. Motion seconded by Council Member Curtis Wells carries 5-0.

Item W. is postponed to the following meeting.

**Discussion Items**

Y. Discussion on calendar items and public notices (Bryony Hill, Council Office Coordinator)
   Bryony Hill presented the calendar items and public notices.

Z. Discussion on policy goals related to current moratorium that prohibits new land use applications or permits for overnight accommodations in unincorporated Grand County through approximately August 4, 2019 (Council Member Curtis Wells)
   Curtis Wells raised the issue that there is no consensus about the moratorium among Council Members, and asked Council Members to clarify the direction they want to go.

6:42 p.m. Citizen comments:

Kiley Miller: Pass the most restrictive policy. Currently we will see a 30-35% increase in overnight rentals.

Liz Thomas: Petition signed by 650 people. Don’t allow hotels a use-by-right. We need an area south of town where other businesses don’t have to compete with hotels.

Danny Kent: We have an issue of losing our town’s character. Everybody realizes something crazy is happening. This area is exploited for corporate profits. Ray Tibbetts was right. We shouldn’t rely on tourism.
Carol Mayer: Supports option #5 from Landmark. The stakeholders’ comments were from a very diverse group. Stop runaway growth. Throw all the City and County power into balancing.

Dennis Silva: We need to assess this process.

John Covey: Supports Option #5. Traffic is crazy. No peace and quiet. Hawaii and Florida have been destroyed.

Kelli Quinn: Supports Option #5. No use-by-right. Concerned about water. We don't know how much water we have.

Travis Nauman: Echoes what's been said. Supports Option #5. We're low on water.

Aaron Lindberg: Supports option #6 or #7 (joke). Growth isn't symmetrical. He wants a changing course.

Sharon Brussell: It's time to look the problem square in the face – the lack of planning. Safety issues with the highway and left turns. No one has said they want more hotels. No one is lucky to live in Moab anymore. Also negative for people visiting here.

Karla Hancock: Worried about the water situation. We need option #5.

Council Member Curtis Wells wants to process this, wants to avoid what happened with the HDH Overlay, where there was a big build-up, but then the votes weren't there. His poll of Council Members shows there is not consensus.

Council Member Mary McGann was shocked when she saw how many overnight accommodations were vested but not even built yet. Supports Option #5. She doesn't want a lot of empty big hotels because they couldn't make it. Also, USGS said we were close to depleting our aquifer.

Council Member Jaylyn Hawks supports Option #5 and wants to get rid of use-by-right. She pointed out that we have all these condo complexes that are already established as overnight rentals. It doesn't make sense to take away the last 20% and not let them rent. She is in favor of deeming them non-conforming uses. She is not in favor of the Overlay. She favors a pause with a large overhaul of the code and zones.

Jaylyn Hawks disclosed that she owns a bed-and-breakfast.

Council Member Greg Halliday said that even in Cisco there's new development. We have exceeded our infrastructure. We're out of time. Supports Option #5.

Council Member Curtis Wells disclosed that he owns nightly rentals. He favors a calculated, balanced policy. Everyone's on the same page, but he doesn't want to take away people's existing nightly rentals. He always wanted to focus on policy change.

Council Member Evan Clapper said there are some final details that came up in the planning commission meeting. The consensus was that we get rid of the use-by-right. Also maybe allow overnight rentals in Thompson, Cisco, and Elgin, but make them go through the approval process. Developers want a concrete policy, not this limbo.

Council Member Curtis Wells stated that if you get rid of lodging as a use-by-right, but you don't replace it with anything else, you create a problem.

Community and Economic Development Director Zacharia Levine said he is surprised how the process has proceeded; it's different than how he thought it would go, regarding policy. The public has been very clear about what they want. His office has been transparent. No one in the City or the County knew about the total number of new lodging rooms that are vested but not built yet.

Regarding the protection of existing overnight rentals like Rim Village, Desert Wind, etc., these complexes are lost causes except as overnight rentals. It's politically favorable to just say these places have vested rights to be overnight rentals.

Zacharia Levine also said that the Planning Commission said campgrounds should become legal non-conforming uses. He said his office could work on a campground overlay, so that a hotel
doesn't buy a campground and build a hotel. Or, redevelopment of existing hotels could be crafted so that there cannot be increased lodging rooms, but someone could add on restaurants, retail, etc.

Council Member Curtis Wells said that regarding water, the City Council, with the draft USGS report, has been heavily scrutinized. He said there are many conflicting reports on water. If we’re not taking the USGS report seriously, we need to tell the public why. Council Member Evan Clapper concurs.

Zacharia informed that Landmark Design had sent us their first draft legislation. He recommended that we use Landmark to our fullest extent.

Discussion was had regarding Council Members showing up at the Planning Commission meeting May 28.

Public Hearings - Possible Action Items:

AA. Public Hearing to hear public comment on proposed amendments to the High Density Housing Overlay (HDHO) Ordinance to clarify standards and procedures, and to correct a presumed mapping error in the adopted map (Zacharia Levine, Community & Economic Development Director)

Community and Economic Development Director Zacharia Levine said this Ordinance won a “Your Utah, Your Future” award. Full-time employment is set at 30 hours per week, so that seasonal workers are not excluded. It clarified code so that developers are voluntarily entering into this overlay agreement. He corrected some things on the HDH map that was adopted.

Council Member Evan Clapper opened the public hearing at 7:55 p.m.

Citizen comments:

Marc Horowitz: Is here in defense of his neighborhood. Small lot residential allows you to build 8 units. Does not support this ordinance.

Mike Bynum: The Council passed a map that had incorrect items on it, based on the legislation they passed.

Kevin Walker: Indicated that the mapping was not in error.

The comment period will stay open 10 days.

Council Member Evan Clapper closed this portion of the public hearing at 8:14 p.m.

A motion to temporarily adjourn was made by Council Member Jaylyn Hawks, so that the Municipal Building Authority Special Meeting can occur, seconded by Mary McGann, carries 5-0.

Evan Clapper brought the regular session back to order at 8:33 p.m.

Closed Session(s):

1. Pending or Reasonably Imminent Litigation

Motion by Council Member Jaylyn Hawks to enter closed session at 8:33 p.m. to discuss pending or reasonably imminent litigation. Motion seconded by Council Member Curtis Wells, carries 5-0.

Council Member Mary McGann made a motion to leave the closed session at 9:05 p.m. Motion seconded by Jaylyn Hawks, carries 5-0.
Council Chair Evan Clapper adjourned the meeting at 9:07 p.m.

ATTEST:

Chris Baird, Clerk-Auditor

APPROVE:

Evan Clapper, Council Chair