



GRAND COUNTY COUNCIL REGULAR MEETING

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

Tuesday, July 16, 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 4:12 p.m. In attendance were Council Members Evan Clapper, Curtis Wells (arriving 4:29 p.m.), Mary McGann, Greg Halliday, Terry Morse, Rory Paxman, Council Administrator Ruth Dillon, County Attorney Christina Sloan, and Clerk-Auditor Chris Baird. Absent was Council Member Jaylyn Hawks.

Call to Order

Chair Clapper called the meeting to order at 4:12 p.m.

Pledge of Allegiance

The Pledge of Allegiance was led by Travis Nauman

Approval of Minutes (Chris Baird, Clerk/Auditor)

- A. **April 16, 2019 (County Council Meeting), Postponed from May 7, 2019**
- B. **May 7, 2019 (County Council Meeting), Postponed from May 21, 2019**
- C. **May 21, 2019 (County Council Meeting), Postponed from June 4, 2019**
- D. **June 4, 2019 (County Council Meeting), Postponed from June 18, 2019**
- E. **June 10 (Joint County Council Meeting with San Juan County Commissions and SITLA), Postponed from June 18, 2019**
- F. **June 18, 2019 (County Council Meeting), Postponed from July 2, 2019**
- G. **July 2, 2019 (County Council Meeting)**
- H. **July 9, 2019 (Special Meeting with Grand County Elected Officials)**

Motion by Council Member McGann to postpone agenda items A-H. Motion seconded by Council Member Halliday carries 5-0.

Ratification of Payment of Bills

Motion by Council Member Paxman to ratify the payment of the bills totaling \$799,665.87 (Bills \$549,979.48 – Payroll \$249,686.39). Motion seconded by Council Member Morse carries 5-0 by roll-call vote.

Council Member Wells joined the meeting.

General Council Reports and Future Considerations

Greg Halliday: Attended a Thompson Springs Water Special Service District meeting, and a Historic Preservation Commission meeting.

Mary McGann: Attended a Solid Waste Special Service District meeting, and a Housing Authority meeting.

Terry Morse: Attended a Moab Mosquito Abatement District meeting, and a Planning Commission meeting.

Rory Paxman: Attended the Chamber of Commerce 4th of July Celebration.

Evan Clapper: Attended a Spanish Valley Dr. Pathway Committee meeting, a Trail Mix meeting, a Lunch with Elected Officials, a Cemetery District meeting, and an EMS Special Service District Meeting.

Curtis Wells: Is helping with mosquito abatement, working on a wilderness evaluation for Forest Service plan, and Park Service congestion planning.

Elected Official Reports

Chris Baird: Reported on Mosquito Abatement, Valuation Notices, the City Election, and interviewing for a deputy clerk-auditor position.

Council Administrator Report

Ruth Dillon reported on Mosquito Abatement, and the Change in Gov. Study Committee.

Department Reports

- I. **Report on May 2019 UTV-related citations from local law enforcement (Elaine Gizler, Travel Council Executive Director)**

Discussion was had regarding UTVs and a potential noise ordinance.

- J. **2018 Grand Center Report (Verleen Striblen, Program Director)**

Verleen Striblen gave a report on the activities of the Grand Center for 2018.

Judd Hill: Gave an Airport update – replace taxiway, CIB \$265,000 loan at 2.5%. Update on FFA grants.

Zacharia Levine: Involved in Regional Transportation planning.

Agency Reports (none)

Citizens to Be Heard

Joe Kingsley: Invited Council to Rotary Social Meeting – 6pm at Hidden Cuisine. Discussed pedestrian path planning from Rotary Park.

Travis Nauman – Research Scientist, alerted the council to “Clean the Darn Air Act” petition. Stated that Grand Co. is a hot-spot for extended droughts. Expressed health concerns related to climate change dust pollution.

Presentations

- K. **Presentation on Team Appreciation and Recognition Program (TARP) through Utah Local Governments Trust (ULGT) (Darin Palmer, Account Representative, ULGT)**

Darin Palmer gave a presentation on the TARP program.

- L. **Presentation on Justice Court Nominating Commission procedures (Amy Hernandez, Justice Court Program Coordinator, Administrative Office of the Courts and James Peters, Administrative Office of the Courts) *allow 20 minutes***

James Peters administrative office of the courts (AOC) presented. There are 3 groups that work together. Council, nominating commission 5 people, then council again in final ratification. Judicial council certifies.

General Business- Action Items- Discussion and Consideration of:

M. Approving “Declaration of Nuisance” for the Noxious Weed, Arundo Donax, commonly known as Giant Reed, which has infested real property located at 408 Tusher Street (Tim Higgs, Weed Supervisor)

Motion by Council Member McGann to approve the “Declaration of Nuisance” for the Noxious Weed, Arundo Donax, commonly known as Giant Reed, which has infested real property located at 408 Tusher Street, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Paxman carries 6-0.

N. Adopting proposed ordinance to apply the High Density Housing Overlay District 5 (HDHO-5) to a lot located at 1991 Starbuck Lane (Zacharia Levine, Community and Economic Development Director)

Motion by Council Member Wells to adopt proposed ordinance to apply the High Density Housing Overlay District 5 (HDHO-5) to a lot located at 1991 Starbuck Lane, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Paxman.

Gayle Houston: Expressed that the HDHO ordinance should require developers to build a fence. Requested that this ordinance include a requirement for fencing.

Morse- Feels the HDHO applicant should be required to add a 6' privacy fence.\

Substitute Motion by Council Member McGann to adopt proposed ordinance to apply the High Density Housing Overlay District 5 (HDHO-5) to a lot located at 1991 Starbuck Lane, with a requirement that the developer install a privacy fence, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Morse carries 6-0.

O. Adopting proposed resolution approving a conditional use permit for Seven Mile Park located at 13542 North Highway 191 (Zacharia Levine, Community and Economic Development Director)

Motion by Council Member Wells to adopt proposed resolution approving a conditional use permit for Seven Mile Park, located at 13542 North Highway 191, conditioned upon the following:

1. Applicant shall indemnify, defend and hold harmless Grand County for and against any future improvements to public rights-of-ways as a result of this campground.
2. Applicant dedicates to Grand County for public use a 44' wide right-of way to accommodate Gemini Bridges Road, which right-of-way shall be measured 22' in each direction from the centerline of the roadway in its as built condition.
3. Applicant agrees that Gemini Bridges Road may be realigned through Applicant's property with advance written permission of the Applicant, at no cost to Applicant.
4. Grand County accepts that portion of Gemini Bridges Road crossing through Applicant's property in as-is condition and agrees to maintain the roadway in a similar or better condition.
5. Applicant shall indemnify, defend and hold harmless Grand County for and against all improvements to that portion of Gemini Bridges Road crossing through Applicant's property deemed necessary as a result of Applicant's development and use of Seven Mile Park by Union Pacific Railroad and the Utah Department of Transportation;

And authorize the Chair to sign all associated documents. Motion seconded by Council Member Paxman.

Terry Morse asked why no trees are required.

Tracy Balsley – Limited amount of water, Arches is protesting his water rights.

Motion carries 6-0

P. Adopting proposed ordinance amending/removing use rights from all zones and/or the overnight accommodations overlay for new/additional overnight accommodations developments, including Table 3.1 (Uses), Section 3.2 Use-Specific Standards, and Section 4.6 Overnight Accommodations Overlay District (Zacharia Levine, Community and Economic Development Director)

Motion by Council Member McGann to adopt the proposed ordinance revising Overnight Accommodations use rights in Use Table 3.1.D and Section 4.6 Overnight Accommodations Overlay Districts in the Grand County Land Use Code and the Grand County Zoning Map, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Morse.

Travis Nauman: Encourages Council to move forward with passage of this ordinance. Expressed concern about water availability for future growth. Expressed concern about climate change.

Zacharia Levine presented: Indicated that 2 properties have been added to the map since the public hearing, and some textual changes to the where-as section.

Christina Sloan: Fielded 7 complaints of takings concerning this ordinance. Sloan evaluated the takings claims of each parcel. The 2 properties included in the OAO are 2 parcels of the KOA, and the Moab 4x4 property. These two properties were evaluated to have legitimate takings claims.

Sloan explained that the next agenda item resolution provides delaying accepting applications for 6 months upon the initiation of the revision of the LUC.

Rory Paxman: Disclosed that his family business may be affected. Doesn't believe in taking people's property rights. Does not support this ordinance.

Curt Wells: Disclosed that he has a personal interest in nightly accommodations.

Evan Clapper: Read the whereas section of the ordinance into the public record.

Motion fails 3-3 with Council Member Paxman, Halliday, and Wells opposed.

P.2. Adopting proposed resolution to initiate proceedings to amend section 4.6 of the Grand County Land Use Code to integrate mixed use and design standards applicable to overnight accommodations developments (Christina Sloan, County Attorney)

Motion by Council Member Paxman to postpone indefinitely. Motion seconded by Council Member Wells carries 6-0.

Q. Approving proposed response letter to Representative Albrecht (Chairman Clapper)

Motion by Council Member Paxman to postpone indefinitely. Motion seconded by Council Member Wells carries 6-0.

R. Adopting proposed ordinance establishing the policies and procedures governing professional ethics and conflicts of interest of Grand County Officers and Employees and repealing and replacing Ordinance No. 462 (Christina Sloan, County Attorney)

Motion by Council Member Wells to adopt the proposed updated Grand County Disclosure Statement and Ordinance Establishing Policies and Procedures Governing Professional Ethics and Conflicts of Interest of Grand County Officers and Employees and Repealing and Replacing Ordinance No. 462 and authorize the Chair to sign all associated documents. Motion seconded by Council Member Morse carries 5-0 with Council Member McGann temporarily out of the room.

Consent Agenda- Action Items

- S. **Ratifying the emergency purchase order with Clarke of \$50,750 in unbudgeted funds for 3000 pounds of Altosid P35 larvacide for the purposes of community health, safety and welfare**
- T. **Ratifying the Clerk/Auditor's emergency purchase signature on a \$21,500 unbudgeted contract between Grand County and Vector Disease Control International LLC (VDCI) for aerial mosquito control services**
- U. **Ratifying the emergency purchase order with Adapco of a Guardian 190G4 ULV fogger for the unbudgeted amount of \$8,500 for purposes of community health, safety and welfare**
- V. **Ratifying the Chair's signature on a grant application for the reconstruction of the Commercial Terminal Apron at Canyonlands Field Airport**
- W. **Ratifying the Chair's signature on a grant application for the reconstruction of Taxiway A at Canyonlands Field Airport**
- X. **Ratifying the Chair's signature on a grant application for FY2020 Emergency Management Performance Grant (EMPG) in the amount of \$39,100**
- Y. **Ratifying Council Member Halliday's signature on "Community Wildfire Preparedness Plan for the Wildland-Urban Interface" for Grand County Service Area for Castle Valley Fire Protection**
- Z. **Ratifying the new salary range being announced by the Administrative Office of the Courts for the new Justice Court Judge**
- AA. **Approving contract amendment with STR Helper, now owned by Host Compliance, for validation services of overnight accommodations properties**

Motion by Council Member Wells to approve the consent agenda with an amendment to item Z that benefits "may" be included and authorize the Chair to sign all associated documents. Motion seconded by Council Member Paxman carries 5-0 with Council Member McGann temporarily out of the room.

Discussion Items

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

Bryony Hill presented the calendar items and public notices.

CC. Discussion on next steps, such as a possible interlocal agreement and loan for reimbursement, in support of the Moab Mosquito Abatement District (Council Member Wells)

Council Member Wells led a discussion on possible coordination between mosquito abatement and Grand County, as well as a possible interlocal agreement to pay the County back for aerial treatment and a new fogging machine.

DD. Discussion on transition options for the expected vacancy of the Council Administrator position in early 2020 (Ruth Dillon, Council Administrator)

Ruth Dillon presented a couple options for filling the Council Administrator vacancy after her retirement. Depending on the timing of a new form of government the Council may consider hiring a trainee, an assistant administrator, or for an interim committee.

EE. Discussion on 2019 Utah State Tax Reform (Chairman Clapper)

Chair Clapper led a discussion on potential changes being presented for State sales and use taxes and how they may affect Grand County and the City of Moab.

FF. Discussion on High Density Housing Overlay (HDHO) Sunset Clause and initial market response (Council Member Wells)

Council Member Wells led a discussion on the possibility of lifting or extending the sunset clause in the HDHO.

Ken Dalton – Indicated that there are water reuse abilities in hotels that could be instituted here.

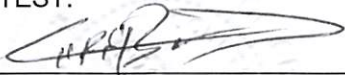
Public Hearings- Possible Action Items (none)

Closed Session(s) (none)

Adjourn

Chair Clapper adjourned the meeting at 8:01 p.m.

ATTEST:



Chris Baird – Clerk/Auditor

APPROVE:



Evan Clapper - Chair