



GRAND COUNTY COUNCIL REGULAR MEETING

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

Tuesday, August 6, 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 4:04 p.m. In attendance were Council Members Evan Clapper, Curtis Wells, Mary McGann, Greg Halliday, Terry Morse, Jaylyn Hawks (via telephone for item N-1), Council Administrator Ruth Dillon, County Attorney Christina Sloan, and Clerk-Auditor Chris Baird. Absent was Council Member Rory Paxman.

Call to Order

Chair Clapper called the meeting to order at 4:04 p.m.

Pledge of Allegiance

The Pledge of Allegiance was led by Lance Porter

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), Postponed from July 16, 2019
- I. July 16, 2019 (County Council Meeting)
- J. July 18, 2019 (County Council Special Meeting)

Motion by Council Member McGann to approve item A. Motion seconded by Council member Halliday carries 5-0.

Motion by Council Member McGann to postpone items B – J. Motion seconded by Council Member Halliday carries 5-0.

Ratification of Payment of Bills

Motion by Council Member Morse to ratify the payment of the bills totaling \$1,401,840.88 (Payroll - \$475,070.67 – Bills - \$926,770.21). Motion seconded by Council Member McGann carries 5-0 by roll-call vote.

Council Member Disclosures

Curtis Wells – Disclosed that he is the owner of a nightly rental.
Evan Clapper – Disclosed that he has a permit with the BLM.

General Council Reports and Future Considerations

Greg Halliday: Attended a Museum Board meeting, a Local emergency preparedness committee meeting, and a Veteran's Motorcycle Association ride.

Mary McGann: Attended a State Tax Reform meeting, a meeting regarding childcare, and a Uranium Tailings Steering Committee meeting.

Curtis Wells: Attended a State Tax Reform meeting, a Mosquito Abatement meeting, and met with Kalen Jones concerning Arches reservation system.

Terry Morse: Attended two Grand Water and Sewer Service Agency meetings, and a Moab Mosquito Abatement District meeting.

Evan Clapper: Attended an Emergency Medical Services Special Service District meeting.

Elected Official Reports

Chris Baird: Reported that the Municipal Election is going well, hired a new staff member.

Council Administrator Report

Ruth Dillon reported that she is working with the Change in Government Study Committee.

Department Reports

K. 2018 Moab Area Travel Council Report (Elaine Gizler, Executive Director)

Elaine Gizler presented on the activities and statistics of the Travel Council for 2018.

Zacharia Levine presented Olivia Holmes as his new VISTA

Agency Reports

L. Solid Waste Special Service District Semi-Annual Report (Evan Tyrrell, District Manager)

Evan Tyrrell presented a semi-annual report of the improvements and activities of the Solid Waste Special Service District.

M. Change in Form of Government Study Committee Update (Stephen Stocks, Study Committee Chair)

Lance Porter gave an update on the Canyon Rims Recreation Area

Larry Ellerton – Gave an update on behalf of Congressman John Curtis' activities and availability.

Citizens to Be Heard

Joe Downard: Read a letter indicating that due to lack of affordable housing and lack of employees that he will not be able to fulfill his lease for a food truck at the Airport and would like to give the opportunity to someone else.

Presentations

N. Presentation on Emery County Lands Bill (also known as the Dingell Jr. Act) (Braden Sheppard, Acting Project Manager, BLM, and Rachel Wooton, BLM public affairs)

Rachel Wooton presented an update and report on the Emery County Lands Bill.

General Business- Action Items- Discussion and Consideration of:

Council Member Hawks joined via telephone at this time.

N-1. Ratifying the County Council's July 18, 2019 adoption of Ordinance 595 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 and ratifying the Council's July 18, 2019 adoption of Resolution 3180-2019 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, postponed from July 17, 2019

Jaylyn Hawks disclosed that she owns a bed and breakfast.

Curtis Wells: Asked how the July 18th meeting was canceled. Chris Baird responded that the Public Notice Website agenda item was amended to include the term canceled both in the title and on the agenda.

Curtis Wells: What was advance notice requirements. Christina Sloan responded 24 hours.

Curtis Wells: Asked if council policy was violated in noticing the changes to the ordinance? Christina Sloan responded that no policies were violated.

Curtis Wells: Asked if the special meeting noticing requirements were met? Chris Baird responded that the County policy for "special meetings" directs to the Open Meetings Act where there is no term defined as "special meeting". The meeting should have been called an "emergency meeting" in keeping with the nomenclature of the Open Meetings Act. This agenda item is to remove any doubt that action was taken in a properly noticed regular meeting of the Council.

Motion by Council Member McGann to ratify the County Council's July 18, 2019 adoption of Ordinance 595 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 and ratifying the Council's July 18, 2019 adoption of Resolution 3180-2019 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 and authorize the Chair to sign all associated documents. Motion seconded by Council Member Morse carries 5-1 with Council Member Wells opposed.

Council Member Hawks left the meeting.

O. Approving proposed bid award to repair the roof at the EMS training center (Shawn Fugit, Facilities Supervisor)

Motion by Council Member McGann to approve the proposed bid award to repair the roof at the EMS Training Center to Triscott Construction, Option 1 (one), in the amount of \$37,500 and authorize the Chair to sign all associated documents. Motion seconded by Council Member Morse carries 5-0.

P. Approving proposed bid award to repair the roof at the EMS bus barn (Shawn Fugit, Facilities Supervisor)

Motion by Council Member McGann to approve the proposed bid award to repair the roof at the EMS bus barn to Triscott Construction, Option 2 (two), in the amount of \$10,660, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Morse carries 5-0.

Q. Approving Proposed Job Description and a position for Administrative Assistant within the Maintenance Department at a Grade 4 (Renee Baker, Human Resources Director and Shawn Fugit, Facilities Supervisor)

Motion by Council Member McGann to approve the proposed job description and a position for Administrative Assistant within the Maintenance Department at a Grade 4, remove the Lead Technician position, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Wells carries 5-0.

R. 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)

Motion by Council Member Wells to postpone. Motion seconded by Council Member Halliday carries 5-0.

S. Approving Justice Court Judge Nominating Commission Appointments (Ruth Dillon, Council Administrator)

Motion by Council Member McGann to establish a sub-committee of 3 council members including Terry Morse, Curtis Wells, and Mary McGann to provide a recommendation to the full council. Motion seconded by Council Member Wells.

Stephen Stocks expressed that the Justice Court Judge is an important position. He urged the Council to select a diverse commission.

Motion carries 5-0.

T. Approving a letter to the US Forest Service regarding their proposal to revise National Environmental Policy Act (NEPA) regulations (Council Member McGann)

Mary O'Brien expressed that she disagrees with the proposed revisions to the National Environmental Policy Act regulations. She supports sending a letter.

Curtis Wells: Agrees with the changes to NEPA, and feels that the changes will increase efficiency and allow the Forest Service to better do their job. Expressed that the changes are for the purposes of increasing efficiency and not eliminating public comment. Public comment is still possible at the discretion of the local forester.

Motion by Council Member McGann to approve the letter to the US Forest Service regarding their proposal to revise National Environmental Policy Act (NEPA) regulations with examples of local cooperating agencies and authorize the Chair to sign all associated documents. Motion seconded by Council Member Morse carries 4-1 with Council Member Wells opposed.

Consent Agenda- Action Items

U. Ratifying the Clerk/Auditor's signature on Grand County Community Wildfire Preparedness Plan

V. Ratifying the Vice Chair's signature on a contract amendment for Children's Justice Center

W. Ratifying the Vice-Chair's signature on the Indigent Defense Counsel Grant Application dated July 29

X. Approving Interlocal Agreement between Grand County and Salt Lake County for legal services to be provided by Gavin Anderson to the Grand County Change in Form of Government Study Committee to include drafting of the Optional Plan

Y. Approving Moab Uranium Mill Tailings Remedial Action (UMTRA) Project's 2019 Annual Statement of Continued Compliance

Z. Approving proposed letter to Russell McCallister, Moab UMTRA Project Federal Cleanup Director, requesting his support to renew the DOE cost –reimbursable grant to Grand County

- AA. Approving State of Utah contract with Grand County for the operations of Thompson Welcome Center**
- BB. Approving Contract for Permanent Community Impact Funds (CIB) to obtain permanent easements on 60 miles of Class D roads across SITLA property**
- CC. Approving an Independent Contractors Agreement with JD McClanahan for professional services in an amount not to exceed \$1,500**
- DD. Approving application for retail beer license for Outerbike located at Moab Brands Trailhead, from October 4th-6th, 2019**
- EE. Approving temporary waiver of fees for Sand Flats Recreation Area Day Use Fee on September 14, 2019 in commemoration of the 50th anniversary of Slickrock Bike Trail**
- EE-1. Ratifying Chair's signature on a contract between Portal Vista Homeowners' Association (HOA) and the Grand County Weed Department, for the removal of Russian olive trees for fire prevention, for which Portal Vista HOA will pay.**

Kevin Walker: Asked the council to think more about closely accepting this CIB money for D roads.

Greg Halliday: The BLM may close some D roads, and wondered if some of those roads may make paying for some of these easements a waste of money.

Chris Baird explained that this CIB money is not fungible and if not accepted can not be spent or requested for other projects.

Motion by Council Member McGann to approve the consent agenda and authorize the Chair to sign all associated documents. Motion seconded by Council Member Halliday carries 4-0 with Council Member Wells temporarily out of the room.

Discussion Items

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

Bryony Hill presented the calendar items and public notices.

GG. Developing new mixed use, design, and operational standards for overnight accommodations (Zacharia Levine, Community and Economic development Director)

Zacharia Levine led a discussion regarding developing new standards, and collaborating with the city of Moab on establishing similar standards. Zacharia would like to get direction from the Council on what they would like to see.

All Council members present agreed that the bullet points found in the packet were acceptable direction for planning staff at this point.

Public Hearings- Possible Action Items:

HH. Public Hearing to hear public comment on amendments to Ordinance No. 521 "An Ordinance repealing Grand County Code Chapter 8.16 Public Assemblies, Sections 8.16.010 to 8.16.110 and enacting a New Chapter 8.16, Sections 8.16.010 to 8.16.140 Governing the Permitting of Special Events" (Elaine Gizler, Moab Area Travel Council Executive Director and Keri Frandsen, Special Events Coordinator)

Chair Clapper opened the public hearing at 7:17 p.m.

Elaine Gizler and Keri Frandsen presented on the amendments.

Kevin Walker: Special Events frequently negatively affect local residents. Suggested the following revisions - 8.16.120 – Requested that the full council approve special events licenses. 8.16.130 Requested the denial be majority instead of unanimous. Create explicit quota on large events or have the council choose among competing events.

Chair Clapper left the public hearing open for written comments until August 14th at 5 p.m.

II. Public Hearing to hear public comment regarding the Viewgate Terrace High Density Housing Overlay – HDH35b application located at 1248 South Hwy 191 (Zacharia Levine, Community and Economic Development Director)

Chair Clapper opened the public hearing at 7:45 p.m.

Zacharia Levine presented. He explained that the associated Master Plan would need to be complied with, if the overlay rezone were approved.

Sand Sheff – Thinks the location is wrong and inappropriate. Could pollute the drinking water. Ingress/egress is dangerous. Feels that the spring could have been protected. Don't build a pollution source on top of a water source. Traffic flow has not been addressed. Left turn will be dangerous and chaotic. Project is going to look like a Denver or Chicago ghetto. Would not be proud to vote for this project.

Page Holland: Is a neighbor to this project. For 40 years she's watched the light play across the valley and fears she will lose that view. Development is threatening the aquifer. The traffic congestion will be dangerous. The numbers of people and tourists are going to reduce her security. No amount of screening will save her view. Asks the council to save her view and protect her safety. Asked the council to only allow development on the west side of the property.

Sunny Sheff: Lived next to the property for 40 years. Don't allow 4 story buildings. Traffic congestion will be dangerous. Concerned about the water – where it is coming from and going. Usually developments are not built right over a spring or water source. Stormwater flooding is dangerous in this location. Another location would be more appropriate. Expressed that the council does not have to approve the HDHO.

Brent Bentley: Owns property to the west of the project. Feels that four stories is too tall. Don't have to solve the affordable housing problem with one project. Please reduce the density. Is now having drainage issues as a result of earthwork.

Elaine Welling: Lived adjacent to the project for 40 years. Would not like the development to occur near her property. Indicated that the developments would block her view of the sunsets. Brought up that there may be issues with water as they develop the project.

Kevin Walker: On the planning commission but speaking for himself. Can't turn down a project because of opposition because then we wouldn't do anything. Key question is where would we put apartments in the valley? There aren't a lot of options. Has fewer neighbors than a lot of other locations. Is close to town. One of the top ten parcels for a project of this nature. Is also concerned about the water and would like it to be addressed. Should not be in a hurry to extend the sunset clause for the HDHO. Don't overbuild high density housing.

Shandra Jones, William Hansen, Applicants: Indicated that Kathryn Holyoak wanted something good done with the property. Indicated that he likes doing good deeds. Indicated that he has a history of sustainable energy projects. The previous owners wanted him to build affordable housing on the site. Will build affordable housing if granted the density he is requested. The Hansens want to live on the property, and so are interested in building a good project. The property is paid for. Indicated that if he could build the hotel, that he will build affordable housing. Feels that the economy of scales dictates that affordable housing requires the kind of density he is requesting. Knows how to build affordable housing. Has used opportunity zone funds, and has connections to use them on this project. Reiterated that he would like to do a good deed and help 3-400 people. Project is not intended to impact neighbors. This project is intended to provide affordable housing for local residents. The working residents and families need a place to stay.

Chair Clapper left the public hearing open for written comments until August 14th at 5 p.m.

JJ. Public Hearing to hear public comment regarding the Arroyo Crossing Planned Unit Development application located at 2022 Spanish Valley Drive (Zacharia Levine, Community and Economic Development Director)

Chair Clapper opened the public hearing at 8:41 p.m.

Zacharia presented the PUD application.

Audrey Graham: Chair of Moab Area Community Land Trust. A project by our community and for our community. Time is of the essence for this project due to tax credit funding. Needs to have County approval by September. If they lose this funding they are unlikely to get it again anytime soon. Feels that they have made this a better project as a result of community concerns.

Pat ?, James Green & Scott Lumis: Thanked the council for waiving the development fees. Most of the concerns that were raised were drainage related. Some neighbors to the north were concerned about the transition zone, and so they have rearranged the higher density units away from the northern boundary.

Terry Morse: Asked how the main drainage where it crosses the road is being handled. James Green responded with an explanation for drainage design and engineering. The western arroyos will be routed out the eastern most arroyo. Is required to design detention ponds such that runoff values are less than historic values.

Michelle Hill: Would like to know how the deed protection works. Scott Lumis indicated that if someone qualifies for ownership, they are vested until they leave. For rental properties they have to requalify, but they can go up to 140% of AMI. Michelle expressed concerns about mosquitoes in the detention ponds, and maintaining dark skies. Also, concerned about parking.

Cynthia Smith: Lives across the street from this development. Is happy that the land trust is developing this project and appreciates the land trust is receptive to altering their plans to address her concerns. Say yes in her backyard.

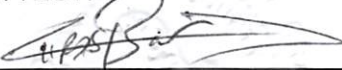
Chair Clapper left the public hearing open for written comments until August 14th at 5 p.m.

Closed Session(s) (none)

Adjourn

Chair Clapper adjourned the meeting at 9:20 p.m.

ATTEST:



Chris Baird – Clerk/Auditor

APPROVE:



Evan Clapper - Chair