GRAND COUNTY COUNCIL
REGULAR MEETING
Grand County Council Chambers
125 East Center Street, Moab, Utah
Tuesday, August 20, 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 4:07 p.m. In attendance were Council Members Evan Clapper, Rory Paxman, Mary McGann, Greg Halliday, Terry Morse, Jaylyn Hawks, Council Administrator Ruth Dillon, County Attorney Christina Sloan, and Clerk-Auditor Chris Baird. Absent was Council Member Curtis Wells.

Call to Order

Chair Clapper called the meeting to order at 4:07 p.m.

Pledge of Allegiance

The Pledge of Allegiance was led by Walt Dabney.

Approval of Minutes (Chris Baird, Clerk/Auditor)

A. May 7, 2019 (County Council Meeting), Postponed from May 21, 2019
B. May 21, 2019 (County Council Meeting), Postponed from June 4, 2019
C. June 4, 2019 (County Council Meeting), Postponed from June 18, 2019
D. June 10 (Joint County Council Meeting with San Juan County Commissions and SITLA), Postponed from June 18, 2019
E. June 18, 2019 (County Council Meeting), Postponed from July 2, 2019
F. July 2, 2019 (County Council Meeting)
G. July 9, 2019 (Special Meeting with Grand County Elected Officials), Postponed from July 16, 2019
H. July 16, 2019 (County Council Meeting), Postponed from August 6, 2019
I. July 18, 2019 (County Council Special Meeting), Postponed from August 6, 2019
J. August 6, 2019 (County Council Meeting)

Motion by Council Member McGann to approve items A, B, & C. Motion seconded by Council Member Morse.

Substitute Motion by Council Member Halliday to approve items A & B with a correction to the payment of the bills in Agenda item B. Motion seconded by Council Member Morse carries 6-0.

Motion by Council Member McGann to postpone items C – J until the next meeting. Motion seconded by Hawks carries 6-0.

Ratification of Payment of Bills

Motion by Council Member Paxman to ratify the payment of the bills totaling $1,437,494.18 (Bills - $1,201,895.53, Payroll - $235,598.65). Motion seconded by Council Member Morse carries 6-0 by roll-call vote.

Council Member Disclosures
Jaylyn Hawks disclosed that she is a partial owner of a bed and breakfast in Grand County.

**Motion** by Jaylyn Hawks to table General Council Reports and future considerations. Motion seconded by Council Member McGann carries 6-0.

**General Council Reports and Future Considerations (Tabled)**

**Elected Official Reports (None)**

**Council Administrator Report**

Ruth Dillon has been working to support the Change in Government Study Committee.

**Department Reports (None)**

**Agency Reports (None)**

**Citizens to Be Heard (None)**

**Presentations**

   **K. Presentation on Optional Plan for Grand County Government as recommended by the Grand County Change in Form of Government Study Committee (Stephen Stocks, Study Committee Chairperson)**

Committee Members Bob Greenberg, Stephen Stocks, Walt Dabney, and Marcy Till gave an update and presentation on their completed Optional Plan for Grand County Government as presented to the County Council and the County Clerk.

Carrie Dabney spoke in favor of the work of the Study Committee and outcome.

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

   **L. Adopting proposed Safety Incentive Program (Renee Baker, Risk Manager)**

**Motion** by Council Member McGann to approve the Team Appreciation and Recognition Program through the Trust and authorize the Chair to sign all associated documents. Motion seconded by Council Member Morse carries 6-0.

   **M. Approving proposed project list to be submitted to the Grand County Transportation Special Service District for consideration of project funding for 2020 (Bill Jackson, Road Supervisor)**

**Motion** by Council Member Halliday to approve the 2020 project list to be submitted to the Grand County Transportation Special Service District for consideration of funding and authorize the Chair to sign all associated documents. Motion seconded by McGann carries 6-0.

   **N. Approving proposed bid award for the construction of the Arbor/Hecla Subdivisions Road Improvements (Bill Jackson, Roads Supervisor)**

**Motion** by Council Member McGann to approve the bid award to Kilgore Companies LLC dba LeGrand Johnson for the Arbor/Hecla Subdivisions Road Improvements in the amount of $824,350.00, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Halliday carries 6-0.
Christina Sloan Arrives 4:45

O. Approving Justice Court Judge Nominating Commission appointments
(Subcommittee Members McGann, Morse, and Wells)

Motion by Council Member McGann to nominate the following 3 individuals to serve as volunteers on
the 5-person Justice Court Judge Nominating Commission in order to participate in interviewing final
candidates for Justice Court Judge so as to forward a recommendation of 3 to 5 individuals for
appointment by the County Council:

Kelly Greene Vagts for a four-year term and
Aubrey Davis for an unspecified term and
Marsha Humphreys for an unspecified term.
Motion seconded by Council Member Hawks.

Discussion:

Christina Sloan indicated that a legal representative is missing from the nominating commission and
recommended the Deputy County Attorney.

Mary is not comfortable asking Marsha to step down.

Substitute Motion by Council Member Morse to postpone until 1st meeting in September. Motion
seconded by Council Member Paxman carries 6-0.

P. 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),
Postponed from August 6, 2019 (Steve Swift, OSTA Director)

Motion by Council Member McGann 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:

McGann: would rather see a larger percentage of profit sharing.

Morse: expressed that the financial arrangements are unacceptable. Has also received comments from
citizens that they do not want a 130' tower or lighting. Has nothing against telecommunications.

Halliday: Expressed that red lights on towers do not impact dark skies.

Sloan: Indicated that the fall-zone around the tower is undevelopable. Expressed that the agreement is
for 40 years and is uncomfortable with that. There is no profit share but a flat rate instead. Doesn’t think
this makes sense financially nor the best use of Grand County property.

Hawks: Expressed that the terms of the contract are too long. Expressed concerns about an access
road to highway 191.

Steve Swift indicated that if this were approved that the property would have to be rezoned.

Tierney Rowe (Insite Representative): The normal contract is for 55 years, and reduced it to 40 years.
The longer the term the higher the rental rate. Liability insurance also relies on longer terms.
Acquiesced to a price escalator and property reappraisal method for future revenue provided. Indicated
that her supervisor said that this contract is giving the County half of the profit for this tower. If lighting
were to be required by FAA would be compliant with county lighting standards.

Motion fails 3-3 with Council Members Paxman, Hawks, and Halliday in favor and Council Members
Clapper, McGann, and Morse opposed.

Q. Approving proposed recommendations to be forwarded to Rally on the Rocks event
organizers to host the UTV special event in Moab, Utah, 2020 (Council Member
McGann)
Neal Clark: Urged the Council to deny this event. UTVs are incompatible with a quiet community. Fundamentally incompatible with quality of life in Grand Co.

**Motion** by Council Member McGann to approve permitting of the Rally On The Rocks special event application for a one year probationary period, pending submission of a complete application to include all required permits, along with the request of the Rally On The Rocks Event Holders to implement the proposed recommendations from the Grand County Council as outlined below:

1. No increase in the current number of participants.
2. Require participants to sign a pledge committing to reduce noise levels when in residential and business areas in Moab. The pledge will also include preserving, protecting, and respecting the landscape, the community and the people.
3. Participating vendors at Rally OnThe Rocks must have displayed at their booth or location a poster outlining educational points about preserving, protecting and respecting the local land and community. Each vendor must direct purchasers to read this information before completion of the sale.
4. Hold the event from Tuesday through Saturday, confirming with the Grand County Sheriff and the Moab City police departments scheduling the officers at the designated locations. The event holders will also pay for the cost for the Police Officers.
5. Participants not to ride the UTV in residential areas before 7 am or after 9 pm.
6. Participants to keep within the posted speed limits.
7. Participants to slow down in town due to pedestrian traffic.
8. All participants must watch the UTV educational video on the www.discovermoab.com website to educate about riding in Grand County. Upon registering for the event the event holders are embedding the educational UTV video on their registration page and website. Before the participant can confirm their registration they will have to watch the UTV video before they can move forward to complete registration. The event holders will also have the UTV video running during the events pre-meeting with participants.
9. The Rally On the Rocks organizers will continue to provide financial donations to local organizations in Grand County and Moab as they have done in the past years. Prior donations have resulted in thousands of dollars donated to the community.

Motion seconded by Council Member Hawks.

Shawn Reddish (Event Sponsor): Indicated that he has read and been responsive to citizen concerns. Agrees with the above conditions.

Curt Brewer: Here to promote safety during this event. This is a good controlled event. 5 Officers are designated escorts and are paid by the event sponsor.

Terry Morse: Maximum problem is after 5 p.m. at night with speeding violations.

**Amended Motion** by Council Member McGann to add requirement that all participant's machines be licensed and have an OEM exhaust. And, add vendors to sections 2, 8, and 9. Motion seconded by Council Member Morse. Motion carries 6-0

**Main Amended Motion** carries 5-1 with Council Member Clapper opposed.

R. Adopting proposed ordinance approving 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)

Motion by Council Member Hawks to adopt the proposed 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” and authorize the Chair to sign all associated documents. Motion seconded by Council Member McGann.

**Substitute Motion** by Council Member Hawks to adopt the proposed 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” with Hawk’s amendments as presented and authorize the Chair to sign all associated documents. Motion seconded by Council Member McGann carries 6-0.

S. **Reconsideration of the fencing condition included in Ordinance 594, which applied the HDHO District 5 (HDHO – 5) to 1991 Starbuck Lane (Zacharia Levine, Community and Economic Development Director)**

Motion by Council Member Hawks to amend Ordinance 594 by removing the six foot (6’) tall fencing requirement as a condition of approval for the Starbuck Ln HDHO District 5 application, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Paxman carries 6-0.

T. **Adopting a proposed ordinance approving the Arroyo Crossing application for a Planned Unit Development Overlay and associated Master Plan (Zacharia Levine, Community and Economic Development Director)**

Motion by Council Member McGann to approve the Arroyo Crossing PUD overlay and associated master plan submitted August 5th, 2019, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Morse.

**Discussion:**

Rory Paxman: Asked how property taxes would work for this development. Clerk-Auditor Baird responded that the land trust could apply for a non-profit property tax exemption and the Council would approve/disapprove.

Jaylyn Hawks: Asked if these will be rented or owned. Kaitlin responded that it will be a mix of the two. Would like to preserve the beauty of the land and is concerned about the drainages and concentration of density. Zacharia responded that the land is not publicly owned. Won’t get a better shot at affordable housing than this. It is the best model that exists and the land is donated. Hawks responds that while this represents a good opportunity, that we should step back a bit and preserve a greater amount of the desert landscape.

Motion carries 4-2 with Council Members Hawks and Paxman opposed.

U. **Approving the proposed ordinance applying the HDHO 35b District to the parcel at 1248 S. Hwy 191 and associated Viewgate Terrace Master Plan and Development Agreement (Zacharia Levine, Community and Economic Development Director)**

Zacharia Levine presented an updated development plan revised since the public hearing.

Rory Paxman asked about the spring. Zacharia indicated that the spring issue has been resolved.

Mary McGann is concerned that she hasn’t seen the new proposal. Would like the public to see what is being voted on.

Christina Sloan, addressed the minimum design standards contained within the HDHO. Recommended sending back to the planning commission for enhanced design standards as a component of legislative approval.

Jaylyn Hawks: Appreciates that the developer reduced the density in the Master Plan. Expressed concern about lack of fire department approval, and the ability to service with water and sewer.

Zacharia Levine, not approving this won’t necessarily protect the views, as the underlying rights could block the views as well.

Evan Clapper likes that the situation of the project is useful for affordable housing with its proximity to town and the new University Campus.
Terry Morse: Feels that the densities are too high for the parcel. Would like to move buildings B and C to avoid the aquifer. A little concerned about traffic on 191, but that it will get worked out. Would like this to be brought up at next meeting with thought put into what was discussed tonight.

Rory Paxman: Asked about the location of buildings B and C. The developer responded that he would like to build his home where the building are proposed to be moved.

**Motion** by Council Member Hawks to postpone until the next meeting with direction to staff to draft the ordinance and master plan to address the items in the staff recommendations and concerns expressed. Motion seconded by Council Member McGann carries 4-1-1 with Council Member Paxman opposed and Council Member Halliday abstaining.

**Motion** by Council Member McGann to enter closed session to discuss the professional character, competence, or mental health of an individual. Motion seconded by Council Member Morse carries 6-0.

The Council entered closed session at 7:11 p.m.

**Motion** by Council Member McGann to leave closed session. Motion seconded by Council Member Morse carries 6-0.

The Council left closed session at 7:27 p.m.

**Motion** by Council Member Hawks to take General Council Reports and Future Considerations off the table. Motion seconded by Council Member McGann carries 6-0.

**General Council Reports and Future Considerations**

Greg Halliday: Attended a Travel Council meeting, a Transportation Special Service District meeting, and a Thompson Springs Special Service Water District meeting.

Jaylyn Hawks: Visited many rural and urban communities in Japan and they also have signs not to stand on toilets. The way Counties are to be assessed for their Health Department costs made it more expensive for Grand County.

Mary McGann: Met with the Fire Mitigation Group, the Special Events Committee meeting, and Homeless coordinating committee meeting.

Terry Morse: Attended a couple Grand Water and Sewer Service Agency meetings, a Mosquito Abatement District meeting, a Planning Commission meeting, a Soil Conservation District meeting, and a Moab Area Watershed Partnership meeting.

Rory Paxman: Attended a Chamber Luncheon.

Evan Clapper: Met with Trail Mix and Cemetery board meeting. Arches Special Service District only has 2 members on the board. Future Consideration: Letter to Representative Albrecht concerning Overnight Accommodations needs to be delivered now and ratified later. Had a phone meeting with Utah Association of Counties staff regarding the Overnight Accommodations amendments.

Evan Clapper left the meeting at this time and passed the meeting facilitation to vice-chair Morse at 7:33 p.m.

**V. Adopting proposed resolution authorizing the filing of cross-appeals for 2019 centrally assessed properties (Chris Baird, Clerk/Auditor)**

**Motion** by Council Member McGann to approve the attached resolution authorizing Thomas W. Peters Esq. to act on behalf of Grand County regarding the filing of cross-appeals for 2019 centrally assessed properties, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Hawks carries 5-0.

**W. Approving Interlocal Agreement between the City of Moab and Grand County for election services (Chris Baird, Clerk/Auditor)**
Motion by Council Member Hawks to approve the Interlocal Agreement for Election Services with the City of Moab, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Halliday carries 5-0.

X. Approving proposed contract with Armstrong Consultants for work associated with Taxiway A and commercial apron construction, pending formal award of FAA grants (Judd Hill, Airport Manager)

Motion by Council Member McGann to approve the proposed contract with Armstrong Consultants for work associated with Taxiway A and commercial apron construction, pending formal award of FAA grants, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Halliday carries 5-0.

Y. Approving proposed contract with LeGrand Johnson for work associated with Taxiway A and commercial apron construction, pending formal award of FAA grants (Judd Hill, Airport Manager)

Motion by Council Member Halliday to approve the attached Notice of Award to LeGrand Johnson for work associated with taxiway A and commercial apron construction, pending formal award of FAA grants, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Hawks carries 5-0.

Consent Agenda- Action Items

Z. Approving proposed cooperative agreement between Bureau of Land Management, National Park Service, Grand County, Canyonlands Natural History Association, and Manti-La Sal National Forest Service for the operation of the Moab Information Center

AA. Acknowledging receipt of Recommendation & Report and Optional Plan for Grand County Government

BB. Ratifying Chair’s signature as County Representative and Council Administrator’s signature as Project Manager, for the Utah State Indigent Defense Commission Grant Award Agreement for July 1, 2019 through June 30, 2020 (Christina Sloan, County Attorney)

Motion by Council Member McGann to approve the consent agenda and authorize the Chair and administrator to sign all associated documents. Motion seconded by Council Member Halliday carries 5-0.

Discussion Items

CC. Calendar items and public notices (Ruth Dillon, Council Administrator)

Ruth Dillon presented the calendar items and public notices.

Public Hearings- Possible Action Items (none)

Adjourn

Vice Chair Morse adjourned the meeting at 8:03 p.m.

ATTEST: 

[Signature]

Chris Baird – Clerk/Auditor

APPROVE: 

[Signature]

Evan Clapper - Chair