



GRAND COUNTY COUNCIL REGULAR MEETING

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

Tuesday, September 3, 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 4:02 p.m. In attendance were Council Members Evan Clapper, Mary McGann, Jaylyn Hawks, Greg Halliday, Terry Morse, Rory Paxman, Council Administrator Ruth Dillon, and Clerk-Auditor Chris Baird. Curtis Wells joined via telephone for agenda item

Call to Order

Chair Clapper called the meeting to order at 4:02 p.m.

Pledge of Allegiance

The Pledge of Allegiance was led by Evan Tyrell.

Approval of Minutes (Chris Baird, Clerk/Auditor)

- A. June 4, 2019 (County Council Meeting), Postponed from June 18, 2019
- B. June 10 (Joint County Council Meeting with San Juan County Commissions and SITLA), Postponed from June 18, 2019
- C. June 18, 2019 (County Council Meeting), Postponed from July 2, 2019
- D. July 2, 2019 (County Council Meeting), Postponed from July 16, 2019
- E. July 9, 2019 (Special Meeting with Grand County Elected Officials), Postponed from July 16, 2019
- F. July 16, 2019 (County Council Meeting), Postponed from August 6, 2019
- G. July 18, 2019 (County Council Special Meeting), Postponed from August 6, 2019
- H. August 6, 2019 (County Council Meeting), Postponed from August 20, 2019
- I. August 20, 2019 (County Council Meeting)

Motion by Council Member McGann to approve items and C. Motion seconded by Council Member Hawks carries 6-0.

Motion by Council Member McGann to postpone items A, B, and D – I. Motion seconded by Council Member Hawks carries 6-0.

Ratification of Payment of Bills

Motion by Council Member Morse to ratify the payment of the bills totaling \$737,731.73 (Bills - \$502,133.08, Payroll - \$235,598.65). Motion seconded by Council Member Paxman carries 6-0 by roll-call vote.

Council Member Disclosures

Evan Clapper disclosed his involvement with a non-profit applying for a beer permit.

General Council Reports and Future Considerations

Jaylyn Hawks: Attended a retreat for Four Corners Behavioral Health.

Mary McGann: Attended a fire mitigation meeting and decided to create a fire mitigation committee, attended a meeting of the Solid Waste Special Service District, a meeting with Kathleen Clark of the Utah office of public lands regarding a fee on public campgrounds, and the Canyon Country Partnership meeting, and a USU advisory board meeting.

Terry Morse: Attended a Recreation Special Service District Board meeting, a USU Advisory Board meeting, and a Planning Commission meeting.

Evan Clapper: Announced the 50th anniversary of the Slickrock Bike trail on Saturday September 14th.

Elected Official Reports

Clerk-Auditor Chris Baird reported that the Budget Advisory Board will begin meeting, and is preparing for the General Municipal election.

Council Administrator Report

Ruth Dillon reported that she helped with mock interviews with high school students, and now has a high school intern working for the next 10 weeks.

Department Reports (None)

Agency Reports (None)

Citizens to Be Heard (None)

Presentations

- J. Presentation on USU-Moab campus project update and USU Extension facilities update (Council Member Wells; Michael Johnson, County Director, Utah State University Extension/Grand County; Lianna Etchberger, Assoc. Vice President; Representative Val Potter; Dr. Ken White, USU Extension President, and Carl Albrecht)**

Council Member Wells joined via telephone.

The above individuals gave an update on the USU extension project. Ground breaking spring of 2020, completion by spring of 2021, with classes beginning fall 2021.

Roughly \$500,000 still needs to be raised to realize the full concept for the extension office. USU staff asked the County to help fund ½ of that amount.

Zacharia Levine reiterate that there is a community reinvestment agency established to help fund projects associated with the new USU campus.

Motion by Council Member Wells to bring agenda item X forward. Motion seconded by Council Member Hawks carries 7-0.

X. Discussion on Arches transportation congestion (Council Member Wells)

Wells and Jones working with CHM Government Services to consult on congestion management options and solutions. 2 day event intended to reach consensus among a group of stake holders. Presented a scope of work in the packet. Requesting \$15,000 from the County to cover ½ of the costs of this event. The City of Moab to cover the other half.

Jones would like an opportunity to lay all the facts out at one time. Finish up with dialog, where we agree/disagree, and move forward with a more cohesive vision for what the community wants.

Evan, Terry, Jaylyn would like to move forward with the event. Mary has heard good things about CHM but is concerned about the money.

Dave Erley would like to see reservations at Arches National Park.

K. Separate presentations on ongoing financial needs and obligations for purposes of later determining funding allocations

Representatives from:

1. Canyonlands Health Care Special Service District

Wells left the meeting via telephone at this time.

Kirstin Petersen presented on behalf of the Canyonlands Health Care Special Service District. Requested that contributions be maintained as is for mineral lease.

2. Emergency Medical Services Special Service District

Liz Tubbs presented on behalf of the Emergency Medical Services Special Service District. Requests the same \$ amount regardless of where it comes from.

3. Grand County School District

J.T. Stroder (Super Intendent), Jim Webster, and Robert Farnsworth. Requests 50% of State PILT. Maintain the SRS allocation.

4. Recreation Special Service District

Jim Lewis requested more mineral lease allocations for grants and the well.

5. Solid Waste Management #1 Special Service District

Evan Tyrrell presented on behalf of the Solid Waste Management Special Service District. Requesting no less than \$500,000 combined.

6. Transportation Special Service District

Greg Halliday and Ashley Wareham (staff member) presented on behalf of the Transportation Special Service District. Requested mineral lease funding for storm water mitigation projects.

General Business- Action Items- Discussion and Consideration of:

L. Approving proposed job description and a position for Assistant Director within the Library at a Grade 12 (Carrie Valdes, Library Director and Renee Baker, Human Resources Director)

Motion by Council Member McGann to approve the proposed job description and a position for Library Assistant Director at a Grade 12, approve the revised job descriptions of 1) Library Services Manager (Adult Services), 2) Library Services Manager (Children/Teen Services), 3) Library Director, 4) Library Assistant (FT), 5) Library Clerk (FT) and 6) Facilities Maintenance Technician, and to eliminate the PT positions of Library Clerks and High School Apprentices, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Morse.

Jaylyn Hawks questioned eliminating positions. Carrie Valdes responded that those positions are hard to fill and schedule. Jaylyn responded that it doesn't look like there is a need for an assistant director. Carrie Valdes responded that the administrative and supervisory load has increased and created a need for an assistant director.

Evan commented that he likes to see succession planning.

Motion carries 4-2 with Hawks and Paxman opposed.

M. Approving volunteer appointment to Canyonlands Health Care Special Service District (Council Member Hawks)

Motion by Council Member Hawks to approve the appointment of Paula Martin, with term expiring 12/31/2020, to serve on the Canyonlands Health Care Special Service District Board, and authorize the Chair to sign all associated documents. Motion seconded by Council Member McGann carries 6-0.

N. Approving Justice Court Judge Nominating Commission appointments, postponed from August 20, 2019 (Subcommittee Members McGann, Morse, and Wells)

Motion by Council Member Morse 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 and authorize the Chair to sign all associated documents:

Kelly Greene Vagt for a four-year term,

Matt Brooks for an unspecified term, and

Marsha Humphreys for an unspecified term

Motion seconded by Council Member McGann carries 6-0.

O. Approving Sage Creek Condominiums Subdivision Improvement Agreement (Zacharia Levine, Community & Economic Development Director)

Motion by Council Member Hawks to approve the Sage Creek Condominiums Subdivision Improvement Agreement and authorize the Chair to sign all associated documents. Motion seconded by Council Member Halliday

Terry Morse asked about the financial deposit and bonding. Zacharia responded in the affirmative.

Motion carries 5-0 with Council Member McGann temporarily out of the room.

P. Approving proposed bid award to Henderson Builders for infrastructure improvements at Wingate Village Subdivision through the Community Development Block Grant (CDBG) Program (Zacharia Levine, Community & Economic Development Director)

Postpone Hawks/Paxman Motion carries 5-0 with Council Member McGann temporarily out of the room

Motion by Council Member Hawks to postpone. Motion seconded by Council Member Paxman carries 5-0 with Council Member McGann temporarily out of the room.

□ Consent Agenda- Action Items

Q. Ratifying Chair's signature on letter to Representative Albrecht regarding overnight accommodations

R. Ratifying the Chair's signature on Footage Release Agreement for the video footage of Moab Slickrock Bike Trail dedication

S. Approving proposed grant application for the annual Emergency Management Performance Grant (EMPG) FY2019 in the amount of \$31,280.00

T. Approving application for retail beer license for American Alpine Club, located at Old Spanish Trail Arena on October 25-27, 2019

U. Approving proposed Memorandum of Understanding (MOU) with the Utah County Public Defender's Office

V. Adopting proposed resolution approving Antrobus Minor Record Survey, a three (3) lot subdivision, located at 3100 Juniper Drive

Motion by Council Member Morse to approve the consent agenda and authorize the Chair to sign all associated documents. Motion seconded by Council Member Halliday. Motion carries 5-0-1 with Council Member Clapper abstaining.

□ **Discussion Items**

W. Discussion on calendar items and public notices (Ruth Dillon, Council Administrator)

Ruth Dillon presented the calendar items and public notices.

X. Discussion on Arches transportation congestion (Council Member Wells)

Motion to by forward by Wells, seconded by Hawks. Carries 7-0

Wells and Jones working with CHM Government Services to consult on congestion management options and solutions. 2 day event intended to reach consensus among a group of stake holders. Presented a scope of work in the packet. Requesting \$15,000 from the County to cover ½ of the costs of this event. The City of Moab to cover the other half.

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Public Hearings- Possible Action Items

Y. Public Hearing to hear public input on a proposed rezone application to change from Large Lot Residential (LLR) to Small Lot Residential (SLR) located at 2550 Spanish Valley Drive (Zacharia Levine, Community & Economic Development Director)

Chair Clapper opened the public hearing at 7:07 p.m.

Zacharia Levine presented on this rezone request. The Planning Commission held a public hearing and did *not* forward a favorable recommendation. Staff recommended *denying* the rezone request as this request could be made via the High Density Housing Overlay (HDHO) and would be more appropriate.

Art Hines: Clarified that there is not a residence currently on the property. Requested that the rezone be approved as it would better fit their needs over applying for the HDHO. Would like to subdivide to provide affordable housing for his son. Art was concerned about the retirement provisions in the HDHO requiring him to retire from employment within Grand Co. Art is also concerned about the timeline associated with finalizing the project given the constraints of the HDHO ordinance. Small lot residential zoning is more appropriate for the intended purpose. Disagrees with some of the Planning Commission's and staff's findings. Doesn't believe that this rezone will be a detriment to the neighborhood but rather, will enhance the area. Property has been in the family since 1964. Has a vested interest in their community.

Rory Paxman indicated that Art and family have long served Grand County. And, feels that this rezone needs to be approved.

Mary McGann: Which allows more housing, SLR or HDHO? Zacharia responded that the HDHO would provide more density.

Zacharia explained that approving this rezone request doesn't guarantee any affordable housing be built.

Jaylyn Hawks: Doesn't feel comfortable forcing the applicant to use the HDHO.

The public hearing will remain open for written comments until September 11th, at 5 p.m.

Z. Public Hearing to hear public comment on a proposed rezone application to change from Range and Grazing (RG) to Highway Commercial (HC), located at 13704 North Highway 191 (Zacharia Levine, Community & Economic Development Director)

Chair Clapper opened the public hearing at 7:37 p.m.

Zacharia presented the rezone application. The Planning Commission held a public hearing and failed to forward a recommendation either to approve or deny. Opposition included view shed concerns, lack of cohesive plans for the area. Some were favorable to a mixed use development. Staff also does not provide a recommendation either to approve or deny. There is currently a single residence on the property. A proposed development plan was submitted. However, if the rezone were applied there would be no requirement to conform to the submitted plan.

Christopher Skarda: Huge fan of Moab. Has been visiting for more than 20 years and has seen a substantial amount of growth in tourism. Acknowledged some detrimental effects associated with that growth. Has a solution that can help alleviate some of those issues. Trails north of Moab are second to none. The epicenter for all of the northern trails is in proximity of this property. Building commercial space and lodging in this area may take some demand off the Moab infrastructure. The current options are limited in the area. The property is adjacent to highway commercial property and is appropriate for the area. Would like to develop in a way that is cohesive to the area. Development in this area would be convenient and could help keep business in Grand County.

Greg Halliday: Questioned the availability of water and septic/sewer service. Christopher responded that they are willing to make adjustments to the technical aspects of their plans as necessary.

Michael Skarda indicated that they will develop a public water system well. And, they are on the right side of the fault line to have good availability of water.

Greg Halliday also questioned the ability to develop overnight accommodations given that the underlying zoning request doesn't allow overnight accommodations.

Michael Skarda responded that the residential lots are for rents of greater than 30 days.

Liz Thomas: Believes this rezone request needs a lot of study. Once this zone change is approved anything can happen. Expressed concern about the view shed. Would like to see a more comprehensive area plan prior to up-zoning any property out there.

Kevin Walker: Is on the Planning Commission. Highway Commercial is the most permissive zone in the county. Doesn't sound like a good idea. We haven't done a good job of managing development. There is a lot of development pressure in the area and it deserves more planning prior to up-zoning properties. Good design standards are currently lacking. 24 acres of highway commercial is a big deal. Most parcels are zoned Resort Special and not Highway Commercial. The Council is under no obligation to approve.

Michael Skarda: There is no overlay that just allows restaurants, and so highway commercial is their option.

Dave Erley: Expressed concern about tapping into the water system that feeds the springs in Arches National Park. Also concerned about approving massive amounts of commercial activity and its effects on traffic infrastructure. Let's get infrastructure sorted first.

Micahael Skarda: If the springs in Arches dry out, they must shut down their water system as they will have a lower priority than Arches.

The public hearing will remain open for written comments until September 11th, at 5 p.m.

AA. Public Hearing to hear public input on proposed rezone application from Ranging & Grazing (RG) to Neighborhood Commercial (NC) located at 137 S. Cisco Boat Ramp Road, Cisco (Zacharia Levine, Community & Economic Development Director)

Chair Clapper opened the public hearing at 8:17 p.m.

Zacharia Levine presented on the rezone application. Impetus of the rezone request is to make sure that the Cisco store can re-open. The Planning Commission held a public hearing and forwarded a favorable recommendation. Staff doesn't have a lot of concerns with this rezone application and recommends approval.

Motion by Council Member Greg Halliday to suspend the rules and vote on the rezone application tonight. Motion seconded by Council Member Rory Paxman. Motion fails 2-3-1 with Paxman and Halliday in favor; McGann, Clapper, and Hawks opposed; and, Morse abstaining.

The public hearing will remain open for written comments until September 11th, at 5 p.m.

BB. Public Hearing to hear public input on Murphy Flats High Density Housing Overlay District 15 (HDHO-15) application located at 1183 Murphy Lane (Zacharia Levine, Community & Economic Development Director)

Chair Clapper opened the public hearing at 8:22 p.m.

Zacharia presented the rezone application. The Planning Commission held a public hearing and forwarded a favorable recommendations. Staff provides a favorable recommendation with some caveats and/or conditions that are contained in the staff report. Applicant is only asking for HDHO rezone and not preliminary plat approval.

Jaylyn Hawks: Are the issues mentioned going to be worked out prior to final action. Zacharia indicated that they won't schedule action until the issues are resolved. Hawks also pointed out that the communities compared to with regard to parking probably have public transportation

Greg Halliday: Expressed concerns about storm water drainage for this project.

Courtney Kizer responded that their engineer and the County's engineer have been working on an acceptable drainage plan.

Terry Morse: Has there been any consultation with the fire department? Courtney Kizer responded that they have been working with the fire department from the beginning, and the current master plan reflects the design approved by the fire department. Bothered a little bit by the density and the parking variance. Would be more comfortable if there was more parking.

Courtney Kizer: Will try to make everyone happy even though it is a lofty goal. Believes that density is a solution to sprawl. Proximity to town is important. Smaller units and higher density are more efficient and environmentally friendly.

Steve Evers: This is a good project to provide a solution to affordable housing issues in Grand Co. Will be living on property.

Dave Beirshied: Feels that the applicants can make the HDHO rezone work, and is strongly in favor of the project.

Joe Kingsley: Owns two properties nearby. Would be honored to be a neighbor to this project. Feels that everyone will be proud to be a part of this project. Encourages the Council to move forward.

Marle Lawry(sp?): Owns nearby property. Has had to deal with storm water drainage problems. Where will children catch the school bus? There is a blind curve. Would like to know what kind of fencing will be built.

David Maury(sp?): Not sure that it is the right place for the development. Expressed concern about drainage problems. People move to that area for the space, and not high density and traffic.

Dan McCan: Expressed that we will need housing for students of the new USU campus, and also hopes to see future public transportation.

Sherrie Griffith: Thinks this project will become a good neighborhood. Is on Trail Mix and the Spanish Valley Pathway Committee. Expressed that e-bikes will help people commute without a car, and alleviate the need for some parking.

The public hearing will remain open for written comments until September 11th, at 5 p.m.

Closed Session(s):

- 1.) Purchase, Exchange, Lease or Sale of Real Property, including any form of water right or water shares**

Motion by Council Member McGann to enter closed session to discuss "Purchase, Exchange, Lease or Sale of Real Property, including any form of water right or water shares". Motion seconded by Council Member Morse carries 6-0.

Council entered closed session at 8:52 p.m.

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

Council left closed session at 9:10 p.m.

Adjourn

Chair Clapper adjourned the meeting at 9:11 p.m.

ATTEST:



Chris Baird – Clerk-Auditor

APPROVE:



Evan Clapper – Council Chair