



GRAND COUNTY COUNCIL REGULAR MEETING

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

Tuesday, October 1, 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 4:06 p.m. In attendance were Council Members Mary McGann, Jaylyn Hawks, Greg Halliday, Terry Morse, Rory Paxman, Curtis Wells (4:26 p.m.), Evan Clapper, Council Administrator Ruth Dillon, County Attorney Christina Sloan (4:40 p.m.), and Clerk-Auditor Chris Baird.

Call to Order

Chair Clapper called the meeting order at 4:06 p.m.

Pledge of Allegiance

The Pledge of Allegiance was led by Joette Lainganese.

Approval of Minutes (Chris Baird, Clerk/Auditor)

- A. June 10 (Joint County Council Meeting with San Juan County Commissions and SITLA), Postponed from June 18, 2019
- B. July 16, 2019 (County Council Meeting), Postponed from August 6, 2019
- C. July 18, 2019 (County Council Special Meeting), Postponed from August 6, 2019
- D. August 6, 2019 (County Council Meeting), Postponed from August 20, 2019
- E. August 20, 2019 (County Council Meeting), Postponed from September 3, 2019
- F. September 3, 2019 (County Council Meeting)
- G. September 17, 2019 (County Council Meeting)
- H. September 20, 2019 (Joint County Council Emergency Meeting with Moab Area Travel Council Advisory Board)

Motion by Council Member Hawks to approve items B – F. Motion seconded by Council Member Halliday.

Corrections: as per Jaylyn change J.D. Stroder to J.T. Stroder.

Motion carries 6-0.

Motion by Council Member Hawks to postpone items A, G, & H, until the next meeting. Motion seconded by Council Member Morse carries 6-0.

Ratification of Payment of Bills

Motion by Council Member Paxman to ratify the payment of the bills totaling \$1,005,771.37 (\$763,748.89 Bills, \$242,022.48 Payroll). Motion seconded by Council Member Morse carries 6-0 by roll-call vote.

Council Member Disclosures

Council Member Paxman disclosed that he is involved in a lodging and a tour business.

Council Member Hawks disclosed that she owns a Bed and Breakfast

Council Member Halliday disclosed that he gets a veteran's tax abatement

General Council Reports and Future Considerations

Greg Halliday: Attended a Museum of Moab meeting, and a funeral for Floyd Stroughtan.

Jaylyn Hawks: Attended a Housing Authority meeting, a Four Corners Behavioral Health meeting, a Public Health Board meeting, a Public Transit Authority meeting, and reported that the San Juan Healthcare Special Service District is applying for a CIB grant for a clinic in northern San Juan Co.

Mary McGann: Attended a Millicreek Community Collaboration meeting, a Solid Waste Special Service District meeting, and reported on an upcoming celebration of a milestone 10 million tons move on the UMTRA project.

Terry Morse: Met with the Recreation Special Service District.

Rory Paxman: Attended a Moab Area Chamber of Commerce meeting.

Evan Clapper: Attended a Budget Advisory Board meeting and a Joint Travel Council meeting.

Elected Official Reports (None)

Council Administrator Report

Ruth Dillon reported that the Lion's Back development is breaking ground, attended the Slickrock Trail anniversary, provided an update on the Justice Court Judge nominating committee, and announced the hiring of Bill Hulse as the new Chief Building Official and Floodplain Manager.

Council Member Wells joined the meeting at 4:26 p.m.

Department Reports

Matt Cenicerros introduced Frank Dougher as the new GIS specialist.

Elaine Gizler and Keri Frandsen presented a new packet for the 4th graders. And, announced the "Do it like a local" event at Star Hall.

Agency Reports (None)

Citizens to Be Heard (None)

Presentations

- I. **Presentation of Ceremonial Check from SITLA (School and Institutional Trust Lands Administration) of PILT (Payment in Lieu of Taxes) funds in the amount of \$287,225 (Dave Ure, Director, SITLA)**

Dave Ure presented the SITLA payment in lieu of taxes check for Grand County and gave an overview of SITLA's mission. Bryan Torgerson updated the Council on 3 bids concerning development near the new USU campus.

General Business- Action Items- Discussion and Consideration of:

- J. **Adopting proposed resolution allocating health care facilities sales and use tax revenues received during calendar year 2020 to eligible entities, postponed from**

September 17, 2019 (Representatives from Canyonlands Health Care Special Service District and Grand County Emergency Medical Services Special Service District)

Andy Smith and Liz Tubbs of the EMS Special Service District presented their request of 50% of the healthcare tax distribution.

Joette Lainganese and Ken Ballantyne presented on their request for 65% of the healthcare tax distribution.

Mary McGann asked if the tax was created predominately for the long term care center. Ken Ballantyne and Christina Sloan confirmed that the tax was initiated first for the long term care center and secondly for EMS.

Motion by Council Member Wells to postpone until after the districts can jointly meet. Motion seconded by Council Member Morse carries 7-0

K. Approving the 2019 Property Tax Abatements and Cancelations through 9/25/2019 (Chris Kauffman, Treasurer)

Chris Kauffman presented on the 2019 Property Tax Abatements and Cancelations.

Motion by Council Member McGann to approve the 2019 property tax abatements and cancellations through 9/25/2019 as presented, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Paxman carries 7-0.

L. Approving Stormwater Drainage Easement Agreement between Grand County and Roxanne Bierman and Gregory Smith for the Arbor Drive improvement project (Bill Jackson, Roads Supervisor)

Motion by Council Member McGann to postpone. Motion seconded by Council Member Halliday carries 7-0.

M. Approving recruitment for an Administrator-in-Training (Renee Baker, HR Director and Ruth Dillon, Council Administrator)

Motion by Council Member Wells to approve recruitment for an Administrator-in-Training with the intention of having the current Council Administrator train the individual during early 2020. Motion seconded by Council Member Paxman carries 7-0.

N. Approving Grand County Official Statement of Position on TRT Reform (Council Member Wells)

Motion by Council Member Wells to approve the Grand County Official Statement of Position on TRT Reform and authorize the chair to sign all associated documents. Motion seconded by Council Member Morse.

Josh Green: Appreciated the joint meeting with the Travel Council and agrees with the 2018 promotional "floor" and believes that it is a good compromise.

Council Member Wells disclosed that he owns nightly rentals.

Carla Gregory: Appreciates the joint meeting with the travel council. Asked that the 2018 revenue "floor" be maintained.

Mike Gullotty: The need for funds to promote tourism is essential. Moab is competing with several destinations around the world. The per hotel room share is going down. Be cautious with reducing advertising.

Jaylyn Hawks: Has received a lot of letters, may not be able to respond to them all. Worried about a crash and reduction in TRT revenue with the 2018 "floor".

Motion carries 5-1-1 with Council Member Hawks opposed and Council Member Paxman abstaining.

O. Approving volunteer appointment to the Housing Authority of Southeastern Utah Board (Council Member Hawks, Council Liaison to Board)

Motion by Council Member Hawks to approve the appointment of Dane Brewer with term expiring 12/31/2023, to serve on the Housing Authority of Southeastern Utah Board, and authorize the Chair to sign all associated documents. Motion seconded by Council Member McGann carries 6-0 with Council Member Morse temporarily out of the room.

P. Approving assignment of County Council Representative/Liaison to Moab Area Travel Council Advisory Board (Council Member Paxman)

Motion by Council Member Wells to approve the assignment of Council Member McGann to serve as Council Representative/Liaison to the Moab Area Travel Council Advisory Board with Council Member Paxman as an alternate and authorize the chair to sign all associated documents. Motion seconded by Council Member McGann carries 7-0.

Q. Approving nomination for Business of the Year for Chamber of Commerce (Council Member Paxman)

Motion to postpone by Council Member McGann to the next meeting. Motion seconded by Council Member Paxman carries 6-0 with Council Member Wells temporarily out of the room.

R. Approving response letter to Namaste Rock (Chairman Clapper)

Council Members reiterated various concerns including water availability, lack of appropriate available zoning, and lack of comprehensive planning for the area.

No Motion

S. Adopting proposed resolution approving the amendments to Resolution Establishing a Board Appointment Process and Establishing Requirements of Board Members and Commissioners Serving Grand County (Bryony Hill, Council Office Coordinator)

Motion by Council Member Hawks to adopt the proposed resolution with edits presented approving the amendments to the Resolution Establishing a Board Appointment Process and Establishing Requirements of Board Members and Commissioners Serving Grand County, and to authorize the Chair to sign all associated documents. Motion seconded by Council Member Paxman carries 6-0 with Council Member McGann temporarily out of the room.

T. Approving the Business Expansion and Retention (“BEAR”) Grant Agreement with the Governor’s Office of Economic Development (“GOED”) (Zacharia Levine, Community & Economic Development Director)

Motion by Council Member Hawks to approve the Business Expansion and Retention Grant Agreement with the Governor’s Office of Economic Development, and authorize the Chair to sign all associated documents. Motion seconded by Council Member McGann carries 7-0.

Consent Agenda- Action Items

U. Ratifying the Vice Chair’s signature on a grant agreement with Federal Aviation Administration (FAA) to reconstruct Taxiway A (Phase II) and Reconstruct Apron (Commercial Services Apron) at Canyonlands Field Airport in the amount of \$4,572,999

V. Ratifying the Chair’s signature on a grant closeout billing statement for the Non-motorized Trail Maintenance & Jackson Trail Bridge

W. Adopting proposed resolution approving amendments on a Replat for Juniper Cove Subdivision, located at 2981 Juniper Drive

X. Approving application for retail beer license for Buzzards Belly (General Store) located at 100 Pennsylvania Avenue (197 E. Cisco Road), Cisco, UT

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.

Jaylyn Hawks inquired as to whether we need a public hearing? Asked why minor record survey is mentioned and spotted an incorrect address. Zacharia Levine indicated that a code correction is

necessary to make it clear that a public hearing is not required. Also, indicated that staff made some typos in the staff report however the resolution appears to be accurate.

Motion carries 7-0.

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 Emergency Medical Services Special Service District (EMSSSD) for use of property located at 500 E. 100 N. (Old Senior Center) and plans moving forward (Andy Smith, Executive Director, EMSSSD and Liz Tubbs, Chair, EMSSSD)

Motion by Council Member McGann to table. Motion seconded by Council Member Morse carries 7-0.

Motion by Council Member Halliday to take Z off the table. Motion seconded by Council Member McGann carries 7-0.

Andy Smith gave an update on the CIB application and the tentative offer of a \$4.8 million dollar loan/grant. Asked the Council if it is open to the discussion of demolishing the old senior's center and building the EMS administrative offices in its place. Would like to know if they can consider it as an option.

McGann indicated that she is in favor.

Halliday asked about the American Legion. Smith responded that the American Legion would continue to be housed as it is a part of property deed.

Smith indicated that the district would be open to discussing leasing space for the displaced county departments for a while.

Andrea Brand, was upset that Andy Smith didn't inform her of this development. Why is there not going to be space available for County Departments in the new building? Smith replied that there already isn't enough parking, and the new building isn't funded or designed to build space for Sand Flats or other departments.

Maddie Logowitz expressed that she is needing space for her employees, and feels that moving offices regularly is going to be disruptive.

AA. Discussion on Truth in Taxation timeline (Chris Baird, Clerk/Auditor)

Clerk Auditor Baird presented the timeline for noticing a property tax increase. Discussion was had regarding alternatives to a property tax increase including a workforce reduction.

BB. Discussion on application for View Gate Terrace High Density Housing Overlay (HDHO-35b) located at 1246 & 1248 South Highway 191 (Zacharia Levine, Community & Economic Development Director)

Zacharia Levine presented updates on the HDHO application.

Greg Halliday inquired about the setbacks. The applicant confirmed that the setbacks had been adjusted.

Zacharia recommended that further subdivision of the lots is not necessary as the density increase is already substantial.

McGann indicated that she would not like to see further subdivision.

Morse would like to see the proposed boundaries of a subdivision.

Clapper would like to approve without any future subdivisions

Sloan indicated that the HDHO units need to be identified. Levine replied that specifying them to apartment buildings is sufficient.

Discussion was had about not requiring a fence adjacent to the 5 acre residential lot.

Public Hearings- Possible Action Items:

CC. Public Hearing to hear public input on an ordinance amending Ordinance 526 Flood Damage Prevention Ordinance (Bill Hulse, Chief Building Official/Floodplain Administrator)

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

Bill Hulse presented on the amended ordinance.

No Public Comments were received.

The public hearing will remain open for written comments until October 9th at 5 p.m.

DD. Public Hearing to hear public input on Peak View Subdivision High Density Housing Overlay District 25 (HDHO-25) application located at 3640 Spanish Valley Drive (Zacharia Levine, Community & Economic Development Director)

Chair Clapper opened the public hearing at 7:46 p.m.

Zacharia Levine presented on the application. The planning commission forwarded a favorable conditional recommendation and conditionally approved the preliminary plat. Staff also conditionally recommends approval. The developer is proposing an additional market appreciation cap deed restriction. The applicant conducted a drainage study, and the drainage plan incorporates storm water easements from Rim Village. The proposed stormwater improvements will aid the County's stormwater plan.

Terrill Johnston indicated that he won't be making use of the full 25 units per acre. Indicated that he will drop the appreciation cap to 3%. Indicated that he will sell 10 units at cost. Would like to build a nice neighborhood for the local community.

Bonita Kolb: Lives near this project. Concerned about traffic congestion. Strongly feels that a geometric improvement will be required of the intersection for safety purposes. Expressed concern about the accumulation of HDHO project along a 1 mile section of Spanish Valley Dr. Brought up the improvements to the Spanish Valley Dr. improvements in the Transportation plan and that they have not been built. Would like the County to place a higher priority on infrastructure mitigation of impacts.

Jaylyn Hawks: Asked why we aren't approving an HDHO 10 instead of HDHO 25? Levine responded that the masterplan adopted with just over 6 units per acre would limit the subsequent project.

Discussion was had regarding potentially changing the HDHO designation in this area to be HDHO 10.

Terry Morse: Likes what the applicant has proposed. The only reasonable solution for the traffic issue is the realignment of Kirby Ln.

Curtis Wells: Like the project and looks forward to voting.

The public hearing will remain open for written comments until October 9th at 5 p.m.

EE. Public Hearing to hear public input on a Conditional Use Permit application at 1728 South Rocky Road to enable Emery Telcom to expand and for equipment storage (Zacharia Levine, Community & Economic Development Director)

Chair Clapper opened the public hearing at 8:21 p.m.

Zacharia presented on the application. Applicant is proposing to expand their operations on the site.

Dave Cozzens: Is a neighbor and is fine with what they want to do.

The public hearing will remain open for written comments until October 9th at 5 p.m.

Closed Session(s)

1. **Pending or Reasonably Imminent Litigation**

Motion by Council Member McGann to enter closed session to discuss "Pending or Reasonably Imminent Litigation". Motion seconded by Council Member Morse carries 7-0.

The Council entered closed session at 8:34 p.m.

Motion by Council Member Mary to leave closed session. Motion seconded by Council Member Morse carries 7-0.

The Council left closed session at 9:05 p.m.

2. **Character, Professional Competence or Physical or Mental Health of an Individual**

Motion by Council Member McGann to enter closed session to discuss "Character, Professional Competence or Physical or Mental Health of an Individual". Motion seconded by Council Member Halliday carries 7-0.

The Council entered closed session at 9:06 p.m.

Motion by Council Member McGann to leave closed session. Motion seconded by Council Member Wells carries 7-0 .

The Council left closed session at 9:48 p.m.

Adjourn

Chair Clapper adjourned the meeting at 9:49 p.m.

ATTEST:



Chris Baird – Clerk/Auditor

APPROVE:



Evan Clapper – Council Chair