



GRAND COUNTY COUNCIL REGULAR MEETING

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

Tuesday December 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 4:00 p.m. In attendance were Council Members Mary McGann, Jaylyn Hawks, Greg Halliday, Rory Paxman, Curtis Wells (4:17 p.m.), Evan Clapper, Gabriel Woytek, Council Administrator Ruth Dillon, County Attorney Christina Sloan (partial), and Clerk-Auditor Chris Baird.

Call to Order

Chair Clapper called the meeting to order at 4:00 p.m.

Pledge of Allegiance

The Pledge of Allegiance was led by Andrea Brand.

Approval of Minutes (Chris Baird, Clerk/Auditor)

- A. September 20, 2019 (Joint County Council Emergency Meeting with Moab Area Travel Council Advisory Board), Postponed from October 1, 2019
- B. October 2, 2019 (Joint County Council Meeting with Planning Commission), Postponed from October 15, 2019
- C. October 8, 2019 (Joint County Council Meeting with Grand County Elected Officials, Moab City Council, Castle Valley Town Council, and Mayors), Postponed from October 8, 2019
- D. October 29, 2019 (Joint County Council Meeting with Planning Commission), Postponed from November 6, 2019
- E. November 6, 2019 (County Council Meeting), Postponed from November 19, 2019
- F. November 13, 2019 (County Council Special Meeting), Postponed from November 19, 2019
- G. November 19, 2019 (County Council Meeting)
- H. November 21, 2019 (County Council Special Meeting)

Motion by Council Member Hawks to approve items A, E, and G. Motion seconded by Council Member McGann carries 6-0.

Motion by Council Member McGann to postpone items B, C, D, F, and H. Motion seconded by Council Member Hawks carries 6-0.

Ratification of Payment of Bills

Motion by Council Member Paxman to ratify the payment of the bills totaling \$1,299,964.85 (Bills \$1,066,257.48, Payroll \$233,707.37). Motion seconded by Council Member Hawks carries 6-0 by roll-call vote.

Council Member Disclosures

Mary McGann is a taxpayer

Jaylyn Hawks is a taxpayer and bed and breakfast owner

Rory Paxman is a taxpayer, owner of overnight accommodations, and holds public lands permits.

Evan Clapper is a taxpayer, and holds public lands permits.

General Council Reports and Future Considerations

Greg Halliday: Attended Council Admin interviews, and involved with snow removal in Castle Valley, attended an update on an improved highway up East Canyon Road.

Jaylyn Hawks: Attended a City workshop on overnight accommodations standards, a defensive driving class, reported that 4 corners is ready to build in early January, attended a public health board meeting, a Housing Authority meeting, and an EMS board meeting.

Mary McGann: Attended a Moab Area Watershed Partnership meeting concerning climate change projects, available water, and grey water; attended Council Admin. interviews, and a solid Waste Special Service District meeting.

Curtis Wells: Reported on the BLM easement application for the East Canyon Highway proposal. The BLM would like a response from Grand Co. regarding its interest in abandoning a right-of-way to the State of Utah. The State of Utah would build and maintain the highway. Loss of B-road funding would be \$10-15,000. A meeting between BLM and Grand County Council is proposed.

Gabriel Woytek: Thanked everyone for welcoming him to the Council, attended Council Admin. interviews, and will attend the Canyon Country Partnership.

Rory Paxman: Attended an Airport Board meeting, and a Sand Flats Stewardship meeting.

Evan Clapper: Attended an EMS Special Service District Board meeting, and Council Admin. interviews.

Elected Official Reports (None)

Council Administrator Report

Ruth Dillion reported on the Audit Committee scope of work, RFP, and Fraud Hotline.

Discussion was had regarding reissuing the Airport's engineer of record request for qualifications.

Department Reports (None)

Agency Reports (None)

Citizens to Be Heard

Reed Pendleton: Is a campground owner. Agreed to purchase a piece of property to build a campground near the intersection of highways 191 and 313. Feels that the new standards for campgrounds are scary. Is concerned that the size restriction on campgrounds is too small, and not financially possible considering the price of land zoned for that use. Expressed that the impacts to views with a campground are different from a hotel, and are less impactful. Asked that the Council not lump campgrounds in with the standards for hotels.

Presentations (none)

General Business- Action Items- Discussion and Consideration of:

- I. **Approving 1) re-authorization of demolition of house on the county-owned property at 180 East 100 North, and 2) emergency purchase of a custom modular office building to relocate the offices of Sand Flats and Active Transportation & Trails onto this property (Andrea Brand, Director, Sand Flats Recreation Area and Madeline Logowitz, Manager, Active Transportation & Trails Division)**

Motion by Council Member Hawks to approve the 1) re-authorization of demolition of house on the county owned property at 180 East 100 North and 2) emergency purchase of a custom modular office building to relocate the offices of Sand Flats and Active Transportation & Trails onto this property, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Paxman carries 7-0.

- J. **Adopting proposed ordinance establishing the Grand County Consolidated Fee Schedule and repealing and replacing Ordinance No. 596 (Ruth Dillon, Council Administrator)**

Motion by Council Member Hawks to adopt the proposed ordinance establishing the Grand County Consolidated Fee Schedule and repealing and replacing Ordinance No. 596 effective January 1, 2020, and authorize the Chair to sign all associated documents. Motion seconded by Council Member Halliday.

Discussion:

Substitute Motion by Council Member Hawks to move the inspection of utilities fees in the building inspection schedule out by itself. Motion seconded by Council Member McGann carries 7-0.

- K. **Approving proposed resolution, pending legal review, adopting the goal of countywide 100% renewable electricity by 2030 (Zacharia Levine, Community & Economic Development Director)**

Motion by Council Member McGann to approve the proposed resolution adopting a 100% renewable energy goal by 2030 and participating in the study and evaluation of renewable energy costs as defined by HB 411 (2019), the Community Renewable Energy Act. Motion seconded by Council Member Hawks.

Discussion:

Hawks is concerned about the financial impact. Concerned that the resolution doesn't make it easy to get out.

Wells feels it a good goal, but concerned that this is too great an increase for low income folks. Feels that it should be an opt-in as opposed to an opt-out. There is a steep cost to this.

Clapper highlighted a provision in the general plan that we strive toward an energy efficient future, and sustainable energy. Believes that there are ways out if it doesn't work for us. Would like Grand County to be a leader in clean energy. He is excited to see RMP as a partner in this.

Paxman, the majority of the Airport Board would like to see solar out at the Airport.

Zacharia would like to have a "seat at the table" by approving this resolution.

Hawks is irritated that this has come down to the 11th hour. Doesn't like getting backed into a corner with short deadlines. Would need a "get out clause" in the resolution. Would like to see some cost estimates.

Well iterated that the Bill projected a 7-9% rate increase.

Levine indicated that participation in the negotiation is different from an opt-out in the resolution.

Motion to amend by Council Member McGann to amend the resolution body to include an opt-out clause by the County Attorney. Motion seconded by Council Member Hawks carries 7-0.

Amended motion passes 7-0

K.2 Approving Midterm Volunteer Appointment to District and County Boards and Commissions (Council Liaison to the Board, Rory Paxman, or Ruth Dillon, Council Administrator):

1. Airport Board

Motion by Council Member Paxman to appoint Ben Byrd to the Airport Board for a term Dec 4, 2019 - 12/31/2022. Motion seconded by Council Member McGann carries 7-0.

Wells disclosed Ben Byrd is his brother in law.

Consent Agenda- Action Items

- L. Approving proposed agreement with Zurich Bros. Mechanical for toilet pumping and cleaning services at Sand Flats Recreation Area**
- M. Approving State of Utah DAS/DFCM Legislative Pass-Through Funding agreement for the Grand County USU Extension**
- N. Approving proposed grant application to the Department of Energy for reimbursement of Grand County's Moab UMTRA (Uranium Mill Tailings Remedial Action) Project related expenses in the amount of \$214,209 from January 14, 2020 to January 13, 2025**
- O. Adopting proposed resolution approving the Watchman Estates Subdivision final acceptance bond release**

Motion by Council Member McGann to approve the consent agenda and authorize the Chair to sign all associated documents. Motion seconded Hawks.

Hawks requested that some typos be fixed in the UMTRA grant application.

Motion carries 6-0-1 with Wells abstaining.

Discussion Items

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

Ruth Dillon presented the calendar items and public notices.

Motion by Council Member McGann to move agenda item S forward. Motion seconded by Council Member Wells carries 7-0.

Public Hearings- Possible Action Items

- S. Public Hearing to hear public comment on an application for High Density Housing Overlay (HDHO-10) located at 3827 and 3859 Spanish Valley Drive to facilitate the Tierra Fuego HDHO Development Plan (Zacharia Levine, Community and Economic Development Director)**

Zacharia Levine presented on the application. Stated that one oral argument against was made at the Planning Commission.

Chair Clapper opened the public hearing at 5:44 p.m.

The applicant spoke in favor of his project.

Aaron Thompson: This is what we want to see for this community and is in favor of this project.

The public hearing will remain open for written comment until Dec. 11th at 5 p.m.

- T. Public Hearing to hear public comment on proposed ordinance amending the Grand County Ordinances to include Title 17 – Use of Public Lands (Andrea Brand, Director, Sand Flats Recreation Area and Sheriff White)**

Andrea Brand and Steve White presented on the ordinance. They have been working on this for over a year. Would like to address Fins-and-Things trail. This would enable the Sheriff's office to ticket violations on federal lands. County Attorney Christina Sloan helped draft the Ordinance.

Chair Clapper opened the public hearing at 5:55 p.m.

Hawks: Indicated that local law enforcement was missing from Exhibit A, Item C. Sloan responded that she doesn't think this needs to be mentioned. Hawks asked about dispersed camping? Sloan and White will double check on dispersed camping.

The public hearing will remain open for written comment until Dec. 11th at 5 p.m.

U. Public Hearing to hear public comment on proposed ordinance designating one-way travel on Fins and Things 4x4 Trail and daytime hours restrictions on the southern 2.5 miles of Fins and Things 4x4 Trail, located in Sand Flats Recreation Area (Andrea Brand, Director, Sand Flats Recreation Area and Sheriff White)

Andrea Brand presented on the application.

Chair Clapper opened the public hearing at 6:03 p.m.

Sheriff Steve White would like to be clear he is not in favor of trail closures, and that this is not a precedent for trail closures.

The public hearing will remain open for written comment until Dec. 11th at 5 p.m.

Motion by Council Member McGann to recess the meeting in order to open the budget hearing meeting. Motion seconded by Council Member Wells carries 7-0.

The meeting was recessed at 6:06 p.m.

Chair Clapper reconvened the meeting at 7:21 p.m.

Q. Discussion on Overnight Accommodations Overlay (OAO) eligibility districts (Zacharia Levine, Community & Economic Development Director)

Zacharia Levine presented on the discussion item. The establishment of an OAO eligibility district would enable property owners within those districts to apply to be included within the OAO district. Asked the Council if they would like the Planning Commission to include these eligibility districts in their public hearings.

Reed Pendleton: Felt like there was a general consensus among the Planning Commission in the highway 191/313 intersection area for campgrounds and is interested in buying property there for a campground. If the Council establishes this eligibility zone it will decrease all property that is outside of it.

Hawks is interested in establishing the zones.

Zacharia stated that the Planning Commission doesn't yet have a consensus on where the zone should be.

Hawks agrees with Reed Pendleton that campgrounds are a lot different from hotels, and shouldn't be treated the same.

Zacharia indicated that an eligibility zone would eliminate having people waste time and money applying for an OAO rezone if the Council wasn't interested in approving OAOs in that area.

Wells: There is a significant gap between what is feasible and the development standards being proposed. Feels like the standards are messy and confusing.

Clapper: Feels like this is just the nature of the beast. Not afraid of setting a high bar, and that some folks will meet that high bar.

Zacharia indicated that currently anyone may apply for the OAO zone. Doesn't feel like the proposed standards are un-achievable even though they are much higher.

Zacharia would like some input from the Council on the districts so that he may take that feedback to the Planning Commission.

McGann: Likes the idea of the districts, but concerned about the timing of getting them drafted.

Straw Poll for eligibility zones? Hawks, Woytek in favor. Clapper, Wells, McGann, and Halliday not in favor. Paxman abstains.

R. Discussion on Intergenerational Poverty in Grand County along with possible partnerships, collaboration, and projects (Council Member Hawks)

Motion by Council Member Hawks to postpone until she requests it be placed on an agenda. Motion seconded by Council Member McGann carries 7-0.

Public Hearings- Possible Action Items

V. Public Hearing to hear public comment on proposed ordinance replacing reserved title 11 of the Grand County Ordinances with Title 11 – Noise (Christina Sloan, County Attorney)

County Attorney Sloan introduced and explained the Ordinance.

Clapper opened the public hearing at 8:11 p.m.

No public comments.

The hearing will remain open for written comments until Dec. 11 at 5pm

Closed Session(s) (if necessary)

Adjourn


Chair Clapper adjourned the meeting at 8:11 p.m.

ATTEST:



Chris Baird – Clerk/Auditor

APPROVE:



Evan Clapper – Council Chair