



**GRAND COUNTY  
COMMISSION REGULAR MEETING**

**Grand County Commission Chambers  
Held virtually on Zoom  
Moab, Utah**

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**MINUTES  
1 February, 2022**

The Grand County Commission met in a regular meeting on February 1st, 2022. The meeting was streamed/attended electronically. It was also broadcast and saved on YouTube. Attending the meeting were County Commissioners Clapper, Hadler, Hedin, Stock, Walker, and Woytek. Also in attendance were County Commission Administrator Mallory Nassau, Strategic Development Director Chris Baird, and Clerk/Auditor Quinn Hall. County Attorney Christina Sloan arrived at 4:14. Commissioner McGann was absent.

**4:01 p.m. Municipal Building Authority Public Hearing (see separate agenda/minutes)**

**4:06 p.m. Grand County Commission Regular Meeting**

**Citizens to Be Heard (and again at approximately 6:00 pm)**

Commissioner Walker noted the potential to postpone Item J on tonight's agenda.

Graham Carpenter commented about the potential title 5 revisions, and suggested more explanation about the proposed changes could be helpful to businesses and the public

**Department Reports (approximately 15 minute reports)**

**Agency Reports (approximately 15 minute reports)**

**A. Report from the Historical Preservation Commission regarding the Indigenous Peoples Land Acknowledgement Statement (Jody Patterson, HPC Chair)**

Jody Patterson discussed the Indigenous Peoples Land Acknowledgement Statement, noting the importance of recognizing indigenous populations and acknowledging people that have been displaced and traditional lands that have been changed irreversibly over the course of history. Jody discussed the indigenous people still present in the area and the ancestral ties to the land. Jody discussed the importance of creating a modern dialogue and connection with indigenous populations.

Evan Clapper offered thanks and support for the effort.

Sarah Stock suggested some minor language edits, and offered thanks.

Jody discussed the potential to reach out to local indigenous populations.

**Approval of Minutes (Quinn Hall, Clerk/Auditor)**

**B. January 18, 2022 (Regular County Commission Meeting)**

**Motion by** Evan Clapper to approve the minutes for 18 January, 2022.

**Motion Seconded by** Kevin Walker

**Discussion** (none at this time)

**Motion passes 6-0**

**Ratification of Payment of Bills**

**Motion by** Jacques Hadler to ratify and approve payment of bills in the amount of \$671,653.35 and payroll in the amount of \$300,464.43 for a combined total of \$972,117.78.

**Motion Seconded by** Trish Hedin

**Discussion** (none at this time)

**Motion passes 6-0**

**Commission Member Disclosures** (none at this time)

**General Commission Reports and Future Considerations**

Trish Hedin

- Utah Land Use Training
- Recreation Special Service District (SSD) meeting
- Historical Preservation Committee meeting
- Planning Commission meeting
- Joint meeting with Moab City
- Meeting about Book Cliffs Highway

Jacques Hadler

- Land Use Code training
- Museum of Moab meeting
- Historical Preservation meeting
- Sustainable Trails meeting
- Chamber of Commerce meeting

Kevin Walker

- Date set for joint meeting with San Juan County
- Progress on Public Lands Proposal
- Met with Nichole Gaddis-Wyatt from the Bureau of Land Management (BLM)
- Kevin responded to Graham's questions, discussing tax collection reporting
- Responsible Recreation meeting
- Met with John Guenther

Sarah Stock

- Land Use Code training
- Moab Area Watershed Partnership meeting
- Met with John Guenther
- Met with Grand Center director

Evan Clapper

- Meeting with Arches SSD cancelled

Gabriel Woytek

- Land Use Code training
- Utah Association of Counties (UAC) legislative meetings
- Mental Health Board Meeting
- Southeastern Utah Health Department meeting
- Association of Governments (AOG) meeting
- Congressman Curtis will be visiting the area in the spring

**Elected Official Reports** (none at this time)

**Commission Administrator Report**

Chris Baird (Strategic Dev Director) noted Tara Collins moved to a role at the airport. A water monitoring grant application was submitted recently. Jackson Street Phase II project grant application is being prepared. Moab Valley Fire Department may seek a loan through the Municipal Building Authority (MBA). Jones and DeMille will start again with the staffing survey. Chris explained the logistics of getting a movable stage, and noted Moab City may consider partial funding assistance. Chris is working on extending general services agreements with Jones and DeMille and Horrocks Engineering. Chris briefly discussed the potential pickleball courts.

**Presentations** (none at this time)

**Agency Reports**

**C. Presentation and (potential) approval of a letter of support regarding the proposed UMTRA/TSSD Green River Pipeline Project (Uranium Mill Tailings Remedial Action / Thompson Special Service District (Water Board)) (John Ripley Corkery, Chair of TSSD and Commissioner Hedin)**

**Presentation**

John Corkery discussed the proposed Green River pipeline to Thompson Springs. John discussed some of the logistics of the pipeline and the potential of assuming the infrastructure and water rights in the future. John discussed the Thompson Springs public hearing, and asked for support from the County Commission. John noted the need for more pipeline, a pump station, and treatment plant to finish the project. John noted the local spring is the first priority, but it may not be adequate long term. John discussed the current water deficit. John discussed the potential growth with more water availability. John discussed the possibility to address the current fee structure and potentially encourage lower usage.

Trish discussed current drought conditions and the challenges of the town relying on a single source for water and expressed support for the repurposing of the existing pipeline.

Kevin expressed some concerns about potential of rapid expansion in Thompson Springs. Chris suggested perhaps the pipeline expansion/repurposing, when coupled with the current deficit, could mean moderate instead of rapid expansion. Kevin suggested the need to address expansion in Thompson Springs via the general plan. Evan suggested at least pursuing the rights to the water could make sense, noting that the rights may not necessarily mean immediate and rapid expansion. John suggested several of these issues could be addressed by a feasibility study.

Gabriel noted support, but also concern about the potential negative aspects of rapid expansion.

Sarah suggested the existing infrastructure may be of interest to other entities, so perhaps timing could be crucial.

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

**D. Approving additions to the 2021 Property Tax Abatements and Cancelations (Chris Kauffman, County Treasurer)**

**Presentation**

Chris Kauffman discussed the abatements, noting the disposition of recent settlements with Union Pacific and Harley Dome. Chris discussed the Harley Dome bankruptcy and shared some backstory. Chris offered a timeline of the Union Pacific property tax appeals.

**Motion by** Kevin Walker to approve the additional 2021 property tax abatements and cancellations as presented.

**Motion Seconded by** Evan Clapper

**Discussion** (none at this time)

**Motion passes 6-0**

**E. Approving Chair's signature on a document for the Disadvantaged Business Enterprise (DBE) program with the FAA for the Airport (Andrew Solsvig, Airport Director)**

**Presentation**

Airport Director Andy Solsvig discussed the program and explained that every 3 years an airport is instructed to complete the DBE and address goals.

**Motion by** Jacques Hadler to approve the County Commission Chair signing the Department of Transportation DBE Program - 49 CFR Part 26 Policy Statement as part of the Canyonlands Regional Airport Disadvantaged Business Enterprise Program.

**Motion Seconded by** Kevin Walker

**Discussion** (none at this time)

**Motion passes 6-0**

**F. Approving lease agreement with Redtail Jet Center for office space in the Airport terminal (Andrew Solsvig, Airport Director)**

**Presentation**

Andy discussed the lease, explaining the need for the new agreement.

**Motion by** Kevin Walker to approve an airport property terminal lease agreement for office space between Redtail Jet Center and Grand County.

**Motion Seconded by** Evan Clapper

**Discussion** (none at this time)

**Motion passes 6-0**

**G. Approving lease agreement with Redtail Jet Center for retail space in the Airport terminal (Andrew Solsvig, Airport Director)**

**Presentation**

Andy discussed the separate space agreement for retail space, noting this allows for the sale of merchandise.

**Motion by** Sarah Stock to approve an airport property terminal lease agreement for retail space between Redtail Jet Center and Grand County.

**Motion Seconded by** Jacques Hadler

**Discussion** (none at this time)

**Motion passes 6-0**

**H. Approving extension of on-call engineering services, with Horrocks and Jones DeMille (Bill Jackson, Roads & Bridges Supervisor)**

**Presentation**

Chris suggested postponing this item.

**Motion by** Evan Clapper to postpone Item "H."

**Motion seconded by** Trish Hedin

**Motion to postpone passes 6-0**

**I. Adopting an Ordinance Initiating a Temporary Land Use Regulation Prohibiting the Erection, Construction, Reconstruction, or Alteration of Any Building or Structure or Any Subdivision Approval Requiring New Water Connections within the Thompson Special Service District Boundary (Christina Sloan, County Attorney)**

**Presentation**

Christina discussed the regulation, noting the lack of water and the moratorium on new construction in the area. Christina discussed the need for more time to develop new water sources. Christina noted this is a new moratorium based on the results of the recent water study, not an extension of an existing moratorium.

**Motion by** Trish Hedin to adopt the ordinance enacting a temporary land use regulation prohibiting the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval requiring new water connections within the Thompson Special Service District Boundary.

**Motion Seconded by** Jacques Hadler

**Discussion** (none at this time)

**Motion passes 6-0**

**J. Repealing Title 5 (Business Licenses) of the Grand County General Ordinances and related Ordinance No. 632 and adopting Ordinance providing for a new Title 5 (Christina Sloan, County Attorney, and Josh Green, Code Compliance Officer with input from the Sheriff and Clerk)**

**Presentation**

Christina discussed the reason to repeal and replace Title 5 and include some reporting requirements. Christina explained the history behind updates to Title 5 and the impetus for changes. Christina discussed some of the challenges with enforcement. Christina discussed the different components of the newest version of Title 5.

Josh discussed some of the changes with the noise testing procedures. Josh noted that testing every machine is likely difficult to manage and somewhat pointless if most outfitters have fleets of similar vehicles. Josh discussed some of the changes to the labeling requirements and whip flag requirements.

Kevin discussed the reporting requirements, noting the particular desire of the county to have better tourism information. Kevin explained the current reporting levels and noted the lack of reporting from smaller properties. Kevin noted that AirB&B rentals and RV rental sites are likely being underreported.

Kevin discussed the placement of the noise ordinance placard and noted perhaps it could be sent via email. Christina and Kevin discussed the difference in language surrounding "grounds for revocation." Christina discussed the application of the language to specific sections of Title 5.

Kevin explained the different reporting requirements and the hope that the reporting requirement would not be difficult to comply with. Kevin discussed the monthly reporting requirements. Kevin discussed the reason for gathering data.

Christina discussed the sales and use tax workshop requirements. Christina noted the change in wording to shift workshop attendance requirements from business owners to the person or entity filing the taxes. Christina explained the tax reporting and payment affidavit.

Christina discussed the problems surrounding the tax collection and remittance to the wrong counties with regard to AirB&B rentals.

Chris discussed some the issues surrounding tax collection and remittance. Chris noted that many businesses may not be reporting the correct amount or misreporting amounts. Chris discussed the implications of improper reporting with regard to the disbursements to counties.

**6:00 pm Citizens to Be Heard**

Nina Barlow asked about the overall objective of the revisions to title 5. Nina commented that it seems like each business is being asked to undergo a quarterly audit and this seems onerous and invasive.

Lori McFarland asked that the public record show that repealing and replacing an entire ordinance impedes due process and potentially robs the public of the chance to offer input. Lori claimed the county has created damage to her business. Lori said the new fleets were ordered early in order to meet the county's requirements. Lori commented that Title 5 harms and hurts both overnight rentals and ATV/UTV businesses.

Dave Helman commented that the law seems too complex and onerous to small businesses. Dave noted he does not do rentals, but only offers tours. Dave commented that the stickers identifying machines could potentially paint a target on the outfitters in town. Dave suggested outfitters don't modify mufflers or

machines at all. Dave noted the problems with delaying issuing a business license with regard to other federal permits.

Mark Moore commented in support of Lori McFarland. Mark noted he was audited this year and claimed he was told rental vehicles and tour vehicles are taxed differently.

Laici Shumway offered thanks for recent conversations. Laici suggested a Chamber of Commerce meeting in the future.

Beverly (Moab Cowboy) asked what would the repercussions be for outfitters that aren't in compliance when he season starts.

Ben Burr (Blue Ribbon Coalition) asked about the compliance date for vehicle testing. Ben noted concerns surrounding the definitions section of the ordinance, specifically the broad definition of "business" to include marketing activities.

Marc Horowitz commented that his rental through AirB&B collects and submits the taxes, and suggested the burden to local owners with regard to reporting tax revenue.

**(commission discussion continues)**

Christina discussed the gap in licensing, noting the delay in licensing and communications from the Clerk's office. Christina noted the date modification from June to February, noting the importance of testing before the season starts. Christina noted the testing dates are currently set for 9 and 16 February, 2022. Josh Green will be assisting with testing and coordinating. Christina noted the county has been open and is trying to be accommodating regarding testing and business license extensions.

Christina discussed the tax rates and noted recent communications with the Utah State Tax rate. Christina discussed the definition of "business" and the intent to better clarify who needs a business license to operate in Grand County. Christina noted businesses that pay taxes through AirB&B will not be required to collect tax revenue twice.

Trish noted the value in coordinating with businesses to receive feedback.

Evan suggested better language to point to education to tax filers vs. business owners. Evan noted support for the testing dates and the general direction.

Kevin discussed some of the reporting requirements. Kevin noted the desire to have language that is both reasonable and legally defensible.

Gabriel discussed the reporting requirements, noting it may be onerous for some small businesses.

Evan suggested perhaps looking at reporting submitted to the BLM for insight and guidance and mimicking the reports to ease the burden for local businesses.

Jacques noted support for mimicking the BLM reporting guidelines. Jacques suggested some language modifications regarding the penalties for overnight rental guests who may be in violation.

Kevin suggested that while a joint meeting may be difficult to coordinate, an early draft could be circulated for comment.

**Motion by** Kevin Walker to postpone Item "J" to a later date.

**Motion Seconded by** Jacques Hadler

**Motion** to postpone passes 6-0

**K. Approving the support of and opposition to certain State Legislative Bills introduced in the 2022 General Session (Christina Sloan, County Attorney)**

**Presentation**

Christina discussed some of the bills currently before the legislature. Christina discussed some of the bills. Christina noted the bills that are worthy of support. Christina discussed HB 72, noting the noise ordinance inspection requirement. Christina discussed other bills worth supporting and some bills the county may choose to oppose.

Gabriel discussed SB49, The Rural Film Bill, HB22, Remote Meeting Requirements, HB204, Requirement for School Institutional Trust Lands Association (SITLA) to seek local input before advertising, and SB111, Board of the Community Impact Board (CIB).

Evan asked about SB72, ATV weight limits. Christina noted one of the reasons was potentially to allow for increased use and availability of electric ATV's.

**Motion by** Kevin Walker to oppose House Bills 140, 146, and 182 and Senate Bills 66, 89, and 126 support House Bills 72 and 147 and Senate Bills 49, 110 and 126, and authorize the Chair to sign any necessary letters of opposition or support to Utah legislators deemed necessary by the County Legislative Committee or County Attorney.

**Motion Seconded by** Jacques Hadler

**Discussion**

Chris discussed the potential for supporting SB49, the Rural Film Bill, intended to encourage and promote filming in rural Utah counties.

**Motion passes 6-0**

**L. Approving 3 volunteer re-appointments to the Historical Preservation Commission (Commissioner Hadler)**

**Presentation**

Jacques discussed the openings and appointments.

**Motion by** Jacques Hadler to approve the re-appointments of Josh Green, Jody Patterson, and Don Montoya to serve on the Historical Preservation Commission, with terms expiring 12/31/2025 for Green and Patterson, and expiring 12/31/2022 for Montoya.

**Motion Seconded by** Trish Hedin

**Discussion** (none at this time)

**Motion passes 6-0**



**M. Approving volunteer appointment to the Housing Authority of Southeast Utah (HASU)  
(Commissioner McGann)**

**Presentation**

Evan discussed the vacancy and appointment.

**Motion by** Evan Clapper to approve the appointment of Tatsy Guild to serve on the Housing Authority of Southeast Utah, with term beginning 1/1/2022, and expiring 12/31/2026

**Motion Seconded by** Sarah Stock

**Discussion** (none at this time)

**Motion passes 6-0**

**N. Approving volunteer appointments and a re-appointment to the Council on Aging  
(Commissioner Stock)**

**Presentation**

Sarah discussed the Council on Aging and the appointments.

**Motion by** Sarah Stock to approve the re-appointment of Pat Hlas to serve on the Council on Aging, and the appointments of Cherie Major and Karen Feary, all with terms expiring 12/31/2024.

**Motion Seconded by** Trish Hedin

**Discussion**

Alishia Oliver discussed the appointments and the board.

**Motion passes 6-0**

**O. Approving a Memorandum of Understanding (MOU) with the Bureau of Land Management  
(BLM) for Grand County to be a cooperating agency for 6 land use plan amendments for wild  
and scenic river designations (Commissioner Stock)**

**Motion by** Sarah Stock to postpone Item "O" until a later date.

**Motion Seconded by** Kevin Walker

**Motion passes 6-0**

**P. Approving the Grand County grant contract with the Moab Area Community Land Trust  
(MACLT) (Chris Baird, Strategic Development Director)**

**Presentation**

Chris discussed the grant to the land trust to get them started, noting this is the agreement for the grant.

**Motion by** Sarah Stock to approve the Grand County Grant Contract with the Moab Area Community Land Trust.

**Motion Seconded by** Jacques Hadler

**Discussion** (none at this time)

**Motion passes 6-0**

**Q. Adopting an Ordinance repealing and replacing Ordinance No. 413 (2005) and adopting a new section 1.05 of the Grand County General Ordinances to establish the manner in which real and personal property may be disposed of, acquired, and managed (Christina Sloan, County Attorney, and Chris Baird, Strategic Development Director)**

**Presentation**

Christina discussed the technical amendments, noting the process for surplus real property, and noting that this should bring us into compliance with state code. Chris discussed the potential to sell some county parcels in the future. Christina discussed the definitions sections and offered some clarifications. Christina discussed the valuation and size of "significant" property. Chris discussed legal requirements regarding fair market value sales and donation components.

**Motion by** Evan Clapper to repeal and replace Grand County Ordinance No. 413 (2005) and adopting new Section 1.05 of the Grand County General Ordinances to establish the manner in which real and personal property may be disposed of, acquired, and managed.

**Motion Seconded by** Sarah Stock

**Discussion** (none at this time)

**Motion passes 6-0**

**R. Approving Chair's signature on a Data Request to the Utah State Tax Commission (Chair Woytek)**

**Presentation**

Gabriel discussed the reason for the request, noting the need for a leakage report on taxes.

**Motion by** Jacques Hadler to approve the Chair's signature on a sales tax data request form to be sent to the Utah State Tax Commission.

**Motion Seconded by** Kevin Walker

**Discussion** (none at this time)

**Motion passes 6-0**

**S. Approving letter to San Juan County Planning Commission regarding concerns about the proposed campground in Mill Creek Canyon (Commissioner Stock)**

**Presentation**

Sarah discussed the letter and offered some details and concerns, specifically water quality and fire danger, about the proposed campground in Mill Creek Canyon.

**Motion by** Trish Hedin to approve the letter to the San Juan County Planning Commission regarding concerns about the proposed campground in Mill Creek Canyon.

**Motion Seconded by** Kevin Walker

**Discussion** (none at this time)

**Motion passes 6-0**

**Consent Agenda- Action Items**

- T. Ratifying Chair's signature on a letter to San Juan County Administrative Law Judge Lyn Loyd Creswell concerning the proposed Sky Ranch Airport**
- U. Termination of citizen board appointment**
- V. Approving a letter to U.S. Congressman John Curtis regarding the Public Lands Proposal Process (Commissioner Walker)**

**Motion by** Kevin Walker to adopt the consent agenda as presented.

**Motion Seconded by** Jacques Hadler

**Discussion** (none at this time)

**Motion passes 6-0**

**Discussion Items**

- W. Calendar items and special events (Mallory Nassau, Commission Administrator)**

Chris briefly discussed upcoming events.

**Public Hearings- Possible Action Items**

- X. Annual Public Hearing on county mental health and substance use disorder needs (Melissa Huntington, Executive Director of Four Corners Community Behavioral Health, Inc.)**

Melissa Huntington discussed Four Corners Community Behavioral Health and the operation and offered some background on Four Corners Behavioral Health.

Evan noted support and appreciation for all the work Four Corners does.

Gabriel offered thanks and support.

Gabriel opened the public hearing at 8:08 pm on February 1<sup>st</sup>.

(no public comments at this time)

The public hearing will remain open for written comments until 5:00pm, Wednesday, February 9<sup>th</sup>.

- Y. Public Hearing to hear public comment regarding a rezone request by Entrada Camps and Recreation to apply the Overnight Accommodations Overlay (OAO)-Campground district, for a 16-unit luxury tented campground in the Seven Mile Canyon area (Planning & Zoning Department)**

Elissa discussed the proposed rezone and some specifics of the proposed campground, noting required drainage and rockfall studies. Elissa noted the site is in the scenic resource protection district. Elissa noted developer intent to protect the viewshed. Elissa noted the ratio of overnight accommodations is still 1.7. Elissa noted potential positive and negative impacts to the area. Elissa noted the planning commission forwarded a favorable recommendation with conditions.

Sarah asked about onsite travel, and the applicant, Matt Kareus, noted the distance between tent sites will be accessed by walkways, mountain bikes, and some motorized travel. Matt further noted the intention is to preserve land and prohibit further development to impact any viewshed.

Gabriel opened the public hearing at 8:25 pm on February 1<sup>st</sup>.

Paul Berg (project engineer) commented that this project should be compatible with adjacent land uses and there are other similar uses in the area. Paul noted the ratio of tents to land is very low. Paul suggested the financial benefit to the county.

John Weisheit asked about discussions with the National Park Service about groundwater and resources that may be affected within the boundary of Arches National Park. John asked if there were any areas of critical concern with regard to groundwater. Matt suggested he wasn't aware of any potential conflicts. John suggested a groundwater monitoring well to properly assess water availability and usage. Matt noted they were in the process of developing a water management plan with a hydrologist.

Sarah noted comments to the commission regarding trails and other resources in the area.

Kevin noted concerns about climbing access in the area.

Brian Hays commented that they own property that would be surrounded on three sides by this project. They support the project. Brian noted concern about potential development on adjacent lands.

Kevin Walker discussed the potential expansion of overnight accommodations, noting the intent of the county to attempt to limit overnight accommodations and associated burdens without bringing something unique to the area.

Matt further discussed the intent of the project and the potential for an easement limiting development.

Elissa further discussed zoning details and the legal requirements and limits of development.

The public hearing will remain open for written comments until 5:00pm, Wednesday, February 9<sup>th</sup>.

**Z. Public Hearing to hear public comment regarding an amended development agreement for an extended deadline for final plat, for the Viewgate Terrace High Density Housing Overlay (HDHO) zone (Planning & Zoning Department)**

Elissa discussed the proposed HDHO and the reason for the amended agreement – a 6-month extension. Elissa noted the favorable recommendation from the Planning Commission.

Gabriel opened the public hearing at 8:49 pm on February 1<sup>st</sup>.

(no public comment at this time)

The public hearing will remain open for written comments until 5:00pm, Wednesday, February 9<sup>th</sup>.

**Closed Session(s)**

**1. Purchase, Exchange, Lease or Sale of Real Property**

**Motion by** Trish Hedin to enter closed session to discuss the purchase, exchange, lease or sale of real property.

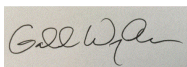
**Motion seconded by** Kevin Walker

**Motion passes 6-0**

**Commission entered closed session at 8:51 pm.**

**Commission exited closed session at 9:18 pm.**

**Chair Woytek adjourned the meeting at 9:18.**



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Gabriel Woytek  
Chair, Grand County Commission



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Quinn Hall  
Grand County Clerk/Auditor