



**GRAND COUNTY
COMMISSION REGULAR MEETING**

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

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**MINUTES
6 July, 2021**

The Grand County Commission met in a regular meeting on 6 July, 2021. The meeting was streamed/attended electronically. It was also broadcast and saved on YouTube. Commissioners in attendance were Evan Clapper, Jacques Hadler, Trish Hedin, Mary McGann, Sarah Stock, Kevin Walker, and Gabriel Woytek. Also present were County Commission Administrator Chris Baird, County Commission Associate Administrator Mallory Nassau, County Attorney Christina Sloan, Planning and Zoning administrator John Guenther, and Clerk/Auditor Quinn Hall.

4:00 p.m.

Call to Order

Chair McGann called the meeting to order at 4:01 pm.

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

Sara Melnicoff commented about the Joint City County meeting, noting the partnership with Moab Solutions, but noted Moab Solutions does not agree with the findings. Sara suggested the proposed mitigation measures are likely not enough. Sara discussed some of the restoration efforts and the challenges facing the Mill Creek area. Moab Solutions would like to present an alternative plan.

Marc Horowitz thanked the commission in regard to fireworks, and noted the successful efforts to mitigate illegal fireworks.

Approval of Minutes (Quinn Hall, Clerk/Auditor)

- A.** June 1, 2021(Regular County Commission Meeting) (Postponed from June 15, 2021)
- B.** June 15, 2021 (Regular County Commission Meeting)
- C.** June 21, 2021 (County Commission Special Meeting)
- D.** June 22, 2021 (Joint County - City Workshop)

Motion by Evan Clapper to approve the minutes.

Amended motion by Evan Clapper to postpone minutes for June 21st and 22nd.

Motion seconded by Kevin Walker

Discussion (none at this time)

Amended Motion passes 7-0

Ratification of Payment of Bills

Motion by Gabriel Woytek to approve payment of bills totaling \$614,364.04 and payroll totaling \$264,691.25 for a combined total of \$879,055.29.

Motion seconded by Jacques Hadler

Discussion (none at this time)

Motion passes 7-0

Presentation

E. Acknowledging Old Spanish Trail Arena Director and staff for contribution to Pack Creek Fire emergency response (Chair McGann)

Mary offered thanks for the efforts of staff at Old Spanish Trail Arena during the recent wildfire.

Angie Book discussed the recent fire support offered at Old Spanish Trail Arena (OSTA). Angie thanked staff involved.

Jacques Hadler offered his thanks and noted the continued efforts of staff at OSTA.

F. Introduction of Jenny Swenson, Grand County Emergency Manager
(Postponed until later)

Commission Member Disclosures

(None at this time)

General Commission Reports and Future Considerations

Jacques Hadler

- Attended Museum of Moab meeting
- Attended trail user education focus group
- Attended Chamber of Commerce meeting
- Currently in Washington DC, and met with John Curtis

Trish Hedin

- Offered an update on Thompson Springs cleanup
- Attended Mill Creek partnership meeting
- Attended planning commission meeting
- Attended division meeting in Vernal re. Book Cliffs and wildlife
- Attended Grand Water and Sewer meeting

Kevin Walker

- Attended several public lands related meetings
- Attended general plan meetings

Sarah Stock

- Attended field trip to Huntington Canyon to visit burned area
- Met with Michael Englehart (US Forest Service) about fire damage
- Met with Larry Ellerton re public lands
- Toured Razorback Sucker habitat

Evan Clapper

- Met with Arches Special Service District
- Met with EMS Special Service District – they've been working with the Fire District on the Emergency Response manager position

Gabriel Woytek

- Attended lunch meeting with Economic Development
- Met with Economic Development Advisory board
- Attended Huntington Canyon tour
- Attended Utah Association of Counties (UAC) board meeting
- Met with Southeastern Utah Health Department

Mary McGann

- Attended Seven County Infrastructure Coalition meeting
- Met with Mayor of Helper
- Met with Utah State University advisory council
- Attended StrawBurb open house
- Attended Canyon Country Partnership meeting
- Forestry Fire and State lands sent out fire warning mailers
- City of Green River is considering building a new boat ramp
- Utahraptor State Park hired a new director
- Extreme drought conditions continue
- Matheson wetlands are studying current and projected water tables
- Arches is working on creating an EMS bypass
- John Curtis is working on the "Equal Act."
- Congress is working on a bill to require different types of connected and accessible devices
- Attended travel commission meeting
- The County needs a Strategic Plan to guide the General Plan

Elected Official Reports

Commission Administrator Report

Chris Baird discussed the upcoming budget amendment. Chris agreed with the importance of a strategic plan.

Mallory noted the arrival of the new associate planner – Elissa Martin. Elissa introduced herself. Mallory noted the change from HelloSign to DocuSign.

Department Reports

- G.** Report from Active Transportation and Trails about the Trail Ambassador program (Maddie Logowitz, Active Transportation and Trails Director)

Maddie discussed the Trail Ambassador Program and offered some updates and future goals and plans for the program. Maddie shared some usage numbers and statistics. Maddie discussed appropriate roles for any

future trail ambassadors. Maddie noted they hope to have the program up and running by the fall tourism season. Maddie noted there are some start-up costs but, but they're likely negligible. Jacques asked about volunteers and Maddie noted the importance of employees and staff first, and then move toward volunteers. Kevin asked about the potential of increased funding, and Maddie noted in the future expansion would be likely. Evan asked about messaging to motorized trail users. Maddie noted the future potential for that.

Mack Macdonald discussed the recent fire and rehabilitation efforts in San Juan County. Mack offered thanks for the staff and crews at OSTA, and the local firefighters. Mack discussed the efforts to protect and rehabilitate the burned areas and other adjacent areas. Mack discussed some of the damages structures and potential mitigation and restoration. Mack discussed the difficulties of moving waste from burned structures. Mack discussed some of the restoration difficulties ahead. Mack discussed the preliminary Burned Area Response (BAER) team report. Mack noted the evacuation orders have been rescinded as of today. Oowah and Geysers roads are going to remain closed.

General Business- Action Items- Discussion and Consideration of:

- H. Approving Transportation Master Plan award and Independent Contractor Agreement for Kimley-Horn (John Guenther, Planning & Zoning Director)

Presentation

John discussed the master plan, noting it's a joint plan with Moab City and Utah Department of Transportation. John discussed the bids and noted the selection of Kimley-Horn. John noted the plan should take about a year to complete. John discussed the objectives of the plan; traffic counts, access, vegetation, etc. Sarah asked about the active transportation component of the plan. John noted trail users and pedestrian traffic would be considered as stakeholders. John suggested working closely with the City on public outreach. Trish asked about where the money would come from, and Chris noted it would come from the transportation tax. Gabriel offered thanks.

Motion by Jacques Hadler to approve the Independent Contractor Agreement with Kimley-Horn for the Transportation Master Plan.

Motion seconded by Trish Hedin

Discussion

Sarah Stock suggested commuter bikers be included as well.

Motion passes 7-0

- I. Approving TMAC Minor Record Survey Resolution for 3021 Roberts Road and related Road Easement and Quit Claim Deed (John Guenther, Planning & Zoning Director)

Presentation

Mary Hoffine discussed the Minor Record Survey. This will dedicate the road that crosses the property. Mary discussed the easement of the MAPCO pipeline. Mary noted staff has evaluated the survey and finds nothing lacking.

Motion by Gabriel Woytek to approve the Resolution approving the TMAC Minor Record Survey for real property known as 2580 Roberts Road (Parcel No. 02- 0020-0031) with the following condition:

1. The Road Easement and Quit Claim Deed shall be recorded in the real property records of Grand County, Utah at the same time the Minor Record Survey is filed as a record of survey.

Motion seconded by Sarah Stock

Discussion (none at this time)

Motion passes 7-0

J. Approving Resolution amending Section VII of the Grand County Employee Handbook to permit the use of flex time off for FLSA exempt employees (Renee Baker, Personnel Services Director)

Presentation

Renee discussed the changes in the handbook and the flex time policy.

Motion by Kevin Walker to approve the resolution amending Section VII of the Grand County Employee Handbook to permit the use of flex time off for FLSA exempt employees.

Motion seconded by Evan Clapper

Discussion (none at this time)

Motion passes 7-0

K. Approving SITLA D Road Easement Acquisition (Chris Baird, Commission Administrator and Christina Sloan, County Attorney)

Presentation

Chris discussed the D road acquisitions, noting the nature of the roads SITLA is offering leases on. Sarah asked if any spots were high liability for the County. Chris noted the liability is no more than any other "D" road on the current travel plan. Christina discussed the liability. Kevin asked about the potential of closing or relinquishing an easement in the future. Christina noted the County could decline or relinquish the easements in the future.

Motion by Kevin Walker to approve the SITLA D Road Easement Acquisition as approved by the County Attorney.

Motion seconded by Gabriel Woytek

Discussion (none at this time)

Motion passes 7-0

L. Adopting Ordinance repealing and replacing Title 17 (Use of Public Lands) and related Ordinance 604 (Christina Sloan, County Attorney)

Presentation

Christina discussed the replacement of Title 17, noting Title 17 governs use of public lands. This update prohibits slacklining using man made infrastructure and criminalizes encouraging other people to break the law. People aiding illegal activity could be cited. This will be integrated into an additional Title of the General County Ordinances to apply to County Property. Kevin asked about the impetus for the change, and Christina responded that slacklining at the bridge has become a problem. Sarah expressed some hesitation, and Christina noted the law clearly defines slacklining. Sarah expressed concern regarding the clause that

criminalizes “inciting criminal behavior,” and Christina discussed the language. Christina further discussed the impetus for the proposed update.

Motion by Kevin Walker to adopt the proposed Ordinance repealing and replacing Title 17 of the Grand County General Ordinances and related Ordinance No. 604 with the following amendments to language that appears in the packet: Section 17-7-050.E (Nuisance) and 070 (Vandalism) reworded to say “Slacklining or attaching, using, or maintaining any wire, rope, swing, webbing, or slackline to any improvements at Developed Recreation Sites or on any Public Lands, including bridges, communication towers, transportation facilities, and other essential infrastructure.”

Motion seconded by Trish Hedin

Motion to amend the original motion by Kevin Walker to strike section 17.08 and renumber as necessary

Motion to amend seconded by Sarah Stock

Discussion

Gabriel discussed the amendment and agreed the language needs to be tightened up. Christina discussed Title 17 further. Sarah discussed the potential to criminalize something as simple as hanging a banner on a bridge. Kevin noted concern over the word “encourage” and potential broad interpretation. Kevin noted support for the main motion. Chris noted there is illegal activity that is often compelled by third parties. Jacques noted some of the ebike rental shops encouraging use on trails where ebikes are prohibited.

Amendment to the motion fails 2-4-1 McGann, Clapper, Hadler, Hedin opposed, Walker abstaining

Original motion passes 4-3 Stock, Clapper, Woytek opposed.

6:00 pm Citizens to be Heard (none at this time)

M. Adopting Ordinance repealing and replacing Title 5 (Business Licenses and Regulations) and related Ordinance No. 632 (Christina Sloan, County Attorney)

Presentation

Christina discussed the updates to Title 5, noting this deals with reciprocal licensing. Chris discussed the update to Title 5, noting the potential impact to UTV rental businesses. Kevin asked about potential problems and businesses attempting to circumvent local regulations.

Motion by Kevin Walker to adopt the ordinance repealing and replacing Title 5 (Business Licenses and Regulations) of the Grand County General Ordinances and related Ordinance No. 632.

Motion seconded by Gabriel Woytek

Discussion (none at this time)

Motion passes 7-0

N. Approving Capital Procurement Pre-Authorization List for the remainder of the 2021 Budget (Mallory Nassau, Associate Commission Administrator and Chris Baird, Commission Administrator)

Presentation

Mallory discussed the procurement list, and the requests from departments for the remainder of the year.

Motion by Gabriel Woytek to approve the Chair Pre-Authorized Capital Procurement List contingent upon all purchases being with-in budget at the time of Chair approval.

Motion seconded by Jacques Hadler

Discussion (none at this time)

Motion passes 7-0

- O.** Appointing Thompson Special Service District Board members (Chris Baird, Commission Administrator and Commissioner Hedin)

Presentation

Chris discussed the resignation of the Thompson Board members, and the potential candidates.

Motion by Trish Hedin to approve the following appointments to the Thompson Special Service District Board and extend the application period for any remaining vacancies to be open until filled.

Cecil Gustin with the term expiring 12/31/2022 (2-year term)

John Korkery with the term expiring 12/31/2024 (4-year term)

Lori Bell with the term expiring 12/31/2022 (2-year term)

*Terms picked via random lot drawing by Mallory Nassau and attested to by Quinn Hall 7 July, 2021.

Motion seconded by Sarah Stock

Discussion

Kevin asked if these were good candidates. Trish noted this is who applied, and training could happen quickly.

Motion passes 7-0

Consent Agenda- Action Items

- P.** Approving the Indigent Defense Commission grant agreement for the establishment of an independent Public Defender's Office

- Q.** Ratifying the Chair's signature on a letter of support for Utah State Parks purchase of SITLA (School and Institutional Trust Lands Association) land for Utahraptor State Park

- R.** Ratifying the Chair's signature on Emergency Facilities Land Use Agreement between the U.S. Forest Service and Grand County for emergency use of Old Spanish Trail Arena

- S.** Ratifying the Chair's signature on amended Emergency Facilities Land Use Agreement between the U.S. Forest Service and Grand County for emergency use of Old Spanish Trail Arena

- T.** Approving Independent Contractor Agreement with StateFire DC Specialties for fire safety repairs and recharge to comply with state requirements at Old Spanish Trail Arena

- U.** Ratifying the Chair's signature on a letter to land managers requesting the implementation of Stage II fire restrictions

- V.** Ratifying the Chair's signature on SITLA (School and Institutional Trust Lands Association) land use

agreement for July 4th fireworks

W. Approving fiscal agreement between the Grand County Weed Department and Department of Natural Resources: Forestry, Fire, and State Lands Division

X. Ratifying the Chair's signature on Cooperative Law Enforcement Agreement and Annual Operating Plan with the USDA for the Manti-La Sal National Forest

Y. Approving a letter of support for Castle Valley Town to be designated an International Dark Sky Community

Z. Approving Local Consent for Off-Premise Beer License for JJ's Mercantile

AA. Approving Local Consent for a Limited-Service Restaurant Liquor License for Desert Spoon Eatery

BB. Ratifying the Chair's signature on Pack Creek Flood Mitigation Scoping Project with Jones & DeMille Engineering

CC. Ratifying the Chair's signature on consultant agreement with Jones & DeMille Engineering for RAISE grant for Sand Flats Road

DD. Approving Challenge Cost Share Agreement with the USDA and Active Transportation & Trails for Burro Pass and Moonlight Meadow trail maintenance

EE. Pre-Approving Enterprise lease schedules for 2022 Factory Ordering of Vehicles

FF. Ratifying the Chair's signature on a letter to Congress regarding the Book Cliffs Highway (aka Eastern Utah Regional Connection) infrastructure funding

GG. Approving Notice of Award and contract agreement with TSJ Construction, LLC. for improvements to Canyonlands Regional Airport ARC (Airport Reference Code) Upgrade: Runway 3/21 Improvements

HH. Approving Outdoor Recreation Infrastructure Grant agreement with the Governor's Office of Economic Development

Presentation

Sarah asked about the flood mitigation on Pack Creek – Chris noted that was already in progress. Evan asked about the Sand Flats road improvements. Sarah asked about a sound barrier along the Sand Flats road, and Chris noted this would be a project that impacts the upper stretches of Sand Flats road.

Motion by Sarah Stock to adopt the consent agenda as presented.

Motion seconded by Evan Clapper

Discussion (none at this time)

Motion passes 7-0

Discussion Items

II. Discussion on hybrid meeting format for future Commission meetings (Chair McGann)

Mary discussed the potential for hybrid meetings, noting a past hybrid meeting went well. Mallory noted the equipment was not purchased, but just found in the basement. Matt would need to be involved in any potential setup before a hybrid meeting. Kevin suggested waiting to set a firm date until all the equipment is in place.

JJ. Calendar items and special events (Mallory Nassau, Associate Commission Administrator)

Mallory noted the County is closed the 23rd of July. Mallory discussed upcoming public hearings for land use code, plat amendments, and rezones.

There are 2 special event permits pending, but they won't require commission approval.

Public Hearings- Possible Action Items

KK. Public Hearing to solicit input regarding termination of a Public Road Easement Entry No. 399818 (Chris Baird, Commission Administrator and Christina Sloan, County Attorney)

Chris discussed the easement, noting Grand County would relinquish the easement to facilitate the upgrades of the Loop Road. The public hearing will remain open for written comments until 5:00 pm on 14 July 2021.

LL. Public Hearing to solicit input regarding 2021 Budget Amendment (Chris Baird, Commission Administrator)

Chris discussed the budget amendment and the fiscal impacts to the County. Chris ran down the changes comprising the budget.

Chair McGann opened the public hearing. The public hearing will remain open for written comments until 5:00 pm on 14 July 2021.

Closed Session

Motion by Kevin Walker to enter closed session to discuss pending or reasonably imminent litigation.

Motion seconded by Trish Hedin

Motion Passes 7-0

Commission entered closed session at 8:05 pm.

Commission exited closed session at 8:19 pm.

Adjourn

Chair McGann adjourned the meeting at 8:19 pm.

ATTEST:

Mary McGann

Mary McGann, Chair, Grand County Commission

QH

Quinn Hall, Clerk / Auditor