MOAB CITY COUNCIL MINUTES--DRAFT REGULAR CITY COUNCIL MEETING October 8, 2019

The Moab City Council held its regular meeting on the above date in the Council Chambers at the Moab City Center, located at 217 East Center Street. An audio recording of the evening meeting is archived at: https://www.utah.gov/pmn/index.html and a video recording is archived at: https://www.youtube.com/watch?v=aVrWglaVGc0.

Regular Meeting—Call to Order and Attendance:

Mayor Pro Tem/Councilmember Tawny Knuteson-Boyd called the meeting to order at 7:00 PM and led the Pledge of Allegiance. In attendance were Councilmembers Kalen Jones, Karen Guzman-Newton, Rani Derasary and Tawny Knuteson-Boyd. Also, in attendance were City Manager Joel Linares and Assistant City Manager Carly Castle, Finance Director Rachel Stenta, City Executive/Administrative Assistant Carmella Galley, Communications and Engagement Manager Lisa Church, Engineer Chuck Williams, Planner Nora Shepard, Senior Project Manager Kaitlin Myers and Recorder Sommar Johnson. Nine members of the public and media were present.

Presentation by City Manager: City Manager Joel Linares said that the plaque that he had meant to present didn't arrive. He requested that this presentation wait until the next meeting.

Approval of Minutes: September 9, 2019 Regular Meeting Minutes *Discussion:* Councilmember Derasary stated that she was still adding her changes to the minutes.

Motion and Vote: Councilmember Jones moved to table the September 9, 2019 Regular Meeting Minutes until the next meeting. Councilmember Derasary seconded the motion. The motion carried 4-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd and Guzman-Newton voting aye.

Mayor and Council Reports: Mayor Pro Tem/Councilmember Knuteson-Boyd said that she and Linares had discussed the matter and she noted that they limit the citizens to be heard to three minutes, so she asked that they keep their Council reports brief.

Councilmember Jones reported that he attended the Mountain Towns 2030 Climate Conference in Park City. Much was learned and there was great inspiration. He attended the Moab Area Travel Council Meeting where there was much discussion regarding sustainability, possibly adopting a version of a "framework that goes deeper than they have in the past. It would be in alignment with the City's work and how to get the County more engaged". He attended the Congressman Curtis meeting, as did most of the people present.

Councilmember Guzman-Newton attended a Chamber of Commerce Board meeting. The Chamber banquet is fast approaching and will be held at Red Cliff's Lodge on November 16th at 6:00 p.m. where the Citizen and Business of the year will be announced. They will have dinner and a live auction and shuttles will be provided. Any business that would like to donate prizes should contact Moab Chamber Executive Director Laici Shumway. The Chamber sent out a survey to see how businesses are going this year as there seems to be some discrepancies in sales tax revenue at the County and City level. The Chamber has received feedback that individual business successes are decreasing, and they are trying to figure out how to help businesses in the coming years. She had an Airport Board meeting. It is their budget time and they are requesting a small increase in funding from the County for operational expenses, travel and training. They

voted to recommend Ben Byrd for appointment to fill a vacancy and there are two more coming up for re-election in January. Anyone interested should go to the County website and apply. She attended the joint luncheon with Congressman Curtis and stopped in at the UMTRA Celebration.

Councilmember Rani Derasary reported that she, Councilmember Knuteson-Boyd and Mayor Niehaus attended the Pride Celebration and wanted to reiterate on behalf of Council that they do not condone the cutting down of the flag at the MARK and to reiterate to all of the community's youth, but "especially those who are feeling put out and sidelined and made to feel depressed and unloved because of who they are that, personally, I am very grateful to have you in our community and grateful to see all that you can achieve in your lives authentically being who you are and please know that you add great value to our community and especially that we value you for who you are and how you live your life". She reminded everyone that Canyonlands Healthcare Special Service District is having a ribbon cutting for the new Memorial Garden on Wednesday the 16th at 12:00 noon. She attended the Mountain 2030 Climate Summit in Park City. Her biggest take away was Senator McAdams who said, "I hate to say it, but the cavalry is not coming, and this is now up to cities and towns to work on". The EMS meeting won't be until next week. She said that the UMTRA Celebration did a nice job of appreciating everyone that had been involved, but especially the work crews who have been working tirelessly and paying attention to safety and productivity and it reminded us of the number of community members who actually made this possible and she wanted to recognize them for their efforts and read out some of their names. Those community members include former Councilmembers Bill Hedden and Peter Haney and residents Gary Hausen and Sara Fields and John Weisheit and John Dohrenwend for their research. She spoke with an Area Community Land Trust member who mentioned that they will be having an event on the property on Saturday, November 2nd.

Councilmember Knuteson-Boyd reported that she also attended Pride Parade with the Mayor and Councilmember Derasary. She attended the Mountain Towns 2030 with everyone else. She also attended the noon meeting with Congressman Curtis and the UMTRA Celebration. She said that it has been a week of festivities.

Administrative Report: Linares stated the he wanted to echo Councilmember Derasary's opening statements and that he appreciated what she had said. The City has two new employees who started over the past two weeks. Carly Castle is the new Assistant City Manager and her first day was October 1st. She comes from Salt Lake City and has a background that will match the City's well and an education that will help her do a good job. He said he will allow City Planner Shepard to introduce the new employee in her department. The next meeting is scheduled for October 22nd and asked if the Council would like to reschedule as he and Castle, as well as Councilmembers Guzman-Newton and the Mayor will be gone that day. He asked if they would consider moving the meeting to 21st or leave it as is. Councilmember Jones said that there is a Candidate Forum on the 21st and as the Travel Council has been pushing for more engagement. They were planning to approach KZMU to try to expand the Forum and try to get some of their questions answered, so he could have a conflict with the Council meeting remaining on the 21st. Discussion ensued regarding the 22nd meeting being a Joint Workshop with the City Council and the City Planning Commission. It was decided that the meeting could be moved to Thursday the 24th with the Joint Workshop being held at 5:00 p.m. and the Regular City Council Meeting being held at 7:00 p.m. Linares told Council that he did an interview with Bloomberg News out of Atlanta on the City's Overnight Accommodations. That is a national story that they are keeping their eyes on for how tourism is affecting communities. He also did an interview on KOER. There will be an article coming out this week on Walnut Lane. They are also doing an

article on the City's new staff, so Castle and Myers should be in the paper. He received an email from Councilmember Derasary regarding the City's sewer capacity. Public Works Director Anitllon responded, but what it boils down to is the City is not at sewer capacity. On average they run at about 72%. There is a plan in place that was designed to be able to expand when the day comes that they are operating at a higher capacity on an everyday basis. It is not a concern on the functionality of the plant nor is it a concern on a day to day basis that the plant is at capacity. People who have questions about odors should go to Public Works, himself, Assistant Manager Castle or any other department head that is directly related to the questions that they have. Open enrollment for health care is going until October 31st. Community Contributions opened and the deadline for those is October 15th. Anyone interested in filing needs to fill out an application with Communications Manager Church. Red Rocks Arts Festival is this week and there are events every day and almost every night. The winner of the Chalk Art Competition was a Junior at the Grand County High School. ArtTrail sculptures go up on the 12th. The Moab Showdown Short Film Competition is on November 7th and the Turkey Trot is on November 16th. He ended his report by thanking Congressman Curtis for coming down again. He noted that Curtis has come down a couple of times and we live in an age where a lot of our representatives don't dare hold town halls.

Planner Shepard introduced Kaitlin Myers as the new City Senior Project Manager with a specialty in housing. Myers will be working on Walnut Lane and being a coordinator on various housing interests in town. Myers said that she was excited to be here and that she would be partnering with the County on a couple of community and economic development projects and is excited to be able to bridge that gap.

Planner Shepard gave an update from the Planning Department. They have been working on the development standards for overnight accommodations. She has been attending County Planning Commission sessions. There was also a joint County Council/County Planning Commission meeting to talk about development standards. She let the Council know that the County is onboard with the direction the City is going and she has made some modifications based on their input. She said that the upcoming joint City Council/Planning Commission meeting is important as she is going to start writing ordinances with the goal of having a public hearing in November. They have received input from some hotel developers as well, and made some changes based upon them. There are several other projects that have come in. Some that the Planning Commission can approve due to their small site plans, but others that will move on to Council. The Planning Commission has approved the preliminary plat for the Abby Subdivision on Powerhouse Lane and Mill Creek Drive. The approval came with conditions including secondary access on Mill Creek, trail connections and other such things. Henry Shaw is a large hotel that is in the planning process but has not yet gone to the Commission for site plan review. Councilmember Jones asked if they could go to site plan review under the existing code. Shepard and Linares said yes, they were vested before the Moratorium went into effect. Shepard has been talking to them about the Assured Workforce Housing proposal and how they are going to meet that. Councilmember Guzman-Newton asked how many more vested projects are in the works because once the public hears that this hotel is going up, it looks like they haven't held to the Moratorium. Linares said that the vested count includes every project that came in from February until the Moratorium and Henry Shaw is one of them. This may be the last one that is still in the planning pipeline. There was discussion of the different projects that are in the works including an affordable housing project, an employee housing project, an overnight accommodation project and the Four Corners Clinic and Clubhouse. Projects in the works include the Hoodoo Village Apartments East where the second set of employee-housing is being built. the Hoodoo Casitas overnight accommodations, Four Corners Clinic and Clubhouse and a few minor subdivisions of 2-3 lots. Assistant Planner Shurtleff is looking at the outdoor lighting

code in more detail. They are planning to do more public outreach about that as it affects residential units. Councilmember Derasary asked if there had been any applications for a PAD and Shepard's response was no and that she doesn't think that it is as much of an incentive as they had hoped. Councilmember Jones stated that he had seen that the Planning Commission has a table on overnight accommodation standards and asked if there were any other documentation of that work. He was told that everything is in the table. It won't be so in the code as they will be splitting that up in the zones and that both the City and the County have the same table.

Finance Director Stenta started with the Treasurer's Office and reported that October is the month for residents to make changes to their solid waste collection and recycling and the Treasurer's Office has had good feedback. She hopes to have a "one stop shop" regarding business license registration set up in the Treasurer's Office with a public access computer in the next month. Individuals starting a business can use it to register with the Department of Commerce, the Utah Sales Tax Commission and the City of Moab all on one screen and one computer. She has been working with the state to get the system interface to do that.

For the Finance Department, Stenta gave Council a quick look at the public facing dashboard that she set up after the last meeting. It goes through Moab City tax revenue and can be accessed at moabcity.org/taxes. It allows you to see the actual amounts when you hover over each bar. She wants to have a little budget talk at each Council meeting and the highlight for this meeting was a graph that she thought would be helpful as they move into discussions regarding budget and the state looking at reallocating sales tax. She showed the gains vs. losses for the current fiscal year and how they can see how each fund was budgeted for the year and demonstrated how to use it. She showed how some of the different departments and programs are operating at a loss and explained that all of that has been subsidized by the general fund which came from their reserves this year. The one time use of reserves is what she wanted to highlight. They have budgeted to take \$1,000,000 out of the general fund reserves this fiscal year and that has been spread around. A substantial portion goes to subsidize recreation. Capital projects always comes out of reserves. Stormwater shows \$860,000 coming from reserves due to the City's cost share of the betterment agreement with UDOT for the highway widening project. She wanted to talk about the general fund because in order to balance the budget for this year for sustained operations and to subsidize other funds, \$1,000,000 had to be taken from the reserves fund. The next budget talk will be going through the next steps in the budgeting process and she is hopeful to schedule a mid-fiscal year budgeting workshop with Council about where to go next and what some of those options are. Councilmember Jones said that at the Moab Area Travel Council Advisory Board meeting on this date the Hospitality Network said that even though sales tax revenues are up, business revenues may be down because there are more businesses than there used to be. He asked Stenta if she could provide business license numbers and by sector sales tax information for "continuing dissemination of information for fact-based discussions". Sales tax by sector is included in both the Council's dashboard and the public facing dashboard and she will put together the current number of business licenses. There is a marked increase due to the short-term rental licenses that went into effect, so the numbers will be slightly skewed for 2019. When 2019 closes, Council will be able to click through each segment on the dashboard to get more in-depth into the data.

Councilmember Derasary asked Linares about a presenter from the ULCT that had been showing maps. Linares said that he would love to get that gentleman here and that they did reach out to him, but they have not received a response, so he will follow up and see if they can get him here because that was excellent at showing where your costs are actually going and what you're spending vs. what you think you are spending.

Engineer Williams gave an update of a few of the projects that they have going. The North Trunk Line Sewer Project contract was awarded last Council meeting. The contract has been signed by the contractor and they are going to have a pre-construction meeting this week with all the affected property owners as well as the contractor and the anticipated start date is Monday, October 28th. The selected consultants for the Downtown Parking Structure have been chosen and they are negotiating with them on scope and fee. He has reviewed it and believes that it has everything that counts that they will be looking for in terms of sustainability material types, context sensitive as well as a functional garage. They intend to go to Council on the 24th with a contract for consideration by Council. The Design Advisory Committee (DAC) was going to be involved from the "kick-off meeting". He is working on scheduling that with the consultant and anticipates getting an email out to the Committee members to respond if that date and time works for them. The latest news on HWY 191 seems not to be changing much lately, so the best he can tell from talking with UDOT is that they hope to be out to bid by the end of October. Staff has review 100% of the design plans specifications and met with UDOT and they have resolved the staff's few last-minute issues. If they do go out to bid at the end of October, they would be set to proceed with construction right after the first of the year. They will be involved with UDOT on weekly progress meetings and they will have opportunities to keep Council and thus the public informed. They have been working on a complete stop and yield sign plan inventory and would like to come to Council in the Fall and get some feedback and possibly develop some policies or make changes and possibly schedule a workshop when the time is right. They would also like to schedule time in a workshop setting with the police department to discuss speed limit signs and such and talk things through.

Citizens to be Heard:

Kya Marienfeld- "I'm a citizen of Moab. I'm here tonight to urge the City Council to pass a resolution supporting not allowing UTV's in Utah's National Parks. I know that's something that's been in front of you all on the table as well as the County Council to oppose the use of offroad vehicles in Utah's National Parks. I do want to say that this resolution, if you pass this, not only reflects the exceptionally, I think, uniform voices of the constituents that you represent but also is consistent with any push for changes that you may be making as a local municipality to local or state OHV laws. If anything, I think it is inconsistent to not oppose these changes in the National Parks if you're expecting to try to oppose anything having to do with OHV's in town at any point. You know, the community expects you to take a position against this effort, I think. You know we don't have a voice in Moab at the State Legislature as much as a lot of other communities do and you know you can't really leave this issue up to them and expect the state to do something. You know the Parks have a difference in what they allow for a reason. I know that Representative Curtis was here today, and he expressed that a unified voice from local governments on this issue would really be able to bolster him advocating for local park managers. Would hold the most sway and allow them to best support staff, local staff who I know also are literally putting their careers on the line opposing this directive from their superiors within the Department of Interior and I think supporting them and having their backs when there are members out in the community who, you know are actually putting their careers on the line, is something that's really important for the local governments to do. You know this isn't an access issue which is, I think, how it's been spun a little bit. It's an issue of quiet and resource damage. You know these vehicles are different from other street legal vehicles regardless of the fact that they're street legal. I think currently up to 60 decibels are allowed in the Parks at this time, most UTV's start at about 80. I mean it's a huge change. Everyone who's in town when one goes by, realizes that there is a difference when it comes to quiet and also the fact that they can go everywhere and our already overstressed, you know, Parks units aren't

going to be able to enforce rules and regulations when you're just opening the floodgates in this way. You know, I think, if anything, for in access issues, if these are permitted in the Parks, where then, do locals who do have to use vehicles to get somewhere to enjoy the outdoors or to enjoy quiet, where do they escape the pervasive whine that they have to hear in their homes and in their businesses every day in town. Public Lands, you can have them there, you have them in town, I mean really, if you're someone who needs a vehicle to access outdoors, the only place you can go now, where you're not going to hear a 90 decibel vehicle, is in the Park units and I think that's something really important for Council to consider, so thank you and I encourage you to support a resolution to, I guess, support local Park Managers".

Linares thanked her for speaking and said that Council has been very vocal and working on this issue since they found out about it last Thursday night. It has been a top priority for him, Castle and Council. They have been meeting with their representatives and local lobbyists who are working on this issue on the backside. It is a federal action through state law, "which is pretty weird, but we are in the middle of drafting changes to that rule to present to our state legislators in order to get the changes made to protect it. We agree with everything you've said. We're not opposed to doing a resolution as a staff for Council whatsoever and we don't think Council is opposed to that either. We want you to know, and the community to know, that we know how impactful this is and we are taking steps to take action in the interest of what we're hearing from constituency."

Ashley Korenblat- "My name is Ashley Korenblat and I own Western Spirit Cycling here in town and a nonprofit called Public Land Solutions and we work with recreation economies around the West, and welcome to the new staffers. Thank you for coming to Moab, including you Joel who I haven't had to meet yet. Okay, very quickly, we have a letter from the businesses that talks about Moab's product mix. We've spent the last 20 years sorting out who should do what, where and we've made sure that no group is detracting from another group's experience. This move throws all of that aside. So, and the business, I urge you to look at the letter and see who's signing. It is a very broad mix of businesses in the community and I think there is an opportunity to craft a resolution that honors the component of our revenues that OHV businesses bring to our community and also talks about this. The decision is going to be made at DOI and I've worked with that community quite a bit and have heard that this argument is getting traction, so as soon as you can, if you're going in this way, we need to talk to DOI because technically, the state legislature has no, nothing they do. This is a DOI decision and I think we have the opportunity to influence it and I just don't see, politically, how we lose in the Parks and win in the town regardless of what is being said or promised at the state legislative level. So, thank you so much."

Jeanette Kopell- "Hi, I'm Jeanette Kopell. I am a Planning and Zoning Commission member and a City appointee to the Mosquito Abatement District. First off, I wanted to make a public comment that we, as a Board are going for the full .0004% tax increase for Mosquito Abatement. We'll probably end up going a little lower, but I moved last night to go for the full taxable amount at this point. Another thing I want to bring up, also, is that I have been on Mosquito Abatement for 16 years, so I have seen what happened and I, and I'm beyond words at this point. Hopefully we'll have some staffing changes. There's only one tech that is actually working with Mosquito Abatement. I know it's October. I know we had a really bad summer, but I'm very disappointed in City staff and the City Council. I don't' understand why, even though Mosquito Abatement is its own entity and can ask for its own taxing, how do you say that, it's, it's, but they're, they're their own standalone, standalone district, but I do, I do have some issue with most of the people that are impacted by Mosquito Abatement, which is most. Most of the population of Grand County is in the City and I have to say I was very proud of our County to actually bring this up. I'm not talking about disease vectors, I don't care about disease vectors, I

mean I do, but I don't. It's a health issue, but that's not what I'm here for. I'm just very, very disappointed in the way that the staff has treated some of the County members as far as asking for some help when we were in big, and when we had some major problems with nuisance mosquitoes. You guys all know that it impacted everybody in this town and probably 70%, maybe 60%, I don't know the exact number of the population, was in city limits, and then on top of that. About 10 years ago we decided that we were going to change the way we did our flood control measures on all of our new developments. So, we all have retention ponds. All new developments have retention ponds and we have not thought about the actual effect that's going to be in the city limits if we ever, hopefully never, have another summer like we did. Those are going to impact how the life of the people that live in this town, and the visitors to this town, and I think what we need to do, if we're going to do something like that, at least think about it in the back of your mind, to think about how you are going to pay for that. Are we going to let Mosquito Abatement just use our taxing entities, or we're going to ask the developers to actually pay for that, because the County, or the Mosquito Abatement, is already doing mosquito abatement at UMETRA. There's a huge, it's a huge problem and I think that's something that we need to realize that, something small like a mosquito, you wouldn't think a mosquito would be that big of an issue, but it really is. But, for me as a board member, but I have been on the board for 16 years. I have been a very, it wasn't the greatest job in the world. I have to say, I was not very happy with my City Council. I think at least you could have said, hey if there's something you could help us with, or if you could, if you need some help let us know, but no one came to help us and no one, and I understand, but. And I, I know we don't have the money, but at least you guys could have been a little easier and actually been a little more communicative to everybody on the board. Thank you."

Proclamations: Domestic Violence Awareness Month

Mayor Pro Tem Tawny Knuteson-Boyd read out the proclamation. She and the City of Moab proclaimed "the month of October Domestic Violence Awareness Month and urge the citizens of Moab to eliminate domestic violence from our community and to say, no more to victim blaming, ignorance, silence and to reaffirm their dedication to recognizing the signs of domestic violence and to offer compassion assistance and resources to those who suffer. That we may forge a City where no one suffers the pain of domestic violence and hardship that domestic violence causes and to commit to doing everything in our power to uphold the basic human right to be free from violence and abuse."

New Business

UDOT Betterment Agreement for US-191 Widening Project, Stormwater Improvement, Multi-Use Path Extension, and Sidewalk Installation: Briefing and possible action

Engineer Williams explained that this a betterment agreement with UDOT where the City will cost share with them to install improvements that will go in as part of the 191-widening project. This includes a stormwater system to address Stewart Canyon runoff, the shared depth of the extension of the shared use path from 500 West to the Rock Shop where it will cross the highway with a hawk intersection and tie into the 100 West Emma Boulevard shared use path, creating a link from Mill Creek Parkway all the way to the river. It will also allow the use of the money that the Hyatt Place put into escrow to put in the sidewalk that was delayed as part of the widening project. The Project is a total of \$2,236,000, with about \$1,000,000 for the Stewart Stormwater system now and advertisement money that they have budgeted for. They will then have until October of 2020 to come up with the other \$1,000,000 but they have mechanisms in place to come up with those funds. He showed Council an exhibit to explain the pathway and

stormwater system at the upstream end. The future betterment agreement will be on the maintenance of the system outside of the UDOT right of way. They will take care of the drainage system inside the UDOT right of way. There will also be one for a sanitary sewer connection. Councilmember Guzman-Newton asked how much this project is costing and what the City's portion is going to be. Williams answered that the last numbers he saw showed that the project was about \$22,000,000. The City is at \$2,000,000 for contributions. The storm drain cost estimate was \$6,000,000 and the City is paying 1/3 of that. Councilmember Jones asked if the stormwater would ultimately be paid out of that line item and stormwater fee and Williams said that was correct, out of the Stormwater Utility Enterprise Fund. More discussion followed regarding the possible when and where of the start of construction, when businesses and residents should expect to see delays/interruptions on the road, and the ability to give them ample warning.

Motion and Vote: Councilmember Derasary moved to Approve the UDOT Betterment Agreement for US-191 Widening Project, Stormwater Improvement, Multi-Use Path Extension, and Sidewalk Installation in the amount of \$2,236,000 and Authorize the Mayor Pro Tem to sign it. Councilmember Guzman-Newton seconded the motion. The motion carried 4-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd and Guzman-Newton voting aye.

Transparency of Mayor and Council email address, city-council@moabcity.org **Discussion** Communications and Engagement Manager Church said that the item on the agenda is in response to an email sent out by Councilmember Derasary regarding who receives the emails when someone submits an email to the Council or Planning Commission via the City website. Councilmember Derasary stated that it is not always clear to the public who those emails go to. Church said that have added a note to the website in both the City and the Planning Commission that tells people that "certain City Staff will also receive emails submitted to those email links and reminding them that any emails submitted, whether it's individual emails to Councilmember or to that group are considered public documents and subject to GRAMA laws because it might be something that may influence how people decide to contact you as well." Councilmember Derasary asked if it would be possible to pull up that language to show Council. The email section of the website was displayed. Discussion ensued on who and how staff members should be listed as recipients for transparency purposes. Linares said that his advice to anyone is that if you click the generator list, you don't ever know who it's going to because it could have BCC's. So, if you are ever sending an email that you are genuinely concerned about and you want to control who it goes to, you just put it in the individual email of who you want it to go to. Further discussion ensued. It was decided that the City Council, the Mayor and direct Administration staff be on the email list and that the list of recipients be posted on the website.

Approval of Bills Against the City of Moab:

Mayor Pro Tem/Councilmember Knuteson-Boyd moved to approve the bills in the amount of \$543,211.22. Councilmember Jones seconded the motion. The motion carried 4-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd and Guzman-Newton voting aye.

Adjournment: Councilmember Jones moved to adjourn the meeting. Councilmember Guzman-Newton seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd and Guzman-Newton voting aye. Mayor Niehaus adjourned the meeting at 8:53 PM.

APPROVED:	ATTEST:
Emily S. Niehaus, Mayor	Sommar Johnson, City Recorder