

MOAB CITY COUNCIL MINUTES--DRAFT
REGULAR MEETING
January 12, 2021

The Moab City Council held its Regular Meeting on the above date. Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. § 54-2-207(4), the Moab City Council Chair has issued written determinations supporting the decision to convene electronic meetings of the Council without a physical anchor location. Due to the health and safety risks related to the ongoing COVID-19 pandemic and considering public health orders limiting in-person gatherings, the Moab City Council will continue to hold meetings by electronic means. An audio recording of the meeting is archived at <http://www.utah.gov/pmn/index.html>.

PRE-COUNCIL WORKSHOP

Mayor Emily Niehaus called the Workshop to order at 6:33 p.m. and explained the reasons related to COVID-19 for holding the meeting remotely. Participating were Councilmembers Rani Derasary, Mike Duncan, Karen Guzman-Newton, Tawny Knuteson-Boyd and Kalen Jones. City staff participating were Manager Joel Linares, Assistant Manager Carly Castle, Attorney Laurie Simonson, Recorder Sommar Johnson and guest Elaine Gizler of the Moab Area Travel Council. A video recording is archived at <https://www.youtube.com/watch?v=7mY9gcA-5aw>.

Moab Area Travel Council Update:

Travel Council (TC) Director Gizler presented an update regarding the County's Economic Development and TC websites including promotion of businesses open in the winter. She explained that advertising is a tiny part of TC duties. She stated that TC answers all Moab Information Center calls and said advertising artwork is done in-house. Gizler explained the TC role in ensuring code compliance of all County nightly accommodations, as well as its role regarding special events. She emphasized sustainability messaging along with diversity messaging. Councilmember Guzman-Newton asked for clarification about the TC role regarding the permitting of special events and Gizler explained the care taken with scheduling events for overlap, public safety concerns and other matters. Councilmember Derasary commended Gizler for her work on the community calendar and overnight accommodation enforcement. Councilmember Duncan asked about access to the TC website in addition to discovermoab.com, which is at <https://grandcountyutah.net/214/Travel-Council>.

REGULAR CITY COUNCIL MEETING

Regular Meeting—Call to Order and Attendance: Mayor Niehaus called the Regular City Council Meeting to order at 7:02 p.m. Participating remotely were Councilmembers Guzman-Newton, Knuteson-Boyd, Derasary, Duncan and Jones. City staff participating remotely were Manager Linares, Assistant Manager Castle, Attorney Simonson, Recorder Johnson, Senior Projects Manager Kaitlin Myer, Planner Nora Shepard, Public Works Director Levi Jones, Engineer Chuck Williams, Communication Director Lisa Church and Finance Director Clint York. A video recording is archived at <https://www.youtube.com/watch?v=FoG4ieiJtRc>.

COVID-19 Update:

Mayor Niehaus introduced Bradon Bradford of the Southeast Utah Health Department (SEUHD), who spoke about the vaccination schedule for healthcare workers, first responders, educators and persons over 70 years of age. He said there was not enough vaccine to go around and SEUHD was able to vaccinate one to two thousand persons per week. Councilmember Guzman-Newton brought up issues with the Test Utah program and Bradford recounted issues regarding a lack of communication with the State's mobile testing unit. He said Test Utah visits were announced on the SEUHD Facebook page: <https://www.facebook.com/SEUHD/>.

Citizens to be Heard: There were no Citizens to be heard. Several written comments submitted online may be viewed at <https://moabcity.org/151/City-Council>.

Administrative Updates:

Senior Projects Manager Myer gave an update on the Walnut Lane affordable housing project. She stated that a contract for eight duplex units was awarded to indieDwell and the first phase should be ready for occupancy in June. Myer said the preliminary site plan for the 80-unit planned area development (PAD) was in process. Mayor Niehaus brought up the need to begin work on Phase Two.

Communication Manager Church and Recorder Johnson reported on the Buy Local Bucks program, funded by the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Church stated 38 percent of the fund had been expended to date. Councilmember Jones asked about the community grants element of the CARES funding. Church and City Manager Linares explained it was posted on the City's website under the heading of "City of Moab Grant Program" and was separate from the Community Contributions program. Councilmember Duncan asked where to find it online. It was explained there was a January 29 deadline to apply and could be found at <https://moabcity.org/568/City-of-Moab-Grant-Program>.

Finance Director York provided an update on the City's finances. He presented the General Fund mid-year update and explained that, in part due to the CARES funding, the City's revenues were at 125 percent of the prior year. He said the City was \$400,000 in the black. He said spending was \$1 million under budget. He was asked about the recreation fund and he explained that spending was down due to COVID and it is staying below budget. York went on to describe the condition of the water and sewer funds. He said because the rates were raised due to the City's bonding needs, revenues are up and spending is currently under budget; he said the funds were healthier than in the past two years. Councilmember Duncan noted the auditor's prior concern about having too much balance in the water fund.

Mayor Niehaus praised the Moab Arts and Recreation Center (MARC) as an example of the staff making do with reduced revenues by improvising with offered services and obtaining grants.

Public Works Director Jones reported on his employees working through the holidays, plowing roads after snowstorms and remedying frozen water meters, a hydrant leak and similar urgent assignments. He said the posting of new Off-Highway Vehicle (OHV) signage was 80 percent complete. Mayor Niehaus thanked the crews for plowing the streets after the snowstorms.

City Engineer Williams updated Council on the Highway 191 widening project, which is scheduled to be completed in the Spring, and the Utah State University-Moab (USU) campus construction, which has a December, 2021 completion date. He stated work on Lionsback continues with construction of a water delivery booster and sewer lift station. Williams mentioned the Transportation Plan and progress on the City's new water well. He briefly mentioned an issue with the swimming pool walls peeling and noted the Bike Skills Park would have a bathroom delivered in March. Mayor Niehaus asked if the restroom would be year-round and Williams stated it was possible and that it was a decision of the Parks Department.

Mayor and Council Reports:

Mayor Niehaus reported on her continuing Student of the Month awards, and mentioned various meetings she attended, including the Grand County Economic Development board, Utah League of Cities and Towns (LCT), and she emphasized work being done on rural affordable

housing and potential OHV legislation. She brought up the impending session of the State Legislature and the bill-tracking work of the LCT Legislative Policy Committee (LPC).

Councilmember Derasary reported Dr. Steve Hawks was replaced on the Grand County Emergency Medical Services Special Service District Board by Jim Webster. She stated EMS staff vaccinations were ongoing. She spoke about remote access to the upcoming legislative session by the LPC. She brought up pending bills of concern regarding electronic billboards, firearms, utility regulations, accessory dwelling units and property inspections.

Councilmember Duncan reported he made a presentation to the Grand County Planning Commission regarding the local water supply. He mentioned the City should expect a request for a cost share from Marc Stilson, the regional engineer from the Utah Division of Water Rights, regarding research on water conditions in the wetlands. Duncan also remarked on a proposal to locate pickle ball courts near the high school tennis courts. He shared his concern with legislation regarding electronic billboards and stated he had contacted Representative Carl Albrecht, who indicated he doesn't like the proposal either.

Councilmember Knuteson-Boyd reported she was interviewed by a graduate student from the University of Utah on behalf of the Friends of Arches and Canyonlands, regarding challenges and opportunities related to visitation.

Councilmember Guzman-Newton reported on meetings she attended, including the Chamber of Commerce. She mentioned Justin Lee from Senator Mike Lee's office announced a new round of small business grants provided as part of a COVID relief package. She brought up an Airport Board meeting and noted it had been the busiest year ever for airport businesses with Skydive Moab being busiest.

Councilmember Jones reported on a Housing Task Force meeting at which the year's priorities were discussed. He indicated a lack of attendance by Task Force members and suggested that Planning Commission members could be effective participants. Councilmember Jones also cited a Solid Waste District end-of-year budget meeting and mentioned the successful holiday tree collection program. Jones concluded with a comment on a Travel Council meeting at which a University of Utah professor made a presentation on sustainable tourism.

Approval of Minutes

Motion: Councilmember Guzman-Newton moved to approve the minutes for the December 8, 2020, Regular Meeting and the December 16 and 18, 2020 Special Meetings. Councilmember Derasary seconded the motion.

Discussion: Councilmember Derasary noted she and Councilmember Duncan had sent corrections to the Recorder.

Vote: The motion passed 5-0 with Councilmembers Derasary, Jones, Guzman-Newton, Knuteson-Boyd, and Duncan voting aye in a roll call vote.

Grand County School District Update—Presentation

Mayor Niehaus announced the school district cancelled the scheduled presentation.

Proclamation of January 18, 2021 as Martin Luther King Jr. Day

Mayor Niehaus read the proclamation signifying January 18, 2021 as Martin Luther King Jr. day.

Old Business:

Land Use Provisions relating to All-Terrain Vehicles—Discussion

Planner Shepard made a presentation regarding possible code amendments regarding Off-Road Vehicles (OHVs) and asked for direction from the Council. She asked for specific guidance on the temporary ban on new OHV businesses as approved in Resolution 41-2020. She mentioned the need for consistency across various parts of the code and noted questions related to business licensing. Questions about inclusion of different OHV classes, changes in size or nature of existing OHV-related businesses and potential prohibition of new businesses were discussed. In a straw poll, all councilmembers indicated they were in favor of exploring an extension of the temporary moratorium. Councilmembers discussed issues regarding private property rights, limiting just one type of local business, the central factor of noise, and the County Attorney's reported finding that state rules against discriminating against OHVs on City Streets had changed. Councilmember Derasary noted there were comments from the community overwhelmingly in favor of limiting growth beyond the current number of businesses. City Attorney Simonson clarified that pending legislation applies to new businesses and Councilmembers Jones, Duncan and Derasary expressed interest in limiting existing fleet sizes. It was noted the County was working on fleet sizes and revenue concerns, and Councilmember Guzman-Newton brought up special concerns regarding operators with "dirt lot" rental sites. Councilmember Derasary noted the importance of communicating progress on the issue with the community.

New Business:

Letter Supporting Bears Ears National Monument —Approved

Presentation: Mayor Niehaus introduced a letter from the Moab City Council in support of President-Elect Biden prioritizing an action to restore the Bears Ears National Monument to its original size as created by President Obama's administration in Proclamation 9558 in 2016.

Motion and Vote: Councilmember Jones moved to approve the letter. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Guzman-Newton, Knuteson-Boyd, Duncan and Jones voting aye in a roll call vote.

Letter Supporting San Juan County's denial of 2021 Rally on the Rocks Tradeshow—Approved

Presentation: Mayor Niehaus introduced the letter and Councilmember Jones pointed out it was a lease request which was denied by the San Juan County commission, not a special event permit.

Motion: Councilmember Derasary moved to approve the letter as amended. Councilmember Duncan seconded the motion.

Discussion: Councilmember Guzman-Newton noted her discomfort with the purpose of the letter. Councilmember Duncan pointed out the denial was germane to residents of the City as it impacts residents' quality of life. Councilmember Jones pointed out the actions in Spanish Valley impact three jurisdictions and their residents.

Vote: The motion passed 5-0 with Councilmembers Derasary, Guzman-Newton, Knuteson-Boyd, Duncan and Jones voting aye in a roll call vote.

Proposed Resolution 01-2021: A Resolution Memorializing the Designation of Councilmembers and Staff as Liaisons to Various Community Boards and Organizations—Approved

Presentation: The proposed slate of board assignments was reviewed. Mayor Niehaus requested that Grand County's appointed commissioner be listed as an alternate for the Southeast Utah Association of Local Governments meetings. The City of Moab's legislative committee was revised to include City Manager Linares, Mayor Niehaus, Councilmembers

Derasary and Jones, Assistant Manager Castle and Attorney Simonson.

Motion and Vote: Councilmember Knuteson-Boyd moved to approve the slate as amended. The motion passed 5-0 with Councilmembers Derasary, Guzman-Newton, Knuteson-Boyd, Duncan and Jones voting aye in a roll call vote.

Appointment of the Mayor Pro Tem

Mayor Niehaus appointed Councilmember Knuteson-Boyd to serve as Mayor Pro Tem.

Appointment of the Council Member Responsible for Reviewing the City's Bills

Mayor Niehaus appointed Councilmember Knuteson-Boyd to serve as the Council Member Responsible for Reviewing the City's Bills in 2021.

Approval of Bills Against the City of Moab:

Motion and vote: Councilmember Knuteson-Boyd moved to approve the bills against the City of Moab in the amount of \$498,337.65. Councilmember Jones seconded the motion. The motion passed 5-0 with Councilmembers Jones, Duncan, Guzman-Newton, Derasary, and Knuteson-Boyd voting aye in a roll call vote.

Adjournment: Councilmember Jones moved to adjourn the meeting. Councilmember Duncan seconded the motion. The motion passed unanimously and Mayor Niehaus adjourned the meeting at 9:41 p.m.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder