

**MOAB CITY COUNCIL MINUTES--DRAFT**  
**REGULAR MEETING**  
**December 14, 2021**

Moab City Council held its Regular Meeting on the above date. Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Annotated § 52-4-207(5)(a), the Moab City Council Chair issued written determinations supporting the decision to convene electronic meetings with City Council chambers serving as a physical anchor location. Audio is archived at [www.utah.gov/pmn](http://www.utah.gov/pmn) and video is archived at <https://www.youtube.com/watch?v=7Elr9L7xg0g>.

***Attendance and Call to Order:***

Mayor Emily Niehaus called the meeting to order from the Council Chambers at 7:02 p.m. Councilmembers Karen Guzman-Newton, Tawny Knuteson-Boyd, Mike Duncan, Rani Derasary and Kalen Jones attended remotely. City staff participating included Acting City Manager Carly Castle, Finance Director and Acting Deputy Manager Ben Billingsley, Code Compliance Specialist Mona Pomplii, Assistant Planner Cory Shurtleff, Sustainability Director Mila Dunbar-Irwin, Parks, Recreation and Trails Director Annie McVay, Engineer Chuck Williams and Recorder Sommar Johnson.

***Citizens To Be Heard:***

Aaron Lindberg presented suggestions to improve affordable replacements for aging residential sewer pipes in lieu of continuously excavating City streets.

***Public Hearing:***

Mayor Niehaus opened a public hearing concerning **Proposed Resolution 35-2021**: A Resolution Amending the Fiscal Year 2021-2022 Budget. Councilmember Jones moved to open the public hearing. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. There were no written or spoken comments. Councilmember Jones moved to close the public hearing. Councilmember Derasary seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. Mayor Niehaus closed the public hearing at 7:12 p.m.

***Administrative Reports:***

Acting City Manager Castle announced a public Ranked Choice Voting survey, the City Hall holiday closure schedule and noted specific hours the Treasurer's Office would be open. Castle noted the retirement of Planning Director Nora Shepard and the hiring of Kelley McInerney as the new director of the Moab Arts and Recreation Center (MARC). She mentioned several openings on the staff. She mentioned an open house with Grand County for the unified transportation plan. Castle bid farewell to outgoing Councilmembers and the Mayor.

Code Compliance Specialist Pomplii reported on code violations regarding accessory dwelling units and illegal nightly rentals. She noted neighbors should contact her office to report potential violations. She answered questions from Council regarding compliance enforcement and mentioned a Good Landlord program proposed to be tied to business licensure.

Parks, Recreation and Trails Director McVay provided an update on the status of the Pack Creek Foot Bridge. She reported the bridge was last repaired in 2018 and estimated replacement costs between \$300,000 and \$1 million. She outlined potential grant funding. Acting Deputy Manager and Finance Director Billingsley explained funding options for the bridge as proposed in the pending budget amendment.

### ***Mayor and Council Reports:***

Mayor Niehaus spoke about her enjoyment of celebrations at which she represented the City. She noted her appreciation of San Juan County Commissioner Bruce Adams and staff of the Utah Department of Transportation (UDOT).

Councilmember Derasary reported on two meetings of the Grand County Emergency Medical Services Special Service District as well as a meeting of the Systems of Care group.

Councilmember Duncan reported on the Western Water Associates and the scheduled April 1 opening of the new campus of Utah State University (USU).

Councilmember Knuteson-Boyd reported she attended the Veterans' Day ceremony and two meetings of the Canyonlands Health Care Special Service District. She reported the Housing Authority's construction began at Arroyo Crossing, the Museum Board's pursuit of new Standards of Excellence, and said she attended a workshop for elected officials in Price.

Councilmember Guzman-Newton reported on the open house of the unified transportation plan and noted there were as many as 800 vehicles per hour on Main Street. She mentioned that several City-operated street lamps were out of order on Main Street. She suggested solar-powered lighting options. She noted she attended a Chamber of Commerce board meeting and reported on the Airport Board, stating there were record enplanements and that Skydive Moab logged 25,000 jumps. She noted the parking concession brought in \$25,000 in revenues. She urged Council to advocate for rail service and noted 35 percent of Main Street traffic is comprised of semi-trucks. She concluded with a mention of the Arches National Park timed entry open house and thanked staff and colleagues for contributing to her term in office.

Councilmember Jones reported on a meeting of the Travel Council. He noted efforts aimed at regenerative and sustainable tourism. He mentioned meetings of USU's Gateway & Natural Amenity Region (GNAR) Initiative, the Community Renewable Energy board, the Housing Taskforce and the UDOT transportation plan open house.

### ***Approval of Minutes:***

Councilmember Knuteson-Boyd moved to approve the minutes of the November 9, 2021, Regular Meeting and the November 16, 2021, Special Meeting. Councilmember Jones seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Jones, Guzman-Newton, Knuteson-Boyd, and Duncan voting aye.

### ***Old Business:***

#### ***Water Conservation Plan Update—Approved***

***Discussion:*** Councilmember Derasary brought up community sentiment regarding conserving water for new development and second homes. Discussion ensued regarding setting a goal to exceed the state's gallon per capita per day benchmark. Sustainability Director Dunbar-Irwin explained the Water Conservation Plan Update is a non-binding document. Councilmember Duncan mentioned there was no clear understanding of why the City's per capita use decreased in the last five years but speculated it might be due to the new wastewater treatment facility. Councilmember Knuteson-Boyd acknowledged her respect for the work that went into the preparation of the Plan. Councilmember Derasary mentioned the membership of the proposed water resource coalition. References were made to the proposed amendment to the text of the Plan, as follows: "When water saved via the easiest conservation measures is simply reallocated to accommodate increasing population growth, it can make it difficult to achieve further cuts during a future decrease in supply--whether that decrease is a temporary drought emergency or

a longer-term impact to supply. If, for instance, climate change reduces available water more than predicted, or, further investigations into aquifer supply reveal that we are already over-drawing, then the impact of additional demand would be much greater than anticipated, and have unwelcome consequences. Therefore, it is crucial to keep in mind that conservation should not simply be reallocation of saved water, but also include building excess capacity into the system now for resiliency in an uncertain future. A thoughtful Drought Emergency Plan is also a critical component of a sustainable water conservation program. The City intends to continue to support efforts to refine information about our supply, and to be conscientious conservers--keeping an awareness of the pitfalls of demand hardening and the benefits of maintaining excess capacity in building long term system resilience.”

**Motion and Vote:** Councilmember Duncan moved to approve the Water Conservation Plan Update 2021 with amendments. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***Water Conservation and Drought Management Board Bylaws Amendments:***

Mayor Niehaus removed this item from the agenda.

***Development Agreement for 398 Kane Creek Blvd:***

Mayor Niehaus removed this item from the agenda.

***Proposed Ordinance 2021 -15: Zoning Map Amendment for 398 Kane Creek Blvd:***

Mayor Niehaus removed this item from the agenda.

***Accessory Dwelling Units Code Amendments—Approved***

**Discussion:** Assistant Planner Shurtleff described the three types of Accessory Dwelling Units (ADUs) subject to the Proposed **Ordinance 2021-16:** An Ordinance Amending the Text of the Moab Municipal Code (MMC) to Revise Section 17.70 Accessory Dwelling Units (ADUs) and Section 17.06.020 Definitions. He also presented information about the active employment household requirement, and permitting and approval compliance concerns. Shurtleff answered questions from Council regarding the 90-day minimum lease requirement.

**Motion and Vote:** Councilmember Duncan moved to approve **Ordinance 2021-16:** An Ordinance Amending the Text of the Moab Municipal Code (MMC) to Allow ADUs in all Residential Zone Districts and to Revise Section 17.70 Accessory Dwelling Units (ADUs) and Section 17.06.020 Definitions. Councilmember Knuteson-Boyd seconded the motion. The motion passed 4-1 aye with Councilmembers Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye and Councilmember Derasary voting nay.

***New Business:***

***Award of Water Department Vacuum Trailer Purchase:***

Mayor Niehaus removed this item from the agenda.

***Film Commission Transfer to Grand County—Approved***

**Discussion:** Parks, Recreation and Trails Director McVay stated the County would pass its budget the following week and recommended approval pending the County’s approved budget. Councilmember Guzman-Newton stated that, in the future, affected staff should be apprised immediately of pending negotiations.

**Motion and Vote:** Councilmember Derasary moved to terminate the Interlocal Agreement for the Provision of the Formation of a Film Commission by and Between Grand County and the City of Moab (**Resolution #20-2007**) pending approval of Grand County’s 2022 Budget and

to approve **Resolution #37-2021**: A resolution of the Governing Body Declaring City Property as Surplus. Councilmember Duncan seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***Fiscal Year 2021-2022 Budget Amendment—Approved***

***Discussion:*** Councilmember Knuteson-Boyd expressed her appreciation for Mr. Billingsley’s summary of the proposed budget amendment. Councilmember Derasary stated her preference for funding replacement of the Kane Creek pedestrian bridge over the 400 East bridge, which had previously-committed City funding.

***Motion and Vote:*** Councilmember Jones moved to approve **Resolution 35-2021**: A Resolution Amending the Fiscal Year 2021-2022 Budget. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***Community Vision and Strategic Action Plan Contract—Approved***

***Motion and Vote:*** Councilmember Jones moved to award the Community Vision and Strategic Action Plan contract to Future iQ, in an amount not to exceed \$80,000. Councilmember Derasary seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***Canvass of the City of Moab General Election:***

***Discussion:*** Councilmember Jones asked whether Utah County would release the cast vote record. Recorder Johnson stated the Lieutenant Governor’s office prohibits that release.

***Motion and Vote:*** Councilmember Knuteson-Boyd moved to accept the election result from the City of Moab General Election recount held on December 7, 2021. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***2022 Meeting Schedule—Approved***

***Motion and Vote:*** Councilmember Knuteson-Boyd moved to approve the 2022 City Council Meeting Schedule. Councilmember Duncan seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***2022 Holiday Schedule—Approved***

***Motion and Vote:*** Councilmember Knuteson-Boyd moved to approve the City of Moab 2022 Holiday Schedule. Councilmember Jones seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***Approval of Bills:***

***Motion and vote:*** Councilmember Knuteson-Boyd moved to approve the bills against the City of Moab in the amount of \$1,086,658.77. Councilmember Jones seconded the motion. The motion passed 5-0 with Councilmembers Jones, Duncan, Guzman-Newton, Derasary, and Knuteson-Boyd voting aye.

***Adjournment:*** Councilmember Jones moved to adjourn the meeting. Councilmember Derasary seconded the motion. The motion passed unanimously and Mayor Niehaus adjourned the meeting at 9:54 p.m.

APPROVED: \_\_\_\_\_  
Emily S. Niehaus, Mayor

ATTEST: \_\_\_\_\_  
Sommar Johnson, City Recorder