

**MOAB CITY COUNCIL
MINUTESREGULAR CITY COUNCIL
MEETING
January 14, 2020**

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=5lh0bolF_VA.

Executive Closed Session:

Councilmember Mike Duncan moved to enter an Executive Closed Session to Discuss the Character, Professional Competence, or Physical or Mental Health of an Individual or Individuals. Councilmember Karen Guzman-Newton seconded the motion. The motion passed 4-0 with Councilmembers Mike Duncan, Karen Guzman-Newton, Kalen Jones and Rani Derasary voting aye. Councilmember Tawny Knuteson-Boyd arrived at 5:40 PM. Mayor Emily Niehaus called the Executive Session to order at 5:38 PM. Councilmember Kalen Jones moved to end the Executive Closed Session. Councilmember Rani Derasary seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Jones, Knuteson-Boyd, Guzman-Newton and Duncan voting aye. Mayor Niehaus ended the Executive Closed session at 5:58 PM.

Pre-Council Workshop – 6:00 PM

At 6:03 PM, Mayor Emily Niehaus called a workshop meeting to order for a presentation by Casey Hill of Red Hill Strategic to discuss legislative strategy. In attendance were Mayor Emily Niehaus, Councilmembers Kalen Jones, Karen Guzman-Newton, Mike Duncan, Rani Derasary and Tawny Knuteson-Boyd. Staff in attendance were City Manager Joel Linares, Assistant City Manager Carly Castle, City Attorney Laurie Simonson, City Finance Director Rachel Stenta, Senior Project Manager Kaitlin Myers, City Planner Nora Shepard, Assistant City Planner Cory Shurtleff, City Recorder Sommar Johnson, and Deputy Recorder Joey Allred. Five members of the public and media were present.

2020 Legislative Strategy Session with Casey Hill, Red Hill Strategic

Mayor Niehaus stressed that this workshop would be interactive with questions back and forth. Casey Hill said that he is representing the Council as part of a team and that the members of his team are David Stewart, Greg Curtis, and Mark Walker. He said that the Council will probably meet his team when the Council goes to the Capitol during the legislative session. Hill gave Council a brief history of his experience prior to 2005. He previously served on the Kaysville City Council, and he explained how he began work as a lobbyist. He spoke about some of the issues that are upcoming in the state legislature, some of the things that his team is currently working on with City staff, and items which his firm needs further direction from the Council on how they wish to proceed. Mayor Niehaus said that she was happy to have him present, and that the Council had discussed wanting better representation on Capitol Hill. Mayor Niehaus also stated that one of the nice things that his firm has to offer is that Mark Walker is on their team; He was born and raised in Moab and can speak to how Moab has changed. That is a unique and important voice to tell Moab's story to the legislature. Hill said that he believed that there were some important issues facing Moab at this time which need to be acted on. There is one issue that, if not acted on right away, could result in the loss of a significant opportunity and revenue for the City. He reminded Council of the 0.5% municipality TRT (Transient Room Tax) tax and

the history of it. When the tax was first created, it gave municipalities twenty-five years to utilize that optional 0.5%, and that the twenty-five years is coming to an end in 2021. He has spoken to Representative Carl Albrecht who sponsors a piece of legislation that has to do with reallocating how counties are able to use their portion of the restaurant tax. This legislation would free up some money for counties from the restaurant tax, which would allow them to use the funds more freely and effectively in other areas. The Utah Association of Counties is willing to allow the City to work with them and include the City's issue as part of it. UCA §59-12-353 needs to have the sunset language either removed or amended with language to make it clear that municipalities can use it for 25 years or until the indebtedness is paid off. Hill didn't think that there would be any concerns with getting this accomplished. Utah Tourism is working with Grand County on this issue and was happy to hear that the City is actively engaged in this process. The Utah Tourism group thought that it would be beneficial to sit down and come up with the answer to the question from Moab's perspective. He felt that an important question that the City would need to be ready to answer would be: What is Moab trying to solve, not just in the terms of the 0.5%, but what is the purpose? The City should be able to show what they need the revenue for. Finance Director Stenta asked Hill about the legislation which his firm is looking to put together with the Utah Association of Counties, and if that would open it up to new indebtedness in addition to extending the sunset? Hill said that was exactly what he had meant. Hill has been working with Linares and Castle to compile a list of issues that would be pertinent for the City, and that they would like the Council to give Hill direction on. David Stewart is the lead on Hill's team and has been talking with the State Senate President, Stuart Adams.

TRT Extension is a short-term goal for this legislation, and Hill thinks that they can get it done with significant time and effort. However, he noted that his team members are having conversations with legislators about things that are still undecided and, while they have some positive statements in their favor, it doesn't indicate that decisions have been made, or that they should assume that things are already decided. There is still a legislative process for each bill. There is still a committee hearing in both the House and the Senate and a floor vote in both the House and the Senate that the bills will have to pass.

Regarding OHV's, Hill feels that having someone on their team who is from Moab and has family in Moab gives them a good understanding of what Moab is like. Hill recommended a proactive working together approach with the OHV community as they have a large active group at the capitol, as the reality is that their concerns are legitimate and real and could have far reaching impact on the community and the rest of the state. Mayor Niehaus stated that she thought it was worth saying that the community is full of outdoor recreation, and OHV's are one piece of the community's outdoor recreation pie. She doesn't believe that the Council wants to negatively affect those businesses. She believes that the Council cares a lot for the people that operate those businesses and who are in that industry. She said that the Council wants to make sure that the OHV's are protected as one of the ways people want to get out and play in Moab. There is a clear conflict with some of the OHV's not being street legal and the noise level. Council is looking for a resolution of some kind where they can continue to celebrate the off-road community and their form of recreation, while making sure that they listen to the community's concerns about noise and safety in the residential areas in the community. Hill wanted to give Council a clear understanding of what is winnable and to give them a realistic expectation. One conversation Hill has had was with the Utah Tourism lobbyist and thought that there are ways to potentially work together to address the issue and move forward with possible changes that might be meaningful to the community. Councilmember Jones said that he thought

there was a bill to eliminate the off-highway tag out-of-state-reciprocity and asked Hill if he was familiar with it, and if so, what Hill thought of its chances? Hill said that he was not familiar, but that he would investigate it. Councilmember Duncan said that he isn't concerned with OHV's being in town, but he is concerned about the noise. He wondered why OHV groups would fight any effort to make them quieter. Hill didn't feel that he could say if OHV groups are adamantly opposed to the idea of requiring machine modifications. Hill believes that Moab City would be much better served to form a coalition, work with the Utah League of Cities and Towns, and work with other resort communities that might be affected and go back to the legislature once they have a coalition. Moab City standing alone to take on this issue is not likely to end with success in this legislative session. Councilmember Knuteson-Boyd thought that the Council needs to address the perception that the City hates those who come to Moab to ride OHV's and the way that they recreate. OHV groups' choice of recreation makes some of our neighborhoods very noisy. Duncan thinks that the Council should focus on the noise. Councilmember Knuteson-Boyd thought that it would be a good idea to get legislators here to hear the noise that the locals hear in their neighborhoods. Hill will work on trying to get legislators here in April. Mayor Niehaus wanted to make sure that it be known that within the OHV community there is a diversity of opinions as well. She also mentioned that there was a suggestion about curfews. Assistant City Manager Castle and City Manager Linares said that significant push back occurred after a curfew was brought up. City Manager Linares said that there are about eight different organizations that are united into the OHV group. Moab is currently standing alone.

There was discussion about the creation of a CIB for a Tourism Board, and how that would work. Hill said that it will take some work, but he believes that they can get some traction on it. City Manager Linares said that areas that are heavily impacted by tourism can have access to funds in the form of grants or loans with a lower percentage rate. Councilmember Duncan wanted to know if the TRT tax would be used on the CIB. City Manager Linares said that the CIB would be a separate, new tax associated with the tourist industry.

Hill's firm has had conversations with the president of the senate regarding his concerns about the overnight accommodations issue. Hill believes that President Adams' concerns have been addressed and the potential fires have been controlled. The City is working hard to listen to the community about how to deal with unintended consequences. The Council and the Planning Commission are still working to get the overnight accommodations issue resolved. Hill said that President Adams understands the problems that the City is facing.

Hill reported that Inland Port litigation is important and explained how it could affect Moab. He said that Salt Lake City has said that they may pursue appeal, and there are issues that they argue which have a compelling state interest. He wanted the Council to know that the court case could have far reaching impacts because it can empower the legislature to feel that, in every instance where they disagree with something that a City Council is doing, there's a compelling temptation to step in. It could open the path for the legislature to do so, and he wanted the Council to keep that in mind and encourage Salt Lake City to be cautious as they proceed.

Hill spoke on tax reform. The legislature passed the tax reform in a special session in December and there were conversations about resort community tax and sales distribution that came up. Hill said that they haven't heard what the legislature is intending to do with those items at this time. Councilmember Derasary said that community members may be concerned about a tax on food and asked if he had any information on that. Hill believes that the legislature is currently waiting to see how the referendum succeeds if they get enough signatures. Hill said that if the

referendum is successful, the legislature will probably pass a “skinny budget” because it won’t be on the ballot until November. Legislative session starts January 27th.

Councilmember Derasary mentioned ongoing concerns about anything that is taking away local control for the community, whether it’s land use planning, water, or flexibility with spending TRT funds. Hill explained that they are dealing with TRT using the restaurant tax and adjusting that, but they won’t be adjusting TRT. Councilmember Derasary said that the County’s EMS is working with fire professionals on potential legislation as apparently there is nothing in the state code that requires communities to have EMS services. She will send Hill a copy of the draft legislation and would like him to look into it. He said that he would and that he would be interested to find out more.

Mayor Niehaus recessed the meeting at 6:57 PM.

Regular Meeting—Call to Order and Attendance:

Mayor Niehaus called the meeting to order at 7:03 PM and had a moment of silence for a councilmember who lost a loved one recently. Mayor Niehaus then led the Pledge of Allegiance. In attendance were Councilmembers Kalen Jones, Karen Guzman-Newton, Mike Duncan, Rani Derasary and Tawny Knuteson-Boyd. Staff in attendance were City Manager Joel Linares, Assistant City Manager Carly Castle, City Attorney Laurie Simonson, City Finance Director Rachel Stenta, Senior Project Manager Kaitlin Myers, City Planner Nora Shepard, Assistant City Planner Cory Shurtleff, City Communications and Engagement Manager Lisa Church, City Engineer Chuck Williams, City Recorder Sommar Johnson, and Deputy Recorder Joey Allred. Seventeen members of the public and media were present.

Approval of Minutes:

Councilmember Duncan moved to approve the minutes of the December 2, 2019, December 6, 2019, and December 10, 2019 meetings with a correction noted by Mayor Niehaus. Councilmember Knuteson-Boyd seconded the motion. The motion passed 4-0, with Councilmembers Jones, Knuteson-Boyd, Guzman-Newton and Duncan voting aye. Councilmember Derasary abstained from the vote.

Mayor and Council Reports:

Mayor Niehaus reported that she attended a Millcreek Community Collaborative Meeting, and hosted Moab’s first investors’ speed dating event with Grand County Community Development Director Zacharia Levine. Jim Sorenson of the Sorenson Innovation Center was in attendance and it was a nice event to introduce projects to money. She gave a shout-out to City Senior Project Manager Myers for presenting the City’s Walnut Lane project. She also attended the League of Cities and Towns Board Meeting and the Legislative Policy Committee (LCP) Meeting; They are getting ready for the legislative session. She attended the USU Advisory Council meeting, and they are currently doing new member recruitment. Their focus for this year is on continued fundraising and programing. Councilmember Duncan has agreed to take over that position.

Councilmember Derasary attended an EMS Special Service District Meeting. 2019 was the busiest year by far with 1,463 calls which surpassed the previous year by 14%. 2018 had an increase of 11%, which means that have had an increase of 25% over the past two years. It hadn’t been predicted that they would reach 1,400 calls until 2023. There are EMT classes going on for

both the High School and the public. She missed a Canyonlands Healthcare Special Service District Meeting due to a death in the family.

Councilmember Duncan attended a Homeless Coordinating Committee Meeting and found that they are at an impasse on being able to utilize the Center Street Gym as an emergency shelter due to rules, regulations, and lack of funding; but he thanked the staff for trying to make it happen. He attended the Water Advisory Board meeting and thanked Assistant City Manager Castle for helping the board to become more organized. He said that the Board will try to maintain more of an educational process. They will focus more on keeping an updated annual report to use as a vehicle to communicate recommendations, and then prepare presentations that the Water Board should provide to both staff and the Planning Commission.

Councilmember Knuteson-Boyd attended a Housing Authority Meeting that was short, but the biggest take-away was that the Moab Area Land Trust is moving forward with their infrastructure. They are very excited about how far they have come in a short period of time. The Moab Arts Council invited Knuteson-Boyd to join their meeting when they choose who their donations went to this year; those choices are on their website.

Councilmember Guzman-Newton attended the Millcreek Collaborative Meeting with the Mayor and staff, and they are getting ready in the next month for community outreach to share with the public. She attended a Transit Authority Meeting, where there was discussion of creating a formal board or keeping the group as more of a think-tank to offer suggestions. They outlined the priorities for 2020 which were: shuttle infrastructure planning, working with Planning and Zoning, code changes with overnight accommodation, new design standards in order to offer something to the statewide rural long-range plan that is being worked on for both short-term and long-term strategies for transportation to Salt Lake City. She attended an Airport Board Meeting and was introduced to the new Airport Board Manager, Andy Solsvig. They sent the Board's recommendation to the County Council to accept the bid of SkyWest Airlines to operate the airport. The local US Census Group was awarded a \$25,000 grant for the complete count committee and they are working on promotional materials.

Councilmember Jones attended the Travel Council Meeting, which was about the role of recreational assets in the City as a draw for tourists. Jones believes that the Travel Council will need to do some sort of coordinated recreational asset prioritization. They have been working on coordinating advertising in Western Colorado to promote the Dinosaur Diamond. He wanted to make Council aware that the BLM is moving towards an oil and gas lease sale on a couple of parcels in Sand Flats.

Mayor Niehaus announced that Brad Lancaster, Author of [Rainwater Harvesting for Drylands and Beyond](#), has contacted Niehaus and is willing to come to Moab on Wednesday, March 25, 2020. She has tentatively reserved the Council Chambers at lunch and in the evening, and she encouraged staff to attend. She asked the Council if they would like to have Brad Lancaster present to them as a Council Meeting, or more as a public gathering that takes place in the Council Chambers. It was decided that the Council would like to encourage as much of the community as possible to attend, and that it would take place in the evening.

Administrative Reports:

Linares stated that their Strategic Planning Session is scheduled for Friday, February 14th. It will be on a Friday rather than a Saturday this year so that more staff will be available. The highway

widening is still on course to tentatively begin on February 24th. The City will be posting information about the project on both their website and Facebook page. People can request to be emailed or mailed updated information from the City's Communications and Engagement Manager about the project. They can also make a request to UDOT, who will have their own website about the project. Staff will be getting the impact fee analysis going this week. City Public Works Director Antillon has left the City's employ and Linares will be working as interim Public Works Director until further notice. Antillon has moved to be closer to his family and Linares thanked him for his service. Linares stated that the use of the Center Street Gym as an emergency winter shelter is still in progress. They have worked out the permitting and requirements from the state, but they are still working on funding for finance parts of it and volunteers. It doesn't look like it will get done this year, but they are working on how to make it work in the future.

Engineer Williams gave updates on projects. The Regional Transportation Plan has a consultant selected and it's a maximum of a one-year project per the scope. There will be stakeholder groups and public involvement. They've also received a UDOT grant through their technical assistance planning to form a Unified Plan. It's a joint plan with Grand County to update the City/County Transportation Master Plan. Staff calls it the Unified Plan, but Council should be the ones to name it. Grand County is putting in \$20,000, the City is putting in \$15,000 and UDOT is contributing the rest of the money to get it done. The City and County will manage the project in coordination with UDOT. UDOT opened bids on the highway widening and they came in at 10% greater than what their engineer had estimated; This means that they will need to re-evaluate. The North Sewer Trunk Line is moving along, and the Millcreek Waterline Design Project's plan should be done in about 6 weeks.

Citizens to be Heard:

Mayor Niehaus reminded the public that each person was allowed three minutes for their comments.

Sara Melnicoff said that the City has bent over backward to make the Center Street Gym work as an emergency winter shelter, but the committee couldn't come up with funding for staff or volunteers. Linares said that the City is still willing to proceed. She updated Council on the fundraising for an Emergency fund. At City Market, they raised \$11,180, and then there were private donations. If they get donations from the City, they would be close to \$25,000. However, she spent \$4,056 last month which is double what she plans to spend each month. \$2,200 went for lodging and rent. This month she has spent \$3,190 thus far and a lot of that was also rent and lodging. There is a lot of need and this was probably the busiest December they've ever had. She has been promoting Moab Solutions Recycling Center and hopes that everyone can work together in the future.

Rikki Epperson Executive Director of Community Rebuilds, wanted to clarify a few things about Ordinance 20-2002 and addressed concerns she has heard from the community regarding the Community Rebuilds request for zone change. She also mentioned community concerns regarding "commercial creep" and the possibility of the Rancho Fandango turning back into a nightly rental. She said that she believed those issues had been addressed in Community Rebuilds' plan. Nothing in the neighborhood will change except that one more house will be in the housing stock when the new office gets built. She said that they don't have much office traffic, but she feels that the current location of the office has more of a commercial creep feel

than where the new office would be. Community Rebuilds is going to deed restrict both properties as they don't want nightly rentals in that area. The residential feel will be preserved.

Kenny Fallon said that he is an AmeriCorps Vista and he is grateful that he was able to get housing with Community Rebuilds in their service worker lodging. He said that his friends have had trouble finding housing. It is very difficult to find affordable housing, particularly if you are in a volunteer program or community internship; He is grateful that he was able to get into housing that is reserved for service organization workers. He is hoping that the zone change will go through because it will increase that supply and help more people.

Zacharia Levine owns property bordering part of the Community Rebuilds property and he believes that it would be beneficial to do the zone swap. He believes that it makes more sense for the commercial parcel to have more frontage on a public road rather than being on the flag lot portion. He would prefer the zone change because it fits more with the character of the area. He supports Community Rebuilds as an organization and the mission and goals that it is working to reach.

Kimberly Pettit said that she had previously sent a booklet to the Council and the Mayor regarding her understanding of this issue. She was under the impression that, before this was to be considered by the Council, they would have a public hearing prior to a decision being made. She read an email that she had sent to Council earlier in the evening. She is thoroughly against the rezone and said that she could find no postings for this meeting. She said that she also was not notified of the public hearing on this issue when it was before the Planning Commission, and she was not interviewed by anyone to convey a narrative to support such a zone change. She said that the documents provided to the Planning Commission for their public hearing included a document (number 3) approving the proposed zoning map amendment when it was only supposed to be a public hearing. Mayor Niehaus notified Pettit that she was one minute over the allowable three minutes for Citizens to be Heard Comments but would allow her to finish. Pettit mentioned that the minutes from the public hearing held by the Planning Commission stated that the Commission passed the ordinance only with the understanding that the Council would not pass it until they held a public hearing, but there has been no notice. She asked that Council table this matter.

Dennis Silva said that he lives in the county but has communicated his feelings about the Humane Society's Trap and Neuter program. He asked that the Council talk to the Humane Society about the program because cats kill birds. He said that he has documentation that proves that the program kills a lot of birds, especially songbirds. He believes that birds should be considered in the decision and a suggestion be made to the Humane Society about reducing that program.

Ellen Amuso said that she is a Board member of the Humane Society and she read out a statement from the Humane Society explaining how the Community's feral cat population has stabilized and has, in fact, decreased. She said that records showed that the City euthanized almost 2000 cats between 1997 and 2004 at taxpayer expense in addition to paying staff salary. The Humane Society's Feral Cat program has successfully stopped the community runaway feral cat population and reduced Moab's animal shelter costs. The cat population has been steadily declining in response to the program.

Diane Walker said that she sent a letter regarding the zone change of Community Rebuilds earlier in the day. She said that she has been involved in a lot of zone changes in that

neighborhood over the years and gave Council some history including the zone change applications that had been denied. She is very much opposed to this zone swap and thinks it's a poor precedent for the City. She worries that this type of thing will come up again.

Proclamations:

Proclamation of January 20, 2020 as Martin Luther King Jr. Day in the City of Moab.

Mayor Niehaus read out the proclamation that annually, on the third Monday of January, be declared Martin Luther King Jr. Day as a federal holiday to represent Dr. King's birthday. It will be celebrated on January 20, 2020.

Old Business

Community Contributions Recommendations for FY 2019-2020

Discussion: Communications and Engagement Manager Lisa Church and Assistant City Manager Carly Castle were available for any questions the Council may have had.

Motion and vote: Councilmember Duncan moved that the City fund the Humane Society as the Committee has suggested with the caveat that, in subsequent years, any funding requests from the Humane Society should show significant deductions in the feral cat population. Councilmember Guzman-Newton seconded the motion. Mayor Niehaus stated that there are more items on the Community Contributions list, but she was comfortable with isolating this as a motion if Council agreed, however they would still need a motion for the remaining contribution items. There was no further discussion. The motion passed 5-0 with Councilmembers Duncan, Guzman-Newton, Derasary, Knuteson-Boyd and Jones voting aye.

Motion and vote: Councilmember Jones moved to approve the Community Contributions Ad Hoc Committee's recommendations for the rest of the fiscal year 2019-2020 grants. Councilmember Knuteson-Boyd seconded the motion. Councilmember Derasary asked if the motion was to approve the rest of the recommendations as is, and Councilmember Jones said that it was. Councilmember Derasary said that there was interest in revisiting the recommendation for the Youth Garden Project at the last meeting. Councilmember Guzman-Newton had a suggestion of moving some funds from KZMU to give to the Youth Garden. She also mentioned that WabiSabi's request could be reallocated. Councilmember Derasary asked if there was any interest in reallocating any funding that is allotted for events for groups, and Councilmember Jones said that he was interested. Mayor Niehaus called for a vote of the motion on the table to approve the recommendations as is. The motion failed 4-1 with Councilmember Duncan voting aye and Councilmembers Derasary, Knuteson-Boyd, Guzman-Newton and Jones voting nay.

Motion and vote: Councilmember Guzman-Newton moved to approve the Community Contributions Ad Hoc Committee's recommendations for 2019-2020 grants with the deletion of \$1000 from WabiSabi and \$500 from KZMU to enable \$1,500 to go to the Youth Garden Project for their Summer Camps. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 with Councilmembers Guzman-Newton, Knuteson-Boyd, Derasary, Duncan and Jones voting aye.

Ordinance 2019-30: An Ordinance Amending the City of Moab Municipal Code Section 17.31 RC Resort Commercial Zone to Allow New Hotels and Motels, Subject to Revised Development Standards:

Discussion: City Planner Nora Shepard presented and said that she was looking for some direction from the Council, as she had received wide-ranging comments and questions from the Council at the last meeting. The Planning Commission didn't have a quorum for last week's meeting, so they were unable to vote on a recommendation. She gave a brief history and pointed out what has been approved by the County Council as well as the recommendations that were made by City Council. The County approved overlays by use. Shepard provided updated numbers of all existing motels and hotels as well as those that are pending. There are 388 bedrooms pending rather than the 38% increase number that has been thrown around in the community. Shepard said that it is unknown where the 38% number actually came from

City Planner Shepard said that they are looking for direction on energy efficiency, density and size, incentives for commercial square footage and the mixed-use requirements. Mayor Niehaus asked if the Council was in favor of moving forward with metering, if they would like to revisit overlays, or move forward in the Resort Commercial zones with standards. Councilmember Duncan said that the Council hears a lot about slowing down overnight accommodations from the community. He was uncomfortable with using strict standards to try to slow things down. He is nervous about pursuing standards alone and asked how the rest of the Council felt about it. Councilmember Guzman-Newton was in favor of starting with very strong standards and loosening them a little if they are too onerous. She would like more minimum commercial space than the 5%. Councilmember Knuteson-Boyd would prefer higher standards to overlays. She also stated that there are apartments that are 100% solar. They generate everything they need and sell back to the grid. They have a zero-waste component to rent the apartments so it's not going to be as lucrative, but she believed that it could be done. Councilmember Jones said that, for the RC zone only, he was willing to try using standards to balance the benefits of new development with other community benefit needs. He was accepting of the standards as written. The assured housing offers an option to calculate the economics of individual developments and, for the developer, to propose alternative assured housing numbers. However, Councilmember Jones is still concerned that a developer will come back and say that they are in favor of the standards and also assured housing, but what if a developer cannot afford the housing because they build to the stricter standards? City Manager Linares said that the Council passed the Assured Housing Ordinance over a year ago, and staff doesn't have the authority to negotiate one for the sake of the other. That is something that would have to be done through the Council if they wanted to do it as a per project type of approval. Councilmember Jones is concerned that there may be a loophole. City Manager Linares assured him that staff does not see it that way. Councilmember Duncan agreed with Councilmember Guzman-Newton about requiring more than a 5% minimum commercial. He also likes the idea of the setback tiered levels, but that it creates a shade issue for solar panels. Councilmember Derasary said that she could see why people wanted to discuss the overlays, and she feels that the community is asking for some sort of metering and that that was important to her. She wanted clarification of what the County had done in terms of metering. She thought she could remember that they had some sort of ratio that they were working with. needs some sort of metering, but she is accepting of the standards in the RC zone. Mayor Niehaus asked for clarification and said that what she was hearing from Councilmember Derasary was that she alright with standards for the RC zone as opposed to overlay. Councilmember Derasary said that, like Councilmember Jones, she is, "Okay with that for the RC." Mayor Niehaus asked Councilmember Derasary how she felt about

the commercial space percentage. Councilmember Derasary said that she had a lot of information to digest and felt that Council's conversation and suggestions are good, but she couldn't say anything about specific about commercial space at this time. Mayor Niehaus summarized that the Council was going to continue moving forward with standards for the resort commercial zone. She stated that the outstanding standard questions are on the 80% on-site energy development requirements, the percentage of commercial space requirements, and the impact that this may have on their ability to leverage affordable housing units through the WAHOO if they have greater restrictions. Mayor Niehaus asked City Planner Shepard to go back to the Planning Commission and have deeper conversations about commercial space. Shepard said that she could do that, or Council could give her direction of what they think makes sense. Mayor Niehaus said that if the on-site energy development, commercial space, stepping of the levels, and basic design criteria were workshopped by the Planning Commission, and a recommendation came back to the Council, they would be in a good place. She suggested that a couple of the Council and Planning Commission members get together to discuss design criteria. Councilmember Knuteson-Boyd said that she could be on the committee.

Councilmember Jones was willing to do so, as well. Councilmember Derasary asked if Council to talk briefly about greywater and address other questions that were brought up in the draft ordinance so that Shepard would have some direction. It was noted that the County Council included a greywater standard, but it is not legal until or unless the legislature passes the greywater rule for commercial properties. However, she could add it into the standards if that was what the Council wanted. Councilmember Derasary asked if they ever add language that says that a standard is contingent on the passing of a state rule? Linares said that he would prefer to follow the pending rule and then add it to the standards once it has passed which would give staff the language that would be required. There was extensive discussion fleshing out the best way to go about metering overnight accommodations in other commercial zones. Councilmember Guzman-Newton said that the language that the County is using for metering is "Carrying capacity analysis," but was uncertain what that means or how they justify the number. Mayor Niehaus suggested that she thought this was a topic that the Planning Commission could handle as ratio of residential to commercial specific to overnight accommodations. Linares stated that he needs something to tie a ratio to, be it based on the availability of water or another substantive base. The City needs to have a rational basis to the carrying capacity. There was further discussion regarding water capacity and how it could be addressed.

New Business:

Confirmation of Mayoral Appointment of Luke Wojciechowski to the City Planning and Zoning Commission:

Discussion: There was no discussion.

Motion and vote: Councilmember Jones moved to confirm the mayoral appointment of Luke Wojciechowski to the City Planning and Zoning Commission, effective immediately, to replace the appointment formerly held by Allison Brown. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd, Guzman-Newton and Jones voting aye.

Reappointment of Arne Hultquist to the Water Conservation and Drought Management Advisory Board term commencing immediately and expiring on

December 31, 2022:

Discussion: There was no discussion.

Motion and vote: Councilmember Duncan moved to approve the reappointment of Arne Hultquist to the Water Conservation and Drought Management Advisory Board commencing immediately and the term expiring on December 31, 2022. Councilmember Jones seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd, Guzman-Newton and Jones voting aye.

Reappointment of Kara Dohrenwend to the Water Conservation and Drought Management Advisory Board, term commencing immediately and expiring on December 31, 2022:

Discussion: There was no discussion.

Motion and vote: Councilmember Guzman-Newton moved to approve the reappointment of Kara Dohrenwend to the Water Conservation and Drought Management Advisory Board commencing immediately and the term expiring on December 31, 2022. Councilmember Duncan seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd, Guzman-Newton and Jones voting aye.

Ordinance 2020-01: An Ordinance Approving a Zoning Map Amendment for Property Owned by the City of Moab at 193 Walnut Lane (Mailing Addresses 250 & 280 W. Walnut Lane) from R-2 Single-Household and Two-Household Residential Zone to R-4 Manufactured Housing Residential Zone, and Amending the City of Moab Official Zoning Map:

Discussion: Senior Project Manager Kaitlyn Myers was present to answer any questions that the Council might have. Councilmember Derasary said that she received a note from Walnut Lane neighbors who are in support of the project; however, they are concerned that things may change in the future, and that they could end up with a three-story apartment building next door. She was assured that the City was going for a PAD in that area and that they would need to bring a site plan to the Council for approval before they could proceed. There will also be public design meetings and a tall solid fence along the property line, no matter how they move forward.

Motion and vote: Councilmember Duncan moved to approve Ordinance 200-01: An Ordinance Approving a Zoning Map Amendment for Property Owned by the City of Moab at 193 Walnut Lane from R-2 Single-Household and Two-Household Residential Zone to R-4 Manufactured Housing Residential Zone and Amending the City of Moab Official Zoning Map. Councilmember Jones seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd, Guzman-Newton and Jones voting aye.

Ordinance 2020-02: An Ordinance Approving a Zoning Map Amendment for Properties Owned by Community Rebuilds, from R-3 Multi-Household Residential, to C-2 Commercial Residential Zoning, and from C-2 Commercial Residential, to R-3 Multi-Household Residential Zoning; and Amending the City of Moab Official Zoning Map:

Discussion: Assistant Planner Cory Shurtleff presented the current zoning as well as the

proposed zoning, which would be swapping the zones to allow an office to be built. Councilmember Duncan asked if a C-1 zone would work. Shurtleff said that parking, setbacks and landscaping buffer requirements made C-2 the better option. Councilmember Guzman-Newton asked how they could legally deed restrict the property, and will that deed restriction last in perpetuity? She stated that it isn't realistic to believe that Community Rebuilds will own the property forever. Councilmember Derasary noted that, in full disclosure, she is a neighbor to the property and can see the points on both sides of the issue. There was extensive discussion regarding the pros and cons of the zone swap, and the possible zones that could and couldn't work. The idea of classifying Community Rebuilds as school lodging due to the scope of their mission and operations was discussed. Councilmember Derasary asked why they weren't having a public hearing on the issue. City Manager Linares said that the Council hadn't received correct information during public comments, and that the Planning Commission can only recommend a zoning change for approval since the Council makes the decision. The Planning Commission recommended that the Council have a public hearing, and Linares balanced that with the due process rights of the applicant. The public hearing was held at the Planning Commission during the first stage, which met the due process rights of both the applicant and the neighbors; the City can't get into a situation where it would appear that the Planning Commission is giving the Council direction rather than the other way around. Mayor Niehaus stated that she was not part of the conversation about the public hearing at the Planning Commission; Linares agreed and clarified that the discussion was internally done. Derasary inquired if there were any creative planning tools that could be utilized to allow a one-time office without allowing offices in all of the R-3 zone. Linares said that the Council needs to decide if they would like to have another public hearing on the matter or not. He also said that this zone flip flop is really unique. Shepard said that Utah state code doesn't allow use variances, so that's not an option in this situation. Mayor Niehaus reiterated the idea of classifying Community Rebuilds as a school, which would permit an office in a residential zone. City Manager Linares said that option would require research before a decision could be made.

Motion and Vote: Councilmember Jones moved to approve Ordinance 2020-02: An Ordinance Approving the Zone Change for Community Rebuilds based on the findings required by Moab Municipal Code 17.04.060 Map Amendment Approval Criteria. The Motion died due to lack of a second. Councilmember Derasary moved to table this agenda item to allow staff time to investigate the possibility of Community Rebuilds being designated as a school. Councilmember Guzman-Newton seconded the motion. The motion passed 4-1 with Councilmembers Derasary, Duncan, Knuteson-Boyd, Guzman-Newton voting aye, and Councilmember Jones voting no.

Review of Council Member Community Organization Liaison and Board Assignments:

Discussion: There was no discussion.

Motions and vote: Councilmember Knuteson-Boyd moved to table this agenda item. Councilmember Duncan seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd, Guzman-Newton, and Jones voting aye.

Appointment of the 2020 Mayor Pro Tem

Discussion: Mayor Niehaus reappointed Councilmember Knuteson-Boyd as Mayor Pro Tem

Appointment of the Council Member Responsible for Reviewing the City's Bills in 2020:

Discussion: Mayor Niehaus reappointed Councilmember Knuteson-Boyd as the Councilmember responsible for reviewing the City's bills in 2020.

Approval of Bills Against the City of Moab:

Councilmember Knuteson-Boyd said that she went through the bills to see what they were spending locally; she noted that the City's charges to Amazon went down markedly last month. She moved to approve the bills in the amount of \$270,516.30 and noted that \$150,163.36 of that was spent locally. Councilmember Jones seconded the motion. The motion carried 5-0, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Adjournment: Councilmember Duncan moved to adjourn the meeting. Councilmember Guzman-Newton seconded the motion. The motion carried 5-0, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. Mayor Niehaus adjourned the meeting at 10:01 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder