

MOAB CITY COUNCIL MINUTES
REGULAR MEETING
January 26, 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>.

Call to Order and Attendance: Mayor Niehaus called the Regular City Council Meeting to order at 7:04 p.m. Participating remotely were Councilmembers Karen Guzman-Newton, Tawny Knuteson-Boyd, Rani Derasary, Mike Duncan and Kalen Jones. City staff participating remotely were Manager Joel Linares, Assistant Manager Carly Castle, Attorney Laurie Simonson, Recorder Sommar Johnson, Police Chief Bret Edge, Planner Nora Shepard, Public Works Director Levi Jones, Engineer Chuck Williams and Communication Director Lisa Church. A video recording is archived at <https://www.youtube.com/watch?v=YgPBftk31Yw>.

Citizens to be Heard: Written comments may be viewed at <https://moabcity.org/151/City-Council>.

Sara Melnicoff shared that she received a citizen service award from the police department. She praised the police department for work on a record number of assists in 2020. She discussed the expenditures of her group on persons who requested assistance. She thanked Chief Edge and the department for their help.

Chloe Hedden spoke in response to a recent demand letter from a pro-Utility Side-By-Side Vehicle (UTV) group in Utah to the County. She stated her belief that the group made it clear they will stop at nothing to assert their “right” to destroy the peaceful environment of our homes and neighborhoods. She said that, in taking a litigious stance against the County, the pro-UTV groups in Utah have been clear with their intention to subordinate the needs of the local community. She encouraged City Council to stand united in strength as a community to unequivocally assert rights to the peaceful enjoyment of our homes and neighborhoods. She said loud recreation is a privilege, not a right and that privilege has been squandered. With regard to the UTV rental businesses and guide outfits, she said we all know the noise problem is out of control in Moab and needs immediate attention. She stated she supports the City Council’s temporary moratorium on new UTV rental businesses and events. She said residents are being severely impacted and City Council needs to respond with bold action on all available fronts.

Pete Gross commented on excessive noise and denoted the moratorium. He referred to the Blue Ribbon Coalition letter to the Council and found it absurd the assertion that UTV noise constitutes protected speech under the First Amendment. Mr. Gross encouraged Council to strengthen and enforce the noise ordinance. He took issue with assertions made in the letter regarding noise measurement standards and commended Councilmember Duncan’s decibel-measuring methodology. He expressed his belief that enforcement would not be as onerous or difficult as we have been led to believe. He indicated he did not know about the legal ramifications of enforcement, but from a physics perspective, the measurement of noise is unambiguous. He concluded by thanking Council for all efforts to mitigate noise.

Dan Kent expressed his appreciation for the direction of the City to mitigate noise and control

All-Terrain Vehicles (ATVs). He said it was absolutely vital to keeping the character of the town the way it is. He concluded by saying we have been overrun in the last couple of years and we've got to do something now and [Council is] doing it. He said he wanted to provide extra ballast in case the City wants to take on potential legal threats from the Blue Ribbon Coalition and others and he said he hopes the City has a lot of backing from the people in town and environmental groups across the nation that realize Moab is a proving ground for just this kind of abuse.

Administrative Reports: [13:11 - 45:24](#)

Mayor Niehaus reported that citizens can call the Southeast Utah Health Department (SEUHD) with questions about vaccination. She said that all available appointments were booked within eight minutes. She said she was grateful to the Health Department and Moab Regional Hospital. City Manager Linares said vaccinations are currently for healthcare workers, first responders, educators and persons over 70 years of age. He added there were currently 97 active local cases. He also commended the Road Department for work during and after recent snow storms.

Linares stated the annual budget process is underway. He also noted the land use code rewrite is a priority for the year. He reiterated the mask order is still in effect. He announced that Levi Jones is recognized as the Supervisor of the Year and Chace Gholson is employee of the year. He concluded by announcing revenues are 145 percent of last year.

Police Chief Edge reported on an ongoing review of the Use of Force policy. He described a demonstration of a virtual reality Use of Force training module and indicated the cost is \$26,000 and the police department seeks grants to fund its purchase. Edge noted Police Department Office Manager Kelli Day is actively seeking grants for canine support and radar units. Edge thanked Councilmember Derasary for the cards she sent to the recent police department recipients of awards given locally and also from the National Association for the Advancement of Colored People (NAACP). Councilmember Duncan brought up pending legislation regarding carrying concealed weapons without a permit.

Communication Manager Church and Recorder Johnson reported on the Buy Local Bucks program funded by the Coronavirus Aid, Relief, and Economic Security (CARES) Act. They indicated that all available funds had been expended as of that day. Church said all businesses participating in the program had been notified that the program was ending. She commended Recorder Johnson and Deputy Recorder Kerri Kirk for their hard work on what she noted was a hugely successful program. Councilmember Knuteson-Boyd noted that most of the funds had been redeemed at grocery stores. City Manager Linares thanked Pat Trim and his staff for their work notifying businesses. Recorder Johnson agreed to make a list of where coupons had been redeemed available for public review. Linares also noted there was no evidence of residents cheating by asking for extra coupons.

Church reported on the organizational grant program and said applications were due by the end of the week. She stated the City had received 11 applications to date. Mayor and Council asked about eligibility and grant amounts. Church announced staff members deliberating the requests.

Mayor and Council Reports: [45:29 - 1:16:07](#)

Mayor Niehaus reported she met with members of a UTV group who spoke of the overwhelming support for a new UTV speed limit, which they felt was effective. She brought up legal concerns expressed by Rally on the Rocks organizers. She mentioned she had met with Ben Burr of the Blue Ribbon Coalition in the past year, who made suggestions and offered ideas; Mayor Niehaus lamented that those same ideas are now the subject of pushback when the City acted to implement them. She stated that compromise is needed. She noted a planned pow wow in

September organized by the Salt Lake Air Protectors and suggested it could be healing for the community. Mayor Niehaus reported she met with the state director of the Bureau of Land Management (BLM) and indicated they had a frank conversation about UTVs. She concluded with a brief overview of work regarding the ongoing legislative session.

Councilmember Derasary reported the Moab uranium tailings removal project is at the 70 percent mark. She said she met with the System of Care group which assists families of children with behavioral and emotional issues. She reported on the recent meeting of the Emergency Medical Services Special Service District board, and said there were 52 incidents as of January 19. She said COVID vaccinations for staff were ongoing. She also mentioned her work regarding the ongoing legislative session. Mayor Niehaus asked about the future plans for the tailings site and Councilmember Derasary indicated another draft of the plan would be prepared in 2023 and current information is available at www.grandcountyutah.net/257/Moab-UMTRA-Project.

Councilmember Duncan reported two positions are open on the City's Water Conservation and Drought Management Advisory Board. He noted that Mark Stilson, the Regional Engineer for the Utah Department of Water Rights, is concerned about a brine layer in the aquifer. He said private wells could be affected. Duncan commented on his home experiments measuring sound with a handheld meter. He also noted there is now a water shortage issue with the Grand Water and Sewer Service Agency, the County's water provider. He said it was due to the low snow pack and said the County might request new water rights.

Councilmember Knuteson-Boyd reported on a recent meeting of the Canyonlands Care Center board. She said that although several employees had tested COVID positive, no patients have contracted the virus. She commended the staff and noted nurses vaccinated the entire patient population as well as staff in one hour. She said the Care Center was celebrating its tenth anniversary and also stated that workman's compensation claims went down. She spoke about a Housing Authority meeting she attended and announced there would be small cottages as a living option in the upcoming Arroyo Crossing development. She noted the Moab Area Project for Seniors (MAPS), the Virginian Apartments and Cinema Court are all full with waitlists. She reported the Museum Board is working on goals for the year.

Councilmember Guzman-Newton reported she had to attend to a family emergency and did not attend many meetings in the past weeks. She brought up the Community Development Block Grants that were currently available for local entities.

Councilmember Jones reported on his work regarding the current legislative session. He also conveyed that at a Solid Waste Special Service District meeting, statistics were presented that indicate waste production is on par with local revenues, indicating the community is not making progress toward zero waste. He brought up the potential for sponsorships for the Canyonlands Recycling Center. Councilmember Duncan asked about statistics regarding the City's single-stream program and City Manager Linares stated he could get information from the Treasurer.

Presentations:

Amanda Knill, Community Coordinator for Grand County School District, updated Council on new administrators and school board members. She said the new middle school will be named for the late Margaret Hopkin and April 5 is the date for the grand opening. Knill presented statistics on students and staff as well as meals served to students. She said that all staff were offered vaccines and 80 percent had received shots. Councilmember Guzman-Newton asked about student numbers in view of the pandemic and Knill indicated enrollment was down by 70 students. Free and reduced lunch statistics were discussed.

Dr. Ros McCann of the Utah State University Extension spoke about water issues and opportunities. She explained the region is experiencing a water crisis and a climate-caused hotspot. She noted Colorado River flow had declined 20 percent in the last century. She mentioned rainwater harvesting as an opportunity for water conservation and mentioned recent legislative changes regarding the practice.

Approval of Minutes:

Motion and Vote: Councilmember Duncan moved to approve the minutes for the January 12, 2021, Regular Meeting. Councilmember Jones seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Jones, Guzman-Newton, Knuteson-Boyd, and Duncan voting aye in a roll call vote.

Proclamation of Moab City Law Enforcement Appreciation Day

Mayor Niehaus read a proclamation signifying January 27, 2021 as Moab City Law Enforcement Appreciation Day.

Old Business:

Proposed Ordinance 2021-02 relating to All-Terrain Vehicles—Tabled

Presentation: Planner Shepard presented progress on a temporary moratorium on All Terrain Vehicle (ATV) businesses. Discussion with Council ensued, focused mainly on the question of expansion of fleets and scope of existing businesses. Shepard stated there was little concern about an existing business improving properties but the expansion of fleets needed clarification. Attorney Simonson explained options to the Council.

Motion: Councilmember Duncan moved to adopt Ordinance 2021-02 enacting a temporary land use regulation prohibiting, for a period of 180 days, the development and expansion of new vehicle sales, rentals or leasing, commercial outdoor recreational uses, commercial and recreational tour companies, outfitters, and guide services as they pertain to All Terrain Vehicles (ATVs) as defined by Utah State Code §§ 41- 6a-102 and 41-22-2. Councilmember Jones seconded the motion.

Discussion: Discussion about solving noise problems was heard, and Councilmember Knuteson-Boyd stated the version as presented would not meet noise abatement objectives nor discourage the bad behavior exhibited by ATV owners. Councilmember Guzman-Newton stated she doesn't want to micromanage existing businesses and agrees that noise is an issue. She added it was justifiable to curtail new businesses, and Councilmember Knuteson-Boyd concurred. Councilmember Jones suggested that if there were expansions to existing fleets, new vehicles must be trailered to trailheads. He pointed out this use constitutes an industrial use in residential areas. Councilmember Duncan stated he preferred the version presented in the packet and suggested it might be effective to require that all businesses apply specific noise standards. Mayor Niehaus indicated that data from Sand Flats suggests the majority of ATVs at the booth are rentals or tours. Councilmember Guzman-Newton expressed her opinion that the majority of ATVs are privately owned. Councilmember Duncan withdrew his motion.

New Motion: Councilmember Derasary moved to approve the version of proposed Ordinance 2021-02 as presented in the Council Packet. Councilmember Jones seconded the motion.

Vote: The motion failed with Councilmembers Duncan, Guzman-Newton and Knuteson-Boyd voting nay and Councilmembers Jones and Derasary voting aye.

Motion to Table: Councilmember Guzman-Newton moved to table the redlined version of proposed Ordinance 2021-02 until the next regular meeting of the Council. Councilmember Knuteson-Boyd seconded the motion.

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

New Business:

Water Meter Purchase—Approved

Motion: Councilmember Knuteson-Boyd moved to award the 2020/2021 Water Meter Purchase to Meterworks Incorporated in an amount not to exceed \$140,000. Councilmember Derasary seconded the motion.

Discussion: Public Works Director Jones answered questions from Council about the proposed product and the economy of switching to another brand at this time.

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

Culinary Water Resources Policy and Conservation Measures—Approved

Presentation: Assistant Manager Castle, along with Engineer Williams, briefly presented the project of drafting water conservation ordinances. Mayor Niehaus indicated a future workshop was desired. Councilmember Knuteson-Boyd asked questions about violation fines and Councilmember Duncan asked about what happens if everyone waters in the evening. Williams stated he would develop demand models. Councilmember Guzman-Newton mentioned the possibility of grants for smart meters for residents.

Motion: Councilmember Jones moved to direct staff to develop a Draft Water Shortage Contingency Ordinance and a corresponding Water Shortage Contingency Plan, and Time-of-Day/Day-of-the-Week Water Resource Management Ordinance. Councilmember Duncan seconded the motion.

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

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 \$183,200.55. 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.

Executive (Closed) Session:

Motion and Vote: Councilmember Knuteson-Boyd moved to enter an executive closed session to discuss strategy regarding reasonably imminent and/or pending litigation. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. Mayor Niehaus opened the Executive Session at 10:01 p.m. Councilmember Knuteson-Boyd moved to close the Executive Session. Councilmember Guzman-Newton 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 Executive Session at 10:12 p.m.

Adjournment: Councilmember Knuteson-Boyd moved to adjourn the meeting. Councilmember Guzman-Newton seconded the motion. The motion passed unanimously and Mayor Niehaus adjourned the meeting at 10:12 p.m.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder