

**MOAB CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
March 12, 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=IN6YibnVdOk>.

Workshop Meeting for Special Presentation:

At 12:06 PM, Mayor Emily Niehaus called a workshop meeting to order for a special presentation by Laurel Hagen regarding her Mill Creek Water Banking and Instream Flow Research Project. In attendance were Councilmembers Kalen Jones, Karen Guzman-Newton, Mike Duncan and Rani Derasary. Councilmember Tawny Knuteson-Boyd was absent. Also in attendance were City Manager David Everitt, Assistant City Manager Joel Linares, Sustainability Director Rosemarie Russo, Engineering Department staff Eric Johanson, Mark Jolissaint and Didar Charles, Human Resource Assistant Stephanie Haycock, Water Conservation and Drought Management Board Members Denver Perkins and Arne Hultquist and Records Specialist Eve Tallman. Three members of the press and public were present. Hagen presented a proposal for a water rights research project she is planning as part of her legal studies. She asked for a letter of support from the City with accompanying limited access to attorneys who work on the City's behalf. A video recording of the workshop is archived at <https://youtu.be/jDQWJeLwfAE>.

Motion and Vote: Councilmember Duncan moved to recess the meeting until 5:00 PM. Councilmember Derasary seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Derasary, Guzman-Newton and Duncan voting aye. Mayor Niehaus recessed the meeting at 1:03 PM.

Executive Closed Session:

Councilmember Karen Guzman-Newton moved to enter an Executive Closed Session to Discuss the Purchase, Exchange, or Lease of Real Property, An Executive Closed Session to Discuss Reasonably Imminent and/or Pending Litigation and an Executive Closed Session to Discuss the Character, Professional Competence, or Physical or Mental Health of an Individual or Individuals. Councilmember Derasary seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Guzman-Newton, Derasary and Duncan voting aye. Councilmember Knuteson-Boyd recused herself from the Discussion of Real Property. Mayor Emily Niehaus called the Executive Session to order at 5:04 PM. Councilmember Knuteson-Boyd arrived at 5:50 PM. Councilmember Knuteson-Boyd moved to end the Executive Closed Session. Councilmember Karen Guzman-Newton seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye. Mayor Niehaus ended the Executive Closed session at 6:03 PM.

Pre-Council Workshop:

Mayor Niehaus called the Pre-Council Workshop to order at 6:09 PM for a follow-up briefing on Long-Term Residential Rental Business Licensing. A video recording of the workshop is archived at: <https://www.youtube.com/watch?v=w9nk1EBSqMk>. City Treasurer Chantel Lindsay opened the discussion by presenting options for licensure fees, dwelling thresholds for licensure requirements, a self-certification process for landlords and implications for inspections. Comments and questions from Council involved fee levels, code enforcement, zoning compliance, consequences for noncompliance, the proposed Good Landlord Program and code revision language. Consensus was reached to set the annual license fee for long term residential rentals at \$26 plus \$10 for every additional dwelling. Property owners are exempted

if they reside on the same parcel as the rental dwellings and there are two or fewer rentals on the property.

Regular Meeting—Call to Order and Attendance:

Mayor Niehaus called the meeting to order at 7:00 PM and led the Pledge of Allegiance. In attendance were Councilmembers Knuteson-Boyd, Guzman-Newton, Jones, Duncan and Derasary. Also in attendance were City Manager Everitt, Assistant City Manager Linares, City Attorney Chris McAnany, Police Chief Jim Winder, City Engineer Chuck Williams, Treasurer Lindsay, Communications and Engagement Manager Lisa Church and Records Specialist Tallman. Twenty-three members of the public and media were present.

Mayor and Council Reports: Mayor Niehaus began with a recap of the state legislative session and noted several bills the City and individual Council members had been tracking. The Mayor also reported on a meeting of the Utah League of Cities and Towns (ULCT) she participated in along with Councilmember Derasary. She mentioned a meeting of the Southeastern Utah Association of Local Governments (SEUALG) at which decisions were made regarding Permanent Community Impact Board (CIB) grants as well as Community Development Block Grants (CDBG). Also noted were the Mayor's attendance at the rural caucus meetings and Housing Day at the capitol, a Webelos visit to City Hall, the Planned Affordable Development (PAD) workshop with City Council, and a tour of the Uranium Mill Tailings Remedial Action (UMTRA) site. She updated Council on a meeting of the Utah State University (USU) Advisory Board and mentioned \$2.5 million had been raised locally and groundbreaking would likely be after the completion of the entry road in the summer. Mayor Niehaus noted USU continues to secure funding for the Moab campus project at the state level.

Councilmember Derasary reported on the Emergency Medical Services meeting she attended at which use statistics were discussed along with a CIB request for facility expansion. She noted an award for exemplary service received by the Canyonlands Health Care Special Service District. She also commented on the UMTRA tour and praised the facility staff as well as Russ von Koch. Derasary requested training for lobbying. She brought up the recently-passed radioactive waste bill and requested the City to ask the Governor to veto the bill. She also mentioned other legislation of interest to her regarding victim targeting and conversion therapy.

Councilmember Duncan reported on the UMTRA tour.

Councilmember Knuteson-Boyd mentioned the PAD workshop, the middle school talent show, the recent community musical and announced she was a new recycling customer.

Councilmember Guzman-Newton reported on a meeting of the Chamber of Commerce and noted the upcoming Chamber golf tournament. She mentioned a meeting of the focus group considering Mill Creek and the Powerhouse neighborhood. Guzman-Newton also commented on pending legislation, the rural caucus, the Utah Department of Transportation (UDOT) regional transportation plan, and an open house regarding the design of the new middle school. She noted the school groundbreaking was planned for May.

Councilmember Jones reported on work with the County Council on the future land use plan. He mentioned meetings he attended regarding the housing task force, a listening session with two San Juan County commissioners, and a special meeting of the Solid Waste District. He noted there would be a public hearing in one week regarding the County's proposed Dark Skies ordinance. He also mentioned his attendance on the UMTRA tour and a recent recycling panel discussion hosted by the League of Women Voters.

Administrative Report: City Manager Everitt announced Nora Shepard had been hired as the new City Planner with a start date in mid-April. He also reported on the UDOT planning meeting, which touched on the administrative planning process and transportation issues including potential shuttles, active transportation infrastructure and the possible bypass. Everitt stated staff, along with Monument Waste, were implementing the recycling and trash collection changes. City Engineer Williams briefly mentioned a speed study in response to a citizen petition requesting the lowering of speed limits in the 100 North and 100 East area. Williams also announced the award of the City's CDBG application for access updates to the Center Street Gym.

Police Chief Winder detailed the equipment to be used for the speed study to establish a pattern for increased law enforcement and reminded Council the state prohibits photo-radar ticketing technology. Winder also briefed Council on the prior day's incident at the middle school that involved members of the U.S. Marshall's office utilizing the school parking lot to stage a raid. Councilmember Derasary praised the helpfulness of the new law enforcement radios.

Presentations:

Students of the Month:

Mayor Niehaus presented the Mayor's March Student of the Month Awards for Helen M. Knight Elementary School student Legacy Blake and Moab Charter School student Noel Patterson.

Citizens to be Heard:

Darcey Brown and Ken Helfenstein requested the removal of plat restrictions on their property on Pear Tree Lane. Brown pointed out they had lost three written offers for the sale of their land due to the plat restrictions and noted there were no such restrictions on neighboring parcels. She requested there be equal assessments on the properties.

Wendy Young spoke about the proposed access point from West Park Drive to the new senior housing development. She remarked on her frustration regarding the lack of a public hearing. She noted the neighborhood enjoyed the dead-end status of the street and that children often play there. She stated she had been told there was nothing she could do and requested a public hearing.

Brody Young also spoke about the issue on West Park Drive. He commented he had been notified the day prior and referred to a petition signed by all the residents of the area. He requested a delay for approval of the final plat and suggested accessing the senior housing development from Williams Way, affording better access for seniors to the hospital, Grand Center and downtown. He stated he hopes to keep his neighborhood quiet.

Old Business:

100 West/100 South Infrastructure Improvements Project Striping and Signage Plan for Back-in Angle Parking—Discussion

City Engineer Williams announced the paving and striping of the 100 West/100 South project would be completed in late March. He briefed the Council on the pilot project for back-in angle parking and noted he had the support of an adjacent restaurant for the parking pilot. Councilmembers asked questions about how other municipalities roll out such projects, how to manage extra-long vehicles, whether the area on 100 North east of Main could get priority for parking improvements, whether there is enough room on Main Street for angle parking and what educational efforts the City would produce regarding the changes.

Special Events Sponsorship—Approved

Discussion: Linares and Tallman briefed Council on the proposed funding levels for special events sponsorships. Councilmember Guzman-Newton brought up the increasing fees and impacts on local groups. Councilmember Duncan asked about impacts on the requesting organizations' budgets. Councilmember Jones stated his appreciation for the new process and the accompanying data provided by the committee.

Motion and Vote: Councilmember Jones moved to approve sponsorship of certain community events by the City of Moab as recommended by staff. Councilmember Knuteson-Boyd seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

New Business:

Amendments to C-1 Commercial Zone—Adopted

Discussion: Councilmember Guzman-Newton recused herself and left the chambers. City Manager Everitt introduced the proposed ordinance as recommended by the Planning Commission. Councilmember Jones suggested the proposed building height should be at least the same as the nearby residential zone and requested less confusion regarding height definitions in the code. Councilmember Derasary commented the amended zoning should act as a buffer. Councilmember Duncan stated his desire to leave the height requirements as-is and also expressed his interest in making the zoning more amenable to restaurants. Councilmember Knuteson-Boyd pondered whether this change would be impacted by the downtown planning underway. City Manager Everitt stated this proposal would not address lodging establishments and Councilmember Derasary concurred.

Motion and Vote: Councilmember Jones moved to adopt **Ordinance 2019-07:** An Ordinance Amending the City of Moab Municipal Code, C-1, Commercial-Residential Zone, Section 17.20.020, Use Regulations, with the Addition of "Eating establishments, excluding drive-in and drive-through services", and Moab Municipal Code Section 17.20.040(E), to Read, "No building or structure shall exceed twenty-four feet in height, except that in mixed-use developments consisting of both commercial and residential uses, no building or structure shall exceed thirty feet in height" and striking the language that "Building height shall be measured as the vertical distance from the average finished grade of the building line to the midpoint of the highest peak of the roof." Councilmember Duncan seconded the motion. The motion carried 4-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd and Duncan voting aye.

Moab Area Senior Partnership (MAPS) Subdivision Final Plat--Approved

Discussion: Housing Authority Director Ben Riley and MAPS board member Kirsten Peterson answered questions about the project. Peterson stated building a new connecting road to Campus Care Drive and on to Williams Way would be too expensive at this phase. She also commented that Campus Care Drive is narrower than most City streets because it was initially a private drive. Riley stated financing would be completed the following day, building permits were expected in April and groundbreaking would be in the summer. Peterson clarified there had been a public hearing for the zone change and staff confirmed no public hearing was required for the single parcel development. Riley explained he had sent the site plan in December to more than 30 neighbors with no response. Peterson added there would be multiple access points planned for the build-out of the parcel. Councilmember Knuteson-Boyd remarked she was not in favor of delaying the approval of the final plat. She added that Riley's projects had a reputation for being well done and he mitigates issues that come up.

Motion and Vote: Councilmember Duncan moved to approve **Resolution 17-2019:** A Resolution Approving the Final Plat for the MAPS Subdivision and Approving a Subdivision Improvements Agreement for Public Improvements, as Favorably Referred to City Council by

the Planning Commission. Councilmember Knuteson-Boyd seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Approval of Bills: Councilmember Jones moved to approve payment of bills against the City of Moab in the amount of \$857,806.56. Councilmember Knuteson-Boyd seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan 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, Duncan and Guzman-Newton voting aye. Mayor Niehaus adjourned the meeting at 9:13 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Rachel E. Stenta, City Recorder