

MOAB CITY COUNCIL MINUTES
REGULAR MEETING
March 22, 2022

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 meeting was convened by electronic means. Audio is archived at www.utah.gov/pmn.

Pre-Council Workshop:

Mayor Joette Langianese called the meeting to order at 5:30 p.m. Councilmembers Tawny Knuteson-Boyd, Rani Derasary, Kalen Jones, Jason Taylor and Luke Wojciechowski attended. City staff participating included Acting City Manager Carly Castle, Finance Director and Acting Deputy Manager Ben Billingsley, Sustainability Director Mila Dunbar-Irwin and Recorder Sommar Johnson. Video is archived at www.youtube.com/watch?v=qW7YfQoTfUw.

Regional Haze Discussion:

K.C. Becker, Carl Daly and Andrew Mutter represented Region 8 of the Environmental Protection Agency (EPA). Ms. Becker stated the second phase of planning regarding regional haze was in process regarding pollution controls for nearby coal power plants that affect air quality in national parks. She briefly mentioned timelines for the public process along with the good neighbor plan regarding downwind and upwind states, which will affect the Hunter and Huntington coal-fired power plants. Councilmember Jones asked about the Casper Rule regarding limits on emissions. Mr. Daly pointed out the good neighbor plan regards health matters and the regional haze rule regards visual impacts in the national parks. He stated the Clean Air Act concerns both types of impact. Councilmember Derasary pointed out the nearby coal-fired plants are among the most polluting in the nation. She said she would support reducing emissions through the regional haze rule and the Caspar rule as the health and visibility benefits of doing both seem equally important. She also implored the EPA to do whatever they can as soon as possible so this does not continue decade after decade. Mr. Daly stated the EPA response to the State plan would be available in a preliminary format within a couple of weeks.

Regular Meeting Attendance and Call to Order:

Mayor Joette Langianese called the meeting to order at 6:06 p.m. Councilmembers Knuteson-Boyd, Derasary, Jones, Taylor and Wojciechowski attended. City staff participating included Acting City Manager Castle, Finance Director and Acting Deputy Manager Billingsley, Parks, Recreation and Trails Director Annie McVay, Sustainability Director Dunbar-Irwin, Planning Director Cory Shurtleff. Attorney Nathan Bracken, Human Resources Director Dani Guerrero, Treasurer Marcy Mason, Building Inspector Barry Ellison and Recorder Johnson. Video is archived at www.youtube.com/watch?v=ikmoezHOZZI.

Citizens To Be Heard: Recorder Johnson reported there was one written comment.

Public Hearings: Pay Plan Schedule and Budget Amendments

At 6:08 p.m., Mayor Langianese opened public hearings regarding Proposed **Ordinance 2022-03**: An Ordinance Adopting the City of Moab Pay Plan Schedule and the Exempt and Elected Officials Salaries for Fiscal Year 2022-2023, and Proposed **Ordinance 2022-06**: An Ordinance Amending Title 3 of the Moab Municipal Code to Update Chapter 3.50, Master Fee Schedule and Modifying Certain Fees and Rates Charged by the City. Recorder Johnson stated there was one written comment. Mayor Langianese closed the hearings at 7:50 p.m.

Lions Park River Access—Presentation

Parks, Recreation and Trails Director McVay briefed Council on proposed improvements to Lions Park that would allow for pedestrian access to the Colorado River from the park.

Moab Solutions—Presentation

Sara Melnicoff reported on a cleanup of a homeless camp under the Colorado River bridge. She discussed a recycling audit she conducted over 11 days in February at Lions Park, which resulted in a large amount of recyclables retrieved from trash bins. She stated she was working with City staff to mitigate the waste, and noted emergency assistance to community members.

Congressman John Curtis—Staff Report

Jake Bornstein, representing Congressman Curtis, reported to Council on a recent increase to funding for the Uranium Mill Tailings Remediation Act (UMTRA) Moab cleanup project and fielded questions from Council.

Consent Agenda—Approved

Motion and Vote: Councilmember Knuteson-Boyd moved to approve the minutes of the March 8, 2022, Regular Meeting and to approve Bills against the City of Moab in the Amount of \$596,805.93. Councilmember Jones seconded the motion. Councilmember Derasary stated she sent corrections to the minutes to Recorder Johnson. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

Old Business:

Landscaping Code Updates—Discussion

Sustainability Director Dunbar-Irwin led a discussion of the proposed landscaping ordinance. She stated both the Planning Commission and the Water Conservation and Drought Management Advisory Board (Water Board) had reviewed proposed elements of the ordinance and deferred to Council. Councilmember Jones stated he was generally supportive of staff recommendations and supported irrigation system elements and turf limits. He asked about the Water Board's review and about differentiation between residential and commercial codes. Councilmember Derasary brought up public education and outreach before enacting an ordinance. She mentioned her support of the water budget approach, hydrozones and plant lists, and cautioned that permeable ground covers such as gravel could result in herbicides being introduced into the ecosystem. Councilmember Wojciechowski supported permeable ground covers to mitigate dust and soil erosion. He stated the Planning Commission supported the water budget approach, as well as hydrozones, irrigation guidelines and a plant list. Councilmember Taylor asked about private water shares, graywater systems, and their impact on the water budget approach. Councilmember Knuteson-Boyd favored a focus on commercial properties. Councilmember Jones asked about building size and parcel size ratios.

Active Employment Household (AEH) Requirements—Discussion

Planner Shurtleff updated Council on Proposed **Ordinance 2022-05: An Ordinance Amending the Moab Municipal Code R3/R4 Zones with an Active Employment Household Requirement**. Shurtleff displayed a draft ordinance that included edits from consulting attorneys. Aaron Nousiane of BAE Urban Economics presented options regarding a required percentage of AEH units in new multi-family residential developments. He presented capacity assumptions at buildout, which calculates population if every available parcel is developed to the maximum density allowed under current zoning guidelines. Options were discussed regarding the connection between commercial development and housing stock and residential redevelopment reducing AEH availability. Councilmember Derasary asked if the proposed percentage could be debated in a meeting. Councilmember Wojciechowski asked about the

assumption that 46 percent of the current workforce lives within the City limits, along with assumptions regarding a deficit of affordable housing stock. Councilmember Derasary brought up buildout limitations due to water supply issues. Councilmember Taylor concurred with Councilmember Derasary and opined that, even if the proposed percentage is defensible, developers may not find AEH requirements tenable and it could hamper development. Councilmember Knuteson-Boyd requested more clarity on legal considerations. Mayor Langianese stated the proposed percentage deadline for the Planning Commission public hearing scheduled in two days' time.

New Business:

Pay Plan Schedule and Exempt and Elected Officials Salaries—Approved

Discussion: Councilmember Derasary brought up the written public comment, which supported the Cost of Living Adjustment (COLA) and asked about legislating a living wage.

Motion and Vote: Councilmember Knuteson-Boyd moved to approve Proposed **Ordinance 2022-03:** An Ordinance Adopting the City of Moab Pay Plan Schedule and Adopting the Exempt and Elected Officials Salaries for Fiscal Year 2022-2023. Councilmember Wojciechowski seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

Master Fee Schedule—Approved

Motion and Vote: Councilmember Jones moved to approve Proposed **Ordinance 2022-06:** An Ordinance Amending Title 3 of the Moab Municipal Code to Update Chapter 3.50, Master Fee Schedule and Modifying Certain Fees and Rates Charged by the City. Councilmember Taylor seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

McLaughlin Minor Subdivision—Approved

Motion and Vote: Councilmember Knuteson-Boyd moved to approve Proposed **Resolution 08-2022:** A Resolution Approving the McLaughlin Minor Subdivision of Property Located at 458 West 200 South, Moab UT 84532. Councilmember Jones seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

Maximum Adult Residential Occupancy—Discussion

Councilmember Jones brought up concerns regarding alleged code violations and complaints from neighbors about a bunkhouse on Arches Drive where an asserted 28 persons are expected to reside. He highlighted other code compliance complaints from the same neighborhood regarding workforce housing that included parking on landscaping and on streets, increased traffic, trash, and noise, camping on City streets and possible conflicts involving university students. Councilmember Derasary referred to her 2018 memo on the same topic. Attorney Bracken brought up options for enforcement including revisiting limits on household definitions in single-household and multi-household zones, occupancy maximums, and noted it is unusual there is no maximum established. Discussion ensued regarding R2 zone definitions, residential versus commercial housing, group homes, requirements for a manager to live onsite, tying such bunkhouses to a business license, discontent with the complaint-driven system, and best practice. Various examples in the community were mentioned, along with the specter of more homeless workers if bunkhouses were not allowed. Attorney Bracken brought up several options, noted irresponsible owners were an issue, and conditional use permits were no longer allowed. He described options to create more residential zones, limiting the number of unrelated persons who can reside together, enforcing sewer capacity limits and parking requirements, and requiring onsite management. Planner Shurtleff and Building Inspector Ellison described the

subject property on Arches Drive and stated it was legally duplexed into two units with seven bedrooms each with more off-street parking than current code requires. Ellison stated there are several such bunkhouses around town that are unreported because many have not triggered building permit inspections. Acting Manager Castle outlined a schedule for updating the code, with another meeting in May about this and a possible adoption of standards in June if that's the direction this takes Mayor Langianese brought up concerns regarding complaint-driven code enforcement and expectations for code enforcement costs. Attorney Bracken stated affordable housing should be considered in the General Plan.

Administrative Reports:

Acting City Manager Castle reported on upcoming police chief interviews and a meeting with the State Engineer and the Regional Engineer for the Utah Division of Water Rights. She mentioned a rural water users' conference and noted Moab's Water Conservation Plan Update would be highlighted. She mentioned an upcoming focus group meeting regarding the visioning process.

Mayor and Council Reports:

Councilmember Taylor reported on a meeting of the Emergency Medical Services (EMS) board and said the January call volume was up 25 percent and mainly involved local residents. He said the salary for the EMS director was increased by Grand County.

Councilmember Derasary reported she attended a meeting of the Water Board and referred to letters from the water board to Council regarding potential impacts on the water supply and upcoming goals for the water board. She stated she met with the City's attorney, attended a reception for a new public art installation, participated in the EMS board meeting, toured the new EMS building, attended meetings of the Moab Area Watershed Partnership (MAWP) and the Systems of Care board, and attended a joint meeting of the City, Grand County and San Juan County to discuss potential areas for collaboration. She mentioned the recent strategic planning session and noted she met with residents on Arches Drive and expressed gratitude for the increased funding for the UMTRA Moab cleanup project.

Councilmember Knuteson-Boyd reported on meetings of the Canyonlands Health Care Special Service District and the housing authority.

Councilmember Wojciechowski brought up homelessness concerns and noted a new website created by the housing authority. He referred to the housing task force report and mentioned the Moab Free Health Clinic would provide healthcare assistance to homeless persons. He mentioned the Multicultural March awareness campaign, a recent Planning Commission meeting and a report being compiled by MAWP summarizing the history of water supply studies. He noted a researcher at Utah State University planned a review of the water studies. Councilmember Wojciechowski also mentioned a request for water metering at Skakel Springs, programs to enhance green infrastructure and local farming, and noted a report from school board members regarding potential displacement of 41 students at Walnut Lane.

Mayor Langianese stated she met with officials regarding law enforcement backup from the Sheriff's Department, coordination with the County regarding infrastructure priorities, pickleball and the County's tax assessments. She noted an upcoming meeting with regional mayors and with the hospital executive regarding healthcare housing.

Councilmember Derasary announced the upcoming open house of Utah Support Advocates for Recovery Awareness (USARA).

Adjournment: Mayor Langianese adjourned the meeting at 9:29 p.m.

APPROVED: _____
Joette Langianese, Mayor

ATTEST: _____
Sommar Johnson, City Recorder