

**MOAB CITY COUNCIL MINUTES**  
**REGULAR MEETING**  
**March 23, 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>.

***Pre-Council Workshop:***

Mayor Emily Niehaus called the Pre-Council Workshop regarding the Moab and Spanish Valley Regional Transportation Plan to order at 6:03 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 and Engineer Chuck Williams. Guests Joette Langianese and Joe Kingsley also participated. A video recording is archived at <https://www.youtube.com/watch?v=JDrttEzVuk8>.

Engineer Williams began the workshop with an overview of projects concerning active transportation such as multi-use paths and frontage roads. He brought up the bypass issue and noted the Council's presumed opposition to a bypass and the likelihood that the Utah Department of Transportation (UDOT) would retain the bypass in a placeholder position on the proposed project list. Williams described other elements of the plan, including a transit hub near the airport, electronic signage, a shuttle study, expansion of the Mill Creek parkway and a truck and recreational vehicle parking area north of Moab. He mentioned he had spoken with a UDOT representative about the Council's likely endorsement of the overall plan without support for a bypass.

Councilmember Jones asked about why only a portion of Kane Creek Road was identified for inclusion and questioned the proposed cost of frontage road improvements on Highway 191 south of the City limits. Mayor Niehaus clarified whether the Council could support the proposed plan excluding a bypass with a resolution. She also spoke about her impressions of the planning process. Ms. Langianese brought up a letter she wrote last fall with concerns regarding the process. She mentioned her impressions of limited, vague and confusing surveys and criteria development regarding the planning process. She noted language in the proposed plan that specified that UDOT could act without the consent of local governing bodies. She also mentioned a rural planning organization for Council consideration. Mr. Kingsley concurred with the prior comments. Mayor Niehaus stated that a letter to UDOT regarding the process will include gratitude for several ongoing projects. Councilmember Guzman-Newton mentioned the importance of including future rail service in the City's list of potential projects and Williams stated he would try to include rail in the 25-50 year plan. Kingsley stated there was discussion regarding shuttle and transit projects but they appeared to be dropped from the plan. Williams explained there was confusion between the Hotspot plan and the regional transportation plan. Councilmember Duncan spoke about the Hotspot disconnect between UDOT and the City and reiterated the concern about the language specifying that UDOT could act without local government consent. Assistant Manager Castle stated that the purpose of the Regional Transportation Plan is to garner feedback for UDOT and that the bypass matter may not be in UDOT's purview to remove from the plan. Councilmember Derasary brought up transparency

issues regarding the plan. She pointed out there was an understanding that the process would not advance without local input and she stated her concern about the lack of stakeholder input. She stated her hesitation about supporting a letter due to the changing significance of local input. Councilmember Jones brought up differences between the regional transportation plan and the rural long-range plan. Discussion ensued regarding improvements to the southern half of the La Sal Mountains Loop Road. Councilmember Duncan mentioned proposed future development on Kane Creek Road, stating he would discourage such development. Councilmember Derasary mentioned inclusion of light rail in any plans.

***Call to Order and Attendance:*** Mayor Niehaus called the Regular City Council Meeting to order at 7:04 p.m. Participating remotely were Councilmembers Guzman-Newton, Knuteson-Boyd, Derasary, Duncan and Jones. City staff participating remotely were Manager Linares, Assistant Manager Castle, Attorney Simonson, Recorder Johnson, Engineer Williams, Planner Nora Shepard and Assistant Planner Cory Shurtleff. A video recording is archived at [https://www.youtube.com/watch?v=BtF9SrD\\_phk](https://www.youtube.com/watch?v=BtF9SrD_phk).

For ease of public participation, Mayor Niehaus combined the Citizens to be Heard portion of the meeting with the two public hearings.

***Public Hearings:***

Councilmember Knuteson-Boyd moved to open two public hearings as described below. Councilmember Jones seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***Wastewater and Water Revenue Bonds:***

At 7:08 p.m., Mayor Niehaus opened a public hearing to allow public input regarding (a) the issuance and sale of not more than \$7,000,000 aggregate principal amount of wastewater and water revenue bonds, series 2021; (b) any potential economic impact that the project described herein to be financed with the proceeds of the bonds issued under the act may have on the private sector; and all related matters.

***Affordable Housing Revenue Bonds:***

At 7:08 p.m., Mayor Niehaus opened a public hearing to allow public input regarding (a) the issuance and sale of not more than \$8,500,000 aggregate principal amount of sales tax revenue and refunding bonds, series 2021; (b) any potential economic impact that the project described herein to be financed with the proceeds of the bonds issued under the act may have on the private sector; and all related matters.

There were no comments related to the public hearings and, after Citizens to be Heard comments described below, at 7:26 p.m., Councilmember Jones moved to close the public hearings. Councilmember Derasary seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***Citizens to be Heard:*** Recorder Johnson reported there were seven written comments submitted which are archived at <https://moabcity.org/151/City-Council>.

Liz Ballenger stated she supports the resolution opposing a bypass and lives in the Mountain View subdivision. She said she did not believe the traffic issues in Moab were caused by trucks or through-traffic but rather by tourists. She said she would like to see semi-trucks off Main Street but not at the expense of her neighborhood or the Pipe Dream trail. She emphasized noise issues and noted UDOTs lack of interest in alternatives to the proposed bypass idea. She noted

the County's recent adoption of a resolution opposing a bypass. She also thanked Council for consideration of support for continuation of the Colorado River pathway.

Katherine Faye Holyoak stated she was opposed to a bypass in Moab and would consider one that would traverse the cliffs on the south side behind Mountain View, Doc Allen Drive and her own yard. She stated the proposed plan 1D would cross her property. She spoke of probable congestion and problems along the bypass routes recommended by UDOT and suggested another route down Potash road. She stated traffic on Main Street is dangerous and something needs to be done; she noted town has grown exponentially and putting it off will raise the cost in the future.

Constance Brichford stated she lives in the Mountain View subdivision and requested the Council to formally oppose the bypass. She thanked Councilmember Jones for drafting the proposed resolution. She said any bypass would ignore the source of the traffic, which is visitation and that a fundamental rule of traffic and urban planning induced demand follows that building improved roads leads to more people driving on those roads. She stated a bypass would ignore the huge human costs of routing commercial traffic through residential neighborhoods, such as cancer and asthma. She said she does not agree that such tiny gains would be worth the health, happiness and financial stability of more than 100 families, and she would not wish that on any other neighborhood.

Neal Clark stated he lives in the Mountain View neighborhood and supports the resolution opposing the bypass. He noted his participation as a biking representative in the regional transportation planning stakeholder group. He expressed his opinion that the process was terrible. He added his concerns about the National Environmental Protection Act (NEPA) as a tool for moving the process forward. He said it would not be a solution for the congestion nor would it analyze the best location for a bypass. He said the Council now has an opportunity to tell the community and UDOT that it supports the health and welfare of its residents and that it does not support the bypass alternatives that would go through the Mountain View neighborhood. He said the mythology of the bypass as a "silver bullet" to fix our congestion woes would only seem to siphon off resources and energy from creative solutions that will help us now. He compared the process to the Book Cliffs Highway.

Michael Liss stated that taking the proposed bypass off the table is ludicrous. He said Highway 191 is a national highway running through the town. He said that to claim all the traffic is tourism-based is not so. He mentioned the noise on Main Street and its impact on the health of the community. He agreed with an earlier caller who suggested the route needs to bypass the entire town. He urged the Mayor and Council to save the heart and soul of the town so people can walk and talk again and be in the center of the town; he concluded by stating that taking the bypass off the table unilaterally makes no sense.

***Administrative Report: [20:20-44:29](#)***

City Attorney Simonson brought up aspects of the Moab Municipal Code (MMC) that define cycles and motorized vehicles and her intention to bring the MMC more in line with state code. Mayor Niehaus noted the definitions will pertain to discussions about e-bikes on the parkways.

City Manager Linares mentioned the forthcoming conference of the League of Cities and Towns in St. George. He remarked on progress on institutional sewer rates and how it relates to the moratorium on nightly accommodations and impact fees and bond payments. He said he had met with all owners of local off-highway vehicle rental companies with an eye toward an upcoming noise workshop. He gave mentioned progress on the strategic planning process,

announced an imminent recap of the legislative lobbying efforts, briefed Council on upcoming short-term plans for the Highway 191 widening project and conveyed the budget progress. Councilmember Derasary mentioned the need to ensure a clear path for emergency vehicles during all stages of the road construction project. Linares also updated Council on the COVID response currently in place at City Hall. Resuming in-person council meetings was discussed and it was determined that April 27 would be the target date to resume in-person or hybrid meetings.

**Mayor and Council Reports:** [44:32-1:28:00](#)

Mayor Niehaus mentioned the upcoming visit of Congressman John Curtis. She reported on her recent economic development retreat with the Southeastern Utah Association of Local Governments (SEUALG) and indicated Assistant Manager Castle would be the point person for future discussions regarding economic development. She reviewed a meeting with the developer of the land adjacent to the new Utah State University (USU-Moab) campus. She mentioned the development of a “Moab app” and data collection by USU-Moab to assess recreational user groups. She asked council about their consent to write a letter of support about a shuttle to Salt Lake City and there was no opposition from Council. Councilmember Guzman-Newton brought up an existing plan to submit such a letter in collaboration with the County.

Councilmember Derasary reported on activities of the Emergency Medical Services (EMS) Special Service District. She noted increased call volume to EMS, a new community paramedics program known as Moab Integrated Healthcare, which may include home healthcare for cancer patients, and mentioned the successful vaccination of EMS employees. She said there was a possibility that EMS personnel might assist with vaccinations. She noted her interest in having the Director of EMS give a brief report to Council on 2020 activities. She reported on her work on a League of Cities and Towns grant panel recommending distribution of \$6 million to 40 rural EMS districts. She reported on a Systems of Care Committee meeting for Grand and San Juan Counties and pointed out the aim of the group is to keep families intact so children who are struggling do not leave the community to enter residential care. She mentioned a meeting of Mountain Town Solutions regarding climate action plans and indicated Assistant Manager Castle would be the contact person for the project to create or improve climate action plans. She recounted citizen complaints she had received regarding a lack of facemask compliance at ballpark events, off-leash dogs at Rotary Park and the need for fire restrictions. She thanked staff for their attention to streets with no speed limit signs. She brought up the prospect of teen vaccinations for COVID-19. Discussion ensued regarding speed limits throughout the City.

Councilmember Duncan reported on a recent meeting of the Moab Area Watershed Partnership (MAWP) at which the United States Geological Survey (USGS) presented their latest hydrology study, which indicates the local aquifer is being drawn down at the same rate that it is being recharged. He said the City should get serious about how much water we allocate. He stated the Regional Water Engineer wants to wait for the completion of the Groundwater Management Plan, which could take a couple of years and meanwhile we have many new subdivisions. He also described a vehicle noise measurement device he had invented with assistance from the Mayor’s son.

Councilmember Knuteson-Boyd reported on meetings she attended for the Canyonlands Care Center Special Service District, the Museum board and the Housing Authority. She mentioned archeological studies that have impacted the Arroyo Crossing development.

Councilmember Guzman-Newton mentioned she was invited by the County Commission Chair to sit on a committee tasked with securing federal funding for the Highway 128 bike path, and

she in turn invited the City Attorney to participate as well. She indicated there were several meetings and a resulting proposed ordinance would be introduced later in the meeting. She reported on Chamber of Commerce activities including “hot topic” lunchtime discussions regarding off-highway vehicles (OHVs). She indicated some of the ideas involved routes, signage, trailheads and education. She said the next four weeks of discussions would delve deeper into those topics as well as noise. Guzman-Newton gave a pitch for the annual Chamber golf tournament that raises money for local student scholarships. She next mentioned a program she discussed with UDOT that funds active transportation infrastructure. She added the grant application due date was imminent. She concluded with remarks about her efforts to explore a route for the shuttle study.

Councilmember Jones reported on a plan of the Solid Waste Special Service District to purchase Monument Waste. He explained the background of the change and answered questions about potential impacts on the City’s franchise agreement, curbside recycling, the potential for requiring County residents to participate in waste hauling, the solvency of the District, the welfare of the existing 20 employees, the motivation for the sale, and more. Jones explained consultants had been hired to vet the process and examine the financials of the seller. City Manager Linares thanked the owners for their excellent community partnership.

***Approval of Minutes:***

***Motion and Vote:*** Councilmember Guzman-Newton moved to approve the minutes for the March 9, 2021, Regular Meeting and the March 10 and 11, 2021 Special Meetings. Councilmember Derasary seconded the motion. Councilmembers Guzman-Newton and Derasary stated they sent corrections to the Recorder. The motion passed 5-0 with Councilmembers Derasary, Jones, Guzman-Newton, Knuteson-Boyd, and Duncan voting aye.

***Old Business:***

Mayor Niehaus moved Old Business to follow New Business.

***New Business:***

***Finance Director Appointment—Approved***

***Motion and Vote:*** Councilmember Duncan moved to approve Resolution 09-2021, confirming the appointment of Ben Billingsley as the City Finance Director; and authorizing the Mayor to execute an Employment Agreement between the City of Moab and Ben Billingsley. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***3rd Street Townhomes plat—Approved***

***Motion:*** Councilmember Jones moved to approve Resolution #06-2021, A Resolution Approving the Townhome Plat Application for the 3rd Street Townhomes, property located at 116 South 300 East, Moab UT 84532. Councilmember Guzman-Newton seconded the motion.

***Discussion:*** Councilmember Derasary asked about how the application was addressed in the Moab Municipal Code. Planner Shepard explained the code is unclear regarding which entity is the approval authority. Mayor Niehaus stated her endorsement of density in the R-3 zone.

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

***Noise Ordinance Relocation to Title 8—Approved***

***Motion:*** Councilmember Derasary moved to approve Ordinance No. 2021-04 - A Text Amendment Removing Chapter 17.74 “Noise” From Title 17 “Zoning” of the Moab Municipal Code (“MMC”) and Relocating the Noise Provisions to Title 8 “Health and Safety” by Creating

Section 8.24 of Title 8 “Health and Safety.” Councilmember Duncan seconded the motion.

**Discussion:** Councilmember Jones thanked staff for assistance in making the change.

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

#### ***Land Use Regulations Amendments—Approved***

**Motion:** Councilmember Jones moved to approve Ordinance No. 2021-05 - An Ordinance Defining the Point in Time at Which the City of Moab Formally Initiates Proceedings to Amend Its Land Use Regulations. Councilmember Guzman-Newton seconded the motion.

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

#### ***Colorado River Pathway—Approved***

**Motion:** Councilmember Knuteson-Boyd moved to approve Resolution No. 07-2021 Expressing Support for Pursuing the Funding for and Construction of Future Phases of the Colorado River Pathway Located in Grand County, Utah. Councilmember Duncan seconded the motion.

**Discussion:** It was pointed out that the continuation of the bike path was expensive and Councilmember Guzman-Newton and Attorney Simonson would work to secure federal funding for the proposed \$8.5 million project.

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

#### ***Highway 191 Bypass Position—Approved***

**Motion:** Councilmember Jones moved to approve Resolution No. 08-2021 - A Resolution Stating the City of Moab’s Position on Highway 191 Bypass Alignment(s), and Support for Pursuing Alternate Tools for Downtown Main Street Traffic Mitigation. Councilmember Derasary seconded the motion.

**Discussion:** Mayor Niehaus stated that non-support for the bypass did not eradicate that option. She added that fixing Main Street is not the goal, and she stated it is not broken and Moab is a nice place and there are quality of life concerns to be addressed. Councilmember Guzman-Newton stated that UDOT has listened, as evidenced by the Hotspot planning and the proposed shuttle system. She added it is not forward thinking to take the bypass off the books. She stated her desire for future leaders to be able to sit at the table for the discussions. She mentioned that UDOT is supportive of other projects, which are included in plans. She concluded by stating that taking the bypass out of the plan is shortsighted.

**Vote:** The motion passed 4-1 aye with Councilmembers Jones, Derasary, Knuteson-Boyd and Duncan voting aye and Councilmember Guzman-Newton voting nay.

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

##### ***Technical Planning Assistance Program Funds—Approved***

**Motion:** Councilmember Duncan moved to reconsider the vote by the Moab City Council on March 9, 2021 regarding the Interlocal Agreement by and between the City of Moab and Grand County with respect to joint planning for and funding of the technical planning assistance program funds cooperative agreement. Councilmember Jones seconded the motion.

**Discussion:** Councilmember Jones stated he had conferred with Engineer Williams and believes it is a good idea. Councilmember Derasary asked about the hiring of a consultant. Engineer Williams stated the scope of work was being developed with the County. Councilmember Guzman-Newton appreciated the funding for on-the-ground planning.

**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 \$1,312,320.93. Councilmember Guzman-Newton 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 Session:**

Councilmember Knuteson-Boyd moved to enter an Executive Closed Session to discuss reasonably imminent and/or pending litigation. Councilmember Derasary seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. Mayor Emily Niehaus convened the Executive Closed Session at 9:04 p.m. Councilmember Derasary moved to end the Executive Closed Session. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. Mayor Niehaus ended the Executive Closed Session at 9:24 p.m.

**Adjournment:** Councilmember Duncan moved to adjourn the meeting. Councilmember Jones seconded the motion. The motion passed unanimously and Mayor Niehaus adjourned the meeting at 9:24 p.m.

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

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