

**MOAB CITY COUNCIL MINUTES  
REGULAR CITY COUNCIL MEETING  
MARCH 26, 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.

***Pre-Council Workshop:***

At 12:05 PM, Mayor Emily Niehaus called a workshop meeting to order for a special presentation by the Grand County Active Transportation staff. In attendance were Councilmembers Kalen Jones, Karen Guzman-Newton and Mike Duncan. Also in attendance were City Manager David Everitt, Assistant City Manager Joel Linares, Sustainability Director Rosemarie Russo, Recorder Sommar Johnson, and Records Specialist Eve Tallman. One member of the press attended. A video recording of the workshop is archived at: <https://www.youtube.com/watch?v=3KqJaHBLky0>. An audio recording of the workshop is archived at: <https://www.utah.gov/pmn/index.html>.

Grand County's Active Transportation staff made a presentation about the work of Trail Mix in advance of their request for funding and an Interlocal Agreement with the City. Madeline Logowitz and Tyson Swasey, along with Grand County Community and Economic Development Director Zacharia Levine, presented information about non-motorized trails and their proposed work within the City limits. Among the items discussed were the Trail Mix advisory board, the non-motorized and active transportation master plan, anticipated trail work, signage, social media campaigns, and the nature of the County's bureaucratic organization and budget. The notion of an Open Space department was mentioned.

***Motion and Vote:*** Councilmember Duncan moved to recess the meeting until 5:00 PM. Councilmember Guzman-Newton seconded the motion. The motion passed 3-0. Mayor Niehaus recessed the meeting at 12:59 PM.

***Open House Regarding Temporary Lodging Moratorium:*** An informal open house convened at 5:00 PM and was not recognized as part of the official City Council meeting.

***Regular Meeting—Call to Order and Attendance:***

Mayor Niehaus called the meeting to order at 7:03 PM and led the Pledge of Allegiance. In attendance were Councilmembers Tawny Knuteson-Boyd, Guzman-Newton, Jones, Duncan and Rani Derasary. Also in attendance were City Manager Everitt, Assistant City Manager Linares, City Attorney Chris McAnany, Police Chief Jim Winder, City Engineer Chuck Williams, Communications and Engagement Manager Lisa Church, Recorder Johnson, Finance Director Rachel Stenta and Records Specialist Tallman. Thirteen members of the public and media were present. An audio recording is archived at: <http://www.utah.gov/pmn/index.html> and a video recording is archived at <https://www.youtube.com/watch?v=kU4zc5oKAms>.

***Approval of Minutes:*** Councilmember Duncan moved to approve minutes of the February 21 and 26 and March 6 and 12, 2019 meetings. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

***Mayor and Council Reports:*** Mayor Niehaus reported on an advisory meeting regarding the future land use map, as well as meetings for the Utah State University (USU) advisory committee, the Permanent Community Impact Fund Board (CIB), the Community Land Trust, a

Chamber of Commerce luncheon, the Powerhouse neighborhood, and a visit by Congressman John Curtis. Mayor Niehaus also noted a panel discussion on which she participated. The panel was hosted by the Stegner Center and covered the topics of recreation and tourism on public lands and impacts on communities. She concluded her remarks with a mention of the new state tourism campaign focused on places between Utah's national parks.

Councilmember Derasary reported on her attendance at Congressman Curtis' visit and his Town Hall as well as a meeting on the change of government and she commented on the pause in the plans for National Park Service (NPS) reservation system at Arches National Park.

Councilmember Duncan mentioned the Moab Area Watershed Partnership (MAWP) meeting he attended and noted a vulnerability assessment of the watershed that is in need of a local match for funding. He thanked law enforcement for intervention of a Main Street incident and commented on Laurel Hagen's study of irrigation rights. He also mentioned his disappointment in the NPS pause. He attended the form of government meeting as well.

Councilmember Knuteson-Boyd reported she attended the John Curtis meeting and the ethics class that preceded the form of government meeting and hoped for more training of that nature. She commented on disparaging comments she had received about public art in Moab and asked for kindness and decried vandalism.

Councilmember Guzman-Newton reported she attended the land use advisory meeting and that the airport art committee is seeking installations. She also attended the Chamber luncheon and commended the Red Rock 4-Wheelers for their stewardship of Sand Flats trails. She mentioned the County Council's night sky ordinance and remarked on an increase in criminal court cases related to methamphetamines and heroin. She presented information about a survey for local residents to give feedback on the Powerhouse area and Mill Creek.

Councilmember Jones reported the Solid Waste district has a new manager and he mentioned equipment needs faced by the district. He also brought up the County's outdoor lighting ordinance.

**Administrative Report:** City Manager Everitt reported on a recent Planning Commission meeting at which outdoor lighting was discussed. He also mentioned a sewer episode at the Center Street Gym which will be expensive to repair. He updated Council on the budget process.

City Engineer Williams described the delays associated with the 100 West project and noted paving had begun that day. He also noted the USU road project has been delayed.

Assistant City Manager Linares announced that Greg Fosse, the City's Wastewater Reclamation Facility Superintendent, was awarded the Rural Plant Operator of the Year for Utah. Linares accompanied Fosse to St. George to receive the honor.

**Citizens to be Heard:** Jen Patterson spoke as Chair of the Moab Charter School Board. She requested a crossing guard on 400 East and noted there formerly was a guard at the requested location when Red Rock Elementary existed. She noted traffic levels surpass the threshold for need and referenced the Safe Routes to School.

Sara Melnicoff spoke about the Mill Creek Management Plan and noted there are advertising rules in place that prohibit identifying the area by name. She mentioned the recycling situation and noted bins had been green-tagged and stated bins contained contaminating materials.

Hayley Olsen provided written comments regarding the lodging moratorium: "I want us to be honest/realistic about our water supply. I would like to see re-zoning of commercial property to require a permitting process that limits the number of hotels and would require green infrastructure, efficiency, wise water-use and appropriate environmental codes. Responsible development!"

**Presentation:**

**Students of the Month:**

Mayor Niehaus presented the Mayor's March Student of the Month Awards for Grand County Middle School students Louraina Minor (7th grade) and Rayce Walling (8th grade).

**Old Business:**

**Administrative Work Plan—Discussion**

Council requested City Manager Everitt to add inception dates for items in the work plan to track year-to-year rollover and accomplishments. Councilmembers asked for more time to contribute to a shared document. Councilmember Jones expressed special interest regarding the development of the ten-year sustainability plan with items identified for immediate budget priorities. Councilmember Jones also requested the hiring of a legislative lobbyist.

**New Business:**

**Urging Congress to Enact Energy Innovation Legislation—Approved**

**Discussion:** Councilmember Derasary briefed the Council on the legislation.

**Motion and Vote:** Councilmember Duncan moved to approve **Resolution 19-2019** - A Resolution Urging the United States Congress to Enact the Energy Innovation and Carbon Dividend Act of 2019. Councilmember Jones seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

**Active Transportation and Non-Motorized Trails—Approved**

**Discussion:** City Manager Everitt noted the County had already approved the Interlocal Agreement. Councilmember Derasary requested annual updates.

**Motion and Vote:** Councilmember Guzman-Newton moved to approve **Resolution 09-2019** - Approval of an Interlocal Agreement Between Grand County and Moab City for the Transfer of City Funds Supporting Active Transportation and Non-Motorized Trails Planning and Operations. Councilmember Derasary seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

**Surplus Property—Approved**

**Discussion:** Councilmember Jones asked about the high number of vehicles being auctioned.

**Motion and Vote:** Councilmember Knuteson-Boyd moved to approve **Resolution 18-2019** - A resolution of the Governing Body Declaring City Property as Surplus. Councilmember Guzman-Newton seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

**Property Re-Zone—Tabled**

**(1:36 on audio recording)**

**Discussion:** City Manager Everitt briefed Council on the history of the rezone request to re-establish a bed & breakfast right for a previously closed establishment. He stated the application had been submitted before the moratorium and was therefore exempt from that process and it was favorably recommended by Planning Commission, although there was one dissenting vote because a spot re-zone of a single parcel is not generally considered a good practice.

Councilmembers Knuteson-Boyd and Guzman-Newton expressed discomfort with the request and City Attorney McAnany explained legal options. Councilmember Derasary asked for more information. City Manager Everitt and Recorder Johnson provided more background about allowed uses in the zone at the time the original business license was granted.

**Motion and Vote:** Councilmember Duncan moved to table **Ordinance 2019-10:** Amending the Zoning for Property Located at 778 W. Kane Creek Boulevard in the RA-1, Residential-Agricultural Zone, to C-1, Commercial-Residential Zone, and Amending the City of Moab Official Zoning Map until after the moratorium. Councilmember Derasary seconded the motion to table until after the moratorium. The motion failed 2-3 aye, with Councilmembers Derasary and Duncan voting aye and Councilmembers Jones, Knuteson-Boyd and Guzman-Newton voting nay.

**Discussion:** Johnson explained multi-household dwellings are allowed in C-1. Councilmember Jones stated the bed and breakfast was historically an unobtrusive neighbor and the street already has heavy all-terrain vehicle (ATV) traffic with accompanying noise levels. He noted it appeared to be a spot zone and is not part of a coherent plan. The timing and implications of the expired business license were discussed. It was explained the applicants were not rushing the application to beat the moratorium and the application had been in the works since December and therefore was grandfathered despite the moratorium. Mayor Niehaus reiterated the re-zone was favorably recommended by Planning Commission.

**Motion and Vote:** Councilmember Guzman-Newton moved to approve **Ordinance 2019-10:** Amending the Zoning for Property Located at 778 W. Kane Creek Boulevard in the RA-1, Residential-Agricultural Zone, to C-1, Commercial-Residential Zone, and Amending the City of Moab Official Zoning Map. The motion failed due to lack of a second.

**Discussion:** More dialogue ensued regarding spot-zoning, the proposed Planned Affordable Development (PAD), the Kane Creek corridor and future agricultural and residential conditions.

**Motion and Vote:** Councilmember Knuteson-Boyd moved to table for two weeks **Ordinance 2019-10:** Amending the Zoning for Property Located at 778 W. Kane Creek Boulevard in the RA-1, Residential-Agricultural Zone, to C-1, Commercial-Residential Zone, and Amending the City of Moab Official Zoning Map. Councilmember Derasary seconded the motion to table for two weeks. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

#### **Master Fee Schedule—Discussion**

City Manager Everitt explained the move to a master fee schedule, pointing out having one source for all City fees would ensure more transparency and fees would no longer be set on an *ad hoc* basis.

**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 9:27 PM.

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

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