

**MOAB CITY COUNCIL MINUTES
REGULAR MEETING
April 11, 2023**

Moab City Council held its Regular Meeting on the above date in Council Chambers. Archived audio is at www.utah.gov/pmn and video is at www.youtube.com/watch?v=QpcJW3q7nRo.

Attendance and Call to Order:

Mayor Joette Langianese called the meeting to order at 6:04 p.m. and Chuck Williams led the Pledge of Allegiance. Councilmembers Rani Derasary, Tawny Knuteson-Boyd, Jason Taylor, Luke Wojciechowski and Kalen Jones attended. Also in attendance were City Manager Carly Castle, Finance Director Ben Billingsley, Recorder Sommar Johnson, Planning Director Cory Shurtleff, Planning Administrator Anna Anglin, City Attorney Lisa Watts Baskin, Engineer Chuck Williams, Transit Coordinator Richard Lory, Sustainability Director Alexi Lamm and six members of the public.

Presentation on Regulation of Scooter-Share Operations:

Transit Coordinator Lory presented information regarding the regulation of scooter-share operations. He pointed out Utah State Code 41-6A-1115.1 indicates the City must regulate scooter-share programs consistently with the regulation of bicycles, imposing no unduly restrictive requirements on the operators. Lory said the City could not ban e-scooters and scooter-share operations without a bicycle ban. He recommended options including new Moab Municipal Code (MMC) language for the regulation of business licenses, a Request for Proposals (RFP) to create a municipal transportation service with a contracted provider or conduct a one-to-two-year pilot program to assess the effectiveness of the various regulatory mechanisms. Discussion with Council resulted in a recommendation to staff to develop an RFP or Request for Qualifications (RFQ) to develop a pilot program for Council consideration. Councilmembers brought up safety concerns about scooters on sidewalks or riding in traffic on Main Street, as well as dark side streets and losing critical dispersed parking spaces to docking sites. Lory described the need for code amendments and the ability to limit usage to very specific areas using geofencing technology. Discussion ensued about enforcement of violations and e-bike sharing programs. Councilmember Jones shared information regarding whether scooter-share operations were found to reduce traffic congestion; he said data does not support this theory and people would rather walk to a nearby destination and scooter riders are most likely to embark on leisure tours. Councilmember Wojciechowski suggested docking stations could be sited at downtown hotels to accommodate guests and reduce impact on parking spaces. Councilmember Taylor recommended that staff reach out to other communities such as St. George to learn more about scooter-share operation regulation. Councilmembers asked about tax benefits, indemnification of the City, and control of scooters abandoned as litter.

Consent Agenda—Approved

Motion: Councilmember Knuteson-Boyd moved to approve the consent agenda as follows: affirmations of proclamations for International Dark Sky Week, Arbor Day and Sexual Assault Awareness Month; approval of Minutes for the March 28, 2023, Regular Meeting; and approval of bills against the City of Moab in the amount of \$1,253,032.18. Councilmember Jones seconded the motion.

Discussion and Vote: Councilmember Derasary stated she wanted a reading of the proclamations. The motion passed unanimously.

General Business:

Public Hearing for Ordinance 2023-05: an ordinance establishing a new chapter 13.29, stormwater impact fees, in the Moab Municipal Code: Mayor Langianese opened a public hearing for proposed **Ordinance 2023-05:** at 6:30 p.m. Engineer Williams

presented information on the proposed ordinance and answered questions from Council. He said there is no extant ordinance for stormwater impact fees, noted the documents in the Council packet were missing key information, and requested tabling a decision on the proposed ordinance. He said the correct figure reflected a flat impact fee levied at \$5,500 per acre, and noted the rate was guided by statute and was not a subjective amount. Councilmember Jones asked if redevelopment was levied on the same basis as new development. Councilmember Derasary requested clarification regarding a five-year schedule for reconsideration of the impact fees. There were no public comments. Mayor Langianese closed the public hearing at 6:40 p.m.

Stormwater Impact Fees Ordinance—Tabled

Motion: Councilmember Jones moved to table proposed **Ordinance 2023-05** establishing storm water impact fees until the April 25 Regular City Council meeting. Councilmember Knuteson-Boyd seconded the motion.

Discussion: Councilmember Derasary requested the correct documents be shared with the public to elicit comments. Engineer Williams stated he would post it on the City website.

Vote: The motion passed unanimously.

Capital Improvement Project List—Approved

Presentation and Discussion: Finance Director Billingsley presented the Capital Improvement project list and stated the prioritization should be forward thinking and updated every five years. According to Billingsley, seven new projects added mainly addressed flood damage from 2022. He noted two corrections to the proposed list reflected costs for dispersed parking and water monitoring equipment. Councilmember Derasary asked about confusion regarding multiple lists such as a stormwater improvement list. It was explained that bonded projects for water, sewer and stormwater were considered separately but should be accessible in one place. Derasary expressed interest in water supply modeling in addition to monitoring and City Manager Castle suggested modeling was a potential program to pursue although not considered an asset for inclusion on the capital improvement list. Councilmember Jones brought up outdated projected costs of the 400 North roundabout and Engineer Williams said that even if the project were cancelled, the City would be liable for \$100,000 in design costs.

Motion and Vote: Councilmember Jones moved to approve **Resolution 10-2023** adopting the 2023-2027 Capital Improvement Project list with corrections as presented. Councilmember Wojciechowski seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

Sustainability Action Plan Contract Award—Substitute Motion Approved

Presentation and Discussion: Sustainability Director Lamm presented the Brendle Group proposal for the sustainability action plan. She stated there were five proposals. She said Brendle had past experience in Moab working on the Watt Smart program. She added the references were good. Shelby Sommer and Imogen Ainsworth from the Brendle group presented their interest and timeline of eight months. Councilmember Derasary brought up her interest in adding another in-person trip for the consultants, increasing the award amount by \$6,900. Councilmember Jones stated he participated on the selection committee and felt confident in the recommendation of Brendle Group. He indicated his interest in the increased fee for a second in-person meeting. Mayor Langianese suggested a substitute motion to increase the award amount.

Motion and Vote: Councilmember Jones moved to approve a Sustainability Action Plan contract with Brendle Group in the amount of \$50,000. Councilmember Knuteson-Boyd seconded the motion. The motion failed 0-5. Councilmember Derasary moved to approve a Sustainability Action Plan contract with Brendle Group in the amount of \$56,900. Councilmember Taylor seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

Walnut Lane Redevelopment Consultant—Approved

Presentation and Discussion: Finance Director Billingsley explained there were two responses to the RFQ and Councilmembers Jones and Wojciechowski served on the selection committee. Councilmembers and Mayor Langianese thanked staff for their work, acknowledged the process has been lengthy, qualifications of candidates are pleasing and optimism is high. Councilmember Jones brought up internal capacity of the City to be a good partner. Discussion of recruitment of a housing director ensued.

Motion and Vote: Councilmember Jones moved to direct staff to begin negotiations with Columbus Pacific to propose a pre-development agreement, which will be presented to the City Council for consideration. Councilmember Wojciechowski seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

Palisade Drive Lot Consolidations—Approved

Presentation and Discussion: Planning Director Shurtleff and Planning Administrator Anglin presented to Council proposed **Resolution 09-2023** and **Resolution 11-2023**, approving the lot consolidations of properties located on 696 and 702 Palisade Drive and 714 and 706 Palisade Drive, Moab, Utah 84532. They explained the Resolutions were presented simultaneously to avoid any nonconforming lots.

Motion and Vote: Councilmember Wojciechowski moved to approve **Resolution 09-2023** and **Resolution 11-2023**, approving the simultaneous lot consolidations of: I. Properties located at 696 Palisade Drive (Lot 56) and 702 Palisade Drive (Lot 55B), and II. Properties located at 714 Palisade Drive (Lot 54) and 706 Palisade Drive (Lot 55A), 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.

Aggie Apartments Phase III Development Agreement—Conditionally Approved

Presentation and Discussion: Planning Director Shurtleff noted the developer had requested language in the approval to include student, faculty and visiting faculty in the workforce housing definition. He also noted the developer requested additional time to develop a site plan. Councilmember Derasary asked about how other university towns develop deed restrictions for student housing. Anglin stated she had been researching Derasary's question. City Manager Castle said a 50-year deed restriction is standard. Councilmember Jones asked about the associated request for rezone and Planning Administrator Anglin explained it was because of height enhancements and consistency with other phases of the development.

Motion and Vote: Councilmember Wojciechowski moved to approve a development agreement for the Aggie Apartments Phase III, located at 1492 S (Aggie Blvd.) and Highway 191, Moab, Utah 84532, between Clyde Moab, LLC and the City of Moab.

Zoning Map Amendment—Conditionally Approved

Motion: Councilmember Wojciechowski moved to adopt **Ordinance 2023-01**: an ordinance conditionally approving a zoning map amendment for 11.57 acres of a parcel located at 1492 S (Aggie Blvd.) and Highway 191, Moab, Utah 84532, from R-4 Manufactured Housing Residential Zone to C-4 General Commercial Zone. Councilmember Knuteson-Boyd seconded the motion.

Discussion: Councilmember Derasary asked about the inclusion of a part of Phase I in the rezone request. Attorney Watts Baskin said the zoning map amendment would be valid to sign after successful completion of the associated development agreement. Mayor Langianese brought up the proposed signal at Highway 191 at Aggie Boulevard.

Vote: The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

City Manager Updates: City Manager Castle announced a Parks and Recreation open house

on April 19 and a Kane Creek Boulevard reconstruction open house on April 27. She also said a Water Utility Resource Action Plan stakeholder meeting would be held thereafter. She updated Council on Emma Boulevard paving, flood planning and the availability of sandbags for the public.

Mayor and Council Reports:

Councilmember Derasary reported on a meeting of the Grand Water and Sewer Services Agency and mentioned grants for a sod buyback program to conserve water. She mentioned development of a water conservation ordinance by the County and implications for the City. Derasary mentioned water modeling by a graduate student and Laurel Hagen’s study of area water rights. She updated Council on the timeline for adoption of the tailings site plan, expressed thanks to Transit Coordinator Lory regarding the new transit system, and indicated she had heard complimentary comments about the transit system. She also mentioned the ongoing Parks and Recreation survey.

Councilmember Jones reported on a meeting of the Travel Council and noted changes to the Transient Room Tax (TRT) allocations would be forthcoming. He mentioned his participation in a meeting of the Community Renewable Energy Agency board as well as the selection committee for the Walnut Lane project.

Councilmember Taylor reported he attended a Responsible Recreation meeting and mentioned the desire to engage trail ambassadors for off-road users. He said he presented a billboard message to a local off-road outfitter and the feedback suggested the billboard message was too soft and needed a stronger message regarding respectful driving in town. Taylor n upcoming meeting of the Chamber of Commerce regarding timed-entry at Arches National Park.

Councilmember Knuteson-Boyd reported she attended a budget meeting of the Canyonlands Health Care Special Services District.

Councilmember Wojciechowski reported on a TrailMix trail day event in May. He mentioned grants for local nonprofits working to serve homeless persons and brought up upcoming events for Sexual Assault Awareness Month. He reported on budget meetings with staff and his work on the Walnut Lane selection committee.

Mayor Langianese reported on a meeting of the Association of Governments regarding Community Development Block Grants for the Main Street America program. She mentioned a National Park Service and Utah State survey regarding the economic impact of the timed entry pilot and noted her interest in resurrecting effective joint City Council and County Commission meetings. She updated Council on their letter regarding regional haze sent to the Environmental Protection Agency and noted Rocky Mountain Power would close coal plants upstate by 2030. She concluded with a note that she was working on the evaluation of City Manager Castle and was planning to attend the upcoming St. George conference of the Association of Cities and Towns.

Adjournment: Councilmember Jones moved to adjourn. Councilmember Knuteson-Boyd seconded the motion. The motion passed unanimously. Mayor Langianese adjourned the meeting at 8:03 p.m.

APPROVED: _____
Joette Langianese, Mayor

ATTEST: _____
Sommar Johnson, City Recorder