

MOAB CITY COUNCIL MINUTES
REGULAR MEETING
April 13, 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 Proposed Fiscal Year 2021-2022 Annual Budget and a 2021 Legislative Update to order at 5:06 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, Finance Director Ben Billingsley, Acting Finance Director Rachel Stenta and Recorder Sommar Johnson. A video recording is archived at <https://www.youtube.com/watch?v=doaNd1-ykAM>.

Budget workshop: The workshop began with questions from Council. Councilmember Jones asked about the City's July Fourth celebration and inquired if there would be more to the festivities than the fireworks show. City Manager Linares described various planned activities. Councilmember Duncan brought up his desire to fund some water monitoring efforts to be shared with other agencies. City Manager Linares explained the project could be funded from the culinary water enterprise fund. Councilmember Derasary noted that the County had water monitoring on a list of recommended projects for the Community Impact Board (CIB) list; she asked whether the City's Water Conservation and Drought Management Advisory Board could give the Council advice on the most pressing water expenses. Assistant Manager Castle stated staff had a "rating and ranking" list for this focus. Discussion ensued regarding the City's capital projects list; City Manager Linares explained there was not enough money in the proposed budget to move forward with the approximately \$68 million in projects. The first monies collected from the Recreation, Arts and Parks (RAP) tax were discussed and it was mentioned that a citizen's committee was to be formed to recommend disbursement of the funds. Councilmember Derasary brought up questions from her recent meeting with the League of Women Voters about the proposed property tax. City Manager Linares explained that all properties would be taxed, and primary residences are taxed at 55 percent of assessed value with commercial and second homes taxed at 100 percent of assessed value. Mayor Niehaus brought up potential annexations and enhanced amenities offered to City residents versus County residents, such as reduced rates at the recreation center. Mayor Niehaus asked council if there were concerns about moving forward with a discussion on a possible municipal property tax. Councilmember Derasary brought up the impact of other funds without a property tax in place, and Councilmember Duncan recalled the history of the school district's repeated tax increase failures until a convincing campaign swayed the vote. Councilmember Knuteson-Boyd stated it was due to a convincing educational piece, not a "sales job." Councilmember Derasary noted her interest in increased law enforcement and related costs. Mayor Niehaus stated her interest in more fully funding the Planning Department.

When asked by the Mayor for expense priorities in view of the budget development process, Councilmember Derasary stated her interest in developing a quality downtown district, ensuring

culinary water availability and adequate signage on City streets. Councilmember Guzman-Newton had questions about the street paving projects. Councilmember Jones spoke about a focus on deliverables pertaining to Planning, a visioning process, and ensuring Hotspot funding and parking projects were completed. Bike paths were also mentioned.

Legislative Update: Casey Hill of Red Hill Strategic was joined by his colleagues Greg Curtis, Lincoln Shurtz and Mark Walker. They discussed with the Mayor and Council various legislation that pertained to the City's interests and their lobbying efforts, including off-highway vehicle (OHV) curfews, electronic billboards, Transient Room Taxes, short-term rentals and more. Future plans were considered.

Regular Meeting Call to Order and Attendance: Mayor Niehaus called the Regular City Council Meeting to order at 7:06 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, Police Chief Bret Edge, Engineer Chuck Williams and Sustainability Director Mila Dunbar-Irwin. A video recording is archived at <https://www.youtube.com/watch?v=CiOn5FlmGHw>.

Citizens to be Heard and Public Hearings: For ease of citizen participation, Mayor Niehaus combined the public hearings with Citizens to Be Heard.

Public Hearing on Vehicular Noise: Mayor Niehaus opened a public hearing and discussion among Council Members and staff regarding actions the City can take to mitigate vehicular noise including: (1) a draft revision of the City's noise ordinance, (2) noise and speed limit enforcement, (3) a recreation opportunity spectrum analysis, and (4) City participation in noise mitigation efforts on public lands.

Dan Kent stated he appreciates the direction the City is heading to combat noise in our town. He urged Council to keep trying everything to combat the invasion of noisy OHVs and to stop the damage. He stated education was key and encouraged Council to beef up the police force.

Kent Green stated he appreciated the hard work of the Council. He said we can all work together and encouraged the City to work with the businesses, which, he added, are not the root of the problem. He said the [rental] machines meet a standard and we can all come together. He thanked the Council for their professionalism and appreciated that they were working with outfitters. Mayor Niehaus asked Mr. Green for his opinion on the proposed noise ordinance, and he spoke about the hardship of fleet size limits, and stated he wants to be able to sell his business and relocate it to a commercial area and have less impact on neighborhoods.

Clif Coontz of Ride with Respect and the Grand County Motorized Trails Committee thanked Attorney Simonson for her review of his concerns. He brought up stationary sounds tests and referred to Environmental Protection Agency (EPA) labels on motorcycle mufflers. He stated the proposed level of decibels was rather strict and it needs clarification. He thanked the City for this first shot and asked Council to please continue to "work with us."

Six written submissions for the public hearing regarding noise were received:

Darcey Brown wrote: Please do whatever you can to limit UTVs and also their noise—speed bumps, electric only, more police funding, legislature lobbying... Friends of mine who moved from Moab to be in a quieter community are now moving out of Silverton as they can't stand the UTVs. Thank you.

Anne Clare Erickson wrote: First I would like to thank you for your continued dedication to our town and county. Thank you. I am writing to let you know that I would really like to encourage you to continue on with the noise issue. I am disappointed that the curfew times did not pass the legislature. Over this past weekend the noise heading up the Sand Flats road well past 11 PM was disturbing. Please act for US, the people who live here and keep our mental health and safety in mind. There are so many residents who are fed up with all the noise from the UTVs. Yes, there are some businesses that are benefiting but why should we all have to live with their profits buzzing and droning all around the town and county? Please do everything you can to mitigate this situation. We need a strong noise ordinance. And one that is not based just on decibels as it is often the drone in the distance that is just as annoying to hear at night. It needs to be a strong enough ordinance, with enough enforcement to make it work. We need to have them tested as they are actually driving because they get louder and louder as they go uphill. There are times when I am at work and have to ask the person on the phone to wait for a moment as I can't hear them. Here are some suggestions: •DO NOT allow any more UTV rental businesses in town or the county. •Demand that the UTVs are not louder than cars as they are all over our residential streets at all hours of the day and night. •Set a very stringent motor vehicle noise limit (there are also street race cars racing around late at night). •Require as soon as possible that if UTVs are not quiet and meet noise levels that they MUST be trailered to the trailhead. •No other business in Moab impacts the community like the UTV rental business. Make them get quieter machines. The rental businesses need to trailer the super loud machines out of town. There are a huge number of the UTVs heading to the Sand Flats Road that are rentals. So please don't allow any more rental businesses in town. We as a town need to be able to determine what is going to happen. The legislators voting against helping our noise problem have not been wakened up, had times when they can't sit in their yard or have to avoid visiting places we love because the sound of the UTVs is too much to bear. Thank you for your work on this issue and the opportunity to comment.

Paul Franck wrote: Please consider the following requests: Do whatever possible to minimize UTVs driving on Moab City Streets. Do whatever possible to limit the establishment of new UTV rental businesses. Do whatever possible to keep existing rental business from increasing their fleet size. Set motor vehicle noise limits as low as legally possible. Include loud "street racer" type vehicles in the discussion of noise issues. Strongly encourage the BLM to establish a permit system for UTV use, at Sand Flats and other high use areas in Grand County. Strongly encourage the BLM to establish a rigorous and long-term analysis of motor vehicle impacts on federal public lands in Grand County.

Cassie Paup wrote: I work in the City and my office is on the corner of 300S and 200E. The UTV traffic noise at this location is incredibly loud, especially at certain times of the day. I can't leave the windows open during a meeting or phone call or if I want to concentrate. Even with the windows closed, the UTV traffic noise from 300 S is very audible and distracting. I highly encourage you to create and enforce a noise ordinance that requires all vehicles to be as quiet as regular, properly functioning passenger cars. Kind regards.

Robin Straub wrote: I support a noise ordinance that applies to all vehicles, including UTVs!

Phillip Wagner wrote: I strongly advocate for a noise ordinance that caps all vehicle noise, including ATVs, to as close to passenger cars as possible while we continue to fight to get ATVs off the streets completely!

Public Hearing on Institutional Water Rates: Mayor Niehaus opened a public hearing regarding Proposed Ordinance 2021-08: An Ordinance Amending the Municipal Sewer Rate

Classification to Modify Institutions Including Churches and Government Facilities to be Calculated Using the Winter Water Rate Use Calculation. There were no comments.

Citizens to be Heard: There were no Citizens to Be Heard. Recorder Johnson reported there were four written comments archived at <https://moabcity.org/151/City-Council>.

Councilmember Knuteson-Boyd moved to close the public hearings. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. Mayor Niehaus closed the public hearings at 7:30 p.m.

Administrative Report:

Recorder Johnson introduced the proposal for ranked-choice voting in the next municipal election. When asked by Councilmember Duncan about Grand County's ability to manage this type of election on behalf of the City, Johnson stated that Grand County does not have the software nor infrastructure to conduct such an election at this time and added that Utah County is willing to do it. Johnson answered a question from Mayor Niehaus regarding costs.

City Engineer Williams displayed a map of the City's speed limit zones and discussed options for making speed limits consistent or for conducting traffic studies in order to change the limits.

Police Chief Edge gave an overview of staffing levels and recent interviews resulting in employment offers. He presented data on staffing levels in similar jurisdictions. Councilmember Guzman-Newton asked about how Sedona used police force volunteers. Councilmember Jones asked how national conversations regarding law enforcement were reflected in the interviews.

City Manager Linares introduced Mila Dunbar-Irwin, the newly-hired Sustainability Director. He also mentioned interviews were underway for the City's Director of Parks, Recreation and Trails. He thanked the Utah Department of Transportation (UDOT) and Le Grand Johnson Construction for their accommodations to weekend traffic as they work to complete the Highway 191 widening project north of downtown. Linares concluded with a reminder that appointments with City staff are available, the Treasurer's Office is open for walk-in traffic, masks are required and the County's mask mandate has been extended to June.

Councilmember Duncan suggested Dunbar-Irwin calculate the culinary water impact of new lodging establishments. Councilmember Derasary extended a welcome to Dunbar-Irwin.

Mayor and Council Reports:

Mayor Niehaus stated she participated in meetings with the Water Quality Board, Southeastern Utah Association of Local Governments (SEUALG) and Congressman John Curtis during his recent visit to Moab. Niehaus brought up the soft launch of the Moab app and noted work to ensure Moab will host a licensee for medical marijuana. She mentioned data regarding a contemplated bypass, which seeks to determine whether travelers are passing through Moab or are staying in Moab. She mentioned a meeting of the Housing Rural Subcommittee in which she participated, and noted the legislature allocated \$500,000 for pre-development grants.

Councilmember Derasary reported that rural Emergency Medical Services (EMS) agencies would be receiving funds for training and recruitment. She described a water conservation summit she attended and noted that, according to the National League of Cities, many jurisdictions are moving away from funding water infrastructure with savings and are instead

utilizing bonding and grants. She spoke about lessons learned regarding water delivery and noted the culinary water management workforce is nearing retirement. Derasary reported on the Southeast Utah Riparian Partnership and noted the Grand County Weed Department can help residents with invasive plants [435-259-1369]. She spoke about the need for a culinary water ordinance and concluded with a mention of constituent concerns about fire risks and potholes in the streets.

Mayor Niehaus also brought up the culinary water ordinance and Assistant Manager Castle reported the proposed ordinance had been sent to the City's water attorney for review.

Councilmember Duncan reported Regional Engineer Marc Stilson of the Utah Division of Water Rights supports Moab's efforts to enact a water ordinance. Duncan also touched on his work on a field-operated decibel meter.

Councilmember Knuteson-Boyd stated she would give a report on her activities at the next meeting.

Councilmember Guzman-Newton announced the Chamber of Commerce golf tournament would be Friday, April 16. She thanked the organizers and participants of the Chamber's Chat series that brought business owners together to discuss educational efforts regarding vehicular noise, impacts on tours and rentals, self-imposed curfews and other topics. She mentioned her work on the Airport Board and noted the flights between Canyonlands Field and Salt Lake City would commence May 5 and roundtrip flights would be priced at \$150. She repeated her request for volunteers to participate in an April 22 exercise at the airport for a disaster mitigation exercise. Guzman-Newton concluded with a mention of the school district yard sale at the site of the old middle school.

Councilmember Jones reported on an upcoming yard sale and planting day for Community Rebuilds on April 17. He mentioned a meeting of the Housing Task Force and noted a 50-family wait list at Cinema Court. Jones mentioned outreach efforts by Grand County pertaining to high-density deed restrictions aimed at real estate agents. He mentioned a Travel Council advertising campaign for the autumn aimed at fly-in visitors. He said he participated in an interview for "This Week in Moab" and helped with the hiring process for the new Sustainability Director. He mentioned outreach efforts regarding Dark Skies code compliance, bonding for the solid waste district, and expectations as the Solid Waste District takes over local waste hauling.

Mayor Niehaus asked about whether the new senior housing facility was filled and Councilmember Knuteson-Boyd stated she thought it was and would report back.

Approval of Minutes:

Motion and Vote: Councilmember Jones moved to approve the minutes for the March 23, 2021, Regular Meeting and the April 6, 2021 Special Meeting. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Jones, Guzman-Newton, Knuteson-Boyd, and Duncan voting aye.

Old Business:

Institutional Sewer Rates—Approved

Presentation: City Manager Linares briefly reviewed the proposal and noted a rate study would be needed in the future. Councilmember Derasary pointed out that, after the study, rates for all users may change.

Motion: Councilmember Knuteson-Boyd moved to approve Proposed Ordinance 2021-08: An

Ordinance Amending the Municipal Sewer Rate Classification to Modify Institutions Including Churches and Government Facilities to be Calculated Using the Winter Water Rate Use Calculation. Councilmember Jones seconded the motion.

Discussion: Councilmember Jones stated he supports the effort to support fairness in billing and noted the Moab Information Center may not be similar to the other institutions with regard to use patterns. Mayor Niehaus asked about staff workload related to the proposed change and City Manager Linares stated it was impacting ten customers so the workload for the Treasurer's staff would be minimal.

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

New Business:

Consent Agenda—Approved

Motion and Vote: Councilmember Derasary moved to approve the consent agenda. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Solid Waste and Recycling Franchise Agreement: Resolution 10-2021 consents to the assignment and delegation of the Franchise Agreement Between the City of Moab and Monument Waste Services, LLC. for Residential, Municipal and Commercial Solid Waste and Recycling Collection.

Depositories for Moab City Funds: Proposed Resolution #11-2021 – Designating Depositories for Moab City Funds.

Lot Line Adjustment at 471 S Main Street: Proposed Resolution 14-2021: A Resolution Approving the Lot Line Adjustment of Property Located at 471 S Main Street, Moab, UT.

Lot Consolidation at 1043 S, 1053 S and 1063 S Mill Creek Drive: Proposed Resolution 15-2021: A Resolution Approving the Lot Consolidation of Properties Located at 1043 S and 1053 S and 1063 S Mill Creek Drive, Moab, UT.

Community Renewable Energy Program—Approved

Presentation: Assistant Manager Castle stated the maximum cost for Moab would be \$12,000 over two years. Councilmember Duncan asked if the cost would decrease if other communities became involved.

Motion and Vote: Councilmember Jones moved to approve Proposed Resolution 17-2021, A Resolution establishing the City of Moab's participation as an Anchor Community in the Community Renewable Energy Program and authorizing the Interlocal Agreement between participating public entities. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Draft Noise Control Ordinance—Discussion

Attorney Simonson introduced consultant Les Blomberg. Simonson mentioned the chief complaints from citizens and visitors regarding noise pollution and noted the Utah legislature made it clear their desire for Moab to create its own noise ordinances. She pointed out Kent Green may have been referring to the County's proposed ordinance in his public comments and not the City's. She explained the City has a proposed ordinance regarding noise with a means to enforce it, and the intention is to repeal and replace the existing ordinance. She went on to explain the willingness of local businesses to assist and that there is agreement that excessive noise is a problem. She stated the intent to enact an ordinance that is not a detriment to businesses. She further defined noise pollution as excessive noise that degrades the quality of life for residents. Discussion ensued regarding enforceable times of day and days of the week for

the proposed ordinance, exemptions, descriptions of noise sources to include more contemporary devices, and definable distances regarding noise impacts. The discussion shifted to vehicular noise and enforcement tools such as EPA stickers and various decibel tests. Mayor Niehaus suggested staff and council consider options in the coming weeks in advance of the next regular meeting.

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 \$496,777.26. Councilmember Jones 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.

Adjournment: Councilmember Jones moved to adjourn the meeting. Councilmember Knuteson-Boyd seconded the motion. The motion passed unanimously and Mayor Niehaus adjourned the meeting at 9:57 p.m.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder