

MOAB CITY COUNCIL MINUTES
REGULAR MEETING
April 26, 2022

Moab City Council held its Regular Meeting on the above date in Council Chambers. Audio is archived at www.utah.gov/pmn.

Pre-Council Workshop:

Mayor Joette Langianese called the meeting to order at 5:02 p.m. Councilmembers Tawny Knuteson-Boyd, Rani Derasary, Kalen Jones, Luke Wojciechowski and Jason Taylor attended. Video is archived at www.youtube.com/watch?v=zOI3JwDQ7vs.

Active Employment Household Requirements—Discussion

Mayor Langianese opened the workshop on Proposed **Ordinance 2022-05**: an ordinance amending the text of the Moab Municipal Code (MMC) Section 17.48 R-3 Multi-Household Residential Zone, and 17.51 R-4 Manufactured Housing Residential Zone, to add a use parameter requirement to the multi-household permitted use, such that 42.5% of units be designated as Active Employment Units (AEU) to be occupied by Qualified Active Employment Households (AEH). She said City officials had met with representatives from the Utah Association of Realtors and a private property rights group. City Attorney Nathan Bracken briefly described the reasons for entering an executive session.

Executive (Closed) Session:

Councilmember Jones moved to enter an Executive Session to discuss reasonably imminent and/or pending litigation. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Wojciechowski and Knuteson-Boyd voting aye. Mayor Langianese opened the Executive Session at 5:08 p.m. Councilmember Knuteson-Boyd moved to closed the Executive Session. Councilmember Derasary seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Wojciechowski, Taylor and Knuteson-Boyd voting aye. Mayor Langianese ended the closed session at 5:59 p.m.

Regular Meeting Attendance and Call to Order:

Mayor Langianese called the meeting to order at 6:08 p.m. Carrie Bailey led the Pledge of Allegiance. Councilmembers Knuteson-Boyd, Wojciechowski, Taylor, Derasary and Jones were in attendance. Also in attendance were Engineer Chuck Williams, Arts and Special Events Director Kelley McInerney, City Manager Carly Castle, Arts, Recreation and Trails Director Annie McVay, Attorney Bracken, Planner Cory Shurtleff, Recorder Sommar Johnson and five members of the public. Video is archived at www.youtube.com/watch?v=OCWkc7AOXo8.

Citizens to Be Heard:

Sara Melnicoff spoke about the proposed Special Event Permit for Scots on the Rocks (SOTR). She stated the event is not appropriate for the downtown ballpark because it damages the playing fields and is noisy all weekend. She stated it was a great event and suggested it would be better at a larger venue.

Carrie Bailey spoke regarding SOTR and noted she had sent emails asking Council to deny the Special Event Permit. She said she lives across the street from the ballpark and noted the property is in need of basic maintenance and gave several examples of items that needed repair. She stated SOTR resulted in damage to the irrigation system and the playing fields were driven and parked on by several vehicles, causing damage. She stated City-sanctioned events at the ballfields appear to focus on tourists and should more appropriately focus on resident needs. She brought up the City's agreement with the school district regarding the appropriate use of the ballfields and asked for a review of the agreement.

Proclamation:

Mayor Langianese read a proclamation declaring April 29, 2022 as Arbor Day in Moab.

Consent Agenda—Approved

Councilmember Jones moved to approve the Consent Agenda, as follows: Moab City/Grand County Joint Defense Agreement; Award and Approval of the Ballpark Concessionaire Contract; Proposed **Resolution 14-2022**: a resolution designating depositories for Moab City funds; Approval of bills against the City of Moab in the amount of \$270,960.30; and Approval of Minutes for the March 31, 2022, Special Meeting and the April 12, 2022, Regular Meeting. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Wojciechowski and Knuteson-Boyd voting aye.

Special Events:

Scots on the Rocks (SOTR) Special Event Permit—Denied

Presentation and Discussion: Arts and Special Events Director McInerney presented the application for SOTR to be held at the downtown ballfields and noted it was traditionally held at the Old Spanish Trail Arena (OSTA). SOTR representatives Marian DeLay and Karen Feary responded to questions. Councilmember Knuteson-Boyd asked organizers if the competition hours could be shortened to reduce noise impacts on the neighbors, and DeLay said the competition hours were not adjustable and would be 10:00 a.m. to 9:00 p.m. Saturday and noon to 4:00 p.m. Sunday. Knuteson-Boyd also asked if a parking shuttle could be arranged and if organizers could do more to keep unauthorized dogs out of the park. She added it was a really good event although she had reservations last year. She asked if the organizers could move the event to OSTA. DeLay stated the event received donations from several sponsors for a silent auction and the proceeds would be used to fund the event. She said shuttles are inconvenient and it is too windy at OSTA. She said downtown was the ideal venue for the event. She brought up vehicles participating in the car show driving on the lawns at Swanny Park. Councilmember Taylor asked about the damage to the fields and asked if there was some other place besides next to homes for the competitors to practice playing their bagpipes. DeLay said practicing offsite was not possible. She mentioned a planned parade down Center Street from the Moab Information Center. Councilmember Knuteson-Boyd said event organizers are local people who care about the community and they promoted SOTR as a family event. She said the downtown ballfields might not be the right place but by denying the permit, she feared the event might go away. Councilmember Wojciechowski stated he thought SOTR was a fantastic event but wondered if the indoor arena at OSTA could be used for vendors to get out of the wind. He stated his concern about the City continually allowing loud events. DeLay brought up concerns regarding the dirt floors inside the arena and added that if the City denied this event, it should deny all events. Ms. Feary stated the dance competition is indoor but OSTA charges more to use the indoor venue. Councilmember Jones stated the principal issue is the noise and noted other events have not garnered this level of negative response from residents. Councilmember Derasary stated many residents of Moab enjoy the diversity of people of varying backgrounds and she appreciated more contact with cultures. She said she had heard great things about the event and added a lot of the comments she received focussed more on loving the event and wanting it to continue rather than the event necessarily having to be at the ballpark versus OSTA. She said holding the event at OSTA would resolve conflicts last year related to venue size, the specific needs of the competition, including adjacent practice space for competitors and noted wind is everywhere, including downtown. She said it was possible to have successful turnout at OSTA events, as indicated by the recent powwow there. She said the ballfield was too constrained, space-wise, for SOTR. She acknowledged she was elected to look out for neighborhood needs and the greatest problem expressed by residents is noise. She said the City needs to do more about noise and said OSTA is better situated to host events such as SOTR and sports such as pickleball. She added that the arts festival has animal control officers on site to

control dogs and she concluded by stating SOTR is a great event but not every venue is compatible and noted she had never heard a complaint about the Folk Festival.

Motion: Councilmember Jones moved to deny the Special Event Permit for Scots on the Rocks for 2022. Councilmember Derasary seconded the motion.

Discussion: City Manager Castle noted there were eight criteria for denial of a special event permit and asked Councilmember Jones to amend his motion with criteria. Councilmember Taylor stated he had reached out to organizers, who claimed they were unaware of complaints. He said the Folk Festival had parking issues as well, and said we only accept music and culture we like. He stated SOTR is a good event and more local residents attend if it is held downtown. Councilmember Wojciechowski stated he was uncomfortable characterizing the event like other music events, citing the long hours with competitors loudly playing the same song all day. He said the biggest complaint, noise, was the one that could not be mitigated. He said that there was constant traffic with visitors coming and going and added the immediate area is the part of the community that needs respite and noted SOTR is the most significant disturbance besides ATV noise. He concluded by saying he didn't wish to stop the growth of SOTR but it comes at the expense of the community, and he made a promise to improve community quality of life. Councilmember Knuteson-Boyd stated the community's concerns were not communicated to the applicants and said the staff had turned over since last year. She added she could hear the event at her home across town. She said denying the permit discriminates against this group. Mayor Langianese asked McInerney about the appeals process. McInerney mentioned the letter from the applicant addressing resident complaints from last year, included in the packet.

Amended Motion and Vote: Councilmember Jones amended his motion and moved to deny a Special Event Permit for Scots on the Rocks pursuant to Moab Municipal Code Chapter 4.11.020A.2 because the event presents significant or unacceptable adverse impacts upon the community, other businesses, or residents, which cannot reasonably be mitigated.

Councilmember Derasary accepted the amended motion. The motion to deny passed 3-2 aye with Councilmembers Jones, Derasary and Wojciechowski voting aye and Councilmembers Knuteson-Boyd and Taylor voting nay. Mayor Langianese brought up the development of a parks master plan, the school district agreement regarding use of the ballfields and noted the applicants are eligible to appeal the denial.

Old Business:

Community Contributions 2022—Approved

Presentation and Discussion: Arts and Special Events Director McInerney presented a revised recommendation for funding community organizations with options A (original recommendation), B (focus on social services) and C (a hybrid of the original recommendation and social service focus) for consideration by Council. It was noted that proceeds from the Recreation, Arts and Parks (RAP) tax could be used to fund some of the proposed programs in the future. Discussion ensued clarifying a separate line item to fund programs at Seekhaven. Councilmember Derasary asked if additional sales tax revenues could be used to further fund the proposals. Fire mitigation work was discussed for possible funding from other revenues. Attributes of the options were discussed, as well as the importance of funding Seekhaven, Moab Solutions and the Moab Valley Multicultural Center. Councilmember Jones expressed his thanks for Option B and preference for Option A, Wojciechowski preferred Option C and Derasary preferred Option A.

Motion and Vote: Councilmember Taylor moved to approve Community Contributions Option C with amended adjustments for the 2022-23 fiscal year, as follows: \$2,000 from the recommended amount for Seekhaven redistributed to Canyonlands Field Institute, and \$500 from Resiliency Hub redistributed to Moab Solutions. Councilmember Wojciechowski seconded the motion. The motion passed 4-1 aye with Councilmembers Jones, Taylor, Wojciechowski and Knuteson-Boyd voting aye and Councilmember Derasary voting nay.

RAP Tax Committee—Discussion

Arts and Special Events Director McInerney updated Council on the proposed five-member advisory committee, and possible conflicts of interest were discussed.

Declaration of ARPA Non-Entitlement Unit Proceeds—Approved

Discussion: Mayor Langianese introduced the subject of American Rescue Plan Act (ARPA) grant eligibility. Restricted and unrestricted funds were discussed. City Manager Castle stated staff recommended pursuing the unrestricted, standard allowance.

Motion and Vote: Councilmember Taylor moved to adopt **Resolution 11-2022**, a resolution dedicating the Coronavirus State and Local Fiscal Recovery Funds to revenue replacement under the standard allowance. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Wojciechowski and Knuteson-Boyd voting aye.

New Business:

Pack Creek NRCS Emergency Watershed Protection Task Order—Approved

Presentation and Discussion: Engineer Williams announced the City has applied for and been awarded funding from the National Resource Conservation Service (NRCS) Emergency Watershed Protection (EWP) Program. He said the NRCS Damage Survey Report (DSR) includes funding for projects along Pack Creek which were damaged by the recent flood: 500 West bridge and pedestrian underpass bridge, 400 East bridge, and pedestrian bridge near the Episcopal Church. Williams described the required match from the City. Councilmember Jones asked about using willow saplings for creek bank armoring.

Motion and Vote: Councilmember Jones moved to approve the Pack Creek NRCS Emergency Watershed Protection Project Task Order with Hansen, Allen & Luce, Inc. in the amount of \$61,000 and authorize the Mayor to sign it. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Wojciechowski and Knuteson-Boyd voting aye.

Tusher and Birch Sewer Improvements Task Orders—Approved

Presentation and Discussion: Engineer Williams described the project and Councilmember Wojciechowski brought up the possibility for residents to take advantage of the open trenches to replace lateral connections. Council suggested sending letters to homeowners.

Motion and Vote: Councilmember Knuteson-Boyd moved to approve the Birch and Tusher Area Sewer Improvements Projects Task Orders in the amount of \$129,502 and \$144,767 respectively, and authorize the Mayor to sign the attached Task Orders. Councilmember Jones seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Wojciechowski and Knuteson-Boyd voting aye.

Sign Code Amendments—Approved

Presentation and Discussion: Planner Shurtleff presented for consideration Proposed **Ordinance 2022-07**, an ordinance amending the Moab Municipal Code (MMC) with clarifying language identifying prohibited LED and LCD display technologies; and amending the MMC with clarifying language identifying exempt, temporary, and prohibited signs; and amending the MMC Sign Code Definitions; and relocation of Section 15.44 Sign Code to new Section 17.93 Sign Code, with incorporation of generally duplicated sections into consolidated sections. Shurtleff described the Planning Commission deliberations and recommendations. Electronic variable signs were discussed in terms of safety hazards and lumen levels. The prohibition of feather or blade signs was brought up. Shurtleff also stated the sign permit fee for political campaigns would be discontinued. Councilmember Jones mentioned the Dark Skies Ordinance and outdoor lighting. Councilmember Wojciechowski mentioned a recent Supreme Court ruling which allows municipalities to regulate electronic billboards.

Motion and Vote: Councilmember Jones moved to approve **Ordinance 2022-07** amending

MMC Sign Code 17.93.07 to change the brightness limit at night to 10 lumens rather than 15. Councilmember Knuteson-Boyd seconded the motion. Mr. Wojciechowski recused himself because he voted on the recommendation as member of the Planning Commission. The motion passed 4-0 aye with Councilmembers Jones, Derasary, Taylor and Knuteson-Boyd voting aye.

Administrative Report: City Manager Castle reported on recent hirings and the downtown dispersed parking striping pilot. Councilmember Knuteson-Boyd stated she received a complaint about the striping project. Castle announced outdoor markets on first and third Thursdays until October and noted an upcoming Public Works Meet and Greet event. She reported an emergency expenditure to replace a failed well pump.

Mayor and Council Reports:

Councilmember Taylor reported he attended the Utah League of Cities and Towns conference in St. George, and noted housing, water and law enforcement issues were paramount. He said he attended the Resort Communities caucus.

Councilmember Derasary reported on a meeting of the Southeast Utah Riparian Partnership. She said the National Park Service presented messaging on a national campaign called Play Clean Go, which seeks to educate visitors to outdoor areas about inadvertent transport of non-native species on shoes and equipment. Derasary mentioned she met with Davina Smith, who is running for the State House of Representatives in Moab's district. Other meetings Derasary reported on included the System of Care Regional Advisory Committee and a tour of the Moab Uranium Mill Tailings Remedial Action (UMTRA) Project site. She noted public tours are available and she can provide more information. She reported on the quarterly meeting of the UMTRA steering committee and noted progress toward eventually closing the site.

Councilmember Wojciechowski reported on a meeting of the local homeless council and noted there were 146 at-risk individuals receiving services. He added that donations of camping equipment are being sought by the Moab Valley Multicultural Center to distribute to homeless individuals. He mentioned a planned day center at the new Moab Free Health Clinic location along with discussions regarding veteran housing. He also stated he met with the Mayor to discuss support for nonprofits.

Councilmember Jones reported on the City and County collaboration meeting he attended and brought up a concern that the County was not notified about the dispersed parking pilot project and said more communication was desired. He mentioned an upcoming County workshop about their noise ordinance and said he attended the town boat ramp open house. He concluded with a mention of the Solid Waste District and noted the Executive Director had resigned.

Councilmember Knuteson-Boyd reported on a meeting of the Canyonlands Health Care Special Service District and noted more than ten percent of residents in the care facility are over 100 years old. She said she met with Evan McMullin, an independent candidate for U.S. Senate representing Utah. She mentioned a meeting of the Museum Board and reported the purchase of an offsite storage facility for Museum collections.

Mayor Langianese stated she attended a joint meeting between representatives of Moab City and Grand and San Juan Counties. She said there was a marked difference of concerns between the entities. She reported on the ribbon cutting for the Rocky Mountaineer tourist railway service and noted an upcoming visit to Moab by U.S. Representative John Curtis. She concluded by paying respect to the late U.S. Senator Orrin Hatch.

Adjournment: Mayor Langianese adjourned the meeting at 8:36 p.m.

APPROVED: _____
Joette Langianese, Mayor

ATTEST: _____
Sommar Johnson, City Recorder