

**MOAB CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
MAY 14, 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 12:04 PM, Mayor Emily Niehaus called a workshop meeting to order to discuss the draft Moab Area Parking Study. In attendance were Councilmembers Karen Guzman-Newton, Rani Derasary, Tawny Knuteson-Boyd, Kalen Jones and Mike Duncan. Also in attendance were City Manager Joel Linares, Engineer Chuck Williams, Planner Nora Shepard, Attorney Chris McAnany, Recorder Sommar Johnson and Records Specialist Eve Tallman. Three members of the public and media were present. A video recording of the workshop is archived at: <https://www.youtube.com/watch?v=PjJjNSmWUV8>. An audio recording is archived at: <https://www.utah.gov/pmn/index.html>.

City Engineer Williams presented an overview of the draft parking study including the scope of the study, conclusions and recommendations. Discussion and questions from the Council addressed parking for specific vehicle types, parking efficiency and prioritization for types, oversized vehicles on Main Street and enforcement. Shuttle service from dispersed lots was mentioned as well as working with hotels for midday parking and business incentives to allow public parking. Mayor Niehaus discussed parking on 400 East and the removal of parking on North Main Street. Councilmember Derasary asked how many spaces would be lost to restriping curbs 30 feet from intersections as required by code.

The discussion turned to an overview of the City's HotSpot Recreation Funding from the Utah Department of Transportation (UDOT). Williams and UDOT representative Ryan Anderson presented the priorities of the HotSpot Arches Area funding, which includes a parking structure between Main Street, Center Street, 100 North and 100 West. Councilmember Knuteson-Boyd suggested a dynamic design for the structure could accommodate future transit and downtown employee parking and Mayor Niehaus also mentioned accommodating tall vehicles such as cars with bicycles on the roof or tall vans. Anderson agreed the design of the structure would accommodate future uses. Williams mentioned that remaining funds after the design and construction of the structure would be used to study and potentially implement Main Street improvements, including construction of a median from 400 North to 300 South. Anderson clarified the median might be constructed from 100 North to 200 South and parking could be removed from Main Street and bike lanes could be installed. Anderson mentioned that Springdale, Utah had eliminated parking on their Main Street. He stated that left turns are dangerous. Councilmember Karen Guzman-Newton stated the topic of eliminating left turn lanes is contentious. Mayor Niehaus noted there has been significant public sentiment opposed to bike lanes on Main Street. Councilmembers Duncan, Guzman-Newton and Derasary expressed opposition to any removal of parking from downtown Main Street. Anderson stated any improvements to Main Street would ultimately be decided by the Council. Councilmember Jones recapped the history of the HotSpot committee's work. Councilmember Duncan brought up the bike lane on 100 West which eliminated parking in front of a retail business, to the surprise of the business owner. Williams stated he would investigate solutions. Councilmember Derasary asked about any budget implications resulting from the parking study.

Motion to Recess and Vote: Councilmember Duncan moved to recess the meeting until 5:00 PM. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0. Mayor Niehaus recessed the meeting at 1:23 PM.

Pre-Council Workshop: Mayor Niehaus reconvened the workshop at 5:03 PM. In attendance were Councilmembers Guzman-Newton, Knuteson-Boyd, Jones, Duncan and Derasary. Additional staff present included Finance Director Rachel Stenta, Sustainability Director Rosemarie Russo, Communication and Outreach Director Lisa Church, Police Chief Bret Edge, Assistant Engineer Eric Johanson, four members of the Water Conservation and Drought Management Advisory Board and David Everitt. The meeting began with a Workshop Regarding Hydrologic and Hydrogeologic Assessment of the City's Surface Water and Groundwater Resources. A video recording of the meeting is archived at: <https://www.youtube.com/watch?v=Br5Ori1EPOY>. An audio recording is archived at: <https://www.utah.gov/pmn/index.html>.

Ken Kolm and Paul van der Heijde of Hydrologic Systems Analysis, LLC (HSA) presented their Phase Two preliminary water budget and aquifer storage evaluation report. Mayor Niehaus asked about the leakage from Ken's Lake and impacts on Moab's water rights. City Engineer Williams presented the next steps for the HSA report, including addressing comments from the Water Conservation and Drought Management Advisory Board, peer review by the Utah Geological Society, a study by HSA of the Valley Fill aquifer and working with the new water rights attorney, Jeffrey Gittins, on the City's 40-year plan. Discussion with Gittins ensued and Mayor Niehaus asked for recommendations to Council from the Water Board, Engineering and Administrative staff regarding future development, the overnight accommodation moratorium and water supply implications.

Regular Meeting—Call to Order and Attendance: Mayor Niehaus called the regular meeting to order at 7:00 PM and led the Pledge of Allegiance. Forty-four members of the public and media were present.

Approval of Minutes: Councilmember Derasary moved to approve minutes of the April 22 and 23, 2019 meetings. Councilmember Duncan seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye. Councilmember Duncan moved to approve minutes of the April 29 and May 6 and 7, 2019 meetings. Councilmember Jones seconded the motion. Councilmember Derasary was not present at those meetings and did not vote. The motion passed 4-0 aye with Councilmembers Jones, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Mayor and Council Reports: **(1:59 on audio recording)**
Mayor Niehaus and the Council reported on their activities for the prior three week period.

Administrative Report: Mayor Niehaus welcomed Joel Linares as the new City Manager. Linares reported on work regarding upgrading the restrooms and the Center Street Gym, interviews for Public Works Director, the upcoming interim legislative session and a scheduled meeting with Zions Bank regarding bonding.

Recorder Johnson performed the swearing-in of Bret Edge as Police Chief. Edge presented an update of police activities and crime statistics, reflecting a total of 283 incidents in April, mainly for traffic stops with 26 accidents and 21 cases of illegal camping as well as 69 code-related incidents including 23 dogs in parks.

Students of the Month: Mayor Niehaus presented the May Student of the Month Awards to Gracey Bylilly of Helen M. Knight School and Oione deRoulhac of Moab Charter School.

Administrative Report—Planning: Planner Shepard recapped her first weeks on the job for Council and reported there are 833 vested nightly rental units in development within the City limits which are exempt from the moratorium.

Citizens To Be Heard: Kiley Miller spoke about the proposed Loves Truck Plaza and its impacts on Moab of noise, exhaust and toxic fumes. She urged the City and County Councils to write letters of opposition to the project in San Juan County. Miller also spoke about the need for signage on Powerhouse Lane regarding parking at the Mill Creek trailhead.

Proclamation: Mayor Niehaus read a Proclamation for National Public Works Week.

**Public Hearing: (3:01 on audio recording)
Public Hearing Regarding a Notice of a Petition to Vacate, Alter, Or Amend a
Subdivision Plat or Public Street (Emma Boulevard):**

Councilmember Knuteson-Boyd left the chambers due to a stated conflict of interest. After a brief presentation by Engineer Williams, Mayor Niehaus opened the public hearing at 8:07 PM.

Russell Facente spoke in opposition to the proposed Minnie Lee Avenue project and stated that mapping and navigation software would route tourist traffic from Main Street onto residential streets. He requested information regarding why the project was not referred to the Planning Commission.

Scott Newton spoke in opposition to the new street and the Utex subdivision. He stated the proposal was not a ten-foot wide bike lane but was instead a 90-foot-wide street. He speculated there was a hidden agenda and an unexpected burden on taxpayers.

Josh Green spoke in opposition to the project. He stated it was an awful idea and the traffic impacting the elementary school would be dangerous and could cause a lawsuit against the City. He noted concrete had already been poured on Emma Boulevard. He suggested navigation software would identify the street causing traffic congestion.

Melissa Byrd stated she was speaking as a private citizen and was not representing the school board. She stated her concerns about increased traffic congestion and safety by creating a street directly linking to MiVida which she said is the main drop off and pick up point for the elementary school. She referred to a letter from the school Superintendent and noted the school district has not been consulted nor communicated with about any new development or this project.

Mayor Niehaus stated written comments would continue to be accepted by the City. Councilmember Duncan moved to close the public hearing. 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 Niehaus closed the public hearing at 8:16 PM.

Public Hearing Regarding the City of Moab's Fiscal Year 2019-2020 Budget:

Finance Director Stenta made a presentation regarding the budget and noted there was an interactive feedback tool at www.moabcity.org/budget. Mayor Niehaus opened the public hearing at 8:31 PM. There were no public comments. Councilmember Duncan moved to close the public hearing. 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 Niehaus closed the public hearing at 8:31 PM.

Special Events:

Amplified Music—Approved

Motion and Vote: Councilmember Guzman-Newton moved to approve a Request for Amplified Music at Old City Park on August 23, 2019. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Fourth of July—Approved

Motion and Vote: Councilmember Derasary moved to approve a Special Event Permit and Special Use of City Park for a Fourth of July Celebration. Councilmember Jones seconded the motion. Councilmember Derasary thanked the Mayor and staff for their efforts regarding the event. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Old Business:

(3:29 on audio recording)

Parking Management Study—Approved

Motion and Vote: Councilmember Guzman-Newton moved to approve **Resolution 27-2019** – The Moab Parking Management Study. Councilmember Jones seconded the motion. Councilmember Derasary asked about signage, a two-hour parking limit in certain areas of downtown, and enforcement. Mayor Niehaus brought up the input from the Council in addition to the results of the study being considered. Williams declared the police department is interested in parking enforcement. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Planned Affordable Development (PAD)—Approved

Discussion: City Attorney McAnany presented a brief overview of the editing process. Mayor Niehaus noted there were five or six developers interested in the possibility of PADs in the R-3 zone. Councilmember Guzman-Newton asked for clarification regarding the PAD application process and key staff. Councilmember Jones brought up a lack of specificity regarding stormwater and lighting requirements and his desire to strike vague language in the ordinance. McAnany stated language that was too strict would discourage affordable development. Councilmember Duncan and Mayor Niehaus suggested the language could be settled over time. Councilmember Derasary stated she would vote no due to the lack of a redlined version for public review before the vote.

Motion and Vote: Councilmember Duncan moved to approve Proposed **Ordinance 2019-02** - Amending the City of Moab Municipal Code by Adding a New Chapter 17.68 Planned Affordable Development (PAD). Councilmember Guzman-Newton seconded the motion. The motion passed 3-2 aye with Councilmembers Knuteson-Boyd, Guzman-Newton and Duncan voting aye and Councilmembers Derasary and Jones voting nay.

New Business:

Ballpark Concessionaire Contract—Approved

Motion and Vote: Councilmember Knuteson-Boyd moved to award the Concessionaire Contract to Sara Kimmerle, doing business as Moab Snacks, as the Ballpark Concessionaire. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

On-call Professional Engineering Services—Approved

Motion and Vote: Councilmember Derasary moved to approve the four selected Consultants for Professional Engineering On-call Services, and to authorize the City Manager to sign their respective Consultant Services Agreements. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

UDOT Parking Structure Agreement—Tabled

Discussion: Williams stated that UDOT representative Ryan Anderson had confirmed via email that by signing the Agreement there was no commitment to remove on-street parking on Main Street. Mayor Niehaus mentioned her interest in constructing the parking structure with sustainable materials. Williams added there was an option to include a solar array as well. Councilmember Derasary and others expressed an interest in seeing the communication from

Anderson regarding any Main Street improvements before taking a vote.

Motion and Vote: Councilmember Derasary moved to table for two weeks **Resolution 33-2019** approving the City to enter into a Cooperative Agreement with the Utah Department of Transportation for purposes of constructing a Downtown Parking Structure. Councilmember Guzman-Newton seconded the motion to table. The motion passed 4-1 aye with Councilmembers Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye and Councilmember Jones voting nay.

Hillside Development Permit—Approved

Discussion: Johnson clarified the request before Council was only for a Hillside Development permit and many other regulations would still need to be met. Councilmember Derasary pointed out the current parcel map shows the subject property as a County parcel although it was annexed in 2017. Councilmember Jones brought up a detail regarding the slope and fill.

Motion and Vote: Councilmember Derasary moved to approve **Resolution 32-2019--A** Resolution Approving a Hillside Development Permit for Legacy Design Group for Commercial Development on Property Located at 1520 North Main Street in the RC, Resort Commercial Zone, as Referred to City Council by the Planning Commission. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Millcreek Corner Subdivision—Approved

Motion and Vote: Councilmember Derasary moved to approve **Resolution 31-2019--A** Resolution Conditionally Approving the Millcreek Corner Subdivision, a Minor Subdivision of 808 Millcreek Drive Located in the R-2, Residential Zoning District, as Referred to Council by the Planning Commission. Councilmember Guzman-Newton seconded the motion. Mayor Niehaus stated she was no longer affiliated with the applicant and had no conflict of interest. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Nightly Rentals Ordinance Modification—Approved

Motion and Vote: Councilmember Derasary moved to approve **Ordinance 2019-11--An** Ordinance Modifying Moab Municipal Code Title 5, Chapter 5.67, Pertaining to Nightly Rentals. Councilmember Guzman-Newton seconded the motion. Councilmember Jones brought up correspondence regarding a one-hour response time for unit owners in the event of complaints. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Purchasing Exception for Rick's Glass—Approved

Motion and Vote: Councilmember Knuteson-Boyd moved to approve a Purchasing Exception for Rick's Glass for an Amount not to Exceed \$105,000 for past MARC, Recreation, and Facilities Repairs and Potential Upgrades Necessary Through the End of this Fiscal Year. Councilmember Duncan seconded the motion. Councilmember Jones asked if there were other bidders and staff explained there were no bidders initially including Rick's Glass and several firms were approached to solicit quotes for the work. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Electronic Participation in Council Meetings—Approved

Discussion: Mayor Niehaus proposed a strikethrough of language regarding public participation. Councilmember Derasary brought up sound quality issues and pointed out a requirement for a quorum to be present at the anchor location. She mentioned the option of limiting the number of meetings an elected official could attend remotely. Councilmember Knuteson-Boyd voiced concern regarding frequency of absences, undue influence by unknowable persons and acceptable absences. Councilmember Derasary spoke in favor of downtime during vacation. Councilmember Jones stated he had participated remotely for

boards and had not experienced any boardmembers abusing the system. Councilmember Duncan stated he is in favor and it is incumbent on all members not to abuse it. Recorder Johnson stated tentative concerns about the reliability of the technology. Councilmember Guzman-Newton stated her concern with electronic participation in closed sessions. Councilmember Jones suggested amending the motion to eliminate closed sessions. Councilmember Knuteson-Boyd said she was opposed to the motion. Mayor Niehaus asked if there should be limits on electronic participation.

Motions and Vote: Councilmember Guzman-Newton moved to adopt **Ordinance 2019-16:** An Ordinance Authorizing Electronic Participation in City Council Meetings and Establishing Procedures for Electronic Participation, striking subsection D regarding public participation. Councilmember Jones seconded the motion. The motion passed 3-2 aye with Councilmembers Jones, Guzman-Newton and Duncan voting aye and Councilmembers Derasary and Knuteson-Boyd voting nay. Councilmember Jones moved to amend the motion to exclude electronic participation in closed sessions and to specify the chair must be present at the anchor location. Councilmember Guzman-Newton seconded the motion to amend the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Bills Against the City of Moab—Approved

Motion and Vote: Councilmember Jones moved to approve bills for \$665,803.35. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Adjournment: Councilmember Knuteson-Boyd moved to adjourn the meeting. Councilmember Guzman-Newton seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Duncan, Knuteson-Boyd and Guzman-Newton voting aye. Mayor Niehaus adjourned the meeting at 9:54 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder