

MOAB CITY COUNCIL MINUTES
REGULAR MEETING
May 25, 2021

The Moab City Council held its Regular Meeting on the above date. An audio recording of the meeting is archived at <http://www.utah.gov/pmn/index.html>. A video recording is archived at https://www.youtube.com/watch?v=ScaKU_PLaug.

Call to Order and Attendance: Mayor Niehaus called the meeting to order at 7:02 p.m. Participating were Councilmembers Karen Guzman-Newton, Tawny Knuteson-Boyd, Mike Duncan and Kalen Jones. Councilmember Rani Derasary participated by telephone. City staff in attendance were Acting City Manager Carly Castle, Attorney Laurie Simonson, Recorder Sommar Johnson, Engineer Chuck Williams, Finance Director Ben Billingsley, Administrative Assistant Kelley McInerney, Planner Nora Shepard and Parks, Recreation and Trails Director Annie McVay. Mayor Niehaus led the Pledge of Allegiance. Six members of the public attended.

Citizens to be Heard: Recorder Johnson stated there were nine online comments, which are archived at <https://moabcity.org/151/City-Council>.

Theresa King let the Council know that the annual Moab Arts Festival was cancelled this year, for the second year in a row. She said staff attrition contributed to the decision, which has been held most years since 1993. She expressed her interest in the future of the Arts Festival.

Administrative Reports:

Acting Manager Castle presented brief updates on COVID-19 and other topics. Engineer Williams answered questions about the Highway 191 widening project and briefed Council on progress regarding the Unified Transportation Plan. Finance Director Billingsley presented information about the City budget and revenues and he briefly introduced the upcoming audit. Attorney Simonson updated Council on developments regarding E-Bikes on paved pathways. She noted the TrailMix committee recommended to the County a one-year trial for E-Bikes on paved pathways north of City limits. Discussion ensued regarding the desire to have unified regulations across jurisdictions.

Mayor and Council Reports:

Mayor Niehaus reported on a meeting of the Utah League of Cities and Towns (ULCT) regarding federal monies available for infrastructure and growth. She said ULCT would be hiring an advisor for jurisdictions to aide in securing the federal funds. She mentioned a Get Out the Vote campaign for youth that involved a contest, which, if won by a local person, would entail mentorship on the part of the City's leadership. In addition, she indicated she had heard concerns from business owners regarding dining parklets. She mentioned a "Running as Medicine" event hosted by the Salt Lake Air Protectors, an indigenous group that staged a running event from Bears Ears National Monument to Salt Lake City. She brought up recent news about Silverton, Colorado and their recent actions regarding Off-Highway Vehicles (OHVs) on their city streets. Mayor Niehaus mentioned the launch of the movie nights in the park. She concluded with mention of a meeting with Dan Hemmert from the Governor's Office of Economic Development at which housing was the main topic of discussion.

Councilmember Derasary reported she met online with Joette Langianese, Mary McGann and Ike White, Acting Assistant Secretary for the Office of Environmental Management at the Department of Energy about the Moab Uranium Mill Tailings Remedial Action (UMTRA) Project. Among other topics, she reported that the Office of Management and Budget is

supportive of the project given its record of accomplishment and efficiency, particularly under current Federal Cleanup Director Russell McAllister. She said they are anticipating the project will get equal if not increased funding this year. Derasary also mentioned eventual site closure considerations as discussed with White and McAllister.

Councilmember Duncan reported he is writing a phone app for measuring decibel levels for vehicles. He mentioned he would serve as the chair of the Moab Area Watershed Partnership after his City Council term ends. Councilmember Guzman-Newton asked about water levels in Kens Lake and Councilmember Duncan stated it was lower than last year and limiting irrigation is a common practice.

Councilmember Knuteson-Boyd reported on a meeting of the Housing Task Force. She said the local public housing facilities have wait lists and the housing crisis continues. She noted there are still glitches regarding Arroyo Crossing construction but they are not insurmountable. She mentioned a meeting of the Canyonlands Care Center Special Services District and noted their recent audit. She said there have been more in-person visits to patients at the Care Center, which enriches the lives of the patients, and noted no residents have contracted COVID-19. Knuteson-Boyd also reported on the Museum and said a quilt show is currently accessible by appointment. She added there are new board members, new programs proposed and outstanding school programs.

Councilmember Guzman-Newton stated the School District's Key Leader board had resumed meeting and discussed intergenerational poverty. She noted that school absenteeism has become a concern for the community as online schooling has shortfalls for mandatory attendance. She said the County was interested in helping to fund the school resource officer position formerly underwritten by the City. Guzman-Newton also mentioned the Chamber of Commerce "Chamber Chat" at which the workforce shortage was discussed, focusing on housing issues. She said travel trailers and accessory dwelling units were brought up with regard to workforce housing. She also mentioned House Bill 433, which could provide active transportation monies from the Utah Department of Transportation (UDOT), as well as a webinar she attended the explained details of the American Rescue Plan Act. Mayor Niehaus stated there would be three years to spend the funds.

Councilmember Jones reported on activities of the newly named Canyonlands Solid Waste Authority (CSWA) and mentioned recycling bins may change color. He said he attended a Dark Skies meeting along with the City's Sustainability Director and noted two and a half years remain until the new lighting ordinances take effect. Jones concluded with a mention of a Zoom Town Hall he hosted with County Commissioner Kevin Walker and said a small yet passionate group attended and mainly talked about housing and transportation.

Special Events:

Scots on the Rocks Special Event Permit—Approved

Presentation: Administrative Assistant McInerney presented the application to Council for a Special Event Permit for Scots on the Rocks. She stated the event would be held in September and more than 300 persons per day were expected to attend the event.

Motion: Councilmember Jones moved to approve the 2021 Scots on the Rocks Event to be held in the City of Moab at the Center Street Ballparks. Councilmember Knuteson-Boyd seconded the motion.

Discussion: Councilmember Duncan noted that last year the Spanish Trail Arena venue was really windy. Councilmember Knuteson-Boyd asked about the request for a parade, and McInerney explained the parade application would be handled separately, and there were

concerns about whether City law enforcement and public works staff could manage a staff-intensive parade. Councilmember Derasary thanked McInerney for her work on the request and brought up a concern about dogs. McInerney explained that there were a few pets planned to be “exhibits” at the event and that organizers will issue strong wording to participants about the prohibition of dogs at the event and the danger of leaving pets in cars.

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

Old Business:

Pay Plan Schedule and Appointed/Exempt and Elected Salaries—Approved

Presentation: Acting Manager Castle referred to the public hearing held to obtain citizen input regarding the proposed pay plan schedule. She said a 1.8 percent Cost of Living Adjustment (COLA) has been proposed with no other changes. She said the City staff had been reduced by three full-time equivalent employees (FTEs).

Motion and Vote: Councilmember Duncan moved to approve Proposed Ordinance #2021-11 – Adopting the Pay Plan Schedule and Appointed/Exempt and Elected Salaries. Councilmember Jones seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

2050 Moab & Spanish Valley Regional Transportation Plan—Approved

Presentation: Engineer Williams asked for a letter from Council to UDOT supporting the 2050 Moab & Spanish Valley Regional Transportation Plan. Councilmember Duncan brought up business owner concerns regarding potential loss of parking on Main Street. Williams stated that, to his knowledge, there was nothing in the plan that would result in removal of parking on Main Street. Councilmember Guzman-Newton expressed her disappointment that the plan omits the bypass option. She cited congestion, safety and quality of life issues that are not going to be resolved without a bypass. She added it was shortsighted and regressive. Councilmember Jones thanked her for her comments. Councilmember Knuteson-Boyd disagreed and said the letter was non-binding and the bypass option as presented in the plan was not a good proposal. Knuteson-Boyd stated another Council could bring the plan for a bypass forward. Councilmember Guzman-Newton said she supports everything in the plan except for the omission of a bypass. Councilmember Derasary brought up verbiage in the letter regarding consideration of budget implications and more planning to consider further options for the downtown area and transportation. Mayor Niehaus indicated the Unified Transportation plan will consider these things. Councilmember Duncan stated that he could support a bypass if it could be reasonably quiet, owing to tunneling and construction of sound barriers, and extending farther south than proposed, although he conceded that such an option would come with too great a cost. He expressed his doubt that UDOT would support such an expensive project.

Motion: Councilmember Jones moved to approve the Mayor signing a Letter of Support for the Moab & Spanish Valley 2050 Regional Transportation Plan dated May 4, 2021 that is in general concurrence with the Draft Letter of Support and Council comments from tonight’s meeting. Councilmember Duncan seconded the motion.

Discussion: Councilmember Jones thanked City and UDOT staff and noted the bypass discussion dominated all of the committee discussions. He expressed his interest in integrated planning efforts in the future.

Vote: The motion passed 4-1 aye with Councilmembers Jones, Derasary, Knuteson-Boyd and Duncan voting aye and Councilmember Guzman-Newton voting nay.

New Business:

Award of a Drilling Contract—Approved

Motion: Councilmember Jones moved to award the contract for drilling the new replacement

well No. 12 to Beeman Drilling in the amount of \$318,720.00. Councilmember Guzman-Newton seconded the motion.

Discussion: Councilmember Duncan asked if there would be any scientific data collected at the time of the drilling. Engineer Williams briefly described tests that would be conducted. Councilmember Duncan stated such tests could help to allay the controversy regarding the region's aquifers.

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

Zoning Map Amendment—Failed

Presentation and Discussion: Planner Shepard presented **Proposed Ordinance 2021-06: An Ordinance Approving a Zoning Map Amendment for Property located at Parcel #01-0001-0173, approximately 398 Kane Creek Blvd, Moab UT 84532, amending the subject parcel zone from RA-1 Residential-Agricultural Zone, to R-3 Multi-Household Residential Zone.** She stated the subject parcel was approximately ten acres and the adjacent properties in the RA-1 zone are all on septic. She stated the parcel has frontage on Kane Creek Boulevard. She noted the request was for a rezone only and no site plan was submitted. She clarified that any development would require sewer hookup and utilities, the cost of which would be borne by the developer. Shepard explained the purpose of the RA-1 zone is to provide a location where residential development associated with limited numbers of livestock can be maintained and is characterized by large lots or tracts of land interspersed by dwellings, barns and etc. She continued that builders and developers of property should bear in mind, therefore that primacy is given in this zone to residential development and that the raising of animals and fowl will likely be curtailed as residential development takes place. She added that the zone is historically lower density and is currently not served by sewer. Shepard then described the R-3 Multi-Household Residential Zone as that which provides appropriate locations within the City for high density residential development generally located in the central part of the City adjacent to commercial areas where the impact of vehicular traffic and parking is compatible with adjacent use of land characterized by more compact development and higher volumes of traffic. She said owners and developers of property should bear in mind that primacy is given to multi-household dwellings, boarding houses, rest homes and other high-density residential uses.

It was explained that the current RA-1 zone allows for Planned Unit Developments (PUDs) which specify clustered development leaving open space. Shepard stated PUDs are allowed on parcels that are more than five acres and the intent of it is to cluster development and leave larger chunks of open space. She said the allowable density is six dwelling units per acre up to a maximum of eight units per acre with a deed-restricted affordable housing density bonus. After discussion, it was pointed out that townhomes are allowed in an RA-1 PUD.

It was explained that the Planning Commission made a positive recommendation for approval of the zoning change in a vote of 4-1 aye based on a desire to provide more affordable housing. Shepard outlined options for Council to move forward.

Councilmember Duncan asked about the potential impacts of sewer and road egress and Shepard stated there was no site plan submitted, so those items need to be addressed. Councilmember Derasary stated that because Utah does not have contract zoning, there is no guarantee that rezoning this to R-3 would result in affordable housing on the land; rather councilmembers have to consider whether the land would be suitable for any/all uses listed as permitted in the R-3 zone. Derasary stated she did not believe the original RA-1 zoning was zoned in error. She said the current zoning allows for the possibility for a lot of additional

housing. She said she could not see how the proposed upzone is consistent with the housing around it to change it to R-3. She added that she is not convinced that long-term sewer costs won't impact the City's ratepayers. She concluded by stating she is opposed to the rezone request. Councilmember Knuteson-Boyd concurred and said there is no promise of affordable housing. She said she is not willing to upzone without assurances and added there is no ability to ask for assurances.

Councilmember Duncan stated he needs more clarification. He said that a PUD could be considered within the current zoning and he stated his inclination to deny the rezone request. He said that in the current zone with a PUD, it could be possible to build approximately 70 units. He added that bicycle trails connecting the Mountain View Subdivision to downtown could be included in a PUD with the right site plan.

Councilmember Jones stated the need for more housing. He said it is a location with good pedestrian access and abuts a significantly wide road. He added it is well situated for low-impact biking and walking, and density within City limits will help to pay for the Waste Water Treatment Plant. He stated that, while there would be challenges to the sewer service, adding density near downtown is appropriate. He added that, even though there's no guarantee the bike path challenges can be solved, he is hopeful that with the unified transportation plan, non-motorized pathways including along the Pack Creek riparian corridor and floodway, which is not readily developable, might be accommodated by a developer. He said the rezone request was controversial but he supports it and he recommended changing the land use code to ensure more affordable housing.

Councilmember Guzman-Newton agreed with Councilmember Jones. She said the affordable housing issue was a leading concern throughout the West. She stated her support of changing the zoning to allow for more dense housing opportunities. She mentioned active transportation opportunities related to the site and stated her support for the upzone.

Mayor Niehaus, Planner Shepard and Attorney Simonson clarified that a PUD in the RA-1 zone allows for townhomes and Mayor Niehaus said that option was promising.

Councilmember Guzman-Newton brought up the recent discussion about a proposed property tax and noted increasing density would assist in raising funds. Guzman-Newton asked for clarification regarding sewer improvements and Engineer Williams replied the developer pays for all sewer improvements plus all utilities. Councilmember Jones asked if the motion were to be denied, would findings need to be clarified, and Attorney Simonson explained the deliberations of the Council would serve the purpose. Planner Shepard said that the rezone request is a discretionary decision of the Council. Attorney Simonson reiterated the approval criteria. Councilmember Guzman-Newton asked for assurance that the developer pays for all utilities. Councilmember Jones asked for clarification regarding findings and deliberation and Attorney Simonson affirmed the deliberation will serve the purpose, and it is most helpful if the deliberations address the code criteria.

Councilmember Duncan stated that if the developer wants denser development, the PUD allows for an acceptable option. He cited the agricultural and riparian nature of the existing zone. He stated that use of the PUD affords acceptable density towards that end at the same time it maintains the agriculture and riparian aspects of that area. He asserted the existing zone was not zoned in error. He agreed there's a need for housing and stated that doesn't mean the zone has to change.

Councilmember Knuteson-Boyd considered the need for housing but not with the requested zone change. She added that there will probably be benefits derived yet there may be negative impacts that can't be mitigated. She stated she felt Council had made a case for denial.

Motion and Vote: Councilmember Jones moved to approve Ordinance 2021-06, an Ordinance Approving a Zoning Map Amendment for Property located at Parcel #01-0001-0173, approximately 398 Kane Creek Blvd, Moab UT 84532, amending the subject parcel zone from RA-1 Residential-Agricultural Zone, to R-3 Multi-Household Residential Zone. Councilmember Guzman-Newton seconded the motion. The motion failed 2-3 aye with Councilmembers Jones and Guzman-Newton voting aye and Councilmembers Derasary, Knuteson-Boyd and Duncan voting nay.

Election Administration—Approved

Discussion: Recorder Johnson clarified the ballot scanning schedule for Councilmember Jones.

Motion and Vote: Councilmember Guzman-Newton moved to approve an Interlocal Agreement between Utah County and Moab City for the Administration of the 2021 Municipal Election. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Approval of Bills Against the City of Moab:

Motion and vote: Councilmember Knuteson-Boyd moved to approve bills against the City of Moab in the amount of \$158,182.63. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Executive (Closed) Session:

Motions and Votes: Councilmember Jones moved to enter an Executive (Closed) Session to discuss the Character, Professional Competence, or Physical or Mental Health of an Individual or Individuals. 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 opened the Executive Session at 9:25 p.m. Councilmember Knuteson-Boyd moved to end the Executive Closed Session. 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 ended the Executive Session at 9:55 p.m.

Adjournment: Councilmember Knuteson-Boyd moved to adjourn the meeting. Councilmember Guzman-Newton seconded the motion. The motion passed unanimously and Mayor Niehaus adjourned the meeting at 9:56 p.m.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder