

MOAB CITY COUNCIL MINUTES
REGULAR MEETING
June 8, 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=CInkA8Cghpk>.

Call to Order and Attendance: Mayor Niehaus called the meeting to order at 7:02 p.m. In attendance were Councilmembers Tawny Knuteson-Boyd, Mike Duncan, Kalen Jones and Rani Derasary. Councilmember Karen Guzman-Newton attended via electronic means. City staff in attendance were Acting City Manager Carly Castle, Attorney Laurie Simonson, Recorder Sommar Johnson, Engineer Chuck Williams, Sustainability Director Mila Dunbar-Irwin and Planner Nora Shepard. Mayor Niehaus led the Pledge of Allegiance. Eleven members of the public attended.

Citizens to be Heard: Recorder Johnson stated there were two online comments, which are archived at <https://moabcity.org/151/City-Council>. Randall Fox shared his personal history citing reasons for wanting E-bike access on municipal parkways. He stated his hope for a favorable Council vote.

Public Hearing:

Councilmember Jones moved to open a public hearing regarding **Proposed Resolution 13-2021:** Approving the Final Master Planned Development (MPD) and Phase One Plat for the Lionsback Development Located and Accessed from Sand Flats Road. Councilmember Duncan 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 public hearing at 7:14 p.m.

Planner Shepard presented a brief history of the project, the planning process, annexation, legal challenges and changes to the proposed project. She described the Phase One development of 34 proposed casita units. She stated 18 employee housing units were proposed in the final phase. She also described Phase One improvements, including upgrades to Sand Flats Road, utilities, the drinking water source protection plan, as well as landscaping and irrigation plans. She also mentioned the Subdivision Improvements Agreement, which would accompany the Final Plat. She stated the Planning Commission held a public hearing, which elicited a small number of written comments. Later in the meeting she clarified the Planning Commission voted unanimously to affirm the proposed MPD and Phase One Plat.

Howard Trenholme stated he at first was not thrilled about the proposed development yet has come to find it is a fantastic project. He said it will be a good revenue source for the City and will attract high spenders to the community.

Billy Snyder stated he is a new Realtor in town. He praised the developer for creating an ethical development. He said the project will turn the worst part of town into the best part of town. He said it would bring other uses to the area besides motorized recreation and bicycles.

Courtney Kizer stated the cat is out of the bag. She said we can control what kinds of people come to Moab. She stated this development will attract high-end, returning visitors who are emotionally involved in the community. She praised the high quality architecture.

Joe Kingsley requested the Councilmembers review his earlier emails on the proposed development. He stated it is an important, positive project. He said it is a win-win in every possible direction.

Councilmember Jones moved to close the public hearing. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Duncan, Derasary, Guzman-Newton and Knutson-Boyd voting aye. Mayor Niehaus closed the public hearing at 7:37 p.m.

Administrative Reports:

Acting Manager Castle updated Council on COVID protocols at City Hall. She said masks are now optional at City Hall and the doors are now to walk-in traffic. She mentioned the Treasurer's office has implemented a new billing system and she described some changes and temporary setbacks for public awareness.

Sustainability Director Dunbar-Irwin reported on her current priorities including the Water Conservation Plan update and implementation of the Community Renewable Energy process. She also mentioned steps forward with the Sustainability Action Plan and the Dark Skies ordinance compliance. She mentioned other projects she is working on including coordination with City departments, shade trees, waterwise landscaping, funding opportunities, greenhouse gas emissions and outreach. She briefly described efforts to reorganize the existing draft sustainability plan.

Mayor and Council Reports:

Mayor Niehaus reported on meetings she attended involving the Water Quality Board, the Southeast Utah Association of Local Governments, and a luncheon with state water officials. She said she toured the City's parks and recreation amenities with Parks, Recreation and Trails Director Annie McVay and Councilmember Jones. She related that she spoke at a meeting for women in Utah politics and she congratulated Finance Director Ben Billingsley on the birth of his child. She said she met with the developers of the failed R-3 rezone request and she concluded with a mention of the Utah State University (USU) well-being survey results and future research to collect visitor data.

Councilmember Duncan reported he spoke with Rhianna Medina, Director of the Moab Valley Multicultural Center (MVMC) and advocate for the local homeless population. Duncan remarked on the good work and growth of the MVMC. He also mentioned his attendance at a meeting of the Rotary Club and a conversation he had with Rich Etchberger from USU.

Councilmember Guzman-Newton reported on a meeting of the Chamber of Commerce board meeting where the Land Trust director and Housing Director for the City discussed affordable housing projects, it's anticipated to have 104 new affordable housing units within the year. She mentioned ribbon cuttings for new businesses and the availability of booths for the July 4th celebration. She reported on a meeting she attended with the County, City and the Utah Department of Transportation (UDOT) to speak about funding the transit proposal. She participated in the Grand County Strategic Planning Focus Group sponsored by the travel council to discuss the future of tourism. Attended another Chamber Chat discussion in which the topic was Moab's housing shortage and proposed short-term solutions. She reported on the airport, noting Canyonlands Field experienced the highest air traffic ever in May, including more than 2,400 enplanements to Denver and Salt Lake City in one month and approximately 30-40 private planes per day.

Councilmember Jones reported he also attended the MVMC open house and noted the amazing services provided. He mentioned the housing task force and noted a new public-facing housing website was under development. He said he attended a meeting regarding the local government cost-share for transit. He reported on the Travel Council, stating Transient Room Tax (TRT) revenues were record-breaking. He mentioned feedback regarding traffic impacts of truck and trailer parking downtown as well as several observations of non-street-legal Off-Highway Vehicles (OHVs) on City streets.

Approval of Minutes:

Councilmember Derasary moved to approve minutes from the May 4, 2021 Special Council Meeting and May 11 and 25, 2021 Regular Meetings. Councilmember Jones seconded the motion. Councilmembers Derasary and Duncan noted edits. The motion passed 5-0 aye with Councilmembers Jones, Duncan, Derasary, Guzman-Newton and Knutson-Boyd voting aye.

Proclamation:

Mayor Niehaus praised the life-saving work of City police officers and lauded Chief Bret Edge. She read a proclamation in appreciation of the Moab Police Department.

Old Business:

Municipal Speed Limits—Presentation

Engineer Williams presented an inventory of existing speed limits within the City and existing signage. He offered options to Council regarding changing speed limits for consistency and Council preferences, and noted associated costs for various options. Councilmember Derasary brought up the idea of hosting a Town Hall to discuss municipal speed limits. Williams presented his recommendation of a *prima facie* speed limit of 25 miles per hour (mph), which would be a default City-wide speed unless otherwise posted. Williams stated that higher volume roads should have a higher speed limit; 500 West and 300 South were mentioned in discussion. Painting speed limits on the pavement in addition to signage was deliberated. After consideration, a *prima facie* speed limit of 20 mph was proposed, with a one-month public review period for consideration.

Hotspot Transit Shuttle Pilot—Approved

Presentation: Acting Manager Castle gave a recap of the proposed UDOT Hotspot transit pilot program. Costs totaling approximately \$450,000 over four years were described. It was mentioned that the County planned to commit \$250,000. Federal grants were mentioned. The City's affiliated expenses, totaling approximately \$70,000 to \$90,000 per year, were examined. Castle reviewed the timeline for approvals, an Interlocal Agreement and development of a Request for Proposals. Mayor Niehaus asked for clarification regarding County commitments.

Motion: Councilmember Duncan moved to adopt **Resolution No. 25-2021**, A Resolution Regarding the City of Moab's Commitment to Funding a "Recreational Hotspot" Transit Shuttle Pilot Program. Councilmember Jones seconded the motion.

Discussion: Councilmember Knuteson-Boyd opposed the proposal to use property tax because the proposal appears to be an amenity for hotels. She stated her reluctance to saddle residents with costs to service Main Street and she wants to see how it will serve residents.

Councilmember Jones noted commercial businesses would pay a property tax as well. He said the proposed transit system is designed to reduce congestion. He noted his concern about the costs. Councilmember Duncan agreed with Councilmember Knuteson-Boyd. Councilmember Guzman-Newton stated the project presents an amazing opportunity to work with UDOT and agreed that it must serve residents. She said she supports the proposal.

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

E-Bike Definition—Approved

Presentation: Councilmember Guzman-Newton stated her recusal from the discussion and vote due to her conflict of interest as a bicycle shop owner. Attorney Simonson reviewed the TrailMix proposal to allow Class I E-bikes on County pathways. She said the County approved the proposal without the proposed one-year trial. Simonson clarified E-bikes would be allowed on paved pathways only and not on designated mountain bike trails. She said that speeding is a problem on Mill Creek Parkway and recommended a 15 mph limit for any devices on municipal pathways, paved and unpaved. It was clarified that E-bikes are being considered for pathways and not the bike skills park. Differences between Class I, II and III were described and Councilmember Derasary noted that the ordinance would not preclude someone under the Americans with Disabilities Act (ADA) from using a Class II and III E-bike. Councilmember Derasary brought up the need for a public process because of a perceived change of use of the City's property. Attorney Simonson described an administrative rule regarding the change of use. Councilmember Jones said he would be in favor of a one-year trial period. Councilmember Knuteson-Boyd stated she did not believe the proposal constituted a change of use. Councilmember Duncan said he did not think it was necessary to conduct a formal public process. Mayor Niehaus said that, in lieu of a one-year trial period, the change could be reviewed in one year.

Motion: Councilmember Jones moved to approve **Ordinance No. 2021-09** - Text Amendments to Moab Municipal Code §12.20.005 (Modifying the Definition of Motorized Vehicle and Adding a Definition for E-Bikes) and to Moab Municipal Code §12.20.060 (Allowing Class 1 E-Bikes on City Path Systems and Setting a 15 MPH Speed Limit on Mill Creek Parkway). Councilmember Knuteson-Boyd seconded the motion.

Discussion: Councilmember Jones stated he felt there had been a fair amount of civic engagement and noted that allowing E-bikes would reduce cars downtown. Councilmember Duncan said he gets passed by E-bikes frequently. Councilmember Derasary stated she felt seniors and others will like the option of using E-bikes on the parkway and indicated she would vote against the proposed ordinance due to her opposition to the lack of public process.

Vote: The motion passed 3-1 aye with Councilmembers Jones, Knuteson-Boyd and Duncan voting aye and Councilmember Derasary voting nay. Councilmember Guzman-Newton abstained.

New Business:

Lionsback Master Plan and Phase One Plat—Approved

Presentation: Lionsback Developer John Dwight gave a presentation regarding the project. Councilmember Jones asked about utility costs to date and Dwight clarified the State of Utah Schools and Institutional Trust Lands Administration (SITLA) had invested \$4 million and the developer had invested \$8 million. Discussion ensued regarding water conservation and consequences if the City's water source is contaminated. Councilmember Derasary protested consideration of the motion due to the delay in receiving documents for review. She requested another two weeks for consideration. Councilmember Knuteson-Boyd said she did not think the new material mattered. Councilmember Duncan said he wanted to move the project forward. Councilmember Jones said he located the missing documents in the Planning Commission materials and noted he had been reviewing the project for several years. He brought up the Real Estate Transfer Assessment (RETA) intended to support affordable housing. Planner Shepard discussed the pre-annexation agreement. Mayor Niehaus brought up a \$20,000 gift to the City from the developer and Michael Badger clarified that gift came from the Gonzo Inn and was earmarked for affordable housing and Mayor Niehaus said it was ultimately used to paved a pathway near the Cinema Court housing complex. Councilmember Jones stated the 18 units of workforce housing proposed in Phase 5 represented about one half of what is justifiable for the

total project. Attorney Simonson reminded Council that the project was already vested before the affordable housing ordinance went into effect and is exempt from that requirement.

Motion: Councilmember Jones moved to approve Proposed **Resolution No. 13-2021**, A Resolution approving the Lionsback Resort MPD and Phase One final plat and Subdivision Improvement Agreement for Phase One. Councilmember Knuteson-Boyd seconded the motion.

Discussion: Councilmember Derasary stated she would vote nay because of the delay in receiving more than 100 pages of the material to be considered in the motion.

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

Water Impact Fees Extension—Approved

Motion: Councilmember Knuteson-Boyd moved to adopt **Resolution 16-2021** extending the time for use of water impact fees. Councilmember Duncan seconded the motion.

Discussion: Mayor Niehaus asked for clarity regarding statute that pertains to time extensions and Acting Manager Castle explained the proposed extension would satisfy State rules.

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

Boundary Commission Appointment—Approved

Motion: Councilmember Knuteson-Boyd moved to appoint the Mayor to the Grand County Boundary Commission. Councilmember Derasary seconded the motion.

Discussion: Councilmember Derasary asked if there had not been an appointee in the past and it was explained that the City Manager had served and an elected official is required to serve.

Vote: 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 \$221,307.50. Councilmember Jones seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Adjournment: Councilmember Jones moved to adjourn the meeting. Councilmember Duncan seconded the motion. The motion passed unanimously and Mayor Niehaus adjourned the meeting at 10:05 p.m.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder