

MOAB CITY COUNCIL MINUTES
REGULAR MEETING
June 22, 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=jDW5SoKFL4E>.

Joint Moab City Council/Grand County Commission Pre-Council Workshop:

Mayor Emily Niehaus called the workshop to order at 6:00 p.m. In attendance were Councilmembers Tawny Knuteson-Boyd, Mike Duncan, Rani Derasary and Karen Guzman-Newton. Councilmember Kalen Jones was not present. City staff in attendance were City Manager Joel Linares, Assistant Manager Carly Castle, Attorney Laurie Simonson, Recorder Sommar Johnson, Administrative Assistant Kelley McInerney and Finance Director Ben Billingsley. Also in attendance were Grand County Commission Chair Mary McGann and Grand County Commissioners Kevin Walker, Trisha Hedin, Jacques Hadler, Gabriel Woytek, Evan Clapper and Sarah Stock. Grand County Council Administrator Chris Baird also attended.

Kara Dohrenwend from Rim to Rim Restoration presented an update on behalf of the Mill Creek Community Collaborative (MCCC). A brief history of the group described the need for action to address impacts from increasing recreational use in Mill Creek Canyon. Dohrenwend explained the mission of the group to examine and recommend steps to facilitate a quality experience for Mill Creek canyon visitors in a way that protects the natural and cultural resources of the area and addresses impacts to nearby neighborhoods. Dohrenwend presented statistics on visitation and described increased rescue incidents. An overview of outreach and community engagement was discussed, as well as the results of 2019 and 2020 user surveys to determine community views regarding the Mill Creek area. Various options were presented as well as suggestions from MCCC. Dohrenwend explained the Bureau of Land Management (BLM) is required to complete a separate public process, which could take up to two years. The recommendations of the MCCC group included a bike path connecting the Mill Creek Parkway to the Sand Flats road, connection to a proposed shuttle system, construction of a pedestrian bridge, designation of a trail system within the canyon and completion of archaeological, traffic and law enforcement assessments. User fees, pipe safes and fee booths were discussed as well as participation on behalf of the off-road community. Dohrenwend also explained that hydrological elements of Mill Creek, including water quantity and quality, were not considered as part of the MCCC process. County Commissioner Stock pointed out none of the management options considered limiting capacity and Dohrenwend explained the lack of ability to actively enforce capacity limits as well as the existence of too many access points to the area. County Commissioner Walker brought up the transfer of ownership of the property from the BLM to mitigate complications due to various agencies owning parts of the canyon. Parking lots and paving were discussed and Councilmember Derasary asked about next steps. It was explained that a BLM process would ensue.

Regular Meeting Call to Order and Attendance:

Mayor Niehaus called the regular City Council meeting to order at 7:06 p.m. In attendance were Councilmembers Knuteson-Boyd, Duncan, Jones, Derasary and Guzman-Newton. City staff in attendance were City Manager Linares, Assistant Manager Castle, Attorney Simonson, Recorder Johnson, Finance Director Billingsley, Public Works Director Levi Jones, Planner Nora Shepard, Administrative Assistant McInerney, Arts Director Liz Holland and Parks, Recreation and Trails Director Annie McVay. Mayor Niehaus led the Pledge of Allegiance. Eighteen members of the public attended.

Citizens to be Heard:

Sara Melnicoff read from a prepared statement about the Mill Creek Community Collaborative process. She said she appreciated the work of the group. She spoke about the stewardship Moab Solutions and others have done over the years to protect Mill Creek from overuse. She referred to an action alternative she called “A+” with recommendations for the future of the Mill Creek area and emphasized the importance of keeping the area free and open to the public.

Public Hearing:

Councilmember Jones moved to open a public hearing regarding **Proposed Resolution 23-2021**: A Resolution Amending the Fiscal Year 2020-2021 Budget. Councilmember Derasary 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 7:12 p.m. There were no comments and Mayor Niehaus closed the public hearing.

Administrative Reports:

City Manager Linares discussed options for calling a Special Meeting concerning the Walnut Lane affordable housing project. Annie McVay was introduced as the new Parks, Recreation and Trails Director. Arts Manager Holland presented an update of July Fourth events. Public Works Director Jones presented the 2020 City water quality report. Discussion with Councilmembers ensued regarding peak demand for water and related supply. Assistant Manager Castle gave a brief update on House Bill 411 and Moab’s role as an anchor community for renewable energy. She said Councilmember Jones and Sustainability Director Dunbar-Irwin represent the City.

Mayor and Council Reports:

Mayor Niehaus welcomed City Manager Linares back from leave. She said she was grateful to staff for the big year they had endured during the pandemic. She touched on several meetings and activities in which she had participated, including a ground-breaking for the new Four Corners Behavioral Health campus and an in-person meeting with National Park Service personnel regarding the timed-entry proposal.

Councilmember Derasary reported on an art project supervised by Bruce Hucko and Arts Manager Holland which involved children painting a crosswalk with dinosaur footprints near the school on 400 North. She mentioned several questions the children asked about running the City government. She also reported that the Emergency Medical Services (EMS) calls continue to have record-breaking months. She said the EMS department would be converting several part-time positions into full-time positions. She reported on progress regarding the new EMS building construction and noted that more ambulance transits were going to Salt Lake City rather than Grand Junction due to staff shortages in Colorado. Councilmember Derasary concluded with a report that she had been apprising constituents about the Pack Creek Fire and remarked that flying drones in an active fire area is illegal and firefighters have to stand down whenever a drone is in the area. She spoke about fire restrictions and mentioned she was looking forward to discussions about water.

Councilmember Duncan reported on a proposed large recreational vehicle park on Kane Creek Road near the river. He said the area is zoned Highway Commercial and the proposed development would install its own sewer plant. He also mentioned a Utah State University (USU) advisory committee on which he serves. He said the group has proposed sessions at the high school to recruit students for “Life After High School.” Duncan concluded with an update on the cell phone app he is developing to meter noise levels of vehicles.

Councilmember Knutson-Boyd mentioned he was interviewed by KZMU radio and the *Times-Independent*. She gave an update on the Museum including expanding storage and office space, a financial plan for the museum and recent upgrades to the facility, which is now open to the public without reservations. She also mentioned a meeting of the Canyonlands Health Care Special Service District and noted the track record of no COVID-19 infections amongst the residents of the Care Center.

Councilmember Guzman-Newton reported she participated in a rehearsal of the Mill Creek Community Collaborative presentation. She also reported she attended a presentation about the Pack Creek Fire and thanked the firefighters. She spoke about pedestrian safety and fatality rates as they relate to the recent consideration of speed limits. She brought up the Utah League of Cities and Towns regarding water information and the Governor's executive order regarding drought and reduction of water consumption. She mentioned the possibility of getting rebates for home irrigation controls.

Councilmember Jones reported on a meeting he attended with personnel from the National Park Service regarding timed entry and traffic congestion. He said the intention was to improve the visitor experience. Mayor Niehaus asked about a discussion related to local political will to encourage a timed entry program and Councilmember Jones said the status quo is not tenable and local impressions have changed toward more acceptance of the program. Councilmember Duncan asked about staff morale at Arches National Park and Jones said he understood staff were overwhelmed early in the season. Jones concluded with mention of a Dark Skies meeting he attended with Sustainability Director Dunbar-Irwin at which strategies for compliance with the outdoor lighting ordinance were discussed.

Approval of Minutes:

Councilmember Duncan moved to approve minutes from the June 4 and 11, 2021, Special Meetings and the June 8, 2021, Regular Meeting. Councilmember Guzman-Newton seconded the motion. Councilmember Derasary noted edits. The motion passed 5-0 aye with Councilmembers Jones, Duncan, Derasary, Guzman-Newton and Knutson-Boyd voting aye.

Old Business:

Property Tax—Presentation and Discussion

Finance Director Billingsley updated Council on the timeline for the proposed property tax including public notices, advertising, an informational open house, a Truth in Taxation hearing, and final budget adoption. Councilmember Knuteson-Boyd and Mayor Niehaus asked for clarification regarding whether taxpayers would see an increase in their November, 2021 property tax bill and the answer was yes. Billingsley offered scenarios for funding levels and proposed priorities including police, capital improvements and a contingency fund. He also mentioned the potential to match funds from the federal American Rescue Plan Act (ARPA) for public works capital projects such as improvements to Kane Creek Road, 400 East, and the Pack Creek Bridge on 400 East. Councilmember Jones asked what value of home was being presented as the "average taxable value" for citizen education examples and Billingsley explained the taxable value being presented was \$150,000. Mayor Niehaus briefly outlined the history of Moab's municipal sales tax and Councilmember Derasary requested that questions from the community be forwarded to the Finance Director prior to the planned open house. Councilmember Duncan suggested that the public should be apprised of what would be given up if the property tax is not adopted. Councilmember Guzman-Newton asked for clarification regarding whether Moab is the only municipality in the state that does not assess a property tax and it was explained that Moab is the only city that does not fund its police departments from property tax. Councilmember Derasary brought up other priorities for spending that were

suggested in past meetings, including additional planning staff, a shuttle service, sustainability projects and affordable housing. Councilmember Guzman-Newton asked about establishing a special service district to fund the police department and City Manager Linares presented pros and cons.

New Business:

Fiscal Year 2021 Fraud Risk Assessment—Presentation

Finance Director Billingsley explained the State Auditor’s Office requirement for each entity to complete a self-assessment to form an objective measurement of risk, and that it be presented to the legislative body in a public meeting. He outlined some minor shortcomings and concluded by stating the City is at a low level of risk for fraud.

Amending the Fiscal Year 2020-2021 Budget—Approved

Presentation: Finance Director Billingsley presented details of the budget amendment. He explained impacts of the COVID-19 pandemic, grant revenues and accounting adjustments. Council asked about the USU set-aside, art funding and expenses for the lobbyist.

Motion and Vote: Councilmember Jones moved to approve **Resolution 23-2021** amending the Fiscal Year 2020-2021 Budget. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Fiscal Year 2021 Audit Contract—Approved

Presentation: Assistant Manager Castle briefly presented the audit contract process. Councilmember Derasary noted the EMS audit was recently completed by the proposed firm.

Motion and Vote: Councilmember Guzman-Newton moved to award the financial audit services contract to Gilbert and Stewart for fiscal year 2020-2021, not to exceed a maximum of 5 years. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Thompson Townhomes Plat Application—Approved

Presentation: Planner Shepard presented **Proposed Resolution 24-2021:** A Resolution Approving a Townhome Plat Application for the Thompson Townhomes, Property Located at 246 E 200 S, Moab. Councilmember Jones noted the plat identified a significant portion for shared ownership and he asked what role the City would have. Shepard explained the planning department would review the Covenants, Conditions, and Restrictions (CC&Rs).

Motion and Vote: Councilmember Duncan moved to approve Resolution #24-2021, A Resolution Approving the Townhome Plat Application for the Thompson Townhomes, property located at 246 E 200 S, Moab UT. Councilmember Jones seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Outdoor Dining Ordinance Amendment—Tabled

Councilmember Knuteson-Boyd recused herself and left the Chambers.

Presentation: Planner Shepard presented **Proposed Ordinance 2021-13:** An Ordinance Amending the Text of the Moab Municipal Code (MMC) to Add Regulation for Outdoor Dining by Amending Sections 17.21 C-2 Commercial Residential Zone, 17.24 C-3 Central Commercial Zone, 17.27 C-4 General Commercial Zone and 17.31 RC Resort Commercial Zone and by allowing consideration of parklets in the City Right-of-Way (ROW) by amending Section 17.24 C-3 Central Commercial Zone. Associated definitions will be added to MMC Section 17.06 Definitions. Discussion ensued regarding amendments to the proposed ordinance including parklets on street corners utilizing the less busy street only, as well as edits to redundant

language and considerations, if any, for food trucks and including additional zones in the ordinance. It was agreed that more clean-up of the proposed ordinance was required and could be completed quickly.

Motion: Councilmember Guzman-Newton moved to table Proposed Ordinance 2021-13: An Ordinance Amending the Text of the Moab Municipal Code (MMC) to Add Regulation for Outdoor Dining by Amending Sections 17.21 C-2 Commercial Residential Zone, 17.24 C-3 Central Commercial Zone, 17.27 C-4 General Commercial Zone and 17.31 RC Resort Commercial Zone and by allowing consideration of parklets in the City Right-of-Way (ROW) by amending Section 17.24 C-3 Central Commercial Zone. Councilmember Jones seconded the motion.

Vote: The motion to table passed 4-0 aye with Councilmembers Jones, Derasary, Duncan and Guzman-Newton voting aye. Councilmember Knuteson-Boyd returned after the vote.

Visitor Use Study Matching Grant—Tabled

Presentation: Wayne Freimund from USU presented a grant request for a Visitor Use Study. He explained the research would inform the area's leadership regarding how many visitors come to Moab, what they do here, and where they stay. Mayor Niehaus asked if some of the study objectives could be amended. Councilmember Guzman-Newton asked if the requested amount of \$36,000 could be negotiated. Councilmember Jones suggested Transient Room Tax (TRT) funds may be able to pay for the study and requested that the County be asked. Councilmember Duncan asked for clarification regarding which other entities had been asked to fund the research and asked what would come of the study results, such as using the data to influence legislative changes. Councilmember Jones clarified that the proposed matching funds from the Public Lands Initiative differs from the controversial federal legislation of the same name. After discussion, it was determined Dr. Freimund should pursue funding from the Travel Council or County and revisit the proposal to the City at a later date.

Motion and Vote: Councilmember Jones moved to table the requested matching support grant in the amount of \$36,713.53 for Utah State University—Moab's Visitor Use Study. Councilmember Derasary seconded the motion. The motion to table 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 \$118,229.41. Councilmember Derasary 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 Guzman-Newton seconded the motion. The motion passed unanimously and Mayor Niehaus adjourned the meeting at 9:55 p.m.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder