

MOAB CITY COUNCIL MINUTES
REGULAR MEETING
June 28, 2022

Moab City Council held its Regularly-Scheduled Meeting on the above date. Council Members attended in person and via electronic means, with Council Chambers serving as an anchor location. Archived audio is at www.utah.gov/pmn and video is at www.youtube.com/watch?v=9C-o6uq1ty8.

Regular Meeting Attendance and Call to Order:

Mayor Joette Langianese called the meeting to order at 6:05 p.m. Councilmembers Luke Wojciechowski, Tawny Knuteson-Boyd, Jason Taylor, Rani Derasary and Kalen Jones attended. Also in attendance were City Manager Carly Castle, Finance Director and Acting Deputy City Manager Ben Billingsley, Parks, Recreation and Trails Director Annie McVay, Planner Cory Shurtleff, Attorney Nathan Bracken, Arts and Special Events Director Kelley McInerney, Recorder Sommar Johnson and 17 members of the public.

Citizens to Be Heard:

Theresa King stated her support of the City's letter to Grand County regarding the Moab Information Center. She said she hopes the City can come to an agreement with the organizers of Scots on the Rocks (SOTR). She said she was surprised at the number of local attendees at the prior year's event.

Mary Irwin said she was in support of holding the SOTR event at the City ballfields because it results in more walk-in attendees because they would hear the music. She said these events are important to our heritage so just because some people don't like that kind of music is like when people complain about the hippie music that they hear blaring from the park at certain points in time. She added that we have to consider those of European heritage as well as everybody else and present perspectives from all over town rather than just in the immediate neighborhood. She added it was better to have the event in the City because of wind concerns.

Cricket Green said she enjoys hearing SOTR from her home two blocks away and appreciates the diversity. She said it is easy to walk to and is family-friendly and she is completely for it. She said it was too windy in Spanish Valley and it is a community event for locals. She said she hoped the City would rethink this and not let a couple of people stop it from happening.

Michael Liss said he lives just down the street from the City ballfields and hears everything that is going on in the park. He says that hearing the life of a city is one of the benefits of living in a city. He added that the event organizers for SOTR spent thousands of hours preparing and should be given a certificate of merit. He said we want to create a diverse welcoming community with all types of culture where our kids can grow up and learn about everything without even leaving their town. He concluded by stating he hoped the City would reconsider the Special Events permit.

Joseph Chisholm Lema asked for reconsideration of the permit for the SOTR festival at the City ballfields. He said he had Scottish heritage and had gathered petition signatures with over 600 signatures from Moab and surrounding communities. He said he was saddened to hear that people complained about bagpipes and spoke in favor of bagpipes. He said he was a sound engineer and stated that it is not possible for the festival to exceed the noise ordinance. He said the SOTR festival is as diverse as the Day of the Dead Festival and this event welcomes our entire community. He presented his petition to Council.

The SOTR event organizers spoke and said it would be their ninth year. They said they preferred the downtown ballpark location because local people who do not have cars can bring their families. They said families enjoy the athletics, highland dancing, bagpipes and drumming competitions, and added that participants compete for world records and go from festival to festival to get points, awards and ribbons. They said Moab has the best venue to attract visitors from out of town and remarked people mentioned they could not get to the Old Spanish Trail Arena because they are working three jobs and they just have an hour to spare. They claimed they had more attendance at the downtown location last year and made changes to oblige everybody's wishes.

MRAC Feasibility Study—Presentation

Parks, Recreation and Trails Director McVay and consultant Marcus Lee presented a financial feasibility study for the Moab Recreation and Aquatics Center (MRAC). They presented proposed MRAC fee schedule amendments aimed at operating without a budget shortfall. A proposed ten percent rate increase for admission and memberships was presented with clarification that would still fall short over time. They presented demographic information and compared admission rates to other Utah communities. Capital improvements funding from the Recreation, Arts and Parks (RAP) tax was discussed. A potential one-time rate increase of 63 percent was described.

Consent Agenda—Approved

Councilmember Derasary asked that approval of the minutes be removed from the Consent Agenda. Councilmember Derasary then moved to approve the Consent Agenda, as follows: a letter to Grand County Commission in Support of Canyonlands Natural History Association's use of the Moab Information Center (MIC) and approval of bills against the City of Moab in the amount of \$562,852.12. Councilmember Jones seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

Approval of Minutes:

Councilmember Knuteson-Boyd moved to approve minutes for the June 10, 2022, Emergency Meeting and the June 15, 2022, Special Meeting. Councilmember Wojciechowski seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Taylor, Knuteson-Boyd and Wojciechowski voting aye and Councilmember Derasary abstaining.

Public Hearing Regarding Proposed Amendment to the FY 21-22 Budget:

At 6:50 p.m., Mayor Langanese opened a public hearing for Proposed **Resolution 20-2022**: a resolution amending the Fiscal Year 2021-22 Budget. Finance Director and Acting Deputy City Manager Billingsley presented the budget amendment to close out the Fiscal Year budget. He said the amendment entailed moving \$2 million from the fund balance to capital improvements. There were no citizen comments. Mayor Langanese closed the public hearing at 7:09 p.m.

New Business:

Fiscal Year 2021-2022 Fraud Risk Assessment—Discussion

Finance Director and Acting Deputy City Manager Billingsley described the City's annual assessment for fraud risk and Councilmember Derasary asked about the fraud hotline.

Presentation of Fiscal Year 2022-2023 Budget Book:

Finance Director and Acting Deputy City Manager Billingsley presented the digital budget interpretation tool developed for citizen education and explained its purpose and navigation.

Budget Amendment—Approved

Motion and Vote: Councilmember Jones moved to approve Proposed **Resolution 20-2022**: a resolution amending the Fiscal Year 2021-2022 Budget. Councilmember Derasary seconded

the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

Old Business:

Reconsideration Concerning the Matter of the Special Event Permit for Scots on the Rocks 2022

The Mayor opened this item by explaining that it involved a couple of steps: first the Council needed to vote to reconsider (in order to put the application back on the table); then staff presentation and Council questions; then a motion to either approve/modify/or deny the application. She added that denial or modification would have to come with findings of fact and conclusions of law, which Carly and Nathan could assist with.

Step 1: Motion to Reconsider Special Event Permit for Scots on the Rocks -

Approved Councilmember Taylor moved to reconsider a Special Event Permit for Scots on the Rocks. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye.

Step 2: Motion to Approve/Deny/or Modify the 2022 SOTR event permit application subject to findings of fact and conclusions of law prepared by staff to be ratified at our next meeting- Approved

Discussion: Arts and Special Events Director McInerney stated the event organizers did not like the weather at the Old Spanish Trail Arena and they desired more foot traffic afforded by the downtown ballfield location. She went over the timeline for the application, denial and appeal. She said staff met with the applicants to discuss the noise complaints and neighbor concerns and developed proposed changes. She said certain suggestions were honored, including a requirement that no dogs be allowed. Councilmember Derasary asked about several differences between the April and June 2022 applications and June 28 staff agenda summary including start and end times, street closures for a proposed parade, event locations and fees. She also asked about whether there was a fenced area in compliance with alcohol permits. Noise generated on set-up and takedown days was discussed, along with concerns about participants practicing instruments in neighborhood yards. Moving the bagpipe, drum and athletic events from one part of the ballfields to another, despite this being the very park set-up submitted on all three 2021 and 2022 event application maps, was discussed.

Motion: Councilmember Taylor moved to approve the 2022 SOTR event permit application subject to findings of fact and conclusions of law prepared by staff to be ratified at our next meeting. Councilmember Knuteson-Boyd seconded the motion. Attorney Bracken identified permissible reasons in the City Code to deny a permit. Staff explained Council would need to discuss how the updated application leads them to believe that the adverse impacts have been reasonably mitigated. Councilmember Wojciechowski pointed out the need for an amended motion to encompass mistakes in the applications pointed out by Councilmember Derasary. Councilmember Taylor amended his motion to reflect corrections to errors pointed out by Councilmember Derasary. Councilmember Knuteson-Boyd accepted the amended motion.

Further Discussion:

Councilmember Taylor stated the applicants attempted to mitigate concerns and people who also lived close to the park said there was no impact. Councilmember Knuteson-Boyd stated the City is asked for different kinds of events that are not motorized and noted this kind of event is what people seem to want. She said inferring that the event is loud or we do not like it is the very definition of what is legally capricious and arbitrary. Councilmember Wojciechowski acknowledged the effort applicants made to address concerns and stated his continuing interest in the impact on neighbors in the context of the overall number of events. He requested event organizers to potentially in the future identify other areas within City limits further from residential areas such as school properties or Old City Park as a compromise. He also expressed interest in local discounts and looked forward to staff development of standards for events

including frequency. Councilmember Jones pointed out a lack of specificity in the noise ordinance to balance the impacts of special events with our neighborhoods and neighbors' desire for quiet. He agreed that living near a park subjects residents to more noise but he pointed out that his research revealed that bagpipes are quantitatively louder and the event is over a longer duration than most events. He concurred with Councilmember Wojciechowski to encourage staff to do what other cities have done which is study their special events and develop some quantitative standards about acceptable noise limits at private property boundaries so that when this comes up in the future precedence is set. He added that the current noise ordinance provides exceptions for permitted special events and he is still uncomfortable with the time limits on this event and indicated an interest in limiting the noise ordinance exceptions to October 15th and 16th for a maximum of six hours each day between 9 a.m. and 6 p.m. He said the international competition element is not the primary value to our local attendees, who speak of culture and the opportunity to connect. He mentioned that out-of-area competitors do not seem to contribute to the values that many people have expressed interest in, and the City could better balance the impacts on the neighborhood while allowing for some noise exceeding the typical standards. He concluded by stating that he did not need modification to the motion unless others concurred. The Mayor asked Kalen clarifying questions, then explained how a substitute motion would work, and suggested hearing from Rani next, then calling for the vote, and thereafter allowing for a substitute motion should anyone be inclined to make one. Derasary reviewed letters received by the Council and took exception to the portrayal that the City was favoring one form of music over another. She brought up noise complaints from a prior Red Rocks Arts Festival, agreed the music was too loud, and did not think that event should happen again unless the noise is mitigated. She acknowledged turning down amplified music is easier than quieting unamplified instruments. She mentioned comments about noise from SOTR traveling as far as Mountain View and Portal Vista subdivisions, 0.75 miles (7.19 blocks) and 1.17 miles (10.8 blocks) away. She said a sound engineer could provide calculations about the decibel level that would be required for noise to travel that far. She added the City had not received complaints about any other events at the ballfields and she stated it is incumbent on the Council to think about precedent regarding allowing event at which sound travels more than 10 blocks. She noted that is the difference with this proposed event. She stated she likes bagpipe music and the instrument has nothing to do with her argument that SOTR is inappropriate. She added event organizers desired the noise to be heard on Main Street to attract people and she implored Council to think about promoting events with the noise level as the purpose of attracting people. She commended the event organizers for trying to spread things out but because of the volume that comes from different instruments and multiple bands and teams warming up at the same time, the overall volume of sound is amplified. She stated Council holds responsibility and is accountable to the community and she cited interviews and campaign promises of Councilmembers regarding noise and quality of life. She referenced the Grand Valley Highland Games, which are held at Mesa County fairgrounds. She also noted that the only wind-related accident she was aware of related to SOTR was last year when it was at the downtown ballfields. She concluded by stating SOTR is a great event and we should all be celebrating each other's cultures, added the job of Council, when it is their decision, should be based on findings and research, and to be consistent. She stated she felt that her conclusions were consistent with City code and nobody at the City is saying that one person's culture is better than another's.

Vote: The motion passed 3-2 aye with Councilmembers Taylor, Knuteson-Boyd and Wojciechowski voting aye and Councilmembers Jones and Derasary voting nay.

Active Employee Households—Discussion

Planner Shurtleff briefly reintroduced 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). He reported on meetings with homebuilders and others. Councilmember Derasary asked that correct versions of the proposed ordinance be made available to the public.

City Manager Updates:

City Manager Castle reported the Treasurer’s Office was experiencing staffing limitations. She said the Emma Boulevard design project would be out to bid soon, and she updated Council on the dry grass conditions at Old City Park caused by a pump failure. She mentioned the City’s Independence Day events and noted fire restrictions in place.

Mayor and Council Reports:

Councilmember Taylor brought up Chamber of Commerce plans for Independence Day and noted a reported downturn in business in May and June.

Councilmember Derasary reported on a US Forest Service presentation about monitoring the impacts of mountain goats, recreation and climate change on alpine vegetation...”in the La Sal Mountains. She also mentioned meetings of the Grand Water and Sewer Service Agency (GWSSA) and the Emergency Medical Services Special Service District board.

Councilmember Wojciechowski mentioned he attended an event for State House candidate Davina Smith and the free concert series. He explained his vote for the SOTR permit and stated his interest in developing better standards regarding noise and special events.

Councilmember Jones reported the solid waste district is seeking a new Executive Director and noted the staff is doing very well providing essential services.

Mayor Langianese reported on reclaimed water outfall into the sloughs. She said she had been interviewed on KZMU about the City’s art programs and she reported on a meeting with Curtis Wells, who was named Chair of the Utah Permanent Community Impact Fund Board (CIB). She mentioned a process to consider community-wide projects for CIB funding.

Executive (Closed) Session:

Councilmember Derasary moved to enter an executive strategy session to discuss reasonably imminent and/or pending litigation. Councilmember Jones seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye. Mayor Langianese convened the Executive Session at 8:26 p.m. Councilmember Jones moved to end the Executive Session. Councilmember Derasary seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye. Mayor Langianese ended the Executive Session at 9:32 p.m.

Adjournment: Councilmember Derasary moved to adjourn the meeting. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Taylor, Knuteson-Boyd and Wojciechowski voting aye. Mayor Langianese adjourned the meeting at 9:33 p.m.

APPROVED: _____
Joette Langianese, Mayor

ATTEST: _____
Sommar Johnson, City Recorder