

**MOAB CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
JULY 23, 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.

Executive (Closed) Session: At 6:01 PM, Mayor Pro-Tem Tawny Knuteson-Boyd called the meeting to order. In attendance were Councilmembers Knuteson-Boyd, Kalen Jones, Karen Guzman-Newton, Mike Duncan and Rani Derasary. Councilmember Jones moved to enter an Executive Session to discuss the Purchase, Exchange, or Lease of Real Property. Councilmember Duncan seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Duncan, Knuteson-Boyd, Guzman-Newton and Derasary voting aye. Councilmember Guzman-Newton moved to end the Executive Session. Councilmember Jones seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. Mayor Pro-Tem Knuteson-Boyd ended the Executive Session at 6:59 PM.

Regular Meeting—Call to Order and Attendance: Mayor Pro-Tem Knuteson-Boyd called the regular meeting to order at 7:05 PM and led the Pledge of Allegiance. Staff in attendance included City Manager Joel Linares, Recorder Sommar Johnson, City Attorney Chris McAnany, Finance Director Rachel Stenta, City Engineer Chuck Williams, Planner Nora Shepard, Sustainability Director Rosemarie Russo and Records Specialist Eve Tallman. Twenty-four members of the public and media were present. An audio recording is archived at: www.utah.gov/pmnl/index.html. A video recording of the meeting is archived at: <https://www.youtube.com/watch?v=8PSgbVMU8UQ>.

Approval of Minutes: Councilmember Derasary moved to approve minutes of the July 9, 2019 meeting with corrections. Councilmember Duncan seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Council Reports:

Councilmember Jones reported on a meeting of the zero-waste coalition and noted he attended a meeting of the legislature's taxation reform task force meeting held in Moab. He also mentioned a meeting he attended regarding visitor management in Arches National Park.

Councilmember Guzman-Newton reported on a meeting she attended with City Manager Linares regarding efforts to improve Moab's childcare situation.

Councilmember Duncan mentioned the local Vulnerability, Consequences, and Adaptation Planning Scenarios (VCAPS) workshop he attended and also referred to his review of the Hydrologic Systems Analysis (HSA) report by Ken Kolm. He stated he also attended the tax reform session.

Councilmember Derasary reported on meetings and progress of the Housing Task Force, the local Land Trust, the Emergency Medical Services Special Service District and the Uranium Mill Tailings Remedial Action (UMTRA) board, and also noted a program she attended regarding the history of great floods of the Colorado River as well as the tax reform meeting. She raised a question regarding planned residential development of the School and Institutional Trust Lands Administration (SITLA) parcel adjacent to the planned Utah State University (USU) campus.

Councilmember Knuteson-Boyd reported on a meeting of the housing authority as well as the museum board. She stated she also attended the tax reform meeting and noted the upcoming ice cream social at the museum and the Veteran's charity ride.

Administrative Reports: City Manager Linares reported on the tax reform meeting and thanked citizens for participation. He noted Park City mayor Andy Beerman also attended and spoke on behalf of resort communities.

Citizens To Be Heard:

John McQueen spoke regarding fire danger posed by weeds and cheatgrass. He suggested there may be a better way to mitigate weed hazards than basing enforcement on neighbor complaints through a lengthy process. He offered that the City could take action and bill the offending landowner.

Sara Melnicoff stated she is very concerned about recycling. She noted the definitions had changed in the proposed ordinance. She mentioned the greenhouse gases related to transporting recycling to Denver and said she was confused by what changes were being voted on by Council and related ramifications. She stated the Recycling Center has been in operation since 1991.

Barbara Hicks encouraged Council to vote yes on the Overnight Accommodations changes. She said the County has paved the road and noted she felt relieved with the ordinance the County passed. She encouraged Council to be bold and courageous as well.

Robert Hines spoke about private property rights and stated he felt pigeonholed. He said the County Planning Commission told him he was not allowed to build long-term rentals and that he was told he could build nightly rentals. He urged Council to not do what the County did and added bad business decisions couldn't be legislated. He said affordable housing is a myth and explained it is too expensive to build apartments in the local economy.

Kevin Walker encouraged Council to vote yes on the Overnight Accommodations ordinance. He said the public comment was overwhelming that growth is happening too fast in Moab. He stated his interest in making Moab more livable for all of us and he urged Council to vote yes.

Old Business:

(:30 on audio recording)

Vacation of A Portion of Emma Boulevard—Approved

Councilmembers Knuteson-Boyd and Guzman-Newton were recused and left the chambers.

Discussion: Councilmember Jones led the discussion and conducted the legislation. City Engineer Williams made a brief presentation on the history and changes regarding the matter. He said the revisions were based on public comments and staff and council recommendations. He covered the shared-use path, the proposed High-Intensity Activated crossWalK (HAWK) beacon to be funded and installed by the Utah Department of Transportation (UDOT), a future one-lane road and potential leased dispersed parking at area churches funded by the UDOT HotSpot funding. Councilmember Derasary stated that many of the details were discussed in executive session yet she wanted citizens to know that the status quo was no longer an option. She reiterated that Emma Boulevard is not a through-road that could impact the neighborhood. She spoke in favor of redeveloping the area with vegetation and shade.

Motion and Vote: Councilmember Duncan moved to approve **Ordinance 2019-21** approving a vacation of a portion of Emma Boulevard by the City in exchange for a portion of the UTEX Subdivision, Plat B, Lot 14, T25S, R21E, SLBM as submitted with the following addition: if the City were ever to proceed with the idea of constructing a one-way southbound road, that idea would have to return to Council for approval. The Ordinance text Part E final sentence of that paragraph shall be amended to state that landscaping shall be installed as funding permits and not need to wait for installation of the one-way road. Councilmember Derasary seconded the motion. The motion carried 3-0 aye, with Councilmembers Derasary, Jones and Duncan voting aye. Councilmembers Knuteson-Boyd and Guzman-Newton returned to the chambers.

Removing Overnight Accommodations as a Permitted Use—Approved

Discussion: Planner Shepard highlighted proposed changes to the ordinance. She reminded Council of the process including a public hearing and a positive Planning Commission recommendation. She brought up the proposed October 31 target date for new regulations to be enacted and recommended a joint Planning Commission and City Council work session. Councilmember Derasary requested a clean version of the ordinance. Discussion surrounding the target date followed. Councilmember Derasary brought up references to multi-household dwellings and recommended taking it out or including all types of dwellings by name. Councilmember Jones concurred. More discussion followed regarding the definition of unit. Councilmember Jones brought up the map boundaries and suggested modifications. City Attorney McAnany noted that if an existing property has been missed the owner could petition to be added as a text amendment at a later date.

Motion and Vote: Councilmember Jones moved to approve **Ordinance 2019-18**, an Ordinance Amending the City of Moab Municipal Code Removing Overnight Accommodations as a Permitted Use and allowing established overnight accommodations to remain as legal uses in the C-1, C-2, C-3, C-4, RC, and SAR zones; and Amending Sections 17.06 Definitions, 17.20, 17.21, 17.24, 17.27, 17.31, and 17.32, amended as follows: in section 6 strike the phrase “and with a target date of October 31, 2019”, and add at the end of the last sentence “water-carrying capacity, existing infrastructure capacity, contribution to cumulative traffic, connectivity/contribution to non-motorized/micro vehicle transportation network, height and viewshed. Councilmember Duncan seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye. Councilmember Derasary mentioned her concern that citizens have inculpated Councilmembers regarding limiting private property rights and she noted the Council had invited the State property rights ombudsman to a meeting to educate Council and the Planning Commission about property rights before taking action.

Solid Waste Updates—Tabled

Discussion: Sustainability Director Russo briefed Council on the proposed ordinance. Councilmember Duncan brought up citizen concerns regarding locking out the recycle center from the recycle market. Russo explained the contract in place is a franchise agreement. City Attorney McAnany noted the importance of having code mesh with the contract. City Manager Linares announced he needed to review recently-received documents from a complainant.

Motion and Vote: Councilmember Derasary moved to table **Ordinance 2019-15**, An ordinance amending the City of Moab Municipal Code, Sections 8.04.010 pertaining to definitions; amending definitions; amending Section 8.04.020 Mandatory Collection; and Section 8.04.030 Rates and Charges. Councilmember Guzman-Newton seconded the motion. The motion to table passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Idling Ordinance—Approved

Discussion: Sustainability Director Russo briefed Council on proposed changes to the ordinance. Councilmember Guzman-Newton voiced concern about the addition of pets in cars in the list of exemptions. It was suggested that animal control staff review the proposed ordinance. Councilmember Duncan stated he felt the two-minute limit was excessive and overly authoritative. Councilmember Knuteson-Boyd mentioned the difficulty of enforcement. Dr. Russo explained it was common to issue warnings rather than citations and that an educational effort was indicated. It was noted that ground-level ozone is a hazard. Signs at both ends of town discouraging idling were discussed. Councilmember Guzman-Newton brought up the prominence of idling issues in Salt Lake City. Councilmember Derasary stated her support for the ordinance and noted both Logan and Salt Lake City had passed idling ordinances. She indicated that asthma is exacerbated by idling vehicles. Councilmember Jones agreed with Councilmember Duncan that a two-minute limit seems excessive and recommended lowering

the limit to twenty minutes to account for semi-truck problems. Councilmember Guzman-Newton brought up the three million visitors, many of whom visit from idle-free communities.

Motion and Vote: Councilmember Guzman-Newton moved to approve **Ordinance 2019-17**, An ordinance amending the City of Moab Municipal Code, Sections 10.04.230, Unlawful parking, idling or camping, 8B and 8C. Councilmember Derasary seconded the motion. The motion failed 2-3 aye with Councilmembers Derasary and Guzman-Newton voting aye and Councilmembers Knuteson-Boyd, Duncan and Jones voting nay. Councilmember Duncan moved to approve **Ordinance 2019-17** with a twenty (20) minute limit on idling vehicles and pets or service animals to high or low temperature safety exceptions list. Councilmember Jones seconded the motion. The motion carried 3-2 aye, with Councilmembers Jones, Knuteson-Boyd and Duncan voting aye and Councilmembers Guzman-Newton and Derasary voting nay.

Bills Against the City of Moab—Tabled

Motion and Vote: Councilmember Jones moved to table approval of bills. Councilmember Derasary seconded the motion. The motion to table passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Adjournment: Councilmember Guzman-Newton moved to adjourn the meeting. Councilmember Jones seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Duncan, Knuteson-Boyd and Guzman-Newton voting aye. Mayor Pro-Tem Knuteson-Boyd adjourned the meeting at 8:38 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder