

**MOAB CITY COUNCIL MINUTES
REGULAR MEETING
SEPTEMBER 12, 2017**

Regular Meeting & Attendance: 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, Moab, Utah. A recording of the meeting is archived at <http://www.utah.gov/pmn/index.html>.

Pre-Council Workshop: Mayor Pro-tem Tawny Knuteson-Boyd called the Workshop to order at 6:30 PM. In attendance were Councilmembers Rani Derasary, Heila Ershadi, Tawny Knuteson-Boyd, Kyle Bailey and Kalen Jones. Also in attendance were City Manager David Everitt, City Recorder/Assistant City Manager Rachel Stenta, City Attorney Chris McAnany, Public Works Director Pat Dean, City Treasurer Jennie Ross, Special Projects Manager Amy Weiser, Planning Director Jeff Reinhart, Police Chief Jim Winder, Recorder Assistant Eve Tallman, Parks, Recreation Trails Director Tif Miller and Moab Arts and Recreation Center Manager Meg Stewart.

The Workshop consisted of an update from the City's Special Projects Manager, Amy Weiser. The first topic discussed was Restricting Semi-Truck Parking on Highway 191 within City Limits. She pointed out that the Utah Department of Transportation (UDOT) requires legislation to move forward with signage prohibiting overnight parking of semi-trucks on Highway 191 in City limits. Councilmember Derasary asked for clarification that overnight camping in City limits is prohibited. Councilmember Knuteson-Boyd noted her concern that prohibiting semi-truck parking on Main Street would possibly push overnight truck parking into the neighborhoods and side streets. Her other concern is finding an alternative, since long-haul drivers are often strictly limited to when they must stop driving. Other topics discussed included the International Dark Sky Community Designation by 2019, Affordable Housing, a Permanent Community Impact Board (CIB) Grant/Loan for the Utah State University (USU) Infrastructure Project and Pedestrian Safety.

At the conclusion of the Special Projects Update, Police Chief Jim Winder gave an update to the Council, including a report on a Colorado River tour boat accident, a vehicle theft incident and a high-profile case reported from Salt Lake City regarding a law enforcement conflict in a hospital. He mentioned that he had assigned a School Resource Officer (Officer Larry Velasquez) to serve as the school resource officer in Grand County Schools. Winder added that a new animal control officer had been hired. He mentioned his work on the Throttle Down committee. He noted the local jail has reopened and that the Police Department is continuing to make progress on their departmental policy updates and that he felt it was critical to maintain up-to-date public safety policies. Winder read a letter of appreciation he received concerning the police handling of a vehicle chase situation. Councilmember Bailey asked about the Moab Police Department policy concerning automobile chases. Chief Winder explained the City's policy and approach to automobile chases. Councilmember Jones asked which juvenile offenses are being reclassified. Councilmember Derasary asked if the school resource officer assignment was full-time in the schools; Winder explained that the officer would be physically housed at the high school, would respond to calls at the Middle School and Elementary School and will spend most of his time interacting with school administrators and teachers. Chief Winder stated a small amount of the School Resource Officer's time could be utilized for backup on serious calls in the vicinity as needed.

Regular Meeting Called to Order:

(:32 on recording)

Mayor Pro-tem Knuteson-Boyd called the Regular City Council Meeting to order at 7:01 PM and led the Pledge of Allegiance. Eighteen members of the public and media were present.

Approval of Minutes: Councilmember Derasary moved to approve the minutes of the August 22, 24 and 30, 2017 meetings with one correction. Councilmember Jones seconded the motion. The motion carried 5-0 aye, with Councilmembers Bailey, Ershadi, Jones, Derasary and Knuteson-Boyd voting aye.

Citizens to be Heard: Lee and Miki Bridgers spoke about their concerns with the Cross Creek Park, which is near their home, and the bridge project there, as well as the endangered yellow-billed cuckoo. They presented a petition to the Council containing citizen signatures reflecting their concerns.

Special Events/Vendors/Beer Licenses:

Moab 200 Running Event—Amended and Approved

Motion and Vote: Councilmember Jones moved to approve licenses and permits for Destination Trail Events for the Moab 200 Running Event, October 13-17, 2017 at Lions Park. Councilmember Bailey seconded the motion. After discussion, Councilmember Jones amended the motion, and Councilmember Bailey seconded the amended motion. The amended motion carried 5-0 aye, with Councilmembers Bailey, Ershadi, Jones, Derasary and Knuteson-Boyd voting aye.

Behind the Rocks Ultra—Approved

Motion and Vote: Councilmember Derasary moved to approve a special event license for Mad Moose Events for the Behind the Rocks Ultra Running Event Expo, March 23, 2018 at the Moab Arts and Recreation Center, with conditions. Councilmember Bailey seconded the motion. The motion carried 5-0 aye, with Councilmembers Bailey, Ershadi, Jones, Derasary and Knuteson-Boyd voting aye.

Arches Ultra—Approved

Motion and Vote: Councilmember Jones moved to approve a special event license for Mad Moose Events for the Arches Ultra Running Event Expo, January 26, 2018 at the Moab Arts and Recreation Center, with conditions. Councilmember Derasary seconded the motion. The motion passed 5-0 with Councilmembers Bailey, Jones, Knuteson-Boyd, Ershadi, and Derasary voting aye.

Amplified Music Event—Approved

Motion and Vote: Councilmember Jones moved to approve a request by Kelly Wong for an Amplified Music Event at Lions Park on October 7, 2017. Councilmember Ershadi seconded the motion. The motion passed 5-0 with Councilmembers Bailey, Jones, Knuteson-Boyd, Ershadi, and Derasary voting aye.

Quesadilla Mobilla—Approved

Motion and Vote: Councilmember Ershadi moved to approve a Private Property Vendor License Renewal for 2017-2018 (October 2017 and March – September 2018) for Steven Lucarelli and Carrie Finn, doing business as Quesadilla Mobilla Located at 89 North Main Street. Councilmember Bailey seconded the motion. The motion passed 5-0 with Councilmembers Bailey, Jones, Knuteson-Boyd, Ershadi, and Derasary voting aye.

RB Treats—Approved

Motion and Vote: Councilmember Bailey moved to approve with staff recommendations a Private Property Vendor License for Brittany & Ryan Melton, doing business as RB Treats to conduct a Hawaiian Shave Ice Business, Located at 83 South Main Street for a term of September 12, 2017 to September 12, 2018. Councilmember Jones seconded the motion. The motion passed 5-0 with Councilmembers Bailey, Jones, Knuteson-Boyd, Ershadi, and Derasary voting aye.

Consent Agenda—Approved

(:50 on recording)

Motion and Vote: Councilmember Derasary moved to approve the Consent Agenda. Councilmember Jones seconded the motion. The motion passed 5-0 with Councilmembers Bailey, Jones, Knuteson-Boyd, Ershadi, and Derasary voting aye. The following items were approved:

- 1) Approval of a Request to Send Proposed Ordinance #2017-33 – An Ordinance of the Governing Body of Moab Annexing Property to the City of Moab to a Public Hearing on October 10, 2017 at approximately 7:15 PM. A preliminary hearing was set for September 26.
- 2) Approval of the First Amendment to an Interlocal Cooperation Agreement by and between the City of Moab and Spanish Valley Water and Sewer Improvement District.

Old Business:

(:58 on recording)

Alcohol at Public Events held on Certain City Properties—Approved

Motion and Vote: Councilmember Jones moved to approve Proposed Ordinance #2017-34 – An Ordinance Amending the Moab Municipal Code to Permit the Serving of Alcohol at Public Events held on Certain City Properties. Councilmember Derasary seconded the motion. City Attorney McAnany outlined the proposed changes, namely the City’s ability to contract with a third-party alcohol vendor for City-sponsored events. Councilmember Bailey brought up the history of previous Councils designating areas for adults-only; City Attorney McAnany pointed out site-specific restrictions and Moab Arts and Recreation Center (MARC) Manager Stewart further clarified that the outdoor patio at the MARC would provide a sequestered venue, in keeping with state liquor law restrictions. The motion passed 4-1 with Councilmembers Jones, Knuteson-Boyd, Ershadi, and Derasary voting aye and Councilmember Bailey voting nay.

New Business:

(1:04 on recording)

C-5 Neighborhood Commercial Zone—Approved

Motion and Discussion: Councilmember Bailey moved to Approve Proposed Ordinance #2017-32 – An Ordinance Amending Moab Municipal Code Chapter 17.30.020, Use Requirements, to Include a Use of Small Neighborhood Retail Business with Standards in the C-5, Neighborhood Commercial Zone and Add a Definition of the Use to MMC Section 17.06.020, Definitions. Councilmember Ershadi seconded the motion. City Planner Reinhart presented the proposed changes surrounding the small scale retail designation in the neighborhood zone. Councilmember Bailey noted there is pressure for the C-5 zone and he noted it was appropriate and he was comfortable with the proposal. Councilmember Derasary asked for more specificity in the proposed code, and asked about the language regarding goods and merchandize versus services. There was discussion about cafes versus retail. Councilmember Jones

outlined concerns he has with use requirements and size limitations, and he also pointed out what he felt was unenforceable vague standards in the proposal. City Manager Everitt asked whether the ordinance should prohibit the rental of sports equipment in this zone. City Attorney McAnany noted it was intended for the corner store that appeal to local residents. Councilmember Ershadi asked for examples from other municipalities. Councilmember Bailey pointed out the need for the Planning Commission to address a larger plan for the 400 East business district. Councilmember Jones reiterated his concern with the nature of customers, either local residents or tourists, in the 400 East C-5 area. **Vote:** The motion passed 3-2 with Councilmembers Bailey, Knuteson-Boyd and Ershadi voting aye, and Councilmembers Jones and Derasary voting nay.

Approval of Proposed Resolution #52-2017 – A Resolution Restricting the Parking of Semi-Trucks on City Streets and Highway 191 Right-of-way Within City Limits was canceled by Mayor Pro-tem Knuteson-Boyd.

Housing Authority Grant—Approved

(1:28 on recording)

Motion and Discussion: Councilmember Jones moved to approve a request from the Housing Authority of Southeastern Utah (HASU) for a grant in the amount of \$35,000 from Affordable Housing Funds to use for the Development of an Affordable Independent Senior Housing Project. Councilmember Ershadi seconded the motion. Ben Riley, HASU Director, and Amy Weiser, Special Projects Manager, presented the funding request. City Attorney McAnany noted rules exist for the disbursement of funds to entities and cautioned that as custodians of public funds cities have to demonstrate that they receive a fair exchange of value for funds appropriated and contributed. City Attorney McAnany further advised that the grant be applied for a specific purpose and recommended development of a grant agreement. Discussion surrounded how funding may be used in keeping with guidelines for matching funds; Councilmembers Derasary and Jones were in favor of using the monies for energy efficiency strategies. Mayor Pro-tem Knuteson-Boyd requested with consensus from the Council that City Attorney McAnany draft a contribution agreement for the funds.

Vote: The motion passed 5-0 with Councilmembers Bailey, Jones, Knuteson-Boyd, Ershadi, and Derasary voting aye.

City Manager Employment Agreement—Tabled

Motion and Vote: Councilmember Jones moved to table Proposed Resolution #53-2017 – A Resolution Approving the Employment Agreement by and between the City of Moab and David Everitt for the position of City Manager. Councilmember Bailey seconded the motion to table. It was agreed that Councilmembers Jones and Knuteson-Boyd and Human Resource Manager Dani Guerrero would convene the evaluation process. The motion to table passed 5-0 with Councilmembers Bailey, Jones, Knuteson-Boyd, Ershadi and Derasary voting aye.

Administrative Reports:

(1:59 on recording)

City Manager Everitt informed the Council that he would have a report on the recent water contamination incident forthcoming. He continued with an update on progress regarding employee evaluations. He noted both Lisa Church and Rosemarie Russo have joined the staff as Communication and Engagement Director and Sustainability Director respectively. He added he is working on staff priority projects and mentioned his upcoming work with UDOT planning as well as a proposed resolution

regarding the Deferred Action for Childhood Arrivals (DACA).

Mayor and Council Reports:

Councilmember Bailey reported that he attended a Special Service District training.

Councilmember Jones reported his attendance at a meeting of the Colorado Ski Towns Association, where topics comparable to Moab's issues were discussed, including dark skies and vehicle noise management. He mentioned the Colorado Sustainable Main Street Initiative, which considers the dilemmas of main streets that are also through highways. Councilmember Jones also reported that he attended a solid waste district meeting and touched on recycling, he attended a Housing Task Force meeting, and he talked briefly about geo-design.

Councilmember Knuteson-Boyd reported that she attended the ribbon cutting for the new Urgent Care facility, and, because she lives in the affected neighborhood, she experienced the water contamination event firsthand.

Councilmember Derasary reported that she attended the Canyonlands Health Care Special Service District meeting and also attended the League of Women Voters' session introducing the City's new Sustainability Director, Rosemarie Russo, to the community. She noted she also attended both the recent Congressional District Three forum held at Star Hall, and the recent Town Hall with State Representative Albrecht and State Senator Hinkins. She reported that Hinkins is interested in feedback on legislative topics from the local governing bodies.

Approval of Bills Against the City of Moab: Councilmember Derasary moved to pay the bills against the City of Moab in the amount of \$342,435.06. Councilmember Ershadi seconded the motion. The motion carried 5-0 aye, with Councilmembers Bailey, Ershadi, Jones, Derasary and Knuteson-Boyd voting aye.

Executive Session: At 8:49 PM, Councilmember Bailey moved to enter an Executive Session to Discuss the Character, Professional Competence, or Physical or Mental Health of an Individual. Councilmember Derasary seconded the motion. The motion passed 5-0 with Councilmembers Bailey, Jones, Knuteson-Boyd, Ershadi, and Derasary voting aye.

Councilmember Bailey moved to end the Executive Closed Session and enter into open session. Councilmember Ershadi seconded the motion. The motion passed 5-0 with Councilmembers Bailey, Jones, Knuteson-Boyd, Ershadi, and Derasary voting aye. The Executive Closed Session ended at 9:19 PM.

Adjournment: Councilmember Ershadi moved to adjourn the meeting. Councilmember Bailey seconded the motion. The motion passed 5-0 with Councilmembers Bailey, Jones, Knuteson-Boyd, Ershadi, and Derasary voting aye. Mayor Pro-tem Knuteson-Boyd adjourned the meeting at 9:19 PM.

APPROVED: _____
David L. Sakrison, Mayor

ATTEST: _____
Rachel E. Stenta, City Recorder