

**MOAB CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 9, 2018**

Call to Order and 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>. In attendance were Mayor Emily Niehaus, Councilmembers Kalen Jones, Rani Derasary, Mike Duncan, Tawny Knuteson-Boyd and Karen Guzman-Newton. Also in attendance were City Manager David Everitt, Recorder/Assistant City Manager Rachel Stenta, City Attorney Chris McAnany, Deputy Treasurer Chantel Lindsay, Public Works Director Pat Dean, Assistant City Manager Joel Linares, City Engineer Chuck Williams and Sustainability Director Rosemarie Russo.

Workshop: Mayor Niehaus called the workshop to order at 6:02 PM. The workshop consisted of a review of the Agreements and Understandings between the City and Utah State University—Moab (USU) and the State and Institutional Trust Lands Administration (SITLA). Lianna Etchberger from USU and Troy Herold from SITLA were in attendance. Topics discussed included the USU campus construction timeline and scope, Millcreek West road construction, the Memorandum of Understanding (MOU) between the City, USU and Grand County, approval of the project area plan for the Community Reinvestment Agency (CRA) and the SITLA pre-annexation agreement. Herold mentioned that the development Request for Qualifications (RFQ) did not have the anticipated response from developers.

The workshop continued with a Water Conservation and Drought Management Advisory Board Update. Water Board members in attendance included chair Arne Hultquist, Kara Dohrenwend, Denver Perkins, Kyle Bailey and Jeremy Lynch. Councilmember Duncan also serves on the board. The Board presented a written report and a handout detailing facts about Moab's water supply, water rights and demand. Hultquist presented his impressions of Moab's water supply situation. Discussion included mention of green infrastructure for stormwater management. Councilmembers asked questions regarding development in view of water supply challenges. Councilmember Duncan suggested a meeting with Dana Van Horn of the Grand Water and Sewer Services Agency (GWSSA). Mayor Niehaus suggested that water may be a top priority in the 2019 administrative work plan.

Regular Meeting:

(:59 on recording)

Mayor Niehaus called the Regular City Council Meeting to order at 7:01 PM and led the Pledge of Allegiance. Twenty-six members of the public and media were present.

Mayor and Council Reports: Councilmember Derasary reported on a TrailMix meeting she attended and noted the Travel Council seeks input from the public regarding recent bike events. Derasary said the recent snow in the mountains will likely diminish further bike activities for the season and she mentioned the new Courthouse horse camp and the new bathrooms at the BMX park. Derasary noted the recent joint City and County council meeting she attended and brought up Transient Room Tax (TRT) funds and the budgets for the City and County. She mentioned the recent League of Women Voters event which comprised a City update. She said the main concerns voiced by residents there were RZR (off-road vehicle) noise and the Downtown Plan. Derasary also noted the Immigration and Customs Enforcement (ICE) presence meeting and she concluded with a mention that the Emergency Medical Services (EMS) call volume was the highest for the year.

Councilmember Duncan reported on the joint City and County Council meeting and commented on the growing local interest in requesting greater latitude for local governments regarding the disbursement and uses of TRT funds from the state legislature.

Councilmember Knuteson-Boyd mentioned the Faith-Based Coalition meeting she attended and stated the sewer rates are still a concern. She said she observed local vendors and shoppers being appreciative of the plastic bag ban.

Councilmember Guzman-Newton reported that the airport would be receiving a \$5 million grant for a taxi way. She noted the Chamber of Commerce would relocate in November. She mentioned a possible presentation which could be scheduled at a December meeting with representatives of the Salt Lake Chamber regarding growth expectations for Utah. She said she attended a workshop to make reusable shopping bags and she expressed interest in presenting the workshop to schools. She reported her attendance at the state's water conservation open house and mentioned the local survey. She concluded with a question about a water storage tank proposed by the consulting engineer.

Councilmember Jones mentioned his work with the Dark Skies committee and noted the outdoor lighting code was near completion.

Mayor Niehaus mentioned she attended the Pride Festival along with Councilmembers Duncan and Derasary. She reported on the Indigenous Celebration Day event with the High School's Native American Club which featured a hoop dancer, and she mentioned her participation with Councilmember Guzman-Newton in Finance Director interviews. She also brought up the Joint City and County meeting about the upcoming legislative session and added she spoke to a class at the middle school. She finished with a mention of a meeting she attended regarding 9-1-1 communications.

Administrative Report: Project Specialist Tallman made a brief report about the ongoing Manti-La Sal National Forest Planning Process and noted a public input period which began October 8. She also mentioned the open application period for the Community Contributions program. City Manager Everitt mentioned progress on nuisance abatement efforts in the City.

Citizens to Be Heard: There were no citizens to be heard. Christy Calvin submitted written remarks: "I'm concerned about the beginning and ending hours for amplified music and PA systems which show up in the current draft of the park use policy. I recommend these guidelines: because of their proximity to residential neighborhoods, any amplification (music or PA systems) will only be permitted between the hours of 9AM and 7PM at both Swanny and Rotary Parks; all other parks may have sound permitted between the hours of 7AM and 9PM, at the discretion of City staff.

"Also, I would like to reiterate that no new or expanded events should be permitted at Swanny Park until Council and Staff take the time to study and evaluate cumulative impacts on the surrounding neighborhood. The Swanny Park neighborhood is inundated with too much noise and too much congestion. Please do something now to preserve our quality of life—don't keep putting it off! Thank you!"

Presentation:

Students of the Month: Mayor Niehaus awarded the Mayor's Student of the Month Awards for October 2018 to Eighth Grade Grand County Middle School Student Willow Nichols and Seventh Grade Grand County Middle School Student Rachael Harrison.

Public Hearings:

(1:23 on recording)

Budget Amendment: City Manager Everitt presented an outline of the scope of the proposed budget amendment. At 7:41 PM, Mayor Niehaus opened a hearing to solicit Public Input on Proposed **Resolution #46-2018** – Amending the Annual Budget for Fiscal Year 2018-2019. There were no citizens to be heard. Councilmember Jones moved to close the hearing. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye. The hearing was closed at 7:43 PM.

Conditional Uses Amendments: City Planner Reinhart, Development Services Manager Johnson, and City Attorney McAnany presented an overview of the changes made to eliminate conditional uses in all zones due to new state requirements. At 7:50 PM, Mayor Niehaus opened a hearing to solicit Public Input on Proposed **Ordinance #2018-01** – An Ordinance Amending Various Sections of Moab Municipal Code Chapter 17 Pertaining to Conditional Uses in All Zones.

Bob Greenberg stated the City's efforts were fabulous, and he supports removing Bed and Breakfast establishments from R-1 and R-2. He said he takes issue with some shifts in definitions because he lives adjacent to high rise buildings and he is concerned with the shift from families to households primarily because household is not defined. He requested that a redlined version be made available to the public during the next two weeks.

Jim Englebright stated he lives on Hillside Drive, in a neighborhood with eleven homes including four bunkhouses which are, in his opinion, employer-owned homes provided for employee housing. He did not see in the document the proposed definition of households. He said he had been living with the bunkhouse situation for some time and has observed that the bunkhouses have six to eight cars at a time. He noted the conditions of the properties have gone downhill and there are weeds in the yard, tenants are parking on the lawn and the yards have problems with spilled garbage. He stated there is a need for long-term housing and in his opinion these residences are different and there is no limit to the number of tenants. He mentioned that the complaint-driven process for enforcement puts neighbor against neighbor. He concluded that it would be well for all involved to better define this.

Councilmember Derasary suggested that the definition be read. She clarified that the definition of households is for all zones. City Attorney McAnany clarified that several definitions were added to be applied throughout the code. He recited the definition of household as one or more persons related or unrelated who live in the same dwelling and share meals or living accommodations and may consist of a single family or some other grouping of people.

Vicki Webster stated she also lives on Hillside Drive. She referred to several letters she had sent to Council. She expressed her dismay that the properties in her neighborhood that caused negative impacts were company bunkhouses. She emphasized they are not the same as other long-term rentals and they constitute a commercial intrusion into the neighborhood; they are an extension of a business's commercial campus, including storage of company vehicles and equipment. She said the business bottom line was more important than abiding by the ordinances that required them to maintain the properties. She noted she had documented that the landscaping was allowed to die, the garbage piled up and there were excessive vehicles due to so many occupants. She stated her interest in restricting the number of bunkhouses in the neighborhood zone. She stated her concern that garbage and landscaping enforcement requires neighbors to sign formal complaints. She stated we are in a small town which is quite interdependent with our neighbors and requiring residents to sign a formal complaint in order

for the City to enforce its code is poor public policy. She said it is unacceptable to her that the City refuses to enforce code violations of which it is well aware. She said a violation is a violation no matter how it is reported. She suggested a middle ground that would regulate bunkhouses would be a win-win situation and would prevent them from negatively impacting the otherwise lovely neighborhood. She concluded by stating the owners have already proven that they won't do that on their own.

Judy Powers mentioned the work on the code looked good, yet she expressed her concern that the City is losing its neighborhoods. She expressed support for moving bed and breakfast establishments out of neighborhoods. She agreed with other comments about man camps and bunk houses. She stated she understood the change to households because people don't need to be related to each other. She stated that in these instances there was nobody in charge and occupants come and go and tenants are not there long-term, making it just as bad as a bed and breakfast and may be worse since owners of nightly rentals want them to look good and they are less crowded. She supported protecting the R-2 zone but not R-3 or R-4. She stated the R-2 zone is already dealing with the impact of bed and breakfasts and out-of-control Airbnb rentals. She mentioned RZR noise on the streets as well. She mentioned the importance of knowing your neighbors and she said the bunkhouses were not conducive to knowing the neighbors and would be worse than nightly rentals. She concluded that there was no one taking responsibility.

Verl Packard stated the proposed definition of household means nothing.

Ann Northrup commented it was her fifth year of concern. She stated R-2 neighborhoods need to protect the people who live in them. She stated her R-2 home should be a single-family home unless she wanted to rent her basement. She brought up her concern about individuals who were parking in one area and mentioned a neighborhood home with so many cars that the occupants park down the street. She said the current code enforcement was not doing an adequate-enough job and stressed the impact on her of putting her name on a complaint. She said she did not believe code enforcement was happening quickly enough or responsibly enough. She referred to an upcoming GGBY event which would not be fair to anyone in the neighborhood and stated there was support from her neighbors and asked if she needed to sign a petition to move forward. She noted there were people walking by her home at all hours of the night, with lights going on and cars coming in and out and she said it was horrible. She concluded that the condition of the subject house was unjust to the people of the community who have been paying taxes for years.

With no further citizens wishing to be heard, Councilmember Jones moved to close the public hearing. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye. Mayor Niehaus closed the hearing at 8:07 PM.

Special Events/Vendors/Beer Licenses:

Electric Light Parade—Approved

Motion and Vote: Councilmember Derasary moved to approve Fee Waivers not to exceed \$10,059.80 for the Electric Light Parade to be held on Saturday, December 1, 2018. Councilmember Guzman-Newton seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Old Business:

(2:09 on recording)

Revision of City Parks Policies—Discussion

The Mayor, Council and City Manager continued deliberation of revisions to the Parks Policies.

Dogs, sound amplification, special events implications and hours were discussed.

New Business:

City Treasurer Appointment—Approved

Motion and Vote: Councilmember Duncan moved to approve Proposed **Resolution #48-2018** - Confirmation of Mayoral Appointment of Statutory Appointee and Authorization to Execute an Employment Agreement for City Treasurer – Chantel Lindsay. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Power House Boundary Line Adjustment—Approved

Motion and Vote: Councilmember Derasary moved to approve Proposed **Resolution #47-2018** – A Boundary Line Adjustment for Power House Subdivision Amendment #3 for Property Located at 1100 Sand Flats Road in the RA-1 Zone. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Mill Creek Drive West Extension Contract—Approved

Motion and Vote: Councilmember Guzman-Newton moved to approve and award a construction contract for the Mill Creek Drive West Extension Project to Harrison Field Services in the amount of \$1,935,078.44, subject to bonding. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Geologic Hazards Report and Map—Adopted

Motion and Vote: Councilmember Duncan moved to approve Proposed **Resolution #44-2018** – Adopting Utah Geological Survey Special Study 162 and the Geologic Hazards of the Moab Quadrangle Set of 13 Hazard Specific Maps. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Community Reinvestment Agency Area Plan—Tabled (2:57 on recording)

Motion and Vote: Councilmember Guzman-Newton moved to table Proposed **Ordinance #2018-21** – Adopting the Community Reinvestment Project Area Plan for the South Moab Community Reinvestment Project Area. Councilmember Derasary seconded the motion. The motion to table passed 4-1 aye with Councilmembers Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye and Councilmember Jones voting nay.

Approval of Bills: Councilmember Guzman-Newton moved to approve payment of bills against the City of Moab in the amount of \$772,441.45. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Adjournment: Councilmember Derasary moved to adjourn the meeting. Councilmember Jones seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye. Mayor Niehaus adjourned the meeting at 9:06 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Rachel E. Stenta, City Recorder