

MOAB CITY COUNCIL MINUTES
REGULAR MEETING
October 12, 2021

The Moab City Council held its Regular Meeting on the above date. An audio recording of the meeting is archived at www.utah.gov/pmn/index.html and a video recording is archived at www.youtube.com/watch?v=AxgAWuyVGAo.

Regular City Council Meeting:

Mayor Emily Niehaus called the meeting to order at 7:05 p.m. Councilmembers Karen Guzman-Newton, Tawny Knuteson-Boyd, Mike Duncan, Rani Derasary and Kalen Jones attended. City staff participating included Acting City Manager Carly Castle, Engineer Chuck Williams, Finance Director and Acting Deputy Manager Ben Billingsley, Planner Nora Shepard and Recorder Sommar Johnson. Seven persons were in the audience. Mayor Niehaus led the Pledge of Allegiance.

Citizens to be Heard: There were no Citizens to be Heard.

Friends of the Moab Folk Festival—Presentation

Cassie Paup, Director of the Friends of the Moab Folk Festival and Assistant Festival Director Makeda Barkley proposed a trailer-mounted portable stage. It was explained the estimated cost would be approximately \$160,000. Funding and ownership scenarios were discussed.

Administrative Reports:

Acting City Manager Castle reported a new draft of the Sustainability Action Plan was being prepared and announced an AmeriCorps position in the Sustainability Department. Castle also reported the test of the new well construction has resulted in an estimated 600 gallons of water per minute, which is more than expected. She briefly updated Council on the Mill Creek waterline construction project and said the project would last six months. Other items Castle mentioned included grants for partial funding of pickleball courts as well as funding to replace bridges over Pack Creek that were impacted by flooding due to the Pack Creek Fire, along with a mention of the City Planner's imminent retirement and recruitment for a new planner and an assistant planner.

Mayor and Council Reports:

Mayor Niehaus reported on the annual conference of the Utah League of Cities and Towns (ULCT) at which she participated in panel discussions on rural resources and collaborative networking. She stated the Blanding Mayor would replace her on the ULCT board. She announced weekly leadership meetings with key City staff, and noted a recent Police Department appreciation event. She reported on a Moab-based meeting to discuss housing hosted by the Utah Alliance involving economic development directors from across the State. Mayor Niehaus concluded by reading a proclamation for Indigenous Peoples' Day.

Councilmember Derasary reported she participated in interviews for visioning consultants. She thanked Mayor Niehaus for the City's involvement with the Indigenous Peoples' Day events. She thanked the League of Women Voters and KZMU Radio for hosting the recent candidates' forum, and she praised the recent Red Rocks Arts Festival. She noted feedback she forwarded to staff about that event's lack of a recycling plan. She mentioned a desire for a future discussion regarding the Recreation, Arts and Parks (RAP) tax.

Councilmember Duncan reported he had been traveling.

Councilmember Knuteson-Boyd reported she attended the Indigenous Peoples' Day event, was interviewed by KZMU regarding the Walnut Lane project, and met with the director of the Moab Valley Multicultural Center.

Councilmember Guzman-Newton brought up the work of the committee concerned with the Mill Creek/Power Dam area. She said the grant funding is ending and requested that a Memorandum of Understanding be drafted between local entities to memorialize support for improvements for the area. She reported on the airport board and noted enplanements are up and scheduled daily flights continue to Salt Lake City and Denver. She described a Federal Highway Administration workshop aimed at safe roadways and announced an upcoming presentation at the high school on suicide prevention.

Councilmember Jones reported he had a favorable impression of the street festival aspect of the Red Rock Arts Festival although noted concerns about outdoor music that was too loud. He reported on a meeting of the Dark Sky committee regarding street light replacement. He reported on a Travel Council meeting regarding the Film Commission and budgeting priorities. He noted that funding filming is rated #2 as a priority. He brought up other Travel Council funding priorities and suggested City input would be desirable. He brought up a Federal Aviation Administration planning process regarding air tours over national parks and asked Councilmember Guzman-Newton for her thoughts. He said that the comment period had ended. Guzman-Newton noted a proposed decrease in flights and mentioned a local concessionaire had no part in the decision process. She said the concessionaire, Redtail Aviation, argued they had no impact on the parks and they had received no noise complaints in five years. Councilmember Jones concluded by reporting he attended interviews with visioning consultants as well as attended the community renewable energy agency board meeting which is moving toward upcoming negotiations with Rocky Mountain Power and the public utilities commission, along with extending the date for eligible communities to join. He requested the Mayor's assistance in reaching out to communities.

Moab Mosquito Abatement District—Presentation

Michele Rehbein, PhD, Manager of the Moab Mosquito Abatement District, reported on the prevalence and dangers of and protection against *Aedes aegypti*.

Approval of Minutes:

Motion and Vote: Councilmember Duncan moved to approve the minutes for the September 28, 2021 Special and Regular Meetings. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Jones, Guzman-Newton, Knuteson-Boyd, and Duncan voting aye.

New Business:

Workforce Housing Code Amendments Directions to Staff—Approved

Presentation: Planner Shepard presented a proposed code revision regarding new development in all residential zones that would require workforce housing restrictions for developments larger than two households.

Motion: Councilmember Jones moved to approve **Resolution 33-2021** to Formally Initiate Proceedings to Amend the Moab Municipal Code (MMC) Sections 17.45 R-2 Single-Household And Two-Household Residential Zone, 17.48 R-3 Multi-Household Residential Zone, 17.51 R-4 Manufactured Residential Zone to Add a Requirement That New Residential Development of More Than Two Households Be Subject to a Requirement That Some of the Units Must Qualify as Active Employment Households and/or Subject to Deed Restrictions Regulating the Use of

the Units as Workforce Housing. Councilmember Knuteson-Boyd seconded the motion.

Discussion: Mayor Niehaus clarified the motion directs staff to develop proposed code amendments. Councilmember Derasary brought up requiring the amendments in all zones. Councilmember Guzman-Newton asked about a growth management quota and mentioned it had been a few years since the extent of the need for workforce housing had been assessed. Planner Shepard stated she could try to obtain updated estimates. Councilmember Jones brought up the work of the Housing Task Force and noted that group has been interested in updating the workforce housing plan and has been awaiting new census numbers. He said the plan currently states a need for 1,000 affordable housing units by 2050. Derasary added that she had just checked the Affordable Housing Plan, and at the time it noted a need for more than 1300 sale and rental units by 2030. He concurred with Councilmember Derasary's request for the code amendments to apply to all zones, including commercial zones. Shepard agreed that developers of commercial property are considering multi-household units. Councilmember Jones offered informal direction for the staff to consider commercial zones in the scope of the proposed code amendments. Councilmember Duncan stated his preference to stick with the original motion.

Vote: The motion passed 5-0 aye, with Councilmembers Knuteson-Boyd, Derasary, Duncan, Guzman-Newton and Jones voting in favor.

Accessory Dwelling Units in Residential Zones—Tabled

Presentation: Planner Shepard introduced proposed code amendments to allow Accessory Dwelling Units (ADUs) in all zones. She cited Utah House Bill 82, passed by the Utah Legislature, which requires municipalities to allow internal ADUs, which are ADUs within a home's existing footprint. The new state regulations prohibit certain building code requirements and prohibit any maximum size limitations. Shepard brought up current setback and fire separation requirements and the planning commission discussion about altering setbacks and other limitations. Shepard expressed concern that allowing multiple ADUs on relatively small residential lots could significantly change the character of the town. She brought up Councilmember Derasary's question about whether ADUs would be considered in commercial zones as well as residential zones. She also addressed Derasary's question about whether impact fees and separate utility connections would be required. Shepard explained air handling units are typically required to be separated but water and sewer lines do not require second hookups unless the existing lines are inadequate. Owner occupancy was mentioned, as well as the difference between duplexes and ADUs. A requirement for local workers or retired local workers was mentioned, and code enforcement was brought up.

Discussion: Councilmember Guzman-Newton expressed concern about owner occupancy and also suggested a six-month minimum lease requirement. Councilmember Derasary agreed that the minimum should be more than 31 days, but raised the question as to whether six months might be long for some seasonal guides, and asked if 3-4 months might work instead. Mayor Niehaus stated she concurred with omitting the owner occupancy requirement. Councilmember Duncan brought up the specter of abuse of the workforce requirement. Councilmember Knuteson-Boyd agreed with omitting the owner occupancy requirement. Councilmember Derasary raised a concern about the lack of enforcement staff and suggested owners of rental units be on record with the City in case there are code enforcement issues with tenants. Councilmember Guzman-Newton asked if there had been any outreach to the housing authority to discuss management of rental contract requirements. Mayor Niehaus suggested landlord licensure. Councilmember Jones concurred with Guzman-Newton and also asked about the distinction between duplexes and ADUs. The minimum term of a lease garnered further discussion. Councilmember Knuteson-Boyd disagreed with leases beyond month-to-month. Councilmember Guzman-Newton stated her intent to preclude short-term rentals by requiring a minimum lease greater than 31 days. Councilmember Jones concurred, clarifying that beyond

the mandatory lease period, it is common and acceptable to default to month-to-month tenancy. Discussion ensued regarding whether the proposed ordinance was a code revision or a deed restriction requirement. Mayor Niehaus brought up the minimum proposed size of 350 square feet and suggested a smaller size. Meeting code requirements was a more compelling factor to Council and no size minimum was necessary. Mayor Niehaus next brought up the proposed restriction of two ADUs. Councilmember Knuteson-Boyd took exception to eliminating the two ADU limit. Councilmember Duncan concurred. Councilmember Guzman-Newton expressed her interest in using the proposed ordinance to modestly increase housing stock without changing the surrounding neighborhood. She stated an interest in any larger developments, such as a tiny home development, should be discussed separately. Councilmember Duncan agreed. Councilmember Derasary raised other questions regarding height requirements and other items. Discussion regarding tabling the motion ensued.

Motion and Vote: Councilmember Derasary moved to table **Ordinance 2021-16** an Ordinance Amending the Text of the Moab Municipal Code (MMC) to Allow Accessory Dwelling Units (ADUs) in all Residential Zone Districts and to Revise Section 17.70 ADUs and Section 17.06.020 Definitions. Councilmember Knuteson-Boyd seconded the motion. The motion to table passed 5-0 aye, with Councilmembers Knuteson-Boyd, Derasary, Duncan, Guzman-Newton and Jones voting in favor.

Dispersed Parking Cooperative Agreement—Approved

Motion: Councilmember Knuteson-Boyd moved to approve the Dispersed Parking Project Task Order with Civil Science, Inc. in the amount of \$495,900 and authorize the Mayor to sign it. Councilmember Duncan seconded the motion.

Discussion: Councilmember Derasary asked about assumption language in the Scope of Work related to irrigation and planting, double checking that landscaping would indeed be included on all streets, not just the Emma Boulevard area.

Vote: The motion passed 5-0 aye, with Councilmembers Knuteson-Boyd, Derasary, Duncan, Guzman-Newton and Jones voting in favor.

Manti-La Sal Forest Plan Comment Letter—Approved

Motion and Vote: Councilmember Derasary moved to approve the comment letter for the Forest Service Manti-La Sal Forest Plan Revision. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Surplus Property List—Approved

Motion and Vote: Councilmember Knuteson-Boyd moved to approve **Resolution #32-2021** A resolution of the Governing Body Declaring City Property as Surplus. Councilmember Jones seconded the motion. The motion 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 the bills against the City of Moab in the amount of \$396,868.32. Councilmember Jones seconded the motion. The motion passed 5-0 with Councilmembers Jones, Duncan, Guzman-Newton, Derasary, and Knuteson-Boyd voting aye.

Adjournment: Councilmember Knuteson-Boyd moved to adjourn the meeting. Councilmember Guzman-Newton seconded the motion. The motion passed unanimously and Mayor Niehaus adjourned the meeting at 9:45 p.m.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder