

**MOAB CITY COUNCIL MINUTES  
REGULAR MEETING  
October 27, 2020**

The Moab City Council held its Regular Meeting on the above date. Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. § 54-2-207(4), the Moab City Council Chair has issued written determinations supporting the decision to convene electronic meetings of the Council without a physical anchor location. Due to the health and safety risks related to the ongoing COVID-19 pandemic and considering public health orders limiting in-person gatherings, the Moab City Council will continue to hold meetings by electronic means. An audio recording of the meeting is archived at <http://www.utah.gov/pmn/index.html>. A video recording is archived at <https://www.youtube.com/watch?v=WslIWt1YPZc>.

**PRE-COUNCIL WORKSHOP PRESENTATION 5:30 P.M.**

Mayor Emily Niehaus called the Workshop to order at 5:30 p.m. Participating remotely were Councilmembers Rani Derasary, Mike Duncan, Karen Guzman-Newton, and Kalen Jones. Councilmember Tawny Knuteson-Boyd was absent from the Pre-Council Workshop presentations. City staff participating remotely were City Manager Joel Linares, Assistant City Manager Carly Castle, City Attorney Laurie Simonson, and City Recorder Sommar Johnson. Mary O'Brien with Grand Canyon Trust joined the meeting at 5:30 p.m. to present the Conservation Alternative for comparison with Manti La-Sal National Forest alternatives. Kara Dohrenwend with Rim to Rim Restoration and Duncan Fuchise with Utah Division of Forestry, Fire, & State Lands also joined the meeting at 5:30 to present on the fire fuels mitigation efforts.

***Presentation: Conservation Alternative for comparison with Manti La-Sal National Forest alternatives - Mary O'Brien, Utah Forests Program Director, Grand Canyon Trust***

Mary O'Brien with Grand Canyon Trust presented the conservation alternative for comparison with Manti La-Sal National Forest alternatives. She said the last forest plan was 34 years ago in 1986 and explained the deadlines and process for submitting comments. [0:54](#)

***Presentation: Fire fuels mitigation efforts - Kara Dohrenwend, Rim to Rim Restoration***

Kara Dohrenwend and Duncan Fuchise presented on fire fuels mitigation efforts throughout the community. [12:56](#)

**JOINT CITY COUNCIL/PLANNING COMMISSION WORKSHOP 6:00 P.M.**

Mayor Emily Niehaus called the joint City Council/Planning Commission workshop to order at 6:04 p.m. Participating remotely were Councilmembers Rani Derasary, Mike Duncan, Karen Guzman-Newton, Kalen Jones, and Tawny Knuteson-Boyd. Planning Commission members participating remotely were Kya Marienfeld, Marianne Becnel, Rubén Villalpando-Salas, and Jessica O'Leary. City staff participating remotely were City Manager Joel Linares, Assistant City Manager Carly Castle, City Attorney Laurie Simonson, Planning Director Nora Shepard, Assistant Planner Cory Shurtleff, and City Recorder Sommar Johnson.

***Joint Planning Commission/City Council Discussion on Planning Priorities***

Planning Director Nora Shepard presented an overview of planning priorities for the Planning Department and Planning Commission. Planning Commission members identified their top priorities and City Council members identified their top priorities. [1:43-54:15](#)

## **REGULAR CITY COUNCIL MEETING 7:00 P.M.**

**Regular Meeting—Call to Order and Attendance:** Mayor Niehaus called the Regular City Council Meeting to order at 7:00 p.m. Participating remotely were Councilmembers Karen Guzman-Newton, Tawny Knuteson-Boyd, Rani Derasary, Mike Duncan, and Kalen Jones. City staff participating remotely were City Manager Joel Linares, Assistant City Manager Carly Castle, City Attorney Laurie Simonson, Finance Director Klint York, Police Chief Bret Edge, and City Recorder Sommar Johnson. Senior Projects Manager Kaitlin Myer joined the meeting at 8:08 p.m. City Engineer Chuck Williams joined the meeting at 9:33 p.m. Also participating remotely was Alex Buxton with Zions Bank Public Finance.

### ***Citizens to be Heard:***

#### ***Comments received during the meeting:***

There were no citizens to be heard during the meeting.

#### ***Written comments received before the meeting:***

Brad Young - Dear Moab City Council,

I am concerned with what I have heard is going on in Moab with UTV's. I understand there are some residence that feel UTV's are a nuisance. While there are also residence and many more Utahns, Americans, and tourists that feel UTV's are fun and entertaining. Especially in Moab on the beautiful trails and rocks. I'd like to know how you feel entitled to change your city laws to make this clean entertainment illegal? I've always known Moab as an outdoors town. Mainly for Jeeps and rock crawlers. UTV's came in and I'm sure things got busier in Moab but that is the nature of this country. That's what was earned by our ancestors. That's what makes this country amazing. We can choose what we want to do and do it. The government works for the people not the other way around. I'm going to stand my ground on this and hope you guys make the right decision. Thanks for your time. Have a great day.

Jordan Cherrington - I am a Utah native and have been coming to Moab as a family tradition since I was a thought in my parents minds. It has been a family tradition and we always rent a hotel, fill up on gas, buy a ton of groceries and snacks from local businesses and visit many restaurants. Last time we visited on Oct 1st we spent \$2300 at local Moab businesses in a week. If you decide to change our privileges as UTV users we will move there permanently and make it our life mission to vote you out.

Brenda - Almost every activity these days requires a permit. Which provides rules and limits use to protect both the resource and the experience. Permitting is often greatly opposed but MOST often appreciated by all users.

Kristen Hayes - Thank you for listening to Moab citizens and visitors alike and addressing our concerns about UTV noise. I applaud the ideas generated in last week's joint meeting and the moves to take action. The problem has been growing steadily since the passing of the House Bills legalizing UTVs on our streets, and the number of rental companies in the valley has grown significantly just in the last year. I encourage the city and county councils to strongly consider a curfew (dawn to dusk) in addition to the speed limit ordinance and temporary moratorium on new businesses that were passed last week. This could have a huge impact on noise reduction late at night. I am also writing regarding Mayor Emily's plan to form a committee to write legislation to implement a permit system that would allow for local residents and existing businesses to continue operating on city and county streets. I urge the committee to consider permits for residents only, taking caution that these permits would be issued to residential addresses only, not overnight rentals or commercial addresses. Permit fees have the potential go towards meaningful use, such as a salaried position to manage education, monitoring systems and mitigation of the impacts of this type of recreation. I encourage permits for existing

businesses to be phased out after one year, moving towards trailering and guided services. Otherwise, please consider capping the number of commercial permits per business so that existing business can't just continue to add vehicles to their fleet. Commercial permits should also cost more to reflect the higher noise and traffic impacts when a train of rental vehicles drives through residential streets. Limiting size of caravans to 4-5 vehicles would go a long way as well. We are behind the curve and playing catch-up after a failure to establish regulations and address the potential of the problem early on. While our town is becoming obnoxious, our public lands are suffering as well. It is time to regulate both the impacts to our town and the destruction of our public lands. Sincerely, Kristen Hayes Moab, UT

Zach Rossberg - Dear Council, I am a home owner with a secondary residence in Moab. My home is right at the entry of the steel bender trail. We spend plenty of time in town and would like to say at this point I do not see the issue at all. There is plenty of traffic on busy weekends, but it is to be expected. I wouldn't call any of it a nuisance. I hadn't even really thought about it or heard it until seeing that this is somehow a hot topic right now. I don't understand how you could differentiate a utv/atv from a jeep or motorcycle from inside my home or out on the patio. I can honestly say I do not recall a time where I thought a passerby was being disrespectful. This town is supposed to be about adventure, outdoors, relaxation and use recreation in all forms. Seems to single out one group over others is a little unfair. Realistically if silence is what is sought after there is a plethora of places to find it nearby. I support responsible recreation and support efforts to protect and increase access to recreation resources. The most recent conversations and proposals have led to discussions and targeting of OHV related businesses directly. Any policies that are directed at prohibiting or limiting the specific businesses that participate in OHV guides, accessories, rentals, trail access or others is something that is severely flawed and not supported. We would encourage you to help us address and fix the actual issues rather than target businesses and users. Categorical creating a denial of a public benefit by a specific user group is discriminatory by nature and not supported. Thank you for your time.

Ryan Romero - Dear Council, I support responsible recreation and support efforts to protect and increase access to recreation resources. The most recent conversations and proposals have led to discussions and targeting of OHV related businesses directly. Any policies that are directed at prohibiting or limiting the specific businesses that participate in OHV guides, accessories, rentals, trail access or others is something that is severely flawed and not supported. We would encourage you to help us address and fix the actual issues rather than target businesses and users. Categorical creating a denial of a public benefit by a specific user group is discriminatory by nature and not supported. Thank you for your time.

### ***Administrative Reports:***

City Manager Linares combined the COVID-19 update with his administrative report and noted City Hall and other facilities were closed to the public to protect staff during the recent high infection rate. He said ICUs and local hospitals are reaching capacity and it is important for everyone to follow the Governor's orders including wearing masks and maintaining social distancing. He reported on the joint City Council/Grand County Commission meeting where new OHV restrictions were passed and said signs have already been ordered. [5:11](#)

Finance Director York provided a sales tax, budget, and CARES Act funding update. [9:30](#)

Chief Edge provided a police department update. He reported that Sergeant Boots has taken a position with the Sandy Police Department, they are suspending the school resource officer program, and are researching information about e-bikes using the bike paths. He also provided an update on the use of force policy review group. [32:20](#)

City Attorney Simonson provided an update on her research regarding potential regulations for powered paragliders. [38:58](#)

**Mayor and Council Reports:**

Mayor Niehaus reported attending UTV meetings and meeting with Grand County Commission Chair Mary McGann and Jen Jones with BLM to talk about the implication of the legislative action during the special meeting and the need for more trailer parking. She reported attending a ULCT board meeting, a Grand County Economic Development Committee meeting, serving on a rural subcommittee on housing affordability working on legislation for the 2021 session, and doing an interview on KUTV about UTV noise. [42:03](#)

Councilmember Derasary reported attending an EMS special service district board meeting on October 19. She said there was a miscommunication that led to the demolition of the EMS building earlier than planned and said questions could be directed to Grand County EMS or Chris Baird. She also reported attending the legislative policy for ULCT, a quarterly UMTRA steering committee meeting and mentioned that City Attorney Simonson and Chief Edge could talk with the trail mix committee regarding e-bikes on the parkway. [45:29](#)

Councilmember Duncan reported attending the Hotspot public meeting, a USU advisory committee meeting, and conducting UTV noise research. [50:04](#)

Councilmember Knuteson-Boyd reported that work obligations led to her missing the HASU meeting but said things seem to be going smoothly. She reported attending a museum meeting where they finalized their values and mission statement and said they combined the November and December meeting in December and plan to search for new board members. [52:53](#)

Councilmember Guzman-Newton reported attending the open house at Moonstone Gallery for Arches Hotspot, a coordinating meeting on October 21 to further discuss and delve into projects, and meeting with Jon Nepstad with Fehr & Peers. [54:12](#)

Councilmember Jones reported attending a Southeastern Utah Association of Local Governments meetings as a substitute for the Mayor, the Arches Hotspot meeting, and a solid waste board meeting where they reviewed options to improve the recycling process and discussed some strategic planning. [56:11](#)

**Approval of Minutes: October 8, 2020, Special Meeting, and October 9, 2020, Special Meeting**

**Motion:** Councilmember Guzman-Newton moved to approve the minutes for October 8, 2020, and October 9, 2020. Councilmember Jones seconded the motion.

**Discussion:** There was no discussion.

**Vote:** The motion passed 5-0 with Councilmembers Jones, Derasary, Duncan, Guzman-Newton, and Knuteson-Boyd voting aye in a roll call vote.

**Old Business:**

**Walnut Lane Financing Options**

City Manager Linares stated that he, Finance Director York, and Senior Projects Manager Kaitlin Myers have been working with Alex Buxton with Zions Bank Public Finance on financing options for Walnut Lane. Alex Buxton presented a sales tax bond option for borrowing money for the project stating the city would utilize sales tax as a credit backstop and then utilize rental payments from the upcoming project to pay back the debt. He said the maturity of the bond would go out 15 years with a current interest rate around two percent and to maintain at least two times coverage. Senior Projects Manager Myers said the financing options that Alex

discussed were specific to the PAD scenario. [59:42](#)

**Discussion:** Councilmembers discussed the option of replacing the existing trailers with new trailers and minimizing expenses. They also discussed the option of larger-scale development and maximizing density. Senior Projects Manager Myers proposed moving forward with a minimum number of manufactured homes to meet short-term needs and continuing with site master planning with stick-built through the PAD. Councilmember Duncan was in favor of replacing old trailers with new trailers and minimizing expenses. Councilmembers Knuteson-Boyd, Derasary, and Jones were generally in favor of maximizing density even though it is more fiscally complicated. Councilmember Guzman-Newton was conflicted. Councilmember Jones expressed his concerns about reliance on modular. Senior Projects Manager Myers asked for Council direction on how to prepare for the next conversation about the project. Mayor Niehaus suggested assembling the pro forma timeline and holding a special meeting next week. A follow-up meeting was scheduled for November 4, 2020, at 6 p.m. [1:26:34](#)

***Request for City Council approval of, or direction regarding changes to, the proposed City administrative procedures regarding a change in use of City real property in non-emergency situations***

City Attorney Simonson presented procedures for changes in use of City real property. [2:13:54](#)

**Discussion:** Councilmember Derasary asked about the first point of contact for applications, the process for Council notification and public process, and liability. [2:19:51](#) Councilmember Jones expressed his appreciation for the flexibility in handling these situations and Councilmember Duncan said he believed this was a political issue and not an administrative issue. [2:25:07](#)

**Motion and vote:** Councilmember Jones moved to approve the City Administrative Procedures Regarding a Change in Use of City Real Property in Non-Emergency Situations with the addition of the 180-day threshold. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton, and Duncan voting aye in a roll call vote.

***Source Control for Solid Waste District***

**Discussion:** City Manager Linares explained that this was a proposed resolution he has been working on with the Solid Waste Special Service District and explained that the last contract that was negotiated two and a half years ago for waste hauling removed the clause that mandated all solid waste go to local landfills. He said there has been a request by the Solid Waste Special Service District to put the requirement back into the agreement with our waste hauler. He said we have an interest in making sure our local landfills have the waste and byproduct, but we also have an interest that our hauler be sustainable because he is the only hauler in the valley. [2:27:00](#)

***New Business:***

***Proposed Resolution 42-2020: A Resolution Continuing the Local Emergency Proclamation due to the Economic Impact of COVID-19 Novel Coronavirus on Restaurants in the City of Moab***

**Motion:** Councilmember Guzman-Newton moved to approve Resolution# 42-2020, a resolution continuing the local emergency proclamation due to the economic impact of COVID-19 Novel Coronavirus on restaurants in the City of Moab. Councilmember Derasary seconded the motion.

**Discussion:** There was no discussion.

**Vote:** The motion passed 5-0 with Councilmembers Derasary, Knuteson-Boyd, Jones, Guzman-Newton, and Duncan voting aye in a roll call vote.

***Proposed Resolution 43-2020: A Resolution Authorizing the Agreement Between the City of Moab and Alex Moab Properties, LLC***

**Motion:** Councilmember Duncan moved to approve Resolution 43-2020 authorizing the agreement between the City of Moab and Alex Moab Properties, Limited Liability Corporation. Councilmember Knuteson-Boyd seconded the motion.

**Discussion:** Councilmembers thanked City Attorney Simonson for her work on this issue. City Engineer Williams explained the next steps for this item. [2:34:06](#)

**Vote:** The motion passed 5-0 with Councilmembers Duncan, Derasary, Jones, Guzman-Newton, and Knuteson-Boyd voting aye in a roll call vote.

***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 \$298,766.90. Councilmember Jones seconded the motion. The motion passed 5-0 with Councilmembers Duncan, Derasary, Knuteson-Boyd, Jones, and Guzman-Newton voting aye in a roll call vote.

**Adjournment:** Councilmember Guzman-Newton moved to adjourn the meeting. Councilmember Duncan seconded the motion. The motion passed unanimously. Mayor Niehaus adjourned the meeting at 9:42 p.m.

APPROVED: \_\_\_\_\_  
Emily S. Niehaus, Mayor

ATTEST: \_\_\_\_\_  
Sommar Johnson, City Recorder