

MOAB CITY COUNCIL MINUTES
REGULAR MEETING
November 9, 2021

The Moab City Council held its Regular Meeting on the above date. Audio recordings of the workshop and regular meeting are archived at www.utah.gov/pmn. Due to the health and safety risks related to the ongoing COVID-19 pandemic and consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Annotated § 52-4-207(5)(a), the Moab City Council Chair has issued written determinations supporting the decision to convene electronic meetings with the City Council chambers serving as a physical anchor location.

Pre-Council Workshop:

Mayor Niehaus called the Pre-Council Workshop to order at 1:00 p.m. Participating remotely were Councilmembers Karen Guzman-Newton, Rani Derasary, Mike Duncan and Kalen Jones. Councilmember Tawny Knuteson-Boyd observed the meeting electronically. City staff participating remotely were Acting City Manager Carly Castle, Finance Director and Acting Deputy Manager Ben Billingsley, Recorder Sommar Johnson, Code Compliance Specialist Mona Pompili, Building Inspector Barry Ellison, Wastewater Reclamation Facility Superintendent Obe Tejada, Planner Nora Shepard and Assistant Planner Cory Shurtleff. A video recording is archived at www.youtube.com/channel/UCloozoZgdmz4y1FoIol7CJA.

Accessory Dwelling Units (ADUs):

Assistant Planner Shurtleff opened the discussion of **Proposed Ordinance 2021-16**: An Ordinance Amending the Text of the Moab Municipal Code (MMC) to allow ADUs in all residential Zones subject to a revised Section 17.70 Accessory Dwelling Units and Section 17.06.020 Definitions. The dialogue covered several topics including definitions of local workforce, exemptions for family, retirees and non-paying guests, the prerequisite of a formal lease with a three-month minimum term requirement, and conditions regarding owner-occupancy of internal ADUs. Concerns regarding taxation were discussed. Consensus was reached on the talking points and staff were directed to forward the proposal for legal review.

Workshop Adjournment:

Councilmember Duncan moved to adjourn the workshop portion of the meeting. Councilmember Jones seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Derasary, Duncan and Guzman-Newton voting aye. Mayor Niehaus adjourned the workshop at 3:01 p.m.

Regular City Council Meeting:

Mayor Niehaus called the meeting to order from the Council Chambers at 7:06 p.m. Councilmembers Guzman-Newton, Knuteson-Boyd, Duncan, Derasary and Jones attended remotely. City staff participating in-person or remotely included Acting City Manager Castle, Finance Director and Acting Deputy Manager Billingsley, Assistant Planner Cory Shurtleff, Sustainability Director Mila Dunbar-Irwin, Parks, Recreation and Trails Director Annie McVay, Sports Director Patrick Trim, Engineer Chuck Williams and Recorder Sommar Johnson. A video recording is archived at [www.youtube.com/watch?v= AfGlds4cNI](https://www.youtube.com/watch?v=AfGlds4cNI).

Public Hearings and Citizens To Be Heard:

Mayor Niehaus opened two public hearings and Citizens To Be Heard simultaneously for ease of audience participation. The Public Hearings concerned **Proposed Ordinance 2021-19**: An Ordinance Amending Moab Municipal Code 3.50.100 Sanitary Sewer Rates of the Master Fee Schedule and the City of Moab **Draft Water Conservation Plan Update**.

Bob O'Brien spoke about the Draft Water Conservation Plan Update. He admired certain aspects of the Plan, such as goals related to graywater, conversion of agricultural irrigation from culinary water supply, repairs of leaking pipes and proposed tiered rates. He took issue with the narrow focus of the Plan on conserving water to serve an increasing human population rather than other motivations such as preserving riparian zones, wetlands and wildlife habitat. He stated he reviewed an older draft of the Plan and noted the absence of much information regarding climate change. He stated that Castle Valley had experienced a 19 percent decrease in water supply due to climate change in 20 years. He said an anticipated 20 percent decrease required more attention in the Plan. He said the Plan should address resilience and cited a *Journal of Hydrology* study that indicated more development could affect aquifer recharge.

Mary O'Brien wrote: I have four concerns with the Moab City Water Plan (I live in Castle Valley): 1. The plan fundamentally fails to face the climate changing future of water source declines due to drought and rising temperature. No mention is given to the reductions in water sources predicted by climate researchers. 2. Growth is not questioned. How and whether reduced or no growth could be equitably approached is not considered. The plan seems to conserve water so growth can continue while hovering too near to mining the Glen Canyon Aquifer. Measures for "new development" are mentioned ten times in the plan and "new construction" three times. 3. Moab needs to emphasize native plants in water-wise planting incentives and requirements. Native vegetation is more likely to support native wildlife diversity, including invertebrates. 4. Mill Creek: One of the most valuable ecological features of the City should receive more consideration. Possibilities should be explored for negotiating with the Moab Irrigation Company to allow for greater than three cubic feet per second (cfs) to Mill Creek. Mill Creek was flowing millennia before MIC got private "rights" to remove most of the creek's water. The diversion of most of Mill Creek water to growing alfalfa for cattle is an unfortunate arrangement. I urge inclusion of all these in Moab water planning.

William Love wrote: The Water Conservation Plan does not address water problems in Spanish Valley. This is one aquifer with many straws. 1. Grazing cows on the watershed is suicidal. The plan needs to focus on the Pack Creek fire area and set this aside for development of the watershed with plants that increase percolation. 2. The City continues to increase density and sells more water. The City has no idea of the quantity of water sold to planned developments. First, we need to know how much water we have already promised before new development promises are made. 3. Residents should not conserve a drop of water for more development. The plan needs to set a limit on usage before the public is asked to conserve.

Charlotte Mates asked about the apparent closure of a footbridge between Main Street and Kane Creek Boulevard. She asked who owns the property and why the signage and barriers announced the closure of the bridge. She spoke about the hardship on residents of the Kane Creek Boulevard neighborhood and the unexpected closure.

Aaron Linberg spoke about the aging sewer infrastructure in the Walker subdivision. He noted replacing dilapidated sewer lines from homes to the curb was expensive, and that hooking up replacement pipes from the curb to the City's lines is cost-prohibitive for homeowners.

Kara Dohrenwend spoke about the City's letter of support regarding the Mill Creek Community Collaboration (MCCC) recommendations. She addressed the counterproposal introduced by Moab Solutions and noted that overuse is not unique to Mill Creek and the condition of Mill Creek is the same or better than it was in the 1990s. She noted the area is unusual because it is located within the urban area. Dohrenwend suggested that, if the City shows support for

decreased visitation, it should advocate for this in all nearby recreation areas. She urged Council to support the recommendations of the MCCC group. Ms. Dohrenwend also provided additional written comments: the Moab Solutions (MS) objections are philosophical and long standing and were discussed by the Collaboration often--only to have MS reject consensus at the last minute. MS objections are linked to the over-saturation of visitors in the entire region and do not address the impacts this trailhead has on residential areas of town. The City should be actively advocating for reduced tourism everywhere in our region, as the real impacts to the public land in the area are much greater outside of Mill Creek. Other objections to the MCCC recommendations related to relocating the primary trailhead parking to Potato Salad Hill were also noted in the document. Other than Clif Koontz from Ride with Respect, the four-wheel community was invited from day one and took an attitude of "this isn't about us" until the community started to back the idea of shifting the entrance across the creek. The Sheriff's office apparently was not getting emails from the MCCC or chose not to respond/participate as the group worked through those things. Issues raised by Sand Flats were cited in the recommendations and all of these objections were expressly noted in the MCCC document to ensure transparency. It would be a shame to throw away the work done by the stakeholders and countless residents who provided input and comments as this process moves on to the BLM.

Brian Murdoch spoke in support of the MCCC stakeholder group process and near-consensus. He stated that three years of work and two extensive public surveys went into the recommendations. He urged the City to support the work of the WCCC.

Colin Topper wrote: I support the work done by MCCC. Specifically, option C. Closing the Powerhouse Lane access to vehicles, while allowing pedestrians and bicycles, would benefit not only those residents of Powerhouse Lane, but also any Moab residents wishing to walk or bike into the canyon. As it currently stands, the access road is dusty and dangerous during the busy season. The Sand Flats Road already serves as an access to public land; what a perfect complement to access Mill Creek.

Barb Lacy wrote: The number of pickle ball players in Moab, along with visiting pickle ball enthusiasts, is ever growing. On a recent Friday morning, there were 26 players: four tennis courts at the High School with temporary chalked lines allowed for 16 players at a time. As there are no real dedicated courts in Moab, we play when and wherever allowed. It is time for the City of Moab to have dedicated courts for this sport. I understand the city recently received grant funds for pickle ball and the challenge is finding land for courts. Please consider a location within city limits that is within walking or bike-riding distance. Discussion regarding building courts at Old City Park or the golf course means more folks in cars traveling our roads and would likely limit kids from using a facility. Additionally I would encourage Moab City to coordinate with Grand County and Grand County School District to fund and build courts. All three entities have looked at options for dedicated courts. Why not pool resources and build a first class facility? Thank you for your consideration.

Nan Marquardt wrote: I would like the pickle ball courts to be constructed, if possible, within walking or easy biking distance of City Hall. Sun Court is a possibility.

Bruce Dissel wrote: Pickleball courts would be a tremendous benefit to tourists and locals alike. Communities in our area, some much smaller than Moab, are building them. I advocate, for starters, resurfacing Sun Court until the City can build a new complete court facility. I would also encourage the city to collaborate with Grand County and the school district to build a facility that would accommodate the growing sport for seniors, kids and tourists alike. Thank you for your attention to this matter!

Patricia Jones wrote: Thank you for all that you do for the City of Moab. It is my understanding the City is investigating locations for building pickleball courts. I am on a steering committee trying to get courts built and am on the board of our newly formed nonprofit 'Friends of Pickleball' organization and the Grand County Recreation Board. My conclusions: Lion's Hub is too far from town, busy as a tourist hub, noisy with highway traffic, cold in winter due to river proximity and not enough space for courts. Swanny Park: pickleball itself is too noisy to be located by the city pool and next to residences, therefore a fear that complaints made in the future would result in time restrictions. We like to start play at 6:00AM in the summer to beat the heat. Perhaps a spot on the east side of the park? Also little to no parking available. Rotary Park: not enough space. Old City Park/Golf course: Would accommodate about ten of the 50+ players in our group. The Old Spanish Trail Arena has plans for four courts to be located at their site. Sun Courts: many of our Moab group of pickleball players live in the city and would like to see courts located in town. The Sun Court has space for three courts facing North and South with partitioning in between. It appears the current surrounding wall and fencing could remain with only cement resurfacing, basketball hoop removal and net installation. The two indoor courts available next door at the Center Street Gym would make five courts total, enough for now, and the available restrooms would keep costs down. I am unaware of any other city properties you might be considering. Our Pickleball group has been negotiating with the Grand County School District for possible courts at the High School. An Interlocal agreement between the school district, Moab City and Grand County will be needed. I would be happy to present more information about pickleball in general and/or what we as a group see as our needs.

Close of the Public Hearings:

Councilmember Knuteson-Boyd moved to close the public hearings. Councilmember Duncan seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. Mayor Niehaus closed the public hearings at 7:34 p.m.

Administrative Reports:

Finance Director and Acting Deputy Manager Billingsley reported on discussions with the County regarding the Film Commission budget. He stated negotiations were moving forward for the County to assume the Film Commission support. Billingsley thanked the Recorder's staff for their work on the elections. He said there would be a public survey regarding Ranked Choice Voting after the canvass on November 16. He said he met with David Ingleman of the Moab Irrigation Company (MIC) regarding creation of a low-cost water feature at Rotary Park.

Councilmembers Jones and Guzman-Newton asked about upcoming meetings of the Utah Department of Transportation (UDOT) regarding the Unified Transportation Plan and rural Utah transportation planning. Mayor Niehaus pointed out there was no dependable public transportation to Salt Lake City or elsewhere. She also noted the City's negative position on the proposed Bypass, and brought up rail service as an option. Councilmember Guzman-Newton brought up revisions to the design of Main Street in an effort to slow traffic. She mentioned federal highway funds. Mayor Niehaus and Councilmember Jones agreed to represent the City at an upcoming Moab meeting of the state transportation commission.

Mayor and Council Reports:

Mayor Niehaus reported she was working with Mayor-elect Joette Langianese on the transition and attended meetings of the Southeastern Utah Association of Local Governments and the state Water Quality board. Niehaus expressed kudos to the Recorder's staff and the Utah County Elections staff regarding the general election.

Councilmember Derasary reported Utah's rural Emergency Medical Services (EMS) directors met in Moab. She brought up EMS topics related to the upcoming legislative session, including services for children, behavioral assistance for staff and legislative funding. She mentioned data sharing between jurisdictions and EMS house calls to assist primary care providers. Derasary also mentioned a field trip meeting of the Riparian Partnership at the Potash boat ramp. She remarked on trail ambassadors and an effort to tie Leave No Trace responsibilities to business licenses for outfitters. She said she met with Joette Langianese and staff of the Uranium Mill Tailings Remediation Act (UMTRA) Moab site to discuss next steps. She said she attended a webinar on clean energy and brought up the concern regarding bicycle and pedestrian bridges on Kane Creek. She asked about rejected ballots related to Ranked Choice Voting.

Councilmember Duncan reported on a meeting of the Grand Water and Sewer Special Service District. He noted he toured the new Utah State University campus and mentioned some delays with material deliveries. He mentioned opportunities for vocational education and brought up the university's advisory board.

Councilmember Knuteson-Boyd reported on a COVID outbreak at the Canyonlands Care Center. She said ten staff tested positive, along with 11 of 31 residents. She said all residents were vaccinated. She mentioned the Hopi Katsina exhibit at the Museum.

Councilmember Guzman-Newton reported on the Airport Board meeting, noted flights to Salt Lake City would be suspended for the winter, and one flight per day would serve Denver. She said enplanements were up and there was airport demand to serve bigger jets and for more hangars. She reported on the Chamber of Commerce banquet and mentioned Brendon Cameron and City Market were Citizen of the Year and Business of the Year, respectively, and the Moab Free Health Clinic was awarded Nonprofit of the Year. She mentioned discussions with the legislature to shift uses of the Transient Room Tax in rural communities.

Councilmember Jones reported on a meeting of the Travel Council where timed entry at Arches National Park was discussed, and he noted a new shuttle to the Salt Lake City airport. He reported on the Housing Task Force and interviews with the Visioning Consultant candidates. He also reported on the Community Renewable Energy board meeting.

Councilmember Derasary mentioned the upcoming Pack Creek Fire Reseeding event. Mayor Niehaus mentioned the upcoming Veterans Day ceremony.

Approval of Minutes:

Councilmember Derasary moved to approve minutes of October 26, 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.

Old Business:

Accessory Dwelling Units—Tabled

Mayor Niehaus announced that the Special Workshop Meeting, conducted earlier in the day, resulted in consensus on various elements of **Proposed Ordinance 2021-16**: An Ordinance Amending the Text of the Moab Municipal Code (MMC) to allow ADUs in all residential Zones subject to a revised Section 17.70 Accessory Dwelling Units and Section 17.06.020 Definitions. She said Council instructed staff to present the draft ordinance for review by legal counsel.

Motion and Vote: Councilmember Knuteson-Boyd moved to table Proposed Ordinance 2021-16: An Ordinance Amending the Text of the Moab Municipal Code (MMC) to allow ADUs in all

residential Zones subject to a revised Section 17.70 Accessory Dwelling Units and Section 17.06.020 Definitions pending legal review. Councilmember Duncan seconded the motion. The motion to table passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Sanitary Sewer Rates—Approved

Discussion: Councilmember Derasary stated she had spoken with representatives from local churches. Finance Director and Acting Deputy Manager Billingsley explained proposed funding for debt service and capital improvements.

Motion and Vote: Councilmember Derasary moved to adopt **Ordinance 2021-19** as presented in option A, an ordinance amending the sewer rate portion of the Master Fee Schedule. Councilmember Jones seconded the motion. The motion passed 4-1 aye with Councilmembers Jones, Derasary, Knuteson-Boyd and Guzman-Newton voting aye and Councilmember Duncan voting nay.

Draft Water Conservation Plan Update—Discussion

Sustainability Director Dunbar-Irwin presented the Plan for Council discussion. Councilmember Jones noted the Plan presented an unfunded mandate. He suggested the state could create new standards within the building code, with particular regard to Water Sense fixtures and Energy Star appliances. Dunbar-Irwin explained these standards were not already a part of the building code. Councilmember Guzman-Newton asked which state agency would promote the building code revision and Councilmember Jones explained the Utah 100 [Utah Communities collaborating to transition to net-100 percent renewable electricity] could work toward the code revision. He said the new standard is widely supported outside Utah. Mayor Niehaus noted the narrow focus on human impacts in the draft Water Conservation Plan. Councilmember Derasary asked about edits concerning riparian and wetlands areas. Dunbar-Irwin stated such language would be added and noted climate change information is included in the current draft.

Mill Creek Recommendations to the BLM—Approved

Discussion: Councilmember Duncan stated he supports the recommendations of the Mill Creek Community Collaborative (MCCC) and stated he is not interested in presenting the alternative put forward by Moab Solutions with equal weight. Councilmember Guzman-Newton declared her support for the three-year effort of MCCC. Councilmember Knuteson-Boyd acknowledged her appreciation of and respect for all the work of MCCC.

Motion and Vote: Councilmember Guzman-Newton moved to approve a letter of support for the Mill Creek Community Collaborative recommendations to the Bureau of Land Management. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

New Business:

Pickleball Courts—Discussion

Parks, Recreation and Trails Director McVay stated the City had secured a grant of \$80,000 from the Utah Land and Water Conservation Fund. She explained the grant requires a 50 percent match and that the grant recipient must permanently own the selected site. Discussion ensued regarding a public process related to a change of use of City property, the site selection committee, needed approvals and the recently formed Pickleball club. Finance Director and Acting Deputy Manager Billingsley explained the Recreation, Arts and Parks (RAP) tax could be used for this project and there would be no expenses in the current fiscal year. Councilmember Derasary asked about a public relations campaign. Councilmember Jones asked about the court size requirements. Councilmember Duncan asked about Swanny Park as a location and Mayor Niehaus brought up the site at the gold course.

Pack Creek Bridge Widening Agreement—Approved

Discussion: Councilmember Derasary asked about the 50 percent match required for the project. Councilmembers Duncan and Guzman-Newton asked for clarification regarding bicycle and pedestrian access, lane widths and street design.

Motion and Vote: Councilmember Duncan moved to approve the Cooperative Agreement with Utah Department of Transportation (UDOT) relating to the Pack Creek Bridge Widening Project. Councilmember Jones seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Pack Creek Bridge Widening Project Task Order—Approved

Motion and Vote: Councilmember Knuteson-Boyd moved to approve Task Order 2021-03 with Civil Science, Inc. for engineering services relating to the Pack Creek Bridge Widening Project. Councilmember Jones seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

HooDoo Hotel Plat Amendment—Approved

Motion and Vote: Councilmember Duncan moved to approve **Proposed Resolution 34-2021:** A Resolution Approving the Plat Amendment of Property Located at 261 Walnut Lane, 178 W Williams Way, and 111 North 100 West, Moab UT 84532, for the HooDoo Hotel. 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:

Motion and vote: Councilmember Knuteson-Boyd moved to approve the bills against the City of Moab in the amount of \$279,072.54. Councilmember Derasary seconded the motion. The motion passed 5-0 with Councilmembers Jones, Duncan, Guzman-Newton, Derasary, and Knuteson-Boyd voting aye.

Executive (Closed) Session:

Motions and Votes: Councilmember Duncan moved to convene an Executive (Closed) session to discuss the character, professional competence, or physical or mental health of an individual or individuals. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. Mayor Niehaus convened the Executive Session at 9:38 p.m. Councilmember Derasary moved to end the Executive Session. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. Mayor Niehaus ended the Executive Session at 10:27 p.m.

Adjournment: Councilmember Derasary moved to adjourn the meeting. Councilmember Duncan seconded the motion. The motion passed unanimously and Mayor Niehaus adjourned the meeting at 10:27 p.m.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder