

**MOAB CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 8, 2019**

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. An audio recording is archived at <http://www.utah.gov/pmn/index.html> and a video recording is archived at https://www.youtube.com/watch?v=1PGa8MWmLo8&feature=youtu.be&fbclid=IwAR3bTYcyaC65_3iWhCXbADcC8H3gSv7vDEpQEPcyp_5ysT3IT9iUxp7U2Sc. Mayor Emily Niehaus called the meeting to order at 6:02 PM. In attendance were Councilmembers Rani Derasary, Tawny Knuteson-Boyd, Karen Guzman-Newton, Kalen Jones and Mike Duncan. Also in attendance were City Manager David Everitt, City Recorder/Assistant City Manager Rachel Stenta, City Attorney Chris McAnany, Code Compliance Specialist Mona Pompili, Assistant City Manager Joel Linares, Development Services Manager Sommar Johnson, Communications and Engagement Director Lisa Church, Treasurer Chantel Lindsay, Moab Arts and Recreation Center Director Liz Holland, Police Chief Jim Winder, Public Works Director Pat Dean, Engineer Chuck Williams and Recorder/Project Specialist Eve Tallman.

Workshop:

Code Compliance Update:

Code Compliance Specialist Pompili presented a review of compliance issues and described common violations including illegal camping, construction without a permit, business license renewals, grease trap violations and storage of junk and inoperable or unlicensed vehicles. She described the process from the point a complaint is received until each case is closed. She mentioned software used to identify short term rental violations and also to record and track all violations. She concluded with a summary of statistics of her code compliance work.

Various Standards in Moab Municipal Code Chapter 17.09 - Supplementary Requirements and Procedures Applicable within Zones—Discussion

City Manager Everitt presented aspects of code that specifically affect residents in the R2 zone. He brought up permitted uses and new topics, including a proposed requirement for homeowners to obtain business licenses for long-term rentals. He noted that there has been confusion about the minimum square footage permitted for homes in R2 and explained it is 500 square feet for primary dwellings on the ground floor. Yard obstructions such as overhangs or cornices were mentioned, along with prohibitions against living or sleeping in any structure or vehicle except for lawful living quarters. A two hour time limit on parking vehicles that exceed 25 feet in length was mentioned as well as storage of junk and debris. It was clarified that with most violations, there is a 21-day compliance window. Fencing heights and setbacks, chicken coops, stormwater runoff, views of intersecting streets, off street parking, landscaping and signs were also mentioned.

Regular Meeting:

(:59 on recording)

Mayor Niehaus called the Regular City Council Meeting to order at 7:00 PM and led the Pledge of Allegiance. Twenty-two members of the public and media were present.

Approval of Minutes:

Councilmember Duncan moved to approve minutes from the October 30, December 11 and December 12, 2018 meetings with corrections. Councilmember Guzman-Newton seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Mayor and Council Reports: Mayor Niehaus announced that the next City Council meeting would address assignments for Mayor Pro-Tem, Councilmembers to review Bills against the City, and assignments for community boards and committees. She mentioned the December 12 visioning workshop, the Water Reclamation Facility (WRF) ribbon-cutting and noted the new plant uses about 275,000 gallons of water per day, down from more than 3 million at the old plant. The Mayor remarked the plastic bag ban had gone into effect and stated she had heard comments from residents about also taking up the concern about single-use plastic bottles as well as government overreach.

Councilmember Derasary reported she attended meetings of Trail Mix, Emergency Medical Services, the WRF grand opening and the Utah League of Cities and Towns (ULCT) Legislative Policy Committee webcast meeting. She brought up her upcoming trip to Washington DC planned to lobby Congress for future funding for the Uranium Mill Tailings Remedial Action (UMTRA) site cleanup.

Councilmember Duncan stated he attended the WRF opening and suggested school tours of the new facility. He noted he would attend the Rural Water Association of Utah meeting.

Councilmember Knuteson-Boyd reported on the Housing Authority and stated that the Valley View subdivision was complete. She also mentioned progress on the senior housing project, the museum remodel, and said she also attended the WRF opening. She concluded by thanking staff for the City holiday party.

Councilmember Guzman-Newton reported on the Living Communities workshop, the Arts Council grant process, a Future Land Use workshop, and mentioned work on stormwater management on North Main Street by the Utah Department of Transportation (UDOT). She also mentioned the Airport Board meeting she attended and noted there were 14,000 enplanements since the airport reopened in May and there may soon be daily parking fees at the airport.

Councilmember Jones commented on an open house he attended for the housing authority and mentioned he attended a housing task force meeting and noted the solid waste district has a new manager.

Administrative Report: City Manager Everitt reported he would attend a Colorado Association of Ski Towns (CAST) meeting where topics of interest to Moab's tourist economy would be discussed. He mentioned his attendance at a Travel Council meeting and commended the public works staff who cleaned up after the recent storms. He noted the City crews were effective in quickly clearing not only streets but also bike paths.

Citizens to be Heard: Amy Weiser announced a project on the Cooper Martin building at Center and Main Streets to repaint mortar and clean the bricks on the 1906 building.

Public Hearing—Community Development Block Grant (CDBG) Projects:

Mayor Niehaus opened the public hearing at 7:32 PM for the CDBG program and stated that the hearing was being called to consider potential projects for which funding may be applied under the 2019 Community Development Block Grant Program. It was explained that the grant money must be spent on projects benefiting primarily low and moderate-income persons and the Southeastern Utah Region, in which Moab is a member, is expecting to receive approximately \$707,000 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Policies and Procedures Manual and interested persons can review it at any time. Mayor Niehaus read several of the eligible activities listed

including examples, such as Construction of public works and facilities, water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters. She said loan programs for private businesses are also available which would then result in hiring low income persons and the program can also pay for housing rehabilitation or down payment assistance for low income homeowners. Mayor Niehaus indicated that in the past Moab has received funding for the Housing Authority of Southeastern Utah Kane Creek Acquisition. The City has handed out its capital investment plan as part of the regional “Consolidated Plan.” This list shows which projects the city has identified as being needed in the community: \$174,000—Single Family Housing Rehab Program, \$50,000—CDBG Administration and Planning, \$483,000—Cities, Counties, and Agencies Grant. City Engineer Williams made a brief presentation outlining the City’s proposed project to retrofit two City-owned buildings for Americans With Disabilities Act (ADA) accessibility features including braille signage, ADA compliant restrooms, and access to different floor levels in the Moab Arts and Recreation Center and the Center Street Gym.

David Olsen stated he represented the Moab Area Community Land Trust Board. He stated the Land Trust is working on the Arroyo Crossing affordable housing project which will include nearly 300 units on 40 acres of donated land near Resource Boulevard outside City Limits in Grand County. Mr. Olsen explained that Amy Rowland, President of Utah’s Community Development Finance Alliance, requested the Land Trust to apply for \$3.5 million from a federal new market tax credit program for funding to help with engineering and infrastructure costs for the project. Mr. Olsen indicated the Land Trust seeks a required \$150,000 local match. He indicated the Land Trust Board would meet the following Monday. He concluded with a request to consider using the CDBG funds on this project if the Board votes for requesting the consideration on Monday. Mayor Niehaus asked for clarification regarding the ability of the City to request funding for a project outside of City limits and wondered if the County would be a better applicant. Mr. Olsen replied that in the past, the City had requested funding for projects on behalf of the County, and that the County had not applied for consideration in this grant period.

Mayor Niehaus asked for any other comments for the public hearing. Seeing none, she called for a motion to close the hearing. Councilmember Duncan moved to closed the hearing. Councilmember Derasary seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. Mayor Niehaus closed the hearing at 7:37 PM.

Special Events:

Gran Fondo Amplified Music—Approved

Motion and Vote: Councilmember Guzman-Newton recused herself and left the Chambers. Councilmember Derasary moved to approve a Request for Amplified Music at Old City Park on May 4, 2019 by Gran Fondo Moab. Councilmember Knuteson-Boyd seconded the motion. The motion carried 4-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd and Duncan voting aye.

Old Business:

(1:38 on recording)

Residential Occupancy Limits—Discussion

Assistant City Manager Linares introduced legal concerns regarding restrictions on occupancy. He mentioned a possible square-foot basis for approaching occupancy limits. He noted evictions could be very problematic. Development Services Manager Johnson reported on procedural complexities regarding compliance and evictions. Mayor Niehaus reviewed the history of the debate regarding families versus households and the previous, difficult to enforce limit on

unrelated persons sharing a home. Councilmember Jones asked for clarification regarding the Fair Housing Act intent regarding government restrictions versus landlord regulations and noted the complaints about crowded homes has been specifically regarding rental homes and not family-occupied homes. Discussion ensued about citizen concerns regarding the effects of rental homes in neighborhoods, including parking, noise, debris and landscaping. Councilmember Duncan suggested these are topics that could be enforced as nuisance violations and noted it would be the landlord's liability. Councilmember Derasary brought up the challenge of housing in college towns and other communities where rental rates are so high tenants double up to the extent that it becomes a health and human rights concern. Linares suggested this would be a health department enforcement issue and again mentioned a square-foot per person approach to occupancy regulation. Councilmember Guzman-Newton stated her interest in a discussion with the health department and mentioned visa workers crowded into residences. Linares pointed out prosecution would take too long for these short-term overseas workers and suggested targeting the business licenses of landlords might be more effective. Johnson reiterated that nuisance violation enforcement, business licensure for owners of rental properties and health department enforcement may be the right path. Councilmember Knuteson-Boyd asked if occupancy limits could be attached to a business license and Linares suggested the two-person-per-bedroom plus one standard and City Manager Everitt clarified the business license exemption for on-site homeowners who rent to roommates. A question was raised about law enforcement involvement and Linares explained this would be a complaint-driven enforcement system. Councilmember Guzman-Newton asked if there was sufficient staff to enforce. Mayor Niehaus stated her intention to follow up with the Code Compliance Specialist. Councilmember Derasary asked if a business license for rental homeowners could be free or inexpensive. City Manager Everitt stated a fee is good, and it was clarified that a regular business license is \$90. Linares brought up a Good Landlord Program that could qualify for reduced fees. Mayor Niehaus asked for guidance to move forward. Councilmember Derasary suggested researching any two-plus-one rule or occupancy limits in neighboring areas. Councilmember Duncan suggested an education program such as a Good Landlord program as well as nuisance enforcement and exploring the issues regarding corporate bunkhouses versus private homeowner rentals. Occupancy limits for owner-occupied homes versus rentals were discussed as well. Johnson stated she felt the debris code was solid, the weed ordinance was vague, and the noise ordinance was strong. Councilmember Jones suggested clarifying through the Good Landlord Program that the Council grappled with occupancy limits and takes overcrowding issues seriously and made other suggestions for the smooth operation of such a program. City Manager Everitt agreed to write a memo to summarize.

New Business:

(2:32 on recording)

Appointment of Finance Director—Approved

Motion and Vote: Councilmember Derasary moved to approve Proposed Resolution #06-2019 - A Resolution Confirming the Appointment of Rachel Stenta, as the City Finance Director; and Authorizing the Mayor to Execute an Employment Agreement. Councilmember Guzman-Newton seconded the motion. Mayor Niehaus and Councilmember Guzman-Newton gave Stenta an enthusiastic endorsement. Councilmember Derasary asked for a job description update as the position is implemented. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

City Communications and Engagement—Discussion

Communications and Engagement Director Church updated Council on 2018 activities including outreach for city projects and town halls. She mentioned upcoming newsletters, video public service announcements and community engagement.

Art in Public Places—Discussion

Meg Stewart, outgoing Arts and Special Events Manager updated Council on the Public Art Plan and recapped her activities of the year and received a round of appreciate applause for her work.

Communications Equipment—Approved

Discussion: Chief Winder presented a history of the new radio protocol and the need for the upgraded system. Councilmember Duncan asked about the Grand County Sheriff’s migration to the new system and Winder replied it was not yet in the County budget. Councilmember Knuteson-Boyd asked about the potential for costly service calls on the equipment.

Motion and Vote: Councilmember Jones moved to authorize a purchasing exception for State Approved Contracts – Motorola Solutions Co. for Communications Equipment for a five-year lease not to exceed \$172,090.14. Councilmember Knuteson-Boyd seconded the motion. In a roll call vote, the motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Sunset Twin Homes Subdivision—Approved

Mayor Niehaus recused herself due to a conflict of interest and left the Council Chambers.

Motion and Vote: Councilmember Jones moved to approve Proposed **Resolution #04-2019** - A Resolution Conditionally Approving the Sunset Twin Homes Subdivision, a Minor Subdivision of Lot 3 of the Sunrise Hills Subdivision Located at 476 McKay Place in the R-2, Residential Zoning District as Referred to City Council by the Planning Commission. Councilmember Guzman-Newton seconded the motion. Councilmember Derasary asked for clarification about the conditions regarding stormwater drainage. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Approval of Bills: Councilmember Guzman-Newton moved to approve payment of bills against the City of Moab in the amount of \$912,490.89. Councilmember Jones seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Adjournment: Councilmember Jones moved to adjourn the meeting. Councilmember Duncan seconded the motion. The motion passed unanimously. Mayor Niehaus adjourned the meeting at 9:29 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Rachel E. Stenta, City Recorder