

**MOAB CITY COUNCIL MINUTES
JOINT PLANNING COMMISSION-CITY COUNCIL WORKSHOP
AND REGULAR CITY COUNCIL MEETING
JANUARY 22, 2019**

Call to Order and Attendance:

The Moab City Council held a Special Joint Planning Commission workshop prior to 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://youtu.be/fRWobL-5ccY>. Mayor Emily Niehaus called the meeting to order at 5:00 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, Assistant City Manager Joel Linares, City Attorney Chris McAnany, Finance Director Rachel Stenta, Sustainability Director Rosemarie Russo, Police Chief Jim Winder, Administrative Assistant Kyla Lewis, Building Official Barry Ellison, Development Services Manager Sommar Johnson, Communications and Engagement Manager Lisa Church, Treasurer Chantel Lindsay, Public Works Director Pat Dean, Assistant City Engineer Mark Jolissaint, Water Reclamation Facility Superintendent Greg Fosse and Recorder/Project Specialist Eve Tallman. Planning Commission members in attendance were Allison Brown, Kya Marienfield, Marianne Becnel and Jeanette Kopell.

Workshop: Joint City Planning Commission and City Council Discussion with the State Property Rights Ombudsman's Office:

Brent Bateman represented the Utah Property Rights Ombudsman's Office and answered questions on a variety of topics, including allowable restrictions on sexually-oriented businesses within City limits, assured housing, water shortages, the possibility of a moratorium or ban on new overnight lodging, impact fees, state legislative limitations on local control, local legislative power regarding zoning and property rights, pending ordinances and vesting.

Citizen Bob Greenberg brought up a proposed zone change in his neighborhood. Mayor Niehaus suggested this is an example of a use for the Planned Affordable Development. Bateman pointed out this entails a zone change. Councilmember Duncan brought up overlay zones. Development agreements were discussed. Senate Bill 34 was mentioned, along with density and zoning and eminent domain.

Regular Meeting:

(1:58 on recording)

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

Approval of Minutes:

Councilmember Derasary moved to approve the minutes of the January 8, 2019 meeting 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 corrected an earlier statement she had made regarding improved efficiency at the new Water Reclamation Facility. She said the new plant uses 27,500 gallons of water per month. She stated she attended a Chamber luncheon as well as meetings where regional air service and Mill Creek visioning were discussed. She discussed with Council the date of the Council Retreat, which was determined to be February 9. She mentioned Local Officials Day, which she planned to attend with Councilmember Knuteson-Boyd.

Councilmember Derasary reported a 100 West business owner praised the smoothness of the operations during road construction. She mentioned the Moab Area Partnership for Seniors (MAPS) planned a groundbreaking in the Spring. She mentioned possible support from the Council for the Congressional Energy Innovation and Carbon Dividend Act. She also asked whether the Council should contact Federal Representatives as a group with regard to ending the Federal Government shutdown.

Councilmember Duncan reported that he attended the legislative rally of the Rural Water Association of Utah and he mentioned some potential legislation that could affect local water resources. He brought up the prospect of the City hiring a water rights attorney and City Manager Everitt confirmed he had engaged the firm of Smith Hartvigsen.

Councilmember Knuteson-Boyd stated she had attended the Museum Board retreat and noted there is a need for long-time Moab residents to serve on the Board. She also mentioned an upcoming Housing Authority meeting in Salt Lake City.

Councilmember Guzman-Newton reported on work on the non-motorized trails master plan and mentioned the Chamber luncheon where members asked about the City's plans for completion of the 100 West construction, the location of the planned parking structure, and the north Highway 191 corridor construction. Guzman-Newton also noted the recently-passed Grand County high-density housing overlay and reported on upcoming parent-teacher conferences at the school district and a planned Youth Voices Speak Out event February 5. She talked about planned character education regarding bullying and the impacts of personal electronics, and concluded with a mention of the Mill Creek visioning session.

Councilmember Jones reported the Solid Waste District had adopted its budget and mentioned that Transient Room Tax (TRT) funds could possibly be spent on a composting program. He reported on the Housing Task Force and the Outdoor Lighting Code with the County.

Administrative Report: City Manager Everitt reported on the resurfacing of the Sun Court which would allow for Pickle Ball and roller derby. He mentioned his attendance at the Colorado Association of Ski Towns (CAST) meeting, where there was discussion of e-bikes, paved trail systems, and emergency management between jurisdictions. He also reiterated the hiring of a water rights attorney. He stated there is an upcoming opportunity to comment on street lighting on the north Highway 191 corridor and mentioned improvements to the agenda preparation process for the City Council. Discussion ensued with Council regarding the potential revisions to the Planning Department organizational structure. Councilmember Jones brought up the potential for coordination with the County planning department with an eye toward service efficiency. Mayor Niehaus stated her excitement about hiring a Planner and Assistant Planner. Councilmember Duncan brought up the potential for sharing responsibilities with the County. Councilmember Jones acknowledged the need to fill the open positions as soon as possible. Councilmember Derasary asked about the revised organizational structure of the Recreation department and it was explained that Assistant City Manager Linares now oversees the Moab Arts and Recreation Center (MARC), the Moab Recreation and Aquatic Center (MRAC) and the Recreation staff. Derasary asked about a grant-writing role. Councilmember Duncan asked audience member Mary McGann of the Grand County Council to speak about a closer working relationship with the City. She mentioned an efficiency study with an aim of ending duplication.

Citizens to be Heard: Sara Melnicoff spoke about recycling and requested Council to put off deciding on the Waste Hauling contract. She suggested a study and noted improvements at the

local recycling center. She stated citizens will be angry if required to recycle with potentially violent reactions. She suggested the Council should take a few extra weeks.

Presentations:

Martin Luther King Jr. Day:

Mayor Niehaus proclaimed Monday, January 21, 2019 as Martin Luther King Jr. Day.

Students of the Month:

(2:43 on recording)

Mayor Niehaus presented the Mayor's Students of the Month Awards for the Grand County Middle School for January 2019 to eighth grade student Ethan Thompson and seventh grade student Sam Camey.

Old Business:

2019 Community Development Block Grant (CDBG) Application—Approved

Discussion: Assistant City Engineer Jolissaint presented the project proposal, which involves construction of an enclosed vertical wheelchair lift for the purpose of providing ADA compliant access to facilities at the Center Street Gym. He specified these facilities include the courts on the upper floor, as well as the two downstairs restrooms, two locker rooms, and offices.

Additionally, he noted the project will provide the Center Street Gym and the Moab Arts and Recreation Center with ADA compliant, tactile signage with braille.

Motion and Vote: Councilmember Jones moved to approve staff preparation of the 2019 Community Development Block Grant (CDBG) Application for Funding to Improve ADA Accessibility to Downtown Recreation Facilities, and authorize the Mayor or City Manager to Sign the Application. Councilmember Knuteson-Boyd seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Solid Waste Franchise Agreement—Action Failed and Postponed

Discussion: City Manager Everitt, Sustainability Director Russo, County Councilmember McGann and Monument Waste proprietor Dan Kirkpatrick answered questions regarding Proposed **Resolution 03-2019** Authorizing the City Manager to Enter into a Franchise Agreement on Behalf of the City of Moab with Monument Waste, Inc. for Residential, Municipal, and Commercial Solid Waste and Recycling Collection and Disposal. Everitt pointed out there has been no solicitation for solid waste hauling services since 1999. He mentioned the contract is required by code and the goals of the agreement are to provide quality service, help to meet the City's sustainability goals, and provide value to citizens. He pointed out there was only one bid and acknowledged the Council has ambitious sustainability goals. Highlights of the bid were presented including mandatory recycling for residential customers employing a single-stream methodology which means customers comingle all recyclables in one bin rather than sorting. Councilmember Jones pointed out the proposal does not criminalize recyclables in the trash bin. Commercial services were discussed including points about optional recycling service. The greatly expanded list of what will be recycled was presented. Russo pointed out that 80 percent of American cities utilize single-stream methods. Everitt stated the Request for Proposals optioned single stream and the sole bidder prefers that approach. McGann acknowledged that source-separated was cleaner yet supports single stream and wants an option for voluntary source separation. Councilmember Guzman-Newton asked about the fate of the Recycling Center. Everitt presented the proposed rate schedule. Due to the increased cost of tipping fees at the landfill, it was requested to initiate the new commercial rates effective February 1. Councilmember Derasary brought up mandatory recycling for commercial customers. Subsidies for residents were discussed, along with construction waste recycling and cardboard.

Motions and Votes: Councilmember Jones moved to approve **Resolution 03-2019** Authorizing the City Manager to Enter into a Franchise Agreement on Behalf of the City of Moab with Monument Waste, Inc. for Residential, Municipal, and Commercial Solid Waste and Recycling Collection and Disposal. Councilmember Knuteson-Boyd seconded the motion. The motion failed 2-3 with Councilmembers Jones and Knuteson-Boyd voting aye and Councilmembers Duncan, Derasary and Guzman-Newton voting nay. Councilmember Duncan moved to postpone a vote till the next regular City Council meeting. Councilmember Guzman-Newton seconded the motion. The motion passed 3-2 aye with Councilmembers Duncan, Derasary and Guzman-Newton voting aye and Councilmembers Jones and Knuteson-Boyd voting nay.

New Business:

(4:27 on recording)

Planning Commission Appointment—Approved

Motion and Vote: Councilmember Duncan moved to confirm the Mayoral Appointment of Becky Wells to the Moab City Planning Commission for a term ending December 31, 2021. Councilmember Guzman-Newton seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Preserve Subdivision—Approved

Motion and Vote: Councilmember Jones moved to approve **Resolution 02-2019** - A Resolution Conditionally Approving the Final Plat of The Preserve Subdivision Phase 3 and Approving a Subdivision Improvements Agreement for Public Improvements, as Favorably Referred to Council by the Planning Commission. Councilmember Duncan seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Water Board Appointment—Approved

Councilmember Duncan recused himself and left the Chambers.

Motion and Vote: Councilmember Jones moved to approve Reappointment of Mike Duncan to the Water Conservation and Drought Management Advisory Board for a term commencing immediately and expiring December 31, 2021. Councilmember Derasary seconded the motion. The motion carried 4-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd and Guzman-Newton voting aye.

Appointment of the 2019 Mayor Pro Tem—Approved

Motion and Vote: Councilmember Derasary moved to confirm the mayoral appointment of Councilmember Knuteson-Boyd as Mayor Pro Tem for 2019. Councilmember Guzman-Newton seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Appointment of Council Member to Review the City's Bills in 2019—Approved

Motion and Vote: Councilmember Knuteson-Boyd moved to confirm the mayoral appointment of Councilmember Jones as the Council member responsible for reviewing the City's bills in 2019. Councilmember Guzman-Newton seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Community Organization Liaison and Board Assignments—Approved

Discussion: Mayor Niehaus guided a discussion of various Council and staff committee and board assignments. A final slate was considered.

Motion and Vote: Councilmember Duncan moved to approve the Community Organization

Liaison and Board Assignments. Councilmember Derasary seconded the motion. 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 \$264,307.69. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Executive Session:

Councilmember Jones moved to convene an executive closed session to Discuss the Purchase, Exchange, or Lease of Real Property and 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, Guzman-Newton and Duncan voting aye. Mayor Niehaus convened the executive closed session at 10:04 PM. Councilmember Knuteson-Boyd moved to adjourn the closed session. Councilmember Duncan seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye. Mayor Niehaus ended the executive closed session at 11:15 PM.

Adjournment: Councilmember Derasary moved to adjourn the meeting. 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 adjourned the meeting at 11:15 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Rachel E. Stenta, City Recorder