

**MOAB CITY COUNCIL MINUTES  
REGULAR CITY COUNCIL MEETING  
February 12, 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=SGkF7guyLE8>. Mayor Emily Niehaus called the meeting to order at 7:00 PM and led the Pledge of Allegiance. In attendance were Councilmembers Tawny Knuteson-Boyd, Karen Guzman-Newton, Kalen Jones and Mike Duncan. Councilmember Rani Derasary was absent. 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, Development Services Manager Sommar Johnson, Communications and Engagement Manager Lisa Church, Treasurer Chantel Lindsay, Deputy Recorder Danielle Guerrero and Recorder/Project Specialist Eve Tallman. One-hundred and twenty-two members of the public and media were present.

***Approval of Minutes:***

Councilmember Duncan moved to approve the minutes of the January 22, 2019 meeting. Councilmember Knuteson-Boyd seconded the motion. The motion carried 4-0 aye, with Councilmembers Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***Mayor and Council Reports:*** Mayor Niehaus reported that she attended the grand re-opening of City Market as well as a meeting with Rotary Club representatives regarding the restroom painting project. She stated she attended meetings of the Southeast Utah Association of Local Governments, Mill Creek focus group, Winter Innovation Summit and Rural Caucus of the state legislature. She noted that she hosted a luncheon for women mayors of Utah, went to Local Officials Day, attended the Silicon Slopes event and the Council retreat.

Councilmember Duncan remarked that Councilmember Derasary was in Washington DC lobbying for continued funding of the Uranium Mill Tailings Remedial Action (UMTRA) project. He noted he attended a meeting of the Grand Water and Sewer Services Agency (GWSSA) at which rates were discussed.

Councilmember Knuteson-Boyd stated she attended Local Officials Day at the state capitol and also participated in the Council retreat.

Councilmember Guzman-Newton reported her attendance at the Chamber of Commerce retreat and announced the new Chamber president, Brendon Cameron. She mentioned Chamber priorities and added she attended meetings on Commercial property-assessed clean energy (CPACE) with Sustainability Director Russo, a transit meeting and a recycling meeting. She remarked that she met with the solid waste district and the airport board and attended the Council retreat. She noted her attendance with the Key Leader Board, a presentation of the Utah Recycling Coalition and the Moab Business Summit.

Councilmember Jones mentioned his attendance at the Council retreat, meetings regarding Dark Skies and the Housing Task Force, and participated in a KZMU program on recycling.

***Administrative Report:*** City Manager Everitt informed the Council about the police sergeant promotion ceremony. He also reported on a policy committee meeting of the Utah League of

Cities and Towns (ULCT) which discussed upcoming possible legislation regarding sales tax in Utah, a housing bill known as Senate Bill 34 and commercial routes for All-Terrain Vehicles (ATVs). He touched on a future trip with the Utah Department of Transportation (UDOT) to Springdale to review transportation there and noted their Main Street is also a state highway.

Everitt next described progress made in the prior week regarding the franchise agreement for waste hauling. He emphasized the goals of the agreement, which are for quality service, sustainability and value for the customer. He reviewed the bidding process, from which there was one qualified response. Everitt laid out the options and pricing for residential waste and recycling and noted that mandatory recycling was no longer being proposed and that there is at least one option for trash collection that is lower cost than existing service. He explained the proposal for commercial waste hauling and recycling as well.

***Presentations:***

***Students of the Month:***

Mayor Niehaus presented the Mayor's Student of the Month Award for Helen M. Knight Elementary School for January: Noah Laprade and for February: Ean Ellis; and for the Moab Charter School for December: Jack Cloward and for January: David Bonfiglio.

***Faith-Based Coalition:*** Dick Pacheco and Bruce Louthan offered material about the aids local churches make to the community and stated the new sewer rates posed a considerable hardship. Louthan stated he supports the new sewer plant and said the ten-fold increase in rates is not proportionate.

***Citizens to be Heard:***

J.W. Nelson spoke in opposition to raising the trash fees.

Kiley Miller spoke about using Transient Room Tax (TRT) revenues to educate visitors and cautioned about the School and Institutional Trust Lands (SITLA) development plans. She spoke in favor of the new nightly lodging temporary moratorium.

Barbara Fincham spoke in opposition to mandatory recycling.

Carol Mayer spoke in favor of the new nightly lodging moratorium and noted several pitfalls of tourism and world-wide marketing of the area.

Donald Kiffmeyer spoke in opposition to mandatory recycling.

Terry Howe and Lenore Beeson presented a citizen petition with 45 signatures requesting the lowering of speed limits and increased signage on specific City streets located between North Main Street and 400 East.

Kaki Hunter stated she was glad that the City responded to feedback regarding proposed mandatory recycling and that she preferred opt-in rather than opt-out. She remarked that she did not hear support for the Recycle Center and wants to see the City and County work together.

Jay Prentiss spoke about increasing City fees including trash collection. He noted that many people recycle for free.

George Johnson spoke in favor of voluntary recycling. He added that the plastic bag ban hurts the charity food back pack program in the schools. He also noted that the proposed Dark Sky actions could make travel more dangerous.

Dave Sakrison submitted written comments in opposition to mandatory recycling.

Jessica Faun spoke in favor of source-sorted voluntary recycling. She also recommended using TRT funds to pay people to recycle and to educate the poor.

Wayne Hoskisson spoke in favor of the temporary moratorium on new nightly lodging.

Sue Allemand stated she believes in recycling and questioned the City's figures and asserted that residents are carrying the cost of solid waste management and that services are duplicated.

Sara Melnicoff stated she wants the City to pause and fund a study.

Beau Peck, from the Utah Recycling Coalition, requested the City to adhere to the state-wide standard of collecting the top ten items. He noted he does not like glass in the mix of single-stream and declared it hurts the industry.

Terry Marsh spoke in opposition to mandatory recycling.

David Noorlander stated he would rather have opt-in than opt-out recycling. He added that hotels should be required to recycle and pay their fair share.

David Olsen affirmed the recycling options that were presented. He said they seem fair and he likes what's going on.

Charlotte Mates announced the Grand Green Ball to kick off the Citizens Climate Lobby on March 16. She added there would be a training for the Lobby on February 20 at the Grand Center. She said climate affects us all.

Ninarose Harmison thanked Councilmember Duncan for putting a hold on the recycling decision.

Dell Keys stated she supports voluntary recycling and referred to Karla Hancock's letter. She requested that the City not increase rates. She thanked Monument Waste for their good service. She suggested the City should figure out how to have visitors pay.

Kevin Walker thanked the City Council and stated he was speaking as a proxy for Zacharia Levine. He stated he was in favor of the temporary moratorium on new overnight lodging. He also stated he was in favor of opt-out recycling over opt-in.

Kenneth L. Robbins pointed out he has lived in Moab since 1933 and mandatory recycling will affect his budget. He said it takes away freedom of choice and he feels voluntary recycling is ok.

Steph Hamborsky stated she is new to the community and mentioned domestic recycling markets and diversion rates in Denver. She stated she felt the City's intentions are good and that mandatory recycling is wrong.

Bob O'Brien referred to the affordable housing High Density Overlay and noted it was a terrific problem and that 30 percent of the local housing stock is not primary residential. He urged the City to pass the temporary moratorium on new nightly lodging.

Crystal White mentioned the Dark Sky open house on February 20. She noted her Dark Sky group wants to review the City's consideration of new lights on North Main Street.

Anna Sprout said that tourists make more trash and will recycle less. She suggested there is an opportunity to hold commercial enterprises responsible. She said she is in favor of mandatory recycling for all, and the City should subsidize residential users.

Jesse Faircloth stated solutions are available and that he was in favor of mandatory education. He said there are other options for recycling and mentioned picking pools.

Lee Kaplan-Unsoeld stated she read about the City's motivation toward carbon footprint goals. She noted the huge number of tourists and placing the brunt on residents. She asked whether the travel to dispose of the recyclables would really reduce the carbon footprint.

Josie Kovash submitted written comments: "As an avid reducer and re-user and a begrudging (after all else) recycler, I don't see any difference between mandatory trash service and mandatory recycling service. To make things more equitable, and to incentivize citizens to be waste-conscious, I think there should be a fee scale with varying bin sizes for both trash and recycling. If a small bin for each was the same fee as our current gargantuan trash bins (which take me months to fill but I pay for weekly anyway) it would be fair to make both mandatory. Additionally, I encourage the City to actively explore solutions around waste-stream reduction on both the supply end and on the visitor economy end. Recycling markets are volatile and we need to stop relying on "away." We need to reduce what is imposed on our waste stream on the consumer end.

**Old Business:** **(1:41 on audio recording)**  
**Residential, Municipal, and Commercial Solid Waste and Recycling Collection and Disposal—Approved**

**Discussion:** Councilmember Guzman-Newton stated she appreciated the progress made with regard to low-volume users and less waste is the ultimate goal. She acknowledged concerns with single-stream and said educating tourists is very important. She recognized that commercial rates are going up 14-65 percent and said the infrastructure is not yet in place to require commercial recycling. City Manager Everitt stated he appreciates the flexibility of Monument Waste. He reiterated there would not be mandatory recycling for residential or commercial and explained the Recycle Center is not free and is heavily subsidized by TRT and mineral lease monies. Councilmember Jones stated he is glad the motion was tabled and the proposed trash rates are good. He emphasized the Pay as You Throw approach and affirmed the new pricing is less than any time in recent memory. He said the Recycle Center is not going away and he is interested in the opt-out option. It was pointed out that Councilmember Jones serves on the Solid Waste Special Service District Board. Councilmember Knuteson-Boyd thanked staff for their work and thanked the audience. She reiterated the Recycle Center is not free and stated it is a valuable part of our community. She reminded the audience the City is required to have a waste hauling contract and there may be room for improvement. She mentioned unpleasant conversations she had with residents who threatened to vandalize recycle bins. Councilmember Duncan noted the hefty annual subsidies for the Recycle Center and curbside pickup in the City of Grand Junction. He mentioned citizen letters and noted the sentiments expressed were that recycling should not be mandatory, commercial entities should pay their fair share and the Recycle Center should be kept open. He mentioned that single stream is not so weak a system that the City should not try it. He acknowledged that trash hauling rates are going up as much as 65 percent for business customers. Assistant City Manager Linares explained the opt-out procedure. Councilmember Duncan stated he felt all the Council members were on board. Councilmember Guzman-Newton asked about bin buy-back and Dan Kirkpatrick of Monument Waste explained how it works. Mayor Niehaus acknowledged the solution is a three-legged stool involving government, the private sector and the non-profit community and thanked the community for helpful input.

**Motion and Vote:** Councilmember Jones moved to approve **Resolution 07-2019** with the following changes to the proposed Franchise Agreement: under residential number of polycarts the third bullet shall read in its entirety: additional trash and recycling polycarts may located as residents on a case by case basis request for ongoing additional or reduced polycarts at a

residence shall be processed during the months of February and October only except that requests will be also processed in the two months subsequent to the commencement of this agreement. The recycling polycarts number shall be permitted to be reduced to zero; and direct staff to develop and implement a communication plan by the usual channels and utility bills in English and Spanish to thoroughly inform City utility customers of the new range of service options, pricing and the option to opt out of recycling entirely. Councilmember Knuteson-Boyd seconded the motion. Councilmember Duncan moved to amend the motion to require commercial opt-out after one year and to direct staff to document proposed commercial costs associated with waste pick-up. Councilmember Guzman-Newton seconded the motion. Councilmember Jones stated he does not support this amendment. The vote to amend the motion failed 2-3 with Councilmembers Duncan and Guzman-Newton voting aye and Councilmembers Jones and Knuteson-Boyd voting nay and Mayor Niehaus breaking the tie with a nay vote. The original motion carried 4-0 aye, with Councilmembers Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***Update on Walnut Lane Housing Initiative—Discussion***

City Manager Everitt explained that Senior Project Manager Tracy Dutson was out sick and updated Council by remarking that the Request for Proposals for architectural services would be ready in a month and reported that the property management has been mostly positive.

***New Business:***

***(2:30 on audio recording)***

***Moab City Planning and Zoning Commission Appointment—Confirmed***

***Motion and Vote:*** Councilmember Knuteson-Boyd moved to confirm the reappointment of Kya Marienfeld to the Moab City Planning and Zoning Commission for a three-year term that ends December 31, 2021. Councilmember Guzman-Newton seconded the motion. The motion carried 4-0 aye, with Councilmembers Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***Appointment of City Recorder—Confirmed***

***Motion and Vote:*** Councilmember Duncan moved to approve **Resolution 13-2019**, confirming the appointment of Sommar Johnson as the City Recorder; and authorizing the City Manager to execute an Employment Agreement between the City of Moab and Sommar Johnson. Councilmember Knuteson-Boyd seconded the motion. The motion carried 4-0 aye, with Councilmembers Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***Temporary Prohibition of New Nightly Rental Uses—Approved***

***Discussion:*** Mayor Niehaus stated she is in favor and cautioned Council regarding the short time frame of the six-month moratorium. Councilmember Guzman-Newton stated she looks forward to working with the County. Councilmember Duncan asked about the process and City Manager Everitt described the future land use map and Councilmember Knuteson-Boyd noted the cap at 180 days. Duncan asked about Ken Kolm's report to inform their decision and Mayor Niehaus brought up the dilemma with C-2. Councilmember Jones remarked the moratorium is the result of a successful lodging industry and pointed out there is no property tax in the City. He brought up the need for economic diversification and noted this can't happen with too many hotels. He cited the Nexus study and the need for affordable housing.

***Motion and Vote:*** Councilmember Guzman-Newton moved to adopt **Ordinance 2019-06** Enacting a Temporary Land Use Regulation Prohibiting, for a Period of 180 Days, the Development of New Nightly Rental Uses, Including Hotels/Motels, Bed and Breakfasts, and Other Overnight Accommodations Pending Completion of Revisions to City Ordinances in Zoning Districts where Nightly Rentals are Allowed. Councilmember Jones seconded the motion. The motion carried 4-0 aye, with Councilmembers Jones, Knuteson-Boyd, Duncan and

Guzman-Newton voting aye.

***Smith/Mack Boundary Line Adjustment—Adopted***

***Motion and Vote:*** Councilmember Jones moved to adopt **Resolution 12-2019** approving the Smith/Mack Boundary Line Adjustment for lots 1 and 2 of the Secret Cove Subdivision. Councilmember Knuteson-Boyd seconded the motion. The motion carried 4-0 aye, with Councilmembers Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***Roger Knight Construction Settlement Agreement—Approved***

***Motion and Vote:*** Councilmember Jones moved to approve the General Release and Settlement Agreement with Roger Knight Construction providing payment to the City of the amount of ten thousand dollars as submitted. Councilmember Guzman-Newton seconded the motion. The motion carried 4-0 aye, with Councilmembers Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

***North US-191 Street Lighting Evaluation and Recommendations—Discussion***

Annie Kuczkowski and Riley Rose of Clanton and Associates, a lighting engineering firm based in Boulder, Colorado presented options for safe and efficient lighting along North Highway 191.

***Approval of Bills:*** Councilmember Jones moved to approve payment of bills against the City of Moab in the amount of \$1,233,805.64. Councilmember Knuteson-Boyd seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

***Executive Session:***

Councilmember Knuteson-Boyd moved to convene a closed session to Discuss the Purchase, Exchange, or Lease of Real Property, to Discuss Reasonably Imminent and/or Pending Litigation 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 4-0 aye with Councilmembers Jones, Knuteson-Boyd, Guzman-Newton and Duncan voting aye. Mayor Niehaus convened the closed session at 10:15 PM. Councilmember Knuteson-Boyd recused herself from the discussion of Real Property due to a possible conflict of interest and left the Chambers. Councilmember Jones moved to adjourn the closed session. Councilmember Guzman-Newton seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Knuteson-Boyd, Guzman-Newton and Duncan voting aye. Mayor Niehaus ended the executive closed session at 12:04 AM.

***Adjournment:*** Councilmember Jones moved to adjourn the meeting. Councilmember Guzman-Newton seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Knuteson-Boyd, Guzman-Newton and Duncan voting aye. Mayor Niehaus adjourned the meeting at 12:04 AM.

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

ATTEST: \_\_\_\_\_  
Rachel E. Stenta, City Recorder