

**MOAB CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 9, 2019**

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.

Pre-Council Workshop:

At 12:05 PM, Mayor Emily Niehaus called a workshop meeting to order. In attendance were Councilmembers Kalen Jones, Karen Guzman-Newton, Rani Derasary and Mike Duncan. Also in attendance were City Manager David Everitt, Sustainability Director Rosemarie Russo, Recorder Sommar Johnson, Finance Director Rachel Stenta, City Engineer Chuck Williams, Assistant Engineer Mark Jolissaint, Communications and Engagement Manager Lisa Church, Records Specialist Eve Tallman and one member of the press. A video recording of the workshop is archived at: <https://www.youtube.com/watch?v=gi4pn0mMqfo>. An audio recording of the workshop is archived at: <https://www.utah.gov/pmn/index.html>. The workshop began with an update by Russo. She presented her draft Sustainability Action Plan of environmental, social and economic goals. She mentioned the 2019 Community Challenge and the next steps for Council to provide feedback on the draft. Councilmembers asked questions about green buildings, outdoor burning and fireplaces.

Next was a briefing on the City's Five-Year Capital Improvement Program (CIP). Williams presented background on existing planning documents. He explained his staff's work with department heads regarding projects anticipated in the next five years. Williams briefly described 33 projects identified for a total of \$46 million. He mentioned potential external funding sources totaling 25 percent of the proposed costs and outlined potential bonding projects. Councilmembers asked about repair and renovation or replacement of the Center Street Gym. Questions were asked about identifying funding sources, and City Manager Everitt brought up possible collaboration with the recreation special service district. Mayor Niehaus asked about the numerous check dams in the area and Williams stated they were not on the list of priorities. He noted delayed work on 100 South and upcoming work on Kane Creek Boulevard. Councilmember Jones asked about bonding into the future. Finance Director Stenta stated the prioritization of the projects will be important in view of debt capacity. City Manager Everitt mentioned better interest rates based on property tax repayment rather than sales tax-based repayment.

Motion to Recess and Vote: Councilmember Jones moved to recess the meeting until 6:30 PM. Councilmember Guzman-Newton seconded the motion. The motion passed 4-0. Mayor Niehaus recessed the meeting at 1:22 PM.

Executive Session: Councilmember Tawny Knuteson-Boyd moved to enter an Executive Closed Session for a Strategy Session to Discuss Reasonably Imminent and/or Pending Litigation and for a Discussion of the Character, Professional Competence, or Physical or Mental Health of an Individual or Individuals. Councilmember Guzman-Newton seconded the motion. Mayor Niehaus began the session at 6:30 PM. Councilmember Jones moved to end the Executive Closed Session. 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 Niehaus ended the Executive Closed Session at 6:56 PM.

Regular Meeting—Call to Order and Attendance: Mayor Niehaus called the meeting to order at 7:02 PM and led the Pledge of Allegiance. In attendance were Councilmembers

Knuteson-Boyd, Guzman-Newton, Jones, Duncan and Derasary. Also in attendance were City Manager Everitt, Assistant City Manager Linares, City Attorney Chris McAnany, Police Chief Jim Winder, City Engineer Williams, Communications and Engagement Manager Church, Recorder Johnson, Finance Director Stenta, Wastewater Reclamation Facility Superintendent Greg Fosse and Records Specialist Tallman. Twenty-five members of the public and media were present. 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=oG2NU1m9J7E>.

Approval of Minutes: Councilmember Derasary moved to approve minutes of the March 20 and 26, 2019 meetings with one correction. Councilmember Duncan seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Mayor and Council Reports: Mayor Niehaus reported on the upcoming Utah Outdoor Recreation Summit to be held in October in St. George. She also commented the City will partner with the Chamber of Commerce on the Fourth of July festivities. Also, the Mayor reported on progress with the Mill Creek/Powerhouse Lane area. She also touched on the Southeast Utah Association of Local Governments (SEUALG) meeting in Moab as well as the Future Land Use Plan, and remarked that she had planted a pinwheel to commemorate child abuse prevention month.

Councilmember Derasary stated she attended the Future Land Use Plan open house and also planted a pinwheel. She mentioned a meeting with the Foster Care group and noted there is a need for more foster families. Councilmember Derasary also touched on the recent budget workshop, a meeting regarding facilities for the Emergency Medical Services and a meeting of the Canyonlands Health Care Special Services District at which the senior housing project was discussed.

Councilmember Duncan reported he had considered the Charter School request for a crossing guard and had researched a high-intensity activated crosswalk beacon (HAWK light) and signage. He also mentioned a meeting with Ken Kolm, the City's hydrogeology consultant, and reported on his speculation that the new San Juan County well is drawing down neighboring wells. Duncan reported he attended both town hall events regarding the Future Land Use Plan.

Councilmember Knuteson-Boyd reported on upcoming events at the Museum.

Councilmember Guzman-Newton reported on the success of the recent Chamber of Commerce golf tournament. She mentioned she attended the Future Land Use open houses as well as a transportation authority meeting where the topic of re-appropriating hotspot funding from parking structures to dispersed lots for shuttle stops was discussed. At the Transit Committee meeting, she noted that discussions are still moving forward with appropriate parties regarding train service. She mentioned her attendance at a meeting regarding the Fourth of July and also the San Juan County Planning Commission, at which it was determined to add a night sky ordinance back into a recommended ordinance. She mentioned there was resistance to the planned truck stop on School and Institutional Trust (SITLA) land and San Juan County code regarding overnight rentals and maximum building height. She concluded with thanks to local law enforcement agencies for help with a recent break-in at Poison Spider.

Councilmember Jones reported on his research regarding affordable housing in Vail where the City buys deed restrictions and there are now 700 deed-restricted units in a community with two-thirds of the housing stock comprising second homes.

Administrative Report: City Manager Everitt reported on the progress of Landmark Design on the Future Land Use Plan. He mentioned the upcoming joint City County/Planning Commission meeting. He also brought up the shared documents process. City Attorney McAnany reported on his progress with edits of the proposed Planned Affordable Development (PAD) ordinance.

Presentations:

Students of the Month: Mayor Niehaus presented the April Student of the Month Awards for Helen M. Knight School: James Holyoak and Moab Charter School: Aylah Stocks-Dalton.

National Service Recognition Day: Mayor Niehaus congratulated local Volunteers in Service to America (VISTA) workers and read a proclamation.

Employee Recognition: The Mayor and Council recognized Wastewater Reclamation Facility Superintendent Greg Fosse, who was honored with the Utah Wastewater Operator of the Year award. Fosse received a standing ovation and thanked the City for his opportunity.

Citizens to be Heard: Carrie Ann Marinelli thanked Council for work on street crossings near the Moab Charter School and for lowering the speed limit there. She brought up the Spring Musical at the school and then spoke about the burn ban within City limits and remarked that she wants to be able to burn yard waste.

Christian Wright spoke about the 400 East Pack Creek roadway bridge near the Cottonwood Subdivision and noted the sharp pedestrian deck is dangerous for dogs.

Old Business:

Rezone of Property Located at 778 W. Kane Creek Boulevard—Failed

Motions: Councilmember Duncan moved to table proposed **Ordinance 2019-10:** Amending the Zoning for Property Located at 778 W. Kane Creek Boulevard in the RA-1, Residential-Agricultural Zone, to C-1, Commercial-Residential Zone, and Amending the City of Moab Official Zoning Map until the conclusion of the moratorium on nightly accommodations. The motion did not receive a second and the motion failed. After discussion regarding concern about the significance of the upzone, the nature of spot-zoning, the resemblance of the action to a conditional use permit and the absence of a greater area plan, Councilmember Guzman-Newton moved to approve the rezone. The motion did not receive a second and the motion failed.

Administrative Work Plan—Discussion

Council offered suggestions for additions and clarifications to the work plan. Councilmember Derasary and Mayor Niehaus mentioned code enforcement issues, Councilmember Jones requested a briefing by City Attorney McAnany on noise ordinance options, Councilmember Derasary brought up hiring a lobbyist and sustainability concerns, Councilmember Knuteson-Boyd mentioned some of the Council requests were too specific and could hinder the ability of staff to do their jobs, Chief Winder mentioned he did not have buy-in from the Sheriff regarding noise control for All-Terrain Vehicles (ATVs) on city streets, and Councilmember Derasary brought up a joint meeting with San Juan and Grand Counties regarding water supply.

Councilmember Duncan announced he was not feeling well and left the meeting at 9:00 PM.

New Business:

Fiscal Year Budget 2019-20--Discussion

City Manager Everitt briefed Council on progress regarding the budget process. Workshop meetings were scheduled for the coming weeks.

Resiliency Hub Utility Easement—Approved

Motion and Vote: Councilmember Knuteson-Boyd moved to approve **Resolution No. 21-2019** Approving a Utility Easement and Agreement Between the City Of Moab and the Resiliency Hub. Councilmember Derasary seconded the motion. The motion carried 4-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd and Guzman-Newton voting aye.

Walnut Lane Architecture Request for Proposals (RFP)—Discussion

City Manager Everitt asked for feedback on the RFP and discussion ensued regarding the zoning of the proposed development area. Rezoning was proposed.

Appointment of City Manager—Approved

Motion and Vote: Councilmember Derasary moved to approve **Resolution #24-2019:** Authorizing the Hiring of Joel Linares to the Position of City Manager and Authorizing the Mayor to Execute an Employment Contract. Councilmember Guzman-Newton seconded the motion. Councilmember Jones commented on the paid time off proposal in the contract. The motion carried 4-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd and Guzman-Newton voting aye.

Executive Session: Councilmember Derasary moved to enter 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 carried 4-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd and Guzman-Newton voting aye. Mayor Niehaus convened the Executive Closed Session at 9:25 PM. Councilmember Derasary moved to end the Executive Closed Session. Councilmember Knuteson-Boyd seconded the motion. The motion carried 4-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd and Guzman-Newton voting aye. Mayor Niehaus ended the Executive Session at 10:15 PM.

Approval of Bills: Councilmember Jones moved to approve payment of bills against the City of Moab in the amount of \$703,915.36. Councilmember Knuteson-Boyd seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd and Guzman-Newton voting aye.

Adjournment: Councilmember Derasary moved to adjourn the meeting. Councilmember Guzman-Newton seconded the motion. The motion carried 4-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd and Guzman-Newton voting aye. Mayor Niehaus adjourned the meeting at 10:15 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder