

**MOAB CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
MAY 28, 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 to discuss the proposed Fiscal Year 2019-2020 Budget. In attendance were Councilmembers Karen Guzman-Newton, Rani Derasary, Tawny Knuteson-Boyd and Kalen Jones. Also in attendance were City Manager Joel Linares, Finance Director Rachel Stenta, Planner Nora Shepard, Attorney Chris McAnany, Recorder Sommar Johnson, Communication and Outreach Director Lisa Church, Executive Assistant Carmella Galley, Assistant City Engineer Mark Jolissaint and Records Specialist Eve Tallman. Two members of the public and media were present. A video recording of the workshop is archived at: <https://www.youtube.com/watch?v=JDIPHRGWrt8>. An audio recording is archived at: <https://www.utah.gov/pmnm/index.html>.

To open the workshop, Finance Director Stenta described changes made since the public hearing. Councilmember Jones noted there was no Recreation Director position and brought up progress on the Recreation Master Plan and future plans for the Recreation Department. City Manager Linares explained roles such as trail work coordination that need to be clarified with the County. Discussion ensued regarding replacing the Recreation Director or expanding other positions and questions regarding grantwriting and trail management. Councilmember Derasary brought up spending on speed limit signage and striping paint. She also mentioned budget implications of the water budget report including new stream gages. Derasary stated she was in favor of funding further Hydrologic and Environmental Systems Analysis (HESA) for Pack Creek and the Valley Fill aquifer, as well as development of the 40-year plan by the water attorney. Councilmember Derasary also brought up signage and increased enforcement in the Powerdam neighborhood, fiscal impacts of the Planned Affordable Development (PAD) ordinance and getting public input on boosting funding for sustainability efforts. Councilmember Guzman-Newton requested an update on recycling and suggested a recycling coordinator. Finance Director Stenta noted there would be an update from the solid waste contractor in August. Councilmember Jones added there is a part-time outreach position in the solid waste contract. Jones next brought up elected officials' salaries. He requested a more recent salary survey than 2016. Discussion ensued regarding history and options of salary and benefits.

Motion to Recess and Vote: Councilmember Guzman-Newton moved to recess the meeting until 6:00 PM. Councilmember Jones seconded the motion. The motion passed 4-0. Mayor Niehaus recessed the meeting at 1:43 PM.

Pre-Council Workshop: Mayor Niehaus reconvened the workshop at 6:03 PM. In attendance were Councilmembers Guzman-Newton, Knuteson-Boyd, Jones and Derasary. An audio recording is archived at: <https://www.utah.gov/pmnm/index.html>. A video recording of the meeting is archived at: <https://www.youtube.com/watch?v=aZ1GFVqeUVg>.

The workshop consisted of an update regarding the widening project of Highway 191 north of downtown Moab. Representatives from the Utah Department of Transportation included Ryan Anderson and a professional construction estimator working on the project. Phasing of the project was described and the potential for night construction was discussed.

Regular Meeting—Call to Order and Attendance: Mayor Niehaus called the regular meeting to order at 7:03 PM and led the Pledge of Allegiance. Councilmember Mike Duncan

briefly joined the meeting electronically at junctures noted in the minutes below; due to video feed delay and audio technical difficulties, Councilmember Duncan's participation was disrupted. Additional staff present included Water Superintendent Levi Jones, Police Chief Bret Edge and Planner Nora Shepard. Nineteen members of the public and media were present.

Approval of Minutes: Councilmember Derasary moved to approve minutes of the May 14, 2019 meeting with corrections. Councilmember Jones seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd and Guzman-Newton voting aye.

Mayor and Council Reports:

(1:01 on audio recording)

Mayor Niehaus called for a moment of silence in honor of Memorial Day. The Mayor and Council reported on their activities of the prior two weeks. Of particular note, Mayor Niehaus announced a community survey regarding future planning for the Mill Creek trailhead and Powerhouse neighborhood. She announced she was appointed to the Governor's water quality board. Councilmember Derasary brought up the recent open and public meetings training she attended and referred to correspondence received regarding Rally on the Rocks, the overnight accommodation moratorium and all-terrain vehicle curfews. Councilmember Knuteson-Boyd gave an update on the Housing Authority and the Museum remodel. Councilmember Guzman-Newton mentioned the success of the Chamber's golf tournament and noted a transit meeting to discuss train service. Councilmember Jones brought up regional water conservation goals as presented during the Utah Water Conservation Summit and announced the City's Urban Design Legacy Award for Center Street improvements.

Administrative Report: City Manager Linares thanked staff for their work during the prior busy weekend and updated Council on the search for a new Public Works Director. He spoke about the upcoming Interim Legislative Session and possible impacts on Moab. He also updated Council on recent activities regarding Powerhouse Lane, Transient Room Tax (TRT) audit, Workforce Affordable Housing Ordinance (WAHO) and Zions Public Finance management plan. Police Chief Edge reported on law enforcement activity over Memorial Day including Powerhouse, Millcreek Drive and 500 West. He stated there were 70 traffic stops over the weekend. Finance Director Stenta gave a process update on the budget. Planner Shepard updated Council on the joint Planning Commission meeting and the moratorium work of Landmark consultants. Similar ordinances in Durango were brought up. Shepard requested feedback from Council.

Students of the Month: Mayor Niehaus announced the May Student of the Month Awards for the Grand County Middle School to Eighth Grader Maggie Groene and Seventh Grader Leslie Valencia.

Citizens To Be Heard:

(1:41 on recording)

Theresa King thanked the City for its support of the Arts Festival.

Kirk DeFond spoke in protest of the recently-passed Planned Affordable Development (PAD) ordinance in the R3 residential zone. He expressed his concern about a lack of transparency and public process in the writing and passing of the PAD ordinance. He said that it should be complete and well-understood by the Council and then be presented to the public with a proper public hearing to follow. He noted a sense of confusion regarding its impact on the part of Council and suggested the Mayor's comment that developers were excited to employ the PAD hastened a vote of the Council. DeFond cited almost unanimous opposition to the PAD at a recent Town Hall meeting and stated he thought changing the density of existing neighborhoods is a taking of right that is unfair and unnecessary in pursuing more affordable housing in the Moab area and he cited ongoing projects to bring 300 new units to the County.

Barbara Hicks stated she attended the workshop on compensation for the Mayor and Council and recommended the appointment of a committee of unbiased individuals to advise the City. She concurred with more 20 miles-per-hour speed limit signs and painted crosswalks, and urged negotiation regarding Planning Commission reimbursement. She stated a pay increase for City Council was long overdue and noted that since there was no incremental pay increase over the years there is a big overdue catch-up. She stated a pay increase is necessary because Moab is dealing with big city issues and it is time to fairly compensate. She stated she applauds those who do not want pay but she is looking to the next generation.

Sara Melnicoff spoke about recycling bins at the ball park and stated that residential recycle may be working but the public bins are a huge failure. She stated she will volunteer to train City staff.

Deb Slechta asked the City to please not remove parallel parking from the Main Street retail district.

Public Hearing: Community Development Block Grant (CDBG):

Mayor Niehaus opened the second public hearing for the 2019 Community Development Block Grant (CDBG) Application Program at 8:01 PM. The purpose of the hearing was to allow all citizens to provide input concerning the project that was awarded under the 2019 CDBG Program. She explained that the City has amended its capital investment plan and decided to apply for funds on behalf of the Americans With Disabilities (ADA) Accessibility Improvements to Downtown Recreation Facilities Project. The application was successful in the regional rating and ranking process and the ADA Accessibility Improvements to Downtown Recreation Facilities Project is programmed to receive a \$74,000 grant from CDBG. Assistant City Engineer Mark Jolissaint will be project manager. This Project primarily involves construction of an enclosed vertical wheelchair lift for the purpose of providing one ADA compliant access to the three floor levels at the Center Street Gym. The structure is split level, with an entryway at ground level, and all gym facilities located on the other two floor levels, which are currently only accessible via several staircases. Construction of the lift will require removing existing concrete and excavating a pit for lift access to the lower floor, and providing the necessary concrete walls and slab in the new pit. Additional work could include touching up paint where it has been damaged due to the proposed work, modifying existing handrails to close or open pedestrian access routes as needed, and installing trim or other aesthetic treatments to further integrate the new lift into the existing structure. Additionally, project will provide the Center Street Gym and the Moab Arts and Recreation Center with ADA compliant, tactile signage with braille. There were no citizens to be heard and Mayor Niehaus called for a motion to close the hearing. Councilmember Jones moved to close the hearing. Councilmember Guzman-Newton seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd and Guzman-Newton voting aye. Mayor Niehaus closed the public hearing at 8:02 PM.

Old Business

Parking Structure—Approved

Motion and Vote: Councilmember Guzman-Newton moved to approve **Resolution 33-2019:** A Resolution Approving a Cooperative Agreement with the Utah Department of Transportation (UDOT) for Construction of a Downtown Parking Structure. The expenditure of any funds that remain following the completion of the downtown parking structure shall require the approval of the city council prior to any other expenditures. Councilmember Knuteson-Boyd seconded the motion. Councilmember Derasary stated she had concerns about the process. Councilmember Knuteson-Boyd stated the HotSpot website contained conceptual drawings that do not reflect the vision of the Council and noted the Downtown Plan consultants used the same drawings. She noted complaints that the parking structure could block views in the downtown area. City Manager Linares mentioned the UDOT advisory committee conducted open meetings. Mayor Niehaus confirmed the Council is not interested in removing parking downtown. City Manager Linares added the staff supports this also. The

motion passed 4-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd and Guzman-Newton voting aye.

Emma Boulevard—No action

Councilmembers Knuteson-Boyd and Guzman-Newton recused themselves. There was no quorum and the item was not discussed.

New Business

Councilmember Duncan briefly participated electronically.

Water Meters Bid—Approved

Motion and Vote: Councilmember Derasary moved to approve the Award of the 2018/2019 Water Meters Bid to Meterworks Incorporated in an Amount not to Exceed \$85,000. Councilmember Knuteson-Boyd seconded the motion. Councilmember Guzman-Newton asked if the City would catch-up on replacements. Water Superintendent Jones explained the replacement schedule. The motion passed 4-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd and Guzman-Newton voting aye.

Wild Goats Subdivision—Approved

Motion and Vote: Councilmember Derasary moved to approve **Resolution 25-2019:** A Resolution Conditionally Approving the Wild Goat Subdivision, a Minor Subdivision of 450 Millcreek Drive Located in the R-2, Residential Zoning District, as Referred to City Council by the Planning Commission. Councilmember Knuteson-Boyd seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd and Guzman-Newton voting aye.

Pay Plan Public Hearing Date Set:

Motion and Vote: Councilmember Guzman-Newton moved to set a Public Hearing on June 11, 2019 for Proposed **Ordinance #2019-12** Adopting the City of Moab Pay Plan Schedule and Adopting the Exempt and Elected Officials Salaries for Fiscal Year 2019-2020. Councilmember Knuteson-Boyd seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd and Guzman-Newton voting aye.

Code Cleanup Ordinance—Approved

Motion and Vote: Councilmember Knuteson-Boyd moved to approve **Ordinance 2019-13:** An Ordinance Amending Several Sections of the City of Moab Municipal Code for Clarity and to Align the Administrative Process with Code. Councilmember Jones seconded the motion. Councilmember Duncan briefly rejoined the meeting electronically at 8:30 PM. Recorder Johnson clarified that the only substantial change is including a definition of “food truck park” and removing the definition of “family” from the code which was replaced with “household” in the definitions section of Moab Municipal Code through Ordinance 2018-01. According to the written materials which were presented, these changes can be found in City Code 17.06 Definitions, 17.09 Supplementary Requirements Applicable within Zones, 17.12 General Provisions, 17.20 C-1 Commercial-Residential Zone, 17.24 C-3 Central Commercial Zone, 17.31 RC Resort Commercial Zone, 17.42 R-1 Single-Family Residential Zone, 17.45 Single-Family and Two-Family Residential Zone, 17.48 R-3 Multi-Family Residential Zone, 17.51 R-4 Manufactured Housing Residential Zone, 17.72 Administration and Enforcement, 17.90 Historic Preservation; and changing all references from family to household in Titles 6, 9, 12, 13 and 17; and changing all references from duplex to two-household in Titles 13, 15 and 17. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye.

Budget Adoption—Approved

(2:31 on recording)

Discussion: Mayor Niehaus summarized discussion to date and asked for the Council's current views on executive pay and benefits. Councilmember Knuteson-Boyd stated she couldn't support it at this time before the public hearing on compensation and was interested in a committee as suggested by Barbara Hicks. Councilmember Guzman-Newton stated she was willing to move forward with bringing back health insurance. Mayor Niehaus explained the current proposal. Councilmember Jones stated he supports the proposal and advocates for higher pay for the Mayor and Councilmember Guzman-Newton concurred. Finance Director Stenta clarified options and answered questions for Councilmember Derasary, who expressed concern regarding clarity of the matter and recommended an independent committee. Councilmember Knuteson-Boyd raised the issue of equity between Council members and Councilmember Derasary brought up whether there would be an expectation of working more hours. Councilmember Duncan left the meeting. Mayor Niehaus reminded Councilmembers the proposal intends to establish compensation levels for future Councils.

Motion and Vote: Councilmember Jones moved to approve Proposed **Resolution 29-2019:** Adopting the FY 2020 Annual Budget and increasing the executive compensation line item by \$11,395.51. Councilmember Guzman-Newton seconded the motion. The motion passed 3-2 aye with Councilmembers Jones and Guzman-Newton voting aye and Councilmembers Knuteson-Boyd and Derasary voting nay. Mayor Niehaus broke the tie by voting aye.

Bills Against the City of Moab—Approved

Motion and Vote: Councilmember Jones moved to approve bills for \$422,189.84. Councilmember Guzman-Newton seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd and Guzman-Newton voting aye.

Adjournment: Councilmember Knuteson-Boyd moved to adjourn the meeting. Councilmember Jones 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 9:32 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder