



OCTOBER 8, 2019
REGULAR CITY COUNCIL MEETING 7:00 P.M.

City Council Chambers
217 East Center Street
Moab, Utah 84532

1. Regular City Council Meeting - 7:00 p.m.

2. Call to Order and Pledge of Allegiance

3. Approval of Minutes

3.1. Minutes: September 9, 2019 Regular City Council Meeting

Documents:

2019-09-09 mcc minutes draft.pdf

4. Mayor and Council Reports

5. Administrative Reports

6. Citizens to Be Heard

7. Proclamations

7.1. Domestic Violence Awareness Month

Documents:

domestic violence awareness 2019.pdf

8. New Business

8.1. UDOT Betterment Agreement for US-191 Widening Project Storm Water Improvements, Multi-Use Path Extension, and Sidewalk Installation
Briefing and possible action

Documents:

udot betterment agreement for us-191 widening project storm water improvements, etc. agenda summary.pdf
attachment 1 udot betterment agreement for us-191 widening project storm water improvements, multi-use path extension, sidewalk installation.pdf

8.2. Transparency of Mayor and Council email address city-council@moabcity.org
Discussion

9. **Approval of Bills Against the City of Moab**

10. **Adjournment**

Special Accommodations:

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Recorder's Office at 217 East Center Street, Moab, Utah 84532; or phone (435) 259-5121 at least three (3) working days prior to the meeting.

Check our website for updates at: www.moabcity.org

**MOAB CITY COUNCIL MINUTES--DRAFT
REGULAR CITY COUNCIL MEETING
September 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. An audio recording of the evening meeting is archived at: <https://www.utah.gov/pmn/index.html> and a video recording is archived at: <https://www.youtube.com/watch?v=ngJuhwKLMWQs>.

Workshop Meeting for Special Presentation:

At 2:05 PM, Mayor Emily Niehaus called a workshop meeting to order for a presentation of the Capital Project Draft Matrix Infrastructure Review by Public Works Director Oscar Antillon. In attendance were Mayor Emily Niehaus, Councilmembers Kalen Jones, Karen Guzman-Newton, Mike Duncan, Rani Derasary and Tawny Knuteson-Boyd. Also, in attendance were City Manager Joel Linares, Finance Director Rachel Stenta, Communication and Engagement Manager Lisa Church, Engineer Chuck Williams, Public Works Director Oscar Antillon, Water Superintendent Levi Jones, Sewer Superintendent Obe Tejada, Streets Superintendent Jeff Galley, Park Superintendent Mike Huts, Assistant City Engineer Eric Johansen and Deputy Recorder II Keri Kirk. One member of the press was present. Antillon gave an overview presentation about the condition of the City's infrastructure, what he thinks the problems are and about where the City should be in the next few months. He started off by stating that his office is now fully staffed. He showed this year's budget by department. The majority of their funds go to sewer, water and roads. He went over their challenges. The biggest challenge is their budget because the major infrastructure maintenance needs are significant. The critical needs will cost about \$33,000,000 and that is without taking streets, facilities and parks into consideration. The age and condition of an infrastructure is always an issue, the growth of the community with all of the new connections and new service areas that they have to maintain, their short- and long-term maintenance and major repairs plans and organization. They will develop the short- and long-term maintenance plans so that the Council can find the needed funds. The City Engineer will probably have a lot higher dollar amount. In the next three to six month he would like to be able to develop the short- and long-term maintenance and measure repairs in a more deliberate approach so that they know how much money they will need to spend each year and in what areas. He sees some challenges in the organization because a lot of the leadership is fairly new with a lot growing to do.

Public Works Department Overview:

- **Water** - Antillon was joined by Water Superintendent Levi Jones. The City provides top quality water and has great resources. They have four springs and two wells, and they have to do very little treatment. They have three storage facilities and the distribution is 55 miles of water main line, 300 fire hydrants, 800 water valves and 2,220 water service connections. The irrigation sources are the Old City Park Spring, Well 7 irrigation (golf course) and several abandoned wells. There are other sources that are not developed that he thinks need to be on the capital projects plan to address some shortfalls in the system. Councilmember Duncan asked if they water Swanny City Park from a well or some other source. Jones stated that they use culinary water. There is a well there, but it needs rehabilitation. Antillon said that there are a few wells that didn't make the list and they are working on cleaning up their records. They have wells that are under a previous owner's name and some abandoned wells. Jones stated that the Water Department consists of five employees that can be reached 24/7. They maintain the water system, replace water service lines, install new residential and 0

commercial connections, maintain and repair/replace fire hydrants, repair water mains, read water meters monthly and make repairs as needed, a lot of water sampling and they must maintain certifications such as water sampling, water operator, collections backflow, CDL, flagger and ATSSA Traffic Control Technician. Antillon displayed a graph showing the department's workload from last year. Jones showed the Council photographs of an old water valve and ductile iron main PVC service line which is outdated. They don't use schedule 40 PVC for water service lines anymore. One of the photos showed a galvanized line leaking when making a repair. A lot of the older subdivisions like Mountain View, Walkers, Palisade and others all have ductile iron transmission mains and a lot of the service lines are galvanized, so they deal with a lot of leaks. They've had to replace concrete lines due to root infestation. He showed one of the newer service lines using poly. Councilmember Duncan asked if all of the new water lines were basically plastic c9, or some variation of that. Jones said that they use the c900 or HDPE plastic. Jones showed a list of their water sampling and how periodically they perform the tests. Antillon went on to detail the risk areas such as age and materials; the majority of the breaks happen on the old ductile iron and cast-iron pipes, about 60% of the lines. Source Redundancy; the master plan identified deficiencies and recommended developing additional sources. Storage Capacity; the master plan identified deficiencies and recommended developing additional storage of 1.2 million gallons. He displayed a graph showing that the city basically produces what it consumes. They have a 19 gal./min. extra capacity at this time and the projection is that it will be -1,930 gal./min. by the year 2060. The storage is very similar. It has a shortfall of -.64 million gallons at this time and the projection for the projected growth in 2060 is -2.18 million gallons. Councilmember Jones asked if that was mainly due to firefighting capacity and Antillon said that it was both. Councilmember Jones asked if there was a possibility of cooperating with Grand Water and Sewer to utilize their storage. Antillon said that it was recommended that they cooperate with them on the issue of redundancy or sources and it would make sense. Even if they were connected on the storage, he didn't think that they could move the water around that quickly. He thinks it's really an extra storage. Jones stated that it's possible to connect the two water systems, and Linares stated that it's possible to connect their storage systems, but it would take pump houses and it would probably be just as expensive to build new reservoirs within their system. Antillon stated that their system is still really good and very clean, and all of their tests show that the water is very high quality, but they still have some lines that have all lead joints and places where the connections have lead components. However, lead is not detected in their testing. Jones stated that they do testing on 11 copper samples on a three-year cycle. If they were plumbed within the period of 1980-1990, they have more than likely been identified as having lead in their plumbing. The lead leaches into the water if the water sits and becomes stagnant. It's unmeasurable when the water flows through the line frequently. Points of concern in the water infrastructure that aren't on the master plan are Cottonwood subdivision, Rosetree Apartments, Center Street to 100 North, Center Street to 100 West, the alley on Center Street to 100 North, Kane Creek and Main Street, 200 North – 300 East - 400 East and Emma Boulevard. Antillon moved to CI Water Projects from the Master Plan estimated at \$10,800,000. The storage at \$2,970,000, Source (3 projects) at \$4,050,000, Fire (19 projects) at \$2,851,000, and Distribution (2 projects) at \$983,000. Councilmember Jones asked if they were involved in the adjudication process in the recovery of the old wells. Antillon said

that Water Superintendent Jones and City Engineer Williams visited all of the wells as they want to make sure that they don't lose track of their sources, including streams. Linares said that one of their major concerns, as a municipality is, what if the water goes down on one of the big tourist weekends with 50,000 people in the valley? The inability to provide water to that massive a number would be a big problem, so storage is a major concern. Councilmember Duncan pointed out that the USGS safe yield number and the city's water rights look very comfortable right now, but that is more on materials and does not emphasize that it's going to become increasingly tough due to more hotels and overnight rentals, but that is why the decisions as a policy they will have to make, is the cost of putting in the infrastructure. Linares clarified that this doesn't show how much water the city owns; it only speaks to what is in their system with their current ability. What happens if the storage tank is full, but the pump goes down? It isn't a matter if, it's a matter when. They had one go down a couple of months ago when there was a power bump and it fried the motherboard to the well. That well is now down for two-three weeks. Jones pointed out that the water mains in some of the older subdivisions were installed in the 50's and 60's and the life expectancy of the ductile iron is 60-75 years and they are already past that. He said that they need to replace them all now and that they've had main breaks in every single old subdivision. Mayor Niehaus asked Jones why he believes that this is coming to head now. Jones stated that it needed attention 10 years ago and they see more and more breaks happen all of the time. He believes that if the City doesn't do something now, they are going to be in trouble. At this time, they are not making any headway, they only able to maintain and in the coming years they aren't going to have the manpower to keep it up. There was similar presentation to the Council in 2014 that wasn't as detailed. Antillon said that really don't have a long-term plan. They have the Master Plan which is a great start. The need to make them more functional so that they can plan where they are going to spend their limited resources for the next five to ten years.

- **Sewer** – Antillon was joined by Obe Tejada who stated that they have a staff of three and are on call 24/7. They perform inspection work, such as the manholes needing to be inspected each year. They go through all of the lines every two - three years. They perform periodic maintenance cleaning taking anywhere from three months to five years, dependent on the condition and the material, where they usually find a very bad line. They do grease trap compliance and new connections. They respond to backups which are reported to the State. They must also maintain several certifications. They have large equipment needs such as a combination truck (Vacon) at \$500,000 - \$600,000, excavator at \$350,000, backhoe at \$150,000 and facility with unknown costs. They also have infrastructure needs such as rehab/replacement of the system in severe and critical condition at a minimum of \$5,000,000. The certifications that they are required to maintain include; Water Distribution Operator, Wastewater Collections Operator, Wastewater Treatment Operator, Asbestos Inspector & Contractor/Supervisor, CDL, flagger and ATSSA Traffic Control Supervisor. The Sewer Collection Overview includes; 30 miles of sewer pipe, 580 manholes, 2000+ service connections, five lift stations, 78 grease traps and the Sewer Master Plan (January 2018). Some of the issues with the lift stations are debris clogging the impeller, control floats will hang up and the pumps won't run. Occasionally the pumps fail. Common manhole problems include; broken cones, tree roots, holes and broken seams. Sewer pipe issues are corrosion, tree roots, cracks and holes. Antillon stated that every time they clean a concrete pipe, it

removes a layer of the concrete and that they need to be replaced with plastic PVC. They have to clean clay lines with roots twice a year, and concrete lines only once a year. The Sewer Collection System Evaluation includes; Capacity-Volume of effluent the pipe can hold, Condition-Roots, cracks, holes, wall degrading, etc., Grade-Slope of the pipe, Alignment-How the system is laid out and Depth-Literally how deep the pipe is. The capacity is in good. The condition needs work as it has deterioration and bad grade and alignment. The depth is important as making the system deeper will give them options for great alignment. Some of the existing pipes are very shallow and that leads to problems. The shallow depth of the pipes conflicts with other utilities and contributes to sewer gas. To solve shallow pipe issues, they believe it needs a holistic approach. The pipe needs to move from the treatment plant to the connection and bring that depth out into the system. Tejada suggested that they do not add any new service areas until they are able to replace some of the failing services areas. Tejada displayed another graph that showed the age of the existing sewer lines., the clay pipes were installed in the 30's and 40's, concrete pipes were installed in the 60's, some asbestos pipes were installed in the 70's and PVC pipes from the 80's to the present. Tejada then went over the pros and cons of the different types of pipe. PVC is the gold standard with a life expectancy of 75-100 years the City's PVC is in the shallowest part of the lines. Clay is the oldest pipe and it has root problems and terrible joints, as well as, sewer gas. It's alright, but no one uses it anymore. The asbestos cement is an alright material, but it has asbestos in it. The concrete is where the majority of the problems occur. It only has a 50-60- year life expectancy that has expired and it's shallow, corroded and not in the best condition. It's failing and it's half of the system. Tejada stated that the concrete pipe is shallow, so sleeving it wouldn't work. If they want system to last forever, they need to make it deeper. There are some areas that can be sleeved and they are exploring ways to save money.

- **Streets & Stormwater** – Streets Superintendent Jeff Galley stated that his department consists of six employees. He is down one employee at this time, but they are looking at applicants. His team is responsible for the maintenance and repair of street and stormwater infrastructure. Their responsibilities are to coordinate encroachment and excavation permits, review and approve traffic control for work on the City Right of Way, 25.6 miles of paved roads, one mile of unpaved road, approximately 20 miles of storm drains, 494 storm drain inlets, 1,082 posts, 1,680 signs and 139 crosswalks. They take care of everything you see on the streets, the curb and gutters, the trees, snow removal and flooding issues. They are on call 24/7. They are also responsible for four school zones, weeds in the sidewalks and Right Of Way (ROW) areas, five bridges, three retention dams, 48 decorative lights on Main Street, sweep all paved roads, support special events, painting all of the red zone areas and striping of the street and parking areas in the ROW. Last year's work load included; over 300 potholes, cleaned at least 75 strong drain blockages, 10 sinkholes, lost three trees (not replaced), installed 20 feet of new culvert and new 4x4x4 vault on 400 North and Apple Lane, repaired 60 feet of culvert and is an issue because an agreement was made with Moab Irrigation several years ago and they had sleeved pressurized line through the middle of the City's storm drains. He did not know what the agreement was back then. Linares said that the City's storm drains are now failing and there is no way to replace them because they have PVC pipe running through them. They will have to abandon those lines and put in new drain lines. Linares will look to see if he can find a liability agreement that allowed this to

happen. In the instance of the needed culvert replacement for a sinkhole, he was able to work with Moab Irrigation and they purchased the box which was about a \$5,000 vault and then City staff installed it. They have found some things in the culverts causing blockage such as asphalt, concrete and rocks that got flushed down into it. He displayed a photograph that showed the irrigation line running through the culvert. There were many trees planted that were the wrong trees in the wrong areas that are causing major root problems. The roots grow out instead of down causing the sidewalks to ripple and crack causing trip hazards. There was discussion of replacing any trees that have to be removed with the appropriate trees. Galley noted that the issue is that when they do a road project, they have to make sure that all entities are on board to assist and do what they need to do as it all ties together. They need to lay in new water and sewer systems at the same time the new road goes in because you are not allowed to dig back into that road within five years after new pavement has gone down. The roads currently in the worst condition and needing to be replaced are; Kane Creek, 100 North off of 100 East, West Center Street, 100 South (300 E-400 E) and 100 East. The best time to do road maintenance to protect the investment is when the road is still fairly good to get a couple more years out of it and save money. They have a lot of storm drainage issues. They are over capacity on water in some storms and the storms aren't large enough. Tejada displayed a storm water budget overview from the Master Plan showing three major categories. The most important being capacity which will cost about \$8,600,000. Their look ahead schedule for roads shows; Complete condition survey (Sept.-Dec. 2019), Develop a pavement preservation plan (March, 2020), Budget for maintenance (2020) and Track each surface maintenance treatment (2020.....). For sidewalks in 2020 they plan to update the sidewalk survey, develop an ADA transition plan and develop a plan to repair or upgrade them. For the storm drains; Protect the system (ongoing), Identify areas of concern and develop a plan to mitigate any issues. (Stormwater Master Plan). Tejada stated that they are paying more attention to the contractors work in the City's right of way and enforce the fact that they are supposed to keep the right of way clean to keep construction debris from getting into the sewer lines or storm drains. Linares said that they will be bringing a stormwater protection plan before the Council soon.

- **Parks.** Park Superintendent Mike Huts joined Antillon to update the Council on his department. He stated that they have eight employees with someone working an eight-hour shift every day of the week, through the weekends and holidays. They take care of ten main parks, several pocket parks and the trail system which runs from Rotary Park to the river. They take care of putting banners, flags and Christmas lights on Main Street and in Swanny City Park. They also provide janitorial services and grounds keeping for the Christmas Box House and set up for special events. He noted high tourism affects the City's parks and facilities. Linares stated that the effect of tourism on the National Parks is pretty clear, but it isn't noticed as much in the city parks even though they are just as overrun. He said that the City has awesome parks, but they need improvements and they need money to bring them up to standard. Antillon said that the city staff does a great job maintaining them, but some of them are outdated. They need ADA accessibility; some need the old restrooms replaced or renovated. He noted that they have recently had trouble with vandalism in some of the parks. The Old City Park needs a lot of maintenance. The pond needs to be restored, the concrete needs to be repaired and the bathrooms are not ADA compliant even though they are still functioning. Mayor Niehaus noted that the spring that kids like to play in,

is slippery and dangerous. Antillon stated that they have been talking about doing master plan for the park as it has great potential. They just put in a new playground that is covered. Councilmember Knuteson-Boyd asked why there was a fence around the pond and Linares explained that it was due to liability. The ground is eroding around the edges until it is sheer drop with no way for a child to climb out if they were to fall in. At the Rotary Park, the fence needs to be replaced, the old restrooms need to be demolished and the unique playground equipment needs to be maintained. The new restrooms also need maintenance, even though they are fairly new, due to the high level of use. The City Ball Field has very old infrastructure with dangerous stairs, inadequate access to the basement and roof, and no ADA restrooms. It would make sense to re-do the park because none of the fields meet size standards and that is why there is a problem with the balls leaving the fenced areas of the fields and the lights need to be re-done so that they can be more energy efficient. Swanny City Park is showing its age. Although the playground equipment is in relatively good and safe working condition, it needs maintenance. Lion's Park is new, but there is a concern with the slippery surface at the top even without ice. Linares said that it's a beautiful park, but it is heavily used and they will need to put money into it to maintain it, or in the next 5-10 years, they will be dumping money into it to bring it back up to the standards that they want it to be in. Linares said that they want to get the boulder portion of it covered because the ground matting gets too hot and the kids can't use it. Anonymous Park has a new restroom and Antillon doesn't think that they need to do a lot of Maintenance there. The rest of the parks are all little to no maintenance.

- **Facilities.** Facilities Superintendent Chase Gholson joined Antillon for this presentation. the Public Works Facilities is a new Public Works building. They have five staff members and they maintain all of the City owned facilities and they have many challenges. Their biggest challenges are; maintaining the mechanical equipment for the Gym and the MARC, to complete the renovation of the City Hall, the Center Street Gym either needs to be renovated or replaced. The challenge is access to the restrooms. That is not fixable and is not economically feasible. Biggest challenge with the MARC is ventilation., and Antillon asked Gholson to speak on that. "The intent was that we would have enough funding to go ahead and do the HVAC, and that's what Pat Dean was planning. With the windows, the cost for replacing those windows and having actual opening sashes, was going to drive double, if not triple, the cost. So, the project ended up being where they made the windows solid between the dance room and the stage room, which brought cost down considerably and increased the efficiency of the building as far as air movement, because the old ones were dry-rotted and needing replaced. The bad thing is now we really don't have a way of ventilating the evaporative coolers, and that's what is the only cooling source for that building at this time. We did have some bids on all of the heaters. We have three relatively new heaters that we were going to be able to convert to where they would also be air-conditioning and using the same blowers and then replace the existing heaters that needed to be replaced." Mayor Niehaus stated, "because, if you were to open the front doors, and then each room has the doors. That's still not enough square footage to vent out all the incoming air from the swamp coolers, right." Gholson said, "not sufficiently. It does during open hours, but when the building is closed, we can't keep the building secure if we have doors and windows left open continuously. Before the windows, we could get away with it, because they were not really easily accessible, but as the use of the building has

changed, we have in there almost eight hours out of every day.” Councilmember Duncan asked what the cost of the HVAC system would be compared to what the incremental cost of the sliding windows would have been. Linares said that he believes that the thought, at the time, was that they were going to get HVAC in the MARC, so they saved money by not installing the sliding windows. Then, when they realized that they didn’t have the funds to purchase an HVAC system, they had to go a year without it. Linares said that they are hoping to get it next year, as the facility is so heavily used. There was discussion and it was agreed that that it is cheaper to run swamp coolers, but they are not as efficient as HVAC. Councilmember Duncan said that he had two swamp coolers in his house, and he loves them. Having said that, however, he believed that the Facilities department should do “whatever suits the purpose in the comfort of the building”. The presentation moved on the Moab Recreation Aquatic Center (MRAC). Antillon said that there are still ongoing issues with the exterior siding and the interior. Gholson said that the good news was that they had hired an HVAC person, so they are able to provide that in-house now, so it is cheaper.

Engineer Chuck Williams provided a presentation of the Infrastructure Overview with Identified Capital Improvement & Major Maintenance Needs. A new roads assessment came in and staff has identified needed transportation projects, including roads and bridges, with an estimated cost of \$14,129,000. Other major maintenance including heavy surface maintenance, intersection alignment, right of way clarification, waterway sidewalk and ramp repair to be \$2,550,000. The roads include bridge rehabilitation and widening. The City has five bridges that need help to be compatible with pedestrians and bicycles at this time. Linares added that the bridges also need new safety features. Williams agreed and said that the cantilever sidewalks that cross them have outlived their useful life. He said, “I’m not saying that they couldn’t be redone, but we need to increase those capacities, so we can get bikes and pedestrians across the bridges more safely.

To address the concern of the failing water pipes, Williams displayed a study done by Utah State University in 2018 that showed that water main breaks have increased by 27% nationwide between 2012 and 2018. It shows that PVC pipe had the lowest overall failure rate, that cast-iron pipe has 20 times more breaks in highly corrosive soils and that utilities with a higher percentage of iron pipe may experience a higher percentage of corrosion related breaks. Currently the City’s culinary water pipe material is 62% cast iron and 36% PVC, 46% of the pipes in their system are 50-60 years old and 19% are 60+ years old. That is why they believe that the City is experiencing the high number of breakages. He reported that over a period 13 years they have replaced 12,450,00 feet of pipe. However, the yearly average is 958 feet. USU recommends a rate of replacing 1.6% of the City’s system every year, which would be 4,393 feet so they are completing 22% of what they should be. Capital Projects needs are at \$15,047,000 and major maintenance is at \$163,000. That includes two wells and the storage tank that they are hoping to get CIB funds for.

Approximately 1/2 of the City’s sewer pipe material is concrete and about 1/3 is PVC. They should be doing regular maintenance projects. If you add up the 32% of pipe that is 50-60 years old and the 29% of pipe that is 60+ years old, it means that 61% of the system is in that age range. It explains why the system is in the condition that it is now. They have replaced 7,000 feet of pipe since 2007. The USU study says that 2,534 feet per year would be a good target number and the City came in at 23% of that at 538 feet.

From the Sanitary Sewer Projects Master Plan an estimated \$8,129,137 is needed for capital improvement and \$5,492,651 in major maintenance. Stormwater Projects from the Stormwater

Master Plan shows that an estimated \$5,873,412 is needed in capital improvements and \$1,338,210 in major maintenance. Staff has identified what is needed for the Facilities Projects with an estimate of \$10,466,500 in capital improvements and \$246,750 in major maintenance, while Walnut Lane is estimated at \$9,187,500 total project. Parks and Recreation is a little less clear because they do not have a master plan. However, staff has estimated about \$330,277 for capital improvements to city parks and recreation assets and \$761,250 for major maintenance. Williams noted that all estimated costs have been updated for inflation. The costs for maintenance for Parks and Rec are the ones that he is least certain about.

The infrastructure summary of the total estimated costs of identified capital improvement and major maintenance projects is \$73,648,779. He has added the surface transportation, culinary water, storm water, sanitary sewer facilities, including Walnut Lane and Parks and Recreation, to come up with those numbers.

Mayor Niehaus wondered why Williams and Antillon's numbers were different. Linares explained that Williams numbers include everything. Williams explained that the Master Plan has Capital Improvements and Major Maintenance numbers. Antillon took the ones that he thought were the most critical. Williams was giving the Council the numbers that were everything listed in a 10-year time frame. Mayor Niehaus wanted clarification that the \$33,000,00 that Antillon was talking about was included in the \$73,000,00 that Williams was talking about. Williams agreed that it was. Councilmember Jones clarified that the estimated time frame for spending the \$73,000,000 would be not more than 10 years. Williams said that all of the Master Plans are based on a 10-year time frame. Mayor Niehaus noted that it would average about \$7,000,000/year. Linares said that that is not realistic. The point they are making is that they don't think they are going to dig out of this in 10 years. He said that the point they are making is that the 25% of what the City should be doing annually needs to increase. He said that they need to get closer and be at that 100% mark of what the City should be repairing and replacing each year. He said that they City needs to "just start chipping away at it and reach that potential of 100% of what's expected". He said that they weren't going to dig out of this hole anytime soon. He said that it was now up to the staff to make a plan of how they can accomplish that and bring it back to the Council for approval. He said that staff wanted the Council to see the state of the situation. Mayor Niehaus stated that they are going to need diversified income, a diversified portfolio of different funding sources and they need to know what is critical vs. less critical. She noted that the fiscal philosophy of the City, up until today, has been to spend what we have and not leverage. Finance Director reminded Council that they had just passed a Debt Policy that outlines how they will fund projects and once they have prioritized the projects, they will decide what needs to be financed vs. what they can leverage to go for other funding. Linares didn't want this to be critical of where the City has been in the past, as the infrastructure concerns of the 70's and 80's were different from what they are now. He reiterated that this is not a Moab problem, this is every city in Utah's problem because everyone redid their infrastructure in the 50's, 60's and 70's and everyone is at the point of having to figure out how they are going to fund these projects. He said that they adopted the debt management policy, they are meeting with Zion's Public Finance and they are taking a complete assessment of the City's assets. The City owns a lot of property that they are never going to use, so they might be assets that the City can do something with. The City also owns facilities that they are maintaining that they don't use as a City. Perhaps it is time to liquidate those and put them toward the other functions that the City actually needs to be providing. Councilmember Derasary asked what comes next? Linares said that they ran out of time, so they would touch on that during staff reports at the evening meeting. Mayor Niehaus said that she thinks this a great time to be an elected official in Moab because we have such a great human capacity.

Motion and Vote: Councilmember Jones moved to recess the meeting until 7:00 PM. Councilmember Knutson-Boyd seconded the motion. The motion passed 4-0 aye with Councilmembers Jones, Knutson-Boyd, Derasary, and Guzman-Newton voting aye. Councilmember Duncan had to depart at 4:00 p.m. Mayor Niehaus recessed the meeting at 4:12 PM.

Regular Meeting—Call to Order and Attendance:

Mayor Niehaus called the meeting to order at 7:03 PM and led the Pledge of Allegiance. In attendance were Councilmembers Kalen Jones, Karen Guzman-Newton, Mike Duncan, Rani Derasary and Tawny Knuteson-Boyd. Also, in attendance were City Manager Joel Linares, City Attorney Chris McAnany, Finance Director Rachel Stenta, City Engineer Chuck Williams and Recorder Sommar Johnson. Six members of the public and media were present.

Mayor and Council Reports: Mayor Niehaus reported that they have a new intern at City Hall, Tye Martinez, who was invited up to talk about e-scooters. He talked about the dangers and issues of e-scooters. He said that e-scooters have been hailed as an ecofriendly transportation system and have been popularized by Millennials in many metropolitan cities. He explained that the top speed of an e-scooter can vary depending on the model, but just like every other motorized vehicle, people find ways to make them faster. Due to a flaw in some of the devices, they can be made to accelerate, or brake break mid-ride. Researchers were able to demonstrate that some of the scooters were designed to allow users to remotely lock it using a blue tooth enabled app preventing someone from riding it. Martinez tested this theory and, through the hacks, those who were assisting him were able to target him passing by, locking the device, as well as forcing him to accelerate and brake without physically accessing the scooter. Scooters don't have crumple zones, airbags, or padding so riders are exposed to everything around them. There has been a rise in scooter related injuries that is largely a function of the spread of the scooters themselves rather than an inherent danger in the vehicle. He went on to address bikes. He said that the differences between an e-scooter and bikes are major. A bike has its own lane and is easily slower than 15 mph, generally speaking, and is heavily regulated by laws. Bikes and pedestrians have had contentions in the past and that is why we have bike lanes in Moab. Introducing e-scooters will only bring conflict with pedestrians and pedestrians will end up in the bike lanes. There will only be more conflict when they take over the bike lanes. He said that e-scooters would need to be regulated for their operating hours of the day because there are dangers with riding e-scooters at night. Mayor Niehaus stated that Martinez is going to be a policy partner for the Council, so if there is research that is needed Martinez is willing to do some of that research. She asked Linares if they would be having e-scooter legislation before the Council at the next meeting and Linares agreed that was correct. She thought that an interesting part of his presentation was regulating hours of the day, and that there is an issue with nighttime scooting.

Mayor Niehaus continued her report by informing the Council that she had attended a Water Quality Board Meeting. She had asked the Water Board if they would consider having their next meeting in Moab, which will probably be on November 6th. If that happens, she will send the details to the Council so that they can attend as well and see what the Water Quality Board is all about. It's suggesting legislation to the state, but also managing funds for water projects. She attended the Labor Day concert at Old City Park and said that the Council were thanked by the Music Festival for the use of the park. She attended the Utah Rural Summit in Cedar Citer which was attended by over 600 people. She was honored to sit on a panel where Lieutenant Governor Cox's wife, Abbie Cox, was the moderator. She was on a panel with other female community leaders, and they received a lot of good feedback, but one of the resulting events was her asking

why we didn't have a playground at the State Capital. If Utah is ranking 50th in equality for women, maybe we need to think about points of inclusion. Abby Spencer and Mike Bauer thought it was a good idea and she will have more on that later. It was a great conference and at the conclusion was the Governor's Partnership Board meeting, of which she is a member, where she was appointed by the Utah League of Cities and Town to serve on that Board. She also wanted to celebrate that one of the three stated priorities for the next legislative session is finalized, coming from the Rural Partnership Board, is TRT reform which is a change in the percentage and an expanded use. That is exciting, as it is something that everyone has been talking about for a very long time. The governor stated in front of everyone that the cities know best how to spend their money and that it's time to deal with some infrastructure. Deb Dull with Rocky Mountain power met with Joel and herself and talked about different priorities for the year in their relationship. One topic that was discussed was Rocky Mountain's service center and how nice it would be if it was put to residential/commercial use as opposed to storage and an office, and she thought that the meeting went very well. The man that Dull brought to the meeting is in charge of all Rocky Mountain real estate and is going to go back to his team and see what they are interested in. It would be the City's responsibility to find a place for that business to move to. One place that she Linares were looking was around the Public Works property, because they could potentially combine large truck storage with UDOT and the City. They could open that up to share with Rocky Mountain Power as they have been a very good partner. She and Linares attended a CIB meeting at the County, and she thought it was helpful for Linares to see the list that had been generated by the former City Manager, David Everett, and look forward at what the City's funding priorities would be. Linares is going to revise that list and meet with Stenta to make sure that the City is very specific on what they want to request CIB funds for moving forward. Representative John Curtis held a Rural Business Summit in Price where she sat on a panel to talk about "something like a show me the money deal with infrastructure". As the meeting was held in Price, there was emphasis on Price and their coal industry. The mayor of Price talked about how it was time for Price to transition, and how important it is for them to diversify their economy and to understand that coal is going away. Councilmember Guzman-Newton clarified that this was the mayor who works at a coal plant and Mayor Niehaus agreed that he works the night shift at the coal plant. She also attended the LPC and asked that Councilmember Derasary talk about that. She told the County that the League's annual meeting will be held this week and she and Councilmembers Knuteson-Boyd, Derasary, and possibly, Guzman-Newton will attend.

Councilmember Derasary reported that they had a webcast meeting from Salt Lake for the Utah League of Cities and Towns Policy Committee. The bulk of that meeting was discussion on two resolutions that will be voted on later this week at the conference, but they have to do with air quality and local control when it comes to economic development. It was interesting that it was such a controversial topic, and she was surprised by that. She attended a Canyonlands Health Care Special Service District, and she reported that they are in putting a memorial garden to memorialize all of the previous residents of the Care Center. They will have a ribbon cutting ceremony at noon on October 16th. She attended an EMS Special Service District meeting this morning and numbers continue to be high. They have had 935 calls thus far this year as opposed to the 850 calls at this time last year. EMS, the fire district and the police department are talking about the possibility of coming together to share an emergency manager to, largely, deal with looking for grant funding and dealing with various aspects of the radio system, which is very complicated. There will be a free CPR class on the 28th of September, and anyone interested can contact EMS. EMS was successful in going to CIB for \$4,800,000. The funding is made up of 1/4 grant and 3/4 loan at 0% interest for a new facility. The problem is that the property they were looking at is potentially problematic, so stake holders are getting together later this week to discuss options in the 1 1/2 acre range. Councilmember Guzman-Newton asked if EMS had the

percentage of locals vs. visitors out of the 935 calls that they have had this year. Councilmember Derasary said that she didn't have that at this time, but that she would get that break-down for the Council. She said that it seems to fluctuate. Sometimes it's more visitors and sometimes it is more residents depending on the time of year. She said that she has been told that there is a big push for EMS to come to the City for assistance in funding and others will be doing the same when there are services that are shared by both the City and the County residents.

Councilmember Duncan reported that in an interview with an Assistant City Manager candidate and he asked Linares that the candidate is "still on board to come on". Linares said that they were, but staff would probably make those announcements when it gets closer to their start date before the City officially announces anything. Councilmember Duncan said that he would "confide that I proposed to her that one of her duties could to, sort of, complete feedback loops all of the time. He said that Council gets requests all of the time about this and that and they, ordinarily put a request in to staff, and, "as we saw in an earlier session, for example, with the Public Works curbs kind of thing, the City did do something about it, everything happened, except he said, nobody ever got back to me to let me know". Councilmember Duncan suggested to the candidate that she might fill that role, since Linares is a busy man. Linares said that he, hopefully, won't be so busy once the City gets all of the positions filled. He said that they have started reclassifying their organizational chart and certain departments will get assigned to the Assistant City Manager and a lot them will stay with him. Those emails can then be "funneled directly into those to funnels, and that should cut mine in half." Councilmember Duncan reported that he attended the Moab Music Festival concert at the new HooDoo Hotel. He said that the ball room upstairs quite spectacular. A couple from California next him, remarked that they have been "coming to Moab for years, so forth. This kind of strikes me, it's big city stuff and struck that. Councilmember Duncan said that felt that the man who he was talking to didn't come to Moab for the fancy ballroom, but more for Moab's rustic charm. He said that he told the man, "perhaps Mr. Bynum is building for what he thinks will happen in the future". He said that there is nothing wrong with what Mr. Bynum did and that he thinks it's great. However, Councilmember Duncan wanted to emphasize that he doesn't think that people come here for big city hotels. At least, that was the opinion of the couple he spoke to. He then went on to say that, if the Council hasn't read the book by Rod Decker, they should go to Arches Back of Beyond Books store and buy it. He said that for someone like him, who didn't live in Utah for most of his life, it's a terrific resource.

Councilmember Knuteson-Boyd reported that things have also been pretty quiet for her. The museum didn't have a meeting last month and that she had reported on the Housing Authority at the last meeting.

Councilmember Guzman-Newton reported that things had also been pretty quiet for her, so there was nothing to report on that. She attended the Red Devil's mountain bike race last weekend. The team came in at 1st place, which is very cool for such a small school. She wanted to bring to the Council's attention that the Secretary of the Interior, David Bernhardt, signed an order on August 29th, which will allow access of electric bikes on BLM land in national parks. So, this will effectively allow e-bikes on any federal trail where non-motorized bicycles can ride. The Council will need to address some the rules that they have in place on their roads, because e-bikes are not currently allowed on the bike path. Mayor Niehaus added that Lance Porter, BLM's Canyon County District Manager, said that he is looking to reclassify them so that they are non-motorized in classification. Once BLM comes out with that classification, the Council can consider using that for the bike path. That order only gives BLM two weeks to figure it out, and the order came down from the Department of Interior, not the Department of Agriculture. The Forest Service is not recognizing e-bikes, at least not at this time. Councilmember Guzman-

Newton said that it is on the Forest Service books now and there is discussion and it's most likely going to happen. Mayor Niehaus asked Councilmember Guzman-Newton what she was hearing from the cycling community. She answered that the feelings are mixed. There are purists who feel that once you open up e-bikes on trails, it's going to allow e-motorcycles, so it's a larger discussion, but it will probably be based on speeds. She would like to keep in mind that they should not undermine true public safety for perceived public safety. She said that she knows that they aren't going to allow e-scooters on the sidewalks, if you put them in bike lanes, you could put a cap at 15 mph, bicycles do go faster than that. It's just trying to find a balance where people are safe. Councilmember Duncan said asked, "Did I understand you correctly? This would allow e-bikes on mountain bike trails?" She said that it would on BLM land and most of the trails the we have in the area. Councilmember Duncan gave an example of a 700-watt e-bike that he had had, that was pretty powerful. He has been told that, in Boulder, Colorado, you can buy them much more powerful than that. In Europe you are limited to 200-250 watts. He thought they would be a little more acceptable if their power was restricted. Councilmember Guzman-Newton said that the matter of top speeds would be part of the discussion. She said that something to keep in mind is that they are pedal assist. They don't have a throttle, so the only way to make them work is if you are pedaling. They are quiet and they get people out. The City has been talking about a shuttle or bus service, but there's that last mile connection. E-bikes could be avenues that could be used to help the City succeed in a transportation plan. Linares said the City could review their rules. One of the main reasons e-bikes have not been allowed on the paths is because a lot of the paths were built with federal funding and federal funding required that they not allow motorized vehicles, and the classification that just changed, had classified them as motorized vehicles. So, whether the City wanted to allow them or not, they weren't permitted to allow them because of the funding that they had received to build the pathways. With that restriction removed, it opens it up for the City to review. Councilmember Jones added that he saw an e-bike headed south on the northbound shoulder of the road around the intersection of Kane Creek and HWY 191 going, what seemed like, 20-25 mph. He said that he is used to seeing bikes on the wrong side of the street occasionally, which is alarming to him, because if he's not really careful to look for them, "they can just scoot out into an intersection, when you're not expecting it, and it's just dangerous." Linares agreed and said that if the City is going to have e-bikes, riders need to start learning that they have a responsibility, as well as a right to be on our streets, and that means behaving in a predictable way and conforming to the traffic laws, and if they don't, it's time to start enforcing that and sending the message. He agreed with Councilmember Guzman-Newton as to, "if we are going this route, we need to figure out how we're going to regulate this, and actually enforce the regulation.

Councilmember Jones reported that he attended a Solid Waste Board Meeting on August 29th, where they had a public hearing on a fee update and that there was one member of the local press in attendance, but no commenters. He said that they did not change the municipal solid waste fee, so he is hoping that they will hear from Monument asking for an adjustment to their contract. He said that Evan did a regional price comparison, looking up a dozen adjacent landfills. He said that "even though our primary commodity municipal solid waste wasn't adjusted, there is a lot more specificity now, about different things that are received and the fees appropriate to the labor and risk associated with handling them." There is a state level water conservation plan that is out, and they are in the comment period through August 29th. It requires a 20% reduction in per capita usage in municipal and industrial water usage. He asked if the Council was planning to comment. He said, "The goal itself is in line with what we're intending to do anyway, but some of what it has to do, is like the mechanism by which that is achieved and I believe a lot of the emphasis is just on water rate pricing, which is certainly a strong incentive. It seems like if the state could help us with other incentives for water users and education, that can help as well, because for many people, it might take quite a big rate increase

to actually get them to change their behavior, but if they understood how to do things, that could help it along”. He asked Councilmember Duncan if the Water Conservation Board has had any discussion about this. He replied, “not on that exact discussion”. Councilmember Duncan said that Rosemarie Russo had looked very carefully into hotel usage and compared to what residents use, “they look pretty good on a per capita basis, and I think the reason is, is that residents use culinary water to water their lawns and motels don’t have lawns, by and large. It strikes me that if we wish to lower the culinary water per capita here in the city, that the place to start would be to find a supply of secondary water, rather than culinary water to water your lawns with.” Councilmember Jones said that he was thinking about how other places that have incentive programs for people to put in smart timers. He said that they’ve been proven to cut water use by 30% pretty constantly. He said that a secondary water system is a major capital investment, whereas incentives would be something more incremental. He also attended the County Council meeting on the September 3rd. He was there to present, with County Councilmember Wells, on the Arches congestion management roundtable two-day workshop that they are working on putting together, and that Wells just wanted to update his Council and start to ask about funding, as it is going to cost about \$30,000 to bring in the subject matter experts. The initial hope is that it can be paid for with TRT promotional funds, and failing that, possibly splitting that between the City and the County at \$15,000 each, to come up with enough community understanding and dialogue to hopefully move this forward with more unanimity than they have had in the past. Councilmember Guzman-Newton asked for clarification on exactly what the \$30,000 would be used for. Councilmember Jones said that in the last five years, Arches has had a number of studies done on different approaches to their congestion problem. The \$30,000 would be used to bring in people from those firms, hopefully the authors, to recap their conclusions, and also bring in people from the Park Service, Zion, Muir Woods and the Denver office to talk about options. Muir Woods is doing a reservation system, so they have first-hand experience with a shuttle system, and his understanding is “that they are bumping up against the limits to effectiveness with the crowds they are experiencing. The Denver Regional Office, in conjunction with other federal management agencies, are working on visitor management framework, because this is an issue that is affecting many federal land managers. Councilmember Guzman-Newton asked if they had looked at a private/public sponsorship duo. He replied that hotels will be asked. Mayor Niehaus asked about the NEPA process that the Southeastern Utah Association of Local Governments is having a meeting on in October. Councilmember Jones said that he was unfamiliar with that, and that would ask about it. He also reported that, while he was at the County Council meeting, USU had a contingent there, including state legislators, asking the County for \$500,000 to help with the Extension Office component of the new campus. So, there will be more fundraising in the works for USU. The extension is normally something that is a County function, but that doesn’t mean that the City will be immune from being asked to participate. Mayor Niehaus mentioned the Council had received a request for a letter in support of Dark Skies, and that Councilmember Jones had said that he would write it. He told her that it had been done and that he had sent her a link in Google Docs. He will re-send it as important for the City’s General Plan applying for International Dark-Skies Community Designation and part of the application includes endorsement letters. After some discussion, it was decided that Mayor Niehaus would sign the letter in support of the initiative for the Council.

Administrative Report: Linares started by thanking Williams, Stenta, Antillon and their departments for the amount of research they did to try to figure out what the City has and where they have. He said that staff was pulling hand drawn maps from the 1930’s and inputting that information so that it would be available. Unfortunately, the information may not be completely accurate, but he doesn’t believe that it can get any better. He said that with so much new staff, not only was it helpful to provide the Council with that information, but it was very helpful to

staff to understand what the City has and get some institutional knowledge that might have “walked out the door over the years.” He met with staff last week and they are working on the Parks Plan, which they brought to the last meeting. It is still in process and they have a couple more follow-up meetings with staff that are involved with the park rental table for the website as Councilmember Knuteson-Boyd had suggested. They will, hopefully, bring that back to the Council for approval at the next meeting. That table will enable staff to put it directly on the website so that people can access it and see what they can and can’t reserve and how that process will work. He said that they are very close to making announcements on the positions within the City. Those positions include the Senior Project Coordinator, the Assistant City Manager and the City Attorney. They also posted the position for the Assistant Planner position today. They are working diligently to get the positions filled and get staff on board. They are also in the process of shifting people around in order to open up some office space, but there will be no shuffling around within the departments. So, when someone visits City Hall, they may not find the department they are looking for in the same place as it was before. The Engineering department has been conducting student counts for past week and half for the Charter School after they had requested a crossing guard on site. However, the number that the school provided were only traffic and the law requires step traffic and student numbers. Staff is currently preparing the data, so that they can get it to the Council in a presentable manner and it will probably be on the next agenda. Linares said that he has the Springdale meeting tentatively scheduled for September 26th and he thinks that they may be moving it. Fall sports programs begin this week, so youth football, soccer and some others should be at the park across the street. He reminded Council about the ribbon cutting ceremony for Aggie Boulevard on September 19th at 9:00 a.m. There will be a Community Art Show, which was formerly known as the Art Walk, on the September 14th and the Red Rock Art Festival will be October 5th – October 12th. The City has also been making progress on Walnut Lane. They have been working on strategizing their plan and how they are moving forward. As of today, they have removed the two burned out trailers, so they are working on how to replace those units in the interim, so that they can keep people in housing as the City is trying to go forward.

Mayor Niehaus shared that on September 14th from 7:30 – 11:00 a.m., there will be a 50th Anniversary celebration for Slick Rock Bike Trail. There will be a movie and pancakes and all kinds of fun things. Councilmember Derasary interjected another “save the date”. When John Curtis come to town on the 8th of October, the UMTRA site will try and do a little celebration event having to do with moving 10,000,000 tons of tailings. They have reserved Zion’s Park and it should be right after the County’s lunch meeting with Curtis.

Stenta reports that her presentation was basically a follow-up from the workshop that they had earlier on this date, where it was briefly discussed. The draft matrix is for the City’s capital projects prioritization process. The next step would be for a staff committee, including a Councilmember, to go through and fine tune the criteria for it. As many categories can be added to it as may be deemed necessary, and they could be broken out for the purposes of efficiency or cost savings. She pointed out that at the time she created the matrix, she didn’t have the technical knowledge to plug in what they should be rating and ranking projects for the Sustainability goal.

They will get a recommendation from the Sustainability Director on that piece. This is a draft matrix, so it doesn’t add up to 100%. She said that she would work with some of the project staff and get those plugged in to the matrix and see how they end up. That will allow them to “see if they need to recalibrate any of the specific criteria. Then they will know if something needs to be weighted more heavily, or more points need to be added to be contributed to any of these categories”. Once the committee finalizes the matrix, they would bring it back the Council for approval so that it can be adopted as a formal mechanism for approving capital projects. Then

staff would start plugging in the projects. As the Council saw in the presentation, it showed all of the City's needs, which are great. Council has adopted the Debt Management Policy, so after Council adopts the Capital Projects Prioritization Criteria, each project plugged in would come out with a score. A prioritized list would then go back to Council for approval. Council could change that prioritization based on what Council priorities are once Council has seen the rationale that has gone into the scoring of each of those projects. Then, once that list is adopted, Senta will move forward with financing options applying the Debt Management Policy as to which project should be financed and for how long. She will look at other revenue sources, looking at ways to leverage funds to open up revenue opportunities that might require matching funds. Councilmember Duncan asked, "you don't have any recent, old projects that you could use as test data to check out your matrix. Because it's kind of tough to assign weights to a different rating criterion". He said, "we may all think, oh, this looks perfectly sensible, and then you go, well this project ranks higher, another gets a 90, and another one got an 85, but I really want to do the one with just 80." Stenta stated that that is actually part of the calibration process. She would "take some of the proposed project we have now and put them through, and they obviously we know which project should come out higher than the others, so if we put a project through and it comes out with the exact same rating of something that is obviously a lower priority project, then we would go back and reassess". She said that the template that she was showing them was from the Government Finance Officers Association, so she didn't randomly assess the weighting of the points. The one that she did add, that was not included, was sustainability, and she took the liberty of pre-empting the Council, because she thought that they might want to have it in there given the Council's aggressive sustainability goals. She said that the City's previous projects might be a little subjective but because some of the projects that they have done were based on the availability of funding, or staff priorities, they didn't go through this process to begin with. She said that the committee is going to have enough staff with expertise at the table that she thought that it would be a good process. Stenta went on to present a Financial Dashboard that she had created in response to a request from Council asking for the City's latest sales tax figures. She said that one of the goals of Council creating the Finance Director Position was to give regular updates to Council. The topic also broached in the visioning meetings over the past two years, where they talked about those being quarterly updates. What she would like to offer in addition to that is a tool that she could plug in financial information that she and other departments gather. This dashboard will give Council as snapshot of what is happening with the City's finances at any point in time. She demonstrated how the dashboard works so that they can see the total billing sent out each month, how much by service, accounts receivable, sales tax information and revenue sources. She said that she would change the dashboard to add in whatever Council thinks would be helpful with their conversations as Councilmembers with other entities. She said that she wants to keep them as educated as possible when it comes to the City's finances, when it comes to the next budget meeting. She told Council to let her know if there is anything that they would like to see or if they have a question. She would be happy to put anything beneficial on the dashboard to help them guide their conversations. Councilmember Guzman-Newton asked if it would be possible to see sales taxes by sector, and Stenta that she would do that.

Citizens to be Heard: Jen Patterson, Chair of the Moab Charter School Board. She said that she is the one who came to the Council a few months back requesting a crossing guard across 400 East. She said, "I won't take up much of your time. I'm just here to tonight to offer more help if there's anything else I can do. I can crunch more numbers, gather more data, get testimonials, do more legwork, whatever you may need to help this process along, I'm available. My contact information is in that brief I gave you before, so please feel free to reach out, and if you have any questions or want to talk about it in any way, please let me know and I'm happy to do so"

Linares said that her comments were timely and told her that they have a student count at this point, and that staff has all of the data to start processing. He thinks that it might be on the next Council meeting agenda. He told her that they had done counts on both 400 East and 300 South and they are prepared to address both. Councilmember Guzman-Newton asked Patterson if she thought that the flags had been useful. Patterson said that she feels that they have been helpful. They are very much appreciated. “They are definitely a step in the right direction, but come April, come May, and even when it starts to get dark earlier, we’re going to need a person. We are going to need a human out there watching the kids and watching the cars”. Linares explained that that is all regulated by the state, and the State Risk Assessor set the rules in the state legislature for how all of that works, and if street crossing doesn’t meet the criteria, the City is not allowed to do it. It’s a State of Risk Assessment type of thing. of where we can and can’t have them. He said that they would address all of that at the next meeting. Councilmember Guzman-Newton asked Linares if it was possible for the school to have their own volunteers do it. Linares said that they will go through all of that at the next meeting with a full presentation, as he doesn’t know if they do or don’t meet the count yet, as it was just finished today. He said that there are stages up to a crossing guard. Right now, there is no crossing on 300 South and people are just running across the street, so there are definitely issues that need to be addressed, so they will definitely have a plan. If the numbers are high enough to justify a guard, they will put a guard there. Patterson asked Linares, “how does the state accommodate for fluctuations in enrollment, because sometimes we meet the numbers and sometimes, we don’t”? Linares said that requirement is 45 minutes before school starts and 15 minutes after school starts is a one-hour window and that’s the count. By state law, that’s where the City is mandated to watch and count students crossing at that point. So, that’s where all of the City’s data has to come from , so as far as fluctuation goes, he didn’t know, but felt that the highest numbers would be now, “when the weather is good and the sun’s up early and the sun’s out late, this would be the window I think most parents would be like, ‘yeah, go ahead and walk today’.” It was decided that they would discuss this topic at the next meeting when the presentation could made on their findings.

**Public Hearing – Proposed Ordinance 2019-24:
An ordinance Amending Title 3 of the Moab Municipal Code to Include Chapter 3.50, Master Fee Schedule and Modifying Certain Fees and Rates Charged by the City**

Mayor Niehaus opened the Public Hearing at 8:10 p.m. There were no members of the public that wished to speak at this public hearing.

A brief presentation was made by Stenta. She reported that they had made a couple of changes at the request of staff and to address questions on the Council comment forms. It was decided that it would be much more manageable for Staff to administrate fees for, both the public and the staff, if building service fees were its own subcategory, so she made changes to that. Council comments asked about some of the fees and she had asked to staff for clarification on those to get back to Council. The latest change was looking at the culinary water rates that they charge for shop water, and also for fire hydrant water for construction. They did a quick comparison around the state today and came up with some minor increases, that she recommended to the Council for both of them. She explained that shop water is for commercial trucks that go to the City Shop and fill their trucks with culinary water and the City charges them per gallon, and that hydrant water is for construction and it’s a meter that attaches directly to the fire hydrant and meters the water that comes out for construction. Both of those use culinary water. There were no citizens to be heard. Councilmember Jones moved to close the public hearing.

Councilmember Derasary seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Guzman-Newton and Duncan voting aye. Mayor Niehaus closed the hearing at 8:12 PM.

Special Events:

Approval of a Request for Amplified Music at Old City Park on September 21, 2019.

Discussion: none

Motion and Vote: Councilmember Derasary moved approve. Councilmember Knutson-Boyd seconded the motion. The motion carried 5-0. Councilmembers Jones, Knutson-Boyd, Derasary, Guzman-Newton and Duncan voting aye.

New Business:

Proposed Resolution 48-2019: Approving the Final Plat for the Millcreek Cove Twinhomes Subdivision

Briefing and Possible Action

Discussion: City Planner Nora Shepard said that due to some of the questions and comments received by Council, she went back through the history to try to clear up the confusion. On July 15, 2017, the original application for Preliminary Plat was filed for 27 dwelling units-1 single family and 26 townhomes (13 sets of twinhomes). On December 14, 2017 a public hearing for that preliminary plat was held where the plat was approved by Resolution #42-2017. On March 22, 2108 an application was filed for a final plat for Millcreek Cove Subdivision containing 2 household lots and 22 twinhomes (11 sets of 2 twinhomes). On September 27, 2018 the Planning Commission approved Planning Resolution #12-2018 consisting of 20 Twinhomes (10 sets of twinhomes) and 4 single household lots. This resolution recommended approval to the City Council. On November 14, 2018, revised plans were submitted with 20 twinhome lots (10 sets of 2) and 3 single household parcels, and on July 17, 2109 revised plans were submitted that show 9 single-household lots and 8 twinhomes. Shepard showed the Council the plat that the Planning Commission recommended and the plat that is currently being proposed. The plat being proposed by the developer is nine single household lots sized between 6,530 square feet to 8,296 square feet, eight twinhomes lots that are all over 3,000 square feet as required by Code. There is a tract A, which is a detention basin, drainage facilities were modified based on input from the City Engineer and GWSSA, utility easements, and the City Engineer's office recommended that the islands that exist on 400 East be eliminated to accommodate left turn lanes. That recommendation was based on the volume of turning movements that would occur based on the proposal. The current proposal has 3 parcels. Wang Organization owns two parcels, one is zoned R-3 and the other is zoned R-4. The largest parcel is owned by Brian Ballard and is zoned R-2. Shepard displayed a map of the proposed subdivision that shows where these parcels are located. Mayor Niehaus asked if this new proposal needed to go back to the Planning Commission. Shepard said that she went through the code and there isn't a requirement that says that the final plan has to be just like the preliminary plan, and it doesn't say, that when the Council approves it, it must be just like the preliminary plan, or that is has to be the same as the one that the Planning Commission approved. It does meet the code and fewer units, presumably means less impact. So, Council can refer it back to the Commission, they can choose to continue it for more information, or they can approve it. There is a question about the development improvements agreement (DIA). City Code doesn't say that you must have a DIA to be executed by the Mayor at the time of plat approval by the City Council. The developers have been working closely with Engineer Williams and are very close to finalizing the DIA. The Council could also continue it pending the DIA. Mayor Niehaus thanked Shepard for putting this together so quickly, because it has saved the developer, the Council and the Planning Commission a lot of time. She also said that while she couldn't speak for the whole Council, she

noted that the Council's priority has been to incentivize housing development, and part of Housing Affordability and Housing Affordability is actualizing subdivisions and standards. If they get this subdivision passed tonight, they still have a long way to go to finish, to get their permits before they can start their development. So, I encourage the Council to see the benefit in expediting the subdivisions, because, if it's by right, if it went to the Planning Commission, the Planning Commission is going to say, yes, that we expedite the subdivision process without having to weigh in on a developer's improvement agreement". "Getting a subdivision done before having all of the other stuff in place, is a benefit to the developer, and that is what we heard from the Housing Authority, as well". Shepard said that is not unusual. Councilmember Knuteson-Boyd ask if it had been decided who was going to remove the islands. Engineer Williams said that all of those costs would be born by the developer. One of the things they will have in the development agreement is, for each one of the trees that would go away with the islands, they will plant two in a location to be determined. Councilmember Duncan asked for clarification. He said that he thought that he saw something in Shepard's presentation that people who want to go North will have to "loop back through to Kiva, and it had something to do with the island"? "I don't hear you guys talking about one. I don't see why it's necessary. Why can't they just go out 400 East and go right"? Shepard said that there is a specification about these lots that they can't access directly out 400 East. Councilmember Duncan said, "I am a little concerned about cumulative traffic on 400 East, and so forth, particularly coming from Millcreek Drive." He said that he was concerned about what kind of tools they have. "If we decide that the road is horribly congested now, and there's still more dense housing that we wish to build in the area, that would fully congest the road". Linares said that that gets into some legal grey areas. He said, "before you would want to make that assertion , you would want to have the data available to you that justifies the claim" If the Council can do that, they can require developers to do an improvement to your road, so long as its correlated to their development". Shepard said that the best remedy would be to have those discussions to determine that our roads are beyond the point that the Council is comfortable, is to re-zone property. More discussion followed on traffic.

Motion and Vote: Councilmember Jones moved to adopt Resolution 48-2019 to initially approve the final plat for the Mill Creek Cove Twinhome Subdivision with the conditions listed in the revised staff memo: Councilmember Guzman-Newton seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

US-191 Highway Widening Project Night Construction Restrictions.

Discussion: Engineer Williams stated that he had the exhibits and said that he would talk more about it if the Council wished. Councilmember Derasary said that she was looking at the two maps and, "what confused me is, we have those two homes just off the 500 West intersection, but they are a little ways off the intersection, so I'm not sure if that was a night work zone, or not, with restricted hours." Williams said that the criteria he used was 250 feet from an active work zone. He showed on a diagram, how the major storm drain is going to come down the highway and exit into the Wetlands. There will be a significant amount of work for that storm water activity. That is why he has another corner closed. The Highway work starts at 400 North

Motion and Vote: Councilmember Knuteson-Boyd moved to approve the Highway Widening Project Work Hours as Stipulated. Councilmember Derasary seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Proposed Ordinance 2019-25: An Ordinance Amending the Municipal Code to Permit Serving of Alcohol at Public Events Held on Certain City Properties.

Briefing and Possible Action

Discussion: Mayor Niehaus asked if there were questions that were submitted that Linares would like to answer. Linares said that the former code didn't address some areas that have been in line with what City practice has been. In the past, the City has permitted weddings to place at Lyon's Park where Champaign was served, and other similar situations, but Councilmember Duncan had pointed out that in sections E & F could probably be combined if they just added public and private in that one. The MRAC has been receiving request for private parties to have BBQ's for employees and serve beer, like 2 beers per person. Councilmember Derasary asked if allowing alcohol at the pool would add any liability. Discussion was that only aluminum cans would be all that was allowed. Mayor Niehaus asked if someone applies for a special event permit, could they request special hours? The answer was, yes. These changes would only affect special events.

Motion and Vote: Councilmember Guzman-Newton moved to adopt Ordinance 2019-25, an Ordinance Amending the Municipal Code to Permit Serving of Alcohol at Public Events Held on Certain City Properties. Councilmember Knuteson-Boyd. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Discussion regarding the current USU building.

Discussion: Mayor Niehaus invited the City and the County to a meeting where they were told that USU was thinking about selling the property and asked if the City was interested as a buyer. She said that she and Linares had discussed it and they talked about Public Works and a few other things. Based on the amount of money they are going to have to be spending on infrastructure and other projects, she personally, doesn't have an interest, but want to see if the Council has an interest. Councilmember Derasary asked what the zone was there and she was told that it was C-3. Linares said that it is a campus that they could do something with, but with the asking price and that amount of work and remodeling it would require, the City would be looking at a minimum of 5-6 million dollars to make it work for that they would need it for. More discussion followed and it was agreed to decline the offer.

Approval of Bills: Councilmember Knutson-Boyd moved approve against the City of Moab in the amount of \$2,149,935.63. Councilmember Jones seconded the motion. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Adjournment: Councilmember Knuteson-Boyd moved to adjourn the meeting. Councilmember Jones. The motion carried 5-0 aye, with Councilmembers Derasary, Jones, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. Mayor Niehaus adjourned the meeting at 8:53 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder

PROCLAMATION

DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, domestic violence impacts women, men, and children of every age, background, and belief, here in this community, throughout the United States and the world; and

WHEREAS, nearly one in three women and one in four men in the United States have experienced some form of physical violence by an intimate partner; and,

WHEREAS, in just one day, across the U.S. and its territories, nearly 75,000 victims of domestic violence sought services from domestic violence programs and shelters, and more than 9,000 requests for services could not be provided because programs lacked the resources to meet victims' needs; and,

WHEREAS, racism, homophobia, transphobia, ageism, and discrimination based on physical ability, nationality, or other factors help to perpetuate domestic violence and make finding safety even more difficult for some victims; and,

WHEREAS, victims may blame themselves for abuse, and within a small community such as Moab, speculation and gossip may lead to victim blaming, thus compounding the pain and creating additional obstacles for victims to find healing and independence.

NOW, therefore, I, Mayor Emily S. Niehaus, and the City of Moab proclaim the month of October as Domestic Violence Awareness Month and urge the citizens of Moab to eliminate domestic violence from our community; and,

TO say No More to victim blaming, ignorance, and silence; and,

TO reaffirm our dedication to recognizing the signs of domestic violence, and to offer compassion, assistance and resources to those who suffer;

THAT we may forge a city where no one suffers the hurt and hardship that domestic violence causes – and to commit to doing everything in our power to uphold the basic human right to be free from violence and abuse.

CITY OF
MOAB
UTAH

EMILY S. NIEHAUS, MAYOR

OCTOBER 9, 2019

SOMMAR JOHNSON, CITY RECORDER

OCTOBER 9, 2019

Moab City Council Agenda Item

Meeting Date: October 8, 2019

Title: Approval of the UDOT Betterment Agreement for US-191 Widening Project Storm Water Improvements, Multi-Use Path Extension, and Sidewalk Installation in the amount of \$2,236,000 and Authorization for the Mayor to Sign it.

Disposition: Discussion and possible action

Staff Presenter: Chuck Williams, City Engineer

Attachment(s):

- Attachment 1: UDOT Betterment Agreement for US-191 Widening Project Storm Water Improvements, Multi-Use Path Extension, Sidewalk Installation

Recommended Motion:

“I move to approve the UDOT Betterment Agreement Relating to US-191 Widening Project Storm Water Improvements, Multi-Use Path Extension, and Sidewalk Installation in the amount of \$2,236,000 and authorize the Mayor to sign it.”

Background/Summary:

In order to coordinate needed infrastructure upgrades with the planned road widening in the north US-191 corridor, the City has previously agreed to cost sharing portions of the US-191 Widening project with UDOT. The attached Betterment Agreement establishes the terms of cost sharing for the storm water, multi-use path, and sidewalk improvements. UDOT has prepared plans, specifications, and estimates of the costs for the construction of the project, including these improvements. Per the Betterment Agreement, the City will not be responsible for actual costs of betterment items, whether greater or lesser than estimated costs as contained in the Betterment Agreement.

The City has scheduled half of the \$2,000,000 estimated for the storm water improvements in this fiscal year, which will include needed facilities for conveyance of storm water runoff from Stewart Canyon. Additional funds will need to be allocated next year. Funds for the sidewalk installation have been

deposited in the amount of \$75,000 in an escrow account by the Hyatt Place in preparation for the project. The allocated funds totaling \$1,236,000 will be deposited with UDOT prior to advertising for construction bids, and the remaining \$1,000,000 for the storm water system will be required to be deposited before October 31, 2020. Summary of funding as follows:

Betterment Items	Estimated Price	Funds Allocated	City Fund
Storm Water System	\$2,000,000	\$1,000,000	Storm Water Utility Enterprise Fund
Multi-Use Path	\$161,000	\$161,000	Millcreek Project Fund
Sidewalk	\$75,000	\$75,000	Escrow (deposited by Hyatt Place)
Total	\$2,236,000	\$1,236,000	



State of Utah
Department of Transportation

Betterment Agreement Local Agency Modification to Federal Aid Agreement No. _____ (If applicable)	Project Description: <u>US-191 Widening, Storm water improvements, multi-use path extension, and sidewalk installation</u>	Estimated Value of Betterment \$2,236,000.00
	Local Agency: <u>City of Moab</u>	
PIN Number: <u>15329</u> FINET/CID Number: <u>55050</u> FMIS Number: <u>F012730</u>	Project Number: <u>F-0191; P 126.11 – 128.20</u> Project Name: <u>US-191; North Moab to the Colorado Bridge</u>	Agreement Number (Assigned By Comptrollers) Date Executed

THIS AGREEMENT, made and entered into the date shown below, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as “**UDOT**”, and City of Moab a political subdivision of the State of Utah, hereinafter referred to as the “**Local Agency**,”

Subject to the attached provisions, **UDOT** will include the following betterment work items into the above referenced Project. In conjunction with the Project, **UDOT** will advertise these items for bid and will administer construction of the work covered herein.

Description of Work:

-Storm Drain System, City of Moab has major issues with storm water on US-191 from 400 N to SR-128, water collects and given the profile of the road, the water ponds or floods onto private property. The City of Moab has agreed to participate with \$2,000,000.00 toward the storm water system, while UDOT will cover all additional costs needed for the storm water system.

-The City of Moab has been working to extend a multi-use path through town. The path currently extends south from SR-128 along US-191 ending just south of the 500 West intersection. UDOT will extend the path and connect near Emma Blvd, completing the path. The City of Moab has agreed to pay \$161,000 towards the extension of the multi-use path.

-During construction for The Hyatt Place, the developer was required to pay \$75,000 to City of Moab in lieu of required improvements to the property. The City knew that this project was happening and decided it would be better to collect the funds for UDOT instead of having the development make improvements that would potentially have to be removed. The City is now providing these funds to the project.

Betterment Items

Bid Item No,	Description	Quantity	Estimated Unit Price	Estimated Price
	Storm Water System	1	\$2,000,000.00	\$2,000,000.00
	Multi-Use Path	1	\$161,000.00	\$161,000.00
	Sidewalk Replacement Funds(Hyatt Place)	1	\$75,000.00	\$75,000.00
	Subtotal			\$2,236,000.00
	Preliminary Engineering @ _% (If applicable)			NA
	Construction Engineering @ _% (If applicable)			NA
	Total Estimated Cost			\$2,236,000.00

Total Estimated Reimbursement to UDOT is \$2,236,000.00

\$1,236,000.00 of the betterment work shall be advanced / deposited with **UDOT** prior to advertising, The additional \$1,000,000.00 will be advanced / deposited prior to October 31, 2020. The **Local Agency** shall deposit said amount with **UDOT's** Comptroller's Office located at UDOT/COMPTRROLLER, 4501 South 2700 West, Box 141500, Salt Lake City 84119-1500

Provisions

(Note: the language in these provisions shall not be changed without prior approval from the Utah AG's office)

UDOT has prepared plans, specifications and estimates of costs for the construction of the project, hereinafter referred to as the "Project."

The **Local Agency** desires to include the betterment work items described herein in the Project contract work.

UDOT is agreeable to include the **Local Agency's** requested betterment work in the Project contract providing that the **Local Agency** pay the costs, as shown in this agreement. The **Local Agency** agrees that UDOT's Project will not be delayed as a result of adding these betterments, and that no betterments will be added to the bid package until this agreement has been signed by both parties.

The **Local Agency**, at no cost to the Project, shall provide on-call support from **Local Agency's** Design Engineer or appropriate representative to correct or clarify issues during construction and to perform the necessary inspection for the **Local Agency** work installed by the contractor. The **Local Agency** engineer and/or inspector shall work with and through UDOT's Project Manager or Resident Engineer and shall give no orders directly to UDOT's Contractor unless authorized in writing to do so. It is agreed that UDOT's Contractor will accomplish the work covered herein on **Local Agency's** facilities in accordance with the plans and specifications provided by the **Local Agency**, including changes or additions to said plans and specifications which are approved by the parties hereto. The **Local Agency**, through their inspection of said work, will provide UDOT's Project Manager or Resident Engineer with information covering any problems or concerns the **Local Agency** may have with acceptance of said facilities upon completion of construction.

Any periodic plan and specification review or construction inspection performed by UDOT arising out of the performance of the project does not relieve the **Local Agency** of its duty in the performance of this project or to ensure compliance with acceptable standards.

Except in cases of emergency It is understood that access for maintenance and servicing of the

Local Agency facilities located on State right of way will be by permit issued by UDOT to the **Local Agency**, and that the **Local Agency** will obtain said permit and abide by the conditions thereof for policing and other controls in the conformance with Utah Administrative Rules.

I. Indemnification:

UDOT and the **Local Agency** are both governmental entities subject to the Governmental Immunity Act. Each party agrees to indemnify, defend, and save harmless the other from and against all claims, suits and costs, including attorneys' fees for injury or damage of any kind, arising out of its negligent acts, errors or omissions of its officers, agents, contractors or employees in the performance of this agreement, and from and against all claims, suits, and costs, including attorneys' fees for injury or damage of any kind. Nothing in this paragraph is intended to create additional rights to third parties or to waive any of the provisions of the Governmental Immunity Act. The obligation to indemnify is limited to the dollar amounts set forth in the Governmental Immunity Act, provided said Act applies to the action or omission giving rise to the protections in this paragraph. The indemnification in this paragraph shall survive the expiration or termination of this Agreement.

II. Termination:

This agreement may be terminated as follows:

- a. By mutual agreement of the parties, in writing
- b. By either UDOT or the **Local Agency** for failure of the other party to fulfill their obligations as set forth in the provisions of this agreement. Reasonable allowances will be made for circumstances beyond the control of the parties. Written notice of intent to terminate is required and shall specify the reasons for termination.
- c. By UDOT for the convenience of the State upon written notice to the **Local Agency**.
- d. Upon satisfactory completion of the provisions of this agreement.

III. Maintenance:

The **Local Agency** agrees that, upon completion and final inspection of the Project

construction, to accept, own and maintain the betterment work covered herein at no further cost to **UDOT**.

IV. Payment and Reimbursement to UDOT:

The **Local Agency** shall be responsible for betterment costs as shown in this agreement. The **Local Agency** agrees that if it modifies or cancels this betterment agreement at any time after it has been signed, the **Local Agency** agrees to pay any cancellation penalties or costs incurred by **UDOT** as a result of the betterment work scope being modified or cancelled. In the event the **Local Agency** fails to reimburse **UDOT** for the costs included in this betterment agreement, funding for other **Local Agency** projects or B&C road funds may be withheld until the entire payment is made.

V. Change in Scope and Schedule:

The **Local Agency** recognizes that if their project scope or schedule changes from the original intent of this agreement, the **UDOT**

Project Manager or Resident Engineer will be notified prior to changes being made. Any costs incurred by **UDOT** as a result of these scope or schedule changes will be the responsibility of the **Local Agency**.

In the event there are changes in the scope of the work, extra work, or changes in the planned work covered by this agreement, a modification to this agreement approved in writing by the parties hereto is required prior to the start of work on said changes or additions.

VI. Content Review:

Language content was reviewed and approved by the Utah AG's office on July 19, 2012.

Local Agency				Utah Department of Transportation			
By		Date		By		Date	
Title/Signature of Official				Project Manager			
By		Date		By		Date	
Title/Signature of additional official if required				Program Manager			
By		Date		By		Date	
Title/Signature of additional official if required				Region Director			
By		Date		By		Date	
Title/Signature of additional official if required				Comptrollers Office			