

**MOAB CITY COUNCIL MINUTES
SPECIAL JOINT CITY COUNCIL AND GRAND COUNTY COUNCIL
MEETING
February 18, 2020**

Call to Order and Attendance: The Moab City Council attended a Special Joint City Council and Grand County Council Meeting on the above date in the Grand County Council Chambers at 125 East Center Street, Moab, Utah. An audio recording of the meeting is archived at <http://www.utah.gov/pmn/index.html>. In attendance were Mayor Emily Niehaus and City Councilmembers Kalen Jones, Karen Guzman-Newton, Tawny Knuteson-Boyd and Mike Duncan. Councilmember Rani Derasary was not in attendance. Also present were City Manager Joel Linares, Assistant City Manager Carly Castle, Communications and Engagement Manager Lisa Church, Senior Projects Manager Kaitlin Myers, City Engineer Chuck Williams, Recorder Sommar Johnson and Deputy Recorder Joey Allred. Representing Grand County were Council Chair Mary McGann, Councilmembers Greg Halliday, Gabriel Woytek, Jaylyn Hawks, and Curtis Wells. Members of County staff were also present. Representing the town of Castle Valley were Mayor Jazmine Duncan, Councilmembers Bob O'Brian, Pamela Gibson, Tory Hill, and Harry Holland. Members of the media and public attended. County Council Chair McGann opened the meeting at 12:03 PM.

Proposed Resolution 12-2020: A Resolution in Support of Ratification by Utah of the Equal Rights Amendment to the United States Constitution—Approved

Discussion and Motion: Grand County Council Chair McGann opened the meeting by reviewing the resolution. She stated that, since the resolution hadn't made it into the packet 48 hours prior to the meeting, she would entertain a motion to suspend the rules and vote on it. County Councilmember Curtis Wells moved to suspend the rules and vote on the resolution. County Councilmember Jaylyn Hawks seconded the motion.

Vote: The motion to vote on this resolution passed unanimously with Moab City Councilmembers, Grand County Councilmembers, and Castle Valley Councilmembers all voting aye.

Motion: Grand County Chair McGann asked the Grand County Council for a motion to pass and adopt this resolution. It was moved and seconded by Grand County Councilmembers. Mayor Niehaus asked City Council for a motion to vote to approve and adopt the resolution. Councilmember Guzman-Newton moved to approve the resolution. Councilmember Knuteson-Boyd seconded the motion. Castle Valley Mayor Duncan asked the Town of Castle Valley for a motion to approve and adopt the resolution. It was moved and seconded by Castle Valley Councilmembers.

Discussion: County Chair McGann stated that the subject was open for discussion. She also said that she worked very hard on the Equal Rights movement in the 1970's, and she's very excited that it may pass in her lifetime. Mayor Niehaus thanked all the inspirational women who are trailblazers on councils and in business. She stated that she wanted to recognize the women who couldn't attend this meeting, because they are teaching at our schools, working from home, or running their own businesses. She also thanked the women who have inspired her to follow her dreams, like her friend Council Chair McGann. Councilmember Guzman-Newton thanked Jessica O'Leary for asking Congressman Curtis if he would please move forward with ratifying the ERA (Equal Rights Amendment) federally. Councilmember Knuteson-Boyd recalled marching on behalf of the ERA in 1973 and said that it's about time. Councilmember Duncan stated, on behalf of his two daughters, he is in full support of this resolution.

Vote: Grand County Council passed the motion unanimously. City of Moab Council passed the motion unanimously 4-0 with Councilmembers Jones, Guzman-Newton, Knuteson-Boyd and Duncan voting aye. The Town of Castle Valley Council passed the motion unanimously.

County Chair McGann requested a ten minute recess before the County and City Councils continue their discussions. The meeting was reconvened by County Chair McGann at 12:30 PM. County Councilmember Evan Clapper joined the meeting. The Town of Castle Valley Mayor and Council were not present for the following discussions.

UDOT Recreational Hotspot Funding

Discussion: County Councilmember Wells stated that there were few opportunities to have discussions with both the City and County Councilmembers in the same room on record. He stated that the goal is to discuss the program itself and provide a brief review of how the program was created. He said the program had evolved from a bypass project to considering other projects for the funding. He stated that the meetings of the Arches Hotspot Region group were a collaboration between the City and the County. He requested that both Council's recognize City Councilmember Guzman-Newton as she introduces a document that she's created. City Councilmember Guzman-Newton stated that, when County Councilmember Wells spoke at citizens to be heard three weeks ago, it opened her eyes to the potential of solving problems and having a different discussion about Hotspot Funding. She stated that the evolution of the Hotspot Funding began before she was in office. She said that the County, City and private citizens have started a Transit Committee that is looking at solutions for our valley. She stated that she has asked community members what they would do with \$10 million dollars, and no one has suggested a parking structure. She read aloud the Statement of Consensus: "Moab City and Grand County, also Referred to as the Arches Hotspot Region, Regarding the UDOT Recreational Hotspot Funding Program As members of the governing body of the City of Moab, we share herein our unified position on the UDOT Recreational Hotspot Funding of the Cooperative Agreement regarding a downtown parking structure, and dispersed parking. With our fiduciary responsibilities and authority to review and direct municipal administration in mind, we have arrived at the following position: • We hereby direct the City Manager to immediately pause the \$8.3 million UDOT Cooperative Agreement for the Moab Downtown Parking Structure, and to immediately pause all requests for UDOT funding for dispersed parking. • We hereby direct the City Manager to work with UDOT in good faith and with justifiable reason to negotiate the termination of the UDOT Cooperative Agreement as the costs of the parking structure have increased beyond our control and are now significantly higher than the funds allocated by UDOT. The current cost estimate is \$10 million for 250 parking stalls versus the 320 parking stalls for \$8.3 million as stipulated in the contract. This does not include the additional financial responsibility of the City to maintain and operate the structure. We can no longer recommend a parking structure as appropriate use of taxpayer funds. We direct the City Manager to work with UDOT to insure that upon termination, all funds are returned to UDOT minus funds expended to date, as stipulated in the Cooperative Agreement. • As members of the City Council we are seeking a return of these discussions to the "Arches Hotspot Region," format as co-members with Grand County. It is our priority that awards from this funding program be appropriated for the highest and best use of the UDOT Recreational Hotspot Funding to alleviate congestion, increase economic and tourism opportunities, and increase recreational opportunities as mandated by this funding. • We advocate that the UDOT Recreational Hotspot Funding be used to study and implement a Public Transit System utilizing a fleet of shuttles, with a long-term emphasis on zero emissions vehicles. The area of investigation shall be determined at the appropriate time. • We advocate that the UDOT Recreational Hotspot Funding be used for dispersed parking that specifically supports a Public Transit System, with surface parking prioritization in the City and County owned land within 300 feet of designated bus stops along US-191 and Spanish Valley Drive. • We proudly acknowledge that the Transit System will greatly enhance the quality of life of our local community by relieving congestion on our roads, and is in keeping with the objective of the

General Plan to protect our natural resources, to maintain a high standard of air quality in our region, to protect the natural beauty of our view shed, and to promote and facilitate affordable housing throughout Spanish Valley. We greatly appreciate the support and collaborative efforts of UDOT staff. We fully understand that updating our project request to re-appropriate UDOT Recreational Hotspot funds for a Transit System will require a formal discussion with and request to the State Transportation Commission. We have enjoyed and appreciated very much past opportunities to communicate our challenges, needs, and opportunities with the State Transportation Commission and would enjoy additional opportunities to do so as we learn more from the transit studies and as our transit system planning continues to evolve. Respectfully, Karen Guzman-Newton". Councilmember Guzman-Newton stated that she sent this document to Councilmember Derasary prior to the meeting. She stated that Councilmember Derasary said, "Please take this email as a declaration of my support of the 'Members of the Moab City Council Statement of Consensus' regarding City and County UDOT Arches Recreational Hotspot Funding." Councilmember Guzman-Newton further stated that Councilmember Derasary says, "It would be most desirable to have a workshop revisioning funds and what projects the community would benefit from at the time assuming UDOT and should the State Transportation Commission be amenable. If there are multiple workshops of revisioning it seems like the place you want to start is at workshop number one, so the cart is now before the horse. I am most excited about the prospect of a valley transportation system, should that prove realistic, affordable for all of us. On the surface it seems the shuttle or bus service would serve a much greater number of our residents, visitors, businesses and workforce. And moving people with fewer vehicles than the example of one parking lot, regardless of where that might be. If helpful, I also support all the suggestions residents made at our last council meeting about the need to implement low-hanging fruit. Things recommended in the parking plan, such as increased signage to direct folks to parking and time limits on downtown parking to help with the problem of folks parking all day in one spot. I would also like to honor the request to garner the diverse spectrum of business voices and determining how best to maximize dispersed parking. That seems like it would meld nicely into the same visioning workshop above. Thanks to all of you. It takes reflections and guts to revisit a decision when circumstances change, but it does seem to me consistent with the definition of good governance to stop and reassess when changes do occur, particularly to reflect on whether the best use of public funds has shifted. I commend you for doing that. Briefly, Rani". Councilmember Guzman-Newton stated that this is an opportunity. She said that she wanted to open this up for her fellow councilmembers and Grand County Council to join in these efforts. County Councilmember Hawks stated that this document is powerful, and she fully supports it. She stated that a parking structure does not meet the mandates of the funding. She said that other suggestions are more closely aligned with the funding goals. Councilmember Knuteson-Boyd stated that it was too bad the document wasn't shared with the rest of the City Council prior to the meeting. Councilmember Guzman-Newton stated that she had just finished the document this morning. Councilmember Duncan stated that he had seen the document. Councilmember Duncan stated that he had asked City staff if the money could be redirected to what is viewed as a better use of the funds. He said that City staff indicated that the City would become liable for the money that has already been spent on the parking structure design. He said that UDOT has indicated that if the City chooses another goal that meets the criteria, then UDOT would consider it. Councilmember Duncan stated that he'd expressed concern to the former City Manager about the direction the project was heading. He stated that the parking garage design currently can't accommodate oversized vehicles. He said that he would like to discuss a dispersed shuttle system. UDOT Deputy Director Monte Aldridge and Project Manager Ryan Anderson were asked to join the conversation. Deputy Director Aldridge stated that there is latitude regarding a hardline for the project to be completed. He said that one of the biggest challenges will be identifying a project that meets the intent of the funding. He said another challenge is to have consensus and support on a project that can be

delivered. He said that transit would need to be studied, and there will need to be discussion with senior leadership and the Transportation Commission to figure out how to do that. He stated that UDOT is here as a partner to try and work through issues. He said that he doesn't know if the Transportation Commission will give approval for a different project and it would need discussed. Mayor Niehaus stated that City Council and UDOT signed an agreement in May 2019 to move forward with the parking structure project and a second agreement was signed in October 2019 with Kimley-Horn for the design of the structure. She stated that since the City is in a contractual agreement with both UDOT and Kimley-Horn, this statement could be a breach of contract. She clarified that the deadline for project selection has passed, and the City chose a direction. Project Manager Ryan Anderson stated that the \$10 million amount was arrived at based on conceptual estimates from a list of ten proposed projects that was taken to the Transportation Commission. He said that the list included a parking structure, dispersed parking, and Main Street improvements. He stated that there haven't been any conceptual numbers done regarding a transit system. Mayor Niehaus asked if the transit system could be considered by UDOT and the Transportation Commission in addition to the projects that were originally funded. Deputy Director Aldridge said that it would be difficult for the City to receive additional funding because the program is very tight currently. He stated that St. George has been looking at the possibility of a transit system for over a year, and they still haven't ordered busses yet. Mayor Niehaus stated that the cost of maintenance for a transit system also needs to be considered. Councilmember Jones stated that he was a member of the original Hotspot Stakeholders Group, as were Councilmember Knuteson-Boyd and County Councilmembers Hawks and Wells. He said that the purpose of the group was to have representation from the affected local governments, and the conversations were wide-ranging as they looked at options such as a multi-use path in Spanish Valley. He stated that the results were projects that would benefit the community and had reasonable expectations. He expressed concern about going back to UDOT and the Transportation Commission with a project that isn't well-defined which was rejected in the initial discussions by the group. He stated that UDOT is providing significant funding for a regional transportation plan currently which could result in a cost-effective transit. Councilmember Wells reiterated that the goal of this discussion was to talk in a collaborative manner. He then addressed Councilmember Knuteson-Boyd about her concern regarding the document not being released prior to the meeting. He said that there is nothing wrong with what City Councilmembers are doing to get on the same page. He said that Councilmember Guzman-Newton is doing the right thing and it's very brave. He stated that he's had conversations with UDOT that it would be shocking if the Transportation Commission denied a request to fund another project if it met the criteria. He said that, due to the one-time funding, he feels an obligation and responsibility to the public to get this project right. He said this direction is better aligned with collaboration and finding projects that benefit the City and the County. Councilmember Duncan stated that he agrees with County Councilmember Wells. Councilmember Duncan said that he's had preliminary discussions with Councilmember Guzman-Newton about what a transit system would look like. He stated that he would like to have a joint City and County workshop to get conceptual ideas for a transit system. He also said that he would like public input. Councilmember Guzman-Newton stated that it seems backwards to have all the cars from the hotels go to one location where there's already congestion. She said that there are many environmental standards that the County and the City are trying to live up to and this is an opportunity to get more vehicles off the road. Mayor Niehaus stated that City Council is having a meeting from 4-6 PM today about the parking structure. Councilmember Guzman-Newton stated that the workshop tonight is focused on a parking structure and that isn't the discussion we should be having. She requested that Mayor Niehaus take a straw poll to see what Councilmembers are feeling. Mayor Niehaus asked for a straw poll vote on whether to stick with the parking structure. Councilmembers Jones and Knuteson-Boyd voted to stick with the parking structure. Councilmembers Duncan and

Guzman-Newton were opposed. Councilmember Guzman-Newton stated that Councilmember Derasary is also opposed. Councilmember Jones asked if this was an electronic meeting and stated that Councilmember Guzman-Newton is referencing communications that he hasn't received. Mayor Niehaus stated that it appears that Council is divided on the subject. She also said that she isn't willing to throw out the idea of a parking structure to use the funds for something else. She stated that the point of the workshop tonight is to include the Design Committee and the Council. She stated that her conversations with the Design Committee indicate support in moving forward with the parking structure. Councilmember Knuteson-Boyd said that she is open to looking at other projects, but that it needs to be considered that we are a municipality that has already entered a contract. She said that she is not willing to scrap the project. County Councilmember Clapper stated that this is a sensitive issue and it may be difficult to change directions since the City is has already entered contracts. He stated that he sees value in trying to deliver a project that the community is excited about and supports. He said that there are many voices that are questioning the best way to spend this money in the community. County Chair McGann said that she couldn't weigh in on the topic right now. County Councilmember Halliday said that recently a private citizen had tried to start a bus line and that, as far as he knew, it didn't work. He advised caution for considering a shuttle system. Councilmember Hawks stated that she supports taking a pause to reevaluate. County Councilmember Clapper said that having bus stops in place would help a transit system come to fruition. Councilmember Duncan stated that the initial reason for the parking structure is that people were concerned that parking on Main Street would be lost. He said that concern is not an issue anymore. He said that the idea behind a transit system is to encourage visitors to leave their cars at the hotels and residents to leave their cars at home. He said that this will reduce congestion. Councilmember Jones stated that dispersed parking is also still being worked on. Mayor Niehaus stated that the word consensus indicates that everyone agrees with the statement. She said that the document wasn't drafted with agreement by all City Councilmembers. Mayor Niehaus asked Councilmember Guzman-Newton if she intended to present this to City Council to get support. Councilmember Guzman-Newton stated that she wanted to seek support from both the County and City Councils. County Councilmember Woytek stated that he wants to see the Transportation Commission's response to the notion of changing directions.

Duplication of City/County Services and Opportunities for Collaboration/Consolidation

Discussion: County Councilmember Wells recommended that the new City Manager and the new County Council Administrator meet on specific issues where there are opportunities for collaboration. He said that discussions regarding dispatch, recreation, building, planning, and engineering could be collaborated on. Council Chair McGann stated that she is excited for the two entities to work together. She said that the efficiency study indicated areas where we could stop duplicating services. Councilmember Wells said that the study was not an all-inclusive list. County Chair McGann said that it was a place to start. Councilmember Clapper stated that the efficiency study list was not on the agenda summary. Mayor Niehaus said that this conversation started when the City decided to bring in-house our own building inspector. City Manager Linares stated that he will do whatever is directed by City Council; if they tell him to meet with the County Council Administrator, he will follow through with that. He stated that it was cheaper for the City to hire someone full time for building inspections. He said that it may look like a duplication of services, but it provides a cost savings. He said that he is happy to look at possible duplicate services; anywhere that there's cost savings for both the City and the County then everyone benefits. County Council Chair McGann said that County Council has had conversations regarding collaboration with the City to get more bang for our buck. Mayor Niehaus stated that most counties collaborate with multiple cities within their counties. She

stated that we are unique.

Review of County/City Legislative Agendas for 2020 Utah Legislative Session

Discussion: County Council Chair McGann asked County Council Administrator Chris Baird to join the discussion, since it will involve TRT (Transient Room Tax) tax. County Council Administrator Baird said that the County TRT currently allows 47% spent on promotion and 53% towards mitigation. He said that the new split would be 32% for promotion and 68% for mitigation. He said that the strategy has changed since the original draft; the intent is that the amount of money collected for fiscal year 2018-2019 must be split 47:53. He said that any growth beyond that would have a new split of 37:63 applied. He said that this change will be a very slow process. He also stated that raising property taxes to make up the difference would hurt 6,000 Grand County property owners, and it wouldn't fix the costs associated with millions of tourists coming to Moab/Grand County yearly. He stated that we can't continue to drive ourselves into financial insolvency if the legislation doesn't change. Mayor Niehaus stated that the removal of the sunset from TRT has been perceived as a win for cities. She said that the City is supporting the County in their efforts regarding TRT. County Council Administrator Baird stated that he redlined the current legislation to get it back to the initial proposed change, which would better benefit the County. Mayor Niehaus said that the language has been shared with Casey Hill, the individual lobbying on the City's behalf at Capitol Hill. County Councilmember Wells stated that the sponsor of the bill was trying to find a compromise with the tourism industry association, and that the sponsor is pretty firm with the current structure of the bill, unfortunately. County Chair McGann stated that she wants a unified front with the City and County about how to approach legislators regarding this bill. She said that she doesn't want to make the situation worse or have the legislature pull the plug on this bill. Councilmember Clapper expressed concern that, if we keep adjusting the formula, it will take years before the bill is passed. Mayor Niehaus said that it's appropriate to advocate for what was decided by our local group of stakeholders. County Council Administrator Baird said that it could be an opportunity to sign a joint resolution indicating agreement on the issue. He said that he doesn't feel it's understood how critical this issue is for Grand County's health and stability. County Council Chair McGann asked if both councils want to work on a resolution or wait until next year's legislation. County Councilmember Wells said that he would be open to a meeting with County Council Administrator Baird, a City Councilmember, and the legislator sponsoring the bill.

Review of City/County Affordable Housing Policies and Their Impacts—Postponed

Discussion: County Chair McGann suggested postponing the last two discussions. County Councilmember Wells agreed. He stated that there's opportunities for more continuity between the County and the City's affordable housing policies. He said that it's a conversation that he looks forward to having when everyone has more time. Councilmember Duncan said that he's curious how the high-density overlay is going to work.

Joint Vision Statement for City and County—Postponed

Discussion: County Council Chair McGann stated that this item would also be postponed. She asked if anyone had comments. County Councilmember Hawks stated that she wasn't clear regarding the opposition to the TRT tax. County Council Administrator Baird said that he hasn't spoken with the opposition, so he doesn't have an answer at this time. City Manager Linares said that his job is to keep the City out of trouble. He said that, since Councilmembers Knuteson-Boyd and Jones have left the meeting, there is no longer a quorum and the City must be done with the meeting. County Council Administrator Baird stated that there is still a meeting because the County has a quorum. City Manager Linares stated that he'd leave it up to Council

to decide. County Council Administrator Baird said that an important item to discuss in the future is coordination of the annexation and expansion plans. County Chair McGann stated that the next meeting would have discussion regarding the two postponed topics and the annexation concerns. County Council Chair McGann said that she'd like to meet in two months to discuss those topics at City Hall. Mayor Niehaus proposed April 28 as the tentative meeting date.

County Council Chair McGann stated that the meeting is adjourned at 2:09 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder