

**MOAB CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
January 28, 2020**

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=ZoiU6fElCeA>.

Regular Meeting—Call to Order and Attendance:

Mayor Niehaus called the meeting to order at 7:00 PM and led the Pledge of Allegiance. In attendance were Councilmembers Karen Guzman-Newton, Mike Duncan, Rani Derasary and Tawny Knuteson-Boyd. Councilmember Kalen Jones was absent. Staff in attendance were City Manager Joel Linares, Assistant City Manager Carly Castle, City Attorney Laurie Simonson, City Finance Director Rachel Stenta, City Planner Nora Shepard, Assistant City Planner Cory Shurtleff, City Communications and Engagement Manager Lisa Church, City Engineer Chuck Williams, City Police Evidence Custodian Cindy Montague, City Arts and Special Events Manager Liz Holland, City Recorder Sommar Johnson and Deputy Recorder Joey Allred. Eleven members of the public and media were present.

Mayor and Council Reports:

Mayor Niehaus attended the Water Quality Board meeting. The Board is looking to support water positive agricultural practices. The greywater rule is still out for public comment and will be coming back to the Board for final rule in March. The state has put forth a bill on water banking at this legislative session and it is legislation that should be easy to implement in Moab. She attended a Southeastern Utah Association of Local Governments (SEUALG) meeting and wanted to remind the Council and the community that there is money to borrow to start and/or run a small business through the revolving loan fund. The San Juan Health Services District filed a CIB application for a Spanish Valley health clinic and it has been reviewed by SEUALG and she brought the fact that they had not spoken to either the hospital or Canyonlands Health Care Special Service District (CHCSSD) to the board's attention. She and the CHCSSD have written letters of concern to the CIB regarding the application and the hospital is challenging it. It prompted her and others to realize that they need a regional plan. She also attended a UDOT meeting about the passenger rail study that was funded. She met with the Helper City Mayor and a Price City Councilmember and they discussed the implications of a passenger rail that would go from Moab to Salt Lake City and the possibility of partnering. She met with Kent Green and a group of people interested in talking about UTV noise in Utah including Grand County Council Chair Mary McGann, the leader of UTV Utah Bud Bruening, Ben Burr of the BlueRibbon Coalition, Ride With Respect Clif Koontz, Scott McFarland and Moab City Police Sergeant Jason Boots and they talked about UTV noise. They also talked about having a more coordinated effort regarding where the machines are going in order to address things like crosswalks and speed limits and make sure that the City is doing what they can through infrastructure to create safer passage through town. The outfitters that were there mapped the routes that they use to better plan routes. They also talked about the possibility of a suggested curfew to match the one that is in Sand Flats and encourage people not to drive their OHV's around town at night. The meeting concluded with them saying they were all on the same team and they all want to do something about the noise. They plan to approach manufactures as a team about changing the way that they are manufacturing the machines. She also attended the Millcreek collaborative meeting.

Councilmember Derasary attended a System of Care (SOC) Regional Advisory Council meeting and they are applying for a grant for multiple years to allow them to expand stabilization and mobile response

capacity in the community. They are working with the Grand County Council to get a letter of support written for that grant. She attended the Southeast Utah Riparian Partnership meeting. The group is doing some great work collectively and she was able to look at a chart that showed different restoration efforts in the community. She attended the quarterly Moab Tailings Project Steering Committee meeting. To date, 64% of the pile has been moved. They were awarded \$45,000,000 for the last cycle and they will be asking for at least that much again, so County Council Chair Mary McGann, Committee member Joette Langianese and herself will be going to Washington, DC from February 24 – 28, 2020 to request more funding. She reminded Council that they can tour the UMTRA site any time. She asked Council if it would be helpful to have UMTRA do a presentation once a year. She said there are 16 members in the Steering Committee, and they have updated the bylaws and added some representatives that seemed to be missing from the committee. She told Council that the Committee had a citizen to be heard that showed a video of dust blowing off the pile during Thanksgiving and reminded people that if they have concerns about the pile, they can call the On-Site manager phone number to report problems 970-361-8335.

Councilmember Duncan reported that the reason the creek runs dry at times in the summer is due to people using irrigation not sticking to a schedule and watering heavily in the daytime. He spoke of future long-term growth. Southeast Utah Division of Water Rights Regional Engineer Marc Stilson presented some history on the aquifer showing how water levels dropped in the 1970's and came up in the early 1980's, but the wells have been steadily declining ever since. A community can't withdraw more water than is recharged by state law. Hydrologist Phil Garner has done some further work with stable isotope tracers. He has broken the Glen Canyon Aquifer into two groups, and he says that the community is presently withdrawing what the state considers a safe yield from the lower group.

Councilmember Knuteson-Boyd reported that she did not attend the Museum meeting, but the installation of the new exhibits should have begun on the 14th or 15th, but is, in part, contingent upon the weather as they are being transported from California. The Paleontological laboratory is going to be moved out to Moab Giants and in order to do that, the museum had to enter a Memorandum of Understanding with Moab Giants who had to certify that they would take care of those items, that they would store them properly and take care of the materials. The museum received the \$94,380.00 that they had asked for in addition to the \$5,000.00 internal allocation from the County for the utilities of the building. The Natural History Museum of Utah, in order to commemorate its 50th anniversary, is going to be placing markers in each county. She indicated that in conjunction with the Travel Council, they chose the sidewalk in front of the museum in part because the new exhibits at the museum will depict the history of this area from the beginning of time and not just since Moab was incorporated. She also attended the meeting with the tour operators and the Travel Council, and it was a productive dialogue. She talked about what was said on social media regarding the OHV issue and she found some of what was said about Council to be a bit of a mischaracterization. She understood that it came from people's hearts and their passions and thought that Council needs to be a bit more cognizant about the words that they say and how they represent themselves so that they aren't mischaracterizing another group in a bad way. It was a good meeting overall and they opened a lot of lines of communication.

Councilmember Guzman-Newton participated with the Mayor and the Chamber of Commerce Director and President for the organization of the 4th of July celebration. She said they are trying to figure out if they can get funding for a band again or if they will use a local band and they are trying to get a sponsor for the City's portion of the fireworks to free up some money for a band. She attended the Chamber of Commerce luncheon at Springhill Suites and the guest speaker was Deanne Zebelean of the US Census Bureau who spoke to businesses on how to get their employees to fill out the census and reached out to the outdoor outfitters to figure out a better way to get employees counted. She mentioned that the Business Summit is to be held at the Hoodoo on the 10th of February from 8:00 AM to 4:00 PM and

they have a good lineup of speakers. She attended an organizational meeting with Deanne from the US Census Bureau and Cari Valdez from the Grand County Library as they are trying to figure out how they are going to spend the \$25,000 grant and that money will need to be allocated through the library for Census Outreach

Administrative Reports:

City Manager Linares reported that the Appellate Court ruled on the Lionsback lawsuit. He stated a copy of Chris McAnany's responses would be sent to Council and the media stating that they received the ruling, they are reviewing it and will then meet with their other counsel. He also made a statement that Chris was upset that the court would step in and overrule municipal authority when they are trying to legislate difficult land use issues between multiple parties with multiple issues. The Community Rebuilds rezone will be on the next agenda. Staff is working hard to process it and determine school definitions and some other things Council had asked them to investigate. Staff is also continuing to work on overnight accommodations, and they will go back to the Planning Commission on February 13th. The Strategic Planning date has been set for March 6th. The State Legislative Session started January 13th. The ERA Resolution, back-in angle parking and the RAP tax will be on the next agenda.

Mayor Niehaus said that County Council Chair Mary McGann is hoping to have a joint meeting to sign the ERA resolution.

Finance Director Stenta updated Council on the budget. She indicated the sales tax-based revenue was budgeted for a 7% increase and, as of January, they are coming in at a 9% increase, but it will still require them to pull 1.2 million from the reserves. She is hoping that the rest of the year will stay on that trend. She displayed the last three years of Transient Room Tax (TRT) that showed that TRT goes down in January, but this year is slightly up over previous years. The good news was that the overall tax is up. Departments have started preparing their budgets so that they can be presented to Council on March 25th and then 3 Council budget workshops in April. One meeting per week in April preferably on Friday's at 9:00 AM. Possible meeting dates were April 3rd, 10th and 17th.

City Engineer Williams reported that the Parking Structure Design Advisory Committee has met twice and there was a public open house. They conducted an internet survey where they received about 120 responses. The next open house is scheduled for February 20th. The design project to date has expended approximately \$200,000 of the UDOT Hot Spot funds. The design will be completed in the fall of 2020 and construction completed the fall of 2021. It will be a four-story building with the highest parapet right at 42 feet. The Dispersed Parking Project is also being funded with UDOT Hot Spot funding. UDOT has led this effort with extensive City coordination. Unlike the parking structure where they turned the project over to the City, UDOT is maintaining control of this project, but City staff is working closely with them. This effort has been focused on the north end of town to replace some of the parking spaces that will be lost with the highway widening project. Four churches and three private properties have been approached with a negotiated 20-year lease agreement. Three separate churches took the easement to their congregation and it was defeated each time. They contacted private owners in that area who were not interested in that type of use of their property. Williams said that they are pursuing a couple of more options and will report back to Council. Williams was asked if they had any contact with the property owners on the East side of the highway widening regarding parking. Williams said that they had talked to some of the large property owners and they were not interested, but they didn't go to each and every one. The Downtown Intersection Safety Improvements Project should be completed this week. Improvements are planned for 6 locations where contractors will add mast or post mounted traffic signal stacks to the curbside of intersections. These are intended to increase signal visibility in order to decrease the running of red lights. They are also installing "YIELD TO PEDESTRIANS WHEN TURNING LEFT" signs on the masts to reduce pedestrian in a crosswalk and left turn vehicle conflicts.

This project should be completed this week, and this is also a UDOT project per the City's request. The US-191 Widening Project start date has been pushed back as the lowest bid came in at more than 10% higher than UDOT's Engineer's estimate. Williams stated under UDOT's procurement policy, they had to go back to the Transportation Commission to see if the Commission would approve additional funds for the project. UDOT received that approval last Friday. The tentative schedule is that the construction contract should be awarded mid-February. UDOT will publish the Contractor's proposed schedule, with construction likely not starting earlier than March 9th. After the contract is awarded there will be weekly or biweekly meetings which staff will attend with the contractors and UDOT on the progress and any issues with the project. UDOT's Public Information firm will reach out to the City and residents affected by the project to keep them informed of the schedule and activities. Communications and Engagement Manager Church has impressed upon them the importance of providing the City with information as early as possible as they have run into some issues with that in the past. All of the information that the City received up to this point has been put out on social media and the City's website. She also has a list of the affected business owners and will start pushing information out to them directly when staff receives more firm information of the construction schedule along with any other public information. City staff will advise Council and the public of progress through both e-mail and outreach as coordinated by the Communications Manager's Office. Church assumes that UDOT will be doing press releases as it is their project and not her place to do press releases for their projects. She will share whatever information she receives as soon as she has it. Councilmember Guzman-Newton asked Church if she could relay to UDOT that any information provided to the business owners is better than no information and that their website hasn't been updated. There was extensive discussion regarding the delay and how it will affect the businesses in that area, the frustration of those business owners due to the lack of information and how to get the most up to date information to them from UDOT in a timely manner. City Manager Linares noted that he was taking extensive notes on requests for more frequent communication, e.g. weekly updates from City on our website and Facebook page etc., and that these all seemed doable.

Citizens to Be Heard:

Joe Dougherty introduced himself as the Public Information Officer of the State Division of Emergency Management and he wanted to announce an Emergency Management training at the Grand County Emergency Medical Services building on 100 North that he was going to be conducting in Moab tomorrow and Thursday from 8:00 AM to 5:00 PM each day. The training is to help build a strong network of public information, not only for Moab City, but the greater Grand County area. Participants will receive training on press releases, social media, crisis communication, strategic communications planning and run through some mock press conferences. The training is free and is provided by the state through their Emergency Management Agency.

Zacharia Levine was there to inform Council and bring their attention to four separate events. There will be a Canyonlands Business Summit on February 10th at the Hoodoo Moab with Lieutenant Governor Spencer Cox as the featured speaker. The welcome address will be provided by Congressman John Curtis. There will also be a soft launch of a new network referred to as GAIN (Grand Area Innovation Network) that evening at 98 Center from 5:00 PM to 7:00 PM where light refreshments and drinks will be provided. GAIN was created in order to compliment some of the business networking activities provided by the Chamber of Commerce and they are trying to facilitate and support the development of an entrepreneurial ecosystem in Moab. On February 11th there will be an opportunity to meet with preeminent scholar and Jackson, Wyoming Town Councilmember Jonathan Schechter who will be presenting on the issues of governance in gateway and resort communities. He is the founder of the Charture Institute which is essentially a think-tank on critical issues and other communities like Moab in the West. He will be a panelist on the "What We Wish We Knew" panel at the Business Summit

on February 10th, and he will attend the GAIN event that evening as well as this session on February 11th from 10:00 AM to 12:00 PM for local officials to get into some of the big questions that they face as local governments. He will send out a final confirmation next week. The Moab Area Housing Task Force invited Council to attend the VAIL InDEED presentation on January 30th from 12:30 PM to 5:30 PM at the Grand County Library. Vail InDEED is a voluntary program created by the Town of Vail to provide property owners a cash incentive in exchange for deed restricting residential property for the local workforce. There will be both a daytime and an evening session

Michael Liss talked about the Downtown Parking Structure. He said that the parking structure is not solving an issue that the City has and questioned why they are “letting this continue and spending all this money because, on a gut level, it’s going to be the ugliest building in town. He said that the cars and trucks are going to be higher than the planned 42 feet for the structure. He said that people won’t come to a small town to park in a parking structure. He said that it feels like Council does not feel empowered to take control of the process. He said that \$8,000,000 was the largest project in town right now and UDOT gave them the money to solve a parking problem, but it would not solve the parking problem because the average use of the current parking lot is 42% and the high is 62%. He talked about the parking study that the City had done as a good first step. However, he thought that they either didn’t read it or didn’t care what it said. He brought up the rail study came from the Transit Committee who generated a wish list for the UDOT Hot Spot funding, and he was upset that “a wish list in now a four-story parking structure going up with zero research.” Mayor Niehaus told him that three minutes are allotted for each citizen to be heard and he had exceeded that, but she allowed him a short time to finish what he wanted to say and encouraged him to get to the newspaper that he had brought to share with the Council. He said that the land values of this town do not support a parking structure and proceeded to explain the parking plan that he had designed and presented at some point in the past. He said that his plan would put parking on two separate blocks for less money than a parking structure. He believed that the City Engineer will end up going back before Council to tell them that the project is going to cost more than originally believed. Mayor Niehaus informed Liss that he was one minute over his allotted time. Liss then presented a Times Independent newspaper from 1924 and explained how and why the City Ball Park was purchased and encouraged Council to read the article. They said that the City now has the money to buy land. Mayor Niehaus noted that he had gone over the time limit by 1 1/2 minutes and told him that he could continue to submit comments to Council the way that he has been.

Curtis Wells spoke as both a citizen and a County Councilmember. He spoke of the senate bill that passed the appropriation for \$1,000,000,000.00, \$100,000,000.00 of that was earmarked for recreation, tourism and infrastructure. He explained how UDOT put together the Recreation Hotspot funding that cities and towns could apply for. Wells worked hard to get some of that funding in an attempt to get a bypass. UDOT hired a consultant to work on the matter. When the local committee had strong support for a bypass that finished at number one on their list of possible projects. They also wanted to get a project that would complement a bypass with the goal being that the City needs to own Main Street. With Main Street also being Highway 191 it’s like having I-70 through the middle of town and they need to reduce the volume of traffic on Main Street. He said that the majority of the community would like to see a better situation on Main Street and for it to be more user-friendly and business friendly. He spoke of commercial freight that travels down Main Street and there was a plan to beautify Main Street. He thought that the City’s parking study must either show that the City doesn’t have a parking problem or a primary need to have a parking structure. He talked about how UDOT had told them that the City and County Councils needed to get on the same page regarding a bypass. He said that he thought the City was thinking that they were “too far down the road, UDOT’s going to get upset if we decide to, you know, rearrange our list. I don’t agree with that.” He also said, “I’m not immediately familiar with where the City is at in the process, but we developed a list of projects that benefit the community tremendously and there is merit to rearranging that.” He said that he wasn’t there to “trash

the parking garage,” but he thought it was important to get that money where it needs to go. He would like to see the City and the County get back on board with the bypass. He would like to see the City and County Councils get together to discuss the matter.

There was one other Citizen to be heard that did not wish to speak but submitted a written comment that he was in support of a Spanish Valley Medical Clinic.

Old Business

Review of Council Member Community Organization Liaison and Board Assignments:

Discussion: There was discussion of how to best engage in effective communication with and provide representation to various community boards and organization and that an alternate is not required to be listed. Appointments were as follows: Mayor Niehaus to the Southeastern Utah Association of Local Governments, Utah League of Cities and Towns, Utah Water Quality Board, Governor’s Rural Partnership Board, Mill Creek Community Collaborative and as an alternate to the Grand Homeless Coordinating Committee, USU Dean’s Council, Grand County School District Board of Education Liaison and the Key Leader Board; Councilmember Guzman-Newton to the Grand County Airport Board, Moab Chamber of Commerce Board, County School District Board of Education Liaison, as an alternate on the Moab Area Travel Council Advisory Board the Transit Authority and the Mill Creek Collaborative and as a rotating member of CAST; Councilmember Jones to the Grand County Solid Waste Special Service District, Moab Area Travel Council and Moab Area Housing Task Force and as an alternate on the Moab Area Watershed Partnership and the Transit Authority; Councilmember Duncan to the Grand Water and Sewer Service Agency, Moab Area Watershed Partnership, Grand County Homeless Coordinating Committee, Moab City Water Conservation and Drought Management Advisory Board, USU Dean’s Council and as an alternate on the Utah Water Quality Board; Councilmember Knuteson-Boyd to the Canyonlands Health Care Special Service District, Museum of Moab and the Housing Authority of Southeastern Utah; Councilmember Derasary to the ULCT Legislative Policy Committee, Grand County Emergency Medical Services Special Service District, Moab Tailings Project Steering Committee, UMTRA Funding Subcommittee, System of Care Regional Advisory Committee, South East Utah Riparian Partnership and as an alternate to the Canyonlands Health Care Special Service District and Moab Area Housing Task Force.

Staff appointments were as follows: City Manager Linares to the ULCT Legislative Policy Committee and as an alternate to the Southeastern Utah Association of Local Governments and the Utah League of Cities and Towns Board; Assistant City Manager Castle to the ULCT Legislative Policy Committee; City Sports Director Trim to the Grand County Recreation Special Service District; City Facilities Superintendent Gholson to the Moab Mosquito Abatement District; City Assistant Planner Shurtleff to the Trail Mix Committee; and City Police Chief Edge to the Key Leader Board.

Linares will create two lists. One list will have the boards and committees that have formal appointments by the City and/or County and the other will be a master list of all of the boards and committees that the Councilmembers serve on.

Motion and vote: Councilmember Duncan moved to adopt the list of appointees to various boards as has been described. Councilmember Guzman-Newton seconded the motion. The motion passed 4-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd and Guzman-Newton voting aye.

New Business

Confirmation of Mayoral Appointment of Ruben Villalpando-Salas to the City Planning Commission:

Discussion: There was no discussion.

Motion and vote: Councilmember Knuteson-Boyd moved to confirm mayoral appointment of Ruben Villalpando-Salas to the City Planning and Zoning Commission, effective immediately to replace the appointment formerly held by Jeanette Kopell. His term will expire December 31, 2022. He will be eligible for reappointment at that time. Councilmember Guzman-Newton seconded the motion. The motion passed 4-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd and Guzman-Newton voting aye.

Letter of Support for the Natural History Museum of Utah Statewide Marker Program in Moab City:

Discussion: Councilmember Knuteson-Boyd explained that this is a good program for each county to have a designation and it is just another commemoration of the Natural History Museum of Utah. They need Council's support because the sidewalk is owned by the City and they will need to cut a hole into it to set the marker.

Motion and vote: Councilmember Duncan moved to approve the letter of support. Councilmember Derasary seconded the motion. The motion passed 4-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd and Guzman-Newton voting aye.

Proposed Resolution 07-2020: A Resolution of the Governing Body of the City of Moab Declaring Certain Property Owned by the City of Moab as Surplus

Discussion: Councilmember Derasary asked if all four presented designs would be completed or would they pick from the four? City Arts and Special Events Manager Holland said that there were four separate designs that were provided, but they haven't yet decided which angle is going to work best. It might depend on the facilities where they will be placed. Councilmember Derasary wanted to make sure that they would be placed in an area where they wouldn't be a trip hazard, especially design number three. Councilmember Derasary also asked how it is decided whether a surplus bicycle is rideable and if they are, does the City donate them to something like a ride program? City Police Department Evidence Custodian Montague said that some are usable, but most are not. There is a list of non-profit organizations and the bicycles that are usable and listed as "found property" are given away. The bicycles included in this request are those that are technically evidence and are required to be destroyed.

Motion and vote: Councilmember Knuteson-Boyd moved to approve designating the proposed bicycle parts as surplus as noted in the agenda item. Councilmember Duncan seconded the motion. The motion passed 4-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd and Guzman-Newton voting aye.

Proposed Resolution 05-2020: Approving the Capital Improvements Project List:

Discussion: Mayor Niehaus stated that there are a couple of items that need to be added to the Capital Improvement Projects list. Linares said that a group of staff had gathered to rate and rank the items on the list according to the Capital Improvements Priority Matrix. This will also be used as Capital Facilities planning and the list will be brought to Council when it needs to be modified. Mayor Niehaus noted that the City Finance Director asked that Council table this item because she needed to add a couple of things to the list and present it at the next meeting.

Motion and vote: Councilmember Knuteson-Boyd moved to table the list. Councilmember Derasary seconded the motion. The motion passed 4-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd and Guzman-Newton voting aye.

Proposed Resolution 06-2020: A Resolution Expressing Opposition to Bureau of Land Management Oil and Gas Leases Near the Sand Flats Recreation Area and on the City of Moab's Sole Source Aquifer:

Discussion: Castle explained the BLM's potential release of properties for their 2020 Oil and Gas lease sale and two of the parcels identified are in the Sand Flats Recreation area and sit on Moab's Sole Source Aquifer. She noted the resolution before them outlining the City's concerns in opposition pertaining to the potential leasing of those parcels as the development threatens the City's water supply and tourism economy. However, she recommended that they amend the resolution to add that the land in question be removed and proposes that those parcels be removed from consideration altogether. Castle read the language that would be included, "BE IT FURTHER RESOLVED that the City of Moab opposes the lease of preliminary parcels 11 and 12, and calls on the BLM to exercise caution and ensure that any oil and gas leases on land in the Moab area be Conducted in a way that not negatively impact tourism, quality of life, or water resources in the area." Mayor Niehaus noted that the County Council Chair intends to bring a similar resolution before the County Council and that she and Council Chair McGann discussed writing a joint letter with the resolutions attached expressing what the resolutions say and that it's about water and recreation issues. Castle then explained the process of the BLM getting these parcels on the sales list and that the City and County would be urging the governor and/or representatives that have it pulled and amend the letter to include that the land be removed before it goes into an environmental assessment.

Motion and vote: Councilmember Derasary moved adopt Resolution 06-2020, Expressing Opposition to Bureau of Land Management Oil and Gas Leases Near the Sand Flats Recreation Area and on the City of Moab's Sole Source Aquifer with the addition of the added be it FURTHER RESOLVED statement that was just read to for them. Councilmember Knutson-Boyd seconded the motion. The motion passed 4-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd and Guzman-Newton voting aye.

Proposed Pre—Annexation Agreement Among Lions Back Holding, LLC and the City of Moab, Located at Approximately 938 and 940 South Main, Moab, Utah 84532:

Discussion: City Manager Linares displayed a map showing the parcels. He indicated this agreement was proposed by Lions Back Holdings, LLC who currently have an application with Grand County to construct a hotel in the County bordering the City limit boundary. They have approached the City about petitioning to annex into the City. Linares spoke with the County Attorney and received a letter from the Chair of the County Council indicating they are in support of the annexation and support the action before the Council for consideration. Councilmember Derasary requested verification of the location of the parcel. Linares showed her exactly where the parcel was located and told Council the proposed project would have approximately 120 rooms. He explained that the application is currently with the County and if Council chose not to approve the annexation, the project would be built in the County. He indicated that if the project is built in the City it would not adversely affect the County's revenue. If the project is annexed into the City, it would allow the City to collect TRT revenue from it as well. City Manager Linares stated this project falls within a grey area of the vested projects before the overnight accommodation moratorium was put in place. He said there are several projects that fall in that category, but this is the first that has come forward with a claim that they are vested despite not having an application filed prior to February 12, 2018. Moving forward as though this project was fully vested could settle a potential lawsuit claim against the City or County in the future. There was discussion regarding the pre-annexation agreement, the possible need for a public hearing, the pros and cons of approving it, what it would legally obligate the City to and what zoning would be assigned to the parcel. Linares explained that if Council approved the pre-annexation agreement, the project would still need to follow the public procedure for annexation including public noticing and public hearing. The City does not have a property tax but when the City annexes a commercial property, they can collect sales tax and potentially TRT tax. The parcel is directly adjacent to the City boundary and annexing the property obligates the City to provide services including law enforcement and snow removal. He explained Council has final authority as to what zoning is applied to the property. Mayor Niehaus noted that the parcel falls within the City's General Plan's future annexation boundaries so accepting this petition is in

the City's General Plan. Linares explained that according to the City's General Plan and Annexation Plan accepting this application is exactly what the City is supposed to be doing. Councilmember Derasary requested clarification of the section of the agreement that talks about reserved legislative powers. Linares explained that section is saying that if somewhere in the agreement the City has limited themselves in a way that is illegal that was unintentional, they would reserve that authority. Councilmember Derasary said that she would like to table this until she can look at the surrounding zoning. She stated, in her opinion, we have made the mistake before of annexing without looking at neighboring zoning. Linares indicated that he went with the C-4 zone because it was a match to the surrounding properties and historic uses. Councilmember Derasary expressed concerns about putting the C-4 zone next to Rural Residential. City Manager Linares explained that the surrounding uses are not rural, they are industrial or something as one of them is a shop.

Motion and vote: Councilmember Knuteson-Boyd moved to approve the Pre-Annexation Agreement between Lions Back Holding, LLC ("Property Owner") and the City of Moab, located at approximately 938 and 940 South Main, Moab, Utah. Councilmember Guzman-Newton seconded the motion. The motion tied with Councilmembers Knuteson-Boyd and Guzman-Newton voting aye and Councilmembers Derasary and Duncan voting nay. Mayor Niehaus cast the tie breaking vote and a roll call vote was requested. The motion passed 3-2 with Councilmembers Knuteson-Boyd, Guzman-Newton and Mayor Niehaus voting aye and Councilmembers Derasary and Duncan voting nay.

Approval of Bills Against the City of Moab:

Discussion: Councilmember Knuteson-Boyd mentioned that the Amazon expenditure was a little high and checked items that she was sure could be obtained locally. She will provide the list to Linares and he will follow up on it.

Motion and vote: Councilmember Knuteson-Boyd moved to approve the bills in the amount of \$411,314.39. Councilmember Derasary seconded the motion. The motion passed 4-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd and Guzman-Newton voting aye.

Adjournment: Councilmember Duncan moved to adjourn. Councilmember Knuteson-Boyd seconded the motion. The motion passed 4-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd and Guzman-Newton voting aye. The meeting was adjourned at 9:33 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder