

**MOAB CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
February 11, 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/pmnl/index.html> and a video recording is archived at: <https://www.youtube.com/watch?v=LLgRiYQp0ts>.

Executive Closed Session:

Councilmember Tawny Knuteson-Boyd moved to enter an Executive Closed Session for a Strategy Session to Discuss Reasonably Imminent and/or Pending Litigation. Councilmember Kalen Jones seconded the motion. The motion passed 5-0 with Councilmembers Tawny Knuteson-Boyd, Kalen Jones, Mike Duncan, Karen Guzman-Newton and Rani Derasary voting aye. Mayor Emily Niehaus called the Executive Session to order at 6:04 PM. Councilmember Kalen Jones moved to end the Executive Closed Session. Councilmember Tawny Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Kalen Jones, Tawny Knuteson-Boyd, Rani Derasary, Karen Guzman-Newton and Mike Duncan voting aye. Mayor Niehaus ended the Executive Closed session at 7:02 PM.

Executive Closed Session:

The Executive Closed Session regarding the Character, Professional Competence, or Physical or Mental Health of an Individual or Individuals was not held due to time constraints.

Regular Meeting— Call to Order and Attendance:

Mayor Niehaus called the meeting to order at 7:07 PM and led the Pledge of Allegiance. In attendance were Councilmembers Karen Guzman-Newton, Mike Duncan, Rani Derasary, Tawny Knuteson-Boyd and Kalen Jones. Staff in attendance were City Manager Joel Linares, Assistant City Manager Carly Castle, City Attorney Chis McAnany, Assistant City Planner Cory Shurtleff, City Engineer Chuck Williams, Assistant City Engineer Eric Johanson, City Communications and Engagement Manager Lisa Church, City Recorder Sommar Johnson and Deputy Recorder Joey Allred. Thirty members of the public and media were present.

Approval of January 14, 2020 meeting minutes:

Councilmember Derasary moved to approve the minutes of January 14, 2020 with a correction to reflect that she was interested in metering overnight accommodations based on concerns about water that is left in the valley. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Guzman-Newton, Duncan, Knuteson-Boyd and Jones voting aye.

Mayor and Council Reports:

Mayor Niehaus attended the League of Cities and Towns stating there is a lot going on at the Legislature and they are watching several bills. She advised Council to get with her if they would like to see the list. She attended the Tech Summit in Salt Lake stating it was good networking toward working to create connectivity with the Wasatch Front. She reported attending a meeting with the City Manager, Assistant City Manager, County Attorney and City Chief of Police to work on collaboration and dialogue. She attended the Innovation Summit hosted by Jim Sorenson in Salt Lake where they talked with developers pitching housing projects and looking for investments. She attended the Moab Business Summit where Lieutenant Governor Cox was the keynote speaker and Congressman John Curtis was also a speaker. She noted that the free science-fiction movie night is Friday at the MARC at 7:00 PM. including free popcorn and candy.

Councilmember Derasary reported attending an EMS SSD meeting and the overall January call volume was up by 24%. She stated 77% of those calls were local with 46% of those calls were within City limits. She reported that EMS is constructing a new building and the engineers have scheduled a site plan design review. Councilmember Derasary stated there are a few legislative items concerning EMS that Council should be aware of. These include HB 190, proposed legislation that would make EMS an essential service similar to fire and law enforcement, as well as sales tax amendments, such as TRT, that could help EMS. She reported the Rural EMS Directors Association Conference will be held in Moab in March. She attended the Utah League of Cities and Towns Legislative Policy Committee meeting. The bills that came up were HB 273 - Property Rights Ombudsman amendments, SB 39 - Affordable Housing amendments, HB 261 - Eminent Domain revisions, and HB 265 - Government Records Transparency Act. She received a request that the City keep in mind potentially paving Rainbow Drive. She reported speaking with another citizen that lives in the City whose property borders two County lots expressing frustrations with inconsistent enforcement between the City and County. Councilmember Derasary asked if it would be appropriate to discuss how the City and County enforce code at one of their joint meetings. She reported to Council that the Special Service District meetings she attends, discussions arise about the City's potential role in helping fund districts and feels this is something the City would need to address at some point.

Mayor Niehaus noted that she will be attending the Rural Caucus where EMS will be presenting.

Councilmember Duncan reported that he was informed at the County Water Board meeting that snowpack was slightly below normal but most of it could come in the next month or two. He said the community could still hope for a decent year. He reported attending the Vail InDeed meeting and briefly explained their process for maintaining affordable housing. He also attended a networking meeting with an individual from Jackson, Wyoming who explained how their resort town handles growth. He attended the GAIN meeting at 98 Center where people shared business ideas. He also attended the League of Women Voters meeting where they talked of State Legislature issues and the progress on TRT reform.

Councilmember Knuteson-Boyd reported attending the Emergency Management training at EMS. Her takeaway was to be brief and concise when speaking to the press. She announced that Council should have received invitations to attend a sneak peek at the Museum of Moab on February 25th between 4:00 PM and 7:00 PM.

Councilmember Guzman-Newton reported attending the Vail InDeed presentation given by Vail Housing Department Director George Ruther who demonstrated a deed restriction tool for governmental entities that is tied to resident occupancy instead of income limits. She attended the Chamber of Commerce ribbon cutting at Arches Property Management and attended a Chamber Board budget meeting. She attended an Airport Board meeting where the daily parking rate was increased to \$5.00 and passenger count is above 6,000 people. She reported that United Airlines currently has a daily flight scheduled which will increase to twice daily on March 6 2020, with additional increases during the height of the season. She attended a discussion about 21st Century Governance stating the City and County need clearly defined roles in order to achieve their goals. She reported that the Census meeting was cancelled but they would meet on February 18 to discuss the terms of the \$25,000.00 grant they received. She reported there will be a Chamber luncheon at noon on February 18 sponsored by Marion Tidwell. She stated speakers Derrick Cook and Carrie Strecker from Grand County High School will be discussing the Pathways program which is an opportunity for businesses to utilize interns as employees. The Grand County High School will offer a free event on Thursday at 6:30 PM with motivational speaker Collin Kartchner discussing the screen-induced public health crisis and the direct

link between smartphones and social media and an epidemic rise in depression, anxiety and suicide among kids ages 10-17. She said that the State of Utah's suicide rate has increased 140% over the last couple of years.

Councilmember Jones reported that the Solid Waste Special Service District received a new compactor for the Klondike landfill and will be more reliable for compacting solid waste. The National Park Southeastern Group is in a leadership transition and assessing how to more effectively engage with the community. He attended a Moab Dark Skies meeting that discussed improving the City's application as an International Dark Sky Community. The International Dark Sky Association recently adopted stricter standards for certification with increased application requirements. He reported that Moab Dark Skies is doing a community engagement program for businesses to apply to be a "Friend of the Milky Way". The businesses lighting will be assessed utilizing the new codes for the City or County as applicable. He reported attending the Affordable Housing Task Force where the County's version of affordable housing deed restrictions is under legal review. He also reported that the Task Force will be updating their priorities for 2020.

Mayor Niehaus held a moment of silence to honor the families impacted by the tragic events of Sunday night.

Administrative Reports:

City Manager Linares reported on Sunday night's automobile accident and said our thoughts go out to the families. He announced donation options for Council and the community to help those affected. He thanked the Police Department, County Attorney's Office, City, County and UDOT Streets Departments, Sheriff's Office, Highway Patrol, EMS and Moab Regional Hospital for their service to the community on Sunday night. Linares announced that City Wastewater Reclamation Facility Superintendent and Chief Operator Greg Fosse officially retired at the end of January after 17 years of service. He announced that registration is open for Spring sports for youth and adults. He reported that the Legislature is in session and our lobbyist is tracking approximately 20 bills including three eminent domain bills. He mentioned that Rainbow Drive was rated and ranked on the Capital Projects list and that it would be brought before Council at the next meeting.

Assistant City Manager Castle provided an update on progress made on HB 411 - Community Renewable Energy Act and the City's participation in the program. She reported that ICLEI - Local Governments for Sustainability helps communities reduce their carbon emissions and the City is participating with them. They are providing the City and the County with technical expertise and resources to produce a greenhouse gas inventory for the community. The City will be engaging a graduate student to help with the analysis which will include tourism and that inventory should be completed by the end of May.

City Attorney McAnany reported that the Utah Court of Appeals issued a ruling on the second Lions Back case that has been in litigation for many years. The court ruling dealt a setback to the parties stating that the City's public process in approving the zoning status agreement was insufficient because it did not include a public hearing. He explained that this left several unanswered legal questions that were the subject of the litigation. The City's representation is now evaluating whether a petition for certiorari to the Utah Supreme Court is appropriate. The original entitlements were granted in 2008 and SITLA indicated they still plan to pursue the project. City Attorney McAnany believes that SITLA and the developer will be petitioning the Utah Supreme Court. He explained that the project can move forward as it was originally approved and SITLA has procured appropriations to pay for infrastructure and design work. He reminded Council that the City is caught in the middle of this dispute between two opponents who are adamantly defending their positions. Councilmember Derasary requested an

overview of the development for Councilmembers and staff that were not involved when the project began.

Citizens to Be Heard:

Matt Hancock stated he is a business and commercial landowner in the center of town and spoke in opposition to the parking structure. He said that he had lost confidence in the project as the community was originally told that it would cost 7.3 million, then 8.3 million and it was reported on Friday and confirmed with the City Engineering that would cost 10 million of the Hotspot funding leaving little for other projects. He said that the number of parking spots has been reduced from 320 to 250 which works out to be about \$56,000 for each parking spot. He said that according to research the cost per parking spot is more than double the average cost of a new parking spot in San Francisco and New York. He said that Main Street needs additional safety infrastructure such as protected pedestrian crossings. He understands that UDOT is providing the funding, so it is not coming out of the City's pockets, but it is public money and the City has a fiduciary duty to ensure that it is prudently spent. He said that parking in Moab is severely constrained especially during the tourist season. He also said that the City's parking study indicates there is ample parking available for the needs of all land users. He said more diverse parking could be readily and cheaply provided. He stated that the parking structure made sense when the removal of parking from Main Street was discussed but that is no longer the case. He said that the parking structure is hopelessly overpriced and will deprive the City and its residents of critical funds for other projects. He encouraged Council to support the resolution of Councilmember Duncan.

Wendell Williams said that he owns over one acre of C-3 zoned property. He said that one valuable lesson he learned over the years was to do your due diligence on projects small and large. The second lesson was that the devil is in the details. He stated that was why he was there to speak strongly against the parking garage. He said that the parking garage was now going to cost \$10,000,000 for 250 parking spaces. He said that the City paid about \$50,000 on their parking study and in its opening paragraph it says that the current lot on which the garage will be built currently sits less than half full and never reaches capacity. He didn't understand why the City was about to build three floors of expensive parking over what they already have. He said that the report also states that Moab has more total parking available than is needed to meet demand and recommends Moab make better use of its dispersed parking. The report also provided suggestions such as parking limits during peak times. He said that the City would need to pay ongoing costs for the parking structure such as maintenance and operating costs which UDOT estimated at \$125,000 per year. He said that the parking garage was promoted to be the site of a valuable transportation hub but wondered why they were spending on that when the City didn't have any busses. He also said that it was said that the structure would promote housing throughout mixed use development by removing parking requirements for developments. He said that as the parking structure is in one centralized location it will only benefit developers who have land immediately surrounding the complex. The City also commissioned another study to explore dispersed parking on West Center and he thinks that the study presents an excellent model for providing attractive landscaped diverse parking that could be applied across all downtown.

Jim Englebright said that he was a business owner adjacent to the proposed parking structure. He said that he had owned that business for about 30 years, and they have had problems with parking there the entire time. He said that the parking lot where the parking structure is planned is full during the summer. He said that it is unusual to receive the kind of one-time funding that the City did and that there needs to be parking somewhere. He said that he believed that they should move forward with the parking structure while they have the money. He stated it is needed and if they don't use it now, they won't get a chance again. He said that the community had the opportunity to do a bypass many years ago and they lost it. He said that it would be much more difficult now. He thought that Moab had

become a destination and that parking is going to continue to be an issue. He asked that they please consider moving forward with the parking structure. He said that he wouldn't be happy with all the construction that will be going on there, but looking at the broader interest, he thinks they have a one-time shot at something pretty good with funding and that's pretty unusual. He strongly encouraged Council to go ahead with the project.

Jessica O'Leary said that she was not there in the capacity of the Planning Commission, but as a citizen and wanted to talk about parking. She said it goes beyond just parking. Our goal is to get cars off the road. She felt that the bigger issue was safety and the environment and parking the cars doesn't necessarily do that. She felt that people would still need to drive from the north and south ends of town to the center where the parking structure would be so they would still be creating more traffic congestion and impacting the environment. She said that society is built around the automobile. She believed that without a transportation system that people can use to get around town, people will still drive to work and do their shopping and tourists will still drive to where they want to go. She felt that a parking structure in the middle of town would change the character of the town and she thought that they should change the character of the town to represent environmental sustainability and increase safety by getting cars off the streets. She felt that a transportation system would eliminate the need for a parking structure.

Mike Bynum said that he was a local business owner and provided some history on a committee that was formed in 2017 to determine how the \$10,000,000 of UDOT Hotspot funding could be used. They came up with a list of priorities with two primary objectives. The first objection was a bypass around Moab and that hasn't gone away. He was in support of reclaiming their town and their streets and get that bypass done and he said that UDOT is willing to work with the community to do so. After a study was done for a bypass and to determine what other needs were, the second objective was a study to determine where to spend the money. What developed from that was a regional downtown transportation district. A centralized parking hub became a primary usage for part of the money and then a study for the bypass would be the other part. The bypass wasn't going to be built with the \$10,000,000 that they had, so the money was earmarked to do a project or projects in Moab. The study for the bypass was to be an entrée to be working with UDOT in the future to get a bypass done. He said that Ryan Anderson with UDOT was present to answer any questions and to confirm that this is literally a use it or lose it. This can be a regional transportation hub in the middle of our city. He said that the City needs to build for the future.

Michael Liss said that he was there to speak against the parking structure and asked if he could have more time than the allotted three minutes. Mayor Niehaus said it was her job to make sure that everyone feels heard and that there is equality and that is why everyone has equal access to speak as a citizen to be heard. He provided a powerpoint presentation. He said that he was frustrated that the largest infrastructure project in Moab is being handled without understanding and considering all the information. He said that he found the perfect book named Project Management for Dummies and rule 11 states whenever you get new information stop everything and make sure you're still doing the right thing. He said that he plans large-scale infrastructure for a living and every time you get new information you re-evaluate your decision. He said that the current parking lot was only used 40% of the time on the busiest week of the year and when you get information that says you don't need something you move on. He said that Council had four choices: 1. Do not change the project, 2. Make changes to the project, 3. Stop the project, and 4. Find a new solution. He then said that Moab ignored all the information and kept going. He mentioned that he had presented a proposal that shows you never build a parking structure if the land values do not support it. He said that they could buy land around town for the 320 spaces. He said that Kimley Horn is now down to 250 spaces for \$10,000,000 and asked what happened to the UDOT contract that says 320 spaces for 8.3 million. He also talked

about dispersed parking. He said that he had spoken to UDOT and that he and Curtis Wells have been told that if the City and County come up with a new use UDOT will listen. He said that if the City terminates the contract, they'll cover what is already spent. Rule 17 of Project Management for Dummies states ethics matter, not just illegal improprieties but those that give even the appearance of impropriety. He then went on to rule 29 that states when you get the largest grant in the history of your town do something wonderful that benefits all citizens.

Brendon Cameron said that he was not there to talk about the parking structure. He was there to invite everyone to the Business Summit 2021. He said that they had gleaned a lot that would have been beneficial to the town. They had talked about goals and what the City and County should look like and he wished more of the City and County Councilmembers could have been there. He would like to figure out a way to get everyone there for next year's Summit. He said that they learned a lot and a lot was done. He said that the business owners and the City and County representatives were better because of it. He was there to invite Council to the 2021 Summit because it would benefit the whole town.

Deb Slechta said that studies have shown that there was no need for a downtown parking garage. She was concerned that the area would be forever dramatically changed by the parking structure. She was concerned that it would be four stories high which she said was double the height of the Hoodoo hotel which compliments the surroundings, but the view of the portal is blocked now and was concerned about a taller parking structure. She asked if it would be allowed if it was a private venture. She said that the parking structure would come with the added need of a traffic circle near Williams Way. She said that safety was a concern with parking structures because stairwells become zones for illegal activities. She said that Moab has an elderly and disabled community and didn't think that the parking garage would address their needs. She said that the City parking lot is underused, and the proposed parking garage will be even more empty. She asked Council to think the proposed development through in its entirety.

Daniel Loveridge said that he is the general manager of the Hoodoo hotel but was there as both a businessman and a private citizen. He believed that the parking garage was necessary. He moved to Moab a year ago and when he first got to town, he was driving around trying to find a place to park. He said that the City parking lot is difficult to find which may contribute to the low parking percentages. He said that after having worked in Moab for a while he has seen true needs for parking in town and that it is a major source of economic growth for the community. All the businesses in the downtown area would benefit from it. He believed that it would be a safety issue for the town to have more parking available and to get cars off the sides of the streets so that they are not blocking traffic. He said that people have not considered the impact on 100 West. With the hotel open they have held several community events including local weddings and sponsored fundraising events. He said that if Council had attended the Red Rock Soiree, they would have seen the true need for parking. He said it is his honest belief that a parking garage is truly necessary for downtown and the funds are there so let's not lose them. Once they're gone, they're gone. We don't get them back. If we're being responsible, we should take advantage of what we have and put it to good use.

Mark Thomas said that the state's generous contribution for a parking garage downtown is very appealing. However, he wanted Council to consider a few things before more money was spent. He felt that any significant new building should be part of a master plan for downtown as it would define the future look of downtown. He wanted Council to consider protecting the viewshed as one of the town's main assets. He didn't think that a parking garage would fit in with its surroundings and that it would interrupt the streetscape. He asked Council to consider form-based codes that delineate the appropriate form and scale and therefore, the local character of development. He said that if it was the Council's consensus that a parking structure is important to the community to investigate other funding sources

to improve the design with an underground parking proposal. He asked that they stop the project while they consider options for downtown.

Theresa King spoke regarding the RAP tax. She wanted to congratulate Council about being community leaders and encouraged them to start the conversation with the County about this process. She said she was very happy to see it happening and that she would do whatever she could as a board member of the Moab Arts Council to facilitate the conversations. She said that she was looking forward to seeing how it will progress and hoped Council continued forward.

Joe Kingsley stated that SB-52 was in its final stages and would be going to the floor of the legislature and hoped that Council would support it. He said that SB-52 is to remodel and refine UDOT so that they are not only responsible for roads and automobile transportation but also responsible for rail passenger traffic. When neighboring states got involved with rail passenger traffic, the rural communities spoke up and said that they wanted to be a part of it. He said that the bill would give UDOT the legal rights to plan and have vision for the future to provide rail transportation to rural communities in Utah. He was excited about it and thought that was getting high traction in the Senate Committee. He thanked the Moab Giants as they plan to be a temporary station making it very feasible.

Ryan and Erin Bird said that they are business owners in downtown Moab. They said they wanted to address a comment made earlier in favor of the parking structure stating they disagreed that just because the money was available, they should use it. They felt that would be a mistake and that it might not suit Moab best. They said that they had seen the parking struggle but thought that it was a little exaggerated at times. They would like to see more dispersed parking and thought it was a better solution. They also thought that the parking code for business owners was difficult. He felt that those who spoke in favor of the parking structure were those who would benefit most by being next to it. They said that people are lazy and believe that the parking structure will serve businesses in possibly a two-block radius because they didn't believe that people would park their car and walk if they could find an opportunity to park somewhere else. They also stated that there is no regulation on Main Street for how long people can park in a parking spot. They said that they have had RVs parked in front of their businesses for full business days and there is no restriction for that. They felt that should be addressed before building a \$10,000,000 parking structure or that the money could be allocated elsewhere and would like to understand why the money couldn't be re-allocated.

Old Business

Back-in Angle Parking Recommendation:

Discussion: Mayor Niehaus stated this item was previously reviewed by the Council and was on the agenda as an administrative decision. Council needs to provide direction to staff on how to proceed but no motions were necessary. Councilmember Duncan said that most of the comments from residents were negative about the back-in parking. He was willing to try it as an experiment and did not dispute the City Engineer's assertion that there was a modest safety advantage; however, he felt that it was a minor advantage compared to the other dangers that bicyclists face. He believes that motorists find it more difficult backing in versus backing out. He does not support expanding the back-in parking or keeping it in its current location. Councilmember Knuteson-Boyd said that she taught herself how to use the back-in parking, but she supports removing it from the current area. She also stated she would support trying it in front of City-owned property where it would not negatively impact businesses. Councilmember Derasary said that she agreed with it at the time; however, she now feels that it was not the best location to start with. She states that most of the comments she hears are that people don't like it. She said that she would only support trying it somewhere else if the residents and businesses that would be affected were in support, or if it was in front of City-owned property. Councilmember Jones is

in favor of removing it from 100 South since it appears to be a challenging location. He would like to try it somewhere else. He believes that bicycle safety needs to be a priority. Councilmember Guzman-Newton is also in favor of removing it from 100 South. However, she reminded Council that they had discussed putting it in front of Moonflower since it's one of the most dangerous locations for drivers, cyclists and shoppers to access. She states that she doesn't know if Moonflower has contacted the City to express an interest. She felt that it would be more effective to stripe bike lanes. Mayor Niehaus clarified that the consensus was to revert to pull-in parking on 100 South. However, she has a concern about the two parking spaces closest to the corner of 100 South and Main Street because they are too close to the busy intersection. She also points out that it is the route students take to the elementary school and that delivery trucks are parked in the road every morning. She also wants Council to consider a loading/unloading zone that is delineated for that purpose when re-striping the street. Councilmember Derasary stated that, in terms of equanimity, if Council considers removing any parking spots near corners that they would need to look at doing the same for the entirety of downtown. She doesn't feel prepared to pick one location without a larger community discussion first. She also said that the loading/unloading zone sounds like a good idea on the surface, but she wants input from businesses who observe that traffic flow. Councilmember Knuteson-Boyd doesn't see a lot of value in adding a loading/unloading zone but thought that it should be a different discussion. City Manager Linares acknowledged that the back-in parking was an experiment that could be reversed if it didn't work. Mayor Niehaus said that it sounds like the direction to staff is to re-stripe 100 South as pull-in parking. She said that Council will need to have another conversation about parking. She said that the confusion comes from inconsistent parking throughout the City. Councilmembers Derasary and Guzman-Newton asked that staff present a discussion about striping bike lanes in the future. City Engineer Williams explained that it would take a few weeks before the re-striping could be completed in order to allow the asphalt temperature to rise. City Manager Linares requested that City Engineer Williams present a diagram of the possible re-striping to Council prior to moving forward.

New Business

Resolution 01-2020: A Resolution Approving the Two-Mac Minor Subdivision at 1053 Mill Creek Drive, Moab, UT 84532, as Referred to Council by the Planning

Commission:

Discussion: City Assistant Planner Shurtleff was present to answer any questions that the Council might have on this topic. Councilmember Derasary asked for confirmation of the location of the property. City Assistant Planner Shurtleff displayed a satellite photo of the area. Councilmember Knuteson-Boyd requested clarification on the name of the subdivision since the resolution shows "Two-Mac Minor Subdivision" and the application shows "Tri-Mac Subdivision". It was explained that, after the applicant filed the application as Tri-Mac Subdivision, it was discovered that that name already exists; therefore, they had to change it to Two-Mac Minor Subdivision.

Motion and vote: Councilmember Derasary moved to approve the Two-Mac Minor Subdivision Resolution 01-2020. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd, Guzman-Newton and Jones voting aye.

Resolution 09-2020: A Resolution Approving a Lot Consolidation for 46 E. and 76 E. 300 North:

Discussion: Councilmember Derasary stated that she tried to use the parcel viewer on the City Maps webpage, but that it wasn't accurate. She asked if a different application should be utilized. It was explained that there is an updated ArcGIS map on the City website link. Councilmember Duncan said that he uses an import in Google Earth and inquired if it was up to date. City Engineer Williams said that staff has been updating the KML files on Google Earth and that they will send emails to Council regarding the status of the updates.

Motion and vote: Councilmember Guzman-Newton moved to adopt Resolution 09-2020 approving a lot consolidation for 46 East and 76 East 300 North. Councilmember Jones seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd, Guzman-Newton and Jones voting aye.

Authorization to Pursue UDOT's approval of Hotspot Funding to Construct Dispersed Parking Facilities at Emma Blvd:

Discussion: Mayor Niehaus said that this item refers to the \$1.7 million contract for dispersed parking, not the \$8 million contract for the Downtown Parking Structure, which would be discussed on the next agenda item. Councilmember Guzman-Newton recused herself and left Council Chambers for this discussion. City Engineer Williams displayed the plat for the Emma Boulevard Dispersed Parking. Mayor Niehaus said that businesses in northern downtown had raised concerns about the expansion of Highway 191 that could result in a loss of parking. The businesses had asked if some of the funding designated for dispersed parking could be used to create parking on Emma Boulevard. It was proposed that, by making it a dead-end street, a parking lot could be created with ingress and egress to the church and nearby businesses. UDOT will allow the City to use Hotspot funding for a small parking lot on Emma Boulevard, but the funding cannot be used to pave the road to access the parking lot from Main Street. Therefore, the City would be committed to the paving and improvement of the road and bike path. There is also a possibility of adding more parking on a road that would connect to Emma Boulevard, but the required improvements would be at the City's expense. Councilmember Jones wanted confirmation that City staff had diligently pursued the possibility of utilizing some of the existing lots in the area of Emma Boulevard. City Engineer Williams confirmed this, saying that staff had sent proposals to the churches in that area. Church managers agreed to the proposals, but their congregations did not. Staff had also asked private property owners, but the owners didn't believe that it would be the best use of their land. Williams explained how this proposal would work. However, the City will need to pave Minnie Lee Avenue from Main Street to Emma Boulevard before UDOT will permit use of the Hotspot funds for a parking lot. The cost for this proposed parking lot would be about \$280,000 that would come out of the \$1.7 million Hotspot funds. Another \$280,000 would be provided by the City for the paving and bike path improvements. This project was included in the Capital Improvements Priority Matrix. Councilmember Derasary asked if traffic circles are still planned between Emma Boulevard and 400 North and/or Maxine Avenue and Emma Boulevard. City Engineer Williams said that he is not aware of a traffic circle for Maxine Avenue and Emma Boulevard; however, the City has been awarded UDOT funding for roundabouts. That funding is through a local government funding program instead of Hotspot funding. Councilmember Derasary said that people have been referencing the parking study and that people won't walk more than 600 feet. She wants to know if the parking spot would benefit the businesses near Emma Boulevard. City Engineer Williams showed Council where the parking is in relation to the businesses in question. He informed Council that the property owners between the parking and Main Street have discussed a pedestrian sidewalk easement for access, but a decision has not been reached. Councilmember Derasary asked for confirmation that staff or the Mayor had spoken with Poison Spider and the Nichols. She then asked if anyone had talked to residents of the apartments on Emma or the school. She asked that staff keep the school updated about the project. She also asked if it would be possible to add some oversized parking nearby. She stated that she wants to make sure this will benefit the community. Councilmember Duncan thought Council might be open to criticism that almost \$300,000 would be used to provide a few parking spots. Councilmember Jones felt it was unfortunate that the original plan didn't work out, but he would support this proposal as a fallback to utilize the money and finish out the area in progress. Councilmember Knuteson-Boyd agreed with Councilmember Jones.

Motion and vote: Councilmember Knuteson-Boyd moved to request that staff seek UDOT approval for the proposed use of Hotspot funding if Council concurs with funding the construction of Minnie Lee Avenue. Councilmember Jones seconded the motion. The motion passed 3-1 with Councilmembers

Duncan, Knuteson-Boyd and Jones voting aye and Councilmember Derasary voting nay.

Downtown Parking Structure Discussion and Potential Action (Sponsor: Councilmember Duncan):

Discussion: City Manager Linares explained that there were three ways to terminate the agreement with UDOT. One option is that the City and UDOT mutually agree to move out of the agreement. The second option is that, if either party breaches the agreement, then the other party would have the right to terminate it. The third option is that UDOT has the right to terminate the agreement whenever they choose (this is in every UDOT contract and is non-negotiable). Staff had primarily been working towards the first option to exit the contract in a legal format by having a discussion with UDOT to negotiate an exit strategy. Staff wants to work with UDOT to see if the funding can be used elsewhere or if the project description can be altered from what it was proposed to be. City Manager Linares advised that, regardless of what direction Council chooses, it gives staff the ability to negotiate with UDOT about how Council wants to move forward. The Council needs to decide if it should properly exit, continue, or change the contract. This agenda item is sponsored by Councilmember Duncan who took the lead on the discussion. He thanked City Manager Linares for enlightening Council regarding the possibilities. He stated that it would be worthwhile to suspend work with the design contractor while Council discusses the options. Councilmember Duncan wanted to confirm that unspent UDOT funds could be used with UDOT's approval for a different project that improves the Moab traffic pattern. City Manager Linares clarified that two statements were made. First, that Council could suspend the project, and second, if UDOT was approached to alter the project for a different scope. He said that the second option is viable because UDOT could be approached to change the terms if both parties were amenable. Suspending the contract is not a contractual right of the Council and it could create contractual issues in the future. Councilmember Duncan is nervous that, without any contractual arrangements, the money will continue to be spent until there's none left over for other projects. City Manager Linares said that there are some incomplete tasks that must be finished prior to the project's cessation. If the plan is to change the scope, then staff wants to save as much money as possible to proceed in a new direction. Mayor Niehaus said that it would be helpful to get some facts out on the table, such as the project timeline and when Council will view the design. She said that it might present a place for a natural pause in the timeline process. Councilmember Knuteson-Boyd suggested that it would behoove Council to have a workshop on the issue. She said that she wasn't ready to suspend or stop anything since she hasn't reviewed all the data yet. She said that it will require a more in-depth discussion than the time allows in this meeting. She also stated that there was a lot of misinformation regarding this subject and she wanted to clarify a couple of items. One was the parking study did not say that the parking structure was unnecessary. The study said that parking is sufficient or ample for the current needs. One of the study's recommendations was that the City proceed with the parking structure. It doesn't say that the parking structure will solve every problem; it is only one recommendation among many. Mayor Niehaus tried to get confirmation from the Design Advisory Committee (DAC) because it feels like there isn't consensus among the DAC. She would like the opportunity to see the design in a workshop format with Council and the DAC to promote open discussion. She had written down several things from the citizen comments that she would like to discuss, and they need to think at least 10-20 years down the road. She felt that a conversation is needed about where business owners, employees, and tourists are currently parking. Councilmember Jones clarified that the DAC was not tasked with whether the project should happen; the DAC was directed to discuss the design features. He noted that the structure is being designed with adherence to the code. It meets the same standards that the Hoodoo and Homewood Suites met. The parking structure would be in the middle of the block and would be hidden as the block develops. He said that, while there may be concerns about visuals in the short term, ultimately, it's going to be surrounded by other buildings, many of which do not provide on-site parking. So, it doesn't just benefit one landowner; it potentially benefits many landowners especially if they choose to develop in the mixed-use modality. While he was concerned about the operating budget he was still in support

of the project. Mayor Niehaus stated that there will continue to be discussion regarding a bypass as well as other parking areas. She said that Council should keep in mind that this is only one project. She also said that UDOT is a good partner and that they listened when the City approached them. This project is what resulted and UDOT will continue to listen. She would like to continue working on the bypass and identify other project areas where the City can increase additional parking opportunities.

Councilmember Jones agreed and noted that there is a transportation plan for the valley that is bigger than this parking structure. He is hopeful that it will provide a basis for future funding opportunities beyond parking and could be a precursor for the transportation plan. Mayor Niehaus reminded Council that UDOT is funding the regional transportation plan and the rail study. UDOT has also encouraged Senator Anderegg to sponsor the bill that is currently at the State Legislature. She encouraged Council to look to the future. She talked about obtaining a coder to develop an application that shows parking places for RV's and other vehicles. Councilmember Derasary asked where the cost of the project was currently and if it was over \$8.3 million. She also asked what the City will be responsible for in both the short-term and long-term. She wants input from the Finance Director regarding the City budget and where this project falls. She asked City Manager Linares about meeting with UDOT soon to discuss the matter. He responded that it is an unnecessary step which could cause damage. She requested clarification because the agreement said that the parking structure would have an underground level with three levels aboveground, but now there's a possibility that the structure can't go underground. City Manager Linares said that ventilation is an issue with underground parking, and it becomes extremely expensive. Therefore, the structure will only be partially underground. Councilmember Jones said that the roof deck is considered a fourth story. Councilmember Derasary questioned the project exceeding code because it is 42 feet at the parapet with the potential perception of being higher with cars parked on the top level. City Manager Linares said that, when the City builds a structure, they must abide by the zoning rules. There are buildings in the area that are 42 feet. Councilmember Derasary said that, if they had a follow-up meeting with UDOT, she would inquire about the possibility of a two-story structure and if that would decrease the cost. Some business owners stated that, for equanimity, they could add a level to the Moab Information Center parking lot. City Manager Linares said that those ideas would be needed when having a discussion with UDOT. Councilmember Derasary wanted to make sure that a meeting with UDOT, if it occurred, would be open to the public. She requested clarity on the sustainability of the project, the cost and justification per stall, and what the project would cost the City over time. Council-member Guzman-Newton expressed concern about building constraint issues, the tight timeline that the City has, and the project management contract and expenses. She read in the newspaper that the project was now at \$10,000,000 with an operational budget of \$125,000 per year that would be the City's responsibility. She also said that the DAC has been discussing aesthetics more than anything else. She also wants to ensure that the project is equitable for everyone. She believes that they need to pause and discuss what the project will cost. Councilmember Duncan noted that UDOT has previously discussed removing Main Street parking due to public safety. The primary purpose of the Downtown Parking Garage was to make up for the loss of parking on Main Street. His concern is that, by building the parking structure, it will give UDOT license to remove parking from Main Street. Mayor Niehaus said that is not UDOT's intention; the partnership with UDOT has a level of respect. Ryan Anderson of UDOT was invited to join the conversation. Anderson felt that this needed to be discussed in a workshop; however, he would address some of the questions that were presented. He addressed the reallocation of funds first. He stated that the contract was clear that the number of stalls were undetermined until a geotechnical investigation for design provided information. Prior to having an agreement with the City, UDOT didn't go into that depth of investigation. Therefore, UDOT specified in the contract that determining how many levels would be feasible would dictate the number of stalls. He said that, if the funds weren't being used for the intended purpose, the funds would return to the Transportation Commission. He said that he did not want that to be conceived as a threat. The funding is not intended to be a comprehensive solution to all of Moab's problems. Anderson also clarified that the City could re-approach the Transportation Commission to receive funding for a different project. He

stated that it is not UDOT's decision, because it is legislative funding that UDOT oversees administering. The agreement between Moab City and UDOT was that the City would take those funds and build a parking structure since UDOT does not build them. UDOT's mission is to find innovative transportation solutions that enhance Utah's economy and quality of life. He didn't want Council to feel as if UDOT is forcing a parking structure to happen. However, he felt that the parking issue in Moab was underplayed and the other solutions were oversimplified. He said that dispersed parking is a good solution since ground-level parking is cheaper. However, he had not seen a lot of local interest in selling or donating land for that type of use. He said that the parking structure project would be the best use of the property that is available. He appreciates the Council's understanding that this solution was never intended to be a complete solution for Moab's parking needs. He also clarified the comment regarding the preservation of Main Street parking. He stated that there was no connected action between the parking structure and Main Street parking. He wants to be clear that he can't commit UDOT to always permit parking on the UDOT right-of-way, which is primarily intended for transportation. He doesn't believe that he committed to a lifetime of parking on Main Street. He hopes that UDOT's demonstration of the partnership with Moab City shows that they want to make communities better. UDOT would never make such a decision without Council consultation. Councilmember Guzman-Newton asked if the scope could be changed to two levels. She further inquired that if there were funds left over, could that change the scope enough that they could use the money for dispersed parking. Anderson said that would come back to the price per stall. Restrictions placed on the parking structure will decrease the number of stalls, but it may not decrease the overall cost. Building a parking structure larger or taller isn't that much of a price increase. He said that UDOT has asked the consultants in charge of design to build as many stalls as feasible within the budget, footprint, and parameters permitted. He believes that it would be unwise to enter this project with low budget estimates, because it's better to have more realistic numbers. Councilmember Guzman-Newton asked if all the \$10,000,000 could be redirected towards dispersed parking instead of a parking structure. Anderson believed that a lot of the funding would go to the right-of-way. Currently, most of the funding is going to infrastructure. Mayor Niehaus asked if the Hotspot funding was an annual decision. Anderson said that this was the first occurrence of Hotspot funding, and he's unaware of any future plans to do anything further. Mayor Niehaus asked if the Transportation Commission and UDOT would continue to be partners in additional future projects. Anderson said that the Transportation Commission has been very supportive of the City's proposals, but he doesn't know what the future will bring. He said that the parking structure is a great project in terms of planning for the future. He stated that it would be the start of the community's transportation planning since he doesn't foresee a reduction in parking anytime soon. He doesn't believe that the current use of the parking lot is a good indicator of the parking structure's future use. He stated that many people aren't even aware of the parking lot, because there isn't a lot of direction advising people to park there. Council scheduled a workshop with the Parking Structure Design Advisory Committee (DAC) and UDOT on February 18, 2020 from 4:00 PM to 6:00 PM.

Consideration, discussion and decision on whether the City of Moab shall impose 0.1% sales and use tax to fund cultural facilities, recreational facilities, and zoological facilities and botanical organizations, cultural organizations, and zoological organizations in the City (RAP Tax):

Consideration, discussion and decision: City Manager Linares explained that staff was proposing that the City put forward a 0.1% Recreation, Arts, and Parks (RAP) Tax before the citizenry for approval. State Code requires that the City give notice to the County beforehand. The RAP Tax is paid at the point of sale, and it amounts to one penny for every \$10 spent on non-food items, which boils down to a tourist tax. RAP Tax is the last tourist tax that can be implemented by the City. The City will prepare a website about the RAP Tax and all the available information would go on that website. Some examples of what the RAP Tax could be used for are: Moab Recreation and Aquatic Center (such as expanding the pool), Moab Arts and Recreation Center, Center Street Gym, and new arts facilities.

The City wants to use the funds to support the programs that are currently provided. The tax could potentially generate \$200,000-\$400,000 per year.

Motion and vote: Councilmember Duncan moved to submit an opinion question to the residents of the City of Moab for their opinions on the imposition of a local sales and use tax of 0.1% located within the City to fund cultural facilities, recreational facilities and zoological facilities and botanical organizations, cultural organizations and zoological organization may be considered and to provide the proper notice of intent to Grand County. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 with Councilmembers Duncan, Derasary, Knuteson-Boyd, Guzman-Newton and Jones voting aye.

Approval of Bills Against the City of Moab:

Discussion: The Amazon expenditure had increased slightly. Councilmember Knuteson-Boyd checked the items that she is certain could have been obtained locally. She will provide the list to City Manager Linares who will follow up on it.

Motion and vote: Councilmember Knuteson-Boyd moved to approve the bills in the amount of \$144,222.73. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 with Councilmembers Knuteson-Boyd, Derasary, Duncan, Guzman-Newton and Jones voting aye.

Adjournment: Councilmember Jones moved to adjourn. Councilmember Duncan seconded the motion. The motion passed 5-0 with Councilmembers Jones, Duncan, Derasary, Knuteson-Boyd and Guzman-Newton voting aye. The meeting was adjourned at 10:25 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder