

**MOAB CITY COUNCIL MINUTES
REGULAR MEETING
FEBRUARY 25, 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, Moab, Utah. An audio recording of the meeting is archived at <http://www.utah.gov/pmn/index.html> and a video recording is archived at <https://www.youtube.com/watch?v=RR6uhMgg5es>.

Executive Closed Session:

Councilmember Guzman-Newton moved to enter an Executive Closed Session for a Strategy Session to Discuss Reasonably Imminent and/or Pending Litigation. Councilmember Duncan seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Duncan, Guzman-Newton, Jones, and Knuteson-Boyd voting aye. Mayor Niehaus called the Executive Session to order at 6:03 PM. Councilmember Jones moved to end the Executive Closed Session. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Duncan, Guzman-Newton, Jones, and Knuteson-Boyd voting aye. Mayor Niehaus ended the Executive Closed Session at 6:46 PM.

Regular Meeting—Call to Order and Attendance:

Mayor Niehaus called the meeting to order at 7:04 PM and led the Pledge of Allegiance. In attendance were Councilmembers Karen Guzman-Newton, Mike Duncan, Tawny Knuteson-Boyd and Kalen Jones. Councilmember Rani Derasary participated electronically. Staff in attendance were City Manager Joel Linares, Assistant City Manager Carly Castle, Finance Director Rachel Stenta, City Engineer Chuck Williams, City Planner Nora Shepard, City Assistant Planner Cory Shurtleff, Moab Recreation and Aquatic Center (MRAC) Director Terry Lewis, City Recorder Sommar Johnson and Deputy Recorder Joey Allred. 17 members of the public and media were present.

Approval of Minutes: Councilmember Guzman-Newton moved to approve the minutes of the January 28, 2020 meeting. Councilmember Duncan seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd, Guzman-Newton and Jones voting aye in a roll call vote.

Mayor and Council Reports:

Mayor Niehaus reported participating in press calls and spoke with legislators regarding the Sand Flats parcels that the City opposed with Resolution 06-2020. She stated that the resolution was fully supported by our representatives and the governor. She thanked the governor and expressed gratitude to BLM for deferring the nominated parcels. She reported attending Film Day on the Hill with Film Commission Director Metzner, a rural caucus, and a press conference for the Utah Raptor State Park. She also attended a Women's March with female leaders including mayors from other cities. She attended the joint City Council and Grand County Council meeting last Tuesday, as well as a meeting with the DAC. She attended the Governor's Rural Partnership Board Meeting and participated in Rural Day on the Hill. She stated that legislation of interest includes H.B. 273 and H.B. 374. She said that both bills are opposed by the ULCT.

Councilmember Derasary stated that she couldn't attend the most recent ULCT meeting because she's been in Washington D.C. She said that H.B. 190 would require municipalities to provide emergency medical services. This bill is opposed by ULCT due to lack of funding. She stated that she's in Washington D.C. with the Moab Tailings Project Steering Committee to lobby for

sustained funding of the project. She said that the meetings are going well and that she would provide a comprehensive report at the next Council meeting.

Councilmember Duncan thanked Assistant City Manager Castle for helping to organize a joint City-Grand Water & Sewer Service Agency Coordinating Committee to communicate any sewer rate changes. He reported participating in a Walnut Lane Selection Committee. He reported attending a Water Advisory Board meeting. He thanked Assistant City Manager Castle for her assistance in getting the Water Advisory Board organized. He thanked City Manager Linares for facilitating the Emma Boulevard meeting and stated that it was a great joint City-Council meeting. He reported participating in a telephone survey by Seekhaven. He stated that he did a KZMU radio interview with high school students regarding universal basic income. He reported attending a preview of the Moab Museum.

Councilmember Knuteson-Boyd reported attending a Canyonland Healthcare Special Service District meeting. She stated that the Canyonlands Care Center has hired a new administrator named Colette Lyman. She said that the Canyonlands Care Center completed its annual survey, which indicated that the food service quality needs to be improved a bit. She reported attending a Housing Authority meeting. She reported attending a Moab Museum Board meeting and a preview of the museum.

Councilmember Guzman-Newton reported attending an event at the high school regarding helping our children rise above the negative effects of social media. She said that that speaker, Colin Kirschner, has a TED talk on YouTube that is worth watching. She reported attending a census update committee meeting regarding the census grant and what it could be spent on. She reported participating in an interview by national newspapers with Mayor Niehaus and Grand County Chair McGann regarding oil and gas leases. She reported participating with Councilmember Duncan on an interview with KZMU about the Slickrock trailhead. She reported attending the joint City and Grand County Council meeting. She reported attending a school board meeting about the school nurse position that was funded beginning last year. She said that Mary Frothingham has helped students get their tier-2 vision exam, which is unprecedented because it's not mandated by the state. She reported attending the Western Conference Junior High Science Fair at Colorado Mesa University. She also attended the Key Leaderboard Meeting. She met with Keri Allred from RUCD (Rural Utah Child Development) who said that a \$100 million grant will be due this spring for the expansion and creation of early head start programs. Councilmember Guzman-Newton stated that Mallory will invite SITLA, City staff, and County staff to have a conversation regarding locations and opportunities for an early head start program. She informed Mayor Niehaus that Mallory would like to present at the next City Council meeting, if possible.

Councilmember Jones reported meeting with Kayci Cook Collins, the acting Superintendent for the Southeastern Utah National Parks. He reported attending a webinar on parking reform for the 21st century and the discussion included best practices to provide for parking needs. He reported attending a meeting with City and County staff, local developers, and a consultant called Incremental Development regarding facilitating small-scale local, residential, and commercial development. He reported attending a Moab Dark Skies meeting, and a Grand County Solid Waste Special Service District meeting. He reported attending a couple of stakeholder meetings regarding the North end dispersed parking. He reported attending a Moab Area Travel Council meeting with discussion about capitalizing on Grand County as one of the most dinosaur rich areas in the world. He reported attending a Travel Council Sustainability Committee meeting.

Councilmember Guzman-Newton announced a free marketing opportunity through the Travel Council for local Moab businesses. She said that businesses can be listed on the Discover Moab website.

Administrative Report:

City Manager Linares thanked Grand County Community and Economic Director Zacharia Levine for attending the meeting and invited him to provide an update on the transportation planning for the Moab area.

Grand County Community and Economic Director Levine stated that currently there is conceptualization of a three-phase approach to transportation planning. He said that the phases are a regional transportation plan, a joint City-County transportation master plan, and a transit study and design process. He stated that the first phase is spearheaded by UDOT, who continues to show support and interest in the Moab area, and it will start soon. He said that this effort will include Moab, Grand County, San Juan County, and SITLA who are operating under a cooperative agreement that was signed last year. He said that phase two is exciting because the County hasn't updated their transportation plan since 2008, and the City has never had a transportation plan. He said that the last phase is anticipated to use federal 5304 funds that are administered by the state. He stated that the transit system in mind is not a park/tourist shuttle system. He stated that the federal program requires a base level of service for year-round residents. He discussed the scopes of work for each phase of the plan. Mayor Niehaus thanked Levine for his presentation and asked if people could email him their questions. He said that he could answer questions now. Councilmember Guzman-Newton asked about the estimated timeline for the plan. Levine said that phase one would take about a year, and phase two could start about six months into phase one. He also noted that a consultant was selected from UDOT's general engineering and consultant pool for the joint City-County transportation master plan. Councilmember Duncan requested clarification on the transit study being used for primarily year-round residents. Levine stated that the program requirements include a base level of service for the permanent population. He said that there is an understanding in tourism-based communities of a need to expand services during certain times of the year.

Finance Director Stenta provided a sales tax update and stated that all departments have submitted budget requests for the next fiscal year. She explained that the Statewide Local POS tax percent is calculated based on the local population; the more people that can be counted in the census, the higher the percent. She said that the new sewer rates went into effect in November, which shows a 9-12% increase in residential sewer and a 20-29% increase in commercial sewer. She stated that the water rate study should have a draft available from the consultants soon. She stated that the delinquent utility accounts have decreased thanks to the Assistant Treasurer and the Billing Clerk's efforts to increase communication. She stated that most of the City's revenue is sales based tax, and the City will need to plan accordingly regarding Coronavirus and travel restrictions.

Assistant City Manager Castle said that she wanted to follow up on an item that Councilmember Duncan had mentioned. She said that the City entered an ILA in 2016 with the Spanish Valley Water and Sewer Improvement District when the new waste reclamation facility was built. She said that one of the terms of the ILA requires that the City create a wastewater advisory board with the membership consisting of two people appointed by City Council and two people appointed by Grand County Council. She stated that she met with Dana Van Horn from GWSSA (Grand Water and Sewer Service Agency), Councilmember Duncan, and a representative from Spanish Valley. They discussed the critical importance of the respective agencies to share information regarding operations, capital projects, and sewer rates. She said that Van Horn and

Spanish Valley made it clear that they weren't interested in being on a steering committee or advisory board. She said that the recommendation after that meeting was an informal information sharing between staff members.

City Manager Linares thanked the governor and BLM for removing the leasing sites. He stated that the City sent letters thanking those individuals for that action.

Citizens to be Heard:

Wes Shannon, owner of the Love Muffin Café and La Sal House Restaurant, read from his emails to the Council. He said that he's been trying to gather information on the Hot Spot money and the proposed projects. He said that one thing that stuck out was that UDOT can take away Main Street parking. He said that the topic was brought up years ago and met with resistance from the community. He stated that, with \$10 million on the line, we're going to take a chance and hope that Main Street parking is not killed. He said that we're essentially transplanting Main Street parking into someone's lap on 100 West. He asked about the rest of the businesses on Main Street. He said that there could be a more logical way to use the money which would benefit a broader scope. He said that if there's even a 1% chance that parking on Main Street could be taken away, then the money needs to be directed to a more viable option that encompasses a plan for the community. He expressed concern for the direction the City is headed.

Elizabeth Boone, architect with Reynolds Ash + Associates Architecture & Engineering, stated that she wants to address item 10.2 on the agenda. She said that she's been working on the Henry Shaw Hotel since 2015. She said that after the workforce housing ordinance was passed, she's been working to come up with a solution to include workforce housing as part of the site application. She said that City staff recommended that an amendment to the ordinance should be considered, since developers have opted to pay the fee in lieu of providing workforce housing. She reviewed the ordinance and stated that the construction costs of workforce housing would be higher than paying the fee, which doesn't provide an incentive to developers to add workforce housing. She said that the average square foot per unit needs to be lower than 1,000. She said that the proposal for the Henry Shaw Hotel is 400 square foot units for workforce housing. Mayor Niehaus thanked Boone for her comments and requested that the presentation be made available to Council.

Public Hearing:

Resolution 11-2020: A Resolution Amending the Fiscal Year 2019/2020 Budget: At 8:09 PM, Mayor Niehaus opened a public hearing to receive input on proposed **Resolution 11-2020**. No citizens submitted forms for the public hearing, so Mayor Niehaus asked for a motion to close. Councilmember Jones moved to close the public hearing. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 by a roll call vote with Councilmembers Jones, Guzman-Newton, Knuteson-Boyd, Derasary, and Duncan voting aye. Mayor Niehaus closed the public hearing at 8:10 PM.

Old Business:

Update and Discussion of Hot Spot Funding and Additional Transportation Projects

Discussion: Mayor Niehaus stated that this item is in response to questions and comments that have been received regarding Hot Spot funding. She stated that the discussion will outline what's been happening, including the downtown transportation hub planning. She said that Councilmember Derasary had a question regarding the two maps for Emma Boulevard. Mayor Niehaus stated that one map has Maxine developed and one doesn't. She stated that Hot Spot

funding would not be used to develop Maxine. She said that businesses in the North Main Street area are hoping to see some form of parking available since they will be affected by the loss of parking on Main Street. She said that, for transparency, she wanted to share in a public meeting why the Council is looking at developing parking on streets instead of collaborating with any of the property owners. City Manager Linares stated that the current plan is a last resort. He said that City staff had reached out to three churches in the area attempting to enter lease agreements for the properties over a 20-year period that would allow the City to pave some of the parking lots. He said that two of the church groups said no. He stated that the City entered into negotiations with the Church of Christ for a lease agreement. The Church of Christ expressed some concerns and the City had a second round of negotiations with them. Mayor Niehaus asked who was in the meeting for clarity. City Manager Linares stated that the meeting included City Engineer Williams, Bill Jackson from the Church of Christ, and himself. He said that the City offered to gate off the area and install cameras. He stated that the agreement also included that Sunday would be solely for church use. He also added that, if there were events during the week where the church needed access, they would let the City know and the area would only be available to the church during those events. He stated that, at that point, the Church informed the City that they weren't interested in entering into an agreement. He said that the City had to figure out how to add parking to the roadway instead. He stated that the City is still open to discussion with any of the church groups. He said that Keith VanArsdol from the Community Church has reached out and the City is discussing some possibilities with them. Mayor Niehaus asked if Council had any questions. Councilmember Duncan said that he was under the impression that Mayor Niehaus was going to schedule a public hearing with all the stakeholders at the next regular Council meeting. Mayor Niehaus clarified that it would be a workshop, not a public hearing. She said that there are two levels of stakeholders for this project: the businesses that are losing on street parking directly, and the larger area group of stakeholders. She said that the conversations have been primarily with the businesses that will be most affected by the Highway 191 Widening Project. She stated that a meeting with the first level of stakeholders, City Manager Linares, and Councilmembers Duncan and Jones took place where two things were determined: that there would be a workshop and all stakeholders would be invited, and that the City would complete basic dirt work to improve parking on Maxine. City Manager Linares said the meeting took place on President's Day (February 17) and staff were instructed the following day to start the dirt work. He said that it was completed on February 20 and provided four additional parking spaces. Mayor Niehaus said that, after the workshop, she hopes to have a better idea of what to bring to Council as a final decision for the dispersed parking funds. Councilmember Jones said that he had a meeting with Keith VanArsdol, the head of maintenance for the Community Church, and City Engineer Williams on February 18. He said that the Community Church appeared supportive of the Emma Boulevard parking, since it would help them with some challenges as well. He said that the Community Church was also supportive of improvements to Maxine. He said that options were discussed besides paving, and he asked City Engineer Williams what \$50,000 could buy. City Engineer Williams stated that it would provide a chip seal over road base and striping. He said that the chip seal lasts five to seven years. Mayor Niehaus indicated that the orange areas on the map are a park strip. City Engineer Williams said that the large orange area would be a detention/retention basin with plants to help take care of drainage. Mayor Niehaus asked Council if they wanted to add anything else to this plan. City Engineer Williams said that a drinking fountain could be added. Councilmember Knuteson-Boyd asked if people were parking on Maxine after the dirt work was completed. City Manager Linares said that the area had dirt mounds and vegetation originally and that the City flattened it out. City Engineer Williams clarified the concept plan that was created for the Church of Christ property included a sidewalk to Maverik. Mayor Niehaus said that, if the church wanted to consider this plan, the City is still open to it. City Manager Linares said that the City would prefer that plan, because it provides more parking spots. He also

reiterated that the City is open to discussions with any of the groups regarding parking lots. Councilmember Guzman-Newton asked if there was an easement for the footpath from Maverik. City Manager Linares said that it's not an easement currently. Councilmember Jones asked if the parking lot could be separated from the potential easement for public use, which would be beneficial. Mayor Niehaus suggested that Council could propose an easement to the neighboring landowner, the Red Rock Partners. She said that the easement could be discussed in the workshop at the next Council meeting. Councilmember Jones stated that church leadership may appear favorable, but the congregation could decide not to pursue the option. City Manager Linares stated that was his impression when he met with the Church of Christ leadership. Mayor Niehaus said that it's important to understand that there was a design, redesign and a contract presented to the Church of Christ before they said no. City Manager Linares said that he's willing to meet with the church leadership and the congregation if that would help. Councilmember Derasary said that the community has expressed concern regarding how many meetings have occurred in smaller groups without any recordings or minutes. She said that, if there are misunderstandings from those meetings, there is no record to review what was discussed and agreed upon. She said that, going forward, the meetings should be public and recorded with minutes, which will help rectify any misunderstandings quickly. She stated that it's great that the dirt was cleared, but, once again, the City failed to communicate with businesses. She said that she received a call from a business owner who was concerned about the dirt being moved. Mayor Niehaus asked City Manager Linares to respond. He reiterated that the community met on February 17 where it was requested that the City make parking spots in that area. He stated that the verbal commitment to the community members present said that the following morning he would give City staff direction to do the dirt work and create the parking spots. He said that he met with the Streets Department at 8 AM on February 18 to start the process. He said that the Streets Department began moving dirt on February 20. City Manager Linares said that he didn't contact the businesses to tell them that the dirt would be moved on the 20th, because he had already indicated at the meeting on the 17th that the work would be completed within the week. He said that, in the future, he will contact the community to reestablish the connection as work progresses. Mayor Niehaus asked Councilmember Jones what his impression was from the meeting on the 17th. Councilmember Jones said that he wasn't clear if there was a way to delineate the parking without additional surface treatment. He said that the City does plenty of road work without consulting the Council. City Manager Linares said that, going forward, he will contact the community to provide updates as the work progresses. Councilmember Duncan said he received a call from Scott Newton when the dirt was being moved. He said that Newton was delighted to have the little bit of parking created, although it doesn't solve the main problem of an easement. He said that Newton was pleased with this gesture from the City. Mayor Niehaus asked Councilmember Derasary about the phone call that she received. Councilmember Guzman-Newton requested to move forward. She said the communication issue has been an ongoing issue since she's been on the Council. City Manager Linares said that communication will improve. Councilmember Derasary encouraged Council to cast a wide net for the workshop and include not only the churches and the businesses, but also the school and the apartments on Emma Boulevard. She said that she would watch the rest of the Council meeting and save her comments for when she's physically present, since she can't really hear what's being said. Councilmember Derasary left the meeting at 8:44 PM. City Manager Linares said that Councilmember Derasary's points are well made and he'll meet with staff in the morning to make sure that the workshop is well advertised. He said that the word will be spread on Facebook and through the email list also. He stated that the meeting on the 10th will be recorded and documented and that everyone will have access to it.

Mayor Niehaus said that the second item on this topic is the 100 South and Main Street West parking lot redevelopment. She said that she has been in conversation with Mike Stoy, who is

the managing member of the trust for his family. She said that Stoy runs the storage units that are currently on location. She said that she showed the proposal to Stoy for his consideration. Stoy informed Mayor Niehaus that, at this time, his mother is not interested in doing improvements on their property. Mayor Niehaus said that there is an easement along the South (where the parking spots are in the document) that the City could look at paving. She said that it was critical to hear from Stoy first, given where the property lines are, before talking with other property owners. She said that the parking area is on hold, but the City can pull together the other businesses to do some structured parking there. Councilmember Jones said that people are managing to park without the delineated parking spots currently. Mayor Niehaus said that if the area was leveled and paved it would provide more parking.

Mayor Niehaus said the next item is the lot between Center Street and 100 North behind the Post Office. She said that this drawing was taken from the original Hot Spot funding. She stated that it is one of the more complicated options because it includes working with the Post Office. She said that the goal for this project is to create a working group of businesses that are directly adjacent to these parking areas. She said that it's the biggest lift that would have a positive impact for off Main Street parking. She stated that the focus has been parking for the businesses North of town that are losing their Main Street parking due to the widening project. Councilmember Knuteson-Boyd requested clarification for the parking location on the right side of the drawing. City Manager Linares said that it was behind the Forest Service originally, but they've indicated that they're not interested. He said that the area in question is not being considered until renegotiations occur with the Forest Service. Councilmember Guzman-Newton said that Wells Fargo leases parking spaces to businesses. City Manager Linares said that there are many hurdles for this parking area. He said that negotiations would be needed to address the easement issues on the back side as well as addressing the spaces that are reserved for each business. He said that, until the City is directed to proceed, it's hard to know how many spaces would be reserved for the businesses. Councilmember Jones stated that it looks like the combination of the two lots will gain some efficiency. City Manager Linares stated that the area is currently a big mess regarding who has easements and doesn't have right of ways. He stated that the City doesn't even have right of ways. He said that the City receives complaints when the alleyway needs repaved, but it's not the City's alleyway.

Mayor Niehaus stated that she wanted to show this East 100 South area. She said that there has been discussion regarding parking for RV's, so she worked with the Engineering Department to come up with a concept design. She said that she has a meeting scheduled with the property owners of the Best Western since they have an easement halfway into the street. She said that she will share this design with the Rustic Inn as well. She stated that this plan mimics the existing RV parking at the Moab Information Center (MIC). She said that she has a goal for a parking app that would show people parking options regardless of the vehicle size. She said that this concept for dispersed parking could use some Hot Spot funding. She said that it wouldn't require lease agreements and it could move forward with some basic improvements that shouldn't be too costly. City Engineer Williams said that this area is part of the 100 South Green Infrastructure Project. He said that, under that project, a portion of the area would become a cul-de-sac and the City is going to add bioswales to help take care of the storm drains. He said that this provides access to the bike skills park. Mayor Niehaus asked if there could still be a cul-de-sac, restroom, and bioswales with the RV parking. City Engineer Williams said that a cul-de-sac would be important for the RV parking to work. Councilmember Jones asked if the area would be eligible for Hot Spot funding. City Engineer Williams said that he hasn't asked UDOT about this idea yet, but he believes the same argument could be made for this area as the Emma Boulevard project. He said that, if UDOT is amenable to the Emma Boulevard project, they probably would do the same for this one.

Mayor Niehaus stated that these are the dispersed parking concepts that are being pursued currently. Councilmember Duncan said that Michael Liss (among others) showed a plan involving Bob Hines' property east of the MIC's parking; he wanted to know why that property hasn't been discussed. City Engineer Williams said that he wasn't familiar with Liss' presentation. Mayor Niehaus asked if the intention was to buy Hine's property to become a parking lot. Councilmember Duncan said that was the idea, but he didn't know if it was feasible. Councilmember Guzman-Newton stated that she saw an email from Mayor Niehaus that showed \$2.6 million available for dispersed parking, and she wondered how that amount was derived. Mayor Niehaus said that she spoke with City Engineer Williams regarding the original agreement with UDOT which showed \$7.3 million for the parking structure, \$1.7 million for dispersed parking, and \$1 million for Main Street improvements. Councilmember Guzman-Newton asked about the parking structure's cost at this point. City Engineer Williams said that the current design is between \$6.8-\$7.5 million. He said that the Design Advisory Committee discussed the budget to get closer to a recommendation for Council. He said that the level of sustainability and architectural aesthetics might require more funding. Councilmember Guzman-Newton said that Desert Investments has an easement for 32 parking spaces. City Engineer Williams clarified that Utah Desert Investments has a parking credit for 32 parking spaces. Councilmember Guzman-Newton stated that 250 spaces isn't correct, since 32 are already spoken for. City Manager Linares said that, when the business develops their area, they can count 32 spaces towards their design plan. He said that, if they are required to have 60 spaces, they would get credit for the 32 spaces donated to the City, and they would only be required to provide 28 spaces on site.

Mayor Niehaus asked if Council wanted to continue discussing this agenda item or move forward to 10.1. Councilmember Jones said that time limits for Main Street parking also applies to this topic. He stated that day-long parking occurs on Main Street, which doesn't support commerce. He said that the time limit would encourage people to find parking off Main Street for all day parking. Mayor Niehaus asked if the Police Department has the capacity to commit one officer to traffic on Main Street. City Manager Linares said that, as the Police Department has become fully staffed, the time limit is something that could be considered. Mayor Niehaus asked if any Councilmembers were opposed to this idea. Councilmember Knuteson-Boyd said no because it's the beginning of a solution. Councilmember Jones added that, given the interest that parking garners in this community, it's important to make sure that all interested parties are apprised of what's being considered prior to action being taken. Mayor Niehaus said that would encompass all Main Street. Councilmember Jones said that the City has been called upon to be more transparent. Councilmember Knuteson-Boyd suggested rolling out the time limit a block at a time to give businesses a heads up. Mayor Niehaus said that this sounds productive. Councilmember Knuteson-Boyd suggested moving on and that there would be further discussion needed on some of these projects because they involve private property owners. Mayor Niehaus said that she's discussed with City Manager Linares having the Planning Department head those organized group meetings and work with the Engineering Department as well. She stated that the Planning Department will develop the work groups, do the outreach, call the meetings and take minutes. City Manager Linares said that the meetings can be recorded as well.

New Business:

Cancelling Design and Construction of the Downtown Parking Structure

Discussion: Councilmember Duncan said that this topic will be voted on after a public hearing at the next council meeting. He said that the goal for tonight was to get the topic on the floor for public debate in the next two weeks. He suggested foregoing further discussion tonight and

having a full discussion at the next Council meeting. Councilmember Knuteson-Boyd said that's a good idea. Councilmember Duncan stated that the re-wording of the resolution won't change the content or intent; however, it will make the resolution more airtight legally. Councilmember Guzman-Newton agreed to save the conversation for the next Council meeting. Mayor Niehaus proposed that Councilmember Duncan work with City Manager Linares and Assistant City Manager Castle to make sure that the resolution is ready for the public hearing. City Manager Linares said that he will set up a meeting with Councilmembers Duncan and Guzman-Newton.

Ordinance 2020-03: An Ordinance Amending the City of Moab Municipal Code Section 17.69.050(E) to Allow the City Council to Consider Smaller Unit Sizes for Workforce Housing Units that are Built On Site at the Time of Project Construction

Discussion: City Manager Linares stated that one citizen commented on this topic during Citizens to be Heard. He said that a statement will be drafted for Mayor Niehaus to read at the beginning of Council meetings to clarify the process regarding Citizens to be Heard, agenda items, and public hearings. He said that the statement will be available for the next Council meeting. City Planner Shepard said that this amendment has been discussed by the Planning Commission for a couple months. She provided background on the original ordinance regarding workforce housing. She said that most of the projects have opted to pay a fee in lieu of providing workforce housing because it appears to be the cheaper option. She said that the City must approve if we enter a LURA (Land Use Restrictive Agreement). She stated that Planning Commission was approached regarding the average square feet being reduced from 1,000 to not less than 400 square feet and allowing a studio configuration. She said that some members of the Planning Commission supported this idea, while others were concerned that developers would have to build twice as many units to fulfill the total square footage obligation. She said that the amendment language is proposed as a compromise from the Planning Commission. Councilmember Knuteson-Boyd asked if each hotel owner will be required to negotiate with the City based on what they think their employees will require. City Planner Shepard said that the option of a studio has been added as well as the option for City Council to negotiate the unit size at its discretion. Councilmember Knuteson-Boyd asked if the employee housing could be on site or off site, and City Planner Shepard said yes. Councilmember Jones said that he's focused on the total square footage because that's the definition of the exaction for built units. Councilmember Duncan said that, under the proposed language, the developer will present to Council. He asked what happens next if Council doesn't approve the proposal. City Planner Shepard said that it's the same principle as a LURA; if the terms aren't acceptable, they can be changed. Mayor Niehaus stated that she is encouraged by the developers developing housing themselves. She said that every unit that is built by the developer is a unit that the City doesn't have to worry about. She stated that developers will be inclined to build units because they become the developer's asset and will appreciate over time. She expressed concern regarding the idea of an employer hanging housing over the heads of their employees. She said that she appreciates the Planning Commission's deliberation. She expressed concern that this will create some ambiguity and it's important for developers to have clear rules. Councilmember Guzman-Newton asked for clarification that the scope of the square footage is not changing. City Manager Linares said that it would be up to Council to decide the total area of square feet for each unit, not the number of units required to be built. Mayor Niehaus said that every developer is going to address the Council and it will be a hard thing to make those decisions. City Planner Shepard said that this is not necessarily a planning issue because it's more of a negotiation issue about the commitment to build affordable housing. She said that Council could decide that smaller units should be allowed if they're built on site at the time of construction and targeted towards employees. She stated that it could be codified that the square footage could go down to 500 square feet, or whatever amount is decided. City Manager Linares said that this amendment

would change the minimum to 400 square feet in this section of the code only because there are two rules conflicting each other and the newest rule would be applied. Mayor Niehaus said that, if Council allowed additional units instead of changing the square footage, it could permit more studios instead of ten larger units. Councilmember Duncan said that developers won't do that. Councilmember Knuteson-Boyd said that we're asking developers to provide a mix of housing. Mayor Niehaus asked what Planning Commission had decided for their recommendation. City Planner Shepard stated that the Planning Commission was split in its decision. Councilmember Duncan said it's clearly less expensive to build ten larger units instead of twenty smaller units. Councilmember Jones stated that WAHOO already has an independent feasibility analysis that places responsibility on the staff instead of Council, which he prefers. He also said that the amendment needs adjusted to create an objective standard that will incentivize developers to build the units instead of paying the fee in lieu. He suggested that the number of units be separated from the square footage so there is less confusion. He said that the word "average" in average square feet needs removed so studios can be built to provide flexibility.

Motion: Councilmember Duncan moved to table and remand the amendment to City Planner Shepard and Councilmember Jones for further revision. Councilmember Knuteson-Boyd seconded the motion.

Vote: Motion passed 4-0 with Councilmembers Duncan, Knuteson-Boyd, Guzman-Newton, and Jones voting aye.

Approval of Change Orders for and Briefing on Mill Creek Drive West Extension Project Construction

Discussion: City Engineer Williams stated that this is the Aggie Boulevard project which was funded by a CIB loan, a CIB grant, and contributions from the City, Grand County, and SITLA. He said that Harrison Oilfield Services was the contractor for this project. He stated that a spring was discovered right in the middle of the road, which required excavation, a bridge, and a French drain system. He said that Grand Water and Sewer Service Agency was bringing their new sewer line up the West side of Highway 191 after the road work began on Aggie Boulevard. He stated that the decision was made to put in the connector pipe so GWSSA wouldn't have to tear up the road a year later. He said that the change orders were necessary for this project. He also said that it's important to remember that change orders can include deductions, which some of these change orders have. He stated that Civil Science Engineering provided construction management on this project and, since the project took longer than anticipated and our construction inspector was busy, the City had to supplement with a field inspector from Civil Science Engineering. He said that even with the change orders to both businesses, the project comes in under budget by \$443,280.33. Councilmember Duncan asked if change orders can be created when the labor hours go beyond a contracted amount. City Engineer Williams said no, because change orders are for addressing changed conditions from the original plans and specifications that are necessary for the project.

Motion: Councilmember Knuteson-Boyd moved to approve the change orders for the Mill Creek Drive West Extension Project Construction for Harrison Oilfield Services Incorporated in the amount of \$143,782.23 and Civil Science Incorporated in the amount of \$33,900.00. Councilmember Jones seconded the motion.

Discussion: Mayor Niehaus asked about the money left over from the contract. City Engineer Williams stated that the City fronted the design contract cost of about \$150,000.00. He said that cost will be subtracted from the remaining budget for the project to reimburse the City from the joint pool of funds. He said that the remaining funds, approximately \$290,000.00, will be distributed proportionately to the City, Grand County, and SITLA. Councilmember Guzman-Newton asked about the change order for Civil Science and how the total was arrived at. City Engineer Williams said that there were design changes as well as having the field inspector from Civil Science.

Vote: The motion passed 4-0 with Councilmembers Duncan, Knuteson-Boyd, Guzman-Newton, and Jones voting aye.

Annexation Petition from Sponsor Paul W. Jones for Lions Back Holdings, LLC, for 3.12 Acres located at Approximately 938 and 940 South Main

Discussion: City Manager Linares said that this is the petition acceptance by the Council. He said that the process starts by accepting the petition. He said that the petition will be certified, which will lead to public hearings, and then the actual petition to annex will be voted on.

Motion: Councilmember Guzman-Newton moved to accept the Annexation Petition from Sponsor Paul W. Jones for Lions Back Holdings, LLC, for 3.12 Acres located at Approximately 938 and 940 South Main to proceed with the certification process. Councilmember Jones seconded the motion.

Vote: The motion passed 4-0 with Councilmembers Duncan, Knuteson-Boyd, Guzman-Newton, and Jones voting aye.

Approval of Bills Against the City of Moab

Motion and Discussion: Councilmember Knuteson-Boyd moved to approve the bills in the amount of \$443,187.22. Councilmember Guzman-Newton seconded the motion. Mayor Niehaus said that she was encouraged by the City's efforts to buy locally. She thanked Councilmember Knuteson-Boyd for reviewing the bills. Councilmember Knuteson-Boyd said that there are things that could be bought locally, but it is getting better. City Manager Linares requested clarification for what could have been purchased locally. Councilmember Knuteson-Boyd said that office supplies could be purchased locally.

Vote: The motion passed 4-0 with Councilmembers Duncan, Knuteson-Boyd, Guzman-Newton, and Jones voting aye.

Adjournment: Councilmember Jones moved to adjourn the meeting. Councilmember Duncan seconded the motion. The motion carried 4-0 with Councilmembers Duncan, Knuteson-Boyd, Guzman-Newton, and Jones voting aye. Mayor Niehaus adjourned the meeting at 9:56 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder