

**MOAB CITY COUNCIL MINUTES
REGULAR MEETING
MARCH 24, 2020**

The Moab City Council held its Regular Meeting on the above date. Per Executive Order 2020-5 issued by Governor Gary R. Herbert on March 18, 2020, this meeting was conducted electronically. An anchor location was not provided. An audio recording of the meeting is archived at <http://www.utah.gov/pmn/index.html>. A video recording is archived at <https://www.youtube.com/watch?v=eWN5zGxSx-o>.

Regular Meeting—Call to Order and Attendance: Mayor Niehaus called the Regular City Council Meeting to order at 7:02 PM. Participating remotely were Councilmembers Karen Guzman-Newton, Tawny Knuteson-Boyd, Rani Derasary, Mike Duncan, and Kalen Jones. City staff participating remotely were City Manager Joel Linares, Assistant City Manager Carly Castle, City Attorney Laurie Simonson, Finance Director Rachel Stenta, and City Recorder Sommar Johnson.

Approval of Minutes: Councilmember Guzman-Newton moved to approve the minutes of the March 6, 2020 Special City Council Workshop. Councilmember Derasary seconded the motion. The motion passed 5-0 with Councilmembers Jones, Derasary, Duncan, Guzman-Newton, and Knuteson-Boyd voting aye in a roll call vote.

Mayor and Council Reports:

Mayor Niehaus shared a message from the Southeast Utah Health Department. She said that the health department is very encouraged by the results of the order that was passed on March 17 to reduce visitation. She shared a message from Jennifer Sadoff, Chief Executive Officer at Moab Regional Hospital, which said that there is a noticeable positive impact from the health department order since there aren't any confirmed cases of Covid-19 in Moab. Sadoff stated that there is a lack of testing, which means that everyone should behave as if Covid-19 is around and/or inside of us. She also said that the hospital is planning and preparing for a surge of individuals that are infected. Mayor Niehaus shared a message from Jacob Deslauriers, the Moab Regional Coordinator at the Utah Conservation Corps, which said that they are continuing to work in Moab on the Mill and Pack Creek Project to remove hazardous fuels and fire loads from the creek. Deslauriers said that the partnership is with Rim to Rim Restoration and the Utah Division of Forestry, Fire and State Lands. He said that crews are camped and isolated at Willow Springs Campground. Mayor Niehaus said that they will be working in this area for the next month. She reported attending Coronavirus meetings for the past two weeks. She reported attending Grand County Covid-19 Task Force meetings. She reported participating in interviews with local, regional, and larger press. She said that she's been asked to serve on one of the governor's subcommittee task forces for state and local resources. She reiterated the message that water from the tap is safe to drink and please don't dispose of anything other than toilet paper and human waste into the toilets. She said that, regarding outdoor recreation, the hospital advises against intense recreation at this time; however, it is acceptable to go outside. She said that it's important to be responsible with our recreation.

Councilmember Derasary reported reading Coronavirus information to keep up to date. She stated that the Covid-19 Task Force has its own Facebook page, and asked Mayor Niehaus if there is a resource that's more informative than the others regarding Coronavirus. Mayor Niehaus said that the City website is informative, and Utah GoEd (Governor's Office for Economic Development) is tasked with keeping the Utah Coronavirus website updated. She also said that coronavirus.utah.gov/business is an amazing resource for businesses with Coronavirus

questions regarding employment. Councilmember Derasary reported attending an EMS staff training on Covid-19 on March 12. She said that the EMS February call volume numbers were 29% higher than February of last year. She said that the RFP was published for the new EMS building. She said that Dr. Dylan Cole, Chief Medical Officer for Moab Regional Hospital, asked the community to write elected officials an urgent appeal for critical supplies and widespread distribution of necessary testing. Councilmember Derasary asked if there was anything to be done at the local level to get supplies and PPE to our healthcare providers. Mayor Niehaus said that the message has been received, and that Moab is in a place right now that will hopefully flatten the curve. She agreed with Councilmember Derasary regarding the lack of testing and the hope for more ventilators at the hospital. Mayor Niehaus said that the governor and the president spoke today about increasing testing.

Councilmember Duncan reported attending a Water Advisory Board meeting, and he thanked Assistant City Manager Castle for helping to organize this board. He said that City Engineer Williams discussed water rates at the board meeting. He said that Assistant Planner Shurtleff discussed water conservation-related issues that are part of the new standards for overnight accommodations. He informed Assistant City Manager Castle that he wants to expand beyond what the state requires regarding water conservation efforts because the quantity of water in years to come is an important issue. He said that a resident requested a list of businesses in Moab and whether they're open or not. Mayor Niehaus said that the Travel Council was working on that. Councilmember Guzman-Newton said that she'd mention the list at the Chamber of Commerce meeting tomorrow. Mayor Niehaus added that businesses have requested clarity on if they can be open. She said that she verified with Orion Rogers from the health department that, unless the business is included in the March 17th order to be closed, the business can be open. City Manager Linares said that the City website will have links to other informational sites regarding Covid-19.

Councilmember Knuteson-Boyd reported attending a Canyonlands Health Care Special Service District meeting that discussed the state and federal survey results. She said that the areas of improvement indicated on the survey were not critical items, and two of the items were addressed while the survey team was on site. She said that the Canyonlands Health Care Special Service District financial board sent a letter to ask CIB to postpone one upcoming payment. She stated that the museum events that had been planned are currently postponed due to Covid-19; however, the museum is providing online tours.

Councilmember Guzman-Newton reported that the Chamber of Commerce is concerned about following the Southeast Utah Health Department's orders. She asked for clarification regarding if the City, County, or Health Department is responsible during this pandemic. City Manager Linares replied that the City follows the health department, scientists, and doctors' recommendations. He stated that there is a due process regarding business closures, and the City wants to provide notice to the businesses prior to action being taken. Councilmember Guzman-Newton said that citizens are angry and fearful, and it's important to listen and show respect to one another. Mayor Niehaus said that businesses need to understand what the threshold is for removal of the order. She said that the health department's order was put in place on March 17 with a 30-day timeframe, and it would be reviewed after two weeks. She also said that the order could be extended beyond the 30 days. She said that the state has closed the school districts until May 1. She stated that her heart goes out to the working parents, the children who are trying to work from home, and the businesses that are trying to adjust to the lost revenue due to closures. She said that there have been projections that suggest the infection will reach its peak in May. Councilmember Guzman-Newton thanked Communications and Engagement Manager Church for the information on the City's website regarding Covid-19.

Councilmember Jones reported attending a meeting with Incremental Development Alliance staff members, local developers, and City and County Planning Department staff members. He said that discussion included the challenges for developers regarding local regulations and financing. He reported attending the Grand County Solid Waste Special Service District's first Zoom meeting. He said that the recycling center is currently closed due to Covid-19, and they will re-evaluate in a couple of weeks to hopefully re-open. He reported attending five interviews for the Finance Director position with Mayor Niehaus. Mayor Niehaus thanked City Manager Linares for his efforts to help staff feel safe and have their needs met during this uncertain time.

Administrative Report:

City Manager Linares reiterated that City Hall is closed to the public. He said that staff are putting measures in place that, if City Hall is closed to staff and people are working from home, the City will continue to provide essential services. He reported meeting with Monument Waste, Assistant City Manager Castle, and Finance Director Stenta to make sure that services will continue. He thanked Monument Waste for making changes without any cost absorption to the City. He said that Monument Waste is sacrificing for the community by absorbing the large costs themselves. He said that the Emergency Management Declaration for the City will need to be renewed every 30 days, and a meeting is set for April 10 to renew it. He thanked the public for their support during this trying time. He thanked City staff for the number of hours worked to prepare for Covid-19. He said that some staff members are working from home while caring for their children, so their hours have changed to accommodate this. He said that the team is doing an amazing job. He thanked Council for responding to emails from the community. He said that Communications and Engagement Manager Church has been amazing regarding the City website's updates for Covid-19.

Finance Director Stenta presented a budget update for Covid-19. She stated that there is a 60-day lag in tax collections. She said that, for example, May revenue is for sales that take place in March. She said that the closure of overnight accommodations happened halfway through March, which will impact the overnight sales tax revenue. She said that the overall sales tax revenue at risk includes TRT, Resort Community, Local Option, and Highway sales tax within City limits. She said that the anticipated tax revenue for this fiscal year was marked up 7%. She said that the City implemented a hiring freeze in January. She stated that City Manager Linares implemented a spending freeze executive order last week. She said that the hiring freeze will reduce expenditures by about \$189,000. She said that the spending freeze is for non-essential items and it's hard to estimate. She stated that the largest portion of the budget is personnel costs. She suggested doing monthly reevaluations of the budget to assess the incoming revenue. Mayor Niehaus asked if the revenue risk is under a million dollars for the next two months. Finance Director Stenta said that the revenue for two months is about \$1.6 million dollars, but she doesn't anticipate that 100% of the revenue will be at risk. City Manager Linares said that this presentation is for the aspect of our economy that's being affected by the pandemic. Mayor Niehaus asked about cash flow projections and what the City has in the bank. Finance Director Stenta said that the cash flow is fine because there are still utility payments and other revenue sources besides sales-based taxes. Councilmember Guzman-Newton asked if the City will be affected by the state deferring payments. Finance Director Stenta said that she hasn't heard if the State Tax Commission is considering delaying when tax filers must submit their sales tax. City Manager Linares said that staff have implemented procedures to track expenditures for the Covid-19 response. He said that staff are also keeping track of hours that are being spent on Covid-19, and that the City is keeping track of all the lost revenue. He said that, when the pandemic ends, the City will be prepared to submit all those numbers for reimbursement. He stated that Finance Director Stenta is getting ready to move on from the City, and he thanked

her for everything that she's done for the community over the last two plus decades and everything that she's done for him. He said that her institutional knowledge will be greatly missed and it's hard to see her go.

Citizens to be Heard:

Mayor Niehaus said that the process by which a citizen can submit to be heard at the meeting is that they can fill out a form that is provided as a link on the published agenda. She said that the form is limited to 400 words, which is roughly three minutes. She said that citizens can fill out forms up until the meeting begins. After the meeting, Council can act on any comments that are made. She said that comments from the public are also received through email or phone calls; however, in honor of the Citizens to be Heard format, Council will continue to honor the form that can be submitted and will be responded to after meetings. City Manager Linares said that the form is available until 7 PM on meeting nights. He said that the comments that are received prior to 4 PM are forwarded to the Council and can be considered during the meeting. He said that the comments should be limited to the current agenda because they will be included in the meeting minutes and will become permanent record. He said that if the topic doesn't apply to the agenda, email or phone calls are the preferred method of communication. Mayor Niehaus thanked City Recorder Johnson for working hard to create a system to share the forms with Council. City Manager Linares said staff are trying to find a way to share the completed forms with the public prior to the meeting. Councilmember Duncan asked if Mayor Niehaus could summarize the comments that were received this week. Mayor Niehaus said that the five forms that were received will be published in the minutes. City Manager Linares suggested that, going forward, it could be stated in the meeting who Council received comments from.

Liz Ballenger's comments: "RE: Developing a better understanding of coronavirus in our community: The shortage of test kits has led to us "flying blind" with regards to how much coronavirus is already present in our valley. This is obviously vital information for numerous reasons, not the least of which is developing an understanding of when our community may be building immunity through weathering the illness as the virus makes its rounds. It's not too late to start gathering this information by means other than test kits though, is it? Our community is small enough that voluntary self disclosures could be effective. The coronavirus hotline could be expanded to collect data on people who have had corona like symptoms, severity, length of time to recovery, etc. Please don't let this opportunity be lost! Also my apologies for coming to Council with this request; however I don't know who to address with this idea and I figured you would know. Thanks in advance for considering!"

Kevin E. Clyde's comments: "I live and work in Grand County. I drive through Moab on Main Street multiple times every day. I urge Moab City to consider carefully a proposal to add parking off Main Street for the downtown area businesses and to remove parking from Main Street to allow traffic to flow more efficiently through Moab. I support a comprehensive parking and traffic plan which considers the long term. I support the use of "hot spot" funding to begin this planning. I believe the parking structure is the best first step but will not provide as much parking as is needed. A comprehensive plan must be made to continue adding more parking and a shuttle plan. My thanks to all of you for the service you provide to the community."

Ken Minor's comments: "I am zoned Residential Agricultural in the city. I have a small orchard and a large number of volunteer Elm and Russian Olive trees on my 6 acres. Some of which are in the Pack Creek Drainage. In the past I have accumulated everything from tree trimmings to entire trees that I have had to remove. Many of which were a matter of fire safety. I was told last year that I could not get a burn permit since I am in the city. I hauled tree branches and weeds for three days during last summer's clean up efforts and wasn't able to get half of my pile taken

care of. There are a number of us that cannot afford to have the amounts of tree branches etc. that we end up with hauled off. Now that spring is here, there are trees being pruned and yards being cleaned up. The most cost effective and safest solution over the years has been to burn these in safe areas on our properties. I have used the same burn area for almost 20 years. I have had it inspected by the fire department when that was required. I have never had an issue with my fire being unsafe or spreading. I have spoken with various others in a similar situation in the city and we request that you consider allowing burning in the city if it is deemed safe by the fire marshal or the fire chief in agricultural related areas. I understand that the ban on burning was instituted after the Cinema Court fire in an effort to improve fire safety? In my instance, it has made it more difficult to remove the potential fuels of future fires. Thank you for your consideration.”

Huseyin Deniz’s comments: “Dear City Council, I would like to be informed about my business license renewal. My company name Divani LLC, dba Tropical Sno Moab. Applied on Feb,20th, 2020. So far did not hear anything. Would you please inform me? Thank you very much. Wish you the best...”

Julie K. Albina’s comments: “I do not live in the city limits; I live in Spanish valley, but work in healthcare in town. I wonder if there's a way to restrict the trucks that come through town to only those delivering goods here. we are a major "cut through" for truckers going south; can't we restrict non urgent travel through Moab?”

Old Business:

**Resolution 11 -2020: Amending the Fiscal Year 2019-2020 Annual Budget
—Approved**

Motion: Councilmember Derasary moved to approve Resolution 11-2020: Amending the Fiscal Year 2019-2020 Annual Budget. Councilmember Knuteson-Boyd seconded the motion.

Discussion: Councilmember Guzman-Newton asked about the funding for the Mill Creek Drive West Project Aggie Boulevard. She said that it was not included in the fiscal year, but it looks like it’s covered. Finance Director Stenta said that the project is covered since it was anticipated to finish last fiscal year, and this is the portion that carried over into this fiscal year construction-wise. She said that project is funded through CIB funding, and then SITLA, Grand County and Moab City put up a cash match at the beginning of the project.

Vote: The motion passed 5-0 with Councilmembers Jones, Knuteson-Boyd, Guzman-Newton, Derasary, and Duncan voting aye in a roll call vote.

Resolution 15-2020: A Resolution Directing the Renegotiation of the UDOT Agreement and Terminating the Design Contract for the Downtown Parking Structure Project & Directing Coordination with UDOT & Grand County to Pursue Alternative Projects for Hotspot Funding—Approved

Motion: Mayor Niehaus thanked Councilmembers Guzman-Newton and Jones for working together to get the resolution finalized. Councilmember Guzman-Newton moved to approve Resolution 15-2020: A Resolution Directing the Renegotiation of the UDOT Agreement and Terminating the Design Contract for the Downtown Parking Structure Project & Directing Coordination with UDOT & Grand County to Pursue Alternative Projects for Hotspot Funding. Councilmember Duncan seconded the motion.

Discussion: Councilmember Duncan thanked Councilmembers Guzman-Newton and Jones for negotiating regarding the language of the resolution. He expressed gratitude that a consensus has been reached. Mayor Niehaus asked if the renegotiation with UDOT could include extending the six month deadline. City Manager Linares said that a letter would be sent to UDOT by Thursday, and he would begin setting up Zoom meetings. Councilmember Jones

thanked Assistant City Manager Castle and City Attorney Simonson for their assistance during the meeting with Councilmember Guzman-Newton to refine the resolution. Councilmember Guzman-Newton agreed with Councilmember Jones and said that the transparency language from Councilmember Jones' original resolution is included in this resolution. Councilmember Knuteson-Boyd stated that she's more comfortable supporting this resolution and she appreciates the work that went into it. Councilmember Derasary expressed appreciation for the transparency language in the resolution and wanted to confirm that the conceptualization is better this time. Councilmember Jones said that the transparency is better because the resolution states that a committee will be convened by the City and must comply with the Open and Public Meetings Act. He said that the public will be informed when meetings are scheduled, if the public is invited to attend, and that the meetings will be documented. He said that it was not done consistently in the last process, and it's important that it happens this time. Councilmember Derasary asked what Council can expect as the initial steps in the process. City Manager Linares said that the first thing is to request that month back that was lost due to Covid-19 planning. He said that the intent is to begin renegotiations with UDOT. He said that the next step would be a closed session with Council since it's a contract negotiation that involves legal aspects. He said, once the project list is identified and the UDOT renegotiations are complete, it will become a public process. City Manager Linares said that he forgot to mention in his administrative report that the Highway 191 Widening Project started this week. He said that UDOT has started surveying and will begin some dirt movement next week.

Vote: The motion passed 5-0 with Councilmembers Duncan, Guzman-Newton, Jones, Knuteson-Boyd, and Derasary voting aye in a roll call vote.

New Business:

Resolution 05-2020: Adopting the 2020-2024 Capital Improvement Project List—Approved

Discussion: Councilmember Guzman-Newton said that the project list includes the Downtown Parking Structure, and she inquired if that would be removed from the list prior to voting. Finance Director Stenta said that items on the project list are not budgeted for. She said that the items would have to be presented to the Council again prior to being included in a budget. City Manager Linares said that about ten staff members met and went through the process with the checklist approved by Council to create the project list. Mayor Niehaus asked if the Emma Boulevard Project should be included on the list. City Manager Linares said that it probably should be included on this list. He said that, initially, the Emma Boulevard Project was going to be funded by Hot Spot funds; since the project has changed scope, it will require the allocation of City funds to be completed. Councilmember Derasary said that the list currently includes "Emma Boulevard Dispersed Parking/Minnie Lee Paving Improvements." She inquired what wasn't included on the list regarding Emma Boulevard. City Manager Linares said that the item on the project list isn't current, considering the community feedback that was received at the workshop regarding Emma Boulevard. Councilmember Jones said that he supports the inclusion of the Emma Boulevard Project, but he's unclear how it can be funded at this time. Councilmember Duncan said that Emma Boulevard doesn't meet the access requirements for businesses along Main Street. He said that he's reluctant to add the project to the list as a top priority right now. City Manager Linares said that Councilmember Duncan makes a great point, and it highlights the purpose of this project list. He said that the list is ranked by staff regarding priority, and then it's brought before Council for review.

Motion: Councilmember Jones moved to approve Resolution 05-2020: Adopting the 2020-2024 Capital Improvement Project List. Councilmember Duncan seconded the motion.

Vote: The motion passed 5-0 with Councilmembers Jones, Guzman-Newton, Knuteson-Boyd, Derasary, and Duncan voting aye in a roll call vote.

Resolution 08-2020: Designating Depositories for Moab City Financial Accounts—Approved

Motion: Councilmember Guzman-Newton moved to approve Resolution 08-2020: Designating Depositories for Moab City Financial Accounts. Councilmember Knuteson-Boyd seconded the motion.

Discussion: Councilmember Derasary asked Finance Director Stenta to explain this resolution. Finance Director Stenta said that PTIF is where the City keeps the bulk of its cash, and Wells Fargo is the City’s disbursement bank. She said that the City does weekly transfers from PTIF into Wells Fargo so that the City can meet its financial obligations. She said that there are occasional transfers from Wells Fargo to PTIF if there is excess cash in the account. She said that the Assistant Treasurer is the primary signer on the account and makes the transfers; in her absence, the City Manager can call and verbally transfer funds, but he doesn’t have online access. She said that the Finance Director has online access to view the accounts but cannot transfer funds. She said that this provides a separation of duties and only the Assistant Treasurer has control to view the balance and transfer money. She said that if the Assistant Treasurer is on vacation, there needs to be a backup that can view the balance online and make transfers.

Vote: The motion passed 5-0 with Councilmembers Knuteson-Boyd, Guzman-Newton, Derasary, Duncan, and Jones voting aye in a roll call vote.

Approval of Bills Against the City of Moab

Motion: Councilmember Knuteson-Boyd moved to approve the bills against the City of Moab in the amount of \$1,260,418.86. Councilmember Duncan seconded the motion.

Discussion: Mayor Niehaus thanked Councilmember Knuteson-Boyd for reviewing the bills and providing the grand total tonight. Councilmember Knuteson-Boyd said that staff is improving regarding buying locally. Councilmember Derasary asked if the City has enough toilet paper supply. Councilmember Knuteson-Boyd said yes, and that the City has enough paper towels as well.

Vote: The motion passed 5-0 with Councilmembers Jones, Knuteson-Boyd, Guzman-Newton, Derasary, and Duncan voting aye in a roll call vote.

Adjournment: Councilmember Duncan moved to adjourn the meeting. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Duncan, Knuteson-Boyd, Guzman-Newton, and Jones voting aye. Mayor Niehaus adjourned the meeting at 8:31 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder