

**MOAB CITY COUNCIL WORKSHOP WITH PLANNING COMMISSION AND MOAB
CITY COUNCIL
REGULAR MEETING MINUTES
April 14, 2020**

The Moab City Council held a Joint Workshop with the Planning Commission and 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/p.mn/index.html>. A video recording is archived at <https://www.youtube.com/watch?v=eWN5zGxSx-o>.

**MOAB CITY COUNCIL WORKSHOP WITH PLANNING COMMISSION MEMBERS
*Call to Order and Attendance:***

Mayor Emily Niehaus called the City Council Workshop with the Planning Commission to order at 6:00 P.M. Participating remotely were Councilmembers Derasary, Duncan, Guzman-Newton, Jones, and Knuteson-Boyd. Also participating remotely were Planning Commission members Kya Marienfeld and Luke Wojciechowski. Planning Commission Member Ruben Villalpando-Salas joined the meeting at 6:36 P.M. Staff participating remotely were City Manager Joel Linares, Assistant City Manager Carly Castle, City Attorney Laurie Simonson, Planning Director Nora Shepard, Assistant Planner Cory Shurtleff, Finance Director Klint York, and City Recorder Sommar Johnson.

Continued Discussion of Overnight Accommodation Regulations

Mayor Niehaus explained that the purpose of the workshop was to get the City Council and Planning Commission on the same page regarding overnight accommodations. Planning Director Shepard gave an overview of the development standards discussed to date including energy efficiency, water, and transportation, and said she needs Council to give her feedback on their highest priority for those standards. She wanted guidance from the City Council about what benefit they are looking for in return for allowing overnight accommodations. She said Planning Commission feels strongly about requiring additional commercial uses that would serve the community and they intend to include a base minimum requirement for commercial use and the possibility of adding an incentive to make it more attractive for developers. Planning Director Shepard said other development standards discussed were civic/open space, building height, building size, building design, and site configuration. She said her overarching big-picture questions are: is the City Council still committed to the process to explore allowing overnight accommodations with revised development standards in the Resort Commercial Zone; is it a priority; and does everyone still agree with the premise that we allow new overnight accommodations in the RC zone.

Mayor Niehaus went through the three questions with each Councilmember. She began with the question of whether Councilmembers were still committed to the process to explore overnight accommodations with revised development standards in the Resort Commercial Zone.

Councilmember Knuteson-Boyd said she is committed to doing something. She feels they are heading in the right direction, but they need to try and agree on some basic standards.

Councilmember Derasary said she is committed to doing something and the Council has been encouraged to allow overnight accommodations somewhere. She said her outlying question is if and how metering will fall in.

Councilmember Jones said he is still interested in pursuing it but is not sure what the priority is because there may not be much demand for new development. He thinks overnight accommodation regulations have been largely consuming the Planning Department's capacity and feels they are close to the finish line for the RC zone. He does not want overnight accommodations to take up all surplus capacity in the Planning Department and not get other things done.

Councilmember Duncan said he is conditionally committed to it. He said his questions relate to metering and he believes the public interest in this is not with the standards for overnight accommodations but the sheer number of them. He said development standards could be a way of metering overnight accommodations but he would like some way of slowing down growth.

Councilmember Guzman-Newton said she is still interested in pursuing the development standards and potentially interested in doing it all at once, not just for the RC zone, but at a pace where the Planning Commission can work on it over time. Planning Director Shepard asked if she wanted to look at the C-2 and C-3 zones at the same time. Councilmember Guzman-Newton confirmed and said it feels like we are really close, and it might not be difficult to include the other zones.

Mayor Niehaus moved to the second question of whether it is a priority and said based on the answers from the Council, this is still a priority.

Mayor Niehaus moved to the final question of whether Councilmembers agreed with the premise to allow new overnight accommodations in the RC zone and regulate new projects through enhanced development standards.

Councilmember Knuteson-Boyd asked what the major differences are between the RC zone and the C-2 and C-3 and wondered if it would be better to develop standards for the zones simultaneously or one at a time. She agrees with Councilmember Duncan that regulating overnight accommodations using only development standards can be tricky.

Councilmember Derasary said she is still concerned with metering and she does not want to only regulate through development standards without including metering. She said she can see pros and cons of working on more zones but felt they should finish the RC zone considering the amount of time spent on that zone.

Councilmember Jones said he prefers to focus on the RC zone for now and is fine regulating new projects through development standards. He said he is sympathetic to Councilmember Duncan's concerns about the volume of tourists and does not think Council can escape that question, but the RC zone is small enough that he is willing to stay the course. He felt the other commercial zones are bigger and more complex and he would like to work on overnight accommodations in those zones with an overall work plan.

Councilmember Duncan said he has mixed feelings about considering other zones but feels the Council should finish the RC zone. He felt the only reason for considering other zones at the same time would be to maintain consistency with the development standards.

Councilmember Guzman-Newton said she appreciates the work that has been done and would like to finish but personally feels they should look at all other commercial zones for overnight accommodations at the same time.

Planning Director Shepard asked about the most important community benefits that Council has in mind as a trade-off to allowing new overnight accommodations. She asked which standards discussed were the most important in terms of getting benefits for the community.

Councilmember Knuteson-Boyd listed mixed-use, open/civic space, and additional commercial space for small businesses. She said energy efficiency is important but she does not rank it first and believes aesthetics is important but very subjective.

Councilmember Derasary said the whole list is an important package together but she listed mixed-use with commercial on the ground floor, housing, staying within the confines of the water we have and not over-allocating the aquifer, and energy.

Councilmember Jones listed housing as his top priority but listed transportation impacts, maximizing tax revenue per visitor, energy standards, and climate impacts of tourism.

Councilmember Duncan listed mixed-use as his top priority.

Councilmember Guzman-Newton listed mixed-use, transportation, and water.

Planning Commission member Marienfeld said she did not have anything to add but felt there was more clarity in the direction from the City Council. She said Planning Commission agrees with mixed-use as a community benefit.

Planning Commission member Wojciechowski agreed that mixed-use is an important aspect for the community to add diversity to our economy.

Planning Commission member Villalpando-Salas said mixed-use and housing are important.

Mayor Niehaus clarified that the next steps will be workshops with the Planning Commission and then proposed code revisions forwarded to the City Council.

REGULAR CITY COUNCIL MEETING 7:00 P.M.

Regular Meeting—Call to Order and Attendance: Mayor Niehaus called the regular meeting to order at 7:03 p.m. Participating remotely were Councilmembers Derasary, Duncan, Guzman-Newton, Jones, and Knuteson-Boyd. Staff participating remotely were City Manager Joel Linares, Assistant City Manager Carly Castle, City Attorney Laurie Simonson, Planning Director Nora Shepard, Assistant Planner Cory Shurtleff, Finance Director Klint York, and City Recorder Sommar Johnson. Moab Regional Hospital CEO Jennifer Sadoff joined the meeting at 7:52 p.m. Former Finance Director Rachel Stenta joined the meeting at 7:55 p.m. Planning Director Shepard joined the meeting at 9:32 p.m. Assistant Planner Shurtleff joined the meeting at 9:40 p.m.

Approval of Minutes: Councilmember Derasary moved to approve the minutes for February 18, 2020, March 10, 2020, with corrections, and March 20, 2020. Councilmember Knuteson-Boyd seconded the motion. There was no discussion. The motion passed 5-0 with Councilmembers Duncan, Knuteson-Boyd, Jones, Guzman-Newton, and Derasary voting aye in a roll call vote.

Mayor and Council Reports

Mayor Niehaus reported attending a Water Quality Board meeting, an Association of Local

Governments meeting, a subcommittee with the Governor's Office of Economic Development (GOED) meeting, two ULCT Board Meetings and some Special City Council meetings. She wanted to specifically report on meetings she attended with the League and ULCT to share some thoughts and ideas for consideration about new terms including "reactivate" and "new normal" with COVID-19 in the State of Utah. She discussed the release of the Utah Leads Together 2.0 plan from the Governor and indicated the special legislative session had 21 new bills introduced. She said the League is tracking the bills as they are introduced, and two or three bills are important on a local rural level because they cover how the federal CARES act distributes funds to small cities. She said the League has been advocating on our behalf to equally distribute the funds among cities and towns, but they are still awaiting counsel and guidance from the Treasury Department. She stated there is a clear battle between the health departments and elected officials because many cities lack representation on health departments and feel left out of conversations with the health department. She said the League is planning to advocate for a bigger voice for cities with their local health departments at the Legislature. She stated it does not impact us because we have good coordination and collaboration with the County and our local health department, but other cities do not, so there is a big push to consider taking some power away from the health departments. She said another bill being discussed is stimulus number four that distributes funds specifically to cities and towns. She said if we cannot access some of the original funding that came out that there may be future stimulus money for the City.

Councilmember Derasary reported attending Special City Council meetings on April 1 and April 10, an online Housing Task Force meeting on April 2, and an EMS Board meeting on April 6. She said the EMS call numbers for March started strong but tapered after the health department issued the closure order. She reported the January through March numbers are only 15% ahead of last year and could see a 40% decrease in call volume depending on the length of the order. She said EMS is doing a good job in trying to assess the possibilities of what impact COVID-19 may have on their budget. She said the EMS Board looked at RFPs for the folks that applied for the design assist contract and based on scoring a unanimous decision was made to recommend Hogan Construction. She reported that HB 389 passed, creating a restricted fund to assist rural EMS with funding, putting a regional representative in place to support rural areas, and funding a \$2.4 million grant program for licensed EMS in counties of the third, fourth, fifth and sixth classes.

Councilmember Duncan reported attending the City Water Conservation and Drought Management Advisory Board and said Assistant Planner Cory Shurtleff provided a nice presentation about waste and water-related standards that were approved by the Board. He said City Engineer Chuck Williams appeared before the board twice to talk about water rates and he encouraged him to present information about the very old cast-iron water pipes that are breaking in our system and said it is money in our pocket to replace them now rather than doing piecemeal replacement later. He explained that water rates need a substantial increase and asked City Engineer Williams to show typical rate increases under different scenarios and asked for lower base rate increases for lower-tier water users and higher base rates for higher-tier water users.

Councilmember Knuteson-Boyd reported attending three meetings for the Care Center on March 27, April 2, and April 9. She said that in the March 27 and April 2 meetings the board discussed strategies for moving residents from the care center to other accommodations if there was a surge in COVID-19 cases at the hospital but ultimately decided against it. She said the board also sent a letter to CIB asking for deferment on payments but has not heard back. She said they were the first in the state to make the request and assumes others will also and believes the CIB is coming up with a plan or process to deal with those requests.

Councilmember Guzman-Newton reported following state and federal regulations for small businesses because she owns a small recreation business that has been hit hard. She reported attending a Zoom Chamber Board meeting and the Chamber is working closely with the Grand County Economic Development team and Zacharia Levine to get information out to small businesses. She said she was in a call with Senator Romney and ULCT discussing the Utah Leads Together plan, which has three phases of response: urgent, stabilization, and recovery. She stated we definitely have a couple more weeks in the urgent phase but she thinks it is helpful for businesses to have some sort of beacon. She reported participating in a call with Congressman Curtis, attending a Salt Lake City Chamber meeting, and listening to a call with Governor Herbert and Lt. Governor Cox. She said there was a Utah Office of Outdoor Recreation Summit that discussed the Utah Leads Together bridge loan for small businesses sponsored by EDC Utah. She said their office is giving loans of \$5,000-\$20,000 loans to small businesses in Utah and 25% are going to rural Utah. She said the loans are 0% interest for five years and the first payment is not due for a year. She said the [coronavirus.utah.gov/business](https://www.coronavirus.utah.gov/business) website has amazing resources for businesses. She reported taking sessions through the David Eccles School of Business, attending a two-by-two budget council meeting, and listening in on the Town Hall for Local Government where they discussed going into special session. She reported that 80,000 people filed unemployment claims in Utah and the leisure and hospitality industry is the hardest hit sector, followed by healthcare.

Mayor Niehaus added that Grand County is at 17% unemployment and said the Office of Outdoor Recreation is doing another event tomorrow.

Councilmember Guzman-Newton added that she spoke with Trail Mix and they will be doing infrastructure work and will open up volunteer time with appropriate social distancing if anyone is interested.

Councilmember Jones reported attending a Moab Travel Council meeting and said the March TRT is effectively zero, making the advertising budget for later this year look dismal until we get significant visitation to replenish the coffers. He said the Travel Council has a plan through the state cooperative marketing program to rework the Mighty Five campaign to keep Utah in the minds of travelers as we emerge from this crisis. He reported attending a Housing Task Force meeting where they discussed resources for tenants currently impacted by the COVID-19 situation. He said the Grand County COVID-19 Task Force has a subcommittee that created a resource guide for those experiencing hardship specifically related to shelter and focuses on employers and employees/tenants. He said they spent a lot of time talking about the role of landlords and providing resources for them because they are under their own pressure due to mortgages. He also reported attending a lot of virtual meetings.

Mayor Niehaus wanted to let the Council know before the agenda moved to administrative reports that a proclamation will be coming out on social media to address community concerns about our elderly population and people being isolated. She said the proclamation will be about a neighborly salute at the same time each day. She said a wave to neighbors at the same time each day is a great way to check in on each other.

Administrative Reports

City Manager Linares reported the appointment of Finance Director Klint York and welcomed him as a member of the team. He said UDOT is putting together the regional transportation plan and said there is a stakeholder meeting scheduled for April 29 from 4-5:30 p.m. to appoint six members to the stakeholder group. He reported that the bike skills park being built off 100 East

is about to start construction in the next couple weeks. He said the Highway 191 widening project is moving forward and UDOT is committed to leaving one lane of traffic open in both directions to avoid disruptions. So far the work has been along the sides of the road but we'll start seeing major construction in lanes next week. He said the shared bike path will remain open throughout the project but the striped bike lane on the highway itself is going away. He said UDOT is not planning on doing any night construction. He reported that the RAP tax deadline with the County is approaching and he will provide a RAP tax update at the next meeting.

Citizens to Be Heard

Mayor Niehaus summarized the process for submitting Citizens to be Heard comments and said that one form was received for this meeting.

Michael Peck said, "We all know if we allow a four-story anything, parking garage, a hotel that everything built from then on will be 4 stories. Look at what happened with the Hilton hotel. A shuttle service from Moab to parks would help the traffic and parking problem."

Old Business COVID-19 Updates

City Manager Linares said the health department plans to extend their order to May 4. He said current restrictions on lodging will remain in effect, but changes to the order may allow restaurants to open for walk-in customers. He said the health department will review mitigation plans for businesses to determine their ability to open safely. He said the health department thanked the City Council and public for the support they received. He also said the health department is also aware of the legislation taking place and asked for letters of support for what the health department is doing.

Councilmember Derasary asked if it was confirmed that schools will remain closed through the end of the year. City Manager Linares said the announcement today closed schools through the end of the year and many colleges are announcing a switch to online classes for the summer semester.

Councilmember Derasary asked if tests were available for anyone with one key symptom in rural areas or if that only applied to the Wasatch Front. City Manager Linares said they recently included San Juan County and the Navajo Nation in the task force discussions to see what assistance we can provide. He said it is his understanding is that testing is expanding statewide. Councilmember Derasary asked if testing was locally available for anyone with the key six symptoms. Mayor Niehaus stated she asked Jen Sadoff, CEO of Moab Regional Hospital, to join the meeting during the COVID-19 update.

Councilmember Derasary said it was her impression from the April 10 notification from the health department the people are encouraged to wear masks in public places and wanted to confirm her understanding.

Mayor Niehaus welcomed Moab Regional Hospital CEO Jen Sadoff to the meeting and asked where things stand around testing.

Jen Sadoff said the health department changed their guidelines around testing yesterday so anybody with one symptom of COVID-19 can be tested at Moab Regional Hospital.

Mayor Niehaus asked how the hospital was doing with facemask donations. Ms. Sadoff said the

hospital has a lot of masks and they are grateful for the community for bringing them in. She said the masks that the community makes are used for patients and visitors and employees working in non-aerosolizing areas. She said they are still in need of hospital grade N95 masks for those treating patients in an aerosolizing environment. She said currently there are no hospitalized COVID-19 patients at Moab Regional Hospital.

Councilmember Knuteson-Boyd asked if there was still only one confirmed case in Grand County. Ms. Sadoff confirmed there is only one positive test in Grand County.

Mayor Niehaus thanked Jen Sadoff for joining the meeting and answering questions.

New Business

Budget Workshop for Proposed Fiscal Year 2020-2021 Annual Budget

Former Finance Director Stenta presented an overview of the budget. She reminded Council that the budget in front of them was put together prior to any closures related to COVID-19 and said it includes the \$1.2 million decrease that was needed prior to COVID-19. She said the financial plan with different tiers should be viewed as a budget overlay and implemented in stages as revenue losses are realized.

Mayor Niehaus thanked Former Finance Director Stenta for the presentation and information for Council to review. Councilmember Derasary also thanked Rachel for answering her questions.

Proposed Ordinance 2020-05: An Ordinance Repealing Alcohol Licensing in Moab City

Briefing and Possible Action

Discussion: Councilmember Knuteson-Boyd felt it was straightforward and did not have any questions. She felt it was redundant based on DABC's updated rules. Councilmember Duncan said with the removal of 5.20 he was unclear as to what the difference was between public and private events and special events and how local consent is done. Former Finance Director Stenta said DABC is the final authority for all regulations for private events versus public events and those definitions are in State code. She explained when an applicant applies with DABC that local consent is confirmation that the local authority has knowledge that the applicant applied for that type of license. Councilmember Derasary asked about the various provisions outlined in this chapter and asked if they stay, move to another chapter, or go away. She asked if the code needs to indicate how to apply and the process for application. City Manager Linares clarified that the process is through DABC and applicants will need to follow their guidelines. Former Finance Director Stenta clarified that the City Manager still signs local consent requests and eliminating it in this chapter does not mean that local consent goes away. Councilmember Derasary said this chapter outlined which parks allow alcohol and where and when. She asked if that needed to be included in the code. City Manager Linares explained that the park policy outlines that information. Councilmember Derasary expressed confusion as to whether the park policy is a stand-alone document or if it was part of code. City Manager Linares said the park policy is self-standing document and will be available online for people making park reservations. He explained that we are making graphs and trying to finalize the document before we open for business. Councilmember Derasary asked if it needs to be referenced in code. City Manager Linares said after we get through COVID-19, overnight accommodations, and the budget that it would be good to go through and straighten up the code.

Motion and Vote: Councilmember Guzman-Newton moved to approve proposed Ordinance 2020-05, repealing alcoholic beverage and licensing and associated fees. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 with Councilmembers Derasary,

Duncan, Knuteson-Boyd, Jones, and Guzman-Newton voting aye in a roll call vote.

Award of the 2019/2020 Water Meters Bid to Meterworks Incorporated in an Amount not to Exceed \$120,000

Briefing and Possible Action

Discussion: Councilmember Derasary asked about next fiscal year's budget and wanted to make sure we are budgeting and replacing enough meters each year.

Motion and Vote: Councilmember Jones moved to award the 2019/2020 Water Meter Bids to Meterworks Incorporated in an amount not to exceed \$120,000. Councilmember Duncan seconded the motion. The motion passed 5-0 with Councilmembers Duncan, Guzman-Newton, Knuteson-Boyd, Jones and Derasary voting aye in a roll call vote.

Proposed Resolution 19-2020: A Resolution Approving an Amended Plat for Pear Tree Estates to Delete a Plat Note Requiring Street Improvements Along Pear Tree Lane Prior to Development of Parcel 2 of the Subdivision

Briefing and possible action

Discussion: Councilmember Guzman-Newton recused herself from voting but remained in the meeting for discussion. Councilmember Derasary asked how this requirement ended up on the plat but not on others. Planning Director Shepard explained that the property was illegally subdivided by the previous owners and to fix the illegal subdivision the requirement was put on the plat.

Motion and Vote: Councilmember Duncan moved to approve Resolution 19-2020, a resolution approving an amended plat for Pear Tree Estates to delete a plat note requiring street improvements along Pear Tree Lane prior to development of parcel two of the subdivision. Councilmember Jones seconded the motion. The motion passed 4-0 aye with Councilmembers Knuteson-Boyd, Duncan, Jones, and Derasary voting aye in a roll call vote. Councilmember Guzman-Newton abstained from the vote.

Proposed Resolution 20-2020: A Resolution Approving an Amendment to the Subdivision Plat for Properties located at 237, 239, 241, 243, and 245 West 400 North, Moab, from the Park West Condominiums, to the Moab Park West Townhomes

Briefing and possible action

Discussion: There was no discussion.

Motion and Vote: Councilmember Derasary moved to approve Resolution 20-2020, an amendment to the Subdivision Plat located at 237, 239, 241, 245, and 245 West 400 North, Moab UT 84532, from the Park West Condominiums, to the Moab Park West Townhomes. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 with Councilmembers Jones, Guzman-Newton, Derasary, Knuteson-Boyd, and Duncan voting aye in a roll call vote.

Proposed Resolution 02-2020: A Resolution of the Governing Body of the City of Moab Declaring Certain Property Owned by the City of Moab as Surplus

Briefing and possible action

Discussion: Councilmember Derasary noted there were two resolutions on the agenda declaring surplus property and questioned what kind of motion Council would like to make. Mayor Niehaus said she would entertain a motion for each one or both.

Proposed Resolution 16-2020: A Resolution of the Governing Body of the City of Moab Declaring Certain Property Owned by the City of Moab as Surplus

Briefing and possible action

Discussion:

Motion and Vote: Councilmember Derasary moved to approve Resolution 02-2020 as well as Resolution 16-2020, resolutions of the Governing Body of the City of Moab declaring certain property as surplus. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 with Councilmembers Jones, Derasary, Guzman-Newton, Duncan, and Knuteson-Boyd voting aye in a roll call vote.

Proposed Ordinance 2020-11: An Ordinance to Create the Arches Hotspot Region Coordinating Committee for the City of Moab to include Title, Chapter and Section Number

Briefing and possible action

Discussion: Councilmember Derasary asked if the ordinance needs language that talks about what constitutes a quorum. City Manager Linares said that language is not necessary because you can refer to State code and it can be incorporated into the bylaws. He said we are doing the basic framework to set up any committee. He said the Council was free to make changes to the ordinance as part of the motion and they will be incorporated into the document.

Councilmember Derasary asked if there was text missing from powers and duties. She said there was a number three listed but no text. City Manager Linares said the he and Assistant City Manager Castle were making changes back and forth to the document and number three did not get deleted. Councilmembers set a special meeting for Thursday, April 16, 2020, at 1 p.m. to choose representatives to serve on the committee.

Motion and Vote: Councilmember Jones moved to adopt Ordinance 2020-11, an ordinance to create the Arches Hotspot Region Coordinating Committee for the City of Moab to include Title, Chapter and Section Number. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 with Councilmembers Jones, Knuteson-Boyd, Duncan, Guzman-Newton, and Derasary voting aye in a roll call vote.

Approval of Bills Against the City of Moab

Councilmember Knuteson-Boyd moved to approve the bills in the amount of \$764,016.14. Councilmember Duncan seconded the motion. The motion passed 5-0 with Councilmembers Jones, Knuteson-Boyd, Duncan, Guzman-Newton, and Derasary voting aye in a roll call vote.

Adjournment

Councilmember Jones moved to adjourn. Councilmember Knuteson-Boyd seconded the motion. The motion carried 5-0 with Councilmembers Knuteson-Boyd, Jones, Derasary, Duncan and Guzman-Newton voting aye. Mayor Niehaus adjourned the meeting at 8:59 P.M.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder