

MOAB CITY COUNCIL MINUTES
REGULAR MEETING
May 11, 2021

The Moab City Council held its Regular Meeting on the above date. Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. § 54-2-207(4), the Moab City Council Chair has issued written determinations supporting the decision to convene electronic meetings of the Council without a physical anchor location. Due to the health and safety risks related to the ongoing COVID-19 pandemic and considering public health orders limiting in-person gatherings, the Moab City Council will continue to hold meetings by electronic means. An audio recording of the meeting is archived at <http://www.utah.gov/pmn/index.html>.

Call to Order and Attendance: Mayor Niehaus called the Regular City Council Meeting to order at 7:01 p.m. Participating were Councilmembers Karen Guzman-Newton, Tawny Knuteson-Boyd, Rani Derasary, Mike Duncan and Kalen Jones. City staff participating were Manager Joel Linares, Assistant Manager Carly Castle, Attorney Laurie Simonson, Recorder Sommar Johnson, Police Chief Bret Edge, Engineer Chuck Williams, Finance Director Ben Billingsley, Deputy Recorder Kerri Kirk and Public Works Director Levi Jones. Human Resources Director Danielle Guerrero joined the closed session of the electronic meeting at 9:00 p.m. A video recording is archived at https://www.youtube.com/watch?v=7_Yh2le5XBc.

Public Hearing on the City of Moab's Fiscal Year 2021-2022 Budget: Mayor Niehaus opened a public hearing regarding the City's proposed budget. There were no comments.

Public Hearing on a Pay Plan Schedule: Mayor Niehaus opened a public hearing regarding Proposed Ordinance 2021-11: Adopting the Pay Plan Schedule and Appointed/Exempt and Elected Salaries. There were no comments.

Citizens to be Heard: There were no Citizens to Be Heard.

Administrative Reports:

City Manager Linares reported that City Hall would reopen June 1 with masks required. He announced a \$150,000 State grant received by the Moab Arts and Recreation Center (MARC) to defray costs associated with heating and cooling system upgrades as well as other projects. Police Chief Edge relayed progress on hiring new staff. He also mentioned progress on trainings on Use of Force as well as for sound meters. He concluded by stating he would be working patrol shifts over the Memorial Day weekend. Councilmember Guzman-Newton asked for updates on typical calls and Chief Edge replied that nothing unique was trending regarding the nature of the dispatch calls. Councilmember Jones thanked Chief Edge for his service and willingness to work patrol shifts. Jones asked if masking conflicts were the subject of police calls and Edge said no, and City Manager Linares added the mask mandate was also not an issue at City Hall. Engineer Williams reported on the Highway 191 widening project, saying it would not be completed until July or August and the new lanes would be closed on weekdays for the near future. He also reported on construction at the new Utah State University (USU) campus, Lionsback resort utilities installation and pending transportation plans. He requested a letter regarding the Council stance on excluding a bypass from Utah Department of Transportation (UDOT) plans and concluded with brief mentions of water projects and a speed limit workshop. Councilmember Duncan asked about a mentioned water workshop. Public Works Director Jones reported on recent activities including water line and hydrant replacements, street patching, pavement striping and tree trimming. He stated staff continued to work sanitizing facilities due to COVID-19 and announced the heating and cooling upgrades

at the MARC were nearly complete. He mentioned staff work reorganizing office spaces, maintenance at Walnut Lane and on the City's automotive fleet and concluded with a report on staff work on the new Bike Skills Park restroom and drinking fountain. Mayor Niehaus praised the work on the restroom and Councilmember Guzman-Newton asked if businesses would be disrupted due to the water valve work included in the Highway 191 widening project. Assistant Manager Castle reported on Hotspot funding and a planned presentation with the UDOT consultants to the County Council. Discussion ensued regarding plans for an agreement with the County regarding the proposed Hotspot transit plan.

Mayor and Council Reports:

Mayor Niehaus reported she attended a State Water Quality Board meeting and noted her term ends in August; Assistant Manager Castle stated she would be applying for a seat on the board. Mayor Niehaus announced she had received a call from state senator Bramble thanking the City for enacting a local noise ordinance to deal with Off-Road Vehicles (ORVs) on City streets. The Mayor also mentioned other activities such as tree planting on Arbor Day and she asked Councilmember Jones about the prospects of integrating a community composting program into the Solid Waste District operations. Councilmember Jones stated the District had allocated funds for a consultant to study the options. Mayor Niehaus also referred to the Unified Transportation Plan and stated she anticipates a lot of local planning to come. She concluded with a mention of a visit to Moab by UDOT leadership.

Councilmember Derasary reported on a board meeting of the Grand County Emergency Medical Services Special Service District (EMS). She noted a concerning increase in call volumes and detailed the nature of the calls. She stated the new EMS building is under construction, a study of staffing needs is underway, EMS staff members are vaccinated against COVID-19, and staff have been responding to COVID-related calls and transporting COVID patients.

Councilmember Duncan reported he had been collaborating with County Commissioner Kevin Walker regarding remote noise sensors. He praised new staff for their ability to "hit the ground running," and cited Sustainability Director Mila Dunbar-Irwin, Finance Director Billingsley and Assistant Manager Castle.

Councilmember Knuteson-Boyd reported on the recent meeting with UDOT leadership and stated she felt they had not yet heard residents' sentiments. She said the meeting was beneficial and the UDOT officials seemed interested. City Manager Linares added he had followed up with one of the officials, who had several questions about the City budget.

Councilmember Guzman-Newton reported on an upcoming Chamber of Commerce "Chamber Chat" on the current workforce shortage. She added business owners, more than ever before, are concerned about housing. Guzman-Newton also reported on a meeting of the Airport Board and said Canyonlands Field would receive \$1 million of federal funding for operations. She said enplanements are up and, due to the increasing number of private jets, fuel data is up 57 percent. She noted the ribbon cutting for the new Delta service to Salt Lake City and concluded with a mention of her enthusiasm for a "land use 101" course for planners.

Councilmember Jones reported the Solid Waste District acquisition of Monument Waste is complete, and noted staff morale is high and operations are proceeding as normal. He said the Housing Task Force is examining its role for the coming year, including the role of transportation solutions in the overall affordability of living. He stated Sand Flats Director Andrea Brand made a presentation to Travel Council regarding ORV data. She said ORVs passing through the booth are 40 percent private, 26 percent rentals and 34 percent tours or

holders of Special Recreation Permits. Jones said Brand reported a 37 percent increase in visitation to Sand Flats between 2019 and 2021 and that infrastructure improvements were planned. Jones mentioned a forthcoming traffic study regarding Lionsback as well as a potential seasonal relocation of the Mill Creek Power House parking to Potato Salad Hill. He concluded with a mention of imminent rail service departing and arriving at a siding near the Moab Giants museum.

Approval of Minutes:

Motion and Vote: Councilmember Jones moved to approve the minutes for the April 27, 2021 Regular Meeting. Councilmember Duncan seconded the motion. Councilmember Derasary stated she had sent corrections to the Recorder. The motion passed 5-0 with Councilmembers Derasary, Jones, Guzman-Newton, Knuteson-Boyd and Duncan voting aye.

Old Business:

Bird Scooter Temporary Operating Agreement—Tabled

Presentation: Assistant Manager Castle briefed Council on the proposed electric scooter rental business options. She considered whether the City was legally compelled to allow rental operators and said the state legislature enacted a law in 2019 that specified municipalities may not impose any unduly restrictive requirement on a scooter share operator and banning such operators was not allowed. Councilmember Jones asked if the legislation was enacted after the introduction of scooter share operators in Salt Lake City, and Castle confirmed that it was. She then explained options for regulating such operations, including by ordinance, by contracting with a pilot temporary operating agreement or by requesting competitive proposals from bidders. She stated two vendors have approached the City. She presented pros and cons for the different options and detailed some of the statutory provisions, which limit the City's authority to regulate electric scooter share operators. Payment method requirements were discussed. Best practices gleaned from other municipalities were briefly presented. Discussion ensued regarding negotiations with the proposed vendor, including scooters in the Unified Transportation Plan, clarifying use of scooters on pathways or sidewalks, as well as parameters to set goals, measure success and study demographics of users (tourists or local residents). Council agreed to table the proposal in view of development of the transportation plan, researching such programs in other municipalities and ensuring opportunities for public input.

Motion and Vote: Councilmember Derasary moved to table the proposed Bird Scooter Temporary Operating Agreement. Councilmember Duncan seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Budget Workshop:

Manager Linares introduced the workshop and indicated the Engineering and Public Works Departments have “shovel ready” projects depending on funding levels. Finance Director Billingsley stated the City's frugal budget has no room for investment in infrastructure. He stated his goal to have revenue streams that are predictable, sustainable and sufficient. He talked about elements of the City's fiscal outlook and mentioned the fund balance, the recent infusion of revenue from the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the City's debt service ratio. He gave an example of how much similarly sized cities spend on law enforcement, and indicated that Moab spends exponentially more due to the nature of the resort community. Discussion with Council and staff included an explanation of the process and steps for introducing a proposed municipal property tax, residential tax rates and the difference between market value and taxable value, and various tax relief mechanisms, which Billingsley explained were posted on the County's website. Councilmember Jones asked about overhead costs related to the County collecting the tax and Billingsley stated he did not believe there

would be any overhead costs.

Consideration of Exceeding Certified Tax Rate—Approved

Motion: Councilmember Derasary moved to proceed with consideration of exceeding the certified tax rate for fiscal year 2021 through 2022 in an amount not to exceed \$3.3 million, to be used to support increased funding for law enforcement and general infrastructure improvements. Councilmember Jones seconded the motion.

Discussion: Councilmember Knuteson-Boyd clarified that the vote would establish that \$3.3 million is a threshold which cannot be exceeded, yet the final million could be determined to be a lower amount. Mayor Niehaus added that the final number would be developed with public input. Councilmember Guzman-Newton emphasized that consideration of a property tax would be a very difficult decision which could further affect renters in an already-prohibitive housing market. Councilmember Duncan reiterated that the proposed property tax would require adequate popular support.

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

Closure of Public Hearings:

Motion and Vote: Councilmember Jones moved to close the public hearings. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. Mayor Niehaus closed the public hearings at 8:58 p.m.

Approval of Bills Against the City of Moab:

Motion and Vote: Councilmember Knuteson-Boyd moved to approve the bills against the City of Moab in the amount of \$413,296,04. Councilmember Jones seconded the motion. The motion passed 5-0 with Councilmembers Jones, Duncan, Guzman-Newton, Derasary, and Knuteson-Boyd voting aye in a roll call vote.

Executive (Closed) Session:

Motions and Votes: Councilmember Derasary moved to enter an executive closed session to discuss the Character, Professional Competence, or Physical or Mental Health of an Individual or Individuals. Councilmember Duncan seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. The Mayor and Council entered the executive closed session at 9:01 p.m. Councilmember Derasary moved to close the Executive Closed Session. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye. Mayor Niehaus closed the Executive Session at 11:31 p.m.

City Manager Administrative Leave—Approved

Motion and Vote: Councilmember Derasary moved to place the City Manager on paid administrative leave while the City Council conducts an employee assessment. Councilmember Duncan seconded the motion. The motion passed 5-0 aye with Councilmembers Jones, Derasary, Knuteson-Boyd, Duncan and Guzman-Newton voting aye.

Adjournment: Councilmember Derasary moved to adjourn the meeting. Councilmember Guzman-Newton seconded the motion. The motion passed unanimously and Mayor Niehaus adjourned the meeting at 11:33 p.m.

APPROVED: _____

ATTEST: _____

Emily S. Niehaus, Mayor

Sommar Johnson, City Recorder