

**MOAB CITY COUNCIL MINUTES
REGULAR MEETING
JUNE 9, 2020**

The Moab City Council held its Regular City Council 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/pmnn/index.html>. A video recording is archived at <https://www.youtube.com/channel/UCI00z0Zgdmz4y1FoI0l7CJA>.

REGULAR CITY COUNCIL MEETING 7:00 P.M.

Regular Meeting Call to Order and Attendance: Mayor Niehaus called the Regular City Council Meeting to order at 7:02 p.m. Participating remotely were Councilmembers Mike Duncan, Tawny Knuteson-Boyd, Rani Derasary, Kalen Jones, and Karen Guzman-Newton. City staff participating remotely were City Manager Joel Linares, Assistant City Manager Carly Castle, City Attorney Laurie Simonson, Finance Director Klint York, and City Recorder Sommar Johnson. City Engineer Chuck Williams joined the meeting at 8:34 p.m. Planning Director Nora Shepard joined the meeting at 8:47 p.m.

Approval of Minutes: Councilmember Duncan moved to approve the minutes for May 26, 2020, with pre-noted corrections. Councilmember Guzman-Newton seconded the motion. There was no discussion. The motion passed 5-0 with Councilmembers Duncan, Jones, Guzman-Newton, Derasary, and Knuteson-Boyd voting aye in a roll call vote.

Mayor and Council Reports:

Mayor Niehaus reported attending the swearing-in of Marcy Mason as the City Treasurer and thanked the Council for their confidence. She reported attending a Southeastern Utah Association of Local Governments Board meeting, a CAST Mayor's meeting, a meeting with staff and the Chamber of Commerce to create a 4th of July celebration with fireworks and vendors, and working with Chief Edge and staff on the proclamation later on the agenda. She reported the MIC bathrooms are open from 8 am to 4 pm which will ease reliance on City park bathrooms. Mayor Niehaus then shifted her report to a discussion with the Council regarding the proposed bike skills park and asked what desired action the Council would like to see moving forward. Councilmember Duncan requested a public hearing. Councilmember Derasary expressed concern about holding a public hearing without knowing whether or not the City is responsible for the project and stated her desire for better communication and clearer processes going forward on future decisions about city property. City Manager Linares explained that the bike skills park is a Grand County Active Transportation and Trails project and the City's involvement comes from financial backing from the use of our property and the previous City Manager's commitment to allocate funds for the bathrooms. He explained that state law does not require a public hearing because the property ownership is not being transferred and that the previous city manager acted within his purchasing authority to allocate funds for the bathroom. He said the options for the Council are to violate the interlocal agreement that the City Council approved to act on this project or pull the use of the land for the project. Mayor Niehaus asked if the Council would like action on a future agenda to reconsider allowing use of the property or proceed without any further action. Councilmember Jones said he felt adequately informed about the project and is in favor of proceeding without any further action. Councilmember Knuteson-Boyd echoed the statements of Councilmember Jones and is in favor of moving forward without any further action. Councilmember Guzman-Newton said she was also in favor of moving forward without further action. Councilmember Duncan requested a

stipulation that the project not be promoted to tourists. Councilmember Derasary reiterated her request for better processes on future projects. Councilmember Guzman-Newton asked about sharing emails with the public about the project on the city's website or sending it to Grand County Active Transportation to put on their website. Councilmembers felt the comments should be posted on the City's website and Councilmember Derasary volunteered to compile the emails into a document to post on the City website. It was ultimately decided by a majority of the Council members that the project would move forward with no further action. The Mayor recapped that direction to staff was to come back to Council with a plan/process of how we approach the use of City property as it is requested. City Manager Linares concurred, but clarified the process would address the change in use of City property or expansion of use on City property (and not simply something like paving a road).

[6:50-47:38]

Councilmember Derasary provided an EMS update stating that over Memorial Day weekend there were 13 calls on Saturday, May 30 and they averaged 4 to 6 calls on each day between June 1 to June 7. She reported attending the joint City Council, County Council, and Castle Valley Town Council meeting about the phased timed entry system for Arches and Canyonlands and taking part in a phone call with members of Grand County on June 1 with Representative John Curtis about it as well. She reported speaking to the media about black lives matter and thanked staff and EMS for their presence at the march on Friday. She also mentioned that the Mountain 2030 collaboration is having an online series about Net Zero Progress in the Current COVID Climate on June 16.

[47:40-50:04]

Councilmember Duncan reported attending an Arches Hotspot meeting and a tour around the downtown area to examine things on a block by block basis. He also said the groundwater management plan process is still going and some folks are concerned about growth in San Juan County.

[50:09-52:52]

Councilmember Knuteson-Boyd said the Housing Authority did not have a meeting last month due to a lack of agenda items nor did the museum. She said the Museum Executive Board put out a good proclamation about their mission and said the Care Center has not had their meeting yet this month, but it is scheduled for Thursday.

[53:08-56:09]

Councilmember Guzman-Newton reported attending an Airport Board meeting where they held a lengthy discussion about free rent for tenants at the airport that was impacted by COVID-19 and a decision was made to defer two months of rent payments until the end of the year. She reported that FEMA distributed facemasks to airports across the country and CNY will receive 2,300 masks for passengers and employees. She reported attending an Arches Hotspot meeting discussing Main Street improvements and an Arches Hotspot Committee field trip to discuss adding parking to side streets. She also reported attending the joint city-county meeting about the endorsement of a reservation system at Arches. She also reported that the Small Business Administration made positive changes to the PPP bill through the Paycheck Protection Program Flexibility Act of 2020. Mayor Niehaus added that there is still commercial rental assistance money available through the Commercial Rental Assistance Program.

[56:18-63:02]

Councilmember Jones reported attending a GNAR (Gateway and Natural Amenity Resort Community) meeting where they focused on policies and practices for reopening those areas. He reported that the Solid Waste District had their annual audit and they did not find much to critique and he said the Moab landfill has stockpiled organic material and processed 8000 cubic

yards into mulch. Mayor Niehaus asked if he would like to speak to a letter from Evan and Councilmember Jones said he had a strategy, non-quorum meeting about various items where they discussed Monument Waste developing a landfill in Mack intended for use by their Grand Junction customers and as a backup for Grand County operations. He said they have an agreement with Monument Waste about pricing if they have to divert to a landfill in Carbon County, but they intend to use the Mack landfill instead which is causing financial concern to the District. He reported attending a County Council meeting where they discussed projects in the North Highway 191 corridor in the overnight accommodations overlay. He reported attending the Housing Task Force meeting, Moab Area Travel Council meeting, Trail Mix meeting, and an Arches Hotspot meeting. He also noted the EA for the December oil and gas sale was just released.

[63:07-71:40]

Administrative Reports

Mayor Niehaus said she contacted Moab Regional Hospital CEO Jen Sadoff and Orion Rogers with the Southeast Utah Health Department to provide a COVID-19 update, but neither could attend but both had no news to report.

City Manager Linares reported that the City is currently following the yellow guidelines for COVID-19 and working diligently to open City Hall, MRAC, MARC and the gym with a tentative opening date of June 22 for City Hall, the MARC, and the gym and a tentative opening date of June 26 for the MRAC. He explained that with reduced hours and significant cost cuts, the MRAC may not experience a loss this year.

City Manager Linares reported that the Highway 191 widening project is on schedule and they continue finding hidden infrastructure.

He reported that the protest held on June 5 went well and those involved were respectful. He thanked the high school, police department, streets department, and public works for keeping the event safe for all involved.

He encouraged the public to follow the City Council agendas to stay informed about what is going on in the community.

Citizens to Be Heard

Mayor Niehaus summarized the process for submitting Citizens to be Heard comments and said that twenty-six comments were received for this meeting.

Sara Melnicoff said, "I am deeply concerned about the bike skills area planned for 100 East at the Parkway. The parkway is a gem of an oasis within city limits but is getting littered with "thrill" sites that are pushing people out who want to enjoy the calm, the sounds of water and birds, and, a very real concern, be able to walk without fear of being hit by a bike, many of whom are riding way too fast on the "slow biking" parkway system.

The ever-expanding bike jumps near the hospital almost displaced folks who have walked in that area for years and years. Moab Solutions, in coordination with Trail Mix under Sandy Freethey, built a trail from the parking area down to the walking path so that bikers and walkers would each have safe use of that area. We also maintain it as needed. (Side note: Moab Solutions installed, and maintains to this day, recycling at the bike jumps.)

In August of 2004, Moab Solutions entered into an agreement for a partnership with the city when we formed Friends of the Parkway. Since that time we have removed thousands of pounds

of trash and recycling, pulled and removed tons of weeds, (which were hauled to be recycled with Jeff Adams of TerraSophia, who uses the organic material to build up land around his dwelling), and worked extensively with the homeless, whose camps were all over the parkway at one time, causing endless headaches for law enforcement and sparking fear in many citizens.

We had hoped that we would be, at the very least, personally informed of any huge changes planned for the parkway. And that our knowledge, based on 16 years of volunteer work and improvements on the parkway, would count for something.

I am opposed to turning yet another natural area into a playground. With pandemics accelerated by human-caused climate disruption, the more naturalized we can keep areas, or restore them, the better for all of us. Thank you.”

Trisha Ann Hedin said, “I am not a resident of the city of Moab, but I live within Grand County and work and volunteer extensively with the city. I’m writing in regards to the opening of the Aquatic Center in which I’m an annual member. I hope that you will entertain reopening portions of the Center. It is feasible to run the Center within minimal staff. My recommendation is to have a key-card entry in which members need to make an appointment online and then can enter remotely (without staff) to use the gym. On the Aquatic side, you can do very limited lap swim, by appointment, with limited staff. Thank you for the consideration.”

Joette Langianese said, “In your meeting scheduled for June 9th the Council is to consider adopting the budget for 2020/21. Included in that budget is increase in salaries for Council Members and Mayor. It is difficult to understand how the Council can consider this major increase to your salaries at this time when you have to lay off staff and keep services closed to Moab residents. My understanding is that the salary increases went into effect in the middle of last years budget when the City's financial situation was not as dire as it is now. This is not to say the Council and Mayor do not work hard and deserve to be paid but it seems now is not the time to continue with salary increases that were made before an economic crisis. Please consider reducing your salaries for the upcoming 20/21 budget and show the residents of Moabs that you too are willing to sacrifice in this uncertain time. Respectfully submitted.”

Angela Nuttall said, “I live just outside of the city limits and I have 3 grand daughters who love to ride bikes. I am asking you to keep the parkway as is for quiet walks and peaceful ways to get out of the house. My grand daughters love all the biking opportunities that Moab and Grand County offer and I feel we do NOT need this park in this area as they have plenty of other places to ride. What about the biking into town from the south valley? Any plans yet. Surely that money can be spent on better bike projects.”

Steve Langello said, “This is a good idea on a bad location. The parkway should be a place for peace and serenity and shade plus it’s a habitat for other animals. Drawing more bikes onto the pathway is probably not a good idea but cutting down trees is totally unacceptable. Moab has a bad track record with trees. Lions park was horrible and I don’t but the excuse, the large cottonwood across from the post office was another disaster that should not have happened, the tree cutting in the path from gonzo to 500w displaced many bird species and the amount of trees that were removed from swanny park for a swimming pool was totally unacceptable. Haven’t you learned anything yet ? Trees make oxygen and provide a habitat for animals plus in the desert SHADE is critical and shouldn’t be taken for granted. Put your skills park somewhere else and stop cutting down the trees !”

Justin Ricks said, “Dear Mayor Emily Niehaus and the Members of Moab City Council

We are writing in support of the new bike park, planned to be installed along the Millcreek Pathway. The skate park and the Moab bike park are already well used parks in our city. The school bike racks are full of bikes every day. Local kids ride bikes, skateboards, and scooters everywhere. The current parks are aimed more at older kids, who have already developed bike skills. The new park will allow kids to start learning sooner.

The current pandemic has brought the need for a healthy lifestyle to the forefront of our minds. More locals than ever before can be seen walking, running, and riding through town. To protect a more vulnerable population, the kids in our town lost school, sports, concerts, and lots of time with friends. Investing in a park for our youth is the right thing to do. It is a long-lasting investment in generations of children.

As runners, we like the idea of a bathroom being installed in that spot along the path. Especially in the summertime, the parks are a welcome spot to get a drink and use the restroom. We use the path quite often, as do our children. The area where the park is proposed is often busy with walkers, skateboarders, cyclists and runners, and the bathroom would be a benefit for all of these users.

We have already spent time and money to bring this park to fruition, and it would be unfortunate to lose all of that momentum. Please consider continuing with the plan for the skills park, so that our local kids do not have to suffer yet another loss this year. The park will definitely get its use!

Thank you for your time and consideration.

Justin and Denise Ricks
Mad Moose Events”

Mr. Marc Thomas said, “I’m fine with the bike skills park location. The park is aimed at kids (remember what it was to be young?), so a compact location close to where the children are, like the middle school and high school, makes sense. The far west side jump park is for expert advanced riders; the new skills park is solely for beginners. At the last city council meeting, the drawbacks for mixing the two together were gone over in detail, including the prohibitive cost of making an addition to the jump park ADA-compliant.

As to noise, along the Mill Creek Parkway there are already in place a bunch of kid-centric play structures. outdoor musical instruments. a public space often used for soccer or the like. the high school, a football field, the middle school, the Bark Park, multiple road crossings, and the noise of Main Street. While it still remains a pleasant-enough place to walk or bike near downtown, I don’t mind adding the ambient sounds of happy children to the mix.

To me, its accessibility for school & neighborhood children, its cost-effectiveness because of level terrain, and its small environmental impact due to its "pocket" size make it a worthy addition to near downtown Moab. The fact that it will also provide the young (and their parents) access to the Mill Creek bike path is another bonus, enabling them to dig deeper into pockets of the natural world found along the path between Rotary Park and the jump park.”

Liz Ballenger said, “Just adding my voice to the many who were surprised to find out about this new bike park construction through the newspaper last week. I’m in favor of the park, just not of this location and think something of this scale should involve more public input. Please hit the pause button on this project and consider more input from the community. Thanks!”

Kaki Hunter said, "I'm happy to pay higher rates for water. The options suit a variety of budgets and are fair.

Although I would triple the fees for all corporate franchised overnight lodging. What are the rates when you go over your limit?"

Nancy Orr said, "Dear Council:

My bad for not being more informed, but I have only become aware of the proposed Bike Skills Park from a late reading of last week's TI article. I've heard much about it in the last couple of days, and you no doubt are getting an earful, but I would like to raise an issue that so far I've not heard mentioned. That issue is the location of the proposed site under huge cottonwood trees.

In my years of river running, I have seen two tents, a river kitchen, a canoe, and two rafts squashed by cottonwood limbs. In the South where I grew up, they are called widowmakers.

During yesterday's meeting at the proposed BSP site, Chuck Williams explained the grading and drainage proposals. He indicated that the drain hole would be where I was standing, about eight feet from the largest tree. Cottonwoods do not have a tap root, so cutting the root system will shorten the tree's life, and possibly destabilize the tree (don't take my word for it - consult Dr. Google.) It won't be immediately apparent - trees adhere to a longer time scale than we do - but excavation so close will probably contribute to its early demise.

Just look around town at all the limbs brought down from last Friday's windstorm - Mother Nature's pruning services. About 70 feet away from the big tree is the carcass of another large cottonwood that fell over several years back - I presume you're all acquainted with the damage that it did to the fence. Even healthy cottonwoods lose large limbs in big winds, so not a good idea to build under one.

While the city assures us that the big trees will not be removed to put in the BSP, its construction will hasten the future need to remove that huge tree for safety considerations. Without infrastructure at its base, it might be allowed to die a natural death long after our current generation has returned to dust. With a children's play area underneath, its slow death limb-by-limb will endanger small humans whose focus is not skyward, and it will have to be removed. So although the stated plan is that the big tree will not be removed, in truth it is just a postponement of that fate.

Aside from the moral question of sacrificing a splendid old tree for a children's play area, does it make sense to lure a group of kids into an area where one large falling limb can injure many at once? I am all in favor of the BSP, but it seems more appropriate for many reasons to append it to the existing facilities at Anonymous Park."

Sara Melnicoff said, "Moab Solutions supports the bike skills park but continues to strenuously object to the location. It is antithetical to the General Plan, the founding principles of the parkway itself, and is in a floodway/plain (that functioned perfectly during the flash floods we just experienced).

A few points from your GP:

Policy 2 – Encourage the preservation and enhancement of existing landscape resources

Action Step a : Continue planning and developing the Mill Creek and Pack creek parkway

Action step b: Support Community efforts to beautify public spaces and private properties with climate-appropriate trees, shrubs, and ground covers

Goal 11 – Open Space: Promote green space within and surrounding Moab

Policy 1 – Conserve sensitive undeveloped areas for riparian, wildlife, and watershed protection

These should be the guiding principle for your decision to relocate the bike skills park to a disturbed area, or to another suitable location. And to show respect for the council that worked to create this general plan.

Thank you for your consideration of my comments.”

Beachem Bosh said, “I am for the bike skills project the bmx track is for more advanced riders and rarely see little guys succeed on that track I live on Bartlett currently so I regularly see the bmx track being used by advanced riders plus the area proposed for bile skills could use a little cleaning up”

Richard Allred said, “build the park”

Jesse Bosh said, “I am in favor of the Beginner’s bike skilled park being built along the Millcreek path. We need to invest more in our youth, and I think this is a great example of that.”

Jeff Adams said, “I am writing to express opposition to the proposed location of the Bike Skills Park, and my support for creating a Bike Skills Park at a different location - preferentially at Anonymous Park where an area is already used by all ages for slow speed bike skills training adjacent to the bike jump area.

The proposed location does not align well with Moab City General Plan goals such as Element 3, goal #11 Open Space policy 1 "Conserve sensitive undeveloped areas for riparian, wildlife, and watershed protection". There are additional references to preserving and enhancing green spaces and protecting riparian areas in the General Plan.

Preservation and enhancement of riparian areas and tree canopy in downtown for ALL users seems to be more aligned with the General Plan than allocating this space for a bike skills park. There are additional areas suitable for a bike skills park, though riparian areas and relative quiet in downtown Moab are very hard to come by. And the floodway and floodplain in this area have much more important work to do protecting our community and providing ecosystem services, along with a nice place to sit in reverence or have a conversation.

Please consider hitting the pause button on this park, and allow an opportunity for the community to discuss alternative locations and the potential highest uses of the proposed location.

Thank you,
Jeff Adams

TerraSophia LLC, ecological design consulting and landscape contracting
Canyonlands Watershed Council, director”

Nancy Kurtz said, "The bike skills park plans seem to have slipped by a fair number of people. I must admit, sadly, this is the first I have heard about it, there's been quite the buzz the last couple of days, and I hope it isn't a done deal. The area designated is a quiet jewel and very special oasis to many of us, obviously. I walk through there all the time, and it feels kind of sacrosanct. I am truly surprised it has been chosen for a bike park site, being one of the few treed riparian areas close to town that is undisturbed by development or recreational opportunities. There is even a bench where a person on foot can rest and replenish on a hot summer's day.

So sorry to be commenting at this late hour when apparently the grant money is already spent, but again, I don't think I am the only one caught unawares on this planned project. Some of the residents of the neighborhood also have expressed surprise. I sincerely hope that if there is enough of an acknowledged problem with this particular site, the park can be retrofitted to a more appropriate locale we and the kids will all love.

Thank you so much."

Saxon Sharpe said, "Dear City Council, I would like to voice my opposition to the location, not the project, of the Bike Skills Park. I walk that stretch of the Mill Creek Parkway several times a week to enjoy the quiet, natural beauty of a creekside setting. Mill Creek is a unique landscape in Moab that should be preserved for native vegetation and wildlife. Additionally, placing a children's recreation area in a flood plain beneath large trees is poor planning and a liability for the City. A bike skills park can be placed anywhere. Please place it in a safe location and preserve Mill Creek in its natural state. Thank you, Saxon Sharpe"

Mitchell Peterson said, "I live in Spanish valley, I would like to see the bike skills area set up and give our kids a fun place to go while Learning to go over obstacles with their bikes. Thanks"

Kirk De Fond said, "I am opposed to the addition of a Bike Skills Park in the Mill Creek Parkway for several reasons. At a time when The City of Moab is trying to make ends meet by laying off employees, keeping the Recreation and Aquatics Center closed, and is unable to repair streets from last years sewer repairs, it makes no sense to take on any expenses associated with owning and operating a Bike Skills Park. The Parkway was developed to provide safe, quiet, non motorized transportation through town in a beautiful natural setting. I feel the Bike Skills Park is not compatible with the Parkway's purpose and goals, and would give it somewhat of a creepy amusement park vibe. Having an unsupervised Bike Skills Park on City property opened 24/7/7 is a near text book example of attractive nuisance and may open the City up to numerous lawsuits. Please protect our Mill Creek Parkway from unnecessary, non compatible development and reopen the Recreation and Aquatics Center. Respectfully, Kirk De Fond"

Joshua Relph said, "I fully support the beginning bike park. Opportunities for young children are far and few between in this town. This park would allow for an entry level mountain bike skills builder Course to be established. We as a community currently do not have this option. Moab offers plenty of places for solitude and wildlife observance areas. Using our short term budget crisis to shut down the long term benefits a project like this would bring is short sighted. And to be honest, Millcreek and Millcreek parkway are not Sara Melnicoff's personal areas to run as she sees fit. I know she dedicates a vast amount of time to these areas, but she still just a citizen with no more say than any other!"

Caitlin said, "Please keep the plans of the bike skills track in place. This will be perfect for the littles of Moab."

Colman said, "County"

Michael Peck said, "Why build a bike park when it's already a beautiful peaceful place to ride now. Use the funds for something the town really needs."

Theresa King said, "Dear City Council:

I would like to address two items on your agenda this evening.

First is the budget..

I can see that there has not been any monies allocated for the Moab Arts Council's regranting program. This partnership with the City of Moab was started in 2002 (18 years ago) with an MOU. We, the Moab Arts Council do recognize these are unusual times in our community, but would like to you know that this program has been very successful.

Second topic: under New Business the RAP tax.

I know the Moab Arts Council is preparing to be an advocate for this new funding stream for the arts and recreation needs of the City. The Moab Arts Council is a non-profit organization separate from the MARC but in close communication on projects. The Moab Arts Council is looking forward to help educate the public regarding this new sales tax option and hopes to continue this unique partnership with the City of Moab.

Artfully yours,

Theresa King

self-appointed community art leader

Board Member, Moab Arts Council"

Mathew Niesen said, "Late comment for the bike park near the Millcreek pathway.

Just got word that this will be on the agenda tonight. I think this is an excellent idea. Most of the Moab experience caters to the more experienced riders. This park makes sense for both visiting and resident families looking to support their more accomplished riders and build their own skills. My kids love the pathway. This would be one more excuse to get them off the couch and outdoors. I hesitate taking my younger children to the bike park near the hospital because of its intensity. It's a great park but we're just not there yet as far as skills go. This seems like a great idea to bridge that gap. Moab is biking. Lets embrace it and invest in it. Seems like the governor agrees with that by matching the funds. It's my understanding that the equipment is paid for and all that is left is one last permitting hurdle and then construction. The location is also ideal when weighted with other possible sites.

Thanks for reading and thanks for your consideration of my thoughts and wishes."

Diane Walker said, "This is pertaining to the proposed Ordinance 2020-07. I am against a water rate increase to the residential property owners of Moab. I think that if there are to be increases, they should be shouldered by the businesses that are profiting from the Tourism Industry, which is creating the greatest strain on our town's infrastructure and profiting from it.

Thank you, Diane Walker

268 East 100 South"

**Proclamations:
City of Moab Proclamation 6-4-2020**

Mayor Niehaus read the last portion of the proclamation and thanked Chief Edge for co-signing and staff for helping to prepare the proclamation.

**Public Hearing (Approximately 7:30 p.m.):
Proposed Ordinance 2020-07: An Ordinance Amending Chapter 3.50, Master Fee Schedule, of the Moab Municipal Code to Update and Modify Certain Fees and Rates Charged by the City**

Mayor Niehaus opened the public hearing at 8:43 pm.

There were no public comments received during the meeting.

Councilmember Jones moved to close the public hearing. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 with Councilmembers Duncan, Jones, Guzman-Newton, Derasary, and Knuteson-Boyd voting aye in a roll call vote. Mayor Niehaus closed the public hearings at 8:45 pm.

Proposed Ordinance 2020-08: An Ordinance of the City Council of Moab Annexing the Lions Back Holdings, LLC, Property Located at 938 and 940 South Highway 191 to the City of Moab and Assigning the Zone of C-4 Commercial to the Parcel

Mayor Niehaus opened the public hearing at 8:55 pm.

There were no public comments received during the meeting.

Councilmember Duncan moved to close the public hearing. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 with Councilmembers Guzman-Newton, Duncan, Jones, Derasary, and Knuteson-Boyd voting aye in a roll call vote. Mayor Niehaus closed the public hearings at 8:56 pm.

Old Business:

Proposed Resolution 14-2020: A Resolution Adopting the Fiscal Year 2020/2021 Budget

Discussion: Mayor Niehaus explained that this budget needs to be passed but there will be future budget amendments. Councilmember Knuteson-Boyd felt this would be one of the more complicated budgets the Council has passed.

Motion and vote: Councilmember Jones moved to adopt proposed Resolution 14-2020 adopting the fiscal year 2020-2021 annual budget. Councilmember Knuteson-Boyd seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Knuteson-Boyd, Jones, Duncan, and Guzman-Newton voting aye in a roll call vote.

Proposed Ordinance 2020-09: An Ordinance Adopting the City of Moab Pay Plan Schedule and Adopting the Exempt and Elected Officials Salaries for Fiscal Year 2020-2021

Discussion: Councilmember Derasary clarified that elected officials are given three options on how to exercise salary offerings and wondered if it would be best to have them in the discussion or part of the motion. She believed it was helpful from a transparency basis to clarify that salary

options for the Council include taking the salary and using it to purchase health insurance, taking it as salary only, or taking a lesser amount.

Motion and vote: Councilmember Duncan moved to approve Ordinance 2020-09 adopting the City of Moab pay plan schedule and adopting the exempt and elected official salaries for fiscal year 2020-2021 with an amendment to include salary and benefit options for elected officials to reflect those that were approved for January 1, 2020 to June 30, 2020 in the fiscal year ending 2020 budget; these include a salary for the mayor of \$12,922 and benefits of \$24,418 for a total compensation of \$37,410 and the salary for council members of \$7,826 and benefits of \$21,977 for a total compensation of \$30,814. Councilmember Derasary requested an amendment to add a sentence that says council and mayor have three options in the coming year to (1) to take the salary and purchase health insurance benefits through the city; (2) to take the combined salary and benefits amount as salary; or (3) take a lesser amount of salary or compensation. Councilmember Duncan accepted Councilmember Derasary's amendment to his motion. Councilmember Jones seconded the motion. The motion passed 5-0 with Councilmembers Knuteson-Boyd, Guzman-Newton, Duncan, Jones, and Derasary voting aye in a roll call vote.

Proposed Ordinance 2020-07: An Ordinance Amending Chapter 3.50, Master Fee Schedule, of the Moab Municipal Code to Update and Modify Certain Fees and Rates Charged by the City

Discussion: Councilmember Derasary asked if the motion will suggest insertion of one of the water rates options to replace current water rates listed in the master fee schedule. Finance Director York confirmed that the water rate chosen during the meeting will replace the water rate listed in the master fee schedule. Mayor Niehaus clarified if the motion is to approve the ordinance as is, the water rates remain as currently listed in the master fee schedule. City Manager Linares requested that Council specify what rate they are adopting as part of their motion. He also said the Council will see amendments to the master fee schedule throughout the year as we work through the budget and the financial impacts of COVID-19. Councilmember Knuteson-Boyd asked when the water rates will go into effect. Councilmember Jones felt it was best to adopt one of the new water rate fees given the City's capital needs and explained his methodology for his proposed water rate option "E". Councilmembers discussed the various water rate options stating that options "B" and "C" were more aggressive in adjusting rates in the first year while option "E" builds more slowly. Finance Director York and City Engineer Williams agreed that option "E" was the preferable rate option. Councilmember Derasary noted that options "A", "B", "C", and "E" all generate the \$8.5 million in bonding capacity but stated option "E" drops below the debt coverage ratio in 2021 and days cash on hand drops below minimum in 2022 and she did not see that with the other three options. City Engineer Williams said he discussed those concerns with Alex Buxton from Zions Bank, and he did not think they would be a problem. Councilmember Jones explained that he was trying to get the same debt coverage ratios and days cash on hand with the greater stability of a higher base rate in his proposed option "E".

Motion and vote: Councilmember Jones moved to adopt Ordinance 2020-07 an ordinance amending Chapter 3.50 Master Fee Schedule of the Moab Municipal Code to update and modify certain fees and rates charged by the city including proposed culinary rates option "E". Councilmember Knuteson-Boyd seconded the motion. The motion failed 2-3 with Councilmembers Jones and Knuteson-Boyd voting aye and Councilmembers Derasary, Guzman-Newton, and Duncan voting nay.

Motion and vote: Councilmember Duncan moved to adopt Ordinance 2020-07 an ordinance amending Chapter 3.50 Master Fee Schedule of the Moab Municipal Code to update and modify certain fees and rates charged by the city including proposed culinary water rates option "C". Councilmember Derasary seconded the motion. The motion passed 4-1 with Councilmembers

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

Yard Waste Disposal Options – Discussion only

Discussion: City Manager Linares said the purpose of the discussion was to provide direction to staff regarding disposal of yard waste. He said the disposal options were burning yard waste, creating a chipping yard waste program, or creating a hauling program. Mayor Niehaus conducted a poll of the Council on the three options and the majority of the Council would like staff to create a chipping program but wanted to make sure the City did not compete with any private businesses providing that service.

New Business:

Proposed Resolution 32-2020: A Resolution of the City of Moab, Utah, Consideration, Discussion and Decision on Whether the City of Moab Shall Impose a .1% Sales and Use Tax to Fund Cultural Facilities, Recreational Facilities, and Zoological Facilities and Botanical Organizations, Cultural Organizations, and Zoological Organizations in the City (RAP Tax)

Discussion: Councilmembers discussed this as the last tourist-based tax that the City has not taken advantage of and it will not generate fortunes but will help us in areas where it is desperately needed.

Motion and vote: Councilmember Duncan moved to put the RAP tax forward to our community on the ballot. Councilmember Guzman-Newton seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Knuteson-Boyd, Duncan, Jones, and Guzman-Newton voting aye in a roll call vote.

Approval of Bills Against the City of Moab:

Councilmember Knuteson-Boyd moved to approve the bills against the City of Moab in the amount of \$698,365.76. Councilmember Jones seconded the motion. The motion passed 5-0 with Councilmembers Guzman-Newton, Duncan, Jones, Derasary, and Knuteson-Boyd voting aye in a roll call vote.

Adjournment: Councilmember Guzman-Newton moved to adjourn the meeting. Councilmember Duncan seconded the motion. The motion passed unanimously. Mayor Niehaus adjourned the meeting at 9:48 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder