

**MOAB CITY COUNCIL MINUTES
REGULAR MEETING
JULY 14, 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=7dsnNiKWJrg>.

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 7:00 p.m. 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, and City Recorder Sommar Johnson. Planning Director Nora Shepard joined the meeting at 8:17 p.m. Also participating remotely was Bradon Bradford from Southeast Utah Health Department, and Rebecca Mann and Makeda Barkley with Moab Community Gardens joined the meeting at 8:55 p.m.

COVID-19 Update:

Bradon Bradford from Southeast Utah Health Department provided an update regarding COVID-19 cases in Grand County. He said the surge in cases in Grand County can be attributed to two separate events but several of those that tested positive will be cleared in the coming days. He said individuals should get tested five to seven days after exposure for the most accurate results and Grand County has a fairly high testing rate compared to the rest of the state. He also said they are seeing more positive cases that are not residents of Grand County and they are working to adjust their website to include those numbers. He said the Governor issued a mask mandate for employees and students on the campuses of K-12 schools and there will be an official order clarifying that information for our school district and community members. Councilmember Derasary asked about the mask posting requirement and Mr. Bradford confirmed that businesses are required to post signs about mask requirements. Councilmember Derasary asked if the Health Department will hold another testing event and Mr. Bradford said they hope to hold another before school starts. Councilmember Guzman-Newton asked how many individuals they tested at today's event and Mr. Bradford said approximately 160-170. Councilmember Knuteson-Boyd asked about what "recovered" means and asked if someone could be recovered and still contagious. Mr. Bradford said they are following the CDC guidelines for "recovered" which is 14 days from the date of diagnosis or symptom onset or 10 days from symptom onset if they have had zero symptoms for three days and they would not be considered infections once they are recovered. Councilmember Knuteson-Boyd also asked who should be tested and the average turnaround time on results. Mr. Bradford said anyone with symptoms of COVID-19 can be tested as well as anyone that is a contact of a positive case. He said the testing turnaround time is approximately four days.

Open and Public Meetings Act Training

City Attorney Simonson provided the required annual Open and Public Meetings Act Training for Councilmembers and staff.

Approval of Minutes: June 9, 2020, June 23, 2020, and June 25, 2020—Approved Motion: Councilmember Guzman-Newton moved to approve the minutes for June 9, 2020,

June 23, 2020, and June 25, 2020. Councilmember Derasary seconded the motion.

Discussion: Councilmember Derasary said she sent a few things to City Recorder Johnson which have already been corrected.

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

Mayor and Council Reports:

Mayor Niehaus reported attending a Water Quality Board meeting, Governor's Rural Partnership Board meeting, Utah Office of Recreation meeting, the second Regional Transportation Plan Stakeholder meeting, participated in a Climate Mayor's Peer Network meeting, meeting with the Police Department, Grand County Economic Development Advisory Board meeting, Millcreek Community Collaborative meeting, Waterford Upstart free preschool meeting, CAST Mayor's meeting, and an SBA Roundtable.

Councilmember Derasary reported attending the June 25 Council workshop regarding the Walnut Lane project, a June 25 EMS Special Service District meeting, and reported many upcoming meetings including an EMS meeting on July 20, Moab Tailings Pile Steering Committee meeting on July 28, and a System of Care Regional Advisory Committee meeting on July 15.

Councilmember Duncan reported attending Water Board meetings and Hotspot focus group meetings.

Councilmember Knuteson-Boyd reported attending a Canyonlands Health Care Special Service District meeting and participating in interviews with Tanner Curtis from the University of Utah studying gateway communities during COVID-19 and Bobby McGill from Bloomberg News asking about the mineral leases.

Councilmember Guzman-Newton reported attending a Chamber Board meeting, Airport Board meeting, participating in an interview with the University of Utah grad students, joining the Economic Task Force Town Hall, and participating in the ULCT Economic Impact Town Hall.

Councilmember Jones reported attending an Arches Hotspot subcommittee meeting, Housing Task Force meeting, Moab Dark Skies meeting, Regional Transportation Planning meeting, and Solid Waste Special Service District Board meeting.

Administrative Reports

City Manager Linares reported on a microburst storm that damaged the salt shed at the City Shop where the southern wall was blown off entirely. He thanked the Rotary Club and Dan Mick for replacing the fence along the edge of the Rotary Park. He reported that the MRAC will begin lap swim on Sundays from 11 am until 1:30 pm and hopes to reopen the gym on Friday by reservation only but that is as expansive as we can go financially. He reported that the UDOT highway widening project continues on schedule and thanked Ryan Anderson with UDOT for being responsive to citizen concerns. Councilmember Derasary asked about a COVID-19 budget update and fireworks regulations. City Manager Linares said updated sales tax information was still a week away and hoped to have an update by the next meeting and said state law mandates how fireworks are governed but the League may be working on legislative changes.

Planning Director Shepard said she was approached by a restaurant owner on Center Street about putting outdoor seating on the City streets and said normally it would require a legislative action to change the code but many communities in Utah, Colorado and all over the country have adopted the ability for temporary outdoor dining as a COVID-19 business strategy. She said

it would be a temporary use that could be administered at a staff or administrative level to allow creative outdoor dining opportunities to get people outside and maintain social distancing and wanted feedback from the City Council to determine if they were interested in developing an administrative process to temporarily allow this type of use. She noted that the Council may hear complaints from other businesses, property owners, or Moab if there is a less than public process to allow the temporary use and said other items liability concerns need to be discussed including safety, storm drainage, and encroachment agreements. She also noted that the concept may conflict with the hotspot funding to create more parking off Main Street.

Mayor Niehaus asked if the Council was comfortable with staff moving forward in developing parameters for this idea and bringing it back at the next meeting and also asked the Council about timelines for the permits. Councilmembers generally supported staff developing parameters but had questions about fairness and equity to other businesses. Planning Director Shepard said it should just be for restaurants at this point and City Manager Linares agreed and said restaurants were one of the hardest-hit businesses during COVID-19. He asked if the Council was interested in limiting the days of the week that the streets can be used and asked what kind of process the Council would like to follow in creating the parameters to allow the use of city streets for outdoor dining. Councilmember Jones expressed his support for moving fast and experimenting with the idea and potentially restriping some streets and welcomed a draft of the proposal at the next meeting. Councilmember Duncan seconded the suggestions of Councilmember Jones with an experimental approach and did not feel there was a conflict between hotspot parking and the outdoor dining proposal. Councilmembers asked if restaurants on Main Street would be allowed to have seating on the sidewalk or street and City Manager Linares said because Main Street is a UDOT right-of-way we do not have the authority to allow the use of their property without their permission. City Manager Linares asked the Council what days of the week they would like it to be allowed. Councilmember Knuteson-Boyd and Mayor Niehaus liked the idea of Thursday through Sunday, Councilmember Jones liked the idea of including Monday, Tuesday, and Wednesday. Councilmembers Duncan and Guzman-Newton agreed with Councilmember Jones.

Citizens to be Heard:

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

James H. Wright said, "It seems there is a secrecy surrounding this issue. Why is that? What I see is, at best, a shell game being perpetrated on our Neighbors who live near the proposed site! Please, take another look at the alternative sites. Bike parks can be located anywhere but once this proposed site is destroyed, it will take generations to right the wrong."

Judith Rousso said, "please reconsider the location of the bike park. Don't pave paradise. That area is enjoyed by many citizens for it's quiet and trees. perhaps you should have asked for citizen input earlier in the process."

Susan McDowell said. "Although the Bike Skills Park is a nice idea, the location suggested is NOT. I live in the county, but have occassionally had my lunch near that peaceful section of the trail. In this current heat wave, how can anyone possibly be considering cutting down any lovely old shade trees? Please reconsider the location, I sure there are plenty of other places, especially if they are going to draw the tourists!"

Sara Melnicoff said, "There is widespread dismay across the community about the location of the bike skills park. Many who supported it are now rescinding support as they get the full

picture. Please! Don't tear the community apart over something that never should have been permitted in this location in the first place. Moving this to Swanny or Anonymous is a win-win. Savings on grading costs and archaeological surveillance will mitigate the change of location expenses. Experts agree - the skills equipment can be easily set up anywhere. Moab Solutions pledges \$5,000 to help offset costs and will do everything possible to raise more funds to help cover any losses to the city. Mayor Dave wrote this on my behalf, and I hope it settles the issue of my partnership with the city. I will be submitting another statement from a 16 year member of the council, Bishop Gregg Stucki. Dave wrote: July 14, 2020, To whom it may concern, As Mayor in 2004 I do recall a meeting, workshop or pre-council meeting with Sara representing Solutions and her work on the Millcreek Parkway. From that meeting we agreed to work in concert to form the Friends of the Parkway in order to maintain and support the parkway that has become a signature asset of this community. It provides a recreational opportunity that highlights the serene natural beauty and environment that is used by hundreds of people on daily basis. And thanks to this partnership it is well maintained and a gem not only for residents but many visitors as well. David Sakrison, Former Mayor. I would like to commend Mike Duncan for showing what integrity means. His call for a public hearing shows great respect for, and sensitivity to, an issue that is causing distress for many. I wish one other council member had stepped up to allow for a public hearing. We deserve to be heard.”

New Business:

Proposal to develop a Moab Community Garden at Anonymous Park

Briefing and possible action – Tabled

Discussion: Assistant City Manager Carly Castle explained that Moab Community Gardens submitted a proposal to develop a community garden in the northwest corner of Anonymous Park and wanted to determine if the Council is interested in allowing the proposal to continue the process. She provided some background information on the process to this point and said if the Council is interested in pursuing the idea, she would like feedback on the preferred site and the public engagement process for the project. Rebecca Mann and Makeda Barkley provided the Council with a presentation about the history of the Resiliency Hub and the proposed location of the community garden and asked for their feedback on the next steps for the project. Councilmember Jones said he supports the idea but would like to hear public comments and is hesitant to commit funds for water every year. He feels they should utilize the community contribution process for their water. Councilmember Duncan also said he was also reluctant to commit funds for water but suggested the community contribution process and said he was curious about how parking and access would work. Councilmember Knuteson-Boyd also expressed concern about an ongoing water bill commitment and feels they should be responsible for the water bill. She also encouraged them to reach out to neighbors to let them have a say in the process. Assistant City Manager Castle indicated many of the questions asked by Councilmembers would be part of the public engagement process. City Manager Linares said it sounded like Councilmembers were interested in the project but the Council would like to see engineering design for access, parking, and water lines; a public process for getting input from the neighbors; and an MOU that addresses the water cost and a term of years. Councilmember Guzman-Newton asked about the timing of the proposal and Assistant City Manager Castle said it was different from a community contribution because it is a request to use city property. City Manager Linares explained that the proposal was before them because they did not want it to get too far along without the support of the Council. Councilmember Guzman-Newton said she supports the idea of allowing them to use the property but is not in favor of obligating the City to fund their water. Councilmember Derasary said she was not against a community garden but cannot advocate for it without more information. She expressed her concerns about not having a process in place to determine how city property is used and making sure the process is fair and equitable. She said for her to weigh in she needs to see the different city properties that were

discussed, how this location floated to the surface, and make a stronger case of why this is not an example of community contributions. She expressed her support of community gardens and the social networking and skills that it builds but felt it was her obligation to the people who voted for her to have a process in place for repurposing City property. Mayor Niehaus said she is supportive of city resources assisting in the development of the property but anything beyond that would not be equitable and it should go through the community contribution process.

Motion and vote: Councilmember Derasary moved to table this until we have a process. Councilmember Guzman-Newton seconded the motion. The motion passed 4-1 with Councilmembers Derasary, Knuteson-Boyd, Guzman-Newton, and Duncan voting aye and Councilmember Jones voting nay in a roll call vote.

Discussion of a potential Pre-Annexation Agreement Request for 10.02 Acres located adjacent to the current City Limits in the vicinity of 500 West by KM Real Estate Enterprises LLC and M. Dean & Company, LLC (Property Owner) –

Discussion only: Planning Director Shepard asked Councilmembers if they were interested in entertaining a pre-annexation agreement for the property. She said the property owners requested annexation in 2017 that was contentious and adjacent property owners expressed concerns about commercial development. She explained that they have not filed an annexation petition yet but are looking for a commitment that would designate C-2 zoning on the property. She explained that the property owner is still required to go through the normal annexation process even if the Council agrees to a pre-annexation agreement. Councilmember Derasary said she favored the normal annexation process and Councilmembers Knuteson-Boyd, Duncan, Guzman-Newton, and Jones agreed that the property owners should go through the normal annexation process.

Discussion of potential Ordinance 2020-13 creating the rules and regulations pertaining to the administration of bicycle and scooter share permit program -

Discussion only: Councilmember Derasary asked if bike and scooter share programs were something that we are required to allow somewhere in city limits. City Manager Linares explained that he has done the legal research on this topic and if someone were to apply, we do not have grounds to deny the application. Councilmember Derasary also asked how a permittee would function here because e-bikes and scooters are not allowed on the sidewalks, highways, or parkway. City Manager Linares explained that the Council could tailor the language in the ordinance on how to regulate e-bikes and scooters. Councilmember Jones said he has been to other communities where bike-share programs were part of their mobility solution and said he would like to be open to creating bike share program regulations to meet the needs of our community. Councilmember Knuteson-Boyd asked if there has been a request or if the Council has time to develop regulations that work for us in our community. City Manager Linares said we have not received a request and wanted to have a philosophy and policy discussion on how a bike share program could work in our community. Councilmember Derasary suggested pulling ordinances from other communities that have dealt with conflicts to use in creating one for Moab. Councilmember Duncan agreed that he would like to develop something that works for our community. Mayor Niehaus believed this could help with our congestion problem downtown and she supports options for multi-modal transportation. Councilmember Guzman-Newton said she was amiable to the idea and hoped the City would be open to looking at more multi-modal options. Mayor Niehaus asked Councilmembers if they were in favor of staff pursuing regulations for a bicycle and scooter share permit program and Councilmembers Jones, Guzman-Newton, Knuteson-Boyd, and Derasary were generally in favor and Councilmembers Duncan was unsure.

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 \$294,258.79. Councilmember Jones seconded the motion. The motion passed 5-0 with Councilmembers Derasary, Knuteson-Boyd, Jones, Guzman-Newton, 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 unanimously. Mayor Niehaus adjourned the meeting at 10:03 PM.

APPROVED: _____
Emily S. Niehaus, Mayor

ATTEST: _____
Sommar Johnson, City Recorder